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# Jeremy Bentham and the Public Interest

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Posterity pays major political thinkers the dubious compliment of cherishing their failings as well as their insights, the choice between them being dictated by the prevailing interests of the age. This truism is especially well illustrated by the treatment accorded Jeremy Bentham and, in particular, his famous aggregative definition of the public interest. The concept was central to Bentham's work on economics, law, and politics, bridging demands for specific reforms and more theoretical notions about social and political processes. Its applicability to so many contexts is a major reason for continuing ambiguity about Bentham's intentions.

The standard criticisms of the "sum-of-particular-interests" have been that it sprang from an untenable psychological hedonism and readily lent itself to a laissez-faire individualism incompatible with social responsibility and a strong sense of community. An "invisible hand" of some sort has seemed not only a natural, but a necessary, implication.<sup>1</sup> Sometimes the emphasis has been that particular interests were irreconcilable, sometimes on the resulting disharmony between the satisfaction of at least some particular interests and the preservation of the public good.<sup>2</sup> As R. B. Perry has put it, all particular interests do not "add up"; rather, such individualism suggests trains approaching each other on a single track—and the implication of diminished, rather than augmented good, is obvious.<sup>3</sup> Such criticisms have usually pilloried the utilitarian idea of public good as reducing community to jarring bundles of appetites.<sup>4</sup>

Another interpretation has always been available in the evidence, for one might absolve Bentham of advocating near-anarchy by assuming that all interests were meant to be similar, not in the same sense that all men sought the same few

<sup>1</sup>At times the connection is only suggested by passing directly from comments about the definition of the public interest to Bentham's recommendations on economic policy. See J. H. Hallowell, *Main Currents in Modern Political Thought* (New York, 1950), 214. Others are more explicit, while recognizing that Bentham was thinking about more than just economic processes. See Hanna F. Pitkin, *The Concept of Representation* (Los Angeles & Berkeley, 1967), 199.

<sup>2</sup>Examples are cited in Nathan D. Grundstein, "Bentham's Introduction to the Principles of Morals and Legislation," *Journal of Public Law* 2 (1953), 344–69 at 352.

<sup>3</sup>Ralph Barton Perry, *Puritanism and Democracy* (New York, 1944), 500–2.

<sup>4</sup>Writers who tax classical liberalism with this defect include the following: R. M. MacIver, *The Web of Government* (New York, 1947), 187; T. P. Neill, *The Rise and Decline of Liberalism* (Milwaukee, 1953), 59; Sister T. A. Corbett, *People or Masses: A Comparative Study in Political Theory* (Washington DC, 1950), 88; G. Jarlot, "Personne et humanité," *Archives de Philosophie* XII, Cahier I (1936), 58; Guido de Ruggerio, *European Liberalism* (Boston, 1959), 101–2; and, from a more secular perspective than most of the above, Andrew Hacker, *Political Theory; Philosophy, Ideology, Science* (New York, 1961), 403. All of these deal either with Bentham or the formula of an aggregate of particular interests.

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## Jeremy Bentham et l'intérêt public

*De nouvelles interprétations de la notion d'intérêt public chez Jeremy Bentham sont l'indication d'un certain changement de perspectives en théorie politique. Aujourd'hui, on présente fréquemment Bentham comme un ennemi implacable du pluralisme alors que, hier, on l'attaquait pour son individualisme supposément anarchique. De ce point de vue, ses revendications pour les intérêts du peuple devenaient incompatibles avec quelque autre intérêt légitime : d'où une analyse sociale à la fois superficielle et dangereuse.*

*En référant aux ouvrages juridiques de Bentham, on se rend compte qu'il ne niait pas le caractère de réalité de la communauté, car son nominalisme se limitait à la reconnaissance qu'a une communauté des intérêts irréductibles à ceux des personnes identifiables qu'elle comprend. De plus, si l'on examine la façon dont il traite des intérêts propres à la vie politique, on peut voir que Bentham s'attendait à ce que les citoyens forment un tout, spécialement au sujet des droits de propriété; et cela n'entraînait à aucune attitude de laissez faire débridé ni à quelque sombre machination d'intérêts au sujet des mesures publiques. C'est dans ses propositions de réforme institutionnelle qu'apparaît le plus clairement chez Bentham sa reconnaissance de la diversité politique. Il réclamait seulement un mode de représentation des intérêts jusque là négligés, et non la suppression des dirigeants de la société non réformée.*

*L'analyse économique de Bentham montre une sympathie spéciale pour les intérêts inorganisés, mais en ne cherchant rien de plus que d'ouvrir de nouvelles avenues à des groupes jusque là incapables de poursuivre leurs intérêts propres. Est spécialement fautive l'assertion selon laquelle Bentham s'attendait à ce que les citoyens, participant à la volonté générale, se comportent de façon tout à fait altruiste. Cette assertion ne tient pas compte de l'explication minutieuse de Bentham montrant comment les électeurs, en dehors d'un régime de corruption, pourraient être libres de poursuivre leurs intérêts sans que la société n'en souffre. A cause de sa méfiance pour le principe d'équilibre (« balance ») en matière de constitution, Bentham était tout enclin à s'en remettre au contrôle mutuel des forces sociales pour réfréner les intérêts égoïstes.*

*La formulation d'un intérêt public, comme composé d'un agrégat d'intérêts particuliers, n'est pas une formule aussi vide qu'on l'a parfois supposé; mais chez Bentham, qui l'emploie avec des degrés variables de signification, elle est encore plus complexe et ambiguë. Dès lors qu'on en tient compte, il devient possible de réévaluer quelques-uns des principaux textes dans le sens radical de la théorie démocratique classique.*

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tokens of success, but that they were united by a common will. Growing concern with the “classical theory of democracy” has contributed to this new perspective, giving us Bentham, the populist, a somewhat different figure from Bentham, the extreme individualist.<sup>5</sup> For while this more recent interpretation is not incompatible with elements of the first, it certainly suggests that, far from being dissolved, the public interest voiced by a unanimous people might become too pervasive and demanding a standard. To some contemporaries this concern for public power may suggest a state of mind useful for reviving a complacent, pluralist democracy; more frequently, however, the radical-democratic strain

<sup>5</sup>Bentham's place in the classical democratic tradition seems secure, even though interpretations differ widely. See Louis Hartz, “Democracy: Myth and Reality” in W. N. Chambers and R. H. Salisbury, eds., *Democracy Today* (New York, 1962), 27, 31; and Lane Davis, “The Cost of Realism: Contemporary Restatements of Democracy” reprinted in C. A. McCoy and J. Playford, eds., *Apollitical Politics: A Critique of Behavioralism* (New York, 1967), 186.

is taken as a sinister force intolerant of the normal diversity of interests and eager to reduce them to unity.<sup>6</sup>

An adequate account of Bentham's position must then assess both interpretations. It is now well established that the traditional distinction between a natural and an artificial harmony of interests, corresponding to economic and political affairs respectively, is ill-founded.<sup>7</sup> The problem cannot then be dismissed by referring to these different sectors of activity; they were not so differentiated by Bentham, and rightly not. This being so, it is important to examine evidence drawn from legal and political writings in understanding Bentham, the individualist, and current interpretations of his political attitudes will benefit from consulting economic works. Indeed, it can never have been thought that the "sum of interests" referred alone to economic processes, since the expression was always placed by Bentham in some broader, political context. Even so, this has prompted no second look at the Benthamite version of a public interest. Before dismissing the doctrine as dangerous nonsense, we should take that second look.

### Nominalism

Bentham's formal definition of the public interest did not alter over a period of forty years. His best-known statement was his first, when he asked: "The interest of the community then is, what?—the sum of the interests of the several members who compose it."<sup>8</sup> It is clear that the context of similar remarks and their purpose varied a good deal, and hence some versions are more comprehensible than others. However, later works contain the same assumption that the interest of the community was, in some sense, an "aggregate" of particular interests.<sup>9</sup> The community was but a fictitious body and the public interest an "abstract term" covering a mass of individual interests.<sup>10</sup> Public advantage had to be reducible, in some manner, to "private and personal advantage."<sup>11</sup>

In all such statements we see Bentham's nominalistic distrust of fictions and abstractions. His was a mind that delighted in displaying the rich variety of concrete particulars cloaked by the quaint fictions of the law. States were best viewed as collections of individuals. Just as the public interest was founded upon the satisfaction of particulars, so the wealth of a nation was to be calculated as a "sum of the particular masses of wealth belonging respectively to the several individuals of whom the political community . . . is composed."<sup>12</sup>

<sup>6</sup>Some political scientists adopting this position are R. Cranford Pratt, "The Benthamite Theory of Democracy," *Canadian Journal of Economics and Political Science*, XXI (1955), 20–9; Alfred de Grazia, "The Nature and Prospects of Political Interest Groups," in S. S. Ulmer, ed., *Introductory Readings in Political Behavior* (Chicago, 1961), 205; J. D. B. Miller, *The Nature of Politics* (London, 1962), 48; and D. J. Manning, *The Mind of Jeremy Bentham* (London, 1968), 78–9.

<sup>7</sup>See Shirley R. Letwin, *The Pursuit of Certainty* (Cambridge, 1965), 146.

<sup>8</sup>"Introduction to the Principles of Morals and Legislation" in *Works* ed. J. Bowring (London, 1843) I, p. 2. Hereafter cited as *Works*.

<sup>9</sup>"Leading Principles of a Constitutional Code for any State," *Works*, II, 269; "Constitutional Code," *Works*, IX, 7.

<sup>10</sup>"Principles of the Civil Code," *Works*, I, 321.

<sup>11</sup>"Handbook of Political Fallacies," *Works*, II, 416.

<sup>12</sup>"Manual of Political Economy," *Works*, III, 40. See too "Principles of International Law," II, 549.

One way of alluding to wealth in whatever form was to speak of “property” and its rights. Bentham observed that hymns in praise of property would often appear less plausible were one to substitute the concrete equivalent “rich men.”<sup>13</sup> However, he remained a ready defender of property rights supposedly belonging to all. On examining a number of Bentham’s statements about the community and its individual members, it becomes apparent that in this area as well his nominalism was more intelligent and less mechanical than is usually supposed.

Here, economic examples are most instructive. In the same work in which Bentham said that the national wealth was a compound of individual masses of wealth, he allowed that it in no way followed that an increase in the wealth of individuals necessarily added to the national total. For this there were two reasons. If some individuals could somehow double their supply of money, they might be said to have increased their wealth in proportion. This was not, of course, true of the nation as a whole, for an increase in the money supply unaccompanied by an increase in goods would simply lower the value of money.<sup>14</sup> Second, one could not infer public benefit from an increase in an individual’s stock until it was ascertained whether anyone else had lost a corresponding amount in the same transaction.<sup>15</sup> This commonplace of the welfare economist was not a Benthamite discovery: it had been the opinion of all but the most irresponsible of economic individualists. There was yet a third qualification. Bentham distinguished carefully between wealth in private and public hands: “States have no persons distinct from the persons of individuals; but they have property. . . .”<sup>16</sup> There were thus limits to the facile, nominalistic habit of dissolving every unity into an aggregate, for sometimes the members of the supposed aggregate would not add up to form the unity. It all depended upon what predicates were applied to the constituent parts; the context was important. This was certainly the case in the treatment of wealth and property. Was it also true of the political concepts?

### The reality of the community

True to his basic philosophy, Bentham refused to attribute to the public any personality distinct from those of individuals. To do so was to invite “false and pernicious consequences.”<sup>17</sup> Sustaining this attitude was the long-standing liberal and radical distrust of foreign adventures other than trade. A policy of foreign conquest for the aggrandizement of the state was thus dismissed as a trick of foreign despots who cheerfully sacrificed their concrete citizens for a chimera such as national honour.<sup>18</sup> In war the state towered over its citizens, sacrificing their lives and property to its survival. Of course, territorial integrity would sometimes have to be defended, and Bentham admitted that this might involve sacrifices by private persons as the smaller mass of security was traded for the greater.<sup>19</sup> He went farther, and observed that in times of “extraordinary public

<sup>13</sup>“Constitutional Code,” 76.

<sup>14</sup>“Manual of Political Economy,” 69.

<sup>15</sup>*Ibid.*, 40.

<sup>16</sup>“Principles of International Law,” *Works*, II, 544.

<sup>17</sup>*Ibid.*, 539. This fear was shared by many people less radical than Bentham. Cf. Benjamin Constant, *Oeuvres* (Paris, 1957), 1082–4.

<sup>18</sup>“Principles of International Law,” 551; “Constitutional Code,” 130, 137.

<sup>19</sup>“Principles of the Civil Code,” 313.

danger” individuals would develop a “social interest” stronger than the interests peculiar to themselves.<sup>20</sup> Still Bentham retained his suspicion, not only of warfare, but even of national defence. These were all too easily made pretexts for arbitrary government, while in fact citizens were in greater danger from their “professed protectors” than from “foreign and declared enemies.”<sup>21</sup> War was a crime, against foreigners as against one’s own subjects, and rulers were warned against pursuing the “frivolous honours of the flag.”<sup>22</sup> Thus Bentham shunned the absolutist understanding of the public interest with its emphasis on *arcana imperii*. Bentham did not employ the expression “reason of state,” for it had already become unfashionable both for defenders and critics of dynastic ambition.<sup>23</sup> However, he was quite aware of the continuity between the tactics of absolutism and those of his own day. This is made clear in a plea for publicity in the making of foreign policy: “The good old Tudor and Stuart principles have been suffered to remain unquestioned here. Foreign politics are questions of state. Under Elizabeth and James, nothing was to be inquired into . . . everything was a matter of state. On other points the veil has been torn away; but with regard to these, there has been a sort of tacit understanding between ministers and people.”<sup>24</sup>

For all his suspicions about state personality, Bentham was sometimes led very close to such a fiction in his own argument. In the process of trying to dissociate individuals from the pursuit of national power, he remarked that “a nation has its property—its honour—and even its condition. It may be attacked in all of these particulars without the individuals who compose it being affected.”<sup>25</sup> While this involved no softening of his attitude toward national aggrandizement, the statement did give the community some being independent of its constituent parts. Of course, Bentham would never have considered national honour as the right measure of the public interest. He was saying merely that matters such as diplomatic reversals were less vital than some statesmen supposed, since they need not touch the interests of individual citizens. The argument demonstrates that when Bentham’s individualism conflicted with his nominalism, he was willing to embrace the fictions condemned by the latter.

A clearer indication of Bentham’s position comes in his treatment of the various sorts of offences that were, or should be, recognized by the law. His views were summarized in the statement that “An action cannot be detrimental to a community but by being detrimental to some of or more of the individuals that compose it. These individuals may either be assignable or unassignable.”<sup>26</sup> By assignable, he meant distinguishable from the rest of the population. Hence the statement quoted above might better have said that a nation could also be

<sup>20</sup>“Constitutional Code,” 127.

<sup>21</sup>“Leading Principles of a Constitutional Code,” 271.

<sup>22</sup>“Principles of International Law,” 545.

<sup>23</sup>For a brief treatment of the movement of vocabulary from common good to reason of state and from that to national interest, see Luigi Sturzo, *The International Community and the Right of War* (London, 1929), 183–6.

<sup>24</sup>“Principles of International Law,” 559. See too the passage on “state secrets” quoted in C. B. R. Kent, *The English Radicals: An Historical Sketch* (London, 1899), 190.

<sup>25</sup>“Principles of International Law,” 539.

<sup>26</sup>“A General View of a Complete Code of Laws,” *Works*, III, 163. I am grateful to Professor John Plamenatz of All Souls College, Oxford, who first made me aware of this aspect of Bentham’s thought.



attacked in its condition with the individuals composing it being affected, although one could not assign detriment to specific persons. This is what one would understand from his treatment of the categories of offences. Bentham recognized public offences “against the state in general,” and these included acts detrimental to external defence, internal order, and “sovereignty,” or preservation of the regime against “rebellion.” All such offences were described as those “by which the public interest may be affected.” Particular individuals would presumably suffer through these acts, but they could not be identified, for the mischief tended to be “comparatively unobvious,” and so no private citizen had a “particular interest” to bring the offenders to justice.<sup>27</sup>

We have seen that one of the traditional criticisms of Benthamite notions about the public interest rests upon a supposed failure to distinguish purely private interests and activities from the welfare and public institutions of a community. It seems, however, that Bentham was more perfectly aware of the distinction than were most political thinkers. In one of his most detailed considerations of contemporary political argument he assailed the authors of the Declaration of the Rights of Man from their ambiguous use of the word “*autrui*.” So loosely had they used it that there was “no distinction between the community and individuals,” thus depriving lawmakers of any recourse against acts “by which no individual sufferers are to be found.”<sup>28</sup> Elsewhere, he accused the French writers of failing to say whether rights were to be exercised “each in his individual capacity, or only together in their collective.”<sup>29</sup>

What is lacking here is any sign of that contempt for community institutions ostensibly belonging to liberal social doctrine. There is no celebration of private satisfaction at the expense of the whole; instead we find a strong affirmation of the virtues of community. This discovery is important because in his most famous comment on the public interest Bentham had said that it was “vain to talk of the interest of the community without understanding what is the interest of the individual.”<sup>30</sup> But here we have seen a number of areas of policy in which, while the public interest was involved, it was unnecessary, and indeed impossible, to begin with interests of individuals. Such interests were not consciously involved in this public interest, and Bentham was primarily concerned with the interests of individuals as they conceived them, since any other assumption invited despotic government.<sup>31</sup> Here the condition of individual awareness did not obtain, and

<sup>27</sup>*Ibid.*, 174.

<sup>28</sup>“Anarchical Fallacies,” *Works*, III, 506.

<sup>29</sup>*Ibid.*, 520. A somewhat similar objection is contained in Bentham’s earliest critique of Sir William Blackstone. See *A Comment on the Commentaries*, ed. C. W. Everett (Oxford, 1928), 77.

<sup>30</sup>“Introduction to the Principles of Morals and Legislation,” *Works*, I, 2.

<sup>31</sup>But he was aware of an objective sense of the term, writing of “Interests, real or supposed” (“An Essay on Political Tactics,” *Works*, IX, 45). A recent commentator has objected that in making each man’s subjective interest absolute, Bentham’s system required unanimity or government would be placed in the difficult position of forcing people to act against their interests. See R. E. Flathman, *The Public Interest: An Essay Concerning the Normative Discourse of Politics* (New York, 1966), 22. Here it is only necessary to recall that Bentham did recognize some long-term interests of citizens that governments would care for without their being consciously affected. At the same time, Bentham often noted how “public opinion” would be formed through the assistance of opinion-leaders, many people not knowing how best to promote their legitimate interests (see “Plan of Parliamentary Reform,” *Works*, III, 445–50). Finally, the emphasis on unanimity is misplaced; for, as we shall see, Bentham promised all interests a hearing, not instant gratification.

diffused and indirect detriment to individuals could only be inferred from damage to the community of which they were members.

In order to preserve the public interest as dealt with here, there was no question of allowing private persons to pursue their private interests: it was not even necessary for a legislator to consider each person's particular interest. In the prevention of "public offences" few persons had an interest in the sense of a strongly felt personal concern, while if one understands interest to refer to anything which added to an individual's pleasures (or diminished his pains), all citizens had an interest of sorts, which was the same for all. The process was also apparent when evils of a semi-public nature involved certain forms of "national debilitation." Such evils might even take the form of offences by the government when it restricted civil liberties. In these circumstances the immediate sufferers were determinate, but most of the evil was suffered by unidentifiable fellow citizens: "through the sides of one individual the public is wounded: that is to say, all other individuals are: as well those who do not feel the wound as those who do."<sup>32</sup>

The public interests treated here consisted in the avoidance of certain conditions, a negative good that could be seen as benefiting all individuals, even though the connection with some interests might be rather attenuated. Bentham portrayed the evils of "political gagging" as an example of a misfortune which might only afflict some members of the community in any immediate sense. He argued, however, that through such infringements on liberty the nation, considered as an "aggregate," would suffer, since the formation of intelligent public opinion would be obstructed.<sup>33</sup>

Anyone who was willing to contemplate national debilitation as something affecting individual interests had surely conceded all that most exponents of national strength might desire. Bentham was quite prepared to recognize offences against the "public" which either had no immediate impact on individuals or in some cases had their major effects on the anonymous mass of the people. He retained this sole proviso that individuals, albeit unidentifiable individuals, had to be affected. Indeed, he went so far as to allow that the public was concerned in offences against God, were it possible to establish some connection between His pain and pleasure and the realm of human affairs.<sup>34</sup> Tories and others might well have objected to Bentham's description of the community as an aggregate, and they would certainly have been displeased with his insistence that it was absurd ever to sacrifice present generations to posterity. Nevertheless, so broadly did he define individual concerns that, in the name of these individuals, the community gained its full share of consideration. Now it is important to examine Bentham's use of the public interest in other contexts, asking especially what sorts of interests belonging to individuals together formed this public good.

### **The nature of private interests**

An attempt to identify those interests coming together to form the public interest must begin with exclusions. Some criticisms of this sort of individualism rest upon

<sup>32</sup>"Securities against Misrule Adapted to a Mohammedan State," *Works*, VIII, 559.

<sup>33</sup>*Ibid.*, 559, 584-5.

<sup>34</sup>"Letters to Count Torrenio," *Works*, III, 524.



the assumption that Bentham envisioned a public interest consisting in the satisfaction of all private interests. The critics in question are quite correct in saying that such an idea was unrealistic nonsense. Bentham would have agreed. Certainly his benevolence led him to state that it would be an excellent thing if, on all occasions, the felicity of each person could be guaranteed. But, as he immediately confessed, this was impossible: "Thus it is that to provide for the greatest felicity of the greatest number, is the utmost that can be done towards the maximization of universal national felicity, in so far as depends on government."<sup>35</sup> The closing qualification is very important. National felicity consisted in that of individuals, but only some forms of felicity were deemed the responsibility of government.

Writing in 1780 of the "sum of the interests" of individuals, Bentham appeared to be concerned with individual satisfaction in all its forms. However, in his later writings he was increasingly the radical reformer laying down a program of action for an enlightened government and specifying how such a government might be obtained. Clearly there were many forms of individual felicity that might be freely enjoyed without government intervention; many activities that give people pleasure are freely open to all, and, producing no conflict, require no authority to allocate shares. When we recall that Bentham wanted to replace government control by private initiative in certain sectors of the economy, it should occasion no surprise that he should also feel that people contributed to the national happiness as they went about their tasks of securing private happiness. Still, it remains true that Bentham was most often concerned with aspects of the public interest that bore an immediate connection with government. Often he claimed that the public interest was subdued by lesser interests and that the law had yet to realize a genuine public interest.<sup>36</sup> This carried no suggestion regarding a great range of innocuous private pleasure. Rather, he was saying that certain interests, realizable through government, had been thwarted. What were these interests?

According to Bentham, the "common interests" to be furthered by his schemes for reform "correspond to the immediately subordinate right and proper ends of government, maximization of subsistence, abundance, security and equality."<sup>37</sup> "Subordinate" in this context meant subordinate to the greatest happiness of the greatest number. These four ends of government served to spell out the content of the greatest happiness principle in concrete form. Security and subsistence were accorded higher priority than the others, with security being quite the most important. This was because all four goods could not simultaneously be maximized, and without security both subsistence and abundance would be endangered and equality would exist only as equality of misery.<sup>38</sup> The all-important principle of security applied to that of person, property, reputation, and condition in life.<sup>39</sup>

Significantly, the quality shared by all of these conditions, except perhaps abundance, was that they could simultaneously be realized in some measure for all citizens. Bentham especially emphasized that security in person and property was one interest that was truly universal. In his estimation, no one stood to gain

<sup>35</sup>"Leading Principles of a Constitutional Code," 269.

<sup>36</sup>"Anarchical Fallacies," 533; "Plan of Parliamentary Reform," 440, 442.

<sup>37</sup>"Constitutional Code," 63.

<sup>38</sup>"Principles of the Civil Code," 307.

<sup>39</sup>"Leading Principles of a Constitutional Code," 269–70.

by an attack on property, the foundation of abundance and of civilization itself. He challenged those who warned that democracy would lead to an assault upon property. It could not happen, he said, because to level property was to destroy it by weakening incentive and by wasting resources which often had to be concentrated for efficient use.<sup>40</sup> To attack property was a “universal-personal-security-destroying act” and of this “no human being sensible of anything ever failed of being sensible.” One could only believe that the poor sought to destroy property by believing that they placed less value upon their own possessions, however few, than the rich placed on theirs. This Bentham denied.<sup>41</sup>

But how could he deny it? It seems implausible to deny to the poor a motive for plundering the rich; Bentham’s argument here was infirm in some ways, although it would be well to remember that history, on the whole, has proven him right in his claim that property would survive democracy. The argument serves to illustrate Bentham’s enormous concern for security, a concern buttressed by his conviction that to be effective it had to be universal. Once government was used to effect a redistribution of property by seizing that of some individuals, the genie would refuse to go back into the bottle. In such matters “the interest of the first is sacred, or the interest of no one can be so.”<sup>42</sup>

The point also becomes more plausible if one recalls that Bentham wanted security of person and the enjoyment of civil liberties, not just protection of middle-class possessions. Each invasion of the principle of inviolability weakened its hold and eventually governments and rapacious citizens would pose a danger to the foundation of society. While government remained the most dangerous enemy, Bentham had to admit that some few citizens might also want to attack property. What he refused to admit was that this could really be in the interests of the poor or that the great majority could ever believe that it was. The basic principles remain unscathed: “If you shake the principle of security as to one class of citizens, you shake it as to all: the bundle of concord is its emblem.”<sup>43</sup>

The argument had nothing to do with a laissez-faire attitude to the use of property, for Bentham’s concern was more for future security than for unlimited appropriation. By way of emphasis, he noted that it was everybody’s interest “to possess, to retain, and upon occasion acquire property.”<sup>44</sup> Here then was a set of interests deemed to belong to more or less all private persons, which, at the same time, was clearly for the good of the community. Governments, when tyrannous, ignored this universal interest, wasting the subject’s money in places, pensions, and general inefficiency; sacrificing lives and property in war and robbing all those who were subjected to arbitrary and expensive judicial processes. If one treats the interests of most citizens in ending these abuses as the public interest, the alleged conflict between individual and community interest disappears. The

<sup>40</sup>“Principles of the Civil Code, Appendix,” 358–9.

<sup>41</sup>“Plan of Parliamentary Reform,” 470, 475.

<sup>42</sup>“Principles of the Civil Code,” 321.

<sup>43</sup>*Ibid.*, 320. The early liberals’ faith in the rules of the game as a genuine common interest has been ably criticized by H. J. Blackham in his *Political Discipline in a Free Society* (London, 1961), 92. One must admit though that a cogent argument may be made for universal provision of certain procedural liberties and this with no class overtones.

<sup>44</sup>“Plan of Parliamentary Reform,” 470.

great mass of citizens were seen as joining to repair these faults in the polity. In this context their interest did add up, or harmonize, for they were all the same.

### Interests in the political process

It has now been established that Bentham recognized community needs, and further, that he expressed this sort of common good in such a way that it could be seen as embodying certain interests belonging to all individuals. To complete the picture, we must see how the public interest could be realized on issues where everyone's concern for security provided no immediate answer, since particular interests were in conflict.

Bentham was aware that, in positing a public interest that consisted in an aggregate of particular interests, he risked being misunderstood. Once when lamenting how "the general interest is sacrificed to the particular interest" he anticipated an obvious objection: "But it may be retorted, this prevalence of particular over universal interest being, according to yourself, so general, the necessary consequence is, that no ultimate mischief ensues—everything is as it should be; for what is the universal interest but the aggregate of all particular interests?"<sup>45</sup> He conceded that men were indeed self-seeking, wishing to give preference to their own interests. The whole problem was that some people had the opportunity to exercise this self-interest and others had not: "The wish is everywhere—the power not so." The answer was to change the political system, not human nature: "The sum of all the several distinguishable interests being thus framed and ascertained would constitute the universal interest; in a word, the principle of universal suffrage would be applied."<sup>46</sup> Presumably, such interests produced no such universal interest until reform was achieved.

Now this cannot have been what Bentham meant when, in the *Introduction to the Principles of Morals and Legislation*, he called the public interest a sum of particular ones, for he was not then a democrat. At that stage in his development Bentham does not seem to have inquired very closely about how particular interests were to meet in the public interest. His slogan for describing the public interest had previously been employed by other reformers and Bentham apparently accepted it without dwelling on the implications.<sup>47</sup> In some of the later writings the slogan about a sum of particular interests was tied to the extension of the franchise. Thus Bentham came to accept a view of the public interest that involved giving all individuals the opportunity to articulate their interests. This could not mean, of course, that all interests, without exception, would find satisfaction: some private interests were irrelevant to governmental and legal reform and others were positively detrimental to it. The meaning of Bentham's later formula differed little from that of the Civil War radicals who had claimed that in a monarchy one man's interest was effective, while in a commonwealth those of all citizens were put forward—no one interest "rampant," but all "passant," as one contemporary of Harrington had put it.

<sup>45</sup>"Manual of Political Economy," 98.

<sup>46</sup>*Ibid.*, 99.

<sup>47</sup>Mercier de la Rivière, the Physiocrat, and Sir James Steuart were amongst the widely-read authors who popularized the expression.

Since Bentham was not a political innocent, unaware of conflicts of interest, the charge that he sought to subordinate all particular interests to that of the people deserves consideration. This interpretation has deep roots in modern political theory, finding support in our regard for social pluralism and the corresponding rejection of the abstract, unaffiliated individual of some earlier theories.<sup>48</sup> The new interpretation gains further plausibility from the indisputable fact that Bentham, supposedly the arch-individualist, was extremely hostile to some forms of privilege enjoyed at the expense of the community. The villains altered with the occasion. Sometimes it was the monarch and the lords who trampled on the people's rights; sometimes the sinister interest was that of agriculture.<sup>49</sup> Did he then only avoid a blind clash of interests to fly to a demagogic faith in a spontaneously generated general will? Was the radical individualist really a precursor of what is sometimes called "totalitarian democracy"? Some political scientists apparently feel that this description would be no great exaggeration.

In point of fact, it is simply untrue that Bentham saw a few sinister interests opposed by the "people," visualized as a single, homogeneous group. Sometimes, his rhetoric suggested this, since one could scarcely expect him to claim that reform would be unpopular, but usually the context supplied necessary qualification.<sup>50</sup> We have already seen why he felt that most citizens would be of one mind about the great end of security, and if he was extravagantly optimistic about each man's stake in the property system, certainly his opponents' pessimism has proved even less correct. While unconvincing in absolving the poor from a desire to seize property, Bentham was surely right in saying that civil liberties were most secure for all when there was no precedent for their restriction. Apart from this one common interest, Bentham placed realistic limits on the homogeneity of the public.

In addition to those already mentioned, he identified numerous interests that might, under some circumstances, prove subversive of the public interest. These include lawyers, the ecclesiastical establishment, standing armies, banking houses, manufacturers, Whigs, Tories, and even the common gossip.<sup>51</sup> While this might be taken as an indication of the reach of a fanatical striving for unity, the more sensible conclusion is that any group, left unchecked, would prove a menace to the community. Usually Bentham called such interests "sinister," the pejorative term referring not to the quality of the actor's motives, but to the consequences, or "direction," of the interest.<sup>52</sup> This was consistent with his general philosophy

<sup>48</sup>See R. A. Nisbet, *Community and Power* (New York, 1962), 176–80 and *passim*.

<sup>49</sup>"Plan of Parliamentary Reform," 440–2; "Manual of Political Economy," 99.

<sup>50</sup>As in the ominous-sounding insistence that "all particular interests put together will not prevail for the rejection of a measure beneficial in a superior degree to the whole" ("A Plan for Saving All Trouble and Expense in the Transfer of Stock . . .," *Works*, III, 137). However, even here, he avoided *a priori* unanimity by taking the interests of a large group of stockholders as a better indication of the general good than those of a small number of powerful people. Neither group involved the whole public. We must also be aware of the tactical advantages to reformers, whatever their view of society, in claiming popular unanimity. This was certainly a large factor at the time of the Reform Bill. See Joseph Hamburger, *James Mill and the Art of Revolution* (New Haven, 1963), 73 *et seq.*

<sup>51</sup>For the curious last example, see "Constitutional Code," 53.

<sup>52</sup>See "Rationale of Judicial Evidence," *Works*, VI, 258. Numerous other texts record the same meaning.

and meant that it was the fact of incompatibility with the public good that made interests sinister. The answer was neither to proscribe the sinister interest nor to reform the character of its members, but simply to prevent its unopposed progress. This was the recommended course of action in dealing with King, lords, and placemen. In large measure the disquiet caused by Bentham's opinions has proceeded from a failure to appreciate that not all particular interests were sinister, but that any interest might be, under certain circumstances. Bentham has hindered our understanding by occasionally calling sinister interests by other names—"partial" or even "particular" interests. But from this we must not conclude that the "People" was a greedy Moloch, jealous of all competitors.

Far from hypostatizing the "People" as a single, irreducible interest, Bentham provided a most sophisticated analysis of society as a congeries of different interests. Particularly instructive is the analysis of the way in which commercial interests were formed, as those similarly situated laid aside their rivalry to form a "coalition." He explained how the success of such an alliance depended upon the mass of capital and number of individuals involved, as well as on the ease with which they might be organized. Thus he specifically noted how large manufacturers "concentrated in small districts" might form a regional interest that could easily overpower a numerically larger group that was unorganized.<sup>53</sup> Of course, one might simply interpret this as an indication of the prevailing liberal animus against men acting in concert. It is conceivable that Bentham could be quite aware of the existence of well-organized sinister interests while seeking only to dissolve them into a homogeneous mass.<sup>54</sup>

It seems most unlikely that this was what Bentham was advocating. Certainly, he was most concerned about the fate of those groups and categories of citizens that came closest to embodying the whole nation. With this in mind, he espoused the cause of the unorganized consumer against organized producers; the latter was "a chain of iron," the former, "rope of sand."<sup>55</sup> However, he often challenged organized interests in the name of other specific interests that lacked organization, and not in the name of a unanimous public. Writing of producers, Bentham complained that only those groups with the largest resources were powerful. Who, he asked, spoke for "Bakers, butchers, tailors, shoemakers, farmers, carpenters, bricklayers, masons . . ."? There was no objection to groups striving to defend or advance their interests; indeed, universal suffrage was portrayed as a situation where "every one individual in every class" would be allowed to protect his interest by political means. Instead of insisting that all partial associations should be abolished, Bentham contented himself with the observation that "even of the manufacturing interests, it is not every class that has the power to associate and combine in support of the common interest of the class."<sup>56</sup>

It is not difficult to see why Bentham saw the vote as a panacea for this

<sup>53</sup>"Manual of Political Economy," 97–8.

<sup>54</sup>An example of the sort of division of opinion which he hoped to end is Bentham's comment in an unpublished manuscript about morality "determined by class interests." See M. P. Mack, *Jeremy Bentham; An Odyssey of Ideas* (London, 1962), 218. As the proponent of a new ethical system, Bentham naturally favoured replacing a chaos of standards with his own; but this is a far cry from proclaiming the illegitimacy of all interests but one.

<sup>55</sup>"Manual of Political Economy," 98.

<sup>56</sup>*Ibid.*, 99.



political imbalance. The groups which he saw as uninfluential were those which, by their very size, were unable to concentrate their power and were thus unable to avail themselves of the avenues of access enjoyed by the powerful friends of administrators and politicians.<sup>57</sup> It would thus be pointless for him to exhort them to organize; had they been able to, they would have done so already. However great his concern for small producers, Bentham was even more solicitous of those interests whose size made them less well defined. Paralleling his treatment of the consumer, Bentham wrote of the litigant. The opposition to arbitrary law taxes was inchoate, for, by the nature of the situation, parties at law had no obvious common interest, but were paired off against each other. The eventuality of going to court could not be anticipated, and hence opposition to administrative insolence was ineffective. While “shop-keepers” and “glovers” were “compact bodies” appearing in force at the House of Commons, suitors for justice had “no common cause and scarce a common name.”<sup>58</sup> Short of writing of “potential interest groups,” one wonders what more Bentham could have said.

It is not then true that Bentham tried to reduce all interests to a single one. His aim was rather that of giving all particular interests expression. Still less can we say with one critic that Bentham reviewed the community “as a single group out of which issues a will for the greatest happiness of the greatest number, not as a dynamically obtained compromise but a continuing single will.”<sup>59</sup>

Bentham did not claim each individual desired the greatest happiness of the greatest number at the expense of his own good. Nor was Bentham the nominalist likely to forget that the public or community consisted only of individuals: “Who is that public that is to be distinguished from individuals?”<sup>60</sup> Admittedly, he recognized a form of public welfare irreducible to that of specific individuals, but this is a very different matter from reifying the community as a political agent. The notion of a general will of some sort is no doubt hopeful for the interpretation of some thinkers who consistently reified the public, and this would include some in the British Radical tradition.<sup>61</sup> Applied to Bentham, it represents a curious and unwarranted misunderstanding.<sup>62</sup>

Bentham was no value-free scientist. He had a program that he wished to see

<sup>57</sup>*Ibid.*, 98.

<sup>58</sup>“A Protest against Law-Taxes,” *Works*, II, 581.

<sup>59</sup>Pratt, “Benthamite Theory of Democracy,” 22. Professor Pratt also admits here that Bentham did occasionally appreciate the necessary plurality of social interests, but the concession is weakened by Pratt’s approval of Sir James Mackintosh for being much more cogent on that point. On consulting Mackintosh, we find reference only to the interests of rich *versus* poor and country *versus* town. Thus he sacrificed Bentham’s recognition of the great variety of commercial interests, without coming any closer to a coherent account of class interests. For Mackintosh’s review of Bentham, see Anon. “Universal Suffrage,” *Edinburgh Review*, XXXI (1818–19), 165–203.

<sup>60</sup>*Jeremy Bentham’s Economic Writings*, ed. Werner Stark (London, 1954), III, 215.

<sup>61</sup>It can be argued that James Mill, and especially his followers, had this tendency. See Joseph Hamburger, “James Mill on Universal Suffrage and the Middle Class,” *Journal of Politics*, 24, no. 1 (1962), 167–90 at 188–9.

<sup>62</sup>On the supposed parallel with Rousseau see D. P. Crook, *American Democracy in English Politics* (Oxford, 1965), 19. Bentham soundly criticized the concept of a “general will” in its French application (see “Anarchical Fallacies,” 507). Elsewhere, he expressed concern lest a “pretended general will” be produced by coercion. In unfree nations “unanimity” might “glitter on the surface,” but would have little in common with genuine expression of public opinion (see “Essay on Political Tactics,” *Works*, II, 332).

implemented and this entailed imputing certain interests to the electorate. Quite as important, though, were the interests from which the electorate was to be shielded. If electoral corruption by proponents of misrule could be prevented, Bentham was confident that the voter would be moved primarily by his “share in the universal interest.” That is to say, in the absence of an opposing “sinister interest,” a citizen’s conception of the universal interest would determine his electoral conduct.<sup>63</sup> Significantly, Bentham drew no distinction between the pursuit of interests in protecting individual rights and the concern for a universal interest. Such interests were the essence of the public interest and certainly not “sinister.” It is incorrect, then, to assume that citizens fashioned a general will. However impotent the voter might be in pursuing only his selfish interests, opinions about the public interest would necessarily differ. Bentham did not say this, but were it not assumed, his concern for extending the electorate would be pointless.

Knowing that, at best, the voter would have a concern for the community as the best guarantee of his own welfare, Bentham realized that it was the legislature which would have to discover this public interest. Individual legislators were also in a much better position than the private citizen to promote selfish interests. Of the individual legislator, Bentham wrote: “insofar as his aim is to serve such of his interests alone as are theirs as well as his, he finds all hands disposed to join with his.”<sup>64</sup>

These common interests were our old friends security, subsistence, equality, and abundance. It was accepted that all public men would normally feel a stronger pull from private or parochial interests than from that of the whole.<sup>65</sup> However, the very ubiquity of self-interest was the preservation of the public interest, as the aims of one individual or group would be checked and moderated by others.<sup>66</sup> The result might then centre on truly common concerns. This description remains unsatisfactory in failing to explain exactly how Parliament would act to secure the general interest. But we have yet to agree on how any legislature

<sup>63</sup>“Constitutional Code,” 7. This sort of statement has led some commentators to assume that Bentham was inconsistent in expecting normally self-interested people to become altruistic as citizens, sinking all personal concerns in the common good. See Pratt, “Benthamite Theory of Democracy,” 23, and Pitkin, *Concept of Representation*, 202. However, there is ample evidence that Bentham did not expect to cleanse electors of all private ambitions; he sought only to prevent their being bribed in the literal and characteristically pre-reform sense. See “Plan of Parliamentary Reform,” 485, where he explained that the great danger was “spuriousness of suffrage,” or a situation where voters were moved by greed or fear to promote the interests of others. Bentham’s recognition of selfish interests, apart from one’s share in the general interest, was quite compatible with his hope that “sinister interest” could be ruled out. For, deprived of immediate pecuniary profit, voters would have no certain course of action by which to gain at the expense of the public. The difficulty of anti-social calculation on the part of voters was a consideration familiar both to Bentham (“Handbook of Political Fallacies,” 453–4) and, curiously enough, to one of his critics: see Pitkin, *Concept of Representation*, 199, n. 37.

<sup>64</sup>“Constitutional Code,” 63.

<sup>65</sup>“Handbook of Political Fallacies,” 475.

<sup>66</sup>These “counterforces” operated both inside the legislature (see “Constitutional Code,” 53, 63) and in society at large, where he visualized small commercial “fraternities” banding together to combat the influence of larger interests. (See “Manual of Political Economy,” 99). Perhaps his most elaborate description of the “counter-balancing” nature of interests was in the 1816 manuscript of the unpublished “Political Deontology,” quoted by Werner Stark in *The Fundamental Forms of Social Thought* (London, 1962), 141.

may be said to do that. Bentham actually wrote a treatise on legislative tactics, but confined himself to technicalities of procedure.

While Bentham was an early critic of balance as a principle of domestic and international order,<sup>67</sup> his own theory of politics rested on an equilibrium of forces in society and in the legislature, a treatment of political processes more realistic than the prevailing ideas about the balanced constitution. We are now aware of the pitfalls in the equilibrium assumption, but Bentham's problems are still shared by theorists of modern pluralism.

### **The sum of interests**

It is never easy to write of interests: protean and all-pervasive, definable at any level of generality, multiple and conflicting even within a single individual—their coherent description strains our command of language and forces us at times into dubious metaphors. Bentham cannot be said to have avoided these difficulties, as his remarks about the public interest attest. He wrote of a sum of interests in at least three different contexts, the first of which was very ill defined. In the *Introduction* he claimed simply that the public interest was the sum of interests of particular persons. He explained neither what these interests were nor how they were combined. At this point Bentham came closest to the fault of trying to calculate utilities where there was no common unit. One can think of aggregating interests belonging to different people if they are compatible; the vocabulary of modern political science still does so. However, to speak of a “sum” of conflicting interests requires some explanation, and in this earliest statement of Bentham's position none was provided.

Bentham did indeed believe that private happiness was the basis of public good, but not in the way so frequently imagined. The security of property and allied rights was very different from numerous highly personal interests that were not shared with the rest of the community. All of this only becomes clear when Bentham repeated the “sum” formula in treating the security of property. In this context he was able to say that it was an “obscure and false notion that private interest ought to give way to the public interest.”<sup>68</sup>

This in no way legitimized anarchy, for the interest in question was that of preserving rights, not of gaining anything at others' expense, and so was shared by all citizens. Elsewhere, he frequently showed how private interest must of necessity give way to the needs of the majority. There was no objection to private interests being put forward, but this was not to say that all were simultaneously to be successful.

Difficulties arising from the treatment of property rights may be largely removed by reference to the public interest and universal suffrage. Here Bentham insisted that in order to advance the public interest, “all particular interests must be comprehended and advanced.” To banish all doubt as to the meaning of the “universal-interest-comprehension principle” he added that this meant that “with exception to as small an extent as possible, interests all to be advanced: without any exception, all to be considered.”<sup>69</sup>

<sup>67</sup>See “Handbook of Political Fallacies,” 446; “Plan of Parliamentary Reform,” 450.

<sup>68</sup>“Principles of the Civil Code,” 321.

<sup>69</sup>“Plan of Parliamentary Reform,” 452.

Some modern writers would have us believe that the unity of interest perceived in relation to property rights was meant to be universal, with all citizens swept forward by a single legitimate will. An examination of Bentham's understanding of the political process has displayed the difficulties in any such claim. When he visualized the public interest under universal suffrage as the product of a mass of particular interests, he was recommending nothing unusual from the perspective of modern politics. He wished only to establish a policy-making process in which all interests were participants, thus leaving ample scope for a variety of competing interests. This suggests an understanding of the public interest far removed both from a crude sum of individual pleasures and from a single popular will, closer to modern conceptions of a process or set of procedures.

In the notion of an aggregate of particular interests, Bentham had a brilliant slogan that served to convey many of the characteristics of the classical democratic tradition—its individualism, nominalism, suspicion of *raison d'état*—even its eventual concessions to political equality. The slogan was embedded in a theory of politics consistent both with a concern for community problems and with a realistic acknowledgment of the prevalence of legitimate social diversity.

All too often the obscure remarks at the beginning of his best-known work have provided the sole text for Bentham's comments on the public interest, and for this we should perhaps blame Bowring, who made a difficult writer unreadable. In recognizing that he was not an egoist of the Max-Stirner variety, we must avoid the opposite danger of making Bentham into an English Rousseau—and an extreme one at that! But to declare Bentham innocent of certain faults can only leave us pondering applications of the concept central to his thought. Bentham grasped the notion of a public interest with his usual confidence and seemed to speak strongly on at least two sides of the question. Since the question still arises, both sides remain relevant.