An Introduction from Peter Gay

For the student of the Enlightenment, Jeremy Bentham is doubly interesting. He represents, in his work, the purest expression of the Enlightenment’s rejection of natural law\(^1\) and of its advocacy of utilitarian principles\(^2\). In his long and polemic-ridden life—he was born in 1748 and died in 1832—he transmitted the ideas and, even more, the techniques of enlightened social science from the eighteenth to the nineteenth century.

Bentham was, and remains, controversial. His own appraisal was that his work meant a radical attack on all fictions, all sentimental gush, in social inquiry for the sake of clarity and humane action. But his critics have charged him with insensitivity to the finer nuances and the higher achievements of civilization, and of a program for social engineering so ruthless that Benthamite humaneness actually becomes a new, and harsher, form of slavery. His notorious design for prisons so built that a warden can see the prisoners’ activities from a central station (the panopticon, or “place of all seeing”) suggests that the critics have a point. On the other hand, it is unhistorical to judge Bentham’s work, and even his mentality, from the dreadful experiences of our own century, with its massive brutality, its brainwashing, its manipulation of the public. Bentham would have regarded totalitarianism\(^3\), no matter how “public-spirited,” as just another vicious fiction.

Educated at Oxford, Bentham practiced law for a time, and published his first book, the Fragment on Government, in 1776. Soon he devoted himself to discovering the psychological principles of human action, and to unmasking the fictions that kept mankind in thrall to superstition, legal obscurantism, and the rule of the few. Following the French philosophe and psychologist Helvëtins, and the Scottish philosopher Hume—Hume, it seems, is everywhere!—Bentham argued essentially for two closely related points, hedonism and Utilitarianism. Hedonism we may define as the psychological position, hinted at by Locke, adumbrated by Condillac, and pushed to its conclusion by Helvëtius, that holds man to be exclusively driven by pleasure and pain. Pleasure is what man wants to secure, pain is what man acts to avoid. On this simple foundation the whole complex of human action can be constructed, without recourse to impressive-sounding but untenable myths like selflessness or asceticism\(^4\). And Utilitarianism we may define as the social application of hedonism\(^5\): since the largest amount of pleasure for all must be the goal of society. This is generally known as the “greatest-happiness principle.”

Two obvious difficulties present themselves, and Bentham was not unaware of them: how do we measure pleasures, and how do we reconcile the pleasures of one with the pain of another? As to the first, Bentham worked out what he called the “felicific calculus”: we may rationally estimate a pleasure by seven criteria—its intensity, duration, certainty, propinquity, fecundity, purity, and extent\(^6\). This may sound mechanical and even absurd, but the felicific calculus is, in essence, an appeal to reason, or rather reasonableness: to enjoy a pleasure (for example, taking drugs) intensely may not be worthwhile, since its duration will be short and its known penalties great. On the second difficulty, Bentham suggested that other social theorists had recommended policies on fictive or speculative bases; the best social policy was one that distributed pleasures as widely as possible, and reduced pain as much as possible. While this does not seem too specific a guide to policy, it points the state in a humane direction: punishment, for instance, must be as small as is compatible with security. And it points, also, to the need for close empirical research into the consequences of policy. From this perspective, Bentham’s Utilitarianism was not merely humane, but intensely practical as well.\(^7\)

Bentham wrote incessantly, and many of his manuscripts still await publication. Among the books he published, The Principles of Morals and Legislation (1789), here excerpted, is the best known, and the best. It lays down the principles of Utilitarianism with all of Bentham’s clarity, and lack of elegance.

From Wikipedia.com

Jeremy Bentham was an English jurist, philosopher, and legal and social reformer. Furthermore, he was a political radical and a leading theorist in Anglo-American philosophy of law. He is best known as an early advocate of utilitarianism and animal welfare who influenced the development of liberalism. He also founded University College School.

Bentham was one of the most influential utilitarians, partially through his writings but particularly through his students all around the world, including James Mill, who was his secretary, his collaborator on the utilitarian school of philosophy (and James Mill’s son), John Stuart Mill, and several political leaders (and Robert Owen, who later became the founder of socialism).

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\(^1\) natural law: a body of unchanging moral principles regarded as a basis for all human conduct, which are determined by nature, and so is universal
\(^2\) utilitarian principles: a body of moral principles determined to maximize happiness and reduce suffering
\(^3\) totalitarianism: a system of government that is centralized and dictatorial and requires complete subservience to the state
\(^4\) asceticism: severe self-discipline and avoidance of all forms of indulgence
\(^5\) hedonism: the pursuit of pleasure; sensual self-indulgence
\(^6\) propinquity, fecundity, purity, and extent: proximity or closeness, capability of producing, quality, and degree
\(^7\) That it was a system dubious in its application became clear when Bentham’s disciples (and he had many) helped to push through a new Poor Law in England in 1834, with its harsh “incentives” to work.
He argued in favor of individual and economic freedom, including the separation of church and state, freedom of expression, equal rights for women, animal rights, the end of slavery, the abolition of physical punishment (including that of children), the right to divorce, free trade, and no restrictions on interest. He supported inheritance tax, restrictions on monopoly power, pensions, and health insurance.

**Utilitarianism**: Bentham is the first and perhaps the greatest of the “philosophical radicals” — not only did he propose many legal and social reforms, but he also devised moral principles on which they should be based. This philosophy, utilitarianism, argued that the right act or policy was that which would cause “the greatest happiness for the greatest number” — a phrase of which he is generally, though erroneously\(^1\), regarded as the author — though he later dropped the second qualification and embraced what he called “the greatest happiness principle,” — often referred to as the principle of utility. Bentham also suggested a procedure to mechanically estimate the moral status of any action, which he called the Hedonic or felicific calculus. Utilitarianism was revised and expanded by Bentham’s student, John Stuart Mill. In Mill’s hands, “Benthamism” became a major element in the liberal conception of state policy objectives.

It is often said that Bentham’s theory, unlike Mill’s, faces the problem of lacking a principle of fairness embodied in a conception of justice. Thus, some critics object, it would be moral, for example, to torture one person if this would produce an amount of happiness in other people outweighing the unhappiness of the tortured individual. However, as P. J. Kelly argued in his book *Utilitarianism and Distributive Justice: Jeremy Bentham and the Civil Law*, Bentham had a theory of justice that prevented such consequences. According to Kelly, for Bentham the law “provides the basic framework of social interaction by delimiting spheres of personal inviolability within which individuals can form and pursue their own conceptions of well-being.” (ibid, p. 81) They provide security, a precondition for the formation of expectations. As the hedonic calculus shows “expectation utilities” to be much higher than natural ones, it follows that Bentham does not favour the sacrifice of a few to the benefit of the many.

\(^1\) erroneously: mistakenly
An Introduction to the Principles of Morals and Legislation

Chapter 1 - Of the Principle of Utility

I. Nature has placed mankind under the governance of two sovereign masters, pain and pleasure. It is for them alone to point out what we ought to do, as well as to determine what we shall do. On the one hand the standard of right and wrong, on the other the chain of causes and effects, are fastened to their throne. They govern us in all we do, in all we say, in all we think: every effort we can make to throw off our subjection, will serve but to demonstrate and confirm it. In words a man may pretend to abjure their empire: but in reality he will remain subject to it all the while. The principle of utility recognizes this subjection, and assumes it for the foundation of that system, the object of which is to rear the fabric of felicity by the hands of reason and of law. Systems which attempt to question it, deal in sounds instead of sense, in caprice instead of reason, in darkness instead of light.

But enough of metaphor and declamation: it is not by such means that moral science is to be improved.

II. The principle of utility is the foundation of the present work: it will be proper therefore at the outset to give an explicit and determinate account of what is meant by it. By the principle of utility is meant that 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. I say of every action whatsoever, and therefore not only of every action of a private individual, but of every measure of government.

III. By utility is meant that property in any object, whereby it tends to produce benefit, advantage, pleasure, good, or happiness, (all this in the present case comes to the same thing) or (what comes again to the same thing) to prevent the happening of mischief, pain, evil, or unhappiness to the party whose interest is considered: if that party be the community in general, then the happiness of the community, if a particular individual, then the happiness of that individual.

IV. The interest of the community is one of the most general expressions that can occur in the phraseology of morals: no wonder that the meaning of it is often lost. When it has a meaning, it is this. The community is a fictitious body, composed of the individual persons who are considered as constituting as it were its members. The interest of the community then is, what is it?—the sum of the interests of the several members who compose it.

V. It is in vain to talk of the interest of the community, without understanding what is the interest of the individual. A thing is said to promote the interest, or to be for the interest, of an individual, when it tends to add to the sum total of his pleasures: or, what comes to the same thing, to diminish the sum total of his pains.

VI. An action then may be said to be conformable to then principle of utility, or, for shortness sake, to utility, (meaning with respect to the community at large) when the tendency it has to augment the happiness of the community is greater than any it has to diminish it.…

X. 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.

XI. Has the rectitude of this principle been ever formally contested? It should seem that it had, by those who have not known what they have been meaning. Is it susceptible of any direct proof? it should seem not: for that which is used to prove every thing else, cannot itself be proved: a chain of proofs must have their commencement somewhere. To give such proof is as impossible as it is needless.

XII. Not that there is or ever has been that human creature at breathing, however stupid or perverse, who has not on many, perhaps on most occasions of his life, deferred to it. 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 the ordering of their own actions, yet for the trying of their own actions, as well as of those of other men. There have been, at the same time, not many perhaps, even of the most intelligent, who have been disposed to embrace it purely and without reserve. There are even few who have not taken some occasion or other to quarrel with it, either on account of their not understanding always how to apply it, or on account of some prejudice or other which they were afraid to examine into, or could not bear to part with. For such is the stuff that man is made of: in principle and in practice, in a right track and in a wrong one, the rarest of all human qualities is consistency.

XIII. When a man attempts to combat the principle of utility, it is with reasons drawn, without his being aware of it, from that very principle itself. His arguments, if they prove anything, prove not that the principle is wrong, but that, according to the applications he supposes to be made of it, it is misapplied. Is it possible for a man to move the earth? Yes; but he must first find out another earth to stand upon.

XIV. To disprove the propriety of it by arguments is impossible; but, from the causes that have been mentioned, or from some confused or partial view of it, a man may happen to be disposed not to relish it. Where this is the case, if he thinks the settling of his opinions on such a subject worth the trouble, let him take the following steps, and at length, perhaps, he may come to reconcile himself to it.

1. Let him settle with himself, whether he would wish to discard this principle altogether; if so, let him
consider what it is that all his reasonings (in matters of politics especially) can amount to?

2. If he would, let him settle with himself, whether he would judge and act without any principle, or whether there is any other he would judge an act by?

3. If there be, let him examine and satisfy himself whether the principle he thinks he has found is really any separate intelligible principle; or whether it be not a mere principle in words, a kind of phrase, which at bottom expresses neither more nor less than the mere averment of his own unfounded sentiments; that is, what in another person he might be apt to call caprice?

4. If he is inclined to think that his own approbation or disapprobation, annexed to the idea of an act, without any regard to its consequences, is a sufficient foundation for him to judge and act upon, let him ask himself whether his sentiment is to be a standard of right and wrong, with respect to every other man, or whether every man’s sentiment has the same privilege of being a standard to itself?

5. In the first case, let him ask himself whether his principle is not despotic, and hostile to all the rest of human race?

6. In the second case, whether it is not anarchical, and whether at this rate there are not as many different standards of right and wrong as there are men? and whether even to the same man, the same thing, which is right to-day, may not (without the least change in its nature) be wrong to-morrow? and whether the same thing is not right and wrong in the same place at the same time? and in either case, whether all argument is not at an end? and whether, when two men have said, “I like this,” and “I don’t like it”, they can (upon such a principle) have anything more to say?

7. If he should have said to himself, No: for that the sentiment which he proposes as a standard must be grounded on reflection, let him say on what particulars the reflection is to turn? if on particulars having relation to the utility of the act, then let him say whether this is not deserting his own principle, and borrowing assistance from that very one in opposition to which he sets it up: or if not on those particulars, on what other particulars?

8. If he should be for compounding the matter, and adopting his own principle in part, and the principle of utility in part, let him say how far he will adopt it?

9. When he has settled with himself where he will stop, then let him ask himself how he justifies to himself the adopting it so far? and why he will not adopt it any farther?

10. Admitting any other principle than the principle of utility to be a right principle, a principle that it is right for a man to pursue; admitting (what is not true) that the word right can have a meaning without reference to utility, let him say whether there is any such thing as a motive that a man can have to pursue the dictates of it: if there is, let him say what that motive is, and how it is to be distinguished from those which enforce the dictates of utility: if not, then lastly let him say what it is this other principle can be good for?

Chapter III - Of the Four Sanctions or Sources of Pain and Pleasure

I. It has been shown that 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. But whether it be this or any thing else that is to be done, there is nothing by which a man can ultimately be made to do it, but either pain or pleasure. Having taken a general view of these two grand objects (viz. pleasure, and what comes to the same thing, immunity from pain) in the character of final causes; it will be necessary to take a view of pleasure and pain itself, in the character of efficient causes or means.

II. There are four distinguishable sources from which pleasure and pain are in use to flow: considered separately they may be termed the physical, the political, the moral and the religious: and inasmuch as the pleasures and pains belonging to each of them are capable of giving a binding force to any law or rule of conduct, they may all of them termed sanctions.

III. If it be in the present life, and from the ordinary course of nature, not purposely modified by the interposition of these will of any human being, nor by any extraordinary interposition of any superior invisible being, that the pleasure or the pain takes place or is expected, it

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1 despotic: of or typical of a ruler who holds absolute power, typically one who exercises it in a cruel or oppressive way; tyrannical
2 anarchical: with no controlling rules or principles to give order

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3 Sanctions: Sanction, in Latin was used to signify the act of binding, and, by a common grammatical transition, anything which serves to bind a man: to wit, to the observance of such or such a mode of conduct. According to a Latin grammarian, the import of the word is derived by rather a far-fetched process (such as those commonly are, and in a great measure indeed must be, by which intellectual ideas are derived from sensible ones) from the word sauguis, blood: because, among the Romans, with a view to inculcate into the people a persuasion that such or such a mode of conduct would be rendered obligatory upon a man by the force of what I call the religious sanction (that is, that he would be made to suffer by the extraordinary interposition of some superior being, if he failed to observe the mode of conduct in question) certain ceremonies were contrived by the priests: in the course of which ceremonies the blood of victims was made use of. Sanction then is a source of obligatory powers or motives that is, of pains and pleasures which, according as they are connected with such or such modes of conduct, operate, and are indeed the only things which can operate, as motives.
may be said to issue from or to belong to the physical sanction.

IV. If at the hands of a particular person or set of persons in the community, who under names correspondent to that of judge, are chosen for the particular purpose of dispensing it, according to the will of the sovereign or supreme ruling power in the state, it may be said to issue from the political sanction.

V. If at the hands of such chance persons in the community, as the party in question may happen in the course of his life to have concerns with, according to each man’s spontaneous disposition, and not according to any settled or concerted rule, it may be said to issue from the moral or popular sanction.

VI. If from the immediate hand of a superior invisible being, either in the present life, or in a future, it may be said to issue from the religious sanction....

VIII. Those which can be experienced in the present life, can of course be no others than such as human nature in the course of the present life is susceptible of: and from each of these sources may flow all the pleasures or pains of which, in the course of the present life, human nature is susceptible. With regard to these then (with which alone we have in this place any concern) those of which belong to any one of those sanctions, differ not ultimately in kind from those which belong to any one of the other three: the only difference there is among them lies in the circumstances that accompany their production. A suffering which befalls a man in the natural and spontaneous course of things, shall be styled, for instance, a calamity; in which case, if it be supposed to befall him through any imprudence of his, it may be styled a punishment issuing from the physical sanction. Now this same suffering, if inflicted by the law, will be what is commonly called a punishment; if incurred for want of any friendly assistance, which the misconduct, or supposed misconduct, of the sufferer has occasioned to be withheld, a punishment issuing from the moral sanction; if through the immediate interposition of a particular providence, a punishment issuing from the religious sanction.

IX. A man’s goods, or his person, are consumed by fire. If this happened to him by what is called an accident, it was a calamity: if by reason of his own imprudence (for instance, from his neglecting to put his candle out) it may be styled a punishment of the physical sanction: if it happened to him by the sentence of the political magistrate, a punishment belonging to the political sanction; that is, what is commonly called a punishment: if for want of any assistance which his neighbour withheld from him out of some dislike to his moral character, a punishment of the moral sanction: if by an immediate act of God’s displeasure, manifested on account of some sin committed by him, or through any distraction of mind, occasioned by the dread of such displeasure, a punishment of the religious sanction.

X. As to such of the pleasures and pains belonging to the religious sanction, as regard a future life, of what kind these may be we cannot know. These lie not open to our observation. During the present life they are matter only of expectation: and, whether that expectation be derived from natural or revealed religion, the particular kind of pleasure or pain, if it be different from all those which he open to our observation, is what we can have no idea of. The best ideas we can obtain of such pains and pleasures are altogether unliquidated in point of quality. In what other respects our ideas of them may be liquidated will be considered in another place.¹

XI. Of these four sanctions the physical is altogether, we may observe, the ground-work of the political and the moral: so is it also of the religious, in as far as the latter bears relation to the present life. It is included in each of those other three. This may operate in any case, (that is, any of the pains or pleasures belonging to it may operate) independently of them: none of them can operate but by means of this. In a word, the powers of nature may operate of themselves; but neither the magistrate, nor men at large, can operate, nor is God in the case in question supposed to operate, but through the powers of nature....

Chapter VII - Of Human Actions in General

I. The business of government is to promote the happiness of the society, by punishing and rewarding. That part of its business which consists in punishing, is more particularly the subject of penal law. In proportion as an act tends to disturb that happiness, in proportion as the tendency of it is pernicious, will be the demand it creates for punishment. What happiness consists of we have already seen: enjoyment of pleasures, security from pains.

II. The general tendency of an act is more or less pernicious, according to the sum total of its consequences: that is, according to the difference between the sum of such as are good, and the sum of such as are evil.

III. It is to be observed, that here, as well as henceforward, wherever consequences are spoken of, such only are meant as are material. Of the consequences of any act, the multitude and variety must needs be infinite: but such of them only as are material are worth regarding. Now among the consequences of an act, be they what they may, such only, by one who views them in the capacity of a

¹ The immediate principal end of punishment is to control action. This action is either that of the offender, or of others: that of the offender it controls by its influence, either on his will, in which case it is said to operate in the way of reformation; or on his physical power, in which case it is said to operate by disablement: that of others it can influence only by its influence over their wills, in which case it is said to operate in the way of example. A kind of collateral end, which it has a natural tendency to answer, is that of affording a pleasure or satisfaction to the party injured, where there is one, and, in general, to parties whose ill-will whether on a self-regarding account, or on the account of sympathy or antipathy, has been excited by the offense. This purpose, as far as it can be answered gratis, is a beneficial one. But no punishment ought to be allotted merely to this purpose, because (setting aside its effects in the way of control) no such pleasure is ever produced by punishment as can be equivalent to the pain. The punishment, however, which is allotted to the other purpose, ought, as far as it can be done without expense, to be accommodated to this. Satisfaction thus administered to a party injured, in the shape of a dissocial pleasure, may be styled a vindictive satisfaction or compensation: as a compensation, administered in the shape of self-regarding profit, or stock of pleasure, may be styled a lucrative one. Example is the most important end of all, in proportion as the number of the persons under temptation to offend is to one.
legislator, can be said to be material (or of importance) as either consist of pain or pleasure, or have an influence in the production of pain or pleasure.

IV. It is also to be observed, that into the account of the consequences of the act, are to be taken not such only as might have ensued, were intention out of the question, but such also as depend upon the connexion there may be between these first-mentioned consequences and the intention. The connexion there is between the intention and certain consequences is, as we shall see hereafter, a means of producing other consequences. In this lies the difference between rational agency and irrational.

V. Now the intention, with regard to the consequences of an act, will depend upon two things: 1. The state of the will or intention, with respect to the act itself. And, 2. The state of the understanding, or perceptive faculties, with regard to the circumstances which it is, or may appear to be, accompanied with. Now with respect to these circumstances, the perceptive faculty is susceptible of three states: consciousness, unconsciousness, and false consciousness. Consciousness, when the party believes precisely those circumstances, and no others, to subsist, which really do subsist: unconsciousness, when he fails of perceiving certain circumstances to subsist, which, however, do subsist: false consciousness, when he believes or imagines certain circumstances to subsist, which in truth do not subsist.

VI. In every transaction, therefore, which is examined with a view to punishment, there are four articles to be considered: 1. The act itself, which is done. 2. The circumstances in which it is done. 3. The intentionality that may have accompanied it. 4. The consciousness, unconsciousness, or false consciousness, that may have accompanied it.…. 

VII. There are also two other articles on which the general tendency of an act depends: and on that, as well as on other accounts, the demand which it creates for punishment. These are, 1. The particular motive or motives which gave birth to it. 2. The general disposition which it indicates. These articles will be the subject of two other chapters.…. 

Chapter XIV - Of the Proportion between Punishments and Offences

I. We have seen that the general object of all laws is to prevent mischief; that is to say, when it is worth while; but that, where there are no other means of doing this than punishment, there are four cases in which it is not worth while.

II. When it is worth while, there are four subordinate designs or objects, which, in the course of his endeavours to compass, as far as may be, that one general object, a legislator, whose views are governed by the principle of utility, comes naturally to propose to himself.

III. 1. His first, most extensive, and most eligible object, is to prevent, in as far as it is possible, and worth while, all sorts of offenses whatsoever: in other words, so to manage, that no offense whatsoever may be committed. 

IV. 2. But if a man must needs commit an offense of some kind or other, the next object is to induce him to commit an offense less mischievous, rather than one more mischievous: in other words, to choose always the least mischievous, of two offenses that will either of them suit his purpose.

V. 3. When a man has resolved upon a particular offense, the next object is to dispose him to do no more mischief than is necessary to his purpose: in other words, to do as little mischief as is consistent with the benefit he has in view.

VI. 4. The last object is, whatever the mischief be, which it is proposed to prevent, to prevent it at as cheap a rate as possible.…. 

XXV. Rule 13. It is to be observed, that the more various and minute any set of provisions are, the greater the chance is that any given article in them will not be borne in mind: without which, no benefit can ensue from it. Distinctions, which are more complex than what the conceptions of those whose conduct it is designed to influence can take in, will even be worse than useless. The whole system will present a confused appearance: and thus the effect, not only of the proportions established by the articles in question, but of whatever is connected with them, will be destroyed. To draw a precise line of direction in such case seems impossible. However, by way of memento, it may be of some use to subjoin the following rule.

Among provisions designed to perfect the proportion between punishments and offences, if any occur, which, by their own particular good effects, would not make up for the harm they would do by adding to the intricacy of the Code, they should be omitted.…. 

XXVII. It may be of use, in this place, to recapitulate the several circumstances, which, in establishing the proportion betwixt punishments and offenses, are to be attended to. These seem to be as follows:

I. On the part of the offence:
1. The profit of the offense;
2. The mischief of the offense;
3. The profit and mischief of other greater or lesser offences, of different sorts, which the offender may have to choose out of;
4. The profit and mischief of other offenses, of the same sort, which the same offender may probably have been guilty of already.

II. On the part of the punishment:
5. The magnitude of the punishment: composed of its intensity and duration;
6. The deficiency of the punishment in point of certainty;
7. The deficiency of the punishment in point of proximity;
8. The quality of the punishment;
9. The accidental advantage in point of quality of a punishment, not strictly needed in point of quantity;
10. The use of a punishment of a particular quality, in the character of a moral lesson.

III. On the part of the offender:
11. The responsibility of the class of persons in a way to offend;
12. The sensibility of each particular offender
13. The particular merits or useful qualities of any particular offender, in case of a punishment which might deprive the community of the benefit of them;
14. The multitude of offenders on any particular occasion.

IV. On the part of the public, at any particular conjuncture:
15. The inclinations of the people, for or against any quantity or mode of punishment;
16. The inclinations of foreign powers.

V. On the part of the law: that is, of the public for a continuance:
17. The necessity of making small sacrifices, in point of proportionality, for the sake of simplicity.

XXVIII. There are some, perhaps, who, at first sight, may look upon the nicety employed in the adjustment of such rules, as so much labour lost: for gross ignorance, they will say, never troubles itself about laws, and passion does not calculate. But, the evil of ignorance admits of cure: and as to the proposition that passion does not calculate, this, like most of these very general and oracular propositions, is not true. When matters of such importance as pain and pleasure are at stake, and these in the highest degree (the only matters, in short, that can be of importance) who is there that does not calculate? Men calculate, some with less exactness, indeed, some with more: but all men calculate. I would not say, that even a madman\(^1\) does not calculate. Passion calculates, more or less, in every man: in different men, according to the warmth or coolness of their dispositions: according to the firmness or irritability of their minds: according to the nature of the motives by which they are acted upon. Happily, of all passions, that is the most given to calculation, from the excesses of which, by reason of its strength, constancy, and universality, society has most to apprehend: I mean that which corresponds to the motive of pecuniary interest: so that these niceties, if such they are to be called, have the best chance of being efficacious, where efficacy is of the most importance.

\(^1\) There are few madmen but what are observed to be afraid of the strait waistcoat.