

JEREMY BENTHAM ([1748–1832](#))

Brief life sketch: Bentham was born in [Spitalfields, London](#), into a wealthy [Tory](#) family. He was a [child prodigy](#) and was found as a toddler sitting at his father's desk reading a multi-volume history of England. He began his study of [Latin](#) at the age of three. Later, [English jurist](#), [philosopher](#), and legal and [social reformer](#). Brother of [Samuel Bentham](#). He is best known for his advocacy of [utilitarianism](#).

Introduction: Jeremy Bentham was the real founder of the Utilitarian School of political philosophy. The thought was something like the steam engine that revolutionised industry. The true end of the state is to promote the greatest happiness of the greatest number. A state and its laws should be judged accordingly. The law and institutions of a country should meet the needs of the day. They must be judged according to their utility.

Pleasure and Pain: "Nature has placed mankind under the government of two sovereign master, pain and pleasure." There were 14 simple pleasures like sense, wealth skill, good name, power, piety memory, imagination, relief etc.

There were 12 simple pains like ill name, enmity, piety etc. From the idea of Pleasure and Pain, the concept of Utility arises. There is no question of conscience or morality in human actions An action is approved or disapproved on the basis of the pleasure or pain it creates. Only pleasure is good and only pain is bad. The general tendency of an action towards pleasure or pain can be observed. Accordingly such an action is taken as good or bad. An individual is the best judge of his own happiness.

Pleasure pain & the state: The state could increase pleasure or pain through its actions. State legislations are measured accordingly. The purpose of law is to increase the happiness of the greatest number.

*Calculation of pleasure and pain(felicific calculus):*Both pleasure and pain can be arithmetically calculated. This is called 'felicific calculus'. The factors that should be counted are: intensity, duration, certainty (or uncertainty) and propinquity (or remoteness) and fecundity (the chances of the action being followed by a sensation of the same kind).

Conflict and the need for sanctions: There may be conflict between the greatest happiness of the individual and the greatest happiness of the greatest number. Therefore, some sanctions are necessary. These sanctions are physical, religious, moral, and political. Physical sanction include pain. Religious sanctions lost its effect today. Moral sanction is the pressure of public opinion. The most effective sanction is the political sanction in the form of rewards or punishments given by the state. Punishment is much more effective than reward.

The State: The only reason for the existence of the state is its utility. A state is a group of persons organised for the promotion and maintenance of utility or happiness. The end of the state is not the development of the personality of the individual. It is not for the promotion of good and moral life of the community. But it is the promotion of the greatest happiness of the greatest number. It means the sum-total of the happiness of the community meant. It is based on

the concept of equality of men. The best form of government is democratic government. It is not like the collective good as in the case of Rousseau.

The government exist because of its utility. Man obey the state because it promotes happiness. People have the right of disobedience if the state does not promote the gretest happiness of the gretest number.

Sanctions, State and Law: Men pursue their own happiness. This may come in conflict with the gretest happiness of gretest number,. To counter this, there should be various sanctions. The most important sanctions are political sanctions which come in the form of law. The state is thus primarily is a law making body. Law is a command. It is the restraint on the natural liberty of the individual.its main purpose is to reconcile the individual interest with public interest. *Source of Law:* The source of law is not nature or reason. But it is the will of the sovereign. This will is present if God and man but in nature. Therefore, there can be Divine Law and human law, but not natural law. Of these two divine law is unascertainable. Therefore, in political society, there should be human law.

Aim of Law: According to Bentham, law aims at four ends i.e. security, subsistence, abundance and equality. *Rights:* Bentham made an end of Natural Rights. He rejected the concepts of Natural Law ans Natural Rights. Rights are not natural and that they are created by law of the state. Natural Rights are 'simple nonsense built upon stilts'. Every right has its own corresponding duty. Every duty has some sanction behind it. But in the case of natural rights, there is nothing like natural duty behind it. Therefore, there cannot be anything like natural liberty also. Divine right, feudal right, historical right, natural right, contractual right and constitutional rights are all rubbish and nonsense.

State being the creator of rights, they cannot be used against the state. The end of the state is not maximum pleasure and not maximum rights or liberty. Liberty should be recognised only if they promote gretest happiness of the gretest number. It is not liberty but happiness is the ultimate end. However, Bentham Bentham gives the rights to property and liberty. They are necessary for individual security.

Sovereignty: The sovereign has unlimited powers to legislate for all and everything. Bentham believed in written constitution to ensure a rational government. The only restriant is his own anticipation of popular resistance. the subject had no legal rights to resis his sovereign. But he has a legal duty to obey the sovereign. The sovereign need not respect any individual rights.

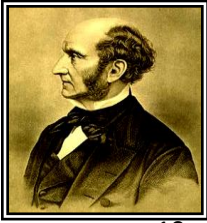
Estimate: Bentham is a legal reformer and a legal philosopher rather than a political philosopher. He is known for his methodological superioty rather than philosophic excellence.



→ Bentham's self icon in the University College, London



JOHN STUART MILL



(20 May 1806 – 8 May 1873), British philosopher, political economist, civil servant and Member of Parliament, was an influential liberal thinker of the 19th century. He was an exponent of utilitarianism.

Books: On Liberty (1859)
Consideration of Representative Government.

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J. S. Mill is known for his modification of Benthamism. He said that (1) Happiness cannot be an end in itself and (2) cultivation of personality is important for the proper development of man.

15 John Stuart Mill added the element of Quality to pleasure. Quality of pleasure is as important as quantity. Pleasure of poetry is higher than the pleasure of a pushpin. “It is better to be a human being dissatisfied than a pig satisfied; better to be a Socrates dissatisfied than a fool satisfied.”

20 The Felicific Calculus of Bentham is unworkable for J. S. Mill because quality cannot be objectively measured.

The sanctions are inadequate to make individual to think about the greatest happiness of the greatest number. Therefore, J. S. Mill added another powerful sanction
25 ‘conscience’.

MILL ON LIBERTY:

The individual revolution has made man slaves of machines.
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The individual has two aspects in life. One, the individual aspect and the other, the social aspect. Therefore, his actions can be classified into 1. self regarding aspect and 2. other regarding aspect. His actions concerned only with himself should not be controlled by the state. His actions concerned with the society should be regulated by the
35 state.

There should be a number of freedoms for the individual. They are (1) freedom of conscience, (2) liberty of thought and expression, (3) liberty of pursuit of tastes (4) liberty of association (5) liberty to pursue his own vocation in life (6) liberty of religion and morals. Most important one is the liberty of thought and expression. Freedom of
40 expression is important because it leads to discussion and the discovery of truth. It leads to clear full and consistent thinking. It leads to the full development of the personality of the individual. The state interference should be the minimum. However, his actions can be regulated if it affects the society. He can be compelled to perform his duties and obligations.

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MILL ON STATE AND GOVERNMENT:

5 According to Mill, Democracy is the best form of government because each man
can defend his interest and participate in the government. Democracy makes people
better. The best government is not the one which is best governed. Best government is the
one which promotes the moral and intellectual qualities of the people. Therefore,
representative government is the best. But it suffers from two problems. Firstly, the
general ignorance of the people and secondly, the danger of control by a section of the
10 people.

Mill excludes children and backward people because they are not mature in their
faculties. Legislatures should be wise, educated and enlightened. They should be men of
culture. The poor shall prove their superior intelligence through a voluntary examination.
15 This means intellectual aristocracy.

Mill advocated proportional representation and woman suffrage. Minority interest
should be protected against majority tyranny. There shall be political parties.

20 According to Mill,. The following are the activities of the state:

1. The state must insist on the education of the children even against the
interest of parents.
2. Public enterprises should be subjected to public regulation.
- 25 3. Law must enforce limitations on hours of labour.
4. Scientific research and explorations should be supported by the state.
5. Enhancement of wages.
6. Abolition of the principle of primogeniture.
7. Public health, workers health and welfare.

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Importance: Paved the foundation for welfare state. Protected the interest of the common
people. Influenced both the left and the right. Proposed larger changes for electoral
system. Freedom consists of both the internal and external aspect of the individual.