

The logo of Galgotias University is a circular emblem with three curved, overlapping bands in shades of yellow, blue, and red, creating a stylized 'G' shape.

Bentham's Theory of Law

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Topic covered

- Bentham Theory on Jurisprudence
- Brief about bentham
- Features of Bentham Theory
- Criticism of Bentham Theory

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Brief

JEREMY BENTHAM (1748-1832)

- One of the earliest legal positivist and considered to be the founder of positivism.
- Popularly known for his theory of “utilitarianism”, also called as “doctrine of hedonism”
- He expounded principle of utility in his book “Limits of Jurisprudence Defined”
- Principle of utility is a morally right principle of action of every situation.
- Defined a hedonistic method to calculate the moral rightness or wrongness of an action, which is known as hedonistic calculus.

TWO DOCTRINES OF BENTHAM

PSYCHOLOGICAL HEDONISM

ETHICAL HEDONISM



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BENTHAM'S Criticism

Railway Track Example

Track A is abandoned and Track B is functional

On Track A one boy is playing

On Track B 10 boys are playing

You are a Train driver

Select the Track

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Railway Track Example

A: One Boy playing on Abandoned Track



B: Ten Boys are playing on Functional Track



BENTHAM'S Criticism

- **Gang Rape**
- **Mob Lynching**
- **Genocide**

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BENTHAM'S Criticism

- Pleasure and pain cannot be the final test of the adequacy of law. Every act which gives pleasure cannot be said to be good . Pleasure and pain fails in cases of gang rape , mob lynching , genocide etc
- No yardstick to measure pain and pleasure.
- He calls natural law as “mock-law”, “sham law” or “quasi law”.
- His theory fails to balance individual interests with the interests of the community.
- Theory ignores morality , ethics and customs as source of law

References

- <https://www.slideshare.net/alannamlawson/jeremy-bentham-13121787>
- <https://www.jstor.org/stable/pdf/1110951.pdf>
- <https://onlinelibrary.wiley.com/doi/pdf/10.1111/j.1468-2230.1973.tb01350.x>
- <https://core.ac.uk/download/pdf/216746382.pdf>
- https://www.slideshare.net/shreya_0305/benthams-theory-of-law#:~:text=%EF%82%A2%20Popularly%20known%20for%20his,Jurisprudence%20Defined%E2%80%9D%20published%20in%201945.&text=TWO%20DOCTRINES%20OF%20BENTHAM%20%E2%82%A2,enjoy%20pleasure%20or%20prevent%20pain

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