
UNIT 11 JEREMY BENTHAM

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11.1 INTRODUCTION

Utilitarianism is essentially a British school of political theory. It consisted of a group of writers, politicians, administrators and social reformers. The most famous members of the group are Jeremy Bentham, James Mill and John Stuart Mill. Their primary theoretical interest lay in conceiving a framework of political rules leading to a science of politics. In practice they emphasised on the utmost necessity of legal and social reform and evolving efficient political institutions. Their impact in general and that of Bentham's own efforts at substantial reforms in particular drew substantial popular support. John Stuart Mill's tribute to Bentham as the father of British innovation and as a great critical thinker was justified.

Bentham not only wanted to reform the social and legal institutions of his day, but was also a strong supporter of democratic reform—of universal suffrage, shorter annual Parliaments and the secret ballot. He was the founder of a group called the Philosophical Radicals, who, influenced by the French revolution, and rejecting Burke's condemnation of it, advocated that social institutions should be judged by the principle of the greatest happiness of the greatest number. Any social practice, which did not advance this happiness should be reformed.

11. 2 LIFE AND TIMES

Bentham was born in 1748 in England in the family of a wealthy and successful attorney. After an Oxford education at Queen's College (1760-63), Bentham began attending the London law courts in 1763. In those days, the only way for would-be lawyers to learn about law was by attending court proceedings; it was Bentham's luck that from some years ago, the University of Oxford had begun organising a series of lectures on law by William Blackstone. Bentham attended these lectures in 1763, and when Blackstone published his lectures as the famous *Commentaries* in 1765, Bentham caused quite a stir by writing an extremely critical commentary on a few paragraphs of this work. Once he began, Bentham never seemed to stop writing, although most of his writings were fragmentary. It was his friend, Etienne Dumont, a Genevan, who organised his early writings into a book form, and published them in translation in French as *A Theory of Legislation* in 1802. This work became available to Bentham's countrymen only when it had been translated back in to English in the 1820s. Among the writings of Bentham published originally in English are *A Fragment on Government* (1776), *Introduction to the Principles of Morals and Legislation* (1789) and the *Constitutional Code* (1830). The Code was supposed to be his magnum opus, and he had planned it as a three volume work, but he was able to publish only the first volume in his lifetime.

Bentham was not so much a practising lawyer as a legal reformer. Most of his work was written with the purpose of bringing about legal and political reform in Britain. He even went to Russia as an adviser to Catherine the Great in 1785 and spent three years there. Back home, in the 1790s, he entered into a contract with the British government to undertake prison reform—to design and build a structure called the Panopticon—an ideal prison. Extremely disappointed when this project fell through, he turned to the reform of political institutions. In 1809 he first met James Mill, who was to become his lifelong associate and together they set up, in 1824, the *Westminster Review*, a journal devoted to the philosophy of Utilitarianism. Bentham died in 1832 while the struggle for parliamentary reforms was on in England.

11.3 UTILITARIAN PRINCIPLES

Bentham began the first chapter of *An Introduction to the Principles of Morals and Legislation* thus: "Nature has placed mankind under the governance of two sovereign masters, pain and pleasure. It is for them alone to point out what we ought to do, as well as to determine what we shall do. On the one hand the standard of right and wrong, on the other the chain of causes and effects, are fastened to their throne. They govern us in all we do, in all we say, in all we think: a man may pretend to abjure their empire: but in reality he will remain subject to it all the while. The principle of utility recognises this subjection, and assumes it for the foundation of that system, the object of which is to rear the fabric of felicity by the hands of reason and of law." (p.11)

For Bentham, utilitarianism was both a descriptive and normative theory—it not only described how human beings act so as to maximise pleasure and minimise pain, but it also prescribed or advocated such action. According to the principle of utility (or the greatest happiness principle, or the felicity principle) the cause of all human action, that which motivates human beings to act, is a desire for pleasure. Utility or happiness is defined in terms of pleasure: a thing/action is useful if it brings about happiness; that is, pleasure: "By utility is meant that property in any object, whereby it tends to produce benefit, advantage, pleasure, good or happiness." A person's interest also has the same content—that of pleasure—"something is in the interest of a person when it tends to add to the sum total of his pleasures or diminish the sum total of his pains." (p.12)

In *The Principles*, Bentham listed fourteen kinds of simple pleasures that move human beings—including the pleasures of sense, wealth, skill, power, benevolence and malevolence. Diminishing pain also means more pleasure—there are twelve kinds of pain which individuals seek to avoid—for instance, the pains of the senses, or of an ill name.

Not only do individuals behave in this manner, but they use the evaluative terms of good and bad to name those activities which bring them pleasure or pain. Now this is a position as old as Hobbes. What is new with Bentham and his claim of utilitarianism being a moral theory is the advocacy of such action. What brings about pleasure is morally good, that which leads to pain is evil and should be avoided. (emphasis added) Human welfare can only be furthered if individuals maximise pleasure and minimise pain. As early as 1776, in the Preface to the *Fragment*, Bentham had written: "It is the greatest happiness of the greatest number that is the measure of right and wrong."

What is so moral about an individual seeking his pleasure? Bentham's answer to the charge of utilitarianism being, instead of a theory of morality, a theory actually of selfish psychological hedonism is that utilitarianism does not propose that one seek only one's own pleasure. In

deciding whether to act in a particular manner, one has to be impartial between one's own pleasure and that of all those affected by that act. "...if all happiness is either the happiness of the agent himself or the happiness of others", (quoted in Parekh, p. 91), then we can clearly show that utilitarianism is concerned with the happiness of others. Let us take the example of punishment—if punishment is to have some utility, and to have utility is to generate happiness, then punishment is obviously not going to make the person who is being punished happy. It will instead make others happy by making it less probable that the crime is committed again. It is true that for Bentham the community is a 'fictitious' entity—nothing more than individual members constituting it. "The interest of the community then is...the sum of the interests of the several members who compose it." (The *Principles*, p.12) It remains true, however, that the interests (happiness) of others are to count as much as the interest of oneself.

The context of one's action determines the circle of individuals affected by it. For government officials, all the members of their state are affected by their action, so the government has to calculate the balance of pleasure and pain on a country wide scale. A private individual has to consider only the pleasures and pains of those few directly affected by his action. Thus the government is concerned about the happiness or welfare of all its citizens, and the individual is to think of the happiness of other persons apart from himself—that is then, what makes utilitarianism a moral theory.

Bentham identified four general motives for human action. The purely social motive of benevolence moves only a few individuals. Such benevolent individuals pursue the happiness of others even at the cost of their own happiness. An individual acting out of the semi-social motive of love of reputation or praise, pursues others' happiness only when it promotes his own as well. The majority of humankind act out of the asocial motive of self interest, when one's own happiness is pursued, taking care not to cause others pain but not pursuing their happiness either. Finally, there are some individuals moved by dissocial motives, who actually experience pleasure by harming others.

Bentham also provided a calculus for determining the balance between pleasure and pain from any action. According to this felicific calculus, one must give a numerical value to the intensity, duration, certainty or uncertainty, and propinquity or remoteness, (The *Principles*, p.38) of the pleasures and pains of the persons affected by one's actions, and one must undertake the action only if the value of the pleasure is higher than the value of the pain. One should also factor in the fecundity of the pleasure producing act, as well as the purity and extent of the pleasure being produced. In calculating pleasure and pain, one must be careful to abstract both from the object which is the source of the pleasure/pain, as well as from the person whose pleasure/pain is being calculated. This means that the pleasures every one is to count as one, and the pleasure from a worthwhile activity like writing a history of Egypt is not by definition of higher value than that from gambling with a deck of cards.

Human beings seek happiness, their own and that of others. They ought to seek happiness, their own and of others. To seek, however, is one thing; the question is, how can they attain what they seek. What is required, in general, for human beings to reach the happiness they are searching for? Human happiness, for Bentham, depended on the services men rendered to each other. Government can ensure these services by creating a system of rights and obligations. Political society exists because government is necessary to compel individuals to render services to each other to increase their happiness—this then is how Bentham made the transition from his utilitarianism to his political philosophy.

11.4 BENTHAM'S POLITICAL PHILOSOPHY

"Government cannot be exercised without coercion; nor coercion without producing unhappiness," Bentham said. (Leading Principles of a Constitutional Code, for any State, 1823, in Parekh, p.195) Now, unhappiness is to be avoided, so the only justification for government is that without it more unhappiness would be produced in society. The *raison d'être* of government is to attach sanctions to certain unhappiness producing actions so that individual citizens will not be motivated to perform them. Or, as we said at the end of the previous section, the coercion which is, by definition, part of the nature of government, is essential to create a system of rights and obligations to further the welfare of society.

Did Bentham visualise or construct a pre-political state for mankind? Bentham did contrast political society with natural society, defining political society as follows: "When a number of persons (whom we may style subjects) are supposed to be in the habit of paying obedience to a person, or an assemblage of persons, of a known and certain description (whom we may call *governor* or governors) such persons altogether (subjects and governors) are said to be in a state of *political* SOCIETY." (Fragment, p. 40) "When a number of persons are supposed to be in the habit of conversing with each other, at the same time that they are not in any such habit as mentioned above, they are said to be in a state of natural SOCIETY," (ibid, p. 40) was what Bentham had to say about the state of nature. The state of nature is not an asocial or anti-social state. It is an ongoing society, with men in conversation, that is, in interaction with each other. For Bentham there was no pure state or nature or political society, but there was a continuum between the two: "Governments accordingly, in proportion as the habit of obedience is more perfect, recede from, in proportion as it is less perfect, approach to a state of nature..." (ibid, p. 40)

The general end of government is the greatest happiness of the greatest number. In specific terms, the ends of government are "subsistence, abundance, security, and equality; each maximised, in so far as it is compatible with the maximisation of the rest." (Leading Principles, p.196) Bentham defined subsistence as the absence of everything leading to positive physical suffering. He advised the government to encourage industrialisation to generate employment so that each individual could look after his own subsistence. But if an individual was unable to do so, the government was to set up a common fund from contributions from the rich, for the well being of the poor.

If subsistence keeps the citizens from being unhappy, abundance is necessary to maximise their happiness. By ensuring prosperity, that is, surplus wealth in the hands of individuals after their basic needs are met, the government encourages the citizens to fulfil all their desires. Bentham thought that affluence could best be increased by guaranteeing to each man the due reward of his work and security of his possessions. The state should also encourage the invention of new tools and gadgets, and offer rewards, for socially useful inventions; it should develop technical manpower, and encourage thrift and hard work. "Above all it should fight those aspects of religious thought that encourage men to despise comforts and luxuries." (Parekh, p. 41)

For Bentham, security had several components—the security of person, of property, of power, of reputation, and of condition of life. By the latter, Bentham meant something like social status. Every citizen's security, in each of these aspects, was to be provided for by the government; security of property, for instance, is provided by seeing to it that valid contracts are kept by everyone.

Bentham was concerned about four kinds of inequality—moral, intellectual, economic and political. He did not propose any measures to reduce moral and intellectual inequalities, but inequalities of wealth and power were to be mitigated. Differences between the rich and the poor were to be evened out—"the more remote from equality are the shares possessed by the individuals in question, in the mass of the instruments of felicity, the less is the sum of felicity, produced by the sum of those same shares" (Leading *Principles*, p. 20)—~~but~~ not at the cost of the security of property. Inequalities of power could be "minimised by reducing the amount of power attached to public offices to the barest minimum, by declaring every sane adult eligible for them, and by making their incumbents accountable to those subject to their power." (Parekh, p. 41)

The last service to be provided by the government was that of encouraging benevolence in the "citizen body so that every member of the body politic voluntarily, and with enjoyment performed the 'countless small services' of which the fabric of the felicity of society was built. The government could, for example, "fight the religious and sectarian prejudices which limit men's sympathies and incline them to treat outsiders as less than fully human." (Parekh, p. 42)

So far, we looked at how the government fulfils its goals in specific ways. What is more important, is Bentham's theory of how the government reaches its goals in general. Bentham believed man to be a creature so dependent on others for his well being that human life would be miserable and even impossible if men did not render various types of services to one another...society is ultimately only a system of services men render one another. Government makes sure of these services by creating a system of obligations and rights. It does this by putting in place a system of offences with their corresponding punishments: it is a punishable offence, for example, not to pay one's taxes; it is a punishable offence to steal someone else's money. These punishable offences ground the services men render each other—the positive service, or obligation, of contributing to the fund of common resources, or the negative service, or obligation of not interfering with someone's right to property. These services, or obligations, in turn, then ground everybody's rights—my right to property, or my right to subsistence. Each right only exists because of a corresponding obligation, and the government is to be very careful in specifying these obligations. "My rights may or may not be a source of pleasure to me, but the corresponding obligations they impose on others are certain sources of pain to them. The government therefore should never create rights, 'instruments of felicity' though they are, unless it can be absolutely certain that their probable advantages would more than compensate for their certain disadvantages." (Parekh, p. 35)

In a political society the sovereign can get the citizens to act as he wants through two ways, by influencing their will, which Bentham calls imperation, and by the threat of corporeal punishment, which Bentham calls contractation. Although the former power is based on the latter, making the latter the basis of the sovereign's sovereignty, Bentham points out that a political society based on imperation is stabler and longer lasting than a society based on contractation.

How is one to ensure that the government will create that system of rights and obligations, which will best fulfil the greatest happiness of the greatest number. Bentham's utilitarianism led him to believe that the government that would best serve the people's interests would be the democratic form of government. Only in such a government could a harmony between the interests of the governed and those in government be engineered. In a democracy, what would maximise the happiness of the rulers is to be returned to office, and they know that the best chance of this happening is if they maximise the happiness, or in other words, look after the welfare and interests of the ruled. They know that if they go against the interests of the ruled,

they will be voted out of office. From this argument, Bentham logically derived the following: the right of every adult to vote, frequent national elections, as frequent as one every year, transparency of government business which meant a free press, unlimited access to government offices, and the right to attend legislative sessions. "Once annual election, universal franchise, and fullest publicity are established, no government, Bentham thinks, would ever 'dream' of pursuing its interest at the cost of that of the community." (Parekh, p.31)

11.5 THE PANOPTICON

The Panopticon is the name that Bentham gave to a model prison that he designed for the British government in the 1790s. A piece of land was bought by the government, on which Bentham was to supervise the construction of the new prison. However, much to Bentham's disappointment, around the year 1802, the project fell through.

The design of the Panopticon was to serve as a model for any disciplinary institution—not just a jail house, but any school, hospital, factory and military barracks could have the same structure as well. The idea of the Panopticon has become important again today with Foucault crediting Bentham with creating a new technology of power. The Panopticon represents "one central moment in the history of repression—the transition from the inflicting of penalties to the imposition of surveillance." (M. Foucault, *Power/Knowledge*, 1980, p. 38). This is how Foucault describes the architecture of the prison building: "A perimeter building in the form of a ring. At the centre of this, a tower pierced by large windows opening on to the inner face of the ring. The outer building is divided into cells each of which traverses the whole thickness of the building. These cells have two windows, one opening on to the inside, facing the windows of the central tower, the other, outer one allowing daylight to pass through the whole cell. All that is then needed is to put an overseer in the tower and place in each of the cells a lunatic, a patient, a convict, a worker or a school boy. The back lighting enables one to pick out from the central tower the little captive silhouettes in the ring of cells. In short, the principle of the dungeon is reversed; daylight and the overseer's gaze capture the inmate more effectively..." (ibid, p. 147). The prisoners, who have no contact with each other, feel as if they are under the constant watch of the guards. "There is no need for arms, physical violence, material constraints. Just a gaze. An inspecting gaze which each individual under its weight will end by interiorising to the point that he is his own overseer, each individual thus exercising this surveillance over, and against, himself." (ibid, p.155)

To have overthrown the feudal or monarchical form of power and replaced it with a new model of modern forms of power, is to have brought about a revolution in political theory, even if one is infamous for doing so. Critics of liberalism have often claimed that the relationship between the government and the citizens, for liberal theorists, almost mirrors the Panopticon. Liberalism devalues horizontal links between citizens—what unites a citizen body is each individual's separate political obligation to obey the government. Although liberalism claims to ground the government in the consent of the governed, this consent is, according to critics, (as the Panopticon model shows) only a mythical or manufactured consent.

Fellow liberals, who are from the rights based tradition of liberalism, have also criticised some of the basic tenets of utilitarianism. Kymlicka, for example, has pointed out that Bentham was wrong in thinking that human beings only look for, or should only look for, pleasure. If an individual could hook himself to a machine which constantly generated sensations of pleasure, without having to do anything else, that would not satisfy that person. Human beings seek to undertake certain activities for the sake of those activities, not only for the pleasurable sensations they get from doing them.

Bentham like all the other important political thinkers was a child of his times. It is true that the essential basis of his utilitarian ethics was self-interest, egoism and individualism. However though the community for him was a fictitious body, yet one important purpose of legislation was to enhance the pleasure of others, just not of one self which means convergence of private with public interest. Bentham was opposed to any kind of oppression and brutality and he understood that the most important is to begin with reform of the legal system to make it efficient, clear, transparent and simple. His humanism is writ large in all his works and the first major reform that brought in democracy in Britain was the Reform Act of 1832 which was made possible largely due to his untiring efforts.

41.6 SUMMARY

Bentham believed in equality. Each adult was the best judge of his or her interests, and one person's preferences were to be given an equal weight as another's. The happiness of the citizens' was to be the goal of any government—the greatest happiness of the greatest number. The government could determine the universal interest by beginning with given preferences, arriving at the result by computing the pleasures and pains of different individuals on the same scale. For Bentham's critics, unfortunately, the problem is that a largely laissez faire economy, coupled with new forms of disciplining and power in the social sphere seem to lead, in the Benthamite scheme of things, to the greatest happiness of the greatest number.

11.7 EXERCISES

- 1) Is there any difference between Bentham's idea of happiness and the Greek notion of eudaemonia?
- 2) Almost every political philosopher—take Plato, Locke or Rousseau has said that the goal of government should be the 'universal interest' or 'universal good' of society. How is Bentham different when he asks the government to look after the 'happiness of the community as a whole'?
- 3) Why did Bentham call the theory of natural rights nonsense upon stilts?
- 4) Why did Bentham believe that a democratic government would best ensure the welfare of the citizens? Which kind of democratic checks did he propose?
- 5) What do some commentators mean when they claim that Bentham's Panopticon represents a radically new form of power?
- 6) For Bentham, the design of the Panopticon was appropriate not only for a prison, but also for a school or a factory. Do you think we are myth making when we assert that modern schools or factories are not primarily disciplinary institutions?