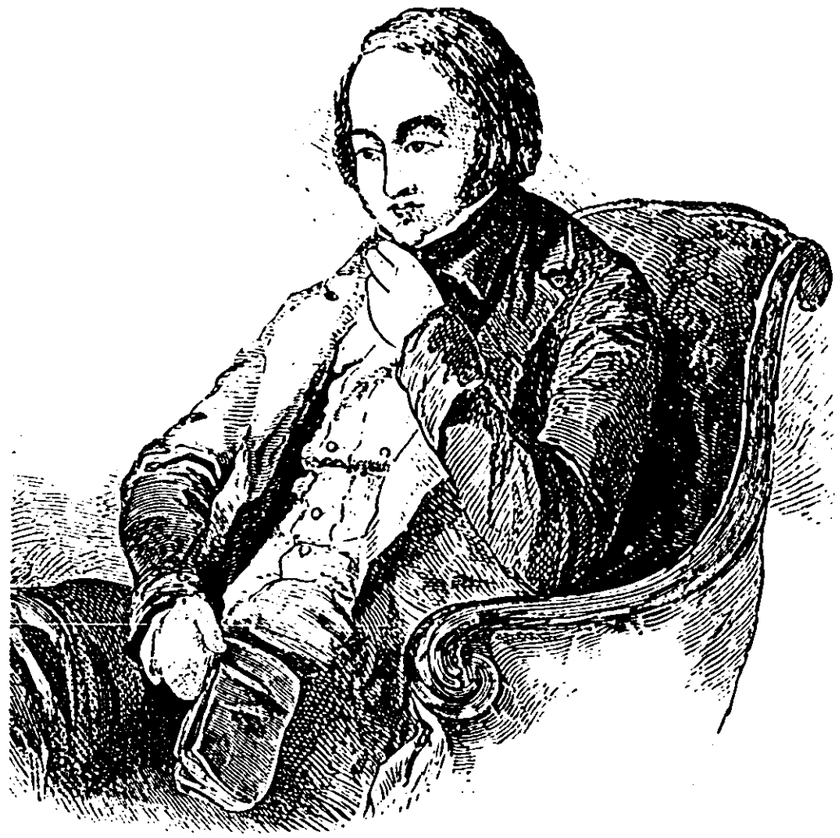
THE LIFE AND TIMES OF SIR EDWIN CHADWICK



EDWIN CHADWICK IN 1848

(From *The Illustrated London News*)

THE LIFE AND TIMES OF SIR EDWIN CHADWICK

BY

S. E. FINER

PROFESSOR OF POLITICAL INSTITUTIONS
AT THE UNIVERSITY COLLEGE OF NORTH STAFFORDSHIRE

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To the memory of
MY FATHER AND MY MOTHER—
Loving, devoted, gentle, unconquerable—
who died in 1945
as a result of enemy air attack

ACKNOWLEDGEMENTS

THIS book has been a long time in the making, and my debt to friends and colleagues accordingly goes back a long way. The subject was first suggested to me by my brother, Herman. I was warmly encouraged to pursue it by Mr. J. R. H. Weaver, the President of Trinity College, Oxford, and by Mr. R. L. Hall, C.B., then Tutorial Fellow of that College, and to-day the Director of the Economic Section of the Cabinet Secretariat. The research was made possible by the George Webb Medley Scholarship Committee of the University of Oxford, who elected me to a Senior Scholarship. Lastly, it was Mr. Wilkes, the Librarian of University College, London, who gave me access to the Chadwick Papers, and through him I received permission to quote from these hitherto unpublished MSS. To all, I would express my appreciation for their assistance, their interest, and their kindness.

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Keele
13th August 1951

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BOOK ONE

A YOUNG MAN AND A GREAT RADICAL

CHAPTER I

EDWIN CHADWICK

I

EDWIN CHADWICK was the most prominent of that band of obscure civil servants who, in the quarter century after Bentham's death carried their Master's principles into practice. That quarter century, bounded by the Reform Bill and by the Crimean War, has a great claim on the attentions of the historian of our public institutions. At few other periods of time did the flux in institutions proceed so rapidly, and at no other time did so many emerge simultaneously into a recognizably modern shape. It laid the foundations of parliamentary democracy and cabinet government as we understand these to-day. It refashioned the machinery of both central and local administration. It created the modern police, and brought into being the services of public assistance, public education, and public hygiene. It made a new start, a modern start, in the public inspection and control of private economic enterprises.

That Edwin Chadwick played an important part in bringing about many of these changes is sufficiently known. His is a name that crops up ubiquitously in the footnotes. So far, however, the range and depth of his influence has been unmeasured. Yet his own time was under no illusions in this respect. I can find no better exordium with which to introduce his unique personality than the ironical obituary with which *The Times* in 1854 buried his official career.

'Mr Chadwick's crowning feat and that which forms his surest road to immortality, is his experiment on the relations of constitutional government. Future historians who want to know what a Commission, a Board whether national or local, a secretary whether working or Parliamentary, a Report, a Secretary of State or almost any other member of our system was in the nineteenth century, will find the name of Chadwick inextricably mixed up with his inquiries. Should he want to know what a job was in those days he will find a clue to his researches in this ubiquitous name. He is the Marquis de Carabas in the nursery tale. Ask—Who did this? Who wrote that? Who made this

index or that dietary? Who managed that appointment, or ordered that sewer, and the answer is the same—Mr Edwin Chadwick. But universal as he is, he is still more mysterious. That in fact accounts for his being everywhere, for what you find everywhere is always the most lurking or impalpable.'[1]

II

Chadwick was a tall, big-built man of commanding appearance and of the greatest physical strength and endurance. For twenty continuous years, working ten to twelve hours a day every day with the most infrequent holidays, he wore out his subordinates, astonished his colleagues, and yet reached the age of ninety with his mental faculties still as vigorous as those of many a younger man.

His intellectual powers were formidable but of a peculiar order. John Mill once described him, very accurately, as one of the 'organizing and contriving minds of the age'. Every element in each of his plans was borrowed; but he combined diverse ingredients so ingeniously as always to produce a completed scheme of striking originality. He reached his conclusions by an overpowering blend of strict logic and massive inductions. Very few of his plans pleased his contemporaries to anything like the degree that they satisfied himself, but it must be admitted that he took a great deal of satisfying. In collecting, perusing, and digesting vast boluses of evidence he was tireless. He would accept few opinions not based on his own experience or experiment, and to call him, as did his enemies, a 'closet philosopher' or a 'theorist' is the very reverse of the truth. The fact was that although his mind when it was open was more open than most, it was never open for very long, and once he had formulated an opinion from his mounds of facts and statistics the sedulous judge turned into the ferocious advocate. From that moment he became positive and dogmatic to a degree. The source of his failures and successes alike was his insuperable conviction that he was right. He never confessed to an error and rarely to an omission, and once set upon a course he pursued it with unrelenting tenacity.

Furthermore he was passionate, and so eager as almost to be hasty; certainly always headstrong, importunate, and impatient of delay and opposition. To make matters worse he had no feeling for music or poetry or art, and he was endowed with far less than the average degree of compassion, humour, or sympathy. Nor was he, in the deeper sense of the word, a religious man. Staunch churchman he was, to be sure, but under the impression that the best things in Scripture had been said

[1] *The Times*, 8th July 1854.

by Jeremy Bentham. It is doubtful whether he ever understood a human being, and, as far as he himself was concerned, was never given to introspection. On the contrary he was entirely extroverted, and the paradox of this busy, scheming, restless man is that his colossal egotism was undeviatingly and passionately devoted to public objects. His religion was the public good, but Edwin Chadwick was its prophet.

But, unlike a Shaftesbury or a Howard, his characteristic devotion was not to this poor woman or that unhappy child, but to the public at large. His characteristic emotion was not pity or love, but indignation and anger. His motive was neither religious nor benevolent—it was horror of waste. He was exactly like Thurnall in Kingsley's *Two Years Ago*.

'"Don't you understand me?" asks Thurnall. "You hate sin, you know. Well, I hate disease. Moral evil is your devil and physical evil is mine. I hate it little or big; I hate to see a fellow sick; I hate to see a child sickly or pale; I hate to see a speck of dirt in the street; I hate to see a woman's gown torn; I hate to see her stockings down at heel; I hate to see anything wasted, anything awry, anything going wrong; I hate to see water power wasted, manure wasted, land wasted, muscle wasted, pluck wasted; I hate neglect, incapacity, idleness, ignorance and all the disease and misery which spring out of that. There's my devil and I can't help for the life of me going right at his throat wheresoever I meet him."'

Chadwick was instantly fired by any and every feature that caused unnecessary suffering, disease, and economic waste, and equally enthusiastic for all suggestions that promised to increase efficiency, wealth, and well-being. If it is true that he thought in wholesale and not of individuals, it is none the less true that it was of others that he thought. One must picture him not as a humourless drudge but as an ardent crusader in other people's causes, moving ruthlessly and fanatically to his own preconception of what he thought was good for them. This is a dangerous thing to do if one has no insight into human nature and no tolerance for its pathetic little foibles and its cherished weaknesses. Few men therefore raised such controversy. To those who shared his views, like Lord Shaftesbury or John Mill or the Bishop of London, Chadwick was the *chevalier sans peur et sans reproche*, a Bayard fighting the powers of darkness. To the vegetable temperaments like George Cornewall Lewis or Lord Seymour, he was a nuisance. To those who disliked his views, like John Walter of *The Times* or Sir Benjamin Hall, he was an unscrupulous and bigoted despot. Certainly he was never an easy colleague. And what one might call the *median* opinion of Chadwick's contemporaries ranged between that of

Lord John Russell, who said, 'He is an able man but . . .', and that of Sir Charles Trevelyan, who said, 'Whatever the grounds of complaint against him . . . he has great fertility of resource and tenacity of purpose and . . . is not insensible to the merit of a good cause'.[1] For, bent on his distant goals, he ignored the minor graces of everyday life. He was utterly lacking in tact, graciousness, and diplomacy, and at times was not only touchy and intolerant but downright churlish. Curiously enough he was excessively sensitive to criticism, whether public or private. Yet he made such a fetish of his independence that he never asked a favour of his superiors that did not smack of an ultimatum, nor made answer to his critics that did not contrast his own rectitude and rightness with their egregious self-interestedness or folly.

His greatest handicap was that he lacked a sense of the comic. If he had a sense of humour it was of a grouchy, sardonic kind. He could laugh, indeed laugh heartily, at a story depending for its effect on verbal wit. But sense of the incongruous, which is the essence of the comic, had he none. To lack this sense is in effect to lack a sense of proportion; it is the defect common to the bore, the fanatic, and the prig, and to some extent Chadwick was all three. A Lytton Strachey could make of him a mere figure of fun; the vicissitudes of his career would appear a set of blundering escapades, the 'Adventures of Mr Pickwick Chadwick in the Public Service'. For, consider a man who tackles Napoleon III in the middle of the Crimean War on the subject of sewage-manure and is nettled when the Emperor fails to send for him again to continue the engaging lesson! Or who rubs in the virtues of this malodorous liquid by claiming that rhubarb grown with it produces wine superior to the choicest hock! What can one make of a man who apologizes for his non-appearances by writing smartly, 'Mrs Chadwick has had a child and I have had a fever and I have recovered first'?

Because he lacked a sense of the ridiculous his plans not infrequently lacked proportion. At their best they were large, ingenious, and final. At their worst they were grotesque. Sometimes they were grossly disproportioned to the objects to be attained. Sometimes they might have dropped from the moon, so much did they assume that in the field for which he was legislating there were neither invested capital, interested parties, fixed traditions—and one is sometimes tempted to add, ordinary human beings.

[1] I am indebted to Professor Hughes of Durham University for permission to quote from Trevelyan's letters to Gladstone in which these sentiments occur. They are Gladstone MSS. 44334, Nos. 31 and 67. I should like to take this opportunity of thanking Professor Hughes for his generous help.

In what follows there will be but the slightest reference to his private life, for it was all of a piece with his public one. He was fortunate in his wife, Rachel Kennedy. He married her at the age of thirty-nine. She was all that he was not—charming, witty, with a great sense of fun. He had two children. Osbert, who died in 1913, became a distinguished civil engineer. Marion, born two years later in 1844, became a leading figure in the Women's Rights Movement, and died in 1928. The children seem to have had rather a trying home life. Chadwick was extremely fond of children, indeed most tender-hearted—but without the remotest idea of how to approach them. As head of a household he was abstracted and quite unpractical. His holidays were all busman's holidays, and even his wife describes some of his soirées as 'sanitary parties'. One is left with the unshakable impression that his domestic life reproduced in miniature all the main features of his public career. The following letter, written immediately after his marriage, is so revealing in this respect that I make no apology for quoting it in full:

'DEAR SIR,—I am sorry to have been at the trouble of giving instructions which have not been attended to and which have been fruitless. I feel disappointed that the goods must be sent back again, and that we have been delayed so long, and must have further delay and further risks. But my new experience in household matters has brought so much annoyance from the carelessness of workmen of every class, locks not made as they ought to be nor fixed as they ought to be, paper not put on as it was directed to be, all resulting from inattention. I quite see and must hold that to pass over these things from the inconvenience to oneself in having them altered is to give a bounty on indolence and bad workmanship.

'I hope you will not pay for them yourself but if you don't choose to impose the proper penalty on the workman, it is hardly fair that it should be imposed on me and one cannot allow one's eye to be offended with bad shapes all one's life out of courtesy to the careless workman. But not only is the threading comparatively coarse, but the shape is still worse—certainly contrary to express direction not to let the sides be tucked in as these are. This makes the shape of the larger spoons heavy looking and vulgar and as bad in shape and appearance as if they had been made in lead or common metal and therefore give me the greatest dissatisfaction all excepting the smaller forks which are upon the whole, neat. I must however send the whole of them back. I had hoped the handle of the fish knife would not have had the same defective shape as the rest but it is not . . . (hiatus).

'I intend to make these experiences of the indolence and inattention of workmen the subject of some remarks on popular education.—Yours faithfully,

EDWIN CHADWICK.

There are no unexpected quirks or private emotions to be found in this private life to cast light upon his public career. On the contrary,

his character was so fully brought into play in that public career that it overflowed into his domesticity which made too many minor demands on compassion and humour ever to engage his attention. A *Life of Chadwick* is nothing if not a record of his official activities.

In one sense, then, a biography of this man tells us nothing new. His character and motives appear, under examination, much as we have always been led to believe. He was intolerant, precipitate, and surly. He was humourless and opinionated. But he had a passion for public causes and in their service he was original, daring, ardent, and indomitable. Unable to bend, he was made to be broken. Unyieldingness and fanaticism, qualities fatal to human relations, were the very ones which enabled him in the space of twenty years to reforge four distinct social services and to refound the entire system of local government. Moving in another time than he did, surrounded by more public-spirited men than he was, a man of Chadwick's stamp would soon forfeit the reader's sympathy. If he does not do so it is because, in an age where all others were hanging back, ' his ardour seemed ready to undertake the work of all '. He stands out among his indifferent, vegetable colleagues *luna inter stellas minores*. Where others were unmoved, Chadwick *cared*. Whatever his errors of judgement—and they were many—this is his supreme justification.

III

Edwin Chadwick was born on the 24th January 1800, the eldest son of James Chadwick, at Longsight, near Manchester.

The many families of Chadwick who had spread all over Lancashire as landowners or manufacturers, drew the name no doubt from that hamlet of Chadwick which lies ten miles from Rochdale, near Manchester. The particular branch from which Edwin Chadwick sprang, came from Longsight, then on the very fringe of the fast expanding ' Cottonopolis '. Andrew Chadwick, Edwin's paternal grandfather, was a tall white-headed and grave old man in blue stockings and silver-buckled shoes at the age when Edwin remembered him. He was quite an important character in the locality. He was a great Methodist, a friend of Wesley himself; indeed, he had founded the very first four Sunday schools in Lancashire. But he believed it wrong to amass money. He could have made a fortune by investing in the booming real estate market in Manchester. All his friends did. Instead Andrew left his son James to fend for himself.

Unhappily this was something that came hard to James. He never could sit still. He possessed talents but used none. He was a fine

'cellist, he played a prominent part in the wakening intellectual life of Manchester—he even taught John Dalton botany and music—and he wrote fluently and easily. Then came the great French Revolution and James became drunk on the Rights of Man. He rushed off to Paris, the new Mecca, and came back a determined Radical and Francophile. This fervour was long sustained: in 1801 he was in Paris again, side by side with Tom Paine himself in the Champ de Mars, cheering to the echo the French First Consul reviewing the troops of the Republic!

Edwin, his first and eldest child was born in 1800: but thereafter a series of misfortunes fell upon him. His business did not prosper, his wife died, and, finally, disgusted by ill luck and misfortune, he set out for London, abandoning his business and resolving to take up the profession of journalism. For a time he acted as a sub-editor. Then, in 1812, David Lovell, the radical editor of *The Statesman*, was imprisoned for libel on a government department. James Chadwick stepped into his place and thenceforward his affairs steadily improved. In 1816, as the position on *The Statesman* terminated, the editorship of *The Western Times* fell vacant.

Edwin had left the school of Dr Wordsworth of Longsight and come to London with his father. He was now educated at home, by his father and by private tutors. It was a solid education, especially in modern languages. Edwin's command of French was such that in later life he was virtually bi-lingual. But, of course, private education did not count socially, and his father's friends were naturally Radicals, social outcasts. Moreover, his father soon re-married and Edwin found himself one of a numerous family. When the question of *The Western Times* arose, therefore, it broached the whole problem of his career. Was he to go to Devon with his father and the family, or stay in London with distant relations?

In London he stayed and, at the age of eighteen, made his choice by entering an attorney's office.

The law, in eighteenth- and early nineteenth-century England, was the nearest approach to the career open to talents. It enjoyed much the same prestige that it has in present-day America. Whether one desired government employment, a parliamentary career, or a humble country existence, the law was an acceptable mode of approach. There were no examinations to pass. Provided one got into Chambers, paying some eminent lawyer for this privilege, one filled in the appropriate years of apprenticeship to emerge, seven years later, as a qualified attorney, barrister, special pleader, or conveyancer. Thereafter luck and quality determined one's career.

Yet in the hierarchy of the legal profession, the attorney, it must be said, played a humble role. His task was to prepare the cases for the barristers who pleaded in the Common Law courts. (A solicitor performed these functions only in the Equity courts.) Both were despised professions in the legal world, performing as they did the lowest types of work in the profession.

Chadwick worked as attorney's clerk for five years—until he was twenty-three. His apprenticeship had two more years to run. By this time his ambition had risen. He decided to be a barrister. This involved starting all over again. It would be seven years before he could be called to the Bar. But his father, now comfortably installed in Devon, assented, and in 1823 Chadwick was formally admitted into the Middle Temple, and took up his quarters at Lyon's Inn.

IV

Lyon's Inn stood off Whych Street, on a site now covered by the inner courtyard of Bush House. It was the Inn of old Chief Justice Coke, and by a curious irony (since Chadwick was later accused of 'reviving the Court of Star Chamber'), the young lawyer occupied the same room which Coke had used. However, the Inn had long ago lost its reputation. 'Grim Lyon's Inn' Dickens called it. It was the original from which Thackeray had drawn his 'Shepherd's Inn', the haunt of the blackmailer Altamont and the drunken Captain Costigan. Theodore Hook wrote a little poem featuring it as the scene of a singularly horrible crime in which the throat of an unfortunate gambler had been slit 'from ear to ear'. Here Chadwick was to live for seven years; and here he got his unrivalled knowledge of the slums, the fevers, the crimes that tormented unhappy London.

London, built-up London, had a million and a half inhabitants. North of the Regent's park and the Regent's canal there stretched green meadows, broken here and there by hamlets, such as Camden Town, or the Barn at Highbury, the villages of Hackney and of Stoke Newington. White Conduit Street, now a slum quarter in the heart of London was then famous for White Conduit House with its tea-gardens and buns where Francis Place used to walk his wife and children on Sunday afternoons.[1] The east of the City was bounded by the Regent's canal, enclosing in a festering arc the slums, courts, and fever traps of Bethnal Green and Stepney. The west of the City ended at Belgrave Square and Kensington. There also, hidden behind the fashionable thoroughfares

[1] G. Wallas, *Life of Francis Place*, pp. 32–3.

of Oxford Street and Shaftesbury Avenue, was the infamous rookery of St Giles, the slums of Shepherd's Market and Mayfair, the barracks and groggy old tenements of the future site of Trafalgar Square. And south of the river there was only the built-up area of the Borough, and the middle-class suburbs of Kennington, Balham, and Clapham.

Slum London provided Chadwick with his newspaper copy. For, like most law students of the day, he helped support himself by reporting. The premium for working in a lawyer's office was heavy. Not many middle-class families could support this and also pay their son's upkeep. So hardly a student but did some reporting. It was a fiercely despised profession, it is true. Campbell tells how he lived in terror of being discovered. When the secret finally leaked out he was so ashamed that he dropped newspaper work for ever.[1] Yet most of the great Victorian journalists—Barnes, Delane, Fonblanque, Talfourd, were law students who began their career in this way. At this stage Chadwick had no qualms about being considered a 'penny-a-liner' and boasted of writing indiscriminately for *The Times*, the *Morning Herald*, the *Chronicle*, indeed to any paper that would pay him. His sole object was to 'earn more money in less time'.[2]

'The insolence of office, the law's delay', the still vivid recollection of his father's political sympathies went far to make him a truculent young Radical. As a law student, the filthy, fever-racked, and promiscuous interiors of prisons were familiar to him; so too, the workhouses; and so most of all the withered mummery of legal forms, the archaic hotch-potch of Common Law and the barbarity of the Criminal Code. Long before *Bleak House*, he was calculating the average mortality among suitors in the Chancery court brought on by the 'ravages of its long, anxious and tormenting process', and equivalent, so he claimed, to the average mortality in any of the London hospitals![3] But the slums most appalled him. Here was what he detested and pitied most—the ravages of 'blue ruin', of smallpox and fever, of dirt, of utter destitution. Here in Bethnal Green and Shoreditch the average life of the working classes was no longer than sixteen years, almost one-third of the average expectation of life of 'gentlemen and professional people and their families'.[4] In Spitalfields, as Lovett described the scene, there were whole streets without bedding, beds, or furniture: yards that were unpaved and soggy with mud and refuse, hotbeds of disease and corners

[1] Cf. *Life of Lord Campbell* (The Hon. Mrs. Hardcastle).
[2] Undated letter of E. Chadwick to Barnes of *The Times*.
[3] 'Essay on the Means of Insurance', *Westminster Review*, 1828.
[4] *Sanitary Condition of the Labouring Population*, 1842, pp. 159–61.

of starvation.[1] No wonder that the Londoners spent three million pounds a year on gin.

These were the matters he wrote about. By good fortune almost the first acquaintances he made after settling in at Lyon's Inn were those remarkable friends of Bentham, Dr Neill Arnott and Dr Southwood Smith.[2] He sought their company assiduously and saw as much of medical students as he did of his legal colleagues.[3] He knew the curricula of the London medical schools and soon began to interest himself in their French counterparts.[4] In the company of these medical friends then, he visited the schools and hospitals, and made innumerable tours of inspection of the fever dens of the East End. Indeed, he nearly died of a fever contracted there.

The enormous waste, the unregenerate misery, deepened and strengthened his Radicalism. He sat often enough in the Press Gallery at the Palace of Westminster, but Parliament impressed him as little as it did Charles Dickens. 'When do we see any of the masterpieces of foreign legislation referred to in our Parliament', he sneered. He categorized all attempts at social legislation as 'one scene of continual fumbling and botches'. 'By nothing', he sneered, 'are such persons distinguished as by their indifference to the progress and result of any investigations which may be carried on relative to the pursuit and to the utility of any new facts that may be elicited with respect to it'.[5]

A turning-point in this intellectual development occurred when, burning to effect social improvement, he fell in with that brilliant circle of young men who, in their meetings at Mr Grote's, already believed they had found the philosophy of progress. 'Hitherto the government of the country had been administered on no general principles but by temporary expedients for the purpose of accomplishing particular objects or to ward off particular inconveniences.' Such was Chadwick's explicit view when he fell in with Francis Place [6]—the very man who had expressed it.

How Chadwick first came to meet the Utilitarian circle is somewhat obscure. It seems to have been through his acquaintanceship with John Bowring, who, with green-pale face and jet hair was working madly for the 'Refugees Committee' which assisted the exiled victims of continental reaction. Chadwick was also a member of this committee.

[1] W. Lovett, *Life and Struggles* (Bohn ed.), p. 72.
[2] There are invitations from these dated 1824.
[3] Autobiographical fragment, *c.* 1860, and undated letter to Dr S. Smith, approx. 1841.
[4] See the remarkable essay, 'French Medical Charities', *London Review*, 1829.
[5] 'On the Means of Insurance,' 1828.
[6] Wallas, *Place*, p. 185.

The acquaintanceship ripened. Within a few months Chadwick appears a full-fledged and intimate member of the Benthamite circle.

'DEAR CHADWICK,—Being engaged to breakfast with McCulloch to-morrow, I cannot walk before breakfast—but if the weather should be sufficiently fine to tempt you out I shall hope to meet you chez Graham at eleven; Elliott has been informed.

I hope you are not the young law student of Lyon's Inn whose 'chère amie' tried to throw herself into the Thames yesterday.—Yours most truly, J. S. MILL.
Thursday, half past four.

P.S.—What is the reason that you lawyers always have pens with nibs an inch wide?'

So runs a letter of this time.[1] With his induction into this charmed circle, Chadwick's education was completed and his career truly begun.

[1] Undated letter, J. S. Mill to Edwin Chadwick, 1824.

CHAPTER II

THE FORMATIVE INFLUENCES

I

UNTIL that day in 1832, when Bentham was dying, and chance offered a temporary post on the Poor Law Commission of Enquiry, Chadwick was pre-eminently a criminal lawyer. His student days began when, as Denman pointed out, 'legal matters were . . . among the most fashionable topics of conversation', and 'the spirit of observation, enquiry, and improvement became vigilant and active'. Chadwick grew up and took part in this revival of interest. The influence of legal training and, in particular, the legal models of Bentham and the French codes, fostered a mental attitude which he never shook off and which determined his approach to all the social problems he afterwards investigated.

As yet there was no organization for the reform of the law. There was merely a group of individuals, lawyers, and non-lawyers, some like Brougham and Denman who sat in Parliament, others like Bentham and Bickersteth who did not—a group that was loose and unco-ordinated. But at least they agreed upon the need for simplifying, humanizing, and cheapening the law and its works.

In so far as there was a 'movement' for the reform of these conditions, however, it was not of popular origin. Instead, finding its inspiration in Bentham and its model in the French codes, it was the brainchild of the Industrial Revolution and it voiced pre-eminently the interests of the new industrial middle class. The industrial changes that were creeping over bucolic England provided not only the wealth to build up a more perfect organization of justice, but the urge to do so. If the humanitarian wing of the reformers, the Howards, the Frys, or the Wilberforces, exerted through their high moral earnestness a potent influence upon the criminal law, they could at best but soften, not reconstruct. By contrast, the 'Radical' wing of the industrial middle class launched an acrimonious attack upon the entire existing state of the law, a set of violent polemics which far from concealed a bitter class-bias. Immediately the appeal came from their pockets and pride in their middle-class 'order'. Indirectly their experiences while managing factories, dealing in wholesale, and organizing large-scale

production reared them in a tradition of efficiency, cheapness, and uniformity which they now translated into the terms of government and law.

They were a new and dynamic social phenomenon—the 'businessman'. Money and property, sale, hire, and resale were what they lived by; and in every stage in their proceedings they found themselves trammelled by the archaic and irrational restrictions of a law that was the outcome of a pre-industrial age. They were the manufacturers, the cotton-mill owners, the iron founders, the textile manufacturers and the bankers. By and large their outlook was not based on tradition but only on the experience of their businesses. They had no glorious past to dwell upon, but they had the experience of how to make money. History and tradition weighed little with them against the more practical and sober virtues of efficiency and simplicity. First and foremost they were organizers. In their firms they reduced unnecessary processes to a minimum, they turned the pennies-saved into thousands-earned. They shifted men around in their mills as cold-bloodedly as they shifted their machines, for their aim was to make money and as much as possible. Sentiment had little hold on their minds.

This industrial outlook was, then, essentially a utilitarian outlook. Institutions and processes were to be considered by what work they could do and how well they did it. In the field of law reform, this attitude became the 'Radical' attitude. Exceedingly class conscious, it attacked the aristocratic control of the judicial organization. 'The rule is good', proclaimed the *Westminster Review*, 'always to suspect the "higher orders": and the higher the more. They live only to pervert justice and right to the interests of their own class; and if any good is gotten out of them it must be gotten with a screw'.[1]

The Radicals cried out for efficiency, cheapness, comprehensibility, and uniformity of the laws under which they lived. Against the multitude of courts and their discreet types of procedure, 'with their separate customs and laws and modes of procedure and practice, all devised in olden times for the administration of justice' they urged that they 'bore no relation to the growing prosperity and extent of population in the different districts where they were originally placed', that 'the fault of all these jurisdictions is the absence of unity and the want of subordination to one pervading principle'.[2] Tradition meant nothing to them against the rationality of the law. It was on their behalf that Campbell introduced his Real Property reforms which abolished some

[1] 'Criminal Law', *Westminster Review*, 1834, p. 360.
[2] 'Law Reform', *Westminster Review*, 1833, pp. 47–8.

sixty archaic species of actions, and it was the old doctrine of 'wisdom of our ancestors' which Eldon expressed when he opposed the change. 'Professional men', lamented the old lord, 'if these measures are carried will have to begin their legal studies again'.[1]

Over all those who wrote or spoke on this subject, Jeremy Bentham towered like a giant. Long a voice crying in the wilderness, he was the man who carried this attitude of mind to its extremist logical limits. In Bentham, the Radicals had their theorist, and in the new administrative and judicial structure of France they had their model. For Chadwick, the one supplemented the other.

He was, temperamentally, well-suited to absorb Bentham's teaching. There is, for example, a kind of apocalypticism in Bentham's work, an almost frenzied hatred of bungling and patchwork, a volcanic desire for utter, organic, sweeping change. Bentham was outrageously Radical, not only in the matter in which the change should come, but in the manner also. 'Ought it not—this and every reform—ought it not to be temperate? Well then—to be temperate, it must be gradual—to be *well* done it must be *gradually* done. Fellow Citizens! as often as you meet with a man holding to you this language, say to him, "Sir, we have our dictionary; what are you saying, we perfectly understand; *done gradually* means *left undone*, left undone for ever if possible. . . ."'[2] Chadwick, youthfully optimistic and impatient of opposition, was a fit subject to assimilate such zeal. His earliest printed work suggests that before long he had little to learn from his master in this respect:

> 'The legislation of the great majority of our rulers', he wrote, 'who lift their heads aloft above instruction—who praise their own groping in the dark under the name of practice and abuse as "theory and speculation" all attempts to act upon extended knowledge and aforethought—is a scene of continual fumbling and botches: of amendments upon amendments, often producing new evils and aggravating the evils which they were intended to remedy. The legislation upon prison discipline, upon secondary punishments, and upon "the licensing system" might be adduced in illustration of the assertion. The object of the more consummate of these official and practical statesmen would seem not to commit themselves, *i.e.* to do nothing or to evade difficulties neatly and speciously, and cover with pomp or a bland routine the *dolce far niente* of office, averting their heads from calamities so long as they are unnoticed, and letting evil principles work themselves out on the community, unless they are forced into notice by clamour. . . .'[3]

Bentham's contempt for tradition he found equally congenial.

[1] Campbell, *Lives of the Chancellors*, x, p. 175 (Lord Eldon).
[2] *To His Fellow Citizens of France* (Bowring ed.), vol. ii, p. 423.
[3] 'On the Means of Insurance', *Westminster Review*, 1828.

The total supersession of the 'wisdom of our ancestors' and 'Lady Matchless-Constitution' gave great pleasure to Bentham. His biting attack upon Savigny's 'historical' theory of jurisprudence showed that he had neither the will nor the capacity to understand what the role of continuity in politics meant. 'It is not every man that knows', he proclaimed, 'that by this same school a history of law is spoken of as a most advantageous substitute to law itself. . . . So, in private and domestic life, to an order on the cook for dinner, substitute a fair copy of the housekeeper's book as kept for and during the appropriate series of years, whatsoever it may be. . . .'[1] Chadwick first introduced Savigny's book to Bentham, read it to him, and was willing, if others failed, to write the Benthamite reply![2] For history meant little or nothing to him either. Confronted at a later date with the age-old administrative divisions of county and parish he brushed them aside, remarking on 'The servile observance of the county-boundaries which have long ceased to have reference to any object of public utility which they might possibly have had anciently, which would now divide towns and natural districts formed by the daily habits and conveniences of the people to which administrative arrangements should be made to conform.'[3]

More than anything, perhaps, the 'preventive' aspect of legislation appealed to Chadwick. M. Halévy extracts the heart of Bentham's criminal jurisprudence when he remarks that 'The very fact that crimes are committed proves that neither the principles of the fusion of interests nor that of the natural identity of interests holds good in these (penal) matters: the first because every time a crime is committed hostile feelings prevail over the feelings of sympathy, the second because the individual finds that his interest, or what seems to be his interest, lies in betraying the interest of his neighbour'. As he points out, 'The problem for the statesman is to define obligations and punishments in such a way that private interest *shall be brought by artificial means* to coincide with the public interest'.[4] Penal law from the start exerted a fascination over Chadwick. Of all Bentham's teaching it was this 'tutelary' aspect, the framing of 'artificial means', and the 'definition of obligations and punishments' to make private interests coincide with public ones, that dominated Chadwick's approach to social problems.

The eighteenth-century notion of '*ubi jus ibi remedia*' in practice

[1] *Works of Jeremy Bentham* (Bowring ed.), vol. iii, p. 425.
[2] Below, Chapter III.
[3] Select Committee on Highways, Parliamentary Papers, xxiii, 1837–8, p. 22. We are still saying this to-day, but not so well.
[4] E. Halévy, *The Growth of Philosophic Radicalism*, p. 36.

made the enforcement of the law depend on suits brought, for the most part, at the instance of private individuals: a cumbersome, intermittent and costly process. Chadwick rebelled against this notion. He has been called the father or inventor of the 'preventive idea'. This means nothing more recondite than that in his impatience of inefficiency he was prepared to use the weight of law to prevent the prospective criminal's choice being free. It was the Benthamite hedonistic calculus transferred to the realm of criminal law: 'Every arrangement which renders increased exertion necessary to obtain property illegally is so much gained to the prevention of crime'. 'A preventive police' would act, Chadwick said, more *immediately* than the old 'thief-takers', by 'placing difficulties in the way of obtaining the objects of temptation'. In short, he wanted tutelary power, that type of governmental power which in this twentieth century (and largely through Chadwick's efforts) is a commonplace.[1] In Bentham's works he found not merely this principle but thousands of applications, from *Panopticon* to *Principles of Penal Law*. Throughout his life, the most striking aspect of Chadwick's work was precisely this formulation of artificial devices which, invading the ancient sanctity of the Englishman's home, used coercive power in order to bring private and public interests into mutual conformity.[2]

This raised the problem as to what was the public interest and provided Chadwick with another and perhaps the supreme reason for absorbing Bentham's teaching so enthusiastically and thoroughly. For it was the most advanced expression of the middle-class outlook of that time. It pressed their demands for cheapness, uniformity, and efficiency to (often uncomfortably) logical conclusions. The quintessence of Bentham's critique of the law might have been laid down in four points, that the law should be 'cognoscible', i.e. it should receive the fullest publicity, that it should be simple and speedy, that sentiment and historical logic should have no weight against utilitarian logic, and lastly, that justice should be uniform and within the reach of all, both geographically and economically. Chadwick's upbringing had moulded him to an almost unquestioning acceptance of the point of view that these demands embodied.

[1] For a discussion of the dispute which still goes on between the adherents of our old Common Law tradition and the now century-old tutelary tradition, see C. K. Allen, *Bureaucracy Triumphant; Law and Orders* (1946), and C. J. Hewart, *The New Despotism*. These works represent the Common Law tradition; the case for the tutelary power is stated in *Report on Ministers' Power* (Donoughmore Report) and Finer, *The British Civil Service*, last chapter. The historical background of the problem is discussed in Roscoe Pound's *Spirit of the Common Law*. Cf. also Willis, *Parliamentary Powers of English Government Departments*.

[2] For what Chadwick deemed to be this 'public interest', see pp. 19 et seq. below.

A massive supplementary influence upon Chadwick was the practical working of the French penal codes. Bentham himself saw in them 'a prodigious advance' in the 'accomplishment of the ends of justice'. 'Buonaparte's Codes', he told de Broglie, 'present a pattern of perfection in comparison of [*sic*] that system of abomination under which I have had the misfortune to live and which so large a portion of my life has been occupied in the endeavour to expose'.[1] It codified in clear and simple language. It secured early and certain notice of crimes with a 'high degree of perfection', whereas in England no provision whatsoever was made for such notice and where 'for want of a public prosecutor we bind the voluntary informer to prosecute: which is imposing upon him so great a burthen in loss of time, loss of money, and in trouble of various kinds' that most victims preferred to let their prosecutions slide. Apart from the practice of the Middlesex magistrates (the 'stipendiaries'), the French codes far outclassed the English provisions for securing evidence. Excellent, too, in Bentham's view, was the accessibility of justice in France, the provision of a local court of first instance in every district, at a time when, he said, 'the people of England have to lament that they have no such court'.[2]

The new French administrative system which had arisen on the ruins of the *Ancien régime* carried on the former policy of centralization; but with a difference. There were no more feudal jurisdictions in which the king's writ did not run. The unprofessional class of minor civil servants who had bought and bequeathed their posts as private property, no longer existed. The administration was no longer fettered by governmental areas whose shape and size history and not utility had determined. Instead the government was centralized and co-ordinated. It was professional through and through. Where local initiative was allowed, it was controlled by the Argus eye of the centre. The new administrative divisions were uniform before the law and were based upon governmental convenience. To a middle-class Radical, this new administration contrasted favourably in every respect with the historic patchwork of local franchises and parishes that served in England for the exercise of local government, and with the chaotic efforts of unprofessional officials and self-elected local bodies who, from fear or self-interest and in complete independence of the centre, mal-administered the vital social services of justice, Poor Law, public health, police, and highways throughout the countryside. It is true that in France dancers were still appointed in place of mathematicians. Offices still went to

[1] *Works of Jeremy Bentham* (Bowring ed.), vol. xi, p. 545.

[2] For all above, *Edinburgh Review*, 1810 (J. Mill on 'French Penal Code').

favourite sons and posts were still turned over to a form of secular simony and reversions; but the idea which the French plan embodied fascinated Chadwick.[1] Though extremely critical of the faults of that system, he unhesitatingly advocated the adoption of its essential features in England. 'Buonaparte in his extreme avidity for power', he said, 'did with respect for his civil administration what he would have done for his military government if he had ordered that none of the operations, even those ordinarily performed at the instance of each corporal in the army, should be performed except with the sanction of the commander-in-chief on a written memorial duly presented'. In England, he envisaged an adapted authority. It 'will be to enforce general regularities and will differ from the French centralization in this . . . that it will have nothing to do with particular acts except where they are in contravention of the rules prescribed'.[2]

What Bentham's *a priorism* lacked, this French experience seemed to make good. And furthermore it was not merely a working model to observe, to copy and to improve upon, but it was based on a principle that reinforced one of the potent accents of his master—the element of 'prevention', the 'artificial means' that were to bring social and anti-social interest into harmony, in a word the French '*tutelle*'. Despite its implied presence in nearly every line of the *Principles of Penal Law*, Bentham (until his *Constitutional Code*) did not describe the machinery by which this was to be brought about. Intellectually Benthamite, Chadwick was convinced of the necessity for the '*tutelle*'. He cast impatiently about for the means to implement it and it is in these same administrative codes that he found it.[3]

The influence of Bentham's jurisprudence and of the French penal codes was, then, of paramount importance in determining Chadwick's approach to social problems. It extended over the whole field of his social vision. It justified his lack of historical sense, his impatience with

[1] E.g. He reproached the English Parliament with not studying the report of Michel St. Farjean on the French Penal Code, and the debate which ensued upon it in the French Constituent Assembly in 1791. *Vide* 'Essay on the Means of Insurance' (*Westminster Review*, 1828).

[2] 1832 MSS.

[3] It is tempting to see the origins of Chadwick's later work in the *Constitutional Code* Certainly the districts and sub-districts, their inspection by central inspectors stemming from Ministers of Health, Roads, and Public Assistance are so like the model Chadwick arrived at later, as to appear more than coincidental. But the facts are that Bentham had only published a fraction of the Code in 1830, that he employed Chadwick for the very purpose of editing the MSS. in 1830, and that Chadwick had already formulated his opinions on French Centralization before that time. The true explanation is that such admiration of the French system was a commonplace of the Benthamites among whom Chadwick was moving as early as 1824, and that he imbibed his views not from the written *Code* of the Master himself, but alongside of, and in the same way as, the other disciples.

'the wisdom of our ancestors', his eagerness to see the new replace the ancient, his ostentatious empiricism, and his belief in administrative regulation. These traits, reflecting the revolutionary middle-class ardour for order, cheapness, and efficiency, are discernible in whatever reorganizations he undertook, whether that of the Poor Law or of public health, factory legislation, or police.

II

Political Economy

Chadwick would interfere where necessary; but where necessary for *what*? 'The problem for the statesman (viz. Chadwick) is to define obligations and punishments in such a way that private interest shall be brought by artificial means to coincide with the public interest.' What then was this public interest? At what point must the legislative interference cease—was it to cover the whole field of human endeavour? Or, to put the problem in another way—into what channels did Chadwick wish to divert man's activity by such penalties and sanctions?

Once again, his debt was to the Benthamite circle. This time it came not from Bentham himself (although in his *Rationale of Reward* the master had laid down the essentials) but from those epigones who developed this particular branch of philosophic Radicalism—the Mills and their friends Ricardo and McCulloch. He owed it, in short, to the fuglemen and theoreticians of the new social order, the Political Economists.

Political economy grew up with the industrial age and the young Edwin Chadwick grew up with the science of political economy. Ever since the close of the Wars blue-blooded Cabinets grappled dazedly with strenuous novel forces which none of them could comprehend. In the fifteen years which bridged Waterloo and the Reform Bill, the face of England changed daily. As exports trebled or quadrupled, as population climbed dizzily to group itself into great squalid labyrinths of cellars and slums, as the factory system became the dominant pattern of industrial organization, so under the eyes of the eighteenth century the twentieth was being born. Of all the problems its travail raised, none took the ruling classes so much by surprise as the relations that were henceforth to exist between the propertied and the proletariat, between capital and labour. The new type of property holder, that new social phenomenon the 'business-man', fumed, it is true against the restrictions which pressed against his urgent desire to produce more, to trade more and to earn more; side by side with his clamant demands

for the unshackling of industry from its mercantilist fetters, as rich as his rulers, more able and far more vocal, he claimed political power. But while this unwelcome intrusion of a new class which gloried in its lack of tradition might well surprise and shock the hereditary oligarchy which stocked all the positions of state, the latter would have slept easier in their beds had the 'Stand and deliver' of the industrial middle classes been the sole challenge they had to fear. Germinating out of the rise of that middle class was the new, the industrial, proletariat. Torn from the traditional shelter of its parishes, disciplined by the factory bell, organized (albeit unwillingly) into production communities, it was not long before the new class of wage earners itself began to press its claims; and then, however much the aristocrat might dislike or despise the interloping manufacturer, he could not but recognize that when such a man stood up for the 'right to do what he liked with his own', he was at the same time standing up for the rights of all property.

For, if property was still the lynch-pin of the social structure in the eyes of all the possessing classes, of all the tremendous changes which had been called into play by the new industrialism, none was so confusing, so threatening, and so violent as this changed position of the rightless and the propertyless. From the time of the Orders in Council to the Great Exhibition of 1851, their growth was marked by wild waves of unrest and violence, sometimes sporadic, at others verging on general insurrection and social war. The relations of capital and labour were the most fraught with destiny for the possessing classes. But they could perceive what was happening only dimly and for the moment their social vision was limited only to the determination to maintain *coûte que coûte* their property, their families, and their station. It was to such a bewildered and angry ruling class that, when Chadwick was a boy of seventeen, David Ricardo professed to explain, not merely what was happening, but the *laws* which determined it!

This was the beginning of that 'science' which for the rest of his life proved to be Chadwick's social compass. Its exponents were a tiny clique, their doctrines unknown (except as terms of opprobrium) to the great mass of the people. It was Chadwick's fate to grow up among the very people who formulated them. As James Mill had lamented in 1808, 'the salutary doctrines of political economy' were 'propagated only with great difficulty'.[1] Even in 1832 'it was never heard of outside the Political Economy Club, except among students of Adam Smith'.[2] Indeed, as Harriet Martineau dolefully commented, 'many

[1] *Edinburgh Review*, 1808. See *Halévy*, op. cit., p. 264.
[2] Harriet Martineau, *Autobiography*, vol. iii, p. 401.

popular representatives prefer shooting and billiards to studying Ricardo'![1] It was, paradoxically, on these very accounts that the economists, despite their paucity of numbers and their repellent prose,[2] were able to command such respect from legislators. They were the only people who had studied legislation as a science. They followed up topics in the daily press, they collected statistics, and formed reasoned conclusions. They were the amateur professionals in an age which boasted only amateurs. Compared with the Cabinets they not infrequently advised, they were authorities. In a Cabinet such as Lord Grey's, for example, the Chancellor of the Exchequer[3] 'complained of the hardship of being put into that office when nature had made him a grazier'; in Lord Melbourne's the Premier himself took office (he said) because 'no damned Roman had ever been Prime Minister of England', and astonished delegations and informants by cuddling cushions or playfully pursuing a feather.

This political economy of the circle to which Chadwick belonged and which he so thoroughly absorbed, was of a special and narrow type. To speak of an 'iron law of wages' or dismiss the matter with the phrase 'Ricardian economics' or *laisser-faire* is misleading. The 'Dismal Science' as it was met with in Press, law courts, and Parliament, and even in the pulpit, was not simply Ricardianism, but Ricardo's *Principles*[4] interpreted in a particular way and for the benefit, it must be said, of a particular group. From Ricardo's analysis of Value, one might deduce the natural harmony of economic interests and hence *laisser-faire* and free trade. But an analysis of the division of incomes could bring the perspicacious dangerously near to seeing that the interests of landed capital and industrial capital were divergent, with more than a hint for those whose eyes were not myopic, of the clashing interests of capital and labour. In Marx's eyes Ricardo was 'the most classical representative (interpreter) of the bourgeoisie and the most stoical adversary of the proletariat'; but Carey, the American 'harmony' economist discovered in horror that his works were 'an arsenal for anarchists, socialists, and all the enemies of bourgeois society'.[5] Ricardo was the father of all truth and of all heresy. It was the continuators of his school—Mill and McCulloch—whose 'intransigeance had the effect of making them go beyond the doctrine of their master . . . and become so to speak, more Ricardian than Ricardo himself'.[6] It was

[1] *On the Duty of studying Political Economy* (1832).
[2] From this censure one must certainly except Nassau Senior.
[3] Lord Althorp.
[4] *The Principles of Political Economy* by David Ricardo (published 1817).
[5] Marx-Engels, *Selected Correspondence*: Marx to Engels, 5th March 1852.
[6] Halévy, *The Growth of Philosophical Radicalism*, p. 343.

they who gave political economy the orthodox stamp, and one that was as middle-class as it was orthodox.

Of the two schools of economists, the 'harmony' school of bourgeois economists and the conflict school of socialist writers—birth, acquaintance, finally marriage and interests, all attracted Chadwick to the former. He regarded the socialist doctrines not merely as socially dangerous but as deluded and unscientific. The findings of orthodox political economy were *laws*. That unfettered private initiative was the mainspring of social progress he never doubted. Nor did he doubt that free competition could alone give free play to such initiative. On the one hand it equalized and regulated the amount paid out in wages, and on the other the amount flowing into the 'wages fund'. Where capital and labour were in question, the interests of the one were the interests of the other; legislative or trade union attempts to raise the rate of wages were foredoomed to failure. It was the duty of the worker to earn high profits for his employers so that the 'wages fund' might increase, and on the other side it was the interest of the employer to look after the welfare of his employees.[1]

Nevertheless, though the entire 'harmony' school agreed on such general conclusions, there was a fundamental disagreement as to how these were reached. Some swore by the letter of Malthus's *An Essay on Population*, and the rest followed the trend of 'orthodox' Ricardianism. This was important enough to lead to quite divergent practical applications. These were the 'two hostile banners', as Senior described them, under one or the other of which, he said, 'Almost every economist will be found to range himself'. The Ricardians or optimists, believed that 'an increase in numbers is necessarily accompanied not merely by a positive but by a relative increase in productive power'. The Malthusians, on the other hand, pessimistically urged that however abundant the means of subsistence, population must gradually increase and surpass it, 'kept back' from this dread goal, 'principally by the vice and misery which that struggle must produce'.[2]

At first sight, it may seem that there was little to choose between either doctrine. Malthus proved all that Ricardo proved on the desirability of *laisser-faire*. Whether one tried to raise wages by 'combinations', by fixing a minimum wage, by open communism or covert poor relief (the allowance system), one would fail equally in every case. Any fortuitous increase would be wiped out by an increase

[1] See the speech of Col. Torrens on the Ten Hours Bill (*Hansard*, 18th July 1833) for an extremely clear statement of this point.
[2] Nassau Senior, *Political Economy* (published 1836), p. 43.

of population. Similarly, any fortuitous decrease of wages would be wiped out by a shrinkage of the population. Sismondi said of Ricardo what seems equally apposite to Malthus: 'As a whole his system tends to the conclusion that nothing mattters and that nothing does any harm to anything; this simplifies science to a remarkable extent; it is only one step from this doctrine to denying the existence of evil'.[1]

Yet such an identity was false. The Malthusians drew conclusions which the optimists of the Ricardian school could never sanction. Carried to its logical conclusion Malthusianism led to a complete legislative quietism. Astonished by the literalism of Malthus's supporters, Senior did his best to controvert them. Because, he pointed out, certain people thought that 'additional population may bring poverty' it by no means followed that 'it necessarily will do so', 'that what has a tendency to happen is to be expected'. He was alarmed and disgusted. 'Unhappily', said he, 'there are many whom indolence or selfishness, or a turn to despondency make ready recipients of such a doctrine. It furnishes an easy escape from the trouble and expense implied by every object of improvement. "What use would it be", they ask, "to promote an extensive emigration? The whole vacuum would be immediately filled up by the necessary increase of population. Why should we alter the Corn Laws? If food were for a time more abundant, in a very short period the population would again be on a level with the means of subsistence and we should be just as ill-off as before."'[2]

That man and his environment could be improved and that improvements should be made, was so basic a creed for Chadwick that he rebelled against such fatalistic pessimism. He was in good company[3] when he argued that there was no reason why wages should not increase indefinitely, or why subsistence should not far outrun the numbers of the population.

Typically he based his opinion upon a statistical study. In his study of 'Life insurance', he pointed out that although the population of England had increased, its standard of living was higher than before. This phenomenon was general. History showed that as population increased so the standard of living rose. Nevertheless some theoretical explanation was needed. Chadwick gave this in the terms of orthodox Ricardianism. 'For every mouth at Nature's feast', he wrote, 'there was also a pair of hands'. It was argued that an increased population entailed an increased competition for the means of subsistence, and

[1] Quoted in *Halévy*, op. cit., p. 318.
[2] Senior, *Political Economy*, p. 43.
[3] That of Senior and J. S. Mill for example.

therefore a lowered rate of wages. But the 'means of subsistence' were not in his opinion a constant element. Wages *would* have fallen 'if the newcomers had added nothing to the fund out of which their wages came. The fund is in fact periodically consumed and reproduced by the labourer, assisted by the land and the farmer's capital and all other things remaining the same, the amount of that fund and consequently his share of it, or in other words the amount of his wages, depends upon his *industry and skill*.' Chadwick amplified this statement by cataloguing the various stages in the productive process. 'More efficient labour makes the return to the farmer's capital larger, and the consequent increase of the fund for the employment of labour enables and induces the capitalist to give better wages.'[1] It was on these grounds then that, while agreeing with Mill that trade union action would 'keep wages above the highest rate which can be afforded by the existing capital consistently with employing all the labourers', he saw no reason at all why that wage should not continually increase, if only the worker worked with all his might and main to pile up an ever larger profit for his employer.

The impact of this political economy upon Chadwick was very great. Fused with Benthamite penal law it turned Chadwick into the organizer, *par excellence*, of the state of the English manufacturing interest. Setting up a legal order that was egalitarian, he perpetuated and strengthened a real order that was not.

For what this fusion made into a distinctive contribution to philosophic radicalism, was the use of law, or compulsion, to bring about this middle-class consummation. While penal law recognized the divergence of private and public interests, political economy stated their natural identity. Chadwick tried, empirically, to harmonize the two. That there should be an identity of interests, this was true theoretically; that it would maximize social happiness, this also he would agree to; but did this identity exist in fact? Were there not cases where individuals or groups, by pursuing their own specific interests, damaged the interests of the rest of the community as a whole? Could the desired 'free play' be brought about?

Such a question was in truth fatal to the Benthamite philosophy. There is no real reconciliation between the argument of the natural, and the argument of the artificial, identity of interests. The one supposes that every individual by promoting his own interests promotes those of the whole society. The other supposes that there are some individuals

[1] Report of the Royal Commission to enquire into the Poor Laws, 1834 (hereafter called Poor Law Report), p. 239.

who by promoting their own interest damage those of somebody else. The maxim, 'the greatest happiness of the greatest number' was a confession that the two arguments could not be reconciled, for it admits by implication that the interests pursued by each individual do not necessarily lead to the 'greatest good for *all*'. That Bentham recognized the difficulty was plain from another maxim: 'In case of *contest*, happiness of each party being equal, prefer the happiness of the greater to that of the lesser number'. It was the lawyer's maxim as against the economist's. For Ricardo's epigones, no such question even arose: 'It is plain', wrote McCulloch, 'that each in steadily pursuing his own aggrandizement is following that precise line of conduct which is most for the public advantage'.[1]

Chadwick did not agree. The economic version of the 'greatest happiness principle' was for him either 'greatest national product' or (according to the context), 'greatest national profit'. But his emphasis was on the term 'national', the stress was on public rather than private. Let each firm maximize its gains, but only so far as this contributed towards the greatest possible public gain. In fact, what Chadwick was dimly looking at, for he never formulated his difference from a Senior or a John Mill, was a *social* net product as against a *private* net product.[2] The latter was the sum of the products of the various industries and individuals; the former, the social product, was the sum of the products of such industries *minus* any waste they might have caused in the course of production. Looking to the final assessment Chadwick always implied that the waste also must be included in the national balance sheet.

The gulf between the two assumptions reflected that great internal contradiction in Benthamism. That philosophy led either to complete bureaucracy or complete anarchism. It was the Manchester school of the 'forties, the Cobdens and the Brights who were the 'anarchists' in the economic field, insisting as they did upon the complete freedom of every firm and industry to go where it would. By contrast it was Chadwick who tentatively raised the point that the goal of such individual initiative, its 'social role', as Marx would have put it, was the maximization of *net* social product; and that in those cases where a private interest blocked such a maximization it might be necessary to step in forcibly to remove it.

This did not lead Chadwick to doubt the Ricardian theories in so far as these stated that, given the free play of interests, the national dividend would be increased. He differed by maintaining that certain

[1] Quoted in *Halévy*, op. cit., pp. 500–1.
[2] Cf. Professor Pigou's *Economics of Welfare*.

private interests might actually block 'free play'. Therefore, whether he expropriated water companies at a low compensation, or used the police forces to break picketing or opposition to the New Poor Law, he justified his action on identical grounds: he was not preventing the free play of self-interest but was making it possible. *He was 'enforcing competition'*. The idea was not a new one. Even Ricardo himself suggested it, although in Parliament he was a 'quietist' if ever there was one. Complaining in the 1817 depression of the prejudices leading men to 'persevere in their old employments', he wistfully suggested that 'If a superior genius had the arrangement of the capital of the country under his control, he might in a very little time make trade as active as ever'.[1]

Thus Chadwick framed his legislation around the Ricardian concept of man and his institutions, but buttressed the 'bagman's millennium' of the free trade school by a ruthless levelling of 'sinister' interests. To put the matter another way, he took the 'economic man' of the economists as the normal subject of legislation, and framed this legislation to 'keep the ring clear' for his devices.

As a lawyer looking at political economy rather than an economist looking at legislation, Chadwick injected into the conception of the *laisser-faire* state his maxim of the *tutelle*. He propped up, and organized the regime of free competition, profitability, and individualism by the stringent sanctions of Benthamite administration. Cobden thought that the best way to prevent child labour in the mills was to leave their father free to emigrate[2]; Chadwick simply illegalized such employment. A Malthus might eradicate the evils of the old Poor Law by abolishing it altogether and leaving the destitute to their own devices: Chadwick achieved the same result by supplanting the old Poor Law by the New Poor Law and the workhouse test. His activity was a ruthless and bureaucratic attempt to keep the ring clear for individual initiative wherever customs or vested interests stood in its way. It meant not merely the removal of obstructive and obsolete laws such as the law of settlement, but a new framework of laws devised to break the connexions between the individual and any institution which prevented him from standing on his own feet, whether it was parish aid or trade union activity, the B.M.A. or monopolist water companies.

Again, it meant not merely the maximum self-help by every institution or individual, but one which must serve the social purpose of amassing more and more capital. Thus not merely were the individual

[1] *Halévy*, op. cit., p. 325.
[2] J. Morley, *Life of Cobden* (Fisher Unwin ed., 2 vols., 1896), p. 953.

interests of farmer, tradesman, and labourer in the parish to be supplanted by a committee weighted in favour of the largest property owners, but truck should be encouraged, trade unions curbed, the ten hours' day shelved for the twelve hours' day. Capital meant productivity; more capital, more productivity; and more productivity, more well-being.

And furthermore, blurring the outlines between the lawyer's approach and the economist's approach, Chadwick would look beyond the immediate effects of a law, coming to the problem with a wider analysis than either economist or lawyer could provide. It might, for instance, have been consistent with pure economics that there should be no Poor Laws at all; for Chadwick the pure economics did not count much against the increase of vagrancy and mendicancy that would follow the abolition of Poor Laws. Again, economically perhaps, it would have been more profitable to allow children of twelve to work in the mills instead of prohibiting the employment of all children under thirteen; Chadwick would not allow this argument to count against the administrative argument that (in an age when birth certificates were not available) the age of puberty was recognizable at a glance.

. . . . . .

Thus the two great influences, of Benthamism on the one hand and the orthodox Ricardian economics on the other, merged in Chadwick into a social outlook of great dynamism. His contemptuous dismissal of the traditional, his eagerness to create the new, his interfering ardour were wedded to a narrow and middle-class appreciation of what the mass of men were like. He believed in progress through the most ruthless exercise of individual initiative, and held that Labour depended upon those whose possession of the means of production could alone guide the social structure along this path. When, finally, such a social philosophy was urged into action by an intelligence of a high order, obstinate, zealous, and humourless, we have a picture of Chadwick at the age of thirty, ripe (too early perhaps) and ready to organize and remake society.

CHAPTER III

THE PHILOSOPHICAL RADICALS

1

CHADWICK soon became an intimate member of the band of young Radicals who met in the 'Utilitarian Society' and the 'London Debating Society'. He was more fortunate than Roebuck—who also made John Mill's acquaintance at this time—in that he found favour with old James Mill himself. In point of fact the two had much in common. Chadwick was never sentimental. His violent Radical enthusiasms were only for what science could demonstrate—and his own demonstrations were always painfully factual and elaborate. The sour old man respected Chadwick's doggedness and obstinacy, his appetite for work and his priggish self-righteousness. Chadwick looked the part, too. He was a striking figure, big boned and solid, with square jaw, fine brow, piercing eyes, and a mane of brown hair combed smoothly back over the shoulders.

He was one of those who read Whateley's *Logic* and Ricardo at the Grotes', and he took part in most other Benthamite activities.[1] He was a foundation member of Mill's 'London Debating Society', and opened one of their debates on the Poor Laws.[2] He was involved in their educational activities, and it was he who drew up the code and constitution of the City of London Literary and Scientific Institution—a Mechanics' Institute of which he was ridiculously proud. It gave for two guineas, he claimed, what the new London University was asking twenty-six for.[3] He was one of the first members of this university, enrolling himself in 1829 to hear the lectures of John Austin with whom he immediately struck up a close friendship.[4] One of his new acquaintanceships was Thomas Tooke, soon to collaborate with him on a Whig government's Royal Commission.[5] Another was Edward Bulwer Lytton. Perhaps the most immediately gainful, however, were those of Albany Fonblanque, the leader writer to *The Examiner*, and John Bowring,

[1] Cf. J. S. Mill, *Autobiography*, p. 107.
[2] Founded in 1825. Chadwick was a committee member from the outset. He drew up the code in 1830. Cf. *City of London Literary and Scientific Institution* in B.M. Catalogue.
[3] In 1829.
[4] An application form dated 1829 is preserved.
[5] See Book II, Chapter 2, below.

whom we have already mentioned, and who was at this time editing the *Westminster Review*.

To write for the *Westminster* was a sort of initiation for the aspiring philosophical Radical. Bowring, Bentham, both the Mills, Austin, Grote and Place, Tooke, Graham and Roebuck had all contributed. They were thereupon regarded as full-fledged Utilitarians. In 1828 Chadwick was invited to write and for the first time brought into print his reflections on the life and conditions of the London poor.

Lacking any histrionic ability he chose the leaden title of *The Means of Insurance against Accidents, etc.* The sole mark it has left upon the history of English literature is a typically bilious comment from Carlyle. 'With what serene conclusiveness a member of some Useful Knowledge Society stops your mouth with a figure of arithmetic', he exclaimed. 'Twice or three times have we heard the lamentations and prophecies of a humane Jeremiah, mourner for the poor, cut short by a statistic fact of the most decisive nature: how can the condition of the poor be other than good, be other than better; has not the average duration of life in England and therefore the most numerous class in England been proved to have increased?'[1]

This was a ludicrous misrepresentation of a very closely written and able article which showed, indeed, that the duration of life had steadily improved, but concluded that by appropriate measures of hygiene and sanitation it might well be improved still more. It concluded, in fact, by reviewing the administrative arrangements by which one could remove the causes of the poverty, dissipation, crime, and disease which he had observed so closely.[2] It was the germ of what Chadwick later called 'the sanitary idea'.

The Benthamites were delighted with the essay, and even James Mill thought well of it. More importantly it brought Chadwick to the attention of two individuals who were to become lifelong friends—Nassau Senior, the versatile and brilliant economist and lawyer, and Richard Whateley, logician, economist, penologist, the future Archbishop of Dublin. These two were projecting a new review, the *London*, and they forthwith asked Chadwick to contribute.

Now at this precise moment Chadwick had prepared a long memorandum on police, for the Committee which Sir Robert Peel had just set up. Police law and penology were Chadwick's favourite legal topics. He claimed to have read everything published on the subject, in English and in French, and he found all works equally

[1] T. Carlyle, *Chartism* (Chap. II, 'Statistics').
[2] E. Chadwick to T. Denman, N.D., 1828.

unsatisfactory. 'There is no systematizing or any approach to system', he complained. He believed he had found this system: 'A good police cannot be formed without going over the whole field of penal judicature and . . . would form part of that judicature.'[1] He wanted to expound this view in a book, but no publisher would accept it. When Peel's Committee invited him to give evidence he prepared a memorandum whose burden was that consolidation of the police forces would by itself be useless. It was necessary also to ensure the widest publicity for frauds and crimes, and to cheapen the costs of prosecution. The Committee asked him to elaborate his proposals, and he prepared a very long and detailed treatise. At this critical moment his copying clerk lost the MSS. By the time it was recovered and handed in, the Committee had already reported.

His friends—Denman among them—thought the evidence too valuable to be laid aside, and tried to get him to publish it in some review. Senior's request for an article came at this very moment, and Chadwick decided to use this material. When *Preventive Police* finally appeared in 1829 it created among the Benthamites a truly enormous impression. Combining, as it did, Bentham's *Principles of Penal Law*, his *Rationale of Evidence* with the practical working of the French codes, the hand was Chadwick's but the spirit Bentham's.[2]

'The work of a mature mind', pontificated James Mill.[3] 'I have read your article in the *London Review*', said Francis Place, 'with great satisfaction and am almost tempted to refrain from writing anything on the subject for the *Westminster*. I must go over the same ground and must, as you have, content myself with mere indications in so confined a space. You have done this so well, anything I can do will seem plagiarism and must in reality be so, to a considerable extent. It is not enough to exculpate me from such a charge, though we have thought pretty much alike on this subject, and communicated on many particulars. You have published our views and I can do little more than republish them.'[4]

'You have published our views' . . . Chadwick had produced the classical Benthamite view on police. That was soon proved. Bickersteth was at this moment helping Bentham complete the interminable and unreadable *Constitutional Code*. He brought the essay to the old man's notice and Bentham approved it enthusiastically. So far he had never met the author. Within a few weeks he had engaged him as secretary, with the special duty of writing for the *Code* the sections dealing with the Minister of Police and the Minister of Health.[1] Thus began that fast friendship, broken only by Bentham's death.

[1] E. Chadwick to T. Denman, N.D., 1828. [2] See Chapter II, above, p. 16.
[3] Ward Richardson's 'notice' in *The Health of Nations*, vol. ii, p. 387.
[4] Place to E. Chadwick, 21st June 1829.

II

Those were glorious days for a Radical! The reactionary toryism of Eldon, Wellington, and Peterloo swept away! The Glorious Revolution in France! The Whig connexion holding undivided sway in England for the first time in fifty years! What Liberal doubted that the 'march of mind' had its way and that the era of progress and the emancipation of mankind was at long last at hand?

Unhappily, not a single reference survives to say what part Chadwick played in the surging agitation for reform. It is inconceivable that he played no part, for he was by no means averse from pulling the political wires. For example, he tried to engineer John Romilly's election for Finsbury in the first election after reform. In any case, there is no secret as to his sympathies. More tender to the rights of property and more apprehensive of the working-class organizations that Place supported, on the whole his opinions fully coincided with the Benthamite circle. He enthusiastically supported the Reform Bill and the National Political Union. He was uncompromisingly hostile to the rising revolutionary sentiments of the trade unions, and so critical of the 'Rotunda' politicians that even Fonblanque declined to publish his attacks in *The Examiner*.[2] He had no use for the 'professional agitators' for whom 'strikes were the whole source of income', and so he deemed all trade union leaders to be. He had more sympathy with, but far less understanding of, the insurgent agricultural labourers whose last 'revolt' the Hammonds have described so movingly. Chadwick simply ascribed the insurrection to illiteracy and ignorance of political economy, and suggested that it be put down not by regiments of cavalry but by Knight on *The results of machinery*.[3]

Hence his advocacy of the repeal of the newspaper stamp duties: they put a premium on incendiary illegal news-sheets that were poison to the masses. With James Mill he deprecated the anti-capitalist

[1] Autobiographical fragment, *c.* 1860. E. Chadwick to E. Gulson, July 1837.
[2] Undated—Fonblanque to E. Chadwick: 'The 2nd leader, p. 713, on the National Union of the Working Classes is very injudicious, abominably ill-written—if possible it should be omitted altogether'.
[3] 'Taxes on Knowledge', *Westminster Review*, vol. xv, March 1831 (by E. Chadwick), esp. pp. 246–7.

economics of Hodgskin, believing they must plunge all Europe into a 'Tartar barbarism'. Chadwick was a Radical but Cobbett was a 'wild' Radical. 'I am', he confessed some years later, 'a zealous advocate for all social improvements and I am therefore an ally of any people by whom improvements would be made. I am therefore a supporter of the existing government (the Whigs) as against any preceding government or party in power. If, however, I were driven to choose between two extremes: between the Tories and the Radicals of the Cobbettite school; I should certainly choose the Tories. I would not vote against the ballot; if it were an open question I should vote for it.' [1]

These opinions were the commonplace of the Westminster Radicals, and with all of them he was now on terms of the closest familiarity. James Mill was a consistent supporter, whether it concerned the leadership of a legal agitation or the editorship of *The Jurist*.[2] Bentham grew so attached to him that, in 1831, he persuaded him to leave Lyon's Inn and reside in Queen's Square itself. There Chadwick would frequently be seen putting into some order the juggled manuscript of the *Constitutional Code*, reading to Bentham the latest work on jurisprudence, smoothing the ruffled temper of a Sir Francis Burdett.[3] Joseph Hume introduced him to friends as 'a man of talent and the best political principles'.[4] He ate Christmas dinner at the Arnotts', he met Harriet Martineau at one of Sarah Austin's parties, he continued and matured his friendship with John Stuart Mill.[5]

Now this was all very well; but what of his career? He was the friend of Jeremy Bentham and the 'coming man' in Radical circles; these, however, were not noted for their social influence. Joe Hume might well introduce him to his friends: to the ruling classes Hume was just a 'fellow who dined at three o'clock and knew nothing of the habits and manners of a gentleman'.[6] This certainly did not bother Chadwick, who had some contempt for fashionable London—but it brought him no nearer a fixed means of livelihood.

He chose this moment to close newspaper journalism as a source of income. In *The Examiner* he charged the newspapers with distorting parliamentary reports. The whole Press exploded with rage and the

[1] E. Chadwick to E. Gulson, July 1837.
[2] Chadwick's Obituary on Bickersteth, 30th March 1852.
[3] J. H. Burton to E. Chadwick, N.D., 1842. E. Chadwick to Bentham, N.D., *c.* 1831. A. Fonblanque to E. Chadwick, 8th Feb. 1832.
[4] J. Hume to Anderson, 15th December 1831.
[5] Arnott to E. Chadwick, 1830–2. S. Austin to E. Chadwick, 1832.
[6] Wallas, *Place*, p. 184.

reporters regarded him as a black-leg informer. Barnes of *The Times* was particularly incensed. Many such charges had been levelled at his paper by candidates disappointed in the 1830 elections. Chadwick's attack seemed to give these colour. He persuaded the other newspapers to bar Chadwick from all newspaper work until an apology was made. In private he had it put about that all would be well if Chadwick published a paragraph excepting *The Times* from his general censure. Barnes argued that his paper would discharge any reporter against whom a charge of garbling could be proved. Chadwick retorted that his would not be the first paper to sacrifice an individual for what was the systematic practice of all newspapers and not merely all newspapers but of *The Times* in particular. This ended all discussion for some time. Chadwick's journalism was more and more confined to *The Examiner*.[1]

This would not have mattered so, had he intended to take up the law seriously. It soon became clear that he did not. He was called to the Bar in 1830—two or three months after his quarrel with Barnes. His first brief came quite soon. He had to defend a client indicted for bigamy. It appeared a fairly easy case. The only difficulty was that the more he investigated it the more convinced he became that his client was guilty. He put this to the defendant who virtually admitted it. 'What is it to you', Chadwick was asked—'you've only to shake my wife's evidence'. This was too much for Chadwick. He threw the case up in disgust and never, in fact, practised at the Bar. In truth he strongly objected all his life to the view that the barrister's first duty was to his client, and objected haughtily to the 'indiscriminate defenders of right and wrong by the indiscriminate utterance of truth and falsehood'.[2]

In 1831, therefore, he found himself a barrister without brief, and with his only regular source of income stopped. This may indeed be the reason why Bentham persuaded him to give up Lyon's Inn. From now the gatherers at Queen's Square seemed to feel it their duty to put Chadwick 'in the way of something', and all kinds of schemes were hatched up. Bentham regarded him as the most promising of the whole band, the one who came nearest himself in his approach. So much was this so, that one of the first schemes at this juncture was his—and certainly to one who professed himself a follower of Bentham none could have been more flattering. Chadwick was to receive an annual income for life as the official expositor of Bentham's teaching

[1] E. Chadwick to Fonblanque, 1st Aug. 1830. E. Chadwick to Barnes, undated. Cf. *Westminster Review*, March 1831, 'Taxes on Knowledge," pp. 254–61.
[2] E. Chadwick to T. F. Lewis, 3rd Feb. 1841. 'Licence of Counsel', *Edinburgh Review*, 1841 (by Chadwick).

after Bentham had himself passed away! The offer was financially attractive and Chadwick's devotion to the old man was genuine and profound; but to become the defender of every letter of Bentham's voluminous and tangled works—this was to sacrifice an independent mind with a vengeance! He had to refuse. 'When Mr Chadwick', he wrote later, giving an impersonal account of the matter, 'has entered into any subject, he has professed to have investigated the facts *de novo* and not on the preconceived opinions of any school. . . .'[1]

Penury was staved off for the moment by a welcome offer from Albany Fonblanque. Chadwick had written a good deal for *The Examiner*. Dr Fellowes and Leigh Hunt chose this moment to put Fonblanque in full charge of the paper, and by threats and remonstrances he forced them to let him offer the sub-editorship to Chadwick.[2] (They tenaciously held some unspecified grievances against him.) For his part, Chadwick gladly accepted, writing that there was nobody under whom he would more willingly serve.[3] His duties were to develop the 'advertising connexion' (which prospered amazingly under his guidance), to sub-edit the articles and the leaders, to correct and read the proofs, and to write an occasional article himself.[4] He received £160 a year together with any perquisites of departments he chose to supervise. Between them, John Mill, Edwin Chadwick, and Albany Fonblanque wrote the whole paper.[5]

Chadwick got on very well at first with the fiery but good-natured Fonblanque. But in point of fact he was a wretched journalist. He was a bad proof-reader. The niggling work of sub-editing exasperated him. His own articles took weeks to prepare, burrowed into the beginning of time, were heaped on the unhappy printers at the last moment. He wrote with difficulty, and at its best it was awkward prosaic stuff. Fonblaque's emotions were severely tested. Sometimes there is a piteous note—could Chadwick perhaps insert a few less articles on cholera? Sometimes the tone is furious: 'there was but one thing to do with the MS. you were at such trouble to send, i.e. to throw it in the fire'.[6]

Chadwick made the paper the organ of the agitation against the newspaper stamp duties. Within a few weeks of taking over the

[1] E. Chadwick to E. Gulson, July 1837. Autobiographical fragment, *c.* 1860.
[2] A. Fonblanque to E. Chadwick: 1st Aug., 24th Aug., 1st Sept., 27th Sept., 29th Sept., October (undated), 1830.
[3] E. Chadwick to A. Fonblanque, 1st Aug. 1830. [4] Ibid.
[5] Ibid. and cf. Elliott's *Correspondence of J. S. Mill*, 1830–3, references to *The Examiner*.
[6] A. Fonblanque to E. Chadwick, 10th Feb. 1832 and 18th Oct. 1830.

sub-editorship he introduced the phrase 'taxes on knowledge', which has been associated with that agitation ever since.[1] Where '*Price 7d*' had formerly appeared he now inserted

'Paper and Print 3½d.
Taxes on Knowledge 3½d. } Price 7d.'

The agitation did not catch the popular fancy until the end of 1830, when the already discredited Whig government was indulging in a campaign of Press prosecutions against the 'wild' Radicals. Place produced a broadside in early 1831, and Chadwick capped this by a fulminating article in *The Examiner* of February [2] and then by a more serious and detailed analysis in the *Westminster* of March. Over 5000 copies of the essay were reprinted and distributed, and he played a leading role in the agitation that followed. When, in 1832, Bulwer-Lytton rose upon the matter in the House of Commons his speech—which looks remarkably as if Chadwick had had the preparing of it—introduced the subject as none other than 'Mr Chadwick's question'. Chadwick himself certainly gave the impression that he had played a predominant role. 'The idea of cheap knowledge—as far as the reduction of taxes, etc.—originated with me', he told a correspondent some years later.[3]

Bentham looked upon all this activity with a very friendly eye. Chadwick idolized him. Later on, for publication, he described their relationship as 'an active friendship'.[4] In a private letter, however, he did not hesitate to say that 'Jeremy Bentham . . . was my most attached friend'.[5] He was in altogether a different category from those young 'reprobates', as Bentham called them, who read aloud to preserve his failing eyesight and took it in turns to help him to bed at night. He co-operated with Bentham in a loose kind of way where sometimes friendship, sometimes business, sometimes study all mingled together. Bentham was always trying to get Chadwick to become a focus for some kind of reform organization. When Place suggested the launching of a daily newspaper, it was Chadwick whom Bentham suggested as its editor.[6] He tried to set up a legal reform society on the model of the influential Political Economy Club, and it seems that

[1] Autobiographical Fragment, *c.* 1860.
[2] *The incendiaries and the true promoters of crime*, or *Education as a means of preventing monomanias*.
[3] J. Hume to E. Chadwick, 2nd March 1832; T. Latimer to E. Chadwick, 2nd Aug. 1832; and E. Chadwick to E. Gulson, July 1837.
[4] Autobiographical Fragment, *c.* 1860.
[5] E. Chadwick to E. Gulson, July 1837.
[6] E. Chadwick to A. Fonblanque, 1st Aug. 1830.

he had earmarked Chadwick for some role here.[1] Neither of these projects went very far. Bentham did not wish to call upon any professional lawyers—he hated lawyers—and his 'association of influential persons for expediting, cheapening, and popularizing the administration of justice and the advancing law reforms' hardly got further than collecting a few decorative names.

Consequently Bentham turned on a new tack. He prepared to revive *The Jurist* as a legal periodical. Founded some years back, it had been edited by a succession of names, Parkes being one. Since then it had fallen on evil times. In 1832, its editor, Rosen, fell sick and Bentham proposed to reorganize it and start a new series. Chadwick was at this time involved in an appendix to Richard Whateley's *Letter on Transportation*. Some eighty pages long, and nearly four times the size of Whateley's own text, it never in fact got published; but in it Chadwick was covering the greater part of the field of practical penology. This was of course well known to all his friends. Consequently a committee to choose the editor for *The Jurist*, and consisting of both the Mills, Sutton Sharp, Bickersteth, and John Romilly, had no hesitation in picking Chadwick as their man. 'This selection of me', Chadwick later commented, 'from other young men for a practical object, I may adduce as the evidence of their estimate of my intellectual qualifications'.[2]

Just as Chadwick was making ready to start, tragedy intervened.

III

Bowring, Bentham's other intimate, was away in Paris when the old man fell seriously ill. All the care and responsibility for his patient fell upon Chadwick. He nursed him devotedly and patiently through the first days of sickness, through the deceptive convalescence and then, when the fatal relapse set in, was with him to the last. Of these last hours he himself has left no record. Only the urgent, worry-sickened letters which Bowring posted to him survive to recall how faithful he was to his dying benefactor. At first those letters are cheerful, full of news and anecdotes; they refer to the *Westminster*, to books Chadwick has asked for, to Bentham's New Lanark property. Then suddenly:

'MY DEAR CHADWICK,—You may well conceive that your note to me has produced the greatest possible uneasiness and anxiety—almost, I might say, beyond

[1] *Works of Jeremy Bentham* (Bowring ed.), vol. ii, pp. 30, 39.
[2] E. Chadwick's Obituary on Bickersteth 1852; E. Chadwick to E. Gulson, July 1837.

expression. I am somewhat comforted by thinking that you are near our venerable friend and by knowing that you will minister with all kindness to his wishes and most righteously fulfil all the higher claims which any vicissitudes may demand. I do own that I saw a marked change in his appearance when I was last in London and left him in very fearful apprehension. . . .'[1]

Then, again:

'MY DEAR CHADWICK,—Indeed you must have had some most distressing days—the only comfort I find in this inevitable reparation, is in the assurance that everything which kindness and friendship can suggest Mr Bentham is sure to receive at your hands. . . .'[2]

A few days later:

'I have more consolation and confidence in your person than in anything else. I am discovering how justly Mr B estimates its value.[3]

A few days later Jeremy Bentham died. He left to Chadwick a ring containing his effigy and a lock of his hair, many of his law books and pamphlets, and a small legacy. Chadwick was with him to the very last. When he died, a chapter in Chadwick's life was ended.

[1] Bowring to Chadwick, 5th March 1832.
[2] Ibid, 9th March 1832.
[3] Ibid, 2nd April 1832.