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BENTHAM'S THREE "RULES OF MORAL DUTY"

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SUMMARY

In the last chapter of *Introduction to the Principles of Morals and Legislation* ("*IPML*"), Bentham advances the proposition that "Ethics exhibits the rules of 1. Prudence. 2. Probity. 3. Beneficence."

In succeeding passages, Bentham describes the three rules as "rules of moral duty" and provides an account of the source of these "rules" and discusses their nature and content. Bentham's embrace of "rules of *prudence*" (duty to oneself), "rules of *probity*" (duty to not harm others), and "rules of *beneficence*" (duty to help others) raises numerous philosophical issues. The scope of this paper is limited to exploring how Bentham derives on his theory the duties set forth in the three "rules of moral duty."

This paper contends that, based upon texts in *IPML*, Bentham derives as part of "ethics in general" three distinct duties (not just one duty to perform the act which will produce the best possible consequences or promote the greatest happiness) by analyzing the expected consequences of an agent's action in terms of certain values. The paper further contends that for purposes of identifying the values on which the duties are grounded, it is more instructive to focus on the values (for example, suffering by any "sensitive being" is evil and we *ought* to prevent suffering by others) reflected in the passage that concludes "the question is not, Can they *reason*? nor, Can they *talk*? but, Can they *suffer*?" rather than appeal directly to the principle of utility.

I. Introduction

This paper is part of a larger project to examine Bentham's general moral theory, based on a close reading of Bentham's texts, for the purpose of describing Bentham's theory of human nature and theory of knowledge; first principles; what decision procedure a person should follow to decide on Bentham's theory whether or not she *ought* to do a particular act; and what responses are available on Bentham's theory to some of the key objections raised against his theory (for example, punishment of the innocent).

In the last chapter of *IPML*, Bentham advances the proposition that “Ethics exhibits the rules of 1. Prudence. 2. Probity. 3. Beneficence.” (*IPML*, chapter 17, par 6 heading) Thereafter, Bentham proceeds by first distinguishing between whether the expected consequences of an agent’s action affect only (that is, “none but”) the agent, or whether they “may affect the happiness of those about him”:

“As to ethics in general, a man’s happiness will depend, in the first place, upon such **parts of his behavior as none but himself are interested in**; in the next place, upon such **parts of it [his behavior] as may affect the happiness of those about him**.” (*IPML*, chapter 17, par 6, emphasis added)

With this distinction in place, Bentham next examines how “parts” of an agent’s behavior “may affect the happiness of those about him” or (what I take to be the same thing) the expected consequences of an agent’s action as follows:

“In as far as his happiness depends upon the first-mentioned part of his behavior, it is said to depend upon his *duty to himself*. Ethics then, in as far as it is the art of directing a man’s actions in this respect, may be termed the art of discharging one’s duty to one’s self: and the quality which a man manifests by the discharge of this branch of duty (if duty it is to be called) is that of *prudence*.

“In as far as his happiness, and that of any other person or persons whose interests are considered, depends upon such parts of his behavior **as may affect the interests of those about him**, it may be said to depend upon his *duty to others*; or, to use a phrase now somewhat antiquated, his *duty to his neighbor*. Ethics then, in as far as it is the art of directing a man’s actions in this respect, may be termed the art of discharging one’s duty to one’s neighbor. Now **the happiness of one’s neighbor may be consulted in two ways**: 1. In a negative way, by **forbearing to diminish it**. 2. In a positive way, by **studying to increase it**. A man’s duty to his neighbor is accordingly partly negative and partly positive: to discharge the negative branch of it, is *probity*: to discharge the positive branch, *beneficence*.” (*IPML*, chapter 17, par 6, emphasis added)

Thus, in the passages quoted above, Bentham states that duties of prudence, probity, and beneficence are part of “ethics in general” based upon an analysis of how the expected consequences of an agent’s action may affect the “happiness” or “interests” of the agent and “of those about him.”

II. What motives do we have to consult the happiness of other human beings?

Next, Bentham asks the question, What are the motives for an individual, in deciding how to act, to take into account the suffering or happiness of other individuals? According to Bentham,

“It may here be asked, How it is that upon the principle of private ethics, legislation and religion out of the question, a man's happiness depends upon such parts of his conduct as affect, immediately at least, the happiness of no one but himself: this is as much as to ask, **What motives (independent of such as legislation and religion may chance to furnish) can one man have to consult the happiness of another? by what motives, or, which comes to the same thing, by what obligations, can he be bound to obey the dictates of probity and beneficence.** In answer to this, it cannot but be admitted, that the only interests which a man at all times and upon all occasions is sure to find *adequate* motives for consulting, are his own. Notwithstanding this, **there are no occasions in which a man has not some motives for consulting the happiness of other men. In the first place, he has, on all occasions, the purely social motive of sympathy or benevolence:** in the next place, he has, on most occasions, the semi-social motives of love of amity and love of reputation. The motive of sympathy will act upon him with more or less effect, according to the *bias* of his sensibility: the two other motives, according to a variety of circumstances, principally according to the strength of his intellectual powers, the firmness and steadiness of his mind, the quantum of his moral sensibility, and the characters of the people he has to deal with.” (*IPML*, chapter 17, par 7, emphasis added)

According to Bentham, each person “has, on all occasions, the purely social motive of sympathy or benevolence” to consult the happiness of other persons. And thus, our *duty to others* (which includes the duties of probity and beneficence) is grounded on a feature of our human nature – that is, our sympathy for other human beings. Bentham states that the “social motive of sympathy or benevolence” is based upon “the pleasures resulting from the view of any pleasures supposed to be possessed by the beings who may be the objects of benevolence; to wit, the sensitive beings we are acquainted with.” (*IPML*, chapter 5, section 10) According to Bentham, “sympathy” is defined as follows:

“By sympathetic sensibility is to be understood the propensity that a man has to derive pleasure from the happiness, and pain from the unhappiness, of other sensitive beings.” (*IPML*, chapter 6, par 20)

Thus, on Bentham’s view, by virtue of our nature as human beings, we are constituted to identify with, and thus have a concern for the pleasure and pain experienced by, other “sensitive beings.” Accordingly, as part of our human nature, we have a capacity for non-egoistic interests in the welfare of others.

Here, it seems clear that Bentham is following David Hume’s doctrine of sympathy as developed in his **Treatise of Human Nature** (1739), where Hume states:

“No quality of human nature is more remarkable, both in itself and in its consequences, than **that propensity we have to sympathize with others, and to receive by communication their inclinations and sentiments, however different from, or even contrary to our own.** **** Now it is obvious, that nature has preserved a great resemblance among all human creatures, and that we never remark any passion or principle in others, of which, in some degree or other, we may not find a parallel in ourselves. The case is the same with the fabric of the mind, as with that of the body. However the parts may differ in shape or size, their structure and composition are in general the same. There is a very remarkable resemblance, which preserves itself amidst all their variety; and this resemblance must very much contribute to make us enter into the sentiments of others; and embrace them with facility and pleasure.” (Treatise of Human Nature, Book II, Of the Passions, section 11, “Of the Love of Fame”)

Bentham provides only a brief account of “sympathy” as a motive why each person consults the happiness of other “sensitive beings” when engaging in action. Bentham’s motive of “sympathy” is a factual claim expressing a descriptive feature of our human nature (that is, an *is* statement of how human beings are constituted).

III. How does Bentham derive three duties which impose *ought* claims?

But how does Bentham derive *duties* of prudence, probity, and beneficence which operate as *ought* claims? Doesn’t Bentham need a value statement (something different from a factual statement) in order to derive an *ought* claim which serves as the basis for the *duties*? What is the basis for our duty of “forbearing to diminish” the happiness of others (the duty of probity)? For Bentham, what value claim is operating here?

Hume raises the distinction between ‘is’ and ‘ought’ in Treatise of Human Nature (1739), as follows:

“In every system of morality, which I have hitherto met with, I have always remarked, that the author proceeds for some time in the ordinary way of reasoning, and establishes the being of a God, or makes observations concerning human affairs; when of a sudden I am surprised to find, that instead of the usual copulations of propositions, **is**, and **is not**, I meet with no proposition that is not connected with an **ought**, or an **ought not**. This change is imperceptible; but is, however, of the last consequence. **For as this ought, or ought not, expresses some new relation or affirmation, it is necessary that it should be observed and explained;** and at the same time that a reason should be given, for what seems altogether inconceivable, how this new relation can be a deduction from

others, which are entirely different from it.” (Treatise of Human Nature, Book III, Part I Of virtue and vice in general, section 1 “Moral distinctions not derived from reason,” emphasis added)

Bentham recognizes Hume’s distinction between “is” and “ought” statements. In exploring this issue, we are reminded of Bentham’s analysis of the meaning of “the words *ought*, and *right* and *wrong* and others of that stamp” in the first chapter of IPML:

“Of an action that is conformable to the principle of utility one may always say either that it is one that ought to be done, or at least that it is not one that ought not to be done. One may say also, that it is right it should be done; at least that it is not wrong it should be done: that it is a right action; at least that it is not a wrong action. When thus interpreted, the words *ought*, and *right* and *wrong* and others of that stamp have a meaning: when otherwise, they have none.” (IPML, chapter 1, par 10)

Thus, for Bentham, *ought* claims and “others of that stamp” (that is, prescriptive claims) have meaning only when they are “interpreted” in terms of conformity with the principle of utility, that is, the “principle which approves or disapproves of every action whatsoever, according to the tendency it appears to have to augment or diminish the happiness of the party whose interest is in question: or, what is the same thing in other words to promote or to oppose that happiness.” (IPML, chapter 1, par 2)

Following this approach, one could read Bentham as relying upon the principle of utility as the value statement in deriving the three duties which impose *ought* claims. For example, the principle of utility “disapproves” of acts which “diminish the happiness of the party whose interest is in question;” therefore, under the principle of utility, an agent, in determining how to act, *ought* to act in such a way as to not “diminish the happiness of the party whose interest is in question” (that is, comply with the duty of probity).

This approach of relying directly on the principle of utility, while not mistaken, is not (I submit) particularly helpful in understanding how Bentham derives *duties* of prudence, probity, and beneficence. For example, we may ask, what is the basis for our duty of “forbearing to diminish” the happiness of others? Why does the principle of utility “disapprove” of acts which “diminish the happiness of the party whose interest is in question”? If we appeal directly the principle of utility to derive the duty of probity, what is the basis for disapproving acts that “diminish the happiness” of others? Doesn’t Bentham require another higher order principle or value to establish the basis for disapproving acts that “diminish the happiness” of others?

I want to propose that the following passage in the last chapter of IPML (just prior to the passage where Bentham announces the three duties) offers, as a text, a more promising approach for identifying the value or principle on which the duties are grounded and explaining how Bentham derives the three *duties* on his theory:

“The day has been, I grieve to say in many places it is not yet past, in which the greater part of the species, under the denomination of slaves, have been treated by the law exactly upon the same footing as, in England for example, the inferior races of animals are still. The day *may* come, **when the rest of the animal creation may acquire those rights which never could have been withholden from them but by the hand of tyranny.** The French have already discovered that the blackness of the skin is no reason why a human being should be abandoned without redress to the caprice of a tormentor. It may come one day to be recognized, that the number of the legs, the villosity of the skin, or the termination of the *os sacrum*, are reasons equally insufficient for abandoning **a sensitive being** to the same fate. **What else is it that should trace the insuperable line? Is it the faculty of reason, or, perhaps, the faculty of discourse?** But a full-grown horse or dog is beyond comparison a more rational, as well as a more conversable animal, than an infant of a day, or a week, or even a month, old. But suppose the case were otherwise, what would it avail? **the question is not, Can they reason? nor, Can they talk? but, Can they suffer?**” (*IPML*, chapter 17, par 4 footnote, emphasis added)

This important passage raises several significant issues to examine.

First, Bentham’s statement that “The day *may* come, when the rest of the animal creation may acquire those rights which never could have been withholden from them but by the hand of tyranny” can be fairly read to state that animals ought to “acquire those rights” which have been withheld or denied only “by the hand of tyranny,” and accordingly such “rights” *ought* to be created and protected by the law. Here, in considering how the law creates “rights,” we are reminded of the passage in *IPML* where Bentham states that in order to know “how to expound a [legal] right, carry your eye to the act which, in the circumstances in question, would be a violation of that right: **the law creates the right by prohibiting that act.**” (*IPML*, chapter 16, par 25 footnote 1, emphasis added)

In the context of the full passage, particularly the discussion relating to “slaves” and the French abolishing by law slavery that had been based on a human being’s skin color, it is clear that Bentham is arguing that each “sensitive being” (all human beings and “the rest of animal creation”) *ought* to be protected from suffering. We may ask whether, in this passage, Bentham is arguing for more than just *legal* rights? Can this passage be fairly read to say that each “sensitive being” has an “interest” (a possible *moral* right?) to be protected from suffering, and that a law should be enacted to created a *legal* right which recognizes and protects that “interest”?

Second, what is Bentham asking by the question “What else is it that should trace the insuperable line?” An “insuperable line” is, by definition, a line that is impossible to surmount or overcome. I believe that Bentham’s question can be fairly read to ask, where is the “insuperable line” located that protects “a sensitive being” from the “fate” of being “abandoned without redress to the caprice of a tormentor”? That is, what is the

qualifying characteristic that determines the objects of our moral concern? Or, what is the test for marking out the boundary and scope of our moral duty? Once identified, the qualifying characteristic or test for the scope of our moral duty establishes and “trace[s] the insuperable line” which is impossible to surmount or overcome.

Third, Bentham’s statement that “the question is not, Can they *reason*? nor, Can they *talk*? but, Can they *suffer*?” constitutes Bentham’s answer to what is the qualifying characteristic or test that determines the proper objects of our moral concern. For Bentham, “the insuperable line” which marks out the boundary and scope of our moral duties is grounded on a universal descriptive feature of “animal creation” which includes all human beings, namely, the capacity to suffer.

In summary, I believe that the above passage shows that, on Bentham’s view, we have a moral obligation to prevent suffering by “sensitive beings,” and the scope of the moral obligation is marked out by an “insuperable line” which extends to protect each “sensitive being” on the grounds that they can “suffer.”

Accordingly, Bentham is expressing (I believe) the following value statements in the above passage:

- (1) suffering by any “sensitive being” is evil; here, we are reminded of Bentham’s declaration (of a possible ultimate first principle?) that “pain is in itself an evil; and, indeed, without exception, the only evil.” (*IPML*, chapter 10, par 10);
- (2) each “sensitive being” is entitled to moral (and, in some circumstances, legal) protection from suffering because “the question is not, Can they *reason*? nor, Can they *talk*? but, Can they *suffer*?” (*IPML*, chapter 17, par 4n); therefore
- (3) each “sensitive being” *ought* to be protected from suffering; and
- (4) we *ought* to prevent suffering by any “sensitive being” which includes all human beings – thus, we have a moral duty to not harm others (probity) and to help prevent suffering by others (beneficence).

This paper contends that these value statements constitute the foundation for Bentham’s analysis of the consequences of an agent’s actions in the passages quoted above where he derives the three duties. Moreover, these value statements provide the criteria for analyzing how the expected consequences of an action “may affect the happiness” or “interests” of another human being who is constituted by nature as “a sensitive being” with the capacity to suffer.

Thus, Bentham’s analysis of the expected consequences of an agent’s action is grounded on a commitment to certain values or principles, namely, that suffering by any “sensitive being” is evil and, therefore, an agent *ought* to act to (1) not cause suffering to oneself or others (prudence and probity), and (2) help prevent suffering by oneself or others (prudence and beneficence).

If the above interpretation of Bentham's texts in *IPML* is correct, what have we learned so far about Bentham's moral theory?

1. Bentham's moral theory embraces "three branches of duty" which he describes as "rules of moral duty" – prudence, probity, and beneficence – not just one duty to perform the act which will produce the best possible consequences (or promote the greatest happiness).
2. Bentham's three moral duties are grounded on certain key values: suffering by any "sensitive being" is evil; "pain is in itself an evil;" each "sensitive being" is entitled to moral protection from suffering because, by their nature, they can "suffer;" and thus, we have a moral obligation to prevent suffering by others.
3. Bentham's moral theory contains *non-egoistic* duties. On Bentham's view, an agent is explicitly required, in deciding what action to take, to consider the "interests" of others and to not cause suffering to others (probity) and to help prevent suffering by others (beneficence). For Bentham, our duties to others (probity and beneficence) are based on a higher order moral obligation to prevent suffering by other sensitive beings.
4. Bentham's moral theory treats the duties of probity and beneficence as distinct moral duties.

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BIBLIOGRAPHY

- Bentham, Jeremy. ***Introduction to the Principles of Morals and Legislation.***
(1789; 1823)
- Dinwiddy, John. ***Bentham: Selected Writings of John Dinwiddy.*** Edited by William
Twining. (2004)
- Feinberg, Joel. “In Defence of Moral Rights,” ***Oxford Journal of Legal Studies*** 12
(1992): 149 – 169
- Hume, David. ***Treatise of Human Nature*** (1739)
- Lyons, David. ***Forms and Limits of Utilitarianism*** (1965)
- _____. “Was Bentham a Utilitarian?” ***Reason and Reality*** (1972): 196 – 221
- _____. ***In The Interest of the Governed: A Study in Bentham’s Philosophy of
Utility and Law*** (1973)
- Rosen, Frederick. ***Classical Utilitarianism From Hume to Mill*** (2003)
- Ross, W. D. “What Makes Right Acts Right?” from ***The Right and the Good*** (1930)
- Singer, Peter. “Famine, Affluence, and Morality,” ***Philosophy and Public Affairs***
1 (1972): 229 – 243
- _____. “All Animals Are Equal,” ***Animal Rights and Human Obligations*** (1989)
- Urmson, J. O. “The Interpretation of the Moral Philosophy of J. S. Mill,” ***The
Philosophical Quarterly*** 3 (1953): 33 – 39