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Examining the Panopticon as an Icon of Jeremy Bentham's Philosophical Ideas

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Abstract: Jeremy Bentham (1748–1832) is arguably best known for proposing the panopticon as a tool for maximising societal utility. Despite never actually being constructed, the panopticon is a notorious symbol of Bentham's belief in the imperative of maximising happiness and minimising pain. Commonly, the building is perceived as representing totalitarian control and oppressive penal policy. While not wholly inaccurate, such interpretations are incomplete. Proper analysis of the panopticon reveals that it enshrines Bentham's wider beliefs about human governance, economics, and the need for innovation in society in order to pursue more effectively the principle of utility. Consequently, in-depth examination of Bentham's idea illuminates its conflicting dimensions and historical and contemporary significance. It is the unifying emblem of Bentham's philosophical work.
Keywords: jurisprudence, penal policy, economics, utilitarianism

A. INTRODUCTION

Jeremy Bentham (1748–1832) was a prolific writer who made novel contributions to varied, inadequately theorised fields from ethics to language to commemorative tradition. Arguably, he is best known for proposing the panopticon as a means to pursue societal utility.

Bentham's panopticon is a building structured for a social purpose,[1] namely the maximisation of happiness. The panopticon is a polygonal, several storey structure. It is designed to facilitate simultaneous inspection of a potentially large number of people within it.[2] Through such observation, Bentham envisaged the panopticon would help to govern the behaviour of and procure desired conduct from its inmates. No single panopticon exists: Bentham amended his original panopticon plan numerous times and envisaged that different genres of panopticon would respond to different circumstances. Not one building was ever actually constructed. Beginning with the *Panopticon Letters* in 1786,[3] the panopticon saga spanned many years of Bentham's life. His writings on the panopticon consist of various letters, proposals and later reflective works.

Commonly, Bentham's panopticon is interpreted as a mere symbol of oppression. While such analyses are not baseless, they are inadequate because they do not account

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[1] Anne Brunon-Ernst, *Beyond Foucault: New Perspectives on Bentham's Panopticon* (Routledge 2012) 7.

[2] Michael Quinn, *Bentham (Classic Thinkers)* (Polity Press 2021) 110.

[3] Jeremy Bentham, *The Works of Jeremy Bentham, Published under the Superintendence of his Executor, John Bowring, Volume Four* (William Tait 1838–1843).

appropriately for the conceptual relevance and historical significance of the panopticon. Proper contextualisation of the panopticon challenges the idea that it can be simply categorised. This article examines the panopticon more comprehensively. It does so by examining the ways in which the panopticon enshrines Bentham's broader ideas about human governance in Part B, economics in Part C, and (c) the need for innovation in society in Part D, in order to pursue more effectively the utility principle. It concludes that consideration of these varied dimensions illuminates the panopticon's ethical and practical implications: some are promising, some are cruel, and some are short-sighted. Hence, in this way, the building is the enduring, unifying emblem of Bentham's philosophical work.

B. HUMAN GOVERNANCE

In the panopticon, Bentham enshrined his belief that happiness can be maximised through good governance. This section analyses the principle of utility and considers Bentham's pursuit of it through both transparency and manipulation of the physical. It highlights that the panopticon is a manifestation of Bentham's broader ideas about human governance.

1. Principle of Utility

Bentham provided a basis for understanding human nature. He proposed that humans are subject to the two sovereign masters of pain and pleasure.[4] Bentham stated that the principle of utility involves assessing actions according to their augmentation or diminution of happiness, so their effect on the balance of pleasure compared to pain.[5] In doing so, Bentham offered insight into both human psychology (by explaining what people do) and normative ethics (by proposing what people should do).[6] Thus, acting in accordance with the principle of utility involves exhibiting behaviour that maximises community pleasure and minimises community pain.[7] This aspiration for maximal happiness explains why Bentham later re-labelled it "the greatest happiness principle"[8] which he believed to be a more accurate term.

[4] Jeremy Bentham, *The Collected Works of Jeremy Bentham: An Introduction to the Principles of Morals and Legislation* (JH Burns and HLA Hart eds, OUP 1996).
[5] Bentham (n 4) ch 1.
[6] Philip Schofield, *Bentham: A Guide for the Perplexed* (Bloomsbury Publishing 2009) 45.
[7] Bentham (n 4) ch 1.
[8] Jeremy Bentham, *The Collected Works of Jeremy Bentham: First Principles Preparatory to Constitutional Code* (Philip Schofield ed, OUP 2015) 232.

Driven by psychological hedonism,[9] Bentham's theory of human action potentiates conflict between the interests of a decision-making individual and their community. The subjection of humans to the self-interested governance of dictatorial pain and pleasure gives rise to sinister interests — interests the pursuit of which contributes to maximising an individual's happiness, rather than that of the community and thus the greatest number.[10] Given that people are governed by their personal experiences of pain and pleasure, legislators must therefore render pursuing sinister interests more painful than pleasurable. Bentham argued that doing so would encourage utility-maximising behaviour. Accordingly, he proposed that legislators should provide conditions, such as incentives and sanctions, in which individuals would decide how to act.[11]

Bentham acted as a quasi-legislator in his panopticon project by drawing upon his theorising of incentivisation and sanction. He did so to align the objectives of the individuals involved with the panopticon—whether inmates, inspectors, or contractors—with those of the wider community.[12] Bentham did this in relation to inmates in two main ways. First, he did so through the panopticon's physical design. The building is generally discussed as being (though need not necessarily be[13]) a circular[14] penitentiary with cells lining the circumference of the walls and an inspector's lodge located in the centre.[15] This architecture would enable the inspector to see simultaneously inside all cells in their line of sight from the inspection tower. The placement of windows and direction of light would both render inmates easily visible to the inspector and obscure the inspection tower to the inmates.[16] Therefore, inmates would be aware that they may be under constant one-way observation. They could be observed at any time for any period, without knowing when or for how long they were being watched. Foucault rightly notes that this renders them objects of observation but never subjects in communication.[17] Bentham intended that this would prompt inmates to modify their behaviour in order to conform to prison rules. They would self-discipline because they would fear being punished for misconduct. Second, Bentham sought to align inmates' objectives with those of the community through resource allocation. Bentham incentivised good behaviour by making

[9] Stella Sandford, ''Envy Accompanied with Antipathy': Bentham on the Psychology of Sexual Ressentiment' in Anthony Julius et al (eds), *Bentham and the Arts* (UCL Press 2020) 76.
[10] Philip Schofield, *Utility and Democracy: The Political Thought of Jeremy Bentham* (OUP 2006).
[11] Schofield (n 10).
[12] Janet Semple, *Bentham's Prison: A Study of the Panopticon Penitentiary* (OUP 1993) 93.
[13] Bentham (n 3) Letter 5.
[14] ibid Letter 2.
[15] ibid 41.
[16] ibid.
[17] Michel Foucault, *Discipline and Punish: The Birth of the Prison* (Pantheon Books 1977) 200.

inmates' material conditions dependent on their commitment to work[18] while in the panopticon. He intended that this would align inmates' duty to self-discipline with their practical interests.

Thus, the panopticon's architecture (physical structuring) would give rise to self-disciplining (psychological control). The inmates' ignorance as to whether they are being observed would compel them to behave as though they are being scrutinised incessantly. Behaving otherwise would be too risky. Bentham envisaged that this would benefit the wider community because offenders would no longer pose a threat to other persons' security[19] or property. Accordingly, the principle of utility would be pursued.

Yet, the panopticon is rightly criticised. Three critiques are particularly relevant to Bentham's use of incentivisation and sanction. First, he presumes observation will necessarily induce compliance. However, in practice it may not do so. Conditions of tight control are inherently susceptible to rebellion. Inmate disobedience may even require physical engagement from panopticon inspectors. In such an eventuality, the panopticon's architectural design is a hindrance to the inspectors because of its internal bottleneck and the potential for prisoners to siege the inspection tower.[20] Second, the substantial invasion of privacy inherent in the panopticon suggests surveilled inmates will experience undue harm. For example, the installation of constant paranoia in inmates is essential to the panopticon's operation.

Third, Bentham privileged the collective over the individual—a point commonly made in opposition to the principle of utility more generally.[21] He justified subjecting individuals to panoptic conditions, and thus the risk of significant harm, by reference to the need to pursue the interests of the community.[22] He argued that this is necessary in order to maximise utility because it provides the requisite security needed for collective happiness.[23] However, Bentham's approach inadequately accounts for the level of suffering that inmates would foreseeably endure. The brutality of the panopticon's conditions renders it intolerable and outweighs its intended benefits.

Relatedly, by prioritising the happiness of the collective over that of the individual in such a way, Bentham's panopticon might facilitate totalitarianism. The panopticon may represent a convenient stepping stone used to suffocate criminal offenders' individual

[18] Bentham (n 3) Letter 13.
[19] Jeremy Bentham, *The Works of Jeremy Bentham, Published under the Superintendence of his Executor, John Bowring, Volume One* (William Tait 1838–1843).
[20] Philip Steadman, 'The Contradictions of Jeremy Bentham's Panopticon Penitentiary' (2007) Journal of Biological Systems 9, 21.
[21] See John Rawls, *A Theory of Justice* (Belknap Press 1971).
[22] DJ Manning, *The Mind of Jeremy Bentham* (Longmans 1968) 88.
[23] Christian Laval, 'Discipline and Prevent: The New Panopticon Society' (2012) 2(40) Revue Du Mauss I, VI.

liberties[24] under the blanket of social conformity.[25] However, while such a view may be intuitive to 21st century commentators, it seems to have been less so at the time Bentham wrote. His panopticon proposal is disastrously short-sighted and fails to foresee the panopticon's gravest implications, but it should be understood in context. Bentham saw the panopticon as a humane, reformative project designed to rehabilitate inmates by inculcating positive attitudes and behaviours through observation-induced self-discipline. As Howard made clear, prisons contemporaneous to Bentham's writings were squalid and ineffective.[26] In comparison, the panopticon was relatively forward thinking. It emphasised cleanliness[27] and would provide opportunities for inmates to earn money to upgrade their food options[28]. Therefore, Bentham's view that panoptic conditions empower inmates to fulfil their potential as human beings[29] is unsophisticated and brutal, but is illuminated by the historical context in which it was formed.

Bentham also used incentivisation and sanction to align the interests and duties of panopticon inspectors and contractors. Bentham's reliance on transparency to do this conforms with the approach he adopts elsewhere in his philosophical corpus. Transparency is facilitated, first, by public viewing galleries[30] for the Open Committee of the Tribunal of the World.[31] These would enable the public to inspect the activities occurring within the panopticon. Bentham believed doing so would unite panopticon contractors' interest in profit (discussed below) with their duty to reform inmates because public inspection could result in calls for contractors to be removed. He intended that this junction of interest would influence prison operations and minimise the corrupting influence of sinister interests.[32] Second, Bentham proposed economic measures. Envisaging himself as panopticon contractor, Bentham offered to pay the government for every prisoner reconvicted following their release.[33] He also suggested the contractor should publish the panopticon's financial accounts because such transparency would further unite interest and duty.[34] Third, Bentham discussed other types of observation. Mutual observation[35] would involve panopticon staff being themselves subject to

[24] Élie Halévy, *The Growth of Philosophic Radicalism* (Martino Fine Books 1901) 83.
[25] Douglas Long, *Bentham on Liberty: Jeremy Bentham's Idea of Liberty in Relation to His Utilitarianism* (University of Toronto Press 1977) 218.
[26] John Howard, *The State of the Prisons in England and Wales* (CUP 2013).
[27] Semple (n 12) 72.
[28] Gertrude Himmelfarb, *The Haunted House of Jeremy Bentham* (Duke University Press 1965) 56.
[29] Long (n 25) 187–220.
[30] Bentham (n 3).
[31] ibid Letter 6.
[32] Jeremy Bentham, *The Collected Works of Jeremy Bentham: The Book of Fallacies* (Philip Schofield ed, OUP 2015).
[33] Quinn (n 2) 121.
[34] Bentham (n 3) Letter 9.
[35] ibid Letter 6.

the scrutiny of a head inspector. This aimed to prevent inmates from bribing inspectors. Similarly, panopticon management would be scrutinised by public inspections.[36] Bentham intended that this would provide security for both inmates, who would be less likely to be maltreated by observed inspectors, and society, that could ensure management pursues the community's interest in cost-effective reformation.

Arguably, Bentham's reliance on public scrutiny is naive because political processes and public opinion[37] can themselves be corrupted by sinister interests. However, Bentham recognised this. In his wider theorising, he provided a relatively convincing response: public opinion is not infallible and can be co-opted by nefarious interests, so it is important to educate the public about the operation of fallacies in public discourse.[38] Thus, education is an implicit prerequisite in the modes of public-led accountability on which Bentham relied. Accordingly, the panopticon manifests Bentham's broader ideas about the ability of sanction and incentivisation to unite panopticon actors' interests and duties.

(i) Utility Through Transparency

In the panopticon, Bentham pursued utility through transparent governance. The significance Bentham attributes to public transparency[39] in the panopticon is emblematic of his subsequent ruminations on the topic.

First, consider transparency in politics. Bentham proposed the political assembly debating chamber.[40] This near-circular building would enable everyone within it to be heard, with seats rising in an amphitheatrical way and the president being seated above all others, able to see the entire assembly. Motions under debate would be presented visibly and official, verbatim reports of speeches would be produced. Space for reporters and auditors would be provided to facilitate scrutiny of official action.[41] Bentham intended that publicising political debates would enable them to be better overseen. He also considered sinister interests to be too powerful. Therefore, he proposed parliamentary reform. He suggested establishing regular elections, advertising debates and publishing voting records.[42] Doing so would provide the

[36] ibid.
[37] Myles Zhang, 'The Panopticon and Trouble in Utopia' (*myleszhangorg*, 9 July 2015) <www.myleszhang.org/2015/07/09/utopia/> accessed 29 September 2025.
[38] Bentham (n 32).
[39] James E Crimmins, 'Jeremy Bentham' in (Edward Zalta & Uri Nodelman (eds), *The Stanford Encyclopedia of Philosophy Archive* (Stanford University 2021) <https://plato.stanford.edu/archives/win2021/entries/bentham/> accessed 29 September 2025.
[40] See Michael James and others (eds), *The Collected Works of Jeremy Bentham: Political Tactics* (OUP 1999).
[41] ibid 40.
[42] Bentham (n 19) 425–64.

public with opportunities to discover and scrutinise public officials' conduct. This would make politicians more accountable, and the public could enforce its views by disposing electorally of representatives deemed not to be properly pursuing the community's interests. Bentham believed these mechanisms would be effective because they would unite officials' interests and duties. This is consistent with his approach to the panopticon.

Second, consider the ministerial audience chamber[43] where ministers' offices would be arranged in a crescent with the Prime Minister's in the centre. Conducting business in a polygonal room, ministers' affairs would be subject to public view around the periphery.[44] Bentham intended that this design would counter the corrupting influence of sinister interests by subjecting ministers to popular scrutiny, therefore aligning their interests and duties. Again, this shows Bentham to be a community-oriented, architectural planner.[45] Accordingly, both Bentham's panopticon writings and political ideas demonstrate his belief in the power of transparency to maximise the happiness of the greatest number.

(ii) Utility Through Physicality

Bentham's panopticon project is fundamentally about manipulating the physical. Architecture is designed to provide constant surveillance to effectuate discipline, reinforce power structures[46] and thus ensure good governance. This reflects the criticality of the physical in Bentham's broader philosophy.

The panopticon is a circular structure with a central component, and it works by light passing through it.[47] It resembles an eye. Anthropomorphising the building in this way is illuminating, first, because it reflects Bentham's intention that the public should look at and into the panopticon. By so looking, the public will contribute to the exemplarity of the punishments being effectuated.[48] Bentham predicted that the public would be deterred from offending upon witnessing the treatment that would await if it did. Second, public inspection of the panopticon would contribute to uniting interest and duty through accountability. This would further community happiness. Third, anthropomorphising the panopticon as an eye communicates symbolically the need to recognise inmates as part of the societal body politic.

[43] See Jeremy Bentham, *The Collected Works of Jeremy Bentham: Constitutional Code, Vol.1*, (Fred Rosen and JH Burns eds, OUP 1983).
[44] Philip Schofield, 'Jeremy Bentham on Freedom of the Press, Public Opinion, and Good Government' 2019 58(2) Scandinavica 39, 50.
[45] JR Poynter, *Society and Pauperism: English Ideas on Poor Relief, 1795–1834* (University of Toronto Press 1969) 109.
[46] Zhang (n 37).
[47] Bentham (n 3).
[48] Jeremy Bentham, *The Rationale of Punishment* (Creative Media Partners 2018) 130.

This counters the idea that criminals are disregardable irredeemables. Bentham considered that contemporaneous punishments, such as transportation, encouraged the public to view offenders in such a way.[49] Rather, the public should concern themselves with the panopticon's outcomes because doing so benefits the community. In these varied ways, the building is an instrument for deciphering human nature for the benefit of all.[50]

Bentham similarly pursued the principle of utility by the operation and manipulation of the physical in his other philosophical work. Consider his theory of language. First, Bentham's theory of language underpins his utilitarianism and conveys the physical basis of his ontological ideas.[51] Bentham believed pain and pleasure to be corporealities. Accordingly, his theory of language is based on the physical. He distinguished real versus fictitious entities,[52] believing real ones to be those based in physical reality. In light of this, he emphasised the significance of the linguistic tools 'phraseoplerosis', paraphrasis and 'archetypation'.[53] Phraseoplerosis logically occurs prior to paraphrasis and involves filling out a phrase by rendering explicit its meaning. Paraphrasis involves translating in a phrase the name of a fictitious entity into that of a real entity. Archetypation involves identifying the physical image at the root of a phrase.[54] For example, phraseoplerosis changes the declarative statement "it is on Jeremy" into "the obligation is on Jeremy", paraphrasis translates "the obligation" into "pain in the event of non-performance", and archetypation transmutes this into the image of physical pressure bearing downwards on Jeremy so as to prevent non-compliance with his obligation. Bentham believed these tools would help to prevent against the holding of erroneous beliefs[55] by translating phrases into their physical reality-based counterparts. Accordingly, they illuminate Bentham's view that utility is both constituted by and pursued through the physical.

Also, consider Bentham's auto-icon. This is a tangible manifestation of his pursuit of utility maximisation through the physical. It enables the living to derive more pleasure from the dead. For example, Bentham donated his body for medical education[56] and his auto-icon welcomes people to University College London. Also, auto-iconisation is a performative act.[57]

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[49] Tim Causer, '"The evacuation of that scene of wickedness and wretchedness": Jeremy Bentham, the panopticon, and New South Wales, 1802-1803' (2019) 21 Journal of Australian Colonial History 1, 3.
[50] Christian Welzbacher and Elisabeth Lauffer, *The Radical Fool of Capitalism: On Jeremy Bentham, the Panopticon, and the Auto-Icon* (MIT Press 2018) 86.
[51] Schofield (n 6).
[52] Jeremy Bentham, *The Works of Jeremy Bentham, Published under the Superintendence of his Executor, John Bowring, Volume Eight* (William Tait 1838–1843).
[53] ibid.
[54] ibid.
[55] Crimmins (n 39).
[56] ibid.
[57] ibid.

Bentham's auto-icon serves as a physical representation of his ideas and corpus of work. Thus, his theories about how best to pursue the principle of utility can better endure into the future through their representation in physical reality. Hence, Bentham's focus on the tangible aspects of the panopticon reflects the significance he attributed to the physical generally.

Consequently, the panopticon is emblematic of Bentham's ideas about human governance. It reflects his utilitarian theory about human behaviour being controlled by pain and pleasure, the need for transparency in effective societal governance, and the basis of these ideas in physical reality. These beliefs are echoed in Bentham's work on politics, language and commemorative tradition. This adds interesting insight to the common interpretation that the most important aspect of the panopticon is its facilitation of psychological control. Like Bentham's ideas about human governance more broadly, it is fundamentally an idea about the physical.

C. Economics

In addition to being a penal scheme, Bentham's panopticon is a significant economic project. He aimed to use the scheme to render inmates productive societal actors. This section assesses how Bentham enshrined in the panopticon his theories on the subordinate ends of utility and the rule of economy. It illustrates how Bentham seeks to pursue efficiency through economic liberalism and thus that the panopticon should be more comprehensively understood as an economic project.

1. Subordinate Ends of Utility

In *Principles of the Civil Code*,[58] Bentham discussed the subordinate ends of utility. These are security (the protection of life, property and status), abundance (the creation of wealth), subsistence (satisfaction of basic necessities), and equality (equal happiness for all). Bentham stated that the effective pursuit of these objectives would maximise utility. He also explains that security is foundational: its future-embracing nature means its existence is necessary in order to attain the other subordinate ends. Thus, Bentham's ideas about material abundance are premised in his belief in the necessity of security within a community.[59]

The panopticon provides security both internally and externally. Internally, first, it protects property rights through observation. By facilitating inspection, the building's architecture is designed to prevent undesirable conduct by inducing self-discipline in inmates

[58] Bentham (n 19) ch 2.
[59] Quinn (n 2) 98.

and inspectors. Bentham intended that the potential for constant observation would shape the interactions both amongst inmates and between inmates and inspectors. This would help to prevent inmates from rebelling against inspectors.[60] Thus, it would provide security for internal operations. Second, Bentham envisaged that contractors would exploit the inmate workforce by establishing production processes within panopticons.[61] He intended[62] that inmates would be trained into skilled workers capable of economic production.[63] Therefore, security helps to ensure that labour power exists for this purpose.

Externally, the panopticon provides further security. It does so, again, through its architecture. First, the shape of cells and narrow passageways are designed to prevent inmates from escaping.[64] Second, the panopticon is structured to facilitate public inspection. Bentham hoped that this would increase exemplarity because the public would see the inmates and therefore be deterred from offending. Public inspection also has the potential to make it more difficult for escaped inmates to evade recapture because the public might be more likely to recognise fugitives.[65]

Using this security as a foundation, Bentham also pursued abundance through the panopticon. He did so through inmate labour. First, consider the glorification of production within the panopticon penitentiary. Bentham based this panopticon on his brother Samuel Bentham's designs for a building that would enable Russian labourers to be surveilled.[66] In doing so, Bentham fashioned the panopticon penitentiary to promote the idea that work is the greatest good.[67] For example, he proposed that different types of labour power within the panopticon could perform different roles in businesses' operations[68] and thus produce profit for them.[69] The economic possibilities offered by the panopticon partly explain why Bentham advocated the project over contemporaneous forms of penal policy, such as the death penalty and transportation.[70] Second, consider the pauper panopticon. Envisaged as an engine for wealth creation,[71] Bentham's panopticon for the poor sought to respond to contemporaneous

[60]Matthieu Verry, 'Panoptique - Jeremy Bentham' (*ResearchGate*, December 2021) <www.researchgate.net/publication/356790702_Panoptique_-_Jeremy_Bentham> accessed 29 September 2025.
[61] Bentham (n 3).
[62] ibid Letter 21.
[63] ibid Letter 19.
[64] ibid Letter 7.
[65] Bentham (n 48) 130.
[66] Simon Werrett, 'Potemkin and the Panopticon: Samuel Bentham and the Architecture of Absolutism in Eighteenth Century Russia' (1999) 2(1) Journal of Bentham Studies 1.
[67] Bentham (n 3).
[68] ibid Letter 10.
[69] Ibid, Letter 15.
[70] Bentham (n 3).
[71] Semple (n 12) 298.

economic welfare issues in society.[72] Contractors would be able to establish businesses within pauper panopticons and engage the internal labour force.[73] Inmates would be provided with the opportunity to work and, resultantly, a means of survival. This would conform to the subordinate end of subsistence[74]. By ensuring that inmates' basic necessities were taken care of, long-term stability would be provided for businesses that would benefit from the existence of a sustained, exploitable workforce. This would enable the continued pursuit of the subordinate end of abundance into the future.[75]

Bentham's pursuit of the subordinate ends of utility through the panopticon further illustrates that the project is emblematic of his broader philosophical approach. Bentham saw abundance as foundational in progressing towards equality.[76] He believed that pursuing the principle of utility would gradually produce greater equality in the distribution of material goods,[77] citing post-feudal Europe as evidence of this phenomenon.

While it is unclear how substantial their direct influence has been, Bentham's ideas about the imperatives of security and equality through abundance have more modern application. The Rawlsian difference principle[78] arguably mirrors Bentham's theory by proposing the pursuit of equality through security and economic production. Alternatively, Thatcher's critique of the concept of relative poverty[79] arguably reflects Bentham's idea of the non-conflict between abundance and subsistence.[80] Interestingly, Bentham's approach to abundance contrasts with that of JS Mill. JS Mill's belief in the stationary state[81] assumes there to be limits to the pursuit of abundance. These differing viewpoints illustrate the complexity of utilitarian economic thought.

Importantly, however, Bentham failed to engage satisfactorily with the effects of the inequalities produced by the panopticon.[82] First, most obviously, is the exploitation inherent in the panopticon's internal dynamics. Inmates are subjected to dehumanising conditions from which contractors are entitled to benefit. Yet, Bentham did not meaningfully consider the

[72] See Charles F Bahmueller, *The National Charity Company: Jeremy Bentham's Silent Revolution* (University of California Press 1981) 211.
[73] Bentham (n 3).
[74] Ibid, Letter 17.
[75] ibid, Letter 10.
[76] Richard Hildreth (ed), *Theory of Legislation, Translated from the French of Etienne Dumont* (Adamant Media 2005).
[77] Crimmins (n 39).
[78] John Rawls, *A Theory of Justice* (Belknap Press 1971).
[79] Felix Römer, 'Poverty, Inequality Statistics and Knowledge Politics Under Thatcher' (2022) 137(585) The English Historical Review 513.
[80] See Bentham (n 19).
[81] John Stuart Mill, *Principles of Political Economy and Chapters on Socialism* (OUP 2008).
[82] Quinn (n 2) 96.

detrimental psychological impact of the panoptic environment on inmates. Second, Bentham did not convincingly address the risks posed by contractors pursuing sinister interests. Their involvement in the panopticon scheme means contractors would enjoy increased political and financial power. Predictably, they would intend to exercise this influence in their own interests, rather than for the benefit of the community. Bentham recognised the threats posed by such a dynamic. Accordingly, he emphasised the role of political scrutiny. Bentham relied on the popular sanction,[83] which essentially consists of public opinion and the ethical determinations of a community, as an important tool for maximising utility. Also, he emphasises the importance of informing the public about fallacious argumentation.[84] He believed that better societal understanding of logical fallacies, such as appeals to authority, would improve public discourse and strengthen the ability of the community to protect itself against sinister interests. This is not necessarily wrong. However, while effective political engagement is a valuable aspect of governance, it is insufficiently preventative. The public scrutiny that Bentham envisaged would not preclude contractors from aggregating undue power and resources in the first place. Further, it would not necessarily protect against sinister interests because neither the public itself nor its political enforcement processes are clearly defined concepts. Recognising the insufficiently preventative nature of Bentham's approach helps in understanding why he has been described as a genius in bourgeois stupidity.[85]

2. Rule Of Economy

Bentham further manifested his economic beliefs in the panopticon by pursuing through it the rule of economy. This rule emphasises efficiency. It provides that the panopticon must be managed with as much regard to frugality as is consistent with preserving life and health and that public expense must not be incurred merely to indulge inmates.[86] Pursuant to this, Bentham intended that his panopticon project would be based in contractual relationships, involve profit-maximising conditions and be controlled by a dominant contractor.

Bentham envisaged that contractual processes[87] would be important to the panopticon scheme. Consider the tendering process by which the state delegates management of the panopticon to the private party offering the best terms. To Bentham, this privatisation of penal

[83] See Bentham (n 4) ch 3.
[84] Bentham (n 32).
[85] Karl Marx, *Capital: Volumes One and Two (Classics of World Literature)* (Wordsworth Editions 2013) vol 1, ch 24.
[86] Bentham (n 3).
[87] ibid Letter 9.

justice is warranted: people like bargains.[88] Bentham's freedom-to-contract ideal reflects his belief in the advantages of the free-market[89] and correspondingly small state.[90] He contended that governmental non-interference would pursue the principle of utility because individuals would, subject to the application of incentivisation and sanction, make decisions for themselves as they generally know how best to do. The centrality of the contractual process to the panopticon suggests that Bentham's project is inseparable from economic liberalism.[91] Recognition of this relationship helps in understanding how and why there may be a link between the development of capitalism and the origins of the modern prison.[92]

Also, the panopticon's profit-maximising conditions further exemplify Bentham's commitment to frugality. First, Bentham designed the panopticon so that inmates could be instrumentalised by management as tools for production[93] and that inmates' material conditions would be dependent on their commitment to work.[94] This would achieve a junction of their basic interests in food and social interaction with their duty to produce. Such economic production contributed to why Bentham favoured the panopticon as a form of penal policy over existing practices. For example, he opposed transportation because he (likely erroneously)[95] believed it failed to reintegrate prisoners economically back into society so yielded no produce.[96] Rather, Bentham argued for a penal policy that he believed made better economic sense. This is exemplified by his appeals to the 1798 Finance Committee's report—for which he prepared materials, performed calculations and drafted statements used in the final publication.[97]

Second, Bentham sought to minimise unnecessary costs associated with the panopticon. Aiming for a waste-free utopia,[98] he manipulated the building's architectural design to save costs. He provided precise prescriptions regarding the construction of the panopticon. He set out its measurements to ensure efficient use of materials and advocated recycling (though in a limited way[99]) by proposing the panopticon penitentiary should be constructed near clean

[88] ibid.
[89] Crimmins (n 39) §8.
[90] Philip Smith, *Punishment and Culture* (University of Chicago Press 2008) 4.
[91] Laval (n 23).
[92] See Dario Melossi and Massimo Pavrani, *The Prison and the Factory* (Macmillan 1981) 40.
[93] Long (n 25) 188.
[94] Bentham (n 3) Letter 13.
[95] John Braithwaite, 'Crime in a Convict Republic' (2001) 64 MLR 1, 11–50.
[96] Bentham (n 3).
[97] RV Jackson, 'Luxury in Punishment: Jeremy Bentham on the cost of the convict colony in New South Wales' (1988) 23(90) Australian Historical Studies 42, 48–55.
[98] Cyprian Blamires, *The French Revolution and the Creation of Benthamism* (Palgrave Macmillan UK 2008) 35.
[99] ibid.

water[100] and be self-sustaining.[101] Such resourcefulness is emblematic of Bentham's approach to other aspects of his work. For example, it underpins part of the logic behind auto-iconisation. Bentham donated his body to medical science to enable further utility to be extracted from it following his death. It was put to another good use.

Also, the panopticon's architecture facilitates efficient production. Bentham intended that the risk of constant surveillance would force inmates to work diligently. The influence of this idea extends beyond penal policy. For example, it has broader manifestations in modern choice architectures and nudge theory.[102] Smartphones encourage self-monitoring. They enable people to record others' behaviour on video at any moment, corporations and governments can track a device's location in real-time, and individuals' data can be collected, stored, analysed[103] and sold. These actions can be taken with a view to increasing the economic productivity of the subject. Digital spaces are shaped by theoretical choice architectures, echoing how Bentham shaped the physical structure of the panopticon. Also, consider how the panopticon's design reduces expenditure on inspectors. The inability of inmates to see whether or at which points they are being surveilled means that, in theory, no inspectors may actually be needed at all. The fear of being inspected might well be sufficient to inculcate self-discipline. However, in practice, it is inevitable that undesirable behaviour will be committed by inmates. At this point an inspector would need to respond. Failure to do so risks undermining the threat of observation that is fundamental to the panopticon's operation. To this end, a single inspector at a time might be sufficient to operate one panopticon. Inspectors would not need to be skilled; they would only need to be capable of observation.[104] This means inspectors would not need costly training and so would be more easily replaceable and thus more economically exploitable.[105] Additionally, consider the physical segregation that inmates are subjected to. Being separated from their peers removes opportunities for interactions that are not directly economically productive. Therefore, through the panopticon, Bentham would pursue efficiency and profit maximisation.

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[100] Welzbacher and Lauffer (n 50) 27.
[101] Bentham (n 3) Letter 15.
[102] Richard Thaler and Cass Sunstein, *Nudge: improving decisions about health, wealth and happiness* (Penguin 2009).
[103] Anurag Mehra, 'The Digital Panopticon and How It Is Fuelled by Personal Data' (*The India Forum*, 20 October 2020) <https://www.theindiaforum.in/article/digital-panopticon-and-how-it-fuelled-personal-data> accessed 29 September 2025.
[104] Emily Horne and Tim Maly, *The Inspection House* (Coach House Books 2014) 17.
[105] Michael Yates, 'Panopticon' (*Monthly Review*, 2022) <https://monthlyreview.org/articles/panopticon/> accessed 29 September 2025.

Moreover, Bentham adhered to the rule of economy in his proposal that a dominant contractor would manage the panopticon.[106] Contractors would be positioned monarchically within the panopticon regime. Contractors could establish businesses within panopticons according to what would benefit them personally,[107] tax inmates' earnings[108] and inflict force against the imprisoned.[109] Interestingly, these dynamics resemble the powers of a ruler in a state. A king is able to institutionalise the nobility and necessity of work,[110] such that their subjects come to internalise the impulse to labour, and they can unilaterally direct economic and social affairs to pursue improved efficiency. Bentham's belief that a panopticon should have a dominant overseer is not entirely inconsistent with his contemporaneous ruminations on the structure of the state in which he envisaged a monarchical sovereign existing.[111] Accordingly, the panopticon enshrines Bentham's beliefs about economic production and the structures needed best to facilitate it.

However, this must be understood in light of the fact that Bentham intended that he would occupy the leadership role.[112] Therefore, to a significant extent, the panopticon must be recognised as a project of financial self-interest. This also assists in explaining why Bentham desired so strongly for the building to be seen by the public; he hoped it would be impressive and resultantly that the public would want to expand the scheme. This would enrich Bentham further. This understanding, additionally, is congruent with Bentham's pragmatic approach to the implementation of his other philosophical ideas. For example, he sought to profit from his codification services by offering them to governments internationally.[113] Hence, Bentham's estimations of the panopticon's cost-effectiveness and general efficacy must be assessed with appropriate caution.

Consequently, Bentham enshrined in the panopticon much of his wider economic beliefs. The panopticon promotes private enterprise, facilitates economic production, and emphasises efficiency. This economically liberal approach, notwithstanding Bentham's later

[106] Himmelfarb (n 28) 58.
[107] Bentham (n 3).
[108] ibid.
[109] ibid.
[110] See Verry (n 61) 12.
[111] Jeremy Bentham, *Plan of Parliamentary Reform, in the Form of a Catechism, with Reasons for Each Article* (AMS Press 1977).
[112] Jeremy Bentham, *The Correspondence of Jeremy Bentham, Vol.4: October 1788 to December 1793* (Alexander Taylor Milne ed, UCL Press 2017) 340.
[113] Michihiro Kaino, 'Bentham's Constitutional Code and His Pannomion' in Philip Schofield and Xiaobo Zhai (eds), *Bentham on Democracy, Courts, and Codification* (CUP 2022).

turn to increased statism,[114] is a less discussed feature of the project. Foucault argued that there exists a symbiotic relationship between the establishment of disciplinary institutions akin to the panopticon, their resultant forms of psychological self-control, and the emergence of capitalism.[115] Further analysis on these points and on the panopticon being a microcosm of Bentham's broader economic beliefs is warranted.

D. INNOVATION IN SOCIETY

Discernible throughout Bentham's writings is his belief in the need for innovative thinking and change in order for society to conform better to the principle of utility. Alongside his critique of Blackstone's approach to law[116] and the varied matters already discussed, this is evident in Bentham's work on the panopticon. This section considers Bentham's commitment to transforming penal policy, manifesting democratic ideals, and reforming society. It demonstrates that the panopticon was an innovative device[117] and that such creative thinking is characteristic of Bentham's work. As a result, the panopticon should be analysed as emblematic of Bentham's heterogenous philosophical approach.

1. Penal Policy

All punishment is evil. Thus, Bentham provided that the principle of utility only accepts it as far as it promises to exclude greater evil,[118] such as by providing the conditions for political societies and government to exist.[119] Bentham assessed that the primary aim of punishment is to deter the commission of offences.[120] Accordingly, he designed the panopticon penitentiary to facilitate deterrence and prevent internal deviance.[121]

Bentham recognised the rule of lenity, which provided that panoptic conditions must not be detrimental to health or life.[122] Pursuant to this rule, he emphasised the importance of deterrence through symbolism.[123] Bentham envisaged something melodramatic, comparing the panopticon to a theatre.[124] First, he proposed painting panopticon penitentiaries different

[114] See PJ Kelly, 'Utilitarianism and Distributive Justice: The Civil Law and the Foundations of Bentham's Economic Thought' (1989) 1(1) Utilitas 62.
[115] Janet Semple, 'Foucault and Bentham: A Defence of Panopticism' (1992) 4(1) Utilitas 105, 106.
[116] Jeremy Bentham, *The Collected Works of Jeremy Bentham: A Comment on the Commentaries and A Fragment on Government* (JH Burns and HLA Hart eds, OUP 1977).
[117] Foucault (n 17).
[118] Bentham (n 4) 158.
[119] Bentham (n 19) 528.
[120] Bentham (n 4) 166.
[121] Bentham (n 19) 429–431.
[122] Bentham (n 3) 123.
[123] Semple (n 12) Introduction.
[124] Bentham (n 3).

colours depending on the severity of the offences committed by their inmates.[125] Those deemed deserving of permanent imprisonment would be detained in the Black Prison whereas those held pending judicial verdict would be in the white-walled House of Safe Custody. Second, Bentham sought to deter through emblems. Skeletons would furnish the doors of the Black Prison to remind inmates of their inevitable death within its dark confines.[126] This was intended to encourage inmates to submit to the panoptic regime by disengaging from deviant conduct and viewing rebellion as futile. These measures aimed to increase the exemplarity of the punishments in an efficient manner. The public, through its role as external observer, would see such measures, understand their associated symbols and therefore be deterred from offending in order to avoid being subjected to similar treatment.[127]

Bentham believed the panopticon penitentiary constituted better penal policy than transportation. He viewed transportation as unexemplary and thought that it failed to properly deter; the pain induced in the colonies would be unknown to the public because of the substantial physical separation between the two. Bentham's perception that transportation failed to prevent crime and that it did not even guarantee offenders would desist motivated him to crusade against the colonies.[128]

However, Bentham's application of his penal theory to the panopticon fails to account for the causes of undesirable behaviour. While he perceived that not working and alcohol consumption contributed to the commission of deviant conduct,[129] his proposed solutions do not properly respond to these causes. He undertook no meaningful analysis of these factors nor of how depriving people of basic liberties and requiring them to work unduly long hours in the panopticon's conditions[130] would address them at their root. In this way, Bentham's altruistic aspirations are naive to the tyrannising reality of his proposals.

Nonetheless, Bentham did express ideas about the treatment of inmates that were forward thinking for the time. Being influenced by Howard's findings,[131] Bentham criticised contemporary prisons. Having discovered that gaols were unhygienic, criminogenic and corrupt, Bentham aimed to treat panopticon penitentiary inmates better.[132] To do this, he proposed measures that were premised in the belief that delinquent individuals are still

[125] Semple (n 12).
[126] Bentham (n 19) 429–31.
[127] Bentham (n 48) 353.
[128] Causer (n 49).
[129] Bentham (n 3).
[130] ibid.
[131] Howard (n 26).
[132] Semple (n 12).

members of the community. This meant that their interests must be properly accounted for, though could be sacrificed for the benefit of the community where appropriate.[133] For example, in contrast to existing centres of detention,[134] the panopticon penitentiary would provide inmates with clean water and clothes. In effect, Bentham endowed prisoners with rights.[135]

Conceivably, Bentham's rule of lenity and corresponding provision of basic essentials to inmates could derive from natural law ideals: contemporaneous developments in France and the USA emphasised inalienable human rights.[136] Perhaps, even, Bentham pioneered such ideas and extended their application to animals[137] by focussing on their capacity to suffer. Alas, such an analysis is erroneous. First, Bentham expressly rejected the concept of natural rights.[138] He believed that the idea of naturally imprescriptible rights that cannot be taken away amounts to nonsense upon stilts because it lacks sufficient ontological basis[139] and merely propagates personal desires. Bentham's express rejection of natural rights does not necessarily mean such ideas do not implicitly motivate his beliefs. But analysis of his broader ideas and other potential explanations suggest a different purpose drove his thought. Second, relatedly, if Bentham had been motivated by humanitarianism, his critique of the colonies does not convey that. He rarely criticised them on the basis of indigenous peoples' interests, whom he described as quarrelsome brutes constituting the dregs of savage life.[140] Third, Bentham's approach is more convincingly explained by appeals to economy. Generally, harmed people are less productive.[141] Accordingly, the panopticon effectuates a shift from the physical domination prevalent at the time[142] to psychological submission. Bentham innovated beyond contemporary emphases on chains and restraint[143] as means of control. In significant ways, Bentham transforms discipline from a material state of affairs to an internal state of mind. In doing so, he implicitly treated panopticon inmates as laboratory subjects on whom new disciplinary techniques should be tested.[144] Again, this gives rise to a central criticism of utilitarianism: it minimises the value of

[133] Bentham (n 19) 396–398.
[134] Welzbacher and Lauffer (n 50) 25.
[135] Janet Semple, 'Bentham's Haunted House' (1987) 11 The Bentham Newsletter 44.
[136] Welzbacher and Lauffer (n 50) 27.
[137] See Bentham (n 4) ch 17.
[138] Jeremy Bentham, *The Collected Works of Jeremy Bentham: Rights, Representation, and Reform: Nonsense upon Stilts and Other Writings on the French Revolution* (Philip Schofield and others eds, OUP 2002).
[139] Philip Schofield, 'Jeremy Bentham's 'Nonsense upon Stilts'' (2003) 15(1) Utilitas 1.
[140] Barbara Arneil, 'Jeremy Bentham: Pauperism, Colonialism, and Imperialism' (2021) 115(4) American Political Science Review 1147, 1154.
[141] Verry (n 61).
[142] Howard (n 26).
[143] Foucault (n 17).
[144] ibid 203.

the individual in favour of the desires of the majority.[145] Similarly, Bentham changed his position away from arguing that inmates should endure absolute solitude.[146] This can be explained on the basis that collaboration can be more efficient. Internal interactions can create relationships and mini-communities in which idleness is akin to treason.[147] This entrenches the imperative of economic production. Hence, Bentham's panopticon exemplifies his fresh thinking and innovative approach.

2. Democratic Beliefs

Further, Bentham demonstrated his creativity through the panopticon's pursuit of democratic ideals. This is illustrated in two main ways. First, the contractual tendering process would enable members of the public to become involved in managing a panopticon. It would be an opportunity for citizens to participate in penal policy and to shape institutions that aim to deliver justice. By running businesses in their panopticons, contractors would have material stakes in the penal policy decisions being made: effective discipline would mean productive labour which would result in profit accrual. Unifying interest and duty would maximise utility. The public would similarly hope that inmates self-discipline because their doing so would make the wider community safer and enable it to benefit from the products being made. Second, Bentham pursued democratic accountability through architectural design. Public viewing galleries[148] would provide transparency to the Open Committee of the Tribunal of the World.[149] Through the panopticon's physical structuring, the public could scrutinise the behaviour of the inspectors and contractor. Bentham intended that democratic engagement would prevent corruption and other wrongdoing. He sought to fortify such accountability by educating the public about fallacious argumentation[150] in order to ensure that it could scrutinise effectively.

However, the practical, democratising power of these measures should not be overstated. Inside the panopticon, inmates would have almost no control over their lives or the governance to which they were subjected. Outside, it is likely that only already wealthy parties would be able realistically to participate in management. This is because of the tendering process that Bentham envisaged by which contracts would be entered with the highest bidder. Accordingly, effective protection against sinister interests may well require that those implementing penal justice be more directly accountable politically and democratically.

[145] Halévy (n 24) 83.
[146] Himmelfarb (n 28) 45.
[147] Quinn (n 2) 121.
[148] Bentham (n 3).
[149] ibid Letter 6.
[150] Bentham (n 32).

Bentham pursued similar democratic ideals in his wider theorising. First, he frequently challenged the power of the church. He felt internally conflicted about whether to waive his beliefs by subscribing to relevant Church of England precepts in order to receive his degree from the University of Oxford.[151] Later, Bentham commendably challenged received wisdom regarding sexual morality[152] and the needless oppression of non-heterosexual relationships.[153] He argued that such sexual nonconformity harms no one[154] and that, rather, measures criminalising it conflict with the principle of utility.[155] In death, Bentham's promotion of auto-iconisation was an attack on aristocratic, legal, and religious authority.[156] He sought to change the nature of the posthumous spectacle[157] by individualising monumentalisation.[158] By rejecting existing funerary methods which involved making payments to the church, Bentham sought to change what it meant to engage in commemorative ritual. He encouraged individuals to take control of the post-death process and therefore to withdraw power from the state and church[159] and subvert the influence of sinister interests. Similarly, he aimed to empower individuals by offering his organs for medical education. Even in death, he sought to maximise utility by enabling people to learn from his cadaver: the epistemological value of such education was subsequently recognised by the enactment of the Anatomy Act 1832.

Second, Bentham increasingly turned against established institutions which he perceived to be corrupted by sinister interests. Bentham's frustration at the lack of development of his panopticon project led him to distrust political decision-makers and moneyed interests, such as Members of Parliament and influential landowners. He believed that, too often, they acted as impediments to his plan to maximise utility.[160] To similar ends, the French Revolution[161] seemingly crystallised ideas that were present in Bentham's mind[162] about the

[151] Philip Schofield, 'Political and religious radicalism in the thought of Jeremy Bentham' (2013) 20(2) History of Political Thought 272.
[152] Lea Campos Boralevi, *Bentham and the Oppressed* (Walter de Gruyter 1984) 37–81.
[153] Carrie Shanafelt, *Uncommon Sense: Jeremy Bentham, Queer Aesthetics, and the Politics of Taste* (University of Virginia Press 2021).
[154] Sandford (n 9).
[155] Jeremy Bentham, *The Collected Works of Jeremy Bentham: Of Sexual Irregularities, and Other Writings on Sexual Morality* (Philip Schofield and others eds, OUP 2014).
[156] Schofield (n 10) 342.
[157] Chris Haffenden, *Every Man His Own Monument: Self-Monumentalizing in Romantic Britain* (Acta Universitatis Upsaliensis 2018).
[158] Amy Gates, 'Fixing Memory: The Effigial Forms of Felicia Hemans and Jeremy Bentham' (2014) 21(1) Women's Writing 58.
[159] Philip Schofield, *Utility and Democracy: The Political Thought of Jeremy Bentham* (OUP 2006).
[160] Peter Lythe, 'Utility, Truth, and God: Religion in the Thought of Jeremy Bentham' (PhD thesis, University College London 2022).
[161] Mary Mack, *Jeremy Bentham: An Odyssey of Ideas, 1748–1792* (Heinemann 1962).
[162] JH Burns, 'Bentham and the French Revolution' (1966) 16 Transactions of the Royal Historical Society 95, 110.

importance of checks on government power, the need for substantial democratic reform[163] and the equation of security with basic liberties.[164] Thus, the panopticon is central to the development of Bentham's ideas on these topics as well as being inherently emblematic of them.

3. Commitment

Importantly, the panopticon is a symbol of Bentham's dedication to maximising utility. Bentham revised his ideas to ensure they best pursued desirable ends and expended large amounts of time and resources to ensure those ideas would come to fruition.

First, consider Bentham's theoretical work on the panopticon. He revised his central panopticon penitentiary plans numerous times. In the *Panopticon Postscripts*,[165] he moved away from preferring absolute isolation[166] by proposing the eradication of single-occupancy cells.[167] Also, Bentham devised different genres of panopticon: including structures designed to hold mentally ill people, paupers, and the youth.[168] This even included a proposal for a Panopticon Town which would be akin to a neighbourhood where there are available everyday amenities such as farming, artistic attractions and a local newspaper.[169] These suggestions exemplify how Bentham crafted the panoptic principle such that it could be adapted to work in diverse institutions seeking to combine inspection and economy in the pursuit of utility.[170] They demonstrate Bentham's dedication to his belief in the need to experiment constantly and develop novel mechanisms for societal improvement.[171]

Second, consider Bentham's determination to see his project come to fruition. He endured postponement and obfuscation from politicians whom he believed were motivated by sinister interests. Bentham perceived that his struggle to find an appropriate location to build the panopticon was caused by a combination of offensive nonchalance and explicit opposition to his proposals. Landowners did not want a penitentiary in their proximity.[172] Also, the French Revolutionary Wars diverted political attention and funding away from the panopticon

[163] JR Dinwiddy, 'Bentham's Transition to Political Radicalism, 1809–10' (1975) 36(4) Journal of the History of Ideas 683.
[164] Fred Rosen, *Jeremy Bentham and Representative Democracy: A Study of the Constitutional Code* (OUP 1993).
[165] Bentham (n 3).
[166] ibid Postscript.
[167] Causer (n 49) 117.
[168] Bentham (n 3).
[169] Semple (n 12) 284–288.
[170] Verry (n 61) 3.
[171] Semple (n 12) 283.
[172] LJ Hume, 'Bentham's panopticon: An administrative history—I' (1973) 15(61) Historical Studies 703.

project.[173] Subsequently, Bentham wrote *A Picture of the Treasury* and *History of the War Between Jeremy Bentham and George III*: a lengthy, semi-autobiographical recount of the panopticon saga—though the accuracy of his emotive retelling is objectively questionable.[174]

Bentham exhibited similar commitment to the principle of utility in his approach to his other work. He offered his constitutional codification services across the world.[175] In doing so, he supplied himself as a thinker willing to pioneer through novel challenges in order to maximise utility at national levels.[176] Comparably, he amended his will multiple times; on each occasion he presumably pursued closer conformity to the principle of utility. Initially, Bentham intended to be buried according to Church of England tradition. However, he eventually expressed his desire for auto-iconisation and for his body to be used for anatomical study. He believed that through these measures he would, even in death, produce more happiness.

Hence, Bentham was deeply committed to the principle of utility. The panopticon manifests his creative thinking in the realms of penal policy, democracy and societal reform. The panopticon is a symbol of innovation (whether for better or worse ends, in practice) and Bentham's dedication to his ideals.

E. Conclusion

The panopticon is a notorious symbol of psychological control and physical oppression. Yet, while such an analysis is not unfounded, it is unsatisfactory.

Bentham's panopticon is complex. Physically, it is multilayered and precisely designed. Conceptually, the commendable intentions underlying it are dwarfed in significance by the detrimental effects it risks having on both inmates and wider society. Examination of the panopticon's approach to human governance, economics and innovation has shown that Bentham's idea represents more than just bad penal policy. The historical context in which Bentham devised the project illuminates his benevolent intentions. Also, the panopticon's significance as a defining emblem of Bentham's work is clear: it draws together Bentham's varied ideas about architecture, accountability, and autonomy.[177] The panopticon represents Bentham's fantasy world[178]—encompassing both good and bad features. It must be analysed more comprehensively and accurately as such.

[173] ibid 705.
[174] Causer (n 49).
[175] Kaino (n 114).
[176] Schofield (n 6).
[177] LJ Hume, *Bentham and Bureaucracy* (CUP 1981) 241.
[178] Semple (n 12) 286.