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**On Individual and State in
Bentham and Mill's Utilitarianism**

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On Individual and State in Bentham and Mill's Utilitarianism

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Abstract

My scope in this paper is to make a few considerations about the role and the contributions of the individual and of the state to the promotion of the greatest happiness of the greatest number of people. According to Jeremy Bentham, father of utilitarianism, this doctrine aims to promote the happiness of the greatest number of people “by the hands of reason and law”. The ethical and political implications of this doctrine seem to be very vast and are far from being exhaustively discussed. Even among the classical utilitarian thinkers, such as Bentham and John Stuart Mill, the focus of the analysis is generally on the utilitarian doctrine itself and its possible problems and objections, not, for instance, on the role and the characteristics of the objective actors involved in the achievement of actions guided by the greatest happiness principle, or on the conditions under which would be possible to make effective that principle. As we can see in Bentham's *Principles of Morals and Legislation*, the principle of utility must be made effective not only by the members of the community, but also by the members of the government. Thus, given these spheres – the individual and the state – I will try to shed light on them in order to highlight their ambits in the context of the utilitarian doctrine, as well what we may expect from them concerning the effectiveness of the principle of utility.

Key Words: Utilitarianism, Politics, Ethics

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I

Philosophy has undertaken the task of thinking about the reality – considering both of its aspects, that is, the concrete and the abstract – in different manners. Politics, aesthetics, logic, metaphysics – each of these fields is, in some measure, devoted to that task.

As the human being is a part of the reality, one may think about what philosophical sphere (or spheres) is closer to what human life properly is, or is considered to be.¹ Among all philosophical spheres those that deal with the production of happiness are, perhaps, the most relevant to deal with the human life, assuming that happiness is what all human beings seek, inasmuch as one may consider human life as entirely oriented to achieve this end. Ethics and politics have been considered, thus, the human spheres *par excellence*, because they are involved with the study and the promotion of that *summum bonum*, regarding the individual and the state.²

Some philosophers have set a hierarchy between the sciences, and thus also between ethics and politics. According to Aristotle (1991), between these sciences, the main sphere is the politics, insofar as it aims to promote the happiness of a whole state, whereas the ethics aims to engender the happiness of a single man, of an individual.³ *Mutatis mutandis*, one may find the same perspective in the utilitarian doctrine. Inasmuch as it establishes the happiness of the greatest number of people as the highest end, it considers the happiness of the state as the most important thing to be achieved, when one compare it to the happiness of a single individual. Therefore, happiness is the goal we all are looking for and politics and ethics are sciences directly involved with it.

¹I understand human life as a process that is conditioned in two manners: by nature and by society. Nature governs us with the power of universal laws; it can influence our beings in many ways – for instance, the characteristics of our bodies; if we will have or not any natural talent; the things and habits we have to produce to dwell in a place, etc. Actually, there is a little space to decide about what to do in the natural world compared with the social world, even now, when the cutting-edge sciences, as genetics and robotics, are opening new areas to the Cartesian desire of domain and subjugate nature (see Descartes, 1980). To a more expanded discussion on these new areas and its implications with philosophy, see Thomas Douglas (2008), Ingmar Persson and Julian Savulescu (2008), and Cinara Nahra and Anselmo Oliveira (2012). On the other hand, the laws of the society are not as powerful as the natural laws, they are not universal; they have not the same efficient cause, because they are a creation of the mankind. Social laws have no power besides that the members of a certain community give to them. Therefore, social laws are a product of the liberty of its creators, and as such, they can be modified *whenever we want*. That is not the same in what concerns our power over nature. All the knowledge we can reach cannot make us masters and possessors of the nature.

²I use the word *state* here to designate the sphere that is responsible for the administration and control of a group of people and institutions. These people have in common the use of certain language, the assumption of certain customs and traditions, the land in which they dwell, among other things. I would call *government, grosso modo*, the capability of the state to act upon its responsibilities. From now on, whenever I speak of government I mean the action of the state.

³See Aristotle, *Nicomachean Ethics*, 1094a18-1094b11. Apropos, that is the reason by which it is possible to claim that we already find in Aristotle – as in others ancient thinkers, as Aristippus, Epicurus and even Socrates – the primitive foundations for the utilitarian ethics.

The principle of utility does not only recognizes happiness and unhappiness, pleasure and pain as the sovereign masters of humankind; utility also has the scope “to rear the fabric of felicity by the hands of reason and law” (Bentham, 2005, p. 2). Before consider what happiness is in the utilitarian perspective, let me say a few words about these two means through which Bentham intends to engender the conditions for happiness: reason and law.

Concerning reason, one may state that Bentham’s proposal is enlightened. Bentham was a thinker who lived the final decades of the Age of Reason and his ideas were clearly influenced by that age. As an enlightened theory, utilitarian ethics recognizes in reason the capability to help human beings to reach the happiness, and the theory itself is a mean, among others, to prosecute it. One may think reason in two ways: *a.* as something that composes the human species, and as such it is present and active (at any rate) in every human being, in every individual; and *b.* as something composed by a plurality of particular reasons, say, those of the members of the government (the agents of the state), which reason should be used for and represent the common will of the governed. Thereby, one may distinguish between a *private* and a *collective reason*.¹

The first way conceives reason as a natural accomplishment, a capability that is also a characteristic of our species in relation to the others. At birth we are thrown into reality and start to use our reason according to each phase of our development as human beings. The faculty of reason belongs to each human being at the same time as a natural precondition to our existence and as a social product, insofar as the material conditions in which human life develops certainly influence directly the formation of the individuals and, consequently, of their reasons.² Therefore, it was no accident that many thinkers had pointed out the importance of taking care of those conditions. Reason here is used to make effective the happiness of a single individual.

Now the second way we can understand reason. One may argue that the members of the government, such as politicians, judges and public servants in general, that are also members of the community that composes the state, must be interested (or leastwise should be) in the good fulfilment of the functions of the government, that converge to the scope of maximize the happiness of the governed³. One possible objection to this claim may state that it is utopic, because maybe there is no state entirely devoted to promote and achieve, through each of its acts, the greatest happiness of the greatest number of its governed. Corruption, bribery, influence peddling etc. – continues the objector – are problems that ravage all kinds of government. This objection is undoubtedly correct. Bentham realized it when he said that

¹What I discuss here is different from what Kant styled *private* and *public uses of reason* in the text *What is Enlightenment?*. In the following paragraphs I define private and collective reason.

²For a more extensive approach on this matter, see Marx and Engels’s *The German Ideology*, specifically the first part – Feuerbach, that deals with ideology in general and the production of the conscience.

³That is exactly the position assumed by Socrates in his debate with Thrasymachus on what justice is (see Plato, *Republic*, 342e).

‘a principle, which lays dawn, as the only *right* and justifiable end of Government, the greatest happiness of the greatest number – how can it be denied to be a dangerous one? dangerous it unquestionably is, to every government which has for its *actual* end or object, the greatest happiness of a certain *one* [...]’ (Bentham, 2005, p. 5, italics of the author).

Undoubtedly, the principle of utility is dangerous to that little portion of the society that uses the government for its own purposes and benefits, that makes the private reason surmounts the collective reason where it should not be possible to occur. Maybe that is the hegemonic political situation in most states around the world. There are many reasons for this situation and its maintenance – struggles for power, for wealth, for raw materials, or even the desire to oppress people etc. etc. – but it is not my intention to discuss on them in this paper.

In what concerns the other component of Bentham’s state about the two means to promote happiness, that is, law, I think it is more than a human invention or a product of the use of reason applied to administrate human life into society; it is a necessary part of the political society. The fundament of the law stems from the habit of obedience of a certain number of people to one or more individuals, who, according to Bentham (1990), are the governor or governors. As such, law is a social tool that belongs to the government, to the legislators, more specifically, which need to have in mind the promotion of the happiness of the individuals and of the state through the power to create laws.

‘[...] the happiness of the individuals, of whom a community is composed, that is their pleasures and their security, is the end and the sole end which the legislator ought to have in view: the sole standard, in conformity to which each individual ought, as far as depends upon the legislator, to be *made* to fashion his behaviour’ (Bentham, 2005, p. 24, emphasis of the author).

Distributing rewards and punishments, the government assures great part of the necessary conditions for the individuals attain their own happiness. I mean, when I say *conditions*, security, education, health, material prosperity, peace... – all of these and other conditions have to become real, effective in the life of the most part of the individuals that live in the state. The fact that all members of the government must have in mind, as public servants, the accomplishment of these conditions show the perspective of a plurality of particular reasons acting as one single reason, that is, as a collective reason.

I think this is precisely the sort of reason that has to preside a utilitarian state, that is not a paternalist one.¹ Distributing rewards, honours, recognizing

¹Different of a *paternalist state* – that imposes, as a father does with his minors kids, values, habits and modes of conduct as they were the best ways to prosecute happiness, depriving the governed from the possibility to construct by themselves their own values, habits and

those who have being good examples for society, and, on the other hand, by punishing those who have not, the state fulfils its role in fomenting the material conditions under which will be less difficult for the state and for the individuals to attain their own happiness, in any way they want to prosecute it.

II

The celebrated first paragraph of Bentham's *Principles of Morals and Legislation*¹ – 'Nature has placed mankind under the governance of two sovereign masters, *pain* and *pleasure*' (Bentham, 2005, p. 1) – contains the recognition, though not so emphatic as we may find in John Stuart Mill's statements, that human life has its scope in seeking for happiness. I think it is convenient to style the first sovereign master, namely, pain, of *negative master* and the latter, pleasure, of *positive master*. One may better understand this perspective through John Stuart Mill's statements in the equally famous paragraph 2.2 of *Utilitarianism*, from which one may infer the postures we assume in the relations with these masters:

'The creed which accepts as the foundation of morals, Utility, or the Greatest Happiness Principle, holds that actions are right in proportion as they tend to promote happiness, wrong as they tend to produce the reverse of happiness. By *happiness* it is intended pleasure, and *the absence of pain*; by *unhappiness*, pain, and *the privation of pleasure*.' (Mill, 2008, p. 137, italics mine)

Utilitarian ethics consider happiness as something that stems from our actions, a consequence from them. Thus, human life unfolds in seeking pleasure and avoiding pain, that is: in looking for happiness and moving away from unhappiness. Those characteristic actions – to seek and to avoid – contain the fundamentals for the perspective of the negative and the positive masters.

I understand pain as a negative master because the totality of our actions tries to avoid this kind of consequences, that is: those that manifest hurt, suffering, affliction, sorrow, problems in general. The negative master is always expected to be absent from our lives, though we know there is no complete scape from it; we deliberately endeavour to live as far as possible of what can come from it. On the other hand, pleasure is a positive master insomuch this concept comprehends the totality of the ideas we have on what composes our well-being. We deliberately try to live as close as possible of the sources from which we know we may stem some moments of happiness, and it is equally known that we cannot live an entire life composed only of happy

behaviour – a *utilitarian state* is interested *only* in creating the conditions that will make possible to each individual seek and reach his happiness by himself, by his own capabilities and means, on condition that these means do not arise consequences that may cause harm to others.

¹For the sake of brevity, from now on I will refer to this work just with the word *Principles*.

moments. Nevertheless, there would be some human being that, in good reason, does not want to be happy, in any way may it be understood? We always expect that our lives be so fulfilled of happiness as seems to be possible.

Now that is defined what happiness is to utilitarianism – namely: a kind of consequence from our actions that is accompanied for the experience of pleasure or the absence of pain –, we will consider the two ambits of the human life that I consider directly involved with the promotion of happiness: the individual and the state.

Concerning the individual, I think it is important to start fixing what can be understood as such in the utilitarian doctrine of the moral obligation.

When discussing on the interest of the community, Bentham defines *community* through an analogy with the human body, and, at the same time, opens the possibility to infer what an individual would be. Bentham says:

‘The community is a fictitious body, composed of the individual persons who are considered as constituting as it were its members’ (Bentham, 2005, p. 3).¹

It seems very clear, in this quotation, that an individual is *a member of the community*. Thus, when we think a human being as an individual we are considering the human by the *political* side.

As the seek for happiness is intended to be the most excellent good, and we endeavour to be the more happy we can, one may state that the aspect of the human life that highlights the human being as a member of a community converts that seek from an individual one into a collective one – that is, in a seek for the greatest happiness of the greatest number of individuals. The member of the community is interested, at any rate, in the happiness of his own community, and might be interested and engaged in promoting, according to his possibilities, that happiness. Happiness of the greatest number also includes the happiness of the own individual – inasmuch as the happiness of the community is promoted, the happiness of the individual is too –, and thus one see that the promotion of happiness is a kind of cycle, but not a vicious one.

In what concerns the state, utilitarianism comprehends that it is not the political association as such that contains the decisive point to the human beings decide to live together in society. The *consequences* of living this way are the real motives of the political association. It means that the most excellent good includes all of those desired consequences. Therefore, the state is a kind of association among individuals, organized according to certain habits of obedience, that have in common, besides other things, the seeking for happiness, whether it is a particular whether it is a collective happiness.

¹In a strict sense, one may consider *community* as a group of people that have its own particularities, that is singular before other groups, say, the gypsies, the gays, the Muslims etc. If we abstract from these particular groups, one may also consider *state* as the community composed by all the people that live into certain boundaries, have some things in common and are under the government that has place in it.

As well as the individuals, the state – which holds the political power to administrate the common aspects of the lives of its governed, as those mentioned above (p. 4) – has, according to Bentham, the task of promoting the conditions under which would be possible to attain the greatest happiness for the greatest number of its governed and also the conditions for each single individual attain their own particular happiness. When defining the principle of utility, Bentham (2005, p. 2) also specifies that the actions with which this principle is involved comprise not only those of the individuals, but also those of the government.

‘By the principle of utility is meant that principle which 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: or [...] to promote or to oppose that happiness. I say of every action whatsoever; and therefore not only of every action of a private individual, but of every measure of government’.

Thus, the practical actions from which would sprout the conditions to happiness, in a much larger sense, are, mainly, those of the members of the government, insomuch as the actions of the government comprises an area vaster than those of the individuals can reach.

I think it was from this perspective of the individuals and the members of the government as the agents of utility that Mill thought in two types of utility: *private* and *public utility*. According to him,

‘The multiplication of happiness is [...] the object of virtue: the occasions on which any person (except one in a thousand) has it in his power to do this on an extended scale, in other words, to be a public benefactor, are but exceptional; and on these occasions alone is he called on to consider *public utility*; in every other case, *private utility*, the interest or happiness of some few persons, is all he has to attend to’ (Mill, 2008b, p. 150-151, parentheses of the author, emphasis mine).

Private utility concerns the promotion of happiness in the sphere of the individual. Individuals are responsible not only for their own happiness but for that of the individuals who compose their social circle – I mean, their family, friends, neighbours and fellow workers, at most. The maximal contribution of a single individual to the promotion of the principle of utility would be to promote the happiness of the greatest part of his own social circle. This type of utility, as Mill says, is the most common, because the major part of the members of the community is not in a position from which they can be public benefactors – they are *simple* individuals. But there is a minor part of the community composed, for instance, by politicians, public servants in general, businessmen etc., which has the capability of, by their actions, influence, in

some measure, the happiness of the others. I think, for instance, concerning the politicians, in a proposal of law that deals with the application of some part of the wealth of the nation; or, concerning public servants like the judges, the moroseness in judging the processes (at least here in Brazil), that retards the solution to the conflicts that arise constantly in the society; finally, in the case of the businessmen, they can open or close work places, interfere in the operations of the government, to start economic crises... Thus, regarding the public utility, the social circle affected by the consequences of the individuals like the mentioned above is much larger than that that we could expect from *simple* individuals.

Besides these considerations, Mill went further to highlight the role of the state in the promotion of the greatest happiness. According to Mill, through the way the state is governed, happiness or unhappiness may be promoted. In the following quotation, Mill emphasizes that all the good the social world can reach depends on the government:

‘Every kind and degree of evil of which mankind are susceptible, may be inflicted on them by their government; and none of the good which social existence is capable of, can be any further realized than as the constitution of the government is compatible with, and allows scope for, its attainment’ (Mill, 2008c, p. 217).

The role of the state in what concerns the happiness of the individuals appears even clearer in another text, in which Mill refers to two crucial factors on which depend happiness and the improvement of mankind, namely: universal education and birth control:

‘We must also suppose two conditions realized, without which neither Communism nor any other laws or institutions could make the condition of the mass of mankind other than degraded and miserable. One of these conditions is, universal education; the other, a due limitation of the numbers of the community’ (Mill, 1998, p. 16).

I consider this fragment more emphatic regarding the role of the state to perform the greatest happiness principle. What other social sphere has the power to realize universal education? And who can control the birth rates but the state? No individual, as such, can promote by himself those things. It shows that there are components of the happiness that are not within the purview of the simple individuals, being, accordingly, necessary that the state, which actions can reach a vaster area, strives to prosecute them.

Hitherto I have discussed on the roles of the individual and of the state as agents whose actions can be according or not to the principle of utility. Private and collective reason brings the idea of the range of actions of those agents, regarding the number of individuals that could be affected by the consequences of their actions. Until now, I have discoursed on the human being with

emphasis in the political perspective, according to which human beings are considered individuals, members of a community, parts of a whole. Notwithstanding, there is another perspective, that focus mainly on the happiness of each human being singularly considered, on the person, not on the community. That is the ambit of the ethics, which besides recognizing the importance of the political view, it also recognizes another aspect involved with the notion of individual – that of the *individuality*, on which I will make some brief considerations.

III

One could think there would be a confusion in distinguishing between individual *and* individuality, because maybe these terms could be reduced one to the other. Indeed, there is a distinct difference between them. Each of these concepts makes reference to a different *ethos*, a different way the human beings have to express themselves into the social world. While the first (individual) is related to what I could style the communal aspect of the human life, the second (individuality) deals with the personality, with that sphere that concerns to a private aspect of the human life, to *who we are*, to *what we have* that is a factor of singularization, particularization of each one of us in relation to the others.

If we consider a human being as a tree, as Mill did, then we could realize that, as there is no tree equal to the other, the same is also true regarding the development of the individuality of each human being. According to Mill (2008a, p. 66),

‘Human nature is not a machine to be built after a model, and set to do exactly the work prescribed for it, but a tree, which requires to grow and develop itself on all sides, according to the tendency of the inward forces which make it a living thing’.

Human nature – that is, ultimately, *what we are* – is not something entirely predictable. But to consider the human being as an *individual* is, in some measure, to consider ourselves foreseeable, what is true, to some extent. For instance, as members of different states, we live according to certain laws, customs, values etc. so that one might foresee how one could act in some existent or hypothetical scenery, under such and such conditions. It is known, however, that we do not act according to these laws, customs etc. all the time. Like the branches of a tree, that grow in all directions, the individuality also expands itself in all directions, and some of these directions leads us to overpass the dictates of our state or our own rules, sometimes. The scope of the politics is always to guide (not to impose) the direction of the expansion of the individuality in general, to forge the characters of the individuals according to some general characteristics that are considered appropriated to the intended type of society. On the other hand, the scope of ethics is to guide the forge of

individuality by the hands of the own individual, that impress on himself his own development.

The importance of the individuality to the human life consists, according to Mill (2008a, p. 62), in it be one of the elements of our well-being. Indeed, individuality is the end that we have to strive to develop. According to Mill (2008a, p. 64), quoting Wilhelm von Humboldt,

“the end of man, or that which is prescribed by the eternal or immutable dictates of reason, and not suggested by vague and transient desires, is the highest and most harmonious development of his powers to a complete and consistent whole”; that, therefore, the object “towards which every human being must ceaselessly direct his efforts, and on which especially those who design to influence their fellow men must ever keep their eyes, is the individuality of power and development”.

What is it necessary to develop individuality the most? What is the kind of soil that can provide all the necessary nutrients to this tree grow healthy? Mill (*loco citato*, parentheses mine) answers these questions by making another reference to von Humboldt’s thoughts:

‘[...] for this (that is, to develops the individuality the most) there are two requisites, “freedom, and variety of situations”; [...] from the union of these arise “individual vigour and manifold diversity”, which combine themselves in “originality”’.¹

Through the idea of the development of the individuality as ‘the object “towards which every human being must ceaselessly direct his efforts”’ (*loc. cit.*), Mill points to an ethical perspective of this development, inasmuch as the efforts have to be made by each individual. Through the ideas of the two requisites for the development in question – freedom and variety of situations – Mill brings the political perspective to the discussion; considering that an individual alone cannot produce all the conditions that could corroborate to create an propitious environment to a general development of the individuality (this individual is not a public benefactor), it is necessary that the state takes on this task.

The human improvement², the development of the individuality is not a process that occurs without rules and entirely conformable to our will. In the

¹The notion of *originality* is, to Mill, connected to the process of improvement of each individual and of the society in general. Original people are, however, very rare, because they can perish very easily under certain conditions, that are adequate to the majority. The relevance of original or eccentric people is that they may give rise to new discussions, question what was almost unquestionable, show that other ways to do what we do in the social world are possible. See Mill, 2008a, specially the third part: *Of individuality, as one of the elements of well-being*.

²Mill connects the notion of *improvement* to the notion of *progress* – ‘When Progress is spoken of as one of the wants of human society, it may be supposed to mean Improvement’ (2008c, p. 218).

fifth part of *On Liberty*, Mill introduces two maxims that express the whole doctrine about his perspective of liberty; they express the limits to the actions of the individual and of the state. These maxims are, first, a permissive one, that states that ‘[...] the individual is not accountable to society for his actions, in so far as these concern the interests of no person but himself’ (Mill, 2008a, p. 104); and, second, a prohibitive one, that claims that

‘for such actions as are prejudicial to the interests of others, the individual is accountable, and may be subjected either to social or to legal punishment, if society is of opinion that the one or the other is requisite for its protection’ (*loc. cit.*).

Therefore, according to Mill, liberty consists in act in the zone comprehended between these two maxims, that is, not affecting the interests of others, neither their own body. Within this zone the individual may, according to Mill, do whatever they want to do. That is the sphere of the ethics. The state has to protect and foment this liberty, creating laws and institutions effective and helpful to the society, punishing those who surpass the prescribed limits, creating the conditions under which individuality may be developed. In general, a mediator, concerning the conditions for happiness: that is the role of the state in what concerns the promotion of an environment of liberty and improvement. As such, the state also performs his task in promoting utility.

It is not necessary that the principle of utility be officially established as a valid principle to start guiding the human actions into society. Each individual may have this principle in mind and regulate his own actions according to it, despite it be or not practiced by his fellow citizens. Besides, it remains open to the state the possibility of raising and protecting the utility as one of the most important things to be promoted.¹

IV

Despite Bentham’s vivid interest in direct utilitarianism also to the political side of the human life, it is evident to me that the political aspects of his doctrine – as that that I have discussed here: the role of the state in the promotion of happiness – are not so emphasized and discussed as the ethical aspects are. Thus, the ideas I have exposed in this paper are a contribution to think on the relevance of the utilitarianism, in what concerns its aptitude to be applied in the administration of the human life, either by the individuals or by the state. Of course, it is not my intention to affirm that utility is the cure for all

¹ One may argue, however, that every form of government, excepting the dictatorial, is already concerned with the happiness of its governed; so, it is redundant to propose the utility as a principle to the government. I think it is completely different to recognize that the government has to endeavour in the sense of promoting the good to its governed, and to assume the principle of utility as a code to guide its actions. Notwithstanding, this discussion will not take place here.

social problems, but I think it is a very useful contribution of philosophy to society.

During my exposition, some ideas were treated *en passant*, others remained clearly open, requiring a more detailed explanation – as the notions of a private and a collective reason and their differentiation from Kant’s private and public uses of reason; and the connection between the ideas of originality, improvement and progress, that occupy an important place in Mill’s ethical and political thoughts. Notwithstanding, I hope they do not be a hindrance to the comprehension of what I tried to present. These and other ideas are being thought in my doctoral research, and will take place in my thesis.

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