

# An Introduction to the Principles of Morals and Legislation

Jeremy Bentham

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[Brackets] enclose editorial explanations. Small ·dots· enclose material that has been added, but can be read as though it were part of the original text. Occasional •bullets, and also indenting of passages that are not quotations, are meant as aids to grasping the structure of a sentence or a thought. Every four-point ellipsis . . . . indicates the omission of a brief passage that seems to present more difficulty than it is worth. Longer omissions are reported between brackets in normal-sized type.—The numbering of paragraphs in small bold type is Bentham's.—The First Edition of this work was *privately printed* in 1780 and first *published* in 1789. The present version is based on 'A New Edition, corrected by the Author' [but not changed much], published in 1823.

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## Glossary

**affection:** In the early modern period, ‘affection’ could mean ‘fondness’, as it does today; but it was also often used, as it is in this work, to cover every sort of pro or con attitude—desires, approvals, likings, disapprovals, dislikings, etc.

**art:** In Bentham’s time an ‘art’ was any human activity that requires skill and involves techniques or rules of procedure. ‘Arts’ in this sense include medicine, farming, painting, and law-making.

**body of the work:** This phrase, as it occurs on pages 95, 119 and 138, reflects the fact that Bentham had planned the present work as a mere introduction to something much bigger, the body of the work. See the note on page 4.

**cæteris paribus:** Latin = other things being equal.

**caprice:** whim; think of it in terms of the cognate adjective, ‘capricious’.

**difference:** A technical term relating to definitions. To define (the name of) a kind K of thing ‘by genus and difference’ is to identify some larger sort G that includes K and add D the ‘difference’ that marks off K within G. Famously, a K *human being* is an G *animal* that is D *rational*. The Latin *differentia* was often used instead.

**education:** In early modern times this word had a somewhat broader meaning than it does today. It wouldn’t have been misleading to replace it by ‘upbringing’ on almost every occasion. See especially **18** on page 39.

**event:** In *some* of its uses in this work, as often in early modern times, ‘event’ means ‘outcome’, ‘result’. Shakespeare: ‘I’ll after him and see the event of this.’

**evil:** This noun means merely ‘something bad’. Don’t load it with all the force it has in English when used as an adjective (‘the problem of evil’ merely means ‘the problem posed by the existence of bad states of affairs’). Bentham’s half-dozen uses of ‘evil’ as an adjective are replaced in this version by his more usual ‘bad’, as he clearly isn’t making any distinction.

**excite:** This means ‘arouse’ or ‘cause’; our present notion of *excitement* doesn’t come into it. An ‘exciting cause’ in Bentham’s usage is just a cause; he puts in the adjective, presumably, to mark it off from ‘final cause’, which meant ‘purpose’ or ‘intention’ or the like, though in fact he uses ‘final cause’ only once in this work.

**expensive:** When Bentham speaks of a punishment as being ‘too expensive’ he means that it inflicts too much suffering for the amount of good it does. See the editorial note on page 92.

**fiduciary:** Having to do with a trust.

**ideal:** Existing only as an idea, i.e. fictional, unreal, or the like.

**indifferent:** Neither good nor bad.

**interesting:** When Bentham calls a mental event or ‘perception’ *interesting* he means that it hooks into the *interests* of the person who has it: for him it isn’t neutral, is in some way positive or negative, draws him in or pushes him back.

**irritable:** Highly responsive, physically or mentally, to stimuli.

**lot:** In Bentham’s usage, a ‘lot’ of pleasure, of pain, of punishment etc. is an episode or dose of pleasure, pain, etc. There is no suggestion of *a large amount*.

**lucre:** In a now obsolete sense, ‘greed for profit or gain’ (OED).

**magistrate:** In this work, as in general in early modern times, a ‘magistrate’ is anyone with an official role in government. The phrase ‘the magistrate’—e.g. in paragraph 41. on page 40—refers to the whole legal=judicial system or to those who operate it.

**material:** When on page 43 Bentham speaks of ‘consequences that are material’ he means consequences that *matter*. He uses the phrase ‘material or important’.

**member:** Any part or organ of an organic body (not necessarily a limb). When on page 7 Bentham writes of a community as a ‘fictitious body composed of the individuals who are. . . .as it were its members’, this is a metaphor.

**method:** On pages 2 and 4, and throughout chapter 16, Bentham uses ‘method’ in the sense of ‘system of classification’.

**mischief:** This meant ‘harm, hurt, damage’—stronger and darker than the word’s meaning today. Bentham’s ‘mischievous’ and ‘mischievousness’ are replaced throughout by ‘harmful’ and ‘harmfulness’, words that don’t occur in the original

**moral:** In early modern times ‘moral’ had a use in which it meant something like ‘having to do with intentional human action’. When Bentham speaks of ‘moral science’ or ‘moral physiology’ he is referring to psychology. In virtually all his other uses of ‘moral’ he means by it roughly what we mean today.

**nicety:** ‘precision, accuracy, minuteness’ (OED), sometimes with a suggestion of *overdone* precision etc.

**obnoxious:** ‘obnoxious to x’ means ‘vulnerable to x’.

**party:** Bentham regularly uses ‘the party’ to mean ‘the individual or group of individuals’. In assessing some action by a government, the ‘party’ whose interests are at stake could be you, or the entire community.

**peculiar:** This usually meant ‘pertaining exclusively to one individual’; but Bentham often uses it to mean ‘pertaining exclusively to one *kind* of individual’. The line he draws on page 108 between •properties of offences that are shared with other things and •properties that ‘are peculiar’, he is distinguishing (e.g.) •being-performed-by-a-human-being from (e.g.) •being-against-the-law’.

**positive pain:** Bentham evidently counts as ‘positive’ any pain that isn’t a ‘pain of privation’, on which see 17. on page 26.

**science:** In early modern times this word applied to any body of knowledge or theory that is (perhaps) axiomatised and (certainly) conceptually highly organised.

**sensibility:** Capacity for feeling, proneness to have feelings. (It’s in the latter sense that *quantity* comes in on page 29—the notion of *how* prone a person is to feel pleasure or pain.

**sentiment:** This can mean ‘feeling’ or ‘belief’, and Bentham uses it in both senses. The word is always left untouched; it’s for you to decide what each instance of it means.

**uneasiness:** An *extremely* general term. It stands for any unpleasant sense you may have that something in you or about you is wrong, unacceptable, in need of fixing. This usage is prominent in—popularized by?—Locke’s theory that every intentional act is the agent’s attempt to relieve his ‘uneasiness’.

**vulgar:** Applied to people who have no social rank, are not much educated, and (the suggestion often is) not very intelligent.

## Preface (1789)

[Bentham wrote this Preface in the third person, 'the author' and 'he', throughout.] The following pages were printed as long ago as 1780. My aim in writing them was not as extensive as the aim announced by the present title. It was merely to introduce a plan of a penal code *in terminis*, which was follow them in the same volume.

I had completed the body of the work according to my views as they then were, and was investigating some flaws I had discovered, when I found myself unexpectedly entangled in an unsuspected corner of the metaphysical maze. I had to suspend the work, temporarily I at first thought; suspension brought on coolness, and coolness—aided by other causes—ripened into disgust.

Imperfections pervading the whole thing had already been pointed out by severe and discerning friends, and I had to agree that they were right. The inordinate length of some of the chapters, the apparent uselessness of others, and the dry and metaphysical tone of the whole, made me fear that if the work were published in its present form it would have too little chance of being read and thus of being useful.

But though in this way the idea of completing the present work slid insensibly aside, the considerations that had led me to engage in it still remained. I still pursued every opening that promised to throw the light I needed; and I explored several topics connected with the original one; with the result that in one way or another my researches have embraced nearly the whole field of legislation.

Several causes have worked together to bring to light under this new title a work that under its original one had seemed irrevocably doomed to oblivion. In the course of eight years I produced materials for various works corresponding

to the different branches of legislation, and some I nearly reduced to form [= 'had nearly ready to publish']; and in every one of them the principles exhibited in the present work had been found so necessary that I had to •transcribe them piecemeal or •exhibit them somewhere where they could be referred to in the lump. The former course would have involved far too many repetitions, so I chose the latter.

The question was then whether to publish the materials in the form in which they were already printed, or to work them up into a new form. The latter had all along been my wish, and it is what I would certainly have done if I had had time and had been a fast enough worker. But strong reasons concur with the irksomeness of the task in putting its completion immeasurably far into the future.

Furthermore, however strongly I might have wanted to suppress the present work, it is no longer altogether in my power to do so. In the course of such a long interval—nine years sine the initial printing—copies of the work have come into various hands, from some of which they have been transferred, by deaths and other events, into the hands of other people whom I don't know. Considerable extracts of it have even been published, with my name honestly attached to them but without my being consulted or even knowing that this was happening.

To complete this excuse for offering to the public a work pervaded by blemishes that haven't escaped even my biased eye, perhaps I should add that the censure so justly applied to the •form of the work wasn't applied to its •content.

In sending it out into the world with all its imperfections on its head, I think it may be helpful to readers—I don't expect there to *be* many—to be told briefly what the main ways

are in which it doesn't square with my maturer views. . . .

An introduction to a work on the totality of any science [see Glossary] ought •to deal with everything that concerns every particular branch of that science, or at least more than one of them, and ought •not to deal with anything else. Given its present title, this work fails in both ways to conform to that rule.

As an introduction to the principles of morals it ought to have contained, in addition to its analysis of

the extensive ideas signified by the terms 'pleasure', 'pain', 'motive', and 'disposition',

a similar analysis of the

equally extensive though much less determinate ideas annexed to the terms 'emotion', 'passion', 'appetite', 'virtue', 'vice', and some others, including the names of the particular virtues and vices.

But I think that the only true groundwork for the explaining the latter set of terms has been laid by the explanation of the former; and if I am right about that then the completion of such a dictionary (so to call it) would be little more than a mechanical operation.

Again, as an introduction to the principles of legislation in general, the work ought to have included topics related exclusively to the civil branch of the law, rather than ones relating more particularly to the penal branch; because the latter is merely a means of achieving the ends aimed at by the former. so the chapters on punishment ought to have had less weight than—or at least to have been preceded by—a set of propositions that I have come to see as providing a standard for the operations of government in creating and

distributing proprietary and other civil rights. I'm talking about certain axioms of what we may call *mental pathology*, expressing the ways in which •the feelings of the people concerned are related to •the various classes of incidents that the operations of government either call for or produce.<sup>1</sup>

Also, the discussion of the classification of offences, and everything else pertaining to offences, ought to have preceded the treatment of punishment; because the idea of *punishment* presupposes the idea of *offence*. . . .

Lastly, I now think that the analytical discussions of the classification of offences should be transferred to a separate treatise in which the system of legislation is considered solely in respect of its form—i.e. in respect of its method [see Glossary] and terminology.

In these respects the work falls short of my ideas of what should be presented in a work with the title 'Introduction to the Principles of Morals and Legislation'. But I don't know of any title that would be less unsuitable. The work's actual contents would not have been indicated as well by a title corresponding to the more limited plan that I had in writing it, namely as an introduction to a penal code.

Most readers are sure to find dry and tedious many of the discussions the work contains, yet I don't know how to regret having written them, or even having made them public. Under every heading I indicate the practical uses to which those discussions appear applicable; and I don't think there is a single proposition that I haven't needed to build on when writing about some detailed matter of the sort that any body of law, authoritative or unauthoritative, must be composed of. I venture to mention in this connection chapters

<sup>1</sup> For example; •It is worse to lose than simply not to gain. •A loss falls the lighter by being divided. •The suffering of a person hurt in gratification of enmity is greater than the gratification produced by the same cause. These. . . .have the same claim to be called 'axioms' as those given by mathematicians under that name; referring to universal experience as their immediate basis, they can't be proved and need only to be developed and illustrated in order to be recognised as incontestable.

6–12 on Sensibility, Actions, Intentionality, Consciousness, Motives, Dispositions, Consequences. Even in the enormous chapter on the classification of offences, . . . pages 137–139 are employed in stating the practical advantages that can be reaped from the plan of classification that it presents. Those in whose sight my ‘Defence of Usury’ has been fortunate enough to find favour can count as one such advantage the discovery of the principles developed in that little treatise. In the preface to an anonymous tract published back in 1776 [Fragment on Government] I had hinted at the usefulness of a natural classification of offences by presenting a test for distinguishing genuine offences from spurious ones. The case of usury is just one instance of the truth of that hint. A note on page 122 below shows how the opinions developed in ‘Defence of Usury’ owed their origin to the difficulty I experienced when trying to find a place in my classification for that imaginary offence. To readers who would like help in wading through an analysis of such enormous length, I would almost recommend beginning with subsection 4 on pages 137–139.

One good at least can result from the present publication, namely that the more I have trespassed on the reader’s patience on this occasion, the less need I will have to do so later on; so that this book may do for my later works the service that books of pure mathematics do for books that combine mathematics with natural philosophy [= ‘natural science’]. The narrower the present work’s circle of readers, the larger may be the number of those to whom my later works are accessible. I may in this respect be in the condition of the philosophers of antiquity who are said to have held two bodies of doctrine, a popular and an occult [= ‘hidden’] one; but with this difference that in my case the occult and the popular will (I hope) be found to be as consistent as those of the ancients were contradictory; and that in my

work whatever occultness there is has been the pure result of sad necessity and not choice.

Having referred to different arrangements that have been suggested by my more extensive and maturer views, I think it may be useful for me to give a brief account of their nature; without such explanation, my occasional references to unpublished works might create perplexity and mistakes. Here, then, are the titles of the works by the publication of which my present plans would be completed. I give them in the order that seems to me best fitted for understanding; it’s the order they would have if the whole assemblage were to come out at once; but the order in which they will eventually appear will probably be affected by extraneous considerations.

Principles of legislation in matters of . . .

- (1) . . . civil law, more distinctively called ‘private distributive law’.
- (2) . . . penal law.
- (3) . . . procedure, with a unified treatment of the criminal and civil branches, between which no line can be drawn that isn’t •very indistinct and •continually liable to shift.
- (4) . . . reward.
- (5) . . . public distributive law, more concisely and familiarly called ‘constitutional law’.
- (6) . . . political tactics; the art of maintaining order in the proceedings of political assemblies so as to direct them to the goal they were created for. . . .
- (7) . . . relations between nation and nation, or—to use a new though not inexpressive label—in matters of ‘international law’.
- (8) . . . finance.
- (9) . . . political economy [= economics].
- (10) Plan of a body of law, complete in all its branches,

considered in respect of its form (i.e. its method and terminology); including a view of the origin and connection of the ideas expressed by the short list of terms the exposition of which contains everything that properly falls within the scope of universal jurisprudence.<sup>1</sup>

The principles listed above are to be used to prepare the way for the body of law itself, presented in explicit detail. For this to be complete with reference to any political state it must consequently be calculated for the meridian [meaning?], and adapted to the circumstances of some one such state in particular.

If I had had unlimited time and every other condition necessary, I would have wanted to postpone the publication of each part until the whole thing was complete. The ten parts exhibit what appear to me to be the dictates of *utility* in every line; and what they are *for* is to provide reasons for the corresponding provisions contained in the body of law itself; so the exact truth of the ten parts can't be precisely ascertained until the provisions they are meant to apply to are themselves settled in explicit detail. But the infirmity of human nature makes all plans precarious, and the more so the more extensive they are; and I have already made considerable advances in several branches of the theory without having made corresponding advances in the practical applications; so I think it more than probable that the materials won't be published in what is theoretically the best order. This irregularity will inevitably lead to a multitude of imperfections that might have been avoided if the formulating of •the body of law in explicit detail had kept pace with the development of •the principles, so that each part had been adjusted and corrected by the other. But I am not much swayed by this drawback because I

suspect that it has more to do with my vanity than with the instruction of the public; any amendments in the detail of the principles that might be suggested by the fixed wording of the corresponding legal provisions can easily be made in a corrected edition of the principles after the publication of the law.

In the course of this work references will be found •to the plan of a penal code to which the work was meant as an introduction and •to other branches of the above-mentioned general plan—not always under the titles they have been given here. Giving you this warning is all I can do to save you from the perplexity of looking out for things that don't yet exist. . . . [This refers to, among other things, occurrences of the phrase 'the body of the work' on pages 95, 119 and 138.]

I have referred to some unspecified difficulties as the causes of the present work's publication delay and its unfinished state. Ashamed of this defeat and unable to cover it up, I can't refuse myself the benefit of such an apology as a slight sketch of those difficulties may provide.

They arose from my attempt to solve the questions that will be found at the conclusion of this volume; Wherein consists the identity and completeness of a law? What is the distinction. . . .between a penal and a civil law? And between the penal and other branches of the law?

It is obvious that I couldn't completely and correctly answer these questions until the relations and dependencies of every part of the legislative system with respect to every other part had been ascertained; and *that* could be done only in the light of these parts themselves. The accuracy of such a survey requires the existence of the whole fabric to be surveyed; and this cannot be met with anywhere. The main body of the legal fabric in every country is made up of

<sup>1</sup> Such as 'obligation', 'right', 'power', 'possession', 'title', 'exemption', 'immunity', 'franchise', 'privilege', 'nullity', 'validity', and the like.

what in England is called ‘common law’, and might aptly be called ‘judiciary law’ everywhere, namely that •fictitious composition that has no known person for its author, and no known assemblage of words for its substance.

It is like that imagined ‘ether’ that •supposedly• fills spaces where there is no perceptible matter. Every nation’s legal code is made up of shreds and scraps of real law tacked onto that •imaginary backboard. What follows? That anyone who for any reason wants an example of a complete body of law to refer to must begin by *making* one.

There is—or rather there ought to be—a logic of •the will as well as of •the understanding; the operations of the will are as susceptible of being delineated by rules, and as worthy of such treatment, as are those of the understanding. Of these two branches of that recondite art [see Glossary] Aristotle saw only the latter, and succeeding logicians following in the steps of their great founder have followed him in this. Yet of these two branches it is the logic of the will that is more important; because the operations of the understanding wouldn’t matter if they didn’t direct the operations of the will.

The science of law, considered in respect of its form, is the most considerable branch—the most important application—of this logic of the will. The relation of

(a) the logic of the will to the art of legislation is the same as the relation of

(b) the science of anatomy to the art of medicine; except that in (b) the artist works *on* the subject of anatomy whereas in (a) the artist works *with* the subject of the logic of the will. And the body politic is as much in danger from a lack of knowledge of the one science as the natural human body is from ignorance in the other. One example, among a thousand that might be adduced in proof of this, can be

seen in the note that ends this volume [page 156].

Such then were the difficulties, such the preliminaries; •an unexampled work to achieve, and then •a new science to create—a new branch to add to one of the most abstruse of sciences.

Yet more; even a perfectly complete a body of proposed law would be comparatively useless and uninformative unless it were explained and justified—in every detail—by a continual running commentary of *reasons*. These reasons must be organised into a hierarchy with the top level taken by extensive and leading reasons of the sort called ‘principles’; this is needed so that the comparative value of reasons that point in opposite directions may be estimated, and the joint force of reasons that point in the same direction may be felt. So there has to be not *one* system but *two* parallel and connected systems—one of legislative provisions, the other of political reasons, each giving correction and support to the other.

Are enterprises like these achievable? I do not know. I only know that they have been started and that some progress has been made in all of them. I venture to add that if they are achievable it won’t be by anyone to whom the fatigue of attending to discussions as arid as those in this book would either appear useless or feel intolerable. I am not the first to say, but I repeat it boldly, that truths that form the basis of political and moral science [see Glossary] can only be discovered by investigations that are as severe as—and vastly more intricate and extensive than—mathematical ones. Their terminology is familiar, which may suggest that the subject-matter is easy; but that is quite wrong. Truths in general have been called *stubborn* things, and the truths I am talking about here are stubborn in their own way. •They can’t be forced into detached and general propositions that have no exceptions and need no explanations. •They refuse to

compress themselves into epigrams. •They recoil from the tongue and the pen of the declaimer. •They don't flourish in the same soil as sentiment [see Glossary]. •They grow among thorns, and can't be plucked (like daisies) by infants as they run. Labour, the inevitable lot of humanity, is nowhere more inevitable than along this path. . . . There is no easy road to legislative science, any more than to mathematical science.

[The present version of this work aims to make its content more easily accessible, at the cost of losing much of the colour and energy of Bentham's writing. A good example of this trade-off starts at the ellipsis immediately above, where Bentham wrote; 'In vain would an Alexander bespeak a peculiar road for royal vanity, or a Ptolemy, a smoother one, for royal indolence. There is no King's Road, no Stadtholder's Gate, to legislative, any more than to mathematic science.']

## Chapter 1: The Principle of Utility

1. Nature has placed mankind under the governance of two sovereign masters, pain and pleasure. They alone point out what we *ought to* do and determine what we *shall* do; the standard of right and wrong, and the chain of causes and effects, are both fastened to their throne. They govern us in all we do, all we say, all we think; every effort we can make to throw off our subjection to pain and pleasure will only serve to demonstrate and confirm it. A man may claim to reject their rule but in reality he will remain subject to it. The **principle of utility**<sup>1</sup> recognises this subjection, and

makes it the basis of a system that aims to have the edifice of happiness built by the hands of reason and of law. Systems that try to question it deal in sounds instead of sense, in caprice [see Glossary] instead of reason, in darkness instead of light.

But enough of metaphor and declamation! It is not by such means that moral science is to be improved.

2. The principle of utility is the foundation of the present work, so I should start by giving an explicit and determinate account of what it is. By 'the principle'<sup>2</sup> of utility' is meant

<sup>1</sup> [Note added in 1822.] This label has recently been joined or replaced by the **greatest happiness principle**. This is an abbreviated version of

The principle stating that the greatest happiness of all those whose interests are involved is the right and proper—and the only right and proper and universally desirable—end of human action; of human action in every situation, and in particular in the situation of functionaries exercising the powers of Government.

The word 'utility' doesn't point to the ideas of pleasure and pain as clearly as 'happiness' does; nor does it lead us to the thought of *how many* interests are affected, though this number contributes more than any other factor to the formation of the standard here in question, namely the only standard of right and wrong by which the propriety of human conduct in every situation can properly be tested. This lack of a clear enough connection between •the ideas of happiness and pleasure on the one hand and the •idea of utility on the other has sometimes operated all too efficiently as a bar to the acceptance. . . .of this principle.

<sup>2</sup> The word 'principle' [he suggests Latin roots for the word] is a term of very vague and very extensive signification; it is applied to anything that is conceived to be a foundation or beginning of a series of operations; in some cases physical operations, but in the present case mental ones. The principle I am discussing may be taken for an act of the mind; a sentiment; a sentiment of approval; a sentiment that when applied to an action approves of its utility, taking that to be the quality of it by which the measure of approval or disapproval of it ought to be governed.

the principle that approves or disapproves of *every* action according to the tendency it appears to have to increase or lessen—i.e. to promote or oppose—the happiness of the person or group whose interest is in question.

I say 'of *every* action', not only of private individuals but also of governments.

3. By 'utility' is meant the property of something whereby it tends •to produce benefit, advantage, pleasure, good, or happiness (all equivalent in the present case) or (this being the same thing) •to prevent the happening of mischief [see Glossary], pain, evil [see Glossary], or unhappiness to the party whose interest is considered. If that party is the community in general, then the happiness of the community; if it's a particular individual, then the happiness of that individual.

4. 'The interest of the community' is one of the most general expressions in the terminology of morals; no wonder its meaning is often lost! When it has a meaning, it is this. The community is a fictitious body composed of the individuals who are thought of as being as it were its members [see Glossary]. Then what is the interest of the community? It is the sum of the interests of the members who compose it.

5. It is pointless to talk of the interest of the community without understanding what the interest of the individual is.<sup>1</sup> A thing is said to 'promote the interest' (or be 'for the interest') of an individual when it tends to increase the sum total of his pleasures or (the same thing) to lessen the sum total of his pains.

6–7. An action then may be said to conform to the principle of utility. . . .when its tendency to increase the happiness of the community is greater than any tendency it has to lessen

it. And the same holds for measures of government, which are merely one kind of action performed by one or more particular persons.

8. When someone thinks that an action (especially a measure of government) conforms to the principle of utility, he may find it convenient for purposes of discourse to •imagine a kind of *law* or *dictate* of utility and to •speak of the action in question as conforming to such a law or dictate.

9. A man may be said to be a 'partisan' of the principle of utility when his approval or disapproval of any action (or governmental measure) is fixed by and proportional to the tendency he thinks it has to increase or to lessen the community's happiness. . . .

10. Of an action that conforms to the principle of utility one may always say that

•it ought to be done,

or at least that

•it is not something that ought not to be done.

One may say also that

•it is right that it should be done; it is a right action;

or at least that

•it is not wrong that it should be done; it is not a wrong action.

When thus interpreted, the words 'ought' and 'right' and 'wrong' and others of that sort have a meaning; otherwise they have none.

11. Has the rightness of this principle ever been formally contested?

**next sentence:** It should seem that it had, by those who have not known what they have been meaning.

<sup>1</sup> 'Interest' is one of those words that can't be defined in the ordinary way because it isn't a species of some wider genus. [Unlike (for example) 'square' falls under the genus 'rectangle' and can be defined through that and the differentia 'equilateral'.]

**perhaps meaning:** It seems to have been contested, by people who didn't understand what they were contesting.

Is it susceptible of any direct proof? It seems not, because something that is used to prove everything else can't itself be proved; a chain of proofs must start somewhere. To give such a proof is as impossible as it is needless.

**12.** Not that there has ever been *anyone*, however stupid or perverse, who hasn't often and perhaps usually deferred to the principle of utility. [The next sentence is exactly what Bentham wrote.] By the natural constitution of the human frame, on most occasions of their lives men in general embrace this principle, without thinking of it; if not for the ordering of their own actions, yet for the trying of their own actions, as well as of those of other men. Yet there may not have been many, even of the most intelligent, who have been disposed to embrace the principle just as it stands and without reserve. There aren't many, indeed, who haven't sometimes quarrelled with it, either •because they didn't always understand how to apply it, or •because of some prejudice that they were afraid to examine or couldn't bear to give up. Such is the stuff that man is made of: in principle and in practice, on the

right path or a wrong one, the rarest of all human qualities is consistency.

**13.** When a man tries to combat the principle of utility, his reasons are drawn—without his being aware of it—from that very principle itself.<sup>1</sup> If his arguments prove anything, it isn't that the principle is wrong but that he is applying it wrongly. Is it possible for a man to move the earth? Yes; but he must first find out another earth to stand on.

**14.** To disprove it by arguments is impossible; but from the causes I have mentioned, or from some confused or partial view of it, a man may come to be disposed not to like it. Where this is the case, if he thinks it's worth the trouble to settle his opinions on such a subject, let him take the following steps, and he may eventually come to be reconciled with the principle of utility.

**(1)** Let him decide whether he wants to discard this principle altogether; if so, let him consider what all his reasonings (especially in politics) can amount to?

**(2)** If he does want to discard the principle, let him decide whether he wants to judge and act without any principle, or is there some other principle he would judge and act by?

<sup>1</sup> I have heard it described as 'a dangerous principle', something that on certain occasions it is 'dangerous to consult'. This amounts to saying that it is not consonant to utility to consult utility—i.e. that it is not consulting it, to consult it.

**Addition by Bentham in 1822 .**

Not long after the publication of my 'Fragment on Government' (1776), in which the principle of utility was brought to view as an all-comprehensive and all-commanding principle, one person who said something to that effect was Alexander Wedderburn, at that time Attorney General [and Bentham lists his later positions and titles]. He said it in the hearing of someone who passed it on to me. So far from being self-contradictory, the remark was shrewd and perfectly true. . . . A principle that lays down, as the only right and justifiable end of government, the greatest happiness of the greatest number—how can it be denied to be dangerous? It is unquestionably dangerous to every government that has for its actual goal the greatest happiness of *one* person, perhaps with the addition of a comparatively small number of others whom he finds it pleasing or convenient to admit to a share in the concern, like junior partners. So it really was dangerous to the sinister interest of all those functionaries, Wedderburn included, whose interest it was to maximise delay, vexation, and expense in judicial and other procedures, for the sake of the profit they could extract from this. In a government whose goal really was the greatest happiness of the greatest number, Wedderburn might still have been Attorney General and then Chancellor; but he would not have been •Attorney General with £15,000 a year, or •Chancellor with a peerage and a veto on all justice and £25,000 a year, and with 500 sinecures at his disposal.

**(3)** If he thinks he has found another principle, let him examine whether it is really •a separate intelligible principle rather than merely a •principle in words, a verbal flourish that basically expresses nothing but his own unfounded sentiments—what he might call 'caprice' if someone else had it?

**(4)** If he is inclined to think that his own (dis)approval annexed to the idea of an act, with no regard for its consequences, is a sufficient basis for him to judge and act on, let him ask himself whether **(i)** his sentiment is also to be everyone else's standard of right and wrong or whether instead **(ii)** every man's sentiment has the same privilege of being a standard to itself?

**(5)** If **(i)**, let him ask himself whether his principle is not despotical, and hostile to the rest of the human race?

**(6)** If **(ii)**, let him ask himself:

- Isn't this position anarchic, implying that there are as many different standards of right and wrong as there are men?
- Aren't I allowing that to the same man the same thing that is right today could (with no change in its nature) be wrong tomorrow?
- and that the same thing could be right *and* wrong in the same place at the same time?
- Either way, wouldn't all argument be at an end?

•When one man says 'I like this' and another says 'I don't like it', is there—on my view—anything more for them to say?

**(7)** If he answers all that by saying 'No, because the sentiment that I propose as a standard must be based on reflection', let him say what facts the reflection is to turn on. If on facts about the utility of the act, then isn't he deserting his own principle and getting help from the very one in opposition to which he set it up? And if not on those facts, then on what others?

**(8)** If he favours a mixed view, wanting to adopt his own principle in part and the principle of utility in part, *how far* will he go with his principle?

**(9)** When he has decided where he will stop, let him ask himself how he justifies taking it that far, and why he won't take it further.

**(10)** Admitting something P other than the principle of utility to be a right principle, one that it is right for a man to pursue; and admitting (what is not true) that 'right' can have a meaning that doesn't involve utility; let him say whether there is any motive that a man could have to pursue P's dictates. •If there is, let him say what that motive is, and how it is to be distinguished from the motives that enforce the dictates of utility; and •if there isn't, then (lastly) let him say what this other principle can be good for.

## Chapter 2: Principles opposing the Principle of Utility

1. If the principle of utility is a right principle to be governed by in all cases, it follows that whatever principle differs from it must be a wrong one. To prove that any other principle is a wrong one, therefore, we need only to show it to be •what it is, •a principle whose dictates are at some point different from those of the principle of utility; to state it is to refute it.

2. A principle may be different from the principle of utility either •by being constantly opposed to it, as is the principle of asceticism,...

•START OF FOOTNOTE•

‘Ascetic’, a term that has sometimes been applied to monks, comes from a Greek word meaning ‘exercise’. The practices by which monks sought to distinguish themselves from other men were called their ‘exercises’, and consisted in ways they had for tormenting themselves. By this they thought they were ingratiating themselves with the deity:

‘The deity is a being of infinite benevolence. A being of the most ordinary benevolence is pleased to see others make themselves as happy as they can; therefore to make ourselves as unhappy as we can is the way to please the Deity.’

When they were asked what motive they could find for doing all this, they replied:

‘Oh! Don’t think we are punishing ourselves for nothing; we know very well what we are doing. For every grain of pain it costs us now, we are to have a hundred grains of pleasure later on. God loves to see us torment ourselves at present—he has as good as told us so—but this is done only to test us in order to

see how we would behave; which he obviously couldn’t know without making the experiment. Then, from the satisfaction it gives him to see us make ourselves as unhappy as we can in this present life, we have a sure proof of the satisfaction it will give him to see us as happy as he can make us in a life to come.

•END OF FOOTNOTE•

... or •by being sometimes opposed to it, and sometimes not, as with the principle of sympathy and antipathy.

3. By ‘the principle of asceticism’ I mean the principle that is like the principle of utility in approving or disapproving of any action according to its apparent tendency to increase or lessen the happiness of the party [see Glossary] whose interest is in question; but in an inverse manner, approving of actions insofar as they tend to lessen his •or their• happiness and disapproving of them insofar as they tend to increase it.

4. It is evident that anyone who rejects *any* particle of pleasure, as such, from whatever source, is to that extent a partisan of the principle of asceticism. It is only on that principle, and not from the principle of utility, that the most abominable pleasure that the vilest malefactor ever got from his crime should be rejected *if it stood alone*. In fact it never *does* stand alone: it is inevitably followed by so much pain (or—the same thing—such a high probability of a certain amount of pain) that the pleasure is as nothing by comparison. This is the only real reason (a perfectly sufficient one) for making the crime a ground for punishment.

5. The principle of asceticism appears to have been embraced by two classes of men of very different characters whose reasons for embracing it have been correspondingly different.

They are

**moralists**, who seem to be driven by **hope**, i.e. the prospect of pleasure; the hope that philosophic pride feeds on, the hope of honour and reputation at the hands of men; and

**religionists**, who seem to be driven by **fear**, i.e. the prospect of pain; the fear that is the offspring of superstitious fancy, the fear of future punishment at the hands of an angry and revengeful deity.

In the religionists' case I highlight fear, because of the invisible future •fear is more powerful than •hope. These details characterise the two parties among the partisans of the principle of asceticism; the parties and their reasons are different, the principle is the same.

6. But the religious party seem to have carried it further than the philosophical party; they have acted more consistently and less wisely. The philosophical party have scarcely gone further than to •reject pleasure; the religious party have often gone so far as to make it a matter of merit and of duty to •seek pain. The philosophical party have hardly gone beyond making pain a matter of indifference. They have said that it is not an evil but they haven't said that it is a good. They haven't even rejected all pleasure in the lump [Bentham's phrase]. They have discarded only what they have called the gross •pleasures, i.e. organical [here = 'animal'] pleasures or ones that are easily traced back to those; and they have even cherished and magnified *refined* pleasure. But they haven't called it 'pleasure': to cleanse it from the filth of its impure original, it had to have a different name; it was to be called 'the honourable', 'the glorious', 'the reputable', 'the becoming', the *honestum*, the *decorum*—anything but 'pleasure'.

7. Those are the two sources of the doctrines that have continually put traces of this principle into the sentiments [see Glossary] of the bulk of mankind; some from the philosophical, some from the religious, some from both. Men of education more frequently get it from the philosophical side, as more suited to the elevation of their sentiments; the vulgar [see Glossary] more frequently get it from the superstitious side, as more suited to the narrowness of their intellect, not expanded by knowledge, and to the abjectness of their condition, continually open to the attacks of fear. [In that sentence, of course, 'superstitious' is Bentham's stand-in for 'religious'.] But the traces derived from the two sources would naturally intermingle, so that that a man wouldn't always know which of them influenced him more; and they would often serve to corroborate and enliven one another. This conformity created a kind of alliance between parties that are otherwise so dissimilar; and disposed them to unite sometimes against their common enemy, the partisan of the principle of utility, whom they joined in branding with the odious name 'epicurean'.

8. The principle of asceticism, however, however warmly its partisans may have embraced is as a rule of private conduct, seems not to have been carried far when applied to the business of government. In a few instances it has been carried a little way by the philosophical party—witness the regimen of ancient Sparta. Though that may be seen as •a measure of *security* and •a (hasty and perverse) application of the principle of utility. There have been hardly any instances of much duration by the religious: the various monastic orders, and the societies of the Quakers, Dumplers [a religious sect in Pennsylvania], Moravians, and other religionists have been free societies, whose regimen no man has been subjected to without his consent. Whatever merit a man may have thought there would be in making himself miserable, it seems

never to have occurred to them that it may be a merit, let alone a duty, to make others miserable; although it would seem that if a certain quantity of misery were desirable it wouldn't matter much whether it were brought by each man on himself or by one man on another. It is true that among the religionists a great deal of misery *was* produced in some men by the instrumentality of others, because of other doctrines and practices that had the same source as the principle of asceticism; witness the holy wars, and the religious persecutions. But the passion for producing misery in these cases was based on special reasons; the exercise of it was confined to persons of certain kinds—they were tormented not as •men but as •heretics and infidels. To have inflicted the same miseries on their fellow believers. . . . would have been as blameworthy in the eyes of these religionists as in the eyes of a partisan of the principle of utility. For a man to give himself a certain number of lashes was indeed meritorious (•they thought•), but to give the same number of lashes to another man without his consent would have been a sin. We read of saints who, for the good of their souls and the mortification of their bodies, have voluntarily let themselves be a prey to vermin; but though many people of this kind have ruled nations we don't read of any who have deliberately made laws aimed at stocking the body politic with •such vermin as• highwaymen, burglars or arsonists. •If at any time they have allowed the nation to be preyed on by swarms of idle pensioners or useless placemen [= 'holders of soft, easy government jobs'], it has been through negligence and stupidity rather than any settled plan for oppressing and plundering of the people. •If at any time they have sapped the sources of national wealth by cramping commerce and driving the inhabitants into emigration, it has been with other views and in pursuit of other goals. •If they have declaimed against the pursuit of pleasure and the

use of wealth, they have commonly stopped at declamation; they have not (like Lycurgus, •the austere lawgiver of early Sparta•), made laws specifically for the purpose of banishing the precious metals. •If they have established idleness by a law, it has been not because idleness (the mother of vice and misery) is itself a virtue, but because idleness (they say) is the road to holiness. . . . •If they have established or allowed to be established punishments for the breach of celibacy, they have merely been complying with the petitions of those deluded rigorists, who—dupes to the ambitious and deep-laid policy of their rulers—first put themselves under that idle obligation by a vow.

9. The principle of asceticism seems originally to have been dreamed up by certain hasty theorists who—having seen or imagined that certain pleasures when taken in certain circumstances have in the long run been outweighed by pains they brought with them—set out to quarrel with everything that offered itself under the name of 'pleasure'. After getting that far and forgetting the point they set out from, they pushed on and ended up thinking that it is meritorious to fall in love with pain. Even this, we see, is basically just the principle of utility misapplied.

10. The principle of utility *can* be followed consistently; and it's a mere tautology to say that the more consistently it is followed the better it must be for human-kind. The principle of asceticism couldn't be consistently followed by any living creature. If a tenth of the inhabitants of this earth follow it consistently, in a day's time they will turn it into a hell.

11. Among principles opposed to the principle of utility, the one that seems these days to have most influence in matters of government is what may be called 'the principle of sympathy and antipathy'. . . . [to be picked up at page 15]

·START OF LONG FOOTNOTE·

It ought to have been given the broader title ‘principle of caprice’ [see Glossary]. Where it applies to the choice of actions to be marked out for injunction or prohibition, for reward or punishment (in short, marked out as subjects for obligations to be imposed), it may indeed properly be called the ‘principle of sympathy and antipathy’, as it is in the main text. But this is not such a good name for it when occupied in the choice of the events that are to serve as sources of title with respect to rights; where the actions prohibited (the •obligations) and allowed (the •rights) are already fixed, and the only question is: under what circumstances is a man to be •subjected to one or •invested with the other? . . . In this case it may more appropriate to call it ‘the fantastic principle’ [= ‘principle of imagination’]. Sympathy and antipathy are states of feeling; but decisions about entitlements to rights—especially property rights—on grounds unconnected with utility has often been the work not of the feelings but of the imagination.

Lord Coke, defending an article of English common law allowing uncles to succeed in certain cases in preference to fathers, produced a sort of ponderosity [= ‘heaviness’] that he had discovered in rights, disqualifying them from ascending in a straight line! It wasn’t that he loved uncles or hated fathers. The analogy ·with *weight*·, such as it was, was what his imagination presented him with instead of a reason; and once feeling is out of the way, imagination is the only guide for a mind that doesn’t observe the standard of utility or doesn’t know the art [see Glossary] of consulting it.

When some ingenious grammarian invented the proposition *Delegatus non potest delegare* [Latin; ‘No delegated powers can be further delegated’] to serve as a rule of law, surely it wasn’t that he •was hostile to delegates of the second order, or •took pleasure in the thought of the ruin that might

befall the affairs of a traveller whose chosen manager at home has somehow been made unable to serve ·and isn’t allowed to appoint a substitute·. Rather, it was that the incongruity of giving the same law to objects as different as active and passive are, was not to be surmounted, and that *-atus* (·passive·) chimes, as well as it contrasts, with *-are* (·active·).

When that inexorable maxim (whose range is no more to be defined than the date of its birth and the name of its father are to be found) was imported from England for the government of Bengal, and the whole fabric of the judiciary was crushed by the thunders of retroactive justice, it surely wasn’t because

the prospect of blameless magistrates perishing in prison gave enjoyment to the unoffended authors of their misery;

but because

the music of the maxim—·*Delegatus non potest delegare*·—absorbed the whole imagination and drowned the cries of humanity along with the dictates of common sense.

*Fiat justitia, ruat coelum*, says another maxim, as full of extravagance as it is of harmony. Let heaven go to wreck as long as justice is done; and what is the ruin of kingdoms compared to the wreck of heaven?

[With another example, Bentham develops his idea that certain Latin sentences have a ‘music’ of that appeals to the imagination of lawyers who aren’t thinking hard. He continues:] If this were looked into thoroughly, it would be found that the goddess of harmony has exercised more influence, however latent, over the dispensations of Themis [a mythical Greek Titaness, symbolising divine order, law, and custom] than her most diligent biographers or even her most passionate devotees, seem to have been aware of. Everyone

knows how she (the goddess of harmony) used the services of Orpheus to collect the sons of men beneath the shadow of the sceptre; but it seems that men haven't yet learned—despite continual experience of it—with what successful diligence she has laboured to guide it [= 'law'] in its course. Everyone knows that measured numbers [= rhythmical lines of poetry] were the language of law in its infancy, but no-one seems to have noticed powerfully they have governed it in its maturer age. In English jurisprudence in particular, the connection between law and music, though much less perceived than in Spartan legislation, is not perhaps less real or less close. The formal music of the Church, though not of the same kind as the music of the theatre, is not less musical; music that hardens the heart is not less musical than what softens it; the *sostenutos* are as long, the cadences as sonorous; and these musical events are governed by rules which, though not yet promulgated, are quite determinate. Search indictments, pleadings, proceedings in chancery, conveyances; whatever sins against truth or common sense you find, you won't find any against the laws of harmony. The Anglican liturgy. . . . doesn't have more of it than is commonly to be found in an English act of parliament. Dignity, simplicity, brevity, precision, intelligibility, possibility of being remembered or even understood—all that gives way to harmony. . . .

To return to the principle of sympathy and antipathy—a name that I preferred at first to 'principle of caprice', on account of its impartiality. It is actually too narrow, for the reasons I have given; but I chose it because I hadn't at that time surveyed the civil branch of law except where I had found it inseparably involved in the penal branch. When we come to the former we'll see the fantastic principle looming at least as large there as the principle of sympathy and antipathy does in the latter.

In the days of Lord Coke, the light of utility can scarcely

be said to have shone on the face of common law. A faint ray of it under the name *argumentum ab inconvenienti* [= 'argument from inconvenience'] is to be found in a list of about twenty topics exhibited by that great lawyer as the equal leaders of that all-perfect system, but its appearance in that way in that context is a sure proof of neglect. . . . It stands neither in the front nor in the rear, nor in any post of honour; but huddled in towards the middle without the smallest mark of preference. Nor is this Latin 'inconvenience' by any means the same as the English one. It is distinguished from mischief [see Glossary]; and because the vulgar take it to be less bad than mischief the learned present it as something worse. 'The law prefers a mischief to an inconvenience', says an admired maxim, and the more admired because—as nothing is expressed by it—it is supposed to be well understood.

Not that there is any declared opposition, let alone a constant one, between the prescriptions of utility and the operations of the common law; such constancy we have seen to be too much even for ascetic fervour. From time to time instinct would unavoidably betray them into the paths of reason; instinct which, however it may be cramped, can never be killed by education. The cobwebs spun out of the materials brought together by 'the competition of opposite analogies' must always have been warped by the silent attraction of the rational principle (like needle to magnet), without the conscience coming into it.

[An 1822 addition to this note savagely criticises England's conduct in India, replacing 'the bad system of Mahometan and other native law' by the 'still more harmful system of English judge-made law'; with some English oppressors making fortunes at the expense of 'a hundred million plundered and oppressed Hindus and Mahometans'.]

·END OF LONG NOTE·

[picking up from page 12] . . . By ‘the principle of sympathy and antipathy’ I mean the principle that approves or disapproves of certain actions not •because of their tending to increase or lessen the happiness of the party whose interest is involved, but merely •because a man finds himself disposed to approve or disapprove of them, taking that approval or disapproval as a sufficient reason for itself and denying any need to look for an independent reason. That’s how it works in the general department of morals; and in the particular department of politics it uses the degree of the disapproval as a measure of •how severe punishment should be and of •what should be the grounds for punishment.

12. Obviously this is a ‘principle’ in name rather than in reality. It is not so much a positive principle as a term employed to signify the negation of all principle. What one expects to find in a *principle* is something that points out some external consideration that will support and guide the internal sentiments of approval and disapproval; this expectation is not well fulfilled by a proposition that does neither more nor less than hold up each of those sentiments as a ground and standard for itself.

13. The partisans of this ‘principle’ say the following [to the end of this paragraph and perhaps on into 14]. In looking over the catalogue of human actions to determine that are to be marked with the seal of disapproval, you need only consult your own feelings: anything that you find yourself inclined to condemn is wrong for that very reason. For the same reason it is also fit for punishment; it makes no difference whether, or by how much, it is adverse to utility. But the strength of your feeling of disapproval does make a difference: if you hate much, punish much; if you hate little, punish little; punish as you hate. If you hate not at all, punish not at all; the fine feelings of the soul are not to be overborne

and tyrannised by the harsh and rugged dictates of political utility.

14. The various systems that have been formed concerning the standard of right all come down to the principle of sympathy and antipathy. One account can serve for all of them. They are *all* devices for avoiding the need to appeal to any external standard, and for persuading the reader to accept the author’s sentiment or opinion as a reason for itself. The wording differs but the principle the same.

·START OF LONG FOOTNOTE·

It is interesting to see the variety of inventions men have come up with, and the variety of phrases they have presented, in order to conceal from the world (and if possible from themselves) this very general and therefore very pardonable self-sufficiency.

One man says that he has something made on purpose to tell him what is right and what is wrong, calling it his ‘**moral sense**’; and then he goes to work comfortably, saying that x is right and y is wrong ‘because my moral sense tells me so’.

Another man replaces ‘moral’ by ‘common’, and tells you that his ‘**common sense**’ teaches him what is right and wrong, as surely as the other’s moral sense did. By ‘common sense’ he means a sense of some kind or other, which he says everyone has—and the sense of those whose sense is not the same as his is disregarded as not worth attending to. This device does better than the other: a moral sense is a new thing, and a man may search within himself for a good while without being able to find it; whereas common sense is as old as the creation, and any man would be ashamed to be thought to have less of it than his neighbours. . . .

Another man says that he can’t find that he has any such thing as a moral sense, but that he has an **understanding**, which will do quite as well. This understanding, he says, is

the standard of right and wrong; it tells him so and so. All good and wise men understand as he does; if other men's understandings differ in any point from his, so much the worse for them; it is a sure sign they are either defective or corrupt.

Another man says that there is an eternal and immutable **rule of right**; that this rule of right dictates so and so; and then he begins giving you his sentiments on anything that comes uppermost; and these sentiments (you are to take for granted) are so many branches of the eternal rule of right.

Another man, or perhaps the same man, says that certain practices conform to the **fitness of things**, while others don't; and then he tells you which practices conform and which don't, just as he happens to like a practice or dislike it.

A great multitude of people are continually talking of the **law of nature**; and when they give you their sentiments about what is right and what is wrong you are to understand that these sentiments are so many chapters and sections of the law of nature.

Instead of 'law of nature' you have sometimes 'law of reason', 'right reason', 'natural justice', 'natural equity', 'good order'. Any of them will do equally well. The last of them is most used in politics. It and the two just before it are much more tolerable than the others, because they don't explicitly claim to be anything more than *phrases*; they don't strongly insist on being seen as positive standards, and seem content to be taken as merely ways of saying that the thing in question conforms to the proper standard, whatever that may be. On most occasions, however, it will be better to say 'utility'; that is clearer because it refers more explicitly to pain and pleasure.

We have one philosopher [William Wollaston] who says that there's no harm in anything in the world but in **telling a lie**; and that if, for example, you murder your father this is a way

of saying that he isn't your father. When this philosopher sees anything that he doesn't like, he of course says that it is a particular way of telling a lie. It is saying that the act ought to be done, or may be done, when in truth it ought not to be done.

The fairest and most open of them all is the sort of man who says: 'I am one of the elect [= "the chosen"]; God himself takes care to tell the elect what is right, doing this with such good effect that however much they struggle they *can't help* not only knowing it but doing it. So if you want to know what is right and what is wrong, come to me.'

The principle of antipathy is often at work when such-and-such acts are condemned as being '**unnatural**'; the practice of exposing children [i.e. leaving unwanted children to starve or to die from the weather or predators], established among the Greeks and Romans, is said to have been an unnatural practice. When 'unnatural' means anything, it means 'infrequent'; but that is irrelevant to the present question because the frequency of such acts ·of child-exposure· is perhaps the greatest complaint against them. So in the present context it means nothing—I mean nothing concerning the act itself. All it can do is to express the speaker's disposition to be angry at the thought of child exposure. Whether his anger is appropriate is a question that can be answered rightly only on the principle of utility. . . .

The mischief common to all these ways of thinking and arguing (which we have seen to be *one* way, worded differently) is that they serve as a cloak and pretence and support for *despotism*. Perhaps not a despotism in practice, but a despotism in disposition, which will be all too apt to show itself in practice when the opportunity turns up. The consequence is that a man whose intentions may well be of the purest kind becomes a torment to himself or his fellow-creatures. If his cast of mind is melancholy, he sits in

silent grief bewailing others' blindness and depravity; if it is angry, he declaims with fury and virulence against all who differ from him, fanning the coals of fanaticism and branding as corrupt and insincere everyone who doesn't think, or profess to think, as he does.

If such a man happens to have a good writing-style, his book may do a great deal of mischief before the nothingness of it is understood.

These principles—if they can be called 'principles'—are applied more often to morals than to politics; but their influence spreads to both. A man will be at least as glad in politics as he would be in morals to have a pretence for deciding a question in the way that best pleases him, without the trouble of inquiry. If a man is an infallible judge of what is right and wrong in the actions of private individuals, why not in the measures that public men take to direct those actions? . . . I have more than once known the pretended 'law of nature' set up in legislative debates in opposition to arguments based on the principle of utility.

'But do we *always* base our notions of right and wrong on utility alone?' I do not know; I do not care. Here are three questions about a moral sentiment:

- (i) Can it be originally conceived from any source except a view of utility?
- (ii) Can it, when examined and reflected on, be actually persisted in and defended by a thoughtful person on any other basis than utility?
- (iii) Can it be properly justified by a person addressing himself to the community on any basis except utility?

The two first are questions of speculation; it doesn't matter much how they are answered. The third is a question of practice; the answer to it is as important as any answer to any question can be.

You tell me:

'I feel disposed to morally approve of action A; but not because of any notion of its being useful to the community. I don't claim to know whether it is useful or not; for all I know, it may be harmful.'

I reply: 'But then *is* A a harmful action? Look into that; and if you can make yourself aware that it is so, then if moral duty means anything it your duty at least •to abstain from doing A, and •to try to prevent it from being done if this lies in your power and wouldn't require too great a sacrifice. You won't be excused by cherishing the notion of A in your bosom and calling it "virtue".'

You say again:

'I feel in myself a disposition to morally detest action B, but this is not because of any notions I have of its being harmful to the community. I don't claim to know whether it is a harmful action; for all I know, it may be a useful one.'

I reply: May it indeed? Then let me tell you that unless duty and right and wrong are just what you please to make them, if someone plans to do B and it really isn't harmful then it is no duty of yours to prevent him. On the contrary, it would be very wrong for you to do so. Detest B within yourself as much as you please; that may be a very good reason (unless B is downright useful) for you not to do it *yourself*; but if by word or deed you do anything to hinder *him* or make *him* suffer for it, it is you and not he that have done wrong. Your setting yourself to blame his conduct or labelling it 'vice' won't make him guilty or you blameless. If you can settle for his being of one mind about B, and you of another, it is well; but if you insist that you and he must be of the same mind, it's for you to get the better of your antipathy, not for him to knuckle under to it.

•END OF LONG FOOTNOTE•

15. It is obvious that the dictates of this principle of sympathy and antipathy will often coincide with those of the principle of utility, even if that isn't what is intended. They probably coincide more often than not. That's why it is that the business of penal justice is conducted on that tolerable sort of basis that we see it carried on in common at this day. For what more natural or more general ground for hatred of a practice can there be than its being harmful? What all men are exposed to suffer from, all men will be disposed to hate. But it is far from being a constant ground, because when a man suffers he doesn't always know what caused his suffering. A man may suffer grievously from a new tax without being able to track the cause of his sufferings to the injustice of some neighbour who has eluded the payment of an old one.

16. The principle of sympathy and antipathy is most apt to err on the side of severity. It favours applying punishment in many cases that deserve none; and in many cases that deserve some it favours applying more than they deserve. There is no incident imaginable, however trivial and far from mischief, from which this principle can't extract a ground of

punishment. Any difference in taste; any difference in opinion on one subject as well as on another. No disagreement so trivial that perseverance and quarrelling won't make it turn serious. Each sees the other as an enemy and, if laws permit, as a criminal.<sup>1</sup>

17. But the principle of sympathy and antipathy also sometimes errs by being too lenient. A near and perceptible mischief generates antipathy. A remote and imperceptible mischief, though not less real, has no effect. Instances of this will occur in their proper places in the course of this work.

18. You may be surprised that in all this I haven't mentioned the theological principle, i.e. the principle that professes to look to **the will of God** for the standard of right and wrong. But this is not in fact a distinct principle. It is never anything but one or other of the three before-mentioned principles presenting itself in another form. The 'will of God' that is referred to here cannot be his revealed will, as contained in the sacred writings; for that is a system that nobody ever thinks of invoking at this time of day [= 'at this stage in history'] for the details of political administration; and even to apply

<sup>1</sup> King James I of England conceived a violent antipathy against Arians, two of whom he burnt. He hadn't much difficulty in procuring this gratification for himself: the notions of the times were favourable to it. He wrote a furious book against Vorstius, for being an Arminian, that being the most he could do because Vorstius was at a distance. He also wrote a furious book called *A Counterblast to Tobacco* against the use of that drug, which Sir Walter Raleigh had recently introduced into England. If the notions of the times had co-operated with him, he would have burnt Anabaptists and smokers of tobacco in the same fire. However he had the satisfaction of putting Raleigh to death afterwards, though for another crime. [Arians, Armenians, and Anabaptists held theological views that other Christians regarded as heretical.]

Disputes about the comparative excellence of French and Italian music have generated very serious quarrels in Paris. One of the parties would not have been sorry (D'Alembert reports) to have brought government into the quarrel. . . . (This is one of the ways in which the human race is distinguished—not much indeed to its advantage—from the lower animals.) Long before that, a similar and equally fierce dispute had been kindled at London about the comparative merits of two composers who were there; and in London these days riots between the approvers and disapprovers of a new play are not infrequent. The ground of quarrel between the Big-endians and the Little-endians in the fable [i.e. in *Gulliver's Travels*; two nations at war over the right way to eat an egg] was not more frivolous than many that have laid empires desolate. In Russia, it is said, there was a time when thousands of persons lost their lives in a quarrel, in which the government had taken part, about how many fingers to use in making the sign of the cross. . . .

it to the details of •private conduct, the most eminent divines of all persuasions agree that it first needs a great deal of interpretation—otherwise what use are the works of those divines? And it is also agreed that some other standard must be assumed for the guidance of these interpretations. So the ‘will of God’ that is meant in this context is what may be called the ‘presumptive will’ of God, i.e. what is presumed to be his will by virtue of the conformity of its dictates to those of some other principle. What then can this other principle be? It must be one of the three I have talked about, for we have seen that there cannot be any more. So it is clear that, with revelation being out of the question, no light can be thrown on the standard of right and wrong by anything that can be said about ‘God’s will’. We may be perfectly sure that whatever is right conforms to the will of God; but so far is that from showing us what is right that we have to now first whether a thing is right in order to know whether it conforms to the will of God.

•START OF FOOTNOTE•

The principle of theology refers everything to ‘God’s pleasure’. But what is God’s pleasure? God does not—everyone agrees that he does not *now*—either speak or write to us, so how can we know what is his pleasure? By observing what is our own pleasure and pronouncing it to be his! Accordingly, what is called ‘the pleasure of God’ can only be (revelation apart) the good pleasure of the speaker. How know you it to be God’s pleasure that action A should be abstained from? Why do you even *suppose* that this is so? •Because doing A would, I imagine, be over-all prejudicial to the happiness of mankind’ says the partisan of the principle of utility; •Because doing A brings a gross and sensual, or at least a trifling and transient, satisfaction’ says the partisan of the principle of asceticism; •Because I detest the thought of anyone’s doing A, and I

cannot and ought not to be asked to say why’ says the person who goes by the principle of antipathy. One of those three answers must (revelation apart) be given by the person who professes to take for his standard the will of God.

•END OF FOOTNOTE•

19. There are two things that are very apt to be confused, but that it is important for us to distinguish carefully:

- the motive or cause that operates on the mind of an individual to produce the act; and
- the ground or reason that justifies a legislator or other bystander in regarding that act with approval.

When the act happens in a particular case to be productive of effects that we approve of, and even more if we happen to observe that the same motive may often have similar effects in other cases, we are apt •to transfer our approval to the motive itself, and •to assume, as the real basis for our approval of the act, the fact of its originating from that motive. It is in this way that the sentiment of antipathy has often been regarded as a just basis for action. Antipathy, for instance, in such-and-such a case, is the cause of an action that has good effects; but this doesn’t make it a right ground for action in that case, any more than in any other. Suppose further that the agent sees beforehand that the effects will be good. This may make the action a perfectly right action, but it doesn’t make antipathy a right ground for action. For the same sentiment of antipathy, if implicitly deferred to, may and very often does produce the very worst effects. So antipathy can never be a right ground for action. No more can resentment, which as I’ll show later is just a special case of antipathy. The only right ground of action there can possibly be is, after all, the consideration of utility; and if that is a right principle of action and of approval in any one case, then it is so in every other. Other principles in abundance,

i.e. other motives, may be the reasons why such-and-such an act has been done, i.e. the reasons or causes of its being done; but only utility can be the reason why it could or should have been done. Antipathy or resentment requires

always to be regulated, to prevent its doing mischief; to be regulated by what? always by the principle of utility. The principle of utility neither requires nor admits of any another regulator than itself.

### Chapter 3: The Four Sanctions or Sources of Pain and Pleasure

1. It has been shown that the happiness of the individuals of whom a community is composed, i.e. their pleasures and their security, is the only goal that the legislator ought to have in view; and insofar as legislation affects how individuals behave, the legislator should aim to have *their* behaviour conform to this same standard. But there is nothing by which a man can ultimately be made to do something, whatever its goal is, except pain or pleasure. Having taken a general view of these two grand objects (namely pleasure and—what comes to the same thing—immunity from pain) in their role as final causes [= ‘goals to be aimed at’], we now have to take a view of pleasure and pain in their role as efficient causes or means.

2. Pleasure and pain can flow from four sources:

- the physical,
- the political,
- the moral and
- the religious.

Because the pleasures and pains belonging to each of them can give a binding force to any law or rule of conduct, they can all be called ‘sanctions’.<sup>1</sup>

3. Pleasure or pain that occurs in the present life in the ordinary course of nature, not purposely modified by the will of any human being or of any superior invisible being, can be said to come from or to belong to the **physical** sanction.

4. Pleasure or pain that comes from a particular person or set of persons in the community who. . . .have been chosen for the particular purpose of dispensing it by the will of the sovereign or supreme ruling power in the state, it can be said to come from the **political** sanction.

5. Pleasure or pain that comes to a person from persons in the community who happen to be connected with him in some way, according to each man’s spontaneous disposition and not according to any settled or agreed rule, it can be said to issue from the **moral** sanction or ‘popular sanction’ . . . .

<sup>1</sup> *Sanctio* in Latin meant •the act of *binding* and, by a common grammatical transition, •anything that serves to bind a man; to wit, to the observance of such-and-such a mode of conduct. According to the Latin grammarian Servius, the word’s meaning is derived by rather a far-fetched process. . . .from the word *sanguis*, blood [and he gives the derivation, which we don’t need].

A sanction, then, is a source of obligatory powers or motives. That is, a source of pains and pleasures, which are the only things that can operate as motives by being connected with specific kinds of conduct. See chapter 10.

6. Pleasure or pain that comes immediately from the hand of a superior invisible being, either in the present life or in a future one, may be said to come from the **religious** sanction.

7. Pleasures or pains from the physical, political, or moral sanctions must all be expected to be experienced, if ever, in the present life; those from the religious sanction may be expected to be experienced either in the present life or in a future one.

8. Those that can be experienced in the present life must of course be pleasures and pains of kinds that human nature is capable of having in the present life. . . .; and each of these sources can produce *all* the pleasures or pains that human nature is capable of having in the present life. There are no intrinsic differences between •the pleasures and pains coming from any one of the sanctions and •those that come from the others; they differ only in the circumstances that accompany their production. [The rest of this paragraph states abstractly the very same things that 9 gives with a little more detail.]

9. A man loses his goods or his life in a fire. If this happened 'by accident', as we say, it was a calamity; if by reason of his own imprudence (e.g. he neglected to put out his candle) it may be called a punishment of the physical sanction; if it happened by the sentence of the political magistrate [see Glossary], it may be called a punishment belonging to the political sanction (i.e. what is commonly called, simply, a punishment); if because his neighbour didn't help because he didn't like his moral character, it may be called a punishment of the moral sanction; if it comes from •an immediate act of God's displeasure on account of some sin he has committed, or from •any distraction of mind caused by the dread of such

displeasure, it may be called a punishment of the religious sanction.<sup>1</sup>

10. The religious sanction promises pleasures and pains in a future life; what these are like we cannot know, as they don't lie open to our observation. During the present life they are only something to *expect*; and whether our expectation comes from natural religion or revelation, the particular kind of pleasure or pain, if it is different from all those that do lie open to our observation, is something we can have no idea of. The best ideas we can get of such pains and pleasures are altogether silent about their quality. In what other respects our ideas of them may have content will be considered in later. (See chapter 13, 2, note.)

11. The physical sanction is entirely the groundwork of the political and moral sanctions, and also of the religious sanction insofar as it concerns the present life. It is included in each of those other three; it can operate (i.e. any of the pains or pleasures belonging to it can operate) independently of them; but none of them can operate except by means of it. In short, the powers of nature can operate of themselves; but neither the magistrate nor men in general can operate except through the powers of nature, and the same is supposed to hold for God's effects on us in our present life.

12. Finding a common name for these four things that are so alike in their nature seemed useful in two ways. **(a)** It is convenient to have a name for certain pleasures and pains for which no other equally descriptive name seems to be available. **(ii)** It is useful for displaying the efficacy of certain moral [see Glossary] forces whose influence is apt not to be sufficiently attended to. Does the political sanction influence the conduct of mankind? The moral and religious sanctions

<sup>1</sup> A suffering that a man is thought to be inflicted on him by the immediate act of God is often called 'a judgment', which is short for 'a suffering inflicted on him in consequence of a special judgment formed by the Deity and a decision based on it'.

do so too. In every inch of his career the operations of the political magistrate are liable to be aided or impeded by these two foreign powers, who are sure to be either his rivals or his allies. If he leaves them out of his calculations he will

almost certainly find himself mistaken in the result. . . . So he ought to have them continually before his eyes, under a name ['sanction'] that exhibits the relation they have to his own purposes and designs.

## Chapter 4: Measuring Pleasure and Pain

1. Pleasures and the avoidance of pains, then, are the legislator's goals; so he ought to understand their value. Pleasures and pains are the instruments he has to work with, so he needs to understand their force, i.e. their value.

2. To a person (considered by himself) the value of a pleasure or pain (considered by itself) will be greater or less according to:

- (1) its intensity.
- (2) its duration.
- (3) its certainty or uncertainty.
- (4) its nearness or remoteness.

3. These are the circumstances that are to be considered when estimating a pleasure or a pain considered by itself. But when the value of a pleasure or pain is considered for the purpose of estimating the tendency of an act by which it is produced, two other circumstances must be taken into the account:

- (5) its fecundity, i.e. its chance of being followed by sensations of the same kind (pleasure by pleasure, pain by pain), and
- (6) its purity, i.e. its chance of not being followed by sensations of the opposite kind (pleasure by pain, pain by pleasure).

These last two, however, are not strictly properties of the pleasure or the pain itself, so they aren't strictly to be taken into the account of the value of that pleasure or pain. They are really only properties of the act or other event by which such pleasure or pain has been produced; so they are only to be taken into the account of the tendency of that act or event.

4. For many people the value of a pleasure or a pain will be greater or less according to seven circumstances—the six preceding ones and one other, namely

- (7) its extent, i.e. the number of persons to whom it extends or (in other words) who are affected by it.

5. Thus, to take an exact account of an act's general tendency to affect the interests of a community, proceed as follows. Of those whose interests seem to be most immediately affected by the act, take *one*, and take an account,

- (1) of the value of each pleasure that appears to be produced by it in the first instance;
- (2) of the value of each pain that appears to be produced by it in the first instance;
- (3) of the value of each pleasure that appears to be produced by it after the first, this being the fecundity of the first pleasure and the impurity of the first pain;

- (4) of the value of each pain that appears to be produced by it after the first, this being the fecundity of the first pain and the impurity of the first pleasure. Then
- (5) Sum up the values of all the pleasures on one side and of all the pains on the other. If the balance is on the side of pleasure, that is the over-all good tendency of the act with respect to the interests of that person; if on the side of pain, its over-all bad tendency.
- (6) Repeat the above process with respect to each person whose interests appear to be concerned; and then sum the results. If this balance is on the side of pleasure, that is the over-all good tendency of the act with respect to the interests of the community; if on the side of pain, its over-all bad tendency.
6. It is not to be expected that this process should be strictly pursued before every moral judgment or every legislative or judicial operation. But it can be always kept in view; and the nearer the process actually pursued on these occasions come to it, the nearer they will come to exactness.
7. This process is applicable to pleasure and pain in whatever form they appear, and by whatever name they are labelled: to pleasure, whether it be called 'good' (that is properly the cause or instrument of pleasure) or profit (that is distant pleasure, or the cause or instrument of distant pleasure) or

'convenience' or 'advantage', 'benefit', 'emolument', 'happiness', and so forth; to pain, whether it is called 'evil' (that corresponds to 'good') or 'mischief' or 'inconvenience' or 'disadvantage' or 'loss' or 'unhappiness', and so forth. [In that sentence, both 'evil' [See glossary] and 'good' are nouns.]

8. This is not a novel and unjustified theory, any more than it is a useless one. What it presents is nothing but what perfectly fits the practice of mankind whenever they have a clear view of their own interest. What makes (for instance) an article of property, an estate in land, valuable? The pleasures of all kinds that it enables a man to produce, and (the same thing) the pains of all kinds that it enables him to avert. But everyone takes the value of such an article of property to rise or fall according to •how long a man has it, •how certain it is that he will get it, and •how long it will be before he gets it if indeed he does. The intensity of the pleasures he may derive from it is never thought of, because that depends on how he in particular chooses to use it, which can't be estimated till the particular pleasures he may derive from it or the particular pains he may exclude by means of it are brought to view. For the same reason, he doesn't think, either, of the fecundity or purity of those pleasures.

So much for pleasure and pain, happiness and unhappiness, in general. I shall now consider the various particular kinds of pain and pleasure.

## Chapter 5: The Kinds of Pleasure and Pain

1. Having presented what is common to all sorts of pleasures and pains, I now present separately the various sorts of pains and pleasures. Pains and pleasures may be called by one general word, *interesting* [see Glossary] perceptions. Interesting perceptions are either simple or complex. The complex perceptions are those that *can* be resolved into various simpler ones; simple perceptions are those that *can't*. A complex interesting perception can be composed of •pleasures alone, •pains alone, or •a combination of one or more pleasures and one or more pains. What determines a lot [see Glossary] of pleasure, for example, to be regarded as one complex pleasure rather than several simple ones is the nature of its cause. Whatever pleasures are excited [see Glossary] all at once by the action of a single cause are apt to be regarded as constituting only a single pleasure.

2. The simple pleasures of which human nature is susceptible seem to be the pleasures of

- (1) sense
- (2) wealth
- (3) skill
- (4) friendship
- (5) a good reputation
- (6) power
- (7) piety
- (8) benevolence
- (9) malevolence
- (10) memory

- (11) imagination
- (12) expectation
- (13) association
- (14) relief.

3. The simple pains seem to be the pains of

- (i) privation
- (ii) the senses
- (iii) awkwardness
- (iv) enmity
- (v) a bad reputation
- (vi) memory
- (vii) benevolence
- (viii) malevolence
- (ix) memory
- (x) imagination
- (xi) expectation
- (xii) association<sup>1</sup>

4. (1) The pleasures of sense seem to be as follows:

- (a) The pleasures of the taste or palate, including pleasures from satisfying hunger and thirst.
- (b) The pleasure of intoxication.
- (c) The pleasures of smelling.
- (d) The pleasures of touch.
- (e) The simple pleasures of the ear, independent of association [i.e. setting aside pleasures that heard speech may give because of what it means].

<sup>1</sup> This is what seemed to be a complete list of the various simple pleasures and pains of which human nature is susceptible; whenever a man feels pleasure or pain, it is either something on the list or is resolvable into ones that are. You might have liked to see an analytical view of the subject, . . . demonstrating the list to be complete. It is in fact the outcome of such an analysis, but I thought it better to omit this as being of too metaphysical a cast, and not strictly within the limits of the present work's design.

- (f) The simple pleasures of the eye, independent of association.
- (g) The pleasure of the sexual sense.
- (h) The pleasure of health, i.e. the internal pleasurable feeling or flow of spirits (as it is called) that accompanies a state of full health and vigour, especially at times of moderate bodily exertion.
- (j) The pleasures of novelty, i.e. the pleasures derived from satisfying curiosity by the application of new objects to any of the senses.<sup>1</sup>

5. (2) By ‘the pleasures of wealth’ may be meant the pleasures that a man is apt to get from his awareness of possessing any article or articles that count as instruments of enjoyment or security, especially when he first acquires them; at that time it may be called a pleasure of ‘gain’ or of ‘acquisition’; at other times a pleasure of ‘possession’.

(3) The pleasures of skill, as exercised on particular objects, are those that go with using particular instruments of enjoyment that can’t be used without a considerable amount of difficulty or exertion.<sup>2</sup>

6. (4) The pleasures of friendship or self-recommendation are the pleasures that can come with a man’s conviction that he is acquiring, or already has, the good will of certain particular people, and thus is well placed to have the benefit of their spontaneous and gratuitous services.

7. (5) The pleasures of a good reputation are the pleasures that accompany a man’s conviction that he is acquiring, or already has, the good will of the world around him, i.e. of such members of society as he is likely to have concerns

with, this being a result of their love or their esteem or both; and thus is well placed to have the benefit of their spontaneous and gratuitous services. These may also be called the pleasures of ‘good repute’, of ‘honour’, or of ‘the moral sanction’.

8. (6) The pleasures of power are those that accompany a man’s conviction that he is in a condition to get people to give him the benefit of their services because they hope to get some service, or fear getting some disservice, from him.

9. (7) The pleasures of piety are those that accompany a man’s conviction that he is acquiring, or already has, the good will of the supreme being, and thus is well placed to enjoying pleasures to be received by God’s special appointment, either in this life or in a life to come. These may also be called the pleasures of ‘religion’, of ‘a religious disposition’, or of ‘the religious sanction’.

10. 8 The pleasures of benevolence are those that result from the view of pleasures supposed to be had by the beings who may **be** the objects of benevolence, namely the sensitive beings we are acquainted with. These are commonly taken to include •the supreme being, •human beings, and •other animals. These may also be called the pleasures of ‘good will’, of ‘sympathy’, or of ‘the benevolent or social affections’ [see Glossary].

11. 9 The pleasures of malevolence are those that result from the view of pain supposed to be suffered by the beings who may **become** the objects of malevolence, namely •human beings and •other animals. These may also be called the pleasures of ‘ill-will’, of the irascible appetite [= ‘of anger’], of

<sup>1</sup> There are also pleasures of novelty, excited by the appearance of new ideas; these are pleasures of the imagination.

<sup>2</sup> For instance, the pleasure of being able to gratify the sense of hearing by singing or playing a musical instrument. This pleasure is additional to—and perfectly distinguishable from—what a man enjoys from hearing someone else perform in the same manner.

‘antipathy’, or of ‘the malevolent or unsocial affections’.

**12. 10** The pleasures of the memory are the pleasures which, after having enjoyed certain pleasures (or even in some case after having suffered certain pains), a man will sometimes experience at recollecting them exactly in the order and in the circumstances in which they were actually enjoyed or suffered. These derivative pleasures can of course be divided into as many species as there are of original experiences from which they may be copied. They may also be called pleasures of ‘simple recollection’.

**13. 11** The pleasures of the imagination are the pleasures that can be derived from contemplating pleasures that happen to be suggested by the memory but in a different order and accompanied by different groups of circumstances. So these can be referred to present, past, or future. Obviously they admit of as many distinctions as those of the former class.

**14. 12** The pleasures of expectation are those that result from contemplating any sort of pleasure thought of as future, accompanied with the sentiment of belief. These also admit of the same distinctions. All pleasures *other than* them may be called pleasures of ‘enjoyment’.

**15. 13** The pleasures of association are the pleasures that certain objects or incidents provide solely because of some association they have contracted in the mind with other objects or incidents that are in themselves pleasurable. An example is experience one can have when playing a game of chess, which gets its pleasurable quality from its association •partly with the pleasures of skill as exercised in the production of incidents pleasurable of themselves and •partly with the pleasures of power. Another example: the pleasure of playing a game of chance when not played for any stakes, which gets its pleasurable quality from its association

with one of the pleasures of wealth, namely the pleasure of acquiring it.

**16. 14** Later on we’ll see pains grounded on pleasures; similarly we can now see pleasures grounded on pains, namely the pleasures of relief. These are the pleasures a man experiences when pain that he has been enduring stops or lessens. These can of course be distinguished into as many species as there are of pains, and can give rise to so many pleasures of memory, of imagination, and of expectation.

**17. (f)** Pains of privation are the pains that can result from the thought of not possessing *now* any of the various kinds of pleasures. Pains of privation can be resolved into as many kinds as there are kinds of pleasures. . . .from whose absence they are derived.

**18.** There are three sorts of pains that are special cases of the pains of privation. •When the enjoyment of a particular pleasure is particularly desired, but with nothing close to assurance that it will be acquired, the resulting pain of privation is called the pain of ‘desire’ or of ‘unsatisfied desire’.

**19.** •Where the enjoyment has been looked for with a degree of expectation approaching assurance, and that expectation is suddenly wiped out, the resultant pain is called a pain of ‘disappointment’.

**20.** A pain of privation is called a pain of ‘regret’ •when it is based on the memory of a pleasure that was once enjoyed and appears not likely to be enjoyed again; and •when it is based on the idea of a pleasure that was never actually enjoyed but is thought of as something that might have been enjoyed if such-and-such a contingency had happened, which in fact it didn’t. [The former of those two uses ‘regret’ in a sense that the word has since lost, a sense in which ‘I regret my youth’ means that I miss my youth, I’m sad about no longer being young.]

**21. (ii)** The pains of the senses seem to be the following nine: •The pains of hunger and thirst, i.e. the disagreeable sensations produced by the lack of suitable substances in the alimentary canal. •The pains of the taste, i.e. the disagreeable sensations produced by applying various substances to the palate and other upper parts of the alimentary canal. •The pains of the organ of smell, i.e. the disagreeable sensations produced when the effluvia [= 'microscopic particles'] of various substances come into contact with that organ. •The pains of touch, i.e. the disagreeable sensations produced by the application of various substances to the skin. •The simple pains of hearing, i.e. the disagreeable sensations excited in the organ of that sense by various kinds of sounds, independently of association. •The simple pains of the sight, i.e. the disagreeable sensations (if there are any) that may be excited in the organ of that sense by visible images, independently of association. •The pains resulting from excessive heat or cold, unless these relate to touch.<sup>1</sup> •The pains of disease, i.e. the acute and uneasy [see Glossary] sensations resulting from the various diseases and indispositions that human nature is open to. •The pain of

exertion, i.e. the uneasy sensation that is apt to accompany any intense effort of mind or body.

**22. (iii)**<sup>2</sup> The pains of awkwardness are those that sometimes result from •the unsuccessful attempt to make use of particular instruments of enjoyment or security, or from the difficulty a man experiences in using them.

**23. (iv)** The pains of enmity are those pains that may accompany a man's conviction that he is obnoxious [see Glossary] to the ill-will of some particular person or persons (being 'on ill terms with' him or them, as we say), and is therefore obnoxious to pains of some kind that he or they may cause.

**24. (v)** The pains of a bad reputation are those that accompany a man's conviction that is he is, or is likely to become, obnoxious to the ill-will of the world around him. They can also called the pains of 'ill-repute', of 'dishonour', or of 'the moral sanction'.<sup>3</sup>

**25. (vi)** The pains of piety are those that accompany a man's conviction that he obnoxious to the displeasure of •the supreme being; and in consequence obnoxious to certain pains to be inflicted by •his special decrees, either in this

<sup>1</sup> The pleasure of the sexual sense [Bentham's phrase] seems to have no corresponding positive pain [see Glossary]—only a pain of privation, or a mental pain, the pain of unsatisfied desire. If any positive bodily pain results from the lack of such indulgence [Bentham's phrase], it counts as a pain of disease.

<sup>2</sup> There seem to be no positive pains corresponding to the pleasures of power. The pains that a man may feel from the lack or loss of power—insofar as far as power is distinguished from all other sources of pleasure—seem to be merely pains of privation. The pleasures of novelty have no positive pains corresponding to them. The pain that a man experiences when he doesn't know what to do with himself—the pain that in French is called *ennui*—is a pain of privation, a pain resulting from the absence not only of the pleasures of novelty but of all kinds of pleasure whatsoever.—The pleasures of wealth also have no positive pains corresponding to them; the only pains opposed to them are pains of privation. positive pains resulting from the lack of wealth belong in some other class of positive pains, principally those of the senses. From the lack of food, for instance, result the pains of hunger; from the lack of clothing, the pains of cold; and so forth.

<sup>3</sup> Bentham has a footnote distinguishing two cases: •I think that my ill-name will lead people to be less helpful than they would otherwise have been, so I suffer a pain of privation; •I think that my ill-name will lead people to be outright harmful to me, so I suffer a positive pain. He concludes:] The pain of privation and the positive pain in this case run one into another indistinguishably.

life or in a life to come. These can also be called the pains of 'religion', of a 'religious disposition', or of the 'religious sanction'. When the man's belief is seen as well-grounded, these pains are commonly called 'religious terrors'; when it is seen as ill-grounded, 'superstitious terrors'.<sup>1</sup>

**26. (vii)** The pains of benevolence are those that result from the view of pains supposed to be endured by other beings. These may also be called the pains of 'good will', of 'sympathy', or of 'the benevolent or social affections'.

**27. (viii)** The pains of malevolence are pains resulting from the view of pleasures supposed to be enjoyed by beings who are objects of a man's displeasure. These may also be called the pains of 'ill-will', of 'antipathy', or of 'the malevolent or unsocial affections'.

**28. (ix)** The pains of the memory can be grounded on any one of the above kinds—pains of privation as well as of positive pains. These correspond exactly to the pleasures of the memory.

**29. (x)** The pains of the imagination can also be grounded on any one of the above kinds, whether pains of privation or positive pains; in other respects they correspond exactly to the pleasures of the imagination.

**30. (xi)** The pains of expectation can also be grounded on any one of the above kinds, whether pains of privation or positive pains. They can be also called pains of 'apprehension'.<sup>2</sup>

**31. (xii)** The pains of association correspond exactly to the pleasures of association.

**32.** The pleasures and pains of •benevolence and of •malevolence presuppose, and have regard to, a pleasure or pain of some other person; these two can be called 'extra-regarding' pleasures and pains. None of the other pleasures and pains presuppose any such thing; they can be called 'self-regarding'.<sup>3</sup>

**33.** Virtually *all* of all these various sorts of pleasures and pains are liable, on more accounts than one, to come under the consideration of the law.

- Is an offence committed? The mischief of it—and the ground for punishing it—consists in its tendency to destroy some of these pleasures or to produce some of these pains in certain persons.
- The motive or temptation to commit the offence is the prospect of some of these pleasures, or of security from some of these pains.
- The profit of the offence consists in the attainment of those pleasures or that security.
- Is the offender to be punished? That can only be by inflicting on him one or more of these pains.

·START OF A FOOTNOTE THAT ENDS THE CHAPTER·

It would be interesting and somewhat useful to exhibit a catalogue of the various complex pleasures and pains, analysing them into the simple ones of which they are composed. This would take up too much space to be admitted here, but a short specimen, for the purpose of illustration, can hardly be dispensed with.

<sup>1</sup> A footnote here runs exactly parallel to the immediately preceding footnote. You can easily work it out for yourself.

<sup>2</sup> All pains other than these can be called pains of 'sufferance'.

<sup>3</sup> This lets us distinguish the pleasures and pains of •amity more clearly from those of •benevolence; and the pleasures and pains •of enmity from those of •malevolence. The pleasures and pains of amity and enmity are self-regarding; those of benevolence and malevolence are extra-regarding.

The pleasures taken in at the eye and ear are generally very complex. The pleasures of a country scene, for instance, often consists of the following pleasures among others:

**Pleasures of the senses:** •The simple pleasures of sight, excited [see Glossary] by the perception of agreeable colours and forms, green fields, waving foliage, glistening water, and the like. •The simple pleasures of the ear, excited by the perceptions of the chirping of birds, the murmuring of waters, the rustling of the wind among the trees. •The pleasures of smell, excited by taking in the fragrance of flowers, of new-mown hay, or other vegetable substances in the first stages of fermentation. •The agreeable inward sensation produced by a brisk circulation of the blood, and the ventilation of it in the lungs by air that is purer than is often breathed in towns.

**Pleasures of the imagination produced by association:**  
 •The idea of the affluence resulting from the possession of the objects one sees, and of the happiness arising from it.  
 •The idea of the innocence and happiness of the birds, sheep, cattle, dogs, and other gentle or domestic animals. •The idea of the constant flow of health that all these creatures are *supposed* to enjoy—a notion that is apt to result from the occasional flow of health enjoyed by the spectator. •The idea of gratitude, excited by contemplating the all-powerful and beneficent being who is looked up to as the author of these blessings.—These last four are all to some extent pleasures of sympathy.

Depriving a man of this group of pleasures is one of the evils apt to result from imprisonment, whether produced by illegal violence, or as legal punishment.

## Chapter 6: Circumstances influencing Sensibility

1. Pain and pleasure are produced in men's minds by the action of certain causes. But the quantity of pleasure and pain does not vary uniformly with the quantity of force exerted by its cause. The truth of this doesn't rests on any metaphysical nicety [see Glossary] in the meanings of 'cause', 'quantity' and 'force'; it will be equally true however such a force is measured.

2. *How* disposed is this man to feel such-and-such a **quantity** of pleasure or pain when acted on by a cause with such-and-such a force? The answer to that question gives the degree or quantum of his sensibility [see Glossary]. We can speak of the degree of his sensibility with reference •to all the causes that act on him during a given period or •to one

particular cause or one sort of cause.

3. People vary in which causes produce this or that degree of pleasure or pain in them. A given person's pattern of feeling-strength in relation to cause-force may be called the **quality** or 'bias' of his sensibility. One man, for instance, may be most affected by the pleasures of taste, another by those of the ear. And when a single cause creates in everyone two pains or pleasures, people can vary (though there's less of this) in which of the two is uppermost. It can happen, for instance, that the same injury causes the same over-all quantity of grief and resentment in x as in y, but x feels more grief than resentment while y feels more resentment than grief.

4. Any incident that serves as a cause of pleasure or pain may be called an ‘exciting cause’ [see Glossary]; if of pleasure, a ‘pleasurable’ cause; if of pain, a ‘painful’ or ‘afflictive’ cause.<sup>1</sup>

5. The quantity of pleasure or pain that a man is liable to experience from a given exciting cause will depend not only on that cause but also on some other circumstances—we can call these ‘circumstances influencing sensibility’.<sup>2</sup>

6. These circumstances will apply differently to different exciting causes; a certain circumstance may greatly influence the effect of one exciting cause while having no influence on that of another. But without going into all that just now, it may be useful if I to sum up all the circumstances that can be found to influence the effect of any exciting cause. Following my earlier procedure, I shall first list them as briefly as possible, and then give a few words to explaining each of them separately. They are:

- (1) Health.
- (2) Strength.
- (3) Hardiness.
- (4) Bodily imperfection.
- (5) Quantity and quality of knowledge.
- (6) Strength of intellectual powers.
- (7) Firmness of mind.
- (8) Steadiness of mind.
- (9) Bent of inclination.
- (10) Moral sensibility.
- (11) Moral biases.

- (12) Religious sensibility.
- (13) Religious biases.
- (14) Sympathetic sensibility.
- (15) Sympathetic biases.
- (16) Antipathetic sensibility.
- (17) Antipathetic biases.
- (18) Insanity.
- (19) Habitual occupations.
- (20) Pecuniary circumstances.
- (21) Connections in the way of sympathy.
- (22) Connections in the way of antipathy.
- (23) Radical frame of body.
- (24) Radical frame of mind.
- (25) Sex.
- (26) Age.
- (27) Rank.
- (28) Education [see Glossary].
- (29) Climate.
- (30) Lineage.
- (31) Government.
- (32) Religious profession

·START OF FOOTNOTE·

An analytical view of all these circumstances will be given in **46** at the end of the chapter. It had to be delayed until then because it couldn’t have been well understood until some of them had been explained.

<sup>1</sup> Three things that are intimately connected: •the exciting cause, •the pleasure or pain produced by it, and •the intention produced by such pleasure or pain in the character of a motive. I fear that I haven’t always been able to keep these sufficiently distinct. Having given you this warning, I hope that there won’t be much confusion if such mistakes do turn up.

<sup>2</sup> Thus, in physical bodies, the momentum of a ball put in motion by impulse will be influenced—increased or lessened—by the circumstance of gravity. When a ship is put in motion by the wind, its momentum and direction will be influenced by the attraction of gravity, by the motion and resistance of the water, and by several other circumstances.

To •search out the vast variety of exciting or moderating causes that can influence the degree or bias of a man's sensibility, to •define the boundaries of each, to •disentangle them from one another, and to •lay the effect of each of them clearly before the reader's eye—all this constitutes one of the most difficult tasks in moral [see Glossary] physiology. To do this well would require examples. To provide a sufficient collection of such examples would be a work of great labour as well as nicety; history and biography would need to be ransacked; a vast course of reading would be needed. Such a process would. . . .be so enormous that this single chapter would have swelled into a considerable volume. Invented cases can sometimes make the general points tolerably intelligible, but they can't make it palatable. So here, as so often elsewhere, I must confine myself to dry and general instruction, while realising that illustrations would have doubled the power of the instruction. The subject is so difficult and so new that I'll think I have succeeded pretty well if, without claiming to exhaust it, I can mark out the principal points of view and put things in order in a way that will help the researches of more fortunate inquirers.

The great difficulty lies in the nature of words that are not (like 'pain' and 'pleasure') •names of homogeneous real entities, but •names of fictitious entities that have no common genus and therefore must be picked up here and there as

they happen to occur. It would take a vast and roundabout chain of investigation to bring them under any exhaustive plan of arrangement.

•END OF LONG FOOTNOTE•

**7. (1) Health** is the absence of disease, and thus the absence of all the kinds of pain that are symptoms of disease. A man may be said to be in a state of 'health' when he is not conscious of any uneasy [see Glossary] sensations anywhere in his body.<sup>1</sup> Health affects general sensibility: a man suffering from a bodily indisposition—a man in a state of ill-health—is less sensible to the influence of any pleasurable cause, and more so to that of any afflictive one, than if he were well.

**8.(2)** Although **strength** is causally closely linked with health, the two are perfectly distinguishable. A man will indeed generally be stronger in a good state of health than *he* will be in a bad one; but one man in a bad state of health may be stronger than another who is in good health. Weakness commonly comes with disease; but a man's radical frame of body [= 'basic physical constitution'] may make him weak all his life long without having any disease. Health, as I have observed, is principally a negative circumstance; strength a positive one. The degree of a man's strength can be measured with tolerable accuracy.<sup>2</sup>

<sup>1</sup> This negative account of health may seem inadequate to the degree of health where the whole body is filled with a kind of feeling—a 'flow of spirits', as it is called—that could properly be called a positive pleasure. But without experiencing any such pleasurable feeling, if a man experiences no painful one he may be said to be in health.

<sup>2</sup> The most accurate measure of a man's strength seems to come from the weight he can lift with his hands in a given attitude. This admittedly relates immediately only to his arms; but these are •the organs of strength that are used most, •the ones whose strength corresponds most exactly with the person's bodily strength generally, and •the ones whose quantum of strength is most easily measured. . . .—'Weakness' is a negative term, implying the absence of strength. It is also a relative term: calling someone 'weak' is implicitly comparing him with others. When a man is so weak that it is painful for him to go through the motions of the ordinary functions of life—to get up, to walk, to dress himself, and so forth—that is counted as being in ill-health.

9. (3) **Hardiness** is closely connected with strength, but distinguishable from it. Hardiness is the absence of irritability [see Glossary]. There is

- irritability that is a disposition to undergo more or less **pain** on the application of a mechanical cause such as *whipping* or other procedures by which simple afflictive punishments are inflicted; and
- irritability that is a disposition •to contract **disease** more or less easily on the application of anything that acts on the body through its physiological properties, as when damp air produces fevers, colds, or other inflammatory diseases; or •to experience immediate **uneasiness**, as in the feelings caused by the surrounding air's being too hot or too cold.

Hardiness, even in the sense in which it is opposed to the action of mechanical causes, can be distinguished from strength. The external indications of strength are

- the abundance and firmness of the muscular fibres;
- those of hardiness, in this sense, are
  - the firmness of the muscular fibres, and the thick hardness of the skin.

Strength is more particularly the gift of nature; hardiness the gift of education. Someone brought up as a gentleman may be stronger than a common sailor, but the sailor may be the hardier of the two.

10. (2) By '**bodily imperfection**' we understand the condition a person is in if he is •distinguished by some noticeable deformity, or lacks some part or faculty that persons of the same sex and age generally have; for instance, someone who has a hare-lip, is deaf, or has lost a hand. Like ill-health, bodily imperfection tends in general to lessen the effect of any pleasurable circumstance and to increase the effect of any afflictive one. But there is great variety in the effects of this circumstance, i.e. in the ways in which a man can suffer

in his personal appearance, and in his bodily organs and faculties. These differences will be taken notice of in their proper places.

11. (5) So much for circumstances relating to the condition of the body; we come now to those relating to the condition of the mind. . . . Let us start with the **quantity and quality of knowledge** possessed by the person in question, i.e. of the ideas that he actually has in store, ready to call to mind when needed. I'm talking about ideas that are in some way of an interesting [see Glossary] nature, i.e. that could affect his happiness or that of other men. When these ideas are many, and of importance, a man is said to be a man of knowledge; when they are few or not of importance, he is said to be ignorant.

12. (6) By '**strength of intellectual powers**' I understand the degree of ease with which a man calls to mind •ideas that he has already aggregated to his stock of knowledge and •any other ideas that he comes to want to place there. The words 'parts' and 'talents' commonly come in here. We can include under this heading the qualities of •readiness of apprehension, •accuracy and tenacity of memory, •strength of attention, •clearness of discernment, •amplitude of comprehension, and •vividness and rapidity of imagination. . . .

13. (7) [Bentham's account of '**firmness of mind**' and its opposite 'irritability of mind' involves his notion of the 'value' of an exciting cause—see 2 on page 22. Two contributors to a cause's value are •its size and •its nearness in time; and a man shows firmness of mind to the extent that he attaches more weight to the former than to the latter. Bentham purports to illustrate this, in a footnote, with something that is surely an example of something quite different, namely the firmness of sticking to a decision one has made—a man who has been 'determined by the prospect of some inconvenience

not to disclose a fact', and stays firm in this decision even when he is tortured on the rack. For this to illustrate what it is meant to illustrate, the future 'inconvenience' would have to be in some relevant sense *bigger* than the present agony on the rack.]

**14. (8) Steadiness of mind** has to do with the time during which a given exciting cause of a given value continues to affect a man in nearly the same manner and degree as at first if no identifiable external event or change of circumstances has intervened to alter its force.<sup>1</sup>

**15. (9)** By the '**bent of a man's inclinations**' I understand his propensity to expect pleasure or pain from certain objects rather than from others. A man's inclinations may be said to have such-and-such a bent when, among the various sorts of objects that give some pleasure to all men, he is apt to expect more pleasure from one particular sort than from another, or more from one particular sort than another man would expect from that sort; or when, among the various sorts of objects that would give pleasure to one man while giving none to another, he is apt to expect, or not to expect, pleasure from an object of such-and-such a sort; so also with regard to pains. The bent of a man's inclinations is intimately connected with the bias of his sensibility, but the two can be distinguished. How much pleasure or pain a man experiences on a given occasion from item x may be influenced by the expectations he has usually had of pleasure or pain from x; but it won't be absolutely determined by them, because pleasure or pain may reach him from a direction from which he isn't accustomed to expect it.

**16. (10)** The circumstances of moral, religious, sympathetic, and antipathetic sensibility will turn out under scrutiny to be special cases of bent of inclination; but they are important enough to deserve separate treatment. A man's **moral sensibility** may be said to be strong when the influence on him of the pains and pleasures of the moral sanction, as compared with the influence of other pleasures and pains, is stronger than it is with the persons he is compared with. In other words, he is acted on with more than ordinary efficacy by the sense of honour. . . .

**17. (11)** Moral sensibility seems to concern the *average* effect or influence of the pains and pleasures of the moral sanction on all sorts of occasions to which it is relevant—the average force or quantity of the impulses the mind receives from that source during a given period. **Moral bias** concerns the *particular* acts to which on many particular occasions the force of the moral sanction is seen as relevant. It concerns the quality or direction of those impulses, so there are as many varieties of it as there are dictates that the moral sanction may be conceived to issue. A man may be said to have such-and-such a moral bias, or to have a moral bias in favour of such-and-such an action, when he sees it as one whose performance is dictated by the moral sanction.

**18. (12)** What I have said about moral sensibility also applies, *mutatis mutandis*, to **religious sensibility**.

**19. (13)** What I have said about moral biases also applies, *mutatis mutandis*, to **religious biases**.

**20. (14)** '**Sympathetic sensibility** is a man's propensity to derive pleasure from the happiness of other sensitive beings,

<sup>1</sup> The speed with which children grow tired of their toys and throw them away is an instance of unsteadiness; a merchant's perseverance in his trade or an author's in writing his book are examples of steadiness. It's hard to estimate the quantity of pleasure or pain in these cases except from its effect in producing a motive; and even then it's hard to say whether the change of conduct happens through the extinction of the old pleasure or pain or through the intervention of a new one.

and pain from their unhappiness. Its strength is given by ratio of •the pleasure or pain he feels on their account and •the pleasure or pain he thinks they feel for themselves.

**21. (15) Sympathetic bias** has to do with *which* parties are the objects of a man's sympathy, and the acts or other circumstances of those persons that his sympathy is excited by. These parties may be

- certain individuals
- any subordinate class of individuals
- the whole nation
- human kind in general
- the whole sensitive creation.

The more numerous these objects of his sympathy are, the more enlarged his sympathy may be said to be.

**22. (16, 17) Antipathetic sensibility** and **antipathetic biases** are just the reverse of sympathetic sensibility and sympathetic biases. Antipathetic sensibility is a man's propensity to derive pain from the happiness of other sensitive beings, and pleasure from their unhappiness.

**23. (18)** The circumstance of **insanity** of mind corresponds to that of bodily imperfection. But there can't be as many varieties of it because as far as we can see the soul [here = 'the mind'] is one indivisible thing, not distinguishable into parts as the body is. I'm not including the lesser degrees of imperfection that a mind may be susceptible of, because they seem to fall under the already-mentioned headings of ignorance, weakness of mind, irritability, or unsteadiness—or under others that are reducible to those. My topic here is the extraordinary kinds and degrees of mental imperfection that are in any context as conspicuous and as unquestionable as lameness or blindness in the body. They seem to operate partly by •inducing an extraordinary degree of the imperfections mentioned above and partly by directing the

inclinations in extraordinary and preposterous directions.

**24. (19)** Under the heading of a man's '**habitual occupations**' I am including both the ones he pursues for the sake of profit and those he pursues for the sake of present pleasure. . . . [Bentham goes on to say that the 'profit' topic will come up in the next paragraph; that it is distressing to be blocked, by punishment or some other cause, from one's habitual occupations; and that your habitual occupations are not the same as the bent of your inclinations—you might be much inclined to go in for some activity that is never possible for you.]

**25. (20)** Under the heading of '**pecuniary circumstances**' I mean to bring to view the ratio between a man's means and his wants—the sum total of all his means and the sum total of all his wants. A man's means depend on three things:

- (a) his property—everything that he has in store independently of his labour;
- (b) the profit of his labour, whether physical or mental or both;
- (c) his connections in the way of support—i.e. the pecuniary help that he is well placed to receive from any persons (e.g. parents, patrons, relatives) whom he has reason to expect to contribute gratis to his maintenance.

It seems obvious that this list is complete. Anything that a man uses he must have either (a) of his own or from other people, and if from other people then either (c) gratis or (b) for a price. His wants seem to depend on

- (a) his habits of expense: a man's desires are largely governed by his habits; in many cases a desire (and consequently the pain of privation connected with it) wouldn't even exist if it weren't for previous enjoyment.

- (b) his connections in the way of burden—meaning whatever expense he has reason to think he is bound to incur in the support of those who are warranted (by law or the customs of the world) in looking to him for assistance; such as children, poor relations, pensioned servants, other dependents.
- (c) any present casual [here = ‘non-recurring’] demand he may have: there are occasions when a given sum will be worth infinitely more to a man than the same sum would at another time; e.g. when he needs money •to pay for extraordinary medical assistance or •to carry on a law-suit on which his *all* depends or •to pay for transport to a distant country where a job is waiting for him. . . .
- (d) the strength of his expectation: when one man expects to gain or to keep a thing that another does not, the lack of the thing will obviously affect the former very differently from the latter. . . .

26. (21) Under the heading of a man’s **connections in the way of sympathy** I want to exhibit the number and description of the persons whose welfare concerns him in such a way the idea of their happiness brings him pleasure, and that of their unhappiness brings him pain—e.g. his wife, children, parents, near relations, and intimate friends. These will obviously include two groups mentioned in (20) above, namely •those from whom he may expect support and •those whose wants operate on him as a burden. But there may well be others with whom he has no such pecuniary connection; and even when there is such a connection—a dependence ·in one direction or the other·—it is perfectly

distinguishable from the union of affections that is our topic in the present paragraph. These connections here have an influence on the effect of *any* exciting causes, not merely ones involving money. Their tendency is to increase a man’s *general* sensibility, i.e. to increase the pleasure produced by all pleasurable causes and the pain produced by all afflictive ones. When something pleasurable happens to a man, he naturally first thinks of the pleasure it will immediately give him; soon after that (except in a few negligible cases) he begins to think of the pleasure his friends will feel when they come to know of it; and the thought of that pleasure of theirs is often a considerable addition to his pleasure. First comes the self-regarding pleasure; then comes the idea of the pleasure of sympathy that you think this pleasure of yours will arouse in the bosom of your friend; and this idea excites again in your bosom a new pleasure of sympathy. The first pleasure radiating out (as it were) from your bosom •illuminates the bosom of your friend, and reflected back from it •brings new warmth to the point from which it started; and similarly with pains.<sup>1</sup>

This effect doesn’t depend wholly on affection. Among near relatives, even when there is no kindness, the pleasures and pains of the moral sanction are quickly propagated by a special kind of sympathy; a man can’t incur any honour or disgrace without its extending a certain distance within the circle of his family. What reflects honour on the father reflects honour on the son; what reflects disgrace, disgrace. . . .

27. (22) There is nothing very special to say about a man’s **connections in the way of antipathy**. Fortunately there’s

<sup>1</sup> This is one reason why legislators generally prefer, in their dealings, married people to single ones, and people with children to childless ones. Obviously, the stronger and more numerous a man’s connections in the way of sympathy are, the stronger is the law’s hold on him; a wife and children are so many pledges a man gives to the world for his good behaviour.

no primeval and constant source of antipathy in a human nature, as there is of sympathy. There are no permanent sets of persons who are naturally and as a matter of course the objects of a man's antipathy as there are who are the objects of his sympathy. Still, causes of antipathy—all too many of them—are apt to spring up in the course of a man's life; and when they do they can influence considerably the effects of various exciting causes. For example, a punishment will be all the more distressing if it separates a man from those he is connected with in the way of sympathy, or if it forces him into the company of those with whom he is connected in the way of antipathy. Notice that sympathy itself multiplies the sources of antipathy: sympathy for your friend gives rise to antipathy on your part against all those to whom he is antipathetic, and to sympathy for those to whom he is sympathetic. In the same way antipathy multiplies the sources of sympathy, though perhaps not as effectively. . . .

**28. (23)** So much for the factors that can influence the effect of an exciting cause on particular occasions at particular times. But such an influence is also had by other circumstances that relate to a man from the time of his birth. In the first place, everyone seems to agree that something in the **original frame or texture of a man's body** makes him systematically liable to be affected by causes of bodily pleasure or pain in different way from how another man would be affected by the same causes. So we can add to the list of circumstances influencing a man's sensibility his original or radical frame, texture, constitution, or temperament of body.

**29. (24)** In the next place, everyone seems to agree that something in the **original frame or texture of a man's mind** makes him systematically liable—independently of all other circumstances, even of his radical frame of body—to be affected by various exciting causes differently from how another man would be. So we can add to the list of circumstances influencing a man's sensibility his original (or radical) frame, texture, constitution, or temperament of mind.

**30.** This circumstance and the preceding one are different: we see persons whose frame of body is as much alike as can be conceived, differing considerably in their mental frame; and vice versa.<sup>1</sup>

**31.** [Bentham says here that changes in a man's mind are not solely due to 'external occurrences', from which he seems to infer that they aren't purely changes in the body. He adds that how a man develops depends partly on 'nature' and partly on 'education', from which he infers (surely invalidly!) that frame of body and frame of mind are distinct from one another.]

**32.** Distinct though they are, it's clear that at no time in a man's active life can they either of them make their appearance by themselves. They merely constitute the latent groundwork that the other circumstances—the ones in the **(1)–(22)** list—have to work on; whatever influence the original frames of body and mind have is so modified and covered over (as it were) by those other circumstances that it is never separately detectable. The effects of the one influence are indistinguishably blended with those of the other.

<sup>1</sup> Those who maintain that the mind and the body are one substance may object that all we have here is a verbal distinction, and that *therefore* there's no such thing as a frame of mind distinct from the frame of body. But even if we grant the premise, for argument's sake, we can challenge the inference to the conclusion. Even if the mind is only a part of the body, it is very different in kind from the other parts of the body.—No part of a man's bodily frame can alter considerably without the alteration's being immediately indicated in ways the senses can pick up. A man's frame of mind can alter very considerably while his frame of body remains the same to all appearance, i.e. in all the ways that might become known to other men.

[That last sentence is verbatim from Bentham. This puzzling paragraph seems to go as follows: What seemed to be shaping up to be the thesis that neither of these two shows up

by itself, rather than in harness with the other becomes instead the thesis that the pair of them don't show up

*by themselves*, rather than in harness with other factors.

But then in that interplay between •these two and •the others, the influences of the two run together. In short, 'Distinct though they are, the effects of one are indistinguishably blended with those of the other.']

**33.** The emotions of the body are rightly regarded as probable indications of the emotional state of the mind, but they are pretty far from conclusive. A man may exhibit the exterior appearances of grief without grieving anything like as much as he appears to, and perhaps without really grieving at all. Oliver Cromwell, whose conduct indicated a more than ordinarily callous heart, was remarkably profuse in tears. Many men can command the outer appearances of sensibility with very little real feeling.<sup>1</sup>

**34.** The remaining items may be called 'secondary' influencing circumstances—secondary, that is, to the ones already mentioned. They do influence the quantum or bias of a man's sensibility [= 'the strength or direction of his feelings'], but only by means of the primary ones. In these events, it's the primary ones that do the business, while the secondary ones are most open to observation; so the secondary ones are most

talked about, which is why I have to discuss them. But their influence can be explained only through the primary ones, whereas the influence of the primary ones will be apparent enough without any mention of the secondary ones.

**35. (25)** Among the basic facts about the bodily frame that appear to influence the quantum and bias of sensibility, the most obvious and conspicuous are those that constitute the **sex**. The female sex appears in general to have *more* sensibility than the male sex does. The female's health is more delicate than the male's; she is commonly lower on the scale of

- strength and hardiness of body,
- quantity and quality of knowledge,
- strength of intellectual powers, and
- firmness of mind.

Moral, religious, sympathetic, and antipathetic sensibility are commonly stronger in her than in the male. The quality of her knowledge and the direction of her inclinations are commonly different in many respects. Her moral biases are also in certain respects remarkably different: for example, chastity, modesty, and delicacy are prized more than courage in a woman; courage is prized more than any of those qualities in a man. The religious biases in the two sexes are not apt to be remarkably different, except that the female is rather more inclined than the male to superstition, i.e. to

<sup>1</sup> As regards the sort of pain known as 'grief': its quantity is hardly to be measured by any external indications—not (for example) by the quantity of the tears or the number of moments spent in crying. Perhaps the pulse? A man can't control the motions of his heart as he can those of the muscles of his face. But the specific meaning of these indications is still very uncertain; they can tell us •that the man is affected, but not •how or •from what cause; and he can lie about that. . . . Tears of rage he may attribute to contrition. His concern at the thoughts of a punishment that awaits him he may represent as a sympathetic concern for the mischief produced by his offence.—A very tolerable judgment, however, can often be reached by a discerning person who lays together all the external indications a man exhibits and compares them with his actions. . . .—A remarkable instance of the power of the will over the external signs of sensibility is to be found in Tacitus's story of the Roman soldier who raised a mutiny in the camp, pretending to have lost a brother by the lawless cruelty of the General. The truth was, he never had had a brother.—The female sex is commonly better at this than the male; hence the proverbial phrase 'a woman's tears'. To have this kind of command over oneself was the characteristic excellence of the orator of ancient times, and is that of the actor today.

rituals that aren't dictated by the principle of utility; a difference that may be pretty well accounted for by some of the before-mentioned circumstances. Her sympathetic biases are in many ways different: for her own offspring all through their lives, and for children in general while they are young, her affection is commonly stronger than the male's. Her affections are apt to be less broad, seldom expanding themselves to take in the welfare of her country in general, much less that of mankind or the whole sensitive creation; seldom embracing any extensive class or division even of her own countrymen, except in virtue of her sympathy for some individuals that belong to it. Her antipathetic and sympathetic biases are generally apt to conform less to the principle of utility than the male's, mainly because of some deficiency in knowledge, discernment, and comprehension. Her usual pastimes are apt to be in many ways different from the male's. There can be no difference between the sexes regarding connections in the way of sympathy. As for pecuniary circumstances, according to the customs of perhaps all countries she is in general less independent.

**36. (26) Age** is of course divided into different periods whose number and limits are by no means uniformly settled on. For the present purpose one might distinguish

- Infancy
- Adolescence
- Youth
- Maturity
- Decline
- Decrepitude.

It would be a waste of time to examine each period, observing the indications it gives regarding the various circumstances I have been discussing. Infancy and decrepitude are commonly inferior to the other periods in health, strength, hardiness, and so forth. In infancy the imperfections of

the female sex are greater than at other periods; the male imperfections in infancy are mostly similar in quality but greater in quantity than those of the female in adolescence, youth, and maturity. In the stage of decrepitude both sexes relapse into many of the imperfections of infancy. . . .

**37. (27) Station, or rank** in life will commonly undergo a number of variations among a civilised people. Other things being equal, the quantum of sensibility appears to be greater in the higher ranks of men than in the lower. The main circumstances in respect of which rank is apt to produce or indicate a difference seem to be:

- quantity and quality of knowledge
- strength of mind
- bent of inclination
- moral sensibility
- moral biases
- religious sensibility
- religious biases
- sympathetic sensibility
- sympathetic biases
- antipathetic sensibility
- antipathetic biases
- habitual occupations
- nature and productiveness of a man's means of livelihood
- connections bringing profit
- habit of expense
- connections implying burden: a man of a certain rank will frequently have dependents in addition to those whose dependency is the result of natural relationship.

As for health, strength, and hardiness, if rank has any influence on these it is only in a remote way chiefly by its influence on habitual occupations.

**38. (28)** The influence of **education** is still more extensive. Education [see Glossary] stands on a somewhat different footing from age, sex, and rank. Although the influence of these three comes mainly if not entirely through the medium of certain of the primary circumstances I have mentioned, each of them has a separate existence in itself. This is not the case with education: all there is to education is one or more of those primary circumstances. Education may be divided into physical and mental, the education of the body and that of the mind. Mental education divides into intellectual and moral, the culture of the understanding and the culture of the affections. [In that sentence, 'culture' refers to •a process of helping something to grow. But in the rest of this paragraph Bentham is thinking of a man's education primarily as *educatedness*, •the upshot of a process.] The education a man receives comes partly from others, partly from himself. By 'education', then, what is meant is just a man's condition in respect of those primary circumstances, as resulting partly from •the management and contrivance of others, principally of those who have had charge of him in the early periods of his life, partly from •his own. The physical part of his education includes health, strength, and hardiness; sometimes, by accident, bodily imperfection, as when by intemperance or negligence an irreparable mischief happens to his person. The intellectual part includes quantity and quality of knowledge, and perhaps in some measure firmness of mind and steadiness. The moral part includes the bent of his inclinations, and the quantity and quality of his moral, religious, sympathetic, and antipathetic sensibility. All three parts include his habitual recreations, his property, his means of livelihood, his connections in the way of profit and of burden, and his habits of expense. The influence of education with respect to *these* is modified (in a more or less obvious way) by •the influence of exterior occurrences, and (in a way that is very

unobvious and altogether out of the reach of calculation) by •the original texture and constitution of his body and of his mind.

**39. (29)** Among the external circumstances that modify the influence of education the main ones come under the heading of **climate**. This pushes to the front and demands its own heading not merely •because of how big its influence is but also •because it is conspicuous to everybody and applies indiscriminately to many people at a time. The climate of region *x* depends for its essence on *where* *x* is in relation to the planet earth's revolution round the sun; but its influence depends on the condition of the bodies on *x*'s surface—principally on the quantities of sensible heat at different periods, and on the density, and purity, and humidity of the air. Nearly all the primary circumstances are influenced by this secondary one, partly by its manifest effects on the body, and partly by its less perceptible effects on the mind. In hot climates men's health is apt to be more precarious than in cold ones; their strength and hardiness are less; their vigour, firmness, and steadiness of mind are less, and thence indirectly so is their quantity of knowledge; the bent of their inclinations is different (most noticeably in their greater propensity to sexual enjoyments, and in how early in life that propensity begins to manifest itself); their sensibilities of all kinds are more intense; their habitual occupations are slack rather than active; their radical frame of body is less strong, probably, and less hardy; their radical frame of mind is less vigorous, less firm, less steady.

**40. (30)** Another item in the list of secondary circumstances is race or **lineage**—the national race or lineage that a man issues from. This, independently of climate, will commonly make some difference to the radical frame of mind and body. A man of negro race, born in France or England, is in many

respects a very different being from a man of French or English race. A man of Spanish race, born in Mexico or Peru, is at the hour of his birth in many respects a different sort of being from a man of the original Mexican or Peruvian race. The influence of race, insofar as it is distinct from the influences of climate, rank, and education, . . . operates chiefly through the medium of moral, religious, sympathetic, and antipathetic biases.

**41. (31)** Then we come to **government**, the government under which a man has been most accustomed to live. This operates principally through the medium of education; the magistrate [see Glossary] operating as a tutor to all the members of the state by the direction he gives to their hopes and fears. Indeed under a solicitous and attentive government an ordinary teacher—indeed, even a *parent*—is only a deputy (as it were) to the magistrate, whose controlling influence. . . stays with a man to his life's end. The effects of the magistrate's special power are seen more particularly in its influence over the quantum and bias of men's moral, religious, sympathetic, and antipathetic sensibilities. Under a well-constituted government, and even under a badly constituted government that is well administered, men's moral sensibility is commonly stronger, and their moral biases more in conformity with the dictates of utility; their religious sensibility is often weaker, but their religious biases conform better to the dictates of utility; their sympathetic affections are more enlarged, directed more to the whole community than to the magistrate, and more to the magistrate than to small parties or to individuals; their antipathetic sensibilities

are less violent because •more obedient to well-directed moral biases and •less apt to be excited by ill-directed religious ones; their antipathetic biases conform better to well-directed moral ones, and are correspondingly more apt to be grounded on enlarged and sympathetic affections [see Glossary] than on narrow and self-regarding ones, and accordingly are over-all more in conformity with the dictates of utility.

**42. (32)** Finally we come to a man's **religious profession**—the religious fraternity of which he is a member. This operates mainly through •religious sensibility and •religious biases; but it also operates, as a fairly conclusive indication, with respect to several other circumstances. With some of them the indication comes mainly *through* •the two just mentioned—for example, the intensity and direction of a man's moral sensibility (sympathetic and antipathetic); perhaps in some cases the quantity and quality of knowledge, strength of intellectual powers, and bent of inclination. With respect to other circumstances religious profession may operate immediately, unaided; this seems to be the case with a man's •habitual occupations, •pecuniary circumstances, and •connections in the way of sympathy and antipathy. A man who in himself cares very little about the dictates of the religion that he finds it necessary to profess may find it hard to avoid joining in its ceremonies and bearing a part in the pecuniary burdens it imposes.<sup>1</sup> By the force of habit and example he may even be led to favour persons whose religious profession is the same as his, and to be correspondingly hostile to those whose profession is different. Antipathy

<sup>1</sup> There are various ways in which a religion may lessen a man's means, or increase his needs. Sometimes it will prevent him •from making a profit by his money or •from setting his hand to labour. Sometimes it will oblige him •to buy dearer food instead of cheaper, •to purchase useless labour, •to pay men for not labouring, •to purchase trinkets on which imagination alone has set a value, •to purchase exemptions from punishment or titles to happiness in the world to come.

against persons of different religious persuasions is one of the last points of religion that men part with. . . .

**43.** All or many of these circumstances will need to be attended to whenever account is being taken of a quantity of pain or pleasure as resulting from some cause. Has he sustained an injury? they will need to be considered in estimating the mischief of the offence. Is satisfaction to be made to him? they will need to be attended to in fixing the amount of that satisfaction. Is the injurer to be punished? they will need to be attended to in estimating the force of the impression that any given punishment will make on him.

**44.** The items on my list are not all of equal use in practice. . . . Some apply routinely to whole classes of persons without any great difference in degree; and these can be directly and pretty fully provided for by the legislator. Examples of this include the primary circumstances of bodily imperfection and insanity; the secondary circumstance of sex; perhaps also age; rank, climate, lineage, and religious profession. Others can apply to whole classes of persons but are subject to indefinite amounts of individual variation. These can't be fully provided for by the legislator; but. . . .in each particular case provision can be made for them by the judge or other executive magistrate who can know the details about the relevant individuals. This is the case

- wholly with regard to health,
- to some extent with strength,
- hardly at all with hardiness,
- even less with quantity and quality of knowledge, strength of intellectual powers, firmness or steadiness of mind; except insofar as a man's condition in those respects may be indicated by the secondary circumstances of sex, age, or rank,
- hardly at all with bent of inclination, except insofar

as that latent circumstance is indicated by the more manifest one of habitual occupations,

- hardly at all with moral sensibility or biases, except insofar as they may be indicated by sex, age, rank, and education,
- not at all with religious sensibility and religious biases, except insofar as they may be indicated by religious profession,
- not at all with the quantity or quality of sympathetic or antipathetic sensibilities, except insofar as they may be presumed from sex, age, rank, education, lineage, or religious profession,
- wholly with regard to habitual occupations, pecuniary circumstances, and connections in the way of sympathy.

Neither the legislator nor the executive magistrate can take into account circumstances whose existence can't be ascertained or whose degree can't be measured. They would have no claim to be taken notice of here if it weren't for the secondary circumstances by which they are indicated and whose influence couldn't be well understood without them. I explained earlier what these are.

**45.** . . . .It remains to be considered what the exciting causes are that the legislator has to be concerned with. *Anything* could happen to be such a cause in a particular case; but the ones he has principally to attend to are those of the painful or afflictive kind. (The pleasurable ones are not his business except now and then by accident. It's easy to see why, and I shan't take up space here explaining the reasons.) The exciting causes that he mainly has to attend to are

- the harmful acts, which it is his business to prevent and
- the punishments, by the fear of which he tries to prevent them.

He produces only the latter of these, partly by his own special appointment and partly through the special appointment of the judge. If these people want to know *what they are doing* when they assign punishments, they have to take all these circumstances into account: •the legislator, so that when he applies a certain quantity of punishment to all persons who put themselves in a given predicament he doesn't inadvertently apply to some of them a much more or much less severe punishment than he intended; and •the judge, so that when he sentences a particular person to a particular punishment he doesn't inadvertently make the punishment much more or much less severe than he intended, or anyway than the legislator intended. So each of them ought to have before him

- a list of the various circumstances by which sensibility can be influenced

and

- a list of the various kinds and degrees of punishment that he intends to make use of;

and then, by inter-relating the two lists, to form a detailed estimate of the influence of each circumstance on the effect of each kind and degree of punishment.

There are two procedures either of which might be followed in drawing up this estimate. **(i)** One is to start with the name of the circumstance, and under it to represent the different influences it exerts over the effects of the various

modes of punishment. **(ii)** The other is to start with the name of the punishment, and under it to represent the different influences that are exerted over its effects by the various circumstances. [Bentham says that **(ii)** is 'by far the most useful and commodious' of the two: the legislator thinks first about the punishment, and defines it as he thinks fit; and then he has to relate this to facts about circumstances that are in no way under his control. He concludes:] But on neither procedure can any such estimate be delivered here.<sup>1</sup>

**46.** It may be of use to give some sort of analytic view of the circumstances I have listed, making it easier to see if anything that should have been there has been omitted, and also showing how those that are on the list differ and agree.

In the first place, they may be distinguished into **primary** (those that operate immediately of themselves) and

- secondary**: those that operate only *through* the primary ones: sex, age, station in life, education, climate, lineage, government, and religious profession.

Everything not on that list is primary. The primary circumstances divide into those that are **innate** (namely, radical frame of body and radical frame of mind) and

- those that are **adventitious**, .i.e. that come to the person during the course of his life.

The adventitious circumstances divide into

- those that are **exterior** to him: involving •things he is concerned with (his pecuniary circumstances)<sup>2</sup> and

<sup>1</sup> [In a footnote Bentham says that he has 'actually drawn up such an estimate' though an incomplete one based on procedure **(i)**, and that he plans to take this further in 'another work'; and refers us to the footnote to paragraph 3 on page 102. Then a further note:] Some of these circumstances give particular labels to the persons they relate to: from bodily imperfections persons are denominated 'deaf', 'dumb', 'blind', and so forth: from insanity, 'idiots' and 'maniacs'; from age, 'infants'. For all these classes of persons particular provision is made in the legal code. . . .

<sup>2</sup> The causes on which a man's pecuniary circumstances depend don't all belong to the same class. The absolute quantum of a man's property does indeed belong to the same class as his pecuniary circumstances in general; so does the profit he makes from the occupation by which he earns his living. But that occupation itself concerns his own person, and comes under the same heading as his habitual pastimes, as do also his habits of expense. [And Bentham then re-classifies some other contributors to pecuniary circumstances.

•persons he is concerned with (his connections in the way of sympathy and antipathy) and •those that are **personal**. The personal ones divide into •those that concern his **actions** (namely his habitual occupations) and those that concern his **dispositions** either of •**body** (health, strength, hardiness, and bodily imperfection) or of •**mind**; and the latter divide into

•those that concern his **understanding**: quantity and quality of knowledge, strength of understanding, and insanity; and  
 •those that concern his **affections**: firmness of mind, steadiness, bent of inclination, moral sensibility, moral biases, religious sensibility, religious biases, sympathetic sensibility, sympathetic biases, antipathetic sensibility, and antipathetic biases.

## Chapter 7: Human Actions in General

1. The business of government is to promote the happiness of the society by punishing and rewarding. The punishing part of its business is more particularly the subject of penal law. In proportion as an act tends to disturb society's happiness, i.e. in proportion as its tendency is pernicious, it will create a demand for punishment. (Happiness, we have already seen, consists in enjoyment of pleasures and security from pains.)
2. The general tendency of an act is more or less pernicious according to the sum total of its consequences, i.e. according to the difference between the sum of its good consequences and the sum of its bad ones.
3. Here and from here on when I speak of 'consequences' I mean 'consequences that are material' [see Glossary]. The number and variety of consequences of any act must be infinite; but only the material ones are worth attending to. Now, the consequences of an act that a legislator can regard as material or important are those that consist of pain or pleasure or produce pain or pleasure. . . .
4. In thinking about the consequences of an act we have

to take into account not only •the ones that would have ensued from the act even if there had been no intention but also •the ones that depend on connections between those and the intention. We shall see later that the connection between the intention and certain consequences is a means of producing other consequences. In this lies the difference between rational agency and irrational.

5. What a person *intends* to be the consequences of an act depends on two things:
  - the state of the will or intention with respect to the act itself;
  - the state of the understanding, or perceptive faculties, with regard to the circumstances that do (or may appear to) accompany the act.

The perceptive faculty can be in any one of three states regarding these circumstances:

- consciousness, when the person's beliefs about the circumstances are true and don't omit anything;
- unconsciousness, when there are some circumstances

that he fails to have any belief about; and

- false consciousness, when he believes or imagines that certain circumstances exist which actually don't.

6. Thus, whenever conduct is being examined with a view to punishment there are four things to consider:

- (1) the act itself,
- (2) the circumstances in which it is done,
- (3) the intentionality that may have accompanied it, and
- (4) the consciousness, unconsciousness, or false consciousness that may have accompanied it.

Items (1) and (2) will be the subject of the present chapter; (3) and (4) will be the subjects of chapters 8 and 9 respectively.

7. There are two other things that contribute to the general tendency of an act and to the demand that it creates for punishment: (1) the particular motive or motives that gave birth to the act, and (2) the general disposition that it indicates. These will be the subjects of chapters 10 and 11 respectively.

8. Acts can be classified in various ways for various purposes.

Firstly, they can be divided into **positive** and **negative**. By 'positive' are meant ones that consist in motion or exertion (e.g. striking someone); by 'negative' ones that consist in keeping at rest, i.e. forbearing to move or exert oneself in such-and-such circumstances (e.g. not striking on a certain occasion). Positive acts are called also acts of commission; negative, acts of omission or forbearance.<sup>1</sup>

9. Negative acts can be either absolutely negative or only

relatively so. Absolutely, when they involve the negation of all positive agency whatsoever, e.g. not striking at all; relatively, when they involve the negation of such-and-such a particular mode of agency, e.g. not striking Jones or not punching one's fist into the air.

10. Whether an act is positive or negative isn't automatically settled by the words used to name it. An act that is positive in its nature may be characterised by a negative expression—e.g. *not being at rest* is the same as *moving*. And an act that is negative in its nature may be characterised by a positive expression—e.g. *omitting to bring food* to a person in certain circumstances may be the same as *starving* him.

11. Secondly, acts can be divided into **external** (acts of the body) and **internal** (acts of the mind). To *strike* is an external or exterior act; to *intend to strike* is an internal or interior one.

12. Acts of discourse are a sort of mixture of the two—external acts that express the existence of internal ones and wouldn't be in any way material or have any consequences if they didn't do so. To say to someone 'Strike him!', to write to him 'Strike him' and to signal to him to strike him are all acts of discourse.

13. External acts can be divided into **transitive** and **intransitive**. A transitive act is one in which the motion is communicated from the person of the agent to some other body that it affects in a way that is regarded as material—e.g. when a man runs against you or throws water in your face.

<sup>1</sup> The distinction between positive and negative acts runs through the whole system of offences, and sometimes makes a material difference with regard to their consequences. There are reasons for giving the word 'act' such an extensive signification, one that may sometimes appear inconsistent. (i) In many cases where no exterior or overt act is performed the state that the mind of the person who is said to have performed an 'act' is as truly and directly the result of the will as the plainest and most conspicuous exterior act. *Not revealing* a conspiracy, for instance, may be as perfectly an act of the will as *joining* it. (ii) [The second point is that if in a certain context you don't give any thought to whether or not to do A, your not doing it—though not intentional—may still have 'material consequences', and you may properly be regarded as punishable for them.]

An intransitive act is one in which the motion has no material effects on anything but the agent's own body—e.g. when a man runs, or washes himself.<sup>1</sup>

**14.** A transitive act can be said to be 'in its commencement' when the motion is still confined to the agent's body and hasn't yet been communicated to any other body on which it can have material effects—e.g. when a man lifts his hand to strike you. It can be said to be 'in its termination' as soon as the motion or impulse has been communicated to some such other body—e.g. when his hand has reached you. If the act involves the motion of a body that is separated from the agent's body before it reaches the object, it can be said to be, during that interval, 'in its intermediate progress'—e.g. when a man throws a stone or fires a bullet at you.

**15.** An act of the intransitive kind can be said to be 'in its commencement' when the motion or impulse is still confined to the member or organ of the agent's body in which it originated. . . . It can be said to be 'in its termination' as soon as it reaches some other part of that same body. When a man poisons himself, while he is lifting the poison to his mouth the act is in its commencement; as soon as it has reached his lips it is in its termination.

**16.** In the fourth place, acts may be distinguished into **transient** and **continued**. Thus, to strike is a transient act; to lean, a continued one. To buy, a transient act; to keep in one's possession, a continued one.

**17.** In strictness of speech a continued act is different from a repetition of acts. There's a repetition of acts when there

are intervals occupied by acts of different natures; and a continued act when there are no such intervals. To lean, is continued act; to keep striking, a repetition of acts. **17.**

In strictness of speech a continued act is different from a repetition of acts. There's a repetition of acts when there are intervals occupied by acts of different natures; and a continued act when there are no such intervals. To lean, is continued act; to keep striking, a repetition of acts.

**18.** A repetition of acts is not the same as a habit or practice. The label 'repetition of acts' can be used however brief the intervals are between the acts in question, and however little time is occupied by the sum total of them. We don't speak of a 'habit' unless we think that the acts in question are separated by lengthy intervals and their sum total occupies a considerable space of time. For example, a habit of drunkenness isn't constituted by •having ever so many drinks in a single session, or by •drinking ever so much in a single session; for there to be a habit, the drinking sessions must themselves be frequently repeated. Every habit is a repetition of acts; or—to put it more accurately—when a man has frequently repeated such-and-such acts after considerable intervals, he is said to have contracted a habit; but every repetition of acts is not a habit.<sup>2</sup>

**19.** Fifth, acts can be divided into **indivisible** and **divisible**. Indivisible acts are merely imaginary; they are easy to conceive, but can never be known to be exemplified. A divisible act can be divisible with regard to matter or with regard to motion or both. An act that is •indivisible with regard

<sup>1</sup> The distinction arose from the grammarians' distinction between transitive and intransitive *verbs*.—Intransitive acts are more often called neuter, i.e. neither active nor passive. This is a bad label, because rather than being neither they are both at once. •e.g. the man actively *washes* and passively *gets washed*.—The class of acts here called 'intransitive' include the offences called 'self regarding' in paragraph 8 on page 109.

<sup>2</sup> Why is it not strictly accurate to say that a habit is an aggregate of acts? Because acts are real entities, whereas habits are a kind of fictitious entities or imaginary beings that are supposed to be constituted by—or to result (as it were) out of—the former.

to matter is the motion or rest of a single atom of matter; one that is •indivisible with regard to motion is the motion of a body from one single *atom of space* to its immediate neighbour. [Notice that this paragraph concerns *events* generally, not merely the ones that would ordinarily be called 'acts'.]

Sixth, acts can be divided into simple and complex. Simple acts include striking, leaning, drinking; a complex act consists of many very different simple acts that derive a sort of unity from their relation to some common goal—e.g. giving a dinner, maintaining a child, exhibiting a triumph, bearing arms, holding a court, and so forth.

**20.** Questions sometimes arise in particular cases:

- Did this involve one act or many? and
- If more than one act, where did one act end and the next begin?

It is now evident that •these questions can often be answered with equal propriety in opposite ways; and that •when they can be answered in only one way, the answer will depend on the nature of the occasion and on why the question is being asked. A man is wounded in two fingers at one stroke—is it one wound or several? A man is beaten at noon and again at 12:08—is it one beating or several? You beat one man and immediately go on to beat another—is this one beating or several? In any of these cases the answer might be 'One' for some purposes and 'Several' for others. I give these examples so as to alert you to the ambiguity of language, so that you won't harass yourself with unsolvable doubts or harass others with interminable disputes.

**21.** So much for acts considered in themselves; we now come to the circumstances they can be accompanied by. These have to be taken into the account if anything is to be determined regarding the consequences; without knowing the circumstances we can't know whether an act is beneficial or harmful or neither. In some circumstances killing a man may be a beneficial act; in others putting food before him may be a pernicious one.

**22.** The circumstances of an act are... what? Any objects whatsoever.<sup>1</sup> Take any act whatsoever, there is nothing in the nature of things that excludes any imaginable object from being a circumstance to it. Any given object can be a circumstance to any other.

**23.** I have already divided an act's consequences into material [see Glossary] and immaterial. Its circumstances can be divided in the same way. Now, 'material' is a relative term:

- applied to an act's consequences it relates to pain and pleasure;
- applied to the circumstances, it relates to the consequences.

A circumstance can be said to be 'material' when it has a visible causal relation to the consequences; 'immaterial' when it doesn't.

**24.** The consequences of an act are events [see Glossary]. A circumstance can be causally related to an event in any one of four ways:

- (a) in the way of causation or production, when the circumstance is one of those that contribute to the production of the event;

<sup>1</sup> The etymology of 'circumstance' perfectly matches its meaning: *circum stantia*, things standing around; objects standing around a given object. Some mathematician defined *God* as a circle whose centre is everywhere, but whose circumference nowhere. Similarly, the field of circumstances belonging to any act may be defined as a circle whose circumference is nowhere, but whose centre is the act in question. Well, then, just as any act can for the purpose of discourse be regarded as a centre, so any other act or object whatsoever can be regarded as one of the items that are *standing around* it.

- (b) in the way of derivation, when the event is one of those that contribute to the production of the circumstance;
- (c) in the way of collateral connection when that circumstance and that event are both related to some one object that has been concerned in the production of them both, without either of them having any part in the production of the other;
- (d) in the way of conjunct influence, when—whether or not they are related in any other way—they have concurred in producing some common consequence.<sup>1</sup>

25. An example may be of use. In 1628 the Duke of Buckingham. . . received a wound and died:

A man named Felton, exasperated at the maladministration of which the Duke was accused, went from London to Portsmouth, where Buckingham happened then to be, went into his antechamber and, finding him engaged in conversation with several people around him, got close to him, drew a knife and stabbed him. In the effort, the assassin's hat fell off, and in the crown of it were found scraps of paper with sentences expressing the purpose he came with. The bloody knife was also found on his person.

Let us focus on one event, the wound received by Buckingham. Then circumstances related to this event in the way of causation or production include

- Felton's drawing out his knife,
- his making his way into the chamber,
- his going from London to to Portsmouth,
- his becoming indignant about Buckingham's administration,
- that administration itself,
- King Charles's appointing such a minister,

and so on, higher and higher without end.<sup>2</sup> One circumstance related to the same event in the way of derivation is the bloodiness of the knife. Circumstances related to it in the way of collateral connection include finding the hat on the ground, finding the sentences in the hat, and writing them. Circumstances related to Felton's entering the room, going to Portsmouth etc. in the way of conjunct influence include the situation and conversations of the people around Buckingham, because they also contributed to the event by preventing Buckingham from putting himself on his guard on the first appearance of the intruder.

<sup>1</sup> This classification may be illustrated by animal generation. Production: father → son. Derivation: son → father. Collateral connection: siblings. Conjunct influence: marriage and copulation. [Bentham sketches another illustration which he might have used but decided not to because] while it made the subject a little clearer to one man out of a hundred, it might—like the mathematical formulae we see sometimes employed for that purpose—make it more obscure and formidable for the other ninety-nine.

<sup>2</sup> The more remote a connection of this sort is, of course, the more obscure. It will often happen that a connection the idea of which would at first sight seem extravagant and absurd is made highly probable—indeed indisputable—merely by putting in a few intermediate circumstances. At Rome in 390 BC a goose starts cackling; in 1610 AD a king of France is murdered. Considering these two events on their own, what can appear more extravagant than the notion that one should have had any influence in producing the other? Fill up the gap, bring to mind a few intermediate circumstances, and nothing can appear more probable. The cackling of geese when the Gauls were creeping up on the Capitol saved the Roman commonwealth; if it had not survived and gained ascendancy over most of the nations of Europe, France included, it wouldn't have been humanly possible for the Christian religion to establish itself as it did in France. Even if Henry IV had existed, no-one could have had the motive to kill him that his actual assassin did, because that involved beliefs about the king's relationship to that religion.

**26.** These relations don't all attach to an event with equal certainty. Obviously, every event must have some circumstance—actually, an indefinite multitude of circumstances—related to it in the way of production; and it must of course have even more circumstances related to it in the way of collateral connection. But it doesn't appear to be necessary that every event should have circumstances related to it in the way of derivation or, therefore, that it should have any related to it in the way of conjunct influence. But of the circumstances of all kinds that actually *do* attach to an event, only a very few can be discovered by the utmost exertion of the human faculties, and even fewer actually come to our attention. How many any individual discovers will depend on the strength •of his intellectual powers and •of his inclination. So it seems that the number and descriptions of the circumstances belonging to an act that appear to a person to be material will be determined by •the nature of things themselves and •the strength or weakness of that person's faculties.

**27.** Before moving into the consideration of particular sorts of acts with their particular circumstances, it seemed necessary to say this much about acts and their circumstances in general. Every notion of an offence has to include •an act of some sort and •certain circumstances that enter into the essence of the offence because they contribute by their conjunct influence to the production of its consequences. •On this page• I shall label these as 'criminative' circumstances. Other circumstances, •which don't enter into the notion of the offence, i.e. into the meaning of its name•, combine with the

act and the criminative set of circumstances to produce still further consequences. If these additional consequences are beneficial, the circumstances to which they owe their birth are called 'exculpativ' or 'extenuative'; if they are harmful, the circumstances giving rise to them are called 'aggravative'.

•THE REST OF THE PARAGRAPH, UNDOCTORED•:

Of all these different sets of circumstances, the criminative are connected with the consequences of the original offence, in the way of production; with the act, and with one another, in the way of conjunct influence; the consequences of the original offence with them, and with the act respectively, in the way of derivation; the consequences of the modified offence, with the criminative, exculpativ, and extenuative circumstances respectively, in the way also of derivation; these different sets of circumstances, with the consequences of the modified act or offence, in the way of production; and with one another (in respect of the consequences of the modified act or offence) in the way of conjunct influence. Lastly, whatever circumstances can be seen to be connected with the consequences of the offence, whether directly in the way of derivation, or obliquely in the way of collateral affinity (to wit, in virtue of its being connected, in the way of derivation, with some of the circumstances with which they stand connected in the same manner) bear a material relation to the offence in the way of evidence, they may accordingly be called evidentiary circumstances, and may become of use, by being held forth on occasion as so many proofs, indications, or evidences of its having been committed.

## Chapter 8: Intentionality

1. So much for the first two items on which an action's bad tendency of may depend—•the act itself and •the general assemblage of circumstances that may have accompanied it. I now turn to the ways in which the particular circumstance of intention may be involved.

2. **First**, then, the agent's intention or will may be directed either at •the act itself or at •its consequences; and the one the intention aims at may be called 'intentional'—an 'intentional act' or 'intentional consequences'.<sup>1</sup> If it aims at both the act and consequences, the whole action may be said to be 'intentional'. And of course if either of those items was not aimed at by the intention, it can be said to be 'unintentional'.

3. An act can be intentional without the consequences' being so: you may intend to touch a man without intending to hurt him, though it turns out that you do hurt him.

4. And the consequences of an act can be intentional without the act's being intentional throughout—i.e. without its being intentional in every stage of it—but this is less common. Here is an example: You intend to hurt a man by running against him and pushing him down; you run towards him,

but a second man suddenly comes between you and the first man, and before you can stop yourself you run against the second man and by him push down the first.

5. But an act's consequences can't be intentional unless the act itself is intentional, at least in the first stage. If the act isn't intentional in the first stage then it is not an act of yours, so there's no intention on your part to produce the consequences—I mean the individual consequences. All you can have had is a distant intention to produce similar consequences by some act of yours at a future time; or else, without any intention, a bare wish to see such an event take place. . . .<sup>2</sup>

6. **Second**. A consequence can be either •directly intentional or only •obliquely so.

•Directly or lineally intentional: the prospect of producing it was a link in the chain of causes by which the person was determined to do the act.

•Obliquely or collaterally intentional: the person foresaw the consequence as likely to ensue if he performed the act, but the prospect of producing it wasn't a link in the aforesaid chain.

<sup>1</sup> In this context the words 'voluntary' and 'involuntary' are commonly employed, but I abstain from these because they are so ambiguous. A 'voluntary' act may be any act in the performance of which the will has been involved (= 'intentional'); or any act in the production of which the will was determined by motives that weren't painful in nature (= 'unconstrained' or 'uncoerced'); or any act in the production of which the will was determined by motives—whether pleasurable or painful—that occurred to the agent himself without being suggested by anyone else (= 'spontaneous'). The word 'involuntary' is sometimes used in opposition to 'intentional' or to 'unconstrained', but not in opposition to 'spontaneous'. It might be useful to confine the meaning of 'voluntary' and 'involuntary' to one very narrow case, which I'll mention in the next note.

<sup>2</sup> [Bentham has a footnote here going into further details that might be thought trivial. The first stage of a positive act consists in motion, which has three aspects to which correspond three intentions: did he intend to move his whole arm or only his fore-arm? to move it in that direction? to move it as fast as that? This fine-tuning might sometimes be relevant to proceedings in a criminal trial, Bentham says, and might also, 'in the hands of an expert metaphysician', play a part in 'an exhaustive analysis of the possible varieties of mechanical inventions'.]

**7. Third.** An incident that is directly intentional may be so either •ultimately or only •mediately.

•Ultimately intentional: it stands last of all exterior events in the aforesaid chain of motives; so that the agent would have aimed to produce it even if there were no prospect of its producing anything else in its turn.

•Only mediately intentional: when the prospect of producing some other incident forms a subsequent link in the same chain; so that the agent would not have been motivated to aim at the former if he hadn't expected it to produce the latter.

**8. Fourth.** When an incident is directly intentional, it may either be exclusively or inexclusively so.

•Exclusively intentional: only that very individual incident would have answered the agent's purpose; no other incident had any share in directing his will to the act in question.

•Inexclusively intentional: there was some other incident the prospect of which was acting on the agent's will at the same time.

**9. Fifth.** When an incident is inexclusively intentional, it may be either conjunctively or disjunctively or indiscriminately so.

•Conjunctively intentional with regard to the other incident: the agent intended to produce both.

•Disjunctively: he intended to produce either the one or the other—he didn't care which—but not both.

•Indiscriminately: the agent didn't care whether he produced one or the other or both.

**10. Sixth.** When two incidents are disjunctively intentional, they may be so with or without preference. . . .<sup>1</sup>

**11.** One example will make all this clear. King William II of England, when stag-hunting, received from Sir Walter Tyrrel a wound from which he died. Let us take this case, and diversify it with a variety of suppositions involving the distinctions I have just presented.

**(i)** Tyrrel did not so much as entertain a thought of the king's death; or looked on it as an event of which there was no danger. Either way, the incident of his killing the king was altogether unintentional.

**(ii)** He saw a stag running that way and saw the king riding that way at the same time; he aimed to kill the stag and did not wish to kill the king. But he saw that if he shot, he was as likely to kill the king as to kill the stag; yet he went ahead and shot, and killed the king accordingly. In this case his killing the king was intentional, but obliquely so.

**(iii)** He killed the king on account of the hatred he bore him, and for no other reason than the pleasure of destroying him. In this case the incident of the king's death was not only directly but ultimately intentional.

**(i)** He killed the king, fully intending so to do, not for any hatred he bore him but for the sake of robbing him when dead. In this case the king's death was directly but not ultimately intentional; it was mediately intentional.

**(v)** He intended neither more nor less than to kill the king; he had no other aim or wish. In this case his killing the king was exclusively as well as directly intentional—meaning exclusively with regard to every other material incident.

**(vi)** Sir Walter shot the king in the right leg when the king was pulling a thorn out of it with his left hand. He intended by shooting the arrow into the leg through the hand to cripple

<sup>1</sup> There is a difference between •the case where a consequence is altogether unintentional and •that in which it is disjunctively intentional with reference to another, with the other being preferred. . . . All these are distinctions need to be attended to in the use of the particle 'or', a word of very ambiguous import and of great importance in legislation.

the king in both those limbs at the same time. In this case the king's being shot in the leg was intentional, and was so conjunctively with another incident that did not happen, namely his being shot in the hand. [Bentham then adds (vii)-(ix) three variations on this hand/leg scenario, illustrating concepts presented in paragraphs 9 and 10 above.]

**12.** An act may be unintentional in any stage of it, though intentional in the preceding stage. . . . (See paragraph 14 on page 45.) But if it was unintentional in the last stage, its being or not being intentional in any preceding stage is immaterial with respect to the consequences. The only point with respect to which it is material is the proof about what he intended. In most cases the more stages the act is unintentional in, the more apparent it is that it was unintentional with respect to the last stage. If a man, intending to strike you on the cheek, strikes you in the eye and puts it out, it will probably be hard for him to prove that he didn't intend to strike you in the eye. It will probably be easier if he didn't intend to strike you at all, or didn't intend to strike anything .

**13.** We often hear men speak of a 'good intention', of a 'bad intention'; and the goodness or badness of a man's intention is a circumstance on which great stress is generally laid. It is indeed of considerable importance when properly understood, but these phrases are utterly ambiguous and obscure. Nothing can be called 'good' or 'bad', strictly speaking, unless it is so •in itself, which is the case only with pain or pleasure, or •because of its effects, which is the case

only with things that cause or prevent pain or pleasure. But in a figurative and less proper way of speaking a thing may be called 'good' or 'bad' •in consideration of its cause. Now, the effects of an intention to do such-and-such an act are what I have been calling its 'consequences'; and the causes of an intention are called 'motives'. So a man's intention on any occasion can be called 'good' or 'bad' because of the act's consequences or because of his motives. . . . The goodness or badness of the consequences depends on the circumstances, and these are not objects of the man's intention. A man intends the act, and by his intention produces the act; but he doesn't intend the circumstances, and just because they are circumstances of his act he doesn't produce them. (He may have produced some of them by previous intentions and acts, but in this present act he takes them as he finds them.) Acts and their consequences are objects of the will as well as of the understanding; circumstances as such are objects of the understanding only. [Why 'circumstances, *as such*'? Because a circumstance might have been an object of the will in its role as a consequence of an earlier act.] All our man can do with these, as such, is to know or not to know them, i.e. to be conscious of them or not conscious of them. Thus, what is to be said about the goodness or badness of a man's intention as resulting from the consequences of his act comes under the heading of Consciousness (chapter 9), and what is to be said about of the goodness or badness his intention as resulting from his motive comes under the heading of Motives (chapter 6).

## Chapter 9: Consciousness

1. That was about how the •will or intention can be involved in the production of any incident; now I turn to the part that the •understanding or perceptive faculty may have played in relation to such an incident.

2. A certain act has been performed intentionally; it was attended with certain circumstances on which certain of its consequences depended; and some of those were purely physical in nature. Now then, take any one of these circumstances C: at the time of performing the act from which those consequences ensued, a man may have been either conscious or unconscious of C; he may have been aware of it or not aware; it may have been present to his mind or not present. In the former case the act may be said to have been an 'advised' act with respect to C; in the other case, an 'unadvised' one.

3. An act can be advised or unadvised with respect to circumstance C because the agent is aware or unaware of •the existence of C or •the materiality of C.

4. Obviously, a circumstance of a present act may exist in the present, the past, or the future.

5. An unadvised act is either •heedless or •not heedless. It is called 'heedless' if it is thought that a person of ordinary prudence and an ordinary share of benevolence would probably have attended to and reflected on the material circumstances sufficiently to have been led to prevent the harmful incident from taking place; and 'not heedless' if that is not thought to be the case.

6. Whether a man did or didn't suppose the existence or materiality of a given circumstance, it may be that he did suppose the existence and materiality of *some* circumstance

that either didn't exist or wasn't material. In such a case the act may be said to be 'misadvised' with respect to the imagined circumstance, and it may be said that in this case there has been an erroneous supposition or a mis-supposal.

7. A circumstance whose existence is thus erroneously supposed may be material either

- in the way of prevention: its effect or tendency, if it had existed, would have been to prevent the obnoxious consequences; or
- in the way of compensation: the effect or tendency would have been to produce, also, consequences whose beneficialness would have outweighed the harmfulness of the others.

8. Obviously such an imaginary circumstance may have been supposed to be present, past, or future relative to the time of the act.

9. To return to the Tyrrel example that I dropped on page 51, ·with some further suppositions·.

(x) Tyrrel intended to shoot in the direction in which he shot, but he didn't know that the king was riding so near that way. In this case his act of shooting was unadvised with respect to the existence of the circumstance of the king's being so near.

(xi) He knew that the king was riding that way; but he didn't know how probable it was that the arrow would reach the king at that distance. In this case the act was unadvised with respect to the materiality of the circumstance.

(xii) Somebody had dipped the arrow in poison, without Tyrrel's knowing this. In this case the act was unadvised with respect to the existence of a past circumstance.

**(xiii)** At the very instant that Tyrrel drew the bow, the king (screened from his view by some bushes) was riding furiously in such a way as to meet the arrow head-on, this being a circumstance that Tyrrel didn't know of. In this case the act was unadvised with respect to the existence of a present circumstance.

**(xiv)** The king was too far from court to be able to get anyone to dress his wound until the next day; and Tyrrel was not aware of this circumstance. In this case the act was unadvised with respect to what was then a future circumstance.

**(xv)** Tyrrel knew of the king's riding that way, being so near, and so forth; but being deceived by the foliage of the bushes, he thought he saw a bank between the place where he was and the place to which the king was riding. In this case the act was misadvised, being based on the mis-supposal of a preventive circumstance.

**(xvi)** Tyrrel knew that everything was as above, nor was he deceived by the supposition of any preventive circumstance. But he •believed the king to be an usurper, and supposed he was coming up to attack a person whom Tyrrel believed to be the rightful king, and who was riding by Tyrrel's side. In this case the act was also misadvised, based on the mis-supposal of a compensative circumstance.

**10.** Notice the connection between intentionality and consciousness. When the act itself is intentional, and advised with respect to the existence and the materiality of all the circumstances in relation to a given consequence C, and there is no mis-supposal with regard to any preventive circumstance, then consequence C must also be intentional. In other words,

advisedness regarding circumstances, if clear from the mis-supposal of any preventive circumstance, extends the intentionality from the act to the consequences.

Those consequences may be either directly or only obliquely intentional, but they can't be *not* intentional.

**11.** Let us go on with the example. If Tyrrel

- intended to shoot in the direction in which the king was riding,
- knew that the king was coming to meet the arrow, and
- knew the probability of the king's being shot in the same part of his body where he *was* shot, or in another part equally dangerous, . . . and
- was not misled by the erroneous supposition of a circumstance that would, if it had existed, have prevented the shot from taking place, . . . it is clear that he couldn't have *not* intended the king's death. Perhaps he didn't positively wish it, but still in a certain sense he *intended* it.

**12.** What heedlessness is in the case of an unadvised act, rashness is in the case of a misadvised one. A misadvised act may be called 'rash' when the case is thought to be such that an ordinarily prudent and ordinarily benevolent person would •have attended to and thought about the imagined circumstance sufficiently to realise that it was nonexistent, improbable or immaterial, and would thus •have been led to prevent the harmful incident from taking place.

**13.** In ordinary discourse, when a man does something whose consequences turn out to be harmful, it is often said that his *intention* was good or bad. While this is said about the intention, what is usually at work here is a supposition about the nature of the motive. Although the act turns out to be harmful, it said to be done with a good intention when it is supposed to arise from a motive which is looked on as a good motive, and with a bad intention when it is supposed to arise from a motive that is looked on as a bad motive. But the nature of the consequences intended [by

which Bentham must mean 'the nature of the intention'] is perfectly distinguishable from the nature of the motive that gave birth to the intention, though they are intimately connected. The intention counts as being a good one if

the consequences of the act would have been beneficial if they had turned out to be what the agent thought them likely to be.

So the intention might properly be called a good one even if •its consequences turned out to be harmful *and* •the motive that gave birth to it was what is called a bad one. And in the same way the intention may be bad even if •its consequences turned out to be good and •the motive that gave birth to it was a good one. [This is the first time in the work that Bentham has spoken of something as being a good motive rather than as being 'looked on as a good motive'.]

**14.** [This paragraph deplors at great length people's tendency to say 'intention' when they mean 'motive'.]

**15.** An example will make this clear. [Here 'this' refers to the penultimate sentence of **13.** above.] Out of malice a man prosecutes you for a crime of which he wrongly believes you to be guilty. The consequences of his conduct are harmful to you (shame and anxiety at least, and the evil of the punishment if you are convicted), and not beneficial to anyone. The man's motive was also what is called a bad one: for malice will be allowed by everybody to be a bad motive. But if the consequences of his conduct had turned out to be what he believed them likely to be, they would have been good; because they would have included *the punishment of a criminal*, which is a benefit to everyone who could become a victim of a similar crime. . . . I'll say more about motives in the next chapter.

**16.** An intention that isn't bad may be called 'innocent' even if it isn't outright good. Accordingly, even if the consequences have turned out to be harmful, and whatever the motive may have been, the intention may be called innocent if the agent

- didn't know about one of the circumstances on which the harmfulness of the consequences depended; or
- wrongly thought that some circumstance would serve to prevent or to outweigh the mischief.

**17.** A few words for the purpose of applying what has been said to the Roman law. [Bentham here presents more than a few words on the proper use of various Latin words that were sometimes used by lawyers. We can safely spare ourselves all this.]

**18.** The definitions and distinctions that I have presented ·in this chapter· are not only of •theoretical significance; they can be widely and constantly •used in moral discourse as well as in legislative practice. The degree and bias of a man's intention, ·and· the absence or presence of consciousness or mis-supposal on his part, go a long way towards •settling whether the consequences of his act are good or bad, and for this and other reasons towards •creating a great demand for punishment (see chapter 13). The presence of intention regarding consequence  $C_o$ , and of consciousness with regard to circumstance  $C_i$ , of the act, will constitute essential ingredients in the composition of this or that offence; and consciousness regarding other circumstances will contribute to an offence's gravity. And nearly always the absence of intention regarding certain consequences and the absence of consciousness, or the presence of mis-supposal, regarding certain circumstances, will constitute grounds of extenuation.