

Professor J. H. Burns (1921–2012)

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James Henderson ‘Jimmy’ Burns was the founding editor of *The Collected Works of Jeremy Bentham* (1968–) and an outstanding historian of medieval and modern political thought. In this brief tribute I hope to emphasize, first, his contribution to the revival of interest in utilitarianism as a field of study, and, second, his reassessment of Bentham’s ideas in the context of the British and French Enlightenment.¹

As for the first, Burns might be compared with John Robson, whose magisterial edition of the *Collected Works of John Stuart Mill* (1963–91) performed a similar task in publishing for the first time a fully edited, collated, indexed and annotated version of Mill’s works. Robson also served on the Bentham Committee and at meetings was often amused by the more favourable comparison of the Mill edition with

¹ For a bibliography of the writings of J. H. Burns from 1950 to 1998, see *History of Political Thought* 20 (1999), pp. 7–20. Among his most important writings on Bentham are: *Jeremy Bentham and University College* (London, 1962); ‘Bentham and the French Revolution’, *Transactions of the Royal Historical Society*, 5th ser., 16 (1966), pp. 95–114; *The Fabric of Felicity: The Legislator and the Human Condition* (London, 1967); ‘Notes on the History of the Bentham Family’, *The Correspondence of Jeremy Bentham*, vol. 1 (1752–1778), ed. T. L. S. Sprigge (London, 1968), pp. xxxv–xxxix; ‘The Bentham Project’, *Editing Texts of the Victorian Period*, ed. J. D. Baird (Toronto, 1972), pp. 73–87; ‘Bentham on Sovereignty: An Exploration’, *Northern Ireland Legal Quarterly* 24 (1973), pp. 399–416; ‘Bentham’s Critique of Political Fallacies’, *Jeremy Bentham: Ten Critical Essays*, ed. B. Parekh (London, 1974), pp. 154–67; ‘Dreams and Destinations: Jeremy Bentham in 1828’, *The Bentham Newsletter* 1 (1978), pp. 21–30; ‘Jeremy Bentham: From Radical Enlightenment to Philosophic Radicalism’, *The Bentham Newsletter* 8 (1984), pp. 4–14; ‘Bentham and Blackstone: A Lifetime’s Dialectic’, *Utilitas* 1 (1989), pp. 22–40; ‘Utilitarianism and Reform: Social Theory and Social Change, 1750–1800’, *Utilitas* 1 (1989), pp. 211–25; ‘Nature and Natural Authority in Bentham’, *Utilitas* 5 (1993), pp. 209–19; ‘Jeremy Bentham: An Iliad of Argument’, *Journal of Bentham Studies* 3 (2000), pp. 1–14; ‘Bentham and the Scots’, *Journal of Bentham Studies* 7 (2004), pp. 1–12; ‘Bentham, Brissot, et la science du bonheur’, *Bentham et la France: fortune et infortunes de l’utilitarisme*, ed. E. de Champs and J.-P. Cléro (Oxford, 2009), pp. 3–19; ‘Bentham, Brissot and the Challenge of Revolution’, *History of European Ideas* 35 (2009), pp. 217–26; ‘“From a Good Scheme to a Better”: The Itinerancy of Jeremy Bentham, 1769–1789’, *Utilitas* 24 (2012), pp. 443–66. As General Editor, Burns completed six volumes in the edition: *Correspondence*, vols. 1 (1752–76) and 2 (1777–80), ed. T. L. S. Sprigge (London, 1968); *An Introduction to the Principles of Morals and Legislation*, ed. J. H. Burns and H. L. A. Hart (London, 1970); *Of Laws in General*, ed. H. L. A. Hart (London, 1970); *Correspondence*, vol. 3 (1781–88), ed. I. R. Christie (London, 1971); *A Comment on the Commentaries and A Fragment on Government*, ed. J. H. Burns and H. L. A. Hart (London, 1977). He later co-edited *Constitutional Code*, vol. 1 (Oxford, 1983).

that of Bentham. As Robson knew, for Mill, there were few surviving manuscripts and a smaller number of texts, while for Bentham there were tens of thousands of manuscripts and many works which had never been completed or published. Many of those which had been completed were done so by secretaries or friends and did not reproduce Bentham's texts with much accuracy. As the Mill edition progressed methodically, the Bentham edition often struggled, and even the task of numbering the volumes had to be postponed, because it was difficult to determine the nature or the number of texts to be included.

It is no surprise that Burns's final work (published posthumously in *Utilitas* in December 2012, just after his death) is entitled "From a Good Scheme to a Better": The Itinerancy of Jeremy Bentham, 1769–1789'. The phrase 'from a good scheme to a better' was taken from a letter from George Wilson to Bentham (26 February 1787 in *Correspondence*, vol. 3, p. 526) where Wilson wrote: 'But your history, since I have known you, has been to be always running from a good scheme to a better. In the meantime, life passes away and nothing is completed.' Under the guidance of Burns and his successors the huge archives at UCL, the British Library, the Dumont Collection in Geneva and elsewhere began to be understood, and techniques for establishing the texts and editing them developed in sophistication and complexity alongside recent advances in technology. From modest beginnings in 1961 Burns laid the foundations for these developments and often advised and guided subsequent editors. He also maintained an emphasis on the historical character of the edition. Except for paperback editions of a few prominent works, the introductions provided historical accounts of the evolution of various texts, and no attempt was made within the edition to assess Bentham's contribution to current philosophical debate.

As for Burns's exploration of Bentham's position in the Enlightenment, it will be worth quoting from his first essay on Bentham, 'Jeremy Bentham and University College', originally delivered as a lunch-hour lecture in November 1961, the year of his appointment as general editor:

This, however, a newcomer may with propriety venture to say. There were many things in Bentham and his doctrine that would not accord well with what many of us think a university should be. There was pretentiousness and superficiality and arrogant dogmatism; there was the kind of myopic concentration upon the 'usefulness' of an intellectual discipline which often stultifies even the practical application of knowledge. But there were also elements any academic community might value: acute consciousness of the need to criticize concepts and terms; controlled and constructive scepticism as to received notions and established institutions; decisive rejection of the Utopian illusion. . . . [A] remarkable, though eccentric genius did in some sense preside benevolently over the enterprise and faith to which we in the College

owe our present existence. And a man who could expect 'honest pride and sympathetic feeling' from the development of critical independence of mind in his students was no unfit patron for a college and a university. (pp. 14–15)

As in numerous essays on Bentham, we detect an ambivalence towards some of Bentham's ideas, in this case, on education. Burns begins by suggesting that 'Bentham's doctrine' 'would not accord well with what many of us think a university should be', but he concludes the passage by declaring that Bentham was 'no unfit patron for a college and a university'. Although the title of 'no unfit patron' does not suggest unreserved praise and admiration, it does suggest that elements of Bentham's thought, for example his emphasis on the importance of critical and sceptical enquiry, liberty of thought and expression, and rational science, alone would establish his credentials as a spiritual leader of a modern university.

While Burns fully appreciated the historical importance of Bentham as a philosopher and reformer (and could justify his own work as general editor on that alone), his ambivalence seemed to rest on his rejection of utilitarianism as a body of philosophical principles. This view of utilitarianism was widely held among philosophers, Bentham scholars, historians, and even members of the Bentham Committee in this period and subsequently. At that time the distinction was made between Benthamites (those few who were disciples of Bentham and believed in the truth of his ideas) and Benthamists (a larger group who simply studied Bentham as historians, philosophers and economists in a detached and critical manner). Burns, I suggest, enabled Benthamists to feel at home with the historical Bentham.

Despite his reluctance to subscribe to utilitarianism, Burns served on the editorial committee of *Utilitas* for many years and contributed several notable essays to the journal. In all of his essays on Bentham (which should be republished in a single volume) Burns displayed an admirable level of scholarship, together with a wide range of topics, a keen sense of humour, and a rare capacity to capture in a phrase the significance of Bentham for contemporary life and scholarship. Within this body of work, we encounter Bentham in a variety of ways. Burns skilfully explores Bentham's contribution to the history of ideas, for example, from the idea of sovereignty to that of the legislator, from his radicalism to his role as a reformer, and within different conceptions of what constituted the Enlightenment.

'Jimmy' Burns was not only an eminent scholar and a marvellous colleague and friend, but he was also an important figure in the development of Bentham studies. He encouraged most aspects of this development, for which readers of *Utilitas* will be grateful.

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