

Chapter Two

What is Happiness? I: Bentham

“The greatest happiness of the greatest number” is the central statement of Bentham’s philosophy. But what does it mean? The distributional questions raised by the “greatest” doublet have been discussed at length in the literature;¹ they will not concern us here (although they will get some treatment in Chapter Four). Rather, we are concerned with a question that has received surprisingly little attention: What Bentham means by “happiness.” One possible reason for this lack of attention is Bentham’s relative silence on the subject—perhaps he felt it was obvious and not worth spilling much ink over. Rather, Bentham focuses his attention on a matter he considered much more important: pleasure. Bentham, after all, was less a moral philosopher (even though “Principles of Morals” is in the title of his best-known work) than a legal philosopher whose primary aim was legislative and constitutional reform, and most of his attention was on the role and functioning of government. He recognized that, while government could not make people happy, it could affect their perception of pleasure—and, at least as important, of pain. In

¹ Most notably in (Kelly 1990) and (Kelly 1989); see also the set of essays by (Rosen 1998) and (Postema 1998), and the response to Rosen (Harrison 1998); and, finally, (Rosen 2003: ch 13). But this is, of course, only a sampling.

any case, as we will see, Bentham clearly argues that the essential ingredient of happiness is pleasure. Does this mean, then, that “the greatest happiness” is the same as “the greatest pleasure”? In this chapter I will argue that it does not.

Pleasure and happiness, in Bentham’s work, are certainly closely related: Pleasure, with its constant companion the avoidance of pain, is always the basis for happiness. But, as will be seen, pleasure and pain are also factors in what Bentham calls well-being, which is related to but different from happiness. While happiness in its simplest sense refers to the immediate experience of pleasure without pain, well-being considers the balance of pleasure and pain over a period of time. Because Bentham’s “greatest happiness principle” (his alternate name for the principle of utility) emphasizes security and wealth—which require the experience of pain and introduce the passage of time through the deferral of pleasure—happiness in this sense is more like well-being. Happiness, therefore, sits between pleasure and well-being: In some uses it points toward the former; in others it points toward the latter. When Bentham is concerned with the motives of action he focuses on pleasure, and happiness most clearly retains its connection to its fundamental source. But when he discusses the principle of utility as the principal object for legislators to keep in mind as they craft measures that are to lead to the “greatest happiness of the greatest number,” then happiness is the means toward well-being, which he recognizes as the great end of human endeavor.

Given the incredible volume of Bentham’s work, we should not be surprised to find inconsistencies. In some passages the terms seem largely interchangeable—it doesn’t help

matters that at one point he goes so far as to call happiness as a “synonym” of pleasure, and at times he refers to “happiness or well-being” in such a way that makes them seem equivalent. In any case, given that happiness has two aspects or valences—one that points to pleasure, another that points to well-being—to distinguish between these I will make use of the terms ‘hedonism’ for the former and ‘eudaemonism’ for the latter.² It should be noted that hedonism is not a word used by Bentham. He doesn’t use eudaemonism, either, but he comes closer: he invented “eudaemonics” to describe the art and science of well-being (Bentham 1952e: 82–3).³

One way of describing the relationship between pleasure, happiness and well-being is to say that it is teleological, in the sense that the reason we seek pleasure is to achieve happiness; we wish to be happy for the sake of well-being. Expressed more formally, if the act itself is the material cause, the formal cause would be the desire for pleasure or avoidance of pain.⁴ The efficient cause, then, is happiness, which is the immediate (or near-

² My usage differs from that of the contemporary literature, which uses well-being as its central concept and then considers ‘happiness’ to be a way of understanding well-being. Gasper notes that “the ‘in’ term is well-being, not happiness,” and he cites writers who “define the conception of well-being as happiness or pleasure the *hedonic* conception; versus the *eudaemonic* conception of well-being as well-considered fulfillment” (Gasper 2007: 24–6). Eudaemonic conceptions of happiness (or well-being) often emphasize that they refer to a span of time such as a life-time; the term “well-living” has been suggested as a “superior term . . . for eudaimonists” (Gasper 2007: 26).

³ The term, ‘eudaemonism’ (also spelled ‘eudaimonism’) is drawn from the Greek and is often translated as either well-being or happiness; discussions of it often involve consideration of how it is distinct from our general understanding of happiness (e.g., Wheelwright 1959: 136). But while many modern accounts of eudaemonism make reference to Aristotle, it should be clear that Bentham’s usage is *not* Aristotelian. For obvious reasons my usage of the term follows Bentham’s.

⁴ This comes with the understanding that our desires arise out of our experiences, which shape the expectations upon which those desires are based. This will be explored in greater detail below.

term) desired effect of the activity. The final cause, well-being, is the ultimate object, or goal, toward which the material, formal and efficient causes are directed. It may be noted that although he does not specifically refer to pleasure as a formal cause, in his political economics he does refer to well-being as the final cause with regard to wealth (Bentham 1952d: 324).

The point here is that when Bentham discusses happiness we must be attentive to his context. Happiness can be understood as hedonic or eudaemonic, depending on whether one is concerned with immediate cause-and-effect relationships, or the manner in which social institutions are structured and the way these shape the social context within which people do things and experience their effects. It may help to see this as happiness at micro and macro levels: As people go about their everyday lives they are concerned with the direct effects of their actions, but when they pull back and think of things over a longer term and—as is especially true for the legislator—over a wider extent, then they see systems and structures and consider more of the way things are organized. Each level is inseparable from the other, although when we consider things at the micro level, especially—when we think of formal causes—we may not recognize that we can only do so by assuming the macro context, the final cause.

Both of these conceptions of happiness—the hedonic and the eudaemonic—are evident in Bentham’s writing, although hedonism is emphasized much more strongly, and it dominates the secondary literature. Due to the strong connection between happiness and pleasure and the fact that Bentham’s primary concern is with what we might recognize as

the science of motivation, the rich complexity of his conception of happiness has been lost or, worse, suffered having its place in his philosophy overtaken by pleasure. For Bentham, happiness is inseparable from pleasure and, at the same time, pleasure must be understood in its role as the basis for happiness, both in its immediate character and in the larger context of well-being. Although intrinsically connected, happiness and pleasure are nonetheless distinct. But, if they are seen as the same thing, then the recognition of their relationship to one another, of their interdependence, is lost. Equating them in theory enables their separation in practice, such that pleasure may be pursued without regard to the larger requirements of happiness and well-being. All we have then is the production and consumption of pleasure, without a sense of where it leads or what else it might be connected to; discrete pleasures that produce an empty sort of happiness that is as likely to undermine our well-being as support it.

As we will see in this chapter, the argument that happiness is not equivalent to pleasure is a challenge to neoclassical economics, which, while directly referencing Bentham, takes the reduction of happiness to pleasure as one of its fundamental premises. On the other hand, we will see that contemporary work on hedonism argues that Bentham's happiness is equivalent to well-being, which means that both ends of my argument run contrary to contemporary scholarship.

With regard to economics, there is one final point to make before we jump into the examination of Bentham's conception of happiness: We must be attentive to the difference between *happiness* and *utility*. Utility will occupy our attention in Chapter Four, but we

should take a moment here to acknowledge the difference in order to avoid confusion. Like pleasure, utility is closely associated with happiness, and again the terms seem interchangeable, or nearly so. It doesn't help that when he went to republish his primary exposition of the principle of utility Bentham indicated that he thought a better term for what he had called the "principle of utility" would be the "greatest happiness principle" (Bentham 1996: 11). It should not need to be pointed out (although perhaps it does) that to say that the principle of utility is equivalent to the greatest happiness principle is not the same as saying that it is equivalent to something that might be called the "principle of happiness," *greatest* happiness being distinct from simple happiness. Furthermore, just as a distinction may be made between happiness and the greatest happiness principle, so Bentham distinguishes between utility and its principle. When a second edition of the IPML was published in 1822 Bentham added a footnote to the effect that in his initial articulation of utility he failed to establish "a sufficiently manifest connexion between the ideas of *happiness* and *pleasure* on the one hand, and the idea of *utility* on the other" (Bentham 1996: 11 fn a). Confusion about the relationship between these terms continues to cause problems.

Appropriations of Bentham, especially within the economics literature, often confuse utility and happiness. For example, Kahneman (a psychologist awarded the Nobel Prize in economics) claims he is borrowing the term 'utility' from Bentham when he says that, "Being pleased or distressed is an attribute of experience at a particular moment," an attribute he calls "instant utility . . . best understood as the strength of the disposition to

continue or to interrupt the current experience” (Kahneman 1999: 4). But—and this will be made clear in Chapter Four—for Bentham utility is a property of the object, not an attribute of the experience. Kahneman’s “instant utility” really is much closer to Bentham’s idea of pleasure. For Bentham, whether or not something contributes to happiness is what constitutes its utility. But for Kahneman, utility (both as instant utility and as what he refers to as “remembered utility”) is a kind of building block for happiness, which he—*contra* Bentham—equates with well-being. Kahneman thus inverts Bentham’s system, making utility a determinant of happiness rather than the other way around.⁵

More pervasive, however, is the reduction of utility and, by extension happiness, to pleasure. We can see how this might happen: If utility is just another word for happiness, and happiness is pleasure, then utility is pleasure and pleasure is utility. Thus, economists (and political scientists) discuss “utility functions” whereby individuals’ preferences can be neatly ordered through attributions of value based on their behavior in the market, as though people’s happiness can be measured based on how they spend their money, under the assumption that they spend it in the way that brings them the greatest possible amount of pleasure, which *ipso facto* brings them happiness. It is seen as “consistent with the utilitarian conceptualization of well-being” to say that, “Higher income allows for higher consumption and this provides greater utility. Income was thus the metric that conveyed utility” (McGillivray 2007b: 5). If this is seen as an appropriation of Bentham, then it gets

⁵ The fact that Kahneman says that utility “has multiple meanings” doesn’t help matters, since what he discusses, “total utility,” “remembered utility” and “decision utility” appear to have even less connection to Bentham’s meaning of the term (Kahneman 1999: 4).

Bentham all wrong: Again, “utility” is the means for measuring whether or not something contributes to happiness, not an end in and of itself.

We will return to economics later. First, we explore the hedonic side of Bentham’s theory, followed by an examination of the eudaemonic side. Next comes a consideration of context, as a way of evaluating the balance between the hedonic and eudaemonic elements: essentially, the question has to do with Bentham’s methodological individualism. Having covered all this, we will then be in position to bring the elements together into a clear articulation of Bentham’s conception of happiness and its relationship to pleasure and well-being. From this, we may then consider its relevance to more contemporary literatures, in particular current perspectives on hedonism, neoclassical economics, and contemporary economists’ reconsideration of some of their assumptions.

It should be noted that some of the ideas that Bentham has been most closely associated with were not his inventions. He was not the first to suggest that the “greatest happiness of the greatest number” was the foundation of morals and the principal object of government, nor did he invent the notion of the felicific calculus, having been preceded on these points in one way or another by such figures as Hutcheson, Leibniz, Beccaria, Helvétius and others (McMahon 2006: 212). There are also strong parallels between the basic elements of Bentham’s arguments and those of John Locke, who argued that human action was driven by two fundamental forces, one attractive (pleasure) and the other repellent (pain) (Locke 1975: 128–31). In terms that Bentham no doubt had opportunity to consider, Locke writes, “Things then are Good or Evil, only in reference to Pleasure or

Pain” (ibid.: 229). Further, we hear in Bentham a clear echo of Locke’s argument that what motivates us is not the experience of pleasure, but our desire for it, which he, like Bentham, refers to as a kind of unease (ibid.: 230); this unease can be understood as a kind of pain (ibid.: 251),⁶ and Locke, like Bentham, calls happiness that state in which we experience “the utmost Pleasure we are capable of” (ibid.: 258). Indeed, the work of Locke and his contemporaries leads McMahon to argue that England was “unique in the history of happiness,” as the idea of “earthly content” was a product of “English Protestantism, English science, and the English revolution . . .,” making it the birthplace of the modern idea of happiness (McMahon 2006: 195). Despite all this, it can be said without hesitation that the philosophy of hedonism receives its fullest expansion in Bentham’s work, to which I now turn.

1. Bentham’s Hedonism

a. *Pleasure and pain*

Bentham’s writing is not always very clear, nor is he entirely consistent. But on the point of defining happiness, he manages to achieve both. From early in his career: “What happiness consists of we have already seen: enjoyment of pleasures, security from pains” (Bentham 1996: 74);⁷ from late: “The elements of happiness are *pleasures* and *exemptions from*

⁶ In doing so he harkens back to the Greek philosopher Epicurus. Locke probably got his Epicureanism from the French mathematician and philosopher Pierre Gassendi, an opponent of Descartes, who sought to Christianize Epicurus. One writer goes so far as to refer to Locke as “a Gassendist” (Sarasohn 1996: 170). The “rehabilitation” of Epicurus had begun as early as the 15th century (ibid.: 21).

⁷ Why he says “we have already seen” in this passage is unclear, as such a direct statement does not appear earlier in the text. In initially defining utility in the IPML, Bentham lists happiness along with pleasure, benefit, good, and advantage in a way that makes them all seem like equivalent terms (Bentham 1996: 12).

pains: individual pleasures, and exemptions from individual pains” (Bentham 1952f: 440).⁸

From a late, unfinished work: “Of happiness, sole elements or ingredients: pleasures (and exemptions [from pain]). As of a *pound*, pence” (Bentham 1983e: 60).⁹ Also: “pleasure [is] the sole matter of happiness” (Bentham 1983e: 61). But while this gives us a clear sense of Bentham’s hedonism, these statements offer much repetition but little definition. We can see, though, that understanding Bentham’s conception of happiness requires understanding his ideas about pleasure.

We start, then, where most people start in their readings of Bentham, with the opening passage of the IPML:

“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” (Bentham 1996: 11).

Here we see the basis for not just one but two theories, “a theory of human

⁸ Stark’s three-volume collection of Bentham’s economic writings is book-ended by two anthologies Stark put together from a variety of sources, both published and unpublished, the first called “The Philosophy of Economic Science” and the second “The Psychology of Economic Man.” He identifies the original sources for these anthologies in an appendix and, where possible, I will include footnotes to identify the specific source for the passages cited. The original source for this particular passage is Bentham’s *Codification Proposal* (Bentham 1822: 8).

⁹ As Goldworth explains in his introduction, “The story of the writing and publishing of *A Table of the Springs of Action* is a strange one.” Bentham wrote out 815 “marginals,” which would form a kind of outline for the whole work; the original is estimated to have extended to 370 handwritten sheets. However, the published volume includes only about 200 marginals or about 42 of those sheets. The rest has not been found (Goldworth 1983: xii–xiv). Ironically (from our perspective), some part of the missing material may have been given to none other than William Thompson (Goldworth 1983: xxii).

motivation, and also . . . a theory of morals” (Goldworth 1983: xi). Although both of these are tied to pleasure and pain, they are in fact distinct. Moral theory is, on the one hand, the question of “ought” and the “standard of right and wrong;” the theory of motivation has to do with “shall” and the “chain of causes and effects.” The former is the basis for the theory of utility as the foundation for laws and constitutions; the latter contains the roots of his theory of happiness.¹⁰ They are deeply connected for Bentham since the point of law is, in effect, to manipulate the experience or—what amounts to (almost) the same thing—the expectation of happiness (more exactly, the expectation of the degree of intensity, duration, certainty, etc. of pleasure or avoidance of pain) in order to induce actions the consequences of which lead to the greatest happiness for the greatest number.

Bentham does not himself make the distinction between the moral theory and the psychological theory of motivation, at least not in so many words. The distinction he makes between the “expositor” and the “censor” is relevant here: “To the province of the *Expositor* it belongs to explain to us what, as he supposes . . . *is*; to that of the *Censor*, to observe to us what he thinks it *ought to be*” (Bentham 1988: 7).¹¹ Moral theory may be said to be the realm of the censor while psychological theory is the expositor’s; the only element of moral theory that rightly belongs to the expositor is the question of its ontology, which can be seen as a central driving concern for Bentham in the IPML, the *Table of the Springs of Action* and

¹⁰ This is another way in which ‘utility’ and ‘happiness’ are distinct: the former involves a kind of judgment, whereas the latter relates to specific experience.

¹¹ It should be noted that the distinction arises in his critique of Blackstone; he never uses these terms in describing his own work.

Deontology. In this chapter we are interested in understanding what Bentham thinks happiness *is*, so our focus is on his exposition of happiness. In Chapter Four we will consider his moral theory, the theory of utility.

So, the experience of pleasure and of pain as a dichotomy forms the basis for Bentham's conception of happiness. All possible ways of experiencing pleasure and pain come under Bentham's umbrella: the direct experience of each; the pleasure of the anticipation of pleasure and the pain of the anticipation of pain; the pleasure of pain deferred and the pain of pleasure deferred; etc. (Bentham 1996: Ch. 5). Only our own pleasure or pain is at question here: While we may get pleasure from seeing another's happiness, we may also take pleasure at others' pain—which includes sadistic pleasures, the pleasure of ill-gotten gains, and revenge, but also whatever pleasure we may experience in seeing the punishment of a miscreant. Bentham clearly allows that one person's happiness may well come from others' suffering; if the extent of that person's happiness outweighs the measure of pain others suffer, than this might be preferred (although he considered the pain of loss to be generally more substantial than the pleasure of gain). As the distinction Bentham makes between exposition and judgment should make clear, however, it would be a grave mistake to conclude that by making this observation Bentham in any way sanctions forms of pleasure that involve causing others pain. Rather, one might say that Bentham spent much of his life trying to figure out the best way to solve what he thinks is a fundamental social problem: the fact that people fail to balance their

pleasure against the pain others may suffer as a result of their actions.¹²

What, then, is pleasure?¹³ In the *Fragment on Government*, his first published work, Bentham claims that the term has no need of definition, which makes it of great value as the fundamental basis for law: “The consequences of any Law, or of any act which is made the object of a Law, the only consequences that men are at all interested in, what are they but *pain* and *pleasure*? . . . *pain* and *pleasure* at least, are words which a man has no need . . . to go to a Lawyer to know the meaning of” (Bentham 1988: 28). While the sentiment behind this may not have changed, by the time of the IPML four years later, Bentham had developed an extensive typography of pleasures (and pains), as well as at least a limited conceptual framework for considering them. Here he refers to pleasures and pains as “interesting perceptions” that can be “either simple or complex” (those which are simple cannot be “resolved into more”), and he offers a list of fourteen simple pleasures and twelve simple pains (Bentham 1996: 42). These lists of pleasures and pains may be seen as categories which allow for further listing of specific pleasures and pains (for example, he

¹² The point is not directly relevant to the present discussion (and thus relegated to footnote), but while a favorite point of critics is the claim that utilitarianism sanctions the sacrifice of individuals to the public good, Bentham is quite adamant to the contrary:

“The altar of the public good demands barbarous sacrifices as little as the altar of the Divinity. . . . The interest of individuals, it is said, ought to yield to the public interest. But what does that mean? . . . If it is a good thing to sacrifice the fortune of one individual to augment that of others, it will be yet better to sacrifice a second, a third, a hundred, a thousand, an unlimited number; for whatever may be the number of those you have sacrificed, you will always have the same reason to add one more. In one word, the interest of everybody is sacred, or the interest of nobody” (Bentham 1931: 144).

¹³ We will concentrate here on what Bentham has to say about pleasure and leave aside the question of what constitutes pain. The simplest view is that pain has the same characteristics as pleasure, but in a negative sense.

enumerates eight different pleasures of sense).

The categorization of pleasures and pains is greatly expanded in his *A Table of the Springs of Action*,¹⁴ which is described by one interpreter as presenting “the theory of moral motives that contains Bentham’s attempt to justify his utilitarianism critically” (Goldworth 1983: xi, quoting David Baumgardt). Here, Bentham has not only greatly expanded the list of pleasures and pains (55 pleasures and 67 pains, or rather “synonyms” of pleasure and pain) (Bentham 1983e: 87–8), but further develops the conceptual framework. The *Table* presents a series of tables showing 14 categories of pleasures and pains (although two of these include only pains) along with the corresponding interest(s) and lists of motives related to them. The motives are separated into “neutral,” “eulogistic” and “dyslogistic” terms. As an example (one we may have occasion to draw from later), I have reproduced one of the tables below (Fig. 2, next page).

How do we interpret this table? The first line indicates that it includes both pleasures and pains, followed by an indication of the particular source involved—in this case, of wealth. Then follows a short list of the kinds of pleasures and pains Bentham associates with that source (which is not to be confused with the synonyms of pleasure mentioned above—of the kinds of pleasure listed in the table, none appear on the list of synonyms). He then identifies a particular interest that corresponds to that source of

¹⁴ Written in 1815, published in 1817.

No. IV. PLEASURES AND PAINS,
*Derived from the matter of WEALTH.—PLEASURES of Possession—Fruition—
 Acquisition—Affluence—Opulence. PAINS of Privation—Loss—Poverty—Indigence*

Corresponding Interest,
PECUNIARY INTEREST. Interest of the Purse.

Corresponding *MOTIVES*—with NAMES,

—I. Neutral: viz.

Single-worded, none

Many-worded,

1. Desire, want, need, hope, prospect, expectation—of the means of subsistence, of competence, plenty, abundance, riches, opulence;—of profit, acquisition, &c.
2. Fear, apprehension—of loss, pecuniary damage, want, penury, poverty, impoverishment, indigence
3. Desire, &c.—of maintaining, preserving, improving, mending, bettering, meliorating, advancing—a man's condition, situation, station, position—in life, in society, in the world, &c.

—II. Eulogistic: viz.

1. Economy
2. Frugality
3. Thrift
4. Thriftiness
5. Desire, hope, prospect, expectation—of thriving
6. Prudential regard, care, attention, for and to a man's pecuniary concerns, property, income, estate, livelihood, subsistence

—III. Dyslogistic: viz.

- | | |
|---|---|
| <ol style="list-style-type: none"> 1. Parsimony 2. Parsimoniousness 3. Penuriousness 4. Closeness 5. Stinginess 6. Niggardliness 7. Miserliness 8. Nearness 9. Dirtiness | <ol style="list-style-type: none"> 1. Covetousness 2. Cupidity 3. Avarice 4. Rapacity 5. Rapaciousness 1. Corruption 2. Corruptness 3. Venality 4. Love, appetite, &c.
 . . . lust, greediness—of, for, to and after—money, gain, lucre, pelf—hoarding, flintskinning, scraping, &c. |
|---|---|

Figure 2. Table IV from *Table of the Springs of Action* (Bentham, 1983d: 83).

pleasure and pain;¹⁵ then comes the extensive list of motives. Given that the table refers to the “springs of action,” it seems sensible that Bentham’s main focus is on the motives. The motives are separated by the nature of the terms used—whether they are neutral or terms

¹⁵ It is curious that he calls the interest here “pecuniary” or the “interest of the purse,” as in most of his economic writings he quite expressly distinguishes between pecuniary and what he calls non-pecuniary or “real” wealth, the point being that money really should not be thought of as wealth but rather as a kind of representation of potential wealth. This argument appears in a number of places; what I have at hand is (Bentham 1952g: 70–1). The relationship between money and wealth will be discussed at length below.

of approbation or disapprobation (the latter two, as Bentham puts it, being “censorial” (Bentham 1983e: 95)). In this particular case it appears that the dyslogistic motives are divided in to a set pertaining to lack of generosity on one side, and greed on the other.¹⁶

We may notice the remarkable flatness of the table. There is no greater or lesser, no stronger or weaker, no primary or secondary, etc., that might indicate that some of these things are more worthy of our attention than others. All the pleasures and pains, all the interests, all the motives are presented as equal. As one critic notes, Bentham “provides an exhaustive checklist of considerations to keep in mind, but no way of ranking or ordering them” (Pitkin 1990: 108).¹⁷

In some ways the table is merely lists of words, carefully organized. But this may be just the point: We use many terms to describe our actions and the reasons behind them, but these are, after all, just words. What matters, ultimately, are consequences, and all consequences in some way or another can be reduced to experiences of pleasure or pain; it is on the relative degree of pleasure or pain produced that any act can be judged to be “good” or “bad” (Bentham 1983e: 109).¹⁸ To Bentham, the only *real* consequences are pleasure and pain; all others he refers to as “fictitious.”

¹⁶ I thank Michael Quinn for pointing this out to me.

¹⁷ In another place Bentham admits such a “catalogue has a dryness which will repulse many readers, for it is not the work of a writer of romance . . . it is a bill of particulars, it is the inventory of our sensations” (Bentham 1931: 21).

¹⁸ Although, in Bentham’s view, intentions matter, too (Bentham 1983e: 109).

There is not space here to discuss Bentham's theory of fictions in any detail,¹⁹ but the basic idea is that, in Bentham's view, all substantive nouns, he argues, must refer to either "real" or "fictitious" entities; all that are fictitious must have their basis in the real. In the *Table* he argues that all motivation reduces to two real entities and five fictitious ones: the real ones are pleasure and pain; the fictitious are "1. 'Desires' and 'Aversions' with their synonyms; 2. 'Wants' with their synonyms; 3. 'Hopes' and 'Fears' with their synonyms; 4. 'Motives with their synonyms; and 5. 'Interests' with their synonyms" (Bentham 1983e: 74–6).²⁰ In other words, all these words reduce to two things (or what may be seen as a single thing): the desire for pleasure and the avoidance of pain. With reference to Bishop Berkeley he invokes solipsism to argue that "the evidence which we have [of pleasure and pain] is more immediate" than that which we have of either the body or the mind (ibid.: 76).

Although he says at one point that pleasure and pain are "interesting perceptions" (Bentham 1996: 42), it is unclear whether Bentham thinks that all pleasure amounts to a mental condition, as he expressly avoids the term "physical" in describing pleasures and pains (in favor of "pathological") so as to be sure to *include* the pleasures and pains of the mind (Bentham 1983e: 89). Still, and what matters most to him, pleasure and pain, understood as motives, can only be in the mind: "[I]t is no otherwise than through the

¹⁹ The reader may consult the collection of Bentham's writings on the subject put together by C.K. Ogden published in 1932 (Bentham 1932).

²⁰ We may notice that, according to this list, at least, neither happiness nor well-being are motives.

medium of the *imagination*, that any pleasure, or pain, is capable of operating in the character of a *motive*" (Bentham 1983e: 90). The fact of the matter is that, if all experience can be categorized as so many different types of pleasures and pains, what motivates us is not the experience itself, but our *expectation* that, if we engage in a particular action, we will experience some measure of pleasure or pain; this is, of course, accompanied by a calculation regarding the level of surety as to the results as well as the effort (read: pain) required in order to enjoy the correspondent pleasure (or avoid further pain).

The point here is this: Pleasures (and pains) contribute to happiness in two ways: through direct experience and through expectations. At the extreme, it is through pleasure as expectation that Bentham turns the principle of asceticism into, as he sees it, a bizarre sort of utilitarianism, a "false idea of utility [that] acquired its ascendancy only through mistake" (Bentham 1931: 5); "the principle of utility misapplied" (Bentham 1996: 21). As he understands it, in asceticism the hope for or expectation of the eternal and boundless pleasures of heaven justifies any level of suffering in the present life—in fact, more suffering is better if it increases the ascetic's surety of enjoying his or her reward—providing the motivation for the ascetic to suffer pains. "[T]hese atrabilious pietists flatter themselves that every instant of voluntary pain here below will procure them an age of happiness in another life" (Bentham 1931: 4–5). Fear of the eternal and boundless pains of damnation are even more significant in this regard: "[F]or of the invisible future, fear is more powerful than hope" (Bentham 1996: 18). The consequentialism of utilitarianism is equally evident in asceticism, although asceticism uses extreme ideas of

a far-off future to invert the signs of pleasures and pains.

b. Interests and interest

At times, Bentham discusses pleasure and happiness using the language of ‘interests’ and ‘interest’. His use of these terms has received some attention in the secondary literature, and working through some of this discussion provides us with still more insight into Bentham’s conception of happiness and its relationship with pleasure. Bentham’s first statement on interest is that it “is one of those words, which . . . cannot in the ordinary way be defined” (Bentham 1996: 12 fn c), although he goes on to say that “A thing is said to promote 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” (Bentham 1996: 12). In *Deontology* Bentham refers to a variety of sorts of interest, including “self-interest” and “extra-regarding interest” (Bentham 1983d: 195). In the *Table*, however, he refers directly to “interest,” and it is here that he most clearly defines what it is that he means. Here, “A man is said to *have an interest in any subject* in so far as that *subject* is considered as more or less likely to be to him a source of pleasure or exemption [from pain] . . .” The “subject” can vary, so this may apply to things, persons, events, or states of things (Bentham 1983e: 91).

Pitkin argues that Bentham’s notion of interest suffers because he too easily slips between references to “singular and plural interest(s). Sometimes, self-interest is singular, the total balance of all one’s prospective pleasures and pains at a given moment. At other times, Bentham called each of these many, rival, prospective pleasures and pains an

interest, so that one's self-interests at any moment are multiple and need to be reconciled before one can act" (Pitkin 1990:117). But the issue here seems to be of a difference in kind rather than an inconsistency in the use of his terms: interest in the singular refers to something different than interests in the plural. Our singular interest is happiness, but we have multiple interests in the specific matters that bring pleasure or exemption from pain. Thus while it may be difficult for one to be unclear about their (singular) interest, one may be mistaken about one's own (plural) interests because they may misjudge about what will best lead to their happiness (although less so in the hedonic than in the eudaemonic sense). In other words, while Bentham's use of language may be unclear, there is no great ambiguity or difficulty in his argument.

But is Bentham aware of this difference? Engelmann claims that, "Bentham almost always writes 'interest' in the singular rather than the plural"²¹ specifically because he is interested in the aggregation of plural interest or—as Engelmann puts it, of "commensurable goods" (Engelmann 2003a: 3). *Contra* Pitkin, Englemann argues that Bentham "is not at all confused, just far more subtle than his critics suppose. . . . [T]here is slippage in Bentham's vocabulary, but this slippage is remarkably systematic" (Engelmann 2003a: 49–50). Some of the confusion may arise from the failure to recognize the distinction between pleasure as an *experience*, and the *interest* we have in experiencing pleasure—what Bentham would refer to as a *motive*. Englemann rightly points to Bentham's shift (rather

²¹ Bentham does, however, use the plural form at key passages, such as when he refers to the means by which one might categorize the motives of others, "according to the tendency which they appear to have to unite, or disunite, his *interests* and theirs" (Bentham 1996: 116, emphasis added).

than slip) from sensation to imagination as crucial for Bentham's theory of government, as a kind of governing of the expectations or the discourse of pleasure and pain. But Engelmann is only partly right when he goes from Bentham's statement, quoted above, that pleasure and pain act through the imagination to produce motives, to the conclusion that "suffered and enjoyed pains and pleasures ultimately don't matter: they are not part of interest" (Engelmann 2003a: 51).

It may be true that only the expectation of pleasure or pain, and not our experience of them, is important to our motivation. However, our happiness depends on the actual *enjoyment* of pleasures, not merely our expectations of them (which might itself be a pleasure, but that just emphasizes the point). It takes on the characteristics of a positive feedback loop: Our experiences of pleasure and pain give rise to expectations which form the basis on which we make decisions about our interests and arrive at our understanding of what is in our interest. This is, of course, subject to manipulation, which I take to be Engelmann's ultimate point. Some of that manipulation, however, comes through the way we feel about the experiences themselves and our recollections of them, which means that our experiences cannot be dismissed altogether.

As seen in the table above, Bentham clearly distinguishes between pleasure, interest and motive. Engelmann, however, collapses them all into his conception of "monistic interest." Perhaps the significance for Engelmann lies in what they "matter" for; his argument works if the only object of concern is Bentham's theory of legislation, which is

Engelmann's main concern.²² I am not convinced that it is correct to say that, for Bentham, pleasure constitutes our interest (in the singular) because, as we will see below, as much as he sees pleasure as essential to happiness, he discusses security in similar terms. Bentham would instead argue that our (singular) interest is *happiness*, of which pleasure is the central component. As he puts it, "My notion of man is, that, successfully or unsuccessfully, he aims at happiness, and so will continue to aim as long as he continues to be man, in every thing he does" (Bentham 1952f: 422).²³ *Happiness* is the object, not *pleasure*, although we need pleasure in order to have happiness. If happiness is distinct from pleasure, then our interest in each can be discussed on different terms: pleasures, being multiple, may comprise our multiple interests, while our happiness, which is singular, may be the subject of our singular interest.

The philosophical concept of supervenience may help to clarify the relationship between pleasure and happiness. Supervenience is a condition where two things cannot differ with respect to a set of properties (A) without also differing with respect to another set of properties (B); if they change with respect to A, they also change with respect to B (McLaughlin and Bennett 2005). Goldworth argues that, in Bentham's theory, "interest [is] supervenient on pleasure" (Goldworth 1972: 342). Indeed, this relationship may be said to exist for any fictitious entity with regard to the underlying real entity. But if happiness as

²² Since Engelmann says the collapse of these terms is "at the heart" of his argument, for his sake we may hope that this limit applies. Since our interest here is different, however, we may reject his claim.

²³ The original source for this quote is Bentham's *A Comment on the Commentaries*.

a fictitious entity supervenes on pleasure, have we returned to the idea that “the greatest happiness of the greatest number” is equivalent to saying “the greatest *pleasure* of the greatest number”? I don’t think so.

It would be fairly easy to draw the opposite conclusion, that they are essentially the same. Bentham, after all, spends a great deal more energy in working out his ideas about pleasure than he does about happiness (examining the indexes of his major works will reveal more entries on the former than the latter—and what entries there are for happiness usually refer to the “greatest happiness,” not happiness itself). From the perspective of Bentham as a legal and social reformer, this in fact makes sense, because—as Engelmann (2003) well argues, and as is so thoroughly illustrated by Foucault (Foucault 1995)—Bentham’s project involves the use of legislative measures in order to discipline a population to align self-interest with social interest (note: interest in the singular) and produce social order. The key to this project, for Bentham, is pleasure and pain: an understanding of what motivates people (pleasure and avoidance of pain) and the measures that can externally direct their motives (principally, fear of pain). Therefore, the nature of pleasure and pain receive the bulk of his attention.

But while happiness may be a fictional term that pertains to and may be supervenient on pleasure (understanding “pleasure” as a scalar entity that ranges from bliss on one end to suffering at the other), it is not therefore the same thing. Supervenience does not mean identity. Happiness is composed of—made up of—pleasures, which means that it is, itself, something different; it is the whole of which pleasures are the parts, the

forest composed of trees, and it is a common error to mistake the forest for the trees. Recall the distinction between the function of the censor and that of the expositor: the censor calls happiness the end of legislation and of social and moral theory; the expositor recognizes that the direct end of the actions of individuals is pleasure—more or less the common notion of the “pursuit of happiness.” Pleasure, however, is not an end in and of itself, but the only (for Bentham) the *means* for the larger goal of happiness.

Government cannot make people happy (although it may be able to make them *unhappy*), but it can guide people toward acting in ways that benefit themselves and limit the harm they may do to others. It can create the conditions necessary for happiness by establishing institutional structures based on the principle of security so people can be sure that they will be able to enjoy the benefits that should accrue to them as a consequence of their actions (and so they will not be harmed by others). It can affect how people think about pleasure and pain; it can even create pleasures and pains in the form of rewards and punishments. *But it cannot make people happy.* As a result, Bentham is much more concerned with investigating the nature and influences of/on pleasure so as to understand how to wield the levers of the law to produce the appropriate results. The goal is the greatest happiness of the greatest number, but the only means the government has to progress toward the goal is the management of pleasures and pains. This is the case whether or not legislators recognize it.

So, although discussions of pleasure predominate in his work, Bentham’s primary concern is *happiness* as the end we have in mind in undertaking our actions, not pleasure.

Bentham was concerned to lay out the parameters for a science rooted in basic facts of human nature (as he saw them) in order to set policy, and law and social policy would provide the means for achieving the end of happiness. The reason why one might “point out to a man the *utility* . . . or the mischievousness” of actions subject to the law is not to convince him of the *pleasure* to be gained, but the ways in which the action would contribute to *happiness* (Bentham 1988: 25–6). In Bentham’s view, there was never any need to convince anyone to do anything that would bring them pleasure, but because happiness has greater requirements, it could be necessary to show how one pleasure might be more conducive to happiness than another, even if its effects might be less immediate. But this just points to the fact that Bentham’s theory is not purely hedonistic: not only must we take into consideration pains that may be produced in our pursuit of pleasure, but some pleasures must be delayed or foregone in the interests of happiness. When we start to bring the experience—not just the avoidance—of pain and the passage of time into the equation, then happiness takes on a eudaemonic character as we look toward well-being. Let us, then, turn to this aspect of Bentham’s theory.

2. Eudaemonism in Bentham

a. *Well-being: What it is*

Bentham considered well-being intrinsic to the nature of all sentient beings:

“Directly or indirectly, *well-being*, in some shape or other, or in several shapes, or all shapes taken together, is the subject of every thought, and object of every action, on the part of every known *Being*, who is, at the same time, a sensitive and thinking being. Constantly and unpreventably it actually is so: nor can any intelligible reason be given for desiring that it

should be otherwise” (Bentham 1952e: 82).

Recall that, in the famous opening passage of the IPML, Bentham considers pleasure and pain to be the “sovereigns” that “govern . . . all we think”. Here, however, he says that well-being is the subject of every thought. The first reaction would be to note the difference between ruler and subject; that is fair enough, although this might suggest that Bentham thinks our reason is ruled by our passions. That may be the case, although it is beside the point. More important is what Bentham means by well-being, and its relationship to happiness and pleasure.

Deontology includes a brief section in which Bentham argues that well-being and happiness are distinct. In a note, the editor informs us that at this particular point in the text a subheading was included in the manuscript, but left out of the printed text. The excised subhead read: “Well-being what—Happiness not exactly synonymous to it” (Bentham 1983d: 130 fn 1). Happiness, Bentham says, leaves “pain in all its shapes altogether out of the account, but to give it to be understood that . . . the pleasures that have been experienced [are] in a high and . . . superlative degree” (Bentham 1983d: 130). Well-being indicates “the *difference in value* between the sum of the pleasures of all sorts and the sum of the pains of all sorts, which down to the point of time (suppose the end of his life) a man has experienced” —if positive, well-being; if negative, “ill-being” (Bentham 1983d: 130). A bit later in the text, he offers these definitions:

“What well-being is has been seen: in the instance of the individual in question, for and during the portion of time in question, what balance there has been, if any, on the side of pleasure.

“What happiness is has also been seen: any pleasure or combination of contemporary pleasures, considered as existing at an elevated point, though without the possibility of marking it in the scale of intensity” (Bentham 1983d: 135).

There seem to be two differences: first, that well-being is the net value of pleasure over pain (or ill-being if the value is negative), whereas happiness is a condition where pain is not present or at least not worth considering; and that well-being is measured over a long stretch of time, while happiness is short-lived. “[F]ew men . . . would be found who . . . , the whole length of their lives taken together, have not been in the enjoyment of a measure more or less considerable of well-being. Much fewer, or rather none at all, who during an equal period have been in the possession and enjoyment of *happiness*” (Bentham 1983d: 130). In other words, happiness is rare, while well-being can be considered the normal state for most people.

I can imagine two cases of what we might call “true” happiness: First, we enjoy some pleasure or set of pleasures at very little cost: For example, while on my normal evening walk with my dogs, who are being well-behaved at the moment, the moonlight strikes the local river in a way that enables it to transcend its concrete culvert and become an object of serene beauty. Or, someone gives me a gift of something I greatly desire, which comes at absolutely no cost to me, allowing me to bask in the warm glow of friendship. In both cases I have much pleasure and little or no pain—so, Bentham would say, I have happiness—but both are fleeting and temporary. However, the latter can be understood as a kind of social happiness, whereas the former is purely individual.

Well-being, however, is different. Because it involves the passage of time, and includes both pleasures and pains, it is necessarily social in a way that happiness isn't.²⁴ While happiness is associated with a particular experience, well-being combines many experiences. Those experiences—or at least some of them—necessarily involve other individuals, as well as the conditions of life more generally. The conditions of life necessarily include other people and, very importantly, the social institutions that shape our interactions. What this means is that there is a fundamental difference between happiness and well-being such that they cannot be made equivalent. It is not just a matter of taking happiness, adding the consideration of pain and considering it over a longer period of time. Or, to look at it the other way around, we can't just take well-being and chop it up into little bits to see how many morsels of happiness it contains. The former cannot be reduced down into the latter.

Well-being, then, is a larger concept than happiness: it contains more, and takes more into account. Bentham claims that all the arts and sciences are a branch of the science of well-being, eudaemonics. Eudaemonics he calls “the name for the universally practised *art*—the *pursuit of happiness*”²⁵ with the rather obvious statement that “*being* in some of its various shapes, will be allowed to be an indispensable *means*.” Thus, *being* is a means toward *well-being*—being is not an end in itself: “Eudaemonics is the art of *well-being*.”

²⁴ The point will be explored in greater detail in Chapter Three.

²⁵ This appears to suggest that well-being and happiness are the same. Below I will show why this is not the case.

Necessary to *well-being* is *being*” (Bentham 1952e: 83–4).²⁶

This recognition that being is essential to well-being leads Bentham to argue repeatedly that, of the four subsidiary principles to utility (security, subsistence, abundance and equality),²⁷ “Subsistence can not be placed any where but at the head of the list . . . Without actual subsistence [there can be] neither suffering nor enjoyment” (Bentham 1952d: 309). However, he also argues repeatedly along the lines that “Security . . . is the pre-eminent object” of law (Bentham 1931: 97). So what comes first— subsistence or security? Is this a chicken-and-egg kind of problem, or is there a conflict here in Bentham’s theory? The question contains echoes, at least, of a debate between the rights of property vs. the right to the means for survival. We will return to this question after we have had a chance to consider the place of security in Bentham’s theory, as well as the related notion of wealth and its relationship to happiness.

b. Security

Alongside pleasure, security stands as an essential element of Bentham’s theory of motivation. Security is the degree of assurance we have that our actions will carry the consequences that we anticipate. We do things because we expect them to either bring

²⁶ However correct it may be philosophically, it is nonetheless a strange position to take that existence is instrumental for happiness (or well-being). The idea that we exist *in order to be happy* seems, on a certain level, like a category mistake, existence and non-existence seeming to belong to a different class of concepts than happiness and unhappiness, or pleasure and pain. But to point out Bentham’s argument here also may serve as an answer to critics of utilitarianism who argue *ad absurdum* that the injunction to avoid pain is most securely met through the destruction of all sentient species.

²⁷ In this chapter we will focus mostly on subsistence and security, with a brief discussion of equality. Equality and, to a limited extent, abundance, will be discussed in greater depth in Chapter Four.

pleasure or relieve pain, now or in the future; our willingness to endure present pain is entirely based on the security we have that it will bring greater pleasure in the future. Bentham refers to security as the “pre-eminent object” of law because of its future-regarding nature (Bentham 1931: 97). We make judgments to balance between the degree of security and other elements of pleasure such as intensity, duration, etc., so that we might undertake things for which we have very low expectations if the benefits are great enough—this is part of any cost-benefit analysis. It is clear from Bentham’s argument that security is essential to any society: If entirely lacking, the likely result would be the most vulgar sort of hedonism involving actions that immediately bring pleasure or relieve pain, because we would have no assurance that anything we do now would do us any good in the future. “The man who subsists only from day to day is precisely the man of nature—the savage” (Bentham 1931: 113), Bentham says, and in a Hobbesian tone asks us to “consider the condition of savages. They strive incessantly against famine . . . Rivalry for subsistence produces among them the most cruel wars; and, like beasts of prey, men pursue men, as a means of sustenance” (Bentham 1931: 109).

Bentham classes liberty as a “branch” of security: “Personal liberty is security against a certain kind of injuries which affect the person . . . *political liberty* [is] security against injustice from the ministers of government (Bentham 1931: 97). At the same time, he argues that the key function of government is the manipulation of people’s perception of security, especially in terms of the likely consequences of particular kinds of activities. Activities that are beneficent should be afforded a very high degree of security; activities

that are malevolent should have less security or, better yet, a high (or reasonably high) degree of security of punishment (which will necessarily be temporally distant) in order to balance out whatever pleasure might entail (which would be relatively immediate).

“The care of security,” says Bentham, is “the principal object of law,” but it is more than that: it is also “entirely the work of law” (Bentham 1931: 109). Security is, in this sense, a social concept, as it has to do with the social infrastructure that may help to maintain the connections between action and consequence, or, from the opposite direction, guard against those factors that may undermine expectations.²⁸ But its social nature is almost entirely negative: “Security is not to be understood but by its reference to mischief; the chance of which is *danger*, and the expectance *fear*, or apprehension” (Bentham 1952d: 309). He makes a similar point in the IPML, where he discusses mischief, although we must wade through the brambles of a sort of double negative in order to untangle his meaning:

“When [mischief] is negative, it consists of the loss of some benefit or advantage: this benefit may be material in both or either of two ways: . . . 2. By averting pain or *danger*, which is the chance of pain: that is, by affording *security*. In so far, then, as the benefit which a mischief tends to avert, is productive of security, the tendency of such mischief is to produce *insecurity*” (Bentham 1996: 148).

Perhaps the best way to understand security, then, is as a guard against pains. Thus, its relationship to happiness appears to be negative, since it is not itself productive of pleasure. Given its negative mien, it should not be surprising that it does not appear on the

²⁸ However, as I point out in Chapter Four, security as Bentham has it is not *necessarily* social, since due to environmental factors even Robinson Crusoe was concerned about whether he would be able to reap the crops he sowed.

list of synonyms for pleasure he gives us in the *Table* (Bentham 1983e: 87). Still, one might imagine that the feeling of security would, in itself, be a kind of pleasure. By the same token, security can also be seen as a motive in and of itself, especially since its absence is so productive of mischief. It is surprising, then, that it only appears in the *Table* once as a motive, as a neutral term in table No. XIII: Pains “of DEATH, and BODILY Pains in general” (Bentham 1983e: 86), which doesn’t seem to capture the sense of the term as he uses it elsewhere. Security could be seen as a synonym to some of the motives listed; for example, in the table reproduced above, as the “desire, want, need, hope, prospect, expectation—of the means of subsistence, of competence, plenty,” etc., as well as the “desire . . . of maintaining, preserving . . . a man’s condition” or even the “Prudential regard, care, attention, for and to a man’s pecuniary concerns, property . . .” (Bentham 1983e: 81). That he does not include it directly seems inexplicable.

Still and all, there is a positive aspect to security in the sense that it promotes productive activity: “Nothing but law [security] can encourage men to labours superfluous for the present, and which can be enjoyed only in the future” (Bentham 1931: 110). But it goes beyond that: Any activity that requires investment of resources is impossible without security. The conclusion he reaches in a discussion of the “Evils which result from Attacks upon Property” is that

“Power and will must unite for the development of industry. Will depends upon encouragement; power upon means. These means are what is called . . . productive capital. When the question relates only to an individual, his productive capital may be annihilated by a single loss, while his spirit of industry is not extinguished . . . When the question is of a nation . . . the evil

may infect the will; and the spirit of industry may fall into a fatal lethargy, in the midst of natural resources offered by a rich and fertile soil" (Bentham 1931: 115–6).

It is because of these economic effects, which affect society as a whole, that Bentham considers the lack of security—or of the pains that arise as a result—to be the most important sort of pain. "*Expectation*," he says, "is a chain which unites our present existence to our future existence . . . Every attack upon this sentiment produces a distinct and special evil, which may be called a *pain of disappointment*." This is a matter of "extreme importance" (Bentham 1931: 111). In a later discussion of what he calls the "Disappointment-prevention principle," the primary object of the principle is property, which is an element of its fundamental "proposition" or "axiom": "In the distribution made and maintained of the several separable portions of the aggregate subject-matter of property in the state, let the object or end in view be, on each occasion, *minimization*, and so far as possible *exclusion*, of the sensation of *disappointment*" (Bentham 1993: 342). This may not sound much like Locke, but the essence of what he is saying is very much like the idea that the primary function of government is the protection of property. This Lockean tone is quite a bit clearer in the following passage: "What men want from government is, not incitement to labour, but security against disturbance: security to each for his portion of the matter of wealth while labouring to acquire it, or occupied in enjoying it" (Bentham 1952d: 324)—simply swap "property" for "wealth" and we see Locke's justification for the state as the protector of property (Locke 1988: II. §124). We have arrived, then, at what appear to be the primary objects of security: wealth and property.

c. *Money, wealth and property*

As a thermometer is the instrument for measuring temperature, money, according to Bentham, is the instrument for measuring pleasure and pain. “Those who are not satisfied with the accuracy of this instrument must find out some other that shall be more accurate, or bid adieu to politics and morals. . . . [V]aluing everything in money” is the only way “we can get aliquot parts to measure by. If we must not say of a pain or a pleasure that it is worth so much money, it is in vain, in point of quantity, to say anything at all about it, there is neither proportion nor disproportion between Punishments and Crimes” (Bentham 1952e: 117–8).²⁹ Money is the great equalizer, what enables interpersonal comparisons of pleasure. Bentham is saying quite directly that all things that bring pleasure, and all things that relieve pain, can be assigned a monetary value. A thermometer provides an objective measurement for temperature irrespective of anyone’s subjective experience of it: not only do different people experience the same conditions differently, but the same person will perceive the same temperature differently depending on their situation (for example, a hot day will seem much hotter when exiting from an excessively air-conditioned building). Money works somewhat differently, but it is similar. The value of an amount of money is objectively set by what it can be exchanged for in the market. However, depending on their situation, people will have different perceptions of the amount of pleasure any amount of money represents—something Bentham understood

²⁹ This section of the “Philosophy of Economic Science” is taken from Everett’s *The Education of Jeremy Bentham*. The passage in Everett is from an undated manuscript in the Bentham collection at UCL; it may date from as early as 1763, when Bentham was a student at Oxford (Everett 1931: 36).

quite well (Harrison 1983: 157–8).³⁰

Does this also mean that Bentham thinks that money can buy happiness? Yes and no. Money can not bring happiness in and of itself, because money “in the form of coin is not in itself good for anything except for exchanging against useful things,” although it has the advantage of being convertible into “an infinity of uses” (Bentham 1952g: 70–1). A king Midas type might get pleasure from sitting in his counting-room counting out his coin, but even here the pleasure that arises from money is really the pleasure of expectation, of the pleasures of that can be bought with that money. “[T]o get money is what most men have a mind to do: because he who has money gets, as far as it goes, most other things that he has a mind for” (Bentham 1952a: 157).

One thing that money can buy is wealth, which *can* bring happiness.³¹ Wealth itself comprises “every object which, being within the reach of human desires, is within the grasp of human possession, and as such either actually subservient, or capable of being made subservient, to human use” (Bentham 1952c: 226). To increase one’s wealth is, Bentham tells us, “with a very few exceptions, the constant aim and occupation of every individual in every civilized nation. Enjoyment is the offspring of wealth: wealth of labour” (Bentham 1952d: 323).

Use is essential to understanding wealth; it can be said that an object that has no use

³⁰ As we will see in Chapter Four, Bentham argues this point with an early version of what is now familiar to economists as the theory of marginal utility.

³¹ Money, in the form of coin, or even (in today’s terms) stored in a bank account, is not wealth to Bentham, but a kind of representation of potential wealth.

cannot be an object of wealth.³² “The ends or uses of wealth may be all comprized under the four following terms: 1. subsistence: 2. enjoyment: 3. security: 4. encrease” (Bentham 1952c: 226). In another, later work he notes, “enjoyment being inseparable from the application of the articles of subsistence to their respective uses, an article of subsistence is also an article of enjoyment” (Bentham 1952d: 321). We might as well say: Wealth is used to produce pleasure or relieve pain. As Bentham himself puts it, “The matter of wealth is not of any value . . . otherwise than in so far as the general effect of it is to serve for the attainment of pleasure or for the avoidance of pain” (Bentham 1983d: 152). It would be entirely consistent with Bentham’s thinking to also say that no articles of wealth would ever be used except as such use adds pleasure or relieves pain.

While the *use* of wealth may be said to pertain to pleasure, the *possession* of wealth may be better said to be relevant to well-being. It is not insignificant, then, that Bentham refers to well-being, not pleasure, as the “final” cause of wealth (Bentham 1952d: 324). As we saw above, the possession of wealth may be said to contribute to happiness in the hedonic sense that at any particular moment we may experience the pleasure of security it may bring. However, the possession of wealth may also lead to feelings of distress or anxiety (clearly pains) if we do not feel that our wealth is secure³³ or if we have insufficient wealth. But, in a larger sense, the possession of wealth contributes mostly to well-being to

³² What constitutes “use” may be quite broad, of course, since any object that brings us pleasure can be said to have a “use.”

³³ We may see in this Bentham’s emphasis on security of property, and on legally established and ensured rights of property as a kind of security (Bentham 1931: 111–3).

the degree to which the possession now (without enjoyment) carries with it the potential value represented by its future use.

Securing wealth is, in effect, the function of property, although property is not reducible to wealth. “The end” of property, Bentham says, “is the securing to a certain individual the enjoyment of a benefit” (Bentham 1952c: 265). We may question whether Bentham accepted the idea of property of the person,³⁴ at least insofar as it carries with it the specter of natural rights, although it seems implicit, as the enjoyment of the benefits that come with having a body would seem to be an important, if not the principal, object of security. This having been said, as will be seen below, Bentham seems quite clear that, with regard to subsistence, security of the body is derivative of security for wealth and property: secure the products of labor (i.e., wealth) and subsistence is secured; the law can do nothing directly for subsistence.

Bentham recognizes that all four of the subsidiary principles to utility, security, subsistence, abundance and equality, are directly concerned with wealth (Bentham 1952e: 105).³⁵ But the notion of wealth carries with it elements that are incompatible with Bentham’s understanding of happiness, both in terms of the effort required to produce it

³⁴ Kelly argues against it, because, in his view, Bentham considered property rights to be too weak to protect a person’s interest in themselves. Specifically, property rights are alienable and modifiable in ways that do not apply to individuals’ rights to themselves (Kelly 1990: 157). However, it is unclear what Kelly is basing his argument on—whether it is Bentham’s conception of property or his own. Bentham’s basic idea of property, that of circumscribing the actions of others with regard to some thing, does seem to fit the person well.

³⁵ The original source of this part of the “Philosophy of Economic Science” is *Pannomial Fragments* from the Bowring edition of his *Works*, Vol. III.

(the experience of pain) and in the time factor associated with possession for later use (the deferral of pleasure). It is for this reason that Bentham associates wealth with well-being. Certainly there are hedonic elements: Wealth brings pleasure, we seek to limit the amount of effort required to get it and we generally want to limit the passage of time before we can convert its stored value into some form of pleasure. But the fact that the experience of pain and the deferral of pleasure are necessarily included in wealth reflects the importance of well-being in his theory, and the existence of eudaemonic elements that cannot be suppressed.

d. Security, subsistence and basic needs

Now we may return to the question, raised above, about the possible conflict in Bentham's theory between subsistence and security. On one level, at least, the conflict is more apparent than real. The first point to recognize is that the precedence of subsistence is with reference to the study (and, one might expect, the practice) of political economy. Security, on the other hand, arises as a matter of law, as the best means by which to assure subsistence. In a sense, subsistence is an indirect object of the law, while security is a (perhaps *the*) direct object.

“What can the law do for subsistence? Nothing directly. All it can do is create *motives* . . . by the force of which men may be led to provide subsistence for themselves. But nature herself has created these motives . . . Need, armed with pains of all kinds, even death itself, commanded labour, excited courage, inspired foresight, developed all the faculties of man. Enjoyment, the inseparable companion of every need satisfied, formed an inexhaustible fund of rewards for those who surmounted obstacles and fulfilled the end of nature. The force of the physical sanction being sufficient, the employment of the political sanction would be superfluous. . . . But the laws provide for

subsistence indirectly, by protecting men while they labour, and by making them sure of the fruits of their labour. *Security* for the labourer, *security* for the fruits of labour; such is the benefit of laws; and it is an inestimable benefit" (Bentham 1931: 100).

There is something else that comes across in this passage, however, which is that, as far as subsistence is concerned, all the state should be concerned with is security.³⁶ We could say that individuals must *secure* their own subsistence; the function of the state is to provide the legal apparatus to ensure that, if they are able and willing to labor, they may do so with the assurance that they will receive the reward appropriate to their efforts. No one will engage in labor for its own sake, Bentham believed, but only for the sake of some reward. If the reward is unsure, then they will be less likely to labor. So the best means to ensure *both* that people will be able to subsist from the proceeds of their labor *and* that they engage in the productive labor necessary to produce goods for market exchange (rather than for their own benefit) is to provide a high level of security that they will receive the remuneration promised them. The harm, here, that security refers to would include the refusal to pay for labor performed. But while Bentham refers to laborers enjoying the fruits of their labor, when it comes to wage labor it is clear that what he is referring to here is no more than subsistence wages.³⁷

³⁶ In fact, Bentham supported taxation for the support of the indigent, those who "are in want of what is absolutely necessary," arguing that since the "pain of death, which would presently fall upon the starving poor, would be always a more serious evil than the pain of disappointment which falls upon the rich when a portion of his superfluity is taken from him." This should be limited to "what is simply necessary. To go beyond that would be taxing industry for the support of idleness" (Bentham 1931: 132–3).

³⁷ As we will see in Chapter Four, he argued against the setting of minimum wages.

There is a passing resemblance between Bentham's assertion that subsistence is the first concern of government and the contemporary literature on basic needs, but this resemblance is just that: passing. In fact in Bentham's day it was fairly common to distinguish between 'basic' and non-basic' goods, or 'necessities' and 'luxuries'; this view can be found in Hume, Smith, Malthus and others (Drakopoulos and Karayiannis 2007). Basic goods were objects of wealth, that is to say, material objects that could be produced for exchange and consumption, and as such subject to economic principles. The types of goods consumed distinguished between social classes: "[T]he consumption of basic goods was mainly attributed to the working classes and the consumption of non-basic or luxury goods to the upper classes" (Drakopoulos and Karayiannis 2007: 62).³⁸ Basic goods are those that satisfy basic needs.

In the contemporary literature on basic needs, material goods constitute only one part of what is considered 'basic'. One approach takes as its starting point the idea that the avoidance of harm constitutes the most fundamental need. Harm is defined as "the significantly impaired pursuit of goals which are deemed of value by individuals. To be seriously harmed is thus to be fundamentally disabled in the pursuit of one's vision of the good" (Doyal and Gough 1991: 50).³⁹ Need, then, defines "the preconditions for human action and interaction" (Doyal and Gough 1991: 50). Thus, need goes beyond basic survival

³⁸ Although Bentham notes that the poor have their luxuries, referring specifically to "tobacco (the luxury of the great body of the people" (Bentham 1952d: 326).

³⁹ Or, we might say, one's own well-being.

of the physical self, and even beyond survival for one's self and what is required for reproduction of the species, but it advances to assert that "*physical health* rather than mere survival . . . is a basic human need" (Doyal and Gough 1991: 56). Furthermore, because harm includes the inability to pursue one's vision of the good, autonomy may also be understood as a need (Doyal and Gough 1991: 59–69). Doyal and Gough argue that society should be structured in order to "optimize" the fulfillment of these needs. Those who follow this approach may then debate about what actually constitutes harm, as well as claims of universality and other issues (see, e.g., Doyal 1993; Soper 1993).

A different approach recognizes a hierarchy of needs, although this does not imply that those at the lower level are any more "basic" than higher-level needs. Rather, they may be understood as "fundamental classes of human need: the needs that must be satisfied to maintain biological existence, the needs that must be satisfied to develop the capabilities distinctive of human life, and the needs that must be satisfied to develop those capacities freely" (Noonan 2007: 54). These are, in other words, "basic physical needs, which are the condition of *life*; socio-cultural needs, including education, meaningful work, and democratic political systems, which are the conditions of *human life*; and a temporal need, for free time, which is the condition for a *free human life*" (Noonan 2007: 58). Although more abstract, and more directly concerned with the specific structure of social institutions, this approach shares with the one outlined above a recognition that human needs extend beyond the merely physical, and that individuals are defined by more than their consumption habits.

While Bentham's discussion of subsistence may carry little resemblance to the contemporary literature on basic needs, it may be worthwhile to adjust our view somewhat to take in both subsistence and security together. One way to understand security is as the avoidance of harm: an injury, after all, is a breach of security. Lack of subsistence certainly constitutes harm, so on one level, at least, security could be said to encompass subsistence. In fact, while Bentham places priority in law on security, at the same time he says that security and subsistence are on "the same level" as compared to abundance and equality: "The two first objects are life itself; the two latter, the ornaments of life" (Bentham 1931: 98).⁴⁰ Certainly, as Kelly notes, Bentham is concerned with the "conditions for the realization of individual well-being," which must go beyond simple material concerns. "The absence of harm to possessions, beneficial condition in life, and reputation is a more important source of legitimate expectations than the absence of harm to the person" (Kelly 1990: 154–7). However, autonomy, meaningful work and a democratic political system could not fit in Bentham's system anywhere but within the domain of equality (equal civil and political rights, see Kelly 1990: 167), which puts them outside the primary realm of security and subsistence. While there may be some basis for the claim that individuals must enjoy security in the civil and political rights that they enjoy,⁴¹ Bentham's sense of what is

⁴⁰ In one sense, however, equality is on a par with security, in the formal sense that the security the law provides should apply to all equally. But see my discussion below.

⁴¹ As we will see in Chapter Five, this is because he considered democratic rights and a free press to be essential to the establishment of a government that seeks the greatest happiness of the greatest number. However, given conditions of universal suffrage and civil liberties, it seems unlikely that he would have supported any further expansion of rights.

'basic' to life does not appear to extend beyond material goods, and this clearly sets him apart from the more recent accounts.

Finally, while Bentham asserts that “the protection of the laws may contribute as much to the happiness of the cottage as to the security of the palace” (Bentham 1931: 114), it is clear that security means something different to each.⁴² To the laboring poor, it means hopes for subsistence and little if anything more; to the bourgeois and leisure classes, it means protection for opulence and the means for increase. In fact, Bentham believed that security, fairly and consistently applied, would lead to equality. His belief in “a continual progress towards equality” is based on what he saw as the “opposite habits which are formed in opulence and in poverty. The first, prodigal and vain, wishes only to enjoy without labour; the second, accustomed to obscurity and privations, finds pleasures even in labour and economy” (Bentham 1931: 123). Stark interprets this passage as Bentham saying that, “The poor should starve himself into riches” (Stark 1941: 76). Bentham discusses a variety of measures to promote “self-liberation” and to assist the “self-maintaining poor,” including the establishment of “Frugality Savings Banks” by which ordinary laborers could make deposits to accumulate savings (Bentham 1843i: 406–10). However, the National Charity Company would have the power of “*apprehending* all persons, able-bodied or other-wise, having neither visible or assignable property, nor honest and sufficient means of livelihood” and keeping them in a sort of panopticon prison

⁴² As Anatole France said some decades later, in a rather different tone, “The law, in its majestic equality, forbids rich and poor alike to sleep under bridges, beg in the streets or steal bread.”

for the poor (Bentham 1843i: 370).

The answer to our earlier question, then, is that while Bentham values subsistence highly, as a matter of *law* security reigns preeminent. To the degree that he is supportive of any takings of wealth (taxes), this is primarily out of concern that extreme poverty undermines security of property. While there are reasons to make provisions for the poor, this should not be confused with a “right” to the means of survival: At least as far as the able-bodied are concerned, the human drive to survive is sufficient to ensure it. For the relative few who are not able-bodied, a small tax on the wealthy would be sufficient to provide for subsistence of those who cannot take care of themselves, and the gain of happiness would offset the pain of the tax. A right to security is more meaningful: a conventional right embodied in law, not a natural right. As far as law is concerned, the only ‘basic need’ Bentham recognizes is the need for security. Given that, people will secure their subsistence for themselves.

This discussion of Bentham’s views of security and wealth should clearly establish that well-being plays an important role in his theory, but this role is obscured by the focus on pleasure. The social character of well-being, however, may give us reason to question Bentham’s commitment to liberal principles—an endorsement of the criticism of his work that it leads to authoritarianism. But we should be clear: Despite his concern for well-being, Bentham’s theory retains the focus on the individual that is an essential characteristic of hedonism.

3. Individuals, Community and Happiness

In an oft-cited passage, Bentham writes that “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.” He continues, “It is in vain to talk of the interest of the community, without understanding what is the interest of the individual” (Bentham 1996: 12). This passage is generally taken as an expression of the manner in which individual interests are aggregated in order to arrive at the “interest of the community;” however, we want to follow this argument in a somewhat different direction: The (singular) interest of the individual is, as we have already seen, happiness. What this statement does, then, is place individuals directly at the center of Bentham’s theory; it is their happiness that is at issue for him. One can refer to the happiness of a community, but the collectivity does not have an existence—or an interest—that is distinct from that of its members. One might refer to the ‘interest of the community’ as a kind of shorthand, but what one is *really* referring to is the individual happiness (or interest) of each member. To suggest that the community has an interest that stands apart or distinct from the interests of the individuals that comprise that community would be, in this view, wrong. The happiness of the community only refers to the aggregate happiness of its members *as individual members of the community*.

Bentham’s argument is sometimes referred to as “methodological individualism,” which has two primary elements. The first involves the view we have just seen that the community is best understood as a collection of individuals rather than as a distinct entity with its own character and interests. The second point is that “individuals are the best

judges of their own . . . happiness.” This implies that, “Interference with their choices . . . has to be exceptionally justified” (Bonner 1995: 12). Methodological individualism pertains most directly to the theory of utility, which we will examine in Chapter Four, but by seeing how these two points arise from Bentham’s conception of happiness we will be able to recognize (when we come to it) how deeply embedded individualism is in his theory of utility.

Hedonism is unavoidably individualistic, because its primary concern is the pleasure of the individual. The only pleasure that matters is the pleasure that individuals themselves perceive. The emphasis, then, is on sense perception. Bentham argues that what is real are objects of sense (Bentham 1843d: 196–7), and it is only individuals—that is, “real” individuals—who may perceive things and have sensations. Only real, existing and living individuals can experience pleasure and pain; only real, existing and living individuals can be happy.

The individualism that inhabits Bentham’s version of hedonism runs deep in a way that obscures the functions of social institutions. While it may be the case that any particular community is a fictitious entity, social relations themselves are real, as is the web of social relations that may be described as “society,” and that develop the kinds of both formal and informal structures that we may refer to as “institutions.” It is certainly true that when we try to define these things in particular terms and with particular boundaries the result is, in some sense at least, arbitrary and, for that reason, creates what Bentham would refer to as a fictitious entity. But while fictitious, it is important to recognize the very

real character, function and effects of power in society.⁴³

John Commons, who, as a founder of the field of institutional economics might be expected to be a critic of Bentham's individualism, argues that Bentham's moral theory consists of "the 'chance' meeting of individuals in a population of molecules" (Commons 1934: 230). In Bentham's denial of the reality of the community is a denial of the community as an object that may itself affect the individuals contained within it. For example, with regard to Bentham's claim that money is the measure of pleasure, Commons notes that what is measured by money is not pleasure, but scarcity. Scarcity "is none other than private property itself" (ibid.: 234, 238), which is to say that, within the liberal capitalist system, scarcity and abundance are controlled or manipulated through social institutions to which individuals have different levels of access, and the degree of access is by and large determined, or equivalent to, one's status with regard to private property. In other words, more property equates to more capacity to determine value. What Bentham has done is omit the social institution that regulates the value of money, but, unlike temperature, money has no independent meaning discoverable by scientists. Those who have money (which we may understand on some level as the "real" entity underlying both wealth and property) control access to it and determine its value; one who has no money can determine the value of nothing. Bentham's methodological individualism obscures not only the difference between two individuals at differing levels of accumulated wealth, but the

⁴³ Foucault has brilliantly articulated the social character of power in (Foucault 1978: 92–6).

function of the social institutions within which the determination of value occurs.

Let us now consider the second dimension of Bentham's individualism. We have already noted his pithy comment about not needing a lawyer to know the meaning of pleasure and pain. But he took this a step further, to say that "no man can be so good a judge as the man himself, what it is gives him pleasure or displeasure" (Bentham 1996: 159). Furthermore, no one "is so sure of being *inclined*, on all occasions, to promote your happiness as you yourself are . . ." (ibid.: 244). Thus, "The care of his enjoyments ought to be left almost entirely to the individual. The principal function of government is to guard against pains" (Bentham 1931: 95). Not only is the individual the best able to decide what brings them pleasure or pain, but only they will be sufficiently motivated toward it. Even benevolence is motivated by self-interest: We practice benevolence because it is in our self-interest to do so, for example, to relieve the pain of seeing others in distress, or because of the positive effect it has on our reputation (Bentham 1983d: 193–4).

The primary political point here is that Bentham's individualism implies a very strong commitment to liberty. As Bentham puts it, "As a general rule, the greatest possible latitude should be left to individuals, in all cases in which they can injure none but themselves, for they are the best judges of their own interests. . . . The power of the law need interfere only to prevent them from injuring each other" (Bentham 1931: 63).⁴⁴ The

⁴⁴ In determining how best to do this, it is necessary to recognize that law, of itself, necessarily works through the mechanism of pain. "Every law is an evil," he asserts, "for every law is an infraction of liberty" (Bentham 1931: 48). Thus the use of the law to limit harm is itself limited by the fact that doing so necessarily is itself a source of harm in the restriction of liberty.

exercise of free will is essential to happiness, even in the practice of beneficence. Benevolence may be understood as a kind of motive, one of a set of “natural motives . . . derived from our own interest for consulting the happiness of others. . . . The motive of pure benevolence, a sweet and calm sentiment which we delight to experience The motives of private affection . . . in domestic life . . . [and] the desire of good repute” (Bentham 1931: 64). But such benevolence cannot be legislated, for to do so would deprive the giver of its pleasure, since “it is to individual free-will that benevolence owes its energy” (Bentham 1931: 65). To see virtue as a duty is anathema; he is particularly biting in his critique of Cicero (Bentham 1983a: 300–1).

Bentham’s position is, in effect, that of classical liberalism: each should be able to seek their own happiness to the greatest extent. The primary function of the state is to limit the harm they might cause in doing so. This position is surprising, of course, to those who hold Bentham to be more of an authoritarian; indeed, it is difficult to jibe with his apparent willingness to impose rather harsh conditions (via the Panopticon prisons)⁴⁵ on those he considered deserving of it—paupers and criminals, whose harm could be either direct, in the case of criminals, or indirect, in the case of able-bodied indigents who would have to be supported by taking money away from productive members of the community.

Bentham’s individualism, along with his views regarding subsistence and security, allow us to see why Macpherson argues that Bentham’s work reveals a bourgeois attitude

⁴⁵ Harsh, at least, according to our own standards. By the standards of his day the Panopticon would have been a great improvement in quality of treatment.

that presumes market capitalism and rather hardened class distinctions (Macpherson 1977: 33–4). While Bentham does appear to have been a very compassionate individual who cared deeply about the well-being of the members of his society, he was also very much a member of his class who believed that the afflictions of poverty were self-imposed by people who preferred leisure to work and that what they needed most of all were clear incentives to productivity. Given the ability to do so, all could gain from the exercise of their liberty (with the minimum of constraints): workers could contribute their labor, for which they would be paid at a rate corresponding to their effort and ability, and capitalists would contribute their funds, for which they would be rewarded based on the degree of risk they were willing to undertake as well as according to their ability in managing their firms. He was certainly, in this way, a Smithian—society works on the basis of individuals acting in their own self-interest through free exchange in the market, and the freer that exchange, the better for everyone involved.

4. Bentham’s conception of happiness

It may now be possible to clearly articulate Bentham’s conception of happiness or, in more precise terms, the relationship between pleasure, happiness and well-being in his theory. A good starting point is the way all motives for human action are boiled down to expectations of pleasure and pain in his famed “felicific calculus:” For any action whose consequences are being considered, each pleasure and pain is prospectively “considered *by itself*”—although it is not clear how we are to distinguish each from the others. A pain that produces a pleasure would be considered an ‘impure’ pain, just as any pleasure that

produces a pain would similarly be considered 'impure.' Spatial and temporal distance are included in the consideration of the "*propinquity or remoteness*" of pleasures and pains. Using these criteria (as well as several others, including intensity and duration) to evaluate each individual pleasure or pain resulting from an action, one may sum up the pleasures and pains anticipated from the act in question, subtract the latter from the former, and determine the good or bad "tendency of the act upon the whole" (Bentham 1996: 38–41). Proper use of the calculus should lead to happiness: The experience of pleasure and the avoidance of pain.⁴⁶

If we think about the felicific calculus we might get a sense of why happiness might be a difficult condition to attain. Purity is an especially demanding standard, since some pain is involved in most pleasure. Most pleasures require effort—always a pain, according to Bentham—to such an extent that, for some, at least, the measure of pleasure is in direct relation to the degree of effort. On a more mundane level, if I want to eat I have to work to earn money so I can buy food. Now, the pain I experience in my effort may be near but the pleasure remote: I go to work on Monday but don't get paid until Friday (or worse!—although hopefully I have some money or food stored up so I can last until then).

⁴⁶ This doesn't help us understand what sort of happiness might come from the decision of a late-eighteenth century laborer to agree to work in a factory 14 or more hours a day six days a week under death-defying conditions for wages barely sufficient for subsistence, especially since the 'pleasure' to be got from such a continued existence is little more than survival to work another day and enable one's family to survive so the children might be able to take their positions at the factory (E.P. Thompson provides an account of why this might be so, that we need not explore here (Thompson 1964)). Industrialists of the time generally felt that laborers needed to be kept at the edge of starvation so they wouldn't make too many demands or be tempted by the sins associated with excess wealth (Thompson 1964:Ch. 3). And as we saw earlier, Bentham thought the fear of death was quite important as a motive. That said, Bentham supported the Factory Acts meant to improve working conditions, or at least limit the worst abuses of workers (Quinn 2008). But I digress.

And once I do get paid I can't experience the full measure of pleasure that it might bring all at once—after all, it has to last until I get paid again.

The felicific calculus includes *both* pleasures and pains, taking into consideration a diverse set of sensations occurring over a particular period of time. It could be said that the felicific calculus itself, and even the principle of utility, based on Bentham's own distinction, is oriented more toward well-being than toward happiness. Bentham may have recognized this when he wrote that "eudaimonology"⁴⁷ would be the most appropriate term for the "branch of art and science of which this principle [of utility] is the foundation," although he rejects it because of "the want of familiarity" with the term (Bentham 1983b: 300). One writer claims that over time Bentham came to abandon 'happiness' in favor of 'well-being' (Guidi 2007: 76); another says that Bentham came to abandon 'utility' in favor of 'happiness' fairly late in life (Harrison 2002: 63).

Well-being may be more attainable, even the normal state of things, but Bentham may have wanted to focus on happiness rather than well-being because happiness, which is concerned with specific experiences, puts more emphasis on pleasure and pain. The "greatest happiness principle" most clearly points to the idea that the object of the legal system—of government—is the maximization of pleasure and the minimization of pain. Without a doubt, the more pleasure and the less pain there is in the world the higher the level of well-being, because this would involve the greatest possible positive balance of

⁴⁷ In the same passage Bentham explains that spelling the term with the *ai* diphthong is to be preferred to the spelling with the *ae* diphthong because the latter "would be apt to present the idea of an art or science of which devils were the subject, and thus give umbrage to pious minds" (Bentham 1983b: 300).

pleasure, rather than one where the balance is more even. Thus, the best state of the world is one in which the greatest possible number of people are happy—have plenty of pleasure and little or no pain—at any one time *and* over extended periods of time.

The relationship between pleasure, happiness and well-being in Bentham’s work, then, can be described as follows: We undertake actions because of the pleasure we anticipate from them. Happiness is the result if we experience pleasure with minimal pain. Whether or not we attain happiness, if, over a period of some time, it works out that our pleasures exceed our pains, then we may say that we have well-being. The closer we get to happiness, the greater our well-being, because this assumes that pleasure is maximized and pain minimized over the period of time in question. The greatest degree of pleasure with the least degree of pain *is* the greatest happiness, which *is* the highest degree of well-being—but this is *not* to say that well-being can be reduced to happiness or that happiness can be reduced to pleasure.

5. Bentham and the Contemporary Literature on Hedonism

“Time and philosophical fashion,” as one writer puts it, “have not been kind to hedonism” (Sumner 1996: 83). A key difficulty is pinning down the basis for happiness, whether understood as pleasure or in more specific (or technical) terms. Haybron makes the case that happiness is not based on any particular experience or set of experiences or sensations, nor on any particular emotion or mood, but rather “in a subject’s overall emotional or mood state (or some broad aspect thereof),” which he refers to as “thymic states” (Haybron 2001: 507). But this comes across as little different than the claim that

what strikes us as being pleasant or unpleasant is not an intrinsic quality of any given experience (i.e., that no activity is necessarily good or bad in and of itself) so much as our attitude toward it, just that in this case it is applied at a larger scale. The argument quickly becomes circular if we recognize that we prefer certain emotional states because they are more pleasant. Indeed, Haybron ultimately admits that “the hedonistic notion is theoretically important (Haybron 2001: 524, emphasis in original), and that what he is concerned with is a layman’s account of happiness. The valuable point here, however, is similar to what I think has largely been lost in the focus on Bentham’s association of pleasure with happiness and the lack of attention to its connection to well-being:

“If we think of happiness as a matter of our thymic states, then we may tend to focus more on subtle but important aspects of our emotional life that tend to be overlooked in everyday life as much as in theory. Someone concerned to improve her moods and reduce anxiety, for instance, might better recognize what it takes to do so and hence be more effective at it than someone who seeks pleasure directly” (Haybron 2001: 525).

The problem, then, is not with hedonism per se, but with the disconnection of hedonism from the larger picture, as well as the reduction of happiness to pleasure, stripped of its context in terms of well-being.

In some ways, criticism of hedonism has less to do with the nature of happiness than with difficulties surrounding the nature of pleasure itself. It seems that while pleasure may be something one “does not need to consult a lawyer about,” the distinction between pleasure and pain is not necessarily so clear. Pleasures may be pains, and pains may be pleasures. An addict, struggling with the bonds of addiction, may well come to view the

very thing that brings pleasure to be a torment. And although masochism is an obvious case of pain that may be perceived as pleasure, as a more mundane example, I may consider my aching muscles to be an integral part of the pleasure of the vigorous exercise I enjoy. This is why, as Sumner puts it, “most philosophers have abandoned the view that pleasure is a particular kind of sensation, identified by its peculiar feeling tone, in favour of an account according to which it is any experience liked or enjoyed for its own sake” (Sumner 1992: 213).⁴⁸ This is, he says, particularly “damaging to Bentham” since Bentham’s is clearly a sensationalist account (Sumner 1992: 215).

But if Bentham’s account of pleasure is sensationalist, does that mean his account of happiness is, too? It depends on what we’re talking about. Bentham’s conception of pleasure is clearly based on sensation, as he does not seem to recognize the distinction that James Mill raised between the sensation itself and one’s attitude toward it: What determines what is pleasurable or painful is not a particular sensation I get from something, but whether, when experiencing that sensation, I wish to continue it or not (Sumner 1992: 205).⁴⁹

In fact, some scholars consider well-being in Bentham’s usage to be equivalent to happiness, and thus a part of his hedonist philosophy: “The equation of well-being with happiness is implicit in the utilitarian tradition—too implicit to count as a developed

⁴⁸ The sensation view of pleasure does seem to have some support in psychologists’ studies of the physiology of the brain, which claims to have identified particular pleasure centers and the capacity to measure activity (Layard 2005: 17–20). Whether this will affect philosophers’ perspectives on the question remains to be seen.

⁴⁹ This account seems to share much with Kahneman’s “instant utility” discussed above.

theory about the nature of welfare. Instead, it is an assumed conceptual identity” (Sumner 1992: 201). What seems to be behind this assumption is the idea that well-being is hedonistic because it is concerned with the experience of pleasure and pain, and therefore really just happiness writ large. Since pleasure is the basis for the felicific calculus, the eudaemonistic elements involving the experience of pain and the deferral of pleasure are only aspects of his hedonistic philosophy, rather than challenges to it. In other words, well-being is really the same as happiness, except that it includes a consideration of pain and takes in the passage of time. All actions may be understood by reference to a single pleasure/pain dimension, whereby the pain involved in acquiring pleasure and the temporal separation of the experiences of pleasure and pain are simply elements that affect any particular hedonic calculation within that dimension.

This perspective seems to obscure an important point: As Bentham has it, happiness involves the direct *experience* of pleasure (i.e., a temporal state of being involving particular sensations), while well-being is not specific to any particular, isolated experience or sensation. Thus hedonism is concerned with the principal motivations for action. Well-being—here we might better refer to eudaemonism—is not concerned with specific actions and is mostly concerned with the conditions of life, which includes actions but also includes the social and institutional context within which those actions take place. Thus, accounts of happiness that equate it with well-being and make reference to life-spans are fundamentally different from Bentham’s account.

If, in Engelmann’s account, Bentham’s conception of pleasure (and pain) makes it

little more than an a matter of imagination (whether retrospective or prospective), this is all the more true when considered over the life-span. It would seem that both the experiential and the attitudinal elements are required: For example, whether or not my evaluation of the quality of my life is positive or not depends on: a) whether I considered my experiences as pleasurable at the time; b) whether I had a positive attitude toward the feeling I got from any particular experience at the time; c) whether my reminiscence of them brings forward pleasant sensations; d) whether my attitude toward those memories is positive; e) and the current state of my life. We reassess events in our lives at different stages in life, and the meaning we attribute to any event depends as much on the conditions of our current stage as on the conditions of the stage in which it happened. Expressed more formally, one's perception of event X at time T_1 will be different from the perception at T_0 , largely depending on what has happened in between, as well as expectations for the future. I can imagine reflecting on some past experience that was unpleasant at the time because I had a negative attitude toward the event, which I now see as having been actually rather important and that I should have appreciated it then, but because of what is currently going on, the pleasant memory only serves to remind me of how miserable I am now. The example just goes to show that not only is it rather complicated, but the grounds are shifting continuously.

Ultimately, what we want is well-being, which is impossible without pleasure. So pleasure in Bentham's theory is very important, but it remains fundamentally instrumental—both in the sense that the only way government can regulate the actions of

individuals (to keep them from undermining each other's experience of pleasure) is by affecting their calculations of pleasure and pain; but also in the sense that it really is only important as it leads to well-being. Our expectations of pleasure guide our decision-making. Since Bentham considers law to be the means by which a society creates the basis for those expectations, his theory has a fundamentally hedonic basis. We may hope for happiness, but because he recognizes that the ultimate end of our decision-making is well-being, then we can recognize that his hedonism is contained within a fundamentally eudaemonic framework. So, rather than referring to the eudaemonistic aspects of his theory as elements of his hedonism, it would be more accurate to refer to Bentham's eudaemonism as being of a hedonistic type.

6. Bentham, Hedonism and Neoclassical Economics

For all the criticism heaped on it by philosophers, hedonism is alive and well in economics, reflected in utility functions and revealed preferences.⁵⁰ To the degree that Bentham's work provides the underpinnings for neoclassical economics, which currently enjoys a position of dominance in the discipline, the failure to grasp his eudaemonism can be seen to have substantial effects on economic theory.

Bentham's thought is generally considered to have been transmitted into modern economics through the work of W. Stanley Jevons. A self-described Benthamite, Jevons is credited as one of the founders (with Carl Menger and Leon Walras) of the so-called

⁵⁰ My focus here is on economics, mostly because of where these ideas come from. But the discussion is certainly germane to political science, especially where assumptions and methodologies have been adopted from economics in an attempt to be more "scientific."

“marginal revolution” that launched neoclassical economics, which is premised on the reduction of well-being to happiness and happiness to pleasure. As Warke notes, “Modern economic theory *begins* with an axiomatic presumption that agents can formulate a complete and transitive preference set over all conceivable combination of ‘goods’ . . . thus finessing the index number problem [the idea that we can rank our preferences on a single scale] at the individual level and degrading utility to a one-dimensional indicator of the resultant rank order” (Warke 2000: 177 fn 2).

Jevons argued that while pleasure and pain could not be measured directly, our preferences were revealed in our consumption habits, in the “private-account books, the great ledgers of merchants and bankers and public offices” (Jevons 1965: 11) where we sought to “maximise happiness by purchasing pleasure . . . at the lowest cost of pain” (Jevons 1965: 23). Our pleasure-seeking and pain-avoiding, then, can be captured and fully mathematized, expressed in utility functions and the laws of supply and demand. Interpersonal comparisons of utility are impossible, however, because there is “no common denominator of feeling” (Jevons 1965: 14), no way to determine the specific motivations for a person’s choices, particularly at the margins (why they choose a particular quantity, and not more or less). The result is profound: If one cannot judge the quantity of happiness of different individuals, then the “greatest happiness” can only be determined subjectively by the individual, and the “greatest happiness of the greatest number” is no longer meaningful. Bentham’s concept of happiness is stripped of both its moral content and its political significance.

It was Jevons who decisively “discard[ed] the older term ‘political economy’” in order to articulate the abstract mathematical science of economics (Paul 1979: 267).⁵¹ The removal of “political” from the name of the discipline was far more than symbolic, of course. Jevons reduced economic science “to a theory of rational choice” (Roncaglia 2005: 289) and, by expressly denying the possibility of interpersonal comparisons, “consequentialist ethics . . . was thus made to disappear. . . . [T]his is completely different from the utilitarian ethics of Bentham and Mill, where social, not individual, consequences are what matter for the moral assessment of any action” (ibid.: 290).

Veblen articulates something of the psychological profile of hedonic man as expressed in neoclassical economics with this tongue-in-cheek description: “a lightening calculator of pleasures and pains, who oscillates like a homogeneous globule of desire of happiness under the impulse of stimuli that shift him about He is an isolated, definitive human datum” Veblen captures in stark terms the determinism that seems to lie in the shadows of hedonism as he continues to describe this “datum” who is:

“in stable equilibrium except for the buffets of the impinging forces that displace him in one direction or another. Self-imposed in elemental space, he spins symmetrically about his own spiritual axis until the parallelogram of forces bears down upon him, whereupon he follows the line of the resultant. When the force of the impact is spent, he comes to rest, a self-contained globule of desire, as before. Spiritually, the hedonistic man is not a prime mover. He is . . . subject to a series of permutations enforced upon him by circumstances external and alien to him” (Veblen 1898: 389).

⁵¹ From the Preface to the second edition: “Among minor alterations, I may mention the substitution for the name Political Economy of the single convenient term *Economics*. . . . [I]t would be well to discard, as quickly as possible, the old troublesome double-worded name of our Science” (Jevons 1965: xiv).

It is important to recognize here that it is not just happiness that is being reduced to pleasure, but also well-being itself. Gasper writes that, in “utilitarianism and utilitarian-inspired economics” well-being is “reified as a single entity,” and that “[m]ost utilitarianism reduced well-being to *well-feeling* . . . and further reduced well-feeling to a scalar (unitary pleasure, ‘utility’)” (Gasper 2007: 25). Gasper’s criticism (and his characterization of utilitarianism is meant as a criticism) is directed at the reductionism of the hedonistic account, which reduces pleasure to money or, more specifically, income. Citing Sen, Gasper notes that this “reduced well-being to being well-off, financially or materially; in other words to ‘well-having’ or ‘having much’” (Gasper 2007: 26).

The reduction of Bentham’s rich theory of motivation and well-being to pleasure- or more simply preference-satisfaction through the market equates economic activity with the fulfillment of desire. Desire itself then becomes a commodity that can be produced and stimulated. “Stanley Jevons, Carl Menger, and the other early theorists of consumption saw that as the basic needs of subsistence were satisfied, humankind’s desire for variety in shelter, food, dress, and leisure grew limitlessly, and thus the idea of needs, which were finite and the focus of political economy, was displaced by the idea of tastes, which were theoretically infinite” (Gagnier 2000: 4).

If happiness is defined as having one’s desires fulfilled, and economic activity is the means through which desires get fulfilled, then more economic activity means greater happiness. Thus the happiness of a society can be measured through its level of economic activity, or GDP. The problem is that elements that are important to well-being—in the

sense of pleasures foregone or deferred in the name of security or wealth are much harder to quantify (they are not captured in what economists call ‘opportunity cost,’ which refers merely to options not chosen). What isn’t demanded or transacted in the market receives no consideration. In the first place, it means that unpaid work, which such as work in the home—work performed mostly by women—is disvalued. Further, while it may be possible to quantify the value of “security” by considering how much people are willing to pay to put up fences or install security cameras, there is no way to measure what it means for a worker to not know if she’ll be able to feed her family, or to have to put off needed medical treatment in order to keep a roof over their heads. However, all these considerations are important to Bentham’s theory, and without them we cannot connect economics to well-being.

Furthermore, it turns out that the notion that our economic activity reflects our level of happiness is an illusion, one that takes on the characteristics of an endless upward spiral, since the consumerism at the heart of the capitalist system requires that as desires are fulfilled new ones must take their place, such that there is always unmet desire. “Capitalism, rather than providing for happiness and satisfaction, manufactures an ever-widening field of desire, and innovative ways in which commodities create invidious distinctions, and hence ever-widening gulfs of resentment, dissatisfaction and anxiety” (Duncan 2007: 95). This has recently come to be called the “hedonic treadmill” (Layard 2005: 48–9). Its importance cannot be underestimated: Desire sated, economic activity grinds to a halt, and the market—the economic system—collapses. The hedonic treadmill,

then, is no mystery or paradox: it exists at the heart of the capitalist system.

To be sure, hedonism predominates in Bentham's work: Jevons was not inventing his Benthamism out of whole cloth. However, the failure to grasp the eudaemonic framework of happiness in Bentham's theory has been detrimental to understandings of Bentham. Perhaps the first to recognize this was Werner Stark, who was commissioned by John Maynard Keynes to put together a compendium of Bentham's economic work. Stark writes:

"Jevons and Menger conceive man in isolation, as a natural being, Bentham, however, in the social connection, as a social being. . . . The traveler in the desert or Robinson Crusoe on his island can certainly be regarded as true representatives of mankind—they, too, are confronted with the scarcity of supply—but in the present social order the individual is limited in his provision of goods, not directly by natural scarcity, but rather by his social position. It is the amount of his income which forces him to break off his consumption at a certain point. This point arrives for the poor man soon, for the rich late—a fact which in Bentham's deduction finds its expression . . . but remains unnoticed by Jevons and Menger. Here, too, Bentham gives us life in all its concreteness, Jevons and Menger only an abstraction (Stark 1946: 607).

If neoclassical economics separates Bentham's hedonism from its eudaemonic framework, removing the social element from Bentham's theory and leaving the hedonic calculus unbounded by the realities of human experience, recent work in economics by Layard, Easterlin and others attempts to repair the breach through a reconsideration of their assumptions about the connection of happiness to economic activity. Ironically (from a Jevonian perspective), to the extent that Bentham is cited here it is often favorably (e.g., Layard 2005). The discovery of the hedonic treadmill is connected to what is called the

“income paradox,” first described by Richard Easterlin in 1974: Despite the tremendous post-war increase in wealth in advanced western countries, people’s responses to questionnaires about their level of happiness indicated that they weren’t much happier (Easterlin 1974). After another thirty years (and thirty years’ more data) the result is the same: “happiness [in the United States] has not increased since 1950 . . . although living standards have more than doubled” (Layard 2005: 29). However, the level of income in a relative sense *does* have a direct relationship to the level of happiness, both within a country and between countries. The results get muddled again, however, when we see that some countries with relatively low income levels are unexpectedly high in self-reported happiness, and some countries high on the income scale are lower on the happiness scale than one would expect (Layard 2005: 30–2; Leonhardt 2008).

Some of the problems may arise from the subjective method of measurement, as what people understand as happiness likely changes depending on their income—with higher income comes higher expectations, and what really matters is not the pleasures or pains actually experienced but the degree to which one’s expectations are met. But this just goes to underscore that the assumption that greater economic activity reflects a higher level of happiness is false. Indeed, the research finds that once a level has been reached where the basic necessities are taken care of, increased income has little effect on the level of happiness.⁵² This would not “come as a surprise to most thinking people. Indeed, Aristotle

⁵² As of the late 1990s, it was found that “When the \$20,000 point is passed, the regression line is almost flat, which suggest[s] that the law of diminishing returns applies” (Veenhoven 1997: 12).

acknowledged that acquiring anything more than moderate wealth will not result in greater happiness or fulfillment in life But, for neo-classical economic theory, these research findings present a ‘paradox’” (Duncan 2007: 91).

All this raises an immediate question: Is the “happiness” referred to in these recent works the same as Bentham’s? Yes and no. Bentham might be expected to object to seeing subjective well-being (SWB) referred to as “another term for happiness” (e.g., Frey and Stutzer 2002: 3; McGillivray 2007b: 10), and to the way Kahneman asserts that happiness and well-being can be “used interchangeably” (Kahneman 1999: 5).⁵³ Subjective well-being, defined as “people’s multidimensional evaluation of their lives, including cognitive judgements of life satisfaction and affective evaluations of emotions and moods” is said to be “the most thriving area of well-being research” (McGillivray 2007b: 10). As noted above, this conception of happiness is never applied simply to a particular experience; rather, it refers to life-evaluation. Ruut Veenhoven, who maintains the World Happiness Database, says that what is “commonly referred to [as] ‘happiness’” is the “subjective appreciation of life” (Veenhoven 2007: 218). Although he recognizes that the term is commonly used “for evanescent feelings as well as for stable appreciation of life,” in happiness research it refers to “the degree to which a person evaluates the overall quality of his present life-as-a-whole positively” (Veenhoven 1997: 4-5, page numbers refer to English translation).

⁵³ Even though Kahneman refers to his theory as “objective happiness,” because it is still rooted in the individual’s own evaluation of their experience it retains its basis in subjective measures. The difference is that Kahneman will reject a subject’s *overall* assessment if an outside observer would arrive at a different overall judgment. However, the basis for the outside observer’s judgment is the subject’s assessment of particular experiences.

However, because it is fundamentally hedonistic and individualistic to the extent that it is primarily concerned with individuals' self-assessment of their life, the SWB approach retains its association with Bentham.⁵⁴ The fact that this approach is concerned with life "satisfaction" points to its hedonistic nature: it is an assessment that offers a characterization of an individual's experiences. This is the case even where social factors are identified as affecting that assessment. For example, Frey and Stutzer identify five factors that are determinative of happiness, which incorporate personality, demography, economic condition, what they call "contextual and situational factors" such as "employment and working conditions" and stress levels, and factors associated with institutions such as political and civil rights (Frey and Stutzer 2002: 10-11). The point of including these, however, does not reflect a concern with the social conditions of the life as lived, but to recognize that they are factors that affect an individuals' own assessment of their condition. For example, a demographic factor such as age is social to the degree that attitudes toward aging, as well as the presence of social support for elders, vary greatly in different cultures.

In many ways, the SWB approach reflects a way of addressing the disassociation of Bentham's hedonism from his eudaemonism. As was suggested for Bentham above, the subjective approach can be understood as a hedonistic eudaemonism, although somewhat

⁵⁴ One writer offers "Some Advice from Jeremy Bentham" for research on well-being that mostly emphasizes points that would be associated with the objective well-being approach, such as the creation of lists of factors that contribute to well- or ill-being and a consideration of certain social factors (Collard 2006). This just underscores the importance of the eudaemonistic elements of Bentham's work.

differently from the way in which this label was applied to Bentham. Nonetheless, the shift away assumptions about the immediate connection between consumption and happiness has enabled economists to identify specific problems with the purely hedonistic assumptions of neoclassical economics. The economic (or economicistic) accounts remain hedonistic in the sense that the question of happiness is a subjective matter that corresponds to individuals' experience of pleasure and pain. In that sense, this recent work manages to restore some of the eudaemonism that had been stripped from Bentham's theory, making room for the consideration of social conditions and interactions among members of a community, while retaining the individualism common to Jevons and Bentham.

Chapter Four

Happiness and Utility

Utilitarian thought has developed in the more than 175 years since Bentham's death apparently having given little thought to just what is meant by "happiness." The past two chapters have demonstrated, however, that there are different ways of understanding what is arguably utilitarianism's central concept. This chapter shows how those differences become manifested within the context of Bentham's and Thompson's respective theories of utility. The next chapter considers its significance within the context of their political theory.

Although both Bentham and Thompson conceive of utilitarianism as a social philosophy, the individualism inherent in Bentham's hedonism produces a theory of utility that is ultimately individualistic. While this is tempered by his recognition that individuals act from within a social context, he remains unable or unwilling to consider the interrelations of individuals within social institutions. In Thompson's case, the social character of his eudaemonism is what comes to the fore. While he does not lose sight of individuals, his theory of utility recognizes them immediately as social beings engaged in social relationships, acting within social institutions.

One of the most significant elements of their theories has to do with the principles that are subsidiary to utility, which may be understood as intermediary principles for the operationalization of the principle of utility. There are significant differences, both in terms of their content and in the principles' relation to one another. Bentham's subsidiary principles—security, subsistence, abundance and equality—can be understood as a lexicographical ordering such that one follows the other, determining relative importance. Thompson, on the other hand, offers a different set that includes security and equality, taking subsistence and abundance as assumed, and adds voluntarism, united effort/common property⁵⁵ and democracy. The most important difference has to do with the relative positions of security and equality. Bentham, who considers equality to be one of the “ornaments of life” (Bentham 1931: 98), sets these at odds, creating a tension that Thompson then resolves. The key for Thompson is to structure social institutions in such a way as to remove those elements that give rise to inequality and coercion—competition and private property—and replace them with institutions based on cooperative effort and the communal ownership of property within a democratic system.

The main focus of this chapter is Thompson's theory of utility and the political economics and social theory that arise out of it. However, because Thompson himself never directly presents a theory of utility, or certainly not in the way Bentham does, drawing its outlines requires a careful consideration of his economic and social theory. As was evident

⁵⁵ United effort and common property are presented as a single principle because they are, for Thompson, inseparable, as will be evident from the discussion below.

in the discussion of happiness, although their ideas are very different, Thompson draws on Bentham's logic and his terminology. The same is true of utility. So, in a sense, in order to understand Thompson it is necessary to go through Bentham.

1. Bentham: Limiting the Pursuit of Pleasure

At the beginning of Chapter Two I noted the importance of recognizing the distinction between happiness and utility. Happiness is something individuals may experience; utility, at its most basic, is simply a property of objects, but it is also a principle that forms the basis for moral and political judgment. The difference between happiness and utility is important to this chapter, as well. As I explain below, the concept of utility, and its principle, operate at two different levels, micro and macro, and take on different characteristics at those different levels. Our primary interest will be in the principle of utility at the macro level.⁵⁶

a. Utility and the principle of utility

What is utility? Here is Bentham's most direct definition:

By utility is meant that property in any object whereby it tends to produce benefit, advantage, pleasure, good, or happiness . . . or . . . 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" (Bentham 1996: 12).

In this passage, Bentham identifies two separate levels of utility—one in the aggregate,

⁵⁶ There is some debate in the contemporary literature over whether Bentham should be considered an act-utilitarian or a rule-utilitarian (e.g., Postema 1986: 147–90; Kelly 1990: Ch 2). This debate will not be engaged in here and, in fact, it seems anachronistic, since the categories did not exist in Bentham's time.

which is the concern of the legislator, and one at the level of the individual, where considerations of utility are directly manifested. We might refer to the former as utility operating at the “macro” level and the latter as “micro” utility.

Bentham’s definition is at once both personal and political. His first move is to refer to the basis for all human action as arising out of our desire to experience pleasure and avoid pain. Specifically, he refers to pleasure and pain as man’s “two sovereign masters” (Bentham 1996: 11). Pleasure and pain are clearly personal, but this is a political claim in the sense that, as far as Bentham sees it, pleasure and pain constitute the *only* rule people will follow. If state authority wishes to affect the actions of the people, it can only do so by affecting people’s experience or (what may be more important) expectations of pleasure and pain.⁵⁷ Thus, the individualism we saw in Chapter Two as a fundamental element of Bentham’s hedonistic philosophy takes a central position in his political theory.

Notice that utility here is merely a way of describing a “property” of “any object.” Bentham then defines the *principle* of utility as the feeling of approval or disapproval that we have for anything depending on its tendency to produce or inhibit pleasure or pain for the person making the judgment (who may be the actor, the recipient or an observer of an action) (Bentham 1996: 11–12).⁵⁸ It is at this point that utility becomes the foundation for

⁵⁷ Kelly claims that “The principle of utility as a practical principle is not concerned with the balance of pleasure over pain. Instead, it requires individuals to act in accordance with rights and legal norms which direct action toward the end of the maximum of social well-being” (Kelly 1990: 68). But, within a Benthamite framework, what is “social well-being” without a consideration of the balance of pleasure over pain?

⁵⁸ Bentham blurs the distinction when he makes reference to the “principle of utility, or, for shortness sake, to utility” (Bentham 1996: 12).

morality, as by “principle” Bentham means, essentially, a starting point for a system of law and morality (Bentham 1996: 11–12 n. b); more specifically, it is “a sentiment of approbation . . . 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” (Bentham 1996: 12 n. b).

What isn’t clear, however, is how we get from what must be an individual “sentiment of approbation” to the central tenet of Bentham’s political system, the idea that “*it is the greatest happiness of the greatest number that is the measure of right and wrong*” (Bentham 1988: 3). Although the principle of utility is often understood as the desire to maximize happiness, Bentham is referring here to a kind of judgment, one which approves or disapproves of actions on the basis of whether they contribute to the happiness of “the party” being considered. Again, the micro/macro distinction is useful: If the party here is an individual, then we can see the principle operating at the micro level. If, however, the party is a community or society, then it is functioning at the macro level. The distinction is valuable if we recognize that the principle functions somewhat differently at the two levels. At the micro level it is something that we as individuals engage in all the time with respect to ourselves and others around us: we approve of actions that contribute to happiness and disapprove of those that do not. But it isn’t immediately clear how this works at the macro level. How is the judgment made, and to what does it apply?

There are, I think, two answers to this question. On the one hand, it can be seen as the micro principle writ large, in terms of considering the broader impacts of specific

actions. How do specific actions affect members of the community or the broader society? Do they make for a better society (higher level of well-being, with greater opportunities for happiness), or not? The alternative perspective requires that we recognize that Bentham was writing not as a moral philosopher as we understand the term today, but as a legal philosopher concerned with the moral implications of government and law. Here, the principle acts less as an ethical judgment of individuals' actions than as a political judgment about the nature of the institutional conditions within which action occurs.

As Bentham sees it, social relations are structured through law, which sets the boundaries within which social institutions operate. The sense of approbation or disapprobation cannot be determined by law (he did not assume that legislators could tell people how or what to think), but can be influenced by the presence or absence and degree of punishment for acts understood by legislators as detrimental to the general happiness: Where the state has criminalized or designated punishment for some act, it is a clear signal of disapprobation; likewise, if it subsidizes or protects particular acts, then this is a signal of approbation. As a political principle, utility is the end of government in the sense that government sets the parameters within which individuals may pursue the maximization of their happiness; if all are able to maximize their happiness without causing harm to others, the result will be the greatest happiness of the greatest number (although, as was discussed in Chapter Two, happiness itself may still be a fairly rare condition).⁵⁹

⁵⁹ Note that none of these articulations of the principle of utility look much like the version most often attributed to Bentham, of the aggregation of preferences across a population.

b. *Principles subsidiary to utility: The opposition of security and equality*

In and of itself, the principle of utility provides little guidance for legislators in the development of a legal system. It is in this context that Bentham offers the four principles “subsidiary to utility” discussed above in Chapter Two: subsistence, abundance, security and equality. Although Bentham separates them into two sets, one essential and the other ornamental, they can, in fact, be understood as an ordered set, with security and subsistence more or less co-equal at the head, followed by abundance and equality.⁶⁰ As was seen in Chapter Two, Bentham argues that while subsistence may seem to take precedence over security, as a matter of law and social policy, security is the preeminent concern: Given security, people will take care of their subsistence themselves.⁶¹ But, beyond this, self-interest would lead us to seek our own pleasure and want to ensure our own condition—as much pleasure with as little pain as possible—before that of others around us. Only once we have reached the level of abundance can the pleasures associated with sympathy and benevolence bring us to share some of what we have in order to limit the

⁶⁰ In his own writing, Bentham ordered them in different ways at different times. For example, in the *Theory of Legislation*, they are ordered subsistence, abundance, equality, security (Bentham 1931: 96). In the *Institute of Political Economy* they are listed as I have them here: subsistence, security, abundance, and equality, explicitly identifying subsistence as primary but not indicating any further order (Bentham 1952d: 307). In a late manuscript, Bentham placed subsistence, abundance and equality *under* (or *within*) security, as “Maximizing universal security” involves “securing . . . subsistence . . . , maximizing . . . abundance [and] securing . . . equality” (Kelly 1990: 106).

⁶¹ From one perspective, then, security is subordinate to subsistence because security’s object is subsistence. Looked at another way, however, subsistence follows from security, making security the most important. It is important to remember, however, that neither is the final end, as all are subordinate to the principle of utility.

pains that may be associated with inequality.⁶² But Bentham is very clear that to seek equality before the other conditions are met would consign society to “an equality of misery” (Bentham 1931: 109) because, in his view, to do so would undermine security, which would undermine subsistence, which would undermine abundance.

With the exception of equality, one feature of these subsidiary principles is that they may operate at both the individual and social levels. To start with, subsistence and abundance are most obviously concerned with individuals; as they may be applied to a society they can only have meaning in the aggregate in a way that largely leaves out distributional questions, which thereby limits their value as social concepts.⁶³ As discussed in Chapter Two, security can have social implications, although not necessarily: the vicissitudes of fate, for example, may be as much natural in origin as relative to the actions of other people. After all, Robinson Crusoe went to great lengths to secure himself against the forces of nature even before he was aware that other people occasionally visited his island. But even if we consider it as a social concept whereby it describes the nature of the relationship of individuals to society, where liberty is understood as a branch of security, then security can be understood as a protection of individuals *against* the social, or the inscription of a private sphere that stands opposed to or separate from the realm of the

⁶² Certainly, elements of self-interest that are other-regarding, such as reputation, might lead some to this point sooner than others. It is also the case that social policy could encourage such other-regarding behavior (such as tax breaks for charity contributions). But to say this does not affect the main point, which is that it is not until people reach the stage of abundance (however they might define that for themselves) that they will be concerned for equality, or rather, for the problems of inequality.

⁶³ In his *Institute of Political Economy* Bentham considers subsistence as it applies to the population of a whole, and abundance as abundance of population as well as of goods (Bentham 1952d).

social. Equality, however, *only* has meaning within the context of social relations. This reveals another element of the opposition of security and equality, as equality may represent an invasion of the social realm into the private sphere.

Bentham, it should be noted, was not unconcerned about inequality.⁶⁴ Stark argues that “the great idea of human equality . . . though unexpressed, underlies all Bentham’s philosophy” (Stark 1941: 69). Rosen argues that, “the greatest happiness principle meant an ‘equal quantity of happiness’ for every member of the community in question. . . . a substantive goal which aimed at an equality of condition” (Rosen 1996: xxxvii). Bentham articulated a theory of marginal utility precisely to reflect and to justify equality, which rests on the assumption that each person has equal “sensibility . . . to suffering,” so “the part which their happiness constitutes of the universal happiness” is equal, as is “their right to have as much regard shown to their happiness as to that of . . . other persons” (Bentham 1843h: 610).⁶⁵ The theory of marginal utility goes like this:

“(1) Each portion of wealth has a corresponding portion of happiness.

(2) Of two individuals with unequal fortunes, he who has the most wealth has the most happiness.

⁶⁴ Kelly provides a vigorous defense of Bentham on the question of distributive justice, and he is often cited as an authority on the question. However, in my reading I found numerous methodological and interpretive problems that limit the work’s value as a source. For example, Kelly quotes a long passage from Bentham as arguing for the redistribution of wealth (1990: 182), but, if one examines the original source, it is evident that Bentham is actually presenting an argument that he rejects (Bentham 1843f: 230). A larger problem is that Kelly equates distributive justice with equality, but the two are, in fact, quite different. All that said, there are elements of Kelly’s work that are useful, so although his conclusions may be called into question elements of his exposition and analysis are still valuable.

⁶⁵ With this Bentham seems to come closest to the phrase often attributed to him, “Each to count for one, and none to count for more than one.”

(3) The excess in happiness of the richer will not be so great as the excess of his wealth.

(4) For the same reasons, the greater the disproportion is between the two masses of wealth, the less it is probable that there exists a disproportion equally great between the corresponding masses of happiness.

(5) *The nearer the actual proportion approaches to equality, the greater will be the total mass of happiness. . . .*

Fortunes being unequal, the loss of happiness produced by a given loss of wealth will become less in proportion as the distribution of the loss shall tend towards the production of an exact equality” (Bentham 1931: 103–4).⁶⁶

From this, it can clearly be argued, as Kelly does, that Bentham’s principle of utility, while not in itself a principle of distributive justice, “has distributive implications” (Kelly 1990: 75). The question remains as to how far Bentham takes these implications.

While Bentham may have believed that the greatest happiness of the greatest number ideally meant an equal quantity of happiness for everyone, it seems that he considered the possibility to be extremely remote, so much so that it should take a back seat to all other concerns. More specifically, he argued, security trumps equality: “When security and equality are in conflict, it will not do to hesitate a moment. Equality must yield. The first is the foundation of life . . . Equality produces only a certain portion of good.” Security is the source of stability, while equality “will never be perfect; it may exist a day; but the revolutions of the morrow will overturn it. The establishment of perfect equality is a chimera; all we can do is to diminish inequality.” It is here, in fact, that his

⁶⁶ Emphasis in the original. See also (Stark 1941: 73–4).

commitment to liberal principles stands out most clearly, and his antipathy toward proposals for what might today be thought of as communitarian redistributive principles. “[I]f property should be overturned with the direct intention of establishing an equality of possessions,” he warns, “the evil would be irreparable. No more security, no more industry, no more abundance! Society would return to the savage state whence it emerged” (Bentham 1931: 120). Equality is not absent, and Bentham insisted strongly on the sort of formal or legal equality that is one of the foundation stones of liberalism. His theory may even have been, as Postema puts it, “equality-sensitive” (Postema 1998). But his commitment to equality rested on the faith that, should a legislature enact a system of laws completely conformable to the principle of utility, this would tend toward equality of outcome. “*Security*,” Bentham argues, “leads indirectly to *Equality*” (Bentham 1931: 123). But the goal of equality, while not unimportant, should not be a principal guide in policy-making.

Macpherson argues that Bentham’s theory contains an implicit assumption of the conditions of liberal capitalism (Macpherson 1977: 33), and we can recognize that security in Bentham’s thought could be interpreted as bourgeois in its perspective—after all, investors, more than producers, may be expected to think about security in terms of expectations.⁶⁷ While Bentham does argue that the demands of subsistence require that “the laws [protect] men while they labour, . . . making them sure of the fruits of their labour”

⁶⁷ Which is not to say that producers don’t have expectations: expectations of a paycheck, or (if an independent producer) that their goods will sell. But “security” doesn’t seem to fit as well here.

(Bentham 1931: 100), this does not mean that he thinks, as Thompson did, that producers should receive the full produce of their labor. In fact, there is no reason to believe that this means anything more than that laborers be compensated for their labor; Bentham certainly had no philosophical problem with people working for wages (not, of course, that he ever did so himself). But he opposed the setting of any kind of minimum wage in favor of market forces: “A regulation fixing the rate of daily wages or their minimum is a regulation of a prohibitive kind which excludes from the market . . . all those the value of whose labour is not equivalent to that rate” (Bentham 1952b: 539). His concern has been echoed by capitalists ever since: that a fixed minimum wage will mean reduced levels of employment. That the value of labor is set by those who pay for it, not by those who perform it, and that those in the latter group but not the former need it to provide for their sustenance, doesn’t seem to be a concern. Bentham doesn’t seem to realize that, in a competitive labor market, the argument also means that wages will be set at the level of the person willing to work for the least amount of pay, and that the result of this would be antithetical to the object of equality.

c. Utility and private property

In Chapter Two it was argued that Bentham considered wealth, specifically in the form of property, to be the primary object of security, and in a Lockean tone that the principal function of government is the protection of property. Here the argument will be carried forward to consider its implications with regard to the principle of utility. Now we must take seriously Kelly’s argument that Bentham presents a theory of distributive justice,

which he ties closely to Bentham's conception of private property and which has clear implications for the principle of utility in the macro sense.

Both Locke and Hume argue that justice is principally a matter of property. As Locke puts it, "*Where there is no Property, there is no Injustice*" (Hume 1975: 192–204; Locke 1975: 549; see also Kelly 1990: 80–1). Abstract notions of justice are not meaningful to Bentham, who has no patience for what he considers meaningless ideas with no positive basis. What matters to Bentham are pleasure and pain, and justice or injustice is a matter of whether or not expectations regarding these are fulfilled. If someone experiences pain—for example, through engaging in some sort of labor—with the expectation of some pleasure to follow from it, the denial of that pleasure is an injustice. If a man is wealthy and his children have grown up with the expectation that upon his expiration they will be able to inherit and enjoy that wealth, then to deny them that pleasure is also an injustice. Really, if anyone has any property that they have acquired by legal means—even slaves (Bentham 1931: 206–7)—then it is an injustice to take any portion of it that they may have expected to be able to enjoy (so, for example, a tax is fine so long as it is a part of their expectation). Bentham argues that the principle of security, or the "disappointment-prevention principle," provides "for the first time, a clear idea to the denominations *justice* and *principle*, say rather *principle of justice*" (Bentham 1993: 342).⁶⁸ From a Benthamite perspective, then, this is the basis for property and the underlying reality of the connection

⁶⁸ This should not be interpreted as Bentham arguing that property is the *only* subject pertaining to justice. In fact, he criticized Locke for making such a claim (Bentham 1983a: 315).

between property and justice. It is also the connection between security and justice, as what must be secured is that expectation.

Kelly claims that Bentham “was concerned to emphasize that property was a fictitious term which only derived a determinate sense from a particular theory” (Kelly 1990: 155), although if he was so concerned there isn’t much evidence of it, as Kelly provides no citation and I have not found any discussion by Bentham on this point.⁶⁹ But while property could be considered a fiction associated with security, it is most clearly a construct of the law and the mechanism through which the law is able to effect the security of wealth.⁷⁰

Understood as the principal material subject of security, property can be recognized as holding a central position in Bentham’s theory. As was discussed in Chapter Two, property is the positive aspect of security in that it enables productive activity by establishing the expectation that future benefits will be enjoyed from present action. Also, unlike security in its most basic sense, property is necessarily a social concept, as it provides a regime of rights and duties to regulate social interactions with regard to the material world. When we act in society we act in a world defined by property rights which

⁶⁹ In arguing that utilitarianism is not particularly interested in the concept of ownership as such, Ryan notes that Bentham has no extended discussion of the concept outside of the *Theory of Legislation* (and the *Principles of the Civil Code*, which are derived from it), and that “Bentham is curiously reluctant to go far into the definition of property” (Ryan 1984: 95–6). This is not to say that Bentham ignores the subject, as it comes up not infrequently, but the general absence of a sustained discussion is somewhat odd considering what, from my perspective, seems to be a rather important subject.

⁷⁰ It should be kept in mind that, as was noted in Chapter Two, the notion of property for Bentham extends beyond the possession of material wealth.

“provide the material conditions of free purposive action” (Kelly 1990: 159). The connection between property and the greatest happiness, then, seems clear.

Bentham acknowledges Beccaria’s concern that, because of the ways in which it has been abused, “The right of property . . . is a terrible right, which perhaps is not necessary,”⁷¹ but Bentham defends property, saying that, “the right itself presents only ideas of pleasure, abundance, and security. It is that right which has vanquished the natural aversion to labour; . . . given man the empire of the earth; . . . brought to an end the migratory life of nations; . . . produced the love of country and a regard for posterity.” The problem is not with the right of property itself, but with man’s “desire to enjoy speedily . . . without labour. It is that desire which is terrible; since it arms all who have not against all who have” (Bentham 1931: 114, italics removed). The issue raised here is not a concern with the presence of inequality, but with its effect. He is not concerned that idle landowners may take advantage of their wealth and status to engage in perfectly legal activity so as to perpetuate and even improve their status, gaining wealth at the expense of those worse off. Rather, the concern he expresses is much like Smith’s, that “the affluence of the rich excites the indignation of the poor, who are often both driven by want, and prompted by envy, to invade his possessions” (Smith 1976: II. 232). It seems that, given

⁷¹ The quotation given here is from Bentham’s text (written in English, translated into French, and then translated back into English again), which, according to Aaron Thomas, editor and translator of the most recent English edition of Beccaria’s work, may have come from an English translation based on a bastardized French edition (2010: personal correspondence). Beccaria raises his concern in a section entitled *Theft*, in which he discusses punishments for theft committed “without the use of violence,” noting that it is “a crime of that unhappy segment of men for whom the right of property (a terrible and perhaps unnecessary right) has left them nothing but a bare existence” (Beccaria 2008: 43).

a choice between an “equality of misery” and a condition in which most may be miserable but at least some few are not, Bentham would choose the latter.

This reveals a deep tension in Bentham’s theory between property and the greatest happiness that derives from the conflict between security and equality. The greatest happiness requires the greatest possible level of equality, but it also requires the kind of security of expectation that comes about through property. The distribution of property, however, is unequal, and it would be a grave violation of security to attempt a transfer of wealth in order to bring about greater equality (Bentham 1931: 119). The trick, then, is to implement measures that will promote a more-equal distribution of property while respecting the demands of security. This is a difficult task. Kelly suggests that, in all his work, Bentham is only able to identify three methods of addressing this problem: Limited taxes, as long as they are not excessive and not imposed without due notice (so that individuals may engage in activity with the full awareness of them); the “sacrifice of security to security,” where legislators may engage in some redistribution in order to avoid civil unrest, although this must be used with great caution and only in extreme circumstances; and by changing the laws of inheritance, eliminating primogeniture, allowing women to inherit (and retain) property on an equal basis with men, and allowing that the property of people who die intestate and without a clear successor would revert to the state for the purpose of redistribution. Of these, the last was to be preferred (Kelly 1990: 185–99).

In a curious way, with an understanding of Bentham’s ideas about property as

security of expectation, his rejection of the redistribution of wealth and his defense of opulence (Bentham 1931: 118), his theory of the diminishing marginal utility may be interpreted not as an argument for equality but as an argument for the perpetuation of *inequality*. After all, since a person of great means does not derive as much pleasure from the same portion of wealth as does a poorer person, the one who is wealthier requires more wealth just in order to maintain their status and their expectations for the pleasure to be derived from their wealth. Kelly argues that, “The pattern of rights which embodies equal spheres of personal inviolability is that which maximizes social well-being,” and that Bentham’s articulation of “rights to protect the person, condition in life, and reputation . . . are equally necessary for all individuals to form and realize their own interests and projects” (Kelly 1990: 166). This may be true, but what is required to maintain the condition of life and reputation for someone of great wealth is clearly much greater than what is required for someone who is impoverished. The direction the argument points to is that because a poor person expects less, they should have less. The poor person requires less for their pleasure—indeed, to give them more might cause various pains from overindulgence (since they are not used to such quantities!), or because it might give them unreasonable expectations, or because they may no longer be satisfied by what they had before. So the idea of distributive justice one finds in Bentham may have little to do with substantive notions of equality, rather, that Bentham considered the existing distribution of wealth to be just.

d. Self-interest and social interest

That Bentham considered self-interest the only “rational” basis for human action should not be construed as an endorsement or even a sanctioning of self-interested behavior. Rather, Bentham saw self-interest as a *problem* that must be overcome by legislation and other formal social institutions (such as education and the penal system). If the simple notion of utility in a thing is the tendency to produce happiness or reduce pain, and the principle of utility is the greatest happiness of the greatest number, the tendency of individuals to seek their own benefit, even at the expense of others, is likely to be the greatest barrier to the happiness of the greatest number. The proper role of government, then, is to utilize legislation to affect individual calculations of self-interest.

Engelmann puts it well when he writes with regard to Bentham’s conception of government (referring to it as “economic government”) that “the devices of sovereignty are adjustable tools that must enable, without themselves interfering with, the security of expectations and the maximization of interest” (Engelmann 2003a: 8). The engine of progress is self-interest, and it is the function of government to contain and direct it so as to achieve the greatest happiness of the greatest number. Bentham does not expect that people will take the social interest into account in their everyday activities, nor does he think they should have to: that is the role of government. It might be said that Bentham seeks to align self-interest with social interest through the coercive mechanism of the law, but it would be better characterized as a kind of sleight of hand (not to be confused with the “invisible hand”), getting people to act or restrain themselves in a socially positive

manner without their even realizing it.⁷²

The alignment of self-interest and social interest is one crucial element of the differences between Bentham and Thompson. Rather than Bentham's sleight of hand, Thompson addresses the issue head-on. As with happiness, however, while many contrasts can be drawn between Bentham's and Thompson's utilitarianism, there are a number of similarities, as well.

2. William Thompson: Security, Equality and the Political Economy of Happiness

"Utility, calculating all effects, good and evil, immediate and remote, or the pursuit of the greatest possible sum of human happiness, is the leading principle constantly kept in view, and to which all others are but subsidiary, in this inquiry." So begins Thompson's *Inquiry*. He leaves no doubt as to the source of his statement, as he adds, "In Bentham's 'Introduction to the Principles of Morals and Legislation,' and the first chapters of the celebrated 'Traité de Legislation,' this principle, recognized by Helvetius, Priestley, Paley and others, is developed and established for ever, to the exclusion of all other pretended tests of morals" (Thompson 1968: 1). However, given the significant difference between Thompson and Bentham in the way they think about happiness, we have good reason to wonder whether Thompson's idea of "the greatest possible sum of human happiness" means something different from Bentham's "greatest happiness of the greatest number." While the "utilitarian" label would be difficult to avoid for Thompson, it will be clear from

⁷² Englemann offers an excellent discussion of this in his essay on Bentham's "Indirect Legislation" (Engelmann 2003b).

what follows that his theory is based on a set of principles that, while they intersect with Bentham's at various points, also diverge widely.

The difference between Thompson and Bentham can be seen most clearly in the principles they consider subsidiary to utility. He argues, *contra* Bentham, that security and equality are not only not opposed to one another, but in fact are interrelated. Security and equality are on an equal par with one another, each implicated in the other. Further, there is no need to specifically include subsistence and abundance because, with the reconciliation of security and equality, these follow as consequences, not as separate principles. The voluntarism discussed in Chapter Three constitutes a third principle making up the essential core of the subsidiary principles. This is not, however, sufficient, as a further set of principles, democracy and united effort/common property, are required to put the others into practice.

These subsidiary principles—security, equality, and voluntarism at the top level, with democracy and united effort/common property as their necessary condition—are also different from Bentham's in that, with the exception of security, they are necessarily social in character in a way that Bentham's aren't. Security and equality were discussed earlier; voluntarism is clearly social in that it refers to the absence of coercion, which has no real meaning for an isolated individual. Democracy and united effort/common property are also obviously and inherently social—like voluntarism, neither can have any meaning outside of a social context.

Unlike Bentham, Thompson is not satisfied to assert that equality is an important

goal, subordinate to other, more important concerns, and he does not start from an assumption that the existing organization of society is just. It should be no great surprise that someone who holds that happiness is a social condition, and that people's character is a product of their circumstances, would be critical of a "system of individual competition" that turns all the members of a society against one another as potential rivals in the pursuit of accumulated wealth. As might be expected, then, Thompson is a forceful critic of capitalism, articulating one of the most substantial early attacks on virtually all aspects of the multi-headed Hydra of the hegemony of liberal capitalism, from the inequality of wealth, to slavery and racial domination, to the oppression of women by men—in short, all forms of subordination.

Thompson argues that the opposition of security and equality are a product of what he refers to as the "system of individual competition" (which we refer to as capitalism),⁷³ which is, in effect, a system of insecurity for workers. But systems of subordination and inequality don't only harm those on the losing end of a sort of Hobbesian war of each against all.⁷⁴ Not only do the poor suffer from destitution, from poverty in the midst of plenty, but the idle rich themselves suffer from various vices that result from their own

⁷³ Thompson does not use the term, "capitalism," which, according to the OED, did not enter the English language until the 1850s. "Capital," meaning the use of stored value in such a way as to produce more value, and "capitalist," an adjective that denoted someone who makes use capital, were already in fairly wide use in Thompson's time.

⁷⁴ Hobbes' view of competition seems strikingly similar to Thompson's, when he asserts that in consequence of competition "amongst men there ariseth on that ground, Envy and Hatred, and finally Warre," although it should be noted that in this passage he is referring to competition for "Honour and Dignity," not wealth (Hobbes 1968: 225–6).

condition. Moreover, to the degree that the development and dissemination of knowledge is advantageous for all members of society, Thompson argues that in the system of individual competition, those who have the advantage can limit the educational opportunities of the rest of society—the majority—and thereby limit the advancement of knowledge. Further, workers' lack of security acts as a limit to their productivity, meaning that less wealth is generated, making the society as a whole less wealthy—and, by extension, less happy.

Thompson's answer to all this is an endorsement of Robert Owen's proposal for cooperative communities in which all property is owned in common and the products of the collective labor are distributed equally, although he went well beyond Owen's proposals for relief for the lower classes. Thompson meant his communities to be open to members of all classes, and indeed he argued (as Owen himself later did) that the cooperative model, as a more rational system, would eventually predominate (or, as we might say now, achieve hegemony) over one based on competition. The removal of the desire for the private accumulation of wealth instantiated through the institution of private property, and the establishment of attitudes of cooperation instantiated through the institution of united effort/common property, would lead to the establishment of conditions of complete equality and security and, thereby, to the greatest happiness. In what follows I shall explore all these various pieces of Thompson's theory.

a. Reconciling security and equality

On the surface, Thompson's formulation of the principle of utility as the greatest

possible quantity of happiness might leave even more room for aggregative measures that mask substantial inequality, but Thompson is much more concerned with distributional questions than is Bentham. Indeed, the question of distribution is central to his work, as is reflected in the full title of the *Inquiry*, which is concerned with *the Principles for the Distribution of Wealth Most Conducive to Human Happiness*.

While Smith argues that inequality acts as a spur to production (Smith 2000: 259–263), Thompson argues to the contrary that the greatest production will take place when wealth is distributed equally. The greatest equality in the distribution of wealth will take place when the people who produce it are under no coercion to engage in either production or exchange—when, in his terms, workers enjoy complete security over the produce of their labor. In the capitalist system, however, because the minority controls the means of production, workers—the majority—have no control whatsoever over the produce of their labor, cannot set the conditions for their labor, and must be either coerced or fooled into working—sure signs that they are not happy with the arrangement. Their unhappiness not only reduces the overall level of happiness of the society, but the workers may be expected to be less productive, for “Who will be industrious, if what he earns by labor or voluntary exchange is arbitrarily taken from him and given to another . . . without his consent?” (Thompson 1997: 169). Inequality, then, affects happiness in three ways: a) by reducing the level of happiness of the majority, who b) must be coerced into laboring for the benefit of others, and who, as a result, c) are less productive and so produce less wealth. Equality, then, is fundamental, and no less important than security to the greatest

happiness.

The lack of security for producers and the subsequent reduction in productivity were not, he believed, the only ways the capitalist system undermined utility. Enormous disparity of wealth he saw as the source of all vice: “For what, in the ultimate resort, on almost every occasion, is the great contest between morality and immorality, between law and crime?—for what, but for the possession of the objects of wealth?” Besides the problem of crime on the part of those denied legitimate means for subsistence, it “engenders *positive vices*” on the part of the wealthy and concomitantly through “admiration and the imitation . . . diffuses the practice of those vices of the rich in the rest of the community” (Thompson 1968: 180).

The macro/micro distinction discussed above with relation to Bentham does not exist in Thompson’s theory: Because happiness is a social concept, he is only concerned with utility at the macro level. Utility, then, is necessarily a social concept. Where happiness is entirely an individual matter, distributional questions may be put in the background, especially in the absence of interpersonal comparison. But where happiness is social, distribution must be a central concern, and equality will become especially valuable. Since all have an equal capacity for happiness, all can be said to have an equal right to it (Thompson 1968: 21–4). Thompson says more generally that, “Whatever right, founded on its tendency to produce happiness . . . any one individual has . . . every other adult individual ought to have, for exactly the same reasons, the same right” (Thompson

1968: 535).⁷⁵ This reflects an understanding of the relationship between utility and rights such that rights derive from their utility, but the rights of one individual (or group) cannot be overridden by the interests of another, *given conditions of equality*, because both have an equal right to happiness.⁷⁶ In other words, by its very nature, utility requires equal rights.

Equality of rights—which Bentham endorses in concept, at least—does not imply equality of outcomes, but Thompson argues for this as well⁷⁷ through a version of the theory of marginal utility that conforms to Bentham’s but is more fully drawn out. In Thompson’s terms, the theory of marginal utility means that, in the acquisition of wealth, “every succeeding portion [of wealth] diminishes in effect” of contributing to the happiness of the possessor (Thompson 1968: 73–6). For example, an increase of a unit of wealth for someone with 1000 units, will not produce as much of an increase in happiness as for someone who has 10 or even 100 units. A consequence of this is that one who already has

⁷⁵ We should not read this reference to “rights” as an endorsement of the concept of natural rights; we may assume that Thompson rejects the idea on the same grounds as his mentor (Bentham’s famous statement that “Natural rights is simple nonsense: natural and imprescriptible rights, rhetorical nonsense, nonsense upon stilts” (Bentham 2002a: 330) is not all he says on the subject). But as this shows, Thompson did not reject the concept of rights; we may assume that he, like Bentham, saw rights as established and guaranteed by law (Bentham 1931: 82–7).

⁷⁶ It isn’t entirely clear that Thompson would agree completely with this characterization, as he does say at one point that, if the “interests of the few” are “incompatible with” the “interests of the many,” then “The less must yield to the greater” (Thompson 1968: 37). But this argument is used to support his assertion that the interests of the “productive classes” (i.e., workers), who form the majority, should come before the interests of the capitalist class—in other words, specifically in order to address conditions of inequality of wealth (as we will see, this puts him directly at odds with Bentham). Therefore, it is consistent to say that utility trumps rights in conditions of inequality. Indeed, it may be argued that the inequality arises from the denial of rights (specifically, rights to security and equality, as will be discussed below) to those who suffer under unequal conditions.

⁷⁷ Not absolute equality, however, as he allows for some inequality based on factors such as capacity or skill (Thompson 1968: 95).

much wealth requires a far greater absolute flow of wealth to secure the same amount of happiness than does someone who has much less wealth.⁷⁸ Thompson's version therefore is concerned with the flow of wealth in society, as compared to Bentham's, where—on the surface, at least—the focus is on the portion of happiness contained in the relative levels of wealth themselves and is in that sense static. Bentham's theory therefore fails to provide any insight into the dynamics of utility in an economic sense, whereas Thompson's theory of marginal utility tells us that inequality is not only self-perpetuating but continually expanding, particularly to the degree that those who enjoy greater wealth also enjoy greater political power, whether through legal exclusion or by practice (Thompson 1968: 210 ff).

Political and social power may be gained through the accumulation of wealth, which translates to various forms of coercion to sustain itself. No economic or social system can be said to conform to the principle of utility if the majority of its participants must be coerced or fooled into participating—a sure sign that the terms are unfavorable to them, or at least are perceived as such. Thus, the dictates of utility appear to require both equality and the removal of all forms of coercion. Thompson argues, effectively, that the latter will follow the former: equality can only be produced if labor and the exchange of its products are truly voluntary. Thus his first task in developing his political economy is to articulate the “natural laws of distribution,” which may be considered “natural” because no coercion,

⁷⁸ Although the inverse is also true, that someone with much wealth can give up a larger portion of that wealth without significant injury than can someone with less wealth.

whether direct or indirect, is required to support them (Thompson 1968: 178).⁷⁹

Capitalism is incompatible with these natural laws for several reasons. In capitalism, wealth becomes inseparable from its particular form as private property, and the private accumulation of property leads to coercive labor and exchange and the loss of equality, which, as we have seen, has numerous consequences for society and for individuals. That the owners of property retain security in the produce of their investments, while laborers lose security in the produce of their labor, reflects an inequality of security. Thus, capitalism is a system of security for the ownership class and a system of *insecurity* for the working class. For Thompson this inequality of security is fundamental, as it is the essential cause of all other forms of inequality.⁸⁰ Thus, inequality of outcomes can be said to derive from an inequality in the application of rights (specifically, the right to security).

Thompson argues that the conflict between equality and security is therefore either a creation of the capitalist system or a hold-over from feudalism. He argues that the

⁷⁹ In his *Elements of Political Economy*, James Mill argues that if the “natural laws of distribution were allowed to operate freely” it would produce circumstances such that “Society would . . . be seen in its happiest state” (Mill 1821b: 52). In citing this passage Thompson notes that these natural laws are “no where developed,” but that it is his intention to do so (Thompson 1968: x–xiv). He later comments more generally that “political economists have frequently used these words [“natural laws”] without any accurate definition” and goes on to note that “No natural laws of distribution . . . any where exist. [What these words] mean, or ought to mean [is] those general rules or first principles, on which all distribution of wealth ought to be founded, in order to produce the greatest aggregate mass of happiness” to society (Thompson 1968: 3). Reference here may be made to Bentham’s discussion of the difference between the role of the “expositor” and that of the “censor,” the first of which explains what is, and the latter “what he thinks . . . *ought to be*” (Bentham 1988: 7); the natural laws belonging to the latter category.

⁸⁰ Actually, he is not entirely consistent about this, as in the context of his feminist argument in the *Appeal* he argues that there are natural causes of inequality (the superior strength of men, for example), social causes (such as the denial of education), and political causes (the denial of political rights), without identifying any of these as primary (Thompson 1997).

“Industrious Classes” have been forced and defrauded into their position of subservience, first by the feudal aristocracy and then by the capitalists. He points out that,

“In the actual state of our social arrangements there are three modes of acquiring wealth [any item of value]: 1st, by production; 2nd, by voluntary and satisfactory exchanges; 3rd, by force or fraud, separate, or combined. . . . Forcible seizure, fraudulent or voluntary exchanges, have always been, and still are, the only efficient means of acquiring large masses of individual wealth” (Thompson 1996: 10–11).

People will only work for subsistence wages if they are forced or tricked into it, which reflects their lack of security. If the produce of their labor has been “abstracted” from them (to use Thompson’s term; it is essentially the same as what Marx calls the alienation of workers from the produce of their labor), then they are denied the ability to fulfill their needs through the produce of their labor—i.e., to enjoy the security of self-sufficiency. The second form of acquiring wealth is also denied them, for two reasons. First, they don’t have control over the produce of their labor, so they don’t have the goods they would need in order to engage in voluntary exchanges. Second, if the choice is between starvation and the terms offered by the capitalist, the worker can hardly be said to enter into a voluntary exchange of labor for wages—and if they do consider it a matter of free choice, then they have clearly been tricked into thinking that such an obviously unequal exchange is equitable. Therefore, in order for workers to have security, they must have full control over the produce of their labor, and the ability to engage in nothing but voluntary exchanges—and, because voluntary in a true sense, therefore equitable.

Without question Thompson believed that it was unjust to deny security to the

material producers of wealth, especially when those who enjoy that wealth, the capitalists, also enjoy a level of security that is denied to the workers. It was not, however, on the basis of the injustice that Thompson opposed this inequality of security, but rather its effects: poverty in the midst of plenty and the oppression of the majority by a distinct minority.

In his discussion of the relationship between workers and the owners of capital Thompson articulates a theory of surplus value that likely formed the basis for Marx's later development. Thompson does not, as Hodgskin did (Hodgskin 1996), deny any recompense to capital for raw materials and the machinery used for production. The question he asks is, "*how much* of the products of his labor ought to be subtracted for their [the capitalists'] use?" Thompson suggests two measures: "The measure of the laborer" is the equivalent of the original value of the capital, plus "such added compensation to the owner and superintendant of it as would support him in equal comfort with the more actively employed productive laborers." The "measure of the capitalist," however, "would be the additional value produced" by labor "in consequence of the use of the machinery or other capital"—a measure he refers to as "surplus capital" (Thompson 1968: 167).⁸¹

Thompson argues that the laborer's measure would lead to only modest accumulation of wealth: "Men would produce for the sake of the *absolute* comforts to be derived from wealth, not for the sake of mere *relative* comforts, of a comparison of their superiority with the wretchedness of their fellow-creatures." The capitalist's measure,

⁸¹ In a passing reference to his influence on Marx, Claeys says that Thompson was "evidently the first . . . to use the phrase 'surplus value'" (Claeys 1987: 91), although it is unclear what he is basing his claim on.

however, would lead to unbridled accumulation, as “the desire of accumulation supersedes with the capitalist even the love of enjoyment.” It is clear which side Thompson stands on, as he claims that, “A universal and always vigilant conspiracy of capitalists . . . cause the laborers to toil for the lowest possible, and to wrest as much as possible of the products of their labor to swell the accumulations and expenditure of capitalists” (Thompson 1968: 170–1). This conspiracy can only be maintained through force and fraud, and represents the complete denial of security to those who produce the wealth for others to enjoy.

The restoration of security to laborers has three parts: First, to ensure that laborers have secured to them the full produce of their labor. Second, to ensure that all exchanges are truly voluntary. Finally, all labor should likewise be voluntary—that is, not coerced, whether by lack of access to capital or by destitution. These three points Thompson calls “the *natural laws* of distribution [of wealth] . . . by which security, impartially applied to all, and not exclusively and hypocritically applied to a few, may become the firmest guarantee, instead of being the eternal opponent, of rational and healthful equality.” These laws “reconcile equality with security [and] reconcile *just distribution with continued production*” (Thompson 1968: xiv). Thompson claims that, “The literal and impartial execution of these laws of distribution, will produce . . . the greatest happiness to a community . . . and will ensure the greatest reproduction of wealth” (Thompson 1968: 178).

The premise underlying these laws—what makes them ‘natural’—is to replace “all regulations and interferences with labor and its products depending on force” with “knowledge and persuasion” based on “intelligible and simple first principles or rules of

action.” It is these principles—voluntary labor and exchange, and workers’ control over the fruits of their labor—that constitute “what is called *security* as to property,” and their observance would lead to “the utmost possible, nearly approaching to a perfect, equality of distribution of wealth, and thus to the greatest happiness derivable from it” (Thompson 1968: 178). Thus are the principles of equality and security reconciled.

Despite clear differences in their perspectives on security, we might note that both Bentham and Thompson consider it essential to production. But where Bentham’s focus is on investment—whether of time and energy or of money—Thompson is concerned with security of condition. Bentham does acknowledge the need for laborers to get something out of the application of their labor, but he shows little concern for anything approaching equity. Here Thompson differs strongly. People do not engage, he says, “in voluntary laborious exertion for the mere sake of the pleasure of the exertion, but for some advantage, some means of pleasure beyond, to be derived from it. The greater the advantage, the more productive the means of pleasure, the more likely is it that the exertion will ensue” (Thompson 1968: 38). Any taking of the produce of labor without the freely given consent of the laborer is a violation of security. Any such taking would induce apprehension on the part of the laborer, which would have a negative effect on their motivation to produce, resulting in lowered productivity and therefore less wealth produced and, ultimately, less happiness (Thompson 1968: 35–45). As opposed to investors, who are primarily concerned with the security of their investments (their expectations of returns), laborers, those who are engaged directly in production, can be expected to be more concerned with securing

the tangible material result of their labor and, thereby, of the material means of subsistence. Security for the laborer, then, has a lot more to do with the means by which they “secure” the means for their continued existence. As it turns out, however, equality and security are not sufficient on their own to ensure the greatest happiness.

b. The “system of individual competition”

Thompson is not satisfied with the articulation of the natural laws for the distribution of wealth. He considers and rejects the idea that these natural laws could be fully realized under a system of competition, even if it were “truly free.” Although Claeys asserts that Thompson “retained some elements of ambiguity” on this point (Claeys 1987: 91),⁸² Thompson seems quite clear in his major works that competition can never produce a benevolent society. For example: “Competition makes us regard from birth the interests of every one as opposed to and incompatible with the interest of every other person because it really puts all interest in opposition to each other. In every happy face, we now see a successful rival” (Thompson 1996: 65). This opposition is an unavoidable feature of a system that encourages the private accumulation of property:

“The object of all the exertions of individual competition as to wealth, is to acquire for immediate enjoyment or accumulation, individual property.

⁸² Claeys is correct that Thompson does identify positive effects from competition, although these are primarily economic in nature, while his opposition is entirely based on moral issues. However, Thompson clearly considers the advantages of competition to be outweighed by its evils. We might note that in arguing that capitalism is a stage in the historical development toward communism, Marx also praises certain aspects of the competitive system, in particular improvements in the standard of living and technological advancement (Marx and Engels 2002: 222–6; see Stedman Jones’ discussion Stedman Jones 2002: Ch. 12). It may be that I am reading Thompson’s works as more polemical than does Claeys. In my reading, Thompson presents the strongest argument for competition that he can, only to then demonstrate its failure and the superiority of the position he advocates.

Every individual, striving for *self* at the ultimate peril of want, destitution, and death, there is a constant motive operating to regard the interests of others as opposed to his own" (Thompson 1968: 370).

Competition is a problem not only because of the inequality of wealth it engenders, but because it depends on the establishment of social relations in which individuals see their interests as opposed to the interests of everyone else. As someone who believes that the character of individuals is shaped largely by the society in which they live, he sees that a competitive society would produce people bred for competition: "The very gathering together by every one of an individual heap of wealth, necessitates individual as opposed to general feelings, selfishness as opposed to benevolence" (Thompson 1968: 370). Even under the most favorable circumstances, competition would be problematic:

"[A]fter all that can be done under the best arranged system of perfect equal security, with the undeviating observance of the natural laws of distribution, there will still remain evils inherent in the very frame of society, arising out of that very healthful, active, competition of individual interests put into motion by security for individual well-being" (Thompson 1968: 392).

Competition also undermines utility by producing a kind of perverse justification for limiting educational opportunities. He argues, in effect, that knowledge itself becomes separated from labor in a kind of division of labor, ultimately becoming *opposed* to labor, as its antithesis rather than its aid, as it becomes a means by which those who have been successful can maintain their position for themselves and their progeny (Thompson 1968: 274). Thompson was an advocate of universal education, as all "sentient rational beings . . . should be educated for their own sakes [and] for *their own sakes alone*" (Thompson 1968:

337), but not in order to produce more efficient, more complaisant workers.⁸³ While he did believe that people should receive a practical education that would enable them to engage in productive activity, in his view intellectual activity constitutes a particular kind of pleasure in and of itself, within an “intellectual culture” that contributes to happiness by enabling individuals to engage in “interesting conversation” and exercise their “curiosity, judgment, anticipation” (Thompson 1997: 113). “The vacuum of an unemployed mind,” on the other hand, “is not simply the absence of happiness; it is a state of positive torment” (Thompson 1997: 113–4). But, in a society composed of institutional arrangements based on, and that perpetuate, inequality, education can not be expected to enliven the mind, at least not for the working class: “Under bad institutions, what is called the teaching of morality is nothing more than the inculcating *habits of submission to oppression*” (Thompson 1968: 313). The progress of human society requires the development and diffusion of knowledge; the competitive system was an impediment to it: “It is on the diffusion, by individual effort, of moral knowledge, that all hopes of human improvement and happiness must be founded. From existing institutions the most that can be expected, is a mitigated hostility” (Thompson 1968: 319).

c. *Critique of subordination*

⁸³ To put this in some context, in early nineteenth-century debates on education, supporters (who were generally in the minority) emphasized its importance in developing “habits of submission and respect for their superiors” and to “lay the foundation of obedience” which would “make them contented in the station which Providence has appointed to them” (quoted in Gregg 1982: 246–7). “A controlled education” was seen by reformers as “a safeguard against social disorder” in the face of widespread destitution even as late as 1834 (Gregg 1982: 247).

Thompson extends his arguments for equality and security to challenge all forms of subordination, or the personal subjection of one individual to the will of another. He refers to it as “one of the greatest sources of human helplessness and misery” (Thompson 1997: 127). Thompson clearly recognized that subordination takes on different forms within different social institutions, and he did not reduce, as Marx later did, all forms of subordination to different facets of economic subordination. He recognized that women’s struggle against subjugation by men was a different struggle from that of workers’ struggle against the forces of capital in that it required political equality that was being denied them on a basis different from that of workers, yet at the same time both were part of a broader fight for a social system based on the establishment of equal relationships. He also saw that the fight against slavery was a part of this same struggle. Ferguson, quite reasonably, asserts that Thompson’s arguments for sexual equality went beyond those of Wollstonecraft and other feminists of his time, including calling the subordination of women a form of slavery (Ferguson 1999).⁸⁴ His arguments against this form of slavery, as well as occasional references to the “disgusting” slave states of the American south, indicate the strength of his concerns regarding racially-based slavery. His radical (especially for his time) argument that equality should extend to all, without discrimination or relationships based on subordination, arises from his perspective on what it means to

⁸⁴ He was not, however, the first to do so, as over a hundred years earlier Mary Astell had asked, “*If all Men are born free, how is it that all Women are born slaves?*” (Astell 1996: 18). Ferguson is incorrect to suggest that Wollstonecraft did not also refer to women’s status in marriage as a form of slavery (Wollstonecraft 1995: 69), but it is true that Thompson’s arguments are broader and more forceful than Wollstonecraft’s.

pursue the greatest happiness of the greatest number: “The happiness of *every individual*, and of course of *all classes, of the human race*, ought to be promoted for the sake of such individual or individuals, and not in subserviency to the happiness of any other individuals or classes whatever. When every individual is made happy, the happiness of the whole is promoted” (Thompson 1997: 142).⁸⁵

Thompson’s arguments for equality and against subordination come out most clearly in his *Appeal of One Half of the Human Race, Women, Against the Pretensions of the Other Half, Men, To Retain them in Political, and thence in Civil and Domestic, Slavery; In Reply to a Paragraph of Mr. Mill’s Celebrated “Article on Government”* (Thompson 1997).⁸⁶ Mill’s article, which originally appeared in the 1820 edition of the *Encyclopedia Britannica*, proved to be quite popular and was extracted and distributed fairly widely. Much of the article is a discussion of various aspects of the “system of representation,” which he refers to as “the grand discovery of modern times” (Mill 1821a: 16). In a discussion of the appropriate extent of the franchise—he was an advocate of universal male suffrage—Mill explicitly asserts, “that all those individuals whose interests are indisputably included in those of other individuals, may be struck off without inconvenience.” Included in this group are children and “women . . . the interest of almost all of whom is involved either

⁸⁵ Emphasis added. When Thompson says that everyone should be “made” happy, he means that they should be able to make themselves happy, as he argues elsewhere that happiness is something that generally comes out of active engagement rather than passive acceptance.

⁸⁶ All of the citations to Thompson’s work in this section are to the *Appeal*, so, to avoid repetition, only page numbers will be given.

in that of their fathers or in that of their husbands” (Mill 1821a: 20–1). These claims are the focus of Thompson’s *Appeal*.

Thompson does not argue against the exclusion of children from political rights, but points out that the exclusion of women means the exclusion of “one-half of the human race” or any defined group thereof (e.g., a nation). If, on Thompson’s estimation, children make up about half the population (possibly true in his time, if not in ours), and women are half of the remaining adult population, then Mill is saying that, “one fourth of the human race . . . is the greatest number whose interests ought to be directly consulted in the making of laws” (62). If, as Mill asserts, a “grand governing law of human nature” is that all men “desire . . . that power which is necessary to render the persons and properties of human beings subservient to our pleasures” (Mill 1821a: 9), and that the interests of any aristocracy (rule by a group greater than one but less than a majority) will be to “take from the rest of the community as much as they please of the objects of desire” (Mill 1821a: 7), then, argues Thompson, Mill makes the implausible claim that the “ruling quarter is necessarily benevolent toward the three fourths,” while ignoring its own interests (62).

Mill argues that, if we assume self-interested individuals, then we may also assume that these individuals will, if given the chance, subjugate others to their will. As Thompson points out, if this is the case, then *any* relationship of subordination will follow the same logic: the interests of the persons subjugated will be subordinated to those who have control. In the case of a British woman in Thompson’s time (and until the late 19th century), who upon entering marriage was stripped of her rights as an individual under the laws of

coverture, her subordination to her husband's will was complete, at least by law. Thompson argues that, according to Mill's logic, the husband's relationship with his wife will be purely instrumental, and since he has complete control, her happiness will be subordinated to his.⁸⁷ The situation of one who works for wages is similar: the worker's interests are subordinated to the interests of the person for whom they work or who pays their wages. In other words, the worker is not working for their own happiness, but for the happiness of the employer; thus, the worker's own happiness can be said to be diminished in favor of the owner's. Women's subjugation to men means that the happiness of half the adult population is subjugated to the happiness of the other half; but of this other half, if we then add all the men who work for wages, clearly the vast majority of the (adult) population finds themselves in subordinate relationships of one sort or another.

In fact Thompson recognizes the connection between the subjugation of women and other forms of oppression: "The penalty of injustice to women is . . . the justification . . . of similar injustice from men to men" (68). Where one person or group both asserts and effects superiority over another group, who will be the ones to exercise judgment about the rightness of their actions? "Such are to be the judges in the last resort of the political rights of women—*men!*" (66). So it is with workers, colonial subjects, and slaves. Thompson draws an interesting parallel between women's condition and that of slaves and colonial

⁸⁷ Thompson never married (given his argument in the *Appeal* one can see why), and his view of the conditions of wives in Britain may have been strongly influenced by that of his close friend Anna Doyle Wheeler, whom he names as co-author of the ideas presented in the book. Wheeler's own marriage, at fifteen, to Francis Massy-Wheeler, ended after twelve stormy years with her "fleeing" to the home of her uncle (Dooley 1997: 6, 22).

subjects in his discussion of the marriage contract. He begins by noting that a contract is understood to be a voluntary agreement between the parties. He notes, “As little as slaves have had to do [with] the enacting of slave-codes, have women . . . had to do with . . . that most unequal and debasing code, absurdly called the *contract* of marriage.” Against the view that women freely enter into marriage, and therefore voluntarily accept the terms of the contract, he points, in a tone dripping with irony, to “happier times of East India monopoly” when, “under the shield of mercantile political power, the poor people were kindly told, ‘They were at liberty to buy or not to buy.’ But if they did not buy, the trifling inconvenience of the alternative was, that they must starve.” So it is with the marriage contract: “[T]he great majority of adult women must marry on whatever terms their masters have willed, or starve” (96–7).

That women might benefit in some superficial ways from marriage Thompson does not deny. He notes that,

“The ox is better fed when the master is rich—so far the common interest extends—but wherefore? Because it is the interest of the master that the ox should be fattened as speedily as possible The *permanent* interest of the ox, that of health and long life, is sacrificed. So with respect to all other beings The interest of each of them, is promoted, in as far only as it is coincident with, or subservient to, the master’s interest” (92).

On the other hand, if a true “identification of interests” did exist, there would be no need for laws to assign control to one of the parties; neither would require power over the other (127).

Thompson in fact rejects Mill’s basic premise, that people are by nature exploitative.

While Mill, one of Bentham's most ardent disciples, deploys a version of the theory of utility that highlights self-interest as the problem that must be overcome in any system of government, Thompson argues from Bentham's fundamental psychological principle that the basic rule of human nature is "simply the desire of happiness and aversion to misery," which, in its pure form comes "without any wish, kindly or malignant, to others. . . . It is neither an original, nor an universal principle of human beings to trample on, any more than it is to promote, the happiness of others" (64). To argue, as Mill does, that Bentham's hedonic principle is egoistic is to conflate self-interestedness with selfishness, but (as was discussed in the prior chapter) Thompson rejects this conflation. For one group of people to abuse or misuse their power over others, they must be "shut out from the moral knowledge requisite to show them the identity of their real comprehensive interest with that of their fellow creatures and . . . divested of those dispositions or habits of sympathy necessary to enable to act according to their knowledge" (64). The opposition of interests is a product of the conditions within which we live and an instance of the ways in which our character is shaped by social institutions. So Thompson admits that, "*Under the existing and all past circumstances of society*, Mr. Mill's proposition is doubtless correct as applied to the immense majority of men" (65). However, "Were knowledge and benevolence so increased and improved . . . that all men saw their interest in tracing the consequences of their actions on the happiness of others as well as on their own, and that they were disposed to regulate their actions by this knowledge . . . men would not wish for power over each other" (64-5).

The pain of suffering that must be endured in subordinate relationships is not the only way in which this form of inequality undermines utility, in Thompson's view. Indeed, he argues that, in marriage, "The happiness of both [husband and wife] is sacrificed" (101). The husband's mastery over his wife means that,

"He surrenders the delights of equality, namely those of esteem, of friendship, of intellectual and sympathetic intercourse, for the vulgar pleasure of command. . . . [T]he whole moral structure of the mind of *man* is perverted. . . . He has been rendered incapable of considering the effects of his actions on all whose interests they may reach. He calculates their effects with reference to himself alone" (106).

The exercise of this nearly unlimited power "necessarily hardens the heart and destroys sympathy for those subjected to it" (128). Thus he says to women, "As your bondage has chained down man to the ignorance and vices of despotism, so will your liberation reward him with knowledge, with freedom and with happiness" (209).

d. Conditions for a real identity of interests

Despite his condemnation of Mill's assertion of an identity of interests between women and men, Thompson argues that the existence of a conflict of interests arises not due to any natural opposition between individuals, but because of the nature of the institutions within which they must relate to one another. Given "perfect wisdom and benevolence, the interests of all individuals . . . are involved in or identified with those of others . . ." However, given the actual state of society, "individuals are not perfectly wise or benevolent," instead considering it to be in their interest to seek their own benefit even if it is at the expense of the greater good (Thompson 1997: 76). In fact, Thompson argues

for a universal identity of interest “between all human beings of all nations, were they enlightened enough . . . to perceive it.” The same could be said of a “political community.” Indeed, the smaller the grouping, the stronger the identity of interests. However, he argues that we should not be misdirected by the easy assertion of this identity at a superficial level. “It is the *general* happiness of the family, as it is of the town, the province, the nation, the universe, that [there is] as great a quantity of the articles of wealth and all other means of happiness as possible But this general interest attained, a second question springs up as to the *distribution* of these means of happiness. . . .” So, in considering the economics of happiness, mere aggregate measures are meaningless if they do not reflect distribution because, ultimately, happiness is meaningless when alienated from the lives of people: “There is no such thing as a general, abstract, happiness. All happiness is made up of that of individuals” (Thompson 1997: 89–90).

This idea, that any reference to the general happiness must take into account the happiness of individuals, is very similar to Bentham’s passage in the IPML that reminds us that the community is a fictitious entity composed of individuals, although the point seems somewhat different. Bentham is isolating the members of the community, insisting that their interests as individuals need to be considered separately from the interests of all other individuals in the aggregation of interests by legislators. Thompson, on the other hand, is reminding us that the community is composed of individuals who cannot be considered in isolation from one another.

The argument cited in the foregoing, from the *Appeal*, is primarily a response to

Mill's claim regarding men's subordination of women. But Thompson extends this to argue that an identity of interests is impossible in capitalist society: "[T]he object of capitalists, is not to increase the general capital of the community, but to make most productive of profit to themselves . . . the real interest of the capitalist . . . is always and necessarily opposed to the interest of the laborer" (Thompson 1968: 423). Identity of interest *is*, however, possible once the institutional structures of power that create and enforce division are removed. In the context of the *Appeal's* argument about the lack of identity of interests between women and their male overseers he says, "To produce a real identity of interest between any two individuals; first, all power to injure or molest must be taken away equally from both; next, benevolence and reason must have been so comprehensively cultivated by both, that they shall both perceive that it is in their mutual interest to promote in every thing the real happiness of each other" (Thompson 1997: 91). In the context of society as a whole, this means the elimination of private property, competition, and the unequal distribution of wealth (and the political power that comes with it). Eliminating these should produce a true identity of interests, as opposed to the supposed identity that James Mill refers to between women and the men who control their lives. Any condition under which one person is able to exercise power over another is a condition in which it is impossible to speak of an identity of interests. As Thompson puts it, "if [an] identity existed, there would be no need of power to enforce obedience (Thompson 1997: 91). The only benefit that comes from the subordination of one person to another is the latter's:

"For if the interests were identical, what could be gained by either party by

reserving the power of control over the actions of the other? Subjection to such controlling power being itself one of the greatest sources of human helplessness and misery. The mere reserving the use of the exercise of such a power . . . is a demonstration, that . . . there necessarily must arise occasions when views of interest of the parties must differ, and when of course the interests of the subjected party must in the opinion of that party suffer” (Thompson 1997: 127).

The primary cause of this division is the private accumulation of property, so the elimination of private property—in other words, collectivizing property—and removing the division enables interests to be collectivized: “All their property is in joint possession, and indissolubly linked up with the happiness of each other” (Thompson 1968: 504).

e. Property and Thompson’s political economy

The fact that property keeps popping up in one way or another in the forgoing is evidence of its important position in Thompson’s theory. As should be clear from these brief snippets, Thompson was very critical of the twin institutions of individual competition and private property. He went beyond this, however, to articulate a model of united exertion and community property as a positive alternative that acts as a kind of linchpin connecting together the principles of security, equality, voluntarism and democracy. Community property is manifested, in Thompson’s theory, in the form of the Owenite community, a self-sufficient egalitarian community of 300–2000 persons first proposed by Robert Owen. Unlike Owen’s proposals, in Thompson’s plan the community members would be the principal owners of the community’s assets, and they would govern it democratically. The communities would in many ways offer an inverse set of conditions from that of the greater society: They would be organized on principles of cooperation

instead of competition, on security for workers instead of security for capital or capitalists, on social participation instead of individualism, and on the equal value of each individual based on their membership in the community instead of a hierarchy based on social status.

The institution of property does not exist in isolation, of course, but works together with competition as part of a larger system that allocates resources as well as defining social functions and roles. As has already been discussed, private property, in establishing separate, “private” spheres for individuals, separates people from one another, and, within a competitive environment in which the object of competition is the accumulation of wealth in the form of property, sets them against one another. Even if everyone started out on an equal basis (a utopian idea if there ever was one), in a system of competition and private property, inequalities would soon arise. Where there are inequalities there is bound to be subordination. And subordination, as we have just seen, is inimical to the greatest happiness. Where everyone does *not* start out on an equal basis (i.e., the real world), competition and private property only serve to perpetuate—even worsen—the existing inequalities. Further, wage labor violates the principle of security in the sense that workers are not secured the produce of their labor, since the output of their labor is not theirs but belongs to the person who pays their wages, and it is the capitalist, not the worker, who determines the rate of exchange (i.e., the level of their wages).

The central tenets of Thompson’s political economy can be understood as the elimination of competition and the securing of the produce of labor to the worker. The rest of his basic premises can be seen to flow from these, including the other two elements of

the “natural laws of distribution.” Anything other than voluntary exchange and voluntary labor obviously would violate the principle of security; the implementation of the natural laws themselves would produce equality—temporarily, at least.

The elimination of private property might seem contradictory given the requirement of ensuring security of the produce of labor to the worker. Thompson’s answer to this is in the particular form for the collectivization of property. For Thompson, the elimination of private property does not imply its transfer to the state. Rather, property is to be held in common within the context of the cooperative community. Eliminating private property therefore does not constitute the further alienation of property—or, what might be a more apt term here, wealth—from individuals. In the capitalist system wealth is alienated from those who produce it by the owners of capital; in a state-ownership model wealth is alienated from the producers by the state. In neither case do the producers exercise anything like direct control. In the cooperative community, however, the members of the community own the assets of the community and the produce of their collective labor is also owned by the community. All members of the cooperative retain control on an equal basis with all the other members. No one’s labor in the community serves to benefit any other specific member—rather, it benefits all of the members, and all members are, to the extent possible, involved in the labor of the community.⁸⁸ No one member retains complete control over any part of the ‘wealth’ (explicitly avoiding the term ‘property’ here) of the

⁸⁸ Thompson makes provision for children, the sick and aged, as well as for those who may be engaged, at least part of the time, in intellectual labor that might not produce wealth directly, such as teachers.

community against or even on behalf of any other fully-vested member, but each retain equal control over all of it in its entirety. On this basis each retains full security in the produce of their labor, as their consent is required in all matters pertaining to the wealth of the community (Thompson 1968: 386–91).

In Thompson’s cooperative socialism, then, property is owned in common by the community. This is not to say that there would not be any possession of personal items. Thompson distinguishes between these and capital: Personal items, or objects for consumption, are those which are used or held “*without any view to any further exchange.*” On the other hand, an object that is held not for consumption or use by the owner but “capable of being made the instrument of profit” is considered capital (Thompson 1968: 240–1). Capital itself does not entirely go away under the system of mutual cooperation, but instead of being held by non-laborers for the purpose of increasing its value through the exploitation of labor, laborers use it to control the conditions of their labor—i.e., they control the means of production. Thus, when Thompson says, on the one hand, that there would be “capital without capitalists” (Thompson 1968: 245), and on the other that, “all productive laborers should become capitalists” (Thompson 1968: 590), he is not contradicting himself, but arguing that there would not be a capitalist class distinct from a laboring class. It should be noted that capital would not be held privately in the sense that individuals hold it. Rather, each group or cooperative community holds it collectively, such that no one member of the group can be thought of as having a greater interest in the enterprise than any other member. Net proceeds from the operation of an economic

enterprise, then, can not be claimed by an individual or a small defined group of people who provide the capital and take as much as they can in profit, but by the producers themselves (who provided the capital themselves). In the cooperative community, these proceeds are held by the members of the community. The primary point here is that capital, rather than standing in opposition to and controlling labor, is an agent of and controlled by the community, in which all labor together.

One problem that Thompson never effectively addresses is the economic relationship among communities and with the society beyond. For the most part he anticipates that each community would be self-sufficient and autarchic, but he has little to say about what would happen under conditions of shortage or surplus. On the whole he is rather sanguine about the communities meeting their subsistence needs (Thompson 1830b). In the *Inquiry* he shows a strong faith in the wisdom of the people to make the correct decisions about how to run their communities; the publication six years later of *Practical Directions*, a manual of sorts for starting communities, would seem to demonstrate that his faith was weakened if not lost. In any case, he doesn't consider the possibility of crop failures or other calamities that would undermine the viability of a community. He recognizes that communities may produce a surplus, of either agricultural or manufactured goods,⁸⁹ but he presents a fairly weak argument as to why the communities would not engage in competitive practices against each other, let alone with other producers in the

⁸⁹ He explicitly argues that only "fully-formed" communities should attempt to engage in exchange for their necessities; nascent communities should focus on self-sufficiency and only consider producing a surplus for exchange of items of "secondary utility" (Thompson 1830b: 135-6).

market. As he sees it, the members of the communities would have beneficence so thoroughly ingrained in their character that they would only consider exchange on the basis of a direct exchange of labor value (Thompson 1968: 523–6). But he claims that surplus production in any great quantity is unlikely, because of “the inconvenience of production” (Thompson 1968: 529)—in other words, given a choice between leisure time and production of surplus, most producers would choose leisure time.

It could reasonably be argued that Thompson does not fully address the problems of private property because the community, considered as a “corporate” entity, claims exclusive rights to its property—in other words, the assets of the community are its private property. It differs from traditional notions because in this case the property of the community is not strictly divisible as in, say, a joint stock corporation. The community is not necessarily isolated from the community at large, but although he doesn’t suggest that it should be isolated, at the same time Thompson never really addresses the question of the nature of the relationship between the cooperative community and the rest of society. Even if the cooperative communities would be predisposed to act benevolently toward one another, there is no reason to assume that they would not seek to improve their own welfare at the expense of those on the outside, for example by raising prices in order to reduce the amount of work they have to do to maintain a given standard of living, or to increase their level of comfort, or any of the other kinds of things a capitalist might want to do by raising their profit margins. In this sense, competition might be seen as valuable to keep these desires in check, but Thompson seems to think they simply would not be able

to take hold, mostly because the benevolence cultivated within the community would prohibit it. Nonetheless, a critical perspective would reveal that his argument is rather weak in this respect.

3. Conclusion

a. Thompson's theory of utility

Unlike Bentham, Thompson does not lay out, in copious detail, a theory of utility. Quite the contrary: There is plenty of reason to believe that he saw himself as expanding on Bentham's theory, not offering an alternative to it. Nonetheless, there are significant differences between them that become clear as the elements of Thompson's theory are put together, and that have significant political and social implications. Their differences begin with the fact that while Bentham offers two different principles of utility, micro and macro, Thompson gives us one, at the macro level. Thus, Thompson lets go of the direct connection to pleasure and pain, which is consistent with his conception of happiness. Pleasure and pain, and the experience of individuals, are not dismissed entirely, since the whole thrust of his argument is to improve the lives of people, which means affecting their experience of pleasure and pain. But it also means that Thompson's theory is more social and more directly political than is Bentham's.

More significant than the principle of utility itself are the subsidiary principles. Bentham provides an ordered list in which the items follow one another lexicographically and temporally with no necessary connection other than that the fulfillment of one establishes the conditions for the next. Thompson provides a subdivided set, in which one

group follows logically from the other but all elements are closely interconnected. Of course, what really matters about the principles is not their relationship to one another, but their content. Bentham's principles are oriented toward the individual, where Thompson's are all necessarily social. Once again, this would be consistent with the differences in their conceptions of happiness.

To summarize Thompson's theory, we start with his articulation of the principle of utility, which is simply the greatest possible degree of happiness. An assumption of fundamental equality with respect to capacity for happiness and the theory of diminishing marginal utility provide the basis for a strong principle of equality, because any movement away from equality will naturally diminish the overall level of happiness. A strong principle of security is also required, to the degree that happiness is dependent upon the production of wealth (which includes all material for consumption that is produced through human labor, be it to fulfill basic human needs, comforts, or luxury), because it establishes the conditions in which members of society will be motivated to maximize their productivity. Thompson refuses the idea that equality and security conflict with one another, instead arguing that any conflict is the product of malformed social institutions in which the principle of security is unequally applied. Thompson does not, however, envision a society of self-sufficient individuals who produce all the material for their own consumption. Rather, he recognizes the importance of exchange in enabling a division of labor that will help to produce more wealth. In order to maintain consistency with the principle of security, that exchange must be done on a purely voluntary basis. In this case,

voluntarism ensures that the exchange will be equal, because, as far as he sees it, as long as it is done on a purely voluntary basis, it may be assumed that the parties involved will consider it to be equal. It may be noted here that the equality in this case is determined not by an outside arbiter, but by the participants to the exchange themselves.

Voluntarism further contributes to Thompson's theory in the sense that it is a sign of happiness, since people may be expected to engage willingly in those activities that they anticipate will contribute to their happiness. In this way, coercion, whether through force or fraud (which includes most directly state police power and the church, but also force represented by the threat of starvation and the fraud represented by claims that riches are conducive of happiness) is a sign of unhappiness, since he assumes that no one would be expected to engage in activities that were not to their benefit without it.

Equality, security and voluntarism may be recognized as foundational principles; united effort/common property and democracy follow directly from these. The idea of united effort/common property is primarily presented as an answer to the problems of individual effort/private property, which Thompson holds largely responsible for inequality, insecurity and coercion. But this is also a principle that forms the basis for a different set of social institutions that, by establishing relationships founded on cooperation and benevolence, may promote greater happiness in their effect on individuals' character and attitudes toward others.

This brings us, finally, to democracy, which will be examined closely in the next chapter but requires a few brief words here. As a principle of interaction, democracy is not

a principle of rule per se, although Thompson does use it in that sense. Rather, democracy articulates a kind of relationship between equals wherein a consideration of public questions is a regular facet of the interactions among members of a community. In a very real sense democracy is a form of self-rule exercised as the on-going practice of consideration and decision-making, founded on a sense of common purpose and respect. Crucial to this is the kind of alignment of self-interest and the interest of the community that we discussed in the prior chapter, which also depends on the elimination of the sorts of institutional factors—competition, private property and systems of subordination—that set individuals against one another. Thompson’s theory of democracy has characteristics that are immediately recognizable to modern democratic theorists, especially as he goes well beyond the debate in his own time regarding suffrage to center democratic practices firmly in the exchange of ideas and exercise of judgment within social interactions. In this sense he has much in common with what is now referred to as “radical democracy.”

b. Thompson and utilitarianism

Does it make sense for us to refer to Thompson as a utilitarian? Given that Bentham referred to Thompson at one point as one of his “disciples” (Bentham 1989: 360), it might seem absurd to even raise the question. However, Thompson’s version of utilitarianism differs quite sharply from Bentham’s on a number of points, and it may be that the differences are great enough that the label simply does not apply.

Thompson doesn’t seem much like a utilitarian, classical or otherwise, in passages that are reminiscent of Rousseau, such as where he argues that in cooperative communities

individuals would place the community's interests before their own (Thompson 1968: 264). Thompson clearly also shares Rousseau's concerns for inequality and his distrust of the institution of private property. In some ways, Thompson's view of property takes literally Rousseau's idea that via the social contract citizens give their property over to the civil union, and it could be said that a social contract must be implicit in any system without private property. I do not think, however, that Thompson would be inclined to accept this interpretation. He was not interested in abstract notions to describe social relations; in Marxian language he would most certainly be considered a materialist. So he would be as little inclined to affirm the notion of a social contract as he would be to support Rawls' idea of a "veil of ignorance" as a test for distributional questions.

In the *Theory of Justice* Rawls critiques classical utilitarianism on two grounds: first, that it sanctions the punishment of innocents, and second that it fails to take distributional questions into consideration (Rawls 1999: 13). Rosen makes a strong argument that the first of these does not apply to Bentham (Rosen 2003), and Kelly makes a somewhat weaker case that the second one fails, as well (Kelly 1990). With respect to Thompson, the first of these has little relevance for us, but, as was discussed above, he takes a strong position on this issue. Thompson's argument for a very strong principle of equality would seem to preclude the possibility of punishing innocents in the interest of the greater good or for any other reason, because this would make the happiness of those who suffer the punishment subordinate to the happiness of the rest. Thompson could not accept this. Like Rawls, Thompson's only exception to equal treatment is where it is necessary to address inequality

(Thompson 1968: 37). On the second point, Rawls' criticisms clearly do not apply to Thompson. After all, distributional questions constitute one of Thompson's central concerns.

Still, it is difficult to get away from the fact that Thompson deploys the concept of utility repeatedly in his work, and asserts unequivocally that it forms the basis for his theory. He most certainly would have considered himself a utilitarian. But, even though he never acknowledged the differences, it seems that Thompson cannot be counted as a Benthamite. Thompson's version of happiness is different, he gives central place to distributional questions with the reconciliation of security and equality, and he asserts what for all intents and purposes is a natural right, all of which are in conflict with Bentham.

Ultimately, Thompson may be considered a utilitarian because he accepts the fundamental premise of utilitarianism: that the object of moral and political reasoning is the greatest happiness, even though what he means by this may be somewhat different from Bentham's meaning. If there exists a subcategory that might be referred to as "egalitarian utilitarianism" we could place Thompson there. The fact that Thompson's utilitarianism is so different from Bentham's, and from the liberal capitalist tendency in utilitarianism more generally—reflected in its assimilation into contemporary economic thought and economic methodologies in the social sciences—reveals that, as a philosophical and political discourse, utilitarianism may be accepting of a broader range of possibilities than has generally been recognized. While, as will be seen in the next

chapter, Bentham's self-proclaimed radicalism doesn't seem so radical from the contemporary perspective, even those who accept the "radical" label today but who reject utilitarian principles based on its contemporary form might find much of great value in the kind of utilitarianism articulated by Thompson.