

## BENTHAM'S PRINCIPLE OF UTILITY

This essay is an interpretive study of a fragment of Bentham's thought. It is concerned with one of his fundamental doctrines, the principle of utility. Its aim is to repudiate two recent interpretations of this principle advanced by Anthony Quinton and David Lyons respectively and to vindicate an interpretation of it I propose. I have tried to show not only that the textual evidence offered by these scholars fails to support their interpretations but also that there is evidence which goes against their claims. I have also tried to reinterpret Bentham's principle of utility by locating and removing the shortcomings of the two interpretations.

### I

The first interpretation I take up for criticism is advanced by Anthony Quinton<sup>1</sup>. He attributes the following principle to Bentham: "the rightness of an action is determined by its contribution to the happiness of everyone affected by it."<sup>2</sup> According to him this formula is a 'fair account' of what Bentham held to be his fundamental doctrine.<sup>3</sup> Clarifying the principle attributed to Bentham, Quinton says, "Bentham in effect asserts... utilitarianism which states that men ought to aim at the general happiness..."<sup>4</sup> Interpreted in this way Bentham's principle of utility is 'universalistic', requiring that the happiness of all persons affected by it be taken into account on an equal basis, when an action is evaluated. In this view the principle tells us who the persons are whose interest has to be taken into account for the evaluation of an action, they are all the persons affected by it.

Let us look at the passages on which Quinton relies for his interpretation, to find out how far these passages support Quinton's views. The passage quoted says, "By the principle of utility is meant that principle which approves or disapproves of every action whatsoever, according to the tendency which it appears to have to augment or diminish the happiness of the party whose interest is in question."<sup>5</sup> The first point to be noted about this passage is that Bentham is not evaluating the action in terms of the happiness of the persons who are affected by it. rather he talks in terms of 'the happiness of the party whose interest is in question'. Whose interest is in question? To look for an answer of this question Quinton relies on the following two passages. I reproduce the passages as quoted by Quinton. "An action then may be said to be conformable to the principle of utility.... when the tendency it has to augment the happiness of the community is greater than any it has to diminish it."<sup>6,7</sup> "The interest of the community then is what? – the sum of the interests of the several members who compose it."<sup>8</sup> These two passages quoted by Quinton give an impression that the party whose interest is in question is always the same and it is 'the community' and since 'the interest of the community' is nothing but the interest of all the persons of the community, Quinton arrives at his interpretation. But Quinton succeeds in arriving at his interpretation by quoting these two passages out of context and by omitting a vital phrase given in the parentheses in the first of the above two passages. The phrase in parentheses is 'meaning with respect to the community at large'. The passage without omission is as follows, "An action then may be said to be conformable to the principle of utility (meaning with respect to the community at large) when the tendency it has to augment the happiness of the community is greater than any it has to diminish it."<sup>9</sup> The context makes it clear that in this passage Bentham is talking only about those actions where the

interest of the community is in question. He is not talking of *all* actions here. So the interest of the community is the end of all actions is not a correct reading of the passage. Bentham is rather explicit about the point that 'the party whose interest is in question' is not always 'the community'. He writes, "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."<sup>10</sup>

Bentham is not committed to the view that the happiness of the community should be the end of all actions as attributed to him by Quinton. For Bentham 'the party whose interest is in question' may be anything from a single individual to the whole community. But once the question of 'whose interest is in question' is settled then Bentham's principle says what one should do or ought to do. Again nowhere Bentham says explicitly or implicitly that the party whose interest is in question' is the same as 'the persons whose interest is affected by the action contemplated', i. e., there is no evidence in Bentham's writing to show that an action is to be evaluated in terms of the happiness of persons who are affected by it. One more passage may be quoted in favour of Quinton's interpretation although he does not quote it. According to this passage the principle of utility may be taken as "that principle which states that the greatest happiness of all those whose interest is in question, as being the right and proper and only right and proper and universally desirable end of human action: of human action in every situation".<sup>11</sup> But even on this passage Quinton's interpretation is indefensible. The principle does not tell us who 'all those whose interest is in question' are. The emphasis of the principle is on the produ-

tion of the 'greatest happiness' of whomsoever it may be under the circumstances.

Lastly, it may be noted that Bentham takes 'extent' as one of the dimensions of happiness to be taken into account in determination of the amount of happiness. If Quinton's interpretation of Bentham's principle of utility is accepted then mention of the 'extent' as dimension of happiness is redundant. Since according to Quinton's understanding the principle of utility itself urges us to produce greatest happiness of the largest number of persons affected by our actions.

## II

David Lyons has given an interesting interpretation of Bentham's principle of utility.<sup>12</sup> He tries to show "that Bentham has a *dual* standard, with community interest the criterion of right and wrong in public or political affairs and personal interest the proper standard for 'private ethics' ".<sup>13</sup> He further argues that Bentham has a still more basic principle, "which could be glossed as the idea that government should serve the interests of those who are governed." <sup>14</sup>

Lyons rests his interpretation of Bentham's principle of utility on Bentham's explicit and determinate account 'of his principle and the definition and bipartition of ethics' <sup>15</sup>. While discussing Quinton's interpretation we have seen that the principle of utility is stated by Bentham in terms of 'the party whose interest is in question' and he admits the possibility that 'the party' may be 'a particular individual' or 'the community'. There he does not tell us for which action or what type of action happiness of a particular individual is the proper end and for which action the happiness of the community is the right end. The explicit and determinate account of the principle by itself cannot support Lyons's interpretation. Now let us see if the definition

and the bipartition of ethics as given by Bentham support Lyons's interpretation of Bentham's utilitarianism. According to Bentham "Ethics at large may be defined, the art of directing men's actions to the production of the greatest possible quantity of happiness, on the part of those whose interest is in view."<sup>16</sup> It should be noted that ethics is defined in terms of 'directing men's actions', towards a certain end 'the greatest happiness' for persons 'whose interest is in view'. The definition does not specify who those persons are 'whose interest is in view'. Lyons looks for an answer to the question: who are those persons 'whose interest is in view' in Bentham's partition of ethics.<sup>17</sup> The partition of ethics is presented as follows, "what then are the actions which it can be in a man's power to direct? They must be either his own actions or those of other agents. Ethics, as far as it is the art of directing a man's own actions, may be styled as the *art of self government*, or private ethics.... As to other human beings the art of directing their actions to the above end (this means, apparently, towards their own happiness) is what we mean, or at least the only thing which, upon the principle of utility, we *ought* to mean, by the art of government".<sup>18</sup> Thus Bentham divides ethics into 'the art of self-government', or 'private ethics' on the one hand and 'the art of government' on the other. We can see from this passage that the sphere of private and public ethics is in terms of the persons whose actions are directed and not in terms of whose interest is in question. For, the purpose of the art of directing one's own actions is not mentioned, whether for the production of happiness of others or for the production of happiness of oneself. For whose happiness one's own action is directed, is not settled. Those persons may be themselves or others. In these passages, it should be noted that he has not categorically said that the art of government is the art of directing others actions towards their own happiness. Rather he

says, *apparently*, towards their own happiness. So Lyons' conclusion from his passage "we are virtually told that the art of government is the art of 'directing' person towards their own happiness" <sup>19</sup> is quite misleading. And the inference, "under the art of self government, however, only the interests of the single, *self*-directing agent who is concerned are to be promoted, by himself" <sup>20</sup> is quite illegitimate and indefensible.

One may wonder, why should Bentham say for public ethics that it is the art of direction of the action of others apparently for their own happiness i. e. The happiness of the community, while, in these passages it is not mentioned for whose happiness self direction, in private ethics, is? The reason is that Bentham assumes independently of utilitarianism that the only proper concern of government is the interest of the community. This is argued for independently but it is assumed or taken for granted, here. So naturally the public ethics is the art of directing others' actions which is the art of government, for the production of their happiness. This point will be taken up again later in this essay.

So far Lyons' evidence fails to support his claim that "Bentham accordingly embraces two distinct standards, one for each branch of ethics. In political affairs the happiness of all members of the community should be served while in private matters one should serve his own best interest." <sup>21</sup> It appears extravagant 'on his part to claim "That Bentham embraces a dual standard—at least in the *Introduction* — is made clear not just in the prominent passages which we have already examined but also by his summary at the end of that first section of chapter XVII, where the definition and division of ethics have been given." <sup>22</sup> I have already shown what support the so-called 'prominent' passages give to Lyons claim. Now let me examine the summary referred to by Lyons. The relevant sentence of the summary says, "Private ethics teaches how each man may

dispose himself to pursue the course most conducive to his own happiness by means of such motives as offer of themselves : the art of legislation which may be considered as one branch of the science of jurisprudence teaches how a multitude of men, composing a community, may be disposed to pursue that course which upon the whole is the most conducive to the happiness of the whole community " <sup>23</sup>. In this passage the use of the word 'may' while describing private and public ethics must be noted. The use of the word 'may' brings out that private ethics as defined is not necessarily concerned with person's own happiness. Similarly public ethics as defined does not entail that government action *ought* to produce the happiness of the community. Public ethics as defined leaves it an open question whose interest ought to be the concern of government action. But it is argued independently of the definition of public ethics that government ought to be concerned with the happiness of the community as it will be shown later in this essay. Lyons is aware of the failure of his evidence to establish his claim. For he writes " Evidence like this is not, of course, absolutely conclusive, but it weighs quite strongly in favour of the account proposed, and it cannot be ignored " <sup>24</sup>.

So far I was concerned with Lyons' strong evidence for his dual standard interpretation of Bentham's principle of utility. Now let us see how he accounts for the passages which do not fit his interpretation.

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

ought to abstain from of himself...<sup>25</sup> How does Lyons account for this passage which goes against his dual standard interpretation? By attributing the assumption of natural harmony of interest to Bentham. What is the argument for attributing this assumption to Bentham? "Otherwise this passage would be incoherent."<sup>26</sup> Surely the passage will be incoherent if his interpretation is accepted but we have been offered no conclusive evidence so far to accept his interpretation. Lyons' has failed to notice that his argument is now moving in a circle.

Let us consider some further controversial evidence on dual standard interpretation. Bentham writes, "An action then may be said to be conformable to the principle of utility, or, for sportness sake, to utility (meaning with respect to the community at large) when the tendency it has to augment the happiness of the community is greater than any it has to diminish it."<sup>27</sup> According to the dual standard interpretation the acts in question refer to the conduct within the scope of public ethics, which are nothing but 'government actions'. But in the very next paragraph Bentham says: "A measure of government (which is but a particular kind of action, performed by a particular person or persons) may be said to be conformable to or dictated by the principle of utility, when in like manner the tendency which it has to augment the happiness of the community is greater than any which it has to diminish it."<sup>28</sup> Bentham says the same thing, once about 'actions' then about 'measures of government'. On Lyons' interpretation 'actions' of the earlier paragraph are 'government action'. Hence we have Bentham repeating himself. Lyons saves Bentham from the charge of redundancy by making a distinction between political act in general (the subject of former paragraph) and measure of government (the subject of later paragraph).<sup>29</sup> But no textual evidence is given to attribute this distinction. Rather he is "prepared to grant that this reading of paragraph 6 appears forced."<sup>30</sup>



What I have been arguing so far is that David Lyons fails to make a case for the dual standard interpretation of Bentham's principle of utility. Lyons is aware of this. He writes "after all these factors have been listed one should still remain dissatisfied. For the dual standard seems an intuitively implausible position."<sup>31</sup> He is even aware that there cannot be any evidence in Bentham's writing for his interpretation for as he himself says, "The new interpretation of Bentham's utilitarianism was originally meant to be refuted."<sup>32</sup> I fail to see what made him change his opinion about this interpretation and made him believe it as a correct account of Bentham's utilitarianism.

Let me close my criticism of Lyons' interpretation by pointing out certain difficulties in the principle that government should serve the interest of those who are governed. Firstly, the persons whose actions the government directs need not always be identical with the interest government considers. For, government is concerned with the interest of the community, but the persons whose action is directed may be foreigners residing in the country. For Lyons this type of cases is a "special case, a detail that Bentham might well have overlooked"<sup>33</sup>. Well, this is too easy a way out of a difficulty to be taken seriously. Another difficulty is that people direct the actions of their servants. Lyons will have Bentham say that the people should direct the actions of their servants for the happiness of servants themselves and not for their own happiness. Could this be an oversight on the part of Bentham? He could not possibly have been oblivious of this type of cases had he accepted the principle attributed to him. Lyons himself points out another problematic case. There are 'punitive' laws which tell judges how to deal with convicted offenders. Should we accept, on Lyons' interpretation, that such laws should serve the interests of the judges? How can Lyons save his interpretation? By attributing the

fiction, "Even when the government *actively* directs only some persons by addressing laws in effect to them, it is exercising its control over the entire community..."<sup>34</sup> So much for Lyons interpretation of Bentham's principle of utility.

### III

From my argument it must have become clear by now where the mistake lies in Quinton's and Lyons' interpretation of Bentham's principle of utility. Both the interpretations err in trying to build up a formula for the determination of the persons whose interest is to be considered in Bentham's principle of utility. That is to say, both the interpretations go wrong in their attempt to specify who the persons whose interest is in question are. Quinton says, the persons 'whose interest is in question are all persons affected' by the action. Lyons says the party 'whose interest is in question is the individual himself' or 'the community' depending on whether the action directed is his own or that of others. Both of them are wrong. They go wrong not because they give an incorrect determination of the party whose interest is in question but because they give any determination of the party whose interest is in question. "The principle of utility" of Bentham is "that *principle* which states that the greatest happiness of all those whose interest is in question, as being the right and proper, and only right and proper and universally desirable end of human action : of human action in every situation, and in particular in that of a functionary or set of functionary exercising the powers of Government".<sup>35</sup> The principle does not say anything more or anything less. The specification of 'who all those whose interest is in question are' is not to be looked for in the principle of utility itself. It will depend upon the context and is to be determined prior to the application of the principle of utility for the evaluation of any action. For every time Bentham explicitly states the principle of

utility he uses phrases like 'happiness of all those whose interest is in question' the 'happiness of the party whose interest is in question' etc. The places where the 'party whose interest is in question' is determinate like 'the community' it is determined by the context and does not follow from the principle itself. For example in para 6 of chapter I of the JPML while talking of the action 'conformable to the principle of utility' he talks in terms of the happiness of 'the community'. Here the specification of the party takes place not because it follows from the principle of utility but because it is determined by the context. For in the previous paragraphs he is concerned with explaining the meaning of the 'happiness of the community' and he is specifically talking in respect of community in the 6th para is made clear by the phrase in the parentheses, If we agree that the principle of utility as stated by Bentham specifies the party whose interest is in question, say, 'all who are affected by it' then in the list of principles adverse to that of utility we should expect to find with the principle of asceticism ( the principle which advocates an end, i.e. pain contrary to the end specified by the principle of utility, i.e. happiness ) and the principle of caprice (the principle which fails to specify any end contrary to the principle of utility, which specifies an end i.e., happiness) another type of principle which asks to pursue happiness of the party other than the one specified in the principle of utility. But Bentham recognizes no such category of principle. Not only that, the principle of asceticism is, also, stated in terms of 'the party whose interest is in question'.<sup>86</sup> Now, when an author repeatedly uses such phrases like 'the party whose interest in question' in his fundamental principle, I think he intends the phrase to be taken seriously and literally. Let us not forget that Bentham was a lawyer and he knows the principle must be stated in unambiguous terms, still he uses the phrase 'the party whose interest is in question' without specifying

explicitly who the party whose interest is in question is, then it is wrong to force a determination of the party in his principle.

I had mentioned earlier that in Bentham's writing it is argued independently of the principle of utility and the definition of public ethics that the proper end of government action is the happiness of the community. The argument opens with the statement "the right and proper end of government in every political community is the greatest happiness of all the individuals of which it is composed."<sup>37</sup> One may think that it is a statement of the principle of utility in special condition because of the occurrence of the phrase the 'greatest happiness'. But here the point made is not that happiness be greatest but whose happiness it is. Then why talk in terms of greatest happiness? Because, as Lyon recognizes, Bentham is a committed utilitarian. He never adopts a 'morally neutral attitude'. That Bentham is writing from a utilitarian point of view to find out whose interest Government ought to consider becomes clear from the following passage, when it is contrasted with the previous one, "The *actual* end of government is, in every community, the greatest happiness of those, whether one or many, by whom the powers of government are exercised."<sup>38</sup> Bentham disapproves of this not because the act of actual government fails to conform to utility, for it produces the greatest happiness of the party under consideration (it certainly does not fail under the principle adverse to that of utility of any category), that party actually being those, by whom the powers of government are exercised, but because it is not the proper party whose interest should be considered by Government. Why? Bentham says "In saying, as above, the proper end of a government is the greatest happiness of all, or in case of competition the greatest happiness of the greatest number, it seems to me that I have made a declaration of peace and good will to all men."

"On the other hand, were I say, the proper end of government is the greatest happiness of someone, naming him, or of some few, naming them, it seems to me that I should be making a declaration of war 'against all men, with exception of that one, or those few.'" <sup>39</sup>

The commitment to utilitarianism is prominent for the phrases 'greatest happiness' occurs again and again, but that is not required by the argument. What the argument shows is why the happiness of all is to be considered in government action and not the happiness of few only. Another argument is also given to make this point "the end of conduct which a sovereign ought to observe relative to his own subjects, the end of the internal laws of a society ought to be the greatest happiness of the society concerned. This is the end which individuals will unite in approving if they approve of any".<sup>40</sup> These passages show that Bentham has independent arguments to show that 'the party whose interest is in question' in the context of government action is the 'community' and these arguments are not based on the principle of utility or the definition of public ethics. Therefore, the happiness of the community is the proper end of action under the direction of ethics cannot be read into the principle of utility as advanced by Bentham.

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#### NOTES

1. 'Utilitarian Ethics' in *New Studies in Ethics*, Vol. 2. Ed. W. D. Hudson (Macmillan, London, 1974), pp. 1-115.
2. *Ibid.*, p. 3.
3. *Ibid.*, p. 3.
4. *Ibid.*, p. 8.

5. Bentham, *Introduction to the Principles of Morals and Legislation*, I. P. M. L., Ch. I, para 2.
6. *New Studies in Ethics*, Vol. 2, pp. 3-4.
7. I. P. M. L., Ch. I, para 6.
8. *Ibid.*, Ch. I, para 4.
9. *Ibid.*, Ch. I, para 6.
10. *Ibid.*, Ch. I, para 3.
11. *Ibid.*, Ch. I, para 1, note 1.
12. *In the Interest of the Governed : A Study in Bentham's Philosophy of Utility and Law*, Clarendon Press : Oxford, 1973.
13. *Ibid.*, Preface, p. vii; see also pp. 20 and 32.
14. *Ibid.*, Preface, p. vii; see also pp. 220 and 32.
15. *Ibid.*, p. 31.
16. I. P. M. L., Ch. XVII, para 2.
17. *In the Interest of the Governed.*, p. 30.
18. I. P. M. L., Ch. XVII, para 3-4.
19. *In the Interest of the Governed.*, p. 31.
20. *Ibid.*, p. 31.
21. *Ibid.*, p. 32.
22. *Ibid.*, p. 33.
23. I. P. M. L., Ch. XVII, para, 20.
24. *In the Interest of the Governed.*, p. 33.
25. I. P. M. L., Ch. XVII, para 8.
26. *In the Interest of the Governed.*, p. 54.
27. I. P. M. L., Ch. I, para 6.
28. *Ibid.*, Ch. I, para 7.
29. *In the Interest of the Governed.*, p. 77.
30. *Ibid.*, p. 78.
31. *Ibid.*, p. 80.
32. *Ibid.*, Preface, p. viii.
33. *Ibid.*, p. 86.
34. *Ibid.*, p. 86.
35. I. P. M. L., Ch. I, para 1, note 1.
36. *Ibid.*, Ch. II, para 3.
37. *The Works of Jeremy Bentham* sub. John Bowring ( Edinburgh : wm. Tait, 1838-43 ), Vol. IX. p. 5.  
Reprinted, New York : Russell and Russell, 1962.
38. *Ibid.*, Vol. IX, p. 5.
39. *Ibid.*, Vol. IX, p. 5.
40. *Ibid.*, Vol. II, p. 537.