

JEREMY BENTHAM

Principles of Morals and Legislation*

Jeremy Bentham was an eighteenth-century English philosopher, jurist, legal critic and social reformer [he supported animal rights, equal rights for women, the abolition of slavery and the abolition of physical punishment]. Bentham is known for his engineering marvel the panopticon, or “inspection house,” an octagonal design used to keep persons under constant inspection [later called surveillance by Foucault] – such as prisons, mental institutions and zoos – an architectural design that was first used in the construction of the famous menagerie at Versailles in the seventeenth century. But Bentham is best known for his groundbreaking work in utilitarian philosophy (a proposition that the greatest good comes from that which brings the greatest happiness). In his maxim that “each to count for one, and none for more than one” (called the moral principle of “equal consideration of interests”), all interests have equal weight, and Bentham included the interests of animals in that calculation. We reproduce an extract from Bentham’s *Principles of Morals and Legislation* (1789) in which he reflects upon the plight of animals and draws a comparison between their treatment and that of human slaves, a link that was taken up again in the late 1800s by Henry S. Salt and also by numerous contemporary scholars such as Marjorie Spiegel [whose work is represented later in this section]. Bentham raises a question that is still being debated today: On what grounds should humans extend consideration and compassion to animals? Bentham’s response to his own question is widely quoted: “the question is not, Can they reason? Nor Can they talk? But, Can they suffer?”

CHAPTER XVII

Under the Gentoo and Mahometan religions, the interests of the rest of the animal creation seem to have met with some attention. Why have they not universally, with as much as those of human creatures, allowance made for the

difference in point of sensibility? Because the laws that are have been the work of mutual fear; a sentiment which the less rational animals have not had the same means as man has of turning to account. Why *ought* they not? No reason can be given. If the being eaten were all, there is very good reason why we should be suffered to eat

* This extract was reprinted from Jeremy Bentham’s *Principles of Morals and Legislation*, obtained from the following website maintained by the University of Texas at Austin: <http://www.la.utexas.edu/research/poltheory/bentham/ipml/ipml.c17.s01.n02.html>

such of them as we like to eat: we are the better for it, and they are never the worse. They have none of those long-protracted anticipations of future misery which we have. The death they suffer in our hands commonly is, and always may be, a speedier, and by that means a less painful one, than that which would await them in the inevitable course of nature. If the being killed were all, there is very good reason why we should be suffered to kill such as molest us: we should be the worse for their living, and they are never the worse for being dead. But is there any reason why we should be suffered to torment them? Not any that I can see. Are there any why we should *not* be suffered to torment them? Yes, several.

[...]

The day has been, I grieve to say in many places it is not yet past, in which the greater part of the species, under the denomination of slaves, have been treated by the law exactly upon the same footing as, in England for example, the

inferior races of animals are still. The day *may* come, when the rest of the animal creation may acquire those rights which never could have been withholden from them but by the hand of tyranny. The French have already discovered that the blackness of the skin is no reason why a human being should be abandoned without redress to the caprice of a tormentor (see Lewis XIV's Code Noir). It may come one day to be recognized, that the number of the legs, the villosity of the skin, or the termination of the *os sacrum*, are reasons equally insufficient for abandoning a sensitive being to the same fate. What else is it that should trace the insuperable line? Is it the faculty of reason, or, perhaps, the faculty of discourse? But a full-grown horse or dog is beyond comparison a more rational, as well as a more conversable animal, than an infant of a day, or a week, or even a month, old. But suppose the case were otherwise, what would it avail? the question is not, Can they *reason*? nor, Can they *talk*? but, Can they *suffer*?