

Mill, Bentham, and the Art and Science of Government¹

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Comparisons of Bentham and J.S. Mill tend to privilege Mill. If we compare these two not as normative philosophers but as theorists of the art and science of government, however, a different perspective emerges. This essay compares the definitions of art and science provided in Mill's and Bentham's treatments of logic, and considers the consequences for the art of government of Mill's embrace of the project of a social science. One important consequence is the emergence of a technopolitical understanding of government that sees this art as a practice that either tries to shape or conform to a natural characterological substrate, and that ideally mediates between these polar alternatives. Through this new framework Mill and many post-Millians misread Bentham as a clumsily deductive artificer. The essay concludes its exploration of this misreading with a preliminary examination of the problems--ontological, epistemological, ethical, and political--that a focus on character produces.

1. Introduction: Reading J.S. Mill and Bentham

Comparisons between John Stuart Mill and Jeremy Bentham usually emphasize the greater sophistication of the former, celebrating Mill's liberalism and pluralism at the expense of Bentham.² There is much to be said for this position, but it derives from a particular way of reading Bentham, Mill, and, by extension, classical utilitarianism. This way of reading is already apparent from the phrase "classical utilitarianism," which can only be classical, of course, by means of a kind of prolepsis: Bentham and Mill are among the models, early and high, that anticipate and inform what we take to be utilitarianism today. We take utilitarianism today to be a moral philosophy and normative political philosophy; this utilitarianism develops and articulates a standard of the good life, a standard of right conduct and of the best regime. Viewed through this lens—a perfectly sensible one—Mill develops more defensible doctrine than Bentham does, according to most defenders and perhaps all critics of utilitarianism alike.

Mill himself gives us plenty of reasons to read him and Bentham this way. His most famous texts, *Utilitarianism* and *On Liberty*, are texts that can readily be characterized as works of moral and political philosophy, and his essays on Bentham—combining as they do praise for his powerful creedal achievements with disapproval of many of his assumptions and methods—do the first draft of a favorable comparison for us.³ In his essays on Bentham, however, much of Mill's concern is with issues that preoccupy Mill more than Bentham; Bentham's lack of concern—with character and beauty, with the inherent qualities of actions and pleasures, perhaps in the final analysis with morality itself—is in fact the very problem that Mill consistently identifies in his treatment of Bentham. And Mill is right: Bentham didn't care about these things, but perhaps Bentham was right, considering his project, not to. Bentham's project was not that of twentieth and twenty-first century moral and political philosophy. Instead, Bentham worked to

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² For a brief statement of what is virtually a consensus position, see Martha C. Nussbaum, "Mill Between Aristotle & Bentham," *Daedalus* 133:2 (April 2004).

³ See the popular collection edited by H.B. Acton, *Utilitarianism, On Liberty and Considerations on Representative Government* (London: J.M. Dent & Sons, Ltd., 1972) and Mill, "Remarks on Bentham's Philosophy" and "Bentham," in J.M. Robson, ed., *Essays on Ethics, Religion and Society* (Toronto: University of Toronto Press, 1969), pp. 1-18 and 75-115 (Robson, ed., *Collected Works of John Stuart Mill*, volume X).

develop a new art of government. One of Mill's great achievements was to so normalize this project that we no longer see it as a distinct project. Mill was, like Bentham before him, a theorist of government; but he had one foot in Bentham's world and one in our own.

For the most part Bentham does not philosophize, as utilitarians do today, about right conduct or the best regime. He spends more time debunking normative principles than constructing them, and the bulk of his voluminous writings have little directly to do with principles at all (*An Introduction to the Principles of Morals and Legislation*, for example, dispenses with principles in its first two chapters). And although Mill's *Utilitarianism*, *On Liberty*, and *Representative Government* read much like works of normative theory, they can also be read as works on government, making them more continuous with *A System of Logic* and *Principles of Political Economy* which were, we should recall, more prominent in the nineteenth century context. If we read Mill forward from Bentham rather than Bentham back through Mill, a different picture of Mill and of the comparison between Bentham and Mill emerges. I attempt here only a very preliminary sketch of such a reading, focusing on one crucial difference between the two theorists. Mill writes for the most part following the assimilation into English letters of the French post-revolutionary ambition to a social science, and Bentham for the most part before this. Mill, consequently, understands government as an agency that intervenes in a dynamic field with its own lawful natural rhythms.⁴ For Bentham, by contrast, government, broadly construed, always already arranges our relations (often poorly), and it is improper to speak of laws of nature even in the Newtonian, much less the Comtian sense. Whereas Mill sees much of what separates him and Bentham, he does not see this (at least not in this way), and this oversight pushes him beyond misplaced expectations to actual misreadings of Bentham. Through Mill's eyes, Bentham begins to look not only monist and illiberal, but clumsily utopian. Ironically, it is precisely moments of Benthamic liberalism and pluralism that are lost in the turn to social science, which elevates character and its education to center stage,⁵ and which substitutes an imperial technopolitics for Radical vigilance. But these are not perhaps so much Mill's problems—considering his support for individuality, plurality, and productive conflict—as they are our own.

2. Art, Science, Social Science

First, consider Mill on art and science, from his *Logic*:

The relation in which rules of art stand to doctrines of science may be thus characterized. The art proposes to itself an end to be attained, defines the end, and hands it over to the science. The science receives it, considers it as a phenomenon or effect to be studied, and having investigated its causes and conditions, sends it back to art with a theorem of the combinations of circumstances by which it could be produced. Art then examines these combinations of

⁴ The work of Stefan Collini and his colleagues remains essential for understanding this Mill in context; see Collini et al., *That Noble Science of Politics: A Study in Nineteenth-Century Intellectual History* (Cambridge: Cambridge University Press, 1983). Collini et al. would no doubt see my own essay as afflicted with the excesses of an “erosion of the distinctively political” by the rise of the “sociological perspective” narrative (p. 10). But I am less concerned here with the erosion of politics than I am by its representation as a particular (techno-political) art-and-science of government; and my main point here is to stress how this representation contributes to a misreading of predecessors, especially Bentham. In his chapter on Mill (127-159), Collini is certainly correct that Mill never made good on the ideals of the *Logic*, but this doesn't alter the fact that he contributed mightily to the construction of a particular distinctively political perspective with lasting consequences. This perspective is sufficiently powerful to frame even Collini et al.'s otherwise admirably non-teleological history, in both its monumentalization of induction vs. deduction and its embrace of the Millian dichotomy underwriting “a balance: to believe both that there are external conditions, either perennial or at least of sufficient generality to be worth identifying in more than purely local terms, which effective political activity must respect, and also that political activity of an instructed and considered kind and of potentially far-reaching significance is possible (p. 8).” The subsequent chapters' excellent account of nineteenth-century “things political” far exceeds the terms of this framing from the Prologue.

⁵ Although many commentators see Mill's ethology or science of character as having died an early death, I see it as alive and well, for example in the policy sciences' emphasis on the development of various “capitals”: human, social, moral, etc.

circumstances, and according as any of them are or are not in human power, pronounces the end attainable or not. The only one of the premises, therefore, which Art supplies, is the original major premise, which asserts that the attainment of the given end is desirable. Science then lends to Art the proposition (obtained by a series of inductions or of deductions) that the performance of certain actions will attain the end. From these premises Art concludes that the performance of these actions is desirable, and finding it also practicable, converts the theorem into a rule or precept.⁶

And now compare Bentham, from his *Logic*:

As often as the words *arts and sciences* are pronounced, a natural, and, it is believed, a very general, not to say universal, supposition is—that, in the first place, arts and sciences taken together, are different and distinguishable from whatever is neither art nor science; in the next place, that art and science are no less clearly different and distinguishable from each other. [...]

But,

The plain truth of the matter seems to be this,—between the field of art and science, and the remainder of the field of thought and action, there exists not any assignable difference; correspondent to these denominations, what there exists in the case, is a difference in the state of the mind of those by whom the part in question, of that field, is cultivated; where the nature of the case requires an operation to be performed, and of that operation the performance is regarded as requiring *study*, i.e. a certain degree of attention and a certain degree of labour, employed in fixing it; then it is, that in speaking of the operation done, the word *science*, or the word *art*, or both together, are employed.

In so far as, whether with or without, a view to further action, so it is that, in the receipt and collection of the ideas belonging to the subject, perceptible labour is employed, then it is that the word science is employed, and such portion, whatever it be, of the field of thought and action to which the labour is applied, is considered as a portion of the field of science. In so far as a determinate object, in the character of an *end*, being in view, operation in the particular direction, is recurred to for the attainment of that end,—that portion, be it what it may, of the field of thought and action to which the labour is applied, is considered as part and parcel of the field of art.⁷

Mill's idea is, I think, clear. Art is about effecting something, and science tells art how to effect it. Art sets ends, and gets its means from science. This instrumental conception does not by any means exhaust science, so in a way art depends on science but science doesn't exclusively depend on art. At the same time, this conception of science as, shall we say, practical science is very important for Mill. The entire *System of Logic*, which is not formal logic but, as Mill himself puts it, the logic of truth, ends with this chapter on the logic of practice; and that chapter closes a book, "The Logic of the Moral Sciences", that for the most part sees the moral sciences as practical sciences—sciences engaged in with a view to understanding, so as to affect and improve, the human condition. Thus, for example, the policy-maker aims to enhance national wealth, and learns maxims for how to do so from the science of political economy. As Mill says, "the grounds, then, of every rule of art, are to be found in the theorems of science."⁸

⁶ Mill, *A System of Logic Ratiocinative and Inductive*, ed. J.M. Robson (Toronto: University of Toronto Press, 1974), p. 944.

⁵ *Collected Works of John Stuart Mill*, volume VIII.

⁷ Bentham, "Essay on Logic," *Works of Jeremy Bentham*, ed. John Bowring (Edinburgh: William Tait, 1838-43), volume VIII, p. 240. (Italics in this and all subsequent quotations are in original.)

⁸ Mill, *A System of Logic*, p. 947. Cf. Mill from "On the Definition of Political Economy," in *Essays on Economics and Society*, ed. J.M. Robson (Toronto: University of Toronto Press, 1967), p. 312 (*Collected Works of John Stuart Mill*, volume IV): "Science takes cognizance of a *phenomenon*, and endeavours to discover its *law*; art proposes to itself an *end*, and looks out for *means* to effect it." The importance of this essay, which I touch on below, was brought to my

Bentham is not so clear. We are on the terrain of art-and-science, he seems to say, any time that we are thinking or doing anything where our thinking or doing is disciplined or could be disciplined by what is needed to do something—more science when we are studying and more art when we are doing, but remember, studying and thinking are doing too. Art and science, as Mary Mack and others have argued, are always art-and-science.⁹ They cannot really be separated: every art has its science and every science its art; Bentham's name for this complex of art-and-science is "discipline."¹⁰ The moment of priority in every discipline is, however, its art.¹¹ Thus, to take again the example of political economy, Bentham says of Adam Smith that the latter emphasized the science of political economy at the expense of the art; Bentham's *Manual of Political Economy* "is, to Dr. Smith's, what a book on the art of medicine is to a book of anatomy or physiology." The problem with Smith's approach is that it focuses, in Bentham's view, on "the course that human industry takes abstractedly from the consideration of the law."¹² This is an example of how, for Bentham, "only by its subserviency to practice, has knowledge any use,—only by its subserviency to art, is science in any shape of any use."¹³

If the problem with theoretical political economy is its abstraction from law, however, we might think that the solution lies in what Mill calls "the social science," which would study concrete society as a whole, in all of its density and complexity. "It is [...] but of yesterday that the conception of a political or social science has existed, anywhere but in the mind of here and there an insulated thinker, generally very ill prepared for its realization."¹⁴ Such a science does not render politics or the art of government in any way obsolete or automatic; even at its best, it might well require variety and flexibility rather than general rules in its "corresponding art."¹⁵ Even a perfected social science needn't yield knowledge sufficient for prediction; such knowledge is unnecessary for the science to be

most valuable for guidance. The science of society would have attained a very high point of perfection, if it enabled us, in any given condition of social affairs [...] to understand by what causes it had, in any and every particular, been made what it was; whether it was tending to any, and to what, changes; what effects each feature of its existing state was likely to produce in the future; and by what means any of those effects might be prevented, modified, or accelerated, or a different class of effects superinduced. There is nothing chimerical in the hope that general laws, sufficient to enable us to answer these various questions [...] do really admit of being ascertained [...]. Such is the object of the Social Science.¹⁶

Again, we might think that such a science would address Bentham's concerns, but Bentham himself imagines no such science, and my inquiry here is in part whether he should imagine or want to imagine it. Bentham himself was probably among the first to use the phrase "social science" in English, but only very occasionally and not with any systematic intent.¹⁷ By the

attention by Wendy Donner's valuable discussion of Millian art and science in *The Liberal Self* (Ithaca: Cornell University Press, 1991).

⁹ Mary Mack, *Jeremy Bentham: An Odyssey of Ideas* (London: Heinemann, 1962).

¹⁰ Bentham, "Essay on Logic," p. 240.

¹¹ And whereas for Mill the idea of a non-practical or purely theoretical science, including a theoretical moral science, is eminently conceivable, it doesn't seem to be for Bentham; all learning, according to the tables of his *Chrestomathia*, is part of eudaimonics.

¹² Bentham, "Manual of Political Economy," in *Jeremy Bentham's Economic Writings*, ed. W. Stark (London: George Allen & Unwin, 1952-54), volume I, p. 224. We shouldn't let the fact that this claim is false—that Bentham here helps to inaugurate nineteenth-century political economy's disciplinary appropriation and revision of Smith's *Wealth of Nations*—distract us from its importance for his own work.

¹³ Bentham, "Logic," p. 241.

¹⁴ Mill, *Logic*, p. 875. The social science is a moral and natural science.

¹⁵ *Ibid.*, p. 877. The preceding passage in the text suggests that the name for the art corresponding to the social science is the "art of politics."

¹⁶ *Ibid.*, p. 878.

¹⁷ See K.M. Baker, "The Early History of the Term 'Social Science,'" *Annals of Science* XX (1964). Bentham's use of

time Mill writes his *Logic*, however (1843), the phrase invokes emerging disciplinary formations and divisions that, I submit, put Mill on our side of a problematic threshold, with Bentham on the other.¹⁸ And it is Mill's greater familiarity on this score, even more than his clearer prose, that makes his *Logic* so much easier than Bentham's for us to understand.

3. Politics

If we return to Bentham's discussion of art and science, we see that, in connection with political economy, he makes use of the medical metaphor to characterize his work: his manual is to Smith's *Wealth of Nations* "what a book on the art of medicine is to a book of anatomy or physiology." And we see this suggestion of a political therapeutics in different places throughout his writings, as we do in Mill. One of the most prominently placed of such passages is in the 1789 Preface to *An Introduction to the Principles of Morals and Legislation*. Here Bentham invokes a science that appears at first glance as potentially expansive as Mill's social science: the "science of law." According to the Preface the science of law is "to the art of legislation, what the science of anatomy is to the art of medicine." Note though how Bentham continues. He writes, "with this difference, that the subject of it is what the artist has to work *with*, instead of being what he has to operate *upon*."¹⁹

Could this mean that the Benthamic doctor pays no attention to his patient? This seems to be Mill's reading, but it is a bad reading, based in the kind of instrumentalism that Mill takes for granted. In the chapter of the *Logic* quoted above, Mill criticizes practitioners' non-speculative knowledge of politics, comparing it to "medical investigation, before physiology and natural history began to be cultivated as branches of general knowledge." As the passage continues in the post-1846 editions, it slips fully into metaphor: "Students in politics thus attempted to study the pathology and therapeutics of the social body, before they had laid the necessary foundation in its physiology; to cure disease without understanding the laws of health." Intervening in the first two editions is a revealing paragraph referencing not only practitioners but "philosophical speculators on forms of government." In it, Mill correctly notes that "it is only at a [...] recent date that social phenomena, properly so called, have begun to be looked upon as having any natural tendencies of their own." (Of course "natural tendencies" of some sort are not really the issue, seeing how prominent they are in, for example, Aristotle; more correct would be to say that social phenomena, properly so called, were only recently looked upon at all.) But, looking back through the lens of this development, he assumes—quite wrongly—that for speculative thinkers ("speculators") from Plato to Bentham "hardly any notion was entertained that there were limits to the power of human will over the phenomena of society, or that any social arrangements which would be desirable, could be impracticable from incompatibility with the properties of the subject matter: the only obstacle was supposed to lie in the private interests or prejudices, which hindered men from being willing to see them tried."²⁰ (To see how weird the dichotomy implicit in these passages is we need only consider thinkers as diverse as Augustine, Machiavelli, and Madison: all clearly neither social scientists in Mill's sense nor ignorant of "limits to the power of human will over the phenomena of society.")

Mill's interpretation is, I think, a serious but not uncommon misreading of Bentham's projections. Bentham was a trenchant reformer from beginning to end, but his reforming efforts involved constructing legal and institutional economies that would more felicitously arrange existing expectations—that would take people as they were and better harmonize their interests. Although this entails shaping their interests—their economies of pain and pleasure—there is no

the phrase, as early as 1812, was discovered by J.H.Burns.

¹⁸ For a fascinating and informative account see Lawrence Goldman, "The Origins of British 'Social Science': Political Economy, Natural Science and Statistics, 1830-1835," *The Historical Journal*, 26, 3 (1983).

¹⁹ Bentham, *An Introduction to the Principles of Morals and Legislation*, ed. J.H. Burns and H.L.A. Hart (London: Athlone Press, 1970), author's preface.

²⁰ Mill, *Logic*, pp. 875-6.

project apart from those constituent pains and pleasures themselves; these are the ground of Bentham's eudaimonics, of its means and its ends. But there is also no comprehensive science of the social that could ever yield a single report on the various causes and effects relevant to national happiness. In reading Bentham in the way that he does, Mill helps to inaugurate a particular standpoint, one that is characteristic of the nineteenth- and twentieth- (and twenty-first-) century moral sciences. These have become policy sciences. Malthus attacked Godwin in a very different context from our own, yet arguably an entire tradition of theory from at least the late nineteenth century on has exhibited a kind of perverse synthesis of their opposed orientations regarding utilitarian improvement; this theory is critical of various political projects for their non-recognition of natural/social limits, and is motivated to substitute for politics a management of population in accordance with its own laws. In this biopolitical search for foundations scientific would-be governors veer from necessity to utopia and back again in a manner foreign to Bentham, who remains by comparison an eighteenth-century institutional thinker.

In my critique of Mill on Bentham I have drawn on subsequently purged text, but this text resonates with Mill's other published work on Bentham, as it does with his other reflections on art and science. The *Logic's* moral-scientific oppositions anticipate the confrontation that introduces the *Considerations on Representative Government*, between two sorts of "political reasoners," those for whom "government is conceived as strictly a practical art" and those who "regard [...] the science of government as a branch [...] of natural history." Mill famously mediates between these, leaning hard towards "choice" but recognizing the need to fit governmental forms to a "people's" assessed institutional and ethological conditions of improvement.²¹ (This illustrates his statement from the *Logic* that scientific knowledge of society can yield general laws of development without yielding general rules for the art of government.) In my mention of peoples and their improvement and my consideration of ethology I do not aim to rehearse the familiar criticisms of Mill's civilizational hierarchy, or of his earlier appeals to a more enduring national character that *Representative Government* seems somewhat to modify.²² It should be said, however, that commentators often unhelpfully leap to Mill's defense by pointing to his privileging of history and "culture" over biology in matters of "race," forgetting that this opposition between history and biology is from the twentieth century; Mill's historicism anticipates no one so much as Darwin himself in his highly problematic treatments of race and culture.²³ To the extent that Mill's positions varied, they remained consistent throughout with

²¹ *Considerations on Representative Government* [1861], chapter 1: "To What Extent Forms of Government are a Matter of Choice," in Mill, *Essays on Politics and Society, Part II*, ed. J.M. Robson (Toronto: University of Toronto Press, 1977), pp. 374-382 (*Collected Works of John Stuart Mill*, volume XIX).

²² For an overview of continuity and change in Mill's treatment of these issues, see J.M. Robson, "Civilization and Culture as Moral Concepts," in John Skorupski, ed., *The Cambridge Companion to Mill* (Cambridge: Cambridge University Press, 1998), pp. 338-371.

²³ Today's arguments about Darwin and human nature seem always to forget what they certainly must know: that Darwin's main project in *Origin of Species* is to join contemporary geology in historicizing nature, and so to problematize the distinction between species and variety in "one long argument" for descent with modification. And they often reference without really reading Darwin's *Descent of Man* (1871), which is a kind of radical Millian ethology. On the one hand, *Descent of Man* does much to erase lines of essential difference not only among humans but between human beings and other animals; on the other hand it reinstates humanism in its emphasis on the distinctiveness of the "moral sense" and explains imperial successes in terms of the group selectionist advantages of civilized cooperation (compare Mill's 1836 "Civilization"), and implicitly justifies even exterminist campaigns (Darwin writes as the very last of the indigenous Tasmanians are dying) in terms of a kind of race-struggle that contributes to the production of an enlarged character with increasingly global, and even cross-species, sympathies. With his allowances for various modes of inheritance and his related merging of biological and historical time, Darwin's "race" is "culture" and vice versa. All this should give us pause about either Mill/Darwin apologetics or Mill/Darwin dismissal as benighted Victorians; clearly their problems are very much our own. For contrasting recent treatments of Mill on race, culture, and empire, continuing a discussion given new urgency by Uday Mehta's *Liberalism and Empire* (Chicago: University of Chicago Press, 1999) as well as by current events, see Bart Schultz and Georgios Varouxakis, eds., *Utilitarianism and Empire* (Lanham, MD: Lexington Books, 2005), Jennifer Pitts, *A Turn to*

what John Skorupski characterizes as “liberal naturalism.”²⁴ My concern is less directly with these important critical arguments than it is a concern to characterize how they are framed, and to point to Mill’s part in building this frame. What does Mill’s staging of options in *Representative Government* tell us about his, and our, conception of politics? Following Timothy Mitchell, we can characterize this conception as problematically “technopolitical”:²⁵ too much of politics is taken up with government, and government itself is understood in terms of policy. The continuing argument between those who see policy as adapting to a social substrate and those who see policy as molding it simply reinforces the technopolitical frame.

In his much earlier (1836) essay on “The Definition of Political Economy,” Mill criticizes, in a footnote, the idea of a science of legislation as

an incorrect and misleading expression. Legislation is *making laws*. We do not talk of the *science of making* anything. Even the *science of government* would be an objectionable expression, were it not that *government* is often loosely taken to signify, not the act of governing, but the state or condition of *being governed*, or of living under a government. A preferable expression would be, the science of *political society*; a principal branch of the more extensive science of society [...].²⁶

This more extensive science, “whether we prefer to call it social economy, speculative politics, or the natural history of society, presupposes the whole science of the nature of the individual mind [...]” The “social science [...] embraces every part of man’s nature, in so far as influencing the conduct or condition of man in society; and therefore may it be termed speculative politics, as being the scientific foundation of practical politics, or the art of government, of which the art of legislation is a part.” Mill tells us about the social science in order to clarify that what “is now commonly understood by the term ‘Political Economy’ is not the science of speculative politics, but a branch of that science.” But Jean-Baptiste Say’s use of the term (“*l’économie politique*”), which according to Mill incorrectly equates it with the social science of which it is only a branch, is, Mill maintains, countenanced by its etymology. And in the 1836 version of the article he writes that “*Oikonomia politike*, the economy of the *polis*, or commonwealth, must originally have meant the whole of the laws or principles which determine the working of the social machine.”²⁷

This bald anachronism is later corrected by Mill with his statements, quoted above, from the *Logic* that “It is [...] but of yesterday that the conception [...] of a political or social science has existed, anywhere but in the mind of here and there an insulated thinker” and “it is only at a [...] recent date that social phenomena, properly so called, have begun to be looked upon as having

Empire (Princeton: Princeton University Press, 2005), and Margaret Kohn and Daniel I. O’Neill, “A Tale of Two Indias: Burke and Mill on Empire and Slavery in the West Indies and America,” *Political Theory* 34:2 (April 2006), pp. 192-228.

²⁴ John Skorupski, “Introduction: The Fortunes of Liberal Naturalism,” in Skorupski, ed., *The Cambridge Companion to Mill*, pp. 1-34. Although accurate as to Mill, Skorupski unhelpfully poses liberal naturalism against a “social constructivism” (p. 16ff) understood, it seems, in Hayekian terms; I am arguing that this opposition is, in part, a Millian invention. (For a nice dismantling of the opposition between Hayek and Bentham, see Allison Dube, *The Theme of Acquisitiveness in Bentham’s Political Thought* (New York: Garland, 1991). I am going beyond Dube here, suggesting that Hayek is more technopolitical than Bentham, and that this is evident from his invocation of a science of “spontaneous order.”)

²⁵ See Timothy Mitchell, *Rule of Experts* (Berkeley: University of California Press, 2002). This technopolitics is very different from the constructivism referenced by Skorupski and associated with Benthamism (see previous note), because it includes both this and its naturalist putative others.

²⁶ Mill, “On the Definition of Political Economy,” p. 321n. Compare the earlier (1833) “Remarks on Bentham’s Philosophy,” where Mill (anonymously) disparages Bentham as a “moral philosopher” but praises him for doing for “philosophical legislation” a “service which can be performed only once for any science” (I turn to the critique of Bentham as moralist below). He does also reference, however, the “science (or rather art)” of practical legislation. See Mill, *Essays on Ethics, Religion and Society*, ed. J.M. Robson (Toronto: University of Toronto Press, 1969), pp. 7-9 (*Collected Works of John Stuart Mill*, volume X).

²⁷ Mill, “On the Definition of Political Economy,” pp. 320-21. (I have transliterated the Greek in the final quotation.)

any natural tendencies of their own.” But he never loses the habit of, if not attributing social science to other thinkers, thinking of them as social scientists *manqué*. And so there is the *Logic*'s critique of “the geometrical, or abstract method,” which is more of a critique of “the interest-philosophy of the Bentham school” than of Bentham himself.²⁸ Here the assumption is, again, that Bentham's (or the Bentham school's) aims are that of a *social science*, that they aim at ascertaining the laws of motion of society so as to intervene in it and redirect it. But Bentham's own work does not even amount to what Mill calls a “social statics,” much less a “social dynamics.” Of course, this is to some extent Mill's objection: interest-thinking is a social science *manqué*, hampered by its deductivism. There is irony, here, because of the extent to which Mill is indebted for the *Logic*'s monumentalization of induction over deduction to Bentham's *Rationale of Judicial Evidence* (the million-plus words of which Mill had the misfortune to edit). And in the *Evidence* Bentham continually points to interest and away from character, showing the enormous flexibility of the language of interest (which Mill, in the *Logic*, acknowledges in Bentham himself) in a doggedly relational approach to, for example, the reliability of testimony. On Bentham's view, it is contemporary English procedure, with its *a priori* exclusions, that is deductive—and a reliance on character could be similarly so, not recognizing how, under certain conditions, good things come from putatively bad people and vice versa.²⁹

4. Conclusion: Character

The problem of character links together a series of ontological, epistemological, ethical, and political problems. (I will briefly sketch these one at a time, and some of them will resonate with familiar criticisms of Mill. I insist, however, that we keep in mind that these are as much or more our problems as they are Mill's.) The object of Mill's social science is, again, to inform an improving art of government. (This purpose of course animated his several and salutary public works, and is explicit in the founding documents of new organizations he supported such as the National Association for the Promotion of Social Science.³⁰) And certainly Bentham's is also very much, in some sense, an improving art of government. But Mill takes it for granted, as do we, that there is a something there to improve, with natural tendencies of its own. What makes up the identity of this something is, fundamentally, character: “Ethology [...] is the immediate foundation of the Social Science.”³¹ The value that Mill does not want to see in interest-analysis is that it could be exclusively structural or relational: that it could be concerned exclusively with the arrangement of elements, and not with the elements themselves. Bentham's science of law is a science of arrangement (and this doesn't mean he thinks things can simply be rearranged by new legislation). This is, in part, merely a matter of emphasis, but it is an important one. When Mill and we can confidently speak of “social conditions”—for example, the social conditions fit or unfit for representative government—we are focusing on a set of facts from which we can infer an underlying character. This is very different from Bentham's exclusively relational focus on “sinister interest”—the identification of interest opposed to the aggregate interest—which could be a concern or not no matter what the character or characters involved. Although both Bentham and Mill can be described as methodological individualists, the issue here is not so much methodological individualism versus holism as it is whether we trace worrisome effects to the condition of (individual or group) character or to the condition of relations.

Inference and the tracing of effects bring us to epistemology. The social science is Mill's comprehensive science of government, firmly grounded in psychology and ethology. Bentham also has faith in the potential reach of science, but every science for Bentham has its corresponding art, and there are many arts and sciences or disciplines, and their hierarchy is not

²⁸ Mill, *Logic*, pp. 889-894.

²⁹ See Bentham, *Rationale of Judicial Evidence, Works of Jeremy Bentham*, volumes VI and VII.

³⁰ On the Association, see Lawrence Goldman, *Science, Reform, and Politics in Victorian Britain: The Social Science Association 1857-1886* (Cambridge: Cambridge University Press, 2002).

³¹ Mill, *Logic*, p. 907.

clear. (It is however conceivable that a certain epistemological priority claim could be made for the discipline of judicial evidence, which needs to have an understanding of the other disciplines sufficient to know something about their standards of evidence). Bentham's pre-social-scientific openness to disciplinary plurality is a crucial aspect of his utilitarian art of government: "The several disciplines, being each of them a means of happiness or well-being, considered with relation to mankind taken in the aggregate, the thing to be desired with a view to their happiness, is, that the quantity of *disciplines* should at all times be as great as possible. Say for shortness,--subservient to the maximum of *happiness*, is the maximum of *disciplines*." And "to no one individual is the possession of this maximum of disciplines at any point of time possible."³² By contrast, Mill's focus on character as object and subject of study augurs a narrowing of this disciplinary plurality.

The potential of character is most familiar to us in the field of ethics. I have already indicated that Mill is right to think of Bentham as a bad moral philosopher, on his and our understanding of the project of moral philosophy. But there is an important ethical dimension to Bentham's inadequacies on this front. In his essays on Bentham, Mill famously objects to Bentham's shortcomings in the area of judgment and sensibility, to his apparent moral and aesthetic obtuseness. His early critique takes Bentham to task for refusing to extend the view of an action to the character underlying it:

Now, the great fault I have to find with Mr. Bentham as a moral philosopher [...] is this: that he has practically, to a very great extent, confounded the principle of Utility with the principle of specific consequences [...].

When the moralist thus overlooks the relation of an act to a certain state of mind as its cause, and its connexion through that common cause with large classes and groups of actions apparently very little resembling itself, his estimation even of the consequences of the very act itself, is rendered imperfect. For it may be affirmed with few exceptions, that any act whatever has a tendency to fix and perpetuate the state or character of mind in which itself has originated. And if that important element in the moral relations of the action be not taken into account by the moralist as a cause, neither probably will it be taken into account as a consequence.³³

Mill's later essay on Bentham enlarges this critique with a charge of "one-sidedness," in "treating the *moral* view of actions and characters, which is unquestionably the first and most important mode of looking at them, as if it were the sole one: whereas it is only one of three [...]." Mill rightly notes that Bentham gave no consideration to the beauty or loveableness of actions, but in elaborating on this charge he reveals that this was not so much a matter of inability as of refusal.

He carried this so far, that there were certain phrases, which, being expressive of what he considered to be this groundless liking or aversion, he could not bear to hear pronounced in his presence. Among these phrases were those of *good* and *bad taste*. He thought it an insolent piece of dogmatism in one person to praise or condemn another in a matter of taste: as if men's likings and dislikings, on things in themselves indifferent, were not full of the most important inferences as to every point of their character; as if a person's tastes did not show him to be wise or a fool, cultivated or ignorant, gentle or rough, sensitive or callous, generous or sordid, benevolent or selfish, conscientious or depraved.³⁴

Mill recognizes, but here chooses to ignore, how very sensitive the issue of taste is for Bentham, because of the role it plays in ipsedixitism: in the tendency to make one's own desires and aversions the rule of everyone's practice. Consider Bentham from an early manuscript

³² Bentham, "Logic," p. 241.

³³ Mill, "Remarks on Bentham's Philosophy," in *Essays on Ethics, Religion and Society*, pp. 7-8.

³⁴ Mill, "Bentham," in *Essays on Ethics, Religion and Society*, p. 112-13.

fragment on bestiality:

'My abhorrence I feel for it say you is ungovernable—the very thought is unsupportable'—Mine is equal to it—What then is the inference? we shall not do it—but do not you see that inferring it as you do upon mere sentiment (or feeling) the Man (in question) has just as good a reason for doing it as you have for letting it alone.

[...] A Man's own feeling, tho the best reason in the world for his abhorring the thing are none at all for his abhorring the Man who does it—how much less then are they for destroying Him.³⁵

The passage is reminiscent of the most bracing implications of the principle of non-interference from *On Liberty*: Mill's insistence in that mature work that we not look to the characterological causes and effects, but merely to the effects on others, of individuals' actions. Thus, according to *On Liberty*, it is not for the "intemperance or extravagance" of a neglectful father or debtor that we hold him accountable, but for his neglect: "If the resources which ought to have been devoted to [his family or creditors], had been diverted from them for the most prudent investment, the moral culpability would be the same."³⁶ Impairment is not an issue in itself without regard to harm to others, and its source—whether normally considered a sign of virtue or a sign of vice—is completely irrelevant to its assessment.

But *On Liberty* is arguably ultimately concerned with liberty for its effects, as a mode of government, on character. Mill is concerned from early on with these effects, and he is critical from the beginning of Bentham's lack of concern: "It never seems to have occurred to him to regard political institutions in a higher light, as the principal means of the social education of a people."³⁷ Again, this is partly a difference in emphasis, but I think it is an important one. The polity as a whole is turned, by Mill's science and ours, into a school of discipline. Bentham has famously been identified as a disciplinary theorist, but this identification is incorrect, except in so far as he develops technologies of discipline for use in specific institutional contexts. He is instead a theorist of government and, despite his technopolitical tendencies, his government promotes a utilitarian economy of arrangement without yielding to specific disciplinary representations of that arrangement. To the extent that he emphasizes discipline at the political level, it is the discipline exercised on centers of power by the (itself undisciplined, in any general way) "public opinion tribunal." Mill promotes discursive plurality and an agonal public, but his desire to educate the public, and his glimpse of a master science that would tell it all about itself, weaken Bentham's securities against misrule and pave the way for a different kind of utilitarian government. Mill himself would have abhorred many of the arts of our rule of experts, especially its neoliberal administration informed by anemic political economy, and supplemented by busybody arts and sciences of self-help. I am only suggesting that his turn toward science, character, and the science of character—and the related separation of "normative" from "empirical" utilitarianism—makes it more difficult than it otherwise might be to gain critical

³⁵ Bentham MSS, University College London Bentham Collection, Box 74a p. 6.

³⁶ *On Liberty*, ch. IV, in Mill, *Essays on Politics and Society, Part I*, ed. J.M. Robson (Toronto: University of Toronto Press, 1977), p. 281 (*Collected Works of John Stuart Mill*, volume XVIII).

³⁷ Mill, "Remarks on Bentham's Philosophy," in *Essays on Ethics, Religion and Society*, p. 16. The passage continues: "Had he done so, he would have seen that the same institutions will no more suit two nations in different stages of civilization, than the same lessons will suit children of different ages." Again, the point here is not to note how this anticipates the notorious exception to *On Liberty*'s harm principle for "those backward states of society in which the race itself may be considered as in its nonage" (see *On Liberty*, ch. I, *Essays on Politics and Society, Part I*, p. 224 and note 22 above). Instead, the point is to illustrate how this tutelary dimension to the focus on character, which applies just as much in the metropole as it does in the periphery, reinforces a technopolitical framework. And Mill is simply mistaken if he is suggesting that Bentham proposes one-size-fits-all legislation; it's just that variation for Bentham is differently motivated. See for example "Place and Time," newly edited from the Bentham manuscripts by Philip Schofield, in *Selected Writings of Jeremy Bentham*, ed. Stephen G. Engelmann (New Haven: Yale University Press, forthcoming 2009).

purchase on such developments.