

## JEREMY BENTHAM (1748 -1832)

Jeremy Bentham, the founder of Utilitarianism combined throughout his active life the careers of philosopher, a jurist and that of social reformer and an activist. Though trained to be a lawyer, he gave up the practice of law in order to examine the basis on the principle of the greatest happiness of the greatest number was aimed at rearing the fabric of felicity by the hands of reason and law. He championed reforms of prison, legislation and parliament, and stressed the need for a new penal code for England. It was for this reason that some scholars particularly J S Mill, has regarded him as a progressive philosopher, an enemy of the status quo. Utilitarianism is essentially a British school of political theory. It consisted of a group of writers, politicians, administrators and social reformers. The most famous members of the group are Jeremy Bentham, James Mill and John Stuart Mill. Their primary theoretical interest lay in conceiving a frame work of political rules leading to a science of politics. In practice they emphasized on the necessity of legal and social reform and evolving efficient political institutions.

Bentham was born in 1748 in the family of a wealthy and successful attorney. Like Hobbes, he has deeply interested in Science. From the early 1770s, the study of legislation became Bentham's most important pre occupation. He did not practice law, but concentrated on writing about what the law should be rather than what it was. In the mid 1770's Bentham wrote a lengthy critique of William Blackston's (1723-1780) commentaries on the Law of England. A portion of this Critique was published in 1776 as "**A Fragment on Government**" arousing the interest of the Earl of Shelbourne, a whig aristocrat. Impressed by Bentham's work, the earl invited him to stay in his country house at Bowood, Wilshire. This was the beginning of a close relationship, based on common ideas and purpose. Interestingly, A Fragment on Government was first published anonymously, encouraging considerable speculation about its authorship. Coincidentally Adam Smith's well known book "**Wealth of Nation**" was published in the same year (1776).

Bentham welcomed the French Revolution and sent his reform proposals, though none were adopted. But he was made an honorary citizen of France in 1792 for his Draught of a New Plan for the organization of the Judicial Establishment of France. **Among the major works of Bentham include A Fragment of Government (1776), Introduction to the Principles of Morals and Legislation (1789), Discourse on Civil and Penal Legislation ( 1802), A Theory of Punishment and Rewards (1811), A Treatise on Judicial Evidence(1813).**

### UTILITARIAN PHILOSOPHY

#### PLEASURE PAIN THEORY

Utilitarianism as a school of thought dominated English political thinking from the middle of the eighteenth century to the middle of the nineteenth. Some of the early utilitarians were Francis Hutcheson (1694- 1746), Hume, Helvetius, Priestly, William Paley and Beccaria. But it was Jeremy Bentham who systematically laid down its theory, and made it popular on the basis of his innumerable proposals for reform. As Russel has rightly pointed out, "Bentham's merit consisted not in the doctrine, but in its vigorous application of it to various practical problems". Through James Mill, Bentham developed close links with Thomas Malthus and David Ricardo getting acquainted with the ideas of the classical economists. The basic principle of utilitarianism was that human beings sought happiness that pleasure alone was good and that the only right action was that which produced the greatest happiness of the greatest number. Utilitarians reiterated the ideas of the **Greek thinker Epicures**, who had stated that individuals sometimes pursued pleasure wisely and at other times unwisely. In the hands of Bentham, the pleasure pain theory evolved into

scientific principle to be applied to the policies of the state, welfare measures and for administrative penal and legal reforms.

Utilitarianism is a philosophy which is based on the hard realities of human existence. It is revolutionary and essentially empirical in character. It discards the abstract principles and notions of Thomas Paine's "Age of Reason". ***In the opinion of Prof G H Sabine Utilitarianism owes its rise in England Principally into two factors:***

- (1) The influence of the excess of French Revolution in the English mind and,***
- (2) the rise of empiricism.***

It was an attempt to establish ethical and political theory upon a thorough going scientific empiricism. The Utilitarian philosophy is primarily an ethical theory. It is based on the psychological doctrine of hedonism which proceeds on the assumption that man is a sentient being, a creature of feeling and sensibility. ***Man is pleasure seeking and pain avoiding animal . Pleasure versus pain is the mainspring of all human actions.***

Jeremy Bentham began the first chapter of 'An Introduction to the principles of Morals and Legislation' thus: ***Nature has placed mankind under the governance of two sovereign masters, a pain and pleasure. It is for them alone to point out what we ought to do as well as to determine what shall we do.*** On the one hand the standard of right and wrong, on the other the chain of causes and effects are fastened to their throne. They govern us in all we do in all we say , in all we think: every effort we can make to throw off our subjection , will serve but to demonstrate and confirm it . In words a man may pretend to abjure their empire; but in reality he will remain subject to it all the while... the principle of utility recognizes this subjection and assumes it for the foundation of that system, the object of which is to rear the fabric of felicity by the hands of reason and law. Bentham contended that human beings by nature are hedonists. Each of their action was motivated by a desire to seek pleasure and avoid pain. Every human action had a cause and a motive. ***As Bentham himself has pointed out "take away all pleasures and pain you have no desire and without a desire there can be no action"***. Bentham viewed hedonism not only as a principle of motivation, but also as a principle of action .

***For Bentham, Utilitarianism was both a descriptive and normative theory.*** It not only described how human beings act so as to maximise pleasure and minimize pain, but it also prescribed or advocated such action. According to the principle of greatest happiness of the greatest number (Principle of utility) the cause of all human action is a desire in terms of pleasure; a thing action is useful if it brings about happiness, that is pleasure. "By utility is meant that property in any object, whereby it tends to produce benefit, advantage, pleasure, good or happiness". A persons interest also has the same content – that of pleasure - something is in the interest of a person which tends to add to the sum total of his pleasures or diminish the sum total of his pains"

Bentham has, thus, provided a simple test for measuring every individual and governmental action. To him every action whether individual or collective if it increases the happiness of the party concerned is good, if not it is bad. All actions are, therefore, to be judged by their pleasure or pain value . Pleasure and pains are thus our sovereign masters.

***In the principles of Morals and Legislations Bentham listed fourteen kinds of simple pleasures that move human beings - including the pleasures of sense, wealth, skill, power, benevolence, good name, memory, imagination, expectation, association and relief etc.*** In addition to 14 simple pleasures, Bentham has included 12 pains in his major work. The simple pains

include the pains of privations, sense, awkwardness, enmity, ill name etc. All pains and pleasures, according to Bentham, are effects produced by external causes but individuals do not experience the same quantity of pleasure or pain from the same cause and this is because they differ in sensibility or sensibility. Bentham had listed around 32 factors which influence sensibility and these should be taken into account in any computation of the total amount of pleasure or pain involved in any given act. These factors are health, strength, hardness, bodily imperfections, quality and quantity of knowledge, strength of intellectual powers, firmness of mind, bent of inclination. Bentham believes that every individual is the best judge of his own happiness. The state could increase pleasure and diminish pain by the application of sanctions. He has prescribed four types of sanctions of pleasures and pain. They are,

- (1) Physical sanctions
- (2) Political and legal sanction
- (3) Moral or popular sanction
- (4) Religious sanction.

The Community, according to Bentham, is a fictitious body and its interests are the sum total of the interests of the several members who compose it. Bentham attaches some conditions to the principles of pleasures pain theory. They are,

- (1) it must be clear and precise
- (2) it must be the single and sufficient account of motivations and
- (3) it must be applicable by means of moral calculus.

Thus Bentham's doctrine of utility applied not only to morals but also legislation and politics.

***Bentham has provided a calculus (Felicific calculus) for determining the balance between pleasure and pain from any action.*** According to the Felicific calculus, one must give a numerical value to ***the intensity, duration, certainty or uncertainty, fecundity, purity, extent and propinquity or remoteness of the pleasures and pains of the persons affected*** by one's actions and one must undertake the action only if the value of the pleasure is higher than the value of the pain. Bentham was confident that a society in which the individual tried to maximize his own happiness would be far better than one in which he had to maximize the happiness of others. He saw an integral link between the happiness of an individual and that of the community and offered the principle of utility as a yardstick to a legislator to frame laws in order to obtain the overall happiness and welfare of the community.

He repeatedly stressed that a person's actions and policies had to be judged by his intention to promote the happiness of the community. Bentham distinguished pleasures quantitatively rather than qualitatively when he pointed out that ***"the pleasure of pushpin is as good as poetry"***. He did not differentiate between pleasures and in that sense he was not an elitist. He did not assign any inherent grading to activities and treated them at par in terms of their contributions to individual happiness. He taught men to govern by the simple rule of the "greatest happiness of the greatest number" which, in practice, could be discovered by a felicific calculus.

## CRITICISMS

Bentham's pleasure pain theory has been criticized as mechanical, uninspiring and unimaginative. His theory lacked originality and was full of prejudices and speculation. He was very much confused and contradictory in his own theoretical adventures. ***Prof. Carlyle has branded Benthamism as the "Pig Philosophy"*** just to remind us that hedonism of the kind is not very satisfactory; the happiness is much more than pleasure.

Bentham's theory has been demanded for its materialism and for its neglect of the moral sense. What Bentham wanted to do was to establish a standard of right or wrong, good and evil

related to calculable values. His psychological appreciation of human nature was inadequate. Many factors, beside pleasure and pain, motivate individual and communal action.

Bentham distinguished pleasures and pains quantitatively rather than qualitatively. But pleasures and pains differ both quantitatively and qualitatively. Bentham's doctrine of pleasure pain theory stands for the greatest number. But there is no logical connection between happiness of the greatest number and is considerably independent of state legislation and state action . Bentham believes that pleasures and pains could be arithmetically calculated with the help of an apparatus known as "Felicific calculus". However, modern researches in experimental psychology show that felicific calculus of pleasures with which Bentham supplied us turns out to have no practical significance at all. He provides no scale of values with which to measure the various factors and no way of determining the relative importance of the factors he lists. How actually could we measure the fecundity or purity of a pleasure?

In spite of criticisms levelled against Bentham's Pleasure Pain theory, his services to political philosophy are immense and enormous. Bentham's main contribution to political thought was not that he offered a novel principle of political philosophy but he steadily applied an empirical and critical method of investigation to concrete problems of law and government. Bentham exercised a great influence upon theories of sovereignty and law. Law was not a mystic mandate of reason or nature, but simply the command of that authority to which the members of community render habitual obedience. He considered the powers of the sovereign as indivisible, unlimited inalienable and permanent. As professor Sabine has rightly pointed out, Bentham's greatest contribution was in the field of jurisprudence and government.

Bentham's great service to political thought lies in his devising a system and method of legislation that would surely confirm to and serve the great end of human existence, ie, the greatest happiness of the greatest number. He was a reformer who was highly critical of the rights of man. He insisted that the state exists for man not man for the state. Bentham advanced numerous ideas which have been central to the liberal creed of the 19th century.