

Utilitarianism and On Liberty

Including Mill's 'Essay on Bentham'
and selections from the writings of
Jeremy Bentham and John Austin

SECOND EDITION

Edited with an Introduction by
MARY WARNOCK



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UTILITARIANISM

JOHN STUART MILL was born in London in 1806 and educated privately by his father. In 1820 he visited France and on his return read history, law and philosophy. In 1823 he began a career under his father at India House, and rose to become head of the examiner's office by the time of the Company's dissolution in 1858. His father moulded him into a future leader of the Benthamite movement, and from 1823 onwards he became a member of a small 'utilitarian' society which met at Bentham's house. He took part in various other discussion groups, one of which included Macaulay, to explore the problems of political theory. He contributed to various periodicals and was a frequent orator in the London Debating Society. His *System of Logic* (1843) was followed in 1848 by the *Principles of Political Economy*. He is best known for the brilliant essay *On Liberty* (1859), which argued for not only political freedom but social freedom. In 1863 he published *Utilitarianism*, which made explicit his modification of Benthamism. From 1865 to 1868 Mill served as a Member of Parliament, before retiring to spend much of his time at Avignon, where he died in 1873. His celebrated autobiography appeared in the year of his death.

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550 Swanston Street, Carlton South, Melbourne, Victoria 3053, Australia
Kurfürstendamm 57, 10707 Berlin, Germany

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An Introduction to the Principles of Morals and Legislation was first published in 1789
The Province of Jurisprudence Determined was first published in 1832
Dissertations and Discussions and *On Liberty* were both first published in 1859
Utilitarianism was first published in 1861

First published 1962 by William Collins Sons & Co. Ltd
Second edition published 2003 by Blackwell Publishing Ltd

Library of Congress Cataloging-in-Publication Data has been applied for.

ISBN 0-631-23351-2 (hardback); ISBN 0-631-23352-0 (paperback)

A catalogue record for this title is available from the British Library.

Set in 10.5/12.5pt Bembo
by Graphicraft Limited, Hong Kong
Printed and bound in the United Kingdom
by TJ International, Padstow, Cornwall

For further information on
Blackwell Publishing, visit our website:
<http://www.blackwellpublishing.com>

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INTRODUCTION BY MARY WARNOCK

I

Jeremy Bentham was born in London in 1748. His father, Jeremiah Bentham, was Clerk of the Scriveners' Company, a prosperous man and a Tory. Jeremy was sent to Westminster School, which he hated, in 1755, and to Queen's College, Oxford, which he hated even more, in 1760. He was entered at Lincoln's Inn in 1763 and called to the bar five years later. By this time he had already decided what his life's work was to be. In 1768, when he came back to Oxford to record his vote in the University parliamentary election, he happened to go into a circulating library attached to a coffee-house near Queen's, and there he found a copy of Joseph Priestley's new pamphlet *Essay on Government*. In it he found the phrase 'The greatest happiness of the greatest number'. Of this discovery he says: 'It was by that pamphlet and this phrase in it that my principles on the subject of morality, public and private, were determined. It was from that pamphlet and that page of it that I drew the phrase, the words and the import of which have been so widely diffused over the civilised world.' Upon certain ideas derived from Helvetius and Beccaria and upon this phrase of Priestley's, he decided he would build a foundation for scientific jurisprudence and for legislation; and he devoted his whole life to this task.

In 1776 he published anonymously the *Fragment on Government*, an attack on Blackstone's *Commentaries on the Laws of England*. In 1785 he left for Russia, where he went to visit his brother Samuel. He did not return until 1788. He had been urged by his friends to come home and publish something on moral and political philosophy, and in the year after his return he published his *Introduction to the Principles of Morals and Legislation*, which is, philosophically, much his most important work, setting out the principles upon which his whole programme was to rest.

Bentham started work at this time on his project for a model prison of novel design, the Panopticon, the idea for which had come to him while he was in Russia. He published the first of his pamphlets on this – in his view important – project in 1791, and another in 1812. His scheme was sanctioned by Act of

Parliament in 1794, and a site was found to build a prison to his specification in 1799, but in the end the plan fell through. In 1813 he was paid £23,000 in compensation for the rejection of the scheme, on which he had spent a great deal of time and money. The whole episode has some importance for the development of his thought, in that his disgust with the behaviour of the government in the matter converted him to the idea of democracy. He thought that the only possible reason for the rejection of so manifestly advantageous a scheme was that parliament did not in fact represent the people, whose interests they did not have at heart.

Meanwhile, in 1802, Bentham's friend and first disciple, Dumont, published in Paris the *Traité de Législation Civile et Pénale*, compiled from various papers given him by Bentham; and it was on this work that Bentham's enormous reputation on the Continent was based. Then in 1808 he met James Mill, and a friendship began which was of central importance in the lives of both men. Under the influence of Mill, Bentham became much more deeply engaged in political and social affairs than he had been before. At the same time he developed an absorbing interest in the education of James's son, John Stuart, who was destined by his serious elders to be trained as a prophet of their own ideas. The Mill family came to live near Bentham in 1 Queen's Square, Westminster, where near neighbours were another Benthamite family, the Austins. Until 1818, in addition, the Mill family spent six months of each year with Bentham at Ford Abbey, near Chard in Somerset. All this time, Bentham was working steadily at his vast and finally unfinished *Constitutional Code*. In 1822 he published a 'codification proposal address by J. Bentham to all nations professing liberal opinions, or idea of a proposed all-comprehensive body of law with an accompaniment of reason'. Besides this he wrote numerous pamphlets urging reform and exposing abuses, so that his influence on practical affairs and legislation was already considerable by the time of his death. He died in 1832, a week or two after the Great Reform Bill was passed. He gave his body for dissection to the Webb Street School of Anatomy, the first person, as far as is known, ever to do so. His skeleton still resides in the library of University College, London.

When James Mill met Bentham, John Stuart Mill was two years old. By the time he came to the study of philosophy, the school of radical Utilitarians¹ was

¹ (The word 'utilitarian' appears to have been coined by Bentham. He used it first in a letter dated 1781, and again in another letter of 1801, in which he wrote 'a new religion would be an odd sort of thing without a name', and proposed the name 'Utilitarianism'. J. S. Mill, however, seems to have been unaware that Bentham coined the word, for he claims himself to have taken it over from John Galt's *Annals of the Parish* (1821) where a character applies it to Benthamite views; and in the essay on Sedgwick's *Discourse to the University of Cambridge* (1835) he feels it necessary to explain it in terms of adherence to the Principle of Utility. The word 'Utility' was in fairly common use as a technical term considerably earlier, and is to be found in the writings of Hume.)

entirely dominated by Bentham. The younger Mill, the best philosopher of the school, to some extent reacted against it, introducing new features into Benthamite doctrine, without which it might well have been too rigid and narrow to survive. His education may have been partly responsible for this reaction. It is perhaps the most famous of all English educations, and we have Mill's own description of it in the first part of his *Autobiography*. His father taught him Greek at the age of three or four; he started arithmetic and Latin at eight, logic at twelve, political economy at thirteen. Until he was fourteen, he saw no one of his own age, and mixed only with his father's Utilitarian friends. He was also required to teach his younger brothers and sisters as much as possible of what his father taught him. It is scarcely surprising that he said of himself, 'I never was a boy; never played at cricket; it is better to let Nature have her way.' After a visit to France in 1820, Mill began to read law under the guidance of John Austin, his friend and neighbour; and though he abandoned the law and entered India House as a clerk in 1823, he attended Austin's lectures in 1828. These were the first lectures that Austin gave after his appointment, in 1826, as Professor of Jurisprudence at the newly founded London University. An expanded version of them was published in 1832 (see appendix). Their influence on Mill's moral philosophy cannot be exaggerated.

In 1825 Mill fell into a mood of deep depression, from which he did not really emerge until two years later. In his autobiography he suggests that his recovery was largely due to his discovery of Wordsworth; and there is no doubt that his learning, as he records, from Wordsworth's poetry 'what would be the perennial sources of happiness when all the greater evils of life shall have been removed' set him apart from his orthodox Benthamite friends, who had their eyes so firmly fixed on removing the greater evils that they had no inclination to doubt that human welfare consisted solely in their removal. Mill's conception of happiness is different from and richer than theirs. His essay on Bentham (1838) was published with an accompanying article on Coleridge, and his favourable judgement of the latter earned him the disparaging title of 'German metaphysical mystic' from the strictly orthodox Benthamite Francis Place. This was certainly unfair; nevertheless it is clear, both from the essay on Bentham and from letters, that Mill had come to feel that the strict utilitarian calculus of pleasures and pains was too narrow. In a letter to E. Bulwer Lytton in 1836, he spoke of a programme for a Utilitarianism of the whole of human nature, in which feeling was to be as valuable as thought, and poetry as valuable as philosophy. Part of the responsibility for this revolution in his thinking may have been his meeting in 1830 with Harriet Taylor. Beautiful, witty and highly educated, she was the wife of a merchant, John Taylor; Mill and Harriet became devoted friends, spending much of their time together and sharing their ideas, until at last in

1851 poor John Taylor died, and they got married. There followed seven years of married life, much of it overshadowed by their ill-health (both had tuberculosis) until Harriet's death in the South of France, in 1858. Mill irritated his friends by his excessive worship of Harriet, and his constantly deferring to her opinion. It is impossible wholly to disentangle her ideas from his from the time that they met. Certainly his essay *On Liberty*, in some ways uncharacteristic of his work, though perhaps the most popular essay he ever wrote, and published immediately after Harriet's death, was described by him as a joint composition.

From 1837 to 1840 Mill was owner and director of the *London and Westminster Review*. In the summer of 1840 he completed the first draft of his *Logic* and from this time onwards his leaning towards Coleridgean romanticism became less marked. He ceased to toy with the idea of 'intuitionism', the immediate perception of what is good and what is evil, and by the time he came to write the *Examination of Sir William Hamilton's philosophy* (1863) his main aim was to reject this very idea in all its forms. In 1865 he was returned to Parliament as member for Westminster, the East India Company, in which he had held a senior post, having come to an end in 1858, thus releasing him to considerable freedom. He remained in Parliament until the General Election of 1868. Among the issues particularly engaging his interest were the project of extending the franchise to all working-class men, the Irish Question and the so-called Woman Question, in which his support was enlisted by Emily Davies, the founder of the first college for women, Girton College in Cambridge. On all these issues Mill spoke from a liberal and rational viewpoint, though he had few rhetorical talents. After his defeat in the election of 1868, he retired to Avignon with his step-daughter, Helen Taylor, near to the place where Harriet was buried. They hardly came back to England after this time, and Mill died there suddenly, of a local fever, in May 1873.

II

Bentham's life work as he conceived it was two-fold. First, he had to provide a sure foundation of theory for any possible legal system; and, secondly, he had at the same time to criticize existing legal systems in the light of this theoretical foundation. In practice this programme amounted, in large measure, to a testing of existing systems of law by the criterion of the 'principle of utility'; for this principle was the foundation not only of his general jurisprudence, but of his morality. It formed the means of distinguishing the good from the bad in all aspects of life (even including the aesthetic).

Such was his task; and it can be seen that he was only marginally interested in moral philosophy, as generally understood. For moral philosophy was traditionally

concerned primarily with the individual, that which Bentham referred to as 'private morality'. His interest, on the contrary, was with 'public morality'; an individual's activity was of concern to him only insofar as it might constitute a breach of a law, and be subject to some sanction. His Principle of Utility is primarily brought to bear on systems of law and legal institutions. Do they or do they not work for the maximization of happiness?

Before looking in more detail at his version of the Principle, it is necessary briefly to consider his theory of law in general. For this, the best source is the *Fragment on Government*, his first published work. The *Fragment*, as we have seen, was an attack on Blackstone's theories which had had, in Bentham's opinion, an unmerited and dangerous public acceptance. What he objected to, among other things, in the *Commentaries* was their gentlemanly manner, which had, he thought, a wide appeal and conduced to the acceptance of certain fundamental muddles. The first and most important of these muddles was the appeal to Natural Law. The second confused belief which Bentham rejected was the belief in an Original Contract as a basis for the State, and for the political obligation binding on all members of the State. In place of both these confused beliefs Bentham substituted the Principle of Utility. His definition of a law was in essence the same as the more famous definition contained in John Austin's *Province of Jurisprudence Determined*, a definition which has had a long-lasting and widespread effect on English legal theory. According to Austin, a law is a command of a sovereign, backed by sanctions, and maintained by a habit of obedience. Bentham did not insist, as Austin did, that the sovereign must be absolute, nor was he precise about the nature, duration or extent of the habit of obedience. But upon the necessity of a sanction before there could be any law he was quite definite. This, then, was the essence of the laws which he proposed to classify, codify and judge by the Principle of Utility.

His first statement of the Principle is to be found in paragraph 54 of the preface to the *Fragment*: 'Now then, with respect to actions in general, there is no property in them that is calculated so readily to engage and so firmly to fix the attention of an observer, as the *tendency* they may have *to or divergency* . . . from that which may be styled the common *end* of all of them. The end I mean is *Happiness*; and this *tendency* in any act is what we style its *utility*; as this *divergency* is that to which we give the name of *mischievousness*. With respect then to such actions . . . as are the objects of the Law, to point out to a man the *Utility* of them or the *mischievousness* is the only way to make him see *clearly* that property of them which every man is in search of; the only way in fact to give him *satisfaction*. From Utility, then, we may denominate a *principle* that may serve to preside over and govern, as it were, such arrangements as shall be made of the several institutions or combinations of institutions that compose the

matter of this science . . . Governed in this manner by a principle that is recognised by all men, the same arrangement that would serve for the jurisprudence of any one country would serve with little variation for that of another. Yet more. The mischievousness of a bad Law would be detected, at least the utility of it would be rendered suspicious, by the difficulty of finding a place for it in such an arrangement: while, on the other hand, a *technical* arrangement [the reference is to Blackstone's theory] is a sink that with equal facility will swallow any garbage that is thrown into it.'

This insistence that by means of the principle of utility, and by its means alone, he could distinguish good laws from bad was a cardinal feature of Bentham's whole method. Believers in Natural Law seemed to be unable to recognize the possibility of bad law. For them, a bad law was simply not a law; for law was founded on morality, indeed could not be distinguished from it, and therefore the concept of a bad law was a contradiction, and the obligation to obedience absolute. Bentham, on the other hand, insisted on the distinction between law and morality; they need not, though they should, have any connexion with each other. The criterion of goodness and badness in both cases was utility. But where bad laws (laws, that is, with mischievous consequences) were in place, they must be acknowledged as bad, and removed from the statute book.

Utility was also the source of political obligation in the State. In this matter, Bentham thought of himself as a follower of Hume, though he appears to have simplified, or only partially understood, Hume's arguments. In a footnote to chapter 1 of the *Fragment* he gives an account of how he came to reject the idea of the original contract: 'That the foundations of all virtue are laid in utility is there [Book III of Hume's *Treatise of Human Nature*] demonstrated. For my own part, I well remember, no sooner had I read that part of the work that touches on this subject than I felt as if scales had fallen from my eyes. I then learned for the first time to call the cause of the people the cause of virtue.' Bentham goes on to explain what a revolution this was in his thinking. He had been brought up in the tradition of belief in the combined authority of Church and State. He had believed that passive obedience to both was 'deep stamped with the Christian Virtues of humility and self-denial'. 'Conversing with lawyers, I found them full of the virtues of their Original Contract, as a recipe of sovereign efficacy for reconciling the accidental necessity of resistance to the general duty of submission. This drug they administered to me to calm my scruples. But my unpractised stomach revolted against their opiate. I bid them open to me that page of history in which the solemnization of this important contract was recorded. They shrunk from this challenge; nor could they, when pressed, do otherwise than . . . confess the whole to be a fiction . . . Thus continued I unsatisfying and unsatisfied, till I learned to see that *utility* was the test and measure of all virtue; of

loyalty as much as any; and that the obligation to minister to general happiness was an obligation paramount to and inclusive of every other. Having thus got the instruction I stood in need of, I sat down to make my profit of it. I bid adieu to the original contract: and I left it to those to amuse themselves with this rattle who could think they needed it.'

In rejecting Natural Law, then, Bentham redefined laws as commands backed by sanctions, some of which would and some would not conform to the dictates of morality, the test being the principle of utility. In rejecting the original contract, he saw both the origin of law and the obligation to obedience as equally to be derived from the principle. To obey laws in general is conducive to human happiness. So the principle of utility provides the answer to the general question, Why have laws and government rather than anarchy? But Bentham's main concern was to show that the principle of utility would also provide the answer to a question less general than this but of more practical importance, namely whether a whole given system of law was a good system. In one sense, I have a duty to obey the law only as far as utility allows, that is as far as the law is good; in another sense I have a duty to obey the law whatever it is, since obedience to the law is in accordance with utility. The point, then, of Bentham's codification proposals would be to ensure that only those laws which I have a duty to obey in the first sense should impose on me a duty to obey in the second sense; that is, only good laws should be included in the system. However, Bentham held that the general duty to obey had priority. His motto was 'Obey instantly; criticize ceaselessly'.

It is clear that in order to proceed with the plan of codification, Bentham had to show how the principle of utility could actually be applied; and it is to this task that he addresses himself in the *Introduction to the Principles of Morals and Legislation*. He restates the principle in slightly different terms from his earlier definition, in Chapter I; the method of its application is expounded in Chapter IV. The whole text is devoted to expanding what is in essence contained in these two chapters.

In Chapter I the principle of utility is said to be an 'act of mind' or a 'sentiment' which when it is applied to an action or 'an object' approves of its utility as that quality of it by which the measure of approbation bestowed on it ought to be governed. This fundamental definition is expressed far from clearly; but there it stands. Utility itself is defined as that property in an object whereby it 'tends to produce benefit, advantage, pleasure, good or happiness' (all these, he says, come to the same thing). An action is conformable to utility when the tendency it has to augment the happiness of the individual involved (or in the case of acts of governments, of the whole community) is greater than the tendency to diminish that happiness. Of such an action it is possible to say that it is right, or ought to

be done. 'When thus interpreted, the words *ought* and *right* and *wrong*, and others of that stamp, have a meaning; when otherwise, they have none.'

It is at first sight surprising that Bentham defines the principle of utility itself in terms of 'sentiment'; for elsewhere he is extremely dismissive of the idea that sentiment can provide any kind of standard by which to judge what is or is not a duty. However, what he means by 'sentiment' here is not just some whim or fancy, but a mental act or attitude of approbation which can arise only in a case where the utility of its object can be demonstrated. In this use he is directly following Hume, who argued that it was not just any sentiment of pleasure which justified us in calling an action virtuous, but only the particular kind of pleasure we get when we contemplate an action impersonally and discover that the action actually possesses certain identifiable characteristics. And so 'sentiment' as used in the passage under discussion means not just any whimsical feeling of pleasure, but a justifiable feeling of pleasure or approbation. It is therefore crucial to Bentham's whole theory that he should be able to show that whether or not an object is conformable to the principle of utility can be conclusively established; that it is a matter not of guess-work but at least of rational probability.

This is what he sets out to do in the fourth chapter of the *Principles*, entitled 'Value of a Lot of Pleasure or Pain, How to be Measured'. This celebrated 'calculus' of pleasures and pains is said by him to be that 'on which the whole fabric of morals and legislation may be seen to rest'. Bentham was perfectly aware that this part of his theory would meet with sharp criticism, and he was ready with answers to many objections. But no objection would ever have made him give it up. For the calculus was not invented for its own sake, as a theoretical contribution to moral philosophy; it was meant to be used. Bentham's confidence that with this tool in hand he could infallibly, and for all countries alike, discriminate good laws from bad was the formative principle of his long life's work, both as a theorist and as a reformer. Later Utilitarians, who came to feel that this tool could not be relied upon, lost none of their reforming zeal; nevertheless they lost the bland assurance that the causes they took up could be literally proved to be right.

To believe whole-heartedly in the 'felicific calculus', in the assurance that 'quantities' of happiness can be exactly computed, is in effect to deny the relevance to morality of the differences between one person and another, and between their aspirations and their sources of enjoyment or pain (though some of these differences are classified in Chapter VI of the *Introduction to the Principles*). The legislator is not usually required to take such differences into account, indeed, in many ways, he is required not to. One of Mill's main problems was to reconcile his belief in the sanctity of the individual, and the need for a foundation for private morality with the legislator's indifference to individuality,

with which he had been brought up from childhood. This was a problem for him because he, unlike Bentham, was primarily interested in moral theory not in legal codification or social reform. Indeed, his work is best understood as an attempt to apply jurisprudential theory to the sphere of private morality.

Bentham himself had used the expression 'Public and Private morality'. But he held that both alike must be what is now called Consequentialist, that is right decisions must be distinguished from wrong by their consequences, predicted or actual. In his theory, it was the resulting pleasure and pain that together formed the criterion by which rightness or wrongness were to be judged; and, like some of his present-day followers he did not mind whose pleasure or pain was totted up. (He was inclined to include animals other than human beings in the calculation, since they were sentient even if not rational.) There are other forms of consequentialist theories, according to which actions or policies are judged by other criteria than their production of pleasure or pain, by their contribution to fairness, for example, or their issuing in more of an intuited and indefinable goodness, as in the moral philosophy of Brentano and G. E. Moore.

Now, though it is generally agreed that in the case of public morality, public policy, that is, or legislation, it is necessary to judge its rightness or wrongness, its success or failure according to the consequential contribution it makes to the well-being (or happiness) of society, in the case of private morality, where one must decide what to do according to conscience or a sense of what is right (including sometimes the need to postpone one's own wishes to those of others), consequentialism, especially in its Benthamite form, meets with many objections. It is often argued that there are some actions that should never be performed, however good the consequences might be in a particular case (such as, for example, accusing someone of wrongdoing when you know him to be innocent); equally there are, it is held, some things which must be done 'though the heavens fall'. Utilitarianism, according to such arguments, opens the way to crossing barriers strongly felt to be absolute against certain acts; and erodes the difference between what is morally right and what is expedient.

Mill's most explicit attempt to meet these and other objections is to be found in *Utilitarianism*; but before discussing his arguments there, it is necessary to say something about his earlier essay, *On Liberty*, which he himself claimed, with what truth we cannot know, to be a work composed jointly by himself and Harriet Taylor. In his essay on Bentham, Mill criticizes his master: 'Man, that most complex being, is a very simple one in his eyes.' The central theme of *On Liberty* is that it is essential for the happiness of this complex being that he or she be allowed the freedom for self-development, the freedom to choose any way of life, and express any opinions so long as these do not threaten the freedom or

well-being of others. Such freedoms have no place in Bentham's list of pleasures, nor does deprivation of freedom enter his list of pains. This is undoubtedly a move away from strict Benthamite Utilitarianism. Mill writes, 'I regard utility as the ultimate appeal on all ethical questions; but it must be utility in the largest sense, grounded on the permanent interests of a man as a progressive being.' Moreover, and this is another move away from Bentham, the chief enemy of freedom, and thus of happiness, is seen in this essay not so much in bad legislation (though governmental interference is certainly attacked) as in bad and repressive public opinion. What prevents people from developing their own individuality as they should is the 'tyranny of the majority'. Most people, according to Mill, simply do not understand personal freedom to make choices to be essential to well-being. Bentham certainly did not.

Whether or not Harriet Taylor had a hand in the composition of this essay, it is highly plausible, in my view, to understand it in the context of 'The Woman Question'. Women, far more than men, were subject in the mid-nineteenth century to 'the tyranny of the majority'. Far more than men they were prevented from trying to educate themselves (let alone to enter the professions, or live otherwise than as 'angels in the house'). They were hardly allowed to have opinions of their own, and certainly not to express them freely. Seen on this light, *On Liberty* stands somewhat apart among the works selected here, as a passionate plea for the emancipation of women, though cast in the form of a general defence of the freedom of the individual.

To turn now to *Utilitarianism*, this, though short, is the most complete statement of Mill's moral philosophy, and throughout the twentieth century it was one of the most widely studied texts in the field. I have no doubt that it will remain so. I have already noticed some of the criticisms levelled at consequentialism in general. There is another, applicable perhaps to any consequentialist theory, but most often brought against Mill, and which he does his best to counter. This is the objection that utility cannot be a true answer to the question of how we distinguish between right and wrong, because the consequences of an act stretch into an unending future, and, even if we could know what they would be, we would have no time to discover them, when called upon to make a moral decision. Moreover we can never be certain what the future will hold; yet we are often certain that a particular action was right or that it was wrong, therefore our judgement must rest on some foundation other than future consequences.

In this connexion, there has been much discussion about whether Mill was concerned with types of actions or with individual actions. If he was concerned with types of actions, adultery, say, or murder, then the objection would be much weakened, for past experience could be the basis for the assertion that

adultery or murder were wrong because of their consequences. And this, on the whole, is Mill's defence. Bentham, being primarily interested in law, was naturally concerned with the types of actions that should be criminalized, because of their 'tendency' to maximize pain and minimize pleasure. The language of 'tendency' which Bentham constantly employs makes no sense when applied to a single act.

More explicitly, John Austin, from whom we may think that Mill learned more of moral philosophy than he could have learned from Bentham, discussed this problem in his lectures *The Province of Jurisprudence Determined* (see Appendix). In the second lecture, he says: 'Trying to collect the tendency [of a human action] we must not consider the action as if it were single and insulated, but must look at the class of actions to which it belongs. The probable specific consequences of doing that single act . . . are not the objects of the inquiry. The question to be solved is this: If acts of the class were generally done, or generally forborne or omitted, what would be the probable effect on the general happiness or good?'

To go further back, Hume had made a distinction between natural and artificial virtues, the latter being those whose exercise was not necessarily on every single occasion productive of pleasure in those who contemplated it, but which had, nevertheless, a tendency to produce pleasure if they were thought of as generally exercised. Such generalizing, the raising, for instance, of the question whether, if everyone acted in this or that way the consequences would be beneficial, Hume claimed gave rise to general rules, and these rules laid down 'all the great lines of our duty'.

It is therefore undoubtedly in the tradition of Utilitarianism to consider, above all, the consequences of general classes of acts, and to enquire about those whether they tend to produce more pleasure than pain. If Mill paid less attention than Hume to particular cases it is because Bentham had come in between, for whom individual acts of virtue or vice were hardly of any interest.

Mill, however, is not unaware that sometimes the principle of utility may have to be applied directly to a particular case in order that the agent may determine what he should do. In most cases 'secondary principles' will be enough – such principles as 'it is wrong to deceive' – and it is such principles as these that would be justified, if challenged, by an appeal to utility. But Mill claims only that these secondary principles will suffice to guide us in the majority of cases. There may be some situations in which they prove inadequate or have to be revised. In the fragment on Aphorisms (1837) Mill wrote, 'no one need flatter himself that he can lay down propositions sufficiently specific to be available for practice, which he may afterwards apply mechanically without any exercise of thought. It is given to no human being to stereotype a set of truths, and walk safely by their guidance with his mind's eye closed.' But in the article on

Sedgwick's *Discourse on the Studies of the University of Cambridge*, Mill wrote: 'Whoever said that it was necessary to foresee all the consequences of each individual action "As they go down into the countless ages of coming time"? Some of the consequences of an action are accidental; others are its natural result, according to the known laws of the universe. The former for the most part cannot be foreseen; but the whole course of human life is founded upon the fact that the latter can.' 'The commonest person lives according to maxims of prudence wholly founded on foresight of consequences.'

The utilitarians, then, are not claiming the impossible when they claim that the rightness of an act depends upon its consequences. An individual act may be treated as a case of a general type of act, and the general type of act may be learned, inductively, to have generally painful or pleasurable consequences, though such rules of thumb may be subject to qualification and revision, as rules usually are. We may claim to *know* that a certain particular act is wrong, because we may know without doubt that it is an act in breach of a general rule of morality; and the rule or principle of morality has been adopted as such because the general breach of it causes harm. This is Mill's position. We may criticize it as being unadventurous, as failing to provide the absolutism sometimes felt essential to morality, or as leaving too little room for moral innovation; but we cannot reasonably dismiss it as simply impossible.

A second set of criticisms specifically against Mill's *Utilitarianism* is that he is confused about the foundation of the theory, and this criticism if justified would be the most serious. He tries to show that pleasure (or happiness, compounded of pleasure and absence of pain) is desirable, and is the only thing that is desirable as an end; he tries to show that we desire not only our own pleasure, but that of others; and he asserts, though does not seriously try to prove, that some kinds of pleasure are more desirable than others. On all of these counts he has been held guilty of confusion.

There have been severe critics of the fourth chapter of the essay, entitled 'Of What Sort of Proof the Principle of Utility is Susceptible'. It is on this chapter that G. E. Moore concentrated his fire when, in *Principia Ethica*, he argued against the so-called Naturalistic Fallacy. This fallacy was supposed by Moore to consist first in attempting to define 'good', which was, he believed, indefinable; and more especially in trying to define it in terms of 'natural' (as opposed to 'non-natural') phenomena, such as pleasure. The influence that Moore's arguments had on the subsequent history of moral philosophy now seems astonishing, and it is perhaps not worth pursuing them in detail. But it is worth stating the obvious, that Mill was not interested in defining 'good' nor in deriving its meaning from anything else, but in saying what things were good. And he states at the beginning of the chapter that questions of ultimate ends are not susceptible of proof. He is not,

then, trying to prove that one and only one thing is supremely valuable, but rather, assuming that people adopt something as an ultimate end, to find out empirically what it is that they do so value. His answer to this is that they value happiness, or pleasure.

When Mill uses his much criticized argument from the analogy between 'visible' and 'desirable', he is attempting to establish what things are good. The evidence that something is visible is that you can see it: the evidence that something is desirable is that you, or people in general, desire it. He holds that if people did not already have things as ends and therefore desire them it would be impossible to prove to them that these things were ends. He asks, 'How is it possible to prove that health is good?' The answer is that it is not possible, but neither is it necessary. Everyone knows that it is good, and shows this by desiring and seeking it. When he says that 'the sole evidence . . . that anything is desirable is that people actually desire it' he is making the same point. He is not trying to prove that pleasure is good, but only to show that people know without waiting for proof that it is good. You can find out what people regard as an ultimate end by finding out what they desire. What they desire, Mill goes on to say, is happiness or pleasure.

These arguments seem perfectly sound though not adventurous. But of this passage Moore wrote, 'The fallacy in this step is so obvious that it is quite wonderful how Mill failed to see it.' If Mill had indeed defined 'good' as 'desirable' and had then gone on to define 'desirable' as 'desired' he might well have been open to objection; but, as I have said, it was no part of his concern to define 'good' or 'desirable' at all.

However, though his procedure so far seems unexceptionable, his efforts to show that pleasure is the only thing desirable in itself are less successful. He says that whether or not this is true is a matter of psychology, and so to be settled on empirical grounds. Yet he concludes with the words, 'To desire anything except in proportion as the idea of it is pleasant is a physical and metaphysical impossibility'; and this is hard to interpret except as meaning that it would be contradictory to deny that what we desire is pleasure. Mill is enabled to argue in this way because of the ambiguity which attaches to such phrases as 'to desire for its own sake' and 'to desire for the sake of pleasure'. The two phrases may be used to mean much the same (both in contrast to desiring something as a means to a further and separate end); and so whatever is suggested as desired as an end (e.g. health) will turn out to be desired for the sake of pleasure. Is absolutely any satisfaction, including the satisfaction of satisfying a desire, to be included in the term 'pleasure'? If so, then of course there is no difficulty in showing that all we desire is pleasure. Mill does not successfully grapple with these difficulties, or even seem to be adequately aware of them.

Even if we put these problems on one side, and even if it is allowed that pleasure is the ultimate end of life, more serious problems remain. The crucial question is whose pleasure the individual is supposed to take as his ultimate end. Mill says ‘the happiness which forms the utilitarian standard of what is right in conduct is not the agent’s own happiness but that of all concerned’; and he rightly contends that this standard is high and is such as to foster the beautiful and exalted developments of human nature. But it is one thing to say that the general happiness or the overall balance of pleasure over pain is a test for whether a kind of action is virtuous, and quite another to say that the general happiness actually is the object of our desires. We all know that the world is full of selfish people who think not at all about the amount of pleasure that exists apart from their own. What is supposed to be the connexion between the proposition that all that we desire is pleasure and the proposition that the sum total of pleasure, of other people besides ourselves, is the standard of moral goodness? An altruistic concern for the pleasures or the interests of others may well be taken to be the essential requirement of morality; but this is by no means entailed by the assertion that all we desire is pleasure. This problem is not satisfactorily resolved by Mill in *Utilitarianism*. The most notorious and the least convincing passage where he addresses it is in Chapter IV, where he writes, ‘No reason can be given why the general happiness is desirable, except that each person . . . desires his own happiness. This, however, being a fact, we have not only all the proof which the case admits of, but all which it is possible to require, that happiness is a good: that each person’s happiness is a good to that person, and the general happiness, therefore, a good to the aggregate of all persons.’ But this passage blandly ignores the conflict which lies at the heart of morality between what I want for myself and what would be in the interests of the common good. All that it suggests is that we should be able to sympathize with other people’s desires.

The problem did not arise for Bentham, because he was not concerned with private morality. A legislator may be considered a good legislator if he works for the general happiness; and in working for the general happiness he will be working for his own, since the laws will govern his life as well as other people’s. His private advantage or pleasure does not enter into the question of legislation. But as soon as the subject is changed from public to private morality, from regulating people’s conduct by means of sanctions to deciding for a particular person how he ought to behave, the possible conflict between personal desire and the interest of others is likely to become the most pressing question of all. And though it may be that Mill’s generalized principle of utility is a good principle to use as a means of tempering one’s selfish interests, there is nothing to suggest that everyone uses such a principle, nor that it is the only principle to use.

Perhaps it is not going too far in interpretation to suggest that what Mill may really mean is not that we all do desire the greatest happiness of the greatest number, but that since we are human beings we are capable of learning to desire it, and thus capable of acquiring a moral sense. The principle of utility would thus be a rational principle for making things generally better in the world rather than worse, and we can learn to want this. There is confirmation of such a view in the essay on Sedgwick's *Discourse*, where he argues against the existence of an innate moral sense: 'Young children have affections, but not moral feelings; and children whose will is never resisted never acquire them. There is no selfishness equal to that of children . . . It is not the cold hard selfishness of a grown person; . . . but the most selfish of grown persons does not come up to a child in the reckless seizing of any pleasure to himself, regardless of the consequences to others. The pains of others, though naturally painful to us, are not so until we have realized them by an act of imagination, implying voluntary attention; and that no very young child ever pays, while under the impulse of a present desire. If a child restrains the indulgence of any wish, it is either from affection . . . or else . . . because he has been taught to do so.'

His optimistic belief that human beings have a better, imaginative part, capable of cultivation and which can lead, among other things, to sympathy with others, explains how it is that Mill is prepared to discriminate between kinds of pleasure, distinguishing the higher from the lower in a way that Bentham was not. There is an incompatibility between the strict Benthamite calculus and Mill's assertion in Chapter II of *Utilitarianism* that there are different qualities of pleasure: 'no intelligent human being would consent to be a fool, no instructed person would be an ignoramus, no person of feeling and conscience would be selfish and base, even though they should be persuaded that the fool, the dunce, or the rascal is better satisfied with his lot than they are with theirs.' Mill's attempt to explain how you judge one pleasure to be 'higher' than another (namely by appeal to competent judges) need not be taken very seriously. But his introduction of the distinction in the first place is one more instance of his departure from pure Benthamism. Just as in the essay *On Liberty* he had insisted that government and society, to conform with the principle of utility, must allow for individual freedom and self-development, but could not prove that these were the most important benefits, so in the sphere of private morality he can insist on the primacy of the pleasures of the intellect and the imagination, but can hardly prove that they are to be preferred. That he tried to do so is simply evidence of his temperamental sympathy with the Wordsworthian estimate of the value of personal experience. These are the 'perennial sources of happiness' to which Wordsworth's poetry opened his eyes in his period of depression.

Since the time of Mill, Utilitarianism has proved to be a plant of sturdy growth. In Mill's lifetime ideas and principles of utilitarian tendency had already been firmly planted in English public life; they were not the only, but they were a major influence on that general, though gradual, overhauling of the machinery of politics, government and society that took place in the nineteenth and early twentieth centuries, and achieved so much in the way of rational reform. In this field the utilitarian spirit led people to ask of their institutions not whether they were familiar, venerable, picturesque but whether they worked well and contributed to everyone's welfare; whether they were framed, as social institutions should be, in such a way as to secure for society some tangible benefit. Bentham would have been delighted, though no doubt his reforming zeal would not have been satisfied; and today he might well, if he were alive, be fighting energetically for the reform of the prison system.

In the sphere of private morality, however, neither Bentham nor Mill would have so much cause for satisfaction. Utilitarianism is by no means generally accepted as the foundation of morality. Yet it remains a theory which in one form or another has to be argued against, and set aside, if it is set aside, only for good reasons. Moral philosophers, fortunately, are no longer obsessed, as they were in the first half of the twentieth century, with the distinction between fact and value, and the supposed fallacy of deriving the latter from the former. It is more generally allowed that values arise out of what is objectively and factually tolerable or intolerable to human beings, what is nice and what is nasty. But this goes along with a reluctance to suppose that all values are compatible with one another, or that all can be bundled together under the title Happiness (still less Pleasure). There is, moreover, far more consciousness of the difficulty of answering questions about whose happiness is to be pursued, how advantage and disadvantage may be equitably spread. The concept of Justice, though Mill attempted to tackle it, is at the forefront of much moral theory at the present time, as well as the related concept of Human Rights.

However, while many people feel increasingly dissatisfied with classical Utilitarianism, often on the grounds that it may permit the breach of some barriers and prohibitions felt to be absolute, it remains an unresolved question where, in a largely secular age, the absolute barriers are supposed to originate. If, reasonably, it is suggested that they originate in a respect for a shared humanity, which must at all costs not be sacrificed, then perhaps Mill would reply that this was what he meant by Utility, all along.

AN INTRODUCTION TO THE PRINCIPLES OF
MORALS AND LEGISLATION

by Jeremy Bentham

CHAPTER I

Of the Principle of Utility

1. 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. 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*¹ recognises 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 of law. Systems which attempt to question it, deal in sounds instead of senses, in caprice instead of reason, in darkness instead of light.

¹ Note by the Author, July 1822.

To this denomination has of late been added, or substituted, the *greatest happiness* or *greatest felicity* principle: this for shortness, instead of saying at length *that principle* which states the greatest happiness of all those whose interest is in question, as being the right and proper, and only right and proper and universally desirable, end of human action: of human action in every situation, and in particular in that of a functionary or set of functionaries exercising the powers of Government. The word *utility* does not so clearly point to the ideas of *pleasure* and *pain* as the words *happiness* and *felicity* do: nor does it lead us to the consideration of the *number*, of the interests affected; to the *number*, as being the circumstance, which contributes, in the largest proportion, to the formation of the standard here in question, the *standard of right and wrong*, by which alone the propriety of human conduct, in every situation, can with propriety be tried. 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.

But enough of metaphor and declamation: it is not by such means that moral science is to be improved.

2. The principle of utility is the foundation of the present work: it will be proper therefore at the outset to give an explicit and determinate account of what is meant by it. By the principle² 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: or, what is the same thing in other words, to promote or to oppose that happiness. I say of every action whatsoever; and therefore not only of every action of a private individual, but of every measure of government.

3. By utility is meant 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 comes again to the same thing) to prevent the happening of mischief, pain, evil, or unhappiness to the party whose interest is considered: if that party be the community in general, then the happiness of the community: if a particular individual, then the happiness of that individual.

4. The interest of the community is one of the most general expressions that can occur in the phraseology of morals: no wonder that the meaning of it is often lost. When it has a meaning, it is this. The community is a fictitious *body*, composed of the individual persons who are considered as constituting as it were its *members*. The interest of the community then is, what? – the sum of the interests of the several members who compose it.

5. It is in vain to talk of the interest of the community, without understanding what is the interest of the individual.³ A thing is said to promote the interest, or to be *for* the interest, of an individual, when it tends to add to the sum total of his pleasures: or, what comes to the same thing, to diminish the sum total of his pains.

6. An action then may be said to be conformable to the principle of utility, or, for shortness sake, to utility, (meaning with respect to the community at

² The word principle is derived from the Latin *principium*: which seems to be compounded of the two words *primus*, first, or chief, and *apium*, a termination which seems to be derived from *capio*, to take, as in *manicipium*, *municipium*; to which are analogous, *auceps*, *forceps*, and others. It is a term of very vague and very extensive signification: it is applied to any thing which is conceived to serve as a foundation or beginning to any series of operations: in some cases, of physical operations; but of mental operations in the present case.

The principle here in question may be taken for an act of the mind; a sentiment; a sentiment of approbation; a sentiment which, when applied to an action, approves of its utility, as that quality of it by which the measure of approbation or disapprobation bestowed upon it ought to be governed.

³ Interest is one of those words, which not having any superior *genus*, cannot in the ordinary way be defined.

large) when the tendency it has to augment the happiness of the community is greater than any it has to diminish it.

7. A measure of government (which is but a particular kind of action, performed by a particular person or persons) may be said to be conformable to or dictated by the principle of utility, when in like manner the tendency which it has to augment the happiness of the community is greater than any which it has to diminish it.

8. When an action, or in particular a measure of government, is supposed by a man to be conformable to the principle of utility, it may be convenient, for the purposes of discourse, to imagine a kind of law or dictate, called a law or dictate of utility; and to speak of the action in question, as being conformable to such law or dictate.

9. A man may be said to be a partisan of the principle of utility, when the approbation or disapprobation he annexes to any action, or to any measure, is determined by and proportioned to the tendency which he conceives it to have to augment or to diminish the happiness of the community: or in other words, to its conformity or uncomformity to the laws or dictates of utility.

10. Of an action that is conformable to 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 done. One may say also, that it is right it should be done; at least that it is not wrong 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.

11. Has the rectitude of this principle been ever formally contested? It should seem that it had, by those who have not known what they have been meaning. Is it susceptible of any direct proof? it should seem not: for that which is used to prove every thing 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.

12. Not that there is or ever has been that human creature breathing, however stupid or perverse, who has not on many, perhaps on most occasions of his life, deferred to it. By the natural constitution of the human frame, on most occasions of their lives men in general embrace this principle, without thinking of it: if not for the ordering of their own actions, yet for the trying of their own actions, as well as of those of other men. There have been, at the same time, not many, perhaps, even of the most intelligent, who have been disposed to embrace it purely and without reserve. There are even few who have not taken some occasion or other to quarrel with it, either on account of their not understanding always how to apply it, or on account of some prejudice or other which they were afraid to examine into, or could not bear to part with. For such is the

stuff that man is made of: in principle and in practice, in a right track and in a wrong one, the rarest of all human qualities is consistency.

13. When a man attempts to combat the principle of utility, it is with reasons drawn, without his being aware of it, from that very principle itself.⁴ His arguments, if they prove any thing, prove not that the principle is *wrong*, but that, according to the applications he supposes to be made of it, it is *misapplied*. Is it possible for a man to move the earth? Yes; but he must first find out another earth to stand upon.

14. To disprove the propriety of it by arguments is impossible; but, from the causes that have been mentioned, or from some confused or partial view of

⁴ 'The principle of utility, (I have heard it said) is a dangerous principle: it is dangerous on certain occasions to consult it.' This is as much as to say, what? that it is not consonant to utility, to consult utility: in short, that it is *not* consulting it, to consult it.

Addition by the Author, July 1822.

Not long after the publication of the Fragment on Government, anno 1776, in which, in the character of an all-comprehensive and all-commanding principle, the principle of *utility* was brought to view, one person by whom observation to the above effect was made was *Alexander Wedderburn*, at that time Attorney or Solicitor General, afterwards successively Chief Justice of the Common Pleas, and Chancellor of England, under the successive titles of Lord Loughborough and Earl of Rosslyn. It was made – not indeed in my hearing, but in the hearing of a person by whom it was almost immediately communicated to me. So far from being self-contradictory, it was a shrewd and perfectly true one. By that distinguished functionary, the state of the Government was thoroughly understood: by the obscure individual, at that time not so much as supposed to be so: his disquisitions had not been as yet applied, with any thing like a comprehensive view, to the field of Constitutional Law, nor therefore to those features of the English Government, by which the greatest happiness of the ruling *one* with or without that of a favoured few, are now so plainly seen to be the only ends to which the course of it has at any time been directed. The *principle of utility* was an appellation, at that time employed – employed by me, as it had been by others, to designate that which in a more perspicuous and instructive manner, may, as above, be designated by the name of the *greatest happiness principle*. 'This principle (said Wedderburn) is a dangerous one.' Saying so, he said that which, to a certain extent, is strictly true: a principle, which lays down, as the only *right* and justifiable end of Government, the greatest happiness of the greatest number – how can it be denied to be a dangerous one? dangerous it unquestionably is, to every government which has for its *actual* end or object, the greatest happiness of a certain *one*, with or without the addition of some comparatively small number of others, whom it is a matter of pleasure or accommodation to him to admit, each of them, to a share in the concern, on the footing of so many junior partners. *Dangerous* it therefore really was, to the interest – the sinister interest – of all those functionaries, himself included, whose interest it was, to maximise delay, vexation, and expense, in judicial and other modes of procedure, for the sake of the profit, extractable out of the expense. In a Government which had for its end in view the greatest happiness of the greatest number, Alexander Wedderburn might have been Attorney General and then Chancellor: but he would not have been Attorney General with £15,000 a year, nor Chancellor, with a peerage with a veto upon all justice, with £25,000 a year, and with 500 sinecures at his disposal, under the name of Ecclesiastical Benefices, besides *et cæteras*.