

jeremy bentham the principles of morals and legislation

Jeremy Bentham and The Principles of Morals and Legislation

jeremy bentham the principles of morals and legislation stand as a cornerstone in the development of modern legal and ethical philosophy. Bentham's groundbreaking work, first published in 1789, offers a systematic analysis of morality and law through the lens of utilitarianism. His ideas not only challenged the conventional notions of justice and legislation in his time but also paved the way for future discussions on the relationship between law, ethics, and public policy. If you've ever wondered how laws can be justified based on their impact on human happiness, Bentham's treatise provides a fascinating and insightful framework.

Understanding Jeremy Bentham's Philosophy

To truly appreciate the significance of jeremy bentham the principles of morals and legislation, it's important to grasp the fundamental philosophy that underpins his work: utilitarianism. Bentham is often regarded as the founder of modern utilitarianism, an ethical theory that posits that the best action is the one that maximizes overall happiness or pleasure while minimizing pain or suffering.

The Greatest Happiness Principle

At the heart of Bentham's philosophy lies the "greatest happiness principle." This principle suggests that the ultimate goal of moral behavior and legislation should be to produce "the greatest happiness of the greatest number." Bentham argued that all human actions could be evaluated by their tendency to increase or decrease happiness, and that laws should be crafted to promote the collective well-

being.

This perspective was revolutionary because it shifted the focus of ethics from abstract notions of virtue or divine command to tangible outcomes related to human welfare. Bentham's approach was pragmatic, emphasizing measurable consequences rather than intentions or inherent qualities of actions.

The Core Ideas in The Principles of Morals and Legislation

Bentham's treatise is a detailed exploration of how laws and morals should be formulated based on the principle of utility. Within the text, he delves into several key concepts that have shaped legal and ethical thought.

Hedonic Calculus: Measuring Pleasure and Pain

One of Bentham's most famous contributions is the idea of the hedonic calculus, sometimes called the felicific calculus. This is a method for quantifying the amount of pleasure and pain generated by a particular action. Bentham identified seven factors to consider when making this calculation:

- **Intensity:** How strong is the pleasure or pain?
- **Duration:** How long will it last?
- **Certainty or Uncertainty:** How likely is it that the pleasure or pain will occur?
- **Propinquity or Remoteness:** How soon will the pleasure or pain occur?
- **Fecundity:** Will the pleasure lead to more pleasure?

- **Purity:** Will the pleasure be free from pain?
- **Extent:** How many people will be affected?

By evaluating each of these dimensions, lawmakers and moral agents could, in theory, determine the best course of action that maximizes happiness.

The Role of Pain and Pleasure in Morality

Bentham's approach reframes morality as a science of human feelings. According to him, pleasure and pain are the two sovereign masters that govern human behavior. This psychological insight means that laws and moral rules should be designed to encourage behaviors that increase pleasure and discourage those that cause pain.

This viewpoint was significant because it provided a clear and objective basis for judging laws and policies, moving away from subjective or arbitrary standards.

Implications for Legislation and Legal Reform

One of the most practical aspects of Bentham's work lies in its application to legislation. He believed that laws should serve as instruments for promoting public happiness and should be evaluated based on their outcomes.

Utilitarianism and Legal Positivism

Bentham is also recognized as a pioneer in legal positivism, a theory that law is distinct from morality

and should be understood as a system of rules created by human beings. However, unlike some positivists who view law as purely procedural, Bentham argued that laws should have a moral purpose: to increase the general happiness.

This dual emphasis underscores the importance of crafting laws that are not only valid in a formal sense but also beneficial in their social effects.

Reforming Punishment and Criminal Law

Bentham applied his principles to reform ideas on punishment and criminal justice. He argued against harsh, arbitrary punishments and instead proposed that penalties should be proportionate and designed to deter crime by outweighing the expected pleasure gained from wrongdoing.

By using the hedonic calculus, legislators could theoretically design punishments that maximize societal well-being—deterring harmful acts while minimizing unnecessary suffering.

Legacy and Modern Relevance of Bentham's Work

The influence of Jeremy Bentham's principles of morals and legislation extends far beyond the 18th century. His ideas continue to resonate in contemporary discussions about ethics, law, and public policy.

Impact on Contemporary Legal Systems

Many modern legal systems incorporate utilitarian ideas, especially in areas such as cost-benefit analysis, public health policy, and criminal justice reform. Bentham's insistence on measurable outcomes and rational legislation helped lay the groundwork for empirical approaches in lawmaking.

Criticisms and Challenges

While Bentham's utilitarianism is influential, it has not been without criticism. Some argue that focusing solely on happiness can overlook individual rights and justice. Others point out the difficulties in accurately calculating pleasure and pain, especially when it comes to long-term or intangible consequences.

Nevertheless, Bentham's work remains a foundational reference point for anyone interested in the intersection of morality and law.

Exploring Bentham's Ideas Today

For students, scholars, or anyone curious about legal philosophy, delving into Bentham's *The Principles of Morals and Legislation* offers a rich source of insight. His analytical style and commitment to clarity make the text accessible, yet profound.

If you want to apply Bentham's concepts in practical ways, consider these tips:

- **Evaluate policies by their outcomes:** When assessing laws or regulations, think about who benefits and who might be harmed.
- **Consider the balance of pleasure and pain:** Not all benefits are equal; weigh both short-term and long-term effects.
- **Promote transparency in lawmaking:** Bentham valued clear, understandable laws that people could follow and evaluate.

Embracing these principles can lead to more thoughtful and humane approaches to ethics and legislation.

In sum, Jeremy Bentham's *The Principles of Morals and Legislation* remains a powerful and provocative work, challenging us to think critically about how laws influence happiness and how moral reasoning can guide legal frameworks. Its legacy is a testament to the enduring quest to create societies that are just, rational, and focused on the well-being of all.

Frequently Asked Questions

Who was Jeremy Bentham and what is 'The Principles of Morals and Legislation' about?

Jeremy Bentham was an English philosopher and jurist, known as the founder of modern utilitarianism. 'The Principles of Morals and Legislation' is his seminal work where he outlines the theory of utilitarianism, emphasizing that the best actions are those that maximize pleasure and minimize pain for the greatest number of people.

What is the central thesis of Bentham's 'The Principles of Morals and Legislation'?

The central thesis is that the foundation of morals and legislation should be the principle of utility, which holds that the rightness or wrongness of actions depends on their tendency to promote happiness or prevent pain.

How does Bentham define 'utility' in his work?

Bentham defines 'utility' as the property in any object or action that tends to produce benefit, advantage, pleasure, good, or happiness, or to prevent mischief, pain, evil, or unhappiness to the party whose interest is considered.

What role do pleasure and pain play in Bentham's moral philosophy?

Pleasure and pain are the measures of what is good or bad in Bentham's moral philosophy. He argues that human behavior is motivated by the pursuit of pleasure and the avoidance of pain, and moral decisions should aim to maximize overall pleasure and minimize pain.

How does Bentham propose legislators should create laws according to 'The Principles of Morals and Legislation'?

Bentham suggests that legislators should create laws based on the principle of utility, crafting rules that maximize the overall happiness and welfare of the community and reduce suffering.

What is the 'felicific calculus' introduced by Bentham in this work?

The 'felicific calculus' is Bentham's method for calculating the moral rightness of an action by quantifying the amount of pleasure and pain it produces, considering factors like intensity, duration, certainty, and extent.

How has 'The Principles of Morals and Legislation' influenced modern legal and ethical thought?

Bentham's work laid the groundwork for utilitarian ethics and has influenced modern legal theory by promoting the idea that laws should be evaluated based on their consequences for societal welfare, shaping approaches in policy-making, economics, and human rights.

Additional Resources

Jeremy Bentham and *The Principles of Morals and Legislation*: An Analytical Review

Jeremy Bentham's *The Principles of Morals and Legislation* represents a seminal work in the history of ethical philosophy and legal theory. Published in 1789, this foundational text laid the groundwork for

utilitarianism and profoundly influenced modern understandings of law, morality, and governance. Bentham's rigorous approach to dissecting the motivations behind human behavior and the formulation of legal systems remains a critical reference point for scholars, jurists, and ethicists alike.

This article delves into the core arguments presented by Bentham, explores the philosophical underpinnings of his utilitarian framework, and evaluates the lasting impact of *The Principles of Morals and Legislation* on contemporary moral philosophy and legislative practice. By examining key concepts such as the felicific calculus, utility, and the relationship between pain and pleasure, the review offers an insightful perspective on why Bentham's ideas continue to resonate in debates surrounding ethics and law.

Jeremy Bentham's Philosophical Context and Objectives

Bentham's intellectual project was born out of the Enlightenment's emphasis on reason, empirical observation, and the pursuit of human welfare. In *The Principles of Morals and Legislation*, Bentham sought to establish a scientific basis for morality and law that transcended traditional religious and metaphysical justifications. His utilitarian philosophy asserts that the ultimate criterion for evaluating actions and laws is the extent to which they promote happiness or pleasure and minimize suffering or pain.

Bentham's utilitarianism is often summarized by the phrase "the greatest happiness for the greatest number." This principle guided his critique of existing legal codes and social institutions, which he viewed as frequently arbitrary, unjust, or inefficient. By applying a rational and quantitative approach to ethics, Bentham aimed to reform laws so they would be more aligned with the collective well-being of society.

Core Concepts in *The Principles of Morals and Legislation*

The Concept of Utility

At the heart of Bentham's treatise lies the concept of utility, defined as the property in any object that tends to produce benefit, advantage, pleasure, good, or happiness—or to prevent mischief, pain, evil, or unhappiness. Bentham's definition was intentionally broad, encompassing not only physical pleasures but also intellectual and emotional satisfactions.

Utility serves as the standard by which all moral and legislative decisions should be judged. For Bentham, the legitimacy of laws depends on their capacity to maximize utility. This approach marked a significant shift from legal theories grounded in divine command or natural rights, positioning human welfare as the ultimate end.

The Felicific Calculus: Measuring Pleasure and Pain

One of Bentham's most innovative contributions was the felicific calculus—a method for calculating the moral value of an action based on its expected outcomes in terms of pleasure and pain. Bentham proposed seven criteria to evaluate sensations:

1. Intensity
2. Duration
3. Certainty or uncertainty
4. Propinquity or remoteness
5. Fecundity (the probability the sensation will be followed by sensations of the same kind)

6. Purity (the probability it will not be followed by sensations of the opposite kind)

7. Extent (the number of people affected)

By quantifying these factors, Bentham believed it was possible to make objective moral judgments and design laws that genuinely promote societal happiness. While the felicific calculus has been critiqued for its practical limitations—particularly the difficulty of assigning numerical values to subjective experiences—it remains a pioneering attempt to apply a scientific lens to ethics.

Human Nature: Pain and Pleasure as Motivators

Bentham's analysis begins with a psychological premise: humans are fundamentally motivated by the desire to seek pleasure and avoid pain. This hedonistic view underpins his utilitarian theory, suggesting that moral choices should be guided by the calculation of which actions yield the greatest net pleasure.

This perspective contrasts with deontological ethics, which prioritize duty or adherence to universal rules regardless of outcomes. Bentham's pragmatic focus on consequences aligns more closely with consequentialism and has informed various strands of modern ethical and legal thought.

Implications for Law and Governance

Bentham's work was not merely theoretical; he intended *The Principles of Morals and Legislation* to serve as a blueprint for reforming legal systems. He argued that laws should be crafted to maximize public happiness by discouraging harmful behaviors and encouraging beneficial ones through appropriate punishments and rewards.

Legal Positivism and Codification

Bentham is often credited as a founder of legal positivism, the doctrine that laws are rules created by human authorities and should be analyzed separately from moral considerations. While Bentham acknowledged the importance of morality in shaping laws, he emphasized the need for clarity, consistency, and codification in legislation.

His advocacy for comprehensive legal codes aimed to eliminate the ambiguity and arbitrariness prevalent in common law systems. This influence is evident in subsequent legal reforms and the development of modern legal systems emphasizing written statutes.

Critiques and Limitations

Despite its groundbreaking nature, Bentham's utilitarianism and legislative proposals have faced criticism. Some argue that the focus on aggregate happiness can overlook minority rights, potentially justifying oppressive measures if they benefit the majority. Others note the challenge of accurately predicting consequences and measuring pleasure and pain across diverse populations.

Moreover, the felicific calculus, while conceptually elegant, is often dismissed as impractical for real-world application due to the complexity of human experiences. Nevertheless, these critiques have spurred further philosophical inquiry, leading to nuanced versions of utilitarianism and alternative ethical frameworks.

The Enduring Legacy of Bentham's Principles

Jeremy Bentham's *The Principles of Morals and Legislation* remains a foundational text that continues to influence contemporary discussions in ethics, law, and public policy. Its emphasis on rational analysis, empirical evaluation, and the pursuit of collective welfare has permeated fields as diverse as

economics, political science, and criminal justice.

Modern debates surrounding criminal sentencing, public health policies, and social welfare often echo Bentham's utilitarian rationale. Additionally, the challenges associated with balancing individual rights against the greater good reflect enduring tensions first articulated in his work.

While subsequent philosophers like John Stuart Mill refined and expanded utilitarian thought, Bentham's pioneering efforts established the framework from which much of modern moral and legal philosophy has evolved.

In tracing the contours of Jeremy Bentham's *The Principles of Morals and Legislation*, one uncovers a complex interplay of ethical theory and practical reformist zeal. The text's insistence on measuring human actions by their capacity to produce happiness remains both a powerful insight and a provocative challenge, inviting ongoing reflection on how societies govern themselves and define justice.

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also in legal reform, prison design, and social justice. Bentham's commitment to humanitarian causes and the critique of traditional punitive measures reflect his deep-seated belief in rational thought as a tool for societal improvement, undoubtedly influencing his creation of this foundational text. I highly recommend this enlightening read to scholars and laypersons alike who seek to understand the interplay of moral philosophy and legal systems. Bentham's work is not just historical; it remains profoundly relevant in contemporary debates surrounding ethics, justice, and the role of government in maximizing societal welfare. In this enriched edition, we have carefully created added value for your reading experience: - A succinct Introduction situates the work's timeless appeal and themes. - The Synopsis outlines the central plot, highlighting key developments without spoiling critical twists. - A detailed Historical Context immerses you in the era's events and influences that shaped the writing. - An Author Biography reveals milestones in the author's life, illuminating the personal insights behind the text. - A thorough Analysis dissects symbols, motifs, and character arcs to unearth underlying meanings. - Reflection questions prompt you to engage personally with the work's messages, connecting them to modern life. - Hand-picked Memorable Quotes shine a spotlight on moments of literary brilliance. - Interactive footnotes clarify unusual references, historical allusions, and archaic phrases for an effortless, more informed read.

jeremy bentham the principles of morals and legislation: The Principles of Morals and Legislation Jeremy Bentham, 1988 Jeremy Bentham's work on *The Principles of Morals and Legislation* emerges from its historic roots in hedonism and teleology as a scientific attempt to assess the moral content of human action by focusing on its results or consequences. Proceeding from the assumption that human beings desire pleasure (and avoid pain), Bentham's unique perspective, known as utilitarianism, is used to construct a fascinating calculus for determining which action to perform when confronted with situations requiring moral decision-making the goal of which is to arrive at the greatest happiness of the greatest number. Toward this end, he endeavors to delineate the sources and kinds of pleasure and pain and how they can be measured when assessing one's moral options. Bentham supports his arguments with discussions of intentionality, consciousness, motives, and dispositions. Bentham concludes this groundbreaking work with an analysis of punishment: its purpose and the proper role that law and jurisprudence should play in its determination and implementation. Here we find Bentham as social reformer seeking to resolve the tension that inevitably exists when the concerns of the many conflict with individual freedom. *The Principles of Morals and Legislation* offers readers the rare opportunity to experience one of the great works of moral philosophy, a volume that has influenced the course of ethical theory for over a century.

jeremy bentham the principles of morals and legislation: An Introduction to the Principles of Morals and Legislation Jeremy Bentham, 2011-08 Jeremy Bentham was an English jurist, philosopher, and legal and social reformer. He became a leading theorist in Anglo-American philosophy of law, and a political radical whose ideas influenced the development of welfarism. He is best known for his advocacy of utilitarianism and animal rights, and the idea of the panopticon. His position included arguments in favor of individual and economic freedom, usury, the separation of church and state, freedom of expression, equal rights for women, the right to divorce, and the decriminalizing of homosexual acts. He also argued for the abolition of slavery, physical punishment (including that of children) and the death penalty. Although strongly in favor of the extension of individual legal rights, he opposed the idea of natural law and natural rights, calling them nonsense upon stilts. Bentham's ambition in life was to create a Pannomion, a complete utilitarian code of law. Bentham not only proposed many legal and social reforms, but also expounded an underlying moral principle on which they should be based.

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leader of the Utilitarian reformers, the only previous edition of his works was a poorly edited and incomplete one brought out within a decade or so of his death. Eight volumes of the new Collected Works, five of correspondence, and three of writings on jurisprudence, appeared between 1968 and 1981, published by the Athlone Press. Further volumes in the series since then are published by Oxford University Press. The overall plan and principles of the edition are set out in the General Preface to *The Correspondence of Jeremy Bentham*, vol. 1, which was the first volume of the Collected Works to be published. *An Introduction to the Principles of Morals and Legislation*, Jeremy Bentham's best-known work, is a classic text in modern philosophy and jurisprudence. First published in 1789, it contains the important statement of the foundations of utilitarian philosophy and a pioneering study of crime and punishment, both of which remain at the heart of contemporary debates in moral and political philosophy, economics, and legal theory. Printed here in full is the definitive edition, edited by the distinguished scholars J. H. Burns and H. L. A. Hart. An introductory essay by Hart, first published in 1982 and a widely acknowledged classic in its own right, is reprinted here. It contains an important analysis of Bentham's principle of utility, theory of action, and an account of the relationship between law and morality. A new introduction by the leading Bentham scholar F. Rosen, specially written for this Clarendon Paperback edition, provides students with a helpful survey of Bentham's main ideas and an extensive bibliographical study of recent critical work on Bentham. Professor Rosen's essay also contains a new analysis of the principle of utility in Bentham's philosophy which is compared with its use in Hume and J. S. Mill.

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jeremy bentham the principles of morals and legislation: *The Collected Works of Jeremy Bentham: An Introduction to the Principles of Morals and Legislation* Jeremy Bentham, 1996-01-11 The new critical edition of the works and correspondence of Jeremy Bentham (1748-1832) is being prepared and published under the supervision of the Bentham Committee of University College London. In spite of his importance as jurist, philosopher, and social scientist, and leader of the Utilitarian reformers, the only previous edition of his works was a poorly edited and incomplete one brought out within a decade or so of his death. Eight volumes of the new Collected Works, five of correspondence, and three of writings on jurisprudence, appeared between 1968 and 1981, published by the Athlone Press. Further volumes in the series since then are published by Oxford University Press. The overall plan and principles of the edition are set out in the General Preface to *The Correspondence of Jeremy Bentham*, vol. 1, which was the first volume of the Collected Works to be published. *An Introduction to the Principles of Morals and Legislation*, Jeremy Bentham's best-known work, is a classic text in modern philosophy and jurisprudence. First published in 1789, it contains the important statement of the foundations of utilitarian philosophy and a pioneering study of crime and punishment, both of which remain at the heart of contemporary debates in moral and political philosophy, economics, and legal theory. Printed here in full is the definitive edition, edited by the distinguished scholars J. H. Burns and H. L. A. Hart. An introductory essay by Hart, first published in 1982 and a widely acknowledged classic in its own right, is reprinted here. It contains an important analysis of Bentham's principle of utility, theory of action, and an account of

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jeremy bentham the principles of morals and legislation: Bentham's an Introduction to the Principles of Morals and Legislation Steven Sverdlik, 2023 Bentham's Introduction to the Principles of Morals and Legislation is a foundational work of the utilitarian tradition in moral and political philosophy. In this comprehensive guide for philosophy students, Steven Sverdlik discusses the entire Introduction, highlighting its central claims and their relations to contemporary debates in areas such as moral and legal philosophy. The Guide emphasizes Bentham's original goal of introducing a utilitarian penal code. Sverdlik considers the chapters of Bentham's text sequentially, explaining and connecting the work's main themes. These are Bentham's fundamental moral assumptions--the principle of utility and his hedonistic theory of intrinsic value--on the one hand, and, on the other, his psychological theories about pleasure and pain, human motivation, decision-making, and action. Sverdlik explains the abstract psychological framework Bentham develops and how he applies it in the context of penal or criminal law. Bentham's psychological and moral theories form the groundwork of his treatment of the deterrence of potential offenders, the punishment of convicted offenders, and the criminalization of various types of behavior. By restating Bentham's thinking about these topics in contemporary philosophical terms, Sverdlik allows readers to see how it relates to current ideas about the proper goals of criminal justice systems.

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jeremy bentham the principles of morals and legislation: Das Recht im Spannungsfeld utilitaristischer und deontologischer Ethik International Association for Philosophy of Law and

Social Philosophy. Schweizer Sektion. Tagung, 2004 Aus dem Inhalt: 1. Teil: Utilitarismus: M. Walther: Utilitaristische Rechtstheorie als Theorie der naturwuchsigigen Genese regelgeleiteter und sanktionsbewehrter Kooperation. Ein Versuch P. Behrens: Das Recht im ökonomischen Utilitarismus J.-C. Wolf: Konsequentialismus, Deontologie und Theorie des gerechten Krieges A. Kley: Teleologische und deontologische Ethik: Utilitarismus und Menschenrechte M. Anderheiden: Zehn Thesen zur Unmöglichkeit utilitaristischer Verteilungsgerechtigkeit T. Kesselring: Begründungsstrategien für die Menschenrechte: Transzendentaler Tausch (Hoffe) oder Kooperation (Rawls)? 2. Teil: Deontologie: G. Luf: Freiheit als Rechtsprinzip. Aspekte einer deontologischen Rechtsethik in der Tradition Kants U. Marti: Diskursethische Legitimation und soziale Funktion des Rechts. Überlegungen zu J. Habermas' Diskurstheorie des Rechts und der Demokratie E. Zalten: Kants Pflichtbegriff und das Moralprinzip des Utilitarismus. Reflexionen und Thesen M. Bondeli: Konsequentialistisch gelaute Deontologie: Die diskursethische Legitimation des Rechts D. Durr: Diskursive Theorie über das Recht versus Theorie eines diskursiven Rechts P. Mastronardi: Das gerechte Gute. Persönliche Reflexionen des Tagungsleiters zum Verhältnis von Utilitarismus und Deontologie im Recht

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jeremy bentham the principles of morals and legislation: Die Kodifikation des Europäischen Verwaltungsrechts Lucas Hartmann, 2020-08-05 Die Besonderheiten der einzelnen Bereiche des Europäischen Verwaltungsrechts durch eine Kodifikation auf die Ordnungsidee eines allgemeinen Verwaltungsrechts zurückzuführen - diese Idee gewinnt für die Europäische Union angesichts einer stetig zunehmenden und ausdifferenzierten Verwaltungsgesetzgebung und -judikatur durch Organe der Europäischen Union an Bedeutung. Lucas Hartmann entwirft ein theoretisches, rechtsstaatlich-demokratisches Konzept der Kodifikation für die Gesetzgebung im Europäischen Verwaltungsrecht. Hierzu formuliert er einen Idealbegriff der Kodifikation und entwickelt darauf aufbauend ein umfassendes Prüfraster, mit dem der Mehrwert eines Kodifikationsprojekts ermittelt werden kann. Durch Anwendung dieses Prüfrasters weist der Autor u.a. nach, dass in zentralen Bereichen des EU-Eigenverwaltungsrechts zahlreiche Gemeinsamkeiten bestehen. Daran anknüpfend unterbreitet er einen Regelungsvorschlag.

jeremy bentham the principles of morals and legislation: Die Moral des Glücks Jack Nasher, 2009 Der Utilitarismus ist eine hervorragende Moralphilosophie einer aufgeklärten Gesellschaft und ihrer Staats- wie Rechtslehre. Nicht Beachtung religiöser oder anderer tradiert Absichten, sondern die Glückseligkeit ist das erklärte Ziel allen Tuns: »soviel Glück für so viele Menschen wie möglich.« Der Ausgangspunkt liegt in der Psychologie, nämlich im menschlichen Streben nach Glück. Diese britischste aller Philosophien setzt wie keine andere am common sense an. Der Utilitarismus ist aber auch ein einzigartiges Exempel dafür, wie ungeheuerlich die Konsequenzen einer offenbaren Prämisse sein können. Die intellektuellen Bestrebungen der Utilitaristen, diesen teils wahnwitzigen Folgen zu entrinnen, sind von beispielloser geistiger Brillanz. Diese Einführung gibt einen Überblick über die wesentlichen Gedanken und Kritikpunkte des Utilitarismus - von Bentham bis zur Moderne.

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