

Happiness and Utility: Jeremy Bentham's Equation

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Doubts about the origin of Bentham's formula, 'the greatest happiness of the greatest number', were resolved by Robert Shackleton thirty years ago. Uncertainty has persisted on at least two points. (1) Why did the phrase largely disappear from Bentham's writing for three or four decades after its appearance in 1776? (2) Is it correct to argue (with David Lyons in 1973) that Bentham's principle is to be differentially interpreted as having sometimes a 'parochial' and sometimes a 'universalist' bearing? These issues are reopened here with particular reference to textual evidence overlooked in earlier discussions and contextual evidence on the development of Bentham's radicalism in the last two decades of his life. In conclusion some broader issues are raised concerning the character of Bentham's understanding of 'happiness' itself.

In the spring of 1776, in his first substantial (though anonymous) publication, *A Fragment on Government*, Jeremy Bentham invoked what he described as a 'fundamental axiom, *it is the greatest happiness of the greatest number that is the measure of right and wrong*'.¹ The association between Bentham and the central phrase in this 'axiom' – the greatest happiness of the greatest number – is now, of course, a commonplace. Yet the origins and history of the phrase and of Bentham's use of it have been the subject of protracted scholarly debate. The seeds of uncertainty were sown by Bentham himself in confused and inconclusive recollections recorded by John Bowring. The question of origins at least was definitively resolved over thirty years ago by Robert Shackleton, in an elegant piece of research. This demonstrated that by far the likeliest source of the phrase as Bentham used it is the English translation of Beccaria's *Dei delitti e delle pene*, published in 1768.² That was the year in which Bentham sometimes thought, mistakenly, that he had found the phrase in a work by Joseph Priestley, and it seems likely that he read the Beccaria translation in what he later called 'a most interesting year' – 1769.³

So far so good. There is no need for undue scepticism about Bentham's later account of the 'Eureka!' quality of his feelings when he identified

¹ *A Comment on the Commentaries and A Fragment on Government*, ed. J. H. Burns and H. L. A. Hart, in *The Collected Works of Jeremy Bentham* [hereafter CW] (London, 1977), p. 393.

² R. Shackleton, 'The Greatest Happiness of the Greatest Number: The History of Bentham's Phrase', *Studies on Voltaire and the Eighteenth Century* 90 (1972).

³ *The Works of Jeremy Bentham, published under the superintendance of... John Bowring*, 11 vols. (Edinburgh, 1838–43) [hereafter Bowring], vol. 10, p. 54.

this phrase as the formulation of the basic principle to be applied in morals and legislation.⁴ Its prominence in the presentation of his *Fragment on Government* (1776) confirms that status. What has seemed both puzzling and perhaps significant is the fact that the formula did not, over a large part of Bentham's long career, retain that prominent position. As early as 1780 – only four or five years after writing the *Fragment* – Bentham had substantially completed the work that was to be published (though not until 1789) as *An Introduction to the Principles of Morals and Legislation*. And throughout that long and intricate text the phrase 'the greatest happiness of the greatest number' does not occur at any point.⁵ Shackleton suggested – and the suggestion has not so far been refuted – that the phrase is not to be found again in any of Bentham's published works for over forty years after its appearance in the 1776 preface to *A Fragment on Government*. This fact must not, indeed, be made to carry a heavier load of interpretation than it can bear. Phrases that approximate quite closely to the consecrated formula do occur in some of the intervening publications. And it must always be borne in mind that Bentham's peculiar attitude to the publication of his own works makes the distinction between what was and what was not committed to print at or by any given period less significant than it might otherwise be. It is at all events clear that Bentham was using the 'greatest happiness' formula quite freely in manuscripts written some eight or ten years before its public reappearance in 1820. In one instance, indeed, a close approximation to the phrase was actually printed, though not published, as early as 1811 – in the incomplete printing, edited by James Mill, of *An Introductory View of the Rationale of Evidence*.⁶

Yet it is still worth asking whether some significance may properly be ascribed to the rather curious history of a formula Bentham regarded, at least intermittently, as fundamentally important for his theoretical position. And in that connection it may be best to begin by examining the alternative formulation Bentham adopted in *An Introduction to the Principles of Morals and Legislation*. What he did there was to

⁴ Cf. *ibid.*, pp. 79–80.

⁵ However, in the seventeenth chapter (which was to grow into the continuation now known as *Of Laws in General*), Bentham does say that 'Ethics at large may be defined, the art of directing men's actions to the production of the greatest possible quantity of happiness, on the part of those whose interest is in view' (*An Introduction to the Principles of Morals and Legislation*, ed. J. H. Burns and H. L. A. Hart, in *CW* (London, 1970), p. 282). In material seemingly intended for a concluding chapter in *Of Laws in General* (ed. H. L. A. Hart, in *CW* (London, 1970), p. 289), Bentham says that the 'direct and positive' purpose of legislation is 'to add to the happiness of the community'.

⁶ Bowring, vol. 6, p. 6: 'Of legislation the proper end may... be stated as being... in every community, the creation and preservation of the greatest happiness to the greatest number.'

take up ways of expressing his basic position that he had already used in *A Fragment on Government* (and indeed in the *Comment on the Commentaries* of Blackstone from which the *Fragment* emerged in the autumn and winter of 1775–6). The key terms are, of course, ‘utility’ and ‘principle of utility’. The utility of human actions, Bentham said in the 1776 preface to *A Fragment on Government*, is their tendency to promote the common end of all such actions – happiness; and from utility in this sense, he went on, we can ‘denominate a *principle* . . . a principle that is recognised by all men’.⁷ This, he wrote four years later in the opening chapter of *An Introduction to the Principles of Morals and Legislation*, is the principle that is to serve as ‘the foundation of that system, the object of which is to rear the fabric of felicity by the hands of reason and of law’. And he then attempted to formulate the principle itself more precisely:

By the principle of utility is meant that principle which approves or disapproves of every action whatsoever, according to the tendency which it appears to have to augment or diminish the happiness of the party whose interest is in question . . .

Happiness, moreover, is to be understood – in a way already adumbrated in 1776 but now greatly elaborated – in terms of the balance of pleasure over pain. However we are to interpret the celebrated opening words of the *Introduction to the Principles* – and Bentham himself implicitly warned against attaching too much weight to ‘rhetoric and declamation’ – we cannot ignore the fact that this is how he chose to open what he plainly envisaged as a major statement of his position:

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, 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 . . . The *principle of utility* recognises this subjection . . .⁸

Yet although this approach was to lead Bentham into the celebrated – even notorious – attempt to represent happiness as quantifiable, as something that both could and should be the subject of measurement, of reckoning, of calculation – ‘Men calculate,’ he insists, ‘. . . all men calculate’⁹ – he chose not to adopt (or at least did not adopt) in this

⁷ *Fragment*, in *CW*, pp. 415–16.

⁸ In *CW*, pp. 11–12.

⁹ In *CW*, pp. 173–4.

major statement the formula which four years earlier he had described as a 'fundamental axiom'. Why was this?

Bentham himself, at least in some of his reminiscent and revisionary statements, seems to suggest that he had made a tactical mistake in the 1780s. When the *Introduction to the Principles of Morals and Legislation* reached a second edition in 1823, he appended a footnote to the first occurrence of the term 'principle of utility'. There he argues that the alternative terms 'the *greatest happiness* or *greatest felicity*' are preferable because '[t]he word *utility* does not so clearly point to the ideas of *pleasure* and *pain* as the words *happiness* and *felicity* do'. And he adds the comment:

This want of a sufficiently manifest connexion between the ideas of *happiness* and *pleasure* on the one hand, and the idea of *utility* on the other, I have every now and then found operating, and with but too much efficiency, as a bar to the acceptance, that might otherwise have been given, to this principle.¹⁰

In an even later statement, made in the course of his address to 'his fellow-citizens of France' on the subject of 'chambers of peers and senates', Bentham said that he had adopted the term 'principle of utility' rather than 'greatest happiness principle' 'in compliance with custom... from *David Hume* and *Helvetius*'.¹¹ Deference to 'custom' seems less than characteristic of the Bentham known to history. Yet there can be no doubt either of the respect in which the young Bentham held the names he cites or of the widespread currency of 'utility' as a central concept in moral and social philosophy during his formative years. Its firm hold on his mind by the early 1780s is evinced by his having coined, for those who, like himself, had embraced the hedonistic quantifying notion of utility, the term 'utilitarians'.¹²

Yet there would have been nothing to prevent, rather (it would seem) much to encourage, the use by the self-styled utilitarian of his axiomatic phrase of 1776. The prolonged quiescence of 'the greatest happiness of the greatest number' still calls for explanation. Two hypotheses call for further discussion.

There is, first, the view presented by David Lyons in a short but densely packed book in which crucial arguments are closely related to the kind of utilitarianism expounded in the *Introduction to the Principles of Morals and Legislation*.¹³ Lyons draws attention to the fact that the phrase 'the greatest happiness of the greatest number'

¹⁰ In *CW*, p. 11 n.

¹¹ Bowring, vol. 4, p. 447 n.

¹² Bentham MSS, University College London, lxix.79: 'I dreamt t' other night that I was a founder of a sect . . . It was called the sect of the Utilitarians.'

¹³ *In the Interest of the Governed: A Study of Bentham's Philosophy of Utility and Law* (Oxford, 1973).

does not occur in that text; and he goes on to point out that it is commonly represented as expressing the 'universalistic' character of the utilitarian position. He then argues that the phrase 'does not occur [in the *Introduction to the Principles*] because it does not represent [Bentham's] views about conflicts of interest when he wrote the book' and that 'any universalistic connotations that the phrase may have are also foreign to that work'. Lyons suggests that an alternative interpretation of Bentham's meaning – also mistaken but more plausible – is that the principle of utility is 'parochial', in the sense that 'not... everyone is taken into account, but only those within one's community'.¹⁴ Now it is certainly the case that Bentham very commonly – more often than not, it would seem – states his principle with reference to 'the community', 'the community in general', or some such phrase; but – it will be argued here later – those formulations do not support the weight of interpretation Lyons places upon them. For the moment it is necessary to follow the development of Lyons's argument further, for he seeks to show that community-directed 'parochialism', though an important element in, or aspect of, Bentham's utilitarianism, is not in itself a sufficient account of the basic principle of that system.

Bentham, in fact, according to Lyons, is advocating a 'differential' principle, involving a dual standard. The key to this interpretation is found in the last chapter of *An Introduction to the Principles*. What emerges there, Lyons argues, is Bentham's concern, not with those 'affected' by human actions, but with those whose 'direction' – or indeed 'government' – is involved in those actions. The duality arises from Bentham's distinction between private ethics, which directs only the agent himself, so that *his* interest or happiness alone is involved, and public ethics, concerned with measures of government in the usual sense of the term, the object of which must, according to Bentham's principle, be the interests of the entire community – that is, of all its members.¹⁵

At the heart of Lyons's defence of the coherence and tenability of the differential principle he attributes to Bentham is the contention that the latter, at this stage of his thinking, believed in a natural harmony among the interests of different individuals within the same community. It has to be said that some elements in this interpretation seem to be less than securely rooted in the text on which the analysis is – perhaps too narrowly – concentrated. Thus the suggestion that, in Bentham's conception, private ethics is concerned solely with the individual agent's self-direction towards his own maximum happiness

¹⁴ *Ibid.*, p. 24.

¹⁵ *Cf. ibid.*, pp. 29–30.

seems hard to square with such phrases in the final chapter of the *Introduction to the Principles* as these:

There is no case in which a private man ought not to direct his own conduct to the production of his own happiness, and of that of his fellow-creatures . . . Every act which promises to be beneficial upon the whole to the community (himself included) each individual ought to perform of himself . . .¹⁶

Again, it is hard to sustain the distinction Lyons seeks to draw between Bentham's private ethics and legislation. He suggests that, while legislation manifestly 'interferes' in human behaviour with sanctions to back its interference, Bentham can speak only 'in a loose and misleading way' of private ethics as 'interfering' in some analogous sense. Private ethics, according to Lyons, 'simply judges acts of ordinary individuals': sanctions 'are not employed as *instruments* by private ethics'.¹⁷ Yet, in *Of Laws in General* (originally a continuation of the very chapter on which Lyons rests his case) Bentham says,

To ethics it belongs to ascertain the cases in which on the one hand the punishment, and on the other the reward of the moral sanction ought to apply; and to instruct a man how to avoid the one and obtain the other.¹⁸

And in Chapter XVII of the *Introduction to the Principles* itself, when he is discussing the limited scope the legislator has in dealing with such matters as drunkenness and fornication, Bentham remarks that 'All he can hope to do, is to increase the efficacy of private ethics, by giving strength and direction to the influence of the moral sanction.'¹⁹

Certainly Bentham wished to draw a distinction between the provinces of private ethics and of legislation; but that distinction was not to be drawn as rigorously as Lyons suggests. A truer impression of what was intended is given when Bentham says, in *Of Laws in General*, that 'wherever the punishment of the political sanction ought to apply, there also ought that of the moral: in this respect therefore this whole work still belongs to ethics'.²⁰ It is of course true that, within this ethical continuum, Bentham was throughout his long career predominantly – even overwhelmingly – concerned with the public rather than with the private sphere. His utilitarianism was such (Lyons rightly says) as to 'demand primary concentration on law, politics, and government'.²¹ What he published in 1789 as *An Introduction to the Principles of Morals and Legislation* had been written, he tells us in the preface,

¹⁶ In *CW*, p. 285.

¹⁷ In *the Interest of the Governed*, pp. 56–7.

¹⁸ In *CW*, p. 219.

¹⁹ In *CW*, p. 290.

²⁰ In *CW*, p. 219.

²¹ In *the Interest of the Governed*, p. 4.

with ‘no other destination than that of serving as an introduction to a plan of a penal code *in terminis*, destined to follow in the same volume’.²² And despite the broader title under which the *Introduction* (still incomplete) was then published, it is made clear in the preface that the author’s concern is, all but exclusively, with legislation and ‘legislative science’. This point calls for special emphasis not only because it has so often been overlooked (or mentioned in passing only to be subsequently neglected), but because it provides the essential context for our understanding of what Lyons calls the ‘parochial’ aspect of Bentham’s utilitarian principle. It was precisely because his arguments were primarily addressed to ‘legislators’ that Bentham constantly referred to ‘the community’, ‘the community in general’, and so on. It was – and for that matter it is – with the interests of the community that any legislator, any legislature, must be primarily – indeed, all but exclusively – concerned.

This does not, however, entail the denial of universality in Bentham’s fundamental principle, unless we are to construe the ‘parochialism’ of many of its practical applications as entailing the total disregard of any interests lying outside the bounds of the legislator’s ‘parish’. Such a view would indeed, as Lyons emphasizes, have ‘frightening possibilities in the realm of international relations’. And even in the manuscripts later printed as *Principles of International Law* Bentham may seem to be taking the ‘parochial’ view. ‘The end of conduct’, he argued, ‘which a sovereign ought to observe relative to his own subjects . . . ought to be the greatest happiness of the society concerned.’ Yet, after citing this passage, Lyons goes on to acknowledge that Bentham, having posed the question whether the legislator should apply in international affairs ‘the same standard of his community’s happiness’ as in internal matters, argues rather that the appropriate criterion in the wider context is ‘the common and equal utility of all nations’.²³ It is hard not to read this as implying – or presupposing – a ‘universalism’ capable of transcending whatever ‘parochialism’ Bentham’s principle of utility may sometimes seem to sustain.

More generally, it seems, we should interpret Bentham’s reference, when stating his ‘principle of utility’, to ‘the party whose interest is in question’, as referring, not to those whose conduct is ‘directed’, but to those whose interests are ‘affected’ by a given action.²⁴ This, of course, makes the principle one of great – perhaps of excessive – flexibility.

²² In *CW*, p. 1. It is worth noting that the pagination of the 1789 edition is, for this reason, in lower-case roman numerals.

²³ *In the Interest of the Governed*, pp. 102–3, citing Bowring, vol. 2, p. 537.

²⁴ Cf., contrastingly, Lyons, *In the Interest of the Governed*, p. 32: ‘The interests to be promoted are the interests of those being “directed” rather than those who may be affected.’

The important point, however, is to recognize that the principle is *adaptable* – that its focus, so to speak, can be lengthened or shortened in accordance with the practical needs of the individual in question (whether as a private person or as a legislator). The universality of the principle stands, though the scope of its application will vary from one set of circumstances to another.

In all this there is doubtless some danger of losing sight of the problem originally posed here: the problem of Bentham's use and non-use of the phrase 'the greatest happiness of the greatest number'. Lyons sees the period of non-use simply as a reflection of the fact that Bentham did not, at least when writing the *Introduction to the Principles of Morals and Legislation*, hold the 'universalistic' form of the utilitarian theory. The 'greatest happiness' formula would indeed convey that kind of 'universalism', and Bentham himself 'uses the phrase . . . for just such reasons . . . in many of his writings'.²⁵ Bentham, on this view, avoided the formula in the *Introduction to the Principles* and elsewhere because the position he took in those contexts was non-universalistic; but he adopted it where and when he was taking a universalistic position.²⁶ This is at best a debatable interpretation of the evidence. When, in works published in the 1820s, Bentham re-established (as he had already done in manuscripts of the previous ten years or so) the phrase 'greatest happiness of the greatest number' as an essential element in the exposition of his theory, he did so in both 'parochial' and 'universalist' contexts. Thus, in the 1823 *Leading Principles of a Constitutional Code*, Bentham uses the formula with an explicit restriction of its application to 'the members of this political state'.²⁷ But in material from much the same time he wrote, with the *Constitutional Code* in view:

In saying . . . the proper end of government is the greatest happiness of all, or, in case of competition and to the extent of the competition, the greatest happiness of the greatest number, it seems to me that I have made a declaration of peace and good will to all men.²⁸

Too much should not be made, on either side of the argument, of a fairly casual passage incorporating one of Bentham's not uncharacteristic scriptural echoes. For what it is worth, however, the remark has a 'universalistic' rather than a 'parochial' bearing.

²⁵ *Ibid.*, p. 24.

²⁶ Cf. Lyons's exemplification of the two categories in Bentham's writings: *ibid.*, p. 25 n. 3.

²⁷ Bowring, vol. 2, p. 269.

²⁸ *First Principles Preparatory to Constitutional Code*, ed. P. Schofield, in *CW* (Oxford, 1990), pp. 211–12 n. The text is essentially that cited (from Bowring, vol. 2, p. 6) by Lyons, *In the Interest of the Governed*, p. 101. It was written in August 1822. For the last seven words cf. Luke 2.14: 'peace, good will toward men'.

At all events, it would seem that some other explanation is needed for the virtual disappearance of the ‘greatest happiness’ phrase from Bentham’s writings, and for its subsequent reappearance and indeed its almost absolute preponderance in his later work. The second of the two hypotheses mentioned above in this connection was advanced by Shackleton in the latter part of the article already cited. There, having illustrated what he justly calls the ‘outpouring’ of the formula in Bentham’s work from 1820 onwards, he links it with ‘social unrest in Britain at the end of the Napoleonic wars’ and with Bentham’s involvement in the accompanying surge of political radicalism. More specifically, he points to the occurrence of the phrase in the article on ‘Government’ written by James Mill for the 1820 Supplement to the *Encyclopædia Britannica*. Shackleton notes that the article had been written ‘at the latest before the end of July 1820’. (It was in fact ‘apparently finished by 11 May 1820, and it was published in September’.²⁹) He then asks:

Is not the assumption more plausible than any other, in the light of the known evidence, that it was James Mill who, extracting the formula from the partly forgotten pages of the *Fragment on government*, showed Bentham that it still had relevance and effectiveness?³⁰

Attractive though it may be, this hypothesis is – at least as stated – untenable. The phrase was being used again by Bentham in unpublished writings from at least as early as 1811. It is true that Shackleton’s hypothesis might be advanced in a revised form, since James Mill was collaborating closely with Bentham at that earlier period. Specifically, he seems to have been at work as early as the summer of 1809 on what became *An Introductory View of the Rationale of Evidence*, in which (as noted above) a version of the ‘greatest happiness’ phrase was certainly used.³¹ It is also noteworthy that some consideration was given, in the summer of 1810, to the possibility of a second edition of *A Fragment on Government*, in which the Benthamic form of the phrase had first appeared. Nothing came of this, and there is in any case no evidence of James Mill having been involved in the project, such as it was.³² It would therefore be hard to sustain the view that Mill ‘rediscovered’ a formula that had otherwise slipped out of Bentham’s mind.

²⁹ R. A. Fenn (ed.), *A Textbook for Utilitarians: James Mill’s Articles in the Encyclopædia Britannica, 1818–1823* (Toronto, 1991), p. 272.

³⁰ Shackleton, ‘Greatest Happiness of the Greatest Number’, p. 1480.

³¹ Cf. n. 6 above.

³² See *Comment/Fragment*, in *CW*, p. xxxii n. 3. No reference to this project has been found in Bentham’s correspondence at the time or later, nor is it mentioned in Alexander Bain’s *James Mill: A Biography* (London, 1882), which otherwise records much of Bentham’s activity in the relevant period.

What does remain acceptable and persuasive in Shackleton's hypothesis is the suggestion that the re-emergence of 'the greatest happiness of the greatest number' and indeed its subsequent dominance in Bentham's statements of his fundamental position constitute defining characteristics of the radicalism of his later years. There has, of course, been much discussion, and there is still room for divergent conclusions concerning the direction and the chronology of Bentham's development. What does seem to be the case is that something significant took place in his political development in or about 1808–9.³³ Even then, to be sure, the best part of a decade was to pass before he fully and publicly declared his allegiance; but the fact remains that for the last twenty years and more of his life Bentham was a committed radical democrat. That is the context in which we should see the central importance, in these later years, of the formula he had adopted in the 1770s: 'the greatest happiness of the greatest number'.

A formula originally stated in the somewhat esoteric context of an anonymous critique of Blackstone's account of English law now became – we may say – a political slogan to be used with positive polemical purposes in view. Politics here, moreover, may (for the moment at least) be seen in a fairly narrow, though crucially important, sense. The discussion, that is to say, need not take into account the elaborate detail of Bentham's analysis and exposition of administrative processes and institutional arrangements. What is at issue is the fundamental relationship between rulers and ruled. For Bentham it was a matter of observation that, in every existing political system apart from 'the Anglo-American United States', that relationship was one between 'the ruling few' and 'the subject many'. The point is made repeatedly in his later writings. For instance, in 'First Lines of a Proposed Code of Law', written in the spring and summer of 1821, Bentham says that

at all times, in all places, till yesterday, and in the new world, the magistrate – the legislator – such is man's nature – have been tyrants, tyrants having each of them, for the object of his acts as such – not the greatest happiness of the greatest number – but his own single greatest happiness.³⁴

Thus the interests of those who govern are pursued at the cost of the deliberate sacrifice of the well-being of those whom they govern. This

³³ See J. R. Dinwiddy, 'Bentham's Transition to Political Radicalism, 1809–10', in his *Radicalism and Reform in Britain, 1750–1850*, ed. H. T. Dickinson (London and Rio Grande, 1992), pp. 273–90.

³⁴ *'Legislator of the World': Writings on Codification, Law and Education*, in *CW*, ed. P. Schofield and J. Harris (Oxford, 1998), p. 209. A year or so later, writing on 'Economy as applied to Office', Bentham said that 'the particular interest of the ruling class is in a state of natural and diametrical opposition to that of the whole people considered in the correspondent character of subjects': in *First Principles preparatory to Constitutional Code*, in *CW*, ed. P. Schofield, p. 16.

runs directly counter to the essential principle of utility as Bentham had stated it at the outset, and developed it towards the close of *An Introduction to the Principles of Morals and Legislation*. But how much more effective it was, as political rhetoric, to say, not that government was being carried on in violation of the principle of utility, but that rulers were pursuing their own happiness instead of the greatest happiness of the greatest number of their subjects!

To Bentham, of course, the phrase was still more than what he had called, in a closely related context, ‘rhetoric and declamation’. It was a formula to be applied concretely and as accurately as possible. That is why Bentham continued, almost to the end, to puzzle over the best way of expressing that essential formula. In some of the material written for, and posthumously prefaced to, his *Constitutional Code*, there is interesting evidence of this. In a passage written in August 1822, Bentham says

The right and proper end of government in every political community is the greatest happiness of all the individuals of which it is composed.

Say in other words, the greatest happiness of the greatest number.

In speaking of the correspondent first principle, call it the greatest-happiness principle.³⁵

Bentham goes on to examine the relationship between the formulation referring to ‘all’ and that which refers to ‘the greatest number’. If – but only if –

human beings were so circumstanced . . . that the happiness of no one being came in competition with that of any other – that is to say, if the happiness of each or of any one could receive increase to an unlimited amount without having the effect of producing decrease in the happiness of any other, then the above expression [‘the greatest happiness of all’] might serve without limitation or explanation. But on every occasion the happiness of every individual is liable to come into competition with the happiness of every other.

Hence it is that, to serve for all occasions, it becomes necessary to say the greatest happiness of the greatest number.

And Bentham adds, without fully developing, a point that is of particular importance in the present discussion: ‘If, however, instead of the word happiness, the word *interest* is employed, the phrase universal interest may be employed as corresponding indifferently to the interest of the greatest number as to the interest of all.’ In the manuscript,

³⁵ ‘Constitutional Code Rationale’, in *First Principles* (as in n. 34), p. 232: cf. Bowring, vol. 9, p, 5.

moreover, Bentham has a reminder – ‘Insert relation between the import of the word *happiness* and the import of the word *interest*.’³⁶

These passages did not find their way into print until almost a decade after Bentham’s death in 1832; but the same position – coupled with the insistence that ‘the right and proper end of government’ could be attained only under a fully democratic representative system – was stated in the part of the *Constitutional Code* that was printed and eventually published in the author’s lifetime.³⁷ Yet even between the printing (completed in 1827) of what was intended to be the first of three volumes and the publication, on its own, of that volume three years later, Bentham had developed doubts about the formula. And those doubts arose precisely in an area more usually associated with Alexis de Tocqueville and John Stuart Mill than with Bentham. In the discursive essay he wrote in the summer of 1829 on the greatest-happiness principle – destined for the *Westminster Review*, though little of it was used there³⁸ – Bentham wrote as follows:

Greatest happiness of *the greatest number*. Some years have now elapsed since upon a closer scrutiny, reason, altogether incontestable was found for discarding this appendage. On the surface, additional clearness and correctness [was] given to the idea: at the bottom, the opposite qualities. Be the community in question what it may, divide it into two unequal parts, call one of them the majority, the other the minority, lay out of the account the feelings of the minority, include in the account no feelings but those of the majority, the result you will find is that to the aggregate stock of the happiness of the community, loss, not profit, is the result of the operation. Of this proposition the truth will be the more palpable the greater the ratio of the number of the minority to that of the majority . . .³⁹

Bentham then went on to demonstrate how, in the view he had now formed, the criterion of ‘the greatest happiness of the greatest number’ might be used to justify sacrificing entirely the happiness of a bare minority in the interests of a bare majority – and a fortiori to justify such a sacrifice in the case of relatively small minorities. His examples are those of the Catholic minority in Great Britain and the Protestant

³⁶ *First Principles*, p. 234 and n. 3, where the editor directs attention to the discussion of the matter in *An Introduction to the Principles of Morals and Legislation*, in *CW*, pp. 11–12.

³⁷ *Constitutional Code*, vol. 1, in *CW*, ed. J. H. Burns and F. Rosen (Oxford, 1983), p. 18: ‘Of this constitution, the all-comprehensive object or end in view, is, from first to last, the greatest happiness of the greatest number, namely, of the individuals, of whom, the political community or state, of which it is the constitution, is composed’.

³⁸ The editor, Thomas Perronet Thompson, made strictly limited use of some of Bentham’s material in the published article – the context being the controversy precipitated by Macaulay’s attack, in the *Edinburgh Review*, on James Mill’s essay on *Government*.

³⁹ *Deontology together with A Table of the Springs of Action and the Article on Utilitarianism*, in *CW*, ed. A. Goldworth (Oxford, 1983), p. 309.

minority in Ireland, either of which (he seems to argue) could, on the 'greatest-number' principle, be enslaved by the relevant majority. And this would not be consonant with what Bentham now firmly decided should be called simply 'the greatest happiness principle'.⁴⁰

This argument, developed almost at the end of Bentham's long career, perhaps serves only to confirm the hazardous nature of the quantifying exercise on which he had embarked at its very outset. As it happens, Bentham himself looked back to those beginnings in a passage that immediately follows the attempt, just examined, to clarify the formulation of 'the greatest happiness principle':

In the year 1769 or thereabouts, at the age of about twenty-one, it occurred to Mr Bentham that the relation respectively borne to them by *happiness* might with no small practical advantage be taken for a common bond of connection, a common club-room, a common stock for all the several branches of art and science, a common trunk for all the branches (this was the emblem he found in use) for [*rectius* of?] the Encyclopaedical tree.

This, he goes on to say, was the notion he had applied 'in detail in the work called *Chrestomathia*'.⁴¹ In that context, being concerned with pedagogic and logical issues, Bentham had little to say about the political applications of his theory that are of central interest here. What he does say may, however, merit more attention than it has usually received.⁴²

First of all then, 'GOVERNMENT, alias POLITICS' is distinguished from 'PRIVATE ETHICS' – which is '*Ethics* in the more usual sense of the word'. And politics, thus distinguished, is itself either '*Esosopic* . . . viz. INTERNAL GOVERNMENT, and [*rectius* or?] *Exosopic* . . . viz. INTERNATIONAL GOVERNMENT and POLITICS'. The analysis is then more fully developed.

By *internal* Politics, may be understood that branch of *Ethics* which has for its subject the conduct of Government, i.e. of the *ruling* members of the *political community* or state in question, as towards the whole number of the members of that same community; by *International* Politics, that branch of *Ethics*, which has for its subject the conduct of Government, as above, as towards the members, whether rulers or subjects, of other such communities.⁴³

⁴⁰ *Ibid.*, pp. 309–10.

⁴¹ *Ibid.*, pp. 310–11. Cf. *Chrestomathia*, in *CW*, ed. M. H. Smith and W. H. Burston (Oxford, 1983), pp. 209–10. In that context, it may be noted, Bentham used the term '*Eudaimonics*' to denote 'the universal trunk of Arts', while '*Ontology*' fulfilled the same function in respect of 'Sciences'. He had found the 'emblem' in, especially, the work of d'Alambert: cf., e.g., *Chrestomathia*, pp. 159–60.

⁴² The Greek-derived terminology Bentham adopted in *Chrestomathia* (and would perhaps have adopted elsewhere, had not wiser counsels prevailed) has not tended to make this a more accessible text.

⁴³ *Chrestomathia*, in *CW*, p. 204.

Bentham then goes on to a 'Division of *Internal Government*' along lines and (setting aside his Greek-derived neologisms) using the terminology he was to employ a few years later in the *Constitutional Code*.

This excursus has had the incidental effect of confirming the point that Bentham's political thinking is not to be seen as (in Lyons's term) 'parochial'. More importantly, at this stage of the discussion, the *Chrestomathia* material provides another illustration of what may well seem to be a gap (though hardly a gulf) between the fundamental ethical and psychological principle of Bentham's utilitarianism and the specific theories he claims to derive from that principle. The gap may indeed be bridged by what might, in relation to Bentham's original 'fundamental axiom', be called the *axiomata media* from which his specific prescriptions are immediately derived. In the political sphere, which has been the main focus of this discussion (and which was indeed Bentham's own primary concern at least during the last phase of his career), the point may be exemplified in a number of ways. Thus the minimizing of 'expense' and the maximizing of 'aptitude' for governmental office carry more weight at this level than the minimizing of pain and the maximizing of pleasure. Again, Bentham's immensely (at times obsessively) detailed prescriptions in the *Constitutional Code* for the administrative arrangements to be adopted by 'all nations and all governments professing liberal opinions' may, by way of the *axiomata media*, retain some connection with the overarching greatest-happiness principle. These, however, are not connections that are either easily perceptible or likely to be helpful to constitution-makers.

There is, in any case, a more fundamental question to be asked. What has the greatest-happiness principle itself to do with happiness? The discussion here passes to the level of what Collingwood called 'absolute presuppositions'; and indeed discussion may, at that level, necessarily give way to assertion and counter-assertion. Yet there may be at least one legitimate question to be asked – the question whether Bentham's greatest-happiness principle can serve as an effective criterion for moral decisions taken by individuals faced with moral choices. It seems to me (and I make no claim more ambitious than the personal statement) that the principle is remote from the realities of situations where such choices have to be made. Nor is this (I suggest) merely a particular case of something that might be seen as necessarily true of any formula purporting to be generally – even universally – applicable to decisions of that kind. It could, for example, be argued that the same objection does not apply to the Kantian principle that other people should always be treated as ends, never merely as means. Such a principle does offer a criterion it would make sense to apply to many of the choices we have to make as well as to the more general shaping of a way of life.

Another approach may offer some additional illumination here. If we review Bentham's contemporaries in search of a figure who might be seen as exemplifying the antithesis of the Benthamic view of life, many names might suggest themselves and might, in one context or another, be appropriate. Rousseau, Burke, Kant himself, Hegel – each of these would have a claim, though each might prove, on closer inspection, to have something at least in common with Bentham. There is, however, a figure – a man who was born less than ten years after Bentham and died less than five years before him – who may provide the requisite antithesis. William Blake, I suggest, both embodies that antithesis and proclaims the imperfection of Bentham's understanding of happiness. Two passages may serve to illustrate the point. One is, inevitably,

He who bends to himself a joy
Doth the winged life destroy;
But he who kisses the joy as it flies
Lives in eternity's sunrise.

And the other is all the more telling for its expression of a view – an understanding – of life as far as possible from Bentham's utilitarianism:

Man was made for Joy & Woe
And when this we rightly know
Through the world we safely go.
Joy & Woe are woven fine
A Clothing for the soul divine.
Under every grief & pine
Runs a joy with silken twine.

Bentham might have dismissed all this as Metternich dismissed the Holy Alliance – 'Sublime mysticism and nonsense!'. In any case it would be quite wrong to reject Bentham's utilitarianism on account of its irrelevance where Blake may claim his own kind of relevance. It must always be borne in mind that Bentham's interest was precisely in those areas in which it made (and makes) sense to ask questions about law. And that, it must be emphasized, means (given Bentham's comprehensive view of law itself), asking questions about social policy and social control. It was to answer those questions that Bentham invoked his fundamental axiom, deployed his *axiomata media*, and applied his painstaking method of detail. It was, moreover, the attempt to answer those questions that led him to what may well be regarded as his most profoundly original piece of thinking – his analysis of law as such, of the nature and logical structure of the concepts of law and of a legal system. This is what gives *Of Laws in General* its unique status in the massive corpus of Bentham's writings. And in the present context it is noteworthy that in the elaborate index to Herbert Hart's edition of that text there are only three entries under 'happiness' – all referring

to a single page; only three, again, under 'principle of utility'; and none at all under 'utility' itself. What conclusions does this suggest?

It would certainly be wrong to conclude that Bentham's primary concern with law and with the science of legislation precluded a real and sincere concern for the promotion of happiness by expanding opportunities for the satisfaction and gratification of desire. Opinions will differ, as they always have, on how far happiness can in fact be promoted in this way, but, for what it is worth, Bentham's thinking, in the sphere of private conduct, had unquestionably a liberating or liberalizing tendency. If we turn from ethics to politics – in the sense, as before, of the disposition and deployment of power in society – there can be no doubt about the reality or the strength of Bentham's eventual commitment to radical democracy. Yet it may still in the end be the case that his most persistent and consistent concerns lay neither in ethics nor in politics but in *government*. He believed that efficiency, order, rationality, system, when developed and sustained in the business of government, administration and judicature, would produce better societies for human beings to live in. In this he was surely right. He may even have been justified in supposing that, other things being equal, men and women living under such a system of law and administration would be happier than they would have been without it. If 'the fabric of felicity' means essentially a framework within which many sources of unhappiness can be minimized and many opportunities for satisfaction and enjoyment increased, then indeed 'the hands of reason and of law' are the appropriate and indispensable instruments for erecting such a fabric. Again, Bentham does well no doubt to remind us that the problems of designing and constructing such a fabric will be complex. We may not in the end be convinced that we need, in all their rigour, the rebarbative intricacies of, say, Bentham's *Constitutional Code*; but it is still the case that 'there is no *King's Road*, no *Stadtholder's Gate*, to legislative, any more than to mathematical science'.⁴⁴

⁴⁴ *Introduction to the Principles of Morals and Legislation*, in *CW*, p. 10.