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**The Self-Preference Principle: Bentham's Transition to Epistemological and Democratic
Radicalism**

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A longstanding challenge of Bentham scholarship has been to explain when and how when Bentham was radicalized and became a democrat. A long line of Bentham scholars from Halevy through Mack and Burns to Dinwiddy, Rosen and Schofield, have addressed the issue and contributed one way or another to what will eventually be a successful solution. I will not review the history at this time, but in light of Philip Schofield's recent study of Bentham's transition to radicalism, *Utility and Democracy: the Political Thought of Jeremy Bentham*¹, I will offer a summary of my view of the transition that I hope will be useful. Firstly, however, let me say that Schofield's book is in many ways an excellent one for which he is to be thanked by all interested in Bentham. It is very scholarly, informative and a pleasurable read. We are also indebted to him for his work as Bentham Project Director and Collected Works General Editor.

On several previous occasions I have proposed what I thought was a reasonably coherent solution to the 'transition' problem and I am grateful to Philip for acknowledging in his book that my efforts were useful to him, especially on the important notion of "sinister interest".² On the pivotal role of "sinister interest" in his interpretation, Schofield writes in his *Preface*:

"It is the central thesis of this book that in or around 1804 the notion of sinister interest emerged in Bentham's thought, and had a major impact on his understanding of the political process. It is

¹ Philip Schofield, *Utility and Democracy: The Political Thought of Jeremy Bentham* (Oxford, 2006).

² Donald Jackson, "From Utility to Pleasure: Bentham's Transition from Enlightenment to Modern", unpublished paper presented at the Bentham Seminar, University College London, March 15, 1989, 40pp.; also, "The Importance of Bentham's Psychological Epistemology in his Theorization of Representative Democracy, unpublished paper presented at the New Zealand Political Science Association Conference, University of Otago, Dunedin, NZ, May 1990; and a revised version at Utilitarianism Revisited, ISUS Conference, New Orleans, March 1997. See also, Schofield, p.viii.

the presence of sinister interest which, crudely speaking, distinguishes ‘the radical Bentham’ of the nineteenth-century from ‘the enlightenment Bentham’ of the eighteenth century. Having said that, I also contend that, in certain key elements, Bentham’s thought remained remarkably stable.”³

In the introductory paragraph of his pivotal Chapter 5, “The Emergence of Sinister Interest”, Schofield continues,

“The critical development in Bentham’s political thought was not brought about by the French Revolution, but by the emergence of the notion of sinister interest, from which he eventually drew the conclusion that democracy was essential to the achievement of good government.”⁴

As against the standard view introduced by Halevy, according to our interpretations (Schofield’s and mine) James Mill played no part in Bentham’s conversion to radicalism. In my view, the evidence suggests that Bentham had seen the radical light just months before meeting Mill in the spring of 1809. An important issue for our interpretations however remains: what was the exact nature of the role that “sinister interest” played in Bentham’s transition? More specifically, was “sinister interest” indeed the defining notion which facilitated the transition, or was there some other insight, notion or principle, more penetrating and foundational than sinister interest, that Bentham introduced into his analysis that radicalized him and that in relation to which sinister interest was important in enabling him to understand and deploy? As I have indicated previously, as identified above, I believe that there was such an intervening principle *and* that sinister interest was important to Bentham’s discovery of it. Sinister interest, like many other principles Bentham had appropriated and/or developed over his lifetime, was, relatively

³ Schofield, p.5.

⁴ Ibid. p.109.

speaking, of instrumental not strategic significance to his radicalization. In my view, however apparently contrary it may be in relation to what many have regarded as Bentham's assumptions regarding the principles of *utility* and *self-interest* in his pre-1809 writings, the notion of fundamental strategic significance to Bentham's achievement, and which separates his mature from his early thought, is the principle of "*self-preference*". It was this principle, or, if it pleases better, a new view of it (insofar as some may not have distinguished between Bentham's early and later uses of the terms *self-interest* and *self-regard* and thus the unique meaning he gave the term "*self-preference*") that he had never previously had the will or capacity to allow himself to acknowledge or accept, that he recognized in early 1809 as crucial to the only possible logical explanation that he could imagine for what he took to be a potentially fatal assault upon the English constitution and thus the key to his new method of political analysis and reform.

At the time, what he saw as a shocking attack on the Liberty of the Press under pretense of Libel Law was also an attack upon some of his longest held principles.⁵ He described his response to "an article in the *Times* for the 20th of February 1809" as follows:

"Seeing thus that, under the mask of a temporary occurrence, a battery had been opened by the enemies of the constitution upon the *liberty of the press* – that a fire of grape shot had already been commenced, and no fewer than six-and-twenty persons wounded by it at one discharge, -- I felt myself urged by an irresistible impulse to summon up whatever strength I might have left; and howsoever impotent my own feeble efforts might prove, and at whatsoever personal hazard, to show the *way* at least how this battery might be spiked."⁶

Bentham's expression reflects his shock and the depth of his revulsion at what was underway. He explained how judges in Libel cases, by the packing of special juries and by the

⁵ *Elements ...*, Bowring, v. p.65

⁶ *Ibid.*

use of tactics of corruption and deception, could secure the compliance of jurors and thus the sinister interests of the judicial and other departments of government..⁷ He also explained the importance of the *situations* of judges and others in the legal establishment, and their use of various means of “influence” to maintain them. In many ways the analysis followed that which he had employed recently in *Scotch Reform* and other works in which he addressed his longstanding concern to ensure the “junction” of *interests* and *duties*. Generally, Schofield reviews Bentham’s analysis and responses well. However, other significant elements in Bentham’s analysis which Bentham himself took pains to point out ought also to be addressed. “Sinister interest” may well have been an apt description of what was behind the attack on the liberty of the press, but Bentham went on at length to expose another force at work behind sinister interest. One manifestation of it was “*the love of ease*”, about which he explained:

“In the character of a sinister motive, becoming in the bosom of the judge, an efficient cause of injustice, *the love of ease* seems hitherto to have almost escaped notice. But it has not been the less efficient; and of its efficiency exemplification but too extensive will meet us as we advance.”⁸ *Love of ease* was the tendency in human nature to avoid effort or “*labour*” which was regarded by Bentham as essentially painful. And although a gentle force, it was powerful. He wrote, “The *love of ease* is too gentle a passion to be a very active one: but what it wants in energy it makes up in extent.”⁹ Periodically, he added, what has been called “*vengeance*” will also be exhibited in the character of a “sinister interest”, but behind “this sinister interest lurks, frequently at least, if not constantly, another, *self-preservation*: an interest, than which, to judge of it from its general name, nothing should be more innocent and uncensurable. But *self-*

⁷ Schofield, pp.131-34.

⁸ Bentham, *Elements ...*, p.70.

⁹ *Ibid.* p. 90.

preservation is preservation of oneself from evil in *any* shape.”¹⁰ *Love of ease* and *self-preservation* as simply forms of expression of avoiding pain and sustaining pleasure are hardly aptly to be regarded as sinister motives in an English judge “unless”, as he explained, “in an English judge the nature of man be totally opposite to what it is in every other human being.”¹¹ “Sinister interest” may aptly describe an interest the consequences of which when pursued are judged to be highly negative, but is it necessarily an apt characterization of the state of the affections or motives of the individual whose interest is in question? Bentham recognized that the law itself, as it stood, was incompatible with the outcome that was desired, not the motivations, as such, of the judges who implemented the law according to their situations. Thus, he explained, the legislature itself would have to make other arrangements if disaster was to be avoided: “It is from the hand of *parliament* alone that this crying evil can receive a *radical* cure.”¹² Accordingly, the positions occupied by “*the ruling classes*” in the crisis, and again by virtue of their “situations”, not their character, forced Bentham to consider the question already raised by others of whether a remedy was possible without “an alteration in the mode of representation of parliament”¹³ Of course, given the implication of the logic of his analysis it was not long before he was hard at work on parliamentary reform *and* the beginnings of a recasting of his whole philosophy in terms of the new and radically altered view of human nature his analysis forced him to recognize..

In *Scotch Reform* and most other works leading up to the commencement of his work on *Elements of the Art of Packing* in early 1809, Bentham had not really look behind sinister interest to what he had recently identified as the “*psychological dynamics*” of those situated in positions

¹⁰ Ibid. p. 91.

¹¹ Ibid. p.93.

¹² Ibid. p.66.

¹³ Ibid. p.97-8 and p.106-08.

of responsibility and power. He had, however, undertake such an examination of the influence of situation upon “belief” *and* behavior, in his work on *Evidence* (1802-08)¹⁴, a work he later referred to as his study of ‘the foundation of belief’. In *Evidence*, he drew upon his work in political economy (1786-1804), and especially the *labour theory of value* which was central to it, to construct a dynamic economic model of emotional and intellectual life – of motivation and thought. His goal at the time, among other things, was to develop a means of determining the trustworthiness of testimony given by witnesses under examination. He described his results as follows:

In the case of the pains and pleasures of the physical sanction, insofar as applying to the purpose here in question [i. e. truth-telling under questioning], -- no such extraneous will, nor indeed any will at all, taking any part in their production,-- the only pain or pleasure that has place is one that grows of itself out of the nature of the case. This it will be seen, is a pain only; and this pain, the pain of labour (mental labour) or exertion: and the motive corresponding to this pain, is the love of ease.

To relate incidents as they have really happened, is a work of the memory: to relate them otherwise than as they have really happened, is a work of the invention. But, generally speaking, comparing the work of the memory with that of the invention, the latter will be found by much the harder work. The ideas presented by the memory present themselves in the first instance, and as it were of their own accord: the ideas presented by the invention, by the imagination, do not present themselves without labour and exertion. In the first instance come the true facts presented by the memory, which facts must be put aside: they are constantly presenting themselves, and as constantly must the door be shut against them. The false facts, for which the imagination is drawn upon, are not to be got at without effort: not only so, but if, in the search made after them, any at all present themselves, different ones will present themselves for the same place: to the labour of investigation is thus added the labour of selection.

Hence an axiom of mental pathology, applicable to the present case --an axiom expressive of a matter of fact, which may be stated as the primary and fundamental cause of veracity in man. The work of the memory is in general easier than the work of invention. But to consult the memory alone in the statement given is veracity: mendacity is the quality displayed so far as the invention is employed . . .

¹⁴ Bentham, *The Rationale of Judicial Evidence*, Bowring, vi.

By the first impulse --by the impulse of the universal principle above delineated --by a sort of instinctive impulse, the line in which a man's discourse is urged is invariably the line of veracity --of truth: it is only by reflection --reflection on the distant advantage supposed to be obtainable by falsehood, that a man's footsteps can be turned aside out of that line.

Whatsoever be its direction --in the absence of all rival powers, the love of ease ... is in every instance omnipotent --the power that worketh all in all. ...The extreme minuteness of the quantity of labour, the desire of avoiding which composes, in this case, the motive or determinative force, ought not to be considered as [an objection]. It is by forces impalpably minute, that the whole system of psychological conduct is regulated and determined.¹⁵

As a consequence of his analysis, the “social-regarding” dimension of the physical sanction was no longer regarded as “natural” and part of the primary dynamic, but rather as an internal production derived from reaction, and thus was relegated to secondary position as a fifth sanction, the “sympathetic”.¹⁶ The revised system of sanctions was:

- “1. The fear of labour, or love of ease ... Corresponding sanction, the physical sanction, viz. the self-regarding branch.
2. The fear of shame ... the popular or moral sanction.
3. The fear of punishment ... the political sanction.
4. The fear of supernatural punishment ... the religious sanction.
5. Regret at the thoughts of the evil, of which, at the charge of this or that individual or assemblage of individuals (the witness himself not included) the transgression in question may be considered as more or less likely to be productive. Sanction the sympathetic sanction; another branch of the physical, the social branch.

These several species of interest are termed different species, not as corresponding to so many different species of pain and pleasure, but to pain and pleasure in general, considered as apt to flow from so many distinguishable sources.¹⁷

He concluded that,

“*veracity*, therefore, not less than *mendacity*, is the result of *interest*: and in so far as it depends upon the *will*, it depends in each instance, upon the effect of the conflict

¹⁵ Bowring vi. p.262-63.

¹⁶ Ibid. vii. p.569.

¹⁷ Ibid. vii. p.569

between the two opposite groups of contending interests [“tutelary interests and motives” and “seductive interests and motives”] which of them shall be the result.”¹⁸

Since these processes operated whether “perceived” or “unperceived” -- consciously or unconsciously -- and since, as Berkeley had pointed out, judgment could influence perception¹⁹, emotive and cognitive functions were in effect mutually conditioning and interdependent. In effect, everything that hitherto had been regarded as accomplished by “ill-will” on the one hand and “good-will” on the other, could just as easily have been accomplished by the actual “system of psychological conduct” without them. In short, Bentham had synthesized “the logic of the will” and “the logic of the understanding” into a single dynamic psychological-epistemological system.

Bentham was clearly shocked, and blindsided, by what the events of 1809 presented to him and his countrymen, but by drawing upon his new theory of *psychological dynamics* with the “self-regarding” physical sanction as manifested in *love of ease* and *self-preservation* from pain and loss of pleasure as primary and at its core, what he would soon call “*self-preference*”, he was able to identify the fallacy in his hitherto prejudicial view of those who behaved in ways hitherto regarded as “sinister”. At the same time, he was able to see through the longstanding fallacy of its opposite twin, “*virtue*”, under whatever name people chose for it.

It was thus logical that Bentham immediately (as he did that summer) start recasting the framework of his earlier thought, revising his theory of fictions and developing new theories of ontology, language, grammar and logic in a manner consistent with the new foundation of *self-preference* -- what we might now call “*the pleasure principle*”. As he stated unequivocally in *Deontology* (1814),

¹⁸ Ibid. p.19.

¹⁹ Bowring, vii. P.3. Bentham references Berkeley’s *Essay Towards a New Theory of Vision* in pointing out how judgment affects perception and thus “belief in any matter of fact”.

“As it is with the individual, so it is with the species ... injury to others finds its first restraint in the fear of eventual retaliation and retribution – the natural consequences of resentment.

... And thus it is that out of the self-regarding affection rose by degrees the sympathetic affections; out of that, the power of the popular or moral affection – and both of them, in their main tendency, operating in conjunction to the increase of the aggregate of happiness.”²⁰

Who would think, he quipped in *Chrestomathia* (1814-15), “that sympathy should have so unhonoured a parent, or so despicable an antagonist, as self-regard?”

In 1822, looking back at this period of transition and the fallacious assumption about the nature of rulers that he had held and that he had accepted from his youth, he stated:

“I was, however, a great reformist; but never suspected that the people in power were against reform. I supposed they only wanted to know what was good in order to embrace it.”²¹

“... sixty years had rolled over my head before I had attained anything like a clear perception of the cause ... “ “Now [1822] for some years past, all inconsistencies, all surprises, have vanished: everything that has served to make the field of politics a labyrinth has been found out: it is the principle of self-preference. Man, from the very constitution of his nature, prefers his own happiness to that of all other sensitive beings put together: but for this self-preference, the species could not have had existence.”²²

There are many other references in Bentham’s later writings which refer to this period of his experience and re-examination of long-held assumptions when, as he put it, the scales fell from his eyes.

The principle of utility remained important to the mature period of the development of Bentham’s thought, but its foundations and significance had been fundamentally transformed. He no longer accepted the famous representation he had made of it in 1780 in *The Introduction to the Principles of Morals and Legislation*:

²⁰ Bentham, *Deontology*, CW, pp.202-04

²¹ Bowring, x, p.66.

²² Bowring, x, p.80.

“By the natural constitution of the human frame, on most occasions of their lives men in general embrace this principle, without thinking of it: if not for ordering their own actions, yet for the trying of their own actions, as well as those of other men”²³

Ironically, during that early period he had rejected other principles he considered unnatural and adverse to it – *asceticism* and *sympathy* and *antipathy*. After 1809, he was similarly forced to acknowledge a problem with his own principle. Having rejected benevolence as a natural inclination in the human frame, utility was downgraded to a very useful, but admittedly secondary, “declaration of peace and good will” as announced in the *Constitutional Code*.²⁴ Before his transition Bentham assumed that the principle of utility and less incisive versions of it were advanced by those like himself and his brother Sam whose “bias” of character, reinforced by education and upbringing, induced them to serve others. As he explained to Sam in 1773, he believed deeply in the profound importance to society of “that small and valuable number of men in a community who are government in the first place by conscientious motives, and capable upon occasion of postponing a benefit of their own to a greater benefit of their neighbour.”²⁵ In the *Institute of Political Economy*, largely written in 1801 shortly before he commenced his work on evidence and judicial reform, he repeated his view of the importance of the wise and benevolent few:

“It is desirable for mankind that its offsets [colonies] should be taken from the most flourishing and soundest root ... It is of the advantage to such colonies [as Canada] that they should continue under the government of such their mother country, because it is of advantage that the men whose will forms the positive standard ... and whose moral conduct forms the natural standard ... should be men whose education has been derived from that most pure and elevated source: men among whom are to be found some whom hereditary opulence has exempted from the necessity of binding down their minds to the exclusive pursuit of pecuniary gain: to whom it is possible at least to think chiefly for the public instead of acting and thinking exclusively for themselves: men who have leisure

²³ *IPML, CW*, p.13.

²⁴ *Constitutional Code, Vol.1, CW*

²⁵ *Correspondence, i, p.165*

and money to bestow upon those more elevated pursuits by which the heart is softened and the understanding expanded and adorned ...²⁶

James Burns once wrote, "To treat fallacious arguments consistently as part of a political process, and a process conceived essentially as a struggle or contest, is a virtue of Bentham's analysis."²⁷ It's hard to imagine the depth of intellectual and emotional struggle Bentham experienced during his moment of radical insight in early 1809 in which he abandoned the political illusion of a few wise men leading a multitude of the blind, and accepted that struggle was the most consistent representation of the human situation -- struggle within each and struggle among all, struggling to unite and uniting to struggle.

In the view presented here, of the published accounts of Bentham's transition to radicalism Philip Schofield's comes closest, but does not bring closure. It provides an excellent account of much of Bentham's legal and political thought and especially of important aspects of its relationship to the most immediately relevant historical circumstances. However, for reasons that perhaps have to do with important differences of approach between history and theory, we have each been given to see and emphasize different things. I have suggested that it was not sinister interest that in 1804 or 1809 radicalized Bentham, although sinister interest was instrumental in bringing about what did. It was instead the application of his new theory of psychological dynamics to sinister interest that allowed him to understand the all-pervasive power of *self-preference* and to accept it as the central principle of scientific analysis. However confusingly recognized by his contemporaries and those who followed, it is on the basis of this principle that he became known, and upon its strength as a theoretical assumption that he was able to provide a pathway of logical consistency from *enlightenment* to *modern*. Bentham not

²⁶ Stark, ed., *Jeremy Bentham's Economic Writings*, iii, pp.355-56.

²⁷ J.H. Burns, "Bentham's Critique of Political Fallacies", in B. Parekh ed., *Jeremy Bentham: Ten Critical Essays* (London: 1974), p.159.

only accepted with fondness and understanding the tradition of Locke, Berkeley, Hume, Montesquieu, Helvetius and Smith, but he also anticipated with hope and probability discoveries and improvements yet to come -- Darwin, Marx, Nietzsche, Freud and James, among others. If, as Doug Long reminded us in session on Thursday, that according to Bentham “one principle and one principle only” was all that was needed, thanks to Bentham’s vision and tenacity that principle and some of its important secrets were finally revealed.