

## Bentham's Benefit Theory of Rights

15. An act is a real entity: a law is another. A duty or obligation is a fictitious entity conceived as resulting from the union of the two former. A law commanding or forbidding an act thereby creates a duty or obligation. A right is another fictitious entity, a kind of secondary fictitious entity, resulting out of a duty. Let any given duty be proposed, either somebody is the better for it or nobody. (1) If nobody [benefits -mjpg], no such duty ought to be created: neither is there any right that corresponds to it. If somebody, this somebody is either the party bound, or some other. If it be he himself, then the duty, if such it may be called, is a duty he owes to himself: neither in this case is there any right that corresponds to it. (2) If it [the person who benefits from the performance of a duty -mjpg] be any other party then is it a duty owing to some other party: and then that other party has at any rate a right: a right to have this duty performed: perhaps also a power: a power to compel the performance of such duty.<sup>1</sup>

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<sup>1</sup> Jeremy Bentham, "Of Laws in General" in *The Works of Jeremy Bentham*, (Athlone Press, 1970), Appendix C.

