Jeremy Bentham: Businessman or "Philanthropist"?

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Professor Gertrude Himmelfarb, in her stimulating essay, "The Haunted House of Jeremy Bentham,"[1] examines Bentham's projected prison, the Panopticon, in order to reassess prevalent views of Philosophical Radicalism and its founder. She rightly directs attention to the central importance of the Panopticon in Bentham's doctrine, but her interpretation of its significance is, I believe, wide of the mark.

The major object of Ms. Himmelfarb's essay is to note and explain the extraordinary personal involvement—the obsession—of Bentham with this his most cherished project. Bentham not only waged a battle with Parliament stretching across decades to win acceptance of his plan; but, more importantly, he intended that he himself become the first warden of his novel prison. In later years, he still could not reconcile himself to defeat. Ms. Himmelfarb sees in the warden Bentham's *alto ego.* Bentham's scheme places the warden, the contract manager, at the literal center of the Panopticon. Invisible and apparently omniscient, all power is vested in him without any formal regulatory authority reserved to the government. The contract manager is absolute within his realm. Ms. Himmelfarb concludes that such a striking departure from conventional penal principles indicates a plan tailored to suit the personal needs and wishes of its author. There is "a poetic rightness' to Bentham's attempt personally to play the part he had written for himself. Even if this touch were lacking, "one would be tempted to assume" psychological identification.[2] However, Ms. Himmelfarb is able to give only one specific meaning to this identification she so rightly intuits: the Panopticon is a design for the unmitigated economic exploitation of an unfortunate few for the pecuniary advantage of society in general and the warden, Jeremy Bentham, in particular.

[1]Gertrude Himmelfarb, "The Haunted House of Jeremy Bentham," *Victorian Minds* (New York, 1968), pp. 32-81.

[2]Ibid., p. 58.

But is the Panopticon a rather ruthless get-rich-quick scheme? And even granting the point, is it *merely* this?

Ms. Himmelfarb regards the Panopticon as at bottom an institution of economic exploitation, sacrificing the few to the many. She opens with a consideration of Bentham's original 1786 conception of his prison. The warden, or keeper, located at the center of a circular structure, commands views in all directions, thus enabling him constantly to observe the prisoners, these being housed one to a cell on the periphery. Certain contrivances render the keeper invisible to the kept, thus making it impossible for the prisoners to know when he is watching. 'Real presence' is combined with 'apparent omnipresence.' The keeper contracts with the government to manage the prison for life, and he is absolute in his domain. The keeper is rewarded for his troubles out of profits from the prisoners' labor, which he shares with the government. Bentham's prison will more than pay for itself. Sound business practice will guide the keeper in his administration and prevent (presumably unprofitable) abuses.

Five years later, in 1791, Bentham finally published his 1786 letters. When he did so, they were accompanied by a Postscript modifying certain aspects of the original plan. Ms. Himmelfarb suggests that the Postscript differs significantly from the letters.[3] It is the intrusion of "the overwhelming consideration of economy" which constitutes the difference.[4] More or less ignoring Bentham's explicit concern in the original letters with showing a profit, she treats the later changes and elaborations (the effect of which is to reduce costs and/or to increase income) as evidence that all of the Panopticon's virtues are economic. She does not view economy in the context suggested by the letters, that is, as an attractive element in a design of many excellences. She notes that Bentham became aware of the immense cost of confining each prisoner in solitude only after the first writing,[5] and that his great modification in the Postscript was allowing up to six men to a cell. Ms. Himmelfarb does not argue that the modification was dictated by economic necessity, and reflected Bentham's concern that a proposal which he at first thought eminently sound might, far from showing a profit, actually be so economically infirm as to make its adoption unlikely. Rather, she contends that economy (profit) is the sole purpose.

[3]Ibid., p. 45.
[4]Ibid., p. 49.
[5]Ibid., pp. 46-47.

Economy is not the *sine qua non;* it is the essence. Economy is not a decisive advantage of Panopticon over New South Wales or conventional prisons in the eyes of a parsimonious parliament; it is the goal. Economy is not a necessary condition for the autonomous power of the keeper (how be autonomous if financially dependent?); it is the very purpose in which that autonomy will be exercised. Bentham, Ms. Himmelfarb insists, proposed to manage his Panopticon because he intended to enrich himself with the labor of the incarcerated;[6] the money he spent on the Panopticon was really a business investment;[7] in striving to become the contract manager, he displayed motivation identical to that theoretically envisioned for the contract manager—ruthless economic self-interest. She finds Panopticon nicely summed up in the story of the Utilitarian dinner guest who, when asked whether twenty-nine individuals had a right to indulge their greatest happiness to the extent of devouring a thirtieth, replied without hesitation, 'Yes.' Ms. Himmelfarb contends that "prisoners and paupers [Bentham's panopticon poor houses] were in the unhappy position of this thirtieth citizen."[8]

If one grants that Bentham's *alto ego* was the Panopticon's warden but is unsatisfied that exploitation is the essence of the Panopticon, then one must search for a new essence. This essence is *power.* The Panopticon displays, according to Bentham, "a new mode of obtaining power of mind over mind, in a quantity hitherto without example."[9] The centrally located inspector, invisible and omniscient, provides the means by which one will may shape another. Solitary and exposed, the individual submits to his transcendent master. Given total control over environment, the inspector applies the manipulative associationist psychology Benthan lays out in his *Table of the Springs of Action.*[10] The panopticon principle gives full play to Bentham's technology of mind. Furthermore, it is suitable to the operation of almost *any* institution. Mad houses, work houses, prisons, factories, poor houses, hospitals, and schools—the perfect form for all. The inspection principle has "its great excellence...in the great strength it is capable of giving to

[6]See, for instance, Ms. Himmelfarb's analysis of Bentham's woodcutting scheme, ibid., pp. 64-65.

[7]This makes it rather difficult to explain why Bentham busied himself with so many projects which could not possibly contribute to his purse, e.g. codification; or why he did not invest his money in less spectacular but more certain ventures.

[8]Ibid., p. 76.

[9]Jeremy Bentham, *Works,* ed. John Bowring, 11 vols. (Edinburgh, 1843), IV, 39/1.

[10]Bentham, *Works,* I: 195-219.

any institution." As such it is "a great and new invented instrument of government."[11] In its purest form, the Panopticon is a school; the power it gives is pedagogical. Bentham dwells in his letters on a panopticon school in which the pupils' minds "will be of the master's mind; with no difference than what there is between *command* on the one side and *subjection* on the other." "Two and two might here be less than four."[12] The inspection principle does not merely exploit—it *shapes.* Human beings are its clay. It may be used for exploitative ends, for power may be put to many purposes. But Bentham explicitly recommends the panopticon principle for tasks which cannot be theoretically connected with exploitation. It is ideal for hospitals, for example.[13] It makes possible the perfect school. Bentham's Panopticon is in conception far beyond exploitation. "The power of mind over mind," as an "instrument of government," is exercised not just over the thirtieth man, but over society as a whole.

One can see the inspection principle operating in ideal form in Bentham's panopticon poor house scheme. The scale dwarfs his prison, which was never expected to contain more than 3000 inmates at a time, in a single structure.[14] There will be 250 panopticon poor houses, enclosing 500,000 poor, in a network under the central administration of a joint stock company privately contracting with the government along the lines of the contract manager. Whereas the prison passively waited for inmates to be supplied it by the court system, the poor house complex—empowered not merely to institutionalize all those presently on the poor rolls, but also to apprehend "all persons...having neither visible nor assignable property, nor honest and sufficient means of livelihood"—actively stretches out to the needy.[15] 'Depradators'

[11]Bentham, *Works,* IV: 66/1.

[12]Ibid., 64/1, 65/1. Bentham describes his Letter on Schools as "a sort of *jeu d'esprit,* which would hardly have presented itself in so light a form, at any other period than at the moment of conception, and under the flow of spirits which the charms of novelty are apt to inspite" (40/1).

[13]The Panopticon itself is a place of custody, labor, and *disease,* "a place where sickness will be found," hence "an *hospital*" (*Works,* IV: 46/2). Much of what Ms. Himmelfarb considered exploitation, Bentham would consider therapy. An interesting example of Benthamite penal therapy can be found in Bentham's *Principles of Penal Law, Works,* I: 425-426.

[14]Bentham, *Works,* IV: 48/1.

[15]Ms. Himmelfarb notes the poor house scheme and its magnitude on pp. 74-75, and treats it as merely Panopticon writ large. She also has written a long article on the poor houses alone ("Bentham's Utopia: the National Charity Company," *Journal of British Studies* (November, 1970): 80-125). This summarizes at length the details

(i.e. thieves, pickpockets, robbers, smugglers, etc., etc., etc.) will be impressed. Since if by normal legal means one could establish that so and so was a depradator, so and so would already have been convicted and imprisoned, one must relax the standards somewhat for impressment. Proof of guilt consists in showing that the individual in question lives "without...assignable and honest income." This is considered accomplished if, upon interrogation, the accused can not himself establish the opposite. Bentham's poor laws would contain neither a Fifth Amendment nor a presumption of innocence—in this case, solvency. Provisions of release from the poor houses are similar to those in the Panopticon. Release is made very difficult.[16]

The panopticon poor houses will also turn a profit, but Bentham dwells on this very little. Instead, his concern seems to be with the exciting possibility of remaking society in a new image. The poor houses are the vehicle to the "new scene of things" anticipated in *Panopticon.*[17] Nineteen-twentieths of the people are poor, Bentham estimates. One of these twentieths, i.e. the population of the poor houses, is not self-maintaining. By means of these houses, the twentieth twentieth will reform the mass "by the direct and constant exercise of plastic power." Over those in the poor houses "the plan in question would exercise a direct and commanding authority." "And," Bentham enigmatically adds, "over the remainder a very considerable,—and finally, perhaps, an all-prevailing—though less certain, and immediate, influence." This last is not explained.[18] But

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of the pauper project and, without much analytic elaboration, reiterates the same view. "In principle and in intention...although not in practice, Bentham was as personally involved in the pauper plan as in the prison plan." The National Charity Company "would be a profitable enterprise," and thus a continuation of Bentham's real business—profit-making through explitative social engineering ("Bentham's Utopia," pp. 123-124). Even though noting how the poor houses move beyond the requirements of economic efficiency in shaping the paupers (p. 113), Ms. Himmelfarb still seems to find exploitation and profit the essence of the system.

[16]Ms. Himmelfarb explains this as an attempt to extend exploitation beyond the nominal period of one's sentence (pp. 56-57). The subsidiary establishment in which such exploitation would take place "looms large over the prison itself," because it would quickly assume much greater size. Ms. Himmelfarb also cites an unidentified M.P. who envisioned the subsidiary institution as enclosing individuals " 'of blasted character who, though acquitted for want of legal proof, were thought to be guilty' " (p. 67). This comes very close to the mandate of the poor houses, and provides an additional reason for viewing the Panopticon in the perspective suggested for the poor houses.

[17]Bentham, *Works,* IV: 66/2.

[18]Bentham, *Works,* VIII: p. 395/1. One might contend that Bentham is referring to the various 'out-patient' services of the poor houses (e.g. 'frugality banks,' 'superannuation banks,' 'widow annuity banks.' See *Works,* VIII: 374). I think the explanation following in text is more what he had in mind. Certainly it is the more far-reaching interpretation.

from Bentham's conception of education (the total experience of the individual throughout his first twenty-one years[19]: the poor house is a school), one suspects that the poor houses will produce a new model citizenry, and thus lay claim to be the nucleii of a new model society. In them families will raise children under the tutelage of the guardian-masters. Bentham concludes his tract with a long catalogue of the advantages of life in the poor houses,[20] advantages not just over the lot of the self-maintaining poor, but over that of the twentieth twentieth as well.[21] Perhaps the products of the poor houses will remake society by reentering it. Perhaps the gradual absorbtion of society by the poor houses and their regimented well-being will constitute the 'finally all-prevailing influence' of Bentham's plan. Frugal, industrious, *obedient* (for no transgression goes unpunished in a panopticon), with wants reduced to means, those in the poor house will have their happiness secured. Certainly the masters secure their own interest at the same time.[22] But they secure the *greatest* 'hapiness' as well. In its most favorable light, the Panopticon is Huxley's brave new world.[23] In its least favorable, it is Orwell's, government by calculating and unprincipled thought control.[24] In any light, its significance is *not* merely economic.

If this be acceptable as a revised view of the panopticon principle, can one discern a revised psychological identification of Bentham with the keeper? On the most obvious level, Panopticon is Bentham's attempt to compel the respect of the world by a concrete demonstration of his genius. Bentham's father continually pushed his prodigy son out into the eyes of the world, convinced that his own drive plus Jeremy's talent would produce success. Bentham emerges from adolescence longing at once for notoriety and obscurity. At the age of twenty (years after abandoning law as a career), Bentham finally accepts his father's belief in his genius: "And have I indeed a genius for legislation?....Yes!"[25] The retiring

[19]Ibid., 395/2.

[20]Ibid., 430-439.

[21]Ibid., 435 footnote.

[22]Ibid., 395/2.

[23]Bentham even touches on the possibilities of sex at an early age in a controlled environment (ibid., 425/2).

[24]Bentham notes that his Panopticon will have no need of the customary dungeon, used in conventional prisons to confine the obstreperous in solitude and darkness. In the Panopticon, "man is in his dungeon already" (IV: 54/1). This is true even with six men in a cell. Bentham's prisoners are isolated even when together (see, e.g., IV: 164). The essence of *1984* is the destruction of human solidarity. In *1984* there are no cells. But "stone walls do not a prison make, / Nor iron bars a cage."

[25]Bentham, *Works*, X: 27/2.

legislator reforms the world from a distance, pouring out books and letters which enlighten mankind without involving one in "the shock of men."[26] However, is mere pedantry really a salve for the schoolboys' taunts? Can the pedagogue consider himself the equal of 'men of the world'?

> I have done nothing, but I could do something—I am of some value—there are materials in me, if anybody would but find it out. As it is, I am ashamed of an unrecognized existence. I feel like a cat or a dog that is used to be beaten by everyone it meets.[27]

What one wishes is to pass from thought to action, action which would *really* command respect. This desire Bentham admitted to no one, yet never forgot. In 1790 he writes a "remarkable letter" (Bowring) to Lord Lansdowne petulantly demanding, entreating, and arguing for a place in Parliament.

> Lucrative things I have never begged of you...because it has never happened to me to covet anything of that sort; nor do I know of anything of that sort I should think it worth while to purchase at that price. The only thing I ever did covet was the opportunity of trying whether I could be of any use to the country and to mankind in the track of legislation....[28]

But Parliament was a passing fancy compared to the Panopticon. While Bentham recognized his own unsuitability for parliamentary office, he was convinced that he was ideally constituted to be the keeper of the Panopticon. In seeking acceptance for his project, he again sought not "lucrative things" but the opportunity of making his mark in the world, and on it. Just as Bentham's scholarship sought to combine influence over the world with removal therefrom, so the Panopticon's keeper, omnipotent and invisible, combined power with obscurity.

One can be more specific about the good Bentham sought. Ms Himmelfarb juxtaposed as contradictory Bentham's protestations of benevolent motivation in seeking to run the Panopticon and his portrait of the self-interested contract manager.[29] Bentham himself consistently maintained that "disinterested, no human act has ever been, or ever can be," and described himself as a man in whom "selfishness has taken the shape of benevolence."[30] In *Deon-*

[26] Bentham, *Works*, XI: 78/2; Bowring's description.
[27] Bentham, *Works*, X: 26/1.
[28] Ibid., 233/1-2.
[29] Himmelbarb, p. 70.
[30] Bentham, *Works*, I: 212/1; XI: 95.

tology,[31] Bentham shows how self-interest becomes benevolence. *Deontology,* argues that the desire for approbation, the good opinion of one's fellows, is the driving force behind benevolence. "The link between prudence and benevolence" is that "responsive kindly sentiment" which beneficence awakens in its beneficiary. By means of this link, the benevolent action produces good *for its doer.* One does good to receive good, by means of "responsive kindly *sentiment*": the love of the other. Two views of this "responsive kindly sentiment" are possible. In one view, it is instrumental to good; in the other it is good itself. Both views emerge from the same analysis of the relation of man to man. In this analysis, the first reality impressed on a child is the link between motherly affection, and all that is good. Absolutely dependent, the child strives to please, that it may receive the maternal bounty. In this condition of abject helplessness is forged a mental connection *via* the association of ideas between the praise of the other and benefit to the self. Not praise but benefit is actually sought, but so indissoluable is the bond that "benevolence is almost a necessary conditon of existence." However, depending on whether one emphasizes benefit or praise, one has a very different view of benevolence. Bentham certainly stresses benefit. "Mutual dependence is the great security for the active energy of the benevolent feeling." However, the desire for affection *in itself* may also be stressed. Benevolence is now a necessary foundation of social existence not because one needs the goods and services of the other, but because one needs the *love* of the other. One seeks approbation as the warmth of one's mother's body. One shuns enmity as the chilling loneliness of isolation. Can one separate maternal warmth from affection? Mutual dependence is certainly one security for "the union between the interest of the individual and that of mankind." But "in the universal desire to obtain the good opinion of others there is also security for this...union."[32]

There is a second "excitement to virtue" besides approbation. Power, as "the sole instrument of morality," necessarily ac-

[31] *Deontology: or the Science of Morality,* a collation of Benthamite fragments published by Bowring in 1834. It is significant that only here does one find an argument explicitly linking self-interest with benevolence. Elsewhere there are assertions of such a link (e.g. *Works,* I: 56/2), but nothing more.

[32] Jeremy Bentham, *Deontology: or the Science of Morality,* John Bowring, ed., 2 vols. (London, 1834), II: 36-42. See also II: 181. For the discerning of approbation as the efficient force of benevolence in Bentham's life and work, I am indebted to Professor Paul Lucas, Clark University. To him is attributable whatever virtue is to be found in the idea. I, of course, am solely responsible for misapplications.

companies acts of beneficence. If one gains nothing else by one's benevolence, still one's reward "will be...to experience the pleasure of power."[33] But he who has power to do good, and hence, by withholding it, to do evil, is *superior,* and the superior should be admired. Thus, benevolent exercise of power has (or should have) approbation as its concomitant pleasure.[34] This is its advantage over maleficence.[35] The superior enjoys the union of power and approbation: Bentham's *summun bonum.*[36] The ultimate form of superiority is "wisdom and knowledge," "power intellectual."[37]Bentham himself stands first on the scale of superiority by these standards.

Approbation, power, and approbation through power, are thus the attractions the Panopticon had for Bentham. As the man who solved the penal problem in England and the world, he would receive much esteem. As absolute a parent as ever was, with prisoners dependent like children, Bentham would have adequte scope for the exercise of power. As an invisible ruler, he would present no object for the enmity of his prisoners. They would submit to the inscrutable, and perhaps even learn to love it. The concept of *in loco parentis* assumes new meaning in the Panopticon. Bentham would be a parent whose children never grew up. Ms. Himmelfarb is correct in seeing the release provisions of the Panopticon as designed to prevent release. However, this was not to secure "lucrative things" for the warden, Mr. Bentham, but rather approbation and power. In his poor house proposal, one sees where this ultimately leads—to a society populated by a few guardian-masters and a multitude of meek, obedient, frugal, industrious workers. These will be genuinely happy, but it will be the happiness of *Brave New World,* of desires reduced to equal possessions—the happiness of contentment. No doubt the mass would be grateful to its benefactor. Such gratitude, by encouraging benevolence, is only rational,[38]and no doubt will be inculcated. There will be no hating, no severity. Certainty of punishment will in time eliminate crime,

[33]Ibid., II: 51, 287.
[34]Ibid., II: 175-177, 294-295.
[35]Ibid., II: 160.
[36]Halévy prints a Bentham fragment identifying "power and reputation" as two 'fictitious posessions' engendering pleasure in their possessor. See Elie Halévy, *La Formation du Radicalisme Philosophique,* 3 vols., (Paris, 1901-04), III: 406.
[37]Ibid., II: 275; see also II: 183, I: 406.
[38]Ibid., II: 295.

hence punishment as well. Bentham sought to tame a world whose passions he found uncongenial. He sought the approbation of a world which mocked him. He sought power over a world which abused him. "J.B. the most philanthropic of the philanthropic: philanthropy the end and instrument of his ambition. Limits it has no other than those of the earth."[39]

[39]Bentham, *Works*, XI: 72/2.