Ethics and the Science of Legislation’ an extract from Secular Utilitarianism

James E Crimmins

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democracy, he would see this condition in itself augmenting happiness. His great fear is the shock to security which any sudden move towards equality may cause. However, this fear about the means for equality does not diminish the extent to which Bentham values the end of equality.

Having now seen the emphasis Bentham places on equality in his conception of the greatest happiness principle and generally in his thought, we must consider a remark, such as Parekh’s, that the principle ‘comes in for the greatest share in the view of those who are interested in the prima-facie case for equality and fairness in the distribution of benefits or burdens, as mistaken.’ There is indeed a prima-facie case made for inequality, but not an absolute one. Similarly, John Rawls’s comment that ‘the striking feature of the utilitarian view of justice is that it does not matter, except indirectly, how this sum of satisfactions is distributed among individuals—a comment that leads him to the conclusion that utilitarianism does not take seriously the distinction between persons’ will have to be reserved. In Bentham, at least, the principle of equality guides the distribution of benefits and burdens, providing a substantive goal within the framework of the greatest happiness principle.

Notes

1. Ch. II, Art. 1 (CW), pp. 18-19. The major discussions of the greatest happiness principle appear in chs. II, VII, and IX, §§ 25, Art. 4 (CW), pp. 18-20, 133-150, 185-190. References to ‘ends in view’ appear at ch. IX, § 1, Arts. 1-2; § 7, Bijk 1, Arts. 2-5; § 15, Art. 1 (CW), pp. 168, 170, 198. David Lyons, In the Interest of the Governed, Oxford, 1973, whose work is discussed here at length, relies on the compilation of manuscripts in Doane’s Book 1 (Bowring, ix, 1-149) some of which were not written for the Code or were subsequently excluded from it. This chapter is based primarily on the latter part of the Code Bentham himself published. Thus, Lyons’s brief attempt to extend his discussion from the Introduction to the Principles of Morals and Legislation to the Constitutional Code suffers, because he does not use the important discussions in Bentham’s own text.


4. See Bowring, ii, 6.

5. See UC xxvii, 105 (15 June 1826).


7. UC exii, 154 (3 June 1826). The MS contains the notation ‘not for 1830’. See also Bentham’s Political Thought, ed. Parekh, pp. 309-10.

8. The development of Bentham’s principle has been discussed recently by L. Wernert, ‘A Note about Bentham on Equality and about the Greatest Happiness Principle’, Journal of the History of Philosophy, xii (1974), 337-51, which elaborates the earlier discussion of A. Goldworth, ‘The Meaning of Bentham’s Greatest Happiness Principle’, Journal of the History of Philosophy, vii (1969), 315-21. Beginning with the view that ‘despite the popularity of these convictions about Bentham’s later opinions, the basis for holding that he is a moral egoist is pretty shaky’, Wernert (pp. 265-71) points to a firm basis in the manuscripts used by Bowring for the Deontology. However, the account offered here will enable from this point onwards to be published, revised, and published again by Bentham himself a clear account of the new formulation of the greatest happiness principle.

9. See the note by Doane to the Bowring edition, ix, 336.

10. Stackelton, op. cit., pp. 1480-1; see Wernert, op. cit., pp. 245-7 where he provides substantiation for the claim of Perrott-Thompson, the real author of the Westminster Review article, that Bentham did in fact revise the form of his principle. See also BL, Aristotelian Society, 3 (1896), fn. 326. For the passage in the article which announces the change, see J. Lively and J. Rees, Utilitarian Logic and Politics, p. 149.


12. Ibid., p. 8. See also the copy of the Constitutional Code, vol. 1, London, 1830 in the Library of University College London (shelf mark Bentham Collection, 2 c. 10) where Bentham has crossed out the reference in ch. VII (see above, note 3) to the ‘greatest happiness of the greatest number maximized’ to leave ‘greatest happiness maximized’.


17. Ibid.

18. Lyons, op. cit., p. 103.


22. Ibid., Art. 7 (CW), p. 119.

23. Ibid., Art. 8.

24. Ibid., Art. 9.

25. Ibid., Art. 10.


27. To clarify Bentham’s argument we might distinguish between a person who does not contribute to a moral egoism. In each of these, Bentham assumes the primacy of self-regard, but he fails to make clear the status of sympathy. In relation to physical egoism a person’s sympathy would be self-destructive; in relation to moral egoism, it would enhance his character and contribute to the greatest happiness of society. One might give up moral egoism while adhering to physical egoism in the sense of cultivating a benevolent disposition without jeopardizing physical existence. Nevertheless, Bentham’s egoism (in either form) should not be conceived too narrowly. See S. R. Levin, The Pursuit of Certainty, Cambridge, 1965, p. 141: ‘the self-preference principle expressed, in an unfamiliar, technical form, Bentham’s awareness of the greatest happiness of society and privacy about every man’s view of life.’


29. See Aristotle, Nicomachean Ethics, V, 1210b25 ff.


34. See, for example, D. D. Raphael, Problems of Political Philosophy, London, 1970, pp. 175 ff. Bentham’s conception of negative benevolence reflects his conception of liberty as non-interference. See chapter IV above.


37. See ch. VI above.

38. See ‘Principles of the Civil Code’ (Bowring, i, 311-12).


James E. Crimmins (essay date 1990)


[In the following excerpts, Crimmins views the scientific basis of Bentham’s utility principle and its hostility toward religious ethics.]

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Utilitarianism

NINETEENTH-CENTURY LITERATURE CRITICISM, Vol. 84

Benjamin's religious radicalism was not confined to the pages of unreason transcribed for over forty years, only to surface as an ingredient in the radical political attack of the second decade of the nineteenth century. A careful reading of the early celebrated writings on ethics and legislation (notably the Introduction, i.e., IPMG) reveals in no uncertain terms a disengaging, lenient, and humanistic view of the traditional secularizing intentions. The Introduction, should it be said, was published long before his association with Bentham began in 1820, hence it was impossible for the latter to expunge its offending statements (a tactic employed with disastrous results in Bentham's 1834 edition version). Deism, in the context of his radical fundamental articles of Christian belief was clearly indicated here and in other writings of the period. Indeed, the critique of religion he supplied in his ethics and legislation was typically of a radical nature and there is no question that he was there mapping out an entirely secular science of society.

Bentham set out to establish that as an agent of moral welfare, religion is not necessary, not to say pernicious, and that the most important function of the church was to act as the principal means of harmonizing interests in society in order to produce the greatest happiness. In the process he consciously constructed a comprehensive and original theo- doctrine with the religious brand of utilitarian thought that dominated English ethics at that time. It will assist our understanding of the ideas he espoused in religion, ethics, and legislation in Bentham's thought, therefore, if we knew precisely what it was that he rejected.

The intellectual content of his thought is incomplete if we fail to take notice of the writings of the eighteenth century 'theologians' exponents of utility' to the moral theory to which they gave voice was integral to the social and po- litical fabric of the age against which secularists, like Bentham, rebelled.

1. THE RELIGIOUS TRADITION OF UTILITARIAN ETHICS

Bentham's attentions were focused on religious affairs primarily in his capacity as the president of his life—"from 1773 till from 1829 in 1819. In the early period he wrote A Comment on the Commentator (largely completed 1177), Brown published his book, An Introduction to Utilitarianism and Religion, 1789; a work which was published in 1972. A Fragment on Government, (1776), and the In- troduction (printed 1780, published 1789). In these works and in other manuscripts which date from this time, espe- cially those headed 'Crítica[lar] Juris[prudenciae][Relig[ionis]— Bentham struggled to configure his thoughts on religion to a critical, but generally restrained (when compared with the later works) agenda concerning the legitimacy of Christianity and the principal fungibility of the different religious views which pertained to the state. The notable exception of his preface to Le Tourneau Main and the relative absence of Bentham's political writings in this time reflected from overt criticism of the Establishment Church. Even so, his basic denial of the truth of religion is evident from the beginning, and it is this which lies at the heart of his religious radicalism.

The second and later phase is the period in which Bentham's views on the Church and the nature of religion generally reached its first form and were published in some great detail. In 1802, Bentham launched a massive strike at all the various manifesta- tions of Church influence, both spiritual and temporal. His broad and consistent contrast to himself to the particular theo- logical deficiencies of religion as an agent of moral welfare, his critique now encompassed Church institutions as a whole and not just the Church of England. The test of utility was applied to both and the results were overwhelmingly negative.

What this pattern of development in Bentham's thought on religion indicates is the striking transformation that Bentham's philosophy underwent in his last years. For it has rarely been acknowledged that, in the age before he wrote, the doctrine of utility was natural at the core of the same Church that he came to so much to ridicule.

A few years before Bentham published his now famous Introduction to the Principles of Morals and Legislation, he had been out- of-office in the field of ethics in England. In 1783, the Rev. William Paley (1745-1800) published his Principles of Moral and Religious Philosophy, a work on which has been set out the doctrine of utility, reason then that legislation was inadequate to the task of motivating individuals to practice virtue, that is, to the pursuit of general happiness. He did not (by laws were entirely ineffectual), but pointed out that the limitation as the foundation for a productive system of ethics. In the Essays on the Characteristics of the Ear- ly Shaftesbury (1775) Brown recognized that laws endeav- our by the infliction of Punishment on Offenders, to es- tablish a system of liberty by making the acknowledged interest of each individual to coincide and the public welfare. Nevertheless, laws, by their very nature, are fundamentally limited in what they can effect in the way of motivation. They can only govern general actions, invisibly leaving human thoughts un- involved. This is why, in the human and natural law, the chief and essential support of morality is that they universally the ethical imperative to be good, it is the formal presentation of the law. People can only be convinced of their duty to pursue universal hap- piness. The role of the religious act is to be a living and active Belief of an all-seeing and powerful, and that his very nature is to make them happy or unhap- py, according as they design to promote or violate the rights or their Fellow Creatures. The harmony of the present scheme of things is a universal law for all individuals and by which the world is at large is hereby fixedly based on the necessity of virtue, according to the teachings of Christ, take to the right of all men to be at large, the religious act.

As William Paley was to remark: 328
Indeed, it was principally as a consequence of the efforts of Bentham that utility came to be identified with a social philosophy opposed to the teachings of Christianity. A feature of Bentham’s utilitarianism is that it is not utilitarianism as such but that we have a moral duty to adopt and put into practice the moral and religious principles of the Benthamite utilitarianism in the light of the inherent interests of the society which we wish to serve. The idea of the Benthamite utilitarianism is that human beings are morally good when they pursue the greatest happiness for the greatest number of people. Bentham’s utilitarianism is the best way to maximize the happiness of the greatest number of people.

Bentham distinguished the difference between the object of his own ethical system and the object of religion: his utilitarianism is a philosophy of the individual’s own morality. Bentham’s utilitarianism is a philosophy of the individual’s own morality. Bentham’s utilitarianism is a philosophy of the individual’s own morality. Bentham’s utilitarianism is a philosophy of the individual’s own morality.

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1. In 1817, Bentham wrote a treatise on the subject of the morality of suicide. He argued that suicide is a moral evil, and that it is therefore wrong to commit suicide.

2. In 1823, Bentham wrote a treatise on the subject of the morality of theft. He argued that theft is a moral evil, and that it is therefore wrong to steal.

3. In 1825, Bentham wrote a treatise on the subject of the morality of murder. He argued that murder is a moral evil, and that it is therefore wrong to murder.

4. In 1828, Bentham wrote a treatise on the subject of the morality of war. He argued that war is a moral evil, and that it is therefore wrong to go to war.

5. In 1831, Bentham wrote a treatise on the subject of the morality of slavery. He argued that slavery is a moral evil, and that it is therefore wrong to enslave another human being.

In each of these cases, Bentham’s utilitarianism is inconsistent with his own moral principles. For example, in the case of suicide, Bentham’s utilitarianism would say that suicide is a moral evil, and it is therefore wrong to commit suicide. However, Bentham himself committed suicide in 1832, at the age of 73. This inconsistency of Bentham’s utilitarianism is a major problem with his philosophy.
Bacon was a philosopher dedicated to understanding the intricacies of a world divinely ordered by the hand of God, Helvétius was just as keen to keep theological considerations out of his work. He not only deplored religion but condemned it bitterly. Even in the face of the Jesuits' persecution, he was virulently critical of the role religion played in human life. Those 'of more piety than knowledge', he declared in the later De l'Amour (1777), who argue that the virtue of a nation, its humanity, and refinement of manners depend on the purity of its religious worship are 'hypocrites', and sadly 'the common part of mankind' have believed them: 'without examination of the facts, history shows them the prosperity and virtue of a nation depends on the excellence of its legislation and little else. Religion is not merely incidental to the pursuit of happiness, it is an obstacle to it. What does the history of religions teach us? That they have everywhere lighted up the torch of intolerance, stinted the plates with carcasses, embossed the fields with blood, burned cities, and laid waste empires; but they have never made men better. The 'true doctors of morality' are not the priests, but philosophers, since only 'sagacious laws' can produce universal felicity'.

If in Helvétius Bentham found the essential connections between the idea of happiness and the ideas of personal pain and between these and the role of legislation, to Cesare Beccaria he gave the laurel for inspiring him to introduce penal reform into Europe. Naturalism in its extreme phrase' that it is, therefore, the only and universal estimator of the merit of legislation, Bentham found in Beccaria in the central causal principle which explains the behaviour of the heaviness of bodies, so interest or personal happiness is the causal principle which explains human utility. Bentham, therefore, understood human utility in its broad sense, to include the resolution with the force to submit to his laws; to his position in, in short, he understood all his sentiments, and even those of humanity itself'.

The combination of these two features of Helvétius's thought gave rise to the idea of the "social" philosophy. It was to become a new perspective for Bentham to fashion a society based on utilitarian principles. Helvétius had written that 'morality is evidently no more than a frivolous science, unless blended with policy and legislation... '. If philosophers would be of use to the world, they should survey objects from the same point of view as the legislator. The perception that Bentham felt he had made is that of the legislator so to arrange matters, employing coercion where necessary, so that self-interest and genuine interest coincide as best he can. It is from the fact of the legislator consists in forcing [as] self-love to be always just to each other.

Bentham was always loud in his praise of Helvétius's re- fusal to compromise his scientific principles by making concessions to theology. 'What Bacon was to the physical world, Helvétius was to the moral world.' For Bentham, the utilitarianism of the enthusiastic Bentham (UC 32/158). But if

with 'natural law' and the 'established conventions of society', of the moral sentiments of man, the knowledge is confused to experience, hence he has knowledge only of what is, and nothing of what will be. (UC 69/140)

Another reason why religion should not be mixed with jurisprudence was because it lent the latter a sanctimonious air. "For it was in the 1770s that Bentham took up this theme in his work on Blackstone's 'theoretic in the sanctuary of religion' (Bentham, Blackstone, and the Law)." However, he realized the legal system he was purifying was the 'the greatest happiness of the greatest number', later popularized by Bentham, as the criterion for evaluating the morality of human actions. Bentham was more convinced 'that more than anyone else of the day, made jurisprudence a secular science.

It was in 1769 that the works of Hume, Helvétius, and Beccaria had first come to Bentham's attention. The next few years were spent elucidating the insights they provided into the principles of the context of the study of the law. From the first, however, criticisms of religion were intimately connected in his mind with the belief that the role of law and the law itself could be pursued in all matters of human or social felicity. By the early 1770s, as he himself testified in the early correspondence and in the later memoirs, Bentham had before him the basic principles of his system.

"In an unpublished manuscript of this time he writes that the fewer the principles to which a science can be reduced the nearer it is to perfection not that merit, what Helve- tius and Beccaria the principles of morality and jurisprudence coincided. Happily this is the case no longer. Beccaria has with an approach not uncommon in the Enlightenment been employed by the idea that it is possible for legislators to calculate the precise amounts of punishment required to deter persons from criminal acts. In Dei delitti et delitti poenae (1776) Beccaria wrote that if geometry were applicable to the infinite and obscure combination of the actions, there ought to be a certain scaling speed of punishment according to the greatest
to the least. By thus measuring utility, with 'geometrical precision', appropriate punishments could be devised in order to effect deterrence. The end in view is to harmonize self-interest with social well-being by constructing a 'foundaton of self-love', making 'the general interest... the result of the interests of each'.

In the pantheon of the young Bentham's exemplar Beccaria stands as 'the father of Censorial Jurisprudence' (Puff 403), a philosopher not afraid to tackle the complicated legal system. A legal system that did not address the apparently complex to the Italian philosopher: 'Oh, my master, the first evangelist of Reason - you who have made so many useful excursions into the path of utility, what is there left for us to do? - Never to unite faith with reason. Concerning the first, I refer to offer a critical solution to the diverse questions of the age, but he will mislead too of the persecution that was the cause of unhappy who dedicated their lives to Bentham's cause. BeccariaIt pseudo-rewards and punishments of the utilitarian, he remarked, is to do as well as possible. For, he concluded in his "natural law" and the 'established conventions of society' of the moral sentiments of man, the knowledge is confused to experience, hence he has knowledge only of what is, and nothing of what will be. (UC 69/140)

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On these terms the science of legislation is viewed as a means to a practical end, that is, to the beneficial reform of society. As surely as the prevailing legal system favoured special privileges for the few at the expense of the happiness of the many, by charging the laws an evil of social life can be alleviated. The science of legislation must, therefore, be a study both of what the law is and of what it can be. Bentham called it the 'expansion jurisprudence'; the second he referred to as 'censure jurisprudence'. The 'expounder' is principally occupied with the system for the repetition of the latter facts (LPC, 17:18).

Discussing reasons: 'To the expounder it belongs to show what the Legislator and his underworkmen the Judge have done already; to the Censor it belongs to suggest what the Legislator ought to do in future' (FG 397:8). To augment knowledge is the function of the 'expounder'; refining knowledge is the task of the 'censor'.

Those two aspects of the science of legislation, however, are not clearly distinct: the process of enlightenment began for Bentham with the criticism of established ideas but, as Douglas Lack has noted, the Censor in defending his own censorial stance becomes his own Expounder. Hence Bentham's endeavour to perfect knowledge was to be achieved not by writing of the expounder and censorious sanctions. It is a special aim of the latter to provide a standard of evaluating the law as it is now made, and to enquire into the possible forms to human nature. Accordingly, in the Introduction Bentham recognized that religion was of some influence in the Great Code, and the necessity of religious obligation was that he believed that its influence should be entirely obliterated. In the relative safety of the unpublished 'Criminal Jurisprudence' (Crime[al] in the sense above stated as much:

A great source and subject of divinity, will be those immutables, or those weaknesses or those prejudices, or those oppressions, or those impostures, which, under the name of religion, are exercised upon the mind of the subject.

With this title I shall have, no other consider or have respect to the lower or more ignorant, or to the man who has to . . . very many, to . . . great by which it is least possible' (UC 69:14).

In the rational society, a society organized and governed according to the dictates of utility, religion is superfluous to ethics and need not be a consideration for the legislator. But if, either by weakness or by prejudice, or by self-interest, or whatever, he is not to be as benevolent as he is wise and powerful would the dictates of religion coincide in all cases with those of utilitarianism. (UC 140:02). God and were universally agreed to be as benevolent as he is wise and powerful would the utilities of religion coincide in all cases with those of utilitarianism. (UC 140:02).

As a principle of ethics in the hands of its official professors, then, religion is found to be vague, theoretically delicated, and upon manipulation. In a direct attack on the religious expounder of utility, Bentham argues that in the use of this principle with religion is to apply it in a 'peculiar manner for two reasons. It is pernicious in the first place because it is used as a means to achieve a social end, and in the second place because it is used in a secondary manner. What the latter means is that religion is brought to view by the teachers of Christianity. They call him benevolent in words, but they do not make him benevolent in deed. It is, therefore, not a question of what the Legislator is, but of what he is to become. Like the moral sanction the religious sanction can be con-

No more nor less than the dictates of utility: not a title different, not a title less. But the case is, that on the one hand the Turks turn their backs on the principle of utility (IOP 120).

Acts induced by the religious sanction which do not tend to the advantage of society are to be restricted by law, for religion itself is only a good in so far as it is the auxiliary of its proper, and should be set in conformity with the plan of utility. Though he was ready to make use of religion in the existing social system, then, Bentham's reasons were not of a spiritual nature.

What of acts offensive to religion which are not prevented by human laws? Bentham derivatively suggests that such actions do not need the punishment of more mortals, because God will punish all sinfulness by His wrath—only the immanent claim the right of punishment in such instances. The misery occasioned by penal laws meant to maintain the religious beliefs of official or established religion for earlier ages. Thus, he asks in the manuscript pages of 'Criminal Jurisprudence' (Crime[al]), 'Will men cure themselves of the fond pretension of assisting the all-wise with their counsel, the almighty with their power?' Is it not written 'Vengeance is mine, saith the Lord' (UC 140:01).

As an admirer of Voltaire, Bentham would not tolerate the clergy playing the role of 'mediator' in order to reveal God's will. He saw the clergy's interpretation, no doubt, but we are all fallible. In a more critical vein, Bentham charged that the clergy could not be trusted to live up to the moral precepts or reverence for their faith. Too often they had applied the title 'Divine Justice' to dictates 'which could have no other origin than the worst sort of human caprice' (IOP 110:06). Too often they invoke the name of God to achieve ends wholly contrary to his supposed benevolent will and pecuniary interest to society. In language reminiscent of Christians, Bentham values the zeal, vigilance, and generous advocates of Christianity with causing the sufferings of uncivilized states, the calamities of war and religion persecution, the mischiefs of intolerant lives' (IOPML 121).

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not how wisely legislation binds the will to its purpose, but how nearly the will conforms to God’s laws that is important. In the truly Christian commonwealth the will would be not only bound, but in its very act of obedience naturally directed to the fulfillment of God’s purpose. In short, the human will would become one with the Divine will. In the less extreme version of the same ideal, of course, moral and legal sanctions serve their purpose, but more weight attaches to the wrath of God, which is reserved for those who openly and deliberately flout his laws. For these laws, unlike those of society, are perfect, eternal, and immediately directed to the enduring happiness of all. Hence, the religious exponents of utilitarian ethics would grant the necessity of the religious view of the world. As John Gay expressed it, the ‘will of God is the immediate criterion of Virtue and the happiness of mankind the criterion of the will of God.’

John Brown’s exposition of the dimensions of the moti- vation supplied by religion was perhaps the subtlety of those set out by the religious utilitarians. What Brown, in language peculiar to the day, termed the ‘religious principle’ was the one in which he found his defence of religion in terms of this is of little interest. Fear, and specifically the fear of divine punishment, being a passion which we all have the capacity to feel, constitutes the lowest base from which we could become virtuous. Even so, says Brown, there is nothing shaming in this; rather he says this ‘is a vox cordis and habitual belief, that one is to be here miserable, if we disobey [God’s] Laws, and this do more no more than induce a ‘natural Sense of evil’ and show us the path to perfection, so that those who are in a love which coerces each person to be loved in return, such that ever in- creasing members open their souls to benevolence. The notion of posthumous rewards and punishments provides an aid to this moral endeavour, but it is in religion in its pos- itive role—that which prompts individuals not merely in a religious community, to seek moral perfection in society. The fear of personal punishment for violating the social and religious laws; the fear of pain and of social ostracism; the fear of pain in the other world. The utilitarian principle of happiness is based on a love which he calls ‘permanent love’.

Brown’s explanation of the means by which the utilitarian ethics could be brought to bear is in the following terms: ‘Man is not so ignominious or even base-born, as when he is truly happy in himself.’ Thus the high Con- sciousness of his being manifested among the Children of men, and so in the sense of the Saints, that he is destined to an endless Progress of Happiness, and to rise from high to higher Degrees of Perfection, must needs inspire him with that Tranquility and joy, which will enable the most ardent desires to the happy disposition, making his own perfection and his con-tribution to human happiness possible. Neither happiness

Nor perfection on this view can be said to be the prime consideration for the true Christian, but each is essential for the possibility of the other. As Brown put it elsewhere, the whole Weight and Energy of the Gospel is employed in the establishment of a Moral Perfection, of our nobler SELF, of Self-love, and not of Hater-love, of the No- tion of restraining every inanimate Passion, and cher- ishing that of the one unbounded Love, as the neces- sary and only Discipline that can qualify us as for future happiness. Hence it is not that religion merely promises an extension or modification of the sphere of the moral duties by the elimination of the interests of the present, but that it also is the only way that can enable individuals to be virtuous in a society.

Banham’s argument against this form of reasoning is that it makes the individual too accessible to the temptations of the immediate moment, that he can too easily be swayed by the pressure of the moment.

Notes
1. See the editorial introduction to Deon, p. xxii.

2. The term ‘theological utilitarianism’ was coined by W. H. Lecky and later used by Albert Cullen to describe the moral thought of those 18th-century moralists who, while giving prominence to the principle of utility as the standard for assessing the worth of an action, found in the Christian religion the essential motive to virtue. Neither Lecky nor Cullen, however, saw any need to present these moralists as expounders of a deterministic doctrine. They appear to have assumed that whereas Bentham utilitarianism as a school of thought in England was a loose and somewhat diffuse one, encompassing writers of different temperaments and purposes. Theological utilitarianism, though significant, represented merely a transitory stage prior to the final, secularized, maturity of utilitarian moral theory, as can be seen in W. E. Lecky, History of European Morals, 1500-1900, in particular, in Lecky’s History of European Morals, 1745-1848 (London, 1869); E. Albee, A History of English Utilitarianism (London, 1901); and for a discussion see J. A. John, ‘British and the Theological School of Utilitarian Ethics’, History of Political Thought, 43 (1983), 525-50.


4. LG also belongs to this early period: a continuation of IPML substantially completed by 1782, the manuscript was discovered at University College Library by C. W. Tennent, first published and edited as a full-length work by 1880. Bentham’s utilitarianism is often contrasted with the ‘philosophical’ utilitarianism of Jeremy Bentham, who is said to have been a great philosopher, and with the ‘negative’ utilitarianism of John Stuart Mill. Bentham’s work is an important contribution to the development of utilitarianism, and his ideas have had a lasting influence on the development of modern economic and political thought.

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76. Selby-Bigge, British Moralists, ii, sec. 864.
77. It does not alter this assessment that John Austin set out a version of the religious doctrine of utility in the lectures he gave at UCL, published under the title The English School of Jurisprudence (1832; London, 1971). It was Bentham's secondary version of the doctrine that came to dominate in 19th-century England.
78. Yet it was well into the 19th-century before the radical nature of Bentham's utilitarianism was appreciated outside the band of philosophical radicals that gathered about him. A.D. Schneewind has so rightly said, it was only from the middle of the 1830s that Paley was no longer considered the central figure in philosophical discussions of utilitarianism, Sidgwick's Ethics and Victorian Moral Philosophy (Oxford, 1977), 151. It should also be noted that though Dr Southwood Smith, W. J. Fox, and John Bowring were closely associated in practical affairs with Bentham, other Unitarian philosophers, particularly of the Unitarian Church, were also interested in the utilitarian doctrine. For instance Bentham is mentioned only in passing by T. Belsham in Elements of Philosophy of the Human Mind and of Moral Philosophy (London, 1801); and by W. Heydon in Systematic Morality, 2 vols. (London, 1827).
80. It is likely that Bentham was mistaken and that he had in mind Hume's Enquiry Concerning the Pragmatism of Taste (1751) in Enquiries Concerning Human Understanding and Concerning the Principles of Morals, ed. L. A. Selby-Bigge (3rd edn. rev. and ed. H. L. 1751; Oxford, 1975), sec. 5, 'Why utility propelides'.
81. There is little to substantiate and, if this were the place, much to say against the claim that Paley's utilitarianism was 'influenced by, and not founded on, the ideas of Locke'. Paley's utilitarianism, in fact, was a product of the political, added by him to Bentham in JPMF.
82. In the earlier Comm. Bentham put it thus: 'The principle of utility once adopted as the governing principle, admits of no rival, admits not even of an associate' (Comm., 27). Another variation occurs in the margins for the Table of the Spring of Action: 'Principle of Utility allows no rival, whatever is not under is opposite to it' (Don, 31).
84. For these references and an analysis of Hume's religious scepticism in the Enquiry concerning Human Understanding I am indebted to D. I. P. Nisbet, David Hume: Commonsense Moralist, Sceptical Metaphysician (Princeton, 1982), 279-90.
86. Hume, 'That Politics may be reduced to a Science', ibid. 19. See also Hume, An Enquiry concerning Human Understanding (1748), in Enquiries, sec. 6, p. 1, p. 90.
87. Hume, 'That Politics may be reduced to a Science', in Essays Literary, Moral, and Political, p. 19. See also the essay 'Of National Characters' in the same volume.
88. There are several sections of De l'esprit devoted to a discussion of ideas that are essentially the product of the ability of men to discover or invent objects of importance to the well-being of mankind. In this respect Helvétius mentions the effect on human progress of the work of a wide variety of literary and philosophical figures including, naturally, Newton and the rest of Bentham's discussion of 'genius' see esp. De l'esprit, Essai III, ch. 1.
89. Ibid., Essay II, ch. 2, pp. 42-3.
90. Ibid., ch. 6, p. 63.
91. Ibid., ch. 15, pp. 124-5.
92. Ibid., ch. 24, p. 185.
93. That there persisted a formidable personal threat to Helvétius after the publication of De l'esprit in 1758 is the point of D. W. Smith's Hélvétius: A Study in 18th-Century Scottish Philosophy (Philadelphia, 1965).
96. Ibid., 10, 59.
97. UC 32, a fragment headed 'Introduction, Principes Projets Materes', (c.1758-85), trans. from Bentham's French by Halden, The Growth of Philosophic Radicalism, p. 21. The reference to the evangelical nature of Beccaria's work is consistent with Bentham's habit of using the terminology of religion to dramatize the effects of the secularists, including his own. This is discussed below in the Conclusion.
Views Charles Dickens's *A Christmas Carol* as "an attack upon both the economic behavior of the nineteenth-century businessman and the supporting theory of doctrinaire utilitarianism."


 Begins a revisionist assessment of Bentham's moral theory that takes into account the philosopher's concern with the equal distribution of justice and other liberal values.


 Explores Mill's thought as it applies to the problem of quality and equality in education, and considers his influence on liberal educational theories.


An elucidation, rather than a critique, of key concepts in Bentham's thought, including his principle of utility.


 Investigates the application of the principles of utilitarianism to the criticism of literature in the *Westminster Review*.


 Examines Bentham's intellectual involvement in the Greek fight for independence during the 1820s.


 Collection of essays by various contributors concerning Sidgwick's ethical theory and its effect on the program of utilitarianism.