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BENTHAM AND THE ETHICS OF TODAY.
By David Baumgardt. Princeton, New Jersey:
Princeton University Press, 1952.

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BENTHAM AND THE ETHICS OF TODAY. By David Baumgardt. Princeton, New Jersey: Princeton University Press, 1952. Pp. xiv, 584. \$9.00.

To such a non-philosophical mind as that of this reviewer, it seemed dubious at the outset that a book such as this—a review of the hedonistic philosophy called “utilitarianism” of which Jeremy Bentham, if not the founder, was the most vocal exponent—would provide more than a spate of mental gymnastics. Yet after overcoming the inevitable, initial mental inertia and with the assistance of good dictionary (Cf. p. 106, *inconcinnities*; p. 233, *algedonic* calculus; p. 534, *eclectic eudaemonism*; etc.), it proved to be a profound challenge, not only to the reader, but to what we consider to be the basic tenets of our society.

The book is described by its author as “a systematic transverse section through Bentham’s moral philosophy.” He uses the genetic method of exposition and criticism of such of Bentham’s ethical works as the *Fragment on Government*, *Comment on the Commentaries* (Blackstone’s), *Introduction to the Principles of Morals and Legislation*, *Traité de Législation Civile et Penalé*, his later juristic writings (including certain manuscripts previously unpublished), and his *Deontology* “to show their connections with pre-Benthamite thought and to comment in detail on their importance for contemporary systematic ethics.” The treatment of each of the above-mentioned writings demonstrates that each approaches practically the same problems, but from different viewpoints and angles as Bentham advanced from youth through maturity.

It must be admitted that despite his self-confessed bias toward hedonism, the author freely discusses the criticisms leveled against Benthamism and finds a few of them valid though by no means incapacitating to Bentham’s hypothesis of the greatest happiness for the greatest number. He admits such fundamental flaws in Bentham’s works as his lack of understanding of the genuine importance of religious life and of the arts. On the other hand he denies the opposed and inconsistent charges of over-simplification and over-complication and further denounces the critics of the hedonic calculus for their “false ambition of precision.” As to the latter criticism, it is claimed that one of the great merits of hedonism is that it forces the moralist to go into the most conscientious and impartial weighing of complicated emotional details. He points out that the fact that meteorologists often fail in their predictions is no reason for total rejection of the science of meteorology, which still remains superior to any method yet found for predicting weather. In like manner, he says, “the felicific estimate,” which provides a better method than any yet found for distinguishing moral from immoral acts, should not be discredited for its failure to make an exact assessment of degrees of feeling. It is submitted that the hypothesis of utilitarianism lends itself less to the criticism of inconsistency than does the Natural Law which Bentham criticized so harshly, or the Common Law, which he termed a “mechanical veneration for antiquity.” But in its

attempted application of objective measurements to what perforce must be subjective judgments of preconceived pleasure feelings connected with specific activities, it must fall far short of its aim. Nowhere is it made clear nor does it seem possible that there could be found any omniscient body of judges, legislators, or philosophers, or any others for that matter, who could make value judgments of pleasure and pain applicable to all strata and sectors of their own or other societies. On the other hand, if we regard Bentham's writings as having contributed a new exactness to ethical thinking by precise definition of what were previously vague generalities, it seems apparent that the criticism in no way negates the value of his work.

Previous mention was made of the challenge presented to our societal foundations. More specifically, in our own Declaration of Independence certain truths are held to be self-evident, among which are life, liberty and the pursuit of happiness. But to Bentham there is only one truth—the pursuit of happiness—and all other such propositions must be relentlessly and coldly weighed on his scales of pain and pleasure. In his philosophy there can be no such quality as we are pleased to call unselfishness; it must perforce be termed enlightened self-interest, no matter how remote the "pleasure" to be gained may be from the act in question; i.e., the mother who sacrifices her own life or limb to save her child from an onrushing automobile must be getting more pleasure from the thought that the child will live than the amount of pain she is about to suffer. By Bentham's standards, the right to rebel against bad or tyrannical laws is based only on the utilitarian criterion of "the prospect of success." And, of course, since the happiness of the greatest number is the ultimate end, any means which do not produce pain in such amounts as to outweigh the happiness to be produced are absolutely justified. If this is in truth a nation of laws rather than of men, could it ever survive the adoption of a philosophy in which any end, no matter how worthy, could justify the adoption of dishonorable means to reach it?

This is not a book for reading in an evening, a week, or a month. It is a largely indigestible, but nevertheless stimulating presentation of the ideas, right or wrong, of a courageous and original intellect. The author, despite his justifiable, intellectual vanity, makes a substantial contribution to a clearer understanding of the Great Reformer.

EDWARD L. FORER

MEMBER OF FLORIDA AND DADE COUNTY BARS

INTERNATIONAL LAW, CASES AND MATERIALS. By William W. Bishop, Jr.
New York: Prentice-Hall, Inc., 1953. Pp. 735. \$9.75.

For more than a quarter of a century "Hudson's Cases," now in its third edition (1951), was used as *the* casebook in law school courses on international law. Dickinson's Casebook (1950) and Briggs' valuable "The