

## **Weighing pleasures and pains: Bentham's application of the utilitarian standard in the evaluation of economic and penal policy**

Michael Quinn

Ever since Bentham composed *IPML* utilitarians have claimed that the unique attraction of their moral theory was the manner in which it was able to replace mere sounds with sense, and caprice with reason, by generating determinate answers to moral questions, grounded in objective, empirically verifiable facts about human beings. More recently, Richard Posner has claimed Bentham as the godfather of the law and economics movement, through the claim that 'all people, all the time, in all their activities, base their action (and words and thoughts) on cost-benefit analysis'. In 2000, Tom Warke's article on the index number problem threatened to undermine any interpretation of Bentham as a proto-cost-benefit analyst, on the basis that Bentham's own description of the felicific calculus rejected the possibility of generating determinate rankings of outcomes. Human subjectivity, or the idiosyncratic experience of the intensity of pains and pleasures, undermines the project of the objective measurement of pains and pleasures. This paper investigates Bentham's own procedure in weighing the predicted outcomes of alternative policies in the fields of punishment and political economy, with a view to revealing the extent to which he thought his theory capable of generating determinate answers to policy questions in those fields.