

An Exploration of Jeremy Bentham's Utilitarian View of Politics

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Abstract: In response to the injustice and confusion in the legal and political fields of 18th-century England, Jeremy Bentham systematically proposed a utilitarian system and its penalties based on David Hume's moral emotionalism and Beccaria's principles of legislation. Specifically, with a view of Minarchism, he proposed a comprehensive and radical plan for parliamentary reform in terms of the right to vote, the establishment of institutions, parliamentary procedures and the qualifications of parliamentarians in order to avoid corrupt practices, while at the same time emphasizing crime prevention, calling for leniency in penalties, the establishment of a sound and clear legal system and the reduction of the cost of defence to provide for his ideal political environment. Not only did he pioneer utilitarianism in theory, but he also contributed to the reform of the 1832 Parliamentary Reform and the improvement of the legal code.

Keywords: Bentham; Utilitarianism; 1832 Reform Act.

1. Introduction

Jeremy Bentham (1748-1832) was an English jurist and utilitarian philosopher. His utilitarian ideas were aimed at achieving the greatest happiness for the greatest number of people in the community. In the face of the political and legal chaos in England in the 18th century, Bentham advocated radical parliamentary and legislative reform. His ideas furthered the rise of liberalism, while providing the theoretical underpinnings for many of the international political reforms of the 19th century. It can be argued that Bentham's utilitarian ideas have largely shaped the political shape of the modern state.

There has been a certain amount of research on Bentham's theory in the domestic academy, mainly focusing on Bentham's utilitarian ethics, its doubts and criticisms, and also a certain amount of research on his legislative ideas and their influence. However, his political views have not yet been fully discussed.

The intention of this article is to sort out the main political views of Bentham through a discussion of his critique of the British government of his time and his views on reform, with a view to deepening the understanding of Bentham's utilitarianism and providing a possible basis for further research.

2. Background to Bentham's Utilitarian View of Politics

The political view of Bentham evolved not only from his ethical ideas, but also from a critique of the social realities of 18th century England, such as the corruption of Parliament, the chaos of the legal profession and the harshness of the penalties, which shaped his ideas on the advancement of parliamentary and legislative reform.

2.1. The Utilitarian Principle of Bentham

From a young age, Bentham was weak and unsociable and devoted his energies to reading, but he was precocious and was fluent in Latin and Greek, and was admitted to Queen's

College Oxford at the age of 12. For Bentham, his student life was uneventful and unhappy, particularly influenced by the fact that he was forced to sign the Thirty-Nine Articles of Faith (The Church of England's Compendium of Faith, which consists of 39 articles, has long been used in England to test individuals' fidelity to the faith of the Church of England) just after he entered the university, but for Bentham, unless he accepted them as true, he was an insincere hypocrite, coupled with the fact that he considered his seniors at the university to be either extravagant or eccentric, most of them uninspiring, and that his teachers brought him little benefit - a fact that he did not find useful. The experience of this period set the tone for his thinking, which was critical of the old system, embracing reform and believing in the hope it offered. In 1766, at the age of 18, he obtained a Master of Arts degree and, after confirming his interest in legal theory and making much effort, he finally found what he considered to be a sufficient measure of the value of each law - the utilitarian principle.

Bentham's utilitarian principle appeals to simple human nature, "Nature has placed mankind under the governance of two sovereign masters, pain and pleasure. It is for them alone to point out what we ought to do, as well as to determine what we shall do.....[1]" For Bentham, happiness is the pursuit of pleasure and free from pain. Further the basic principle of utilitarianism demands that "..... according to the tendency it appears to have to augment or diminish the happiness of the party whose interest is in question: or, what is the same thing in other words, to promote or to oppose that happiness [1]." The principle of utilitarianism not only governs the actions of individuals, but is likewise a criterion for governmental measures. For Bentham, the interests of the community are the sum of the interests of the individuals, and therefore the protection and promotion of the interests of the individual is inevitably required if the interests of the community are to be extended.

As for the government, the subject of the enactment and implementation of those specific policies and decrees, Bentham also commented on its functions, arguing that "The business of government is to promote the happiness of the society, by punishing and rewarding. That part of its business

which consists in punishing, is more particularly the subject of penal law [1]. ", implying that government existed first and foremost for the benefit of the people under its rule, and that the law, as a powerful instrument for regulating the people and restraining rule, was bound to be of considerable importance, so that, in addition to his active involvement in politics, Bentham devoted most of his energies to advancing the codification and improvement of the English constitution.

2.2. Bentham's Theoretical Succession

In developing the idea of utilitarianism, Bentham inherited mainly the utilitarian principles of David Hume, and Bentham himself was not shy about acknowledging this relationship [2]. Hume upholds the basic idea of moral emotionalism, which introduces the concept of utilitarianism as an important criterion in ethical judgement and universalises and objectifies moral evaluation. However, Hume does not develop the idea of utilitarianism further, but only works descriptively on its importance for moral judgement. Instead, Bentham applied the principle of utilitarianism directly to ethics, defining the good in terms of happiness (in Bentham's view, it means various kinds of pleasure), and utilitarianism was thus able to develop into an ethical doctrine independently of Bentham's efforts.

"Much of Bentham's most important principles of reasoning and his method of legislation benefited from Cesare Beccaria [3]." Bentham drew inspiration from Beccaria's 'On Crimes and Punishments' and went on to develop the 'felicific calculus' of the consequences of an act. In terms of the theory of punishment, the king's right to pardon, the duty of judges and the reliability of witnesses, Bentham held almost the same views as Beccaria. What allowed him to make a contribution to legislative theory was that he did not simply repeat Beccaria's views, but developed clear and well-developed reasoning based on many of the principles that Beccaria had only described in basic terms. Moreover, since Bentham considered that "the latter (penal) being but a means of compassing the ends proposed by the former (civil) [1]", he also extended the scope of application of these important principles from criminal law to law in general.

2.3. The Social Context of the Bentham Era

In an 1820 letter to the Spaniards, Bentham stated: "..... if by the representative government he means a government containing in it a branch in which the people are represented, —in the English government there is no such branch. For in that last-mentioned House, little less than a majority of those who have a right to sit in it, are seated either by the Monarch or by some member of the House of Lords[4]" In his view, although the House of Commons exists structurally, yet its members are at the mercy of the King and the peerage, which means that the de facto defunct of institutions that were originally built to serve the interests of the majority, and consequently the inability of the people to defend their interests through effective means in political decision-making, and the state became an instrument at the service of the minority.

In the first half of the 18th century in Britain, the right to vote was nominally vested in those whose annual output was 40 shillings (an old British unit of subsidiary currency, where one pound was 20 shillings and one shilling was 12 pence, was abolished in 1971 when the British currency was reformed), and above, the right to vote was enjoyed only by

those who were wealthier, meaning that the genuinely poor were unable to find suitable ways of realising their political claims to defend their interests. Even for those who were able to participate in elections, the parliamentary representation system was based on outdated and unfair gerrymandering - some constituencies had fewer voters but were still represented in parliament, while some constituencies with growing or larger populations were not even represented. This results in a parliament that neither reflects the demands of the majority nor takes into account the situation in each constituency equally.

In the case of the government of the day, a highly centralised system of government led to a concentration of legislative, judicial and executive power in the hands of the monarch and the elite, with little check on the power of the ruling class. And because of the bias in favour of the rich in the election of parliamentarians, ordinary citizens had little said in matters concerning the running of the state. Not only that, but the political system is rife with corruption, with politicians and officials taking bribes or engaging in other corrupt practices to maintain power, and the political system does not serve the public interest.

In terms of the legal system, the penalties in 18th century England were extremely harsh and even minor offences were punished severely, and for theft the sentence awaiting the offender could be transportation to the colonies or even death. The inconsistent application of the law, with each English local court having its own rules and procedures, as well as the high cost of legal representation and the scarcity of legal aid services available, led to a high rate of imprisonment and executions due to the inability of many people to understand and comply with the law in the first place and, once involved in judicial matters, it is difficult to defend their rights in court or to seek redress for legal grievances. Not only this, but corruption is equally present in the legal system, with judges and lawyers often accepting bribes and favours in return for favourable case outcomes, further undermining public trust in the legal system.

In general, the political and legal worlds of 18th century England were in chaos, rife with corruption and inequality, with the powerful influencing the workings of Parliament and the electoral process, with judicial favouritism, with the poor being denied their rights and often helpless in both political and legal matters. It was against this background that Bentham's reform ideas emerged.

3. Bentham's Utilitarian View of Politics and His Reform Ideas

For Bentham, the utilitarian ideal of maximum happiness took as its means the achievement of 'true representative government' and, unlike most thinkers of his time, Bentham chose to provide for the 'greatest happiness for the greatest number' through legislative reform - rather than the cultivation of morality or the elevation of reason.

3.1. Bentham's Political Outlook

In 'Leading Principles of a Constitutional Code, For Any State' [4], Bentham spells out a possible ideal form of government, starting with the most basic functional requirements of the state, to the chosen form of government, and then to the necessary institutions of government and related constructions required by these foundations.

With regard to the purpose of the constitution - and this is

naturally a topic to which Bentham believes the government that sustains the functioning of a large state must necessarily respond - there are four: "subsistence, abundance, security, and equality; each maximized, in so far as is compatible with the maximization of the rest [4]. "In his text, Bentham also stresses that everything government does is partly through punishment and the fear of punishment, and partly through reward and the hope of reward, but it is important to note that any reward from government comes from coercion of those it obeys, the people, so that in no case, and for whatever purpose, can government create good, but only evil. In this judgement of the nature of government, and in response to the utilitarian principle, the achievement of the 'greatest happiness of the greatest number' requires that any decision by government should reduce rewards and punishments in various forms [1].

With regard to the ideal form of government, Bentham argues that representative democracy is the best of all feasible forms of government. Since the practical end of government, whether monarchical or aristocratic, is for the rulers to achieve their own maximum happiness through the exercise of governmental power, and since that one person or that particular group of people expects to benefit will inevitably do so at the expense of the greatest number of people in the country, the solution proposed by Bentham to meet the demands on the functions that government should perform is through majority rule.-By aligning the interests of the rulers with the interests of the majority, the reform proposals for representative democracy are also emerging.

3.2. Bentham's Ideas for Parliamentary Reform

A feasible and necessary way to establish a system of government that is in accordance with the principle of merit in order to achieve 'the greatest happiness of the greatest number' is "..... the power of the purse should be actually and effectively in the hands of the real representatives, the freely chosen deputies of the body of the people [5]". For only those who can truly represent the interests of the greatest number of people, as the deputies of this majority, can ensure that the authority does not act in the interests of the minority, thus avoiding policies that infringe on the interests of the majority and thus achieving the prosperity and equality he advocates in the Constitution. This is the way to ensure that the authorities do not act in the interests of the minority, thus achieving the prosperity and equality that he advocates in the Constitution.

Bentham called for the implementation of radical parliamentary reform. Responding to the electoral chaos of the 18th century British Parliament, Bentham demanded the achievement of true universal suffrage, extending elections to as many people as possible. And: " Whatsoever be the situation, and the ultimate effect, --the effect which secrecy has for its proximate result is--the enabling the voter to give effect to his own will, to the exclusion of every other [5]". In the case of elections, which were characterised by the exchange of interests, voters were often unable to vote for those who could truly defend their interests, and Bentham called for secret ballots as a means of preventing fraudulent voting due to 'bribery and terrorism' in elections.

Electoral reform was only the first part of Bentham's parliamentary reform programme, and he also advocated annual re-elections while ensuring that MPs represented the interests of the people. By emphasising the ephemeral nature of corrupt power, he argued, those involved would benefit less

from it. On the one hand, by shortening the term of office, it reduces the gains that corrupt officials can generate for those involved, and on the other hand reduces the direct gains that those MPs who take bribes may receive when they sell their power. And, in order to shorten the duration of corrupt official behaviour, Bentham also requires voters to keep a constant eye on MPs, who can be removed from office when corrupt behaviour emerges, from as little as a few weeks to as long as a year.

In Parliament, Bentham requires universal and consistent presence of MPs. Where MPs are present, they should be in favour of a motion if it is likely to increase the general well-being of the people, and shame will prevent them from casting an evil vote - for or against something that does not promote the general good of the people. However, if the MP is not present, he is inevitably unable to play the role he is supposed to play as an MP, whether for honourable reasons or for nefarious purposes - they " not only without fear of punishment, under the name of punishment—but without fear of reproach or shame [5]."

Furthermore, Bentham argues for the exclusion of placemen from the faculty of voting in the House. Bentham believed that "he who to his seat in the House adds the possession of any other office, with benefit in a pecuniary or any other shape annexed to it [5]", all of them had the purpose of, and was actually influenced by, the pursuit of evil interests. Therefore, in order to ensure genuine freedom and equality in universal suffrage, elections are prevented from being influenced by nefarious interests by excluding MPs from the elections in order to maintain the fairness.

At this point, Bentham outlined a system in which the people had a universal right to vote, representatives to parliament were elected in equal, free elections, and members could be removed within a few weeks to a year for corruption or other problems, with motions of genuine benefit still passed by a majority vote, provided that members were generally present. Although Bentham does not believe that this would have made corruption totally untenable, it would have provided sufficient reference for possible parliamentary reform at the time.

3.3. Bentham's Legislative Proposition

As well as being an active promoter of parliamentary reform, Bentham also did much in the field of legislation. As mentioned earlier, harsh penalties, judicial confusion and professional barriers made it difficult for commoners to assert their rights throughout 18th century England, and systematic written codes existed only in British India. In response to the situation in the English legal profession, Bentham proposed a series of legal reforms.

Bentham devised a large number of schemes for the prevention of criminal behaviour, and, Bentham distinguished between direct methods of prevention, applying immediately to a particular offence, and indirect methods, consisting in general precautions against a whole class of offences [2], which simply means methods that interfere with criminal behaviour (before or during) through citizens or officials who are responsible for it, and indirect methods that relying on people's will, knowledge, etc. for restraint, so that they are protected from temptation and avoid criminal behaviour.

According to Bentham's utilitarian principle, "But all punishment is mischief: all punishment in itself is evil.[1] " - unless any kind of punishment helps to promote the sum total of good in society, and the evil it invites is less than the good

it provokes, the application of such punishment is not appropriate. Thus, Bentham advocates proportionality and the denial of punishment to offenders beyond what is required by the utilitarian principle. Rather, he saw the law as a kind of necessary evil and sought to avoid the imposition or exacerbation of punishment, which required legislators to legislate carefully and leniently, considering the extent of the evil that might be brought about by the law.

In the face of the chaos of the English judiciary in the 18th century and the gaps in the legal code, Bentham called for a perfect and comprehensive code, with four requirements for his ideal code - firstly, the code must be complete in itself, without any form of addition; secondly, the relevant laws must be described in such a way that each sentence achieves maximum universality, with Thirdly, the laws must be stated in a strict logical order; and fourthly, the terminology used in the laws must retain a strict consistency.

In Bentham's vision, this ideal legal code, by virtue of its perfection, precision and simplicity, would have gone some way to remedying the chaos of the English legal profession in the 18th century. It would have facilitated the learning of the law by anyone, even those who lacked expertise or education, and would have helped the situation where the law was only understood by a small number of people who specialised in the relevant matters. Moreover, because everything about the law was set out in a code, it helped to eliminate arbitrary interpretation by judges, which made justice fair and made the judicial process more efficient.

The reform of Bentham advocates empowering the majority at the political level for the best interests of the community, and at the legislative level, based on the principle of utilitarianism and a sound code of law, with an emphasis on crime prevention, to provide for the 'the greatest happiness for the greatest number'.

4. An Evaluation of Bentham and His Utilitarianism

In 1823, Bentham founded the Westminster Review, which became the main vehicle for the propagation of the doctrines of the 'philosophical radicals' that formed around him, in order to counter the influence of The Quarterly Review and the Whig Edinburgh Monthly Magazine, further extending the influence of Bentham's utilitarian theory. Among the contributors to this journal were thinkers and politicians who were working to promote reform in many aspects of Britain at the time.

4.1. Theoretical Level

James Mill developed and put into practice the utilitarianism of Bentham. Mill saw the need to prevent monarchs and aristocrats from joining forces against democracy, and therefore called for electoral reform to place power in the hands of those who could genuinely look out for the interests of the community. Mill taught his son John Stuart Mill (Mill, Jr.) to carry on the mantle of utilitarianism and further develop and refine the Utilitarian system. Mill, Jr. accepted Thomas Babington Macaulay's criticism of Bentham and Mill, but insisted that the basic principles of utilitarianism remain intact, modifying and developing the utilitarian system. Distinguishing the qualitative difference between the many pleasures, Mill, Jr. argued that the purpose of government was to produce a better people by means of education. In terms of the system of government, Mill, Jr.

considered the representative system of government to be supreme and particularly notable for its superiority: better safeguarding the rights of the individual and promoting the highest moral and intellectual development of the individual.

Furthermore, it should be noted that some of the topics of modern analytic philosophy are foreshadowed in Bentham's account of legislative reform. Bentham's emphasis on the use of neutral expressions in the science of legislation rather than those 'names that excite emotion [6]' demonstrates his concern with the emotional meaning of words beyond narrative, an analytical approach implicit in Bentham's text that has some connection with Bertrand Russell's doctrines relating to logical construction, incomplete symbols, and others. For such work, Bentham himself is widely regarded as a pioneer of analytic jurisprudence.

The relationship between utilitarianism and liberalism has been extensively discussed by many scholars throughout history because of its interest in the boundaries of political power and respect for the rights of the individual. Although many of the arguments of utilitarianism are disputed by liberals, on the whole utilitarianism remains an integral part of the history of liberalism.

4.2. Domestic Impact

As a result of his tireless efforts throughout his life, and the contributions of a number of friends who helped to spread his theories, he had an impact on the political environment and legal reform in 18th century England. Although most of the work that had a practical impact was not done by Bentham himself, it was either inspired by his ideas or contributed to the realization of the same reform ideas as Bentham. These efforts were partly reflected in the discussion of reform prior to 1832 and partly in the parliamentary reform of 1832 and the ensuing decrees.

The 'philosophical radicals', in conjunction with a number of Whig MPs of the time, influenced reforms in the Victorian era in a number of ways. George Grote wrote the 'statement on parliamentary reform' in 1821, arguing for an extension of the franchise and defending Bentham's plans for parliamentary reform. Edwin Chadwick, one of the drafters of the 1834 Poor Law, opposed the more radical aspects of Bentham's ideas (such as universal suffrage and term limits), but shared his views on society and government, and was also involved in the construction of the Poor House after the parliamentary reform of 1832, actively promoting initiatives to improve public welfare.

Whig Macaulay, while critical of utilitarianism's utilitarian approach, supported the ideas of Bentham in political terms, and also helped in advancing legal improvements. In his defence of parliamentary reform, Macaulay repeatedly cited the ideas and arguments of Bentham, and also endorsed the extension of the franchise to the middle classes. On the legal front, he produced a draft criminal code in 1837, which was amended and made official in 1860. After Macaulay, more and more laws were systematically codified. Most notably Whitley Stokes, compiled the two major editions of The Anglo-Indian Codes which filled a gap in the English legal code and ".....(these codes) would be the first successful documents to transform English law even after the fall of the Empire[3]."

The political power of the lower and middle classes of British society was significantly enhanced by the 1832 Reform Act. The 1834 Poor Law, which made all taxpayers in the country counties eligible to elect New Poor Relief

supervisors without even needing to qualify for property, and the Municipal Corporations Act 1835, which abolished the old crony collusive oligarchic municipal bodies and created municipal councils in which adult men who had paid taxes for more than three years had the right to stand for election. Although democracy was not yet completed, the general British public, who had not yet exercised political power, could already vote for advocates for themselves in many areas, and in some cases were even able to become administrators themselves.

As a result, these reforms did not really achieve Bentham's ideals, but thanks to the wide spread of his ideas, his ideas reached many aspects of Victorian reform. With the introduction of many of these reforms in the early 19th century, Britain's political structure, which had favoured the rich, began to change in a more democratic direction.

4.3. International Impact

In the 18th century, the desire for reform was not only pervasive in England, but also in all countries of the world as Enlightenment ideas spread widely. The dryness and obscurity of Bentham's own treatises, the tediousness of his writings due to his analyst's temperament, and the fact that Dimond, the main assistant who helped publish Bentham's treatises, wrote in French, led to Bentham's treatises gaining far more prestige internationally than they did nationally.

The utilitarian political outlook of Bentham travelled far and wide, "..... especially in Central and South America, where politicians found in Bentham's writings the outlines of liberal reform: after freedom from colonial rule, this helped their efforts to modernize [7]". As for law, although the need for legal reform was already widely recognised throughout Europe in the 18th century, Bentham's theory, with the precise and meticulous formulation of his treatise, provided a strong underpinning for legal reform throughout Europe.

However, although Bentham supported the cause of reform in various countries with absolute enthusiasm, and his ideas spread beyond Britain in many different ways, he had little direct influence. The impact of Bentham on the international community should be said to have been diffused in his time

and beyond, through the efforts of others.

5. Conclusion

The idea of utilitarianism was based on the ideological climate prevalent in the 18th century, when Bentham accepted the basic judgement of human nature to avoid harm, and absorbed Hume's principles of moral emotionalism and Beccaria's concept of punishment. It was also rooted in the social problems of the period, in the desire to improve the chaotic and corrupt political system through a parliamentary system that truly excluded evil interests, and to reverse the inequality of rights and favouritism of the powerful in the legal profession through a more elaborate code. The ideas of Bentham and the reforms that he promoted under his influence weakened the political influence of the old English aristocracy and those who held great wealth, democratized English politics and thus safeguarded the interests of a wider range of people, and at the legal level, thanks to the introduction of codes in different areas, gave people who had once found it difficult, if not impossible, to defend their rights the opportunity to do so.

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