



## **AN EVALUATION OF JEREMY BENTHAM'S IDEAS ON PUNISHMENT**

**Ugwuanyi, Obumneke Titus and Nomeh, Monday**

*Department of Philosophy, University of Nigeria*

**Keywords:**

*Jeremy Bentham, punishment, Theory, ideas, evaluation*

**Abstract:** *The big question is, does punishing the offender stop persons from committing a crime? If yes, why persons are still committing crimes, then if no, why person are still being punished. Bentham is a major proponent of utilitarian theory of punishment. For Bentham, punishment is a means to an end, to discourage or deter offender for future wrong-doings. He argues that, punishment is evil in the form of remedy which operates by fear. Thus, this research paper sets out to investigate the applicability of Jeremy Bentham's concept of punishment on how it will be used to solve the problem of one-sided allocation of punishment, the incommensurate of punishment to the crime committed in our society. The rationale behind this research is to expose, analyze and evaluate Bentham's concept of punishment and also to proffer some tentative approach to solve the one-sided allocation of punishment. This research will be limited on punishment especially as it were discussed in his legal philosophies. Using the qualitative design in this research, this work holds that, Bentham's concept of punishment will close the gap that leads to one-sided allocation of punishment based on class, region, religion etc in our society if applied from the point of view societal values.*

### **Introduction**

Jeremy Bentham's ideas on punishment is contained in his work, *An Introduction to the Principles of Morals and Legislation*. Bentham argues that, "punishment is evil in the form of remedy which operates by fear".<sup>1</sup> Bentham is among the major proponent of utilitarian theory of punishment. He believes that punishment is a means to an end and punishes the offender to discourage or deter him for future wrong-doings. It is against this backdrop that this research will take up a study of Bentham's concept of punishment. Bentham is a major

proponent of utilitarian theory of punishment. For Bentham, punishment is a means to an end and to discourage or deter offender for future wrong-doings.

### **Review on Punishment**

Punishment has been controversial due to the diversity of the orientation of the scholars. Plato's views on punishment encompass what have come to be known by later scholars as the utilitarian and retributive concepts of punishment. He established these views in two of his famous works, *Protagoras* and *Gorgias*. As regards to punishment, Plato's

**Ugwuanyi, Obumneke Titus and Nomeh, Monday**



main concern in *Protagoras* is to delineate the difference between punishment and revenge. According to Plato's account, the purpose of punishing offenders is not simply to inflict pains as a way of taking revenge on them for their crimes. The aim as he sees it, is to prevent future occurrence of the same or similar crime either by the same offender or by other would-be-offenders. For Plato, "The evil-doer is deemed happy if he escapes, and miserable if he suffers punishment; but Socrates thinks him less miserable if he suffers than if he escapes"<sup>2</sup>. Why would Socrates see punishment as beneficial to the offender?

To understand why Socrates thinks that punishment is to the advantage of the offender may be somewhat awkward to a modern man. This difficulty is the result of two reasons, first, because punishment involves pain and man by nature always strives to avoid pain whenever he can and secondly, because the modern man is living in a world where the utilitarian principle that pain should be minimized and pleasure maximized has become the dominant moral principle.

Crime upsets the natural order; the purpose of punishment therefore is to restore this order both in the soul and in the material universe which the offender has by his offence violated. Plato makes this important connection in a typical Socratic question and answer method:

*There remains the other question:  
Is a guilty man better off when he  
is not punished or when he is*

*punished? Socrates replies that what is done justly is suffered justly: if the act is just, the effect is just; if to punish is just, to be punished is just, and therefore fair, and therefore beneficent; and the benefit is that the soul is improved.*<sup>3</sup>

In Plato's understanding therefore, "the criminal should himself go to the judge as he would to the physician, and be cleansed of his crime. Rhetoric will enable him to display his guilt in proper colours, and to sustain himself and others in enduring the necessary penalty"<sup>4</sup> what this means is that Plato sees punishment as reformatory; it has the same effect as therapy. Accordingly, Plato posits:

*there are three evils from which a man may suffer, and which affect him in state, body, and soul; these are, poverty, disease, injustice, and the foulest of these is injustice, the evil of the soul, because that brings the greatest hurt. And there are three arts which heal these evils –trading, medicine, justice- and the fairest of these is justice. Happy is he who has never committed injustice, and happy is he who has never committed injustice, and happy in the second degree he who has healed by punishment.*<sup>5</sup>



Plato's arguments in the foregoing shows that his ideas encompass both a retributive and a utilitarian idea of punishment, Bentham must have been influenced strongly by this idea of his. Plato believes that crime as an injustice creates a disharmony, a disorder in nature. To reinstate order, commensurable degree of pain has to be imposed on the lawbreaker. This represents the retributive dimension of his theory of punishment.

Cesare Beccaria Bonesana(1738-1794), In his work, *An Essay on Crimes and Punishment*, he was a passionate critic of the punishment during the 17<sup>th</sup> and 18<sup>th</sup> centuries which he perceived to be excessive, brutal, arbitrary and unequal. The treatise was one of the first leading tracts against capital punishment. He called for reform towards the rule of law, principles of legality and fair notice, as well as more proportional swift and certain punishments.

Beccaria argues that men had to give up part of their freedom in order to escape the state of nature- a state where, as Hobbes puts it, that man is a wolf to man and thus be able to enjoy in a relative tranquility the remainder of their freedom. The consequence of this, he posits,

*It was ...necessity that compelled men to give up part of their personal liberty; and so it is that each is willing to place in the public depository only the least possible portion... the aggregate of these smallest possible portions constitutes the right to punish;*

*everything that exceeds this is abuse, not justice; it is a matter of fact, not of right.*<sup>7</sup>

The result of Beccaria's efforts is the forerunner of the well-known utilitarian conceptions, men are born free and therefore they will give only the least possible portion of their liberty, deprivation of this liberty through punishment cannot be justified with transcendent ends, but only by the utility to society. He posits that, "the greatest happiness shared among the greatest number."<sup>8</sup> The common good, combined with the respect for the citizen's original freedom demands that penalties be mild but certain, so that they can serve as a deterrent effect without brutalizing society.<sup>9</sup> While the prime objective of punishment in Beccaria's day was retribution or revenge, Beccaria argues,

*The purpose of punishment ... is none than to prevent the criminal from doing fresh harm to fellow citizens and to deter others from doing the same. Therefore, punishments and the method of inflicting them must be chosen such that, in keeping with proportionally, they will make the most efficacious and lasting impression on the minds of men with the least torment to the body of the condemned.*<sup>10</sup>

Nevertheless, like in the case of Hobbes, what Beccaria's account did not resolve is the way punishment would assuage the injustice



suffered by the victims of crimes. If both the criminal and other would-be criminals are deterred from committing similar crimes in the future, does that mean that justice has been done? Raising these questions is not to say that retributivism cannot be derived from both Hobbes and Beccaria's concept of punishment. The point here is to show that their analyses do not give any functional role to punishment in the lives of the victims of crimes of injustice. Beccaria's treatise hugely influenced Bentham, and the early development of utilitarian thought in penal justices.

In conclusion, what comes out clearly in the literature review in this part is that there are basically two main theories of punishment, namely: Retributive and Utilitarian theories. The reason for review is to have a better understanding of Bentham who belongs to utilitarian theory of punishment.

## **BENTHAM'S IDEA ON PUNISHMENT**

Jeremy Bentham (1748-1832) English philosopher of law, language, and ethics. He was born in London. Bentham was educated at Oxford, and he studied law, for which he developed a profound mistrust. His major preoccupation became the flimsy theoretical foundations of law and the abuses to which the law gives rise. The main theoretical Bentham published during his lifetime was the *Introduction to the Principles of Morals and Legislation*, (1789). Bentham was the founder of Utilitarianism, and made famous the formula that the proper end of action is to achieve the

greatest happiness of the greatest number. Much of his work tried to elaborate that doctrine and show how utilitarianism could be developed into a calculus of pleasure (a hedonic or felicific calculus) whereby the effects of action could be judged and right policy thereby identified.<sup>11</sup>

Bentham's utilitarian perspective on punishment, so greatly influenced by Beccaria, identified

the sources of motivation as the key to the understanding what was involved in the encouragement of law-abiding behaviour.<sup>12</sup> Consequently, his discussion of motivation provides the obvious starting point for any analysis of his discussion of punishment. In Chapter 3 of *Introduction to the Principles of Morals and Legislation*, (Bentham introduced a specific and fundamental division of the sources from which pain described as 'punishment' could be said to originate.

Drawing on his wider philosophy, he placed great emphasis on the variety of directing sanctions, and he carefully detailed the effective restraints on behaviour derived from the four sources of pain and pleasure. These he termed as the physical, political, moral and religious sanctions.<sup>13</sup> Thus, pain, came from nature as the physical sanction, from the operation of a magistrate operating according to a sovereign's will as the political or legal sanction, from the spontaneous disapproval of an individual's community as the moral sanction, and finally,



from the ‘hand of a superior invisible being’ as the religious sanction.

In his attempt to elicit a more ‘scientific’ approach to the debate on punishment, he differed considerably from his contemporaries, not only with his expression of legal punishment as the embodiment of an unquestionable evil, but also with this broader use of the term ‘punishment’ itself. Punishment was, for Bentham, a particular category of pain, produced not just as the result of some individual action but of an action that could be labeled an ‘offence’.<sup>14</sup> In Bentham’s words, ‘the idea of punishment presupposes the idea of offence: punishment, as such, not being inflicted but also in consideration of offence’.<sup>15</sup>

The development of Bentham’s understanding of the motivating sanctions, as responses to such offending, has been widely documented. From as early as *A Fragment on Government* and *A Comment on the Commentaries*, three sanctions, the political, moral and religious, are discussed. Later, in *Introduction to the Principles of Morals and Legislation*, a fourth sanction (the physical) was identified;<sup>16</sup> and finally, in the unfinished *Deontology* of 1814, the role of ‘sympathy’ was given a new classification as a fifth independent sanction.<sup>17</sup>

This aspect of his thought introduced a subtle and sophisticated element to the debate that proved to be of profound importance for both Bentham and later penal discussion. In one very practical sense, this variety of motivational factors explains Bentham’s desire to reduce the

involvement of litigants, prosecutors, magistrates and judges in the maintenance of lawful behaviour, since it would be unreasonable to expect the range of individual motivation to be satisfactorily influenced solely by legal means.<sup>18</sup> In other words punishment produced more pain for an offender than the purely legal kind. This held great importance for his basic theory and can perhaps be best understood by next considering his notion of the distribution of pain resulting from the imposition of a legal sanction - the ‘artificial’ pain inflicted by a state’s system of law.<sup>19</sup>

Bentham expressed vividly in the first chapter of his book, *Introduction to the Principles of Morals and Legislation*, that:

*Nature has placed mankind under the governance of two sovereign masters, namely: pain and pleasure. It is for them alone to point out what we ought to do, as well as to determine what we shall do. On the one hand the standard of right and wrong, on the chain of cause and effects are fastened to their throne. They govern us in all we do, in all we say, in all we think.*<sup>20</sup>

For the individual, Bentham feels that a thing is said to promote the interest or to be for the interest of an individual, when it tends to add to the sum total of his pleasure or what comes to the same thing, to diminish the sum total of his





pains. For the community, the interest would then be the sum of the interest of the several members who compose it.

The analysis of the distribution of pain, as presented by Bentham, illustrates how pain from the political, or legal, sanction informs Bentham's entire penal theory and forms a central component of his philosophy of punishment. This original appreciation of the diffusion of the pain of punishment provided further foundations both for Bentham's attack on common, or judge-made, law and for his suggestions for reform. He believed contemporary theories entirely misunderstood the action of pain produced by legal punishment and concluded that only a utilitarian system of positive law could respond to the complexities of offending behaviour.

Again, seeking a 'scientific' approach to punishment, Bentham went to considerable lengths to discover the effect of pain as it was inflicted on society, both by offences and punishments. From the perspective of pain caused by offending, he suggested a single test sufficient to determine whether an act was 'wrong', and whether it ought consequently to be classified as an 'offence' and made preventable by law. This test sought to identify the experience of pain suffered by some assignable or un-assignable individual or individuals.<sup>21</sup> The presentation of, and emphasis on, criminal behaviour as depending upon harm experienced by an individual and forming an assault upon the wider community can be found

in Beccaria's *Crimes and Punishments*, but Bentham's use was substantially different from Beccaria's.

Of crucial importance was Bentham's insistence that any assessment of the extent of harm inflicted was dependent upon the motive, circumstances and intention under the influence of which an act was carried out. Beccaria, on the other hand, seems to have been daunted by the variety and complexity of circumstances that his argument suggested might need to be accounted for, and, in an attempt to simplify such assessment, he rejected the possibility of ever being able to gauge the 'intention' of an offender. Bentham clearly believed such an assessment was possible, and consequently considerations of intention, motive and disposition of an offender formed a central feature of his own utilitarian assessment of harm done by an offence and danger threatened by the offender in future.

Bentham believed the mischief of any act could be divided into two parts. The first he called 'primary' mischief, which related to the pain sustained by an assignable individual or individuals. The second part he labeled 'secondary' mischief, for, whilst clearly originating from the former, this secondary mischief extended throughout the whole, wider society, affecting innumerable unknown, un-assignable, individuals.

A further complication was introduced with Bentham's suggestion that to be appropriate the evil of punishment ought ultimately to produce



a surfeit of pleasure over pain.<sup>22</sup> Such a requirement carried with it the implication that each and every legal punishment, regardless of the category to which it might belong, has the potential of becoming, on each new occasion it was used, morally unacceptable.<sup>23</sup>

That is to say, in Bentham's terms, any offence would be found 'unmeet for punishment'.<sup>24</sup> One result of an emphasis on future benefit could be to encourage the judge, at the point of sentencing, to take the broadest view of the future consequences of both offence and recommended punishment. The focus of any 'calculation' was again identified in extremely general terms. The consequences of such general, consequentialist thinking offered a significant threat to conventional, eighteenth-century theories, both of retribution and deterrence. Notions of retributive threats were almost wholly removed from Bentham's theory of punishment, but so too was any justification of a disproportionate deterrent threat.<sup>25</sup> In fact, if it could be known for sure that a similar offence would never again being committed, then, from his utilitarian standpoint, he would find no justification for the infliction of any punishment. For Bentham pain, and thus punishment, was always a social negative, unless it promised greater pleasure in future.

In Bentham's famous work, *Offence Against Oneself*, He warns of the danger in apportioning punishment wrongly. He argues that, "there is danger in any case where the weight of punishment is greater than the reason for

applying punishment".<sup>26</sup> He observed that punishment should be a means of putting a man in a position whereby, he should feel a kind of remorse for a wrong action taken and not to as to make the man assuming or feel the pain of hatred. As Bentham was looking at the danger of wrong punishment, he also considers who should enforce punishment to the offenders.

In one of the Bentham's works, *A Fragrance on Government*, he posits that: "the only true and natural foundations of society, are the wants and the fears of individuals".<sup>27</sup> In the other way round it is the sense of weakness, and imperfection that keeps mankind together and it is the same also that help to maintain this unity. However, for this union to be sustained and withstand the test of time, Bentham argues: "the whole should protect all parts and every part should pay obedience to the will of the whole."<sup>28</sup> In this sense, it becomes necessary that the community should guard the right of each individual member and in return each individual should submit to the laws of the community, without which submission of all it was impossible that protection could be certainly extended to any.

For him, when society is formed, government results of course, as necessary to preserve and keep that society in order. Unless some superiors were constituted, whose commands and decisions all the members are bound to obey, "they would still remain as in a state of nature without my judge upon earth to



define their several rights and redress their several wrongs”.<sup>29</sup>

The principle of utility as applied to the community should be the only basis for declaring what is an offence, and this implies that an act must adversely affect members of the community to be considered an offence. In our next chapter, before we conclude we shall evaluate his ideas on punishment.

### **AN EVALUATION OF JEREMY BENTHAM’S IDEAS ON PUNISHMENT**

Jeremy Bentham is not an ardent proponent of punishment. His view on punishment is geared to deter crimes in order to promote the greatest good for the greatest number of people. However, there are some problems or challenges associated with the utilitarian conception of his punishment. In the first instance, Jeremy Bentham’s theory of punishment considers only one aspect of punishment as a means of deterrence or preventing crime. Retributive approach is equally important because it considers the amount of punishment appropriate for a particular offence. One of the fundamental human rights is right to life. When someone violates this right to take away the life of his/her fellow human being, the only punishment that can appease this crime is death sentence. Immanuel Kant is right by conceiving that murder is punishable by death sentence. This act will serve to deter others from committing the same crime.

Thus, utilitarian and retributive principles of capital punishment serve to complement each other. Although the utilitarian conceive that capital punishment serve to deter and prevent crimes, the opponents of capital punishment criticize this view by considering the brutalizing effects of capital punishment on the society. Capital punishment can serve as an effective deterrent for serious crimes but there are some problems associated with capital punishment. One of the problems associated with capital punishment is that capital punishment can be mistakenly carried out on innocent victims. Many people have been proclaimed to be innocent long after the execution. This radical form of execution is carried out in some cases against the poor and people from low economic situation or background. Capital punishment can serve as an effective deterrent of serious crimes in the society. It prevents other people in the society from committing crimes as Jeremy Bentham and other utilitarian philosophers conceive but it cannot reform criminals after death. Thus, it does not give room for criminals to repent. Life imprisonment, on the other hand, has its own peculiar problem which may promote laxity. When people are not punished effectively for the crimes they committed, it tend to encourage others to commit the same crime, thereby, promoting disharmony in the society. The debate between the proponents and opponents of capital punishment is a philosophical problem which is still endemic in this contemporary period. Notwithstanding the





contentions of Jeremy Bentham's utilitarian theory of punishment, capital punishment in Bentham utilitarianism is still relevant in this contemporary period to deter or prevent crimes in order to promote the greatest happiness of people in the society.

F.O.C. Njoku notes, that one significant merit of the utilitarian theory, according to Hart, is that, first, it does not focus on the guilt of the offender, like its rival theory- the traditional version of retributivism, so as to measure out to the an amount of penalty that is commensurate with his crime. It is forward looking, that is, it aims at the prevention of crime and even for even for the reformation of the criminal.<sup>30</sup> Njoku further posits, that, it recognizes the fact that only those who are responsible for their acts are to be punished; hence, Bentham's elaboration of excusing conditions. All punishment, according Bentham, is evil or mischief. Since the general object of the law is to augment happiness of the community, the recognition of excusing conditions concurs with the general objective of utilitarian legislation: to increase happiness and minimize pain.<sup>31</sup>

Bentham's ideas on using innocents as means, he discusses the punishment of innocents in the *Rationale of Punishment*, he argues that 'It is for the most part useless, and whenever it is not useless, it is mischievous.'<sup>32</sup> It is useless because none of the ends of punishment are achieved. The guilty offender has not been apprehended, nor has he/she suffered any consequences for the crime committed there

was therefore no deterrence, no reformation and no prevention of future offending, in addition to the unjustified pain suffered by the innocent. The innocents' punishment thus violates the state's commitment to eliminating pain and results in 'so much evil expended in waste, it is repugnant to utility, and also inconsistent with humanity'.

In Bentham's ideas of using offenders as means which is another second criticism of a utilitarian theory of punishment, that it might use offenders as a means to achieve the end of deterrence more efficiently by punishing them excessively or disproportionately. One can argue, in the first place, that this is more a criticism of deterrence theories and by extension directed towards Utilitarianism. Deterrence theories focus on inflicting by punishment a level of pain that exceeds the crime's profit, thereby providing an incentive for the individual not to commit a particular crime, as well as a general threat for others to abide by the law. Individuals will calculate that committing an offence will ultimately cause them more pain, if they are caught and punished, than pleasure.

Bentham's Utilitarianism ideas on punishment, the pain inflicted by the state should always be the minimum necessary to prevent the future offence. Moreover, if the justifying aim of punishment, as argued in this seminar's paper, is preventing people from injuring one another, it is not necessarily or exclusively achieved by deterrence. Instead it is a goal that should be



informed by empirical evidence of what better helps offenders desist.

**Reasons to Obey the Law:** The Utilitarian theory of punishment is that in using persons as a means to an end, it tries 'to affect the way people behave by threatening to make them suffer if they choose certain actions'. In so doing, it offers 'prudential reasons that coerce rather than moral reasons that persuade'.<sup>33</sup> Furthermore, simple Utilitarian logic that individuals are self-interested and pursue their own happiness, while the law aims to aggregate happiness, leads to a situation in which the law threatens consequences that alter individuals' calculations and make disobedience costly. Consequently, in this line of argument, Utilitarianism fails to respect people as rational beings who should be addressed by reasons, not by threats.

It seems relevant to start from the assumption that the purpose of law and punishment is to achieve aggregate happiness, and therefore that the law coerces the will of individuals to obey its orders to achieve the greatest happiness efficiently. Returning to Bentham's writings, it appears in his view that while the state is required to pursue the greatest happiness, law and punishment should primarily be used to eliminate pain.

To clarify, law and punishment are some of the tools of governance to be avoided wherever possible, because they restrict liberties and cause pain, contrary to the state's function of increasing happiness and eliminating pain. In

describing such use, Bentham states that 'it is with

Government as with medicine; its only business is the choice of evils, the evil of the offence, and the evil of the law'.<sup>34</sup>

In choosing between these two evils, What ought to be the object of the legislator? He ought to be certain of two things: first, that in every case the acts which he undertakes to prevent are really evils; and second, that these evils are greater than those which he employs to prevent them.<sup>35</sup>

In explaining the first condition that the acts must be 'really evils', Bentham says that 'the power of the law need interfere only to prevent injuring each other'.<sup>36</sup> The second condition is a limitation on the use of the law – that is, if it is used to prevent pain then the law must use the lesser pain: it must produce happiness more than it causes pain. Thus the pursuit or production of happiness is a constraint on using the power of law. The real purpose of the law is that it should prevent individuals inflicting pain upon one another.

Therefore the message is not that an individual should obey the law because violating it causes pain when caught and punished, and pain is something the self-interested individual should avoid. Instead, the message is that an individual, just like every other member of society, is entitled equally to pursue their happiness, subject to a restriction that applies equally to everyone, namely that individuals should not injure one another. This message is



one of a number of messages that the law can send to recognize every individual's equal chance to pursue happiness and express why individuals should not cause pain to one another. Most importantly, what the law is not expressing is the threat of pain for one person for the sake of others' happiness, or the deliverance of pain for collective happiness in disregard of the individual's actions as a responsible agent.

## Conclusion

It is essential when theorising about the justification of punishment to pay attention to the realities of actual punishment systems in any societies. As Husak would say, 'a systems of penal justice in the real world are notoriously problematic: they are astronomically expensive, prone to error and mistake, and subject to enormous abuse by the officials they empower'.<sup>37</sup> This research argues that it is necessary to acknowledge that punishment is an evil, the evil of humans inflicting suffering on one another and advocates adopting a doubtful, minimalist approach when theorising about the extent of state authority to inflict pains. One of the main barriers against viewing punishment as an evil arguably justified by the apparent good is the risk of using persons as mere means to such a good or to an end.

This is to say that the state is justified in punishing an individual only if he/she has interfered with the pursuit of happiness of other citizens and has caused pain to them, within a general justifying aim of peaceful co-existence

and the prevention of persons from injuring one another. This, of course, opens more questions about the definition of injuries and harms, as well as the nature of injuries that should fall within the scope of the criminal law, because not minding the kind of pains in punishment but citizens still commits crimes at the high rate. This research submits that punishment should be better be done in terms of reformative for the purpose of peaceful integration of everyone in the society, as against the retributive, deterrent theory of punishment.

## References

- Jeremy Bentham, *The Theory of Legislation*, (Bombay: N.M. Tripathi Private Ltd, 1995), 167.
- Plato, *Gorgias* trans. And Edited by Jowett Benjamine, (Harriburg: the Pennsylvania State University pub., 1999), 31.
- Benjamine, *Gorgias*, 33.
- Benjamine, 34.
- Benjamine, 34.
- Thomas Hobbes, *Leviathan*, (Oxford: Oxford University Press, 1998), 92
- Cesare Beccaria, *An Essay on Crime and Punishments*, Translated by Aaron Thomas and Jeremy Parzen, (New York: University of Toronto Press, 2008), 12.

## Advance Journal of Current Research

Adv. J. C. Research

Vol. 9; Issue 7; 2024

July-2024

ISSN: 2323 – 1744

Impact Factor: 5.93

Advance Scholars Publication

Published by International Institute of Advance Scholars Development

<https://aspjournals.org/Journals/index.php/ajcr/index>



- Beccaria, 13.
- Beccaria, 12.
- Beccaria, 15.
- Simon, Blackburn, *Oxford Dictionary of Philosophy*, (Oxford: University Press, 2008), 40.
- D. Baumgardt, *Bentham and the Ethics of Today*, (Princeton, 1952), 218.
- Tony, Draper, "An Introduction to Jeremy Bentham's Theory of Punishment", in *Journal of Bentham Studies*, vol. 5 (London: 2002), 10.
- Jeremy Bentham, *An Introduction to the Principles of Morals and Legislation*, (Oxford: Clarendon Press, 1909), 224
- Bentham, 166.
- Bentham, 187.
- Bentham, 203.
- Bentham, 178.
- Bentham, 194.
- Jeremy Bentham, *An Introduction to the Principles of Morals and Legislation*, (Oxford: Clarendon Press, 1909), 224
- Bentham, 35.
- Bentham, 211
- Bentham, 163.
- Bentham, 205.
- N. Lacey, *State Punishment: Political Principles and Community Values*, (London, university press, 1988), 53.
- Jeremy Bentham, *Offence Against Oneself* edited by Louis Crompton (London: Clarendon Press, 1978), 46.
- Jeremy Bentham, fragment on government, edited by R. Burns, (London: Oxford University Press, 1990), 58.
- Bentham, 68.
- Bentham, 24.
- F.O.C. Njoku, *Introduction to Social and Political Philosophy*, (Enugu: University of Nigeria Press Ltd, 2019), 634.
- Njoku, 634.
- Jonathan J. Jacobs, *The Liberal State and Criminal Sanction*, (New York, 2020), 241–2.
- Bernard Williams, *In the Beginning Was the Deed: Realism and Moralism in Political Argument*, Princeton, 2005, 3.

Ugwuanyi, Obumneke Titus and Nomeh, Monday

## Advance Journal of Current Research

Adv. J. C. Research

Vol. 9; Issue 7; 2024

July-2024

ISSN: 2323 – 1744

Impact Factor: 5.93

Advance Scholars Publication

Published by International Institute of Advance Scholars Development

<https://aspjournals.org/Journals/index.php/ajcr/index>



<https://doi-org.ezp.lib.cam>. Accessed on  
2/2/2023.

J. Bentham, *Theory of Legislation*, eds Etienne  
Dumont and Richard Hildreth, London,  
1887, 48.

Bentham, 48.

Bentham, 63.

Douglas Husak, 'What do Criminals Deserve?',  
in *Legal, Moral, and Metaphysical  
Truths: The Philosophy of Michael S.  
Moore*, Kimberly Kessler Ferzan and  
Stephen J. Morse, eds, (Oxford, 2016),  
50.