A Fragment On Government -Primary Source Edition

Jeremy Bentham, Francis Charles Montague

A Fragment On Government

Jeremy Bentham

A Fragment On Government:

A Fragment on Government; Or, a Comment on the Commentaries: Jeremy Bentham, 1823 **Bentham: A Fragment** on Government Jeremy Bentham, James Henderson Burns, Herbert Lionel Adolphus Hart, 1988-10-28 This volume makes available to a student readership one of the central texts in the utilitarian tradition in the authoritative 1977 edition prepared by Professors Burns and Hart as part of Bentham's Collected works A Fragment on Government is as Ross Harrison observes in his introduction a young man's work and Bentham's exuberant prose reflects his own confidence that the Fragment was the first publication by which men at large were invited to break loose from the trammels of authority and ancestor wisdom on the field of law Certain that history was on his side Bentham sought to rid the world of the hideous mess wrought by legal obfuscation and confusion and to transform politics into a rational scientific activity premised on the hideous politics into a rational scientific activity premised on the fundamental axiom that it is the greatest happiness of the greatest number that is the measure of right and wrong In the context of a European social and political order still based upon privilege and hereditary right this was a profoundly subversive sentiment This edition of the Fragment on Government contains several important students aids including a guide to further reading and a chronology of the principal events in Bentham's life \boldsymbol{A} Fragment on Government Jeremy Bentham, 1891 A Fragment on Government, Or, a Comment on the **A Fragment on Government** Jeremy Bentham, 1776 A Fragment on Government Jeremy Commentaries ,1995 Bentham, 2001 Bentham Jeremy A Fragment on Government Edited with an Introduction by F C Montague Oxford The Clarendon Press 1891 xii 241 pp Reprinted 2001 by The Lawbook Exchange Ltd ISBN 1 58477 166 6 Cloth 65 Bentham's first published work an essay on sovereignty that criticizes Blackstone's Commentaries and attacks contemporary views on politics and law This edition includes F C Montague s scholarly introduction that shows the significance of the Fragment and includes a biography of Bentham 1748 1832 and a discussion of his role in the history of jurisprudence The Fragment on Government is primarily a criticism If it were nothing more it would have no interest for later generations which do not regard Blackstone as an authority upon speculative questions of politics or history and therefore do not need to have Blackstone s theories corrected or disproved But in criticizing Blackstone s views Bentham necessarily expounds his own As Bentham is one of the few English writers of mark upon the theory of political institutions and as his doctrine forms a link in the chain of English political philosophy we still read the Fragment of Government in order to see not how far Blackstone was wrong but how far Bentham was right Introduction 59 **A Fragment on Government** Jeremy Bentham, F C 1858-1935 Montague, 2022-10-27 This work has been selected by scholars as being culturally important and is part of the knowledge base of civilization as we know it This work is in the public domain in the United States of America and possibly other nations Within the United States you may freely copy and distribute this work as no entity individual or corporate has a copyright on the body of the work Scholars believe and we concur that this work is important enough to be preserved reproduced and

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law Accordingly he asserted that the judges in making law were guilty of a deliberate usurpation of legislative power a usurpation committed in order to satisfy the greed and ambition of lawyers Yet it is certain that judiciary law is only one mode of that development of law by experts which takes place in every progressive community It is also certain that judiciary law would have been much better than it is had judges been more ambitious of legislating and less timidly anxious to cover themselves with the authority of their predecessors But not official classes only eminent individuals as well felt the license of Bentham's invective Dr Johnson was the miserable and misery propagating ascetic and instrument of despotism Burke was a madman an incendiary a caster of verbal filth and possessed by the unqualified thirst for lucre In some passages of this kind Bentham combines the worst faults of Burke and of Cobbett with a literary impotence to which they were never liable For Bentham in his most abusive fits leaves the reader unmoved His reckless denunciation of all who differed from him respecting moral and political questions had not the excuse of irritability and suffering which we may allow for Burke nor the excuse of low birth and chance education which we may allow for Cobbett It may best be excused by remembering that he A Fragment on Government; Or , a Comment on the Commentaries. 2. Ed Jeremy Bentham, 1823 had Government; Being an Examination of what is Delivered on the Subject of Government in General, in the Introduction to Sir W. Blackstone's Commentaries: with a Preface, in which is Given a Critique on the Work at **Large. By J. Bentham** Jeremy Bentham, 1828 A Fragment on government Jeremy Bentham, 1891 A Fragment on Government; Being an Examination of what is Delivered on the Subject of Government in General, in the Introduction to Sir W. Blackstone's Commentaries: with a Preface, in which is Given a Critique on the Work at Large. [By J. Bentham.]. Jeremy A Fragment on Government Jeremy Bentham, 1948 Bentham, Francis Charles Montague, 1776 A Comment on the Commentaries and A Fragment on Government Jeremy Bentham, 1977 A Comment on the Commentaries and A Fragment on Government Philip Schofield, 2008-11-20 In the two related works in this volume Bentham offers a detailed critique of William Blackstone's Commentaries on the Laws of England 1765 9 In Comment on the Commentaries on which Bentham began work in 1774 he exposes the fallacies which he claims to have detected in Blackstone and criticizes the theory of the Common Law He goes on to provide important reflections on the nature of law and more particularly on the nature of customary and of statute law and on judicial interpretation A Fragment on Government which was published in 1776 was detached from the Comment on the Commentaries Concentrating on a passage of five or six pages in which Blackstone discusses the origin of society and government Bentham offers three main criticisms First he criticizes Blackstone s methodology for failing to distinguish between the role of the expositor and the role of the censor and thereby confusing the question of what the law is with the question of what the law ought to be Second he criticizes Blackstone's assumption that the theory of the social contract represents an adequate justification of the obligation to obey government Third he criticizes Blackstone s theory of sovereignty which claims that in every state there must exist some absolute undivided power whose

commands are law Bentham points to the existence of states where sovereign power is both divided and limited In these two works published by OUP for the first time Bentham outlines a number of themes which he goes on to develop in his later works the principle of utility the importance of a natural arrangement for a legal system the point at which resistance to government becomes justifiable the exposition of legal terms and much more The volume also contains Bentham s Preface intended for but not published in the second edition of A Fragment on Government which appeared in 1823 Having by this committed himself to political radicalism Bentham uses this occasion to reflect on the text and the circumstances in which it was produced The text has been edited by H L A Hart and J H Burns whose reputations in their respective fields of legal theory and history of political thought are unsurpassed The volume contains an Editorial Introduction which explains the provenance of the text and the method of presentation The texts are fully annotated with textual and historical notes and the volume is completed with a detailed subject index based on a methodology devised by Hart Preface intended for the second edition of the Fragment on Government Jeremy Bentham, 1828 A fragment on government, by J. Bentham. Ed., with an introduction, by F. C. Montague Jeremy Bentham, 1891

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