

# The Bloomsbury Encyclopedia of Utilitarianism

Edited by James Crimmins



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# The Bloomsbury Encyclopedia of Utilitarianism

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# THE BLOOMSBURY ENCYCLOPEDIA OF UTILITARIANISM

EDITED BY

James E. Crimmins

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## PREFACE

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Jeremy Bentham coined the term “utilitarian” in 1781, but the idea of “utility” as a value, goal or principle in moral, political, and economic life has a long and rich history. That history may be said to begin with the reflections of ancient philosophers on the place of the “utile” in human life. Thereafter, the noun “utilitas” passed through pagan, theological and secularized stages of usage, and divergent understandings of the meaning of “utility” emerged. When it came to be adapted for use in a variety of professionalized legal, philosophical, political, and economic contexts, utilitarians—most notably Bentham and his followers—insisted on the intrinsic unity of theory and practice in a utilitarian “praxis.” In each of these fields, different problems and issues of interpretation and application were thrown up, and different intellectual casts of characters joined battle to validate or disqualify the utilitarian approach to their subject or to the sphere of human activities in which they were interested.

This encyclopedia is an attempt to capture the complex history and the multifaceted character of utilitarianism in its various contexts and forms more completely than any previous source. Studies of utilitarianism hitherto have been notably compartmentalized, focusing on ethics, the sociopolitical utilitarianism epitomized in Benthamism, the genesis of Austinian jurisprudence, Millian revisionism, and more recent adaptations, applications, and debates. The present volume has a far broader mandate. Here, the reader will find entries on the authors and texts that contributed to the development of the tradition of utilitarian thinking from antiquity to the present, as well as on the issues and critics that have arisen at every stage in the history of that tradition. The reader will discover, too, ample evidence of the capacity of the theory to generate new ideas, issues, and approaches, and to foster dialogue across an expansive and eclectic intellectual spectrum, embracing the history of ideas, moral, legal, analytic, and political philosophy, economics, religion, psychology, and other fields of study.

The statistically inclined might wish to quantify the level of interest in these domains and across periods of time. However, for those more disposed to visual depiction, we might imagine the utilitarian tradition as an ancient but still living tree. From its roots in antiquity, it has grown over the centuries, cross-fertilized with other ideational traditions drawn from natural philosophy, humanism, and the sciences, and formed a dense and unyielding trunk from which new branches continue to sprout and foliage blooms. From time to time, the organism has been buffeted by the contending winds of competing theories, and there have been occasional attempts to take an axe to the entire extraordinary structure. But, like one of Tasmania’s arched and pendulous Huon pines, utilitarianism has withstood the test of time, and there is good reason to expect that it will continue to flourish long into the future, putting the lie to Bernard Williams’ imprudent prediction in 1973 that “the day cannot be too far off in which we hear no more of it.”

## Preface

There are over 220 entries in the encyclopedia, authored by some 120 scholars from all parts of the globe. Many more entries might have been included, and undoubtedly the critic will find reason to quibble with the final list of contents: such and such a topic surely warranted inclusion and how could the editor omit this philosopher or that. All I can say is that settling the final lineup of entries was no easy matter. The aim was to be as comprehensive and relevant as possible, while giving important subjects enough room for authors to do them justice. Necessarily, the limitations of space have determined that certain topics, historical figures and contemporary scholars did not make the editorial cut. I wish it could have been otherwise.

It would be presumptuous to attempt to summarize the multifarious contents of this volume. However, a cursory overview will provide the reader with a suggestive guide. Naturally, many historical figures occupy these pages, from Plato, Aristotle, Epicurus, and Confucius, and later progenitors of the theory like Richard Cumberland, the Earl of Shaftesbury, Joseph Butler, John Gay, David Hartley, Francis Hutcheson, David Hume, Claude Adrien Helvétius, Cesare Beccaria, Joseph Priestley, William Godwin, and William Paley, to the classical utilitarians, Bentham, the Mills and Sidgwick, and more recent contributors to the utilitarian tradition like J. J. C. Smart, John Harsanyi, James Griffin, Shelly Kagan, Peter Singer, and Brad Hooker. Among the political economists, the reader will find Adam Smith, Thomas Malthus, David Ricardo, Jean-Baptiste Say, the Physiocrats, F. Y. Edgeworth, William Stanley Jevons, Alfred Marshall, Arthur Cecil Pigou, and Lionel Robbins. Legal scholars and jurists include John Austin, H. L. A. Hart, and the Americans David Hoffman, John Codman Hurd, and Oliver Wendell Holmes. Major critics are also featured, such as Thomas Carlyle, Thomas Babington Macaulay, William Whewell, the Idealists, Friedrich Hayek, Bernard Williams, John Rawls, Robert Nozick, David Gauthier, and Derek Parfit. Among the lesser lights in the utilitarian orbit, the reader will find the Cambridge utilitarians George and John Grote, John Fawcett, Joseph B. Mayor, and John Rickards Mozley, and Americans like Thomas Cooper, Richard Livingston, John Neal, Richard Hildreth, and John L. O'Sullivan. A number of historians and commentators on the utilitarian tradition have been included, notably Leslie Stephen and Elie Halévy. Related schools of thought and theories are represented, including Evolutionary Theory, Game Theory, Public Choice Theory, Pragmatism, Preferentialism, and Welfarism, as are important aspects of contemporary discussions such as Arrow's Theorem, the Expected Utility Hypothesis, the Pareto Principle, and Rational Choice. The many forms of utilitarianism include Act, Aggregate, Analog, Average, Binary, Collective, Critical-Level, Expectabilist, Ideal, Indirect, Motive, Number-dampened, Objective, Philosophical, Rule, Scalar, Subjective, Total, Valence, and Virtue utilitarianism. Key concepts and issues discussed include Adjudication, Agency, Animals, Associationism, Autonomy, Benevolence, Bioethics, Consequences, Death, Democracy, Education, Equality, Eudaimonia, Feminism, Happiness, the Harm Principle, Impartiality, Interest, Intergenerational Justice, Justice, Liberty, Motives, Natural Law, Obligation, Pain, Pleasure, Population, Punishment, Racism, Rights, Slavery, and Sovereignty. Added to this are discussions of the several problems associated with the calculation and measurement of utility, and many other topics and figures besides.

A project of this magnitude and complexity requires support from many hands. Foremost among these are the members of the Editorial Committee who offered their advice and recommendations on topics and authors. Among these, Douglas Long stands *primus inter pares*. Doug was involved right from the outset and contributed a great deal of energy and wisdom in giving shape to the project. Had other priorities not occupied him over the last few years, he would have remained engaged in the work as a coeditor. Anthony Skelton, another of my

valued colleagues at Western University, was particularly helpful in proposing subjects and in offering comments on submissions. The logistics of keeping track of authors and drafts of entries was greatly assisted by Isaac Quinn DuPont, the Project Administrator, who applied his impressive IT skills to the task. For research assistance, I thank David Muncaster, Meghan Laws, and George Hamzo, former students who gave considerably to the project. George Hamzo also coauthored several entries. Funding was gratefully received from Huron University College, Western University, and the Social Sciences and Humanities Research Council of Canada. David Barker, the volume's managing editor at Bloomsbury, demonstrated unflinching enthusiasm throughout and a gracious patience during several delays. I trust he now feels it has been worthwhile. As always, I owe a special debt to my wife and abiding inspiration, Johanne, for the many ways she has made my work possible. It would not be done nearly so well without her. Finally, I am greatly indebted to the authors of the entries that constitute this unique compendium of studies. Individually, they have produced erudite and stimulating work, and laid down markers for further investigation; collectively, they have defined a vast and engaging field of learning and inquiry. I thank them one and all.

James E. Crimmins  
Editor  
Huron University College  
The University of Western Ontario  
4 September 2012



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# A

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**ACTUALISM:** *see* EXPECTABILIST UTILITARIANISM.

## ACT UTILITARIANISM

Act Utilitarianism is a species of the Act Consequentialism genus. What unites Act Consequentialist theories is the view that the deontic status of an action—its moral permissibility or impermissibility—is determined by the value of its consequences alone. Utilitarian theories are distinguished from consequentialist theories generally by their axiology, or theory of the good. Utilitarians hold a *monistic* axiology, claiming that utility (sometimes called welfare or well-being) is the only thing with noninstrumental value (i.e. that is good for its own sake). While historically, utilitarians have also tended to hold monistic theories of utility—Bentham and Mill both held forms of hedonism for example—utilitarianism is compatible with pluralism about utility itself. Utilitarians can hold that utility is affected by a plurality of things, such as pleasure, knowledge, and self-respect, while also thinking that utility is the only thing that holds noninstrumental value and the only thing that determines an action’s deontic status. One complication is that “utility” is used in the utilitarian tradition to refer both to a subject’s overall level of well-being and to that which contributes positively to it, such as pleasure. In this entry, “utility” refers to a subject’s overall level of

well-being, which is the balance of its positive and negative determinants.

In addition to thinking that only effects on utility determine the deontic status of actions, utilitarians have generally held that an action is right if and only if it *maximizes* utility. This is why utilitarianism is usually associated with the slogan that agents should do what leads to “the greatest good for the greatest number.” This also brings out the fact that utilitarianism is an *impartial* theory, one that gives no extra weight to any individual’s utility, even an agent’s own, in determining the permissibility of their action. To put Act Utilitarianism in schematic form, it claims that an action is right if and only if it maximizes utility, among those actions the agent could perform. Though for brevity, Act Utilitarianism is here formulated in terms of actions that *maximize* utility, there may be two or more actions that produce more utility than any alternative, and which produce equal utility, so a more accurate statement of Act Utilitarianism is that an action is right if and only if no alternative action brings about *greater* utility.

To give a concrete example of how Act Utilitarianism assesses actions, suppose a Baltimore detective—Kima—is trying to decide whether to arrest a local gang boss—Avon. Kima knows, and can prove, that Avon has murdered a rival gang member. Kima also knows that were Avon to be arrested, then this would lead to a murderous turf war involving the deaths of many

## ACT UTILITARIANISM

innocent people and the establishment of an even more brutal criminal gang in Avon's place. Suppose for simplicity that Kima's only two options are (1) arresting Avon or (2) destroying the evidence. Act Utilitarianism says that if action (1) produces greater utility than (2), then Kima ought to perform action (1) and it would be impermissible for her to perform action (2), and vice versa. If (1) and (2) produce equal utility, then both actions are permissible.

In order to estimate the value of the outcomes produced by Kima's possible actions as Act Utilitarianism requires, it must be possible to compare and aggregate people's levels of utility, including those in different possible outcomes. For only then will it be possible to determine the total utility produced by each of (1) or (2) and thus the permissibility of each action.

As Kima's case brings out, Act Utilitarianism can deliver surprising verdicts about what it is permissible or impermissible for an agent to do. Some take this to be a strength of Act Utilitarianism, one that reflects the fact that our everyday moral rules or principles are really only "rules of thumb" which, though generally a reliable guide, must sometimes be ignored. Others, however, see some of the possible implications of Act Utilitarianism as evidence that the theory is mistaken. One form of this objection stems from the observation that if Act Utilitarianism is true, then no action is ever prohibited in all circumstances (except failing to maximize utility). Thus, Act Utilitarianism cannot support an absolute ban on torture or on imprisoning or killing innocent people because there could be some circumstance, albeit an unusual one, in which performing these actions is the only way to produce the greatest utility. This feature of the view is the one that led Anscombe (1958) to assert that its holders have a "corrupt mind."

Act Utilitarianism is a highly demanding theory and for a number of different reasons that are worth distinguishing

(possible responses are considered below). First, because it claims that actions are right only if they maximize utility, Act Utilitarianism leaves no room for personal projects or interests that are not strictly necessary for maximizing utility. No matter how much someone might enjoy pursuing hobbies or spending time with friends and family, if there would be an overall gain in utility were the agent to stop doing these things, then this is what they morally ought to do, according to Act Utilitarianism. The same goes for career choice, one's choice of partner, and indeed any choice. This maximizing feature also means that Act Utilitarianism cannot recognize a category of supererogatory actions (at least as normally construed). Supererogatory actions, should there be any, are actions that are morally better than what one is required to do. But this makes no sense on the Act Utilitarian view, given its maximizing nature. If the action really is better, and this is in terms of its effects on utility, then it is what the agent morally ought to do, on the Act Utilitarian view.

Second, because Act Utilitarianism claims that right actions are all and only those that maximize utility, it makes what an agent ought to do highly sensitive to the intentions and actions of other agents. This leaves agents open to a form of coercion by others. Williams's famous example of Jim and the Indians illustrates this point (pp. 97–9). A slightly amended version is as follows: Suppose Burns intends to shoot and kill ten people. However, Burns tells Smithers that if Smithers kills nine people, then Burns will let the tenth go free. Smithers knows that Burns will go ahead with his threat to kill ten if Smithers does not kill nine and that there is no third alternative action that Smithers could perform instead. Now, if greater utility would result from Smithers killing nine than Burns killing ten, Act Utilitarianism delivers the verdict that Smithers ought to kill the nine (and that it would be impermissible for Smithers not to do so). This case brings out

that Act Utilitarianism makes what an agent ought to do highly sensitive to the intentions of others, no matter how evil those intentions are.

A third form of demandingness that Act Utilitarianism exemplifies is epistemic. As formulated above, Act Utilitarianism claims that an action is right if and only if it maximizes utility. That is to say an action must *actually* maximize utility for it to be permissible. One implication of this is that an agent has to perform incredibly difficult estimations of the long-term effects of his or her actions in order to determine their permissibility. The agent must also decide how long to spend deliberating about which action to perform, and how long to deliberate about that, and so on and so on, which makes Act Utilitarianism impossible to use as a way of making decisions. Another form of the epistemic demandingness of Act Utilitarianism is that something that seems to be a paradigm case of morally permissible, or obligatory, action might have been morally impermissible because of some incredibly remote long-term effect of the action and its effect on the total utility produced by the action. Given how difficult it is to determine even the *local* long-term effects of an action, this means that one might hardly ever be in a position to know that an action was permissible or impermissible. This is an unattractive feature of the theory.

This feature of Act Utilitarianism—its taking actual outcomes to determine the deontic status of actions—also leads to other problems. Take the following example, modified from a discussion by Jackson (1991). Patty and Selma go to see their respective doctors with the same very painful but non-life-threatening skin condition. Patty goes to see Dr Hibbert. Dr Hibbert carefully compares her symptoms with all of the available information about possible treatments and Patty's medical history before giving her a very low-risk medicine, DRUG A, as opposed to the alternative, high-risk, DRUG

B. Unfortunately, Patty has an extremely rare and previously unknown allergy, which causes her to die immediately upon taking DRUG A. Selma, meanwhile, goes to see Dr Riviera. Dr Riviera is distracted by his tele-marketing campaign and gives Selma the first medicine that comes to mind, DRUG B, without checking the risks or her medical history. Selma takes DRUG B and recovers.

In these cases, Act Utilitarianism, if focused on actual outcomes, has to adjudge Dr Hibbert's action as impermissible and Dr Riviera's action as permissible, because of how things actually turned out. But this is counterintuitive. Dr Hibbert does not deserve any blame; his behaviour was conscientious, if unfortunate. Dr Riviera, by contrast, deserves disapprobation for acting so recklessly, despite things turning out well. Thus, Act Utilitarianism, if it takes *actual* outcomes to be the ones that determine the deontic status of actions, seems to give counterintuitive verdicts. Such verdicts are counterintuitive at least in part because they drive a wedge between (1) whether someone acted rightly or wrongly and (2) whether they merit praise or blame.

A related set of counterexamples, discussed by Jackson (1991) and Parfit (2011, vol. 1) among others, are cases where an agent ought to perform an action even though the action would not maximize utility. One such case is as follows: A group of swimmers are trapped in a swimming pool wave machine that is dangerously out of control and will shortly kill all 100 of them. Lisa has a control panel in front of her with three buttons and can only press one. Lisa knows that pushing button A will release the plug from the pool, which would drain the water quickly enough for 99 people to escape unscathed, though one person would drown. One of the buttons B and C stops the machine and the other speeds it up. If the machine is sped up, everyone will drown. If the machine is stopped, everyone will be saved. Unfortunately, Lisa does not know which button



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stops the machine and has no means of finding out in advance which one to press.

It seems obvious that Lisa ought to press button *A* and drain the pool and that the alternative—pressing one of the other two buttons—is impermissible, given the high risks involved. However, if Lisa drains the pool, it will definitely lead to the death of one person, whereas if she presses one of the other buttons, if Lisa were to guess correctly, it will lead to no death at all. Thus, Act Utilitarianism, if it assesses actions in terms of their actual outcomes, must say that Lisa's pulling the plug is impermissible because the action is guaranteed not to maximize utility and that Lisa acts rightly only by guessing rightly and pressing the button that actually stops the machine. But this is the wrong answer! Act Utilitarianism, thus, gives the wrong verdict about this case if it focuses on actual outcomes.

More complex forms of Act Utilitarianism can nullify some, but not all, of these problems. One improvement to the theory is to claim that an action is right if and only if it maximizes *expected* utility. The expected utility of an action is arrived at by multiplying the utility of each possible outcome of that action by its chance of occurring and summing the results. This amendment makes Act Utilitarianism more plausible in the case of the wave machine, by suggesting that Lisa ought to drain the pool. It also delivers a better verdict in the case of the two doctors, by closing the gap between our appraisals of someone's credit or blameworthiness and whether they acted rightly or wrongly. In both cases, this is explained by the action's maximizing expected utility (even though Dr Hibbert's action turns out to produce less utility than the alternative action and Lisa's will definitely produce less utility than if she were to successfully press the button that stops the machine). This is strong support for thinking that the best form of Act Utilitarianism takes the deontic status of actions to be explained by their expected,

rather than actual, utility. One complication, not addressed here, can be put as the question "expected by whom?" Should expected utility forms of Act Utilitarianism hold that the deontic status of actions is determined by the levels of utility the agent *himself* expects, irrespective of how reasonable or unreasonable his expectations are? Or should it be a "reasonable person" standard?

As well as moving to an expected utility version of the theory, Act Utilitarianism can be improved by treating it as a criterion of right action as opposed to a decision procedure—a distinction most explicitly drawn in the work of Railton (1984). This is perhaps less a change to the theory and more of a clarification, since it is questionable whether any utilitarian believes that one should consciously strive to maximize utility by always applying Act Utilitarianism when deciding how to act. Either way it is a good point for the Act Utilitarian to make because agents always have highly imperfect information and are likely to make an exception in their own case too often to be able to safely apply Act Utilitarianism in general life. Thus, Act Utilitarianism can recommend inculcating and applying precepts that seem likely to maximize utility if generally followed—obeying the law, keeping promises, telling the truth—rather than directly applying the test of maximizing utility to every decision.

This amendment, taking Act Utilitarianism to be a background criterion of rightness and not something to be consciously applied in everyday moral thinking, helps with some problems with the theory. But one would still need to keep an eye out for those occasions when utility would be maximized by contravening these handy "rules of thumb." Such special circumstances might obtain in Kima's case above and would also occur where something extreme must be done to prevent disaster. Thus, this move does not insulate Act Utilitarianism from the charge that it could require agents to potentially do almost

anything, if the stakes are high enough. But Act Utilitarians might rest content with this implication, noting that many actions that are generally off limits are permissible in extreme situations, if the stakes are sufficiently high.

Nevertheless, many have sought to escape this implication of Act Utilitarianism—its licensing certain actions if, in the particular context, greater utility would be produced by performing them—by moving from a direct to an *indirect* form of Utilitarianism (one form of which is Rule Utilitarianism). Rule Utilitarianism is indirect because it claims that the deontic status of actions is determined not by their effects on utility but, rather, by whether they are permitted by the set of rules that would maximize utility if internalized by some specific percentage of subjects. Both theories assess actions of course. They differ only in which features of actions they take to be relevant, whether it is the action's effects on utility or the effects on utility of rules that permit or forbid those actions.

Act Utilitarianism remains a powerful presence on the landscape of moral philosophy, and will continue to be so. Its appeal stems largely from what makes utilitarianism in general appealing—its treating people impartially, which seems to be somehow a deep feature of morality—and its central focus on the promotion of utility. Clearly, morality gives some special place to promoting well-being, even if utilitarianism errs in taking this to be the sole moral requirement. Utilitarianism also continues to play a useful dialectical role in putting pressure on undersupported aspects of common-sense morality. This includes providing strong arguments for vegetarianism, for increasing aid donation, and for combating climate change. Utilitarianism provides a powerful basis for these, and for institutional reform, befitting the history of the theory. Some aspects of social and public policy—including gun control, drug policy, penal reform, and restrictions on same-sex marriage—are also ripe for improvement by drawing on utilitarian considerations.

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See also AGENCY; COLLECTIVE UTILITARIANISM; CONSEQUENTIALISM; EXPECTED UTILITY HYPOTHESIS; HAPPINESS; MAXIMIZATION; MEASUREMENTS OF UTILITY; MOTIVE UTILITARIANISM; OBLIGATION; PAIN;

## ADJUDICATION

PLEASURE; RULE UTILITARIANISM; SUPEREROGATION; TOTAL UTILITARIANISM; UTILITY; WELFARE (WELFARISM).

### ADJUDICATION

Adjudication is the activity of authoritative dispute resolution. The most visible and well-theorized form of adjudication, and the focus of this entry, is the activity of judicial decision-making in a case that comes before a court of law. In this context, adjudication usually involves ascertaining the facts of the case, identifying the relevant statutes, precedents, and other legal materials, and anticipating the consequences of various possible decisions. In routine cases, the correct decision is effectively determined by the judge's (or jury's) finding of fact, and no serious inquiry into the law or possible decisions' likely consequences is needed. But in some cases—the ones that have prompted the most extensive philosophical discussion—agreement on the facts is nonetheless accompanied by disagreement about the correct decision. The norms that judges should follow in such cases are a contested matter in philosophy of law.

On the standard view of adjudication, judges should normally simply apply existing law to the cases before them and not be influenced by whatever senses of justice they may hold or favour. On this view, a judge's own sense of justice and other policy judgments may rightly bear on some common-law cases (those that remain unresolved even after the application of established principles of common law and other available legal materials), but normally judges should function as "finders" rather than "makers" of law. So on this view, most of the intellectual work of adjudication (assuming agreement on the facts) is confined to the

activity of ascertaining existing law, and the main intellectual problem of adjudication is, thus, the problem of legal interpretation: the problem of discerning the content of existing law given available legal materials, which may include diverse and mutually contrary administrative regulations, legislative enactments, constitutional provisions, prior judicial decisions, and established principles of common law. This well-known problem, in turn, is addressed by competing theories of legal interpretation, including theories privileging the plain meaning of texts, theories privileging the author's or ratifier's intentions, and theories privileging the most justified general moral principles that are embodied in the legal history of the political community in question.

Because the standard view of adjudication can be complemented with virtually any theory of interpretation (including ones requiring sophisticated historical scholarship and nuanced moral judgement), not every proponent of the standard view of adjudication is thereby committed to a simplistic view of that activity. But the standard view does tend to restrict the thorniest problems of adjudication to the activity of ascertaining existing law and thereby maintains the thesis that judges should normally simply be reliable conduits or agents of existing law. Defenders of this view maintain that it embodies fidelity to the law, prevents judges from imposing their own values in place of the law, ensures fairness by requiring that similar cases be decided similarly, and enables persons who are subject to the law to predict its application and enforcement.

The main alternatives to the standard view are goal- or outcome-oriented ones. The most prominent such view is the thesis, associated with the law and economics movement, that judges should decide cases in accordance with the goal of social wealth maximization. The classical example of this approach is Learned Hand's formula concerning negligence,

which holds that an injuring party should be deemed negligent only if the cost of preventing the accident would have been less than the cost of the accident itself multiplied by the probability of its occurrence (Hand, p. 173). On the wealth-maximization view, judges should not necessarily apply existing law unswervingly; rather, they should render decisions that maximize the overall wealth of the society. The content of existing law is important, but only as information that judges must take into account (primarily in order to appreciate the prior expectations of persons subject to the law) in order to estimate the consequences of the decisions open to them.

Another goal-oriented view of adjudication can be derived from the utilitarian principle that a person should always act in whatever way maximizes overall well-being. Applied to the activity of adjudication, this principle holds that judges should decide each case in whatever way maximizes overall well-being. This view, which might be called “utilitarian adjudication,” is structurally similar to the wealth-maximization view, but regards well-being instead of wealth as the appropriate maximand. Thus, like the wealth-maximization view, it regards judges as participants in a large goal-driven enterprise and directs them to promote the goal in question even when doing so requires deviating from what the law commands. Utilitarian adjudication also follows the wealth-maximization view in typically requiring judges to attend to the content of the law not as a direct determinant of correct adjudication, but as a datum that informs their thinking about the likely consequences of the decisions open to them.

Ironically, the most influential figures in the history of utilitarian thought—Bentham, Mill, and Sidgwick—all expressly affirm the standard view’s claim that judges should subordinate their own opinions about desirable outcomes to the commands of existing law (Bentham, vol. 9, p. 533; Mill, *CW*, vol. 8, p. 944; Sidgwick, p. 203). In the case

of Bentham, it has been argued that he also affirms a judge’s prerogative to set aside the law when necessary to avoid inexpedient outcomes (Postema, pp. 405, 439), but this interpretation has been persuasively disputed (Dinwiddy 1989a, p. 69; 1989b, pp. 284–8). It is a testament to the influence of the standard view that it is embraced even by the leading expositors of outcome-oriented thinking about moral decision-making.

Although proponents of utilitarianism have not traditionally advocated its use in adjudication, and although utilitarianism remains controversial as a comprehensive ethical theory, utilitarian adjudication’s narrower scope makes it less vulnerable to several of the leading objections to the general theory. For example, claims that utilitarianism is excessively demanding, along with the complaint that utilitarianism requires agents to disregard their personal projects, commitments, and personal relationships, have far less relevance in the context of judicial decision-making. As a result, some who do not accept utilitarianism as a comprehensive ethical theory might still accept a utilitarian approach to adjudication.

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See also MAXIMIZATION; JURISPRUDENCE; LEGAL POSITIVISM.

**AGATHISTIC UTILITARIANISM:** See IDEAL UTILITARIANISM; MOORE, GEORGE EDWARD.

## AGENCY

This entry addresses three questions. First, what is the utilitarian's account of the role of the (rational practical) agent in determining the moral status of an action? Second, is act utilitarianism consistent with the exercise of agency? Finally, what value does utilitarianism place on agents?

First, act utilitarians traditionally maintain that any dis/utility resulting from an action contributes to determining its moral status. The consequences may be distant from the agent in space and time, and unforeseen or unintended by her. While act utilitarianism offers a criterion of right and wrong actions, this does not entail a theory of moral responsibility. On one view, the appropriateness of praise and blame is not based on backward-looking considerations but on the (expected) utility of blaming itself (Smart and Williams,

pp. 49–55). Some act utilitarians maintain that the agent's intentions and expectations delimit the consequences that count towards the action's moral status, but this requires further defence.

A consequence of the traditional view is that the agent contributes *causally* to determining the moral status of the action (by causing that action), but does not determine it in virtue of the content of her intention. This arguably relegates the rational powers of the agent. Is this problematic? Schapiro (2001) has argued that the utilitarian and the Kantian have different conceptions of the context of action: the former conceives of it as a realm of cause and effect and the latter as a realm of value where movements are assigned a status by the agent. This resonates with two different aspects of agency: causal power and power to determine the type of action performed by a movement. Suppose that an agent *A* intends of a gesture that it insult another. The content of *A*'s intention plays a central role in determining that her gesture is an insult rather than, say, merely a stretching of her middle finger. This relation of determination is not obviously causal. Intuitively, even if the insult ends up maximizing utility—suppose that it transforms its victim in positive ways—the fact that it is an insult is a moral reason against performing it. If so, it follows that the content of *A*'s intention plays a noncausal role in determining the moral status of the action. This challenges the utilitarian's purely causal account.

Rule utilitarians can better handle such cases. Insofar as the content of the agent's intention plays a role in determining that her action is an insult, and thus that it falls under a rule prohibiting it, the content plays a role in determining the action's moral status. The rule and act utilitarian are, thus, committed to different accounts of the role of the agent in determining the moral status of actions.

Second, having intentions for future action allows the agent to exercise control over the satisfaction of desires that compete for her time and attention, thereby facilitating

inter- and intrapersonal coordination (Bratman, 1987). As *commitments* to ends, intentions restrict the consideration of alternative ends. However, it may be that it is only when an intention is due to be acted on that information becomes available that is relevant to which course of action maximizes utility. To be practically rational, then, agents should restrict their consideration of ends, but to be moral, they should leave their options open. It may be objected that the morally good agent does not have to deliberate in an explicitly utilitarian fashion, and so, she will not be required to constantly submit her intentions for renewed deliberation (Railton, 1984). However, it remains unclear how the morally conscientious agent is to reconcile the demands of practical rationality and those of utilitarianism.

Finally, critics argue that utilitarianism does not give proper moral weight to agents (Nozick, pp. 28–32; Scheffler, Ch.3). On the one hand, it requires agents to maximize utility even if this necessitates using some agents as mere means, thereby eliminating agent-centred *constraints*. On the other hand, it doesn't permit agents to refrain from maximizing utility even if this is necessary to carry out their personal projects, thereby eliminating agent-centred *prerogatives*. Agents have far less moral importance for utilitarianism than for common-sense thought.

With roots in policy making and hedonism, utilitarianism focuses on the impartial distribution of goods understood as states of the agent, such as pleasure or welfare (Korsgaard, 1989). It, thus, leans away from an agent-centred morality that is sensitive to the diverse powers of agents, the first-personal deliberative perspective, or the possible moral significance of agency. The question whether these are shortcomings remains controversial.

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See also ACT UTILITARIANISM; AGENT-NEUTRAL AND AGENT-RELATIVE; KANT, IMMANUEL; PRACTICAL REASON; RULE UTILITARIANISM; VALUE THEORY.

#### AGENT-NEUTRAL AND AGENT-RELATIVE

Traditional utilitarianism holds that an act is permissible if and only if it maximizes utility. This theory is agent-neutral, and this means that it cannot accommodate various agent-relative features of common-sense morality, such as agent-centred options and agent-centred constraints.

Although every moral theory gives us the same formal aim (i.e. that of acting morally), different moral theories give us different substantive aims. The agent-relative/agent-neutral distinction is often drawn in



terms of these substantive aims. A moral theory is *agent-neutral* if and only if it gives every agent the exact same set of substantive aims; otherwise, it's *agent-relative*. Thus, traditional utilitarianism is an agent-neutral theory; it gives every agent the aim of maximizing utility. Egoism, by contrast, is an agent-relative theory. It holds that an act is permissible if and only if it maximizes the agent's utility. Thus, egoism gives each of us different aims. It gives me the aim of maximizing *my* utility, but you the aim of maximizing *your* utility.

Since traditional utilitarianism is agent-neutral, it can accommodate neither agent-centred options nor agent-centred constraints. An agent-centred option is a moral option either to act so as to make things better overall but worse for oneself (or others) or to act so as to make things better for oneself (or others) but worse overall. On common-sense morality, agents can, for instance, choose either to donate their disposable income to some hunger-relief charity or to spend that income on themselves. They can spend that income on themselves and for their own benefit even if giving it all away to some hunger-relief charity would maximize utility. On traditional utilitarianism, by contrast, agents never have the option of doing less than they can to promote utility.

On common-sense morality, there are also agent-centred constraints, such as the constraint against murder. What makes this an *agent-centred* constraint is that it prohibits the commission of murder even for the sake of minimizing comparable commissions of murders. On traditional utilitarianism, by contrast, agents are, other things being equal, obligated to minimize murders overall, since doing so will maximize utility.

Although traditional utilitarianism is an agent-neutral theory, some nontraditional versions of utilitarianism are agent-relative. Expectabilist utilitarianism is, for instance, agent-relative (Ridge, 2008). On expectabilist utilitarianism, an act is permissible if and

only if it maximizes what, *for the agent*, has the highest expected utility. Although it is agent-relative, expectabilist utilitarianism is unable to accommodate either agent-centred options or agent-centred constraints. There are, however, other nontraditional versions of utilitarianism that can.

Egoistically adjusted self-other utilitarianism can accommodate agent-centred options (Vessel, 2010). The egoistically adjusted utility of an act is calculated by summing everyone's utility after multiplying the agent's utility by two. And, on this view, an act is permissible if and only if there is no alternative that would produce both more utility for others and more egoistically adjusted utility. So, if I have the choice of performing either X or Y, where X would produce five utiles for me and ten utiles for others and where Y would produce ten utiles for me and five utiles for others, I'll have the agent-centred option of either doing what's best for others (*viz.*, X) or doing what's best for me (*viz.*, Y).

Rule utilitarianism is an agent-relative theory. It gives me the aim of ensuring that my acts conform to the ideal code of rules (*i.e.* the one with the greatest associated utility) and you the aim of ensuring that your acts accord with the ideal code of rules. Since the ideal code includes rules that prohibit committing certain types of acts even for the sake of minimizing comparable commissions of that act-type, rule utilitarianism accommodates agent-centred constraints. And since the ideal code includes a rule directing us to promote the utility of others when we can do so with a modest cost to ourselves, these costs being summed aggregatively across our entire lives (Hooker, 2000), rule utilitarianism accommodates agent-centred options. We will, for instance, have the option of promoting either our own utility or the utility of others on a particular occasion so long as this is consistent with our making at least modest sacrifices for the sake of others over the course of our lives.

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See also AGENCY; EXPECTABILIST UTILITARIANISM; MAXIMIZATION; RULE UTILITARIANISM; TOTAL UTILITARIANISM.

AGGREGATE AND AVERAGE UTILITARIANISM

Aggregate and Average (act) Utilitarianism agree that an action ought to be performed if and only if it has a better total outcome than any alternative action. (There are aggregate and average versions of rule utilitarianism, as well.) The two views also agree that the value of an outcome is a function of the well-being enjoyed by the people, and perhaps by other sentient animals, existing in that outcome. They differ, however, with respect to how value is determined by well-being. According to Aggregate Utilitarianism (AggU), an outcome *A* is better than an outcome *B* if and only if *A* contains a greater total sum of well-being than *B*. According to Average Utilitarianism (AvU),

*A* is better than *B* if and only if the average lifetime well-being is greater in *A* than in *B*.

The total sum of well-being in an outcome is calculated as follows, assuming, for simplicity, that hedonism is the correct theory of well-being. For each person existing in the outcome, go through every episode of pleasure in his or her life and assign it a positive value according to its intensity and duration. In the same way, assign each episode of displeasure a negative value. Sum these pleasure and displeasure values to obtain the lifetime well-being of each person. The total sum of well-being is the sum of all people’s lifetime well-being values. The average lifetime well-being is the total sum of well-being, divided by the number of people existing in the outcome. Nonhedonistic theories of well-being will imply somewhat different aggregation procedures. At least rough interpersonal comparability of well-being is a general requirement.

AggU is usually regarded as the “classical” form of utilitarianism. Among the founders of utilitarianism, at least Henry Sidgwick (1907) clearly distinguished between AggU and AvU, espousing the former theory. AvU is, in contrast, accepted by many welfare economists. John Harsanyi (1982) argued in favour of (rule utilitarian) AvU—that rational people, choosing between possible outcomes behind a veil of ignorance, would choose the outcome with the greatest average lifetime well-being.

If two outcomes contain the same number of individuals, AggU and AvU rank them in the same way. In such “same number choices,” both theories are often criticized for giving no weight to equality in the distribution of well-being and for implying that a great loss in well-being for one person can be outweighed by trivial gains for many people. There are various suggestions about how to modify these theories to take equality into account or give priority to the worst off.

In “different number choices” (i.e. cases involving alternative outcomes with different



## AGGREGATE AND AVERAGE UTILITARIANISM

numbers of people), AggU and AvU often yield diverging conclusions. At the structural level, there are two important differences between the two theories. First, AggU requires that there is a nonarbitrary zero level of lifetime well-being, while this is not presupposed by AvU. Secondly, AggU, unlike AvU, satisfies a condition of “monotonicity” or “separability,” to the effect that *A* is better than *B* if and only if *A* and *C* is better than *B* and *C*. (Broome, 2004, argues that AvU fails since it violates a special version of this condition.)

A frequent objection to AggU in different number choices is that it implies the “repugnant conclusion” (Parfit, 1984). No matter how large a population is, and how high everybody’s lifetime well-being is, there is a possible population of people with lifetime well-being just above zero that contains a greater total sum of well-being. AggU will, hence, judge the latter population as better. This is the purportedly repugnant conclusion. An even more counterintuitive implication of AggU is that there is, for any large and happy population, a better population consisting of people with lives barely worth living, plus a large number of people with horrible lives, far below the zero lifetime well-being level. This has been called the “very repugnant conclusion.”

Whereas AggU only considers “quantity” of well-being, AvU is often criticized for putting too much emphasis on “quality.” Thus, AvU implies that an outcome containing only one individual, with very high lifetime well-being, is better than an outcome containing very many people with only marginally lower lifetime well-being. However, it is argued that AvU has implications similar to the repugnant conclusion. Suppose that, no matter what we do, the outcome will contain ten billion people with lives barely worth living. Each has a lifetime well-being of 1. We have two choices regarding who will exist in addition to these ten billion people. In outcome *A*, another ten billion people will exist, with only marginally

better lives. Their lifetime well-being will be 2. In outcome *B*, 50 million extra people will exist, with an extremely high lifetime well-being of 100. This means that the average well-being is 1.5 in *A* and 1.49 in *B*. AvU, therefore, favours *A*.

Moreover, AvU implies an intrapersonal variant of the repugnant conclusion. An extremely long life at a constantly low but positive level of well-being will contain greater lifetime well-being than a life of one hundred blissful years. Hence, an outcome containing lives of the former, drab sort is judged better than one containing lives of the latter, blissful kind.

In response to the last objection, the average utilitarian might propose that averaging should be employed also intrapersonally (Hurka, 1982a and 1982b, distinguishes several ways to average across people or times, yielding different versions of AvU). An individual’s average well-being is her lifetime well-being divided by the length of her life, measured in some appropriate time unit. To obtain the value of an outcome, we sum these individual averages and divide by the number of people. According to this theory, however, an outcome containing a single life lasting only a few ecstatic moments might be better than an outcome with a large number of long and very happy lives.

Another frequent objection is that AvU makes what we ought to do depend on people’s well-being in the distant past and future. Whether adding a life to the population would increase or decrease the average lifetime well-being may depend on how happy people were in the Stone Age. Several authors have found it absurd that the level of well-being in the Stone Age could determine whether or not we ought to have children.

If we consider lives not worth living, there are even graver objections to AvU. Suppose that outcome *A* contains a single tormented person, suffering constant pain and agony. Outcome *B* contains the same tormented

person, plus billions of other people, whose lives are only marginally less horrible. The average lifetime well-being is greater in *B* than in *A*, so AvU favours *B*.

We have seen that AggU and, to an even greater extent, AvU have problematic implications in different number choices. This has prompted the search for other theories of aggregation. One proposal is “critical level utilitarianism,” which is a modified version of AggU (Blackorby *et al.*, 1997; Broome, 2004). In its simplest form, critical-level utilitarianism calculates the value of an outcome by subtracting a fixed positive number, the “critical level,” from each person’s lifetime well-being and then summing these differences. If the critical level is set sufficiently high above the zero lifetime well-being level, the repugnant conclusion is avoided. But critical-level utilitarianism is beset with other problems. For one thing, it implies that for any outcome containing only people with negative lifetime well-being, there is a *worse* outcome containing only people with positive lifetime well-being, and including a large number of extremely happy people.

Other modifications of AggU, designed to block the repugnant conclusion, depart from the assumption that a life with a very high lifetime well-being will contain goods that are lexically superior to (i.e. infinitely better than) those contained in a life barely worth living (Griffin, 1986). However, such theories tend to imply troublesome “anti-egalitarian” conclusions as well as versions of the repugnant conclusion.

More complex theories have also been suggested, attempting to combine the virtues of AggU and AvU, while avoiding their drawbacks. All extant proposals turn out, however, to have rather counterintuitive consequences (Ryberg *et al.* 2006, provide a critical overview). Since alternative theories are at least as problematic, some philosophers have argued that the simple and well-understood AggU should after all be accepted. One suggestion is that our reluctance to accept

the repugnant conclusion can be explained by our inability to make reliable judgements about cases involving large numbers. Further, it has been claimed that a life with lifetime well-being just above the zero level is not very different from the lives of most people and that the repugnant conclusion is, therefore, not really repugnant. Researchers unconvinced by these arguments either continue the search for a plausible theory for aggregating value based on well-being or conclude that there is no such theory (Arrhenius, 2012, proves several impossibility theorems).

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## ANALOG AND BINARY UTILITARIANISM

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See also CRITICAL-LEVEL UTILITARIANISM; INTERPERSONAL UTILITY; POPULATION; RULE UTILITARIANISM; TOTAL UTILITARIANISM; WELFARE (WELFARISM).

### ANALOG AND BINARY UTILITARIANISM

In general, an assessment can be an all or nothing affair (e.g. those who are not with us are against us) or it can partake of a matter of degrees (e.g. it has snowed much more than it did last year, but not as much as the year before). By analogy with audio storage and playback methods, we may call these, respectively, *binary* and *analog* assessments. In some situations, it is possible to apply either mode of assessment (e.g. classmate 1: “I got a 92%.” [analog] classmate 2: “I’m just glad I passed!” [binary]). Still, one or the other mode is generally recognized as the one suitable to a given type of investigation.

The term Analog Utilitarianism refers to one interpretation of right action under utilitarian ethics, broadly understood. Starting from the observation that various courses of action lead to varying degrees of gain in happiness or mitigation of suffering, Analog Utilitarianism concludes that acts can have varying degrees of moral goodness. Thus, in some situations, there may be more than one possible act that is classified as ethically good, and degrees of goodness can vary. By contrast, Binary Utilitarianism asserts the right act in each case is that one of all possible actions that creates *the most* happiness. All other actions are ethically wrong.

An explicit statement of the binary thesis can be found in Sidgwick’s *The Methods of Ethics*

(1874) where he adopts the binary interpretation without the benefit of analysis or argument: “[B]y Utilitarianism is here meant the ethical theory, that the conduct which, under any given circumstances, is objectively right, is that which will produce the greatest amount of happiness on the whole” (Sidgwick, p. 411). Many contemporary ethicists also support the binary thesis (e.g. Darwall, 1998). Direct opponents of utilitarianism also interpret the system to demand the action most productive of happiness (e.g. Ross, 1930). Some philosophers take the trouble to argue for the claim that the general utilitarian principle, happiness is the foundation of ethical good, leads clearly and exclusively to a binary interpretation (Moore, 1903). Still, the view has been so widely accepted that it is now quite common simply to assert it.

The founding writings of utilitarianism contain some significant indication that ethical approval is deserved, by degrees, by behaviour that generally increases happiness, as opposed to reserving it for those actions which increase happiness by the maximum degree possible. At the beginning of *An Introduction to the Principles of Morals and Legislation* (1789), Jeremy Bentham states, “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: or, what is the same thing in other words, to promote or to oppose that happiness.” Shortly after that, he says, “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” (Bentham, pp. 11–12). These statements imply the existence of degrees of goodness. Referring to *every* action that has a *tendency* to increase happiness would include both those that tend to increase it a great deal and those which tend to increase it only somewhat. All of these Bentham deems

“conformable to the principle of utility,” or ethically good under Utilitarianism.

Support for this view can also be found in Mill’s *Utilitarianism* (1861) where he indicates the potential for degrees of ethical goodness of possible acts. Mill states: “The creed which accepts as the foundation of morals ‘utility’ or ‘the greatest happiness principle’ holds that actions are right in proportion as they tend to promote happiness, wrong as they tend to produce the reverse of happiness. By ‘happiness’ is intended pleasure, and the absence of pain; by ‘unhappiness’ pain, and the privation of pleasure.” (Mill, *CW*, vol. 10, p. 210). If ethical rightness exists “in proportion” as acts tend to produce happiness, then there must be degrees of ethical goodness. The concept of proportion would have no place if the discussion were about a property which is either completely present or completely absent. Further, both Bentham and Mill translate the utility principle as the “greatest happiness principle,” which may well be a major source of the binary interpretation, if we understand the phrase to mean that utilitarianism takes the greatest happiness as the result *required* of an act for it to be moral. Though this overlooks the context discussed above, it could be understood as referring to the *ideal toward which* utilitarianism aims, with the implication that moderate, incomplete success in reaching the goal is still worthy of approval.

There are several advantages of the analog interpretation. It seems to track more closely with our ordinary ethical judgements in the real world. It is not abnormal to assess certain actions as within the range of what is allowed, but not praiseworthy, some actions as worthy of approval, and some actions as surprising in how excellent they are. Unlike the binary interpretation, the analog seems to have room for the common concept of the supererogatory action. As well as actions, persons are also commonly assessed in ethical terms that admit of a range. To consider a person as decent, without being truly

excellent, we do not add up all the person’s actions which lead to the absolutely best result and compute the ratio between these and all the other actions. Rather we look at the level of quality seen in many individual actions of ethical significance. The particular things decent people do tend to be decent; the particular things superior people do tend to be above and beyond decent. The analog interpretation also avoids a rather strange asymmetry in ethical assessment. Given that under the binary interpretation, all suboptimal acts are wrong, it is clear that there are degrees of wrongdoing, as there are varying amounts of suffering created or happiness not fully supported. But if wrongdoing admits of degrees, it would seem intuitively coherent that doing good would also admit of degrees. If we reject the analog interpretation, we are forced to conclude that there are degrees of ethical evil, but not degrees of ethical good. Otherwise, we have to take every wrong act as equally wrong, and this also seems counter to ordinary moral judgement.

The major disadvantage of the analog interpretation is that it makes the task of discerning ethical good much more complex and beset with ambiguity. If only one choice is ethically right, and all others are wrong, ethical judgement becomes a relatively simple affair. If one can rightly choose among an array of beneficent courses of action, the question of what makes one more suitable than others must be faced. When is forgoing a greater good for a somewhat lesser good allowable, rather than bad? This is significant, for one feature of our ordinary ethical experience is how often we make firm ethical judgements. Significant uncertainty about the ethical quality of a particular course of action is the exception in our everyday experience, not the rule. This would seem to indicate that a relatively simple mental process is at work.

Ethical theory serves a dual role; it is supposed to account for the value judgements made in real-world situations, and it also should be able to help us correct our ethical

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judgements when we err. It is possible to argue that the analog interpretation's advantages discussed above merely show how much in error our informal judgements can be. The individual thinker has to decide how much an ethical theory can work against common judgements, yet still accurately explain our ethical experience. As to the simplicity or complexity of ethical experience, Aristotle warned us not to apply to a field of investigation more precision than the subject matter will admit (*Nicomachean Ethics* I: 5, 1094b, 25). The analog interpretation makes for messier discourse and fewer clear conclusions. It is up to the ethical theorist to decide honestly if the greater simplicity of the binary interpretation constitutes intellectual parsimony or oversimplification. Conversely, the question about the analog interpretation is whether it provides a complexity that matches the reality that it is trying to describe, or makes thinking about ethics *unreasonably* complex.

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See also HAPPINESS; MAXIMIZATION; PAIN; PLEASURE; SUPEREROGATION; TOTAL UTILITARIANISM.

## ANIMALS

Utilitarian thinkers have long been associated with calls for the improved treatment of nonhuman animals. Indeed, even the earliest utilitarian thinkers took animal suffering seriously as a moral and political issue. Frances Hutcheson grounded a theory of animal rights in their capacity for pleasure and pain and in their contribution to society's overall happiness (Garrett, 2007). Humphrey Primatt provided a detailed Christian utilitarian basis for including animals in societal calculations of utility in his book *The Duty of Mercy and the Sin of Cruelty to Brute Animals* (1776). And, in a famous passage discussing the issue of animal rights, Jeremy Bentham wrote:

The day *may* come, when the rest of the animal creation may acquire those rights which never could have been withholden from them but by the hand of tyranny. The French have already discovered that the blackness of the skin is no reason why a human being should be abandoned without redress to the caprice of a tormentor. It may one day come to be recognized that the number of the legs, the villosity of the skin, or the termination of the *os sacrum* are reasons equally insufficient for abandoning a sensitive being to the same fate. What else is it

that should trace the insuperable line? Is it the faculty of reason, or, perhaps, the faculty of discourse? But a full-grown horse or dog, is beyond comparison a more rational, as well as a more conversable animal, than an infant of a day, or a week, or even a month, old. But suppose the case were otherwise, what would it avail? the question is not, Can they *reason*? nor, Can they *talk*? but, Can they *suffer*? (Bentham, p. 283n)

This focus on *suffering*, combined with its propensity to advocate for radical societal reform, made utilitarianism a natural ally of the animal welfare movement. After all, utilitarianism aims to promote social utility, and sentient animals, as beings who can experience pleasure and pain, contribute to social utility.

But while it is possible to detect moral and political concern for animals in the writings of the earliest utilitarian thinkers, a comprehensive analysis of the issue is harder to find. Indeed, it is worth remembering that Bentham's famous quote about the relevance of animal suffering was a mere footnote. It took until the 1970s for a fully fledged utilitarian treatise advocating justice for animals to emerge. That work was Peter Singer's groundbreaking book *Animal Liberation* (1975). This book not only sparked interest within academia about the treatment of animals, but also helped to put animal welfare on the mainstream political agenda. Indeed, for many readers, it is likely to have been their first, and perhaps only, encounter with utilitarian thought. For all these reasons then, it is worth looking at Singer's arguments in some detail.

Singer, like Bentham, argues that the relevant characteristic for moral status—for being owed certain obligations in one's own right—is sentience: the capacity to feel pleasure and pain. While traditional moral theories have tended to focus on something like reason, free will, or language use as the relevant characteristic for moral status, both

Bentham and Singer regard such characteristics as too narrow and over-exclusive. After all, infants lack these latter capacities, and yet we do include them in our moral, political, and legal considerations. We rightly include them, Bentham claimed, because they can *suffer*: it is this capacity that is of moral relevance, and it is this capacity which grants one moral status.

Singer builds on this discussion to develop a principle which he calls "the equal consideration of interests." According to Singer, to have moral status means more than simply being owed *something*, it means being owed *equal consideration*. In other words, when we as individuals and communities are deliberating on what we ought to do—when we are formulating our moral and political obligations—Singer claims that every interest of every sentient being must be considered equally. Equal consideration, thus, means that we cannot prioritize the interests of different groups. Indeed, Singer points out that we uncontroversially regard prioritizing the interests of a particular race as racist and prioritizing the interests of a particular gender as sexist. What Singer goes on to claim is that prioritizing the interests of a particular species—such as *Homo sapiens*—is *speciesist*.

Now, it is crucial to note that Singer's equal consideration principle does not entail that every sentient being should be *treated* equally. Thus, for Singer, it is not wrong to deny chickens access to state-funded education, for example. This is quite simply because chickens have no interest in getting such an education. However, it is wrong to confine chickens in such ways that cause them intolerable suffering, because quite clearly, chickens have a clear and strong interest in avoiding pain, just like us. Equal consideration of interests then, can and will lead to quite different forms of treatment for different individuals.

To determine what obligations we have as individuals and communities, Singer combines his principle of equal consideration



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with the utilitarian goal of promoting utility, or in his terms, satisfaction of interests. Crucially then, our actions and policies should aim to bring about the greatest amount of interest-satisfaction possible, having considered the interests of all sentient beings equally.

Singer applies this theory to two controversial areas of animal use: meat-eating and animal experimentation. When it comes to our diet, Singer claims that we all have a duty to become vegetarian. He argues that the principle of equal consideration demands that we cannot allow major interests to be sacrificed for minor ones. Moreover, the interest that animals have in not suffering from the practices of modern farming is major, while the interest humans have in eating meat is minor. As such, Singer claims that if we consider all interests equally, then each of us has a duty to become vegetarian in order to maximize overall interest satisfaction (Singer, 1993, p. 63).

Some philosophers have questioned whether meat-eating really does pit trivial human interests against major animal interests, as Singer claims (Devine, 1978; Regan, 1980; Frey, pp. 197–201). For example, the strength of the human interest in eating meat might be illustrated by the fact most people are resistant to vegetarianism, even in the face of knowledge about the suffering inflicted upon animals in the meat industry. Moreover, the meat industry is obviously big business, and closing it down would have obvious deleterious effects on the economy and people's livelihoods. It might be then that when we include all relevant considerations, the costs of closing down the meat industry outweigh the benefits.

Singer's response to such objections has been to emphasize how the mass switch to vegetarianism would be of benefit to humans as well as animals. For example, he points out that meat production is incredibly inefficient, and that far more protein can be produced on a hectare of land devoted solely to

the growth of crops than on one devoted to livestock (Matheny, 2003). Moreover, Singer also claims that the abolition of intensive livestock farming would be beneficial for humans in terms of avoiding the diseases and damaging environmental pollution that such practices generate (Singer, 1980).

But even if we accept that these benefits would accrue from a mass switch to vegetarianism, it might still be the case that the meat industry better serves overall utility. After all, the industry creates more sentient lives in the world and thus the possibility of more utility. It is of course true that the animals raised by the industry are killed. However, because of the ongoing demand for meat, those animals are continually replaced by new animals. It is, thus, quite plausible to argue that a world with a meat industry has greater overall utility than a world without a meat industry.

One immediate problem with this argument is that it is questionable that the animals raised and killed in the meat industry *do* actually contribute to overall utility. After all, given that intensive practices within the industry include close confinement, lack of stimulation, factory-line slaughter, and so on, it is uncertain whether the animals involved gain any benefit from their lives. And yet, while such methods are dominant within the industry, they are not mandatory. Let us then imagine a remodelled meat industry based on free-range conditions where animals are brought into existence to lead pleasant lives, killed painlessly, and then replaced by other animals with the same fate. Surely a world with this kind of meat industry would create more utility than a world without one?

Singer responds to this objection by pointing out that he is not a Classical Utilitarian, but a preference utilitarian. In other words, Singer believes that utility is not to be measured solely in terms of levels of pleasure and pain, but also in terms of satisfaction of preferences (Singer, 1987). So, Singer is not primarily concerned with whether the meat industry produces more experiences of

pleasure, but whether it serves to bring about what is preferred. On these terms, Singer claims that the meat industry does rather badly. In making this case, Singer makes a distinction between “self-conscious” entities and “merely conscious” entities. Self-conscious entities are those beings who can not only feel pleasure and pain, but who are also aware of themselves existing over time, and so possess memories of their own past and desires for the future. Singer argues that while self-conscious animals obviously do have an interest in avoiding pain and pursuing pleasure, they also have an interest in pursuing and realizing their future-oriented desires, including the desire to continue to live. So, when the meat industry painlessly kills a self-conscious animal that has led a decent life, it thwarts all of the future-oriented desires of that animal. Of course, the industry can create a new animal who will have new desires. But according to Singer, that replacement does not compensate for the loss in utility that the original killing caused: for the original animal’s desires remain unsatisfied. In sum then, for Singer, this hypothetical free-range meat industry will actually create overall disutility by thwarting huge numbers of desires (Singer, 1993, p. 130).

One important limitation of this argument, of course, is which it only serves to rule out a meat industry that kills “self-conscious” animals. An industry which focuses solely on the killing of “merely conscious” animals would seem to increase utility, provided of course that the animals enjoyed decent lives and were killed painlessly. So, where is the line to be drawn between “merely conscious” and “self-conscious” animals? Singer claims that a case can be made for thinking that all mammals are self-conscious beings, thus making the raising and killing of cows, pigs, sheep, and so on impermissible. However, he believes that no such case can be made for birds and fish (Singer, 1993, p. 132). It might seem then that Singer’s theory does not

require us all to turn to a vegetarian diet, but to campaign for a meat industry that focuses solely on the free-range farming of fish and poultry.

However, this is not what Singer argues. Instead, he uses a kind of “slippery-slope” argument to justify abolishing the meat industry outright: “To foster the right attitudes of consideration for animals, including non-self-conscious ones, it may be best to make it a simple principle to avoid killing them for food” (Singer, 1993, p. 134). In other words then, Singer argues that any form of the meat industry is bound to lead to us treating the animals involved as mere resources and so eventually sliding back into the painful and harmful practices that can clearly be ruled out by utilitarianism (Singer, 1980). For these reasons, Singer maintains that we all have an obligation to become vegetarian.

These aspects of Singer’s theory have been much debated among philosophers, and there is insufficient room to explore all these debates here. Nonetheless, two points are worth making. First of all, it is worth questioning whether “merely conscious” animals really are completely lacking in desires about the future. After all, it certainly seems plausible to maintain that sentient animals like birds and fish do make choices about their futures: to move here not there, to eat this not that, to fight or flee, and so on. These desires many not extend far into the future, but they are certainly about the future. Secondly, how can we really be sure that society will slide back into harmful practices if it does adopt a more benign form of meat industry as described above? After all, the move to such a remodelled industry would be an extremely radical departure from that status quo that would require a significant amount of social and political will. To think that such will would totally collapse after such a radical shift is questionable to say the least (Cochrane, p. 41).

The second important issue that Singer discusses in his theory is animal experimentation.



## ANIMALS

While painful nontherapeutic experiments that test the safety of cosmetics, detergents or food additives, or which produce fairly useless knowledge about animal behaviour, will be judged as impermissible under most ordinary forms of utilitarian reasoning, those animal experiments which test drugs to cure or mitigate the effects of diseases are more uncertain. For while the former cause considerable suffering for only modest gains in social utility, the latter has the potential to provide clear and overwhelming benefits. For these reasons then, Singer claims that in order to justify painful experimentation on animals, experimenters must show that their actions will alleviate more suffering than they cause, for all sentient beings. While such a position demands more from animal experimenters than is usually asked, it certainly does not rule out animal experimentation as a matter of principle. Indeed, Singer is explicit in acknowledging that if painful experiments on a few can save many, then such experimentation is justified, all else being equal (Singer, 1993, p. 67). However, he points out that while this may allow for some individual experiments in very particular cases, it certainly does not allow for the routine and institutionalized forms of experimentation we see in contemporary societies.

For some, the fact that animals can be sacrificed for the greater good like this is the biggest problem not only with Singer's theory, but also with the utilitarian basis for animal protection in general (Nussbaum, p. 343). For thinkers such as Tom Regan (1980) and Gary Francione (1996), robust animal protection cannot be achieved via utilitarian reasoning, but requires the more stringent principles of a theory of animal *rights*. Indeed, it has also been pointed out that these utilitarian arguments can also have the rather ugly implication of condoning *human* experimentation, especially when one considers the potential benefits of studying human diseases through the use of human subjects (Regan, 1980). While some

have used the issue of human experiments as further evidence of the necessity of a rights-based approach, others have claimed that it demonstrates how utilitarianism underestimates the importance of *relationships* to our moral obligations. After all, for some communitarian and feminist critics, it is not necessary to employ abstract notions of rights to rule out human experimentation, but simply the kinship and solidarity we have with our fellow humans. For these thinkers, the strict impartiality of Singer's utilitarian reasoning is quite implausible, and they argue that it is perfectly natural and right to prioritize the interests of our own species over those of nonhumans (Noddings, pp. 154–6; Midgley, Ch.10; Petrinovich, p. 217).

In the face of these vociferous and various attacks, Singer has remained steadfast in his commitment to his utilitarian theory of animal liberation. In response to the rights-based critique, Singer has questioned how such absolute norms can be established, let alone have the kind of flexibility to be useful in tackling the wide variety of moral problems we face every day in contemporary societies (Singer, 1987). In response to claims about the importance of relationships, Singer has pointed out that this kind of ethical partiality has the grave danger of propping up prejudice and injustices, and blinding us to the plight of those traditionally considered outside of our moral circle (Singer, 1972).

Whatever be our conclusions about such debates, it is clear that when it comes to making the case that nonhuman animals count morally and politically, there is no doubt about the enormous contribution of utilitarianism in general, and of Singer's writing in particular.

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See also EQUALITY; INTEREST; PAIN; PLEASURE; PREFERENCES (PREFERENTIALISM); RIGHTS; SINGER, PETER.

ARISTOTLE (384–23 BC): See EPICUREANISM; EUDAIMONIA; HAPPINESS.

## ARROW'S THEOREM

Prior to the publication in 1951 of Kenneth Arrow's *Social Choice and Individual Values*, the formal analysis of collective decision-making focused on particular voting procedures. Each of these procedures exhibits its unsatisfactory features. For example, majority rule is subject to Condorcet's Paradox, which is illustrated with the following example. There are three candidates for an election (*A*, *B*, and *C*) and three voters, with voter 1 preferring *A* to *B* to *C*, voter 2 preferring *B* to *C* to *A*, and voter 3 preferring *C* to *A* to *B*. In pair-wise majority contests, *A* beats *B*, *B* beats *C*, and *C* beats *A*. There is a cycle and, hence, no clear-cut winner.

For Arrow, collective decision-making is concerned with preference aggregation: based on the preferences of the relevant individuals, a social ranking of the alternatives is determined. The alternatives could be anything: candidates for an election, allocations of resources, etc. Instead of considering specific aggregation procedures, Arrow proposed a number of properties, the Arrow axioms, that he argued any reasonable preference aggregation procedure

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should satisfy. Arrow's Theorem shows that it is impossible to satisfy them all.

A preference is a binary relation on the set of alternatives, interpreted as "weakly preferred to" (i.e. 'strictly preferred or indifferent to'). It is *reflexive* if any alternative is weakly preferred to itself; *complete* if for any two distinct alternatives, at least one of them is weakly preferred to the other and *transitive* if whenever one alternative is weakly preferred to a second and the second is weakly preferred to a third, then the first is weakly preferred to the third. A preference is an *ordering* if it satisfies these three "rationality" properties.

For a society with a fixed number of individuals, a *profile* is a list of individual preferences, one for each individual. An *Arrovian social welfare function* assigns a social preference ordering to each profile in some domain of admissible profiles. This function is determined before the actual individual preferences are known, just as voting rules are adopted before votes are cast. By requiring that social preferences be orderings, cycles are precluded.

There are four Arrow axioms. (1) *Unrestricted Domain*: the domain consists of all possible profiles. (2) *Weak Pareto*: if everybody strictly prefers one alternative to a second, then the first alternative is socially strictly preferred to the second. (3) *Independence of Irrelevant Alternatives*: if two profiles coincide on a pair of alternatives, then the corresponding social preferences also coincide on this pair. (4) *Nondictatorship*: there is no dictator. An individual is a *dictator* if the social preference on any pair of alternatives agrees with this individual's preference whenever it is strict. Arrow's Theorem shows that these axioms are incompatible if there are at least three alternatives and the population is finite. Consequently, any attempt to expand on Arrow's axioms is fruitless. When there are only two alternatives, majority rule satisfies all four axioms. Some of these axioms are now regarded as

being too strong. The literature on Arrovian social choice has considered the implications of relaxing the axioms, resulting in a mix of possibility and impossibility theorems.

Amartya Sen (1970) has raised a more fundamental concern. He has argued that the way Arrow has modelled collective decision-making is inadequate for making any social decision for which individual welfares are relevant. With an Arrovian social welfare function, one cannot use any nonpreference information. In particular, it is not possible to consider social decision rules such as utilitarianism or maximin utility because they make use of interpersonal utility comparisons. In order to take account of such information, Sen proposed using a *social welfare functional*, which assigns a social preference ordering of the alternatives to each admissible profile of individual utility functions. Different assumptions about the measurability and interpersonal comparability of utility can be easily handled using these functionals. This framework has been used to axiomatically characterize a variety of social decision rules, including Classical Utilitarianism.

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See also INTERPERSONAL UTILITY; POPULATION; PREFERENCES (PREFERENTIALISM); RATIONAL CHOICE; WELFARE (WELFARISM).

## ASSOCIATIONISM

Associationism is a psychological theory of learning adopted and developed by those who defended utilitarianism in the nineteenth century. The theory has its origins in Aristotle's discussion of memory, but became a comprehensive psychological theory in the eighteenth century in the work of John Gay (1731), David Hume (1739–40), David Hartley (1749), and Joseph Priestley (1775), and found its full articulation in James Mill's *Analysis of the Phenomena of the Human Mind* (1829), later edited with notes by J. S. Mill (1869). The theory also developed into experimental introspective psychology in the nineteenth century in the work of Wilhelm Wundt (1904) and his student Edward Bradford Titchener (1901–5), and was swept up by and into the behaviouristic learning theories of the twentieth century.

According to associationist theory, in consciousness we have sense impressions and ideas where ideas are sensory images derived from those impressions. Suppose that we have a sense impression of sort *A* standing in relation *R* to a sense impression of sort *B*, and suppose that facts of this *ARB* sort repeat themselves several times in our experience. After a number of repetitions, an association between *As* and *Bs* will be established in our mind, where to say that there is an association is to say that when we come

to have another sense impression of sort *A*, then we have an idea of sort *B*, and where we have an idea of sort *A*, then we have an idea of sort *B*. At first, the association is weak: only sometimes is the impression of an *A* followed by an idea (image) of a *B*, but the more occurrences there are of facts *ARB*, the more regularly will an *A* be followed by a *B*: the greater the number of those *ARB* experiences, the stronger the association between *A* and *B*. It should be noted that complex ideas as well as simple impressions may stand in such a relation *R*, with association producing ideas that are still more complex. Many of our complex ideas may, thus, be derived not directly from sense impressions but from ideas acquired earlier.

It is sometimes said that the theory is mechanistic and determinist and, therefore, does not allow for human freedom of choice, thereby excluding the possibility of morality. The theory is indeed determinist, but it also allows for human freedom. Freedom is doing or being able to do what one wants, and nothing in Associationism denies that one can do as one wants. It is in fact a theory that describes human growth and our development into free persons who can choose and, one hopes, choose wisely: it describes how one can educate an infant or indeed oneself to determine one's future free choices.

Three relations *R* are relevant, each giving rise to different associations. First, *R* could be the relation of spatiotemporal succession: *As* are followed by *Bs*. In this case, the association is such that a sense impression of an *A* sort is followed by an idea (image) of a *B* sort or an idea of an *A* sort is followed by an image of the *B* sort. An association of this sort, if strong enough, is a *causal judgment*. Second, the relation *R* could be that of copresence or simultaneity where *As* are jointly present with *Bs*. In this case, the association is that of a *concrete thing* or a *substantial kind* of concrete thing. There are the sense impressions which, when copresent,

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yield the idea of the individual Fido, or also the idea of the kind of dog, contrasted with those sense impressions which, when copresent, yield the idea of the kind of cat. The kind can be individual, Fido, or specific, dog, and among the latter more specific and more generic, as the specific German shepherd, the more generic, less specific, herding dog, and the generic dog.

This brings us to the third kind of association in which the relation *R* is that of resemblance where *As* are jointly present with *Bs* which resemble them. In this case, the association is that of an *abstract idea*. The resemblance could be more or less close. *A* and *B*, for example, may be the same shade of colour, say the same shade of red; or *A* and *B* may be, for another example, similar in being colours but not exactly the same shade, say the one red and the other green. In the former case, we would have the abstract idea of a specific sort, in our example, the idea of the species red; in the latter case, we would have the abstract idea of a generic sort, in our example, the idea of the genus colour. The greater is the degree of resemblance, the more specific is the abstract idea, the more distant is the resemblance, the more generic is the abstract idea. Different kinds of resemblance yield different abstract ideas; there are those, for example, of colours or the generic idea of chromatic colours (contrasted to the ideas of whites, greys and blacks), and the still more generic idea colour as such; and then, contrasted with ideas of colours, there are the ideas, again for example, of geometrical shapes—there are abstract ideas of different specific triangular shapes, there is the generic idea of a triangle, and there is the still more generic idea of simply a geometrical shape. Then there is the still more generic idea of a property which has falling under it both shapes and colours as more specific ideas.

The associationists held that the product of a process of association was a complex idea. The earlier associationists—for example,

James Mill—held that if impressions *A* and *B* were the genetic antecedents of an idea, then that idea was simply a conjunction of the ideas of *A* and *B*; for these psychologists, processes of association were *additive*. However, both Hartley and later J. S. Mill argued that this was too simplistic: the product of a process of association was often an idea with properties different from the properties of its genetic antecedents. The genetic antecedents *fused* to form the idea which their association produced, and this fused idea was different in kind from those antecedents. Processes of association were in this sense *chemical* rather than additive—just as in chemistry the liquid water is produced by a process in which the genetic antecedents are the gasses hydrogen and oxygen, but most of whose properties are unlike the properties of these antecedents. However, it should also be noted that the antecedents of water, that is, hydrogen and oxygen, can be recovered from water by chemical analysis; the parts of water, though not literally present in water (prior to the atomic theory of matter and molecules was taken to be well established), are present dispositionally, there to be recovered by analysis. So in a similar way, the genetic antecedents of a complex idea, while not literally present in the idea, are present dispositionally, there to be recovered by psychological analysis.

Finally, it should be noted that for the associationists, pleasure and pain were simple sensations, and desire for the former and aversion to the latter constitute a basic psychological principle. Sensory pleasure was the prime motivator. There are things other than pleasure at which human action could aim, but these other things come to be the ends of action only to the extent that they become associated with pleasure as people develop and learn how to get on in the world, and how to lead a decent and reasonably satisfying life. Note, too, that ideas that move us to action often include among their parts an idea of a bodily impulse to action. This is

the root idea of the will, and is an ingredient in the various ideas, like our moral concepts, that tend to move us to action.

Utilitarianism has been criticized by ethical rationalists on various grounds. The utilitarians appealed to associationist principles to defend their views against the rationalists. Thus, rationalists such as William Whewell often argued that if *X* was the moral end of human action—for example, the well-being of humankind—then the utilitarians as associationists were immoral because for them the sole end sought for its own sake was pleasure, which means that *X* can never be an end in itself, only a means to pleasure. The utilitarians replied that *X*, whatever it was, can become something sought for its own sake if, through processes of association, *X* becomes fused with pleasure, and thereby part of one's pleasure. Thus, money is usually a means to other things which are the ends for which money is sought. But for the miser, money becomes an end in itself; it becomes so fused with pleasure that it is sought for its own sake. Similarly, the happiness of humankind can become an end in itself if, through association, it comes to be fused with pleasure: the good of all could, thus, become an end in itself for the individual. Association can thus, contrary to the rationalists, account for how the good of all can become one's own good.

Rationalists also often argue that utilitarianism is a "pig philosophy" on the grounds that for utilitarians, the end of human action is the same in kind as that of pigs. To be sure, the pig's pleasure might be simple, where the pleasure sought by the human being is more complex, but they are both the same kinds of pleasure—though complex, it is still an additive sum of simple pleasures, and therefore not different in kind. The utilitarians replied that this failed to recognize that the product of a process of association could be different in kind from its genetic antecedents. So, it is true that originally humans, like all other animals, sought only sensual pleasure, but it

is also true that, for humans, pleasures which are the product of processes of association come to be different in kind from those antecedents. The sensuous pleasures of, say, eating, which are like those of a pig, are qualitatively different from other pleasures which are the outcomes of association. Thus, the pleasures of, say, listening to Mozart, working on a problem of logic, medically caring for another, or discoursing with a good friend, will be qualitatively different from the pleasures of merely eating. Of course, the qualitatively different pleasure will be the product of many different simpler pleasures, which will be present dispositionally, there to be recovered by analysis. However, the qualitatively different pleasures will turn out to be more sought after than any one of those simpler pleasures or indeed of any simple sum of them. The qualitatively different pleasure will, thus, turn out to be a higher pleasure, more to be valued; and, as more valued, also more sought after—as will be testified to by any person who, after proper training, has experienced both. "Proper training" is necessary, of course—to appreciate Mozart, one needs to learn how to listen to that sort of complex set of sounds—where appreciating a standard hamburger does not require much training. Similarly, moral goods are qualitatively different from merely sensuous goods, and are much more satisfying than sensuous pleasures. So, we may compare Socrates, still engaged in the search after truth, and a pig, even one that has found a truffle: better Socrates dissatisfied than the pig satisfied—this is true as much for the utilitarian as for the rationalist.

Rationalists also argue that moral concepts such as "right" and "good," which constitute our *reasons* for acting, are unique concepts not given to us in our ordinary experience of the world; they are, therefore, acquired not by sense but by a special *moral sense*, a nonsensuous intuition, which is a *rational intuition*, since it gives us insight into our reasons for acting. The utilitarians



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replied by appeal to associationist psychology. Such ideas are, to be sure, not derived directly from sense impressions, but they are nonetheless unique in feeling, arising not directly from impressions and not innately but rather as products of an associational process among previously acquired ideas. There is, thus, no need to appeal to a nonempirical rational intuition of the sort beloved by obfuscating metaphysicians.

The usual rationalist reply to these utilitarian attempts to make clear that moral concepts are not acquired through some special moral sense or rational intuition but by ordinary processes that can be understood empirically is that moral concepts are simple concepts which are unique in themselves and distinct in kind from the ideas we can recognize as deriving from sense impressions. From this uniqueness it is usually inferred that these concepts are innate and comparable to other innate concepts, such as that of causal or necessary connection. Empiricists argue that there are no such metaphysically special concepts, that, for example, the concept of cause or necessary connection simply described regular connections among our ideas generated by observed regularities among our sense impressions of the world, where the supposed necessity of the tie is nothing more than the felt *psychological* necessity of thinking of the effect upon thinking of the cause.

Utilitarians agree with the general empiricist position and argue in particular with regard to our moral concepts that they have no special metaphysical or epistemological status. These concepts are, like all other concepts or ideas, derived from our sense experience of the world. One finds in James Mill's *Analysis*, for example, extended psychological analyses of many of the ideas the rationalists claim are innate—the matter was empirical scientific psychology, but the polemical intent was also clear: no need for innateness, association can account for these ideas. But to say that they are the products

of association is not to say that they must be complex: it can be allowed that they are, as the rationalist claims, simple and unique, since psychological processes are chemical in nature and not additive. So, our moral concepts can be both: on the one hand, the products of association which are analyzable into their genetic antecedents, and on the other hand, simple and unique, different in kind from the sensuous impressions and ideas which are those genetic antecedents.

It is no accident that utilitarianism and Associationism have been seen as inseparable parts of complex movement in nineteenth-century thought: it was through their associationist psychology that the utilitarians could obtain arguments needed to withstand and rebut critics like William Whewell, the central defender of rationalist intuitionism.

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See also GAY, JOHN; HAPPINESS; HARTLEY, DAVID; HUME, DAVID; INTUITIONISM; MILL, JAMES; MILL, JOHN STUART; PAIN; PLEASURE; WHEWELL, WILLIAM.

#### AUSTIN, JOHN (1790–1859)

John Austin was born on 3 March 1790, most likely in Creeting Mill, Suffolk, and died on 1 December 1859 in Weybridge, Surrey. He was the eldest child of a successful merchant and grew up in Ipswich. His brother Charles (1799–1874), who achieved renown and great fortune as a barrister, was an ardent Benthamite during his undergraduate years at Cambridge and frequented meetings of

the Utilitarian Society established in 1823 by John Stuart Mill.

John Austin ranks among the most influential philosophers of law in the English language. His *Lectures on Jurisprudence or The Philosophy of Positive Law* (1861–63) served as a model for the teaching of jurisprudence in the Anglophone world into the twentieth century. The work was standardly received as the leading statement of the theory of law adopted in the Classical Utilitarian tradition of Jeremy Bentham and his intellectual heirs. As in the case of classical political economy, Austin’s jurisprudence formed a disciplinary specialization distinct from utilitarian ethical theory itself. But it remained closely associated with utilitarianism and its favoured methods of institutional analysis.

The eventual impact of Austin’s “philosophy of positive law” contrasts sharply with the circumstances of its first presentation. Sources for Austin’s biography are limited, though recent scholarship has done much to clarify his career and intellectual development (Rumble, 1985; Hamburger and Hamburger, 1985). In a brief memoir, his wife referred to her husband’s “troubled life and baffled designs” (S. Austin, p. 13), a characterization that well reflects the repeated disappointments of his career. Following an aborted career as an army officer, Austin turned to the law and was called to the Bar in 1818. The following year, he married Sarah Taylor and moved to London. The couple resided in Queen’s Square Place where they enjoyed immediate proximity to the households of Bentham and James Mill and participated in the intellectual milieu associated with these figures. In an effusive letter to Bentham of 1819, Austin declared himself “truly your disciple” and reported his “deep conviction of the importance of your doctrines” and “earnest desire to see them widely diffused and generally embraced” (Bentham, pp. 336–7). In fact, Austin was never a member of Bentham’s inner circle of acolytes and in later years he broke decisively with



the democratic advocacy of Bentham and the philosophical radicals. Nonetheless, his first publications of the 1820s were entries appearing in initial numbers of the radical *Westminster Review* and *Parliamentary History and Review*. Each treated a complex legal question and together displayed impressive erudition over questions of political economy as well as law. Dating from the same period was Austin's connection with John Stuart Mill, which began in 1821 when he was hired to tutor the teenage Mill's first studies of Roman law.

Austin's career as a legal practitioner fared scarcely better or longer than his commission in the army. He clearly boasted the intellectual gifts that might have made for great success. But his combination of fragile health and extreme sensitivity ill-equipped him for the demands and pace of the profession. By 1825, his law career was effectively abandoned. Another and more novel path soon emerged in 1826 with the founding of the new University of London (later, University College London) whose governing council appointed him to the chair in jurisprudence and the law of nations.

The earnestness and zeal with which Austin responded to this opportunity is revealed by his decision to postpone the inauguration of his law lectures and to devote over 2 years to the task of preparation. For the bulk of this period, he and his family were stationed in Bonn, Germany, where he went to study the new "Pandectist" brand of Roman law studies, then current in Prussian law faculties. The experience was of profound significance. His immersion in the early works of the Pandectist school equipped him with an example of the kind of abstract systematizing of the principal elements of the legal order which figured so prominently in his own jurisprudence. Likewise, his exposure to the Prussian system of legal education provided him with a model of introductory legal study to which his own teaching aspired (Austin, 1885, vol. 2, pp. 1083-4).

In addition, the Bonn residence and contacts facilitated Sarah Austin's emergence as an accomplished translator of German literature. In the decades of the 1840s and 1850s, the income from Sarah Austin's German and French translations was the couple's sole source of earnings.

Following this process of ambitious preparation, Austin inaugurated his London University lectures in 1829. His first course attracted 32 students, including John Stuart Mill and others of future eminence. But his audience dwindled to only a few students in subsequent offerings of the course, and in 1833, Austin ended the lectures. Another attempt at lecturing in 1834, this time at the invitation of the Inner Temple, likewise collapsed in the face of deteriorating student numbers. While the novelty of Austin's lectures as a pedagogic exercise and their remote connection to the practice-oriented method of English legal training explain some of the failures of these classes, much of the burden falls more directly on Austin himself. The highly abstract version of jurisprudence he presented, along with the frequent repetition and minute differentiation of its principal elements, made for difficult and forbidding content. As Mill noted of the published version of the first part of the course, this was "not a book for any but persons who were really anxious to learn" (Mill, *CW*, vol. 21, p. 54). Austin's limited oratorical abilities and frequent poor health did nothing to compensate for the dryness of the material. The gap between aspiration and attainment made for a major personal defeat. "This was the real and irremediable calamity of his life," reported his wife, "the blow from which he never recovered" (S. Austin, p. 9).

Two more professional opportunities appeared in the 1830s. In 1833, Austin was appointed to the Royal Commission on the Criminal Law, a body given a sweeping mandate to make proposals for the reform and codification of England's criminal law.

Given the absence of political connections or professional standing, Austin's appointment was unusual and a testimony to his acknowledged brilliance in legal theory. But he soon resigned from the Commission, finding that the collaborative effort fell well short of his own goals and standards. In 1836, he joined his former student, Sir George Cornewall Lewis, as a Commissioner to the British colony of Malta. Stationed in Malta for nearly 2 years, he helped produce substantial proposals for the reform of colonial law and administration. The adoption of many of these recommendations made this episode Austin's most successful venture in public life, though the harsh criticism the Commission received in the House of Lords soured the experience for him.

Austin spent most of the 1840s in Germany and France. Over the period, he published two entries in the *Edinburgh Review*, an 1842 defence of political economy and an 1847 discussion of political centralization. A 5-year stay in Paris ended abruptly in 1848 amidst the violence of the revolution in France. He returned to England and settled in Weybridge, Surrey, where he resided until his death from bronchitis in 1859. Earlier that year, he published the pamphlet *A Plea for the Constitution*, which repudiated the arguments for further constitutional reform and detailed the dangers of popular government. The terms and tenor of Austin's defence of the established political order provided a telling rejection of the radical political programme advocated by Bentham and James Mill some 40 years earlier.

Among the projects Austin proved unable to advance over the two decades he lacked professional employment was the publication of his London University lectures. In 1832, the first part of the lectures appeared as *The Province of Jurisprudence Determined*, which also contained an elaborate "Outline" and briefer "Abstract" of the larger course. Sarah Austin, who had pressed for the 1832 publication, took on the challenge

of transforming Austin's remaining lectures and notes for revision into a system of jurisprudence. In 1861, she produced a new edition of the *Province of Jurisprudence Determined*, followed in 1863 by the remaining lectures and related papers as *Lectures on Jurisprudence or The Philosophy of Positive Law*. The influence and renown that was denied to Austin in his own lifetime came to him posthumously through the vehicle of this publication. In this, Austin was the beneficiary of the mid-nineteenth century reform and expansion of legal education at the Inns of Court and at Oxford and Cambridge. *Lectures on Jurisprudence* was adopted as an examination text at both universities, and his teaching was further conveyed through several abridgments and summaries that were produced for the student market. Important and laudatory assessments, by Fitzjames Stephen and John Stuart Mill, appeared in the *Edinburgh Review* in 1861 and 1863. By 1885, the two-volume work achieved a fifth edition. According to Sarah Austin's delighted report of 1863, "his book is daily rising into fame and authority to a degree which ... he never would have believed" (Ross, vol. 2, p. 138).

The *Lectures on Jurisprudence* were organized into four parts. The first section—*The Province of Jurisprudence Determined*—explained the subject matter of jurisprudence and the nature of "law, simply and strictly so called." The second part contained an "Analysis of Pervading Notions" and explicated the meaning of such basic legal terms as rights, things, obligation, injury and sanction. The third part on "Law in Relation to its Sources" considered familiar forms of law, such as written and unwritten laws, customary law, natural law and equity, and adjudicated the contemporary debate over the rival claims of judiciary law and codification as legal sources. The final part on "the purposes and subjects of law" set out a comprehensive analytical arrangement of the legal order and a detailed

exposition of the various degrees and conditions, rights and powers, found in the law of persons and things.

The first part of the lectures earned greatest attention in subsequent debates in the philosophy of law. *The Province of Jurisprudence Determined* elaborated a programme for the philosophy of law that came to be regarded as a canonical statement of modern legal positivism and analytical jurisprudence: the definition of law as a species of command; the distinction between law and morals; and the emphasis for jurisprudence on the conceptual analysis and clarification of basic legal terms and relationships. These positions were developed in connection with Austin's case for a discrete subject matter for jurisprudence, which often turned on critical arguments concerning what questions and approaches fell outside its designated sphere. Law was a species of command issued by a source with capacity to compel obligation. Positive law "simply and strictly so called" referred to commands derived from a human source and was jurisprudence's proper subject. The concept of sovereignty denoted the structure of political authority and subjection in which such positive laws were issued and implemented (Austin, 1885, vol. 1, pp. 220–22). Norms and rules which did not conform to the required structure of command and obligation, such as the norms and rules of "positive morality," were not properly laws and therefore not part of jurisprudence. Divine commands, given divine authority and power, were laws "properly so called." But not being based on a human source, these were not "positive laws" and therefore not part of jurisprudence.

Austin's definition of positive law and delineation of the province of jurisprudence generated several critical distinctions. The first (labelled the "separation thesis" in later jurisprudence) distinguished law and morality as separate realms. Among the most pervasive sources of confusion in discussions of law was the tendency to treat the question

of the moral correctness of law as a defining condition. Austin's account of positive law, in contrast, treated it as defining the law's source in a command issued or adopted by a political sovereign. His definition, thus, clarified that the "existence of law is one thing; its merit or demerit is another" (Austin, 1885, vol. 1, p. 214). A second, related distinction concerned the different "sciences" or modes of inquiry that could be directed at law. "Jurisprudence" studied positive law without attention to its normative qualities. The science of "legislation," in contrast, considered law prescriptively in terms of explicit moral values (pp. 172–3). Austin's philosophy of positive law comprised a body of jurisprudence, whereas much of Bentham's legal theory comprised a body of "legislation."

Another division further characterized Austin's project as a conceptual exercise. He attempted a "general jurisprudence" as distinct from the "particular or national" jurisprudence of a given political community. His concern was with the notions, concepts and relationships basic to any developed system of law. Such fundamental notions included, for example, rights and obligations, injury and punishment, and the various modifications, gradations, and limitations through which these elements were refined and coordinated (Austin, 1885, vol. 2, pp. 1072–3). This emphasis usefully explained the very abstract and analytical tenor of Austin's jurisprudence. But it raised ambiguity concerning the relationship between the claims of the philosophy of positive law and the systems of law it was designed to illuminate. Austin utilized the example of Roman law for much of his analysis and treated his system as an abstraction from the experience of Roman jurisprudence and the mature law of the English courts and European codes. The resulting theory of law elaborated "necessary principles, notions, and distinctions" without which no system of law could be conceived, along with other "general principles" found to be pervasive "in matured systems of law"

(pp. 1073–4). For later critics, however, this was a false universalism in which “necessary principles” and analytical clarity were achieved through concepts and definitions that stripped away too much of the social and institutional experience of law. Thus, in the case of one early and influential line of criticism, Henry Maine and other advocates of the “historical method” condemned the basic Austinian concepts of sovereignty and positive law for being unable to describe the forms of law encountered in most historical periods and in most communities (Maine, pp. 345–70).

Notwithstanding Austin’s laboured effort to delineate the specific province occupied by jurisprudence, his lectures strayed beyond the stated boundaries. A particularly prominent instance occurred early on in the context of his treatment of divine law. Austin considered the rival moral theories adopted to determine the content of God’s unrevealed commands and advanced an extended defence of utility based on the “the benevolence of God” in seeking “the happiness of all his sentient creatures.” The discussion, comprising three of the six chapters of *The Province of Jurisprudence Determined*, gave Austin an opportunity to refute leading objections of the principle of utility and to present his favoured version of rule utilitarianism (Austin, 1885, vol. 1, pp. 113–17). Reviewers of the 1832 edition tended to focus on this section of the work (Rumble, 2005, pp. 56–73). Nonetheless, the inclusion of the material is perplexing, given its apparent relevance to the theory of legislation as opposed to “the philosophy of positive law.” Significantly, Austin did not treat the discussion as a “deviation” from the task of jurisprudence. He instead insisted on the general salience of utility for the analysis of law, given the frequency with which the principle was consulted in actual law making (Austin, 1885, vol. 1, p. 222). The material comprised Austin’s most extensive contribution to the theory of utility and serves as a reminder that

the insistent distinction between normative and positive theories of law did not reflect any lack of interest or expertise in “the various sciences—such as legislation, politics, and political economy—which are nearly related to ethics” (p. 126).

The posthumous reception of Austin’s jurisprudence produced a complex situation concerning his contributions to utilitarianism. The *Lectures on Jurisprudence* credited and engaged many intellectual sources. Among English authors, Austin drew appreciatively from the writings of Thomas Hobbes and especially John Locke; his placement of utilitarian ethics within a discussion of divine law plainly echoed the approach of William Paley, another avowed interlocutor. Nonetheless, from early on, Austin’s legal theory was, above all, associated with Bentham. At the high point of his influence in the late nineteenth century, he was conventionally regarded “as the heir-apparent to Bentham in the special department of jurisprudence” (L. Stephen, vol. 3, p. 317); and it was Austin’s writings, rather than Bentham’s, that furnished the philosophy of law associated with Classical Utilitarianism (Schofield, 1991). Fuller discussion of the relationship, by admirers and critics alike, embraced the framework Austin himself proposed between the theory of legislation and the theory of jurisprudence (Mill, *CW*, vol. 21, pp. 165–9, and Maine, pp. 343–5). Bentham’s priority was a legislative science that would guide the radical reform of law according to a moral ideal. Austin’s jurisprudence analysed law in a manner that explicitly eschewed assessment of its moral content. In the crucial context of legal education, it was seen as a special virtue that the Austinian theory of positive law did not depend on any particular moral theory or commitment. This reading inevitably abbreviated and foreshortened the range of Austin’s concerns, a development that became all the more marked as his influence waned and the “Austinian theory of law” became a convenient, shorthand

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reference point in the teaching of jurisprudence. Removed from “the philosophy of positive law” was Austin’s own insistence on the general relevance of the principle of utility for understanding law as well as his detailed discussion of utilitarian ethics. In this sense, his significance for the utilitarian tradition came at the cost of his direct contributions to utilitarian theory.

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See also BENTHAM, JEREMY; JURISPRUDENCE; LEGAL POSITIVISM; PALEY, WILLIAM; SOVEREIGNTY.

## AUTO-ICON

Jeremy Bentham died on 6 June 1832, leaving instructions for his body to be publicly “anatomised” and thereafter his remains—the skeleton and preserved head—were to be reassembled, clothed and displayed. Today, the “auto-icon,” as he termed it, is seated in its mahogany and glass case in the South Cloisters of the main building of University College London in Gower Street. In preparation for this gift to posterity, Bentham wrote parts of a projected treatise under the title *Auto-Icon; Or, Farther Uses of the Dead to the Living*, some 20 or 30 copies of which were printed posthumously in 1842 and distributed to interested individuals by John Hill Burton (1809–81), the author of the introduction to the first collected edition of Bentham’s writings (Bowring, 1838–43).

The subtitle of the tract was taken from Thomas Southwood Smith's essay, "On the Use of the Dead to the Living," first published in the June 1824 number of the *Westminster Review*. This was an important contribution to the debate on the law governing the acquisition of bodies for medical research, and Bentham was a keen ally in the agitation for reform.

Bentham's decision to leave his body for medical research, he later recalled, was "no hasty—no recent determination," but was decided in 1769 when he drafted his first will upon coming of age (Bentham, 1842, p. 2). The will was revised in 1792 and a codicil added in 1824 in which we find the first mention of the auto-icon plan. Following the public dissection of his corpse, the disposal of his remains was to be attended to: "As to the head & the rest of the skeleton, it is my desire that the head may by preparation after the New Zealand manner be preserved, & the entire skeleton with the head above it & connected with it, be placed in a sitting posture, & made up into the form of a living body, covered with the most decent suit of clothes, not being black or gray, which I may happen to leave at my decease." With tongue in cheek, Bentham expressed the hope that thereafter he might be placed at the head of the table at meetings of his friends and followers "after the manner in which, at a public meeting, a chairman is commonly seated" (Bentham, 2000, pp. 427–8).

In the final version of his will, written only days before his death, Bentham left his body to Southwood Smith, with the following instructions:

he will take my body under his charge and take the requisite and appropriate measures to the disposal and preservation of the several parts of my bodily frame in the manner expressed in the paper annexed to this my will and at the top of which I have written "Auto Icon" The skeleton he will cause to be

put together in such manner as that the whole figure may be seated in a Chair usually occupied by me when living in the attitude in which I am sitting when engaged in thought in the course of time employed in writing I direct that the body thus prepared shall be transferred to my executor [Bowring] He will cause the skeleton to be clad in one of the suits of black occasionally worn by me The Body so clothed together with the Chair and the Staff in my later years borne by me he will take charge of And for containing the whole apparatus he will cause to be prepared an appropriate box or case and will cause to be engraved in conspicuous characters on a plate to be affixed thereon and also on the labels on the glass cases in which the preparations of the soft parts of my body shall be contained ... (Crimmins, p. 8).

The additional instructions annexed to the will under the heading "Auto-Icon," dated 13 April 1830, were written by Southwood Smith at Bentham's behest and witnessed by Bentham's signature:

The manner in which Mr. Bentham's body is to be disposed of after his death The Head is to be prepared according to the specimen which Mr Bentham has seen and approved of The Body is to be used as the means of illustrating a series of lectures to which scientific & literary men are to be invited These lectures are to expound the situation structure & functions of the different organs the arrangement & distribution of the vessels & whatever may illustrate the mechanism by which the actions of the animal economy are performed the object of these lectures being twofold first to communicate curious interesting & highly important knowledge & secondly to show that the primitive horror at dissection originates in ignorance & is



kept up by misconception ... After such lectures have been given those organs which are capable of being preserved for example the heart the kidney &c &c to be prepared in whatever manner may be conceived to render their preservation the most perfect & durable And finally when all the soft parts have been disposed of the bones are to be formed into a skeleton which after the head prepared in the manner already stated has been attached to it is to be dressed in the clothes usually worn by Mr Bentham & in this manner to be perpetually preserved—April 13 1830 (Crimmins, p. 16).

Southwood Smith followed Bentham’s directions more or less to the letter. He gave a lecture over Bentham’s corpse on 9 June 1832 at the Webb Street School of Anatomy and Medicine before an invited audience of Bentham’s friends, associates, public figures, and members of the medical profession. The next day the dissection took place before a gathering of medical students, followed the day after by an illustrated lecture delivered by the school’s leading anatomist Richard Dugard Grainger (1801–1865).

Southwood Smith detailed his role in Bentham’s auto-iconization and the procedures undertaken to preserve the head in a letter of 14 June 1857:

I endeavoured to preserve the head untouched, merely drawing away the fluids by placing it under an air pump over sulphuric acid. By this means the head was rendered as hard as the skulls of the New Zealanders; but all expression was of course gone. Seeing this would not do for exhibition, I had a model made in wax by a distinguished French artist [the physician and anatomical modeler, Jacques Talrich] taken from [Pierre Jean] David’s bust [of 1828], [Henry] Pickersgill’s picture [of 1829], and my own ring [a silhouette painted

in 1822 by John Field]. ... I then had the skeleton stuffed out to fit Bentham’s own clothes, and this wax likeness fitted to the trunk. This figure was placed seated in the chair on which he usually sat; and one hand holding the walking stick which was his constant companion when he was out, called by him Dapple. The whole was enclosed in a mahogany case with folding glass doors. When I removed from Finsbury-square I had no room large enough to hold the case. I therefore gave it to University College, where it now is (*Notes & Queries*, 8 September 1866, p. 188).

The relocation to University College in 1850 reinforced the myth of Bentham’s founding role in the establishment of the university (in 1826).

As the subtitle to the *Auto-Icon* tract suggests, in the quiet of his study Bentham imagined “farther uses of the dead to the living” in addition to their anatomical or dissectional purpose—the “conservative” or “statuary” function of auto-icons. In general, the tract is written with a good deal of humour and a degree of irony. Nevertheless, there is a serious purpose. It is to provide a discussion of the utility to be derived from auto-icons and to promote the idea of “auto-iconism” as an economic and efficacious substitute for traditional funeral arrangements and rituals. In addition, to its economic benefits, Bentham discussed its moral benefits, commemorative and theatrical uses, and its potential as an aid to the new science of phrenology (Crimmins, introduction, pp. li–lx).

A corollary of the superstition that a dissection of mortal remains placed the immortal soul in jeopardy, as many a reverend claimed, was the belief that the willingness to bequeath one’s own body for that purpose was a sign of infidelity. In Bentham’s case, the perception was not misplaced, but the further step of auto-iconization must surely have been seen in some quarters as

the very celebration of blasphemy. Consider the language and character of Bentham's commemorative suggestions. He writes: "On certain days the Auto-Icons might be exhibited, and their exhibition associated with religious observances. Every sect would choose its own exhibition-day ... Out of Auto-Icons, a selection might be made for a Temple of Fame—not in miniature—a temple filled with a population of illustrious Auto-Icons" (Bentham, 1842, p. 4). In emulation of the French revolutionary cults, he envisaged "Temples of Honour and Dishonour," with the transference of auto-icons from one to another depending on the current state of public opinion about their contributions to social utility. To this, he added an "Auto-Icon purgatory" in which were to stand, with their heads turned away from public view, those auto-icons temporarily out of favour (pp. 6, 7). Auto-icons, rich, poor, famous, and infamous, were to replace the monuments of conventional religion in the churches, realizing the Christian equality which escapes individuals in life: all are "on the same level" and "the beautiful commandment of Jesus would be obeyed; they would indeed 'meet together'" (p. 3).

Bentham anticipated that "spurious objections" would be raised against the auto-icon system—"abstract, visionary, theoretical, Utopian, heretical, schismatical, atheistical!" However, he discussed only the objections on the score of religion, a gnawing issue with Bentham since early life. His main point is that religion is irrelevant to the issue of the disposal of the dead: "Has religion anything to do with the matter? Nothing at all. Free as air does religion leave the disposal of the dead. ... Religion is neuter. Religion is silent. True religion knows that she has nothing to do with the business. The religion of Jesus takes no cognizance of the matter. The religion of Jesus leaves it to rank among things indifferent" (Bentham, 1842, p. 16). In this respect, Bentham's approach was consistent with the emerging tendency of the age to

demystify death, strip of its Christian symbolism and ritualized terror, in favour of a focus on the material means of increasing human happiness on earth.

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See also BENTHAM, JEREMY; SMITH, THOMAS SOUTHWOOD.



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An autonomous individual is someone who is self-governing, who leads her life free from the kinds of interference and manipulation that would make us say her life is not in her control. Some notion of autonomy figures centrally in Mill's *On Liberty* (1759), although he does not use the term, as well as in various contemporary utilitarian views as *a*, if not *the*, central element of well-being or welfare. We can distinguish between three concepts of autonomy, all of which are present in one form or another in Mill.

One thing we might mean when we call someone autonomous is that she has the *right* or *authority* to make choices about his own life, whereas others do not. One version of this right—and so this conception of autonomy—is articulated early on in *On Liberty* right after Mill articulates what has come to be known as the Harm Principle: “The sole end for which mankind are warranted, individually or collectively, in interfering with the liberty of action of any of their number, is self-protection” (CW, vol. 18, p. 236). The details of the principle need not concern us. What matters for our purposes is the antipaternalistic corollary to the Harm Principle, namely that only the individual has the right or authority to make decisions about matters that are “self-regarding” (p. 238) or, in other words, matters that primarily concern only himself. As Mill puts it: “In the part which merely concerns himself, his independence is, of right, absolute. Over himself, over his own body and mind, the individual is sovereign.” (p. 236). Here then, we have one understanding of what it is to be self-governing. It is to have a kind of sovereignty or sole authority over one's life. We might call this *autonomy as right*.

Two other senses of autonomy make their appearance in Ch.3 of *On Liberty* where Mill discusses the place of individuality in well-being. Two interpretations of what Mill means by “individuality” suggest themselves.

In discussing the importance of not mindlessly conforming to “custom merely *as* custom,” Mill says that, “He who does anything because it is the custom makes no choice” (p. 267). And later on, Mill asserts that, “One whose desires and impulses are not his own has no character, no more than a steam-engine has a character” (p. 268). If we take Mill at his word here, then his discussion of individuality seems to be about *free agency*. To be autonomous, then, is to be the kind of creature that is so much as able to make choices and, relatedly, to be able to be held accountable for what one does. We might call this *autonomy as free agency*.

Finally, Mill's discussion of individuality in *On Liberty* suggests another sense of autonomy, one that is enjoyed by some free agents, but not others (or to a greater degree by some free agents). Mill's emphasis on not blindly conforming to the demands of custom or authority, both in one's thinking and in one's action, and on developing one's capacities as a critical thinker suggests a kind of autonomy that consists of thinking for oneself and exercising independence of mind. This kind of autonomy rings most true with our contemporary understanding of what it is to be an authentic individual (to be one's own person, to live in accordance with one's understanding of what is valuable and important). So, we might call it *autonomy as authenticity*.

The distinction between *autonomy as authenticity* and *autonomy as free agency* is slippery: some might think that they amount to the same thing. But this is surely too strong: someone can live an inauthentic life—a life that is largely shaped by the unthinking absorption of commitments and values from one's culture, family or friends, and little else—while still being a free agent (someone who can properly be held responsible for what she does).

There are interesting questions about how a utilitarian understands the relationship between these senses of autonomy, particularly autonomy as authenticity and

autonomy as right. This is a point I return to briefly at the end. The main interest in autonomy for utilitarian thought, however, is in autonomy as authenticity (henceforth simply “autonomy”), which is often taken to play a key role in well-being or welfare. The precise nature of the role of autonomy, however, is open to debate.

First, autonomy might have instrumental value with respect to well-being. The idea here is that the autonomous individual knows better than others what is best for her, and so promoting autonomous choices is an effective means of increasing well-being among individuals. Utilitarians who hew to a hedonistic or preference-satisfaction conception of well-being will be inclined to see autonomy as *merely* instrumentally valuable, although the latter can carve out a fundamental role for autonomy in well-being by insisting that only the fulfillment of autonomously formed preferences contribute to well-being (I say more about this below.). But many utilitarians think that whatever be autonomy’s instrumental value (as a causal antecedent of well-being), it is not *merely* instrumentally valuable. Instead, they think that it has non-instrumental value as a *constituent* element of well-being. The idea that autonomy has this noninstrumental value is nicely captured by James Griffin: “Even if I constantly made a mess of my life, even if you could do better if you took charge, I would not let you do it. Autonomy has a value on its own” (Griffin, p. 67). Most people writing on the topic of autonomy—utilitarians or not—believe that autonomy is noninstrumentally valuable.

It is important to see that the claim that autonomy has noninstrumental value (as a constituent of well-being) is different from several allied claims that are far stronger. First, and most strongly, one might claim that nothing other than autonomy contributes to well-being *unless* it is autonomously endorsed. The basic idea is that something cannot be good for you unless you autonomously take it to be good for you or, to put

it slightly differently, your desire for it or commitment to it is autonomous (Haworth, 1984; Sumner, 1999). On this view then, autonomy is unconditionally, noninstrumentally valuable (as a constituent of well-being), but the status of anything else as a constituent of well-being is conditional.

One might reject this “endorsement thesis” but still maintain that autonomy is *unconditionally* valuable. On this view, being autonomous always makes a positive contribution to well-being, whatever else is true of one’s life (which is not to say that it always leads to an *overall* increase in well-being). It is perfectly possible, however, to maintain that autonomy has noninstrumental, *conditional* value. According to this view, autonomy noninstrumentally contributes to well-being only when another condition (or set of conditions) obtains. So, for example, Joseph Raz (1988) and Steven Wall (1998), neither of whom, it should be noted, are utilitarians, have argued that autonomy is noninstrumentally valuable only when it is exercised in pursuit of the good.

The upshot of all this is that if a utilitarian includes autonomy as part of her conception of well-being, we need to know whether she thinks it is merely instrumentally valuable or whether it is (also) noninstrumentally valuable. And, if she thinks it is the latter, we need to find out whether it is conditionally or unconditionally valuable. And, if she thinks of it as unconditionally valuable, we need to ascertain whether the status of anything else as a constituent of well-being depends on its being autonomously endorsed.

A final thought: one might wonder whether a utilitarian can offer a plausible account of autonomy rights in terms of the value of autonomy as authenticity, or indeed in terms of well-being in general. The problem is that it is not clear how one can secure something like a *right*—which confers authority on the holder to make claims against others with respect to certain domains—simply from considerations of what is *good* or *valuable*. So,

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there is no obvious route from the claim that autonomy as authenticity is valuable as a constituent of well-being to the claim that people have the right to make choices about their own lives. But this is not just a problem for autonomy rights. It's an instance of the general problem of how we are to get something like rights out of a moral theory like utilitarianism that has as its core a commitment to promoting or producing overall well-being.

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See also AGENCY; GRIFFIN, JAMES; LIBERTY; MILL, JOHN STUART; PREFERENCES (PREFERENTIALISM); RIGHTS.

**AVERAGE UTILITARIANISM:** See AGGREGATE AND AVERAGE UTILITARIANISM.

**AXIOMATIC UTILITY THEORY;** See ORDINAL UTILITY.

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## BAIN, ALEXANDER (1818–1903)

Alexander Bain, philosopher and psychologist, was born on 11 June 1818 in Aberdeen and educated at Marischal College. He became an active and prolific scholar writing numerous works on a wide range of topics in logic, moral and mental philosophy, and natural science. Among his practical achievements was the founding of the well-known journal of philosophy, *Mind*. In 1860, despite objections to his religious views, he became Professor of Logic at the University of Aberdeen.

In September 1841, Bain began a correspondence with John Stuart Mill who was 12 years his senior. Even before they met in London in April 1842, Mill could write to Macvey Napier, editor of the *Edinburgh Review*: “As for Bain, I can completely understand *him*, because I have been, long ago, very much the same sort of person, except that I had not half his real originality” (Mill, CW, vol. 13, p. 499). In July 1842, Mill asked Bain to revise the manuscript of his *System of Logic, Ratiocinative and Inductive*, published the following year in two volumes.

Bain’s involvement with Mill’s *Logic* continued for the rest of Mill’s life. Not only did he assist Mill in the preparation of eight editions of the *Logic*, clarifying arguments and suggesting examples, but he also wrote an extensive, 40-page review (only two appeared) of the work for the *Westminster*

*Review* (Bain, 1843, pp. 412–56), which Mill himself, somewhat unusually, criticized in draft. By the time Mill prepared the eighth and final edition for publication in 1873, Bain had published his own two-volume work on logic (1870), which Mill praised in dramatic terms, describing Bain’s work as “a book of great merit and value” and asserting that “Bain’s view of the science is essentially the same with that taken in the present treatise” (Mill, CW, vol. 7, p. cxvii). One might depict the relationship between Mill and Bain in terms of a “double helix” with their intertwined achievements enhancing and enriching the thought of each and of utilitarianism generally.

Of particular importance to the development of utilitarianism is Bain’s work on psychology and ethology, the two human sciences given most attention in Mill’s *Logic*. Bain’s *The Senses and the Intellect* (1855) and *The Emotions and the Will* (1859) were written and published with Mill’s support. They represent important developments of James Mill’s associationist psychology, and Bain continued his link with John Stuart Mill by assisting him in creating the revised second edition of the elder Mill’s *Analysis of the Phenomena of the Human Mind* (1869). When Young (1990) writes that Bain “did more than any other single figure to free psychology from its philosophic context and make it a natural science in its own right” (Young, p. 6), he is correct in seeing the importance of Bain’s work in psychology

## BECCARIA

but wrong in ignoring the joint Mill-Bain enterprise in developing the science of psychology in relation to logic and utilitarian philosophy. The same may be said for Bain's work on ethology (the science of character) in relation to psychology, as developed in *On the Study of Character including An Estimate of Phrenology* (1861), also published with Mill's encouragement and support. Bain insisted that phrenology, based on the measurement of aspects of the skull and various cranial protuberances, could not constitute a science of mind, but only part of a science of character. Thus, Bain reasserted in a new context Mill's important distinction between psychology and ethology and his belief that ethology was dependent as a science on psychology. The phrenologists believed that they could ignore philosophical psychology as it had developed since Locke and whose main expositor in the nineteenth century, besides James Mill, was Bain himself. By relegating phrenology at best to an element of ethology, Bain defended the importance of his own brand of associationist psychology.

Besides Bain's contribution to Mill's *Logic* and to the development of associationist psychology, Bain's two early biographical studies of James Mill (1882) and John Stuart Mill (1882) plus his own *Autobiography* (1904) remain important sources of information and interpretation regarding the development of utilitarianism in the nineteenth century.

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See also ASSOCIATIONISM; MILL, JOHN STUART; PSYCHOLOGY.

## BECCARIA, CESARE (1738–94)

Cesare, Marchese de Beccaria Bonesana, was born in Milan on 15 March 1738. He is best known for *Dei Delitti et delle Pene* [*On Crimes and Punishments*], one of the most celebrated and seminal works in the history of criminal law, which first appeared anonymously in 1764. In the conception and composition of *Dei Delitti*, Beccaria relied

heavily on two Milanese friends, the Verri brothers Pietro and Alessandro—the first was at this time engaged in writing a history of torture, the second held the post of “protector of prisons” in Milan. It was Pietro who guided Beccaria’s reading of philosophers, such as Helvétius and Hume, and the “encyclopédistes” Diderot and D’Alembert.

*Dei Delitti* was celebrated for its categorical rejection of capital punishment (Ch.16) and its trenchant critique of torture (Ch.12), but was most influential because of its core argument that laws ought to be “dictated” by “a dispassionate student of human nature” who would assess “the actions of a multitude of men” from “this single point of view: *the greatest happiness shared by the greatest number*”—“la massima felicità divisa nel maggior numero” (p. 8).

Beccaria eloquently denounced “the cruelty of punishments and the irregularities of criminal procedures” (p. 9), and called for an analysis of crimes and punishments executed with “geometric precision” (p. 10). But he eschewed such an analysis in *Dei Delitti*, asserting that a rigorously logical and systematic identification of the various classes of crimes and modes of punishment would “be a catalogue of enormous and boring detail.” His goal was to “inspire that tender thrill with which persons of sensibility respond to one who upholds the interests of humanity” (p. 9). His claim that “the idea of *common utility* ... is the foundation of human justice” (Ch.24) is, like *Dei Delitti* as a whole, a rhetorical proto-utilitarian call to arms rather than a work based on a comprehensive or rigorous utilitarian philosophy.

There can be no doubt that *Dei Delitti* inspired Jeremy Bentham, as an excursion into exciting new territory inspires subsequent explorers to go beyond it. Bentham not only visited the new territory glimpsed in Beccaria’s excursions, but also surveyed and occupied it for posterity. Bentham wrote in a letter of November 1776 that Beccaria had been a “*lucerna pedibus, or rather manibus,*

*mei*” in his (Bentham’s) struggle to construct a scientific system of critical jurisprudence. In the preface to his first important publication on politics, *A Fragment on Government* (1776), he characterized Beccaria (perhaps excessively generously) as “the father of *Censorial Jurisprudence*” (p. 403), and in an unpublished manuscript he praised him for making “many useful excursions” into the study of utility. What was now needed, he observed, was a science of jurisprudence that would never to turn aside from that study.

Bentham saw in Beccaria’s work an inspiration and a monumental achievement, but also an opportunity. For Beccaria’s treatise had two cardinal weaknesses: it was seriously incomplete and lacked unifying scientific principles. In Bentham’s thought, the adoption of the greatest happiness principle was not the selection of a “point of view” but a recognition of the scientific, empirical nature of things, and of a universal logic governing human actions. Rights of every kind were to be derived from utility. The sovereignty of utility over morals, jurisprudence and politics was to be universal and exclusive. Beccaria derived his moral and political principles from “three sources: revelation, natural law and the established conventions of society” (Beccaria, p. 4). Thus for him utility was to be derived from right. Bentham’s early manuscript writings on “Critical Jurisprudence Criminal” take up more than a dozen topics identified in the chapter titles of *Dei Delitti*, but they also contain a point-by-point rebuttal of Beccaria’s chapter on “The Measure of Crimes.” Bentham’s appreciative but critical response to Beccaria’s thought encapsulates their relationship nicely: Beccaria was an inspiration to utilitarians, but not an architect of utilitarianism.

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See also BENTHAM, JEREMY; PUNISHMENT.

**BELSHAM, THOMAS (1750–1829):**

See PALEY, WILLIAM; RICARDO, DAVID.

## BENEVOLENCE

A benevolent act is one that aims to promote the good of another. All utilitarians endorse some principle of benevolence. Indeed, some treat benevolence as the whole of morality. Debate centres on the limits of benevolence, its scope, and its nature.

One significant recent utilitarian controversy concerns the demandingness of morality. In a world such as ours, any straightforward utilitarian principle threatens to be very demanding. I can always do more good by helping others than by devoting my resources to myself. Faced with so much urgent need, what should I do? Several philosophers defend extreme demands.

Peter Singer begins with a simple case. Walking to work, you see a child drowning in

a pond. If you save her, your new suit will be ruined. What should you do? Singer claims it is obvious that you should save the child. He extrapolates the following principle: "if it is in our power to prevent something bad from happening, without thereby sacrificing anything of comparable moral importance, we ought, morally, to do it" (Singer, p. 231). Singer then applies this principle to famine relief and concludes that we are obliged to keep giving to others until what is at stake for us is as significant as their lives. Singer recognizes that people won't agree with this claim. But he argues that if people were better informed, better at reasoning, and better able to imagine what life is like for the starving, then they would no longer reject his extreme demands.

Opponents object that less demanding principles could also explain Singer's original intuition. Garret Cullity claims that "to most people, it is about as obvious that there is a moral difference between our relations to a child drowning in front of us and a child starving in another country as it is that failing to save a drowning child is wrong" (Cullity, p. 104).

One popular way to avoid extreme demands is to deny that charitable donations actually promote happiness. We should help others if we can, but we cannot. Many claims are offered here: that we cannot know what is good for people in distant lands; that we cannot know what would benefit them; that we cannot provide effective assistance due to inefficient aid agencies or corrupt government or that individual donations make no difference at all, given the scale of the problem. Another notorious argument, going back to Robert Malthus in the nineteenth century, claims it is more benevolent to leave people to starve, as the consequence of saving them is a population explosion leaving more people suffering in the future.

These empirical issues are especially relevant for utilitarian justifications of benevolence that rest entirely on the actual promotion of happiness, and not on any



virtuous disposition in the agent herself. If my donation will not assist others, then I have no utilitarian reason to give. However, despite their practical importance, these empirical debates do not reduce the demands of benevolence. If donations to overseas charities are not efficient, a demanding principle of benevolence could just as easily apply closer to home. Within my own community, there are almost certainly some people I could benefit at comparatively little cost to myself. If we seek a less demanding principle, we must look elsewhere.

Many utilitarians defend more modest principles of benevolence. One prominent alternative is rule utilitarianism where an act is morally right if and only if it is called for by a set of rules the following of which by everyone would result in at least as good consequences judged impartially as any other. Hooker (1990) argues that rule utilitarianism makes only reasonable demands. A relatively small percentage of the combined income of the well-off could feed the world. Each of us need only donate approximately ten per cent of our income.

In the real world, most people do not even obey this modest principle. Rule utilitarianism, thus, faces a problem of partial compliance. What do the ideal rules say when others do not follow those ideal rules? Are we all obliged to pick up the slack? If so, rule utilitarian benevolence is very demanding. If not, rule utilitarianism is open to a charge of “rule worship”: Why follow the moderate principle if the result is that many people will starve?

A second issue is the scope of benevolence. To whom do I owe a duty of benevolence? It may seem obvious that I owe this duty to everyone whom I can assist. But two issues are especially controversial: future people and nonhuman animals. Suppose we agree that I should make currently existing people happy. Do I have the same duty towards future people? If a person will exist in the future, and if my actions affect that person, then my obligation seems straightforward.

Why would mere location in time affect benevolence? But what if my action determines who exists in the future? Do we have an obligation to make happy people, or just to make people happy? Even if we should create new happy people, it is strange to characterize this as benevolence. In Parfit’s terminology, benevolence is person-affecting (see Parfit, pp. 351–79). Yet, following Parfit, many utilitarians reject person-affecting principles when our actions determine who exists. Instead, we should maximize happiness without regard to whether specific individuals are thereby made happier. This raises the question whether utilitarian obligations are best understood in terms of benevolence at all.

A related question is whether my obligations of benevolence extend to animals. If benevolence is based on concern for the interests of others, and especially the avoidance of unnecessary suffering, then it seems natural to include animals. But this would make morality even more demanding. Am I obliged to make the same sacrifices for animals as for humans? If not, how can a utilitarian distinguish between the two? Many moral theorists develop two-tier views, combining obligations owed to all sentient beings (including animals) with obligations owed only to other moral agents (McMahan, 2001). On these views, benevolence does not exhaust morality. Any such theory faces obvious boundary problems. When does a human being become an agent worthy of respect, and not merely an object of benevolence? And how do we balance obligations of respect and benevolence?

Thus far, we have spoken about benevolence as something owed by one individual to another. But some understand benevolence as owed instead by the moral community to each of its members. Murphy regards benevolence as a shared cooperative aim: “if we both have a cooperative aim to promote the good ... we do not see ourselves as engaged in separate solitary enterprises. ... Each of us



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does not, strictly speaking, aim to promote the good. Each sees himself as working with others to promote the good. Thus, the best way to describe the aim of each might be: ‘to promote the good together with others’” (Murphy, p. 288). Cooperation is, thus, intrinsic to each agent’s aim, not merely instrumental. Murphy suggests that no acceptable principles of beneficence can increase its demands under partial compliance. Otherwise, it places unreasonable burdens on those who comply. The cooperative nature of benevolence, thus, limits its demands.

This conception is certainly appealing for mutually beneficial projects where it is natural to resist taking on the shares of people who could contribute to the project but do not. But is benevolence a cooperative enterprise? Consider especially our relations with distant impoverished strangers. Why should my obligations to them depend on what other affluent people do? One solution is to recognize two principles: a collective principle based on mutually beneficial projects and an individual principle based on each agent’s relationship with others in need (Mulgan, 2001). It is then a matter of debate whether we call them both principles of benevolence.

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See also ANIMALS; IMPARTIALITY; INTERGENERATIONAL JUSTICE; PARFIT, DEREK; RULE UTILITARIANISM.

## BENTHAM, GEORGE (1800–84)

George Bentham, botanist and logician, the only son of Samuel Bentham and the heir to Jeremy Bentham’s estate, was born on 22 September 1800 in Stoke, near Plymouth,

England. He attended neither school nor university, but developed an early aptitude for languages. Later, he worked briefly on Bentham's writings on logic, before pursuing a highly distinguished career as a leading botanist. He was also acquainted with John Stuart Mill whom he befriended during the latter's visit to France in 1820–21, when Mill stayed in Samuel Bentham's house. He introduced Mill to his uncle's *Chrestomathia* (1817), as well as to botany and other pursuits.

George Bentham's relationship with the young Mill and its subsequent development is puzzling in several respects. The two began their work on logic in France at the same time, with Bentham beginning to translate into French the long appendix to his uncle's *Chrestomathia* on language and classification (pp. 139–276). This appendix constituted Jeremy Bentham's most important published work on logic and related topics. At the same time, Mill compiled notes based on lectures given by Joseph Diez Gergonne at Montpellier and composed a "Traité de Logique" (CW, vol. 26, pp. 145–90). Nevertheless, while Mill provided a warm account of his visit to France (CW, vol. 1, p. 59, vol. 26, pp. 1–143), he omitted any reference to the fact that he and George Bentham were both reading Jeremy Bentham's appendix to *Chrestomathia* (at least the Tables) at the same time. It seems that Mill deliberately sought to minimize his relationship with George Bentham and to locate his own development in philosophy at a later period in London when he helped to found the "Society of Students in Mental Philosophy," which met at the home of George Grote. As Mill wrote, "I have always dated from these conversations my own real inauguration as an original and independent thinker" (CW, vol. 1, p. 127).

George Bentham completed his translation of part of the appendix to *Chrestomathia*, which was published in 1823 as *Essai sur la nomenclature et la classification des*

*principles branches d'art-et-science*. In 1826, he returned to London and joined John Stuart Mill to perform editorial work on Jeremy Bentham's manuscripts. Mill worked on evidence and completed the *Rationale of Judicial Evidence, specially applied to English Practice* in five volumes in 1827. In the same year, George Bentham produced a slim volume on logic, *Outline of a New System of Logic, with a Critical Examination of Dr. Whately's "Elements of Logic"*, and both works were published by the same publisher, Hunt and Clarke. This common activity, based on Jeremy Bentham's manuscripts, did not, however, bring the two together. Mill's first published work on logic consisted of a highly eulogistic essay on Whately's *Elements of Logic* (1828) (CW, vol. 11, pp. 1–35), and when John Bowring invited Mill to review George Bentham's book, Mill refused to do so, largely on the grounds that it was inferior to Whately's.

Bentham did not appear to write more on logic after the publication of the *Outline*, though his development of a new and original notation for the syllogism led to a debate over the quantification of the predicate which extended over many decades and engaged the attention of Mill, Hamilton, de Morgan, Boole, Jevons, Spencer, Baynes, and others. The debate was linked to the movement to achieve greater mathematical precision in logic, which Mill tended to dismiss as simply a "school exercise," but which other logicians saw as an attempt to break away from the common modes of expression of logical relations employed since Aristotle. Although there is much critical literature on the logic of utilitarianism, there has been less appreciation of the fact that many early utilitarians were also logicians, and, additionally, this preoccupation with logic was a feature of their utilitarianism. Nevertheless, these early utilitarians, particularly, the Benthams and the Mills, did not share a common logical doctrine to accompany their utilitarianism. But without an understanding of their

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differences, their utilitarianism may at times appear confusing.

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See also BENTHAM, JEREMY; MILL, JOHN STUART.

## BENTHAM, JEREMY (1748–1832)

Jeremy Bentham is one of the most important philosophers in the utilitarian tradition, as well as one of Britain's greatest jurists and reformers. During his long lifetime and after his death he became a distinguished figure in numerous fields, making substantial contributions to practical reform as well as to a utilitarian understanding of the logic of reform. Anyone interested in such topics as prison reform, poverty and the welfare state, bureaucracy, constitutional law and democracy, liberalism, public opinion, crime and punishment, liberty, human or natural rights, ethics, logic, economics, political science, international law and relations, sovereignty, codification, theories of evidence and judicial procedure, and law reform generally will find in his writings an interesting starting point for much contemporary discussion and, possibly, plausible solutions to contemporary problems.

Bentham was born on 15 February 1748 in London, the eldest son of a prosperous attorney who sought to produce not only an attorney like himself, but also a future Lord Chancellor of England. While he was undeniably precocious, his father encouraged his education in a way that reminds one of the education of John Stuart Mill approximately 50 years later. He began to learn Latin at the age of 3 and by the age of 10 he could write

in Greek and Latin, acquiring a reputation for composing verses in these languages. He enrolled in Westminster School in 1755 at the age of 7. Becoming a King's Scholar, he left school for Queen's College, Oxford in 1760 at the age of 12. According to Thomas Southwood Smith in his lecture over Bentham's remains in 1832, he was the youngest graduate known at either Oxford or Cambridge. He took his BA degree in 1764 and his MA in 1767. Following his university studies, he turned to the study of law and became a student in the Court of King's Bench, Westminster Hall. In 1769, he was admitted to the Bar. He lived in Lincoln's Inn until his father's death in 1792 when he inherited the family home at Queen's Square Place, Westminster. While he was a student at the Bar, Bentham returned to Oxford to attend lectures given by William Blackstone, first Vinerian Professor of English Law, which were eventually published as *Commentaries on the Laws of England* (1765–69). In Blackstone, Bentham encountered a notable opponent against whom he wrote a series of works at different periods throughout his life. Unfinished and unpublished writings, like the "Elements of Critical Jurisprudence," from which his early work on Blackstone, the "Comment on the Commentaries" (unpublished until 1928) was taken (Bentham, 1977), owed much to the systematic arrangement which Blackstone gave to English law (Burns, 1989, pp. 22–40).

Bentham's Anglican background and traditional education would appear to set him apart from the main currents of the Enlightenment. On the contrary, he soon became a child of the Enlightenment and that subset of Enlightenment thought that might be depicted as Epicurean. His youthful enthusiasm for philosophy led him to study the writings of Locke, Montesquieu, Hume, Priestley, Helvétius, D'Alembert, and Beccaria. He sought to develop a new "logic of the will" to supplement or replace what he called Aristotle's "logic of the understanding." His work

on language, called "the theory of fictions," represented a departure from Locke and his eighteenth-century followers. Furthermore, though he took the idea of utility as the foundation of morals from Hume, he gave the principle a more prescriptive dimension and attempted to link it more closely with pleasure and pain.

In 1776, Bentham took some material from his "Comment on the Commentaries," a general critique of Blackstone, and published it anonymously as *A Fragment on Government* (Bentham, 1988b). In this first published work, he provided at one level a striking critique of Blackstone's ideas concerning government. But Blackstone and Bentham were both children of the Enlightenment (at least in the sphere of government and property), and Bentham's critique of Blackstone also constituted a critique of the confusions inherent in an essentially Lockean theory. In its place Bentham followed Hume in asserting that utility was the foundation of virtue and then presented brief discussions of such themes as the social contract, sovereignty, submission, resistance, and fictions.

Bentham's engagement with Enlightenment authors from the perspective of the principle of utility took place on numerous levels. His interest in crime and punishment, for example, was stimulated not only by the writings of Beccaria, but also by the crisis in Britain caused by the American war of independence bringing to an end transportation to the American colonies and prompting the need for an alternative system. He was also stimulated by the dreadful condition of the prison hulks on the Thames and by the failure of the widespread and brutal use of capital punishment to deter crime. His first publication in this field was the pamphlet, *A View of the Hard Labour Bill* (1778), which was considered influential with regard to the Penitentiary Act of 1779 (Bentham, 1838–43, vol. 4, pp. 3–35; Rosen, 2006, pp. 566–8).

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At this time, Bentham was also influential in assisting his friend, John Lind (1731–81), in his critique (*Three Letters to Dr. Price ...*, 1776) of the ideas of the well-known philosopher and theologian, Richard Price (1723–91), whose *Observations on the Nature of Civil Liberty* (1776) defended the liberty of the Americans against the British (Rosen, 1992, pp. 25–39). Bentham developed two concepts of liberty for Lind's pamphlets (Rosen, 2003, pp. 245–55). One was negative and consisted of the ability to do as one pleased without restraint or constraint. The other was more positive and he called it "security." Liberty in this sense depended on a legal provision to prevent individuals from harming others and hence to secure their lives and properties. Through institutional means, like representative democracy, he also sought to protect the individual by preventing misrule.

Bentham's engagement with important figures of the Enlightenment continued in numerous works. For example, *Defence of Usury* (1787), now a little-known treatise on individual and economic liberty, took the form of a critique of Adam Smith's reluctance to advocate free trade in money in *An Inquiry into the Nature and Causes of the Wealth of Nations* (1776) (Bentham, 1952–54, vol. 1, pp. 123–207; Rosen, 2003, pp. 114–30). It is clear that Bentham's critical mind and work in logic enabled him to push forward the Enlightenment project and to make substantive revisions to the ideas of major figures like Blackstone, Price, and Smith. In these and other schemes, from the Panopticon prison system (Semple, 1993) to the organization of legislative procedure in France (Bentham, 1999), he took up ideas and proposals from Enlightenment sources and linked these carefully with the principle of utility. He then developed a new and more comprehensive understanding of the principle of utility and provided a new impetus to reform.

*An Introduction to the Principles of Morals and Legislation* (1789) brought together

logic, an emphasis on utility, and a critique of the way other Enlightenment figures viewed aspects of the state in its power to punish. It remains one of his most important and enduring works (Bentham, 1996). He began the first part (Chs. 1–6) with a highly compressed discussion of the utility principle itself, the principles opposed to it, and the classification and measurement of pleasure and pain. His establishment of a close link between utility and pleasure and pain clearly placed him within the Epicurean tradition. By the principle of utility he 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." He added to this statement a definition of utility as consisting of "that property in any object, whereby it tends to produce benefit, advantage, good or happiness, (all this in the present case comes to the same thing)" (Bentham, 1996, p. 12). Although these might appear to be elementary, even simplistic, remarks, Bentham proceeded to develop their meanings and the meanings of related ideas in a comprehensive, if compressed, manner.

If utility was to be found externally in various objects, the assessment of utility via an account of pleasures and pains took place internally within the mind. This process was shown by Bentham, perhaps for the first time, to be highly complex, and he seemed only to begin such an investigation with his attempt to classify different pleasures and pains. This classification should not be confused with measurement (e.g. through an assessment of intensity, duration, certainty, propinquity, fecundity, purity, and extent). The different kinds or qualities of pleasure and pain were identified as a bedrock with respect to which measurement might, in theory, if not in practice, take place. Sensations of pleasure and pain were real entities experienced by all human beings. The categories of pleasures and pains were fictitious entities

requiring continual work and assessment to refine them. But once one had identified pleasures and pains, a further series of steps were necessary to relate them to human sensibility.

Bentham recognized that how pleasure and pain were perceived by different individuals could vary, and he examined this under the heading “Circumstances Influencing Sensibility” (Bentham, 1996, pp. 51–73). He briefly considered these circumstances under 32 headings from health, strength, and hardiness on the one hand to lineage, government, and religious profession on the other. He also examined them in an analytical fashion by dividing the list into primary and secondary circumstances (with the latter depending on the former), with further divisions to follow. His discussion of the categories of pleasure and pain and one’s sensibility to pleasure and pain ensured that, from his perspective, no simple version of Epicurean hedonism could be applied to determine public policy and legislation. At the same time, he was concerned to show that hedonism could provide the foundations for understanding and developing a programme of political reform.

Bentham’s account of utility, for which pleasure and pain provided the foundation, was particularly significant for its rejection of two rival approaches. He designated the first as the principle of asceticism and the second, the principle of sympathy and antipathy. The first was directly opposed to the principle of utility in approving any action in so far as it diminished happiness. The principle had its roots in various versions of Stoic morality and among a number of religious groups. It was justified in part by its opposition to what “they joined in branding with the odious name of Epicurean” (Bentham, 1996, p. 19). For Bentham, the use of the principle of asceticism was simply a misapplication of the principle of utility. He contended that “let but one tenth part of the inhabitants of this earth pursue it consistently, and in

a day’s time they will have turned it into a hell” (p. 21). The principle of sympathy and antipathy, the second principle opposed to utility, looked to a series of phrases, related to approval or disapproval, to assess the validity of various ideas and actions. These included such notions as moral sense, common sense, understanding, rule of right, fitness of things, law of nature, law of reason, right reason, natural justice, natural equity, good order, truth, doctrine of election, and repugnancy to nature, to name a few. Numerous philosophers and theologians used these phrases to represent the bases of their systems. For Bentham, they simply reflected the dispositions of the people who used them. Their failure from his point of view was that they were not related to anything outside themselves, such as a moral and political science based on objective assessments of pleasure and pain. Through the assessment of the value of external objects, utility sought to achieve this end. Nevertheless, Bentham realized that he was in a distinct minority in opposing asceticism on the one hand and the widespread use of the words and phrases, listed above, on the other.

The second part of *An Introduction to the Principles of Morals and Legislation* was devoted to an account of the logic of the will. Here, we find chapters on action, intentionality, consciousness, motives, and dispositions (Bentham, 1996, pp. 74–142). The analyses of these concepts provided the basis for the third part of the work concerned with a theory of punishment. Two notable features of his theory were first, his insistence that there must be a proportion between crimes and punishments, and, secondly, that a theory of punishment should depend upon a map of all possible offences that might be committed in a state. These offences should be “real” in so far as they reflected actual harm caused to others. As for proportionate punishments, Bentham set forth a number of rules designed to limit the pain of punishment, while using a sufficient



amount, properly employed, so as to deter the further commission of offences. Bentham's work here cannot be easily summarized, but it constituted a major philosophical departure for the reform of the criminal law (see Rosen, 2006, pp. 547–72).

During the 1780s, Bentham joined his brother, Samuel, who had decided to go to Russia to advance his career as a naval architect under Prince Potemkin (Christie, 1993). One consequence of their joint involvement in this project was the creation of the Panopticon “Inspection House,” which could be applied not only to prisons, but also to hospitals, schools, and industrial enterprises. At the end of the 1780s, however, Bentham's attention turned to the unfolding events of the French revolution. By this time he was already closely associated, initially through assistance obtained for the trip to Russia, with William Petty, Earl of Shelburne (1737–1805), created first Marquis of Lansdowne in 1784, and found himself ideally placed in the Lansdowne circle (which now included Étienne Dumont and Samuel Romilly). Bentham had also made a useful friendship with Jacques Pierre Brissot de Warville (1754–93), who knew Bentham from his earlier residence in London in 1782 and 1784.

In 1788, Romilly and Dumont visited Paris for 2 months, where Dumont became friendly with Honoré Gabriel Riqueti, comte de Mirabeau (1749–91) and used Mirabeau's *Courier de Provence* to advance some of Bentham's ideas from the comparative study of English and French legislative procedure to the Panopticon prison plan (Bentham, 1999; 2002a). The fast-moving events of the revolution left Bentham at a disadvantage, as various attempted interventions in French affairs were frustrated by problems of transporting manuscripts to France and translating them for publication. Following the death of Mirabeau and the increasing violence in France, Bentham had been made an honorary citizen of France in October 1792 along

with other British reformers, but the Lansdowne circle as a whole became disillusioned with the revolution. One essay, however, published in English after Bentham's death as “Anarchical Fallacies” contained the famous remark that natural rights were “simple nonsense” and “natural and imprescriptible” rights, “nonsense upon stilts” (Bentham, 1838–43, vol. 2, p. 501; 2002a, pp. xlv–liii, 319–401). This attack on the French Declaration of Rights reflected his insistence that utility was superior as a concept to that of natural rights, in that claims to utility had to be supported by evidence and reasons, while claims to natural rights lacked such a foundation and, additionally, were often divisive and disruptive.

During the late 1790s and early 1800s, Bentham's attention was dominated by numerous projects from the Panopticon prison scheme (which floundered due to a failure to obtain sufficient political and legislative support) to writings on economics, administration, and the poor laws. In October 1813, Bentham finally gave up all hope of seeing a Panopticon established and accepted £23,000 in compensation from the government. Nevertheless, he left a considerable legacy of manuscripts written on not only Panopticon but also on the application of these ideas to the reform of the poor laws (Semple, 1993; Bentham, 2 vols, 2001, 2010). His economic writings, including “Manual of Political Economy” (written between 1793 and 1795) covering numerous topics in economics (Bentham, 1952–54, vol. 1, pp. 219–73), *Supply without Burthen; or Escheat Vice Taxation* (1795) advocating confiscatory taxation of remote inheritances (pp. 279–367), *A Protest Against Law Taxes* (1795) calling for the abolition of all taxes on legal proceedings (Bentham, 1838–43, vol. 2, pp. 573–83), and “Circulating Annuities” (1799–1800), “Paper Mischief” (1800–1), and “The True Alarm” (1801), warning of the unlimited use of notes by country banks, were among his numerous works, largely

unknown prior to Werner Stark's edition of *Jeremy Bentham's Economic Writings* (Bentham, 1952–54, vol. 2, pp. 201–423, 425–58; vol. 3, pp. 61–216). Moreover, economic ideas appeared in many of his writings, such as *An Introduction to the Principles of Morals and Legislation*, and he was probably among the first to see the importance of using the language and concepts of economics in numerous spheres in place of highly emotive religious, moral, and political ideas and terminology.

When he received the proofs of the first two volumes of the *Traité de Législation Civile et Pénale* (1802), Bentham wrote enthusiastically to Dumont who had created the three-volume work in French from Bentham's manuscripts: "You have set me a strutting, my dear Dumont, like a fop in a Coat spick-and-span from the Taylor's" (Bentham, 1988a, p. 28; see also Rosen, 2011, pp. 258–63). This publication brought Bentham's ideas before a wide audience. In 1830, it was estimated that 50,000 copies of Dumont's various recensions were sold in Europe and 40,000 in Spanish translation in Latin America. Dumont was clearly important for Bentham achieving an international reputation. Many students of utilitarianism throughout the world obtained their knowledge of Bentham through these recensions. Some of these works were translated into English and published on their own. *Rationale of Reward* (1825) and *Rationale of Punishment* (1830) were taken from Dumont's second recension, *Théorie des peines et des récompenses* (1811). Other English texts were translated from the Dumont editions for the posthumously published English edition of Bentham's *Works* (1838–43), edited by John Bowring.

With the failure of Panopticon and a general loss of interest in his earlier works, few of which had been written to achieve wide audiences, Dumont's *Traité*s had indeed set Bentham "a strutting." The French version of *An Introduction to the Principles of Morals and Legislation* in the first volume of the

*Traité*s brought Bentham's most philosophic work to a new audience. John Stuart Mill, who read the work in the Dumont version, wrote in his *Autobiography* that Bentham's second chapter, which rejected other foundations of morality besides utility, was a powerful influence and "the feeling rushed upon me, that all previous moralists were superseded, and that here indeed was the commencement of a new era in thought" (Mill, *CW*, vol. 1, p. 67). As for Ch.16 on "Offences," he wrote: "I felt taken up to an eminence from which I could survey a vast mental domain, and see stretching out into the distance intellectual results beyond all computation. As I proceeded further, there seemed to be added to this intellectual clearness, the most inspiring prospects of practical improvement in human affairs" (p. 69). On finishing the *Traité*s, Mill wrote: "I had become a different being." "It gave unity to my conceptions of things," he continued. "I now had opinions; a creed, a doctrine, a philosophy; in one among the best senses of the word, a religion; the inculcation and diffusion of which could be made the principal outward purpose of a life" (p. 69).

Not only was Dumont's *Traité*s influential for a wide and diverse audience, but also Bentham himself was stimulated to return to his philosophical work. What followed was a burst of creative activity in new fields (Rosen, 2011, pp. 263–76). Although Bentham was 55 when the *Traité*s was published, he wrote continually over the next 25 years. Within a year of the publication of the *Traité*s, he began writing on evidence, edited by John Stuart Mill in five volumes and published in 1827 as *Rationale of Judicial Evidence* (Bentham, 1838–43, vol. 6, pp. 189–585, and vol. 7, pp. 1–644). He also wrote works on education and logic (see *Chrestomathia*, 1815–17; Bentham, 1983a), ethics (see *Deontology*, written in 1814 and 1816; Bentham, 1983c), psychology (see *Table of the Springs of Action*, 1817; Bentham, 1983c, pp. 3–115), judicial procedure



and constitutional law (see *Constitutional Code*, 1830; Bentham, 1983b; Rosen, 1983), and codification (see *Papers relative to Codification and Public Instruction*, 1817, Bentham, 1998, pp. 1–185).

In the material on codification, he returned to one of his earliest ambitions, to construct a complete code of laws for a state, a *pan-nomion*, meaning all of the laws. As has been chronicled in *Papers relative to Codification and Public Instruction*, stimulated by the *Traité*s and other Dumont recensions, Bentham returned to this ambition in 1811 with a letter to the US President, James Madison (1751–1836), which proposed to replace the common law with such a code. Owing to the war with Britain, Madison's reply was not sent until 1816. In the meantime, Bentham began to work through Dumont's fellow-Genevan, Albert Gallatin (1761–1849), who had pursued a successful political career in the United States and came to London in 1814 to help negotiate an end to hostilities between the United States and Britain. Gallatin advised Bentham to approach the various state governors rather than the federal government. Bentham also received assistance from John Quincy Adams (1767–1848) who was the American minister in London. But despite a considerable correspondence with leading figures in Pennsylvania, New Hampshire, and New York, the legislators remained wedded to the common law of England and to Blackstone. Bentham also explored the possibility of codifying the laws of Russia and Poland by offering his services to Alexander I (1775–1825) in 1814. Alexander eventually told Bentham that he would instruct the relevant commission, established in 1801, to send questions arising from its deliberations to Bentham for answers and enclosed a gift of a gold ring. Bentham was offended by the gift, returned it to Alexander, and insisted that he was not interested in payment or in answering specific questions, but only in the prospect of producing a complete code of laws.

Initiatives with other countries followed, and these merged with Bentham's involvement with early liberalism in the 1820s. Between 1820 and 1823, while the liberal governments in Spain and Portugal existed, Bentham wrote extensively on political and constitutional issues. Among his works at this time were *On the Liberty of the Press and Public Discussion* (1821) (Bentham, 1838–43, vol. 2, pp. 275–97), *Observations on the Restrictive and Prohibitory Commercial System* (1821) (Bentham, 1995, pp. 345–83), and *Letters to Count Toreno on the proposed Penal Code* (1822) (Bentham, 1838–43, vol. 8, pp. 487–554). He also attempted to advance his plan to construct a complete code of laws, and the Portuguese Cortes accepted Bentham's offer to draft penal, civil, and constitutional codes. Bentham immediately set to work writing material for these codes which occupied him throughout the 1820s. Only the first volume of *Constitutional Code* (1830) was actually published in Bentham's lifetime (Bentham, 1983b), with versions of other codes, taken from the manuscripts, appearing posthumously in the Bowring edition of his *Works*.

With the fall of the liberal governments in Spain and Portugal, Bentham, together with his disciples, Bowring and Edward Blaquiere (1779–1832), turned his attention to Greece which was then struggling to overthrow Turkish rule (Rosen, 1992). Bowring and Blaquiere established the London Greek Committee which raised funds for Greece, organized the expedition led by Lord Byron (1788–1824) and Leicester Stanhope (1784–1862), and supported two substantial loans for the new Greek government. Bentham contributed a manuscript commentary on the first Greek constitution of 1822 as well as an early manuscript draft of his *Constitutional Code* which was specially prepared for Greece (Bentham, 1990, pp. 181–285; 1998, pp. 337–60). He was convinced that he could produce a series of codes adapted for any state that would be willing to adopt them.

This belief took him in numerous directions. For example, his attempts in 1822 to assist Hassuna D'Ghies (b. 1791), a young unofficial ambassador from Tripoli, to overthrow the government in Tripoli led to one of his more important political essays, "Securities against Misrule," which dealt with the unusual topic of how to introduce political liberty into an absolute Muslim state (Bentham, 1990, pp. 1–180).

Bentham's liberalism was also notable in the 1820s in his writings on colonies, first entitled "Emancipation Spanish," and then "Rid Yourselves of Ultramarina" (Bentham, 1995). This work followed his early pamphlet written for France, "Jeremy Bentham to the National Convention of France" (1793, published as *Emancipate Your Colonies!* in 1830) (Bentham, 2002a, pp. 289–315). In "Emancipation Spanish" and "Rid Yourselves of Ultramarina," he developed a lengthy and sophisticated analysis of the disutility of colonies both to the mother country (in this case, Spain) and to the colonies themselves.

Bentham's efforts at codification and his involvement in an emergent liberalism on a global scale, with its emphasis on free trade, security of the individual, codification, freedom of religion, and widespread education were also related to his growing reputation in Britain as a leading radical. At the time of the French revolution in essays he never published and may well have forgotten, he seemed to have toyed with, if not adopted, radical principles in favour of representative government, near universal suffrage, or, at least, near universal male suffrage, the secret ballot, and annual assemblies (Schofield, 2006, pp. 78–109). In 1809, he began to think and write about parliamentary reform, not only as a result of the failure of Panopticon and his various proposals for law reform, but also because political reform had become a topic for public debate. In addition, at this time he became close friends with James Mill and each may have persuaded the other to advocate parliamentary reform.

The first public declaration of his radicalism appeared in *Plan of Parliamentary Reform* (1817) (Bentham, 1838–43, vol. 3, pp. 433–557), which was favourably received despite Bentham's awkward style that was widely criticized. A year later he was thanked by a public meeting of Westminster householders for advancing radical principles. A popular edition of his *Plan* appeared in instalments in the periodical, *Black Dwarf*, and was then reprinted as a book. In 1819, *Bentham's Radical Reform Bill* (pp. 558–97) appeared, which in turn became his "Election Code" when eventually incorporated into the *Constitutional Code* (Bentham, 1983b, pp. xxv–xxvi, 48 and n.; Rosen, 1983, pp. 130ff).

Bentham's reluctance to publish his radical views between 1809–10 and 1817 was based in part on a fear of prosecution. In the decade between 1815 and 1825, he published not only the *Plan* in 1817 but also other radical critiques in numerous fields. Among his notable works in the field of radical law reform were *Truth versus Ashurst* (written in 1792, published in 1823) (Bentham, 1838–43, vol. 5, pp. 231–7), *Indications respecting Lord Eldon* (1825) (Bentham, 1993, pp. 203–89, 307–41), and *Observations on Mr. Secretary Peel's House of Commons Speech, 21st March, 1825* (1825) (pp. 157–202). In religion, he wrote *Church of Englandism and Its Catechism Examined* (1818) (Bentham, 2011), *Analysis of the Influence of Natural Religion on the Temporal Happiness of Mankind* (published under a pseudonym, "Philip Beauchamp," in 1822), and *Not Paul, but Jesus* (also published under a pseudonym, "Gamaliel Smith," in 1823). His attack on waste and corruption in government in relation to the main political parties appeared in works such as *Defence of Economy against the Right Honourable Edmund Burke* and *Defence of Economy against the Right Honourable George Rose* (both written in 1810 but published in 1817) (Bentham, 1993, pp. 39–155). Bentham often published

against the advice of friends and colleagues and, at times, had to choose radical publishers, such as the Hunts, Richard Carlisle (1790–1843) and William Hone (1780–1842), who were willing to face prosecution. He also developed a close relationship with Francis Place whom he met through James Mill in 1812, and with whom he made contact with writers deeply involved in radical politics, such as John Wade (1788–1875), Thomas Hodgskin (1787–1869), and William Thompson (1785–1833). The two also cooperated on a number of radical schemes such as the Parliamentary Candidates Society in 1831 (Rosen, 1983, pp. 202–203, 212).

This brief survey of some of Bentham's writings, though referring to numerous works, omits many others, such as *Book of Fallacies* (1824), edited by Peregrine Bingham (Bentham, 1838–43, vol. 2, pp. 375–487), his writings on logic and language (vol. 8, pp. 213–338), and his numerous unpublished writings on parliamentary reform. Furthermore, while calling attention to Bentham's various writings and the fields to which he contributed, no attempt has been made systematically to link his various works directly with the principle of utility. Bentham, himself, did so through the use of sub-principles whose practical implementation contributed or would contribute to happiness. For example, in *Official Aptitude Maximized, Expense Minimized*, he called attention to two sub-principles in relation to utility in constitutional government. Maximizing aptitude referred to recruiting and retaining highly competent public servants, while at the same time minimizing expense referred to limiting expenditure by the government. Both sub-principles would advance utility, or, as Bentham often put it in later life, would advance "the greatest happiness." Similarly, in *Not Paul, but Jesus* Bentham was carrying forth his critique of asceticism (which denied the importance of pleasure) in religion and, particularly, the Bible in favouring the sentiments of Jesus as opposed to the ascetic principles

of St. Paul. Finally, in his civil law writings, Bentham developed four sub-principles that, if advanced through law and policy, would increase human happiness. These were security, subsistence, abundance (as future subsistence), and equality (see Kelly, 1990).

Even in the arrangements for his death, Bentham sought to advance human happiness and well-being. As early as 1769, when he was just 21 years old, he made a will leaving his body for dissection. Among his objects was the advancement of the study of anatomy, and he is credited with drafting the legislation which led to the Anatomy Act of 1832 (Richardson, pp. 22–33). In the 1820s, Bentham began to think more deeply about the preservation of his body after death, in part as a critique of orthodox religion and, in part, as a way of advancing the Epicurean principle of overcoming the pains surrounding the fear of death. His friend, the physician Southwood Smith, arranged for a public dissection of Bentham's body over which he delivered an oration, and then constructed what Bentham called the "Auto-Icon" (Bentham, 2002b). The Auto-Icon eventually came to reside in the South Cloisters of University College London, an institution created to advance some of Bentham's principles, and is usually on display there and open to the public. Although he did not attend meetings of the college council, as some mistakenly believe, he has been known to attend dinners organized by friends who have sought over the years to celebrate his achievements and by those who have worked to publish the new edition of his *Collected Works*.

Some historians have questioned Bentham's actual influence on the major reforms in government in the nineteenth century. But his standing as a jurist, philosopher, and reformer has increased throughout the twentieth century to the present time. He is widely regarded as the founder of modern utilitarianism which remains an important part of contemporary moral and political philosophy. His positivist account of law has replaced that of John

Austin as the more subtle and complex theory in this tradition, and Bentham is generally recognized as one of Britain's greatest jurists (see Hart, 1982). His account of democracy in *Constitutional Code* has replaced that found in James Mill's "Government" (1824) and J. S. Mill's *Considerations on Representative Government* (1861), and is regarded as the classic utilitarian alternative to modern theories of participatory democracy (Rosen, 1983, pp. 168–99, 221–42). Among economists he is widely acknowledged for making important contributions to classical economics and particularly for his insistence on the use of economic concepts in the fields of law and politics. He is also widely regarded as the founder of welfare economics, the creator of marginal utility, and the first exponent of cost-benefit analysis.

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See also AUSTIN, JOHN; AUTO-ICON; BECCARIA, CESARE; BENTHAM, SAMUEL; BLACKSTONE, WILLIAM; BOWRING, JOHN; CONSTITUTIONAL THEORY; DEMOCRACY; DUMONT, ÉTIENNE; ECONOMICS; EDUCATION; EPICUREANISM; ETHICS; HAPPINESS; HEDONISM; HELVÉTIUS, CLAUDE ADRIEN; HUME, DAVID; INTEREST; JURISPRUDENCE; JUSTICE; LIBERALISM; LIBERTY; MILL, JAMES; MILL, JOHN STUART; PAIN; PANOPTICON; PLACE, FRANCIS; PLEASURE; POOR LAWS; PUNISHMENT; ROMILLY, SAMUEL; SMITH, ADAM; SMITH, THOMAS SOUTHWOOD; SOVEREIGNTY; SYMPATHY; THOMPSON, WILLIAM; UTILITY.

**BENTHAM, SAMUEL (1757–1831):**

See BENTHAM, GEORGE; BENTHAM, JEREMY; PANOPTICON.

**BERNOULLI, DANIEL (1700–82):** See DIMINISHING MARGINAL UTILITY; EXPECTED UTILITY HYPOTHESIS.

**BINARY UTILITARIANISM:** See ANALOG AND BINARY UTILITARIANISM.

**BINGHAM, PEREGRINE (Bap. 1788–1864)**

Peregrine Bingham was baptised on 19 April 1788 and educated at Winchester College, Oxford. He practised law on the western circuit before becoming a police magistrate in London. Bingham was the author of *The Law and Practice of Judgments and Executions* (1815), *The Law of Infancy and Coverture* (1816), and *A Digest of the Law of Landlord and Tenant* (1820). In 1824, he edited Bentham's *Book of Fallacies*, and in the same year he wrote a series of articles for the *Westminster Review*, mainly endorsing the use of precise legal definitions and defending the democratic institutions of the United States. Bingham's enthusiasm for "scientific legislation" based on utilitarian principles manifested itself during his time as a member of the Municipal Corporations Commission, which paved the way for the 1835 Municipal Corporations Act.

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**BIOETHICS**

Bioethics is the study of ethical issues arising out of biomedical science, such as cloning, disability, enhancement, euthanasia, organ donation, sex selection and stem cell research. Bioethics is often seen as a central branch of applied ethics. Thus understood, the central aim of bioethics is to answer concrete normative questions. But bioethics is sometimes understood more broadly to also encompass, for instance, descriptive research in the social sciences (Callahan, 1973). As a discipline, bioethics remains controversial. Some philosophers, for example, doubt whether it is best seen as a distinct discipline (O'Neill, p. 1), while others have raised doubts about the idea that moral philosophy can be usefully applied to concrete issues of public policy (Kymlicka, 1993; Gaus, 2005).

Utilitarianism has had a marked influence on bioethical debates. There are at least three reasons for this. One is that a number of leading utilitarians produced some of the early, groundbreaking work that first addressed these bioethical issues (Glover, 1977; Singer, 1972, 1995, 2011; Rachels, 1975; Harris, 1975, 1985). A second reason for the influence of utilitarianism in bioethics is that it appears to offer clear, action-guiding answers to concrete ethical questions. Utilitarianism has only one principle, namely, that the right action is one that maximizes well-being. By contrast, one rival approach to bioethical issues states that the right action requires a balance between the four principles of beneficence, non-maleficence, autonomy and justice (Beauchamp and Childress, 2008). Most alternatives to utilitarianism appeal in this way to a multiplicity of competing principles and intuitions. They also often appeal to rich and seemingly vague notions such as dignity, sanctity, or virtue. These alternative approaches are, thus, harder to apply in a determinate way in complex real-life situations (Fullinwider, 1989; Clouser and Gert, 1990).



Utilitarianism often offers clearer answers to bioethical questions. But these answers can depart from traditional moral views in ways that many find counterintuitive or even repugnant. The continuing influence of utilitarianism in bioethics is, thus, highly controversial (Maclean, 1993; Smith, 2002).

The third reason why utilitarianism continues to exert an influence in bioethics is that it is based on a single uncontroversial value—well-being—something that matters to each person. It is egalitarian—it treats every person's (other beings with moral status) well-being equally. And it is maximizing—aiming to maximize the amount of well-being in the world. If the action which produces the most well-being is not chosen, that is, if the utilitarian solution is not adopted, then someone is suffering or worse off as a result of the choice made.

In order to demonstrate the utilitarian approach to bioethics, we shall briefly consider three illustrative examples from debates about organ donation, the ethics of enhancement, and reproductive ethics. It is important to remember, however, that bioethics deals with specific ethical problems, and it is possible to adopt a utilitarian approach to a given bioethical question without endorsing utilitarianism as a general ethical theory.

The first case illustrates the implications of utilitarianism for the bioethical issue of organ donation. One infamous example is John Harris's "The Survival Lottery." Harris writes:

[E]veryone is given a sort of lottery number. Whenever doctors have two or more dying patients who could be saved by transplants, and no suitable organs ... they ask a central computer to supply a suitable donor. The computer will then pick the number of a suitable donor at random and he will be killed so that the lives of the two others may be saved ... [E]ven taking into account the loss of the lives of donors, the numbers of untimely deaths each year might be dramatically

reduced, so much so that everyone's chance of living to a ripe old age might be increased (Harris, 1975, p. 83).

If we suppose that the Survival Lottery results in greater overall well-being than other potential policies related to organ donation, then it would seem that utilitarians should be committed to implementing it, despite its requiring the systematic killing of innocent people. While on first blush such a policy may appear to be justified by utilitarianism, we doubt that utilitarianism is committed to implementing this policy. Rather, we hold that there are good utilitarian grounds for rejecting it, such as the disutility caused by the unsettling nature of such a policy for daily life, and difficulties with undermining disincentives for reckless behaviour (Singer, 1977). When broader effects on well-being are taken into account, the implications of a utilitarian approach can often turn out to be less radical than might be expected.

A second controversial implication of utilitarianism for bioethics relates to the issue of human enhancement. Some thinkers hold that medicine should focus on curing disease and that there is something inherently wrong in using biomedical means to improve human capacities beyond the normal (Sandel, 2007; Fukuyama, 2002; Habermas, 2003). By contrast, utilitarians have a single, overarching aim of promoting well-being. They, thus, tend to reject the common-sense distinction between therapy and enhancement. If being more intelligent gives a person a higher chance of having a better life, then utilitarians encourage enhancement. The crucial question for utilitarians is whether enhancement makes people's lives go better, not whether it is natural or is appropriate for humans. For example, utilitarians would support the introduction of genes from bats into humans if this enabled humans to have sonar hearing and resulted in fewer injuries at night with no adverse effects. However, utilitarians would also consider the collective

effects of individual decisions. If enhancement causes other people to be considerably worse off, this may be a reason to restrict the use of enhancement technologies.

A third controversial implication of utilitarianism for bioethics relates to the development of technologies that enable us to decide what type of children we have. For instance, it is now possible to have a baby with many desirable characteristics by employing in vitro fertilization (IVF) and preimplantation genetic diagnosis (PGD). Many people believe that it would be wrong to use such technology to create a child with a serious disability. This intuition can be defended on utilitarian grounds. If a disability, such as deafness or paraplegia, reduces the probability that a person will have a life that goes well, then according to utilitarianism, couples are morally obliged to have children without disability rather than one with disability (Savulescu, 2001). Utilitarians, however, deny that there is anything inherently problematic about disability. If deafness, for example, did not reduce the probability of a person having a life that goes well, then there would be no utilitarian objections against creating a deaf child.

A utilitarian approach would also need to consider the effects of IVF and PGD on the woman and society in general. If the woman concerned finds the destruction of embryos significantly distressing, this would be a reason not to have IVF and PGD. Moreover, a utilitarian may restrict IVF and PGD if destroying embryos destined to be disabled resulted in undesirable social consequences, such as prejudice and intolerance.

A more controversial implication of utilitarianism for the use of this technology is that there is a significant moral reason for potential parents to select the child, of the possible children they could have, whose life can be expected, in light of the relevant available information, to go best or at least not worse than any of the others (Savulescu and Kahane, 2008). This moral reason can be justified on utilitarian grounds. Not only

does it mean that it would be wrong to have a child with a serious disability, but it also has the surprising result that parents who choose not to have a child that would have characteristics that would be likely to result in the child having a better life may still be acting wrongly. One example of this would be failing to select the child with greater intelligence (Savulescu, pp. 420–1).

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See also ANIMALS; EQUALITY; ETHICS; MAXIMIZATION; SINGER, PETER; WELFARE (WELFARISM).

## BLACKSTONE, WILLIAM (1723–80)

Sir William Blackstone was born on 10 July 1723 in London, England. His father, a

successful merchant, died before William was born. After his mother's death, at the age of 12 William entered the Charterhouse School, performed brilliantly, and went on to Pembroke College, Oxford, at the age of 15. He graduated at the age of 18 and entered the Middle Temple in London to study law. There he found legal studies to be exasperatingly unsystematic, and many of the prescribed books of law virtually unreadable. He practised law in London for the next 12 years, but he was most active in Oxford, becoming deeply involved in the administration and politics of All Souls College, where he was a Fellow from 1743. Internal politics denied him the Regius Chair of civil law at Oxford, but friends encouraged him to use his All Souls Fellowship to give a series of lectures there. He began lecturing on the laws of England in 1753 and became the first Vinerian Professor in 1758. His lectures formed the basis of the work for which he is famous: his four volumes of *Commentaries on the Laws of England*, published between 1765 and 1769.

The *Commentaries* were aimed at, and captured, a new and wider audience, not of legal specialists but of young gentlemen in search of a working knowledge of the legal and political systems of England. Blackstone's account of these systems was uncritical, simple and enormously useful for such students. Book One, "Of the Rights of Persons," defined a law as "a rule of civil conduct, commanding what is right, and prohibiting what is wrong" (Blackstone, vol. 1, p. 122), and argued that such "Municipal Laws" were validated by Divine and Natural Laws. The Constitutional Law of England was praised as "matchless" in its excellence. Book Two, "Of the Rights of Things," dealt with the law of property. Book Three, "Of Private Wrongs," expounded civil law. Book Four, "Of Public Wrongs," explained penal law. In an Epilogue describing "the Rise, Progress, and Gradual Improvement of the Laws of England," Blackstone praised English Common Law and its Anglo-Saxon

antecedents and criticized statute law as inflexible and oppressive.

One of the most energetic and incisive of Blackstone's critics was the young Jeremy Bentham who had attended some of Blackstone's lectures as a young student at Oxford in the 1760s. Bentham disliked both their substance and their style. Inspired by Beccaria, Helvétius and Hume, he advocated a science of critical or "censorial" jurisprudence organized around the principle of utility. He chose Blackstone as his foil, mocking his Whiggish legal rhetoric and lack of critical incisiveness. Bentham's first substantial published work, the anonymous *Fragment on Government* (1776), attacked Blackstone's writings on politics and constitutional law. A more comprehensive critique, *A Comment on the Commentaries*, was written in 1774–5 but not published until the twentieth century.

Where Blackstone's science of legislation was expository and his legal model was the Common Law, Bentham subjected every facet of English Law to criticism based on the prescriptions of an independent principle of morals and legislation, the principle of utility. A hedonist and consequentialist, he viewed statute law as the model for scientific jurisprudence and mocked the eccentricities of the Common Law. In response to Blackstone's political apologetics, Bentham put forward radically new political conceptions of citizenship, supreme power and the origins of the state. The contrast between their systems is stark. Bentham saw Blackstone's uncritical descriptions of legal procedures and institutions as making substantive criticism and change impossible.

Blackstone never publicly responded to Bentham's criticisms. It is unlikely that he had either the capacity or the inclination to do so. The two in fact cooperated in a minor way in the drafting of a Hard Labour Bill in 1778. Bentham did not coin the term "utilitarianism" until 1781, just after Blackstone's death. Thus, "utilitarianism" was not

at issue between Bentham and Blackstone. There was a figurative encounter juxtaposing a philosophically radical critic of English Law and one of its most popular Whig expositors.

The popularity of the *Commentaries* brought Blackstone fame, considerable wealth and political patronage. An MP from 1761 to 1770, he became a judge of the Court of Common Pleas in 1770 and was knighted the same year.

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See also BENTHAM, JEREMY; JURISPRUDENCE; LEGAL POSITIVISM.

#### BOSANQUET, BERNARD (1848–1923)

Bernard Bosanquet was born on 14 July 1848 in Rock Hall, near Alnwick in the north of England. He was educated at Balliol College, Oxford. From 1870 to 1881, he was a fellow of University College and later

moved to London where he became prominent in the London Ethical Society and the Charity Organization Society. Between 1903 and 1908, he was Professor of Logic, Rhetoric, and Metaphysics at the University of St Andrews. After devoting some years to writing in Oxshott, Surrey, he moved to Hampstead in London shortly before he died on 8 February, 1923.

Bosanquet considered himself to be a follower of F. H. Bradley, with whom he corresponded extensively. Although he had been planning to, one area in which Bosanquet did not venture to write a major monograph was moral philosophy. He was preempted by the appearance of Bradley's *Ethical Studies* (1876) which he believed to have covered the ground in all essentials, and his veneration was such that he did not see how he could surpass it through any contribution of his own. He wrote to Bradley that he had "learnt much from your book on ethics, underwent in fact a revolution of views" (Nicholson, p. 51), and later remarked that Bradley's book had been "an epoch-making event, not merely as restating and concluding the discussion of Hedonism" but because of its wider philosophical significance. Bradley had developed Kantian ethics into "a concrete system, embodied in the actual whole of existing institutions, and yet furnishing through its particulars a content in which the universal end lives and grows within the individual will" (Bosanquet, 1924, p. 58). Although Bosanquet did not accept all of Bradley's views in moral philosophy, he was in all essentials in agreement (Nicholson, pp. 51–2). The nearest he came to writing a monograph of his own on the subject was the slight *Some Suggestions in Ethics* (1918); otherwise, he confined himself to essays and addresses.

Bosanquet echoes Bradley's attacks on hedonism and the abstract individualism of utilitarianism. His positive views are expressed in his development of the notion of self-realization and its intimate association with the common good in *The Philosophical*

*Theory of the State* (1899), *The Principle of Individuality and Value* (1912) and *The Value and Destiny of the Individual* (1913). He argues that a comparison of pleasure and pain in respect of quantity, even if we disregard the standard objections to such a comparison, "betrays an inorganic point of view." The issue is not how many moments of pain you have experienced, and whether you have had "enough moments of pleasure ... to outweigh them, but whether the experience has done its work, and returned you to yourself a complete or at least a completer being" (Bosanquet, 1912, p. 245). Again, in summarizing the theory of objective mind in Hegel and Bradley, he remarks on its contrast with the "abstract formalism" of Hedonistic axioms. Abstract views of ethics spawn "difficulties and irrational compromises" which "arise from the attempt to discriminate good and evil in the desires and volitions of the self without taking into account any totality to which it is relative by finding completion in it" (Bosanquet, 1913, p. 207).

Bosanquet also accuses the hedonist of confusing "a present feeling of pleasure and the thought of future pleasure." Although both may determine action, they are not, therefore, the sole objects of desire. The pleasure of satisfaction presupposes the desire of some definite object. If I am thirsty I desire not pleasure but water because otherwise drinking could give no pleasure. For Bosanquet, "pleasure is an abstraction, and only to be found in the concrete complexity of mental life. Even if we go so far as to say that it is an aspect or element in everything we aim at, still that does not make it the only thing we aim at" (Bosanquet, 1897, p. 81).

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See also BRADLEY, FRANCIS HERBERT; GREEN, THOMAS HILL; IDEALISM.

#### BOWRING, JOHN (1792–1872)

John Bowring, politician, diplomatic representative, translator, and editor of *The Works of Jeremy Bentham*, was born in Exeter on 17 October 1792. He was the son of Charles Bowring, a local wool merchant, and his wife Sarah, the daughter of an Anglican clergyman. While his mother was herself an Anglican, Bowring was brought up, like the rest of the family, as a Unitarian. After a brief period at school in Exeter, he was sent to the Unitarian boarding school in Moretonhampstead, Devon.

Bowring started his business life, aged 13, as a clerk in his father's firm, and then

with Kennaway & Co. of Exeter. In 1811, he moved to London, settling in Hackney, then a centre of Unitarianism, and joined Milford & Co., which supplied the Duke of Wellington's army in Portugal and Spain. Two years later, Bowring, who had learnt Spanish, was sent out to the Iberian Peninsula with stores for the British forces. He witnessed the fighting near San Sebastian and accompanied Wellington's army into southern France in 1814. Back in London, Bowring became close to the family of Samuel Lewin, a fellow Unitarian, and on 16 September 1816, he married Lewin's daughter Maria. Over the next two decades, the couple had nine children, five sons and four daughters.

In 1817, Bowring set up in business with Henry Murdoch, trading as Bowring & Co., of 23 Bucklersbury, Cheapside. The company was primarily concerned with exporting fish to France and Spain and importing wine in return. As a result of his commercial interests, Bowring began to travel extensively—in France, Spain, the Netherlands, Germany, Scandinavia, and Russia. He became interested in foreign literature, and the first of his many translations, *Specimens of the Russian Poets*, was published in 1820. Further volumes of verse translations followed over the next dozen years, based on Dutch, Spanish, Polish, Serbian, Hungarian, and Czech poetry. Although Bowring was subsequently accused (with some justice) of exaggerating his linguistic accomplishments, he can be credited with introducing English speakers to many continental literatures with which they were totally unfamiliar. In 1829, in recognition of his services to Dutch literature, he received an honorary doctorate from the University of Groningen.

At the same time as he was establishing a reputation as a translator, Bowring was demonstrating his radical commitments. In 1820, he became the “foreign secretary” of the London Peace Society, a body dedicated to ending international armed conflict. As the members of the Peace Society's committee

## BOWRING

were supposed to be absolute pacifists, we must assume that Bowring opposed all use of force, at least at this time in his life. His interest in the Peace Society probably derived from his Unitarianism (and perhaps his direct experience of war in 1813–14), but hostility to war was also an enthusiasm of Jeremy Bentham, to whom Bowring was introduced in 1820 by Edward Blaquiére, a fellow radical. The following year, Bowring published a short work by Bentham in favour of free trade, another area where the interest of the young Unitarian and the old Utilitarian coincided. In truth, Bowring remained more committed to his religious views than to Bentham's philosophy; one of Bowring's most well-known publications was his *Matins and Vespers: With Hymns and Occasional Devotional Pieces* (1823). Nevertheless, Bowring incorporated utilitarian ideas in his writings and was more than willing to work with Bentham to achieve common aims.

Blaquiére and Bowring became members of the London Greek Committee, formed in 1823 to help the Greeks struggling against Turkish rule. Bentham, who saw an independent Greece as a possible laboratory for his ideas on codification, no doubt encouraged their involvement. Bowring used his mercantile connections to help raise a loan for the Greeks by selling bonds in London, but when Lord Byron died in 1824, support for the Greeks declined and the loan ran into difficulties. Bowring was one of the financial casualties. Bentham, despite the rumours of mismanagement and even profiteering swirling around Bowring, stuck by his new friend. When Bentham helped to found the *Westminster Review* to promote the radical cause, he secured Bowring's appointment as its first editor. Bowring used his Unitarian connections to recruit writers for the *Westminster*, including the sanitary and social reformer Thomas Southwood Smith. However, Bowring's contribution was not, on the whole, a positive one; his heavy-handed editorial

style soon alienated James Mill and irritated Francis Place and even Bentham. When the journal was sold to Bowring's friend Thomas Perronet Thompson without the knowledge of Mill, he and his son John withdrew their labour altogether, and this contributed to the increasing estrangement between Bentham and Mill.

Bowring's financial situation remained precarious, and by late 1827, his company had collapsed. His hopes of becoming a Professor of Literature at the new University of London came to nothing, and in 1828, he moved into Bentham's house in Westminster. Desperately short of money, Bowring sought government employment, but his political views probably told against him; the most he could obtain at this time was a post as a commissioner to investigate Dutch public accounting, which covered his expenses but offered no salary. Bowring's fortunes improved only with the formation of a Whig government in 1830. The following year he was appointed a (paid) commissioner to investigate commercial relations with France.

In 1832, when Bentham died, Bowring was bequeathed his patron's manuscripts with money to publish them in a tombstone edition of the great man's works. Bowring delegated a good deal of the editorial work to other hands, but took charge of the "Memoir" and selection of Bentham's letters that appeared in the last two volumes of *The Works of Jeremy Bentham* (1838–43). Bowring, while painting an affectionate picture of his former protector, had no scruples about revealing Bentham's eccentricities; he seems to have flattered himself that he was a Boswell to Bentham's Johnson.

In the year that Bentham died, Bowring stood unsuccessfully for parliament. He tried again in 1835 and was elected as radical MP for Clyde Burghs. He was defeated in the 1837 election, but threw himself into his work as a commercial investigator for the government. He was involved in the founding of the Anti-Corn Law League and

stood successfully as a free-trade candidate in Bolton in the 1841 general election. Back in parliament, he espoused an assortment of radical causes, including the extension of education, the abolition of flogging in the army, and the continuing fight against slavery. Another of his enthusiasms was decimal currency.

By this time, Bowring's own finances had recovered, but in 1847, he was again in trouble as a result of unwise investments. Unsurprisingly, he readily accepted the government's offer to become consul at Canton in 1848. He was subsequently appointed plenipotentiary and chief superintendent of trade in the Far East, and governor of Hong Kong. He was knighted in February 1854. The following year Bowring visited Siam and negotiated a commercial treaty with its king.

In 1856, the Chinese authorities boarded a British-registered ship, the *Arrow*. Bowring reacted fiercely to what he conceived as an affront to British rights. He ordered the bombardment of Canton. For a former member of the Peace Society, this was a rather dramatic *volte face*. But Bowring seems to have seen no contradiction. His commitment to internationalism—which underscored his involvement in the free trade movement and the peace crusade, and influenced his work for government and as a translator of foreign literature—clearly had limits. He appears to have believed that the standards regulating behaviour between Europeans could not be applied to relations between Europeans and native peoples in other parts of the world.

Bowring's bellicosity at Canton was publicly supported by the Prime Minister, Lord Palmerston, but soon Bowring was replaced as plenipotentiary. Back in Britain, he sought the Liberal candidature at Exeter in 1860, but was not adopted. He married for a second time in that same year; his first wife had died in 1858. He became commercial agent to the new Kingdom of Italy for a few

months in 1861, but thereafter had to settle for local employments as a justice of the peace and deputy lord lieutenant for Devon. He remained committed to prison reform, but his attempts to be elevated to the peerage were ignominiously rebuffed. He died on 23 November 1872 and was buried in his native Exeter.

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See also BENTHAM, JEREMY; MILL, JAMES; SMITH, THOMAS SOUTHWOOD; THOMPSON, THOMAS PERRO-NET; WESTMINSTER REVIEW.

**BRADLEY, FRANCIS HERBERT**  
(1846–1924)

Francis Herbert Bradley was born on 30 January 1846 in Clapham, London. He was educated at Cheltenham College, Marlborough College, and University College, Oxford. Shortly after graduating in 1869, he was elected a life fellow of Merton College. He died on 18 September 1924, three months after being awarded the Order of Merit by King George V.

Bradley began his academic career during the heyday of utilitarianism and empiricism. His major work in ethics, *Ethical Studies*, was published in 1876. It was both a counterattack on the utilitarianism of John Stuart Mill and Henry Sidgwick (whose *Methods of Ethics* had appeared in 1874) and a positive statement of idealist ethics. Together with T. H. Green's *Prolegomena to Ethics* (1883), it became a central point of reference for the British Idealists. In 1877, Bradley published a lengthy pamphlet entitled "Mr. Sidgwick's Hedonism," a critical account of Sidgwick's *Methods of Ethics*. Meanwhile, Sidgwick had reviewed *Ethical Studies*, sparking a reply from Bradley. There was clearly a friction between the two philosophers, so much so that Andrew Vincent remarks that "Bradley's and Sidgwick's Victorian disputation has all the qualities of finely honed academic viciousness" (Boucher and Vincent, p. 56).

In *Ethical Studies*, Bradley develops his positive theory of the moral end as consisting

in self-realization through a critical discussion of various rival theories. Among these rivals were hedonism and utilitarianism. What was his objection to utilitarianism? In short, he denies the intelligibility of hedonism, of consequentialism and of the possibility of a calculus. Although he acknowledges different versions of utilitarianism such as "modern utilitarianism," Mill's qualitative variant on Classical Utilitarianism and Sidgwick's, he contends that they all in the end rest on an egoism in which the moral end is one's own pleasure. Egoistic hedonism, in his view, conflicts with ordinary moral beliefs, which deny that pleasure is the sole or highest end in life.

Again, hedonism misunderstands the nature of the self. If pleasure is a feeling, it exists only as long as it is felt; if pleasures are "perishing particulars" (Bradley, 1927, p. 96), the notion of happiness as their sum is a fiction and so is the unity of the self which is supposed to be constituted by pleasures. A realizable self must go beyond (and cannot be reduced to) a string of unrelated pleasures and be a self striving to become a coherent whole. "Modern utilitarianism," which seeks to move beyond the individual, is no improvement, because if the sum of an individual's pleasure is unattainable, so is the sum of pleasure for all. And, further, it can give no account of how it is possible to make the leap from egoistic hedonism to universalistic hedonism. Sidgwick equivocates by building his theory on egoism and quietly suppressing it in making the transition to universalistic hedonism. In effect, he wants to keep pleasure and drop the reference to "my" pleasure, but fails to show how this can be done.

Finally, neither egoistic hedonism nor modern utilitarianism tells us how to act: "increase the pleasure of all" gives me, by itself, no answer" (Bradley, 1927, p. 105). Consequentialism provides no useful criterion for action: it is too abstract and premised on the illusion of a calculus and the

idea of summing pleasures. It also ignores the self as a moral agent. Bradley points out that Sidgwick employs a false moral ontology because he “finds the end, and ... the essence of man by examining a ‘single sentient being’” (Bradley, 1935, vol. 2, p. 679). This raises issues which ultimately require recourse to metaphysics. It is certainly difficult (perhaps impossible) to imagine that moral thinking could be conducted on such a basis. Bradley’s account of self-realization within a moral community has the contrasting merits of being both reasonable as an account of the moral self and plausible as a moral theory.

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*See also* BOSANQUET, BERNARD; GREEN, THOMAS HILL; HEDONISM; IDEALISM; SIDGWICK, HENRY.

**BRANDT, RICHARD (1910–97):** *See* RULE UTILITARIANISM.

**BROWN, JOHN (1715–66):** *See* RELIGIOUS UTILITARIANS; SHAFTESBURY, ANTHONY ASHLEY, EARL OF.

**BURTON, JOHN HILL (1809–81)**

John Hill Burton was born on 22 August 1809, and educated at Aberdeen grammar school and Marischal College. He graduated MA in 1826 and read for the Bar in Edinburgh, though he rarely practised. Early in his life, he wrote elementary histories, articles in almanacs, incidental manuals of Scottish law, and articles for the *Westminster Review*, *Edinburgh Review*, *Blackwood’s Edinburgh Magazine*, and *The Scotsman*. His major works include the long introduction he wrote for the first edition of Bentham’s collected writings (Bowring, vol. 1, pp. 1–83), an edition of extracts from Bentham’s works (*Benthamiana*, 1843), and *Political and Social Economy* (1849), in which he attempted a systematic approach to political economy from the utilitarian point of view.

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**BUTLER, JOSEPH (1692–1752)**

Joseph Butler, philosopher, theologian and controversialist, was born on 18 May 1692 in Wantage in Oxfordshire (then Berkshire), the son of a moderately prosperous linen draper. He was brought up a Presbyterian and educated at Samuel Jones’s dissenting academy in Gloucester. In 1714, Butler entered the Church of England and went on to study at Oriel College, Oxford. Taking holy orders, he held a number of ecclesiastical offices, including Chaplain to Queen Catherine, wife of George II. He was subsequently appointed Bishop of Bristol in 1738 and became Bishop of Durham in 1750.

Butler’s most important works are *Fifteen Sermons Preached at the Rolls Chapel* (1726) and *Analogy of Religion, Natural and Revealed* (1738). His influence has been claimed by authors as diverse as David Hume, Thomas Reid, Adam Smith, John Henry Newman and John Rawls, and his famous epigram “Everything is what it is, and not another thing” has been cited by G. E. Moore and Isaiah Berlin as an

insight into the truth of ethical pluralism. Butler died in 1752 in Bath in the county of Somerset.

Butler wrote primarily as a religious controversialist and theologian, and his philosophical insights grew out of his religious concerns, not the least of which was to reconcile the claims of morality and scripture. Ethical themes are to be found in both of his major works the *Fifteen Sermons* and the *Analogy*, but it is the former that is the most important source of his moral theory. He was not a utilitarian in any modern sense, but the philosophical ethics that forms a part of his *Fifteen Sermons* has contributed to the development of the utilitarian tradition. The work is divided into a traditional discussion of the love of self (sermons IV–X), the love of one’s neighbour (XI–XII), and the love of God (XIII–XV). The first three sermons comprise a general philosophical introduction. Butler’s insights do not amount to a theory and this is an important part of his critique of rationalism in morals, especially in its Hobbesian form. In place of Hobbesian rationalist egoism and hedonism, Butler offers a more realistic and, in his view, psychologically accurate account of moral experience. Our moral natures are pluralistic not monistic, in that we have more than one fundamental desire or source of motives. Where Hobbes reduces all motives to egoistic hedonism, Butler counters by suggesting that it is the distinct object of action that is its primary goal rather than pleasure as such. Indeed, Butler advances an argument taken up by later “indirect utilitarians” to the effect that the undifferentiated pursuit of pleasure would be self-defeating, in that it would produce less pleasure than the pursuit of specific ends for their own sake. Even the idea of self-interest requires a distinction between the idea of basic passion and interest, as the satisfaction of immediate passion is often not in our self-interest. The claim is that reductionism in ethics is self-defeating and also an inaccurate account

of our natures. To explain moral experience, we should not reduce the number of actual motives that we really have. But if our natures comprise a plurality of motives, how are these motives reconciled? This leads to Butler's discussion of conscience as the faculty of judgement between the claims of our rival natural interests. In this respect, his account differs from a traditional Thomist account of conscience as a repository of law and judgement on its application; indeed, the faculty could be described as moral sense, right reason, or moral reason. What the faculty does is judge the relative priority of ends such as self-love and benevolence and shows how these ought to form a unity within our natures. Much of the *Fifteen Sermons* concerns the examples of the proper function of conscience.

Butler's relevance for utilitarianism is his challenge to rationalistic egoism and hedonism, which influenced Hume and his successors, such as J. S. Mill, whose complex psychological hedonism rejects the simple rationalist hedonism of Jeremy Bentham.

Also, Butler supplies the idea that the direct pursuit of happiness is largely self-defeating and that the indirect pursuit of the good is the most effective way of achieving well-being.

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See also INDIRECT UTILITARIANISM;  
RELIGIOUS UTILITARIANISM.

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**CALCULATION:** *See* FELICIFIC  
CALCULUS.

**CAPITAL PUNISHMENT:** *See* DEATH  
PENALTY; PUNISHMENT.

## CARDINAL UTILITY

A utilitarian explanation for human choice requires individuals with the capacity to compare the amounts of pleasure and pain they expect to experience under alternative courses of action. Where the outcomes of their choices are uncertain, the pleasures and pains of the mutually exclusive possibilities have to be weighted by their respective subjective probabilities of occurring. The least demanding presumption is that these pleasure/pain comparisons are rough, tentative estimates subject to considerable indecision and caprice. As a consequence, utilitarian predictions about human choice would be similarly fuzzy. In order to specify a *unique* optimal choice for an individual under a given state of the world, where “state of the world” encompasses personal constraints such as job opportunities, health status, moral standards, and asset holdings as well as external circumstances such as weather conditions, tax laws, and market structures, utility must at a minimum be *ordinal*, meaning that the person has the capacity to rank-order from best to worst the expected

outcomes that will result from every available choice.

A rank-ordering in a given state of the world, and then across alternative states of the world, will be achieved if a person is able to consider all pairs of expected outcomes in every such state and make mutually consistent “more,” “less” or “precisely equal” judgements about their pleasure/pain content. Going beyond rank ordering to specify *by how much* the pleasure/pain contents differ between these outcomes requires some form of *cardinal* utility. Cardinality is termed *subjective* if the utility scale’s units and zero point differ among individuals. This is analogous to measures of heat, where Isaac Newton, Daniel Fahrenheit, and Anders Celsius would each give different values for the temperature differential between the same two cups of coffee. According to James Mirrlees, “A person who conceives of himself in two alternative states can have preferences regarding different combinations of outcomes for himself in these states. He can arbitrarily fix two very similar outcomes *A* and *B* in state 1 as the standards of comparison, *A* being assigned zero utility and *B* unit utility. The utility difference between outcomes *P* and *Q* in state 2 is taken to be unity if he is indifferent between the combinations (*A*,*Q*) and (*B*,*P*). In this way, the relative utility of all outcomes in state 2 can be calibrated, to within the standard of accuracy given by the degree of similarity of *A* and *B*. ... This must

be what economic Utilitarians have usually had in mind” (Mirrlees, p. 65).

The procedure described by Mirrlees (although with highly diverse outcomes as the calibration standard rather than very similar ones) assigns determinate personal utility numbers to outcomes for individuals who obey the axioms of expected utility maximization, first specified in the second edition of John von Neumann and Oskar Morgenstern’s *Theory of Games and Economic Behavior* (1947). Such individuals will have the capacity to identify precise indifference between outcomes to be attained with certainty and lottery tickets offering either an extremely dire outcome or a thoroughly blissful one. The individual sets the range of his personal scale by assigning a minimum utility value (e.g. zero) to the dire outcome and a maximum utility value (e.g. 10,000) to the blissful outcome. Any specified intermediate outcome to be attained with certainty corresponds to Mirrlees’s state 2, and we ask the individual to assign a probability to the baleful outcome that would make him indifferent between state 2 or instead accepting the lottery risk (state 1). The more desirable the intermediate outcome, the greater the acceptable riskiness of an equally desirable lottery. If the indifference-creating probability is 0.176, this individual’s utility value for the intermediate outcome can be designated as  $10,000 \times (0.1760) = 1760$ . Proceeding in this manner, a utility value can be assigned to any number of outcomes, and it will be meaningful to use these values to compare the utility amounts by which the various outcomes differ, so far as that individual is concerned.

The reliance of mainstream economic theory on unique choices by individuals has meant that most modern economists presume the existence of ordinal utility at least. With the additional assumption that optimal choices are continuous (meaning that small changes in states of the world imply only small changes in optimal choices), ordinal

utility can be expressed mathematically as a utility function for each individual that is unique up to a monotonic transformation. Many economic models go further and presume that individuals obey von Neumann and Morgenstern’s expected utility axioms, in which case their rational choice maximand is termed a “von Neumann-Morgenstern ( $\nu$ NM) utility function.” A  $\nu$ NM utility function is unique up to an affine transformation, meaning that it is cardinal but idiosyncratic, dependent on the particular individual’s choice of zero point and scale.

Unfortunately for utilitarians seeking clear-cut answers to social issues, neither ordinal utility nor subjective cardinality suffices to permit definitive judgements by utilitarian legislators, judges, policy advisors or moral philosophers acting in their professional capacity. Even if all individuals have  $\nu$ NM utility functions, the vast majority of legislative acts, judicial decisions, policy proposals, and moral pronouncements involve utility gains for some individuals and utility losses for others. It is not possible to determine which of two social outcomes, each with their winners and losers, offers the greater aggregate happiness if individuals’ utility functions are based upon different personal scales. *Absolute* cardinality, featuring a universally agreed addible unit of pleasure and (with a negative sign) pain, is required to single out a unique social maximum. No such unit has yet been found. Nevertheless, its absence has not precluded attempts to find a better world using methods that are identifiably utilitarian. One such method is the judicious use of benefit-cost analysis.

The benefit-cost approach to optimal utilitarian social choices measures the net benefit to an individual of a change in their state of the world by their willingness to pay for it, or if the change imposes a net cost, by their willingness to pay for avoiding it. It is difficult to improve upon the words of Jeremy Bentham in support of this approach: “I beg a truce here of our man of sentiment and

feeling while from necessity, and it is only from necessity, I speak and prompt mankind to speak a mercenary language. ... Money is the instrument of measuring the quantity of pain or pleasure. 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. Let no man therefore be either surprised or scandalized if he find me in the course of this work valuing everything in money. 'Tis in this way only can we get aliquot parts to measure by. If we must not say of a pain or pleasure that it is worth so much money, it is in vain, in point of quantity, to say anything at all about it" (Bentham, 1952–4, vol. 1, pp. 117–18).

In most cases, money-valued benefit-cost analysis provides only partial guidance to utilitarian social decision-makers. There are often effects of social decisions for which there is no market-based evidence of willingness to pay, so their monetary benefits and costs must be assessed indirectly. Furthermore, the conversion rate between money and utility almost certainly depends upon personal circumstances, and many social choices will have differential impacts across the distribution of personal wealth. Even if it is presumed that there exists a universally valid rate at which marginal utility declines with wealth, our conscientious utilitarian social decision-makers may be hard-pressed to discover it through introspection: can a wealthy judge really know the value of a dollar to the impoverished felon on whom she is about to pass sentence?

Our conclusion must be that definitive utilitarian social choices are beyond the scope of human endeavour. There nonetheless remains Bentham's powerful defence of the utilitarian effort: "How far short soever this degree of precision may be, of the conceivable point of perfection—of that which is actually attained in some branches of art and science,—how far short so ever of *absolute* perfection,—at any rate, in every rational

and candid eye, unspeakable will be the advantage it will have, over every form of argumentation, in which every idea is afloat, no degree of precision being ever attained, because none is ever so much as aimed at" (Bentham, 1998, p. 255).

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*See also* BENTHAM, JEREMY; DIMINISHING MARGINAL UTILITY; ECONOMICS; INTERPERSONAL UTILITY; MEASUREMENTS OF UTILITY; ORDINAL UTILITY.

#### CARLYLE, THOMAS (1795–1881)

The Scottish historian and pioneer of Victorian "sage writing" Thomas Carlyle was one of the most vocal opponents of utilitarianism in his era. He was born on 4 December 1795 into a strict Calvinist family in Ecclefechan,

Scotland, and educated at the University of Edinburgh, with the intention of entering the ministry. During his time in Edinburgh, however, he suffered a crisis of faith and a painful stomach disorder. These two intertwined events—one that tortured his mind and the other his body—contributed to a temperament, writing style, and philosophical outlook best described as irascible. After his marriage in 1826 to the equally strong-minded Jane Baillie Welsh, Carlyle attempted unsuccessfully to secure the vacant Chair of Moral Philosophy at St. Andrews and a chair at the new University of London. In 1828, the couple moved to an inherited remote Scottish farmhouse, from which Carlyle wrote his scathing social commentary “Signs of the Times” (1829) and his critically maligned satire *Sartor Resartus* (1833–4). From here, the impoverished Carlyles settled in Chelsea, London, where he began work on a three-volume history of the French Revolution. In the spring of 1835, Carlyle lent the manuscript of the first volume to John Stuart Mill, who in turn, left it at the house of a friend, whose illiterate housekeeper used it to light a fire. The anguished Mill presented the charred remains of the impassioned polemic to Carlyle, who went on to rewrite it, keeping the charred leaves as mementos until his death. Carlyle’s subsequent works include *Chartism* (1839), *On Heroes and Hero Worship* (1841) and *Past and Present* (1843). His 1850 *Latter-Day Pamphlets* brought him renown and more disciples, among them the critic John Ruskin. His 80th birthday in 1875 was celebrated nationally and he was offered a title by Prime Minister Disraeli, which he declined. In 1881, Carlyle died at Cheyne Row, outliving his wife, most of his family and acquaintances.

Carlyle’s canon charts his increasingly undemocratic outlook and the development of his thesis about the necessity of an absolute ruler. He rarely failed to launch trenchant assaults against what he saw as the problematic symptoms of modernity, and

specifically the emergence of utilitarianism. According to Carlyle, the use of utility as the basis for determining justice and moral action, and the emphasis on calculation, was deeply problematic. This was a philosophy, he argued, that sought to rationalize what could not and should not be rationalized. Utilitarianism—the “pig philosophy”—was not a progressive philosophy, for it obliterated longstanding codes of duty and obligation and promoted a selfish pursuit of pleasure.

For this reason, Carlyle identified a close connection between utilitarianism and, as he saw it, two other equally deplorable schools of thought that had turned modern England into a “mechanical” society: political economy and medical materialism. Utilitarians, economists and materialists sought to condense human life to a computation of profitability and biology. In his 1829 essay “Signs of the Times,” Carlyle raged against the physiologist Pierre Jean George Cabanis, who sought to locate thought in brain function. This was an attempt to “open our moral structure” with “dissecting-knives and real metal probes” (Carlyle, 1984, p. 69). Carlyle was also exercised by debates over the 1832 Anatomy Act—an Act that allowed surgeons to receive the unclaimed bodies of the poor from workhouses and jails in order to solve the problem of grave-robbing or worse. Carlyle suggested that the Anatomy Act would neither increase the quality of life for the living (as Benthamites claimed) nor solve crimes of body snatching. Rather, such crimes were a *product* of the utilitarian emphasis on economy which had rendered humans—dead or alive—liable to the same rule of supply and demand that regulated the circulation of goods.

Carlyle often employed a medievalist world view to challenge the emphasis on utility in politics, on rationality in medicine, on efficacy in public life, and on individualism in what he famously termed “the dismal science” of economics. In his 1843 treatise

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*Past and Present*, he used the example of twelfth-century monastic life as a contrast against which modern England appeared purposeless. Carlyle's reactionary writing reveals an emerging and increasingly significant conflict between modernity and its discontents.

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### CARRITT, EDGAR FREDERICK (1876–1964)

Edgar Frederick Carritt was born on 27 February 1876 and educated at the University of Oxford, where he became a lecturer in philosophy. Later, he served as Vice President of the British Society of Aesthetics and became a fellow of the British Academy. Carritt specialized in aesthetics but also taught ethics

and political philosophy. His commitment to intuitionism in opposition to utilitarianism can be seen in the books *Ethical and Political Thinking* (1947), *The Theory of Morals: An Introduction to Ethical Philosophy* (1928), and *Morals and Politics* (1935). Carritt criticized all forms of utilitarianism. In *Ethical and Political Thinking*, he dismissed “egoistic hedonism” as the crudest moral theory of all on the grounds that it failed to offer a compelling case for duty and implies that we have “no real obligations but only compelling impulses” (Carritt, 1947, p. x). Next, he attacked “hedonistic utilitarianism” for its characterization of pleasure and its formulation of the greatest happiness principle, and the implications these have for punishment. Under the greatest happiness principle, it becomes possible to justify harming the innocent (p. 65). Finally, he criticized “agathistic” or ideal utilitarianism, which he regarded as a superior form of the theory but in which “morality, though eminently good, is not a result but a character of conscientious men” (p. xi).

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See also HEDONISM; IDEAL UTILITARIANISM; INTUITIONISM.



## CHADWICK, EDWIN (1800–90)

Edwin Chadwick was born on 24 January 1800 near Manchester, the son of a radical journalist. After a sound local education, he entered the Middle Temple in 1823 to begin 7 years of residence and study to become a barrister. There was little formal structure to legal education in this period, leaving him ample opportunity to explore the law courts, medical schools, hospitals, and the very centre of government itself—the Houses of Parliament.

During this period, Chadwick became acquainted with some of the key Philosophic Radicals, including John Stuart Mill, and quickly became a fixture of the Benthamite circle. It was through this connection that he met the medical and health reformer Thomas Southwood Smith, who would prove a valuable source of medical information during his early investigations. In 1830, he was introduced to Jeremy Bentham himself and was invited by the sage to become his private secretary. When Bentham died in 1832, he left his library to Chadwick along with a promise of a comfortable annuity in return for Chadwick devoting his life to carrying out Bentham's literary projects. Chadwick declined this bequest, for he had already embarked on a more ambitious public career. One of the most active and determined disciples of Bentham, Chadwick sought to reform British government with utilitarian rigour and efficiency, in the hope of making it responsive to the era's massive social problems.

The victory of the Whigs in the turbulent election of 1830 provided Chadwick with his opportunity. Many members of the aristocratic Whig cabinet believed it was necessary to devise solutions to social and economic problems such as child labour in factories and the abuses of the poor law system. In 1832, Chadwick was brought in as an expert investigator on two new royal commissions—on the poor laws and on child labour in the factories. With Chadwick

taking a dominant part on both royal commissions, the Benthamite character of the inquiries was enhanced. But Bentham's insistence on impartiality was not borne out, for Chadwick commenced his inquiries with his mind largely made up as to the nature of the abuses as well as the necessary remedial measures.

The major recommendations of the report of the royal commission on the poor laws, written largely by Chadwick and issued in 1834, were the principle of less eligibility and the workhouse test. The former embodied the concept that the condition of the pauper receiving public relief should be less eligible (less desirable) than that of the lowest paid independent labourer. The workhouse test was designed to put this into practice. The harsh regimen of the new workhouses would act as a test of destitution for the able-bodied. The spirit, if not the complete letter of these recommendations, was enacted by parliament in 1834 as the Poor Law Amendment Act, or New Poor Law.

For his prominent part in forging the workhouse system, Chadwick provoked the wrath of the poor and their defenders. Simultaneously, he was incurring unpopularity for his part in the royal commission on child labour in the factories. Chadwick's commission was widely viewed in the factory districts as a device to negate more humanitarian proposals. Nonetheless, the commission took a great deal of evidence, including medical testimony about the effects of factory labour on children. Chadwick's factory report of 1833 and the ensuing Factory Act abolished all labour for children under 9, and limited it to 8 hours per day for those aged 9–13. Chadwick deeply resented the public abuse he was subjected to because of his key role in these two measures. The New Poor Law, he believed, restored the dividing line between honest, respectable labour and pauperism, while his Factory Act had an all-important Benthamite enforcement mechanism in the form of the factory inspectors.

## CHADWICK

Chadwick was bitterly disappointed when the three commissionerships were filled by aristocratic patronage, and he reluctantly accepted the post of Secretary to the Commission. Lacking real executive authority, he was unable to prevent what he considered a gross maladministration of the new law. In spite of these frustrations, Chadwick persuaded the cabinet to let him undertake investigations into other areas of needed reform like police and public health. Named to a royal commission on rural police in 1836, he conducted lengthy investigations and published his report in 1839. The ensuing Rural Constabulary Act was a keen disappointment, however, since it did not embody his recommendation of a centralized police system along Benthamite lines, relying instead on the unpaid county magistracy.

Chadwick's *Report on the Sanitary Condition of the Labouring Population* (1842) is his greatest work. Deploying a formidable array of statistics and expert medical testimony, he made a compelling case for the connection between disease and poverty. He also demonstrated that much, if not most, illness was due to overcrowding and lack of sanitation in the towns. Chadwick called for dramatic government action to provide fresh water and create radically new sewers. Believing himself to be the virtual inventor of the "sanitary idea," he was increasingly impatient with those reformers who refused to accept him as the movement's leader. This was especially true of medical men, like his former friend and colleague, Southwood Smith, who challenged his firm belief that engineering and new administrative structures rather than medical interventions were the key to sanitary reform. In addition to these intramovement struggles, Chadwick had to contend with the unwillingness of the Conservative government to act. Cabinet ministers offered vague promises and kept him occupied with further inquiries like the investigation into the appalling state of the cemeteries of London, which

resulted in Chadwick's Interment Report of 1843.

Chadwick was heartened by the return of the Liberals to office in 1846, and with the passage of the Public Health Act of 1848, he at last tasted real executive authority. He set to work vigorously with his colleague on the General Board of Health, Lord Shaftesbury, to reform England's sanitary institutions. Between 1848 and 1854, Chadwick made the board a powerful instrument of sanitary reform, compelling many reluctant municipalities to appoint local boards and begin the process of draining, sewerage, and providing fresh water. However, the outcry against his overbearing manner and the flaws in some of his engineering nostrums finally reached parliament. In 1854, Chadwick was stripped of his post, and the general board was placed under the control of one of his leading critics. It was to be his last paid government position.

Chadwick continued to be a dynamic force in the public health movement for the rest of his life. His many publications as well as his active participation in groups like the Social Science Association made him a revered elder statesman of the sanitary movement. He also continued his interest in other reforms, including his pet scheme of "half-time education" (half the school day to academic subjects, the other half to military drill and physical exercise). He failed repeatedly to win a seat in parliament, but another lifelong ambition was at last realized in 1889 when he received a knighthood. Sir Edwin Chadwick died a year later at his home in East Sheen, Surrey, leaving the considerable sum of £47,000, most of it in trust for an annual prize to be awarded to the local sanitary authority showing the greatest reduction of the death rate.

Chadwick's influence on British government and society was considerable. He possessed, as John Stuart Mill put it, "one of the organizing and contriving minds of the age" (Roberts, p. 200). Building on Bentham's legacy, he laboured to create a rationally structured government providing an

array of social services while simultaneously deterring crime and pauperism. He hated waste in all its forms, and believed that all members of society could be rendered efficient and productive by a vigorous, enlightened government. Yet he was also viewed as an enemy of traditional English liberties. Clearly, what were sometimes described as his “Prussian” tendencies were out of step with the values of most Victorians, but this makes his many achievements all the more remarkable. His dogged persistence led to a number of key reforms, and he is rightly viewed as an intrepid early pioneer of the British Welfare State.

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*See also* BENTHAM, JEREMY; POOR LAWS; SMITH, THOMAS SOUTHWOOD.

CHASTELLUX, FRANÇOIS JEAN DE  
BEAUVOIR (1734–88)

Chastellux was born in Paris on 5 May 1734. He made his philosophical reputation with the publication of *De la félicité publique* (1772; Eng. trans. 1774), in which he argued that the progress of the human species is in direct proportion to its enlightenment. In reply to an earlier letter from Bentham, in July 1778 Chastellux sent him a copy of the second edition of the book (with notes by Voltaire, 1776). Recognizing in the Frenchman a kindred spirit, Bentham sent comments on the book to Chastellux in a letter of 4 August 1778 and noted his own undertaking in these terms: “Des faits et la principe d’utilité voila assez pour construire un monde moral, comme a Descartes de la matiere et du mouvement il auroit suffi pour en faire un physique” (Facts and the principle of utility are enough to erect a moral world, as matter and movement were enough for Descartes to elaborate his physics.) (*Correspondence*, p. 148).

*De la félicité publique* provides a possible source for Bentham’s use of the phrase “public felicity,” and in the same book he would have seen an iteration of Beccaria’s formulation of the utilitarian foundation of law and government: “le plus grand bonheur du plus grand nombre d’individus” (Chastellux, pp. 376, 408).

## CHRISTIANITY

In the reply to Bentham in July 1778, Chastellux had commented on the manuscript Bentham titled “Prospectus d’une Théorie des peines,” which bears similarities with the later *Théorie des lois pénales*, translated from the English by Saint Aubin and published together with Morellet’s translation of Beccaria’s *Traité des délits et des peines* in 1797. Chastellux read the text as a “*thérapeutique* de gouvernement,” and declared it a much more important project than “*l’hygiène* politique,” though Bentham would have been surprised by the claim that the seeds of the principles of Beccaria may be found in Thomas More’s *Utopia*. Chastellux agreed with Bentham’s anticontractualism, but objected to the parochialism of Bentham’s intention to focus on domestic reform, in this case the reform of prisons in *A View of the Hard-Labour Bill* published in 1778 (*Correspondence*, pp. 140–141). Bentham professed himself puzzled by the objection (p. 150), but there was no further communication from Chastellux.

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See also BECCARIA, CESARE; BENTHAM, JEREMY.

CHRESTOMATHIA: See EDUCATION.

## CHRISTIANITY

The relationship between Christianity and utilitarianism is interesting precisely because there are so many different positions on whether or not utilitarianism and Christianity are compatible with each other. Theologically, Christianity is the religion of those who hold to the creedal formulations of traditional Christianity—that Jesus was the Son of God who came to earth to die on the cross, reconcile man to God, and provide the model and power for followers to live their lives not for themselves but in love of God and others, by helping the poor, orphans, widows, etc. The sacrificial nature of Christ’s life and teaching—one laying down one’s life for the many—has been considered by some, including John Stuart Mill, to be the “ideal perfection of utilitarian morality” (CW, vol. 10, pp. 218, 487). But ethically, Christianity seems to be founded on the “law of God”—rules, like the ten commandments, the edicts contained in the sermon on the mount, and Paul and Peter and James’s many directives in the New Testament as to how Christians should behave—making it appear much more compatible with deontological theories, such as Kant’s duty-based ethics or Aquinas’s natural law theory, rather than the consequentialist ethics of utilitarianism. For this reason, more often than not, utilitarianism has been considered to be incompatible with Christianity. And, since Christians are by and large supposed to hope for what is not seen—particularly in the world to come—the very idea of basing an ethic on the practical concrete outcomes of an action in the world here and now seems shortsighted and at odds with faith regarding what is to come to many Christians. Utilitarianism, on this view of it, seems crassly immediate and lacking the focus on the eternal and spiritual nature of humanity.

In his 1946 essay, “Utilitarian Christianity,” H. Richard Niebuhr deplored what he saw as the “utilitarian” tendency of twentieth-century Christianity. Religion, he thought, was trying to justify itself as a means to an end (Niebuhr, 1946). Health, wealth, and prosperity—whether individual or social—have often been promised by Christian ministers to the faithful as an outcome from faith, but many Christians have seen this very approach as contrary to Jesus’ sermon on the mount that blessedness comes through poverty, persecution, trials, and other situations which draw one closer to God.

Historically, since Christianity was the traditional religion of the countries where most prominent utilitarians lived, utilitarians attempted either to transcend Christian ethics or to show how utilitarianism is compatible with those ethics. There are three camps of utilitarians: (1) those who found Christianity of no use to utilitarianism and who reject it, like Jeremy Bentham and James Mill; (2) those who were Christians and saw Christianity as being compatible with utilitarian principles, like William Paley and other “religious utilitarians”; and (3) those utilitarians who were not themselves Christian or even theists, like John Stuart Mill, who saw Christ’s life and moral teachings as promoting the greater good.

Perhaps one reason utilitarianism is considered non-Christian is because Bentham and the Mills were not religious. Bentham’s goal was to formulate an ethical position which had no need of religion—a purely secular ethic (Crimmins, 1990). While he criticized the Church of England and organized religion in general in *Church-of-Englandism and its Catechism Examined* (1818), in his *Analysis of the Influence of Natural Religion on the Temporal Happiness of Mankind* (1822) Bentham went further to claim that religion of any sort, not only organized institutionalized religion, is not only useless to happiness, but also harmful to it. With specific aim at

Christianity, Bentham provided a critique of all of St. Paul’s New Testament accounts of miracles in *Not Paul, But Jesus* (1823).

James Mill was a close friend of Bentham’s, and his son John grew up in a household where Bentham was a regular fixture. Like Bentham, the elder Mill was a vocal critic of the Church of England. John Mill says in his *Autobiography* (1873) that his father had an “aversion” to religion, and Mill compares his father to Lucretius who saw religion as not merely a result of “mere mental delusion” but also as “a great moral evil” (CW, vol. 1, p. 43). Speaking of priests, James Mill wrote in “The Church and Its Reform” (1835): “Have not those who were interested in the work [for the church as priests] got men to submit to whatever was most repugnant to their nature and feelings? to fall in love with propositions incredible? to practise tiresome, and endless, and often painful tricks, in supposed service of the Deity, which sink the performers of them to the level of monkeys?” (J. Mill, p. 295) Religious utilitarians, many of whom are not quite as well known as their secular counterparts, include figures such as John Gay, John Brown, Soame Jenyns, Edmund Law, Abraham Tucker, and Paley (Crimmins, 1998). Gay, Brown, Law, and Tucker were all ordained Christian clergy, and all of the six except Tucker were educated at Cambridge. Each of them saw the happiness of all (including God) to be the ultimate foundation of morality.

These religious utilitarians highlight the advantages and difficulties “Christian utilitarianism” encounters. For example, Crimmins points out that Edmund Law said works done without regard to God could not be moral (in accord with Article XIII of the Thirty-nine Articles of the Church of England), yet many would expect such a claim from a divine-command theorist, not from a utilitarian (Crimmins, 1998, p. 17). Could one be a divine-command theorist and a utilitarian? Most of these religious utilitarians would apparently answer affirmatively

## CHRISTIANITY

since God's *willing* is what *makes* it right, but happiness, since it coincides along with obedience, is the identifier and motivator. Jenyns and Tucker focus on rewards in the afterlife as a moral motive based upon one's own happiness. But Paley provides a more subtle conception of a Christian utilitarianism in his definition of virtue: "the doing good to mankind, in obedience to the will of God, and for the sake of everlasting happiness" (Crimmins, 1998, p. 21). There is a happy coincidence here: moral behaviour is to act in accordance with God's will—and we do it for the sake of happiness.

The third group of utilitarians holds a moderate position between the Christian utilitarians and those who see Christianity to be contrary to the common good. John Mill saw the instrumental role which religion can play in fostering social sympathy. Mill was essentially interested in religion—particularly Protestant Christianity's power—to help mould social sentiments. While certainly not Christian, Mill is often remembered for claiming that his utilitarianism is indeed not a "godless" doctrine. But utilitarianism does not need religion, on his view. In the essay "Utility of Religion," one of three posthumously published essays on religion (the others are "Nature" and "Theism"), he provides us with arguments that the demise of intellectual respectability for religious belief is of no great concern for ethics, since most of the religious dogmas are unnecessary for the happiness of mankind. In fact, Mill says an evil consequence follows the claim that morality has supernatural origins—namely, that this closes any discussion regarding the efficacy of particular moral beliefs (CW, vol. 10, p. 417). Mill goes on to argue that immortality is not necessary for moral motivation and that nurturing our noble sentiments is enough to motivate us towards ethical behaviour (p. 426).

We cannot say that Mill was certainly an atheist, although his critical views of traditional Christianity are clear in "Nature" and

"Whewell on Moral Philosophy" (1852). Mill claims in "Theism" that scepticism (or agnosticism), not atheism or belief, is the best approach to take. But it is important to note that Mill himself did not see theism and utilitarianism as incompatible: "If it be a true belief that God desires, above all things, the happiness of his creatures, and that this was his purpose in their creation, utility is not only not a godless doctrine, but more profoundly religious than any other" (CW, vol. 10, p. 222). This view of a loving deity seems to better align with the utilitarian view that happiness and morality coincide, rather than the Kantian view that they conflict.

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See also BENTHAM, JEREMY; GAY, JOHN; MILL, JOHN STUART; PALEY, WILLIAM; RELIGION OF HUMANITY; RELIGIOUS UTILITARIANS.

**CLAPPERTON, JANE HUME**  
 (1832–1914)

Jane Hume Clapperton, socialist feminist reformer and author, was born on 22 September 1832 in Edinburgh where she spent the early part of her life in philanthropic activities, notably work for the Society for Promoting the Employment of Women, a Ragged School, and a sick children's hospital. She became sceptical of the piecemeal nature of her philanthropy and turned her mind instead to developing a "science of society." In addition to a number of pamphlets and coauthored works, Clapperton published two nonfiction monographs, *Scientific Meliorism and the Evolution of Happiness* (1885) and *A Vision of the Future* (1904), and a novel, *Margaret Dunmore* (1888). In these works, she sought to reinterpret utilitarian ethical theory and to elaborate an alternative account of self-interest and the collective good. She was particularly influenced by Spencerian evolutionism, the social reformism of her friend George Arthur Gaskell, as well as the writing of George Eliot, and later her contemporaries Sidney and Beatrice Webb and Annie Besant.

In *Scientific Meliorism* and *A Vision of the Future*, Clapperton argued that for the most part, utopian society must be achieved through voluntary association, not through state direction. She believed that the state system would naturally and inevitably disappear, since despite the influence of utilitarianism upon legislators of the period, legislation could not achieve the ultimate goals of a socialist society, and could offer only moderate intermediate support. The only effective way to eliminate the evils of society and achieve peaceful, harmonistic development was for individuals to realize the necessity of cooperation over the culture of competition and individualism that characterized British society. By embracing both cooperation and scientific rationalism, individuals would be driven to combine their mutually beneficial skills to the happiness and fulfillment of all.

In *Margaret Dunmore*, Clapperton used fictional characters to detail her vision for collectivist living and work spaces. Unitary Homes emphasized the rational organization and distribution of household and intellectual tasks. Members were to take equal part according to both the needs of the home and their particular talents, while simultaneously engaging in intellectual pursuits to be shared with the community at large, ideally to promote the spread of Unitary Homes.

Clapperton's ideas about gender and sex relations, expressed first and in greatest depth in *Scientific Meliorism*, were her most radical, and distinguished her from contemporaries. She was a frequent guest of the Men and Women's Club established by Karl Pearson in 1885, and her work reflects her participation in the debates held about the "Woman Question" and related issues. She was one of the few women who linked contraception to women's sexual pleasure, a theme that was not popularly taken up until the widespread emergence of eugenics in the interwar period. Celibacy, Clapperton believed, was harmful in promoting hysteria in women and anger and violence among



## COLLECTIVE UTILITARIANISM

men, and despite a radical anthropological approach that considered many alternative social arrangements, she concluded that monogamous marriages, preferably achieved early in life, were most beneficial for society. She was also a strong advocate for equality of the sexes, albeit acknowledging certain fixed differences between men and women in terms of skills and temperament. Society, she suggested, would be much improved by allowing women to freely partake of activities that were currently only open to men.

Like many contemporaries, Clapperton recognized that early marriages often led to an extended period of reproduction, resulting in many unsupported children. Since this created further social ills, Clapperton endorsed the use of contraceptives. Despite her view of sexual relations as healthy, she was careful to note that reproductive sex ought to be carefully considered and monitored by society at large, and that only sufficiently robust individuals ought to reproduce. Many of her ideas were related to her role in the Malthusian League established in 1877 and reflected the influence of eugenics upon some areas of socialist thought in the late nineteenth and early twentieth centuries. Her ideas were taken up again by American eugenicists in the 1930s.

Although Clapperton's critique of utilitarian ethics has not had a significant or lasting impact on moral philosophy, her writings on gender and sexuality have, in recent years, attracted the notice of scholars who regard Clapperton as one of the "New Women," and an important figure in the transitional generation preceding the emergence of the more radical feminist thinkers of the early twentieth century.

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See also FABIAN SOCIALISM; FEMINISM; SPENCER, HERBERT.

## COLLECTIVE UTILITARIANISM

Collective Utilitarianism refers to an important family of utilitarian views, each of which makes use of the idea of *what a group could do*. To see what is distinctive about such views, consider the following example. Suppose that, if no one took more than one return air trip per year, there would be a significant reduction in the harm caused by climate change; yet, any single trip makes a tiny difference. An act utilitarian focuses on the difference each individual action could make, so he or she might conclude that the effects on climate change provide very little reason not to fly. A proponent of Collective Utilitarianism focuses on the difference the actions of some group could make. Thus, such a proponent might conclude that the effects on climate change provide each individual traveller with a powerful reason not to fly.

We must be careful about such cases. There are ways by which act utilitarians could seek to explain the convictions that appear to favour Collective Utilitarian theories (Parfit, Ch. 3; Otsuka, 1991; Kagan, 2011). But the example illustrates some of the appeal of Collective Utilitarianism.

A crucial issue for Collective Utilitarians is how to determine membership of the relevant group. According to "cooperative utilitarianism" (one form of Collective Utilitarianism), membership depends on who is cooperative. As Regan shows, cooperative utilitarianism

has important advantages over act utilitarianism when others are cooperative, since it can solve some coordination problems that appear insoluble for act utilitarianism (Regan, Ch.8). When others are uncooperative, however, the implications of cooperative utilitarianism coincide with those of act utilitarianism.

By contrast, according to some other Collective Utilitarian theories—such as compliance-based forms of rule utilitarianism—membership of the group does *not* depend on cooperativeness. Rule utilitarians treat all or almost all agents, even uncooperative ones, as members of the group. These views have markedly different implications than act utilitarianism and a quite different sort of appeal than cooperative utilitarianism. They might be used to explain convictions about the demandingness of morality (Mulgan, Ch.10; Murphy, Ch.5), for example, or “deontological” convictions that one should not perform certain actions even when doing so has the best consequences (Hooker, Ch.6; Woodard, Ch.2). On the other hand, these theories are open to criticism for the very reason that, unlike cooperative utilitarianism or act utilitarianism, they countenance failure to maximize the good in some cases.

The family of possible Collective Utilitarian theories is very diverse. As well as the views already mentioned, there could be theories according to which the relevant group extends further than the class of cooperative agents but not as far as all, or almost all, agents. Intra-personal analogs of Collective Utilitarianism are also possible, in which the “members” are different parts of the same individual (Hurley, Ch.8). One might even think of act utilitarianism as a limiting case of Collective Utilitarianism, in which the only member is the agent’s present self. Forms of Collective Utilitarianism that focus on different subject matter (e.g. reasons or virtue rather than rightness) could also be developed.

Some critics worry that Collective Utilitarian theories must be based on a form of

magical thinking, in which the agent believes that her choice will cause others to behave as necessary to produce the good outcome. This betrays a misunderstanding. Collective Utilitarians insist that rightness (or some other subject matter) depends not on what others in the group *will* do, but on what they *could* do. Their thought is not that the agent’s choice will cause others to behave in a way that would have good effects, but instead that those others could behave in that way, and that this, not their actual response, is the morally relevant fact.

Defenders of Collective Utilitarianism face significant challenges. However, the terrain is rich and not yet fully explored, and there are grounds for hope that some form of Collective Utilitarianism will yield a satisfying normative theory.

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See also ACT UTILITARIANISM; RULE UTILITARIANISM.

## COLLS, JOHN FLOWERDEW (1801–78)

John Flowerdew Colls was educated at Merchant Taylor's school and Trinity College, Cambridge. From 1816 to 1829, including the last 3 years when he attended Cambridge, Colls was in service as an amanuensis to Jeremy Bentham. The early years of this arrangement appear to have been perfectly satisfactory to the young man, but during the final years, when it became known that Colls planned to take orders, a degree of friction entered into their relations. The decision to pursue a clerical career seems to have been on Colls' mind for some time, and helps explain some of the discomfort he felt working for Bentham, whom he often assisted in research and as a copyist, including copying out his antireligious writings (Conway, pp. 440–441).

Following ordination in 1830, Colls' ambition for preferment in the Church was frustrated, and this prompted him to consider writing an exposé of Bentham as a way of attracting notice from those who could advance his career (Conway, p. 443). Bowring's edition of Bentham's writings had recently appeared (1838–43), and this may have focused Colls' attention on his own role in assisting the production of the philosopher's writings. Also, he seems to have been encouraged in this project by Revd Michael Augustus Gathercole (Colls, p. 1), who had published a supportive "Memoir of the Rev. J. F. Colls" in *The Church Magazine* in 1841 containing critical remarks on Bentham. In 1844, Colls duly published *Utilitarianism Unmasked*, a vitriolic attack on Bentham's person and ideas, owing more to ridicule than reasoned argument. He portrayed Bentham as a religious and political subversive, hypocritical, selfish, vain, intolerant and a bigot, a "self-worshipper" susceptible to "the grossest flattery" from the "deluded followers of *Benthamism*" (Colls, pp. 9, 2), among whom Bowring was the worst in "lavishing on him the warmest eulogies and adulation,

often too palpable to be endured by any other than the unmercifully-bespattered subject of them himself" (p. 10). Colls' tract met with a warm reception from Anglican commentators, who relished this panegyric on such a prominent atheist and critic of Christianity, the clergy and organized religion (Conway, pp. 446–7).

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See also BENTHAM, JEREMY; BOWRING, JOHN.

## COMTE, AUGUSTE (1798–1857)

Auguste Comte, philosopher and founder of positivism, had an important role in the development of the utilitarian tradition through his influence on John Stuart Mill's *System of Logic* (1843), although there is no evidence that Comte himself showed the least interest in the utilitarians. He was born on 19 February 1798 in Montpellier into a bourgeois Catholic family of royalist politics, and died of stomach cancer in Paris in 1857. He was educated at the local lycée and then at the Ecole Polytechnique in Paris, which

he entered in 1814, by which time he had renounced Catholicism and declared himself a republican. Following his expulsion (with the rest of the student body) for political dissent in 1816, he found employment as secretary to the social visionary Henri de Saint-Simon (1760–1825). He collaborated closely with Saint-Simon on a number of key works propounding the doctrine Saint-Simon labelled “industrialism.” According to this doctrine, the defining character of modern society was its orientation to industrial production, rather than to war, and in the nineteenth century power was, therefore, destined to fall into the hands of a new elite of scientists, bankers, and industrialists.

Comte broke with Saint-Simon in 1824 and set out to assert his intellectual independence with a series of essays, followed by his six-volume *Cours de philosophie positive* (1830–42). Here, he propounded his “law of the three states,” according to which all branches of knowledge must pass successively through three intellectual states, the theological, the metaphysical, and the positive. This law—the origins of which have been variously attributed to Turgot, Condorcet, and Saint-Simon—was linked with his differential theory of science, according to which the different sciences have distinct subject matters and must, therefore, employ distinct methods. In 1844, Comte began an intense relationship with Clotilde de Vaux, a young woman 17 years his junior, and this precipitated a major reorientation in his thinking, in which the emphasis on scientific rationalism that dominated his early system was supplemented by a renewed appreciation of the role played by sentiment and emotion as social bonds. Clotilde died in 1846, but her influence, according to Comte’s own account, launched him on his “second career,” in which he devoted himself to the transformation of the positivist philosophy into a religion. He founded the Positivist Society in the revolutionary year of 1848 and set out to institute the

Religion of Humanity, which he presented as the culmination of the positivist project in his *Système de politique positive* (1851–4).

Mill first encountered Comte’s work in 1829 and found it compelling. He was impressed by the vision of a scientific science of society (what Comte termed, in his own neologism, “sociology”) and by Comte’s encyclopedic grasp of the history of science. The *Cours de philosophie positive* was notably important in Mill’s composition of his *System of Logic*, particularly Book VI on the “moral sciences.” Specifically, Comte’s account of the “inverse deductive” or historical method was instrumental in enabling Mill to deal with the challenge posed by Macaulay’s critique of James Mill’s *Essay on Government* without yielding too much ground to historicism, which he feared would tend to quietistic conclusions. In later editions of the *System of Logic*, Mill qualified his praise for Comte, as he did in *Utilitarianism* (1861), and in 1865 published a full-scale appraisal of *Auguste Comte and Positivism*. This stressed the gulf that separated the early Comte, the philosopher of science, from the later Comte, the founder of the positivist cult. Mill’s interpretation remains controversial among Comte scholars. But it would be wrong to say that Mill was dismissive of the idea of a “religion of humanity,” as is clear from his posthumous *Three Essays on Religion* (1874). Nonetheless, he found Comte’s particular version of it rebarbative and authoritarian (CW, vol. 10, pp. 332–40), even while he agreed that progress required hedonism to be superseded by altruism and that altruistic sentiments had to be cultivated by educational means.

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## CONDILLAC

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See also MILL, JOHN STUART; RELIGION OF HUMANITY.

## CONDILLAC, ETIENNE BONNET DE (1715–80)

The Abbé Condillac was a French *philosophe*, a disciple of Locke and a friend to Beccaria. He was born on 30 September 1715 in Grenoble. His most important works were *Traité des systèmes* (1749), *Traité des sensations* (1754), in which he claimed that all mental phenomena is derived from sense experience, and *La Logique* (1754), later translated by Joseph Neef (1809) as an

illustration of the plan of education established at his school near Philadelphia.

The influence of *Traité des systèmes* on Bentham can be seen in several of his works. In the “Manual of Political Economy,” Bentham drew from Condillac a criterium by which to separate useful projects from useless ones (Bentham 1838–43, vol. 3, p. 51). In *Chrestomathia* and the “Essay on Logic,” Bentham converted Condillac’s propositions into the terms of his own theory of fictions, but also criticized his too extensive use of the term “analysis” in *La Logique*. By use of the term “analysis,” he writes, Condillac believes “he has explained everything: and thus it is that he explains nothing.” He claims that analysis “*is nothing but a language well-made,*” but does not see that it is really “an act of *synthesis* (the declared object of his antipathy)” and “that every name, which is not, in the grammatical sense, a *proper* name, is the sign and the result: and that, were it not for that despised and much vituperated agent, his favourite and exclusively lauded instrument would not have a subject on which to operate” (Bentham, 1984, p. 165n). Where Condillac ascribed whatever he regarded as good to Nature, for Bentham, in conformity with his metaphysics, Nature is a “fictitious personage,” a convenient “goddess” that saves the philosopher from providing a coherent explanation of natural phenomena (p. 268n). While the best Condillac found to teach his famous statue consisted in Aristotle’s ten “predicaments” or categories of beings (*Categories*, 1a1 - 15b33), infused with the abstractions of a logic disparaged by Bentham (Bentham, 1838–43, vol. 8, pp. 282–3, 285–7), the link between logic and education is as obvious in Condillac as it is in Bentham.

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See also BENTHAM, JEREMY.

#### CONDORCET, MARIE JEAN ANTOINE NICOLAS CARITAT (1743–94)

The Marquis de Condorcet, mathematician, philosopher, politician, and member of the Académie des Sciences and Académie Française, was born on 17 September 1743 in Ribemont. He was a friend of Voltaire's, well connected among the *philosophes*, and an advocate for the rights of man. There are few direct references to Condorcet in Bentham's writings, though they shared a number of common interests. In the cause of the abolition of slavery, it is well known that the friends of Bentham (William Wilberforce, Granville Sharp, Thomas Clarkson, and Étienne Dumont) associated with the Société des Amis des Noirs, of which Condorcet was

a member, along with La Fayette, Mirabeau, Brissot, La Rochefoucault, Clavière, and Petion. Condorcet's mathematics may have been of interest to Bentham in his project to frame a calculus for assessing the relative weight of pleasures and pains. In relation to the “mathematics” of political assemblies, the interest of Bentham in the works of Euler may have been raised by the calculus of probability and political arithmetic alluded to in Condorcet's *Eloge de M. Euler* (1786). However, on education they differed. Condorcet was a republican and the first task of education was to enable citizens to understand political issues, while Bentham expected education to train an individual for work and educate the mind to understand the principle of utility as the basis for the whole operation of civil society. Condorcet and Bentham agreed on many objectives, but the latter, unlike Condorcet, considered the rights of man a “nonsense,” and the idea of natural and “imprescriptible rights” as “rhetorical nonsense, nonsense upon stilts” (Bentham, p. 330).

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## CONFUCIANISM

### CONFUCIANISM

Confucianism is founded on the sayings of Confucius (551–479 BC) and the writings of his follower Mencius (372–289 BC). It is a philosophy of daily life rather than a religion, and shares the practical, worldly, and secular mind of utilitarian thought. Confucianism became the official doctrine of government during the Han Dynasty (206 BC–220 AD), and later underwent a major renovation in the hands of Zhu Xi (1130–1200) and Wang Yangming (1472–1528), now known as neo-Confucianism. Since then, it has infiltrated Korean and Japanese culture.

The essence of Confucian thought as it relates to human nature is rendered in Lun yu or *The Analects*, the best known holy book of Confucianism, in such sayings as “Is it not a pleasure to learn and repeat or practice from time to time what has been learned? Is it not delightful to have friends coming from afar?” (1: 1) The implication of these and other such remarks is that a feeling of pleasure is good; pleasant sensations are a joy to living persons; the real world is pleasant; human nature is originally good; and intellectual improvement is essential for self-cultivation. As for people, “By nature, men are alike. Through practice, they have become far apart” (17: 2). Further, “Wealth and honor are what every man desires” (4: 5). As regards government, its purpose is to provide “Sufficient food, sufficient armament, and sufficient confidence of the people” (12: 7). But, Confucius warns, “Do not be desirous to have quick results. Do not see just small gains. Desire to have things done quickly prevents their being done thoroughly. Looking at small gains prevents great affairs from being accomplished” (13: 17). A good ruler is one who governs according to “virtue” (2: 1) and who employs his ministers “according to the principle of propriety.” In turn, ministers “should serve their ruler with loyalty” (3:19).

For Confucius, humanity (jen) is the most superior virtue, and the man of virtue “who

really loves humanity will not place anything above it” (4: 6). In short, virtue “is to love man” (12: 22). Confucius counsels, “Do not do to others what you do not want them to do to you. Then, there will be no complaint against you in the state or in the family” (12: 2). He holds that the actual world is more important than the transcendent world. Spirituality only exists in the form of filial piety that covers both ancestors and descendants (1: 2, 6; 2: 5). “If we are not yet able to serve man, how can we serve spiritual beings? ... If we do not yet know about life, how can you know about death?” (11: 11)

It is apparent that Confucianism shares some fundamental aspects with utilitarianism such as psychological hedonism, secularism, rationalism, and consequentialism. It is not surprising, therefore, that from their encounters with the Chinese literati some Christian missionaries in the seventeenth century believed the Chinese to be materialists and atheists (Cook and Rosemont, in Leibniz, p. 14). Also, it seems fair to say that these characteristics underlie contemporary Chinese, Korean, and Japanese economic development. In the west, recent communitarian interpretations of Confucianism are based on the Confucian emphasis on familial and communal relationships (MacIntyre, 2004). However, for traditional Chinese Confucianists, community is based on the ties of filial piety within the clan and rarely extends beyond this to embrace the common good. This understanding led even Sinophile intellectuals to refer to “the absence of public spirit” in the Chinese mind (Smith, p. 107).

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## CONSEQUENTIALISM

Consequentialism is the view that the fundamental level of moral assessment should focus solely on consequences. Utilitarianism has been the most prominent kind of consequentialism. According to utilitarianism, the fundamental level of moral assessment should focus solely on consequences, and the one and only value important in the consequences is utility. Some of the thinkers who reject utilitarianism do so precisely because utilitarianism is a kind of consequentialism. Other thinkers who reject utilitarianism accept utilitarianism's consequentialism but think that values other than utility matter. According to nonutilitarian consequentialism, the most fundamental level of moral assessment should focus solely on consequences, but values other than (or in

addition to) utility are important in the consequences.

Defining consequentialism as the view that the fundamental level of moral assessment should focus solely on consequences has the advantage of accommodating the full range of theories with "consequentialism" in their names. Act consequentialism assesses possible acts solely in terms of their consequences (Sidgwick, 1874; Moore, 1903; Hare, 1963, 1981; Smart, 1973; Glover, 1977; Singer, 1979; Parfit, 1984). In contrast, rule consequentialism holds that the fundamental level of moral assessment is not of possible acts but of possible rules (Harrod, 1936; Urmson, 1953; Rawls, 1955; Brandt 1959, 1963, 1967; 1979; Harsanyi, 1977; Hooker, 2000; Mulgan, 2006; Parfit, 2011, pp. 385, 404–406, 411, 417). Rule consequentialism assesses and ranks possible rules in terms of the consequences that would result from the rules being widely internalized (and thus embedded as virtues of character) and then assesses acts in terms of the top-ranked rules. An important point about rule consequentialism is that the argument for it need not have consequentialist premises. The argument for rule consequentialism can be Kantian, contractualist, or merely intuitive.

Act consequentialism is the most often discussed version of consequentialism and the only version mentioned in some ethics textbooks. A large part of the explanation why this is the version of consequentialism most often discussed comes from the fact that act consequentialism is the simplest version of consequentialism, and from the fact that act consequentialism is the version whose implications contrast most sharply with nonconsequentialist theories such as the deontology of Kant (1785), W. D. Ross (1930, 1939), and T. M. Scanlon (1998) and the virtue ethics of Rosalind Hursthouse (1999).

Although act consequentialism is the most prominent kind of consequentialism, consequentialism must not be defined in such

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a way that act consequentialism is the only kind. Moreover, as important as the contrast is between act consequentialism and rule consequentialism there are other points of contrast to consider, such as that between utilitarian and not-purely-utilitarian varieties of consequentialism, and between consequentialism and nonconsequentialism.

What consequences matter other than gains or losses to utility? Many have taken the utilitarian slogan “the greatest happiness of the greatest number” to suggest that concern for utility is a mix of concern for aggregate benefit-minus-harm, that is the good or welfare of everyone added together impartially, and concern for equality in the distribution of welfare (see, e.g. Brandt, 1959, pp. 404, 426, 429–31; Rescher, p. 25; Raphael, p. 47; Skorupski, p. 54). But more common nowadays is the use of the expression “aggregate utility” to mean aggregate benefit-minus-harm, that is the good or welfare of everyone added together impartially (see Mackie, pp. 129, 149; Scheffler, 1982; Sen and Williams, pp. 3–4; Parfit, 1984, p. 26; Griffin, pp. 151–2). The most common form of not-purely-utilitarian consequentialism holds that an evaluation of consequences should take into account not only how much aggregate welfare obtains but also how equal individuals are in terms of welfare or how fairly welfare is distributed. This sort of view is often called “distribution-sensitive consequentialism” (Scheffler, pp. 26–34, 70–79). The distribution might be sensitive to equality (Temkin, 1993), but it might be sensitive to other considerations such as priority for the worse off (Parfit, 1997), a threshold of sufficiency (Crisp, Ch.6), or desert (Feldman, Ch.8).

Utilitarianism and distribution-sensitive consequentialism are not the only kinds of consequentialism. Other kinds hold that some consequences other than utility and its distribution also matter. For example, a perfectionist consequentialist thinks that the certain kinds of excellence have intrinsic

value and that consequences are, thus, better if they contain these kinds of excellence, even if welfare is not thereby increased or equalized (Hurka, 1993).

Once we admit the possibility of such a perfectionist consequentialist, we should also admit the possibility of a consequentialist who takes certain kinds of acts to have intrinsic value and other kinds to have intrinsic disvalue. Imagine someone who thinks that record-breaking athletic feats are instances of a kind of excellence that has intrinsic value. These feats are acts. So, such a perfectionist consequentialist holds that certain kinds of acts have intrinsic value. However, to grant this is to throw into doubt the very distinction between consequentialism and nonconsequentialism.

The history of the term “consequentialism” is instructive here. By “consequentialism” Elizabeth Anscombe (1958) meant all moral theories, holding that consequences can always be morally relevant and thus that any kind of act can be morally right if it has good enough consequences or avoids bad enough consequences. If “consequentialism” is assigned this meaning, then any theory that holds that consequences can sometimes be morally relevant counts as a form of consequentialism. On Anscombe’s use of the term “consequentialism,” nonconsequentialist theories must be “absolutist” theories, holding that at least some kinds of acts are wrong no matter what the consequences are. However, the meanings that Anscombe gave to “consequentialism” and “non-consequentialism” did not last long. This was perhaps because relatively few theorists wanted to defend what she meant by nonconsequentialism. Whatever be the explanation, by 1973, the consequentialist/nonconsequentialist distinction was thought to mark (not the distinction between theories that accepted that consequences can always be morally relevant and theories that denied this but) the distinction between theories that hold that the fundamental level of moral assessment should

focus solely on consequences and theories that deny this.

The difference between Anscombe's and later uses of the term "consequentialism" matters in relation to nonabsolutist deontological pluralism. Ross's moral theory (1930, 1939) is one of the leading examples of non-absolutist deontological pluralism. Ross holds that there are a number of not-necessarily-overriding moral duties, one of which is the duty to benefit others. On the meaning that Anscombe gave to "consequentialism," Ross's nonabsolutist deontological pluralism is a form of consequentialism; on the later meaning that writers after Anscombe assigned to "consequentialism," Ross's non-absolutist deontological pluralism is not a form of consequentialism.

Thinking of Ross, Kant, and other antiutilitarians as the leading exemplars of nonconsequentialism, writers used to say that these theorists ascribe intrinsic value or disvalue to certain kinds of acts and that consequentialists ascribe intrinsic value or disvalue (not to acts but) to some elements of their consequences. Indeed, utilitarianism, historically the most influential form of consequentialism, does not ascribe intrinsic value or disvalue to kinds of acts. On the other hand, as noted above, perfectionist consequentialism may ascribe intrinsic value to certain kinds of acts. Moreover, most writers since the late 1970s have accepted that even theories that ascribe intrinsic value or disvalue to certain kinds of acts can be forms of consequentialism (Scheffler, Ch.4). But how is the distinction between consequentialism and nonconsequentialism to be drawn if not between assessing things in terms of their consequences and assessing them in terms of their intrinsic value or disvalue?

One popular answer to this question has been to propose that consequentialism is committed to a certain kind of impartiality that nonconsequentialism rejects. This kind of impartiality is now known as agent-neutrality. In terminology that Derek

Parfit (1984) and Thomas Nagel (1986) made popular, the value of something (an act or event or state of affairs) is agent-neutral if the value of that thing does not depend on the thing's connection with the agent. The value of something is agent-relative if the value of that thing does depend on the thing's connection with the agent.

The distinction between agent-neutral and agent-relative value can be illustrated with Bernard Williams's famous example of Jim and the Indians (Williams, 1973). An evil army officer offers Jim the opportunity to save the lives of nineteen innocent Indians by shooting one innocent Indian himself. Suppose the consequentialist could agree with the nonconsequentialist that the act of killing an innocent person has intrinsic disvalue. If the disvalue of killing innocent people is agent-neutral, then Jim minimizes this disvalue by killing one innocent person. If the disvalue of killing innocent people is agent-relative, however, the only way by which Jim can minimize this disvalue is to refuse to shoot the Indian. So, if consequentialism takes value and disvalue to be entirely agent-neutral, then consequentialists might be willing to do an act with some intrinsic disvalue in order to prevent more acts of the same kind being done by others. And if nonconsequentialism takes the intrinsic disvalue of killing the innocent to be partly agent-relative, nonconsequentialists might, therefore, refuse to do an act with this disvalue, even in order to prevent other people from doing more acts with the same kind of disvalue.

A problem with drawing the distinction between consequentialism and nonconsequentialism in terms of agent-neutrality and agent-relativity is that egoism is very naturally described as a form of consequentialism. Egoism assesses things exclusively in terms of consequences for the agent. Since it focuses exclusively on consequences, it seems to be a form of consequentialism. Since it focuses exclusively on consequences

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connected to the agent, it is purely agent-relative. Hence, egoism can be described as an extreme form of agent-relative consequentialism. But if this purely agent-relative theory is a form of consequentialism, then other normative theories that contain agent-relative elements and agent-neutral ones can also be construed as forms of consequentialism. We might also note that various writers are now developing nonegoistic versions of agent-relative consequentialism, including recasting nonabsolutist deontological pluralism as a form of nonegoistic agent-relative consequentialism (Portmore, 2001, 2011). With these developments, what is supposed to be the distinction between consequentialism and nonconsequentialism becomes quite obscure.

In recent years, there has also been a move to “consequentialize” most or all moral theories—that is, to restate them as forms of consequentialism. Such a move risks trivializing the distinction between consequentialism and nonconsequentialism. But advocates of this move hold that illumination can be gained from making it.

Rather than speculating whether the consequentialism/nonconsequentialism distinction will continue to be a topic of discussion, let us turn to a challenge to any form of consequentialism. Consequentialism might be thought to be committed to the idea that the values of different consequences (or acts or rules or other things) can always be compared and ranked. But fairly often, values seem incommensurable. That is, it seems that there are alternative possible consequences such that it is neither true that one is better than the other nor true that they are of equal value (Raz, p. 322). The values of these alternative possible consequences seem incommensurable. For example, consider a person choosing between a career as a lawyer and a career as a musician. Raz asks us to assume, as is highly plausible, that neither of these careers for this person is better than the other, and nor are these two careers for

this person exactly equally good (for other examples, see Raz, pp. 335–6, 342, 343).

There are far too many valuable ways to live, far too many valuable goals, for any life to contain even a significant proportion of them. Each of these values gives agents a reason to pursue it. Or as Raz puts it, “reasons for action follow the value of what they are reasons for” (p. 364). But the strength of these reasons does not determine what to choose. That doesn’t mean that the reasons are all of equal strength. Rather, incompatible alternatives have on their side *undefeated* reasons. Often when agents pursue some goals rather than others, they are acting on what they take to be undefeated reasons, not necessarily the strongest or best reasons. Raz concludes, “Widespread significant incommensurability ... allows that there are pockets of commensurability within which maximization, or alternative reasoning strategies, reign supreme. Some such pockets may be of considerable importance. ... But widespread incommensurabilities put paid to the hope of developing a general system or technology of calculation for practical reasoning” (p. 358).

Whether there is widespread significant incommensurability is controversial (Chang, 1998). Even if there is widespread significant incommensurability, whether this phenomenon kills consequentialism can be contested. For example, act consequentialism might permissively admit that, whenever alternative consequences have incommensurable value, choosing either of the incommensurable alternatives is permissible. Rule consequentialism should be less permissive about such cases. When the consequences of alternative possible moral rules have incommensurable value, agents should choose between the rules in a way that *coordinates* their action. If one of these alternative rules is the one currently accepted by others and likely to go on being accepted by others, then that is the one to follow. If neither of the two rules is the one currently accepted by others

and the one currently accepted by others is definitely inferior, then agents should try to bring about widespread conversion to just one of these two superior rules, namely whichever one is more likely to be accepted by others.

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See also ACT UTILITARIANISM; AGENT-NEUTRAL AND AGENT-RELATIVE; AGGREGATE AND AVERAGE UTILITARIANISM; HOOKER, BRAD; RULE UTILITARIANISM.

## CONSTANT, BENJAMIN (1767–1830)

A nobleman descended from Huguenots who fled France in the early sixteenth century, Benjamin Constant was born on 25 October 1767 in Lausanne, Switzerland. Though best known for his novel *Adolphe*, Constant wrote extensively about politics from the mid-1790s onwards and is now seen as one of the intellectual founders of liberalism in France. He was educated at the University of Edinburgh and there he became familiar with the works of David Hume, Adam Smith, and other writers associated with the Scottish Enlightenment. For many years he

was the close companion of Germaine de Staël with whom he spent long periods in exile. The clearest statement of Constant's mature political views is to be found in his *Principles of Politics Applicable to All Governments* (1810). He later published a commentary on the work of the eighteenth-century Italian philosopher Gaetano Filangieri (1822–24) and *On Religion Considered in its Source, its Forms, and its Developments* (5 vols, 1824–31). From 1824 until his death, Constant served as a member of the French Chamber of Deputies.

The decisive political events of Constant's life were the French Revolution of 1789 and the First Empire of Napoleon Bonaparte. Like many of his contemporaries he was deeply troubled by the fact that the Revolution had descended into a reign of terror under Robespierre and that it had only been brought to an end by the imposition of what he regarded as a form of Bonapartist "usurpation." He explained this descent into dictatorship in terms of a misplaced desire on the part of the revolutionaries to copy "the liberty of the ancients" and he sought, therefore, to recommend an alternative "liberty of the moderns" based upon individual rights, representative democracy, and limited government. For Constant, all citizens possessed rights independent of all political and social authority. His central concern, in short, became that of defending the liberty of the individual against arbitrary power—especially when that power was exercised in the name of popular sovereignty.

It was in this context that he discussed the ideas of Jeremy Bentham and of utilitarianism more generally. Although a critic of Bentham, there was much about his thinking that Constant admired. His work, Constant wrote, was "full of original ideas and of profound perspectives" (Constant, 2003, p. 42). He praised in particular Bentham's opinions on political economy, the limited role of government, commerce, religion, population, and, of course, the reform



of the penal system. Nevertheless, according to Constant, there was a fundamental flaw in the very terminology of Benthamite utilitarianism.

As is well known, Bentham saw the language of natural and inalienable rights as a form of metaphysical nonsense and confusion. Yet, Constant replied that utility itself was susceptible to multiple definitions and contradictory applications. Consequently, it had the “drawbacks” of “all vague locutions” and “its own special dangers” (Constant, 2003, p. 40). In essence, Constant believed that the idea of right had to be separated from the notion of utility. “Right,” Constant wrote, “is a principle; utility is only a result.” Thus, “to wish to make right subject to utility is like making the eternal laws of arithmetic subject to our everyday interests.” Specifically, the principle of utility encouraged us to place considerations of personal advantage over the feelings of duty. Moreover, these considerations could be both arbitrary and mistaken. Actions, Constant wrote, “cannot be more or less just; but they can be more or less useful.” Crucially, the language of rights provided a stronger defence of the individual from arbitrary government and tyranny than the calculations of utility. “Say to a man”, Constant wrote, “you have the right not to be put to death or arbitrarily plundered. You will give him quite another feeling of security and protection than you will by telling him: it is not useful for you to be put to death or arbitrarily plundered.” The principle of utility, Constant concluded, went against our “simplest and most customary ideas” (Constant, 2003, p. 41).

Constant’s criticisms of utilitarianism were later extended to include those he saw as its French exponents. In particular, he had in mind the advocates of “industrialism,” Charles Dunoyer and Charles Comte. The pursuit of self-interest—utility—would only encourage servility and indifference towards the suffering of others and further the atomization and disintegration of society. A surer

guide, in Constant’s opinion, was the spirit of sacrifice and self-abnegation inspired by religious sentiment.

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*See also* LIBERALISM; RIGHTS; UTILITY.

#### CONSTITUTIONAL THEORY

A Constitutional theory provides the rationale for the justification and limits of authority. This rationale is usually referred to as “constitutionalism.” Authority has to be effective. However, given the pervasive existence of moral conflicts, it also has to be legitimate. A government by law has to avert harm through, for example, Criminal, Tort, and Contract law. However, the constitutional rationale for a minimally moderate



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government would have to include another kind of harm to be averted, namely harm that might be caused to certain fundamental human interests, such as liberty, equality, and cultural membership, by too much legal intervention or by legal intervention being captive of rigid and corrupted structures of powers that protect specific cultural and economic interests.

Constitutional theory has to provide the basis for good, efficient, and effective governance. It must prescribe legal limits to the mandate to govern and to balance the need for stability with preserving the conditions for an open range of conflicts and contestation. These aspirations are at the heart of practical wisdom (*phronēsis*) and action (*praxis*) both of which are comported for the sake of the common interest of those who are governed by a constitutional authority. These aspirations pose a fourfold challenge that encompasses (1) substance, (2) institutional design, and (3) procedure, which together merge into a final crucial feature, namely (4) the constitutional itself, which must be self-critical and accommodate a constantly renegotiated changing world in which humans relate to one another in a dynamic manner (Ben-Dor, 2000, pp. 79–94; Twining, pp. 133–43).

Some constitutional theories are based on a moral idea of what is right in its own nature, whether presented as a tradition or as “natural” law, derived from some goods that provide the conditions for human flourishing and from which a complex and critical notion of harm can be derived that encompasses contestation and change. A law based on a social contract is designed so that it can constantly challenge any governance which is justified and limited by a mere uncritically accepted conventional conception of harm. Such a theory, however, runs the risk of becoming either too abstract and detached or self-justifying and thus monological and oppressive. By contrast, a utilitarian constitutional theory is arguably more socially

dynamic and emerges from the methodology that underlines utilitarianism as psychological and moral theory. It does not start from a substantive idea of rightness, but rather from how people, in their innermost particularity in thought, deliberation, interaction, and action, traverse pain and pleasure in forming their personal and communal interests. In the constitutional writings of Jeremy Bentham, we find a comprehensive account of the essential elements of a constitution based on utilitarian principles.

In the opening four chapters of *An Introduction to the Principles of Morals and Legislation* (1789), Bentham asserts that, but for pain and pleasure there is nothing, and he literally meant *nothing*, with which to ground psychology, morality and, as we shall see, constitutions and constitutionalism. Individual interests as well as common duty must be based on the calculation and aggregation of pains and pleasures. He argues that because of the inevitability of conflict between duty and interest, there would have to be sanctions sufficient to manipulate people’s interests so as to make them conform to their duty. The legal and religious sanctions were central, but he provided for two other sanctions crucial to the functioning of his constitutional theory. These are the moral (popular) sanction and the sympathetic sanction (Bentham, 1970a, pp. 282–3), both of which were to function in any private exchange between people. Bentham further develops the relationship between these sanctions in his examination of private ethics in *Deontology*, where he argues for their possible unified operation, an operation that could enforce a critical public sphere, enabling that sphere to cast its weight on institutions and officials.

Any theory of legislation based on the legal sanction begs the question of whether the government, that “person” who aggregates, is a *good* one. Constitutional theory would have to address the mirror-image problem of unification of duty and interest,

this time that of officials, making their interest coincide with the duty that is itself based on the public interest. At the constitutional level, the governed have to ensure that public officials make and interpret laws (and the constitution itself) with the background utilitarian justification that limits official authority according to the common interest or “universal interest.” Bentham gives the name “sinister interest” to an interest pursued by officials and government contrary to the universal interest. Sinister interest is the bedrock of bad government. (Bentham, 1990, pp. 151, 235, 246–7, 270; Rosen, pp. 29–33).

Constitutions would have to ensure first, that the principle of utility, as the supreme constituent power of *praxis* and *phronēsis*, operates *freely* in both directions between governors and governed, but crucially without being dominated by the perspective of either. Such a free operation ensures constant interaction, contestation, and renegotiation of propositions and mutual influences between people’s understandings as well as between people and officials (Bentham, 1990, pp. 22–5, 101–107, 133–9, 142–5, 154–5). Second, it operates *effectively* by ensuring that the universal interest that emerges out of these exchanges is backed up by adequate sanctions. Third, the universal interest must be formed and observed in the most *efficient* and *economic* way possible (discussed in various essays in Bentham, 1993; see also Rosen, pp. 93–7).

A utilitarian constitutional theory would oppose institutional “checks and balances” that create an indirect, heavily mediated, institutional fragmentation of interests that in effect blocks the contestation that results from direct public participation in political debates. Complex institutional arrangements of this sort tend towards total inaction or, at best, result in inefficiencies, unnecessary delays in decision-making, and unwarranted expenditures associated with the duplication of functions. Even if a system of checks

and balances could achieve efficiencies, the institutional complexity of the arrangements is wide open to abuse, allowing corruption and sinister interests to flourish free from the public’s critical gaze (Bentham, 1989, pp. 121, 231–3; 1990, pp. 22–5, 101–107, 138–9, 176–82, 193–5, 208–209).

Based on these utilitarian premises, a good constitution and, in turn, a good government is achieved by ensuring the conditions for “securities against misrule,” by which Bentham means the maximization of securities for appropriate aptitude of officials and the minimization of expense. Good constitutions depend on the disposition of officials to promote the universal interest (their moral aptitude), their intellectual capacity (intellectual aptitude), and their physical presence and engagement in public business (active aptitude). Moral aptitude, the most important of the three, is secured through the official’s direct and unmediated interaction with a free and deliberative public, as well as by the ongoing prospect of the moral sanction being inflicted on him by the public. Being in the gaze of the public operates on an official’s interest formation and conduct. Securities for moral aptitude also include provisions for free publicity and accountability through the high public visibility of each official function (Bentham, 1990, pp. 4, 5, 30–59, 276–88; Rosen, pp. 55–75; Ben-Dor, 2000, pp. 138–40). This is achieved by establishing a clear hierarchy and single-seatedness of functionaries, including judges who would be observed by what Bentham calls a “Quasi Jury” (Ben-Dor, 2007).

In Bentham’s democratic constitutional theory, the people, the bearer of virtue, are the Constitutive Authority, or the Supreme Constitutive, who could “locate” and “dislocate” officials in elections and also between elections by popular petitions. Government belonged to the Operative Power or the Supreme Operative (Bentham, 1983b, pp. 6, 33). Part of the constitutive power of the people relates to what Bentham called the

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“Public Opinion Tribunal,” whose virtue is achieved through free publicity—the value of which he first explained in writings at the time of the French Revolution (Bentham, 1999, pp. 24–41, 143–7)—and the resultant impossibility of *totally* corrupting or deluding it through a pattern of “interest-begotten prejudice” (Bentham, 1989, pp. 26–7, 41–3, 67–72, 116–17; 1990, pp. 17–25, 187, 196, 252–61, 69–72, 154–5, 176–82, 261–8). The gaze of this semi-fictional “tribunal” observes the work of government officials, legislators, administrators, and judges, and ensures that the moral sanction operates effectively by threatening to remove ineffective or dishonest officials from office (Bentham, 1983b, p. 35; 1989, pp. 24–9, 56–72, 116–7, 132–9; 1990, pp. 279–91; Rosen, pp. 19–54, 111–30; Ben-Dor, 2000, pp. 135–60). The dynamic consensus formation and crystallization of the moral sanction occurs as a result of multiple operations of what Bentham calls the sympathetic sanction. The sympathetic sanction operated in the public sphere through transparent deliberation and the exchange of reasons between people, so that it would crystallize—through a complex process of transformative influence between people’s understanding—into a universal interest backed by the collective moral sanction (Bentham, 1970a, p. 284; 1983a, pp. 72, 92–4, 111, 122–6, 148–9, 175–6, 193–211, 226; 1990, pp. 133–4). The effective operation of the moral sanction is gained by creating the conditions for prompt public reaction in the face of unreasonable governance, unduly oppressive legislation, or occasions when government exceeded its legitimate law-making authority. The dynamic and free operation of the principle of utility would lead to officials limiting the ambit of their own power through a special kind of laws which Bentham refers to as constitutional laws in *principem* (Bentham, 1970b, pp. 18, 64–9, 86, 286–96; 1989, p. 24; 1983b, pp. 41–2; Ben-Dor, 2000, pp. 48–66, 237–45; Postema, pp. 218–62).

In a multi-layered utilitarian constitutional theory, the free operation of the principle of utility means, for the most part, that the pain of the legal sanction outweighs the legislators’ most immediate interests. However, this calculation depends on the intensity of the pains and pleasures exchanged in the deliberative process that yields the universal interest, and this requires that the judgement of the legislators be observed in the most unmediated fashion practicable. That there is an unresolved tension here *is* the key strength and dynamism at the heart of the utilitarian constitutional conception. Critical constitutionalism resulted from securing official disposition and, in turn, attentiveness to the potential asymmetry and tension between, on the one hand, a dynamically formed universal interest and, on the other hand, an already conventional conception of common interest which underpins any given legislation, as well as a conception of the limits of law-making powers. A constitutionalism that endures this tension, as well as the possibility of traversing it, ensures good government through the effective and efficient formation of collective interest and thus of constituent power, sufficient to outweigh any uncritically accepted convention that sets limits to the already constituted power. Under the auspices of the principle of utility, such asymmetry operates bidirectionally between governor and governed, and could be sparked into responding to the challenges of *praxis* and *phronēsis* that constitute the heart of critical constitutionalism. It also means that the various levels of centrality and legal pluralism and identifications could be distinguished and related under the operation of the principle.

Arguably, democratic elements were embedded in Bentham’s constitutional theory from its first conception. In *A Fragment of Government*, published in 1776, there are passages that indicate democratic tendencies in Bentham’s early political thought, particularly in his reflections on how the principle

of utility, rather than the social contract, ought to function as the operative principle of government (Bentham, 1977, pp. 435–45, 481–91). When this conception came to maturation and the interactive asymmetry between governors and governed was fully envisioned, a theory of representative democracy was the inevitable result (Ben-Dor, 2000, pp. 105–18).

Utilitarian constitutionalism may be criticized on the grounds that although it *may*, as a result of a free deliberative process, provide more weighty protection to some fundamental human interests through the distribution of fundamental rights, it does not have any inherent moral commitment for doing so. To trust that virtue exists in a free deliberating public may fall short from what it is morally right to do, and so arguably there must always be some moral quality that may well be independent from what either the public or officials think, one which should condition the deliberation, interaction, and thinking of both (Rawls, pp. 22–33, 46–53; Hart, 1979).

John Stuart Mill's argument for higher pleasures and indirect utility in *Utilitarianism* (1861) offers a theory that encapsulates a sophisticated account of differential levels of protection given to certain standards and values (CW, vol. 10, pp. 209–26). However, it is not clear that this meets the objection above. Furthermore, for constitutional theory, higher pleasures may create potential fetters to the very freedom required by utilitarian constitutionalism. Arguably, the bestowal of higher status on some pleasures may create, or indeed rationalize, an opening for oppression and even imperialist and paternalistic forms of civilizing education. Prioritizing certain ideologies and rigidifying cultural boundaries can suppress or assimilate genuine alterity, preventing the condition for conflict and resistance emergence, and controlling the range of permissible conflict. Furthermore, Mill justified an authoritarian government in certain

culturally “backward” societies (CW, vol. 18, pp. 223–7; vol. 19, pp. 374–82, 390–8, 413–66). This may prove a highly oppressive standpoint. Bentham thought that any attempt to “implant” a utilitarian and “liberal” constitution in a different culture should be conducted with great care, enabling the critical hermeneutic practical wisdom from *within* such societies and facilitating people in working through the contradictions and tensions that are particular to their political togetherness and constitutional life. By this measure, Bentham's constitutionalism is less philosophically tyrannical and far more democratic than critics have been willing to allow. Indeed, Bentham suggested and designed constitutions for foreign lands on the basis of his prototype critical model, detailed in the *Constitutional Code*, taking into account the particularities of place and time.

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See also BENTHAM, JEREMY; DEMOCRACY; JURISPRUDENCE; MILL, JOHN STUART; LEGAL POSITIVISM; SOVEREIGNTY.

COOPER, ANTHONY ASHLEY: See SHAFTESBURY, ANTHONY ASHLEY, EARL OF (1671–1713).

## COOPER, THOMAS (1759–1839)

Thomas Cooper was born on 22 October 1759 in London, England, and died in Columbia, South Carolina, in 1839. He was a prolific author and controversialist whose writings covered a variety of subjects, including political economy, law, science, and philosophy, and in many of these areas he utilized utilitarian principles.

Cooper matriculated at University College, Oxford, in 1779, but departed the following year to study medicine in London before acceding to his father's wishes and pursuing a vocation at law. A free thinker and political radical, he paid a fraternal visit to the Paris Jacobins on behalf of the Manchester Constitutional Society in 1792, for which he was denounced on the floor of parliament by Edmund Burke. In 1794, he emigrated to America together with his friend and mentor, Joseph Priestley. Cooper supported Thomas Jefferson in the presidential election of 1800 and was briefly jailed under the Sedition Act for a handbill he had written critical of the incumbent, John Adams. Widely celebrated as a martyr to the Jeffersonian cause, he subsequently served 7 years as judge of common pleas before being removed from the bench

in an intraparty dispute over the creation of lay lawyers and the popular election of judges (Cooper opposed both measures). Disillusioned with democratic politics, which now seemed to him “not quite so perfect in practice as it is beautiful in theory” (Cooper, 1811, p. 6), Cooper became Professor of Chemistry at Carlisle College in 1812. Four years later, he accepted a Professorship at the University of Pennsylvania, and in 1819, he moved to South Carolina College where he remained until his retirement in 1834. Cooper re-entered politics in the American south as an outspoken critic of the protective tariff and ardent champion of state’s rights, going so far as to recommend southern secession during the Nullification Crisis of 1832.

Jeremy Bentham was sufficiently apprised of Cooper’s utilitarian credentials to ask John Quincy Adams, with whom he had become acquainted in London in 1817, to forward to Cooper copies of several of his writings on codification, education, and political reform. Cooper’s utilitarian tendencies were apparent long before he encountered Bentham’s writings, however. In a paper titled “On Moral Obligation” read before the Literary and Philosophical Society of Manchester in 1784, Cooper argued that the association of ideas, as stated by David Hartley and applied to moral theory by the religious utilitarian John Gay, provided the key to understanding why individuals habitually follow certain courses of action rather than addressing what it is morally right to do on each separate occasion. He gave a sympathetic treatment to David Hume’s argument that the motive to virtuous action is rooted in our perceptions of general utility, and quoted Hume at length from “Why Utility Pleases” in *An Enquiry concerning the Principles of Morals* (1751), agreeing with Hume on every point save one—that virtue could be an end desirable on its own account, without consideration for its consequences. The criterion of virtue, he wrote, is “utility, which it is *incumbent* or *obligatory* on the individuals to pursue

no farther than self-interest permits them” (Cooper, 2001, vol. 1, p. 105).

Cooper’s earliest political writings, *Propositions Respecting the Foundation of Civil Government* (1787) and *Reply to Mr. Burke’s Invective* (1792), vigorously debunked the system of hereditary rule, demanding on utilitarian grounds that government careers be open to men of talent and ability. Years later when writing about American political institutions, he reasserted his youthful conviction that all government ought to be based on the expressed consent of the people, adding that “the greatest good of the greatest number is the object, and public utility the proper criterion of every measure of government” (Cooper, 2001, vol. 3, p. 20). Cooper’s enthusiasm for electoral reform waxed and waned over the years. In his *Propositions*, he argued against enfranchising the landless poor on account of their lack of independence; however, only a few years later in his reply to Burke he endorsed universal male suffrage, stating that “even the poorest are possessors of the most invaluable species of Property, Life, and Liberty, and Labour,” and asserting that “[t]o infringe upon these directly or indirectly without consent of the Owner, is neither more nor less than Tyranny in the law that enacts it, and Slavery in the Object who is compelled to submit to it” (Cooper, 1792, pp. 71–2). By the time he came to write *Lectures on the Elements of Political Economy* (1826), his best known and most influential work, Cooper had retreated from his support of universal suffrage on the grounds that the labouring masses might use their votes to effect a redistribution of property contrary to public utility.

As an economist, Cooper insisted on the maintenance of property rights and argued that the maximization of the community’s wealth, and hence the happiness of its members, could only be achieved by *laissez-faire* economic policies. He was a fervent disciple of the basic principles of Adam Smith’s *Wealth of Nations* (1776) arguing



that government regulation in the marketplace should be kept to a minimum. Like Smith, however, he allowed of exceptions where the public utility could be served by no other means than government intervention. It is plain that Cooper had read and digested Bentham's arguments against Smith on the usury laws. In the context of a broad-ranging debate about the availability of bank credit in the United States, in 1820, Francis Walker Gilmer, a prominent Virginian lawyer and scholar, published anonymously "A Vindication of the Laws Limiting the Rate of Interest on Loans, from the Objections of Jeremy Bentham and the Edinburgh Reviewers," in which he defended Smith's justification for legal restrictions on rates of interest. Cooper took Bentham's side, advancing nearly all Bentham's principal arguments as unimpeachable.

Among Cooper's legal writings is a lengthy review of Bentham's *Rationale of Judicial Evidence* (1825) published in 1830. Cooper was persuaded by Bentham's critique of the English system of common law that American law was also in need of radical reform. He recommended that a commission be appointed to codify the various branches of American law on Benthamite principles and that it be reconvened every 10 years to review the effectiveness of the several codes. In the same year, Cooper published a *Treatise on the Law of Libel and the Liberty of the Press* (1830) in which he explicitly followed Bentham's anticlerical critique of oaths laid down in the pamphlet *Swear Not at All* (1817). Cooper had long been a stalwart defender of free enquiry on the grounds that this was the only means to truth, and declared that the only test of truth was "utility" (Cooper, 2001, vol. 3, p. 127).

It is arguable that ultimately Cooper's utilitarianism was compromised by his partisan convictions. As a defender of southern interests, including black slavery, he denied that all men are born "*free, equal and independent*," insisting that the only natural right is the

right of the strongest, "the right of power" (Cooper, 1830, pp. 360, 361). Consonant with views expressed by Bentham, Cooper argued that society creates and enforces positive rights for its own advantage. On the other hand, in opposition to Bentham he read property-less workers out of society, calling them mere "sojourners" among the landed proprietors who formed the permanent body of the nation (p. 362). In his later stance on slavery, he drew upon physiology and the pseudoscience of phrenology to argue that Africans were morally and mentally an inferior race, and that the well-being of slaves, who created and in large part constituted the wealth of the southern planter aristocracy, like the good of property-less white workers, was satisfied in the good of the propertied class, perversely making "the greatest good of the greatest number" into a formula for minority rule and brutal exploitation (Cooper, 1835a, 1835b; Kilbride, 1993).

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See also BENTHAM; JEREMY; PRIESTLEY, JOSEPH; SLAVERY.

**COOPERATIVE UTILITARIANISM:** See COLLECTIVE UTILITARIANISM.

**CRITERIA OF RIGHTNESS:** See INDIRECT UTILITARIANISM.

**CRITICAL-LEVEL UTILITARIANISM**

Critical-level Utilitarianism, a population principle first introduced by Blackorby and Donaldson (1984), is an extension and adaptation of fixed-population utilitarianism to environments where the size and the composition of the population under consideration

may vary. In a variable-population context, individual utilities are assumed to represent *lifetime* well-being rather than well-being in a specific period of life; this rules out counter-intuitive recommendations regarding the termination of lives. A *neutral* life is a life that is, from the viewpoint of the individual leading it, neither worse nor better than a life with no experiences. The standard practice in population ethics is to identify a neutral life with a lifetime utility of zero.

Critical-level Utilitarianism employs a parameter, the *critical level*, that can be interpreted as the level of lifetime well-being that which, if experienced by a single individual added to a utility-unaffected existing population, results in a state of affairs that is as good as the original. For each possible value of this critical level, a different Critical-level Utilitarian population principle results. The criterion corresponding to a given critical level is obtained by first subtracting this critical level from each individual's utility and then adding the resulting individual utility gains across the population.

If the critical level is equal to zero (i.e. the utility level representing neutrality), Total Utilitarianism results. As pointed out by Parfit, Total Utilitarianism suffers from a serious shortcoming that he labels the "repugnant conclusion" (1982, sec. VI). A population principle implies the repugnant conclusion if any state of affairs in which each member of society enjoys a positive utility level, no matter how high, is ranked as worse than some state in which a larger population has a utility level that is above neutrality but arbitrarily close to it. Such principles may recommend the creation of a large population in which everyone's life is barely worth living. If the critical level is *above* the level representing a neutral life, the repugnant conclusion is avoided: the addition of an individual below the critical level but above neutrality does not lead to a social improvement. For detailed discussions and different viewpoints on the repugnant

conclusion and its significance, see Parfit (1984) and Ryberg and Tännsjö (2004).

A modification of Critical-level Utilitarianism accommodates *incommensurabilities*. This is achieved by replacing the single critical level with a *critical band*, so that the addition of an individual with a lifetime utility within the critical band to a utility-unaffected population leads to a state of affairs that is not comparable to the original. In addition to numerous other aspects of population ethics, Broome (2004) discusses these and related principles in some detail.

Critical-level Utilitarianism can be generalized by applying an increasing function to all utilities (including the critical level). The resulting Critical-level Generalized Utilitarian principles are *inequality averse* if the increasing function is concave. The Critical-level Generalized Utilitarian principles are the only ones meeting the requirements of *continuity* (small changes in individual utilities do not lead to large changes in social fixed-population comparisons), the *strong Pareto Principle* (unanimity is always respected within a given population), *anonymity* (people are treated impartially, paying no attention to their identities) and *existence independence* (the existence of individuals that are equally well-off in two states of affairs does not affect the relative ranking of these states). If, in addition, the repugnant conclusion is to be avoided, the critical-level parameter must be positive (above neutrality). Moreover, if the criterion is to be averse to utility inequality, the increasing function must be concave.

The Critical-level Utilitarian criteria can be applied to various ethical issues. Standard examples include the assessment of the use of animals in laboratory experiments and as food animals, and the design of aid packages with population-growth consequences for developing countries. Critical-level Utilitarianism can also be extended so as to be applicable in an intertemporal framework. For a

detailed discussion and further extensions, see Blackorby *et al.* (2005).

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See also AVERAGE AND AGGREGATE UTILITARIANISM; PARETO PRINCIPLE; PARFIT, DEREK; POPULATION; RATIONAL CHOICE THEORY; TOTAL UTILITARIANISM.

#### CUMBERLAND, RICHARD (1632–1718)

Richard Cumberland was born on 15 July 1632 in London to a tailor. After attending St Paul's School, he went up to Magdalene College, Cambridge, in 1649. His academic career peaked with fellowships in 1653 and 1656, but in 1658, he took his MA and moved to become Rector of Brampton in Northamptonshire—receiving nonepiscopal ordination. In 1661, however, he conformed to the Restoration settlement. Sir Orlando Bridgman, Keeper of

the Great Seal, became Cumberland's patron in 1667: this gained him preferment in Stamford in 1670. It was in the 1660s that he wrote his major work *De Legibus Naturae*, published in London in 1672, in a version that he himself lamented as being spoiled by error and printer's confusion. Despite his unrequited advances to the Royal Society, and writing two further works for publication, Cumberland remained an inconspicuous country clergyman until the sudden need for a set of new bishops after the Glorious Revolution secured him the See of Peterborough. Appointed in 1691, he held office as a reliable Whig with gently dwindling competence until his death in Peterborough in 1718.

Cumberland can be seen as an early proponent of a utilitarian system of ethics, whose context forced him to address questions of law, authority and religious conformity in the light of the English Civil War. *De Legibus Naturae* expressly winds itself around Hobbes's dangerous and exciting answers to these same problems in *Leviathan*; it only indirectly confronts the politics of his day. Two issues present themselves. Does Cumberland perceive people's natural interdependence as so shaping self-interest as to lead directly and simply to the common good? Does his system depend upon the agency of God? If his argument stands up without the need to invoke divine sanction to make "law" out of the natural law of sociability, then his status as one of the earliest utilitarians is secure. A good deal of his most important work sets out a case which can be read in this light, but the best recent study concludes that Cumberland neither wanted to fashion such a system, nor succeeded inadvertently in doing so: he should be read as a natural lawyer, as his book's title insists (Parkin, 1999).

To read Cumberland as a striking forerunner of "modern" utilitarianism, one needs to note the strongest strand of the argument at the beginning of chapter five of *De*

*Legibus Naturae*, where he defines natural law. Together with Cumberland's respect for experimental science and mathematics; his optimism about the scope of human reason; his conviction that right conduct is easily grounded in natural human sociability; his confidence that anyone pursuing self-interest by harming others will achieve lonely failure—these elements of his argument give weight to the interpretation which places him among utilitarians. A key authorial revision made while the work was in the press blurs Cumberland's definition, though, and the Maxwell translation of 1727, recently republished, merges the two versions, emphasizing the role of God as its enforcer (Cumberland, 2005, pp. 495–6n). Cumberland chose, moreover, to buttress his position with arguments invoking God as legislator, and to attach sanctions, including the prospect of rewards in an afterlife, to his understanding of the law of nature. Parkin sees Cumberland's achievement as taming *Leviathan* by reconciling ethical naturalism and scientific rationalism with the structure and teaching of the Church of England (Parkin, p. 226).

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*See also* HOBBS, THOMAS; RELIGIOUS UTILITARIANS.

# D

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## DEATH

Utilitarians usually deal with the idea of death in the context of discussions of practical and concrete ethics and political policy—most frequently, perhaps, while considering the morality of capital punishment, suicide, and euthanasia. As always, utilitarians urge that the only ethical considerations are the utility (or disutility) that actions or policies would cause. For example, utilitarians weigh possible good results of threatening or instituting capital punishment (deterrence of crimes thus punishable, lower public cost than for long-term incarceration of the criminal, removal of the threat of the criminal's further malfeasance) against possible bad results (emotional pain to friends and relations and loss to them of any potential support from the criminal; increase in societal violence occasioned by the example of state violence). But the chief bad result of capital punishment is, of course, the death of the criminal. Desert is not a utilitarian consideration. Utilitarians usually oppose capital punishment, with arguments following in spirit the classical work by Bentham who attempted to show that the benefits of capital punishment are smaller than generally believed (Bentham, vol. 2, pp. 441–51). Much rarer is an explicit consideration of how to weigh in the disutility of death for the person whose life is ended. Implicit, however, is the view that this, even alone, outweighs the sum of possible benefits.

Utilitarians judge actions generally in two ways. One evaluates the results of the action itself (e.g. the pleasure derived from going to a movie) and the other compares it to alternative actions (compared to going to the other movies in town, or staying home). Both are problematic in the case of death.

To attempt the first weighting, we should ask what the utility of death is. An oddness here is that utility weighting normally looks to how good or bad resulting states would be for someone; but the result of the agent's death is that the agent no longer exists. Should we count the results of death as zero for the agent—better that is, than anything with the tiniest negative utility, like stubbing your toe? Is the sum total of utility in the universe affected in the same way by the nonexistence of an excess of utility or disutility for a live agent, and the nonexistence of that agent?

Weighing the utility of death at zero runs counter to the widespread preference of a continued life of considerable misery. Sometimes utilitarians argue that this attitude is irrational and try to fix it (see, e.g. Lucretius, *De Rerum Natura*, Bk. 3). But taking actual preferences seriously means that death has considerable disutility, not because it's the alternative to a pleasurable life, not because life itself brings pleasure, but merely because many people find continued life desirable—just in itself. And not because of the disutility to the person who is dead.

The second weighting would compare death with its alternative; but the alternative's utility

## DEATH PENALTY

(in addition to that of merely being alive) equals the sum of all positive and negative utilities for the rest of the agent's life—often an unforeseeable indefinite future—so any utility estimate here would usually be highly unreliable. But this estimation is more sensible for someone terminally, permanently painfully ill; consequently, utilitarians often advocate permission for mercy killing and suicide under conditions such as these.

An odd sort of case, for utilitarians, is considering what might be called “harming the dead”—when promises are broken postmortem, for example. (In the *Nicomachean Ethics*, Bk. 1, Chs. 10–11, Aristotle considers, inconclusively, why destroying a dead person's reputation is a bad thing.) Undeniably, people care while being alive about events that might happen after their death, but one doesn't want to say that producing, postmortem, events that they wanted when they were alive is a utility to them after their death. Is it, then, a retroactive utility to them while they were alive? This is also odd. Clearly, a utilitarian who bases utility on fulfillment of the agent's desires would not count the agent as being benefited or harmed if an earlier desire is fulfilled or frustrated at a time when the agent no longer has that desire. But this is always the case with postmortem “benefits” and “harms.”

These difficulties for utilitarianism are sometimes used in arguments against the possibility of a sensible utilitarian ethics. A silly example of such an argument is that utilitarianism, seeking only to increase the general happiness, should advocate killing off all the glum people. Utilitarians, of course, would not choose this policy, but this points to the need for what perhaps they have a problem providing: an account of the disutility of death.

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See also AUTO-ICON; DEATH PENALTY; PUNISHMENT.

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The utilitarian theory of punishment virtually begins and ends with the pioneering contributions of Jeremy Bentham. Few later utilitarians devote much attention to the subject. John Stuart Mill, in the fifth chapter of *Utilitarianism* (1861), discusses justice and punishment in only about half a dozen pages, and inasmuch as he fails to take up any of Bentham's ideas about punishment, he can hardly be accused of advancing the subject. Notably, however, Mill's position on the death penalty did change over time. Having opposed it virtually throughout his life, in a speech he gave in parliament in 1868, he argued for the retention of capital punishment on the grounds of “frugality” and “exemplarity” (CW, vol. 28, pp. 266–72). In his masterwork, *The Methods of Ethics* (1874), Henry Sidgwick ignored punishment altogether. The same holds good in the twentieth century, as a brief examination of the treatise, *Utilitarian Ethics* (1973), by the British philosopher Anthony Quinton will quickly prove.

As a result, a utilitarian theory of capital punishment must be extracted from a variety of resources in Bentham's texts.

First, there are the passages in his great treatise from 1789, *An Introduction to the Principles of Morals and Legislation*, especially Chapters XIII–XV on punishment in general (Bentham, 1970, pp. 158–86). In these chapters, Bentham first presents “Cases

Unmeet for Punishment,” then discusses the “Proportion between Punishments and Offences” (including 13 general “Rules” for the evaluation of all forms of punishment), and finally reviews the “Properties to be Given to a Lot of Punishment.” The death penalty plays no unique role in Bentham’s arguments here except in his discussion of Property 8, “Efficacy with respect to disablement” (p. 181). Some of his rules are fairly obvious, for example, Rule 5: “The punishment ought in no case to be more than what is necessary to bring it into conformity with the rules here given” (p. 169). Others are obscure, such as Rule 7: “Subserviency to compensation” (p. 186). Both these rules flow naturally from the most basic of Bentham’s normative principles (he asserts it more than once): “all punishment is mischief: all punishment in itself is evil.” Further: “Upon the principle of utility, if [punishment] ought at all to be admitted, it ought only to be admitted in as far as it promises to exclude some greater evil” (p. 158).

In the same place, Bentham also makes reference to his forthcoming book, *The Theory of Punishment*. Unfortunately, that book was never published or even completed. What did appear under the title *The Rationale of Punishment* (1830) was the product of the editorial labours of one of Bentham’s young admirers, Richard Smith; his work was unassisted by Bentham or, as far as we know, anyone else. Smith’s edition—based on a prior version published in French (*Théorie des peines et de compenses*, 1811) by Étienne Dumont, another of Bentham’s editors and disciples)—was later incorporated into John Bowring’s edition of Bentham’s works (*Principles of Penal Law*, Pt. II; Bentham, 1838–43, vol. 1). All but a few English-speaking readers have relied on Bowring’s text for their knowledge of Bentham’s views on punishment.

Two chapters of the *Rationale* are explicitly devoted to capital punishment. In Chapter XI, Bentham distinguishes between “simple”

and “afflictive” forms of this punishment. In Chapter XII, “Capital Punishment Examined,” he discusses what he calls “advantageous properties” or “desirable penal qualities” that are absent from capital punishment, and the “collateral evil effects” of frequent imposition of the death penalty (Bentham, 1838–43, vol. 1, pp. 441–51).

Utilitarian policy formation requires pairwise comparison between alternatives in order to eliminate one of the pairs. Bentham’s discussion in the *Rationale* shows that he considers “confinement and hard labour” an alternative to death that makes the latter an “ineligible” punishment (Bentham, 1838–43, vol. 1, p. 445). The most that can be said in favour of hanging is that it incapacitates the offender from any further offences. Nevertheless, four factors are absent in death punishment but are present in imprisonment, which—when studied for their status—show a clear superiority for the latter: (1) if the offender is executed, he is of no further use to society in any fashion “convertible to profit”; (2) death punishment is not “frugal”; (3) hanging lacks equability, since it does not make the same impression on all who undergo it (pp. 445–7); and (4) there is no remedy for the wrongful imposition of hanging (pp. 447–9).

Under the rubric “Afflictive Capital Punishment,” we find one of the most extraordinary discussions of our subject. In relation to the practice in the British West Indies, Bentham writes, “The delinquent is suspended from a post by means of a hook inserted under his shoulder, or under his breast bone. He remains in this situation exposed to the scorching heat of the day ... and under the fever produced by these complicated sufferings, joined to hunger and thirst, all raging in the most intense degree, he gradually expires. ... Let the colonists reflect on this: if such a code be necessary, the colonies are a disgrace and an outrage on humanity: if not necessary, these laws are a disgrace to the colonists themselves” (Bentham, 1838–43,



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vol. 1, pp. 442–4). This dilemma presents Bentham at his rhetorical best, though it is difficult to see how a purely utilitarian defence of afflictive executions could authorize the indignation that he musters in this passage.

Finally, there is Bentham's 1831 essay in the form of a letter, "On Death Punishment, Jeremy Bentham to His Fellow-Citizens of France." He begins by commenting to his readers that "Among the topics of the day I behold the punishment of death. Shall it be abolished?" His answer is immediate and blunt: "I answer—Yes. Shall there be any exception to this rule? I answer so far as regards subsequential offenses, No: meaning by subsequential, an offense committed on any day subsequent to that which stands appointed by the law as that after which no such act of punishment shall be performed" (Bentham, 1838–43, vol. 1, pp. 525–6).

Because the death penalty is so popular with the public, Bentham recognizes that the burden of the argument for repeal lies with the abolitionist. His first step is to identify the "good" and "bad" properties of the death penalty; he then shows how the latter outweigh the former. The first bad property is "inefficiency." By this, Bentham means that the "punishment fails of being productive of the preventive effect looked for and endeavored to be produced" (Bentham, 1838–43, vol. 1, p. 526).

Second, there is its "irremissibility." We would call this its incompatibility with reformatory or rehabilitative effects. Third is capital punishment's "Tendency to produce Crimes" (today sometimes called the "brutalizing effect" of the death penalty), its tendency to provoke crimes precisely because of its severity. The fourth is "Enhancing the evil effects of undue Pardon" in an effort to avoid convicting the innocent—a topic discussed at length by Bentham in an unpublished essay of 1809–10, in which he mounted a detailed critique of Paley's defence of the death penalty, titled "Law

versus Arbitrary Power: A Hatchet for Paley's Net" (Crimmins, 1987).

When capital punishment is used for political offences (as it was at the time during the turmoil in both France and Ireland), Bentham makes the following sober criticism: "'Look,' said the executioner, to an aged Irishman, showing him the bleeding head of a man just executed for rebellion—a 'look at the head of your son.' 'My son,' replied he, 'has more than one head.' It would be well for the legislator, before he appoints capital punishment, even in this case, to reflect on this instructive lesson" (Bentham, 1838–43, vol. 1, p. 450). At the end of the letter "On Death Punishment," Bentham repeats the two questions with which he opened and gives an answer in line with his categorical opposition to the brutal methods of execution practised in the West Indies. The bottom line, Bentham believes, favours imprisonment—by a wide margin. Imprisonment, he says, is "preferable to [death] in every imaginable particular" (p. 526). He allows one exception: The case of "rebellion," where the threat of hanging may be "necessary" for public safety (pp. 449–50). Bentham insists, however, that "the punishment of death, established by law, ... is more susceptible of abuse than any other mode of punishment" (p. 448). Something of an exaggeration, perhaps, but this comment presents Bentham in a clear light as the preeminent abolitionist of his day.

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See also BENTHAM, JEREMY; DEATH; PUNISHMENT.

**DECISION PROCEDURE:** See INDIRECT UTILITARIANISM.

**DEMANDINGNESS OBJECTION:** See ACT UTILITARIANISM; BENEVOLENCE; ETHICS; HOOKER, BRAD; OBLIGATION; RULE UTILITARIANISM; SATISFICING.

## DEMOCRACY

The great American legal scholar John Hart Ely argued that “democracy is a sort of applied utilitarianism ... an institutional way of determining the happiness of the greatest number. ... [T]he formation of public

policy [in America] begins with the questions how many are helped, how many hurt, and by how much” (Ely, 1978, p. 407). Jonathan Riley refined this thesis in 1990, arguing more specifically that the procedural norms of utilitarianism and democracy are functionally equivalent under conditions where interpersonal comparisons of utility cannot be made. Whenever the felicific calculus must be based on incomplete information about personal preferences, utilitarians must logically be democrats: their values correspond (Riley, p. 337). On the other hand, Amartya Sen and Bernard Williams observed in 1982 that utilitarianism since about 1900 has been seen as an integral part of moral and economic theory, but as connected to no specifiable political reality (Sen and Williams, p. 21). Each of these claims is valid. Utilitarianism since its inception has provided a criterion for the critical assessment of public institutions and policies of every stripe, and it has done so in the name of a good, “the greatest happiness of the greatest number,” that, whatever its logical or ontological problems, reeks of political and social democracy. But there have been (in name) no utilitarian parties, policies, institutions or administrations. Utilitarianism has been a powerful political solvent, but not a movement and certainly not an ideology. In this sense, utilitarianism has, as Sen and Williams put it, lacked a politics. Nonetheless, the consequentialist calculation of pleasures and pains that is at the heart of Classical Utilitarianism is also at the heart of the political practices of modern democracy.

Democracy and utilitarianism are both essentially concerned with the identification, expression, evaluation, aggregation, and representation of interests. By the same token, both place special emphasis on the will—on the logic of motivation, action and choice. The arithmetic of democratic consensus and electoral politics echoes the utilitarian calculus of pleasures and pains. To a surprising extent, this core similarity goes unacknowledged, perhaps because it is more

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experiential than inspirational, more pragmatic than ideological. It is a relationship of enormous importance nonetheless, and a good reason for pursuing the study of democratic politics from a utilitarian perspective.

Classical Utilitarianism from Hume to Mill was both a system of social and political decision-making and a system of personal ethics. In Bentham's seminal formulation, it is clear that political or juridical utilitarianism did not arise as a sub-set or extension of a system of personal ethics. The reverse was the case: Bentham's utilitarianism was from its earliest formation a way of organizing his science of legislation, and morality was the penumbra of politics. When Bentham coined the term "utilitarian" in 1781, he had already been at work on his science of legislation for a decade: in his writings in the 1770s on critical jurisprudence he had already explored the idea of utility and the idea of a principle of utility as an organizing concept for his "critical jurisprudence." He replaced the principle of utility with a "greatest happiness or greatest felicity principle" in 1822 (Bentham 1970, p. 11), but continued for another 9 years to labour on jurisprudential and political projects such as a constitutional code. His jurisprudential and political projects thus preceded, contained and outlasted his allegiance to the idea of a principle of utility. In this sense, Bentham's utilitarianism was primarily a sociopolitical construct, and it was from the beginning in its decision-making and policy-making logic a democratic political project, regardless of when, how or whether Bentham was consciously "converted" to political radicalism as a movement. The key inner tension in this political project was captured by Bentham in a remark from his *Commonplace* book dating from 1774–75. "[T]he people is my Caesar," he wrote, but "I appeal from the present Caesar to Caesar better informed" (Harrison, p. 198).

Bentham's utilitarian democracy was not based on inviolable individual or collective rights. Such rights were nonsense, Bentham

said, and the French revolutionaries who propounded them were madmen. Bentham's was a democracy of interests, in which the goal of the greatest happiness of the greatest number gave clear content to the otherwise amorphous and malleable idea of the public interest. The Public Opinion Tribunal in Bentham's *Constitutional Code* voiced this public interest. The "sinister interests" of priestly, political, social, and legal professional elites were its most powerful and entrenched enemies. Bentham's "interest-and-duty-junction principle" was meant to create a better-informed Caesar: to enable the greatest number to see that their duties served both their personal interests and the public interest properly understood. Though he advocated frequent elections, an extended franchise, and a wealth of innovations designed to make government accountable to the electorate, Bentham did not advocate direct democracy. In utilitarian democracy, it was the interests of the people that ruled, not their individual or collective sentiments, sympathies, antipathies or anxieties. The motto of the good citizen, Bentham wrote in *A Fragment on Government* (1776), was to "to obey punctually; to censure freely" (Bentham, 1977, p. 399). When he famously suggested that all sentient creatures should have their interests taken into account by their political representatives, he was merely extending to animals the same basic entitlement possessed by the people—to be counted, taken into account, provided for. "Securities against misrule" would be provided by enlightened legislators, not demanded and defined by the populace.

In his later years, Bentham became more and more clearly a republican, and more and more strongly convinced that representative democracy required the abolition of the British monarchy and House of Lords (Crimmins, Chs. 5–6). The commitment to democratic politics implicit in the core logic of utilitarian decision-making became more and more explicit and unconditional in his

writings. To the very end he laboured obsessively to create a “Caesar better informed.” But he was stymied in his project by the problem of democratic education: who would do the informing? And how could the sabotaging efforts of entrenched power holders be circumvented?

In John Stuart Mill, we see a step away from Bentham’s radical democratic politics. What was explicitly advocated as representative democracy in Bentham is “representative government” in Mill, and the elite-mass polarization of society made explicit in his essay “The Spirit of the Age” is echoed in his proposal for multiple votes for the meritocracy (CW, vol. 19, pp. 321–5), and a preferential voting system which would permit electors to cast ballots for candidates outside their local constituencies in order to ensure better representation for their interests (pp. 448–66). Less entangled than was Bentham in the egalitarian implications of hedonism, more committed to the instructive powers of reason and the curative implications of progress, Mill offered an attractive blend of improvement in mankind and in sociopolitical structures, but this blend was not radically democratic, but progressively liberal. To the question inherited from Bentham, “Who will inform Caesar?” he readily replied: the liberal intelligentsia. The same meritocratic elitist tendency can be seen in Sidgwick’s endorsement of enlightened elite rulership in his *Methods of Ethics* (1874)—a position he adopted in spite of his very Bentham-like suspicion of corrupt interests in politics. The priority of the jurisprudential over the personal application of utilitarian decision-making criteria, originally established in Bentham’s critical jurisprudence, is also central in the work of John Austin. The characteristics of political utilitarianism as developed by Bentham are, thus, confirmed and developed in his successors more than has generally been noticed or acknowledged.

Twentieth and twenty-first-century utilitarianism has been expounded primarily in

the form of systems of economics and ethics: the continuing relevance for democratic decision-making of the utilitarian calculation of hedonistic consequences, and *a fortiori* of the utilitarian model of democratic politics, has been surprisingly little noticed, especially in the discipline of political science. But the close “fit” between utilitarian and democratic procedures for political decision-making and democratic representation has been ceaselessly illustrated in familiar events such as election campaigns and policy studies. Utilitarianism has never been a political ideology. Perhaps for this reason it has never captured the imaginations of contending democratic forces as have protean labels such as “liberal” and “conservative.” Nonetheless, a careful examination of political utilitarianism uncovers a theoretical structure more revealing of the actualities of democratic representation and policy making today than any ideological label.

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See also AUSTIN, JOHN; BENTHAM, JEREMY; CONSTITUTIONAL THEORY; INTERESTS; MILL, JOHN STUART; SIDGWICK, HENRY.

## DEONTOLOGICAL ETHICS

Although there is no single definition of deontology, it is usually at least characterized in opposition to consequentialism. Whereas a consequentialist theory, such as utilitarianism, judges actions entirely based on the comparative value of their consequences, a deontological theory judges actions, at least in part, based on their adherence to certain

rules (other than, or in addition to, the consequentialist rule “maximize actual or expected value”). The best-known classical deontologists are Immanuel Kant (1996) and W. D. Ross (2003). Kant’s Categorical Imperative, in its various forms, supposedly generates rules, such as “don’t lie,” “don’t commit suicide.” These rules cannot permissibly be broken. Hence, Kant is commonly thought of as an absolutist, or extreme, deontologist. Ross provides a list of what he calls “*prima facie* duties.” These include such items as the duties of fidelity, justice, nonmaleficence, and beneficence. When two or more duties conflict, the individual agent uses moral judgement to decide which one is the “all-things-considered” duty. Since no *prima facie* duty is guaranteed to win out in all conflicts, Ross is usually thought of as a moderate deontologist. Influential modern deontologists include Thomas Nagel (1980), Judith Thomson (1986; 1992), and Frances Kamm (2006).

Deontologists commonly object to four aspects of most versions of consequentialism, including utilitarianism. First and second, utilitarians accept aggregation, both in axiology and in their deontic theory. Harms and benefits can be compared and traded off against each other, both in judgements about the overall value of states of affairs and in judgements about permissible behaviour. For example, a state of affairs with many small headaches may be judged worse than another without the headaches but with a premature death. Consequently, a utilitarian may judge it permissible to kill an innocent person, in order to prevent a large number of minor headaches. Third and fourth, utilitarians typically reject the deontic significance of both the doing/allowing distinction and the intending/foreseeing distinction. Although not all deontologists reject all these features of consequentialist theories, all (as far as I know) reject unrestricted deontic aggregation, many reject unrestricted axiological aggregation, and most accept the moral significance of one or both of the doing/

allowing and intending/foreseeing distinctions. Many deontological principles are aimed at blocking one of these features of consequentialist theories. For example, the common deontological principle that it is impermissible to use some people for the benefit of others clearly blocks some instances of deontic aggregation. Depending on how we understand what it is to use someone, it can also incorporate the claim that it is worse to bring about intended harm than to bring about foreseen harm.

Deontological rules can be seen as imposing constraints on the promotion of overall good, which, for a utilitarian, is usually conceived of as net happiness. Not all utilitarians insist that it is always obligatory to maximize happiness. Satisficing utilitarians accept that sometimes it is permissible to do less than the best, and scalar utilitarians reject the categories of permissible and impermissible behaviour altogether, in favour of the more basic comparative judgements between possible actions. However, all utilitarians share the views that it is always better to produce more good and that it is never impermissible to maximize the good. Deontological rules, on the other hand, declare some options impermissible, even when they lead to better states of affairs than supposedly permissible alternatives. For example, many deontologists will agree with utilitarians, and other consequentialists, that it is, other things being equal, better that one innocent person dies than that five other, equally innocent, persons die. However, they will also claim that it is, at least sometimes, impermissible to kill one innocent person in order to save the lives of five other equally innocent persons.

To a utilitarian, and other consequentialists, deontological restrictions on promoting the good appear somewhat paradoxical. How can it be worse deontically to do what is axiologically better? How can it be obligatory to bring about less good, rather than more? In response, some deontologists, such as Philippa Foot (1985) and Thomson

(1997), take the rather drastic step of declaring that all-things-considered objective axiological judgements make no sense. They claim that it is not, in fact, objectively better that one innocent person dies than that five die. It is simply better, *for each of the five*, that they not die, but also better, *for the one*, that s/he not die. While this move succeeds in blocking utilitarian reasoning—promoting the good cannot have deontic significance, if “the good” fails to refer to anything—it suffers from a rather high degree of implausibility. It is, for example, at odds with the almost universal judgement that, in rescue cases, it is better to save the larger number precisely because it is a larger number.

A less extreme response to the charge that deontology is paradoxical is to stress that rules have deontic significance that can compete with the promotion of the good. While it is better that one innocent dies than that five die, if the rule against killing the innocent has to be violated in order to bring about the former state of affairs, the deontic significance of that rule may override the significance of promoting the good. To some, this may seem like less a defusion of the paradox than a restatement of it. It is also worth noting that, for the rule against killing the innocent to give this result, it must incorporate a fairly strong doing/allowing distinction. If there were an equally strong rule against letting the innocent die (or even a rule with one fifth of the strength), it would not be impermissible to kill one to save five. Furthermore, the paradox itself can be restated without any reference to promoting the good. Consider a deontological restriction on lying. Even if lying is not absolutely impermissible, there will be situations in which lying is impermissible, even though the alternative involves more lying. Suppose that it is impermissible to lie, even to prevent five other lies from being told. This suggests an objection to lying, which requires that, in at least some cases, one must allow more of the objectionable actions to take place rather than engage in fewer oneself.



This again seems to involve assigning significance to the doing/allowing distinction.

Some deontologists respond to this latest charge of paradox by claiming a distinction between promoting a value on the one hand and honouring a value on the other. If, for example, truthfulness is a value to be promoted, it would be permissible to promote it by lying once to prevent five other lies from being told. However, if truthfulness is to be honoured instead of (or perhaps as well as) being promoted, it may be impermissible to tell one lie, even to prevent more lies. It is not clear, however, that the distinction between promoting and honouring amounts to any more than the doing/allowing distinction.

Deontological constraints on promoting the good often take the form of rights. So, for example, a deontologist may claim that it is impermissible to kill one to save five, because that would violate the right to life of the one. This will have to be combined with the denial to the five of an equal strength right to be saved. In general, if the rights view is to present a genuine deontological alternative to consequentialism, negative rights not to be harmed in some way must be stronger than the corresponding positive rights, if any, to be aided in avoiding such harm. More specifically, the duty not to harm in a certain way must be stricter than the corresponding duty to prevent such harm. Claims that negative rights and duties are (at least usually) stronger than positive rights and duties will have to be grounded in an account of the alleged moral significance of the general distinction between doing and allowing, of which the distinction between killing and letting die is a specific example.

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See also CONSEQUENTIALISM; KANT, IMMANUEL; SATISFICING; SCALAR UTILITARIANISM; ROSS, WILLIAM DAVID.

DEWEY, JOHN (1859–1952): See PRAGMATISM.

### DICKENS, CHARLES (1812–70)

Charles Dickens was born on 7 February 1812 in Landport, Portsmouth, where he lived for 3 years before moving to London. His early years were famously difficult, the result of his father's debt problems. In 1824, the family was sent to Marshalsea Prison, while the 12 year-old Charles was left on his own to work at Warren's Blacking Factory. Reunited with his family later that year, Dickens then attended school before finding work as a law clerk in 1827. Soon after, he began his writing career, first as a journalist, then as an editor, serial writer, essayist, and novelist.

Dicken's first novel, *The Pickwick Papers* (1836), was followed by *Oliver Twist* (1837–39), *Nicholas Nickleby* (1838–39), *The Old Curiosity Shop* (1841), and *Barnaby Rudge* (1841). In this period, he married Catherine Thomson Hogarth (1836), with whom he had ten children. After a successful tour of America (1842) and short residences in Italy and Switzerland (1844–46), he returned to London to produce *Bleak House* (1852–53), *Hard Times* (1854), and *Little Dorrit* (1857). In 1857, Dickens met and developed a lifelong infatuation with the actress Ellen Ternan; he separated from his wife the following year. Further lectures and public readings across Britain and in America followed, during which time he produced *A Tale of Two Cities* (1859), *Great Expectations* (1861), and *Our Mutual Friend* (1865). On a return trip from Paris in June 1865, Dickens and Ternan narrowly avoided death in the Staplehurst rail

crash. This incident and the punishing travel, writing and lecturing schedule contributed to a decline in Dickens' health. He suffered a stroke in 1869 and died as a result of another in June 1870. He was buried in Poet's Corner, Westminster Abbey.

Scholars most often identify Charles Dickens as a fervent antiutilitarian. They point to a canon of writing that satirizes eighteenth and nineteenth-century political economists, liberals, and utilitarians, most notably, Adam Smith, Thomas Malthus, and Jeremy Bentham. In *Hard Times*, the character Mr Gradgrind—modelled on James Mill—is a distinctly unsympathetic proponent of the new political economy. Dickens' description of Gradgrind's appearance is intended to mirror his rigid adherence to facts and figures in personal and public life: his "obstinate carriage, square coat, square legs, square shoulders—nay his very neckcloth [was] trained to take him by the throat" (Dickens, 2006, p. 7). The early twentieth-century cultural gatekeeper F. R. Leavis cheered this novel as a denunciation of the heartless and brutal "World of Jeremy Bentham." Similarly, readers have connected the miserable vision of life in the Victorian workhouse, as presented in *Oliver Twist*, as a life intimately connected to utilitarian Poor Law reforms.

Other scholars have called for a reassessment of the characterization of Dickens the antiutilitarian. The Marxist critic Raymond Williams (1970) argues that Dickens shares with utilitarians an allegiance to pleasure as the foundation of human ethics. The literary critic Kathleen Blake (2009) argues persuasively that the unwillingness to recognize the convergences between Dickens and thinkers like Bentham and Mill is a result of antiutilitarian, anticapitalist, and antiliberal leanings of Victorian studies (a Leavisite legacy).

In fact, as *Bleak House* reveals, Dickens' disgust for the Court of Chancery and his advocacy of law reform seems distinctly Benthamite. On important economic issues, Dickens' views agreed with those of

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David Ricardo and J. S. Mill. All three men supported Corn Law repeal: they opposed protective grain tariffs and condemned landlords who charged high rents to labourers who could not afford to buy the corn they grew. In *Hard Times*, Gradgrind's positive qualities—his devotion to social progress and his advocacy of equal education—are utilitarian. In fact, as the novel reveals, the problem is that Gradgrind has not understood the importance of pleasure and imagination as springs of action. In other words, Dickens promotes a philosophy of pleasure.

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See also BENTHAM, JEREMY; POOR LAWS.

## DIMINISHING MARGINAL UTILITY

The basic idea of Diminishing Marginal Utility was first suggested by the Swiss

mathematician Daniel Bernoulli (1700–82) in *Hydrodynamique* (1738). Bernoulli proposed that “The value of an item must not be based on its price, but rather on the utility it yields,” and that the “utility resulting from any small increase in wealth will be inversely proportionate to the quantity of goods previously possessed” (Ferguson, p. 190). Later in the century, the concept was rendered in its classical form by Jeremy Bentham and then further developed in the nineteenth century by William Stanley Jevons.

If we follow Bentham in defining utility as a pleasure-producing or pain-avoiding property of an object as perceived by an individual, then *marginal utility* refers to a pleasure gain or pain reduction associated with one additional unit of the object. Diminishing Marginal Utility means that the person perceives a smaller pleasure gain or pain reduction with each successive unit of the object, all other circumstances remaining unchanged. There are two requirements if this concept is to have operational significance. First, units of the object must be well defined. “Ounces of butter consumed per week” fits the bill, for example, whereas “good reputation” is problematic. Second, the person's perception of utility must be twice differentiable, meaning that she can detect not only whether ten ounces of butter per week gives more pleasure than nine ounces, all other circumstances unchanged, but also whether the tenth ounce gives more or less pleasure than the ninth ounce did. Although Bentham argued on intuitively plausible grounds that a person's total wealth should be subject to Diminishing Marginal Utility, he rarely if ever explored the circumstances under which it would apply to a more narrowly defined utility source.

By contrast, when Jevons adopted Bentham's utility definition as the explanation for the value of an individual consumer good, he assigned a central role to Diminishing Marginal Utility. In June, 1860, 11 years before the publication of *The Theory of*

*Political Economy*, he wrote to his brother Herbert: “One of the most important axioms is that as the quantity of any commodity, for instance plain food, which a man has to consume increases, so the utility or benefit derived from the last portion used decreases in degree. ... And I assume that on average the *ratio of utility* is some continuous mathematical function of the quantity of commodity. This law of utility has in fact always been assumed by Pol. Econ. under the more complex form and name of the Law of Supply and Demand. But once fairly stated in its simple form it opens up the whole of the subject” (Jevons, vol. 2, p. 410).

Jevons’s utility functions are additive, so that the total utility from a consumption bundle is the sum of the utilities specific to each commodity. Modern mainstream economists avoid the cardinality that is implicit in Jevons’s commodity-by-commodity approach by defining utility as a field of force that is exerted by an individual’s preferences over *all* available commodities at an instant in time, rather than a substance allied to a single object. With utility re-defined, the introspective content of Diminishing Marginal Utility is expressed as “convex preference set.” In this guise, it no longer refers to additional units of a single good but rather to trade-offs between goods such that the consumer remains at a constant total utility level. For example, starting with an arbitrary consumption bundle for a particular individual that includes, say, butter and beer, we can ask how much additional butter the person requires to compensate precisely for removal of beer, one bottle at a time. If the required butter quantity rises steadily as beer becomes increasingly scarce, and if a similar relationship exists for all commodity pairs, then the person’s preference set is convex. *Concave* preferences, corresponding to *increasing* marginal utility, would apply to a person who requires less additional butter to compensate for the removal of the second bottle of beer than for the removal of the

first bottle, and so on. Concave preferences are associated with addiction, for they mean that a person’s desire for an additional unit of a good increases the more of that good which he or she has already consumed—binge drinking (or peanut chomping) over some given range of commodity bundles would be an example.

It is common in mainstream economic models to assume that agents have convex preference sets, not because concave preferences have been ruled out empirically but rather because their existence is mathematically awkward. For example, many economic theories compare states of competitive general equilibrium under alternative initial conditions. Among the conditions sufficient to ensure the existence of a competitive general equilibrium are continuous consumer demand functions, and convex preference sets are, in turn, among the conditions sufficient to ensure continuous demand functions. (It should be noted that “sufficient to ensure” is much less restrictive than “necessary.” The presence of concave preferences does not mean that a competitive equilibrium fails to exist; instead, its existence is simply not proven.)

Bentham’s presumption of Diminishing Marginal Utility for the total wealth of an individual or household is mirrored in modern welfare economics, and for the same reason. It provides a utilitarian justification for redistributive taxation because it implies that a transfer of \$1 from a rich household to a poor one gives a net utility gain to society as a whole. The counter-argument from the perspective of national welfare was also recognized by Bentham: redistributive taxation reduces the incentive to work both for the taxed household and for the subsidized one, so that the smaller the national pie gets, the more evenly it is divided. Bentham added another counter-argument that is typically ignored in modern economic models, namely the “alarm” of coercive transfers, and concluded that full-scale redistribution should

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be ruled out: “With the greatest happiness of the greatest number for its end in view, sufficient reason would have place for taking the matter of wealth from the richest and transferring it to the less rich, till the fortunes of all were reduced to an equality. ... But call in now the effects of the second and those of the third order, and the effect is reversed. ... Evil of the second order,— annihilation of happiness by the universality of the alarm. ... Evil of the third order,— annihilation of existence by the certainty of the non-enjoyment of the fruit of labour, and thence the extinction of all inducement to labour” (Bentham, vol. 1, pp. 115–16).

With countervailing influences of redistributive taxation on national welfare there is, in principle, some optimal degree of redistribution between nonintervention and the attainment of wealth equality. In order to determine the specific tax/subsidy rates that would maximize national welfare, modern economic models proceed under the presumption that individuals within a given polity are essentially alike apart from a single characteristic: their capacity to earn income in a market economy. So long as these essentially alike individuals share an identically Diminishing Marginal Utility of total wealth and a common set of convex preferences between leisure time and consumption in general (i.e. the same willingness to work at any given wage rate), it is possible to deduce a set of tax/subsidy rates such that the net utility gain from the last dollar transferred from high-earning-capacity to low-earning-capacity individuals precisely balances the net utility loss from their reduced work effort, thus maximizing aggregate happiness.

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See also BENTHAM, JEREMY; JEVONS, WILLIAM STANLEY; MAXIMIZATION; UTILITY.

DISTRIBUTIVE JUSTICE: See JUSTICE.

## DUMONT, ÉTIENNE (1759–1829)

Pierre-Étienne-Louis Dumont was born on 18 July 1759 in Geneva, where he died on 29 September 1829. He is most well known as the first and most effective popularizer of the principles of Benthamite utilitarianism. Dumont was ordained in the ministry of the Genevan Reformed Church in 1783, but in the midst of civil turmoil abandoned his homeland the following year. He found his way first to St Petersburg, where he became minister of the Reformed Community, and in 1786 to England, where he came under the patronage of the reformist Whig Lord Shelburne, a former Prime Minister and later Marquess of Lansdowne, who arranged a sinecure for him. Dumont, thus, found an entry into a circle of Whig aristocrats, politicians, and reformers. It was there he met the law reformer Sir Samuel Romilly and the utilitarian legal philosopher Jeremy Bentham.

It was through Romilly that Dumont became acquainted with the French revolutionary leader the Comte de Mirabeau, and in 1789, he became part of a group of Genevan advisors upon whom Mirabeau relied for ideas and speechwriting. It was in his editorial capacity at the *Courier de Provence*, a

journal established by Mirabeau to report on the proceedings of the National Assembly, that Dumont first began to issue translated abstracts of Bentham's writings, beginning with his proposals for reform of the French judicial system. Dumont favoured reforming the French polity and society along Anglo-Genevan lines, but he soon discovered that those who thought this way were outnumbered by proponents of a *tabula rasa* approach, men who considered that the Revolution was about creating a new political society based on abstract principles drawn from natural law. It was in reaction to this kind of thinking that Dumont turned to Bentham, whose utilitarianism he thought was more securely rooted in the scientific study of human behaviour, rather than natural rights and overblown notions of an innate nobility in human conduct.

Dumont first came to notice as a promoter of Bentham's legal philosophy in a three-volume redaction of selections from Bentham's published and unpublished writings, titled *Traité de législation civile et pénale* (1802). It sold well across the continent of Europe and in both North and South America, and several translations appeared in other languages, including Russian, Spanish, German, and Hungarian. Soon after publication, Dumont stated that 3000 copies were distributed and that it was "frequently quoted in many official compositions relating to civil or criminal codes" (Bentham, vol. 1, p. 388).

The success of the *Traité*s was in part owing to Dumont's emphasis in his introduction on the politically safe and eirenic nature of Bentham's thought, which he believed offered no threat to established authorities. James Mill advised his son John Stuart to learn about Bentham's thought from Dumont's volumes. The younger Mill later professed that the *Traité*s marked "an epoch in my life." "I now had opinions," he declared, "a creed, a doctrine, a philosophy; in one among the best senses of the word, a religion; the inculcation and diffusion of which could be made

the principal outward purpose of a life" (CW, vol. 1, pp. 67–8).

So admired was Dumont's technique as a summarizer and *vulgarisateur* that the first two volumes of the *Traité*s were later translated into English and published with the title *Theory of Legislation* by the American lawyer Richard Hildreth (1840). The material omitted by Hildreth included Dumont's translation *Panoptique* (1791), an abbreviated version of Bentham's explanation of the panopticon project, and a few minor writings on legislation. Hildreth's text appeared in many editions down through the nineteenth and twentieth centuries, and became the main source for Bentham's thought for undergraduates in the English-speaking world prior to the appearance of new authoritative editions of his work in the 1970s.

Dumont went on to publish four more presentations of Bentham's thought: *Théorie des Peines et des Récompenses* (1811), *Tactique des Assemblées Législatives* (1816), *Traité des Preuves* (1822), and *De l'Organisation Judiciaire et de la Codification* (1828). The many later translations and editions of these redactions consolidated the reputation already created for Bentham by the publication of the *Traité*s in 1802. In crafting Bentham's writings for a more general audience, Dumont was not averse to inserting material which reflected his own opinion where he found, or thought he discerned, a lacunæ in Bentham's manuscripts. His success as a disseminator of Bentham's ideas was largely due to the fact that he was essentially a sophisticated stylist and communicator who understood the importance of presentation and set out to simplify Bentham's system. Bentham, on the other hand, was more interested in formulating his thoughts, often in painfully exhaustive detail, rather than in presenting them in a form amenable to others. So central was Dumont's role as an image maker that the American John Neal, who published a memoir of Bentham and partial translation of the first volume of the *Traité*s in 1830, had

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assumed Bentham was French prior to making his acquaintance in London in 1825.

One of the peculiarities of Dumont's role in boosting Bentham's international reputation in the last 30 years of his life is that the great mass of material upon which he based his redactions was written by Bentham in the eighteenth century. Consequently, Bentham's move to political radicalism in 1809 was for long almost entirely unknown to his global readership, as were many aspects of his investigations into constitutional theory. Nor did Dumont pay much attention to the panopticon penitentiary or its potential application as a poorhouse (among other uses), even though he had translated a part of Bentham's original essay on the subject, and this was a project that dominated much of Bentham's life and thought in the years 1786–1803.

Dumont spent the last years of his life in Geneva, having returned in 1814 following its liberation from the Napoleonic yoke, engaging enthusiastically in its political life. He made numerous attempts to implement Bentham's ideas in the areas of law reform and prison reform in his homeland, but with little success. He is also remembered for his posthumously edited account of the Revolution (1832), which became a valuable resource for historians of the period.

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See also BENTHAM, JEREMY; HILDRETH, RICHARD; NEAL, JOHN; PANOPTICON.

DUTY: See OBLIGATION.

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## ECONOMICS

Although the term “utility” is ubiquitous in mainstream economic theory, this does not mean that economists are utilitarians. There are dissenters from the mainstream who avoid the term entirely, and within currently dominant “neoclassical” theory, its utilitarian introspection implications are typically suppressed.

Neoclassical economic theory focuses on market systems in equilibrium, with equilibrium in each isolated market characterized by a price at which total quantities of some tradable object offered for sale by rational agents match the total quantities willingly purchased by (other) rational agents. The set of relative prices that attains simultaneous equilibrium across all markets for a given set of initial conditions is treated as a dynamic attractor in neoclassical economic models, despite the fact that sufficiency conditions for the existence and stability of general equilibrium are highly restrictive. A typical neoclassical theory consists of a relationship between alternative initial conditions and their corresponding equilibrium outcomes, assuming that all agents make rational choices. By contrast, many dissenters from the mainstream share a perspective that actual market systems evolve under conditions of perpetual *disequilibrium*. These “evolutionary economists” make little reference to utility or utility maximization, but instead emphasize limits on rationality and

the effects of social institutions on resource allocation, generating price sets that remain far from equilibrium for indefinite periods of time.

A distinction between positive and normative economics is a useful analog to the distinction between utilitarianism as a description of human motivation and utilitarianism as a prescription for human behaviour. Utilitarianism in positive economic theory finds its primary role in the neoclassical definition of rational choice and consequent first-order conditions for agent equilibrium. Normative neoclassical theory identifies “market failures,” characterized by a set of equilibrium relative prices that leave unexploited opportunities for someone to have a free lunch or for lunches to be transferred among agents with a net gain in welfare. This presents the possibility for private bargaining and/or beneficial interventions by the state. Policy recommendations necessarily involve an assessment of net benefits from alternative courses of action. Within that realm, according to Cambridge economist Frank Hahn, “The economic theory of public policy is relentlessly utilitarian: policies are ranked by their utility consequences” (Hahn, p. 187). Once again, however, this does not necessarily mean that economists embrace Utilitarianism as their ethical guide. Instead, the ontology that unites the majority of contemporary economists, setting them apart from other social scientists, is their conviction that human behaviour



can be described in the formal language of mathematics. Neoclassical economists have embraced Jeremy Bentham's ethics, but only insofar as it lends itself to a mathematical representation of human choice.

Utilitarian ethics as enunciated by Bentham rests upon two axioms: (1) it is better for a sentient being to experience pleasure than pain or oblivion, and (2) nothing in the universe is intrinsically good or intrinsically bad. From this it follows that a human choice is "good" if and only if its consequences are a net gain in pleasure, and it is "bad" if and only if its consequences are a net gain in pain. Furthermore, the "goodness" or "badness" of an act depends upon the specific set of agents who are affected by it. The same act can be good for one set of agents and bad for another, depending on their idiosyncratic preferences. As John Stuart Mill put it, "The sole evidence it is possible to produce that anything is desirable, is that people do actually desire it" (CW, vol. 10, p. 234).

Positive economic theory incorporates Mill's linkage of "good" with "desired by someone." An agent in an economic model is defined to be *rational* if, among all the alternatives available to her, she chooses her most desired state of the world. Whether this choice also maximizes her welfare is subject to all the utilitarian issues discussed elsewhere in this encyclopedia. Is she prudent? Is she fully informed about the consequences? Has she subjected her decision to a higher level of meta-preferences in order to encompass all feasible alternative selves? However, positive economics is concerned with prediction rather than welfare measurement and simply notes that, by definition, rational agents' choices are welfare-maximizing as they themselves perceive it at the time.

Despite the affinity between Classical Utilitarianism and rational choice, the notion of utility maximization as the criterion for individual decision-making does not feature in Mill's *Principles of Political Economy*. In it, the value of a consumer good is

determined either by the value of the labour time it embodies or by "usage or custom," with utility to a purchaser only setting a usually redundant upper limit on the price willingly paid. Utility maximization could not serve as Mill's criterion for consumer equilibrium because a maximand must be one-dimensional and, following Bentham, Mill regarded utility as a multidimensional entity. In an early manuscript (*ca.* 1773), Bentham explicitly denied the possibility of the continuous trade-off among different mixes of pleasure or pain on which mathematical analysis and economists' indifference curves depend: "Call the species of misery produced by any one action in a single person,  $x$ , and that produced by another,  $y$ . Now whether  $x$  or  $y$  be the greater, is a matter of conjecture and opinion, but that  $x + y$  is greater than either  $x$  or  $y$  alone, is a matter of demonstration. ... Figure or the local position of parts with respect to each other is out of the question. It is only the very first principles of mathematics that have anything here to do" (Mack, p. 117).

How, then, do modern economists attain "the local position of parts with respect to each other"? They do so by *imposing* commensurability among various mixes of pleasure and pain, via axiomatic restrictions on individuals' preference sets. Specifically, preference sets are required to be complete and transitive. Completeness means that any agent faced with any two states of the world  $A$  and  $B$  can state unequivocally either that  $U(A) \geq U(B)$  or that  $U(A) < U(B)$ , and transitivity means that if  $A$  is in  $B$ 's preferred set and if  $B$  is in  $C$ 's preferred set, then  $A$  must necessarily be in  $C$ 's preferred set. The first of these conditions is equivalent to Aristotle's Law of the Excluded Middle: "Of any subject, one thing must be either asserted or denied," and together the conditions ensure that utility is one-dimensional. The alternative to the Law of the Excluded Middle is fuzzy logic. According to its originator, Lotfi Zadeh, fuzzy logic "provides an approximate

and yet effective means of describing the behaviour of systems that are too complex or too ill-defined to admit of precise mathematical analysis. Its main applications lie in economics ... and other fields in which the dominant role is played by the animate rather than inanimate behaviour of system constituents” (Zadeh, p. 96). This alleged applicability has been ignored by contemporary economists. Their unwillingness to forego precise mathematical analysis excludes fuzzy logic from economists’ definition of rationality. It was the “marginal utility revolution” of the 1870s that established this primacy of mathematical expression in economic thought.

A “well-behaved” utility function in modern economic usage maps from a multidimensional range of quantifiable “goods” and “bads” to a one-dimensional domain. The direct way to give this function an introspective foundation makes “satisfaction” homogeneous to an agent whatever be its source. This describes the approach of Léon Walras in *Éléments d’économie politique pure* (1874), for Walras’ concept of *rareté* expresses the capacity of an object to fulfill an agent’s generalized desire, rather than a specific desire for the object under consideration. William Stanley Jevons took a similar tack in his *Theory of Political Economics* in 1871. Jevons was apparently unaware of his deviation from Classical Utilitarianism. He saw himself as a faithful Benthamite rescuing economic theory from the pervasive but misguided influence of Mill: “In this work I have attempted to treat Economy as a Calculus of Pleasure and Pain, and have sketched out, almost irrespective of previous opinion, the form which the science, as it seems to me, must ultimately take” (Jevons, p. vii). Jevons’s “final degree of utility” was meant to correspond, he tells us, to Bentham’s intensity of feeling. However, Jevons applied his measure to the pleasure/pain compounds which constitute acts of consumption, not to individual pleasures or

pains. Jevons presented this shift as a mere matter of convenience: “Pleasure and pain are undoubtedly the ultimate objects of the calculus of economics. ... But it is convenient to transfer our attention as soon as possible to the physical objects or actions which are the source to us of pleasures and pains” (p. 101). Of its convenience for determinate choice there can be no doubt, but Jevons’s transfer of attention is totally incompatible with Bentham’s multi-layered taxonomy of pleasures and pains, for “the index number problem” tells us that a one-dimensional ordering of an n-dimensional entity is inherently ambiguous, hence incomplete and not necessarily transitive.

An alternative introspective approach to determinate consumer choice is the method of revealed preferences. This requires that any observed agent at any given time be in a state of *indifference equilibrium*, meaning that the consumer has arranged his or her purchases in such a way that the pleasures of a marginal expenditure in any direction have all been judged precisely equal, even if those pleasures are qualitatively different. From equality follows “more” and “less,” and sufficient observation of choice among alternatives ultimately generates a complete and transitive preference ordering. This second method was employed extensively by Alfred Marshall: “If we find a man in doubt whether to spend a few pence on a cigar, or a cup of tea, or on riding *home instead of walking home*, then we may follow ordinary usage, and say that he expects from them equal pleasures” (Marshall, p. 15).

The modern imposition of a priori axioms on preference sets obscures the role of introspection. As described by George Stigler, “There is postulated a function which the consumer seeks to maximize, and the function is given the characteristics necessary to permit a maximum” (Stigler, pp. 382–3). Francis Ysidro Edgeworth was more transparent in *Mathematical Psychics* (1881). Edgeworth begins with definitions:

“*Pleasure* is used for ‘preferable feeling’ in general ... The term includes absence of pain. *Greatest possible happiness* is the greatest possible integral of the differential ‘Number of enjoyers x duration of enjoyment x degree thereof’ (cf. axiom below)” (pp. 56–7). The axiom to which Edgeworth refers is: “Pleasure is measurable, and all pleasures are commensurable; so much of one sort of pleasure felt by one sentient being equateable to so much of other sorts of pleasure felt by other sentients” (pp. 59–60). The first part of Edgeworth’s axiom generates the determinate individual choices that positive neo-classical theory requires, although stating baldly what the more innocent-sounding axioms on preference sets merely imply has proved more than contemporary economists are willing to swallow. The last phrase of the axiom extends pleasure’s measurability to interpersonal comparisons, the realm of normative economics.

One-dimensional utility is sufficient to establish a rank-ordering of states of the world in accordance with each individual’s preferences, and if this applies to all individuals, it permits a judgement whether the market general equilibrium associated with any given distribution of resource ownership is *efficient*. Efficiency means that there is no potential for free lunches: it is not possible, by altering the uses to which resources are put, to increase utility as perceived by one agent without reducing utility as perceived by other agents. The “first fundamental theorem of welfare economics” asserts that the general equilibrium of a complete set of competitive markets, where relevant information is symmetric among agents, is efficient. From this perspective, *inefficiency* arises from the existence of *externalities* (things outside the market set that affect utilities, such as air pollution); or *public goods* (things consumed communally for which the collection of individual payment is not feasible, such as street lighting, and are therefore outside the market set); or *natural monopolies* (goods for

which production costs decrease with scale, so that their markets are not competitive); or *asymmetric information* (a seller’s or a buyer’s knowledge about a traded item that is hidden from the other side). These sources of inefficiency are termed “market failures.” The identification of any particular market failure implies a potentially beneficial policy intervention. The criterion for “beneficial” in welfare economics is a net gain in utility. If a proposed intervention has both winners and losers, interpersonal welfare comparisons cannot be avoided. In Bentham’s words (1781): “Tis in vain to talk of adding quantities which after the addition will continue distinct as they were before, one man’s happiness will never be another man’s happiness. ... This addibility of the happiness of different subjects, however, when considered rigorously, it may appear fictitious, is a postulatatum without the allowance of which all political reasoning is at a stand” (Halévy, p. 495).

The most commonly used measure of the amount of satisfaction from an alteration in an agent’s circumstances is her willingness to pay for it (or to pay for avoiding it), in which case a unit of currency becomes the common denominator for interpersonal comparisons. This leads to a social decision rule called the “compensation principle”: a social choice is “right” if money-valued gains to winners are sufficient to compensate money-valued losses to losers and still leave the winners better off. The method is subject to problems in theory and practice, of which economists are well aware. An agent with complete and transitive preferences can, in principle, discover a money differential that renders two states of the world, with and without some proposed policy intervention, indifferent to her, but there is no avoiding the issues of her prudence, the accuracy of her information about consequences, and the adequacy of her consideration of alternative selves if this money differential is to be identified as a welfare metric. Even if individual

agents are able to cardinalize in this way their rank-ordering of alternatives, social decision-makers face the practical problem of discovering and aggregating those values, since the “free rider problem” tells us that agents have no incentive to reveal their evaluation of any alteration in their circumstances that has public good characteristics. And finally, unless compensation is actually paid, there will still be losers from whichever social choice is made, and there is no reason to believe that the utility value of a unit of currency is equal across different agents.

The equality principle attributed to Bentham, “Everybody to count for one, nobody for more than one,” is widely used in the area of normative economics known as optimal tax theory, which treats a socially perceived unfairness in the market-determined distribution of welfare as a market failure to be remedied by tax transfers from higher-utility individuals to lower-utility individuals. According to the theory, socially perceived unfairness derives from moral reasoning which must be stripped of all vestiges of self-interest. The equiprobability model asks makers of moral judgements to consider themselves equally probable to be any one of the individuals in a given population. Under these conditions, according to John Harsanyi, “a rational individual ... will be a utilitarian, who defines social utility as the mean of individual utilities” (Harsanyi, pp. 44–5). Equiprobability justifies the mathematically convenient property of *separability*, meaning that an individual’s utility, though affected by the overall distribution of utilities, is not affected by any other specific individual’s utility. The end result is the maximization of a social welfare function that is an equally weighted sum of individual utilities.

The basic trade-off in optimal tax theory comes from three suppositions about human nature. The first is a presumed similarity among individuals, with the single exception of their capacity for turning work effort into

personal consumption in a market economy. The second is diminishing marginal utility of wealth, which implies that maximum welfare from any given stock of material goods is achieved by their being equally distributed. The third is substitutability between leisure and consumption, which implies that taxation of work effort will shrink the available stock of material goods. From these suppositions it follows that wealth in the absence of tax transfers will be unequally distributed, so that redistributive taxation, while reducing the size of the national pie, will simultaneously raise the social welfare of any given size. The set of tax rates at which the incremental communal gain from greater equality matches the incremental communal loss from reduced work effort defines an optimal tax structure by a utilitarian criterion.

In summary, mainstream contemporary economists make extensive use of utilitarian concepts because they have proved useful in the mathematical description of human behaviour. In the process, they have encountered basic utilitarian issues, and in some cases have discovered prospective solutions that may be of interest to utilitarians.

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See also AGGREGATE AND AVERAGE UTILITARIANISM; BENTHAM, JEREMY; CARDINAL UTILITY; CONSEQUENTIALISM; DIMINISHING MARGINAL UTILITY; EDGEWORTH, FRANCIS YSIDRO; HARSANYI, JOHN; INTERPERSONAL UTILITY; JEVONS, WILLIAM STANLEY; MARSHALL, ALFRED; MAXIMIZATION; MILL, JOHN STUART; ORDINAL UTILITY; PREFERENCES (PREFERENTIALISM); RATIONAL CHOICE THEORY;

SATISFICING; SCALAR UTILITARIANISM; UTILITY; WELFARE (WELFARISM).

## EDGEWORTH, FRANCIS YSIDRO (1845–1926)

Francis Ysidro Edgeworth was born on 8 February 1845 in Edgeworthstown, County Longford, Ireland. He was educated by private tutors until university at Trinity College, Dublin and Balliol College, Oxford, where he studied ancient and modern languages. A qualified barrister who did not practice and a self-taught mathematician whose impact on mathematical statistics was significant, Edgeworth held a central position in British mathematical economics. He was a chair of economics at Kings College, London from 1888 to 1891 at which time he became Drummond Professor of Political Economy at Oxford. The Royal Economic Society's *Economic Journal*, for which he served as founding editor beginning in 1891, became the premier journal in the profession during his lifetime. His surviving coeditor, John Maynard Keynes, noted Edgeworth's erudition: “Quotations from the Greek tread on the heels of the Differential Calculus, and the philistine reader can scarcely tell whether it is a line of Homer or a mathematical abstraction which is in the course of integration” (Keynes, 1926).

Edgeworth ended one period of utilitarian theory and began another. He correctly pointed out that the utilitarian slogan, the greatest happiness of the greatest number, was a mathematical absurdity:

That the great Bentham should have adopted as the creed of his life and watchword of his party an expression which is meant to be quantitatively precise, and yet when scientifically analysed may appear almost unmeaning, is significant

of the importance to be attached to the science of quantity. “Greatest happiness of the greatest number”—is this more intelligible than “greatest illumination with the greatest number of lamps”? Suppose a greater illumination attainable with a smaller number of lamps (supplied with more material), does the criterion in this case give a certain sound? (Edgeworth, 1881, pp. 117–18)

Edgeworth pointed to the political implications created by “an incautious use of the phrase which exaggerated the ‘democratic or isocratic tendencies implicit in *Utilitarianism*’ that he would combat” (p. 118). He reformulated the goal as the greatest total or, for a fixed number of people, the greatest average happiness. This put him at odds with earlier utilitarians from Adam Smith to W. S. Jevons, and with other common accounts of the theory.

Consider the following example. Given two states of affairs with the same three agents, suppose there exists a cardinal measure of happiness, so that we can measure the utility difference for an individual between two states of affairs, and everyone’s happiness counts for one. Here are the two states of affairs:  $A = \{2, 3, 4\}$  and  $B = \{1, 2, 9\}$ . Which state has the greater happiness for the greater number?  $A$  has a total happiness of 9 and mean and median happiness of 3.  $B$  has a total happiness of 12, a mean happiness of 4 and median happiness of 2. If we choose between these two states of affairs on the grounds of the greatest total happiness,  $B$  is the preferred choice. However, two people are happier in  $B$  than  $A$ , so if the choice rests on the greater number of happy people,  $A$  would be preferred. Early utilitarians such as Smith, Malthus, J. S. Mill and Jevons had made the case for the greatest happiness of the majority or median happiness; it was not until later in the nineteenth century that Edgeworth opted for the consideration of average happiness.

Edgeworth’s thought experiment of a hedonimeter which could measure happiness in the way that an electrical meter measures the wattage of a fixed number of light bulbs (Edgeworth, 1883, p. 101) suggests two things. First, Edgeworth moved quite firmly beyond Jevons towards a cardinal approach to happiness, measured as wattage is. Second, in his approach to economic policy, Edgeworth took a step towards engineering total happiness. Behind the hedonimeter thought experiment was a concern with improving total welfare by improving overall evolutionary fitness.

Evolutionary theory played into debates between earlier and later versions of utilitarianism in two major ways. First, birth control became tangled up in discussions of racial betterment (Peart and Levy, pp. 208–33). Second, the conception of biological “progress” influenced later utilitarian thought concerning the specification of social welfare. At issue here was the early utilitarian claim that all should count as one. Edgeworth disagreed with Mill as to whether the claim was, as Mill put it, involved “in the very meaning of utilitarianism” or, as Herbert Spencer had argued, a conclusion derived from the presupposition of equality (Edgeworth, 1877, p. 55). Impartiality, for Edgeworth, was the logical result of an equality assumption; since evolutionary theory showed the assumption to be incorrect, he maintained that the early utilitarian conclusion whereby each counts as one must be mistaken.

More than this, Edgeworth supposed that evolutionary fitness mapped directly to the capacity for pleasure (Edgeworth, 1881, p. 68). For Edgeworth, the attainment of Darwin’s general good ran into the problem that some people are of lesser capacity. Specifically, the capacity for pleasure among some might be so limited as to yield net negative pleasure over a lifetime (p. 70). For that possibility, he endorsed Galton’s solutions of celibacy or emigration (pp. 71–2). Edgeworth concluded that Mill’s doctrine of moral



equality is questionable: “Pending a scientific hedonimetry, the principle ‘Every man, and every woman, to count for one,’ should be very cautiously applied” (p. 81).

In the twentieth century, a weakened form of utilitarianism was offered to escape the difficulties associated with Edgeworth’s cardinalism. The Pareto Principle asserts that if no one is harmed and at least one person benefits then we can judge a social state better. This is a version of the no-harm principle that Adam Smith had advanced. Like Smith’s formulation, the Pareto Principle has strong egalitarian roots since it gives a veto to everyone.

A compelling justification for the use of the Pareto Principle as a policy norm is the claim that if one social state is Pareto-preferred to another social state, any other plausible social norm will also rank the former above the latter. It is, however, straightforward to demonstrate that the no-harm Pareto Principle is incompatible with Edgeworth’s cardinal utilitarianism. Consider a society with two possible states of affairs: State  $N$ —in which there are  $N$  people—and State  $N-1$ —in which the person whose net lifetime utility is zero is relocated to some other society. Edgeworth’s mathematics serves to determine “what sections shall *immigrate* from our ‘unprogressive country’” (Edgeworth, 1881, p. 73).

Edgeworth’s cardinal utilitarianism sums over the utility of people in  $N$  and  $N-1$  to determine which entails greater happiness. Consider his case in which there exists a person whose net happiness is zero. By hypothesis, Edgeworth rules out altruism and claims that happiness depends only on an individual’s activity; individual utility amounts are independent of what others obtain in society. Then, the society characterized by one hundred people who obtain positive happiness and one person with zero happiness, will be characterized by the same aggregate amount of happiness as a society with one hundred people who obtain positive happiness.

Edgeworth’s cardinal utilitarianism, thus, gives states  $N$  and  $N-1$  equal marks. Now, consider the Pareto Principle and, specifically, how the zero-utility individual views the matter. If he prefers living in the society to not living there, a consideration ignored by Edgeworth, then  $N$  is Pareto-preferred to  $N-1$ . Thus, the Pareto and the cardinal rankings in Edgeworth’s own example are not identical: the fact that state  $N$  is Pareto-preferred to state  $N-1$  does not guarantee that  $N$  is cardinally valued as higher than  $N-1$ . Edgeworth’s cardinal ranking of  $N-1$  is in fact the same as  $N$ . Cardinal utilitarianism, therefore, does not simply ratify what the Pareto Principle reveals. Specifically, the Pareto Principle blocks eugenic proposals that may result from the claim that there are people with an extremely low capacity for happiness.

This simple example demonstrates the significant difference between allowing people to decide whether to invite someone to become a member of society and having that decision made by a policy maker or a scientist. Ordinary people make such decisions on the basis of family happiness. If the task of the utilitarian expert is to maximize social happiness, then individuals are epiphenomenal. If total happiness is the goal, then there is little need to consider who is happy. Edgeworth’s denial of the old utilitarian doctrine that everyone counts for one, along with the post-Darwinian assertion that capacity for pleasure varied across individuals, therefore implied a significant departure from the early utilitarian presupposition that all count equally.

In spite of Edgeworth’s cardinal utilitarianism, in the first part of *Mathematical Psychics* (1881), he analyzed exchanges between isolated individuals, famously characterized in terms of “catallactic atoms.” Here, he sketched out the analysis of indifference curves that would later become known as the Edgeworth trading box, and the contract curve. He described



how the contract curve is indeterminate and how the indeterminacy shrinks as the number of traders increases (Edgeworth, 1881, pp. 22–39). This analysis, which required none of the cardinality that Edgeworth relied upon in *Mathematical Psychics*, later became the basis for welfare economics and was, in turn, used to answer Lionel Robbins's scepticism, expressed in *An Essay on the Nature and Significance of Economic Science* (1932), about the scientific status of interpersonal utility comparisons.

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*See also* CARDINAL UTILITY; EVOLUTIONARY THEORY; INTERPERSONAL UTILITY; ORDINAL UTILITY; PARETO PRINCIPLE; POLITICAL ECONOMY; UTILITY.

#### EDUCATION

Classical Utilitarianism has always been identified with social and political reform, and educational reform has been of singular significance for both utilitarians and their critics. Indeed, the reputation of Jeremy Bentham and James and John Stuart Mill

has suffered considerably from Charles Dickens's satirical portrait of Benthamism in his novel *Hard Times* (1854), in which the poor, young Sissy Jupe is subjected to the suffocating schooling of Mr. Gradgrind and Mr. M'Choakumchild, who dismiss all poetry as idle Fancy—"Facts alone are wanted in life. Plant nothing else, and root out everything else" (Dickens, p. 1). On such grounds, wallpaper representing horses and carpets representing flowers are to be condemned, since "you are not to see anywhere, what you don't see in fact" (p. 6).

Moreover, perhaps the best-known story about John Stuart Mill concerns the extraordinarily demanding education that he received from his rather Gradgrindish father James, working under the inspiration and direction of Bentham, which had him learning Greek from the age of 3 and political economy before puberty, and in due course suffering an emotional breakdown, the result, to the younger Mill's mind, of having been deprived of a childhood and any cultivation of the emotions. Romantic poetry helped restore him (Fuller, p. 17).

It would be hard to deny that the utilitarians all too often supplied their critics with damning material. Bentham and his Philosophical Radicals adopted an associationist psychology that in Enlightenment fashion stressed the power of environmental conditioning, of nurture over nature, such that a more effective educational process could more effectively produce utilitarian citizens. Thus, as Mill summarized it, "the object of education should be to form the strongest possible associations of the salutary class; associations of pleasure with all things beneficial to the great whole, and of pain with all things hurtful to it" (CW, vol. 1, p. 141). They had nothing but scorn for the old educational institutions, including the Oxbridge colleges, which they derided as "public nuisances," seats of privilege, prejudice, idleness, and irrelevance. In one proposed institutional scheme after another,

## EDUCATION

from the Panopticon prison scheme to that for Chrestomathic schools emphasizing science and technology, Bentham in effect elaborated designs for institutionalizing new schedules of reinforcement that would eliminate perverse incentives and deploy positive incentives to generate actions conducive to the greater happiness. But in his reforming zeal, he too often left out of consideration, as the younger Mill was painfully aware, those aspects of human psychology that are vital to living an emotionally rich, many-sided life, and a sense of respect for people's autonomy, allowing them to make their own mistakes. Mill, the great Benthamite educational experiment, had as a young man been left dead to all feeling, "left stranded at the commencement of my voyage, with a well equipped ship and a rudder, but no sail; without any real desire for the ends which I had been so carefully fitted out to work for: no delight in virtue or the general good, but also just as little in anything else" (CW, vol. 1, p. 143).

Still, there were progressive features to Bentham's chief educational work, *Chrestomathia* (1815–17) (meaning "conducive to useful learning"). His proposed day school for middle-class students in itself reflected an extension of educational opportunity, an effort to provide educational resources that would not be restricted by class, race, religion, or gender. Moreover, he abhorred cruelty, including the stock forms of corporal punishment routinely used by schoolmasters. His notions of classroom management emphasized the use of spirited competition instead of corporal punishment, the division of students into groups distinguished by ability, the mentoring of the younger students by the older, and the effective use of visual aids and other devices to enliven and clarify instruction. If he was obsessed with the micromanagement of schools for useful learning that would lead to employment, he was also clear that "the common end of every person's education

is Happiness," and that the larger aims of education included:

1. Securing to the possessor a proportionable share of general respect. ...
2. Security against ennui, viz. the condition of him who, for want of something in prospect that would afford him pleasure, knows not what to do with himself: ...
3. Security against inordinate sensuality, and its mischievous consequences. ...
4. Security against idleness, and consequent mischievousness. ...
5. Security for admission into, and agreeable intercourse with, good company, *i.e.*, company in or from which, present and harmless pleasure, or future profit or security, or both, may be obtained (Bentham, pp. 19–25).

Bentham's interest in this proposed school, which shared some of the design features of the Panopticon, was stimulated by his allies Francis Place and Edward Wakefield, and it reflected other influences as well. As Southwood Smith noted, Bentham was much impressed with the work of several "eminent teachers" of the day, who had sought to put in practice the monitorial system developed by Joseph Lancaster and further developed in Andrew Bell's "Madras System":

if it were true, as stated by Mr [James] Gray, that since he had introduced this system into his school [Edinburgh High School], his whole class had gained a more extensive knowledge of the Latin language than he had ever known on any former occasion; that *not a single boy* had failed; that it had enabled him *entirely to abolish corporal punishment*; that it had animated his whole school with one spirit, making them all advance in the intellectual career with the like ardour, and though not with equal success, without *a single failure*, and that Mr Lancaster had put into his

hands an instrument which had enabled him to realize his fondest visions in his most sanguine mood;—if such results were obtained by the application of this instrument to the acquisition of Latin and Greek, what, said Mr Bentham, may not be expected from its application to the whole field of knowledge? (Bentham, pp. 3–4)

Of course, Bentham deemed it a great waste of time and talent to devote most schooling to “the dead languages.” But his emphasis on the useful was more an antidote to a curriculum that ignored science than an antidote to poetry.

Bentham’s Chrestomathic school was never built. But his influence was clearly felt at a higher level, with the construction of University College London, which reflected his vision of opening up higher education to all, regardless of economic status, religious affiliation, race, gender, or political belief.

To be sure, many other dimensions of Bentham’s work had an educational aspect. Indeed, virtually everything he wrote on constitutional and legal reform carried implications for the education of jurists, legislators, and the general citizenry, who needed to be much more alert to their interests if they were effectively to resist the “sinister interests” of the privileged elites. If “education” is considered in the broadest terms, as covering not only formal schooling at the various age ranges, but also extrainstitutional learning and the larger processes of socialization, especially political socialization, then the Classical Utilitarians look all the more progressive, all the more concerned with an education that could produce a vital public sphere and critical public discourse.

William Godwin, for example, whose fame in defending utilitarianism surpassed Bentham’s in the 1790s, was passionately concerned with promoting the political significance of discussion, of the forum, in its best form. In his *Enquiry concerning Political*

*Justice* (1793), he wrote: “Promoting the best interests of mankind eminently depends upon the freedom of social communication. Let us figure to ourselves a number of individuals who, having stored their minds with reading and reflection, are accustomed, in candid and unreserved conversation, to compare their ideas, suggest their doubts, examine their mutual difficulties and cultivate a perspicuous and animated manner of delivering their sentiments.” If “their intercourse is not confined to the society of each other,” and “they are desirous extensively to communicate the truths with which they are acquainted,” then we “have an idea of knowledge as perpetually gaining ground, unaccompanied with peril in the means of its diffusion. Their hearers will be instigated to impart their acquisitions to still other hearers, and the circle of instruction will perpetually increase” (Godwin, pp. 170–1). But these felicitous consequences come from “independent and impartial discussion,” and can be lost in the “insatiate gulf of noisy assemblies.”

For Godwin, as for Bentham, iniquitous inequality of educational opportunity was part and parcel of iniquitous inequality in general: “Is it well that so large a part of the community should be kept in abject penury, rendered stupid with ignorance, and disgusting with vice, perpetuated in nakedness and hunger, goaded to the commission of crimes, and made victims to the merciless laws which the rich have instituted to oppress them?” (Godwin, p. 331). Godwin, too, found the key to social reform in education and was if anything even more scathing in condemnation of the educational establishment, including Sunday Schools, Oxbridge, state schools, etc.

In fact, Godwin was in some respects still more progressive, especially sensitive to how “it is a miserable vanity that would sacrifice the wholesome and gradual development of the mind to the desire of exhibiting little monsters of curiosity.” He became an (anonymous) author of children’s books,

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and went so far as to open up a shop featuring a “choice Collection of School Books; also Cyphering Books, Copy Books, Copperplate Copies, Quills, Pens, Inkstands, Slates, Blacklead Pencils, Maps and Stationary of all kinds.” His various books of fables and history for children were apt to include morals such as “How happy are children, and the inhabitants of certain nations where no people are rich, that they can live without a continual anxiety about jewels and wealth!” (Marshall, pp. 266–8) But thanks to his pseudonymous authorship, the books were generally well received and escaped censure from the more orthodox and conservative Juvenile Libraries.

Even William Paley, the now largely unread eighteenth-century theological utilitarian who nonetheless belongs with Bentham and Godwin as one of the founding figures of utilitarianism (albeit the least reform-minded one), was insistent on the duty to educate:

Education, in the most extensive sense of the word, may comprehend every preparation that is made in our youth for the sequel of our lives ... In civilized life, every thing is effected by art and skill. Whence a person who is provided with neither ... will be useless; and he that is useless, will generally be at the same time mischievous to the community. So that to send an uneducated child into the world, is injurious to the rest of mankind; it is little better than to turn out a mad dog or a wild beast into the streets (Paley, p. 200).

If Paley was emphatic on the importance of education for “the inferior classes of the community,” he was equally emphatic on how the middle and higher orders needed to do better: “A man of fortune, who permits his son to consume the season of education in hunting, shooting, or in frequenting horse-races, assemblies, or other unedifying,

if not vicious diversions, defrauds the community of a benefactor, and bequeaths them a nuisance” (p. 201).

But it was with John Stuart Mill that the best and most enduring elements in utilitarian educational philosophy came together in compelling form, albeit with some of the unfortunate imperialist tendencies of the later Victorian era. Despite his being in some sense a failed educational experiment in home schooling, he did emerge from his father’s tutelage as the most highly educated man in England and for a time the most influential one as well, actively speaking and writing in defence of a host of causes, including education. In recovering from his Benthamite education, he came to adopt a more balanced approach to human capabilities, appropriating elements of the Victorian Greek Revival and of Romanticism: “The cultivation of the feelings became one of the cardinal points in my ethical and philosophical creed” (CW, vol. 1, p. 147). And this more fully humanistic perspective, sensitive to the values of self-direction, Socratic inquiry, and experiments in living—and the basis of his theory of happiness, which stressed the cultivation of the higher pleasures—was carried into a host of reformist activities. As Mill’s editor Bruce Kinzer has explained, the “politics of inclusion” entails the following:

Participation was integral to political education. An educated citizenry was vital to the creation and perpetuation of a healthy body politics. The expansive ideal of citizenship inculcated by Mill put a premium on a widely diffused energy, virtue, and intelligence. The achievement of a higher politics required ... opportunities for personal growth, which entailed bringing more and better schooling, more civic participation, more material benefits, and more beauty within the reach of more and more people. Thus Mill ardently supported working-class

enfranchisement and women's suffrage; universal elementary education, which should be in no way inferior to the best primary education bought by the rich, the election of women and working men to school boards ... Political development, personal growth, and an increase in the total sum of human happiness were to advance together (CW, vol. 28, pp. lix–lx).

The elitist elements of Mill's vision need to be considered in the context of this "profoundly democratic civic consciousness." If he allowed that a highly educated elite was necessary, this was for the sake of preserving democracy from demagoguery, providing the needed legal and policy expertise, and presenting in compelling fashion a larger, more many-sided conception of happiness than that of middle-class commercialism. And his vision included the beginnings of the universal, compulsory, nonsectarian school system (starting with the Elementary Education Act of 1870) that the earlier utilitarians had scarcely considered in their era of limited, spotty, and inadequate formal schooling, especially for the masses. Mill was never party to that conservative resistance to mass education that held that "thinking" was not something the general populace should be encouraged to do; nor was he ever as narrow in his support for universal schooling as Gladstone and other leading political figures who thought of it mainly as vital to economic and military competitiveness. But, unfortunately, both the Mills were, through their work at the East India Co., caught up in educational controversies that had marked imperialistic aspects. The younger Mill's *Considerations on Representative Government* (1861) allowed that there are "conditions of society in which a vigorous despotism is itself the best mode of government for training the people in what is specifically wanting to render them capable of higher civilization" (CW, vol. 19, p. 567).

If Mill held that many of the most important forms of education took place outside the classroom, through an open, self-educating society, he nonetheless took an engaged interest in the formal institutions of schooling as well, including the work of the great universities. In his *Inaugural Address to the University of St. Andrews* (1867), he spelt out in eloquent detail the intellectual, moral, and aesthetic dimensions of education and how universities could effectively embrace a wider range of subjects, both ancient and modern: "can anything deserve the name of a good education that does not include literature and science too?" (p. 12) In breadth and depth, the Scottish universities were better models than the English ones, demonstrating how much could be done by one generation for the next.

Mill's hopes for reformed and revitalized institutions of higher learning found an effective representative in Henry Sidgwick, his avowed follower and the last of the great Classical Utilitarians. Sidgwick, the author of the *Methods of Ethics* (1874), devoted much of his life to the very Millian causes of reforming Oxbridge and expanding educational opportunities for all, but especially for women. Sidgwick was the only great classical utilitarian to live the life of an academic, and he was part of the reform movement sweeping the English universities in the mid-Victorian era in an effort to bring them into the modern world, rather than continuing to languish as outdated finishing schools for the aristocracy and breeders of clergymen (Rothblatt, pp. 209–47).

A lifelong citizen of Cambridge University, Sidgwick devoted himself to reorganizing and professionalizing it; he also supported correspondence courses, extension lectures, the Cambridge working Men's College, the University Day Training College for teachers and other efforts to extend education opportunities. He was also a champion of discussion societies and a great believer in candid, Socratic inquiry. But his greatest triumph in

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this respect came through the collaboration with his wife, Eleanor Mildred Sidgwick (née Balfour), on the creation of Newnham College, Cambridge, one of the first women's colleges in England.

Sidgwick developed and refined the Millian vision of liberal learning, of culture in a way that should have laid to rest the Dickensian caricatures of the utilitarian educator, and this without any inconsistency in his account of ultimate good in terms of pleasurable consciousness:

Since the most essential function of the mind is to think and know, a man of cultivated mind must be concerned for knowledge: but it is not knowledge merely that gives culture. A man may be learned and yet lack culture ... a load of facts retained in the memory, or a mass of reasonings got up merely for examination—these are not, they do not give culture. It is the love of knowledge, the ardour of scientific curiosity, driving us continually to absorb new facts and ideas, to make them our own and fit them into the living and growing system of our thought; and the trained faculty of doing this, the alert and supple intelligence exercised and continually developed in doing this—it is in these that culture essentially lies (Sidgwick, p. 353).

Culture, in this sense, was the aim of education, vital to happiness, and indispensable to the progress of humanity.

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See also ASSOCIATIONISM; BENTHAM, JEREMY; DICKENS, CHARLES; GODWIN, WILLIAM; MILL, JAMES; MILL, JOHN STUART; PALEY, WILLIAM;



PANOPTICON; PLACE, FRANCIS; SIDGWICK, HENRY.

EGOISM: *See* ETHICAL EGOISM; PSYCHOLOGICAL EGOISM.

EGOISTICALLY ADJUSTED UTILITY: *See* AGENT-NEUTRAL AND AGENT-RELATIVE.

## EPICUREANISM

Epicureanism is a term derived from the name of the ancient hedonist philosopher, Epicurus (341–271 BC), who lived in Athens approximately a century after the death of Socrates. When John Stuart Mill depicted the “standard of morals” of his father, James Mill, he wrote in passing that “[it] was Epicurean inasmuch as it was utilitarian, taking as the exclusive test of right and wrong, the tendency of actions to produce pleasure and pain” (*CW*, vol. 1, p. 49). In *Utilitarianism* (1861), Mill wrote freely of Epicureanism and noted that “every writer, from Epicurus to Bentham, who maintained the theory of utility, meant by it, not something to be contradistinguished from pleasure, but pleasure itself, together with exemption from pain” (*CW*, vol. 10, p. 209).

Mill also acknowledged that Epicureanism had been under attack since antiquity as a “mean and grovelling” doctrine “worthy only of swine,” and one major object of Mill’s essay was to defend utilitarianism from these sorts of criticisms (p. 210). He did so partly by pointing to the way in which utilitarianism could include the “agreeable” or the “ornamental” as well as the useful (p. 209). His account of the Epicurean doctrine of pleasure also showed how it could adopt Stoic and Christian elements, and he insisted that “there is no known Epicurean

theory of life which does not assign to the pleasures of the intellect, of the feelings and imagination, and of the moral sentiments, a much higher value as pleasures than to those of mere sensation” (p. 211).

In these remarks, Mill was restating aspects of the Epicurean tradition, which in the previous generation found its leading advocates in Jeremy Bentham and William Paley. But to grasp fully this tradition, one must turn to antiquity and to the two main thinkers, Epicurus and Lucretius. Epicurus established his school in Athens in 306 BC and advanced the view that no pleasure was bad or evil. The connections that Epicurus made between pleasure and health and pain and disease enabled him to argue, against the position of Plato and Aristotle, that the distinction between good and bad pleasures did not make sense. All pleasures were good in the sense that health was good, even though some pleasures were mixed in incorporating or leading to pain. As health was good, it was arguable that life itself was the greatest good, with disease of body or soul the greatest evil. The good life for the Epicurean consisted of the development of economic and psychological self-sufficiency and contentment, cultivating one’s inner and actual “garden” and seeking a state of *ataraxia* where one lived quietly and serenely in bodily health with little physical and psychological distress. The most important virtue for Epicurus was prudence, and while an emphasis was placed on the egoistic pleasures connected with friendship, little attention was given to social values and instincts. Justice, for Epicurus, was a means of obtaining security from the attacks of others. He saw justice as a “pledge of mutual advantage to restrain men from harming one another and save them from being harmed.” This pledge of mutual advantage was also regarded as useful (Epicurus, pp. 102–105).

Justice was not considered a virtue in the sense that we can discover, as in Plato’s *Republic*, its unchanging properties in the human soul and society. It existed for human



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utility to protect one against harm. When laws no longer possessed this utility, they could be changed or abolished. Nor was justice an unmixed good for humanity, as it placed painful burdens on societies which could only be justified through the utility of the laws and institutions that dispensed justice.

Our knowledge of Epicurus on justice and utility is limited due to the small body of writing that has survived. It has been supplemented by the great Latin poem of Lucretius (c. 98–55 BC), *De Rerum Natura*, which developed the atomism of Democritus (c. 460 BC) and Epicurus and which also provided in the early modern period a serious challenge to Scholastic accounts of nature and the universe. The body of Epicurean thought was also enhanced by Cicero (106–43 BC) in *De Finibus*. Later writers often took their accounts of Epicureanism directly from Cicero (Moore, 2002).

The revival of Epicureanism in the seventeenth century was part of the challenge to conceptions of nature and morality in Scholastic philosophy (Wilson, 2008). The challenge was associated in France with René Descartes (1596–1650) and Pierre Gassendi (1592–1655). The latter played a crucial role in restating the doctrine of Epicurus and especially his atomism. Gassendi's work was closely related to the development of modern science, and in morality and politics he was linked with the writings of Thomas Hobbes and John Locke. Gassendi not only restated the doctrines in a modern context but also made them more acceptable. He did not challenge the tenets of religious belief, but “by using Epicurus in place of Aristotle,” he advanced “a more human morality and a more experimental science” (Wade, p. 412). Although Gassendi challenged the Thomist doctrine of natural law, he also showed how one could reconcile nature with artifice by changing the way in which nature was conceived. He, thus, eliminated one obstacle to a more flexible and realistic foundation for political society than had been conceived by

Thomism. In Hobbes, Locke, and Pierre Bayle (1647–1706) and numerous other thinkers, aspects of Epicureanism were reformulated with considerable effect. For example, Gassendi saw a close connection between Epicureanism and utility, as in the following passage: “Therefore to speak properly Right or natural Equity is nothing else but what is mark'd out by Utility or Profit, or that Utility which, by common Agreement, hath been appointed that Men might not injure one another, nor receive any wrong, but live in security, which is a real Good, and therefore naturally desired of every one” (Gassendi, p. 315).

If the Epicureans recognized the importance of utility, the utilitarians were well aware of the significance of Epicureanism. When Bentham wrote on the origins of utilitarianism in 1829, he ascribed it to a passage in Horace's *Satires*: “*utilitas, justis prope mater et aequi*” (“utility, the mother of justice and equity”), which was well known among modern writers as an Epicurean saying (Bentham, pp. 299, 321; Horace, pp. 40, 123). David Hume had earlier invoked the same line in a letter (of which Bentham would not have known) to Francis Hutcheson, written in 1739, when he dissented from the latter's account of virtue (Hume, vol. 1, p. 33; Moore, 1988, pp. 33–4, 38; 1994, pp. 27–9, 55; and 2000). Other utilitarian writers revealed their Epicurean sympathies. Helvétius placed a reference to Lucretius on the title page of *De l'esprit* (1758); Paley's early Member's Prize Essay, written in 1765, favoured the Epicureans over the Stoics, with Christianity favoured over both (Barker, pp. 199, 230; Clarke, p. 10). As we have seen, Mill wrote openly in favour of Epicureanism in *Utilitarianism*. Epicureanism enabled all of the utilitarians to place utility, pleasure, and pain at the foundation of morals and politics, to account for justice in terms of security for the individual and the society, to advance liberty where one does not harm others, to regard happiness in

terms of an estimation of pleasures and relief from pains, and to advance the development of a rational and empirical science not only in terms of human usefulness, but also as a way of discovering the truth, including the truth concerning death, and the prospects for an afterlife.

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See also BENTHAM, JEREMY; EUDAIMONIA; HAPPINESS; HEDONISM; HELVÉTIUS, CLAUDE ADRIEN; HUME, DAVID; JUSTICE; MILL, JAMES; MILL, JOHN STUART; PAIN; PLEASURE; PALEY, WILLIAM; PLATO; UTILITY.

**EPICURUS (342–270 BC):** See EPICUREANISM.

## EQUALITY

The concept of equality has played a central but deeply contested role within the utilitarian tradition. For example, Bentham writes against "the levelling system" but also includes equality among the four subordinate ends of legislation (Bentham, vol. 1, p. 302). Bentham is also the source of what Mill describes as

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“Bentham’s dictum”—“everybody to count for one, nobody for more than one” (CW, vol. 10, p. 257). Sidgwick is also critical of equality as a direct goal of political action, although equal consideration of interests forms part of his moral theory (Sidgwick, pp. 157–63). Contemporary utilitarian philosophers reflect these concerns and rehearse similar arguments in the face of contemporary egalitarianism.

Egalitarians, who place equality at the centre of their theories, approach the value from three perspectives. First, the idea of basic equality, or in virtue of what are equals to be recognized as equals? The second dimension concerns the scope of equality or among whom should things, whatever they may be, be equalized. Finally, we can refer to the currency of egalitarianism, or what is it that should be equalized among equals? Underlying all of these issues is the idea of basic equality or that feature which identifies all individual persons as of equal moral value. This dimension of basic equality is among the most notoriously problematic issues for egalitarian philosophers. If one tries to resolve this problem by reference to a natural property, then one finds that nature provides too many properties in which individuals differ, so natural sameness looks an unpromising start. And if we do, as utilitarians do, and identify a natural property such as sentience or the capacity to feel pain, then the idea of basic equality is detached from the idea of human personality and significance. If we seek a nonnatural property as the basis of equality, then a similar problem of degree arises in terms of its instantiation, unless that property is held equally by fiat as in claims about fundamental human rights: equality is built into the property being used to justify or explain the value of basic equality.

Some egalitarian philosophers have argued that we should abandon the question of basic equality and instead focus on the question of scope and the principles of distribution that should apply among equals. Ronald

Dworkin (2000) claims that all relevant theories occupy an egalitarian plateau and consequently all the important questions concern how we achieve equality amongst equality and not whether there are any properties in virtue of which we are equals. His argument assumes that there are no conscientious antiegalitarians and that moral justification can assume a basic egalitarian consensus. But this approach begs many of the questions that utilitarians have struggled with.

The utilitarian response to the problem of equality has been to combine basic equality with the question of scope and to emphasize a natural property, such as sentience of pain or pleasure or the capacity to experience well-being as the morally relevant consideration. The hedonistic utilitarianism of Bentham and Mill provide the clearest examples, but even the preference-satisfaction theories of contemporary utilitarianism make a similar basic claim. The consequence of this naturalistic approach is to make the connection between equality of concern and the idea of human persons a contingent one. The use of “Bentham’s dictum” is supposed to give equal voice to all affected by actions and policies, but the thing that is being taken into account is the “pleasurable or satisfied state” and although this can be attached to most human beings it does not need to be so attached. In the case of infants, or mature adults in comas, the sensation of pleasure or desire satisfaction might be absent, in which case do they stop being of equal concern? Even if we turn to the sensation of pain, it is clear that this is contingently attached to persons. The attempt to attach some weight to equal consideration of persons is behind the original identification of the natural property of sentience by Classical Utilitarianism: as such, utilitarianism has always had a claim to be regarded as an egalitarian theory. There is an egalitarian intuition at the heart of utilitarianism. The problem for egalitarians is that they regard utilitarianism as something that weakens the person-respecting dimension

of that intuition, and this has been the fundamental premise of the contemporary egalitarian critique of utilitarianism.

Not all utilitarians are worried about the weakening of the humanist dimension of the egalitarian intuition. Peter Singer (2001) has famously argued for a genuinely utilitarian egalitarianism that is nonspeciesist and that extends the scope of moral consideration beyond the boundaries of the set of human beings. Higher primates and other mammals which can be shown to exhibit the appropriate level of sentience should be within the scope of those “who count for one.” The Dworkinian argument that basic equality does not matter, works only as long as there is a consensus on the convergence of moral significance and full human personality; but what that means, where it resides and whether it is the appropriate boundary of consideration, is precisely what the utilitarian tradition wishes to explain and justify, precisely because the utilitarian tradition begins at a point when consensus on basic equality could not be assumed as nonproblematic.

Contemporary debates between egalitarians and utilitarians have turned from basic to distributive equality, and on this dimension utilitarianism has been on the defensive. The default position of utilitarian theories is that welfare or happiness is the good and the primary obligation is to maximize the amount of that good. As such, the form of distribution will be determined by what maximizes overall welfare. Consequently utilitarians are indifferent to the pattern of distribution as an end in itself as opposed to a function of an outcome. Equality is good if and only if it maximizes welfare. The problem with maximization is that it can result in some getting a massively disproportionate share of resources or goods because they are hugely inefficient in turning those goods or resources into welfare or pleasure. So, in order to maximize welfare, the utility monsters (those who are never satisfied however

much of a good they receive) and those with very expensive tastes—the nonsatisfaction of which makes them very miserable—will have a claim for much more than others. Maximization can also justify unequal distributions of rights and various forms of discrimination as long as these policies maximize welfare.

Utilitarians have tried to accommodate egalitarian intuitions by appealing to diminishing marginal utility whereby the relative value of each additional increment of pleasure or welfare declines the more a person has, so that beyond a certain threshold maximization becomes a policy of equalization. This is the point of the fourth dimension of Bentham’s four subordinate ends of legislation: once security, subsistence and relative abundance have been achieved, equality becomes the primary goal of utilitarian public policy aimed at increasing welfare. The problem with this argument is that equality is contingent on the fact of diminishing marginal utility of goods, and—as in the case of utility monsters or those with very expensive tastes—equality might never be achieved. Yet the egalitarian claim that the primary focus of redistribution should be that underserved inequalities are removed has its own problems, the most famous of which is the levelling-down objection raised by utilitarians from Bentham to Derek Parfit (1998). The basic intuition behind this objection is that faced with two distributions *A* and *B*, where *A* has a much higher but unequal distribution whereas *B* has a considerably lower but equal distribution of welfare, happiness or goods, the egalitarian will prefer *B* to *A* on the grounds of equality. This could have the perverse consequence that in a society of blind people with one sighted individual it would be better for the sighted person to be blinded as this would maintain equality. This utilitarian critique is part of a broader challenge to egalitarianism that has resulted in *prioritarianism* (giving priority to the worst off) or *sufficientarianism* (redistributing up

to a level of sufficiency but allowing relative inequalities beyond that point), both of which attempt to establish a compromise between the egalitarian intuition and the idea that welfare also matters as an independent good.

The fact that unrestricted equality can have such counterintuitive consequences has also led some philosophers to question whether equality is a distinct value or whether it should be properly understood as a distributive relation that supervenes upon other more basic values? Utilitarian theories from Bentham's to the present acknowledge this challenge by defending equality as a subordinate end of legislation or utilitarian policy making.

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See also ANIMALS; BENTHAM, JEREMY; DIMINISHING MARGINAL UTILITY; JUSTICE; MAXIMIZATION; MILL, JOHN STUART; PARFIT, DEREK; PREFERENCES (PREFERENTIALISM); RIGHTS; SINGER, PETER; UTILITY; WELFARE (WELFARISM).

## ETHICAL EGOISM

Ethical Egoism, like utilitarianism, is a normative ethical theory. Whereas utilitarianism holds that an act is right just in case it maximizes *overall* utility, Ethical Egoism holds that an act is right just in case it maximizes *agent* utility. Ethical Egoism must not be confused with psychological egoism, which is a descriptive or positive theory, as opposed to a normative theory, of human nature. Psychological egoism holds that all human acts are motivated by self-interest. The two theories are connected in that psychological egoism, when conjoined with the "ought-implies-can" principle, is sometimes said to provide rational support for ethical egoism. If it is impossible to act against self-interest, as psychological egoism asserts, then, by the "ought-implies-can" principle, one has no obligation to act against self-interest. This, however, falls short of establishing that one is *obligated* to maximize one's utility. At most, it establishes that it is *permissible* to maximize one's utility.

Egoism (as I shall henceforth refer to the normative ethical theory) can be viewed as the antithesis of utilitarianism in the following sense. Utilitarianism requires impartiality. As J. S. Mill famously put it, "the happiness which forms the utilitarian standard of what is right in conduct, is not the agent's own happiness, but that of all concerned. As between his own happiness and that of others, utilitarianism requires him to be as strictly impartial as a disinterested and benevolent spectator" (Mill, *CW*, vol. 10, p. 218). Egoism not only rejects impartiality; it also requires the most extreme form of *partiality*. Less extreme forms are familialism, clanism, tribalism, nationalism, racism, sexism, and speciesism. In each case, rightness is said to be a function of the maximization of utility for some subset of the whole: the family, the clan, and so forth. Utilitarianism and egoism can be thought of as poles on the partiality spectrum, with many theories intermediate between them.

Egoism is like utilitarianism in all other respects. It is consequentialist, in that it evaluates acts solely in terms of their consequences. It can be either maximizing or satisficing, monistic or pluralistic, hedonistic or ideal. It has direct and indirect variants. Act egoism is analogous to act utilitarianism, while rule egoism is analogous to rule utilitarianism. If there is a problem with consequentialism, it afflicts both egoism and utilitarianism. If rule utilitarianism collapses into act utilitarianism, then, by parity of reasoning, rule egoism collapses into act egoism. Moreover, since both egoism and utilitarianism supply “ultimate ends,” neither is “amenable to direct proof” (Mill, *CW*, vol. 10, p. 207). The only basis on which to prefer one theory to the other is impartiality, for that is the only respect in which the theories differ.

There is, however, one respect in which egoism may have an *advantage* over utilitarianism. Egoism, unlike utilitarianism, does not require interpersonal comparisons of utility. The only utility that matters, according to egoism, is the agent’s utility. Egoism does, of course, require *intrapersonal* comparisons of utility (I must give all time slices of myself equal weight in my deliberations), but this is not thought to raise the conceptual and practical problems that are raised by interpersonal comparisons of utility.

Criticisms of egoism are legion. Some critics, such as James Rachels (1974, 1978), maintain that it is not a normative ethical theory at all (on the ground, that it cannot resolve interpersonal conflicts). Others, such as Kurt Baier (1973), concede that it is a normative ethical theory, but allege that it is self-contradictory or incoherent. Still others, such as Fred Feldman (1978), concede that it is coherent, but insist that it is false, and therefore unacceptable. The most usual way to show that it is false is to show that it has one or more false implications. But here the egoist can make the same moves as the utilitarian. The egoist can either grasp the

bull by the horn (i.e. deny that the theory has the stated implication) or bite the bullet (i.e. admit that the theory has the stated implication but accept it, painful though that may be). J. J. C. Smart (1961), for example, refuses to subordinate his utilitarian theory to his intuitions in particular cases. The egoist can do the same.

Critics have, unfortunately, employed a double standard when it comes to egoism. They deny to the egoist the various moves, defences, and replies that they allow to the utilitarian. It would not be an exaggeration to say that there is a prevailing *bias* against egoism among professional philosophers. One well-known philosopher has gone so far as to claim that egoism is “morally pernicious.” James Rachels writes: “[E]thical egoism says straight-out that we need never be concerned with the needs or interests of other people, except insofar as they are useful to us; and this seems, on its face, an encouragement to wickedness” (Rachels, 1974, p. 308). The first point to be made in response to Rachels’s criticism is that wickedness is compatible with truth. A theory can be true but wicked, just as a theory can be false but nonwicked. If egoism is the correct account of our moral obligations, then its alleged wickedness is neither here nor there. Are we to reject determinism on the ground that it leads people to believe that they have no choice over their actions? Are we to reject utilitarianism on the ground that it has led to various horrors, such as Stalin’s purges? Smart has written that, “If it were known to be true, as a question of fact, that measures which caused misery and death to tens of millions today *would* result in saving from greater misery and from death hundreds of millions in the future, and if this were the only way in which it could be done, then it *would* be right to cause these necessary atrocities” (Smart, p. 61; see also Glover, pp. 254–6; and Scruton, 2006, who notes “Lenin and Hitler were pious utilitarians,



as were Stalin and Mao, as are most members of the Mafia.”).

Of course, no self-respecting egoist would admit that his or her theory is wicked! The theory requires the maximization of agent utility, not the pursuit of momentary pleasure, wealth, or power. Surely it is not in my long-term enlightened self-interest to rob, steal, embezzle, murder, lie, cheat, or break promises, if only because these acts will motivate retaliation against me by my victims (or their families and friends). Indeed, it is possible that egoism, in either its act or its rule formulation, provides a solid ground for common-sense duties such as the duty to keep promises. Rachels has done nothing to show that this is not the case. And even if he *had* shown it, he would also have had to show that utilitarianism and other theories do *not* have unacceptable implications. As has been widely noted, every normative ethical theory, including utilitarianism, has unacceptable implications to *someone*. Egoism has unacceptable implications to Rachels, utilitarianism has unacceptable implications to others. If egoism is wicked because it has unacceptable implications to someone, then so, it would seem, is every other normative ethical theory, including utilitarianism.

It is sometimes argued that if everyone pursued his or her self-interest, overall utility would be maximized. This may appear to be an argument for egoism, which *requires* the pursuit of self-interest, but in fact it is not. Egoism holds that the pursuit of self-interest is an end in itself, indeed the ultimate end. The argument in question maintains that the pursuit of self-interest is a means—perhaps the best means—of attaining the end of overall utility. The argument, therefore, presupposes the correctness of utilitarianism, which is why it is known as the “closet-utilitarian argument.” Whether it is *true* that the pursuit of self-interest maximizes overall utility is, of course, a factual question, about which philosophers, as such, have nothing to say.

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See also ACT UTILITARIANISM; CONSEQUENTIALISM; IMPARTIALITY; MAXIMIZATION; PSYCHOLOGICAL EGOISM.

## ETHICS

Utilitarianism is often defined in terms of Jeremy Bentham's claim that "*the greatest happiness of the greatest number ... is the measure of right and wrong*" (Bentham, 1977, p. 393). Few people these days defend utilitarianism in this form, however. Even Bentham seems to have used this phrase only to give a general idea of his theory. When writing more precisely, he talked about the greatest *sum* of happiness (Bentham, 1970, p. 12). Since Bentham, there have been a number of other variations: for example, moving from happiness specifically to good consequences more generally; from maximizing to nonmaximizing versions; from a focus on acts to a focus on rules. However, what they share in common is a focus on outcomes, rather than acts themselves. In contrast, deontological theories are likely to claim that the killing of an innocent human being, for example, is simply wrong (or, at least, *pro tanto* wrong). Utilitarianism can also be contrasted with virtue theory, which focuses on the virtues of the agent, or with contractualism, which focuses on agreement (or hypothetical agreement).

This entry considers three questions: What is the main appeal of utilitarian moral theory? How does it compare with other theories? What are the main criticisms of the theory?

For many, the appeal of utilitarianism is captured by Samuel Scheffler. Responding to Bernard Williams' 1973 prediction that utilitarianism won't be taken seriously for long (Williams, p. 150), Scheffler claimed that utilitarianism remains attractive to many because of the deeply plausible-sounding feature that one may always do what would lead to the best available outcome overall (Scheffler, pp. 3–4). Jonathan Wolff emphasizes the appeal of utilitarianism in terms of its ability to challenge orthodoxy, with clear criteria of what makes an act right that doesn't allow people to appeal to preexisting prejudice (Wolff, p. 90). Similarly, many utilitarians emphasize the *purely* rational nature of utilitarianism, characterizing deontology, in contrast, as relying on intuition or emotion. Peter Singer, for example, writes: "The way people do in fact judge has nothing to do with the validity of my conclusion. My conclusion follows from the principle which I advanced earlier, and unless that principle is rejected, or the arguments are shown to be unsound, I think the conclusion must stand, however strange it appears" (Singer, 1972, p. 236). In a similar vein, discussing Judith Jarvis Thomson in particular, Sumner complains that, unless one shares the intuitions she starts with, her arguments are merely an "interesting exercise" (Sumner, 2000, p. 301). In addition, Singer (2005) also appeals to recent findings in evolutionary psychology and the neurosciences to challenge the normative force of intuitive judgements.

It is not clear, however, that these arguments are conclusive. Regarding the earlier arguments claiming that utilitarian theories are uniquely rational without relying on intuition, Kamm states that utilitarians also rely on intuitive judgements—"those about the plausibility of general principles, such as 'maximize the good'" (Kamm, p. 417).

In addition, Sandberg and Juth (2011) point out that Singer also appeals to more specific intuitions, for example (in Singer, 1972), that we should save a drowning child if we can do so with little cost to ourselves. More broadly, considering the *development* of theories, David McNaughton (2002) argues that the approach of intuitionists like David Ross (1939; 2002) differs from that of utilitarians only in that utilitarians end up with just one fundamental duty, while Ross argued for a number of basic duties. Similarly, the utilitarian's opponent can often appeal to the general principle that "One person's *modus ponens* is another person's *modus tollens*" (see Martinich, p. 30). Crudely, if the utilitarian states a premise and claims that this entails a particular conclusion, the critic can reject the conclusion and conclude that this entails the rejection of the premise. In response to Singer's appeal to psychology and neuroscience, Sandberg and Juth (2011) respond first by echoing Kamm's point that Singer too appeals to intuition, and then by arguing that the problems highlighted apply to intuitions about theories as well as to "practical intuitions," and that Singer exaggerates the difference between the two.

It is worth noting that not all utilitarians attempt to characterize utilitarianism as being free from appeals to intuition. Sidgwick, for example, was a utilitarian "on an Intuitional basis" (Sidgwick, p. xxii; see also Bk. I, Ch.8). More recently, Brad Hooker claims that "The best argument for rule-consequentialism is that it does a better job than its rivals of matching and tying together our moral convictions, as well as offering us help with our moral disagreements and uncertainties" (Hooker, 2000, p. 101; and 2002a). Similarly, Tim Mulgan states that "One primary purpose of a moral theory is to unify and make sense of our considered moral judgements and intuitions" (Mulgan, 2006, p. 2), and, for Mulgan, one of the appeals of utilitarianism is that it is better able to cope with the complications

involved in ethical issues relating to future generations.

For many, one of the most distinctive characteristics of utilitarianism, in contrast to other theories, is its gradability. Alastair Norcross, for example, states that, in the case of utilitarian theories—in contrast to typical deontological theories—"the property of an act that makes it right or wrong—how much good it produces relative to available alternatives—is naturally thought of as a matter of degree" (Norcross, p. 217). This is also significant due to the fact that one of the key objections—the demandingness objection, which will be considered shortly—results from the gradable nature of utilitarianism.

However, it is not clear that utilitarianism really is distinctive in this way. Ross, for example, considered the right act to be the most fitting act (1939, Ch.4, sec. e), and Philip Stratton-Lake stresses that while it doesn't make sense to talk of the *most right* act, "it makes perfect sense to say that a right act is the one that is most fitting" (Ross, 2002, p. xxxv).

For some, Ross may be considered a relatively inconsequential figure in moral philosophy. His account of weighing conflicting duties (2002, Ch.2), however, remains influential (Kamm, p. 12; Hooker, 2000, p. 105). For anyone who weighs duties in a similar way, it is natural to follow Ross's model of considering which option is best, or most fitting, *all-things-considered*.

Similarly, there is gradability in virtue ethics. We can say, for example, that both Jack and Jill are virtuous, but that Jill is *more* virtuous than Jack. (And, if the right act is the act that the virtuous person would choose, we need to answer the question: Do I have to choose the act that Jill would choose or would it be sufficient to choose the less demanding act that Jack would choose?)

Kant may be the moral philosopher who most often comes to mind if one is asked to give an example of someone whose theory does *not* allow for matters of degree, but on

some interpretations even Kant's moral philosophy contains gradability (see Hooker, 2002b, discussing Audi, 2001). In fact, it could be argued that moral theories that allow matters of degree, in ways that are very similar to utilitarianism, are the *norm*, rather than the exception (Lawlor, Ch.13).

Another area in which utilitarianism is likely to be compared and contrasted with other moral theories is in the understanding of rights. Typically, in its simplest form, utilitarianism is often considered to be a theory that rejects rights. Jeremy Bentham argued that without a government to confer rights, there can be no rights, and he famously referred to natural rights as nonsense and to "natural and imprescriptible rights" as "nonsense on stilts" (2002, p. 330). However, utilitarians need not reject rights.

Utilitarians could opt for what Robert Nozick called a "utilitarianism of rights," considering the violation of rights as an outcome to be minimized (Nozick, p. 28). However, Nozick used this term to deride the idea, and the idea doesn't seem to be taken seriously by many. Amartya Sen, however, argued for a view that doesn't appear to be radically different: "A moral system in which fulfillment and nonrealization of rights are included among the goals, incorporated in the evaluation of states of affairs, and then applied to the choice of actions through consequential links will be called a goal rights system" (Sen, p. 15). Broome, citing Sen, also seems sympathetic to a similar approach (Broome, pp. 5–6, 8, 20).

In contrast, other utilitarians understand rights in terms of constraints that can't be utilitarianized in the way described above, but which themselves can be justified in utilitarian terms (Sumner, 1987, 2000; Hooker, 2000, pp. 126–7). It should be noted, however, that there are two significant implications of this approach. First, what rights we have would depend on the *empirical* question of which rights would actually have the best consequences. Second, for this reason,

the rights endorsed by utilitarians may be quite different from those typically endorsed by deontologists or by common-sense morality. For example, it could follow, based on utilitarian calculations, that I have a right to one of *your* kidneys—or, at least, that I have a right to *a* kidney, and a right that a lottery take place to determine whose kidney I receive (see Harris, 1975).

Finally, it is worth mentioning recent work which, rather than contrasting utilitarianism with other theories, draws attention to similarities. Derek Parfit argues that Kantianism, utilitarianism, and Scanlonian contractualism converge, such that we should conclude that defenders of these theories are "climbing the same mountain on different sides" (Parfit, p. 419). More radically, others argue that many (or even all) moral theories can be shown to be just another form of utilitarianism (Portmore, 2007; Brown, 2011).

One of the most common, and also one of the earliest, objections to utilitarianism is that it advocates the sacrifice of the few (or even the many) to benefit others, as long as this leads to the best outcome over all. The standard example is the "Sheriff" example, which J. J. C. Smart credits to McCloskey. In this example, the Sheriff has a choice between two options: *knowingly* execute an innocent man in order to appease the mob, or face a rioting mob. If the consequences of the latter would be worse than the former, then the utilitarian, it seems, should opt for the former (Smart, pp. 69–70). This, the critics argue, is implausible. Smart, however, disagrees. He concedes that it is an unpalatable conclusion, and even that we may "dislike and fear a man who could bring himself to do the right utilitarian act" in this case, but argues that the utilitarian conclusion is the right one: the lesser of the two evils (p. 71).

Another influential objection is presented by Bernard Williams, focusing on the considerations involved in making a decision. In one case, presented by Williams, Jim is faced

with a choice between killing one captured protester or watching Pedro execute *all* 20. Here, Williams is less concerned with the actual conclusion reached by utilitarianism and more concerned with the thinking that leads to the conclusion. Williams claims that even if the conclusion reached by the utilitarian (that Jim should kill the one in order to save the rest) is the right one, it is not plausible to think that the choice is as simple as the utilitarian suggests or that one doesn't need to think about anything other than the consequences (Williams, pp. 98–9).

A more recent objection focuses on the demandingness of utilitarianism. If the right act is the one that will have the *best* consequences, utilitarianism would seem to be very demanding, requiring very significant levels of self-sacrifice. Some utilitarians have simply accepted this conclusion (Singer, 1972, 1993; Kagan, 1984, 1989). Others, however, have been keen to avoid it. Some have appealed to utilitarian theories that don't require an agent to do the best act, but rather require only an act that is good enough (satisficing utilitarianism); or they consider utilitarianism to be a theory that only ranks acts as better or worse than others, but doesn't make any demands at all (scalar utilitarianism) (See Mulgan, 2001; Lawlor, 2009). Similarly, Scheffler (1995) appealed to prerogatives: if I have a prerogative, that is a reason in favour of my being allowed to choose *not* to do something that I would otherwise be required to do, allowing me to give a bit more weight to my own self-interest. Thus, Scheffler argues for a hybrid theory which, like utilitarianism, lacks constraints but, unlike utilitarianism, includes prerogatives. Hooker argues that rule utilitarianism is less demanding than act utilitarianism and therefore more plausible (2000, Ch.8), and Mulgan argues for a new theory incorporating act utilitarianism, rule utilitarianism, and Scheffler's hybrid theory (2001, Ch.10).

If gradability is not unique to utilitarianism, it might be tempting to think that

other theories will also have problems with demandingness. However, it could be argued that deontological theories have resources to appeal to that utilitarian theories do not. Kamm, for example, suggests that an appeal to rights might justify prerogatives as well as constraints. As such, as well as protecting individuals from the actions of others, rights might also protect agents from the demands of morality (Kamm, p. 16).

However, it is not clear that a theory needs to have rights (or constraints) in order to be able to appeal to prerogatives. Scheffler's hybrid theory included prerogatives but no constraints or rights. Responding to Scheffler, Kagan argued that we cannot plausibly appeal to prerogatives in the absence of constraints. This is because, according to Kagan, if we do not also have constraints, prerogatives "will not only permit agents to *allow* harm," they will "also permit agents to *do* harm in pursuit of their nonoptimal projects" (1984, p. 251). Kagan illustrates this by comparing two cases in which I have a choice: (1) if I kill my uncle Albert, I stand to inherit \$1,000,000, and (2) my uncle Bruno will leave me \$1,000,000 unless I persuade him to leave it to famine relief instead. Prerogatives without constraints would not only permit me to accept the money from Bruno but also permit the *killing* of Albert (Kagan, 1989, pp. 22–3).

However, Lawlor argues that a utilitarian like Kagan, who claims that there is no morally significant difference between doing and allowing, *cannot* complain that Scheffler's theory permits agents to *do* (rather than *allow*) harm. Thus, the main problem with Scheffler's theory is *not* that it permits the *doing* of harm. The real problem is that it is committed to the claim that killing Albert is only marginally worse than accepting the money from Bruno. However, this objection applies equally to utilitarianism. As such, Kagan's argument backfires, scoring an own goal against utilitarianism (Lawlor, sec. 4.5, and Ch.5).

Another recent objection is the cluelessness objection, first developed at length by James Lenman. If utilitarianism claims that the right act is the act with the best overall consequences, and if the consequences of an act are unpredictable and unforeseeable, we are simply not in a position to judge which acts are right and which are wrong. Lenman stresses, however, that the objection is not just that we cannot say “for sure,” or can never be “*absolutely* certain.” The objection is that, considering the consequences of our actions in the long term, “we do not have a clue about the overall consequences of many of our actions” (Lenman, p. 349). This objection is also developed by Gerald Lang (2008) who argues that it doesn’t only apply to the simplest form of utilitarianism, but applies to all forms of utilitarianism. Elinor Mason (2004) responds by arguing that the problem is not limited to utilitarianism and that it is rational to ignore the unforeseeable consequences (see also Lang, 2008). Dale Dorsey responds to Lenman by claiming that this problem is “only as embarrassing for consequentialism” as sceptical arguments such as Descartes’s evil demon hypothesis are “embarrassing for metaphysical realism,” and that this “rarely tempts anyone to abandon metaphysical realism” (Dorsey, pp. 48, 56).

Arguably, whether or not utilitarianism remains at the forefront of ethical theory depends not only on how well utilitarians respond to the various criticisms, but also on how utilitarians define utilitarianism. Potentially, as utilitarians refine their theories to avoid objections like the sacrifice objection, the difference between a utilitarian theory and a nonutilitarian alternative may have little or no implications for applied ethics, such that the difference between the two theories is primarily a disagreement about the foundational justifications for our basic moral principles, and not a disagreement about what those principles should be (see e.g. Hooker 2002a).

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See also ACT UTILITARIANISM; BENTHAM, JEREMY; CONSEQUENTIALISM; DEONTOLOGICAL ETHICS; HOOKER, BRAD; INTERGENERATIONAL JUSTICE; INTUITIONISM; KANT, IMMANUEL; MAXIMIZATION; PARFIT, DEREK; RULE UTILITARIANISM; RIGHTS; SATISFICING; SIDGWICK, HENRY; VIRTUE (VIRTUE UTILITARIANISM).

## EUDAIMONIA

Εὐδαιμονία (eudaimonia) is a central concept in Aristotle's *Nicomachean Ethics* and the *Eudemian Ethics*. In the Latin form in which Aristotle's writings came to be rendered, *eu* means "well" and *daimon* means "divinity" or "spirit." Together they mean "living in a divinely favoured way," though



eudaimonia was sometimes used in Greek thought to mean simply a life of pleasure or happiness (Kraut, 2012).

For Aristotle, the eudaimonistic life is the most worthwhile life that a person can lead. Eudaimonia is a good in itself, while the worth of all other goods is measured by their conduciveness to its attainment. In particular, by eudaimonia, Aristotle means a life of virtuous activity under the governance of the rational part of the soul, reason—the characteristic that differentiates the human species from other animals. He wrote that “a modicum of pleasure must be one of the ingredients of happiness,” but that “activity along the lines of wisdom is the pleasantest of all the good activities” (Aristotle, p. 303). Among the activities involving wisdom Aristotle includes philosophic contemplation, intellectual discourse, and the practical application of the rational capacities in deliberation and civic engagement. It follows that the institutions of the polis should be arranged and laws implemented to facilitate citizens in these activities and their attainment of eudaimonia.

There are several points of connection between Aristotle’s theory and utilitarianism, not the least its consequentialist aspects, according to which he explains the utility value of the family, property and slaves to the well-being of the citizen. All forms of utilitarianism accord with the teleological nature of Aristotle’s theory, in that happiness is the ultimate goal of right action. As well, it is in the *Nicomachean Ethics* that Aristotle first discussed some of the pivotal issues that have occupied modern utilitarianism: the nature of motivation; the relationship of pleasure to happiness; the relationship of happiness to other goals; the significance of intellectual activities to the good life; the importance of assessing the worth of a life as an organic whole and the relevance of values associated with a person’s moral character (Scarre, p. 39).

The connections between Aristotle’s formulation of eudaimonia and John Stuart

Mill’s revisionist utilitarianism, in which he distinguishes between higher and lower pleasures, have often been noted. In *Utilitarianism* (1861), Mill argued that the pleasures of the intellect were of a “higher” form and their contributions to happiness more meaningful and lasting. By contrast, Bentham’s understanding of the utility principle as an objective and external standard of assessment ruled out the possibility of giving greater weight, measure for measure, to one type of pleasure over another. According to Mill, only those who had experienced both the higher and lower sorts of pleasures were in a position to judge which were the most valuable.

There are similarities, too, between Aristotle’s ethics and “ideal utilitarianism,” which posits that the intrinsic good of matters such as knowledge and beauty ought to count in assessing an individual’s well-being (Scarre, p. 3). Hastings Rashdall, for example, embraced eudaimonism in his *Theory of Good and Evil* (1907), in which he argued that the greatest utility is attained with the promotion of the “total well-being” of humanity, encompassing intellectual objectives, beauty, and morality. For Rashdall, “individualistic eudaimonism” was a synonym for ideal utilitarianism (Scarre, pp. 118–19). More recently, David Brink has argued that independently of the pleasure it may contain “a valuable life consists in the possession of certain character traits, the exercise of certain capacities, and the development of certain relations with others and to the world” (Brink, p. 221). These are the means to what has been called “eudaimonistic happiness” (Telfer, p. 37).

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See also HAPPINESS; IDEAL UTILITARIANISM; MILL, JOHN STUART; PLATO; RASHDALL, HASTINGS; UTILITY.

## EVOLUTIONARY THEORY

Evolution, the idea that all organisms living and dead are the end results (through a process of unbroken natural law) of just a few, original, simple forms, perhaps ultimately inorganic materials, is a child of the eighteenth century (Ruse, 1996). It was then that ideas of cultural and intellectual progress—improvement of humankind through our own efforts—started to take hold, and it was not long before people began to see in the natural world of animals and plants an analogous process of upward, steady development.

It was not, however, until the middle of the nineteenth century that evolutionary thinking really came of age, thanks particularly to the labours of the English naturalist Charles Darwin, who in 1859 published his *On the Origin of Species*. In that work, Darwin turned to the whole spectrum of biological discoveries—in behaviour, paleontology,

biogeography, systematics, anatomy, embryology, and more—showing that an evolutionary hypothesis explains and combines. At the same time, he offered a causal explanation, natural selection, that is the differential survival and reproduction of organisms brought about by the ongoing struggle for existence, a result, in turn, of population pressures on available food and space. A key part of Darwin's thinking is that organisms are adapted, they are organized to the ends of survival and reproduction, and that selection speaks to this. After Darwin, there were many refinements and additions, most notably in the area of heredity (genetics); but it is essentially the theory of the *Origin* which holds sway today in professional biological circles, and evolutionists share Darwin's conviction that adaptation is the organizing principle of life (Ruse, 2008, p. 72).

From the beginning, evolutionists wanted to bring our species, *Homo sapiens*, beneath the umbrella, and Darwin was no exception. In a later work, the *Descent of Man* (1871), he devoted much effort to showing that there is nothing that cannot ultimately be explained naturally in terms of selection. There are, however, specific challenges and, with both his predecessors and his successors, Darwin saw that human morality is high on the list. How does it come about and what is its true nature? Does evolution (for instance) give a hint towards deciding between rival ethical systems, say Kantianism and utilitarianism?

Darwin's grandfather Erasmus Darwin had been an earlier evolutionist and he happily melded his belief in social and biological progress with a commitment to a form of the happiness principle. Evolution "is analogous to the improving excellence observable in every part of the creation; such as the progressive increase of the wisdom and happiness of its inhabitants" (E. Darwin, p. 509). Charles Darwin, who had long taken an interest in moral theorizing, was considerably more sophisticated. At the substantive level, the

level of norms, he opted for a modified form of the utilitarian principle of “the greatest happiness of the greatest number.” Admittedly, however, this was framed more in biological terms than in terms of purely human pleasures: “The term, general good, may be defined as the term by which the greatest possible number of individuals can be reared in full vigour and health, with all their faculties perfect, under the conditions to which they are exposed” (Darwin, 1871, vol. 1, p. 98).

Yet, as a scientist, Darwin was less concerned with the more philosophical issues of justification and metaethics, and rather spent his time and effort in trying to show how a process like natural selection, which comes out of a struggle for existence, could nevertheless promote a willingness among humans to help one another in the name of right and wrong. Basically his position was that often in life you get more out of it by cooperating than by fighting. Morality is an adaptation like everything else. There has, however, been considerable debate about whether Darwin thought selection works only for the benefit of the individual, and hence morality must necessarily pay out the individual directly, or whether selection can work for the group and hence morality might cost some people in order that others as a whole gain (Ruse, 1980).

The philosophers, particularly Darwin’s contemporary the utilitarian Henry Sidgwick, his student G. E. Moore, and, in turn, Moore’s student C. D. Broad, showed little love for any evolutionary approach to ethics (Ruse, 2009, pp. 141–51). However if one looks carefully at the criticisms, one sees that it is less Darwin who is the object of their scorn and more his fellow evolutionist Herbert Spencer (and somewhat later Julian Huxley), who happily “justified” moral claims in the name of evolutionary progress. In *Principia Ethica* (1903), Moore particularly was scathing, holding up such thinking as paradigmatic examples of committing the so-called “naturalistic fallacy.” In his *Principles*

*of Ethics* (1879–93), Spencer defined what one ought to do in terms of what has actually happened, going from claims about matters of fact to claims about matters of obligation. In defence of biologists, one should say that Julian Huxley’s grandfather, Thomas Henry Huxley (1893), made similar criticisms.

Today, evolutionary approaches to morality enjoy a renaissance, thanks particularly to the work of Darwinian biologists on social behaviour, showing in far more detail than could Darwin how cooperation is a direct outcome of selection brought on by struggle. There is still considerable debate about the nature of the norms produced, with some opting for a form of utilitarianism and others going other ways including towards the neo-Kantianism of John Rawls’ *Theory of Justice* (1971). There is also much debate about whether evolution has any relevance for foundations. Despite the criticisms of philosophers, some, notably the sociobiologist Edward O. Wilson in *On Human Nature* (1978), think that there is still life in a neo-Spencerian approach. Others like the philosopher Philip Kitcher (1993) think with Sidgwick and others that no meeting is possible. And yet a third group, inspired by John Mackie’s *Ethics: Inventing right and wrong* (1977), thinks that perhaps Darwinian evolution shows that no foundations are possible. We must, therefore, adopt some kind of error theory, a moral nonrealism.

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See also EDGEWORTH, FRANCIS  
YSIDRO; MOORE, GEORGE EDWARD;  
POPULATION; SPENCER, HERBERT.

**EVOLUTIONARY UTILITARIANISM:** See  
RITCHIE, DAVID GEORGE.

## EWING, ALFRED CYRIL (1899–1973)

Alfred Cyril Ewing was born on 11 May 1899 and educated at University College, Oxford. He taught for four years at the University of Wales in Swansea, before becoming a lecturer in Moral Science at Cambridge in 1931 and a reader in 1954. He also taught for a time in the United States at Princeton, Northwestern, Southern California, Delaware, and San Francisco State College. Ewing was a prolific writer, a critic of Wittgenstein and a supporter of Karl Popper. He produced several

substantial books on ethics, including his major work *Idealism* (1934). His ethical position was a compromise between Moore and the deontologists. He defined the good as that which it was fitting to approve. Ewing's conception of goodness, and his classical persuasions, made him a critic of utilitarianism, which he first addressed in *The Morality of Punishment* (1929), written when he was a graduate student, and later in *The Definition of Goodness* (1947) and *Ethics* (1953). His main argument was that utilitarianism cannot meaningfully defend a concept of duty. This is because the utilitarian concept of goodness precludes the derivation of an "ought" judgement. Ewing believed that his own understanding of goodness avoids this weakness. Something is good if it "ought to be the object of a favourable attitude," the kind of attitude directly correlative to the kind of good (Ewing, pp. 345–7).

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See also INTUITIONISM.

## EXPECTABILIST UTILITARIANISM

Expectabilist Utilitarianism (EU) is a version of utilitarianism inspired by decision theory (Jackson, 1991). It weighs the possible

outcomes of an action against their probabilities of obtaining, given that the action is performed. The following illustrates the potential of the theory to inform decisions.

An agent at any one time will have a set of options open to her: to buy a lottery ticket, to send the money to Oxfam instead, or any number of other optional purchases. Each option has its own set of outcomes—what would happen if she bought the lottery ticket, what Oxfam would do with her donation, and so on. What is the right thing for her to do? Classical Utilitarianism offers a simple answer. She ought to do whatever has the best consequences; what is right is to adopt the option that has the outcome with the highest value. However, it is hardly ever the case that agents can be certain of the consequences of the various options open to them. In real life, agents do not know what would happen were they to adopt one or another course of action. They need to pay attention not just to the values of the possible outcomes, but also to the probability that these outcomes will occur. Writers on ethics often simplify by supposing that agents know for certain what would follow from the choice of each action available to them. But that leaves us with an important question: What happens when we remove this certainty?

The obvious response is to distinguish what is *objectively* right from what is *subjectively* right. What is objectively right (according to the utilitarian way of thinking) is to maximize good outcomes, to do that which *in fact* has the best outcome. What is subjectively right is to maximize *in the light of the probabilities* and, moreover, it is what is subjectively right that tells us what we should do in the various situations in which we find ourselves.

It is, however, vital that maximizing in the light of the probabilities be understood in the right way. Here is an example to make the point. A bomb is set to go off in 5 minutes time. There is a control panel that allows Fred to punch in one of a thousand

numbers, 1–1,000. He knows that one number alone defuses the bomb; any other number will cause it to explode immediately, killing many people in the building. He has no way of knowing which is the “good” number. Fred’s options are punch in 1, punch in 2, ... , punch in 1,000, or evacuate the building. What ought Fred to do? What he objectively ought to do is punch in the good number. But what should he do given the fact that he has no idea which number is the good number? Obviously, he should evacuate the building. If he does that, no one will die (we may suppose, although the building will suffer extensive damage). Is evacuating the building subjectively right? It depends on how we specify what is subjectively right.

If we specify that what is subjectively right is the action that is most likely to be objectively right, the answer is no. Evacuating the building is the one action that has no chance of being objectively right. It is certain that, for some number  $N$ , punching in  $N$  is objectively right. However, if we specify what is subjectively right as the action with the highest *expected* value—where expected value is obtained by multiplying values of outcomes by their probabilities of obtaining—evacuating the building is the subjectively right thing for Fred to do. This is because, for each  $N$ , punching that number in is 99.9 percent likely to cause many to die, whereas evacuating the building has almost no chance of causing death.

EU generalizes the moral of the example. If the options for an agent are  $A^1, \dots, A_i$ , if  $V$  is a utilitarian value function defined over outcomes  $O_j$ , and  $\text{Pr}$  is the agent’s probability function, EU says the agent ought to maximize  $\sum_i \text{Pr}(O_j/A^i) \cdot V(O_j)$ . This is what an agent ought to do given the probabilities of the outcomes at the time of making the decision. Moreover, as ethics is concerned most immediately with *decisions*, this is the central notion for utilitarianism, not what an agent objectively ought to do.

## EXPECTED UTILITY HYPOTHESIS

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See also CONSEQUENTIALISM; MAXIMIZATION.

## EXPECTED UTILITY HYPOTHESIS

Under certainty, a rational decision-maker or actor (usually an individual) maximizes utility (ignoring here imperfect knowledge, a concern for others, and irrational preferences, utility—as a representation of preference—is taken as the same as happiness or welfare). In the presence of risk (ignoring Knightian uncertainty, where the relevant probabilities are unknown, though they could be replaced by subjective estimates), what should a rational actor maximize?

Daniel Bernoulli (1738) first suggested the maximization of expected utility and the concept of diminishing marginal utility (of income/money/consumption) in his discussion of the St. Petersburg's Paradox (which has an infinite expected value). A risky prospect/gamble of getting \$100 at a probability of 50% and nothing otherwise has an expected value of  $\$100 \times \frac{1}{2} + \$0 \times \frac{1}{2} = \$50$  and an expected utility of  $U(\$100) \times \frac{1}{2} + U(\$0) \times \frac{1}{2}$  which sums to less/more than  $U(\$50)$  if marginal utility is diminishing/increasing.

It is widely held that von Neumann and Morgenstein (1944) and Marschak (1950) provided a set of axioms which, when satisfied by an actor, would produce the maximization of expected utility. In fact, these axioms only ensure that there exists a utility function that the decisions made are consistent with the maximization of the expected utility value according to this function. However, there is reason to wonder whether this utility function is the same as the subjective (or neoclassical) utility function of the actor. The set of axioms includes the following:

Axiom 1 (ordering): the actor's preference over all possible outcomes is complete and transitive (making it an ordering). This axiom is necessary, since without it the utility function for certain outcomes may not exist.

Axiom 2 (dominance): the actor prefers a higher probability for a preferred outcome to a lower probability. Thus, if she prefers  $x$  to  $y$ , then she has  $(x,y;p) R (x,y;q)$  if  $p \geq q$ , where  $(x,y;p)$  stands for the prospect of having probability  $p$  of getting outcome  $x$  and probability  $1-p$  of getting  $y$ , and  $R$  stands for weak preference (i.e. either preference  $P$  or indifference  $I$ ).

Axiom 3 (continuity): if  $x R y R z$ , then there exists some probability  $p$  such that  $(x,z;p)$  is indifferent to  $y$ .

Axiom 4 (strong independence): in any prospect, a component outcome or prospect may be replaced by an outcome or prospect which is indifferent to it, and the resulting prospect is indifferent to the original prospect.

Axiom 5 (irrelevance of presentation): a complex prospect may be stated in terms of its component outcomes without affecting preferences.

The proof that the choices of an actor satisfying these axioms result in the maximization of expected utility may be described

by the maximization of the expected value of a utility function, and is straightforward. However, it is generally thought that there is no relationship between the subjective utility function of the neoclassical utilitarians and the  $\nu$ NM cardinal utility function associated with von Neumann and Morgenstein. According to Baumol, for example, “the two utility measures have nothing in common insofar as their cardinality is concerned” (Baumol, p. 431) The objection is not without merit, since the cardinal utility function derived from the  $\nu$ NM method is purely formalistic. Nevertheless, using axioms no stronger than those for the  $\nu$ NM set above, and with the recognition of finite sensibility or imperfect discrimination, it can be shown that the utility function derived by the  $\nu$ NM method is a neoclassical subjective utility function of the actor (Ng, 1984). The crucial axiom leading to this result is:

$$\forall r, x, y, z(rIx \ \& \ zPy) \text{ implies } ((r, z; \frac{1}{2}, \frac{1}{2}) P(x, y; \frac{1}{2}, \frac{1}{2})).$$

This axiom states that the same (50/50) probability mix of obtaining (explicitly) preferred, and an indifferent outcome must be an intrinsically preferred lottery. This does not assume more than the expected utility hypothesis. However, allowing for imperfect discrimination (making the preference a semiordering), this axiom effectively makes a “just perceptible preference” to have the same cardinal intensity or the same amount of utility, effectively making the utility function consistent with both the  $\nu$ NM axioms and the subjective utility function of neoclassical utilitarianism.

With the subjective utility function, one may then *explain* risk aversion with respect to monetary returns in terms of the *diminishing* marginal subjective utility of income.

From the viewpoint of rational individual choices, it is the diminishing marginal subjective utility of income that *causes* risk aversion, not the other way round. An external analyst may, however, infer from the risk aversion behaviour of a rational actor that she has diminishing marginal subjective utility. However, the existence of nonexpected utility maximization behaviour and nonrational behaviour in general, including in particular endowment effects, makes such inference and analysis more difficult in practice.

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*See also* ACT UTILITARIANISM; CARDINAL UTILITY; DIMINISHING MARGINAL UTILITY; MAXIMIZATION; OBJECTIVE AND SUBJECTIVE UTILITARIANISM; ORDINAL UTILITY; RATIONAL CHOICE THEORY; UTILITY.

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## FABIAN SOCIALISM

That the founders of Fabian Socialism could be described as the utilitarians of their day was a mark of their singularity. Upon socialism, as it emerged internationally in the late nineteenth century, the prevailing intellectual influence was Marxism. For Britain's relative immunity to this Marxist *Weltanschauung*, much is rightly made of the Fabians' affirmation of an indigenous intellectual formation, traceable from (if not always to) the philosophic radicals. Founded in 1884 and still surviving today, the Fabian Society was eclectic in its sources and disinclined to ratiocination. Even so, the early Fabians frankly conceded their greater debt to J. S. Mill than to Marx, or to the Hegelian idealists who left such a mark on their liberal contemporaries. One authoritative verdict is that they were "direct heirs of the Enlightenment in its English Utilitarian branch" (McBriar, p. 149). Mary P. Mack observed in 1955 that "the briefest comparison between Benthamite Utilitarianism and Fabian Socialism brings to light some striking parallels" (Mack, p. 78). Utilitarianism, however, was, by the time of the Fabians, a branch with several offshoots, and these were deeply entangled with other influences. Mill himself, by whom a utilitarian influence was principally mediated, could also be seen as a way beyond it, and his protocollectivism and positivist affinities have been seen as weighing rather more heavily with later socialists (Wolfe, Ch.2; Bevir,

2002). If the Fabians by their own account were latter-day utilitarians, what this legacy signified was often ambiguous.

The preeminent Fabians were the social scientists-cum-social reformers Sidney and Beatrice Webb, who together epitomize both the strength of the utilitarian connection and its uncertain character. Beatrice herself once referred to Bentham as her husband's "intellectual godfather." His Fabian meliorism was certainly underpinned by the principle of utility. Fabian gradualism—Sidney's famous "inevitability of gradualism"—rested on something very like Bentham's security of expectation, and was similarly premised on respect for the "habits and established expectations of large masses of people" (Morgan, p. 68). Fabian economics was premised on a theory of rent and the unearned increment deriving directly from the "Ricardian-Benthamite school" as carried forward by Mill. Fabian campaigns over education and the prevention of destitution similarly shared the utilitarians' strong commitment to environmental explanations of social and personal ills; and the Webbs in particular, quite consistently, also followed them in their rejection of a language of natural rights. A far from unsympathetic observer describes as the Fabians' "root fault" their direct line of filiation from Bentham's "pig philosophy" (Beilharz, p. 128).

Like Bentham himself, the Webbs had many contemporary critics who made some of the same criticisms. The felicific calculus



appeared in Webbian hands as a mere quantification of basic satisfactions. Pleasure seemed to be reduced to the equitable distribution of pain and subordinated to the pursuit of efficiency by which a common material comfort was to be achieved. In Webbian social thinking, this was rationalized as the subordination of “producer” to “consumer,” and as the paying of the price through work for leisure. Perceived enervations of bureaucracy, optimizing the production of felicity units, the Webbs were satirized in sometimes brutal fashion. Their sometime fellow Fabian H. G. Wells imagined Beatrice replacing trees with “tin green shades and sunlight accumulators” (Morgan, p. 23). Bertrand Russell, a holiday companion, had them pronouncing on Gothic cathedrals as they were if a deficient form of municipal enterprise. As Ian Britain (1982) has shown, this was a caricature; but it marked the couple out against the arts-and-crafts background of many contemporary reformers. “They take all the colour out of life,” Russell continued, “and make everything one cares for turn to dust and ashes” (Mackenzie, p. 289).

If Webb was the Fabian Bentham, then according to the socialist historian Max Beer, James Mill’s supportive role was taken by the writer and playwright George Bernard Shaw (Pease, 1916). For many years as active a Fabian as Webb, Shaw worked so closely with him as to describe himself as “really a committee of Shaw & Webb” (Morgan, p. 63). Nevertheless, in the hugely influential *Fabian Essays in Socialism*, produced under his editorship in 1889, Shaw expressly advanced Hegel over Bentham as the key to Fabian thinking about the state. Other influences on the essayists, according to Shaw, ranged from Coleridge and Mazzini to Auguste Comte, with the purported Millite influence largely confined to Webb himself (Pease, App. 1). As was Shaw’s congenial way, this was overstated. One of the essayists, William Clarke, would certainly describe Benthamism as “more old-fashioned

and defunct than an Egyptian mummy”; but significantly he included with the prophets of a more organic world view the younger Mill who had egested his father’s “spiritual poison” (Britain, p. 63). Graham Wallas, with Webb and Shaw one of the Fabian “musketeers,” was more consistently an admirer of what his biographer calls “evangelical Benthamism” (Wiener, p. 29) and in 1898 published a life of Bentham’s collaborator Francis Place. Wallas too, however, recognized in Mill an intergenerational revolt against mere arithmetical calculations of pleasure. In Wallas’s *Human Nature in Politics* (1908) and *The Great Society* (1914), his developing interests in political psychology were taken far beyond Bentham’s crude deductive psychology, though equally they may be seen as building upon it.

Even between Webb and Webb there were dissonances. In private reflections prompted by the publication of Leslie Stephen’s *The English Utilitarians* (1900), Beatrice not only confessed her ignorance of Bentham’s writings, but also described her revulsion from the “very utilitarian system of ethics” of her mentor Herbert Spencer. Though at one with Bentham in his consequentialism, as Fabians were almost by definition, Beatrice described the greatest happiness principle as arbitrary, resistant to verification, and disregardful of basic human impulses and the “higher levels of conduct and feeling”—with which she included a basically religious instinct of reverence for mystery (Webb, 1948, pp. 210–11; also Webb, 1926, p. 33). Fragmentary as these observations were, they suggest that Beatrice had much in common with the “new utilitarianism” expounded shortly afterwards by J. A. Hobson (Weinstein, 2007). Influenced in part by guild socialism, Beatrice introduced into the Webbs’s writings an almost lyrical note regarding fellowship, the development of human faculty, and the “free life of the spirit” (Morgan, p. 114).

As important as any philosophical borrowings, the Fabian strategy of permeation

drew on the utilitarians' example of the application of political intelligence to the achievement of rational social goals. It was in this sense—that of a wider intellectual permeation by those possessed of a “body of systematic political thought”—that Sidney Webb described the socialists as the Benthamites of their time (Webb, 1894, p. 6). Though he did not fully elaborate it until he had broken away from Fabianism, Wallas (1926), too, was to salute Bentham as Britain's greatest political inventor, whose qualities of legal, political, and administrative ingenuity, whether or not informed by the principle of utility, survived as his most enduring legacy. With its commitment to disinterested social research, the Webbs' foundation of the London School of Economics could certainly be regarded as a Chrestomathic enterprise in the spirit of utilitarianism. Here too, however, there were tensions; for while Sidney's Benthamite instincts lent themselves to a limited view of democracy as “foolometer” for the expert, Beatrice also affirmed its positive value through the general enlargement of personality, faculty, responsibility, and desire (Morgan, p. 104).

Few in number but seemingly ubiquitous, the Fabians' eschewal of a party form of organization was itself suggestive of their affinity with the philosophic radicals. Nevertheless, they had a significant influence on the emerging Labour Party, to which they affiliated from the start, and in 1918 Sidney Webb drafted the party's first general programme. Subsequently, the Webbs themselves were drawn to Soviet communism, and in a work like Letwin's *The Pursuit of Certainty* (1965) have been deployed teleologically as the culmination, degeneration, and exposure of a longer utilitarian tradition. However, this same tradition can more assuredly be traced in the revisionist social democracy of the post-World War II period. G. D. H. Cole, a sometime Fabian rebel, had in the 1920s recanted his earlier guild socialism, returning to avowedly utilitarian principles of efficient

government, the liberty of the “majority,” and the “Benthamite” greatest happiness principle. Pleasure, Cole wrote, was the greatest good save happiness, and through Cole's influence on the future Labour leader Hugh Gaitskell, a distinct lineage can be traced through to Labour revisionism of the 1950s (Morgan, Ch.8). The revisionist thinker and politician Anthony Crosland (1956) identified this as a “reaction against the Fabian tradition” by which “liberty” and “gaiety” in private life would be secured against the demands of public duty through a hedonic vision of the greater good (pp. 521–4). Crosland himself, however, can be located nowhere more securely than within the Fabian tradition, whose ambiguities are once more underlined. If the “pig philosophy” at last had a Labour sequel, it was in what Raymond Williams called the “Webb world” of postwar welfare capitalism (Morgan, p. 63).

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See also BENTHAM, JEREMY; COMTE, AUGUSTE; EDUCATION; FELICIFIC CALCULUS; MILL, JOHN STUART; NEW LIBERALISM; PHILOSOPHIC RADICALISM; RICARDO, DAVID; SPENCER, HERBERT.

#### FAWCETT, HENRY (1833–84)

Henry Fawcett was born on 26 August 1833 in Salisbury, the second son of William Fawcett, a local businessman and one-time Liberal Mayor of the city, and Mary Cooper, a solicitor's daughter. Fawcett was to surmount great challenges to make achievements for utilitarianism through publishing; in politics as Liberal MP for Brighton and Hackney; as first Director-General of the Post Office, and through marriage to

promote female suffrage, education, and welfare. The *Fawcett Society*, alongside the Post Office, embodies the couple's effective pioneering activities and continuing influence (Goldman, 1989).

His initial education took place at Kings College School in London, where he visited the gallery of the House of Commons. He entered Peterhouse College, Cambridge, in 1852, migrating to Trinity Hall a year later, achieving seventh place in the first class in Mathematical Tripos in 1856. But political economy was the voluntary subject that engaged his mind and enthusiasm. Fawcett's circle, including Leslie Stephen, John Westlake, and Leonard Courtney, accessed the canon of Victorian literature, skating over the aesthetes and romantics before settling upon Ricardo, Bentham, and Mill. Henry was tall, imposing, and popular; he became Fellow at Trinity Hall, decided on a career in politics, and entered Lincoln's Inn for the required credentials.

Disaster struck in 1858 when in an accident his father lodged pellets from a shotgun in each eye, rendering him totally blind. Fawcett focused his energies on university and politics, making him a "beacon" of success and an example for other blind people. Returning to Cambridge, he began networking and study, forging a lifelong friendship with a fellow liberal Leslie Stephen, his biographer (1885). Joining the *Political Economy Club* in 1861, he started work on *A Manual of Political Economy* based upon his lectures, published fortuitously in 1863, the year in which the Cambridge Chair in Political Economy became vacant. Momentously, a devious political campaign against the favourite Joseph B. Mayor led by Stephen, in which Leonard Courtney stood in St John's to split the vote, led to a narrow victory for Fawcett. In fact, the battle lines were philosophical and ethical more than personal, as Mayor was associated with the idealists at Cambridge connected to John Grote and F. D. Maurice, while Fawcett was associated

with utilitarian and Millian causes and ideas (Stephen, pp. 117–24; Gibbins, pp. 438–9).

Financial security allowed Fawcett to marry Millicent Garrett Fawcett (1847–1929), and it is in reference to her that the *Fawcett Society* is named and is associated with genuine political radicalism. Millicent, in their Cambridge and Lambeth homes, became more than his eyes to the world. Like Mary Paley with Marshall, she acted as scout, guide, author, and manager in every department of his life. All of Fawcett's publications and most of his speeches were cowritten with his wife, and alone with Stephen she was able to curtail his capacity to instil boredom. After the *Manual*, their common corpus featured essays and lectures collected, recycled, and updated, including *The Economic Position of the British Labourer* (1865), *Pauperism: Its causes and remedies* (1871), *Speeches on the Indian Finance* (1872), *Essays and Lectures on Social and Political Subjects* (1872), *Free Trade and Protection* (1878), *Indian Finance* (1878), *State Socialism* (1880), and a homage to Mill's influence at the universities and as a politician (1873). Fawcett became the Liberal MP for Brighton successively from 1865 and then for Hackney from 1880 until his death.

Sadly, Fawcett's ideas on political economy, unoriginal and deprived of any political theory, underwent little development. A standard Millian position is recycled, laudably in opposition to "British Colonialism" in India (Fawcett, 1872; 1878b). Historically, the Elizabethan Poor Laws and outdoor relief are blamed for bringing localities and the nation to near ruin (Fawcett, 1871; 1872, pp. 26–9, 73–7). He insists on regulations to enforce independence on labourers and the business classes alike via laissez faire policies (Fawcett, 1865; 1871; 1878a). In two areas Fawcett accommodates New Liberal policies, in exposing the hypocrisy of laws of trespass and poaching, at a time when millions of acres of public land were still being manipulatively enclosed (Fawcett, 1883, pp. 121,

239); and in his support for moderate workers organization in cooperatives, and Trade Unions. Socialism is eschewed as likely to reduce "well-being" and "end in disastrous failure" (Fawcett, 1872, p. 7). Moral and educational reforms, focusing on controlling family size and intoxication, emigration, and allotment holding are substituted for state action and charitable giving (pp. 93–118).

In politics, Fawcett's "difficult" coterie dogged Gladstone's administrations, before he took on the role of Postmaster-General in Gladstone's 1880 government. Maverick as usual, he excelled in setting the highest standards of utilitarian efficiency. Fawcett became a Fellow of the Royal Society in 1882 and obtained a Doctor of Civil Law from Oxford in 1880, before he contracted pneumonia and died in Cambridge in November 1884, being buried in honour in Trumpington Churchyard. He contributed to utilitarianism in his enthusiastic application of its political economy and laissez-faire policies in parliament, the universities, the labour movement, and in relation to female suffrage and the Post-Office.

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See also GROTE, JOHN; MARSHALL, ALFRED; MAYOR, JOSEPH BICKERSTETH; NEW LIBERALISM; STEPHEN, LESLIE.

## FELICIFIC CALCULUS

Bentham’s suggestion in *An Introduction to the Principles of Morals and Legislation* (1789) that a net measure of pleasures and pains for the group of people affected be the means of determining whether one policy does more for utility—the greatest happiness—than another has attracted several names: “hedonic calculus,” “hedonistic calculus,” “felicific calculus,” etc. Bentham himself used none of these expressions, though “felicific calculus” is the most suitable. It makes a direct connection (through “felicity”) with happiness and it does not beg the question about happiness being reducible to a

sum of pleasures and pains (though Bentham at times was ready to do so). It leaves open the possibility that the calculating to be done might be the calculating required by a comparative census—counting how many people in the population being considered will be happy under one policy as compared with the other (Braybrooke, Ch.4). This was not a possibility taken up directly by the theorists of utilitarianism in Bentham’s generation or in the next succeeding ones.

The standard view of utilitarianism allied it with a Felicific Calculus, though the main champions of utilitarianism made surprisingly little of this idea, much less than the opponents. Bentham made very little of it—he spent a few pages elaborating the suggestion, but seems never to have worked out an application in any specific case. John Stuart Mill did no more and never mentions the calculus.

Mill certainly held that policies should promote human happiness, but what he says about instances of happiness does not invite the use of a calculus rather than a census. Sidgwick makes no specific use of the idea, except in entertaining the idea that were aggregated happiness to increase with increases in population, efforts to increase it should stop when on the margin the overall quantum of happiness would sustain no net increase with the addition of any further person (Sidgwick, pp. 415–16). That idea is not a central point in his position. Among the major figures professing utilitarianism in Mill’s generation or Sidgwick’s, only Edgeworth in *Mathematical Psychics* (1881) spent time elaborating the idea of the calculus, but he did little more than bring some higher mathematical ideas to the elaboration.

Edgeworth did make a valuable particular point about the potential inconsistency in trying to pursue the greatest happiness overall simultaneously with the happiness of the greatest number. Measured by a calculus, the greatest happiness overall might be concentrated in a relatively small number

## FELICIFIC CALCULUS

of exquisitely sensitive people (Edgeworth, pp. 102–104). This difficulty, however, and the injustice that it would imply, dwindle or vanishes with paramount use of the census notion, where “the greatest happiness” calls for moving people upwards from a lower category (“Unhappy”) to a higher category (“Happy”) and “the greatest number” for moving as many as possible, without, it may be stipulated, moving anybody lower. Were an otherwise attractive policy to contravene the stipulation, it would invite revision to remove the difficulty. This is true even when the sacrifice of some (no more hot rolls for breakfast) is trivial in comparison with the gain of others (schooling for girls). In the serial process of policy making, the revision might be postponed and the sacrifice (offending the stipulation trivially though it might be) eliminated sooner or later (perhaps through express compensation). Justice would be restored, as comprising a number of points of justice heeded by the census notion, some in common with the Felicific Calculus: counting everybody; giving equal weight to everyone; one point distinctively visible with the census, though left in obscurity by accounts of the calculus—that everyone should stay in view and not be discarded (or injured) just to improve results.

How, in practice, did Mill and Sidgwick (or Bentham, for that matter) suppose that utilitarianism came to bear on the choice of policies? They could rely on surrogate concepts more familiar than any calculus and more concrete than happiness: the distribution of health (especially on its negative side: mortality and morbidity), for example, or the distribution of opportunities for education and congenial jobs; the concentration of pollution from sewage and its stench. Utilitarian concern with the environment, much amplified nowadays, started with sewage.

These are topics that lend themselves to continuing statistical investigation under the census notion; and thus to the fulfillment of

an idea more basic in Bentham’s thinking than that of any calculus, namely, that the choice of policies should turn on favourable statistical evidence (see Braybrooke, *passim*). Irrelevant to such topics is the attention given by opponents of utilitarianism through the years to the defects of the Felicific Calculus—the implausibility of capturing the whole meaning of happiness by appealing to a net sum of pleasures and pains, for example. Or, more important morally, the warning that one could draw from Edgeworth about choosing a greater overall quantum of happiness at the expense of sacrificing the happiness, even the lives, of some members of the population.

Use of the census-notion, moreover, does not wait on the continuing efforts, some of them subtle and ingenious, attached though they may be to a failed suggestion (see the articles in *Social Philosophy and Policy*, 2009), to create an effective calculus. Originally, the Felicific Calculus was to treat variations between persons in pleasure on an implicit analogy with variations in individual sources of heat or light, where the amounts involved can be summed over persons or averaged. As the nineteenth century came to an end, unsettling doubts arose among economists, who took the lead here, about whether pleasures could be measured in this way.

The most notable alternative approach to determining personal utility has been offered subsequently by von Neumann (a mathematician) and Morgenstern (an economist) (see Riker, Ch.4). It depends on having any person tested in this connection accept an equivalence between having for certain any given good  $g$  and being given a lottery between a probability ( $p$ ) of having a good  $x$  that the person likes better than any such good and a probability ( $1-p$ ) of having a good  $y$  that the person likes less. The investigator doing the testing varies the probabilities until an equivalence is found and then goes on to another good  $g^1$ . When the equivalent lottery has been identified, the measure of utility for



$g$  or  $g^1$ , given that the measure of  $y$  has been stipulated to be zero, is the value of  $p$  in the lottery identified.

This approach has given the notion of measurable utility a new lease of life in theoretical inquiry, though the lease is unwarranted, given the inadequately recognized superiority in practice of the census notion. The measure that this approach gives for any  $g$  on a scale between  $x$  and  $y$  is affected by the person's attitude towards gambling, and the measure cannot be counted on to hold interpersonally. The approach is, moreover, at a disadvantage respecting intelligibility to the general public and at a further disadvantage of being wholly impractical politically in its requirements for person by person administration.

Less impractical, in some systems used to select office-holders, though rarely resorted to in the choice of policies, and so almost equally insubstantial as a threat to the practical ascendancy of the census notion, is a second notable way of dealing with problems about measuring utility. That is to forego measuring it in favour of obtaining personal preference orderings from the people to whom several policies are proposed and then to derive a social choice ordering from these personal orderings (Riker, Ch.5). This project in practice may fail to generate a consistent social choice when three or more policies are considered: because of differently composed majorities,  $x$  may be preferred to  $y$ , but  $y$  may be preferred to  $z$  and  $z$  to  $x$ . The impasse can be overcome locally in the same way as an impasse thrown up by a mixed result from a census, by revising the policies in question with the deliberate aim of making the social ordering of  $x$ ,  $y$ , and  $z$  consistent, thus breaking through the impasse. Revisions of this sort are a familiar aspect of ordinary politics and one of the great advantages of the seriality of the policy-making process. Calculations about felicity or felicity go on all the time, at one remove, with the surrogate concepts (see above) and the census notion. It is true that

these calculations go on amid a welter of conflicting policy proposals and (as discussion serially continues) census-induced modifications in these proposals. Here, innovation in the utilitarian spirit does not have the forthright impulse to political action that would have been offered by a calculus that summed up all the dimensions of an issue by giving a unique clear-cut result on each side of it. That, however, was too much to hope for.

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*See also* AGGREGATE AND AVERAGE UTILITARIANISM; BENTHAM, JEREMY; CARDINAL UTILITY; HAPPINESS; HEDONISM; INTERPERSONAL UTILITY; MAXIMIZATION; MEASUREMENTS OF UTILITY; OBJECTIVE AND SUBJECTIVE UTILITARIANISM; ORDINAL UTILITY; PREFERENCES (PREFERENTIALISM); PUBLIC CHOICE THEORY; SCALAR UTILITARIANISM; UTILITY; WELFARE (WELFARISM).

FELICITY: *See* HAPPINESS.



## FEMINISM

### FEMINISM

The modern feminist movement owes a lot to utilitarianism, though contemporary feminist theorizing in moral and political philosophy rarely acknowledges that debt, and much work in contemporary feminist ethics is sharply critical of utilitarianism. That said, important utilitarian themes remain in recent feminist work.

There are significant historical links between current feminist ideals and utilitarian ethics. Bentham objected to James Mill's exclusion of women from the ballot in the famous essay "On Government" (1820), but he never put in print his own egalitarian convictions (see Boralevi, 1984, Ch.2). John Stuart Mill also objected to his father's views on the subject. He took the comparative status of men and women to be one of the most important issues for moral and political philosophy. Mill argued for women's rights, women's suffrage, and equal access to education for women. In his 1869 essay *On the Subjection of Women*, claimed by Mill to be coauthored with his spouse, he defended equality between the sexes. (Whether or not Mill was the sole author of the essay, it is worth recording that Harriet Taylor Mill had covered some of the same arguments in her 1851 article "The Enfranchisement of Women," published anonymously in the Benthamite *Westminster Review*).

Mill believed that the legal subordination of women was unjust and that it stifled human progress. He argued that the unequal treatment of women was inconsistent with utilitarianism and that it wronged individual women. Mill still imagined that women would choose to stay at home and care for children and household, but in matters of education, voting, and decision-making within the family, he saw that morality required an equal role for women. Mill was far ahead of others writing about women's education in that he saw a connection between the education of girls and women

and judgements about what roles and activities suited the female sex. He believed that we cannot claim to know the true nature of women because women are what men have made them to be. Writes Mill: "What is now called the nature of women is an eminently artificial thing—the result of forced repression in some directions, unnatural stimulation in others" (CW, vol. 21, p. 273). People tend to think that whatever is customary is natural, especially those who have the power under the customary arrangement, according to Mill. "But was there ever any domination which did not appear natural to those who possessed it?" (p. 267)

Mill's work builds on that of Mary Wollstonecraft who published *A Vindication of the Rights of Woman* in 1792. Wollstonecraft also argued that men and women are not naturally different in their moral and intellectual abilities and should be treated equally, including most especially in the area of education. In the work of Mill, Taylor, and Wollstonecraft, one sees hope for a better world once society stops ignoring the abilities and talents of half the population. The feminism of the early utilitarians sees this as good both for individual women who are being treated unjustly by the gendered division of education and labour, and for society as a whole once women are liberated from restrictive gender roles. (Notably, one does not find a critique of male gender roles and their social cost in the work of the early utilitarians.)

Despite the utilitarian roots of modern feminism, feminist moral philosophy has taken issue with utilitarian moral reasoning. Indeed, feminists are among the utilitarians' harshest critics. It's helpful to divide feminist criticisms of utilitarianism into three different categories: (1) criticisms of mainstream moral theorizing in general, in which utilitarianism is only as guilty as other moral theories such as Kantian deontology; (2) criticisms of utilitarianism which feminists share with other critics, that is, they are shared by

feminists but aren't specifically feminist in nature; and (3) feminist critics of utilitarianism where the basis for the criticism is feminist and utilitarianism is the only target.

Feminists criticize both deontological and utilitarian theories for their reliance on abstract principles. "Utilitarians suppose that one highly abstract principle, the Principle of Utility, can be applied to every moral problem no matter what the context. A genuinely universal or gender-neutral moral theory would be one that would take account of the experience and concerns of women as fully as it would take account of the experience and concerns of men" (Held, p. 330). Feminists, along with others, also criticize utilitarianism for its inability to take account of the moral significance of particular important relationships such as friendship, romance, or the child/parent relationship. Finally, feminists criticize utilitarian moral reasoning for including sexist preferences and/or happiness at the suffering of women in the calculation of the overall good. Even if such preferences and/or positive mental states will almost always be outweighed by the preferences and suffering of the women affected, feminists argue that such preferences and/or positive mental states ought not to count at all.

Torbjörn Tännsjö (1998) considers feminist criticisms of ethics at length and argues that hedonistic utilitarianism is able to respond to these feminist criticisms. Other moral theories resolve particular cases by appeal to abstract and impartial principles; they are unable to take account of the context and relevant facts. Utilitarianism, on the other hand, is sensitive to the details of a particular case. After setting out three desiderata for any feminist theory of ethics, Tännsjö shows that utilitarianism is well able to meet them. He writes that present-day feminists have rejected utilitarianism too quickly and that utilitarianism is a natural point of departure for theories of social change and for arguments against an unjust social order.

Purdy (1996) defends utilitarianism as providing a basis for feminist concerns in ethics. She notes that only utilitarianism is forward-looking, as it gives no weight to old precepts. According to utilitarianism, each person's good matters equally, there is no room for ignoring the disadvantaged. As well, utilitarianism requires us to explore all alternatives and their long-range consequences and pays attention to people's real values, seeking happiness and avoiding misery. Finally, utilitarianism keeps morality grounded in the real world, pays attention to individual needs and cannot ignore the needs of women and others who are disadvantaged (Purdy, p. 26).

Driver (2005) writes that one can be a consequentialist and also be responsive to feminist concerns about partiality in ethics. She writes, "Universal benevolence does not lead inevitably to disavowal of the ties of friends and family or to rejection of special obligations. It does not lead to a complete and total subsumption of the individual. While this is true, it also recognizes the vulnerable, which indeed is one of its historical strengths—it was, after all, initiated as a vehicle for reform to eliminate policies and laws that served the interests and pandered to the prejudice of those in power at the expense of others" (Driver, p. 197).

Although contemporary feminist moral theory rejects utilitarianism, important connections remain between utilitarianism and feminism both in terms of theory and in terms of political practice. In the area of theory, feminists side with utilitarians in grounding moral claims in their effects on persons. While they may reject utilitarian reasoning about the nature of the good, a strong consequentialist element remains in all feminist work. There is a great deal of feminist work relevant to theories of well-being, including for example, work on the relationship between well-being and autonomy. Examples include work on perfectionist theories of the good (Yuracko, 2003), the capabilities account of the human good (Nussbaum,

1995), and objective theories of the good (Babbitt, 1996). Also, there are explicitly feminist criticisms of preference theories of the good (and feminist versions of worries about the problem of “sour grapes” and adaptive preferences). In the area of political practice, feminist concerns for the education and treatment of women are greatly helped by utilitarian arguments. In many parts of the world, one gets the greatest increase in overall well-being by educating girls and guaranteeing women access to reproductive rights.

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See also BENTHAM, JEREMY; BIOETHICS; CLAPPERTON, JANE HUME; MILL, HARRIET TAYLOR; MILL, JOHN STUART.

FITZGERALD, PENELOPE FREDERICA (1820/21–1900)

Penelope Frederica Fitzgerald (*née* Collard) was born on an unknown date either in 1820 or 1821. She was self-educated and her writings display an eclectic blend of intuitionism, mysticism, idealism, and evolutionary theory. She abhorred secularism and atomism, and sought to demonstrate that knowledge of an Absolute Being provided the basis for morality. Her major publications included *An Essay on the Philosophy of Self-Consciousness* (1882) and *The Treatise on the Principle of Sufficient Reason* (1887), the latter a rebuttal of the social evolutionary accounts of morality proposed by G. H. Lewes and T. H. Huxley. Fitzgerald’s specific concern with utilitarianism is related to the communitarian sentiments expressed in *Principle of Sufficient Reason*, in which she argued for a strengthening of the communal bonds of sympathy and cooperation in the face of the corrosive effects of urban and industrial life. Ultimately, her philosophy was underpinned by a mystical belief in the Absolute and in divine benevolence. However, this did not prevent her from embracing the egoistic

components of utilitarianism: "I hold that in reflective introspective reasoning the love of God is the natural outcome and syllogistic conclusion of self-love and social" (Fitzgerald, p. 203).

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#### FOUCAULT, MICHEL (1923–84)

Paul-Michel Foucault was born on 15 October 1926 in Poitiers, France, and educated at the Jesuit Collège Saint-Stanislas and the École Normale Supérieure. His father was a medical doctor and surgeon, and it was expected that he too would have a career in medicine. Much of Foucault's work did indeed have a connection with medicine, but it adopted the perspective of the patient and the critic, not the practitioner. One of his earliest publications was *Maladie mentale et personnalité* (1954), that is, *Mental Illness and Personality*, and one of his first major books

was *Naissance de la clinique: Une archéologie du regard médical* (1963), translated into English as *The Birth of the Clinic: An Archeology of Medical Perception* (1973). Foucault's lifelong sympathy with the mad, the sick, the imprisoned, the marginalized and the repressed might plausibly be seen at least in part as reflections of the distress he suffered as a young homosexual student at the École Normale Supérieure, which led to acute depression, suicide attempts, and treatment by a psychiatrist.

Foucault's first "license" or university degree (1949) was in psychology. After obtaining a diploma in psycho-pathology (1952) and working for a time in a mental hospital, he wrote *Folie et déraison* (1966) which appeared in English as *Madness and Civilization: A History of Insanity in the Age of Reason* (1965). In *Les mots et les choses* (1966), translated as *The Order of Things* (1973), Foucault broke with both the French phenomenologist school of philosophy and Marxism. He did not, however, distance himself from the German "nihilist" philosopher Nietzsche. He always maintained emphatically that he was a "Nietzschean." The novel, critical approach he brought to the study of the history of ideas and practices, which he referred to as "archaeological" and later "genealogical," was a study, like Nietzsche's own *Genealogy of Morals* (1887), of the ceaseless power struggles that generated dominant configurations of truth and knowledge in successive human communities. The first volume of Foucault's projected six-volume *History of Sexuality*, a project left incomplete at his death in 1984, was published in 1976 as *La volonté de savoir*, or "the will to knowledge," a clear echo of Nietzsche's famous formulation of the "will to power," and an indication of the unique amalgamation of power and knowledge that would characterize Foucault's later work on politics and society. "Discursive constructs," Foucault would argue, form "regimes" or power structures, which

he also described as “grids” of “power/knowledge.” Language is power, and discourse is incorrigibly political. This was the philosophical framework within which he became fascinated by Jeremy Bentham’s Panopticon as a figure of speech, and by English utilitarianism as a technology or strategy of power.

In 1975, Foucault published the work translated into English in 1977 as *Discipline and Punish: The Birth of the Prison*. It focused primarily on penal law reform in the eighteenth century, but in it he developed a radically new general interpretation of modern political and social power. The French title, *Surveiller et punir*, conveys Foucault’s key distinction between power as punishment and power as surveillance and control. He contrasted the older, juridical form of power, which he associated with Thomas Hobbes’s famous work *Leviathan* (1651), with the exercise of much more pervasive, penetrating, and complex mechanisms of “disciplinary” or “normalizing” power in modern societies. The symbol of this new kind of power for Foucault was the “Panopticon” or “Inspection House,” an actual architectural innovation designed by Bentham in collaboration with his younger brother Samuel, a naval architect. “Inspection Houses” could, Bentham thought, be used as hospitals, places of quarantine, and workhouses as well as prisons. They would be totally designed environments in which everything—food, clothing, vocational training, and more—would be rigidly regulated to cultivate the habits of honesty, productivity, and responsibility in the inmates. They were remarkably rehabilitative institutions for that day, disciplinary in Foucault’s sense while unquestionably retaining a carefully calibrated punitive function. The Panopticon was a project of enormous importance to Bentham. He devoted years to publicizing its potential benefits and seeking parliament’s support to build actual Panopticons. But the influence of the Christian penal

reformer John Howard won out over Bentham’s idea, and modern Anglo-American prisons accordingly took the name and the form not of Panopticons, but of “penitentiaries.” Foucault, however, saw the Panopticon, not the penitentiary, as epitomizing disciplinary power and control. His writings on the subject drew unprecedented levels of intellectual attention to Panopticon, and also to Bentham’s work as a whole. Although Foucault’s intentions were evocative, not destructive, he was seen by some Bentham scholars as launching a reductive critique of Bentham’s utilitarianism on the basis of a selective focus on Panopticon. An examination of Foucault’s lectures at the Collège de France, however, shows this assessment of Foucault to be itself selective and reductive.

Foucault held the prestigious Chair in “The History of Systems of Thought” at the Collège de France from 1971 until his death in 1984. The lectures he gave in those years are, at the time of writing, being made available in both French and English, and are an important source of balance and accuracy in the interpretation of his ideas. In his 1978–79 lectures on the “governmentality” of the modern state, Foucault added to the juridical and disciplinary modes of power a third: “Biopower,” a set of mechanisms by which, he said, the basic biological features of the human species become the object of a general political strategy. Life and health themselves are, thus, politicized. In *The Birth of Biopolitics* (2010), the text of the 1978–79 lectures, he argued that a new “art of government” arose in the eighteenth century as a refinement of the earlier dominant political strategy of “raison d’état.” Associated with liberalism, it was based on two principles: (1) the elevation of “the market” to the status of a sociopolitical paradigm, and (2) the limitation of the exercise of power by public authorities. He found in English utilitarianism, and specifically in Bentham’s writings, a principle of “frugality” in government,

which he saw as the basis for the limitation and rationalization of the powers of the liberal state. “The question of frugality,” he wrote, “is ... the question of liberalism” (Foucault, 2010, p. 29). Just as Bentham, inspired by the Italian penal reformer Cesare Beccaria, had sought to devise scientific measures of punishment so as to make it proportional to the harm done by crimes, utilitarianism in the era of liberalism sought to set parameters for public power. Utilitarianism was, Foucault said, “something very different from a philosophy or an ideology” It was “a technology of government,” critically assessing governmental principles and practices by the standard of utility (p. 41). He considered “the fundamental axiomatic of the rights of man and the utilitarian calculus of the independence of the governed” to be the two essential yet heterogeneous components of the “strategic logic” of liberalism (pp. 42–3).

Foucault’s analysis of modern power, which traces changing strategies and mechanisms of power from Bentham’s time (and earlier) to ours, has been extremely influential. As its influence has grown, so has the fame (or notoriety) of Bentham’s Panopticon. Bentham validated the principles of the Panopticon by reference to the principle of utility or “greatest happiness principle.” He saw his utilitarianism as a strictly scientific systematizing of the hedonistic realities of human life. His goal, he wrote, was the optimization of the condition of mankind insofar as it depended upon the law. His standards were universalist and perfectionist. The contrast with Foucault’s intellectual persona and project is striking. In his Collège de France lectures, Foucault identified himself as a philosopher, by which he said he meant someone who studies “the politics of truth,” that is, “the struggles, confrontations, and battles that take place within our society, and ... the tactics of power that are the elements of this struggle” (Foucault,

2010, p. 17). For him, the study of “the circle of struggle and truth” was the essence of philosophical practice.

The intellectual enterprises of Bentham and Foucault are incommensurable. Foucault’s work was never meant to offer an alternative to utilitarianism or liberalism. Choices between such systems are, he said, “choices of an aesthetic order.” Foucault offers, he says, only “tactical pointers” to his readers: “If you want to struggle, here are some key points, here are some lines of force, here are some constrictions and blockages” (Foucault, 2010, p. 18). The only “imperative” he wished to convey was “Never engage in polemics.” Where Bentham aspired to subsume politics under a utilitarian standard of truth, Foucault aimed to politicize the truth of utilitarianism.

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See also BENTHAM, JEREMY; PANOPTICON.



## FOWLER, THOMAS (1832–1904)

Thomas Fowler was born on 1 September 1832 and educated at Hull grammar school, a private school in Lindsey, King William's College on the Isle of Man, and Merton College, Oxford, where he obtained a first in mathematics and classics. He was ordained in 1855 and became a fellow and tutor of Lincoln College, becoming its subrector in 1857. In 1873, Fowler became Wykeham Professor of Logic, a position he held until 1889. To this, he added president of Corpus Christi College in 1881 and vice-chancellor of the university in 1899. Early in his career, Fowler was sympathetic towards the Oxford Movement, but subsequently gave up his conservative political views in favour of more liberal and moderate opinions in politics and theology. During his 26 years at Lincoln College, he was a popular teacher, but was not a profound or original thinker. Much of his writing was an attempt to reiterate J. S. Mill's philosophy for use at Oxford. Hence, Fowler's *Elements of Inductive Logic* (1870) followed Mill's line of reasoning in the *System of Logic* (1843), and in his *Principles of Morals* (1886, 1887) he followed Mill in presenting a "moderate utilitarianism" that embraced "an Aristotelian notion of welfare in place of unrefined utility" (Stewart, 2004).

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FOX, WILLIAM JOHNSON  
(1768–1864)

Born on 1 March 1786 into a Calvinist family, W. J. Fox was educated at the independent academy at Homerton, near London, and ordained a minister, serving an Independent congregation in Fareham, Hampshire. After studying the divisive controversy over the Trinity, he converted to Unitarianism, which he announced in *Letters to the Rev. John Pye Smith* (1813)—containing his criticisms of the sacrificial view of the atonement as biblically and morally insupportable. Fox's reputation for controversy and skills as a preacher led to him succeeding William Vidler in London's Unitarian chapel in Parliament Court, Bishopsgate. In 1827, he became editor of the *Monthly Repository*, at that time a Unitarian magazine, which he subsequently purchased in 1831 and severed its ties with Unitarianism. J. S. Mill was then an occasional contributor. Fox also wrote for the *Westminster Review*, one of a number of Unitarian contributors recruited by John Bowring, and used the platform to support the general reformative position of the philosophic radicals. His adoption of utilitarian ideas is evident in the sermons collected and published as *Christian Morality* (1833), in which, under the influence of William Paley, he offered a form of religious utilitarianism. Later, as an intermittent MP for Oldham, 1847–62, he spoke in support of religious liberty, popular education, the extension of the suffrage and women's rights, and against the Corn Laws.

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*See also* RELIGIOUS UTILITARIANISM.

**FUTURE GENERATIONS:** *See* INTER-GENERATIONAL JUSTICE.

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## GAME THEORY

Game theoretic considerations have been used to support utilitarian ethical principles as well as to raise and discuss problems regarding the collective action of utilitarians. Game Theory is a branch of decision theory that focuses on how rational individuals would make decisions when the outcomes of those decisions are dependent upon the choices of others. Sometimes the consequences of choices made in this type of situation are not desired by any of the individuals involved. A common example of this type of game is the Prisoner's Dilemma. In this example, two prisoners have the choice of either testifying against their partner or keeping silent. If both keep silent, each receives a one-year sentence on a less serious charge. If one keeps silent and the other testifies, the silent prisoner receives a ten-year sentence while the testifying prisoner is cleared of all charges. If both testify, both receive 10 years. This case is game-theoretically interesting because rational agents aiming to acquire the best possible outcomes for themselves will always be motivated to testify against their partners, but this course of action will leave them in a suboptimal position that neither of them desire.

Game-theoretic reasoning has been used to show that in some cases utilitarianism is self-defeating. Utilitarian individuals acting on the basis of reasonable beliefs about how other utilitarians would act sometimes leads to

suboptimal outcomes. This criticism is known as the coordination problem. One example of such a scenario is articulated by Allan Gibbard (1971, pp. 5–9). A boulder threatens to fall off a mountain onto a village full of utilitarians. All the villagers know that the best outcome is that enough people band together to push the boulder over the other side of the mountain. If enough people work together, they would be able to push over the boulder. But since none of them can do it independently, it is more rational for any individual to help relocate the possessions of his or her fellow villagers. Since all the villagers know that all the other villagers are utilitarians, it is reasonable for any one of them to believe that no other villager will try to push the boulder over the other side of the mountain. In the light of this reasoning about what other utilitarians would decide to do in that situation, no one tries to move the boulder. This leads to the less than optimal outcome of a boulder falling on the village. Game-theoretic considerations, therefore, show that direct utilitarianism suffers from certain problems regarding the coordination of groups.

Another way game-theoretic reasoning and utilitarianism interact is in discussions of the problem of free riding. Richard Brandt offers an example of this. In wartime, the English government put a restriction on the amount of fuel that could be used to heat a house. One utilitarian reasons that the amount of pleasure she would derive from warming her house beyond the restricted level would

outweigh the utility of that small amount of fuel being put to government use. This individual then judges that using the extra fuel is the correct action according to utilitarianism. However, this belief is dependent on the information she has about what other people in England will do. If enough people obey the law, her selfish act will not have any bad consequences. However, if everyone is a utilitarian of a similar stripe, then the consequences will be disastrous (Brandt, p. 389).

Smart has offered a game-theoretic solution to this free-riding problem by suggesting that all utilitarians should modify their ethical deliberations in virtue of the likelihood that other members of society will act in accordance with a utilitarian ethical principle (Smart and Williams, p. 59). If there is a high probability that most individuals would heat their own houses to a higher than recommended temperature, the individual should use a correspondingly weighted random method for determining whether or not he or she will use extra fuel. These types of solutions are known as mixed strategies.

Game-theoretic considerations are also appealed to in debates about theory choice in normative ethics. Some philosophers have given game-theoretic accounts of why a particular normative theory is preferable to others. David Gauthier, for example, argues that altruistic, cooperative behaviour is sometimes mandated by the rational pursuit of self-interest. As Gauthier puts it, "to choose rationally one must choose morally" (Gauthier, 1986, p. 4). This conclusion follows from Gauthier's analysis of the consequences of the maximizing conception of rationality for game-theoretic problems of interaction like the Prisoner's Dilemma. Rational bargainers in a society will agree to mutually constrain one another's pursuit of the fulfillment of their own personal preferences as long as doing so affords "each person greater benefit than she could expect in a non social 'state of nature'" (p. 11).

Other philosophers use game-theoretic reasoning to discuss the virtues of utilitarianism,

but employ a different methodology from Gauthier. These theorists do not argue about which normative theory would be preferred from a partial point of view, but rather disagree about which social arrangement would be preferred from an impartial point of view. This presumption of impartiality is meant to capture the universal nature of moral thought. This game-theoretic methodology asks bargainers which distribution of goods they would prefer for a society if they did not know what place they held within that society. This methodology is referred to as the *equiprobability assumption* by John Harsanyi (1975, p. 98) and as putting oneself in the *original position* by John Rawls (p. 16).

Strictly speaking, Rawls's and Harsanyi's debate is not characterized by a genuine game-theoretic problem, one which involves interactions whose outcomes are dependent upon the decisions of others. However, the methodology they employ treats various ethical theories as potential solutions to bargaining problems. Most philosophers still classify this type of account as game-theoretic (see e.g. Weirich, pp. 120–1).

Harsanyi famously argued that if one accepts several fairly weak premises, a utilitarian theory of morality is unavoidable. The first assumption is that moral judgments are impartial in the sense that they make claims about moral rather than personal preferences. This is a restatement of the equiprobability assumption discussed above (Harsanyi, 1977, pp. 636–8). Any individual who accepts this assumption must presume that he or she has an equal probability of being any member of society. The second assumption is a statement of Pareto optimality. Granted that it is coherent to speak of prospective individual benefit and moral preference, the Pareto optimality premise commits you only to the claim that whenever "at least one individual  $j$  personally prefers alternative A to alternative B, and that no individual has an opposite personal preference ... individual  $i$  will morally

prefer alternative A over alternative B” (p. 636). Once we grant these two premises, we must acknowledge that any individual’s moral preferences must be a weighted sum of all other individuals’ personal preferences. According to Harsanyi’s theorems, individuals assuming equiprobability would choose the social arrangement with the highest average utility (see Broome, 1991, for a detailed discussion of Harsanyi’s theorems; see Gauthier, 1982, for a criticism).

Rawls famously objected to Harsanyi’s conclusion about which principle individuals in the original position would choose. He believed that rational individuals would choose a maximin rule rather than use a utilitarian decision rule. According to maximin, one should seek to make the worst position in society as well off as possible. This is because individuals with an “aversion to uncertainty in regard to being able to secure their fundamental interests that is within a normal range” would not risk being one of the few individuals whose fundamental interests are sacrificed for the sake of raising the average utility (Rawls, p. 149). Part of Rawls’ reasoning for this is that individuals in the original position could not be reasonably understood as having objective grounds for presuming an equal likelihood of being in any position in society. Harsanyi responds to Rawls’ criticisms by pointing to some paradoxes of the maximin principle and arguing that eschewing all probabilistic reasoning in the original position would be irrational (Harsanyi, 1975, p. 599; 2008, p. 72).

A Harsanyi-like result has been sought more recently by appealing to more traditional game-theoretic considerations. Allan Gibbard argues that if individuals pursue distinct goals that are not construed impersonally, the result will be a suboptimal social situation reminiscent of the Prisoner’s Dilemma. This outcome will be mutually self-frustrating for all those involved (Gibbard, 2008, p. 77). If we all adopted the

same goal scale, we would all achieve prospects that are better on each person’s scale. The way around this according to Gibbard is to take on a theory that is utilitarian in form insofar as it aims to maximize some universally accepted goal.

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See also HARSANYI, JOHN; INTERESTS; MAXIMIZATION; PARETO PRINCIPLE; PREFERENCES (PREFERENTIALISM); RATIONAL CHOICE THEORY; RAWLS, JOHN.

**GAUTHIER, DAVID (b. 1932)**

David Gauthier was born on 10 September 1932 in Toronto, and educated at the University of Toronto, Harvard University, and the University of Oxford. His main academic appointments were at the University of Toronto (1958–80) and the University of Pittsburgh (1980–2001), and his major work is in moral philosophy and the theory of practical rationality. His best-known work is *Morals by Agreement* (1986), but he is also known for many essays on a wide variety of topics in moral and political philosophy, as well as for two books on the thought of Thomas Hobbes (1969) and Jean-Jacques Rousseau (2006).

Gauthier is a critic of utilitarianism and frequently contrasts it unfavourably with his own contractarian moral theory. The disagreements between the two are instructive. Gauthier has a number of important criticisms of utilitarianism, some of which resonate with reproaches made by other contemporary thinkers. Perhaps the most important and original are the criticisms he makes of the work of the famous decision theorist, John Harsanyi, corecipient of the 1994 Nobel Memorial Prize in Economics. Harsanyi is the author of a remarkable theorem defending a form of utilitarianism. He

developed a decision-theoretic version of the theorem and an axiomatic (social-choice theoretic) version. In the first, Harsanyi extends the standard approach to rational choice under uncertainty to a special problem of choice, one where the agent is uncertain not only about the outcomes of choice but also about his or her identity. For Harsanyi, such a hypothetical choice embodies an impartial perspective and consequently yields appropriate moral principles. With standard assumptions, the procedure leads to the unique choice of an average utilitarian principle; this is the Laplace rule for choice under uncertainty, leading one to assign an equal probability to one's being any one of the particular people in a society. Gauthier argues that this understanding of moral principles is not one that could be adopted by rational utility maximizers, as the choice situation is not the simple extension of individual rational choice that it is supposed to be:

the conditions for individual choice are not properly satisfied if the supposed chooser is denied any knowledge of his own identity, so that he must take different identities from the characteristics of the persons in the prospects among which he is to choose ... Given that one has no knowledge of one's own identity, one can function as an arbitrator, selecting an outcome that is a fair compromise among the preferences of the individuals involved. But without preferences of one's own, and so without a utility function to maximize, one cannot act as an individual chooser (Gauthier, 1982, p. 159).

Gauthier develops this critical analysis in a review of a collection of Harsanyi's papers (1978), in an article (1982), and in a chapter of *Morals by Agreement*. The technical details of his argument presuppose familiarity with Harsanyi's theorem and with the theory of rational choice, but the main

thrust of his position can be stated without recourse to these underlying considerations.

Gauthier's criticism of utilitarianism in *Morals by Agreement* is superficially similar to that stated by John Rawls in *A Theory of Justice* (1971). Gauthier writes: "For a choice is rational only to those able to identify with it, and impartial only if all are able to identify with it. But the choice required by average utilitarianism affords no basis for this identification ... Utilitarianism violates the integrity of the individual as a being with his own distinctive capacities and preferences, and so with a distinctive utility, not interchangeable with the utilities of others, that he seeks to maximize" (Gauthier, 1986, pp. 244–5). Utilitarianism treats the individual, with distinct preferences, as a mere input into the maximization of overall preference satisfaction; this Gauthier thinks "does not take seriously the individuality of persons."

Gauthier notes that utilitarianism historically was the friend of liberal capitalism but that the two movements soon parted company. Expressing the theoretical tension in terms of the theory of perfect competition, Gauthier argues that utilitarians must "reject the outcome of perfect competition" and support "a redistribution of products from that realized in market equilibrium" (Gauthier, 1986, p. 105). His criticism here is related to that voiced above: "the utilitarian supposes that even a person's natural attributes, her physical and mental capacities, are vested in her only in so far as this proves socially convenient" (p. 109).

Gauthier thinks that the utilitarian perspective neglects the agency of cooperators. "The utilitarian proposal, applied to cooperation, treats the co-operators as passive recipients of goods, not as actively engaged in producing them and agreeing on their distribution" (Gauthier, 1986, p. 127). In his own theory, rational agents agree not to maximize aggregate utility or well-being however it is distributed, but to mutually beneficial practices and principles. "An impartial choice,"

he says, speaking of Harsanyi's model of choice under uncertainty, "reflects no point of view; its outcome need be considered rational and fair by no chooser aware of his own identity." By contrast, Gauthier's own position, he thinks, may succeed where Harsanyi's fails: "An impartial bargain reflects every point of view; its outcome is rational and fair for each fully informed bargainer" (Gauthier, 1982, p. 160).

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See also AGGREGATE AND AVERAGE UTILITARIANISM; HARSANYI, JOHN; RATIONAL CHOICE THEORY; RAWLS, JOHN.

## GAY, JOHN (1699–1745)

John Gay was born in Meeth, Devon. His father, James, was rector of Upton Pyne, and among the Devonshire Gays was his cousin of the same name, the poet John Gay. After grammar school in Devon, Gay entered Sidney Sussex College, Cambridge, as Blundell scholar in 1718, taking his BA in 1721 (MA 1725). Ordained in 1723, he was elected a fellow of Sidney Sussex in 1724, becoming lecturer in Greek, Hebrew and ecclesiastical history. During his residence at Cambridge, a significant number of other notable and like-minded philosophical and theological figures were also present, among them Daniel Waterland, John Jortin, Edmund Law, John Taylor, Soame Jenyns, Francis Blackburne, David Hartley, and John Brown. In 1732, Gay resigned his fellowship to become Vicar of Wilshampstead, Bedfordshire, and in 1739, Vicar of Hawnes. He died on 18 July 1745 and was buried at Wilshampstead.

While at Cambridge, Gay composed his celebrated “Preliminary Dissertation. Concerning the fundamental principle of virtue and morality,” which Edmund Law published anonymously as a preface to his 1731 translation of William King’s seminal *De origine mali* (1702), *Essay on the Origin of Evil*. Gay’s dissertation appeared in all subsequent editions of King’s work. Hartley, who knew Gay well, identified him as the author of the dissertation in the preface to his *Observations on Man* (1749), and the attribution has remained unquestioned since.

The dissertation is the only generally accepted publication by Gay. Commentators have considered that he may have authored other works—notably “A Dissertation upon the Argument *a Priori* for proving the Existence of a First Cause,” appended to Law’s *Enquiry into the Idea of Space, Time, Immensity, and Eternity* (1734); *An Introduction Towards an Essay on the Origin of the Passions* (1741); and *An Enquiry*

*into the Origin of the Human Appetites and Affections* (1747)—but the evidence is not compelling (Selby-Bigge, vol. 2, pp. 388–9; Spadafora, pp. 142–3; Passmore, p. 37n; McReynolds, pp. xxvii–xxix).

The impact of Gay’s dissertation on the development of utilitarian theory has long been recognized. At the beginning of the twentieth century, Halévy declared him “the true founder of the new philosophy” (Halévy, p. 7), and Albee, with a degree of exaggeration, thought “the whole outline of Utilitarianism in its first complete and unencumbered form is to be found in Gay’s Preliminary Dissertation” (Albee, p. 83; see also Cragg, p. 279). Gay’s essay was known to Brown, who borrowed from it in his more detailed statement of the religious or Christian form of utilitarian ethics in *Essays on the Earl of Shaftesbury* (1751). David Hume seems to have read Law’s 1731 translation of King with Gay’s dissertation, and his biographer, Ernest Mossner, (1954) believed this to be a telling fact, “because Gay’s short dissertation is the earliest known reconciliation of ethical utilitarianism with psychological associationism, two doctrines that were to be employed by Hume himself” (Mossner, p. 80). William Paley, in his memoir of Law, also acknowledged Gay’s importance (Meadley, p. 356). More particularly, Hartley owned that Gay provided the hint that led him to his own theory of association (Hartley, p. iii; see also Stephen, vol. 2, p. 63).

In the dissertation, Gay set out to identify and discuss two issues: (1) the “*Criterion of Virtue, viz. what it is which denominates any Action virtuous,*” and (2) “the *Principle or Motive by which Men are induced to pursue Virtue*” (Gay, p. xi). He defined virtue as “the conformity to a Rule of Life, directing the actions of all rational Creatures with respect to each other’s Happiness; to which Conformity every one in all cases is obliged: and everyone that does so conform, is or ought to be approved of, esteemed and loved



for so doing” (p. xvii). Further, the idea of virtue includes not only the idea of approbation “but also that it is to every one, and in all Circumstances, an object of *Choice*” (p. xiii). It is reason, to which approbation and all other affections are ultimately resolvable, that points out what will further our “*private Happiness*,” and whenever this end is not perceived, the affections “are to be accounted for from the *Association of Ideas*, and may properly enough be call’d *Habits*” (p. xiv).

The issue to be resolved by moral theory is the apparent tension between the self-interested motive—“*the necessity of doing or omitting an Action in order to be happy*” (Gay, p. xviii)—and the benevolent objective of morality. An action is said to be right if it contributes to the happiness of others, while it is obligatory only if it contributes to the happiness of the agent. The right action and the action which is obligatory can be made to coincide through the religious sanction (hopes and fears related to the after-life). Gay’s starting point, then, is the essential benevolence of God who, by his very nature, wills the happiness of his creatures. What men must do is understand God’s will in order to know which actions promote the happiness of mankind and thus what it is that morality requires of them. Gay did not explain how we can truly *know* the will of God, settling for the apparent tautology that God’s benevolent will is manifest in his design for the general “good of mankind”—pursuing this end, therefore, *is* the will of God and it is in this end that we find our own personal happiness fulfilled.

In the process of examining these questions, Gay made two important contributions to the development of utilitarian moral theory: (1) his statement of the four sanctions of morality—natural, virtuous, civil and religious—which is a refinement from Locke, and (2) the idea that happiness is constituted of the sum of pleasures, between which only

quantitative distinctions can be made. Both views are found in Bentham’s secular variant of the utilitarian doctrine, with the latter underpinning his explanation of the framework for calculating pleasures and pains stated in *An Introduction to the Principles of Morals and Legislation* (1789).

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See also ASSOCIATIONISM; BENTHAM, JEREMY; HARTLEY, DAVID; RELIGIOUS UTILITARIANS.

**GISBORNE, THOMAS (1758–1846):**

See PALEY, WILLIAM.

**GODWIN, WILLIAM (1756–1836)**

William Godwin was born on 3 March 1756 in Wisbech, Cambridgeshire. He was educated at the renowned Hoxton Academy for religious dissenters and was initially destined to follow the career path of his father, a non-conformist minister. Despite his religious upbringing and tuition in the ideas of the ultra-Calvinist Andrew Sandeman, he had become an atheist by the time he came to write the works for which he is best known. A genuine polymath who composed plays, novels, histories, biographies as well as moral and political philosophy, Godwin was an extremely influential and controversial figure throughout the 1790s, when British politics was dominated by polarized reactions towards the French Revolution. Almost immediately after that decade ended, however, he faded into (often penurious) obscurity. His chief legacy became his widely lampooned future predictions (about an era in which humans will have overcome death, government and the theatre) and his trenchant rejection of conventional moral practices and institutions (most obviously his indictments of marriage, cohabitation and domestic affections, which

were regarded by his peers as representative of the worst excesses of Enlightenment rationalism). Despite his frequent financial crises, often aided by his son-in-law, the poet Percy Shelley, Godwin continued to write prolifically for the rest of his life, albeit mostly histories and biographies with a somewhat nostalgic, conservative bent, prompting the view held by many that his philosophical radicalism receded with age. He married the early feminist writer Mary Wollstonecraft, but her tragic death of puerperal fever immediately following the birth of their daughter caused him not only severe emotional anguish, but also—through his subsequent and brutally frank memoir of her life, loves, death and alleged religious apostasy—further public opprobrium. He married for a second time (to Mary Jane Clairmont) in 1801 and although this union lasted until his death, several biographers have suggested it was less than happy. Godwin died in 1836, 4 years after Jeremy Bentham, whom he finally met in 1831.

Godwin's fame in the 1790s in part related to the social circles in which he moved. He enjoyed close friendships with the playwright Thomas Holcroft, the essayist Charles Lamb and the leading demotic figure in the reformist London Corresponding Society, John Thelwall. After a short-lived stint as a journalist, over a period of 16 months in the aftermath of the French Revolution and at the height of the "Burke-Paine" (or loyalist-reformist) pamphlet war, Godwin composed his best-known work, the lengthy *Enquiry Concerning Political Justice and its Influence on Modern Morals and Happiness*, published in 1793. It was subsequently republished in 1795 and 1798 with important revisions, especially of the sections concerning revolution and property ownership.

In *Political Justice*, Godwin outlines and defends a utilitarianism in which "pleasure and pain, happiness and misery, constitute the whole subject of moral enquiry" (Godwin, p. 221). He traces his version of the theory, which departs from the thought of

other eighteenth-century writers cast as proto-utilitarians, back to Epicurus. Unlike Bentham, Godwin's utilitarianism does not stem from any ascription of psychological hedonism but rather from a moral perfectionism, a teleological conception of human flourishing whereby individuals owe a duty to make sure each of their actions increases overall happiness. This claim then facilitates a radical political critique that leads him to favour the removal of government. Godwin developed the Humean insight that society is built on opinion, to argue that human beings can never be capable of adhering to their duties to increase overall utility for as long as governmental institutions—and the system of rewards and punishments they perpetuate—exist. Instead, in order for humanity to improve and for individuals to learn to internalize their moral behaviour, each person must be guaranteed a “sphere of discretion” from both political authority and other agents. Therefore, it is morally right that government be removed and individuals accorded an arena of personal independence within which they are able to reflect on their conduct. For the sake of human happiness and flourishing, government should (and eventually will) wither away.

Again in contrast to Bentham, Godwin's utilitarianism is not strictly hedonistic in normative terms, since he posits an objective hierarchy of happiness wherein intellectual and moral pleasures are intrinsically more valuable than physical, sensual ones. In the third edition of *Political Justice*, Godwin added a preface in which he outlined an explicit “scale of happiness,” which sees manual labourers stupefied by their work at the very bottom, below unreconstructed hedonists, who are, in turn, below intellectuals who are, finally, below benevolent individuals. It is these benevolent individuals that act to increase overall happiness and do so from a disposition of disinterestedness that, for him, experience the most genuinely satisfying form of pleasure.

One of the most unique aspects of Godwin's utilitarianism is that it allows

individuals no discretionary moral entitlement to refrain from doing good: individuals are obliged to behave in a benevolent manner as much as they physically can and *at all times*. He claimed that “everything in my power is bound to the general weal” (Godwin, p. 174), and moral obligations are ruthlessly impartial and egalitarian with no geographical or relational limitations. Perhaps the most vivid illustration of Godwin's moral position is the so-called “famous fire cause” in *Political Justice*. He argued that there is no “magic in the pronoun ‘my’” to allow us to privilege our friends or loved ones over the demands of general utility. Should we happen upon a burning building that houses the seventeenth-century French philosopher François Fénelon along with one of our parents, it is the former we are obliged to rescue for the sake of the general utility that his survival will serve, regardless of any duties of love or gratitude we may feel towards our kin (pp. 169–70). This commitment to impartiality was mocked relentlessly in the “anti-Jacobin” novels of the 1790s and is still occasionally invoked as a *reductio ad absurdum* of utilitarian principles, even though it remains prominent in the work of twentieth-century utilitarians like Peter Singer (1995).

So described, Godwin's position appears to be a stark and extreme form of act utilitarianism whereby each of our actions must promote utility, and such a reading certainly fits his rejection of established moral conventions, such as promise-keeping, on consequentialist grounds. Nevertheless, Godwin's thought is actually best understood as a species of rule-utilitarianism, since he regards as inextricable the link between the cultivation of the dispositions necessary to achieve true happiness and the individual “right of private judgement” that enables such a cultivation. It is this right that enables not only his antipathy towards the tentacles of government that provide external inducements to individual action, but also his rejection of the political

associations that might otherwise lead to its abolition—any such organized political activity prevents the individual from forming a genuinely independent opinion. Individual freedom is so morally important that it must be preserved and cannot be traded for any purported increase in short-term, qualitatively inferior forms of happiness. Godwin's account of property rights is also rule-utilitarian: private property is an evil insofar as it causes inequality and exploitation, but established ownership rights should ultimately be respected unless and until individuals come to see the wrongness for themselves. All forms of coercion violate the right to private judgement and thus have a deleterious effect on general utility.

Perhaps unsurprisingly, Godwin's political thought—with its strikingly ruthless critique of existing political institutions, social conventions and moral traditions, but simultaneous rejection of any clear method of reforming society other than the use of undisturbed individual reasoning—came to be seen by many writers in the anarchist and socialist tradition as the epitome of “bourgeois radicalism.”

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See also ACT UTILITARIANISM; BENTHAM, JEREMY; CONSEQUENTIALISM; EDUCATION; EPICUREANISM.

**GOVERNMENT:** See CONSTITUTIONAL THEORY; DEMOCRACY.

**GRADABILITY:** See ETHICS.

**GREATEST HAPPINESS PRINCIPLE:** See BENTHAM, JEREMY; HAPPINESS; MILL, JOHN STUART; UTILITY.

**GREEN, THOMAS HILL (1836–82)**

Thomas Hill Green was born on 7 April 1836 at Birkin, a small village in Yorkshire, where

his father was rector, and died at Oxford on 26 March 1882. He was a key figure in the British idealist movement, exerting a particular influence in theology, ethics and political philosophy. That his emphasis on active liberal citizenship was not merely academic was reflected in the fact that approximately two thousand mourners lined the route of his funeral procession, representing both the academic community and the townspeople of Oxford.

Green studied at Rugby School from 1850 until 1855, after which he went up to Balliol College, Oxford. He was already interested in idealism while at Rugby, probably due to Fichte's influence on Thomas Carlyle, whose writings Green admired. His turn to Hegel reflected the influence of his Balliol tutor Benjamin Jowett. Green became widely known as an Advanced Radical in religious, social and political matters, advocating a significant extension of the franchise beyond that proposed by J. S. Mill and even John Bright. Like the other members of the Old Mortality Club such as Edward Caird, A. V. Dicey and Algeron Swinburne, Green supported the North in the American Civil War, and Mazzini in Italy. His republicanism mirrored his heterodox Christianity, although no one questioned his piety. He graduated in 1859, held a temporary teaching post at Balliol and was made a Fellow in 1860. Green declined the editorship of *The Times of India* in 1863. Uncertain of his future, he took up a position with the Schools Enquiry Commission in 1865, researching and writing many parts of the Commission's final reports. Green returned to Balliol in 1866, at which time he published his first article. In addition to teaching some of the most significant figures of the next generation (including Herbert H. Asquith, Bernard Bosanquet, Andrew C. Bradley, F. H. Bradley, Gerard Manley Hopkins, Sir Charles S. Loch, David G. Ritchie and Henry Scott Holland), Green devoted himself to many civic causes. He pushed for women to be given the right to take degrees at Oxford and with his wife Charlotte, he offered valuable

support to the founding of Somerville Hall (now College), Oxford. He worked for the extension of the franchise to working men, land reform and the "local option" in temperance reform. He was elected to Oxford City Council in 1876 and again in 1879. He became Whyte's Professor of Moral Philosophy in 1878, dying unexpectedly from blood poisoning on 26 March 1882.

In ethics, Green saw Bentham, Mill, Sidgwick and Spencer as his main philosophical opponents. The *Prolegomena to Ethics* (1883), his posthumous major philosophical work, returns time and again to the utilitarians, with its final book being a sustained if rather disorganized critical analysis of Sidgwick. This was the culmination of a series of philosophical exchanges that began in 1852 when Sidgwick became a Rugby schoolboy. The slightly older Green entered the sixth form that year. "Of Henry Sidgwick [Green] used to say: 'I can never think of him but as the chubby pot-bellied little Rugby boy'" (Symonds, vol. 2, p. 774). In his reminiscence of Green, Sidgwick stressed that, although forthright in print, he and Green retained great mutual philosophical and personal respect. Green was a harsh critic of J. S. Mill's logic, with a series of lectures on the topic appearing in his *Works* (Green, vol. 2, pp. 195–306). He discussed Mill's liberalism and democratic theory at various points in the fifth volume of the *Works*, often endorsing Mill's positions. On reading Caroline Fox's letters and journals towards the end of his life, Green remarked that Mill "seemed to have been such an extraordinarily good man" (vol. 3, p. cxlv).

Green showed a similarly nuanced attitude towards utilitarians in his ethical writings. Utilitarianism has provided "the conscientious citizen" of "Modern Europe" with "a vantage-ground for judging the competing claims on his obedience, and enabled him to substitute a critical and intelligent for a blind and unquestioning conformity" (*Prolegomena*, sec. 192). Utilitarianism has helped to

extend the range of the moral community and to propagate the idea that rights and duties should be founded on some conception of the good. Nevertheless, Green criticizes utilitarianism on a number of grounds. Some criticisms are more apposite than others, with the three least effective criticisms being as follows. First, Green holds that complex circumstances mean that a strict utilitarian could never decide how to act (here, Green presents a *reductio ad absurdum* of utilitarianism). Second, he argues that strictly utilitarianism is a conservative doctrine, in that it claims individuals always act to maximize their own pleasure, meaning that what *is* ought to be (here, Green conflates hedonism and hedonic utilitarianism). Third, Green argues that the greatest aggregate pleasure is an “intrinsically ... unmeaning” phrase, because the notion of “greatest” is rendered unintelligible by the fact that the aggregate can always be increased (*Prolegomena*, sec. 359).

Other criticisms seem more effective. First, Green attacks Bentham for failing to respect the distinctiveness of persons, ascribing intrinsic (dis)value only to pleasure (and pain), a view later adumbrated by John Rawls in *A Theory of Justice* (1971). Second, except for the very small set of purely physical pleasures, Green rejects the view that individuals are motivated by the desire to gain pleasure. Individuals can only gain pleasure for Green by attaining an object if they hold that object to have value independently of the pleasure it brings: for example, to get pleasure from helping your friend, you must wish her well irrespective of the pleasure it brings you. Third, Green points out that the ultimate utilitarian good (the greatest aggregate pleasure) is not itself a pleasure, meaning that in reality utilitarians do not value the feeling of pleasure as such, instead they value a state of being. Fourth, Green holds that pleasures cannot be true goods because they are fleeting.

Underpinning these criticisms is Green's Aristotelian belief that to qualify as a true

good, an object or state of being must be intrinsically valuable, permanent rather than transitory, and must adhere in individuals themselves rather than being provided from outside (as happens when one's sense of self-respect is derived solely from social esteem). Green holds that these criteria also underpin Mill's distinction between higher and lower pleasures, although Mill fails to recognize that they do so, not least because he fails to discriminate sharply between “distinctively human goods” and “animal” goods. Green argues that the latter are sought purely instinctively, while the former are constituted by the agent's rational self-conscious awareness of the permanent benefits that their attainment brings to the agent as a being with higher capacities. He argues that while attaining animal goods generates feelings of pleasure, attaining distinctively human goods gives rise to what he calls an “abiding satisfaction of an abiding self” (*Prolegomena*, sec. 234). Reflecting his profound debt to Kant, Green holds that one source of satisfaction is found in honouring the demands of one's rational nature. Another source was the realization of one's eudaimonic capacities as they have been given concrete expression in one's community. These two sources are reconciled to the extent that the richer, non-procedural capacities are realized as a coherent whole, in the life of a self-conscious being who respects the like-capacity of every other rational being with whom their life interacts. Green's is a form of cultural-conditioned virtue ethics.

Scholars such as David Weinstein (2007) see close links between Green and utilitarianism: Green endorses certain utilitarian policies; his philosophy has consequentialist elements; and he holds that attaining the true good brings the agent a positive feeling. Yet, Green acknowledges the contingency of the goodness of actual utilitarian public policies; he mixes consequentialism with deontology (one should act in such a way that either realizes one's higher capacities in a coherent life



plan or helps others to do so); he values the individual's satisfaction of herself as a "spiritual being," which he distinguishes sharply from her "animal" pleasure. (As with Mill, one should not sacrifice the former in order to gain the latter, although *ceteris paribus* more pleasure is better than less.) Ultimately, Green values the "free life" of the individual, where the individual wills subjectively and conscientiously the attainment of objectively valuable ends. These ends are made concrete through shared cultures. By playing an active part in a community that accords with these imperatives (a kingdom of ends whose members seek their own self-realization and help others to remove the obstacles hindering them from doing the same), each individual pursues a common good and manifests within herself God or the "eternal consciousness."

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*See also* BENTHAM, JEREMY; BOSANQUET, BERNARD; BRADLEY, FRANCIS HERBERT; IDEALISM; KANT, IMMANUEL; MILL, JOHN STUART; NEW LIBERALISM; RITCHIE, DAVID GEORGE; SIDGWICK, HENRY; SPENCER, HERBERT.

**GRIFFIN, JAMES PATRICK (b. 1933)**

James Patrick Griffin was born on 8 July 1933 in Wallingford, Connecticut. He received a D.Phil. from Oxford in 1960 and held a number of posts at Oxford during his working life, including the position of White's Professor of Moral Philosophy, from which he retired in 2000. Griffin has produced a number of works in ethics, the most important of which is *Well-being: Its meaning, measurement, and moral importance* (1986). His most enduring contribution to utilitarian thinking is his theory of well-being.

A theory of well-being is formal: it is an analysis of what it is for a life to be going well from the point of view of the entity living it. It does not tell us what in particular makes a life go well. Griffin rejects hedonist and objective-list accounts of well-being. The former are too narrow: our lives are sometimes made better for us by the possession of bitter truth rather than comfortable delusion. The latter are too insensitive to individual differences: they hold that the best life contains the greatest sum of objective values regardless of one's capacities or tastes. In opposition to these views, Griffin argues that one's life goes well to the extent that one has one's informed desires satisfied. That is, prudential value consists, broadly speaking, in the fulfillment of desire "formed by appreciation of the nature of its object" (Griffin, 1986, p. 14). For one's desires to



qualify as “informed” one must be free from logical errors as well as possess the facts or information (though not necessarily full information) and “insight and subtle, perspicuous concepts” (p. 13). These desires may differ in strength: one desire is stronger than another when it assumes a higher position in “an ordering that reflects appreciation of the nature of the objects of desire,” and a desire is fulfilled when its object obtains, whether or not one is aware of this (pp. 15, 14). The prudential goods that Griffin believes one would desire once informed and which when possessed would enhance one’s well-being include deep personal relations, understanding, “the components of human existence” (autonomy, liberty, and “the basic capabilities that enable one to act”), accomplishment, and enjoyment (pp. 67–8). He is, therefore, a pluralist about prudential goods.

One worry is that Griffin’s account has the same defect as the objective-list view. Griffin argues that the items on his list of prudential goods do not assume the same degree of importance in each individual life (p. 58). He lets desire, capacities and skills decide the right balance for each individual (pp. 33, 70). He even allows that some prudential goods may not be good for some people all things considered: “autonomy is valuable to everyone, but... a particular person might be made so anxious by being autonomous that it would be best for him not to be” (p. 58; also pp. 29, 33, 54, 70). But consider an individual who is simply unmoved by accomplishment. Griffin’s reply is that this person is making a mistake: “accomplishment... is valuable for everyone; anyone who fails to recognize it as valuable lacks understanding” (p. 29). Indeed, a life possessing only one or two of the goods even to a great degree “would not be the best life” (p. 35). But this seems to be insufficiently sensitive to individual differences. This makes the view as unacceptable as the objective-list view. The difficulty is that Griffin leaves room for the

role of individual differences in determining the precise balance of prudential goods in a life but not in deciding what ends up on the list of goods. It seems arbitrary to let individual differences play a role at one juncture but not at another.

In “Modern Utilitarianism” (1982), Griffin seems attracted to an indirect or two-level form of utilitarianism. Proponents of this view hold that while act utilitarianism is the right criterion of rightness, it is not the correct decision procedure. The right thing to do is to maximize net aggregate well-being. It is not the case, however, that we ought to decide what to do by first determining the costs and benefits of the various options open to us and then by selecting the option with the greatest net aggregate well-being. This is not a very good decision procedure for agents like us, who often lack reliable information, decent information-gathering skills, time and who are affected by biases and weakness of will. Beings like us better satisfy the criterion of rightness by conforming to simple and clear secondary norms that will, over the long run, produce the best outcomes. The precise nature of these norms will depend on the circumstances in which agents find themselves and the capacities of agents for whom the norms are fashioned. It is not uncommon for indirect utilitarians to adopt some modified form of common-sense morality as a decision procedure.

In *Value Judgement* (1996), Griffin rejects indirect utilitarianism on the grounds that the calculations required to determine the best decision procedure are beyond our capacities (pp. 105–7). The problem is that “utility calculation, even to a reliable degree of probability, is beyond us” (p. 107). Instead, Griffin adopts a form of moral reasoning that involves appeal to a plurality of norms, including norms requiring that we limit the damage and that we refrain from intentionally killing the innocent. He argues that the former applies to relatively simple cases where the outcome is clear and obvious,

## GROTE

while the latter applies to more complex cases which make enormous demands on our knowledge of outcomes (pp. 98–102). For example, he thinks that the damage-limitation norm applies to the standard trolley case, which involves one choosing between letting a runaway trolley kill five people and redirecting it towards and thereby killing one person. The norm favours redirection. The norm enjoining that we refrain from intentionally killing innocent people applies, for instance, to the case in which a surgeon is deciding between letting five people die and cutting up and distributing the organs of one to the five so that they can live healthy, happy lives. The norm forbids cutting up the one. He further argues that deciding whether the morality of euthanasia is governed by the former or by the latter norm involves appeal to utilities (pp. 120–1). Such moral reasoning is also constrained by facts about the motivational capacities of agents, social institutions (e.g. property) and rights (p. 120). This all seems reasonable, but it is far from clear that this reasoning is different from the reasoning employed by an indirect utilitarian. True, the requirements of indirect utilitarianism will sometimes be indeterminate. It is not clear, however, why this is a serious problem for the view. It has discernable implications for a variety of issues: for example, our treatment of the natural environment and modern agriculture. Where it is unclear, one can argue that the best strategy is to stay with the current policy or set of policies. This at least means that we will not disappoint expectations or disrupt cooperative endeavours.

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See also INDIRECT UTILITARIANISM; OBJECTIVE AND SUBJECTIVE UTILITARIANISM; SATISFICING; WELFARE (WELFARISM).

## GROTE, GEORGE (1794–1871)

George Grote was born on 17 November 1794 at the country house of Shortlands, Clay Hill, Beckenham, Kent, the first of eleven children of a wealthy City banker and country gentleman, also named George (1762–1830). He was a clever and robust adherent and effective protagonist for Victorian utilitarian politics taking the cause to the general public, parliament, the universities and the professions. Possessed of the confidence of wealth, status, connections and power that most other utilitarian reformers of his generation lacked, he nevertheless, like John Stuart Mill, suffered from childhood paternal domination that diminished his personal life, making public vocation an attractive option. Grote confided his youthful existential anxieties and melancholy, some in poetic form, to his later biographer and wife, Harriet (1873). Educated at Sevenoaks Grammar School, he moved to Charterhouse School London from 1804 to 1810 (Clarke, pp. 5–8). Grote was withdrawn from school to join the family bank in Threadneedle Street in 1810, with the promise of a university education to follow. Instead, he initiated a rigorous regime of self-education, focused upon the classics,

history, languages and philosophy. His proficiency in German allowed him to consume Goethe, Kant, Schiller, Schelling and Hegel alongside the more convivial cannon of Hobbes, Hume, and Hartley. Grote more than compensated for his lack of philosophical brilliance through scholarship, hard work, strength of character, example, innovation, managerial ability and persistence. Grote's training in banking was of equal significance for the utilitarians, in instilling the utilitarian model of organization. The goal of any organization was utility: profit, measured by the hedonistic calculus, and achieved by inventing and invoking technical, mechanical and legal devices, that will reduce inefficiency and remove all impediments to individuals set upon profitable pursuits.

Public mission was grounded in Grote's successful endeavours in the founding of the secular University of London, to which he bequeathed his library, and the "Grote Chair" in philosophy. He served as a trustee of the British Museum and was the recipient of many national and international honours, including being made a Fellow of the Royal Society, Doctor of Civil Law at Oxford, LLD at Cambridge, and an Associate of the French Académie des Sciences. He refused a peerage offered by Gladstone in 1869, was immortalized in a painting by Millais in 1870, accepted invitations into Whig and royal society, and supported Augustus Comte in old age. Grote began to ail in 1869, passing away on 18 June 1871 from the effects of a kidney infection. Buried ceremoniously in Westminster Abbey, he was attended by J. S. Mill, Alexander Bain, Robert Lowe and Lord Romilly, among other Liberals and reformers, as well as by the classicist Benjamin Jowett and Lord Overstone, a prominent financier and adviser to the Bank of England, who had consulted Grote on policies concerning taxation and poor relief.

Grote provided continuity from the generation of Jeremy Bentham, David Ricardo, Thomas Malthus, and James Mill to J. S.

Mill, John Austin, William Molesworth, and neoutilitarian reformers including Alexander Bain, John Morley, and John Grote, his younger brother and critic of utilitarianism. He was a leading member of the Philosophical Radicals centred on Bentham's home in Westminster, a republican, atheist and democrat, whose causes he advanced as MP for the City of London, author for the *Westminster Review*, and a dedicated campaigner for reform.

Grote's parallel careers—radical reformer and banking executive—together produced public and private profit, an exemplification of the Benthamite philosophy in both realms of activity. Radicalism was galvanized after he met and befriended James Mill in 1819. Inspired by reading Mill, he then reformulated his allegiances through acquaintance with another successful financier, David Ricardo. Adding Bentham to his circle of friends led to a close friendship with J. S. Mill, an association made all the more sociable and profitable by Harriet Taylor Mill's liking for the highly political Harriet Grote. The big beasts of reform met to plot parliamentary moves over breakfasts at the Grote Bank and home from 1819 to 1823, with Ricardo's death perhaps propelling George's conviction that he must take up the mantle of radical reform himself. The new generation of utilitarians was a veritable "Who's Who" of radicalism, including Charles Buller, George Graham, John Roebuck, J. S. Mill and George's partner, William George Prescott (1800–65). Evidenced in Mill's *Autobiography* (1873), these meetings covered not only the fields of logic, epistemology, psychology, economics and politics, but also the vital questions of parliamentary reform. As plans for the latter emerged, policy fields were distributed and plans for election to parliament hatched. Grote was to handle the suffrage policies and was elected as member for the City of London in the reformed parliament in 1832. The Anti-Corn Law portfolio went to William Prescott and Roebuck, and the issues of education and the colonies

went to John Roebuck who was elected radical MP for Bath in 1832. Grote added Sir William Molesworth to his circle when he was elected to parliament in 1832 for East Cornwall, and he was instrumental in directing Molesworth towards editing Hobbes' *Collected Works* between 1835 and 1845. Molesworth took over the management of colonies from Roebuck, and also assumed responsibility for monitoring public works. In parliament, Molesworth was instrumental in bringing an end to the policy of transportation of convicts to Australia, and in 1853 he became the first Parliamentary Commissioner for Public Works (Thomas, 1979).

Grote performed diligently as an MP, and in the early years John Mill recognized him as the leader of the Radicals in parliament. Tensions with Mill were a feature of their friendship, breaking at several times over policy issues and significantly over personal ones, when Mill's relationship with the then married Harriet Taylor offended Mrs Grote. Grote was the more radical and determined democrat compared to the ever anxious and "trimming" Mill (Burns, 1969). With minor exceptions, despite differing tactics, Grote advocated universal male suffrage, with a gradual extension of the vote to women. Faced with Mill's fears that this would allow the poor and uneducated to put their hands in the pockets of the prudent, Grote advocated a graduated five-yearly extension from 1832 levels, ending in universality. Mill never forgave him and later accused Grote of fashioning the demise of the parliamentary Radicals (Thomas, 1971, p. 357). Even more radically and robustly, Grote advocated the older utilitarian's commitment to the secret ballot in parliament on six occasions, as a policy vehicle for removing the ability of the few to intimidate the voting behaviour of the many and cementing civic allegiances (Grote, 1831). On taxation, Grote's financial acumen and desire to avoid unnecessary risks prevented automatic support for traditional *laissez-faire* proposals; he

opposed outdoor relief, slavery, prohibition of divorce and birth control, penal transportation and socialism generally, on the utilitarian grounds of waste (Clarke, pp. 49–74).

In office, Grote held true to the older utilitarian commitments such as the benefits for accountability in holding frequent elections, but departed from their manifesto in terms of tactics (Grote, 1821; 1831). Grote's opposition to the Benthamic bogey of "sinister interests" never wavered in parliament, where he advocated reform of the Lords, resisting the imposition of heavy land taxes in Ireland, and removing the privileges of the Established Church. Having abandoned Christian views in early life, he undertook a commission from Bentham to bring his papers against religion together for publication. Grote did far more than editing, producing such a clear and resounding case for the disutility of religion that he was advised to withhold his authorship. *An Analysis of the Influences of Natural Religion on the Temporal Happiness of Mankind* by "Phillip Beauchamp" saw publications in 1822, 1866 and 1875, and argued that religion imposed untold and unnecessary pains upon hapless individuals. Not only does religion deny to citizens the real opportunity for earthly utility, by denial of earthly pleasures, imposing guilt, anticipated misery in the future life and encouraging deep enmities; it "corrupts judgement" by depriving individuals of a rational framework for making earthly judgements (Halévy, pp. 291–4).

Dissatisfied with the utility of his endeavours to create democracy via politics, Grote reorientated his approach to examine the workings and lessons of Athenian democracy, described by Turner as "the most enduring contribution to the debate." While Turner's judgement ignores other scholarly claims, his judgement of the *Histories* stands. Grote propounded a near analogy between British politics between 1820 and 1870 and the Athenian politics of the fifth century BC "Through Grote's description, analysis, and argument the Athenians became

transformed into the ancient equivalent of modern Englishmen who had mastered the art of self-government and who had achieved a civilization wherein artistic excellence, positivistic thought, and individual liberty had largely, if not always perfectly, flourished" (Turner, p. 213). In previous scholarship, Athens provided a Platonic example of the "dangers of democracy" if reform were to go too far in Britain. Grote reversed the analysis and portrayed the post-Cleisthenian experience of Athens as an object lesson in the threat that religion, aristocracy, and particularism posed to a democratic state (p. 226). Historical opponents such as Mitford and his old school friend Connop Thirlwall were subsequently assessed within the framework invented by Grote, in which Pericles stands for himself, and Socrates for Mill, who deserved his fate for despising both the few and the masses. Later works on Plato and Aristotle added to the corpus that remains an untaken fortress in utilitarian history, defended in a well-directed pamphlet by his brother John (1851; see also Stray, 1997). Few historians have been accorded a written response from a party leader and Prime Minister (Gladstone, *Studies on Homer and the Homeric Age*, 1858).

A pointed critique in 1866 of Mill's *Examination of Sir William Hamilton's Philosophy* makes sound reading today, as do his efforts at defending associationist psychology and materialism in his editing of James Mill's *Analysis of the Phenomena of the Human Mind* (1869), and contributions to Alexander Bain's *Emotions and the Will* (1859), *Sense and the Intellect* (1868), and *Mental and Moral Sciences* (1868). Grote's reputation dimmed with time, but he is to be judged in standing by comparison with Bentham and the Mills. His achievements mark him as an influential exponent, practitioner and proponent of the utilitarian philosophy (Thomas, 1979). Without him nineteenth-century utilitarianism would have been a less effective vehicle for political, educational, legal and economic reform.

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See also ASSOCIATIONISM; BAIN, ALEXANDER; BENTHAM, JEREMY; GROTE, JOHN; MILL, JAMES; MILL, JOHN STUART; PHILOSOPHICAL RADICALISM; RICARDO, DAVID.

**GROTE, HARRIET (1792–1878):** See GROTE, GEORGE.

### **GROTE, JOHN (1813–66)**

John Grote was born on 5 May 1813 in Beckenham, Kent, and was the younger brother of the robust advocate of utilitarianism George Grote. He became the Knightbridge Professor of Moral Philosophy at the University of Cambridge and an influential critic of John Stuart Mill's *Utilitarianism* (1861). Grote answered the *Westminster Review's* attacks on Cambridge University, helping to professionalize and reform the College system, the Moral Science Tripos, introducing Moral Science Tutors, bringing new men into philosophy, and founding for debate the *Grote Club* and *Society*, the precursors to the Moral Sciences Club. Grote's influence on Cambridge

utilitarianism was evidenced in this Club, as Henry Sidgwick, his later editor, Joseph B. Mayor, John Venn, J. R. Mozley and later Alfred Marshall all engaged with utilitarianism (Grote, 1889; Gibbins, 2001).

Grote entered Trinity College in 1833, then under the guidance of the brilliant polymath William Whewell and his emerging Cambridge network of liberal Anglican intellectuals. An academic career was born from Grote's fastidious intelligence that proved attractive to examiners and then Fellows, excelling in both Mathematics and Classics. He was ordained in 1844, obtaining the College living of Trumpington in 1847. When his application for the Chair of History failed in 1849, Grote turned to tutoring and the study of history, philology, and philosophy, and obtained the Knightbridge Chair in Moral Philosophy in 1855. After a decade of teaching, writing and reforming, he died of respiratory failure on 21 August 1866. He was buried near his utilitarian colleague Henry Fawcett and Robert Ellis in Trumpington Church cemetery, and mourned by his brother George, Mayor, Sidgwick and Venn, among a select few.

John and George Grote inhabited the two major opposing camps in mid-Victorian British philosophy, despite their shared family background, "regular Groteries," companionable empathy, and musical, philosophical and scholarly interests (Gibbins, 2007, pp. 443–6). They shared a love of liberty, a respect for the past, classical and liberal education, and hatred of dogmatism and injustice. Both sought to save "old utilitarianism" from the incoherencies and heterodoxies of "neo-utilitarianism," but George was an influential exponent, practitioner and proponent of nineteenth-century utilitarianism, while John migrated towards idealism. George mixed with James Mill, Ricardo, Roebuck, Lowe, Comte and Bain, while John identified and mixed with John Mill's polemical combatants and opponents, Coleridge, Herschell, Whewell, Sedgwick, Maurice and James Ward. On economics and education, John supported Alfred Marshall's



economics and was sceptical of laissez-faire economic policy and practice, while George was a leading exponent. George entered parliament on a Radical platform, John encouraged reformist new liberal thinking. George published a famous atheistic tract on the disutility of religion, John was a cleric who published and practised as a liberal Anglican churchman. George was denied university entry and was self-taught, John thrived at university. John reformed Trinity College, the Moral Sciences and Cambridge, George helped ground and direct London University and University College as secular institutions.

On education, John Grote wrote a thoughtful rebuttal of Robert Lowe's utilitarian *New Education Code* (1862a) and opposed utilitarian edicts on liberal education and teaching methods in "Old Studies and New" (1856), "Thought versus Learning" (1871a) and "Papers on Glossology" (1872, 1874). In classics, he aided brother George in defending his democratic reading of Thucydides against a conservative Cambridge attack by Richard Shilletto (1851; Stray, 1997), and like George, he debunked the use of futurity as a moral sanction (1871b) and defended critical scholars from the charge of heresy (1862b). Hesitancy meant several books lay unpublished in 1865 when the onset of a fatal illness forced the publication of Part 1 of his *Exploratio Philosophica*, an eclectic enterprise of unpicking the truth and error in epistemology, metaphysics and ontology as the prolegomena to his real interest in ethics. Posthumously, his editor reconstructed Grote's corpus, including *Examination of the Utilitarian Philosophy* (1870), *A Treatise on the Moral Ideals* (1876) and the second part of the *Exploratio Philosophica* (1900).

The *Treatise on the Moral Ideals* builds a second leg to support modern ethics of "Aretics," the idealist science of right, alongside "Eudaemonics." As desire envisages happiness, so want indicates its realization in right action. Justice and duty require acting according to the requirements entailed in

relationships, not calculations of happiness. Wishing to surpass odious and sectarian conflicts between schools of philosophy, as exemplified in Mill's writings on Bentham, Coleridge, Sedgwick, Whewell, and Hamilton, Grote sought a synchrony of current philosophical positions, so making space for a new period of analytic and eclectic exploration in British philosophy.

Alexander Bain, a close friend and biographer of both Mills and George Grote's editor, judged that many of Grote's criticisms of Mill were "quite unanswerable." Bain, himself a materialist, psycho-physiologist and hedonist, wrote, "By far the best hostile criticism of the *Utilitarianism* I am acquainted with is the posthumous volume of Prof. John Grote. It will be seen what havoc and acute, yet candid and respectful opponent, can make of his theories of happiness" (Bain, 1880, p. 92; 1882, p. 115). One commentator judged that Grote's *Examination of the Utilitarian Philosophy* contains "probably the most meticulous philosophical scrutiny" of Mill in the century (Schneewind, p. xiv). Grote was one of very few contemporaries who challenged Mill's epistemology and methodology in two chapters on Mill's *Logic*, as well as questioning his classical scholarship. The *Examination* fashioned the agenda for all subsequent critiques, especially Sidgwick's and George Moore's: right, virtue, duty, justice and other ideals are not subideals of happiness but are equal contenders; Mill's "proof" of the utility principle commits the naturalistic fallacy; seen/visible is not analogous to desired/desirable; the fallacy of composition is committed as the general happiness is not the sum of each individual's happiness; Mill's "lofty" idea of happiness is confused and incoherent; the good is not decidable by experts; qualities cannot be reducible to quantities; justice is not served by incremental decision-making; impartiality is not a useful distributive tool; ethics is not an inductive science, it is "jural" in character (Quinton, pp. 82–7). For Grote,



GROTE

Mill's "neo" defence of "old" utilitarianism is "heterodox," "alien," with new elements that are "incompatible" with the old. Mill's revised version of utilitarianism still leaves the theory partial, abstract, incoherent, superfluous and dogmatic (Gibbins, 2007, pp. 305–35).

Finally, it is worth noting Grote's innovation in philosophical terminology, including hedonism, felicific, relativism, acturience, egeance, actional, describability, and maleficence.

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See also BAIN, ALEXANDER; FAWCETT, HENRY; GROTE, GEORGE; MARSHALL, ALFRED; MAYOR, JOSEPH BICKERSTETH; MILL, JOHN STUART; MOZLEY, JOHN RICKARDS; NEW LIBERALISM; SIDGWICK, HENRY.

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## HALÉVY, ELIE (1870–1937)

Elie Halévy was born on 6 September 1870 into a bourgeois anglophile family in Etretat, France, the son of Ludovic Halévy, writer and librettist, and Louise Bréguet. Halévy was educated at the Lycée Condorcet and the Ecole Normale Supérieure, passing the *agrégation* in philosophy in 1892, followed by a doctorate in 1901. In 1897, along with many French intellectuals, he supported Dreyfus against growing anti-Semitic prejudice. In the same year, he embarked on a series of lectures at the Ecole Libre des Sciences Politiques in Paris, where he was soon offered a professorship in philosophy—though he lectured on European history and political thought—a post he held until retirement in 1936, refusing a position at the Sorbonne in 1905. He died in Sucy-en-Brie on 21 August 1937.

Halévy's classic work *La formation du radicalisme philosophique*, published in three volumes from 1901 to 1904, remained for long the only scholarly work on classical utilitarianism available in French. Translated into English in 1928 as *The Growth of Philosophic Radicalism*, it has been recognized as a landmark text in the study of Jeremy Bentham and utilitarianism.

Throughout his life, Halévy remained close to philosophical circles. With Xavier Léon, he founded the *Revue de Métaphysique et de Morale* in 1893. He was also a

founding member of the influential Société Française de Philosophie. Halévy described himself as an “historian of doctrines,” by which he meant the historical significance of ideas. After *La formation du radicalisme philosophique*, based on his doctoral thesis, he published articles on Methodism and Saint-Simonianism, and taught a long-running course of lectures on European socialism. His main achievement was the *Histoire du peuple anglais (History of the English People)*, which was intended to run to ten volumes, covering the period 1815–1914, but remained unfinished. In 1937, a selection of earlier articles on liberalism and socialism was published under the title *L'ère des tyrannies. Histoire du socialisme européen*, based on the lecture notes of former students, was published in 1974.

Widely recognized as a historian of Britain in the nineteenth and early twentieth centuries and as a perceptive analyst of European socialism, Halévy also remains a leading authority on “philosophic radicalism.” With Leslie Stephen (1900), he was among the early scholars of utilitarianism and the first to make substantial use of the manuscript collections at University College London for his doctoral thesis entitled “La Révolution et la doctrine de l'utilité (1789–1915),” which eventually made up the second part of *The Growth of Philosophic Radicalism*. In the English translation, the three volumes were published together in three parts: “The Youth of Bentham (1776–89),” “The Evolution of

the Utilitarian Doctrine from 1789 to 1815,” and “Philosophic Radicalism.”

In *The Growth of Philosophic Radicalism*, Halévy aimed to present “Utilitarianism as a whole,” by exploring the “logical fecundity” of the principle of Utility in “all its juristic, economic and political applications” (Halévy, 1952, p. xvii). By studying its “growth” he wanted to present the doctrine as a living product of the “public mind in England,” locating Bentham in a broad intellectual and historical context. Tracing the roots of utilitarianism to eighteenth-century associationism, he explored how it was formulated in the works of Hume, Smith, Priestley, Paley, Burke, Paine, Bentham, and Godwin, concluding that “towards the end of the eighteenth century, it was not only thinkers, but Englishmen as a whole, who were speaking the language of utility” (p. 126). For Halévy, Bentham was not so much an original thinker as a “great arranger of ideas” (p. 33), who managed to hold together the two conflicting strands of the utilitarian doctrine: on the one hand, the principle of the “natural identification of interests” in the economic sphere and, on the other hand, that of the “artificial identification of interests” in politics and legislation. He saw the passing of the 1832 Reform Act as an illustration of the political influence of Bentham’s school. According to Halévy, the Reform Act also marked the beginning of the decline of the doctrine, exemplified in the opposite directions taken by Bentham’s disciples (socialism and Manchester liberalism).

Though it has been extensively criticized, especially since the renewal of Bentham scholarship from the 1960s, Halévy’s narrative in *The Growth of Philosophic Radicalism* still constitutes the backbone of many debates (see Hume, 1978). In recent decades, historians have challenged the assumption, shared by Halévy and his British contemporaries, Stephen (1900) and Albert Dicey (1905), that utilitarianism was the driving force in nineteenth-century

political, economic, legal, and colonial policy. For Halévy, utilitarianism was counterbalanced by the conservative force of evangelicalism—an interpretation known as “the Halévy thesis,” challenged by twentieth-century historians, from Eric Hobsbawm (1957) to J. C. D. Clark (2000). Halévy also argued that the doctrine of utility was not intrinsically democratic, a statement derived from his broad understanding of utilitarianism as the common language of the English Enlightenment (which he contrasted with the prevalence of natural rights and democratic doctrines in France). “In politics,” he wrote “the Utilitarians were sceptics and authoritarians, indifferent to the means which governments might employ to destroy prejudices and bring about reforms” (Halévy, 1952, p. 4). Looking for external causes to explain Bentham’s shift to democratic ideas in the late 1800s, Halévy focused on James Mill’s influence, a suggestion which is still debated today, though many scholars favour internal explanations for Bentham’s political conversion (see Schofield, 2006). The validity of Halévy’s distinction between two contradictory strands in Classical Utilitarianism, one leading to state intervention on the basis of the “artificial identity of interests,” the other to laissez-faire grounded in the belief of the “natural identity of interests,” has been criticized by liberal historians of economic thought (Robbins, 1952), but has long proved fruitful in Bentham scholarship (Mongin and Sigot, 1999).

Halévy’s extensive study of utilitarianism can be faulted in other ways. As a philosopher, he was highly critical of the validity of utilitarianism as a moral doctrine, and therefore never took seriously Bentham’s claim to ground morality on new foundations. Though he worked from Bentham’s manuscripts as well as from the texts in John Bowring’s edition of *The Works of Jeremy Bentham* (1838–43), he also failed to recognize the originality of Bentham’s economic thought, considering the period between

1789 and 1810 as “a pause in the history of Bentham’s thought” (Halévy, 1952, p. 153). Moreover, he dismissed Bentham’s important epistemological work on real and fictitious entities, preferring to lay the emphasis on James Mill’s philosophical contributions in this area (p. 434).

Despite its shortcomings, *The Growth of Philosophic Radicalism* remains the most complete survey of Classical Utilitarianism published in French (reprinted in 1995) and a source of many valuable insights for intellectual historians and utilitarian scholars.

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## HAMMOND

See also ASSOCIATIONISM; BENTHAM, JEREMY; GODWIN, WILLIAM; HUME, DAVID; MILL, JAMES; PALEY, WILLIAM; PHILOSOPHIC RADICALISM; PRIESTLEY, JOSEPH; SMITH, ADAM; STEPHEN, LESLIE.

### HAMMOND, ANTHONY (1758–1838)

Anthony Ewbanke was born on 30 September 1758 at Richmond, Yorkshire. He changed his name from Ewbanke to Hammond to inherit the estate of his uncle Peter Hammond. He attended Trinity College, Cambridge in 1776 but did not graduate. In 1777, he was admitted to Lincoln's Inn and practised as a special pleader in the Inner Temple, but was only called to the Bar in 1827. For many years, Hammond enjoyed a secondary career as a legal writer, publishing several highly technical legal texts. His interest in the broad form and scope of the law was demonstrated in *Scheme of a Digest of the Laws of England, with Introductory Essays on the Science of Jurisprudence* (1820). In 1823, he published *The Criminal Code, Including a Digest, Consolidation and Collection of the Statutes*, in which he explained how the law could be consolidated and made more accessible. Like Bentham, Hammond believed that progress towards the codification of the law could be made with the support of Robert Peel. As Home Secretary, Peel had shown an inclination towards law reform but, as for Bentham, Peel's incremental approach to reform was a frustration to Hammond. Several of Hammond's legal publications have at their heart utilitarian arguments. His *Scheme of a Digest of the Laws of England* outlines utilitarian reforms on the principles of criminal responsibility and punishment, while his goals of consolidation and codification outlined in *The Criminal Code* follow

Bentham's arguments in favour of the codification of common law.

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## HAPPINESS

The concept of happiness has long been of philosophical interest and continues to play an important role in contemporary discussions of morality and well-being. Ancient moralists identified happiness as the highest good, which could only be achieved through a life of virtue or excellence. During the modern era, the importance of happiness was reestablished with utilitarianism, the doctrine that views happiness as the foundation of morality. Although happiness figures centrally in the theories of both ancient and utilitarian moralists, their views on the nature of happiness represent opposite extremes. The latter identifies happiness with pleasure (thereby reducing happiness to a mental state), while the former identifies it with virtue (an objective standard that must be met if one is to qualify as happy).

One could classify all theories of happiness in terms of these two opposing views:

on the one side are subjective theories, which view happiness as a function of the subject's mental state or attitude towards her life; and on the other side are objective theories, which require that one meet certain objective or normative criteria in order to be deemed happy. Many contemporary theories are hybrids that combine elements of both views, for they regard the subject's mental state of satisfaction as a necessary, but not sufficient condition for being happy.

Among the ancient Greeks, Aristotle's conception of happiness is the most influential and well known. He begins the *Nicomachean Ethics* by identifying happiness as the highest human good, and argues that the highest good must meet the following two criteria: (1) it must be the most complete of human ends, meaning it is intrinsically desirable, and (2) it must confer self-sufficiency, meaning it is for the sake of the highest good that we want other things. Of all the suggestions for what could be the highest good, including wealth, honour, and pleasure, only happiness meets both these criteria. Regarding the first criterion, it does seem wrong to say that someone could be seeking happiness instrumentally; it is difficult to understand how someone could want happiness for any reason other than its own intrinsic properties. The second criterion implies that happiness, when offered as an explanation for action, puts an end to all chains of reasoning. This criterion is also supported by reflection on ordinary usage; if someone explains why she does something by saying, "Because it will make me happy," no further reasons are necessary.

However, this argument only establishes that happiness is the highest human good; it does not provide the concept with any substantial content. Aristotle acknowledges that the identification of happiness with the highest good is a platitude, and explains: "Verbally, there is very general agreement [as to the highest of all goods achievable by action,] for both the general run of men and

people of superior refinement say that it is happiness, and identify living well and doing well with being happy; but with regard to what happiness is they differ, and many do not give the same account as the wise" (1095a17–22). Therefore, we still need an account of the nature of happiness.

Aristotle begins with an examination of the function of human beings, reasoning that the good of all things resides in their function. If a good hammer is one that performs the function of hammers well, a good person (one who achieves the highest good, happiness) must be someone who performs the function of human beings well. Since human beings are essentially rational, Aristotle argues that our function must involve fully developing and regularly exercising the various excellences (or virtues) of the soul, both intellectual and moral. Therefore, living a virtuous life is the key to happiness. However, Aristotle also believed the virtuous person would take great pleasure in her virtuous acts, and so she would feel genuinely satisfied with her life.

Reflecting on the contemporary use of "happiness," certain dissimilarities with Aristotle's conception stand out. Although both views identify the happy person as someone who views her life positively and is genuinely satisfied, Aristotle's view places sharp limits on what a person can do to achieve that satisfaction. Aristotle's view is an example of an objective theory, for in addition to experiencing satisfaction, he also requires the subject to be virtuous. Aristotle would deny the happiness of anyone failing to achieve both moral and intellectual virtue, regardless of how satisfied she is with her life. In contrast, the contemporary common view of happiness is subjective in character—we allow people to decide what will make them happy, and we certainly do not require virtue as a necessary condition for achieving happiness.

At the opposite extreme, there is hedonism, the view that identifies happiness with



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pleasure, and is most closely associated with utilitarianism. As consequentialists, utilitarians believe an act is morally right if it maximizes the good, and since utilitarians regard happiness as the only thing that is intrinsically good, their theory implies we ought to maximize happiness whenever possible. Hedonistic utilitarians such as Jeremy Bentham and John Stuart Mill believe the foundation of morality is the Greatest Happiness Principle, which implies “actions are right in proportion as they tend to promote happiness, wrong as they tend to produce the reverse of happiness. By happiness is intended pleasure, and the absence of pain; by unhappiness, pain, and the privation of pleasure” (Mill, *CW*, vol. 10, p. 210).

Utilitarians agree with the ancient moralists that happiness is the highest good, but they identify happiness with pleasure instead of virtue. For Bentham, happiness is simply a mental state, and one is happy as long as she is in a state of pleasure and not pain. According to Bentham, all pleasures are sensations that are alike in quality, and differ only in quantity. Bentham’s hedonic calculus consists of various criteria that could be used for evaluating pleasures and pains on the basis of their quantitative differences; it includes factors such as the intensity, duration, certainty and propinquity of the pleasure or pain, as well as the likelihood that the sensation would be followed by more pleasure or pain. Bentham’s view of happiness is the most opposed to Aristotle and the ancient moralists, because he leaves judgements about happiness entirely up to the subject. One is happy insofar as one is experiencing pleasure, but there are no normative or objective restrictions on how one achieves that pleasure.

Mill also equates happiness with pleasure, but Mill’s view of pleasure is more complex, for he believes pleasures differ with respect to both quantity and quality. According to Mill, pleasures can be evaluated not only in terms of their extrinsic features (such as their

intensity, duration, and likelihood) but also in terms of their intrinsic features. Mill draws a distinction between higher and lower pleasures based on their qualitative differences. Higher pleasures can only be appreciated by beings with higher faculties or reasoning abilities, and typically include activities such as playing chess, reading philosophy and listening to classical music. Lower pleasures, which mainly engage the senses, are also enjoyed by animals, and they include activities such as eating, drinking and having sex. Mill argued that we can gauge the difference in quality among pleasures by appealing to people who have experienced both, for they will always prefer the higher pleasure to the lower, even if the lower pleasure could be had in greater quantity. As he famously explained, “It is better to be a human being dissatisfied than a pig satisfied; better to be Socrates dissatisfied than a fool satisfied. And if the fool or the pig are of a different opinion, it is because they only know their own side of the question. The other party to the comparison knows both sides” (*CW*, vol. 10, p. 211).

Mill’s distinction between higher and lower pleasures adds an objective dimension to happiness not found in Bentham’s view. His understanding of happiness is closer to Aristotle’s, for both posit a connection between happiness and what is distinctive about human beings, namely their moral and intellectual capacities. However, Mill is still a hedonist, for he identifies happiness with pleasure (not virtue) even if he places more weight on intellectual rather than sensual pleasures.

All hedonists believe that happiness is identical with pleasure, and are committed to the thesis that all experiences of pleasure contribute to one’s happiness while all instances of pain detract from it. One problem is that many ordinary experiences of happiness and unhappiness appear to contradict the hedonist’s thesis. For example, the experiences of morning sickness and



childbirth are not at all pleasant, but both contribute greatly to my happiness. Alternatively, eating chocolate cake is a pleasure, but if I am trying to lose weight, indulging in this pleasure will do nothing to increase my happiness. These examples suggest many pleasurable experiences do not contribute to happiness, and some unpleasant ones do. Therefore, the hedonistic account of happiness (which reduces it to the mental state of pleasure) is far too simplistic, for happiness involves taking a more global view of one's life. Happiness takes into consideration how one's immediate experiences fit into one's life as a whole, and while that attitude will likely be influenced by whether those experiences are pleasant or unpleasant, it cannot be identified with such immediate experiences.

Another problem for the hedonist is providing an account of the nature of pleasure, since pleasurable experiences seem to be too varied in their felt qualities to be representative of one single kind of mental state. Compare the pleasure you get from reading an interesting novel with the pleasure of swimming in the ocean on a warm summer day; or compare the pleasure of eating a delicious piece of dark chocolate with the pleasure of being happily married for many years. While these experiences are all pleasurable in some way, there does not seem to be one common sensation uniting them all. In response to this problem, A. J. Ayer (1954) proposes revising our understanding of pleasures. Rather than viewing pleasures as mental states, Ayer suggests we think of pleasures in terms of having what you want. Ayer's modification implies that one is happy insofar as she is getting what she wants, and unhappy insofar as her desires are frustrated. Although Ayer's desire version of pleasure is an improvement over mental state or sensory accounts, it is vulnerable to objection that there is no contradiction in imagining someone who has had all of her desires satisfied, yet fails to be happy. Nor is anything amiss with saying, "I got what I wanted, but I am still not happy."

The problem with reducing happiness to desire satisfaction is that it overlooks the possibility that one may not like what one wants once one gets it.

J. J. C. Smart (1973) presents a version of hedonistic utilitarianism with an entirely different understanding of happiness. For Smart, ascriptions of happiness are both descriptive and evaluative. Statements of happiness are descriptive because of the close connection between happiness and contentment; you could not call someone happy unless she is in a contented state of mind and frequently enjoys herself. But Smart believes ascriptions of happiness are also evaluative, for calling someone happy also implies that the speaker is contented at the prospect of being in that person's state of mind. Thus, I cannot call someone happy if I am completely repulsed by the source of her enjoyment or pleasure.

One problem with Smart's suggestion that we view happiness as an evaluative notion is that it renders judgements of happiness idiosyncratic. For example, consider the squire who enjoys hunting for sport. If I am a moral vegetarian, I do not approve of anyone deriving pleasure from the killing of animals. On Smart's construal of happiness, I am justified in denying the happiness of the squire, simply because I cannot express a favourable attitude towards his form of enjoyment. But why is my opinion of the squire's choice of enjoyment relevant to a question about his happiness? If every speaker is permitted to revert to her own values when evaluating the happiness of others, judgements of happiness will become idiosyncratic and tell us nothing informative about the subject's own state of mind. Happiness judgements would be reduced to descriptions of the speaker's likes and dislikes, and would not reflect the subject or her values. Clearly, this is not how "happiness" functions in ordinary language, and it is not clear how useful such a concept would be.

Robin Barrow's utilitarian theory (1991) employs what is referred to in the literature as

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a life satisfaction view of happiness. According to Barrow, happiness is a state of mind, which ranges in intensity from contentment to ecstasy, and implies that one accepts and is satisfied with one's life circumstances. Barrow describes happiness in terms of being at one with the world, for the happy person feels no disharmony between the way the world is and the way she would like it to be. Barrow denies that there are any particular material conditions or psychological characteristics necessary for happiness, for "a person may conceivably be happy (or unhappy), whether mean, rich, poor, witty, kind, physically ill, the victim of rape or winner of the pools" (Barrow, p. 69). The only thing incompatible with happiness are states of mind that suggest one is at odds with one's world, such as feelings of dissatisfaction with one's life.

Barrow's life satisfaction view is subjective, for it places no restriction on the source of one's satisfaction, and it implies one can be happy even if one is radically deceived, highly immoral or has a life that lacks well-being. Some contemporary theorists who wish to preserve the connection between happiness and the good life charge the life satisfaction view with being too subjective. Although few contemporary theorists go so far as to identify happiness with virtue, they do incorporate various objective constraints on how one achieves satisfaction in order to preserve the connection with goodness.

For example, Julia Annas (1993) rejects the identification of happiness with satisfaction, because she believes happiness is intimately connected with achievement of one's important goals. According to Annas' hybrid view, we have the ability to adopt a global perspective on our lives, which helps to unify and organize our goals into a hierarchical structure that reflects our particular vision of the good life. She believes happiness comes from accomplishing our ideals, and this requires us to actually live a particular

kind of life, and not merely be in the right mental state.

Richard Kraut (1979) and John Kekes (1982) agree with Annas about the connection between happiness and achieving one's ideals, and both present hybrid views that deny the happiness of anyone who is radically deceived about whether she is attaining whatever it is that she values. To rule out such cases of misperception, Kraut and Kekes require that a person's satisfaction with her life be rationally justified in order for her to be happy. For example, if a woman is satisfied with her life, because she believes she has a successful marriage, but unbeknownst to her, her husband is actually having an affair, Kekes and Kraut would deny her happiness, because she fails to meet her own standard for happiness.

Contemporary hybrid views of happiness, such as those of Annas, Kekes, and Kraut, present an interesting bridge between subjective and objective theories. They recognize the importance of the subject's satisfaction with her life, but they deny that it is sufficient on the grounds that it is possible to be satisfied with a life that isn't good in any sense. By including some kind of objective condition that must be met if one is to be deemed happy, they seek to preserve the Aristotelian insight that happiness is intimately connected with living the good life.

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See also BENTHAM, JEREMY; EPICUREANISM; EUDAIMONIA; HAPPINESS (PURSUIT OF); HEDONISM; MILL, JOHN STUART; OBJECTIVE AND SUBJECTIVE UTILITARIANISM; PAIN; PLEASURE; VIRTUE (VIRTUE UTILITARIANISM).

## HAPPINESS (PURSUIT OF)

The preamble to the Declaration of Independence 1776, authored by Thomas Jefferson (1743–1826), among others, famously states: "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness." Other phrases in the preamble and in the body of the document received considerable discussion at the time, but this statement of self-evident truths attracted little attention in contemporary debates over the wording of the Declaration. It was accepted as a skillful iteration of commonplace political principles, which is precisely what Jefferson says it is himself (Jefferson, vol. 10, p. 343). Few then or since have doubted that John Locke had a powerful influence on Jefferson, and occasionally Jefferson acknowledged the fact. However, the issue which has generated considerable debate turns around Jefferson's deviation from the Lockean triumvirate of rights—the substitution of the right to "the pursuit of happiness" for the right to property. Where did the phrase come from, and what is its meaning?

Richard Henry Lee, who moved the resolution to approve the Declaration in Congress, said at the time it was "copied from Locke's treatise on Government." (Jefferson, vol. 10, p. 268; see also Becker, p. 79). This is incorrect: the phrase is not found in either the first or second of Locke's *Two Treatises of Government* (1690), but rather in his *Essay concerning Human Understanding* (1690), where Locke observes that attaining happiness is a fundamental human desire and comes tantalizingly close to the implication that therefore there must be a natural right to pursue happiness (Locke, Bk. 2, Ch.21, sec. 51).

Other possible sources of influence on Jefferson have been proposed. Ganter (1936) suggests an array of writers, in addition to

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Locke, who used the phrase or something resembling it before 1776, including Bolingbroke, Wollaston, Pope, Vattel, Hutcheson, Hume, Blackstone, Burlamaqui, Smith, Kames, Johnson, Goldsmith, Priestley, and Price. Trout (1997) argues that Leibniz was the most important influence on the American founding fathers. However, though Leibniz suggested a connection between happiness and rights in the introduction to *Codex Iuris Gentium* in 1693 (Leibniz, p. 171), Trout's evidence for Leibniz's influence is circumstantial and turns around the conveyance of Leibniz's ideas through the medium of Vattel's *The Law of Nations* (1758; Eng. trans. 1760). Vattel's work was well known in America. His ideas figured in the debates in Congress over the drafting of the constitution and, in the aftermath of the French Revolution, he was treated as an authority on the question of whether states may renounce their international treaties. But no evidence has come to light that links either Leibniz or Vattel to Jefferson prior to the drafting of the Declaration.

Oddly, Gantner omits Richard Cumberland from his list. Cumberland appears to have been the first to use the phrase in *A Treatise of the Laus of Nature* (1672), writing that promoting the well-being of our fellow humans is essential to the "pursuit of our own happiness" (Cumberland, pp. 523–4), a perspective that was to resonate within both the Scottish moral sense school and the tradition of religious utilitarianism that stretched from John Gay into the nineteenth century. What Gantner fails to recognize is that—with the possible exception of Jean-Jacques Burlamaqui, who states in his *Principes du droit naturel* (1747), that the "noble pursuit" of "true and solid happiness" is a God-given right (Burlamaqui, p. 31)—none of his "forgotten men" described the pursuit of happiness as a natural right. Rather, the edict to pursue happiness, either because it is consonant with our basic desires or because it is our duty to benefit our fellowman, was frequently combined

with other moral principles. The Scots, for example—Hutcheson, Hume, Smith, Ferguson, Kames, and others—acknowledged the empirical aspiration of individuals to enhance their own happiness, sometimes replacing happiness with "utility" or "interest," but sought to integrate this with the idea of a "moral sense," situating the pursuit of the happiness of *others* ahead of the interests of the individual and grounding personal happiness in benevolence. Wills (1978) stands at the forefront of those scholars who play down Locke's importance and argue for the preeminent influence of Hutcheson and his fellow Scots.

As is well known, in *An Inquiry into the Original of our Ideas of Beauty and Virtue*, (1725) Hutcheson was the first to make "the greatest Happiness for the greatest Numbers" the objective of moral action, and to suggest a mathematical approach to computations of happiness (Hutcheson, pp. 125, 128–31). In support of his claims, Wills cites several passages from Hutcheson's *A Short Introduction to Moral Philosophy* (1747)—a book possessed by Jefferson—that resemble phrases in the preamble to the Declaration (Wills, pp. 238–9). Comparing the relevant statements, he interprets Jefferson's meaning of the pursuit of happiness entirely in Hutchesonian terms, as "nothing vague or private," but rather "a public happiness which is measurable; which is, indeed, the test and justification of any government." Wills makes use of other statements by Hutcheson to underscore the point, notably Hutcheson's arguments that because man finds "true happiness" in society, his own "pursuit of happiness" will command him "to desire the greatest happiness and perfection of the largest system," and that the maximization of collective or public happiness provides the foundation for social and political organization—"the general happiness is the supreme end of all political union" (quoted Wills, p. 252). In Wills view, then, for Jefferson, as for Hutcheson, "it is the pursuit of happiness that is the only

motive force for spreading happiness to others, and on this fact of human nature governments must be established, judged, altered, or abolished” (p. 253).

Wills’ claims for the significance of Hutcheson have influenced other scholars seeking to map the sources that shaped the Declaration of Independence. However, that Locke was unimportant to Jefferson is disputed. Hamowy shows that, contrary to the account offered by Wills, Jefferson was fully versed in Locke’s political writings (Hamowy, pp. 511–14). He compares the quotations from Hutcheson supplied by Wills with the comparable phrases in the preamble to the Declaration and shows that Locke’s *Second Treatise* offers wording closer to Jefferson’s than does Hutcheson (Hamowy, pp. 506–508; Wills, pp. 238–9). Moreover, Hamowy points out that in assessing Hutcheson’s influence it should be noted that Hutcheson “borrowed heavily” from Locke in setting down his political views, something left unexplored by Wills, “including the description of men operating under a system of natural liberty and his conceptions of the scope and content of natural rights [which includes property but not the pursuit of happiness], the impetus for the establishment of civil society, and the right of resistance.” So, if certain of Locke’s ideas received reinforcement in Hutcheson, and Jefferson read both, it is a stretch to hale the one and dismiss the other. Further, none of the other Scots who Wills claims as important influences went near as far as Hutcheson in condoning a *right* to resistance, and in general their political ideas were far less radical than Hutcheson’s, and decidedly opposed to the Lockean notion of the contractual foundations of government, which Hutcheson supported (Hamowy, pp. 508–509, 517). Hamowy’s most startling observation is that “Hutcheson ... is not once quoted, cited, referred to, or recommended, in any connection, in any of Jefferson’s writings!” (p. 514) He is correct in saying this, as a review of Jefferson’s writings and

correspondence will attest. But, it is not his contention that Hutcheson and other Scots were of no account in the formation of Jefferson’s political thought. Rather, the evidence points to Locke and not Hutcheson to whom Jefferson owed the greater debt in composing the Declaration (p. 511).

What has received little consideration in the debate on this issue is what “the pursuit of happiness” entails in practice (Warren, 2001, is an exception). Several of Gantner’s suggested sources, for instance, declared the promotion of happiness to be the end of government and its laws, notably Wollaston, Hume, Smith, Burmalaqui, Vattel and Priestley. And, more importantly, George Mason (1725–92), who employed a variation on “the pursuit of happiness” in his draft of the Virginia Declaration of Rights, adopted a month before the Declaration of Independence was finalized, also points us in this direction. The Virginia Declaration states not only the rights to life, liberty and “the means of acquiring and possessing property,” but also the right of “pursuing and obtaining happiness and safety” (sec. 1). Further, it announces that government “is, or ought to be, instituted for the common Benefit, Protection, and Security, of the People, Nation, or Community,” and that the best form of government is the one “which is capable of producing the greatest Degree of Happiness and Safety, and is most effectually secured against the Danger of Maladministration” (sec. 3). In Mason’s phrasing, we see an echo of the general ambivalence at the time regarding the purpose of government in relation to inherent and universal rights.

For both Jefferson and Mason, virtue meant the willingness to subordinate private desires for the good of the community. As Mason wrote in his remarks on the Virginia Charters (1773), the pursuit of self-interest in opposition to the public good is “not only mean & sordid, but extremely short-sighted and foolish.” But, Jefferson and Mason appear to differ in their understanding of

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what the pursuit of happiness entails, with the first adopting the Lockean position that once rights are secured the people must be left free to choose their own path to happiness, while Mason recognizes that liberty alone will not be sufficient. In the same way as Locke (Bk 2, Ch.21, sec. 51), Mason often linked happiness to liberty, suggesting that liberty is a precondition for happiness, and invoked natural law in support of the duty to contribute to the good of the whole (Mason, 1970, vol. 3, pp. 1051, 1067, 1068). But, like Franklin, for whom the priority for government is the happiness and welfare of the public, Mason frequently gave priority to the good of the community and promotion of happiness, including the happiness of future generations (vol. 1, p. 108; vol. 3, p. 893), rather than the rights of individuals (vol. 3, p. 904), even if in public he always spoke firmly in favour of the rights of the people as the base from which all else followed.

This latent tension over the objectives of government—between the essentially negative role for government in the protection of rights and the more interventionist disposition to assist people in obtaining happiness—received little attention at the time and hardly seems to have figured in the literature since. The issue comes to this: constraints of equal protection accepted, is it the purpose of government to protect natural rights *and no more*, as Locke implied, or ought its role to extend to assisting in the enjoyment of those rights, including the provision of the means to enable people to *obtain* the fullest extent of happiness possible, as Mason's wording, but not Jefferson's, seems to suggest? In other words, in recognizing a right to pursue happiness, is government required to aid people in fulfilling their desire for happiness? And, if this is so, is government expected to do whatever it can to maximize the aggregate of happiness among the people, or is its role to raise the happiness levels of each person, even though this may mean that some will receive more assistance than others? These

are questions that continue to occupy a central place in American politics.

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See also HAPPINESS; HEDONISM; HUTCHESON, FRANCIS; LOCKE, JOHN.

#### HARE, RICHARD MERVYN (1919–2002)

R. M. Hare was born on 21 March 1919 near Bristol. He attended Rugby School in Warwickshire and then won a scholarship

to study "Greats" (a mix of Classical literature, history, and philosophy) at Balliol College, Oxford, in 1937. After 2 years as an undergraduate, he volunteered to fight in World War II. In 1942, he was captured by the Japanese after the fall of Singapore and sent to work as a coolie on the Burmese railway for 8 months. He lived in a Japanese prisoner of war camp for a further 2 years. While a prisoner of war, he wrote "An Essay on Monism," which was never published but which has echoes in his later work. After liberation, he resumed his undergraduate education at Balliol College. Upon completion of his degree, he became a Lecturer and then Fellow of the College, where he remained until 1966, when he was elevated to Oxford University's White's Chair of Moral Philosophy at Corpus Christi College. He retired from Oxford in 1983 to a part-time position at the University of Florida. He died on 29 January 2002 in Ewelme, Oxfordshire.

Hare published prolifically, primarily on moral concepts, moral theory, and applied ethics (on the latter see Hare, 1972b; 1989b; 1993a). He made two main contributions to utilitarianism. The first was his argument that careful analysis of the central moral concept "ought" yields the conclusion that the "critical level" of moral thought arrives at a preference-satisfaction version of act utilitarianism. The second was his development of the idea that many apparently nonutilitarian intuitions can be accommodated within utilitarianism because people's having such intuitions actually promotes utility.

Hare developed one of the twentieth century's most discussed theories of the nature of moral judgements (Hare, 1953; 1963; 1972a; 1981; 1999). Many of his immediate predecessors held that moral judgements necessarily express emotion. This idea is suspect, since moral judgements are sometimes made "in a cool hour" and without any apparent emotion. Hare proposed that a better



noncognitivist account of moral judgement is that sincere moral judgements necessarily express universal prescriptions—hence the name of his theory of moral judgement is “universal prescriptivism.” Because moral prescriptions are addressed universally, they are addressed not only to others but also to oneself. Since sincere moral prescriptions are addressed to oneself and entail imperatives, a sincere moral prescription entails a commitment of one’s own to act in the prescribed way in relevant circumstances.

Hare argued that someone does not really understand the concept “ought morally,” unless that person understands that any *moral* judgement about what a particular individual ought to do in some set of circumstances entails a universal judgement about what anyone with that person’s characteristics ought to do in those circumstances. To this idea, some philosophers objected that the universal scope of moral prescription is not especially troubling in practice since often there is no realistic prospect of being in the situation of others, or of exactly similar circumstances arising again. This objection inflicted no damage on Hare’s theory, however, for he held that universal prescriptions apply not just to all actual cases but also to all exactly similar counterfactual cases in which the positions and preferences of the affected parties are switched (Hare, 1963).

This is hardly an unfamiliar idea: after all, the Golden Rule requires us to think what we would want if we were in other people’s positions, even though such positions are often ones we could not in fact ever occupy. The similarity of Hare’s universal prescriptivism to the Golden Rule and to Kant’s first formulation of his “categorical imperative” (i.e. “always act on maxims you can will to be universal laws”) is obvious. Hare did think of himself as putting forward a kind of Kantian theory of moral judgement (Hare, 1963). But, against conventional opinion, he argued that his Kantian theory of moral

judgement leads to utilitarianism (Hare, 1972b; 1981; 1993b).

According to Hare, what we can prescribe universally for the actual case and all the hypothetical cases exactly like the actual case except that we are in the shoes of other affected parties with their preferences, is determined by our present *rational* preferences about what would happen to us in those actual and hypothetical cases. To have *rational* preferences as between two alternatives, we must now be *fully representing* to ourselves what it is like to be in each of those situations with the preferences of the affected parties. Fully representing to ourselves what it is like to be in other people’s positions with their preferences entails our now acquiring the *same* preferences about what would happen to us if we were in their situations with their preferences—the same, that is, as the preferences they actually have. So our rational preferences about what would happen to us in hypothetical cases in which we occupy the positions of other people and have their preferences must be the same as the preferences they now have about what happens to them in the actual case.

Hare, thus, argued that, ideally, a fully informed moral decision is made on the basis of an expanded set of preferences made up of our personal preferences about what happens to us in the actual case and our new preferences about what happens to us in the hypothetical cases. The preferences in our expanded set must be aggregated in order to determine what we *on balance* prefer universally (i.e. both for the actual case and for the hypothetical cases exactly like the actual one except that we have the circumstances and preferences of the other parties). Since our “on balance” preference is equivalent to the impartial amalgamation of all the preferences of the affected parties, what we can prescribe universally coincides with what we think would maximize the net preference satisfaction for the affected

parties. This is how Hare's universal prescriptivism leads to preference-satisfaction act utilitarianism.

Like virtually every other utilitarian, however, Hare emphasized that utility is unlikely to be maximized if we try to reason in an act-utilitarian fashion on most occasions (Hare, 1976; 1981). Normally, we don't have the information or time needed to calculate what would maximize overall preference-satisfaction. Even when we do have the information and time needed to do the calculations, we might not be accurate calculators, especially when the calculations are complicated or when our strong bias towards ourselves and our loved ones distorts our thinking. Thus, usually more utility will result if both our everyday and our highly charged moral decisions are guided by certain firm and stable moral dispositions, which are deeply embedded in our characters and not merely flimsy "rules of thumb," than would result if we routinely try to make our decisions by calculating utilities. These moral dispositions correspond to familiar rules, such as avoid harming innocent others, avoid stealing, keep promises, and give special attention to the needs of family and friends, etc.

Hare, thus, argued that moral thinking should have two levels. The "critical level" of moral thought is act utilitarian, and its main role is to assess, during a cool hour, our dispositions and intuitive moral feelings in order both to decide what to do when they conflict and to revise them when our having some alternative set would result in greater aggregate preference satisfaction. "Intuitive level thinking" is for everyday moral decisions, when we are usually short of time, information, or a dispassionate frame of mind.

According to Hare, this two-level view of moral thinking vitiates the most popular method of arguing against utilitarianism. Opponents of utilitarianism point to situations in which the act that would maximize overall preference-satisfaction seems intuitively

wrong, because this act is an instance of harming an innocent person, or stealing, or breaking a promise, etc. Hare's reply was that utilitarianism itself holds that it is a good thing we react intuitively against acts of such kinds—namely, because our having these intuitive reactions tends to help us resist acts that produce more harm than good, impartially considered. If utilitarianism itself tells us to have these intuitive reactions, how can our having them count against utilitarianism?

Hare's former students include Bernard Williams, J. R. Lucas, Richard Wollheim, James Griffin, Derek Parfit, Peter Singer, Ray Frey, A. W. Price, Thomas Hurka, Michael Smith, Brad Hooker, and Roger Crisp. His continuing influence appears in the work of Peter Singer, Ray Frey, Simon Blackburn, Alan Gibbard, Roger Crisp, and Ben Eggleston.

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## HARM PRINCIPLE

### *Further Reading*

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See also ACT UTILITARIANISM; INTUITIONISM; KANT, IMMANUEL; PREFERENCES (PREFERENTIALISM).

## HARM PRINCIPLE

In a much-discussed passage in *On Liberty* (1859), John Stuart Mill enunciates what is frequently referred to as “the harm principle.” He writes: “[the] object of this Essay is to assert one very simple principle, ... that the sole end for which mankind are warranted, individually or collectively, in interfering with the liberty of action of any of their number is self-protection.” In a civilized community, he explains, power can be rightfully exercised only “to prevent harm to others” (CW, vol. 18, p. 223). But “the harm principle” is not the only principle that Mill enunciates. He also insists in the same passage on a number of supplementary principles such as a principle of antipaternalism, a principle of antimoralism, and a principle of tolerance. Someone cannot rightly be compelled, Mill writes in defending these other principles, “to do or forebear because it would be better for him to do so, because it will make him happier, because, in the opinion of others, to do so would be wise, or even right.” And Mill concludes his famous passage by articulating yet another principle, namely, a principle of individual sovereignty. “Over himself, over his own body and mind,” he writes, “the individual is sovereign” (p. 224). Moreover, the principle

of individual sovereignty is connected to a principle of pluralism. In his *Autobiography*, the connection is made explicit, because Mill not only reiterates his belief that *On Liberty* is a “philosophical text-book of a single truth,” but also emphasizes the importance of “giving full freedom to human nature to expand itself in innumerable and conflicting directions” (CW, vol. 1, p. 259). The harm principle is crucial for Mill’s argument in *On Liberty* but it is not self-interpreting and it does not stand alone. It represents a “simple principle” and a “single truth” within a complex theory of liberalism that is conceptually sophisticated, revisionist in its understanding of utilitarianism, and open to contestation.

In *On Liberty*, Mill does not reiterate in detail the famous critique of Bentham’s utilitarianism that he announced in his two essays on “Bentham” (1838) and “Coleridge” (1840), but there is an allusion to it. Like Bentham, he repudiates “abstract right” and says that he regards “utility as the ultimate appeal on all ethical questions.” “[B]ut,” he adds significantly, “it must be utility in the largest sense, grounded on the permanent interests of man as a progressive being.” When the principle of utility is so understood, it authorizes “the subjection of individual spontaneity to external control, only in respect to those actions of each, which concern the interest of other people” (CW, vol. 18, p. 224). Moreover, there is a sphere of action, he continues, in which society has “only an indirect interest” and this is “the appropriate region of human liberty.” Stated in summary form, the region of liberty consists, first, of liberty of conscience, thought and opinion; second, liberty of “framing the plan of our life to suit our own character”; third, freedom of association understood as “freedom to unite, for any purpose not involving harm to others” (pp. 225–6). Mill also insists that “this doctrine is meant to apply only to human beings in the maturity of their faculties.” He says that he is not

speaking of children or “backward states of society.” “Liberty, as a principle,” he writes, “has no application to any state of things anterior to the time when mankind have become capable of being improved by free and equal discussion.” But as soon as people become capable of being guided by their own improvement, compulsion “is no longer admissible as a means to their own good, and justifiable only for the security of others” (p. 224).

Criticism of Mill’s Harm Principle has been of two main kinds. First, that Mill’s concept of harm is untenable and supports an untenable social philosophy. Second, that Mill’s philosophy of liberalism contains significant inconsistencies which necessitate modification or even rejection of the Harm Principle in order to salvage his commitment to individual liberty. In *Liberty, Equality, Fraternity* (1873, 1874), James Fitzjames Stephen gave classic expression to the first criticism. He rejected Mill’s concept of harm as spurious and assailed his commitment to secular humanism. He insisted that Mill’s attempt to distinguish between self-regarding acts and acts which regard others “is altogether fallacious and unfounded,” since “the most important part of our conduct regards both ourselves and others” (Stephen, pp. 28, 66). It followed, for Stephen, that any attempt to provide a principled and fixed limit on the use of coercion by government or society was untenable. If the object aimed at is good and can be attained through the use of coercion, he did not understand “how, upon utilitarian principles, the compulsion can be bad” (p. 86). What troubled Stephen most, however, was what he took to be Mill’s optimistic view of human nature and ameliorative theory of life. He strongly detected in Mill’s later writings the belief that if men were freed from restraints and put as much as possible on an equal footing, “they will naturally treat each other as brothers, and work together harmoniously for their common good” (p. 226). But many men, Stephen

contended, were bad, many were foolish, and even good men were often compelled to treat each others as enemies by the existence of conflicting interests and different ways of conceiving goodness. In place of Mill’s liberal humanitarianism and the Harm Principle, Stephen sought to substitute a constructive philosophy of force rooted in an older understanding of utilitarianism.

Much of Stephen’s critique is subtly restated in Lord Devlin’s seminal essay on “Morals and the Criminal Law” (1959), which disputes Mill’s principle of antimoralism and asserts the right of society to enforce its (traditional) common morality in such matters as prostitution and homosexuality. An influential Millian rejoinder to Devlin is H. L. A. Hart’s *Law, Liberty and Morality* (1963). Hart insisted that Devlin’s position, unlike Mill’s, relied on an untenable concept of moral harm, conflated deviations from society’s conventional moral practices with treason, and was not able to account for peaceful moral change. However, he was unwilling to defend some of Mill’s other positions such as his principle of antipaternalism. He suggested that Mill’s strong protests against paternalism “now appear to us fantastic,” that they are based “too much [on] the psychology of a middle-aged man,” and that a modification of Mill’s principles may be required in matters that concern harm to self (Hart, pp. 32–3, 5).

Hart’s reply to Devlin is a classic example of the second kind of criticism of Mill, in which some aspects of his theory of liberalism are vigorous defended and other aspects vigorously rejected. Other noteworthy examples of this second kind of criticism include Isaiah Berlin’s “John Stuart Mill and the Ends of Life” (1959) and Arthur Ripstein’s “Beyond the Harm Principle” (2006). In Berlin’s essay, Mill is praised for his unflinching espousal of the ideals of individuality and social tolerance and *On Liberty* is described as the foundational text of modern liberalism. But Berlin also believed

## HARROD

that there was a great inconsistency in *On Liberty* and that Mill's liberal faith conflicted with his professed commitment to utilitarianism and with a utilitarian calculation of harm. Ripstein's focus is on puzzling cases of harmless trespasses. He argues that a correct resolution of such cases is possible only if a deep commitment to individual sovereignty of the kind justly celebrated in *On Liberty* is combined with rejection of the harm principle.

In passages less famous than the one which announces the Harm Principle, Mill insisted on the importance to human well-being of full, frequent and fearless discussion. He did not want human beings to be like sheep or for living truths to become dead dogmas. He even insisted on the need for a skilful devil's advocate when opponents to important truths did not exist. This too was part of Mill's liberal faith and his distinctive understanding of utilitarianism. It is surely one of the significant paradoxes of Millian liberalism that those critics who have disputed the truth of the Harm Principle or called for its modification have contributed, often unwittingly, to the fulfillment of one of the deepest aspirations of *On Liberty*.

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See also HART, HERBERT LIONEL ADOLPHUS; LIBERALISM; LIBERTY; MILL, JOHN STUART; PUNISHMENT; STEPHEN, JAMES FITZJAMES.

## HARROD, HENRY ROY FORBES (1900–78)

Henry Roy Forbes Harrod was born on 13 February 1900 in London, and educated at St. Paul's School and Westminster School, before entering New College, Oxford. His education was interrupted in September 1918 when he joined the Royal Garrison Artillery. Afterwards, he continued his studies at Oxford and obtained a first in *literae humaniores* in 1921. A year later he received another first in modern history and was elected to a lectureship in modern history and economics at Christ Church, to which he later added a Nuffield readership in international economics. At Cambridge, he found a mentor in John Maynard Keynes. From 1945 to 1961, he served as a joint editor of the *Economic Journal*. His principal contributions to economic theory date from the 1930s, and cover three areas: the firm, aggregate demand, and economic

growth. However, it is his article “Utilitarianism Revised,” published in the journal *Mind* in 1936, that is of most consequence to utilitarian theory. In this article, Harrod defends the utilitarian approach against various criticisms by elaborating the theory. First, he argues that morality is concerned with means rather than ends, that is, with the promotion of whatever ultimate goals are sought by the greatest number of people. Second, he argues that utilitarian principles call for adherence to universal rules of conduct rather than conditional decisions in matters where repetition and predictability are socially beneficial.

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#### HARSANYI, JOHN C. (1920–2000)

John Charles Harsanyi (János Károly Harsányi) was born on 29 May 1920 in Budapest to Charles and Alice Harsanyi. Raised as a Catholic (his parents had converted from Judaism), Harsanyi graduated from the Lutheran Gymnasium in Budapest and won the national Mathematics prize for high school students in 1937. He subsequently received a diploma in Pharmacology from the University of Budapest. Following

the establishment of a pro-Nazi government in 1944, Harsanyi spent 7 months in a forced labour camp before escaping captivity. He completed a D.Phil. in Philosophy with minors in Sociology and Psychology at the University of Budapest in 1947 and then taught in the University’s Institute of Sociology for one year before being forced to resign because of his anti-Marxist views. Harsanyi then ran the family pharmacy until he fled with his future wife, Anne Klauber, and her parents to Vienna in 1950, subsequently emigrating to Australia, where he became a citizen in 1954.

Harsanyi completed an MA in Economics at the University of Sydney in 1953 and then took up a lectureship at the University of Queensland. He received a Ph.D. in Economics from Stanford University in 1959. He was a research fellow at the Australian National University from 1958 to 1961, a Professor of Economics at Wayne State University from 1961 to 1963, and a Professor of Business Administration at the University of California at Berkeley from 1965 (and a Professor of Economics from 1966) until he retired in 1990. He became a US citizen in 1990. In addition to his Nobel Prize in 1994, Harsanyi was the recipient of many honours. Near the end of his life, Harsanyi suffered from Alzheimer’s disease, and died in Berkeley on 9 August 2000 of a heart attack.

Harsanyi devoted his career to identifying unique solutions to problems in Game Theory and in Ethics using Bayesian principles of rationality. He provided a decision-theoretic foundation for Utilitarianism based on principles of rationality for individual choice under uncertainty (expected utility theory). He also provided a game-theoretic analysis of Rule Utilitarianism. It was for his research in Game Theory that Harsanyi shared the Nobel Prize in Economics with John Nash and Reinhard Selten.

With a cardinal utility function, it is meaningful to make intrapersonal comparisons



of utility gains and losses. Utilitarianism not only presupposes that utility is a cardinal measure of individual well-being, but also that interpersonal comparisons of utility gains and losses are possible. According to the ordinal utility theory that gained prominence in the 1930s, cardinal utility is a meaningless concept: this, if true, would undermine utilitarianism. There was a revival of interest in cardinal utility when John von Neumann and Oskar Morgenstern published an axiomatic account of expected utility theory in their *Theory of Games and Economic Behavior* (1944). However, in the following decade, there was near consensus that von Neumann-Morgenstern utility, while useful for analysing individual choice, has no relevance for social welfare analysis, what economists call “Welfare Economics.”

In “Cardinal Utility in Welfare Economics and in the Theory of Risk-Taking” (1953), Harsanyi argued that the same cardinal measure of utility is in fact employed in both expected utility theory and Welfare Economics. Furthermore, Harsanyi proposed a general procedure for making judgements about social welfare. Harsanyi identified welfare judgements with an individual’s ethical preferences, which are the preferences for different social alternatives that he would express if he exhibited a sympathetic but impartial concern for everyone. For Harsanyi, these are the preferences that an individual would have if he thought there was an equal chance of being anyone in society, complete with their tastes, values, and objective circumstances. This hypothetical choice situation is a problem in individual decision-making under uncertainty. Assuming that each person’s actual preferences for social alternatives are described using a von Neumann-Morgenstern utility function and that ethical preferences conform with expected utility theory, it then follows that the alternatives are ranked in terms of average utility, a result now known as Harsanyi’s Impartial Observer Theorem. This theorem

provides a rational choice-theoretic foundation for Average Utilitarianism.

Harsanyi’s idea of deriving substantive ethical principles from a hypothetical choice situation in which morally irrelevant information has been excluded predates John Rawls’s use of a similar construction (his original position with its thicker veil of ignorance) to derive principles of justice in *A Theory of Justice* (1971). In “Can the Maximin Principle Serve as a Basis for Morality? A Critique of John Rawls’s Theory” (1975), Harsanyi was critical of the lack of trade-offs in Rawls’s principles, and attributes this to Rawls’s aversion to Bayesian rationality. Much of Rawls’s criticism of utilitarianism is directed at Harsanyi’s version of utilitarianism.

It is necessary for an individual in Harsanyi’s hypothetical choice situation to make interpersonal utility comparisons. The logical basis of these comparisons was investigated in “Cardinal Welfare, Individualistic Ethics, and Interpersonal Comparisons of Utility” (1955). For Harsanyi, an interpersonal utility comparison is a form of intrapersonal utility comparison: an individual determines how well off someone else is by empathetically identifying with him. Such comparisons, he argued, are empirical statements based on an *a priori* principle that says that an individual’s well-being is a determinate function (common to everybody) of his social and biological characteristics.

In the same article, Harsanyi introduced his Social Aggregation Theorem. In this theorem, individual and social preferences for a set of risky alternatives are assumed to satisfy the expected utility axioms and two alternatives are required to be socially indifferent if everybody is indifferent between them. If each preference is represented by a von Neumann-Morgenstern utility function, it follows that the alternatives must be socially ranked by a weighted sum of the individual utilities.

The utilitarian interpretation of Harsanyi’s theorems was challenged by Amartya Sen in “Welfare Inequalities and Rawlsian



Axiomatics” (1976). Sen argued that von Neumann-Morgenstern utility is not cardinal in a sense that is relevant for making welfare comparisons. This argument was later formalized by John Weymark in “A Reconsideration of the Harsanyi-Sen Debate on Utilitarianism” (1991).

Harsanyi offered a game-theoretic analysis of Rule Utilitarianism in “Game and Decision Theoretic Models in Ethics” (1992). In Harsanyi’s version of Rule Utilitarianism, an optimal moral code is one whose acceptance would maximize the sum of utilities if everybody acts in conformity with it. The optimal code is first chosen cooperatively, after which individuals freely pursue their own interests subject to the constraints imposed by the moral code. The logical status of moral rules was considered in “Ethics in Terms of Hypothetical Imperatives” (1958). In contrast to Kant, Harsanyi argued that moral rules are hypothetical imperatives of the form: if one wants to achieve *A*, then do *B*.

Harsanyi made a number of major contributions to Game Theory, particularly to bargaining theory, equilibrium selection in non-cooperative games, and the theory of games of incomplete information. Prior to the publication of his “Games with Incomplete Information Played by ‘Bayesian’ Players” (1967–8), no satisfactory method had been found for determining equilibrium behaviour in games in which players do not have complete information about the game’s structure, including the preferences of the other players. Harsanyi’s fundamental insight is that it is possible to embed such a game in a larger game of complete information and to use the latter to determine the equilibria in the original game. Harsanyi’s method and his concept of a Bayesian-Nash equilibrium provide the foundations for the analysis of games of incomplete information. The analysis of economic problems in which individuals are asymmetrically informed (e.g. the design of auction mechanisms) is based on Harsanyi’s pioneering research.

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See also AGGREGATIVE AND AVERAGE UTILITARIANISM; CARDINAL UTILITY; GAME THEORY; INTERPERSONAL UTILITY; ORDINAL UTILITY; PREFERENCES (PREFERENTIALISM); RATIONAL CHOICE THEORY; RAWLS, JOHN; RULE UTILITARIANISM; WELFARE (WELFARISM).

### HART, HERBERT LIONEL ADOLPHUS (1907–92)

H. L. A. Hart was born on 18 July 1907, and educated at Cheltenham College, Bradford Grammar School and New College, Oxford, graduating with a First in Classical Greats in 1929. From 1932 to 1940, he practised law at the Chancery Bar; but following war service in MI5, he abandoned the law and returned to New College as a fellow and tutor in philosophy. This radical change of direction was influenced by wartime contacts with Gilbert Ryle and Stuart Hampshire. Hart joined J. L. Austin's discussion group, where linguistic analysis countered the logical positivism of A. J. Ayer as well as the older philosophical views upheld by scholars such as H. J. Paton. None of this seemed to presage a career as a jurist; but by 1951, Hart's participation in seminars on philosophy and legal concepts led some to see him as an appropriate successor to A. L. Goodhart as Professor of Jurisprudence. His

appointment produced a remarkable change in Hart—till then an outstanding tutor, but a reluctant lecturer, whose self-critical perfectionism restricted his publications. His professorial teaching revealed a very different personality. It also confirmed his commitment to analytical philosophy and to a utilitarian position. Neither commitment was inflexible; but the permanence of both underlay the dynamism of change.

In 1961, Hart published his most influential work on jurisprudence, *The Concept of Law*. Hart's posthumous editors justly claimed that the book “transformed the way jurisprudence was understood and studied in the English-speaking world and beyond” (Hart, 1994, p. viii). Based on his lectures, *The Concept of Law* provided an account of the role of coercive force in legal systems and of the relationship between law and morality. The historical dimension is secondary, but important here for the relationship between Hart's thinking and the utilitarian tradition on which he drew, particularly John Austin's *Province of Jurisprudence* (1832), which he edited in 1954. In his introduction to this work, Hart echoed and developed Austin's emphasis on *rules* as a—or even *the*—central element in law. He also insisted, however, on a distinction between two kinds of rule: “to say that a legal system exists entails not that there is a general habit of obedience to determinate persons, but that there is a general acceptance of a constitutional rule, simple or complex, defining the manner in which the ordinary rules of the system are to be identified” (Austin, p. xii). Hart, like Austin, mistrusted what he called, in a 1957 lecture reprinted in his *Essays in Jurisprudence and Philosophy*, “the growth of theory on the back of definition” (Hart, 1983, p. 25). His 1953 inaugural lecture on “Definition and Theory in Jurisprudence” had provided early evidence of Hart's interest in Bentham, whom he followed in arguing that the standard genus/species mode was inappropriate for the definition of legal concepts and should

be replaced by expounding the sentences in which the words in question are employed. Bentham called this procedure *paraphrasis*—a term Hart no doubt encountered in Bentham's *A Fragment on Government* (1776). He argued, with Bentham, that statements of law were to be clarified by analyzing the context in which they were made; only in this way could valid conclusions be drawn.

Such encounters with Bentham's utilitarianism, while already significant, remained incidental in Hart's thinking. He regarded *The Concept of Law* as primarily a contribution to analytical jurisprudence, though his central concern was not with language but with human actions and the relations of law and of morality to those actions. Law, he argued, imposed obligations only on those who accepted the authority of each particular legal system. This, however, did not restrict adjudication so narrowly as to debar judges from modifying decisions in accordance with the moral standards prevailing in society at a given time, or from adjusting decisions to changing circumstances. Hart regarded such procedures as valid legislative acts, thus accepting what Bentham rejected as "judge-made law," but argued that the scope for such acts should be narrow. He drew a semantic distinction between the basic meaning of a term and its penumbra of associated or subordinate meanings. He insisted that his theory was essentially *descriptive*, though the law, its subject, was itself *prescriptive*.

Judicial procedure also raised issues regarding rights. In 1955, Hart's answer to the question "Are there any natural rights?" was that moral rights, if they existed, must be based on an equal right to freedom. Other rights necessarily restricted that liberty—restrictions justified either by their basis in consent, or by their being necessary to guarantee the secure enjoyment of freedom in other respects. Hart himself later questioned this argument, and denied the absolute priority of freedom over other values. On both

points, the growing influence of Bentham's utilitarianism is discernible. A 1957 lecture on "Positivism and the Separation of Law and Morals," reprinted in *Essays in Jurisprudence and Philosophy*, perhaps revealed a certain ambivalence in his positivist commitment. He insisted, indeed that "it could not follow from the mere fact that a rule violated standards of morality that it was not a rule of law," nor, conversely, that a rule was law because of "the mere fact" of its being "morally desirable" (Hart, 1983, p. 55). Yet this did not entail a simple endorsement of the view taken (though not without qualification) by Bentham, and by Austin—that laws are expressions of human will in the form of legislative acts. Nor did Hart share with Hume the scepticism that doubts altogether refute the existence of objective moral principles. Hart's positivism entails only the essential distinction between law as it *is* and law as it *ought* to be.

Bentham had made that distinction in *A Fragment on Government*, comparing the roles of "the *Expositor*" and "the *Censor*" and going on to say, "That which *is Law*, is in different countries, widely different; while that which *ought to be*, is in all countries to a great degree the same" (Bentham, 1977, pp. 397–8). Hart agreed as to the importance of distinguishing between *is* and *ought*; but he also argued, in *The Concept of Law*, that "the certification of something as legally valid is not conclusive of the question of obedience" (Hart, 1994, p. 210). Bentham had argued that "[u]nder a government of Laws ... the motto of a good citizen [is] *To obey punctually, to censure freely*" (Bentham, 1977, p. 399). Hart held not only that the demands of "the official system" must be "subjected to a moral scrutiny"—Bentham's "censure"—but that such a scrutiny might authorize disobedience (Hart, 1994, p. 210).

The scrutiny of positive law must be guided by appropriate criteria; and this raises further questions about the evolving relation

between Hart's thinking and what he found in Bentham. In *The Concept of Law*, a substantial part of the chapter on "Law and Morals" is devoted to discussing the "core of indisputable truth in the doctrine of Natural Law." The "*minimum content* of Natural Law" is said to consist of "universally recognised principles of conduct which have a basis in elementary truths regarding human beings" (Hart, 1994, p. 193). These "simple truths" relate to human vulnerability and (approximate) equality, and operate within the limited range both of natural resources and of mankind's understanding and determination. Hart saw this "core of good sense in the doctrine of Natural Law" as "of vital importance for the understanding of law and morals." That understanding, however, could not be achieved in abstraction from "any specific content or social needs" (pp. 194–9). Even this moderate and carefully restricted defence of natural law contrasts sharply with Bentham's consistent hostility to the concept—his dismissal, for example, in the *Fragment on Government*, of "the Law of Nature" as one of the "many ways of intimating that a man is firmly persuaded of the truth of this or that moral proposition, though he either thinks he *need not*, or finds he *can't* tell *why*" (Bentham, 1977, p. 442).

The publication of *The Concept of Law* was followed by Hart's 1962 British Academy Lecture on Bentham as a "Master-Mind." This is, accordingly, an apt point at which to turn from his earlier incidental references to a more direct engagement with Bentham's ideas and with the texts in which those ideas were expressed. Hart was one of the original members of the committee established in 1959 to launch and oversee a comprehensive scholarly edition of Bentham's voluminous writings. For this, he edited two early texts published in 1970—*An Introduction to the Principles of Morals and Legislation* (J. H. Burns coeditor), and its immediate sequel *Of Laws in General*. These were followed in 1977 by A

*Comment on the Commentaries and A Fragment on Government* (J. H. Burns coeditor). Hart's editorial work was matched by the increasing prominence of Bentham and Benthamite utilitarianism in his own writings. Even in his wide-ranging collected *Essays in Jurisprudence and Philosophy*, indexed references to Bentham outnumber those to any other individual jurist. In his collected *Essays on Bentham* (1982), the earliest item is a paper read in 1964 at the bicentennial conference on Beccaria's *Dei delitti e delle pene*. In Hart's account, Bentham's debt to Beccaria was "much deeper and more pervasive" than had previously been recognized. However, "[n]ot everything Bentham said of Beccaria consisted of praise." Beccaria's "utilitarian doctrines" were expounded within a "framework" that included "a theory of social contract" and entailed references to natural rights and to the "nature of things"—terminology Bentham regarded as "laden with confusion and bad metaphysics" (Hart, 1982, pp. 42, 48–9).

In 1967, in "Bentham on Sovereignty," Hart argued that Bentham's influence on Austin was the influence of "a far more profound and original thinker," whose "stature as an analytical jurist" had, however, "long been obscured ... chiefly because the greatest of his writings" in that field "remained unpublished until 1945" (Hart, 1967, p. 127), when Everett's edition of *The Limits of Jurisprudence Defined* appeared. Hart, as noted above, edited this as *Of Laws in General* (1970). In 1971, he discussed the text at length in a paper later substantially incorporated in his *Essays on Bentham*. It was, Hart argued, "certainly ... the greatest of Bentham's contributions to analytical jurisprudence" (Hart, 1982, p. 108). Bentham, Hart acknowledged, did not "explain or apparently see any need to explain the logical basis of ... what he calls 'opposition and concomitance' between mandates"; but he argued that "the main idea of a distinctive logic of imperatives was reasonably

close in spirit to Bentham's logic of the will" (pp. 114–15). That logic applied also to "act-descriptions and the relationships between them," and this entailed recognizing "that laws are very much more complicated than unqualified commands" (p. 117). Yet Bentham still maintained that "all laws are not only imperative ... but also penal since they rely for their enforcement on coercive sanctions" (p. 118). This "defence of the imperative theory of law," Hart claimed, despite attacks by critics, himself included, "is by far the most powerful, detailed and profound that we have" (p. 122).

In the next decade, Hart published substantial articles dealing with various aspects of Bentham's work. These included his theory of legal powers and legal rights, and his contribution to "the demystification of the law." In the bicentennial year of 1976, Hart discussed "Bentham and the United States of America." In 1978, he returned to the theme of "Utilitarianism and Natural Rights," with Bentham's position as the pivot of a more general account; and two years later he discussed "Natural Rights: Bentham and John Stuart Mill." A notable feature of both articles is that Hart takes account of the full range of Bentham's thinking, from the formative 1770s through the attack on the "Anarchical Fallacies" of the French revolutionaries to the radicalism of his later years. Hart also wrote a substantial discussion of "Sovereignty and Legally Limited Government" for *Essays on Bentham*, in which, among other points, he returned to the need to distinguish Bentham's position from that of Austin.

What proved to be Hart's last major contribution to Bentham studies, however, took him back to *An Introduction to the Principles of Morals and Legislation*. His long introduction to the 1982 reprint of that text was aptly entitled "Bentham and the Principle of Utility" when it was included in the 1996 reprint of the *Collected Works* edition. This was Hart's most sustained discussion of the best-known Bentham text.

That knowledge, however, even when not second-hand, was commonly based on the first four chapters, where "the principle of utility is briefly explained and defended, rival theories are summarily criticized, and the method of calculation of the utility of actions is explained." The book, however, was not "primarily a work of moral philosophy ... Bentham's viewpoint was that of a legislator enacting a code of conduct based on the principle of utility and backed by punitive sanctions regulated by the same principle" (Bentham, 1996, pp. lxxx–lxxxii). Hart argued that "though this utilitarian and legislative viewpoint limits the general applicability of Bentham's analysis, there is still much of value to be learnt from [it] which is independent of the legislative viewpoint ..., much that is crucial for the understanding of the complexities of human action and the ways in which beliefs and desires ... are both involved in its structure" (p. xcix). In five closely argued pages, Hart then sought to show in detail both the range and the limitations of an argument in which Bentham's "tenacious pursuit of the truth" had yielded insights from which both jurisprudence and the philosophy of mind could benefit.

The next major topic is the theory of punishment—the focus of Bentham's early work. The Bern competition for a code of criminal law created the context and the need for what, by 1780, he had written for that specific purpose. Two centuries later, Hart argued, the utilitarian conception of punishment as essentially a forward-looking instrument for the protection of society, while not unchallenged, still largely dominated thinking about criminal law. Bentham's theory was notably less severe than much that prevailed in his day; but he acknowledged that some of its provisions would be seen—by those who failed to grasp the complex issues—as unacceptably harsh. When he turns, in Chapter XVI of the *Introduction*, to the offences for which punishment is required, the intricate cartography of his "map of universal delinquency" should

not obscure what John Stuart Mill called “the most inspiring prospect of producing improvements in human affairs,” a view Hart himself would no doubt have endorsed (Bentham, 1996, pp. cviii–cix).

Hart acknowledged that his account of the *Introduction* was selective, leaving aside many important passages. He also noted that “the reader may find it strange” that Bentham had not discussed constitutional law or proposed “a reform of the British Parliament.” Hart suggests that Bentham in the 1780s was “probably ... a somewhat naïve conservative,” citing a passage written in 1782: “The constitutional branch of the law in England ... would probably be found the best beyond comparison that has made its appearance in the world resting at no very great distance perhaps from the summit of perfection” (Hart, 1996, pp. cx–cxi). Here, Hart may have ascribed undue significance to a transient complacency. Bentham was perplexed when Lord Shelburne asked why constitutional law did not figure in the text he read in 1781; but within a year or so, in the extended version of that text, constitutional law had become an important topic. And by 1789, Bentham was fully aware that constitutional complacency was no longer an adequate response to the radical (soon to be the revolutionary) challenge to the existing order.

When, finally, Hart considers his verdict on Bentham’s *Introduction*, his witnesses are mid nineteenth-century English jurists or politicians—Brougham, Roebuck, and Maine. This may be too narrow a view of the case. Neither as the Enlightenment *philosophe* who published the book in 1789, nor as the radical hailed as “legislator of the world” after the 1823 edition appeared, would Bentham have seen himself as primarily a critic of English law. His professed aim was not to expound any particular legal system, but to elucidate such basic concepts as law, coercion and morality. Hart would have repudiated the hyperbole that dubbed

Bentham “the legislator of the world”; but he had done much to separate the ore from the dross in that grandiose claim and set it proportionately in the context of a wider understanding of the subject.

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See also AUSTIN, JOHN; BECCARIA, CESARE; BENTHAM, JEREMY; JURISPRUDENCE; LEGAL POSITIVISM; NATURAL LAW; SOVEREIGNTY.

## HARTLEY, DAVID (1705–57)

David Hartley was born on 21 June 1705 near Halifax, Yorkshire, the son of an Anglican clergyman. He was educated at Bradford Grammar School and Jesus College, Cambridge. Following scruples over subscription to the Thirty-nine Articles of the Anglican faith, he declined to pursue a career in the church and turned to the study of medicine. Hartley had a successful practice in London and Bath. As a physician, he discovered that, in trying to understand his patients' behaviour and their symptoms, he could not avoid

considering states of mind as the causes of bodily states and bodily states as the causes of mental states. He presented his observations and conclusions in his major work, *Observations on Man, his Frame, his Duty, his Expectations* (1749). This is the first book that a modern psychologist would recognize as a book on human psychology, but it is more than that: there is a speculative physiological and neurological theory ("Man's Frame"), there is an empirical psychology of the human mind which provides a guide as to what one ought to do ("Man's Duty"), and there is a philosophy of religion and theology ("Man's Expectations"). Central is the empirical psychology: it is the first systematic development of an associationist theory of learning.

Hartley supposes that the human mind is originally a blank, as it were; prior to sensation the mind is a *tabula rasa*, as Locke put it. Sensations yield ideas which are images of the sensations from which they derive. Sensations experienced together yield ideas which become associated with one another; the ideas corresponding to the sensations which are experienced together become associated as complex ideas. The more often the sensations are experienced together, the stronger becomes the association among the ideas deriving from those sensations. At times, indeed, in some cases the association is so strong that the ideas become fused together, or coalesce into a new, apparently simple idea, distinct in kind from the ideas which are its genetic antecedents. However, though those antecedent ideas are not apparently present in the new idea, they remain present dispositionally, and psychological analysis can recover these ideas.

Then there is the physical side of human being. Parallel to each mental state is a corresponding physiological state in the brain, and parallel to each mental process is a corresponding neurological process. The hypothesized mechanism of the brain is given in sketch in terms deriving from suggestions



made in Newton's *Opticks* (1704). The parallelistic hypothesis makes a great deal of sense: since the brain state is different if the mental state is different, it allows for minds to make a causal difference in the way the physical world develops, while the parallelism also ensures that, whatever the mental state may be, there are no gaps in the material or physical process. This sort of parallelism was to become the standard view of associationist psychologists in the nineteenth century. Hartley's general idea of parallelism is clearly sound, but the details of his physiology are almost wholly speculative, unlike the psychological theory of association which, ever since Aristotle wrote on memory, has a sound basis in empirical observation.

It was Hartley's proposal that physical objects produced vibrations in the surrounding aether, which agitated small particles in the nerves and brain, forming the physical basis of sensation. The vibrations in the aether, striking the surface of the skin, caused vibrations in the nerve fibers which are transmitted to the brain resulting in smaller "vibratiuncles" in the brain or "medullary substance," which in turn result in feebler vibrations which persist after the cessation of the sensory stimulus. These vibratiuncles, as parallel to the mental states, constituted the physical basis of after-images, ideas, and memory. Physical forces of attraction, analogous to the force of gravity, were hypothesized as bringing about the association of vibratiuncles which in turn was supposed to account for the association of ideas, as observed empirically in our inner awareness of our mental states.

Simple sensations include sensations of pleasure and pain, and the desire for pleasure and the aversion to pain are fundamental psychological principles. Love and hatred of other things are generated by association. People learn about the regularities connecting pleasure and pain with their (distal) causes, and then associations result. People as infants are basically automata but come to

learn complicated repertoires of behaviour, including such things as language, the scientific method and how to play the piano. One learns to guide one's own actions: the will is nothing but a desire or aversion to produce an action that is not automatic. Since all love and hatred, all desire and aversion, are generated by association, that is, mechanically, it follows that the will also is causally determined; it is a mechanical phenomenon among mechanical phenomena. This is not, however, to deny moral freedom; the latter consists in doing what one wants or wills, and that is compatible with these mental states being causally determined. Indeed, as one learns more about the world, and about others, one learns how to become more free in one's actions.

This increase in one's capacity to act freely makes it possible to become a better, more moral person. From automata, people come, through associations, to become egotistic individuals, concerned solely about their own selfish good. But people after that come to recognize the role of others in their own well-being. This brings about further associations so that one comes to feel that the good of others is part of one's own good. When one acquires through learning these sympathetic feelings for the feelings of others, one overcomes the earlier simple selfishness: association, the coalescence of ideas, brings it about that the general good becomes one's end. A concern for the general well-being of others thus becomes the guiding principle of life. The end proposed by the utilitarians thus turns out to be the natural outcome of processes of learning.

But Hartley was not a utilitarian. Through experience, he further argued, we come to have the idea of a cause, and from here, we are told, we come inevitably to acquire the idea of a first cause, commonly known as God, a being with infinite power and knowledge. Since we also find in experience, we are also told, that the overall sum of happiness in the world is greater than the sum of misery,

we also acquire the idea of God as infinitely benevolent. Since God is the ultimate source of all goodness and happiness, the idea of God comes to be associated with all our pleasures; love of God or theopathy becomes our ultimate end. God as the ultimate cause of all and as our ultimate end results in the idea of our self becoming absorbed into the idea of God. Thus, we are told, "We ought never to be satisfied with ourselves till we arrive at perfect self-annihilation, and the pure love of God" (Hartley, vol. 2, p. 280).

In the end, Hartley, the empiricist and mechanist, reveals himself to be a mystic! It is perhaps not quite the pure pantheistic and antimaterialistic mysticism of Plotinus, since the ideal of self-annihilation is a state of mind, and this is still located in a material body, but at the same time his account of human being ends in a feeling, not a logical conclusion, as with the eighteenth-century deists. At the same time, however, Hartley's account of human being does culminate in a relationship between the person and a supernatural being; this being is outside the limits of human consciousness, but this relationship is known directly in the experience of "theopathy": one does not find this in Locke. No one, save Hartley, was totally satisfied with this. Book I of the *Observations on Man* is where one finds the associationist psychology, the mysticism is in Book II. These books, as it were, went their different ways.

The unitarian minister Joseph Priestley was a working scientist (he was a discoverer of oxygen) and a materialist; he was also a teacher in Warrington Academy, perhaps the best of the academies established by English dissenters. In 1775, he prepared an edition of the *Observations* for use as a textbook of psychology for use in his and other dissenting academies. In effect, he simply dropped Book II. He also excised the speculative physiology of Book I, leaving only associationism as a science of mental phenomena, confirmed

empirically in our inner awareness of our mental states. It was an influential text, until it was superseded by James Mill's *Analysis of the Phenomena of the Human Mind* (1829).

The poet Samuel Taylor Coleridge, in contrast, initially infatuated with Hartley, soon came to shed the mechanistic theory; Book I of the *Observations* was abandoned, only Book II and its mysticism was retained. It is this mysticism that one finds in Coleridge's earlier poetry (1794), though later he passed beyond Hartley to the more truly mystical idealism of German metaphysicians such as Schelling. His views were influential and were seen as superseding Hartley's associationism. Mill wrote the *Analysis* to counteract what he saw as the undue influence of Coleridgean mysticism, and to restore associationism as the proper account of human being.

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## HAYEK

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See also ASSOCIATIONISM; GAY, JOHN; MILL, JAMES; PRIESTLEY, JOSEPH; WHEWELL, WILLIAM.

### HAYEK, FRIEDRICH (1899–1992)

Friedrich Hayek was born Friedrich August von Hayek on 8 May 1899 in Vienna. His father was a doctor. His forebears had been awarded noble rank as mathematicians and biologists. In 1919, noble titles were abolished in Austria, and "von Hayek" became simply "Hayek." He studied psychology, philosophy and economics at the University of Vienna, where he received doctorates in law (1921) and politics (1923). Invited to join the London School of Economics by Lionel Robbins in 1931, he remained there until he moved to the University of Chicago in 1950, joining the Committee on Social Thought. While at the LSE, Hayek published his first great critique of socialism and central planning, *The Road to Serfdom* (1944), and at Chicago he published his first major statement of libertarianism, *The Constitution of Liberty* (1960). In 1962, he became a Professor at the University of Freiburg, where he began work on *Law, Legislation and Liberty* (1973, 1976, 1979), a trilogy synthesizing his ideas on politics, law, and society. He was a Professor at Salzburg

from 1969 to 1977, retiring to Freiburg thereafter. He became a naturalized British citizen in 1938. He shared the Nobel Prize in Economics with Swedish socialist economist Gunnar Myrdal in 1974. In 1984, Queen Elizabeth II made him a Companion of Honour on the advice of Prime Minister Margaret Thatcher, who greatly admired his work. George H. W. Bush awarded him the US Presidential Medal of Freedom in 1991.

A central and enduring theme of Hayek's work was his critique of "rationalism" in politics and ethics, a concern shared by his long-time colleague at the LSE, Michael Oakeshott. In his earliest works, he postulated a dichotomy between "rationalist" and "anti-rationalist" modes of thinking. In later works, this evolved into a distinction between "constructivist" and "critical" modes of rationalism. Centralized socio-political planning and the accompanying understanding of laws and rules as planning tools, beloved of both socialists and welfare state liberals, was in this view invalidated by its "constructivism." To construct a social or political policy plan, and especially to pursue a plan for "social justice," was to assume that the planner(s)—and citizens—had sufficient knowledge to predict the outcomes of their actions. This sort of knowledge Hayek, strongly influenced by David Hume's scepticism, regarded as unattainable.

Hayek's rejection of "constructivist" rationalism was at the heart of his critical assessment of utilitarianism. This assessment has two problematically related parts. First, Hayek rejected classical Benthamic utilitarianism because it epitomized planned rule making driven by "constructivist" delusions about knowledge, action and rules. Secondly, Hayek asserted that a legitimate form of utilitarianism could be found exclusively in Hume. Hume used the idea of "utility" to describe pragmatically the value of rules and behaviours in society,

but did not go on to construct a comprehensive governing moral and political principle of utility. Where Bentham sought to construct a perfect system of rules, Hume sought to reconcile us to their incorrigible imperfection. In society and politics, Bentham sought optimization, while Hume expected only incremental adjustment and stabilization. Precisely for this reason Hume's use of "utility" to name the simple quality of usefulness, not to designate a maximizable commodity, satisfied Hayek. But does Hayek's unique assessment illuminate utilitarianism or transform it beyond recognition?

Hayek's ultimate rejection of the utilitarian idea of maximizing human happiness by means of well-designed laws and rules is conveyed in *Law, Legislation and Liberty* where he discusses "the constructivist fallacy of utilitarianism" (Hayek, 1973–9, vol. 2, pp. 17–23): "If we do the best we can to increase the opportunities for any unknown person picked at random, we will achieve the most we can, but certainly not because we have any idea of the sum of utility of [sic] pleasure which we have produced" (p. 23). Here, the libertarian has replaced "happiness" with "opportunities," and the Humean sceptic has replaced the maximization of pleasures with the provision of choices. Neither the means nor the ends characteristic of Classical Utilitarianism are left standing. The result, whether at the level of philosophy, human action, or rule making, is libertarianism. For Hayek, as Thomas Hobbes might have said, utilitarian calculation is de-liberating.

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See also HUME, DAVID; UTILITY.

#### HAZLITT, WILLIAM (1778–1830)

William Hazlitt was born on 10 April 1778 in Maidstone, Kent. He is most commonly remembered as an essayist in the British Romantic humanist mould. His first sense of vocation, however, was as a philosopher. He was trained at the dissenting academy Hackney New College, under the tutelage of Joseph Priestley and Richard Price among others. In the tradition of Hume and Shaftesbury, Hazlitt's first completed work, *An Essay on the Principles of Human Action* (1805), took as its thesis the claim that human selves were naturally disinterested. In this work—as in Hazlitt's later writings on philosophical themes—he sought to redress what he understood to be the keynote of "the modern philosophy." For Hazlitt, the modern philosophy—that is, utilitarianism—has at its centre a certain deterministic faith in "natural selfishness," and the laws of human action derived from this proposition. It is a fallacy to suppose a fixed synonymous relationship between a person's imperative to self-love, their pleasure, and their interest. Hazlitt rejects the idea that a person's interest, which for Hazlitt is an unruly colloquy of competing claims on human attention, can

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turn wholly upon securing pleasure against pain. Rather, he argued, “a man can be said to have an interest in that he does not feel” (Hazlitt, 1805, p. 8). Hazlitt does not mean to suggest that “self-love” has little purchase on our interests, far from it. But, crucially, he breaks “future interest” free from the self-love imperative, re-terming it “disinterested benevolence” (p. 3).

Hazlitt’s basic idea is that selfhood consists in present perception and memory of the past, and that therefore one’s future self is by definition *another* self. He gives a central place to “imagination” in his discourse on what he calls our natural disinterestedness. He points out that we are moral beings only so far as we consider the future, and that in the act of morally *imagining* a future, one’s interest is identical to the future interest of another. However, Hazlitt recognized that we bring a “greater warmth of present imagination” to the prospect of our own future, but that this instinct is based on a misunderstanding of the metaphysics of our future self (Hazlitt, 1805, p. 140). Interest projected towards a future self is metaphysically speaking other-regarding, and confirms—as Hazlitt put it elsewhere—our having “a *nature* towards one another” (CW, vol. 17, p. 121). This ability to enter imaginatively into the vicissitudes of others’ lives is the basic unit in Hazlitt’s conception of the moral life.

In an 1825 essay on Bentham, Hazlitt remarked that Bentham,

reduced the theory and practice of human life to a *caput mortuum* of reason, and dull, plodding, technical calculation ... Every pleasure, says Mr Bentham, is equally a good, and is to be taken into the account as such in a moral estimate, whether it be the pleasure of sense or conscience, whether it arise from the exercise of virtue or the perpetration of a crime. We are afraid the human mind does not readily come

into this doctrine ... Our moral sentiments are made up of sympathies and antipathies, of sense and imagination, of understanding and prejudice (Hazlitt, 1998, vol. 7, p. 80).

As a medicine for what he saw as the abstraction of utilitarian discourse, Hazlitt here seeks to make the moral life accountable to the contingencies and frailties of reason as it functioned practically in the world, to the vagaries and fullness of lived experience.

Hazlitt’s critique of utilitarianism does not sit easily within the dichotomy in nineteenth-century intellectual history between a calculative, materialistic mode of socio-economic analysis on the one hand, and a literary culture of aesthetic, affective social consciousness on the other. Though Hazlitt championed Romantic poetry and the imaginative faculty, in his writings he often theorized “poetry” as a moral-philosophical discourse to sit alongside utilitarian discourse. Poetry sought less to unseat rational understanding and “utility” for the primacy of the feelings, than to redress the abstract relationship between utility and human lives by giving full voice to the role of the passions in moral life.

As a life-long radical with an instinctively adversarial turn of mind, Hazlitt often wrote against utilitarianism as the doctrine of the dominant reformist faction of the day, despite recognizing its importance. In essays on topics ranging from parliamentary debate to fashion to theatre to sculpture to political revolution to boxing, he would consistently try to temper the fixed logic of the great utilitarian thinkers of the age with examples of the unsettled diffuseness of human motivation. In a final irony, Hazlitt was a tenant of Bentham’s, whom the philosopher sought to evict for the nonpayment of rent. For six years—beginning in 1813—they were neighbors living on York Street, Westminster, but astonishingly it seems they never met.

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See also BENTHAM, JEREMY.

**HEDONIC CALCULUS:** See FELICIFIC CALCULUS; HEDONISM.

HEDONISM

Utilitarianism is the view that an action is right if and only if it maximizes the sum total of value in the universe. This is a controversial view. Hedonistic utilitarianism is the view that it is the sum total of *happiness* that should be maximized. This is a *very* controversial view. The present author (1998) and Joseph Mendola (2006), among philosophers, and Richard Layard (2005) among economists, have defended hedonistic utilitarianism; otherwise it is hard to find contemporary advocates of it. And yet, it was the form typically taken by Classical Utilitarianism. Hedonistic utilitarianism was defended by philosophers, such as Jeremy Bentham, J. S. Mill, and Henry Sidgwick, and by economists, such as Francis Ysidro Edgeworth. Hedonism was discussed already in antiquity, but it was then typically defended, if defended at all, in its egoistic, rather than in its utilitarian, form. The main source here is Epicurus. It is rare that we meet with Egoistic Hedonism in the present debate, but there exists at least one defence of it by Ivar Russøy Labukt (2010).

Hedonistic utilitarianism competes with other versions of utilitarianism (and egoism), according to which it is desire satisfaction or some items on an “objective list” (such as knowledge, friendship and achievements) that should be maximized. If we grant that something should be maximized, why is it so controversial to add that it is happiness that should be maximized? Two kinds of objections are typically raised against hedonistic utilitarianism. One of them is methodological: there is no such thing as happiness such that it allows us to speak meaningfully of a “sum” of it. The other objection is moral: there are other things than happiness that should be taken



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into account. The former kind of objection is more radical than the latter. If correct, then hedonistic utilitarianism lacks a clear meaning and, hence, gives no answer, let alone the wrong answer, to the question what we ought to do.

Does it make sense to speak of a “sum” if happiness in a life or in the universe? In order to answer this question, we need to know what happiness is. We need a notion of happiness allowing us to say of a particular individual how happy she is at a certain moment, how much happiness is contained in a day of her life and in her entire life, and we need to be able to say how much happiness there is in the world at a time or during a temporal interval. It is not required that we can find the answers to questions such as these, but the questions must at least make sense. There should be a fact of the matter to be right or wrong about.

There seem to exist roughly two main ideas about how to make sense of talk of happiness in a utilitarian context: experiential Hedonism and attitudinal Hedonism. They both come in two versions: an aggregated and a direct one.

Classical hedonistic utilitarians often wrote as though they accepted the aggregated experiential version of Hedonism. This is the view that there exist experiences of pleasure and experiences of pain which may vary in intensity. Our level of happiness, at any one time, is determined by such experiences. If our experience of pleasure is more intense than our experience of pain at a moment in time, then we are happy at that time. How happy is the person? If we can measure the intensity, and compare the intensity of an experience of pleasure with the intensity of an experience of pain, then the overall happiness may be calculated by deducting the amount of pain from the amount of pleasure. If the sum is negative, we have a measurement of how unhappy the person is at this time. And we can speak of the sum of happiness during an interval as a temporal

integral of the function specifying levels of happiness to moments during this interval. We can find passages in both Bentham and Sidgwick that invite this understanding.

This version of Hedonism invokes strong methodological objections. How can we compare experiences of pleasure with experiences of pain? Is there really a common currency available for such comparisons? Moreover, and this is a common moral objection, it seems too simple minded to think that only two kinds of experiences, experiences of pleasure and pain, constitute happiness. What about nausea? What about depression? And need we not acknowledge a plethora of very different positive experiences? But if we broaden our notion of happiness, then the methodological worries are strengthened. Do not these positive experiences differ in nature? And, does not the lack of commonality pose an insuperable obstacle to their measurement? This is the heterogeneity objection, made for example by James Griffin (1986), when he writes “The trouble with thinking of utility as *one* kind of mental state is that we cannot find any one state in all that we regard as having utility—eating, reading, working, creating, helping. What one mental state runs through them all in virtue of which we rank them as we do?” (Griffin, p. 8)

There have been several attempts to answer the objection from heterogeneity. Shelly Kagan (1992), for example, has argued that just as very different sounds can have the same volume, very different feelings may have something in common, to wit, how pleasant they feel (Kagan, p. 170). However, the objection might be avoided altogether by opting for a direct, rather than an aggregated notion of happiness at any one moment in time. On the aggregated experiential view, as just described, our state of happiness at a specific moment is a mathematical function of the value of the various different experiences we have at that moment. But why not instead think of happiness as an aspect of



our *total* experience? This is the approach of direct experiential Hedonism.

The idea is that there is a fact of the matter about how we feel at any one moment. We are in a definite “mood.” Unlike a sensation of pain or pleasure, our mood lacks a perceived location. Our manner of gaining access to it is through introspection. How happy I am at that moment, on this view, is a *causal* result of various experiences I have, and also of my history, my constitution, and so forth. But it is not a mathematical *function* of any such items. It is not assumed, on this view, that a person can correctly report the mood they are in. This view is consistent with the fact that we often misremember how we felt even quite recently. It is typically assumed, however, that we are fairly good at making some comparative judgements: I now feel better than I did a moment ago.

In the attempt to construct a measurement of happiness, Edgeworth seems to have accepted such a direct experiential approach. He also assumed that we could make some truthful reports about how we feel, or about our “utility.” In particular, he assumed, there is something like a just perceivable change for the better. A moment of such a just perceivable increment is our hedonistic unit. This is how he put it: “Utility, as Professor Jevons says, has two dimensions: intensity and time. The unit in each dimension is the just perceivable increment” (Edgeworth, p. 7). Edgeworth also assumed that such a just perceivable increment is the same not only within a person from bliss to torment, but also between different people.

In accepting this version of Hedonism, it is recognized that there are some details that must be worked out, since there seem to exist subperceivable differences of happiness (or, perhaps one should say, only indirectly perceivable differences). If I compare state *A* to state *B*, I note no difference. If I compare *B* to *C*, again I note no difference. But, if I compare *A* to *C*, then I see a difference. So perhaps the unit should be, not the least

difference we perceive directly, but the least difference we can identify indirectly.

We also need to know where the tipping point is between positive and negative happiness, a kind of hedonistic zero. Otherwise we cannot tell whether a life is worth living or not. Where do we find the zero? In the context of utilitarianism, we would like to place it where we place no conscious experiences at all. But we have no experience of not having any experience. So we cannot compare with that. How do we then draw the line between happiness and unhappiness? Can we feel the difference directly? Can we tell if we are happy or unhappy (or just in between)? Or, should we allow our preferences for the states to be decisive? A happy state is an experiential state I prefer to be in, for its own sake, to not experiencing anything at all (at the same time)? There seem to be problems with all these suggestions.

Some who have found the experiential approach problematic have instead turned to attitudinal versions of Hedonism. Such versions come in both aggregated and direct forms. For example, the psychologist Daniel Kahneman (1999), who has shown much interest also in philosophical aspects of Hedonism, has defended a direct version of an attitudinal view. According to Kahneman, I am happy at a moment in time if I want the kind of experience I have to continue, and I am unhappy if I would rather that it should stop (Kahneman, p. 7). This idea invites the objection that if I want an experience to continue or not must depend on to what I am comparing it. So, literally taken, Kahneman’s suggestion makes poor sense. However, if we understand that we “want an experience to continue” as expressing simply that we *like* being in it, it begins to make sense. Clearly, we could like (or dislike) a state we are in more or less intensely.

Fred Feldman (2010) has put forward a different and more complex attitudinal view. Feldman insists that pleasure is a “pro attitude” to a state of affairs. However,

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Feldman's notion of a hedonistic state at a moment in time is aggregated. We have different pro and con attitudes to aspects of it; we have a pro attitude to our having a successful career and a good marriage, while we have a con attitude to our suffering from a fatal disease—all at the same time. How happy we are at this time is, once again, a mathematical function of the intensity of such attitudes to propositions we believe in. Feldman speaks of them as ways of being intrinsically pleased by beliefs in propositions. We cannot be pleased with anything unless we believe it to be a fact. However, on his view, we may be mistaken. Our belief that we are suffering from a fatal disease may be false. We are still unhappy to the extent that we intrinsically dislike what we believe to be a fact.

One problem with such an attitudinal view is that it seems to preclude the idea that creatures not capable of holding beliefs can be happy. This is not only strange from a conceptual point of view; it sits ill with how hedonistic utilitarians have usually thought about the moral standing of sentient animals.

When we consider Edgeworth's idea of a hedonic unit as described above, it is striking that he seems to mix ontological (or conceptual) matters with epistemic (or methodological) ones. Would it not be more natural to say that the unit is the least possible difference in mood between two states, regardless of whether it is perceived or not? The turn to the least *perceivable* difference has to do with an interest in *measuring* happiness. In a similar vein, we could understand Kahneman as holding that there is a fact of the matter how we feel at a certain moment (how happy we are); it is only when we want to measure happiness we turn to the idea that the state should be introspected and assessed in terms of whether we like it or not. If this is so, it would be interesting to know if some experimental test could be set up in order to "calibrate" Kahneman's test with the aid of

Edgeworth's notion of the least perceivable difference.

Some philosophers have given up on the attempt to find a characterization of happiness in nonmoral, empirical terms. Instead they have claimed that a happy experience is a *desirable* experience; the judgement that someone is happy is a *value* judgement (Sidgwick p. 127; Smart, p. 22).

To the extent that there is such a thing as a sum total of happiness in the universe, it is possible to raise moral objections to the view that this is what should be maximized, rather than other things such as desire satisfaction or items on some objective list. Some have argued that happiness based on false beliefs is of no value. Others have argued that there are higher and lower pleasures, where the higher ones count for more. Still others have argued that unworthy pleasures, such as sadistic ones, count for nothing or even negatively. Finally, it has been argued that it is a good thing that people who deserve to suffer do so.

Nozick's experience machine argument has been very influential in the present context. Nozick (1974) invites us to plug into an experience machine. If we do, then neuropsychologists will stimulate our brains so that we think and feel that we are writing great novels, or making friends, or reading interesting books. All the time we are floating in a tank, with electrodes attached to our brains. According to Nozick, we will not want to plug into this kind of machine. And there is a lesson to be learnt from this fact: "We learn that something matters to us in addition to experience by imagining an experience machine and then realizing that we would not use it" (Nozick, p. 44).

There are several ways of understanding this argument. One way is to take it to show that inauthentic happiness (happiness based on false beliefs) is of little value. Another way is to take it to show that items on an objective list, such as achievements, friendship,

and so forth, are of importance in themselves. In this respect, J. S. Mill is famous for the claim that it is better to be a dissatisfied Socrates than a satisfied fool (CW, vol. 10, p. 212).

Two kinds of strategies are adopted by hedonists to meet these sorts of objections. One is to bite the bullet and claim that happiness, and happiness alone, is what counts in the utilitarian calculus, at least when the moral status of an individual act is assessed. For *instrumental* reasons, it might be a good thing to punish people who take pleasure in the pain they inflict on other people, say, but still, for all that, in the individual case, it would have been worse if they had not been happy with what they did. The same is true of inauthentic happiness. It may be less secure than authentic happiness but yet, for all that, it does not count for any less in the utilitarian calculus.

Another possibility is to revise Hedonism to counter the objections without giving up on the central tenet: happiness and happiness alone should be maximized. Even if inauthentic happiness is less valuable than authentic happiness, a life without happiness is not a good life, no matter what it might contain. Or, one may try to differentiate between higher and lower pleasures in the manner Mill did. Or, you say that deserved happiness is better than undeserved happiness (which may even be taken to count negatively). It could be claimed that happiness has a marginally diminishing value. This kind of revisionist Hedonism may even concede that the shape of an entire life matters to its value. From a hedonistic point of view, a life going uphill is better than a life going downhill, even if they contain the same sum of happiness.

Feldman's attitudinal Hedonism lends itself to these kinds of revisions. The direct experiential approach can be revised in some of these ways (deserved experienced happiness can be held to count for more than undeserved, for example), but not so easily

in others. Since a mood lacks propositional content, it cannot as such be sadistic or inauthentic. But, are all these evasive moves necessary? Perhaps hedonistic utilitarianism does, in a simple and straightforward form, give a correct account, and a sound moral explanation, of all our duties.

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See also AGGREGATE AND AVERAGE UTILITARIANISM; FELICIFIC CALCULUS; HAPPINESS; INTERPERSONAL UTILITY; MAXIMIZATION; MEASUREMENTS OF UTILITY; PAIN; PLEASURE; PSYCHOLOGY.

## HELVÉTIUS, CLAUDE ADRIEN (1715–71)

Claude Adrien Helvétius was born on 26 February 1715 in Paris, France. His original family name of Schweitzer was latinized to "Helvétius" meaning "Swiss." His paternal grandfather was a famous alchemist who became wealthy after King Louis XIV granted him the exclusive right to sell ipecacuanha, a herb used

to treat dysentery, throughout France. His father was physician and close companion to Queen Marie Leszczyńska. His mother's family fortune came from tax farming. His education at the Collège Louis-le Grand prepared him for a career in finance, and at age 23 he was appointed a "fermier générale" (tax collector) by the Queen. At age 35, now extremely wealthy, he retired to a country estate where he devoted himself to literary and philanthropic pursuits for the rest of his life. He married Anne Catherine de Ligniville, a woman of noble birth but not of great wealth. As Madame Helvétius, she maintained a salon frequented by leading philosophers for over 50 years. Helvétius's treatment of his tenants and servants was said to be extraordinarily egalitarian. In his great work *De l'esprit* (1758), he denounced slavery so eloquently that Voltaire was inspired by his words to insert an attack on slavery in his famous work *Candide* (1759). Personally charming but no respecter of social convention, Helvétius sometimes wore a peasant's *bonnet*, later to be known as a "liberty cap," long before the French Revolution made such headwear famous. The ideas in his works were as controversial as his behaviour was unconventional.

*De l'esprit* was stridently republican, scathingly anticlerical and scandalously materialist in its philosophy. It spoke out clearly for the values of liberty, equality and fraternity, and contemporaries read it as in effect a call for revolution. It openly advocated a radical redistribution of land and wealth through an Agrarian Law, a proposal then punishable by death. It asserted that social inequalities of class, wealth and achievement were entirely the result of differences in education and opportunity, not of natural inferiority and superiority. It was immediately condemned by the Catholic Church and the French parlement as atheistic and politically subversive. The Archbishop of Paris declared that it constituted an open invitation to every kind of crime. Only the influence of his family members at Court saved

Helvétius from serious punishment. Unsurprisingly, *De l'esprit* became a bestseller, going through multiple editions in a matter of months. Helvétius publicly retracted the offending antireligious views repeatedly, so obsequiously that he was mocked for it by some philosophers. Nonetheless, he reiterated them unrepentantly in his posthumous work *De l'homme* (1773). Intellectual radicals as disparate as Cesare Beccaria, Jeremy Bentham, John Wilkes and Thomas Paine were inspired by his ideas.

The title *De l'esprit* was chosen partly to reflect Helvétius's strong disagreement with some of the best-known arguments of Montesquieu's great work *De l'esprit des lois* (1748), such as the endorsement of constitutional "checks and balances" as a basis for good government, and the theory that climate had an important influence on both character and politics. Helvétius instead sought a science of legislation based on simple universal principles analogous to Newton's laws of motion and gravitational attraction. The methods of ethics, he said, should be those of experimental physics or geometry. His greatest service to humanity, he felt, was to have discovered the single principle that underlay all of morals and legislation: the principle of "sensibilité physique" or physical sensibility. He also postulated a "principle of utility" in ethics and politics whose validity rested on the primacy of "sensibilité physique" in human nature. Like Bentham, Helvétius mocked Scottish and English "moral sense" theories and argued that if natural law had any validity at all it was based on its foundation in "sensibilité physique." For both thinkers, to say that universal moral principles can be derived from human nature means simply that physical sensibility is the same in everyone. Bentham's assertion that nature had placed mankind under the governance of two "sovereign masters," pleasure and pain (Bentham, 1970, p. 11), echoed a Helvétian metaphor in *De l'esprit*: "Over you I set pleasure and pain, which will watch

over your thoughts and actions" (Helvétius, 1759, p. 322).

Bentham's reading of *De l'esprit* in 1769 (at the age of 21) caused him to conclude, with the force of an epiphany, that he had, in Helvétius's terms, "a genius for legislation." Helvétius held, in keeping with his belief in radical equality of intellectual capabilities and his conviction that "l'éducation peut tout," that genius was not an innate endowment, but a matter of inspiration and application. It was Helvétius, Bentham said, who inspired him to serve his fellow men by inventing (inventiveness being a defining feature of Helvétian genius) a new science of legislation, rather than by exploring other avenues of scientific improvement such as chemistry and botany. He applied himself to this task without respite for the rest of his life. Helvétius's legislative science aimed to create a social system within which individual happiness could be achieved only through contributions to the public good, making antisocial action, as he put it, a form of madness. This legislative strategy was functionally equivalent to what Bentham would later call "the interest and duty junction principle": his utilitarian legislative science would ensure that every duty demanded of the good citizen was also in his or her interest. By pursuing this strategy, Helvétius wrote in *De l'homme* (1773), lawmakers could achieve "le plus grand plaisir et le plus grand bonheur du plus grand nombre des citoyens" (Helvétius, 1777, vol. 1, p. 73). The Italian penal reformer Cesare Beccaria, inspired by *De l'esprit*, had articulated the principle of "la massima felicità divisa nel maggior numero" in *Dei delitti et delle pene* in 1764. Bentham's formulation, "the greatest happiness of the greatest number," also inspired by *De l'esprit*, was first published in *A Fragment on Government* in 1776 (Bentham, 1977, p. 393). Moreover, around the same time Bentham wrote that his own science of legislation began with the "obvious and incontestable" proposition that "physical sensibility" was the "ground of law"

(Long, p. 17). Both Helvétius and Bentham revered Locke's *Essay Concerning Human Understanding*, and derived radically innovative theories of education from Locke's philosophical principle that the human mind was a "tabula rasa" (blank slate) at birth. *Chrestomathia* (1815–17), Bentham's proposal for a school and curriculum constructed on utilitarian principles, was thus in a sense a Helvétian project, and an important component of their common larger project of creating a social and political system governed by the principle of utility.

Fifty years after Bentham's emotional encounter with *De L'esprit*, he recalled that in his excitement at the development and application of the principle of utility in its pages he dreamed of going to Paris and asking to be taken on by Helvétius as a clerk or even a server at table. "What Bacon was to the physical world," he wrote, "Helvétius was to the moral. The moral world has therefore had its Bacon, but its Newton is yet to come" (Long, p. 164). However sincerely laudatory it may have been, this assessment denied to Helvétius the Newtonian role he had explicitly claimed. His claim had considerable merit. The principle of utility and the principle of physical sensibility were the two central pillars of Classical Utilitarian theory, and both were clearly set out in Helvétius's works. Bentham wrote that Helvétius had provided him with both "incentives" and "instruments" for the creation of a science of legislation: "From him I learnt to look upon the tendency of any institution or pursuit to promote the happiness of society as the sole test and measure of its merit, and to regard the principle of utility as an oracle which if properly consulted would afford the only true solution that could be given to every question of right and wrong" (Bentham, 1968, p. 99). By Bentham's own account, then, it was Helvétius who taught him how to be a utilitarian. Bentham coined the term "utilitarian," but Helvetius provided him with the essentials of the science.

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See also BECCARIA, CESARE; BENTHAM, JEREMY.

## HILDRETH, RICHARD (1807–65)

Richard Hildreth was born on 28 June 1807 in Deerfield, Massachusetts. Following



graduation from Harvard in 1826, he was admitted to the Bar in 1830. His first major publication was the antislavery novel *The Slave: or Memoir of Archy Moore* (1836), which he published in a revised edition in 1852 as *The White Slave*, and in 1837 he published *Banks, Banking, and Paper Currencies*, which advocated a free banking system in America. For health reasons, Hildreth moved to British Guiana in 1840, and in that year published *Despotism in America and Theory of Legislation*, his translation of the main parts of Étienne Dumont's celebrated redaction of Bentham's legal philosophy, the *Traité de législation* (3 vols, 1802). After returning to the United States in 1843, he published *Theory of Morals* (1844) and *The Theory of Politics* (1853), intended to be the first two of a six-volume series, collectively titled "Rudiments of the Science of Man," and amounting to a complete and systematic philosophy of the science of man and society. Left incomplete were the *Theory of Wealth*, *Theory of Taste*, *Theory of Knowledge*, and *Theory of Education*. Notable for its absence from the proposed series was the theory of legislation, but it is likely Hildreth believed Bentham had said all that was required on this subject. Hildreth's six-volume *History of the United States* (1849–52) is sometimes thought to be his most important work. Ill health forced him to give up writing completely in 1860, though it did not prevent his appointment the following year as US consul at Trieste, Italy, and in 1865 he relocated to Florence, where he died on 11 July and was buried.

Hildreth was once hailed as "the American utilitarian" (Pingel, 1948) for his concerted effort to introduce utilitarian ideas into mainstream American thought, principally via his translation of Dumont and his own *Theory of Morals*. It was in Dumont's French that Bentham's utilitarian moral and legal philosophy received its widest distribution in nineteenth-century Europe, and this impetus was continued on both sides of the

Atlantic with Hildreth's English translation. Hildreth believed that the widespread interest in legal reform in the United States would benefit enormously from Bentham's ideas, announcing in the preface to the work "the translator flatters himself that he will have performed a useful and acceptable service, in restoring to its native tongue the following treatise" (Bentham, vol. 1, p. ix). He registered a degree of caution about utility as a guide in morals, while praising Bentham's use of it as the foundation for law (p. iii). Hildreth was particularly impressed with that part of Bentham's science of legislation that dealt with civil law. When he discussed rights and duties in the *Theory of Morals*, for example, he stated no more than Bentham, and cited *The Theory of Legislation* specifically when he explained that property rights are "nothing but a *Basis of expectation*," one of Bentham's keenest insights into the basic principles of civil law. What the legislator must take care to do is to prevent the pain of disappointing legitimate expectations, especially those relating to property (Hildreth, 1844, p. 159).

Though he eschewed the name "utilitarian" in moral theory and at times deliberately distanced his own theory from Bentham's, Hildreth's *Theory of Morals* contains the most substantial statement of utilitarian principles by any American moralist in this period (Schlesinger, 1940; Baumgardt, 1947; Pingel, pp. 11–23). The crucial difference from Bentham turned on Hildreth's claim that Bentham—together with the Stoics, Epicureans, semi-Stoics, semi-Epicureans and Mystics—was a partisan of the "Selfish Theory of Morals," who believed that "the only conceivable motive to act which a man can have is the promotion of his own happiness," and that the happiness of others "never can be the primary motive to the performance of any action" (Hildreth, 1844, p. 30). Hildreth argued that the facts of human experience tell a different story (p. 33). He realized that Bentham did not always promote the selfish



theory of action, and that when it came to “practical morals” he made “general utility” the test of right and wrong (p. 3n). However, he did not believe Bentham was entirely consistent when he sought to tether personal utility to general utility.

On the other side of the balance sheet similarities are not hard to find between the theories of the two philosophers. Whatever defects might appear in Bentham’s theory, Hildreth allowed that “no man has contributed more than Bentham to advance the science of morals, of which ... the science of Utility is a most important branch.” He declared that Bentham’s *Introduction to the Principles of Morals and Legislation* (1789) “contains a complete and beautiful development of that science,” and referred the reader to his own translation of Dumont “for a more easy and agreeable explanation” of Bentham’s philosophy (Hildreth, 1844, p. 30n). Like Bentham, Hildreth left no doubt that a properly constructed ethical theory must be secular in character, and his writings exhibited a high degree of scepticism about religion. He offered a naturalistic account of the genesis of gods and a conjectural chronology of the development of monotheism, modern religions, and the belief in futurity (pp. 23–6, 139–40, and Ch.9). Moral theories founded on religious convictions he denounced as “mystical theories,” and repeatedly illustrated their inconsistencies and paradoxes.

Hildreth’s theory might have been called a “theory of benevolence,” since it was the “laws” of the operation of benevolence that his theory of morals was designed to explain. He defined right action as that which gives pleasure to others (Hildreth, 1844, p. 9), and in stating his theory this way—deliberately excluding the pleasure of the agent from the calculation of the morality of an action—Hildreth knew he was taking a significant step away from the standard Benthamic position, trusting that this would make his theory impervious to the usual objection that utilitarianism was exclusively

premised on the self-centred motivation of the individual agent. However, Hildreth’s understanding of Bentham’s theory was drawn from his translation of Dumont, and it is in Dumont’s populist rendition of utilitarian theory that we find the “selfish” principle transplanting the idea of self-interest, which for Bentham encompassed the interests of those the agent held near and dear as well as his own interests. But, even had Hildreth correctly understood Bentham, it is clear from *Theory of Morals* that he would still have objected on the grounds that virtue lies purely and simply in benevolence to others.

Where Hildreth’s theory explicitly retained the utilitarian dimension is in its focus on consequences and the calculation of utility in terms of pleasures and pains. Like Bentham, too, Hildreth held that actions “are the only original subject-matter of moral judgment” (Hildreth, 1844, p. 9), though he qualified this by drawing a distinction between “virtue” and actions which produce happiness: “In speaking of actions we use the words *right* and *wrong* principally with an eye to the external event and with little or no reference to the motive of the actor. We use the words *virtuous* and *vicious* principally with reference to the motive of the actor, and with little or no regard to the external event” (p. 10).

This distinction between the meanings of “right” and “virtue” in relation to actions and motives, respectively, underscores a further difference from Bentham. Bentham, who spent a good deal of print in the *Introduction* delineating types of motives, refused to employ positive or negative epithets to describe the individual’s motivation in engaging in particular actions. Simply put, there are no such things as “good” or “bad” motives; the only elements that count in determining the virtue (i.e. the utility) of an action are the consequences that result. All motives, including the most extensive benevolence, are rooted in self-interest in one form or another; in these terms, the notion of a

*disinterested* motive is implausible. Even “ill-will” is still a kind of pleasure, or pleasure in prospect, that constitutes a person’s motive.

Another variation from Bentham, though it is not one that constitutes more than a refinement of the analysis of the “springs of action,” is Hildreth’s argument that “all human actions originate in pains” (Hildreth, 1844, p. 33). In stating this, Hildreth claimed to be following Hobbes and Locke, but he may also have encountered this understanding of the primacy of pain in “Essay on the Laws of Pleasure and Pain” by the American moralist Thomas Ewell (1785–1826). If we view pain as the motivation for action, then pleasures are “motives of action only secondary; that is, when the contemplation of them produces in us that particular sort of pains, called *desires*” (Hildreth, 1844, p. 34). In this account, happiness “consists merely in the avoidance of, or escape from present pains ...; and it may be safely alleged that no action, from the most trivial up to the most important is ever performed, of which some present pain, either a simple pain, or a pain of desire, is not the immediate motive” (p. 35). Moreover, motives are frequently a mix of pains and pleasures. Hildreth acknowledged Bentham’s contribution to our understanding of “simple pains and simple pleasures,” but pointed out that many pains and pleasures are in fact “complex” (p. 39n). This means that the relationship between pleasure and pain, on the one hand, and action, on the other, is by no means as straightforward as Bentham assumed. Hildreth explained: “Any pleasure coexisting with any pain, whether a simple pain or a pain of desire, tends, in proportion to the keenness of the pleasure, to diminish the force of that pain as a motive of action.” Furthermore, it is possible that pains of different sorts may exist together, impelling to action “sometimes in the same, and sometimes in contrary directions; for the same action that may tend to relieve one pain may tend to aggravate or to produce another.” There is also the consideration that the pains

experienced by an agent may be separated in prospect, thus the agent’s “contemplation of a future pain, as probable or certain, produces a present pain which may be called a pain of Anticipation” (p. 39). The same analysis applies to pleasures, such as when the agent’s “contemplation of a future pleasure as probable or as within our power produces a present pleasure, which may be called a pleasure of Anticipation.” Commonly called “hopes,” such pleasures “are never quite unmixed, being uniformly attended in a greater or less degree by pains of desire, pains of doubt, and pains of fear.” (p. 40). The complexity of the pains motivating action, and the modification of their force by pleasures experienced at the same time, makes the determination of which action to undertake “an exceedingly complicated and nice calculation” (p. 42). But this is where the “science of Utility” comes in, the purpose of which is to determine “whether objects are, in fact, beneficial or not.” This objective science is intended to leave the subjective judgement of individuals out of the decision as to the rightness or wrongness of an action (p. 131). In this schema, virtue depends on impartiality.

At bottom, then, the crucial difference between the theories of Bentham and Hildreth turned around the latter’s distinction between “virtue” and “utility” (Hildreth, 1844, p. 10). Whereas Bentham equated virtue *with* utility, in Hildreth’s account the concept of virtue is not a simple supposition, but in its most general sense is constituted of “all that part of human nature which cooperates in impelling and enabling men to perform actions beneficial to others; first, the pains and pleasures of benevolence; secondly, certain impulses of the pains and pleasures of self-comparison; thirdly, those pains and pleasures of anticipation included under the heads of the fear of punishment and the hope of rewards; and fourthly, all those temperaments indicated by the epithets Wisdom, Courage, Fortitude, Constancy, Hopefulness, Activity and Ability” (pp. 100–1).

## HILDRETH

However, Hildreth recognized that this is not what is commonly meant by the term “virtue” in ordinary language; rather a more limited meaning is intended to refer to those impulses “*whereby men are induced to confer benefits upon others, without the expectation of any reward beyond that which arises from the consciousness of having conferred them*” (p. 101).

Hildreth took both Helvétius and Bentham to task for confounding the meaning of “virtue.” When Helvétius and Bentham say that self-interest, including the sentiment of benevolence, is the only source of human action, technically they are correct, but “it is to use a form of expression almost certain to deceive both those who hear it and those who use it” (Hildreth, 1844, p. 45). More importantly, in a practical view, without the pains and pleasures of benevolence “the ‘greatest happiness of the greatest number’ would be an unmeaning jingle, incapable of exercising the slightest influence over conduct” (p. 45n). In the same critical vein, Hildreth claimed that Helvétius and Bentham “made an ingenious but desperate attempt to amalgamate together the doctrines of pure selfishness and entire self-sacrifice,” but this only resulted in “the paradox, that pure selfishness may require of us the entire sacrifice of ourselves for the benefit of others” (pp. 103–4).

Having distinguished virtue from utility, what then is the relationship between the two? Hildreth resolved the issue into two separate questions: “First. Does the increase of virtue in a community tend to increase the happiness of that community. Second. Are individuals happy in proportion as they are virtuous?” (Hildreth, 1844, p. 255) In answering the first question, he returned to his theory of benevolence to remind us that “just in proportion as virtue exercises an influence over the conduct of man, just in that same proportion does the happiness of others become an object to be aimed at; and just in that proportion will men be likely to contribute to the happiness of each other” (p. 256). In answering

the second question, he dismissed the claim, often made by moralists and legislators, that the increase of virtue in an individual tends directly to increase his own happiness (p. 257). The claim that personal happiness is the necessary concomitant of virtue and that misery inevitably follows vice, Hildreth dismissed (p. 261). Nevertheless, there were times when virtue was associated with personal happiness in his own thoughts, for example, when he prescribed that “it ought to be the aim of the enlightened moralist not so much to produce individual instances of extraordinary virtue, individual instances of self-sacrifice for the benefit of mankind, as to raise the general standards of morals, and thereby to produce a general increase of virtue, and at the same time of happiness; and that too without any sacrifice of individuals, and those the most meritorious” (p. 262). His reasoning is that in acting benevolently and serving the general happiness, each individual will indirectly serve his own interest by creating a social climate in which virtue is fostered, benevolence is increased, and everyone’s happiness is enhanced as a result.

How is the general standard of morals to be raised? Hildreth suggested two primary methods of encouraging the sentiment of benevolence: (1) education and the formation of good habits at a young age, which are then reinforced in later life at the hands of tutors and moralists; and (2) a general improvement in living conditions, since it is evident that in more advanced civilizations there is greater scope for benevolence, while in more rudimentary societies people are forced to focus on their own basic needs (Hildreth, 1844, pp. 268–71). His thinking is novel on this point: “The progress of civilization doubtless tends to relieve the whole community from certain pains, especially those terrible pains of famine, to which savage communities are particularly exposed and to create a large class of persons, who, as they enjoy a superior degree of knowledge and wealth, and which are the means of many pleasures, become capable

in consequence, of a superior degree of happiness, and of a superior degree of virtue” (p. 270). Hildreth believed that the growth in the middle class throughout Europe was primarily responsible for the rise in the standard of morals during the most recent centuries. However, he thought that the uneven distribution in property and wealth left many exposed to “new pains of inferiority” and “new pains of desire” and might “prove hardly less fatal to happiness and to virtue, than the worst evils of the savage state” (pp. 270–1). It was this dilemma that Hildreth proposed to address in the *Theory of Wealth* and *Theory of Politics* (p. 272)—only the latter of which was completed and published.

For the most part, the *Theory of Politics* proceeds in a pedantic, descriptive manner detailing the origins, development, and forms of government, from ancient and feudal to modern times, abundantly illustrated with examples from historical record. In the course of this descriptive analysis, Hildreth explained the elements of “power”—which he took to be the core concept of politics—in the several political arrangements discussed, but predictably demonstrated the advantages of democracy over all other forms of government (Hildreth, 1853, esp. pp. 255–9, 262–3). His analysis of American democracy, however, was not uncritical; defects were evident in its institutions and culture. First, following Bentham, Hildreth argued that the common law basis of American jurisprudence inherited from England is “hostile to the spirit of democracy.” Secondly, the “mystical ideas” of religion are a “disturbing force” with “no inconsiderable degree of influence in all social manners.” The consequence is “intolerant bigotry and bitter opposition to all freedom of inquiry” (p. 264). Third, the existence of slavery stands “in direct contradiction to the fundamental principles of democracy” (p. 265). Finally, it must be recognized that the United States is “a country very recently settled, where the accumulation of wealth is but just beginning”; in these early stages of development in many parts of the

country “the dispersion and poverty of people form serious, and as yet insurmountable, obstacles in the way of social improvements, especially the cultivation of the sciences and the elegant arts” (pp. 265–6).

It was only in the last twenty or so pages of the book, and especially the concluding chapter headed “Hopes and Hints as to the Future,” that Hildreth addressed the question raised at the end of the *Theory of Morals*—what are the means to social improvement (and thereby the means, in addition to education, of promoting the sentiment of benevolence and enhancing social happiness)? The answer he gave is that it lies in the continuing democratization of political life and in the advance of social equality through a steady improvement in the rewards of labour. Hildreth argued, again following Bentham’s civil law prescriptions, against a legislated redistribution of property and wealth—an approach bound to cause insuperable conflicts between classes—and counselled that all political and socioeconomic advances must be achieved through peaceful reforms over the course of time. With political and social advances, he believed, will come the general rise in those moral standards prescribed at the end of the *Theory of Morals*.

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See also BENTHAM, JEREMY; DUMONT, ÉTIENNE; O’SULLIVAN, JOHN L.; PAIN; PLEASURE.

## HOBBS, THOMAS (1588–1679)

Thomas Hobbes was born on 5 April 1588 in the village of Westport near Malmesbury in southwest England. From age 4 to 8, Hobbes attended church schools in Westport and Malmesbury. Thereafter he moved on to a private school in Westport and completed the standard English grammar school curriculum, emphasizing studies in Greek and Latin grammar, poetry, history, and rhetoric. At fourteen,

financially supported by his uncle Francis who was a wealthy glover, he went up to Magdalen College, Oxford. Graduating in 1608, he became private tutor to William Cavendish (1590–1628), later the second Earl of Devonshire. The Cavendish family was to continue to support Hobbes for over 70 years, providing access to libraries, opportunities to travel, and chances for interaction with important philosophers like René Descartes, Mathematicians, and scientists such as Marin Mersenne, and powerful political figures—including the future King Charles II of England. For a time Hobbes was secretary to the renowned philosopher and scientist Francis Bacon. In Florence, he befriended Galileo Galilei. After an extraordinarily long and eventful life of philosophical, scientific, theological and political engagement, he died at Hardwick Hall, one of the Cavendish family’s residences, on 4 December 1679, in his 91st year.

All of Hobbes’s major philosophical works had some bearing, direct or indirect, on urgent and bitterly contested contemporary political issues such as sovereignty and allegiance. In several of them he attacked the extremism and irrationality of the actors and ideas that had driven England into civil war between 1640 and 1660. His determination to construct and defend a “morall and civill science” should be seen against this background. His writings combined a scientific method of analysis inspired by mathematics and mechanics with powerful rhetorical strategies in an attempt to construct an unassailable political argument for allegiance to the British monarchy. Hobbes’ philosophical works of the 1640s map the progress of this project. *The Elements of Law* (1640) attempted to steer a course between royalist and antiroyalist theories of prerogative power, only to inflame the ire of both groups. His trilogy on the *Elements of Philosophy: De Corpore* (Of the Body), *De Homine* (Of Man) and *De Cive* (Of the Citizen), was written in the 1640s, but only *De Cive* had been published when Hobbes’ masterpiece of political philosophy, *Leviathan*, appeared in 1651.

When scholars characterize Hobbes broadly as a utilitarian, it is usually by reference to arguments presented in the first part of *Leviathan*, “Of Man,” or its second part, “Of Commonwealth.” Hobbes’s account of reason, will, and action in *Leviathan* is consequentialist. Reasoning is defined as calculating the consequences of the names we attach to our thoughts (Hobbes, p. 111). Action follows from “deliberation,” a sequential weighing of the components of the imagined chain of good and evil consequences stemming from the action in prospect. Willing is the result of this weighing—a “final” position of net desire or aversion (p. 127). “Felicity” is success in obtaining desired consequences. “Power” is the capacity to do so (p. 150). Political and moral life is an unending struggle for power.

Jeremy Bentham, father of English utilitarianism and coiner of the term “utilitarian,” gave a comparable account of human action in *An Introduction to the Principles of Morals and Legislation* (1789). He called his theory of action a “logic of the will,” and showed systematically how the sovereignty of pleasure and pain makes it possible—and essential—to calculate the consequences of prospective actions and draw moral rules and legal principles from this calculation. Hobbes and Bentham both saw reasoning as a calculation of interests, and interest as the basis of moral and political action. But Hobbes based his moral philosophy on natural laws and his political science on a covenant or social contract. Bentham considered such ideas vacuous, at best. Most importantly, Hobbes’ consequentialism does not, by itself, constitute a form of utilitarianism. For Hobbes, the desires of different agents are incommensurable: they cannot be aggregated or averaged. Thus, there is “[n]o common rule of Good and Evil” in society (p. 120). “Good,” “evil,” and “felicity” differ from place to place and agent to agent. There can be no such thing as a principle of utility. Though Hobbes and Bentham both

prioritize security over liberty in the pursuit of felicity, Hobbes’s politics of peace and self-preservation are not the politics of “the greatest happiness of the greatest number.”

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See also BENTHAM, JEREMY; CONSEQUENTIALISM; INTEREST.

HOBHOUSE, LEONARD TRELAWNY (1864–1929): See NEW LIBERALISM.

HOBSON, JOHN A. (1858–1940): See NEW LIBERALISM.

HOFFMAN, DAVID (1784–1854)

David Hoffman was born on 24 December 1784 in Baltimore, Maryland. He was



educated at St. John's College and became a prominent member of the Maryland bar. Hoffman was instrumental in the founding of the University of Maryland in 1812, and became its first Professor of Law in 1816. He introduced his own programme of law education at Maryland in 1822, based on the widely acclaimed *A Course of Legal Study* (1817), which he later expanded to a two-volume edition in 1836. Judge Joseph Story thought it was "by far the most perfect system for the study of the law which has ever been offered to the public" (*North American Review*, Nov. 1817, p. 76). A reviewer of the 1836 edition commented that the book "has received the strongest commendation from many of the most eminent jurists in the country" (*Princeton Review*, 9, no. 4, 1837, p. 509). Hoffman's text included extracts from, and commentaries on, a broad cross section of legal writers from the past, as well as contemporary authors on both sides of the Atlantic, and statutes and court cases. He was the first legal scholar to introduce Bentham's ideas into the academic study of the law in the United States (King, p. 139), recommending that students should study the first seven chapters of Bentham's *Introduction to the Principles of Morals and Legislation* (1789), and chapters 12–17 of Etienne Dumont's redaction of Bentham's writings on rewards and punishments, *Théorie des peines et des récompenses* (2 vols, 1811).

Hoffman's text quickly became a standard vehicle for teaching law in American universities, was read by both John Neal and Richard Hildreth and continued to hold its place of eminence in legal study well into the second half of the century. It was Hoffman who first suggested to Neal, that he translate parts of Dumont's earlier and most famous redaction of Bentham's moral and legal philosophy, *Traité de législation* (3 vols, 1802). Neal, who set out to read every book the professor recommended in *A Course of Legal Study*, described Hoffman as one "among his [Bentham's] most enthusiastic admirers" (Neal, pp. 113, 167, 300).

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See also HILDRETH, RICHARD; NEAL, JOHN.

HOLMES, OLIVER WENDELL  
(1841–1935)

Oliver Wendell Holmes Jr was born on 8 March 1841 in Boston to Amelia Jackson Holmes and Oliver Wendell Holmes, Sr., an innovative physician and a noted poet, essayist, and journalist. He grew up among the literati of Cambridge and attended Harvard College. Holmes was a noted legal scholar, a Justice of the Supreme Judicial Court of



Massachusetts (1882–1902), and a Justice of the Supreme Court of the United States (1902–32). He is commonly regarded as one of the founders of pragmatism, while his credentials as a utilitarian are disputed.

When the Civil War began in April 1861, Holmes abandoned the final 2 months of his college studies and enlisted in the Massachusetts Militia. He was wounded 3 times in combat and, at the conclusion of his 4-year tour, declined reenlistment (Holmes, 1946, p. 143). Holmes's war experience is generally believed to have transformed his outlook. After the War, he viewed law as a regime imposed by force by whatever group triumphed in the struggle for existence. Following his military service, Holmes attended the Harvard Law School. He practised law in Boston and in 1867 began writing case notes, book digests, and essays for the *American Law Review*. Holmes was part of an informal group, later called the Metaphysical Club, that began meeting in 1872 to discuss philosophy. Other participants included William James, Charles Saunders Peirce, Nicholas St. John Green, and Chauncey Wright. Although no record of the group's discussions exists, its meetings might have been a crucible of pragmatism. Holmes himself, however, was initially sceptical of pragmatism, calling it "an amusing humbug" (Holmes, 1961, vol. 1, p. 239)

In 1880, Holmes delivered a series of lectures at the Lowell Institute, published the following year as *The Common Law*. Some eloquent passages at the beginning and the end of the book's opening chapter describe how law adapts to "the felt necessities of the time." They include Holmes's most famous sentence: "The life of the law has not been logic: It has been experience" (Holmes, 1991, p. 1). Some writers have seen this language as revolutionary. Similar language appeared, however, in the works of Rudolph von Jhering that Holmes read while preparing his lectures. Moreover, the evolutionary and

adaptive character of law had been a point of pride for Americans from the beginning. For example, John Dickinson's words to the Constitutional Convention in 1787 appear almost to paraphrase Holmes: "Experience must be our only guide. Reason may mislead us" (Farrand, p. 287).

In 1882, Holmes joined the Harvard Law School faculty, but he soon accepted appointment as a justice of the Supreme Judicial Court of Massachusetts, serving for 20 years. His most notable opinions were two dissents in which he declared his approval of collective bargaining by workers (*Vegeahn v. Guntner*, 1896; *Plant v. Woods*, 1900).

In 1897, while a Justice of the Massachusetts court, Holmes published an essay in the *Harvard Law Review* titled *The Path of the Law*. Its positivist conception of law was strongly influenced by John Austin, though Holmes departed from Austin in several respects (Crimmins and Spencer, vol. 1, pp. liv–lv; vol. 3, nos. 33–5). Four closely related ideas conveyed Holmes's vision: first, his definition of law as "[t]he prophesies of what the courts will do in fact"; second, his claim that "if you want to know the law ..., you must look at it as a bad man, who cares only for the material consequences which such knowledge enables him to predict"; third, his proposal to banish "every word of moral significance" from law; and fourth, his "alternative" theory of contract, which stipulates "[t]he duty to keep a contract ... means a prediction that you must pay damages if you do not keep it,—and nothing else" (Holmes, 1995, vol. 3, p. 391).

In 1902, President Theodore Roosevelt appointed Holmes to the Supreme Court. Although Holmes was sixty-one at the time of his appointment, he remained a justice for twenty-nine years. Holmes's tenure is remembered primarily for his dissents from majority decisions invalidating social welfare legislation and from majority decisions rejecting the First Amendment claims of

public speakers. The most famous of Holmes's dissents in social welfare cases came in *Lochner v. New York* (1905), in which he responded to the Court's invalidation of a New York statute limiting the hours of bakers by declaring, "The Fourteenth Amendment does not enact Mr. Herbert Spencer's *Social Statics*" (p. 76).

Although Holmes voted to uphold progressive legislation, he had no sympathy for it (Holmes, 1996, p. 133). Holmes also dissented from decisions invalidating regressive legislation—for example, an Alabama peonage law that the Court held reestablished slavery (*Bailey v. Alabama*, 1911), a Philippine statute imposing a sentence of 15 years hard labour along with other penalties for a \$250 theft (*Weems v. United States*, 1910), and a Nebraska law prohibiting both public and private schools from teaching foreign languages (*Meyer v. Nebraska*, 1923).

Holmes's early opinions took a narrow view of the freedom of speech, and in 1919, he wrote opinions for the Court upholding the convictions of Eugene V. Debs and others for making antiwar speeches that, in the view of juries, tended to obstruct military recruitment. In one of these opinions, Holmes spoke of a "clear and present danger" of evils that Congress could prevent, and he offered a memorable metaphor: "The most stringent protection of free speech would not protect a man in falsely shouting fire in a theatre" (*Schenck v. United States*, 1919). Eight months later, however, Holmes began to dissent from opinions upholding the suppression of allegedly subversive speech. His dissent in *Abrams v. United States* (1919) declared: "The best test of truth is the power of the thought to get itself accepted in the competition of the market" (pp. 630–1).

Some scholars have maintained that Holmes was a utilitarian—most notably H. L. Pohlman in *Justice Oliver Wendell Holmes and Utilitarian Jurisprudence* (1984)—but the claim is insupportable. What plausibility it has comes from Holmes's focus on the law

in action. Like a utilitarian, Holmes was a consequentialist. He scoffed at natural law and wrote, "[T]he justification of a law ... must be found in some help the law brings towards reaching a social end which the governing power of a community has made up its mind it wants" (Holmes, 1995, vol. 3, p. 412). As Holmes biographer Sheldon Novick remarks, however, "[Holmes] energetically denied the principle of utility. ... There was no overall good of the community but only the conflicting interests of competing groups" (vol. 1, p. 42). Further, Novick observes, "It is curious that despite Holmes's explicit and repeated rejection of Utilitarianism, some modern writers continue to describe him as in some degree its follower" (Novick, p. 432n). Judge Richard Posner notes: "What is distinctive about utilitarianism is, precisely, the belief that the proper goal ... is to maximize the amount of happiness in the society. ... Holmes was not a utilitarian in this sense. ... [He] was a social and biological Darwinian, and hence a skeptic who believed that the good and true, in any sense that people could recognize, what whatever emerged from the struggles of warring species, nations, classes, and ideas" (Posner, p. 872). Holmes himself asked, "Why should the greatest *number* be preferred? Why not the greatest good of the most intelligent and most highly developed?" He wrote, "[I]n the last resort a man rightly prefers his own interest to that of his neighbors" (Holmes, 1995, vol. 1, p. 325).

Holmes defined truth as "what I can't help believing" (Novick, p. 283), and he appeared to be enthusiastic about only one political cause. He declared in public speeches that his "starting point for an ideal for the law" would be "taking in hand life and trying to build a race," and he wrote in private correspondence of "putting to death infants that didn't pass the examination" (Holmes, 1995, vol. 3, p. 443; 1996, p. 125). His most infamous Supreme Court opinion upheld a Virginia statute requiring the sterilization of

“imbeciles.” It announced, “Three generations of imbeciles are enough” (*Buck v. Bell*, 1927, p. 207).

Holmes once declared that he came “devilish near to believing that might makes right” (Howe, 1963, p. 46n). That statement provides as good a summary of his philosophy as any.

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See also AUSTIN, JOHN; JURISPRUDENCE; LEGAL POSITIVISM; PRAGMATISM.

#### HOOKER, BRAD (b. 1957)

Brad Hooker was born in New Orleans and grew up in Tennessee. He received his A.B. degree in Philosophy from Princeton University in 1980 and his D.Phil. degree from Oxford University in 1986. He was taught there by Derek Parfit, James Griffin and R. M. Hare. Hooker is currently Professor of Moral Philosophy at the University of Reading. He has made significant contributions to moral philosophy in the debates about practical reasons, motivation, and

value, well-being, prudence, fairness, impartiality, and particularism, but is most well known as the leading defender of rule consequentialism.

During the 1990s, Hooker published a series of important articles in which he gradually developed his own version of rule-consequentialism. These new formulations helped Hooker to respond to the classic objections to rule-consequentialism. The most important articles in this series include “Rule-Consequentialism” (1990), “Is Rule-consequentialism a Rubber Duck?” (1994), “Rule-consequentialism, Incoherence, Fairness” (1995), “Ross-Style Pluralism versus Rule-Consequentialism” (1996), and “Rule-Consequentialism and Obligations to the Needy” (1998). Hooker developed the central ideas of these articles into *Ideal Code, Real World* (2000).

According to Hooker’s theory of rule-consequentialism, “An act is wrong if it is forbidden by the code of rules whose internalization by the overwhelming majority of everyone everywhere in each new generation has maximum value in terms of well-being (with some priority for the worst off). The calculation of a code’s expected value includes all costs of getting the code internalized. If in terms of expected value two or more codes are better than the rest but equal to one another, the one closest to conventional morality determines what acts are wrong” (Hooker, 2000, p. 32).

It is important to understand how this view differs from standard utilitarianism. Instead of evaluating the wrongfulness of acts directly by considering the value of their consequences, Hooker’s rule-consequentialism begins by comparing the consequences of the universal adoption of different moral codes. The wrongness of acts is then determined indirectly by whether they would be forbidden by the rules the adoption of which would have the best consequences. Hooker’s view is nonutilitarian also in that the value of the consequences of adopting different

moral rules depends not only on the amount of general well-being produced but also on how this well-being is distributed (Hooker, 2000, Ch.2).

Hooker argues for this view indirectly. He begins from a moderate methodological stance according to which a plausible moral theory must (1) start from attractive beliefs about morality, (2) be internally consistent, (3) cohere with our moral convictions, (4) reveal a fundamental moral principle that can justify the previous convictions, and (5) help us when we face moral uncertainty or disagreements (Hooker, 1996, p. 531; 2000, p. 4).

The claim then is that rule-consequentialism can satisfy these five conditions, whereas all other theories fail to do so. For instance, act-consequentialism is incompatible with our moral convictions because it is too demanding (Hooker, 2000, Ch.7), contractualism cannot justify our convictions about how to treat animals (pp. 66–70) and pluralist views fail to identify a fundamental principle from which our other principles could be derived (1996). On the other hand, by Hooker’s own lights, rule-consequentialism is a plausible ethical theory only if the classic objections to it fail. Hooker’s responses to those objections constitute one of his most significant contributions to the debate. I will focus here only on two of the strongest ones. It has been argued (1) that rule-consequentialism either does not require enough of us as moral agents or it is too demanding, and (2) that it either collapses to act-consequentialism or it is incoherent.

In response to the first objection, Hooker considers the problem of widespread extreme poverty. If we all adopted the most beneficial moral code, extreme poverty and the suffering it causes would be quickly eradicated (Hooker, 2000, p. 163). Each one of us would only need to give a small percentage of our income to charities. However, if our actual behaviour is evaluated by the ideal code, then, in the real world too, we would only need to make small charitable

contributions. However, given that so few of us are acting in this way, if one follows this rule-consequentialist advice, one will do very little to solve the problem of extreme poverty. So, rule-consequentialism does not seem to be demanding enough in our actual circumstances. This is called the “partial-compliance problem” (Hooker, 1990, p. 73).

There is a simple solution to it. Surely, the ideal moral code must demand from us a standing desire to prevent catastrophes (Brandt, p. 359; Hooker, 2000, p. 165.). After all, this principle would have very good consequences if everyone internalized it. In this situation, actions that help to alleviate extreme poverty can be demanded from us because they prevent suffering and death. Yet, this line of thought seems to make rule-consequentialism too demanding (Hooker, 1990, p. 75). The more we give and do to aid others, the fewer deaths and other catastrophes there will be.

In response to this objection, Hooker points out that it is difficult to get new generations to internalize any moral principles that demand disaster-prevention even when it is costly to the agents themselves. This is because human beings have only limited natural dispositions to help others. Hooker then argues that, when we compare the good consequences of different principles, we must take into account how costly they would be to teach to new generations (Hooker, 1990, pp. 76–7; 1998; 2000, Ch.8). Because of this, the most beneficial principles may include a “not too demanding” disaster-prevention principle.

Let us then turn to the second dilemma (Lyons, Ch.4). We could first think of the ideal code as a set of simple ethical principles such as “do not kill,” “do not lie,” and so on. Imagine then that an agent faces a situation in which she could bring about better consequences by violating these rules. She could, for example, lie in order to save someone’s life. Should she really not do so? The rule-consequentialists can respond to this

challenge by suggesting that we should add an exception-clause to the relevant rule: do not lie unless it saves someone’s life. Surely, everyone internalizing this new rule would produce better consequences. The problem is that we can use the same argument to make the ideal principles extremely complicated. They would have so many exceptions that following the rules would produce the best consequences in every situation. Rule-consequentialism, thus, collapses into act-consequentialism.

Again, there is an easy response available for the rule-consequentialists (Lyons, p. 140; Hooker, 1995, pp. 27–8). The more complicated the ideal set of principles is, the more costly it will be to get those principles internalized. At some point, the internalization costs will outweigh the benefits of the added exception-clauses. Thus, in some cases, the ideal principles will require actions that will not have the best consequences. According to the critics, this fact makes rule-consequentialism incoherent (Lyons, p. 142, Slote, p. 59). The fundamental motivation of the view is that well-being is what really matters. After all, rule-consequentialists use well-being as a yardstick for selecting the ideal principles. However, if well-being is what ultimately matters when we construct moral theory, how could the theory coherently require people to perform actions that do not have the best consequences?

Hooker’s response to this objection is ingenious (Hooker, 1995, p. 29; 2000, pp. 101–102). He claims that ordinary moral agents should be motivated by a desire to conform to moral principles that can be impartially justified. The claim then is that rule-consequentialism offers the most plausible theory of which principles are justifiable to everyone else on impartial grounds (on impartiality see Hooker, 2010). Thus, because we should not be motivated by well-being but rather by justifiability of our actions, we can sometimes be required to follow the

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optimific rules, even when doing so does not have the best consequences. This makes Hooker's theory of rule-consequentialism perfectly coherent.

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See also ACT UTILITARIANISM; CONSEQUENTIALISM; RULE UTILITARIANISM; VIRTUE (VIRTUE UTILITARIANISM).

## HUME, DAVID (1711–76)

David Hume was born on 26 April 1711 in Edinburgh, Scotland, and attended the

University of Edinburgh. Later, when the Chair of Ethics and Pneumatical Philosophy became vacant at Edinburgh in 1745, Hume's candidacy met with stiff opposition. Six years later, he was turned down again when he stood for the Chair of Logic at Glasgow, and was destined never to hold an academic post. Hume was a leading figure in the Scottish Enlightenment. He was an historian known for his *History of England* (6 vols, 1752–64), which became a standard work through the nineteenth century, and he wrote widely on political and social questions. Today, he is more well known as a philosopher, and his early *Treatise of Human Nature: Being an attempt to introduce the experimental method of reasoning into moral subjects* (2 vols, 1739–40), is considered a masterpiece of philosophical thinking. The *Treatise* was, however, largely ignored in its own day, and Hume rewrote his philosophy in a form he felt to be more accessible. *An Enquiry concerning Human Understanding* (1748) replaced Bk. I of the *Treatise*, which dealt with issues in ontology and epistemology; *An Enquiry concerning the Principles of Morals* (1751) replaced Bk. III, which dealt with moral ideas, justice, obligations, and benevolence; and *Of the Passions*, published in *Four Dissertations* in 1757, replaced Bk. II, which dealt with the emotions, our sympathetic responses to others, and free will.

There is no real change in Hume's views between the *Treatise* and the later writings, but there are changes of emphasis and wording, and complications found in the *Treatise* are dropped. Thus, the *Treatise* is full of associationist psychological theory, most of which is absent in the later works. In morals, the *Treatise* relies upon a psychological theory of sympathy in showing where morality, as altruistic, rests on more than self-love, where the second *Enquiry* makes the same point by reference to persons being moved by a general principle of benevolence. The *Treatise* account of morality tends to look back to



the “moral sense” theories of Hutcheson and Shaftesbury, while the account in the *Enquiries* tends to look forward to the “utilitarian” theories of Jeremy Bentham and John Stuart Mill. At bottom, however, there is no essential conflict between the accounts of the *Treatise* and the *Enquiries*.

In Bk. I of the *Treatise* and in the first *Enquiry*, Hume denies on empiricist grounds that we have ideas other than those derived from sense. We, therefore, cannot have any ideas of the rational forms of the tradition of Plato, Aristotle, and, to move closer to Hume, of Samuel Clark and the Cambridge Platonists, and, after Hume, of William Whewell. By an appeal to these forms (which are, on Hume’s theory, illusory), rationalists charge that Hume has no way of avoiding scepticism regarding causation. Hume agrees that causal regularities can never be “known for certain” in the way that the rationalist tradition requires, but he argues that, in the absence of forms, such certainty is certainly impossible, and to aspire to it is, therefore, unreasonable. For the reasonable person, any causal judgement *may* be wrong, but it does not follow that it *is* wrong; and when we have concluded that the best evidence we have—namely, the sample that we have observed in the past—testifies to the truth of the causal regularity, then we have the best evidence that we *could* possibly have for the truth of the regularity. Given the limitations of our sense experience of the world, and the observed contingency in that world, we shall have done the best that we could do. Reason, therefore, judges that we ought—*pro tem* at least—to accept the causal judgement as true. Hume argues that causal reason is fallible, but this is not scepticism.

Rationalists also held that the forms, including the form of humanity, both causally determine what we do, but also establish what we ought to do. In knowing the forms, our nonsensuous reason, thus, both knows the reasons why we behave as we in fact do behave and why we ought to behave

in certain ways and not others. Morality is, thus, *a priori*, grounded in the necessary ontological structure of the universe, and is known by our reason, in the sense of a rational intuition. Rationalists also argued that people are moved by reason (our higher nature) and not by pleasure and pain (our animal or lower nature).

Hume denies the existence of forms and any sort of nonsensuous rationality, and therefore denies that morality is grounded *a priori* or in some sort of reason in the traditional sense. The denial of forms also entails that they cannot move us—the only things that can are our passions. Hume also argued that there is no metaphysical sort of reason to move us either; there is only pleasure and pain. And since the only reason available to us is the reason that infers fallibly from a sample known by sense to a population, all our reason can tell us is how things are, but cannot tell us what we ought to be. It follows that only our passions can give us such an *ought*. In Bk. III of the *Treatise* and the second *Enquiry*, Hume argues that morality cannot be discovered by reason, but only by our passions: as he famously put it in the *Treatise*, “reason is, and ought only to be, the slave of the passions.” It “is” the slave because there are no rational forms to move us, only the passions can do that; and it “ought only to be” because to pretend otherwise leads humans away from reasonable forms of action to such unworthy patterns as those found among the “superstitious” and the “enthusiastic.”

For Hume, actions and character traits produce pleasure, pain or a mixture of both. The utility of an action or character trait is according to the pleasure it produces and, where a mixture of pain and pleasure is produced, the balance of pleasure over pain. Counted in the utility is the pleasure given either to the actor or to the one who has the trait, or to anyone else. Hume argues that utility is what the actions or character traits (for which we have feelings of moral



approbation) have in common: the action or trait that is most valuable, and thus morally correct, is the one that produces the greatest utility.

It is fairly easy to satisfy the basic necessities of nature that we require; their acquisition is inexpensive when compared to the pleasures of material luxury. But in either case, the pleasure they bring is small in comparison with the satisfaction we obtain from things like conversation with our friends, study, or experiences of beauty. It is fairly obvious that one can cultivate certain qualities and passions—those that in fact have utility—and suppress others. And, when we reflect on our behaviour, we will feel better finding ourselves in the company of others, and will again feel better for the pleasure others take in our company. A life that is satisfying to oneself and others is not achieved by calculation, but by cultivation of one's self to bring about the development of our affective, intellectual, as well as social passions and qualities.

One aims at one's own pleasure and avoidance of pain. Yet Hume holds that the utility of an action or character trait includes not only one's own pleasure and pain but also that of others. If however we are moved for our own pleasure, how can the pleasure of another move us? How then could utility move us? Hume, in the *Treatise*, argues that each of us has a capacity to react sympathetically with others. For example, I see a person who appears to be drowning. I automatically come to share the fear that he or she feels, the fear that he or she will drown. His or her fear becomes my own, and I act on it by tossing him or her a nearby lifesaver ring. I have responded sympathetically to another person, as each of us generally does. In this way, the pleasure of others becomes (part of) one's own pleasure. That means that utility can move one. In that case, one will only be moved towards an end if achieving that end will maximize not only one's own pleasure but also the pleasure of others whose

pleasure has, through sympathy, come to be part of one's own pleasure. In the second *Enquiry*, Hume simplifies his account of altruistic action, action for the good of others, by reference to a general principle of benevolence that moves us to bring about what is good for others as well as what is good for ourselves.

Sometimes a person will behave immorally, that is, on Hume's view, do something that gives him or her pleasure, has utility for himself or herself, but harms and clearly lacks utility for another. For example, a knave steals an old man's watch in a situation where he reasonably believes he will not be caught. The knave has no capacity for sympathetic concern for the welfare of others. If one views the situation, and reacts sympathetically to the old man, one will feel "uneasy" at his pain. That uneasiness is a feeling of disapproval, a pain we are inclined to avoid. The uneasiness in fact involves an inclination to prevent the action of the knave and other actions like it. One will act socially to prevent the actions of knaves from being successful. Similarly, one will feel approval when an action produces good for our fellow human beings. What is explained by sympathy in the *Treatise* is explained in the second *Enquiry* by a principle of benevolence. The second *Enquiry* argues that the knave is only weakly moved by the principle of benevolence: that principle moves most people more strongly than it does the knave and most, therefore, feel uneasy at knavish actions. That is, one becomes uneasy at actions that violate the principle that we maximize utility. To avoid such uneasiness, we do whatever maximizes general utility. These feelings of approval and disapproval towards actions that fail to promote general utility have their own unique character as feelings: they are our feelings of moral approbation and disapprobation. These special feelings constitute our moral judgements about actions and character traits. It is here, in our feelings, and not in some specious sort of reason, but here

that we find the basis of all morality. And this moral sense grows out of our capacity for actions which are not only self-interested but also altruistic—our capacity for acting benevolently or for reacting sympathetically to others.

Hume also deals with the rationalists' claim that justice trumps utility, that a principle of justice is more basic than the principle that aims at producing the greatest utility and, more specifically, that there is a nonempirical form of justice which transcends the world of sense experience and is known by some sort of rational intuition. It is thought that this form of justice provides an objective ground of morality, which is contrasted by the rationalists to the subjectivism they allege vitiates Hume's account of morality. Hume argues that in a situation of scarce materials, restricted generosity, and no sense of justice, there will be a struggle for resources, with all the risk that attends the possession of goods acquired by force. But one needs goods from the resources, and security of possession will itself be a good: peace will be something to be valued as a means. As a matter of prudence, one will be prepared to settle for only a share of the resources, provided all shares are roughly equal and sharing happens in peace. Everyone will reason prudentially in this way. Peaceful sharing is seen to have utility since, first, it is a means to one's own pleasure, and, second, whether through sympathy or by benevolence the pleasures of others become part of one's own pleasure. This means that conforming to the requirements of justice soon becomes an end, a "new end" sought for its own sake. Thus arises prudentially the social convention of justice.

To the rationalists' claim that justice is a metaphysically grounded moral principle, not merely something sought as a matter of prudence, Hume responds that the principle of justice, while initially a convention rooted in self-interest, in prudence, does quickly become a moral principle. Let a knave violate the principle of justice and harm someone

else. Viewing the knave's action makes us, either through sympathy or benevolence, "uneasy." The knave's action arouses feelings of moral disapprobation, and we judge it to be morally wrong. Similarly, actions conforming to the convention of justice will evoke feelings of moral approbation and we judge such an action to be morally right. The prudential convention of justice thus comes, through our capacity for reacting sympathetically to others, to be a moral principle. Moreover, given the importance of acquiring a fair share of scarce resources and of holding them in peace, it will be a moral principle that is held most deeply. It is true that our moral judgements have no objective validity as the rationalists claimed, but the interest creating the convention of justice is deep and is discovered as soon as humans attempt to form any society. These roots mean that justice as a moral principle is, as Hume says, "stedfast and immutable," or at least as immutable as human nature. This may not be as immutable as the objective moral structures of the rationalist, but is quite immutable enough for us to get on with the task of living reasonably decent and happy lives.

For rationalists who seek a deeper ontological root for the principle of justice, the sceptical arguments of Hume in Bk. I of the *Treatise* will create a sense of profound insecurity or depression, just as similar arguments in the case of causation or induction create a sense of insecurity or depression. But Hume replies that although there are no objective values, there are relative values, and these are sufficient to make a reasonable and decent life possible. The reasonable person will recognize that, given our cognitive capacities, we cannot do better. One should act here as one should act in the case where one finds that we have no objective necessities to justify causal judgements with absolute certainty: we should acknowledge the fallibility of our causal judgements as a fact of life, stop searching for something more, and get on with the task of living. That is what a

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reasonable person does. Similarly in the case of justice and morality: stop seeking unreasonable standards for justice and morality, and just get on with the task of living. Demanding and searching for more than one can obtain before one makes any judgement in both the cases of causal and moral judgements can only result in dithering, which is neither a cognitive nor a moral virtue.

The rationalists argued that, if one rejects, as Hume does, any “higher” aspect to human being that has access to a metaphysical ontological and objective moral structure in the universe, then one has reduced humans to animality. The Humean reply is obvious: it is the rationalist who is unreasonable when he or she alleges that we aim to imitate transcendent forms: since the forms are illusory, the rationalist has humankind aiming at illusory and unattainable goals. Hume argues that, contrary to the metaphysical illusions of the rationalists, our moral sense as human beings is rooted in our generosity and capacity for responding sympathetically or benevolently to others. This is an inherent and powerful quality of a human being. It becomes more powerful when the mind reflects upon itself, as it must in any reasonable person, and finds something as useful as this the basis of morality. Contrary to what the rationalist argues, far from reducing us to brutes, Hume’s utilitarian system of morality finds that both morality and the capacities from which it is derived must receive our moral approval, and further that the capacities in which morality are rooted and which really distinguish us from animals must receive our approval. What more could any reasonable person seek?

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See also BENTHAM, JEREMY; PAIN; PLEASURE; SMITH, ADAM; SYMPATHY; UTILITY.

## HURD, JOHN CODMAN (1816–92)

John Codman Hurd was born on 11 November 1816 in Boston. He was educated at Columbia University and Yale, graduating in 1836 after a year at Yale law school. He was admitted to the New York Bar

in 1838, but devoted himself to business and scholarship. Hurd was among the first in the United States to appreciate the value of Austin's theory of sovereignty in a country making ready to tear itself apart over this most important of political questions. In *Topics of Jurisprudence connected with Conditions of Freedom and Bondage* (1856) and *The Law of Freedom and Bondage in the United States* (1858–62), he presented Austin's analysis of law and sovereignty and in this light discussed common law, the principles of universal jurisprudence, slavery, personal rights, colonies, freedom in relation to law, federal and state law, and immigration in relation to the law of foreign states. Hurd utilized Austin's distinctive understanding of jurisprudence and his analysis of sovereignty to provide a complete and accurate explanation of the nature of the Union, the Constitution, and the validity of the secession ordinances and reconstruction legislation (King, p. 386). Positive law is used "to signify every rule that is *law*"; jurisprudence is "the science of positive law," what the law *is* not what it *ought* to be, which is the preserve of political ethics (Hurd, 1856, pp. 14–15). Hurd followed Austin in dismissing the relevance of natural law in jurisprudence, but did not, like Bentham, argue for its non-existence (he thought Bentham's rendering of the utility principle could be understood as natural law). Rather, he maintained the Austinian position in distinguishing between law and ethics. The positive laws of a state exist without reference to any other set of rules that may exist or ought to be law, but which are not enforced by the state. Without natural law, natural rights could not find a place in Hurd's account of jurisprudence, and he followed Bentham in rejecting the idea of an anterior state of nature and the notion of an original contract as the foundation of a political community.

In its basic form, for Hurd as it was for Austin, sovereignty is simply power, and a national sovereign is the supreme or absolute

power in a state for the making and enforcement of all law within the community's demarcated territory (Hurd, 1856, p. 12; Hurd, 1858–62, vol. 1, p. 395). Since there must be a sovereign before there is a constitution, no written constitution can circumscribe or limit the sovereign's powers. The sovereign is above all positive laws, and there can be no power under law to resist or overrule its commands (Hurd, 1858–62, vol. 1, p. 414). The American constitution and the state constitutions, therefore, are the products of sovereignty and not the creators of it (pp. 396–7). Sovereignty lies not with the states but with the people, and not with all the people or the people in general, only with those people that constitute the sovereign—the "political people"—the corporate entity composed of the state electorates (King, p. 399). This view of sovereignty underpinned Hurd's conclusion that at the time of the revolution no one state, only all the states acting together, possessed sufficient power to enforce their will. The United States was a "union-state," in which the autonomy of the several member states rested on the sovereignty held by the larger entity. This for Hurd, was a political fact, regardless of the pronouncements about state sovereignty in the Declaration of Independence or the Articles of Confederation. As it was then, so it remained that no state had a legal right to secede. Whether a state could establish itself as a sovereign separate from the "union-state" would depend on force alone. As King summarizes, "Hurd's attitude towards secession was based upon sound Austinian precepts: the existence of sovereignty as force, the location of that sovereignty within the electorates of the states as forming together a corporate entity and the realization that a sovereign can have no legal rights against its subjects—and *vice versa*" (King, p. 404).

Austin's influence in America was due in large measure to Hurd's writings. Irving Berdine Richman (1861–1938) in particular followed Hurd in delineating the command

## HUTCHESON

theory of law in an important essay on “Law and Political Fact in the United States” in the *Atlantic Monthly* in 1889 (see also Richman, 1901). In a discussion of sovereignty and law in American constitutional theory and practice, and in support of Hurd, Richman quoted extensively from Hobbes, Bentham, and Austin, among others, to illustrate the virtues of the command theory of law as the expressed wish of the sovereign. He provided a concise summary of the positions of both Austin and Hurd, which he contrasted with traditional American political thought, and its failure to appreciate that law was a mode of conduct set by a superior political authority and not by the people. The rhetoric of divided sovereignty and popular sovereignty found in the US constitution, he argued, did not square with the facts of American political life. This appreciation for “fact” not fiction was due to Bentham, but Austin was the chief expositor of the idea of “positive” law and in this respect his analysis of sovereignty was an advance from Bentham: “the ideas of Austin and of the whole English school of jurists are that law exists in strict subordination to political fact,—the fact of supreme despotic power lodged in a determinate, come-at-able aggregate of natural persons; that political fact or sovereignty precedes law, creates law and sustains law.” Richman offered as proof of the illusory character of American political thinking on this subject numerous examples citing notions of equality, divisible sovereignty, the sovereignty of people, and the sovereignty of the states. By contrast, Richman believed that Hurd offered a correct view of the nature of the relationship between sovereign and subjects, and recommended his work as “perhaps the ablest commentary yet written by an American on the political system of the United States.”

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See also AUSTIN, JOHN; LEGAL POSITIVISM.

### HUTCHESON, FRANCIS (1694–1746)

In his still indispensable study of the life and teaching of Francis Hutcheson and his position in the history of philosophy, William Robert Scott (1900) described Hutcheson’s moral philosophy as a “remarkable anticipation” of the utilitarianism of Jeremy Bentham and John Stuart Mill (Scott, p. 272). Hutcheson was an important philosopher of the Enlightenment in Scotland and Ireland, but there are reasons to doubt whether he should be considered a precursor of utilitarianism.

Hutcheson was born on 8 August 1694 in Ulster. He was the second son of the Revd John Hutcheson (d. 1729), minister of the Presbyterian Church of Ireland in Downpatrick (1690–97) and Armagh (1697–1729). Following preparatory school in Saintfield,

County Down (1702–1707), and a dissenting academy in Killyleagh (1707–10), he entered the University of Glasgow in 1710, where he read natural philosophy with John Loudon and, later, divinity with the Revd John Simpson, a professor twice tried for heresy by the General Assembly of the Church of Scotland and suspended from his teaching duties in 1729. Hutcheson would later say that it was at Glasgow that “I had my first taste of the immortal sublimities” of ancient Greek and Roman authors (Hutcheson, 2006, p. 192). His love of ancient philosophy would have a decisive influence on his own work as a moral philosopher.

Hutcheson returned to Ireland in 1718. Though licensed to preach by his father’s Presbytery in Armagh, he chose instead to accept an invitation to conduct an academy for Presbyterian and other nonconformist students in Dublin, where he taught logic and metaphysics and taught in Latin. In the following decade, he taught philosophy in his academy and wrote the two works for which he is best known: *An Inquiry into the Original of our Ideas of Beauty and Virtue* (1725) and *An Essay on the Nature and Conduct of the Passions and Affections, with Illustrations on the Moral Sense* (1728).

In the *Inquiry*, Hutcheson argued that human nature is so constituted that there are internal senses analogous to the external senses, which bring to mind ideas of beauty and virtue. The quality of character that never fails to bring to mind the idea of virtue is benevolence or kind affection. He also proposed a moral calculus that was designed to determine which actions have “the greatest moral Excellency,” and declared “*that Action is best, which accomplishes the greatest Happiness for the greatest numbers*” (Hutcheson, 2008, p. 125). His use of the phrase “greatest happiness for the greatest numbers” may appear to be an “anticipation” of the usage of Bentham and later utilitarians, but it is relevant to underline that Hutcheson’s calculus was designed not

to measure pleasure and pain. Rather it is intended to express the momentum of virtue or goodness in actions. He had no doubt that happiness would follow from a life devoted to virtue or benevolence, public or private.

In 1729, Hutcheson was elected Professor of Philosophy at the University of Glasgow in a closely contested vote. He taught moral philosophy, which included natural (not revealed) theology, natural jurisprudence and politics. His theological principles were considered suspect by orthodox Calvinists. His argument that God has so created mankind that we are naturally sociable and benevolent (the theme of his inaugural lecture in 1730) appeared to orthodox Calvinists to be inconsistent with the Reformed dogma that mankind is naturally sinful, in need of the atonement made by Christ for our sins.

Hutcheson’s *A System of Moral Philosophy*, published posthumously in 1755, is informed by a theological vision of a world in which divine providence has made provision for the happiness of the human race. He made allowance in this work for the presence in human nature of passion and self-interest, but argued that we are endowed by divine providence with a moral faculty that brings order to the affections, passions and desires. The moral faculty also directs us to acknowledge that there are rights and obligations that follow “from the natural feelings of our hearts” (Hutcheson, 1755, vol. 1, p. 282).

During the final years of his teaching career, Hutcheson authorized publication of Latin textbooks on metaphysics and moral philosophy (a text on logic was published in 1755) that may have been composed earlier for the use of students in his Dublin academy. He also collaborated on an edition and translation of *The Meditations of the Emperor Marcus Aurelius Antoninus* (1742) in which he celebrated the moral philosophy of the Stoics. In all his writings, he expressed opposition to Epicureans, ancient and



modern, and to sceptics. It is relevant for his relationship to the utilitarian tradition that he vigorously and successfully opposed the appointment of David Hume as Professor of Moral Philosophy in the University of Edinburgh in 1745. Hutcheson returned to Ireland in the following year and died in Dublin in August 1746.

Hutcheson's philosophy was sufficiently persuasive in the minds of Thomas Reid and other moralists of the Scottish Enlightenment that they adapted and reworked many of his arguments in their lectures and publications (Reid, pp. 53, 67, 202–3). Hutcheson's philosophy did not appeal, however, to Bentham, who considered "Hutchinson of Glasgow" to be one of a multitude of "Scotch Sophists" who engaged in "ipsedixitism"—that is, in unsupported arguments: "he said it himself" (*Deontology*, pp. 27–8; Long, p. 25). Bentham was uncertain whether he had found the phrase "greatest happiness of the greatest number" in the writings of Joseph Priestley or Cesare Beccaria (Bentham, 1838–43, vol. 10, p. 142); he never suggested that he had discovered it in the writings of Hutcheson. He identified the "greatest happiness principle" with the principle of utility and recalled that he first learnt "that the foundations of all *virtue* are laid in *utility*" in the third volume of Hume's *Treatise of Human Nature* (Bentham, 1977, p. 440n). He considered it at the same time a paradox that "Hume acknowledges the dominion of utility but so he does of the moral sense: which is nothing more than a fiction of ipsedixitism: So before him Hutchinson of Glasgow" (Bentham, 1983, p. 57). Bentham thought that the principle of utility had been well stated by Horace when he called utility "the mother of justice and equity," in one of his satires on the Stoics (pp. 299, 321); Hume had cited the same passage from Horace in a letter to Hutcheson (17 Sep. 1739) to persuade the latter that he should agree with Horace and with Hume in this matter (Moore, pp. 35–6; Rosen, 2002, pp. 93–4). The philosophical

sources of utilitarianism may be found in Hume and the Epicurean tradition in morals (Rosen, 2003). The legacy of Hutcheson may be found elsewhere, among the Scottish and Stoic critics of Hume and utilitarianism.

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*See also* BENTHAM, JEREMY; EPICUREANISM; HAPPINESS (PURSUIT OF); HUME, DAVID; SHAFTESBURY, ANTHONY ASHLEY, EARL OF.

# I

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## IDEALISM

Many people misunderstand the fundamental tenets of Idealism, conceived as a philosophical doctrine. Even though the label Idealism covers a wide range of disparate philosophical positions, at least since Immanuel Kant the term has entailed neither the claim that nothing exists in any sense except mind and its contents (solipsism), nor the claim that the world is or is tending to become perfect, nor the claim that individuals are moral saints. Instead, characteristically Idealists hold that the only reality of which human beings can ever make any meaningful statements is the reality that constitutes our object of thought. Since Kant, almost all Idealists have accepted that a corporeal world might well exist in some sense, but they have emphasized that humans can know nothing definite regarding it, and so properly cannot affirm or deny even the bare fact of its existence independent of human cognition. Moreover, Idealists such as Hegel have discerned an empirical trend towards the improvement of the world, whereas others have been more sceptical. Where moral improvement has been discerned, this has tended to be conceived in terms of an improvement in the conventional understanding of moral demands, rather than any tendency for individuals or societies to become more likely to do what they believe to be morally correct.

That Idealists have tended to understand thought as a necessary constituent of all

“real” objects has had interesting implications for the conceptualization of “natural” objects and the animal world. Many have been deeply sceptical regarding the possibility of purely “animal” experiences of pleasure and pain. Idealists have tended to hold that even if they do have a purely physical source, experiences of pleasure and pain are real for the individual only in the ways in which they are experienced, which means only as pleasure and pain have been mediated through the individual’s mental categories and attitudes. In his ethical works including the *Critique of Practical Reason* (1788), Kant relegates feelings to the particularized, nonrational, animal facets of the individual, according moral worth solely to the universalizing faculty of human rationality. For Fichte, in *The System of Ethics* (1798), instinctive pleasures are transformed from merely animal drives into facets of a free life when the individual becomes conscious of those pleasures and decides to pursue or resist them. Similarly, in the *Phenomenology of Spirit* (1807), Hegel rejects Kant’s dualism, arguing instead that the realization of human potential occurs only where the individual identifies their own good with and through the instantiation of her understanding of herself as an agent who embodies complex historically situated meanings and values. The natures of the particular satisfactions she feels reflect the composite natures of the objects she attains. Hegel argues that all feelings (including those of pleasure and

pain) have moral and aesthetic significance only to the extent and in the manner that they reflect the intermingling of thought and desire. He accords no such worth to purely animal pleasure: seeking “pure” pleasure entails a denial of the core features of one’s individuality, a denial of one’s particular concrete beliefs and commitments, together with the social context from which such beliefs and commitments derive meaning and significance. Hegel argues that when hedonism becomes an ethic or a principle of social organization, it tends to transform itself into an irrational, ineffectual romantic sentimentalism.

The British Idealists engaged directly and at length with various forms of utilitarianism. F. H. Bradley (1876; 1935), Bernard Bosanquet (1899; 1903), T. H. Green (1883) and D. G. Ritchie (1891) have their own entries in this encyclopedia. While there were very significant differences between these four philosophers, all of them held the human good to be the realization of spiritual potentials rather than the enjoyment of animal pleasures. Each agreed with Hegel that sensations possess value only in virtue of the relations in which they are conceived by a consciousness (an individual) that gains its particular characteristics through ongoing interactions with other concrete consciousnesses. Green and Ritchie saw greater practical value in utilitarianism than did Bradley and Bosanquet. Yet, all four criticized what they saw as the atomism associated with the various forms of utilitarianism, whereby these “theories of the first look” reduced the individual agent to “an empty hexagon,” in Bosanquet’s memorable words (Bosanquet, 1923, pp. 75, 178). All British Idealists were highly critical of Herbert Spencer (to the point of effectively dismissing him as a serious philosopher (e.g. Ritchie, 1891; see also Caird, 2006), while tending to accord far greater respect to J. S. Mill and Henry Sidgwick.

John Watson (1847–1939) was significant as the British Idealist who gave the most

comprehensive analysis of hedonistic and utilitarian doctrines. In *Hedonistic Theories* (1895), Watson credits the ancient hedonists with unsettling the previously blind endorsement of established morality. Unfortunately, they achieved this at the cost of grossly simplifying the moral world. The sophists revelled in scepticism, Aristippus revelled in the “fleeting moment” and Epicureanism collapsed into selfishness. Hobbes’s theory began with “absolute selfishness,” before asking individuals to realize their “higher” interests through voluntary subservience to social necessity. Locke contradicted his theories of responsibility and ethics by claiming that all actions are motivated by expectations of pleasure and pain. Against Hume, Watson argues that desire and will are mutually constituting states of one self-conscious entity. Similarly, he argues that Bentham failed to appreciate that seeking to maximize aggregate pleasure focuses on the creation of a state of being rather than a feeling of pleasure as such. Echoing Hegel, Watson accuses Bentham and J. S. Mill of failing to appreciate the unique nature of all particular feelings. Moreover, Bentham and Mill failed to appreciate that the ultimate end of such actions is the attainment of an imagined state of being for the agent, a personal perfection rather than pleasure as such. Finally, Watson attacks Spencer’s conceptualization of the relationships between evolution, hedonism and ethics.

Despite their criticisms, the British Idealists shared some common ground with hedonists and utilitarians. For example, in his essays on “Hedonism” and “Utilitarianism” (1898) William Wallace (1843–97) argued that the hedonist is correct when she claims that without individual human beings there could be no objects of moral worth in the world. Yet, for Wallace, feelings of pleasure are signs of the existence of something intrinsically valuable (and pain is the reverse), rather than being intrinsically valuable in themselves. Moreover, ultimately individuals

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are motivated by the will to attain the intrinsically valuable object rather than to attain pleasure itself; they gain pleasure only to the extent that they attain the independently valued object. As the individual develops further however, she comes to recognize some pleasures as being better than others, in that some pleasures can be integrated more fully with the agent's other potentially harmonious spiritual capacities. Yet, these potentials would be little more than abstract ideas if the individual were not to be raised within a society. Such social influences undermine hedonism in two main ways: first, they introduce qualitative differentiations into the notion of pleasure (and pain), and, secondly, they serve to expose the untenable nature of atomistic individualism. The latter in particular indicates that, when conceived as a theory of individual motivation, hedonism is an inadequate precursor to utilitarian ethics. In short, the second tendency highlights both the social nature of individuality and the associated development of ethical demands out of personal drives. In these ways, iterative social processes foster a growing sophistication in the individual's determinate conceptions of pleasure and pain, as well as a growing awareness of the possibilities for the lasting satisfaction of her higher potentials. Implied also by this development of a historically situated moral sense is the individual's increasing consciousness of the limitations of fleeting pleasures and pains.

G. E. Moore's *Principia Ethica* (1903) contains his key statement of "ideal utilitarianism" and his most influential attack on Idealist moral philosophy, which he labelled "metaphysical ethics". Moore focused particularly on the work of Green, Bradley, and J. M. E. McTaggart. The main thrust of his attack was to claim that these Idealists held an object to be good when and, crucially, because it was perceived to be good. In other words, he alleged that the Idealists believed thinking something to be good, made it so. In reality, as noted above, the Idealists held only what

Moore himself argued later in *Principia Ethica*: believing something to be good is the most reliable indication one could have that the thing is good. The Idealists did not claim that a thing's goodness was a creation of either the agent's will or her belief. Further, Moore failed to give due weight to McTaggart's criticism of Hegel's exclusion of pleasure and pain from the "activity of the human spirit" (McTaggart, 1922, sec. 193). In reality, McTaggart argued, pleasure and pain result from our sense of the harmony and disharmony between our knowledge, volition and the external world. Consequently, pleasure as such is always good, and as a guide to action pursuing the course that seems likely to be the most pleasurable will be morally correct, *ceteris paribus* (McTaggart, 1918, secs. 267, 131). McTaggart insisted that the agent faces a moral dilemma even when she is sure that pursuing pleasure will probably harm the perfecting of her wider spiritual potentials.

Few of the Idealists came close to being ascetics. They tended to attack hedonism for being a simple-minded and atomistic doctrine, and to the extent that utilitarians invoked hedonism the Idealists rejected utilitarianism. Moreover, they defended a position that avoids many of the problems of Moore's ideal utilitarianism, not least its static ahistorical intuitionism.

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See also BOSANQUET, BERNARD; BRADLEY, FRANCIS HERBERT; EPI-CUREANISM; GREEN, THOMAS HILL; HEDONISM; IDEAL UTILITARIANISM; KANT, IMMANUEL; MOORE, GEORGE EDWARD; PAIN; PLATO; PLEASURE; RITCHIE, DAVID GEORGE; SPENCER, HERBERT.

**IDEALISTS:** See BOSANQUET, BERNARD; BRADLEY, FRANCIS HERBERT; GREEN, THOMAS HILL; IDEALISM.

#### IDEAL UTILITARIANISM

According to Classical Utilitarianism, an agent acts rightly insofar as her act produces at least as much aggregate pleasure on balance as any other act she could have performed in her situation. Henry Sidgwick's *The Methods of Ethics* (1874) provides the most sophisticated defence of this framework. In this defence, he considers the view that there are noninstrumental goods other than pleasure, for example, knowledge, virtue, and contemplation of beauty, resulting in the position that an agent acts rightly insofar as her act produces at least as much aggregate pleasure, knowledge, virtue, and contemplation of beauty on balance as any other act she could have performed in her situation. This view is known as Ideal Utilitarianism. It agrees with Classical Utilitarianism that the right is fixed by the good, but denies that the good is confined to pleasure alone. Its principal defenders are Hastings Rashdall, G. E. Moore, A. C. Ewing, and Oliver A. Johnson. Its main critics are H. A. Prichard and W. D. Ross.

The early Ideal Utilitarians—Rashdall and Moore—developed their view in opposition to Sidgwick. Sidgwick considers (among others) two rivals to hedonism. The first maintains that only states of consciousness are good, for example, intellectual activity and virtuous willing, the desirability of which is not determined by their quantity of pleasure alone (Sidgwick, 1907, p. 398). He rejects this view: once we distinguish these forms of consciousness from the pleasures that accompany them and the relations that they bear to the ideals that guide them—truth and morality—we find an “element of consciousness quite neutral in respect of desirability” (p. 398). The second holds that it is not states of consciousness alone that

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matter but rather the “objective relations” implied in the notions of truth, virtue, and beauty. What matters is the objective relation between one’s mind and the world or one’s will and the ideal to which one aspires. In opposition, he contends that after sober reflection “these objective relations of the conscious subject, when distinguished from the consciousness accompanying and resulting from them, are not ultimately and intrinsically desirable” (pp. 400–1); we can only justify to ourselves “the importance that we attach to any of these objects by considering its conduciveness ... to the happiness of sentient beings” (p. 401).

Rashdall attacked both of Sidgwick’s conclusions. He accepts that only states of consciousness possessing some pleasure have value, but that virtue (loving and promoting the good), intellectual and aesthetic activities, various kinds of affection (e.g. love) have intrinsic value, and therefore play a role in determining the value of a state of consciousness (Rashdall, 1913, p. 70). To establish his claim about virtue, he relies heavily on the following argument against Sidgwick (see Rashdall, 1907, vol. 1, pp. 57–9; 1913, pp. 63–5). Sidgwick holds that each is morally required to maximize net aggregate pleasure, that in rational agents recognition of this fact produces a desire to do so, that acting morally will sometimes come at a cost to the agent’s own greatest pleasure, and that this sacrifice has no intrinsic value. Rashdall argues that it is psychologically impossible or at least extraordinarily rare to hold these propositions. The difficulty is that by accepting hedonism and thus rejecting the claim that loving and willing the good has intrinsic value, we undermine the motivation to sacrifice our own pleasure for the good of others. Therefore, we should reject hedonism. In order that agents are motivated to produce maximum aggregate pleasure, we must accept that virtue is the highest good. In reply, one might argue that if acceptance is the problem, the hedonist should simply

refuse to promulgate the doctrine and instead promote whatever doctrine maximizes her favoured end.

Rashdall’s other arguments are more persuasive. Common sense holds that some pleasures lack value, such as pleasure taken in cruelty, and that some pleasures are intrinsically better than others, notably intellectual pleasures. That virtue and intellectual activity have value explains these intuitions. The fact that we condemn infanticide even for those incapable of living well and admire parental affection suggests that we value the emotion of humanity or kindness of feeling and affection for one’s children. However, the hedonist could maintain that vicious pleasures are good for the agent, especially if (like Sidgwick) she is plausibly read as offering the view as an account of happiness or well-being, but that promoting the objectionable pleasures will likely not produce maximum aggregate pleasure on balance over the long run. She could further argue that favouring higher pleasures and certain emotions or affections will produce more aggregate pleasure on balance in the long run.

Rashdall attempts another argument against Classical Utilitarianism’s commitment to hedonism. He suggests that Ideal Utilitarianism is superior to Classical Utilitarianism because it has practical implications that are more palatable to common sense. The latter view, for example, permits too much inaccuracy: “there would be no reason why we should resist that tendency to say (in matters of no importance), at any expense to Truth, what would be agreeable to the hearer” (Rashdall, 1907, vol. 1, pp. 192–3). This is a hard case to make. Classical Utilitarians typically argue for the same exceptions to veracity that Rashdall defends (e.g. that it is permissible to lie to save a life and to protect state secrets). This might be a case in which they fail to see the implications of their own view, but nothing that Rashdall says conclusively establishes the case. He even appears to undermine his

own argument by dubbing Sidgwick a “Kantian rigorist” in the context of their dispute about clerical veracity. Sidgwick appears to permit fewer lies than Rashdall in the context of taking religious oaths and reciting creeds. Finally, it is not clear that it should worry the hedonist (or anyone) if the lies occur in cases of “no importance.”

Moore appears to accept something resembling the second view that Sidgwick rejects. He relies on several arguments against hedonism. He opines that it would be rational to choose to produce a beautiful world rather than a “heap of filth” even if no one ever could experience it (Moore, 1993, pp. 135–6). This argument did not garner support among critics, and it is far from clear that it is a mark against the Classical Utilitarian to say that we are not morally obliged to produce the former world. Fortunately, Moore did not force the issue. It is anyway inconsistent with his view that no whole is valuable unless it contains some feeling and some other form of consciousness (Moore, 2005, p. 129). He attempts two other arguments. In a review of Rashdall’s *The Theory of Good and Evil* (1907), he contends that “it is ... very doubtful whether the greatest quantity of pleasure, wholly unaccompanied by any other result whatever, would be at all worth producing” (Rashdall, 1907, p. 450; also 2005, p. 129). It is difficult to determine precisely what Moore has in mind here. However, the hedonist might argue that there is nothing implausible about favouring situation *A* (the consumption of a pleasure pill) over situation *B* (lack of a pleasure pill) simply because *A* involves more pleasure (and nothing else) for animals or humans.

By far Moore’s most plausible argument against hedonism involves the appeal to his principle of organic unities, according to which the value of a whole is not equivalent to the sum of the value of its individual parts considered alone (Moore, 1993, pp. 79, 233). He targets Sidgwick’s second intuitive argument above. Sidgwick thinks that if

you remove the pleasure from a whole that includes both the contemplation of beauty and pleasure, you are left with nothing of value. He wrongly infers from this that the value of the whole is due exclusively to, and therefore is proportionate to, the value of the pleasure alone. According to Moore, this simply does not follow. It might be that the whole has much greater value than the value that the pleasure and the contemplation of beauty have alone (pp. 144–5). Moore’s view is that the greatest goods are certain states of consciousness involving ideal relations: “the pleasures of human intercourse and the enjoyment of beautiful objects” (p. 237). His defence of this view relies on the principle of organic unities. One worry about it is that it is mysterious that two things that have little value when considered alone can combine to form something of much greater value. Another worry is that perhaps the increase in value is due to the fact that the new combination is not contemplation of beauty and pleasure, but a certain sort of robust pleasure, pleasure-in-beauty. This explains why the value of the whole is greater than the value of contemplation of beauty and pleasure taken separately.

The Ideal Utilitarians rejected hedonism but retained the deontic element of Classical Utilitarianism. In its defence, Rashdall, Moore, Johnson, and Ewing all declare that it is self-evident that we ought to do the impartial best. In *Ethics*, Moore asserts that “it seems ... self-evident that knowingly to do an action which would make the world, on the whole, really and truly *worse* than if we had acted differently, must always be wrong” (Moore, 2005, p. 94). Johnson declares that if anything in ethics is self-evident, it is self-evident that we ought always to do the impartial best (Johnson, p. 604). Ewing maintains that “it seems very difficult to resist the conviction that it must be wrong deliberately to produce less [impartial] good when I could produce more” (Ewing, p. 103).



## IDEAL UTILITARIANISM

But Prichard and Ross disagreed. Suppose, Prichard argues, that a natural disaster strikes a town and all but one of its members is injured. Utilitarianism says that if the unharmed person could produce maximum impartial good by “concentrating on one sufferer, to do so would be his duty.” Prichard demurs: “we all think that, as a matter of *justice*, all the others have claims on him in varying degrees and that he *ought to distribute* his help without mere reference to the total result” (Prichard, p. 2). Ross raises the worry using the example of promising. Suppose that you have promised to meet X but that helping Y to whom you have made no promise realizes slightly more benefit all things considered (including both the immediate and long-term results of your action, especially its impact on mutual confidence). The utilitarian says that you ought to break the promise. Ross argues that this is not the view of common sense: “to make a promise is not merely to adapt an ingenious device for promoting the general well-being [or good]” (Ross, p. 38).

In reply, Ewing and Johnson capture the common-sense judgement by simply expanding the list of goods to include the acts of justice and promise keeping. The reason that the unharmed man ought to distribute his help more equitably is that justice is a good. The reason you should keep the promise is that promise breaking is an evil and therefore the act of keeping it realizes more net impartial good than breaking it.

There are two worries about this position. First, the reason that Ideal Utilitarians insist on pluralism about the good and monism about the right is that doing so avoids the implication that it is sometimes right to produce less than the impartial best. This may not move their critics. For it is not clear why, if capturing common-sense morality is the aim, this should matter much. There seems to be little advantage to being so open to common-sense intuitions about the good but not about the right, and there is a cost: morality loses some of its critical power.

Second, Classical Utilitarianism gained its plausibility in part from the fact that it focused exclusively on the happiness of sentient creatures. By aiming at things other than happiness, Ideal Utilitarians, like their nonutilitarian foes, seem to permit the sacrifice of happiness to certain ideal goods (e.g. virtue). This may mean, implausibly, that under Ideal Utilitarianism, the happiness of sentient creatures diminishes over time: the very thing that makes one chary of accepting deontological views.

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*See also* EWING, ALFRED CYRIL; HAPPINESS; HEDONISM; INTUITIONISM; MOORE, GEORGE EDWARD; PAIN; PLEASURE; PRICHARD, HAROLD ARTHUR; RASHDALL, HASTINGS; ROSS, WILLIAM DAVID; SIDGWICK, HENRY; VALUE THEORY.

## IMPARTIALITY

A moral theory can be impartial in two distinct ways: foundational or substantive. A moral theory has an impartial foundation if its account of the basis of morality treats everyone equally, and ignores differences between people. A substantively impartial theory tells individual moral agents to behave impartially—to treat people equally, and never give special treatment to themselves or their nearest and dearest.

Impartiality is closely related to universalizability: the view that moral principles ought only to contain general terms, not proper names or descriptions identifying particular individuals. “No-one should murder anyone” is universalizable, while “Everyone should give all their money to Bob Smith” is not. Universalizability and impartiality do not necessarily coincide. Consider the following principle: “everyone should give some priority to their own nearest and dearest.” This principle is universalizable, but it is not substantively impartial. Impartiality is, thus, more controversial than universalizability.

Some argue that impartiality and universalizability are both essential to utilitarianism. Others argue that impartiality implies utilitarianism (Hare, 1981). However, contemporary Kantian and contractualist theories offer alternative nonutilitarian accounts of impartiality.

Most utilitarian theories are foundationally impartial—basing morality on the promotion of impartial value. Any theory where outcomes are evaluated solely in terms of total or average happiness is foundationally impartial, as it ignores the identities of individuals, or their relation to any particular agent. By contrast, the egoist who judges everything against her own happiness has a partial foundation. A foundationally impartial utilitarian theory is based on agent-neutral values, while any theory based on agent-relative values has a partial foundation.

Some recent forms of utilitarianism combine partial and impartial foundations, as they incorporate both agent-neutral and agent-relative values. One prominent example is Samuel Scheffler’s hybrid theory (1982). This theory combines a reason to promote the good, based on impartial values, with an agent-centred prerogative allowing each individual to give disproportionate weight to her own interests or values. This allows greater scope for partiality than is available to any utilitarian theory with a purely impartial foundation.

Another controversial issue is whether a utilitarian moral theory that is foundationally impartial must also be substantively impartial. The case in favour is simple. If I aim to maximize impartial value, then I should behave impartially. If I can give more happiness to a stranger than to a friend, then I should benefit the stranger. Consider the classic example, going back to William Godwin in the eighteenth century, of the archbishop and the chambermaid (Godwin, vol. 1, Bk. II, Ch.II). Two people are dying in a fire, and you can only save one. One person is a great benefactor of mankind, while the other is your own mother. Godwin argues that you should save the archbishop, as this produces more happiness in the long run.

Another set of examples concern the agent’s own interests. Suppose you can save

## IMPERIALISM

a person's life at significant cost to yourself. Perhaps you can only save them from being devoured by a rampant dog if you allow the dog to bite off your arm. A substantively impartial moral theory says you must sacrifice your arm, as your happiness is no more important than theirs.

On the other hand, many object that substantive impartiality involves unreasonable demands, and violates compelling moral intuitions. Surely we are allowed to give some priority to ourselves and to our nearest and dearest? One question is whether utilitarianism can accommodate this intuition. Rule or indirect utilitarians argue that any fully substantively impartial utilitarian theory is "self-defeating" in Parfit's phrase (Parfit, pp. 24–8). Things go worse overall if everyone behaves perfectly impartially than if everyone follows rules permitting (and perhaps sometimes requiring) partiality. A world where each person gives priority to her own interests is happier than one where everyone is perfectly impartial. However, because this substantive partiality is built on a foundation of impartiality, it has limits. For instance, utilitarians have always insisted that public officials must behave impartially; and even the most moderate rule utilitarian agrees that we should all be more impartial than most of us are (Hooker, 2000).

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See also AGENT-NEUTRAL AND AGENT-RELATIVE; AGGREGATE AND AVERAGE UTILITARIANISM; EQUALITY; INDIRECT UTILITARIANISM; PHILOSOPHICAL UTILITARIANISM; RULE UTILITARIANISM; TOTAL UTILITARIANISM.

## IMPERIALISM

The issues of imperialism and empire are expansive, complex, and deeply troubling. In one sense, empire-building is as old as human history itself, and not distinctively Western. But in another sense, the "age of empire" dawns c. 1850–70, which is linked to the distinctive forms of imperialism associated with the European powers, particularly Britain, and as such often connected to capitalist or finance capitalist expansion as well. As a step beyond colonial settlement (though associated with it, and with "neocolonialism"), "imperialism," as Edward Said (1993) has argued, means "the practice, the theory, and the attitudes of a dominating metropolitan center ruling a distant territory" (Said, p. 9). And in this modern context, the domination in question has typically

been thickly interwoven with various forms of racism serving in a supporting ideological capacity for the domination of peoples of colour outside of Europe.

Jeremy Bentham, while not altogether consistent over the course of his long life, certainly published some very forceful critiques of colonialism, such as *Emancipate Your Colonies!* (1793). But by the late nineteenth century, Victorian culture was pervasively imperialistic; it was the culture formed by Alfred Lord Tennyson and carried forward by Rudyard Kipling. Although the era generated some opposition to empire (Claeys, 2010), and produced a complex array of positions on the meaning and worth of it, with “little Englanders” opposed to “the idea of Greater Britain” (Bell, 2007), the great Classical Utilitarians of that period were more of the age than against the current. Indeed, Henry Sidgwick, regarded by many as the culmination of the Classical Utilitarian tradition, has been described as producing a philosophy of “Government House utilitarianism” because of his admission that the utilitarian course, under certain circumstances, might well involve supporting or advancing false belief, with the utilitarian justification remaining esoteric, as in the supposedly beneficent deception practised by colonial administrators.

Of course, the British empire was more often run by the “Government House idealists” produced by the Oxford of Benjamin Jowett and T. H. Green, than by the utilitarians produced by Sidgwick’s Cambridge (Symonds, 1986). But even so, Sidgwick’s views were not without influence. Having married into one of the most powerful families in the country, the Balfours, and with his sister married to the Archbishop of Canterbury, he could make his views known in the dominating metropolitan centre. And having achieved the position of Knightbridge Professor at Cambridge University, he moved in friendly academic and political circles that included most of the leading intellectual

architects of the ideology of empire: Sir John Seeley, James Bryce, Charles Henry Pearson, Sir Charles Dilke, Sir Henry Sumner Maine, and many others, including the great liberal imperialist prime minister William Gladstone, with whom he broke over the issue of Home Rule for Ireland (Sidgwick opposed it). He even edited and contributed an introduction to Seeley’s *Introduction to Political Science* (1896), and also took an interest in the training of the Indian Civil Service.

But it is chiefly in Sidgwick’s work in political economy and political theory that his contributions to the culture of imperialism are most evident. Like many of the utilitarian political economists, including Bentham, he harboured serious doubts about the economic advantages of empire, and he was appalled by the crude prejudice and jingoistic militarism that he saw infecting the mood of the country in the 1880s and 1890s. But he was nonetheless warmly appreciative of a type of civilizational or “spiritual” expansion, led by the “Concert of Europe” but with the English-language peoples playing a vital role:

There are sentimental satisfactions, derived from justifiable conquests, which must be taken into account, though they are difficult to weigh against the material sacrifices and risks. Such are the justifiable pride which the cultivated members of a civilized community feel in the beneficent exercise of dominion, and in the performance by their nation of the noble task of spreading the highest kind of civilization; and a more intense though less elevated satisfaction—inseparable from patriotic sentiment—in the spread of the special type of civilization distinctive of their nation, communicated through its language and literature, and through the tendency to imitate its manners and customs which its prolonged rule, especially if on the whole beneficent, is likely to cause in a continually increasing degree (Sidgwick, p. 313).

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Thus, Sidgwick harboured more than one doubt too few when it came to the felicitous virtues of European civilization, and the beneficence of its rule over what he regularly termed “inferior,” “backward” or “savage” peoples. To be sure, he opposed social strife and Machiavellianism in any form, and hoped for a genuinely moralized international order. But this order was to be an ever-increasing federation of states, with better conflict resolution mechanisms, that in effect instantiated the ongoing tutelage of peoples of colour across the globe, the better to determine what degree of “civilization” they might achieve and what degree of racial integration might be allowed. Race “debasement” or “degeneration” had become leading issues in the new imperialism of the 1880s and 1890s.

In these respects, the forms of imperialism that Sidgwick favoured and theorized were reflective of the changed and charged cultural atmosphere following the “Indian Mutiny,” or Sepoy Rebellion, of 1857, the Jamaican Morant Bay Rebellion of 1865, the ascension of Queen Victoria to Empress of India in 1877, the occupation of Egypt in 1882, the death of Gordon at Khartoum in 1885, and the so-called “Scramble for Africa” that began in the 1880s.

The attitudes of James and John Stuart Mill, both of whom had careers in the East India Co., which had ruled India prior to the 1857 rebellion, were shaped by earlier cultural contexts that, while shot through with Eurocentric prejudice that was at least functionally racist, displayed fewer crude anxieties about race “debasement” and “degeneration” posing a possible calamity for the progress of western civilization. Both the Mills held that utilitarianism could very well justify the despotic rule of “backwards” peoples, for the sake of their own good and the greater good. And in fact, Kipling, who largely defined “India” for the British imperial imagination, was really merely elaborating on their views of the supposed superstition and indolence

of the Indian peoples, canonizing in fiction the fiction canonized in James Mill’s *History of British India* (1817). The demeaning stereotypes directly bore on questions of labour and political economy, leading the younger Mill to truly Dickensian statements about the cultivation of “industry” and “character building” in subject populations in his writings on India (Mill, CW, vol. 30). But for all that, the vocabulary was different, with less of the so-called “scientific” racism that came in the aftermath of Darwin.

Still, it can very plausibly be argued that the Mills were in key respects closer to Sidgwick, as ideologues of empire, than to Bentham, whose views on the matters of colonialism and empire have only recently been explicated in a persuasive fashion, and shown to have been very far indeed from those of his supposed disciples (Schultz, 2004; 2005; Pitts, 2005).

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See also BENTHAM, JEREMY; MILL, JAMES; MILL, JOHN STUART; POLITICAL ECONOMY; RACISM; SIDGWICK, HENRY; SLAVERY.

**INDIRECT UTILITARIANISM**

Act utilitarianism is the view that the value of any action depends solely upon the degree to which the action produces more happiness than its alternatives. But it is an unfortunate fact of life that aiming to make people as happy as possible often will not succeed. Directly aiming at maximizing happiness is usually self-defeating. Most of the time, you can produce more happiness instead by aiming directly at something else. Given that the Classical Utilitarians took utilitarianism to be a practical doctrine, one naturally wonders how utilitarianism can perform this guiding role while also dodging self-defeat. Most utilitarians who recognize this potential problem advocate Indirect Utilitarianism: the view that although an action is right just in case it does indeed maximize happiness, one should not aim at happiness, but at whatever goal the consequence of so aiming at it in fact maximizes happiness.

Indirect Utilitarianism is, thus, distinguished from rule utilitarianism, which evaluates the moral value of an act not upon the value of the act's consequences, but upon the value of the rule(s) with which it complies. Mill, Sidgwick, Smart and Hare were all Indirect Utilitarians, and nearly every contemporary act utilitarian is one too. But does Indirect Utilitarianism succeed where direct utilitarianism fails?

Direct utilitarianism appears to be self-defeating for two very different reasons: first, aiming directly at maximizing happiness produces (for various reasons) less happiness than one otherwise could have produced with a different aim; and second, aiming directly at maximizing happiness excludes one from opportunities to produce happiness.

Let us examine the first reason first. Notice how intellectually difficult it is to know which of your action-options produce the most happiness. For starters, it is usually nearly impossible to identify what all of your action-options even are. There are literally millions of different things you could be doing right now. But that is just the beginning. It is infinitely more difficult to see what the consequences of each of your action-options would be. Most of the time, it is plainly impossible to know how to maximize happiness. So, directly aiming at maximizing happiness is a usable maxim only for a god.

Even if we are able to figure out exactly how to maximize happiness, there are other problems we face. We are all liable to the distorting effects of bias upon our judgements about what maximizes happiness. First, a person is inclined to overestimate how things affect herself, while underestimating how things affect others. Second, a person is inclined to overestimate how things affect her friends and family, while underestimating how things affect strangers. Finally, a person is inclined to overestimate the value of happiness and unhappiness in the near future, while underestimating the value of these things in the distant future. Given that we are vulnerable to



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these forms of bias, it is highly unlikely that our judgements about how to maximize happiness will commonly be correct.

Consider also how motivationally difficult it is to maximize happiness by aiming at it directly. Even if you know exactly how to maximize happiness, directly aiming at doing it might not be the best way to succeed. Ends as abstract as the maximization of happiness do not entice the will as well as many concrete ends we care about more. The danger of directly aiming at the maximization of happiness is that you'll fail to follow through, doing something else entirely different instead. It very well may be true that aiming at something else actually produces even more happiness. There's little sense in adopting a diet you won't stick to. So, the first reason direct utilitarianism is self-defeating is that there are various ways aiming directly at the maximization of happiness can go awry.

Now, let us examine the second reason direct utilitarianism is self-defeating. Those who directly aim to maximize happiness will miss many opportunities to make others happy. For direct utilitarians will not be trusted by others to do what they have promised, since it is known that they are disposed to break their word if doing so would produce more happiness than would telling the truth. This suggests that direct utilitarians will often not be invited to participate in social arrangements calling for trust, arrangements in which they also would have opportunities to make others happy. And this strongly suggests that direct utilitarians don't face the same menu of act-options others do. So, even if the direct utilitarian selects the best of the act-options she actually faces, she probably won't produce as much happiness as she would have produced had she been a person who keeps her word for its own sake. The opportunities you face depend upon the opportunities others offer you, which itself depends upon what kind of person others think you are.

These, then, are several reasons for thinking that direct utilitarianism is self-defeating. Acknowledging these problems, many Indirect Utilitarians understand utilitarianism not as a method for determining what to do, but only as a way of evaluating the moral value of actions (and perhaps other things). The most common way to draw this distinction is by saying that utilitarianism is not a decision procedure, but rather the criterion of rightness (Bales, 1971).

The indirectness of Indirect Utilitarianism can come in various degrees. No thoughtful utilitarian has ever advocated incessant deliberation about maximizing happiness. It's clear that one must explicitly attend to things other than the maximization of happiness if one is to maximize happiness. At the very least, one must attend to the means by which one makes others happy. But we can and probably should go further. It is highly plausible that often one maximizes happiness by employing rules of thumb (Smart, in Smart and Williams, pp. 42–57). Instead of calculating the means by which one could maximize happiness each and every time, it is wiser to deliberate heuristically.

We can go further. It is very plausible that one maximizes happiness only if one strictly follows some principles that one is not prepared to violate—even on occasions when one believes that one could make people happier by breaking them (Hare, 1981). Those prepared to violate at least some principles will not in fact maximize happiness (for reasons detailed above).

We can go further still. We just saw that you might maximize happiness only by strictly following principles. But which principles? It might seem that you should follow those principles that you've selected on the grounds you believe complying with these principles will maximize happiness. That is, it seems plausible that the way to maximize happiness is to follow strictly those principles that you believe will produce the best consequences. But this might not be so. Perhaps



those who maximize happiness follow principles for a different reason than that they thereby maximize happiness. That is, perhaps only those who follow principles for nonutilitarian reasons wind up in fact maximizing happiness. Motives can matter. And so, it may be true that the only way to maximize happiness is to reject utilitarianism in (almost) all its guises. Making people happy might require having only other goals.

This leads us to the most indirect form of utilitarianism: self-effacing utilitarianism. Utilitarianism might direct us not to believe in utilitarianism, if doing so turns out to be necessary for maximizing happiness. For instance, it could be true that the happiest possible community of human beings is one where everyone is a sincere Kantian. If so, the only way to live a utilitarian life would involve rejecting utilitarianism altogether (Parfit, 1984).

So, the milder versions of Indirect Utilitarianism are welcome improvements over direct utilitarianism, but it is probably an empirical question whether only such minor adjustments will enable us to maximize happiness. If implementing some more severe version of Indirect Utilitarianism is necessary to maximize happiness, then opponents are ready to launch several distinct but related criticisms of such a radically indirect theory.

One worry is that a self-effacing moral theory violates the requirement that a moral theory be public. That is, some maintain that it is the very nature or point of a moral theory for it to be the kind of thing that people can refer to in order to regulate their conduct (e.g. Rawls, 1971). The Indirect Utilitarian is likely to respond to this objection by arguing that publicity is of only instrumental value, and should not be pursued at the expense of forfeiting attainable happiness. In other words, the Indirect Utilitarian will say that publicity is good only if it makes people happy.

A related worry is that Indirect Utilitarianism induces a moral schizophrenia (Stocker,

1976) or a lack of integrity (Williams, 1995). Indirect utilitarianism recommends that one adopt nonutilitarian (and, indeed, antiutilitarian) motives on utilitarian grounds. This delicate balancing act threatens to be psychologically unstable. The Indirect Utilitarian is likely to respond to this charge, however, by reminding us that utilitarianism never recommends what is impossible. If a very indirect approach of utilitarianism produces a lack of integrity, which itself produces unhappiness, then utilitarianism itself will recommend a more direct stance.

A third worry is that Indirect Utilitarianism, at least of the self-effacing sort, is unable to explain why we should bother defending it. By telling us to believe in some other theory, Indirect Utilitarianism's fate is, in Williams' famous phrase, to "usher itself from the scene" (Smart and Williams, p. 134). Philosophers who tout Indirect Utilitarianism thus face the problem of justifying their activity. The Indirect Utilitarian is likely to respond by distinguishing between the value of complying with morality (i.e. utilitarianism) and the value of pursuing the truth (i.e. philosophy). We might wonder, however, whether this distinction can be sustained in light of the fact that utilitarianism is usually construed as a global or a total theory, meant to capture everything of value, including the value of truth.

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See also ACT UTILITARIANISM; CONSEQUENTIALISM; MAXIMIZATION; OBJECTIVE AND SUBJECTIVE UTILITARIANISM; RULE UTILITARIANISM.

## INFINITE UTILITY

Suppose the future will go on forever. Each finite time period contains some noninfinitesimal amount of value. Every possible future then has infinite value. Under standard trans-finite arithmetic, these infinite values are all the same. No possible future is better or worse than any other. No action is better or worse, in utilitarian terms, than any other.

Suppose everyone in the world has one unit of happiness. We improve Bob's life. Bob has two units. If the population is finite, this increases total happiness. If there are infinitely many people, we do not increase total happiness. If we add one to infinity, the result is still infinity. This holds true for any finite addition. Even if we gave ten billion people a thousand units of happiness each, total happiness would remain the same. Indeed, even the addition of an infinite amount of happiness would not improve things. Suppose we double the happiness of every individual in an infinite population. Everyone now has

two units of happiness rather than one. But total happiness remains the same. The sum of an infinite series of twos is the same as the sum of an infinite series of ones. (To see why, suppose we group the individuals into pairs. In this way, we can transform any infinite series of ones into a series of twos.)

If we attach any finite probability, however small, to an infinite population, then the expected happiness produced by any action is infinite. (The expected value is the probability of each outcome multiplied by its value. When we multiply an infinite value by any finite probability, the result is infinity.) Paradoxes of infinity also arise if the universe is spatially infinite and already contains an infinite number of inhabitants; or if we are dealing with an immortal individual, in which case the units are the infinite number of finite time periods within the individual's life.

Paradoxes of infinity threaten to paralyze utilitarianism. The simplest utilitarian reply avoids the problem by stipulation, and considers only finite populations. This may seem *ad hoc*, but it has a legitimate rationale. Suppose our actions only affect sentient beings on our own planet. If the future of the universe is finite, then our planet (or even our galaxy) cannot possibly include an infinite number of sentient beings, as each being occupies some amount of space and time. Current cosmological theories suggest that our universe is temporally finite. So infinite utility puzzles do not arise. (Even if our universe is part of an infinite series of universes, we might argue that the Big Bang producing the next universe will obliterate any effects of my actions. So I can legitimately limit my attention to the finite number of sentient beings living in my region of this universe.)

Some utilitarians reject this response. Even if it will not arise in practice, infinite utility is still a theoretical problem. To accommodate it, utilitarians seek principled ways to determine when one possible infinite future is better or worse than another. One promising suggestion comes from Peter Vallentyne and

Shelly Kagan (1997). Suppose the goodness of outcomes is based on some aggregation of local goodness, where possible locations for goodness include people, states of nature, and spatiotemporal regions. Vallentyne and Kagan offer a principle applicable to all types of location: If  $w1$  and  $w2$  have exactly the same locations, and if, relative to any finite set of locations,  $w1$  is better than  $w2$ , then  $w1$  is better than  $w2$ . For example, if we double everyone's happiness, then we make things better. (The locations are people's lives, and the result is better for every person.) Vallentyne and Kagan then extend this "basic idea" to other cases. One key question is whether the locations are "naturally ordered"—like points in space or time—or not. If locations are not naturally ordered, then we cannot apply Vallentyne and Kagan-style principles, as we can always re-order the locations, producing conflicting results. This is a real problem if our locations are individual human beings, as they do not seem to fit into any natural order.

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See also AGGREGATE AND AVERAGE UTILITARIANISM; POPULATION; TOTAL UTILITARIANISM.

#### INTEREST

"[W]hether the passion of self-interest be esteemed vicious or virtuous, 'tis all a case; since itself alone restrains it." So wrote David Hume in his *Treatise of Human Nature* (1739–40). "There is no passion ... capable of controlling the interested affection, but the very affection itself, by an alteration of its direction. Now this alteration must necessarily take place upon the least reflection; since 'tis evident, that the passion is much better satisfy'd by its restraint, than by its liberty ..." (Hume, p. 492) The legalization of property, the maintenance of a system of justice, and adherence to the most fundamental conventions of morals and politics—all these, in Hume's view, depend on recognition that humans, though incorrigibly self-interested, are capable of engendering, through "reflection" and shared experience, a "general sense of common interest" on which the "moderation" and "abstinence" necessary for peaceful and prosperous social life can be grounded (p. 490).

In thinking of "interest" as the bedrock of social and political theory Hume was not alone. Indeed, the seventeenth and eighteenth centuries in Europe saw a fundamental shift away from traditional social and political theories in which oaths were seen as the essential glue of society, towards a new view that interests were the basis of both sovereignty and subjection, and obligation and liberty. Moral and political theories must show individuals why it was in their interest to give up "natural liberty" and take on the duties of subjects. Thomas Hobbes took up this challenge in his seminal work *Leviathan* (1651), which derived the necessary subjection to sovereign power from the materialist and mechanical principles governing every man's pursuit of pleasure, power, property and self-preservation. Reasoning and willing were forms of rational self-interested calculation for Hobbes. Men needed "moral and civil science" because their personal

## INTEREST

calculations were naturally skewed in favour of their self-interest, their “passion and self-love.” (Hobbes, p. 239) At a more practical level, “interest” was a pivotal idea in the tactical and pamphleteering warfare of seventeenth-century politics. J. A. W. Gunn (1968) has shown that the maxim “interest will not lie” became what we might now call a household phrase in the era of Sir Robert Walpole and the emerging Whig politics of interest aggregation.

By Hume’s time, then, both the philosophy and the rhetoric of politics revolved around “interest.” Hume argued that an “interest” was a domesticated passion, one which could be channelled and made socially productive by the application to it of a principle of public utility derived simply from a pragmatic convergence of self-interests: “Two men, who pull the oars of a boat, do it by an agreement or convention, tho’ they have never given promises to each other” (Hume, p. 490). In omitting the giving of promises from his account of “agreement or convention,” Hume was rejecting the tradition of “social contract” theory. In its place, he employed a straightforward reckoning of utility as the criterion for the assessment of laws and moral rules.

If Hume treated utility as a general and practical principle, his close friend and intellectual rival Adam Smith politicized it, describing “the principle of utility” as the governing principle of the “Whig interest” in opposition to the Tory principle of “authority” or deference. He characterized the Whig partisans of utility as “bustling, spirited, active folks, who can’t brook oppression and are constantly endeavouring to advance themselves.” People of this “cast,” he said, “naturally join in with the democratical part of the constitution and favour the principle of utility only” (Smith, pp. 318–20). The reflections of Hume and Smith helped set the scene for Jeremy Bentham, the father of English utilitarianism, who built an entire system of morals and legislation around his

scientific understanding of the principle of utility and its direct relationship to individual interests.

Bentham freely acknowledged his indebtedness to Hume for the idea of a “principle of utility” and to Smith for his understanding of political economy. But in his analysis of “interests” Bentham followed not the conservative pragmatism of Hume or the liberal Whiggism of Smith, but the path of philosophical radicalism. Inspired by the neoNewtonian scientific claims of the French *philosophe* Claude Adrien Helvétius and the zeal of the Italian penal reformer Cesare Beccaria, he made pleasure and pain, and the individual’s interest in them, the most basic building blocks of his science of morals and legislation. “Interest,” he wrote in *An Introduction to the Principles of Morals and Legislation* (1789), “is one of those words, which not having any superior *genus*, cannot in the ordinary way be defined.” “Interest” is not a sub-species of anything. Bentham explains it simply by describing its direct connection to pleasure and pain: “A thing is said to promote the interest, or to be *for* the interest, of an individual, when it tends to add to the sum total of his pleasures; or ... to diminish the sum total of his pains.” Utility, he asserts, is a summing of relevant interests. The interest of the community is simply “the sum of the interests of the several members who compose it.” (Bentham, 1970, p. 12). Bentham’s firm belief that each individual is generally the best judge of his or her own interests exists in a state of tension with his concern for aggregate social happiness. It seems certain that on occasions an individual’s perception of his interest will differ from his “real” interest as a fraction of the community of interests in question. This tension, even contradiction, raises a fundamental issue for liberal-democratic politics: should the legislator base his laws on what he thinks are the real interests of the people or on the people’s own understanding of their interests, as misguided as this may be?

In the 1822 second edition of the *Introduction*, Bentham “substituted” for the principle of utility an alternative: “the *greatest happiness* or *greatest felicity* principle,” which holds that “the only right and proper and universally desirable end of human action” or governmental activity is “the greatest happiness of all those whose interest is in question.” He explicitly rejected the principle of utility because, he said, the word “utility” did not point as directly to pleasures and pains as would the words “happiness” and “felicity,” nor did it point directly enough to the crucial question of “the number of the interests affected.” (Bentham, p. 11n) Thus “interest” was in a sense more fundamental in Bentham’s thought than “utility” itself. Moreover, where many other theories have seen fit to derive “interests” from more fundamental “rights,” Bentham consistently, indeed vociferously, derived rights from interests. The idea of rights he said was nonsense, and the idea of absolute natural rights was “nonsense upon stilts” (Bentham, 2002). He did not, of course, refuse to speak of rights at all in his moral or political theory, nor did he deny that they should have weight in utilitarian calculations. He simply reduced them to expressions of interest, and weighed interests systematically according to a hedonistic calculus whose complexity and difficulty he freely acknowledged. He was under no illusion that calculations of comparative interest would be easy or conclusive. He was, however, convinced that the “sinister interests” of priests and power holders so dominated existing moral practices and political policy making that any calculation, however imperfect, that aimed at consistency transparency and rationality would be a huge improvement. From the vantage point of this calculus of interest, Bentham launched stinging criticisms both of the political and religious “establishments” that dominated English politics and morals, and of the French Revolutionaries whom he dismissed as “pandemonions” obsessed with dreams of natural rights. Even Adam Smith,

whom he otherwise revered, came in for criticism for his belief in natural rights.

Bentham’s celebrated godson John Stuart Mill, in basing his utilitarianism on “utility in the largest sense, grounded on the permanent interests of man as a progressive being” (Mill, *CW*, vol. 18, p. 224), was attempting to enrich and expand Bentham’s interest-based utilitarianism without reintroducing into the analysis the traditional idea of natural rights as the basis of morals and politics. Each person has a “permanent interest” in life and in the means to life, liberty and individuality. Even the most fundamental rights, and the institutions of justice constructed to entrench them, are derived from these basic and abiding interests, and necessary for their protection.

Since Mill’s time, movements as diverse as Romanticism, Marxism, Nietzschean Nihilism, Existentialism and postmodernism have challenged the coherence and value of interest-based moral and political theorizing, and in so doing have indicted utilitarianism itself. Devotees of universal human rights have struggled to demonstrate the persuasiveness and feasibility of their moral and political strategies. Yet in day-to-day social life, and in widespread political practices cutting across ideological and cultural boundaries, the identification, articulation, aggregation and representation of interests have persisted as important and expedient strategies of governmental and social empowerment. In the twenty-first century, utilitarianism remains important in political and moral life because its arithmetic of interests is at the heart of the theory and practice of representative democracy.

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See also BECCARIA, CESARE; HAPPINESS; HELVÉTIUS, CLAUDE ADRIEN; HOBBS, THOMAS; HUME, DAVID; MILL, JOHN STUART; PAIN; PLEASURE; SMITH, ADAM; UTILITY.

## INTERGENERATIONAL JUSTICE

Contemporary Utilitarian discussion of Intergenerational Justice—or obligations to future

generations—begins with Part Four of Derek Parfit’s *Reasons and Persons* (1984) and his articulation of the nonidentity problem (pp. 351–79). Parfit first distinguishes same people choice (our actions affect what happens to people, but not who exists) and different people choice (our actions affect who exists). He then claims that different people choices are more frequent than we expect; and that our moral theories are designed for same people choices, and must be amended for different people choices.

Nonidentity is problematic for any person-affecting moral principle, where an action can only be wrong if some particular person is worse off than they would otherwise have been. In a different people choice, we cannot leave any particular person worse off, as she would otherwise never have existed. Even if we create a person whose life contains nothing but excruciating agony, we have done nothing wrong.

Person-affecting theorists argue that, as a life containing nothing but agony is not worth living, we can reasonably say it is worse for that person than nonexistence. They also argue that the main person-affecting intuition is that an action is only wrong if someone is wronged. But a person can be wronged even if it is not the case that they would otherwise have been worse off. (Suppose a person is prevented from boarding a plane because of his race, and the plane goes on to crash. He has been wronged, even though he would otherwise have died.) A person can be wronged by an act leading to her creation, even if her life is worth living and she would otherwise not have existed at all.

One influential alternative to utilitarianism models morality and justice on a contract between rational individuals. Lack of reciprocity between distant generations undermines this social contract approach. How can we bargain with future people when their very existence is in our hands? Consider a time bomb that devastates people



in the distant future but is inert until then. Present generations have no reason to avoid time bombs. So, no social contract will ban them. But they seem clearly wrong.

We could instead model Intergenerational Justice as a contract between generations, including those in the far future. We now face a nonidentity problem, as there is no prior fact of the matter as to who will exist in the future. Does our contract involve everyone who will exist, or everyone who might exist? Both alternatives seem paradoxical. We don't know who will exist; but how can potential people be parties to any contract? (Barry, pp. 179–203)

We turn now to utilitarianism. Parfit (1984, p. 356) divides different people choices into same number (we decide who exists, but not how many people exist) and different number (we decide how many people ever exist). Utilitarianism has difficulty with the latter. Suppose you could create any possible future population. Which should you choose? What counts as “the greatest happiness of the greatest number”? The utilitarian tradition offers two theories of aggregation—taking us from the values of individual lives to the value of a population. On the total view, the best outcome contains greatest total happiness; on the average view, it contains highest average happiness. The two views coincide in same number choices, but diverge in different number choices. Is a large population with moderate happiness better than a smaller population with very high happiness?

The total view is more popular among philosophers. But it leads to the “repugnant conclusion” (Parfit, 1984, p. 388). In world *A*, ten billion people all have extremely good lives. World *B* has twice as many people, each more than half as happy as those in *A*. Total happiness is greater in *B*. Now repeat this process until we reach world *Z*, where a vast population each have lives barely worth living. As each step increases total happiness, *Z* is better than *A*. More generally, for any

possible population of at least ten billion people, all with a very high quality of life, there must be some much larger imaginable population whose existence, if other things are equal, would be better, even though its members have lives that are barely worth living.

Parfit finds this conclusion “intrinsically repugnant” (Parfit, 1984, p. 390). The repugnant conclusion is an organizing problem of contemporary intergenerational ethics. Some reject Parfit's intuition that *A* is better than *Z*. Yew-Kwang Ng (1989) objects that, when we consider the repugnant conclusion, we privilege our own perspective and are guilty of “misplaced partiality”. We picture the *A*-lives as similar to our own, and imagine the *A*-people choosing between *A* and *Z*. John Broome rejects all intuitions regarding large numbers: “We have no reason to trust anyone's intuitions about very large numbers, however excellent their philosophy. Even the best philosophers cannot get an intuitive grasp of, say, tens of billions of people” (Broome, pp. 57–8). Others examine the *Z*-world more closely. Parfit's *Z*-lives contain only muzak and potatoes. If these are human lives, then they will also contain negative elements, such as boredom and frustration. Perhaps a muzak and potatoes life is well below zero.

Utilitarians who reject the total view need an alternative. Economists often favour the average view. It easily avoids the repugnant conclusion, as *A* has higher average happiness than *Z*. If we averaged over everyone alive in the future, however, we would be morally justified in eliminating anyone with below average happiness. To avoid this repellent consequence, we average over all those who will ever live. Killing someone lowers the average, unless it improves the welfare of the person killed.

Unfortunately, the average view faces other objections. Perhaps most discussed is the hermit problem. Suppose everyone in the cosmos is extremely happy. On a distant



uninhabited planet, we create a new person. His life, while very good, is slightly below the cosmic average. On the average view, we have made things worse; and our obligations depend on the happiness of distant people who never interact with our hermit. Both claims seem intuitively implausible. As Parfit puts it, the mere addition of lives worth living cannot make things worse (Parfit, 1984, p. 420).

Another popular alternative is the lexical view. Suppose you enjoy both Mozart and muzak. Someone offers you a choice between one day of Mozart and as much muzak as you like. If you prefer the former, then you believe that Mozart is lexically superior to muzak. A lexical view avoids the repugnant conclusion, but faces Parfit's continuum objection: "Mozart and Muzak ... seem to be in quite different categories. But there is a fairly smooth continuum between these two. Though Haydn is not as good as Mozart, he is very good. And there is other music which is not far below Haydn's, other music not far below this, and so on. Similar claims apply to the ... other things which give most to the value of life. ... Since this is so, it may be hard to defend the view that what is best has more value than any amount of what is nearly as good" (Parfit, 1986, p. 164).

Other theories of aggregation all face similar problems. The challenge is to find Parfit's "Theory X"—a coherent, intuitively plausible theory of aggregation. One focus of debate is Parfit's mere addition paradox, which shows that we cannot avoid the repugnant conclusion and deny that the mere addition of happy lives ever makes things worse (Parfit, 1984, pp. 419–41). Some philosophers conclude that Theory X is impossible, and that our intuitions are intransitive (Temkin, 1987). Others seek to bypass the aggregation debate, perhaps by developing alternative utilitarian accounts of our obligations to future people (Mulgan, 2006).

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See also AGGREGATE AND AVERAGE UTILITARIANISM; INFINITE UTILITY; PARFIT, DEREK; POPULATION; TOTAL UTILITARIANISM.

## INTERPERSONAL UTILITY

Utilitarianism aims to maximize the unweighted sum of individual utilities (ignoring here imperfect knowledge, a concern for others, and irrational preferences, utility—as a representation of preference—is taken to be the same as happiness or welfare). For this sum to be sensible, individual utility has not only to be cardinally measurable but also interpersonally comparable. At least since Robbins (1932; 1938), economists typically regard statements involving interpersonal comparisons of utility as value judgements and scientifically meaningless, though it is arguable that such statements may be viewed as subjective judgements of facts which are not scientifically meaningless (Ng, 1972).

The issues raised by interpersonal comparisons of utility are wide-ranging (see Elster and Roemer, 1991), but it is generally accepted that in the development of public policy in particular, interpersonal comparisons of utilities are required (e.g. Harsanyi, 1955; Hammond, 1976; Binmore, 2009). Even if we accept the 90 percent solution of treating a dollar as a dollar to whoever it goes (Ng, 1979; 1984), interpersonal comparisons are still needed in order to trade-off equality gains and efficiency losses in the general tax/transfer policy.

This is not to say that interpersonal utility comparisons are not complex. How do we know that the Brahmin is not ten times more capable of enjoyment than the untouchable? Following Edgeworth's concept of a just perceivable increment of happiness, one possible approach is to employ an interpersonally/intertemporally/interculturally comparable measure of utility or happiness in self-reported happiness levels (Ng, 1996). Edgeworth took it as axiomatic, or, in his words "a first principle incapable of proof," that the "minimum sensible" or the just-perceivable increments of pleasures for all individuals, are equitable (Edgeworth, pp. 7ff, 60ff). However, it is possible to derive this result, as well as the

utilitarian social welfare function (SWF) which states that social welfare is the unweighted sum of individual utilities/welfares, from more basic axioms (Ng, 1975). The main axiom proposed is the Weak Majority Preference criterion (WMP), which states:

For any two alternatives  $x$  and  $y$ , if no individual prefers  $y$  to  $x$ , and (1) if  $I$ , the number of individuals, is even, at least  $I/2$  individuals prefer  $x$  to  $y$ ; (2) if  $I$  is odd, at least  $(I-1)/2$  individuals prefer  $x$  to  $y$  and at least another individual's utility level is not lower in  $x$  than in  $y$ , then social welfare is higher in  $x$  than in  $y$ .

The WMP criterion leads to utilitarianism because it requires that utility differences sufficient to give rise to preferences of half of the population must be regarded as socially more significant than utility differences not sufficient to give rise to preferences (or dis-preferences) of another half. Since any group of individuals comprising 50 per cent of the population is an acceptable half, this effectively makes a just perceivable increment of utility to any individual an interpersonally comparable unit.

The compelling criterion of WMP makes a "just perceivable" increment of preference (or pleasure) interpersonally equitable not only at the individual but also at the social level. Thus, if happiness studies use this "just perceivable" increment of happiness as the unit of measurement, the resulting measures or values will be interpersonally comparable and this solves many problems of comparability, though practical difficulties remain.

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See also CARDINAL UTILITY; EDGEWORTH, FRANCIS YSIDRO; MEASUREMENTS OF UTILITY; ROBBINS, LIONEL; UTILITY.

## INTUITIONISM

Normative Intuitionism is the view that there exists an irreducible plurality of basic deontic

requirements. Metaethical Intuitionism is the view that the notions "ought," "right" and their cognates are not analysable in terms of nonnormative notions, that the justification of the fundamental requirements of morality is noninferential, that is, warranted by appeal to *a priori* intuition, and that there exist moral truths. These views are often defended as a package. However, it is possible to defend one kind of Intuitionism without defending the other. Utilitarians reject Normative Intuitionism. They are divided over the merits of Metaethical Intuitionism. The study of the utilitarian engagement with Intuitionism assists in understanding the main lines of argument employed by the classical and other utilitarians.

One of the earliest Intuitionists is Richard Price. In his *A Review of the Principal Questions in Morals* (1758), he endorses both Normative and Metaethical Intuitionism. He rejects the claim that all "moral good be reduced to one particular species of it" (Price, p. 177). He accepts instead a plurality of duties, including duties of respect for God and for those superior to us in station and character, of prudence, of beneficence, of gratitude, of veracity and of justice (pp. 178–87). He insists that these duties are not ultimately based on beneficence: our considered view is that we ought to be just, to tell the truth, and to prefer "friends, relations, and benefactors ... to strangers," even when doing so leads to less good overall (p. 170; see also p. 176). He does not think that these duties are absolute. For example, "when the public interest depending is very considerable ... it may set aside every obligation which would otherwise arise from the common rules of justice, from promises, private interest, friendship, gratitude, and all particular attachments and connections" (p. 181). When we reason morally we have to weigh and balance the various moral considerations that bind us. However, for various reasons, it is difficult to determine what we ought to do, all things considered. Therefore, "it cannot

but happen, that we should be frequently in the dark” (p. 187).

Price argues that our ideas of right, wrong and similar notions are simple ideas, “original and uncompounded perceptions of the mind” (Price, p. 135n; also 141). By this he means that these notions are indefinable. His idea is that “*Right, fit, ought, should, duty, obligation*, convey ... ideas necessarily including one another” (p. 162). The source of our knowledge of claims about what it is right or what we ought to do is based on the understanding or intuition (p. 142). The most basic moral principles are knowable in this way because they are self-evident, that is, knowable on the basis of a keen understanding of their content alone. The object of our knowledge is necessary truths, rather like the truths of geometry (pp. 157, 187). The moral characteristics that are predicated of actions are “*real characters* of actions,” which “most immutably and necessarily belong to those actions of which they are *truly* affirmed” (p. 148).

In *An Introduction to the Principles of Morals and Legislation* (1789), Jeremy Bentham takes issue with several aspects of Intuitionism. He is most concerned to undermine Normative Intuitionism. This involves attacking Price’s account of moral knowledge. Bentham claims that the sort of view that Price defends involves subscribing to a principle of sympathy and antipathy: “that principle which approves or disapproves of certain actions, not on account of their tending to augment the happiness, nor yet on account of their tending to diminishing the happiness of the party whose interest is in question, but merely because a man finds himself disposed to approve or disapprove of them” (Bentham, 1996, p. 25). This description fits Price’s view because it relies on the understanding to determine the criterion of right and wrong (p. 26). The problem with this position is that it makes right and wrong depend on what one’s understanding approves or disapproves. This will not do: “what one expects

to find in a principle is something that points out some external consideration, as a means of warranting and guiding the internal sentiments of approbation and disapprobation” (p. 25). What Price’s view lacks is a publicly verifiable standard that one can appeal to in moral reasoning. Utilitarianism provides this by making approval and disapproval dependent entirely on what is most conducive to the greatest sum total of aggregate happiness (pp. 11–12). The considerations of relevance to the principle of utility do not depend on anyone’s attitudes or judgements and they are publically and empirically verifiable.

In reply, Price may concede that the consequences of an action in terms of happiness are empirically verifiable, but argue that the claim that we have *reason* to accept this as the *only* criterion to guide our approval and disapproval is not. Bentham might defend this claim by insisting that empirical verification is the only criterion that determines what serves as the standard of approval and disapproval. This is, however, difficult to defend. It relies on a view about what we have *reason* to believe, which seems, Price might argue, to be backed up by no more than what Bentham approves of, and so seems to fall prey to Bentham’s worry about Price’s position. Even if this worry is put aside, it is not clear that Bentham’s empirical criterion rules out all aspects of Price’s moral view. For example, we can empirically verify that someone has told the truth. This may, then, be something that is relevant to what we ought to do, even on the assumption that moral questions are to be decided on the “track of experiment and observation” (Bentham, 1838–43, vol. 2, p. 495). The best that Bentham can do to block this line of reply is to argue that whether a lie has been told is not merely a matter of empirical verification.

John Stuart Mill’s main quarrel is with Normative Intuitionism. Like Bentham, he understands this to be the view that there exists a plurality of basic synthetic *a priori*

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moral principles, which are known via intuition (Mill, *CW*, vol. 10, pp. 206–7; see also p. 170). He takes the epistemic element of Metaethical Intuitionism to be inextricably connected to Normative Intuitionism. Mill's most prominent worry about the latter position is that it is unsystematic. He thinks that to support their claims Intuitionists ought to outline a "fundamental principle or law, at the root of all morality, or if there be several, there should be a determinate order of precedence among them; and the one principle, or the rule for deciding between the various principles when they conflict, ought to be self-evident" (pp. 206–7; see also vol. 8, p. 951). Mill, with Bentham, takes a dim view of unsystematic moral theories (vol. 10, p. 111; Bentham, 1996, p. 16). He believes that one of the chief merits of utilitarianism is that it can resolve conflicts between competing considerations (Mill, *CW*, vol. 10, pp. 225–6, 253–5).

This is a charge that is hard to make stick against those who do not find system an attractive aim in moral philosophy. Price thinks that the search for "uniformity and simplicity" where it is not clear it can be found is "unreasonable" and has, in natural philosophy, "often led men astray" (Price, p. 177). The later Intuitionist W. D. Ross suggests that system in ethics is worth little if it comes at the expense of "loyalty" to the moral facts (Ross, p. 23).

The charge of lacking in system may be turned against Mill. In his well-known attempt to defend hedonism from the charge that it is a "doctrine worthy only of swine" (Mill, *CW*, vol. 10, p. 210), he argues that the value of a unit of pleasure is a function of both its quantity and its quality. Mill maintains that intellectual pleasures are more valuable as a kind than pleasures of mere sensation on the grounds that intellectual pleasures are higher in quality (pp. 211, 213). When it comes to the question of how to balance the factors of quality and quantity, Mill says that "the test of quality, and the rule for

measuring it against quantity ... [is] the preference felt by those who, in their opportunities of experience, to which must be added their habits of self-consciousness and self-observation, are best furnished with the means of comparison" (p. 214). The balancing of the two dimensions seems not to satisfy the requirements that Mill imposes on those who espouse a plurality of moral requirements. Furthermore, it is not clear why the proponent of Normative Intuitionism is unable to appeal to a similar mechanism in resolving conflicts between principles. Rather than appeal to the felt preferences of those best furnished with the means of comparison, the Normative Intuitionist could appeal to the considered moral judgements of the best and the brightest moralists. When they disagree, it could be argued, we should defer to the majority.

This is, of course, not the end of Mill's quest to establish the inferiority of Normative Intuitionism. His aim in *Utilitarianism* (1861) is to show that "whatever steadiness or consistency these [mankind's] moral beliefs have attained, has been mainly due to the tacit influence of a standard not recognised" (Mill, *CW*, vol. 10, p. 207). It is not possible to evaluate Mill's claim here. However, it is worth noting that he relies on the following principle to defend utilitarianism: "one person's happiness, supposed equal in degree (with the proper allowance made for kind), is counted for exactly as much as another's" (p. 257). The problem with this is that it is not clear how Mill can defend it on the basis of nothing but "observation and experience" (p. 206). A proper philosophical defence of this idea seems to require more than appeal to these considerations. This suggests that Mill might himself have to appeal to intuition to defend his view. Nor does he appear to rule this out (p. 230).

Mill has serious reservations about such appeals. He claims that views appealing to intuition amount to no more than a "classification and systematizing of the opinions

which [one finds] ... prevailing among those who had been educated according to the approved methods of ... [one's] own country; or, let us rather say, an apparatus for converting those prevailing opinions, on matters of morality, into reasons for themselves" (Mill, *CW*, vol. 10, p. 169; see also pp. 194–5). Mill took the Intuitionist's epistemology to be the handmaiden of conservative views in ethics. So concerned was Mill to undermine this epistemology that in his *System of Logic* (1843) he tried to show that it failed even in the domains in which it was thought to be most successful, for example, mathematics. His worry is that "The notion that truths external to the mind may be known by intuition ... independently of observation and experience, is ... the great intellectual support of false doctrines and bad institutions. By the aid of this theory, every inveterate belief and every intense feeling ... is enabled to dispense with the obligation of justifying itself by reason, and is erected into its own all-sufficient voucher and justification. There never was such an instrument devised for consecrating all deep seated prejudices" (*CW*, vol. 1, p. 233).

This is not a plausible argument. It does not follow from the fact that a view has been associated with false moral views that it is itself false. It might be that it has been badly or carelessly employed. There is nothing, it seems, making it necessarily the case that epistemic intuitionism leads to conservative opinions. Mill should be especially sympathetic to such an argument, since he himself concedes that the principle of utility was at one time used to support conservative moral opinions (Mill, *CW*, vol. 10, p. 173). This did not stop him from thinking that it could be used to support more progressive moral attitudes instead. Perhaps the best way to protect against the problematic use of intuition is to articulate ways of avoiding error in its usage.

This is Henry Sidgwick's view. Sidgwick deviates quite sharply from his utilitarian

predecessors in explicitly accepting all of the main features of Metaethical Intuitionism (Sidgwick, pp. vii, 32, 379). In particular, he thinks that an appeal to intuition is essential to the defence of utilitarianism (pp. xviii–xix, 379–89). Sidgwick endorses what he describes as Philosophical Intuitionism, the view that there exists "one or more principles more absolutely and undeniably true and evident," that is, self-evident (p. 102; see also p. 379). He holds that when we search for such intuitions we find that the most plausible ones support utilitarianism. These include, among others, the claim that "as a rational being I am bound to aim at good generally,—so far as it is attainable by my efforts,—not merely at a particular part of it" (p. 382). Sidgwick is aware that intuitions are susceptible to error. He argues that the best route to finding reliable intuitions is to articulate a set of characteristics "by which self-evident truths are distinguished from mere opinions" (p. 338). There are four such characteristics: that the proposition in question be clear and precise, that it be ascertained by careful reflection, that it be consistent with other self-evident propositions that one holds, and that disagreement regarding its truth be absent or rationally explained away (pp. 338–42).

Sidgwick is patient and exhaustive in his discussion of normative intuitionism. He rejects it on the grounds that the main moral rules that it lays down do not possess all of the characteristics outlined above (Sidgwick, pp. 343–61). He thinks that when the principles are left imprecise and vague they garner agreement, but that when we eliminate the imprecision and vagueness we produce rational disagreement (pp. 342–3). Consider the requirement that one ought to keep one's promises. Sidgwick says that when the requirement is put forward in this form, there is no disagreement regarding its truth. The claim, therefore, satisfies the last test. However, it does so in part because it is not clear and precise and therefore fails the first test.



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The principle gives no guidance as to what to do in certain practical situations, especially in those instances where competing moral considerations are present. To make such a principle precise requires specification and it needs to be related to those principles with which it might conflict. But there is no agreement about how to do this. For example, all agree that we have a duty of beneficence, which means that we ought to contribute to worthy causes. If one has promised all of one's surplus cash to an undeserving friend, then most think it wrong to beg off on the promise in order to give to a worthy cause. In this sort of case, it seems that a promise can make it wrong to do what it would otherwise be a duty to do in the absence of the promise (p. 305). It is, however, less clear as to what to do when you have promised that you'll give your undeserving friend your surplus cash but then find that you need it to provide your children with a good education. To decide this issue, we need to distinguish "between different kinds or degrees of obligatoriness in duties" (p. 305). There are reasonable disagreements about how precisely to do this. Therefore, the moment that we try to get clarity and precision we produce rational disagreement.

Sidgwick has a problem. It is not clear that his intuitions possess the characteristics that distinguish self-evident truths from mere opinions. He puts forward a number of intuitions that he thinks undergird utilitarianism (Sidgwick, pp. 379–82). Perhaps the most important is the one mentioned above. The difficulty is that it is agreed to by many, including some Intuitionists, but this is the case, it might be argued, because it is imprecise and vague. We might in particular worry about what is good. Once we give Sidgwick's answer—pleasure—then agreement disappears (Sidgwick, pp. 391–407). Price thinks that there is more than one good. Even if we were to secure agreement on Sidgwick's answer, there is still room for disagreement, since many disagree about the

nature of pleasure. Sidgwick himself seems unclear about what it is (pp. 93–4, 127). He, therefore, seems no better off than his Normative Intuitionist foes.

In the twentieth century, the most prominent intuitionist is W. D. Ross. Like Price, Ross maintains that the terms "ought," "right" and so on are incapable of definition, that the basic requirements of morality are noninferentially warranted because they are self-evident and that there exist moral truths (Ross, pp. 1–15, 29, 29–30, 32). He thinks that there is a plurality of duties, including duties of fidelity to promises, of reparation, of gratitude, of beneficence, and of nonmaleficence (pp. 26–8). He does not think that these duties are absolute. Rather, there exist *prima facie*, not absolute duties (pp. 19–20). His idea is that each of the duties specifies a factor that counts in favour of or against an act. The fact that an act benefits another being counts in favour of it; the fact that an act harms another being that does not deserve it counts against it. The principles that he thinks are basic are to be weighed and balanced in thinking about what we ought to do. He is certain that we are bound by the duties listed above (p. 30). He is not, however, at all certain about what we ought to do, all things considered, in any particular situation. Instead, this is a matter of "probable opinion" only (p. 33; see also pp. 19, 31). Ross seeks to capture the most important elements of common-sense morality: "the main moral convictions of the plain man seem to me to be, not opinions which it is for philosophy to prove or disprove, but knowledge from the start" (pp. 20–1n). In fact, "the moral convictions of thoughtful and well-educated people are the data of ethics just as sense-perceptions are the data of a nature science" (p. 41). On the basis of this, Ross argues that utilitarians cannot make proper sense of the common-sense obligation to keep one's promises. His view is that promises are not just devices for promoting good states of affairs (p. 38). Suppose that



you have promised to visit a friend in the hospital. Before leaving, you notice that your neighbour needs your help. You have not made a promise to her. You see quite clearly that all things considered, including both immediate and long-term consequences, you'll produce slightly more surplus good by helping your neighbour than you will by visiting your friend. Utilitarianism seems to oblige you to break your promise. But this is not the verdict of common-sense morality. Hence, utilitarianism cannot make sense of our common-sense attitudes about the moral importance of promise keeping.

Ross's argument was attacked in two ways by utilitarians. These attacks were directed to his normative view and to his account of what counts as evidence for it. The first was by those who were friendly to ideal utilitarianism, such as A. C. Ewing (1953; see also Johnson, 1959). Their main tack involved demonstrating that one could make sense of common-sense moral judgements without departing from the utilitarian theory of rightness. The second line of reply, supplied by R. M. Hare (1971), attacked Ross's claim that the judgements of common-sense morality constitute the data of ethics.

Ideal utilitarians attempt to capture the verdicts of common-sense morality respecting promise keeping by expanding the inventory of goods that they endorse to include the good of keeping one's promises (or at least the evil of breaking one's promises). This allows them to retain the animating idea behind utilitarianism—that it is wrong to do less than the impartial best—while capturing the main elements of common-sense moral thought in the sort of cases that Ross discusses. They can argue on this basis that the reason we ought to keep our promise to visit our friend in the hospital is that promise breaking is bad.

This approach makes it more difficult for utilitarians to correct and to revise common-sense moral thinking. This may not be problematic to some. What's more problematic

is that because the two views are close in outcome, it is difficult to see what might establish the superiority of one view over the other. Ewing says that he favours the ideal utilitarian view over Ross's because he has a greater sympathy with the "Greek view of ethics which thinks of the right life as consisting primarily in the pursuit of valuable concrete ends" (Ewing, p. 77). But this may be the undoing of the view, since this implies that we ought to break one promise to stop two promises from being broken. This is not clearly the view of the plain man.

Price and Ross seek to produce a view that justifies the judgements of the plain man. They think this is what in part secures their case against their utilitarian opponents. In reply, some utilitarians have returned to the Benthamite idea of completely rejecting common sense as a reliable basis for ethical theorizing. Hare, for example, argues that "common moral opinions have in themselves no probative force whatever in moral philosophy" (Hare, p. 122). His idea is that common-sense moral judgements have been wrong in the past, for example, the plain man once held that mixed bathing is intrinsically wrong (p. 118), and therefore we need a mechanism for determining which common-sense judgements to accept and which to reject. This involves moving beyond common-sense morality.

Ross has two replies to Hare. There is very little in Ross of the features of common sense that many, including Hare, find objectionable. His view contains, for example, nothing racist, nothing praising the English imperial project and almost nothing on sexual questions. Indeed, Ross is quite open to the idea that many common-sense attitudes could be revised. Many of them "are merely fallible opinions based on an imperfect study of the working for good or evil of certain institutions or types of action" (Ross, pp. 20–1n; see also p. 13). This suggests that Ross would be quite friendly to Hare's claim that there is nothing wrong with mixed bathing since

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it harms no one (Hare, p. 118). The question is whether Hare's argument undermines the few core principles on which Ross relies. Hare thinks that harms and benefits matter to what we ought to do (p. 127). These attitudes form the basis of his objection to certain common-sense attitudes. It would be hard to deny that harms and benefits matter. Ross can insist that his view about promise keeping is more like Hare's opinion on harm and benefit than it is like the common man's opinion on the morality of mixed bathing or slavery. It is hard to see how the kinds of factors that impugn conservative sexual and other attitudes (e.g. that they are the outcome of outmoded religious views) could be used to undermine the claim that it is right to keep one's promises or that one ought to express gratitude. Hare does suggest that you can provide a utilitarian explication of these views, but these are easier for intuitionists to resist.

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See also BENTHAM, JEREMY; EWING, ALFRED CYRIL; HARE, RICHARD MERVYN; IDEAL UTILITARIANISM; MILL, JOHN STUART; PLEASURE; ROSS, WILLIAM DAVID; SIDGWICK, HENRY.

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**JAMES, WILLIAM (1842–1910):** *See* PRAGMATISM.

**JENYNS, SOAME (1704–87):** *See* RELIGIOUS UTILITARIANS.

**JEVONS, WILLIAM STANLEY (1835–82)**

William Stanley Jevons was born on 1 September 1835 in Liverpool to a cultured Unitarian family. He studied at University College School, and later on took BA and MA degrees at the University of London. His lifelong interest in the economics of the gold standard and business fluctuations resulted in research brought together posthumously as *Investigations in Currency and Finance* (1884). He made major contributions to statistics and helped to reformulate symbolic logic with his influential book, *The Substitution of Similars* (1869).

Jevons's major theoretical work, *Theory of Political Economy* (1871), emphasized utility as the primary object for economic investigations and consequently his analysis focused on the nature, measurability and maximization of utility. Like Mill before him, Jevons struggled with the issue of defining and measuring the "greatest good." Whereas Mill was ambivalent about equating welfare with preference fulfilment, Jevons took a step in that direction by identifying individual welfare with choices made. He was intensely critical of Mill's

allowance that pleasures differed qualitatively as well as quantitatively and attempted to overcome the measurement problem by allowing that pleasures differ only in their quantifiable characteristics. But he was unable to conceptualize a means of measuring these characteristics and ultimately stopped short of providing a measure for social happiness.

Jevons followed Bentham and Mill in specifying pleasure as the "ultimate purpose for existence" (Jevons, 1879, p. 528). More than this, he followed a long line of utilitarians before him in recognizing that the distribution of pleasure matters. For Jevons, as for those before him, the happiness of the majority is the key to aggregate happiness: "the happiness of the race, is, of course, made up of the happiness of its units, so that unless most of the individuals pursue a course ensuring happiness, the race cannot be happy in the aggregate" (p. 529).

Despite this agreement on the fundamental notion of utilitarianism, in his review of Mill's *Utilitarianism* (1861) Jevons was profoundly antagonistic, charging that "Mill was intellectually unfitted to decide what was utilitarian and what was not" (Jevons, 1879, p. 523). The crux of the matter was whether pleasures for the individual differ qualitatively as well as quantitatively (p. 525). Are there "elevated" pleasures, as Mill argued, which might outweigh large amounts of "lower" pleasures? The question was complicated by the fact that people's estimations of pleasures generally differ, there being no obvious way

to make interpersonal comparisons: “The tippler may esteem two pints of beer doubly as much as one; the hero may feel double satisfaction in saving two lives instead of one; but who shall weigh the pleasure of a pint of beer against the pleasure of saving a fellow-creature’s life” (p. 526). On this matter, Jevons sided with Bentham and opposed Mill. He argued that all types of pleasure might be reduced to measurable quantities in terms of (1) intensity; (2) duration; (3) certainty or uncertainty; (4) propinquity or remoteness; (5) fecundity (the “chance that [pleasure] has of being followed by sensations of the same kind”; (6) purity; (“the chance it has of *not* being followed by sensations of the *opposite* kind” and (7) extent (the number of people affected) (p. 527).

To secure happiness at the individual level, one chooses the course that “is likely to—that is, will in the majority of cases—bring happiness” (Jevons, 1879, p. 529). Here, Jevons begins sharply to part company with Mill, maintaining that the apparently qualitative difference between “high” and “low” pleasures might be analysed in terms of quantities along the lines of the Benthamite characteristics listed above. Supposing pleasures differ only in quantities, then the social happiness created by various policies might be quantified and compared to reveal which policy would generate the most overall happiness. Jevons argued, for instance, that one might use this method to compare the happiness associated with a library to that of a race track:

It is a higher pleasure to build a Free Library than to establish a new Race Course; not because there is a *Free-Library-building emotion*, which is essentially better than a *Race-Course-establishing emotion*, each being a simple unanalyzable feeling; but because we may, after the model of inquiry given by Bentham, resolve into its elements the effect of one action and the other upon the happiness of the community (p. 533).

On balance, although he was cautious in this regard, Jevons took a step towards a cardinalist approach to utility. While he recognized that individual utility was difficult, perhaps impossible, to measure, he maintained that it might be measured indirectly, from its effects. More than this, social utility, entailing broader concerns than individual actions in a marketplace, is said to involve a (subjective) weighing of a wide range of pleasures and pains. Here, Jevons called for intertemporal and interpersonal weighing of the balance of utility. So, in *State in Relation to Labour* (1882), he suggested that policy makers who aimed to enhance the general happiness must consider the “economic” and “moral,” “sanitary” and “political” probabilities associated with any policy (Jevons, 1882, p. 30). For this, interpersonal comparisons of utility (at a point in time and over time) would be necessary: “It is not sufficient to show by direct experiment or other incontestable evidence that an addition of happiness is made. We must also assure ourselves that there is no equivalent or greater subtraction of happiness,—a subtraction which may take effect either as regards other people or subsequent times” (p. 28).

Like utilitarian political economists before him, Jevons’s utilitarianism was characteristically reform-minded. He urged that “no social transformation would be too great to be commended and attempted” provided it could be “clearly shown to lead to the greater happiness of the community” (Jevons, 1882, p. 11). On utilitarian grounds, the “State is justified in passing any law, or even in doing any single act which without ulterior consequences, adds to the sum total of happiness. Good done is sufficient justification of any act, in the absence of evidence that equal or greater evil will subsequently follow” (p. 12). Nonetheless, he recognized the limitations on policy makers in effecting change:

legislators ought, in many branches of legislation, to adopt confessedly this

tentative procedure, which is the very method of social growth. ... Government can, to a certain extent, guide, or at any rate restrain, the conduct of its subjects. Even in this respect its powers are very limited, and a law which does not command the consent of the body of the people must soon be repealed or become inoperative (Jevons, 1883, p. 261).

While Jevons failed fully to resolve the problems associated with measuring utility, he insisted that pleasures in principle are commensurable, and he thus forwarded what soon became a tradition of welfare analysis that attempts to combine pleasures into a whole, and to measure that whole, in terms of social welfare.

Adam Smith had thought it obvious that there was no link between the utility of a good and its exchange value. Diamonds with little utility sold for a great deal more than water which is necessary for life itself. Smith and his followers focused on explaining exchange value by the relative cost of producing goods. Along with Carl Menger and Léon Walras, Jevons independently pointed out that the puzzle can be solved if we attend to the change in utility resulting from an extra unit of the good (Jevons, 1871, pp. 52–63).

With an abundance of water, the marginal utility of water is small, but the rarity of diamonds ensures that their marginal utility is high. As Jevons put it in a memorable passage in *The Theory of Political Economy*, we must “carefully discriminate between the total utility belonging to any commodity and the utility belonging to any particular portion of it. Thus the total utility of the food we eat consists in maintaining life, and may be considered as infinitely great; but if we were to subtract a tenth part from what we eat daily, our loss would be but slight” (Jevons, 1871, p. 54). This deep integration of utility with economic explanations of behaviour doubtless increased the attractiveness of the utilitarian philosophy to economists, as it seemed

a simple matter to go from explaining how individuals maximize their well-being to explaining how societies could maximize the well-being of maximizing agents.

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See also BENTHAM, JEREMY; CARDINAL UTILITY; ECONOMICS; INTERPERSONAL UTILITY; MAXIMIZATION; MEASUREMENTS OF UTILITY; MILL, JOHN STUART; PAIN; PLEASURE; POLITICAL ECONOMY; WELFARE (WELFARISM).

#### JOSEPH, HORACE WILLIAM BRINDLEY (1867–1943)

Horace William Brindley Joseph was born on 28 September 1867 in Chatham, Kent. He was educated at Croydon grammar school in Wimborne, Allhallows School, Honiton, Winchester College, and New

College, Oxford, where he obtained firsts in classical moderations (1888) and *literae humaniores* (1890). In 1891, he was elected a fellow of New College, where he lectured in philosophy. Joseph had a profound grasp of Classical thought, one that went beyond the theoretical. His first major publication was *The Labour Theory of Value in Karl Marx* (1823), while in moral philosophy he published *Some Problems in Ethics* (1931)—intended as a contribution to a discussion begun by his friend H. A. Prichard in an article in *Mind* in 1912, entitled “Does Moral Philosophy Rest on a Mistake?”—and continued in his inaugural lecture *Duty and Interest* (1829). Prichard took the intuitionist position to reject utilitarian ethics and argues that our obligation to perform a right act is simply because it is right divorced from any further claims as to its goodness. Against this, Joseph maintained that both motives and what counts as “good” matter in characterizing actions as right. Further, in dismissing G. E. Moore’s “ideal utilitarianism” Joseph employed the Platonic doctrine of an absolute good, whose form determines how our lives ought to be led, to offer a mediation between a rigid distinction between the “right” and the “good” and a utilitarianism that reduced “right” conduct to a choice of means to achieve the end of satisfying desire.

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JURISPRUDENCE

“Utility is the mother of justice and equity.” Jeremy Bentham proposed this line from Horace (*Satires*) as the motto of utilitarian jurisprudence (Bentham, 1983, p. 299). The idea, however, is classical (see Rosen, Ch.1). Epicureans used it to explain the rationality of what sceptics charged was merely conventional and arbitrary. For Epicurus, the ultimate good is a sense of well-being consisting of mental tranquility and the absence of pain. Chief among mental disturbances, he taught, is the prospect of harm inflicted by others. Although the wise are not inclined to harm others, because they understand that refraining from harm sacrifices nothing of value and that mutual forbearance is necessary for tranquility, they are prepared to protect themselves by responding violently to threats of harm. Justice is the product of mutual agreement among parties to refrain from harming each other. Law enforces the agreement to assure the wise that they will not suffer at the hands of those who fail to appreciate the value of compliance. The value of justice and law is strictly instrumental to security achieved through mutual agreement.

Aristotle and Cicero stressed the innate sociability of human beings and identified law with rational ordering of the natural and social world. These ideas dominated medieval legal thought. Aquinas, for example, understood law as an ordinance of reason for the common good made by one who has care of the community (Aquinas, pp. 76–83). Yet, within this framework, he offered a sophisticated understanding of positive law as a social artefact, the product of authoritative law making. Ockham linked this positive aspect of law with expressions of will on the model of commands. Late medieval and early modern philosophers hotly debated the proper roles of reason and will in law, but nearly all thought it to be some complex mix of the two. Marsilio of Padua, blending

Epicurean and Stoic themes, argued that the deep human desire for society with others, arising from the necessity of society for individual survival, was met by equally natural countervailing passions that must be tempered and trained by law. Law, he understood, is the product of human design or command, made by the whole community (or its representatives).

In the mid-seventeenth century, Hobbes (1651) synthesized and elaborated these traditions. He argued that the only secure escape from a condition of perpetual, deadly social conflict is for individuals mutually to relinquish their rights of private judgement and deem the judgement of an all-powerful sovereign as public reason for all, on the condition that the sovereign gives its commands the shape of general, publicly accessible, manifestly authentic laws, administered by judges answerable to the sovereign. The sovereign is bound to secure the peace and welfare of individual members of the commonwealth through the instrumentality of law, which those members are bound by their covenant to obey, unless doing so directly risks death. Natural law principles guide these efforts, but the sovereign must be above civil law and answerable to no human judge for them.

Like Hobbes, Hume thought law's primary task was to "cut off all occasions of discord and contention" (Hume, p. 322), but he modelled law more after informal custom than sovereign commands. Convention, emerging over time from intelligent social interaction, rather than contract, lay at the foundations of law; informal social practices, endorsed and extended by courts and law makers, supply the rules of law. As social cooperation enables small groups to thrive and expand, natural relations based on trust and sympathy become strained and less personal and more formal devices are needed to refine, extend, and enforce the informal conventions that initially governed social relations. Formal legal institutions supplement rather than supplant informal conventions

of justice, Hume argued, and the ground of both is public utility—mutual benefit arising from a stable scheme of social cooperation securing possession of resources necessary for survival and a decent social life. The special utility of conventions of justice arises from their systematic interdependence, working together like stones in a gothic vault. Thus, although adherence to the rules sometimes appears to disserve public utility, the rules secure the systemic benefits they promise only if they are followed without exception.

In the 1770s, Bentham set out to "rear the fabric of felicity by the hands of reason and law" (Bentham, 1970, p. 11). Learning from Hume to take public utility as the measure of all virtue and from Helvétius to focus his energies on law, Bentham forged a public philosophy in which the principle of utility figured as the fundamental principle of institutional design and law as the all-purpose instrument for broad-scale social and political reform. He began his career with a reflection on the foundations of penal law, but deep problems encountered in this project forced him to take an increasingly wider view, which eventually encompassed civil, procedural, evidential, constitutional, and international law, and resulted in the most comprehensive, systematic, and sophisticated articulation of utilitarian jurisprudence in the history of legal theory.

Two complementary notions ground Bentham's theory: utility and publicity. Legislators must formulate justifications of public acts in terms addressed to the community forces, he argued. To this end, their judgements must transcend arbitrary sentiments and mere say so ("*ipsedixit*") and find expression in a language of publicly accessible reasons. Reasons of utility viewed impartially, regarding the happiness of each person as of equal standing and importance, in his view, alone meet this demand. Moreover, when designing legal institutions, legislators must fix attention on promoting the universal interest—interests common to every



member of the community. Security, subsistence, and abundance are primary among goods in which everyone in the community has an interest and a stake, Bentham argued, and are the proximate ends of utilitarian law making (Postema, 2006).

Failure to provide intelligible public standards exposes the rhetoric of natural rights as “pestilential nonsense,” Bentham argued. To claim a right, on his analysis, is to demand some service or liberty for oneself. Such claims only express a person’s idle wish, or active antipathy towards others, unless a public standard authorizes and enforces the demand. Thus, in the absence of positive law, rights are empty fictions and the notion of a “natural” right existing apart from any positive law undercuts its own necessary foundation in a demonstrable public standard. Instead of rights, Bentham insisted that we talk only of expectations, especially expectations generated and secured by positive law. Justice, if we must use the term, he thought is best treated as a species of public utility concerned with securing the most important resources necessary for the protection and promotion of the universal interest in a community.

Likewise, Bentham thought failures of publicity demonstrate that, viewed “as a system of general rules,” common law “is a thing merely imaginary” (Bentham, 1977, p. 119). According to common-law theory, judges are empowered to settle particular cases, but any formulations of rules justifying their decisions are open to challenge and reformulation. Common law, the tradition held, exists not in the case or judicial opinion, but in rules emerging from shared practice. Bentham conceded that it is possible for lawyers to construct rules that “appear to be the just expression of the judicial practice in like cases,” and, so, judicial decisions can, “in virtue of the more extensive interpretations which the people are disposed to put upon them, have somewhat the effect of general laws” (Bentham, 2010, p. 161). But the

rules are illusory, being nothing more than private conjectures which converge only by accident. However, he insisted, law is and must be a matter of public standards, publicly declared, authorized, and accessible. As traditionally understood, common law failed *as law*.

It failed also because it confused the institutional tasks of law making and law applying, thereby failing to secure expectations necessary for the coordination of social interaction and handing arbitrary and unaccountable power to governing elites who serve only their own “sinister interests.” Against the traditional common-law understanding, Bentham proposed a radically different model of law, systematically directed to public utility and bound by strong cords of publicity: only a positivist, sovereign-command model would suffice. Commands of a sovereign are publicly accessible, canonically formulated, and manifestly authentic. Clearly, robust normative, utilitarian concerns drove Bentham to his robustly positivist model of law.

Yet, no sooner did Bentham embrace the command model than he modified it, stretching the concept of command almost beyond recognition. Unlike Hobbes, he insisted that law’s commands must not be preemptory—displacing the judgement of law subject—for, he insisted, law addresses itself to human intellect rather than merely driving human will; likewise, penal sanctions, although common, are not essential to law’s directive force. Moreover, he argued, laws exist as internally related propositions that do their social organizing and coordinating work only as an interdependent system. The idea of a single, complete law is not that of discrete statute or product of sovereign willing on a specific historical occasion, but rather that of a complete and logical whole, the constitution of which is governed by rational principles grounded ultimately in utility and publicity. Among the “parts” of a single law, related internally to other laws,

are elements of civil, procedural, and evidential law which together define legal statuses and conditions and determine legal powers of officials and citizens. The primary task of utilitarian “legislation,” he came to see, was to design integrated private and public institutions, the most fundamental of which are institutions of government, defined by a systematic constitutional code.

The doctrine of sovereignty also proved to be a subtle and supple instrument in Bentham’s hands. Sovereignty supplied the ultimate source of law-making power in a given political community and a public test of the authenticity of laws. However, law’s authority rests not on social contract, he argued, but on a widespread disposition to comply with laws that could be manifestly traced to the law-making activities of the sovereign. Moreover, against Hobbes and Bodin, he held that sovereignty might be divided, limited, and conditional. Sovereignty is grounded in facts about the behaviour and attitudes of law subjects, he insisted, and these facts may be very complex, involving compliance with the dictates of one source on some matters, with another on other matters and even with a third or fourth on others. The facts are also normatively complex involving a willingness to comply with sovereign directives given the reasonable expectation that others generally will do so as well. Expectation-shaped and conditional, they more closely resemble Hume’s conventions than either Hobbes’s social contract or Austin’s habitual regularities of behaviour.

Bentham also accepted the possibility (and defended the importance) of constitutional limitations on sovereignty. The sovereign is not above the law, but rather subjects itself to the law. *Leges in principem* represent public commitments of the sovereign binding on it, albeit enforced not through penal sanctions administered by law courts, but through moral sanctions administered by what he called the Public Opinion Tribunal—a semi-formal institution in which subjects hold the

sovereign accountable by criticizing freely even while, in general, obeying promptly. Thus, Bentham grasped the key role of the public in holding the sovereign to its constitutional commitments.

In none of this theorizing did Bentham exclude from consideration matters political, sociological, economic or moral that reasonably pertained to his inquiry. His jurisprudential intellect ranged freely over all provinces of thought. In this respect, the contrast with his descendents could not be more pointed. While working broadly within Bentham’s conceptual frame, John Austin set utilitarian jurisprudence on a very different course in the second half of the nineteenth century. In *The Province of Jurisprudence Determined* (1832), he deployed the classical positivist slogan—law is a simply a matter of commands of a sovereign backed by sanctions—not as a contribution to jurisprudence, but rather as a prolegomenon to its study, sharply defining and jealously defending its boundaries. His aim was pedagogical, not philosophical. He cleared from the intellectual agenda of law students all matters he judged extraneous to the professional mastery of the law they hoped to practice, including matters of morality, politics, sociology, and philosophy. He transformed philosophically probing, intellectually ecumenical, theoretically comprehensive, and politically radical utilitarian jurisprudence into analytic jurisprudence with a narrow focus.

Austin’s command model of laws lacked the nuance and cross currents of Bentham’s work and he made no effort to reconcile it with his endorsement of a traditional understanding of common law. He dogmatically insisted that divided or legally limited sovereignty was conceptually impossible and, having banished normative considerations from the province of jurisprudence, he severed the doctrine of sovereignty and the command model from Bentham’s attempt to secure law’s necessary publicity. Austin half-heartedly embraced utilitarian moral

theory. He viewed the principle of utility not as the ultimate principle of moral rightness but only as an index of God's morality-determining will.

A further shift in classical positivism occurred in the late nineteenth century. In the United States, Oliver Wendell Holmes Jr advanced an enforcement-focused version of positivism. Commands are not essential for law, he argued, for, whether explicitly enacted or emerging from customary practice, rules have status as law just when courts effectively enforce them. Thus, the primary task of lawyers is to predict what courts will do, although he clearly thought these predictions were based not simply on strictly behaviour evidence, but rather on the reasons they draw from sources like statutes, precedents, and the like. On the basis of this static concept of law, Holmes, in *The Common Law* (1881), built a dynamic theory of law that explained the development and shape of law in terms of the effect of two independent rational forces on judicial deliberation: "reasons of form," traced to the demand for consistency, and "reasons of policy," linked to always changing social needs and goals. Theories of both forces and their interaction are needed, he insisted. He understood the "science of policy"—articulating the ends or goals of social policy, determining their relative worth and working out means by which law can best serve them—in vaguely utilitarian terms. In the middle of the twentieth century, the law and economics movement took up and refined this programme, although it left unaddressed the theory of "reasons of form." Legal realists after Holmes, in their more sceptical moments, regarded talk of such reasons as just so much mystification.

In New Zealand, John Salmond (1902) subjected the Austinian definition of law to a more searching critique, rejecting both the command model and the sovereignty doctrine for failing to fit facts of modern legal systems. Yet, Salmond did not so much abandon classical positivism as recast it in a

fundamental way. Like Bentham, he argued that we must not confuse the law with the aggregate of enacted statutes, codes, and precedent-setting judicial decisions. The law comprises all but only the principles and rules recognized as authoritative by courts in a jurisdiction, where this recognition is manifested in their deliberation and disposition of concrete cases. Although the rules and principles are typically meant to serve moral objectives, their legal validity is solely a matter of fact about the courts' practice considered apart from their moral merits, he argued. This turned English jurisprudence away from key elements of both Bentham's and Austin's understandings of law. It was akin to the path Holmes described, but without Holmes's insistence on the coercive aspect of law and with a clearer and more resolute focus on the standards identified and made valid by judicial practice. Law, Salmond insisted, is not simply a matter of uniformities of judicial behaviour, but rather consists in the principles of which these uniformities are manifestations.

Sixty years after Salmond wrote, in *The Concept of Law* (1961) H. L. A. Hart offered a sophisticated philosophical defence of Salmond's key theses. Hart located all the failures of Austinian jurisprudence identified by Salmond and other critics in its failure to understand and appreciate the nature, variety, and roles of rules in law. We can begin to understand law as a distinctive normative practice only with a clear grasp of the notion of a social rule. Social rules exist, on his view, just when there is a regularity of behaviour among some members of a community to which they take a distinctive internal, critical attitude. Such rules have an "external" and an "internal" aspect: they exist as matters of social fact, evidenced in regular behaviour and the attitudes participants take to it, but in virtue of these attitudes they also have a distinctive normative character. Law, Hart argued, is a systematic union of rules of different kinds, some directing behaviour

of ordinary citizens, others providing citizens with ways of arranging their affairs and ordering their personal relationships. Other rules define duties, rights, and responsibilities of officials in institutions charged with maintenance of the set of rules as a whole, for example, law-making and law-applying institutions. At its foundation, each legal system has a rule of recognition, constituted by the practice of law-applying officials. Laws are valid, authentic members of a given legal system, just in case they meet the criteria constituted by this practice, and the moral merit of the rules is not (or need not be) a condition of their validity and membership. A legal system can be said to exist, Hart concluded, just when there is a set of rules of these various kinds, each of which is rooted in a unified rule of recognition, itself constituted by the consistent practice of law-applying officials, and that set of rules is generally followed by those subject to them.

This account of law not only seeks to preserve the separation of law and morality on which Bentham and Austin insisted—law's existence and validity is, after all, simply a matter of social fact—but its construction also respects that separation. It is, Hart famously maintained, a contribution to “descriptive sociology,” a model of law that recommends itself solely on conceptual and factual grounds, without any appeal to considerations of morality. Hart meant his theory to be positivist not only in its substance or model but also in its methodology.

The distance between Hart's jurisprudence and Bentham's broad-vision utilitarian positivism is noteworthy. In many respects, it is far more sophisticated philosophically. Hart also finalized the shift away from the command model and the doctrine of sovereignty already noted in the work of Salmond. And with Austin, Hart rejected Bentham's broad and ecumenical conception of the enterprise of jurisprudence, retaining and reinforcing its narrow methodological focus. Hart declined to follow Bentham in seeking to connect

fundamental features of law with concerns of publicity at the heart of the notion of the rule of law.

Finally, Hart (1968) put distance between himself and utilitarian political theory. Not only did he seek to purge jurisprudential method of utilitarian (and other moral) concerns, but he also sharply criticize utilitarian moral theory, especially its inability adequately to account for justice and moral rights. He did rely on utilitarian deterrence theory to supply the general justifying aim in his theory of punishment, but he subjected it to qualifications in the name of respect for fairness and the rights of the accused. Hart's work, in this respect, is typical of late twentieth-century legal and political philosophy which shifted decisively away from utilitarianism as a public philosophy. Arguably, much of this shift is welcome, yet with it also came a certain impoverishment of the enterprise of jurisprudence. The aims and ambitions and the breadth of the intellectual vision of Bentham's practice stand as a measure of, and challenge to, contemporary work in the field.

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See also ADJUDICATION; AUSTIN, JOHN; BENTHAM, JEREMY; CONSTITUTIONAL THEORY; EPICUREANISM; HART, HERBERT LIONEL ADOLPHUS; HELVÉTIUS, CLAUDE ADRIEN; HOBBS, THOMAS; INTEREST; JUSTICE; HOLMES, OLIVER WENDELL; HUME, DAVID; LEGAL POSITIVISM; PUNISHMENT.

## JUSTICE

The most famous contemporary political philosopher, the late John Rawls, claimed that “Justice is the first virtue of social institutions” (Rawls, p. 3), and then developed an argument about the conditions of a just social order or “basic structure.” Rawls is the latest in a tradition of political philosophers going back to Plato who have argued that justice is one of the most important moral and political values. However, most of the contributors to this tradition disagree with Rawls and understand justice as primarily a virtue of character and actions rather than sets of institutions. Critics have argued that Rawls’s idea of “social” justice rests on a mistake, as institutions can have neither a will nor intentions, and therefore, institutions such as states or markets cannot exhibit the virtues or characteristics of justice (Hayek, vol. 2, pp. 62–93). In defence of the Rawlsian approach, one can argue that as long as a political society chooses to allow a particular form of the basic structure to exist, that is, to decide whether the market or the state is the appropriate way to distribute the benefits and burdens of social cooperation, then one can also speak of “social” justice. Questions of social and distributive justice dominate the most recent debates, but there are other important uses of the concept that have played an equally important role in its history.

Despite the various differences in the scope and site (whether it only applies to persons or whether it also applies to institutions) of justice, the most common view of the concept is associated with the sixth-century jurist Justinian, that justice is the constant will to render everyone her due. This statement raises two basic questions, who or what does the rendering (individuals or states) and what is a person’s due? This latter issue is further subdivided into whether what is due is a benefit or harm. Harm is particularly important in relation to

the justification of punishment. This is the basis of “retributive” justice, namely that only those who are guilty of a crime should be punished for it, and that the punishment should fit the crime, either by being neither too severe nor too lenient. There should be some gradation of seriousness in a scale of punishments.

In contrast to punishment and the distribution of harm, there is a variety of approaches to distributing benefits as a way of giving someone her due. Two of the most important criteria for justice in benefits are desert and merit. In the case of desert, benefits should accrue on the basis of some praiseworthy action on the part of an individual. Thus, we might argue that inequalities in income and wealth are just if and only if they are the result of effort, labour or initiative. Desert-based arguments are among the most popular in ordinary moral and political discourse. Many debates about taxation refer to claims about the desert of those with wealth and the lack of desert of those claiming redistribution. Desert-based arguments are attractive, but their superficial simplicity masks great complexity. How for example do we distinguish the consequences of effort from the background conditions, such as education and socialization that have contributed to a person’s ambition-sensitive dispositions? Furthermore, how easy is it to distinguish what is the result of effort and what is the result of the social luck of having particular opportunities: for example, being tall and athletic allows considerable opportunities of wealth in a world of competitive basketball, whereas in a society where the only economic opportunity is coal mining, these attributes are a positive burden. The point here is that claims of desert based on personal effort are linked to context, or what Rawls described as the “basic structure” of opportunities and institutions in a society.

The second distributive criterion for benefits is merit. Here, the argument is that

the possession of a natural characteristic or capacity is the appropriate criterion for the distribution of certain goods. Thus, we would consider it unjust for places on an Olympic athletics team to be distributed on the basis of family membership or ability to pay, rather than athletic prowess. Similarly, distributing university places on anything other than intellectual ability would be unjust and unmerited. Again the idea of merit has a strong intuitive appeal, but like desert, it is also a complex idea. For example, when we consider merit criteria for the performance of jobs, we have an important question about the social construction of the performance criteria of the job and how distinctively individual the merit criteria are. A good example is provided by educational qualifications and social skills, which can be a reflection of personal capacities but can also reflect unmerited social advantages such as family background. A common criticism of merit-based distributive systems is that they merely reflect the pattern of social advantage and power in a society, as family background, resources and access to educational opportunity are necessary to identify possession of the relevant merit-worthy characteristic.

Although quasiutilitarian philosophers such as David Hume (1739–40) are among the most important theorists of justice, the utilitarian tradition is generally considered unable to take the claims of justice seriously. Rawls, for example, develops his contract-based theory of social justice as a response to the failings of utilitarianism. The main reason for scepticism about utilitarian theories of justice is that they subordinate justice to the primary good of utility, so that all distributive questions must collapse into what maximizes utility or welfare and in these circumstances, ideas such as retribution, fairness, desert and merit can only have a contingent value. The strength of this critique depends upon the form of utilitarianism being criticized: many utilitarian



philosophers have responded by arguing that utilitarianism can provide the best defence of concepts such as desert or merit as these provide a way of maximizing utility of welfare.

Among the Classical Utilitarians, Jeremy Bentham and J. S. Mill provide good examples of the way in which utilitarianism can incorporate and deploy the concept of justice. With respect to punishment, Bentham rejects the idea of retribution in favour of deterrence (Bentham, pp. 74, 178–80). This future-oriented dimension is often considered to break the link between past acts and punitive sanctions in favour of a social policy perspective. However, Bentham's concern is primarily with the justification of a system of punishment in terms of deterring criminal behaviour, but when it comes to justifying an individual punishment, important utilitarian considerations such as frustrated expectations provide a good reason for making the punishment fit the crime. J. S. Mill took this argument even further and made a case for analogical punishments (punishments that reflect aspects of the crime), such as corporal punishment for acts of violence (CW, vol. 25, p. 1140) and, more controversially for a utilitarian, he defended capital punishment (CW, vol. 28, pp. 266–72).

The idea of security of expectation and the role of stable expectations in forming personal projects and long-term life plans is an important feature of Bentham's fragmentary writings on justice and utility (Kelly, pp. 71–103). Disappointment as a result of frustrated expectation became a central concern in developing subordinate principles of action and obligation within Bentham's utilitarian politics, such as the "disappointment-preventing principle," and led to the reappearance of ideas such as desert and merit. Mill's idea of justice, developed in Chapter 5 of his essay *Utilitarianism* (1861), deploys a similar strategy to Bentham's, although Mill is more sympathetic to the language of rights

in his account of justice. In explaining the place of justice in utilitarianism, Mill introduces his famous "punishability" criterion of obligations, which is considered as the basis for describing Mill as an "indirect" utilitarian. On this view, an action is obligatory when the nonperformance of the action would be a reason for imposing a sanction or punishment. This provides a narrower class of wrongs than those that are merely sub-optimal, and for this reason they are characterized with stronger moral language, such as "injustice," "crime" or "offense," rather than describing them as merely bad.

What is distinctive about Bentham's and Mill's arguments is that they provide a utilitarian explanation and justification of justice, but in the process they make it a secondary concept that follows from a system of rules and principles that is ultimately derived from the more fundamental value of utility or welfare. In this way, utilitarians can accommodate the idea of justice as a virtue of a system of rules or institutions and the idea of justice as a virtuous attribute of individual actions.

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*See also* BENTHAM, JEREMY; HARM PRINCIPLE; HUME, DAVID; MILL, JOHN STUART; PUNISHMENT; RAWLS, JOHN; RIGHTS.

# K

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## KAGAN, SHELLY (b. 1954)

Shelly Kagan was born in Skokie, Illinois. He received his BA from Wesleyan University and his Ph.D. from Princeton University. He has held appointments at the University of Pittsburgh and at the University of Illinois, and he is now the Clark Professor of Philosophy at Yale University.

Kagan has made two very important kinds of contribution to consequentialist theory, including utilitarianism. First, he has done much to defend consequentialism against the most prominent objections to this view, and second, he has explored the conception of the good, or of value, that figures in consequentialist theory. Any reasonable consequentialist theory, and certainly any utilitarian theory, will maintain that welfare constitutes an important part of the good, and Kagan has done much to elucidate the concept of welfare. Further, in collaboration with Peter Vallentyne (1997), Kagan has offered the first systematic discussion of value-comparisons between outcomes with infinite utility. Kagan's most recent book, *The Geometry of Desert* (2012), provides a far-ranging exploration of alternative conceptions of moral desert.

Kagan's best-known contribution to consequentialism is the defence of it he offers in *The Limits of Morality* (1989). The strategy Kagan employs in this book is analogous to Parfit's strategy in *Reasons and Persons* (1984), where Parfit argues that the

Self-Interest Theory occupies an unstable position between Consequentialism and the Present Aim Theory. Kagan's target is not the Self-Interest Theory, but rather common-sense morality, or what he calls the *moderate* view. And this view, Kagan argues, occupies an unstable position between *extremism* and *minimalism*. Minimalism is the view that morality is *less* demanding than we normally take it to be, and in particular that we are never under any moral requirement to promote the good. Extremism is the view that morality is *more* demanding than we normally take it to be, and in particular that we are under a moral requirement to promote the good to the maximum degree that is consistent with the relevant deontic restrictions, whatever they may be. (Consequentialism is the version of extremism on which there are no relevant deontic restrictions, and so we are required to promote the good as much as possible.) The moderate opposes the minimalist, holding that we are sometimes under a requirement to promote the good when the costs of doing so are small; but the moderate also opposes the extremist, holding that in cases where the costs of promoting the good are great, we often have the option, though not the requirement, to promote our own interests rather than the greater good. Kagan argues that the moderate view cannot be defended against extremism without collapsing into minimalism.

The most natural way for the moderate to defend her position, according to Kagan,

is to maintain that there are limits to the costs that morality can impose on us. But this defence faces two problems. The first problem is overgeneralization. For the deontic restrictions recognized by common-sense morality can themselves have very significant costs. For example, if the only way I can get rich is by killing Uncle Albert, common-sense morality prohibits my doing so, and so it requires me to forego the riches this act would bring. Thus, if the moderate maintains that there are limits to the costs that morality can impose on us, then she may be forced to abandon common-sense morality in favour of a more minimalist position that doesn't recognize such deontic restrictions.

The second problem facing the view that there are limits to the costs that morality can impose is that this view is very hard to defend. The most promising way to defend this view, according to Kagan, is to claim that overly demanding moral requirements fail to reflect an essential feature of human nature, namely our bias towards our own interests. But this defence leads to a dilemma. If the moderate endorses this bias towards our own interests, then she'll have trouble explaining why favouring our own interests is merely permissible, and not required. And if she maintains that this bias is simply a regrettable fact about human nature, then she'll have trouble avoiding the implication that we should do our best to overcome this bias and approach, as best we can, the ideal standard proposed by the extremist.

Thus, Kagan does much to undermine the main source of opposition to consequentialism in general, and to utilitarianism in particular, namely, that these theories conflict with our common-sense moral intuitions. For he argues that the intuitions with which these theories conflict, arise from an indefensible moral outlook.

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See also CONSEQUENTIALISM; PARFIT, DEREK; WELFARE (WELFARISM).

#### KANT, IMMANUEL (1724–1804)

Immanuel Kant was born on 22 April 1724 in the Prussian city of Königsberg near the Baltic Sea (today Kaliningrad in Russia). He was educated at the Collegium Fredericianum and the University of Königsberg, where he later taught from 1754 to 1796. He developed one of the most significant models for systematic thought about morality in the Western tradition. His principal works in moral philosophy are the *Groundwork of the Metaphysics of Morals* (1785), the *Critique of Practical Reason* (1788), and the *Metaphysics of Morals* (1797). Kant's nonconsequentialism is one of the main alternatives to the utilitarian tradition, both historically and in contemporary philosophy. Kant's moral theory is best characterized as a “principle-based approach” to moral reasoning that holds that actions can be right or wrong in themselves, independently of their consequences, as a function of their conformity to reason. As we shall see, the moral status of an action (as permissible, impermissible,

required, etc.) depends on whether its underlying principle satisfies a condition of universal validity or a principle of respect for persons as ends in themselves.

Kant's project in moral philosophy is to articulate the underlying structure and principles of common-sense moral thought and to establish their basis in reason. Central to his moral conception is the notion of a "categorical imperative." A categorical imperative is a rational principle that applies independently of an individual's desires and aims and takes priority over the individual's desire-based reasons and interest in happiness—for example, that one may not deceive another out of self-interest. Because their application does not depend on an individual's specific desires or aims, such principles have authority for rational agents generally. Kant claims that moral requirements must be understood as categorical imperatives. Furthermore, he argues that "the Categorical Imperative" is the fundamental principle of common-sense morality and the basis of one's duties to others and to oneself, including both "negative" or "perfect" duties limiting permissible choice, and "positive" or "imperfect" duties to adopt certain general ends or policies.

In the *Groundwork*, Kant offers a sequence of different formulations of the Categorical Imperative that he argues are equivalent. Not all of Kant's formulations of the Categorical Imperative can be discussed here, but the two that are most central to his normative theory—the so-called Formula of Universal Law and the Formula of Humanity—cannot be omitted.

The first version of the Categorical Imperative, the Formula of Universal Law (FUL), reads: "Act only in accordance with that maxim through which you can at the same time will that it become a universal law" (Kant, vol. 4, p. 421). The Categorical Imperative assesses actions through their "maxims," by which Kant means the underlying principle that captures the person's reasons

for action—what one intends to do and why one thinks it worth choosing. FUL holds that permissible maxims of action must satisfy a condition of universal validity—they must be such that they can rationally be willed as a universal principle that all agents are permitted to adopt. This condition involves more than asking how one would like it if everyone were to act on the principle. Rather, the question is whether one can adopt one's maxim and at the same time will that anyone be permitted to adopt the maxim, without inconsistency or irrationality. This condition arguably comes directly from the nature of reason.

The question that exponents of Kant's moral theory must address is how this abstract formal principle leads to substantive principles of duty. Mill, for example, thought that Kant's principle had to be supplemented by utilitarian reasoning, and that Kant only succeeds in arriving at specific duties by tacitly appealing to considerations of collective benefit. (Mill, *CW*, vol. 10, p. 294.) Contemporary commentators have addressed this issue by arguing that Kant's principle incorporates a conception of autonomous rational agency and of the necessary commitments of rational agents. Certain maxims are not rationally willed as universal law in that universalization is inconsistent with certain necessary rational commitments—either commitments implicit in the adoption of a specific maxim or general commitments that one has simply as a rational agent.

To illustrate with one of Kant's examples of a perfect duty, the maxim of making a deceptive promise to advance one's self-interest is not consistently willed as universal law because it defeats itself if universalized. If all were permitted to deceive for reasons of self-interest, the background trust on which promises depend would be undermined and the deception would not work. Thus, one cannot rationally will both the maxim and its universalization. This shows that an individual who deceives for reasons of self-interest is committed to a general principle

of promise keeping, since the success of his deception depends on a social background of honesty.

A more general strategy for using this formal principle to derive substantive limits on permissible choice is as follows. As rational agents, we conceive of ourselves as the sources of our actions and have a necessary interest in being able to act from our judgments about what we have reason to do. Given this commitment to our agency, maxims that involve interference with the freedom of others, such as deception, coercion or manipulation for reasons of self-interest, and so on, cannot consistently be willed as universal law. Willing that all agents be permitted to act on such principles is inconsistent with one's self-conception as the source of one's actions and one's necessary interest in acting for one's own reasons. This form of reasoning identifies as impermissible maxims that interfere with or undermine the conditions of rational agency and shows them to be violations of perfect duty.

Positive or imperfect duties can be derived by appealing to a necessary interest in the effective exercise of one's agency. As rational agents who set our own ends and projects, we have a necessary interest in the conditions that enable us to effectively exercise our agency and to achieve our ends. These conditions include the availability of help from others in circumstances in which one cannot achieve one's projects unaided or in which one's agency is threatened, as well as the development of one's own natural talents. Given these necessary interests, maxims of nonbeneficence and of neglecting one's natural talents are not rationally willed as universal law. This form of reasoning leads to duties of beneficence to others and duties of self-development to oneself.

The second formulation of the Categorical Imperative, the Formula of Humanity (FH), reads: "So act that you use humanity, whether in your own person or in the person of another, always at the same time as

an end, and never merely as a means" (Kant, vol. 4, p. 429). "Humanity" is the capacity for rational choice that is distinctive of persons, and an "end in itself" has intrinsic and absolute value—a value Kant refers to as "dignity," which is a worth that is "incomparable" and "infinitely above all price" (pp. 435–6). Kant argues that a commitment to value humanity as an end in itself is built into the nature of rational choice. The idea behind FH is that the absolute worth of persons limits the ways that we may act towards them in pursuing our ends, and it grounds positive duties to treat persons in certain ways. In presenting FH as a version of the fundamental moral principle, Kant is claiming that the basic value of respect for persons as rational agents drives moral concern.

Kant's illustrations of FH indicate that he understands it to lead to the same duties as FUL. It grounds negative duties that limit the ways in which we may pursue our ends—perfect duties not to interfere with the freedom and property of others, duties not to deceive for self-interest, etc. FH also requires "positive agreement with humanity as an end in itself", that leads to imperfect duties of self-development and of beneficence.

When a conception of autonomous agency is incorporated into FUL, it leads to duties that recognizably respect persons as rational agents, and this result supports Kant's claim that the different formulations of the Categorical Imperative express the same basic requirement. Further support comes from Kant's remark that to treat persons as ends in themselves, one must value them "only as beings who must be able to contain in themselves the end of the very same action" (Kant, vol. 4, p. 430). This remark is generally interpreted to mean that one should treat others according to principles that they can rationally endorse. To respect persons as ends in themselves is to act in ways that one can justify to the person—that is, to act from principles that others can rationally endorse. But principles that others can endorse are

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those that are fully universalizable. In short, one respects humanity as an end in itself by acting from maxims that satisfy the condition of universal validity.

The nonconsequentialist features of Kant's moral theory should be clear. Rather than assess actions in terms of their consequences, it assesses them through their maxim or underlying principle—specifically by whether the maxim satisfies a condition of universal validity or respects persons as ends in themselves. These principles ground inviolable limits on how we may promote individual interests or social good. Thus, Kant supports the idea that actions can be right or wrong as a matter of principle, and there is no thought that right action is what maximizes overall value. Furthermore, what Kant says about “dignity” indicates that it is a value that cannot be quantified. Reasoning from the Categorical Imperative would not license one to “sacrifice the dignity” of one person to promote the dignity of more people elsewhere. Thus, Kant's theory does not permit the balancing of interests and aggregation that is commonly thought to be a feature of utilitarian reasoning. As far as possible, we must respect the moral standing of each person in all choice.

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See also AUTONOMY; CONSEQUENTIALISM; DEONTOLOGICAL ETHICS; INTEREST.

# L

**LAW:** *See* JURISPRUDENCE; LEGAL POSITIVISM.

**LAW, EDMUND (1703–87):** *See* RELIGIOUS UTILITARIANS.

## LEGAL POSITIVISM

Legal Positivism in some of its versions is coeval with philosophical speculation about law and government and rudimentary characterizations of it can be found in Plato's *Republic* and Cicero's *De Legibus*. Anything approaching a full and sympathetic statement of Legal Positivism, however, comes only with the publication of John Austin's *The Province of Jurisprudence Determined* in 1832. Austin was England's first Professor of Jurisprudence. He was accepted in his time as Bentham's successor in the domain of jurisprudence and, like Bentham, was a committed utilitarian. Historically, the moral focal point of legal positivism is Austin's statement that "[t]he existence of law is one thing; its merit or demerit is another" (Austin, p. 184). Austin combined this statement with a jurisprudential analysis of positive law as the sanctioned command of a legally unlimited sovereign individual or body that the bulk of a given society habitually obeyed. Moreover, Austin's positivism is frequently referred to as "analytical positivism" because, unlike historical and sociological approaches to law,

his concern was with the clarification of legal concepts and with the identification of the formal structure of positive law. Austin did not claim originality for his jurisprudential insights and repeatedly acknowledged his debt to both Bentham and Hobbes. After Austin, the masterworks of legal positivism include Hans Kelsen's *The Pure Theory of Law* (1934; 2nd edn. 1960) and H. L. A. Hart's *The Concept of Law* (1961) and his equally seminal lecture on "Positivism and the Separation of Law and Morals" (1958). Much of contemporary legal and political theory is a dialogue with Legal Positivism and the issues it raises about law, morality and power.

Legal Positivism is a complex and contested intellectual tradition. The best-known legal positivists often disagree among themselves and critics frequently attack positions that few positivists endorse. Disagreement among positivists begins with the idea of law. Austin's famous analysis of positive law as sovereign command is rejected by both Kelsen and Hart. Kelsen conceptualizes law in terms of norms and postulates a presupposed basic norm. Hart focuses on rules and defines law as the union of primary rules of obligation and secondary rules of change, adjudication and enforcement. One of the most misleading criticisms of Legal Positivism is that Austin and other positivists adopt a purely formal analysis of the judicial process and believe that judges mechanically apply preexisting rules of law. Another is that Legal Positivists offer merely verbal solutions to substantive



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legal and moral problems. Few positivists subscribe to what has been called “mechanical jurisprudence,” and no one familiar with the utilitarianism of Bentham and Austin or with Hart’s critique of Lord Devlin’s views on the enforcement of morals can suppose that positivists simply fiddle with words.

Other criticisms of Legal Positivism, such as those of Lon Fuller and Ronald Dworkin, raise more difficult questions. In lectures delivered in 1940 and published as *The Law in Quest of Itself*, Fuller criticized Legal Positivists for rigidly separating the law that is and the law that ought to be. His primary objective in this book was to show that there were well-known problems of legal theory—such as the problem of gaps in the law and the problem of the validity of law—for which positivism had either no solution at all or provided only formal and verbal solutions. In a subsequent work entitled *The Morality of Law* (1964; rev. edn., 1969), Fuller sharpened his criticisms by focusing much of his attention on Hart’s positivist conception of law and his defence of the separation of law and morality thesis. Against Hart and all other positivists, Fuller insisted that there could be no strict separation of law and morality because the existence of law presupposed what he called “the inner morality of law” or “procedural natural law” (Fuller, 1969, pp. 42, 96). Law, Fuller insisted, was not merely social power or managerial direction. Rather, it was the activity of subjecting human conduct to the governance of rules and, as such, it was a purposive effort that involved reciprocity between those who make law and those who obey it (pp. 145–51). Moreover, Fuller insisted that there were eight ways in which a legislature or monarch could fail to make laws such as (1) failing to make general rules, (2) failing to publish rules, (3) making only retroactive rules, (4) making only unclear rules, (5) making only contradictory rules, (6) enacting rules requiring actions impossible to perform, (7) producing rules that are constantly changing, and (8) permitting

incongruence between declared rules and their administration. For Fuller, recognition of law’s inner morality was tied to a concern for human dignity through the affirmation that human beings are capable of understanding and following rules and behaving responsibly. In contrast, there was a strong tendency among positivists, Fuller believed, to identify law with a hierarchy of power, to confuse fidelity to law with deference to established authority, and to articulate theories of law that are an affront to the dignity of citizens as autonomous agents (pp. 192, 210).

The primary focus of Dworkin’s critique in *Taking Rights Seriously* (1977) and several later books is the judge, and especially what judges do in deciding hard cases. In one articulation of his theory entitled *Justice in Robes* (2006), Dworkin distinguishes and criticizes what he takes to be two crucial strands of positivist legal theory, namely, analytical doctrinal positivism and political doctrinal positivism. He identifies political positivism with such distinguished American judges as Learned Hand and Oliver Wendell Holmes who held that in controversial and deeply contested cases judges should defer to the popular and elected branches of government because only in that way could judges avoid becoming Platonic guardians and respect the requirements of democracy (Dworkin, p. 27). As for analytical positivism, Dworkin identifies it principally with Hart and his disciples, and criticizes two theses defended in *The Concept of Law*. The first is that because law is a system of rules, cases not covered by the rules will arise and judges will have to exercise strong discretion and act as legislators. The second is Hart’s claim that a purely descriptive science of law is possible. Dworkin’s reply to both political and analytical positivism is that in deciding hard cases, judges should not act as legislators or defer to the elected branches of government, but have a special responsibility to base their decisions on principles and to protect individual rights. Judges have

this responsibility because law is inherently an evaluative enterprise and judges must provide the best evaluative answers to fundamental questions of political morality. Dworkin even suggests that the time has come to reject the intellectual topography that regards “law” and “morality” as different departments of thought and to “treat legal theory as a special part of political morality distinguished by a further refinement of institutional structures” (p. 35).

As articulated by Bentham, Austin, and Hart, Legal Positivism is a paradoxical doctrine and its paradoxical quality is not always appreciated by its critics. Like Austin and Hart after him, Bentham insisted that the existence of a law is distinct from its merit. “To the province of the *Expositor*,” Bentham wrote in *A Fragment on Government* (1776), “it belongs to explain to us what, as he supposes, the Law is: to that of the *Censor*, to observe to us what he thinks it *ought to be*” (Bentham, 1977, p. 397). Bentham used this distinction not only to criticize the complacent conservatism of Blackstone and the common law tradition but also to expose the “anarchical fallacies” which he detected in the natural rights philosophy of the French Revolution. In a famous essay, Bentham criticized natural rights as “nonsense upon stilts.” He dismissed as a pure fiction the favourite idea of natural rights thinkers, that government originated in a contract. Natural rights theorists, he said, were men of violence who perpetually abused language, misunderstood and misrepresented the origin and purpose of government, and preferred anarchy to the rational criticism of law (Bentham, 2002, pp. 320, 328–37). As a legal positivist, Bentham’s objective was to show by the use of crucial examples that the conflation of the expositor with the censor rendered the theory and practice of law and government virtually unintelligible. Bentham also constructed a comprehensive utilitarian theory of law and government, but the core message of his Legal Positivism remains

intact even if his utilitarianism is rejected. For the enduring value of Legal Positivism, at least in the version endorsed by Bentham, Austin and Hart, is less that it announces a profound or comprehensive truth and more that it records a cautionary message which legal philosophers and political theorists cannot safely neglect.

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## LIBERALISM

*See also* ADJUDICATION; AUSTIN, JOHN; BENTHAM, JEREMY; HART, HERBERT LIONEL ADOLPHUS; HOBBS, THOMAS; HOLMES, OLIVER WENDELL; JURISPRUDENCE; SOVEREIGNTY.

**LEGAL THEORY:** *See* JURISPRUDENCE; LEGAL POSITIVISM.

## LIBERALISM

Liberalism is an ideology and political philosophy that has its roots in the Enlightenment period but which grew into a political movement in Britain and Europe following the French Revolution of 1789. As a party doctrine, Liberalism has waxed and waned from a high point in the late nineteenth century to its displacement by social democracy and libertarian-conservatism in the late twentieth century, but as a political philosophy, it has become one of the dominant styles to the extent that much contemporary political philosophy is characterized as Liberal because of its individualistic methods and presuppositions.

There is considerable debate about Liberalism's core values and principles, and Liberalism can be characterized into a number of sub-traditions such as Classical Liberalism, New Liberalism and Libertarianism. That said, among its core commitments are methodological or ethical individualism; the view that government legitimacy depends upon the consent of the governed; the rule of law; a commitment to individual liberty; the equal enjoyment of civil and political liberties; individual responsibility for welfare and a respect for private property. Each of these components can be interpreted in different ways; for example, many Liberals are sceptical about the role and power of government because it must act through limiting liberty. The most extreme exponents of this view

are libertarians who see any but the most minimal form of government as socialist collectivism. However, New Liberals, Idealist Liberals and Liberal Egalitarians argue that some form of collective action is necessary to secure liberal values such as independence, equal freedom and the rule of law.

The sources of Liberal ideas and principles can be traced back to eighteenth-century thinkers such as John Locke, Immanuel Kant and Adam Smith. But throughout the nineteenth century, one of the most important strands of Liberal argument came from the utilitarian tradition. The use of the term liberal to designate a political movement was first applied to the Spanish followers of Jeremy Bentham, but it came to be used for his English followers who were active in promoting political and government reform. Bentham is more properly designated a radical utilitarian, but his utilitarianism contributed much to the formation of Liberal policy. He was an active supporter of free trade and colonial emancipation; he was also, towards the end of his life, a staunch advocate of constitutionalism and parliamentary reform. His impact on the nineteenth-century reform of British Government gave rise to descriptions of an "age of Benthamism"; however, the character of those reforms has encouraged a debate over whether Bentham's followers were apostles of government activism or of laissez-faire social policy (Brebner, 1948). This debate has coloured the discussion of whether utilitarianism is a Liberal doctrine or whether it merely provides contingent justifications for Liberal principles and policies.

The ambiguity of Liberal utilitarianism is no more starkly represented than in the writings of Bentham's successor J. S. Mill. Mill is undoubtedly one of the major figures in the liberal pantheon, with *On Liberty* (1859) being one of the central texts. He also made important contributions to liberal thought in works such as *The Principles of Political Economy* (1848) and the *Subjection of Women* (1869), and from 1865 to 1868

served as a radical liberal MP for Westminster. *On Liberty* provides an impassioned defence of liberty and the ideal of individuality in the face of rising mass societies with the pressure of conformism. Mill argues that freedom of speech and the press should be absolute and, with respect to actions, individuals should be allowed personal liberty only limited by the requirement not to harm others (Mill, *CW*, vol. 18, p. 223). Offence, disapproval and nonharmful nuisance are not acceptable grounds for limiting an individual's right to personal freedom. To support this idea of personal liberty, Mill introduces an important and controversial distinction between self- and other-regarding actions. Whether such a distinction can be sustained has been a staple of criticism of Mill's position since its rejection by the authoritarian utilitarian Sir James Fitzjames Stephen in *Liberty, Equality, Fraternity* (1873).

Mill defended his commitment to liberty on utilitarian grounds and this argument has been one of his most controversial (Mill, *CW*, vol. 18, p. 224). Yet Mill was not the only liberal utilitarian. Herbert Spencer (1884) used utilitarianism as the basis of his *laissez-faire* liberalism, and Henry Sidgwick (1897) also offered a more traditional defence of a moderate liberal politics on the basis of utilitarianism. As utilitarianism became refined into welfare economics at the beginning of the twentieth century, the convergence between Liberalism and utilitarianism seemed assured, especially as philosophers turned away from normative theory in favour of the second-order conceptual analysis and the study of the nature of moral language.

The most important recent feature of the development of Liberalism as an ideology involves the separation of Liberalism from its roots in the utilitarian tradition and a turn towards contractarianism and egalitarianism as the basic of foundation of Liberal political morality. This development is connected to the resurgence of normative political theory in the English-speaking world following

World War II. Philosophers such as Isaiah Berlin rejected logical positivism and linguistic analysis, which denied the possibility of normative political theory, but he also rejected utilitarianism as a sufficient basis for a Liberal politics because it claims that all values can be converted into the common currency of utility and therefore traded against one another. In contrast, Berlin defends value pluralism, or the idea that there are many incompatible values which comprise a good life and these can be combined in different ways. He develops this theory in response to Mill's hedonistic utilitarianism.

According to Berlin, Mill cannot provide a secure defence of negative freedom (the absence of interference by another person), because utilitarianism can always justify paternalist intervention in the affairs of an individual if that maximizes the general welfare. Berlin argues that despite Mill's defence of the liberty principle, his utilitarianism provides, at best, a conditional defence of freedom unless Mill can show that man's nature as a "progressive being" connects liberty with the maximization of utility (Berlin, pp. 199–201). Twentieth-century political experience undermines this liberal optimism and suggests that we are left with an unavoidable choice between utility and liberty, and that utilitarians must always choose utility. Berlin's liberal attack on utilitarianism is only the prelude to a more substantial attack on utilitarianism from the American political philosopher John Rawls.

Rawls's 1971 book *A Theory of Justice* argued that utilitarianism was incompatible with Liberalism because it could not account for the "separateness of persons" (Rawls, 1971, p. 27). Rawls's thesis depended on the view that utilitarianism conflated impersonality with impartiality in its account of practical deliberation. Utilitarian reasoning focuses on preferences or welfare, and sacrifices welfare at one time for benefits at a later time, in the same way individuals can in prudential deliberation. However, this

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model of decision-making fails to take seriously the fact that preferences are attached to discrete individuals, and therefore that any such trade-offs will involve sacrificing the interests of some individuals to benefit others. This undermines the argument for equal rights and protections and permits using individuals as a means to creating benefits for others. For Rawls, Kant's ethics and the social contract tradition provides a more secure basis for Liberal rights and freedoms.

Rawls's work has had a huge impact, so much so, that Liberalism has become defined in opposition to utilitarianism despite the best efforts of some scholars to show that utilitarianism can make sense of individual rights, or that Bentham, Mill and Sidgwick were sensitive to, and preempted some, of the arguments that Rawls makes. Rawls developed his argument further in *Political Liberalism* (1993), where he argued that a liberal constitution is a response to the fact of reasonable pluralism about ultimate ends. The justification of a Liberal constitutional order must be the outcome of an "overlapping consensus" between reasonable comprehensive doctrines about fundamental values and principles (Rawls, 1993, pp. 133–72). In other words, the fact of pluralism denies that utilitarianism provides an exclusive justification for Liberalism, and utilitarianism becomes one of a number of possible ways to explain and justify Liberalism. Rawls's theory reflects Berlin's thesis about value pluralism. The difference is that whereas Berlin argues that value pluralism is the true account of morality, Rawls confines the endorsement of the thesis to the realm of political philosophy so that individuals can endorse Liberal principles as the way of accommodating conscientiously held conflicting views about the meaning or purpose of life. It is this aspiration to separate the defence of Liberal principles from the task of justifying fundamental moral theory that has made Rawls's Liberalism so attractive to many political theorists, despite the many criticisms that can be raised against

social contract theory. Utilitarian liberalism still has important defenders but it makes the task of justification more demanding because of its continuity strategy of linking the justification of political principles to the truth of utilitarianism as the ultimate account of ethical value.

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See also BENTHAM, JEREMY; HARM PRINCIPLE; LIBERTY; MILL, JOHN STUART; NEW LIBERALISM; PREFERENCES (PREFERENTIALISM); SIDGWICK, HENRY; SPENCER, HERBERT; STEPHEN, JAMES FITZJAMES; RAWLS, JOHN; RIGHTS; WELFARE (WELFARISM).

## LIBERTY

Classical Utilitarianism has sometimes been misrepresented as being fundamentally hostile to liberty. Jeremy Bentham, father of English utilitarianism and coiner, in 1781, of the term “utilitarian,” wrote that the object of his system of morals and legislation was the optimization of the condition of mankind “as far as depends upon the law” by means of “the perfection of the law” (Bentham, UC cxlii. 200), that is, the deployment of a full set of legal codes: civil, penal, procedural and constitutional. The optimum sought was to be “the greatest happiness of the greatest number” of those whose interests were affected by the operations of legal and moral rules in a given community. In such a system, much less value would presumably attach to liberty than to happiness and its secure enjoyment. Yet Bentham defended his idea of liberty strenuously, claiming that his definition of it was “one of the cornerstones of my system, and one that I know not how to do without” (Bentham, 1968, pp. 310–11). This definition was a negative one: liberty was simply “the absence of coercion” (UC lxix. 44). Like Thomas Hobbes in *Leviathan* (1651), he conceived of liberty as a residual space of unconstrained movement, existing in the interstices where no specific law had been made or need be made.

Like Hobbes, too, Bentham regarded “natural liberty” as undesirable and untenable. Parodying Genesis, he imagined an anarchic and violent Hobbesian condition existing on “the first day of the political creation” with the state as yet “without form and void.” In this pre-legal scenario “liberty is universal”: individuals possess more of this “great blessing” than in any other imaginable situation. But the liberty they enjoy “as against one another” is so precarious that no pleasure or happiness can reliably be derived from it (Bentham, 1970, pp. 252–3). At this point, the legislator steps in to “perfect” liberty,

which can only be done by circumscribing and protecting it. Security, which is a sufficient condition for happiness, depends not on the extermination of liberty but on this measured circumscription of it. To this end what is required is not “liberty entire” but “liberty in perfection” (UC lxix. 209).

Bentham also asserted that “the universal system of human actions” was co-extensive with a “universal law of liberty” expressing the “non-commanding and permissive phases of the law” (Bentham, 1970, p. 120). Every free action thus presupposed a framework of legal permission. Explicitly following Sir Robert Filmer (1588–1653), Bentham held that subjection, not independence, was the natural state of man. There was for Bentham no such thing as legitimate liberty outside, prior to or against law. All liberty was liberty under law, secured by its permissions and/or prohibitions.

How could Bentham argue that such a derivative residue was in fact fundamental to his system? The answer lies in his assertion that to perfect liberty is not to maximize it. Only happiness, the one true and final good, is to be maximized. To perfect liberty is to circumscribe it and distribute it so that maximal happiness is the result. This is a crucial part of Bentham’s strategy for the optimization of the human condition.

Would Bentham endorse a hypothetical situation in which happiness was maximized while liberty was totally extinguished? He said of the inmates in his panopticon prison that so long as they were happy it did not matter to him that they were not free. But they were convicts. The regimen undergone by noncriminal inhabitants of panopticon hospitals, lazarettos and workhouses was also unfree, but was seen by Bentham as a matter of care and encouragement towards the development of rational, healthy and productive habits. All panopticons were in Bentham’s eyes rehabilitative. Returned to society at large, inmates would fall under the jurisdiction of civil and penal law.



## LIBERTY

In Bentham's writings on civil or distributive law, it is made clear beyond doubt that in civil society at large both the instrumental value and the intrinsic value of liberty are very great: liberty is a necessary condition of the fullest enjoyment of most pleasures and the avoidance of most pains, and a source of pleasure in itself. The civil law is for Bentham the system of distribution of the four prime prerequisites of happiness: security, subsistence, abundance and equality. Liberty is a component of security. Security is a sufficient condition for happiness. Equalization is excessive insofar as it violates legal liberty. Subsistence and abundance must be interpreted so as to coexist with liberty and property. And there can be no full security where there is no liberty.

Bentham scholars who have focused on his theory of civil law have identified a more liberal Bentham (Rosen, 1983; Kelly, 1990) than the one depicted by those more concerned with his ideas on law in general, or penal and criminal law in particular (Long, 1977). All agree, however, that liberty has a central role in Bentham's moral and legal theory as a powerful fictitious entity—which means, in Bentham's nominalist vocabulary, an important abstraction. Some fictions, such as that of an “original contract,” are pernicious and deserve to be extinguished. But liberty is an indispensable fiction. It is not experientially “real” as a pleasure or a pain or a concrete object is real, but it is nonetheless an essential component of moral and political discourse.

If the importance of liberty in Bentham's utilitarianism has been underestimated, the difference between Bentham's position on liberty and that of his Godson, the renowned liberal theorist John Stuart Mill, has by the same token been overestimated. Mill's *On Liberty* (1859) is not a libertarian tract. It must be read together with his essay on *Utilitarianism* (1861). We are not free to harm the interests of others, because those interests constitute the greatest happiness

of the greatest number for moral and legal purposes. Mill believes that free and full rational self-development is achievable without violation of this utilitarian prohibition. Freedom of thought and discussion need to be protected not against the dictates of utility, but against the suffocating blanket of unthinking conformity: not at the expense of the interests of others, but against the dead weight of their prejudices. The ultimate authority in ethical matters is the principle of utility. Utility must, therefore, trump freedom, but it must be utility “in the largest sense, grounded on the permanent interests of man as a progressive being” (Mill, *CW*, vol. 18, p. 224). The circumscribing of liberty required in Bentham's utilitarian moral and legal system is optimal and conclusive, settled “so long as man remains man” (UC cxlii. 200). There can be no such conclusiveness about the boundaries set to liberty in Mill's utilitarianism because of the progressive element in human nature. The difference between Bentham and Mill on liberty, thus, lies not in the priority of liberty as a value in their respective utilitarian theories, but in the open or closed nature, the finality or conditionality, of happiness itself.

Twentieth-century political philosophers have criticized the place of liberty in utilitarianism from several locations on the ideological spectrum. The English conservative philosopher, Michael Oakeshott (1962), strongly influenced by the philosophical scepticism of David Hume, rejects utilitarianism along with liberalism as a species of “rationalism in politics,” in which the pursuit of a social blueprint takes undue priority over the valuing of individual liberty. Oakeshott's libertarian liberal colleague Friedrich Hayek (1973–9), though similarly inspired by Humean scepticism, is more emphatically hostile. For him, utilitarianism is cryptosocialism. Utilitarianism's “constructivist rationalism” is utterly incompatible with the spontaneous order of actions characteristic of a free political society. The influential



liberal theorist of “justice as fairness” John Rawls (1971) attempted, in his re-worked contractarian view of justice, to supersede the utilitarian view which, he argued, did not give sufficient weight to the idea of individual liberty.

In the wake of the putative failure of the “welfare state” since the 1980s the Classical Utilitarian view of liberty may be thought to have fallen out of favour: “social engineering” is out of fashion. This judgement, however influential, caricatures utilitarian’s treatment of liberty, dismissing it ideologically as socialism. Theories identifying optimal or desirable “end–results” are thought to be incompatible with liberty (Nozick, pp. 153–5). It may be, however, that the Classical Utilitarian strategy of perfecting liberty as an indispensable tool for maximizing happiness is more deeply embedded in the logic of democracy than such critics realize.

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*See also* AUTONOMY; BENTHAM, JEREMY; CONSTITUTIONAL THEORY; DEMOCRACY; HARM PRINCIPLE; HAYEK, FRIEDRICH; HOBBS, THOMAS; LIBERALISM; MILL, JOHN STUART; NEW LIBERALISM; PANOPTICON; RIGHTS; SPENCER, HERBERT.

#### LIVINGSTON, EDWARD (1764–1836)

Edward Livingston was born on 28 May 1764 in Clermont, New York. His father, Robert Livingston, was a politician and judge who counted among his relatives Philip Livingston, a signatory of the Declaration of Independence. Edward was educated at Princeton, admitted to the Bar in 1785, and practised law in New York. He was elected to the US House of Representatives in 1795 and in 1801 appointed Attorney for the district of New York and elected the city’s mayor. Following a financial scandal among his staff, Livingston resigned from both positions in 1803 and moved to New Orleans, where he once again established a law office. He was elected to the Louisiana state legislature in 1820, again to the US House of Representatives in 1822 and to the Senate in 1829. From 1831 to 1833, he served as US Secretary of State under President Jackson, for whom he wrote speeches and state papers, including Jackson’s proclamation

on nullification 1832. His final political position was as minister plenipotentiary to France from 1833 to 1835. He died on 23 May 1836 in Rhinebeck, New York.

Soon after arriving in New Orleans in 1804, Livingston was engaged to draft several codes of law for the state of Louisiana. Louisiana law was then a mix of Spanish and French law; the majority of the population was French, but the laws were written in Spanish, and legal proceedings could be conducted in French, Spanish or English. Against those who favoured adopting the common law found elsewhere in the union, Livingston advocated a complete codification of the laws (King, p. 226). His initial effort produced a code governing judicial procedure—the first such code in America—adopted by the state legislature in 1805 and remained in force until 1825. Livingston freely professed that his work as a codifier was shaped by Bentham’s utilitarian principles, and in a letter to Bentham (1 July 1830) explained that his judicial code was a simple, straightforward set of guidelines of which he would approve (Bentham, vol. 11, p. 52). When Louisiana turned its attentions to civil law, the state legislature appointed a law commission to undertake the task of codification, and Livingston played only a minor role as a sort of advisor. The resultant code, based on the French and Roman model, was adopted in 1808, but it retained elements of the common law and owed little to Bentham’s ideas (King, p. 275). In 1825, Livingston was able to introduce certain amendments to the civil code that moved it further away from its dependence on Spanish cases and statutes. However, when he was appointed to codify Louisiana’s penal law he did so with the explicit guidance of Bentham’s ideas before him, and announced that the principle of utility was the sole object of the code.

In 1822, Livingston made a report to the Louisiana General Assembly (Senate and House of Representatives) on his “Plan of a Penal Code,” in which he took the

opportunity to praise Bentham “whose writings have thrown so much light on the subject of criminal legislation,” and noted that he had adopted Bentham’s suggestion to abandon “solitary confinement” as the principal form of imprisonment (Livingston, vol. 1, p. 8). There are many similarities with Bentham’s ideas on penal law and legal procedures discernible in the report, including remarks on codification, jury trials, the deterrence value of different types of punishment, legal procedure and evidence, prison discipline, and the death penalty. In 1824, Livingston produced a second report updating and making amendments to the earlier report, and in the process gave a lengthy quotation from Bentham’s *Theory of Rewards and Punishments* in which Bentham’s principal argument against the death penalty—its irremissibility and the fact of frequent miscarriages of justice—is made part of Livingston’s case for abolition. The quotation is described as from “a man to whom the science of legislation owes the great attention that is now paid to its true principles, and to whom statues would be raised if the benefactors of mankind were as much honoured as the oppressors of nations” (p. 209n).

When Bentham received word of Livingston’s work from a mutual acquaintance, on 10 August 1829 Livingston sent Bentham parts of his proposed Code of Criminal Law, and informed him that it remained incomplete until such time as he could study Bentham’s *Rationale of Judicial Evidence*, a copy of which he had only recently been able to procure. Livingston also confirmed that it was his reading of the Étienne Dumont’s redaction of his early writings on moral and legal philosophy, *Traité de législation* (3 vols, 1802), which “fortified me in a design to prosecute the subject” of penal reform. “In laying before you this work,” he wrote, “I offer you little that you have not a legitimate title to; for, hereafter no one can, in Criminal Jurisprudence, propose any favourable change that you have not

recommended, or make any wise improvement, that your superior sagacity has not suggested" (Bentham, vol. 11, p. 23). Early the following year, Bentham informed Livingston that Dr Southwood Smith, the utilitarian social reformer, had been commissioned to write an article advertising Livingston's *Code of Criminal Law* in the British journal *The Jurist* (p. 35). Livingston replied, thanking Bentham for several books he had sent, and commenting that "the perusal of your works first gave method to my ideas, and taught me to consider legislation as a science governed by certain principles applicable to all its different branches" (p. 51). In writing to President Jackson, Bentham had already noted the similarities between his ideas and those of Livingston (p. 40).

There is good reason to describe Livingston as a disciple of Bentham who drew important lessons from the latter's critique of common law, his principles of codification, rules of procedure, and the elements of civil and penal law. The final word on the matter is from a review of Livingston's *A System of Penal Law for the State of Louisiana* (1833)—probably by John O'Sullivan—who argued that the Louisiana reformer "reduced to practice what Bentham had only suggested; who, taking up the subject of law-reform where the master had left it, pursued important parts of it to a complete consummation; and who, not satisfied with the speculations of the closet, succeeded in inducing the legislative power of a magnificent state to request him to make law of that which had been before only theory" (O'Sullivan, p. 4).

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See also BENTHAM, JEREMY; O'SULLIVAN, JOHN L.

#### LOCKE, JOHN (1632–1704)

John Locke was born on 29 August 1632 in Somerset, England, the son of an attorney

who served during Locke's youth in one of the parliamentary armies opposing Charles I in the English Civil War. Locke received a fine education that culminated at Christ Church, Oxford, a college with which he continued to be associated in a number of roles until 1684. Locke's early philosophical writings from the 1660s were quite conservative, arguing against many features of the liberal political philosophy he was later to famously defend, including the consent theory of political authority and the right to religious toleration. Locke's gradual movement in liberal directions coincided with his association with Lord Ashley, later the first Earl of Shaftesbury, one of the leading opposition (Whig) politicians of his day. Beginning in 1667, Locke served Shaftesbury in a variety of positions (including physician, secretary, co-author, and tutor to Shaftesbury's children), and their work together gradually swung Locke's views towards the positions in political philosophy that are familiar from his mature works. During the early 1680s, Locke was involved in the revolutionary plots aimed at preventing the accession of the Catholic Duke of York (subsequently James II) to the English throne. The danger of arrest forced Locke to follow Shaftesbury into 6 years of exile in Holland, an exile from which he was able to safely return only after the Glorious Revolution had placed William on the throne. Locke's first and best-known philosophical publications all appeared in that same year (1689): *An Essay Concerning Human Understanding*, *Two Treatises of Government*, and *A Letter Concerning Toleration*. Locke died on 28 October 1704 in Essex, at the home of his long-time friend Lady Masham.

Locke's connections to later utilitarian thought are complicated. In one obvious sense, Locke served principally as a prominent opponent for early utilitarians such as Hume and Bentham. Hume famously argued against both the natural law moral theory within whose terms Locke's positions

were developed and the Lockean conception of the normative basis of political authority. Hume's critique of the latter (in the essay "Of the Original Contract") not only rejected Locke's consent theory of authority and obligation, but defended as an alternative an account of "allegiance" that appealed to social utility as its foundation. These arguments deeply influenced Bentham, whose reading of Hume (by his own account) caused the "scales" to fall from his eyes. Bentham famously went on to accept Hume's arguments concerning allegiance and to ridicule Lockean natural law and natural right theories, especially the versions of them appealed to in the French (and other) rights manifestos of the late eighteenth century. And Hume's arguments against consent and contract theory were widely regarded as decisive, so that later utilitarians were barely required to mention that theory, with social contractarian thought effectively removed from the philosophical mainstream for more than a century.

In addition to these clear "negative" influences on utilitarian thought, several parts of Locke's philosophy are broadly consistent with utilitarianism. While this is seldom noted in standard commentaries on Locke, it has been argued that Locke was a direct (positive) influence on such early utilitarians as John Gay (see Brogan, 1959). Locke, for instance, in the *Essay* embraces the kind of hedonistic psychology associated with Classical Utilitarianism, though apparently without being drawn thereby into any straightforwardly utilitarian moral views (see Grant, pp. 43–4; Colman, pp. 235–7). At most, Locke seems to intend that his "fundamental law of nature" (that mankind is to be preserved) function roughly as the principle of utility functions in some rule-utilitarian schemes (see Simmons, pp. 50–8). Like a utilitarian's, Locke's theory of punishment identifies "restraint" and deterrence as punishment's primary goal and justification (though he also mentions that a person's punishment

should be “proportionate to his transgression”) (Locke, vol. 4, sec. 9). Further, it has often been noted that Locke’s famous arguments concerning property justify the assignment of exclusive rights to those who labour productively partly on the grounds that doing so makes the most efficient use of land and other natural resources (secs. 37–48). So while it would certainly be a mistake to read Locke as any kind of serious utilitarian, there are undoubtedly consequentialist and (broadly) rule-utilitarian elements at work in Locke’s moral and political thought.

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*See also* BENTHAM, JEREMY; GAY, JOHN; HAPPINESS (PURSUIT OF); HUME, DAVID; NATURAL LAW; PUNISHMENT; RELIGIOUS UTILITIARIANS.

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## MACAULAY, THOMAS BABINGTON (1800–59)

Thomas Babington Macaulay, historian, essayist and poet, has a place in the history of utilitarianism chiefly as the author of a devastating critique of James Mill's *Essay on Government* (1820), which provoked a lively polemical exchange and left a lasting mark on John Stuart Mill's *System of Logic*. Macaulay was born on 25 October 1800 at Rothley Temple, Leicestershire, the son of the evangelical slavery abolitionist, Zachary Macaulay, and his wife Selina, from whom he received a strongly evangelical upbringing. He was sent to an obscure evangelical school near Cambridge, and thereafter educated at Trinity College, Cambridge, where he had a brilliant career as a Union debater and as a classical scholar but struggled in mathematics and therefore could not take honours. He was nevertheless elected fellow of Trinity in 1824 and read for the Bar while embarking on his literary career as a contributor to the *Edinburgh Review*.

Macaulay entered parliament in 1830 as MP for Lord Lansdowne's pocket borough of Calne and was an articulate defender of the Reform Bill, on which he made five major speeches. He was appointed to the Board of Control (of India) in June 1832 and its secretary later in the year. He was re-elected as MP, this time for Leeds, in December 1832, but resigned in 1834 on his appointment as "law member" of the Supreme Council

for India. In his famous Minute on Indian Education (1835), he supported the Anglicizers against the Orientalists in the dispute over whether funds granted by the British government for the advanced education of native students should be used to provide instruction in Sanskrit and Arabic or in English. Macaulay was typically trenchant: he declined to give "artificial encouragement to absurd history, absurd metaphysics, absurd physics, absurd theology" (Zastoupil and Moir, 1999, p. 172). He also played the leading role in drafting a new penal code for India, completed in 1837. It was, he thought, superior to Napoleon's penal code. He returned to England the following year, and returned to parliament as MP for Edinburgh in June 1839, shortly after starting work on his *History of England*. Later that year he entered the cabinet as Secretary at War. In opposition after 1841 he made progress with his *History*, and also published the *Lays of Ancient Rome*, which rendered into ballad form in English the early books of Livy's *History*. He returned to office for the last time as Paymaster-General in Lord John Russell's cabinet in 1846. He lost his parliamentary seat in the general election of 1847, but won it back in 1852, shortly after suffering a heart attack. He finally resigned his seat in 1856, and the following year was raised to the peerage. In the meantime, he established his lasting literary reputation with his *History of England* (vols 1–2, 1848; vols 3–4, 1855; vol. 5, 1861). This was a

huge popular success, and was greeted with critical acclaim too. He died of a heart attack in December 1859, in his study at Holly Lodge, Kensington.

Mill's *Essay on Government* was reprinted in 1825 and again in 1828, and Macaulay's critique appeared in the *Edinburgh Review* in March 1829. He contested the utilitarians' abstract approach to political science, preferring instead the alternative of an inductive social science grounded in history. "Our objection to the Essay of Mr Mill is fundamental," wrote Macaulay. "We believe that it is utterly impossible to deduce the science of government from the principles of human nature" (Lively and Rees, 1978, p. 124). Mill, he alleged, had ignored Baconian inductive principles and had instead approached the science of government as "an Aristotelian of the fifteenth century, born out of due season" (p. 101). He mocked the pedantry of Mill's style, demonstrated that Mill's supposed "laws" of political science were either untrue or, if true, mere truisms, and exposed the inconsistencies in Mill's approach to the franchise.

Macaulay's essay, and the ensuing controversy, had a deep influence on John Stuart Mill, who attempted, in Book VI of his *System of Logic* (1843), to come to terms with the critique of deductive methods as applied to the "moral sciences." But the younger Mill was contemptuous of Macaulay's credentials as a logician: he was clearly the target of the dismissal of "persons who, having sufficient acquaintance with books and with the current ideas to have heard that Bacon taught mankind to follow experience, and to ground their conclusions on facts instead of metaphysical dogmas—think that, by treating political facts in as directly experimental a method as chemical facts, they are showing themselves true *Baconians*, and proving their adversaries to be mere syllogizers and schoolmen" (Mill, *CW*, vol. 8, pp. 879–80).

It is tempting to read Macaulay's review of James Mill as a typically unqualified,

black-and-white defence of Whiggism against Benthamism—the former being historically minded and relativist in respect of forms of government, the latter taking its stand on associationist psychology and hedonistic assumptions about human nature, both of which stood above history. Still, it would be odd if Macaulay were to be depicted as the fiercest opponent of utilitarianism in nineteenth-century England. As an undergraduate he knew the young Cambridge utilitarians well, chiefly through his close friend, the future barrister Charles Austin (brother of the legal philosopher, John Austin). Austin, a committed utilitarian and radical reformer, had a decisive influence on Macaulay, shaking him from the Toryism of his youth. According to John Stuart Mill, Austin at this time presented "Benthamic doctrines" in their most "startling" form (*CW*, vol. 1, p. 81). If Austin did not convert Macaulay to utilitarianism, at the very least he made him familiar at this very early stage with utilitarian doctrines of an extreme kind. The two undergraduates are said to have argued "till four in the morning over the comparative merits of the Inductive and the *a priori* method in politics," and it has even been suggested that Macaulay "felt the strong pull of utilitarianism long before he considered himself a Whig" (Thomas, 2000, p. 70).

So what drove Macaulay to denounce Mill in such robust terms, 9 years after Mill first published the *Essay on Government*? He came to regret the tone of the review, and declined to include it in his collected essays, believing that he should have "abstained from using contemptuous language respecting the historian of British India." Mill's *History* was, he thought, "on the whole, the greatest historical work which has appeared in our language since that of Gibbon" (Collini *et al.*, 1983, p. 110). He discerned a tension between Mill's deductive approach to the science of government and his adherence to inductive methods in his *History*, which



## MACKINTOSH

Macaulay saw as grounded in the “conjunctural history” of the Scottish Enlightenment. He would later consult Mill when drafting the Indian Penal Code, and his Minute on Education has been described as “James Mill’s philosophy expressed in Macaulayese” (Forbes, 1951–52, p. 23). Macaulay also had a great deal in common with the utilitarians on questions of institutional reform. But the decisive point was that when he wrote his critique of the *Essay on Government* it was important for him to be able to distinguish the cause of parliamentary reform, with which he associated himself, from that of manhood suffrage championed by the philosophic radicals.

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See also BENTHAM, JEREMY; MACKINTOSH, JAMES; MILL, JAMES; MILL, JOHN STUART; THOMPSON, THOMAS PERRONET.

### MACKINTOSH, JAMES (1765–1832)

Sir James Mackintosh, a leading figure in Whig literary and political circles in early nineteenth-century Britain, is significant to utilitarianism for his critique, grounded in the Scottish Common Sense school, of Bentham’s political and moral philosophy. Mackintosh was born on 24 October 1765 in Aldourie, overlooking Loch Ness, Scotland, the son of a penurious, well-born officer who had served in the Seven Year’s War, Antigua and Gibraltar. Raised by his mother Marjory, until she accompanied her husband’s regiment to Gibraltar and died there,

Mackintosh attended the nearby Fortrose School, then King's College, Aberdeen, and finally, the University of Edinburgh where he studied medicine. Abandoning initial plans to practice medicine in India and Russia, he instead took up political journalism in London to advance Whig reforms; and in 1791 he also began study at Lincoln's Inn to qualify as a barrister.

In refutation of Edmund Burke's polemical attack on the French Revolution, *Reflections on the Revolution in France* (1790), Mackintosh published in 1791 his own defence of revolution, *Vindiciae Gallicae*. In this and his popular journalism, Mackintosh attacked the Glorious Revolution, the constitution and Tory government, though his political radicalism was much more moderate than that of his contemporaries Thomas Paine and William Godwin. Within a few years, he came to view events in France with some consternation, and publicly denounced the revolution and his initial support for it in *A Discourse on the Law of Nature and Nations*, then also delivered as a series of lectures to private subscribers at Lincoln's Inn in 1799. Mackintosh's defence of law and property in these lectures assuaged concerns in government and patronage circles about his political radicalism and led to his appointment as Chief Recorder of the High Court of Bombay by the Tory Government in 1803. Newly knighted as a result of this post, he sailed with his family to Bombay where he attempted to reform judicial administration, the police and prisons on Benthamic principles, and to educate himself in continental European philosophy.

Upon his return to London 8 years later he became active in Whig politics, was elected MP for Nairn in 1813, and in 1819, for Knaresborough, a seat he held until the end of his life. He became a Privy Councillor in 1827, and campaigned in parliament for various reforms, among them ending draconian punishments for forgery, and colonial affairs, but he failed to achieve the political

prominence for which he hoped. Although he made common cause with utilitarians on judicial and education reforms, Mackintosh published an influential critique of Bentham's *Plan of Parliamentary Reform* (1817) in the *Edinburgh Review* in 1818. Bentham's proposals—to introduce universal manhood suffrage, secret balloting and annual parliaments—went too far. Mackintosh agreed that rotten boroughs should be eliminated, but argued that the existing variety of franchises was the best way to ensure the representation of different sectors of the public in parliament (Mackintosh, 1818, pp. 175–6).

In addition to numerous articles, reviews and pamphlets, Mackintosh published a three-volume history of Britain (1830–32) and *Dissertations on Ethical Philosophy* (1830). He devoted the last part of *Dissertations* to a spirited attack on Bentham and his followers for defining “utility” as the primary and single motivation for human conduct and for underestimating the strength of moral sense. According to Mackintosh, Bentham had exaggerated the degree to which individuals are guided by a consideration of the consequences of their actions in furthering their own self-interest, and James Mill had failed to see that individuals universally were motivated not only or primarily by a reasoned calculation of self-interest but a benevolent desire for the general well-being of society. Echoing Dugald Stewart and Thomas Brown, Mackintosh argued that moral judgements proceed from what he called “the reality of social affections,” or a moral sense (Mackintosh, 1830, p. 350).

The tone of this critical review and the imprecision of its reasoning raised the ire of James Mill who wrote a stinging attack on the “dandy” Mackintosh, in which he castigated moral sense philosophy and established more sharply than before that utility alone, and not moral feeling, is the motive and foundation of an act. J. S. Mill regretted the pugnacious and polemical tone of his father's *Fragment on Mackintosh* (1835),

## MAINE

which he found to be “as a whole very repulsive to me” (Mill, *CW*, vol. 1, p. 210), but concurred in the main with his uncompromising rebuttal of “moral sense” arguments.

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See also BENTHAM, JEREMY; MILL, JAMES; MILL, JOHN STUART.

## MAINE, HENRY JAMES SUMNER (1822–88)

Sir Henry Sumner Maine was born on 15 August 1822 in Hockliffe, Bedfordshire. He was educated at Christ’s Hospital (“The

Bluecoat School”) in Sussex, and Pembroke College, Cambridge. After a brilliant undergraduate career he took up a tutorship at Trinity Hall (1844) and 3 years later was appointed Regius Professor of Civil Law (1847–54). From 1862 to 1869, he was Law Member of the Viceroy of India’s Council, elected Corpus Professor of Jurisprudence at Oxford 1871–78, and served as Master of Trinity Hall, Cambridge, 1877–88.

Maine is best known as the author of the classic study *Ancient Law* (1861) and best remembered for his generalization that “the movement of the progressive societies has hitherto been a movement *from Status to Contract*” (Maine, 1906, p. 174). He was one of the most significant and admired thinkers of Victorian England, and the pronounced historical bent of his legal writings helped to produce a revolution in legal method that, in the opinion of many contemporaries, successfully challenged the analytical jurisprudence of John Austin and Jeremy Bentham and exposed significant problems inherent in their reduction of law to command and sovereignty.

In addition to *Ancient Law*, Maine’s other major works in comparative law and historical jurisprudence include *Village-Communities in the East and West* (1871), *Lectures on the Early History of Institutions* (1875), and *Dissertations on Early Law and Custom* (1883). Maine also enjoys a prominent place among what have been called the Victorian Critics of Democracy, based on the four essays reprinted in his book *Popular Government* (1885). “It is no mere accident,” A. V. Dicey surmised in his influential study of law and public opinion in England during the nineteenth century, “that Maine, who in his *Ancient Law* undermined the authority of analytical jurisprudence, aimed in his *Popular Government* a blow at the foundations of Benthamite faith in democracy” (Dicey, 1905, p. 461). In *Popular Government*, Maine emphasized the unity of his legal and political thought

by insisting that his critique of radical democracy and his studies on ancient law both rested on the historical method. By using this method, Maine sought to challenge “a number of *a priori* theories which, in all minds but a few, satisfied curiosity of the Past and paralysed speculation as to the Future” (Maine, 1918, p. v).

For students of jurisprudence, one of the most instructive aspects of Maine’s work is the critique of Bentham and Austin outlined in *Ancient Law* and developed much more fully in the two concluding chapters of *Lectures on the Early History of Institutions*. Although Maine commended Bentham and Austin for attempting to construct a scientific theory of jurisprudence, he insisted that earlier forms of society and modern systems of customary law in India and elsewhere did not fit their famous description of law as sovereign command. Unlike Bentham and Austin, Maine believed that the character and form of law changed as society changed and this insight ground his theory of legal evolution and his sketch of historical jurisprudence. When, in *Popular Government*, Maine came to consider radical democracy and the contemporary enthusiasm for it, he devoted particular attention to Bentham’s ideas, criticized him for ignoring what history revealed about human nature and insisted against him “that multitudes include too much ignorance to be capable of understanding their interest” (Maine, 1918, p. 86). He did not conclude, however, on a purely negative note but praised the Constitution of the United States and its framers for skillfully curbing popular impulses through institutional devices that protected political liberty and remedied the most extreme features of democratic populism.

Maine’s undoubted importance for his own age is well documented in a centennial reappraisal of his work, entitled *The Victorian Achievement of Sir Henry Maine* (1991). However, as the editor of the volume

notes, “whether deservedly or not, and despite pockets of resistance, from the late nineteenth century onward, Maine’s reputation declined ... in virtually every field of intellectual endeavour which he touched” (Diamond, 1991, p. 8). What has not declined since his death is the influence of analytical jurisprudence or faith in democracy. In criticizing the most prominent legal and political ideas of his age, Maine demonstrated brilliantly the enduring importance of the historical method as well as the continuing need to scrutinize the values and institutional arrangements of the different forms of democracy. His masterpiece *Ancient Law* contains a seminal critique of many of the ideas of Bentham and Austin, bridges law and the social sciences, and invites its readers to consider the evolution and transformation of legal ideas from the ancient world to the modern era.

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## MALTHUS

See also AUSTIN, JOHN; BENTHAM, JEREMY; DEMOCRACY; INTEREST; JURISPRUDENCE; LEGAL POSITIVISM.

### MALTHUS, THOMAS ROBERT (1766–1834)

Thomas Malthus was born either on 13 or on 14 February 1766 in Wotton, Surrey, the son of a country gentleman. He was educated at Cambridge where he was exposed to Scottish experimental Newtonianism in epistemology, Anglican consequentialist voluntarism in ethics, and “philosophical Whiggism” in politics. After graduation, he took orders and was elected a fellow of Jesus College. He carried out his pastoral duties as a curate in a small village in Surrey, until in 1805 he was offered a Professorship of modern history and political economy at the “East India College” at Haileybury, Hertfordshire, an institution designed to prepare officials for the East India Company. He lived there during the following three decades while visiting London regularly to attend meetings of the Political Economy Club and to have breakfast with his friend David Ricardo, with whom he discussed economic issues.

Malthus is important in the history of utilitarianism as the discoverer of the principle of population, which became one of the basic weapons in the philosophic radicals’s battery. In 1798, he published *Essay on the Principle of Population*, aimed at fighting utopian egalitarian doctrines, such as those formulated by Condorcet and William Godwin, by proving that a “principle” according to which population increases faster than the means of subsistence would doom to failure every attempt at implementing social egalitarianism. The *Essay* was condemned on moral grounds by both humanitarian Tories and evangelical

Christians, while it was welcome in the ranks of the Whigs and later included in the philosophic radical’s canon. A new, much expanded version, slightly less dismal in its conclusions, was published in 1803 (Malthus, 1989a).

A remarkable and yet overlooked feature of the 1803 version of the *Essay* is that it presents a doctrine that is more empirical and yet no less moral and theological. The problem of theodicy was settled in the two final heterodox chapters to the *Essay* in 1798 in a strongly pessimist tone, but it is dealt with in the second version in more optimistic terms, with the admission of a wider scope for moral choice and responsible action. In more detail, the 1803 version argues a theological consequentialist justification for moral laws in general, and for the duty of “moral restraint” in particular, and concludes that there is a duty to defer marriage while observing chastity as the remedy to the effects of the principle of population. However, under friendly fire from his evangelical fellow travelers, in the following four editions Malthus increasingly modified his doctrines, pointing to the prospect that in a decent society the effects of the principle might be postponed indefinitely and acknowledging that it might be possible “to improve the condition and increase the happiness of the lower classes of society” (Malthus, 1989a, vol. 2, p. 251).

The revised version of the population theory was inspired by (and in turn provided a source of inspiration for) social evangelicalism as theorized and practised by the Scottish Presbyterian Thomas Chalmers and the Anglican John B. Sumner. Ironically, while adopting a condescending attitude towards “Parson Malthus,” philosophic radicals like James Mill tended to stick to the original version of the principle of population (by then significantly modified by Malthus) as an essential ingredient in their own sociopolitical alchemy.

This story is complicated enough to account for subsequent ambivalent and internally contradictory mythologies concerning Malthus's relationship to utilitarianism. In fact, starting with the last decades of the nineteenth century, Malthus was believed to have been a utilitarian *tout-court* (see Bonar, 1885). However, the Benthamites, while gratefully accepting the principle of population, understood Malthus's reflections on the "laws of nature," "virtue," and natural "rights" as proof that he was a nonsense-preaching parson. Bonar's view was routinely repeated for almost a century, but without questioning its apparent contradictions. More recently, the contrast between the utilitarian Malthus and the Christian moralist Malthus has re-emerged in an exchange between Hollander (1989) and Winch (1993).

There are a number of problems with the standard interpretation. How could Malthus, who had no relationship to Bentham and a troubled one with James Mill, and at times was the target of campaigns planned by Mill himself against the enemies of true political economy and opponents of political Reform, be nonetheless a utilitarian? One important circumstance is that in the first three decades of the nineteenth century Whigs and Radicals often found themselves in alliance, even though their respective political agendas differed in important ways. Moreover, the principle of utility was an ingredient—albeit with a rather different function—in two distinct systems of utilitarianism, namely Paley's consequentialist voluntarism (generally known under the infelicitous label "theological utilitarianism") and Bentham's secular brand of utilitarianism. In so far as the English—as contrasted with the Scottish—ranch of Whiggism had Paley as its authority, both versions were dimly perceived as propounding similar ideas. The cleavage emerged in full when, on the one hand, an inductivist approach to the "noble science of politics" was vindicated

against the Benthamite deductive approach by Macaulay in a memorable series of essays in the *Edinburgh Review* of 1829 (Lively and Rees, 1978) and, on the other hand, Paley's authority came to be challenged from within the Anglican liberal camp by supporters of an intuitionist alternative.

Within this context Malthus had already been arguing for some time for an alternative to what Macaulay labelled "utilitarian logic." While adhering (in a manner made increasingly milder by growing doses of evangelicalism) to a Paley-like ethical doctrine that made moral imperatives dependent on the divine will, he also accepted the value of consequentialist calculations. In fact, Malthus frequently proposed "utility" as the test for moral laws on the grounds that the greatest sum of happiness for his creatures was the Creator's putative goal (Malthus, 1986, p. 77; 1989a, vol. 1, p. 19, and vol. 2, pp. 104, 157–8). At the same time, he often refers in the *Essay* to "fixed laws of our nature" with reference to the basic postulates of his population doctrine (Malthus, 1986, vol. 1, pp. 8, 59; 1989a, vol. 1, p. 10, and vol. 2, pp. 87–8) and, in the *Principles of Political Economy* (1820), besides "general laws" and the usual "propositions of political economy," he refers to "laws of nature" in the sense of laws of physical nature constantly at work "in the production of necessaries" (1989b, vol. 1, pp. 147–8). It is apparent, therefore, that Malthus' system of ideas made room both for the "test of utility" and for such notions as natural or innate "rights" and "laws of nature" that were believed by Bentham to be a nonsense.

The claim that Malthus was a "utilitarian" is, accordingly, either vacuous or wrong. If making use of the utility principle is what makes one a utilitarian, then clearly Malthus could be described as such. However, if being a utilitarian means sharing the family of doctrines taught by the Benthamites, then clearly Malthus was not



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a utilitarian. He was a follower of consequentialist voluntarism, which—far from being a not yet fully secular utilitarianism—was a self-standing doctrine with its own logic and its own waterproof, albeit unsavoury, theodicy justifying partial evil in the name of universal good. The mercilessness of such a solution and its social implications was the target of evangelical attacks and the occasion for repeated amendments to the *Essay*. The final result was that by the third decade of the nineteenth century the Benthamites appeared to be the main supporters of a merciless social politics, while the former “ogre” Malthus had determined that the goal of any wise and just politics was to bring about circumstances which would tend to elevate the “character” of the “lower classes,” so that their members would no more “acquiesce patiently in the thought of depriving themselves and their children of the means of being respectable, virtuous and happy” (Malthus, 1989b, vol. 1, p. 251).

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See also CONDORCET, MARIE JEAN ANTOINE NICOLAS CARITAT; GODWIN, WILLIAM; PALEY, WILLIAM; PHILOSOPHIC RADICALISM; POOR LAWS; POPULATION; RELIGIOUS UTILITARIANS; RICARDO, DAVID.

### MANDEVILLE, BERNARD (bap. 1670–1733)

Bernard Mandeville was baptized on 20 November 1670 in Rotterdam. He attended the Erasmian School in Rotterdam and the University of Leiden, where he studied medicine and philosophy. In an attempt to establish himself as popular writer, in 1705 he published *The Grumbling Hive*, a fable in verse deprecating the English. The fable follows a number of wealthy and disgruntled



bees that lament the prevalent vices of the day, while all the while blind to the fact that they are guilty of the very same vices they condemn. The bees pray for virtue, and their prayers are eventually answered, but the consequence is that numbers and wealth decline. The moral of the story is that vice is beneficial when it is restricted by justice, a theme elaborated in his better known and almost universally condemned *Fable of the Bees, Or private vices, publick benefits* (1714).

*The Fable of the Bees* suggests that it is our “vilest and most hateful qualities” that render us sociable and make us “fit for the largest, and according to the World, the happiest and most flourishing Societies.” Mandeville insisted that he was not commending vice, but simply noting its paradoxical nature. For example, he pointed out that only if London were less commercially successful would the streets be clean; dirt was indicative of prosperity. This consequentialist ethic, it has been suggested, helped pave the way for classical economics and utilitarianism (Goldsmith, 2004). However, to what degree Mandeville may himself be considered an early utilitarian is disputed (Monro, 1975, Ch.8). F. B. Kaye insists that Mandeville was a utilitarian (Mandeville, 1988, vol. 1, pp. lviii–lxi), and that he was “one of the most important figures in the development of eighteenth-century utilitarianism” (Kaye, 1921, p. 419). J. C. Maxwell believed that Kaye overstated the case, but that the utilitarian character of Mandeville’s philosophy is evident once a distinction is drawn between private ethics and public policy. From Mandeville’s point of view, it is the statesman’s duty to promote the public welfare, not what it might be if all men were virtuous. The statesman must submit to any “inconveniency, any evil, to avoid the greater.” Thus, “though he ought to be ascetic himself, it is not his duty to promote asceticism in the community as a whole.” It is Mandeville’s conception of the function of the statesman that Maxwell considers “purely utilitarian” (Maxwell, 1951, p. 247).

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#### MARSHALL, ALFRED (1842–1924)

Alfred Marshall was born on 26 July 1842 in Bermondsey, a poor but industrious area south east of the City of London, the second of four children to William Marshall, a Clerk at the bank of England and Rebecca Marshall née Oliver. Showing considerable promise, Alfred was sent to the Merchant Taylors’ School in Norwood in 1852, entry requiring competence in classics, mathematics and religion. Rejecting classics at Oxford, Marshall entered St. John’s College, Cambridge in 1861 to study mathematics. Rigorous examination of mathematics, including “voluntary” science and philosophy, put Marshall in second place in his year in 1865, but more significantly were his friendships in the Grote Society with the

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arguably neo-utilitarian philosopher Henry Sidgwick, the symbolic logician John Venn, Joseph Bickersteth Mayor and John Rickards Mozley. All published significant amendments to the utilitarian philosophy. The election of the utilitarian, but orthodox, Henry Fawcett to the Chair of Political Economy in 1862 forced a crisis in Marshall's allegiances to utilitarianism that led to his major contributions. In 1866, he took the Moral Sciences Tripos that then included political economy and philosophy, which led to a period of analytic study of the merits and demerits of utilitarianism and idealism (Groenewegen, 1995; Cook, 2001, 2009; Gibbins, 2007). A Fellowship at St. John's was won in 1865, where Marshall became one of the first Moral Science tutors in 1868 and then College lecturer, which he resigned in 1877 when he married Mary Paley, granddaughter of the famous Cambridge utilitarian William Paley. He filled posts including Chairs at Bristol and Oxford, before winning the Cambridge Chair following Henry Fawcett's death in 1885. Marshall's death in 1924 came after a life dogged by periods of stress and digestive disorders that left him increasingly frail. The obituaries and memorials evidence the claim made by John Maynard Keynes that Marshall "is the father of economic science as it existed in England today" (Keynes, 1933, pp. 150–226; 1937, pp. 562–4).

Marshall is an important neo-utilitarian, who contributed to the reform of utilitarian thinking in the area of theoretical economics, illustrated famously by his graph depictions of supply and demand curves and microeconomics of the market, the latter illustrated by his theories of "marginal utility," "consumer surplus" and the "price elasticity of demand." In these, he stands contemporary to Stanley Jevons, and between the classical economists, including Mill and Ricardo, and Marshall's later progenies, including Arthur Cecil Pigou, Vilfredo Pareto and Keynes. Marshall can be credited with

professionalizing economics teaching in Cambridge, then nationally, helping found the *Economics Journal* and the British Economic Association, and then founding, with Keynes, an economics archive, *The Marshall Library of Economics* in Cambridge. He furthered the Millian project of social economics, and networked for economic and social reform with associated bodies as varied as the Trade Unions, the Cooperative Movement and the Treasury.

Marshall's most well-known work is *The Principles of Economics* (1890), a textbook read by generations of students at home and abroad (the ninth and last edition was published in 1961). The book had circulated in draft form in Cambridge in the 1870s, just after the publication of two other books that examined the complexity of human nature and moral and political principles, Henry Sidgwick's, *Methods of Ethics* (1874) and John Grote's, *Treatise on the Moral Ideals* (1876). In 1879, Marshall had co-published *The Economics of Industry* with his wife Mary Paley Marshall, then took 11 years to refine the *Principles* for publication. It was intended as the first part of a larger project that was partially fulfilled close to his death with the publication of *Industry and Trade* (1919) and *Money, Credit and Commerce* (1923).

The originality of Marshall's early works was revealed after his death: showing how his brilliant revisions of old utilitarian psychology were wrought; how he came to treat disposable money as the best available indicator of human behaviour, that is, desire and want, if not need; and, like Venn, used algebra and graphs to display the movement of these desires via supply and demand curves. Spending replaced desire for pleasure and cost replaced pain in a now dynamic alternative to the "felicific calculus," and indeed the whole "dismal science." Consumer behaviour is determined by the extra (*marginal*) utility attracted by the next purchase, minus the opportunity for pleasure

lost and the pain evoked by the expenditure. Socialist tendencies, nurtured by evangelicalism and a close shave with poverty, were grounded on utilitarian concerns that the working classes were not good optimizers, and an idealist evocation of the duties of the “haves” for the “have nots.” Marshall had insisted, like Mill, that metaphysical and moral matters should direct the economic (Cook, 2009). Recent scholarship reveals how this novel thinking was fashioned in the 1860s and 1870s, around the idea for a kind of Weberian ideal type or model covering the relationship of psychology, ethics and economic behaviour as expressible in mathematical forms, which he variously called “a mathematical-economical calculus,” “an engine for the discovery of concrete truth,” and the “organon” (Groenewegen, 1995, pp. 109–30).

In his lifetime, Marshall’s most profound critic was his fellow Cambridge economist, the idealist William Cunningham. Arguably unfairly, Cunningham accused Marshall, of having no sense of the contingency of economic laws in his equilibrium modelling of markets (Cunningham, 1892). A fuller range of challenges was opened in 1926, when Keynes directed the English translation of Piero Sraffa’s 1925 critique of Marshall’s theory of value to the *Economic Journal*. Sraffa’s innovative critique of the assumptions Marshallians had to make to operate equilibrium market economics, led to what became known as the economics of *imperfect competition*, made more famous by Joan Robinson, another Cambridge economist (Sraffa, 1926; Aslanbeigui and Oakes, 2009; Raffaelli *et al.*, 2006, pp. 139–700).

Marshall’s contributions to public service were numerous and highly valued. Early essays, correspondence and other writings chart the reach of Marshall’s continuing influence and popularity into the twentieth century, the best of which were published by Keynes in 1926 and by Groenewegen in 1990

(see also the editions of Pigou, 1925; Groenewegen, 1995; Whitaker, 1996). Marshall had made utilitarian economics workable and functional for the next century, influencing generations of economists around the world, and in Italy, India and Britain especially.

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See also FAWCETT, HENRY; FELICIFIC CALCULUS; GROTE, JOHN; MAYOR, JOSEPH B.; MILL, JOHN STUART; MOZLEY, JOHN RICKARDS; PARETO PRINCIPLE; PIGOU, ARTHUR CECIL; SIDGWICK, HENRY.

## MARTINEAU, HARRIET (1802–76)

Harriet Martineau was born on 12 June 1802 in Norwich, England, and grew up in a community descended from exiled French Huguenots. Her family, known for its physicians and “captains of industry,” was an integral part of the Unitarian community of intellectuals, religious dissenters, and social reformers. Martineau’s middle-class circumstances were unusually privileged: an insatiable reader and student of rhetoric, ancient and modern languages, the sciences and humanities, she enjoyed a level of intellectual stimulation rarely extended to females of any class at that time. Individual

development through exposure to thinkers and writers, past and present, was a priority in the Martineau family.

A primary impact on her early thinking was Joseph Priestley, “the great apostle of Unitarianism” and the first to articulate “the greatest happiness” doctrine to define the purpose of government; her tale, “Briery Creek,” is an homage to her “lifelong sentiment of admiration and love of Dr. Priestley” (Martineau, 1983, vol. 1, p. 254). She went on to study Hartley, Locke, Ricardo, Senior, Malthus, Stewart, Adam Smith, Paine, Bentham, and James Mill, whose collective ideas established the foundation for her work on political economy and sociology; ideological links between Unitarians (“the new capitalist class”), the science of political economy, and the era of social reform were, for her, a logical fit.

Other early influences included necessitarianism, which sat uneasily with the utilitarian strands of her thought. At 20, she was “a thoroughly grounded necessarian,” but she rejects submitting to “the will or mind of any other being,” preferring “a natural working out of our own powers” (Martineau, 1983, vol. 2, p. 289). Individual self-empowerment often conflicts with communal needs; and, since not all individuals will do the right thing, neither *laissez faire* nor government intervention provides satisfactory solutions to complex social relations.

Although Martineau resisted counting herself a Benthamite, utilitarian influences are evident from her earliest work. Her 1832 article “On the Duty of Studying Political Economy” anticipates the ideological syntheses characterizing *Illustrations of Political Economy* (1832–34). She criticizes “the blind prejudices of the people and the haughty irrationality of the aristocracy,” and calls to account MPs who “prefer shooting and billiards to studying Ricardo, as ... Charles Fox preferred tending his geraniums to reading Adam Smith” (Martineau, 1832, p. 25). Participation in “the social

contract” requires knowing the “laws of social duty and social happiness ... it is a positive obligation” (p. 26). Political economy offers a “moral philosophy” capable of replacing selfish competitiveness with justice and benevolence; indeed, she concludes, its practical “utility” is matched only by its intellectual beauty and elegance.

Martineau’s tale “Life in the Wilds” (1832) dramatizes vexed relations between the individual and community. Driven by poverty to emigrate to southern Africa, British colonists are stripped of their paltry resources in a native raid; this extreme social levelling prohibits conventional class considerations. In order to survive, all must contribute to the greater good and put aside individual desires; simply put, those who do not work, do not eat. While the community ultimately triumphs over adversity, its return to “normalcy” is marked by private dwellings inhabited by individual nuclear families; by thus associating individualism with advanced civilization, Martineau reaches an ambivalent conclusion to an otherwise utopian parable.

Also ambivalent is “Weal and Woe in Garveloch,” a controversial tale dramatizing the consequences of unchecked reproduction in times of plenty for a community suddenly reduced by famine; death by starvation, disease, or war is offered as a logical, if tragic, solution to a largely preventable problem. Of this and “Tale of the Tyne,” Martineau notes with irony that Malthus praised her treatment of the “blessedness of domestic life” as did the “stern Bethamites”—both thinking that, in her writing, “they had met with a faithful expositor at last” (Martineau, 1983, vol. 1, pp. 253–4).

In 1829, Martineau wrote: “Of posthumous fame I have not the slightest expectation or desire. To be useful in my day and generation is enough for me”; her aim was “to consider my own interests as little as possible, and to write with a view to the good of others” (Chapman, 1877, pp. 166–8). She was ever optimistic about the good she

could do and about human perfectability, as evidenced by her social reform writing during a prolific career marked by advocacy of universal education, women’s issues, invalidism and public health, democracy, corn-law repeal, and abolition of slavery in America. Her restless search for her own personal truth led her to reject Unitarianism. For a time, Auguste Comte’s *Course on Positive Philosophy* (1830–42), which Martineau condensed and translated in 1853, promised a unifying framework for universal social reform—the greatest good doctrine—but, like utilitarianism, though it proved useful as a means, she could not view it as an end in itself.

Martineau’s mature philosophy, with its emphasis on individuals’ social obligation to understand and apply scientific insights to communal problems, echoes her early advocacy of utility—both stages of her development being eclectic and idiosyncratic. Following the wildly popular success of her *Illustrations of Political Economy*, she met James Mill, who had very nearly prevented its publication: “he made the frankest possible acknowledgment of his mistake in saying ... that political economy could not be conveyed in fiction, and that the public would not receive it in any but the didactic form” (Martineau, 1983, vol. 2, p. 1). Delighted with this vindication from one of her intellectual heroes, she had small use for the younger Mill, who had termed the *Illustrations* an “absurdity”: “I never could understand the Utilitarianism of that coterie. ... Some of them used to assume that I was a Benthamite ... I disclaimed being a comrade. I have watched some of them since,—especially Mill. ... My ... impression is ... that he is an enormously overrated man” (Martineau, 2007, vol. 4, pp. 155–6).

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## MAXIMIZATION

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See also BENTHAM, JEREMY; COMTE, AUGUSTE; MILL, JOHN STUART.

## MAXIMIZATION

Ancient and medieval philosophers (in the West) did not talk about maximization. The notion seems to have come into our general cultural awareness as a result of the invention of the calculus—with its talk of maxima and minima; and moral philosophers—especially utilitarians—took up the idea of maximization fairly soon thereafter. Interestingly, though, Jeremy Bentham’s first version of the principle of utility (in the 1789 edition of *An Introduction to the Principles of Morals and Legislation*) says nothing about maximization, and it is only in the later 1823 edition that the idea of greatest good is brought into the formulation of that principle. But by the time we get to Sidgwick’s *The Methods of Ethics* (1874), the idea of maximization seems thoroughly ensconced in utilitarian thought as regards both individualistic rational choice and moral obligation.

It has seemed plausible to suppose that a rational individual choosing for herself alone will want to maximize her satisfactions, her pleasure, or (more generally) her good, and this has then served as a model for (rational) moral choice, with the utilitarian then holding that it is obligatory to produce at least as much good as one can in a given situation. But in recent decades philosophers and economists have questioned the idea of maximization in relation to both individual(istic) and moral decision-making. For example, Amartya Sen (1979) has suggested that maximization cannot be the sole basis for individual good or rational choice because these things also depend on how *evenly* goods are distributed through a life. If one has a choice between a life that contains more overall good/pleasure bunched at its beginning and a life containing slightly less good that is more evenly distributed, one should prefer the latter, according to Sen, and this means that one cannot equate most (good) with best or maximization with optimization. It has also been suggested that



bunching goods towards the end of a life is better than bunching them all at the beginning (or before life's later stages) on the principle, roughly, that "all's well that ends well" (Slote, 1983, Ch.1). And, as with Sen's view, this implies that maximization is not automatically the route to optimization and may, therefore, be less important than the latter.

More recently, the notion of "satisficing" has emerged in the literature of economics and has been applied in philosophy to offer an even deeper (or more radical) challenge to the idea of maximization and even to the idea of optimization. The economist Herbert Simon (1959) has argued that firms or business owners may rationally be content with a certain market share and not strive to do the best or obtain the most they can for their firms or for themselves. Simon allows, in other words, that one may in all rationality have an "aspiration level" that is below the most or best one could try to obtain or attain, and this means that neither optimization nor maximization is a necessary condition of rational action or choice. Many economists and philosophers have challenged this view, but it has also been argued, for example, that if an individual does enough good, produces good enough consequences, in a given context, their action may be morally acceptable in utilitarian terms, even though they could actually have produced more good if they had chosen to do so (Slote, 1989, Ch.3). According to this kind of "satisficing utilitarianism," the goodness of consequences is the only criterion of moral rightness, but consequences less than the best obtainable may sometimes be good enough to qualify action as morally right or permissible. This puts utilitarianism more in line with common-sense thinking, which does not always require maximization or optimization in order to consider an act morally acceptable, but nonetheless (or perhaps because of this), the idea of satisficing utilitarianism has been extremely controversial among utilitarians, and most utilitarians are still optimizers

and maximizers. More recently and partly as a result of doubts about "interpersonal comparisons of utility," the utilitarian focus has been on maximizing the satisfaction of everyone's desires or preferences, rather than on maximizing pleasure or happiness for all people or sentient beings. But the idea of maximization is still there at the centre of most utilitarian thought and moral advocacy, and has thus proved quite durable despite all the recent criticisms.

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*See also* BENTHAM, JEREMY; CONSEQUENTIALISM; INTERPERSONAL UTILITY; MEASUREMENTS OF UTILITY; PREFERENCES (PREFERENTIALISM); RATIONAL CHOICE THEORY; SATISFICING; SIDGWICK, HENRY; UTILITY.

#### MAYOR, JOSEPH BICKERSTETH (1828–1916)

Joseph Bickersteth Mayor, philosopher, classicist and author, was born on 24 October 1828 at the Cape of Good Hope, South Africa. He was the 8th of the 12 children of Robert Mayor (1791–1846), missionary and cleric, and his wife, Charlotte, daughter



of Henry Bickersteth, Surgeon of Kirby Lonsdale and his wife, Elizabeth. The family on the father's side was descended from the Lord Chief Justice of England, Sir Matthew Hale (1608–79). On the mother's side, her brothers included Henry Bickersteth (1783–1851), later Lord Langdale Master of the Rolls of Caius College, Cambridge, and friend of Jeremy Bentham. Mayor attended Rugby School, and later became a school governor there. In 1847, he entered St. Johns College, Cambridge, 2nd Wrangler Classics then MA in 1854. He was ordained Deacon in 1859 and Priest in 1860.

Mayor's network involved many of the best minds in mid-century Cambridge, including Henry Roby, educational reformer, Professor of Jurisprudence and MP for Eccles, Fenton John Hort, Hulsean Professor of Divinity, the philosopher Henry Sidgwick, Sir John Seeley who established Political Science at Cambridge, and John Venn, logician and historian. He was drawn into a philosophical network called the Grote Club, later the Grote Society, after its leader, John Grote. Friendship, discussion and judicious criticism, the hallmark of later Cambridge philosophy, were developed here and earlier in "The Society" whose members included Leslie Stephen, Henry Fawcett, Sidgwick, and Roby. These networks lasted for life, with the exception of Stephen who engineered the election of Fawcett over Mayor for the Chair in Political Economy at Cambridge in 1862. Mayor was among the great Cambridge College and syllabus reformers of the period, who helped establish the moral sciences and became its College tutor. Mayor left Cambridge in 1862 to become master and then headmaster of Kensington School, then Professor of Classical Literature (1870–79) and later Professor of Moral Philosophy (1879–83) at King's College, London.

Mayor's major contribution to philosophy was his lifelong endeavour to edit and publish the work of his mentor John Grote, assisted by Sidgwick and Hort. Here, as in

his own life, he displays a conversational style, acute criticism and care for the truth, further revealed in his *Sketch of Ancient Philosophy* (1881). Informed by German scholarship, he favoured idealist philosophy and opposed positivism, materialism, scepticism, and the utilitarianism of Bentham and J. S. Mill. Mayor's footnotes to Grote's *An Examination of the Utilitarian Philosophy* (1870) evidence his originality, especially exposing the fallacy of composition, the naturalistic fallacy and the confusions over the quantification of pleasures in Mill's *Utilitarianism* (1861) (Grote, 1870, pp. 65–70; Gibbins, 2007, pp. 305–36). His recovery of Cicero's *De Natura Deorum* (3 vols, 1880–85) indicates his endeavour to recruit Cicero in support of stoicism and Christianity against utilitarianism and positivism.

Like Grote, Mayor moved with the romantic current, but he favoured an eclectic moral philosophy and built a relational ethics around duty. His interest in philology and a desire to counter the Benthamite utilitarian corruption of language led to several books including, *Chapters on English Metre* (1896), and a *Handbook of Modern English Metre* (1903). His efforts to utilize critical and liberal Anglican scholarship to restore the credibility of religion in the face of utilitarianism and positivism led to five books on Christianity. Mayor was grave, serious and strict as a tutor and parent, but he used his charm, empathy, a sense of justice, reading sessions and invitations to walk in the Lakes, to find men out and bring them into his intellectual orbit.

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See also FAWCETT HENRY; GROTE, JOHN; MARSHALL, ALFRED; MOZLEY, JOHN RICKARDS; SIDGWICK, HENRY.

## MEASUREMENTS OF UTILITY

Since utilitarianism aims to maximize the unweighted sum of individual utilities, it is important that individual utilities are measurable cardinally and interpersonally comparable. However, in modern economics, utility is usually taken to be a (real-valued) representation of the *ordinal* preference of the relevant decision-maker (usually an individual; called actor here):  $U(x) > U(y)$  means that the actor prefers situation  $x$  to  $y$ . If individual utilities are only ordinal and not cardinally measurable (which involves not only the ordinal rankings but also the intensities of preferences), they cannot be added to form the sum of individual utilities, making utilitarianism impracticable.

After the indifference-curves/ordinal-utility revolution, it can easily be seen that, for deriving the consumer demand functions, no cardinal utility need be assumed. Whatever the cardinal utility numbers the various indifference curves (or hyper-surfaces) represent, as long as higher utility numbers are

associated with higher indifference curves, the same demand function will be derived under the same budget constraint for the same set of indifference curves (even with different cardinal utility numbers). Thus, abstracting from the unnecessary cardinality in the utility function represents a methodological advance in accordance with the principle of “Occam’s razor,” which states that one ought not to increase, beyond what is necessary, the number of entities required to explain anything. However, that cardinal utility is not needed for the positive theory of consumer demand and the associated supply-demand partial and general-equilibrium analysis does not mean that it is not needed for all analysis. To insist on not considering cardinal utility even for areas (such as social choice, welfare economics, optimal population) where interpersonal cardinal utility may be essential is to commit the fallacy of misplaced abstraction (Ng, 2004, sec. 1.4). In fact, as shown by Kemp and Ng (1976) and Parks (1976), ordinal utility does not provide a sufficient basis for reasonable social choice; interpersonal cardinal utility is essential.

That individual utilities/preferences are cardinal is clear: “If your preference is really purely ordinal, you can only say that you prefer your present situation ( $A$ ) to that plus an ant bite ( $B$ ) and also prefer the latter to being bodily thrown into a pool of sulphuric acid ( $C$ ). You cannot say that your preference of  $A$  over  $B$  is less than your preference of  $B$  over  $C$ . Can you really believe that!” (Ng, 1997, p. 1853).

The fact that consumer demand curves are only associated with ordinal preferences means that we cannot derive full cardinal utility information only from consumer demand analysis, including consumer surplus measurement. Nevertheless, the use of consumer surplus may provide some approximation to the measurement of benefits. This measurement is not perfect even for the equivalent variation, the so-called perfect measure of

## MEASUREMENTS OF UTILITY

welfare changes (see Ng, 2010). Though the measured “benefits” are in monetary terms rather than in utility terms, the argument for treating, in specific issues, a dollar as a dollar to whoever it goes (Ng, 1984; 2004, App. 9A), means that the measured monetary benefits or costs provide effectively the same information as utility gains or losses. However, this does not provide sufficient information for deciding the general degree of distributional transfer or the progressivity in the general tax/transfer policy that involve trading-off the gain of equality with the efficiency loss. Also, as mentioned above, benefit estimates based on consumer surplus measurement are not perfect and some benefits and costs cannot be estimated from consumer surplus. This suggests that additional methods in utility measurement are desirable.

One way to measure utility, especially the utility levels associated with different amounts of income/wealth, is to observe the degree of risk aversion of the decision-maker. Based on the expected utility hypothesis, the utility indices so derived is partially cardinal (unique up to a linear transformation, with the absolute level or the zero point indeterminate), but not fully cardinal (unique up to a proportionate transformation). Another way is to measure the happiness levels of individuals directly. Utility, representing (ordinal and/or cardinal) preferences, need not be the same as happiness. However, if we ignore imperfect information, a concern for others and irrational preferences, utility and happiness (or welfare) are the same. Moreover, utilitarians regard happiness as of more intrinsic and ultimate value than utility (Ng, 1999). Thus, the measurement of happiness is even more important and informative.

The measurement and study of happiness has been mainly the concern of psychologists and sociologists until recently, when economists, following the lead of Easterlin (1974), began to engage in the endeavour

(e.g. Oswald, 1997; Frey and Stutzer, 2002a; Praag and Ferrer-i-Carbonell, 2004; Layard, 2005). Nevertheless, many economists remain sceptical of the reliability of happiness measurements based on subjective questionnaire surveys; economists trust people’s purses (their willingness to pay for the goods they desire) rather than what they say makes them happy (in this sense, talk is cheap). While this position has some validity, it can easily be overemphasized. For example, between 2000 and 2010, the Indian GDP figures increased six times solely due to changes in the PPP (purchasing power parity) adjustment.

Dominitz and Manski (1999) examine the scientific basis underlying the hostility of economists to subjective data and found it to be “unfounded.” As Manski (2000) argues, “survey respondents do provide coherent, useful information when queried systematically” (Manski, 2000, p. 132). Whatever problems there may be in measuring happiness (see Schwarz and Strack, 1999; Kahneman and Krueger, 2006), it is argued that reported happiness indices may still be used as good approximations (Frey and Stutzer, 2002b), and “happiness surveys are capturing something meaningful about true utility” (Di Tella and MacCulloch, 2006, p. 28; for measurements of happiness that are interpersonally comparable, see Ng, 1996; and on Edgeworth’s hedonimeter and the quest to measure cardinal utility, see Colander, 2007).

Of the results obtained, the one most relevant to utility measurement is perhaps the failure of big increases in income/consumption to increase happiness levels, especially at the social level. While people with higher incomes are typically slightly happier than their poorer contemporaries, the society as a whole does not advance in average happiness as incomes increase over time (surveyed in Clark *et al.*, 2008). This is consistent with the fast diminishing marginal utility of income, the importance of relative income

(Easterlin, 1974, 2002), the importance of nonincome factors such as marriage and relationships (Bruni, 2006) and employment (Winkelmann and Winkelmann, 1998), genetic set point theory (Lykken, 1999), and the failure of individuals to take adequate account of adaptation effects (Gilbert, 2006). Even if we were to use more objective indicators for the quality of life, it is the advance in knowledge at the world level rather than the GDP growth of individual countries that contributes more to happiness (Easterly, 1999). These results suggest that instead of emphasizing GDP, public policy and tax dollars should be aimed at enhancing education, equality, environmental protection, research, and public health. Despite unavoidable inefficiencies in public spending, increased spending in these targeted areas may outperform the reliance on private consumption to increase overall utility (Ng, 2003). While the monetary costs of financing public spending may be high, their ultimate utility costs may be negligible. Preoccupied with the exaggerated excess burden of taxation, economists have largely ignored the grosser inefficiencies of private consumption, such as those related to relative competition, environmental disruption, underestimation of adaptation effects, and irrational preferences (see Kaplow, 1996; Ng, 2003).

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- See also* CARDINAL UTILITY; ECONOMICS; EXPECTED UTILITY HYPOTHESIS; INTERPERSONAL UTILITY; MAXIMIZATION; ORDINAL UTILITY; PREFERENCES (PREFERENTIALISM).
- MERE ADDITION PRINCIPLE:** *See* NUMBER-DAMPENED UTILITARIANISM.
- MILL, HARRIET TAYLOR (1807–58)**
- Harriet Taylor Mill was the wife of the philosopher John Stuart Mill and, for many years before their marriage, his close friend and companion. Her importance to utilitarian studies stems from her influence on and possible contributions to work published in his name and her possible authorship of the 1851 essay "The Enfranchisement of Women."
- Harriet Taylor Mill was born Harriet Hardy on 8 October 1807. She married the druggist John Taylor in 1826. Harriet and John Stuart Mill met in 1830. Their intimacy during the long period in which Harriet was married to John Taylor would be rather scandalous by contemporary standards, let alone in Victorian England. For instance, early on, John made almost nightly visits to the Taylors' home in John Taylor's absence. John Taylor died in 1849, and in the spring of 1851 Harriet and John were married.
- After their marriage, the Mills spent most of their time in their Blackheath Park home.

Both suffered from various health problems, including tuberculosis—it is possible that she caught “consumption” from him (Packe, 1954, p. 360)—although they did sometimes interrupt their reclusion to travel in pursuit of a more healthful climate. In late 1858, they set out for Montpellier, but Harriet’s fragile health gave out on 3 November in Avignon.

There are few published pieces that we can confidently declare to have been written by Harriet, and their content is not especially philosophical. Any consequential philosophical contributions that Harriet made are, therefore, to be found in works that were either published without attribution or that appeared in John Mill’s name alone. Thus, we are faced with the difficult question of how much responsibility she bears either for the actual composition of these works or for the arguments that they advance.

John’s answer to this question is generous to Harriet. In a “wide sense,” he writes, “not only during the years of our married life, but during many of the years of confidential friendship which preceded it, all my published writings were as much my wife’s work as mine; her share in them constantly increasing as years advanced” (Mill, *CW*, vol. 1, p. 251). Yet so hyperbolic is John’s praise of his wife’s abilities (e.g. pp. 193–9) that it calls into question the credibility of his reports on her contributions. However, Jo Ellen Jacobs (2002) argues that if anything John erred on the side of giving Harriet too little credit.

Others who have investigated the same question have reached very different conclusions. H. O. Pappé, (1960) for example, concludes that “Mill without Harriet would still have been Mill” (pp. 47–8). This sceptical assessment is congruent with the far from flattering accounts of Harriet’s intellectual abilities that we have from some of her contemporaries. Thomas Carlyle, for instance, comments that “She was full of unwise intellect, asking and re-asking

stupid questions” (quoted Packe, 1954, p. 315).

So far as her contributions are concerned, there are three particular works of real importance in whose production we have some reason to believe that Harriet played a significant role. The earliest is the *Principles of Political Economy* (1848). Surviving correspondence shows that Harriet was actively involved in revising some of the later editions of the *Principles* (e.g. *CW*, vol. 14, pp. 8–9). In addition, one important chapter of the *Principles*, titled “On the Probable Futurity of the Labouring Classes” (vol. 3, pp. 758–93), would apparently not exist if not for her. This chapter argues that when the labouring class has made sufficient mental progress its members will refuse to settle for mere wages any longer but will insist first on employee ownership and will even experiment with Socialist and Communist communities. Jacobs maintains that Harriet was in fact the author of this chapter, and hence an unacknowledged co-author of the *Principles* (pp. 207–8), although her primary evidence for this is John’s own description of Harriet’s role and what he actually says is not that she wrote the chapter but rather that she was “the cause of my writing it” (albeit often “with words taken from her own lips”) (*CW*, vol. 1, pp. 255–7; see also vol. 3, p. 1027n).

“The Enfranchisement of Women,” published in *The Westminster Review*, is the best candidate for a significant philosophical work authored primarily or even solely by Harriet (H. T. Mill, pp. 51–73). This essay contains many of the same lines of argument as *The Subjection of Women*, written by John and published in 1869, although it expresses a somewhat more radical view of gender roles than the later essay (see Rossi, 1970, pp. 41–3). This difference is an important piece of evidence in favour of attributing the essay to Harriet, as is John’s claim that the article’s authorship was “known at the time, and publicly attributed



to her” (Mill, 1882, vol. 3, pp. 93–4). Nevertheless, some evidence does hint that John may be the actual author (e.g. *CW*, vol. 14, pp. 55–6, 65–6, 190), and while there is a general consensus around Harriet’s authorship, there is some dissent (e.g. Himmelfarb, 1974, pp. 183–6).

Finally, there is *On Liberty* (1859), published in the year after Harriet’s death. In dedicating the essay to Harriet, John says that “Like all that I have written for many years, it belongs as much to her as to me,” and in his *Autobiography* he elaborates on her role, calling the essay “more directly and literally our joint production than anything else which bears my name,” and observing that “The whole mode of thinking of which the book was the expression, was emphatically hers ...” (*CW*, vol. 1, pp. 257–61). Yet John’s letters to Harriet and others also speak equivocally to the question of whether Harriet’s role in *On Liberty*’s production genuinely amounts to that of co-author (see e.g. *CW*, vol. 14, pp. 294, 332).

With respect both to Harriet’s abilities and her intellectual contributions, there is a vast middle ground between the more extreme positions towards which most commentators gravitate, and it is difficult to resist the idea that the truth lies somewhere therein. A balanced view of the Mills’ collaboration comes from Bain, who suggests that just as John’s friend John Sterling “overflowed in suggestive talk, which Mill took up and improved in his own way,” so too might Harriet have done (Bain, 1882, pp. 173–4). It is at least possible that Harriet’s major contribution to the Mills’ collaboration was to turn John’s attention to the defence of a set of progressive ideals and causes to which she was passionately attached: socialism, women’s rights, individual liberty, and above all a “utopian” view of humanity’s improvability. John had famously been raised to be a champion of radical causes, but his agenda eventually differed in many respects from James Mill’s, and Harriet’s firm convictions

may have much to do with this. Perhaps, with Harriet’s having given such reasons for her positions that intelligent people without philosophical training can typically give, John may have sought fuller and more satisfying arguments. Of course, it is on the depth and rigour of the arguments he found that John’s reputation as a moral theorist and social-political philosopher rests. Yet even if Harriet’s main contribution to their partnership was to inspire John to see what could be done by way of making a theoretical case for her views, she must have been able to talk sensibly about her positions and to play an active role in helping John to articulate his arguments. Bain knew John extremely well, and even though he says that his friend was under “an extraordinary hallucination as to the personal qualities of his wife,” and “outraged all reasonable credibility in describing her matchless genius,” he is also adamant that John would only have been stimulated by someone who had a “good mutual understanding as to the proper conditions of the problem at issue” (pp. 173–4).

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See also FEMINISM; MILL, JOHN STUART.

#### MILL, JAMES (1773–1836)

A Scots-born political theorist, historian, psychologist, educational theorist, economist, and legal, political and penal reformer, James Mill made his mark on utilitarianism in a number of ways, not least by being Jeremy Bentham's "lieutenant and propagandist-in-chief" (Halévy, 1930, pp. 450–1). He has also had the double misfortune of standing not only in Bentham's shadow but also in that of his first-born son, John Stuart Mill.

James Mill was born on 6 April 1773 in the parish of Logie Pert in Scotland. His father, James Milne, a cobbler of modest means, was quiet, mild-mannered and

devout. His mother, Isabel Fenton Milne, was a much more forceful figure. Determined that her first-born son should become a gentleman, she changed the family name from the Scottish "Milne" to the more English-sounding "Mill," and kept young James away from other children so he could spend most of his waking hours immersed in study (a regimen rather like this was later imposed upon his eldest son). Before graduating from Montrose Academy at age 17, Mill was persuaded by the parish minister and his mother to study for the ministry, his studies to be supported by Lady Jane Stuart, wife of Sir John Stuart of Fettercairn, who headed a local charity founded for the purpose of educating poor but bright boys for the Presbyterian ministry.

In 1790, Mill enrolled in the University of Edinburgh. The Scottish universities at Edinburgh and Glasgow (and to a lesser extent Aberdeen and St. Andrews) had earlier been the hub of the Scottish Enlightenment and were still the premier universities in Britain and indeed in Europe. They had numbered among their faculty such luminaries as Francis Hutcheson, Thomas Reid, John Millar, Adam Ferguson, Adam Smith, and—had the orthodox town council of Edinburgh not forbidden his joining the faculty—would have included David Hume as well. At Edinburgh, Mill took great delight in attending the lectures of Dugald Stewart, who carried on the tradition of Scottish moral philosophy. Mill's course of studies also included history, political economy, and the classics, including his favourite philosopher, Plato. Mill's mind never lost the stamp of his Scottish education.

Upon completing his first degree in 1794, Mill began studying for the ministry. By the time he was licensed to preach in 1798, Mill had apparently begun to lose his faith and by the early 1800s become restless and disillusioned. In 1802, at age 29, he left for London to work as an independent author, journalist and editor. From 1802 until his appointment

as an assistant examiner of correspondence at the East India Company in 1819, Mill's literary labours were prodigious. Besides some 1400 editorials, he wrote hundreds of substantial articles and reviews, as well as his *History of British India* (1818) in three large volumes. Although some of these were labours of love, most were labours of necessity, for Mill had to support himself and his wife Harriet, whom he married in 1805, and a fast-growing family. The first of his nine "brats," born in 1806, was named John Stuart after his father's Scottish patron.

In late 1807 or early 1808, James Mill met Jeremy Bentham, with whom he soon formed a political and philosophical alliance. The two were alike in wishing and working for religious toleration and legal reform; both favoured freedom of speech and press; both feared that the failure to reform the British political system—chiefly by expanding the franchise—would give rise to reactionary intransigence on the one side, and revolutionary excess on the other. But the two men were of vastly different temperaments and backgrounds. Bentham, a wealthy bachelor, was an eccentric genius and self-appointed "legislator of the world" (a title conferred on him by the Guatemalan politician Jose del Valle, and readily adopted by Bentham). The harried and hard-working Mill was easily the more worldly and practical partner in that peculiar partnership. Another difference was that Bentham was a philosophical hedonist and Mill was not. Formerly a dour Scots Presbyterian and a Platonist of sorts, Mill took a dim view of unalloyed hedonism. He, like Plato, ranked the pleasures in a hierarchy, with the physical pleasures subordinated to the intellectual ones. His eldest son was right in remarking that his father "was anything but Bentham's mere follower or disciple. ... His mind and Bentham's were of essentially different construction" (Mill, *CW*, vol. 1, p. 213).

Their differences notwithstanding, Mill soon became Bentham's most valuable ally. A

better writer and abler advocate, Mill helped to make Bentham's ideas and schemes more palatable and popular than they might otherwise have been. But he also influenced Bentham's ideas in a number of ways. For one, Mill led Bentham to appreciate the importance of economic factors in explaining and changing social life and political institutions; for another, it is commonly thought he turned Bentham away from advocating aristocratic "topdown" reform into a more popular, radical direction (a view questioned by Crimmins, 1994, pp. 274–80). For a time their partnership proved fruitful. With Mill's energy and Bentham's ideas and financial backing, utilitarian schemes for legal, political, penal, and educational reform gained an ever-wider audience and circle of adherents. This circle included Francis Place, the Genevan Étienne Dumont, the historian George Grote, the stockbroker-turned-economist David Ricardo and—not least—the young John Stuart Mill. The utilitarian cause was furthered by the founding of the Society for the Diffusion of Useful Knowledge and, later, by the launching of the *Westminster Review* and the founding of University College London (where Bentham's "auto-icon," mounted in a glass case, can still be seen today). This small band of "philosophical radicals" worked tirelessly for political changes, several of which were later incorporated into the Reform Act of 1832. But Bentham and Mill became ever more estranged. Bentham became increasingly irascible and difficult to work with, and Mill on more than one occasion swallowed his pride by accepting financial support and suffering stinging rebuke from his senior partner.

All this changed in 1818 when, after 12 years' work, Mill's massive *History of British India* was published. Shortly thereafter he was appointed Assistant Examiner of Correspondence at the East India Company. His financial future finally assured, Mill no longer needed Bentham's largesse. The two men saw less and less of each other. Their

political alliance continued even as their personal relationship cooled. Their uneasy friendship effectively ended some years before Bentham's death in 1832.

Besides being a tireless reformer and prolific writer, James Mill subjected his son John to one of the most strenuous educations ever recorded in the annals of pedagogy. The elder Mill gave young John daily lessons in Latin, Greek, French, history, philosophy and political economy. Literature and poetry were also taught, although with less enthusiasm (James Mill, like Plato, distrusted poets and poetry). John was, in turn, expected to tutor his younger brothers and sisters in these subjects. Each was examined rigorously and regularly by their unforgiving father, and the nine children, like their mother, lived in fear of his rebuke.

Mill's strained relations with his wife and children stand in stark contrast to his warm and cordial relations with others, and most especially the young men who sought him out for the pleasure of his company and the vigour of his conversation. As John Black, the editor of the *Morning Chronicle*, recalled on the occasion of Mill's death in 1836:

Mr. Mill was eloquent and impressive in conversation. He had a great command of language, which bore the stamp of his earnest and energetic character. Young men were particularly fond of his society ... No man could enjoy his society without catching a portion of his elevated enthusiasm ... His conversation was so energetic and complete in thought, so succinct, and exact ... in expression, that, if reported as uttered, his colloquial observations or arguments would have been perfect compositions (Bain, 1882, p. 457).

Unfortunately, the same cannot be said of Mill's writings, which tend to be both dry and relentlessly didactic. Mill's most important essays—*Government*, in particular—take

the form of clipped, concise, deductive arguments. But if Mill's style of reasoning and writing is plain and unadorned, it is at least clear and cogent.

Whether justly or not, Mill's modern reputation as a political theorist rests on a single essay. *Government* was meant to serve as a compass with whose aid one could navigate the vast, varied, and often confusing terrain of politics. Government, Mill maintains, is merely a means to an end, namely the happiness of the whole community and the individuals composing it. We should begin by assuming that every human being is motivated by a desire to experience pleasure and to avoid pain. Pleasures and pains come from two sources, our fellow human beings and nature. Government is concerned directly with the first and indirectly with the second: "Its business is to increase to the utmost the pleasures, and diminish to the utmost the pains, which men derive from one another." Yet, "the primary cause of government" is to be found in nature itself, since humans must wrest from nature "the scanty materials of happiness" (Mill, 1992, pp. 4–5). Nature and human nature combine to make government necessary. It is man's nature not only to desire happiness but also to satisfy that desire by investing as little effort as possible in achieving it. Labour being the means of obtaining happiness, and our own labour being painful to us, we will, if not prevented, try to live off the labour of others. To the degree that others take from me the fruits of my labour, my primary incentive for working—namely my own happiness—is diminished if not destroyed.

And so, for Mill, the primary problem in designing workable political institutions is to maximize the happiness of the community by minimizing the extent to which some of its members may encroach upon, and enjoy, the fruits of other people's labour. This cannot be achieved in a monarchy (wherein a single ruler exploits his subjects) or in an aristocracy (wherein a ruling elite exploits

the common people). Nor can communal happiness be maximized in a direct democracy, since the time and effort required for ruling would be subtracted from that available for engaging in productive labour. The only system that serves as a means to the end of individual and communal happiness is representative democracy, wherein citizens elect representatives to deliberate and legislate on their behalf and in their interest. But how can representatives be made to rule on the people's behalf rather than their own? Mill's answer is that frequent elections and short terms in office render it less likely that elected representatives will legislate only for their own benefit. After all, representatives are drawn from the ranks of the people to which they can, after their term in office expires, expect to return. Thus, representatives have good reason to promote the people's interests instead of their own. Indeed, in a properly structured system, there will be an "identity of interests" between representatives and the electorate (Mill, 1992, pp. 22, 26–7, 38).

Mill expects impartial and unbiased representatives to be elected from the "middle rank, ... that intelligent, that virtuous rank ... which gives to science, to art, and to legislation itself, their most distinguished ornaments, and is the chief source of all that has exalted and refined human nature." It is to this middle rank—the forerunner of the modern "meritocracy"—that common labourers look for advice and guidance, especially in moral and political matters. Members of the middle rank are marked more by their education, intellect, and public-spiritedness than by their wealth or any other social or economic characteristics. They are "universally described as both the most wise and the most virtuous part of the community which"—Mill adds acidly—"is not the Aristocratical [class]." Members of the middle rank owe their position not to accident of birth but to "the present state of education, and the diffusion of knowledge"

among those anxious to acquire it (Mill, 1992, p. 41). By these lights the "radical tailor" Francis Place, the stockbroker David Ricardo, the theorist and author Jeremy Bentham, the Quaker editor William Allen—and of course James Mill himself—belonged to Mill's middle rank.

For so short an essay, Mill's *Government* proved to be remarkably controversial. Tories and Whigs thought its message dangerously democratic, while many of Mill's fellow utilitarians—including Bentham, John Stuart Mill, and William Thompson—believed that he did not go nearly far enough in advocating an extension of the franchise. Although markedly more "democratic" in private discussion, Mill publicly advocated extending the franchise to include all male heads of household over the age of 40, leaving them to speak for and represent the interests of younger men and all women:

One thing is pretty clear, that all those individuals whose interests are indisputably included in those of other individuals, may be struck off without inconvenience. In this light may be viewed all children, up to a certain age, whose interests are involved in those of their parents. In this light, also, women may be regarded, the interest of almost all of whom is involved either in that of their fathers or in that of their husbands (Mill, 1992, p. 27).

This, as his eldest son later remarked, was "the worst [paragraph] he ever wrote" (Mill, *CW*, vol. 1, p. 98). Most of Mill's critics were quick to seize upon it, if only because its conclusion contradicts two of Mill's oftstated premises: namely that each of us is the best judge of our own interests and that anyone having unchecked power is bound to abuse it. As William Thompson argued in *Appeal of One Half the Human Race* (1825), Mill's premises pointed to the

widest possible extension of the franchise, and not to the exclusion of “one half the human race”—women—a charge reiterated in T. B. Macaulay’s drolly mordant attack on Mill’s *Government* four years later (Mill, 1992, pp. 271–303).

Although none of Mill’s other essays—except, perhaps, “*The Church, and Its Reform*” (1835)—proved so controversial, each expands upon points made in passing in *Government*. *Jurisprudence* deals extensively with rights—what they are, by whom they are defined and how they are best protected. In a similar vein, and in a way that anticipates (and arguably influenced) the younger Mill’s *On Liberty* (1859), *Liberty of the Press* defends the right of free speech and discussion against arguments in favour of restriction and censorship. Free government requires the free communication of ideas and opinions, and good government requires an informed and critical citizenry. For both, a free press is an indispensable instrument.

Another of Mill’s essays, *Education*, outlines and anticipates the main themes of his *Analysis of the Phenomena of the Human Mind* (1828), Mill’s most comprehensive inquiry into what his son would later call “ethology, or the science of character formation” (Mill, *A System of Logic*, CW, vol. 8, Bk.6). By “education” Mill meant not only formal schooling, but also all the influences that go into forming one’s character and outlook. In *Education*, Mill describes the conditions most conducive to creating good men and, more particularly, good citizens. Civic or “political education,” he says, is “the keystone of the arch; the strength of the whole depends upon it” (Mill, 1992, p. 193). Mill was fond of quoting Helvétius’ dictum *l’éducation peut tout* (“education makes everything possible”). Few political thinkers have set greater store by education than did James Mill.

In *Prisons and Prison Discipline* (1825), Mill applies his theory of education to penal

reform. Just as one’s character can be well moulded by a good education, so too may one’s character be badly moulded through mis-education. The latter, Mill maintains, is especially evident in the criminal class. Criminals commit crimes and go to prison because they have been badly educated. Punishment, properly understood, is a kind of remedial education, and prison, properly structured, presents the opportunity to remould inmates’ misshapen characters. *Prisons and Prison Discipline* delineates the types of punishments likely to deter offenders or, failing that, to remould and reeducate criminals to be productive members of society. In these and other respects, Mill’s theory of punishment mirrors Plato’s. Like Plato, Mill draws a sharp distinction between punishing someone and harming him. The purpose of punishment is to reform (literally re-form) the soul or character of the inmate so that he may be released into society without fear that he will harm others. But to harm someone is to make him worse, and an even greater danger to society.

Mill envisaged a society inhabited by active citizens, always on their guard against rulers or representatives who would violate their rights and deprive them of their liberties. This, after all, is the central theme of *Government*, and the thrust of the argument of Mill’s article *The Ballot*, published in 1830 as a contribution to the public debate preceding the passage of the 1832 Reform Act.

By the mid-1830s, Mill’s mental and physical powers began to fail him. Although he continued to write, none of his later articles displays the philosophical firepower and argumentative rigour of his earlier essays. In August 1835, his lungs began to hemorrhage. After a brief recovery, the condition recurred and in June 1836 he suffered a severe attack of bronchitis. Knowing that the end was near, he remained calm and strangely cheerful. On 23 June 1836, Mill died. He was buried in Kensington Church.

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See also BENTHAM, JEREMY; DEMOCRACY; EDUCATION; MACAULAY, THOMAS BABINGTON; MACKINTOSH, JAMES; MILL, JOHN STUART; PHILOSOPHIC RADICALISM; THOMPSON, WILLIAM.

## MILL, JOHN STUART (1806–73)

Mill developed an extraordinary liberal version of hedonistic utilitarianism that departs in significant ways from its classical Benthamite predecessor and from any of the leading versions of utilitarianism that emerged after his death, including the standard hedonistic doctrine associated with Sidgwick and the early neoclassical economists such as Jevons, Edgeworth and Marshall. Traditionally regarded as a muddle-headed synthesizer of other people's ideas, Mill is seen in recent revisionist scholarship as a cogent and imaginative thinker, whose writings in philosophy, politics and economics are of permanent importance. Even so, most commentators still reject any suggestion that his liberal utilitarianism is a genuine maximizing utilitarianism, and they also reject as unappealing his hedonistic conception of utility as happiness in the sense of



pleasure including relief from pain. Many interpret him as an act utilitarian (e.g. Crisp, 1997) or as a distinctive rule utilitarian (e.g. Gray, 1996; Miller, 2010). It is doubtful that an act utilitarian can consistently defend strong liberal rights, however, or that a distinctive rule utilitarian can consistently endorse maximizing utilitarianism. Others interpret his doctrine as utilitarianism only in a broad philosophical sense so that it can be seen as a liberal form of consequentialism that seeks to promote basic values other than the greatest sum total of utility (e.g. Skorupski, 1989, 2006; Brown, 2010). Still other commentators downplay his express commitment to utilitarianism and read him as a firm defender of individual liberty who never provided a convincing reconciliation of his liberalism and utilitarianism after he rejected the Benthamite doctrine in which he was educated as a youth (e.g. Berlin, 1969; Ten, 1980; Hart, 1982; Rawls, 2007). In their view, he really abandoned utilitarianism, perhaps unwittingly since he continued to pay lip service to it, for a form of deontological liberalism that gives moral priority to justice and equal rights independently of utility consequences. Others insist that, by ingeniously combining insights from an array of ancient, religious, classical liberal and romantic schools of thought, he provided convincing nonutilitarian arguments for an appealing form of liberalism that is concerned with moral virtue and community in addition to the rights of individuality (Devigne, 2006). And yet there are those who assert that he is properly seen as an authoritarian masquerading as a liberal because his main aim, hidden under his deceptive rhetoric of liberty, is supposedly to destroy Christianity and impose an oppressive utilitarian religion on the ignorant masses (Cowling, 1990; Hamburger, 1999). This list of competing interpretations is not exhaustive, but it gives an indication of the lively ongoing debate in the literature. Mill's unusual liberal version of hedonistic utilitarianism continues

to be widely misunderstood by traditional utilitarians and their critics alike.

John Stuart Mill was born on 20 May 1806 in London, the eldest child of James and Harriet Mill. His father, after moving to London from Scotland to pursue a career in journalism, developed a strong friendship with Jeremy Bentham and became a leader of the reform-minded (or "radical") intellectuals who banded together under Bentham's standard of utility. The elder Mill was a charismatic man, whose wit, upstanding character and love of discussion attracted such notable figures as David Ricardo, John Austin, and George Grote to the Benthamite utilitarian school. James put his son through a remarkable education at home in history, logic and political economy, and these notable men as well as Bentham himself took an interest and contributed to that education. Although James was apparently a cold taskmaster who displayed virtually no affection for his son, the younger Mill expressed gratitude for his education, proclaimed it a success, and estimated that by age 15 it gave him an advantage of some 25 years over his contemporaries in the development of his intellectual capacities to think for himself. In 1823, James, who had found employment at the East India Company shortly after the publication of his *The History of British India* (1817), arranged for his son's employment at the company. John worked there for 35 years, continuing for more than 20 years after his father's death in 1836, and retired only when the company itself was terminated in 1858. As of 1856, he had risen to the same senior position that his father had achieved, namely, Examiner of India Correspondence.

Although raised as a Benthamite radical, he reacted against the Benthamite school of thought as a young man, of only 20 years old, when he suffered a severe depression for some 6 months upon recognizing that he would not personally feel happy even if the social and political reforms advocated by the



Benthamites were fully implemented so that the general happiness could be maximized. In short, he feared that egoistic hedonism clashed irreconcilably with utilitarianism: he did not expect to *feel* much personal pleasure, even though he *knew* that he ought to feel it if the institutions and actions recommended by the Benthamites were in operation. Indeed, he feared that he lacked any capacity for strong feelings at all because his Benthamite upbringing had focused exclusively on the cultivation of his intellect to the neglect of his imagination and sentiments.

He gradually emerged from his mental crisis during the spring of 1827, once he learnt that he still had natural feelings that were awakened, and could be strengthened, by poetry and the fine arts. He studied the German Romantics, including Goethe, Schiller, Novalis and perhaps the Schlegel brothers, and their British counterparts such as Coleridge, Wordsworth, Carlyle and Sterling, all of whom were vehement critics of Benthamite utilitarianism. He absorbed their ideas about will power and the creative imagination, the need to strive endlessly for an aesthetic ideal of perfection that could never actually be realized, beauty as a symbol of moral good, the peculiar kind of aesthetic pleasure associated with the ideal of a duly balanced human character whose intellectual powers were in harmony with its feelings of motivation and habits of action, and so forth. Many of these ideas, suitably modified, eventually found their way into the extraordinary version of hedonistic utilitarianism that he had grasped in outline by about 1830 and began to elaborate in detail after his father's death.

In 1830, he met his future wife Harriet Taylor, who was married at the time to her first husband, John Taylor. Harriet was best friends with Eliza Flower, who along with her sister Sarah was a ward of the Revd William J. Fox, a Unitarian preacher and journalist about 20 years older than Mill. Fox, his wards and Harriet were devoted to

poetry, literature and music and had unconventional ideas with respect to marriage and divorce. Indeed, Fox was almost forced to resign as a leader of his church in 1834 when his wife revealed to members of his congregation his love for Eliza. But the congregation generally supported him after he denied any sexual relationship. He and Mill grew friendly as Mill's relationship with Harriet blossomed into a passionate attachment. In 1832, he first reached out to Mill and invited him to write for the *Monthly Repository*, the Unitarian magazine which Fox purchased in 1831 (editor from 1828) and transformed into a secular journal of liberal opinion until he sold it in 1836. This gave Mill an opportunity to publish some of his views on poetry and aesthetic feeling, no doubt with the encouragement of Harriet and Eliza, and allowed him to interact with a wider circle of artists such as Robert Browning whose sympathies lay with the Romantics as opposed to the Benthamites. Mill and Fox became close confidants in the fall of 1833. As his letters to Fox make clear, Mill and Harriet became convinced that they were made for each other when they spent a fortnight together in Paris during October–November of that year. Nevertheless, despite their passion for each other, they decided not to live together because of the opposition of her first husband, for whom she retained much affection as opposed to passionate love. Instead, they chose to see each other frequently in London and take trips together while she otherwise lived with her husband, an unusual arrangement that pained all three parties and provoked considerable gossip as well as slights from family, friends and acquaintances, including some of the Benthamites. Moreover, just as Fox denied any sexual intimacy with Eliza while he was married to another, Mill denied any sexual relationship with Harriet before the death of her first husband in 1849. After waiting another 2 years, they finally married, with Mill expressing his contempt for

the prevailing laws of patriarchy by making a public declaration that he rejected any suggestion that he should be entitled as a husband to take ownership of all property that Harriet brought to the marriage.

Harriet died just over 7 years later, in 1858, only a few months after Mill's retirement from the East India Company, while they were travelling to Montpellier. She was the love of his life and his enduring passion for her seems to have helped him to develop a due balance between reason and sentiment in his character and saved him from suffering any further severe depressions. Moreover, to the annoyance of some commentators (e.g. Hayek, 1951), he insisted that she was joint author of the key moral and political works first drafted (but not published) during their marriage, including *On Liberty* (1859), *Utilitarianism* (1861), *The Subjection of Women* (1869), and *Three Essays on Religion* (1874). After she died, he bought a cottage near her gravesite in Avignon, and spent a good part of each of his remaining years there, usually accompanied by his stepdaughter, Helen Taylor. He himself died at Avignon on 7 May 1873, and is buried next to Harriet.

During his remaining years, his writings were his main occupation. He continued to prepare new editions of his major treatises *A System of Logic* (1843) and *Principles of Political Economy* (1848), for instance, and he revised and published most of the works initially drafted with Harriet during their marriage, although *On Liberty* was never revised and the *Three Essays on Religion* together with his *Autobiography* (1873) and fragmentary *Chapters on Socialism* (1879) were published posthumously by Helen. He also wrote and published major new works in political theory and philosophy, including *Considerations on Representative Government* (1861), *Auguste Comte and Positivism* (1865) and *An Examination of Sir William Hamilton's Philosophy* (1865)—this last being his unduly neglected demolition of a leading version of rationalist intuitionism

whose author was much influenced by the great metaphysical current of German idealism. Moreover, he clarified several aspects of his sophisticated version of hedonistic psychology in the notes he contributed to the new edition of his father's *Analysis of the Phenomena of the Human Mind* (1869), which he edited with additional notes contributed by Alexander Bain, Andrew Findlater, and George Grote. And, as a leading public intellectual, he published numerous articles in newspapers and journals on the issues of the day.

In addition to his writings, Mill served as a Liberal MP for Westminster 1865–68. His political career gives an indication of his character. He was elected despite giving public notice to the voters of his district that he would not run a campaign, or bear any of the costs of his election or be instructed by them. As an MP, he also refused to curry popular favour. Rather, he made parliamentary speeches proposing radical liberal reforms, which he knew lacked support yet believed might get a hearing, leading to a more enlightened public opinion. His proposals included extension of the franchise to women, as well as the introduction of Hare's system of proportional representation, neither measure finding its way into the Reform Act of 1867. He also spoke out against various manifest injustices which most voters and their parliamentary representatives continued to neglect, including the extensive pattern of violence against women by their husbands, the ongoing oppression of Irish peasants by absentee British landlords who kept their tenants at bare subsistence by increasing land rents as high as the market would bear instead of fixing the rents at a reasonable customary level, and the suppression of unpopular speech as exemplified by the Crown's prosecution of Charles Bradlaugh for blasphemy and sedition in his weekly paper the *National Reformer*.

It is an interesting question why Mill was not re-elected. Many believed that it was the

result of his strong public support for Bradlaugh just before the election. Bradlaugh was an avowed atheist (strictly speaking, an agnostic), a fierce opponent of monarchy and hereditary privilege, and an advocate of self-reliance and birth control who was eventually elected to parliament himself in 1880, although a majority of the House of Commons refused to allow him to take his seat for 6 years (despite his repeated re-elections) by denying him the right to affirm or swear the oath of allegiance because of his atheism. However, Mill was embroiled in other public controversies that may also have been important factors. Perhaps his most controversial activity was his chairmanship of the extra-parliamentary Jamaica Committee, which for 2 years sought in vain to persuade the government to prosecute Governor Eyre and his principal subordinates for unjustified military violence against Jamaican blacks in the fall of 1865. Mill believed that Eyre deserved capital punishment for authorizing the execution of more than 400 Jamaicans in response to minor disturbances that lasted a week, but conservatives, including such notable artists as Dickens, Ruskin and Carlyle as well as many Westminster voters, were disturbed by his relentless campaign to enforce the basic rights of blacks against this figure of British authority. In any case, Mill lost his seat to W. H. Smith, a Conservative, the son of the founder of the newsagents.

Mill's writings reveal that he developed, with Harriet's help, an extraordinary version of liberal utilitarianism which he says is "better and more complete than Bentham's" because it incorporates insights from antiutilitarians about feelings, imagination and will without giving up anything of permanent importance in Benthamism (Mill, CW, vol. 1, p. 221). Moreover, his unyielding desire for justice and universal equal rights should lead us to suspect that a social code of justice has suitable priority over any competing considerations of value in his liberal utilitarian doctrine.

According to Mill, the principle of utility, or the greatest happiness principle, does not originate with Bentham but instead has a long history. He suggests that it was endorsed by some of the leading ancient Greeks, including Epicurus, Socrates as depicted by Plato in dialogues such as *Protagoras*, and Aristotle. He is well aware that the ancient Greeks focused attention on the individual's happiness rather than on an aggregate quantity which is not experienced by any individual. Moreover, he is correct that Aristotle and some of the British sentimentalists who were strongly influenced by him, including Hutcheson, Hume and Smith, although they do not regard pleasure *per se* as intrinsically valuable, do seem to conceive of happiness or *eudaimonia* in terms of superior kinds or qualities of pleasant feelings which accompany and complete (like icing on the cake) intellectual and virtuous activities that are judged as worthy or useful according to some independent standard of human excellence or usefulness. By implication, these thinkers might be interpreted as accepting a greatest happiness principle, with the important caveat that their ideas of happiness are not purely hedonistic but instead incorporate perfectionist ideals or use values (or utility values conceived in nonhedonistic terms) that allow worthy or useful pleasures (emanating from worthy or useful sources) to be distinguished from less worthy and worthless ones or less useful and useless ones.

Any suggestion that ancient Greeks and seventeenth-century British moralists might be regarded as proponents of a doctrine broadly similar to Mill's can only appear puzzling or worse to those who accept the received view of Classical Utilitarianism. The received view insists that the greatest happiness principle depends on three crucial assumptions, to wit: (1) utility as happiness or pleasure including relief from pain is a homogenous feeling, whatever its sources; (2) rich utility information is possible so that one individual's happiness can be added to

another's to form a meaningful total for the whole community, that is, units of pleasure must be cardinally measurable and interpersonally comparable; and (3) morality demands a complete sacrifice of the individual's own happiness if such sacrifice is necessary to maximize the community's total happiness. Indeed, this received view is now commonly accepted as definitive of pure maximizing utilitarianism as such, however utility is conceived: utility must be homogenous so that one unit of it is always of the same value; rich utility information must be feasible in principle; and the individual has a moral obligation to choose actions or policies that maximize total utility even at the expense of his or her own utility.

As is well known, the greatest happiness principle under the received interpretation is vulnerable to powerful objections, including the violation of moral rights, failure to respect independent principles of distributive or retributive justice, inability to accommodate the value of personal integrity and so forth. The principle thus understood lacks appeal, for example, because it is indifferent as to whether the community's greatest total happiness is concentrated in an elite, leaving the masses in misery, or spread equally among the members of the community. This insensitivity to considerations of distributive justice has led many consequentialists to reject the utilitarian sum-total criterion, which gives equal weight to equal amounts of utility no matter who experiences it, in favour of aggregation procedures that give increased weight or even absolute priority to the utilities of relatively worse-off individuals (Skorupski, 1989; 2006). These other procedures implicitly rely on nonutility values, however, to justify the unequal weighting of individual utilities. Thus, such procedures do not aim to promote the community's greatest total utility or happiness but instead seek to constrain it to the extent required to redistribute happiness to the relatively worse off.

But the received view of utilitarianism is largely the creation of Sidgwick and the early neoclassical economists, who revised and gave fake mathematical precision to the doctrine they took from Bentham, although Bentham's own contribution is far from insignificant because he suggests that pleasure is a homogenous feeling and also makes the implausible claim that any prudent egoist's own greatest happiness is invariably in harmony with the greatest total happiness of the community. In any case, proponents of the principle of utility are not necessarily committed to the three crucial assumptions upon which the received view rests. Mill rejects all three assumptions. Even Bentham never makes the assumption of cardinal and interpersonally comparable utility information. He admits that such rich information about different persons' feelings of pleasure is not really available despite the advice he provides for estimating the amounts of pleasure to be expected from some feasible set of sources such as alternative laws. Instead, he in effect relies on quite poor purely ordinal utility information, that is, diverse individual preference orderings defined over the sources of pleasure, where a prudent yet fallible person's ordering directly reflects her estimates of expected pleasure based on his advice to take account of intensity, duration, fecundity, and so forth. The upshot is that, instead of a familiar utilitarian procedure that mechanically calculates the greatest total amount of happiness with precision, he has in mind some form of purely ordinalist utilitarian procedure such as a democratic political process that yields laws and policies which popular majorities or their elected representatives agree are likely to bring the most total happiness. Thus, when he defends the standard of "the greatest happiness of the greatest number," Bentham seems to mean that the laws and policies which ought to be chosen are those most strongly preferred by the largest possible majorities, taking for granted that individuals are rational egoists

who prudently seek to promote their own happiness.

Mill agrees with Bentham that the rich utility information assumed by Sidgwick is not generally available for utilitarian decisions. But he disagrees with both Bentham and Sidgwick over the assumption that pleasure is a homogenous feeling. Moreover, he rejects any suggestion that the community's greatest total happiness may require a moral individual to sacrifice her own greatest happiness. In this regard, like Sidgwick, he cannot accept Bentham's remarkable claim that a rational egoist's own greatest happiness is invariably in harmony with the greatest total happiness. At the same time, however, he rejects Sidgwick's assertion that a *moral* agent must accept that morality is rationally incomplete in so far as human reason cannot resolve tragic clashes between ethical egoism and utilitarianism in some situations—this is the bite of Sidgwick's "dualism of practical reason" (Sidgwick, 1981, p. 404n). Unlike both Sidgwick and Bentham, Mill insists that once we take account of different kinds of pleasant feelings, we can see that a rational *moral* individual's own greatest happiness always coincides with the community's.

Sidgwick rejects what he sees as Mill's utilitarian prescription of "an unqualified subordination of private to general happiness" (Sidgwick, 1988, p. 245). In his opinion, the arguments offered by Mill in *Utilitarianism* do not explain why a moral agent would invariably take the community's greatest total happiness as his ultimate end. In particular, Sidgwick insists that Mill's "recognition of differences of quality in pleasures distinct from and overriding differences of quantity" is inconsistent with utilitarianism, "since it is hard to see in what sense a man who of two alternative pleasures chooses the less pleasant on the ground of its superiority in quality can be affirmed to take "*greatest*" happiness or pleasure as his standard of preference" (p. 247). While it might be true that a harmony between individual and

general happiness can be effected by assigning a superiority of quality to a moral kind of pleasant feelings, he implies, the resulting doctrine is not genuine maximizing utilitarianism but instead a complicated and perplexing doctrine that imports foreign values (e.g. perfectionist ideals) to constrain and subvert the greatest happiness principle. Moreover, "even after the introduction of this alien element, it cannot be said that Mill's utilitarianism includes an adequate proof that persons of all natures and temperaments will obtain even the best chance of private happiness in this life by determining always to aim at general happiness; indeed he hardly attempts or professes to furnish such a proof" (p. 247). Thus, despite his expressed admiration for Mill, Sidgwick treats him as a deeply confused thinker. Such treatment was taken up with great enthusiasm by Sidgwick's student G. E. Moore (1903), and thus began an enduring academic tradition of dismissing Mill's work as so muddled as to be of little interest except perhaps as a warning to the naive.

Sidgwick and those in his train have arguably never appreciated the structure of Mill's extraordinary utilitarianism or the ingenious way in which it removes the possibility of conflict between a highly developed and experienced rational individual's own greatest happiness and the community's greatest total happiness. Mill's doctrine of higher kinds of pleasures can be seen to be compatible with the greatest happiness principle once the blinders of the received view are removed. As he explains, a pleasant feeling is superior in quality to another if it is felt, by those who are competently acquainted with both, to be intrinsically more valuable than the other, irrespective of quantity. In other words, those who have developed the intellectual, imaginative and sympathetic capacities required to competently experience the different kinds of pleasures must agree—or, if there is disagreement, a majority of them must agree—that even a bit of the one

pleasant feeling is more valuable as pleasure, and thus a greater happiness, than any finite amount of the other, no matter how large. In effect, the qualitatively superior pleasure is an infinitely greater pleasure than the inferior one in so far as no finite quantity of the inferior feeling, however large, can equal in value even a small quantity of the superior one. There is no problem of consistency in calling for the maximization of pleasure in point of quality as well as quantity when choosing among actions or policies: the greatest quantity of the qualitatively supreme kind of pleasure should be the first consideration, then the greatest quantity of the next quality of pleasure should be sought in so far as that kind of pleasure can be experienced without impinging on the supreme kind, and so forth, down to the least intrinsically valuable kind of pleasure.

But what are the different kinds of pleasant feelings and how are they ranked in terms of quality? Physical sensations of pleasure are the lowest kind of pleasure since these simple tingles and surges can be experienced by any animal whose body is susceptible to them, even if the body is “disjoined from the higher faculties” of a human being. In contrast, higher kinds of pleasures are more complex feelings in which these simple physical sensations, or their traces in memory or imagination, have become inseparably associated with ideas formed by the active intellect: any higher pleasure is a quasischemical compound of multiple ingredients which are blended together to generate a whole new pleasant feeling with its own distinctive emergent properties, including superiority in quality over any lower pleasures among its ingredients. Mill labels all higher pleasures as “mental” pleasures, whereas the simple sensations are “bodily” pleasures. But, even within the class of mental pleasures, some pleasures are superior in quality to others. For present purposes, it suffices to say that, for Mill, the complex moral sentiment which grows up around the idea of justice

understood as a social code of equal rights and correlative duties is a higher pleasure that is superior in quality to any conflicting pleasures, although aesthetic and spiritual pleasures which are not in conflict with those of morality may be supreme in quality.

The higher pleasure of justice, which Mill refers to as a feeling of security, is a complex moral emotion which has among its ingredients the idea of equal rights, and the related idea of punishment for wrongdoers who violate others’ rights, along with certain lower pleasures including relief from suffering, all melted together into a compound that may feel simple in so far as the ingredients disappear from consciousness unless deliberately recalled through analysis. This higher pleasure can only be competently experienced by an individual who has developed her higher faculties as a member of a group of peers living under a shared code that distributes and sanctions reciprocal rights for that group, a code that is typically incomplete and in the continuing process of construction of which she has an equal voice. In light of the qualitative superiority of this moral kind of pleasure, no competing considerations are more important for promoting the community’s greatest total happiness than establishing an optimal social code of justice that maximizes total security. Security is a variable, however, and can only be maximized if equal rights of a particular content are extended not merely to some but to all members of society, with all having an equal voice in a democratic political process that identifies which particular rights must be recognized to protect the vital personal interests shared by all.

Indeed, the moral ideas and principles built into this higher pleasure of justice include the principle of equal concern and respect that animates the utilitarian aggregation procedure itself, which is employed solely to aggregate over individual judgments about which particular rules and rights should be recognized by society to



promote the most security for vital personal interests shared by all. Sidgwick and the academic economists ignored not only Mill's explicit warnings against fake precision but also his confinement of the utilitarian aggregation procedure to the construction of an authoritative social code of justice. Like Bentham, Mill is a proponent of representative democracy, although the strongly majoritarian institutions proposed by Bentham in *Constitutional Code* (1830) differ in important respects from the liberal institutions proposed by Mill in *Considerations on Representative Government*. Moreover, given that social codes which distribute and sanction equal rights and duties are the only source of the higher pleasure of justice, Mill makes it clear that the democratic political process should only consider individual preferences defined over feasible sets of alternative social rules of this sort, with the ultimate aim of choosing an optimal code that maximizes security for the personal interests which competent representatives think are so important as to deserve protection by right. But Bentham apparently agrees, despite not making use of the higher pleasures doctrine.

The democratic aggregation procedure is properly viewed as being *internal* to any individual's moral sentiment of justice because the procedure must do its work before any highly developed rational agent can complete the formation of her moral sentiment, that is, her desire to interact on fair terms with others in her society by respecting their constituted rights. It is important to see that every person's completed moral sentiment relates to the same social code of justice, namely, the code that competent lawmakers currently believe is likely to bring the most security to everyone's shared vital personal concerns. Since everyone has the same rights and duties, however, the conduct—that is, obey the social rules—that maximizes the community's total pleasure of security coincides with the conduct that maximizes any

individual's pleasure of security: the total is nothing but the collection of individual feelings, which are not assumed cardinal or interpersonally comparable and so cannot (and need not) be precisely summed in any meaningful fashion.

True, the individual's moral sentiment of justice must be distinguished from her preference ordering over the possible alternative codes of justice: the preference is an input into the aggregation procedure, whereas the sentiment can only be formed fully after the procedure yields an authoritative social code. But there is no presumption that any individual should be permitted to impose a code that she prefers over the objections of her peers. Instead, justice requires that everyone must cooperate to impartially choose a code which most if not all of those competently acquainted with the higher pleasure of security agree is likely to maximize that crucial component of happiness for all. Also, given the poverty of the utility information, there is no suggestion that every individual must experience an equal amount of the pleasure of security from her equal rights: nothing meaningful can be said about the relative intensities of different individual's moral sentiments, even though people all have the same constituted rights and duties.

There is no call for the democratic aggregation procedure to do anything besides generate an optimal social code of justice. Rather, rational individuals are permitted to act as they wish in accord with their constituted rights and duties under the authoritative code. As long as she fulfills her duties to others, the individual is left free to create her plan of life in her own way: others have duties not to obstruct her pursuit of other kinds of pleasures besides that of security as she sees fit.

Mill's unusual and intriguing utilitarianism has the appearance of rule utilitarianism, although the higher pleasures doctrine consistently accounts for the priority of the rules of justice in a way that is not available



to standard rule utilitarianism with its insistence on homogenous utility. For Mill, acts of injustice may produce more pleasure of a lower kind than compliance with the rules does, but the greater amount of lower pleasure, no matter how many people feel it, can never equal in value even a bit of the higher pleasure of security. Thus, violating the equal rights of others can never promote happiness in Mill's sense, although there is no doubt a need to carefully construct the rules of justice, making justified exceptions to ordinary rules by employing suitable special rules, so that it is made clear in situations where different rights come into conflict which of any two conflicting rights is the more important for promoting security.

A final point relates to the extension of the greatest happiness principle to the whole of sentient creation. Such an extension adds further objections to the received view of Classical Utilitarianism. After all, if pleasure is a homogenous feeling that vast numbers of nonhuman animals can also experience, then the extended principle may call for deep sacrifices of human happiness and human rights if necessary to maximize the total happiness of all sentient creatures. Remarkably, Mill's extraordinary form of the greatest happiness principle consistently accommodates the whole of sentient creation in a way that might prove congenial to defenders of animal rights such as Peter Singer (1981; 2009). Given that nonhuman animals are only capable of feeling physical sensations of pleasure whereas humans can experience the higher kinds of pleasant feelings, there is no danger of human happiness and moral rights being sacrificed to promote the greatest total happiness of all sentient creatures. Nevertheless, despite their qualitative inferiority, the physical sensations still have positive value, with the implication that needless infliction of suffering on nonhuman animals is condemned as immoral. Thus, reasonable humans ought to include animal rights against wanton human cruelty

in any social code of justice. No doubt the concrete specification of the rights must be left to competent majorities and the rights must be enforced by concerned human trustees. But such rights do extend the benefits of security to nonhuman animals to a limited degree. More specifically, even though they are incapable of experiencing the higher pleasure of security itself, the animals are at least protected from experiencing the physical sensations of pain associated with wanton human cruelty.

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See also ACT UTILITARIANISM; ANIMALS; BENTHAM, JEREMY; CARDINAL UTILITY; DEMOCRACY; DEONTOLOGICAL ETHICS; EDUCATION; EUDAIMONIA; FOX, WILLIAM JOHNSON; HAPPINESS; HARM PRINCIPLE; HEDONISM; IMPARTIALITY; IMPERIALISM; INTERPERSONAL UTILITY; INTUITIONISM; JUSTICE; LIBERALISM; LIBERTY; MAXIMIZATION; MILL, HARRIET TAYLOR; MILL, JAMES; ORDINAL UTILITY; PHILOSOPHICAL RADICALISM; PLEASURE; POLITICAL ECONOMY; PUNISHMENT; RACISM; RIGHTS; RULE UTILITARIANISM; SIDGWICK, HENRY; SLAVERY; UTILITY.

#### MOORE, GEORGE EDWARD (1873–1958)

G. E. Moore was born on 4 November 1873 in London, and educated at Dulwich and Trinity College, Cambridge, where he died on 24 October 1958. His background was in classics, but he was encouraged by Russell to pursue philosophy. At Cambridge, he was taught by Sidgwick and McTaggart, among others. After graduating, he won a Fellowship at Trinity, where he wrote *Principia Ethica* (1903), and then lived in Edinburgh and London, writing *Ethics* (1912), among other things. In 1911, he took up a University Lectureship at Cambridge, became a Professor in 1925 and retired in 1939. He edited *Mind* from 1921 to 1944.

Moore is one of the first ideal utilitarians. He is a utilitarian in that he thinks the right action is determined entirely by facts about what is good, considered impartially. He is an ideal utilitarian in that the good includes things other than pleasure.

In *Principia*, Moore claims that it is analytic that the right action maximizes the good. In *Ethics*, he claims this to be self-evident but not analytic. The change was caused by Russell's objection that Moore's own open question argument can be turned against his analysis: one can sensibly ask "I see that  $x$  maximizes the good, but is  $x$  right?" Given Moore's own apparent requirement that a successful analysis be obvious, this is enough to reject the analysis. But one with more relaxed standards, such as would be needed for the project of analysis to be interesting, might defend the *Principia* view. For Moore also gives an argument for this analysis: in effect, he notes that whatever factor, other than some good, is suggested as bearing on rightness, should be understood as a further good. For example, to Ross's later claim that it is right to keep a promise and produce 1000 units of good rather than break it and produce 1001, Moore could reply that the keeping of the promise itself is being counted as a further good.

One might agree that the right action is determined entirely by facts about what is good, but avoid being a utilitarian by being an egoist: the right action for me is determined by my good. Moore argues that egoism is self-contradictory: if I am an egoist, I hold that I ought to maximize my good; I deny that others ought to maximize my good (they should maximize their own goods); but to say that  $x$  is "my good" is just to say that my possessing  $x$  is good, and if my possession of  $x$  is good, then I must hold that others ought to maximize it. I both deny and am committed to affirming that others ought to maximize my good.

One response is that egoism is not *self*-contradictory; Moore produces the contradiction only by taking the egoist to agree

that one ought to maximize the good. The egoist might disagree. Another response is that the egoist could avoid the argument by speaking of "my happiness" rather than "my good." Or one might understand "my good" not as composed from what Moore calls "good absolutely," as Moore suggests, but as being a *sui generis* concept, good-for-me, or as analysed in terms of what I, from my point of view, ought to desire. In neither case does it follow from "my possession of  $x$  is good-for-me" that others ought to maximize what is good-for-me.

Moore's argument for being an *ideal* utilitarian consists of arguments against the view that a single good, such as pleasure or virtue, is the sole good, and arguments for the intrinsic goods he champions. In the case of pleasure, even if, as Sidgwick claims, we approve of other things only in rough proportion to the pleasure they bring, it does not follow that pleasure is the only good. And Sidgwick is mistaken to argue that because we see no value in things other than pleasure when no pleasure is produced by them it follows that pleasure is the only thing of value. According to Moore's doctrine of organic unities, the intrinsic value of a whole need not be the sum of the intrinsic values of its parts in isolation. For example, the whole formed by pleasure from contemplating a work of art and the contemplation itself has more value than the pleasure it contains, even if the contemplation has no value on its own. Pleasure by itself, Moore even adds, is not an intrinsic good, or at best one of very little value (though pain is a great intrinsic evil); hedonists think it valuable only because they confuse pleasure by itself with the many very valuable wholes of which pleasure is a part. Nor does pleasure always increase value: the pleasure of a villain makes the whole worse.

In the case of virtue, Moore sees no intrinsic value in virtue understood as the mere habitual disposition to perform actions that are good as means. When virtue involves, as a motive, a habitual love of some good

consequence of an action, or hatred of some evil consequence, or involves a disposition to act only when we take our action to be right, it has some intrinsic value—but obviously cannot be the sole good. And typically, what is intrinsically valuable about virtues is that they contain hatred directed at evils: for example, compassion is intrinsically valuable because of the hatred directed at pain. If so, virtues typically require the existence of evils. Since it would be better for the evil not to exist at all, it follows that although virtues are valuable given evils, most virtues are not part of the ideal world.

Moore takes it to be obvious that “[b]y far the most valuable things ... are certain states of consciousness, which may be roughly described as the pleasures of human intercourse and the enjoyment of beautiful objects” (Moore, 1903, sec. 113). The latter is a whole containing thoughts of the beautiful qualities of the object and the appropriate emotion towards them. Neither the thoughts nor the emotions need have much value on their own, but their combination has great value. (Since the intrinsic value of  $x$  depends solely on  $x$ 's intrinsic (i.e. nonrelational) properties, the way to determine whether the thoughts or the emotions have intrinsic value is to imagine them as isolated, and ask whether they still have value.) The whole has even greater value when the object exists and one believes that it does—thus, Moore makes room for another of the traditional intrinsic goods, knowledge. He takes these judgements to fit examples such as this (curious) one: thoughts about the beautiful qualities of a painting, with the appropriate emotions, are less valuable than the same thoughts and emotions directed towards the real objects depicted in the painting.

The pleasures of human intercourse are much like the enjoyment of beautiful objects, except that here the object itself—the person—is very valuable in its own right—chiefly on account of the person's enjoyment of beautiful objects (including other people).

Organic unities, as Moore understands them, are controversial for various reasons. (1) In some of Moore's examples, one might object that one of the parts has much more value than he credits; Ross holds this view about “insight” into beautiful qualities. (2) In the same example, one might see it as part of the pleasure that it is pleasure in beautiful qualities, and so see all the intrinsic value as in the pleasure (and indeed deny Moore's part-whole analysis). (3) One question is why the whole formed by pleasure in beauty (or any other simple) is good. If the simple has, as Moore sometimes says, no intrinsic value, the rationale cannot be that it is intrinsically good to respond positively to what is intrinsically good. (4) One might contrast Moore's view, that the intrinsic values of the parts stay the same in the whole—the extra value or disvalue accruing to the whole—with the view that the parts vary in their intrinsic values when combined in the whole. For example, some think that the villain's pleasure is itself without value, or that a posthumous achievement makes a life devoted to that achievement intrinsically better. Moore must hold that the intrinsic values of the parts stay the same since he takes intrinsic value to depend wholly on intrinsic properties.

Here, I consider only (4). Moore's version of the organic unities doctrine fits his examples better than a variability view. This is clearest in Moore's best example: some think inflicting pain on a criminal makes for an intrinsically better state of affairs than if the pain had not been inflicted, but the pain itself does not change its value when added to a criminal rather than to an innocent person (and if it did, it would not be fitting). In other examples, such as posthumous achievement, Moore could try to explain away the intuition that the life is intrinsically better, as really resting on its being instrumentally better, and so as failing to show that its intrinsic value changes. And in the case of the villain's pleasure, Moore, given his view that pleasure has no or very little intrinsic

value, could agree that the pleasure is without value, without arriving at this conclusion by changing the initial value of the pleasure.

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See also DEONTOLOGICAL ETHICS; ETHICAL EGOISM; HEDONISM; IDEAL UTILITARIANISM; MAXIMIZATION; ROSS, WILLIAM DAVID; SIDGWICK, HENRY; VALUE THEORY; VIRTUE (VIRTUE UTILITARIANISM).

#### MOTIVES (MOTIVATION)

In psychology, the study of motivation concerns the causes of behaviour. What makes

people (and animals) do things? And why do we do one thing rather than another? These questions are relevant to utilitarianism for two reasons. One is that they help us understand moral behaviour and misbehaviour. The other is that much of the theory of motivation is about desires, or preferences. The utilitarian concept of good involves maximizing the satisfaction of desires, or preferences, or something similar. We, thus, need to know what it is that we should try to maximize.

The psychology of motivation often classifies the determinants of behaviour into incentives and drives. Incentives, which include rewards and punishments, control behaviour because we learn to behave in ways that bring rewards and avoid punishments as consequences. Drives increase certain kinds of behaviour—including the seeking of certain kinds of rewards (as hunger increases the incentive value of food)—without any change in the connection between behaviour and rewards. Incentives pull behaviour; drives push it. Emotions often have an element of drive. Anger creates (or is, in part) a drive towards aggression. Usually, acting from a drive reduces the drive: food reduces hunger.

Closely related to the distinction between incentive and drive is that between extrinsic and intrinsic motivation. When an activity is performed because it leads to a reward other than the activity itself, we say that it is extrinsically motivated. When it is done for its own sake, it is intrinsically rewarding. Although we could think of this as a drive to carry out the behaviour, we can also think of the opportunity to perform the behaviour as a reward. Research has shown repeatedly that, when an action is performed for extrinsic reward, its intrinsic reward value is reduced. Thus, paying people to do what they would do anyway makes them less likely to continue to do it when they are no longer paid for it (Lepper *et al.*, 1973).

The idea of incentive is crucial to the concept of an intentional system (Dennett, 1996; Irwin, 1971), roughly the idea that we

## MOTIVES (MOTIVATION)

can understand human psychology as based on beliefs and desires. In general, people act according to their beliefs in order to satisfy their desires.

We can also classify motives by their origin. Hunger (which provides incentive value for food), thirst, sex drive, attachment to others, curiosity, and many other similar drives are biologically determined. Other motives are constructed in the course of people's lives, such as the desire to compose a certain kind of music or advance a certain political cause. These desires are the result of reflective thought. They correspond loosely to John Stuart Mill's notion of "higher pleasures" in *Utilitarianism* (1861). They are also similar to the kinds of self-constructed identities that Singer (1993) puts at the centre of personhood. Most animals have only hedonic utility that results from drives, but persons, in this technical sense, have constructed utilities as well in ongoing plans and projects.

Although drives motivate behaviour, they do not seem directly relevant to utility, which is what utilitarians try to maximize. Incentives are closer to what is relevant. If people behave so as to get something, then we can usually infer that providing whatever they seek—food for the hungry, for example—increases their utility. Economists sometimes stop here in defining utility as "revealed preference". But people may not always behave so as to get what they most value.

For the purpose of defining utility, incentives may be classified as hedonic or nonhedonic. Hedonic incentives are pleasures and pains, that is, experiences with positive or negative value. Nonhedonic incentives are outcomes that we seek independently of the experiences they provide, such as events that happen after our death, or things we cannot experience such as preservation of remote wilderness.

Psychologists, especially since Sigmund Freud, have distinguished between conscious and unconscious motivation. If motives are

not reportable, then we cannot discover them by asking about them. They do show up in behaviour, though. To the extent to which motives are unconscious, revealed preference may be the best way to assess utility, as opposed to asking people what they want.

When we assess people's utilities, it may be helpful to think of them as values, or criteria for evaluating outcomes of choices, rather than desires. The term "desire" connotes a negative feeling state, like that associated with drives, which can be reduced by provision of the object of desire. But higher-order goals may not have this property, even though they are important to people.

Of particular interest to utilitarians is moral motivation, the causes of behaviour that is morally good (whether according to utilitarianism or some other moral theory) but against the interest of the self, where "self" is construed narrowly. Singer (1982) argued that evolution provided humans with reciprocal altruism, a motivation to help others when they could return the favour, but human reason could see that the limitation was arbitrary and unjustified, so that the circle of those we cared about expanded. Pinker (2011) updates this argument with new evidence from evolutionary biology. Through reason, a biological motive became extended to encompass larger and larger groups of people, and (according to Singer) animals as well. Herbert Simon proposed another account (Knudsen, 2003), in which people evolved to be "docile," that is, influenced by other people. Given this docility, and the simultaneous evolution of language, cultures acquired enormous power (compared to other animals). Cultures themselves evolve in ways that (imperfectly, with many errors) tend to establish cultural norms, or social norms (Bicchieri, 2006), that encourage people to consider each other. If this account is correct, then moral motivation comes from the desire to conform to social norms and is, thus, largely under the control of culture. The motive to behave morally



thus arises from the same source as patriotism and piety.

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See also ASSOCIATIONISM; CONSEQUENTIALISM; HEDONISM; INTEREST; MAXIMIZATION; MOTIVE UTILITARIANISM; PSYCHOLOGY.

#### MOTIVE UTILITARIANISM

Motive Utilitarianism concerns the utilitarian assessment of motives. Classical act utilitarianism is typically construed as holding that motives are themselves irrelevant for the

deontic evaluation of actions. Intuition suggests that motives are morally relevant, and Motive Utilitarianism addresses this potential gap by providing utilitarian resources to evaluate motives.

First articulated by Robert Adams in 1976, Motive Utilitarianism takes motives as the primary evaluative focal point and endorses those motives that yield optimal utility. Thus, Motive Utilitarianism is not, strictly speaking, a deontic view about the moral rightness or wrongness of actions, but instead a view about the goodness or badness of motives. The view holds that the best motives are those that yield optimal utility.

It is certainly not a foregone conclusion that motives to maximize utility are indeed optimal. The situation resembles the paradox of hedonism: being motivated by the desire to maximize utility is a surefire way to thwart one's own enjoyment and thereby fail to maximize it. Herein lies the intrigue of Motive Utilitarianism: which motives are optimal?

Although Motive Utilitarianism has received relatively little development in contrast to other branches of utilitarianism, a number of configurations of the view are possible. To begin, the relevant array of possible motives could be construed as those motives that are humanly possible, or as those motives that are possible for the agent in question. Once the relevant motives have been established, the conditions in which utility is evaluated need to be set: utility could be calculated supposing that all agents, universally, have these motives, or it could be calculated supposing that only the agent in question has the motives, holding all other features of the world constant. Further, one must consider whether transition costs are also relevant: presumably if one does not currently have motives that would be optimal to have, there may be some disutility in cultivating these motives. Should this be counted against the overall utility of the motives, or not? An extension of the view could take a cue from rule utilitarianism, and indirectly generate a deontic theory from



Motive Utilitarianism, according to which right actions are those that an agent would do were he to have the optimal motives.

The central debate concerns whether Motive Utilitarianism is compatible with act utilitarianism. Adams (1976) argues that it is not: he presents a case in which the motivation to enjoy visiting Chartres cathedral results in more overall utility than a motivation to maximize utility. In Adams's example, the motivation to appreciate the splendour of the cathedral generates an action that is suboptimal: the tourist lingers too long over one minor artwork and thus makes himself late and causes considerable inconvenience to himself—a wrong action, by act utilitarian standards. Adams takes the example to show that Motive Utilitarianism advocates actions that are wrong by act utilitarian standards. That is, having optimal motives can generate sub-optimal actions. As a result, act utilitarianism and Motive Utilitarianism are incompatible.

Fred Feldman (1993), however, argues that Adams's example proves too much: even straightforward act utilitarianism is subject to similar incompatibilities—an optimal action can necessitate a subsequent action at a later time, which by itself is suboptimal and therefore wrong by act utilitarian standards, yet the overall set of acts is indeed optimal. This argument leads Feldman to reject the notion of privileging any particular evaluative focal point as central to utilitarianism. Indeed, several assessments of the putative evaluative conflict between motives and acts have led to notions of a more global utilitarianism, which aims to avoid the evaluative conflict among focal points by assessing overall lives (Crisp, 1992; Feldman, 1993; Railton, 1988) as opposed to privileging any single evaluative focal point.

An alternative assessment of the moral relevance of motives is proposed by Sverdlik (2011), who argues that the best approach to capturing the moral relevance of motives is strictly extrinsic: the motive of actions

is morally relevant by consequentialist or utilitarian standards by having instrumental implications for consequences.

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*See also* ACT UTILITARIANISM; AGENCY; CONSEQUENTIALISM; HEDONISM; MAXIMIZATION; MOTIVES (MOTIVATION); RULE UTILITARIANISM.

#### MOZLEY, JOHN RICKARDS (1840–1931)

A member of a family of scholars, Mozley was born in 1840 and educated first at Eton then at Kings College, Cambridge from 1858. Studying classics and mathematics, he achieved 5th Classic and 12th Wrangler in Mathematics in 1862, MA in 1865 and a Fellowship at

Kings in 1861. Mozley was invited to join Clifton College, Bristol, where he formed lifelong friendships with the poet Thomas E. Brown and Alfred Marshall. He married Edith Merivale, daughter of Bonamy Price the Professor of Political Economy at Oxford.

In 1865, Mozley joined the Grote Society, sharing conversations with Henry Sidgwick, John Venn, Alfred Marshall, Joseph B. Mayor, Grote and F. D. Maurice (Gibbins, 2007, pp. 61–9). It was to Mozley, Mayor, Venn and Leslie Stephen that Eleanor Sidgwick turned after 1901 to establish the role that the Grote Society had on Sidgwick's philosophical development (Mayor Papers, Trinity College, Cambridge, Add. Mss. c. 101 [55]; 103 [87], 104 [66]). Mozley, Venn and Stephen hazarded that Sidgwick owed more to Grote in ethics than he had admitted.

Mozley was appointed Professor of Pure Mathematics at Owen's College, Manchester in 1865. Vocationally, he became concerned for the education of working class children and was appointed the Inspector for Workhouse Schools under the Local Government Board in Leeds. He wrote poetry with nostalgic and heroic themes, reflecting his fear that the foundations of religion, morality, politics and culture were slipping under England's feet (Mozley, 1885; 1898; 1914; 1918). His monumental achievement was to explore *The Divine Aspects of History* (1916), which combined solid history with a flavoring of the Hegelian idealist philosophy.

When Sidgwick's *Methods of Ethics* appeared in 1874, the *Quarterly Review* turned to Mozley for a review. Mozley aimed "to discriminate its [the *Methods*] sound from its erroneous parts" by "untying the knot" that is utilitarian ethics (Mozley, 1876, p. 489). Mozley denies that happiness considerations are the correct force in the moral method for deciding on actions. Ignorance of the future consequences of actions makes us poor judges of morality on consequentialist criteria. Nor can we logically jump from prioritizing judgements "before"

to those "after the deed is done" (p. 495). Further, the morality of an action is in part its conformity to motives and impulses. Mozley considers this incompatible with Sidgwick's commitment to psychological hedonism or egoism. Reconciliation of this apparent paradox within the *Methods* has been the focus of much subsequent analysis of Sidgwick's writings.

In this review, Mozley flirts with intuitionism, advising that we consult our natural "moral sense" and with idealism. He argues that both actual moral desires and reflective judgements are usually immature, but that they intimate a fuller expression in "the intellect of that which they will be in the time of their maturity and complete development." Mozley is hypothesizing the fullest development of ethical reason in the Absolute, which takes the form of "the Infinite and Eternal One, the source of being, touching man's soul, but not comprehended by his intellect" (Mozley, 1876, p. 496). Moral intellect and thinking are like those in art, music, poetry and polemic where to subjugate the methods and means to the ends debases the art itself. Intuitionism is as defective as Utilitarianism by making, "the subject intellectual, which is what we are striving to exhibit it as not being" (p. 497).

For utilitarians, Mozley's life and writings may be taken as typical of the new audience of university scholars forming careers based upon academic merit, but whose social form of life was still entwined with Liberal Anglicanism and providential Christian theology. The audience that Mozley represents were unsettled by what utilitarianism represented. Mozley's arguments against utilitarianism are not decisive, and to this generation of scholars, utilitarianism meant that nothing could be certain or the same again.

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## NATURAL LAW

Natural Law and utilitarianism, many incline to think, Bentham among them, oppose one another. That is one story about their relations; but there is another story that prepares for easy mutual accommodation. Let us begin with mutual accommodation. In the *Treatise on Human Nature* (1739–40), Hume presents the rules of justice as embodied in “the three fundamental laws of nature,” those that concern “stability of possession,” “its transference by consent,” and “the performance of promises.” “’Tis on the strict observance of those three laws, that the peace and security of human society entirely depend ... Society is absolutely necessary for the well-being of men; and these are as necessary to the support of society” (Hume, 2000, Bk.3, Pt.2, sec. 6). He says also, “Though the rules of justice be *artificial*,” that is to say, arise from human invention, “they are not *arbitrary*. Nor is the expression improper to call them *laws of nature*, if by *natural* we understand what is common to any species, or even if we confine it to mean what is inseparable from the species” (sec. 2).

These assertions, taken as identifying basic principles, are not what many people, champions or opponents, expect to hear about Natural Law. Where’s God? Where’s the sex? It is, nevertheless, just as Hume expresses it, an accurate representation in part of the core of traditional Natural Law theory. Is Hume being ironic in acknowledging an affiliation

with Natural Law? Hume may well have felt that he had come closer than anyone (himself included) would expect, given his sceptical tendencies, to traditional Natural Law, so he may be ironic in recognizing that his basic position on the rules of natural law deserves that name. But ironic does not mean insincere or untrue. The rules offered by Hume and the basis that he appeals to have a central place in the Natural Law theory that Locke, for instance, preceded him in identifying, along with Hobbes, and earlier St Thomas Aquinas (*Summa Theologiae*, 1a2ae, QQ. 90–7). Moreover, they are rules the championship of which should gladden the heart of a utilitarian. Why did Bentham not see this?

Instead of approving of “natural law,” Bentham denounced it along with “natural rights” as “nonsense” and “natural and imprescriptible rights” as “nonsense on stilts” (Bentham, 2002, p. 330). He cannot have had in mind the basic views of Hume, Locke, Hobbes, and Aquinas, taken together with the empirical foundation invoked by all of them (in *Summa Theologiae* 1a2ae, Q. 91, 3, Aquinas appeals in a word to “utilitas”). But Bentham prevented himself from seeing this foundation, partly perhaps by remembering the traditional reference to God as the author of Natural Law, but mainly by his notion that “natural law” was an obnoxious fiction, which led away from empirical evidence and from current enforceability (see Harrison, 1983, pp. 44, 77, 101).

Unqualified, however, the attack on Natural Law is misleading and confusing. It obscures the relation of utilitarianism to the traditional ethical position adopted by Hume and the other advocates of Natural Law mentioned. What Bentham adds to the traditional position is not any opposed principle, but an insistence that statistical evidence be taken into account in deciding upon actions and policies; and an emphatic orientation towards innovation consistent with this insistence. The statistical evidence need not be the sort that Bentham suggested in his proposal for a felicific or hedonistic calculus—a felicific census would in practice serve better. Systematic use of such evidence, as Bentham advocated, could be expected to overturn many received views about law and ethics; and this was another reason for attacking Natural Law, conceived of as a body of uncriticized views. But Natural Law on the basic traditional view was open to modification with changes in circumstances and evidence (Aquinas, *Summa Theologiae*, 1a2ae, QQ. 94–7), though no doubt its upholders did not expect as much change as Bentham. It was also solidly against rigidly routine applications of social rules. Aquinas has an important place for *epieikeia*, the personal virtue of adapting rules to the demands of specific occasions (2a2ae, Q. 120).

Bentham's attack on natural rights demands second thoughts, too. If natural rights are taken as devices once recognized endowing individual persons with the power to make sure of obtaining for themselves the benefits of Natural Law (Finnis, 1980), then there is a serious case for expecting utilitarianism to endorse such rights (Harrison, 1983, p. 102). Utilitarianism may be said to subtract from the traditional position as well as add to it. What it subtracts is the assumption that happiness is an aspect of the life of social selves, sharing resources and feelings with other human beings. Utilitarianism is certainly not opposed to having social selves or the happiness enjoyed by them, but it can

be taken to leave open the (rather fantastic) possibility that happiness is most certainly attained by isolated individuals. Traditional Natural Law would foreclose this possibility by insisting on the development of social selves (Braybrooke, 2006, Ch.12).

There is another conception of Natural Law, currently more vigorously publicized, to which utilitarianism does not accommodate so easily. This conception subscribes to the traditional core and gives insistent attention to God's purposes in laying down the law along with a concern with the immortal souls of human beings. It also has something to say, very vigorously, about uncompromising respect for human life. It is specially coloured, however, in current polemics, by a preoccupation with regulating sexual activity (see George, 1999, pp. 161–83). The preoccupation shows up in vehement prohibitions of masturbation, contraception, abortion, homosexual intercourse, heterosexual intercourse if it is extramarital (or indulges in banned positions) and divorce. At the very least, utilitarians would want to have evidence in each of these cases that the prohibited activity diminishes human happiness, and would not be content with evidence that takes current social arrangements and prejudices for granted. The champions of the prohibitions sometimes offer evidence, but it is often spurious, as with the supposedly harmful consequences of masturbation. When it is not spurious, as in cases in which extramarital activity jeopardizes the continuity of marriages and family life, countervailing evidence of misery in continuing marriages demands being taken into account.

Given their inclination to appeal without argument to God as the overriding authority behind the prohibitions in question, one may doubt whether the champions of this conception of Natural Law are interested in an open-minded approach to consequences. Some members of the circle of thinkers operating with the second conception, moreover, incline to view ill consequences from sinfully

ignoring the prohibitions as God's punishments for disregarding His commands. Thus, one article, applauded with little or no reservation within the circle, argues that AIDs is the punishment under Natural Law for prohibited sexual activity (Budsiszewski, 1998). The inefficiency of the punishment, not reaching all deviants and reaching many innocent people (e.g. wives and children), and what would seem to nonbelievers the disproportion between the sin punished and the savagery of the punishment, are not susceptible to consequentialist justification.

Abortion invites objection under the second conception of Natural Law as an attempt to evade the natural consequences of sexual activity (even, let it be noted, wholly legitimate activity). But the prohibition of abortion also keeps company with the prohibitions of suicide and euthanasia, and like them raises questions outside the normal ambit of utilitarianism, which is the evaluation of policies affecting a community with a fixed membership (or at least a membership already replenished over time by natural processes). Utilitarianism, of course, will be sensitive to the unhappiness present or ensuing when abortion, suicide, or euthanasia is foregone. It may not tell us whether this consideration justifies bringing a human life to an end. However, it might be expected to go along with the developing acceptance of a person's decision to refuse strenuous treatment, or even any treatment whatever, of serious diseases—an acceptance which, perhaps unnoticed by advocates of the second conception of natural law, is an approximation to a utilitarian-backed right to commit suicide.

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*See also* BENTHAM, JEREMY; HOBBS, THOMAS; HUME, DAVID; JUSTICE; LIBERALISM; LOCKE, JOHN; RIGHTS.

#### NEAL, JOHN (1793–1876)

John Neal was born on 25 August 1793 to Quaker parents in Falmouth (now Portland, Maine), and studied law under the guidance of David Hoffman. He styled himself as Bentham's utilitarian spokesman in America, and devoted *The Yankee* (later *The Yankee and Boston Literary Gazette*), the journal he edited, to the spread of utilitarian ideas. Each issue carried the banner heading "the greatest happiness of the greatest number," and Neal frequently featured excerpts from Bentham's

writings in the journal. His familiarity with Étienne Dumont's redaction of Bentham's early writings on legal theory, *Traité de législation* (3 vols, 1802), provided the basis for his dissemination of Bentham's ideas in *The Yankee*. When Hoffman asked for a volunteer from among his students to undertake a translation of Dumont's French text, Neal volunteered but could not find a publisher. While visiting Bentham in London in 1825, he was persuaded to resume the translation by John Bowring, Bentham's close friend and later editor, who promised him 200 guineas (Neal, 1869, p. 286). Neal remained closeted with Bentham for 18 months while the work of translation proceeded. However, Bowring was reluctant to pay any part of the agreed fee, adding to already strained relations between the two, and Neal stopped short of finishing the translation. When the partial work appeared as *The Principles of Legislation* in 1830, including Neal's memoir of his time in residence at Queen's Square Place, he informed Bentham that 400 copies of the 500 printed were sold (Palmer, 1941, p. 863). However, reviews of the work were few and generally critical.

Hugh Swinton Legaré (1797–1843), former US Attorney General and diplomat, panned Neal's translation in the *Southern Review*: "We do not know whether the publication of this book is to be considered any proof of the growing popularity of Bentham and Utilitarianism in the United States. But sure we are ... that it will do nothing to increase that popularity" (Legaré, 1831, p. 449). Legaré preferred Paley's religious version of utilitarian theory enunciated in *Principles of Moral and Political Philosophy* (1785) but concluded: "enough of utilitarianism—a philosophy, the very reverse of that so justly, as well as beautifully, described in Milton's Comus:

How charming is divine philosophy—  
Not harsh and crabbed as dull fools  
suppose ... (p. 481)

Caleb Henry (1804–84), a congregational minister, theologian, and Professor of Philosophy, who helped found the *New York Review*, was also critical of Neal's translation and angered by Bentham's atheism and promotion of the "selfish" principle. Henry's critical analysis turned into a plea to the American people not to become corrupted by this doctrine, not to put their own interest above knowledge and virtue (Henry, 1837). The reviewer in the *Boston Morning Post* (16 May 1840) attempted a pithy epitaph to Neal's efforts when he wrote: "Bentham's views, we believe, are not appreciated in this country owing to two causes—the fact that they were originally published in the French language, and the more unfortunate fact, that that versatile and unbearably egotistical genius, John Neal, undertook from the very best of motives, to introduce them to the American public."

How Neal responded to these reviews is not known, but he was unlikely to be moved by such attacks. He was an enthusiastic supporter of Bentham, describing him as "the great-high priest of legislation" (Neal, 1830, p. 14), making clear his commitment to the utilitarian cause in the following terms:

we acknowledge no rights that can interfere with the *greatest* happiness of the *greatest number*—none whatever, not even that "of life, liberty, and the pursuit of happiness" (to borrow the awkward and either very unmeaning or very untrue phraseology of most of our constitutions). If it be better for the greatest happiness of the greatest number that a man should die—whoever he may be, and whatever he may be, *cut him off without mercy*. And so with his liberty, and so with his property. But have a care—be *certain* that it *will* promote the greatest happiness of the greatest number, before you do so; ay, before you cut off the greatest criminal that walks the earth; before you spoil



the highway robber of his liberty, or deprive him of *his* property (*Yankee*, 1, no. 11, 1828).

The seeming contradiction in what Neal says here (the pursuit of happiness is at the core of the utilitarian doctrine) was quickly dispelled: *all* the dimensions of an action and its consequences need to be assessed before a correct view can be reached about its morality, particularly when the actions are those of the legislator. Neal was in no doubt that utilitarianism properly conceived must pay proper regard to the fashioning of appropriate rules. Employing the example of the legislator's imposition of punishment, Neal wrote: "it must be observed, that the bad consequences of actions are twofold, *particular* and *general*. The particular bad consequence of an action is the mischief which that single action directly and immediately occasions. The general bad consequence is, the violation of some necessary or useful *general* rule." The general rule that would be violated in this instance is "that no man be put to death for his crimes but by public authority" (*Yankee*, 1, no.11, 1828).

Neal was also fascinated by Bentham as a person, and took it upon himself to explain the man behind the utilitarian system of morals and law, and to defend him against those who dismissed the philosopher as an absurdity. Seeking to familiarize his readers with Bentham's likeness, he reproduced at the front of one of his *Yankee* articles (*Yankee*, 2, no.79, 1829) an outline portrait of the philosopher writing at his desk by Robert Sully. Neal lamented the fact that Bentham and his writings had been misunderstood and frequently misrepresented, and that so few of his works had appeared in English while many more were "to be found in every public library of Europe ... and upon the table of every statesman, jurist, or philosopher of the continent." Ironically, much of the criticism of Bentham in the American journals drew sustenance from Neal's biographical sketch prefixed to his translation of Dumont, which provided

ready ammunition for those bent on "character assassination." The statement that there could be no doubt Bentham was an atheist proved especially harmful. One of Neal's most helpful contributions was a six-article treatment of Bentham's panopticon in the *Yankee* in 1829, which he hoped to impress upon prison reformers among his countrymen as a major improvement on existing penitentiaries.

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See also BENTHAM, JEREMY.

NEUMANN-MORGENSTERN UTILITY FUNCTION: See CARDINAL UTILITY; EXPECTED UTILITY HYPOTHESIS; FELICIFIC CALCULUS; SYMBOLIC UTILITY.

## NEW LIBERALISM

### NEW LIBERALISM

New Liberalism emerged in the late nineteenth century, combining traditional liberal priorities with moderate socialist reforms. It was, therefore, what we would now call egalitarian and redistributive. Its most noteworthy champions were T. H. Green, L. T. Hobhouse, D. G. Ritchie and J. A. Hobson. New liberals drew eclectically from diverse philosophical sources, especially Aristotle, Kant, Hegel and J. S. Mill. They were also considerably influenced by British idealists like F. H. Bradley and Bernard Bosanquet, who were roughly their contemporaries.

Like many British idealists, New Liberals conjoined moralized freedom and robust moral rights with a communitarian conception of individuals as thickly socially constituted. For New Liberals, realizing ourselves morally implied being completely free “inward[ly]” as well as “outward[ly]” by, as Green memorably put it, having the enabling “positive power or capacity of doing ... something worth doing” and *actually* “doing ... something worth doing” (Green, 1997, vol. 3, p. 371). Or in Hobhouse’s words, morally realizing ourselves meant being simultaneously “moral[ly]” and “social[ly]” free (Hobhouse, 1949, p. 57).

Strong moral rights were crucial. Without them, full freedom was specious. Citizens could be neither outwardly, nor have meaningful opportunities to achieve, inward freedom. First and foremost, moral rights secured everyone’s negative freedom by specifying what citizens were prohibited from doing to one another. In addition, they indirectly promoted self-realization by enabling everyone genuinely meaningful opportunities to flourish. To cite Green again, moral rights realize our flourishing negatively by “securing the treatment of one man by another as equally free with himself, but they do not realize it positively” (Green, 1997, vol. 2, sec. 25).

For New Liberals, not surprisingly then, securing citizens equal opportunities to

make the best of themselves entailed insuring that everyone enjoyed similar prospects of acquiring meaningful amounts of property and capital. In Hobson’s words, “A Man is not really free for purposes of self-development ... who is not adequately provided” with equal and reasonably unrestricted access to private property including a home and land as well as capital and credit (Hobson, 1974, pp. 93–4). New Liberals consequently favoured formidable redistributive policies by local and national governmental institutions. For this reason, in his seminal and influential *Liberalism* (1911), Hobhouse labelled his particular brand of New Liberalism “Liberal Socialism.”

New Liberalism was plainly “communitarian” in our later terminology, though we should be wary of claiming that New Liberals *anticipated* contemporary communitarianism. Though New Liberals deployed what strikes us as the philosophical language and arguments of communitarianism, including notions like “common good” in addition to perfectionist values like self-realization, New Liberals were responding to a very different constellation of philosophical concerns than those motivating communitarians in more recent times. They were not, like communitarians, writing analytical political theory in the aftermath of Rawls. The New Liberals were also as much engaged with the political controversies of late-nineteenth and early twentieth-century Britain, as they were with contesting the ontological and normative presuppositions and commitments of their opponents like Herbert Spencer, on the one hand, and the legacy of Bentham, on the other. New Liberals were not thinking about liberalism the way political philosophers and political theorists now tend to think about it professionally, nor could they have. In short, we should avoid reading back into New Liberals’ philosophical discourse and preoccupations that emerged much later.

Though New Liberals rejected Bentham’s utilitarianism, or what they took his

utilitarianism to be, they were favourably disposed to J. S. Mill's utilitarianism, which they viewed as improving on Benthamism because of, among other reasons, its moderate socialism and its perfectionism. Hobhouse in particular saw himself as drawing on Mill as much as he saw himself borrowing from Green. New Liberalism's avowed debts to Mill, then, suggests that New Liberals were not as opposed to nineteenth-century classical utilitarianism as the received view holds. Despite how extensively their views coincided with those of idealists, they were not as critical of utilitarianism, Mill's especially, as idealists were. There is, therefore, far more utilitarianism in New Liberalism than has been recognized at least until recently. Ritchie, for one, did not hesitate on more than one occasion from referring to himself as a genuine utilitarian.

There were, of course, significant differences between New Liberals. Some borrowed more from idealism than others. Indeed, some scholars (Nicholson, 1990; Boucher and Vincent, 2001) consider Green and Ritchie to be idealists primarily. And some new liberals, Hobson as well as Ritchie, were plainly more favourably disposed to Classical Utilitarianism than others.

Green's New Liberalism is distinctive for the way it is more characteristically philosophical in its ambitions, its sometimes unwieldy language and sense of its historical debts. He was much more a moral philosopher than other New Liberals who came after him. Green's philosophical preoccupations are reflected in the fact that of all the New Liberals, he most closely resembled idealists like Bradley who remains well known primarily for his moral philosophy. Like Bradley, Green seems far more antiutilitarian than later New Liberals, though his animosity to classical utilitarianism has been overstated. Finally, Green's New Liberalism is distinctive for the focus and attention he devotes to the notion of "common good," though it is never easy to grasp just what Green means by this idea.

Hobhouse, of all the new liberals, was most straightforwardly indebted to Mill, though he also drew considerably from Green. In particular, like Mill, he equated self-realization with individual flourishing and happiness. And he likewise followed Mill in insisting that self-realization ought to be promoted universally but indirectly via the state enforcing respect of "prima facie" rights, including the right to a "living wage" and the right to private property "for use" but not "for power." Hobhouse, too, is noteworthy for the many years he worked as a journalist at the *Manchester Guardian* and for his role in establishing modern sociology as an academic discipline in Britain. He was elected to the first chair in sociology at the London School of Economics in 1907, which he held until his death.

Ritchie tried hardest to accommodate New Liberal moral and political thinking with evolutionary theory, which had become so topical inside and outside the British academy after the publication of Darwin's *The Origin of the Species* (1859). Ritchie also insisted that the discovery of natural selection "vindicated all that has proved most permanently valuable in Utilitarianism," which points to just how much he was committed as well to reconciling New Liberalism with utilitarianism, especially Mill's. Like Hobhouse, who was similarly though less powerfully influenced by evolutionary theory, Ritchie saw himself as repairing and improving Mill's conception of happiness by reformulating it more robustly as self-realization. He likewise maintained that a system of stringent basic rights, including significantly and meaningfully equalizing opportunities, best promoted everyone's flourishing and consequently the common good.

Hobson was the most socialistic in his thinking. Indeed, he considered himself a moderate socialist as much as a liberal, which is probably due, in part, to his iconoclastic expertise in economic theory resulting in, among other works, his *Imperialism* (1902), which greatly influenced Lenin. Besides

## NEW LIBERALISM

seeing himself as a liberal socialist, Hobson identified himself as well as a “new” utilitarian. He dismissed “old” utilitarianism’s narrow, individualistic hedonism, stressing instead self-realization’s “social utility” as an ultimate normative standard. His notion of “social utility” was also deeply informed by Ruskin’s qualitative conception of wealth in *Unto This Last* (1862). Hobson praised Ruskin for helping him see that “human utility” was a function of the capacities of workers and consumers to express themselves in production and consumption. Work was self-realizing only insofar as it was challenging and satisfying and therefore worth identifying with. The right to meaningful work was no less crucial than the right to basic education, which Hobson referred to as the “opportunity of opportunities.”

The New Liberals, then, were eclectic, combining, with various degrees of emphasis, liberal moral rights, moderate socialism, evolutionary theory, utility and what we now call communitarian ontology. Consequently, they do not fit neatly into any particular dichotomizing category or conceptual paradigm of theorizing that characterizes much contemporary political philosophy. Their awkward fit with our post-Rawlsian fascinations surely accounts, in part, for why so little attention has been paid to them in recent years by historians of Anglo-American political thought, though this indifference is beginning to change (Simhony and Weinstein, 2001; Weinstein, 2008). That contemporary analytical political philosophers should know very little about the New Liberals is hardly surprising, given their often truncated knowledge of the liberal tradition. But historians of modern liberal political thought fail embarrassingly by neglecting new liberals as they have.

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See also BOSANQUET, BERNARD; BRADLEY, FRANCIS HERBERT; EVOLUTIONARY THEORY; GREEN, THOMAS HILL; IDEALISM; LIBERALISM; MILL, JOHN STUART; RITCHIE, DAVID GEORGE; SPENCER, HERBERT.

NON-IDENTITY PROBLEM: See PARFIT, DEREK.

## NOZICK, ROBERT (1938–2002)

Robert Nozick was born on 16 November 1938 in Brooklyn, New York. He was educated at Columbia University and Princeton University, and taught Philosophy at Harvard University until his death in 2002. Nozick had extraordinarily broad philosophical interests—in ethics and political philosophy, epistemology, metaphysics, the philosophy of language and the philosophy of mind. Nevertheless, he will almost certainly be remembered primarily for his rights-based defence of political libertarianism in *Anarchy, State and Utopia*, published in 1974. Nozick's affirmation of moral rights as side-constraints is the focal point of his rejection of utilitarianism and, indeed, all forms of impartial consequentialism (Nozick, 1974, pp. 28–30).

Nozick casts his endorsement of natural moral rights as an extension of John Rawls' critique of utilitarianism in *A Theory of Justice*. Both Rawls and Nozick hold that in its call for individuals to sacrifice their personal good for the sake of the general welfare and in its endorsement of imposing sacrifices on individuals for the sake of that social end, utilitarianism fails to take seriously the distinction between persons. An appreciation of the separateness and uniqueness of persons yields a two-fold challenge to utilitarianism. First, the separate value of each individual's good undermines the view that it is rational for individual *A* to incur or submit to a loss for herself if doing so will yield a greater gain for another individual *B*. For Nozick especially, the separateness of the value of each individual's good rebuts all claims about trade-offs yielding impersonally or agent-neutrally better outcomes. If *B* gains and *A* loses, the world is better for *B*, but worse for *A*. An appreciation of the separateness and uniqueness of persons refutes the sort of positive justification for impositions upon the individual which utilitarianism characteristically

offers. Second, the separateness and uniqueness of persons is taken to support principles of natural justice or rights which provide nonutilitarian—indeed, nonconsequentialist—bases for condemning at least certain impositions upon individuals. Part of Nozick's reasoning seems to be that if there is no overall social end for the sake of which human interaction should be regulated, then if there are basic norms which do regulate human interaction, those norms must specify limits on the means which individuals may permissibly employ in the pursuit of their separate ends. A recognition of the separate and irreplaceable importance of each individual suggests that individuals themselves may not permissibly be employed as means to the ends of others (Nozick, 1974, pp. 30–5).

If there are any fundamental restrictions upon how individuals may conduct themselves towards others, there must be a fundamental deontic constraint against treating others as though they exist for one's own purposes. Individuals are, for instance, bound not to kill, maim, or enslave others (who have not themselves violated these constraints). However, these constraints do not include a requirement that individuals maximize overall compliance with side-constraints. Such a maximizing requirement would mandate that individuals violate side-constraints whenever doing so would maximize overall compliance with those constraints and would, therefore, be inconsistent with the initial proposition that each individual is himself bound not to violate the rights of others.

Other discussions in *Anarchy, State and Utopia* dovetail with this rights-based antiutilitarianism. Nozick argues that higher nonhuman animals merit as much consideration as utilitarianism extends to humans and that, if humans have a yet higher moral status, they must possess a markedly greater moral inviolability than utilitarianism ascribes to animals (Nozick, 1974,

pp. 35–42). Nozick’s “experience machine” discussion reveals that what matters within each human life is how that particular individual conducts herself and what she concretely makes of herself. The key values in human lives cannot be aggregated across lives, nor can they (readily) be supplied to individuals through the operation of some optimizing social structure (pp. 42–5). Nozick argues that the justice of economic holdings turns on the legitimacy of the means by which individuals acquire those holdings and not on the social utility of those holdings (pp. 149–74). Finally, his chapter on utopia argues that, try as we may to identify overall social outcomes worthy of achievement, the best we can do is to specify a framework of constraints which will facilitate individuals discovering or stumbling upon diverse personal utopias.

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See also ANIMALS; INTERPERSONAL UTILITY; RAWLS, JOHN; RIGHTS; SYMBOLIC UTILITY.

#### NUMBER-DAMPENED UTILITARIANISM

Utilitarianism is clear when the set and number of population is given. However, when this is a variable, there is the intriguing problem as to whether the average utility (ignoring here imperfect knowledge, a concern for others, and irrational preferences, utility, as a representation of preference, is taken as the same as happiness or welfare) or the sum total of utility ( $=$  average utility  $U$  times the number  $N$  of persons involved) should be maximized.

While Classical Utilitarianism was in favour of total utility, modern philosophers and economists are divided. The dilemma of average versus total utility maximization was brought to prominent attention by a very interesting and thought-provoking book by Parfit (1984). Average utilitarianism violates the Mere Addition Principle since adding more very happy people to existing even more happy people would reduce the average utility, even if all existing persons are not made less happy or even made somewhat happier. However, it is clearly morally totally unacceptable to deny prospective persons their happy lives merely to prevent the average utility from falling. On the other hand, the maximization of total utility may lead to the “repugnant conclusion” where a (possibly quite large) set of very happy people could be replaced by a very much larger set of people with lives barely worth living.

Parfit believes that an ideal optimal population theory  $X$  should not violate the Mere Addition Principle and yet should not lead to the “repugnant conclusion.” However, Parfit’s requirements for an ideal Theory  $X$  cannot be fully met since the Mere Addition Principle and Non-Anti-egalitarianism imply the “repugnant conclusion”: Theory  $X$  does not exist (Ng, 1989). This is so since Non-Anti-egalitarianism is extremely compelling and apparently accepted by everyone including Parfit. Non-Anti-egalitarianism is



explained as follows: If alternative *B* has the same set of individuals as in alternative *A*, with all individuals in *B* enjoying the same level of utility as each other, and with a higher total utility than *A*, then, other things being equal, alternative *B* must be regarded as better than alternative *A*.

It has also been argued that the “repugnant conclusion” is not only not really repugnant, it is actually compelling. Hence, on the level of ideal morality, total utilitarianism should be adopted for impartial comparisons concerning future generations (Ng, 1989).

The case against the so-called repugnant result (such as just one utile each for trillions of individuals) is really the opposite of Nozick’s case against the utility monster (a single individual with quintillions of utiles) (Nozick, 1974, p. 41). As the comparison is for ultimate outcomes taking account of all effects (hence with effects on others and on the future already included), if a utility monster *A* with a quintillion utiles is inferior to a population of six billion individuals each with 100 million utiles *B*, this latter case *B* is even more inferior to a population of 100 quintillion individuals each with one utile *C*.

Most people find *A* inferior to *B* and also simultaneously find *C* inferior to *B*. This could be due to the inability to take account of the significance of large numbers (of utility for the case of the utility monster and for population size for case *C*) and/or due to our bias towards our current situation which is similar to *B*. Even if total utilitarianism is morally ideal, we are neither prepared to sacrifice our current large number of people nor willing to sacrifice our current relatively (to a life barely worth-living) high average utility. Recognizing this possible bias, a compromise has been proposed (and as a close candidate for Parfit’s Theory *X*) between ideal morality (where total utilitarianism should be adopted) and our reluctance to accept the “repugnant conclusion,” in the form of number-dampened utilitarianism

(Ng, 1986a; 1989). This maximizes  $Uf(N)$  where  $f$  is a function increasing in  $N$  but at a diminishing rate. This is clearly a compromise and a generalization between average and total utilitarianism. If the function  $f(N)$  is equal to one for all values of  $N$ , it collapses into average utilitarianism maximizing  $U$ ; if the function  $f(N)$  is equal to  $N$  for all values of  $N$ , it collapses into total utilitarianism maximizing  $NU$ .

This compromise is arguably better than that of critical-level utilitarianism (proposed by Blackorby and Donaldson, 1984; see also Blackorby, Bossert and Donaldson, 2005) which maximizes the sum total of utilities in excess of some critical level, since the latter may disprefer a social state with more people and with more worthwhile lives.

However, number-dampened utilitarianism should not be regarded as an ideal at the level of pure morality (total utilitarianism is compelling). For one thing, number-dampened utilitarianism still violates the Mere Addition Principle. Nevertheless, this violation occurs only for less persuasive cases.

Finally, it has also been argued that number-dampened utilitarianism does not stand up to Naverson’s critique (1967), according to which social welfare cannot be increased or reduced if no existing person is affected (Ponthiere, 2003). However, this results from ignoring the welfare of prospective individuals (who are yet to be born). Ignoring this factor not only violates the Mere Addition Principle, but also leads to the extinction paradox where all existing individuals are made better off but sterile (Ng, 1986b).

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*See also* AGGREGATE AND AVERAGE UTILITARIANISM; CRITICAL-LEVEL UTILITARIANISM; MAXIMIZATION; POPULATION; PREFERENCES (PREFERENTIALISM); TOTAL UTILITARIANISM; WELFARE (WELFARISM).

# O

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## OBJECTIVE AND SUBJECTIVE UTILITARIANISM

If you knew everything, then you would never have to wonder whether your actions maximize happiness. Before deciding whether to, say, order a cup of coffee, you would know whether doing so would, according to the utilitarian theory, be the right thing to do. But no one knows that much. We all are ignorant about many relevant matters relating both to our action-options and to their consequences. But does our ignorance affect what it is really right for us to do? If so, how?

There are several different possibilities. Classical Utilitarians tended to hold that the moral value of actions depends upon the value of the actual consequences of the action. The most extreme view in this direction is Objective Utilitarianism, according to which your ignorance in no way directly affects what you ought to do. Even if you have no way to know that doing something in particular (e.g. ordering a strawberry milkshake) would produce the most happiness, performing that very action would still be right, and, importantly, doing anything else would not be right (McCloskey, 1973).

At the other extreme, there is Subjective Utilitarianism, according to which your ignorance significantly affects what you should do. In his essay on Bentham (1838), Mill writes that the “morality of an action depends on its foreseeable consequences” (CW, vol. 10, p. 112). So if you don’t believe that ordering

a strawberry milkshake would produce the most happiness, then that isn’t the right thing for you to do. Instead, the right thing for you to do is the act that you believe would produce the most happiness, whatever that is.

Subjective Utilitarianism itself, however, comes in several varieties. The most subjective version pays no concern to the reasonableness of your beliefs. If you sincerely think that sending threatening letters to the manager of the New York Yankees would produce more happiness than anything else you could do—a completely crazy thing to think—then, according to what might be called “ultrasubjective utilitarianism,” you act rightly if and only if you indeed send threatening letters to the manager of the New York Yankees. The fact that your belief about what would produce the most happiness is utterly unreasonable makes no difference with respect to the moral evaluation of how you act. Your beliefs may be both incorrect and irrational, without this affecting the morality of your actions in any way.

If this version of subjectivism sounds incorrect, consider instead a more moderate view. According to what might be called “rationalized subjective utilitarianism,” the right thing to do is what you would believe maximizes happiness if all your beliefs were, in light of the evidence available to you, rational. Sticking with the above example, since it would be highly irrational for you to believe that sending threatening letters to the manager of the New York Yankees would

## OBJECTIVE AND SUBJECTIVE UTILITARIANISM

maximize happiness, it would not be right for you to do so. Nor would it necessarily be right to do what in fact maximizes happiness, since it is unlikely that you have the evidence to lead you to choose exactly that either. Rather, the right thing to do is, on this view, the thing that you would believe that would maximize happiness, if you were viewing your situation rationally.

Each of the versions of utilitarianism is vulnerable to attack. McCloskey (1973) and Howard-Snyder (1997) argue that Objective Utilitarianism completely divorces the notion of wrongness from the notion of blameworthiness: there is nothing particularly blameworthy about doing wrong, for, according to Objective Utilitarianism, we probably do wrong all the time. Some Objective Utilitarians (e.g. Carlson, 1999), however, bite this bullet with a smile; they argue, *contra* Mill, that we should distinguish clearly the wrong and the blameworthy. But this move is not entirely satisfying, for if the wrong and the blameworthy are separated sharply, it is then difficult to see what remaining use the notions of right and wrong would have.

Ultrasubjective Utilitarianism, however, may be in even worse shape. By divorcing the morality of action from the rationality of the beliefs that motivate that action, Ultrasubjective Utilitarianism yields all kinds of counterintuitive implications, as we saw with the Yankees example. Surely those who have crazy views about how to maximize happiness do not avoid the charge of wrongdoing merely by pleading sincerity.

Rationalized Subjective Utilitarianism seems to be the best of the three. But it is not without its problems. First, even if you do what you reasonably believe maximizes happiness, someone else who has better evidence than you do about what maximizes happiness might still plausibly say that you act wrongly. But rationalized Subjective Utilitarianism seems unable to make sense of such statements. Second, rationalized Subjective Utilitarianism appears to be vulnerable to the conditional fallacy

(Railton, 1984). Suppose it would maximize happiness for you to spend some time rooting out logical contradictions among your beliefs, and that you know that this is so. Plausibly, this would be the right thing for you to do. But, if your beliefs were already rational, then you wouldn't believe that doing this would maximize happiness, for then you would no longer have any logical contradictions among your beliefs to root out. It makes sense for you to eliminate your illogical beliefs only if you actually have some to eliminate. Rationalized Subjective Utilitarianism seems unable to make sense of this thought.

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See also ACT UTILITARIANISM; CONSEQUENTIALISM; MAXIMIZATION.

**OBJECTIVE LIST THEORY:** See GRIFFIN, JAMES; WELFARE (WELFARISM).

## OBLIGATION

To be under an obligation to do something is to be required, or bound, to do that thing. Accordingly, the relationship of obligation to utilitarianism appears, on first blush, fairly straightforward. Utilitarianism holds that, among the options open to an agent, acts are right insofar as they tend to maximize (or conform with rules that maximize) overall utility. Thus utilitarianism is typically held to ground a moral obligation to do those acts (or follow those rules) that maximize utility.

Critics have contended, however, that the notion of obligation creates problems for utilitarianism. On the one hand, opponents have charged that the theory, at least in its act utilitarian form, is unable to provide grounding for a large class of genuine obligations, such as promise keeping. On the other hand, some have objected that for utilitarians everything is obligation, and that there is no room left for the merely permissible, or for the supererogatory. Thus for converse reasons, critics have argued that the notion of obligation exposes deep inadequacies in utilitarian thinking. And not surprisingly, utilitarians have offered a variety of responses to these charges.

First, some critics have charged that act utilitarianism cannot account for the bindingness of certain kinds of obligations, such as promise keeping. Because act utilitarianism is essentially a forward-looking account, the worry is that it cannot be the source of obligations grounded in what has already transpired. We typically believe that a promise confers an obligation (at least a presumptive one) on the promiser independently of whether keeping it will produce the greatest overall utility. Act utilitarianism, opponents argue, cannot account for this—if breaking the promise produced even slightly more overall utility than keeping it, act utilitarianism would apparently endorse breaking it. W. D. Ross (1930), for example, found this conclusion counterintuitive: “We should, I

fancy, hold that only a much greater disparity of value between the total consequences would justify us in failing to discharge our *prima facie* duty ... After all, a promise is a promise, and is not to be treated so lightly as the theory we are examining would imply” (p. 35). Ross, then, is not claiming that considerations of utility could never override the obligation to keep a promise, only that the increase in utility would need to be substantial, and that the obligation to keep the promise would be an obligation nonetheless, even when overridden. Philosophers today refer to the sort of obligation Ross has in mind here—which remains a genuine obligation even if it’s overridden—as a *pro tanto* obligation rather than a *prima facie* obligation.

Although in the passage above Ross focuses on promises, this general line of objection may apply with respect to other kinds of obligations. Political obligation, for instance, the general obligation to comply with the laws of one’s political community, is another example of an obligation that we may think remains at least presumptively binding even when in particular instances violating the law may maximize utility. The worry, then, is that utilitarianism is unable to account for the general bindingness of certain kinds of obligations even in cases when honouring them would not maximize utility.

One line of response to such an objection would be to explain our intuitions about the bindingness of such obligations in utilitarian terms. Jan Narveson (1967), for instance, has argued that a promise creates an expectation that would not otherwise exist. He writes, “Consequently, if I default, it is more serious than if I hadn’t promised, because this expectation is then disappointed” (pp. 192–3). On Narveson’s view, then, promises do carry special weight, although this weight is best explained by appeal to utilitarian considerations.

Another option is to endorse rule utilitarianism rather than act utilitarianism. On a rule-utilitarian account, the moral obligation

## OBLIGATION

to keep promises stems from the fact that the rule requiring promise keeping (or fulfilling agreements or contracts, or complying with laws) is one of those rules whose general acceptance maximizes utility (Hooker, 2011, esp. pp. 244–50). In fact, even those who endorse an act utilitarian account of the rightness or wrongness of actions may endorse following rules of thumb as a decision procedure, insofar as this brings about better consequences than calculating utility on a case-by-case basis (Hooker, 2000, pp. 142–4; Sidgwick, p. 413).

Utilitarians might also account for the bindingness of promises by adopting a pluralistic account of value, such as G. E. Moore's "ideal utilitarianism" (1903). If, in addition to pleasure or happiness, utility is understood to comprise values such as honesty, fidelity, and others, then utilitarians would straightforwardly have the resources to explain the importance of keeping promises, even in cases when these actions do not maximize overall happiness. It should be noted, however, that opinions differ about whether such pluralistic conceptions are properly called utilitarian rather than, more generally, consequentialist.

A second obligation-centred objection often raised against utilitarianism is that the theory is overly demanding. Specifically, critics charge that every action is either morally obligatory, if it maximizes overall utility (or is in accord with utility-maximizing rules), or morally prohibited, if it does not. Thus the worry is that utilitarianism leaves no room for acts that are merely morally permissible (neither obligatory nor prohibited). Similarly, there appears to be no room for morally heroic, or supererogatory, acts (acts that go above and beyond the call of duty). Insofar as most people tend to believe that there are acts that are merely permissible or supererogatory, critics claim that utilitarianism's inability to account for such acts shows the theory to be inadequate (Baier, pp. 203–4; Brandt, p. 276; Murphy, esp. pp. 9–33; Kagan, esp. pp. 1–3; Pettit, pp. 163–9; Scheffler, pp. 7–11).

Peter Singer's utilitarian account of our obligations to the global poor has become a standard target of the demandingness objection. In his seminal article "Famine, Affluence, and Morality" (1972), Singer contends that (1) "suffering and death from lack of food, shelter, and medical care are bad," and (2) "if it is in our power to prevent something bad from happening, without thereby sacrificing anything of comparable moral importance, we ought, morally, to do it" (p. 231). Singer then argues that it is in our power to prevent the suffering and deaths of impoverished individuals without sacrificing anything of comparable moral importance. Thus given the current state of the world, he writes, it follows "that we ought, morally, to be working full time to relieve great suffering of the sort that occurs as a result of famine or other disasters" (p. 238). Singer's response to the demandingness objection is essentially to bite the bullet, to maintain that we do have quite demanding moral obligations to work to increase overall utility, even if this requires significant sacrifice of our own interests (see also Unger, 1996; Kagan, 1989).

Still, the demandingness objection is intuitively powerful, and many have been unwilling simply to accept that utilitarianism requires so much of us. Some have instead responded that our obligations to work to relieve the suffering of others extend only to what would be required if others also met their obligations. That is, I am only required to do my fair share to maximize overall utility (Murphy, pp. 74–116; Pettit, pp. 166–9). Understood in this way, utilitarianism may not seem unacceptably onerous. In fact, it may now not be demanding enough. If two children are drowning and I can save both at little risk to myself, then it appears that I have an obligation to do so, even if someone else equally capable is standing next to me but is unwilling to do her "fair share" (Streumer, pp. 359–62).

Another response is to appeal to a rule utilitarian account of our moral obligations.

Brad Hooker (2000), for instance, contends that rule utilitarianism must take account of the various costs of internalizing a given rule. He claims that there would be significant costs involved—in “time, energy, attention, and psychological conflict”—in getting people to accept very demanding rules about helping others. Such costs may “be so large that trying to get each new generation to internalize a completely impartial altruism could not plausibly be thought to maximize expected value” (p. 166).

A different sort of response is to give up the notion of utilitarianism as a maximizing doctrine. Instead of a maximizing view, one might endorse satisficing, according to which we are required to act to produce sufficiently good, albeit perhaps not optimal, consequences (Slote, 1984). On this view, we may have obligations to help others in need, such as the global poor, but we do not bear the constant utility-maximizing burden that critics find so onerous. Alternatively, one might defend a scalar account, such as the one developed by Alastair Norcross (2006). Like a maximizing account, Norcross’s scalar consequentialism holds that for any two actions available to a person, it’s better to do the one that produces the best overall consequences. Unlike a maximizing account, however, the scalar view does not make claims about the act’s rightness, or obligatoriness, or the wrongness of not doing it.

Others have responded to the demand-igness charge by developing agent-relative accounts, according to which the rightness of actions is a matter of how much good they will produce from the perspective of the agent. On such a view, it may be permissible to give some priority to one’s own projects and commitments, rather than always aiming impartially to produce the best consequences overall (Portmore, 2003). It is a controversial matter, however, whether agent-relativity is consistent with utilitarianism or, more broadly, consequentialism (Portmore, 2001).

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See also ACT UTILITARIANISM; AGENT-NEUTRAL AND AGENT-RELATIVE; CONSEQUENTIALISM; HOOKER, BRAD; MAXIMIZATION; ROSS, WILLIAM DAVID; RULE UTILITARIANISM; SATISFICING; SCALAR UTILITARIANISM; SINGER, PETER; SUPEREROGATION.

**OPTIMIZATION:** See MAXIMIZATION.

## ORDINAL UTILITY

Jeremy Bentham defined “utility” as “that property in any object” which “tends to produce benefit, advantage, pleasure, good, or happiness (all this in the present case comes to the same thing) or (what again comes to the same thing) to prevent the happening of mischief, pain, evil, or unhappiness to the party whose interest is considered” (Bentham, 1970, p. 12). “Object” in this context is what Bentham would call an “exciting cause.” It could be goods or services when they are consumed; activities when they are undertaken; assets when they are owned; physical sensations when they are experienced or mental states when they are aroused. Without further specification, utility in this account defines a quality of an exciting cause. It is neither *ordinal* (it does not rank-order utilities of exciting causes) nor *cardinal* (it does not assign real number values to utilities of exciting causes). Although an attribution of ethical content to qualitative utility is sufficient to define utilitarianism, utilitarian applications require a substance that can be measured.

The use of the term “utility” to register “value,” not necessarily with ethical content and limited to consumption of goods and services as the exciting cause, emerged from the 1870s “marginal revolution” in economics. Philip Mirowski (1989) has shown that the primary motive of the marginalist innovators, such as William Stanley Jevons, Léon Walras, Francis Ysidro Edgeworth, and Vilfredo Pareto, was to establish economics as a scientific subject, and that their shared metaphor for utility was energy (as it was understood by physicists at the time). In effect, utility was (and still is) defined not as a pleasure-producing substance but rather as a field of force exerted by an individual’s preferences over a vector space of commodities. The gradients at any point in this field show the direction of maximum gain and, constrained by a given set of prices, consumer equilibrium is characterized by equal partial derivatives of utility with respect to expenditure on each individual commodity. If sufficient additional restrictions are imposed to ensure that the set of partial derivatives can be integrated over the commodity space, then the resulting integral measures the cardinal utility of any commodity bundle for the possessor of the preferences. What are these integrability conditions? They amount to treating expenditure as analogous to kinetic energy and utility as analogous to potential energy, and asserting that the total is conserved. In other words, expenditure and utility are the same “thing” in different forms. Willingness to pay for commodity bundles is equivalent to their utility content and, of course, money is a cardinal measure.

The marginalist innovators were divided, ambiguous, and sometimes self-contradictory about the validity of cardinal utility. Controversy over the issue subsided in the 1930s, however, when it was shown by writers such as Allen and Hicks (1934) that the standard propositions of consumer behaviour theory could be derived from first-order partial derivatives on their own, so long as “rational choice” by a consumer is *defined* as the



attainment of equilibrium. Ordinal Utility suffices to find maximum gain within the portion of commodity space to which the consumer is confined by a given expenditure constraint. When she finds that she can acquire no *more* utility from any rearrangement of her purchases, she will have reached consumer equilibrium. What matters is that any other point will give her less utility; *how much* less is irrelevant. The influence of price and income changes on quantities demanded is then a matter of comparative statics: the consumer's equilibria are compared under alternative constraints, and changes in quantities are attributed to the changes in constraints. The entire corpus of modern mainstream economic theory rests upon these ordinal utility foundations.

The persuasiveness of economists' rational choice theory may be better judged if we approach the matter as Bentham would, via propositions about human introspection rather than mathematics. With utility defined as a pleasure-producing or pain-preventing property of an object, Ordinal Utility means that the degree to which this property is possessed by any one specified combination of objects (that is, a "state of the world") compared to any other state of the world can be ranked by each individual as greater, smaller or precisely equal, and that the rank-ordering remains consistent no matter how many, or in what order, different states of the world are surveyed. This capacity for determinate choice in turn requires that preference sets be reflexive, complete and transitive.

Reflexivity is described by a mathematical economist as ruling out "the absurdity of a commodity bundle strictly preferred to itself" (Ellickson, p. 14). From our introspective perspective it reminds us that comparative statics is a virtual, timeless setting: the individual decides what she *would* do if faced with alternative constraints coterminous in time. The results translate to actual choices made over a period of time only if the preference set remains fixed as states of the

world change. Not only is caprice ruled out of human behaviour, so is all feedback from states of the world to preference sets. It must be said truly of the multimillion dollar lottery winner: "It hasn't changed her a bit."

Completeness means there are no two states of the world between which the individual is unable to decide whether one has more utility than the other, unless they give exactly equal utility. Equality cannot mean indecision. It must mean strict indifference, such that adding a peanut to one of the states of the world would tip the balance in its favour. Transitivity is a statement of internal consistency: if *A* is preferred to *B*, and *B* to *C*, then *A* must be preferred to *C*. If we grant an individual a reflexive and complete preference set, then transitivity carries very naturally the tag of rational choice.

In summary, Ordinal Utility is a minimum requirement for most of modern mainstream economic theory even though it imposes heroic demands on introspection. When economic theory shifts from description to prescription, seeking optimal policy interventions from which there will be losers as well as winners, some form of cardinal utility calculation is necessary.

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See also CARDINAL UTILITY; ECONOMICS; EDGEWORTH, FRANCIS YSIDRO; HAPPINESS; JEVONS, WILLIAM STANLEY; MAXIMIZATION; PREFERENCES (PREFERENTIALISM); RATIONAL CHOICE THEORY; UTILITY.

**ORGANIC UNITY PRINCIPLE:** See MOORE, GEORGE EDWARD.

**O'SULLIVAN, JOHN L. (1813–95)**

John L. O'Sullivan was born on 15 November 1813 on a British ship fleeing from the plague in Gibraltar, where his father conducted business. He attended Columbia College in New York, was a sometime lawyer, and briefly held a seat in the New York State legislature where he was an unpopular champion of rights for women and workers, and spoke in favour of abolishing the death penalty and opening up public schools to Catholics, Jews, and Quakers. O'Sullivan is most well known today as the author of the phrase "manifest destiny," but he was also a powerful advocate of utilitarian principles in law reform, most notably in relation to capital punishment. From 1837 to 1846 he edited *The United States Magazine and Democratic Review*, the leading voice of law reform in America, a promoter of Jacksonian democracy, and friend to American literature. In this journal he published in support of Edward Livingston's codification campaign, and offered one of the few reviews of Richard Hildreth's translation of the first two volumes of Etienne Dumont's 1802 redaction of Bentham's early moral and legal writings, *The Theory of Legislation* (1840). He followed this with an account of the early life of Bentham, and also published a rare sympathetic review of Hildreth's *Theory of Morals* (1844). In later life O'Sullivan

became a defender of state rights and slavery and a supporter of the confederacy. He suffered a stroke in 1889, and died in obscurity on 24 March 1895.

O'Sullivan's review of *The Theory of Legislation* provides a relatively acute and succinct account of Bentham's theory, and reveals his own utilitarian credentials. He praised Bentham as "the father of law reform, the founder of legislative science, the powerful advocate of political emancipation, and a distinguished friend of the moral advancement of the human race" (O'Sullivan, 1840, p. 252). Hildreth is praised for his efforts in making Bentham's ideas "more widely known to the American public ... at a time when the subject of law reform is beginning to be agitated in the legislatures of several of the States, and when the young men of the nation, as we fondly believe, are attaching themselves to sentiments of democratic freedom and progress. ... The legislator who should go forth armed with the weapons of this magazine of thought would prove an invincible champion in the cause of justice and truth" (p. 256).

O'Sullivan was not without criticisms of the moral theory contained in Hildreth's translation, though unlike other critics he ignored the subject of Bentham's purported atheism. The principal issues which concerned O'Sullivan were first, whether pleasure and pain are the sole governing motives of men, and second, whether the tendency of an act to produce the greatest amount of happiness is the only reason why it is binding upon the consciences of men (O'Sullivan, 1840, p. 259). The reservations, however, pale alongside the great service Bentham is said to have conducted for legislative science and political reform: the systematic manner in which he set about his analysis of existing law, the stress on the practical business of the law, his arguments for codification, and his influence upon law reformers like Samuel Romilly are all commended in the strongest language (pp. 264–9). Moreover,

Bentham is credited with making plain “the true functions of government.” Unaware, it seems, of the existence of Bentham’s writings advocating democratic institutions, O’Sullivan praised the political direction of his theory of legislation: “He [Bentham] has stated with more clearness than any preceding writer the real objects of the civil law, and the best methods of attaining them. If he has not carried his ideas to the extent to which American statesmen are disposed to push their theories of government, he has made a near approximation to it. Indeed, the most radical of American statesmen can find much instruction in what he has uttered on this head” (p. 269). O’Sullivan summarized Bentham’s recommendations to the legislator in these terms:

the single aim of the legislator should be to promote the greatest possible happiness of the community. But happiness is increased as our sufferings are lighter and fewer, and our enjoyments greater and more numerous. As the care of his enjoyments ought, however, to be left entirely to the individual, it becomes the principal duty of government to guard against pains. If it protects the rights of personal security, if it defends property, if it watches over honor, if it succors the needy, it accomplishes its main purposes. Government approaches perfection in proportion as the sacrifice of liberty on the part of the subject is diminished, and his acquisition of rights is increased (p. 269).

It is in this way, O’Sullivan believed, that Bentham contributed most to the way in which law relates to the individual, his liberty, property, and security.

Like nearly all utilitarians during this period, O’Sullivan had long been an opponent of capital punishment. He was commissioned by the New York state legislature to provide a report on the state laws related

to the death penalty, and in 1841 the published report revealed O’Sullivan’s hope that this punishment would be removed from the state’s statute books. O’Sullivan quoted from a wide range of sources in making his arguments—like-minded reformers on both sides of the Atlantic, such as Pastoret, Montesquieu, Basil Montagu, Gilbert Wakefield, Robert Rantoul, and Livingston, and twice from Bentham’s *Theory of Rewards and Punishments*, first in support of the argument that the death penalty is not an effective deterrent to murder, and secondly to underscore the fatal weakness of its irremissibility (pp. 56–7, 122–3).

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*See also* BENTHAM, JEREMY; HILDRETH, RICHARD; LIVINGSTON, EDWARD.

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## PAIN

Happiness is generally understood as the principal concern of utilitarianism, and pleasure is generally understood to be the principal matter that pertains to happiness. With rare exceptions, Bentham most notably, utilitarians rarely concern themselves with theoretical questions that pertain specifically to pain, beyond vague rhetorical statements that pain ought to be minimized. However, whether one thinks of happiness as the presence of a great deal of pleasure in the absence of pain, or merely as the balance of pleasure over pain, understanding what constitutes pain is as important as understanding what constitutes pleasure. Thus, the relative silence in utilitarianism with regard to pain is, perhaps, surprising.

The simplest way to understand pain is as the inverse of pleasure: if pleasure constitutes a feeling that we seek or would like to continue, pain is a feeling that we would like to avoid or *discontinue*. It is also the case that, generally speaking, people seek to minimize their pain while they seek to maximize their pleasure. However, there are aspects of pain that make it more than simply the inverse of pleasure. The most striking of these is that we will knowingly and purposefully continue to engage in an activity that causes us pain if we have the expectation that we will experience pleasure as a result. Pain's relationship to happiness, then, is very different from pleasure's: where pleasure contributes directly

to happiness, pain can only contribute to happiness either through its absence or by somehow producing or directing us towards pleasure. Therefore, pain cannot be understood simply as the inverse of pleasure.

Despite this difference, pain, like pleasure, is important in utilitarianism as a form of motivation, and, like pleasure, it primarily functions as motivation through the mechanism of expectation. In other words, what is most important is not the experience of pain (the prodding of the stick), but the fear of pain (that if we do something, or fail to do it, we will be hit or poked)—although the experience of pain itself is also important because unless we have had some experience with it we will not have reason to fear it. Here again, however, it works somewhat differently from pleasure. Whereas pleasure only motivates in a positive sense, pain may take the form of either positive or negative motivation. In other words, pain (or the expectation of it) may lead us to either do something *or* forbear doing something.

The negative function of pain may be the most familiar, and it is the most direct. This is, after all, one of the primary objects of any sort of punishment. Rules or laws are enforced through punishments, which means the infliction of some sort of pain (anything from scolding to death) in the case of any transgression of a rule or a law. However, rules and laws are usually established to prevent certain kinds of actions, which means in effect that the actual performance of any

punishment reflects a failure of the legal system to deter an offender. Thus, the function of pain with respect to the enforcement of rules is a matter of establishing the expectation that transgression will result in punishment. The effectiveness of the punishment depends on the proper calibration of the various elements Bentham introduces in his felicific calculus to measure pleasure and pain, particularly its intensity, duration, certainty, and remoteness (Bentham, 1970, Ch.4).

Pain is no less important in its positive sense, although its effect is significantly less direct. There are two ways in which it may be recognized: first, because it induces people to take action that they would not otherwise undertake (i.e. experience pain or forego the experience of pleasure) for fear of future pain; and, second, because of a secondary, positive effect of the fear of punishment discussed above that goes by the name of security. Both of these are particularly significant for their economic effects: the first because it induces people to engage in productive activity, and the second because it enables people to engage in present labour, and to save, for the sake of future benefits.

A common perspective on any kind of labour is that it involves pain: labour rarely constitutes a kind of pleasure in and of itself. Rather, people labour because they receive some reward for it—either their subsistence directly, or some product they can exchange for their subsistence, or more commonly for wages that they can exchange to fulfill their needs or gain some comforts, conveniences or even luxuries. The point here is not that people are willing to suffer pain now in order to enjoy later pleasures (although this is certainly true), but that people suffer pain now to avoid a greater pain in the future: the pain of deprivation. The felicific calculus is also important here, in that the *intensity* of present pain may be balanced against the intensity of future pleasure or future deprivation, and *certainty* is a factor because, as Bentham points out, few would be willing to endure

the present pain of labour without certainty of future reward (Bentham, 1838–43, vol. 1, pp. 307–8).

To the degree that delaying the experience of pleasure can be understood as a kind of pain, people can also be said to voluntarily experience pain in the present in order to avoid a greater pain or enhance some pleasure in the future, for example when they put money away in savings. Again, the pain here involves forgoing present pleasure for the sake of future pleasure, but also to avoid future pain. This is exactly the motivation behind any kind of retirement savings plan, to avoid destitution in old age. So, pain, or the fear of it, is productive both because it induces people to engage in labour and to save for the future.

Retirement savings are sometimes referred to as “securities against old age,” but what makes savings, or any kind of property, secure is none other than the fear of pain. Yet again, however, pain acts instrumentally, not directly. What establishes security is not the direct application of pain, but the fear of it, usually in the form of punishment, which prevents some from causing harm to others—in other words, pain. Only with this security in place will people be willing to undergo the experience of pain, for example by undertaking labour for the sake of future benefits. Thus, pain can be seen as productive. However, security comes at a cost. As Bentham noted, any law that restricts liberty must be understood as a kind of pain and, as such, must be justified by the benefit that it produces (Bentham, 1838–43, vol. 1, p. 301). The lack of security or the fear that our expectations of future pleasure will be disappointed (or the establishment of the fear of future pain) can be understood as a kind of pain in and of itself—the pain of anxiety. This pain is particularly dangerous because it undermines productivity.

Moreover, it should be noted that Bentham held that people are more sensitive to pain than to pleasure (Bentham, 1838–43,

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vol. 1, p. 307). This means that, as a motivation, the fear of pain is more powerful than the promise of pleasure. This may be, in part, because pain tends to be purer than pleasure: while pleasure may often come with some associated pain, pain is less likely to produce pleasure, and is therefore felt more deeply. For this reason, Bentham considered the prevention or minimization of the “pain of disappointment” to be the central function of the state (Bentham, 1952–54, vol. 3, p. 324; see also Bentham, 1993, p. 342). Consequently, the “disappointment-preventing principle” or “non-disappointment principle” appears in Bentham’s later thought as the “immediate lineal descendant” of the greatest happiness principle (Bentham, 1838–43, vol. 3, p. 312).

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See also BENTHAM, JEREMY; CONSEQUENCES; FELICIFIC CALCULUS; HAPPINESS; HEDONISM; INTEREST; MOTIVES (MOTIVATION); PLEASURE; PUNISHMENT.

## PALEY, WILLIAM (1743–1805)

William Paley was born on an unknown day in July 1743 in Peterborough. He was educated at the Free Grammar School in Giggleswick, where his father was headmaster, and Christ’s College, Cambridge, where he studied algebra, geometry and natural philosophy under the Plumian Professor Anthony Shepherd, and logic, metaphysics and moral philosophy under William Backhouse. From 1763 to 1765 Paley was a schoolmaster’s assistant and then a Latin tutor at Bracken’s academy in Greenwich. In 1765 he won one of the Cambridge members’ prizes offered for the best dissertations in Latin by senior bachelors. His subject was “A comparison between the Stoic and Epicurean philosophy, with respect to the influence of each on the morals of the people.” Perhaps indicative of his emerging utilitarian tendencies, he argued that the Epicurean philosophy was more favourable to virtue and happiness and characterized the Stoics as “Pharisees in philosophy” (LeMahieu, p. 10).

From 1766 to 1776 Paley lectured at Cambridge, where he counted among his closest friends John Law, the son of the theologian Edmund Law, then master of Peterhouse, and Knightbridge professor of moral philosophy, and John Jebb, a fellow of Peterhouse and the chief voice of reform at Cambridge. All three were members of the latitudinarian Hyson Club; they agreed that rational inquiry and tolerance in religious matters should be promoted and free discussion encouraged, and took part in the “subscription controversy” that beset Cambridge 1768–74. Though Paley refused to sign the petition for relaxation of the terms of subscription to the Thirty-nine Articles of the Anglican faith, he published a reply to the critics of Edmund Law’s reformist position, *A Defence of the “Considerations on the Propriety of Requiring a Subscription to Articles of Faith”* (1774).

In the last 20 years of his life Paley produced the works on which his reputation



as a theologian and moralist came to rest. Reflecting on his writings at the end of his life, he suggested they might usefully be read in the reverse of the order in which they were written. Thus the positions taken in *The Principles of Moral and Political Philosophy* (1785) are grounded in the revelation of the scriptures, the subject matter of *Horae Paulinae; Or, The truth of the scripture history of St. Paul evinced* (1790) and *A View of the Evidences of Christianity* (1794). In turn, this revealed theology is underpinned by the natural philosophy of the *Natural Theology; Or, evidences of the existence and attributes of the Deity* (1802), in which knowledge of the attributes of the deity is derived from an empirical study of nature. These books placed Paley at the forefront of Anglican apologetics during this period and guaranteed his writings a place in the Cambridge curriculum for several generations. The *Principles*, in particular, was written in a forceful and clear style, which readily suited it for adoption as a textbook, with the consequence that the principle of utility penetrated the teaching of morality at the university.

“Whatever is expedient, is right,” taught Paley, much to the chagrin and confusion of his critics. “It is the utility of any moral rule alone, which constitutes the obligation of it” (Paley, vol. 3, pp. 48–9). By this, Paley meant no more than following the rules of morality is the same as adhering to the will of God. To which he added that the practice of virtue is supported by the expectations of a future life in which there would be a proportionable attainment of happiness. In developing this theory, Paley owned that he drew upon many different sources and acknowledged a particular debt to Abraham Tucker (1705–74). He also borrowed material from Thomas Rutherforth’s *Institutes of Natural Law* (1754) and was influenced by Locke, Gay, Hartley, and his patron Bishop Law. From Law he took his definition of virtue: “the doing good to mankind, in obedience to the will of God, and for the sake of

everlasting happiness” (Paley, vol. 3, p. 28). This definition contains the matter or content, the criterion or rule, and the ultimate end of virtuous action. But this does not mean that each virtuous action involves the consciousness that it is to be performed for any one of these considerations. Following Tucker, Paley pointed out that men deliberate on few occasions, and act more from habit than reflection (p. 30). A man confirmed in good habits will act in a virtuous manner without any further consideration, “without having either the good of mankind, the will of God, or everlasting happiness in his thought” (p. 32). Since it is a man’s disposition that invariably determines his conduct, the early inculcation of the precepts of religion will ensure good habits in later life.

In this manner Paley treated the rules of utilitarian duty as a code of Divine Law, adequately supported by religious sanctions. However, in doing so, he did not lose sight of the significance of individual autonomy, without which moral choices are rendered nugatory. The fear of hell and hope of heaven may well motivate us to “be good,” as Paley says, but there is no necessary relationship between these sanctions and the actions of individuals. We are placed in this world to prove our worth in the sight of God, but this would be meaningless without moral agency. Paley followed Soame Jenyns in depicting life on earth as a state of probation, preparatory to another world, and several of his sermons focused on related questions (Paley, vols 5–6). Although Paley acknowledged that the belief in an after-life was strictly a matter of faith, it provided his ethics with a powerful moral sanction readily apprehended by his students and readers, and which clearly distinguished his theory from Bentham’s secular variant of the doctrine.

Inescapably, Paley’s writings came to the attention of Bentham. Initially, Bentham affected indifference to the success of the *Principles* when it first appeared in 1785, while his own *Introduction to the Principles*



of *Morals and Legislation* (1789) lay still-born—in print but not yet published. Subsequently, there were occasions when he enlisted “parson Paley” as an ally in the cause of utility, but generally he described him as “a false brother,” an apologist for the *status quo*, a founder member (along with William Blackstone) of the “every-thing-as-it-should-be-school” (see Crimmins, 1987; 1989).

Bentham criticized Paley for his non-utilitarian defence of the death penalty in a collection of manuscripts of 1809 (Crimmins, 1987), for his favourable remarks on England’s jury system in a further collection of manuscripts *ca.*1791 and again in 1809, for his vindication of England’s episcopal hierarchy in manuscripts on the “Church” in 1812, and for his equivocal position on subscriptions to articles of faith (relaxation of the terms, but not abolition) in *Church-of-Englandism and its Catechism Examined* (1818). In *An Analysis of the Influence of Natural Religion on the Temporal Happiness of Mankind* (1822), Bentham confronted Paley’s argument from design in *Natural Theology*, and in the polemical *Not Paul, but Jesus* (1823) presented a trenchant criticism of Paley’s eulogistic version of the life and miracles of St Paul in *Horæ Paulinæ*. In these texts Bentham borrowed liberally from Hume’s empirical examination of the design argument and adopted the Scotsman’s sceptical stance on the scriptural testimony in support of miracles (Crimmins, 1989).

These differences reflect the very different approaches taken by the two philosophers to dealing with moral questions. Paley, like Bentham, reduced the criteria of morality employed by moralists in the past to the single standard of happiness, but Bentham’s more systematic presentation demanded that all vague nonutilitarian moral standards have to be abandoned since none allow of unequivocal application. By contrast, Paley allowed that all the very different criteria of morality could and should be employed. As David Baumgardt has written, the latter was

neither interested in, nor was he aware of, the fact that in ethics it is methodologically of crucial importance whether the fitness of things, or the conformity to reason or nature or the will of God, or public happiness is considered to be the standard of right and wrong. Paley simply declares himself to be satisfied with the dogmatic assumption that, from whatever different principles they set out, moralists inevitably meet in their conclusions, and prescribe the same rules of duty (Baumgardt, p. 352). In spite of all external similarities, this is a complete reversal of Bentham’s theory, both methodologically and with regard to material ethical teaching.

There are two other differences between the theories of Paley and Bentham worth noting. First, if it was true that Paley based happiness on maximizing pleasure and minimizing pain, with pleasures differing only in terms of their duration and intensity, he was also prepared to distinguish pleasures which contributed to happiness and those, which through repetition and habit, did not ultimately contribute to a person’s happiness. Implausible as it may seem, the “pleasures of sense” fell into the latter category according to Paley, including “the animal gratifications of eating, drinking, and that by which the species is continued,” as well as “the more refined pleasures of music, painting, architecture, gardening, splendid shows, theatric exhibitions; and the pleasures, lastly, of active sports, as of hunting, shooting, fishing, etc.” (Paley, vol. 3, p. 16). Pleasures that produce real happiness include the prudent development of habits, the maintenance of good health, the exercise of the social affections, and the exercise of one’s faculties in the service of the public (pp. 22–8). Bentham made no such *a priori* judgements about which pleasures contribute to a person’s happiness: calculations of utility must be strictly based on empirical evidence, and it cannot be predetermined which pleasures advance happiness and which do not. Paley’s distinction between types of pleasures points us in

the direction of J. S. Mill's later refinement of utilitarian theory, in which the "higher pleasures" of altruism, the cultivation of the higher feelings and the intellect, are intrinsically more desirable than other pleasures (Mill, *CW*, vol. 10, Ch.2).

A further difference between Paley and Bentham is the very different political positions they derived from the greatest happiness principle. Liberal on the question of subscription to the Thirty-nine Articles, and an opponent of the slave trade, Paley also took a keen interest in prison reform and the plight of the Irish Catholics. In 1789 his views opposing compensation for slave traders were discussed in the newspapers of the day, and in 1792 he aired his criticisms of the "diabolical traffic" at a public meeting in Carlisle convened to petition parliament and at which he occupied the chair. In general, however, Paley adopted a cautious attitude towards established institutions.

In sermons, pamphlets, and the *Principles*, he vigorously supported established practices and institutions on the grounds of utility, including the rights of property and contract as then stipulated by law, the right of bishops to sit in the House of Lords, the need for oaths of allegiance, the duty of submission to civil government, here invoking scripture to support arguments from utility, and the utility of the Established Church in its support for secular government. Worried by events in France and the popularity of Paine's *Rights of Man* (1791), in 1792 he published two tracts in defence of England's political institutions. The first, *Archdeacon Paley's "Essay upon the British Constitution,"* is a reprint of a chapter in the *Principles* (Bk. 6, Ch.7), in which he extolled the virtues of the existing political arrangements. The second, originally a sermon given in Dalston in 1790, is *Reasons for Contentment, Addressed to the Labouring Part of the British Public*, in which he offered the disingenuous argument that the labouring man should look on his lot as a happier one than that of the wealthy,

and warned that radical reform "is not only to venture out to sea in a storm, but to venture for nothing" (Paley, vol. 2, p. 530). The only change to be desired is gradual change—the progressive improvement of our circumstances, which "may be looked forward to, and is practicable, by great numbers in a state of public order and quiet," but "absolutely impossible in any other" (p. 529).

*Reasons for Contentment* elicited a good number of responses from the reformers. Coleridge, at that time still a radical in politics, contemptuously dismissed it as "Themes to debauch Boy's minds on the miseries of rich men & comforts of poverty" (Coleridge, 1957, vol. 1, p. 75). Even moderate reformers, such as Samuel Parr, who respected Paley for his stand on the slave trade, were horrified by what they took to be a reversal in political position. Similar criticisms were later voiced by William Hazlitt and John Austin.

Paley, then, was no radical reformer. Like Burke, he held that political innovation brought with it many unforeseen evils. There was always room for improvement, but in general terms the existing institutions of government and established electoral arrangements provided all the security society required.

Despite the philosophical and political differences between Paley and Bentham, in the literature on utilitarianism they are often cited as exponents of the same doctrine, though it is usually acknowledged that Paley's thinking barely approached the rigour and precision of Bentham's calculative and scientific doctrine (Stephen, 1876; Albee, 1901; Plamenatz, 1949; Baumgardt, 1966). William Whewell, who thought the quantitative character of utilitarian ethics fundamentally misconceived, believed the "systems" of Paley and Bentham to be in principle the same (Whewell, 1862). In more recent discussions of the history of utilitarian thought, however, they are compared usually to stress what separates them (Schofield, 1987; Crimmins, 1989; Rosen, 2003).

In the last 20 years of his life Paley was an intellectual colossus at Cambridge, and he long remained a significant influence through the use of his writings by generations of university students. From 1787 into the early nineteenth century the *Principles* was mandatory for Cambridge examinations, and from 1822 to 1920 the *Evidences of Christianity* was on the required list for the Previous, or Little-go, examination for all second-year undergraduates. By 1814 twenty English editions of the *Principles* had appeared and by 1821 ten editions were published in the United States, where it is said to have been the most popular text on moral philosophy from the 1790s to the Civil War. There were also French, Spanish, and German editions. The text remained on the Cambridge syllabus until 1920, providing an education in ethics and political economy for many generations of university graduates and leading to many abridgements and analyses.

In a brief biography of Paley (1933), John Maynard Keynes, who thought the *Principles* “an immortal book,” placed Paley high among the intellectual influences shaping Malthus’s political economy and believed that his influence at Cambridge for a generation or more was second only to Newton’s (Keynes, p. 108). In *An Essay on the Principle of Population* (1798), Malthus subscribed to Paley’s doctrine that public happiness, being the object of God’s benevolent design, is the ultimate test of moral obligation and all schemes for social improvement. Darwin, who entered Christ’s College in 1828, wrote of the *Evidences of Christianity* and *Natural Theology*: “The careful study of these works ... was the only part of the Academical Course which ... was of the least use to me in the education of my mind” (Darwin, p. 59). In the *Province of Jurisprudence Determined* (1832), Austin—most often described as a disciple of Bentham—followed Paley in adumbrating a religious form of utilitarianism and in explicating the necessity of rules

in practical morality. And, despite his reservations, Whewell gave considerable weight to Paley’s moral thought in his critical *Lectures on Morality* (1852).

Early critics of Paley included Gisborne, Whately, Stewart, Pearson, and Brown, against whom he was ably defended by Latham Wainewright in *A Vindication of Dr. Paley’s Theory of Morals* (1830). Whatever discomfort with Paley’s theory may have emanated from within the Church hierarchy, there was no hesitation from the evangelical wing. In *Principles of Moral Philosophy* (1789), Thomas Gisborne insisted that morality was not a matter of expediency or rational calculation, but rather a categorical imperative imposed by God as revealed in the Bible. Religious critics from outside the Church also entered the fray. In *Elements of the Philosophy of Mind* (1801), Thomas Belsham, the Unitarian disciple of Joseph Priestley, dismissed Paley’s dependence on the belief in the after-life as an insufficient motive to reconcile self-love and benevolence, though he agreed that the only valuable end of existence is happiness, that virtue consists in benevolence, and that the Christian religion had a vital role to play in cultivating disinterested virtue. Such criticisms did nothing to impede the status of Paley’s work at Cambridge. Later, as a mark of the popularity of the *Principles*, in his *Lectures on the Philosophy of the Human Mind* (1820) Thomas Brown, Professor of Moral Philosophy at Edinburgh University, denounced the “Paleyans” not the Benthamites, and when Coleridge penned his antiutilitarian barbs it was Paley rather than Bentham who was uppermost in his mind.

In the second half of the century Paley’s influence waned, falling victim to Darwin’s evolutionary theory, which served to destroy the idea of nature as the product of design and with it the essential theological basis of his whole system. Leslie Stephen dismissed him as “a condenser and a compiler” in moral philosophy, who merely followed

Locke, Daniel Waterland, and Edmund Law (Stephen, vol. 2, pp. 121, 131).

Interest in Paley revived in the twentieth century, when commentators came to view him as marking a philosophical era. Norman Sykes believed that Paley's importance "lay in the exactitude with which he represented the *zeitgeist*" of the utilitarianism of the eighteenth century (Sykes, p. 326). Gerald Cragg held that Paley "represented the Indian summer of eighteenth-century assumptions" (Cragg, p. 215). In LeMahieu's account, the coherence of Paley's philosophy reflects "an ideological consensus among British intellectuals in the eighteenth century"; he "distilled and crystallized the strategic ideas of his predecessors into a philosophy whose very comprehensiveness justified its modest claims to originality" (LeMahieu, p. 152). Today, Paley is most often remembered as the foremost religious utilitarian of the day.

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## PANOPTICON

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## PANOPTICON

The term “panopticon” is derived from the Greek, meaning “all-seeing.” It was adopted by Jeremy Bentham to label his design for a circular institution in which “inmates” could be centrally observed and supervised in their tasks. It is most well known as the design for a prison, though Bentham also envisaged its application in hospitals, asylums, poor houses, factories and schools. The panopticon idea offers an impressive illustration of Bentham’s approach to operationalizing the utility principle, by constructing a nexus of subordinate ends aimed at maximizing utility. In developing the idea for a prison, Bentham took great care in relating its structure and management to the principles and ends of his theory of punishment (deterrence, disablement, moral reformation, and compensation), though one of the more interesting dimensions of the project is the manner in which he later applied certain of its principles (economy, transparency, and accountability) to the functioning of the democratic polity (Blamires, Chs. 1–2).

In mid-1790s England, Bentham’s plan to build and manage a panopticon penitentiary

aroused a great deal of interest. He displayed a model at his home in London which was seen by Wilberforce, Burke, Pitt, and Dundas, among others. The plan to employ the idea to construct pauper panopticons to replace the existing Poor Law arrangements attracted less attention, though certain of Bentham’s ideas were later taken up in the reform of the parish-based Poor Laws in 1834. He had great ambitions for the plan: “*Morals reformed—health preserved—industry invigorated—instruction diffused—public burthens lightened—Economy seated, as it were, upon a rock—the gordian knot of the Poor Laws not cut, but untied—all by a simple idea in Architecture!*” (Bentham, 1838–43, vol. 4, p. 39) He imagined the construction of 250 panopticon “Industry-Houses” under the auspices of the National Charity Company, equidistantly spaced throughout the country and housing several hundred thousand destitute people who would labour in exchange for poor relief (Bahmueller, 1981; see Bentham, 2001, 2010, editorial introductions).

The original architectural idea came from Bentham’s brother Samuel in the 1780s when he was employed by Prince Potemkin, a favourite of the Empress Catherine, to organize and run factories, among other tasks, in Krichev, Russia. There was a shortage of skilled supervisors, and this prompted Samuel to conceive the idea of a circular building in which a centrally placed supervisor would be able to oversee the labourers placed around the circumference. This economic arrangement reduced the number of supervisors involved and promised to introduce other efficiencies to the task of managing labour. Visiting Samuel in Russia in 1786, Jeremy immediately saw the possibilities for applying the idea to any establishment involving the supervision of large numbers of individuals. He set out his proposals in a series of letters, later published as *Panopticon; Or, the Inspection-House* (1791), subsequently amplified in two

substantial postscripts (Bentham, 1838–43, vol. 4, pp. 67–172).

At a time when the loss of the American colonies drastically reduced the possibilities of transportation and the existing prison system was under close scrutiny by John Howard and the nascent prison reform movement, Bentham believed panopticon prisons could achieve three ends: resolve the penal dilemmas facing the government, effect the penal reforms advocated by Howard and his followers and, in so doing, provide a solid and visible proof of the efficacy and practical value of utilitarian ideas.

Appalled by the inefficiency and existing inhumane conditions in Britain's prisons and use of naval hulks for incarceration, and by the policy of transportation, in the panopticon prisons criminals would be subject to a disciplinary regime based on the maxim that "the more strictly we are watched, the better we behave" (Bentham, UC clii. 332–3). The circular architecture of the prison left each cell visible to the watchtower at its centre, from which the unseen warden might observe the activities of prisoners day and night. It was intended to function as an efficient prison and a money-maker by "grinding rogues honest and idle men industrious" (Bentham, 1838–43, vol. 4, p. 342). In the *Panopticon* tract Bentham boasted, "By mixture of employment, sedentary with laborious ... I get 16 and a half profitable hours, very nearly twice as many as our [present] Penitentiary systems allow" (vol. 10, p. 256).

Bentham's emblem for the panopticon was an ever-open eye encircled by the words "Mercy, Justice, Vigilance." For critics, this is indicative of the insidious character of Bentham's project, and a good deal of controversy has resulted in the literature (Foucault, 1975; Ignatieff, 1978; Semple, 1993). In *Discipline and Punish* Michel Foucault famously took the perspective that "panopticism" defined a "new physics of power," and viewed the panopticon—that "cruel, ingenious cage"—as a symbol of the repressive, disciplinary

society, the modern "society of surveillance" (Foucault, p. 208). He viewed the panopticon as "the diagram of a mechanism of power reduced to its ideal form" and "it's functioning, abstracted from any obstacle, resistance or friction, ... represented as a pure architectural and optical system ... detached from any specific use" (p. 205). Eminently transportable and adaptable to a multiple of uses, in this experimental "laboratory of power" in which behaviour could be modified the aim was "to strengthen the social forces—to increase production, to develop the economy, spread education, raise the level of public morality; to increase and multiply" (p. 208). The economy and efficiency with which it exercised power is achieved in several ways: (1) the reduction of the number who exercise power, while increasing the number over whom it is exercised; (2) the spontaneous exercise of power without noise, often without any need for intervention at all; and (3) the constant power of one mind over many.

This view of the panopticon has opened up some interesting lines of discourse related to the encroaching methods of control and surveillance in contemporary societies. However, as a critique of Bentham's proposals it is not persuasive. As Bentham conceived it, the panopticon prison was to be organized according to a range of principles: security, in order to protect the community from convicted criminals, but also to effect the safety of the inmate from cruel treatment; economy, since the prison should be a private self-sustaining operation not requiring financial assistance from the public purse; severity, because it is necessary for the offender to suffer to serve the ends of deterrence and reformation; and humanity, demonstrated by the fact that prisoners should be deprived only of liberty not of health or life. In contrast with the cesspits of the existing gaols and hulks, and the horrific experiment with the penal colony at Botany Bay, Bentham's prisoners were to be kept clean and their labour



made productive and profitable, and serve to develop skills that might be useful to them upon release and assist in their moral reformation. In support of these objectives, he invoked several devices to effect transparency and accountability in prison government.

The chief mechanism intended to bring the interest of the manager–warden in line with his duty to be humane—to give effect to the “duty and interest junction principle”—was publicity, described as “the most effectual means of applying the force of moral motives, in a direction tending to strengthen the union between his interest and the *humane* branch of his duty; by bringing to light, and thus exposing to the censure of the law and of public opinion ... every instance of contravention” (Bentham, 1838–43, vol. 4, p. 380). The essence of this technique was “the inspection principle,” denoting not only the inspection of the inmates by the gaoler, but also the inspection of the gaoler by the general public and public officials—the seemingly *constant* but unseen surveillance of the inmates by the warden, and the periodic observation of the warden and his subordinates by the public, making the panopticon subject to “the great *open committee* of the tribunal of the world” (p. 46). This was the key to the age-old question, “who guards the guards?”

Once the principles that gave shape to the panopticon and the various devices built into its management are understood, the arguments of critics who view it merely as a punitive and repressive institution are less impressive. Bentham did not devise the panopticon as a means of social control, but as a means of minimizing the cost to the public of establishments in which supervision was by definition a requirement. Moreover, his championing of “the inspection principle” needs to be seen in the context of the development of inspection over the nineteenth century as a tool for the prevention of abuses in establishments like asylums and schools. It was eventually recognized that

the legislation introduced by the Factory Acts to end the exploitation of the labour of children could not be properly enforced without a programme of work-place inspection by public officials, a practice universally accepted today in nearly every public place of activity in western societies.

Bentham never saw a panopticon built, despite the fact that the government entered into a contract to enable him to establish and manage a panopticon penitentiary under the terms of the Penitentiary Act 1794. He hoped it could be located close to the Houses of Parliament, so that MPs would involve themselves in the inspection process. However, local landowners stymied the project by refusing the sale of an appropriate plot of land from their estates. After years of lobbying government officials and politicians, the project was effectively abandoned in 1802, and the matter finally laid to rest when parliament voted Bentham £20,000 in compensation in 1812. The immense investment of time, money, and effort by Bentham is documented extensively in his correspondence of the period. The whole experience left him bitter about government officials, and served to confirm him in the idea that it was “sinister interest”—the deliberate pursuit of interests contrary to the public good by those in power—that was the cause of the scheme’s defeat. This view of the operations of government underpinned much of his later writing on political and constitutional matters.

Bentham later came to believe that George III, miffed by Bentham’s earlier attacks on government foreign policy and the suspicion that he was a Jacobin, had a hand in thwarting the plan. How extremely difficult it was for him to set aside the humiliations he suffered can be gauged by the incomplete “History of the War between Jeremy Bentham and George III, By one of the Belligerents” written in a disjointed sequence of notes 1827–31 (Bentham, 1838–43, vol. 9, pp. 96–105; Semple, pp. 324–6). Neither the utilitarian



philosopher who sought to adapt the techniques and introduce the rigour of natural science into political inquiry, nor the analytic legal philosopher who made it his life's work to produce a *pannomion*, a complete system of codified law, is easily reconciled with the conspiracy theorist represented in this fantastical account. Simply, there is no evidence of the King's involvement in the panopticon affair (Semple, p. 325).

Few genuinely panoptic establishments were built. The Illinois State Penitentiary at Stateville, which opened in 1925, and the Presidio Modelo in Cuba built shortly after come closest to replicating the main features of Bentham's original plan—a circular design, with a central supervisory tower and cells around the circumference—though neither seem to have adopted the techniques he recommended.

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See also BENTHAM, JEREMY; FOUCAULT, MICHEL; POOR LAWS; PUNISHMENT.

#### PAPAL INDEX

The *Index librorum prohibitorum* or *Index of Prohibited Books* was promulgated by the Roman Inquisition of the Catholic Church in 1559 under Pope Paul IV. At the behest of the Council of Trent, in 1564 Pius V established the Sacred Congregation of the Index to formalize the work of examining and judging books in accordance with the decisions and doctrine of the Holy Church. The *Index* is a catalogue of books that are forbidden to Catholics to read, or which have been censured and forbidden pending satisfactory revisions to be made by the author. The last updates to the *Index* were made in 1948, bringing the total of forbidden books to around 4500. The final edition appeared in 1966, when the *Index* was abolished.

A good number of writers associated with the utilitarian tradition and utilitarian ideas are included in the *Index*, many of whom appear as subjects in this encyclopedia. Among their number are Beccaria, Bentham, Berkeley, Comte, Condorcet, Condillac, d'Alembert, Diderot, Helvétius, Hobbes, Hume, Kant, Locke, Mandeville, and J. S. Mill. In certain instances—for example, Hobbes and Hume—the author's entire *corpus* is prohibited. In other instances, it is difficult to see why certain of an author's writings make the list but not texts that are more obvious affronts to Church teachings. One possible

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reason is that such publications may not have been formerly denounced to the Congregation, perhaps because they were not well known or were circulated only in small numbers.

Helvétius' *De l'homme* (1773) is listed on the *Index*, but not the pioneering and almost universally condemned *De l'esprit* (1758). Of Bentham's writings, the *Index* includes *Three Tracts relative to Spanish and Portuguese affairs, with a continual eye to English ones* (1821), *Deontology* (1834), and Dumont's redactions *Traité de législation civil et pénal* (1802) and *Traité des preuves judiciaires* (1823). Had they been brought to the attention of the Congregation, we may safely assume that many more of Bentham's writings would have made the list. Similarly, Mill's *Principles of Political Economy* (1848) was indexed—one of the few major works on economics to be found worthy of the wrath of the Church—but more troublesome works like *Auguste Comte and Positivism* (1865) and *Three Essays on Religion* (1874) were overlooked.

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**PARADOX OF HEDONISM:** See HEDONISM.

## PARETO PRINCIPLE

The Pareto Principle, named after the Italian political economist and sociologist Pareto

(1897), is a two-part unanimity principle which says that for any pair of feasible options  $x$  and  $y$ : (1) if everybody in society is indifferent between  $x$  and  $y$ , then the collective choice rule (CCR) employed by society's political representatives or moral agents ought to be indifferent between  $x$  and  $y$  as well, so that either  $x$  or  $y$  may be chosen (this part is known as the Pareto indifference principle); and (2) if at least one person strictly prefers  $x$  to  $y$  or judges  $x$  to be better than  $y$  whereas everyone else remains indifferent between these two options, then the collective choice rule ought to select  $x$  instead of  $y$  (this part is sometimes called the strong Pareto Principle, although that term may also be applied to the two-part principle as a whole). The feasible options in any given choice situation might be described as alternative allocations of economic resources, social policies, laws, constitutions, systems of institutions, states of society, or probability distributions defined over any of these things. A weak form of the Pareto Principle says that for any pair of possible options  $x$  and  $y$ , if everybody strictly prefers  $x$  to  $y$ , then the CCR ought to choose  $x$  instead of  $y$ . This is weaker than the usual Pareto criterion because it says nothing if everybody is indifferent between  $x$  and  $y$  or even if everybody except for one person strictly prefers  $x$  to  $y$  with that one person being indifferent between the two options: in such cases, the weak Pareto Principle does not prescribe that either  $x$  or  $y$  should be selected. The weak Pareto Principle is evidently implied by the strong Pareto Principle.

In light of the usual two-part Pareto Principle,  $x$  is commonly said to be Pareto indifferent to  $y$  when part (1) is satisfied, whereas  $x$  is said to be Pareto preferred to  $y$  when part (2) is satisfied. When part (2) is satisfied,  $x$  is also said to be Pareto superior to  $y$  whereas  $y$  is Pareto inferior to  $x$ . The idea of Pareto optimality or Pareto efficiency is now easily clarified. Given a set  $S$  of feasible options from which a collective choice based on individual

judgements or preferences must be made, an option  $x$  belonging to  $S$  is Pareto optimal if there is no other option in  $S$  which is Pareto preferred (or Pareto superior) to  $x$ . In short, an option  $x$  is Pareto optimal if we cannot move to any other option in  $S$  without making somebody worse off in terms of her own preferences. Normative economics is predominantly concerned with the achievement of Pareto optimal outcomes, although other considerations, including considerations of distributive justice, are increasingly receiving attention within the discipline. According to the fundamental theorems of normative economics, any general competitive market equilibrium yields a Pareto optimal allocation of scarce resources under certain conditions, whereas any Pareto optimal allocation of resources can be achieved as a competitive market equilibrium by making suitable lump sum transfers of endowments among market participants (e.g. Arrow and Hahn, 1971).

The claim that Pareto optimality ought to be achieved is a value judgement, even if misguided commentators still occasionally insist that the unanimity principle is “value-free” because it is so uncontroversial as to be somehow equivalent to matters of fact. Remarkably, during the period of the so-called “New Welfare Economics” (1939–50), leading economists often did argue that use of the Pareto Principle is “value-free” or “ethics-free.” As Sen observes: “The implicit assumption seems to be that if everyone agrees on a value judgement, then it is not a value judgement at all, but is perfectly ‘objective’” (Sen, 1970, p. 57). Even when Pareto optimality is accepted as valuable, however, the Pareto Principle does not go very far to determine collective choices. The principle is silent with respect to any given pair of options  $x$  and  $y$  if one individual strictly prefers  $x$  to  $y$  whereas another individual strictly prefers  $y$  to  $x$ : in that case,  $x$  and  $y$  are said to be Pareto noncomparable. If collective choices must be derived solely from the Pareto Principle, so that the Pareto criterion is viewed as

necessary and sufficient for making decisions, then such a Pareto CCR is generally indecisive in so far as the social preference relation it generates from individual preferences is incomplete with respect to every pair of options over which the individuals—even just two of them—have opposing strict preferences. How indecisive depends on the extent to which individuals are unanimous with respect to  $S$ , that is, how many pairs of options over which the individuals are all either indifferent or share the same strict preference.

In the very special case in which, for every pair of options  $x$  and  $y$  belonging to  $S$ , everyone is either indifferent between  $x$  and  $y$  or strictly prefers the same option, say,  $x$ , the Pareto CCR is fully decisive with respect to  $S$  because it yields a social preference ordering (i.e. a complete, reflexive and transitive social preference relation) that no individual opposes. In that special case, either a single top-ranked option  $x$  is the only Pareto optimal outcome or there is a top set of Pareto optimal options  $\{x, y, z, \dots\}$  because everyone is indifferent between these options each of which is ranked highest or best in the social preference ordering. At the other extreme lies another special case in which, for every pair of options belonging to  $S$ , at least two individuals have strictly opposing preferences so that the Pareto CCR is entirely indecisive with respect to  $S$ . In this case, no social preference relation whatsoever is generated because no options belonging to  $S$  can be compared with one another using the Pareto Principle. It then follows that every option in  $S$  is Pareto optimal because we cannot move from any option to another without making somebody worse off.

An interesting aspect of the idea of Pareto optimality, which might raise doubts for some about its appeal, is that all options in  $S$  are declared Pareto optimal if, on the one hand, everybody is indifferent among all of them or if, on the other hand, the options are all Pareto noncomparable because there

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is disagreement with respect to the ranking of every pair of them. More generally, the options belonging to any subset  $T$  of  $S$  are all Pareto optimal if each of them is Pareto preferred to every option outside  $T$  and they are all either Pareto indifferent or Pareto noncomparable vis-a-vis one another. In effect, Pareto noncomparability is treated as equivalent to Pareto indifference within  $T$ , the top set, including the case where  $T = S$ . But treating them as equivalent obscures the fact that the Pareto Principle generates a social indifference relation with respect to  $T$  in the one case whereas it does not generate any social preference relation at all with respect to  $T$  in the other case. Indeed, it might well be objected that Pareto indifference should not be conflated with Pareto noncomparability. If indifference holds, then we cannot make anybody better off by moving away from a Pareto optimal option to any other option, including other Pareto optimal ones. In contrast, if noncomparability holds, we can make some people better off by moving from one Pareto optimal option to another but not without making other people worse off. By resting content with noncomparability, the idea of Pareto optimality ignores the distribution of well-being among individuals: it does not matter for Pareto optimality if some are starving while others are filthy rich as long as the starving cannot be made better off without making the rich worse off in terms of their own preferences. Again quoting Sen: “a society or an economy can be Pareto optimal and still be perfectly disgusting” (Sen, 1970, p. 22). If, however, the idea of optimality were revised to *require* social indifference as opposed to noncomparability with respect to  $T$ , perhaps on the grounds that an exclusive focus on efficiency to the neglect of distributional concerns is morally repugnant, then an optimal outcome would necessarily incorporate some fair distribution of well-being which nobody opposes. But such a stringent requirement would imply that there are no optimal options

except in very special cases where everyone is unanimous, that is, no two persons ever have opposing strict preferences with respect to any pair of options.

Instead of viewing the Pareto Principle as itself a CCR, so that collective choices ought to be made if and only if the Pareto Principle is satisfied, a different approach sees the Pareto Principle as only one condition or axiom among others to impose on a CCR. Under this alternative approach, CCRs are classified as Pareto-inclusive in so far as they satisfy the Pareto Principle whenever unanimity exists over a given pair of options. A Pareto-inclusive CCR will thus only select Pareto optimal outcomes. But the Pareto criterion is not considered a necessary condition for making collective choices, and a Pareto-inclusive CCR relies on other conditions to generate collective decisions when unanimity does not exist over a given pair of options. This permits the Pareto-inclusive CCR to choose among distinct Pareto-optimal outcomes. There are many different forms of Pareto-inclusive CCRs, each of which is distinguished from the others by the unique *set* of conditions, including the Pareto Principle, which it alone satisfies (e.g. Sen 1970; 1977; 2002). Simple majority rule is a Pareto-inclusive CCR, for example, and so are the various forms of utilitarianism, including standard act utilitarianism and rule utilitarianism as well as the extraordinary form of utilitarianism developed by Mill (1861) in which some kinds of utilities are held to be superior in quality to others irrespective of quantity. Some Pareto-inclusive CCRs are sensitive to considerations of distributive justice but others are not. The maximin rule, which gives absolute priority to the utilities of the worst-off people in society, is one form of Pareto-inclusive CCR that responds to distributional concerns, for instance, whereas simple majority rule and standard act utilitarianism may ignore distributive justice and trample over individual rights.

Arrow's (1963) well-known impossibility theorem is relevant to a particular class of Pareto-inclusive CCRs, namely Pareto-inclusive social welfare functions (SWFs). A Pareto-inclusive SWF satisfies the Pareto Principle, among other conditions, and generates a social preference ordering, as opposed to an incomplete or intransitive social preference relation, from any conceivable configuration of individual preference orderings defined over  $S$ . One interpretation of Arrow's negative result is that a nondictatorial Pareto-inclusive SWF is impossible if the SWF is required to generate a collective choice over any given pair of options  $x$  and  $y$  by relying solely on the purely ordinal utility information contained in the individual preference orderings over  $x$  and  $y$ . In short, the only possibility in this context is a dictator. Thus, many forms of Pareto-inclusive CCRs, including simple majority rule, are not SWFs. As is well known, majority rule generates a social preference cycle from some configurations of the individual preferences. It is easy to identify situations, for example, in which a majority strictly prefers  $x$  to  $y$ ,  $y$  to  $z$ , and, in violation of transitivity,  $z$  to  $x$ . In such cases, majority rule fails to determine any best or maximal collective choice from  $S = \{x, y, z\}$ .

Nevertheless, Arrow's impossibility result does not really raise any doubts about the appeal of the Pareto criterion. Various escape routes from the result exist, and none of them involves sacrificing the Pareto Principle. One way of escape is to make use of richer utility information than the purely ordinal utility information contained in individual preference orderings. If we can obtain cardinal and interpersonally comparable utility information, for example, as standard forms of utilitarianism assume, so that we know an individual's relative intensities of preferences and can compare those intensities across different individuals, then a standard utilitarian CCR that admits such rich utility information can generate a social preference ordering from any conceivable configuration of

the individual utilities. In that case, a Pareto optimal option is one that maximizes the sum total of utility. Strictly speaking, a Pareto-inclusive CCR such as act utilitarianism is known as a social welfare functional (SWFL) rather than an SWF since an SWF only admits purely ordinal utility information.

Another escape route from Arrow's negative result is to allow a Pareto-inclusive SWF to generate a collective choice over any pair of options  $x$  and  $y$  by relying on some information in addition to the individual preference orderings over that pair. For example, a Pareto-inclusive positionalist SWF such as the Borda rule (1953) generates (under one interpretation) a social preference ordering from any conceivable pattern of individual preference orderings by assigning points or scores to an option depending upon the relative position it occupies in the preference ordering (Pattanaik, 2002). More specifically, given that  $S$  consists of  $n$  options, the Borda count method assigns zero points to an option that occupies the lowest position, one point to an option in the next lowest position, and so forth, increasing up to  $n-1$  points for the top-ranked option in the individual's ordering. The Borda SWF then produces a social preference ordering by ranking the options to reflect the total points which they receive across all the individual orderings. A Pareto optimal option is one that maximizes the sum total of Borda points. This is somewhat reminiscent of utilitarianism except that the Borda point scheme is an artificial device that does not purport to measure or compare individual preference intensities. Many political systems, including democratic ones, take a rough step in the direction of such a positionalist CCR by distributing ballots that count for one point when cast for a top-ranked option, with zero points implicitly being given to all options that occupy lower positions in any individual's preference ordering.

Yet another escape route is to relax the requirement that the Pareto-inclusive CCR

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must generate a social ordering and instead permit it to generate a complete and weakly consistent (e.g. acyclic) but intransitive social preference relation with respect to  $S$ . Such a CCR may be called a social decision function (SDF) rather than an SWF because an SWF must generate social orderings from any configuration of individual orderings. One form of Pareto-inclusive SDF, for instance, is the so-called Pareto extension rule (PER), which Sen (1970, pp. 24–7, 52–5, 74–7) associates with Buchanan and Tullock (1962). According to the PER, unanimous consent is required for any change and, if unanimity does not exist, the status quo option  $z^*$  ought to be chosen. As Sen complains, this is a CCR of “supreme conservatism” which in effect gives even a single individual the power or right to veto any move away from  $z^*$  so that polluters could block any new environmental legislation, for example, “no matter what everybody else wants” (Sen, 1970, p. 25). Nevertheless, the PER is a Pareto-inclusive SDF that generates a complete and quasitransitive social preference relation from any conceivable configuration of individual preference orderings. It does so by arbitrarily converting Pareto noncomparability into Pareto indifference with respect to any pair of options  $x$  and  $y$  over which individuals have opposing strict preferences. This arbitrary conversion, which takes place despite the fact that everybody is not indifferent between  $x$  and  $y$ , removes the incompleteness which would otherwise infect the social preference relation. But it cannot bestow full transitivity on social preferences. Suppose, for instance, that one person strictly prefers  $x$  over  $y$ ,  $y$  over  $z$ , and thus, by transitivity,  $x$  over  $z$  whereas another person strictly prefers  $z$  over  $x$ ,  $x$  over  $y$  and, again by transitivity,  $z$  over  $y$ . The PER generates a complete and quasitransitive social preference relation such that  $x$  is strictly preferred to  $y$  by virtue of unanimity,  $y$  is declared indifferent to  $z$  because of the individuals’ opposing strict preferences, and  $z$  is also declared indifferent

to  $x$  because of the opposing strict preferences, thereby violating transitivity which requires  $x$  to be strictly preferred to  $z$ .

Although these escape routes are all vulnerable to objections, the main point for present purposes is that the Pareto condition apparently retains its broad appeal. There seems no reason to drop it in order to avoid Arrow’s impossibility result. The appeal of the Pareto Principle in some situations is called into question, however, by another well-known impossibility result, to wit, Sen’s impossibility of a Paretian liberal (Sen, 1970, pp. 79–88). According to one rough interpretation, Sen’s negative result shows that for some configurations of individual preferences, a Pareto-inclusive CCR cannot consistently respect basic liberal rights, no matter how rich the utility information is, where a right is conceived as a power to determine the collective choice over some protected pair of options  $x$  and  $y$  that differ only in respect of some feature regarded as private and properly left to the individual’s control.

A large literature, surveyed by Sen (2002), has arisen to challenge the Paretian liberal paradox. Some critics argue that individuals have incentives to exchange or waive their rights to strike bargains that satisfy the Pareto Principle, for example, whereas others argue that Sen’s conception of a right is defective because it gives too much power to the individual. Although such objections are not persuasive, it may be argued that if a right is conceived as a claim with correlative duties for other people, then the impossibility result vanishes provided that individuals are willing to fulfill their duties (Riley, 2006). True, narrowly selfish individuals may prefer to ignore their duties and violate others’ constituted rights. But a liberal society legitimately takes steps to coercively prevent such selfish people from choosing as they would like. In short, a Pareto-inclusive liberal CCR can legitimately incorporate other conditions, including a condition that authorizes due punishment for wrongdoing,



to deter the offending configurations of preferences and punish them if they arise. The offending preference patterns are still in the domain but the CCR responds negatively to them: its punishment condition in principle forces wrongdoers to transform those preference configurations into permissible ones such that duties correlative with rights are fulfilled. If this is correct, there is no reason to deny the possibility of a complex Pareto-inclusive SWF or SWFL that respects liberal rights and relies on other conditions to suppress wrongdoing. Indeed, Mill's extraordinary form of utilitarianism arguably generates Paretian liberal social orderings from any conceivable configuration of preferences defined over *S*, given that the duties correlative with rights are effectively enforced.

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- See also* ACT UTILITARIANISM; ARROW'S THEOREM; EDGEWORTH, FRANCIS YSIDRO; INTERPERSONAL UTILITY; MILL, JOHN STUART; ORDINAL UTILITY; PREFERENCES (PREFERENTIALISM); RATIONAL CHOICE THEORY; TOTAL UTILITARIANISM.
- PARFIT, DEREK (b. 1942)**
- Derek Parfit was born on 11 December 1942 in Chengdu, China, where his parents



taught medicine in missionary hospitals. He was educated at Eton and read Modern History at Oxford. After graduating in 1964, he was Harkness Fellow at Columbia University and Harvard University 1965–6, where he began studying philosophy. He is presently a senior fellow of All Souls College, Oxford. Parfit is principally known for his 1984 book *Reasons and Persons*, widely regarded as the most important work in utilitarian moral philosophy in the twentieth century. Annette Baier once described *Reasons and Persons* as “perhaps the most argument-filled book ever to have been written” (Baier, p. 220). It is a long book, with four loosely related parts.

Part One contains important discussions of “self-defeating” theories in morality and rationality; the relation between individual and collective responsibility and the moral significance of “imperceptible harms.” Part Two includes Parfit’s argument that concern for my own future self is no more or less rational than concern for other people, and his influential defence of temporal neutrality. The latter is based on a striking thought experiment. Suppose I need a very painful operation. Instead of anaesthetic, I will receive a drug that causes me to forget. I wake up not knowing whether I have had the operation yet. Parfit argues that I should be indifferent. In either case, the pain belongs to my life. Why care when it occurs? (Parfit 1984, p. 177)

Part Three (the longest) argues that we are radically misinformed about what we are, and about what matters. Parfit defends a reductionist account of personal identity: “the fact of a person’s identity over time just consists in the holding of certain more particular facts ... [that] can be described in an impersonal way” (Parfit, 1984, p. 210). Parfit is no eliminativist. He does not deny that persons exist. But he holds that claims about persons can be translated into claims about connections between experiences, without any loss of information.

Parfit defends reductionism via thought experiments. One involves fission ((Parfit, 1984, p. 199). Suppose a teleportation device scans my brain and body, annihilates the original, and then transmits the information to a distant point where an exact replica of me is created. This replica has all my memories. Parfit claims that this is as good as transportation of me, rather than annihilation followed by replacement. But now suppose the device does not annihilate the original person. There are two people, each of whom thinks he is me. They cannot both be me. If they were, then they would be identical to each other, which they are not. So neither is me. But teleportation preserves what matters to me. Therefore, what matters is not personal identity, but rather a relation of psychological continuity and connectedness: relation R.

Some object that science fiction examples stretch our intuitions too far. Parfit replies that “[t]his criticism might be justified if, when considering such imagined cases, we had no reactions. But these cases arouse in most of us strong beliefs. And these are beliefs, not about words but about ourselves. By considering these cases, we discover what we believe to be involved in our own continued existence, or what it is that makes us now and ourselves next year the same people” (Parfit, 1984, p. 200).

A combined spectrum argument also supports reductionism (pp. 236–7). At one end of the spectrum a future person is “fully continuous with me as I am now, both physically and psychologically.” At the other end, scientists “destroy my brain and body, and then create, out of new organic matter, a perfect replica of Greta Garbo.” In the first step along the spectrum, “a few of the cells in my brain and body would be replaced” and there is “somewhat less psychological connectedness between me and the person who wakes up.” As we move along, a larger percentage of me is replaced with dissimilar cells, so the resulting person is less like me. Near the far end, most of my cells are

replaced, and the person who wakes up is much more like Garbo" (pp. 236–7).

If there are nonreductionist facts about personal identity, there must be a point along this continuum where the future person is no longer me. But there is no such point. Therefore, nonreductionism is false.

Parfit suggests that, while reductionism does not logically entail any definite moral conclusions, it does alter the balance of reasons in a broadly consequentialist direction. For a reductionist, the difference between me today and me tomorrow is no more significant than the difference between me today and another person. What matters is whether a loss of well-being is accompanied by an increase in whatever makes life worth living. The question of who receives that additional well-being is of secondary importance.

In Part Four's four short chapters, Parfit sets the scene for all subsequent debates regarding our obligations to future generations. He introduces two seminal puzzles. The first is the nonidentity problem. Our decisions not only affect what happens to future people, but also which people (if any) will exist. Different population or family planning policies bring different sets of people into existence. Parfit argues that such "different people choices" are much more frequent than we might expect, and include all major social policy decisions. Traditional moral theories, designed for "same people choices" where our actions do not affect who exists, must be amended for different people choices (Parfit, 1984, p. 359).

Suppose we must choose an energy policy. Should we bury nuclear waste in a desert, or opt for a safer alternative? Different policies produce different patterns of migration. Suppose we choose the riskier option. It leads to a catastrophe in several centuries time. So our choice leaves no-one worse-off.

Nonidentity is problematic for person-affecting theories that ask whether specific individuals are worse-off than they would otherwise have been. The obvious alternative

is utilitarianism, which treats different and same people choices identically, only asking how much happiness each outcome contains. But utilitarianism faces problems of its own—especially in different number choices, where we must decide how many people will exist in the future.

Utilitarians must aggregate the values of human lives. The most popular account is the total view, where the best outcome contains the greatest total amount of happiness. But this view leads to Parfit's second seminal puzzle: the "repugnant conclusion": for any possible population of at least ten billion people, all with a very high quality of life (call it *A*), there must be some much larger imaginable population whose existence, if other things are equal, would be better, even though its members have lives that are barely worth living (*Z*) (Parfit, 1984, p. 388). Parfit regards this conclusion as "intrinsically repugnant" (p. 390). If it follows from the total view, then the total view is unacceptable. The repugnant conclusion is one of the organizing problems of contemporary intergenerational ethics—most philosophers begin their discussions by saying how they will deal with it. They either reject Parfit's intuition that *A* is better than *Z* or they reject the total view.

*Reasons and Persons* has had a profound influence on recent utilitarian moral theory, especially in discussions of self-interest, rationality, personal identity, and obligations to future people. Its disparate elements are united by a single vision of a morality that is more impartial, more impersonal, and less self-concerned than typical modern-day standards of moral behaviour. Parfit's most influential published contribution to utilitarian literature since *Reasons and Persons* is the distinction between egalitarianism and prioritarianism (Parfit, 1997). Egalitarians value equality. Any egalitarian view is subject to a levelling-down objection. Suppose the only way to achieve equality is to reduce the welfare of those who are above average,

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while doing nothing for those who are below average. If some people are blind while others can see, we can achieve equality-regarding-sight by blinding everyone. It seems crazy to see this as an improvement in terms of equality. Parfit suggests instead that those who call themselves “egalitarians” actually care about raising every one’s welfare, but they care disproportionately about raising the welfare of the worst-off. They are thus prioritarians rather than egalitarians.

Parfit is continuing his work on the nature of reasons, and this promises to yield further substantial contributions to this important area of philosophy.

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*See also* AGGREGATE AND AVERAGE UTILITARIANISM; EQUALITY; IMPARTIALITY; INFINITE UTILITY; INTERGENERATIONAL UTILITY; NUMBER-DAMPENED UTILITARIANISM; POPULATION; RULE UTILITARIANISM; TOTAL UTILITARIANISM.

PEIRCE, CHARLES SANDERS  
(1839–1914): *See* PRAGMATISM.

## PERFECTIONISM

Perfectionism is a term that can be used to describe several related but logically distinct doctrines in ethical and political theory. These doctrines concern the nature of welfare, the nature of morally right action, the fundamental bearers of intrinsic value, and the proper goals of the state.

As it relates to personal welfare, perfectionism states that it is noninstrumentally beneficial for one to develop one’s nature—usually one’s nature as a living member of the human species or one’s nature as a rational agent (Hurka, 1993, pp. 9–22; Brink, pp. 40–44). This view typically implies that it is noninstrumentally good for one to acquire knowledge, to engage in creative or productive activities, and to sustain one’s physical health or pursue athletic accomplishments, regardless of whether one enjoys doing or desires to do these things.

Perfectionism in relation to welfare promises to be a more unified theory than the so-called “Objective List Theory,” according to which there are a disconnected heap of directly beneficial states—including knowledge, friendship, the appreciation of beauty, love, and child-rearing—which have in common only that they are good for one (Parfit, p. 499). By contrast, perfectionism holds that directly beneficial states are all constituted by the development of one’s nature. However, in

order for perfectionism to fulfill its promise in this regard, its advocates must provide concepts of “nature” and “nature-development” that actually succeed in picking out all, and only, the states or properties that intuitively advance one’s welfare. It has proven difficult to provide such concepts (Kitcher, 1999; Dorsey, 2009).

Perfectionism has also been understood as a theory of rational or morally right action. One possible view is perfectionist egoism, according to which it is rational for one to maximally develop one’s nature. There are also two perfectionistic forms of utilitarianism. First, if perfectionism about welfare is true, then classical act utilitarianism—which states that an act is morally right just in case it maximizes aggregate well-being—logically implies that morally right actions also maximize aggregate personal perfection. Second, perfectionist “ideal utilitarians” have also defended the idea that right actions maximize aggregate perfection (Moore, 1903). On this view, an act is morally right just in case it maximizes intrinsic value. Additionally, the sole, basic bearers of intrinsic value are human lives, and the degree of intrinsic value represented by a life depends exclusively on its degree of perfection (Hurka, 1993, pp. 55–68). Consequently, morally right actions again maximize aggregate perfection, though not because there is any connection between perfection and welfare—indeed, some perfectionist ideal utilitarians are sceptics about welfare.

John Rawls introduces “the principle of perfection” to describe the view that society ought to arrange institutions so as to maximize the achievement of human excellence in art, science, and culture (Rawls, p. 325). He also uses the term for the more moderate view that the achievement of such excellence ought to be a central social aim. Sometimes, political perfectionism is understood even more generally as the view that a chief purpose of the state is the realization of “objective goods” that are distinct

from both welfare and negative liberty. Rawls maintains that deliberators in the original position would reject all such views and instead affirm the principle of equal liberty. Consequently, the state should be neutral between competing conceptions of the worthwhile or “the good life.” Isaiah Berlin’s writings on pluralism similarly affirm that political freedom cannot be identified with individual or collective perfection, but with the ability to pursue one’s own good in one’s own way (Berlin, 1969). Some, however, argue that political perfectionism can coherently be combined with liberalism (Wall, pp. 27–124; Rasmussen and Den Uyl, pp. 11–224).

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## PHILOSOPHICAL UTILITARIANISM

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See also RAWLS, JOHN; IDEAL UTILITARIANISM; PARFIT, DEREK; RAWLS, JOHN; WELFARE (WELFARISM).

## PHILOSOPHICAL UTILITARIANISM

The name Philosophical Utilitarianism was introduced in 1982 by T. M. Scanlon as a name for the view that the fundamental moral facts are facts about well-being (Scanlon, 1997, p. 271). All other moral facts, including facts about what one is morally obligated to do, are explainable by appeal to facts about well-being. Philosophical Utilitarianism is, Scanlon says, a “philosophical theory of morality”—meaning that it aims to explain morality in a way that makes it clear why morality is to be taken seriously at all, rather than merely systematizing our already-held moral beliefs. Since just about everyone recognizes well-being as something to be taken seriously, Philosophical Utilitarianism has some intuitive plausibility.

Alternative accounts of Philosophical Utilitarianism have been offered. In later work Scanlon says that Philosophical Utilitarianism is the view that “the only account of morality which is metaphysically credible and gives it the authority which it claims for itself is one according to which moral judgements are judgements about the promotion of human well-being” (Scanlon, 1992, p. 7). According to this statement, Philosophical Utilitarianism is a view about accounts of morality, not itself an account of morality. Stephen Darwall takes himself

to be restating Scanlon’s view when he says that Philosophical Utilitarianism is the view that “rightness and moral goodness can be reduced, through analytic or synthetic definitions, to the good, which is similarly identified with happiness” (Darwall, p. 698). John Skorupski similarly takes himself to be following Scanlon in defining Philosophical Utilitarianism as consisting of the following three principles: “(1) all that counts morally is the well-being of individuals, (2) no one individual is to be singled out as counting for more than others, and (3) all that matters in the case of each individual is the degree to which his or her well-being is affected” (Skorupski, p. 194). While many utilitarians would be content to identify well-being with happiness, as Darwall does, and to say that no individual counts for more than another, as Skorupski does, we may separate these accretions from the primary Philosophical Utilitarian view that well-being is the sole fundamental moral property.

Philosophical Utilitarianism is to be distinguished from act utilitarianism and rule utilitarianism, which are criteria for the moral permissibility of actions. Philosophical Utilitarianism is a more abstract principle that provides some of the intuitive support for such criteria. If the fundamental moral facts concern well-being, it stands to reason that our obligation is to make people as well off as possible (see Freeman, p. 283, for a suggestion about how to derive act utilitarianism from Philosophical Utilitarianism). Nevertheless, no particular utilitarian criterion of right action follows straightaway from Philosophical Utilitarianism. Philosophical Utilitarianism also does not presuppose any particular view about the nature of well-being; whatever well-being is, it is fundamental to morality, according to Philosophical Utilitarianism.

Philosophical Utilitarianism is closely related to welfarism. In fact, welfarism is sometimes understood as the view that the

fundamental moral facts are facts about well-being (Keller, 2009). Others take welfarism to be the view that well-being is the sole intrinsic good (Sen, 1979). One could be a welfarist in the second sense without being a Philosophical Utilitarian, since there could be some fundamental moral facts that are not facts about what is intrinsically good. Thus one might believe that nothing but welfare is intrinsically good, and that what we ought to do is determined not just by facts about intrinsic goodness (i.e. welfare) but also by facts about natural rights. However, any argument that there are intrinsic goods other than welfare will also be, *a fortiori*, an argument against Philosophical Utilitarianism. Thus, the Philosophical Utilitarian must contend with extant arguments against welfarism (see Sen, 1979).

According to Scanlon, the main competitors to Philosophical Utilitarianism are intuitionism, or “the philosophical thesis that morality is concerned with certain non-natural properties ... that we can identify occurrences of these properties, and that we can recognize as self-evident certain general truths about them, but that they cannot be further analysed or explained in terms of other notions” (Scanlon, 1997, p. 270), and contractualism, or the view that “an act is wrong if its performance under the circumstances would be disallowed by any system of rules for the general regulation of behaviour which no one could reasonably reject as a basis for informed, unforced general agreement” (p. 272). This is puzzling, because intuitionism, so defined, does not tell us what the fundamental moral facts are; rather, it tells us what kinds of properties moral properties are, how we come to know truths about moral properties, and that the properties cannot be “analysed.” And contractualism, so defined, is merely a sufficient condition for wrong action; it does not tell us what the fundamental moral facts are either. Thus neither of these views has the

form of a philosophical theory of morality. What, then, are Philosophical Utilitarianism’s competitors? It would be difficult to list them all. Among the sorts of facts that one might take to be fundamental to morality are facts about rights, duties, desert, justice, human perfection, virtue, autonomy, and (perhaps Scanlon’s view) justifiability of a certain sort. One might be a pluralist about the fundamental moral facts, and say that there is more than one sort of fundamental moral fact.

What might the Philosophical Utilitarian say to defend her view against these alternative theories? Why think that well-being, rather than one or more of these other things, is fundamental to morality? Well-being has some features that one might find attractive when looking for something fundamental to morality. There is little disagreement about whether there is such a thing as well-being; it is “metaphysically credible,” as Scanlon says (but see Moore, 1903, sec. 59, for a sceptical view). Well-being is an easy concept to grasp, making it well-suited to be a primitive concept in a moral theory. Although there are different views about what constitutes well-being, there tends to be agreement about a great many particular cases. For example, the hedonist will say that someone who gets lots of pleasure and not much pain is well-off; the desire satisfactionist will say that someone who has many satisfied desires and few frustrated ones is well-off; but the pleased person will also usually be one whose desires are satisfied. Furthermore, when we discover that some action will lead to a loss of well-being for people, we seem to have arrived at a fundamental basis for criticism of that action; we need no further explanation for why a loss of well-being would count against the action. As Scanlon says, well-being is “authoritative.”

The Philosophical Utilitarian can argue that other contenders for fundamentality lack some of these virtues. For example,



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many are sceptical of the existence of natural moral rights, which Bentham famously called “nonsense upon stilts” (Bentham, p. 330). Appeals to duty, without supporting justification, are typically highly unsatisfying; we can seemingly always explain why someone has a duty to do something by appealing to other facts, such as facts about individual well-being. Thus duty does not seem like an appropriate candidate for fundamentality. The suitability of human perfection to ground moral facts has been called into serious question (e.g. Kitcher, 1999). Judgements about who deserves what and whether someone is virtuous are often contentious; resolution of disputes about these matters seems to require an appeal to some more fundamental moral facts. All these points are of course highly debatable. It might be argued that there are several kinds of facts that have a legitimate intuitive claim to be the sorts of facts that could be fundamental to morality, and there is no way to decide at such an abstract level which view is correct.

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See also INTUITIONISM; WELFARE (WELFARISM).

## PHILOSOPHIC RADICALISM

Philosophic Radicalism and Philosophic Radical, are terms surrounded by some confusion in the history of utilitarian thought. Some authors identify Philosophic Radicalism with the whole of utilitarianism, or with that part linked to the utilitarian tradition from Bentham through James Mill to John Stuart Mill (e.g. Dinwiddy, pp. 286ff). Others link Philosophic Radicalism particularly with Bentham, as Halévy did when he wrote that “in Jeremy Bentham, Philosophical Radicalism had its great man” (Halévy, p. xviii). A more historical view uses the terms to refer to a small group of mainly radical parliamentarians formed after 1832 and led unsuccessfully during the 1830s from outside parliament by John Stuart Mill as the editor of the *London and Westminster Review*. It has been doubted that these so-called philosophic radicals formed a coherent group or



were even disciples of Bentham and James Mill (Thomas, 1974, pp. 53ff; 1979, p. 11; 1985, p. 50).

The terms were coined by J. S. Mill in 1834 in essays published in the *Monthly Repository*. He referred to “the little band of enlightened and philosophic radicals” and to “the little knot of philosophic radicals” (Mill, *CW*, vol. 6, pp. 191–212). He used these terms to identify a particular group of radicals in parliament, after the passage of the Reform Bill, whose success as reformers was not notable. Mill, himself, became leader of the so-called group by becoming editor and later proprietor of the *London and Westminster Review*. The Philosophic Radicals included men such as George Grote and John Arthur Roebuck and, subsequently, Charles Buller and Sir William Molesworth.

The article in which Mill first developed the phrase “philosophic radical,” was a review of Albany Fonblanque’s *England Under Seven Administrations* (1837), published in the *London and Westminster Review* in the same year (*CW*, vol. 6, pp. 349–80). Mill wrote simply that “Fonblanque’s opinions, it need scarcely be said, are those of the philosophic radicals” (p. 353). He then set out to distinguish Philosophic Radicalism from four other kinds of radicalism. The first category consisted of “historical radicals, who demand popular institutions as the inheritance of Englishmen, transmitted to us from the Saxons or the barons of Runnymede.” The second referred to “metaphysical radicals” who believed in principles of democracy derived from “some unreal abstraction” such as natural liberty and natural rights. The third group were called “radicals of occasion and circumstance” who opposed the government over particular issues at particular times. The fourth group were “radicals of position” who were radicals simply because they were not lords. Philosophic Radicals were apparently different. They “observe the common practice of philosophers—that is, ... when they are discussing means, begin

by considering the end, and when they desire to produce effects, think of causes” (p. 353).

Mill’s depiction of Philosophic Radicals and radicalism ran into difficulty from two directions. On the one hand, Fonblanque, the editor of the *Examiner*, publicly rejected the appellation in an attack that clearly embarrassed Mill. Mill protested that he was attempting to use the term “philosophic radical,” to refer “to the thinking radicals generally” and distinguished these (which included himself) from other radicals. While the *London and Westminster Review* would represent “this large body,” Mill clearly could not claim that the journal was in fact leading so large a group of radical reformers who classed themselves as “philosophic” (*CW*, vol. 13, pp. 369–70). On the other hand, although he painted this picture of Philosophic Radicalism as a considerable movement, supposedly one to which Bentham, were he then alive, would have been pleased to subscribe, Mill took pains to distinguish it from Bentham’s doctrines. In the *Autobiography* (1873) Mill referred to one object in editing and publishing the *London and Westminster Review*, that of freeing “philosophic radicalism from the reproach of sectarian Benthamism,” by providing “a wider basis and a more free and genial character to Radical speculation.” He sought to show that “there was a Radical philosophy, better and more complete than Bentham’s, while recognizing and incorporating all of Bentham’s which is permanently valuable” (*CW*, vol. 1, p. 221). Mill felt that he was fairly successful though he admitted that he had failed to rein-vigorate radical politics through the journal.

In relation to utilitarianism, Philosophic Radicalism might best be understood as a relatively obscure development of the 1830s. Mill sought to lead a reform movement that was based in part on the ideas of Bentham and James Mill, but the movement was also based on an attempt to reject aspects of these ideas, or, at least, to make them more acceptable to potential reformers. To confuse matters further Mill sought to favour James Mill’s

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ideas over those of Bentham (CW, vol. 1, p. 103). In these respects Philosophic Radicalism represented an episode in the development of Mill's thought, one that culminated in the essays on Bentham (1838) and Coleridge (1840) (CW, vol. 10, pp. 75–163). By the time of the publication of the latter, however, Mill had abandoned his attempts to stimulate radical reform from the perspective of his journal. He turned more to philosophy, and, more specifically, to logic. Within another decade he would also “return” to many of Bentham's doctrines tempting some later commentators, as we have seen, to find more continuity in the English utilitarians than might have existed in Mill's conception of Philosophic Radicalism.

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See also BENTHAM, JEREMY; GROTE, GEORGE; MILL, JOHN STUART.

## PHYSIOCRACY

The term Physiocracy refers to reformist French economic philosophy of the eighteenth century, which became particularly prominent during the final decades of the century. The movement was founded by François Quesnay (1694–1774), court physician to Louis XV, who in the 1740s speculated about human nature and the possibility of general societal well-being. Having previously published on natural philosophy, in 1757 Quesnay met Victor Riquetti, marquis de Mirabeau (1715–89), the author of *L'Ami des hommes, ou Traité de la population*, a best-selling commentary on the prospects for France in a commercial age. Quesnay's criticisms of the 1757 first edition of this book started a collaboration between the two men that resulted in a stream of works on political economy that defined Physiocracy. In 1759 Quesnay published the *Tableau œconomique*, and this was followed by Mirabeau's revised *L'Ami des homes* (1759), *Théorie de l'impôt* (1760) and *Philosophie rurale* (1763).

These works revealed that agriculture was the sole source of value or wealth. In consequence, mercantile and industrial riches could only be developed on the basis of a healthy agricultural economy, being dependent upon the “net product” after agricultural costs had been covered. Attempts to stimulate trade by

artificial means, such as by government subventions and state-sponsored corporations, would be corrupt and short-lived, as Quesnay and Mirabeau believed was inevitable with Britain's commercial empire. Britain's commercial agriculture, however, ought to be a model for other states, being characterized by large farms employing technological innovations, rather than by relatively backward peasant proprietors. A single tax was advocated on the net product of agriculture, being the sole means of raising revenue compatible with the economic development of the state. Absolute property rights were to be enshrined in national law codes and the complete freedom of trade introduced, including the controversial right to export grain.

These reforms were to be introduced by a legal despot, a monarch aware of the "natural order" of physiocracy and recognizing that it alone represented the common interest of all classes of the nation. The Physiocrats claimed that such measures would make France the greatest state in Europe, and reverse the decline relative to Britain in economic and military terms. A new world of peace and gradual commercial progress was envisaged, in which population could rise in accordance with agricultural development, and in which France would play a leading role as the hegemonic European power. Acolytes began to join the movement in the 1760s, including Paul-Pierre Le Mercier de la Rivière (1719–1801), Guillaume-François Le Trosne (1728–80), Nicolas Baudeau (1730–92) and Pierre-Samuel Dupont de Nemours (1739–1817). All of these authors were prolific in spreading the physiocratic gospel, which proved particularly influential in the German and Italian states, in Switzerland, Sweden, Russia and North America.

It was in France itself that the movement had the greatest impact, persuading ministers to free the domestic grain trade in 1763 and allowing freedom of export in 1764. This proved problematic as prices rose until 1770, when regulations were reintroduced. When

the *philosophe* and physiocrat Anne-Robert-Jacques Turgot (1727–81) became Chief Finance Minister 1774–6, another bonfire of economic controls was attempted. Once again, however, court and public opposition caused Turgot's physiocratic reforms to be short-lived. Defenders of physiocracy continued to be prominent in national life. Some, such as Abbé André Morellet (1727–1819) and Dupont de Nemours, were evangelical in promoting physiocracy into the new century. The latter, who emigrated to the United States with his family in 1799, began to see the American republic as an ideal physiocratic state and criticized the corruption endemic in Britain and France.

The link between utilitarianism and Physiocracy is an indirect one. Claude Adrien Helvétius (1715–71) was sympathetic to physiocratic ideas in his 1758 *De l'esprit (On Mind)* and in other writings. Helvétius' sensationalist determinism, describing the principles of action in men to be the love of pleasure and the fear of pain, influenced Bentham's notion of the felicific calculus, but Bentham did not accept Helvétius' verdict that the maximization of utility entailed the promotion of an agrarian economy. Other advocates of the evaluation of a society by reference to utility, including Benjamin Franklin, Adam Smith, Thomas Jefferson, Hector St. John De Crèvecoeur (1735–1813), Jacques-Pierre Brissot (1754–93) and Etienne Clavière (1735–93), were impressed by physiocratic ideas at the same time as they rejected the complete reform programme that Physiocracy entailed.

The view of critics of Physiocracy, such as James Mill and Jean-Baptiste Say, was that Bentham had refuted physiocracy by showing that a commercial society, regulated in accordance with utilitarian principles, was fully compatible with international peace, rational government, and individual well-being. Contemporary advocates of the rejection of commerce in favour of agriculture, such as William Spence (1783–1860), the

author of *Britain Independent of Commerce* (1807), were seen to be backward looking because of their advocacy of physiocracy. This was James Mill's view in *Commerce Defended* (1808), and it summarizes the position of the philosophic radicals as a whole. For Mill the policies of the physiocrats, or *économistes* as he termed them, would reduce Britain's wealth. They were accused of considering commerce unproductive and of favouring an agricultural system that would foster the sinister interests of the landed aristocracy alone. This was a caricature, but it was one that was passed on to generations of subsequent commentators.

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See also BENTHAM, JEREMY; HELVÉTIUS, CLAUDE ADRIEN; MILL, JAMES; POLITICAL ECONOMY; SAY, JEAN-BAPTISTE.

PIGOU, ARTHUR CECIL (1877–1959)

Arthur Cecil Pigou was born on 18 November 1877 in Ryde on the Isle of Wight. He was educated at Harrow School and King's College, Cambridge, where he subsequently taught economics until his retirement in 1943. He continued to live at King's College until his death on 7 March 1959. Pigou began lecturing at Cambridge in 1901 and succeeded Alfred Marshall as Professor of Political Economy in 1908. He imbibed his utilitarianism and the welfare aspects of his economic thought from the teachings of Henry Sidgwick. Sidgwick's influence was particularly felt in Pigou's analysis of market failures and their remedies and in his attention to long-term investments. Following Sidgwick, Pigou argued that discounting the future effects of actions on others is immoral; a complete utilitarian calculation requires that future costs and benefits for *all* those who will be affected by a decision, now and in the foreseeable future, must be factored into the account.

Pigou's standing as an economist is largely based on his major work, *The Economics of*

*Welfare* (1920), though some of its central ideas are contained in the earlier *Wealth and Welfare* (1912). Generally, Pigou believed that a society's welfare benefited most from free market competition, but like Marshall he believed that economic analysis ought to take into account other considerations, most importantly the negative "externalities" or social costs associated with economic activity. This consideration, coupled with the assumption that most people are alike in many ways and that the satisfaction levels of different individuals are therefore, at least in principle, comparable (if not precisely measurable), led Pigou to argue that states could do more to maximize economic and social benefits. His objective in *The Economics of Welfare*, he says, is "to bring into clearer light some of the ways in which it now is, or eventually may become, feasible for governments to control the play of economic forces in such wise as to promote the economic welfare, and through that, the total welfare, of their citizens as a whole" (Pigou, 1932, pp. 129–30).

One of the ways Pigou thought that governments could increase the national dividend and enhance "total welfare" is through alterations to the distribution of income, possibly through minimum wage policies. Compulsory health insurance he also thought would serve the same purpose, and taxes might be introduced to discourage practices that produce net negative social consequences, while subsidies could be offered to encourage practices that enhanced well-being. However, Pigou's recommendations designed "to control the play of economic forces" were never meant to abrogate basic property rights, the maintenance of which was vital to the free enterprise system.

Though he is most well known for his contributions to the field of welfare economics, Pigou's debate with Keynes and his followers, which began with Pigou's *Theory of Unemployment* (1933) and continued in Keynes' *General Theory of Unemployment*,

*Interest and Money* (1936) and other incidental writings, in many respects defined his later career. Previously, Keynes had collaborated with Pigou on parts of his *Principles and Methods of Industrial Peace* (1905), but on the relationship between real wage cuts and employment levels they differed greatly (Rima, 1986).

Pigou's influence is evident among economists who advocate compensation taxes (or Pigouvian taxes, as they are sometimes called), for example, as an efficient way of dealing with pollution rather than through the imposition of government standards. On the other hand, his ideas were famously criticized as leading to substantial and unwelcome levels of state interventionism by Ronald Coase and the Chicago School (Coase, 1960), though it is now commonly thought that Coase did not fully appreciate the nuances in Pigou's recommendations nor his concern that governments respect basic property rights (Hovenkamp, 2009). More recent welfare economists have also been critical, particularly of the idea that social welfare decisions can be based on interpersonal comparisons of utility (for these economists the Pareto Principle provides a more promising ground for such judgements). Nevertheless, Pigou's reputation was refurbished during the global recession triggered in 2008. Pigou argued long ago that malfunctions in one part of the economy can have an unintended but major impact in other areas. When the toxic subprime mortgage industry undermined the entire banking system in 2008–9, dragging nearly all western economies into recession, it provided a compelling illustration of Pigou's cautionary insight.

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See also ECONOMICS; INTERPERSONAL UTILITY; MARSHALL, ALFRED; PARETO PRINCIPLE; POLITICAL ECONOMY; SIDGWICK, HENRY; WELFARE (WELFARISM).

### PLACE, FRANCIS (1771–1854)

Francis Place was born on 3 November 1771 in a lockup house near the Drury Lane Theatre in the West End of London. Managed by his father, this lockup, or "sponging-house," provided somewhat more respectable habitations for debtors who were confined to the Marshalsea prison and who could afford to pay for such privileges. Despite these modest beginnings, Place's father provided for his son's education in the hope that he might one day become a conveyancer. Place, however, rejected a life

in the law, and, at the age of fourteen, was instead apprenticed to a breeches-maker, a trade in which after many struggles he eventually made his fortune.

Place's early adult life began in grinding poverty and was marked by deep personal despair, experiences he would never forget. Blacklisted in 1793 as a union organizer for the Breeches-Makers' Benefit Society, he spent many months unemployed and penniless. However, this neither dampened his enthusiasm for trade unionism nor deterred him from further forays into the radical politics of the era. Possessed of an enormous capacity for work of the most detailed kind, he continued to offer his advice and services to other benefit societies and trade unions, advising them on the organization of sick funds, burial clubs, and other administrative functions. At the same time, in 1794, he joined the London Corresponding Society (LCS), a group made up of working-class men dedicated to the democratic reform of parliament and thus began a lifelong connection to radical politics.

The political repression of the mid-1790s and the subsequent divisions within the LCS executive committee ultimately led to Place's formal resignation from the Society in 1797. He spent the next several years largely withdrawn from both politics and trade unionism and dedicated himself instead to building up his own business. His famous shop and extensive personal library at No. 16, Charing Cross Road later became a gathering place for radicals of all kinds, including politicians, utilitarians, trade unionists, and atheists. Within 20 years, Place had succeeded in amassing a small fortune and was able to retire from the trade in 1817, at the age of forty-five.

Place's return to active politics was marked by his participation in the Westminster Committee, a small organization that successfully returned a radical member to parliament in 1807. The following year, Place was introduced to James Mill, but it was



not until 1812 that Mill introduced Place to Jeremy Bentham. Place and Bentham developed a close and long-lasting friendship. The two men lived only a short walk from one another in central London and, according to Place's diary, "each of our houses were as frequently entered by either as his own" (Place, 2007, p. 264). Bentham considered Place for the task of organizing and publishing a complete edition of his writings after his death (p. 128), but he yielded that role to John Bowring, with disappointing results for generations of Bentham scholars ever since. Place was among those in the Bentham circle who found the serially sycophantic Bowring entirely irritating, a "fool" and a "toad eater" (pp. 178, 183).

It is thought that Place may have assisted Bentham in arranging his manuscripts for a number of publications, including *Plan of Parliamentary Reform* (1817), *Chrestomathia* (1815–17), and the *Book of Fallacies* (1824). That he had a hand in the production of Bentham's *Not Paul, but Jesus* (1823) is not disputed. According to a note by Place in his personal copy of the book at University College London (autographed "From Mr. Bentham Sep. 29, 1823, FP")—"the matter of this book was put together by me at Mr. Bentham's request in the months of Aug. and Sep. 1817—during my residence with him at Ford Abbey, Devonshire." In a further note attached to the book, Place's Fabian biographer Graham Wallas claimed the manuscripts for *Not Paul, but Jesus* were "rearranged, condensed and 'pulled together' [by Place] in making the book." However, it is difficult to substantiate what actually occurred; neither Place's letters and diaries nor Bentham's correspondence mention the matter.

On one occasion Place referred to Bentham as "my dear old master" and considered writing his biography, commenting "I owe a vast debt for what is good and of high value to him, and I hope I shall not die without doing my best towards discharging that

honourable debt" (Place, 1972, p. 250). Yet he ought not to be uncritically described as merely Bentham's disciple, as Wallas once suggested. Place's efforts often corresponded with Bentham's goals, such as their joint attempt to create a Chrestomathic school in the 1820s and their mutual support for the London Mechanics Institution, established to promote the education of London artisans, and the new University of London. Place came to accept several elements of Bentham's thought, but his own work was far more idiosyncratic and eclectic than would fit comfortably into the rubric of either "Benthamite" or "utilitarian." Pervading Place's thoughts and actions are profound elements of Paineite republicanism, egalitarianism, atheism, and the artisanal quest for respectability.

Place's influence and activism reached their apogee in the 1820s and 1830s. In 1822, he published the neo-Malthusian *Illustrations and Proofs of the Principle of Population*, in which he complained of Malthus' ignorance of the living conditions of the poor and criticized Godwin's pessimism about the prospects for improving those conditions. Improvement was to be had, he argued in striking fashion, primarily by reducing the burden of large families by the use of contraception. Place also worked tirelessly for the repeal of a range of oppressive legislative acts, many of which still survived from Pitt's repressive regime of the French Revolutionary era. Place achieved a notable success in 1824 when he prepared and tutored the radical MP Joseph Hume for the parliamentary investigation that led to the repeal of the Combination Acts, the laws criminalizing trade unions. Then, in 1825, he helped to prevent the reintroduction of those same laws. Throughout the 1830s, in association with Bentham, Hume, Mill and others, Place remained active in the movement to reform parliament, working diligently to promote the 1832 Reform Bill. However, he soon became disillusioned with the effects of the



## PLATO

Act, and sought a more radical approach to reform when he helped to found the Chartist movement in London in 1837. Even in the early 1840s, he could be found contributing to efforts to repeal the infamous Corn Laws, rescind the “taxes on knowledge,” encourage municipal reform, and a variety of other issues of both national and local importance.

Place’s public activities largely ended in 1844 when he suffered a stroke. During this period, domestic and financial problems further compounded the problems caused by his physical debilities. He separated from his second wife and spent the remainder of his life in the care of his daughter. Francis Place, the radical tailor, as he was known, died on 1 January 1854.

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See also BENTHAM, JEREMY; BOWRING, JOHN; MALTHUS, THOMAS ROBERT; MILL, JAMES; GODWIN, WILLIAM.

### PLATO (429–347 BC)

In *The Methods of Ethics* (1874) Henry Sidgwick saw a number of links between Plato and utilitarian thought, and other authors since have made similar connections. One explicitly raised the question “Is Plato’s *Republic* Utilitarian?” (Mabbot, 1937), and another argued that it was (Barrow, 1975). Though it is clearly unsustainable to see Plato as committed to an evolved form of what today would be recognized as utilitarianism, contrary to critics such as Crossman (1937), Popper (1945), and Russell (1950), who depicted Plato as a prototype fascist concerned only about the interests of an elite few, we should note: (1) that Plato consistently and explicitly says he is concerned about *eudaimonia*, which, though it is inadequately translated as “happiness,” is clearly related to the “well-being,” “satisfaction” and “happiness” that hedonistic utilitarianism invokes; and (2) it is clear that his focus is on the *eudaimonia* of the city as a whole and not that of any one class (see e.g. Plato, *Republic*, 420b).

While the term *eudaimonia* implies the satisfaction that arises from a certain way of life only, and is not therefore to be equated with any and every kind of contentment, it is

a fundamental premise of the *Republic* that the well-being of all shall be equally catered for, allowing that different people have different dispositions and talents and thus find satisfaction in different ways. In this respect, Plato anticipates Mill in distinguishing between what the latter terms higher and lower pleasures. In addition it may be suggested that he does so along lines that essentially draw on a Benthamite calculus: that is to say he argues that pleasures of the soul are more durable, intense, fecund, etc. than bodily pleasures.

Further, when Callicles identifies the good with the pleasant in the *Gorgias*, Socrates does not, making the point that some pleasures are good and some bad (Plato, *Gorgias*, 495a ff). Similarly in the *Protagoras* the point is made that some “things are good in as far as they are pleasant, if they have no consequences of another sort” (Plato, *Protagoras*, 351c), which implies that another criterion of evaluation is needed to explain why pleasure is not always desirable. In the same dialogue Prodicus draws a distinction between being “cheered” or “gladdened” (*euphrainein*) and “pleasure,” associating the former with learning something and improving the mind, the latter with eating “or experiencing some other bodily delight” (337c). The *Hippias Major* involves discussion of aesthetics and includes the capacity to give pleasure as one of the criteria of a work of art (Plato, *Hippias Major*, 297e ff), while in the *Philebus* a distinction is drawn between pleasures that are pure in that they are pleasant in themselves such as a sweet taste, and those that are not in that they arise from relief from pain, as when we relieve our thirst (Plato, *Philebus*, 31c ff).

The best account of the relationship between Plato and utilitarianism is provided by Annas (1981). She argues that Plato does not see deontological and consequentialist theories as alternatives between which one must choose. When, in the *Republic*, Plato introduces the threefold distinction

between things that are good intrinsically, those that have good consequences, and those that are both intrinsically good and have good consequences, he is not conflating deontology and consequentialism, but saying something different. Justice for Plato is both intrinsically good and it leads to a particular kind of happiness. As Annas puts it, “Justice is psychic harmony ... it is the kind of thing which is bound to lead to a happiness which the unjust cannot have” (Annas, p. 318).

Plato, then, is not a utilitarian in the sense of one who believes that happiness is the supreme good and that all rules (or acts) should be assessed by reference to their tendency to increase the sum of human happiness. But he does believe that happiness is extremely important and that, while happiness can be arrived at in various ways, some forms of happiness are superior to others. The best kind of happiness (*eudaimonia*) arises from psychological harmony, the rational element directing the desires and spirit (*thumos*).

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See also CONSEQUENTIALISM; EUDAIMONIA; HEDONISM; PLEASURE.

## PLEASURE

One of the central concepts in utilitarian thought, "pleasure" is never an object to be attained in its own right, but merely the means by which an individual obtains happiness or well-being. Explaining the place of pleasure in utilitarianism requires that we first distinguish between pleasure as a principle of motivation, which includes the question of the relation between pleasure and happiness, and the content of pleasure or pleasurable experiences. As a principle of motivation there seems to be little question as to pleasure's role as one half of a fundamental dichotomy: people act in order to either augment their pleasure (or their chances of experiencing it) and/or reduce their pain (or their risk of experiencing it). For Bentham, all possible ways of experiencing pleasure and pain are to be considered: 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; and so on (Bentham, Ch.5). Only our own pleasure or pain is in question here: while we may experience pleasure from seeing another's happiness, we may also take pleasure at another's pain—which includes sadistic pleasures, the pleasure of ill-gotten gains, and the pleasure of revenge, but also the pleasure we may derive from the punishment of a miscreant.

To serve as motivation, pleasure must be understood as a kind of expectation, although the expectation itself is as likely to induce anxiety, a kind of pain, as it is to produce its own kind of pleasure. The crucial point for the individual is the consequences of actions in terms of their tendency to produce pleasure or pain which that individual expects to experience. This can be extended to the broader society, however, as individual actions produce consequences for others that may also be reduced, ultimately, to forms of pleasure and pain.

It may be true that only the expectation of pleasure (and pain), and not the direct experience of pleasure itself, is important to our motivation. However, the importance of the direct experience must not be overlooked. It takes on the characteristics of a positive feedback loop: experiences of pleasure and pain give rise to expectations which form the basis on which one may come to understand one's interests. This is, of course, subject to manipulation. 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.

Pleasure has a central role in utilitarianism through its relationship to happiness or well-being, which can be described through the philosophical concept of supervenience. This 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*). *A* is said to be supervenient on *B* when, if those properties change with respect to *A*, they also change with respect to *B*. Pleasure can be said to supervene on happiness to the extent that a change in the experience of pleasure necessarily produces a change in one's happiness. However, a change in happiness may be caused not by a change in pleasure, but because of a change in the experience of pain. This could be the case regardless of whether one considers happiness to be the presence of

much pleasure in the *absence* of pain, or the *balance* of pleasure over pain. In either case it is clear that although there is a dependent relationship between the two, pleasure is not the only factor involved in happiness. It is also important to note that in recognizing a relationship we recognize that this is not an 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. Pleasure is not an end in and of itself, but (for Bentham at least) only the *means* to the larger goal of happiness.

A conception of happiness based on the experience of pleasure is generally referred to as hedonism. 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. Theological considerations pertaining to the pleasures of the after-life aside, only individuals—that is, “real” individuals—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 idea of pleasure as perception points to the question of the content of pleasure. Can an experience be said to be a matter of perception or is it more a matter of one’s attitude or emotional condition at any given time? The former position, which may be called “sensationalist,” may be associated with neuroscientific approaches that seek to identify “pleasure centres” in the brain, and that understand pleasures as certain kinds of activity in those areas. The latter position may be associated with, for example, cognitive psychology. The problem arises because in some cases it may be difficult to distinguish pleasures from pains. 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, it may also be true that my aching muscles are an integral part of the pleasure of the vigorous exercise I enjoy.

Utilitarian philosophers generally fall into one or the other camp. Bentham, for example, is clearly a sensationalist, while James Mill can be credited as the first to make a distinction between the sensation itself and one’s attitude towards it. Mill argued that 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 (J. Mill, vol. 2, p. 184). In fact, both the experiential and the attitudinal elements are important for utilitarian thought. For example, whether or not my evaluation of the quality of my life to date is positive depends on a number of considerations, including (1) whether I considered my experiences as pleasurable at the time; (2) whether I had a positive attitude towards feelings aroused by any particular experience at the time; (3) whether my reminiscence of them brings forward pleasant sensations; (4) whether my attitude towards those memories is positive and (5) whether I am currently satisfied with my life. We reassess the 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 a past experience that was unpleasant at the time because I had a negative attitude towards it, which I now see as having been important and should have appreciated. What would otherwise be a pleasant memory only serves to remind me how miserable I am. In such cases, what constitutes pleasure is a rather complicated question, a situation in which the grounds of assessment have shifted.

## PLEASURE

One of the focal points for utilitarians and their critics turns on the question of whether all pleasures are qualitatively the same. Bentham took the position that all pleasures are essentially the same, at least when considered as motivations or objects of legislative concern, and therefore in principle measurable and amenable to quantitative comparisons. He offered an example of the parameters for calculating the degree of pleasure (or pain) in what has come to be called the “felicific calculus” (Bentham, Ch.4). Critics of utilitarianism frequently point out the impractical nature of such calculations.

John Stuart Mill’s position in *Utilitarianism* (1861) is that certain sorts of pleasure—aesthetic pleasures and pleasures of the intellect, for example—are intrinsically more valuable than others. As he famously proposed, it is “better to be Socrates dissatisfied than a fool satisfied” (J. S. Mill, *CW*, vol. 10, p. 212). A similar distinction had been made by William Paley, between the “pleasures of sense” and “the more refined pleasures” (Paley, vol. 2, p. 27), and the socialist utilitarian William Thompson identified four different types of pleasures: physical, intellectual, social and sympathetic. Thompson argued that the physical pleasures may be understood as “base” pleasures in two ways: first, because these must be satisfied in order to enjoy the other pleasures, and in the sense that they are lesser than the others. In fact, Thompson argues that excessive attention to the physical pleasures is the basis for most vices and harm (Thompson, pp. 554–5).

The centrality of pleasure in utilitarian thought, and in Bentham’s work in particular, leads some to the conclusion that utilitarianism promotes the pursuit of pleasure for its own sake. While it is the case that Bentham considered pleasure to be intrinsically good (Bentham, p. 40), this must always be seen in the context of its instrumental nature with respect to happiness, which means that its counterpart, pain—which is intrinsically evil—must

always be taken into account. Pleasure should never be considered on its own.

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*See also* BENTHAM, JEREMY; FELICIFIC CALCULUS; HAPPINESS; HEDONISM; HUME, DAVID; INTEREST; MILL, JAMES; MILL, JOHN STUART; MOTIVES (MOTIVATION); PAIN; PALEY, WILLIAM; PLATO; THOMPSON, WILLIAM.

## POLITICAL ECONOMY

From the outset, utilitarianism was deeply entwined with political economy. The greatest happiness principle, however that goal might be understood, served to provide direction for a century of reforms (Robbins, 1952; Rawls, 1971, pp. xvii–xviii). As Rawls helpfully emphasized, the moral philosophy laid out in Classical Utilitarianism and political economy coevolved; the formative figures in each tradition are the same people (Rawls, 2007). Even this understates the centrality of utilitarianism in classical political economy and the significance of the reforms achieved by a coalition of utilitarian political economists and evangelical Christians (Carlyle, 1849; Peart and Levy, 2005, pp. 154–79). The most significant of these reforms was the Slavery Abolition Act 1833.

The basis of the coalition was made clear decades earlier in the exchange over James Mill's theory of government in the pages of the reviews (Lively and Rees, 1978). The avowed utilitarians of the *Westminster Review* and their Christian adversary, T. B. Macaulay, writing in the Whig *Edinburgh Review*, agreed that the greatest happiness principle of utilitarianism was the same as the Golden Rule of Christianity (Peart and Levy, 2005, pp. 163–4). Thus, Mill's later assertion in *Utilitarianism* (1861) was by then long-settled doctrine: "In the golden rule of Jesus of Nazareth, we read the complete spirit of the ethics of utility. To do as one would be done by, and to love one's neighbour as oneself, constitute the ideal perfection of utilitarian morality" (Mill, *CW*, vol. 10, p. 218). This identity offered both an aggregation interpretation of utilitarianism and a reciprocity condition for utilitarian doctrine (Peart and Levy, 2005, pp. 163–4).

Understanding utilitarianism as the imperative "that Action is best, which procures the greatest Happiness for the greatest Numbers; and that, worst, which, in

like manner, occasions Misery," locates the origin of the phrase in Francis Hutcheson's 1725 *An Inquiry into the Original of Our Ideas of Beauty and Virtue* (Hutcheson, p. 125). However, the imperative is ambiguous. Does it refer to the greatest happiness of a fixed number of people, in other words the greatest average happiness? Or, is it instead an imperative to seek the greatest happiness for the majority of people? This ambiguity in the meaning of the imperative is indicative of later disagreements over the nature of the maximand and who should count as a utilitarian.

The ambiguity of the utilitarian formula became evident early on when Malthus called attention to how the utilitarian theme in Adam Smith's *Wealth of Nations* (1776) is expressed in the concern for the well-being of the majority:

The professed object of Dr. Adam Smith's inquiry, is, the nature and causes of the wealth of nations. There is another inquiry, however, perhaps still more interesting, which he occasionally mixes with it; I mean an inquiry into the causes which affect the happiness of nations, or the happiness and comfort of the lower orders of society, which is the most numerous class in every nation (Malthus, 1798, p. 303).

For Smith choosing "the happiness of mankind," acting in accord with the "dictates of our moral faculties," is cooperating with the Divine (Smith, vol. 1, p. 166). His theory of institutional reform links approbation and outcome. If a praiseworthy action produces deleterious consequences, the institution's incentives are flawed (Levy and Peart, 2009). In *The Theory of Moral Sentiments* (1759), Smith began with a sympathetic principle in which one exchanges positions imaginatively with another. Defining affection as habitual sympathy (Smith, vol. 1, p. 220) and taking a person's time as necessarily finite, he



concluded that individual friendship will be limited to those close by. This yielded a central characteristic of Smith's system—the sympathetic gradient that describes natural inclinations. Yet for Smith a person's behaviour does not always follow his natural inclinations; the European is naturally indifferent to the fate of unseen Chinese people, but he would sacrifice a finger to save them (p. 136). Conscience and imagination motivate people to praiseworthy acts (pp. 126–48).

Smith's defence of the sacred "just liberty" of using one's time in pursuit of happiness is contingent on the no-injury principle which he attributes to stoicism (p. 138). His system of "natural liberty" can be rightfully set aside when it collides with the well-being of the majority (Smith, vol. 2a, p. 324), and the defence of economic growth is offered to break up the collusion of the few masters against the interests of the many workers (pp. 86–7). Growth is beneficial because with higher wages, working people, the vast majority of any society, are better off (pp. 87–8). For Smith, then, the growing society is the happy society: "But what improves the circumstances of the greater part can never be regarded as an inconvenience to the whole. No society can surely be flourishing and happy, of which the far greater part of the members are poor and miserable" (p. 96). In the *Wealth of Nations*, Smith offered the idea of the invisible hand to support his contention that following our inclination to invest in prudential activities, our own happiness, invariably promotes the public interest more effectively than if we aimed for general happiness itself (p. 456).

Bentham is the name most commonly associated with utilitarianism. It was he who urged that pleasures might be measured at the individual level according to the "felicific calculus." In a passage in *An Introduction to the Principles of Morals and Legislation* (1789) that W. S. Jevons would return to almost one hundred years later, Bentham described how these measurements might

proceed. We quote Jevons's sharper formulation, in which all types of pleasure are reduced to calculations of:

- 1 *intensity*;
- 2 *duration*;
- 3 *certainty* or *uncertainty*;
- 4 *propinquity* or *remoteness*;
- 5 *fecundity* (the "chance that [pleasure] has of being followed by sensations of the same kind");
- 6 *purity*; ("the chance it has of *not* being followed by sensations of the *opposite* kind");
- 7 *extent* (to other people).

To secure happiness at the individual level, one chooses the course that "is likely to—that is, will in the majority of cases—bring happiness" (Jevons, p. 529).

Intensity was to be measured in units of the "faintest sensation that can be distinguished" (Mitchell, p. 181). Units of intensity are multiplied by the duration units, and then by fractions expressing certainty and proximity. If additional pleasures (fecundity) or pains (impurity) are produced by an act, these are measured in the same way and added to the measure of direct pleasure. The utilitarian measurement is then completed by multiplying the result by the number of individuals affected. Bentham realized that this last step required a simplification that was generally unwarranted because not all individuals are alike in their capacities for enjoying pleasures and pains. Health, strength, firmness of mind, occupations, income, sex, age, rank, education, climate, lineage, religious status, and other "circumstances" all influenced the individual's "sensibility" to experience and register pleasures and pains. At best, the measurement of social utility could only be approximate.

For Mill, like Bentham, the unifying principle of public policy was "the greatest good of the greatest number." However, Mill was much more concerned with the precise

nature of the general rule, in particular with “what things [utilitarianism] includes in the ideas of pain and pleasure” (Mill, *CW*, vol. 10, p. 210). Two problems emerged. First, who should be included in the maximand—a question which Mill answered on pragmatic grounds to include all living persons. Second, and more complex for Mill, is how to define individual “happiness.” In one of his strongest reactions against Bentham, Mill distinguished between “pleasure” and “good,” thereby opening the door to the later debates on whether welfare is congruent with choices made. In one of his early reassessments of Bentham (1833), he wrote: “‘The greatest happiness of the greatest number’ is to be our invariable guide! Is it so?—the greatest happiness of men living, I suppose, not of men to come; for if of all posterity, what legislator can be our guide. Who can prejudge the future? Of men living then?—well—how often would their greatest happiness consist in concession to their greatest errors” (*CW*, vol. 10, p. 502). In the later *Utilitarianism*, Mill reformulated the utilitarian goal, rejecting what he perceived to be Bentham’s excessively narrow definition of utility, and stressing that material gain is not the only motivational force for individual choice.

Perhaps the most contentious theoretical topic among utilitarian political economists was Mill’s distinction between higher and lower pleasures. Quantum of pleasure being equal, is pushpin as good as poetry, as Bentham said? Mill demurred, offering the counter slogan that it is “better to be Socrates dissatisfied than a fool satisfied” (Mill, *CW*, vol. 10, p. 212). Jevons (1879) was among those who criticized Mill’s proposed solution (Peart, 1996). Although there are several possible interpretations of Mill’s doctrine, perhaps the least damaging to the Benthamite view is the notion that there is an irreversibility in some pleasures. Pleasures are akin to knowledge; once one has experienced a pleasure, one remembers the sensation. In Mill’s view the height of human

development came in the American Civil War when ordinary Americans demonstrated “the higher aspirations and the heroic virtues” and showed their willingness to die for others (*CW*, vol. 3, p. 754). Mill’s praise of the heroic brings into focus the importance of the “reciprocity interpretation” to utilitarianism. If we interpret utilitarianism as doing as we would be done by, then utilitarianism ought to disapprove of acquiring happiness at the price of another’s misery.

The first great political controversy among utilitarians came about when Godwin’s *Political Justice* (1793) proposed to replace exchange and scarcity with a common and general benevolence. In a system of equality people would marry out of natural inclination instead of concerns such as whether they can support the resulting children. He accused the system of private property of infanticide: “Thus the established system of property may be considered as strangling a considerable portion of our children in their cradle” (Godwin, p. 813). Malthus’s response in *An Essay on the Principle of Population* (1798) was to bring to bear evidence from American population growth and point out that if everyone married as early as they did in America where high wages made children profitable, the resulting population would soon swamp the food supply that might be forthcoming from European production. Thus, there is a conflict between the beneficent short run of happiness and a tragic long run of misery (Malthus, 1798, pp. 189–209). On these terms, Godwin’s system of equality fails the utilitarian reciprocity condition: the present generation buys its happiness by the misery of the future. From this Malthus pointed to a deep conflict between happiness and the Christian imperatives of early marriage as a remedy for fornication. Outside of American growth rates, the choices are vice or misery. In both the first and later editions of the *Essay*, Malthus came down on the side of letting people make their own choices in pursuit of happiness (Malthus, 1826, vol. 2, pp. 294–8).

Of the three greatest reforms urged by utilitarian political economists—the Act of Emancipation, the New Poor Law and the repeal of the Corn Laws—the first most deeply illustrates important aspects of utilitarian doctrine. Slavery was abolished with compensation from British taxpayers to the slave owners on behalf of the slaves, a sympathetic exchange by which the taxpayers improved the world. Following Bentham, Mill asserted that the principle of property requires compensation for any reform which takes property away from an individual in the public interest—otherwise, one evil is replaced by another (Mill, *CW*, vol. 2, pp. 230–3). The no-injury principle of stoicism became the compensation principle of utilitarian political economy (vol. 3, p. 866).

The antislavery movement was the focus of the antiutilitarian writings of Thomas Carlyle and Charles Dickens who scorned the utilitarian concern for distant and darker people. It was Carlyle in his essay on the “Negro Question” (1849) who first pointed out the coalition of the “dismal science” with Exeter Hall evangelicalism and political economists in the antislavery movement (Peart and Levy, 2005, pp. 154–79). When, in 1865, Governor Eyre ordered the administrative massacre of freed slaves in Jamaica, political alignments were predictably along the lines sketched in the “Negro Question.” The evangelicals of the Jamaica Committee elected Mill to speak for them. The Eyre defence was nominally headed by Carlyle but John Ruskin was its actual leader. With Eyre’s triumph, the political force of reforming utilitarianism was broken (Semmel, 1962).

Within utilitarianism itself, F. Y. Edgeworth (1881) integrated Darwinian concerns into the notion of social utility. He dropped the early utilitarian presupposition that everyone counts as one and instead allowed that different individuals have different weightings in a social utility formulation. Indeed, Edgeworth posited that some individuals have zero or negative worth and drew the

obvious conclusions for maximizing social utility. He explicitly pointed out the incoherence in the “greatest happiness for the greatest number” and amputated the “greatest number” from the slogan to put forward instead the goal of maximizing average happiness. Utilitarianism, thereby, lost the saving grace of the reciprocity interpretation. Edgeworth’s formulation of the utilitarian problem of moving from individual utility to social utility by integration was accepted as the definitive statement of utilitarianism for the next hundred years. Even the possibility of a utilitarianism which maximized the median happiness was not noticed for a long time thereafter.

The separation of utilitarianism of the Edgeworth formulation and economic science occurred when Lionel Robbins (1932) made the simple point that deciding between weighting systems, whether of the Benthamite equality sort which he favoured, or an alternative that favoured some races or classes, was not a matter of science. In 1938, Robbins himself adopted a form of utilitarianism with a precommitment to equality as a democratic imperative. His work on the history of utilitarian political economy had many admirers, not the least of them Rawls (1999). A weakened form of utilitarianism then developed as a way to escape Robbins’s strictures—the Pareto Principle that if no one is harmed and at least one person benefits we can conclude that the social state is better (Hicks, 1975). This is a modern version of the no-harm principle which Smith had advanced. Like Smith’s version it has strong egalitarian roots since it gives a veto to everyone.

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See also BENTHAM, JEREMY; ECONOMICS; EDGEWORTH, FRANCIS YSIDRO; FELICIFIC CALCULUS; JEVONS, WILLIAM STANLEY; MALTHUS, THOMAS ROBERT; PARETO PRINCIPLE; POOR LAWS; ROBBINS, LIONEL; SLAVERY; SMITH, ADAM.

#### POLYZOIDES, ANASTASIOS (1802–73)

Anastasios Polyzoides was born in the old Greek town of Meleniko (now in Bulgaria) in 1802 and died in Athens in 1873. He served as a Minister of Justice and in other high-ranking positions in the newly formed Greek Kingdom, and published a significant number of legal and historical studies and translations. He has earned a

place in modern Greek history as a man of principle and an exemplar of judicial integrity. He was probably the first scholar to introduce Bentham's utilitarian ideas to Greek letters.

Born in an affluent family, the young Polyzoides was fortunate enough to study law and medicine first in Vienna, and subsequently in Göttingen and Berlin. When the Greek revolution against Ottoman rule broke out in 1821, he interrupted his studies to return to Missolonghi and offer his services as a public functionary and intellectual. He was involved in the drafting of the first Greek Constitution and he became personal secretary to Alexandros Mavrokordatos, the head of the executive branch of the Provisional Government. In 1823 he was sent unofficially to London to assist Deputies Orlandos and Louriotis in their efforts to secure the loan that was desperately needed by Greek authorities. We do not have any indication that he met Bentham, but he must have come across his ideas through his association with the Benthamite Philhellene Edward Blaquiere (1779–1832) and Col. Leicester Stanhope (1784–1862). We also know that Mavrokordatos had copies of the French versions of Bentham's works in his library.

The first testimony of Polyzoides' endorsement of utilitarian ideas is the publication in 1824 of Bentham's essay "Περί δημοσιότητος" [On Publicity] in a Missolonghi newspaper called *Ελληνικά Χρονικά* [Greek Chronicle]. It consists of a selective translation of the third chapter of Bentham's *Tactique des assemblées législatives suivie d'un traité des sophismes politiques* (1816) and is accompanied by a forward by Polyzoides in the form of a letter to the editor. In the latter he praises Bentham, maintains that his arguments are sufficient to silence the supporters of secrecy in public affairs, and points out that Greece cannot but adopt all the relevant publicity promoting practices followed by the "enlightened" nations.

Polyzoides' intellectual activity was not confined to translations. In 1825, while the war was raging around him, he published a handbook with the title *Θεωρία γενική περί των διαφόρων διοικητικών συστημάτων και εξαιρέτως περί του κοινοβουλευτικού: μεθ' ην έπεται πραγματεία σύντομος περί των ειρηνοποιών και ορκωτών κριτών της Αγγλίας, κατά τους αρίστους Γάλλους και Αγγλους συγγραφείς* [A General Theory of Administrative Systems and especially of the Parliamentary One, Accompanied by a Short Treatise on Justices of the Peace and Juries in England according to the best of French and English Authors]. In the first part of this essay he wholeheartedly endorses constitutional representative democracy as the form of government that promotes happiness and safeguards liberty, and sees it as being in accordance with the dictates of reason. Following Bentham he favours the direct election of representatives by the people in frequently held elections; he dismisses any financial requirements for parliamentary candidates, and he claims that the size of legislatures should be proportional to the size of the land under their jurisdiction. In addition, he eulogizes freedom of the press and expression in general, which is described as a necessary precondition for the attainment of any cultural good. Finally, when he comes to the discussion of the legal system appropriate for a parliamentary democracy, with few reservations he adopts James Mill's views on jurisprudence, first published in the *Encyclopedia Britannica* in 1820. After endorsing the view that the law is desired as a means to achieve pleasant mental states, Polyzoides proceeds to an account of rights and punishment based upon this principle.

In later life Polyzoides was drawn towards the writings of German legal theorists, and discontinued his interest in utilitarianism. Nevertheless, his early writings suffice to grant him the title of the first Greek utilitarian.

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See also BENTHAM, JEREMY; MILL, JAMES.

## POOR LAWS

The English Poor Laws—a web of statutes, case law, and widely variegated local practice, evolved over two centuries from the reign of Elizabeth I, and reformed notably in 1834, before finally giving way to the welfare state after 1945—obliged parishes to relieve their needy through taxation of property. For Utilitarianism, poor relief posed questions concerning the legitimacy of redistribution

of wealth. For Jeremy Bentham particularly, it highlighted the conflicting imperatives of the two most important subordinate ends of legislation, namely subsistence and security. In 1796 he began a detailed analysis of poor relief, fundamental to which was the distinction between poverty (i.e. dependence on investment of labour for subsistence), the unavoidable condition of almost all mankind, and indigence (i.e. exposure to starvation through lack of property and inability either to labour, or to procure subsistence despite labour). Relief of poverty was neither possible nor desirable: upon the “natural” connection between investment of labour and acquisition of subsistence depended the production of both the matter of subsistence and, by accumulation of surplus productivity, the matter of abundance, or wealth. Since readiness to invest labour depended on the expectation of enjoyment of its fruits, one central benefit of security of property was the encouragement of industry (Bentham, vol. 1, pp. 3–7).

Conversely, relief of indigence, the publicly funded guarantee that no one should be left to starve, was both achievable and justified by both direct and indirect utilitarian arguments. Directly, even where indigence appeared blameworthy, the pain of death outweighed that of taxation to fund its prevention. Indirectly, if defalcation from security of property by taxation for relief were not made, security itself would be undermined by the incentive given to those facing starvation to retaliate violently against the society abandoning them to their fate (Bentham, vol. 1, pp. 8–25).

Bentham analyzed the contingencies responsible for indigence, rejecting desert as a criterion for receipt of relief, to which the fact of indigence alone constituted the legitimate claim. However, the state should impose deterrent conditions upon relief, since their absence enhanced the attractiveness of dependence on relief as an alternative to independent poverty, and since making



relief more eligible than (i.e. preferable to) independent labour threatened widespread starvation. First, since the aim was to prevent starvation, relief should be limited to “the necessaries of life.” Second, since labouring for subsistence was mankind’s inescapable condition, the indigent too, excepting only those utterly incapable, should be required to labour. Third, since out-allowances, that is cash welfare payments, were incompatible with the efficient extraction of labour, the indigent should be obliged to enter large-scale Industry-Houses, and remain there until the expense of relief was recovered (Bentham, vol. 1, pp. lvii, 38–53, 154–83; vol. 2, pp. 128–32, 518–25).

Bentham advocated transferring responsibility for relief to a joint-stock company, the National Charity Company, subsidized by receipt of the existing poor rates. The company would build, on waste or common land, an initial two hundred and fifty panopticon industry houses in England and Wales, each accommodating two thousand people. Paupers would be occupied largely in “self-supply,” that is the production of their own subsistence. Bentham insisted that self-supply was immune to objections arising from the competitive impact of this gargantuan publicly subsidized company on private concerns. However, if self-supply successfully insulated the company from the market, it thereby insulated it from the possibility of profit. While Bentham did claim that the company’s profits would eliminate the need to levy poor rates within a generation, his references to those profits usually concerned savings in expenditure on relief, which were to be shared between ratepayers (in rate reductions) and shareholders (in dividends) (Bentham, vol. 2, pp. 3–22, 122–3, 144–51, 433–8, 487–95, 536–40).

Bentham stressed that the viability of his plan required a transformation in the economic value of children, from negative to positive. Indigent children, who were both cheap to feed and economically productive,

were to be indentured to the company until adulthood. Economies of scale (applied especially to the division of labour), retrenchment in diet (with need replacing unfrugal habit as a guide), and the benefits of the inspection principle would render children profitable, while their productivity would cross-subsidize the loss involved in relieving the relatively incapable (Bentham, vol. 2, pp. 269–71n, 310–20, 334–40, 536–40).

Bahmueller (1981) sees Bentham’s plan as a template for his preferred treatment of all human beings: universal, systematic behavioural conditioning was necessary to eliminate the evil of contingency. For Roberts (1979), Bentham’s plan was instead concerned with securing the conditions of agency to the minority of people who lacked them. The assertion that Bentham aspired to all-pervasive control over the general population is contradicted by the company’s role in buttressing the independence of those not receiving relief, by providing them with a raft of services (in finance, travel, medicine and education), and by lubricating the labour market through nationwide dissemination of data on demand and supply, and of advertisements from employers and job-seekers (Bentham, vol. 1, pp. 66–140; vol. 2, pp. 197–209, 560–9, 580–624). In the education of the apprentices, Bentham revelled in the exercise of “plastic power,” promising to deliver sober, frugal, obedient, industrious subjects to a government anxious about revolutionary contagion from France. His recognition of the dependence of human infants on the power of adults, typically their parents—but in this context the company’s officers—is beyond doubt. Like parents, those officers were both masters and guardians of their wards, and as guardians were obliged to pursue their wards’ best interests, while Bentham believed that the inculcation of industry and frugality, together with training in a range of employment-related skills, would enhance the ability of apprentices to maintain their independence in adult

life (Bentham, vol. 2, pp. 121–2, 193–6, 424, 550–9, 614–15).

In 1798, Robert Malthus argued that the Poor Laws encouraged irresponsible procreation, and threatened to reduce all to the level of bare subsistence. He endorsed short-term public-works schemes in times of economic stress, but maintained that an open-ended guarantee of subsistence to all was one which no state could give. In contrast, Bentham had encouraged early marriage among pauper children: the potentially profitable offspring being likewise apprenticed to the company. Indeed, Bentham envisaged a consequent doubling of the pauper population, advocating the deliberate expansion of both subsistence and population, in a context where a perceived absence of pressure on food supply through population growth underlay his rejection of the proto-Malthusian arguments advanced by Joseph Townsend (Malthus, pp. 89–123; Bentham, vol. 1, pp. 12–27, 147–50; vol. 2, pp. 318–19, 500).

Bentham never repudiated his plan, publishing “Outline of a work entitled Pauper Management Improved” (Bentham, vol. 2, pp. 487–659) in 1798 and 1812, and considering its reissue in 1830, while poor relief is assumed in his later constitutional writings. However, even in 1798 he decided to omit discussion of facilitation of apprentice marriage from a reprint of “Outline.” It might be suggested that this decision was prompted by his encounter with Malthus’s diametrically opposed view, although there is no direct evidence that Bentham was aware of Malthus’s work before 1806. Thereafter, Bentham endorsed Malthus’s principle of population, while rejecting “moral restraint,” Malthus’s pain-imposing solution to population pressure, in favour of pleasure-giving “unprolific” sex (whether unprolific by birth control or homosexuality). Bentham also echoed Malthus’s concern that overgenerous relief might permit population growth to outstrip food supply, even as Malthus made limited concessions to the view that tightening the

conditions of relief might obviate the need to abolish the poor laws (Bentham, UC clxi. 276–83; Winch, pp. 320–2).

Malthus’s influence on the debates on the Poor Laws was immense, and served to strengthen the abolitionist case. By contrast, Bentham’s plan was hardly noticed, and his later claim that only George III’s veto prevented its implementation was laughable. However, there is good evidence that Bentham indirectly influenced the major reform of the poor laws, through the agency of Edwin Chadwick, Secretary of the Commission whose report laid the foundation of the 1834 Poor Law Amendment Act. Chadwick had been Bentham’s secretary during the latter’s final years, and later edited one of his poor law writings. The Commission’s Report contained many features derived directly from those writings; for instance, the definition of poverty as dependence on labour for subsistence; the insistence on the impossibility of relieving poverty, as opposed to indigence; the insistence on a national rather than local system; and, most centrally, the work-house test (i.e. the insistence on indoor-relief for the able-bodied), and the principle of less eligibility (Poynter, pp. 324–9).

J. S. Mill, a declared disciple of both Bentham and Malthus, reiterated both Bentham’s justification of poor relief and his insistence on imposing deterrent conditions on its receipt. Mill supported the new poor law, viewing its deterrent character as key to divorcing the right to relief from the dire consequences which Malthus had predicted, and seeing birth control as the best solution to population pressure (Mill, *CW*, vol. 2, pp. 357–60; vol. 3, pp. 960–2).

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See also BENTHAM, JEREMY; CHADWICK, EDWIN; MALTHUS, THOMAS ROBERT; PANOPTICON; POLITICAL ECONOMY.

## POPULATION

The meaning of Jeremy Bentham’s utilitarian maxim—“it is the greatest happiness of the

greatest number that is the measure of right and wrong” (Bentham, p. 393)—is well-defined as long as its application is restricted to comparisons of states of affairs involving a fixed population. However, as has been recognized for some time, the principle as stated is ambiguous when it comes to the comparative evaluation of states that involve different population sizes. Because variable-population considerations are essential in many questions arising in applied ethics (such as issues involving the intergenerational allocation of resources, government spending on prenatal care or the design of aid packages for developing countries), more detailed examinations of how this basic utilitarian axiom can be extended so as to allow us to go beyond the limitations of a fixed-population environment are called for.

If the population under consideration is fixed, the application of the utilitarian principle is straightforward: for instance, using *average* utilities leads to the same recommendations that emerge if *total* utility is applied as the relevant criterion in this case. Once comparisons of options involving populations of different sizes are performed, this is no longer true: if the population size varies from one state of affairs to another, Average Utilitarianism and Total Utilitarianism may make conflicting recommendations. This ambiguity immediately raises the question of how utilitarianism may be extended to cover variable-population situations. There are many ways of arriving at such an extension and in order to examine the relative merits of them, desiderata that go beyond those used in fixed-population environments have to be employed.

To avoid counterintuitive recommendations concerning the termination of life, individual utilities are assumed to represent *lifetime* well-being rather than well-being in a specific period of life. A *neutral* life is a life that is, from the viewpoint of the individual leading it, neither worse nor better than a life with no experiences. Following standard

conventions, neutrality is identified with a lifetime utility of zero.

One of the first comprehensive studies of population ethics appears in Parfit (1984). He provides a thorough discussion of the properties of different utilitarian population principles. Parfit criticizes Total Utilitarianism and related principles because they lead to what he calls the “repugnant conclusion.” A population principle implies the repugnant conclusion if any state of affairs in which each member of society enjoys a positive utility level, no matter how high, is ranked as worse than some state in which a larger population has a utility level that is above neutrality but arbitrarily close to it. Such principles may recommend the creation of a large population in which everyone’s life is barely worth living.

Average Utilitarianism avoids the repugnant conclusion but suffers from other shortcomings. A serious defect is that its evaluation of the addition of a person to a utility-unaffected population depends on the levels of well-being of the existing individuals. Thus, if everyone in existence has a utility level well below neutrality, adding a person whose utility is still well below neutrality, but slightly higher than the average of those already present, is a good thing according to Average Utilitarianism.

There have been several attempts to design variable-population extensions of utilitarianism, most notably Critical-level Utilitarianism (Blackorby and Donaldson, 1984) and Number-dampened Utilitarianism (Ng, 1986). Critical-level Utilitarianism uses the sum of individual utility gains above a fixed *critical level* as a criterion for social evaluation. If the critical level is equal to zero (the level representing a neutral life), Total Utilitarianism results; for values of the critical-level parameter above neutrality, the repugnant conclusion is avoided. Number-dampened Utilitarianism employs average utility multiplied by a positive-valued function of population size. For some of these “number-dampening” functions, the

repugnant conclusion can be avoided. For further population principles and a comparison of their properties see Ch.5 of Blackorby, Bossert and Donaldson (2005).

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*See also* AVERAGE AND AGGREGATE UTILITARIANISM; CRITICAL-LEVEL UTILITARIANISM; INTERGENERATIONAL JUSTICE; MALTHUS, THOMAS ROBERT; MAXIMIZATION; PARFIT, DEREK; RATIONAL CHOICE THEORY.

**POSITIVISM:** *See* LEGAL POSITIVISM.

#### PRACTICAL REASONING

To a first approximation, “practical reasoning” is explicit thinking about what to do. It

is helpful to focus on this activity itself, rather than getting caught up in trying to characterize the mental capacities—traditionally unified under the label “practical reason”—that enable us to engage in this activity. Although recent work in cognitive science has revived a psychological approach to moral thinking, it tends to encourage a rather finer-grained individuation of our faculties or modules of mind than were marked by traditional distinctions between reason and the passions and to encourage a picture according to which our capacity to reason about what to do involves the cooperation of many of these modules. In relation to utilitarianism, more specifically, it seems more fruitful to think about practical reasoning, which we may understand as a process of thinking that might respond to reasons in various ways (e.g. by commensurating them, or not) and might be subject to various rules or normative requirements (e.g. that of selecting effective means to chosen ends). Although some have attempted to reconstruct a “logic” of practical inference (Wright, 1963; Kenny, 1975), practical reasoning, like reasoning more generally (Harman, 1986), resists our attempts to reduce it to the following of patterns of logical inference.

In connection with older forms of utilitarianism, the question of commensurability would have loomed larger. Before the twentieth century, with John Stuart Mill marking a notable exception, utilitarians typically held the view that there was one ultimate and that its instances could be compared quantitatively. In *The Methods of Ethics* (1874) Henry Sidgwick famously argued that commensurability is a prerequisite of rational choice—a prerequisite that is met by either of the two views he found himself unable to adjudicate between, hedonistic egoism and hedonistic utilitarianism. In the twentieth century, however, with the advent of preference utilitarianism—and, more generally, ways of thinking about utilitarianism influenced by economics—more abstract ways of

ordering alternatives as better or worse came to the fore. It has also become commonplace to allow that there may well be options that one cannot rank as better or worse than each other and hence a fair amount of incompleteness in one’s orderings (Griffin, 1986; Chang, 1997; Sen, 2004). These shifts have helped establish consequentialist theories, if not utilitarian ones, in a kind of default status. Consequentialist theories of right action simply say that, given any set of alternatives that can be compared in terms of overall (agent-neutral) goodness, one morally ought to choose one that contains as least as much good as any other. Indeed, Dreier (1993) has argued that it is possible to recast all plausible moral theories in an abstractly consequentialist mode by dropping the restriction to agent-neutral considerations and looking to how they rank alternatives as better or worse (see also Broome, 1991).

This manoeuvre raises a new set of issues about practical reasoning. The existence of a partial ordering of alternatives as better or worse is harder to deny. Yet a question now presses, namely: what is the basis for claiming that one ought always choose the better?

In answering this question, many have been attracted to the idea that it is a requirement of rationality to choose the better. This to pass the buck to theories of practical rationality or practical reasoning. While that may be a sensible move, John Broome (2008) has reminded us that we cannot take the normativity of rationality for granted. Suppose it were true that choosing the better alternative is a requirement of rationality, on a par with the requirement to choose effective means to one’s ends. While any such requirement, as Broome puts it “sets up a notion of correctness,” so too do the requirements of court etiquette and of membership in a given religion. The question we need to address, he insists, is whether we *ought* to follow the requirement in question. What reason do we have to do so? To ask such questions about any requirement of rationality is to address

what he calls the normativity of rationality. Niko Kolodny (2005) has argued that we do not in general have reasons to act as rationality requires. Broome's more open-ended current stance is that it is not clear whether we do.

Nonetheless, grounding consequentialism in a principle of practical rationality remains an attractive route. Good and bad consequences are paradigmatic reasons for or against action; but it is difficult to conceive of the set of all our reasons simply dictating what we must do, as Kolodny (2008) seems to suggest, in the absence of some principle or requirement indicating how they are to be aggregated. One way to bring this point out is to see that the requirement to do what is best, itself, stands in need of some further specification before it can be properly usable in articulating what we must do. Such a showing has been recently made by Schroeder (2011), who argues that the natural path of specification will build in the idea of the expected value of the consequences, understood against a somewhat idealized version of the agent's beliefs. He argues that the idealizations of the background beliefs to which we are actually drawn in fact presuppose some moral norms. He also suggests that once one has arrived at the natural, expected-value interpretation, it is no longer clear how to ground it in the simple idea of doing what's best. This fact highlights that it is a structuring principle that requires a substantive defence, rather than passing the buck back again (à la Kolodny's suggestion) to the reasons for action.

Schroeder starts us down the path of specifying the simple consequentialist principle by means of the following case:

*Hurricane.* You're on a rescue boat in the middle of 26 islands, conveniently labeled A through Z. You know that 99 people are on A. Of [islands] B through Z, one of them (you don't know which) has 100 people, and the other 24

have zero. A hurricane is approaching and will surely kill anyone remaining on an island. You have time to get to one, but only one, island before the hurricane arrives. Where should you go? (Schroeder, p. 173)

In this case, it is plain that you ought to go to A, even though you know that it is not the best alternative. Now, as Schroeder notes, perhaps this shows simply that the rational requirement has been stated too simply and unqualifiedly. If one does not know which the best alternative is, then one is not in a position to choose it. It seems that the rational requirement needs to be shifted to an expected-value formulation, and hence to take on board some reference to the beliefs of the agent, in terms of which that expected value is to be calculated. In Hurricane, none of the islands B–Z has a high expected value, relative to the information available to you, even though one of them has 100 people on it.

But now things have become messy, in comparison with the simple idea of choosing the best option. In characterizing what the agent ought to do by reference to an expected-value calculation whose point is to help the agent cope with uncertainty, we will presumably want to take on board some idealizing constraints that rule out inconsistent or negligently formed beliefs. What people ought to do will depend in part on what they ought to know. Schroeder argues that any apt interpretation of the requirement to choose the best will have to take on board *moral* constraints on what we ought to know. (What the agent "ought to know," here, is a matter of what set of beliefs we should take them to have, for the purpose of determining which option(s) correct calculations by someone in their position would support. It hence does not raise issues about pragmatic or "non-evidentialist" reasons for belief of the kind raised by Railton, 1994.) Exemplary moral constraints on what one ought



to know include the following: “You ought to remember that you promised to feed your neighbour’s cat. You ought to know whether there is someone behind your car before you back up” (Schroeder, p. 177). These are the kinds of things that agents are morally responsible for knowing and intuitively seem to affect the expected-value baseline. If this is right, however, then the very interpretation of the core consequentialist principle would depend upon moral principles independently derived.

There is also the independent question of how one can now justify the core consequentialist principle, now specified as requiring that one “do what maximizes expected value, in light of what [one] ought to believe” (Schroeder, p. 178). The point is that the principle now stands in need of some real justification and cannot simply be seen as precipitating out of the idea of rationally pursuing goods and avoiding bads. It seems likely that any justification of the principle will have to appeal, somewhere, to morally deontic notions.

This conclusion, drawn from reflection on the connection between right action and practical reasoning under uncertainty, does not threaten consequentialism as such, but only the claim that a consequentialist account can be given a purely teleological grounding. As Schroeder points out, there remain two salient paths for the consequentialist to take.

First, consequentialism can be derived in a way that frankly accepts conceptual or justificational dependence on some morally deontic (nonvalue-based) requirements. A frank example of this is derivation of utilitarianism from choice behind a veil of ignorance by John Harsanyi (1953), recently defended in a more abstract form by Allan Gibbard (2008). This approach depends both upon the general requirements of rational choice and upon the general idea of fairness that the veil implements and concludes by favouring utilitarianism. Neither of these inputs to the

argument, however, involves the kind of specific moral content that, according to the first prong of Schroeder’s argument, unavoidably enters our practical reasoning. If that part of the argument can be made to stick, then deontological justifications of utilitarianism such as Harsanyi’s underestimate the range of deontic constraints—including specifically moral ones—on which their invocation idea of rational choice under uncertainty depends. This critique complements Scanlon’s earlier critique (1982)—addressed by Gibbard—that the notion of individual good on which Harsanyi’s argument builds is a construct that is not morally innocent.

An approach opposite to Harsanyi’s would be to step back from the requirement to choose the best, which generates the potential trouble, and to eschew any use of deontic categories, such as that of right action. This is the tack taken, for example, by the “scalar utilitarianism” defended by Frances Howard-Snyder and Alastair Norcross (1993), which casts “consequentialist theories such as utilitarianism ... purely as theories of the comparative value of alternatives” that make no claims about how agents ought to act (Norcross, p. 38). While this seems a perfectly coherent option, such a “scalar utilitarian” approach does not support any mode of practical reasoning, as it indicates nothing about what one ought to do. Further, its theoretical reasonings about which alternatives are better or worse than others will look distinctively consequentialist only if the realm of value can be so defined as to remain disjoint from considerations about what one ought to do. If, by contrast, our ranking of alternatives as better or worse is based in part on such factors as one of them being wrong, involving an unjust distribution of benefits, or being the breaking of a promise, then the sense in which the view remains “consequentialist” becomes elusive.

In light of these tentative reasons to think of evaluative and deontic considerations being woven together in our practical reasoning, it

is worth mentioning an approach to practical reasoning that would embrace this interdependence. The conception of intelligent practical reasoning bequeathed to us by John Dewey (1993) emphasizes that our comparative evaluations will need to be constantly refined in light of deontic constraints, while our understandings of deontic constraints will need to be constantly refined in light of how they impinge on our pursuit of better options. Further, at any one time, we may expect that our conception of practical reasoning will reflect this interweaving of the teleological and the deontic.

My discussion has concentrated on the possible dependence of teleological reasoning—and so, ostensibly value-focused reasoning—on the deontic. Yet there is every reason to think that the situation is symmetrical, and that our ordinary understandings of reasoning with deontic constraints weave in sensitivity to the good (Richardson, 1995). A Deweyan approach rejects the idea that in practical reasoning one has available an adequate ordering of alternatives as better to worse and sees practical reasoning's principal and constant task as working towards such an ordering, taking account of deontic constraints as appropriate along the way.

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## PRAGMATISM

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See also CARDINAL UTILITY; CONSEQUENTIALISM; HARSANYI, JOHN; MILL, JOHN STUART; ORDINAL UTILITY; PRAGMATISM; RATIONAL CHOICE THEORY; SCALAR UTILITARIANISM; SIDGWICK, HENRY.

## PRAGMATISM

Pragmatism is a movement founded in the United States by Charles Sanders Peirce (1839–1914), William James (1842–1910), and John Dewey (1859–1952). These philosophers offer variants on two core views: that the meaning of an idea lies in its practical consequences, and that the true ideas are those with *good* consequences. Although Pragmatism evolved independently of utilitarianism, both theories evaluate beliefs and actions by appealing to future consequences rather than to the belief or action's causal history. But unlike utilitarianism, Pragmatism is committed to value pluralism—the view that no *summum bonum* can reconcile the many goods that exist (such as welfare, justice, and friendship).

A method for clarifying the meaning of ideas lies at the heart of Pragmatist thought. First conceived by Peirce, the so-called “pragmatic maxim” states that the entire meaning of an idea consists in one's conception of the total practical effects of the idea's object (Pierce, vol. 1, p. 132). To use a classic example, the meaning of *hardness* is that objects with this property would not be easy

to scratch. That is the whole of our conception of hardness, according to the pragmatic maxim. Pragmatists then apply this maxim to thorny philosophical concepts like *truth* and *reality*. Peirce argues that the practical effect (and thus the meaning) of an idea's having the property *true* is that the idea would command settled belief over the long run among people who engage in scientific inquiry.

Peirce treated *inquiry* as a process whereby one struggles from an irritating state of doubt to reach a peaceful state of belief. And following Bain (1868), he defined *belief* as a habit of action. To illustrate: my belief that the knob on my front door is on the right side *just is* my habit of reaching to the right when I arrive home. Belief (so understood) is most effectively established by following the scientific method, Peirce argued, in part because this method leads the scientific community to converge asymptotically upon *one* common set of descriptive beliefs over the long run. *Absolute truth*, for Peirce, is that set of ideas upon which people will have converged in the ideal limit of scientific inquiry. And *reality* is whatever is an object of those ultimately agreed-upon, absolutely true ideas (Pierce, vol. 1, Chs. 7–8).

Other Pragmatists revised Peirce's account of the practical effect (i.e. the *meaning*) of truth. In particular, in *Pragmatism* (1907) James focused on *utility* as the salient practical effect of an idea's having the property *true*. He wrote that “an idea is ‘true’ so long as to believe it is profitable to our lives” (James, 1907, p. 42), and that one can say of an idea “either that ‘it is useful because it is true’ or that ‘it is true because it is useful.’ Both these phrases mean exactly the same thing, namely that here is an idea that gets fulfilled and can be verified.” (p. 98). Remember that Pragmatists define properties in terms of effects. Just as “a diamond is hard because it resists scratching” has the same pragmatic meaning as “it resists scratching because it is hard,” so “true because useful” must mean the same as “useful because true,” at least

for a Pragmatist who identifies *utility* as the practical effect of an idea's being true.

One can bring pragmatism's affinity with utilitarianism into focus by first thinking of the latter as a form of consequentialism. Consequentialists hold that what is normatively significant about an act is its consequences. Utilitarians claim that the *kind* of consequence appropriate to moral evaluation is the degree of welfare or true happiness or pleasure an act produces.

Now, consequentialism is *forward-looking* in that to evaluate an act, it assesses events subsequent to (or coincident with) said act. Pragmatism is forward-looking in much the same way. A Pragmatist evaluation of an *idea* requires assessing events subsequent to (or coincident with) an agent's entertaining the idea. This is because Pragmatists hold that true ideas are those with useful *effects* (or with the effect of settling inquiry or whatever), and effects occur in time.

Forward-looking views like Pragmatism contrast with backward-looking views like traditional empiricism. For somebody like Hume, all ideas are copied from simple impressions. Ideas derive their meaning and justification from their causal history—they are ultimately *about* the impressions from which they were copied. For Pragmatists, in contrast, content and justification are found in an idea's future *consequences*.

Pragmatism also differs from traditional empiricism in that the former treats the theory of value as having fundamental significance for epistemology. James wrote that "truth is one species of good, and not, as is usually supposed, a category distinct from good, and co-ordinate with it." Truth is whatever is "*good in the way of belief*" (James, 1907, p. 42), and similar sentiments can be found in Peirce, Dewey, and C. I. Lewis (1883–1964).

One might therefore suspect that classical Pragmatist epistemology is based on utilitarianism—indeed, James dedicated *Pragmatism* to J. S. Mill—but this would be a mistake. The dedication likely had Mill's

epistemological work in view, since James and other Pragmatists subjected utilitarianism to extensive criticism (for instance, see Dewey and Tufts, Pt II). One area of disagreement concerns the characteristic (as Pragmatists see it) utilitarian claim that our actual motivations can all be reduced to a drive to seek pleasure and avoid pain (e.g. James, 1891, p. 332). In other words, pragmatists are pluralists about actual motivations for human action.

A deeper disagreement is that Pragmatists also appear to be *value* pluralists, though this point is controversial. They (seemingly) are value pluralists in that they think there are many incommensurable values, and thus that there is no one *summum bonum*. But most utilitarians are value monists in that they typically hold pleasure (or welfare) to be the one *summum bonum*.

A closer look at James's moral theory helps illustrate the controversy. James developed a form of desire-satisfactionism. He wrote that "the *most* universal principle [is] that the essence of good is simply to *satisfy demand*" (James, 1891, p. 343). If a person makes a demand, on another or on herself—for instance, a demand for respect or love or even alcohol—it is thereby morally good, though defeasibly so, for anybody to satisfy that demand. What can defeat a *prima facie* moral value—such as the alcoholic's demand for drink—is the need to find a total social system that maximizes everybody's desire-satisfactions, all things considered. This makes James *look* like a value monist who thinks that what agents ought to maximize is not pleasure but all around desire-satisfaction.

However, James also wrote about "that exuberant mass of goods with which all human nature is in travail" (James, 1891, p. 345), and claimed that the *kinds* of demands humans make "may be for anything under the sun. There is really no more ground for supposing that all our demands can be accounted for by one universal underlying

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kind of motive than there is ground for supposing that all physical phenomena are cases of a single law. The elementary forces in ethics are probably as plural as those of physics are” (p. 343). Here, James appears to endorse value pluralism because he denies that one is likely to find a single criterion for ordering the huge variety of human desires.

Recently, Talisse and Aiken (2005) have argued that value pluralism is actually inconsistent with Pragmatism. They portray pragmatism as proposing that one can diffuse any disagreement by translating apparently conflicting statements into actually compatible policies for practical action. But value pluralists hold that some disagreements are necessarily *indiffusible* because there is no *summum bonum*.

Arguably, Pragmatists like James are in fact value pluralists, but they would nevertheless deny that some conflicts over value are *necessarily* irreconcilable. James assumes it is possible to order the many demands people make—but we cannot do this *a priori*. Like many Pragmatists, he holds that we must “experiment” (James, 1891, p. 347) with different social structures in order to find the system that maximizes everybody’s desire-satisfactions, all things considered. One might therefore think of Pragmatists as value pluralists, but only until we reach the ideal end of inquiry.

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See also CONSEQUENTIALISM; MOTIVES (MOTIVATION); PRACTICAL REASONING.

## PREFERENCES (PREFERENTIALISM)

Morality requires us to care about the well-being of others but also to show respect for them. Now, if you deliberately frustrate all the preferences of a person—her wills, aims, and ambitions—you not only make her worse-off, but also fail to show proper respect for her. This means that preferences must be taken seriously by any plausible moral theory. But just how seriously should we take preferences?

The radical answer given by preferentialism is that moral considerations should be based *exclusively* on preferences. One

popular form of preferentialism in the contemporary moral discussion is preference utilitarianism, according to which we ought to maximize the sum total of preference satisfaction. But we can also find supporters of preferentialism outside the domain of moral philosophy proper. For example, in welfare economics some form of preferentialism often seems to be implicitly assumed, since it is usually taken for granted that the measure of individual well-being is preference satisfaction and that we make things better for society by making people better off.

Here is a popular recipe for making preference utilitarianism. Start with consequentialism, the idea that nothing but the values of outcomes matter for the rightness of actions. Add welfarism, the idea that nothing but welfare or well-being matters for the value of outcomes. Finally, add well-being preferentialism, the idea that well-being consists in preference satisfaction, and *voilà!* we have preference utilitarianism. More exactly, what we get is a preference utilitarian morality of interests.

Traditionally, this kind of preference utilitarianism also states that a person's level of individual well-being is simply the sum total of her preference satisfaction, and that the value of an outcome is simply the sum total of individual well-being contained in the outcome. I will assume this view in the following, since it is the simplest version and nothing important in my discussion hangs on these questions about aggregation.

Well-being preferentialism (or desire-based theory of well-being, as it is sometimes called) is the key preferentialist element of the preference utilitarian morality of interests. It is a subjective theory of well-being in the sense that it holds that what makes something good for a person depends crucially on subjective features of the person, in this case, her preferences. It has one clear advantage over its main contender in the subjectivist camp, hedonism, according to which well-being consists in pleasure. To

see this, suppose, for instance, that you feel pleased about your life because you believe that your business is successful and that you are surrounded by good friends and loving parents; but, tragically, your beliefs are mistaken. For the hedonist, the fact that your pleasure is based on false beliefs does not make your life worse for you. In contrast, well-being preferentialism would claim that your life will be worse for you, since even though *you* are not frustrated your preferences are. All it takes for a preference to be frustrated is that its object does not occur, and all it takes for a preference to be satisfied is that its object occurs.

However, some would argue that this reply leads to other difficulties (Parfit, p. 494; Sumner, p. 125). Suppose that you meet someone on the train who tells you that he is seriously ill. You want that he is cured from his illness. He is later cured, but you will never know. How can this make your life better if you will never know about the person's recovery? One reply is to say that since facts about your well-being are constituted by facts about you and your life, we should only count preferences that range over facts about you and your life (Overvold, p. 117). That a stranger is cured is not a fact about your life, so satisfying this preference does not make you better off.

Another common objection to well-being preferentialism is that it seems to rule out voluntary self-sacrifice (Sumner, p. 135). To *willingly* sacrifice yourself for others is to do something you want to do. But if you do what you want to do then, according to well-being preferentialism, it must be good for you. So, it cannot be a sacrifice, after all. One popular reply is to say that even if you satisfy one of your present preferences by sacrificing your life, you still fail to satisfy many other preferences, namely, all the future preferences that would have been satisfied if you had not killed yourself now. Since your overall well-being depends on all your preferences, past, present, and future, it



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is possible to do what you most want to do *now* and still not do what is not best for you on the whole (Bykvist, 2002, p. 488).

A preference utilitarianism that is exclusively a morality of interests is unable to accommodate any objective values. For example, it would claim that it is valuable to save the rainforest only if its survival will benefit people and animals by satisfying their preferences. If most people and animals stopped caring about its survival, it would no longer be valuable to save the rainforest. This version of preference utilitarianism also seems unable to accommodate a proper respect for people. A proper respect for a person involves respecting her will and preferences even when satisfying her preferences does not make the person (or anyone else) better off. For example, the theory seems unable to say that we ought to respect dead people's wishes even if it does not benefit the living, since it is hard to see how this could benefit the dead.

A version of preference utilitarianism that is better suited to deal with these objections would reject well-being preferentialism and welfarism, and just accept consequentialism and *axiological preferentialism*, the idea that nothing but preferences determines the intrinsic or final value of states of affairs and outcomes. Since this version of preference utilitarianism does not identify well-being with preference satisfaction it will simply avoid all the problems that afflicted well-being preferentialism. This version could also, to some extent, accommodate objective values, if it holds that the value of a state of affairs is exclusively determined by *actual* preferences, the preferences we have here in the actual world (Rabinowicz and Österberg, 1996). Suppose that we, in the actual world, have a preference for the survival of the rainforest. Imagine a hypothetical case in which we would not care at all about its survival. According to this *actualist* version of preference utilitarianism, the survival would still have value there, since

its value is determined by the preferences in our actual world, not the preferences in the hypothetical world. This version of preference utilitarianism seems also able to accommodate the value of respecting people's wishes even when this does not benefit anyone. In particular, we have reason to respect dead people's wishes even though satisfying these preferences will not make anyone better off.

The fact that the value of hypothetical situations is determined by actual preferences reveals one important feature of this version of preference utilitarianism: it claims that it is the *object* of preference that has value, not the fact that a preference is satisfied (Rabinowicz and Österberg, 1996). In the hypothetical world in which no one cares about the rainforest, its survival does not satisfy any preferences, but its survival is still an *object* of the preferences in our actual world. What we have here is thus a form of *object preferentialism* rather than a form of *satisfaction preferentialism*, according to which what has value is the whole state of affairs that consists of a preference and its object, for example, our preferring the survival of the rainforest *and* the rainforest's survival.

One serious problem with this actualist object-preferentialism is that it will sanction troublesome "cross-world interventions." Consider, for instance, an actual choice situation in which a woman is considering having a child. Suppose that, as a matter of fact, she will not conceive but had the woman conceived a child, she would have given birth to a child with a short and miserable life, full of frustrated preferences. Does the woman do the right thing? The actualist object-preferentialist cannot allow the preferences of the possible child to have a say; it is entirely up to the actual preferences to determine what is right for the woman to do. But it seems reasonable to claim that the preferences of the possible child should have a say. After all, what makes the woman's choice so

problematic is that it involves the choice of creating a miserable life that would be full of frustrated preferences. In contrast to object preferentialism, satisfaction preferentialism could claim that the child's miserable life is bad just because it contains so many preference frustrations.

A problem that seems to afflict all forms of preference utilitarianism is that many preferences are based on false beliefs and faulty reasoning, and it seems strange to say that we should satisfy these preferences. For example, it seems strange to say that we should satisfy your preference to drink the orange juice if you mistakenly think it is tasty and safe to drink when in fact it contains a deadly poison. One obvious remedy would be to distinguish between *intrinsic* and *instrumental* preferences, and claim that we have reason only to satisfy intrinsic preferences. You have an intrinsic preference for something if you prefer it as an end in itself, in virtue of what it is in itself. You have an instrumental preference for something if you prefer it as a means to an end. Since you believe that the orange juice is tasty, you form an instrumental preference to drink the juice, but we have no reason to satisfy this preference, since satisfying it would frustrate your intrinsic preference for drinking something tasty and safe.

But can we not imagine cases where the satisfaction of our *intrinsic* preferences seems morally suspect? Note that our intrinsic preferences can be formed by means of social pressure, indoctrination, brain washing, and other manipulative methods. For example, people can be forced to take pleasure in small mercies. Do we really want to say that we should satisfy the adaptive preferences of these unfortunate people? To avoid this implication, one could claim that we should only count *ideal* intrinsic preferences, the intrinsic preferences that we would have if we knew all relevant facts and reasoned rationally (Harsanyi, 1982; Brandt, 1984). If these unfortunate people knew how

their intrinsic preferences were formed, they would no longer hold these preferences. For example, if the dominated housewife knew that she formed her intrinsic preference to please her husband just as a way of coping with the submissive role assigned to her by society, she would no longer hold this preference. However, it is doubtful whether a rationality constraint of this kind is of any great help. First, it is possible that the housewife would in fact endorse her preference to please even if she were to know about how it was formed. After all, if she is deeply convinced that she deserves no better life, this conviction need not be abandoned once all the empirical facts about her preference to please are on the table.

The rationality constraint is also unable to weed out another problematic kind of preferences: immoral and malevolent preferences. Suppose that the audience in the Roman Circus wants the Christian victims to die a painful death (Hare, p. 142). The victims want to survive. If we have sufficiently many in the audience, then the Roman's preferences should rule, and we have to say that what they are doing is morally right. The standard response to this objection is to agree that these actions are right, but that the example is so far-fetched that our intuitions should not be trusted. In real life, the options are almost never restricted to either satisfying or frustrating immoral preferences. There is often a third option of *changing* these preferences. So, the best choice is to get rid of malevolent preferences and replace them with innocent preferences (in the Roman Circus case, perhaps preferences for innocent sports such as chariot races) and then satisfy these new preferences (Hare, p. 142) But what if the agents in question cannot rid themselves of the immoral desires? Assume, for instance, that the majority of Romans harbour such a deep-seated hatred towards the Christian victims in the Circus that they cannot rid themselves of their vicious preferences. If they are sufficiently many, they

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should act on their preferences. So, the problem still stands.

Another problematic aspect of all (non-actualist) preference utilitarianisms is that they seem to be committed to the Stoic Slogan: if you cannot make the world conform to people's preferences, you should make their preferences conform to the world. Rawls complains that following the Stoic Slogan reduces us to bare persons who "are ready to consider any new convictions and aims, and even abandon attachments and loyalties, when doing this promises a life with greater overall satisfaction" (Rawls, p. 181). But what exactly is it that makes being a bare person so problematic? It cannot be the mere fact that their preferences are adaptive. It is often perfectly reasonable to adapt your preferences to circumstances that cannot be changed. If you desperately want to become a professional opera singer, but you simply do not have the voice for it, it is reasonable to adapt your preferences to your circumstances and join a local church choir instead. Much more important is the fact that adaptive preferences often do not seem to be about things that are *worthy of concern*. Satisfying preferences that concern things that are not worthy of concern does not seem to be morally important. For instance, a person who strongly prefers to count the blades of grass on public lawns seems to have a preference that is seriously misplaced. The strength of this preference does not seem to match the value of the preferred object.

Similarly, someone who takes great pleasure in small mercies seems to take too great an interest in something that is not worthy of great concern. Consequently, what makes a bare person such an odd figure is not that he is willing to change his preferences, but that he is willing to change his preferences no matter whether his new preferences will be for something more valuable. Replacing one's old aims and convictions with new ones is appropriate when the new aims and convictions are concerned with things of

greater value. Likewise, abandoning loyalties and attachments is perfectly reasonable when they concern people who are not worthy of our concern.

If this diagnosis is right, it shows that the preference utilitarian has no easy way out. It is not enough to count only rational and informed preferences, for there is no guarantee that these preferences will match up with worthwhile activities. After all, it seems possible to imagine an informed and rational grass-counter. Nor does it help to count only autonomously formed preferences, for a bare person's preferences are surely autonomous if he freely adopts the Stoic Slogan and decides to mould his preferences according to it. Nor does it help to focus exclusively on actual preferences, since not all actual preferences concern what is worthy of concern.

The final problem to consider has to do with the fact that preference utilitarians in their pursuit of *overall* preference satisfaction seem to be forced to take into account past preferences, even when they have been replaced by new ones. Suppose that when you were young what you most wanted was to be a poet, but now that you are older, you have lost this desire (Parfit, p. 157). Why should past preferences give us reasons to act when they have been replaced by new ones? We can also find cases where the conflict is between preferences of different people. Suppose, for instance, that some devoted religious believer wanted, in the past, that you should now say a prayer for his god, something you now have no inclination to do. Again, our intuition seems to be that this past preference should be disregarded.

One solution is to ban all *diachronic* preferences, preferences we hold at one time for something to happen at *another* time; and only count synchronic preferences (Hare, p. 102). But then no weight can be given to many of the fundamental preferences that give our lives meaning and direction, since they concern the way things *unfold in time*. For instance, I want to work hard before I

receive some gratitude, and I prefer an intimate relationship that starts poorly and ends well to one that starts well and ends poorly.

An alternative solution is to be *time partial* and simply disregard all past preferences because they are past. This will only rule out past diachronic preferences, but not the present ones. It is clear, however, that this is still a very restrictive view, since it disregards all past wishes of the dead, for example, my dead father's wish to be buried in his home town. Furthermore, it is not clear that past preferences should be disregarded *because they are past*. Imagine, for instance, that your neighbour *now* wants you to say a prayer for his god. It seems counterintuitive to take into account this preference when it is present. This suggests that the problem is rather that this preference is about another person's life and private concerns. When your neighbour "pokes her nose" into your business her preference should be ignored. Perhaps something similar can be said about the intrapersonal case. Even though this case does not involve different persons, it involves a past self who has views about what the present self should do, namely to write poetry. One could claim that a proper respect for the present self requires giving more weight to its preference not to write poetry than to the "nosey" preferences of the past self (Bykvist, 2003).

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*See also* CONSEQUENTIALISM; HARE, RICHARD MERVYN; INTEREST; SATISFICING; WELFARE (WELFARISM).

**PRICHARD, HAROLD ARTHUR**  
(1871–1947)

Harold Arthur Prichard was born on 30 October 1871 in Kilburn, London, and educated at Clifton College and New College, Oxford. He received firsts in mathematical moderations in 1891 and in *literae humaniores* in 1894. He was a fellow of Hertford College 1895–98, and of Trinity College 1898–1924. Prichard wrote very little for publication. In his most well-known essay, “Does Moral Philosophy Rest on a Mistake?” (1912), Prichard defends an intuitionist position, and in the posthumous *Moral Obligation* (1949) he sought to clear from the field all other, defective moral theories. He held that the rightness of an action is knowable through an intuitive faculty. Thus, for Prichard, any consequentialist reasoning was both unnecessary and doomed to yield conclusions contrary to ordinary moral thinking. Moral obligation, he argued, cannot be justified by factors external to themselves, even if these are statements about some good. To try to do so is doomed to fail and unnecessary because common sense principles, such as those condemning theft, are self-evident. The implication for utilitarianism, as with many other moral theories, is damning.

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See also INTUITIONISM.

**PRIESTLEY, JOSEPH (1733–1804)**

Joseph Priestley was born on 13 March 1733 in Birstall Fieldhead in the Calvinist stronghold of the West Riding of Yorkshire. He entered the Dissenting Academy at Daventry, Northamptonshire, in 1752, where he received an excellent education in philosophy, science, language and literature, and became a “furious freethinker” in religion. Renouncing the Calvinist doctrines of original sin and atonement, he embraced the rational principles of Unitarianism that rejected the Trinity and upheld the perfectibility of man. After ministering in Suffolk and Cheshire, he joined the faculty at the Warrington Academy in 1761. He was ordained as a Dissenting minister in 1762, the same year in which he married Mary Wilkinson, daughter of the ironmaster Isaac Wilkinson. During his time at Warrington, Priestley developed in texts such as *An Essay on a Course of Liberal Education for Civil and Active Life* (1765) and *The History and Present State of Electricity with Original Experiments* (1767) a philosophy of language, education, history and science, which highlighted the experience and association of ideas of the individual and linked Bacon’s vision of the improvement of society through the practical benefits of a science-based commerce to the entrepreneurial and commercial interests of the English Dissenters. His “original experiments” in electricity earned him election to the Royal Society in 1766.

Priestley returned to the ministry at Mill Hill Chapel, Leeds, in 1767, where he deployed the doctrine of pious utilitarianism to champion, as part of God’s providential plan for the progressive amelioration of mankind and nature, the national struggle of Dissenters for greater civil, political and economic liberties. He also started his extensive inquiries into pneumatic chemistry, which he published in the *Philosophical Transactions* and the multivolume *Experiments and Observations on Different Kinds of Air*. He

used the phlogiston theory to discover ten new gases, for which he received the Royal Society's prestigious Copley Medal in 1773. The same year he moved to Calne, Wiltshire, where he served as librarian and tutor for Lord Shelburne, who shared his opposition to the Crown's policies towards the American colonies. Shelburne later became patron to Jeremy Bentham. At Calne, Priestley used his experiments on the role of vegetation in the restoration of common air "vitiated" by combustion and respiration to further articulate his sense of a providentially ordained "improving nature." Priestley's results framed the important photosynthesis experiments performed by his contemporaries Jan Ingenhousz and Jean Senebier.

The progressive utilitarian ethos of Priestley's thought came to the fore when he moved to become a preacher at the New Meeting House in Birmingham in 1780 and became a member of the Lunar Society, an elite group of local gentlemen, Dissenters and industrialists (including Josiah Wedgwood, Erasmus Darwin, James Watt and Mathew Boulton), who applied science to the solution of the problems of eighteenth-century urban life. Priestley's Dissenting interests in piety, progress, liberty and utility surfaced in his opposition to the oxygen theory of chemistry developed by the French chemist Antoine-Laurent Lavoisier. Priestley regarded the imposition of the "French system" on the chemical community as a species of rigid establishment akin to the usurped authority of the eighteenth-century religious state. Priestley insisted that natural philosophers could further the epistemic progress and perfectibility of human beings inherent in the providential order of things only if they adopted a pious, humble, inductive approach to God's infinite creation.

The explosive rhetoric of Priestley's sermon "The Importance and Extent of Free Inquiry in Matters of Religion" (1785) sealed in the popular imagination the link between Dissenting programmes for religious

reform and Priestley's seditious support for the American and French Revolutions. The Tory press soon moved against the Dissenters and, on 14 July 1791, the Church-and-King mob destroyed Priestley's house and laboratory. The intensification of the conservative reaction to the French Revolution in England eventually hounded Priestley out of the country to the United States in 1794. He was accompanied on the voyage by the young Thomas Cooper. Cooper later made a name for himself as a utilitarian writer and professor of chemistry at a number of American colleges. Settling in Northumberland, Pennsylvania, the experience of a form of government Priestley found relatively tolerable contributed to a significant shift in his political thought. His earlier emphasis on civil liberties gave way to an interest in political liberty, and his *Letters to the Inhabitants of Northumberland* (1799) became part of the Republican response to the Federalists. He died on 6 February 1804 in his home in Northumberland, Pennsylvania.

As an old man Bentham recalled a youthful "Eureka" moment of discovery in 1768 when he encountered the phrase "the greatest happiness of the greatest number" in Priestley's *Essay on the First Principles of Government* (1768). But Bentham's recollection was not only mistaken, but also seriously misleading. Priestley never used this expression, which Bentham probably acquired from Cesare Beccaria. More significantly, when Priestley used similar expressions, such as "the good and happiness of the members" of society, to describe the proper ends of government, he did so within a completely different framework of assumptions which Bentham and, until recently, subsequent scholars overlooked. The stark contrast between Bentham's brand of utilitarianism, which constituted a purely secular code of human values, and Priestley's "pious" utilitarianism, designed to elucidate the benign workings of Divine providence in nature, society and the self, testifies to the philosophical diversity



and cultural variability encompassed by the tradition of utilitarianism.

According to Priestley, the universe was ruled by natural and moral laws designed by a benevolent creator to preserve and promote the happiness, or well-being, of all its inhabitants, and the utilitarian criteria were ways of elucidating the natural laws appropriate to human beings. Like Francis Hutcheson, Priestley held a teleological and socially harmonious concept of happiness, such that happiness consists not in a contingent balance of subjective pleasure over pain, but in the perfection of an individual's rational nature, which must be consistent with that of other individuals. In contrast to Bentham's version of utilitarianism, which severed any intrinsic connection between "the greatest happiness of the greatest number" and the realization of natural rights agreed to in a social contract, Priestley posited as "inalienable natural rights" whatever individuals need to achieve natural happiness and seek to preserve in a social contract. But, unlike his Whig contemporaries, Priestley did not use contract theory or natural rights to set *a priori* limits on the scope of government. No prescriptive right or traditional institution could stand once it opposed the public good or social happiness. While Priestley's utilitarianism gave government the right and duty to promote the happiness of its subjects by all means possible, his sense of the dynamic nature of the providential order of things suggested that these means should be as minimal as possible. God created a perfectible, not a perfect, world, and the task of the wise legislature was to remove any "unnatural system of rigid unalterable establishments" and to recognize that "the more liberty that is given to anything that is in a state of growth, the more perfect it will become" (Priestley, pp. 137, 142).

Priestley championed the cause of civil liberty in *An Essay on the First Principles of Government*. Reinforced by the hostility of the Commonwealthmen to absolute power, arbitrary rule and an established church,

Priestley's providential utilitarianism lent support to the cherished Whig right of resistance to oppression. Whereas Bentham feared this right as an invitation to anarchy, Priestley regarded it as a providentially ordained means whereby individuals overcome the inertia of "rigid establishments" and further, without unduly accelerating, "the natural, though slow progress we are in to a more perfect state" (Priestley, pp. 142–3). Priestley preferred reform to revolution, which he feared would result in a counter-revolution that would strengthen the forces of oppression. Unlike his friend and fellow reformer Richard Price, who thought that political liberty, or participation in government, was essential to civil liberty, Priestley elevated civil liberty above political liberty and saw only a contingent relation between self-governance and the liberties he cherished. The sole business of government for Priestley was to remove all obstacles, especially in matters of religion and education, to the unencumbered operation of the psychological law of the association of ideas which, according to David Hartley, guaranteed the happiness and perfectibility of the individual through an increasingly adequate knowledge and experience of a benevolent natural world. As a proponent of *laissez faire* economics, developed by the Scottish philosopher Adam Smith, Priestley favoured a minimalist state that respected individual enterprise and responsibility. But any conflict between the rights of the individual and the goodness of the whole was mitigated in Priestley's mind by his vision of a millenarian future of unbridled happiness, benevolence and freedom in a world providentially designed to guarantee the emerging inextricability of altruism and egoism in human affairs.

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*See also* ASSOCIATIONISM; BENTHAM, JEREMY; COOPER, THOMAS; HARTLEY, DAVID; HUTCHESON, FRANCIS; SMITH, ADAM; RELIGIOUS UTILITARIANISM.

**PRINCIPLE OF UTILITY:** *See* UTILITY.

**PSYCHOLOGICAL EGOISM**

Psychological Egoism, whose proponents include Epicurus, Hobbes, Spinoza, and (arguably) Bentham, and whose critics include Butler, Hume, and Sidgwick, is a doctrine about human nature, and specifically about human motivation. It says, roughly, that human beings are so constituted as to have only one ultimate end, namely, self-interest. It does *not* say that all human acts *in fact* promote the agent's self-interest, for Psychological Egoists admit that humans can and do act against self-interest from time to time—through confusion, ignorance, mistake, weakness, or shortsightedness. One historically important species of Psychological Egoism is Psychological Hedonism, which holds that the ultimate end of all

human action is the agent's pleasure (or the cessation of pain). If Psychological Egoism is false, so is Psychological Hedonism; but the latter can be false even if the former is true (Broad, 1930, p. 180).

The main philosophical interest in Psychological Egoism is that it seems to pose a threat to normative ethical theory. For consider: If human beings cannot but pursue their own interests, how can they be expected to sacrifice or compromise those interests for the sake of others, as is required by, for example, utilitarianism? The philosophical question, precisely stated, is whether Psychological Egoism can be formulated in such a way as to be (1) informative (i.e. possibly false), (2) true, and (3) a threat to normative ethical theory. Some philosophers (e.g. Feinberg, 1971) claim that Psychological Egoism, in at least some of its versions, is uninformative; its proponents, they say, refuse to allow any empirical evidence to count against it. Others (e.g. Hospers, 1961) admit that there are informative versions of Psychological Egoism, but insist that they are false (the usual strategy of these philosophers is to describe cases in which the agent has an ultimate end other than self-interest). Still others (e.g. Broad, 1952 and Kavka, 1986) admit that there are informative and true versions of Psychological Egoism, but deny that they are a threat to normative ethical theory. Kavka's "predominant egoism," which he attributes to Hobbes, is weaker than Psychological Egoism; it says that "self-interested motives *tend* to take precedence over non-self-interested motives in determining human actions" (Kavka, p. 64, emphasis added). Since it is possible, in this view, to act from a *non*-self-interested motive, there is no absurdity in advocating benevolent (or even altruistic) action. Predominant egoism purchases truth at the cost of universality, whereas psychological egoism purchases universality at the cost of truth.

Psychological Egoism is not to be confused with Ethical Egoism, which, like utilitarianism,

## PSYCHOLOGY

Kantianism, and contractarianism, is a normative ethical theory. Ethical Egoism asserts that an act is right if and only if it maximizes (or at least promotes) the agent's self-interest. The two theories are connected in that Psychological Egoism, when conjoined with the "ought-implies-can" principle, *seems* to provide rational support for Ethical Egoism. The argument goes as follows: It is psychologically impossible for a person to act against self-interest; therefore, given that "ought" implies "can," he or she cannot be *obligated* to act against self-interest.

The argument, however, does not support ethical egoism. Just as there would be no point in advocating utilitarianism if it were psychologically *impossible* for agents to conform to its dictates, there would be no point in advocating Ethical Egoism if it were psychologically *necessary* for agents to conform to its dictates. If I endorse Ethical Egoism, I imply that my interlocutor might fail to conform to it; but this, according to Psychological Egoism, is not the case. It is a presupposition of normative ethical theory that agents be capable both of acting contrary to self-interest and of acting in conformity with self-interest. When this presupposition fails, as it would if Psychological Egoism were true, normative ethical theory becomes not false but pointless. The threat posed by Psychological Egoism is therefore not to the *truth* of any normative ethical theory (such as utilitarianism), but to the *point* of *endorsing* a normative ethical theory. Since most moral philosophers believe that there *is* a point to normative theorizing, they are committed, logically, to rejecting Psychological Egoism.

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See also BENEVOLENCE; BENTHAM, JEREMY; BUTLER, JOSEPH; EPICUREANISM; ETHICAL EGOISM; HEDONISM; HOBBS, THOMAS; INTEREST; MOTIVES (MOTIVATION); SIDGWICK, HENRY.

## PSYCHOLOGY

The field of psychology is relevant to utilitarianism in at least four ways. First, in practical applications of utilitarian theory, it helps in the measurement of utility, as well as prediction of behaviour. Second, it can help to explain why utilitarian ideas are often resisted. Third, the field of experimental philosophy has adopted the methods of experimental psychology. Fourth, it provides explanations of the motivation to behave consistently with any moral theory.

When utilitarian theory is applied to policy or to individual decisions, it is often

necessary to determine what the utilities are for various options. Take, for example, the distribution of income. Redistribution is justified by the idea of declining marginal utility: a given amount of money has more utility for those who have less money to start with, so we can increase utility by taking from the haves and giving to the have-nots. So we need to measure the utility of money, as a function of wealth, for example. But excessive redistribution also reduces the incentive to work, so we also need to measure the effect of, for example, tax rates on work. The latter problem is usually left to economics, but it is quite possible that psychological factors are relevant too.

The problem of measuring the utility of money has received extensive attention in psychology, as well as economics. Methods include asking people questions about hypothetical gambles and asking for direct judgements of differences in income. For example, "Consider a 50/50 chance of an income of \$200,000 per year or \$100,000 per year. Is this gamble better or worse than \$130,000 for sure?" If a person thinks that the two are equivalent, then we can conclude that the utility of \$130,000 is half way between the utility of \$100,000 and \$200,000, assuming that people maximize expected utility. Or, we might just ask people directly, "Which is a bigger difference in what matters to you, that between \$100,000 and \$130,000, or that between \$130,000 and \$200,000?" Decisions about hypothetical gambles seem to be distorted by various factors, so the latter sort of question might be better, but so far no method is flawless (Baron, 2008).

Another example is cost-effectiveness analysis in medicine (Baron, 2008). Here the task is to evaluate medical interventions by determining, roughly, the utility gained per dollar of expenditures. Insurers can maximize utility within a limited budget by covering only those interventions with a sufficiently high ratio of benefit to cost. Psychological research has compared several methods for

assessing the disutility of health conditions and the benefits of curing, preventing, or mitigating them. Usually these methods rely on a standard scale in which 100 represents "normal health" and 0 represents immediate death. To determine the overall utility of a health condition, we multiply the number thus obtained (divided by 100) by the duration of the condition in years, and the product is called the number of Quality Adjusted Life Years. This is not truly the sort of utility that would concern utilitarians, because it represents at best only the utility to patients, not those who depend on them or who value their health and life as part of their own utility functions.

As in the case of measuring the utility of money, several methods are used, including hypothetical gambles and direct ratings, for example, "On the 0–100 scale, how bad is being blind?" Or, assuming normal health as the status quo, "At what probability  $P$  would you be indifferent between a  $P$  chance of death and a 100% chance of going blind?" As before, research has uncovered several biases that make each method imperfect, although direct ratings seem to be generally the most useful, as well as being the easiest for subjects (Baron, 2008).

In general, we might compare the measurement of utility to the measurement of time or longitude. Utility, like time or longitude, is a mathematical idea that we impose on the world. The earth does not have longitude lines painted on it. People had clear concepts of time and longitude long before we could measure them with any accuracy. Egyptian sundials and early chronometers were systematically biased, like our current measures of utility. But they, like our current measures, were often better than the alternatives.

Another strand of research in psychology that is relevant to utilitarianism concerns people's resistance to utilitarian conclusions. This resistance has been noted by philosophers for a long time, and some have tried to draw normative conclusions from it, as

if to assume that, when a utilitarian conclusion conflicts strongly with our moral intuition, then the conclusion must be wrong. The most common cases studied concern acts and omissions. Utilitarianism and all consequentialist moral theories find this distinction irrelevant to choices, when the consequences of acts and omissions are the same. (When acts and omissions differ in intention, then the distinction might be relevant to judgements of appropriate punishment, for example.)

Many studies have concerned the “trolley problems” first stated by Philippa Foot (1987). A runaway trolley will kill five people unless something is done. In one version, you can switch the trolley to another track where it will kill only two. Most people say that this is “permissible,” or even “the better option.” In another version, you must push a fat man off a bridge so that he blocks the trolley, saving the five, but is killed himself. Most people say that this is not permissible. These problems and others like them have inspired many psychological studies. People differ consistently in whether they take a utilitarian view or not (Baron and Ritov, 2009). There is also evidence that the pushing version and others like it evoke emotional responses, which must be overcome if the utilitarian response is to be made (Greene *et al.* 2004). A general conclusion is that the findings on moral dilemmas like these can be explained in terms of general heuristics for decision making, which apply to nonmoral as well as moral decisions (Greene, 2007). Although these findings do not settle the normative issues, they raise questions about whether we can trust moral intuitions as the basis for normative moral conclusions, when the intuitions themselves seem to result from general cognitive biases.

A related line of inquiry concerns the relative roles of reason and emotion in moral judgement. Jean Piaget (1932) studied the moral reasoning of children by asking for their thoughts about hypothetical situations.

Starting in the 1950s, Lawrence Kohlberg and his collaborators developed a theory of the development of moral reasoning, which they analyzed as a type of cognitive development. Colby and Kohlberg (1987) report the final version of the resulting test of moral maturity, which put utilitarian thinking at the highest stage of development, along with other, more deontological, approaches. More recently, Jonathan Haidt (2001; Haidt and Hersh, 2001) has argued that reasoning plays at best a small role in moral judgement, serving to rationalize judgements based on initial emotional responses, which are usually non-utilitarian. Recent literature (e.g. Bucciarelli, Khemlani and Johnson-Laird, 2008) suggests that emotion and reason compete for attention, a result that is consistent with the wide individual differences found for moral judgements.

The kinds of experiments that psychologists do have been taken up by some philosophers, who want to start a discipline of “experimental philosophy” (Knobe and Nichols, 2008). We might note in conclusion that at some universities psychology and philosophy were sister disciplines in the same department well in the twentieth century.

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See also ASSOCIATIONISM; DIMINISHING MARGINAL UTILITY; EXPECTED UTILITY HYPOTHESIS; INTUITIONISM; MEASUREMENTS OF UTILITY; MOTIVES (MOTIVATION); RATIONAL CHOICE THEORY.

## PUBLIC CHOICE THEORY

Public Choice is a branch of Rational Choice Theory involving the application of the

methods of economics to the study of politics (Mueller, p. 1). Public Choice seeks to both explain and critically evaluate decision making within and by governments. Credit for the development of Public Choice Theory in the late 1960s and early 1970s is usually given to two American economists, James Buchanan and Gordon Tullock (the founder and editor of the journal *Public Choice*). Public choice arguments about state failure provided intellectual ammunition and a burgeoning policy agenda for neoliberal think-tanks and politicians in the late 1970s and 1980s.

Public Choice Theory operates with a broadly utilitarian ethos. Like Rational Choice Theory it assumes that: (1) individuals are self-interested utility maximizers; (2) individuals are generally effective judges of their own interests; and (3) what is best for society is nothing but the sum of what is best for each individual. The first two assumptions animate efforts to explain and predict decision making by politicians, bureaucrats, regulators and other government actors. The third assumption provides a yardstick against which the results of that decision making are evaluated.

Public Choice Theory can be distinguished from rational choice theory in terms of its working assumption or, perhaps more accurately, conviction that the invisible hand of the market is preferable to government as a mechanism for allocating scarce resources. Public Choice theorists recognize that markets often fail. But they argue that the possible benefits of state intervention to correct for market failure needs to be balanced against the predictable costs of state failure.

Proponents of government intervention cannot assume that decision makers will be motivated by a desire to maximize the public interest. Whether they operate in the public or private sectors, actors are driven by self-interest. Politicians will, if given the opportunity, cut interest rates and taxes to increase their chances of reelection regardless of whether



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this is in the long-term interests of voters. Politicians will seek to lavish public largesse on marginal voters, marginal constituencies and vocal interest groups at the expense of those in greater need. While preaching fidelity to the principles of a balanced budget, incumbents will accumulate public debt and engage in “pork-barrel” politics. In the pursuit of campaign donations, politicians will succumb to “rent-seeking” pressures to protect failing industries. Bureaucrats will attempt to pad their budgets while regulators will be “captured” by the industries they are meant to be scrutinizing (Buchanan, 1990).

The Public Choice prescription is clear. Societal welfare can be enhanced by smaller government, a strict balanced budget amendment, privatization, deregulation, tax cuts, independent central banks, greater competition to deliver public services, greater competition and constitutional rules which preclude the appeasement of special interests (Buchanan and Congleton, 1998). In his inaugural address in 1981 President Reagan suggested that “government is not the solution to our problem; government is the problem.” This is as succinct a summary as any of the public choice position.

Public Choice Theory offers both an endorsement and a critique of utilitarianism. It offers an endorsement of it in the sense that the key assumptions Public Choice theorists make about individual decision making and the relationship between individual and collective welfare are shared with, if not directly inspired by utilitarianism. At the same time, Public Choice Theory offers a sustained assault upon Bentham’s preference for governmental activism as expressed in his support for a maximum price of bread, forced savings and governmental regulation of education, health care and communications *and* his claim that representative democracy could reconcile the interests of the governing and the governed (Hampsher-Monk, p. 329).

Critics of Public Choice Theory can, similarly, either draw upon or reject this utilitarian

legacy. They can draw upon it by arguing that Public Choice theorists exaggerate the venality and inefficiency of government and, in particular, that they ignore the role opposition parties, the media and interest groups can play in deterring governments from taking welfare-destroying actions (Wittman, 1995). Alternatively, they can reject the utilitarian legacy by arguing that decision makers are not self-interested utility-maximizers and that the commitment within government to the pursuit of the public interest is real.

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See also RATIONAL CHOICE THEORY.

## PUNISHMENT

The origins of the utilitarian theory of punishment are located in Montesquieu’s *L’esprit des lois* (1748), Helvétius’ *De l’esprit* (1758), and Beccaria’s *Dei delitti e delle pene* (1764). Beccaria was greatly influenced by Montesquieu, who counselled adopting a humane spirit in setting penalties, opposed unnecessary punishment as an exercise in tyranny,

and argued that deterrence depended upon a proper proportion between crimes and punishments (Montesquieu, pp. 82–95). Helvétius instructed Beccaria in the functioning of motives and the idea that penal law, like all other law, ought to be founded on public utility. This prompted Beccaria's announcement that the only valid criterion for evaluating the measures of the legislator is "la massima felicità divisa nel maggior numero"—the "greatest happiness shared by the greatest number" (Beccaria, p. 8)—and that the objective of government is to harmonize self-interest with social well-being by raising a system of laws and punishments "upon the foundation of self-love," making "the general interest ... the result of the interests of each" (pp. 10, 59).

The calculation of what is necessary to achieve this outcome is a vital part of Beccaria's schema. First, he stressed the importance of certainty in the delivery of punishment, convinced that crimes are more effectually prevented by the certainty rather than the severity of punishment, and that the certainty of a small punishment will make a stronger impression than the fear of one more severe, if the severer penalty is attended with the hope of escape or impunity (Beccaria, p. 58). From this he concluded that the prospective criminal's expectation of the pain that would follow his apprehension, trial and sentencing would be effective in most cases in deterring him from committing the crime. Pardons should not be expected, since this would undermine the certainty necessary to deter, and in any case in a humanitarian code of penal law executive clemency would rarely be needed. Second, in conjunction with the idea that it was possible for legislators to calculate the precise values of pleasures and pains, and therefore the precise amounts of punishment required to deter persons from criminal acts, Beccaria wrote: "If geometry were applicable to the infinite and obscure combinations of human actions, there ought to be a corresponding scale of punishments,

descending from the greatest to the least" (p. 64). By thus measuring utility, with "geometrical precision," appropriate proportions of punishments could be devised in order to effect deterrence, but with the important proviso that punishment beyond what is required for deterrence should not be permitted. Well in advance of popular sentiment, Beccaria maintained that the death penalty is not best calculated to effect deterrence in capital cases. The pain felt by the executed criminal, he argued, had a less powerful effect on those who witnessed the punishment than observing the continual pain that attended a criminal suffering imprisonment and hard labour. Servitude in place of the death penalty "has in it what suffices to deter any determined spirit" (p. 48).

Bentham believed that the "foundation" of his moral and legislative science closely resembled Beccaria's, particularly his theory of punishment, the central ideas of which he developed in 1776–78. They made their first appearance in print in *An Introduction to the Principles of Morals and Legislation* (1789), in which he laid down the principles upon which a rational and systematic legal system ought to be based and, more particularly, the principles and appropriate characteristics of penal law. The general view of punishment in eighteenth-century penology was that punishment fulfilled the desire of vengeance and in this respect was regarded as "good." By contrast, for Bentham pain is an "evil," and since punishment caused pain it too must be considered an "evil." Punishment ought only to be employed, therefore, "in so far as it promises to exclude some greater evil" (Bentham, 1970, p. 158). But, punishment was not a pain like other pains; it was a particular category of pain that came about as a consequence of a legal process. In contrast to "natural" pain, Bentham styled it an "artificial" pain "annexed by political authority to an offensive act" (p. 157). Ideally, the utilitarian prescribes actions to maximize pleasure and eliminate

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pain whenever possible, but it is recognized that the ideal is not realizable. A pain-free society is not possible, nor is a crime-free society. Consequently, failing to inflict punishment on those who cause harm to others leads to further harm, and this compounds the subtraction from the general happiness (McHugh, pp. 7–11). But, this does not mean that there are no limits on punishment. The tone of restraint that Bentham employed in considering this necessary “evil” reflects the fact that unnecessary pain ought not to be sanctioned by the state—offences can be punished too severely. Moreover, the caution that is warranted in the application of “artificial” pain marks the difference between Bentham’s theory and nonconsequentialist theories of punishment; it is designed to avoid “greater evil” by preventing crime and securing public safety (Bedau, p. 5).

Bentham deliberately applied the language of political economy to the relationship between crimes and punishments. In this respect, he regarded the pain of punishment as capital invested with the expectation of profit, with profit construed in terms of the prevention of crime, while loss is the increase in crime (Rosen, p. 153). The economic dimension of punishment was achieved by producing the desired effect at the least possible cost in pain. In making this calculation several interests of a physical, psychological or pecuniary kind enter into the picture—the interests of the offender who profited from the offence, the interests of the victim(s) of the crime who thereby had a personal interest in the punishment, and the public at large who had an interest both in the prevention of crime and in the punishment of offenders. All such interests could be rendered in terms of pleasures and pains, with appropriate weights assigned to calculate profit and loss.

Like Beccaria, Bentham was concerned to limit the cases in which punishment was applied by law to those in which public utility was clearly served. Public utility was most evidently served by minimizing offences and

thus deterrence or “example” ought to be the first order of business in penal law. Unlike retributionists, first and foremost utilitarians were in the business of crime reduction. The perniciousness of an act is measured by “the sum total of its consequences: that is, according to the difference between the sum of such as are good, and the sum of such as are evil” (Bentham, 1970, p. 74). This calculation determines which acts the law should seek to deter. Where deterrence failed in a particular instance, punishment was applied, thereby reinforcing the general deterrent effect of the punishment on the public at large. Effective legal deterrence requires that the community know what activities are illegal, and what punishments they bring. Otherwise, the law will be inefficacious in deterring people from committing offences.

Bentham’s understanding of the way motives act upon the mind is shown to good effect in his analysis of how punishment influences action. It is the “idea” of the punishment that affects the mind, not the actual existence of the pain of a punishment that has yet to be administered. In other words, it is “the *apparent* punishment ... that really acts upon the mind; the punishment itself (the *real* punishment) acts not any further than as giving rise to that idea.” In this way, we can see that it is the “apparent punishment” that does all the work of deterrence, while “the real punishment ... does all the mischief [by producing pain].” Does this mean that the legislator needs only to threaten “apparent” penalties for the law to work? No, since it would quickly come to be seen that the threats were hollow and could safely be discounted. The most effective way to enhance the impact of the “apparent” punishment “is by increasing the magnitude of the real” (Bentham, 1970, pp. 178–9). In addition, Bentham was in the vanguard of penal reform in proposing that instances where the will is not susceptible to deterrence should be exempt from punishment, naming infancy, insanity, and, in certain circumstances, intoxication (p. 161).

Beyond deterrence, punishment also encompassed three “inferior” ends: compensation, reform, and disablement (Bentham, 1970, p. 180). A perfectly “frugal” punishment is one “where not only no superfluous pain is produced on the part of the person being punished, but even that same operation, by which he is subjected to pain, is made to answer the purpose of producing pleasure on the part of some other person” (p. 179). Pecuniary penalties, by which the offender is punished and the victim receives the pleasure of a financial settlement, best fit this compensatory objective (p. 182).

Reform could be achieved if the quality of the punishment were of such a sort to weaken the motive of the criminal to repeat the offence. In cases in which the offence originated from the motive of ill-will, the punishment with “the strongest reforming tendency” is the one “best calculated to weaken the force of the irascible affections.” For example, where the offence is caused by “the joint influence of indolence and pecuniary interest” the punishment which possesses the strongest reforming tendency is the one “best calculated to weaken the force of the former of those dispositions.” Likewise in the case of theft, embezzlement, and other such crimes, “the mode of punishment best adapted to this purpose seems, in most cases, to be that of penal labour” (Bentham, 1970, p. 181).

The disablement of the criminal can be calculated with greater certainty than punishments aimed at reformation. To justify the application of a major penalty, such as imprisonment with hard labour, the mischief caused by the offence must be of such a magnitude “as to demand a very considerable lot of punishment, for the purpose of example, before it can warrant the application of a punishment equal to that which is necessary for the purpose of disablement” (Bentham, 1970, p. 181). Clearly, the death penalty serves this purpose in the most certain manner, but it is a punishment that “is in an eminent degree *unfrugal*; which forms

one among the many objections there are against the use of it, in any but very extraordinary cases” (p. 182). Bentham had already assessed the relative benefits and costs of the death penalty in cases of murder when compared with the option of life with hard labour in a short essay in 1776 (Bentham, 1838–43, vol. 1, pp. 441–50). Following Beccaria, he argued that the anticipated pains of a life of servitude have a greater deterrent effect than the threat of execution (an affair only of a few moments). Moreover, the punishment is unprofitable in terms of compensation to the victim or victim’s family; it is “defective in point of frugality,” since the pain of the criminal greatly outweighs the pleasure gained by others; it is “inequable,” in the sense that death is a greater pain to some than to others; and in the event of judicial error, the penalty is irremissible. The objective of disablement is served better in nearly every instance by the lesser penalty of confinement (Bentham, 1970, p. 182).

In discussing the variety of punishments and their appropriateness, Bentham demonstrated an acute sensitivity to the circumstances of the convicted and how this should determine the “equability” of penalties (Bentham, 1970, pp. 175–6). Punishments must fit the criminal as well as the crime. What might be fitting in England may be neither required nor effective in other countries and cultures. By the same measure, to fine a wealthy aristocrat £100 would be meaningless, but the same penalty might ruin a farm labourer; to sentence a labourer to ten lashes might be bearable but the same punishment for an aristocrat would incur unbearable disgrace. The judicial discretion this permitted runs contrary to Bentham’s general critique of the common law and the vagaries of judicial reasoning, but it must have appeared a minor deviation when measured against the objective of instituting a penal law that took “equability” seriously as a guiding principle.

John Stuart Mill believed that Bentham’s theory was “nearly complete,” and that he

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had done “almost all that remained to perfect the theory of punishment” (Mill, *CW*, vol. 10, p. 11; vol. 23, p. 471). Though Mill did not say what Bentham had left undone, there are several of his writings in which he made his own contribution to the theory and which provide a clue to what more a utilitarian might say about punishment, most notably *On Liberty* (1859) and *An Examination of Sir William Hamilton’s Philosophy* (1865). In the first he developed and gave application to the “harm” principle, whereby harm to another provides the justification for interference with an agent’s actions, but drew a sharp line between legal intervention to prevent harm to a person’s “permanent interests” and the informal actions of society to sanction lesser harms. In the second he provided a justification for punishment in the context of his criticisms of the “necessitarian” doctrine of freewill and its exoneration of harmful actions on the grounds that individuals are merely a product of their social circumstances, for which they ought not to be accountable. Further, in addition to its role in protecting the community through deterring crimes, and its potential to aid the reform of those convicted of crimes, Mill argued that punishment also served a general moral and educative function. The application of punishment taught people what was right and wrong by impressing upon the mind the association between responsibility and punishment. This line of thought occasionally led him to consider the reproaches of conscience as a form of internalized punishment, something not considered by Bentham. Nor did Mill entirely agree with Bentham on the issue of capital punishment, at least in his later years, arguing that it ought to be retained for the worst crimes.

Initially, Mill opposed capital punishment unconditionally. By 1868, however, this was no longer his view. In a speech in parliament that year he argued for the retention of the death penalty for the worst crimes on the Benthamic grounds of “frugality” and

“exemplarity” (Mill, *CW*, vol. 28, pp. 266–72). Death is the appropriate penalty for the worst crimes based on two considerations: (1) the irredeemable character of the offender, and (2) its potential deterrent value as “the most impressive” mode of punishment. Moreover, Mill states that his defence of the death penalty rests “on the very ground on which it is commonly attacked—on that of humanity to the criminal; as beyond comparison the least cruel mode in which it is possible adequately to deter from the crime” (p. 267). “What comparison,” he asks, “can there really be, in point of severity, between consigning a man to the short pang of a rapid death, and immuring him in a living tomb ... cut off from all earthly hope...?” (p. 268)

Principally, however, it is the psychological impact of executions that recommended the death penalty to Mill. A life sentence appeared to be less painful because the suffering involved lacked the “terrifying intensity” of death, but in reality it contained the prospect of far greater suffering. Yet, it is because of the *appearance* of severity that the deterrent objective of punishment is better achieved by execution. Unlike Bentham (and Beccaria), Mill maintained there is not “any human infliction which makes an impression on the imagination so entirely out of proportion to its real severity as the punishment of death.” Therefore, capital punishment should be retained for the worst murders, because it achieves the objective of deterrence “at a less cost of human suffering than any other” (p. 268).

Mill would appear to have the better of the argument here. Bentham’s claim for the superior deterrent effect of incarceration for life is contradictory: death only appears to be the more dreadful punishment, while in fact life imprisonment administers greater pain and is the greater deterrent. Bentham’s explanation for the assertion rests on the shaky grounds that to the lower orders the terrors of an execution are only apparent, and actually are minimal in terms of pain when compared with the anticipated

hardships of lengthy confinement. However, the real problem with this is that it is at odds with Bentham's own theory of punishment, according to which the deterrent value of a punishment does not depend on the actual pain administered, but rather on the apparent pain the potential criminal expects to receive if apprehended for a crime. And, for Bentham it is the prospect of being executed which *appears* to be the most painful, rather than the penalty of life imprisonment. *Ergo*, he ought to have supported executions for the worst crimes, as Mill proposed.

However, there is another element in the debate on which Bentham's instincts were surely correct—the inescapable fact that miscarriages of justice in capital cases cannot be ruled out, and where errors occur there is no form of compensation that can rectify the injustice. Mill was decidedly more sanguine about the risks of judicial error, arguing that in England such “miserable mistakes” are extremely rare (Mill, *CW*, vol. 28, p. 271). It is perhaps needless to say that the history of sentencing in capital cases in England as elsewhere severely undercuts Mill's optimism that judicial errors are unlikely.

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See also BECCARIA, CESARE; BENTHAM, JEREMY; DEATH PENALTY; HARM PRINCIPLE; HELVÉTIUS, CLAUDE ADRIEN; JUSTICE; MILL, JOHN STUART.

PURSUIT OF HAPPINESS: See HAPPINESS (PURSUIT OF).



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## RACISM

Classical Utilitarianism has all too often been exonerated of the charge of racism, in leading historical commentaries on the matter. The reformism of Jeremy Bentham and James and John Stuart Mill, in particular, was obviously caught up in efforts to end horrors such as slavery and the slave trade, and the associationist psychology that the great utilitarians mostly favoured has been viewed as strongly emphasizing nurture over nature, as the force in human development, and thus finding no room for any form of innate racial inferiority. The advance of civilization and the spread of education would, it was believed, transform even the most “backward” peoples into so many John Stuart Mills. Was not J. S. Mill himself charged, by James Hunt of the Anthropological Society of London, with being oblivious to the scientific importance of “race”? (Jones, p. 180)

Unfortunately, this popular way of disposing of the issue is seriously deficient. A great many opponents of slavery and the slave trade, not least Abraham Lincoln, harboured prejudicial beliefs about innate racial inferiority. Moreover, it is scarcely adequate to the scope of the problem to reduce the discussion of “racism” to that of belief in supposed innate, biological inferiority. Notions of “race” are invariably reflective of incoherent, historically conditioned views about human nature, ranging across innatist

and environmentalist, naturalistic and non-naturalistic, frameworks. “Race” is a fluid social construction, and without a sensitive critical treatment of the relevant historical contexts, the complex ways in which it can figure in the creation and perpetuation of insidious social invisibilities can be missed. Particularly problematic is the intertwining of the issue of racism and imperialism, and the ways in which “Orientalist” stereotypes can render a wide range of prejudices against peoples of colour effectively racist.

To be sure, with the earlier utilitarians—not only Bentham, but also William Paley and William Godwin—one finds many strong statements of human equality, and harsh condemnations of slavery and colonial and imperial policy. There is some controversy over Bentham’s position, given how his views shifted over the course of his long life, but it is nonetheless plain enough how, despite his less than humble enthusiasm for supplying other peoples with their constitutions and legal codes, he deemed his own countrymen as just as in need of enlightenment as those in different cultural settings.

More problematic, and revelatory of the underlying tensions within Bentham’s positions, is the work of his disciple James Mill, whose *History of British India* (1817) is a virtual catalogue of cultural prejudice that can certainly be described as racist. As Jennifer Pitts has put it, Mill senior’s work was “wholly dismissive of Indian society as barbaric and of the Indian population as

incapable of participating in their own governance,” and it “guided not only his own views about what was desirable and possible for the British to do in India but also those of a generation of policy makers, including his son. ... [H]e managed to sustain [both his] strident criticism of colonies from the colonizers’ perspective, primarily on classic political economy grounds, and his disdain for non-European societies and his conviction that India, in particular, should be governed by British despotism” (Pitts, pp. 75–6). Both of the Mills had influential careers at the British East India Co., and if the younger Mill was on some counts the more progressive thinker, he remained in too many respects true to the family legacy.

The question of Mill’s racism can also be importantly illuminated by consideration of his famous 1849–50 exchange with Thomas Carlyle. Carlyle had published a grotesquely racist essay titled “Occasional Discourse on the Negro Question,” which Mill criticized, prompting Carlyle to republish the work as “Occasional Discourse on the Nigger Question.” Carlyle depicts blacks in terms of one vicious stereotype after another, as “pumpkin” eating “Quashees” who require the “beneficent whip” of white rule, and insinuates that a return to slavery would not be ill-advised. Mill condemns Carlyle for “the vulgar error of imputing every difference which he finds among human beings to an original difference of nature. As well might it be said, that of two trees, sprung from the same stock, one cannot be taller than another but from greater vigour in the original seedling” (Carlyle and Mill, p. 46).

If Mill was not racist in Carlyle’s way, and was repelled by the vituperative and crude prejudice, he did not in fact actually deny that blacks were in general inferior, albeit contingently so, and in ways that might be historically overcome. David Theo Goldberg has labelled this Mill’s “polite” racism, reflective of his condescension towards non-European civilizations and essentialized, at

least historically, in the notions of “blood” or “national character” that Mill favoured (Goldberg, 2005). Whether this form of polite or civilizational racism, a Eurocentric prejudice hardened and deployed in the service of empire—and very much on display in Mill’s response to Governor Eyre’s atrocities in quashing the Jamaican Morant Bay rebellion of 1865—should really be termed “racism” has been sharply debated (Schultz and Varouxakis, 2005; Schultz, 2007). But at a minimum, and as George Fredrickson (2002) has argued, we ought still to recognize how the “view of colonial rule as a lengthy and problematic apprenticeship for civilized modernity can be viewed as functionally racist to the degree that it justified denying civil and political rights to indigenous populations for the foreseeable future” (pp. 3–4).

With the transition to the later Victorian period, and the birth of both new disciplines, such as political science and anthropology, and new imperial ambitions, the forms of racism associated with utilitarianism became less polite. Henry Sidgwick, a lifelong citizen of Cambridge University, which, with Oxford, turned out legions of dedicated servants to the British empire, was, like Mill, a liberal reformer at home, but a committed partisan of European civilization abroad. Indeed, his often unthinking faith in the virtues of European civilization, his frequent use of terms such as “savages” and “inferior races,” and his occasional use even of the “N word” make it painfully evident that his vision of the “Concert of Europe” leading the world into a new, more ethical and peaceable international order was, like that of friends and colleagues such as Sir John Seeley, James Bryce, and Charles Henry Pearson, a vision of the continuing domination of peoples of colour by whites. Historically, he urged, “we may perhaps say that the higher *political* civilization, the capacity for developing constitutional government in a *civilized* state, belongs primarily

to the white race; and mainly to branches of the white that speak an Indo-Germanic language, and therefore show a partial continuity of descent from one single original group” (Sidgwick, 1903, p. 13). As for the future, Sidgwick allowed that it had not yet been demonstrated that “the social amalgamation of two races would be debasing to the superior race,” but he also suggested that should such evidence be forthcoming, permanent segregation would be justified (Sidgwick, 1897, p. 326).

Sidgwick’s devoted follower, the political economist F. Y. Edgeworth, went further still, at least on the abstract theoretical front, and in his eagerness to correct what he regarded as the misguided egalitarianism of his utilitarian predecessors, argued that sentient beings had radically different capabilities for happiness: “Unto him that hath higher development shall be added more of the world’s goods. This deduction agrees with common sense, as exhibited in the approved dealings of men with animals, of civilized with savage races, in the privileges of aristocracy approved in ages when aristocracies really represent a higher order of evolution” (Edgeworth, p. 55). Sentients, Edgeworth urged, are like so many “lamps of different lighting power,” and in order to produce the greatest quantity of light, “a limited number of the best burners are to be lit ... and most material is to be given to the best lamp” (p. 74). However, he allowed that longer term calculations of utility could go the other way: “unequal legislation directed against the influx of Chinese labour might be justified, on the supposition that, if on a large scale Chinese competed successfully with Aryans, an inferior race would inherit the earth. But this *prima facie* correspondence between exact utilitarianism and commercial selfishness would disappear, *if* it were probable that the inferior race, not retarded by unequal laws, would catch up the superior in the race of evolution, and become ultimately as highly civilized” (p. 76).

If Edgeworth confined himself to the more abstract, speculative possibilities, he nonetheless illustrated how far the theoretical foundations of Classical Utilitarianism could be turned to the purposes of racist and imperial domination. Nor should such claims be blithely overlooked or generously forgiven as simply a reflection of their age. As the Haitian scholar Antenor Firmin’s work on *The Equality of the Human Races* (1885) so amply demonstrates, the times also produced individuals decidedly capable of recognizing and condemning racism in its many forms, and their voices could have been heeded.

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See also BENTHAM, JEREMY; EDGEWORTH, FRANCIS YSIDRO; IMPERIALISM; MILL, JAMES; MILL, JOHN STUART; POLITICAL ECONOMY; SIDGWICK, HENRY; SLAVERY.

**RADICALISM:** See PHILOSOPHIC RADICALISM.

**RASHDALL, HASTINGS (1858–1924)**

Hastings Rashdall was born on 24 June 1858, in London, and died 9 February 1924 in Worthing. He was educated by his mother until aged eight. He then attended several preparatory schools, including Harrow. In 1877, he was elected to a scholarship at New College, Oxford. He graduated in 1881 with a second in both the Classical Moderations and Greats. He was elected to a Fellowship at Hertford College, Oxford in 1888, and then to a tutorial Fellowship in philosophy at New College in 1895. In 1917, he was appointed Dean of Carlisle, and he stopped teaching philosophy. Rashdall produced important works in history and theology, including *The Universities of Europe in the Middle Ages* (1895) and *The Idea of Atonement in Christian Theology* (1919). His most important contributions to philosophy are in ethics.

Rashdall's moral view comprises two elements, that "acts are right or wrong according as they do or do not tend to promote the greatest quantity of good" (Rashdall, 1913, p. 60; 1907, vol. 2, p. 1), and that there are four goods—virtue (loving and willing what

is intrinsically good), intellectual activities, "various kinds of affection or social emotion" and pleasure (with some pleasures ranking more highly than others) (Rashdall, 1913, p. 70; 1907, vol. 1, p. 101). His basic position is a version of ideal utilitarianism: an agent's act is right insofar as it tends to produce at least as much virtuous willing, intellectual activity, affection or social emotion, and pleasure for the aggregate as any other act she could have performed in her situation.

Ideal utilitarianism agrees with Classical Utilitarianism that the right is determined exclusively by the good, but denies that the good is confined to pleasure alone. Rashdall's defence of the second conjunct begins with an attack on Henry Sidgwick's hedonism. It attempts to show that virtue is good. Sidgwick holds that we are rationally required to maximize net aggregate pleasure, that in rational agents recognition of this fact produces a desire to do so, that satisfying this requirement may come at a cost to the agent, and that this sacrifice has no intrinsic value. It is, Rashdall contends, rare, if not psychologically impossible, to hold this set of propositions (Rashdall, 1885, pp. 215–22; 1907, vol. 1, pp. 57–9; 1913, pp. 63–5). The difficulty is that "acceptance of rationalistic Hedonism kills and eradicates all those impulses upon which it has to depend for the practical fulfilment of its own precepts, by pronouncing that they have no true worth" (Rashdall, 1907, vol. 1, p. 58). In order to move agents to maximize net aggregate pleasure Sidgwick has to admit that loving and willing the good is an intrinsic good and a good to a person. In reply, Sidgwick might simply note that Rashdall's point is empirical and that there is no guarantee that agents will be moved by the claim that virtue is intrinsically valuable. After all, it may well be cold comfort to a person about to sacrifice her happiness for the benefit of others to be told that the sacrifice is a good for her.

Rashdall's other argument for his value theory involves demonstrating that ideal

utilitarianism captures and explains common-sense moral judgements better than its hedonistic rival. Common sense condemns infanticide, “the extinction of life in the case of the old or the sick or the insane, and generally speaking, persons whose existence is a burden to the community,” sexual indulgence outside monogamous marriage, and all but a few cases of divorce (Rashdall, 1907, vol. 1, pp. 96–7, 189, 197–200). These judgements are explained by the fact that the emotion of kindness and affection (love) are intrinsically valuable. It also condemns “even the most occasional act of deliberate drunkenness,” lying in all but a select number of cases, and lack of humility (pp. 203, 192–6, 204–7). Such attitudes are explained by the fact that intellectual activities and virtue have intrinsic value.

The Classical Utilitarian might balk at the appeal to common-sense morality. Rashdall’s attitudes regarding divorce, sexual relations, and drunkenness seem to be no more than “prejudices due to inheritance or environment or superstition,” and therefore dispensable by his own lights (Rashdall, 1907, vol. 1, p. 211). Rashdall might concede this, but argue that this strategy does not cast doubt on all his appeals to common-sense morality. His views on veracity are plausible. Lying is problematic because it subverts the virtue of loving, pursuing and communicating the truth which promotes the good of rational cognitive activity (pp. 193–4). His view explains why we insist on veracity in our social relations: it promotes an attractive value, while explaining our intuitions about the conditions under which it is permissible to lie (e.g. where it is necessary to save a life). The difficulty with Classical Utilitarianism is that it entails that “there would be no reason why we should resist that tendency to say (in matters of no importance), at any expense to Truth, what would be agreeable to the hearer” (pp. 192–3). The Classical Utilitarian has two replies. First, she might contend that this argument should worry no one if the

lies occur only in cases of “no importance.” Second, Rashdall holds that not all theoretically justified positions ought to be put into practice. For example, ideal utilitarianism justifies infanticide in some cases. However, he notes that in thinking about what to do in practice “we must take into consideration the actual psychological constitution of human nature, and the impossibility of modifying it exactly in the way and to the extent to which we please” (p. 189). In light of this, we might not want to modify the existing and more stringent attitudes to infanticide lest we undermine people’s humanity for the worse. But using the same logic the hedonist might argue that we should adopt substantially Rashdall’s view on veracity. We might not want to modify people’s attitudes to truth-telling lest we undermine their respect for truth and produce more lies than is justified.

Rashdall has another argument. He notes that we believe that there are bad pleasures (e.g. pleasures of lust) and that some pleasures are intrinsically better than others (e.g. intellectual pleasures) (Rashdall, 1913, pp. 66–70; 1907, vol. 1, pp. 72–3, 98–9, 294). One might insist that the hedonist cannot capture these judgements in a plausible way. At best, she can argue that we ought to favour so-called “higher” pleasures and disfavour so-called “bad” pleasures in practice since this will produce more net aggregate pleasure over the long run. This is not a plausible explanation of our intuitions regarding bad pleasures in particular: we think them bad even when they threaten no ill effects (Rashdall, 1913, pp. 66–7). The difficulty is that Rashdall cannot make this argument. He contends that the common-sense explanation of our commitments to veracity, purity and fidelity to promises is false. Instead, they rest on ideal utilitarian considerations. It seems difficult to deny to the hedonist a similar move in reply to objections.

Rashdall’s case for ideal utilitarianism’s theory of rightness involves rejecting

intuitionism, the view that “actions are pronounced right or wrong *a priori* without reference to their consequences” (Rashdall, 1907, vol. 1, p. 80). The argument against intuitionism is designed to establish that the intuition that it is never right to produce less than the impartial best is the sole basis of morality. The main rules of common-sense morality comprise, among others, rules of justice, benevolence, and veracity. One needs to appeal to outcomes to make these rules more precise, to reconcile conflicts between them and to determine exceptions, and in some cases (e.g. drunkenness) one needs to appeal to outcomes to determine the nature of the act in advance of moral evaluation. Rashdall argues that if we must appeal to some outcomes in determining the rightness of an action, then we must appeal to all of the outcomes, and that if we cannot know the morality of an action until we have figured out all of its outcomes, then outcomes are the only thing determining the morality of an action (pp. 83–91; 1913, pp. 51–60).

There are two problems with this argument. First, it is a *non sequitur*. It establishes only that promoting good outcomes is a necessary condition of right action. It establishes that to determine the morality of an action we must determine its outcomes, but it does not follow from this that outcomes are the only thing that matter. Prichard and Ross seem to agree that, for example, we ought to keep a promise just in case it produces good outcomes; however, they deny that this is the only factor that matters to the morality of promise keeping. Nothing Rashdall says should, it seems, convince them otherwise. Second, his argument is in tension with a view he holds about good states of consciousness. He admits that all valuable states of consciousness must contain some pleasure: “Value is not a feeling, but it cannot be recognized as attributable to anything in consciousness which can excite no feeling of pleasure in its possessor” (Rashdall, 1907, vol. 1, pp. 153–4; vol. 2, pp. 37–8).

Therefore, we must “be able to estimate their pleasantness before we can pronounce upon their value” (vol. 2, p. 51). He does not infer from this that the value of a state of consciousness is due exclusively to the pleasure it contains (vol. 1, p. 67). This seems to be in tension with his objection to intuitionism, which moves from the claim that it needs to appeal to outcomes to determine the morality of actions to the claim that only outcomes matter. It seems unfair to block the inference when the hedonist wishes to employ it but not when the utilitarian does. It does not seem that Rashdall has grounds for this position. If he says that common-sense morality points to resisting the hedonist’s move, the proponent of intuitionism may easily do the same (Skelton, 2011).

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*See also* HEDONISM; IDEAL UTILITARIANISM; PRICHARD, HAROLD ARTHUR; ROSS, WILLIAM DAVID; SIDGWICK, HENRY; VALUE THEORY.



## RATIONAL CHOICE THEORY

Rational Choice Theory is a quite plastic theory, associated with economics but extending into other disciplines such as political science that sometimes employ economic methods of analysis. According to the pure theory, rational choices are simply choices that reveal a complete, reflexive and transitive preference relation defined over the given set  $S$  of feasible options. Such a preference relation is sometimes called a preference *ordering* and can be represented by an economic utility function in which (rather confusingly) utility is understood merely as a numerical representation of the preference information and has nothing to do with happiness or pleasure. Rational choices thus understood may be made by an individual agent or by a collective choice rule (CCR) that satisfies certain conditions such as the Pareto condition.

An odd feature of the pure theory of Rational Choice, which reflects its behaviourist origins, is that choice is identified with preference so as to avoid nonobservable feelings inside any agent's head. As a result, no essential reference is made to desires or to any other motivations underlying observable choices. Another odd feature of the theory is that it is egoistic by definition because no matter what a rational agent chooses he will appear to be getting an option that he thinks is best in terms of his own preferences or interests. As Sen complains, "if you are consistent, then no matter whether you are [in fact] a single-minded egoist or a raving altruist or a class-conscious militant, you will appear to be maximizing your own utility in this enchanted world of definitions" (Sen, 1982, p. 89). Similarly, no matter what a given form of CCR chooses it will appear to select an option that is collectively best for the members of society, provided the CCR generates a social preference ordering from the set of individual preferences and picks a top-ranked option.

More specifically, consider rational choice under certainty about  $S$ . Suppose that Rational Choice behaviour must reveal a complete, reflexive and transitive preference relation, that is, a preference ordering. According to completeness, for any pair of distinct options  $x$  and  $y$  belonging to  $S$ , either  $x$  is weakly preferred over  $y$ , or  $y$  is weakly preferred over  $x$ , where the weak preference relation connotes "at least as good as" and covers strict preference ("better than") or indifference ("equally as good as"). According to reflexivity, for every option  $x$  in  $S$ ,  $x$  is weakly preferred to itself. According to transitivity, for all options  $x$ ,  $y$ , and  $z$  belonging to  $S$ , if  $x$  is weakly preferred over  $y$ , and  $y$  is weakly preferred over  $z$ , then  $x$  must be weakly preferred over  $z$ . Instead of full transitivity, a weaker notion of consistency is given by quasitransitivity, which requires only that if  $x$  is strictly preferred over  $y$ , and  $y$  is strictly preferred over  $z$ , then  $x$  must be strictly preferred over  $z$ . Quasitransitivity does not require transitivity of indifference: if  $x$  is strictly preferred to  $y$ , for example, and  $y$  is indifferent to  $z$ , then quasitransitivity permits  $x$  to be indifferent to  $z$ . In contrast, full transitivity requires  $x$  to be strictly preferred to  $z$  in this case. A complete, reflexive and quasitransitive preference relation cannot be represented by an economic utility function, however, which requires a one-to-one correspondence between the utility numbers and options. An even weaker notion of consistency than quasitransitivity is acyclicity, which requires only that if  $x$  is strictly preferred to  $y$ , and  $y$  is strictly preferred to  $z$ , then  $x$  must be weakly preferred to  $z$ , in which case  $x$  might be indifferent to  $z$ . In contrast, both transitivity and quasitransitivity require  $x$  to be strictly preferred to  $z$  in this situation.

A complete, reflexive and acyclic preference relation over  $S$  is a sufficient condition for a nonempty choice set  $C$  to exist—that is, set of best options from which to choose the outcome—for every subset  $A$  of  $S$ . But it is not a necessary condition. A nonempty

$C$  may exist for every  $A$  even if no such binary preference relation exists. There is little doubt that Rational Choice is marred by empty choice sets. If reason cannot select any best option from a given  $A$ , that does seem to point to a failure of reason in that context, even if reason can still identify maximal options that are undominated because they cannot be compared to one another while each of them is preferred to all options outside the maximal set. Such incompleteness of preference might be an inescapable feature of human life and, if so, our faith in the power of reason must be suitably downgraded (Sen, 2009). But that seems to be merely another way of admitting that we are incapable of Rational Choice if no best options can be selected from  $A$ . If this is correct, nonempty choice sets do seem essential for Rational Choice. Moreover, it is not appealing to think that we might have rational choice without a complete, reflexive and acyclic preference relation over  $S$ . Without such a binary relation, what Sen calls “a very basic requirement of rational choice” (Sen, 1970, p. 17) is lost, namely, the property known as “contraction consistency” which requires that a best option  $x$  must remain in  $C$  if  $x$  remains in  $A$  as  $A$  is contracted. Rational Choice does at a minimum seem to require that if  $x$  is best when  $x$ ,  $y$  and  $z$  are feasible, for example, then  $x$  should remain best when only  $x$  and  $y$  are feasible: the choice of  $y$  instead of  $x$  from the contracted subset would blatantly violate logical consistency.

Consider now Rational Choice under risk and uncertainty about  $S$ . Although various theories of Rational Choice have been proposed in this context, the dominant theory is the theory of expected utility (e.g. Harsanyi, pp. 22–47; Binmore, 1994, 259–78, 304–15). According to expected utility theory, a best choice from any given set  $S$  of feasible lotteries is a lottery that maximizes expected utility value, where the expected utility value of any given feasible lottery is the sum of the utility values of the feasible sure options

each weighted by the probability of its occurrence, with the probability distribution adding to unity. Despite its continuing influence, however, expected utility theory has been exposed to various objections (e.g. Kahneman and Tversky, 1979). Indeed, Kahneman and his colleagues have also spurred a revival of interest in psychological hedonism as well as in Benthamite utilitarianism (e.g. Kahneman *et al.* 1997; Kahneman *et al.* 1999).

Consider now Rational Choice in strategic situations or games, in which any one agent’s choices depend on others’ choices so that rationality demands an equilibrium in which no agent has an incentive to depart from his choice. Rational Choice in games is generally conceived in terms of a Nash equilibrium point, named after the Princeton mathematician John Nash (1950) and defined as a set of individual strategies such that any agent’s strategy is a best reply to the others’ given strategy choices. Rational agents have no incentive to depart from such an equilibrium because each is getting an outcome that maximizes his economic utility given what the others are choosing to do. As is well known, rational utility-maximizers will choose not to mutually cooperate in some strategic situations such as the Prisoners’ Dilemma (PD) game, even though cooperation would make them all better off and result in a Pareto optimal outcome.

Under certain conditions, however, rational cooperation is possible so that a cooperative solution such as the Nash bargaining equilibrium is a Nash equilibrium point. For instance, with suitably low discount rates so that future utility payoffs are of sufficient importance, rational agents may mutually cooperate by choosing strategies of reciprocity (e.g. tit-for-tat) in the context of an indefinitely repeated PD game (e.g. Axelrod, 1984). This repeated PD game must not be conflated with a genuine one-shot PD game because they have different payoff structures. And there is no guarantee that cooperation will emerge because multiple Nash equilibria

## RATIONAL CHOICE THEORY

exist in the repeated game, including the noncooperative equilibrium of the original one-shot PD game. Indeed, the problem now is the existence of multiple equilibria, and a mechanism is needed to select one of these as the outcome. For instance, particular cultural norms and conventions may evolve to pick out one cooperative solution from the many possibilities. Such a mechanism is exogenous to rational choice theory.

While definitional egoism is a feature of the pure theory so that its formal apparatus applies whatever the actual motivations or skills of the agents so long as they reveal consistent preferences, Rational Choice theorists and game theorists often assume that rational agents really are predominantly selfish agents who employ efficient means to achieve their selfish ends. Strictly speaking, those assumptions about human psychology and instrumental efficiency are substantive additions to the pure theory of Rational Choice, however, and their suitability in any context depends on evidence beyond the consistency of observed choices. Economists commonly impose the axiom of selfishness to explain and justify competitive market allocations of scarce resources, for instance, although reasonable market participants are at least sometimes motivated by other considerations (e.g. professional norms and cultural values) as introspection and discussion confirm. No doubt the instrumental view of rationality has a long history and is typically attributed to Hume when he says that “reason is, and ought only to be the slave of the passions” (Hume, p. 415). But the ability to match means to ends is something distinct from consistency. An agent might consistently do a poor job of choosing the best actions and other instruments for attaining his goals.

Rational Choice Theory supplemented by such substantive assumptions can also be used to provide an account of justice and morality. An account along these lines ultimately seeks to reduce morality and justice to the self-interested utility-maximizing

behaviour of rational cooperators in a particular cultural context. Binmore (1994, 1997) is a leading example of such a deployment of Rational Choice Theory. In his sophisticated “Whiggish” game theoretic account, morality is explained in terms of a short-run proportional bargaining solution that coincides with a long-run Nash bargaining equilibrium (Riley, 2006).

Critics, including some game theorists, argue against Binmore that morality cannot plausibly be reduced to rational cooperation among selfish agents but instead requires a different account involving a more complex structure of preferences. Harsanyi distinguishes between personal and moral or impersonal kinds of preference orderings, for example, and argues that morality is explained in terms of an impersonal preference ordering which is constructed by an impartial observer who places herself with equal probability in the social positions of each member of her society and sympathizes with them by adopting their expected utilities while in their respective positions (Harsanyi, pp. 48–83). By obtaining a cardinal measure of utility (using the so-called Neumann-Morgenstern method of cardinalization which relies on attitudes towards risk) and making interpersonal utility comparisons, the impersonal observer can in principle construct a moral preference ordering that is utilitarian in form. Any such observer is not motivated by self-interest, it seems, but instead by a love of the general welfare. Evidently, a society of similarly rational and moral agents would effectively implement the utilitarian CCR.

Nevertheless, various objections may be pressed against Harsanyi, including the objection that a rational impersonal observer only pursues her moral goal of maximizing the sum total of individual utilities because she experiences personal utility in sympathy with the other members of her society as they experience their utilities. In short, her moral goal is not really disinterested because she

only pursues it to gain the personal enjoyment which her sympathetic imagination brings her. But such an impersonal observer is purely fictitious in any case, so the objection continues, because it soon becomes obvious to a rational agent that if she is an impersonal observer who is actually a member of society, then she may be called upon to sacrifice her own interests entirely to promote the interests of others. But no human being can really be expected to sacrifice her self-interest entirely in this way.

Alternatively, we might assume that a rational agent has disinterested commitments—not necessarily utilitarian commitments or even impartial ones—that she pursues independently of, and perhaps even contrary to, her own enjoyments. Such an approach is outlined by Sen, who argues in favour of a complex preference structure in which a meta-ranking—that is, a (possibly incomplete) preference ranking over different kinds of preference relations defined over  $S$ —is employed by the agent to reveal her commitments that may run counter to the personal kind of preference ordering which reflects her own interests (Sen, 1982, pp. 54–106). Such a rational agent has no difficulty being logically consistent but substantive assumptions, inevitably contestable and foreign to pure Rational Choice Theory, are being made about her complex psychology. In particular, some critics may argue that rational people are psychologically incapable of acting on a counterpreferential commitment that requires them to choose options which they believe are relatively inferior to others and which they do not personally desire to choose as much as they desire to choose those other options in  $S$ .

As should be clear, Rational Choice Theory does not possess an incontestable conception of practical reason. Logical consistency is a pretty undemanding requirement. And instrumental rationality in the service of selfish goals is not compelling as a general conception of Rational Choice. A conception of

practical reason must encompass additional goals and provide understanding of which goals are appropriate in the given choice situations, it seems, while at the same time giving due priority to morality and justice. Many distinct approaches to practical reason remain on the table (e.g. Kant, 1788; Mill, 1861; Rawls, 2005).

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See also ECONOMICS; EXPECTED UTILITY HYPOTHESIS; GAME THEORY; PARETO PRINCIPLE; PRACTICAL REASONING; PREFERENCES (PREFERENTIALISM); PSYCHOLOGY; PUBLIC CHOICE THEORY.

## RAWLS, JOHN (1921–2002)

John Rawls was born on 21 February 1921 in Baltimore, Maryland. He earned his Ph.D. at Princeton University in 1950 and was a professor in the Department of Philosophy at Harvard for over 30 years. He wrote several

key texts: *A Theory of Justice* (1971), *Political Liberalism* (1993), *The Law of Peoples* (1999), and *Justice as Fairness* (2001), and received the National Humanities Medal from the National Endowment for the Humanities in 1999. Rawls died in Lexington, Massachusetts in 2002.

In the highly influential *A Theory of Justice*, Rawls offers his own theory of justice as a systematic alternative to utilitarianism. Utilitarianism, in addition to constituting a systematic theory, is represented by Rawls as the assumed baseline in political morality because it accords with our sense both that numbers matter in moral assessments and our sense that human well-being or human welfare is an important good. However, his major complaint is that utilitarianism fails to “take seriously the distinction between persons” (Rawls, p. 27). The aggregative method embodied in the utilitarian maxim of seeking the greatest good for the greatest number leads it to sacrifice some people’s happiness/preferences for the sake of the happiness of others (for a response to this criticism see Kelly, 1990). Rawls’s alternative contract method is based on an agreement whereby each person’s fundamental interests are protected; it understands equality as requiring both the protection of equal basic liberties and the maximization of the situation of the worst off (representative) person.

Nevertheless, Rawls’s theory of justice and utilitarianism share an important moral assumption, namely the moral equality of persons, and both are designed to address a similar problem, namely that there is an irreducible plurality of conceptions of the good. They are both species of impartialist theory, in the sense that they are interested in finding a basis in society’s institutions and public policy which is capable, at least in principle, of appealing to every member of society, whatever his or her conception of the good may be (Barry, pp. 72–4). Utilitarian theory embodies neutrality in relation to specific conceptions of the good because

preference satisfaction, as a metric for amalgamating diverse conceptions of what is worth seeking in life on a common scale, is suitably impartial among persons (Arneson, p. 216). The challenge for Rawlsian justice is to embody impartiality, but not to collapse into utilitarianism.

Rawls's theory aims to do this through two devices: one is the original position, which is the central organizing idea of his theory of justice, and the other is his theory of primary goods, which are intended to be neutral among conceptions of the good in the sense that they are all-purpose means to whatever plan of life one has. The theory of primary goods gives a metric by which different people's lives can be compared without being subjectivist about the good and/or collapsing into some form of utilitarianism. Rawls's original position is also important to the project. It is a hypothetical contractarian device intended as the basis for rational and reasonable persons to arrive at social choice, designed in such a way that the principles that emerge are principles of justice. Rawls justifies the various constraints on choice in the original position on the grounds that they are necessary to guarantee impartiality; on this ground, he excludes from the parties to the original position knowledge of their race, class, talents and so on (and later includes gender among the excluded characteristics). All this is designed to ensure that the deliberative process in the original position is fair, and that the parties cannot construct principles that are biased in favour of their particular class or race.

From this original position, Rawls arrives at the "general conception of justice" according to which "all social primary goods—liberty and opportunity, income and wealth, and the bases of self-respect—are to be distributed equally unless an unequal distribution of any or all of these goods is to the advantage of the least favoured" (Rawls, p. 303). This "general conception" is then modified and refined in important ways. The

two main modifications are: (1) the introduction of a principle of lexical priority, according to which, in a developed society, improvements in material goods cannot be traded for basic liberties, and (2) a distinction between the liberty component of the just society and distributive justice. The canonical statement of the "special conception" for the two principles is as follows. The first principle requires that: "Each person is to have an equal right to the most extensive total system of equal basic liberties compatible with a similar system of liberty for all." The second states that: "Social and economic inequalities are to be arranged so that they are both (a) to the greatest benefit of the least advantaged and (b) attached to offices and positions open to all under conditions of fair equality of opportunity" (p. 302). The "special conception of justice" is applicable to a developed society, and the lexical ordering of the principles means that improvements to social and economic inequalities (the second principle) cannot be made at the expense of the liberty principle (the first principle).

Rawls's theory is influenced by utilitarianism in several important ways. He draws from Hume and Sidgwick the idea of justice as a matter of convention, embracing the rules of a social practice. Like Hume, Rawls believed that property, political institutions, and punishment rules are social conventions that can be practised in different ways in different societies, and so the rightness and wrongness of actions are determined by reference to the rules constituting these practices. The institution of property, for example, is not justified as a natural right (as Locke did) but as a social convention; indeed, Rawls does not address the question of what kind of economic system (capitalism, socialism, etc.) is more just, although he suggests that he personally favours some form of property-owning democracy (Rawls, pp. 273–81). This flows from the basically conventional view that he has of property,



the rules of which are established by the state. This is similar to rule utilitarianism, where the principle of utility is not directly applied to particular individual actions, but is used to determine and justify the social rules that individuals ought to follow. More broadly, it has been argued that Rawls's conception of justice itself—as applied to the basic structure of society—is also drawn from Hume's account of the conventions of justice (Freeman, p. 103). Unlike the ancients, who applied the terms “just” and “unjust” to individual persons and individual actions, Rawls is interested in the rules that govern the basic structure of society, including particularly economic institutions. This is why he begins *A Theory of Justice* by claiming that “the primary subject of justice is the basic structure of society” (Rawls, p. 7).

Rawls's liberty principle also bears close similarities to J. S. Mill's formulation of the liberty principle, in so far as both appeal to certain *basic* rights and freedoms of the person, which should be protected and not subject to trade-off for economic goods (at least in the “special conception of justice,” applicable to developed societies). Liberty is not simply free action, but is specified in terms that Mill would have recognized: as involving liberty of conscience, freedom of thought, freedom of association, equal political liberty, and the rights and liberty associated with the rule of law. Rawls's theory is an advance of Mill's, however, in articulating, from the conception of equal moral personhood at the base of the original position, which liberties are basic and which are not (Freeman, p. 46).

Some of the most influential criticisms of Rawls's theory of justice stem from his claim to provide a distinct alternative to utilitarianism. Critics allege that the difference principle, which requires that inequalities are justified if they are to the advantage of the least well off (representative) person, is precisely a utilitarian type of trade-off because it requires that some (the talented, the better

off) are sacrificed to improve the position of others (the worst off) (Nozick, 1974). Another related form of criticism is that it is rational in the original position for parties to agree—not to the difference principle, as Rawls states, but to the highest average utility principle. Critics allege that Rawls avoids adopting the principle of highest average utility only by assuming that the parties to the original position are extraordinarily risk-averse, and by denying them knowledge of the precise odds for ending up in a particular situation (Harsanyi, 1975). Only through these (unargued for manoeuvres) can Rawls plausibly argue that the parties to the original position would agree to the difference principle (maximizing the minimum) rather than a principle that gives to everyone the highest average utility or welfare.

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See also AGGREGATE AND AVERAGE UTILITARIANISM; HUME, DAVID; INTERPERSONAL UTILITY; JUSTICE; LIBERTY; MILL, JOHN STUART; NOZICK, ROBERT; RULE UTILITARIANISM.

## RELIGION OF HUMANITY

The Religion of Humanity was a body of doctrine and practice devised by the French philosopher of science and social theorist, Auguste Comte (1798–1857). It was the most notable element in a profound change that took place in Comte's personal and philosophical outlook in the years between his two major works, the *Cours de philosophie positive* (in six volumes appearing between 1830 and 1842) and the *Système de politique positive* (four volumes appearing between 1851 and 1854). The former work advanced a historical theory according to which each branch of human knowledge would pass through "theological" and "metaphysical" stages and eventually become "positive," that is, empirical and systematic. When all departments of life reached the positive stage, religious belief would wither away. But as a result of a complex process of self-assessment, accompanied by a radically new understanding of the affective and imaginative side of life, Comte later came to propose a very different view of the future of religion:

for in the *Cours* it was predicted that the society and worldview of the future—although still termed "positivist"—would necessarily find its principle of solidarity in a new religion, one devoted to the service of Humanity itself, not of God.

The idea of a secular or godless religion was not new. The Jacobin regime of the revolutionary period had tried to develop religious forms to replace those of the Catholic church, and in the nineteenth century the idea that some substitute was needed for the declining influence of Christianity was widely entertained; that idea had been advanced, for example, by Henri de Saint-Simon, a former mentor with whom Comte had broken in the 1820s, and James Mill in the 1835 essay "The Church, and Its Reform." Comte was unique, however, in offering so complete and detailed a substitute—one which minutely specified modes of prayer and gesture, a priesthood exercising spiritual hegemony, a new calendar that celebrated the record of human achievements, and a catechism (the *Catéchisme positiviste*, which is the briefest and most accessible source for Comte's religious doctrine). At first sight at least it may seem odd that the religion of the future should so closely resemble the religion of the past: but according to Comte, the forms of Catholic belief and ritual had simply expressed in a misleadingly theological form the permanent human needs for solidarity, personal identity, meaning and reverence, so that in the Religion of Humanity their true basis would simply come, at last, to be revealed.

With the single exception of Brazil, which adopted the Religion of Humanity's formula "Order and Progress" as its national motto, and where there is still (in Rio de Janeiro) a Positivist Church, the influence of Comte's proposal was transitory. But for a time it exercised significant appeal for European intellectuals who, as noted above, wondered about the functional equivalents that future society would find for the religion of

the past. In Britain, some writers and activists such as Frederic Harrison and Richard Congreve identified themselves as adherents of the newly religious form that Comte had given to positivism. Beyond the circle of actual adherents, influential figures such as Harriet Martineau, G. H. Lewes and George Eliot took a close though critical interest in the doctrine, as did J. S. Mill. But the nature of Mill's connection with it is in part a matter of fact, and in part a matter of controversy.

Mill's initial interest was in the Comte of the *Cours* and the philosophy of science that it had formulated. It was so congenial to Mill's own empiricism, and to his theory of progress, that he went so far as to say that had he known of it before writing his own *System of Logic*, he would have spent the time translating the *Cours* instead. As for Comte's later *Système*, and its doctrine of the Religion of Humanity, the picture is however much more mixed. Mill's most strongly favourable view is advanced in Chapter 3 of his *Utilitarianism* (1861), "Of the ultimate sanction of the principle of utility." Here Mill addresses the question of what it is that might motivate people to promote not only their own greatest happiness, but also the general happiness, and it is to Comte that he turns for an answer. He says that if anyone should find it hard to grasp "a feeling of unity with all the rest," he should read Comte's *Système*, which "has superabundantly shown the possibility of giving to the service of humanity, even without the aid of belief in a Providence, both the physical power and the social efficacy of a religion; making it take hold of human life, and colour all thought, feeling, and action, in a manner of which the greatest ascendancy ever exercised by any religion may be but a type and foretaste" (Mill, *CW*, vol. 10, p. 232). Something like Comte's view, then, according to Mill, may be indispensable to motivating the greatest happiness principle.

The passage just quoted is preceded, however, by a warning. Mill writes: "I entertain the strongest objections to the system of politics and morals set forth in [the *Système*]," and those objections are most fully explained in the work that Mill devoted to Comte's theories. In *Auguste Comte and Positivism* (1865), Mill addresses the differences between positivism as a philosophy of science and positivism as a new religion, embracing the former, while confirming his reservations about the latter. As in his earlier essays on "The Utility of Religion" and "Theism," he is sympathetic to the idea of a secular religion ("a creed, or conviction, claiming authority over the whole of human life"); he again applauds Comte for proposing "the general interest of the human race" as an object of devotion; he even sees "great beauty and grandeur" in the idea that each person performing work should regard himself as "a public functionary" with a duty to humanity as a whole (*CW*, vol. 10, pp. 332–40). But Mill also forthrightly describes the apparatus of Comte's secular religion as "ludicrous," and as expressing "the mania for regulation by which Frenchmen are distinguished among Europeans, and M. Comte among Frenchmen." Comte's vision of the future amounts to a horrific vision of social and political oppression. The source of its oppressive character, Mill believes, is Comte's blindness to the existence of any intermediate space between duty and sin—curiously, he says (in light of Comte's obviously profound debts to Catholicism), a "Calvinist" mistake (pp. 337–8).

It is evidently Mill's belief that "mankind" should be thought of as composed of "single human beings" each of whom "pursues his own, under the rules and conditions required by the good of the rest," rather than making "the good of the rest his only object" (*CW*, vol. 10, p. 337). But this important dissent from Comte has not prevented his critics from seeing his sympathy for the religion of humanity as a symptom of deep illiberalism.

For Maurice Cowling (1990), it brings to light the way in which Mill's utilitarianism assumed a dogmatic and aggressive form that was intended to subvert and suffocate the Christian religion, and to secure the ascendancy of like-minded intellectuals. For Linda Raeder (2002), it is emblematic of the way in which liberal "secular humanism" functions as a surrogate religion. Now Mill did not deny that a liberal society, like any society, privileged its constitutive doctrine. In his essay on Coleridge, he noted that it is necessary "that there be in the constitution of the state *something* which is settled, something permanent, and not to be called into question," maintaining that this "sacred" element, once filled by gods or ideas of divine kingship, can be provided in the future by the principle of liberty itself (pp. 133–4). Mill was not, that is to say, an open-society theorist like Popper or a neutralist like Rawls or Dworkin, but a frankly perfectionist liberal. Whether or not his version of liberalism provides an adequate defence of liberty is of course a large question that must be tackled in a context broader than this. But we should note that Mill himself was aware of the potentially overbearing power of the religion of humanity, "of which the danger is," he wrote in *Utilitarianism*, "not that it should be insufficient, but that it should be so excessive as to interfere with human freedom and individuality" (p. 232).

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See also CHRISTIANITY; COMTE, AUGUSTE; LIBERALISM; MILL, JAMES; MILL, JOHN STUART; RELIGIOUS UTILITARIANS.

#### RELIGIOUS UTILITARIANS

Traditionally, the history of the relationship between religion and the principle of utility, and between utilitarians and religion, is viewed as a neat chronology, with a gradual movement away from the religious form of utilitarianism towards a modernized, secular version in the course of the eighteenth century (Stephen, 1876, 1900; Albee, 1901; Halévy, 1901–4; Plamenatz, 1949). There is a degree of cogency in this perspective. Initially, the relationship was harmonious, involving reinforcing elements within moral and political disquisition. Subsequently, utilitarianism and Christianity became antagonistic, if not always mutually exclusive, systems of thought. However, there are elements of the story that defeat the neatness of this chronology—secular elements that shape the religious version of utilitarian theory, and religious elements encompassed within the seemingly foreign secular variant of the doctrine.

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It is generally understood that “utilitarianism” may be understood (1) as a theory of ethics which provides a criterion for distinguishing between actions deemed right and wrong and an account of the nature of the moral judgements that characterize actions as right or wrong, and (2) as a movement or an ideology for legal and political reforms which gained ground in the early nineteenth century largely due to the efforts of Jeremy Bentham. Bentham may well have had both meanings in mind when he coined the term “utilitarian” in 1781. However, since the “religious utilitarians” cannot be described as political reformers either in substance or disposition—though certain of them were liberal in church matters and Paley married humanitarian concerns for slaves and the poor with an apology for existing political arrangements—the latter meaning of the term cannot accurately be applied to them. Matters stand otherwise with the first, moral meaning of the term.

The standard form of utilitarianism encompasses two essential elements: (1) the rightness/wrongness of an action is determined by the goodness/badness of its consequences; (2) the only thing that is good in itself is pleasure and the only thing bad in itself is pain, and happiness is taken to be the sum of pleasures over pains. Based on these elements, the doctrine is then expressed in the form of the greatest happiness principle, that is “the rightness of an action is determined by its contribution to the happiness of everyone affected by it” (Quinton, p. 1). These basic stipulations provide us with the essential ethical elements of utilitarian theory according to which the religious or theological moralists count as “utilitarians.” They held that the standard of right or wrong is general happiness and that actions are approved or disapproved depending on the degree and distribution of happiness produced; they construed general happiness in terms of the aggregate happiness of individuals and they located the motivation to virtue

in personal happiness, including the happiness to be found in the afterlife.

The most notable religious utilitarians of the eighteenth century were John Gay (1699–1745), John Brown (1715–66), Soame Jenyns (1704–87), Edmund Law (1703–87), Abraham Tucker (1705–74), and William Paley (1743–1805). In the nineteenth century, John Austin stands out as one of the few exemplars of the doctrine. Gay, Brown, Law, and Paley were each ordained clergy. All were educated at Cambridge, except Tucker, who attended Merton College, Oxford. Gay, Brown, Jenyns, and Law were near contemporaries at Cambridge. Among their colleagues they could count David Hartley, who tells us that it was Gay who inspired him to examine “the power of Association” and “the Possibility of deducing all our intellectual Pleasures and Pains from Association” (Hartley, pp. iii–v). Though it was Hartley’s more sophisticated and generalized version of associationism which came into philosophical currency in the second half of the eighteenth century, both Law and Tucker traced its origins to Gay (and before him to Locke). Brown and Law knew Gay’s work and recommended it. Paley learnt from both Law and Tucker, made a special point of acknowledging the work of the second and to the first dedicated his *Principles of Moral and Political Philosophy* (1785). The philosophical and theological connections between these thinkers are extensive and clearly mark them off as adherents of a distinctive school.

Elements of the approach taken by the religious utilitarians can be found in other moralists of the age. In *De Legibus Naturæ Disquisitio Philosophica* (1672), Richard Cumberland (1631–1718) defined right action in terms of the promotion of “the greatest common good” of all rational beings (including God) and, against Hobbes, posited the notion that human nature was as much benevolent as it was self-interested. Cumberland raised the edict to pursue the common good (encompassing the happiness of the

individual as well as the happiness of others) to the status of a natural law, for which there are divine punishments for noncompliance and rewards for compliance. In this scheme, however, it is the necessity of natural law which drives morality, not the individual's motivation to seek his own personal happiness. The rudiments of the religious utilitarian view of the motivation supplied by the afterlife can be seen in Locke's *Essay concerning Human Understanding* (1690), but it is hardly developed by him (see Bk. II, Ch.21, secs 38 and 70). George Berkeley (1685–1753) set out the basic tenets of religious utilitarianism in his sermon "Passive Obedience, or the Christian Doctrine of not Resisting the Supreme Power, Proved and Vindicated upon the Principles of the Law of Nature" (1712), and Joseph Butler (1692–1752) also presented elements of the doctrine in "Three Essays on Human Nature" (1726) and "A Dissertation on the Nature of Virtue" (1736), as did Thomas Rutherforth (1712–71) in his *Essay on the Nature and Obligations of Virtue* (1744) and James Long (pseud.) in *An Enquiry Into the Origins of the Human Appetites and Affections* (1747). It is also interesting to note that a distant relative of Bentham's, Edward Bentham (1707–76), the Regius Professor of Divinity at Oxford, offered a haphazardly arranged version of utilitarian ethics grounded in theology in *An Introduction to Moral Philosophy* (1745). While a student at Oxford, Bentham visited his relative, who presented him with a copy of his *Reflections on Logic* (1740; 2nd edn. 1755) and assisted the young scholar with his Latin translations, but there is no record of what the future utilitarian thought of the professor's lectures and writings on divinity and moral philosophy. In the writings of these and others we see the extent to which the philosophy of the religious utilitarians became the prevailing wisdom of the age.

In contrast to these moralists, however, the religious utilitarians consistently employed the utilitarian language of happiness and its

component parts. From Locke they learnt that it is considerations of pleasure and pain that provide men with the impulse to action, and to this they added that the criterion of virtue is the standard of general happiness. They all adhered to the hedonist psychology according to which individuals are motivated by considerations of pleasure and pain, and they were consequentialists who defined right conduct in terms of the resulting benefits that accrue to society. Necessarily, therefore, they were concerned with the problem of moral choice and with the best means to ensure the moral end of happiness in civil society. It is the religious solution they offered to the conflict between interests in social and political life which distinguishes them. The "religious principle" convinced them that they had bridged the gap between self-interest and social interest, thereby solving one of the pivotal problems of eighteenth-century ethics. To the regulating agencies of providence without Church and legislation without divinity, they opposed a philosophy based on Christian beliefs and a recognition of the importance of the Established Church for the teaching of those beliefs. In sum, the general happiness is the criterion of virtue, the agent's own greatest happiness is the motive to the pursuit of virtue, and the rewards and penalties of the afterlife (computed by God in proportion to the contribution each person has made to fulfilling his divine will and adding to the greatest happiness of others) provide the connecting link between the two.

There are other elements of the writings of the religious utilitarians which encompass important "secular" concepts and themes in the history of utilitarian thought: (1) the idea of virtue as a compound or mixed idea derived from Locke; (2) the habitual way in which individuals act in terms of the Hartleian conception of the association of ideas; (3) the importance of habit (or the consequential tendencies of actions) as the foundation of rules of conduct; and (4)



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the delineation of the sources of obligation in terms of natural, moral, civil or political, and religious sanctions. All these features are present in Gay's path-breaking "Preliminary Dissertation. Concerning the fundamental principle of virtue or morality" (1731). They exist in varying degrees of prominence in the work of the other religious utilitarians, and were taken up by later utilitarians, including Bentham, James and John Stuart Mill, and John Austin. Austin is particularly interesting in this context. Influenced by Bentham's positivist legal philosophy and an associate of the younger Mill, he yet retained the notion that divine commands were laws "properly so called" which exhibited God's benevolent design and which should be obeyed.

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- See also* ASSOCIATIONISM; AUSTIN, JOHN; CHRISTIANITY; CUMBERLAND, RICHARD; GAY, JOHN; HARTLEY, DAVID; MALTHUS, THOMAS ROBERT; PALEY, WILLIAM; RELIGION OF HUMANITY.
- REPUGNANT CONCLUSION:** *See* AGGREGATE AND AVERAGE UTILITARIANISM; CRITICAL-LEVEL UTILITARIANISM; INTERGENERATIONAL JUSTICE; NUMBER-DAMPENED UTILITARIANISM; PARFIT, DEREK; POPULATION; TOTAL UTILITARIANISM.

## RICARDO, DAVID (1772–1823)

David Ricardo was born on 18 April 1772 in London to an affluent Sephardic Jewish Portuguese–Italian–Dutch family. After private education he went into business as a stock-jobber. At age 21, Ricardo eloped with a Quaker, Priscilla Anne Wilkinson, converted to Unitarianism, and became a “hearer” of the Unitarian minister, Thomas Belsham. He published several important papers on monetary policy, which provided the occasion for meeting James Mill and Thomas Malthus (he joined Malthus’ Political Economy Club), published the famous *Principles of Political Economy and Taxation* (1817), and was elected to parliament in 1819. He died suddenly on 11 September 1823 at his estate at Gatcombe Park in Gloucestershire.

Ricardo’s is a tricky case in the history of utilitarianism, since in Mill’s dreams he should have been in charge of the School’s economic branch, and the dream turned into a legend in the histories of utilitarianism by Stephen (1900) and Halévy (1901–4). As a reaction, later historians of economic analysis, such as Schumpeter (1954) and Hollander (1979), tried hard to detect in Ricardo a purely “scientific” contribution free from philosophical considerations. Sraffa, the Editor of Ricardo’s *Works*, shared the same attitude, but pointed to Ricardo’s acquaintance with natural science as the possible source of methodological inspiration.

A partial return to Halévy’s position was staged by Hutchinson (1978, pp. 26–57; followed by Depoortère, 2008), even if with intentions opposite to Halévy. Hutchinson sought to prove that more than a Benthamite, Ricardo was the follower of James Mill’s approach to social science and the protagonist of a “scientific revolution,” yielding a more abstract “economic science” than that offered by Smithian “political economy.”

One of Halévy’s myths is that Mill schooled Ricardo in Cartesian methodology by teaching him Dugald Stewart’s philosophy.

Thanks to Sraffa we have abundant evidence now that Mill taught Ricardo party politics and publishing policies, but not method. Moreover, it is most unlikely that Mill would have taught Ricardo both Stewart’s philosophy and Cartesianism, since Stewart was, no less than Hume and Adam Smith, an anti-Cartesian. As early as 1899, Patten suggested a more balanced picture, while de Marchi has argued that it is “unlikely that James Mill tutored Ricardo in *method*,” and contended that the relationship between Mill and Ricardo concerned political matters not theory (De Marchi, p. 175), a conclusion reached also by Hollander. Further, it is as well to keep in mind that what constituted utilitarianism in Ricardo’s day was not entirely clear, and many were prepared to accept utilitarian legal philosophy but rejected its moral and psychological postulates, and held back from its democratic conclusions.

The following may be a few plausible conclusions on Ricardo’s “philosophy.” Prior to his relationship with Mill, Ricardo was exposed to Belsham’s philosophical ideas. Among these were arguments for a limited scepticism, according to which knowledge of essences and causal connections is impossible, with the implication that law-like explanations were to be preferred to causal explanations. In addition, Ricardo opted for simplification at the price of the lesser realism of hypotheses, and stressed the need for the explicit definition of terms. His ethical theory was a blend of intuitionist and consequentialist elements, matching psychological eudemonism with universal benevolence, and assuming the greatest happiness to be the goal for action. On the other hand, after reading Mill’s *History of British India*, Ricardo raised objections to the idea of utility as a mark of rational action and to the possibility of measuring and comparing the utility of different goals for action (Ricardo, 1951–73, vol. 7, p. 242). Also, his quest for an invariable measure of value (vol. 1,

p. 429; vol. 7, p. 185) reflects misgivings about the Benthamite doctrine of utility.

Ricardo refers twice in his correspondence to the principle of utility. In a letter to Francis Place in defence of Malthus's use of the words "right" and "law of nature," he argued that these amounted roughly to "utility" or "the good of the whole," and added: "I as well as you am a disciple of the Bentham and Mill school" (Ricardo, 1951–73, vol. 9, p. 52). When writing to Maria Edgeworth, he declared that he would have supported any policy encouraging cultivation of potatoes if he were convinced that this would be a remedy to famines, concluding that he would fight "till death in favour of the potatoe, for my motto, after Mr. Bentham, is 'the greatest happiness to the greatest number'" (pp. 238–9). Yet, it is as well to reflect that in the former case Ricardo was arguing that differences *in theory* between Benthamite utilitarianism and Malthusian natural law was irrelevant *in practice*, and in the latter his intention was to poke fun at Bentham and Mill.

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See also BENTHAM, JEREMY; ECONOMICS; HALÉVY, ELIE; MALTHUS, THOMAS ROBERT; MILL, JAMES; POLITICAL ECONOMY.

**RICHMAN, IRVING BERDINE**  
(1861–1938): See HURD, JOHN CODMAN.

**RIGHTS**

The relationship between utilitarianism and rights is usually considered to be antagonistic. While utilitarianism is the moral and political theory which seeks to promote overall social utility, rights are generally considered to be things which constrain that pursuit. Indeed, rights have been described as concepts which act as "firewalls," "side-constraints," and "trumps" on the promotion

of aggregate utility (Habermas, pp. 258–9; Nozick, pp. 28–9; Dworkin, 1984). Furthermore, according to many rights theorists, rights are a necessary normative corrective to unrestricted utilitarian reasoning. For it is frequently alleged that utilitarianism can sanction all sorts of horrors and harms to individuals, if those horrors and harms serve overall happiness. It is often claimed then that utilitarianism must be supplanted by or supplemented with a theory of individual rights in order to protect individuals from being sacrificed in such ways.

One famous hypothetical example, which is often cited to illustrate the antagonism between utilitarianism and rights, is the so-called “Transplant.” In the Transplant, we are asked to imagine a situation where a surgeon has five patients in the hospital, each of whom requires a different organ in order to survive. A healthy young traveller comes into the hospital for routine tests, and during those tests the surgeon discovers that the traveller’s organs are compatible with each of the dying patients (Foot, 1967). Assuming then that certain conditions are satisfied, such as the surgery being a success, the transplant being kept secret, and the doctor going unpunished, we are asked to consider whether the surgeon should proceed with the transplant. Simple utilitarian reasoning would seem to suggest that the surgeon should proceed. After all, if one’s sole moral obligation is to maximize overall utility, then since the sacrifice of one will save five, a simple aggregative calculation tells the surgeon to go ahead with the transplant. For most of us, however, this conclusion is extremely unappealing, jarring as it does against our common-sense morality. What seems necessary to many, then, is that we adopt a moral and political theory which puts some constraints on the relentless pursuit of aggregate utility—that is, one that recognizes and upholds individual rights. For once we build a framework of rights into our moral theories, political policies and legal systems, we

can immediately recognize that the traveller has a right to life—a right which serves as a protective shield to prevent his sacrifice at the hands of the surgeon.

How have utilitarians responded to this example, and others like them? Some accept that the relationship between utilitarianism and rights is fundamentally antagonistic, but argue that utilitarianism is the better option. For one, many utilitarians are extremely sceptical about establishing the necessity of rights on the basis of intuitions (Unger, p. 10; Norcross, 2008). For not only do intuitions frequently vary from person to person, rendering them somewhat indeterminate, but they are also likely to derive from social customs and conventions. If our intuitions do have this conventional source, as only seems reasonable, it is clear that using them as a guide to normative judgement can serve to prop up orthodoxies and injustices that might deserve to be overthrown (Singer, 1974, 2005; Rachels, 2006). Other theorists have also questioned the usefulness of intuitions in relation to examples like the Transplant. These thinkers claim that our intuitions are likely to have evolved to deal with normal real-world situations. The Transplant case is so strange and outlandish, so the argument goes, that our ordinary intuitions simply do not apply. As such, utilitarians can perfectly well accept that surgeons should not sacrifice individuals coming in for routine checks in normal circumstances. However, when circumstances are way beyond normal—and verging on the impossible—then our ordinary judgements, and indeed intuitions, do not apply (Sprigge, 1965).

So, one reason why some utilitarians eschew rights and prefer to stick solely to utilitarian reasoning is because they are sceptical about establishing the necessity of rights via an appeal to our intuitions. But this is often part of a wider scepticism about the very possibility of justifying rights, epitomized by Jeremy Bentham’s well-known description of natural rights as “nonsense upon stilts”

## RIGHTS

(Bentham, p. 53). While Bentham was happy enough to acknowledge the reality—and indeed the utility—of enforceable rights within political and legal institutions, he considered the idea of a set of moral rights independent of social recognition as a dangerous fallacy. It was fallacious for Bentham specifically because he regarded it as conceptually necessary for rights to be socially enforceable. However, other utilitarians have a more general concern about moral rights: for exactly where do these rights come from, and how are they justified? The mysterious nature of rights is of particular concern to utilitarians because they tend to believe that moral and political judgements ought to be grounded in something that is tangible and measurable: that is, welfare.

It is possible, of course, for welfare to provide the ultimate justification for rights. Indeed, many theorists have attempted to justify rights via utilitarian considerations, thus providing some kind of reconciliation between the two. If such reconciliation were possible, it would seem to render rights more plausible by giving them a secure foundation, while also seeming to make utilitarianism less vulnerable to examples such as the Transplant. But how can such a reconciliation be achieved? Beginning with John Stuart Mill's *Utilitarianism* (1861), the most common method has been to employ some kind of indirect or rule utilitarianism (Lyons, 1984; Scanlon, 1984; Gray, 1982; Pettit, 1988). The crucial idea behind these arguments is that overall utility is best served not by aiming to maximize utility in each and every one of our actions, but by establishing institutions and following policies that protect rights. Following this line of thought, the appropriate question to ask in the Transplant case is not whether the surgeon will maximize utility if he performs the procedure. Instead, it is claimed that we should ask whether utility is better served by a general policy where individuals can be sacrificed for their organs, or a general policy that protects the right to life of

innocent travellers. For indirect utilitarians, policies and institutions that recognize and uphold rights serve utility better. First, they serve utility better because of the limits of our knowledge: each of us—including surgeons performing transplants—is prone to making mistakes when predicting the consequences of our individual actions. Moreover, they serve utility better because the knowledge of such rights provides individuals with the security to more effectively go about their business, pursue their goals and achieve happiness.

However, some critics have pointed to a problem with these attempts at reconciling rights and utilitarianism (Gray, 1982). After all, if it is overall welfare which provides the ultimate basis for rights, it is unclear why rights should not be sacrificed in those situations where we *can* be certain that violations will serve overall utility. For some, this renders utilitarian theories of rights far too contingent. For others, this is in fact the only way that a theory of moral rights can be made plausible.

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See also AGGREGATE AND AVERAGE UTILITARIANISM; INDIRECT UTILITARIANISM; JUSTICE; LIBERALISM; LIBERTY; MAXIMIZATION; NOZICK, ROBERT; SPENCER, HERBERT.

#### RITCHIE, DAVID GEORGE (1853–1903)

David George Ritchie was born on 26 October 1853 in Jedburgh on the Scottish Borders and died in St Andrews on 3 February 1903. He was a British idealist philosopher, socialist and forerunner of the New Liberals, who wrote extensively on logic and metaphysics, as well as ethics and political philosophy where he sought to combine what he saw as the three leading intellectual currents of his day: evolutionary theory, utilitarianism and philosophical idealism.

As an undergraduate at Edinburgh University, Ritchie was taught by notable philosophers such as Campbell Fraser and Henry Calderwood and the classicist William Veitch. He was awarded a First in Classics graduating with an MA in 1874. Later that year, he entered Balliol College Oxford as an exhibitioner, coming under the influence of the British idealists Thomas Hill Green and Arnold Toynbee. Graduating with a double First in 1878, he was made a Fellow of Jesus College Oxford, followed in 1881 by his appointment as a Tutor at Jesus and, from 1882 to 1886, simultaneously a Tutor at Balliol. He was appointed Professor of Logic and Metaphysics at the University of St Andrews in 1894, where he taught until his death.

Even though Ritchie often described himself as a utilitarian, he distanced himself from the standard variants of the theory. Of Benthamic "Hedonism," he asked rhetorically, "Is it true that all sentient beings do always pursue pleasure? Is not 'Happiness' something different from pleasure—something more, even, than pleasure *and* the absence of pain? How can we jump from 'Every sentient being naturally pursues his own pleasure' (supposing it were true) to 'Every one ought to seek the happiness of others'? I may assume that the negative criticism of Hedonism has done its work sufficiently; and it is superfluous to kill the dead" (Ritchie, 1891, p. 168). He saw Sidgwick as an



improvement on Bentham but held that it was J. S. Mill's utilitarianism that initiated the transformation of Bentham's hopelessly vague, atomistic, "abstract and mechanical view" of feelings and society into an intersubjective conception of the self and a relational conception of society. Yet, Mill failed to recognize the full logic of his own position, which entailed that existing social customs and institutions were the imperfect results of efforts of previous generations to articulate the highest human capacities in a determinate form. Ritchie believed that his own "Evolutionary Utilitarianism" had completed this transformation, which he considered an extension of the idealisms of Hegel and T. H. Green. He saw three evolutionary processes working simultaneously in society. The first was "natural selection" of the familiar biological type. He contrasted this with the evolutionary development of established practices and institutions. Ritchie called this refinement "imitative selection" where it occurred without conscious design, and "rational selection" where individuals and groups pursued their improvement consciously and successfully.

Individuals instantiated "Universal Reason" to the extent that they realized freely their higher capacities through active participation in a "healthy" "social organism." The individual helped to maintain the "health" of society by respecting her fellow members as self-determining individuals, and by rendering aid to them where the latter could not assist themselves. More than this, Ritchie was a liberal socialist for whom the state had a duty to protect vulnerable individuals against harmful social and economic forces. In this he set himself against Spencer's attempt to use evolutionary theory to justify "the dogma of *Laissez faire*" (Ritchie, 1890, p. iii).

Despite his self-description as an Evolutionary Utilitarian, ultimately Ritchie was an ambiguous utilitarian. At times he claimed merely that as a rough rule of thumb the

pursuit of pleasure led to the satisfaction of realizing one's higher capacities. Yet at other times, he seemed to conflate the feeling of pleasure with that of self-satisfaction in precisely the manner that his teacher Green had been so careful to warn against.

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See also GREEN, THOMAS HILL; IDEALISM; KANT, IMMANUEL; MILL, JOHN STUART; SPENCER, HERBERT.

#### ROBBINS, LIONEL (1898–1984)

Lionel Charles Robbins was born on 22 November 1898 at Sipson Farm in Middlesex. His sister, Caroline Robbins, was a noted historian. Robbins was educated

at Southall County Grammar School and, briefly, University College London. His education was interrupted by the war, when he joined the Royal Artillery and was wounded on the Western Front. He returned to England in 1918 and obtained his undergraduate degree from the London School of Economics, serving as a research assistant to William Beveridge, a tutor in economics at New College, Oxford, and became a Senior Professor at the LSE at the age of 31. His 1932 book *Nature and Significance of Economic Science* immediately influenced welfare economics and continues to serve as a standard reference. During World War II he served as Director of the Economic Section of the Offices of the War Cabinet, in which role he participated in negotiations with the American government. In 1961, he was rewarded for his long directorship of the LSE and his administrative roles in art and opera when he was named Baron Robbins of Clare Market. As Lord Robbins he chaired the meetings of the Committee on Higher Education from 1961 to 1963. Acceptance by policy makers of the “Robbins principle”—that spots in higher education would be “available to all who were qualified for them by ability and attainment”—marked the triumph of his life.

Robbins’s utilitarianism follows a long tradition from Bentham and J. S. Mill forwards. For Robbins, utilitarian doctrine provides first and foremost a rough and ready way to evaluate policy recommendations. Perhaps Robbins’s most important, and controversial, achievement in this regard was his famous separation between economic science and policy analysis. In this context, Robbins held that the latter inevitably entailed interpersonal comparisons of utility and since there was no way to make these comparisons scientifically, it fell outside the scope of scientific economics (Robbins, 1935).

Robbins thus separated utilitarianism from economic science. In his view economic science demonstrates that demand curves slope down. If someone were to deny the claim, a

scientific test would determine whether the counterexample was correct or not. Robbins acknowledged that there was, by contrast, no scientific apparatus to answer a query related to a utilitarian claim in favour of a particular policy. As such, economic science shied away from considerations of “ends,” what Mill and Jevons referred to as “pleasures”: “The economist is not concerned with ends as such. He is concerned with the way in which the attainment of ends is limited. The ends may be noble or they may be base. They may be ‘material’ or ‘immaterial’—if ends can be so described. But if the attainment of one set of ends involves the sacrifice of others, then it has an economic aspect” (Robbins, 1935, p. 25).

Though he held that people routinely make interpersonal utility comparisons, Robbins was sceptical about their scientific status. A further question arose as to what weights should be assigned to such comparisons in the felicific calculus. Robbins sided with Adam Smith, Mill, Spencer and Jevons, and parted company with Edgeworth, in declaring that each individual counts as one in the overall evaluation of pleasure, but argued that interpersonal comparisons were normative in nature and were not subject to scientific demonstration. Robbins sketched his attitude to policy analysis in the terms of a “provisional utilitarianism”:

I have always felt that, as a first approximation in handling questions relating to the lives and actions of large masses of people, the approach which counts each man as one, and, on that assumption, asks which way lies the greatest happiness, is less likely to lead one astray than any of the absolute systems. I do not believe, and I never have believed, that in fact men are necessarily equal or should always be judged as such. But I do believe that, in most cases, political calculations which do not treat them as if they were equal are morally revolting (Robbins, 1938, p. 635).

## ROMILLY

Here, Robbins echoed Philip Wicksteed's position that interpersonal comparisons might not be scientific but may be based on common sense; for example, we observe people making interpersonal comparisons all the time when they share things (Robbins, 1981). If Wicksteed illustrated the point in relation to a mother allocating food, Robbins discussed a father carving the holiday turkey.

The response to Robbins's "provisional utilitarianism" was to concede his point that utilitarian policy analysis was unscientific and then to reintroduce the proposal, due to Pareto, that evaluations of social welfare occur according to a no-harm principle. By this reasoning, if a state of affairs *A* has no one worse off but at least one person better off than in a second state of affairs *B*, then *A* is socially preferred to *B*.

Robbins was perhaps the greatest historian of the economic ideas of the era of Classical Utilitarianism. He clarified that it was the link between utilitarian concerns and economic analysis that rendered the British political economists so successful in their reforms (Robbins, 1952). It was through his reading of Robbins's history that John Rawls learnt to think of the utilitarians as, above all, reform-minded (Rawls, p. 19). Robbins's commitment to equal weighting of individual well-being was, for Rawls, the best version of utilitarianism (Rawls, p. 222).

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See also ECONOMICS; FELICIFIC CALCULUS; INTERPERSONAL UTILITY; PARETO PRINCIPLE; POLITICAL ECONOMY.

## ROMILLY, SAMUEL (1757–1818)

Sir Samuel Romilly was born on 1 March 1757 in Soho, London. He was the youngest of nine children in a family that emigrated to England from France following the revocation of the edict of Nantes in 1685 and the subsequent persecution of French protestants. Following the death of his beloved wife Anne in 1818 Romilly committed suicide. His early education was slight, but in 1778 he enrolled as a student at Gray's Inn and was called to the Bar in 1783. During this time he became interested in politics, regularly attended debates in the House of Commons, and studied the works of Beccaria and Rousseau. Soon after, he made the

acquaintance of William Wilberforce, with whom he shared an abhorrence for slavery; William Petty, first Marquess of Lansdowne and a former Prime Minister, who encouraged him to enter politics; and Jeremy Bentham, with whom he became allied in the cause of law reform. There were to be several occasions in the years following when Romilly counselled Bentham against publishing works that might be deemed libellous or seditious. In 1806 he became a Member of Parliament and Solicitor-General in the Grenville administration of "All the Talents," but left office when the government was brought down.

In 1784 Romilly published *A Fragment on the Constitutional Power and the Duty of Juries upon Trial for Libel*, advocating increased powers for juries in libel cases, and showing how judges often found it in the interest of their career to side with government in suppressing publications deemed libellous. In 1790 he published *Thoughts on the Probable Influence of the French Revolution on Great Britain*, optimistically forecasting that the Revolution would strengthen liberty in countries which already enjoyed it and bring about a reduction in warfare. However, like so many other moderate reformers in England, including Bentham, after the September massacres in Paris he turned away from the Revolution.

From its inception in 1787 Romilly had been involved in the Committee for the Abolition of the Slave Trade, and gave a celebrated parliamentary speech in defence of abolition on becoming an MP in 1806. A year later he spoke on behalf of a move emanating from Samuel Whitbread to increase educational opportunities for the poor, and became involved in the promotion of the Lancasterian system of education, the aim of which was mass schooling at a minimum cost to the state through the monitorial system.

From 1808 forwards Romilly's primary occupation was a campaign to reduce the

number of capital offences. Right up to a few months before his death in 1818, he was promoting bills to remove the death penalty for offences of a minor nature, though he had little success in the face of opposition from the Lords. Romilly's interest in criminal law reform was first signalled in 1786, when he published *Observations on a late Publication entitled "Thoughts on Executive Justice,"* a reply to Martin Madan's pamphlet *Thoughts on Executive Justice* (1785). In this tract Romilly attacked the inconsistencies and inhumanities of English penal law (which Madan argued needed to be enforced more severely), noting the weakness of the prevailing legal definitions of crimes, and calling for the complete remaking of the penal code as a consistent system. At the same time he argued that the principal purpose of criminal law was prevention rather than chastisement. Romilly was acutely aware that crime could often be connected with social conditions, and in this context he sought to modernize the antiquated civil code dealing with bankruptcy. In particular he opposed the tendency to equate insolvency with fraud and to punish the insolvent by incarceration.

When the Capital Punishment Society was founded in 1808 Romilly was enlisted by Basil Montagu to become its chief propagandist. In an important speech in the House of Commons in 1810, he refuted the arguments in defence of the death penalty set forth by William Paley in *The Principles of Moral and Political Philosophy* (1785). The published version of Romilly's speech, *Observations on the Criminal Law of England, as it relates to capital punishments*, is said to have had a profound effect on public opinion, and has been described as "one of the most important statements on the subject of the reform of criminal law ever made in Parliament and one of the best Romilly delivered on any subject" (Radzinowicz, vol. 1, p. 323). Romilly's campaign against the death penalty went hand in hand with a

concern to improve policing. He was instrumental in persuading the Commons to set up a committee to inquire into the state of the metropolitan police force, and served on the committee.

Romilly drew upon the writings of Bentham for the chief arguments against Paley (Crimmins, vol. 1, pp. xxvii–xxviii). He attacked the extensive discretionary powers of judges in sentencing in capital cases and the manner in which the Crown's power to pardon was exercised, and disagreed with Paley that aggravating circumstances justifying the infliction of the death penalty cannot be laid down precisely in law. Laws not judges should determine the precise "circumstances" that warrant the sentence of death. The sorts of flexibility in the administration of the law admired by Paley undermined the capacity of the law to prevent offences; it is not severity but certainty in the law that is needed to make it an effective deterrent. The mercy that Paley singled out as characteristic of the English judicial system was entirely at the discretion of the judges and from this we could expect only inconsistency, however well-intentioned the judges might be in particular cases. Finally, the Crown's power to pardon, in itself a desirable feature of justice, is not normally exercised by the King but by subordinate officers and this opened up the prospect of corruption in the judicial system.

The alliance with Bentham in the cause of criminal law reform aside, Romilly should rightly be classified not in the ranks of the utilitarians so much as in the ranks of Whig reformers. Though he was warmly supportive of Bentham's work, it was not as a convert to systematic utilitarianism, but out of sympathy with its Enlightenment inspiration and secular humanitarian consequences. In this respect, both he and Bentham were inspired by Beccaria. His career and political priorities illustrate the convergence between Bentham and Whig reform thinking on humanitarian issues in the age.

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See also BECCARIA, CESARE; BENTHAM, JEREMY; DEATH PENALTY; PALEY, WILLIAM; PUNISHMENT.

#### ROSS, WILLIAM DAVID (1877–1971)

William David Ross was born on 15 April 1877 in Thurso, Scotland. He died on 25 May 1971 in Oxford. In 1895, he received

first-class honours in Classics from the University of Edinburgh. He then entered Oxford University, where he obtained first-class honours in classical honour moderations and in the *literae humaniores*. In 1902, he became a tutor and Fellow at Oriel College and, in 1929, its Provost. He went on to play many important administrative roles in Oxford. In addition, he distinguished himself in public service, and was knighted in 1938. His work in ancient philosophy produced significant translations and interpretations of Aristotle. He wrote two books in ethics, *The Right and the Good* (1930) and *Foundations of Ethics* (1939), in which he articulated formidable challenges to ideal utilitarianism and a rich form of pluralistic deontology.

Ideal utilitarians believe that an agent acts rightly in so far as her action produces at least as much net good as any other action she could have performed in her situation. Ross agrees with this view that there is a plurality of goods; his list of goods comprises virtue, pleasure, justice, and knowledge (Ross, 1930, pp. 134–41; see also 1939, pp. 252–89). He disagrees with ideal utilitarianism's monism about moral requirement. Instead, there is a plurality of *prima facie*, not absolute obligations, including obligations of promise keeping, reparation, gratitude, beneficence, and nonmaleficence (Ross, 1930, pp. 24–7). Each specifies a factor that matters to the morality of an action. What we ought to do, all things considered, is determined by reliance on these factors. We are certain that we have these *prima facie* obligations, though we can never be certain of our obligations *sans phrase* (pp. 20, 30). About the latter we have merely “probable opinion” (p. 33). Ross holds that the views of the “plain man” or of “thoughtful and well-educated people are the data of ethics” (pp. 20–1n, 41). These are instances of knowledge. The philosopher's job is not to prove or disprove them; rather, her job is to be loyal to them (pp. 20–1n, 23). In Ross's mind, conflict with common-sense morality

spells doom for a theory of ethics. His own view, he suggests, is closest to that of the plain man.

Ross maintains that to its discredit ideal utilitarianism delivers verdicts that conflict with common sense. He thinks this is clearest in the case of the obligation to keep one's promises. His initial argument runs as follows (Ross, 1930, pp. 34–5). Ted has promised Ed that he will help him harvest his crops, producing 1,000 units of surplus good. Ted subsequently realizes that he can assist Belinda with her harvest, thereby producing 1,001 units of surplus good, though he has not promised Belinda. Ideal utilitarianism says Ted ought to break his promise. This is not, however, the view of common sense. The ideal utilitarian has a reply (pp. 37–8). If you consider not only the immediate but also the long-term costs and benefits of the two actions, it is wrong on ideal utilitarian grounds to break the promise. Promise breaking erodes general mutual confidence and promise keeping strengthens it. Once this is factored in, the balance of good is on the side of keeping the promise. Ross thinks this reply will not do: there are cases in which even when *all* of the costs and benefits are factored in the benefits of breaking a promise will only slightly outweigh the benefits of keeping it (p. 38). In this case, ideal utilitarianism says break the promise and thus will be at odds with common sense. Common sense says that only a much greater benefit will justify breaking a promise (p. 35).

Ross does hold that the production of some good is a necessary condition of the rightness of keeping a promise. He claims that “whereas we are certain that keeping a promise is *prima facie* right, we are not certain that it is *prima facie* optimistic (though we are perhaps certain that it is *prima facie* bonific)” (Ross, 1930, p. 36), and that “when we consider ourselves bound, for instance, to fulfill a promise, we think of the fulfillment of the promise as the bringing into existence



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of some source of pleasure or satisfaction for the person to whom we have made the promise” (p. 162). Oliver Johnson argues that this conflicts with common sense. Suppose that “A (who believes that the human soul is not immortal) is at the bedside of his friend B, who is dying. Before his death B asks A to arrange for the cremation, rather than the burial, of his body. A promises to do so and B dies. Does A have any moral obligation to fulfill his promise to B?” (Johnson, 1959, p. 38) Johnson says that it is clear that A is obliged to B, but that Ross cannot account for this: the fulfillment of the promise produces none of Ross’s goods. Johnson’s ideal utilitarianism can explain why A is obligated to B, since it posits that promise keeping is noninstrumentally good (Johnson, 1953, p. 606; 1959, pp. 137ff).

Ross has several replies. First, Ross might argue that in the case that Johnson discusses there is a good at issue, the satisfaction of B’s interest. The difficulty with this reply is that Ross needs to establish that it is more plausible to hold that interests are good than that, like Johnson, promise keeping is good or that promise breaking is bad. He may have to rely on controversial claims, such as that only states of mind are good (Ross, 1930, p. 140). Perhaps his best bet is to argue that it is more likely that the morality of a promise is affected by the interest that it is intended to fulfill than that it is affected by being part of a way of life that “is fitting or appropriate for human beings” (Johnson, 1959, p. 139).

A second reply is that Ross might argue that it is a necessary condition that the promise benefit the promisee rather than that it produce some good. This, again, allows him to argue that A ought to keep the promise to B, for the fulfillment of the promise satisfies B’s interest and therefore benefits him. In this case, he need not argue that the interest is noninstrumentally good. A third reply is that he might drop the claim that the production of some good is a necessary condition of the

rightness of keeping a promise. This allows him to argue that in the above case it is right to keep the promise to B. It seems that he loses nothing by making this move, and he gains by being closer to the views of the plain man.

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See also IDEAL UTILITARIANISM.

## RULE UTILITARIANISM

Rule Utilitarianism is the moral theory that rules are to be selected on the basis of their aggregate net benefits, and that actions are to be evaluated in terms of the rules thus selected. The name Rule Utilitarianism was coined by Richard Brandt in 1959, but the theory has been attributed to earlier writers such as Austin (1832), Mill (1861), Harrod (1936), Urmson (1953), Harrison (1953), and Rawls (1955). An even earlier expression of the theory can be found in George Berkeley: “In framing the general laws of nature,

it is granted we must be entirely guided by the public good of mankind, but not in the ordinary moral actions of our lives. ... The rule is framed with respect to the good of mankind; but our practice must be always shaped immediately by the rule" (Berkeley, 1712, sec. 31). However, Berkeley's formulation contains an ambiguity that continues to bedevil discussion of the role of rules within utilitarianism.

Virtually all utilitarians stretching back to Mill (1861) and Sidgwick (1874) think that, given various limitations that human agents have, in most cases utility will not be maximized if human beings try to calculate the utilities of all the alternative acts available to them. One obvious limitation is that human agents often do not know the probable effects of their choices and so cannot calculate expected value. Second, obtaining such information and doing the necessary calculations of expected utilities are typically themselves costs, which may well outweigh the possible benefits. Third, human agents might always make mistakes in their calculations, as is especially likely when agents' natural biases intrude, or when calculations are complex, or when they need to be rushed. Fourth, there are the expectation effects. Imagine a society in which people know that others are naturally biased towards themselves and towards their loved ones but are trying to make their every moral decision by calculating overall good. In such a society, each person might well fear that others will go around breaking promises, stealing, lying, and even assaulting whenever they convinced themselves that such acts would produce the greatest overall good. In such a society, people would not feel they could trust one another.

So rather than being disposed to try to calculate the expected utilities of each possible outcome before choosing which action to do, agents are much more likely to promote utility if they are disposed to choose their actions while mindful of rules such as "don't hurt or

threaten to hurt the innocent," "don't steal," "don't break promises," "don't lie," etc. Virtually all utilitarians think that because of various limitations that human agents have, the best "decision procedure" for everyday moral thought is to be guided by such rules (Moore, 1903) or, as Mill called them, "secondary principles."

Many ethicists who recommend that everyday moral decisions be guided by such rules, however, do not believe that what makes acts right or wrong is that they follow or violate rules. Recommending that certain rules shape people's practical decision procedure is one thing; thinking that these rules constitute a criterion of moral rightness is another (Bales, 1971). Sometimes ethicists who maintain that rules are essential to a proper practical decision procedure but not essential to the criterion of moral rightness are labelled Rule Utilitarians, but labelling them this way is confusing. Nearly all of those who think rules that serve to maximize utility are essential to a proper practical decision procedure but not to the criterion of moral rightness think that what makes acts right is that they maximize utility. In other words, they are *act* utilitarians. Clarity is not served by using the term "rule utilitarian" such that someone can be both a Rule Utilitarian and an Act Utilitarian.

Rule Utilitarianism should not be defined as the thesis that everyday moral decisions should be guided by rules that maximize utility, since that thesis is shared by act utilitarians. Rule Utilitarianism should be defined as the thesis that the rules whose widespread internalization would maximize utility are what determine whether acts are right or wrong. (Internalizing rules involves learning them and becoming committed to following them when relevant situations arise. Internalized rules form one's character. Good internalized rules are virtues.)

What arguments might be thought to support Rule Utilitarianism? One is a utilitarian argument. This argument starts

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from the utilitarian premise that the point and purpose of morality is to promote utility. The argument then adds the premise that if the point and purpose of morality is to promote utility, then the correct moral theory is the one whose acceptance would best promote utility. From those premises, the argument draws the intermediate conclusion that the correct moral theory is the one whose acceptance would best promote utility. Then the argument adds, as its third premise, that Rule Utilitarianism is the theory the acceptance of which would best promote utility. Finally, this argument draws its final conclusion that Rule Utilitarianism is the correct theory.

That argument is weak. First, it starts with a suspect premise. Many people deny that morality needs a point and purpose. And many who think that morality might well have a point and purpose are quite unsure that this point and purpose is to promote utility. Second, the premise that Rule Utilitarianism is the theory the acceptance of which would best promote utility could be questioned. Third, a challenge can also be mounted against the idea that the *correct moral theory* is the one whose acceptance would best promote utility.

A different argument for Rule Utilitarianism begins with a contractualist premise. Versions of this argument can be found in Harsanyi (1976; 1982), Brandt (1979, Pt. 2), and Gert (p. 215). Its classic statement, however, is now in Parfit (2011, Chs. 15–17). (Parfit frames his argument in terms of rule consequentialism instead of Rule Utilitarianism, but the distinction between rule consequentialism and Rule Utilitarianism makes little difference here.)

The contractualist argument starts from a contractualist premise that right and wrong are determined by rules to which everyone could agree without coercion or deception. According to Parfit, the best version of contractualism holds that an act is wrong if and only if it is forbidden by rules that everyone

could reasonably will that everyone accepts. What people can *reasonably* will depends on what they have *sufficient reason* to will. Parfit argues that everyone has sufficient reason to will that everyone accepts rules whose universal acceptance would produce the greatest good impartially considered. And he argues that there is no other set of rules that everyone has sufficient reason to will that everyone accepts. So the best version of contractualism leads to the rules whose universal acceptance would produce the greatest good impartially considered. These rules are precisely the ones that Rule Utilitarianism favours. Thus, Parfit's argument is that the best version of contractualism converges with Rule Utilitarianism.

Another argument for Rule Utilitarianism starts from the premise that, other things being at least roughly equal, a moral theory is justified to us if it identifies a fundamental moral principle that both explains why our more specific considered moral convictions are correct and provides some impartial justification for those convictions. Now, if it is a fact that utilitarianism does this better than any other moral theory, then this fact is to us a compelling justification of Rule Utilitarianism. And Rule Utilitarianism might well be better than any rival theory at identifying a fundamental moral principle that both explains why our more specific considered moral convictions are correct and provides some impartial justification for those convictions (Urmson, 1953; Brandt, 1967, sec. 2; Hooker, 2000).

For example, Rule Utilitarianism claims that individual acts of murder, torture, promise breaking, and so on can be wrong even when they result in somewhat more utility than not doing them would (Nagel, p. 177). The rule-utilitarian reason for this is that widespread internalization of rules prohibiting murder, torture, promise breaking, and so on would clearly result in more good than widespread internalization of a code with no prohibitions on such acts.

Special obligations to friends and family can also be underwritten by Rule Utilitarianism. The world would be a cold and lonely place if human beings were not allowed to form and sustain special attachments to particular others. So these special attachments are endorsed by Rule Utilitarianism (Hooker, 2000, pp. 136–40). And the special attachments need to be reinforced by special obligations providing “a ‘back-up’ system when direct affections fail” (Brandt, 1989, p. 100, n. 22). Such special attachments and obligations rightly shape how people allocate their own time, energy, money, and other resources. Rule Utilitarianism also holds that agents can be required to devote their own resources to helping strangers, though the requirement to help a stranger is not as strong as the requirement to benefit someone with whom there is a special connection, unless the sizes of the benefits are very different in the two cases.

Rule Utilitarianism should be formulated in terms of the utility of people’s *accepting* or, even better, of people’s *internalizing* rules rather than just the utility of people’s complying with rules. To be sure, normally the most important consequences of people’s accepting a rule is that they comply with it. But there are *other* important consequences of acceptance. For example, some people might be eaten away by the knowledge that they accept a particular rule even if they never happen to have an opportunity to follow it. And some people might be made miserable by the knowledge that others accept a particular rule even if those others have little opportunity to follow it.

Rule Utilitarians must consider also the costs as well as the benefits of getting rules internalized (Brandt, 1963, sec 4; 1979, p. 287; 1988, pp. 346–7, 349–50). The more numerous, complicated, and demanding rules are, the greater the benefits to others of new generations internalizing these rules might be. However, the more numerous, complicated and demanding rules are, the

higher the costs will be to those internalizing these rules. These “internalization costs” place limits on the complexity and demandiness of rules that Rule Utilitarianism will endorse.

That Rule Utilitarianism is formulated in terms of internalization and subsequent acceptance of rules is crucial in answering the old objection that Rule Utilitarianism collapses into Act Utilitarianism. One version of this objection is that the rule with the best consequences is “maximize utility” (Smart, pp. 11–12). But to have internalized only the one moral rule would be to have just one moral disposition—the disposition to try to comply with Act Utilitarianism. To have just this one moral disposition would be to have Act Utilitarianism as the principle one consults when making every moral decision. However, as explained earlier, this is highly unlikely to be a decision procedure that produces good results.

Another version of the objection that Rule Utilitarianism collapses into Act Utilitarianism is that *whenever* some normally good rule calls for a suboptimal action, Rule Utilitarianism must favour adding exception clauses to the rule so as to allow optimal action in these circumstances. This pattern will repeat innumerable times and generate innumerable exception clauses. Once all the exception clauses are added, Rule Utilitarianism requires the same actions as Act Utilitarianism.

Again, if Rule Utilitarianism is formulated in terms of acceptance or *internalization* of rules, the theory has a compelling answer to the objection. The widespread awareness of a ready willingness to make exceptions to rules, for example, could undermine people’s ability to rely confidently on others to behave in agreed-upon ways. Furthermore, the relative costs of getting rules internalized have to be counted. The costs of internalizing innumerable many, or fiendishly complicated, or severely demanding rules would be too high. Since Rule Utilitarianism endorses

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rules of a limited number, complexity, and demandingness, it avoids collapsing into Act Utilitarianism.

If Rule Utilitarianism manages to avoid collapsing into Act Utilitarianism, then there must be situations in which Rule Utilitarianism tells the agent to do something that Act Utilitarianism condemns. However, do not Rule Utilitarians have to have as their overriding moral motivation the maximization of utility? And if they do, then aren't they *incoherent* to think they should follow certain rules even in cases where they *know* that following these rules will not maximize utility? Well, consider some moral agents whose fundamental moral motivation is to do what is impartially defensible. These agents believe that acting on impartially justified rules is impartially defensible, and that Rule Utilitarianism is on balance the best account of impartially justified rules. Such agents would be Rule Utilitarians who do not have maximizing utility as their fundamental and overriding moral motivation.

The other most common objection to Rule Utilitarianism is that it could lead to disaster. The objection imagines that Rule Utilitarianism tells one, for example, not to take another person's property without their permission *no matter what*. But suppose the only way to get to the nuclear power plant in time to turn off the switch and prevent nuclear disaster is to take someone else's car. To be plausible, Rule Utilitarianism had better allow the car to be taken in this situation.

This objection to Rule Utilitarianism ignores the fact that one rule whose widespread internalization would be best is a rule telling people to break other rules when necessary to prevent disaster. The injunction to break other rules when necessary to *prevent disaster* is *not* an invitation to break other rules *whenever* this would *produce merely a little more utility*. When stealing or breaking promises or even hurting an innocent person would produce a little more utility than not

doing the act, then Act Utilitarianism has to say that stealing or breaking promises or even hurting the innocent person is indeed morally right. But Rule Utilitarianism does not agree, because in these cases no disaster was at stake. Furthermore, if everyone knew that others accepted a rule allowing stealing whenever the agent thought that at least a little more impartial good would come from the act than from not doing it, people would be fearful of one another. So Rule Utilitarianism favours a rule forbidding stealing except when necessary to prevent a disaster. Similar things are true of Rule Utilitarianism's other rules.

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See also ACT UTILITARIANISM; CONSEQUENTIALISM; ETHICS; HOOKER, BRAD; MAXIMIZATION; PARFIT, DEREK; UTILITY.



# S

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**SATISFACTION:** *See* HAPPINESS; PAIN; PLEASURE; PREFERENCES (PREFERENTIALISM).

## SATISFICING

Classical Utilitarianism is a consequentialist moral theory. Consequentialist moral theories identify some set of intrinsic goods, and then define a right act exclusively in terms of how well an act promotes those goods. Classical Utilitarianism identifies *pleasure* (or happiness) as the sole intrinsic good, and identifies a right act with an act that maximizes pleasure. In virtue of this, Classical Utilitarianism is a form of *maximizing* consequentialism. Maximizing theories say that only the best is good enough (or, in the case of ties, one of the best): an act that promotes anything less than the best outcome is morally wrong.

But what if promoting the best outcome requires the sacrifice of something of great significance to you? For example, what if it requires giving nearly all of your resources to charity, leaving you penurious? Maximizers say that it would be wrong for you *not* to give the resources away. But many people think this is obviously wrong, because it is *too demanding*. Morality would not demand that much of you. This is known as the “demandingness objection” to maximizing consequentialism (Scheffler, 1982; Mulgan, 2001).

Some consequentialists respond that morality really is that demanding (Kagan, 1984). But many have looked for other ways out. One way is to adopt an agent-relative theory of goodness, or to weight bad consequences for the agent more heavily, so that morality never ends up requiring you to sacrifice so much. Another way is to relinquish maximizing consequentialism for satisficing consequentialism (Slote, 1985).

Satisficing consequentialism identifies a right act with one that promotes a good enough outcome, where *good enough* need not be *optimal*. This opens up the possibility—though it does not entail—that it is acceptable for you to not give away all, most, or even many of your resources. Donating \$100 might be good enough.

One main challenge facing satisficers is to explain just when an outcome is good enough (Bradley, 2006). Is there some absolute minimum of goodness that any act must promote in order to be good enough, or is the threshold always determined relative to the quality of options available to you at the time? Different accounts of *good enough* might seem more or less plausible, depending on which theory of goodness we adopt (Hurka, 1990).

The appeal of satisficing does not derive solely from its role in avoiding objections to maximizing consequentialism. Common sense seems to recognize a category of actions that moral philosophers call “supererogatory.” To perform a supererogatory act

is to go “beyond the call of duty.” For example, it is not wrong for you to donate five, rather than fifty, percent of your net income to famine relief. But it is still permissible for you to donate fifty percent. And donating fifty percent seems obviously better than donating five percent. But since, according to common sense, donating fifty percent is *better* but nevertheless *not required* of you, it seems that common-sense morality is committed to satisficing.

The main significance of satisficing to utilitarians, then, lies in the fact that it opens up further theoretical possibilities for developing a consequentialist morality that can avoid certain compelling counterexamples to maximizing consequentialism, and better accommodate common sense moral categories and judgements.

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See also CONSEQUENTIALISM; MAXIMIZATION; SUPEREROGATION.

#### SAY, JEAN-BAPTISTE (1767–1832)

The French political economist Jean-Baptiste Say was born on 5 January 1767 in Lyon. In spite of his family’s Protestantism he was educated at a Catholic boarding school, where he later claimed he was trained in the works of the *philosophes*. In the 1780s he was apprenticed to a commercial firm at Croydon, near London, before returning to Paris, where he became secretary to the Genevan merchant Étienne Clavière. With Clavière’s circle, which included Jacques-Pierre Brissot, Étienne Dumont, and Honoré-Gabriel Riquetti de Mirabeau, he embraced the French Revolution. Having been active in revolutionary politics for a decade, Say’s first work of political economy was published in 1800, entitled *Olbie, ou Essai sur les moyens d’améliorer les mœurs d’une nation* (*Olbie, or Essay on the Means of Improving the Morals of a Nation*). After this work was heavily criticized, Say embarked on the writing of the *Traité d’économie politique* (*Treatise on Political Economy*), published at Paris in 1803. Say’s writing was censored when he refused to rewrite the book as a justification of Bonaparte’s Empire. He was forced to wait until 1814 to publish a second edition; this received far more attention than the first, and three further editions followed. A third edition appeared in 1817 and two further editions appeared before Say’s death on 15 November 1832. His fame as a political economist was established across Europe by the time of his appointment to the Chair of Économie industrielle at the Conservatoire des Arts et Métiers in 1819. It continued to grow throughout the 1820s, as the revolutionaries of 1830 acknowledged in granting him a Chair in Économie Politique at the Collège de France.

Say published what he believed to be his most important work in 1828–9, the *Cours complet d’économie politique pratique* (*Complete Course of Practical Political Economy*). The subtitle of the work indicated Say’s main

aim: to make political economy “everybody’s business.” He believed that it was vital to combat the mercantile systems that had perverted the commerce of Britain, France and the wider world, and argued it was possible to create a society that was both more just towards the poor and more productive.

Throughout his life Say remained a revolutionary in his hatred of aristocracy and luxury-based commerce. Politically he always described himself as a republican, embracing fully the austere moral code this entailed. Say’s mature ideas are best understood in the context of the failure of republican constitutionalism in France, and the ongoing search for a state that was popular, stable, egalitarian in social structure, and commercially advanced. It was this political philosophy that led Say to become interested in Bentham, and in utilitarianism more broadly, after he visited England in 1814 and as he was preparing the third edition of the *Traité d’économie politique*. Say’s Genevan background, and his work for the Genevan merchant Étienne Clavière from 1788, led to his acquaintance with Étienne Dumont, the editor of the largest number of Bentham’s unfinished works. Like Dumont, Say saw Bentham as the most important writer of the post-Napoleonic era with respect to morals and politics. He perceived Bentham’s utilitarianism to have justified a peaceful, industrious and frugal culture, republican politics, a commercial structure characterized by equality and independence, and an altogether secular society. On first meeting Bentham he noted that Bentham’s heart was “full of benevolence in every thing.” Afterwards Say maintained a correspondence with Bentham until the end of his life, and ensured that Bentham received copies of all of his writings. On Bentham’s death in 1832 Say was one of only twenty persons to receive from the English philosopher a ring as a memento of friendship and esteem. In the 1820s, as utilitarianism was being accused of atheism, materialism and immorality, Say tried to persuade Dumont to

write a public defence, before providing his own essay on utility, *Essai sur le principe de l’utilité*, which appeared in the sixth volume of the *Cours complet d’économie politique pratique* in 1829. Say’s *Essai* was characteristic in defining utility as a measurement of the good of all persons, as opposed to selfish egoism, or national egoism (which Say associated with narrow-minded patriotism (“patriotisme exclusive”). Opposed to passion, ignorance and luxury, Say claimed that he derived his ideas about utility from Bentham, but it was clear that he had turned Bentham into an austere republican moralist.

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See also BENTHAM, JEREMY; DUMONT, ÉTIENNE; PHYSIOCRACY; POLITICAL ECONOMY.

## SCALAR UTILITARIANISM

Scalar Utilitarians hold that "actions should be evaluated purely in terms that admit of degrees" (Norcross, p. 217). Scalar Utilitarians do not make claims about rightness, duty, or what one ought to do. They simply provide rankings of actions in terms of goodness. In this they differ from traditional maximizing utilitarians, who hold that the action that produces the most good is right, one's duty, and what one ought to do. Scalar Utilitarianism is suggested by Michael Slote (1985) and Francis Howard-Snyder (1994; and with Alastair Norcross, 1993); its main advocate is Alastair Norcross (2006).

Norcross argues that a utilitarian should be indifferent between convincing *A* to give \$10 rather than \$9 or convincing *B* to give \$9 rather than \$8. But "if the difference between right and wrong is at all significant, it must be possible for it to offset at least some differences

in goodness." It must, for example, be better to convince *A* to give the \$10 (where \$10 is the threshold for rightness) than to convince *B* to give \$9 rather than \$7.90. But no utilitarian would agree (Norcross, pp. 220–1).

One worry is that this argument does not work against a maximizing all-or-nothing theory of rightness. The reason I should convince *B* to give \$9 rather than \$7.90, instead of *A* to give \$10 rather than \$9, is that doing so maximizes goodness. The difference between *A* doing a right action and *B* doing a wrong action may not matter to me, but what does matter is that I perform the action that brings about more goodness. There is no argument here against the view that I act wrongly if I convince *A* rather than *B*. Indeed, Norcross is relying on that judgement.

Norcross does consider maximizing. He argues that picking maximizing as the threshold for rightness is arbitrary. This seems false. If I maximize, I could not have done better. No utilitarian can complain. Neither of these properties is true of a nonmaximizing choice. Of course there are special properties true of nonmaximizing choices. If, say, I bring about the third-most good possible, I could have done only two places better, and only two outcomes would justify less complaint. But the distinction between "none" and "some" seems more significant than these other distinctions.

Norcross also advocates Scalar Utilitarianism as a reply to the objection that maximizing utilitarianism is too demanding. Scalar Utilitarianism makes no demands. One worry is that making no demands might be not demanding enough. If I could with no cost to myself prevent great pain to many others, many will demand that I do so. But there is a more serious objection. Rather than being a radical alternative to maximizing, scalar utilitarianism may be no different.

Norcross proposes to distinguish Scalar Utilitarianism from deontology by noting that for the Scalar Utilitarian, "the better the action, the stronger the moral reason to

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perform it" (Norcross, p. 231). The deontologist denies this, since there can be duties that forbid bringing about the action that brings about more goodness. This way of distinguishing the positions relies on (plausibly) taking the deontologist's talk of duty as equivalent to, or as justifying, talk about what one has most reason to do. This raises the worry that when the Scalar Utilitarian claims that there is the strongest moral reason to perform an action, this is no different than claiming that there is a duty to perform the action.

This conclusion can be reached by a different route. If I fail to do what I have most reason to do, Norcross says only that. The maximizing utilitarian adds that I have failed to do my duty. But it is not clear that this is an important difference. There are, for example, no consequent differences in blame or punishment. Whether either scalar or maximizing utilitarians would blame or punish those who fail to do what there is most reason to do depends on whether blaming or punishing is what there is most reason to do.

Norcross's view that there is more moral reason to perform actions which produce more good also makes trouble for his charge that picking maximizing as the rightness-point is arbitrary. A choice is nonarbitrary if there is more reason to make it than there is to make any alternative choice. For Norcross, and utilitarians generally, there is more reason to make the choice that maximizes goodness than there is to make any alternative choice. If so, making the maximizing choice is not arbitrary.

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See also CONSEQUENTIALISM; MAXIMIZATION; SATISFICING.

**SELF-INTEREST:** See BENEVOLENCE; ETHICAL EGOISM; INTEREST; PREFERENCES (PREFERENTIALISM); PSYCHOLOGICAL EGOISM; SYMPATHY.

### SHAFTESBURY, ANTHONY ASHLEY, EARL OF (1671–1713)

Anthony Ashley Cooper, the third earl of Shaftesbury was born on 26 February 1671 in London. He was educated under the supervision of John Locke, secretary to his grandfather, the first earl of Shaftesbury and one of the leading Whig politicians of the age, and at Winchester College from 1683 to 1686. Shaftesbury remained in contact with Locke, through whom he made useful intellectual acquaintances, and with whom he conducted an extensive philosophical correspondence. He became an MP in 1685 and following the death of his reclusive father, he assumed the family peerage and entered the Lords in 1690. In parliament, initially he asserted his independence from party, but was increasingly drawn into Whig politics in the later years of the reign of William III. His political prospects dimmed with the death of William in 1702, and thereafter ill-health led him to withdraw from political life altogether. He spent his last years in Italy, and died in Chiaia on 15 February 1713.

Shaftesbury's principal moral and aesthetic writings were published in a collected

edition of three volumes in 1711 as *Characteristicks of Men, Manners, Opinions, Times*. It went through a dozen editions and was widely read and commented upon during the eighteenth century. The most important and systematic of these writings are *An Inquiry Concerning Virtue and Merit* (1699) and *The Moralists* (1709). In these writings he set forth what came to be known as the “moral sense” theory of ethics, which had such a profound influence on Francis Hutcheson. In other respects, however, Shaftesbury’s thought stirred up considerable controversy, nicely captured by Stanley Grean in his introduction to the *Characteristicks*: “A devoted theist, he has been accused of atheism; a defender of religion, accused of being its most skilfull enemy; and enthusiast in religion, pilloried as a cold-blooded Deist or skeptic; an advocate of rational sentiment in morals, attacked as a vulgar emotionalist; a precursor of romanticism, dismissed as a rather conventional neo-classicist” (Shaftesbury, pp. xvii–xviii). Part of the explanation for these divergent perspectives, according to Grean, is the “dialectical method” in which Shaftesbury presented his ideas, with its “stress on the need for inner dialogue or ‘soliloquy’ as a means to self-knowledge” (p. xviii). But, part of the explanation also lies with the varied influences that shaped his philosophy, including Socrates and Xenophon, Marcus Aurelius and Epictetus, the republicanism of Harrington, and the writings of moderate churchmen like Jeremy Taylor, Richard Cumberland, and Benjamin Whichcote. One finds elements of Platonic idealism, partly derived from the neo-Platonists Ralph Cudworth and Henry More, alongside Lockean empiricism; scepticism and anticlericalism coupled with opposition to materialism and atheism; a deep appreciation of the aesthetic character of morality opposed to philosophical egoism, Epicureanism, and natural law theory. The resulting synthesis could not fail to recognize “the inevitable polarities of human thought—of

reason and emotion, of self-interest and public interest, of action and contemplation” (p. xviii).

Shaftesbury was in the vanguard of moralists who based ethics on psychological experience, understanding the affections as the source of motivation, not reason. In developing this account, he was careful to disassociate himself from the Hobbesian theory of the emotions, which reduced all motivation to self-interest. He counted benevolence among the social affections, without which no account of motivation could be complete (a third category of motives included the “unnatural affections”). The central problem addressed in the *Inquiry* is the relationship between personal and public interest, with Shaftesbury arguing that self-interest properly understood lies in the exercise of the social affections, and that virtue consists in the desire to do good for its own sake. Nevertheless, Shaftesbury also maintained that to bring about genuine and lasting happiness is virtuous and that being virtuous is the only true and lasting happiness. Consequently, “to have the natural affections (such as are founded in love, complacency, good-will, and in sympathy with the kind or species) is to have the chief means and power of self-enjoyment; and that to want them is certain misery and ill” (Shaftesbury, vol. 1, p. 293).

Though Shaftesbury rejected the theory of innate ideas, he believed that each person is born with the capacity for “moral sense” and, therefore, with the capacity for fairness, justice and honesty (Shaftesbury, vol. 2, p. 135). However, the “moral sense” exists in varying degrees within individuals since, like “taste” in aesthetic matters, it is an activity of judgement that requires cultivation and rational reflection, producing a union of feeling and reason. This was more than an enlightening parallel for Shaftesbury; he believed that morality had an aesthetic quality. Just as judgements about the beauty of an object depend on the perception of its “regularity,” “harmony,” and “order,” so



this is also true of the goodness of an action. "The mind," he wrote, "which is spectator or auditor of other minds, cannot be without its eye and ear so as to discern proportion, distinguish sound, and scan each sentiment and thought which comes before it. It can let nothing escape its censure. It feels the soft and harsh, the agreeable and disagreeable in the affections; and finds a foul and fair, a harmonious and dissonant, as really and truly here as in any musical numbers, or in the outward forms and representations of sensible things" (p. 251). But intuitions and feelings could not account entirely for virtue; experience and reflection have their place in enabling us to recognize that benevolence has a purpose, which is identified with producing the good of the whole, the general welfare or common good.

Among Shaftesbury's early critics were George Berkeley, Joseph Butler, Bernard Mandeville, and, notably, the religious utilitarian John Brown (1715–66). Brown accused Shaftesbury of merely "ringing Changes upon words" in his explanation of virtue. "We might with equal propriety affirm, 'that *Virtue* consists in *acting virtuously*'" (Brown, p. 117). Cutting through Shaftesbury's eloquence, he detected the outlines of a consequentialist moral theory that could be viewed as psychological hedonism, even if this was not the doctrine the Earl sought to adumbrate. It is the consequence of an action which gives us the idea of beauty, truth, or virtue, so these ideas cannot themselves constitute the criterion by which the morality of actions is judged. Like other moralists, whose theories are masked by a "cloud of metaphysics," as soon as Shaftesbury descends to particulars he invariably invoked utility, and recognized that happiness is integral to the moral character of actions and the judgement of right and wrong, good and evil. "Thus he talks of the Notion of a *public Interest*, as necessary towards a proper Idea of *Virtue*: he speaks of public Affection in the same Manner; and reckons Generosity, Kindness, and

Compassion, as the Qualities which alone can render Mankind truly *Virtuous*. So again, when he fixes the Bounds of the social Affections, he evidently refers us to the same End, of human Happiness" (pp. 129–30).

Brown was correct in discerning consequentialist elements in Shaftesbury thought. The effect on public happiness plays a part in our judgements of what is virtuous, right and wrong, and so on, and no doubt for some the motivation to be virtuous, to do good, is the possibility of enhancing the happiness of others. But this should not lead us to conclude that at bottom Shaftesbury was a hedonistic utilitarian. Rather he combined a description of the moral point of view as "disinterested" with ideas closer to that of "ideal utilitarianism," in which the end is the enhancement of the good not the maximization of pleasures. As Charles Bulkley pointed out in defence of Shaftesbury, while happiness is often produced by virtue, he did not hold that happiness is necessarily the object of virtuous action (Bulkley, pp. 7–8).

Shaftesbury's influence on Hutcheson led to his ideas permeating the Scottish Enlightenment, though his work found as many critics there as disciples. In England his ideas made a considerable impression on Bolingbroke and James Harris, among others, and in America both Jonathan Edwards and Thomas Jefferson acknowledged his influence. In continental Europe, Diderot, Montesquieu, Herder, Lessing, and Moses Mendelssohn found much to praise and emulate. By the nineteenth century, however, Shaftesbury's writings fell out of favour and have had little impact since.

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See also HUTCHESON, FRANCIS; IDEAL UTILITARIANISM; RELIGIOUS UTILITARIANS.

#### SIDGWICK, HENRY (1838–1900)

Henry Sidgwick was born on 31 May 1838 in Skipton, Yorkshire, and was educated at Rugby and then Trinity College, Cambridge University, where he remained until his death on 28 August 1900. In 1883 he was elected Knightbridge Professor of Moral Philosophy. A Millian liberal reformer and religious agnostic, albeit of a reverent type, Sidgwick famously resigned his Fellowship in 1869 because he could no longer subscribe to the Thirty-Nine Articles of the Church of England as required. His struggles with the ethics of subscription foreshadowed the more ambitious treatment of common-sense morality in his best known work *The*

*Methods of Ethics* (1874), described by Derek Parfit as "the best book on ethics ever written" (Parfit, p. xxxiii).

The aim of the *Methods*, Sidgwick explains, is not to take sides, edify or exhort, but to examine in an impartial manner the leading "methods" of ethics, that is, the leading procedures "by which we determine what individual human beings 'ought'—or what it is 'right' for them—to do, or to seek to realize by voluntary action" (Sidgwick, 1907, p. 1). He focuses on three such methods—rational egoism (one ought to promote one's own greatest good), utilitarianism (one ought to promote the greatest good of all), and common-sense or intuitional morality, which encompasses familiar duties such as promise keeping and truth telling and the more systematized versions of these found in the works of philosophers such as Mill's great antagonist William Whewell. Sidgwick had studied Whewell's *Elements of Morality* (1845) as an undergraduate, an experience that apparently enhanced his admiration for Mill. However, a large part of the *Methods* is an attempt to show not that common-sense morality is flatly wrong, but that it is too vague, rough, inconsistent, and incomplete, depending on utilitarian calculations to refine and clarify its rules, resolve moral dilemmas, and throw it into more systematic, scientific form. No one on reflection denies that there are utilitarian exceptions to the rule of veracity, such that one ought to "speak falsely to an invalid" if the truth would prove to be a fatal shock. But just what degree of non-fatal shock veracity might demand also remains obscure, without appeal to utilitarian considerations. And much the same holds for benevolence, justice, good faith, and other duties.

Happily, however, "the Utilitarian estimate of consequences not only supports broadly the current moral rules, but also sustains their generally received limitations and qualifications." The utilitarian can explain "anomalies in the Morality of Common

Sense, which from any other point of view must seem unsatisfactory to the reflective intellect.” Indeed, it “is naturally appealed to for such solution in ordinary moral discussions,” and both “supports the generally received view of the relative importance of different duties” and serves as “arbiter, where rules commonly regarded as co-ordinate come into conflict” or people differ in their interpretations. And in cases of “marked diversity of moral opinion on any point, in the same age and country, we commonly find manifest and impressive utilitarian reasons on both sides: and ... the remarkable discrepancies found in comparing the moral codes of different ages and countries are for the most part strikingly correlated to differences in the effects of actions on happiness, or in men’s foresight of, or concern for, such effects” (Sidgwick, 1907, pp. 425–6).

The remorseless detail that Sidgwick brings to bear on these claims, and on the sphere of individual ethics in general, puts the *Methods* in an altogether different league from other classics of utilitarianism.

Since the precepts of common-sense morality initially present themselves as self-evident, Sidgwick’s task takes the form of demonstrating that they are only apparently so, not really so. As he put it to a critic, if “I ask myself whether I see clearly and distinctly the self-evidence of any particular maxims of duty, as I see that of the formal principles ‘that what is right for me must be right for all persons in precisely similar circumstances’ and ‘that I ought to prefer the greater good of another to my own lesser good’: I have no doubt whatever that I do not.” However, prior to undergoing the reflective process described in the *Methods*, “I could not always have made this distinction; and I believe that the majority of moral persons do not make it: most ‘plain men’ would probably say, at any rate on the first consideration of the matter, that they saw the obligations of Veracity and Good Faith as clearly and immediately as they saw those

of Equity and Rational Benevolence” (Sidgwick, 1876, p. 565).

Genuinely self-evident claims, Sidgwick holds, must be (1) clear and precise, (2) able to withstand careful critical reflection, (3) consistent and coherent with each other, and (4) capable of generating a consensus of experts, since serious considered disagreement between parties equally fit to judge would necessarily diminish our confidence in the apparently self-evident maxim in question. These criteria might be thought of, Sidgwick sometimes suggests, as criteria for reducing the risk of error, rather than for establishing final truth (Sidgwick, 1905, p. 465). In any event, Sidgwick’s epistemological or “philosophical” intuitionism (not to be confused with the intuitional morality of common sense) is highly fallibilistic and only Cartesian in a limited sense.

Thus, Sidgwick’s examination of intuitional morality leads on from consideration of particular acts to common-sense duties, to this more refined intuitionism, where the better axioms are more abstract and less direct as immediate guides to action: that the good of one is no more important than the good of another, that future good is as important as present good, that what is right for one must be right for anyone similarly circumstanced, and that it is right to promote the good generally. The difference between “right” and “good” in Sidgwick’s rendering speaks in part to the differences between moderns and ancients, to the difference between a more jural “imperative” conception and an “attractive” one: “In the recognition of conduct as ‘right’ is involved an authoritative prescription to do it: but when we have judged conduct to be good, it is not yet clear that we ought to prefer this kind of good to all other good things: some standard for estimating the relative values of different ‘goods’ has still to be sought” (Sidgwick, 1907, p. 106). For all of his admiration for Plato and Aristotle, whose treatment of common-sense morality he took himself to be emulating, Sidgwick

places himself firmly in the modern, “imperative” camp and even traces the origins of utilitarianism to the work of Richard Cumberland, the seventeenth-century natural law theorist (Sidgwick, 1886, pp. 173–4).

It is helpful to think of Sidgwick’s intuitionism as the intellectual ancestor or source of Parfit’s “rationalism,” or “non-metaphysical non-naturalist cognitivism,” recognizing objective, value-based reasons for acting and desiring. For Sidgwick, too, the notion of “right” or “ought” is *sui generis*, normative all the way down, rather than reducible to any natural property or properties. He rejects all subjective, emotive or expressive accounts of ethical “truth,” since all these miss the ways in which ethical judgements are simply not about one’s psychological states or the expression of them, but concern what is “really right,” and this for all minds. Intuition is a matter of apprehending the *a priori* necessary truth of fundamental normative claims such as those given above.

Like Parfit, but unlike G. E. Moore, whose *Principia Ethica* (1903) owed much to Sidgwick, he did not link his claims about irreducible normative truth to claims about irreducible normative properties—for Moore, “goodness”—that apparently had some form of ontological standing, albeit of a mysterious, rather Platonic nature. Sidgwick’s metaethics were stated in the most minimal terms (Crisp, 2002, pp. 56–75; Shaver, 2000), and he was a penetrating critic of more ambitious metaphysical projects, such as Hegelianism and the idealism of his Rugby friend T. H. Green. Of course, many defenders of Kant, Hegel, Whewell, Green, and Bradley have been reluctant to concede that Sidgwick reconstructed the alternatives in the best possible ways (Rawls, 1971, pp. 254–5; 2007, pp. 375–415; Donagan, pp. 123–42; Irwin, 2009, vol. 3, pp. 426–534).

But Sidgwick was also deeply critical of the utilitarian legacy he supposedly represented. He rejected both the epistemology and the philosophical psychology of the earlier

utilitarians, agreeing with Joseph Butler that “psychological egoism” (that people were largely by nature driven by narrow material self-interest) was simply false. And as Schneewind (1977) has demonstrated, Sidgwick shared much with the Cambridge Moralists, Whewell and others, notably F. D. Maurice, Julius Hare and John Grote, in rejecting Millian naturalism. Although Sidgwick rejected Kantian, intuitionist, and idealist appeals to free will, he agreed with Mill’s critics that naturalism could not provide a firm epistemological foundation for a utilitarian ethics. Hence, his philosophical intuitionism was more an attempt to beat Whewell on Whewell’s own intuitionistic ground, rather than to launch another campaign from the territory of Millian naturalism. Nor did he dismiss Kantianism as a total failure; like many recent utilitarians he found the idea of universalizability consistent with utilitarian content.

Even Sidgwick’s notorious defence of a hedonistic interpretation of ultimate good as pleasurable consciousness was distanced from that of his utilitarian predecessors, particularly in the way he avoided any hidden tautology and recognized the comparatively controversial nature of this account of what one ought to desire or seek to advance (Crisp, 2011, pp. 26–44). For Sidgwick, that pleasurable consciousness is the ultimate good is an informative, nontautological claim: one can question whether pleasurable consciousness really is good, and it takes argument to show that the hedonistic standard is better than excellence, perfection or virtue at sorting out and weighing one good against another. One must ask, say, whether the life of virtue or excellence would still recommend itself if it were invariably conjoined to extreme pain.

Indeed, Sidgwick brought out important difficulties with the felicific calculus—perhaps most importantly, the problems with maximizing happiness when not dealing with a fixed population, such that “average” and “total” utility may not coincide, as might

happen with population policies regarding future generations. And he recognized, not only that the general happiness might “be more satisfactorily attained if men frequently act from other motives than pure universal philanthropy” (Sidgwick, 1907, p. 413), but how a consistent utilitarianism might take a still more indirect, even self-effacing form, allowing at the extreme the justifiability of a wholly esoteric morality, such that the utilitarian standard would be best met by having most, perhaps even all, people thinking and acting in terms of different ethical principles, such as religious and common sense ones. Bernard Williams (1982) suggested that Sidgwick, unlike other act utilitarians, might on this basis develop a consistent “two level” system of moral thinking—that is, he might be a “Government House” utilitarian who would have the colonial rulers reasoning by the utilitarian method, but the colonized kept to a more simplistic method, such as common-sense morality.

Mercifully, Sidgwick did not go there, and he would surely have agreed with Singer and De Lazari-Radek (2010) in thinking that an esoteric morality would in all likelihood only be justifiable in a less extreme form, given all the good that self-conscious act utilitarians have contributed to the world. Still, in some passages of his ethical and political work he does make it all too clear that he was, like his times, too apt to think in terms of “inferior races” needing the beneficent influence of European civilization (Schultz, Ch.7). And just where he ultimately came down on the value of common-sense morality, practically and epistemologically, has been a matter of controversy (Singer, 1974; Hooker, 2000; Skelton, 2010). In practice, he often did his best to treat common sense sympathetically, and to avoid upsetting the ethical and religious beliefs of ordinary people, persuaded that humanity had not yet evolved to the point where it could happily do without these.

At the end of the *Methods* Sidgwick confessed his failure adequately to give

utilitarianism a sound intuitional grounding. The method of rational egoism, making the bottom line the promotion of one’s own good, could not be reconciled with the other apparently self-evident principles grounding utilitarianism. Thus, along with “(a) a fundamental moral conviction that I ought to sacrifice my own happiness, if by so doing I can increase the happiness of others to a greater extent than I diminish my own, I find also (b) a conviction—which it would be paradoxical to call ‘moral,’ but which is nonetheless fundamental—that it would be irrational to sacrifice any portion of my own happiness unless the sacrifice is to be somehow at some time compensated by an equivalent addition to my own happiness.” Each of these convictions has as much clarity and certainty “as the process of introspective can give” and each also finds wide assent “in the common sense of mankind” (Sidgwick, 1889, p. 483).

The best chance of rendering practical reason coherent and consistent, harmonizing our own good with the good of others, would be through a theistic principle of cosmic justice, perhaps achieved in the after-life. In the early editions of the *Methods*, Sidgwick observes: “For, if we find an ultimate and fundamental contradiction in our apparent intuitions of what is Reasonable in conduct, we seem forced to the conclusion that they were not really intuitions after all, and that the apparently intuitive operation of the Practical Reason is essentially illusory. Therefore it is ... a matter of life and death to the Practical Reason that this premise should be somehow obtained” (Sidgwick, 1877, pp. 468–9). In sum, for Sidgwick, the “dualism of the practical reason” was a cosmic calamity, suggesting that reason is an illusion and the Universe absurd.

There is something strange in the way that arguably the greatest work in the utilitarian tradition elaborately revises, refines, and reconciles utilitarianism with intuitional morality only to knock the stuffing out of it at the end,

leaving it clarified but nonetheless as unjustified as it had been in Mill's work. Many of Sidgwick's admirers find him a little hysterical on the topic of dualism, while allowing that he was on to something important. As Parfit explained in his reformulation of the key point: "When one of our two possible acts would make things go in some way that would be impartially better, but the other act would make things go better either for ourselves or for those to whom we have close ties, we often have sufficient reasons to act in either of these two ways" (Parfit, p. 137).

But Sidgwick was more given to entertaining the bleaker possibilities suggested by dualism. For all his criticisms of organized religion, he always retained a broadly religious outlook, ever seeking to find evidence to justify the theism to which he was drawn, in no small part because of his worries about the dualism of the practical reason. Disenchanted with traditional theological, metaphysical, and historical efforts to vindicate any such belief, he pursued instead a peculiar form of natural theological investigation, namely parapsychology. Investigations of the supernatural might, he hoped, reveal the deeper reality behind the miraculous elements of all the world religions. He was a founder and the first president of the Society for Psychical Research (1882), and with his wife Eleanor (née Balfour, whom he had married in 1876), brothers-in-law Gerald and Arthur Balfour (a former student, and prime minister from 1902 to 1905), and friends and colleagues such as Edmund Gurney, Frederic W. H. Myers, and William James, he devoted endless hours to the investigation of supposed cases of telepathy, hypnotism, mediumship, ghosts, etc. (Gauld, 2007). Alas, in the end, his investigations did not yield the truth he sought, though psychical research did take some strange turns and many of those close to Sidgwick, including Eleanor and her brothers, became convinced that he had communicated to them from beyond the grave (Gray, Ch.1).

Anxieties about the dualism of practical reason coloured other regions of Sidgwick's work as well. His extensive criticisms of Kant, Hegel, Spencer, Green, Bradley and others, often demonstrated his conviction that such alternatives also fail to deal adequately with this issue (Sidgwick, 1902; 1905). And his economic and political philosophical works, which were first-rate and included two major treatises, *The Principles of Political Economy* (1883) and *The Elements of Politics* (1891), tended, on the normative side, to assume utilitarianism as a foundation and on that basis consider the manifold ways in which an individualistic, laissez-faire principle would need to be qualified, either for the sake of individual freedom itself or out of broader utilitarian considerations. Like most utilitarians, Sidgwick recognized that the good of all sentient creatures should count in the utilitarian calculus, though it was plain that the good of the mentally ill, nonhuman animals, and future generations was scarcely going to be covered merely by protecting the libertarian rights of presently existing people.

The political direction of Sidgwick's thought has long been debated (Ritchie, 1891–2; Schultz, 2004; Bell and Sylvest, 2006), but it is clear that he grew more eclectic and independent, less the standard academic liberal, as he grew older. It is also clear that he deeply feared the growth of a materialistic, Machiavellian form of self-interested power politics, whether domestically or globally. Against such ruder and cruder forms of self-interest—which could only be abetted by a practical reason in chaos—he sought a continued moral and political evolution, led by the "Concert of Europe," towards a greater federalism and cosmopolitanism that would generate the institutional mechanisms and political morality needed to avoid war and avert other forms of strife (Sidgwick, 1891; 1903), and he participated in the Ethical Culture Movement (Sidgwick, 1898, pp. 3–30), hoping to find common



moral ground on such matters despite deep religious and metaethical differences. Practically speaking, Sidgwick, like all the great utilitarians, ended up doing a great deal of concrete good, especially in the area of educational reform. With Eleanor, he championed higher education for women, following the lead of figures such as Maurice and Mill, and together the Sidgwicks helped found Newnham College, Cambridge, one of the first women's colleges in England (Tullberg, 1998). *Postscript*: In a major, comprehensive restatement of his position, Singer has allied himself more closely with Sidgwick's versions of hedonistic utilitarianism and cognitivist metaethics (Singer and De Lazari-Radek, 2014).

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See also AGGREGATE AND AVERAGE UTILITARIANISM; BUTLER, JOSEPH; CUMBERLAND, RICHARD; EDUCATION; FELICIFIC CALCULUS; HEDONISM; IDEALISM; KANT, IMMANUEL; MAXIMIZATION; MILL, JOHN STUART; PARFIT, DEREK; PRACTICAL REASONING; SPENCER, HERBERT; TOTAL UTILITARIANISM; WHEWELL, WILLIAM.

#### SINGER, PETER (b. 1946)

Peter Albert David Singer was born on 6 July 1946 in Melbourne, Australia, to parents of Jewish descent who had fled the Nazi takeover of Austria. He was educated at Melbourne University (BA 1967, MA 1969)

and Oxford University (B.Phil. 1971). At the time of writing, Singer is Ira W. DeCamp Professor of Bioethics at Princeton University and Laureate Professor at the Centre for Applied Philosophy and Public Ethics at the University of Melbourne.

At Oxford, he was much influenced by fellow students and friends such as Richard Keshen, and Stanley and Roslind Godlovitch, who first sparked his interest in vegetarianism and animal liberation, and by the philosophers Derek Parfit, Jonathan Glover, and above all, R. M. Hare, who supervised his work and persuaded him to accept universal prescriptivism, the view that moral judgements are not cognitive or descriptive statements but rather prescriptions, though made from a universal point of view. Metaethically, for decades Singer defended Hare's prescriptivist interpretation of how the beginning of ethical thought comes with "recognizing that my own interests cannot count for more, simply because they are my own, than the interests of others" (Singer, 2000, p. 16).

Singer has been called both the world's most dangerous philosopher and the world's leading utilitarian, the descriptions sometimes meant as equivalent. He is certainly one of the most influential and prolific philosophers and public intellectuals of the last half century—a key figure in launching the global animal liberation movement, establishing the field of practical or applied ethics (especially bioethics), advancing the Australian Green Party, and directing attention to crucial issues of global justice and world poverty. Possessed of an uncanny talent for exposing the most damning incoherencies of traditional Judeo-Christian morality, he has challenged the basic conceptions of moral personhood, dignity, and duty cherished by most nonutilitarian ethicists, religious or secular. Although his philosophical hero is the Victorian ethical philosopher Henry Sidgwick, whose judicious temperament he embodies, he has been violently attacked both philosophically and physically, and

is living proof that philosophy retains the Socratic potential to provoke outrage.

Singer denies that there is anything extraordinary about the basic premises of the thinking that has led him to challenge so much of traditional morality. In addition to the factual premise that “humans are not the only beings capable of feeling pain, or of suffering,” the following three moral premises ground even his most controversial positions:

- 1 Pain is bad, and similar amounts of pain are equally bad, no matter whose pain it might be.
- 2 The seriousness of taking a life depends, not on the race, sex, or species of the being killed, but on its individual characteristics, such as its own desires about continuing to live or the kind of life it is capable of leading.
- 3 We should consider ourselves responsible both for what we do and for what we refrain from doing (Singer, 2009, p. 74).

From this modest basis, fleshed out in the terms of preference utilitarianism rather than classical hedonistic utilitarianism, he has developed compelling arguments to show the moral irrelevance of national boundaries, of species boundaries, and of traditional views of the sacredness of life. Thus, to use one of his chief examples, if one were walking by a shallow pond and noticed a small child apparently drowning, and if one could rescue the child at little cost, getting a bit muddy, then surely rescuing the child would be the right thing to do. From this homely example, which is in fact in line with the “Good Samaritan” laws adopted in various legal systems, Singer develops his case that aiding desperate individuals across the globe is a precisely parallel situation morally, despite the various informational and strategic issues that might make it seem quite different. Globally, some 24,000 children die daily as a result of preventable poverty-related causes. Failing to save lives in distant places by, say,

giving to Oxfam is no different from walking by the drowning child. Although, given the pervasiveness of the notion in common-sense morality, some distinction might be made, for utilitarian purposes, between killing and letting die, this should have much less force than deontological approaches to ethics suggest. Even if we allow some difference in the appropriate degrees of censure or punishment attached to acting versus omitting to act, the salient moral point is that the consequence is an unnecessary death, and the world in general would be a happier place if people did not allow themselves the cop out of absolving themselves of responsibility on the ground that they did not throw the child in the pond, produce famines in distant lands, and so on.

And even such elaborate and influential theories of justice as that of John Rawls ultimately represent, from Singer’s perspective, little more than elaborate and influential cop outs: “When I first read this book [*A Theory of Justice*], shortly after its publication in 1971, I was astonished that a book with that title, nearly 600 pages long, could utterly fail to discuss the injustice of the extremes of wealth and poverty that exist between different societies.” Rawls’s work, early and late, “remains firmly based on the idea that the unit for deciding what is just remains something like today’s nation-state. Rawls’s model is that of an international order, not a global order” (Singer, 2002, pp. 8–9). Part of the problem, for Singer, is the way in which Rawls’s method of reflective equilibrium pays court to ordinary intuitions that should carry no epistemic weight whatsoever (Singer, 1974).

The implication here is that an excess of partial attachment to one’s own nation and fellow citizens, such that their plight always takes priority, is as indefensible as a racist attachment to one’s own race or a sexist attachment to one’s own gender. Although some partial attachments can, within limits, be justified from an impartial point of view—for example, attachments to friends and family—many partial attachments are profoundly suspect and

morally arbitrary, especially in an interconnected world headed for environmental crisis. A citizen of the United States who helps the relatively affluent poor in the United States, or who ignores the impact the United States has on global climate change, on the simple-minded ground that fellow Americans come first, is demonstrating a form of lethal prejudice rather than the type of humanity that figures in any plausible utilitarian approach.

The upshot of Singer's argument is that individual citizens across the globe, especially in the more affluent countries, ought to be contributing much more to the relief of severe suffering, either through direct individual giving to effective antipoverty and other aid organizations, or through the creation and support of effective, cosmopolitan institutional structures for eliminating severe suffering. Singer has been making this argument ever since his seminal article "Famine, Affluence, and Morality" first appeared in 1972, and it has increasingly come to the fore in his activist efforts, especially with the publication of *The Life You Can Save* (2009), which has generated a new movement in giving, as shown by the related website (<http://www.thelifeyoucansave.com/>). It would be difficult to name any other academic philosopher who has written a book that within a few years produced over \$34 million in anti-poverty relief. Even Singer's more Rawlsian opponents give him credit for making a very compelling case (Nagel, 2010).

Parallel arguments figure in Singer's case for animal liberation, which he first floated in 1973 in a sympathetic book review in the *New York Review of Books*. The contributors to the work under review, a volume edited by his Oxford friends the Godlovitchs and John Harris, were, he claimed launching a new liberation movement, demanding "that we cease to regard the exploitation of other species as natural and inevitable, and that, instead, we see it as a continuing moral outrage." He made the case at length shortly thereafter, with the publication of *Animal*

*Liberation* in 1975, the work that became the manifesto of the movement, inspiring organizations such as People for the Ethical Treatment of Animals. In essence, the point was that "speciesism" was not unlike racism or nationalism or any other unjustifiable, morally arbitrary boundary condition underwriting prejudicial treatment.

To be sure, this did not entail that non-human animals and human animals ought always to be accorded equal or similar treatment, or that all lives were of equal worth:

While self-awareness, the capacity to think ahead and have hopes and aspirations for the future, the capacity for meaningful relations with others and so on are not relevant to the question of inflicting pain—since pain is pain, whatever other capacities, beyond the capacity to feel pain, the being may have—these capacities are relevant to the questions of taking life. It is not arbitrary to hold that the life of a self-aware being, capable of abstract thought, of planning for the future, of complex acts of communication, and so on, is more valuable than the life of a being without these capacities. To see the difference between the issues of inflicting pain and taking life, consider how we would choose within our own species. If we had to choose to save the life of a normal human being or an intellectually disabled human being, we would probably choose to save the life of a normal human being; but if we had to choose between preventing pain in the normal human being or the intellectually disabled one ... it is not nearly so clear how we ought to choose (Singer, 1973, p. 20).

Still, at a minimum, by virtue of their capacities for pleasure and pain, nonhuman animals have moral standing, and some nonhuman animals, such as the great apes and dolphins, might share human capabilities in ethically

relevant ways, might be “persons,” that is, rational and self-aware beings taking the life of which would be especially serious, given their preferences for continued existence. Thus, Singer has helped advance the Great Ape Project, which calls for extending the “community of equals” to the great apes, guaranteeing at the least their rights to life, liberty, and freedom from torture (Singer and Cavalieri, 1993). Of course, on Singer’s account, unlike that of rights-based approaches to animal liberation, non-human animal rights, like human rights, have a derivative, utilitarian justification. And in good utilitarian fashion he believes in the possible justifiability of civil disobedience—his first book, based on his Oxford thesis, was *Democracy and Disobedience* (1973). He has urged that the movement follow the examples of Gandhi and Martin Luther King Jr in adopting a nonviolent approach to protesting things such as factory farming, and animal experimentation and testing.

Already evident in Singer’s arguments regarding animal liberation were many of the considerations that he would develop more broadly in the field of bioethics, where, he holds, claims about the sanctity and sacredness of human life are mostly both hypocritical and inimical to societal well-being. *Rethinking Life and Death: The Collapse of Our Traditional Ethics* (1994), by Singer’s own account one of his best books, mounted a head on challenge to traditional morality, with Singer urging a set of alternative basic commandments. Thus, instead of “treat all human life as of equal worth,” he would urge “recognize that the worth of human life varies,” the better to avoid the costly absurdity of prolonging the life of individuals in, for example, persistent vegetative states. “Never intentionally take innocent human life,” would be replaced by “take responsibility for the consequences of your decisions,” even if these are simply foreseen rather than intended. “Never take your own life” would

give way to “respect a person’s desire to live or die,” and “be fruitful and multiply” should be rejected in favour of “bring children into the world only if they are wanted.” And of course, rather than holding that we should “treat all human life as always more precious than non-human life,” we should refrain from discriminating on “the basis of species” (Singer, 1994, pp. 187–206).

Singer has consistently brought such arguments directly to bear on politically heated policy decisions, such as stem cell research. *The President of Good and Evil: Questioning the Ethics of George W. Bush* (2004) stands as a model philosophical indictment of an American President. The incoherence of Bush’s (widely shared) view about the preciousness of every embryo was evident, Singer suggested, in his failure to realize or address the way in which millions of embryos die every year from natural causes, primarily failure to implant in the uterus. Taking Bush’s views literally would have us regard this as “an ongoing holocaust” (Singer, 2004, p. 38).

No doubt it is Singer’s willingness to demonstrate just how important his philosophical arguments are to public policy and everyday life, to the decisions that are made every day in hospitals and research facilities across the world, which has generated the intensely hostile reaction to him in various quarters. In works such as *Rethinking Life and Death* and *Should the Baby Live?* (Singer and Kuhse, 1985), he forcefully defended the justifiability of not only euthanasia and abortion, but also infanticide in cases of severe disability, and this has made him the target of heated protests by groups such as Not Dead Yet. When he first took up the position he now holds at Princeton University, in 1999, after years at LaTrobe University and Monash University in Australia, protests erupted, and trustee Steve Forbes demanded that Princeton rescind the offer. But most of the Princeton trustees, faculty and students were unimpressed by this

replay of the assault on academic freedom that had greeted Singer's visits to Germany earlier in the decade. His arguments against the inconsistency, hypocrisy, and presumption of a medical profession that would inflict sustained suffering on, for example, spina bifida infants in the name of allowing nature to "take its course," rather than allowing parents to opt to end the life that would soon, after greater suffering, be ended anyway, were scarcely recognizable in the charges of his critics.

Persons with disabilities activist Harriet McBryde Johnson wrote, after her Princeton debate with Singer: "If I define Singer's kind of disability prejudice as an ultimate evil, and him as a monster, then I must so define all who believe disabled lives are inherently worse off or that a life without a certain kind of consciousness lacks value. That definition would make monsters of many of the people with whom I move on the sidewalks, do business, break bread, swap stories and share the grunt work of local politics" (Johnson, p. 8). Unlike those who silenced Singer in Germany, Johnson at least took the trouble to read what Singer had written.

Beyond these fundamental contributions to a new global ethics and a new bioethics, Singer has worked assiduously to develop his arguments in line with the latest research in sociobiology and other scientific fields, defining what he calls a "Darwinian Left." In his prescient book *The Expanding Circle: Ethics, Evolution and Moral Progress* (1981), he made "suggestions that were speculative when the book appeared, but have since been supported by further work in evolutionary psychology." One of the main points of his argument—a point that changed the mind of E. O. Wilson, the father of sociobiology himself—was that "our ability to reason developed because it conferred advantages on us, but reason is like an escalator, in the sense that once you step on it, it carries you onwards, whether or not you wish to go to the end. Some elements

of our ethics—especially ideas of impartiality and equality—may therefore be the outcome of our reasoning capacities and hence less directly under the influence of our genes than more emotional or intuitive responses" (Singer and Lazari-Radek, p. 38–9).

Perhaps it is appropriate, then, that it is in a new edition of *The Expanding Circle* (2011) that Singer has at last made official what he has been hinting at for a number of years: namely, that he has now abandoned the noncognitivist metaethic he imbibed from Hare at Oxford in favour of a more recent Oxford development, the nonmetaphysical moral rationalism defended at length in Derek Parfit's *On What Matters* (2011). Put bluntly, the "judgement that 'one's own interests are one among many sets of interests' can be accepted as a descriptive claim about our situation in the world, but to add that one's own interests are 'no more important than the similar interests of others' is to make a normative claim. If I deny that normative claims can be true or false, then I cannot assert that this claim is true" (Singer, 2011, p. 199). But on Parfit's account:

Unless we are to fall into skepticism about knowledge as well as skepticism about ethics, we must accept that there are normative truths about what we have reason to believe, as well as about what we have reason to want, and reason to do. Consider, for example, the statement: "When we know that some argument is valid, and has true premises, we have decisive reasons to accept this argument's conclusion" ... That statement, Parfit argues, is neither a tautology nor an empirical truth. It is a true normative statement about what we have reason to believe (p. 202).

Parfit's work is, for Singer, "a worthy successor" to Sidgwick's *Methods of Ethics* (1874), though one that may be a little too quick in dispensing with the substantive



act utilitarianism that Singer and Sidgwick favour. As a research programme for Singer's next decades, the new edition of *The Expanding Circle*, along with the new edition of Singer's own best general account of his views, his classic *Practical Ethics* (2011), might well suggest that the task ahead will in large part involve determining how his substantive and applied utilitarian ethic can be rebuilt on this new metaethical foundation, yielding a more thoroughly Sidgwickian standpoint. Recent essays, such as "Secrecy in Consequentialism: In defense of esoteric morality," authored with Lazari-Radek (2010), which challenge the familiar duty of truth telling and publicity criteria for moral and political principles, certainly indicate that Singer remains as unimpressed as ever by Kantian and Rawlsian claims. If Singer past is any guide to Singer future, this project will be carried out in a flood of publications that are reasonable, relevant, related to the latest scientific and social scientific research, and as likely to bring the world around to reason than anything else emerging from the philosophical academy. *Postscript*: In a major, comprehensive restatement of his position, Singer has allied himself more closely with Sidgwick's versions of hedonistic utilitarianism and cognitivist metaethics (Singer and De Lazari-Radek, 2014).

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See also ACT UTILITARIANISM; ANIMALS; BIOETHICS; HARE, RICHARD MERVYN; PARFIT, DEREK; PREFERENCES (PREFERENTIALISM); RAWLS, JOHN; SIDGWICK, HENRY.

## SLAVERY

There is considerable paradox in the relationship between Classical Utilitarianism and the issue of slavery. At the level of practice, the great utilitarians—William Paley, William Godwin, Jeremy Bentham, James and John Stuart Mill, and Henry Sidgwick—were uniformly opposed to the slavery and slave trade of their times, differing only in the degrees of radicalism brought to their reformism. Thus, even the milder, theological utilitarian Paley held that:

the emancipation of slaves should be gradual, and be carried on by provisions of law, and under the protection of civil government. Christianity can only operate as an alterative. By the mild diffusion of its light and influence, the minds of men are insensibly prepared to perceive and correct the enormities, which folly, or wickedness, or accident, have introduced into their public establishments. In this way the Greek and Roman slavery, and since these, the feudal tyranny, has declined before it. And we trust that as the knowledge and authority of the same religion advances in the world, they will banish what remains of this odious institution (Paley, pp. 137–8).

More emphatic was the anarchist English Jacobin Godwin, an irrepressible reformer who addressed in detail the wide range of defences of slavery as supposedly appropriate for certain climates or conditions, remarking that “It can only be by the most deplorable perversion of reason that we can be induced to believe any species of slavery, from the slavery of the school boy to that of the most unfortunate Negro in our West India plantations, favourable to virtue” (Godwin, p. 488). The “peculiar institution” of slavery was odious on all counts; the only

question was the best, most expedient form of opposition to it.

At the level of theory, or ethical philosophy, however, the issue of slavery has been at the core of debates over the cogency of utilitarianism from its beginnings down to the present. As John Rawls explained, in *A Theory of Justice* (1971), it “is often objected ... that utilitarianism may allow for slavery and serfdom, and for other infractions of liberty. Whether these institutions are justified is made to depend upon whether actuarial calculations show that they yield a higher balance of happiness” (Rawls, pp. 158–9). Rawls was of course sympathetic to this line of criticism, setting out his theory of justice as fairness as an alternative to utilitarianism affording a firmer grounding for a just distribution of rights and liberties, one less dependent on empirical assumptions about the nature of utility and its maximization. But of course, Rawls was admittedly merely echoing older criticisms of Classical Utilitarianism that had been made familiar by early critics such as William Whewell. Moreover, this line of criticism has always been as unconvincing to the great utilitarians as it has been compelling to their antagonists, even when the latter grant the practical and political reformist credentials of the former. The complexities of the historical objections and replies at this foundational level are rather more interesting than Rawls’s statement suggests.

One point especially worthy of note in light of more recent criticisms of utilitarianism is the degree to which the debates about the supposed problems of “happy slaves” and/or “adaptive preferences”—such that the nature of the happiness of the oppressed justified their oppression as utilitarian, their happiness and wants having been warped to their situation—have been part of this longer history. Thus, Godwin railed against those who “from certain deplorable prejudices” argued that the slaves of the West Indies

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“are contented with their situation” and “not conscious” of the evils denounced by the reformers:

The true answer to this question, even granting them their fact, would be: “It is not very material to a man of a liberal and enlarged mind, whether they are contented or no. Are they contented? I am not contented for them. I see in them beings of certain capacities, equal to certain pursuits and enjoyments. It is of no consequence in the questions, that they do not see this, that they do not know their own interests and happiness. ... I cannot bear to see human nature thus degraded. It is my duty, if I can, to make them a thousand times happier, than they are, or have any conception of being” (Godwin, p. 255).

Many commentators have urged that no such robust statement, striking at the very basis of any supposed utilitarian justification for slavery grounded on the “happy slaves” line, could be found in Bentham’s works. In fact, many have indicted Bentham for seemingly being a good case in point for the Rawlsian objection, allowing that in Bentham’s system the security of the property of the slave masters, their expectations and property rights, is in marked tension with the interests of the slaves (Boralevi, 1984; Kelly, 1990). However, in a brilliant review of the literature on Bentham on slavery, Frederick Rosen has called attention to a letter Bentham published in the *Public Advertiser* on 6 June 1789, a letter that, Rosen argues, “was direct, passionate, and stated his position clearly”: he referred to slaves as “*sensible* and *rational* beings, whose necks by length of time have been moulded to the yoke.” But to Bentham’s mind, there was no tension in his position at all: “I observe the traders in human flesh claim an indemnity for the loss of their trade. Might not the same indemnity

have been claimed with the same justice by the receivers of stolen goods? Is it worse to steal handkerchiefs and snuff boxes than to steal men?” Indemnification should only be given to those “who ask for it with clean hands” (Rosen, p. 35). On Rosen’s persuasive interpretation, “Bentham might easily stand with Wilberforce and Romilly as an opponent of slavery and the slave trade,” and there is “no evidence that he emphasized security of property over abolition” (p. 49). Furthermore, if “rights theory obscures the basic truth about subordination and leads one to proclaim one’s freedom where there is none and will not be any for the foreseeable future, the relevance to human happiness will at best be consigned to a rhetorical flourish and at worst to useless conflict and even war” (p. 50). Talk of natural rights was, in this context, worse than “nonsense upon stilts,” and obscured the horrible realities.

Of course, such debates continued to get played out over the course of the nineteenth century. Whewell, the great defender of intuitional morality against the utilitarian movement, forcefully urged that the utilitarians fundamentally misconstrued the basis of moral standing, and could not, on the basis of a pleasure/pain calculus (much less a deterministic account of the will) grasp the special nature of human dignity: “if some plain and simple criterion of the difference between man and brutes be required; we can point at such a character at once, in the use of *Language*. A being who can understand and apply the general terms of which language consists, can apprehend Rules of action, Means and Ends, and hence, the Supreme Rule. He is rational, and consequently a moral being. He is our brother” (Whewell, p. 234). Against the utilitarians he remarked: “We ought not to wish the Slave to be contented in his Slavery; living like a brute animal in dependence upon his master, and looking to no law, higher than his Master’s Will. On the contrary, we ought

to wish that he should both desire and have Liberty, in order that he may enter upon that course of moral agency, and moral progress, which is the only proper occupation of his human faculties” (p. 242). But as John Stuart Mill made abundantly clear, the utilitarian position had it that it was utilitarianism that held out the greatest hope for doing precisely that.

Mill went even further than his great predecessors in incorporating autonomy and dignity into the very conception of human happiness, condemning the complacency and lack of progress in traditional morality (Whewell allowed the legitimacy of slave states), and siding with the angels in the struggles against the slave power, since slavery “under any circumstances whatever in modern society is a relapse into worse than barbarism” (Mill, *CW*, vol. 19, p. 395). Mill was a vociferous defender of the Union in the American Civil War, allowing that his “strongest feelings were engaged in this struggle,” and that the success of the Confederacy would be “a victory of the powers of evil which would give courage to the enemies of progress” (*CW*, vol. 1, p. 266). Like Godwin and Bentham, Mill often used the word “slavery” to refer to many different forms of oppression and domination, as in the subjection of women that had Victorian men seeking a “willing slave” in their marriage partners.

The unfortunate irony with the Classical Utilitarians is that as the century of their great achievements wore on, their complicity in the growth of the British empire and the varieties of imperialism and racism that came with it meant that their powerful opposition to slavery and the slave trade would seem diminished, in retrospect, in the context of their willingness to endorse less overt forms of civilizational prejudice and oppression. Unfortunately for humanity, their philosophical opposing numbers failed to do any better on this score (Schultz, 2004, pp. 509–668; 2007).

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See also BENTHAM, JEREMY; GODWIN, WILLIAM; IMPERIALISM; MILL, JAMES; MILL, JOHN STUART; RACISM; RAWLS, JOHN; SIDGWICK, HENRY; WHEWELL, WILLIAM.

**SMART, JOHN JAMIESON CARSWELL  
(1920–2012)**

J. J. C. (Jack) Smart was born on 16 September 1920 in Cambridge, England, to Scottish parents. His father, William Marshall Smart, was Professor of Astronomy at Cambridge University. Smart's family returned to Scotland in 1937, when his father accepted a position at the University of Glasgow. The following year, Smart entered the University of Glasgow as an undergraduate. He served in the military from 1940 to 1945, and returned to Glasgow at the conclusion of World War II to earn his MA degree (in 1946). Two years later, he earned a B.Phil. degree at the Queen's College, University of Oxford. For 2 years thereafter, he was a Junior Research Fellow at Corpus Christi College, Oxford. Smart's brothers, Alastair and Ninian, were also academics, the former in art history and the latter in religious studies.

In 1950, Smart moved to Australia to take a position at the University of Adelaide, where he remained for 22 years before moving to La Trobe University in Melbourne in 1972. Four years later, he took a position at the Australian National University in Canberra. He retired from ANU in 1985 and in 1999, at the age of 79, he returned to Melbourne to become Honorary Research Fellow at Monash University. Although Australia was Smart's home for more than half a century, he held visiting professorships or fellowships at Princeton (1957), Harvard (1963), Yale (1964), Stanford (1979 and 1982), and Alabama (1990). From 1969 until his death on 6 October 2012 (at the age of 92), he was a Fellow of the Australian Academy of the Humanities. In 1990, he was made a Companion in the General Division of the Order of Australia, and in 1991 he was elected an Honorary Fellow of Corpus Christi College, Oxford.

Smart's work in ethics—one of several philosophical fields to which he contributed—spanned half a century: in July 1950, at the

age of 29, he published "Reason and Conduct" in the British periodical *Philosophy*, and at the age of 78 he published "Ruth Anna Putnam and the Fact-Value Distinction" in the same periodical (July 1999). Smart's first publication on utilitarianism, "The Humanitarian Theory of Punishment," came in 1954, in the form of a comment on an essay by C. S. Lewis. In 1991, Smart returned to the topic of punishment in the *Israel Law Review* with "Utilitarianism and Punishment," an essay that contains his final statement of utilitarianism. During the nearly four decades in which he wrote about utilitarianism, Smart became, along with Richard B. Brandt, R. M. Hare, John Harsanyi, and Peter Singer, one of its foremost expositors and defenders.

According to Smart, "Utilitarianism is the view that the rightness of an action depends entirely on expected utility, that is on the sum of the utilities of its consequences weighted by their various probabilities" (Smart, 1991, p. 360). Smart's utilitarianism was put forward not as true or correct, but as a systematization of feelings, arranged in the form of a hierarchy. He endorsed what he called a "non-cognitivist" view of ethics, "according to which ethical sentences do not express statements of fact, whether natural or non-natural, but rather express attitudes, or make prescriptions, rather as imperative sentences do" (Smart, 1984, p. 6). In a late essay, Smart was more specific, claiming that "ethical principles (which could be expressed in the imperative grammatical form) are the expressions of *attitudes*, not of beliefs about some realm of ethical *fact*" (Smart, 1991, p. 367). To Smart, there *are* no ethical facts. This is the main respect in which, in his view, ethics differs from science: "In science we are trying to fit our beliefs to the world. In ethics we are concerned to fit the world to our desires" (Smart, 1999, p. 437). This means, among other things, that "science is objective in a way that ethics is not" (Smart, 1981a, p. 18).

Because of his noncognitivist metaethical view, Smart disclaimed any attempt to prove, justify, or rationally establish his normative theory. All that can be done by way of defending utilitarianism, besides presenting it clearly, is to “refute various specious objections which have been and still are being brought against it” (Smart, 1980, p. 120). The hope is that one’s interlocutor will find the theory attractive as a systematization of his or her benevolent feelings. If a particular person does *not* find the theory attractive, then there is nothing else for Smart to say to him or her. As for what Smart himself found attractive about utilitarianism, two things stand out. First, “it is congenial to the scientific temper” in its “empirical attitude to questions of means and ends.” Second, it “has flexibility to deal with a rapidly changing world” (Smart, 1965, p. 349). Smart also admitted to having “a strong, passionate desire to see the world *sub specie eternitatis*” (Smart, 1993, p. 79). No particular time, place, or biological species is favoured by the theory. If a being is sentient, then it has moral status.

Utilitarianism can be understood as either a descriptive theory or a normative theory. The former seeks to describe or explain what Smart variously called “the common moral consciousness” (Smart, 1967, p. 208), “how the ordinary man ... actually thinks about ethics” (Smart, 1961b, p. 41), “common moral notions” (Smart, 1978b, p. 105), “the ordinary man’s moral beliefs” (Smart, 1978c, p. 288), and “our common ethical beliefs” (Smart, 1986, p. 25). The latter, by contrast, seeks to guide conduct. Smart took utilitarianism to be a normative theory. He was therefore unmoved by the claim that the theory conflicts with “the common moral consciousness.” If it did not so conflict, then “the acceptance of it as a normative system would have left most men’s conduct unchanged” (Smart, 1967, p. 209). The purpose of a moral theory (or system; note the title of Smart’s 1961 monograph) is not to

*get* the world right, in the sense of correctly describing it, but to *set* it right, in the sense of changing it for the better.

Smart, like many utilitarians, was a bullet-biter. A typical criticism of utilitarianism has the form of a *modus tollens* argument: “Utilitarianism implies proposition p; p is false or unacceptable; therefore, utilitarianism is false or unacceptable.” Sometimes Smart grabbed the bull by the horns and denied the first premise, but more often than not he bit the bullet and denied the second premise. As he famously put it in his 1973 monograph (a revision of Smart, 1961b):

Admittedly utilitarianism does have consequences which are incompatible with the common moral consciousness, but I tended to take the view “so much the worse for the common moral consciousness.” That is, I was inclined to reject the common methodology of testing general ethical principles by seeing how they square with our feelings in particular instances (Smart, 1973, p. 68).

Smart believed that utilitarianism, when understood as a descriptive theory, is false. His counterexample was that of a desert-island promise to a dying man. The “common moral consciousness” would judge that the promise *qua* promise should be kept, but a utilitarian would judge that it should be broken, on the ground that breaking it would (on the facts given) maximize overall utility. Whether Smart was correct about descriptive utilitarianism being false is controversial. Some utilitarians, such as Henry Sidgwick, believe that all or most of common-sense morality can be accommodated or explained by utilitarianism. It should be noted that Smart did not reject *all* aspects of common-sense morality. It may be, for example, that by following the rules of common-sense morality, or even by inculcating the rules of common-sense morality in one’s children, one maximizes overall utility; but



## SMART

if that is the case, then it is only an accident, morally speaking.

Smart's method can be described as progressive, as opposed to conservative. There are, in general, two attitudes that one can take towards intuitions or considered moral judgements. The methodological progressive, such as Smart, accords intuitions no weight in his or her deliberations. The methodological conservative, by contrast, accords intuitions *some* weight (at the limit, *infinite* weight). John Rawls's method of "reflective equilibrium" counts as a conservative method in this view, and it is no surprise that Smart rejected it, for the following reason:

The method of reflective equilibrium puts our feelings on a level [with one another], e.g. our feeling of benevolence may sometimes be in direct opposition to our feeling for justice, and both with our approval of promise keeping and truth telling. All these feelings are like various forces acting on a single particle in various directions and with various intensities (Smart, 1991, p. 368).

To Smart, an ultimate ethical principle such as utilitarianism is an expression of an *overriding attitude*. In the case of utilitarianism specifically, the overriding attitude is generalized benevolence (Smart, 1977; 1986, p. 26). When other attitudes, such as the aforementioned "feeling for justice," conflict with this attitude, they must be subordinated to it. Smart believed that the method of reflective equilibrium accords too much weight to intuitions, some of which may reflect bias, prejudice, superstition, or ignorance. Smart preferred to subordinate his intuitions to his normative theory, rather than the other way around.

Smart took sides on most of the issues that divide utilitarians. In 1956, he coined the terms "extreme" and "restricted" to describe what are now known (respectively) as act utilitarianism and rule utilitarianism (by 1961,

Smart had accepted the latter terms, which were coined by Richard Brandt in 1959; see Smart, 1961a, p. 134n). He pointed out as early as 1956 (echoing J. S. Mill) that act utilitarians can make use of rules. The difference between act utilitarians and rule utilitarians is not that only the latter make use of rules; it is that the theories accord a different *status* to rules. To an act utilitarian, rules are *rules of thumb*, designed merely to facilitate decision making, especially when there is insufficient time for deliberation. To a rule utilitarian, rules are *more* than rules of thumb; they have weight of their own in one's deliberations. For example, both act and rule utilitarians can endorse a rule against torture. The act utilitarian will be willing to break the rule in particular cases, on the ground that some tortures maximize overall utility; the rule utilitarian will not.

Smart was eager to show that an act utilitarian may, and indeed *will*, live in accordance with rules (including, as we saw, the rules of common-sense morality). But he was also critical of rule utilitarians for viewing rules as more than rules of thumb. "Rule worship," a (pejorative) term coined by Smart—sometimes termed "absurd rule worship" (Smart, 1991, p. 371)—consists in acting in accordance with a rule when it is clear that *breaking* the rule will maximize overall utility. In this respect, rule worship is a form of superstition, like religion.

Smart remained noncommittal on the question of what, precisely, is to be maximized by the utilitarian: pleasure, high-quality pleasure, pleasure plus something else, or the satisfaction of desires. He did much, however, to clarify the differences between, and to identify problems with, hedonistic, quasihedonistic, ideal, and satisfaction utilitarianism (see Smart, 1978a). On the question of whether the satisfaction of evil desires enters into the utilitarian calculus, Smart answered in the affirmative, but emphasized that evil desires are likely to be offset by the suffering they bring about (Smart, 1991, p. 361). Smart

preferred total utilitarianism to average utilitarianism (Smart, 1961b, p. 18), maximizing utilitarianism to satisficing utilitarianism (Smart, 1986, p. 28), and expected utility to actual utility (Smart, 1991, p. 360). The latter preference has the paradoxical consequences that (1) a person can act rightly while making things worse (indeed, *much* worse), and (2) a person can act wrongly while making things better (indeed, *much* better), for the consequences of our actions are not always as we expect, intend, or foresee them to be (see, e.g. Smart, 1961b, pp. 33–4.) Smart might have replied that these are acceptable consequences of his theory, for, as he repeatedly observed, “It can be expedient to praise an inexpedient action and inexpedient to praise an expedient one” (Smart, 1956, p. 347). The person who maximizes expected utility should be praised, even if the act turns out to have bad consequences, while the person who fails to maximize expected utility should be blamed (or at least not praised), even if the act turns out to have good consequences.

In 1961, following in the footsteps of Bentham (Smart, 1986, p. 37), but 14 years before the publication of Peter Singer’s important book *Animal Liberation* (1975), Smart proclaimed the moral significance of nonhuman animals. In 1980, perhaps emboldened by Singer’s work, for which he had high praise (see Pettit, *et al.*, p. 192), Smart wrote:

I now think that the “perhaps of all sentient beings” should be much more uncompromising. It is a merit of utilitarianism, with its stress on happiness and unhappiness, that lower animals must be considered along with human beings, so that they are not debarred from full or direct consideration because they are not “rational” (Smart, 1980, p. 115).

The following year, in a discussion of the similarities and differences between ethics and science, Smart opined that “the

increased attention to the sufferings of animals is one of the most notable examples of progress in ethics over the last hundred years or so” (Smart, 1981a, p. 2). Smart was always careful to add, when discussing the moral status of animals, that sentient aliens—should there be any!—must also be taken into account in the utilitarian’s deliberations (Smart, 1991, p. 361).

Some utilitarians, such as Sidgwick, believe that utilitarianism should not be propagated too widely, for “most people are not very philosophical and not good at empirical calculations” (Smart, 1956, p. 348; see also 1961a, p. 134; 1986, p. 27; 1991, p. 364). The rationale for this paradoxical belief is that people are more likely to promote overall utility if they focus on immediate or intermediate objects and projects, such as their families, friends, occupations, and communities. Smart took the opposite position: “I myself have no hesitation in saying that on extreme [i.e. act] utilitarian principles we ought to propagate extreme utilitarianism as widely as possible”—especially in the public realm. With the advent of nuclear weapons in the middle of the twentieth century, the world is a more dangerous place than it was in Sidgwick’s day. Nation-states now have the capacity to destroy entire peoples. Smart believed that “extreme utilitarianism makes for good sense in international relations” (Smart, 1956, p. 348).

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See also ACT UTILITARIANISM; AGGREGATE AND AVERAGE UTILITARIANISM; ANIMALS; BENEVOLENCE; CONSEQUENTIALISM; EXPECTED UTILITY HYPOTHESIS; MAXIMIZATION; POLITICAL ECONOMY; RAWLS, JOHN; RULE UTILITARIANISM; SATISFICING; SINGER, PETER; TOTAL UTILITARIANISM; WILLIAMS, BERNARD.

## SMITH, ADAM (1723–90)

Adam Smith was born fatherless and sickly on or shortly before his baptism on 5 June 1723 in Kirkcaldy, a small and declining seaport on Scotland’s east coast. His mother had a strong and prominent presence in his life until her death in 1784. Under the guidance of a series of guardians, Smith attended the burgh school in Kirkcaldy, and then Glasgow University. At Glasgow he encountered the mathematics and natural philosophy of Newton, the classical philosophy of the Stoics and

the moral philosophy and economic ideas of his “never to be forgotten” teacher Frances Hutcheson. Six years (1740–6) at Oxford University convinced him of the inefficiency and corruptness of the old English universities. He deepened his knowledge of literature and modern languages there, but with little help from his tutors.

From 1748 to 1751 Smith gave private courses of lectures in Edinburgh: first on literary criticism and rhetoric, then on the history of systems of scientific and philosophical enquiry, and finally on civil law and jurisprudence. His mastery of rhetorical techniques, his distinctive understanding of the nature and purpose of theoretical systems, and the novel historical framework he employed in his discussion of jurisprudence, all shaped the style and substance of the later works for which he is famous. His lecture series were so successful that in 1751 he was elected to a Professorship in Logic at the University of Glasgow. When the Professor of Moral Philosophy died in 1752, Smith was transferred to that post and held it for 13 years, offering a course in four parts—natural religion, ethics, jurisprudence and political policy—and publishing *The Theory of Moral Sentiments* in 1759.

In 1764 Smith agreed to accompany the young Third Duke of Buccleuch to France as his tutor. They visited Toulouse, Geneva and Paris. He met his hero Voltaire and assorted other “philosophes” who had read and admired his work, and visited a number of Parisian salons. He gathered considerable data on matters of political economy, and was exposed to a variety of theoretical perspectives on that subject including the views of François Quesnay and the French physiocrats. The Duke died in 1766 and Smith returned to Britain, spending the next year in London doing financial research for the Chancellor of the Exchequer. He returned to Kirkcaldy to stay with his mother until 1773, while digesting and organizing what he had learnt in France and London about political

economy in preparation for the publication of his most famous work, *An Inquiry into the Nature and Causes of the Wealth of Nations*, in 1776. He was deeply involved in the great political issue of American independence, and committed to ending the constraints and inefficiencies of the old colonial system. The Peace of Paris (1782–3), which recognized American independence, was negotiated in part by his American friend Benjamin Franklin and his British friend Richard Oswald, with the support of the Prime Minister Lord Shelburne, an avowed Smithian disciple. In 1778 he was appointed a Commissioner of Customs in Scotland. The duties of this post and the frailties of advancing age made him abort several new writing projects. Instead, he concentrated on polishing his already published works for posterity, completing a major revision of *The Theory of Moral Sentiments* shortly before his death on 17 July 1790.

On the basis of the arguments he advanced in *The Theory of Moral Sentiments*, which he regarded as his authoritative statement on such matters, Smith can be said to be a utilitarian only in an unorthodox sense of the term. He endorsed David Hume’s account of utility as a pleasing and beautiful quality of large-scale social systems or arrangements. He agreed that utility in this aesthetic sense contributed to happiness. But he denied that utility governed the specific actions of particular individuals, and held that “it is not the view of ... utility or hurtfulness which is either the first or principal source of our approbation and disapprobation.” Our moral assessments may be “enhanced and enlivened” by the beauty of utility, but they are “originally and essentially different” from it (Smith, 1976, p. 188). Both Hume and Smith adopted, though not uncritically, their teacher Frances Hutcheson’s argument that “the greatest happiness for the greatest numbers” should be the object of moral rules and political policies (Ross, p. xxii). But happiness as all three saw it was not an

arithmetical sum of pleasures, but a matter of moral approbation: a preponderance of positive moral sentiments. Such sentiments could not be socially engineered or manufactured. They were designed by the “Author of nature.” Utility was a symptom, not the cause, of this beautiful design. Thus Smith’s appreciation of the utility of systems and arrangements did not lead to a utilitarian programme for their optimization. Indeed, he warned that the “man of system” inflexibly committed to a perfectionist political programme was a potential despot (Smith, 1976, pp. 233–4). The “principle of utility” he found at work in politics was simply the one followed by the Whigs in opposition to the Tory principle of authority (Smith, 1978, p. 319).

Smith’s naturalistic, sentimentalist approach to happiness certainly employs the idea of utility in an evaluative way, but it does not commit the theorist to constructing a comprehensive moral and political system that can be called utilitarian. In fact it is incompatible with such a construct. Jeremy Bentham, the father of English utilitarianism, who coined the term “utilitarian” in 1781, ranked Smith and Hutcheson among a “host of Scotch Sophists” whose sentiment-based theories made the subjective feelings of a hypothetical gentleman the basis of moral standards and rules (Bentham, 1983, p. 28). Such subjectivity was incompatible with utilitarianism, Bentham argued, because it rejected consequentialism and hedonism as the objective scientific foundations of morals and legislation (p. 24). The sense of utility and the principle of utility were in this sense at odds.

In early manuscripts where he worked out his understanding of the elements of utilitarianism, Bentham distinguished between utility as a quality or property exhibited by any act which increases happiness, a “dictate of utility”—the only “reason [for a law] that deserves the name” (Bentham, UC lxix. 72)—and the principle of utility itself. The

quality of utility was simply the opposite of “perniciousness,” which was the tendency to augment unhappiness (UC lxix. 124). Unlike Smith, however, he went on to argue that careful observation and weighing of these qualities in actions would generate a “standard” of utility, the true standard of laws and moral rules (UC lxix 106). He saw the “Principle of Utility” as elevating this standard to the level of universality and scientific rigour exemplified by the “Principle of Superposition in Mathematics” or the “Principle of Attraction in Physics” (UC lxix. 136). An utilitarian in the fullest sense would not only value the quality, but also submit to the dictates, adopt the standard and thus prioritize the principle. Those, like Smith, who agreed that utility was a pleasing and desirable quality might be said to be utilitarians in a looser sense, but this was certainly not what Bentham had primarily in mind when he coined the term.

No single principle holds the position in Smith’s thought that the principle of utility holds in Bentham’s. The multiple systems that populate Smith’s thought are not so much governed by different principles as expressive of a variety of natural tendencies: the self-interested propensity to exchange shapes commerce; sympathy, propriety and impartiality ground morals; Humean moderation and pragmatic incrementalism characterize the politics of the statesman and the man of public spirit. Commercial, moral and political systems, Smith wrote, are “imaginary machines” (Smith, 1980, p. 66), whose principles are “the connecting principles of nature” (p. 45). In the final words of *The Theory of Moral Sentiments*, he declared himself heir and successor to Hugo Grotius, the father of natural jurisprudence, whose principles, Smith wrote, ought to be the foundation of the laws of all nations. Thus, despite his appreciation of the beauty of utility, Smith was by choice a naturalist, not a utilitarian, both in his morals and in his jurisprudence.

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See also BENTHAM, JEREMY; ECONOMICS; HUME, DAVID; HUTCHESON, FRANCIS; POLITICAL ECONOMY; SYMPATHY; UTILITY.

SMITH, THOMAS SOUTHWOOD  
(1788–1861)

Thomas Southwood Smith, sanitary reformer, physician, and Unitarian minister, was born on 21 December 1788 in Martock, Somerset, to Baptist parents. He attended the Baptist academy in Bristol on a scholarship, but turned against Calvinism and left the academy in 1808, and was cut off by his parents. By this time Smith was associating with prominent Unitarians, and in 1812 he was appointed minister to a small Unitarian congregation in Edinburgh. He served as Secretary to the Scottish Unitarian Association from 1813. Smith studied medicine and qualified as MD at the University of Edinburgh in 1816. He moved to Yeovil, Somerset, as a physician and Unitarian minister, and then to London in 1820. He was admitted as a licentiate to the Royal College of Physicians in 1821 and became a fellow in 1847. He continued a private practice for many years while also serving as a physician to several institutions, including the London Fever Hospital (from 1824). Smith preached occasionally, published sermons and lectures, joined radical and Unitarian circles in London, and from 1821 was a friend and follower of Jeremy Bentham, some of whose writings he prepared for John Bowring’s edition of *The Works of Jeremy Bentham* (1838–43).

Like other Unitarians, Smith had adopted necessarianism, the belief that actions are determined by motives shaped in the mind by prior circumstances. He did not link individual morality and responsibility to free will and believed that God, though benevolent, had created evil in order to promote mankind’s improvement. Smith became an expert in mental and physical health and investigated social questions such as education and crime. He held that pain was corrective, that sin and suffering would affect all who broke God’s discoverable laws, and that education was essential if people were to form right motives. Smith was on the



original committee of the Society for the Diffusion of Useful Knowledge, for which he also wrote tracts and articles. He became an active campaigner on medical research and practice. He helped to secure the Anatomy Act of 1832, publicized European knowledge and methods, and called for unity in the medical profession instead of separate, elitist corporations of physicians, surgeons, and apothecaries. The basic premise of his burgeoning career as a sanitary reformer was that sickness was often the result of poverty and therefore preventable.

When the University of London was established in 1826, Bentham unsuccessfully proposed that Smith should be its professor of moral and mental philosophy. Smith wrote for the *Westminster Review* and other periodicals, and was Bentham's adviser on medical questions and sanitary reform. It was through this connection he met the great social and health reformer of the age, Edwin Chadwick. Bentham died in 1832. In his will he left his body to Smith, and Smith delivered a lecture over the corpse, prior to its dissection, in which he praised Bentham as a moral teacher. According to Smith, Bentham had provided "the standard of, and the guide to, everything that is good in relation to human beings, conducive to the maximum of the aggregate of happiness. This principle he laid down as the foundation on which to establish morals, legislation, and government" (Smith, 1832, pp. 8–9). Bentham ranked with Isaac Newton in historical importance, Smith thought, for Newton had elucidated "the countless phenomena of the physical world" and Bentham had done the same for the moral world: "by establishing the foundation of morals on the principle of felicity; by showing that every action is right or wrong, virtuous or vicious, deserving of approbation or disapprobation, in proportion to its tendency to increase or diminish the amount of happiness, this philosopher supplied what was so much needed in morals, at once an infallible test and an all-powerful motive" (p. 26).

Continuing his writing and campaigning on medical matters and sanitary improvement, Smith's reputation grew and from 1833 he was appointed to royal commissions and gave evidence to committees on a range of contemporary social problems. Smith was a founder of the Health of Towns Association (1839) and the Metropolitan Association for Improving the Dwellings of the Industrial Classes (1842). He was appointed to the General Board of Health during the cholera scare of 1848. Though he was overshadowed by his associate Edwin Chadwick, a more domineering personality, there can be no doubting Smith's impact in shaping the "sanitary idea," convincing public opinion and members of the government and parliament of its worth, organizing practical action, collecting factual and statistical evidence, and disseminating advice. His reports of the 1840s and 1850s on quarantine, cholera, yellow fever, and the results of sanitary improvement were widely acclaimed. In order to create "felicity," Smith advocated reforms that included centralization and efficiency, the familiar Benthamite prescription. Whatever the topic he mastered the details, as is clear from the questions he posed in 1847 when campaigning to improve the water supply to large towns. These questions covered the whole range of relevant engineering, administrative, and financial matters.

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See also AUTO-ICON; BENTHAM, JEREMY; CHADWICK, EDWIN; SOCIETY FOR THE DIFFUSION OF USEFUL KNOWLEDGE.

**SOCIETY FOR THE DIFFUSION OF USEFUL KNOWLEDGE**

In 1825, James Mill stated "Diffusion is now the most important thing to be done for knowledge" (Bain, p. 247). The utilitarians were looking for a popular mouthpiece for the dissemination of their ideas to the widest reading public possible. The Society for the Diffusion of Useful Knowledge, founded in 1826 by the Whig politician Henry Peter Brougham (1778–1868), first Baron

Brougham and Lord Chancellor, seemed to fulfill this objective by providing a vehicle for the distribution of utilitarian ideas and other serviceable knowledge in cheap tracts that could be put within the reach of even the lowest paid labourer (Mack, p. 86). According to an Address to the Committee in 1843, the society aimed to "give the people books which might convey knowledge to uneducated persons, or persons imperfectly educated," and to "reduce the price of scientific and other useful works to the community generally" (Ashton, 2011).

The society was run by a committee of notables, including a number of radicals and Whig reformers such as William Allen, George Grote, Joseph Hume, James Mill, Zachary Macaulay, Lord John Russell, and George Birkbeck, some of who were also connected with the newly established University of London. The society also had strong links with the many Mechanics' Institutes that flourished in London and the provinces. Brougham wrote the introductory treatise for the society, the *Discourse on the Objects, Advantages and Pleasures of Science* (1827), which by 1833 had sold 42,000 copies. Newly appointed professors in the arts and sciences at the University of London authored many of the early tracts published in the society's Library of Useful Knowledge. In support of the work of the society, the publisher Charles Knight also sponsored an illustrated weekly, *The Penny Magazine*, which sold as many as 200,000 copies at its peak and lasted from 1832 to 1845. Brougham, the society's first president, remained one of its leading contributors until it went bankrupt in 1846, in part the result of falling subscriptions and the costs involved in the hugely expensive multi-volume *Biographical Dictionary of the Society for the Diffusion of Useful Knowledge*, which lost £5,000, adding to the mounting losses experienced by other publications, notably the *Penny Cyclopaedia* (Lobban, 2008; Ashton, 2011).

## SOVEREIGNTY

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### SOVEREIGNTY

Sovereignty is a complex concept, hard to characterize in an uncontroversial manner. The core idea of sovereignty is that of an ultimate source of political power or authority in a realm (see Morris, 1998, Ch.7). Several Classical Utilitarian thinkers were interested in the concept. John Austin made it the centerpiece of his jurisprudence, influenced by Thomas Hobbes and Jeremy Bentham. The latter's writings on the subject turn out to be particularly insightful and relevant to contemporary interests in constitutional or limited government.

The notion of sovereignty is mostly modern, with roots in classical Rome. Notably developed by Jean Bodin, Hobbes, Jean-Jacques Rousseau, among others, it was deployed to make sense of the authority and

power claimed by early modern sovereigns and states. In late medieval and early modern times, powerful monarchs and emerging states faced a number of rivals: city-republics, leagues of cities, empires, the Church, and various remnants of feudalism. These forms of political organization lacked two features of modern governance that we take for granted: exclusivity of rule (a "closed" system of governance) and territoriality. Modern states emerge only when their claims (or those of their rulers) to govern a determinate territory alone, exclusively, are recognized. A determinate realm, with relatively unambiguous geographical boundaries, and not subject to rival powers, is a prerequisite of the modern state and is largely missing in early forms of political organization. A modern "sovereign" is the unique ruler of such a realm, one whose sphere of authority encompasses the whole realm without overlapping that of any other ruler. It—initially the monarch, later the state, then "the people"—rules without superiors. As the historian F. H. Hinsley says, "at the beginning, the idea of sovereignty was the idea that there is a final and absolute political authority in the political community ... and no final and absolute authority exists elsewhere" (Hinsley, pp. 25–6). With the development of the concept of sovereignty, we have the main elements of what is now called "the state system": independent states and "international relations" (and "international law").

In early modern Europe, sovereignty was the power that monarchs claimed in their battles against lords and princes on the one hand and popes on the other. Their realm (or kingdom) was *theirs*, and their authority over it was to be shared with no one. The history is complex and cannot be traced here. But it is useful to appreciate the appeal of this conception of political governance as territorial, unitary, and to some extent absolute. In the ferocious battles fought by European monarchs against the limits imposed on them by imperial and papal authorities and against

the independent powers of feudal lords, self-governing towns, and autonomous guilds, a modern ideal of unitary and absolute political power emerges and finds expression in the notion of sovereignty.

Today it is customary to distinguish between “internal” and “external” sovereignty: the first pertaining to the structure or constitution of a state, and the second to the relations between states. Internal sovereignty thus conceived has to do with the state’s authority over its subjects, while the second notion refers to the independence or autonomy of states. The two remain connected: if a state or its people are sovereign over their realm (internal sovereignty), then outsiders are constrained from “interfering.” Internal sovereignty gives states or peoples a certain autonomy or liberty in their “international relations” (external sovereignty).

The core notion of sovereignty—the ultimate source of political power or authority within a realm—requires unpacking. Sovereignty is associated with modern kingdoms and states; the “realms” in question are the well-defined territories of such states. The relevant notion of political power or authority is more controversial. We may think of authority normatively or nonnormatively, the latter being a kind of power attributed or conferred to leaders or institutions. But the normative notion seems primary, presupposed by the nonnormative one (something has authority if people treat it as authoritative, but what is it to treat it thus?). We might say that something is an authority only if its directives are (and are intended to be) action-guiding. Laws prohibiting certain behaviour, for instance, are meant to guide us. The key to the notion of sovereignty lies in the idea of *ultimate* authority. What is it for a source of authority to be ultimate? An authority may be ultimate if it is the *highest* in a hierarchy of authorities. Such an authority may also be *final*: there is no further appeal after it has spoken (it has “the last word”). Lastly, an ultimate authority may be

one which is *supreme* in a particular sense: it has authority over all other authorities in its realm. The state’s authority is sovereign in this sense; it takes precedence over competing authorities (e.g. corporate, syndicate, church, conscience). Summarizing, then, sovereignty is the highest, final, and supreme political authority within a modern territorial realm (see Morris, 1998, Ch.7).

William Blackstone, in his *Commentaries on the Laws of England* (1765–9), famously argued that “there is and must be in all of [the several forms of government] a supreme, irresistible, absolute, uncontrolled authority, in which the *jura summi imperii*, or the rights of sovereignty, reside” (Blackstone, p. 36). However, Blackstone was foremost in attributing sovereignty to the trinity of the monarch and the two Houses of Parliament, a view that proved to be very influential in Britain and, in a modified republican form, also in late eighteenth-century revolutionary America. Rousseau, Bentham, and some of the founders of the American system attributed sovereignty to the people, and the French *Déclaration des droits de l’homme et du citoyen* of 1789 claims sovereignty for the “nation.” The doctrine of “popular sovereignty”—the idea that *peoples* are the rightful bearers of sovereignty—is especially influential in the American and French political traditions and is held by many to be the foundation of modern democracy.

The English jurist John Austin accepted the idea that there must be a sovereign in every political society. His positivist account in *The Province of Jurisprudence Determined* (1832) made law the creation of a sovereign person or body. We are accustomed to reading Austin back into Hobbes and Bentham, but this is unfortunate as both differed from Austin in important ways and were more subtle theorists. Bentham in particular was critical of Blackstone’s idea that government’s authority “stands unlimited so much as by convention; ... it would be saying that there is no such thing as government in

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the German Empire; nor in the Dutch Provinces; nor in the Swiss Cantons; nor was of old in the Achaean league" (Bentham, 1977, p. 489). Unlike Austin, Bentham did not have to tie himself into knots to find a sovereign in federalist states like the new American one (see Austin, Lect. 6).

Bentham and Austin both make "habits of obedience," a distinctively nonnormative notion, central to understanding politics and law. Bentham thinks a political society exists when "a number of persons (whom we may style *subjects*) are supposed to be in the *habit* of paying *obedience* to a person, or an assemblage of persons, of a known and certain description (whom we may call *governor* or *governors*)" (Bentham, 1977, p. 428). But, unlike Austin, he sees how habits and dispositions of obedience can limit a sovereign body: dispositions to obey can be limited, "beyond them the subject is no more prepared to obey the governing body of his own state, than that of any other" (p. 489; see also Burns, 1973). This view is developed in Bentham's later work into a popular conception of sovereignty. In the *Constitutional Code*, written in the 1820s, Bentham concludes that the powers of government owe their existence to the Constitutive power which "resides in the whole body of active citizens throughout the state" (Bentham, 1838–43, vol. 9, p. 96). He argues, "For the happiness of the people, every security that can be given is reducible to this one—the supremacy, or say the sovereignty, of the people: the sovereignty of the people, not nominal merely, but effective, and brought into action, or rather capable of being brought into action, as frequently as the exigency of the case requires, and the nature of the case renders possible" (p. 123). The interesting move that Bentham makes in the *Constitutional Code* is to conceptualize the various powers of government—the legislative, administrative, and judicial—as the Operative power, itself a creation of the Constitutive power. Bentham transfers

sovereignty to "We, the People" and in so doing transforms the Hobbist understanding of sovereignty as a power to command (see Burns, 1973).

Today few wish to understand sovereignty as absolute or unconstrained; it is now widely thought that sovereignty can and should be limited. We now also think that one of the most effective institutional means of limiting the power and authority of states is to divide sovereignty among a plurality of agents or institutions. *Contra* Hobbes and others, republicans and democrats have stressed the value and importance of divisions of power within states; indivisibility is no longer assumed to be essential to sovereignty. Our notion tends to be one of divisible, limited sovereignty. But it is worth noting that to attribute even limited sovereignty to a monarch or state may be to grant it considerable power. For the sovereign retains the power to judge the nature of the limits to its authority, and its judgement here is final and supreme. Even if sovereignty is not absolute, it remains formidable.

It is not clear, however, that we should wish to attribute (limited) sovereignty either to states or to peoples. We may think, for instance, that the authority of conscience, church, community, or international law is not always preempted by that of the state or the people when the two conflict. Justice and in particular the rights of humans or persons may be thought to be standards that have supremacy over others, contrary to the claims of sovereign states or peoples. It is not easy to adapt this complex early modern concept to our contemporary conceptions of politics. Many have thus thought that it might be best to do without the notion of sovereignty, however important it has been to the development of modern politics. Certainly, its usefulness in contemporary legal theory or jurisprudence is doubtful (Hart, 1994, Chs. 2–4, 10). Adapting our constitutional states and democratic institutions to

new forms of international cooperation and law may perhaps best be done without the notion of sovereignty.

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*See also* AUSTIN, JOHN; BENTHAM, JEREMY; BLACKSTONE, WILLIAM; CONSTITUTIONAL THEORY; DEMOCRACY; HART, HERBERT LIONEL ADOLPHUS; HOBBS, THOMAS; JURISPRUDENCE; LEGAL POSITIVISM.

#### SPENCER, HERBERT (1820–1903)

Herbert Spencer was born on 27 April 1820 in Derby. He received his early education from his father (William) George Spencer, the headmaster of a private school and a Methodist, and his uncle Thomas Spencer, the evangelical rector of a rural parish near Bath. Under the influence of the latter, he developed his interests in philosophy, political economy, and politics. Shortly before his death, Spencer was nominated for the Nobel Prize in Literature (Harris, 2004). His remains are buried opposite those of Karl Marx in London's Highgate Cemetery.

Spencer is commonly viewed as one of the nineteenth century's most influential social Darwinists. But he is best interpreted as a utilitarian who used evolutionary theory to explain how and why the principle of utility has become axiomatic and how and why equal liberty has emerged simultaneously as a basic principle of justice. Spencer's principle of equal liberty holds that the "liberty of each, limited by the like liberty of all, is the rule [of justice] in conformity with which society must be organized" (Spencer, 1970, p. 79). Like Mill's liberty principle, Spencer's principle of liberty was sacrosanct, making his utilitarianism no less liberal than Mill's. That is, much like Mill, Spencer combined utility as a standard of moral judgement with liberty as a fundamental, action-guiding principle of justice.

Moreover, Spencer held that basic moral rights were "corollaries" of the principle of



equal liberty, the most essential of which were life and liberty. Moral rights to life and liberty stipulate unambiguously the inviolable boundaries of our interactions with others. Basic moral rights secure each of us equal opportunity to exercise and develop our faculties and talents as we choose, which is simultaneously instrumental to, and constitutive of, living happily. We cannot experience happiness unless we cultivate our faculties which, in turn, requires being able to act freely. General happiness is thus best promoted when everyone is guaranteed equal liberty, which makes equal liberty the most indispensable condition for promoting utility. Moral rights, as equal liberty's elemental "corollaries," stipulate more precisely what respecting equal liberty requires. Basic moral rights to life and liberty promote utility indirectly in other words. They cannot insure that any of us actually succeed in becoming happier. No institutions can make us happy. However, basic moral rights give each of us the equal chance of making ourselves happy as best as we can according to our own lights, talents and efforts.

Spencer's liberal utilitarianism, as we would now characterize it, resembles Mill's quite remarkably—contrary to the received view, or received caricature, usually attributed to Spencer's social and political theory. Spencer's 1863 correspondence with Mill makes the similarities between them plain. In an important letter to Mill, Spencer objects to Mill's mischaracterizing him as antiutilitarian in the 1861 *Fraser's Magazine* serialization of *Utilitarianism*. Spencer agrees with Mill that happiness is the "ultimate" normative end but disagrees with him that it should be our "proximate" end. He then continues that "moral science" properly implemented deduces "from the law of life and conditions of existence, what kinds of actions necessarily tend to produce happiness, and what kinds to produce unhappiness." Therefore, "its deductions are to be recognized as laws of conduct; and are to be conformed to irrespective of

a direct estimation of happiness or misery" (Spencer, 1904, vol. 2, pp. 88–9). These inviolable deductions are equal liberty's "corollaries" or, as noted previously, basic moral rights. Respecting basic moral rights to life and liberty, then, not only best promotes happiness but is also an indefeasible moral duty. Mill responded to Spencer, protesting that while he concurred that utilitarianism should incorporate the "widest and most general principles" he was unwilling to insist that "these principles are necessary" or "universal" (Duncan, 1908, p. 108). In sum, Spencer as well as Mill combined rights-based duty with a utilitarian standard of moral evaluation. Both were therefore liberal utilitarians in our contemporary terminology, though Spencer's version of liberal utilitarianism was more unconventional and implausibly volatile in attempting to combine absolute, indefeasible rights with the principle of utility.

Spencer's differences with Mill regarding whether basic moral rights were defeasible at least in some circumstances are reflected in the distinction Spencer made between "empirical" and "rational" utilitarianism. Spencer often referred to his deductive utilitarianism as "rational" utilitarianism, which he regarded as improving significantly upon Bentham's defective "empirical" utilitarianism. "Empirical" utilitarianism is "unconsciously made" from the "accumulated results of past human experience" and gradually matures into "rational" utilitarianism, which is "determined by the intellect" (Spencer, 1969, p. 279). Whereas "empirical" utilitarianism very gradually and indiscernibly discovers right acts by unsystematic trial and error and passes the results along from generation to generation, "rational" utilitarianism purportedly deduces systematically "from the laws of life and conditions of existence" exactly what duty stipulates, namely honouring everyone's basic moral rights to life and liberty under all circumstances.

Like Mill, Henry Sidgwick considered Spencer a utilitarian, though he was more

disparaging of him. Sidgwick admonished Spencer on numerous occasions, including in the chapter “Deductive Hedonism” in *The Methods of Ethics* (1874), which is really a prolonged but veiled criticism of him. Sidgwick reproved particularly Spencer’s distinction between “empirical” and “rational” utilitarianism as spurious and therefore as not improving on Bentham as much as Spencer believed. Spencer’s “rational” utilitarianism was really just another version of “empirical” utilitarianism in disguise. According to Sidgwick, Spencer wrongly characterized the former as deductive and therefore purportedly more logically rigorous and precise. Calling basic moral rights “corollaries” of the principle of equal liberty was a rhetorical slight-of-hand, which made Spencer’s utilitarianism seem as though moral rights were more than just generalizations grounded in our experience about what kinds of strict duties best tended to promote utility.

Sidgwick’s differences with Spencer, however, should not be over exaggerated particularly when we take account of Sidgwick’s growing receptiveness to evolutionary theory especially by the sixth edition of *The Methods of Ethics* (1901). There, Sidgwick came to regard social evolution as favouring the emergence of happiness-generating moral sentiments, which gradually become consolidated as our common sense moral convictions and which utilitarian calculation further refines and systematizes. Similarly, Spencer argued repeatedly that our common sense moral prescriptions were grounded in utility, gradually becoming engrained intuitions with each new generation. The advent of utilitarian moral science adjusts and amends our moral intuitions, honing and making mutually consistent. In order to “make guidance by them adequate to all requirements, their dictates have to be interpreted and made definite by science” (Spencer, 1978, vol. 1, p. 204). Again, “empirical” utilitarianism is “unconsciously made,” ultimately evolving into systematically and consciously-made

“rational” utilitarianism. For Spencer, then, and much like Sidgwick, utilitarian practical reasoning refines and systematizes our moral intuitions, which have, in turn, arisen thanks to their utility-promoting facility. Whereas Spencer called such conscious utilitarian practical reasoning “rational” and “deductive,” Sidgwick more appropriately labelled it “perfectly enlightened [empirical] Utilitarianism” (Sidgwick, 1981, p. 455).

Spencer’s real differences with Sidgwick were significant nevertheless. First, whereas Spencer held that systematization led to sanctifying equal freedom and basic, infeasible moral rights, Sidgwick followed Mill in denying that utilitarian practical reasoning converged on any absolutely infeasible principles whatsoever. Utilitarian systematization is always ongoing with changing social circumstances. Second, Spencer was a Lamarckian who held, unlike Sidgwick, that our moral intuitions were biologically as well as culturally transmitted.

Spencer, then, was no less a utilitarian than Mill and Sidgwick. Like Mill, he combined the principle of utility with stringent moral rights though he deemed certain basic rights like life and liberty absolute and inviolable. Like Sidgwick, and despite Sidgwick’s exaggeration of their differences, he viewed utilitarian practical reasoning as a gradual process of refining systematically our inherited moral intuitions. And, given that Spencer’s reputation and fame overshadowed both Mill and Sidgwick at the end of the nineteenth century, we should include him as well in the Classical Utilitarian canon.

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See also EVOLUTIONARY THEORY; LIBERALISM; LIBERTY; MILL, JOHN STUART; RIGHTS; SIDGWICK, HENRY.

## STEPHEN, JAMES FITZJAMES (1829–94)

James Fitzjames Stephen, criminal lawyer, judge and author, who played a formative role in the critical appraisal of utilitarian legal and political theory and criminal law reform in nineteenth-century Britain, was born on 3 March 1829. He was the son of the influential colonial undersecretary and evangelical reformer, James Stephen, and brother of the eminent biographer and utilitarian

Leslie Stephen. James was educated at Eton and then at King’s College, London, before proceeding to Trinity College, Cambridge in 1847, where he read Classics. Stephen was called to the Bar in 1854 as a member of the Inner Temple; he also read for a degree in Law at London University where he studied Jeremy Bentham systematically for the first time. In addition to developing his fledgling legal career, he became a prolific contributor to the newly founded *Saturday Review*. He also published *A General View of Criminal Law of England* in 1863, which secured his reputation as an astute and uncompromising legal analyst. This book showed the stamp of Bentham in its demand that criminal law reform pursue the twin virtues of symmetry and simplicity, and its provision for a Ministry of Justice to draft laws.

In 1869 Stephen succeeded H. S. Maine as the Law Member of the Viceroy’s Executive Council in India. In a letter to George Venables (4 July 1870), he described himself in this role in India as a “Benthamite Lycurgas” (Cambridge University Library, Stephen MSS Add. 7349/12 f2). Stephen regarded codifying law in India as a radical legal experiment which demonstrated unambiguously the virtues of codified as opposed to common law practice. This appointment was also the beginning of a life-long interest in Indian colonial affairs that continued long after his return from India in 1873. His experience in colonial governance not only deepened and extended his commitment to legal codification, it also urged him to read J. S. Mill in a new light. He whiled away the long voyage home from India rereading Mill’s *On Liberty* (1859) and *Utilitarianism* (1861), and drafting a polemical response to the former. He explained to Mill that his criticisms, first published in the *Pall Mall Gazette* and subsequently as *Liberty, Equality and Fraternity* (1873), had been confirmed by his experience of India. Stephen argued that Mill’s view of human nature was too favourable, that it was implausible and grounded on

abstractions rather than empirical evidence. He argued that Mill had dangerously underestimated the need for coercion to establish morality in society. Compulsion, in the form of parliamentary governments or the punitive sanction of the law, was essential to the progress of civilizations and nations. He also rejected Mill's distinction between self and other-regarding acts, contending that all acts have a social dimension.

Stephen pursued the cause of codification upon his return from India, and after producing digests of the law of evidence in 1876 and criminal law in 1877, he began work on a draft criminal code. Although initial signs were promising, the draft code lost its momentum in the face of anticodification sentiments in 1880. In spite of this failure, he advanced significantly the understanding of the criminal law: its history, its procedure, its substance and its necessary reform. Stephen was appointed a High Court Judge in 1879, a position he held until 1891. He was knighted upon his retirement and died 3 years later.

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See also BENTHAM, JEREMY; MILL, JOHN STUART; STEPHEN, LESLIE.

#### STEPHEN, LESLIE (1832–1904)

Leslie Stephen, critic and historian, was the author of the first major historical study of utilitarianism. He was born on 28 November 1832 in London, the son of the civil servant Sir James Stephen, and his wife Jane, whose father, John Venn, was a leading member of the evangelical Clapham Sect. His elder brother was Sir James Fitzjames Stephen, the author of *Liberty, Equality, Fraternity* (1873). Leslie was educated, unhappily, at Eton, at King's College, London, and then at Trinity Hall, Cambridge, where he acquired a reputation as a hearty athlete and took a first in the mathematical tripos. He was elected fellow of Trinity Hall in 1854. As an undergraduate and as a young don, Stephen was an advanced liberal in politics and a committed Millite in philosophy and economics—although rather less dogmatically so than his close friend at Trinity Hall, Henry Fawcett, whose *Life* he wrote in 1885. Stephen recalled that he and his circle admired Mill's *System of Logic* (1843) and *Principles of Political Economy* (1848) as “the embodiment of pure, passionless reason” (Stephen, 1924, p. 73). He contributed to *Essays on Reform*, the manifesto of the university liberals, in 1867.

Stephen's fellowship at Trinity Hall required him to take Anglican orders, and he was ordained deacon in 1855 and priest in 1859. His Christian faith was undermined, however, through the influence of writers such as Comte, Mill, Darwin, Buckle and Spencer, and in 1862 he declared himself unable to take chapel services and resigned his tutorship, although he retained his fellowship until marriage in 1867. He finally renounced his orders in 1875. His agnosticism would be central to his literary persona, and he was one of the most publicly visible nonbelievers of the late Victorian period.

Stephen left Cambridge at the end of 1864, settled in London, and launched his career as a journalist and critic, writing for the *Pall Mall Gazette*, the *Saturday Review*,

*Fraser's Magazine*, and the *Fortnightly Review*, and served as editor of the *Cornhill Magazine* from 1871 to 1882. He laid the foundations of his scholarly reputation with his *History of English Thought in the Eighteenth Century* (1876), a pioneering work in the newly emergent field of the history of ideas. This work is generally regarded as more satisfying, and more aligned with Stephen's particular gifts, than his attempt to produce an evolutionary *Science of Ethics* (1882). He wrote several short studies for Macmillan's English Men of Letters series: *Johnson* (1878), *Pope* (1880), *Swift* (1882), and finally *George Eliot* (1902) and the posthumous *Hobbes* (1904). But the project that ensured Stephen's long-term literary and scholarly reputation was the *Dictionary of National Biography*. Publication began with the first volume in January 1885, and continued at quarterly intervals until the sixty-third volume appeared in 1900. He resigned the editorship in 1891, but by that time the success of the venture was assured, and Stephen himself contributed no fewer than 378 articles, including practically all the major British literary and philosophical figures from the seventeenth century to the nineteenth century: Hobbes and Locke, Gibbon and Macaulay, Hume and Johnson, Smith and Malthus, Carlyle and Mill, Jane Austen and George Eliot. The enduring success of the Dictionary was largely due to Stephen: its tone was sober, practical, and sceptical, and thus "an extension of Stephen's whole cast of mind" (Goldman, p. 113). The scale of the achievement was recognized by his election as a founding fellow of the British Academy (1902) and by his knighthood (KCB) the same year. He died of cancer, at his home in London, 2 years later.

Stephen's last major literary project was *The English Utilitarians* (1900). He conceived it as the sequel to the *History of English Thought in the Eighteenth Century*, but whereas that volume had expanded into a general history from what had been

originally conceived as a study of deism, its nineteenth-century sequel narrowed in scope. As a contribution to the historical literature on utilitarianism, Stephen's work has been rather overshadowed by Elie Halévy's *La Formation du radicalisme philosophique* (1901–4), although the latter was not translated into English until 1928, once Halévy had made his reputation with his multivolume history of nineteenth-century England. The books were in fact very different: "We have, it is true, told the same story in different ways," wrote Stephen to Halévy; "but the ways are so different that we do not interfere with each other" (Halévy, 1996, p. 286n). Where Halévy's study was analytical, Stephen's was biographical: the first volume was based on Bentham, the second on James Mill, and the third on John Stuart Mill. Stephen relied almost entirely on Bowring's edition of Bentham's works, whereas Halévy made scrupulous use of the Bentham manuscripts at University College, London. *The English Utilitarians* has been neglected by Stephen scholars. Noel Annan, for instance, mentions it just once (Annan, p. 298). Neither does it feature much—as much as Halévy, for instance—in the modern literature on Benthamism. Nevertheless, the work retains considerable interest. It was an important attempt to write a work of near-contemporary intellectual history, and in writing it Stephen tried to characterize his own position in relation to the doctrine which had to a large extent formed him in the 1850s. In the course of the 1860s and 1870s he became convinced of the depth of the implications of Darwin's work, and thereafter came to espouse the view that the Darwinian Revolution made utilitarianism untenable, because it undermined the static view of man on which utilitarianism rested. He endorsed the utilitarians' attempt to place ethics on a scientific footing, but thought the project was premature in a pre-Darwinian intellectual world. In particular, it was afflicted by an "individualism' which

ignores the social factor, and deduces all institutions from an abstract ‘man’” (Stephen, 1900, vol. 3, p. 373).

The book was positively received, although reviewers differed widely on whether they thought Stephen sympathetic or hostile to the utilitarians. W. R. Sorley, writing in *Mind*, thought that the strength of the book derived from its being written with “the sympathy of a disciple” (Sorley, p. 533), and William Graham thought the book suffered from Stephen’s excessively high opinion of Bentham (Graham, p. 228). Those two writers were both critics of utilitarianism. But Graham Wallas, who wrote as a descendant of the philosophic radicals, thought the book disfigured by “its cardinal want of sympathy” (Wallas, p. 600). Three criticisms are widely shared. One is that Stephen was stronger in characterizing the “external” reasons for the growth of utilitarianism—those aspects of the social and political context that gave the doctrine its bite—than in tracing Bentham’s intellectual ancestry. Halévy was much more successful in the latter task, but Stephen, who had given Bentham cursory treatment in his study of eighteenth-century thought, was convinced, somewhat perversely, that his subject really belonged to the nineteenth century. Likewise, Stephen passed rather rapidly over what has become a central problem in the historical interpretation of Bentham’s political thought: that is, the chronology of, and reasons for, his conversion to parliamentary reform. Again, this was a problem on which Halévy’s work on the Bentham manuscripts enabled him to shed new light. Finally, like Halévy, he tended to represent the utilitarians as a tight-knit sect, an interpretation that has been questioned in more recent work (Thomas, 1979).

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## SUPEREROGATION

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See also BENTHAM, JEREMY; HALÉVY, ELIE; MILL, JAMES; MILL, JOHN STUART; STEPHEN, JAMES FITZJAMES.

**SUBJECTIVE UTILITARIANISM:** See OBJECTIVE AND SUBJECTIVE UTILITARIANISM.

## SUPEREROGATION

One common objection to utilitarianism is that it supposedly does not allow for supererogatory acts, acts that go above and beyond the call of duty. Since utilitarianism—at least, as traditionally construed—requires agents to perform the best available option (i.e. the option that maximizes utility), it seems to leave no room for doing more than duty requires. Some, however, argue that utilitarianism can, despite appearances, accommodate supererogatory acts.

An act is supererogatory if and only if it meets the following three conditions: (1) it's morally optional, (2) it's morally praiseworthy, and (3) it goes beyond the call of duty. Clearly, some acts will be morally optional on utilitarianism, for sometimes there will be more than one available act that would maximize utility. And some of these morally optional acts will be morally praiseworthy. Suppose, for instance, that Smith has the choice of saving either himself or Jones and that either way utility will be maximized. If Smith saves Jones at the cost of his own life, this certainly seems morally praiseworthy. Moreover, it's morally optional, since

it would maximize utility. So, here's an act that meets the first two conditions for being supererogatory. What about the third? Does it go beyond the call of duty?

Some argue that it does (Harwood, 2003; Vessel, 2010). They argue that an agent goes beyond the call of duty so long as she does more for others than she is required to do. But we might wonder whether this correctly specifies the relevant sense of going beyond the call of duty. If we specify that going beyond the call of duty amounts only to doing more for others than is required, then we must deny the possibility of supererogation with respect to self-regarding duties. Yet it certainly seems possible to go beyond what such duties require. What's more, it seems that a supererogatory act must involve doing more of whatever there is moral reason to do. After all, we wouldn't think that perspiring more than is required is supererogatory, because we don't think that there is any moral reason to perspire more than is required. So we should think that doing more for others than is required is supererogatory only if there is some moral reason to do more for others than is required. Yet, on utilitarianism, there is no moral reason to do so. Smith, for instance, has no better moral reason to save Jones than to save himself. All that matters on utilitarianism is that utility is maximized, and utility will be maximized either way.

Even if we allow that an agent goes beyond the call of duty so long as she does more for others than is required and, thus, allow that utilitarianism can accommodate certain supererogatory acts, such as Smith's saving Jones rather than himself, some would still argue that utilitarianism doesn't accommodate the range of acts that we take to be supererogatory. What's worse is that utilitarianism implies that many intuitively supererogatory acts are morally wrong (McConnell, 1980). Suppose, for instance, that Smith's saving Jones would produce slightly less utility than his saving himself. In that case, it would be wrong for Smith to sacrifice his life to save

Jones. Yet, arguably, this act is supererogatory. Or take a different sort of case. Suppose that Smith is doing some small favour for Jones: taking him out to lunch. And suppose that what would maximize utility is if Smith took Jones to the most expensive restaurant in town. In that case, utilitarianism implies that Smith's taking Jones out for a nice lunch at some moderately priced restaurant would be wrong. Yet, intuitively, it seems that performing such small favours is supererogatory. To avoid such implications and to accommodate a wider range of supererogatory acts, some philosophers have proposed that we adopt satisficing utilitarianism or even some other more novel version of utilitarianism (Vessel, 2010; Portmore, 2011).

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See also MAXIMIZATION; SATISFICING.

#### SYMBOLIC UTILITY

Symbolic Utility is subjective utility but not expected utility. Its place in an individual's utility profile is a function of his degree of preference to perform this action or that, not for outcomes to which his actions are probabilistically related. An example of an act-outcome pairing is comforting someone in distress (action) and, as a result, making her feel better (outcome). This pairing is probabilistic. The action is more or less likely to yield the outcome. In the expected-utility relation (EU), the act is purely instrumental towards the outcome; the outcome is the exclusive locus of utility. By contrast, comforting someone has Symbolic Utility just in case the agent's preference for the action is, to some degree, intrinsic and not merely instrumental; it is preferred for its own sake. One names utility determined by intrinsic preferences symbolic in order to draw attention to an important class of reasons for them: the intrinsically preferred actions mean something to the agent. They may express his character or represent a kind of action that is important to him.

Standardly, the theory of rational choice has no place for Symbolic Utility but is rather concerned with EU, which it proposes to maximize or satisfy or maximize (henceforth, maximizing will be assumed). It is arguable, however, that Symbolic Utility (SU) should have a place in decision theory, a place that is irreducible to EU. The resolution of the Prisoner's Dilemma afforded by SU is one such argument (Nozick, p. 50). Another is SU's role in fixing the theoretical foundations of decision theory, where it has a role in F. P. Ramsey's method for doing without the external lottery devices in the standard Neumann–Morgenstern procedure (see Ramsey, pp. 176ff; Skyrms, p. 141; Neumann and Morgenstern, 2004; Cooper, 2008b). Ramsey referred in effect to Symbolic Utility when he wrote about propositions that are not "ethically neutral."

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These complicate the basic question for this method, which is: "Would you rather have world a in any event; or world b if  $p$  is true, and world g if  $p$  is false? If, then, he were certain that  $p$  was true, simply compare a and b and choose between them as if no conditions were attached; but if he were doubtful his choice would not be decided so simply. I propose to lay down axioms and definitions concerning the principles governing choices of this kind." The complication is caused by the fact that "the propositions like  $p$  in the above case which are used as conditions in the options offered may be such that their truth or falsity is an object of desire to the subject." That is to say, they may be ethically nonneutral, or, in Nozick's terms, Symbolic Utility may attach to them. Consequently, Ramsay continues, "we have to assume that there are propositions for which this is not the case, which we shall call ethically neutral" (Ramsay, p. 177). One upshot of this approach is that Symbolic Utility must be recognized (and filtered out) in order to set up the foundations for decision theory: specifically, for expected utility.

A third argument draws on SU's appeal in tie-breaking situations, such as moral dilemmas and hard cases. Consider a choice between two alternatives that the agent does not know how to weigh against each other; they are perhaps "incommensurable." Their outcomes are equally attractive, but one of them is arrived at by an action that he intrinsically prefers; he attaches Symbolic Utility to it. Then the decision-value alternative (DV) to maximizing EU counsels maximizing the weighted sum of EU and SU. DV "breaks the tie" because the agent attaches weight to the SU of one of the alternatives.

A related fourth argument concerns choice situations in which one alternative has greater EU but is rejected because of the greater DV of the other alternative. The weighted sum of its EU and SU is enough to favour it over the EU-preferred action. The DV solution to the Prisoner's Dilemma has

this form. It counsels cooperation rather than noncooperation, despite the former's suboptimality, just in case the SU of cooperation is sufficiently high (see Nozick, pp. 50ff, for details). A nontechnical example would be a choice between steak and vegetarian dinners. An agent might prefer the vegetarian option because of its SU, expressing his concern for animals, despite the greater EU of the steak option. It is assumed here that the choice will not be instrumental to relieving animal suffering. It might be added that the agent rather likes the taste of steak, that his host will be pleased by his choosing steak, and so forth. So EU favours meat, but the SU of vegetables outweighs it. This example also serves to emphasize that SU is a matter of degree. Too little would mean that the diner, despite his concern for animals, would choose the steak platter for EU-related reasons.

Although Symbolic Utility is subjective, it is oriented towards value. If someone merely wants to do something that he considers trivial and pointless, this will show up in his utility profile as negative SU for the act in question. He might want to make his handwriting as small as possible, for instance; doing so would have positive EU for him. But it might be outweighed by a stronger preference to avoid a valueless act. In this way, SU replies to the criticism of preference maximizing, that it does not concern itself with preferences worth fulfilling. An act's SU ensures that an agent is tracking value, by his own lights. In short, he is not simply driven by preferences of the small-handwriting sort, acting rather from a perspective that evaluates such preferences. SU has that much in common with theories of objective utility, but without objective utility's commitment to nonsubjective value.

DV utilitarianism applies the factored approach to maximizing utility at the collective level (Cooper, 2008a). One maximizes the weighted sum of EU and SU, taking everyone's utility profile equally into the calculation. An

individual's schedule of ranked preferences or utility profile may or may not extend to others, depending on whether his conception of his self-interest is narrow, such that others are excluded, or broad, in which case the interests of others, such as family and friends, are included in his own. The principle of utility detaches from individual self-interest, whether broad or narrow, but remains subjective in the sense that it aggregates the subjective utility profiles of all individuals, construed in DV fashion as the weighted sum of EU and SU. Since individuals' symbolic utilities are typically moulded by a cultural surround, the distinctive feature of a DV principle of utility is a degree of relativism to culture insofar as the principle would be responsive to culture-conditioned symbolic utilities. However, smaller communities would be protected not only by the pervasive Symbolic Utility of human rights among larger communities, but also by the principle's registration of expected utilities, which could be expected to be diminished by symbolic utilities among larger cultures that jeopardized smaller ones. This protective feature is missing from preference utilitarianism without SU, although there is a shadow of it in virtue of preferences for fair outcomes among the larger communities.

DV's treatment of EU, whether at the individual or collective level, is factored between causal expected utility (CEU) and evidential expected utility (EEU). The former constrains choice of outcomes by what is causally possible in the context. The latter recommends choosing on the basis of pure probabilities. The difference is brought out in Newcomb's Problem. An agent may choose either to take an opaque box or to take both the opaque box and a transparent box. He knows the following: the latter contains one thousand dollars that are visible to the agent. The opaque box contains either nothing or one million dollars, depending on a reliable prediction already made, about what the agent would choose. A prediction that the agent will take both boxes would lead the opaque

box to be empty, prior to the choice context. But a prediction that the agent will take just the opaque box would lead it to contain a million dollars, again prior to the choice context. CEU recommends choosing both boxes; the opaque box is either empty or it is not, so one might as well take both boxes, gaining a certain thousand dollars and the possibility of a million dollars in the opaque box. EEU recommends taking just the opaque box, because the probabilities indicate that one-boxing will yield a million dollars. Foregoing the thousand dollars is a good bet.

The DV resolution of Newcomb's Problem does not attempt to maintain a univocal notion of expected utility. In this respect it parts ways with most of the literature on the subject. Instead, it factors EU into the weighted sum of CEU and EEU. The weighting is allowed to change in step with how much money is in the transparent box. If it contains a million dollars minus a penny, for instance, increased weight for CEU would be indicated and two-boxing would ensue. If it contains only a penny, increased weight for EEU reasoning would favour one-boxing, as there is very little to lose.

Breaking the EU frame and raising the question "how much?" is characteristic of the decision-value solution to the Prisoner's Dilemma as well. The ordinal relationships between outcomes in the EU pay-off matrix remain in place, so cooperation remains sub-optimal. But the penalty for cooperation is allowed to decrease or increase. Decreased to an extra minute in jail, for instance, the SU of cooperation—its meaning solidarity with one's fellow prisoner, or its expressing one's nature as a cooperative person—could tip the scales in favour of cooperation. That act remains suboptimal from a strictly EU point of view, since SU is not registered within the matrix, which shows only expected utilities.

Advocates of EU solutions to the Prisoner's Dilemma and Newcomb's problem explore ways of avoiding the rather sweeping changes

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involved in breaking the EU/CEU/EEU frame in favour of DV and SU. However, this hope does not justify dismissing SU as a hypothesis of which decision theory has no need, in view of its role in Ramsey's method of avoiding the lotteries in the Neumann–Morgenstern approach to defining EU. Unexpectedly, it lurks there in the foundations of decision theory. And it may emerge as part of a DV formula that includes both SU and EU (CEU and EEU) as factored and weighted parts.

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See also EXPECTED UTILITY HYPOTHESIS; GAME THEORY; MAXIMIZATION; OBJECTIVE AND SUBJECTIVE UTILITY; PREFERENCES (PREFERENTIALISM); SATISFICING; VALUE THEORY.

## SYMPATHY

In *An Introduction to the Principles of Morals and Legislation* (1789), Jeremy Bentham

asserted that the principle of utility was the only moral and legal principle which could both recommend the best course of action to us in any given case and predict what action we would actually take (Bentham, 1970, p. 11). It governs, he said, what we do, what we say and what we think. In Chapter II he reviewed "principles Adverse to that of Utility." To show that a moral or legal principle is wrong, he argued that it is only necessary to show that its requirements, or "dictates," differ from those of the principle of utility.

The first of utility's adversaries, the principle of asceticism, is in Bentham's view a philosophical rather than political principle. It is a perversion—strictly speaking an inversion—of the principle of utility, adopted by individuals who have somehow fallen in love with pain (pp. 17–21). The second adversary, the principle of sympathy and antipathy, is not properly a principle at all. A principle, Bentham argues, should offer some "external consideration" by which to validate and channel the internal sentiments of approbation and disapprobation. Under the so-called principle of sympathy and antipathy the sentiments themselves constitute the standards of moral judgement. The "affections" drive will and judgement in matters of law and politics; thus this principle seemed to Bentham "at this day ... to have the most influence in government" (p. 21). Morals more broadly, and notably common law, are governed by pure and unfettered imagination. Viewed in this "more extensive" context, the principle of sympathy and antipathy ought rather to be called the "principle of caprice" or even "the phantastic principle." According to Bentham, all nonutilitarian moral systems rest upon the principle of sympathy and antipathy, and all may be summed up in one simple exhortation: "punish as you hate ...: the fine feelings of the soul are not to be overborne by the harsh and rugged dictates of political utility" (p. 25). Moral sense, common sense,

and natural rights theories are all iterations of this principle (pp. 25–8).

Bentham quite rightly saw the politics of Whigs and Tories as the politics of sympathy and antipathy. His political radicalism from the beginning lay in his root and branch rejection of such politics and of the parallel moral sectarianism of organized religion. Sentimentalist and naturalist moral theories fared no better in his eyes. Bentham's attack on sympathy and antipathy in politics and religion was functionally and strategically equivalent, in his work, to David Hume's attack on superstition and fanaticism in his essay "On the Original Contract." But where Hume's critique was made in the service of sceptical caution and political moderation, Bentham's was made on behalf of the aggressively authoritative objectivity of neo-Newtonian social science. Bentham was the sort of "man of system" criticized by Adam Smith in *The Theory of Moral Sentiments* (1759), where Smith called for moderation and pragmatism in politics and advocated a degree of respect for the existing "orders and societies" (pp. 232–4), contrasting sharply with Bentham's radical hostility to established "sinister interests." Though Bentham extolled the excellence of both Hume's idea of utility and Smith's appreciation of liberty, in his eyes their joint adoption of sympathy as the foundation of morals and sociability was as counterproductive as it was unscientific. He dismissed their respective moral and political theories because they assumed the primacy of affections (Hume's "interested affection") or sentiments (Smith's "moral sentiments") in the shaping of human action and the making of rules. He numbered them among "a host of Scotch sophists" who invented principle after principle, all subsidiaries of the master principle of sympathy and antipathy (Bentham, 1983, p. 28).

Ironically, there was a discernible spirit of partisan antipathy in this assessment, which provided not a portrait but a caricature of the moral theories of Hume and Smith. Though

both men placed a noteworthy emphasis on the motivating power of the constructive imagination, so did Bentham when he allotted the same motivational force to pleasures and pains *in prospect* and *in esse*. Though neither of them employed the formula of "the greatest happiness of the greatest number" as the standard of right and wrong, their "never to be forgotten" teacher Frances Hutcheson had articulated it as early as 1725. Their endorsement of sympathy was neither capricious nor "phantastic." In Smith it had the effect of strengthening natural sentiments of propriety, impartiality and justice, channelling self-interest and underwriting public-spirited behaviour. Neither of them followed the notorious Bernard Mandeville in identifying unmitigated selfishness as the foundation of prosperity in commercial society. Hume argued that "a general sense of common interest" was the foundation of moral and legal rules (Hume, p. 494). Smith opened *The Theory of Moral Sentiments* (Ch.1, On Sympathy) with the words "How selfish soever man may be supposed, there are evidently some principles in his nature, which interest him in the fortunes of others, and render their happiness necessary to him" (Smith, p. 10). The key to rising above partisanship to public spirit was, for both men, "sympathy." In their works sympathy meant not a self-interested and adversarial mentality, but a sensitivity to the pleasures and pains of others, and a recognition of inescapable social interdependence. In short, their "sympathy" was, like Samuel Pufendorf's "socialitas," not a matter of kind sentiment or affection but of almost Hobbesian prudence and self-preservation: "in order to be safe, it is necessary for [man] to be sociable" (Pufendorf, p. 35).

The politics and morals of antipathy were anathema to the proponents of sympathy just as much as they were to the advocate of utility. With regard to sympathy itself there is more of a consensus among Hume, Smith and Bentham than first meets the eye.



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Bentham's employment of "sympathy" in the context of his discussion of ethics shows a remarkable similarity to Smith's: "the only interests which a man at all times and upon all occasions is sure to find adequate motives for consulting, are his own. [Nonetheless] there are no occasions in which a man has not some motives for consulting the happiness of other men. In the first place, he has, on all occasions, the purely social motive of sympathy or benevolence" (Bentham, 1970, p. 284). What accounts for Bentham's antipathy to the moral theories of Hume and Smith is not their conception of sympathy in itself, but their enframing of it within the tradition of natural jurisprudence—a school of thought which Bentham chose, in the face of much contrary evidence, to view as dormant when he was not condemning its vacuity or its baleful influence. Indeed, at the conclusion of *The Theory of Moral Sentiments* Smith praised Grotius's system of natural law, saying that it laid out the principles which should govern the laws of all nations, and strongly implied that he (Smith) would go on to extend and complete this project, while Hume argued that it may not be an "improper expression" to call the rules of justice "*Laws of Nature*" (Hume, p. 484). The utilitarian and naturalistic understandings of sympathy certainly differed, but this difference was merely symptomatic of the

deeper disagreement between the partisans of critical and natural jurisprudence.

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See also BENTHAM, JEREMY; HUME, DAVID; HUTCHESON, FRANCIS; INTEREST; MANDEVILLE, BERNARD; SMITH, ADAM; UTILITY.

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**TAYLOR, HARRIET:** *See* MILL, HARRIET TAYLOR.

**THEOLOGICAL UTILITARIANS:**  
*See* GAY, JOHN; PALEY, WILLIAM;  
RELIGIOUS UTILITARIANS.

**THOMPSON, THOMAS PERRONET**  
(1783–1869)

Thomas Perronet Thompson, political economist, MP, writer, and reformer, was born on 15 March 1783 in Kingston upon Hull, Yorkshire. His father was a banker and merchant who played an important role in the rise of Methodism across northern England and served as MP for Midhurst, 1807–18. Thompson was educated at Hull Grammar School and Queens' College, Cambridge (of which he subsequently became a fellow). He briefly served in the navy before joining the army in 1806, seeing action in South America, Europe, India, and the Persian Gulf before retiring in 1829 as a Lieutenant-colonel (later promotions were by brevet, and he ended his life as a General.) Raised a Methodist, Thompson rejected the faith of his parents and by the 1810s was describing himself as a Sabellian. In later life he drifted back towards orthodoxy and expressed respect for the Church of England as an institution, though it is not clear that he ever resumed a Trinitarian position.

Stationed in England from 1822, Thompson befriended a number of writers and politicians, particularly those who had collected around Jeremy Bentham. His closest friend for nearly thirty-five years was John Bowring, Bentham's secretary and executor. Intellectually committed to fundamental reform as a result of his wide reading and the injustice and oppression he had witnessed around the world, Thompson joined in the efforts to promote political liberty and free trade at home and abroad. He contributed to the *Westminster Review* and made his name with two influential pamphlets, *The True Theory of Rent* (1826) and *Catechism on the Corn Laws* (1827). He was recognized for these works in 1828, when he became a Fellow of the Royal Society.

On rent, Thompson rejected the ideas of David Ricardo and James Mill, who had insisted that rent depended on the cost of production, and built instead upon Adam Smith's argument that rent was determined by demand for agricultural products. Thompson's analysis was praised by the French economist, Jean-Baptiste Say, and later influenced Maynard Keynes and Joseph Schumpeter.

Ricardo's notion that rent was not a part of the cost of agricultural products seemed to Thompson to be a weak link in the case against the Corn Laws, since it implied that rising rents were not a cause but an effect of high food prices. Thompson's fervent opposition to the Corn Laws came through in his

rent pamphlet, and his pamphlet on the Corn Laws was remarkably successful in explaining and popularizing arguments for repeal. By 1834 it had gone into eight editions.

After leaving the army, Thompson purchased a fifty per cent stake in the *Westminster Review* and was its principal editor and most prolific contributor between 1829 and 1836. He served as MP for Hull, 1835–7, and further extended his influence by acting as a spokesman, fundraiser, and writer for the Anti-Corn Law League. He served twice as MP for Bradford, 1847–52 and 1857–9, and among his pamphlets from this period were the *Catechism on the Currency* (1848) and *An Exposure of Fallacies against the Ballot* (1855).

Thompson was the author of the *Westminster Review* articles of 1829–30 that defended Bentham's "greatest happiness" principle against the criticisms of Thomas Babington Macaulay, who was writing for the Whig *Edinburgh Review*. Though Macaulay respected Bentham, he argued that practical experience was a better guide for political action than the philosophical propositions offered by Bentham's hangers-on, especially James Mill. Thompson was not concerned to defend Mill, but he did object to Macaulay's implication that ideas did not matter. Thompson asserted that, to be useful, a political treatise had to rest on assumptions about human nature. To some of Macaulay's arguments (that despotism did not necessarily entail bad government, that a desire for the good opinion of others was a check on misconduct and that the poor lived in need of restraint while power could safely be entrusted to men of property), Thompson delivered a contemptuous rebuttal. To reinforce the Benthamite premise that "the production of the maximum of happiness ought to be the object of government," Thompson emphasized the crux of the matter: "men at large ought not to allow a government to afflict them with more evil or less good than they can help" (Thompson, 1829, p. 388).

After Bentham's death in 1832 Thompson continued to look upon him as a mentor, but he had never been among Bentham's intimate friends, and Thompson's son Charles (born in 1815) would later recall that there was a limit to his father's loyalty to Bentham. "He followed Bentham just as far as their roads happened to coincide," but "never felt him his master" and "praised him extravagantly because he knew that the hostile party hated him bitterly, and because he thought he could in no way hit them so hard as by praising him. Of anything like enthusiasm or personal affection towards the man, he was I think almost totally destitute" (Thompson Papers, DTH 4/22) Independence mattered a great deal to Thompson, and he preferred not to identify himself too closely with particular figureheads or organizations.

Free trade and radical reform featured prominently in Thompson's publications. He repeatedly engaged in controversies with the leading statesmen, reformers, and political economists of his day, and covered a range of subjects including the empire, foreign policy, commerce, currency and banking, emigration, slavery, the parliamentary system, the poor laws, education, taxation, peace, and religion. His reputation was reinforced by his "letters of a representative," which regularly appeared in the radical and liberal press.

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See also BENTHAM, JEREMY; BOWRING, JOHN; MACAULAY, THOMAS BABINGTON; MILL, JAMES; SAY, JEAN-BAPTISTE; WESTMINSTER REVIEW.

**THOMPSON, WILLIAM (1775–1833)**

William Thompson was born on an unknown day in 1775 into a wealthy Protestant family in Cork, Ireland. Although he referred to himself as “one of the idle classes” (*Labour Rewarded*, title page), living off rents paid by his tenants, he is the best known of the “Ricardian” socialists and principal theorist of Owenism. Referring frequently to happiness and the principle of utility, it was in his work that “social science” first appeared in English. A powerful advocate of women’s rights, Thompson argued strongly for social and political equality for all. His work influenced many, including Karl Marx and John Stuart Mill, and he may be credited with articulating the basic principles that grew into the modern cooperative movement.

We know little of Thompson’s childhood or educational background, but he read

widely, and his interests, as reflected in his writing, were extensive, covering everything from political economy and philosophy to farming techniques. Well known within the Owenite community, he gained some larger notoriety for the *Appeal of One Half of the Human Race, Women, Against the Pretensions of the Other Half, Men* (1825), a sharp challenge to James Mill’s suggestion that women could be excluded from the franchise.

Thompson first contacted Jeremy Bentham in 1818 regarding educational experiments. In 1819 Bentham referred to Thompson as a “disciple,” and it is clear from Thompson’s references to Bentham that he saw himself as one of his followers. However, despite their shared commitment to the “greatest happiness,” the differences between Thompson’s theory and Bentham’s are substantial.

Where Bentham associates happiness with pleasure, Thompson equates it with well-being, such that happiness is something experienced over time, not associated with particular events, and necessarily social. Arguing that character is a product of circumstance, the structure of social institutions becomes a central concern in achieving the greatest happiness: a benevolent society requires institutions that align self-interest with social interest. To this end, Thompson was an active member of the Owenite movement that sought to establish self-sufficient communities of 500–2000 people throughout Britain.

Thompson’s utilitarianism is based on the principles of equality, democracy, voluntarism, security and common property. Equality is a fundamental assumption. Because it is impossible to objectively measure an individual’s capacity for happiness, we must assume that it is equal for everyone. Formal equality leads to distributional equality, where all have equal rights not only to the means of subsistence but also to what Thompson refers to as “comforts and conveniences” (Thompson,

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1830, p. 2). It also leads to democracy, which arises out of equality as its enactment. The individuals who make up a community are equal to one another, and interact with one another on the basis of that equality. While Thompson's proposals include formal institutions with elected representatives, the most important way in which democracy is manifested is through public opinion, which works as a regulating principle for individual action. Thus, democratic decision making is an essential, on-going part of the functioning of the community.

Voluntarism is a central principle for Thompson as a counter-point to coercion. After all, if someone must be coerced into doing things it must be because they see it as contrary to their interests and their happiness. Security is closely connected to equality and voluntarism. Thompson argues that private property, the primary object of security for Bentham, in fact undermines security. Rather, workers must have secured to them the full product of their labour, so that they may work and engage in exchange on a voluntary basis, enabling them to fully realize their productive potential. But rather than working on an individual basis, people should "unite in large numbers" in communities where all property is jointly owned (Thompson, 1827, pp. 108–14). Co-ownership unites individuals and aligns individual interest with social interest. Democratic governance must be built into the structure of the institution, because under no other arrangement could property be said to be truly held in common.

No Owenite communities were successful, but the principles of equality, democracy, voluntarism, security and common property later took root in the cooperative movement that, from its beginning among the British working-class in the 1840s, now claims 800 million members worldwide—achieving success far beyond anything Thompson could have imagined.

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See also BENTHAM, JEREMY; DEMOCRACY; EQUALITY; MILL, JAMES; VOLUNTARISM.

## TOCQUEVILLE, ALEXIS DE (1805–59)

Born on 29 July 1805 in Paris to an aristocratic Norman family, Alexis-Charles-Henri Clerel Tocqueville studied law before his famous trip to the United States in 1831–32, a sojourn that inspired his classic work of social and political thought, *Democracy in America* (1835, 1840). A prominent man of letters and deputy in the parlement of the July Monarchy and an important participant in the Second Republic, he retired from

politics after the coup of Louis Bonaparte. His other major published work, *The Old Regime and the Revolution*, was published to great acclaim in 1856.

By the mid nineteenth century, the philosophy of utility and its ally political economy were often reviled in France for their supposed roots in “materialism” and “sensationalism.” Tocqueville always kept his distance from the science of economics, for example, precisely because of its starting point in individual desire, its endpoint in want satisfaction, and its apparent equation of well-being with wealth. In this respect his exchange with Nassau Senior over the word “*bien*” is telling. Tocqueville explains that he uses “*bien*” not in the restricted economic sense, but rather to mean “all the things that can contribute to the comforts of life: respect, political rights, ease of obtaining justice, pleasures of the mind, and a thousand other things that contribute indirectly to happiness” (Tocqueville, 1951, vol. 3, Pt 2, p. 70). Hostility to utilitarianism persists in French intellectual and academic circles even today. In 1984 Michelle Perrot called Tocqueville the “anti-Bentham” (vol. 4, Pt 1, p. 37), confident that this would invoke in French readers an immediate sense of what Tocqueville was not: a one-sided thinker who reduced the complexities of social life to self-interest, a dogmatic utopian, and a proponent of manipulation and control to achieve a harmony of interests—in other words, a utilitarian.

Given this context, Tocqueville’s key chapters in the second volume of *Democracy in America* appropriating utilitarian political economy’s central assumption—rational self-interest—are something of a puzzle. How should we understand his praise of the Americans for practising *l’intérêt bien entendu* (self-interest well [or properly] understood)? One recent view interprets Tocqueville’s discussion of *l’intérêt bien entendu* as a veiled reference to the themes of La Rochefoucauld and of French Jansenism (Jaume, pp. 204–61). Jaume sees in these

chapters an echo of the seventeenth-century themes of *la voie moyenne* and *honnêteté*, as well as an acknowledgement of the theories of Helvétius and Beccaria. Tocqueville, he claims, was thinking of both indigenous French utilitarians and the morality of Port Royal in his references to moralists who were “reduced to asking whether citizens might not find it to their individual advantage to work for the good of all” (Tocqueville, 2004, p. 610). This is a persuasive argument, but it does not quite capture Tocqueville’s distinctiveness, which emerges not in his re-appropriation of the position of utilitarian moralists, but rather in his novel account of how and why utilitarian moralists make sense to Americans. “The doctrine of self-interest properly understood is not new,” Tocqueville writes, “but it has been universally accepted by today’s Americans. It has become popular. It lies at the root of all action. It crops up in everything Americans say. It is no less common to hear it in the mouth of the poor man than in the mouth of the rich” (p. 611). To understand the novelty of this praise of utilitarian practice, we might begin from yet another French referent.

There are striking parallels between the liberal versions of *industrialisme* touted by the followers of the *Idéologues* and Jean-Baptiste Say in the 1820s and 30s and Tocqueville’s analysis of a commercial republic in *Democracy in America*. Both praised enlightened self-interest fused with republican *moeurs*. The French liberal economists in the tradition of Say, however, had great difficulty conceptualizing the realization of enlightened self-interest. On the one hand, modern individuals would produce the general good by pursuing their own economic interests, a process that followed universal laws anterior to and outside of the realm of politics. On the other hand, these natural laws of social interaction could operate beneficently only in an atmosphere of republican simplicity in which citizens practised an enlightened version of self-interest,



refraining from extravagant consumption and rejecting aristocratic corruption. This tension led to an oscillation between faith in Adam Smith's invisible hand and reliance on the very visible and heavy hand of the legislator. In the revolutionary years educational and administrative reforms were meant to shape *bons citoyens* who could be trusted to seek their interests safely. In the hostile political atmosphere of the Empire and *Restoration*, reformers fell back on the hope that the dissemination of political economy, with its implicit exhortations to practice *l'intérêt bien-entendu*, would itself generate the virtues required for economic progress and social happiness.

Tocqueville appears to place himself within this utilitarian paradigm in describing the major self-equilibrating tendency of American democracy first as *l'égoïsme intelligent* and later as *l'intérêt bien-entendu*. But his account breaks through the theoretical impasse on how rational self-interest becomes embedded in an industrial culture. The practice of *l'intérêt bien entendu* arises neither from the unfettered operation of economic laws nor from explicit inculcation. It is striking that *Democracy in America* contains no systematic discussion of either political economy or formal republican education. Rather, the widespread institutionalization of enlightened self-interest arises from an unexpected set of interlocking social and political practices supported by new psychological patterns.

Tocqueville's fundamental innovation in these key chapters, and throughout the text of *Democracy in America*, was to view the practical fusion of private interest and public utility that he claimed to have found in the United States as a dense sociological and psychological artifact, and to explore the conditions under which, and the mechanisms by which, individuals come to desire what is in their long-term interest. He then considers, and often obsessively reconsiders, the connections among these precipitating

conditions and mechanisms. Hence he notes spillovers between the qualities of independence and self-reliance needed for success in the social and political spheres. Psychological dispositions that ensure economic prosperity (the ability to calculate risk, a determination to beat the odds) spill over into energetic republican politics (Tocqueville, 2004, pp. 246, 329, 750). Conversely the practice of political liberty fosters characteristics (independence, pride, intolerance of outside authority, willingness to take responsibility for oneself and one's group) that reinforce an energetic commercial culture (pp. 279, 352).

The primary mechanism by which Americans activate virtuous self-interest is the art of association. Given the bent towards independent action inseparable from equal social conditions, voluntary association appears naturally in both civil and political societies and may function as a medium to create and reinforce a common character type. As associational impulses become internalized, they eventually form new *moeurs*. "Men concern themselves with the general interest at first out of necessity and later by choice. What was calculation becomes instinct, and by dint of working for the good of one's fellow citizens, one ultimately acquires the habit of serving them and a taste for doing so" (Tocqueville, 2004, pp. 593–4). When successful, self-interested cooperation for private gain paradoxically is transformed into elation over general prosperity. Tocqueville attends to the contingent and culturally constructed character of *l'intérêt bien entendu* in contexts beyond voluntary association. For example, he explores the indirect effects of the elective principle itself. In the course of feigning care for their fellow citizens, self-interested candidates convince themselves and thus transform their own preferences (p. 591). Finally, throughout his analysis of religion Tocqueville notes complex affinities and compensations that result in the strengthening of enlightened self-interest. Orientation towards the afterlife is necessary

to reinforce the fragile disposition to restrict immediate gratification that is central both to prudent economic action and to judicious political action. Tocqueville's main point is not that a rational understanding of one's long-term interests leads to more happiness for the whole (although it does), but rather that habits of moderate self-sacrifice eventually become instinctive, contributing towards a democratic form of virtue.

Coming to understand the complex ways in which self-interest—properly understood—surpasses a narrow conception of interest as satisfaction, fulfills religious imperatives, and can be realized in a new form of democratic practice, is to learn a “new political science” (Tocqueville, 2004, p. 7) no longer based on rationalist abstractions or dangerous republican schemes to purify and simplify human nature. Tocqueville hoped that such an understanding would lead to more effective political “art,” rendering democratic leaders alive to unexpected possibilities and latent affinities and enabling them to shape the world anew.

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*See also* BECCARIA, CESARE; HELVÉTIUS, CLAUDE ADRIEN; INTEREST; PHYSIOCRACY; SAY, JEAN-BAPTISTE.

#### TOTAL UTILITARIANISM

Total Utilitarianism is an extension of “fixed-population utilitarianism” to situations where the size and the composition of a population may vary. To avoid counter-intuitive and undesirable implications regarding the termination of lives, individual utilities are interpreted as indicators of *lifetime* well-being as opposed to per-period levels of well-being. A *neutral* life is a life that is as good as a life with no experiences from the perspective of the individual leading it. The standard convention in population ethics is to associate neutrality with a lifetime utility level of zero.

Given the zero normalization for a neutral life, the Total Utilitarian criterion is obtained by adding the utility levels of all individuals alive. Thus, for any two states of affairs *A* and *B*, state *A* is better than state *B* if total utility in *A* exceeds total utility in *B*; if the sums of utilities are identical in *A* and in *B*, the two states are equally good according to Total Utilitarianism. If neutrality is normalized to a utility level other than zero, the definition of Total Utilitarianism must be amended accordingly, by adding the *differences* between individual utility and the neutrality level instead of the utilities themselves.

The traditional Pareto Principle is a fixed-population *unanimity* requirement: if, in two states of affairs *A* and *B* with the same population, each person's utility in *A* is at least as high as the same person's utility in *B* and at least one individual has a higher utility in *A* than in *B*, then *A* must be better than *B*. Sikora (1978) strengthens

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this principle by applying it to situations in which some individuals may be alive in one of two states to be compared but not in the other. His *Pareto plus* property requires, in addition to the fixed-population Pareto Principle, that if an individual with a utility level *above neutrality* is added to a utility-unaffected population, then the state with the augmented population is better than the original. Total Utilitarianism meets this requirement, whereas some other varieties of utilitarianism—such as that based on *average* utility—do not. However, in order to endorse *Pareto plus* as a unanimity property, one has to accept the (not uncontroversial) view that an individual can gain or lose by being brought into existence.

Unlike various alternative extensions of fixed-population utilitarianism, Total Utilitarianism avoids what Arrhenius (2000) labels the *sadistic conclusion*. A criterion implies the sadistic conclusion if the addition of a number of individuals with utilities *below* neutrality to a utility-unaffected population may be ranked as *better* than the addition of a possibly different number of people with utilities *above* neutrality to the same population.

Total Utilitarianism is often seen as having the shortcoming that it implies the “repugnant conclusion” (Parfit, 1982; 1984; Ryberg and Tännsjö, 2004). A criterion leads to the repugnant conclusion if any state of affairs in which each member of society experiences a utility level above neutrality, no matter how high, is ranked as worse than some state in which everyone in a larger population has a utility level that is above neutrality but arbitrarily close to it. Such principles could be used to recommend the creation of a large population in which everyone’s life is barely worth living.

Total Utilitarianism does not pay attention to the *distribution* of individual utilities. As long as total utility is the same in two states

of affairs, the states are equally good. In order to incorporate *inequality aversion*, the Total Utilitarian criterion can be modified, by applying an increasing and concave function that preserves the neutrality normalization to all individual utilities.

A detailed analysis and critique of Total Utilitarianism, including discussion of its relative strengths and weaknesses when compared with alternative variable-population utilitarian criteria, is provided in Blackorby *et al.* (2005).

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See also AGGREGATE AND AVERAGE UTILITARIANISM; PARETO PRINCIPLE; PARFIT, DEREK; POPULATION.

TUCKER, ABRAHAM (1705–74): See RELIGIOUS UTILITARIANS.

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## UNIFIED UTILITARIAN THEORY

Unified Utilitarian Theory (UUT), developed by C. L. Sheng, is a decision-theoretical model of value that approximates the moral mathematics of Jeremy Bentham. UUT's fundamental contention is that all human behaviour is meant to maximize social utility, or the usefulness of a thing for individuals and society collectively. Moral philosophy should, then, prescribe actions which contribute to an overall maximum positive social value (Sheng, 1998, p. 167).

Social utility is the monistic action-guiding principle for UUT, and has three main components (Sheng, 2004, pp. 33–7): (1) the principles of moral judgement (which calculate overall utility and optimal action); (2) human nature (which measures the emotive, spiritual, and psychological motivations of action as well as their environmental benefits and limitations); and (3) coexistence (which assigns nonmaterial value to socially important moral aspects, such as justice, reciprocity, friendship and community). UUT's focus on social utility is meant to correct the relationship between utility and the principles of justice and distribution, which Sheng thinks most utilitarian theories mishandle. Since proper distribution is an issue of justice, social welfare functions objectively to maximize utility, optimize distribution, and ensure social and individual justice (p. 6).

The positive value measured by the decision-theoretic is a psychological feeling, called

“moral satisfaction,” and is naturally present when a morally good action is chosen. Value is a statistical measure, so its moral weight depends in part on who performs the act, who is impacted by the act, and who judges the act's moral value (Sheng, 1991, pp. 18, 119). Since all people intend actions which contribute to social utility and have a feeling of moral satisfaction when the right action is performed, axiologically assessing positive and negative value for alternate actions can yield a moral theory that is both universal and flexible. This collective value is represented as follows:  $V = V_g + V_f + V_a + V_s$ , where moral satisfaction is valued as sums of direct gains or losses of an agent, moral feelings, social approval, and secondary values (like the benefit of selfish motives).

The decision-making procedure for UUT, called “the social utility calculation,” weighs the feeling of moral satisfaction that the act brings against the predictable utility for the agent and the recipient of the act (Sheng, 2004, pp. 117–21). The simplest model of the calculation compares moral satisfaction and social utility, and indicates the morally preferable action to be the act in which the feeling of moral satisfaction is at least as large as the value of the consequences.

A plausible question emerges as to how to assign “the value of the consequences” of alternate actions. On this point, UUT adopts (what Sheng takes to be) a common-sense perspective on value and action that marries elements from both act and rule utilitarianism.

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Social utility is the objective principle which directs action, whose value is then measured by moral satisfaction (Sheng, 1998, p. 101). Actions are guided by nonstrict moral principles under UUT, then, just as they are for rule utilitarianism, but value is applied to action just as it is under act utilitarianism. UUT's assimilation of characteristics from both act and rule utilitarianism is meant to provide for a flexibility of virtues and moral rules that weighs the permissibility of individual actions based on the social value of performing an act.

Though UUT takes great pains to integrate the best parts of act and rule utilitarianism, and to avoid their potential pitfalls, UUT still has drawn several criticisms. First, the assignment of social value, as well as that of moral satisfaction, seems arbitrary since it requires giving a numerical (and frequently, a monetary) value to whatever the individual considers to be positive or negative. Second, the decision making assessed by UUT is fundamentally always between choosing an act and not choosing an act, whereas most moral decision making considers a number of alternate actions, each of which includes an array of morally relevant considerations to be balanced. Additionally, feelings are usually vague, subjective, and quite often selfish, and so it seems problematic that the feeling of moral satisfaction is meant to ground the objectivity of the principle of social utility.

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See also ACT UTILITARIANISM; CONSEQUENTIALISM; JUSTICE; MAXIMIZATION; RULE UTILITARIANISM.

## UTILITARIAN SOCIETY

The Utilitarian Society was founded by John Stuart Mill in the winter of 1822–3. It was a small grouping of young men dedicated to the study of utilitarian ideas in ethics and politics who met nearly every fortnight, usually in Bentham's house in Queens Square Place. Mill believed that “It was the first time anyone had taken the title of Utilitarian, and the word made its way into the language from this humble source” (Mill, *CW*, vol. 1, pp. 80–81). Among the members of the society were John Austin, William Ellis, William Eyton, John Arthur Roebuck, George Graham, George Grote, William Prescott, William Tooke, and Bentham's amanuensis Richard Doane. Though the group disbanded in 1826, this small coterie of like-minded friends, whom Mill later described as “philosophic radicals,” continued their discussions together, on occasion in the London Debating Society. Members of the society also met at times in Grote's house to discuss what he termed “mental philosophy” (p. xii). Mill records that the “chief effect” of the Utilitarian Society on himself “was its bringing me in contact with young men less advanced than myself, among whom, as they expressed the same opinions, I became

a sort of leader or chief, either directing for the time, or much influencing, their mental progress. Any young man of education who fell in my way, whose opinions were not incompatible with those of the society, I endeavored to press into its service; and several others I probably should never have known had they not joined it" (pp. 82–3).

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*See also* PHILOSOPHIC RADICALISM.

#### UTILITY

Utility has played a curious role in the history of philosophy. Its meaning in ordinary discourse is simply "useful," "profitable," or "advantageous," but it has evolved to constitute an underlying principle for the whole of moral and political philosophy. Arguably, the conduit for this transformation was the Epicurean tradition, particularly, in its modern form as when Pierre Gassendi (1592–1655), in restating the position of Epicurus (341–271 BC), referred to "Right or Natural Equity" as "nothing else but what is marked out by Utility or Profit" (Gassendi, p. 315). Gassendi's remark clearly set forth the view that the commonplace notion of utility could serve as the foundation of morality. This view was repeated by a number of commentators on Epicurus who followed Gassendi in the early part of the eighteenth century. In Thomas Stanley's substantial essay on Epicurus in his *History of Philosophy* (1743),

he restated this foundational role: "Wherefore to speak properly, Natural Right or Just is no other than a symbol of Utility" (Stanley, p. 707). In the same vein John Digby wrote: "Justice is nothing in itself: Mankind united in Society discover'd the Utility and Advantage of agreeing among themselves, to observe certain Conditions for their living inoffensively one towards another" (Digby, p. 146). These interpretations of Epicurus also seemed to repeat the saying from Horace's *Satires*, "utilitas, justi prope mater et aequi" ("utility, the mother of justice and equity"), which appeared in a wide variety of writings throughout the eighteenth century (Rosen, pp. 15–16, 25–6, 28, 256n). This foundational role for utility was particularly strong in David Hume's *Enquiry concerning the Principles of Morals* (1751):

It appears to be matter of fact, that the circumstance of *utility*, in all subjects, is a source of praise and approbation: That it is constantly appealed to in all moral decisions concerning the merit and demerit of actions: That it is the *sole* source of that high regard paid to justice, fidelity, honour, allegiance, and chastity: That it is inseparable from all the other social virtues, humanity, generosity, charity, affability, lenity, mercy and moderation. And, in a word, that it is a foundation of the chief part of morals, which has a reference to mankind and our fellow creatures (Hume, p. 231).

One might be puzzled as to how a term like utility, one that might be comfortably used to describe the role of objects, like shoelaces or steam engines, as being useful for human life and activity, could also be seen as the foundation of morality and, particularly, justice. In the past, "God," "Natural Law," "Right Reason," "Truth," "Natural Justice," and "Understanding" have performed such elevated roles. Hume's thesis seemed to



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turn the world upside down, and was (and still is) often rejected for doing so.

Nevertheless, to hold that utility is the foundation of justice and morality can be shown to possess great merit, if only in the appreciation of its role in rejecting other more traditional ideas. To use utility as this foundation means that morality might be conceived as more flexible, changeable, adaptable, and susceptible to improvement. It might aim at reform—of individuals and societal institutions—and at increasing human happiness. Instead of attempting to conform to unchanging rules and precepts, utility can allow for the development of a realistic, practical morality reflecting the needs and aspirations of actual people, where one might aim to increase human happiness. In this context utility might also be a liberating doctrine, allowing a critical view of morality to develop, which in turn could increase liberty in society.

In Jeremy Bentham's first major work, *A Fragment on Government* (1776), he acknowledged the importance of the idea of utility in Hume's writings. In a well-known passage he noted that he "felt as if scales had fallen from my eyes [and] I then, for the first time, learnt to call the cause of the people the cause of virtue". He then added that "I learnt to see that *utility* was the test and measure of all virtue ... and that the obligation to minister to general happiness, was an obligation paramount to and inclusive of every other" (Bentham, 1977, pp. 440n).

Unlike Hume, Bentham believed that utility had a critical role to play in praising or criticizing existing moral and social practices, and an active role in reform. But their conceptions of a principle were remarkably similar. The principle of utility was based in sentiments, that is to say, in sentiments of approbation and disapprobation. The sentiments governing utility came from the people (as Bentham learnt from Hume), and, initially, the utility principle embodied equality in so far as all of those in a society were

to be equally free to assess the utility of ideas and actions. John Stuart Mill reaffirmed this position at the end of *Utilitarianism* (1861), when he criticized Herbert Spencer for believing that utility required an anterior principle of equality. For Mill, equality was already part of the utility principle. The foundations of utility were in the sentiments and ultimately in the sensations of pleasure and pain, shared by everyone in a society.

Bentham's *An Introduction to the Principles of Morals and Legislation* (1789) contained the most important study of the principle of utility after Hume. He not only used Hume, but he also drew on Helvétius and Beccaria, though he differed from the hedonism of William Paley. Unlike Paley, Bentham emphasized the importance of each individual judging for oneself the rightness and wrongness of actions, institutions, laws, and constitutions, and to be free to act on these judgements so long as one did not harm others (Rosen, pp. 131–45). It is arguable that one of the great achievements of the eighteenth-century concentration on the logic of the utility principle was the inexorable move in political thought in favour of reform, liberty, and self-government.

Bentham's treatment of the utility principle in *An Introduction to the Principles of Morals and Legislation* was more concerned with logical analysis and classification than with measurement and calculation. This orientation has often been confusing as his approach has appeared to focus on measurement and calculation. He even entitled Chapter 4, "Value of a Lot of Pleasure or Pain, How to be Measured," though he never measured or calculated pleasures and pains beyond providing an analysis of various classifications of all of the pleasures and pains and of the different ways one's experiences of them might be understood to conform to utility.

If Bentham toyed with the idea of actual measurements and calculations, Mill seemed to turn away from such an orientation in

both his *System of Logic* (1843) and *Utilitarianism* (1861). Admittedly, one key object of his writing *Utilitarianism* was to make Bentham's idea of utility more acceptable to his readers and even to his opponents. This meant the abandonment of crude calculations of utility via pleasures and pains and the assertion that it was better to be Socrates dissatisfied than a pig satisfied. The mixture of Stoic and Epicurean ideas was often found in earlier Epicurean writers who sought to place radical Epicurean ideas beneath a layer of more acceptable Stoic sentiments. After all, Mill did not hesitate to define utility in terms of pleasure and pain, as when he wrote that "pleasure, and freedom from pain are the only things desirable as ends; and that all desirable things ... are desirable either for the pleasure inherent in themselves, or as means to the promotion of pleasure and the prevention of pain" (Mill, CW, vol. 10, p. 210). Mill also followed the Epicurean tradition in placing an emphasis on higher pleasures as opposed to sensual pleasures alone (p. 211; see also Bentham, 1983, pp. 19ff). Nevertheless, Mill avoided any suggestion that utility was a principle at the foundation of any simple or mechanical calculation of pleasures and pains and any crudely formed maximization of pleasure in policy or legislation. He seemed less to predict the future, in the sense that Bentham believed that constitutional democracy would bring happiness to later generations, and looked more to the future to assess the human potential in different societies for the realization of gradual change (depending on education). Utility, one might say, enabled Mill to peer over the brow of a hill, and assess tendencies towards various possible improvements in the future.

Since the late-nineteenth century economists and other thinkers who were inclined to develop mathematical ideas in relation to social science and public policy looked more to Bentham than to Mill as the founder of this technical side of utilitarianism. But they

did not necessarily accept Bentham's hedonism, his critical radicalism, or orientation towards reform. They tended to move away from Epicureanism and into something more closely related to engineering.

Among moral philosophers, the influence of Kant, Hegel and Idealism generally led to a greater emphasis on reason and rationality than on sentiment. Hedonism has tended to be replaced by a notion of well-being based on rational preferences rather than by a foundation in sensations of pleasure and pain. Utility seems to function here in relation to ideas of maximization and minimization (terms Bentham invented) and concentrates on the consequences of acts and/or rules. Critics of utilitarianism and utilitarians themselves have also sought to develop a more directly universal doctrine than one finds in the traditional employment of the utility principle, where such universality was derived more indirectly from sentiments of sympathy and fellow-feeling. These more recent developments, however, belong more to aspects of utilitarianism than to the evolution of the utility principle itself.

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*See also* ACT UTILITARIANISM; BENTHAM, JEREMY; EPICUREANISM; FELICIFIC CALCULUS; HAPPINESS; HEDONISM; HUME, DAVID; MAXIMIZATION; MEASUREMENTS OF UTILITY; MILL, JOHN STUART; PAIN; PLEASURE; PREFERENCES (PREFERENTIALISM); RULE UTILITARIANISM.

# V

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## VALENCE UTILITARIANISM

Valence Utilitarianism is a set of principles which aims to address the ontological and ethical objections to approaches in normative social studies that use hedonistic accounts of value. In order to meet the ontological objections raised against standard hedonism, Valence Utilitarianism employs as a hedonistic good the concept of valence, in place of natural-language discrete emotions, such as pleasure or happiness.

According to emotion researchers, the experience of emotions is best viewed as a complex process, at the core of which is an affective “neurophysiological state consciously accessible as the simplest raw (non-reflective) feelings evident in moods and emotions” (Russell, p. 148). This core affective state can be depicted as fluctuating on a graph that has two dimensions or axes—“valence” or pleasure-displeasure and “arousal.” At any moment of time, the neurophysiological state of any individual can be placed at a single point on this graph.

The objectless ontology of valence sets aside the possibility that there could be adverse instances of the hedonistic good in Valence Utilitarianism, as in “bad pleasures.” With the use of a clearly defined scientific concept—valence—the objection that hedonistic concepts of value are ambiguous or incommensurably complex is also met.

In addition, Valence Utilitarianism aims to address the analytical objections to

mental-state accounts of value through a set of principles:

- 1 The social goodness of a public act depends on its potential impact on a set of characteristics or variables, selected empirically based on their ability to explain the variance in subjective well-being, reported by individuals in representative surveys as a proxy measure of valence.
- 2 The weight of each selected variable in the evaluation process is proportional to the size of its coefficient in an econometric regression with subjective well-being as the dependent variable.
- 3 The social goodness of a public act, measured in terms of its valence-promoting potential, is relevant in public choice only to the extent that the individuals in a society care about furthering valence.

The limited scope of Valence Utilitarianism constitutes both its main strength and its main weakness. Valence Utilitarianism cannot be used as a general theory of value. It cannot explain commonly held beliefs on the issues of moral obligation or justice, nor can it determine the moral or prudential worth of states of affairs, life-paths or acts of individuals in their private life. The evaluation performed with Valence Utilitarian principles involves a sizable region of indeterminacy, while it is not compatible with other

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popular value systems, which implies that it does not have the power to automate the decision-making processes.

Then again, the limited scope of Valence Utilitarianism implies that many of the well-known objections to utilitarianism are not particularly relevant to it. Valence Utilitarianism does not employ an aggregation of individual evaluations, nor does it assume that the ontology of the individual is in any sense invariant, which protects it from problems pertaining to utility-based welfare economics. Valence Utilitarianism does not contain hypotheses or prescriptions on individual behaviour, avoiding the objection that hedonism involves an incorrect account of human motivation. Nozick's "experience machine" provides a convincing argument against the idea that being happy is the ultimate goal of human existence (Nozick, pp. 42–5), yet it has little effect on the strength of the claim that a policy which reduces ill-feeling is a good policy for a society comprising moral hedonists. The relevance of a number of other examples, such as Sen's torture argument (1979), is severely constrained by the empirical evidence on what drives subjective well-being in the world of empirical regularities (as opposed to logical possibilities).

Valence is not the *summum bonum*. Nevertheless, if our ambitions are sufficiently limited, Valence Utilitarianism may be a useful approach for substantiating the use of empirical hedonistic approaches, such as "happiness economics," in particular social policy settings.

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See also HEDONISM; PLEASURE.

## VALUE THEORY

Value Theory, in the sense of concern with what is morally good and what makes it so, has been at the heart of philosophy since Socrates turned his back on metaphysical questions and urged the importance of the search for moral truth and learning to live as one ought to. The importance of Value Theory in respect of utilitarianism lies primarily in the fact that utilitarianism is a species of Value Theory. But this rather obscures the fact that Value Theory is a very broad phrase encompassing all the various questions one might raise about values in their many guises. Values are generally thought to be associated with morality, but there are many kinds of values besides moral value. For example, we speak of economic values, ecological, professional and aesthetic values, and so forth. Such values may not simply be different from moral values, but may be of different logical

kinds, as the aesthetic value of a painting may both be different from its economic value and estimated in a quite different way.

Furthermore, Value Theory may inquire into both philosophical and empirical questions, and the latter themselves cover a very wide range. Thus, there are psychological questions such as whether we are prone to value certain things rather than others, or to what extent we are genetically inclined to hold certain values. There are sociological questions such as whether on the contrary our values are acquired through environmental factors, or whether and to what extent different communities have different values. There are economic questions such as how one determines the market value of something (which may in turn give rise to consideration of the difference between what is valued and what is valuable). In its broadest sense, then, value theory is concerned with both moral and natural goods of various kinds, encompassing, for example, the fact that trading with certain nations may be tantamount to supping with the devil, but at the same time it may enhance the economy and well-being of one's own nation.

It might be said that Value Theory in this sense is too broad a term to be of much use, and that few could claim expertise or competence in all aspects of Value Theory in this sense. Some, such as Flew (1979), have equated "axiology" with a narrower conception of Value Theory, confined essentially to ethics and aesthetics, perhaps extending to social and political philosophy. Schroeder sees it as "a relatively narrow area of normative ethical theory of particular concern to consequentialists" such as utilitarians (Schroeder, p. 1), while Findlay—though remarking that it "began as a tailpiece to Ethics, but it arguably ought to end as the tail which wags the dog" (Findlay, p. 1)—nonetheless follows Urban (the originator of the term) in seeing it as "the study of the ultimately worthwhile things" without qualification (Urban, p. 1). Lacey explicitly

defines it as "the study of value in general" (Lacey, p. 67).

While the various definitions of both Value Theory and "axiology" seem rather arbitrary, there is no doubt about the importance of the various questions that Value Theory embraces, including, in the context of utilitarianism, the philosophical questions pertaining to value. In the broadest sense (i.e. without confining it to the moral sphere), a utilitarian theory of value is one that judges the worth of something (e.g. a painting, an economic practice, a political act) by reference to its utility or use as a contribution to the greatest good, which, depending on the theory, may be judged in terms of a variety of different values. A painting, for example, might be judged in the light of the pleasure it gives, because of its worth on the market, or for its intrinsic beauty. Even in the moral sphere utilitarian value may be judged by different criteria, as hedonistic utilitarians judge in the light of happiness or pleasure, while ideal utilitarians judge also in the light of further goods such as beauty and friendship.

If we focus on classic hedonistic Value Theory (of the kind associated with John Stuart Mill) and ignore questions such as whether to opt for rule or act utilitarianism, then it is commonly thought that the theory essentially asserts that whatever leads to the greatest sum of pleasure or happiness is the most worthwhile. In fact this is not quite right: utilitarianism is an ideal theory and does not claim, for example, that if torturing an innocent person to death gives more pleasure to the rest of the community than any other activity, then it is morally right or even (which is different) morally justified. It argues that we should act in ways that universally adopted in an ideal situation would lead to maximum possible happiness for all. (Thus a presumption of just distribution is built into the theory.) Torture cannot be good, though it might in certain circumstances be justified, because there must be ways to organize society which provide more happiness all round



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than there could be in a society that sees nothing wrong with torture.

Utilitarianism is classified not only as a consequentialist but also as a teleological theory (one that judges the rightness of actions by reference to achieving aims that are presumed to be intrinsically good, such as happiness) as contrasted with deontological theories (those that focus on rules of conduct). A notable example of the latter is Kant's theory that the only thing that is absolutely good is good will and that therefore the motive of the agent is the determinant of the rightness of an act, which in turn leads him to conclude that certain acts, such as keeping promises, are always right, regardless of the consequences. Despite this traditional contrast, it is arguable that there is not so much opposition between these two types of theory as a difference of concern. Kant seeks to explain what makes an agent truly a moral agent or one acting in a truly moral way and concludes that the agent must act out of good will. But utilitarianism is not directly addressing the question of when agency deserves moral commendation; it is seeking to explain what makes acts right (even if they happen to be adopted for very bad motives and the agent therefore deserves no credit). W. D. Ross (1930) took a step towards recognizing this important point in arguing that while motive may be a crucial factor in judging an agent's moral worth, a person's actions may nonetheless be right, even if his motives are plainly bad.

Related to this is another traditional opposition between good and right. Which should take priority? Is what is right whatever promotes the good, or is what is good good because it is the consequence of a right action? The conundrum is superficially similar in its logic to the question of whether God demands that we do good because he sees that it is good, or whether it is good because he enjoins us to do it. In the religious case, however, there are problems either way, whereas in the case of the right and the good

it is perhaps a distinction without a difference. The situation is not that the utilitarian thinks the good (e.g. happiness) has priority, while the Kantian thinks that the right does. Rather the former thinks that happiness is good, while the latter thinks that good will is. That is to say, the utilitarian is focused on how to increase (what he regards as) good in the world while the Kantian is focused on what would constitute a morally better set of people. R. M. Hare (1963), like Ross before him, may be said to have attempted to fuse these two different concerns in his moral philosophy, despite seeming to believe that he was influenced by Kantian thought and arguing against utilitarianism.

Utilitarian contributions to Value Theory include in particular: the contention that the consequences of one's actions certainly have a bearing on its justification, if not on the agent's moral credit; that certain goods, such as happiness and friendship, have intrinsic value; and that some things, such as happiness, are self-evidently good.

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See also CONSEQUENTIALISM; HEDONISM; IDEAL UTILITARIANISM; KANT, IMMANUEL; MILL, JOHN STUART; PLEASURE; ROSS, WILLIAM DAVID; UTILITY.

#### VIRTUE (VIRTUE UTILITARIANISM)

In the latter half of the twentieth century utilitarianism, and consequentialism in general, were criticized for ignoring, or at least downplaying, virtue evaluation. Though the early utilitarians, such as John Stuart Mill, certainly discussed virtue, some writers believed that the impartiality of the utilitarian approach was actually incompatible with certain virtues such as those of friendship and loyalty, or the virtues inherent in parenting, as well as virtues of integrity and commitment (Stocker, 1976; Williams in Smart and Williams, 1973). This charge was unwarranted. Mill disagreed with what he perceived as Jeremy Bentham's neglect of character in developing utilitarianism. Mill's considered view seems to have been that the best way to be a utilitarian is to develop one's character in such a way as to promote excellence. He explicitly presents this position in his *A System of Logic* (1843) when he writes that:

I fully admit that this is true: that the cultivation of an ideal nobleness of will

and conduct, should be to individual human beings an end, to which the specific pursuit either of their own happiness or that of others ... should, in any case of conflict, give way. But I hold that the very question, what constitutes this elevation of character, is itself to be decided by a reference to happiness as the standard (Mill, *CW*, vol. 8, p. 952).

In this passage Mill anticipates later consequentialists who are friendly to incorporating character evaluation into the theory, certainly on a par with act evaluation. Another unfortunately neglected example is Hastings Rashdall's "ideal utilitarianism" which placed ample significance on virtue. Rashdall, for example, viewed virtues as intrinsically valuable and among the ends to be sought by the good moral agent (Rashdall, pp. 37ff.).

There was certainly an emphasis on act evaluation in moral philosophy generally after David Hume and Adam Smith. However, this is primarily a historical artifact (Schneewind, 1990). Recently writers have been articulating accounts of virtue that are consequentialist (Driver, 2001) or, at least, compatible with utilitarianism (Hurka, 2003).

First, we need to note a distinction between virtue theory and virtue ethics. Virtue theory provides an account of virtue, and is entirely compatible with utilitarianism, since a utilitarian account of moral evaluation can incorporate virtue evaluation. Virtue ethics, instead, treats virtue as the primary evaluative notion, and defines right action in terms of virtue (Hursthouse, p. 79). Even so, it is possible to develop a virtue ethics that is utilitarian—like rule utilitarianism it would be indirect: the right action is the action performed in accordance with (as a result of, etc.) a virtue, where virtue is given a utilitarian analysis (such as "a trait which systematically produces more good than not").

In recent years virtue has been given more of a role in standard utilitarian and

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consequentialist theories of evaluation. For example, global consequentialism in its most general form holds that the moral quality of some factor relevant to agency (including, but going beyond, actions) is determined by its consequences. On this direct form of consequentialism, virtues, as well as actions, intentions, motives, and so forth are given a consequentialist analysis. This approach has been proven to be very effective in addressing some of the virtue-oriented criticisms of consequentialism (Driver, 2012, Ch.3). For example, if one can separate act evaluation from virtue evaluation, then one can account for *normative ambivalence*. Normative ambivalence occurs in situations where, for example, someone does something that is judged right (or wrong), but also unvirtuous (or virtuous). Thus, there is a mixed evaluative reaction to the case (Driver, 2001, pp. 72–3; 2012, Ch.7). Suppose that Sandra tells her friend Jill a lie (which is wrong), and yet she does so out of compassion (a virtue). In such cases we might experience normative ambivalence in evaluating Sandra. Including character evaluation allows for more nuanced evaluative practices.

Peter Railton (1984) noted that consequentialism needs to be friendly to the issue of cultivating character in the pursuit of utility. This is in part for the sake of efficiency—dispositions to perform actions that are generally good-producing promote the good by reducing the costs of reflection and calculation. But this is not the full story on Railton's view. Human beings have natures such that we are made happy by close relationships with others, and dispositions that promote those relationships will adhere to norms specific to those relationships. Thus, the consequentialist is well able to account for the commitment we have to partial norms. The commitment to such norms is justified and regulated on the basis of happiness, so, not only is it good on consequentialist grounds to have such commitments, having such commitments is not in itself incompatible

with at least on occasion taking a detached perspective to assess the moral aspects of one's life. Indeed, someone who could not achieve such detachment would be psychologically defective in another way, and prone to distorting biases and prejudices.

Railton's defence of consequentialism grew out of a challenge to utilitarianism made by Bernard Williams who argued that utilitarianism is incompatible with the virtue of integrity. Since utilitarianism is committed to negative responsibility, or the view that one is responsible for the effects of what one fails to do as well as what one does, Williams argues that responsibility is then held hostage to the decisions of others (Smart and Williams, pp. 108ff.). This subverts one's integrity, since one would then be required to give up one's own deep commitments and projects in order to promote the good by preventing a bad outcome that is the result of someone else's actions. The famous case illustrating this is that of Jim and Pedro. To simplify the example, Jim is a student travelling abroad and visits a village in South America that has been taken over by an evil commander. Pedro, a captain who works for this commander, offers Jim the option of: (1) doing nothing, in which case twenty innocent villagers will be killed to set a disciplinary example, or (2) killing one villager, and then the others may go entirely free. Jim is opposed to killing innocent people, indeed this is one of his most fundamental normative commitments. Yet, the utilitarian would hold him at least partly responsible for the deaths of the nineteen he could have saved, if he fails to kill one person as Pedro offers. To many this seems wrong, even though they might believe he ought to kill the one in this particular case. Williams' diagnosis is that to require this of Jim is to require him to violate his basic normative commitments, which is a violation of integrity. And, integrity is a significant virtue.

Railton shows how one can distinguish a criterion of right from a decision procedure

that a person ought to follow. These are separable. Both character and act evaluation are also separable. One could hold that the right thing for Jim to do is to kill one person to save the other nineteen, especially since one person would be killed by Pedro in any case, and then also hold that if Jim fails to do this we might not blame him very harshly at all because the failure was the result of a good character. This is entirely a consequentialist story that renders the case unproblematic. Other consequentialists, such as Elizabeth Ashford (2000), have also defended the view that consequentialism is compatible with integrity, when “integrity” is properly understood as standing by one’s objectively correct normative commitments. Roger Crisp (1992) has argued that the best way to develop utilitarianism is as recommending agents pursue a life of virtue using the utilitarian standard as a touchstone for the way one ought to live one’s life.

The development of consequentialism in such a way as to bring a focus on virtue evaluation back into the account, as many early utilitarians thought was important, has strengthened this approach to ethics and allowed it to develop in ways that offer nuanced accounts of evaluation.

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See also ACT UTILITARIANISM; CONSEQUENTIALISM; IDEAL UTILITARIANISM; MILL, JOHN STUART; RASHDALL, HASTINGS; RULE UTILITARIANISM.

#### VOLUNTARISM

Voluntarism usually refers to voluntary contributions of time, money, or some other scarce resource. In utilitarian writing, it is often advocated as a way to increase total utility. For example, Peter Singer (1993) recognizes that, ideally, it would be best for

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each person to give money to help the poor, up to the point where the utility of the loss to the donor is equal to the utility of the gain to the recipient. (This increases total utility because money is assumed to have less utility to those with more of it.) But he thinks that this is a very stringent rule and recommends “tithing,” by which a fixed portion of one’s income, say ten per cent, is automatically donated to assist the poor.

Much recent research in psychology and economics has examined the determinants of charitable donation (e.g. Oppenheimer and Olivola, 2010). People give in part because they get a “warm glow” from the act of giving. The warm glow is a utilitarian benefit to the giver, and is largely independent of the amount of the contribution. Could this be true altruism? Arguably, we shouldn’t care, because the giving still has benefits for the recipient; if the donor gains too, so much the better. But, on the other hand, warm-glow giving may be inefficient, focused on some targets at the expense of needier ones.

People are more likely to give to identified victims than to statistical victims. They exhibit a sort of “numbing” when they hear about large numbers of people in dire need (Slovic, 2007). In utilitarian theory, the fact that many others are suffering does not make any individual’s suffering less important, but people behave as if this were true.

Voluntarism is advocated as a means to providing public goods, as well as to help the needy. For example, some environmentalists exhort people to save energy by turning off the lights, using bicycles, and so on.

Voluntarism may be contrasted with coercion by government, as a means to help the needy or to provide public goods. We can encourage energy conservation by taxing

energy, and we can provide social insurance and foreign aid by taxing ourselves to pay for them. Utilitarian theory need not take a general position between these two methods, as the appropriate mix of the two will depend on the situation (Baron, 1997). From the individual’s perspective, it is sometimes more useful to contribute voluntarily by engaging in political action, which might result in forcing many others to contribute much more in total, than to simply contribute directly. Voting itself may be considered as a voluntary, altruistic act (Edlin, *et al.*, 2007).

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*See also* TOTAL UTILITARIANISM.

# W

WATSON, JOHN (1847–1939):  
See IDEALISM.

## WELFARE (WELFARISM)

Utilitarianism is a member of the family of consequentialist ethical theories, identified by certain distinguishing characteristics. One of these characteristics is its theory of value, or axiology. Consequentialists can be monists, recognizing just one basic ethical value, or pluralists, acknowledging several. Utilitarians are monists and the only value they recognize is individual welfare (or well-being, or interest). That is to say that they endorse Welfarism: the view that all and only welfare is worth pursuing as an end in itself, or for its own sake.

Any Welfarist who wishes to provide concrete guidance for ethical decision making owes us a theory about the nature of welfare—more briefly, a theory of welfare. Such a theory will tell us what welfare is, what it consists in. It is therefore substantive, rather than merely conceptual. Rival theories of welfare share the same concept of welfare; otherwise, they would not be theories about the same thing. This common concept can be explicated using the notion of *good for*. There are many kinds of value that a life might have: ethical, aesthetic, perfectionist, etc. But only one of them—what we may call prudential value—isolates the value a life has *for the*

*person whose life it is*. Conceptually speaking, welfare is identical to prudential value. Rival theories of welfare then tell us what it is for a life to have this particular kind of value.

Theories of welfare can be usefully sorted along a subjective/objective divide. A theory is subjective if it makes welfare depend, at least in part, on individuals' subjective states—usually their (pro or con) attitudes. A subjective theory may make welfare depend solely on subjective states, in which case it is a mental state theory. But it may also make welfare depend additionally on objective states—states of the world. To be objective, therefore, a theory must make welfare depend only on objective states, with no reference whatever to the subjective.

The theories of welfare dominant in the utilitarian tradition have all been subjective. The best known mental state theory is hedonism, which holds that the prudential value of a life depends solely on the pleasure it contains (plus the absence of pain). The Classical Utilitarians, Jeremy Bentham (1789), John Stuart Mill (1861), and Henry Sidgwick (1874), were all hedonists about welfare. Since their time, however, hedonism has fallen into disfavour among Welfarists (though it still has its contemporary defenders, including Roger Crisp, 2006, and Fred Feldman, 2004). For one thing, as a mental state theory it is vulnerable to counter-examples in which someone takes pleasure in a supposed state of affairs which is in fact an elaborate illusion or deception. Many critics,



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such as Shelly Kagan (1992), balk at saying that such a person's life is going well for her, despite the fact that it might be rich in pleasure.

Nowadays it is more common for Welfarists to endorse a desire (or preference) theory of welfare, which holds that the prudential value of a life is a function of the extent to which the subject's desires are satisfied. Since a desire is satisfied just in case the object of the desire actually obtains, this is not a mental state theory and so is not susceptible to counter-examples involving illusion or deception. However, this very feature opens it up to a different line of objection, since the theory entails that a person's welfare is enhanced whenever one of her desires is satisfied, even though she may be completely ignorant of this fact. Some people, for instance, want it to be the case that there is intelligent life somewhere else in the universe; it is hard to believe that their lives go better for them if such life does in fact exist, though it is far too remote for us ever to know of its existence.

This problem of ignorance for a desire theory might be remedied by adding an experience requirement, so that desire-satisfaction would be welfare-enhancing only when the subject was aware of it. But there will still remain cases in which someone gets what she wants but derives no enjoyment or fulfillment from it: her desire is satisfied but she is not. The appropriate remedy for this problem might be to add an information requirement, so that desire-satisfaction would be welfare-enhancing only when the subject was fully informed about the object of the desire. This device can then be used to make prudential value depend not on the subject's actual desires (which may or may not be informed) but on her hypothetical desires (the ones she would have if she were informed). However, some critics, such as James Griffin (1986), have objected that taking this last step severs the connection between the subject's welfare and her actual preferences. It seems doubtful that someone's welfare is enhanced by giving

her what she would want, if fully informed, but does not actually want now.

Between hedonism and the desire theory there is a third option: a happiness theory which holds that the prudential value of a life depends solely on the happiness it contains (plus the absence of unhappiness). Such a theory has some advantages over both of its rivals. Against hedonism it can be said that happiness is a deeper and more substantial subjective state than pleasure, which can be trivial and fleeting. Against the desire theory it can be said that because happiness is necessarily experienced, there is no problem about the unknowing satisfaction of desires. However, an unqualified happiness theory would also be vulnerable to problems of illusion or deception, and so might have to be supplemented with an information requirement. Furthermore, all three subjective theories face a further problem—namely, that pleasures, desires, and sources of happiness can all be manipulated by social conditions, including indoctrination and oppression. To counter this problem it might be necessary to stipulate further that these subjective states contribute to welfare only when they are authentic or autonomous.

With all of these conditions attached to subjective theories of welfare, in order to neutralize various lines of criticism, it might be tempting at this point to turn instead to an objective theory, according to which the prudential value of a life is determined by the goods it contains, whether or not the subject endorses or values them. An objective theory can either posit a single abstract good, such as flourishing or self-realization, or a plurality of more specific goods, including items such as knowledge, rationality, freedom, autonomy, personal relationships, accomplishments, and so on. Whichever option is preferred, the standard objection to this kind of theory is that it is hard to see how any of these items can make a person's life go better *for her* if she does not value or enjoy them and therefore gets nothing out of them.

A Welfarist, we have said, must have a theory of welfare. But whatever theory is preferred, Welfarism itself faces formidable objections. Since it holds that *only* welfare is worth pursuing for its own sake, it must defend its exclusion of other states or conditions that might also be thought to have final ethical value (such as the items on the objectivist's list). The Welfarist must contend that freedom, say, or autonomy is only valuable—only worth promoting or bringing about—in so far as it contributes to individual well-being. Furthermore, since Welfarism also holds that *all* welfare is worth pursuing for its own sake, it must defend the ethical value of sources of welfare that are either trivial—drugs and rock and roll—or downright repugnant—sadism, say, or schadenfreude.

It should be obvious by now that it is by no means easy to defend either a particular theory of welfare or Welfarism itself. However, “not easy” is not the same as “impossible” and many people continue to think that the Classical Utilitarians were on to something important when they contended that the sole determinant of the ethical value of an activity, or a social policy or a system of government, lies in its impact on the interests of those who are affected by it.

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*See also* GRIFFIN, JAMES; HEDONISM; OBJECTIVE AND SUBJECTIVE UTILITARIANISM; PREFERENCES (PREFERENTIALISM).

**WELL-BEING:** *See* AGGREGATE AND AVERAGE UTILITARIANISM; AUTONOMY; GRIFFIN, JAMES PATRICK; HOOKER, BRAD; PHILOSOPHICAL UTILITARIANISM; PREFERENCES (PREFERENTIALISM); WELFARE (WELFARISM).

#### WESTMINSTER REVIEW

Launched in late 1823 with John Bowring as editor and funding provided by Jeremy Bentham, the *Westminster Review* took as its primary objective the dissemination of utilitarian ideas for social, legal, economic and political improvements, but also contained articles on literature, travel and the

arts—as Bentham put it “One-half consecrated to politics and morals, the other half left to literary insignificancies” (Bentham, 2000, p. 286). John Neal, only half in jest, stated that the principal aim of the review was to combat the regular reports in the *Quarterly Review* and *Edinburgh Review* that Bentham was “the head of a dangerous and powerful party, who gather together by deputation at his house from every part of the globe—holding a sort of congress, where all the turbulent and fiery spirits of Europe and of the two Americas are literally present” (Neal, pp. 23–4). Among the utilitarian contributors were the Mills, Place, Hobhouse, and William Tooke, who assisted in the founding of University College London and the Society for the Diffusion of Useful Knowledge; the economist William Ellis; and a slew of young and keen disciples of Bentham, including Roebuck, Grote, the Austin brothers, Buller, Fonblanque, Chadwick, and Perronet Thompson, who took over ownership of the journal from Bentham in 1828 and became its co-editor with Bowring. Other contributors came to the journal through Bowring’s Unitarian connections, including Southwood Smith, the literary critics Henry Crabb Robinson and Henry Southern, who also served as literary editor, and William Johnson Fox, the editor of the *Monthly Repository* and author of *Christian Morality* (1833), in which he presented a form of religious utilitarianism. John Stuart Mill, one of the principal contributors to the *Westminster* in its early years, remarked that its youthful writers sought to emulate the accomplishments of the French *philosophes* of the eighteenth century (Mill, *CW*, vol. 1, p. 110). However, both Mills later withdrew their services from the *Westminster*, thoroughly dissatisfied with Bowring’s inept leadership.

Bentham had initially offered the editorship of the *Westminster* to James Mill, which he refused due to his commitments in the

India House. But Mill was dismayed that Bentham then offered it to Bowring, whom he judged an intellectual lightweight. Later, in the Spring of 1828, when Bowring engineered Perronet Thompson’s purchase of the review behind Mill’s back, both he and John Mill refused to contribute further while Bowring remained as co-editor (*CW*, vol. 1, p. 135). In an ironic twist, it was Perronet Thompson who rose to defend Mill in the *Westminster* when the *Edinburgh* launched its devastating attack on Mill’s seminal “On Government” (1820).

The first issue of the *Westminster* in 1824 contained a vigorous attack on the *Edinburgh* by James Mill, and Peregrine Bingham, another of Bentham’s editors, took on the *Quarterly* (*CW*, vol. 1, pp. 206–68, 505–41). Mill’s uncompromising flagship article defined the politics of the *Westminster*, and in the years following its several contributors continued to hammer away at the ignorance of the Tories and the milk-and-water reformism of the Whigs, dismissing the attempts of opponents to tar the philosophic radicals as anything other than the rational utilitarians they claimed to be. In the face of repeated attacks by the *Westminster* and confronted with the 1828 re-issue of Mill’s “On Government,” the *Edinburgh* turned to a largely unknown defender, Thomas Babington Macaulay. Macaulay wrote an uncompromising critique of the utilitarian principles that underpinned Mill’s theory of government. Perronet Thompson replied for the philosophic radicals in the *Westminster*, and two more articles each by Macaulay and Perronet Thompson followed in 1829–30 (Lively and Rees, 1978), the substance and tone of which illustrate that what was at stake was not simply the difference in political perspective exhibited by the philosophic radicals and their Whig critics, but the viability of utilitarian theory itself (Crimmins, Ch.1). It was generally thought that Macaulay and the *Edinburgh* emerged victorious in the debate (Nesbitt, pp. 141–2).

Thompson's articles did nothing to erase the pervasive caricature of utilitarianism, a view which Hazlitt had done so much to disseminate in the periodicals of the day, as a mechanical doctrine, divorced from the life of spirit, imagination, passion and sentiments of love, a philosophy "fit neither for man nor beast" (Hazlitt, vol. 12, p. 184).

In 1835, William Molesworth purchased the *Westminster* from Perronet Thompson. Earlier that year, Molesworth had launched the *London Review* with John Stuart Mill as editor, with the intention that it would give voice to a broader range of radical opinion; now he amalgamated the two reviews as the *London and Westminster Review*, retaining Mill as editor. James Mill was deemed vital to the success of the new review, and he duly agreed to contribute articles. The younger Mill remained as editor until 1840 (CW, vol. 1, pp. 207–9). Among the many articles he wrote for the *London and Westminster* are the important revisionist essays "Bentham" (1838) and "Coleridge" (1840).

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#### WHEWELL, WILLIAM (1794–1866)

William Whewell, the son of a carpenter, was born on 24 May 1794 in Lancaster. He was educated at Lancaster and Heversham grammar schools, and Trinity College, Cambridge, where he was Second Wrangler in 1816, became a fellow and tutor and, in 1841, college master. From 1828 to 1832 he was Professor of Mineralogy, and from 1838 to 1855 Knightsbridge Professor of Philosophy. He died in Cambridge in 1866 after a fall from his horse. Whewell is most well known today for his work in the philosophy of science, but in his own day he was also a leading moral philosopher. He was a philosopher in the rationalist and Platonic traditions, both in his philosophy of science and in his moral philosophy, and from this intuitionist perspective he was highly critical of the empiricism of John Stuart Mill and of utilitarianism—he thought Bentham's teachings to be evil and morally dangerous.

For Whewell, laws of nature and moral truths are built into the ontological structure of the universe. There are empirical regularities, of the form "all *H* are *A*," in the behaviour of material objects, of plants and animals, and of human beings. These we can learn through are senses, but the

kinds, so far as our senses tell us, are separable, logically and ontologically, so that the regularities so learnt are contingent. This is the end of the matter for the empiricist. The rationalist, however, holds that there are further entities, not given in sense; there are, besides the sensible appearances, also connections among the kinds mentioned in these regularities, of the form *HRA*, where *R* indicates the relation between the two. These are timeless truths, present in the mind of God, Whewell argues, and are therefore objectively necessary. God so acts that these timeless forms have their structure replicated in the sensible appearances of things. Thus we also have, for each such formal truth, that “if *HRA* then all *H* are *A*.” God’s activity guarantees that this also is necessary. It follows that the mere regularity of sense that “all *H* are *A*” is after all necessary. God may operate directly on things, as in the case of passive matter, or he may operate indirectly, by placing the form as an active entity in individuals. This active entity guarantees that its ontological or formal structure is replicated in the sensible appearances of things, so that here, too, the sensible regularity turns out after all to be necessary. All creatures, from oysters to cats and humans, have active forms in this sense.

Because the form is active, or is made apparent by God, it is the cause of why a thing of that form behaves as it does; the form is the reason for the thing appearing sensibly as it does. For the rationalist, to know a form is to have a nonsensible intuition of that form, and reason, in the sense of our capacity to know why things are as they are, is the capacity to intuit the forms—reason is rational intuition. Whewell argues that the knowledge of the forms consists of ideas that are innate to humans as knowers. However, though innate, these ideas are not always present to consciousness; they are brought to consciousness only as our awareness of things develops through our experience of

them. Our knowledge of causes thus begins with contingent regularities known by sense but gradually becomes necessary over time. The laws of physics were once contingent to us but are now, since Newton, necessary truths.

For the empiricist, in contrast to all this, there are no such forms transcending sensible appearances, no necessary connections, and our knowledge of causes consists simply of knowledge of contingent regularities. We do have those abstract ideas of things which Whewell claims we have, but these ideas are not innate; rather they are acquired by processes of association, as described by the empirical science of psychology. Naturally enough, in criticizing empiricism, Whewell spends some time attacking associationism, both as a supposed empirical science—there is no purely empirical science—and also in particular associationism as an account of how we acquire our abstract ideas of things.

For rationalist, like Whewell, each person has of course a human nature as his or her form. This form determines the patterns of our behaviour, the goals of our being. Since these ends are what define our being they are unavoidable; since what is necessary to us can only be reckoned a virtue, the forms not only explain what we do, but they also determine what we ought to do.

People are complicated beings, however. They have ends that they share with animals, our needs for food, for example, but also higher needs, as those for family or for social contact with others. People also have the capacity for knowing forms. This includes the forms of other things, so that we do know the causes of why things are as they are, but we also know the form that defines our own human being. Persons thus have the capacity to know what morally are the ends at which they *ought* to aim, both the lower, more animal ends, and also other higher ends. Morality is thus basically rational and *a priori*. Moreover, the capacity to know

causes persons to design or select means to those ends for which, by their nature, they strive to attain.

However, while morality may be *a priori* that is no guarantee that we will do what we ought to. We are imperfect beings; our knowledge often falls short of the ideal. We may therefore select improperly some means to achieve our ends, or may even wrongly believe that something is one of the ends for which our nature determines us to strive, when it really isn't. We may, for example, let our animal needs dominate over our higher ends. We do have, however, institutions such as the family, the law, or the church that may help us to overcome these imperfections and help us to do what we ought to do.

In the lectures on morality Whewell delivered to his students at Cambridge he tried to bring out the ends that are part of our human nature and the best means, mainly social, that help us to achieve those ends. These lectures are, one presumes, designed to help his undergraduates do better and become better. In these lectures, Whewell spends much time attacking the empiricist account of knowledge and the utilitarian morality. The empiricist denies that there are any *a priori* ideas, and therefore denies, Whewell argues, the firm basis of morality. That makes their morality basically evil. Insofar as the empiricist denies any rational basis for morality, he or she is of necessity reduced to utilitarianism, but this morality, since it denies that there is any higher human nature, is a morality of beasts.

Needless to say, Mill was highly critical of Whewell, his *a priori* metaphysics and claims about the philosophy of science, and his moral philosophy. He had little trouble with Whewell's claims that the utilitarian ethic is one for beasts which denies that there is any higher human nature: people do seek pleasure but there are some pleasures that are *qualitatively superior* to others, and therefore higher—Mozart and

intellectual pursuits, for example, are experienced as better than pushpin. Moreover, Mill had little trouble making clear that Whewell's supposed moral intuitions are nothing more than ingrained sentiments derived from his cultural conditioning: they are the felt prejudices of the English upper classes—the prejudice, for example, that divorce is always wrong. What is needed is not Whewell's blind adherence to customary morality, but a principle that will enable one to decide which among those moral rules *ought* to be accepted and those which *ought* to be rejected: Whewell provides no such rule, the utilitarian does—the principle of utility.

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See also ASSOCIATIONISM; INTUITIONISM; MILL, JOHN STUART.



**WILLIAMS, BERNARD (1929–2003)**

Bernard Arthur Owen Williams was born on 21 September 1929 in Westcliff-on-Sea, Essex. He was one of the most influential moral philosophers in the latter part of the twentieth century. Educated at Chigwell School in Essex and Balliol College, Oxford, Williams's distinguished academic career began as a prize fellow of All Souls College, Oxford. Initially a lecturer at University College, London, Williams was appointed to his first professorship of philosophy at Bedford College before taking up the Knightbridge Chair in Cambridge in 1967. Williams served as the Provost of King's College, Cambridge from 1979 to 1987. He left Britain to take up a professorship at Berkeley in 1988 while also holding the White's Chair in Moral Philosophy at Oxford from 1990 to 1996. On his official retirement from Oxford Williams's career came full circle as he ended his career as a fellow of All Souls. He held a number of public appointments, serving on a succession of royal commissions and government committees including, most notably, the Committee on Obscenity and Film Censorship in 1979. Williams was knighted in 1999, was a fellow of the British Academy and an honorary member of the American Academy of Arts and Sciences.

Williams's wide-ranging output included work in metaphysics and the philosophy of mind in addition to the work on ethics that formed the centre of gravity of his diverse interests. Within ethics his work ranged equally widely from a historical study of the contrasts between ancient and modern ethics to the connection between epistemic virtues and the values surrounding propositional knowledge. The core of his work in ethics is broadly sceptical, but only in the sense that Williams believed that too much emphasis was placed on assessing the realist claims of the ethical, whereas a properly focused scepticism would ask whether all our inherited ethical ideas withstood reflective scrutiny. Influenced by

Nietzsche, Williams developed a critique of a local set of ideas that he labelled "the Morality System," identified as reductionist, exclusively focused on obligation, and as covertly committed to the value of making morality maximally luck free (Williams, 1985).

Williams is very much associated with critiques of utilitarianism, and in assessing this critical work it is important to consider it in its wider setting of the critique of the Morality System. In his helpful discussion of this idea, Charles Taylor (1997) takes Williams's discussion to be a successful critique of those forms of modern moral philosophy centred on theories of obligatory action. Theories of this kind are produced from a complex mixture of motives: epistemologically, they comport well with a broadly naturalistic approach to the ethical; ethically, they reflect a concern with the affirmation of the values of ordinary life, and our unprecedented modern sensitivity to suffering and its alleviation. For both Williams and Taylor, the problem is that views of this kind—utilitarianism included—lack the resources to articulate the ideals that underlie them.

One aspect of the Morality System is its goal of reducing all our ordinary moral reasons to one particular kind of reason, namely, obligations. Williams was sceptical about the ambitions of all moral theories, including utilitarianism, on the grounds that such theories misrepresented the complexities of ordinary ethical experience and language. In some of his more incautious formulations, Williams seems to imply that the goal of moral theory is to present a theoretical representation of moral thought that, in combination with empirical facts, will yield a "decision procedure" for moral thinking (see Williams, 1981, pp. ix–x). This objection can be met if the goal of such theories is rather that of identifying the right-making properties of actions, but Williams's charge of the over-simplification of the structures of ordinary moral thought still has to be addressed.

A further general objection that Williams levelled against utilitarianism was that it

committed moral agents to an inappropriate level of impersonality in their dealings with others. He argued that ethical reasons are actually grounded in an individual's sense of importance as judged from his or her own point of view. To take a much discussed case, Williams gives the example of a man who chooses to save his wife, rather than a stranger, from drowning. The utilitarian account of why this action is permissible represents the man's reasons in a way that is objectionably impersonal; as Williams famously put it, grounding one's basic reason to save one's wife on the value of consequences impersonally conceived is "one thought too many." (Williams, 1981, p. 18). The correct account of why this action is justified will mention only a basic reason grounded on love and affection, not a justification in terms of the best consequences from an impersonal point of view.

Against this line of criticism a number of critics, such as Adrian S. Piper (1987), have pointed out that Williams seems to assume that utilitarianism is primarily an impersonal theory, whereas actually it is an impartial theory. It remains an open question whether an impartial theory can represent the values of the personal point of view. This has led to a further epicycle of debate. Those sympathetic to Williams, such as Paul Hurley (2009), argue that while an impartial theory can claim to underwrite those reasons grounded in the personal point of view, they do so in a way that is alienating from the agent's own perspective. The impartialist modelling of personal reasons does not leave the ethical perspective from which they were originally developed wholly intact. The fact that an impartial theory can model personal values to its own satisfaction does not mean that it does so to the agent's satisfaction.

This discussion has produced a further line of response to Williams, namely, the development of so-called "hybrid" ethical theories. Developed primarily by Thomas Nagel (1986) and Samuel Scheffler (1994), impartialist theories of this kind claim that

an agent is always permitted, but never required, to bring about the optimific outcome impartially considered. However, the fact that an agent is never required to do so reflects the existence of an agent-centred prerogative that is, in turn, grounded on the value of the personal point of view and the fact that an agent has her own life to lead.

Together with these very general objections to the enterprise of theory and to impersonal/impartial theories, Williams presented specific critiques of aspects of Classical Utilitarianism, notably in the famous productive exchange with J. J. C. Smart in their jointly authored *Utilitarianism: For and Against* (1973). In particular, Williams focused on its very strong claims about negative responsibility, such that one is as responsible for that which one has failed to prevent as that which one has brought about. Relatedly, he argued that utilitarianism is incompatible with the existence of the value of personal integrity. The latter argument is worth characterizing in more detail as the cross-purposes between Williams and his utilitarian critics serve to exemplify the clash in philosophical methodologies that made constructive dialogue problematic.

Williams argued, via the description of a particular example, that even in a situation where bringing about the best outcome is right, this could be at the expense of an agent's personal integrity. Williams connects the latter idea to that of a "ground project," a fundamental commitment with which the agent is identified. This commitment plays a special role in the constitution of a person's practical identity: consider the ramified consequences of a person identifying himself or herself as a Quaker, or a homemaker, or a revolutionary. These kinds of identifications may be the basis of a person's reasons, but they are not a reason just like all the person's other practical reasons: they seem to play an architectonic role in explaining a person's more particular ethical reasons. In his strongest formulations, Williams seems to imply that acting rightly according to

utilitarianism in a way that sacrifices an agent's ground project is a threat to agency itself; in his weaker formulations, that it is self-defeating to abandon the commitments that constitute one's sense of what is morally important for the sake of morality.

This argument has not found favour with utilitarians who find it inconclusive or question-begging: acting rightly by utilitarian lights would not violate the ground projects of a utilitarian agent. Discussion of this issue has been problematic as Williams tried to avoid the methodology of criticizing principles by the formulation of counter-examples. His aim was not to describe a case inviting a further refinement of utilitarianism, but to suggest that one of our fundamental values could not survive in a world where contingencies of circumstances could lead to ground projects being abandoned on utilitarian grounds.

The critique of utilitarianism was at the heart of Williams's critical enterprise in ethics because he believed that while moral philosophers spend a great deal of time discussing the differences between contractualism and utilitarianism, in fact both theories are expressions of the same underlying—false—moral outlook. Many sophisticated developments within utilitarianism can be traced back to their origin as responses to Williams's views, including, for example, the whole enterprise of hybrid ethical theory. The controversy over Williams's many-faceted critique of utilitarianism shows no signs of abating. One claim of Williams' that has been decisively falsified is his confident prediction about utilitarianism in 1973 that "the day cannot be too far off in which we hear no more of it" (Smart and Williams, p. 150). Williams was partly to be blamed for this state of affairs for producing, by way of counter-reaction, some of the most interesting work in the utilitarian tradition broadly conceived over the last forty years.

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See also CONSEQUENTIALISM; ETHICS; IMPARTIALITY; SMART, JOHN JAMIESON CARSWELL.

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