

## Jeremy Bentham(1748-1832)

### Bentham's Utilitarianism

#### Introduction

Utilitarianism remains dominated mainly from 1750 to 1850. But in 21<sup>st</sup> century, this school of thought has regained importance. The doctrine of social welfare state and democratic socialism are the creations of this movement. It has long-lasting effects because of its emphasis on humanism, liberalism, rationalism.

#### Development of Bentham's utilitarianism:

Bentham, founder of utilitarianism, used the term "utilitarianism" only twice in his philosophy. However, J.S. Mill popularized this concept. In fact the principle of Utility was first described by Hobbes, he held that men obey a ruler not because of legal or moral obligation but only because it is in their interest to do so. This idea was further elaborated by Hume who held that man seek pleasure and avoid pain.

Bentham was greatly influenced by Hume's discourse and accordingly struggled to reform the various institutions of England i.e. judiciary, law, jails, public administration, Local government, franchise and parliament.

Unlike Hobbes' social contract, principle of utility, according to Bentham is the basis of the state. State is a group of persons organized for the promotion and maintenance of utility (happiness).

#### Importance of utility:

In his "Fragment on Government", government can be judged only through principle of utility. If a government fails in it, there comes revolution.

His second book "The Principles of Morals and Legislation" opens with the famous words:

"Nature has placed mankind under the governance of two sovereign masters, pain and pleasure."

**Utility defined:** Utility means pleasure (usefulness and happiness). Doctrine of utility is hedonistic in nature. Doctrine of hedonism means every action of men is motivated by the desire to obtain as much pleasure and avoid as much pain as possible.

#### Pleasures, pains, and their source:

Bentham holds that there are **four sources** of pleasure and pain:

(1) Physical (nature) (2) Political (3) Moral (4) Religious

He has enumerated **14 simple pleasures:**

(1) Sense (2) Wealth (3) Skill (4) Amity (5) Good name (6) Power (7) Piety (8) Benevolence (9) Malevolence (10) Memory (11) Imagination (12) Expectation (13) Association (14) Relief

He has also enumerated **12 simple pains:**

(1) Senses (2) Privation (3) Awkwardness (4) Enmity (5) Ill-name (6) Piety (7) Benevolence (8) Malevolence (9) Imagination (10) Expectation (11) Association (12) Memory

#### Assumptions of Bentham (Principle of Utility)

Bentham assumed that happiness of greatest number.

- The pleasures of one man are as important as of

another. It means utilitarianism is the principle of equality.

- There is no conflict between the interests of the individual and of the community as a whole because the interest of the community is nothing more or less than the sum total of the interests of its members who compose it.

#### Characteristics of Bentham's Principle of Utility

(1) **Utility implies** "greatest happiness of the greatest number of people" (e.g. a piece of legislation should also secure the greatest happiness of the greatest number.) (2) **Good or bad deeds** depend upon their result i.e. pleasure or pain respectively. (3) **Society** is a group of individuals organized for their own **welfare**. (4) Utilitarianism is **goal oriented** (Ends justify means) (5) It is based on **quantitative hedonism** (whose ultimate goal is maximization of pleasure) (6) Universalistic doctrine: Bentham gave calculus to establish the formula of greatest good of the greatest number. In doing so Bentham made his utilitarianism universal. (7) **Consequences are primary and secondary: The** pain undergone by the man who has been robbed is primary because he feels sad at the loss of his money. It is secondary to all other holders of money. They feel alarmed at the fear of their money also being robbed. (8) **It is objective, fair and clear.** (9) **No respect for antiquity:** it was any consideration of Bentham whether a law or institution has been in existence for many centuries.

**Role of utilitarianism in development of western thought:** Through utilitarianism, Bentham became a powerful spokesman of the middle class or Bourgeoisie in England during the 19<sup>th</sup> century. He also advocated laissez faire, universal suffrage, annual elections to parliament and secret ballot etc. As a result of his struggle, reform act of 1832 was passed posthumously.

#### Criticism

(1) **Wrong analysis of human nature:** Man's nature is not confined merely to seek pleasure and avoid pain as advocated by Bentham. (2) **Wrong calculus:** It is not possible to measure pleasure or pain. (3) **Materialistic theory:** Morality is based on only pain or pleasure. (4) **Pleasure is not universal:** Pleasure differs from man to man. (5) **Pleasure is both qualitative and quantitative:** Bentham ignores quality. (6) Oversimplified classification of pleasure and pain, and analysis of human nature (7) **Ignoring the influence of habits** (8) **All men are not selfish** (9) **He under-estimated society** (while over-emphasizing individuals' pleasures) (10) **Impracticable theory:** For example, ruling elite always focuses on self-interests.

**Conclusion:** Wayper remarks: "Bentham was not an outstanding philosopher though paradoxically he occupies an important place in history of philosophy....he took his theory of knowledge from Locke and Hume, the pleasure and pain principle from Helvetius, the notion of sympathy and antipathy from Hume, the idea of utility from any of half a score of writers." **Allen:** "Bentham is no political philosopher.....but.....a theoretical reformer." **Dacey says:** "History of legal reform in the 19th century in the history of the shadow cast by one man, Bentham."

#### Bentham's state and Reforms

**Introduction:** State is a machine to promote the greatest happiness of the greatest number.

**Bentham holds:** State is a group of persons organized for the promotion and maintenance of utility in terms of the greatest happiness of the greatest number.

**Following are the implications of Bentham state:**

- State on law making agency (law of today) State is sovereign
- No right of resistance against state State as source of rights
- Duty to ensure equality Liberty not end of state;
- State as a machine not natural

**Bentham's reforms**

**Legal reforms:** He opposed the old customs, monarchy and the House of Lords as they were against the interests of common man. Dicey remarks "History of legal reforms in the 19th century is the history of shadow cast by one man, Bentham."

**Judicial reforms:** He wanted to bring a system of free and easy access to justice. He opposed death sentence for crimes other than murder.

**Jail reforms:** Different criminals should be kept separately. They should be treated kindly. They should be educated and trained to become good citizens.

**Theory of punishment:** Punishment should be preventions and creative rather than revengeful.

**Educational reforms:** Poor children should be educated by state and students should be taught what is useful to them for making a career

### Criticism

(A) **Negative state:** His state has no relation with the moral life of the citizens.

(B) **Impracticable theory** (C) **Role of law over-emphasized** (D) **Materialistic theory** (devoid of spiritual happiness) (E) **It leaves no room for morality** (J.S Mill says: *It is better to be a human being dissatisfied than a pig satisfied*)

(F) **Ignores historical influence** (G) **Sovereignty of state is over-emphasized** (H) **Theory of opposition to state doubtful** (I) **Attack against natural rights self contradictory** (J) **Concept of free market economy leads to monopoly and exploitation** (K) **Standard of happiness for each individual is subjective.** Carlyle said: "*Bentham's theory is theory of pigs*"

**Conclusion:** Bentham attacked on English legal system and opposed Blackstone's conservation Blackstone who believed in the credibility of the English institutions. A law is good if it brings happiness and vice-versa. He has also supported Adam Smith's views (laissez faire).

**John Stuart Mill (1806-1873)**

### Mill's Modification of Benthamism:

**Introduction:** Among the liberal thinkers of the 19<sup>th</sup> century England. J.S Mills occupies a very important place. Bentham, the founder of utilitarianism, called him as his intellectual grandson.

**Mill's restatement of utilitarianism**

Trained and educated under the strict supervision of his father, John Stuart Mill found in utilitarianism "a creed, a doctrine philosophy, a religion". However, Bentham's utilitarianism was

criticized on two grounds.

1. Though it helped the industrialist capitalist class (through policy of laissez faire) in making rapid progress, it created many problems for the working poor people.

2. The utilitarian emphasis on seeking pleasure and avoiding pain was severely criticized by anti-hedonistic movement.

Hence, Mill reformed theory of utilitarianism to prove that it is elevating and not degrading. But this modification changed the original character of utilitarianism.

He agrees basically with the principle of utility but interprets it in a way that conclusion drawn goes astray. The points on which Mill restated utilitarianism are:

**Stress on quality of pleasure** (like moral or intellectual happiness)

Instead of merely securing greatest happiness of the greatest number, state, according to Mill to Mill should remove obstacles in way of the progress of individuals.

**Advocacy of socialism:** Unlike Bentham, he considered property as unjust. In fact, he advocates a kind of socialism. He says that monopolies should be controlled by the state. Working-hours should be fixed. State should interfere to some extent (this stance is against Laissez faire advocated by Bentham)

**Justification of democracy:** Bentham said any form of government except democracy will only **serve the interest of the ruling class**. However, Mill says that all people are not fit for democracy. He clearly says that democratic institutions are not fit for characterless and ignorant.

### Criticism

While mill tried to save the face of utilitarianism by restating or modifying it from criticism current during his days, he changed its original nature. In the words of wayper "*in his desire to safeguard utilitarianism from the reproaches leveled against it, Mill overthrows the whole utilitarian position*" In fact, Mill's study of Wordsworth, Coleridge' and Goethe made him realize that Bentham's philosophy had touched only the surface of the things. In order to touch the deeper aspect he introduced in his theory elements which were inconsistent with Benthamism.

### Mill on liberty

**Introduction:**

Two opposite things emerged when Bentham's followers tried to reform his utilitarianism.

1. Extension in the sphere of the state activity and
2. Emphasis on individual activity through reforms in different sectors

In reconciliation of these opposite points, Mill stood forth as the advocate-in-chief of individuality and intellectual and moral development of individuals. In his essay "on liberty", Mill deals with the question of the liberty of the individual in society.

**Mill's idea of individuality**

"It is the harmonious development of individuality that leads to social progress." He felt that with the growth of industrialization, mass society and all-powerful governmental

machinery, individual is likely to be lost. Mill was so fond of individuality and variety that he was even opposed to state education because it reduces the students to a dull uniformity. State education destroyed originality.

**Extent of liberty** (Self-regarding action & others-regarding action)

Mill says that liberty is the sovereignty of individual over himself or "being left to oneself", However, Mill believes that absolute freedom of individual in society is impossible.

**Mill divides the action of the individual into two categories.** The action which affects only the individual who is performing them is self-regarding action. The action which affects others is others-regarding action. Individual should be free in self-regarding actions but be restricted in others-regarding actions.

**Liberty is possibly only in democracy:** But Mill is not blind to the drawbacks of democracy and points out the possibility "tyranny of majority" and the "despotisms of numbers".

**Kinds Fundamental Liberties:** (1) "liberty of conscience" (2) "liberty of thought and feeling" (3) "absolute freedom of opinion" (4) "liberty of expressing and publishing opinions" (freedom of speech and press) (5) "freedom to unite, for any purpose" (freedom of assembly) (6) "liberty of forming the plan of our life to suit our own character, of doing what we like" even if this appeared to be "foolish, perverse, or wrong"

**Importance of freedom of opinion/ Expression:** Freedom of expression should always be absolute. He asserted: "if all mankind minus one were of one opinion, and only one person was of the contrary "opinion, mankind would be no more justified in silencing the one person"

The reasons why the absolute freedom of opinion should be allowed are; Silencing opinion would mean robbing mankind. There are three possibilities in case of a suppressed opinion

- If the silenced opinion is right, the loss to mankind is obvious.
- In case it is partly true, it is of some value that should be given its due.
- In case it is wrong, it has the chance of creating controversy out of which the truth would emerge victorious.
- By silencing an opinion we cannot assume that truth always triumphs in the end. Truth needs constantly to be attacked in order to preserve its vigor".

**Implications of Mill's Liberty:**

- Liberty is essential to enrich personality
- The self-regarding actions which do not harm others should not at all be restrained.
- Function of the state is necessary to enhance individual's liberty (& dignity) against the "tyranny of majority" or oppressive weight of public opinion.

### **More Aspects of Mill's Liberty**

(1) Individualism (2) Personal Freedoms (3) Minimum interference by State (4) Positive impulses (5) Limitations on liberty (6) Revolt against tyranny (7) Moral values (8) Liberty of women (9) Right to own property (10) Disagreement with law—the more the laws, the less the liberties (11) Representative Democracy best form

### **Criticism**

(1) **Mill as prophet of empty liberty and abstract individual (Barker)** (2) **Incomplete picture (only positive aspect) of individual personality:** He ignores negative aspect. (3) **Mistaken view of actions:** (who will decide whether an action is self-regarding or others-regarding?) (4) **Advocate of state interference** (state can become autocrat in the name of safeguarding liberty)

**Over-emphasis on individual dissenter or misplaced person** (5) **Over-emphasis on rule of liberty** (6)

**Impractical aspect of liberty** (how to deal with misuse of liberty: No answer) (7) **Encouragement to imperialism** (He refuses liberty to backward people) (8) **Faulty exposition of liberty**

**Conclusion**

Marx has a word of praise for Mill for his treatment of liberty. He says, "Mill's chapter on freedom of thought and discussion is one of the finest things on that subject in the political literature." He never understood that rights are maintained by the society. That is why he is said to be the father of empty liberty and abstract individual.

### **Mill on representative Government:**

**Introduction:**

For Mill, representative government is best safeguard to individual liberties.

**Importance of representative government:** Democracy is the tool to make men better. In a democracy, men are free to pursue their own interests. If they are wise, they will try to secure their own interests through the fulfillment of social interest. But he is also aware of dangers of democracy.

**Dangers of representative democracy:** But democracy may lead to "tyranny of majority".

**Three levels of representative system**

1. **The people:** Peoples are true pillars of democracy who have right to choose their representatives or legislators.
2. **Elected representatives:** who have better understanding and judgement than people.
3. **A policy-making body:** This comprises experts who have ability to legislate.

### **Safeguards against dangers of representative government**

(1) **Proportional representation:** Through this system, a minority would be as fully represented as the majority. (2)

**Plural voting:** Intelligent and expert should be given right of plural voting. Even, there should be grades of citizens on the basis of their mental and moral qualities. (3) **Qualification of voters** (Only educated tax payer should vote) (4) **Public voting** (There should be no secret ballot) (5) **Voting right for women** (6) **Role of parliament** (to watch working of government)

**Criticism:** (1) **How to give due weight to different elements of the society?** (2) **Qualification of voters is unsound** (3) **Plural voting is unjust** (4) **Public voting is ill-conceived**