

‘Utility’ and the ‘Utility Principle’: Hume, Smith, Bentham, Mill

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I. ‘UTILITY’ AND ‘UTILITARIANISM’: A METHODOLOGICAL NOTE

David Hume, Adam Smith, Jeremy Bentham and John Stuart Mill are often viewed as contributors to or participants in a common tradition of thought roughly characterized as ‘the liberal tradition’ or the tradition of ‘bourgeois ideology’. This view, however useful it may be for polemical or proselytizing purposes, is in some important respects historiographically unsound. This is not to deny the importance of asking what twentieth-century liberals or conservatives might find in the works of, say, David Hume to support their respective ideological persuasions. It is only to insist that attempts to *use* selected arguments, or parts of arguments, from great eighteenth-century thinkers to shore up twentieth-century programmatic political positions must be categorically distinguished from attempts to understand what Hume, Smith, Bentham or Mill actually meant, or could imaginably have meant, to say.

What Professor Quentin Skinner has rightly called ‘mythologies’¹ seem the unavoidable result when commentators insist on assessing the ‘completeness’, ‘adequacy’ or ‘success’ of the work of these four theorists in terms of their contributions to enterprises of which they can have had no conception even remotely similar to that employed by their twentieth-century interpreters. Neither Hume nor Smith, Bentham nor Mill was forging an ideology or attempting forcibly to sustain—as distinct from explicating—the hegemony of a given class in civil society. I wish, therefore, simply to set aside questions like ‘Was Hume the father of classical liberalism?’, or ‘Were Bentham and J. S. Mill possessive individualists?’.

Similarly, I do not propose to speak of Hume’s or Smith’s ‘utilitarianism’. Neither of these thinkers used this term, which first appears in Bentham’s vocabulary in 1781. More importantly, I think it misleading to characterize the thought of either man as comprehensively ‘utili-

¹ Quentin Skinner, ‘Meaning and Understanding in the History of Ideas’, *History and Theory*, viii (1969), 7.

tarian', even in a negative or 'contemplative'² sense. What the relevant texts actually show us is that Hume and Smith used the term 'utility', and also the phrase 'principle of utility' or reasonable facsimiles thereof, in a specifiable range of contexts and ways. These usages can, I think, be very usefully compared to the practices of Bentham and J. S. Mill, and in the present paper I shall try to make at least a few such comparisons.

Even in the cases of Bentham and Mill, I propose to focus on what they had to say about 'utility' and the 'utility principle', rather than couching my analysis in terms of their respective versions, so to speak, of utilitarianism. It seems to me that major methodological problems begin to materialize as soon as we speak of 'versions' of utilitarianism: was Bentham an act or rule utilitarian? Did he 'succeed' in anticipating in any way the preference-based utilitarianism of modern economists or the ideal utilitarianism of modern philosophers? To pose such questions is to ask, not what Bentham said or meant, but to what degree his words happen to harmonize with the insights, aspirations or predispositions of a wide variety of subsequent theorists. Hume, Smith, Bentham and Mill do not provide us with four 'versions' of utilitarianism. Each does, however, carefully characterize 'utility' and discuss the nature and operations of a 'principle of utility' within the broad context of a science of human nature and society. I shall argue that the distinctive treatment of the meaning of 'utility' and of the idea of a 'principle of utility' provided by each of these four theorists is strongly shaped by, and indeed presupposes, a particular conception of the methodology, scope and goals of that science.

II. FROM SCOTTISH MORAL PHILOSOPHY TO 'BENTHAMISM'

In Adam Smith's politics Donald Winch issued a salutary call for attention to the *contrasts* which an attentive textual analysis reveals between the moral, political and methodological theories of Hume and Smith on the one hand, and of the English utilitarians on the other:

... any history of the social sciences which fails to confront the discontinuity marked by the transition from Scottish moral philosophy and its associated histories of civil society on the one side, to Benthamism on the other, would be guilty of sidestepping one of the most intriguing problems in that history.³

² 'While [Smith] is consistently hostile to utility both as an explanation for the origin of moral rules and as a principle to be applied routinely in everyday circumstances, it is to the criterion of utility ... that he has recourse in his evaluation of practices, institutions, and systems as a whole.' T. D. Campbell and I. S. Ross, 'The Utilitarianism of Adam Smith's Policy Advice', *Journal of the History of Ideas*, xlii (1981), 73–92. See also T. D. Campbell, *Adam Smith's Science of Morals*, London, 1971, pp. 217–20.

³ Donald Winch, *Adam Smith's Politics*, Cambridge, 1978, p. 184. Winch refers the reader to J. W. Burrow, *Evolution and Society: a Study in Victorian Social Theory*, Cambridge, 1965, Chapters 1–3 for a full discussion of this issue.

Winch especially emphasizes the claim that Smith's moral and political thought was not as radically 'individualist' as that of Bentham or the two Mills:

... Smith's values were ... both post- and pre-individualist in the sense defined, say, by Hobbes on the one side, and redefined by Bentham and James Mill on the other. When the most is made of Smith's negative and contemplative utilitarianism, and when his concept of self-interest is reduced to its narrowest form, it is still not possible to bridge the gap between his politics and the radical individualism of nineteenth-century utilitarianism: his science of the legislator is not the Benthamite science of legislation.⁴

I agree wholeheartedly with Winch's suggestion that the discontinuities between the moral and political theories of the Scottish Enlightenment and those of the English Utilitarians are in need of clarification and emphasis. I am not sure that this cause is well served, however, by Winch's concentration on the putative contrast between Smith's civic humanist conception of the citizen/subject and the 'radical individualism of nineteenth-century utilitarianism'. An examination of the use of the idea of 'public utility' or the 'common interest' in Hume, Smith, Bentham and Mill reveals more continuity than this polarized view seems to postulate. Moreover, 'individualism' seems to me a term dangerously prone to anachronistic—and/or partisan—misuse. The fecundity, as Bentham might say, of Winch's line of historiographic inquiry might be better sustained if we pursued our 'history of the social sciences' by examining the features of, say, jurisprudence, political economy and moral philosophy as understood in each author in relation to the over-arching conception of a science of human nature and society. A comparison of Smith's 'science of the legislator' with 'the Benthamite science of legislation', for example, would be immensely valuable. It is well known that Bentham literally had no use for such central figures in the tradition of Natural Jurisprudence as Grotius, Pufendorf, Barbeyrac, Burlamaqui and Vattel. The antagonism between Scottish natural jurisprudence and Bentham's 'censorial jurisprudence' is only one of many possible illustrations of Winch's claim that 'the gulf between Smith's intellectual enterprise and those that are often regarded as his successors runs deeper than has been suspected'.⁵ In the field of political economy, despite his public stance of discipleship and indebtedness to the work of Smith, Bentham developed a conception of the 'art and science' of political economy as a 'branch of the art of government'⁶ which was

⁴ Winch, p. 181.

⁵ *Ibid.*, p. 184.

⁶ See *Jeremy Bentham's Economic Writings: critical edition based on his printed works and unpublished manuscripts*, ed. W. Stark, 3 vols., London, 1952–54, ii. 318ff.

much more interventionist⁷ than anything entailed by the 'contemplative utilitarianism'⁸ of Smith. I can do little more here than to recognize what I take to be the great potential value of such lines of inquiry, and to invite any who have not yet had the pleasure of doing so to read the recent works on these topics of Knuud Haakonssen, Gerald Postema and others.⁹ Jurisprudence and Political Economy, from the perspective of the present discussion, are of interest as fields in which a given author's concepts of 'utility' and the 'utility principle' may be *applied*. The field of moral philosophy requires more detailed study here, for this will help us to see how those concepts are *shaped*.

Evidence of Bentham's attitude toward Scottish moral philosophy (which he took to be the source of what was distinctive in the Scottish version of Natural Jurisprudence), is provided by some of the marginal observations he added to his 'Table of the Springs of Action' just prior to the printing of the 'Table' in 1815. There he named 'A. Smith' as a teacher of the principle of 'ipse-dixitism', and thus a practitioner of the art of 'substituting smoke to light'.¹⁰ He spoke of an ipse-dixitist 'philosophy' as one

... Setting up *SENSE* or feeling, real or pretended, as a sufficient reason for obligation to act in opposition to utilitarianism: discarding calculation, disregarding consequences in respect of pleasure and pain.¹¹

The ascendancy of Scottish moral philosophy in the eighteenth century had, he charged, been won largely by default. Scottish moral sense theory moved into the vacuum left by the substitution of unquestioning religious orthodoxy for ethical thinking at Oxford and Cambridge:

In English universities, religion kept Ethics out of the schools and drove her to Scotland. The Scotch Universities received those who looked for instruction. The English and Irish, those who looked for patronage. Subscriptions, not exacted in Scotland.¹²

⁷ 'Bentham's utilitarianism is a highly interventionist creed ...': see M. H. James, 'Public Interest and Majority Rule in Bentham's Democratic Theory', *Political Theory*, ix (1981), 62. 'I have not ... any horror, sentimental or anarchical, of the hand of government. I leave it to Adam Smith, and the champions of the rights of man ... to talk of invasions of natural liberty, and to give as a special argument against this or that law, an argument the effect of which would be to put a negative upon all laws.' 'Defence of a Maximum', in *Bentham's Economic Writings*, iii. 257–58.

⁸ See note 2 above.

⁹ On Jurisprudence, see Haakonssen's *The Science of a Legislator*, Cambridge, 1981, and Postema's *Bentham and the Common Law Tradition*, Oxford, 1986. On Political Economy, see for example S. Hollander, 'The Role of Bentham in the Early Development of Ricardian Theory', *Bentham Newsletter*, iii (1979), 2–17, and R. D. C. Black, 'Bentham and the Political Economists of the Nineteenth Century', *Ibid.*, xii (1988), 24–36.

¹⁰ See 'A Table of the Springs of Action: Marginals—Added Observations', in *Deontology: together with A Table of the Springs of Action and Article on Utilitarianism*, ed. A. Goldsworth, Oxford, 1983 (*The Collected Works of Jeremy Bentham*), p. 29 (hereafter cited as *Deontology*).

¹¹ *Ibid.*, p. 24.

¹² *Ibid.*, p. 55.

Bentham seems to have seen this Scottish monopoly on ethical theorizing as conducive to a lax and subjective approach to the task:

When everything is done by feeling and talking about feeling, the task of a teacher is not difficult ... Hume, Reid, Smith, etc. vied in cultivating it. No wonder [—] it fitted everyone and proved all DESIDERATA without skill or practice.

... In morals, instruction could be delivered without thought, so as to please every man.¹³

The teaching of moral theory in Scotland failed, in Bentham's eyes, to exhibit the methodological features of 'advanced sciences' such as 'Cosmography', chemistry, 'Electricity or Galvanism', 'Natural History' or even 'Domestic Economy'.¹⁴ Speaking of the scientific study of motives, as exemplified in his 'Table of the Springs of Action', he claimed that 'Of this as of other sciences, a man's view is the more correct and complete the fewer the leading terms under which he has been able to reduce it.'¹⁵ Instead of progressing toward this methodological goal, the Scottish Enlightenment had moved in precisely the opposite direction:

Independent principles in multitudes imagined by a host of Scotch Sophists erroneously accounting for psychological phenomena already correctly accounted for by few principles: for each phenomenon a separate innate principle.¹⁶

More than 25 years before the printing of the 'Table of the Springs of Action', in his *Introduction to the Principles of Morals and Legislation*,¹⁷ Bentham had already identified the methodological master principle responsible for the proliferation of operative principles in Scottish moral theory. Among anti-utilitarian principles, he wrote, this principle was the one 'which at this day seems to have the most influence in matters of government ... the principle of sympathy and antipathy'.¹⁸ Bentham's use of 'sympathy' here is profoundly different from the crucial use made of that term by both Hume and Smith in their moral and social theories. 'Sympathy' had been indispensable to Hume's and Smith's explanations of duty and obligation, and of that combination of self-interest and limited generosity upon which realistic moral and political theorists must rest their expectations of human-

¹³ Ibid.

¹⁴ Ibid., p. 23.

¹⁵ Ibid., p. 55.

¹⁶ Ibid., p. 28.

¹⁷ Largely completed by 1780 but revised in 1789 just before publication. Ch. II, para. 11, note c, in which the principle of sympathy and antipathy, the principle of caprice and the phantastic principle are discussed, was first printed in 1789. See *An Introduction to the Principles of Morals and Legislation*, ed. J. H. Burns and H. L. A. Hart, London, 1970 (CW), pp. 21–4 (hereafter cited as IPML).

¹⁸ IPML (CW), Ch. II, para. 11, p. 21.

kind. Sympathy, as something distinct from the perception of utility, made propriety and benevolence possible in civil society as well as ensuring a continuing commitment by citizens to the observance of the rules of justice. Sympathy—the modern equivalent would be ‘empathy’ with our fellow citizens—was for both Hume and Smith an integral part of the conception of self-interest. Given this assumption, the intelligently self-interested citizen could be expected to exhibit an adequate understanding of public utility. In Bentham, however, the phrase ‘sympathy and antipathy’ implied the very opposite of social ‘empathy’. Bentham strove to attach to it connotations of self-centred sentimentalism and selfish partisanship. ‘Sympathy’ and ‘Antipathy’ thus amounted to little more than Hobbesian desire and aversion, with the activity of the individual’s will resembling Hobbes’s process of ‘deliberation’.¹⁹ In 1789²⁰ Bentham considered trying to capture the arbitrariness and subjectivity of the principle of sympathy and antipathy by christening it the ‘principle of caprice’, or evoking its connection with the multiplication of unwanted ‘fictions’ by entitling it ‘the phantastic principle’. Whichever guise it assumes, he argued, this principle ‘... approves or disapproves of certain actions ... merely because a man finds himself disposed to [do so]’;²¹ it is really ‘a term employed to signify the negation of all principle’.²² To adopt and apply it ‘you need but to take counsel of your own feelings ...’:

... 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 tyrannized by the harsh and rugged dictates of political utility.²³

In 1815, Bentham summarized the contrast, as he saw it, between his own social and political thought and the perspective of Scottish ‘Sentimentalists’:

Utilitarianism, working by calculation, is consistent and solicitous beneficence. Sentimentalism, in so far as independent of utilitarianism, is in effect a mask for selfish[ness?] or malignity, or both for despotism, intolerance, tyranny.²⁴

Bentham hated Scottish ‘sentimentalism’ as scientists despise sophists. Its popularity depressed him. To postulate that anything other than utility could be the basis of morals and government, he wrote, was ‘as absurd in psychology as to say in physics that to take aim diminishes the chance of hitting a mark’.²⁵ Bentham’s hopes for a Helvétian/Newtonian moral science seem not to have been altogether quenched,

¹⁹ See Hobbes, *Leviathan*, Book I, Ch. 5–6.

²⁰ See *IPML (CW)*, Ch. II, para. 11, note c, p. 21.

²¹ *Ibid.*, para. 11, p. 25.

²² *Ibid.*, para. 12, p. 25.

²³ *Ibid.*, para. 13, p. 25.

²⁴ *Deontology, (CW)* p. 35.

²⁵ *Ibid.*, p. 47.

but must have been weakened, by his diagnosis of the general social situation he faced:

In politics, religion and morals every man clings to the notions most accordant to his prepossessions and all turn a deaf ear to truth which might shackle their will while it enlightened their understanding. Each man wishes to do his will. Truth, if subservient to this, is acceptable; if obstructive, odious.²⁶

III. THE 'CONTINENTAL ALTERNATIVE'

Clearly Jeremy Bentham perceived the moral thought of the Scottish Enlightenment, of the whole 'host of Scotch sophists',²⁷ as a major alternative to his own utilitarian theory. He saw in Moral Sense theory an introspective mysticism, an impenetrable subjectivism which was the antithesis of a genuinely scientific approach to moral choice and action. Scottish philosophers treated 'sentiment' as an important component of the human understanding, and specifically as a source of sociable behaviour. Bentham understood 'sentiment' only as a special kind of desire, a mode of volition in the context of his 'logic of the will'.²⁸ Bentham largely substituted his dictum that 'physical sensibility is the ground of law'²⁹ for the Scottish conviction that moral sentiments are the basis of sociability. Even as he rejected and attacked the Scots, he embraced with almost indiscriminate enthusiasm the Continental alternative. He particularly invoked, as is well known, the guidance of Helvétius and Beccaria, and portrayed himself as an intermediary strategically placed so as to be able to take advantage of English civil liberties in disseminating the ideas of his continental masters.

This age, say they [?], is the age of Philosophy. All the nations of Europe have produced men of genius in this walk. All seem to occupy themselves in our days in searching after moral truth. Be it so. But in what country can it with impunity be divulged?—There is but one: 'tis England.

No, England any more than Portugal is not wanting in men who as far as wishes can make them are oppressors. But against the press what in London is their power?³⁰

He also paid homage after a fashion to the genius of Montesquieu. In a draft preface for his never-published masterwork, the 'Elements of Critical Jurisprudence', he described Montesquieu as 'the 1st architect who saw the possibility' of building a 'bridge' between the 'worlds' of Philosophy and Law:

²⁶ Ibid.

²⁷ See above at note 16.

²⁸ See *IPML (CW)*, 'Preface', pp. 8–9.

²⁹ See UC lxix. 10. Discussed in D. Long, *Bentham on Liberty*, Toronto, 1978, p. 17.

³⁰ UC xxvii. 4: Draft 'Introduction' to 'The Elements of Critical Jurisprudence', a work Bentham regarded in the 1770s as his projected *magnum opus*.

... he has attempted it: But his structure neither having any solid foundation on the shore of Philosophy nor reaching hence to that of Law, nor being built of any other than light and crumbling materials, is unable, as men begin already to perceive & to acknowledge[,] to stem the tide of time.³¹

In relation to Montesquieu Bentham was capable of adopting a critical stance. In the case of Helvétius, as I have argued elsewhere,³² Bentham the censor was tongue-tied. Bentham seems to have been utterly inspired by *De L'Esprit* (1759), a book whose qualities Hume grasped perfectly when he told Smith that it was 'worth your reading, not for its philosophy, which I do not highly value, but for its agreeable composition'.³³ Bentham first read *De L'Esprit* in 1769. In 1817 he was still so enamoured of the work that he seized upon a passage in which Helvétius had suggested that 'une analyse exacte des phrases et des expressions dont se servent les différentes passions' would be the key to a scientific understanding of human motivation³⁴ and decided to place these words on the verso of the title page of the 1817 'Table of the Springs of Action'. Thus, 48 years after his first reading of it, *De L'Esprit* was still conveying to Bentham the same message: a 'dictionary of moral terms'³⁵ was the key to moral and political science. In the 1770s Bentham had written that Helvétius had been the first to appreciate the importance of such a work:

It was for him to proclaim it that Talisman before which the chimaeras of Idolastic Metaphysics & the contradictions of commonplace political morality must vanish into smoke.³⁶

The technique of dictionary-making would constitute nothing less than the quintessence of scientific method, and the Dictionary-maker would rightly have the last word in disputes about scientific truths, for he would set the standard for correct scientific language:

Tis to the authors of such a Dictionary that it is reserved to give the death-stroke to that legion of disputes, which otherwise the abuse of words would make immortal: Tis for them and them alone, to reduce what men *call Science* to what really *they know*.

This Dictionary, copied into all languages, would be the general repository for almost all the ideas that men have

³¹ UC xxvii. 6. Bentham appears to have understood (correctly) the gap which separated his own approach from Montesquieu's as a result of the latter's reliance on the idea of Laws of Nature: see UC lxx. 9, 'INTRODUCTION "LAW"'. Its different Senses collated.'

³² See D. Long, 'Censorial Jurisprudence and Political Radicalism', *The Bentham Newsletter*, xii (1988), 4–23.

³³ In *De L'Esprit, or Essays on the Mind and its Several Faculties* by C. A. Helvétius, translated [anonymously] from the French, to which is now prefix'd a Life of the Author, new edn., New York, 1970; see the 'Life', p. xiv.

³⁴ See *Deontology* (CW), 'Editorial Introduction', p. xiii and n2.

³⁵ UC xxvii. 3.

³⁶ Ibid.

Truths³⁷ moral, political, metaphysical rendered equally demonstrable with any in the mathematics, the ideas relative to those Sciences will be the same in all men, because of necessity (as I have shewn) between the same objects the same relations are recognized by all men.³⁸

As we shall see, the concept of the nature and efficacy of language explicated here had a decisive influence on the character and methodology of Bentham's social science. Moreover, it is in sharp contrast to the understanding of language which shaped the distinctive theory of science developed by Hume and Smith.

The early Bentham manuscripts include a considerable body of draft material meant to form part of the 'Introduction' to Bentham's 'Elements of Critical Jurisprudence'. Much of this introduction was intended to deal with the problems of the measurement of pleasures and pains. At one point, in the course of an extended explanation of the extent, duration, certainty, magnitude, fecundity, and proximity of pleasures and pains, Bentham paused to acknowledge some of his main intellectual debts:

The idea of considering happiness as resolvable into a number of individual pleasures, I took from Helvétius: before whose time it can scarcely be said to have had a meaning

The idea of aestimating the value of each sensation by analyzing it into . . . four ingredients I took from M. Beccaria: gleaned up those several articles from different places in which I saw them made use of in aestimating the force and utility of punishments. Considering . . . that pains and pleasures, and actions in as far as they had a tendency to produce or prevent the one or the other were all that morals and politics or so much as was of any use or meaning [in] those sciences had in view, it seemed to me that such an analysis was the very thing that was wanted as the foundation for a compleat system of moral science.³⁹

At a different level of analysis, Helvétius, Bentham wrote, 'established the principle of utility as the universal test of the merit of all actions as well those which are the objects of Law as any others'. The comprehensive ('universal') scope and monolithic (single-principled) structure of Bentham's system may thus be traced to Helvétian influence—though not to the exclusion of the influence of Bacon and Newton. Beccaria's role was, more specifically, to show that a system of *law* could be built entirely upon the application of the utility principle: 'Beccaria first set it [the maxim formed upon this principle] at the head of a work of jurisprudence.'⁴⁰ Grotius, Pufendorf and the advocates of Natural Jurisprudence had failed to grasp 'the doctrine

³⁷ MS. orig. 'Propositions'.

³⁸ UC xxvii. 5: 'PREFAT. Dictionary of Moral terms. Helvétius. IV.'

³⁹ UC xxvii. 34: 'Pleasures and Pains. How measured.' In the same passage, Bentham observes that Maupertuis, in his *Essay on Moral Philosophy*, London, 1750, had anticipated Beccaria's use of this method of analysis, but had 'pursued it but by halves', and had made a 'fundamental error' in his definition of pleasure.

⁴⁰ UC lxx(a). 23: 'Helvétius X Beccaria.'

that Civil laws should be immediately governed by the principle of General utility':

From the charge of silent neglect [of this principle] either by having made no accurate aestimate or even taking no notice of the subserviency to it of the Laws they explain or the maxims they recommend, but one of the whole body of Jurists theoretical as well as practical is to be excepted: The Marquis Beccaria is that one: He alone has dared to establish this principle in the front of his performance: and to adhere to it with ... uniformity ...⁴¹

Helvétius, Beccaria and Bentham were thus—in Bentham's eyes—linked as contributors to the development of 'that Mode of Investigation of which Locke had an implicit notion when he maintained ... that moral Truths were susceptible of Demonstration as truly as those of Mathematics'. Locke, Bentham wrote, had 'sown the seeds' of that development, but 'had not settled into the Track, rejecting all technical and fictitious standards, of resorting on all Occasions to the one true & natural [principle] of Utility'. But Helvétius and Beccaria were not the only colleagues whose role in this momentous progression of thought Bentham recognized. There was also, as we have seen, Mau-pertuis. Bentham also named D'Alembert and Voltaire in a list of those who had helped reap a 'full Harvest of Intelligence' from the 'great and original Genius' of Locke.⁴² Only one Scot qualified for inclusion on this list, and that was a Scot who had a way of getting on with the French: David Hume.

IV. BENTHAM ON HUME

Bentham's response to the work of Hume follows a pattern interestingly similar to that seen in his response to Smith. Under a layer of deference and admiration that is at times paper-thin lurks an aggressively critical attitude. There is a sense of competition: it is clearly very important to Bentham that his own work succeed, in his own eyes at least, in superseding the contributions of Hume to moral and political theory. Consider the case of Bentham's assessment of Hume's *Treatise*. Bentham embraces its author as an 'acute and penetrating metaphysician' to whom Bentham is linked by a common opposition to Blackstone.⁴³ The *Treatise* is

... that celebrated book: of which the criminality in the eyes of some, and the merits in the eyes of others, have since been almost effaced by the splendour of more recent productions of the same pen.⁴⁴

⁴¹ UC lxx(a). 30: 'INTROD. Pr. of Utility reprobated. Grotius, Pufendorf.'

⁴² UC lxix. 118: 'Introd. Jurisprudence whether susceptible of Demonstration.'

⁴³ See *A Comment on the Commentaries and A Fragment on Government*, ed. J. H. Burns and H. L. A. Hart, Oxford, 1977 (CW), p. 439 (hereafter cited as *Comment/Fragment*): i.e. *Fragment*, Ch. 1, para. 36, note v, pt. 1.

⁴⁴ *Ibid.*

This encomium is followed, however, by some extensive qualifications to Bentham's praise of 'that celebrated book'. He 'would not wish', he states, to 'send the Reader' to any volume of the *Treatise* but the third:

As to the two first, the Author himself, I am inclined to think, is not ill disposed ... to join with those who are of opinion, that they might, without any great loss to the science of Human Nature, be dispensed with.

'The like might be said', he suggests, even 'of a considerable part' of volume three:

But, after all retrenchments, there will still remain enough to have laid mankind under indelible obligations.⁴⁵

Bentham's speculation to the effect that Hume would himself recognize that about three-quarters of the *Treatise* was dispensable is comically blithe—and, one surmises, disingenuous to boot. It is well worth clarifying what is being accepted and what rejected here.

The rejection of volumes one and two of the *Treatise* reflects Bentham's judgement that Hume's metaphysics and epistemology, however 'acute and penetrating', were not so much unacceptable as totally dispensable. Hume's epistemological scepticism, after all, had not prevented him from going on to establish a science of human nature resting on an experimental basis. But where Hume's method of experimentation had reflected his belief in the contingent and uncertain nature of our judgements about the external world and our fellow humans, experimentation in Bentham was the procedural form taken by the process of 'demonstration', and what excited Bentham was the precision and conclusiveness, for practical purposes, of that process. 'Science' was a mode of inquiry for Hume, and an authoritative edifice of thought for Bentham. The voice of science, so to speak, was interrogative for the former and imperative for the latter. Bentham's and Hume's distinctly differing conceptions of science both as a method and as a corpus of thought provided importantly different contexts for the development of their ideas of 'utility'.

Adopting for convenience the terminology of David Fate Norton,⁴⁶ we may say that what Bentham entirely jettisoned in his response to Hume was the latter's 'sceptical metaphysics'. His reaction to Hume the 'common-sense moralist', while ultimately hostile, was more measured and mixed. It was with regard to the principle of utility itself that Bentham acknowledged Hume's influence most warmly. He even seems to have exaggerated it in his retrospective reflections from the vantage point of the 1820s. His recollection was that

⁴⁵ Ibid., p. 440.

⁴⁶ D. F. Norton, *David Hume: Common-Sense Moralist, Sceptical Metaphysician*, Princeton, 1982.

Under the name of the PRINCIPLE OF UTILITY (for that was the name adopted from David Hume), the Fragment set up ... the greatest happiness principle in the character of the standard of right and wrong in the field of morality in general, and of Government in particular. ...⁴⁷

Certainly Hume had explained the relationship between morality and utility in Book III of the *Treatise*, and again in his second *Enquiry*.⁴⁸ But nowhere had he established anything as comprehensively sovereign in morals and legislation as Bentham's utility principle. It was precisely because his metaphysical and epistemological principles were *not* irrelevant to his moral and political theories that he could not do so. Bentham insisted on viewing the absence of a sovereign utility principle in Hume as a matter of lack of rigour or structural incompleteness in the latter's thought. It was nothing of the sort. In Book III of the *Treatise* Hume had said that 'the chief spring or actuating principle of the human mind is pleasure or pain', and that 'moral distinctions depend entirely on certain peculiar sentiments of pain and pleasure'. But this was said only in the context of his discussion of *natural* virtues and vices, those which 'have no dependance on the artifice and contrivance of men'. That entire sphere of social activities in which fundamental conventions of civil life such as justice and property were involved, the entire theory of obligation, and the whole world of politics, were beyond the scope of this explanation. Even within the realm of natural moral sentiments, it was not the perception of utility but the capacity for sympathy which was pivotal in Hume's account. The 'sentiments' of pain and pleasure to which Hume referred reflected a recognition of certain 'qualities' in the self (or, through sympathy, in others). What is striking about the explanation of moral *actions* which immediately follows is that it links the assessment of actions *not* to consequences but to the 'quality or character' of the agent:

If any *action* be either virtuous or vicious, 'tis only as a sign of some quality or character. It must depend upon durable principles of the mind, which extend over the whole conduct, and enter into the personal character. Actions themselves, not proceeding from any constant principle, have no influence on love or hatred, pride or humility; and consequently are never consider'd in morality.⁴⁹

Actions are 'consider'd in morality' not in light of their consequences, but in so far as they are symptomatic of 'character' and indicative of a 'principled' pattern of behaviour or thought. Hume concludes this section of his analysis of morals with the assertion 'that *sympathy* [my

⁴⁷ In *Comment/Fragment (CW)*, 'Appendix-Preface for the Second Edition [of] the *Fragment*' (1822), p. 509.

⁴⁸ See *ibid.*, pp. 508–9, n3.

⁴⁹ This quotation and the preceding analysis are from Hume's *Treatise of Human Nature*, ed. L. A. Selby-Bigge, 2nd edn., Oxford, 1973, Book III, Part III, Section I: 'Of the origin of the natural virtues and vices', pp. 574–75.

emphasis] is a very powerful principle in human nature ... and that it produces our sentiment of morals in all the artificial virtues ... [and] ... also gives rise to many of the other virtues'.⁵⁰

In the light of even this partial reconstruction of Hume's account of morals Bentham's reaction to Book III of the *Treatise* is remarkable:

That the foundations of all VIRTUE are laid in UTILITY, is there demonstrated, after a few exceptions made, with the strongest force of evidence: but I see not, any more than Helvétius saw, what need there was for the exceptions.⁵¹

But Hume was simply not, as we have seen, a utilitarian who occasionally and inexplicably made 'exceptions'. He was a moral sense theorist, for whom 'sympathy' (not in Bentham's sense, but in the sense Smith was to learn from Hume) was a moral principle more fundamental than utility. Nevertheless, Bentham was determined to extract from Hume's text a utilitarian premise, 'that UTILITY was the test and measure of all virtue ... and that the obligation to minister to general happiness, was an obligation paramount to and inclusive of every other'.⁵² Hume sometimes gave considerable emphasis to 'the obligation to minister to general happiness', and in the second *Enquiry* he asserted that 'in common life we have every moment recourse to the principle of public utility'.⁵³ But this did not prevent him from maintaining that the sense of natural duties arose independently of any consideration of utility:

All moral duties may be divided into two kinds. The FIRST are those, to which men are impelled by a natural instinct or immediate propensity, which operates on them, independent of all ideas of obligation, and of all views, either to public or private utility.⁵⁴

Moral action was shaped by 'a view to utility' only in the case of Hume's 'second kind of moral duties', comprising 'such as are not supported by any original instinct of nature, but are performed entirely from a sense of obligation, when we consider the necessities of human society ...'.⁵⁵ The 'principle of public utility' was thus rooted, in Hume's account of it, not in human nature directly, but in the necessities and artificialities of civil society.

With the passage of time the Bentham who, on reading Hume's critique of social contract theory in the *Treatise*, felt 'as if scales had

⁵⁰ Ibid., pp. 577–78.

⁵¹ *Comment/Fragment (CW)*, p. 440; i.e. *Fragment*, Ch. I, para. 36, note v, part 2.

⁵² Ibid., p. 441.

⁵³ See 'Concerning the Principles of Morals', Section III, Part II, in Hume's *Enquiries concerning Human Understanding and concerning the Principles of Morals*, ed. L. A. Selby-Bigge, 3rd edn. revised by P. H. Nidditch, Oxford, 1975, p. 203.

⁵⁴ See 'Of the Original Contract', in Hume: *Essays Moral, Political, and Literary*, ed. E. F. Miller (Liberty Classics), Indianapolis, 1985, Part II, Number XII, p. 479.

⁵⁵ Ibid., p. 480.

fallen from [his] eyes',⁵⁶ adopted a more forthrightly critical posture in relation to Hume's moral and political theory. He never, of course, withdrew his admiration for Hume's demolition of the theory of the original contract. But in the marginal 'Added Observations' on the 'Table of the Springs of Action' he indicted Hume's account of morals as 'a compromise of incompatible contradictions':

611. OF ERROR, inconsistency is a natural accompaniment—not so of TRUTH.

612. Hume acknowledges the dominion of utility, but so he does of the moral sense: which is nothing more than a fiction of IPSE-DIXITISM.

613. So before him Hutchinson of Glasgow.

614. Here then is a compromise of incompatible contradictions—necessary result, inconsistency.⁵⁷

By 1828, more than 50 years after 'the scales had fallen from his eyes', Bentham saw more clearly than ever that he and Hume simply held different views about virtue. Presumably having in mind Hume's treatment of natural virtues as consisting in 'qualities or characters of the mind',⁵⁸ Bentham argued at length that 'Hume's virtues' were not virtues at all, but only 'intellectual faculties'.⁵⁹ Bentham recognized the necessity of integrating his account of morality totally into the 'logic of the will' which gave monolithic structure to his theory of morals and legislation, and so he gave his own, radically different, characterization of virtues:

Every virtue is a moral quality in contradistinction to an intellectual: i.e., a quality that belongs to the volitional, not to the intellectual part of the human frame: a quality which is the result of the exercise given to the will, not of the state and condition of the understanding, except in so far as the beneficial state of the understanding is itself the result of exercise given to the will . . .⁶⁰

By this move Bentham confined moral qualities to the volitional realm, thus establishing in place of Hume's argument that virtue is what arouses in us a certain kind of natural admiration the 'classical utilitarian' position that the good is what is or ought to be desired. More than this, by making moral theory an aspect of the 'logic of the will' Bentham was able in turn to subsume the science of morals effectively under the master science of legislation, thus emulating the priority of the sciences in the system of Helvétius: as in *De L'Esprit*, morals and legislation were thoroughly interdependent, but the root science, the more fundamental of the two, was that of legislation. For

⁵⁶ *Comment/Fragment (CW)*, p. 440: i.e. *Fragment*, Ch. I, para. 36, note v, part 2.

⁵⁷ *Deontology (CW)*, p. 57.

⁵⁸ See above at note 49.

⁵⁹ See *Deontology (CW)*, pp. 345–63, especially at p. 345.

⁶⁰ *Ibid.*, p. 347.

the study of legislation in its broadest sense was the study of command, of imperation, of volition, of the logic of the will directly.⁶¹

Bentham was in this instance quite correct: he and Hume *did* differ profoundly about virtue. Their differences were just as great in relation to utility. In his analysis of 'Why utility pleases',⁶² Hume argued *against* the 'deduction of morals from self-love, or a regard to private interest'.⁶³ In his account, utility possessed what may be described as an aesthetic dimension: it was a kind of appropriateness. Thus the utility of inanimate objects was not assessed in the same way as that of human actions. 'A man, whose habits and conduct are hurtful to society' is an object of 'disapprobation', 'disgust' and 'hatred', not simply because his behaviour causes pain or diminishes pleasure, but because it is inappropriate to a human being. The analogy Hume chooses to convey the essence of human vice is aesthetic, not consequentialist: vicious behaviour is like poor design in a building, which 'hurts the eye' because it is 'ill adapted' to its purpose, or like the shape of a ship 'framed with a precise geometrical regularity, in contradiction to all the laws of mechanics'.⁶⁴ Utility resides not solely in efficacy or expedience, but in a fitting relationship between form and function. What makes the utility of the actions of a public-spirited person *virtuous* is the conformity between the consequences of his acts and our view, based on moral sentiments, of how a person *ought* to act. In overlooking or disregarding this Humean emphasis on the fittingness or propriety of moral action, Bentham omitted from his account of Hume the one thing Hume had held to be indispensable to its moral character. The criterion of 'physical sensibility' permitted Bentham to distinguish 'sentient' from 'insentient' creatures. Hume's distinction between the effects, or consequences, of utility and the quality of 'fittingness' which gave it moral status was aimed at distinguishing patterns of principled moral action from mechanical chains of purely instrumental causes and effects. What mattered most to Bentham was the fact that all sentient creatures, whether rational or articulate or neither, had a natural interest in maximizing pleasure and avoiding pain. It was this interest, he argued, which the law ought to recognize and serve.⁶⁵ For Hume, moral principles and moral action were available only to rational and articulate creatures—only to *homo sapiens*.

⁶¹ See *IPML (CW)*, 'Preface', pp. 8–9.

⁶² See *Hume: Enquiries*, '... concerning the Principles of Morals', Section V, Part 1, pp. 212–18.

⁶³ *Ibid.*, p. 215.

⁶⁴ *Ibid.*, pp. 212–13.

⁶⁵ Being susceptible to pleasure and pain, animals, unlike inanimate objects, may be said to have interests which the law ought to protect: 'The question is not, can they reason? nor can they talk? but, can they suffer?'; see *IPML (CW)*, Ch. 17, para. 4 and note 6, p. 283n.

Hume meant to distinguish between the way in which the principle of 'public utility' was commonly, consequentially used when the beneficial effects of action were praised, and the grounds on which utility might be treated as a moral attribute. The logic of Bentham's argument tended to reduce moral attributes to the mere intention to produce beneficial effects. Morality ceased to involve the capacity to appreciate a certain kind of beauty, to admire a certain fitness of things, and became instead a kind of technology. This was partly, as we have seen, because the concept of utility had changed. It was also because the idea of a 'principle' had changed. Hume, as we have seen, had linked 'durable principles of the mind' with 'personal character'.⁶⁶ Bentham gave a vaguer and more mechanical definition of a 'principle':

It is a term of very vague and very extensive signification: it is applied to any thing which is conceived to serve as a foundation or beginning to any series of operations ... physical ... [or] ... mental⁶⁷

V. ADAM SMITH AND THE PHILOSOPHY OF SOCIAL SCIENCE

The differences we have uncovered between the views of Bentham and Hume as to the moral status of 'utility' and the nature of moral 'principles', are major *illustrations* of the 'discontinuity' in the history of the social sciences remarked upon by Donald Winch.⁶⁸ To identify the *sources* of their differences, however, we must probe yet more deeply the methodological presuppositions of their social theories, for the root causes of their divergent views are deep-seated, involving nothing less than incompatible positions in the areas of language, metaphysics, epistemology and the structure and methods of science. A clearer view of these underlying discontinuities may be achieved if we take as representative of the Humean position an author who faithfully developed to the best of his extraordinary abilities the implications of Hume's theory of moral sentiments, his concept of sympathy, his theory of language and his philosophy of science. This was Adam Smith.

In 1776, the year in which Hume died, Adam Smith published the first edition of *The Wealth of Nations* and Jeremy Bentham published his *Fragment on Government*. It was in the *Fragment* that Bentham responded to Hume's writings with the peculiar combination of praise and dismissal which we have just examined. Smith, Hume's dear friend and literary executor, quoted Hume six times in the *Wealth of Nations*,

⁶⁶ See above at note 49.

⁶⁷ *IPML (CW)*, Ch. I, para. 2, note b, pp. 11–12.

⁶⁸ See above at note 3.

referring to the *Essays* and to the *History* for comments relevant to a variety of problems in political economy,⁶⁹ and offering a general characterization of Hume as 'by far the most illustrious philosopher and historian of the present age'.⁷⁰ Both Smith and Bentham saw themselves as carrying forward Hume's pivotal idea that 'all the sciences have a relation, greater or less, to human nature' and are thus 'in some measure dependent on the science of MAN'.⁷¹ Both took up Hume's invitation to apply 'experimental philosophy to moral subjects'.⁷² But Smith understood far better than Bentham the caveat Hume attached to his invitation:

... tho' we must endeavour to render all our principles as universal as possible, by tracing up our experiments to the utmost, and explaining all effects from the simplest and fewest causes, 'tis still certain we cannot go beyond experience; and any hypothesis, that pretends to discover the ultimate original qualities of human nature, ought at first to be rejected as presumptuous and chimerical.⁷³

Viewed against this background, the differences between the theories of morals, jurisprudence and political economy developed by Smith and Bentham are complementary parts of a larger pattern: they are symptomatic of a profound disagreement about the structure, functions and methodological (i.e. linguistic and epistemological) presuppositions of science in general and social science in particular. Donald Winch is, I think, quite right to suggest that this duality of conceptions of a 'science of Man' poses 'one of the most intriguing problems' in the history of the social sciences. Moreover, we can learn more about what Smith and Bentham actually meant by 'utility' or a 'principle of utility' by adopting this as the putative context in which those terms were used than we can by attempting to compare the 'liberalisms', 'individualisms' or even the 'utilitarianisms' of the two thinkers. Smith was remarkably, though not of course slavishly, faithful to Hume's conceptions of human nature, human knowledge, morals and politics. Epistemological scepticism, sensitivity to the imaginative and rhetorical components of scientific and philosophical discourse, awareness of the contingent and shifting nature of even the most fundamental rules and principles in all of the sciences: these Humean attributes consistently characterize Smith's works, and they shape quite decisively his understanding of 'utility' and the 'principle of utility'. Bentham, seized with an enthusiasm (traceable to his reading of Helvétius) for devising universal principles and explaining 'all effects from the simplest and

⁶⁹ See Adam Smith, *An Inquiry into the Nature and Causes of the Wealth of Nations*, ed. R. H. Campbell, A. S. Skinner and W. B. Todd, 2 vols., Oxford, 1976 (*The Glasgow Edition of the Works and Correspondence of Adam Smith*), pp. 247, 325, 354, 412, 445, 790–91.

⁷⁰ *Ibid.*, p. 790.

⁷¹ Hume, *Treatise*, Introduction, p. xv.

⁷² *Ibid.*, p. xvi.

⁷³ *Ibid.*, p. xvii.

fewest causes', took 'experience'—indeed, experience in its most elemental hedonistic sense—as an adequate foundation not merely for contingent scientific hypotheses but for irrefutable knowledge of 'the ultimate original qualities of human nature' of precisely the sort which Hume had deemed 'presumptuous and chimerical'.

To know that Bentham subscribed to some form of utility principle is not to know anything very specific about his thought. What scholars naturally want to know is what was distinctive about the idea of utility and a utility principle in Bentham. The best way to answer this question is to show how Bentham's particular understanding of 'utility' and its principle reflected the methodological, structural and functional requirements of his particular version of the 'science of Man'. A comparison of Smith and Bentham under these headings reveals striking contrasts at every stage, and illuminates discontinuities in moral and political thought which have been underemphasized by those predisposed to use Smith and Bentham to illustrate a continuum of 'liberal' thought.

A way of looking at language which is most helpful in investigating Bentham and Smith is provided by a surprising trio of authors: Giambattista Vico,⁷⁴ Jean-Jacques Rousseau,⁷⁵ and the great Canadian literary critic and theorist, Northrop Frye.⁷⁶ This approach to discourse, intimated in Vico's theory of *ricorsi* and Rousseau's suggestive aphorism that 'at first men spoke only poetry; only much later did it occur to anyone to reason',⁷⁷ is extensively developed by Frye as a systematic approach to the reading of texts in the history of ideas. Frye postulates 'three types of verbal expression'. These may be seen as recurring cyclically, or as being interwoven throughout the history of language, but much of the time Frye presents them as succeeding one another. Thus there is an ancient, a pre-modern and a modern 'phase' to the history of language as it has unfolded to the present day.⁷⁸ The earliest 'phase' is the one which Vico and Rousseau both call 'poetic', and which Frye calls 'hieroglyphic': in it, the basic modern distinction between subject and object is blurred or entirely absent. Thus, for example, the shaman who utters a word thereby acquires a power associated with it. This 'magical' usage is almost untranslatable into 'normal', 'civilized' modern categories of thought, but is said still to

⁷⁴ See *The New Science of Giambattista Vico*, trans. T. G. Bergin and M. Fisch, New Haven, 1968, para. 401 ff.

⁷⁵ See Rousseau's 'Essay on the Origin of Languages, in which something is said about Melody and Musical Imitation', Chs. 1–4, and especially Ch. 3, in *Jean-Jacques Rousseau: The First and Second Discourses . . . and Essay on the Origin of Languages*, trans. and ed. V. Gourevitch, New York, 1986, pp. 240–48.

⁷⁶ See Frye's *The Great Code: The Bible and Literature*, New York, 1982, Part 1: 'The Order of Words', Chapter 1: 'Language I', pp. 5–15.

⁷⁷ Rousseau, 'Origin of Languages', p. 246.

⁷⁸ Frye, p. 5.

pervade some 'primitive' societies today.⁷⁹ The second phase of language is Vico's 'heroic' or 'noble' phase, one which Frye categorized as 'allegorical'.⁸⁰ Plato may be thought to introduce it, at least to the Western world. It is an authoritative, 'culturally ascendant' language, 'produced by an intellectual elite', which uses words to express inner thoughts and ideas:

Subject and object are becoming more consistently separated. . . . The intellectual operations of the mind become distinguishable from the emotional operations; hence abstraction becomes possible, and the sense that there are valid and invalid ways of thinking, a sense which is to a degree independent of our feelings, develops into the conception of logic.⁸¹

Adam Smith's essay on 'The Principles which Lead and Direct Philosophical Inquiries; Illustrated by the History of Astronomy', is one of the finest examples in the history of ideas of the application of this view of language to the problem of the methodology and functions of science and philosophy.⁸² For Smith the realm of scientific and philosophical discourse is the realm of the imagination. The function of philosophy is to facilitate, not to replace or circumvent, the 'easy movement of the imagination' along the stream of phenomena and events that make up our experience of the world. Success is constituted not by the replacement of imaginings by 'facts', but by the restoration to the imagination of 'that tone of tranquility and composure, which is both most agreeable in itself, and most suitable to its nature'.⁸³

Smith understands systems of science and philosophy as highly abstract intellectual constructs which are to be judged by their elegance, their neatness, and their logical beauty. Thus in the *Theory of Moral Sentiments* Smith, recapitulating Hume, sees the sense of utility as expressive of a 'regard to the beauty of order, of art and contrivance'.⁸⁴ It is this sense of awe and wonder at the great beauty of the social and political system that is civil society, this flight of the imagination, this 'deception which rouses and keeps in continual motion the industry of mankind'.⁸⁵ The 'History of Astronomy' presents

⁷⁹ Ibid., p. 6.

⁸⁰ Ibid., p. 5.

⁸¹ Ibid., p. 7.

⁸² See Adam Smith: *Essays on Philosophical Subjects*, ed. W. P. D. Wightman and J. C. Bryce, Oxford, 1980 (*The Glasgow Edition of the Works and Correspondence of Adam Smith*), pp. 33–106. His essays on 'The History of the Ancient Physics' and 'The History of the Ancient Logics and Metaphysics' are parts of the same explanatory project. See Ibid., pp. 106–33.

⁸³ Smith, *History of Astronomy*, pp. 45–6.

⁸⁴ Adam Smith, *The Theory of Moral Sentiments*, ed. A. L. Macfie and D. D. Raphael, Oxford, 1976 (*The Glasgow Edition of the Works and Correspondence of Adam Smith*), Part IV, 'Of the Effect of Utility upon the Sentiments of Approbation', Ch. 1, pp. 179–87: 'Of the beauty which the appearance of UTILITY bestows upon all the productions of art, and of the extensive influence of this species of Beauty', at p. 185. Cf. Hume, *Treatise*, Book II, Part II, sec. V, pp. 363–65.

⁸⁵ Ibid., p. 183.

the world's greatest systems of science as a series of powerful explanatory metaphors. Smith's own legacy to the history of ideas takes the form in part of a cluster of vivid metaphors: 'the invisible hand', 'the impartial spectator', the 'system of natural liberty'—all evoke an imaginative response to an imaginative depiction of reality. Given the epistemological scepticism of Hume and Smith, this seemed an appropriate final aspiration for the philosopher of social science.

According to Northrop Frye, it was dissatisfaction with syllogistic logic and an intensifying desire for a language which would sharply distinguish 'existents from non-existents'⁸⁶ that led to the emergence, from the sixteenth century onward, of the third phase of language: the phase which Vico called 'vulgar', and which Frye calls 'demotic' or 'descriptive'.⁸⁷ In Frye's view, this mode of language 'attains cultural ascendancy in the eighteenth [century]':

In English literature it begins theoretically with Francis Bacon, and effectively with Locke. Here we start with a clear separation of subject and object, in which the subject exposes itself, in sense experience, to the impact of an objective world. The objective world is the order of nature; thinking or reflection follows the suggestions of sense experience, and words are the servomechanisms of reflection ... all deductive procedures are increasingly subordinated to a primary inductive and fact-gathering process.⁸⁸

As Frye observes, language of this kind seeks similes and is suspicious of metaphors, for it uses a correspondence model of truth:

A verbal structure is set up beside what it describes, and is called 'true' if it seems to provide a satisfactory correspondence to it. The criterion of truth is related to the external source of the description rather than to the inner consistency of the argument ... a true verbal structure is one that is *like* what it describes.

... extreme forms of third-phase thinking demonstrate the 'impossibility of metaphysics', or declare that all religious questions are unmeaning.⁸⁹

The rise to ascendancy of 'third-phase' language accompanies and reflects 'the growth of science on a basis of inductive observation', and epistemologically brings a seemingly simple and basic pair of questions to centre-stage: 'What is really there? and What are we really seeing?' The 'problem of illusion and reality therefore becomes a central one'.⁹⁰ Post-Enlightenment 'modernity'—the 'modernity' in relation to which 'post-modernism' is defined—is characterized by a widespread belief, at a 'vulgar' level, that conclusive truths are discoverable by the application of scientific method to fundamental problems of every kind, and

⁸⁶ Frye, p. 12. Presumably the use of 'existence' rather than 'being' here is carefully premeditated. The criterion of 'existence' is experiential. That of 'being' may be metaphysical, as in Plato.

⁸⁷ *Ibid.*, p. 5.

⁸⁸ *Ibid.*, p. 13.

⁸⁹ *Ibid.*

⁹⁰ *Ibid.*, p. 14.

that the language of science can somehow convey these truths to auditors in an unvarnished, transparent way. The rhetorical embellishments and literary devices of poetic, metaphorical or allegorical language are to be stripped away, leaving only the 'plain' truth conveyed in verifiable and falsifiable propositions describing 'external reality'.

Bentham seems to me to be a quintessentially 'third-phase' theorist of language. From his dismissal of Hume's sceptical metaphysics to his insistence that, through paraphrastic definition, words be related directly and transparently to the concrete particular things they describe.⁹¹ Bentham epitomizes the 'third-phase' drive to produce a perfectly descriptive language. He is not under the illusion that everyday 'talk' can or ought to become perfectly descriptive. His science, once again conforming strikingly to Frye's 'third-phase' model, is a science which 'assumes two levels of sense perception: a particular accidental level that is largely illusion, and an ideal level that is our real source of knowledge'.⁹² Thus, without formally breaking with Hume's assertion that we can not go beyond experience, the 'third-phase' scientist achieves 'true knowledge' of a kind that Hume had declared unattainable. Bentham repeatedly informed his readers, especially in his early writings, that metaphysics was an exceedingly important, if arid, field of study.⁹³ Perhaps now we are better able to see why. For him, metaphysics was the study of 'what things exist',⁹⁴ and at the core of that study was the project of producing a scientifically descriptive language. 'Define your words!'⁹⁵ was Bentham's intellectual call to arms. In the light of the foregoing analysis one is better able to appreciate the passion with which he responded to that call. But who, we may ask, was the more perceptive or the more persuasive theorist—the one who identified scientific discourse as a powerful form of imaginative depiction subject to recurrent modification and supercession, or the one who saw scientific language as bare description of what was 'out there', stripped of all imaginative and 'fictitious' elements?

The meaning of 'utility' tends to undergo a change in so far as third-phase language replaces its predecessor as the ascendant model of philosophical and scientific discourse. In 'second-phase' language, what was useful, or had utility, was what was fitting, appropriate, or well-suited to a given end or ends. The idea of utility, the notion that something could be *utile* just as it might be *dulce et decorum*, was an

⁹¹ On 'paraphrastic definition', see R. Harrison, *Bentham*, London, 1983, pp. 53–74.

⁹² Frye, p. 14.

⁹³ 'Metaphysics, the most sublime and useful of all human sciences, according as it is applied, or the most futile,' UC lxix. 155. See also Long, *Bentham on Liberty*, pp. 68–9.

⁹⁴ See UC lxix. 52–3, 227, 228, 241. Discussed in Long, 'Censorial Jurisprudence and Political Radicalism', 14.

⁹⁵ UC xxvii. 45. Discussed in Long, *Bentham on Liberty*, p. 65.

integral part of the classical theory of natural law. The strong influence of Stoicism on Adam Smith, which Professor Raphael has noted,⁹⁶ is reflected in his 'second stage' emphasis on the 'beauty' of utility, its 'pleasing' quality consisting for him in its contribution to the maintenance of a beautiful vision of the order of civil society. But there is a tension, in both Smith and Hume, between what may be called aesthetic and consequentialist usages of the idea of utility. Their sensitivity to the aesthetic resonances of the term links them with its classical origins in works by authors such as Cicero, Marcus Aurelius, Epictetus and even Plato. On the other hand, they are clearly aware that utility is widely resorted to as a principle of expediency in social and political activities, and that in this usage only the efficacy of action in relation to specified goals is considered: the aesthetic criterion of appropriateness is replaced by the consequentialist standard of efficiency.

The aesthetic aspect, so to speak, of utility as treated by Hume and Smith is most prominent in the context of moral philosophy proper, when those qualities of human 'character' which are both the basis and the object of moral judgment are under consideration. 'Propriety' and 'sympathy' are both, in the classical sense, beautiful. Moreover, their beauty is not merely 'cosmetic'—it is the expression of their value, of their utility. We have seen that utility in this particular sense is an essential part both of Hume's science of human nature and of Smith's theory of moral sentiments. In Bentham's system this sense of the word is virtually eliminated. Utility is in Bentham not an aesthetic quality but a kind of causal efficacy, what he called 'fecundity' in his analysis of pleasures. The consequentialist usage of utility is ascendant: the aesthetic is vestigial. Thus the Stoic notion of 'self-command' as a foundation of virtue, which had been prominent in Smith's *Moral Sentiments*,⁹⁷ is replaced in Bentham by a command theory of *law*, and external imperatives thus replace 'character' as the decisive source of motives for utilitarian behaviour. The duality of aesthetic and consequentialist usages of 'utility' which had reflected the qualitative distinction between moral theory and social or political science in Smith and Hume becomes in Bentham the monolithic domination of a consequentialist 'logic of the will', the systematic superstructure of a philosophy, not of morality in the classical sense, but of action. In relation to this logic, the distinction between morals and legislation is no longer qualitative, but instead quantitative. It is presented in quasi-spatial terms: the 'universal system of human actions' is 'a boundless expanse in which the several efficient laws appear . . . like islands and continents projecting out of the ocean: or like material bodies scat-

⁹⁶ *Theory of Moral Sentiments*, Editorial Introduction, pp. 5–10.

⁹⁷ *Ibid.*, p. 6.

tered over the immensity of space'.⁹⁸ Actions of great consequentialist significance are centrally placed within the system of human actions over which the legislator watches. They naturally become the objects of legislative science. The sphere of morality, in so far as it is distinguished from that of legislation, is 'outside' it: peripheral to it. The principles of morals *are* the principles of legislation. Only its comparative (consequentialist) insignificance distinguishes that which is merely moral from that which is political. Hume's science of human nature is replaced by a science of human behaviour, and this shift involves changes in the theory of language, in metaphysics, and in the idea of social science which are more extensive and more significant than has perhaps been appreciated in the past.

VI. CONTINUITY, CHANGE AND RECURRENCE: FROM HUME TO J. S. MILL

In the midst of the sweeping changes we have noted we also find some surprising continuities. For the consequentialist usage of 'utility' is acknowledged and developed by both Smith and Hume, although it is not elevated to the supreme position it occupies in Bentham's system. It is specifically in the field of politics that this continuity is most noticeable. Hume argued that we have constant recourse to utility in the *public* realm, not as the criterion of public virtue, but as an indicator of the 'necessities of human society'.⁹⁹ Smith presented 'the principle of utility' as a specifically 'democraticall' political principle, complementing the 'principle of authority' upon which the 'aristocraticall' and 'monarchicall' components of the British Constitution rest. The 'distinctions between Whig and Tory', he said, arose from the competition between these two principles for influence over the citizen body.¹⁰⁰ The principle of utility is the specifically Whig principle in politics, expressive of 'the general interest of society'¹⁰¹ in a 'mercenary', if not a moral sense. For it rules not in a morally ideal civil society resting on 'generous and disinterested motives' and 'mutual love and affection' among citizens, but in a society such as

... may subsist among different men, as among different merchants, from a sense of its utility, without any mutual love or affection; and though no man in [such a society] should owe any obligation, or be bound in gratitude to any other, it may still be upheld by a mercenary exchange of good offices, according to an agreed valuation.¹⁰²

⁹⁸ *Of Laws in General* (CW), ed. H. L. A. Hart, London, 1970, Ch. 10, Section iv, 'Alterative [Laws]', para. 16, p. 120.

⁹⁹ Notes 53–5 above.

¹⁰⁰ *Lectures on Jurisprudence*, ed. R. L. Meek, D. D. Raphael and P. G. Stein, Oxford, 1978 (*The Glasgow Edition of the Works and Correspondence of Adam Smith*), p. 319.

¹⁰¹ *Moral Sentiments*, II. ii. 3.1–2, p. 88.

¹⁰² *Ibid.*, pp. 85–6.

It might easily be concluded on the basis of a well-known passage from *An Introduction to the Principles of Morals and Legislation* that in Bentham we see a shift away from the conception of *public* utility emphasized by Hume and Smith and toward a conception of personal utility. But the divergence of views here is not nearly so substantial as those who would contrast Scottish and Utilitarian ‘individualisms’ might suggest. Bentham does, famously, say that the principle of utility ‘approves or disapproves of every action whatsoever, according to the tendency which it appears to have to augment or diminish the happiness of *the party whose interest is in question*’ [my emphasis].¹⁰³ He then adds that ‘utility’ is:

that property in any object, whereby it tends to produce . . . happiness . . . or . . . prevent . . . unhappiness to the party whose interest is considered . . . if that party be the community in general, then the happiness of the community: if a particular individual, then the happiness of that individual.¹⁰⁴

The phrase ‘the interest of the community’, he notes, is a very general moral expression, of uncertain meaning.

When it has a meaning, it is this. The community is a fictitious *body*, composed of the individual persons who are considered as constituting as it were its *members*. The interest of the community then is, what?—the sum of the interests of the several members who compose it.¹⁰⁵

Thus ‘it is vain to talk of the interest of the community, without understanding what is the interest of the individual’.¹⁰⁶ But it is certainly not ‘vain to talk of the interest of the community’ *properly understood*. The *metaphysical* reduction of the fictitious idea of a public or community interest to a summing of individually experienced pleasures accurately reflects the methodological principles of Bentham’s social science, and particularly of his theory of language. This does not alter the fact that for purposes of politics, legislation and social theorizing generally it is the sum of happiness in the community that matters:

An action then may be said to be conformable to the principle of utility, or, for shortness sake, to utility (meaning with respect to the community at large) when the tendency it has to augment the happiness of the community is greater than any it has to diminish it.¹⁰⁷

A man may be said to be a partisan of the principle of utility, when the approbation or disapprobation he annexes to any action, or to any measure, is determined by, and proportioned to the tendency which he conceives it to have to augment or to diminish the happiness of the community . . .¹⁰⁸

It should be clear from this that Bentham employed a principle of *public* utility just as Hume and Smith had done, although his was an aggregative rather than an organic conception of the ‘public’ and its

¹⁰³ *IPML* (CW), Ch. I, para. 2, p. 12.

¹⁰⁴ *Ibid.*, para. 3, p. 12.

¹⁰⁵ *Ibid.*, para. 4, p. 12.

¹⁰⁶ *Ibid.*, para. 5, p. 12.

¹⁰⁷ *Ibid.*, para. 6, pp. 12–13.

¹⁰⁸ *Ibid.*, para. 9, p. 13.

interest. A case could in fact be made on the basis of their respective moral theories for asserting that Bentham's system was *less* 'individualist' than that of the Scots. The meaning of the term 'individualism' is sufficiently malleable to make comprehensive judgements on the subject suspect. What is clear is that Bentham did *not* put some model of an apolitical self-interested individual agent in place of the Scots' model citizen. In draft material for the introduction to his 'Elements of Critical Jurisprudence', a work in which he planned to give a fuller account of his basic principles than could be provided within the confines of *An Introduction to the Principles of Morals and Legislation*, he endorsed both the primacy of public utility and the necessity that individuals see themselves as fractions of the polity, not as self-sufficient entities. He announced

That 'Utility' standing by itself without any epithet (as 'Private') to restrict it shall mean Public or general utility—viz: utility accruing either to many at once, or even to a single person so it be not counterbalanced by a prejudice equal in magnitude . . . to any others.¹⁰⁹

And he added in a marginal note that

The question lies not between the Public on one part, & himself distinct from the public on the other: but between that part of the public which he is, on the one part, and the remainder of the persons of which the public is composed, on the other.¹¹⁰

In view of this explanation it is not surprising that in *An Introduction to the Principles of Morals and Legislation* we find Bentham suggesting the replacement of the phrase 'principle of utility' with the title 'the *greatest happiness* or *greatest felicity* principle' partly because the use of the proposed new title will 'lead us to the consideration of the *number*, of the interests affected . . . as being the circumstance, which contributes, in the largest proportion, to the formation of the standard here in question'.¹¹¹ In practical effect his emphasis on public utility is every bit as great as that of the Scots. His emphasis on the individual, as a component of the public is almost Rousseauian.

Given what we have seen of the moral theory of Bentham and the Scots, Donald Winch's eagerness to contrast Scottish moral philosophy and Adam Smith's politics, on the one hand, with 'Benthamism' and 'the radical individualism of nineteenth-century utilitarianism', on the other, is quite understandable. But the contrast is not quite as simple as he suggests.¹¹² Bentham's social science is demonstrably radically different from that of the Scots in its language, method, structure and goals. His understanding of individuality from the

¹⁰⁹ UC lxx(a). 17: 'INTRODUCTION. Utility etc. Definiend[a].'

¹¹⁰ Ibid.

¹¹¹ *IPML* (CW), Ch. I, para. 1, note a, p. 11.

¹¹² See above at notes 3 & 4.

from, and even founded on a rejection of, theirs. Yet in the area of political and social thought his system of censorial jurisprudence is in some ways less, not more, individualistic than theirs.

In one way the movement toward 'radical individualism' seems greater when we compare Bentham with his Godson than when we compare him with the Scots. For whereas Bentham sustained, *mutatis mutandis*, the Scots' requirement that in social and political science the individual must be seen not as 'distinct from the public', but as a 'part of the public', J. S. Mill emphasized the threat to individuality posed by the prospect of an arithmetically democratic 'tyranny of the majority'. For Mill the problem was not how to make individuals serve the public interest in Bentham's aggregative sense, but how to make public life serve the ends of individuality. It is not, obviously, that in Mill the claims of authority and the duties of citizenship were ignored. The point is a more positive one: Mill recovered in his version of utilitarianism a conception of morality as a sphere of thought and action standing apart from, and not subsumed under, politics and legislation which had been present in the Scots and lost in Bentham. Perhaps here, if not in Bentham, we shall discover what Winch calls 'the radical individualism of nineteenth-century utilitarianism'.

But then again, perhaps not. In resting the very idea of a principle of utility on his conception of 'the permanent interests of man as a progressive being',¹¹³ Mill certainly distanced himself from Bentham's more static and less open-ended vision of optimization of the condition of mankind 'as far as depends upon the law'.¹¹⁴ The context in which Mill placed his individual, the context within which his utility principle was to operate, was not a system of jurisprudence but an evolving society, and in Mill the idea of individuality itself was shaped by a set of 'social questions more fundamental than what is commonly called politics':

I understand by Sociology not a particular *class* of subjects included *within* Politics, but a vast field *including* it—the whole field of enquiry and speculation respecting human society and its arrangements, of which the forms of government, & the principles of the conduct of governments are but a part.¹¹⁵

In relation to this social context, Mill expounded not a radically individualist doctrine of self-love or self-interest, but a civic and social notion of responsibility. It was not by any means identical to the Scots' idea of sympathy, but neither was it incompatible with it. Reviewing the arguments presented in Plato's *Gorgias*, *Protagoras*, *Philebus* and

¹¹³ J. S. Mill, *On Liberty and Other Writings*, ed. Stefan Collini, Cambridge, 1989 (Cambridge Texts in the History of Political Thought), p. 14.

¹¹⁴ See Long, *Bentham on Liberty*, p. 148.

¹¹⁵ Mill to John Chapman, 9 June 1851, in *Later Letters*, ed. F. E. Mineka and D. N. Lindley, Toronto, 1972 (*Collected Works of John Stuart Mill* vols. xiv–xvii), xiv. 68.

Republic regarding the relationship between justice and the ideas of pleasure, goodness, benefit and reason, Mill mounted the following general criticism:

All these theories lay themselves open to Mr. Grote's criticism, by defining virtue with reference to the good only of the agent himself . . . in disregard of the fact that the idea and sentiment of virtue have their foundation not exclusively in the self-regarding, but also, and even more directly, in the social feelings: a truth first fully accepted by the *Stoics*, who have the glory of being the earliest thinkers who grounded the obligation of morals on the brotherhood . . . of the whole human race.

'The essential part of the virtue of justice', he added, is 'the recognition and observance of the rights of other people.'¹¹⁶ And if his appreciative reference to the *Stoics* reminds one of Smith, it may be worth noting that in another commentary on the classics he referred equally appreciatively to the philosophy of Protagoras and noted that his 'metaphysical doctrines . . . seem to have been, in their fundamental points, not very remote from those of David Hume'.¹¹⁷

The successor, in J. S. Mill's thought, to the versions of the science of Man and society developed in Hume, Smith and Bentham is clearly outlined in the *System of Logic*: it is

. . . a body of doctrine, which is properly the Art of Life, in its three departments, Morality, Prudence or Policy, and Aesthetics; the Right, the Expedient, and the Beautiful or Noble, in human conduct and works. To this art, (which, in the main, is unfortunately still to be created,) all other arts are subordinate.
 . . .¹¹⁸

In this distinctive intellectual construct aesthetic and consequentialist considerations are balanced more delicately and interwoven (especially in the 'department' of morality) more intricately than they had been in Hume or Smith, by the thinker who of all thinkers had been most totally steeped, in his early education, in the consequentialism of Bentham. Mill is often seen as a man engaged in an heroic—if doomed—effort to harmonize such incorrigibly dissonant voices as those of Bentham, Coleridge and Comte in some grand nineteenth-century synthesis. In the present context we might more properly see him as taking the measure of the differing insights of Hume, Smith and Bentham into the nature of 'utility' and a 'utility principle', and weaving from these threads the fabric of an unprecedentedly rich and powerful understanding of 'utility in the largest sense, grounded on the permanent interests of man as a progressive being'.¹¹⁹

¹¹⁶ *Essays on Philosophy and the Classics*, ed. J. M. Robson, Toronto, 1978 (*Collected Works of John Stuart Mill*, vol. xi), xi. 419.

¹¹⁷ *Ibid.*, p. 44.

¹¹⁸ *A System of Logic Ratiocinative and Inductive*, ed. J. M. Robson, Toronto, 1974 (*Collected Works of John Stuart Mill*, vols. vii and viii), viii. 949.

¹¹⁹ *On Liberty*, ed. J. M. Robson, Toronto, 1977 (*Collected Works of John Stuart Mill*, vol. xviii), xviii. 224.

All of this seems to direct one to the conclusion that the notion of utilitarianism as originally or generically a radically individualist doctrine, the polar opposite of all communitarianism or socialism, is a myth. No such usage of 'utility' or a 'principle of utility' is to be found in any of the four seminal figures whom I have considered here. Among those four we find substantial and important discontinuities and differences concerning the philosophy of social science—or, if one prefers, the science of social philosophy. We find significant changes in the view of the relationship between moral and legislative sciences. But we do not find an abandoning of public for private utility. Physiological hedonism does not, for these thinkers, entail sociopolitical individualism. Those who in recent years have called for the minimization of the role of the state as a condition for the maximization of individual happiness, and who have attacked the very ideas of social justice and the public interest must themselves take responsibility for the social impact (for better and for worse) of their innovative thinking—they have no claim to be merely applying the social and political principles of Hume, Smith, Bentham or J. S. Mill in letter or in spirit.