

Jeremy Bentham on Utilitarianism

Bentham, J., 2007. An Introduction to the Principles of Morals and Legislation. Mineola, NY: Dover Publications.

Chapter I: Of the Principle of Utility

Nature has placed all human beings under the control of two masters: pain and pleasure. These two sensations indicate how human beings should behave; both morality (i.e. right and wrong) and causality (i.e. cause and effect) are consequences of the human ability to experience pain and pleasure. The principle of utility recognises pain and pleasure as the foundation of morality and legislation; it approves of any action that increases pleasure or decreases pain among the people whom it affects and disapproves of any action that decreases pleasure or increases pain among them. The existence of the principle of utility cannot be scientifically proven; however, all human beings assume its existence in their daily lives. Generally, people pursue pleasurable experiences and avoid painful ones, and they assume that other people act in the same way. The principle of utility is underpinned by human nature, which makes it more appropriate than other moral principles for directing human behaviour.

Chapter II: Of Principles Adverse to that of Utility

If the principle of utility is right, then it is wrong to follow any other principle. The principle of asceticism is one principle that is opposed to the principle of utility. Instead of promoting the pursuit of pleasure and avoidance of pain, it promotes the pursuit of pain and avoidance of pleasure. Historically, the principle of asceticism was adopted by philosophers and religious believers. In reality, it is the principle of utility misapplied and, if enough people adopted it, then their pursuit of pain would turn Earth into a living hell. The principle of sympathy and apathy is another principle that is opposed to the principle of utility. It promotes some actions and condemns others based on how people feel about them; consequently, it is arbitrary and inconsistent. In other words, if something sounds wrong, then it probably is and should be punished. There is no theological principle (i.e. a principle prescribed by God); however, people sometimes mislabel the principle of sympathy and apathy using this term.

Chapter III: Of the Four Sanctions or Sources of Pain and Pleasure

A legislator should strive to increase the happiness of the people within the community that he or she governs by making laws that promote pleasure and avoid pain. There are four sources of pain: the physical (i.e. the pain inflicted by the natural world), the political (i.e. the pain inflicted by the legal system), the moral (i.e. the pain inflicted by the community), and the religious (i.e. the pain inflicted by God, perhaps in the afterlife). For example, if a person's home is burned to the ground, it may be a physical sanction brought about by failing to extinguish a candle, a political sanction handed out as a legal sentence, a moral sanction (i.e. vigilante arson) brought about by offending the community, or a religious sanction (i.e. divine punishment in the form of a lightning strike) brought about by sin. The physical source of pain is the foundation of the other three sources because they can only operate by employing the human ability to experience pain at nature's hands. Legislators need to consider moral and religious sources of pain when making laws because they may otherwise work against their intentions.

Chapter IV: Value of a Lot of Pleasure or Pain, How to Be Measured

Painful and pleasurable sensations should be measured according to the following criteria: intensity, duration, certainty or uncertainty, and propinquity (i.e. nearness) or remoteness. Pleasurable sensations that are intense, long-lasting, certain to happen and near at hand are of great value; they should be pursued as avidly as painful sensations that share the same qualities should be avoided. Additionally, actions that cause painful or pleasurable sensations should be measured according to three further criteria: fecundity (i.e. the chance of being followed by sensations of the same kind), purity (i.e. the chance of not being followed by sensations of the opposite kind), and extent (i.e. the number of people whom they affect). Considering the amount of pleasure or pain a particular action will cause a human being makes it possible to discern whether the action should be pursued or avoided (i.e. whether it is right or wrong). The same process should be used to discern whether or not a moral or legislative action should be pursued or avoided, and should always be kept in view by legislators.

Chapter V: Pleasures and Pains, Their Kind

There are several different types of painful and pleasurable sensations. Some sensations are complex because they involve a combination of more simple sensations. Simple sensations are the fundamental experiences that all complex sensations arise from; they cannot be further subdivided. There are 14 simple pleasures: of sense, of wealth, of skill, of amity (i.e. from being on good terms with others), of a good name, of power, of piety, of benevolence (i.e. from witnessing good things befall a good person), of malevolence (i.e. from witnessing bad things befall a bad person), of memory, of imagination, of expectation, of association, and of relief. There are 12 simple pains: of privation, of sense, of awkwardness, of enmity (i.e. from being on bad terms with others), of an ill name, of piety, of benevolence, of malevolence, of memory, of imagination, of expectation, and of association. Legislators should consider all types of painful and pleasurable sensations in law-making and prevent people from experiencing pleasures by inflicting pain on others. When legislators prescribe punishments, they can only do so by requiring the infliction of one or more painful sensations.

Chapter VI: Of Circumstances Influencing Sensibility

Painful and pleasurable sensations are produced in people's minds as a consequence of their actions; however, people experience painful and pleasurable sensations in different degrees according to their sensibilities (in other words, some people appear to experience painful or pleasurable sensations with greater intensity than others). 32 things influence the intensity of any painful or pleasurable sensation: health, strength, hardiness, bodily imperfection (i.e. disability), knowledge, intellectual power, firmness of mind, steadfastness of mind, bent of inclination, moral sensibility, moral biases, religious sensibility, religious biases, sympathetic sensibility, sympathetic biases, antipathetic sensibility, antipathetic biases, insanity, habitual occupation, pecuniary circumstances (i.e. financial circumstances), connections in the way of sympathy, connections in the way of antipathy, radical frame of body, radical frame of mind, sex, age, rank (i.e. social status), education, climate, lineage, government, and religious profession. Legislators should consider the degrees to which people experience painful or pleasurable sensations according to their general sensibilities and make laws accordingly.

Chapter VII: Of Human Actions in General

A government should promote society's happiness by punishing and rewarding its citizens; the mechanism by which a government punishes its citizens is the subject of criminal law. Actions should be punished in proportion to the unhappiness (i.e. painful sensations) they create. Legislators should only consider the material consequences of actions (i.e. painful and pleasurable sensations) when making laws. When evaluating whether or not an action should be punished, the following things should be considered: the action, the circumstances (i.e. context), the intention, and the agent's consciousness (i.e. whether or not the agent was fully aware of the consequences of the action). In particular, an action's circumstances should be carefully considered when evaluating whether or not the action should be punished. Circumstances are related to actions by causation (i.e. as direct causes of an action), derivation (i.e. as consequences of an action), collateral connection (i.e. as tangential consequences of an action), or conjunct influence (i.e. as influences or indirect causes of an action). Taken together, circumstances exert considerable influence over the degree to which an action should be punished.

Chapter VIII: Of Intentionality

Beyond an action itself and the circumstances connected with it, the intention behind it should be carefully considered when evaluating whether or not the action should be punished. Actions can be intended without their consequences being intended (e.g. when a person intentionally touches another but accidentally causes harm) or both actions and their consequences can be intended. Consequences can be directly intended or indirectly intended; they are indirectly intended when they are not the primary intention of an action. Likewise, an individual action and its consequences can be directly intended or indirectly intended; they are indirectly intended when they form a link in a chain (i.e. when they do not cause the ultimately intended consequence but are only a necessary link in a chain). Additionally, actions and their consequences may be exclusively or inexclusively intentional, depending on whether or not their consequences are the only ones that were intended. The intention of an action (i.e. its motive) can be described as good or bad depending on whether it is inspired by pain or pleasure or whether it is designed to produce painful or pleasurable sensations in others.

Chapter IX: Of Consciousness

The intention of any action depends on the degree to which the agent is conscious of the circumstances connected with it. Circumstances are material (i.e. they matter) if they affect the amount of pain or pleasure that is experienced as a consequence of an action; they are immaterial (i.e. they do not matter) if they do not affect the amount of pain or pleasure that is experienced as a consequence of an action. When an agent is conscious of a material circumstance, then he or she is advised of it; when an agent is unconscious of a material circumstance, then he or she is unadvised of it (being unadvised is heedless if a reasonable person, given due reflection, would have become aware of the circumstance). Alternatively, an agent can be misadvised, which means he or she believes a circumstance exists when it does not. If an act is advised, it is necessarily intentional; however, if an act is unadvised or misadvised because an agent is unconscious of a material circumstance or incorrect about it, then its consequences are unintentional. Although motives and intentions are similar, they are not the same because intentions relate to specific actions and their circumstances.

Chapter X: Of Motives

Different sense of the word motive: motives are speculative intellectual ideas that do not inspire action or practical impulses that do. They are internal states of mind (e.g. a painful sensation) or external realities (e.g. a burning building). Motives are good or bad depending on the intensity of pain or pleasure they inspire a person to cause.

Catalogue of motives corresponding to that of pleasures and pains: no motive is either universally good or universally bad. It depends on the intentions it gives rise to and whether they produce painful or pleasurable consequences. Generally, altruistic motives are more likely to produce actions that satisfy the principle of utility.

Conflict among motives: people can have conflicting motives; those that influence a person to act are impelling motives whilst those that influence a person not to act are restraining motives. Generally, when altruistic motives are followed, they are more likely to produce actions that satisfy the principle of utility.

Chapter XI: Human Dispositions in General

Individual motives are neither universally good nor universally bad because any motive can give rise to either pain or pleasure (e.g. the motive of financial interest can inspire both hard work and fraud). However, some people are more likely to be influenced by certain motives for certain reasons. This is what gives them their particular dispositions (i.e. their tendencies to act in certain ways). All motives can be categorised as either standing (i.e. constantly applicable) or occasional (i.e. temporarily applicable); all standing motives are altruistic (in other words, concerned with the well-being of other people). Generally, a person has a good disposition if the standing, altruistic motives exert a strong influence over his or her actions, and a bad disposition if they do not (which is a sign of depravity). The degree of a person's depravity is calculated by whether or not the action chosen to achieve a bad intention is excessively bad (i.e. pain-causing); how easily standing, altruistic motives are ignored; how great the temptation is to act badly; and how long a bad action is deliberated (lengthy deliberation, or premeditation, is an indication of depravity). Considering depravity is important because it is relevant to punishment.

Chapter XII: Of the Consequences of a Mischievous Act

Shapes in which the mischief of an act may show itself: an action is mischievous when its certain or probable consequences cause pain. This pain can be categorised as either primary (i.e. pain that is assignable to a particular individual or individuals), original (i.e. firsthand) or derivative (i.e. secondhand), or secondary (i.e. pain that is not assignable to particular individuals but causes general alarm or increases danger to the public). Mischievous actions can be categorised by their nature (e.g. simple or complex, positive or negative, or certain or contingent), by their cause (e.g. single or multiple, caused by one person or many people, or caused by similar actions or different actions), and by their object (i.e. the victim).

How intentionality, etc., may influence the mischief of an act: when a mischievous action is unintentional it can only cause primary (rather than secondary) pain because it cannot alarm the general public or increase the risk that a similar action will happen again (which is what happens when intentionally mischievous actions go unpunished).

Chapter XIII: Cases Unmeet for Punishment

- 1. General view of cases unmeet for punishment:** some actions should not be punished in certain circumstances.
- 2. Cases in which punishment is groundless:** e.g. if consent for a mischievous action is freely given by its victim.
- 3. Cases in which punishment must be inefficacious:** e.g. if the agent is an infant, or insane.
- 4. Cases where punishment is unprofitable:** e.g. any instance in which the pain caused by punishing an action exceeds the pain caused by the action itself.
- 5. Cases where punishment is needless:** e.g. any instance in which the action will stop and not be repeated without intervention, thereby making punishment of the action a pointless enterprise.

Chapter XIV: Of the Proportion between Punishment and Offences:

Legislators should have several objectives in mind when they make laws. Their primary objective should be to prevent people from ever committing any mischievous actions. If this is impossible, their secondary objective should be to prevent people from committing the most mischievous actions; consequently, they should punish less mischievous actions more leniently than more mischievous ones. Their third objective should be to encourage people to commit no more mischief than necessary. Finally, they should create a system that prevents mischief as inexpensively as possible. In order to achieve these objectives, legislators should follow various rules when making laws. Important rules for legislators include making punishments for actions greater than the profits anticipated from them, making punishments greatest for the most mischievous actions, and providing incentives for agents to stop their mischief-making at each stage of their activities. Additionally, legislators should prescribe economically viable punishments that cost the precise amount required to produce conformity and allow for punishments to be adjusted based on the sensibilities of the agents being sentenced to them.

Chapter XV: Of the Properties to be Given to a Lot of Punishment

Punishments should have various properties: they should be variable (i.e. adjustable in severity), equable (i.e. painful to people of different sensibilities), and commensurate (i.e. appropriate in severity). Additionally, punishments should be characteristic (i.e. analogous to the actions they punish), frugal (i.e. they should only punish agents to the degree required to achieve conformity cost-effectively), and give preference to reformation (in other words, punishments that effect rehabilitation should be preferred over those that do not). Punishments should also have disabling efficacy (i.e. be preventative of repeat offending; capital punishment is the most obvious example of this), subservience to compensation (i.e. be preferable if compensatory to victims), and popularity (i.e. be socially acceptable). Finally, punishments should be remissible, which means they should be capable of being reversed; this undermines the acceptability and efficacy of corporal punishment and capital punishment in particular. It is clear from this review that no individual type of punishment embodies all of these properties; consequently, most mischievous actions should be punished using a complex blend of punishments.

Chapter XVI: Division of Offences

- 1. Classes of offences:** (1) private offences against others, (2) semi-public offences against a neighbourhood or class, (3) private offences against oneself, (4) public offences against the state, and (5) offences by falsehood or trust.
- 2. Divisions and sub-divisions:** offences are either committed against a person (which are absolute offences), or against his or her property, condition (e.g. fatherhood), or reputation (which are all relative offences).
- 3. Genera of Class I:** private offences against others can be categorised into those committed against relatives (i.e. domestic) or those committed against others in society (i.e. civil); all can be divided into multiple individual offences.
- 4. Advantages of the present method:** dividing up offences into five categories and their subcategories is helpful because it outlines the entire division of offences and how they are related to one another.

Chapter XVII: Of the Limits of the Penal Branch of Jurisprudence

1. Limits between private ethics and the art of legislation: the term "private ethics" refers to the practice of governing oneself, whilst "legislation" refers to the practice of governing others. Private ethics can only govern some actions because legislation is occasionally incapable of punishing actions effectively or profitably (i.e. cost-effectively). Private ethics guide individual people to pursue actions that promote the most personal happiness, whilst legislation guides a group of people (e.g. a national population) to pursue the actions that promote the most collective happiness. A legislator's role is to enact laws that promote pleasure and curtail pain throughout the country in which the laws operate.

2. Jurisprudence, its branches: jurisprudence is concerned with either what the law is or what the law should be. Part of jurisprudence concerns the relationship between criminal law and civil law; although they are intimately related, they are not the same.

George Thinks

An Introduction to the Principles of Morals and Legislation is a really important work; in fact, it's the reason Jeremy Bentham is sometimes referred to as the founder of modern utilitarianism. Like plenty of other people, I think its genius lies in the principle of utility, which is formulated in an astonishingly bold fashion. Put simply, Jeremy Bentham equates good with pleasure and happiness, and evil with pain and unhappiness; consequently, anything that produces pleasure or alleviates pain is good, whilst anything that produces pain or curtails pleasure is evil. Even though this is an incredibly clear and compelling principle to reduce morality down to, it's not without its problems (as plenty of his contemporaries pointed out as well). For me, chief among these is that I'm not entirely happy reducing the good down to the pleasurable or the evil down to the painful; Jeremy Bentham states this as a self-evident fact (although, in a moment of self-doubt, perhaps, he does ultimately concede it's impossible to prove). Still, it remains an incredibly contentious topic in meta-ethics.

Beyond the principle of utility, though, An Introduction to the Principles of Morals and Legislation is problematic in other ways. It is not, I think it is fair to say, a riveting read: the vast majority of it is dedicated to laying out various lawmaking principles and delineating the distinctions between different criminal offences. This is problematic because here Jeremy Bentham appears to lack the courage of his convictions; for example, he spends a great deal of time discussing and defending the laws relating to trusts, even though it is difficult to conceive of how their existence or otherwise meaningfully satisfies the principle of utility. The principle of utility is a bold theory with which to guide lawmaking; however, I do not feel that Jeremy Bentham wanted it applied quite as boldly as he stated it. This is why he had to plead for special cases in certain places or create false distinctions between offences which serve to create them. Of course, not everyone will agree with me, but I encourage you to read the later chapters carefully before forming an opinion.

