

J. S. Mill: Bentham: Life & Thought

A leading theorist in Anglo-American philosophy of law and one of the 'founders' of utilitarianism, Jeremy Bentham was born in Houndsditch, London on February 15, 1748. He was the son and grandson of attorneys, and his early family life was colored by a mix of pious superstition (on his mother's side) and Enlightenment rationalism (from his father). Bentham lived during a time of major social, political and economic change. The 'Industrial Revolution' (with the massive economic and social shifts that it brought in its wake) the rise of the middle class, and revolutions in France and America all were reflected in Bentham's reflections on existing institutions. In 1760, Bentham entered Queen's College, Oxford and, upon graduation in 1764, studied law at Lincoln's Inn. Though qualified to practice law, he never did so. Instead, he devoted most of his life to writing on matters of legal reform--though, curiously, he made little effort to publish much of what he wrote.

Bentham spent his time in intense study, often writing some eight to twelve hours a day. While most of his best known work deals with theoretical questions in law, Bentham was an active polemicist and was engaged for some time in developing projects that proposed various 'practical' ideas for the reform of social institutions. Although his work came to have an important influence on political philosophy, Bentham did not write any single text giving the essential principles of his views on this topic. His most important theoretical work is the Introduction to the Principles of Morals and Legislation (1789), in which much of his moral theory--which he said reflected 'the greatest happiness principle'--is described and developed.

In 1781, Bentham became associated with the Earl of Shelburne and, through him, came into contact with a number of the leading Whig politicians and lawyers. Although his work was admired by some at the time, Bentham's ideas were still largely unappreciated. In 1785, he briefly joined his brother Samuel in Russia, where he pursued his writing with even more than his usual intensity, and he devised a plan for the now infamous 'Panopticon'--a model prison where all prisoners would be observable by (unseen) guards at all times--a project which he had hoped would interest the Czarina Catherine the Great. After his return to England in 1788, and for some 20 years thereafter, Bentham pursued--fruitlessly and at great expense--the idea of the panopticon. Fortunately, an inheritance received in 1796 provided him with financial stability. By the late 1790s, Bentham's theoretical work came to have a more significant place in political reform. Still, his influence was, arguably, still greater on the continent. (Bentham was made an honorary citizen of the fledgling French Republic in 1792, and his *The Theory of Legislation* was published first, in French, by his Swiss disciple, Etienne Dumont, in 1802.)

The precise extent of Bentham's influence in British politics has been a matter of some debate. While he attacked both Tory and Whig policies, both the Reform Bill of 1832 (promoted by Bentham's disciple, Lord Henry Brougham) and later reforms in the century (such as the secret ballot, advocated by Bentham's friend, George Grote, who was elected to parliament in 1832) reflected Benthamite concerns. The impact of Bentham's ideas goes further still. Contemporary philosophical and economic vocabulary (e.g.,

'international,' 'maximize,' 'minimize,' and 'codification') is indebted to Bentham's proclivity for inventing terms, and among his other disciples were James Mill and his son, John (who was responsible for an early edition of some of Bentham's manuscripts), as well as the legal theorist, John Austin.

At his death in London, on June 6, 1832, Bentham left literally tens of thousands of manuscript pages--some of which was work only sketched out, but all of which he hoped would be prepared for publication. He also left a large estate, which was used to finance the newly-established University College, London (for those individuals excluded from university education--i.e., non-conformists, Catholics and Jews), and his cadaver, per his instructions, was dissected, embalmed, dressed, and placed in a chair, and to this day resides in a cabinet in a corridor of the main building of University College. The Bentham Project, set up in the early 1960s at University College, has as its aim the publishing of a definitive, scholarly edition of Bentham's works and correspondence.

Method

Influenced by the 'philosophes' of the Enlightenment (such as Beccaria, Helvétius, Diderot, D'Alembert, and Voltaire) and also by Locke and Hume, Bentham's work combined an empiricist approach with a rationalism that emphasized conceptual clarity and deductive argument. Locke's influence was primarily as the author of the *Enquiry Concerning Human Understanding*, and Bentham saw in him a model of one who emphasized the importance of reason over custom and tradition and who insisted on precision in the use of terms. Hume's influence was not so much on Bentham's method as on his account of the underlying principles of psychological associationism and on his articulation of the principle of utility, which was then still often annexed to theological views.

Bentham's analytical and empirical method is especially obvious when one looks at some of his main criticisms of the law and of moral and political discourse in general. His principal target was the presence of 'fictions'--in particular, legal fictions. On his view, to consider any part or aspect of a thing in abstraction from that thing is to run the risk of confusion or to cause positive deceit. While, in some cases, such 'fictional' terms as 'relation,' 'right,' 'power,' and 'possession' were of some use, in many cases their original warrant had been forgotten, so that they survived as the product of either prejudice or inattention. In those cases where the terms could be 'cashed out' in terms of the properties of real things, they could continue to be used, but otherwise they were to be abandoned. Still, Bentham hoped to eliminate legal fictions as far as possible from the law, including the legal fiction that there was some original contract that explained why there was any law at all. He thought that, at the very least, clarifications and justifications could be given that avoided the use of such terms.

Human Nature

For Bentham, morals and legislation can be described scientifically, but such a description requires an account of human nature. Just as nature is explained through

reference to the laws of physics, so human behavior can be explained by reference to the two primary motives of pleasure and pain; this is the theory of psychological hedonism.

There is, Bentham admits, no direct proof of such an analysis of human motivation--though he holds that it is clear that, in acting, all people implicitly refer to it. At the beginning of the Introduction to the Principles of Morals and Legislation, Bentham writes that "[n]ature 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: every effort we can make to throw off our subjection, will serve but to demonstrate and confirm it." From this we see that, for Bentham, pleasure and pain serve not only as explanations for action, but they also define one's good. It is, in short, on the basis of pleasures and pains, which can exist only in individuals, that Bentham thought one could construct a calculus of value.

Related to this fundamental hedonism is a view of the individual as exhibiting a natural, rational self-interest--a psychological egoism. In his "Remarks on Bentham's Philosophy" (1833), Mill cites Bentham's *The Book of Fallacies* (London: Hunt, 1824, pp. 392-3) that "[i]n every human breast...self-regarding interest is predominant over social interest; each person's own individual interest over the interests of all other persons taken together." Fundamental to the nature and activity of individuals, then, is their own well-being, and reason--as a natural capability of the person--is considered to be subservient to this end.

Bentham believed that the nature of the human person can be adequately described without mention of social relationships. To begin with, the idea of "relation" is but a "fictitious entity," though necessary for "convenience of discourse." And, more specifically, he remarks that "the community is a fictitious body," and it is but "the sum of the interests of the several members who compose it." Thus, the extension of the term 'individual' is, in the main, no greater and no less than the biological entity. Bentham's view, then, is that the individual--the basic unit of the social sphere--is an "atom" and there is no 'self' or 'individual' greater than the human individual. A person's relations with others--even if important--are not essential and describe nothing that is, strictly speaking, necessary to its being what it is.

Finally, the picture of the human person presented by Bentham is based on a psychological associationism indebted to David Hartley and David Hume; Bentham's analysis of 'habit' (which is essential to his understanding of society and especially political society) particularly reflects associationist presuppositions. On this view, pleasure and pain are objective states and can be measured in terms of their intensity, duration, certainty, proximity, fecundity and purity. This allows then both for an objective determination of an activity or state and for a comparison with others.

Bentham's understanding of human nature reveals, in short, a psychological, ontological, and also moral individualism where, to extend the critique of utilitarianism made by Graeme Duncan and John Gray ("The Left Against Mill," in *New Essays on John Stuart*

Mill and Utilitarianism, Eds. Wesley E. Cooper, Kai Nielsen and Steven C. Patten, 1979),
"the individual human being is conceived as the source of values and as himself the
supreme value."