

## Topic Page: [Bentham, Jeremy, 1748–1832](#)

Definition: **Bentham, Jeremy** from *Philip's Encyclopedia*

English philosopher, jurist, and social reformer. Bentham developed the theory of utilitarianism based on the premise that "the greatest happiness of the greatest number" should be the object of individual and government action. This philosophy was defined in his *Introduction to the Principles of Morals and Legislation* (1789). His theories influenced much of England's early reform legislation.



Image from: [Jeremy Bentham, a founder of utilitarianism,... in Encyclopedia of Politics](#)

### Summary Article: **Bentham, Jeremy (1748–1832)**

From *Encyclopedia of Libertarianism*

Jeremy Bentham is known today chiefly as the father of utilitarianism. During his lifetime, Bentham was famous as the proponent of a scientific approach to social reform. Born in London, the son of an attorney, Bentham was a precocious child. He studied at Westminster school and Queen's College in Oxford, England. In 1763, he began the study of law at Lincoln's Inn, but spent much time carrying out chemical experiments in his chambers. In December of that year, he attended the Oxford lectures of England's most famous lawyer, Sir William Blackstone, author of the celebrated *Commentaries on the Laws of England*. He remarked later that he had immediately detected the fallacies in Blackstone's arguments. In 1776, he fiercely attacked the *Commentaries* for being hostile to reform in his first published book, *Fragment on Government*. In *A Defence of Usury* (1787), he argued that it was a mistake for governments to prohibit high interest rates because individuals are the best judges of what will benefit them. His major work, *An Introduction to the Principles of Morals and Legislation*, was published in 1789. Other significant publications include *A Catechism of Parliamentary Reform* (1817, written in 1809), *The Rationale of Reward* (1825), *The Rationale of Punishment* (1830), the *Book of Fallacies* (1824), and the *Rationale of Judicial Evidence* (1827). Several of Bentham's writings were first published in French, and he was made an honorary citizen of France, with which he had close ties.

In Bentham's time, law, judicial procedures, and life in general were governed, to a much greater degree than in our own, by historical precedent and beliefs not subjected to critical examination. We owe much of the difference between his time and ours to Bentham. Bentham was a man of the Age of Reason; his models were such figures as John Locke (especially Locke's *Essay Concerning Human Understanding*), Claude Adrien Helvetius, and Voltaire, and his principal goal was to replace the traditional reliance on custom with rational analysis. Bentham argued that a policy or procedure was in accordance with reason when it maximized utility, understood as human happiness. One must judge a program in the light not of unproven assumptions, no matter how venerable, but of its consequences for people.

The model of rational analysis for Bentham was science. He aimed to occupy the same role with respect to society and law that Newton had to physics, by reducing the multiplicity of phenomena to unity through the discovery of a single basic principle: the principle of utility. The fundamental concepts of the law, he maintained, must be concrete and observable by the senses, not abstract, and they are two: pleasure and pain. The ground of the law is physical sensibility; everything men do is motivated by the desire to avoid pain or obtain pleasure, which are just two sides of the same coin. "Nature," he tells

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*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.*

An action or policy is rational to the extent that it possesses utility, that is, contributes to human happiness. The measure of right and wrong is the greatest happiness of the greatest number. Bentham fleshed out the concept of happiness by reference to four subordinate goals: security (from aggression by others), subsistence, abundance, and equality. The first two goals are more essential to happiness than the second two. Government can do much to provide security, through law, but little to provide subsistence, which must come from the efforts of the individual. Although equality is psychologically satisfying, it should not be achieved by measures that reduce security, such as coercive redistribution of property. Bentham was committed to equal treatment by the law, and “equal treatment of unequal individuals produces only inequality.”

Both the American and French revolutions appealed for support to the ideas of natural law and natural rights. Bentham had no sympathy with these views and was initially hostile to American independence because of what he considered its poor arguments. Given his emphasis on observability, for Bentham, law could refer only to what was enacted by a legislature, and a right likewise was only something created by law. Genuine laws and rights were observable by the senses. A law is “an assemblage of words.” A natural law or right could only be an imaginary one or at most what should be a law or right—and that question could rationally only be decided on the basis of utility. Natural rights, he stated in a famous phrase, were not merely nonsense, but “nonsense upon stilts.” They were mere fictions, “sounds without meaning,” of a kind with the many fictions indulged in by writers on law, which for the most part he considered pernicious. He maintained that “real entities alone can be the subject of true propositions,” and “Abstracted from all relations to real entities, a proposition having for its subject a fictitious entity has neither truth nor meaning.”

Liberty, for Bentham, if properly understood, also is a fiction, that is, an unobservable abstract concept. Liberty is simply the absence of external constraint. The liberty to do a certain action is nothing more than the fact that no law prohibits it and no physical force prevents it. Bentham was willing to concede that there could sometimes be useful fictions, and liberty was one of those fictions. However, it has importance for him not as a value in itself, but only insofar as it contributed to happiness, and that depended entirely on circumstances. The liberty that Bentham thought valuable was just a form of security, the law-given freedom from the encroachments of others. Such liberty makes it possible for us to peacefully pursue our own goals. Property is just a form of liberty, namely the freedom to dispose of a certain item as one wishes.

In his discussions of concrete issues, Bentham in general supported a laissez-faire economic policy, as can be seen in his *Defence of Usury*. There he takes issue with Adam Smith, whom he otherwise looked up to as a hero, because Smith was willing to support government in its attempts to keep the rate of interest down. In addition to economic freedom, Bentham especially espoused the cause of intellectual freedom and freedom of speech. Because individuals are usually the best judges of what is good for them, and because a regime of liberty provides the individual with the greatest freedom to follow his own goals, there is a presumption in favor of it, and the burden of justification is on those

who would make exceptions.

Bentham's impact on libertarianism was profound. His pragmatic support for laissez-faire has continued to be influential, and his formulation of utilitarian criteria for evaluating policies is the foundation of much of the contemporary economic defense of free markets. His scorn for natural rights, however, remains controversial and is frequently blamed for providing a key conceptual foundation for the modern welfare state. Traditional advocates of natural rights have accused Bentham of undermining liberty by entrusting to legislators the power to rearrange legal rights whenever doing so might lead to more utility, thereby undermining the stability of rights necessary for generating the very utility Bentham thought the only proper goal of law.

*See also*

Consequentialism; Mill, John Stuart; Rights, Natural; Utilitarianism

**Further Readings**

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