Halévy's Bentham *Is* Bentham

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Philosophy has recently published a paper by Francisco Vergara (1998) which is intended to demolish Elie Halévy's interpretation of classical utilitarianism in his well-known three-volume book, *La formation du radicalisme philosophique* (1901–1904). The occasion of this fierce attack was provided by the publication in 1995 of a new revised edition of this book, in which Halévy's many quotes from Bentham's papers have been checked, and if necessary, corrected, in view of the textual evidence that the Bentham Project has made available over the years. Vergara does not complain about this scholarly endeavour, but he blames one of the editors involved for naïvely endorsing Halévy's gross mistakes in his postface.[1] The culprit would like to offer a brief defence of both Halévy and himself in the present co-authored reply.

Vergara's main critical point is that Halévy wrongly interprets the 'principle of utility' as meaning two things, i.e., for one, the familiar normative principle of classical utilitarianism, also referred to by Bentham as the greatest happiness principle, and for another, a psychological law, to the effect that pleasure is actually guiding human actions. Not only is Halévy wrong in misunderstanding Bentham's use of the particular expression 'principle of utility', but the mistaken belief that Bentham adheres to the psychological law vitiates his overall interpretation of Bentham's work. At least, this is how we reconstruct Vergara's critique. It is summarized here: 'No utilitarian thinker has ever given the name principle of utility to a psychological law. This is the fundamental mistake on which the whole book is constructed.'[2] This particular phrasing may suggest that Vergara is primarily making a terminological claim, but the rest of the paper amply

[1] P. Mongin (1995, 'L'utilitarisme originel et le développement de la théorie économique'). This essay is a postface to volume 3 of Elie Halévy's *La formation du radicalisme philosophique. 1: La jeunesse de Bentham. 2: L'évolution de la doctrine utilitaire de 1789 à 1815. 3: Le radicalisme philosophique.* References to Halévy below are both to the original 1901–1904 edition (Paris, F. Alcan, 1901–1904) and to the 1995 edition (Paris, PUF, 1995), in that order. The only available English translation by Mary Morris, (*The Growth of Philosophical Radicalism*, London, Faber and Faber, 1928) is a partial one, hence of limited use for scholarly purposes.

[2] F. Vergara, 'A Critique of Elie Halévy', *Philosophy*, **73**, No 1 (Jan. 1998), 98.

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demonstrates that more than that is at stake. He would like to convince the reader that Bentham did not see human conduct the way suggested by the psychological law—however this law is referred to. In the course of his diatribe Vergara comes to identifying it with 'the psychological theory according to which man is universally selfish'.[3] Hence the overall conclusion—a supposedly mortal blow—that Halévy has endorsed the caricature analysis of human conduct, as being exclusively pleasure-oriented and self-interested, that unsophisticated opponents to utilitarianism have popularized.

We will first show that Vergara's terminological point crumbles on the textual evidence. There *are* passages in Bentham which unambiguously take 'principle of utility' to mean the psychological law. Then, we proceed to query the conceptual content of Vergara's interpretation of both Bentham and Halévy. Our second point is that the psychological law, however called, is *logically* necessary in order to make sense of Bentham's legal theory, economics, and politics. To remove it is to disfigure Bentham. The third and last point we will make is that it is another logical fault to confuse 'the selfishness theory' with the 'principle of utility' in its psychological interpretation. This further mistake has led Vergara to misrepresent, this time, Halévy himself.

The 'principle of utility' as a psychological law

It seems offensive to bring the reader back to the opening lines of *An Introduction to the Principles of Morals and Legislation* (1789), but we have to do that, because part of Vergara's alleged evidence lies there. The famous paragraph 1 is embarrassing for his interpretation, since it appears already to enshrine a version of the psychological law. (The 'two sovereign masters', that is, '*pain* and *pleasure*', not only 'point out what we ought to do' but also 'determine what we shall do'.[4]) However, Vergara waves off this evidence by emphasising the last sentence of the paragraph ('But enough of metaphor and declamation: it is not by such means that moral science is to be improved.') as if it implied a denial of the duality just stated. Unpleasantly, he suggests that Halévy cut this last sentence on purpose. But Vergara's reading of it is completely fanciful. Bentham's rhetorical exaggeration here serves the purpose of introducing a proper definition of the 'principle of utility', after a more literary and somewhat metaphorical explication of the principle had been

[3] Op. cit., 104.

[4] J. Bentham, *An Introduction to the Principles of Morals and Legislation* (New York: Hafner Press, 1970), 1.

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given. Bentham is simply doing what mathematical social scientists usually do: they motivate their formal statements before making them. Bentham had no intention of contradicting himself already on the first page of his book. As to the formal definition that follows, if Vergara quoted the relevant passage in full, which he blames Halévy for not always doing, the reader would be reminded that the 'principle of utility' applies symmetrically to 'every measure of government' and 'every action of a private individual'. Literally, this is not the same duality as that of the greatest happiness principle versus the psychological law, but a possible reading of the text is that the 'principle of utility' has both a normative and positive interpretation, that it applies both collectively and individually, and that these two dualities collapse into one another. That is to say, on the face of it, the normative variant is the same as the collective variant (the greatest happiness principle), and the positive variant collapses into the individual one (what we called earlier the psychological law).

Vergara might be right that throughout the *Introduction* the predominant use of 'principle of utility' is to refer to the normative and collective half of it. But there is more sophisticated evidence than he appears to be aware of. See the following passage from *A Table of the Spring of Actions* (1817):

> Principle of utility, what. 1. Indication of what *ought* to be, it indicates as the only universally desirable *object* and *end*, greatest happiness of greatest number. 2. Indicative of what *is* (acknowledging sympathy and antipathy to have their corresponding *interests*), it states as the sole actual *object* and *end* of every man's every action, his advancement of his own interest.[5]

This is as explicit a statement of the dual meaning of 'principle of utility' as Bentham could make. Compare it with the claim that 'No utilitarian thinker has ever given the name *principle of utility* to a psychological law.' Shall we conclude that Bentham is not to be called a utilitarian thinker except by way of metaphor and declamation?

[5] J. Bentham, *A Table of the Springs of Actions* in *Deontology together with A Table of the Strings of Action and Article on Utilitarianism*, A. Goldworth (ed.) (Oxford: Clarendon Press, 1992), 62; see also 59–60. This work was printed in 1815 and published in 1817. L. Stephen (1900, *The English Utilitarians, 1. Jeremy Bentham*, (New York: A. M. Kelley, 1968), I, 251) claims that it was 'edited with considerable modification by James Mill', but no evidence for this statement has been provided; see A. Goldworth, 'Editorial Introduction' in *Deontology together with A Table of the Strings of Action and Article on Utilitarianism*, (Oxford: Clarendon Press, 1992), xii–xix. Notice that Halévy makes important use of the *Table* (Op. cit., vol. 3, 281 sq.; vol. III, 183 sq.).

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Here is some additional evidence. In *Deontology* Bentham wrote:

> Deontological Ethics has for its indispensable foundations Exegetical Ethics. By no other means with any rational prospect of success can you endeavour to cause a man to do so and so, otherwise than by shewing him that it is, or making it to be, his interest so to do.[6]

On the top of this page he made the following comment for himself: 'Add to par. 1. *Principle of Utility*: its two correspondent senses.'[7]

The psychological law in action

Having dealt with the terminological issue, we move on to more substantial claims. The dual role of pleasure and pain—in setting the standard of right and wrong, and in intervening in the chain of causes and effects, if we may paraphrase the *Introduction*—is central to Bentham's conception of the legislator. Let us quote again from *A Table*:

> Sole *actual* and ultimate end of each man's conduct: the maximum of his own happiness. Sole *proper* end of the conduct of the legislator in any community: the maximum of the happiness of the community. Sole ingredients of happiness: pleasure and exemption from pain. Sole *means* of operating on mankind by the legislator: creation and application of pleasures, exemptions, pain and losses, viz. through the medium of their causes. Correspondent to pleasure and pains are *interests*, *desires* and *motives*. By the legislator, nothing can a man be made to do any further than he has been made to have it an *interest* in doing it. Nor by the moralist, and any further than he has been *persuaded* that it *is* his interest to do it. The legislator *creates*, of himself, new interests. To the deontologist it belongs, of himself, to bring to view existing interests, and even, in proportion to the influence of his authority, to apply the force of the moral and popular sanction to the creation of new interests.[8]

[6] J. Bentham, [1819] *Deontology*, in *Deontology together with A Table of the Strings of Action and Article on Utilitarianism*, (Oxford: Clarendon Press, 1992), 128. *Deontology* was written between 1814 and 1831. We have used the 1992 Oxford edition which is based on the original manuscripts and gives the date of writing of each of them (here in square brackets). Halévy makes also abundant use of the *Deontology* throughout the *Formation* (Op. cit., vol. 3, 273 sq.; vol. III, 178 sq.).

[7] Op. cit. [1819], note 2, 128.

[8] Op. cit., 71–2.

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The value of this passage is that it goes beyond simply restating the dual role of pleasure and pain—it also explains why this duality is essential to Bentham's purposes. The duality is essential because in order to promote the greatest happiness principle, the legislator will have to rely on the causal role of interests. Such an interpretation is—of course—unoriginal: after being put forward perhaps for the first time, and no doubt most strikingly, by Halévy,[9] it gained widespread acceptance. We recall that Halévy generally identifies the Benthamite way of achieving the greatest happiness as *identification artificielle des intérêts*, to be contrasted with *identification naturelle des intérêts* and *fusion des intérêts*.[10] Natural identification and even sympathy do play a role in Bentham but only an occasional or a conceptually secondary one. This classic interpretation has often been scrutinized by later Bentham commentators. More usually than not, they have endorsed it while possibly emphasizing differences between the earlier and later work.[11]

In Bentham's parlance, the legislator 'creates new interests'. Equivalently, he decides to sanction particular classes of actions by specially chosen pleasures and pains. There is no discussion about this last equivalence: Bentham always analyses the notion of interest in terms of the more basic concepts of pleasure and pain. The long quote above is already suggestive of this connection but it is stated formally elsewhere. For instance:

> Desire of pleasure and of exemption from pain, in one word *interest*, (is) in some shape or other the source of every thought as well as the cause of every action.[12]

[9] Contrary to E. Halévy, L. Stephen (op. cit.) says little on this side of classical utilitarianism.

[10] See, e.g.: E. Halévy, op. cit., vol. 1, 23 (vol. I, 27); vol. 2, 139 (vol. II, 209); vol. 3, 117 (vol. III, 177).

[11] See D. Lyons's (*In the Interest of the Governed* (Oxford: Clarendon Press, 1991)) assessment of natural identification at various stages of Bentham's career and compare it with S. Wolin's (*Politics and Vision* (Boston: Little, Brown, 1960)). H. F. Pitkin ('Slippery Bentham: Some Neglected Cracks in the Foundation of Utilitarianism', *Political Theory* **18**, No 1 (1990)) appears to reassert the predominant role of artificial identification in Bentham. There are many other discussions of Halévy's thesis on the three modes of 'identification'.

[12] J. Bentham, *De l'Ontologie* (Paris: Seuil, 1997), 98 (This is a bilingual edition of Bentham's manuscripts 'Ontology', written in 1813–14). Also: 'It is only in so far as it is considered as bearing relation to pleasures and pains, that any clear and determinate idea can be annexed to the word «interest»' (1815, 'Dedacologia: Art and Science Division', in *Deontology together with A Table of the Strings of Action and Article on Utilitarianism*, (Oxford: Clarendon Press, 1992), 336).

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Thus, for Bentham, the claim that men pursue their interests is but a restatement of the psychological law under discussion here. To testify to the prevalence of the latter in Bentham it is enough to refer to the hundreds of occurrences of the former throughout his work.[13] The counterevidence to Vergara's thesis is overwhelming.

Apart from his misreadings of Bentham, why is Vergara's *logic* faulty when he makes the extraordinary claim that Bentham does not endorse the psychological law? Because his interpretation would deprive the Benthamite theory of the legislator and its many concrete applications of any logical basis. If the people do not react to incentives in a simple and predictable way, the legislator will fail to promote general happiness. The role of the psychological law is precisely to make individual behaviour predictable and manipulable by the legislator.[14] The very strong form that the psychological law takes in Bentham mirrors his strong conviction that manipulation of incentives is the normal way for the legislator to pursue his goal.

Bentham's passage above from *A Table* was really making two claims, one being that manipulation can be effective if pursued, the other that it must be pursued if the greatest happiness is to be reached. Halévy's discussions of *l'identification artificielle des intérêts* equivocate between the two meanings, but in view of the evidence just given, it is correct to attribute both to Bentham. That is, it is not only the case that man's behaviour is sufficiently rigid to be causally influenced by well-chosen incentives, but also that the legislator will have to resort to this sort of manipulation on a grand scale.[15] This is Bentham's cynicism, if you wish, a feature that Halévy rightly emphasizes throughout. The precise extent to which the legislator has to 'create interests' rather than just let existing interests interplay is closely related to the issue of *agenda* versus *non-agenda*. It is well-known that Bentham has much varied on the two lists. Halévy summarized these variations by

[13] Here is a short list: J. Bentham, *An Introduction to the Principles of Morals and Legislation*, 312–3; 1809, *Catéchisme de la réforme électoral* (in A. Marrast and J.F. Dupont (eds) (Paris: Pagnerre, 1848), 92; [1814] *Deontology* in *Deontology together with A Table of the Strings of Action and Article on Utilitarianism*, (Oxford: Clarendon Press, 1992), 147–8; 1821–2, *Rid Yourselves of Ultramania* in *Colonies, Commerce and Constitutional Code* (Oxford: Clarendon Press, 1995), 31 and 34; 1820–32, *Constitutional Code* in J. Bowring (ed.), *The Works of Jeremy Bentham* (Edinburgh, Tait, 1841) part 17, 46.

[14] See, e.g. J. Bentham, *Principles of the Civil Code* in J. Bowring (ed.), *The Works of Jeremy Bentham* (Edinburgh: Tait, 1838), part 2, 304: 'The feelings of men are sufficiently regular to become the object of a science or an art'.

[15] The legislator's role is markedly different from the deontologist's. The latter is in charge of *ascertaining* the existing interests (and correcting the individual's mistakes).

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suggesting that, for the most, the *agenda* belong to the political sphere, and the *non-agenda* to the economic one. Recent research into Bentham's economics has shown that this was an oversimplified picture.[16] But the plain fact remains that the sphere of *agenda*, each of which involves the legislator's manipulating some individual interests, is wide in Bentham's view, whatever the stage of his intellectual career.

As an early illustration, take this passage from the *Introduction* (if one cares to read as far as chapter IV):

> Pleasures then, and the avoidance of pains, are the *ends* which the legislator has in view: it behoves him therefore to understand their *value*. Pleasures and pains are the *instruments* he has to work with: it behoves him therefore to understand their force, which is again, in other words, their value.[17]

The abruptness of this passage is typical of Bentham's manner. It could be read as suggesting that the statement of the universal aim—pleasure—*entails* the choice of the means to achieve it—pleasure again, this time viewed instrumentally. Bentham is not as crude as to make such a false inference. What he does claim is that as a matter of fact, if not of logic, there is no other way for the legislator to achieve his aim than to understand and influence the course of man's pleasure-oriented activity.

Here is now a later (and perhaps slightly lesser-known) illustration. Bentham's constitutional work in the 1820s centers around the so-called *Means-prescribing* or *Junction-of-interests prescribing principle*.[18] The very simple idea underlying it is much in the style of contemporary public choice theories. There are two interests at work in the public man's attitudes. He does have an interest in the overall happiness of the society, but his generally predominant interest lies with either himself or possibly a subgroup of the society—this is the powerful 'sinister interest'. The role of constitutional reform is to design legal and political incentives in such a way that the two

[16] N. Sigot ('*Be Quiet* mais modérement: Le rôle de l'Etat dans la pensée économique de Jeremy Bentham', *Revue Economique* **44**, No 1 (jan. 1993)) discusses the changing boundaries of agenda and non-agenda in Bentham's work. See this paper for relevant references.

[17] Op. cit., 29.

[18] E.g. 'the *means* of bringing what is into accordance with what ought to be' (J. Bentham, 1820–32, *Constitutional Code* in J. Bowring (ed.), *The Works of Jeremy Bentham* (Edinburgh: Tait, 1841), part 17, 6; 1822, *Constitutional Code Rationale*, in *First Principles Preparatory to Constitutional Law* (Oxford: Clarendon Press, 1989), 235. See also J. Bentham, 1782–7, *The Rationale of Reward*, in J. Bowring (ed.), *The Works of Jeremy Bentham* (Edinburgh: Tait, 1838), part 7, 199.

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interests actually coincide. Remarkably, this analysis applies in essentially the same way to the civil servant and the politician:

> If, as above, so it be, that, in the situation of a ruler, whatsoever that situation be, the conduct of no man can at any moment reasonably be expected to be determined by any interest that at that same moment stands in opposition to that which in his conception is his own individual interest, [it] follows that for causing it to take any direction in which it will be subservient to the universal interest, the nature of man, the nature of the case, affords no other method than that which consists in the bringing of the particular interest of rulers into accordance with the universal interest.[19]

A cynical justification of franchise for all derives from this line of analysis: If some individuals were not entitled to vote, the 'ruler' could well ignore these individuals' interests without fearing to be dismissed, and thus fall short of his assigned goal, which is to secure the greatest happiness *for all*.[20] As Halévy explains in his volume 3, this down-to-earth defence of universal franchise by the late Bentham reduces it to a technical device among others, such as secret polls, relatively frequent elections, etc.

Pleasure, interest, and selfishness

The objection we have now hopefully disposed of was that Halévy was wrong to attribute the psychological half of the principle of utility to Bentham. But Vergara also writes:

> Halévy has confused the principle of utility with the psychological theory according to which man is universally selfish.[21]

This is the objection we would like to address now.

We will start with Bentham before moving to Halévy. Let us briefly remind the reader of Bentham's sophisticated analyses of the pleasure and pain concepts.[22] The *Introduction* is known for distinguishing not only between (in principle, seven) dimensions of the

[19] J. Bentham, 1822, *Constitutional Code Rationale* in *First Principles Preparatory to Constitutional Code* (Oxford: Clarendon Press, 1989), 235.

[20] Or at least for *the greatest number*. On these alternative formulations, see E. Halévy, Op. cit., vol. 3, 176 (vol. III, 116).

[21] Op. cit., 104.

[22] P. Mongin, op. cit., 386 sq., has suggested that they anticipated not so much on 'mainstream' rational choice theory as on some of its recent, non-standard variations. This interpretation runs counter to the accepted wisdom among historians of economic thought.

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pleasure concept, but also, though briefly, between 'extra-regarding' from 'self-regarding' pleasures, and within the former, between the 'pleasures of benevolence' and those of 'malevolence'.[23] The analysis in the *Introduction* falls short of the reader's expectations, but luckily, Bentham has pursued it elsewhere. For instance, in the *Deontology*, he further distinguishes between 'benevolence', understood as a desire or a feeling akin to sympathy, and 'beneficence', understood as an actual contribution to our fellows' comfort.[24] The important point which emerges from the *Deontology*, and accords with the sketch in the *Introduction*, is this: Bentham does not only recognize that men can be 'beneficent', but that they are often so out of 'benevolence'; or, equivalently, that 'extra-regarding' pleasures and pains are a true motivating factor. Bentham analyses the two ways in which the others' sufferings lead us to feel a pain: we suffer in their stead, by an act of imagination, and we also suffer if we feel we can do something for them and do nothing (i.e., we also suffer from our inactivity). Of course, Bentham does not conclude that we will always, or even that we will often, take an action to suppress these two pains. Quite the contrary: very often, the pains caused by the others' sufferings are not felt strongly enough to prompt any action. So benevolence does play a role in Bentham but it is, of necessity, limited by his general analysis of the efficacy of pleasures and pains along the various dimensions.

Now, we proceed to argue that Bentham's relatively sophisticated discussion has found its way into *La formation*. In connection with the taxonomy of pleasures in Bentham's early work, Halévy's volume 1 discusses 'extra-regarding pleasures' at some length.[25] This discussion suggests that Halévy is well-aware of the general point just made, i.e., that extra-regarding pleasures are a particular species of pleasures and should be analysed in exactly the same way as 'self-regarding pleasures'. Volume 2 has a discussion not of extra-regarding pleasures, but of *posthumous* pleasures which might suggest to the reader, by analogy, how the desired analysis should be carried out.[26] As Halévy explains, Bentham undertakes to assess the threat of eternal punishment in terms of the familiar dimensions (i.e., intensity, duration, certainty and proximity). An analysis of the pleasure of benevolence carried in the same way would lead Halévy to conclude that benevolence is one motivating factor among others, and as a generality, not a very powerful one.[27] Finally, the

[23] Op. cit., 41.

[24] J. Bentham [1819], op. cit., 184. See also 127.

[25] Op. cit., vol. 1, 48 (vol. I, 43).

[26] Op. cit., vol. 2, 266 (vol. II, 175).

[27] See also the brief discussion of Bentham versus Burke on future generations in E. Halévy, op. cit., vol. 2, 11 (vol. II, 11).

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issue of extra-regarding pleasures is taken up in an important passage of volume 3, where Halévy contrasts James Mill with Bentham, and emphasizes that, contrary to the former, the latter 'never gave up interpreting extra-regarding motives as being as "simple'' and basic as selfish motives.'[28]

True, there are sentences in Halévy, and not a few of them in volume 3 in particular, which sound as if he attributed to Bentham the coarse theory that man is uniformly selfish.[29] We could defend Halévy on the grounds that nearly unexceptionally, when he is coarse, he gives a supporting quote from Bentham which is equally coarse. But a more subtle reading of these suspicious passages can be made. It is based on the peculiar identification in Bentham of 'pursuing one's interest' with 'seeking one's pleasure and exemption of pain'. Adopting this technical meaning of 'pursuing one's interest', man can be *both self-interested and unselfish in the ordinary sense*. This follows from the role of extra-regarding pleasures in contributing to define the person's interest. That is to say, men are not necessarily selfish or egoist (in the sense of not caring only about what happens to their fellow men), although they are always self-interested (in the sense of being moved only by their own pleasures and displeasures). The theory we are sketching here can be used to redeem both the passages in Bentham which stress that self-interest is pervasive and the passages in Halévy echoing or paraphrasing them. Notice that Halévy shows awareness of Bentham's special use of 'interest'.[30]

Further, and this is a different argument, Halévy repeatedly notes that the artificial identification of interests is not all there is to be said about Bentham. We read the *Formation* as showing that in classical utilitarianism, the three modes of identification of interests are *never* exclusive of each other. Depending on the particular author, one mode prevails over the other two. But the others still play a role, although, as we said earlier in relation to natural identification and

[28] 'Bentham ne semble jamais avoir renoncé à tenir les motifs extra-personnels pour aussi simples et fondamentaux que les motifs égoïstes' (op. cit., vol. 3, 292; vol. III, 190).

[29] Notably the sketchy discussion of 'self-preference' in op. cit., vol. 3, 176 (vol. III, 116). The later discussion of the laws of action in vol. 3, 292 sq. (vol. III, 190 sq.) is much more balanced and sophisticated, even if it ends up claiming that the selfishness theory ('système égoïste') predominates in Bentham's mature work.

[30] E.g., op. cit., vol. 3, p. 281 (vol. III, 183). We do not mean to claim, however, that Halévy is entirely clear about the analytical distinction put across here between self-interest and selfishness or egoism. Nor was Bentham, presumably.

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fusion for Bentham, a subordinate one.[31] Importantly, one cannot jump from the point that the artificial mode of identification is necessary under a number of social circumstances to the conclusion that sympathy is non-existent. Whoever follows Bentham's particular way of reasoning will recognize that it is possible to view sympathy as being both powerful and limited: it is powerful enough for the legislator to operate on it, as he manipulates other motivations, but it is not powerful enough to make the legislator's intervention superfluous.

Conclusion

Vergara's scholarship is not up to his polemical target. As we showed, it does not extend as far as the *Table of Springs of Action* and the *Deontology*, two important sources for Halévy as well as for the present article. Worse than that, Vergara's logic is defective throughout. He does not realize that very little would remain of Bentham if one were to eliminate the psychological part of the principle of utility. The only reason we can guess why he made this extraordinary move is that he confused the psychological law underlying the principle of utility with something absolutely unpalatable, i.e., the so-called selfishness theory. Vergara never clearly distinguishes between two criticisms that Halévy is wrong in attributing the psychological law to Bentham, and that he is wrong in attributing to him the selfishness theory. The likely reason why one objection glides into the other is that he does not understand the difference between the substantial claims themselves. He thinks that the psychological law is antagonistic to the role of benevolence, extra-regarding feelings, and sympathy. Quite apart from the massive textual evidence against him, this is a gross conceptual confusion. Vergara's flawed inferences have led him to invent a painful caricature of both Bentham and Halévy's Bentham: *El sueño de la razon produce monstruos*.

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[31] See this important claim 'la morale de l'utilité ne saura jamais se débarrasser complètement, en dépit de tous ses efforts, du principe de la fusion sympathique des intérêts' (op. cit., vol. 1, 23; vol. I, 17). Consistently with this general claim, Halévy states in volume 3 that sympathy is ineliminable from Bentham's system.

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