



Bentham, Jeremy (1748–1832)

Jeremy Bentham, credited for conceptualizing the “roundhouse” panopticon prison, was a philosopher and essayist whose contributions to criminal justice theory over 60 years extended far beyond his prison designs. A prodigious, even obsessive, author, **Bentham** wrote on numerous topics spanning criminology, moral philosophy, law, and politics. Born of wealthy parents in London, he studied to be a lawyer like his father and grandfather. However, he eventually discarded this plan and instead began to write social and political critiques. His wealthy background and a later substantial inheritance allowed him to pursue his interests in relative comfort.

Bentham wrote during a time of social upheaval, both in Britain and on the continent. The French and U.S. revolutions, expanding British imperialism, and the problems of crime in England in addition to what **Bentham** viewed as a breakdown in the moral fabric of society and law, stimulated much of his work. Considered both a philosophical and political radical, many of his reformist ideas were not accepted until the early 19th century.

BENTHAM'S PHILOSOPHY

Bentham is often considered to be one of the founders of Utilitarianism even though he did not originate the core ideas. Utilitarians argue that ethical behavior is determined by the consequences of an act. As a result, according to **Bentham**, both human actions and government policies should be guided by a “utility principle” in which actions should be intended either to produce good or to reduce harm. Such a view was not based simply on numbers or “majority rules.” Rather, the goal or end of an act should be weighed with a calculus that, on balance, will result in the greatest social good or the least social harm, even if it causes individual discomfort. Ethical rules are derived from the principle of the greatest universal utility, summarized by John Stuart Mill (1957) after studying **Bentham**:

Pleasure and freedom from pain are the only things desirable as ends; and that all desirable things (which are as numerous in the utilitarian as in any other scheme) are desirable either for pleasure inherent in themselves or as means to the promotion of pleasure and the prevention of pain. (pp. 10–11)

Although recognizing and emphasizing the role of individual choice, **Bentham** did not believe that people should make choices simply on the basis of their own personal self-interest or pleasure. Rather, a society's “greatest felicity” occurred in conditions that required a shared moral climate, and individuals were obligated to make those choices guided by a common social good. To use a contemporary example, some observers have argued that, for utilitarians, if racism makes the majority of a society “happy,” then it can be morally justified. However, this violates the fundamental premise of Utilitarianism, which is that principles of justice are a primary utility, and choices that violate this utility are unjust or immoral.

BENTHAM'S CONTRIBUTIONS TO CRIMINAL JUSTICE

Introductory criminology texts usually divide criminology of the later 18th and early 19th centuries into classical and neoclassical views, placing **Bentham** in the latter. Although somewhat arbitrary, the distinction is useful for two reasons. First, it helps us understand how writers in the first part of the 19th century shifted from earlier 18th-century views of criminal law as primarily for punishment. Second, it illustrates how criminal law and correctional policies respond to social changes as they evolved.

The distinction between the two schools reflects an emphasis in application rather than any fundamental differences in philosophy. Both classical and neoclassical theorists attempted to examine crime in a way that

would allow for a "rational" formulation of policy. The classical school is often associated with Cesare Beccaria (1819), who believed that "the degree of punishment, and the consequences of crime, ought to be so contrived as to have the greatest possible effect on others, with the least possible pain to the delinquent" (p. 75).

The intent of this "just measure of pain" was to deter the offender from future offenses as well as to prevent others from similar acts by indicating that punishment was swift and certain and "cost" more than gains from the crime itself. Both schools focused on crime as a violation of law, moving away from the view of crime as "sins against nature," which dominated criminal law well into the 18th century (and still guides some 21st-century thinking). Both held that the best way to reduce crime was to punish offenders, both for retribution and deterrence. Both opposed excessive punishment and, for the most part, capital punishment, corporal punishment, transportation and prison ships, and torture. Both also argued that the punishment must fit the crime and that punishments should be calibrated according to the nature of social harm of the offense.

The primary difference lies in **Bentham's** and his followers' reform-oriented views of how punishments should be applied. For **Bentham** and those influenced by his work, existing criminal law and corresponding punishments were unjust, because they did not account for individual differences. Unlike the classical school, which reacted to crime after it occurred by punishing offenders and thus reducing crime through deterrence, **Bentham** believed that society could proactively address crime before it occurred by emphasizing moral choices and creating a just system of laws. He advocated indirect means of preventing crimes, such as education, religious sanctions, discouraging "encouragement to crime," and promoting an enlightened, benevolent society (**Bentham**, 1843).

Like, Beccaria (1819), **Bentham** believed in the deterrent power of punishment. He felt that the severity of punishment should be increased as the deterrent value decreased. But **Bentham** also advocated alternatives to conventional punishment, arguing that not all offenses require incarceration or harsh responses. He suggested that "private punishment," or "forfeitures" and other restrictions could be a strong deterrent. Also, unlike classical theorists, who argued that all offenders should be treated alike, regardless of circumstance, **Bentham** suggested taking the context of a crime and the nature of the offender into account when inflicting punishment.

THE PANOPTICON

One of the key ways in which **Bentham** sought to deal with crime was through transforming prison policies. Over the decades, he specified a number of principles to guide sentencing and prison administration. Among these included holding wardens responsible for prisoner injuries by fining them for prisoner deaths, increasing sentencing latitude of judges, a presaging of bail and home confinement, and the recognition that some punishments, such as transportation, fell heaviest on the poor and lower classes.

In addition to such policy suggestions, **Bentham** is perhaps best known to criminology students for his design of the panopticon prison, a round, multi-tiered open structure with a guard tower in the center. He developed his ideas for this model following a trip to Russia with his brother in 1785 in a venture to help Empress Catherine the Great modernize the Russian government, including the penal system. In a series of letters and articles over the years (**Bentham**, 1970), **Bentham** conceptualized a single round building with a floor-to-ceiling guard tower in the center surrounded by tiers of cells. Each cell would have a window for fresh air and light and be easily and safely accessible to staff. Most significantly, this new technology would allow a single guard to have visual access of every cell and prisoner. Keeping prisoners under surveillance, he believed, would make prison control safer, more effective, more humane, and efficient by increasing discipline while reducing staff resources required to maintain it. Prisoners in the panopticon would work rather than sitting idle, and, in the process, would not only learn the benefits of discipline but also make a profit for the prison itself.

Catherine ultimately rejected the idea, and no panopticons were ever built in England. Indeed, only a handful of true panopticons were ever constructed anywhere, although for many decades prison architecture was influenced by the radial design. In the United States, the Western Penitentiary in Pennsylvania was constructed in 1826 guided by **Bentham's** model. In 1925, Stateville Penitentiary opened with four panopticon units. A fifth was

planned, but was replaced with a "long house," reportedly because of the cost of building the roundhouses. Three of Stateville's four panopticon units were torn down in the 1980s. The fourth was upgraded and remains functional, largely for historical reasons. It is reputedly the only remaining operational panopticon in the world.

CONCLUSION: THE LEGACY

Due to a number of problems with the panopticon design, particularly in the expense of building and maintaining it, **Bentham's** model never became the mainstream institution that he had hoped. This does not mean, however, that his ideas faded from either criminological imagination or from the realm of policy. Rather, the panopticon continues today to influence thinking and practice in a number of ways. In practical terms, constant surveillance, usually through technology, is crucial to most penal institutions. Likewise, labor remains a key part of many institutions. More conceptually, the panopticon was famously used by French philosopher Michel Foucault as an example of how power operates in modern society.

Bentham's other insights into prison construction and management provided the basis for reform well into the 19th century. His ideas of alternative punishments and reform laid out the philosophical framework for later development of probation and parole, advocating community responsibility for offenders. Although he is rarely read today by criminologists, his legacy remains. His view that social justice and just law are intertwined, and that both are necessary for humane and effective prisons, make him worth studying.

—Jim Thomas

Further Reading

Beccaria, C. (1819). *An essay on crimes and punishments*. Philadelphia: Philip H. Nicklin. (Original work published 1764)

Bentham, J. (1823). *An introduction to the principles of morals and legislation*. London: W. Pickering.

Bentham, J. (1843). *The works of Jeremy Bentham (Vol. 1)*. Edinburgh, Scotland: William Tait.

Bentham, J. (1970). *The collected works of Jeremy Bentham (J. H. Burns & H. L. A. Hart, Eds.)*. London: University of London–Athlone Press.

Bentham, J. (2001). *The panopticon letters*. Cartome Archives. Retrieved from <http://cartome.org/panopticon2.htm>

The Bentham Project. (2004). **Jeremy Bentham**. Retrieved from <http://www.ucl.ac.uk/Bentham-Project/info/jb.htm>

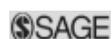
Foucault, M. (1979). *Discipline and punish: The birth of the prison*. New York: Doubleday.

The Internet encyclopedia of philosophy. (2001). **Jeremy Bentham**. Retrieved from <http://www.iep.utm.edu/b/bentham.htm>

Mill, J. S. (1957). *Utilitarianism*. New York: Bobbs-Merrill.

Entry Citation:

Thomas, Jim. "Bentham, Jeremy (1748–1832)." *Encyclopedia of Prisons & Correctional Facilities*. Ed. . Thousand Oaks, CA: SAGE, 2004. 72-74. *SAGE Reference Online*. Web. 1 Aug. 2012.



© SAGE Publications, Inc.

Brought to you by: SAGE