THE MORAL THEORY OF JEREMY BENTHAM & WILLIAM PALEY.

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C O N T E N T S

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(Synopsis)

Bentham's moral theory has been somewhat neglected in comparison to his work on jurisprudence and language, and it therefore seems worthwhile to attempt to examine it in some detail. Bentham's secular utilitarianism is compared with the theological utilitarianism of Paley, who has been chosen as a typical contemporary exponent of the theory.

The two theories are first set out fully and without comment; this is followed by a critical examination, not of the theories as a whole, but of various points needing further discussion - such as the subjects of right and rights, obligation, sacrifice, and Bentham's establishment and development of the utilitarian principle.

Bentham's views on punishment, which follow from his moral philosophy, are then expounded, and his Panopticon scheme considered. This is followed by an account of Paley's views on punishment, and an attempt is made to compare and criticize the two theories. It is held that in its application to punishment utilitarianism leads to a paradoxical position, and that that this may point to the theory's falsity.

Then follows a critical examination of Bentham's rather neglected views on religion and its relation to his moral theory. It is suggested that his prejudice against religion

made him incapable of objectively calculating its hedonistic effects, and led him to mistake its basis.

The psychological hedonism of Bentham and Paley is now examined, and their views compared and criticized. Reasons are suggested for rejecting the theory, but the theological basis of Paley's hedonism makes disproof more difficult than in Bentham's case. This is followed by a critical examination and comparison of their utilitarianism, which is ultimately rejected.

Finally, an attempt is made to give some estimate of the importance of the moral theories of Bentham and Paley, both in themselves and in relation to each other.

INTRODUCTION

"Of Paley's work," wrote John Stuart Mill, "though it possess in a high degree some minor merits, we think, on the whole, meanly" (1), and there is no reason to suppose that at the present day many people could be found to challenge Mill's evaluation. Paley has to-day fallen into an oblivion which, I believe, he is far from deserving. His theological writings, it is true, have been robbed of much of their value by the theory of evolution and by the development of theology, but his moral philosophy seems still to deserve more attention than it receives to-day. Too often he is thought of merely as a very minor name in a text-book of ethics - possibly to be memorized, certainly not to be read.

Yet Paley has much to commend him. In the 'Principles of Moral and Political Philosophy' he succeeds in setting out in a remarkably short space a moral theory which is a model of its kind, and it is significant that on its publication in 1785 it was immediately adopted as a text-book in the University of Cambridge. We must not expect to find in it, however, a thorough examination of all moral problems and of conflicting theories. "I have examined

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(1) Dissertations and Discussions (1st ed), Vol I, p.114

no doubts, I have discussed no obscurities, I have encountered no errors. I have adverted no controversies, but what I have seen actually to exist." (1)

Paley's aim is eminently practical; the 'Principles' is intended to be a help to right conduct rather than a philosophical disquisition. "Paley's book is written in a ~~clerical~~ clear, manly, simple style, and he reasons with great accuracy," wrote George Wilson to Bentham (2), and certainly nothing could be further from Bentham's vituperative polemics than Paley's easy, readable style, and persuasive air of sweet reasonableness. Yet to-day we are on the whole a long way from sharing Mackintosh's view of Paley as "this excellent writer, who, after Clarke and Butler, must be ranked among the highest ornaments of the English Church in the eighteenth century." (3).

If Paley's star is on the wane, Bentham's is in contrast in the ascendant. The last two decades have seen a great revival of interest in his work, with which the names of Halévy, Everett, Ogden, and Wisdom are particularly connected. In the main, however, interest has been centred in his work on jurisprudence and the analysis of language, and the details of his moral theory have been

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(1) 'Principles of Moral and Political Philosophy,' author's preface.

(2) Bentham's Works X., p. 147.

(3) Dissertation on the Progress of Ethical Philosophy in the Seventeenth and Eighteenth Centuries (Ed.1836) p.273.

comparatively neglected. This is not to say that they have been entirely ignored; clearly it would be impossible to deal with Bentham's attitude to legal reform without considering the underlying moral theory. But on the whole it has been regarded almost solely as the basis for his reforms, and not as worthy of attention in itself.

There is of course considerable justification for this attitude; first and foremost Bentham was a legal reformer, not a moral philosopher; his aim was essentially practical, and he had little interest in the niceties of moral theory for its own sake. Its primary use seemed to him to be to provide a basis for his legal and other reforms; as J.S. Mill wrote: "It is probable that to the principle of utility we owe all that Bentham did; that it was necessary to him to find a first principle which he could receive as self-evident, and to which he could attach all his other doctrines as logical consequences."(1)

While he looked on moral theory primarily as connected with what he calls public morality, it would be wrong to suppose that he had no interest in private morality; his preparation, towards the end of his life, of the manuscripts which make up the 'Deontology', is proof that this was not so. In fact his moral theory is of far

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(1) Dissertations & Discussions: Vol:I, p,385

greater complexity and sublety than his detractors have frequently supposed. In the past he has too often been looked upon as an Aunt Sally at which first-year students of ethics have been encouraged to throw stones. "Pushpin is as good as poetry" would alone have been enough to provide him with a place in most elementary manuals of ethics. Yet probably a hundred undergraduates could recite the dictum, for every one who could give the name of the work in which it occurs. This comparative neglect of the details of Bentham's moral theory is doubly to be regretted; not only is it in itself of great interest, but it would - quite apart from this - be worthy of attention as one of the first attempts in England completely to secularize utilitarianism.

Paley, Bentham's senior by five years, represents on the other hand perhaps the highest point in the development of theological utilitarianism. There is, then, particular interest in considering their resemblances and differences, and it seems worthwhile to try to set out in detail the two theories, with their application in particular to the important topic of punishment, and to compare and criticize them.

Neither Paley nor Bentham can claim great originality for his moral philosophy. Paley, indeed, makes no secret of the extent to which he is indebted to other writers.

←————"I make no pretensions to perfect originality," he writes; adding, however: "I claim to be something more than a mere compiler," (1) He goes on to acknowledge with openness his debt to Tucker: "There is, however, one work to which I owe so much, that it would be ungrateful not to confess obligations: I mean the writings of the late Abraham Tucker, Esq.....I have found in this writer more original thinking and observation upon the several subjects that he has taken in hand, than in any other, not to say than in all others put together.... But his thoughts are diffused through a long, various, and irregular work. I shall account it no mean praise, if I have been sometimes able to dispose into method, to collect into heads and articles, or to exhibit in more compact and tangible masses, what, in that otherwise excellent performance, is spread over too much surface".(2) In Albee's words, Paley "reduced the unwieldy bulk of Tucker's hopelessly diffuse 'Light of Nature' to clear, definite, and - to his contemporaries - convincing form." (3)

Bentham's attitude to his predecessors is very different. He openly allows that he was not the discoverer

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(1) Principles of Moral & Political Philosophy, author's preface
(2) Principles - author's preface.
(3) Ernest Albee, A History of English Utilitarianism (1902) p.166.

of the utilitarian principle, and in various places acknowledges his debt in this respect to Priestley, Beccaria, Hume, and Helvétius - most of all to Helvétius. He writes, however, as though he were himself the first to appreciate its full meaning and to construct round it a moral system. In 1822, in a letter to his friend and translator Etienne Dumont, he writes: "Hume was in all his glory, the phrase was consequently familiar to everybody. The difference between me and Hume is this: the use he made of it was to account for that which is, I to show what ought to be." (1) Some forty-five years earlier, however, he had more generously written of Hume's 'Treatise of Human Nature': "I well remember, no sooner had I read that part of the work which touches on this subject" (utility) "than I felt as if scales had fallen from my eyes."(2) He notes in his commonplace book that "Priestley was the first (unless it was Beccaria) who taught my lips to pronounce the sacred truth, that the greatest happiness of the greatest number is the foundation of morals and legislation," (3) but later tells his biographer, John Bowring, "... I found greatest happiness

(1) 6th Sept.1822, M.S.S.U.C. No.10,(cited Halévy's Growth of Philosophic Radicalism.)
(2) Works L., p. 268
(3) Works X, p.142

in Priestley, who did not turn it into a system and knew nothing of its value. He had not connected with happiness the ideas of pleasure and pain." (1)

Bentham is constantly concerned to establish himself as the originator of utilitarianism and as the proclaimer of a new system of conduct; his lack of any historical sense, his self-confidence - bordering , we must admit, on conceit - lead him to disregard the fact that utilitarianism had been a developing moral theory for at least a generation before he himself began writing. It would not even be true to assert that he was the originator of secular utilitarianism; he completed the process, but Gay and Tucker had already paved the way.

Yet we must not, I think, suppose that Bentham was intentionally disingenuous. The ignorance which he displays of his utilitarian predecessors is no greater than his equally striking ignorance of non-utilitarian systems. In Albee's words," he was as nearly unacquainted with the previous development of English Ethics as it is possible for an intelligent writer on kindred subjects to be."(2) We must bear in mind, too, that Bentham's motive in writing was first and foremost the practical one of providing a guide to action; he did not set out to write a purely theoretical

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(1) Works X. p.567
(2) History of English Utilitarianism (1902) p.167

text-book of moral theory. Bearing this in mind, we may perhaps blame him less for failing to acknowledge his debt to other writers.

Although, as I hope to show, there is a striking similarity between the moral theories of Bentham and Paley, as men they were far from alike. Paley, an archdeacon of the Church of England, was a tolerant, good-natured, country gentleman of sound common-sense. If his religion lacked fervour, his piety was no less genuine. He may not have been of the stuff of which saints are made, but at least his honesty and attention to duty stand out in contrast to the conduct of many of his contemporary fellow-clergy. Although politically a liberal (his refusal to withdraw the famous illustration of the pigeons in his chapter on property in the 'Principles' lost him the chance of ecclesiastical preferment) he is inclined to defend as a whole the prevailing conditions of his time; in Halévy's phrase he "lacked the intransigeance of the revolutionary and of the doctrinaire."(1) Bentham, in contrast, turned from his Tory upbringing to extreme radicalism; the constitution of his mind was such that it was always natural to him to oppose, and all his writings display his polemical

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(1) Growth of Philosophical Radicalism, (1928) p.25

spirit. Lacking Paley's modest and easy-going nature, and endowed with unshakeable self-confidence and self-sufficiency, he is apt to exhibit towards those with whom he does not agree a cantankerousness and intolerance irritating even to his admirers. His personal relations with those of his circle, though punctuated by fits of impatience and petulance, were, however, most amicable; Francis Place describes him as "the most affable man in existence, perfectly good-humoured, bearing and forbearing, deeply read, deeply learned, eminently a reasoner, yet simple as a child."(1)

A word is perhaps necessary on the works which contain Bentham's and Paley's moral theories. So far as Paley is concerned, his 'Principles of Moral and Political Philosophy', which has already been mentioned, is his only work on ethics. Bentham presents a very different picture. A complete list of his writings, compiled by Dr. C.W. Everett, is printed as an appendix to the English edition of Halévy's 'Growth of Philosophic Radicalism.' His collected Works, published in 1843, consist of eleven volumes closely printed in double columns, and even so these do not include his

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(1) Growth of Philosophic Radicalism (1928) p. 309
(1) Cited in Graham Wallas's 'Francis Place', p. 81

writings on religion, which were thought unsuitable for inclusion by his literary executor, Bowring. Nor do they include the 'Deontology', which was published posthumously in 1834, and excluded from the collected works because the first printing was not exhausted. The 'Deontology' together with 'An Introduction to the Principles of Morals and Legislation' - which was printed in 1780 but ~~was~~ not published until 1789 - are the principal, but not the only, sources for his moral theory.

The degree of authenticity of the 'Deontology' has always been a matter of dispute, for a reason which will be apparent from its full title - 'Deontology, or the Science of Morality: in which the harmony and coincidence of duty and self-interest, virtue and felicity, prudence and benevolence, are explained and exemplified, from the MSS. of Jeremy Bentham, arranged and edited by John Bowring.' The book is in two parts, the first dealing with the theory of virtue, and the second with its practice. While it has been suggested that Bowring himself may have been responsible for a certain proportion of the contents of the second volume - a suggestion probably originating from J.S. Mill - the

authenticity of the first volume has never, to my knowledge, been seriously questioned. Its style alone would proclaim it Bentham's work, and it contains many typical Benthamic diatribes. Apart from this, the matter itself appears undoubtedly genuine, and differs in no important respect from the ethical theory of the 'Principles'. * There therefore seems no reason for doubting its authenticity, and since it is Bentham's only work on private, as opposed to public, morality, it should not be neglected. The second volume presents more of a problem; since, however, it consists merely of practical examples of prudence and benevolence, and contains nothing new or of importance to Bentham's moral theory, I have disregarded it entirely, and quoted only from Volume I.

I do not intend to add a Bibliography, as it would be both presumptuous and impossible to attempt to improve on that compiled by Dr. Everett for the English edition of Halévy's 'Growth of Philosophic Radicalism.' I should, however, like to mention the following books, which are

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* Bowring may, I suggest, have toned down Bentham's more virulent comments on religion. This is discussed below in the chapter on Bentham's views on religion.

subsequent publications.

C.W.EVERETT.	The Education of Jeremy Bentham (1931)
" "	Bentham's 'Limits of Jurisprudence Defined.' (1945)
J.L. STOCKS.	Jeremy Bentham, 1748 - 1832 (1933)
C.K. OGDEN.	Jeremy Bentham, 1832 - 2032 (1932)
" "	Bentham's 'Theory of Fictions.'(1932)
" "	The Theory of Legislation(trans. Hildreth. ed. Ogden. Also included text of 'Offences against Taste' from University College MSS.) (1931)
J. WISDOM.	Interpretation and Analysis (1931)
W. HARRISON.	58pp. Introduction to Blackwell's ed.(1948) of Bentham's 'Fragment on Government' and 'Introduction to the Principles of Morals & Legislation.'

It should be added that the mass of Bentham MSS. in the possession of University College, London, are at present in store in Wales, where they were moved in 1939, and are not available for reference.

Note: All references to Bentham's 'Principles' are to the Oxford edition (1907), which is a reprint of the edition of 1823, incorporating Bentham's corrections.

- CHAPTER I

Exposition of Bentham's Moral Theory.

A discussion of Bentham's moral theory falls conveniently into three parts, dealing respectively with moral psychology, moral knowledge, and moral rules.

A. MORAL PSYCHOLOGY

His moral psychology can be summed up by the three following quotations, the first from the 'Principles of Morals and Legislation,' and the others from the 'Deontology'. "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."(1) "The obtaining of pleasure, the avoidance of pain - are the sole motives of human conduct."(2) "For a man not to pursue what he deems likely to produce to him the greatest sum of enjoyment, is in the very nature of things impossible."(3) These quotations make it clear that Bentham is a psychological hedonist; that is, that he considers it impossible for a man, to act in any way except that which he thinks will bring about his greatest pleasure. He stresses this again and again. "The first law of nature is to wish our own happiness."(4) "To obtain the greatest

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(1) Principles of Morals and Legislation - p.1
(2) Deontology - p.66 (3) Ibid. p.13 (4) Ibid. p.18

"portion of happiness for himself, is the object of every rational being." (1)

He defines happiness as "the possession of pleasure with the exemption from pain. It is in proportion to the aggregate of pleasures enjoyed, and of pains averted."(2) Thus he draws no fine distinction between happiness and pleasure, but regards happiness merely as the sum or aggregate of pleasures. He writes, for example, "Take the elements of Pleasure away, and of what is left behind you may make happiness, when you can make a palace out of smoke and moonshine." (3) These are not the only words which he sometimes uses interchangeably. In a passage in the 'Principles', for example, he describes utility as "that property in any object, whereby it tends to produce benefit, advantage, pleasure, good, or happiness, (all this in the present case comes to the same thing) or (what again comes to the same thing) to prevent the happening of mischief, pain, evil, or unhappiness..."(4) In the 'Deontology' he states that the word 'happiness' is not always appropriate, since "it represents pleasure in too elevated a shape," and "seems associated with the idea of enjoyment in its superlative degree." He suggests instead the word"well-being"

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(1) Deontology, p.18 (2) Ibid -p.17 (3) Ibid.- p.178
(4) Principles of Morals and Legislation - p.2

to denote the balance of pleasure over pain spread over any considerable time. (1) From all this there emerges the fact that for Bentham happiness and pleasure are in no way different in kind, but only in degree.

Bentham believes, then, that I cannot do any action unless I believe that it is going to give me more pleasure (or at least less pain) than any other action. To act in what would normally be described as an altruistic way is impossible if it would entail sacrificing my own pleasure. On this view 'ought' and 'right' can be used only in a non-moral sense. To say: "I ought to have done X and not Y"can only mean: "X would have resulted in greater happiness for me than Y", just as at chess one might say: "I see now I ought to have moved my knight and not my bishop." Bentham holds that morally wrong actions are merely miscalculated actions. "To prove that the immoral action is a miscalculation of self-interest -- to show how erroneous an estimate the vicious man makes of pains and pleasures, is the purpose of the intelligent moralist".(2) He advocates the abolition of the word 'ought' in its moral sense: "If the use of the word be admissible at all, it 'ought' to be banished from the vocabulary of morals." (3)

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(1) Deontology p.78(2) Ibid p.12 (3) Ibid p.32.

Clearly, too, if men always act from the same motive (that of obtaining for themselves the maximum happiness) only the consequences can be taken into account when judging the rightness or wrongness of an action. The motive is always the same - always the obtaining of some pleasure, or the avoidance of some pain. But just as there are different kinds of pleasure and pains (1), so the motives which correspond to them are for convenience given distinguishing names, which may be eulogistic, dyslogistic, or neutral. For example, the motive corresponding to the pleasures of wealth may be approvingly termed economy or frugality; disapprovingly termed avarice or niggardliness; or, in a neutral sense, pecuniary interest. It is essential to notice, however, that since pleasure is the only good (2), no motive is in itself bad. "Let a man's motive be ill-will; call it even malice, envy, cruelty; it is still a kind of pleasure that is his motive: the pleasure he takes at the thought of the pain which he sees, or expects to see, his adversary undergo. Now even this wretched pleasure, taken by itself, is good; it may be faint; it may be short... yet while it lasts, and before any bad consequences arrive, it is as good as any other that is not more intense." (3)

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(1) Principles, Ch: 5 (2) Ibid p.102 (3) Deontology,p.10

If we always act in the way which we think will maximize our happiness, and if it is impossible for us to act in any other way, what, we may ask, is the function of ethics? Of what use is the moralist? These questions, in Bentham's opinion, arise from a misunderstanding of the moralist's role. He scorns the type of moralist who "gets into an elbow chair, and pours forth pompous dogmatisms about duty and duties!" (1) Why, he asks, is he not listened to? Because everyone is thinking not about duty but about interests, since it is a man's nature to think first of his own interest. Whatever the moralist may say, Bentham adds, duty must and will be made subservient to interest, and it is with the latter that the intelligent moralist will concern himself. The proper function of a moralist, then, is to help a man to calculate what course of action will in fact lead to his greatest happiness, to help him to draw conclusions about the future from the past, and to "point out ends which had not suggested themselves, and means by which they can be accomplished." (2) (By 'ends' Bentham here means actions or activities which produce pleasure; strictly speaking, the obtaining of pleasure itself is the only possible end.) A man acting in the heat of the

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(1) [illegible] Deontology . p.10

(2) Ibid ; p.29

moment may not correctly calculate the pleasurable or painful consequences of his action; the moralist can help him to do so. In particular he can prevent a greater distant pleasure from being sacrificed to a lesser present pleasure through the agent's thoughtlessness or miscalculation. He can point out that an action giving immediate pleasure may injure other members of society and cause them to avenge themselves on the agent, so that he ultimately receives more pain than pleasure. "To be most useful he will be employed somewhat in the character of a scout - a man hunting for consequences - consequences resulting from a particular course - collecting them as well as he can, and presenting them for the use of those who may be disposed to profit by his services." And Bentham adds, with perhaps a trace of smugness: "His task is humble - his labour is great - his reward can only be the anticipation of good to be done."(1) In fine, his business is to come, through the use of his reason, to as accurate a computation as possible of the pleasurable or painful consequences of any action. He is, as it were, a calculating machine for the moral arithmetic. If psychological hedonism is true, this is certainly the only possible function of a moralist, and that it is a possible

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(1) Deontology p.30

function does not seem to me deniable. It must be remembered, however, that a man can only act as a moralist if he believes that by doing so he is obtaining his own greatest happiness.

A second question arising from Bentham's psychological hedonism is that of how to account for apparently altruistic actions. It is undeniable that men sometimes do actions which do not appear to be aimed at their own greatest happiness. To take a simple example -- suppose that X has a ticket for a concert which he knows he will enjoy. When no more tickets are available he discovers that his friend Y very much wishes to go to the concert, but has no ticket. X gives Y his own ticket. Most people would say that X acted altruistically, and sacrificed his happiness to Y's. But for Bentham this is impossible. "Unless in some shape or other he derived more pleasure from the sacrifice than he expected to derive in abstaining from making the sacrifice, he would not, he could not, make it." (1) If, then, a man sacrifices his present pleasure, it can only be because he believes it will result in his greater ultimate happiness. And since Bentham disbelieves in God and in a future life, this ultimate happiness must be achieved in this life. How can this come about?

In the first place, Bentham answers, it can come

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(1) Deontology , p.191

about through the social affections. A man obtains pleasure from knowing that he is giving pleasure to others. "The pleasure I feel in bestowing pleasure on my friend, whose pleasure is it but mine? The pain I feel at seeing my friend oppressed by pain, whose pain is it but mine?" (1) Bentham argues: "Seek the happiness of others, -- seek your own happiness in the happiness of others." (2)

In the second place, doing a kindness to a friend makes it very probable that he will return the kindness in some way. If X gives his ticket to Y, Y is likely to take X to a concert or theatre, or to invite him to dinner, in order to repay his social debt. Thus X not only gains present pleasure from giving a pleasure to Y (through sympathy)(3) but has in addition both the pleasurable anticipation and (in all probability) the actual enjoyment of Y's returning the service. With beneficience, Bentham points out, "the more we pour out its wealth upon others, the greater does the stock of wealth become which we ourselves possess. The diffusion of its riches is the very source of its opulence. He who secures for himself a pleasure, or avoids for himself a pain, influences his own happiness directly; he who provides a pleasure, or prevents a pain to another, indirectly

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(1) Deontology p.83
(2) Ibid p.17
(3) See page 24 below.

advances his own happiness." (1) There can be, then , no such thing as intentional self-sacrifice, since it is psychologically impossible for a man knowingly to give up more happiness than he hopes to obtain. All action is ultimately selfish, although it may appear altruistic.

It follows that virtue itself must be selfish. It consists not in self-denial, but in the creation of happiness. The greater the balance of pleasure over pain produced by an action , the more virtuous it is, and no action can be virtuous which does not produce a balance of happiness. Virtue and vice can be estimated only by their influence on the creation of pleasure and pain, and have no meaning apart from this. S ince a man always acts to maximize his own pleasure, vicious actions can come about only through mis-calculation of consequences.

Bentham's treatment of virtue differs slightly in the 'Principles' and the 'Deontology'. In the former it is divided into Prudence (a man's duty to himself), Probity (forbearing to diminish the happiness of others), and Beneficence (increasing the happiness of others.) In this work there is no attempt to give a systematic treatment of virtue, since it is written largely from the point of view of jurisprudence. The 'Deontology', however, being concerned

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(1) Deontology , p.17

with private morality, contains a fuller discussion of the subject. Virtue is there divided into two branches -- Prudence, and Effective Benevolence. The former has its seat in the understanding; the latter, in the affections. These are, Bentham holds, the only two intrinsically useful virtues, and all other virtues derive their value from them. Prudence is sub-divided into self-regarding and extra-regarding prudence;effective benevolence into positive (pleasure-giving) and negative (pain-preventing). Examples may make these distinctions clearer. If I have a cold, it is prudent of me to gargle in an attempt to get rid of it, and this prudence is self-regarding. If my friends have colds, it is prudent of me to try to make them gargle, to shield myself from infection, and this Bentham calls extra-regarding prudence. For all practical purposes the 'probity' and 'beneficience' of the 'Principles' can be taken as identical with the negative and positive effective benevolence of the 'Deontology'. In practice these distinctions between the different branches of virtue are almost unworkable, and Bentham himself seems to ignore the subdivisions of prudence, and writes usually merely of 'prudence' and 'effective benevolence'. As terms they are perhaps unfortunate, for fundamentally all virtue must be prudence, since it is all for the agent's own happiness.

Bentham's explanation of altruism leads to a more general consideration of the problem of the identification of interests. This is one of the greatest difficulties with which Bentham is faced, since he must show how the general happiness can result when each man is seeking his own happiness. There is, so far as I know, no detailed discussion of this problem in any of his writings, nor even an explicit acknowledgement of its existence. He does, however, seem to suggest incidentally three (or, as I prefer to think of it, two) ways in which interests either do, or can be made to harmonize.

The earliest theory which he seems to have held has been named by Halévy in 'The Growth of Philosophic Radicalism', "the principle of the artificial identification of interests."(1) This theory recognizes that if every man pursues his own happiness, irrespective of other people's, their interests will clash and cause unhappiness. This is to be resolved by the legislator. It is for him to frame laws penalizing actions tending to diminish the public happiness. Bentham writes in the 'Principles': "The general object which all laws have, or ought to have, in common, is to augment the total happiness of the community; and,

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(1) p. 17 (ed.1928)

"therefore, in the first place, to exclude as far as may be, anything that tends to subtract from that happiness." (1)

Thus, as Halévy points out, Bentham's first great work was"an introduction to the principles" not only "of morals", but also, and above all, "of legislation." (2)

It is possible, however, to find in both the 'Principles' and the 'Deontology' passages showing that the principle of the artificial identification of interests is not the only theory held by Bentham to explain the coincidence of public and private interests. He also considers that this is brought about to some extent by sympathy and benevolence, as I have attempted to show in discussing apparent altruism. There are no occasions, he writes, in which a man has not some motives for consulting the happiness of other men. He has always those of sympathy and benevolence, and usually also those of love and amity and love of reputation. He defines the pleasures of benevolence or sympathy as those "resulting from the view of any pleasures supposed to be possessed by the beings who may be the objects of benevolence; to wit, the sensitive beings we are acquainted with."(3)

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(1) Principles p.170 (2) Growth of Philosophic Radicalism (ed.1928) p.18

(3) Principles p.36.

The love of amity is the love of those pleasures which "accompany the persuasion of a man's being in the acquisition or possession of the good-will of such or such assignable persons in particular; or, as the phrase is, of being upon good terms with him or them; and as a fruit of it, of his being in a way to have the benefit of their spontaneous and gratuitous services."(1) Similarly the pleasures of good repute are those which "accompany the persuasion of a man's being in the acquisition or the possession of the good-will of the world about him; that is, of such members of society as he is likely to have concerns with; and as a means of it, either their love or their esteem, or both; and, as a fruit of it, of his being in the way to have the benefit of their spontaneous and gratuitous services."(2)

Halévy has named this theory 'the fusion of interests'. (3) It is important to note that it has two branches. There is firstly the theory that through sympathy with others we share their happiness and unhappiness, and therefore in our own interests try to bring about the former and spare them the latter. Secondly, there is the 'do-as-you-would-be-done-by' aspect. We realize that people's behaviour towards us is usually similar to our towards them. People to whom we

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(1) Principles p.35. (2) Ibid.
(3) Growth of Philosophic Radicalism (1928) p.13.

cause pain are apt to try to obtain revenge through similar acts towards us, while those to whom we are kind usually try to make us happy by acting kindly towards us. Therefore it is in our own interest to treat others as we should like them to treat us. Bentham compares an action done for this reason to a commercial bargain.(1) The expenditure, he writes, is expected to bring back something more than its cost, and no expense fails to be beneficial that brings back an equivalent or something more. (He does not, however, explain how a mere equivalent is beneficial).

In addition to this positive, or pleasure-giving aspect, Bentham stresses the pain which we can avoid for ourselves by refraining from harming others. He describes a case in which one might wish to revenge oneself upon a man who has injured one. "Morality requires, your own interest requires, that you should forbear from doing him mischief. Cast up the results -- the pains of ill-will, the pleasures of revenge, and then the reaction of revenge upon yourself, and possibly upon others. You will find the balance against you, as concerns your own account -- the self-regarding account." (2)

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(1) Deontology p.308 (2) Ibid p.181, 182.

In the 'Principles' the emphasis is on the artificial identification of interests, with the fusion principle occupying a secondary place, In the 'Deontology' it is the artificial identification theory which is passed over almost without mention, and the fusion principle which occupies first place. This is not surprising, since the 'Principles' deals with conduct from the legal aspect, while the 'Deontology' is concerned with private morality -- that is, with conduct not subject to the regulation of the law. Since the 'Principles' is primarily a work on jurisprudence, it is natural that there should be little consideration in it of theories other than that of artificial identification.

Although even in the 'Deontology' Bentham is not explicit on the subject of the identification of interests, he gives more attention to it there than in the 'Principles'. There are many passages describing the universality of the pleasures and pains of sympathy and the social affections, and urging that happiness is best found in the happiness of others. The pleasures of sympathy, he writes, "form as large a portion of a man's happiness as any merely self-regarding pleasure"(1) and "to deny the existence of the social affections would be to deny the evidence of all experience" (2),

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(1) Deontology p. 169, 170 (2) Ibid p.83.

for "the sense of sympathy is universal. Perhaps there never existed a human being who had reached full age without the experience of pleasure at another's pleasure, of uneasiness at another's pain.....This sympathy then will operate as a restraint against the giving pain." (1) He also points out in detail the advantages arising from kindness to others, and the unpleasant repercussions which an unkind action has on the agent. "A man cannot hate another without exciting some portion of hate in return. He cannot visit another with unfriendliness without curtailing the friendly affections of that other towards him. There is no voice, whether of malevolence or benevolence, without an echo; no act, of good or evil, without a vibration." (2)

It is possible to find in the 'Deontology' passages suggesting that Bentham may have held a third theory of the identification of interests, although there seems no suggestion of it in the 'Principles'. This is the theory which Halévy has named 'the principle of the natural identification of interests.' (3) It simply asserts that the best way to obtain the greatest general happiness is for each man to

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(1) Deontology p.169 (2) Ibid. p.181.
(3) Growth of Philosophic Radicalism (1928) p.15.

seek his own greatest happiness. If this is done, it is held that the maximum obtainable happiness will result. Bentham writes, for example: "If each man, acting correctly for his own interest, obtained the maximum of obtainable happiness, mankind would reach the millenium of accessible bliss." (1) "To obtain the greatest portion of happiness for himself, is the object of every rational being...His interest must, to himself, be the primary interest; nor, on examination, will this position be found unfriendly to virtue and happiness; for how should the happiness of all be obtained to the greatest extent, but by the attainment by every One for himself, of the greatest possible portion ? Of what can the sum total of happiness be made up, but of the individual units?" (2)

Although Halévy regards this theory as existing in its own right, it can well be argued that it does not exist in Bentham's works as a principle distinction from that of the fusion of interests. Bentham may appear to write as though he considers it a separate principle, but on analysis it seems clear that in fact he can only believe that interests naturally coincide through the operation of prudence and sympathy. It is to be noted that in the two passages last

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(1) Deontology p.12 (2) Ibid p.18.

quoted Bentham writes of "the maximum of obtainable happiness" and "the greatest possible portion" of happiness, as distinct from the greatest immediate happiness. If men acted merely to obtain the latter, it would be impossible to argue that the greatest general happiness would result. This is too obvious to need elaboration or illustration. As I have tried to show, Bentham goes to great lengths to demonstrate that a man's greatest happiness is found not in snatching at the pleasure of the moment, but in carefully calculating what action will bring about the greatest balance of pleasure for him. He stresses that this can be obtained only through careful consideration of the interests of others, since their happiness reacts on his own through sympathy and reciprocation. Thus "by the attainment of every one for himself, of the greatest possible portion" of happiness, the general happiness is indirectly increased, and there is no antithesis between private and general interests. For this reason it seems to me impossible to maintain Halévy's distinction between the principles of the natural identification of interests and the fusion of interests.

The next point to be noted in connection with Bentham's moral psychology is his classification of pleasures and pains. The list given in the 'Deontology' is as follows:-

1) The pleasures and pains of sense.
2) " " of wealth, and the corresponding pains of privation.

3) The pleasures of skill, and pains of awkwardness.
4) " " " amity, " " " enmity.
5) " " " good reputation, and pains of ill-repute.
6) The pleasures of power.
7) " " " piety, and their contrasted pains.
8) " " and pains of sympathy or benevolence.
9) " " " " " malevolence.
10) " " " " " memory.
11) " " " " " imagination.
12) " " " " " expectation.
13) " " " " " association. (1)

In the 'Principles' the list is identical , except for a few slight differences in terminology, and the addition of another class of pleasures, those of relief. These he describes as "the pleasures which a man experiences when, after he has been enduring a pain of any kind for a certain time, it comes to cease, or to abate." (2)

Bentham appears to regard the accuracy of his classification as self-evident, although, as Albee points out, the list " is a purely arbitrary one, having no warrant in psychology," and "is hardly, if at all, calculated to assist us in the actual computation of pleasures and pains."(3) It is, however, understandable that Bentham gives no arguments in support either of this classification or of psychological hedonism, since psychology was by no means his main interest, nor was he in any sense the originator

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(1) Deontology. p.64,65. (2) Principles, p.37.
(3) Ernest Albee, A history of English Utilitarianism (1902) p.186.

of psychological hedonism.

Bentham applies the term 'sanction' to pleasures and pains which operate as efficient causes. He defines a sanction as "a source of obligatory powers or motives; that is, of pains and pleasures, which according as they are connected with such and such mode of conduct, operate, and are indeed the only things which can operate, as motives,"(1) They are, he says, inducements to action. "They suppose the existence of temptations. Temptations are the evil; sanctions the remedy. But neither are sanctions nor temptations anything but pains and pleasures, acting singly in the case of temptations, acting as sanctions in groups."(2) These pains or pleasures may be attached to actions either by nature or by the legislator; in either case they are termed sanctions. The legislator has only one way of making men conform their behaviour to the standard he desires, and that is through pleasure and pain; through, in fact, the operation of the sanctions, which thus assume great practical importance.

In the 'Principles' Bentham names four sanctions; in the 'Ontology' and 'Deontology' the number is increased to

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(1) Principles p.25 footnote. (2) Deontology, p.88

five; while in a letter to Dumont dated October 28th 1821, six are specified. These changes represent no real alteration in Bentham's opinions, but are rather the result of his passion for classification, which constantly led him to attempt to improve this side of his work.

Three sanctions are identical in these four works; they are the physical, political, and religious. Pride of place is in each case given to the physical sanction. Its punishments and rewards are the pains and pleasures which are the natural consequences of an action, and are not caused or modified by the will of a human being or by God. It is the only sanction which would still exist in all its force if a man were isolated from the world and from his fellow-men, and had no belief in the superintendance of Providence. Its pleasures are exemplified by the enjoyment of food and bodily comforts, and its pains by the injuries received from steering one's bicycle into a brick wall or drinking sulphuric acid. Its strength is of course increased or modified by the particular sensibilities of the individual. Although it represents the pleasures and pains which are not the direct result of a man's social, political, or religious position, it is the basis of all other inducements, since it is only through their power to produce enjoyment or suffering that they can influence a man.

The political or legal sanction is the weapon of the legislator rather than of the moralist. To it belong those pleasures and pains which are dealt out as rewards and punishments by a certain officially appointed person or set of persons in the community, in respect of actions which the official authorities consider worthy of state reward or state punishment. It has two branches: the adminstrative, which acts mainly by rewards - such as awarding medals or decorations; and the judicial, which acts almost entirely by punishments - such as fines and imprisonment.

The religious, or superhuman, sanctions, has two principle sources of influence. In the first place, it supposes God to be aware of every misdeed; and in the second place, to know all aggravating or extenuating circumstances, and thus to have perfect knowledge of the exact degree of an action's malignity. In those cases in which it operates, the religious sanction has particular power in that it lacks the defect of the other sanctions - the possibility of escape from observation and punishment. In place of fallible human jurisdiction, there is an omnipotent and omniscient Deity to apportion inescapable rewards and punishments. The deficiency of this sanction lies in the remoteness of its pleasures and pains, which, since they do not take

effect until after death , are apt to be forgotten in life.

The fourth and last sanction to be listed in the 'Principles' is the moral or popular. It also appears in the three other works already mentioned, but its scope is there lessened by sub-division. In both cases it is merely public opinion under another name, and its pleasures and pains are those received, "at the hands of such chance persons in the community as the party in question may happen in the course of his life to have concerns with, according to each man's spontaneous disposition, and not according to any settled or concerted rule." (1) For example, it is this sanction which punishes an habitual drunkard when his friends desert him, his neighbours avoid him, and his relations disown him. Its operations vary from one civilization to another, and even from one class to another in the same society; Bentham contrasts what he calls the 'democratic' and 'aristocratic' branches of the popular sanction as it operated in England at his time. He points out that the more men live in public, the more amenable they are to the moral sanction. The liberty of the press "throws all men into the public presence", and is "the greatest coadjutor of the moral sanction. Under such influence, it were

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(1) Principles p.25

strange if men grew not every day more virtuous than on the former day. I am satisfied they do. I am satisfied they will contine so to do, till, if ever, their nature shall have arrived at its perfection. Shall they stop? Shall they turn back? The rivers shall as soon make a wall, or roll up the mountains to their source." (1) "Who knows, but even I, an instrument so mean as I, " he adds, " may be found to have done something towards a work so glorious, and this my prophecy itself, like so many others, be in a certain degree the cause of its own completion?" (2)

In the other three works already referred to, the social or sympathetic sanction takes over part of the work assigned in the 'Principles' to the moral sanction. Its province is a man's personal or domestic relations, and it is described as "a sort of mixture of the selfish with the social regard. To some extent its judgment is created by his own influences; it is the application to himself of that domestic code of which he has been one of the framers."(3) To take again the example of the drunkard - being disowned by his family and close friends is a punishment of the social or sympathetic sanctions; while being avoided by his neighbours, acquaintances, and business associates, being

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(1) Deontology p.100 (2) Ibid, p.102 (3) Ibid. p.100

turned out of his club, and losing his job, are punishments of the moral or popular sanction. Bentham points out that the operation of the former is more direct and immediate than that of the moral sanction, since a man's happiness for the most part depends on those with whom he is in close and constant contact. The two sanctions, he adds, act and react on each other; and the moral sanction is "the great recipient of all the social sanctions." (1)

In practice is is often difficult to draw the distinction between the moral and social sanctions. Where, for example, do my 'personal relations' end, and my 'business relations' begin? Bentham himself gives expulsion from a club on account of drunkenness as an example of the working of the moral sanction, but it is arguable that if many of the members were until that time my friemds, with whom I had personal relationships, my punishment would be from the social sanction. It is difficult, too, to see what the moral sanction can be but the aggregate of the social sanctions, since public opinion is surely composed of the personal opinions of the individuals comprising the community in question; Bentham himself describes the moral sanction, in a passage already quoted, as "the greatest recipient of all the social sanctions." The choice of the word 'social' to

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(1) Deontology p.100

denote the narrower of these two sanctions is also open to criticism, since it naturally suggests a wider sphere than a man's personal relationships. In the 'Deontology' Bentham refers to it in passing as the 'domestic' sanction, which has the advantage of being self-explanatory, and seems the better term.

To the best of my knowledge these are the only sanctions set out in any of Bentham's published works. However, in a footnote added by the editor to the 'Principles' in the collected Works, there is a reference to a letter written by Bentham to Dumont, and dated October 28th 1821. (1) In this footnote a short extract from the letter is given, in which Bentham mentions that seven sanctions have now been discovered, and gives these as the Physical, Retributive, Sympathetic, Antipathetic, Popular or Moral, Political, including Legal and Adminstrative, and Superhuman or Religious. Unfortunately the footnote contains no elaboration or discussion of the new letter. It would, however, be very surprising if it showed any real change in Bentham's opinions; in all probability it merely contains what he considered to be further refinements of classification and sub-division.

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(1) Works I. p.14.

B. MORAL KNOWLEDGE.

The second main heading under which a discussion of Bentham's moral theory falls is that of moral knowledge. There is only one fact of which he believes us to have intuitive moral knowledge, and that is of the goodness of pleasure and the evil of pain. This, he writes in the 'Deontology', is the only axiom which he desires to have taken for granted.(1) "Is it susceptible of any direct proof?" he asks in the 'Principles', and answers: "It should seem not: for that which is used to prove everything else, cannot itself be proved: a chain of proofs must have their commencement somewhere. To give such proof is as impossible as it is needless."(2) From the fact that pleasure is good, Bentham goes on illogically to deduce that it is the only good. In the 'Principles' he writes: "Now, pleasure is in itself a good: nay, even setting aside immunity from pain, the only good: pain is in itself an evil; and indeed without exception the only evil; or else the words good and evil have no meaning. And this is alike true of every sort of pain, and of every sort of pleasure."(3) Speaking of the 'summum bonum' he says:"If it were anything, what would it be? Could it be anything but pleasure? A pleasure, or the cause of pleasure?

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(1) Deontology. p.278 (2) Principles, p.4 (3) Ibid. p.102.

Supreme pleasure - pleasure without pain - happiness maximized?" (1)

Since pleasure is good, it follows that the more there is of it, the better. The only test of virtue, as we have seen, is that it should maximize happiness. As a guide to action, however, this is not sufficient. We need also to know how this happiness is to be distributed. If of two courses of action, one would give x units of pleasure to one person, and the other x units of pleasure to be divided among ten persons, which is to be preferred? Both bring into being the same amount of pleasure; and the agent can have no hedonistic preference, or the problem would not arise.

In his earlier works, such as the 'Principles,' Bentham formulates the utilitarian principle as "The greatest happiness of the greatest number", but in the 'Deontology' he modifies it to "The greatest happiness." Exactly what these two phrases imply, and whether they differ, is an interesting and important question, which I shall discuss later. But in the 'Deontology', at least, there seems no suggestion that Bentham considers that we have moral knowledge of how we should aim to distribute happiness; the aim of action should be merely to produce as much happiness as possible.

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(1) Deontology p. 39

He denies, too, that we have anything comparable to a moral sense, helping us to recognize good and evil. It does not take a moral sense to recognize that pleasure is preferable to pain, and once we grant this axiom we can, Bentham considers, recognize a good action from a bad simply through the use of our reason, by inquiring into the pleasure or pain it will bring. Some of the most vehement passages in the 'Deontology' are outbursts against philosophers of the 'moral sense' school. He writes, for example: "He who on any other occasion, should say, 'It is as I say, because I say it is so', would not be thought to have said any great matter: but on the question concerning the standard of morality, men have written great books wherein from beginning to end they are employed in saying this and nothing else."(1) He gives no arguments to support his view that happiness is the only good, apart from criticizing other views on the nature of the summum bonum, and then asking rhetorically what else it could be but pleasure. It is, he says, of no importance whatsoever whether his principles are intuitive or or demonstrative - "the satisfaction they give us is perfect; and, whatever be their name, their success could be no more."(2) He goes on to say that the proposition that happiness is better than unhappiness cannot be subjected to mathematical

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(1)Deontology p. 10 (2) Ibid. p. 276, 277

proof, but must be taken for granted. He appears to assume without argument that if one assents to that proposition, one will also assent to the further proposition that happiness is the only good.

C. MORAL RULES

This brings us to the third and last topic, that of moral rules. Since, for Bentham, our only moral knowledge is of the goodness of pleasure, the only moral rule which we can deduce from it is that we should act to obtain the greatest possible amount of it. In so far as we can be said to have a duty, it is to think carefully before we act, and to make sure that our action really is that which to the best of our knowledge will produce the greatest happiness - to make certain, for example, that we are not preferring a smaller immediate pleasure to a greater future one.

We have, then, the moral rule that we are to maximize pleasure and minimize pain, but how are we to judge between different pleasures? Bentham deals with the intricacies of the hedonistic calculus in the fourth chapter of the 'Principles', and - in less detail - in the fourth chapter of the 'Deontology'. The values of pleasures and pains are to be estimated in terms of intensity, duration, certainty, proximity, and extent. In the 1823 edition of

the 'Principles' Bentham quotes in a footnote some "memoriter verses ... framed in the view of lodging more effectually in the memory, these points, on which the whole fabric of morals and legislation may be seen to rest.

> Intense, long, certain, speedy, fruitful, pure -
> Such marks in pleasures and in pains endure.
> Such pleasures seek if private be thy end:
> If it be public, wide let them extend.
> Such pains avoid, whichever be thy view:
> If pains must come, let them extend to few."(1)

Fecundity (or the chance the pleasure or pain has of being followed by sensations of the same kind), and purity (or the chance it has of not being followed by sensations of the opposite kind) are, strictly, not to be considered properties of the pleasure or pain itself, and are therefore in strictness not to be taken into account when computing its value. The extent of the pleasure or pain - that is, the number of persons affected by it - is not always relevant, since it may affect only the agent himself. Bentham adds that a greater amount of any of the above qualities may counterbalance a lesser amount of any other. These are the only respects in which pleasures and pains are comparable; there are no such things as 'higher' and 'lower' pleasures. Possibly the best-known passage in all Bentham's writings is that in

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(1) Principles p.29

which he states: "Prejudice apart, the game of pushpin is of equal value with the arts and science of music and poetry. If the game of pushpin furnish more pleasure, it is of more value than either."(1) Ethics is in fact reduced to moral arithmetic; we are to try to compute the amounts of happiness resulting from different actions, and to choose the one giving the greatest amount.

In the 'Principles' he sets out in detail the process by which this computation is to be made. He writes: "Begin with any one person of those whose interests seem most immediately to be affected by it: and take an account

1) Of the value of each distinguishable pleasure which appears to be produced by it in the first instance.
2) Of the value of each pain which appears to be produced by it in the first instance.
3) Of the value of each pleasure which appears to be produced by it after the first. This constitutes the fecundity of the first pleasure and the impurity of the first pain.
4) Of the value of each pain which appears to be produced by it after the first. This constitutes the fecundity of the first pain, and the impurity of the first pleasure.

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(1) Works II p.253.

5) Sum up all the values of all the pleasures on the one side, and those of all the pains on the other. The balance, if it be on the side of pleasure, will give the good tendency of the act upon the whole, with respect to the interests of that individual person; if on the side of pain, the bad tendency of it upon the whole." (1) Where a number of persons is concerned, this process is to be repeated with each of them, and the degrees of good tendency summed and compared with those of bad tendency, to see on which side the balance lies. Bentham does not, as so many of his detractors have wrongly supposed, expect this rather involved computation to be carried out in detail before every moral judgment, or before every legislative or judicial operation. "It may, however, be always kept in view," he writes, " and as near as the process actually pursued on these occasions approaches to it, so near will such process approach to the character of an exact one."(2)

It is therefore impossible for general moral rules such as "Never tell a lie" to be valid. We may, of course, make empirical generalizations such as "In most cases telling the truth brings me in the long run a balance of pleasure over pain." What we must not do is to transform them into categorical imperatives, for circumstances may arise in

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(1) Principles p.31 (2) Ibid

which the greatest happiness can be obtained only by breaking them, and "it would" Bentham writes, "be absurb to prescribe the same line of conduct to be invariably observed on the same occasions, without any reference to the particular sensibilities of the party concerned." (1) What we must do is in each case to make as accurate a computation as possible of an action's results, and if we do this accurately we shall be virtuous. "Vice", says Bentham, "may be defined as a miscalculation of chances: a mistake in estimating the value of pleasures and pains. It is false moral arithmetic, and there is the consolation of knowing that, by the application of a right standard, there are few moral questions which may not be resolved with an accuracy and a certainty not far from mathematical demonstration." (2)

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(1) Deontology, p.79 (2) Ibid. p.131.

CHAPTER 2

Exposition of Paley's Moral Theory

The foundation of his whole moral system, writes Paley, is the presumption that "God Almighty wills and wishes the happiness of his creatures; and, consequently, that those actions, which promote that will and wish, must be agreeable to him; and the contrary." (1) He explains his reasons for believing this in the following way. When God created the human race He must either have wished them to be happy, or have wished them to be unhappy, or have been indifferent and unconcerned about both. Had He wished our unhappiness He could have made all sensations unpleasant instead of forming us to experience pleasure through them. If He had been indifferent to our happiness or misery it would be due purely to chance that our senses are capable of receiving pleasure and that there exists a supply of external objects fitted to produce it. Either (or still more, both) of these suppositions is too much to be attributed to accident. We must therefore conclude that God, when He created men, wished their happiness. On this is built the rule that "the method of coming at the will of God, concerning any action, by the light of nature, is to enquire into the tendency of that action to promote or diminish the general happiness." (2) A right action then, is one which promotes the public good, in obedience to the will of God, and virtue is defined as "the doing good to mankind, in obedience to the

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(1) The Moral Philosophy of Paley, Ed.Bain, 1852, p.75.
(2) Ibid.

will of God, and for the sake of everlasting happiness." (1) Virtue, then, is essentially selfish; there is no element of self-sacrifice in it, and it is merely an indirect way of obtaining our own happiness. Not only does Paley believe that a good action will bring about our happiness, but he also holds that unless we believe this to be so, we cannot do the action. And, knowing that it will bring us more happiness than any other, we cannot fail to do it.

This will be clarified by an examination of Paley's theory of obligation. He defines obligation as being "urged by a violent motive resulting from the command of another." (2) He goes on to explain that we can only be obliged to do something through believing that we ourselves will gain or lose something by it, for nothing else can be a 'violent motive' to us. "As we should not be obliged to obey the laws, or the magistrate, unless rewards and punishments, pleasure or pain, somehow or other, depended upon our obedience; so neither should we, without the same reason, be obliged to do what is right, to practise virtue or to obey the commands of God." (3) Moral obligation, in fact, is no different in kind from any other sort of obligation; it is merely an inducement of sufficient strength resulting from the command of God instead of from the command of man. The 'violent motive' is the expectation of being rewarded or punished by God in a future life for having done, or left undone, certain actions in this life. "Private happiness is our motive, and the will of God our rule." (4)

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(1) The Moral Philosophy of Paley, (ed. Bain) p.65
(2) ~~Moral History of Paley, Ed. Bain~~, p.72
(3) Ibid p.73 Ibid.
(4) Ibid p.73

It should be clear from this that Paley is not a psychological hedonist of the cruder kind. He believes, not that we snatch at the nearest pleasure, but that we learn to act in the way which we calculate will bring us the greatest ultimate happiness, even at the cost of sacrificing a lesser ~~pleasant~~ present pleasure. The happiness at which we aim may be either temporal or posthumous, and on this depends the distinction between prudence and duty. In the former we consider what we shall gain or lose in this world; in the latter we also consider what we shall gain or lose inthe next world. This distinction is no more than nominal, for in Paley's system prudence and duty are not essentially different, but rather are different aspects of the same thing, which might best be called 'prudence'.

At this point it is necessary to ask what Paley means by the word 'happiness', since it is at this he believes us to aim. He begins his account of it by discussing what it does and does not consist in. (Although Paley here uses the term 'consist in', he seems in fact to be describing not what happiness <u>is</u> but what it <u>results</u> from.) There are, he writes, three things in which it does not consist, although sometimes mistakenly supposed to. Firstly, it does not consist in the pleasures of sense, however profuse and varied. This is for three reasons, - these pleasures are transitory, they become less acute through repetition, and the eagerness for intense pleasures takes away the enjoyment of all others, so that the larger part of life becomes tedious and empty. Secondly, happiness is not merely the negative state of exemption from pain, care, business, suspense, molestation, toil and so on. In Paley's view

such a state is usually attended, not with ease but with depression, imaginary anxieties and so on. Lastly, happiness does not consist in greatness, rank or elevated station. A shepherd who is successful in his own sphere can be as happy as a nobleman or prime minister. What then, does Paley believe that happiness consists in? As he points out, this must vary with the individual, but he is "inclined to believe" that in general it consists in four things. Firstly, it consists in the exercise of the social affections. Paley points out that those who are surrounded by an affectionate family and have many friends are usually in good spirits, and have frequent opportunities of obtaining pleasure through doing kind actions to others. Secondly, happiness consists in the exercise of our bodily or mental faculties in the pursuit of some engaging end. Paley contrasts the eagerness and alacrity of men engaged in an interesting pursuit with the ennui and depression of those who can find nothing to occupy them. In this he believes that the Christian has an advantage over other men, since he has the supremely important object of attaining happiness in a future life, and a lifelong activity in doing actions which will secure this. Thirdly, happiness depends upon the prudent constitution of the habits. Paley holds that we must form habits so simple that every change may be a change for the better, and the art of doing this is, to a large extent, the secret of human happiness. For example, a man who habitually plays cards all day and a man who habitually ploughs all day are both intent on their occupation, and in a state of ease while it lasts. But whereas to the ploughman each interruption of his work is a refreshment and a pleasure, to the card-player it is an annoyance. The former, for

example, welcomes the rest which Sunday brings him; the latter looks on it as a boring and burdensome day which interrupts his pleasure. To be certain of happiness we should form simple habits and be self-sufficient in our pleasures, so that changes of place and fortune will not disturb us and we shall not hanker after the diversions of society. // Lastly, happiness consists in health, and by this we are to understand not only bodily but also mental health. Good health gives us a happiness independent of any particular outward pleasures, and no pains should be spared to attain it. // To this Paley adds, without further arguments, two conclusions which he believes justified by the above account of happiness. In the first place, happiness is fairly equally distributed among the different orders of civil society. Secondly, vice has no advantage over virtue, even with respect to this world's happiness.

In addition to this general treatment of happiness, Paley gives a more detailed discussion of it. "In strictness", he writes, "any condition may be denominated happy in which the amount or aggregate of pleasure exceeds that of pain, and the degree of happiness depends on the quantity of this excess. And the greatest quantity of it ordinarily attainable in human life is what we mean by happiness when we enquire or pronounce what human happiness consists in." (1) In an interesting footnote he adds: "If any <u>positive</u> signification, distinct from what we mean by pleasure, can be affixed to the term 'happiness', I should take it to denote a certain state of the

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(1) Moral Philosophy of Paley, Ed.Bain, p.43

nervous system in that part of the human frame in which we feel joy and grief, passions and affections", and suggests that a sense of "complacency and satisfaction ... may be denominated happiness and is so far distinguishable from pleasure, that it does not refer to any particular object of enjoyment or consist, like pleasure, in the gratification of one or more of the senses, but is rather the secondary effect which such objects and gratifications produce upon the nervous system or the state in which they leave it." (1) He adds, however, that "these conjectures belong not to our province", and that the comparative sense in which he has already defined happiness is sufficient for his purpose. In practice, then, he draws no fine distinction between happiness and pleasure, but in general uses 'happiness' to express 'pleasure on the whole'.

He is consistent in recognising no means of judging between different pleasures except on the grounds of duration and intensity. Although the consequences of this view are unorthodox, if not heretical, for an archdeacon of the Church of England, Paley accepts them without apparent hesitation. "I will omit", he writes, "much usual declamation on the dignity and capacity of our nature; the superiority of the soul to the body, of the rational to the animal part of our constitution; upon the worthiness, refinement and delicacy of some satisfactions, or the meanness, grossness and sensuality of others; because I hold that pleasures differ in nothing but in continuance and intensity." (2)

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(1) Moral ~~Theory~~ Philosophy of Paley, Ed. Bain, p.43
(2) Ibid.

This is the logical consequence of his view of moral knowledge. As we have seen, he holds that to discover whether an action is good or bad we have only to enquire into its tendency to promote or diminish the general happiness. This is the only criterion of goodness or badness, and it offers no basis for a distinction between the so-called 'higher' and 'lower' pleasures. If in certain circumstances a pleasure such as smoking adds more to the general happiness than a rational pleasure such as reading Plato, it is in those circumstances the better action. It is through reason that we decide which actions are good, and which bad, by applying the general-happiness test, and not through the alleged utterances of the so-called 'moral sense'. Paley, indeed, denies that such a thing exists. His opinion is that either there exist no such instincts as those which are said to compose the moral sense, or that they are now indistinguishable from prejudices and habits. He argues that in his moral system the existence of the moral sense is in any case a question of pure curiosity. Suppose it to exist; what authority would it have? It is said that no man can act in opposition to its dictates without a secret remorse of conscience. But the pleasures of sin may outweigh the pains of conscience, and in such a case the moral sense philosopher has no further argument to offer. If he alleges that the moral sense is an indication of the will of God and therefore a presage of what we are to look for hereafter, Paley can answer that this is to resort to a rule and motive ulterior to the moral sense itself, and that his own method is the surer way of arriving at this rule and motive. Whether it exists or not, the moral sense is

irrelevant in his moral system.

If we are to make the principle of utility our guide, we are faced, as Paley realises, with a certain difficulty. Let us suppose the case of a man who steals from a miser to buy food and clothing for a dozen distressed families. His action would in all probability cause far more general happiness than unhappiness. On the principle of utility then, it would appear to be justified. "What then shall we say?", asks Paley, "Must we admit these actions to be right, which would be to justify assassination, plunder and perjury; or must we give up our principle, that the criterion of right is utility?" (1) Fortunately he is able to answer that we need do neither, since such actions are not, after all, really useful and therefore not right. He argues this as follows. The bad consequences of actions are of two kinds - particular and general. It is possible, and even probable, that an action such as the one described might have very slight bad particular consequences, which would be outweighed by the immediate happiness caused. But it would have the bad general consequence of violating the necessary general rule that we should not take other people's possessions without their permission, for "the moral government of the world must proceed by general rules" (2) and to break these rules is to lead others by example to break them too. But why, we may ask, must the moral government of the world proceed by general rules? Paley's answer falls into two parts. Firstly, he answers, it is necessary to our well-being in this world. The particular consequences of coining

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(1) Moral ~~Theory~~ Philosophy of Paley, Ed. Bain, p.78
(2) " " " " p.79

may be merely the loss of a guinea to the person receiving the counterfeit money, but the general consequence would be to abolish the use of money. Similarly, horse-stealing and house-breaking would have the general consequences of preventing men from breeding and selling horses and from ever leaving their houses empty. Such examples could be multiplied indefinitely. Secondly, Paley points out that if of two exactly similar actions one were punished and the other forgiven or rewarded (which he believes would be the consequence of rejecting general rules), men would be at a loss to know how to act. Rewards and punishments would be mere accidents, for an attention to general rules is included in the very idea of reward and punishment. Consequently, if we believe that God will posthumously punish or reward us for our actions, we must believe that this will take place in accordance with general rules.

This raises another difficulty. If an action is committed in perfect secrecy, so that it has no bad general consequences - that of providing a bad example to others - why should it be wrong? Paley answers that to allow such actions would be to set up the general rule that secrecy justifies any action. He goes on to ask why the Scriptures stress that at the last judgement the most secret actions will be brought to light, unless it is so that God may punish or reward them. He does not explain, however, why God should wish to punish an action with good particular consequences, which would have had bad general consequences only if done openly. He appears to believe that God rewards or punishes us solely according to the tendency of our actions to promote or diminish the general happiness, and on these grounds such an action should surely be rewarded.

There is yet another reason for the existence of general moral rules. Paley recognises that in general men do not deliberate before doing an action, unless it is one of particular importance. And in such a case there is often great temptation to reason speciously in order to reach a favourable conclusion. The observance of general moral rules such as "never steal" and "never tell a lie" is a safeguard against this.

Paley, in fact, in no way sets up a new system of morality, but instead justifies existing moral rules. He disapproves, it is true, of such institutions as slavery and duelling, but in general his system is conservative and altogether lacking in Bentham's spirit of radical reform. This will become particularly apparent in his treatment of punishment. In Halévy's words, his system "contained within it an almost complete justification of established institutions, judici~~ous~~al no less than religious and political." (1)

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(1) Growth of Philosophic Radica~~tion~~lism (1928) p.25

CHAPTER 3

Bentham's Establishment of the Utilitarian Principle

How does Bentham establish the validity of the principle of utility as a basis for his theories? It must at the outset be admitted that his attempt is far from satisfactory. It will be remembered that he argues that the principle cannot be established by direct proof, since that which is used to prove everything else cannot itself be proved; to try to give such proof is, he argues, as impossible as it is unnecessary. To disprove the principle by argument is also impossible. Although the principle is not capable of direct proof, its validity can, in Bentham's view, be established by a process of elimination of alternative theories. No other principle, he argues, "points out some external consideration, as a means of warranting and guiding the internal sentiments of approbation and disapprobation." (1) All alternative principles depend on some subjective standard, and are therefore useless as a basis on which to construct a moral theory. If analysed they will all, he believes, be seen to be founded on nothing more than sentiment.

He attempts to establish this by a series of questions addressed to those who do not accept the utilitarian principle. (2) If utility is discarded completely, to what, he asks, can all a man's reasonings, particularly in politics, amount? Would he act and judge without any principle to guide him? If not, what principle can he find which is neither that of utility nor simply an

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(1) Principles, ch.II, para.12
(2) Ibid ch.I " 14

expression of his personal sentiments? If he considers that his own sentiments provide a sufficient basis for moral judgement and action, does he despotically set up these sentiments as the standard of right and wrong for others, or does he, by allowing each man the privilege of being guided by his own sentiments, set up as many standards as there are men? If he answer that this will not occur, since the sentiment he proposes is grounded on reflection, on what particulars does this reflection turn? If it relates to the utility of the act, then he has deserted his own principle; if it does not, then to what does it relate? Supposing for the sake of the argument that 'right' can have a meaning without reference to utility, what motive can a man have to act in accordance with it? Either he follows its dictates on hedonic grounds, in which case it must be utility, or else he cannot pursue it at all, in which case it is useless.

Bentham considers that the principle of utility is now established, through the elimination of rival theories. It must be admitted that this process is far from satisfactory. Utility, it is urged, must be the only true standard because it is the only one which can be acted upon if psychological hedonism is a fact, and because it alone provides an objective standard free from sentiment. Yet both the latter reason, and the assumption underlying the former, are based on little more than mere assertion unsupported by demonstration. No attempt is made systematically and objectively to examine any alternative standard to that of utility, in order to establish whether or not its standards are necessarily subjective; nor is the possibility of the existence of any such alternative ever

seriously admitted. Similarly, the truth of psychological hedonsim is simply asserted without the adducing of any evidence.

The method by which Bentham now eliminates alternative theories is even more unsatisfactory. He has argued that utility must be accepted because it is the sole objective standard; he now goes on to demolish rival theories on the ground that they are not consonant with utility-yet until these rival theories have been rejected there is no reason to accept utility. Bentham is, in fact, begging the question and assuming the truth of what he wants to prove in order to prove it. He devotes an entire chapter in the 'Principles' to demolishing rival theories on the ground that they are inconsistent with utility. Principles, he points out, may differ from utility in one of two ways. Fristly, they may be constantly opposed to it; this Bentham terms the principle of asceticism. Secondly, they may be sometimes opposed to it and sometimes not; this he calls the principle of sympathy and antipathy - or more shortly, of caprice. The principle of asceticism is the principle of utility in reverse. It approves of actions which diminish happiness and disapproves of those which increase it. It was originally, Bentham considers, at bottom merely the principle of utility misapplied, being introduced by those who, having noticed or fancied that certain pleasures were in the long run outweighed by their attendant pains, quarrelled with everything which appeared pleasurable, and from this went on to believe that merit attached to undergoing pain. Its followers have been of two classes: moral philosophers, and adherents of religion. Their motives for embracing it have been different, the former being motivated by the hope of honour and reputation among men, and the

latter by "the superstitious fancy" of "future punishment at the hands of a revengeful and splenetic Deity". (1) This account of asceticism is not entirely satisfactory. To begin with, it is defined as "approving of actions in as far as they tend to diminish happiness; disapproving of them in as far as they tend to augment it".(2) Now if Bentham's psychological hedonism is true, this is surely an impossible principle to put into practice. If it is true that "for a man not to pursue what he deems likely to produce to him the greatest sum of enjoyment, is in the very nature of things impossible" (3) it cannot also be true that he acts to obtain his own greatest pain and minimum pleasure. Indeed, Bentham seems to contradict himself when he goes on, after defining asceticism, to set out the motives which have prompted men to follow it - these motives being purely hedonic. If his assessment of their motives is correct, they are acting in accordance with the principle of utility, not that of asceticism. They may have wrongly computed the hedonic results of their actions, and not in fact be obtaining the greatest balance of pleasure over pain, but at least (on Bentham's own theory) this must be what they are trying to do. For Bentham to attempt to show that their actions are wrongly calculated to maximize pleasure would be more relevant than for him to criticise them for acting on a principle on which, if his philosophy is true, it is impossible to act. His omission to do this in the case of those who practise asceticism from religious motives is particularly to be regretted. He has perhaps some slight justification for assuming it to be self-

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(1) Principles, ch.II, para. 5
(2) Ibid para. 3
(3) Deontology p.13

evident that honour and reputation in this world do not necessarily, or even frequently, follow the practice of asceticism in sufficient quantity to outweigh it in pleasure. He has, on the other hand, no justification for assuming, without further discussion, that asceticism in this life may not be followed by more than comparable happiness in a future life, nor for misrepresenting the reasoning which leads some men to believe that this is so. The correctness or otherwise of Bentham's assumptions does not at the moment concern us. What does concern us is his illegitimate treatment of an assumption (which he nowhere admits to be merely such) as though it were a demonstrated fact.

Nor does he seem to have any understanding of the reasons for which some men practise religious asceticism. Disagreement with a view is no reason for misrepresenting it, but this seems to be what Bentham sets out to do. As an example of this, the footnote in which he gives his version of the reason for religious asceticism is worth quoting almost in its entirety: "The practices by which monks sought to distinguish themselves from other men were called their Exercises. These Exercises consisted in so many contrivances they had for tormenting themselves. By this they thought to ingratiate themselves with the Deity. For the Deity, they said, is a Being of infinite benevolence. Now a Being of the most ordinary benevolence is pleased to see others make themselves as happy as they can, therefore to make ourselves as unhappy as we can is the way to please the Deity. If anybody asked them what motive they could find for doing all this, Oh!, said they, you are not to imagine that we are punishing

ourselves for nothing, we know very well what we are about. You are to know that for every grain of pain it costs us now, we are to have a hundred grains of pleasure by and by. The case is that God loves to see us torment ourselves at present; indeed he has as good as told us so. But this is done only to try us, in order just to see how we should behave, which it is plain he could not know without making the experiment. Now then, from the satisfaction it gives him to see us make ourselves as unhappy as we can make ourselves in this present life, we have a sure proof of the satisfaction it will give him to see us as happy as he can make us in a life to come." (1)

Whether or not one agrees with the practice of asceticism, there is no doubt that Bentham's account of its basis is a gross misrepresentation. So imbued is he with the utilitarian regard for external consequences alone, that he fails to recognise that religious ascetics do not necessarily consider all pain intrinsically good, but may value it when voluntarily submitted to, as a means of disciplining their character. He writes, for example, .. "it should seem, that if a certain quantity of misery were a thing so desirable, it would not matter much whether it were brought by each man upon himself or by one man upon another," and adds, as though pointing out some inconsistency, "For a man to give himself a certain number of stripes was indeed meritorious, but to give the same number of stripes to another man, not consenting, would have

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(1) Principles, Ch.II. Footnote to first page

been a sin." (1)

A book primarily on legislation, such as the 'Principles', is not the place for an examination of the truth or otherwise of the tenets of religion, and Bentham is not to be blamed for omitting to deal with this topic. He can hardly escape blame, however, for allowing his animus against religion to lead him to write as though he had in fact demonstrated its falsity and to treat mere assertions as established facts. So strong is this bias that Bentham can rarely write without prejudice on any matter connected with religion, and it must be felt that in a book such as the 'Principles' this lack of objectivity is out of place.

Having, he believes, established that the principle of asceticism is at bottom only the principle of utility misapplied, Bentham goes on to discuss what he calls the principle of sympathy and antipathy - or, more shortly, of caprice - to which, he considers, all moral theories, with the exception of utilitarianism are reducible. He defines it as "that principle which approves or disapproves of certain actions, not on account of their tending to augment the happiness, nor yet on account of their tending to diminish the happiness of the party whose interest is in question, but merely because a man finds himself disposed to approve or disapprove of them; holding up that approval or disapproval as a sufficient reason for itself and disclaiming the necessity of looking out for any extrinsic ground." (2) It is, he explains, only

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(1) Principles, Ch.II. para.8.
(2) ibid. Ch.II. para.11.

nominally a principle; what it expresses is nothing positive but simply the negation of all principle. It points out no external standard by which the sentiments of approbation and disapprobation are to be guided, but sets up these sentiments themselves as a standard. All moral theories, except that of utility, are reducible to this, for without exception they appeal to no external standard but merely contrive to prevail upon the reader to accept the author's opinion or sentiment as a reason for itself. Moral sense, common sense, understanding, the rule of right, the fitness of things, the law of nature, the laws of reason, right reason, natural justice, natural equity and good order, and the doctrine of election, are various phrases which men have coined to conceal the fact that their moral theory merely consists in advocating those actions which appeal to their sentiments. The mischief inherent in this is that it serves as a cloak for moral despotism, which is apt, when opportunity offers, to blossom into practical despotism. It is, of course, frequently the case that the dictates of sentiment coincide with those of utility, though possibly not intentionally.

It seems as though Bentham's principle of caprice must be little more than unenlightened hedonism. He holds that a man can only do the action which he thinks will increase his balance of pleasure. A man acting in accordance with the principle of caprice must therefore think that he is doing this. Sometimes he is, in fact, doing so, for Bentham admits that sentiment and utility may

often lead to the same action. But on many occasions sentiment and utility do not coincide and the man who is guided by the former can therefore not be maximizing his pleasure. Since he necessarily thinks he is doing so, it follows that he can only be failing through incorrectly calculating the results of his action - or by not consciously calculating at all. A more careful consideration of these results would show him that his happiness would best be promoted, not by unreflecting subservience to his sentiments, but by adherence to the principle of utility. To be ruled by one's sentiments is to take the first pleasure which offers, without considering the resulting pain which may, late or soon, appear on the other side of the hedonistic ledger. It is a policy of taking no thought for the morrow simply because it never occurs to one to do so; it is, in fact, hedonism so unenlightened that it has not developed into utilitarianism.

Bentham has asserted that all allegedly non-utilitarian systems of morals are in fact reducible to the principle of caprice, but it will be noted that in his list of these he makes no mention of what is known as the theological principle, - that principle which refers the standard of right and wrong to the will of God. This is because he denies it to be in fact a distinct principle, holding that it is merely one of the three principles already mentioned, but presenting itself under a different shape. He argues this in the following way. 'The will of God' cannot in this context mean the revealed will, as expressed in the Scriptures, for "that is a system which nobody ever thinks of recurring to at this time of

day, for the details of political administration," (1), and because the Scriptures themselves require considerable interpretation before their dictates can be applied to the details of private conduct, and this interpretation must be guided by some other standard. In the context, then, the will which is meant must be the presumptive will, that is, that which we presume to be God's will because of the coincidence of its dictates with those of some other principle. This other principle must necessarily be one of the three already discussed, for no others exist. Short of direct revelation, then, discussion about the will of God can never throw the faintest light on the standard of right and wrong, and to think that it can is to put the cart before the horse. The fact that a right action is conformable to the will of God tells us nothing about how to determine what actions are in fact right. We need first to know whether an action is right before we can judge it to be God's will, and the only way in which we can determine what is God's pleasure is to assume that what pleases us pleases him.

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(1) Principles, Ch.II, para. 18

CHAPTER 4.

Bentham's Development of the Utilitarian Principle.

During his thirteenth year, Bentham, then at Queen's College, Oxford, was set the task of translating into English Cicero's 'Tusculan Questions'. Even at this early age his mind was already tending to the Utilitarian outlook, for he was both annoyed and disgusted by Cicero's assertion that pain is not evil, and that virtue is of itself sufficient to confer happiness, describing this attitude as 'Ciceronian trash'. (1)

However, it was not, he told Bowring, until 1768, when he was in his twentieth year, that he became acquainted with the utilitarian principle, through Priestley's 'Essay in Government'. He was able, in later years, to state the year with certainty because it was the occasion of his visiting Oxford to vote in a parliamentary election. While in Oxford he visited the little circulating library belonging to Harper's Coffee-House, which then adjoined Queen's College. There for the first time he saw Priestley's pamphlet, which had very recently appeared. In it Priestley sets out, in italics, the principle of "the greatest happiness of the greatest number" as being the only reasonable and proper

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(1) Deontology p.300

end of government. "It was by that pamphlet, and by this phrase in it," Bentham later told Bowring, "that my principles on the subject of morality, public and private together, were determined." And at the sight of it, he added, he cried out "as it were in an inward ecstasy, like Archimedes on the discovery of the fundamental principle of hydrostatics, Eureka."(1) He added to Bowring this interesting and significant comment: "Little did I think of the correction which, within a few years, on a closer scrutiny, I found myself under the necessity of applying to it."

The correction to which he refers is his changing of the principle from "the greatest happiness of the greatest number" to simply " the greatest happiness". Oddly enough Bowring states (2) that Bentham first employed the former phrase in 1822, in his 'Codification Proposal'. This seems to ignore the fact that on the first page of his first work, 'A Fragment on Government' Bentham writes: "...this fundamental axiom, it is the greatest happiness of the greatest number that is the measure of right and wrong." Bowring's statement is particularly strange, in that, if true, it would mean that fifty-four years elapsed between Bentham's discovery of the

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(1) Deontology p.300 (2) Ibid. p.319

principle and his first ~~use~~ statement of it.

This gives rise to a puzzling problem. It will be remembered that, in the passage already referred to, Bentham states that in 1768 he little thought of the correction which in a few years he found necessary to make to the principle. Yet as late as 1822, fifty-four years later, he used the phrase unchanged, as we have seen. He must either be describing this interval as "a few years", or be using the phrase in its original form in spite of having realized the necessity of correcting it. Either alternative seems equally improbable. Possibly the explanation is either that Bowring reported Bentham's words incorrectly, or that Bentham's memory was at fault - Dr. C.W. Everett states that it was "not very accurate" after he passed the age of seventy." (1) Whatever the solution may be - and neither of these explanations seems really satisfactory - it is nevertheless strange that Bowring should have overlooked an anomaly such as this, which was bound to reflect unfavourably on either him or his master.

A more important point, however, and one which also raises a problem, is why Bentham thought it necessary to correct the dictum, and what difference the correction makes to its meaning. The first formulation, "the greatest

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(1) C.W.E.'s bibliography to Halévy's 'Growth of Philosophic Radicalism' (1928) p.523.

happiness of the greatest number", seems at first sight a clear enough guide to action. Further thought, or attempted application of the principle, reveals however that there are in it two possibly conflicting elements of extent - the amount of happiness, and the number of persons between whom it is divided. This is not a mere verbal quibble, but a very real problem when an attempt is made to put the principle into practice. Which, for example, should be preferred, a lesser degree of happiness divided between a larger number of persons or a greater degree of happiness divided between a smaller number of persons? By what method is the agent to compare a number of persons with intensity of happiness?

This problem is discussed by J.H. Burton in the preface which he wrote to the complete edition of Bentham's works. The first formulation of the principle, he points out, leaves it doubtful whether or not, for example, an action giving 12 people happiness to the extent of 4 units each is to be preferred to one giving 8 people happiness to the extent of 8 units each; for although the extent of four is only half that of eight, twelve is a greater number than eight. It is undeniable that no appeal to the original form of Bentham's dictum can be of any help in this impasse. Possibly the only answer is that it is immaterial which of the two courses of action is taken. If, as Bentham states in the

'Deontology', the only fact of which we have intuitive knowledge is that pleasure is good and pain evil, he cannot hold that in addition we have intuitive knowledge of how this pleasure should be distributed. Nor does he suggest how the choice is to be made on rational grounds. The only conclusion would therefore seem to be that so long as we act to produce the greatest possible balance of pleasure over pain, the manner in which we distribute this pleasure is immaterial. But if this is so, in what way can "the greatest happiness of the greatest number" be said to mean anything more than "the greatest happiness"?

Bentham's reason for changing the dictum was, however, nothing to do with this. In the Appendix to the 'Deontology,' on the history of the greatest-happiness principle, Bowring gives Bentham's reasons in what he states are his master's own words. Taking 'the greatest number' as synonymous with 'the majority', Bentham imagines a situation in which a minority in a community is only very slightly smaller than the majority. "The greatest happiness of the greatest number', he argues, leaves entirely out of account the feelings of the minority, yet they may be suffering great pain which (since the numbers of the parties are so nearly equal) may outweigh the pleasure of the majority.

To illustrate this, he supposes a community of

4001 persons, divided into a majority of 2001 and a minority of 2000, and each possessing an equal share of happiness. "Take now from every one of the 2000 his share of happiness, and divide it anyhow among the 2001: instead of augmentation, vast is the diminution you will find to be the result. The feelings of the minority being, by the supposition, laid entirely out of the account (for such, in its enlarged form, is the import of the proposition), the vacuum thus left may, instead of remaining a vacuum, be filled with unhappiness, positive suffering, in magnitude, intensity, and duration taken together, the greatest which it is in the power of human nature to endure...To the aggregate amount of the happiness possessed by the 4001 taken together, will the result be net profit? On the contrary, the whole profit will have given place to loss. How so? Because so it is, that such is the nature of the receptacle, the quantity of happiness it is capable of containing, during any given portion of time, is greater than the quantity of happiness."(1)

There is no doubt that Bentham's objection, as here set out, is valid only if he is correct in his identification of 'the greatest number' with 'the majority'. This identification is challenged by Bowring in the Appendix already

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(1) Deontology p.329

referred to. He argues that Bentham is guilty of confusion, and that in fact 'the majority' is merely the greater number, and not the greatest. In his opinion it is obvious that the greatest happiness must be maximized happiness, and that the greatest number must be the whole. Correct as Bowring may be grammatically, there seems no doubt that this cannot in fact have been what Bentham understood the principles to mean. If it had been, he would never have written the passage quoted in the preceding paragraph, in which he gives his objections to the first statement. If he hadiin fact meant to identify 'the greatest number' with 'the whole', he would surely have formulated the principle as 'the greatest happiness of the whole'. There is no suggestion that Bentham changed the wording because he considered it ambiguous or loosely phrased; his own explanation shows that he changed it because he considered it actually incorrect, in that in his opinion it left out of account the feelings of the minority.

In what way is "the greatest happiness" an improvement on the first formulation? As a guide to action it provides a principle which can be applied in practice without difficulty (assuming for the moment that quantities of pleasure and pain can be calculated with some nicety). As J.H. Burton points out in the Preface already referred to,

if we are acting on the second formulation , the problem already quoted - that of whether an action giving twelve people happiness to the extent of four units each should be preferred to one giving eight people happiness to the extent of eight units each - ceases to be a problem. The question can be decided simply and arithmetically. The first course of action would produce forty-eight units of happiness, while the second would produce sixty-four, and is therefore preferable. Although it is virtually impossible that in fact a situation would arise in which amount of happiness could be so nicely calculated and compared, Burton's example serves to illustrate the consequences of the two principles.

It has been held - in particular by Perronnet Thompson, one of Bentham's followers - that the greatest happiness necessarily entails the happiness of the greatest number, and that the second formulation of the dictum is therefore identical in meaning with the first, but shorn of its tautology. He writes that "the magnificent proposition emerges clearly, and disentangled from its accessory." (1); this accessory, he holds, is the proposition that the greatest

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(1) Perronet Thompson's 'Exercises' (1842) Vol I pp.135,136.

aggregate of happiness must always include the happiness of the greatest number. Thompson argues as follows. The greatest number must always be composed of those "who individually possess a comparatively small portion of the good things of life", and that if anything is taken from one of these to give th the others it is clear that he loses more happiness than the others gain. "It is", he adds "the mathematical assertion that a quantity is greater in comparison of a small quantity it is taken from, than of a large one it is added to. It is the avowal that half-a-crown is of more consequence to the porter who loses it, than to the Duke of Bedford who should chance to find it; - that a chief portion of the baseness of the rich man who seized the poor's ewe lamb , consisted in taking what caused so much greater pain to the sufferer, than happiness to the receiver." (1)

So far as the economic sphere is concerned, Thompson's argument is undoubtedly sound. Undeniably half-a-crown is of more importance to a porter than to a wealthy Duke. But the argument loses its validity when applied to the moral sphere, where in this case we are dealing not with the money or chattels, but with quantities of happiness. It is, to begin with, far from self-evident that those who "individually possess

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(1) Perronet Thompson's 'Exercises' (1842) Vol: I pp.135,136.

a comparatively small portion of the good things of life," are less happy than those who possess a large portion, or that a man's happiness is necessarily in proportion to the value of his worldly goods. There is therefore no guarantee that, as Thompson supposes, the greatest number of persons is necessarily composed of those who individually possess a comparatively small amount of happiness. Thus his contention that anything taken from the majority and given to the minority will produce less happiness than pain loses its force. In addition to this, Thompson seems to consider that the transference of property or chattels from one person to another is necessarily accompanied by an equivalent transference of happiness. Undeniably this may often be so, but it is by no means always the case. He seems also to assume without justification that happiness is obtained only through the possession of material things. In short, there seems no reason to accept Thompson's assertion that the greatest aggregate of happiness necessarily includes the happiness of the greatest number. It is in fact possible to imagine situations in which the opposite might be the case; a certain action might give to one man X a greater amount of happiness than an alternative action would give to persons A.B. and C. A pound note, for example, if given to a poor man who would otherwise be unable to pay his rent, might give him happiness

which would outweigh the total happiness which the same sum would give if divided between several men in more comfortable circumstances.

Finally, it must be borne in mind that the application of the utilitarian principle is in Bentham's system limited to those who are sufficiently enlightened and intelligent to realize that they will obtain their greatest balance of happiness by acting in accordance with its dictates, instead of taking the first pleasure which offers, without attempting to compute its consequences.

As Bentham himself, points out, it is useless to construct a principle on which it is psychologically impossible for men to act. The question which must be uppermost in each man's mind is: "What action will bring me the greatest balance of happiness?" It is useless to say to him either: "You ought to promote the greatest happiness of the greatest number," or: "You ought to promote simply the greatest happiness without concerning yourself with how it is distributed," unless at the same time you convince him that his own greatest happiness will thereby be furthered. When he re-worded the principle, Bentham considered that he was in fact altering its implication. Since he also considered that it was a principle which could be acted on, he must have believed that it would promote the agent's own

balance of happiness better than, or as well as, the first formulation. However, he never deals with this point, nor does he discuss or compare the two formulations from the point of view of the agents. Yet it might be the case that a man gains the greatest balance of happiness for himself by acting to promote the greatest happiness of the greatest number, and not simply the greatest happiness. Since so much of his own happiness depends on the reciprocal kindness shown him by those whom he has benefited, it might be in his interest that there should be many people merely well-disposed towards him, rather than a lesser number brimming over with gratitude. This is of course a question which would need careful consideration before a decision could be arrived at, but it nevertheless illustrates the contention that the formulation of the principle is not a matter of indifference to the agent.

CHAPTER 5

Bentham on Obligation and Rights

"The talisman of arrogance, indolence, and ignorance, is to be found in a single word, an authoritative imposture, which in these pages it will frequently be necessary to unveil. It is the word 'ought' -- 'ought or ought not', as circumstances may be". So writes Bentham in the 'Deontology', and adds: "If the use of the word be admissible at all, it 'ought' to be banished from the vocabulary of morals" (1)

This passage suggests two questions: why is Bentham so incensed by the general use of the word 'ought', and what does he himself mean by it when he uses it? It may, at first sight seem strange that he should use it. Is he not inconsistent in condemning others for doing what he does himself? The explanation is, I think, this. 'Ought' is, in his opinion, a very dangerous word if misused, but he can safely use it himself because he understands its meaning and uses it correctly. Others, however, misuse it so often, and so dangerously, that it would be better if it were altogether banished from the moral vocabulary. There is no more inconsistency in this than in a chemist's warning a layman not to touch a chemical which only an expert can handle with safety.

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(1) Deontology p.31

What then does Bentham mean by 'ought', and in what way do others misuse it? Too often, he asserts, they use it as "a mere covering for despotic unsupported assertion," (1) and he compares the moralist who deals out 'oughts' and 'ought not's' at random to "the careless housemaid, who empties her receiving-pail from a chamber window, indifferent to all who may chance to be going by." (2)

A moralist thinks a certain action right: he tells men that they ought to do it. But by 'ought' he means, Bentham asserts, no more than that it pleases him that others should do it. The danger lies in the fact that his hearers may not realize that his 'ought' implies only a personal preference, and not an absolute standard of conduct.

This despotism is overthrown, however, by the one word 'why'? "'You ought' - 'you ought not', says the dogmatist. Why? retorts the enquirer - Why? To say 'you ought' is easy in the extreme. To stand the searching penetration of a Why? is not so easy. Why ought I? Because you ought - is the not infrequent reply; on which the Why? comes back again with the added advantage of having obtained a victory."(3) Bentham holds that if this questioning is pushed far enough, it will be found that "You ought" (or "ought not") "to do this"

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(1) Deontology p.85. (2) Ibid p.62 (3) Ibid. p.32

can only mean: "The idea of your doing" (or "not doing") "this is pleasing to me."

He makes clear that this is how he uses the word, when he writes: "When I say the greatest happiness of the whole community ought to be the end or object of pursuit, in every branch of the law....what is it that I express? - this and no more, namely that it is my wish, my desire, to see it taken for such."(1) He again stresses that 'ought' means no more than this, when he writes:"....he ought to be so - that is to say, the idea of his being so is pleasing to me - the idea of the opposite result displeasing." (2)

Thus when he writes, for example, "Every pleasure is a prima facie good, and ought to be pursued, Every pain is a prima facie evil, and ought to be avoided", (3) he is not making what would generally be termed a moral judgment, but simply stating the fact that the idea of pleasure being pursued and pain avoided is pleasing to him. Obligation is in fact what Bentham terms a fictitious entity; that is to say, " an entity to which, though by the grammatical form of the discourse employed in speaking of it, existence is ascribed, yet in truth and reality existence is not meant to be ascribed"(4); it is one of those sorts of objects which in every language

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(1) Introduction to Constitutional Code, Works IX p.4
(2) Pannomial Fragments, Works III, p.218
(3) Deontology p.59 (4) Bentham's Theory of Fictions, Ogden, p 12

must, for the purpose of discourse, be spoken of, as existing - be spoken of in the like manner as those objects which really have existence, and to which existence is seriously meant to be ascribed, are spoken of; but without any such danger as that of producing any such persuasion as that of their possessing, each for itself, any separate, or strictly speaking, any real existence."(1) A fictitious entity is thus a name which does not "raise up in the mind any correspondent images"(2), and to this class of entities both 'obligation' and 'right' belong. So far as political and quasi-political fictitious entities are concerned, obligation is "the root out of which all these other fictitious entities take their rise," (3) and all have for their efficient causes the pleasure or pain (but principally the pain) arising from one or more of the sanctions.

Leslie Stephen, in the first volume of his 'English Utilitarians', describes Bentham's use of obligation as employing a metaphor, in that the statement that a man is 'obliged' to do something means merely that he will suffer pain if he does not.(4) Dr. R.R. Bailey, in his thesis on 'The Hedonism of Jeremy Bentham' submitted for the Ph.D. Degree of

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(1)'Bentham's Theory of Fictions', Ogden p.16,(Bentham's words)
(2) 'Ontology' Works VIII, p.263.
(3) 'Theory of Fictions,' p.38, (Bentham's words)
(4) Ibid. p.248.

the University of London in 1938, challenges Stephen on this point, apparently on the ground that there is nothing to support it on the page of the 'Ontology' to which Stephen refers.(1) Dr. Bailey's difficulty would seem to arise from a failure to read sufficiently carefully Bentham's 'Ontology' or Mr. Ogden's 'Bentham's Thoery of Fictions', and from having misread Stephen's reference, the page of which he misquotes in his thesis. In fact Stephen's statement is fully justified. Bentham writes: "An Obligation (viz. the obligation of conducting himself in a certain manner) is incumbent on a man (i.e. is spoken of as incumbent on a man) in so far as, in the event of his failing to conduct himself in that manner, pain, or loss of pleasure, is considered as about to be experienced by him(2). "Of either the word obligation or the word right, if regarded as flowing from any other source, the sound is mere sound, without import or notion by which real existence in any shape is attributed to the things thus signified, or no better than an effusion of ipse dixitism." (3)

"Otherwise than from the idea of obligation, no clear idea can be attached to the word 'right'," Bentham states in 'Pannomial Fragments,' (4) He goes on to set out the

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(1) Bailey's thesis, p.151
(2) Theory of Fictions, p.69
(3) Appendix to 'Nomography', Works III, p.293
(4) Works III, p.217

efficient causes of right as being either the absence of correspondent obligation (that is, a man has a right to do whatever he is not under obligation to abstain from doing); or, secondly, the presence of a correspondent obligation, which obliges other people to abstain from disturbing him in exercising the first kind of right.

Rights are frequently distinguished as moral, natural and political, and Bentham stresses that this leads to much confused thinking. The only case in which the word 'right' has any determinate and intelligible meaning is when it has the prefix 'political'. To say that a man has a political right to something is to assert the existence of a fact, namely that there exists "a disposition on the part of those by whom the powers of government are exercised, to cause him, to possess and so far as depends upon them to have the faculty of enjoying, the benefit to which he has a right." (1)

In the case of so-called natural rights, however, no such fact can be asserted; nor can it be asserted that any state of affairs exists which is in any way different from that which would exist in the absence of a natural right. The law protects a man in the exercise of a political right: no one protects him in the exercise of a so-called natural right.

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(1) Works III, p.218

He is no better off for possessing it, for it makes not the slightest difference to his condition.

What, then, can be meant by the term "natural right'? Bentham gives a perfectly clear answer. "If I say that a man has a natural right to the coat or the land - all that it can mean, if it mean anything and mean true, is, that I am of opinion that he ought to have a political right to it; that by the appropriate services rendered upon occasion to him by the appropriate functionaries of government, he ought to be protected and secured in the use of it: he ought to be so - that is to say, the idea of his being so is pleasing to me - the idea of the opposite result displeasing....Beyond doubt, nothing more do I express than my satisfaction at the idea of his having this same coat or land." (1)

Dr. R.R. Bailey, in his thesis already referred to, gives it as his opinion that Bentham did not in fact mean this. He writes: "Bentham here states that when he says 'You ought to be protected', he means 'the idea of you being protected is pleasing to me.' Nevertheless, I do not think he meant this. At any rate, he does not state that moral right is a fictitious entity."(2) I cannot see that Dr. Bailey has the slightest grounds for asserting that Bentham did not mean what he wrote.

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(1) Works III.p.218 (2) Ibid p.150.

He betrays a startling ignorance in alleging that Bentham does not state that moral right is a fictitious entity, for Bentham in fact asserts this throughout 'The Theory of Fictions' and all his writings on the subject. All rights, of whatever kind, are fictitious entities. In 'Pannomial Fragments,' for example, he writes: "The word right, is the name of a fictitious entity: one of those objects, the existence of which is feigned for the purpose of discourse, by a fiction so necessary, that without it human discourse could not be carried on."(1)

Dr. Bailey also quotes (2) the following passage from the 'Principles' to support his contention that Bentham himself uses the word 'right' in the sense of a moral right, inconsistent as this would be. "Of an action that is conformable with the principle of utility, one may always say either that it is one that ought to be done, or at least that it is not one that ought not to be dome. One may also say, that it is right that it should be done; that it is a right action; at least that it is not a wrong action. When thus interpreted, the words 'ought' and 'right' and 'wrong' and others of that stamp have a meaning; when otherwise, they have none." (3) Dr. Bailey seems to be confusing here the adjective 'right' with the noun. Bentham condemns the use of the term 'moral right', but this

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(1) Works III. p.218 (2) Ibid. p.149 (3) Principles, p.4. (Oxford ed).

need not prevent him from applying the adjective 'right' to conduct. And I would maintain, in opposition to Dr. Bailey, that the whole force of the passage is to show that when Bentham uses the adjective 'right' he is not using it in what would normally be considered a moral sense. By 'right' he means no more than'conducive to pleasure', and I cannot see that any other meaning can be read into this passage or any other.

It does, however, lead to a certain difficulty, to which Sidgwick draws attention in his 'Methods of Ethics'(1) In a footnote on the first page of the 'Principles' Bentham writes that his fundamental principle "states the greatest happiness of all those whose interest is in question as being the right and proper end of human action." Yet, as Sidgwick points out, his language in other passages of the same chapter seems to imply that by the word 'right' he means 'conducive to the general happiness'. Taken together, then, these two statements give the tautologous result: "The greatest happiness of all is an end of human action which is conducive to the general happiness."

This is so far from being "the fundamental principle of a moral system" that Sidgwick doubts whether Bentham can have meant it. I cannot see, however. that Sidgwick's

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(1) Methods of Ethics. ed.7. Book 1. para. 2 -3.

hypothesis is borne out by anything to be found elsewhere in Bentham's works, or that it is based on anything except Sidgwick's understandable reluctance to believe Bentham guilty of such an error.

It is certainly impossible to deny that by 'right' Bentham means 'conducive to pleasure'. "That which is useful is right", he states in the 'Deontology',(1) and 'useful' is of course a word which he uses synonymously with 'in accordance with utility' - that is, 'conducive to pleasure'. Again, he writes: "Weigh pains, weigh plasures; and as the balance stands so will stand the question of right and wrong."(2) Equally it is impossible to deny that he regards maximum happiness as the end of human action, for this might without exaggeration be described as the cornerstone of all his moral, social, and legal theory.

It seems, therefore, impossible to agree with Sidgwick on this point. Yet to accuse Bentham, the arch-analyser, of asserting tautologies through failure to analyse his terms, seems tantamount to accusing the Pope of heresy. It would be easy, but misleading, to point out that his main interests lay, not in ethics, but in the fields of jurisprudence and social questions, and to suggest that he was not greatly concerned with the niceties of ethical terms.

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(1) p. 136. (2) Ibid. p.137.

This, however, would disregard entirely his immense interest in logical analysis and linguistics, shown, for example, by works such as the 'Ontology', 'Logic', 'Book of Fallacies', and 'Pannomial Fragments.'

CHAPTER 6

Paley on Right and Rights

Paley's theory of obligation is straightforward and uncomplicated, and requires no more discussion than that given to it elsewhere. He sets it out very simply and shortly, and it has none of the complications of Bentham's.

His treatment of right and rights, however, needs examining here. Both he and Bentham start from the same point: that rights and obligations are reciprocal; that is, that one man's right implies another man's obligation, and vice versa. From this Paley goes on to argue that since moral obligation depends on the will of God, right, being correlative to obligation, must also depend on this. He therefore defines right as "consistency with the will of God" (1). So far he has not distinguished between 'right' as a noun, and as an adjective applicable to conduct. He now does so, but not, perhaps, entirely satisfactorily. Right, he says, is a quality of persons or of actions of persons, as when we say that a king has a right to allegiance from his subjects, or a man a right to his estate; of actions, as when we say that it is right to punish murder with death. In the latter, or adjectival use of the word , the definition of right may be substituted

(1) The Moral Philosophy of Paley, ed: Bain, ed: 1852, p.94

for the word itself; "It is consistent with the will of God to punish murder with death," is, for example, equivalent to: "It is right to punish murder with death." When the word is used in its substantive sense the definition can be similarly substituted for the term. "X has a right to this estate," becomes: "It is consistent with the will of God that X should have this estate."

Paley then goes on to classify rights into three different groups. In the first place, they are either natural or adventitious. The former are those which would be possessed by a man even in the absence of any civil government; as examples of these Paley gives a man's right to his life, limbs, and liberty; to the produce of his personal labour; to the use, in common with others, of air, light, and water. He adds that if a thousand people from a thousand different corners of the earth were cast up on a desert island, they would each from the very first be entitled to these rights.

Adventitious rights, on the other hand, are exemplified by those of a king over his subjects and of a judge over the life and liberty of a prisoner; by the right to elect or appoint magistrates and to impose taxes; in short, by the right of any man or body of men to make laws and regulations for the rest. They are distinguished from

natural rights by the fact that none of them would exist in the newly-inhabited island.

This, as Paley realizes, raises a problem. If, as he holds, all rights are dependent on the will of God, how can these new adventitious rights accrue from the formation of a civil society, which is the institution, not of God, but of man? He answers this by returning to his first principle, that God wills the happiness of mankind, and wills the existence of civil society as conducive to that happiness. It follows from this that many things which support civil society are, for that reason alone, consistent with the will of God - that is, exist as rights. Therefore, he concludes, adventitious rights are no less sacred and obligatory than natural rights, since both are based on the will of God.

The second classification of rights is into those which are alienable and those which are inalienable. The distinction here depends on the mode in which the right is acquired. Rights originating in a contract, and limited by the express terms or common interpretation of this contract, or by a personal condition attached to it, to the person, are unalienable. As examples of this, Paley gives the rights of a prince over his people, or a husband over his wife , and of a master over his servant. All other rights are alienable, including that of civil liberty.

Thirdly, rights are perfect or imperfect - the former being assertible by force, and the latter not. Examples of perfect rights are a man's right to his life, person, or property; examples of imperfect rights are parent's' rights to affection and duty from their children, and children's rights to education and affection from their parents; a benefactor's right to gratitude from the man he has helped; and the best-qualified candidate's right to obtain an appointment for which the qualifications are prescribed.

Paley realizes the apparent anomaly of asserting that while a man has a right to something he nevertheless has no right to use the necessary means to obtain it. He holds, however, that the difficulty is resolvable into the necessity for general rules. On Paley's definition of right the question is reducible to : "How can it be consistent with the will of God that a man should possess a thing, and yet not be consistent with that will that he should use force to obtain it?" Paley answers that the reason lies in the indeterminateness of either the object or the circumstances of the right, which is such that to permit the use of force in one case would lead to permitting the use of force in other cases where no right existed. In the case of the best qualified candidate for an appointment, his right to

success depends on the comparison of his qualifications with those of the other candidates. These must be at least to some extent indeterminate; someone, therefore, must compare and judge them. To allow the candidate to demand success by force, is to make him judge of his own qualifications. And if one candidate is permitted to judge his own case, so must the others be; with the result that those with no right would be forcibly claiming the appointment. The same argument holds in all cases of imperfect rights; with the addition that so far as the right to gratitude, affection, reverence, and so on is concerned, the use of force is in the very nature of the case useless.

Paley adds that although he calls these obligations 'imperfect' in conformity with established usage, he does not wish it to be supposed that there is therefore any less guilt in the disregarding of them than in the disregarding of perfect rights.

It will be seen from these accounts that Bentham and Paley differ considerably in their views on rights. While Bentham asserts that the word has a determinate and intelligible meaning only with the prefix 'political', and that a 'natural right' expresses nothing but the speaker's personal feeling, Paley holds that both adventitious and natural rights draw their force and validity from the will of God. Since our happiness or unhappiness after death

depends on whether or not we act in this world in accordance with the will of God, natural rights are for Paley grounded on a hedonistic foundation which is impossible for Bentham. For Paley a natural right, being founded on obligation, is a right in the sense in which both he and Bentham use the word; for Bentham it is unconnected with obligation and therefore not in fact a right within his definition of the term. On Paley's theory our motive for respecting natural rights is almost as strong as our motive for respecting adventitious rights. We may not, as is the case with adventitious rights, be punished for not observing them (or rewarded for doing so) in this world, but we shall certainly be so punished or rewarded after death. Bentham's denial of the existence of God prevents him, as we have seen, from basing natural rights on posthumous pains and pleasures; and his positivist attitude leads him to deny the existence of natural rights because (unlike political rights) they cannot be in any way verified. Rights depend for their existence on obligation, and since Bentham denies that in the case of so-called natural rights there can exist any obligation, he necessarily also denies the existence of such rights.

Paley's basing of both natural and adventitious rights on the will of God leads, however, to a possible difficulty of which he seems to have been unaware.

Adventitious rights, he says, "though immediately derived from human appointment, are not, for that reason, less sacred than natural rights, nor the obligation to respect them less cogent. They both ultimately rely on the will of God." (1) He does not add, however, whether they are sacred only when in accordance with the will of God. It will be remembered that Paley summarizes adventitious rights as the right of "any one man, or particular body of men, to make laws or regulations for the rest." (2) Now, it is possible that among these laws and regulations may be made some which are contrary to the will of God. What is the position then? Does Paley consider that the man, or body of men, who made these laws forfeits the right to legislate in future? Are the laws in question binding or not?

He realizes that the law of the land is insufficient as a guide to morality, in that many duties are beyond its scope because their very nature makes it impossible to enforce them by compulsion, and also in that it permits many wrong actions - such as prodigality- because they defy precise definition. He does not, however, seem to contemplate the possibility of actual conflict between the law and the will of God. His nearest approach to this is in his chapter on

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(1) The Moral Philosophy of Paley, ed.Bain,p.96
(2) Ibid, p.95

slavery. He considers this an "odious institution" (1), but nevertheless writes that "the emancipation of slaves should be gradual, and be carried on by provisions of law, and under the protection of civil government. Christianity can only operate as an alterative." (2)

This passage is, I think, the clue to the problem. It seems to me that Paley considers the benefits of civil government so great that they must never be endangered by the refusal to obey any law, whatever it may be. But we must nevertheless strive by all constitutional means to bring the law into accordance with God's will, for two reasons. In the first place, we must do so for the sake of our temporal happiness, if the law in question is one which is likely to affect us. Secondly, we must do so for the sake of our posthumous happiness, even if the law itself does not affect us; since the core of Paley's moral theory is that God wills that men shall be happy, rewarding in the next life those who in this life strive to increase the general happiness, and punishing those who fail to do so. Thus both our temporal and posthumous happiness demand that we do all we can to bring the law into harmony with the will of God.

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(1)The Moral Philosophy of Paley, ed: Bain.p167
(2) Ibid.

CHAPTER 7

'Sacrifice' in the 'Deontology'

As I have already tried to show, Bentham's fundamental position is that of psychological hedonism. If this theory is true, it follows that sacrifice, in the accepted sense of the word, is impossible; I cannot knowingly and intentionally give up my own pleasure unless I believe that by so doing I shall ultimately obtain a greater amount. It is true that we do actions through which we sacrifice more pleasure than we gain, but this sacrifice can never be intentional. It can only arise through miscalculation of consequences. A man gives up 10 units of pleasure in the belief that the action will bring him 20 units; instead, it brings him only 8. He has sacrificed more pleasure than he has gained, but only through miscalculating the results of his action. If he had known that he would gain less happiness than he gave up, he could not have done the action. In Bentham's words: "Unless in some shape or other he derive more pleasure from the sacrifice than he expected to derive in abstaining from making the sacrifice, he would not, he could not, make it." (1)

It is therefore surprising to find in the 'Deontology'

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(1) Deontology p.191

passages which are apparently inconsistent with this essential part of Bentham's theory. For example, he writes: "He who gives away all he has to another, who wants it less than himself, does a very generous, but a very foolish, act,"(1) There is no suggestion in this passage that Bentham is considering a hypothetical action which could not in fact occur; he writes as though such an act of sacrifice would be perfectly possible, and even as though such acts do in fact occur. Nor is there any suggestion that the sacrifice is unintentional , the result merely of miscalculation. "Foolish" would fit such an action, but not Bentham's adjective, "generous". There is no generosity in giving pleasure to another if one's only motive for so doing is the increasing of one's own pleasure. Thus we are faced with a dilemma: either Bentham means that the sacrifice is unintentional and the result of miscalculation - in which case the word "generous" is misused; or he means that the sacrifice is intentional - in which case he denies the truth of psychological hedonism.

The difficulty is increased by the fact that there are other passages in the 'Deontology' which appear equally contradictory. Virtue is in one place defined as: "The sacrifice of a man's own pleasure to the obtaining a greater

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(1) Deontology p. 235.

sum of pleasure for the benefit of others." (1) Either this involves the denial of psychological hedonism, or the word 'sacrifice' is peculiarly misused. For if psychological hedonism is true, it is impossible for a man to sacrifice his own pleasure in order to give pleasure to others, unless he believes that through the pleasures of sympathy and benevolence and reciprocated kindnesses, he will increase his own balance of pleasure. But in this case the word 'sacrifice' is not applicable, since the pleasure is only given up to obtain more. Here is a second dilemma: either the word 'sacrifice' is misused, or psychological hedonism is denied.

Again, Bentham writes: " The sacrifice of interests presents itself, abstractedly, as something grand and virtuous, because it is taken for granted that the pleasure one man flings away must necessarily be taken up by another." (2) This seems to imply that sacrifice fails to be grand and virtuous simply because the sacrificed pleasure may not in fact be taken up by another. If a pleasure is given up, it must be given up either intentionally or unintentionally. Bentham can only assert that it is given up intentionally if the agent believes that he is giving pleasure to others, and that the pleasures of sympathy, benevolence, and reciprocation will outweigh the pleasure he has given up. But

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(1) Deontology p. 143 (2) Ibid p.164

this cannot be what Bentham has in mind in the passage in question. It is no more a sacrifice to give up 10 units of pleasure in the belief that one will receive 12 units in their place, than it is a sacrifice to invest £100 in the belief that it will become £120. Nor could a pleasure given up in this belief be described as "flung away".

Alternatively, the pleasure may be given up unintentionally. It may be merely flung heedlessly away without any consideration by the agent of whether the action will add to his pleasure or not. But this, again, would be a misuse of the word 'sacrifice', which implies the intentional giving up of something of value. The same objection applies to the possibility of the pleasure's being given up unintentionally through a miscalculation of consequences, and is reinforced by the inapplicability of the adjectives 'grand' and 'virtuous' to such conduct.

We are therefore driven to the fourth alternative - that the pleasure is intentionally given up with no equivalent or greater return in view; that it is in fact sacrifice, in the correct sense of that word. This, however, involves the denial of psychological hedonism; yet it is the only alternative which makes the passage intelligible. If it were true that one could give up one's own pleasure without necessarily believing that one's own pleasure would thereby be increased, nothing would be more natural than that a utilitarian

philosopher should urge a man to sacrifice his own pleasure only when it was virtually certain that a greater amount of pleasure would be gained by someone else. If psychological hedonism were false, and all that mattered was that happiness should be maximized, the passage would merely present a very necessary warning. This supposition would also remove the difficulties encountered in the other passages already discussed.

I would therefore tentatively suggest that Bentham (or possibly Bowring, in his share of the 'Deontology') occasionally forgets that he is committed to the sophism of psychological hedonism, and writes as a universalistic utilitarian. It is, I believe, only on this hypothesis that the passages under consideration are explicable.

Nor is this a far-fetched supposition. It seems to me undeniable that our experience and introspection show psychological hedonism to be false. We feel that it is not true; and so deeply ingrained is this feeling that it requires a constant effort to counteract it in order to expound consistently a philosophy which opposes it. I suggest that Bentham (or Bowring) occasionally failed to make this conscious effort, with the result that there are in the 'Deontology' passages consistent with universalistic utilitarianism, but incompatible with psychological hedonism.

CHAPTER 8

Punishment

Bentham's views on punishment are to be found principally in 'The Rationale of Punishment' and 'The Principles of Morals and Legislation.' It will be as well to draw attention here to the peculiar history of the former work. Bentham had always great difficulty in completing a work to his satisfaction, and is said to have published nothing which he had not rewritten at least once. He was persuaded by the Genevan Etienne Dumont, however, to hand over various uncompleted manuscripts for him to edit and publish. Among these were manuscripts written, according to Dumont, in 1775, and dealing with punishment; and also some of a slightly later date on the subject of rewards. From these Dumont extracted and edited some which he translated into French and published under the title of 'Théorie des Peines et des Récompenses', in 1811. The English edition of 'The Rationale of Punishment' was not published until 1830, and is largely a translation of the second volume of Dumont's work. Parts of it, however, are transcriptions by the translator, Richard Smith, of Bentham's original manuscripts, and not re-translations from the French.

In view of the book's rather involved history, doubts might be entertained as to its authenticity. On this point Dumont's preface is reassuring. He describes his method of putting the book together: since the manuscripts were both voluminous and incomplete, and often contained several essays on the same subject, he found it necessary to carry out a certain amount of condensation and amalgamation. He stresses, however, that this has affected details only, and adds that "it may be believed that the author has not found his ideas disfigured or falsified, since he has continued to entrust me with his papers." It is also important to note that in spite of the early date of the manuscripts, they still represented Bentham's opinions in 1811; he authorized Dumont to state that any change which he might make would bear only upon their form, since his opinions were unchanged with regard to their principles. From this it seems clear that 'The Rationale of Punishment' may be taken as an authoritative statement of Bentham's views, although not always expressed in his own words.

The basis of Bentham's views on punishment is similar to that of Paley's. All punishment is in itself mischievous and evil, since it consists in the infliction of physical or mental pain. On utilitarian grounds it is

justified only in so far as it excludes some greater evil. Bentham stresses that if an offence could be regarded as an isolated fact, which could never recur, punishment would be not only useless, but an added evil. But since unpunished crime encourages not only the delinquent, but also others, to repeat the offence, punishment becomes a benefit indispensable to social life.

It is clear from this that Bentham regards the prevention of crime as the sole justification of punishment. In 'The Rationale of Punishment' he writes that when an offence has been committed, two objects should be aimed at in the punishment: firstly, to prevent a similar offence from being committed in the future: and secondly, to compensate for the mischief already done. So far as the first of these objects is concerned, the offence may be repeated either by the original offender, or by some other person having motive and opportunity. Thus the prevention of offences divides itself into two branches: particular prevention, applying to the original delinquent; and general prevention, applying to every member of the community. It is the latter which, he writes, is the chief end of punishment, and its real justification. With respect to a given individual, punishment has three objects; firstly, incapacitation, or the taking from him of the physical power of offending; secondly, reformation, or the taking

away of the desire to offend; and, thirdly, intimidation, or making him afraid to offend. General prevention is brought about by example; every man realizes that the punishment suffered by the delinquent is an example of what he himself would suffer if he committed the same crime.

In addition to the prevention of future crimes, punishment has the lesser end of compensating , as far as possible, the person or persons injured by the offence. In 'The Rationale of Punishment' Bentham regards this compensation as being pecuniary, and points out that the two ends of punishment and compensation may in this way be effected by a single operation. In the 'Principles'he writes of the compensation afforded by a punishment as being merely the satisfaction experienced at the sight of it by the injured party, by his sympathizers, and by all who for any reason feel ill-will against the offender. This purpose is beneficial in so far as it can be achieved gratis, but he holds that no punishment should be allotted merely to bring it about. His reason for asserting this is that "no such pleasure is every produced by punishment as is equivalent to the pain," (1) a statement which seems by no means self-evident. It is possible to imagine a case in

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(1) Principles. p.171(foot-note.)

which the punishment of a much-hated individual (for example, a cruel tyrant or oppressor), might bring about a greater aggregate of pleasure than the amount of pain he himself suffered.

Apart from this difference - that in the 'Rationale' compensation is regarded as pecuniary, and in the 'Principles' as a "vindictive satisfaction" - there is little difference between the lists of the objects of punishment given in the two books. They are as follows:-

Rationale (chap: 3)	Principles (p.171) (Oxford ed.)
1) Incapacitation	1) Disablement
2) Reformation	2) Reformation
3) Intimidation	
4) Example	3) Example
5) Compensation	4) 'Vindictive satisfaction or compensation.'

Incapacitation and disablement are distinct only in name, and the only other difference between the lists is that the 'Principles' has no mention of intimidation. This seems to imply no change in Bemtham's opinions, however, for the term 'reformation' is applied in the 'Principles' to any punishment which controls through its operation on the delinquent's will. It thus covers both reformation in the accepted sense, and pseudo-reformation through intimidation.

An illustration should make clearer these distinctions between the different objects of punishment. Suppose that a burglar is put in prison; while there he may realize that the unhappiness caused by imprisonment outweighs the happiness he would have achieved had the burglary been undetected, and may therefore decide through intimidation not to repeat the offence when released. Secondly, he may reflect that - punishment apart - he can never obtain his greatest happiness through anti-social actions, and may reform. Thirdly, while imprisoned he is disabled or incapacitated from committing further crimes - should he be neither intimidated nor reformed. Fourthly, other people will be warned by his example of the penalties attaching to burglary, and will be dissuaded from practicing it. Lastly, the victim, his friends and sympathisers, and all those who feel antipathy towards the delinquent, will have their desire for revenge satisfied, and this vindictive pleasure if "produced without expense," the "net result of an operation necessary on other accounts," is "an enjoyment to be cultivated, as well as any other." (1) In the case of a crime punished by a fine, and not by imprisonment, financial compensation can be made to the victim, who will in

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(1) Works I, p. 383

this way receive both pecuniary and vindictive satisfaction. Bentham regards compensation in itself as the least important object of punishment; example is by far the most important, since it affects a far greater number of persons than any of the other objects.

Since punishment is an evil, it is on utilitarian grounds justified only in so far as it promises to exclude some greater evil. Bentham gives four cases in which it is plainly unjustified. Firstly, when it is groundless - as, for example, when the alleged offence was not in fact mischievous, being carried out with consent; or when the mischief is outweighed by the production of a benefit of greater value, as in the exercise of domestic, judicial, military, and supreme powers, or precautions against instant calamity.

Secondly, punishment is unjustified where it is certain to be inefficacious. There are six cases where this is so. Firstly, where the penal provision is not established until after the act is committed, as in the case of an ex post facto law, and of a sentence going beyond the law. Secondly, when the penal provision, although established, is through lack of promulgation unknown to the public. Thirdly, where the penal provision, even if made known to the individual, could not influence his action -

as in cases of extreme infancy, insanity, and intoxication. Fourthly, where the penal provision, although known to the agent, produces no effect because he is ignorant that the action that he is about to commit is one to which the penal provision relates. Fifthly, where the penal provision, although known to the agent, is ineffectual because he is acted on by an opposite and superior force, as in the case of physical danger. Lastly, where the physical faculties, through some physical compulsion or restraint, cannot obey the will - where, for example, a man's hand is pushed against an object he is willing not to touch.

The third group of cases where punishment is unjustifed is those in which it would be unprofitable: that is, where the evil of the punishment outweighs the evil of the offence. The evil resulting from punishment divides itself into four branches: the evil of restraint of coercion, which is the pain arising from being prevented from doing a desired action; the evil of apprehension, or the pain felt at the thought of undergoing a punishment; the evil of sufferance, or the actual pain inflicted by a punishment; and the pain of sympathy, and other derivative evils resulting to those who are connected with the delinquent, Of these four lots of evil, Bentham points out, the first will be greater or smaller according to the nature of the

act from which the party is restrained; the second and third will vary with the nature of the punishment; the evil of the offence varies with the individual situation. Therefore the proportion between the evil of the punishment and the evil of the offence varies with each offence, and can be discovered only by an examination of each particular case.

There is a second type of situation in which punishment is rendered unprofitable: that in which some 'occasional circumstance' causes the punishment to outweigh the offence. Bentham considers this may arise in four ways. Firstly, the number of delinquents may be so large that to punish them all would produce a disproportionate amount of pain. Secondly, the delinquent may possess outstanding qualities of value to the community, which would be lost if he were punished. Thirdly, the people may be displeased that the offender is to be punished, or may disapprove of the mode of punishment; or lastly, some foreign power or powers with which the community in question is connected, may be displeased at the punishment. (It is interesting to note how typical this is of the utilitarian theory of punishment, and how removed from the retributive theory, or even from British law. It is hard to imagine, for example, even the most brilliant poet's being exempted from punishment in this country on

the score that his work would suffer, even if he had been conclusively proved to have committed some crime.)

The fourth and last group of cases where punishment is unjustified is that in which it is needless: that is, when the purpose may be attained equally effectually and with a smaller amount of pain by another means, such as instruction. Bentham suggests that this would apply to offences which consist in disseminating pernicious principles with regard to political, moral, or religious duties. He allows that it is rarely necessary for the sovereign to take an active part in such controversies, but asserts that if he should do so, his proper weapon is not the sword, but the pen.

Having indicated the occasions on which punishment should not be applied, Bentham goes on to discuss the proportion between the punishment and the offence, where the former is necessary. Since the general object of punishment is to prevent mischief, there are four subordinate objects at which the utilitarian legislator must aim. Primarily, he wishes to prevent all offences, so far as this is possible and worthwhile; secondly, he wishes, if this is not possible, to prevent the worst offences; thirdly, to dispose the criminal, when he has determined to commit any offence, to do no more mischief than is necessary to his purpose; and lastly, to prevent these

offences at as cheap a rate as possible - that is, not to punish an offence with a greater amount of pain than is necessary to outweigh the pleasure obtainable from it.

Subservient to these four objects are thirteen rules or canons by which the proportion of punishments to offences is to be governed. Firstly, the value of the punishment must in no case be less than what is sufficient to outweight the profit of the offence. If it is less, it will be totally useless to prevent the action, and the punishment will be not only inefficacious but evil, since it will be pain with no counterbalancing good results.

Secondly, the greater the mischief of the offence, the greater is the expense which it is worthwhile to be at in the way of punishment. This is connected with the third rule, which is to cause the lesser of two offences to be preferred, by punishing the greater one more severely.

Fourthly, each particle of the mischief is to be punished, in order to induce the delinquent to do no more mischief than is necessary to his purpose. Bentham alleges that this rule is violated in almost every page of every body of laws he has every seen. He points out that to punish a man no more severely for stealing ten shillings than for stealing five, is to encourage him to commit the greater offence.

The fifth rule is not to attach to an offence a greater punishment than is necessary to prevent it; with this is connected the sixth rule, which points out that the circumstances influencing sensibility should be taken into account, so that the severity of the punishment inflicted on a particular offender is in fact equal to that inflicted on similar offenders in general. There are thirty-two circumstances influencing sensibility, and the list is as follows:

1) Health
2) Strength
3) Hardiness
4) Bodily imperfection
5) Quantity and quality of knowledge
6) Strength of intellectual powers
7) Firmness of mind
8) Steadiness of mind
9) Bent of inclination
10) Moral sensibility
11) Moral biases
12) Religious sensibility
13) Religious biases
14) Sympathetic sensibility
15) Sympathetic biases
16) Antipathetic sensibility
17) Antipathetic biases
18) Insanity
19) Habitual occupations
20) Pecuniary circumstances
21) Connexions in the way of sympathy
22) Connexions in the way of antipathy
23) Radical frame of body
24) Radical frame of mind
25) Sex
26) Age
27) Rank
28) Education
29) Climate
30) Lineage
31) Government
32) Religious profession. (1)

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(1) Principles, chap VI

Bentham agrees that not all these circumstances can be allowed for by the legislator, but suggests that provision may be made for them by the judge or other executive magistrate. He points out that a fine which would not be felt by a rich man might mean ruin to a poor man; and that the same term of imprisonment might ruin a business man and kill an old man, but be borne almost unnoticed by persons in different circumstances.

The seventh and eighth rules provide that in order to make the value of the punishment outweigh that of the offence, any want of certainty of proximity in the punishment must be made up in its magnitude.

Ninthly, for acts conclusively indicative of a habit, the punishment is to be increased to cover the previous offences which the offender is likely to have committed with impunity. Actions of this type are coining, and using false weights and measures. Bentham asserts that if the offender were punished only according to the value of the single crime of which he was convicted, his fraudulent practice would on the whole be lucrative.

Lastly, Bentham gives four rules which he considers less important than the preceding nine. The tenth rule is that when a punishment is qualitatively particularly

well-calculated to bring about its purpose, but cannot exist in less than a certain quantity, it may sometimes be useful, in order to employ it, to inflict a slightly larger quantity of punishment than would be strictly necessary on other grounds.

The eleventh rule emphasises that this may in particular sometimes be the case where the proposed punishment is well-calculated to answer the purpose of a moral lesson. In a footnote in the 'Principles' Bentham explains what he means by a moral lesson. "A punishment may be said to be calculated to answer the purpose of a moral lesson when, by reason of the ignominy it stamps upon the offence, it is calculated to inspire the public with sentiments of aversion towards those pernicious habits and dispositions with which the offence appears to be connected; and thereby to inculcate the opposite beneficial habits and dispositions."(1)

The two preceding rules tend to increase the punishment; the twelfth counteracts this tendency. It is that in adjusting the quantum of punishment, the circumstances by which all punishment is rendered unprofitable ought to be attended to.

Lastly, Bentham provides that if any provisions designed to perfect the proportion between punishment and

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(1) Principles, p. 184

offence do not counteract by their particular good effects the harm they do in adding to the intricacy of the code, they should be omitted. He adds in a footnote in the 'Principles' that he fears that in spite of this rule he may be thought to have carried his endeavours at proportionality too far, but explains that since so little previous attention had been given to it, it seemed better to err on the side of excess rather than of defect.

Having determined the proportionality of punishment and offence, Bentham goes on to describe the properties to be given to a lot of punishment. The first and most important quality a punishment should possess is that of variability, both of intensity and duration. An invariable punishment is liable to be either excessive - in which case a certain amount of unnecessary, and therefore evil, pain is being inflicted; or deficient - in which case, too, the pain inflicted, being inefficacious, would be evil. Bentham points out that acute corporal punishment is extremely variable in respect of intensity, but not of duration; penal labour is almost equally variable in both respects; punishments such as banishment or imprisonment are easily varied in duration, and can be varied in intensity by directing that the banishment be to a pleasant or unpleasant climate, and by making prison conditions severe or comfortable.

The second property, closely connected with the first, is that of equability. It is of little use, Bentham writes, for a mode of punishment (proper in all other respects) and capable of being increased or diminished, to have been established by the legislature, if the degree of it which it is in a certain case desired to inflict is liable, according to circumstances, to produce a severe or slight degree of pain, or even none at all. Bentham gives examples of this. Banishment is, for instance, unequable, since its effects vary with the age, rank, and disposition of the individual. Pecuniary or quasi-pecuniary punishments have the same disadvantage, if they apply to some particular species of property, which the offender may or may not possess. At the time when Bentham wrote, suicide and certain species of theft and homicide were punishable by total forfeiture of movables; this was unequable in that if a man's fortune consisted of movables, he was ruined;if in immovables, he suffered nothing. Bentham allows that in the absence of other punishment, it may be proper to inflict an unequable punishment, since the chance of punishing some offenders is preferable to universal impunity. He suggests that one way of obviating this necessity would be the provision of two different and alternative species of punishment, so that, for example, corporal punishment might be inflicted if

pecuniary punishment proved impossible through the offender's poverty.

The third desirable quality is commensurability. Punishments are said to be commensurable when the penal effects of each can be measured, and a distinct conception formed of how far the suffering produced by one falls short of, or exceeds, that produced by another. This is a necessary quality if (as laid down by the third rule of proportion) the law is to encourage a potential offender to choose the lesser of two offences, If the death sentence, for example, is attached to three different crimes, there is nothing for the delinquent to compare, and he is left to choose the easiest, most profitable, and most difficult to detect. Bentham suggests two ways of making punishments commensurable: firstly, by adding to a certain punishment another quantity of the same kind (for example, five years imprisonment for a certain crime, and two more years for a certain aggravation); and secondly, by adding a punishment of a different kind (for example,five years imprisonment for a crime, and some mark of disgrace for a certain aggravation).

Fourthly, the property of characteristicalness helps the public to learn and remember the connexion between a crime and its punishment. The analogy most easily remembered is the simple law of retaliation, "an eye

for an eye, and a tooth for a tooth." Bentham points out that this, however, is rarely practicable; it is unequable (the loss of a hand, for example, would have very different effects on a man living on unearned income and on a cobbler), and also expensive - that is, may produce more pain than is necessary to prevent the crime. An incendiarist might, he suggests, be punished by being exposed to a fire, the duration and the heat of the fire to be determined by law, and the offender to escape with his life. A poisoner might be put to death by poison; in the case of poisons causing great suffering, death might after a certain time be caused by strangulation, to prevent unnecessary pain. Unsuccessful poisoners might be forced to take poison, and to swallow an antidote after a time fixed by the judge on the report of physicians.

Bentham also suggests a slanderer might be exhibited to the public with his tongue pierced; a forgerer might be similarly be exhibited with his hand pierced by a metal instrument shaped like a pen, before being imprisoned. He suggests that the apparent punishment might be made greater than the real, by making the part of the instrument which actually pierced the body no thicker than a pin.

In the case of crimes committed while wearing a mask, Bentham suggests that a representation of the disguise might be imprinted on the offender, either indelibly or

temporarily. Similarly a coiner might have the impression of a coin stamped on his face; this again could be temporary or permanent.

The fifth quality desirable in a punishment is exemplarity, and it possesses this in proportion to its apparent and not to its real magnitude, since it is the former which serves as an example, and the latter which does the real mischief. The legislator ought therefore as far as possible to select modes of punishment which produce the greatest apparent suffering at the expense of the least real, and to accompany each particular real suffering with solemnities calculated to further this object. An execution, for example, might take place at a carefully chosen public site; the tribunal, scaffold, dresses of the officers of justice, religious service, and procession might be of a grave and melancholy character, and the executioners veiled in black. Bentham adds a warning that care must in such circumstances be taken lest punishment become unpopular and odious through a false appearance of rigour.

Sixthly, a punishment should be frugal: that is, it should avoid superfluous and unnecessary pain. The most perfectly frugal punishment is pecuniary, for not only is no superfluous pain inflicted on the offender, but also the same operation causes both pain to him and pleasure to the victim who is compensated.

The remaining qualities are less important, either because they refer only to certain offences, or because they depend on transitory and local circumstances. The seventh property is that of subserviency to reformation. Imprisonment with confirmed criminals obviously lacks this quality so far as a first offender is concerned; offences arising from the joint influence of indolence and pecuniary interest might well be punished by some method aimed at eradicating the former quality.

Eighthly, in certain cases the efficacy of punishment with respect to disablement is important. Death or mutilation possess this quality to a high degree, but are unfrugal and also prevent the offender from doing good. In many cases, however, the ability to do mischief may be removed at little expense in the way of pain; this is in those cases in which the offence has consisted in abuse of power or unfaithful discharge of duty, when the offender can be removed from the position which he has abused.

Ninthly, a punishment should be subservient to compensation. This is a quality obviously possessed to a higher degree by pecuniary punishments than by any other kind. Through compensation the evil of an offence can, Bentham argues, be removed, so that only the evil of the punishment remains.

The tenth desirable quality is popularity, or, more strictly, absence of unpopularity. If a punishment is extremely unpopular with the people, they will tend to shelter criminals and thus contribute to the uncertainty of the punishment; and the thought of its being carried out will cause them superfluous pain.

The next property to be desired is remissibility. It may happen in a few cases that justice has miscarried and punishment inflicted on an innocent man, In such cases, punishments such as imprisonment, banishments, and penal labour have the advantage of being remissible in part; capital punishment the most perfectly irremissible. In the case of pecuniary punishment the fine can easily be refunded.

This completes the list of desirable properties as given in the 'Principles'. The 'Rationale' lists in addition the quality of simplicity of description. Although he recognizes that this rule must give way to superior considerations, Bentham argues that the simpler the name of a punishment, the more easily will it be understood and remembered by the public.

Unlike Paley, Bentham favours the abolition of capital punishment for all crimes except that of rebellion against the government, when by destroying the leader the faction may also be destroyed. He considers that perpetual

imprisonment, accompanied by hard labour and occasional solitary confinement, has a greater deterrent value to members of the criminal classes than the death penalty. In addition to this, frequent use of capital punishment produces three collateral evil effects; it makes perjury appear meritorious, by founding it on humanity; it produces contempt for the law, by making it notorious that it is not executed; and it renders convictions arbitrary and pardons necessary.

No account of Bentham's treatment of punishment would be complete without at least a brief description of his Panopticon scheme. Of all his many schemes, this one was perhaps nearest to his heart, and he persuaded the government to go so far as to buy a plot of land on which to erect a Panopticon. To his acute disappointment, however, they refused after much delay and procrastination to proceed further in the enterprise - a refusal for which Bentham in his chagrin unjustifiably held George III to be personally responsible. After further delay Bentham was awarded generous compensation, but in spite of this he seems to have felt the blow to his hopes and pride very keenly.

'Panopticon, or the Inspection-House', is contained in the fourth volume of Bentham's Works. It comprises a series of letters written to a friend in 1787,

when Bentham was staying with his brother at Crecheff in Russia. There was at that time no question of their publication; they were written with a view to a particular establishment then in contemplation, news of which had reached Bentham through an English newspaper. Four years later they were published through the medium of the Irish Press, with the addition of two postscripts dealing with ~~the~~ new ideas and alterations, mainly concerned with architectural technicalities..

"Morals reformed, health preserved, industry invigorated, instruction diffused, public burthens lightened, economy seated as it were upon a rock, the gordian knot of the poor-laws not cut but untied,"(1) writes Bentham, and the reader may perhaps be forgiven a slight sense of anti-climax when he adds:"- all by a simple idea in architecture." The name itself suggests what this architectural idea is. Every part of the building shall be visible from a central observation point, from which a supervisor can see without being seen. Thus each inmate of the inspection house is under constant supervision, or at least assumes himself to be so, since he cannot observe that he is not. To ensure complete visibility of every part of every cell, the building is to

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(1) Works IV p.66.

be circular, with the cells occupying the circumference and separated from each other by partitions in the form of radii. The inspector's lodge occupies the centre, and there is to be a vacant area surrounding it before the cells begin. The inner circumference of the latter is to consist of a grating, so that the interior of the cells be visible from the inspection lodge, but the partitions are to be carried a few feet beyond the grating, so that the prisoners are screened from each other. The windows of the lodge are to be provided with blinds and screens, so that it is impossible for a prisoner to observe whether or not it is vacant. In this way each cell can be kept under constant observation without the inspector's so much as moving from his chair. So that the inspector may, without moving from his vantage point, and without expending unnecessary effort, issue instructions to the prisoners, each cell is provided with a tin speaking-tube running from the lodge.

Bentham lists the advantages of the plan. In the first place, it has the fundamental advantage of providing for the apparent omnipresence of the inspector, combined with the extreme facility of his real presence. Secondly, it requires a very few persons to exercise complete supervision, and has the advantage of making the subordinate inspectors always visible to the chief supervisor. It also removes the wearisome and unhealthy

task of visiting each indiviudal cell, which falls to the lot of judges and magistrates on their occasional inspections. They need instead merely visit the lodge, from which they can in ease, comfort and safety survey every cell and every prisoner.

The post of supervisor and manager of each Panopticon should go, Bentham suggests, to the applicant who, in other respects unexceptionable, offers the best terms for it. In other words, it should be farmed out to a contractor, for him to make what profit he can from it. Certain restrictions as to his treatment of the prisoners should be laid down - he should not, for instance, starve or ill-treat them, and should be fined a set amount for each prisoner who dies or escapes - but within these limits his appointment should be for life. Bentham adds that the more numerous his family , the better, for each one will unavoidably be in the position of an inspector. "Secluded oftentimes, by their situation, from every other object, they will naturally, and in a manner unavoidably, give their eyes a direction conformable to that purpose, in every momentary interval of their ordinary occupations. It will supply in their instance the place of that great and constant fund of entertainment to the sedentary and vacant in towns - the looking out of the window. The scene, though a confined, would be a very

various, and therefore, perhaps, not altogether an unamusing one." (1)

The contractor is to be at liberty to set his prisoners to work at any trade he pleases, and in return they are to receive remuneration, which may be spent on improving their prison fare. Those who refuse to work receive only the basic allowance of bread and water, and remain entirely without occupation. Thus hunger and boredom combine to render them industrious.

The contractor is unlikely to ill-treat his prisoners, since it is in his own financial interest to have them as fit as possible for their work. He is also prevented from doing so by the visits of the public, to whom the Panopticon is to be open for inspection. "So as they are but there, what the motives were that drew them thither is perfectly immaterial; whether the relieving of their anxieties by the affecting prospect of their respective friends and relatives thus detained in durance, or merely the satisfaction of that general curiosity, which an establishment, on various accounts so interesting to human feelings, may naturally be expected to excite." (2)

Paley's views on punishment are in many ways

(1) Works IV. p.45 (2) Ibid, p.46

strikingly similar to Bentham's. They are to be found, with the rest of his moral theory, in his 'Moral and Political Philosophy', where he devotes a chapter to the subject.

Like Bentham, he admits that punishment is in itself bad, since it consists in the infliction of physical or mental pain, but is justified in so far as the general consequences are pleasure-giving or pain-preventing. The proper end of human punishment is not, he asserts, the satisfaction of justice, but the prevention of crimes; by the 'satisfaction of justice' he means the retribution of so much pain for so much guilt. Although we may expect this from God, it is not the correct motive of human punishment; the sole consideration which authorizes this is the fact that the criminal's escape might encourage him or others, to repeat the crime. Therefore if the crime can be prevented by other means, punishment should not be employed, since it would be unnecessary infliction of pain. "Punishment is an evil", writes Paley, "to which the magistrate resorts only from its being necessary to the prevention of a greater. This necessity does not exist, when the end may be attained, that is, when the public may be defended from the effects of the crime, by any other expedient." (1)

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(1) Principles of Moral and Political Philosophy bk.6 ch.9

Paley's analysis of the ends of punishment is less detailed than Bentham's, but fundamentally similar. The most important end of punishment is example. Paley considers that there is also the secondary end of amendment - that is, of the reformation of the criminal - but he has little faith in its practicability, pointing out that from every kind of punishment then devised, criminals returned more hardened and better instructed in crime. He suggests that the most successful reforming punishment would be solitary confinement, since it is in itself unpleasant, is conducive to reflection and so to penitence, and defends a man from corruption by his fellow-criminals. He puts forward the interesting suggestion that a prisoner's subsistence should be in proportion to the amount of work he does while in prison, and that sentences should be in terms not of time, but of the amount of work to be done before release. In this way he believes that the aversion to work, which he holds to be the cause of much crime, would be conquered.

The more important end of punishment, however, is not amendment, but example. What is important is not so much that the culprit should be punished, as that the public should know that he is punished. It is this knowledge which deters them from themselves committing crimes. This being so, it is not of primary importance that the man

punished should in fact be guilty, so long as he is popularly supposed to be. Paley strongly critizes the maxim which asserts that it is better that ten guilty men should escape than that one innocent man should suffer. He points out that the security of civil life is largely dependent on the dread of punishment, and argues that the death or sufferings of an individual are not comparable with this object. A jury should therefore not hesitate to find a prisoner guilty merely because the evidence against him is circumstantial and admits of the possibility of his being innocent. The life or safety of the meanest subject are not to be knowingly sacrificed, but juries are not to indulge in "over-strained scrupulousness or weak timidity," and are critized for demanding "such proof of a prisoner's guilt, as the nature and secrecy of his crime scarce possibly admit of." (1) They should, instead, reflect "that he who falls by a mistaken sentence, may be considered as falling for his country; whilst he suffers under the operation of those rules, by the general effect and tendency of which the welfare of the community is maintained and upholden." (2)

Paley, then, recognizes no intrinsic connexion between guilt and punishment, and denies that in human

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(1) Principles of Moral and Political Philosophy Bk.6,ch.9
(2) Ibid

punishment there should be an exact proportion between the degree of guilt and the severity of the punishment. This exactness is to be expected from God, since he has complete knowledge of men's actions, and escape from his punishments is impossible. Human beings, on the other hand, have difficulty both in identifying and in apprehending the criminal, and, unlike God's, human punishment is uncertain. This uncertainty, Paley argues, is to be compensated by severity. The easier it is to commit or conceal any crime, the more severe must be the penalty attaching to it. He points out that this severity would be absurd and unjust if the guilt of the offender were the immediate cause and measure of the punishment, but that it is a logical consequence of the supposition that the right of punishment results from the necessity of preventing crime. This being so, the severity of the punishment must necessarily be increased with the mischief of the crime, the ease with which it is carried out, and the difficulty of detection. It is for this reason, he explains, that horse- and sheep - stealing, and the stealing of cloth from tenters or bleaching grounds, are punishable by death. It is not, he stresses, that these crimes are in themselves worse than many simple felonies punishable by imprisonment or transportation, but that since the property is more exposed, it requires the severity of capital punishment to protect it.

Paley devotes some space to a discussion of various methods of punishment, beginning with a consideration of capital punishment. There are, he says, two methods of administering penal justice. Firstly, capital punishment can be assigned to a few offences, and invariably inflicted. Secondly, it can be assigned in many kinds of offences, and inflicted on only a few examples of each kind. It is this second method which was in force in England during Paley's life, and which was approved by him. He points out that it has a strongly deterrent effect without being cruel, since while few actually suffer death, the possibility of it hangs over many. It has also the advantage of providing an example to others which cannot be provided by a punishment such as transportation, which removes the sufferings of the convict from the view of his fellow-men, and so abolishes a great part of the punishment's proper function. He considers that it is a defect of English law that there is no punishment except death which is sufficiently terrible to deter men from crime.

Paley does not approve of the use of torture to extract information from the victim. This is not on humanitarian grounds, but on account of the unreliability of confessions so obtained. Similarly, he critizes what he

calls "barbarous spectacles of human agony" (1) simply on the grounds that they tend to harden and deprave the public's feelings, or else to submerge the onlookers' hatred of the crime in their sympathy for the victim. He favours, however, a method of execution which would "augment the horror of the punishment, without offending or impairing the public sensibility by cruel or unseemly exhibitions of death"(2), if one could be devised. He notes approvingly a suggestion to cast murderers into a den of lions, where they would perish horribly but unobserved. In this way, he suggests, the anomalous situation might be avoided in which the same penalty awaits both the man who commits a simple robbery and the man who poisons his father.

It will be seen that Paley's views on the proportionality of crimes and punishments are very similar to Bentham's, allowing for the fact that his treatment is, from the nature of his book, so much slighter than Bentham's. So striking is this similarity that it led Bentham's friend George Wilson to wonder whether Paley was not guilty of plagiarizing from Bentham. It will be remembered that although the latter's 'Principles'of Morals and Legislation'

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(1) Principles of Moral and Political Philosophy Bk.6. Ch.9
(2) Ibid.

was printed as early as 1780, it was not published until 1789, and in the meanwhile Paley's 'Principles of Moral and Political Philosophy' appeared in 1785. Bentham was at this time staying with his brother in Russia, and the news of the publication of Paley's book was given him in a letter from Wilson. "It is founded entirely on utility," Wilson wrote, "...He has got many of your notions about punishment, which I always thought the most important of your discoveries; and I could almost suspect, if it were possible, that he had read your introduction."(1)

There is, however, no evidence whatsoever of this, and there seems no reason to suppose that Wilson based it on anything more than conjecture. The general scheme of both Bentham's and Paley's views on punishment is no more than a logical application of their utilitarian philosophy, and Bentham acknowledges his indebtedness to previous writers such as Helvétius and Beccaria. His penology owes a particular debt to the latter's 'Dei delitti e delle pene', which appeared in 1764. The basis of Beccaria's views, as of Bentham's, is that "pleasure and pain are the only springs of action in beings endowed with sensibility."(2)

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(1) Letter to Bentham from G.Wilson 24th Sept.1786, (printed in Bentham's Works, X. p.163-4)
(2) Beccaria: 'An Essay on Crimes and Punishments' (1804) being an English trans. of 'Dei Delitti,' p.24.

The object of punishment is not to inflict retributive pain on the offender, nor can punishment undo a crime already committed. "The end of punishment...is no other than to prevent the criminal from doing further injury to society, and to prevent others from committing the like offence. Such punishments, therefore, ought to be chosen, as will make the strongest and most lasting impressions on the minds of others, with the least torment to the body of the criminal."(1) Thus "the degree of the punishment, and the consequences of a crime, ought to be so contrived, as to have the greatest possible effect on others, with the least possible pain to the delinquent."(2) Like Bentham, Beccaria believes that as far as possible the punishment should fit the crime; he writes: "There is (an) excellent method of strengthening this important connexion between the ideas of crime and punishment; that is, to make the punishment as analogous as possible to the nature of the crime."(3) Again like Bentham, he disapproves of the death penalty; among his reasons are that executions fill the spectators with compassion and indignation rather than with terror of the law, and that life imprisonment is a greater deterrent since it is more protracted

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(1) Beccaria: 'An Essay on Crimes and Punishments' (1804) p.41.

(2) Ibid p. 73. (3) Ibid p.73.

and provides a lasting and frequent deterrent to others - all men fear it, while some have no fear of death.

Paley, in contrast to Bentham, approves of the wide application of the death penalty, although he qualifies this by advocating that it should not be carried out in every case to which it is by law assigned. It is interesting to notice this divergency between two writers who both argue from the principle of utility. As Halévy comments: "Bentham had promised that the principle of utility should be a principle of reform, and that when it was introduced into affairs of legislation and morals, the reign of science should succeed the reign of vague generalities. Yet here in Paley the principle of utility shows itself competent, by the same authority that attaches to any form of the arbitrary principle, to justify any given institution, to found a new scholasticism in social theory."(1)

Although Paley and Bentham are so largely in agreement in their views on punishment, the agreement ends when we look at the underlying theory. Bentham takes the strictly utilitarian view that punishment is in no sense an end in itself, and that an offence is in no way intrinsically deserving of punishment. "All punishment is mischief,

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(1) 'Growth of Philosophic Radicalism', ed.1928 pp.80,81.

all punishment in itself is evil. Upon the principle of utility, if it ought at all to be admitted, it ought only to be admitted in as far as it promises to exclude some greater evil."(1) Paley, however, is prevented by his religious beliefs from holding this view. Having admitted that "the retribution of so much pain for so much guilt", is "the dispensation we expect at the hand of God" (2), he cannot agree with Bentham that all punishment is in itself evil without accusing God of acting immorally. Indeed, he avoids the issue by saying: "In what sense, or whether with truth in any sense, justice may be said to demand the punishment of offenders, I do not now enquire: but I do assert that this demand is not the motive or occasion of human punishment."(3)

Paley's belief in God, which is of course not shared by Bentham, does, however, make it easier for him to excape some, though not all, of the difficulties into which the strictly utilitarian theory leads. Both Paley and Bentham, as I have tried to show, view punishment almost solely as a deterrent. It has, certainly, the minor ends of reformation, of preventing (by imprisonment ,for example,) a man's repeating an offence, and, for Bentham, that of giving satisfaction to others, but these are of slight

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(1) Principles, p.170. (2) Principles. ed 1806 Vol:II p.295
(3) Ibid.

importance compared to its deterrent function. This position involves several drawbacks or paradoxes.(1)

In the first place, as I have already tried to show in connexion with Paley, on a purely deterrent view of punishment it is immaterial whether the man receiving the punishment is in fact guilty, so long as the public believes him to be so. Bentham is even more open about this than Paley, and can without any apparent misgivings write: "In point of utility apparent justice is everything; real justice, abstractedly from apparent justice, is a useless abstraction, not worth pursuing, and, supposing it contrary to apparent justice, such as ought not to be pursued... Fromapparent justice flow all the good effects of real justice - from real justice, if different from apparent, none." (2) Apart from the unfairness of punishing an innocent man, this ignores the essential connexion which most people feel exists between guilt and punishment, and would seem to them an unacceptable, if not repellent, view. Clearly it is a view which is diametrically opposed to the retributive theory of punishment, but it is not unacceptable only to the adherents of this theory. Even on utilitarian grounds it is not completely satisfactory, for by being simply a

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(1) See for example, Dr. A.C. Ewing's 'The Morality of Punishment'.

(2) 'Principles of Judicial Procedure,' Ch. 3. ad fin.

deterrent it fails to reform or incapacitate the real offender. It may even aggravate his wrong-doing, by encouraging him to think that he will continue to escape the penalty of the law in future.

A second argument against the position is that knowingly to punish an innocent man as a deterrent is to treat him merely as a means to an end. It can be argued - as, for example, by Mackenzie - that even a purely retributive theory of punishment is in itself objectionable, because the infliction of pain on one man merely for the benefit of others involves treating him only as a means to an end, and not as an end in itself.(1) But if punishing a man for the sake of others for something he has ~~not~~ done is objectionable, how much more objectionable is the punishing for the same reason an innocent man.

Paley's position in regard to this point is more defensible than Bentham's. From his belief that in a future life God will award punishments "exactly proportioned to the guilt of the offender"(2) it can be argued that punishment in this life is merely a human device to make society possible. Rewards and retributive punishment will be dealt out by God, and (although Paley does not seem to say so in the 'Principles') God will presumably take into

(1) 'Manual of Ethics' 5th. ed. p.430.
(2) Principles (ed.of 1806) p.300

account the punishment a man has received on earth, so that a man who has been unjustly punished will be compensated in heaven. This would seem to some extent to remove the difficulty, but no such argument is possible for Bentham. There are for him no heavenly roundabouts on which a man can make up for what he has lost on the earthly swings, and one remains struck with the injustice of Bentham's theory, and its entire disregard of any essential connexion between punishment and guilt.

A drawback to which both Paley's and Bentham's views are subject is that the deterrent principle tends to increase the severity of punishments. Since no punishment succeeds in deterring everyone from committing a crime, and since the number of people deterred will be in proportion to the severity of the punishment, a case can always be made out for increasing the severity. In a passage already mentioned, Bentham states that the value of the punishment must never be less in any case than what is sufficient to outweigh the profit of the offence, and obviously a very severe punishment may be necessary to prevent the greatest possible number of people from committing a crime. In the same way, Paley approves of the application of the death penalty to sheep- and horse-stealing, and to the stealing of cloth from tenters or bleaching grounds: he justifies this by saying that although these crimes are in their nature no

more heinous than many others that are more lightly punished, and although "this severity would be absurd and unjust, if the guilt of the offender were the immediate cause and measure of the punishment," yet it is "a consistent and regular consequence of the supposition that the right of punishment results from the necessity of preventing the crime; for, if this be the end proposed, the severity of the punishment must be increased in proportion to the expediency and the difficulty of attaining this end."(1)

Paley's theory is on this point notably lacking in the subtlety of Bentham's. Bentham is careful to lay down that each particle of the mischief must be punished, to induce the delinquent to do no more mischief than is necessary to his purpose, and points out that to punish a man equally for a large or for a small crime is to encourage him to commit the former. Paley, by approving of the application of capital punishment to many offences, commits this very error. A man who knows that on arrest he may be hanged, will be inclined to feel that this may as well be for a sheep as for a lamb, and the punishment will have the reverse of the intended effect.

A further difficulty which arises from the deterrent theory of punishment is in connexion with crimes committed under the influence of passion. In this country such crimes are on the whole less severely punished than those

(1) Principles (ed 1806) p.299.

which are premeditated, and extenuating circumstances, such as a very strong temptation, are held to justify the infliction of a comparatively light penalty. There is a rough approximation between the severity of the punishment and the moral badness of the offence.

The deterrent principle, however, has the opposite effect. As Bentham argues: "The strength of the temptation (ceteris paribus) is as the profit of the offence: ceteris paribus, it must therefore rise with the strength of the temptation."(1) As Dr. Ewing points out, if this is so a starving man who steals a loaf of bread ought to be punished by the most cruel tortures, for nothing short of this would produce a fear strong enough to counterbalance that of starvation. Yet, as Bentham is aware, the stronger the temptation, the slighter is the indication of depravity provided by succumbing to it, and therefore (other things being equal) the less danger the culprit is likely to be to the community. This cannot, however, on the deterrent principle provide any grounds for overruling Bentham's principle of increasing the punishment in proportion to the strength of the temptation, for a man's moral goodness or badness bears little relation to the ease or difficulty with which he can be deterred from crime. Although a man

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(1) Principles, (Ox. ed)p.180

acting under the influence of passion may be morally less bad than one who commits a premeditated crime, it is probable that he is less easily deterred than the man who acts with malice aforethought. He is probably also more likely to commit future offences than the man who calculates, since he is liable to be carried away by his emotions. Yet few people would, I think, regard it as morally right that the more severe penalty should be received by the morally better man.

A further paradox, as Dr. Ewing points out (1), is that, the deterrent principle by itself, leads logically to punishing carelessness severely as deliberate damage. Carelessness, after all, does a greater amount of damage annually than crime, and if motive is not to be taken into account it is only logical to try to deter carelessness, like deliberate crime, by punishment.

From these considerations it seems apparent that the application of utilitarianism to the theory of punishment leads to a paradoxical position. What conclusion are we to draw from this? Surely the fact that utilitarianism cannot be successfully applied to all spheres of action points to its being a false ethical theory. An essential quality of a true ethical theory is that of satisfactory applicability to all branches of conduct, and since

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(1) Morality of Punishment, p.54

utilitarianism seems without doubt to fail in its application to punishment, its truth may well be doubted.

CHAPTER 9

Bentham on Religion

A thesis on Bentham's ethics is not the place for a detailed consideration of his writings on religion. It is, however, relevant to indicate in outline the application of his moral theory to the subject.

His antagonism to Christianity dates at least from his Oxford days. On entering the University at the age of twelve, it was only with the greatest reluctance that he subscribed, as was required, to the Thirty-Nine Articles. The impression made on him by this enforced insincerity was painful and lasting, and he later compared the agony which he suffered to that of Jesus crucified. He was equally horrified by the expulsion of five Methodist students from the University for heresy, and the remembrance of these events remained with him all his life.(1)

Throughout his writings his anti-religious bias is noticeable, but it was not until he was in his seventies that he concentrated his energies on a specific attack. The immediate cause of this was the obstruction which the Church of England placed in the way of his Chrestomathic scheme. This scheme was set out in a series of papers published in 1816 under the title of 'Chrestomathia', or useful education';

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(1) Works X, p 37; 'Not Paul but Jesus', Introduction.

designed to give a thorough education on sound utilitarian lines to the children of the middle classes, it was based on the educational system of Bell and Lancaster. Its main feature was the inculcation of mental discipline and thoroughness of learning; these Bentham considered would be better achieved by a study of scientific subjects than by the lavishing of time on dead languages and the classics.

When he came to try to translate theory into practice, however, he met with overwhelming opposition from the Church of England. This so incensed him that he turned his energies to attacking first the Established Church, then dogmatic theology, and finally to questioning the utility of religion itself. In 1818 he published 'Church of Englandism and its Catechism Examined', preceded by Strictures on the Exclusionary System as pursued in the National Society's Schools,' extracts from which were published in 1823 and 1831 under the titles of 'Mother Church Relieved by Bleeding', and 'The Book of Church Reform'. Next he wrote 'Not Paul but Jesus', which was however not published until 1823, and appeared under the pseudonym of Gamaliel Smith. Finally he wrote, or furnished the substance of, 'An Analysis of the Influence of Natural Religion on Temporal Happiness', which was ultimately published under the pseudonym of Philip Beauchamp in 1822.

It is this last work which I shall mainly consider here, for the following reasons. Bentham's attack on the Church of England, and his proposals for its reform, are largely irrelevant to his moral theory. 'Not Paul but Jesus' is a purely theological work, in which Bentham questions the fact of St. Paul's conversion, and critically examines the evidence for it. He attempts to show that the Apostle distorted the teaching of Jesus, and was responsible for the introduction of dogmatic theology, one of Bentham's abominations. The 'Analysis', however, as its full title shows, deals with the relation between religion and utility, and is therefore worth considering in some detail.

Although the book was not published until 1822, the manuscripts on which it is based were written several years earlier. Having written them, Bentham lacked the time and inclination to prepare them for publication. At the request of George Grote, he handed the manuscripts to him to be edited and put into shape. This Grote did, and the book was eventually published under the pseudonym of Philip Beauchamp. An important point to consider, therefore, is how much of the book is Bentham's and how much Grote's. Fortunately Bentham's manuscript was presented to the British Museum by Grote's widow after the death of her husband. It is bound in four thick foolscap volumes, and, being written largely in pencil, is far from easily legible. It covers in

some detail not only natural, but also revealed religion. It is plain, therefore, that Grote's task in selecting those sections suitable to his purpose must have been considerable. He seems, in addition, largely to have rewritten the passages selected, so that in the main the wording of the book is his rather than Bentham's. This does not mean, however, that the views expressed are not Bentham's. From an examination of the manuscript I have come to the conclusion that Grote was careful not to put forward views which were not paralled in the notes, although in many places he has toned down the more caustic of Bentham's comments on clericalism and religion in general. It can, I believe, be safely asserted that no opinion expressed in the 'Analysis' is more extreme than Bentham's, and that if Grote has erred at all in his expression of Bentham's views, it is in underemphasizing, not in overemphasizing, their vehemence. For this reason I consider that in the ensuing examination of the book I shall be justified in treating Bentham as its author, and in referring to him as such for the sake of brevity.

The book is divided into two parts, the first being a general examination of the temporal advantages and disadvantages of natural religion in the light of utilitarianism, and the second a detailed catalogue of its mischiefs. It is not an attempt to prove the truth or falsity

of natural religion, but rather a preliminary to such an enquiry. In the preface the somewhat surprising view is advanced that it is necessary to know the advantages and disadvantages of the adoption of natural religion before giving an unbiassed decision as to its truth. As Bentham himself writes in the manuscript: "To the question concerning its utility, the question concerning its verity is but subordinate. Suppose it neither beneficial nor misehievous, its verity is not worth enquiring after...But if upon the whole it be adverse and inimical to human happiness then its verity is worth enquiring after; for on that supposition the exclusion of the belief in its verity is beneficial."(1) He goes on in the 'Analysis' to say that "if the estimate of these advantages drawn up by its advocates be really well-founded, we may safely pronounce that no anti-religious writer could possibly make a convert, even though he were armed with a demonstration as rigorous as that of Euclid,"(2) that is to say, men will continue to cherish a belief in heavenly rewards and punishments, for the sake of the temporal pleasure which this belief gives them, even if a posthumous life can be conclusively proved non-existent. No argument is adduced to support this startling view, which is one which few people would be inclined to accept.

(1) B.M. MSS. vol iv. p.185 (ref:Bentham-Grote MSS(Beauchamp) Addit: 29. 806-9)
(2) 'Analysis' (ed.1866) p.iv.

He sets out in the Preface the sense in which he is using the term 'natural religion'. Under it, he writes, he includes "all religious beliefs not specially determined and settled by some revelation (or reputed revelation) from the Being to whom the belief relates."

The object of the book is set out in moderate terms. "The warmest partisan of natural religion", writes Bentham, "cannot deny that by the influence of it (occasionally at least) bad effects have been produced; nor can anyone on the other hand venture to deny, that it has on other occasions brought about good effects. The question therefore is, throughout, only as to the comparative magnitude, number, and proportion of each."(1) His object, then, is "to ascertain, whether the belief of posthumous pains and pleasures, to be adminstered by an omnipotent being, is useful to mankind - that is, productive of happiness or misery in the present life."(2) He allows, however, that even if it were proved that religion is pernicious in its temporal effects, there might still remain ample motive for observing its precepts for those who are convinced of its truth.

Bentham begins his enquiry by stating that "nothing can be more undeniable than that a posthumous existence, if

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(1) 'Analysis' (ed 1866) p.2. (2) Ibid. p.3

sincerely anticipated, is most likely to appear replete with impending pain and misery."(1) He argues as follows. In our present life, it is only to knowledge, gained by experience, that we owe respite from continual suffering; wherever our knowledge fails us we are reduced to a state of unprotected helplessness, we lose our sense of security, and feel only fear. But we know nothing whatever about a future existence, and have no knowledge to help us to protect ourselves in it, and therefore we must necessarily conceive it as fraught with misery and torment. In addition to this, pain, being a far more distinct and strong sensation than pleasure, is - other things being equal - far more likely to obtrude itself upon the conceptions than pleasure, since it has given stronger sensations in the past. Therefore, he concludes, "Pain will dictate our anticipation, and a posthumous life will be apprehended as replete with the most terrible concomitants which such a counsellor can suggest."(2)

I cannot see that either of these arguments carries much weight. To take the second argument first: even if we allowed the truth of Bentham's assertion that pain is more likely to obtrude itself than pleasure, it could surely be argued that fears about a future life, based only on this,

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(1) Analysis, (ed. 1866) p.4 (2) Ibid. p.7

could be dissipated by its being shown how slight a rational foundation they have. The second argument has, it seems, two weaknesses. Firstly, Bentham surely overemphasises the pains we feel in this world before we acquire sufficient knowledge of natural laws to avoid them. If he is right, small children would always be "suffering under the sting" of those "painful sensations (which) are the most obstrusive and constant assailants which lie in wait around our path."(1) Yet on the whole children seem happier than many adults, and there seems no reason why initiation into a future life should prove any more painful than initiation into this one. Nor does the analogy between temporal and posthumous pains seem entirely valid. The pain we suffer from being ignorant of natural laws is almost entirely bodily; the pain we feel in a future life cannot be of this type. This is not to say that posthumous pain would be impossible, but simply that it could not be of the type which Bentham suggests.

So far he has considered posthumous pains and pleasures simply and in themselves. He admits, however, that this discussion has little practical significance, since it is impossible to produce any case in which the belief in future pains and pleasures has been held to be unconditional on the temporal actions of the believer. It is commonly held to be so conditional - to be in fact a reward or punish-

(1) Analysis (ed.1866) p.5

ment - and this is the form in which, as Bentham puts it, it "is affirmed to imprint upon individual conduct a bias favourable to the public happiness." (1)

If natural religion is to influence action, it must do so either by providing a directive rule which communicates knowledge of right actions, or by furnishing a sanction or inducement for the observance of some directive rule supposed to be known from other sources. Bentham points out that it is obvious at first sight that it does not fulfil the first condition. "Independent of revelation, it cannot be pretended that there exists any standard to which the believer in a posthumous existence can apply for relief and admonition. The whole prospect is wrapt in impenetrable gloom, nor is there a streak of light to distinguish the one true path of future happiness from the infinite possibilities of error with which it is surrounded."(2)

Does natural religion, then, furnish any sanction for the observance of a directive rule known from other sources? Bentham answers that "it indirectly suggests, and applies (its) inducements to, a rule of action very pernicious to the temporal interests of mankind."(3) It is commonly held, he writes, that posthumous pleasures and pains are dealt

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(1) Analysis (ed.1866) p.9 (2) Ibid. p.10.
(3) Ibid. p.12

out by God as rewards or punishments for actions which please or displease him. (It is interesting that Bentham himself considers this view to be entirely unfounded. Granting the assumption that the pleasures and pains of a future life are dispensed by God, he argues that this would then be equally true of the pleasures and pains of this life. Yet we do not attempt to forecast the latter by reference to God's character. We do not suppose that a man is afflicted with yellow fever because he has displeased God; why, then, should we suppose that in a future life his pleasures or pains will be a result of his having pleased or displeased God?)

Since, however, the purpose of the book is to examine the actual effects of natural religion, and not what Bentham considers its logical conclusions, he goes on to discuss what actions are usually held to be pleasing to God. This depends, obviously, on our conception of God's character. "If he is conceived to be perfectly beneficial - having no personal affections of his own, or none but such as are coincident with the happiness of mankind- patronising those actions alone which are useful - detesting in a similar manner and proportion those which are hurtful- then the actions agreeable to him will be beneficial to mankind, and inducements to the performance of them will promote the happiness of

mankind. IIf, on the other hand, he is depicted as unbeneficent - as having personal affections seldom coincident with human happiness, frequently injurious to it, and almost always frivolous and exactive - favouring actions which are not useful at all, or not in the degree in which they are useful - disapproving with the same caprice and without any reference to utility - then the course of action by which his favour is to be sought, will be more or less injurious to mankind, and inducements to pursue it will in the present life tend to the production of unhappiness."(1)

From the language in which men refer to the deity it seems that they conceive him to be "a being of perfect and unsullied beneficence, uniting in himself all that is glorious and all that is admirable."(2) Yet, Bentham holds, it is demonstrable that mere natural religion invariably leads its followers to ascribe to the deity a tyrannical and capricious character. His arguments can be summarized as follows.

God cannot design constant and unmixed evil for the world, or his power would carry it into effect; similarly he cannot intend constant and unmixed good. Since both good and evil exist in the world. God must produce them both, and is conceived as "sometimes producing evil, sometimes

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(1) Analysis (1866) p.15 (2) Ibid p.20

good, but infintely more as an object of terror than of hope. His changeful and incomprehensible inclinations will be supposed more frequently pernicious than beneficial to mankind, and the portrait of a capricious tyrant will thus be completed."(1) In spite of the unamiable character which they ascribe to the deity, however, men use terms of eulogy and reverence when referring to him, is the hope of flattering him into rewarding them with pleasure, or at least with absence of pain. Just as a human despot is motivated by a passion for increased power, and rewards those who help to maintain and enlarge his dominion, and to convince him of his supremacy, so God rewards those who perform similar services for him. Thus the most favoured class will be that of priests, who increase his influence among men, and cause his name to be reverenced and dreaded; next in favour will be those who constantly extol him and deprecate themselves, who abstain from pleasurable actions for his sake, and perform ceremonies to please him. Good works done from this motive produce little benefit, for since they win the approbation of mankind this might be suspected to be their motive; God prefers those actions which bring no temporal advantages, such as mere mortifications of the flesh. (In this connexion it is relevant to remember Bentham's attack on asceticism in Chapter II of the 'Principles'). He ends

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(1) Analysis (ed.1866) p. 20.

this chapter of the 'Analysis' with a summary of God's character, as he believes the natural religionist conceives it: "He loves human obedience; that is, he is delighted with human privations and pain, for these are the test and measure of obedience. He is pleased when his power is felt and acknowledged; that is, he delights to behold a sense of abasement, helplessness, and terror prevalent among mankind." (1) Bentham concludes, therefore, that "the posthumous hopes and fears held out by natural religion, must produce the effect of encouraging actions useless and pernicious to mankind, but agreeable to the invisible Dispenser, so far as his attributes are discoverable by unaided natural religion - and our conceptions of his character are the only evidence on which we can even build a conjecture as to the conduct which may entail upon us posthumous happiness and misery. Whatever offers an encouragement to useless or pernicious conduct, operates indirectly to discourage that which is beneficial and virtuous. In addition, therefore, to the positive evil which these inducements force into existence of themselves, they are detrimental in another way, by stifling the growth of genuine excellence, and diverting the recompense which should be exclusively reserved for it."(2)

These arguments seem to contain not only weak theology but bad logic. Criticism of them on these scores

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(1) Analysis (1866) p.33. (2) Ibid p.35

would be out of place here, however, for as we have seen Bentham is putting them forward not as his own views but as what he considers to be popular beliefs, and therefore they can only be attacked on the ground that they are not in fact popularly held. It is difficult, however, to discover what are in fact the beliefs or natural religionists. They are few in number, and have- so far as I am aware- no organized beliefs, with the possible exception of certain native religions. However, if this makes it impossible to disprove Bentham's assertion, it makes it equally impossible for him to produce evidence to prove it. It would even be possible to use his argument previously quoted to show that an intelligent natural religionist would not hold the views which Bentham states. When he admits that the whole conception of God as a tyrannical despot is founded on nothing but fancy, it seems odd that he does not allow that even a natural religionist might be sufficiently intelligent to realize this, and to form a theory both logically compatible with the basic principles of natural religion, and grounded on reason.

It is odder still that in the opening sentence of the next chapter (chapter IV) he flatly contradicts what in the previous chapter he has been at pains to point out. Referring to the argument by which, he alleges, natural religionists reach their conclusions as to God's

tyrannical character - which he has previously asserted to be mere fancy- he writes: "....the preceding argument, drawn from the character which unassisted reason cannot fail to ascribe to the Deity."(1) This compares oddly with the passage already referred to, in which he writes: "Amidst the dimness and distance of futurity, however, reason is altogether struck blind, and we do not scruple to indulge in these anticipations. The assumed character of the invisible Dispenser is the only ground on which fancy can construct her scale of posthumous promotion and disgrace."(2) It would be with the very greatest hesitation that one would suggest that Bentham might be guilty of intellectual dishonesty. It must be admitted, though, that his case against natural religion would lose nearly all its force if it were not based on this conception of God, and that it is therefore in his interest to make it appear a reasonable supposition. But if this is his intention, why draw attention to the conception's fancifulness in the first place?

Returning to the argument of the book, we come to four considerations by which Bentham enforces his view that natural religion is contrary to temporal happiness.

In the first place, even if all belief in God or a future life vanished, people would still have the same

(1) Analysis p.35 (2) Ibid p. 15

motives for performing useful actions and for refraining from pernicious ones, for the sources of temporal pleasure and pain would remain unaltered. The only practices which would cease without the support of natural religion would be those which it holds to be pleasing to God. The fact that in these circumstances they would vanish shows that there would be no motive left to produce them, and therefœ that they produce no temporal benefit. (The latter part of this argument would appear to be circular.)

Secondly, if natural religion consisted in the practice of actions beneficial in this life, the actions enjoined by it would be the same everywhere, since the sources of pleasure and pain are everywhere similar. Yet, says Bentham, the reverse is notoriously the case. "In mentioning the system of religion to which any individual belongs, we do not at all state whether his conduct is beneficial or pernicious - therefore an adherence to the system is perfectly consistent either with friendship or with enmity to mankind." (1)

Thirdly, if pious actions were such as produce actions beneficial in this life, they would coincide with human laws, or beth would have the same end, although one would employ posthumous and the other temporal sanctions. Yet, as he points out, religion may require certain cere-

(1) Analysis (1866) p.38

monies and actions to be carried out which are unrecognized by the law as deserving of either reward or punishment, and may forbid actions permitted by the law. There seem to be two flaws in this argument. In the first place, it appears to be based on the assumption - which it would be ludicrous to suppose that Bentham held - that all laws are consonant with utility. In the second place, it ignores the fact that many actions are beyond the scope of the law - and Bentham considers, rightly so. Because an action is unrewarded or unpunished by the law it does not mean that it is not in accordance with utility.

Finally, he argues that religious injunctions can be divided into two branches - our duty to God and our duty to man. By definition the former affects the individual alone. Where the interests of others are not concerned, each man naturally selects the actions most likely to produce his temporal happiness. If any other actions than those are thrust on him by religion, they must represent a sacrifice of earthly happiness.

What Bentham seems to ignore is the fact that although his assertions may be true, and natural religion may lead to loss of temporal happiness, a believer may not only think it worth while to sacrifice this present pleasure to a greater posthumous one, but may also obtain a certain pleasure from the sacrifice itself, in much the same way as

a child saving its money to buy a toy obtains pleasure in denying itself the extravagance of buying sweets. This rather strange fallacy seems to run through all his writings on religion. He seems almost constitutionally unable to appreciate that to anyone who genuinely believes in eternal posthumous reward or punishment, the sacrifice of a certain finite amount of temporal pain is even on utilitarian grounds justified. Yet this is surely the crux of the matter. If eternal posthumous pleasure or pain were a fact, then temporal pleasure and pain would be in comparison a matter of so little moment that Bentham's denunciation of the effects of religion, even if true, would be of small importance. The essential enquiry, then, is not as to the temporal effects of religion, but as to its truth or falsity; for if it is true then the importance of its temporal effects will be negligible.

The first part of the 'Analysis' ends with the argument that the character of dividing inducements makes them impotent against temptation, and productive only of misery, and that what influence they have is really derived from the popular sanction. They are useless against temptation because they are deficient in those four qualities which, according to Bentham, an effective reward or punishment must possess - those of propinquity, certainly, intensity, and durability. It is easy to see why he considers that

they lack the first two qualities (though to a believer their certainty would not be in doubt), but less easy to see why they lack intensity and durability. He argues that we can never anticipate any pleasure or pain as being more vivid than the strongest sensation, since all our ideas of pleasure and pain are borrowed from experience. We cannot even anticipate it as being as vivid as a sensation we have actually experienced, "for to do this would be to exalt the conceptions of fancy to a level with real and actual experience, so that the former shall affect the mind as vividly as the latter, which is the sole characteristic of insanity."(1) There seems here to be an interesting resemblance to logical positivism.

If heavenly inducements are so ineffectual as motives to action, how is it that they have so much apparent force? Bentham's answer is that they derive it from the popular sanction - that is, from public opinion. Any believer in natural religion, he argues, will wish to obtain as much posthumous pleasure as possible, with the smallest possible sacrifice of temporal pleasure. As he has already tried to show, God delights in his own superiority and in human obedience, and will reward those who encourage others

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(1) Analysis (1866) p.48

to do actions pleasing to him. Therefore it is in each man's interest to make as many other people as possible obedient to God, for thus he earns God's approval at little cost to himself. If all the members of a community do this, "each man is placed under the surveillance of the rest. A strong public antipathy is pointed against impious conduct; the decided approbation of the popular voice is secured in favour of religious acts. The praise or blame of his earthly companions will thus become the real actuating motive to religious observances on the part of each individual. By an opposite conduct it is not merely the divine denunciations he provokes, but also the hostility of innumerable crusaders, who long to expiate their own debts by implacable warfare against the recusant."(1) Naturally men try to persuade themselves that they are acting sincerely, and therefore "assume all the exterior mien of a voluntary subjection to the invisible Being."(2) It is difficult to believe, however, that a God by definition omniscient would be deceived by this rather transparent stratagem.

Bentham strengthens his argument by giving examples of practices which ,although forbidden by religion, persist because this prohibition is not backed by public opinion. They are duelling (in which men are willing to suffer divine

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(1) Analysis (1866) p. 55. (2) Ibid. p.56.

penalties in order to escape the accusation of cowardice from men), fornication, simony, and perjury. Here he admits that his examples come from revealed religion, since it is only through revelation that a religion can acquire an unvarying collection of precepts, with which actual conduct can be compared. "In natural religion", he writes, "it is impossible to discover what is the course of action enjoined, except by consulting the reigning tone of practice and sentiment."(1) Yet he has been referring, and refers in the second part of the book, to natural religion as though it possessed a single coherent body of teaching and of priests. One is therefore entitled to ask from what religious organization he is obtaining his data, and to question whether he has not almost openly shifted his ground from an attack on natural religion to an attack on Christianity. The latter is undoubtedly the real object of the book, camouflaged, in order to give less offence, under the guise of an attack on an almost non-existent system of religion. Yet it seems perhaps intellectually dishonest to attempt to confuse the reader between the two.

The second part of the book is a "Catalogue of the various modes in which natural religion is mischievous," and Bentham divides these into mischiefs accruing merely to an individual, and those which are not merely self-affecting

(1) Analysis (1868) p.59

but diffused throughout society. From even a perfunctory reading it is obvious that the system which is referred to is not in fact natural religion, but Christianity, although this is nowhere admitted.

Bentham has already dealt with the ways in which natural religion is mischievous to the individual - the infliction of unprofitable suffering as a proof of devotion to God (here he specifies fasting; celibacy; poverty; surrender of dignity, honours, and property; and abstinence from social enjoyments - and although he explains that these have at all times been in the catalogue of religious practices, he gives no indication of whether these religions were natural or revealed) in the suffering of undefined fears for the future, and the taxing of pleasure by the imposition of preliminary scruples and subsequent remorse.

He goes on to give six ways in which it is mischievous to society. Firstly, it "creates factitious antipathy"(1), as when groups of men quarrel over religious practices and observances. This is commonly observed in Christianity, but Bentham's argument would be better served if he could give examples of its being caused by natural religion.

Secondly, it perverts popular opinion, corrupts the sentiments, sanctifies antipathy, and produces an

(1) Analysis (1868) p. 75.

aversion to improvement. It attaches the hatred of mankind to actions which are not really harmful, and applies the terms 'good' and 'bad' to actions which are not so rendered by utility; and it causes antipathy to new discoveries, since they interfere with the laws of nature, which, being supposedly established by God, have acquired a particular holiness in the eyes of believers. (Again, one may wonder whether this applies to natural or to revealed religion.)

Thirdly, it disqualifies the intellect for purposes useful in this life , through disjoining belief from experience. What is the experience, Bentham asks, which leads us to believe in God, in design in the world, and in God's agency in this life?

Fourthly, it suborns unwarranted belief, since unbelief is alleged to be punished by God, and belief rewarded.

Fifthly, it depraves the temper, by making men dissatisfied with themselves and with others.

Sixthly, it creates "a particular class of persons incurably opposed to the interests of humanity"(1). These are, of course, priests and other ecclesiastical officials, and it is in their interest, Bentham holds, to cajole and threaten men into a belief in the religion they serve, and to obtain as much personal benefit from this as possible.

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(1) Analysis (1866) p.117

The Preface states that "whenever the terms, sacerdotal class, or any synonymous phrases, are employed, it is only the ministers of Natural Religion who are designated"(1). If this is so, we may again ask from what organized system of natural religion Bentham is drawing his facts.

The tone of the book contrasts oddly with the statement in the Preface that "the following pages present a temperate....examination of the temporal good or evil produced by Natural Religion."(2) If the book's object is really, as the Preface states, to form a clear idea of the temporal loss or gain resulting from a belief in natural religion, its purpose would be better served if it at least gave the impression of being an unbiassed and thorough examination of the question. The constant use of emotionally toned words, the failure to put aside, or even disguise, prejudice, the constant equivocation in the tacit substitution of revealed for natural religion, leave the reader in no doubt that the book is in fact a polemic against revealed religion, and, in particular, Christianity.

At this point it is interesting to note the contrast between these views of Bentham's and those expressed in the 'Deontology' on the same subject. The remarks there,

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(1) Analysis (1866) p.vi

(2) Ibid. p.iii

though not particularly friendly towards organized religion, would not be recognized as coming from the author of the 'Analysis' and 'Church of Englandism', or even of the 'Principles'. In the 'Deontology' we find, for example, passages such as these: "God is a being among whose attributes is benevolence; benevolence not imperfect, not limited, but infinite benevolence." (1) "What is the divine will, as taught in the Bible? What is it, what can it be but to produce happiness? What other motive, what other end has it proposed to obedience? The divine will is benignant, benevolent, beneficent."(2) "Men have been found who, shutting their eyes to all the evidence around them - the unbounded evidence of goodness and of power - have introduced final misery - hopeless, limitless, interminable misery, as the consummation of his awful dispensations. This dreadful dogma is not to be found in Christianity. It is a most vain, most pernicious, most groundless conceit."(3) "Nothing is farther from the intention and conviction of the writer than to deny the existence of a scheme of future rewards and punishments whose object shall be to maximize happiness, and to develop the benevolent attributes of the Divinity. It is only intended here to show in some particulars

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(1) Deontology p.127 (2) Ibid. p.153.
(3) Ibid. p.79.

the inconsistency of some orthodox opinions with the true principles of morality".(1) The inescapable conclusion seems to be that these passages were written, not by Bentham, but by Bowring, whose disapproval of his master's opinions on religion was ~~not~~ so strong that he and Bentham judged it wisest to avoid the subject in conversation.

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CHAPTER 10.

The Psychological Hedonism of Bentham & Paley

The truth or falsity of Bentham's psychological hedonism is a question which I shall not attempt to examine in more than outline, because it is in the context ~~of~~ a purely academic question and irrelevant to his moral theory. As he expounds it, psychological hedonism is not in effect a selfish theory, in that it does not lead to actions discounting the happiness of others. In fact the actions performed by a Benthamistic psychological hedonist would be identical with those performed by a universalistic utilitarian. "Where is sympathy? where is benevolence? where is beneficence? Answer, exactly where they were."(1) There is no reason to suppose that his moral theory would have differed in any particular if he had not considered psychological hedonism true, for it is an integral part of his theory that the individual's greatest happiness is found in giving happiness to others - as I have tried to show in discussing the identification of interests.

As Rashdall has pointed out,(2) the proposition that the motive of every action is pleasure may have three meanings:-

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(1) Deontology, p.83 (2)'The Theory of Good and Evil' I, p.8

(i) That I always do that action which it gives me most pleasure at the moment to do.

(ii) That the motive of every action is some future pleasure, although that future pleasure is not necessarily the most intense (it being, for instance, possible to choose the nearer but lesser pleasure in preference to the greater but more distant one.)

(iii) That the motive of every action is always to get the greatest quantum of pleasure on the whole.

He goes on to assert that while the doctrine explicitly maintained by psychological hedonists is usually the third position, its plausibility arises chiefly from its confusion with one or both of the others. In Bentham's case the first part, at least, of this statement is true. He holds that in any situation we necessarily do the action which we believe will bring us the greatest pleasure on the whole. "On the occasion of every act he exercises, every human being is led to pursue that line of conduct which, according to his view of the case, taken by him at the moment, will be in the highest degree contributory to his own greatest happiness."(1) What we act to obtain is the greatest possible balance of pleasure over pain, and this entails not snatching at the nearest pleasure, but

(1) Constitutional Code (Wks: II) Introd. para 2.

considering all the consequences of an action, both immediate and remote, before acting. An action may bring immediate pleasure, but yet have painful future consequences which will outweigh the original pleasure. If we know that this will be so we cannot do the action, for "for a man not to pursue what he deems likely to produce to him the greatest sum of enjoyment, is in the very nature of things impossible."(1)

It is, of course, true that not all our actions are those which in fact bring about our greatest pleasure on the whole. But actions fail to do this only through our miscalculations. When X indulges in the pleasures of malevolence by puncturing Y's bicycle tyres because he dislikes Y, he thinks at the time that he is thereby bringing about his own maximum pleasure. But when, a little later, Y revenges himself by removing a vital part of X's car and immobilising it as X is about to set off on an important journey, and by many smaller unkindnesses, X realizes that his action has ultimately produced for himself more pain than pleasure. If he had known that Y would retaliate in this way he would not have been able to act as he did. At the time of acting he believed that he was bringing about

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(1) Deontology , p.13

his greatest pleasure on the whole, but reflection would have shown him that more pain than pleasure was likely to result.

Whether or not the consequences of an action do in fact bring about the agent's greatest pleasure on the whole, it is always this, Bentham insists, at which a man aims when acting. "...The balance of pleasure (is) really the intense, constant, and sole object of pursuit,...it must always continue to be so, from the very constitution of our natures,...there is no occasion in which it ceases to be so."(1) This seems to dispose of Rashdall's first two propositions, and to make it clear that the third is that which Bentham maintains.

It is now necessary to examine the truth of this proposition. Is it a fact that we always act with the intention of maximizing our pleasure on the whole?

It is certainly true that we do in fact very often do the action which we think will maximize our happiness on the whole. We do unpleasant actions, such as visiting the dentist, because we know from experience that the pain suffered in this way is on balance less than the pain we should suffer if we omitted the action. Equally, we refrain from doing certain pleasant actions, such as blacking the

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(1) Deontology p.83

eye of someone who irritates us, because we know from experience that the pain we should suffer from the repercussions of this action would outweigh the immediate pleasure it would give us. Not even the most resolute opponent of psychological hedonism would be so foolish as to deny this for a moment. . The point at issue is not whether some of our actions are motivated by the desire to obtain our greatest pleasure on the whole, but whether all are.

It seems possible to find examples which show that this is not in fact so. Let us suppose, for example, that an innocent and illiterate victim of persecution is being tortured to make him disclose the whereabouts of a fellow-victim, and that he is an atheist and so not influenced in his actions by the thought of posthumous rewards and punishments. Let us also suppose that the circumstances are such that no one but his persecutor will know whether or not he betrays his friend. Fearing that the torture may make him weaken and do this, he bites off his tongue. Since he is illiterate it is now impossible for him to disclose his information. The point at issue is whether, if Bentham's psychological hedonism is true, such an action could be intentionally done by a man who had carefully weighed all its consequences, so far as they were ascertainable. Could the pleasure of knowing

the victim safe, coupled with the extreme pain and life-long inconvenience of losing the tongue, produce on balance more pleasure (or, in the circumstances, less pain) than betraying the victim but preserving a whole body?

So far as bodily pain alone is concerned, the question is between normality on the one hand, and on the other the intense pain involved in the actual biting off of the tongue, the severe and prolonged suffering until the wound healed, and the lifelong difficulty in eating and drinking. So far as this is concerned, then, doing the action causes very great pain, and not doing it causes none.

Secondly, we must compare the mental pain brought about by doing or not doing the action. If it is not done and the man is betrayed, then on Bentham's psychological principles the agent will suffer pain through sympathy and benevolence, the severity of this pain depending on the sensibility of the agent. If, on the other hand, the action is done and the man is not betrayed, there will (again according to the sensibility of the agent) be a certain pleasure, through sympathy and benevolence, in knowing he is safe. There will also, however, be acute mental suffering from the lifelong inability to speak. There seems to be no doubt whatever that a Benthamistic hedonist, carefully calculating in this way, would reach the conclusion that

his greatest pleasure on the whole would be better served by betraying his fellow-victim than by forfeiting his tongue to avoid doing so.

At this point it might be objected that a most important factor has been omitted from these calculations - the pleasures and pains of conscience. If the man is betrayed, it may be asked, will there not be pangs of conscience, lasting possibly for the rest of the betrayer's life? And if, on the other hand, the agent bites out his tongue and saves the victim, will he not - at least to some extent - be compensated by the pleasures of a good conscience? And should not these pleasures or pains be taken into account in calculating the hedonic results of the two actions?

An objection such as this can only spring from a misunderstanding of Bentham's position. There is no room for conscience in his theory, nor do we find it mentioned in his catalogue of pleasures and pains. In the 'Table of the Springs of Action' conscience does, it is true, appear, but not in its own right. It is merely listed (with a note that it may sometimes also be synonymous with the religious motive, or with the motive of sympathy) as a eulogistic synonym of the pleasures of reputation - that is, as equivalent to the "desire of obtaining...the goodwill..., thence the eventual services,...of the public at large,

or a more or less considerable, though not liquidated, portion of it."(1) Some idea of Bentham's rating of it can be gathered from the fact that as its dyslogistic synonyms he gives, among others, 'vanity', 'vainness', 'ostentation', 'vainglory', 'pride', 'arrogance', 'overbearingness', and 'insolence'. In the 'Principles' and 'Deontology', conscience does not appear at all in the list of pleasures and pains; all that appears is Bentham's equivalent - "the pleasures of good reputation, and the pains of ill-repute." It is clear, then, that he considers that the word 'conscience' acquires meaning only when used as a synonym for these pleasures and pains. The commonly held view of conscience - that it is in some way a sense of right and wrong which is felt quite independently of other people's knowledge of the action concerned - is to Bentham quite meaningless. It is impossible, he must hold, that pangs of conscience could be felt about an action of which no one but the agent had, or ever could have, knowledge, and this seems a serious limitation to his theory. As J.S. Mill puts it: "Man is never recognized by him as a being capable of pursuing spiritual perfection as an end; of desiring for its own sake, the conformity of his own character to his standard of excellence, without hope of good or fear of evil from other source than his own inward

(1) ~~Dissertations and Discussions vol 1 p 365~~ Works I, p. 201

consciousness. Even in the more limited form of Conscience, this great fact in human nature escapes him. Nothing is more curious than the absence of recognition in any of his writings of the existence of conscience, as a thing distinct from philanthropy, from affection for God or man, and from self-interest in this world or the next."(1) While agreeing with Mill that the omission of conscience constitutes a serious defect in Bentham's system, we may perhaps differ from him in considering this omission curious. Given Bentham's psychological theories, the inclusion of conscience would be nothing short of a self-contradiction. To say that such a thing exists as the pleasure of a good conscience is to imply that it is possible that I ought to have done an action not in itself pleasant, but which would, however, give me pleasure simply because I knew it to be a right action. This implies that the criterion of a right action is something other than maximum pleasure or minimum pain, and is in opposition to Bentham's whole philosophy. Since in his view maximum pleasure is both the end of every action and the criterion of its rightness(2), it is nonsensical to suggest that I could have obtained pleasure from doing an otherwise ~~an~~ unpleasant action, simply because I believed it to be right. To say that an action

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(1) 'Dissertations and Discussions' Vol.I p.359
(2) Principles. p.1

is pleasant because it is right, and right because it is pleasant, is to argue in a circle.

It seems that a great deal of the apparent plausibility of psychological hedonism results from this confusion. If the pleasures and pains of conscience were included in the hedonistic calculus, then possibly men of acute moral sensibility might agree that on balance the more painful action would be that of betraying one's fellow-victim, and the less painful action that of biting out one's tongue to save him. Forgetting that if psychological hedonism is true there is no such thing as conscience, men go on to argue that examples of apparent sacrifice do nothing to disprove the theory, since the pleasures of a good conscience go far to outweigh, for example, physical pain. It is not difficult, in any case of apparent sacrifice, to argue that the pleasures and pains of conscience in fact make the 'sacrifice' no sacrifice at all, but on balance the more pleasurable action. In connexion with this one must, however, bear in mind the ease with which rationalisation can quieten all but the most tender consciences. In situations such as the one we have been considering, the betrayer could in many cases remove or soften his pangs of conscience by saying to himself: "If I hadn't told them where he was, someone else would have; they'd have got him in the end anyway. My telling them only meant they got

him sooner than they otherwise might have - and anyway from his point of view I expect he was glad to die quickly rather than to be hunted for months before being captured."

With the truth or falsity of these arguments we are not here concerned, since they can have no bearing on Bentham's moral philosophy. If conscience, with its attendant pleasures and pains, is non-existent, it is totally irrelevant to discuss what would be its effects if it did exist. It is instead perhaps important to stress again that with the pleasures and pains of conscience left out of account, it can very rarely bring about a man's greatest pleasure on the whole to do an action involving a great sacrifice, such as the loss of his tongue. To counteract the sacrifice there will be only the pleasures of sympathy and benevolence towards the person benefited; and although these may be strengthened by friendship, if the man to be benefited is unknown to the agent it is unlikely that they will outweigh the physical pain of the sacrifice. It seems, therefore, that an example such as the one already discussed disproves psychological hedonism. No opponent of the theory would go so far as to assert that actions are <u>never</u> motivated by the desire for our own maximum pleasure; the point maintained is merely that such motivation is not universal.

A second line of argument is that Bentham's principle of propinquity invalidates his doctrine that we

seek our greatest pleasure on the whole.(1) If in fact we did always seek this, then two pleasures, equal - so far as can be ascertained - in intensity, duration, and certainty should be equally attractive. But in practice this is not always so. Further, we may even prefer a lesser immediate pleasure to a greater but remoter one, simply on grounds of propinquity. Suppose, for example, that I am addicted to the operas of Mozart, and that I can buy a ticket for 'Don Giovanni' performed either by a second-rate company tonight, or by a first-rate company in six months time, but not for both. Let us also suppose that I have no opportunities for hearing any of Mozart's operas, and that I badly want to hear 'Don Giovanni'. Although I know that, other things being equal, the first-class performance would be the more pleasurable, I may well choose instead to hear the inferior performance tonight. Why might I so choose?

Not, I am sure, on the principle of gathering rosebuds while I may; there is no reason to suppose that in six months' time I shall be dead, deaf or for any reason unable to go to the opera. Nor, I am equally sure, is it because I fear that my musical taste may change, and that in six months I shall feel nothing but a mild distaste for Mozart. It is simply that I desire to hear 'Don Giovanni'

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(1) See, for example, Rashdall's 'Theory of Good and Evil' I. p.11 et. seq.

now; that I am considering, not my greatest pleasure on the whole, but my immediate pleasure. Very often what we desire is not maximum pleasure as such, but present pleasure; a nearer pleasure may be, for that reason alone, more attractive than a future one.

Bentham recognizes this, and introduces proximity as a fourth circumstances to be taken into account in determining the value of a pleasure, in addition to intensity , duration, and certainty. But if the greatest pleasure on the whole is really our sole motive, what difference can propinquity or remoteness make? In so far as certainty is affected by propinquity it naturally influences our judgement; of two otherwise equal pleasures an elderly man is more likely to choose the one which he can enjoy tomorrow rather than the one which will not occur for two years. But if by 'propinquity' Bentham means no more than certainty, he is guilty of a tautology; if, on the other hand, he is implying that a nearer pleasure is for that reason more attractive than a remoter one, irrespective of certainty, he invalidates his psychological hedonism. It is undeniable that immediate pleasure sometimes has a desirability disproportionate to its superior certainty, but Bentham neither discusses why this should be so, nor deals with its effects on his psychological hedonism.

It seems possible to go even further than the assertion that sometimes we desire immediate pleasure, and not our greatest pleasure on the whole. It is possible to desire something, knowing that when it is obtained it will not in fact be pleasurable. I can give an example of this from my own experience. Recently I very much desired to buy a certain expensive set of gramophone records. I knew perfectly well that once I had bought them my desire to hear them would evaporate, and that I should regret my extravagance. Nevertheless I so much desired to buy them that I did so, and my reactions were as I had forseen. What I wish to emphasize is that by no stretch of the imagination could it be said that I desired the records for the pleasure I should get from them, because I knew in advance that I should get none. I knew that once they were mine I should have no further interest in them, yet I desired them so much that I bought them.

Similarly, we may yield to a violent desire to hit someone who irritates us, knowing in advance that the moment we have dome so we shall deeply regret it. Yet at the time our desire to do the action is so strong that we may refuse an alternative pleasure which we know will be unalloyed with pain. Why is this?

The answer is surely that the mind is not always merely the impartial calculating- machine which Bentham

supposes, but is influenced at times by passion. We sometimes do actions which are inexplicable on hedonistic terms, but which nevertheless we strongly desire to do. And so, as Rashdall points out (1), we are forced to recognize that it is an ultimate fact that one desire is stronger than another, and that the strength of a desire does not depend wholly on the intensity of the imagined pleasure. We do not simply desire maximum pleasure as such, but a particular kind of pleasure; we desire to see the 'Othello', not to be fobbed off with a two pound box of chocolates or an elephant ride at the Zoo. In so far as this is so, we are not desiring pleasure and nothing else: we are desiring a certain object. To suppose that I desire the object only because, and in proportion as, I think of it as pleasant, involves a hysteron-proteron; the truth is that I desire the object and therefore imagine it to be pleasant. To suppose, because pleasure occurs when I obtain a desired object, that therefore I desired the object because of the pleasure, is to put the cart before the horse: if I had not wanted the object for its own sake I should not have experienced pleasure from obtaining it. The pleasure only arose because I desired the object itself independently of the pleasure.

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(1) 'Theory of Good and Evil' I, p.12

For example, Bentham asserts that if I do a kindness to someone I shall obtain pleasure for myself through the operation of the pleasures of sympathy and benevolence. But unless I was already benevolent - unless I already desired the welfare of others - I could not possibly feel such pleasures. My feeling the pleasure is dependent on my having a previous desire for something not the pleasure. We have certain desires, and obtain pleasure from satisfying them, but for this satisfaction to occur it is essential that the desires should have prior existence. Unless I already desire X I have no reason to anticipate the pleasures of fulfilled desire from obtaining it. There must evidently be some desires which are not for the pleasures of fulfilled desire.

In connexion with beneficence, it is pointed out by Sidgwick that very often the impulse to beneficent action which is produced in us by sympathy is so disproportionate to any actual consciousness of sympathetic pleasure or pain to ourselves, that to regard the latter as its object would be paradoxical. He suggests that often a tale of actual suffering gives us a feeling of excitement on balance more pleasurable than painful, like the excitement of witnessing a tragedy, while at the same time it moves us to relieve the suffering, even if this involves some sacrifice of our own pleasure. He adds that very often the easiest

way to free ourselves from sympathetic pain is by turning our thoughts away from the objects of events which arouse it.(1)

If this is true - and I believe it is - it is of vital importance to Bentham's moral theory. He solves the problem of reconciling psychological hedonism and utilitarianism largely by asserting that the pleasures and pains of benevolence and sympathy make it in the agent's own interest to act towards others as he would wish them to act towards him. But this motive for altruistic action disappears if the agent can equally well free himself from the pains of sympathy and benevolence by narrowing his sensibilities and turning his thoughts to some pleasanter object. It is true that this would entail the loss also of the pleasures of sympathy and benevolence, but from these pleasures pain is inseparable - and is caused not only by actual events but by the contemplation of the possibility of their occurence. In very many cases, then, the balance of pleasure would lie on the side of narrowing the sensibilities, and a great deal can be achieved in this way. It would, however, be no exaggeration to say that it would result in the breakdown of Bentham's moral system.

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(1) Methods of Ethics (7th. ed) p.49

A criticism of psychological hedonism on similar lines is to be found in G.E. Moore's 'Principia Ethica'.(1) Moore begins with a detailed analysis of desire. Since we are commonly said to desire other things besides pleasure - such as money, fame, food, and so on - we must consider what is meant by desire, and by the object of desire. It is generally asserted that some sort of necessary and universal relation holds between something called 'desire' and something called 'pleasure'; the question is of what kind this relation is, and whether it can justify psychological hedonism.

Moore suggests that if there is some universal relation between pleasure and desire, it is of a kind to make against, and not for, psychological hedonism. It is urged by psychological hedonists that pleasure is always the object of desire, and Moore admits that pleasure is always - at least in part - the cause of desire. This distinction between pleasure as the object and as the cause of desire is extremely important. Both views are expressible in the same language, for both hold that whenever we desire, we desire because of some pleasure. Both Moore and Bentham, if asked: "Why do you do that?" could answer: "Because of pleasure", but they would not be meaning the same thing by their answers. Moore believes that this ambiguity explains

(1) ~~Methods of Ethics p.68. et. seq.~~
p. 68 et seq.

the prevalence of belief in psychological hedonism.

He goes on to analyse desire in greater detail. Usually it is confined to the mental state in which the idea of some object or event, not yet existing, is present to us. For example, I desire a glass of port, and although I am not yet drinking it, the idea of doing so is before my mind. Pleasure, Moore argues, enters in the following way: the idea of drinking causes the feeling of pleasure in my mind, which helps to produce a state of incipient activity known as 'desire'. It is because of the pleasure which I already have - the pleasure excited by the mere idea of drinking the port - that I desire the wine itself, which I have not. He suggests that a pleasure of this kind - an actual pleasure - is always among the cause of every desire and of every mental activity; and although he admits to being unable to vouch for the truth of this psychological doctrine, he asserts that it is not prima facie quite absurd.

Bentham's position, as opposed to Moore's, is that when I desire wine, it is not the wine itself I desire, but the pleasure I expect to get from it; that is, that the idea of a pleasure not actual is always necessary to cause desire: whereas Moore asserts that actual pleasure caused by the idea of something else is always necessary to cause desire. He supposes that psychological hedonists confuse

these two theories; that, in Bradley's words, they confuse 'a pleasant thought' with 'the thought of a pleasure'.(1) Moore asserts that it is only when the latter is present that pleasure can be said to be the object of desire, or the motive of action. When, on the other hand, only a pleasant thought is present (and in his opinion this may always be the case) then it is the object of the thought - that which we are thinking about - which is the object of desire and the motive to action. The pleasure excited by this thought may cause our desire, or move us to action, but it is not itself the end or object or motive of action.

It is obvious, Moore asserts, that the object of desire is not always and only the idea of pleasure. He has two reasons for believing this. In the first place, when we desire a thing we are not always conscious of expecting pleasure from it. We may be conscious only of the thing we desire,and be impelled to make for it at once without calculating hedonistically. Secondly, even in those cases in which we do expect pleasure from an action, it can only be very rarely that it is pleasure alone we desire. For example, if when I desire wine I also have an idea of the pleasure which I expect to get from it, it is obvious that this pleasure cannot be the only object of desire. The

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(1)'Ethical Studies', p.232

wine itself must be included in the object, or else my desire might lead me to take not wine but wormwood. If desire were directed solely towards pleasure, it could not lead me to take the wine; for desire to take a definite direction, it is absolutely necessary that the idea of the object from which pleasure is expected should also be present, in order to control my activity.

Lastly, we may ask how Bentham attempts to establish the truth of psychological hedonism. The answer is that in most of his works he appears simply to take its truth for granted, and to imagine that his readers will accept it as self-evident. For example, the 'Principles' opens with a straightforward assertion of psychological hedonism: "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, 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. In words a man may pretend to abjure their empire: but in reality he will remain subject to it all the while." No attempt is made to justify this position, nor does Bentham write as though he recognizes that it

might be doubted. Similarly, in the 'Deontology', he merely asserts: "...every man is thinking about interests. It is a part of his very nature to think first about interests,"(1) and later writes that the pursuit of the balance of pleasure must always be the only end of action, "from the very constitution of our natures."(2) In the 'Constitutional Code', however, he gives a fuller and very interesting treatment. He asserts: "In the general tenor of life; in every human breast, self-regarding interest is predominant over all other interests put together. More shortly thus;- Self-regard is predominant, - or thus - Self-preference has place everywhere."(3) To some, he continues, this position appears axiomatic and not in need of proof; by calling it axiomatic, he explains, he means that "either it will not be controverted at all, or that he by whom it is controverted, will not, in justification of the denial given by him to it, be able to advance anything by which the unreasonableness of his opinion or pretended opinion, will not be exposed." But to some, Bentham allows, it will appear to be a position or proposition which, "how clearly soever true, still stands in need of proof." The possibility of its being genuinely and seriously doubted does not appear to pass through his mind. But for those

(1) Deontology p.10 (2) Ibid.p.83 (3) Wks. IX.p.5

who wish it, he suggests that "reference may be made to the existence of the species as being of itself a proof, and that a conclusive one." Take any two individuals, A and B, he suggests, and suppose the care of A's happiness to be solely confined to B, A having no part in it, and B's happiness to be similarly entrusted to A, and suppose this to be the case with the whole human race. It will soon be apparent that in these circumstances the species could not continue in existence," and that a few months, or even a weeks or days, would see its annihilation."(1)

The assumption underlying this assertion - that every action which promotes the agent's self-preservation is motivated solely by pleasure - seems quite clearly false. When we are, for example, hungry, thirsty, or sleepy, we do not reason: "If I eat (or drink, or sleep) I shall obtain pleasure, therefore I will do so," we simply have a direct impulse to eat, drink or sleep. It is true that we shall probably obtain pleasure from doing so, but, as Mr. Sidgwick has pointed out (2), this pleasure seems properly to be the object, not of the primary appetite, but of a secondary desire which is quite distinguishable from it- for the gourmand cultivates the secondary desire by stimulating his hunger, and by controlling the primary impulse in order to prolong and vary the process of its

(1) Works IX p.6 (2) Methods of Ethics (7th ed) p.45

satisfaction.

This leads to a dilemma. In a well-known passage in 'The Theory of Good and Evil' (1) Rashdall argues that if psychological hedonists are right in asserting that the obtaining of pleasure is the only motive to action, then we should all have starved in infancy. Babies maintain life by taking milk at the breast, but the first time a baby does so his action cannot have been motivated by the desire to obtain pleasure, because if it really were the first occasion he would have no reason to suppose that pleasure would result. Thus if psychological hedonism were true, none of us would have escaped starvation in infancy.

This argument has been answered by Mrs. Lan Freed in her book 'Morality and Happiness!' (2) She maintains that Rashdall's argument disposes of more than the hedonistic interpretation of the first act of sucking, for just as the initial sucking cannot have been inspired by the desire for pleasure, so it is impossible for it to have been inspired by the desire for milk -since the baby has never previously encountered it. Therefore, she concludes, the action must have been purely impulsive, and cannot be said to have had a motive.

It certainly seems as though Rashdall's argument can be countered only by an admission such as that made by

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(1) Book I. ch.I (2) p.23

Mrs. Lan Freed. This is just the admission which Bentham, however, cannot make. If he were to admit that we have impulses towards food, drink and so on, which are not hedonistically calculated, he would be abandoning the contention, on which he bases his argument for psychological hedonism, that every action which promotes the agent's self-preservation is motivated solely by pleasure. And so he is faced with a dilemma: either he must admit the existence of impulses which are not hedonistically calculated - which would destroy the basis of his 'proof' of psychological hedonism - or else he must continue to lay himself open to a refutation such as Rashdall's.

Psychological hedonism is not, to most people, the self-evident theory which Bemtham supposed it to be. It is, instead, a theory which the average man finds the greatest difficulty in accepting, so different is it from the result of his introspection. In Sidgwick's words: "The doctrine that pleasure (or the absence of pain) is the end of all human action can neither be supported by the results of introspection, nor by the results of external observation or inference: it rather seems to be reached by an arbitrary and illegimitate combination of the two".(1) The burden of proof would therefore seem to rest with the psychological hedonist, and it is impossible to feel that

(1) Methods of Ethics (7th.ed) p.53

Bentham has succeeded in his attempt.

Paley's attempt to establish the truth of psychological hedonism is also inconclusive. Unfortunately he writes briefly and not very explicitly on the subject, and gives the impression that he has not considered this part of his system as deeply as the rest - that he inherited it perhaps more or less unthinkingly from his utilitarian predecessors.

It will be remembered that he defines obligation as being "urged by a violent motive resulting from the command of another."(1) He gives, however, very little argument for this position. Obligation, he explains, occurs only when the inducement to do the action rises high enough. "If a father or master, or any great benefactor, or one on whom my fortune depends, require my vote, I give it him of course; and my answer to all who ask me why I voted so and so is, that my father or my master obliged me; that I had received so many favours from, or had so great a dependence upon, such a one, that I was obliged to vote as he directed me"(2) If, on the other hand, "a person, who has done me some little service, or has a small place at his disposal, ask me upon some occasion

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(1) The Moral Philosophy of Paley ed.Bain. (1872) p.72

(2) Ibid p.73

for my vote, I may possibly give it him, from a motive of gratitude or expectation; but I should hardly say that I was obliged to give it him, because the inducement does not rise high enough." (1)

But an inducement by itself is not enough; for obligation to occur there must in addition be a command. If a man is offered a gratuity for doing something, he may be induced, persuaded, or prevailed upon to do it, but he cannot be said to be obliged. If, on the other hand, the action is commanded by a magistrate, or by the man's superior officer, "he considers himself as obliged to comply, though possibly he would lose less by a refusal in this case than in the former."(2) (By "less" Paley here means, we must presume, merely money, otherwise it would make nonsense of the argument.) From this it follows, he says, that "we can be obliged to nothing, but what we ourselves are to gain or lose something by; for nothing else can be a 'violent motive' to us."(3) We are obliged to be virtuous, to do what is right, and to obey the commands of God, for the same reason that we are obliged to obey the laws or the magistrate - because pleasure and pain depend on our obedience. Moral obligation is no different from any other obligation;

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(1) The Moral Philosophy of Paley ed: Bain (1872) p.73
(2) Ibid (3) Ibid.

it is merely an inducement of sufficient strength, in some way resulting from the command of another.

Apart from this, Paley makes no attempt to argue his position, or to enlarge on it in any way; like Bentham, he seems to assume that it will not be disputed. He is, however, far less explicit than Bentham, and fails to deal with important points such as the explanation of wrong-doing, a topic which I shall be returning to later.

Whewell considers that in reducing obligation to the two elements of external restraint and the command of a superior Paley lays himself open to criticism on two counts: that external restraint annihilates the morality of the action, and that the command of a superior presupposes moral obligation, since a superior is by definition one whom it is our duty to obey.(1) But from a non-hedonistic standpoint, such as Paley's, the definition is not so foolish as Whewell makes it sound. In the first place, the 'violent motive' - that is, the expectation of happiness- is according to Paley a necessary precondition of all actions, and it will be remembered that his definition of virtue is simply "the doing good to mankind, in obedience to the will of God, and for the sake of everlasting happiness."(2) The morality of the action depends simply

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(1) Intro: to Mackintosh's 'Dissertation on the Progress of Ethical Philosophy in the 17th & 18th Century.'(1836) p 21
(2) Moral Philosophy of Paley, p.65

on whether or not the agent did it from a belief that it was God's will that it should be done, and that therefore he would be rewarded by God for doing it. Thus, according to Paley, actions can be both moral and yet not 'free' in the usual sense of the word. In the second place, by a 'superior' Paley surely does not mean one whom it is our 'moral duty', in the usual sense of the words, to obey, but one who will reward our obedience to him with happiness - happiness which may occur either in this world, or in the next, or in both. An act of duty is to him ~~is~~ simply one in which we consider not only what we shall gain or lose in this world, but also what we shall gain or lose in the next. Whewell and Paley mean totally different things when they each speak of 'morality' and 'duty', and Whewell seems to be criticizing Paley's definition on the ground that it would be meaningless from a non-hedonistic standpoint, without perhaps realizing this difference. Paley's definition is consistent with his theory underlying it, and the fundamental criticism must necessarily be against this theory.

Having considered Paley's attempt to establish psychological hedonism, we must now examine his application of it. God wishes the general happiness, and so it follows that actions tending to promote it are pleasing to him

and will be rewarded in the next life, and vice versa. But Paley does not agree with Bentham that an action which promotes the general happiness will necessarily also produce the agent's greatest happiness in this world. It will of course ultimately produce his greatest happiness, through God's action in rewarding him posthumously, but apart from this there is not necessarily any motive to do the action. It may, of course, so happen that the agent's interest and the general interest are in some cases identical, but this identification is coincidental and not necessary. It therefore follows that if a virtuous man desires an object, he is not necessarily desiring it for the pleasure it will itself give him, but for the posthumous pleasure which he believes God will give him. It is even possible to desire an unpleasant object, which will itself give the agent no pleasure whatever, through this belief in posthumous rewards and punishments.

Since an object is in such cases not desired for any pleasure which it will itself give, it seems impossible to refute Paley's psychological hedonism through an analysis of the relation between pleasure and desire, as has been attempted with Bentham. Nor can it be refuted by means of an example of an action which does not appear to be in the agent's interest, for Paley can always answer that post-

humous pleasures and pains will in fact make it so. This theological basis makes refutation a far greater problem than in Bentham's case.

There seems, however, to be one loophole. It is impossible for Paley to maintain that all men are motivated solely by the desire for posthumous pleasures, for two reasons. In the first place, he must somehow account for the existence of wrong-doing, which is presumably (though he does not discuss the subject) the pursuit of personal temporal pleasure only, through disregard of the will of God and hence of the agent's real interest. Just as Bentham considers that wrong action is simply the result of miscalculation of consequences, and remediable by careful hedonistic computation in future, so must Paley presumably believe that sin is remediable simply by the agent's recognition of what is really in his true interest. Yet this by no means squares with the fact that even those who most fervently believe in and desire posthumous rewards find it far from easy to act in the way which they think deserves them. St. Paul's "The good that I would I do not: but the evil which I would not, that I do," is proof of this. It therefore seems that if a man who is convinced that his greatest happiness will be best promoted by action X, does instead action Y, which though immediately pleasurable

is not, he realizes, in his real interest, then it must be admitted - as Bentham admits - that proximity is a circumstance helping to determine the value of a pleasure. But - as in Bentham's case - this would invalidate Paley's contention that we seek our greatest happiness, which he believes to be always posthumous and therefore distant.

In addition, Paley must admit the existence of atheists and agnostics, who have no belief in posthumous rewards and punishments, and must therefore be motivated by temporal pleasures and pains. This is a subject which he never considers, but he must presumably hold that they aim at what they think is their greatest happiness on the whole, just as those who believe in God aim at their greatest happiness on the whole by trying to do the actions which they believe will be most greatly rewarded by him. This , of course, is identical with Bentham's position, and is open to the objections to it which were considered earlier.

CHAPTER 11

The Utilitarianism of Bentham and Paley

Utilitarianism has been so fully discussed and criticized, by so many able writers, that I would not propose - even if I had the ability - to attempt a full examination of the theory. It may seem a mere waste of paper to add at all to the great bulk of writings on utilitarianism, yet it would be unsatisfactory to leave a consideration of Bentham's and Paley's moral theory without touching on the subject. I shall, therefore, try to confine what I write as far as possible to those aspects of utilitarianism which are strictly relevant to the theory as held by Bentham and Paley, and only briefly indicate the reasons why it seems unsatisfactory.

The question of primary importance is of course this: is utilitarianism in fact compatible with psychological hedonism? To this the answer seems to be that in Paley's case it is, but in Bentham's it is not. The reason for this is that Paley's psychological hedonism, unlike Bentham's, has a firm theological basis. Our greatest happiness is to be found in the heavenly rewards we shall receive for having done actions pleasing to God, and God is best pleased by actions which further the greatest happiness of the greatest

number; therefore there is no conflict between psychological hedonism and utilitarianism. Since God sees all our actions, no action which intentionally promotes the greatest happiness will fail to be rewarded, and in every instance our own interest will ultimately coincide with the general interest.

Bentham's case is very different. Since there are in his view no posthumous rewards or punishments, actions which further the general interest must, in order for us to be able to do them, also give us a reasonable expectation of being such as will further our own greatest happiness in this life. But it seems extremely doubtful whether in fact they will do so. In many cases the dictates of psychological hedonism and utilitarianism may coincide; undoubtedly it often pays me to treat others as I should like them to treat me. But this is not enough: for psychological hedonism and utilitarianism to be strictly compatible this coincidence must be universal - and this is just what it seems not to be.

An example may help here. Suppose I intensely dislike someone, and an opportunity arises for me to obtain the pleasure of malevolence by killing him in a way which will make it impossible for me ever to be suspected of the crime. The only reason that Bentham could suggest to prevent me from the murder would be that the pains of my sympathy

with the victim's widow and children would outweigh the pleasures of malevolence. But suppose that I am particularly hard-hearted and insensitive to the sufferings of others, or that I am leaving the district where the bereaved family lives. Surely there is then, according to a psychological hedonist, nothing to stop me from committing the murder - no pains, to counterbalance the pleasures of malevolence. I shall in fact not be able to prevent myself from the crime - for "for a man not to pursue what he deems likely to produce to him the greatest sum of enjoyment, is in the very nature of things impossible."(1) But on utilitarian grounds the action would be far from justified. Against my pleasures must be balanced the very great pain caused to the widow and children - not only their sorrow, but also possibly their future penury. Undoubtedly my action would not be conducive to the greatest happiness of the greatest number. This may be thought a rather melodramatic example, but it illustrates on a large scale what seems to be extensively true on a smaller scale. In private morality- where there are no legal penalties attached to actions - an unkind action can react on the agent only through the pains of sympathy, and through the victim's attempts at revenge. This makes it in a man's

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(1) Deontology p.13

interest to be kind and pleasant to those with whom he is in close and constant contact. But it provides no motive whatever for acting benevolently towards acquaintances, chance contacts, and employees, who are not in a position to retaliate. Sympathy is fairly easily awakened by the sight of another's suffering, and this may well act -as Bentham stresses - as a motive for benevolence towards those with whom we are likely tocome into contact in future. Yet, as was pointed out in the last chapter, a great deal of sympathetic pain can easily be avoided by turning the thoughts to some pleasanter object, and by cultivating a lack of sensibiilty. Even without this, the sufferings of a mere acquaintance are unlikely to impress us much; partly because sympathy is on the whole in proportion to our affection for the sufferer, and partly because we see comparatively little of mere acquaintances , and are therefore unlikely to witness the spectacle of their suffering. It may well be true, as Bentham argues, that " a man cannot hate another without exciting some portion of hatred in return," and that"he cannot visit another with unfriendliness without curtailing the friendly affections of some other towards him."(1) What seems doubtful is that these

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(1) Deontology. p.181

feelings of animosity will in fact react on the man who excited them, unless he and the man he has injured come into close contact.

In his attempt to make utilitarianism compatible with psychological hedonism, Bentham seems to exaggerate the extent to which sympathy and reciprocated feeling cause an unkind action to react on the agent. In a small, self-contained community, Bentham's contention would, I think, largely be justified. But in the conditions of normal everyday life by no means all actions seem to have the boomerang effect he supposes. It simply is not true that psychological hedonism always, or even often, leads to the same actions as utilitarianism, unless it is combined- as Paley combines it - with a belief in posthumous rewards and punishments dealt out by a utilitarian-minded Deity.

We must now go on to consider the theory of utilitarianism as held by both Paley and Bentham - for whether or not it is compatible with Bentham's psychological hedonism, it is the moral theory which he consistently expounds. Is it, then, a satisfactory moral theory? In attempting to answer this question we must begin by considering one of its basic assumptions. This is that in the hedonistic calculus the interest of each person concerned is to be considered as equal in importance with the interest of

every other person. Why is this?

Paley is not explicit on this question, but the theological basis of his theory enables us to be almost certain of what his answer would be. Christianity teaches that God has equal regard for every man's interest, and it seems clear, therefore, that we shall please him by having this ourselves. And since by pleasing him we shall obtain posthumous rewards, this is from Paley's point of view a sufficient justification.

For Bentham the problem is less easy. He seems simp-ly to assume the position without argument, and without attempting to show that it is in our own interest. But unless treating everybody as one, and nobody as more than one, will produce a greater balance of pleasure for us than any alternative way of acting, it is mere waste of breath to advocate it. Yet Bentham does not make any attempt to prove that it is in our own interest, and in fact the assertion seems of doubtful validity. To consider the interest of a dustman as equal in importance to the interest of a rich relative in whose will I hope to be remembered, is not usually in my own interest. It is true that in the hedonistic calculus my own pleasures and pains are to be taken into account, but since like everyone else I am to count only as one, this will not go far to further my own interest.

Although, then, it is not necessarily in our own interest to distribute happiness impartially, we must suppose either that Bentham believes that it would be, or that when writing on the subject he unconsciously deserted his position of psychological hedonism. Yet even on utilitarian grounds the position is not easy to justify. If happiness alone is good, there can be no other good, such as justice, which it would be our duty to produce irrespective of the resulting happiness or unhappiness. And so far as Bentham is concerned, the duty of impartiality cannot be based on an intuition, for he asserts in the 'Deontology' that the proposition that happiness is better than unhappiness is the only axiom he desires to have taken for granted. (1) In any case, it could not be our duty to obey either an intuition, or the dictates of justice, unless so doing was in our own interest. Sidgwick holds that the principle of equal distribution of happiness "seems the only one which does not need a special justification; for....it must be reasonable to treat any one man in the same way as any other, if there be no reason apparent for treating him differently." (2) But the vital question surely is whether there is in fact such a reason, and it is

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(1) p. 278. (2) Methods of Ethics (7th.ed) p.417

this question which Bentham fails to answer. If by distributing happiness impartially we shall increase the general happiness, then on utilitarian grounds it is our plain duty so to act - but what we need to know is whether we shall in fact increase the general happiness. It may be that we shall, but this is by no means a self-evident proposition which is acceptable without adequate supporting arguement.

A second questionable proposition, which is fundamental to both Paley and Bentham, is that pleasures differ only in quantity, and not in quality. There are no such things as higher and lower pleasures; there are simply greater and smaller ones. "I hold that pleasures differ in nothing but in continuance and intensity,"(1) writes Paley, and Bentham sets forward the same view in his famous "Prejudice apart, the game of pushpin is of equal value with the arts and science of music and poetry. If the game of pushpin furnish more pleasure, it is of more value than either ." (2) There is no need to spend time elaborating the obvious fact that this is the only possible view for a consistent utilitarian - that to introduce qualitative differences between pleasures would be to refer to some

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(1) The Moral Philosophy of Paley (ed.Bain) p.43.
(2) Works II p.253.

standard other than that of utility. But we must ask whether the position taken up by Bentham and Paley is tenable. If they are right, then our duty is to try to promote our fellow-men's interest by encouraging them to obtain, irrespective of any other consideration, those pleasures which are lasting, intense, and unmixed with pain. But what pleasures meet these conditions? Not those, it would seem, which are commonly judged 'higher' pleasures. It seems probable that to get the greatest pleasure from life a man should be of dull sensibility, mediocre intellect, and undeveloped moral consciousness - a player of pushpin rather than a reader of poetry. The man who develops his sensibility, intellect, and moral consciousness, lays himself open to pain and unhappiness which never previously afflicted him, and of which he may not have dreamt. I do not myself doubt that - other things being equal - intellectuals are on the whole less happy than those who are content to remain uneducated. There is more than a little truth in Housman's:

"Empty heads and tongues a-talking
Make the rough road easy walking.....
.....Think no more, 'tis only thinking
Lays lads underground."

It seems to me almost certain that it is better (in the utilitarian sense of the word) to be a pig satisfied than a human-being dissatisfied, or to be a fool satisfied than Socrates dissatisfied.

If this is so, it has an important consequence. It means that on utilitarian grounds the pleasures which it is our duty to encourage and help our fellow-men to obtain are on the whole those which are commonly termed ~~the~~ 'lower' pleasures. If a man is contented with bread and circuses we should not introduce him to Racine and Dante. We can without inconsistency say that we ought to try to inculcate a taste for the plays of Euripides rather than for 'No Orchids for Miss Blandish' only if we consider that reading Euripides will produce the greater balance of pleasure. We constantly make judgements such as: "The 'Medea' is better than 'No Orchids for Miss Blandish'", but what do we mean by them? Bentham and Paley hold that we are simply expressing our opinion that the 'Medea' gives the greater pleasure, but this surely is not what we really mean. When we make judgements of this kind we are, I think, concerned hardly at all with quantity of pleasure.

Are we, then, concerned with quality of pleasure? Certainly the problem is frequently stated in terms of this. We are asked whether, quantity of pleasure apart, reading Homer produces a higher quality of pleasure than reading 'The News of the World'. And here, I am inclined to believe, ambiguity is apt to creep in. Hedonists are perhaps inclined to think of a pleasure as an entity existing on its own, instead of as one element in a composite situation.

When we speak of 'a pleasure' we are merely speaking of the feeling aroused in us by a certain state of affairs. We cannot point to a chocolate and say: "There is a pleasure", because whether or not it is in fact a pleasure depends entirely on the attitude of the person who eats it. What I want to suggest is that pleasure itself, being an abstraction from a complex situation, varies only in quantity, and that when we speak of it as varying in quality, what we are really meaning is that the situations from which the pleasure is abstracted differ in quality, and that we are making this judgement on non-hedonistic grounds. Pleasure is a kind of feeling, and this feeling can be intense or weak. But to suggest that pleasure can vary in quality - to say that there are different kinds of pleasure - seems not very unlike suggesting that there are different kinds of sweetness. When we ask: "Is Shakespeare better than Grand Guignol?" what we are really asking, I suggest, is whether there are other elements involved, apart from the pleasure, which make one better than the other. And this of course is to ask a question, and to require an answer, in non-hedonistic terms. To do anything else seems inconistent with our moral consciousness, which must necessarily be the final judge of any moral system. It seems to me that it cannot be doubted that our moral consciousness judges that Shakespeare is

intrinsically better than Grand Guignol, and that Bach is intrinsically better than boogie-woogie, even though more people may find pleasure in the latter. Even though the balance of pleasure may in both cases be the same, we cannot feel that the pleasure of drunkenness is in itself just as valuable as the pleasure of listening to a late Beethoven quartet. The question is, of course, incapable of proof one way or the other; if a man, after careful consideration, takes the view that drunkenness is in itself as valuable as listening to Beethoven, his judgement cannot be demonstrated to be wrong. But it seems to me, and, I think, to the vast majority of those who consider the question, self-evident that he would be wrong .

This is not the only question on which the moral consciousness clashes with utilitarianism. They are also at variance on the question of whether the motive of an action is relevant to the assessment of its goodness or badness. If two actions both produce the same good result, but one produces it intentionally and the other quite by chance, there is, I think, no doubt whatever that our moral consciousness feels that the former is the better action. Bentham, judging actions entirely by their hedonic consequences, has however to hold that both actions are equally good. Paley, in contrast, avoids this conclusion by his definition of virtue. Although all actions

which promote the general interest are good, only those are virtuous which are done "in obedience to the will of God, and for the sake of everlasting happiness."(1) He of course realizes that not every virtuous action is done with this explicitly in mind, but he holds that the consistent doing of good actions can be achieved only through acting from this motive until the habit of virtue is acquired. In contrast to actions of this type, there are non-virtuous (but not necessarily bad) actions, which are done for the sake of temporal happiness only. And so, though in strictness the motive of all action is to obtain happiness, in a looser sense of the word there are good, bad and indifferent motives.

Bentham , too, takes the view that in strictness the obtaining of happiness is the object of all action, but for him a wrong action is simply a miscalculated one, for "there is no such thing as any sort of motive that is in itself a bad one."(2) A motive is never in itself bad because it is always a desire for some pleasure or for the avoidance of some pain - and pleasure is the only good, and pain the only evil. Motives, like everything else, are good or bad only on account of their effects. - good, if they tend to produce pleasure or avert pain, bad, if they tend to produce pain or avert pleasure - and so the same

(1) Paley's Moral Philosophy ed. Bain p.65 (2) Principles p.102

motive may produce good, bad, or indifferent actions. The motive of ill-will, for example, may produce the good action of prosecuting a savage murderer, and it is important to appreciate that to Bentham this action is just as good as the same action done from a desire for justice. The only relevant consideration is the consequences of an action, not the motive from which it was done. Now this seems a very grave drawback to Bentham's moral theory. It seems to me self-evident - though this, again, is incapable of proof - that of two actions which both produce the same good consequences, one intentionally, the other unintentionally, the former is the better action.

Utilitarianism leads to a further paradoxical position. Let us suppose, for example, that I am alone with a dying man, who gives me a sum of money to be handed after his death to his already wealthy children. When divided between them, the money would give a barely appreciable amount of pleasure to each, but if I kept it for myself, it would give me great pleasure because (let us suppose) I am in financial difficulties. Now, on utilitarian grounds I cannot see that there is any doubt that it would be my pleasurable duty to keep the money for myself. The father, being dead, could have no feelings on the matter; the children would not know that they had been deprived of the money , for (let us suppose) they do not even know of its

existence, and therefore would suffer no disappointment at not receiving it - nor, if they did receive it, would it give them more than a very slight amount of pleasure. And since the father is dead, and I am the only person who knows of the existence of the money and of the conditions on which it was handed to me, there can be no bad general consequences such as the destroying of confidence or the encouraging of others to steal. A clear balance of pleasure over pain would result from my keeping the money, and therefore to do so would be my duty as a utilitarian.

Although Bentham never considers a situation such as this, in which the dictates of utility clash so violently with the dictates of accepted morality, and with the general moral consciousness, I cannot see that he could advance any argument to prove that the action would be wrong on utilitarian grounds. Paley, on the other hand, would hold that the action was wrong, but I think he would be inconsistent in doing so. He believes that actions pleasing to God are those which promote the general happiness, and also believes that God will posthumously reward the observance of general moral rules, and punish the breaking of them. As we have already seen(1), he reconciles these two beliefs by arguing that the observance of

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(1) p.55 supra.

general rules promotes the general happiness, since although the particular consequences of breaking them may be trivial, the general consequences will be detrimental to the general interest. (The particular consequences of coining, for example, would be the loss of a guinea to the man receiving the counterfeit coin, but the general consequence would be the abolition of the use of money.) I cannot see, however, that this argument is valid against the action we are considering. The particular consequences of the action are, on utilitarian grounds, good. The general consequence - that is, the consequence if the same action were generally permitted - would therefore surely also be good in the same circumstances. In any case, the action could in no way influence others, since, ex hypothesi it is secret. Since, then, it increases happiness, and has no bad general consequence, it is difficult to see why it should not be rewarded by God, who is held to reward all actions which promote the general happiness.

As I said earlier, this chapter is intentionally brief, and confined solely to those aspects of utilitarianism which are strictly relevant to the theories of Bentham and Paley. I hope, nevertheless, to have shown - however inadequately - some of the difficulties inherent in utilitarianism. These, taken in conjunction with the paradoxes which arise from its application to the theory of punishment, seem to me to point to its falsity as a moral theory.

CHAPTER 12

Conclusion.

All through this thesis Bentham has occupied a far more prominent place than Paley. This is not from any intention to relegate Paley to a subordinate position; it is simply due to the fact that his moral theory is so much slighter and more superficial than Bentham's. This, in its turn, is not merely due to the fact that the volume of Bentham's writings on ethics is so much greater than Paley's. Even if the discussion were to be limited to only one of Bentham's works - such as the 'Deontology' - it would still be necessary to devote far more space to him than to Paley. While Paley is on the whole content to skate over the surface of some problems, and to avoid others, to justify rather than challenge, Bentham accepts nothing without question, building his whole system on a few basic (and to him self-evident) principles. In J.S. Mill's words, his mind "was eminently synthetical. He begins all his enquiries by supposing nothing to be known on the subject, and reconstructs all philosophy ab initio, without reference to the opinions of his predecessors."(1)

We have seen in earlier chapters how this attitude led him almost to consider himself as the sole originator of

(1) Dissertations and Discussions, Vol.1. p.349

utilitarianism, an opinion unsupported by fact. His inherent self-confidence and unshakeable faith in the sufficiency of his own intellect confirmed him in this opinion, and are responsible for the total absence in his works of anything approaching humility. Objectionable as even the most admiring reader must find this cocksureness, Bentham is not, I feel, to be blamed too hardly for it. One gathers the impression that it is almost entirely unconscious - not intentional boasting, but rather an almost childlike failure to disguise from others the esteem in which he holds himself. He considers himself the innovator of a new system of morals, and he simply says so, with no show of assumed modesty. He believes himself to have a genius for legislation, and he says so quite openly, not from any pretentiousness, but because it never occurs to him to conceal his belief.(1)

Just as one feels that Bentham's lack of humility is not assumed but unconscious, so one feels that Paley's modesty is genuine and sincere, resulting naturally from his character. But while the reader can hardly help feeling more sympathetic towards Paley than towards Bentham, it must be remembered that if Bentham had been of Paley's modest and tolerant character it is probable that his greatest works would never have been written. He needed the stimulus

(1) Works X. p.27

of something to attack, of some state of affairs which stirred him as a reformer, before he could drive himself to the labour of writing.

Although Paley did not share Bentham's radicalism, there is no reason to suppose that this was due to any insincerity or interested motive. Bowring, in the course of an ill-mannered, unnecessary , and totally unjustified attack on Paley, writes: "He mentions the principle of utility, but seems to have no idea of its bearing upon happiness. And if he had any idea, he was the last man to give expression to it. He wrote for the youth of Cambridge, of one of the colleges of which he was tutor. In that meridian, eyes were not strong enough, nor did he desire they should be strong enough, to endure the light from the orb of utilitarian felicity. Insincere himself, and the bold, oft-declared advocate of insincerity, what could be expected from his courage or his virtue? Over his bottle, those who knew him, knew that he was the self-avowed lover and champion of corruption, rich enough to keep an equipage, but not (as he himself declared) to 'keep a conscience'. For the remaining twenty years of his life his book was the text-book of the universities; but he left the utilitarian controversy as he found it; not even honouring the all-beneficent principle with an additional passing notice." (1)

(1) Deontology pp.310, 311.

Now both parts of Bowring's attack - that on Paley's character, and that on his philosophy - are plainly unjustified. Far from being "insincere himself, and the bold, oft-declared advocate of insincerity," his principles were so strong that he sacrificed the chance of a bishopric rather than delete from his 'Principles' the famous illustration of the pigeons in his chapter 'Of Property', which earned him the nickname of 'Pigeon' Paley. There is no evidence whatever that he was the "self-avowed lover and champion of corruption"; and when Bowring suggests that in his cups Paley admitted to not being rich enough to keep a conscience, he is guilty of distorting known facts. What in fact occured was that in 1772, when the University of Cambridge was disturbed over the question of compulsory subscription to the Thirty-Nine Articles, Paley was approached for his signature to a petition against this formality. Although sympathetic, he refused to sign, saying jokingly that he had not the wherewithal to afford to keep a conscience. Certainly we may regret that on this occasion Paley did not act on his principles, but there are no grounds whatever for implying, as Bowring does, that he was habitually disingenuous.

Bowring misjudges Paley's philosophy no less than his character. It is, I hope, not at this stage necessary to enlarge on the absurdity of his assertion that Paley

seems to have no idea of the bearing of the principle of utility upon happiness. Bowring must have been a man of great stupidity or considerable dishonesty, to vilify other utilitarians in order to assert Bentham's pre-eminence, or to imagine that Bentham stood in need of championship of such a kind.

What, then, is in fact the importance of Bentham's contribution to utilitarianism? Here there is a danger of confusing two things - the extent of the originality of Bentham's contribution to the theory of utilitarianism, and the importance of his practical application of it. Perhaps no one has laboured so extensively, so constantly, and so successfully to apply utilitarianism to jurisprudence, to government, to education, to the poor law, to international organization, to religion, to economics, and in fact to almost every department of life, as Bentham. In this respect his claim to pre-eminence among English utilitarians is unchallenged.

But this does not necessarily mean that he contributed anything new to the moral theory itself, and in fact he seems to have done little in this way, The principle of utility was no innovation, and in J.S. Mill's words: "The generalities of(Bentham's) philosophy itself have little or no novelty: to ascribe any to the doctrine

that general utility is the foundation of morality, would imply great ignorance of the history of philosophy, of general literature, and of Bentham's own writings. He derived the idea, he says himself, from Helvétius; and it was the doctrine no less, of the religious philosophers of that age, prior to Reid and Beattie ... In all ages of philosophy, one of its schools has been utilitarian - not only from the time of Epicurus, but before." (1) Even Bentham's attempt completely to secularize utilitarianism had been to a considerable extent anticipated by Gay and Tucker - and in fact this secularization is one of the less successful parts of Bentham's theory, for he fails in his attempt to reconcile the notion of complete obligation with his psychological hedonism - to demonstrate any universal connexion between duty and interest without postulating the existence of God. Nor is there anything new in his adoption of psychological hedonism, for this was already part of the utilitarian tradition.

Where Bentham does differ from his utilitarian predecessors is in his treatment of the hedonistic calculus - for, as we have seen, he abandons general moral rules in favour of particular computations of pleasure and pain. Yet, as he himself realizes, it is impossible to carry out such involved calculations before every action. In cases where time forbids the use of the hedonistic calculus,

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(1) Dissertations and Discussions vol 1 p 339

then, how are we to act? Surely by making empirical generalizations such as "In most cases telling the truth brings me in the long run a balance of pleasure over pain" and by acting in accordance with them. But in this case, for most practical purposes Bentham's theory differs little from that of his predecessors who taught the necessity of general moral rules.

The importance of Bentham's contribution seems to lie largely in the precision, the consistency, and the systematic classification and distinctions which he brought to the theory, and in the vigour and clarity with which he expounded it. The fact that he contributed little of novelty to the theory itself in no way detracts from his position as the foremost exponent of utilitarianism and of its practical application to so many branches of human activity.

Compared with Bentham's, Paley's influence in this respect has been slight. While Bentham exercized his influence not only through his voluminous writings, but also through his circle of enthusiastic disciples, and was the acknowledged leader of the utilitarian school, Paley wrote only one work on ethics, and lacked the reforming zeal necessary to spur him into further attempts to influence public opinion. Like Bentham, he brought little of novelty to the theory of utilitarianism; as he himself admitted,

his 'Principles' was largely based on Tucker's 'Light of Nature.' He had nothing of the reforming zest which led Bentham to take nothing for granted but to question everything, nor did he attempt to equal the systematic analysis and classification which forms so great a part of Bentham's contribution to the theory of utilitarianism. Yet even if he is a less considerable figure than Bentham, his philosophy nevertheless represents what is probably the highest point in the development of theological utilitarianism in England.

It may perhaps appear as though Bentham's greatness is being underestimated in this chapter. This is very far from what is intended; all that I am trying to suggest is that we must not hope to find in Bentham's moral theory, considered in itself, very much that is new. His general ethical and psychological ideas reflect in the main the notions prevailing in his day, and his faults are simply those which were then current. We must not judge him out of his context, and criticize his moral and psychological theories for lacking the refinements and subtlety which we demand to-day. Above all, we must remember that Bentham was not primarily a moral philosopher; he was a reforming lawyer, and as such his importance can scarcely be overestimated.

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