John Neal (1793–1876)

James E Crimmins
Unqualified, however, the attack on Natural Law is misleading and confusing. It obscures the relation of utilitarianism to the traditional ethical position adopted by Hume and the other advocates of Natural Law mentioned. What Bentham adds to the traditional position is not any opposed principle, but an insistence that statistical evidence be taken into account in deciding upon actions and policies; and an emphasis on transition towards improvement consistent with this insistence. The statistical evidence need not be the sort that Bentham suggested in his proposal for a felicific or hedonistic calculus—a felicific calculus would in practice serve better. Systematic use of such evidence, as Bentham advocated, could be expected to overturn many received views about law and ethics; and this was another reason for attacking Natural Law, conceived of as a body of unchangeable views. But Natural Law on the basic traditional view was open to modification with changes in circumstances and evidence (Aquinas, Summa Theologiæ, Ia2ae, QQ. 94–7), though no doubt its upholders did not expect as much change as Bentham. It was also solidarity against rigid routine applications of social rules. Aquinas has an important place for epitaphs, the personal virtue of adopting rules to the demands of specific occasions (Ia2ae, Q. 126). Bentham’s attack on natural rights depends second thoughts, too. If natural rights are taken as devices once recognized endowing individual persons with the power to make some choice about liberty for themselves, the benefits of Natural Law (Fissitis, 1980), then there is a serious case for expecting utilitarianism to endorse such rights (Harrisson, 1983, p. 102). Utilitarianism may be said to subtract from the traditional position as well as add to it. What it subtracts is the assumption that happiness is an aspect of the life of social selves, sharing resources and feelings with other human beings. Utilitarianism is certainly not opposed to having social selves or the happiness enjoyed by them, but it can be taken to leave open the (rather fantastic) possibility that happiness is more certainly attained by isolated individuals. Traditional Natural Law would foreclose this possibility by insisting on the development of social selves (Braybrooke, 2006, Ch.12). There is another conception of Natural Law, currently more vigorously publicized, to which utilitarianism does not necessarily date so easily. This conception subscribes to the traditional core and gives insistent attention to God’s purposes in laying down the law along with a concern with the immemorial needs of human beings. It also has something to say, very vigorously, about uncompromising respect for human life. It is especially coloured, however, in current polemics, by a preoccupation with regulating sexual activity (see George, 1999, pp. 161–83). The preoccupation shows up in vehement prohibitions of masturbation, contraception, abortion, homosexuality, intercourse; heterosocial intercourse if it is extramarital (or indigal isbarred) and divorce. At the very least, utilitarians would want to have evidence in each of these cases that the prohibited activity diminishes human happiness, and would not be content with evidence that takes current social arrangements and prejudices for granted. The champions of the prohibitions sometimes offer evidence, but it is often sparse, as if with the supposedly harm- ful consequences of masturbation. When it is not sparse, as in cases in which extramarital activity jeopardizes the continuance of marriages and family life, counteracting evidence of misery in continuing marital demands being taken into account. Given their inclination to appeal without argument to God as the overriding authority behind the prohibitions in question, we may doubt whether the champions of this conception of Natural Law are interested in an open-minded approach to consequences. Some members of the circle of thinkers operating with the second conception, more inclined to view ill consequences from utilitarianism ignoring the prohibitions as God’s punishments for disregarding His commands. Thus, one article, explained with little or no reservation within the circle, argues that ADs is the punishment under Natural Law for prohibited sexual activity (Budziszewski, 1998). The inefficiency of the punishment, not reaching all deviants and reaching many innocent people (eg., wives and children), and what would seem to nonbelievers the disproportion between the sin punished and the severity of the punishment, are not acceptable to consequentialist justifications. Abortion invites objection under the second conception of Natural Law as an attempt to evade the natural consequences of sexual activity (even, if let it be noted, wholly legitimate activity). But the prohibition of abortion also keeps company with the prohibitions of suicide and euthanasia, and like them raises questions outside the normal ambit of utilitarianism, which is the evaluation of policies affecting a community with a fixed membership (or at least a membership already replenished over time by natural processes). Utilitarianism, of course, will be sensitive to the unhappiness present or ensuing when abortion, suicide, or euthanasia is foregone. It may not tell us whether this consideration justifies bringing a human life to an end. However, it might be expected to go along with the developing acceptance of a person’s decision to refuse strenuous treatment, or even any treatment whatever, of serious diseases—acceptance in which, perhaps inherited by advocates of the second conception of natural law, is an approximation to a utilitarian-backed right to commit suicide.

BIBLIOGRAPHY


Further Reading


John Neal was born on 25 August 1793 to Quaker parents in Falmouth (now Portland, Maine), and studied law under the guidance of David Hoffmann. He styled himself as Bent- ham’s utilitarian spokesperson in America, and devised The Yankee (later The Yankee and Boston Literary Gazette), the journal he edited, to spread the utilitarian ideas. Each issue carried the banner headling "the greatest happiness of the greatest number," and Neal frequently featured excerpts from Bentham’s NEAL, JOHN (1793–1876)
Colcb Henry (1804–84), a congregational minister, theologian, and Professor of Philosophy, who helped found the New York Review, was also critical ofNeal's translation and angered by Bentham's altruism and promotion of the "seems" principle. Henry's critical analysis turned into a plea to the American people not to become corrupted by this doctrine, not to put their own interests above knowledge and virtue (Henry, 1837). The reviewer in the Boston Morning Post (16 May 1840) attempted a pithy epitaph to Neal's efforts when he wrote: "Bentham's views, we believe, are not appreciated in this country owing to two causes—the fact that they were originally published in the French language, and the more unfortunate fact, that versatile and irrepressibly egotistical genius, John Neal, undertook from the very best of motives, to introduce them to the American public."

How Neal responded to these reviews is not known, but he was unlikely to be moved by such attacks. He was an enthusiastic supporter of Bentham, describing him as "the great-holy priest of legislation" (Neal, 1830, p. 14), showing clear his commitment to the utilitarian cause in the following terms:

"we acknowledge no rights that can interfere with the greatest happiness of the greatest number—now whatever, not even that "of life, liberty, and the pursuit of happiness" (to borrow the awkward and either very unmeaning or very unwise phraseology of most of our constitutions). If he be better for the greatest happiness of the greatest number that a man should die—whether he may be, and whatever he may be, cut him off without mercy. And so with his liberty, and so with his property. But have a care—be certain that it will promote the greatest happiness of the greatest number, before you do an act before you cut off the greatest criminal that walks the earth; before you appeal the highway robber of his liberty, or deprive him of his property (Yavorov, 1, no. 1, 1828).

The seeming contradiction in what Neal says here (the pursuit of happiness is at the core of the utilitarian doctrine) was quickly dispelled: all the dimensions of an action and its consequences need to be assessed before a correct view can be reached about its morality, particularly after the action is those of the legislation. Neal was in no doubt that utilitarianism properly conceived must pay proper regard to the fashioning of appropriate rules. Emphasizing the example of the legislator's imposition of punishment, Neal wrote: "it must be observed, that the bad consequences of actions are twofold, particular and general. The particular bad consequence is the mischief which that single action directly and immediately occasions. The general bad consequence is, the violation of some necessary or useful general rule." The general rule that would be violated in this instance is "that no man be put to death for his crimes but by public authority" (Yavorov, 1, no. 11, 1828).

Neal was also inscribed by Bentham as a person, and took it upon himself to explain the man behind the utilitarian system of morals and law, and to defend him against those who decried the philosopher as an absurder, seeking to familiarize his readers with Bentham's likeness, he reproduced at the front of one of his own articles (Yavorov, 2, no. 79, 1829) an outline portrait of the philosopher sitting at his desk by Robert Sully. Neal maintained the fact that Bentham and his writings had been misunderstood and frequently misrepresented, and thus so few of his works had appeared in English while many more were "to be found in every public library of Europe ... and upon the table of every statesman, jurist, or philosopher of the continent." Finally, much of the criticism of Bentham in the American journals drew sustenance from Neal's biographical sketch prefaced to his edition of Dunsheon, which provided ready ammunition for those bent on "character assassination." The statement that there could be no doubt Bentham was an atheist proved especially harmful. One of his most helpful contributions was a six-act article of Bentham's panegyric in the Yavorov in 1829, which he hoped to impress upon prison reformers among his countrymen as a major improvement on existing penitentiaries.

BIBLIOGRAPHY


Neal, John. Principles of Legislation: from the Ms. of Jeremy Bentham ... By M. Dumont. Translated from the second corrected and enlarged edition (Paris 1802); with notes and a biographical notice of Jeremy Bentham and of M. Dumont (Boston, 1830)—Wandering Recollections of a Somewhat Busy Life (Boston, 1849).


James E. Crimmins
Huron University College
The University of Western Ontario

See also BENTHAM, JEREMY.

NEUMANN-MORGENSTERN UTILITY FUNCTION See CARDINAL UTILITY; EXPECTED UTILITY HYPOTHESIS; FELTICIFIC CALCULUS; SYMBOLIC UTILITY.