

10 Combining Freedom and Community: Can it be done? From Bentham to John Stuart Mill: A Utilitarian Defense of Liberty

I. Bentham Review

- A. Maximizing utility (total happiness)
- B. Natural Rights = “nonsense upon stilts.”
- C. a theory of utilitarian rights.
- D. What about Christians in the Coliseum? What would Bentham say?

II. Finding a common denominator to weigh our preferences

- A. aggregating preferences
- B. in order to aggregate preferences, it is necessary to measure them on a single scale.
- C. Usually the measure is money
- D. The Philip Morris Case
- E. the Ford Pinto Case
- F. Does everything have a price?
- G. Can preferences really be aggregated?
 - 1. Aggregate preferences for Big Cars v. govt. regulations
 - 2. Can all Pleasures be measured on a single scale?
Beethoven and Bearbaiting

III. Pauper Management: Bentham and The Utilitarian Calculus

- A. Bentham: 1748-1832, a contemporary of the industrial revolution...
- B. Penal reform—the Panopticon
 - Not punishment, but constant surveillance

B. Pauper Management—Poor Law Reform

Human nature is not fixed, but malleable

C. Happiness—the felicific calculus

IV. Bentham's intellectual world (1740-1840s):

A. Science begins to replace Religion.....

B. And the principle of “Freedom” begins to weaken the principle of “community.” (see handout)

V. Bentham's Real world was different than the intellectual world

A. Real World Causes and Consequences

1. Causes: Enclosure of the Commons, Mechanization of Agriculture, Beginning of industrial production, Rising price of food (Corn Laws) + Declining wages

2. Consequences: High Unemployment, Employment seasonal insecure; no labor unions and no guarantee of a living wage, People leave their communities and become the “wandering poor” , poor are outlaws and poverty is a crime.

3. Does the community owe them anything?

VI Bentham is afraid.....

A. Problem: Inequality leads to Chaos! Ruin! Riots! Moral Decline!

B. solution: reduce taxes, build workhouses

C. Principle: human nature isn't fixed and can change to serve the greater good

D. Bentham didn't understand the causes of poverty

E. He had a very specific plan

VII Rousseau's influence on Bentham

A. Like Rousseau Bentham was troubled by social inequality

- B. Like Rousseau Bentham thought human nature wasn't fixed....people could change, but how?
- C. Like Rousseau he devised a solution: not the "general will" but public policy to ensure the greatest good for the greatest number
- D. Both wanted government to step in.

VIII. John Stuart Mill (1806–1873).

- A. Liberty of the individual IS Happiness for all: The Liberty Principle
- B. The Harm Principle
- C. limitations on the Harm Principle: 'rights-based interests'
- D. Which Interests are Rights and Which are just plain old interests?
- E. Why Freedom of speech is a right