Bentham's Theory of Fictions

INTRODUCTION

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I.—ORIGINS AND INFLUENCES

IF the History of Philosophy ever comes to be rewritten so that philosophers are assessed rather for their ability to recognize the linguistic basis of ' philosophy ' than for their attempts at an imaginative reformulation or a static analysis of the legacies of various types of Word-magic, many surprising revaluations will be necessary.

Bacon, Hobbes, Locke, Berkeley, Hume . . . Mill, Bradley, Russell—such is the tradition, with appropriate variants for the three final links, which is generally supposed to constitute the English contribution to the highest or the deepest Thought of humanity. To his five great predecessors Bentham acknowledges his debt. It is the purpose of the present volume to give some indication of the debt which future generations may acknowledge to Jeremy Bentham, when he has taken his place as sixth in the line of the great tradition—and in some respects its most original representative

From D'Alembert as well as from Horne Tooke Bentham also derived suggestions for his remarkable anticipations of the modern approach to the symbolic tangle by which physics and psychology are alike confronted ; but quite apart from all such influences, there are certain features of his treatment of Fictions which suggest that he would have arrived quite independently at the analysis which posterity has hitherto so completely neglected.

Ghosts, no less than his horror of Legal Fictions, can be

shown to have played their part in determining the intensity and pertinacity of his researches For over sixty years he struggled with the primary technique of linguistic psychology, for nearly eighty years he was acutely conscious of the problem of fictional entities [1]

As an infant, instead of the travel or history which fascinated him hardly less than ordinary tales of imagination, he was set to read the Fables of Phaedrus, but their arbitrarily fictional character annoyed him "Fables, inasmuch as they are stories in which inferior animals are represented as talking together like men and women, never had any charm for me." This was at the age when English children of the last two centuries were afflicted by the collects, and Bentham *père*, though sane enough in some respects, did not refrain from subjecting his offspring to such linguistic tribulations

Equally potent in impressing on a sensitive mind the power of Word-magic was the influence of his grandmother, who would nightly insist on giving her blessing before he climbed the stairs to her bed in the old Barking house Seventy years later, the memory was still fresh

> "Previous to the ceremony, I underwent a catechetical course of examination, of which one of the questions was—'Who were the children that were saved in the fiery furnace?' Answer—'Shadrach, Meshach and Abednego', but as the examination frequently got no farther, the word *Abednego* got associated in my mind with very agreeable ideas, and it ran through my ears, like Shadrach, Meshach, and *To-bed-we-go*, in a sort of pleasant confusion which is not yet removed." [2]

This same old lady also assisted him to consolidate his experience of the mystery of Fictions, for on her walls hung a 'sampler' depicting Adam, Eve, and the forbidden fruit

[1] Cf *The Theory of Legislation*, uniform with the present volume, where this aspect of Bentham's work is related to his achievement in the general field of Jurisprudence (Introduction, pp xi ff)

[2] *Works*, Vol X, p 18 Later, when too old to be his grandmother's bedfellow, he "became the sole occupant of a large unfurnished room —a fit place for the visitation of nocturnal visitors, and then and there it was that the devil and his imp appeared to me" (*Ibid*, p 20)

> "One thing alone puzzled me; it was the forbidden fruit. The size was enormous It was larger than that species of the genus *Orangeum* which goes by the name of the forbidden fruit in some of our West India settlements Its size was not less than that of the outer shell of a cocoa nut. All the rest of the objects were, as usual, in *plano*; this was in *alto*, indeed in *altissimo relievo* What to make of it, at a time when my mind was unable to distinguish fictions from realities, I knew not."

SPECTRES AND BOGEYS

His grandmother's mother was a "matron of high respectability and corresponding piety, well-informed and strong-minded. She was distinguished, however; for, while other matrons of her age and quality had seen many a ghost, she had seen but *one*". And, added Bentham in his old age, "this subject of ghosts has been among the torments of my life. Even now, when sixty or seventy years have passed over my head since my boyhood received the impression which my grandmother gave it, though my judgment is wholly free, my imagination is not wholly so" His infirmity was not unknown to the servants

> "It was a permanent source of amusement to ply me with horrible phantoms in all imaginable shapes. Under the Pagan dispensation, every object a man could set his eyes on had been the seat of some pleasant adventure. At Barking, in the almost solitude of which so large a portion of my life was passed, every spot that could be made by any means to answer the purpose was the abode of some spectre or group of spectres. The establishment contained two houses of office one about ten yards from the kitchen, for the use of 'the lower orders', another at the farther end of the little garden, for the use of 'the higher', who thus had three or four times the space to travel, on these indispensable occasions, more than that which sufficed for the servile grade. but these shrines of necessary pilgrimage were, by the cruel genius of my tormentors, richly stocked with phantasms One had for its autocrat no less a personage than 'Tom Dark', the other was the dwelling-place of 'Rawhead and Bloody Bones'. I suffered dreadfully in consequence of my fears

I kept away for weeks from the spots I have mentioned; and, when suffering was intolerable, I fled to the fields "

So dexterous was the invention of those who worked upon his apprehensions " that they managed to transform a real into a fictitious being. His name was *Palethorp* , and Palethorp, in my vocabulary, was synonymous with hobgoblin " The origin of these horrors was this :—

" My father's house was a short half-mile distant from the principal part of the town, from that part where was situated the mansion of the lord of the manor, Sir Crisp Gascoigne One morning, the coachman and the footman took a conjunct walk to a public house kept by a man of the name (Palethorp) : they took me with them , it was before I was breeched. They called for a pot of beer , took each of them a sip, and handed the pot to me. On their requisition, I took another ; and when about to depart, the amount was called for The two servants paid their quota, and I was called on for mine *Nemo dat quod non habet*—this maxim, to my no small vexation, I was compelled to exemplify. Mr Palethorp, the landlord, had a visage harsh and ill-favoured, and he insisted on my discharging my debt At this very early age, without having put in for my share of the gifts of fortune, I found myself in the state of an insolvent debtor. The demand harassed me so mercilessly that I could hold out no longer · the door being open, I took to my heels , and, as the way was too plain to be missed, I ran home as fast as they could carry me The scene of the terrors of Mr Palethorp's name and visitation, in pursuit of me, was the country-house at Barking but neither was the town-house free from them ; for, in those terrors, the servants possessed an instrument by which it was in their power, at any time, to get rid of my presence Level with the kitchen—level with the landing-place in which the staircase took its commencement—were the usual offices When my company became troublesome, a sure and continually repeated means of exonerating themselves from it, was for the footman to repair to the adjoining subterraneous apartments, invest his shoulders with some strange covering, and, concealing his countenance, stalk in, with a hollow, menacing, and inarticulate tone Lest that should not be sufficient, the servants had, stuck by the fireplace, the portraiture of a hobgoblin, to which they had given the name of Palethorp. For some years I was in the condition of poor Dr Priestley,

on whose bodily frame another name, too awful to be mentioned, used to produce a sensation more than mental."

THE DEVIL AND HIS IMP

Another instance of the influence of fictional horror occurred when the child was about nine

> "I went to see a puppet-show. there were Punch and Joan—the devil, whom I had seen before; but I saw, for the first time, the devil's imp. The devil was black, as he should be, but the devil's imp was white, and I was much more alarmed at his presence than at that of his principal I was haunted by him. I went to bed; I wanted to sleep. The devil appeared to me in a dream; the imp in his company I had—which is not uncommon in dreams, at least with me—a sort of consciousness that it was a dream; with a hope that, with a little exertion, I might spring out of it I fancied that I did so. Imagine my horror, when I still perceived devil and imp standing before me It was out of the rain into the river I made another desperate effort. I tried to be doubly awake, I succeeded. I was in a transport of delight when the illusion altogether vanished but it was only a temporary relief; for the devil and the imp dwelt in my waking thoughts for many a year afterwards."

A little later Literature played its part His French tutor, La Combe, induced his father to give him the *Lettres Juives*, which filled his mind with vague terrors: "I could not understand the book, but I was frightened by the accounts of the vampires in it." [1] The story of the Goat of the Cave in *Robinson Crusoe* also disturbed him "It was a moot point with me whether it was a goat or the devil. I was indeed comforted to find it was a goat" *The Pilgrim's Progress* frightened him still more: "I could not read it entirely through. At Westminster School, we used to go to a particular room to wash our feet: there I first saw an imperfect copy of *The Pilgrim's Progress*, the devil was everywhere in it, and in me too. I was always afraid of the devil: I had seen him sowing tares, in a picture at Boghurst, how should

[1] *Works*, Vol X, pp 11 and 21

I know it was not a copy from the life?" And he had actually seen the devil, in the puppet-show, "I dreamt about him frequently he had pinched me several times, and waked me. . How much less unhappy I should have been, could I have acknowledged my superstitious fears! but I was so ashamed. Now that I know the distinction between the imagination and the judgment I can own how these things plagued me, without any impeachment of my intellect."

OXFORD

On the opposite page appears a portrait[1] of Bentham at Oxford, shortly after his arrival there at the age of twelve and a half, in 1760 "Paternal authority", he wrote at the age of eighty, "compelled me to hammer out and send in, as a candidate for admission into the customary academical collection of half lamentational, half congratulational, rhythmical commonplaces, the subject of which was the loss of one thing and the acquisition of another, a copy in Sapphics (*sic*) the first stanza of which

[1] First in the possession of the Earl of Shelburne, then of Sir John Bowring, and now in the National Portrait Gallery The artist was a certain Mr Fry, and the stanza in question reads —

> "Eheu Georgi! jamne Britannica
> Gestare taedet sceptra pia manu
> Linguisque perculsum Senatum
> Et populum Patre destitutum?"

Dr Johnson made some criticisms of these verses but pronounced them "a very pretty performance of a young man" Bentham was not impressed by Johnson's emendations and gave them to a lady who wanted Johnson's signature He later (1776) "belonged to a dinner club, of which Johnson was the despot", and in a note written in 1785 he refers to him as "the pompous vamper of commonplace morality—of phrases often trite without being true"

A further sidelight on the picture is a note in the diary of Bentham *père*, dated June 27–8, 1760 "Paid for a commoner's gown for my son, £1, 12s 6d Paid for a cap and tassel, 7s" We are also told that a grievous annoyance to Bentham, at Oxford, was the formal dressing of the hair "Mine", he said, "was turned up in the shape of a kidney, a quince or a club was against the statutes, a kidney was in accordance with the statutes I had a fellow-student whose passion it was to dress hair, and he used to employ a portion of his mornings in shaping my kidney properly" (*Works*, Vol VIII, pp 36, 39, 41, 51, 142, Vol I, pp 241–2)

BENTHAM AT OXFORD *aetat* 12½

figures in a whole length portrait of me, in my academical dress "

At Oxford he found a physical and intellectual environment that distressed him considerably; but in due course he succeeded in moving his rooms in Queen's College from " the two-pair-of stairs' floor, on the farther corner of the inner quadrangle, on the right hand as you enter into it from the outer door ", to the ground-floor, " on the right hand of the staircase, next on the left hand, as you go from the outer quadrangle to the staircase that leads to the former ones "—partly as a result of these childhood experiences [1]

The first chamber " was a very gloomy one It looked into the churchyard, and was covered with lugubrious hangings. Bentham's fear of ghosts, and the visitations of spiritual beings was strong upon him , and the darkness of the chamber and its neighbourhood added to his alarms" [2]

On this grim foundation was to be built a theory of symbols applicable not only to the sins of the law and the confusions of philosophy but even to the respect and awe with which otherwise worthless individuals can be invested, *qua* dignitaries In the *Constitutional Code* this attribute is described as " altogether curious—deplorable, considering how mischievous it is ". First, of course, there is the obvious fact of association, the potency of the symbol " The dignitary has in every instance for its immediate efficient cause, or rather instrument, some symbol perceptible to sense—to the sense of hearing at the least , an appellation—most commonly in addition to it some symbol perceptible to the sense of sight, an embroidered imitation of a star, a ribbon of a particular

[1] *Works*, Vol X, p 39

[2] Throughout his life Bentham retained a vivid impression of his own early experiences at the hands of uneducated domestics, and in his educational writings he constantly urges that children should as far as possible be rescued from their ministrations On this occasion he comments (*Ibid* , p 64) " My fear of ghosts had been implanted in my mind from earliest infancy by the too customary cultivation of that most noxious weed, domestic servants " And, as is well known, J S Mill was among the first to profit by his enlightened policies

shape and colour, a medal Of this power of symbols or signs over opinions the cause lies in the association of ideas—in the principle of association between idea and idea" But there is more to it than mere association—and here came the ghosts.

> "The curious circumstance is the irresistible force with which, in this instance, the cause operates in the production of the effect Here are a set of men whom, taken in the aggregate, I cannot, upon reflection, look upon as fit objects of a greater portion of esteem and respect, nor even of so great a portion as an equal number of men taken at random At the same time, spite of myself, by the idea of any one possessed of any of these symbols, a greater degree of those social affections is excited than is excited by the idea of any one not possessed of any one of those symbols. Whence this inconsistency? By a continually renewed train of association, commencing at the earliest dawn of reason, this opinion of the constant connexion between the possession of the external symbol in question and the mental quality in question, has been created and confirmed for the revival of the erroneous opinion, a single instant suffices at all times. for the expulsion of it, nothing less than a train of reflection can suffice.
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> To this case I feel a very conformable parallel may be seen in the case of ghosts and other fabulous maleficent beings, which the absence of light presents to my mind's eye. In no man's judgment can a stronger persuasion of the non-existence of these sources of terror have place than in mine, yet no sooner do I lay myself down to sleep in a dark room than, if no other person is in the room, and my eyes keep open, these instruments of terror obtrude themselves, and, to free myself of the annoyance, I feel myself under the necessity of substituting to those more or less pleasing ideas with which my mind would otherwise have been occupied, those reflections which are necessary to keep in my view the judgment by which the non-existence of these creatures of the imagination has so often been pronounced The cause of these illusions were the stories told by servants in my childhood
>
> The tale of the apparition of ghosts and vampires is not more fabulous than is in general the tale of worth, moral or intellectual, as applied to these creatures of a monarch who form the class of state dignitaries."[1]

[1] *Works*, Vol IX, pp 83–4

LEGAL FICTIONS

At the age of sixteen, while Bentham was still at Oxford and attending Blackstone's lectures, a new and even more sinister symbolic product was forced on his attention; for in Blackstone's approach to jurisprudence he found at all points a direct antithesis to the orthological clarity which his early horror of darkness made imperative In the *Fragment on Government* he noted the tone of regret in which Blackstone refers to the historical development of the English language as a legal medium:—

> "The case is this A large portion of the body of the Law was, by the bigotry or artifice of Lawyers, locked up in an illegible character, and in a foreign tongue The statute he mentions obliged them to give up their hieroglyphics, and to restore the native language to its rights
>
> This was doing much, but it was not doing everything Fiction, tautology, technicality, circuity, irregularity, inconsistency remain. But above all, the pestilential breath of Fiction poisons the sense of every instrument it comes near." [1]

Says Bentham's Editor, John Hill Burton, writing in 1828 to point the moral: "The 'Fictions of Law', of which the English practice is so full, were repeatedly and earnestly attacked by Bentham, both collectively and in detail The example shown to the world, of falsehoods deliberately, and on a fixed system, told in the very workshops of justice, and by those who are employed to support truth and honesty, he looked upon as holding out a pernicious example to the public Without any sarcastic or reprehensory qualification, a Fiction of Law may be defined in general as the saying something exists which does not exist, and acting as if it existed, or *vice versa*"

Where the purpose of the Fiction is desirable, it should have been achieved directly, without falsehood or ambiguity, by the Legislature But whether used to a good or a bad purpose, it is an assumption of arbitrary power

[1] *Works*, Vol I, p 235

"A fiction of law", says Bentham, "may be defined a wilful falsehood, having for its object the stealing legislative power, by and for hands which durst not, or could not, openly claim it, and, but for the delusion thus produced, could not exercise it." [1]

It is true, continues Burton, that new Fictions are not now invented—at least on any considerable scale; and those formerly created have become a fixed part of the law, uniform in their operation "It is still the case, however, that from the nominal repetition of the fraud under which they were originally perpetrated, they are a cumbrous and costly method of transacting judicial business But they have a much worse influence than this By the obscurity and complexity with which they surround operations which might be simple and open, they afford concealment to fraud and professional chicanery, they exclude the unprofessional man from the means of knowing what the lawyer is doing among the windings of the professional labyrinth, and they show him that the law countenances palpable falsehoods" And he quotes Bentham as follows —

> "When an action, for example, is brought against a man, how do you think they contrive to give him notice to defend himself? Sometimes he is told that he is in jail; sometimes that he is lurking up and down the country, in company with a vagabond of the name of Doe, though all the while he is sitting quietly by his own fireside: and this my Lord Chief Justice sets his hand to At other

[1] "Thus", he continues by way of example, "by the system of pleading anterior to the late Uniformity Act, the defendant over whom the Court of King's Bench extended its jurisdiction, was said in the writ to have been in the custody of the Marshall of the King's Bench Prison for an offence, though no such circumstance had taken place The court had originally no jurisdiction over any one who was not so in custody, the lie was told that the court might have an excuse for interfering, the court would not allow the lie to be contradicted, and it assumed jurisdiction accordingly The origin of this class of fictions was of the most sordid character—the judges and other officers of court being paid by fees, a trade competition for jurisdiction took place, each court trying to offer better terms to litigants than the others, and adopting the fictions as a means of accomplishing this object Of another class are the Fictions as to Common Bail, Fines and Recoveries, Docking, Entails, etc"

times, they write to a man who lives in Cumberland or Cornwall, and tell him that if he does not appear in Westminster Hall on a certain day he forfeits an hundred pounds When he comes, so far from having anything to say to him, they won't hear him . for all they want him for, is to grease their fingers."

THE WAY OUT

It was to an analysis of Language that Bentham turned in the first instance for weapons against an evil that had its origin primarily in Word-magic But he had great faith in the progress of Science as such, and above all of Physics. " In knowledge in general, and in knowledge belonging to the physical department in particular, will the vast mass of mischief, of which perverted religion is the source, find its preventive remedy. It is from physical science alone that a man is capable of deriving that mental strength and that well-grounded confidence which renders him proof against so many groundless terrors flowing from that prolific source, which, by enabling him to see how prone to error the mind is on this ground, and thence how free such error is from all moral blame, disposes him to that forbearance towards supposed error, which men are so ready to preach and so reluctant to practise." [1]

Hence his dissatisfaction with D'Alembert whose treatment, in his Encyclopedical Map, of the Irregularities of Nature he regarded as presenting itself " in the character of a blotch, to which a sponge might apply a not incongruous cure " For Bacon there was some excuse ·

" In the time of the English Philosopher, the mind was annoyed and oppressed by terrors which in the time of his French disciple had lost, though not the whole, the greater part of their force In Bacon's time—in the early part of the seventeenth century—everything in nature that was, or was supposed to be, *extraordinary*, was *alarming* , alarming, and in some shape or other, if not *productive*, *predictive* at least of human misery In this place, as in other places—at this time, as at other times—*Ghosts* and *Witches* composed a constant part of the population, *Devils* an occasional

[1] *Works*, Vol VIII, p 13

one Patronized by Queen Elizabeth, Dee had not long ceased to hold converse with his disembodied intimates · Lilly was preparing for the connexion he succeeded in forming with *his* To burn heretics, to hang witches, and to combat devils, were operations, for all which Bacon's Royal Patron held himself in equal and constant readiness." [1]

THE DEVELOPMENT OF THE THEORY

In 1775 Jeremy Bentham at the age of twenty-seven wrote —

> "What we are continually talking of, merely from our having been continually talking of it, we imagine we understand , so close a union has habit connected between words and things, that we take one for the other , when we have words in our ears we imagine we have ideas in our minds *When an unusual word presents itself, we challenge it*; we examine it ourselves to see whether we have a clear idea to annex to it ; but when a word that we are familiar with comes across us, we let it pass under favour of old *acquaintance*
>
> The long acquaintance we have had with it makes us take for granted we have searched it already , we deal by it, in consequence, as the custom-house officers in certain countries, who, having once set their seal upon a packet, so long as they see, or think they see that seal upon it, reasonably enough suppose themselves dispensed with from visiting it anew "

Fictions of Law, he added, " are mightily pretty things Locke admires them , the author of the *Commentaries* adores them , most lawyers are, even yet, well pleased with them · with what reason let us see ".[2]

In 1780, the year before Kant published his *Critique of Pure Reason*, Bentham printed his preliminary treatise on Jurisprudence, but " found himself unexpectedly entangled in an unsuspected corner of the metaphysical maze ", and decided to hold up publication till he had set his mind at rest

What was this unsuspected corner ? Nine years later, in 1789, he had sufficiently satisfied himself of the

[1] *Ibid* , p 78
[2] *Works*, Vol X, pp 74–5.

general validity of his Critical Elements to allow them to be formally published, with "a patch at the end and another at the beginning", as *An Introduction to the Principles of Morals and Legislation*, "a great quarto volume of metaphysics". The edition was very small, "and half of that devoured by rats"—the definitive reprint only appearing in 1823, with corrections by the Author.

That his earlier troubles were partly due to the mere magnitude of his undertaking is clear from a further admission "I had got into a mizmaze", he says. "I could not see my way clearly; it was a dark forest—for the vast field of the law was around me with all its labyrinths." But it is significant that many of the most illuminating footnotes are concerned with linguistic difficulties, and particularly with the ramifications of fictional analysis

In the Preface itself we are warned that the truths at the basis of political and moral science "are not to be discovered but by investigations as severe as mathematical ones, and beyond all comparison more intricate and extensive The familiarity of the terms is a presumption, but it is a most fallacious one, of the facility of the matter. Truths in general have been called stubborn things; the truths just mentioned are so in their own way. They are not to be forced into detached and general propositions, unincumbered with explanations and exceptions. They will not compress themselves into epigrams. They recoil from the tongue and the pen of the declaimer. They flourish not in the same soil with sentiment. They grow among thorns; and are not to be plucked, like daisies, by infants as they run. Labour, the inevitable lot of humanity, is in no track more inevitable than here"

In Chapter X, where the intricacies of the psychology of Motivation come up for discussion, reference is made to the apparent contradictions into which any one who confines himself to ordinary language will be led. "His propositions will appear, on the one hand, repugnant to

truth; and on the other hand, adverse to utility. As paradoxes, they will excite contempt; as mischievous paradoxes, indignation For the truths he labours to convey, however important, and however salutary, his reader is never the better, and he himself is much the worse. To obviate this inconvenience, completely, he has but this one unpleasant remedy, to lay aside the old phraseology and invent a new one Happy the man whose language is ductile enough to permit him this resource To palliate the inconvenience, where that method of obviating it is impracticable, he has nothing left for it but to enter into a long discussion, to state the whole matter at large, to confess that for the sake of promoting the purposes, he has violated the established laws, of language, and to throw himself upon the mercy of his readers"

To which Bentham adds as a note "Happily language is not always so intractable but that, by making use of two words instead of one, a man may avoid the inconvenience of fabricating words that are absolutely new Thus instead of the word *lust*, by putting together two words in common use, he may frame the neutral expression, *sexual desire*; instead of the word *avarice*, by putting together two other words also in common use, he may frame the neutral expression, *pecuniary interest* This, accordingly, is the course which I have taken In these instances indeed, even the combination is not novel, the only novelty there is consists in the steady adherence to the one neutral expression, rejecting altogether the terms of which the import is infected by adventitious and unsuitable ideas" And furthermore: "In the catalogue of motives, corresponding to the several sorts of pains and pleasures, I have inserted such as have occurred to me I cannot pretend to warrant it complete. To make sure of rendering it so, the only way would be to turn over the dictionary from beginning to end; an operation which, in a view to perfection, would be necessary for more purposes than this."

In connexion with the classification of Offences (Chapter XVI) we find an elaborate note on the genera generalissima of Fictions in the field of law. Powers, it is here laid down, "though not a species of rights (for the two sorts of fictitious entities termed a *power* and a *right* are altogether disparate) are yet so far included under rights that wherever the word *power* may be employed the word *right* may also be employed. The reason is, that wherever you may speak of a person as having a power, you may also speak of him as having a right to such power: but the converse of this proposition does not hold good; there are cases in which, though you may speak of a man as having a right, you cannot speak of him as having a power, or in any other way make any mention of that word On various occasions you have a *right*, for instance, to the services of the magistrate: but if you are a private person, you have no power over him; all the power is on his side. This being the case, as the word *right* was employed, the word *power* might perhaps, without any deficiency in the sense, have been omitted. On the present occasion however, as in speaking of trusts this word is commonly made more use of than the word *right*, it seemed most eligible, for the sake of perspicuity, to insert them both."

And here comes a personal digression It might have been expected, says Bentham, that since the word *trust* had already been expounded, the words *power* and *right*, upon the meaning of which the exposition of the word *trust* is made to depend, would be expounded also, since no two words can stand more in need of it than these do.

> "Such exposition I accordingly set about to give, and indeed have actually drawn up, but the details into which I found it necessary to enter for this purpose, were of such length as to take up more room than could consistently be allotted to them in this place. With respect to these words, therefore, and a number of others, such as *possession*, *title*, and the like, which in point of import are inseparably connected with them, instead of exhibiting the exposition itself, I must content myself with giving a general idea of

the plan which I have pursued in framing it: and as to everything else, I must leave the import of them to rest upon whatever footing it may happen to stand upon in the apprehension of each reader Power and right, and the whole tribe of fictitious entities of this stamp, are all of them, in the sense which belongs to them in a book of jurisprudence, the results of some manifestation or other of the legislator's will with respect to such or such an act. Now every such manifestation is either a prohibition, a command, or their respective negations; viz. a permission, and the declaration which the legislator makes of his will when on any occasion he leaves an act uncommanded. Now, to render the expression of the rule more concise, the commanding of a positive act may be represented by the prohibition of the negative act which is opposed to it. To know then how to expound a right, carry your eye to the act which, in the circumstances in question, would be a violation of that right, the law creates the right by prohibiting that act Power, whether over a man's own person, or over other persons, or over things, is constituted in the first instance by permission but in as far as the law takes an active part in corroborating it, it is created by prohibition, and by command, by prohibition of such acts (on the part of other persons) as are judged incompatible with the exercise of it, and upon occasion, by command of such acts as are judged to be necessary for the removal of such or such obstacles of the number of those which may occur to impede the exercise of it. For every right which the law confers on one party, whether that party be an individual, a subordinate class of individuals, or the public, it thereby imposes on some other party a *duty* or *obligation*. But there may be laws which command or prohibit acts, that is, impose duties, without any other view than the benefit of the agent, these generate no rights. duties, therefore, may be either *extra-regarding* or *self-regarding*, extra-regarding have rights to correspond to them self-regarding, none"

That a correct exposition of the words *power* and *right* must enter into a great variety of details will be obvious. "One branch of the system of rights and powers, and but one, are those of which property is composed: to be correct, then, it must, among other things, be applicable to the whole tribe of modifications of which property is susceptible. But the commands and prohibitions, by

which the *powers* and *rights* that compose those several modifications are created, are of many different forms. to comprise the exposition in question within the compass of a single paragraph would therefore be impossible, to take as many paragraphs for it as would be necessary in order to exhibit these different forms, would be to engage in a detail so ample that the analysis of the several possible species of property would compose only a part of it. This labour, uninviting as it was, I have accordingly undergone. but the result of it, as may well be imagined, seemed too voluminous and minute to be exhibited in an outline like the present."

He explains that he might have cut the matter very short, by proceeding in the usual strain, and saying that a power was a faculty, and that a right was a privilege, and so on, following the beaten track of definition" But the insanity of such a method, in cases like the present, has been already pointed out,[1] a power is not a—any thing, neither is a right a—any thing: the case is, they have neither of them any superior genus, these, together with *duty, obligation*, and a multitude of others of the same stamp, being of the number of those fictitious entities of which the import can by no other means be illustrated than by showing the relation which they bear to real ones."

Finally, there is the sort of linguistic difficulty which presents itself when we speak of any one in whose hands a trust exists, as the person who possesses, or is in possession of it, and thence of the possession of the trust abstracted from the consideration of the possessor. "However different the expression, the import is in both cases the same. So irregular and imperfect is the structure of language on this head, that no one phrase can be made to suit the idea on all the occasions on which it is requisite it should be brought to view, the phrase must be continually shifted, or new modified so likewise in regard to conditions, and in regard to property. The being invested with, or possessing, a condition, the being

[1] See *Fragment on Government*, Chapter V (*Works*, Vol I, p 293)

in possession of an article of property, that is, if the object of the property be corporeal, the having a legal title (defeasible or indefeasible) to the physical possession of it, answers to the being in possession of a trust, or the being the person in whose hands a trust exists. In like manner, to the *exercise* of the *functions* belonging to a trust, or to a condition, corresponds the *enjoyment* of an article of property, that is, if the object of it be corporeal, the *occupation*"

The mists of language are not easily dispelled. "These verbal discussions are equally tedious and indispensable. Striving to cut a new road through the wilds of jurisprudence, I find myself continually distressed for want of tools that are fit to work with To frame a complete set of new ones is impossible. All that can be done is, to make here and there a new one in cases of absolute necessity, and for the rest, to patch up from time to time the imperfections of the old." This, at least, is the verdict of one who feels sure of his ground—who has reached definitive conclusions But there can be little doubt that the temporary *impasse* of 1780 was due to Bentham's lack of an adequate foundation for his Theory of Fictions, and that the years between were largely devoted to the further reflection necessitated by the intricacies of the subject—culminating in the intensive effort of 1813–1815 with which the present volume is chiefly concerned.

In a letter to Dumont written on 11th May 1802, and preserved in the Bentham-Dumont MSS in the Library of Geneva University, Bentham himself stresses the continuity of his work on Fictions. Various examples, from Hobbes to Rousseau, are cited as evidence of the tendency to word-magic "In the invention or choice of a fundamental principle for morals or politics, what writers of all parties and descriptions have aimed at hitherto has been the hitting upon some cant word or short form of words, such as should serve as a sort of hook on which to hang the opinions of which their prejudices and passions have been productive." Finally

"All this from the first to the last J. B. has constantly protested against as so many . . . delusive falsehoods, so many sheet anchors to error, corroboratives to obstinacy, provocatives to violence, bars to true instruction, masks to ignorance At the age of 16 at his first entrance upon the study of law, he resisted (as he mentions in his anonymous work . *A Fragment on Government*) the fiction of the Original Contract At the age of 28, in and by that work, he entered his public protest against it.

None of those other works, notwithstanding all their celebrity, presented themselves to his mind as anything better than a mere useless heap of words Fascinated by Rousseau[1] on other accounts to the highest pitch of fascination, he never could bring himself to fancy so much as for a moment that from the Contract Social or any one passage in it he had ever received the smallest ray of intelligence.

The same principle of delusion which was so convenient to writers was equally convenient to readers. as in the one class each had his favourite set of tenets to establish, so in the other each had his set of favourite tenets to adhere to and occasionally to propagate"

AS AN INSTRUMENT OF DISCOVERY

The Theory of Fictions was elaborated in order to cope with the symbolic factor in all its ramifications, legal, scientific, and metaphysical, and in the list of 'Instruments' by which his various discoveries were made possible, it appears as No 1, epitomized as follows :—

"Division of entities into real and fictitious; or say, division of noun-substantive into names of real entities, and names of fictitious entities

By the division and distinction thus brought to view, great is the light thrown upon the whole field of logic, and thereby over the whole field of art and science, more especially the psychical and thence the ethical or moral branch of science

[1] "Rousseau having in view the recommending of a Democracy (recommending for 25 millions or any greater number of millions a democracy more democratical than the democracy of 25 thousand which he was born under and best acquainted with) invented his fiction of a Social Contract—a Contract according to which any number of millions, without ever having communicated with each other, agree to govern one another in conformity to certain ends without anything said about either means or ends"

It is for the want of a clear conception of this distinction that many an empty name is considered as the representative of a correspondent reality, in a word, that mere *fictions* are in abundance regarded as *realities*

D'Alembert is the author in whose works [1] the notion of this distinction was first observed by me —*être fictif* is the expression employed by him for the designation of the sort of object for the designation of which the appellation *fictitious entity* has ever since been employed

In speaking of the faculties of the mind, the same distinction will also be found occasionally brought to view in the philosophical works of Voltaire.

By attention to this distinction it is that I was enabled to discover and bring to view, in the case of a numerous class of words, their incapacity of being expounded by a definition in the ordinary form, viz. the form *per genus et differentiam,* which form of definition it has, with how little success and benefit soever hitherto, perhaps universally been the practice to bestow upon them, and at the same time to bring to view the only instructive and useful exposition of which the words of this class are susceptible, viz the exposition by *paraphrasis*—the only form of exposition by which the import attached to them is capable of being fixed, and at the same time placed in a clear and determined point of view

See, in particular, the class of political, including legal, fictitious entities, in respect of which, by indication of the relation which the import of the word in question bears in common to the fundamental ideas of pain and pleasure, a distinct and fixed meaning is thus given to a numerous tribe of words, of which, till that time, the meaning has been floating in the clouds and blown about by every blast of doctrine—words to the which, in the mind of many a writer, no assignable ideas, no fixed, no real import, had been annexed " [2]

Instrument No 2 is the division of entities, real and fictitious together, into physical and psychical, by means of which, as we shall see, he maintained that considerable light could be thrown both upon the origin and the formation of language, and on the connexion between the nomenclature of psychology on the one hand and that of physics and physiology on the other " There is

[1] *Mélanges de Litterature et de Philosophie.*
[2] *Works,* Vol III, p 286

7 Vol 1 p 154 l. 7 After "autres" put hommes me

8. V 1 p 230 l 19 After "fiction" omitt the

evidence of the distinction between real & fictitious entities is a point of great importance in ideology, on account of the multitude of words which are names of fictitious entities] -

V 1 p 255 l 3 from the Bottom After l'en qu il omitt ne

10 V 1 p 263 l 5 for "inopportuno" put proposition

11. V. 1 p 356 l After "portent" Add (if you will) " un corps de droit n'est pas complet ce que lui manque pour l'être sera dans la forme de Droit non écrit. Mais de Droit non-écrit le caractère et d'être incertain & inconnu a une quantité connue une quantité inconnue qui la modifie, la

rend ... -

Note After "defendu" put rendent la liberté de ne que d'autres lois avaient ordonné.

2 V. l 2. p. 33 l 5 from the Bottom

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no name of a psychical entity which is not also the name of a physical entity, in which capacity alone it must have continued to have been employed, long before it was transferred to the field of psychical entities and made to serve in the character of a name of a psychical, and that most commonly a fictitious, entity."

A CENTURY OF NEGLECT

Since Bentham himself so clearly indicates the importance which he attached to the Theory of Fictions as an Instrument, it is all the more surprising that his biographers, interpreters, and critics have almost all [1] been content to dismiss it with a contemptuous reference.

From his immediate disciples Bentham could hardly expect much understanding. James Mill had his own ideas of the way in which the linguistic borderlands should be handled, but the old terminology of 'abstraction' and 'generalization' failed to meet the case J. S Mill further confused the issue by his inconclusive reversion to the nominalist-realist controversy Bowring was not to be taken seriously as an interlocutor on such subjects,[2] and Dumont was hardly less obtuse when any of the subtler problems of analysis had to be glossed over in the interests of the wider public for whom he so successfully catered.

Having elsewhere [3] endeavoured to give Dumont full credit for his devoted labours, we may here without injustice draw attention to his very obvious shortcomings as an interpreter of the more fundamental aspects of Bentham's thought. On the opposite page is reproduced in facsimile a page from the Miscellaneous Corrections which Bentham put together immediately after he received the first volume of the *Traités* [4] —

[1] Sir Leslie Stephen, however, in his account of Bentham in *The English Utilitarians*, provides a detached and intelligible summary

[2] *Works*, Vol X, p 562, cf *The Theory of Legislation*, Introduction, p xiii (International Library of Psychology)

[3] *Op cit*, *The Theory of Legislation*, Introduction, pp xi ff

[4] By kind permission of the Librarian of the University of Geneva The date of the letter is May 21, 1802, and the reference, *Inv* mss 532 (MS. DUM 33) f 98

> "After '*fiction*' omit ridicule (the distinction between real and fictitious entities is a point of great importance in ideology on account of the multitude of words which are names of fictitious entities)"

Dumont, finding the word *fiction* in Bentham's descriptive material, and with the full text of the *Introduction* before him, had assumed that a fiction must be something absurd, and embellished it accordingly. No better evidence of the distance at which he followed his master could be required, and it is not altogether surprising that in a moment of pique Bentham declared in his old age "He does not understand a word of my meaning."

Even the *Dictionary of National Biography* allows itself to conclude that Bentham "made no very valuable contributions to logic" though "it was the subject of his inquiry for many years", indeed, "his ideas on that subject, which relate chiefly to exposition and method, will be found in his nephew's work Professor Halévy, otherwise Bentham's most learned and sympathetic expositor, has referred to the said contributions as "les longs et inutiles manuscrits", [1] and Mr Everett would have us believe that "the MSS from which Bentham's disciples were to edit the voluminous publications of his later years contain, almost without exception, papers written by Bentham between 1770 and 1790 His later writings were either completions of plans sketched in his early years, or works published then which it would have been dangerous to avow earlier, or applications to contemporary political or legal situations of views arrived at in youth or early manhood" [2] Nevertheless, almost all the MSS with which the present volume is concerned bear a date subsequent to 1812, *i e* more than twenty years after the period in question

[1] *L'Evolution de la Doctrine Utilitaire*, 1789–1815, p 357
In the latest orthodox History of Philosophy, therefore, Professor Bréhier, relying on Halévy's estimate, gives two pages of his two thousand (*Histoire de la Philosophie*, Vol II, Part III, 1932, pp 764–7) to Bentham, while twenty are allotted to Schelling, thirty to Maine de Biran, and forty-six to Auguste Comte

[2] *The Education of Jeremy Bentham*, 1931, p 197

It is clear that Bentham's interest in these matters was due in part to the dislike of 'legal fictions' which inspired his attack on Blackstone, but as a writer on jurisprudence, he was dealing with linguistic problems at a level very different from that to which he found himself impelled to proceed when investigating the terminological ultimates of psychology, utilitarianism, and a universal language Jurists have regarded his philosophic subtleties as irrelevant, philosophers have felt safe in neglecting the subtleties of a jurist But now that the linguistic foundations of jurisprudence are urgently in need of orthological scrutiny, while the profundities of philosophy are resolving themselves into grammatical and psychological misunderstandings, the time is ripe for a readjustment of historical values

THE PHILOSOPHY OF 'AS-IF'

One result of this neglect has been that during the last twenty years a flourishing new movement in philosophy has taken credit for the discovery of what should have been a commonplace in every history of English thought, had the orthological approach been given due attention.

The *Philosophy of As If*, which was hailed by pragmatists as a masterpiece when it appeared in Germany, remained untranslated for thirteen years, the present writer made himself responsible for an English version [1]

[1] Vaihinger's work first appeared in 1911, though the nucleus had been written in 1876 The English translation (1924) was based on the second German edition of 1913, and the relevant passages are pp 187–8 of the former and 354–7 of the latter From both it is clear that Vaihinger had not read Bentham in the original, but took his account of Bentham's views from Mill, who never realized the significance of his master's linguistic researches

In the preparation of the historical sections of *The Meaning of Meaning*, prior to the translation of Vaihinger, it became obvious that Bentham's work on language required many months of undivided attention, and the task of pointing out his claim to priority in the matter of fictions was left to others Yet not one of the scores of able reviews, essays, and monographs to which *The Philosophy of As If* gave rise so much as hinted at the Englishman's researches over a century ago

There is no doubt that Hans Vaihinger reached his conclusions independently of Bentham, but it is time that the achievement of the earlier thinker should be recognized

The account of fictions given by Bentham in the following pages, supplemented by the version of his nephew (the reaction of a youth of twenty-seven to the life-work of an octogenarian), provides a complete answer to Vaihinger's query "whether Bentham applied his methods consciously", and makes it impossible to conclude with him that "it was his successors who first recognized in assumptions, false as hypotheses, important and useful fictions"

The chief defect of Vaihinger's monumental work was its failure to lay stress on the linguistic factor in the creation of fictions. The next step would have been to make good this omission, had not that step already been taken by Bentham a century ago. "To language, then—to language alone—it is that fictitious entities owe their existence, their impossible, yet indispensable existence."

THE MATERIAL

For the study and interpretation of the Theory of Fictions thus gradually and consistently developed we are fortunately provided with abundance of material Owing to Bentham's peculiar methods of composition, to which reference is made on a subsequent page,[1] the main principles to which he attached importance are set forth on no less than seven distinct occasions

First comes the section dealing with Fictions in relation to Methodization by Denomination (*Logic*, Chapter IX, § IV)[2] the MS of which is dated 7th, 8th, and 9th of August 1814 Bentham had then just acquired Ford Abbey in Devonshire,[3] where, perhaps for the first time in his life, he found ideal conditions for his reflective

[1] See p cl [2] *Works*, Vol VIII, pp 262–4
[3] Now Forde Abbey, in Dorset

labours It was to the analysis of Fictions that he first turned his attention, and during September and October he was able to amplify the classification (which in August was only a "commenced catalogue" [1]) in the elaborate essay which occupies the first place in the present volume

The *Chrestomathia* itself was published in its entirety in the summer of 1815,[2] which serves to date the summary in Appendix IV, Section 18, in connexion with the planting of a Ramean Tree [3] In the later classification in Section 1 of the Appendix on Universal Grammar,[4] relational Fictions are stressed There is a parallel section in Chapter VI of the Essay on Language,[5] where the subject is dealt with in relation to Conjugates; and a briefer re-statement for the application of the theory to Scales of Logical Subalternation [6] Finally, there is a useful summary in the fragmentary Appendix to the *Nomography*,[7] where the various "Instruments of Invention and Discovery employed by Jeremy Bentham" are detailed under fifteen separate heads

In April and July 1928,[8] attention was drawn to the essentials, and further instalments of the present work continued to appear from 1929 to 1932 [9] It has seemed best to separate the exposition of points of detail from the main body of the text, which can thus be judged, to some extent, apart from its many variants and applications

[1] See p xxxvi below

[2] *Works*, Vol IV, p 532 (letter to the Governor of Virginia)

[3] *Works*, Vol VIII, pp 119–120

[4] *Ibid*, p 187

[5] *Ibid*, pp 325–6

[6] *Ibid*, p 267

[7] *Works*, Vol III, p 286 See pp xxvii ff above

[8] *Psyche*, Vol VIII, No 4 and Vol IX, No 1 In the following year The Orthological Institute invited Mr John Wisdom, of St Andrew's University, to examine Bentham's theories of Division, Definition, and Archetypation from the standpoint of the logico-analytic school His conclusions (*Interpretation and Analysis*, 1931) are referred to below, pp xlviii ff and lx–lxi

[9] *Psyche*, Vol X, Nos 2 and 4 (October 1929 and April 1930), Vol XI, No 3 (January 1931), Vol XII, Nos 3 and 4 (January and April 1932)

II.—THE THEORY

BENTHAM'S PROLEGOMENA[1]

[*As stated on page* xxxiii, *this is Bentham's earliest systematic survey* (*dated August* 1814) *of the field which he covered shortly afterwards in greater detail, though from a somewhat different angle*]

"OF methodization, in so far as performed by denomination, the subjects, the immediate subjects are *names* and nothing more Things? Yes; but no otherwise than through the medium of their names

It is only by means of *names*, viz simple or *compound*, that things are susceptible of arrangement. Understand of arrangement in the *psychical* sense; in which sense, strictly speaking, it is only the ideas of the things in question that are the subjects of the arrangement, not the things themselves Of *physical* arrangement, the subjects are the things themselves—the animals, or the plants, or the minerals disposed in a museum, of *psychical*, the *names*, and, through the names, the *ideas* of those several objects, viz as disposed in a systematic work on the subject of the correspondent branch of Natural Philosophy—on the subject of Zoology, Botany, or Mineralogy

If of this operation (viz methodization by denomination) things were the only subjects, after names of *persons*, names there would be none other than names of *things*; but of names that are *not* names of *things*, there are abundantly more than of names that are

By *things*, bodies are here meant, portions of inanimate substance

By this denomination we are led to the distinction, the

[1] *Works*, Vol VIII, pp 262–4

comprehensive and instructive distinction, between *real* entities and *fictitious* entities; or rather, between their respective *names*. Names of real entities are masses of proper names—names of so many individual masses of matter; of *common* names—names respectively of all such individual masses of matter as are of such or such a particular description, which by these names is indicated or endeavoured to be indicated.

Words—viz words employed to serve as names—being the only instruments by which, in the absence of the *things*, viz. the *substances* themselves, the ideas of them can be presented to the mind; hence, wheresoever a word is seen, which, to appearance, is employed in the character of a *name*, a natural and abundantly extensive consequence is a propensity and disposition to suppose the existence, the real existence, of a correspondent object—of a correspondent thing, of the thing of which it is the name, of a thing to which it ministers in the character of a name

Yielded to without a sufficiently attentive caution, this disposition is a frequent source of confusion—of temporary confusion and perplexity; and not only so, but even of permanent error.

The class of objects here meant to be designated by the appellation of *names* of fictitious entities require to be distinguished from names of *fabulous* entities; for shortness, say—fictitious require to be distinguished from fabulous entities To render whatsoever is said of them correctly and literally true, the idea of a *name* requires all along to be inserted, and the grammatical sentence composed and constructed in consequence.

Fabulous entities are either fabulous persons or fabulous things

Fabulous entities, whether persons or things, are supposed material objects, of which the separate existence is capable of becoming a subject of belief, and of which, accordingly, the same sort of picture is capable of being

drawn in and preserved in the mind, as of any really existent object [1]

Of a *fabulous* object, whether person or thing, the idea (*i e* the *image* delineated in the mind by the name and accompanying description) may be just the same, whether a corresponding object had or had not been in existence, whether the object were a historical or a fabulous one

Fictitious entities (viz the objects for the description of which, throughout the whole course of the present work, this appellative is meant to be employed) are such, of which, in a very ample proportion, the mention, and consequent fiction, require to be introduced for the purpose of discourse, their names being employed in the same manner as names of substances are employed; hence the character in which they present themselves is that of so many names of substances But these names of fictitious entities do not, as do the above-mentioned names of fabulous entities, raise up in the mind any correspondent images

Follows a sort of commenced catalogue of these fictitious entities, of these names of fictitious entities, from which the common nature, in which, as above, they all participate, will presently become perceptible Like the names of real and those of fabulous entities, all these words, it will be seen, are, in the language of grammarians, *noun-substantives* All these fictitious entities are, accordingly, so many fictitious substances The properties which, for the purposes of discourse, are attributed to them, are so many properties of all substances.

That the properties belonging to substances, to bodies in general, are attributed to them—that they are spoken of as if possessed of such properties—appears from the *prepositions* by which the import of their respective names is put, in connexion with the import of the other

[1] Examples Gods of different dynasties, kings, such as Brute and Fergus, animals, such as dragons and chimaeras, countries, such as El Dorado, seas, such as the Straits of Arrian, fountains, such as the fountain of Jouvence

words of which the sentence, the grammatical sentence, is composed

Physical and *psychical* Under one or other of these two denominations may all fictitious entities be comprised.

Let us commence with physical:

I. *Motion, motions* In the physical world, in the order of approach to real existence, next to *matter* comes *motion.* But motion itself is spoken of as if it were *matter*; and in truth, because, in no other way—such is the nature of language, and such is the nature of things—in no other way could it have been spoken of

A *ball*—the ball called *the earth*—is said to be *in* motion. By this word *in*, what is it that is signified? *Answer:* What is signified is that *motion* is a *receptacle, i.e* a hollow substance; and that in this hollow substance, the ball called the earth is lodged

A motion, or the motion we say of a body. The body is one portion of matter, the motion is another, which proceeds of, that is *from,* that substance

Of names of motions (*i e* of names of species, or modifications of motion) vast, not to say infinite, is the number and variety.

Genus generalissimum is a term employed by the logicians of old, to indicate the name of any one of those aggregates which is not contained in any other aggregate that hath as yet received a name

The idea of *motion* necessarily supposes that of a moving body—a body which is in motion, or in which the motion is; necessarily supposes—*i e* without the one idea, at any rate, without the one image, the other cannot be entertained

The idea of motion does not necessarily suppose that of another body, or the idea of the motion of another body, or the idea of another body, from which, or from the motion of which, the motion in question proceeds or did proceed The planets, that they are in motion, is matter of observation—whence the motion took its rise is matter of inference, or rather of vague conjecture. On

the earth's surface, we see various bodies in the act of deriving motion from various *primum mobiles.* But the *primum mobile,* if any, from which the earth itself derived the motion *in* which it is at present, what can we so much as conjecture in relation to it ?

Where a motion of any kind is considered as having place, it is considered either with reference to some *person* who is regarded as the author of it, or without such reference In the latter of these cases, motion, and nothing else, is the word employed in the other case, *action* or *operation* , and in respect of it, the author is termed *agent* or *operator*

II *Quantity.* Next to motion and motions, come quantity and quantities.

Quantity is applicable in the first place to *matter,* in the next place to *motion.*

Of and *in* are the prepositions in the company of which it is employed

A *quantity* of ink is *in* the ink-glass which stands before me Here *ink,* the real substance, is *one* substance ; *quantity,* the *fictitious* substance, is another which is proceeding, or has proceeded, from ink, the real one.

The ink which is in the ink-glass, exists there *in* a certain quantity. Here *quantity* is a fictitious substance—a fictitious receptacle—and in this receptacle the ink, the real substance, is spoken of as if it were lodged

In this word *quantity,* may be seen the name of another *genus generalissimum* , another aggregate than which there is no other more capacious in the same nest of aggregates

When *quantity* is considered, it may be considered either with or without regard to the relation between part and whole ; and if considered, in one or other of these ways it cannot but be considered , the division is, therefore, an exhaustive one

When quantity is considered, or at least, attempted to be considered, without regard to the relation between part and whole, it is considered with reference to *figure.*

But if, without regard to the relation between part and whole, the idea of figure be indeed capable of being entertained, it is indeterminate and confused.

Quantity, according to the logicians of old, is either continuous or discrete. By continuous quantity, they mean quantity considered with regard to figure, and without regard to the relation between part and whole. By *discrete* quantity, they mean quantity considered with regard to the relation between part and whole, and without regard to figure

If the three branches of mathematical discipline be separately considered, continuous quantity is the subject of *geometry* ; discrete quantity, the subject of *arithmetic* and *algebra*.

But it is only by *arithmetic* that either in relation to any proposition appertaining to geometry, or in relation to any proposition in algebra, any clear conception can be obtained Divide a circle into any number of parts—for instance, those called degrees , clear and distinct ideas are obtainable respecting the whole, and those or any other parts into which it is capable of being divided, or conceived to be divided Refuse all such division , the best idea you can obtain of a circle will have neither determinate form nor use

III *Quality* Quality is *applicable to* matter, to motion, and to quantity.

Of and *in* are the prepositions in the company of which it is employed.

Qualities of bodies, or say ' portions of matter ', animate or inanimate, are good and bad, viz with reference to man's use.

Qualities of motion, *i e* of motions, are quick and slow, high and low, viz with reference to any object taken as a standard, uninterrupted and interrupted, etc

Qualities of quantities are great and little, determinate and indeterminate, *i e* with reference to man's knowledge of them, or conception concerning them.

Qualities of quantities are qualities either of bodies

(*i e.* portions of matter) or of portions of space, considered with reference to quantity in the exclusion of every other quality

Property is, in one of the senses of the word, synonymous, or nearly so, to quality

As we speak of the *quality* of a *quantity*, so do we of the *quantity* of a *quality.*

When men speak of the quantity of a quality, instead of saying quantity of a quality they commonly say a *degree*—in a high degree, in a low degree; instead of 'high', we say sometimes, in a 'great' degree, instead of low, in a 'small' degree

Degree, in French *degré,* is from the Latin *gradus,* a step or stair; that which is said to be a *high* degree is considered as situated upon the upper steps of a staircase. *Scale,* in French *échelle,* is from the Latin *scala,* a ladder, whether the word be staircase or ladder, the image is to the purpose here in question much the same.

IV. *Form* or *Figure* No mass of matter is *without form*; no individual mass of matter but has its boundary lines, and by the magnitude of those lines, and their position with reference to one another, the *form,* the *figure,* of the mass is constituted and determined.

But neither is any portion of *space* without its form. Form or figure, or say 'to possess form or figure', is, therefore, a property or quality of space as well as of matter, it is a property common to matter and space

A mass of matter may have throughout for its bounds or limits either another mass, or other masses, of matter, or a portion of space, or in some parts *matter,* in others *space*

A portion of space cannot, in any part, have for its bounds anything but matter

A mass of matter is said to exist in a certain form; to be *of* a certain form or figure; to be changed *from* one form *into,* or to, another.

V *Relation* In so far as any two objects are regarded by the mind at the same time—the mind, for a greater

or less length of time, passing from the one to the other—by this transition, a fictitious entity termed *Relation*, a relation, is considered as produced

The one of these objects—*either* of these objects—is said to *bear* a relation to the other

Between the two objects, a relation is said to exist or to have place.

The time during which the two objects are regarded, or kept under consideration is, as above, for shortness spoken of as the same time. It should seem, however, that with exactly the same degree of attention objects more than one cannot be regarded, considered, examined, surveyed, at exactly the same instant, or smallest measurable portion of time; but that, on the occasion and for the purpose of comparison, the mind is continually passing and repassing from the one to the other, and back again, *i e.* vibrating, viz. after the manner of the pendulum of a clock.

This motion, viz *vibration* (the motion acquired by an elastic *cylinder* or *prism*, in which the length is the prevalent dimension, on its being suddenly dragged, impelled, or drawn, and let go in a direction other than that of its length), being the simplest of all recurrent motions, is the sort of motion best suited, or rather is the only sort of motion in any degree at all suited to the purpose of *comparison*.

Hence it seems to be that, in speaking of a *relation*, any number of objects greater than two are not brought to view; for, on this occasion, the preposition employed is always *between*, never *among* By the preposition *between*, the number of the objects in question is restricted to *two*, restricted universally and uncontrovertibly.

Hence it is that, in methodical division, the *bifurcate* mode is the only one that is completely satisfactory"

THE VOCABULARY OF FICTION

Two brief passages indicating the point of view from which this preliminary outline was subsequently filled in, and supplementary to the material in the text of *The Theory of Fictions* below,[1] may conveniently be interpolated here

The first is a note on the statement that "for the purpose of rendering, in the best manner in which we are able, an account of the motion of such bodies as are in motion, and of the rest of such as are at rest, certain fictitious entities are, by a sort of innocent falsehood, the utterance of which is necessary to the purpose of discourse, feigned to exist and operate in the character of causes, equally real with, and distinct from, the perceptible and perceived effects, in relation to which they are considered in the character of causes." It runs as follows —

"The necessity to which we are subjected by the imperfection of the instrument for the purposes of discourse, the necessity of mixing falsehood with truth, on pain of being without ideas, as well as without conversation, on some of the most interesting of the subjects that lie within the pale of our cognizance, is productive but too abundantly of misconception and false reasoning, and this not only in the physical department of the field of thought, discourse, and action, but also in every other. On pain of having some of the most interesting subjects of thought, discourse, and action undiscoursed of, and even unthought of, we set to work the powers of our imaginations in the creation, as it were, of a multitude of imaginary beings, all spoken of as if they belonged to the class of bodies or substances; and on the occasion, and for the purpose of the creation, we attach to them a name or sign, called a part of speech: viz a species of word, termed a noun substantive; the same species of word as that of which, in the character of a common name, we make use for the designation of real entities, appertaining strictly and properly to the class of substances Beholding at a distance, in the dress of a man, sitting and playing upon an organ, an automaton figure, constructed for that purpose by the ingenuity of the

[1] The body of the text, pp 1–140, will be referred to as *The Theory of Fictions*

mechanist, to take this creature of human art for a real man, is a sort of mistake which, at a certain distance, might happen for a time to be made by the most acute observer. In like manner, beholding a part of speech cast in the same mould with the name of a real entity, a really existing substance, no wonder if, on a variety of occasions, to the mental eye of a very acute observer, this fictitious entity thus accoutred should present itself in the character of, and be regarded and treated as if it were a real one. How should it be otherwise, when on every occasion on which, and by every person by whom it is spoken of at all, it is spoken of as if it were a real entity ? And thus in a manner an universal attestation is given to the truth of a set of propositions, the falsity of which, when once brought to view, cannot in any instance fail to be recognized." [1]

The second is one of Bentham's numerous asides on the implications of the theory for Psychology —

" What is here meant is, not that no such fictions ought to be employed, but that to the purpose and on the occasion of instruction, whenever they are employed, the necessity or the use of them should be made known.

To say that, in discourse, fictitious language ought never, on any occasion, to be employed, would be as much as to say that no discourse on the subject of which the operations, or affections, or other phenomena of the mind are included, ought ever to be held for no ideas being ever to be found in it which have not their origin in sense, matter is the only direct subject of any portion of verbal discourse ; on the occasion and for the purpose of the discourse, the mind is all along considered and spoken of as if it were a mass of matter . and it is only in the way of fiction that when applied to any operation, or affection of the mind, anything that is said is either true or false.

Yet in as far as any such fictions are employed, the necessity of them, if, as in the case just mentioned, necessary, or the use of them, if simply useful, should be made known. Why ? In the first place, to prevent that perplexity which has place in the mind, in as far as truth and falsehood being confounded, that which is not true is supposed to be true , in the next place, by putting it as far as possible in the power of the learner to perceive and understand the use and value, as well as the nature of the instruction communicated to him, to lighten the burthen of the labour necessary to be employed in the acquisition of it " [2]

[1] *Works*, Vol VIII, p 129 [2] *Ibid*, p 174

What is remarkable about these amplifications of the theory is the modernity of their outlook in relation to scientific method. The vocabulary of As-If is of relatively recent origin, and Suppositions, Theories, Assumptions, Hypotheses, Fictions may be advanced, or approached, from many points of view Each has been used in some connexion as a synonym for all the others

When, as opposed to stating a fact, we lay down a proposition to form the basis of discussion or argument, we may do so in the belief that it will be verified, in the hope that its consistency may lead to knowledge, or, regardless of fact, simply in order to provide something to talk about Similarly our attitude to the existence of our referents has three grades

In relation to these six situations we are apt to use six terms somewhat as follows —" I believe that the planetesimal *hypothesis* will be verified " " The *theory* of evolution seems to be consistent and comprehensive " " On the *assumption* that 2 × 2 = 5 " " My *idea* of Bentham is that of a sensitive and kindly man " " The *conception* of ectoplasm is still decidedly vague." " A centaur is as much a *fiction* as Hamlet or the golden age "

We have also a variety of alternative locutions symbolizing beliefs in the applicability of our references, taking the form " that this will be the case ", " that this formula will work ", " that this hypothesis (theory, assumption) is true " And we have graded linguistic expressions for beliefs as to the place, or whereabouts, of certain particular referents Including certainty, we get the full probability range symbolized as follows It is a fact (certainly) that , the (probable) hypothesis that , the (possible) theory that , let us assume that (the impossible). And as regards place . the perception of this (certainly) here , the idea of that (probably) there ; the conception of that (possibly) somewhere ; that (impossible) fiction

From the point of view of verification, then, we are concerned with various degrees of the hypothetical, from

the generalizations or laws which we assume, the hypotheses, suppositions, and proposals which we believe or doubt pending further evidence, to fictions proper (which are excluded from the universe of fact though their tenancy of the higher reaches of methodology is sponsored by the imagination), and finally to the impossibilia, which conflict even with our symbol structures (nonsense) or with the nature of our sensations (as that one and the same logistic patch can be both red and green). In a sense, then, a shift from the language of fictions into that of probability is a form of translation from substantival into adjectival symbolism; whose adequate notational exploration may eventually attract the more sophisticated geographers of Symbolic Distance

'Impossible', moreover, is the opposite both of 'possible' (=not contradicting the laws) and, in terms of belief, 'possible' (=not-unbelievable) And since the believable (*can*) is either certain (*must*, *will*) or not certain (*may*), the impossible (*cannot*) may also function linguistically as the extreme of a psychological scale from certain belief to certain disbelief—with a middle range, probable, neither believed nor disbelieved, but doubted [1]

The statistical grounds for the various degrees of belief constitute the formal theory of probability, which thus becomes an inquiry into the various forms of contextual complication whose analysis can be mathematically treated These grounds involve two factors :—

(*a*) The relative frequency of realization of any event.

(*b*) The reliability with which this realization can be expected in further cases.

When, therefore, we are exercised about the reasons for our beliefs, the statistical probability of any statement, we endeavour to give a numerical value to our expectation in terms of uniform contexts If this is the case, to say

[1] See the writer's *Opposition* (1932), p 75 It is to this middle range that Bentham would presumably have relegated those "inferential entities" (*Theory of Fictions*, pp 8–10) whose reification is desiderated by physics and circumspection alike

with certain mathematicians that the probability attaches to the 'proposition' is to talk in terms of fictions which will be misleading if we regard them as ultimates Similarly, to suppose that there is a world of 'subsistent entities' and 'assumptions' independent of the world of fact is to allow ourselves to generate linguistic fictions; and it was with the avoidance of these fictions that Bentham was primarily concerned.

THE TECHNOLOGICAL APPROACH

It seems that philosophical and logical discussion has always consisted in the translation of common discourse into some technical analytic language which, it has been hoped, would provide proper devices for the efficient detection and correction of errors. Such translations have generally been vitiated by the introduction of irrelevant material into the analytic language. The simplicity and directness of the Benthamic translation is a welcome shock to minds familiar with the traditional irrelevances, because it is concerned from the outset with practical and linguistic issues. His analytic method throws into relief certain crucial turning-points in thought that have usually been dismissed as merely verbal. Perhaps his most important insistence is that words, no matter what their other developments in use may be, must, in so far as they are names used to refer beyond themselves, be interpreted as referring ultimately to something real and observed

Language, according to Bentham—here anticipating the most striking feature of Bergson's presentation—is essentially a technological apparatus for dealing with the world of things in space What is 'there' to be talked about is primarily a nexus of individual bodies, and when we seem to be talking about other sorts of entities our language is metaphorical—whatever the alleged status of its referents. All such fictional and metaphorical jargon is not only capable of translation but, for purposes

of serious discussion or of technology, must be translated into something less deceptive

The inevitable tendency is for logical translators to neglect this feature of language until it is too late to give it adequate attention Makeshifts consequently mar the final results, or, as more often happens, entities are invented to correct distortions of reference and to populate the world with fictions Bentham's powerful and original prophylactic device for such linguistic aberrations is the archetype [1] which at the start fixes the reference of words to observed entities, and at the same time provides the foundation and framework for a verbal expansion to any degree of explicitness and exhaustiveness that we may need for accurate translation In fact, the two processes of *archetypation* and *phraseoplerosis* may carry translation beyond its primary function into what is usually called logical analysis, Bentham with characteristic vigour calls it the analysis of fictions [2] The expansion catches, analyses, and traces lines of reference for, those planetary adjectives and opaque metaphors that confuse the best minds even in the most familiar jargons. The archetypes, which are usually actual or pictured bodies in rest or in motion, act as symbolic and logical lenses and bring fictional terms to focus on a man's experience, or dissolve them into their original nothingness. This is more than even the most highly complicated logics have achieved, and Bentham's technique is as simple as it is original.

INCOMPLETE SYMBOLS

The nearest approach of modern philosophers and logicians to the subject of Bentham's inquiry is the attempt to define an 'incomplete symbol' At certain points the logistic method of exposition is very like Bentham's "giving phrase for phrase" in the process of archetypation (p lxxviii).

[1] See *Theory of Fictions*, pp 86 ff
[2] See Professor Buchanan's *Symbolic Distance*, 1932

The primary endeavour of this new 'critical' philosophy, according to those who favour the terminology which suggested the technique, is to analyse something that is called 'the meaning' of a small[1] number of words and phrases, such as 'brother of', '*a* is a multiple of *b*', 'this is red', 'x is good'.

This process of analysis may start with such a question as "What do *I mean* when I say 'this is a chair'," or "What is the *correct analysis* of 'x' is beautiful", or "What are the *constituents of the thing, meaning*, or *relation* called 'brother of'"

The "correct analysis of 'meanings of words', *i e*, 'concepts', *i e* 'universals'", is called *definition*[2]

The general theory of symbols from which this account of analysis appears to be derived moves between two ultimates —

(1) immediate experience which is made up of sensa like patches of colour in temporal-spatial order, and

(2) universals which may come into immediate experience as qualities, but do not depend on any space or time relations for their order, which is logical and not primarily experiential

Sentences, on this logico-analytic theory, are divided into at least four kinds —

(*a*) Those that contain only proper names, such as "I see this patch now here",

(*b*) Those that assert the presence or existence of absolutely determinate qualities (or universals), such as "There is this absolutely determinate red (quality) here now",

[1] The complications which would arise if other examples were hazarded may be gathered from the care with which the range is restricted

[2] Wisdom, *Interpretation and Analysis*, p 17 It is, however, worth noting that other logico-analysts would not necessarily subscribe to such a statement It is true that Russell has sometimes written as if his analysis of the number concept was also a definition of it, but that seems to have been due to a confusion of motive When analysing 'number' as it actually occurred in propositions used by mathematicians, he was not defining it, and when he *was* defining, he was exhibiting a new entity (a class of classes of classes) with similar formal properties

(*c*) Those that contain general terms or apparent variables which refer conjunctively, alternately, or disjunctively to sensa or universals, such as " All the colours in my field of vision are shades of red ", or " Some of the colours in my field of vision are shades of red ", or " Either *x*, or *y*, or *z*, etc., is a shade of red."

This last class of sentences express chiefly logical constructions and are, according to some logisticians, incomplete symbols, according to others, however, all propositions are incomplete symbols The notation of Russell's *Principia* provides the means for analysing them; and when analysed they can be shown to be indirect references to propositions of the types (*a*) and (*b*) and the relevant sensa or universals

Type (*d*) sentences contain combinations of symbols that make nonsense, they really originate in type (*c*), but when the *Principia* analysis fails to carry their references back to types (*a*) and (*b*) they are placed in type (*d*). Examples would be " A is between B ", or, according to one authority, " Two is a number "; but this field is very chaotic—a sort of epistemological dump. Indeed, it would seem to follow from any interpretation of the Theory of Types (another of Russell's ingenious legacies to his logistic epigoni [1]) that the ultimate nature of 'facts', 'propositions', and 'scientific objects' is irremediably controversial; there are so many analyses that have not been carried out, and each new case seems to bring up new difficulties For the same reason the domain of nonsense is for the most part vague, and is apparently increasing its population with great rapidity.

Bentham would agree as to the ultimacy of immediate experience and sentences of type (*a*) He would put type (*b*) sentences into type (*c*), which is the class of fictions. He would agree that some analysis was necessary,

[1] For an examination of the Theory of Types as a valid symbolic device, and of possible alternatives, see Max Black, *The Nature of Mathematics*, 1932, Section I (International Library of Psychology)

but it would consist of archetypation and phraseoplerosis rather than in the operations of the *Principia*. The differences in the degrees of efficiency of these two analytical devices would then account for the major differences in classification A better analytical machinery, designed on the same lines as that of Bentham, could probably reclaim a great deal of that sort of 'nonsense' which consists in metaphorical distortion—if such reclamation were desirable

In the account already referred to,[1] the analysis of 'definition' employs certain other assumptions which seem to be common to this group of logicians The ontological status of 'universals' is no longer stressed in the latest formulations of the system Definite statements are, however, made about qualities, which emerge from the consideration of patches and facts.

In the sentence 'This is red', we are told that "both 'this' and 'red' name elements in the world. 'This' names the sort of element which can be the subject in a patch and red the sort of element which can be a predicate in a patch" But though they are *elements* in the world, "still, if we make a list of the facts in the world, we shall find on it neither this nor a shade of red". The shade is a *quality*. A *fact* is a configuration of objects, and "some objects can take either the position of subject or that of predicate These are qualities" Qualities are not obvious, but are "detected by philosophical inspection".

Bentham believed that language must contain fictions in order to remain a language, *i e* that a language which 'mirrored' reality would be impossible If the logico-analysts were to believe that 'logical constructions' must *necessarily* occur in language they would profoundly modify their attitude to the problem, for it would follow that there could be no atomic propositions and all analyses would be relative Whether some hierarchical analysis is possible must remain doubtful What is at any rate

[1] See p xlviii, note

clear is that we could not talk of *the* analysis of a given proposition. This is the real bone of contention between the logico-analytic temperament and the technological approach of Bentham The latter realized that the problem is eminently a *practical* one—the classification of thought by simplifying and revealing the structure of language; and therefore a task for whose performance no eternally valid rules can be promulgated. The logico-analysts postulate an ideal language—perfect even in its well-disposed irregularities—which requires methodical articulation in accordance with a preconceived metaphysical scheme That is why they restrict their analysis to phrases like 'This is red' which approximate to ideals of linguistic excellence, and neglect entities like 'right', 'power', etc, which so strongly attracted Bentham. Hence the sterility of their method [1]

If Bentham's statements are approached from their standpoint he will necessarily appear to be muddled.

[1] For a critical discussion of logical analysis from this point of view, see Max Black, *loc cit*

It is, however, frequently possible to translate the language of fictions into that of incomplete symbols Thus, taking the word Liberty, we can proceed as follows —

I *Liberty* is a fiction=' Liberty ' is an incomplete symbol

' Liberty ' is an incomplete symbol=' Liberty ' is not a name for anything nor a descriptive phrase for anything, though it is used as if it were, but sentences in which it occurs can be translated into sentences using only genuine proper names and descriptive phrases

II *Liberty* is a fiction=(i) ' Liberty ' is an incomplete symbol and

(ii) Anyone using such a sentence as ' Liberty is desirable '

(*a*) Means what he would mean if he were using ' Liberty ' as an incomplete symbol only (*i e* as a fiction in sense I), and

(*b*) Believes that ' Liberty ' is a name for something or a descriptive phrase for something

III. *Liberty* is a fiction=*Liberty* is a fiction in sense II, and

(*c*) Anyone using the word ' Liberty ' believes with respect to certain properties that they apply to what ' Liberty ' is a name for (or a descriptive phrase for)

***Memo*,** It does not follow that there is an x such that the person using ' Liberty ' believes that ' Liberty ' is the name for it, nor that there is an x such that the person believes that these properties apply to it

Thus when he insists that fictions have a sort of verbal reality—*i e* we seem to be predicating something about them, though strictly the predicates are being applied only to *names*—he is readily misunderstood to be supposed to be asserting that the names stand for *nothing*; in which case he would appear to have been " very much misled ", and to be saying " what someone with an imperfect understanding of logical constructions would say " [1]

Nevertheless, the fact that such a misunderstanding of his position is possible makes it important to examine in greater detail certain passages in which he speaks of fictions as blameless and inevitable, while yet regarding them as a source of misunderstanding, controversy, and even war [2]

QUALITIES AS FIRST-ORDER FICTIONS

Fictions, Bentham has explained, " owe their existence entirely to language ", but we are under the necessity of talking about them in terms which pre-suppose their existence, they may even be said to have a sort of *verbal* reality, so to speak [3] We still have to talk about them *as if* they were 'there' to be talked about; and for all ordinary purposes those most directly related to our senses, or to a 'tangible' archetype, in so far as they are nearer to physical reality, may on occasion be spoken of as 'real'.

This is best understood by reference to the status of what are called *qualities*—entities regarded as ultimate by nearly all systems in which an analysis of propositions has been attempted

Bentham's starting-point is, as we have seen, the

[1] Wisdom, *op cit*, pp 78 and 88

[2] *Works*, Vol VIII, p 328 See *Theory of Fictions*, p 14; and cf p 60

[3] *Works*, Vol VIII, pp 126 and 198 See *Theory of Fictions*, pp 16 and 37

noun-substantive, which may be the name either of a real or a fictitious entity :—

> " Incorporeal as well as corporeal substances being included, real entities are those alone which belong to that universal class designated by the logicians by the name of substances
>
> Substances are divided by them into corporeal and incorporeal. Under the name of corporeal are included all masses of matter, howsoever circumstances in respect of form, bulk, and place
>
> Of corporeal substances, the existence is made known to us by sense Of incorporeal, no otherwise than by ratiocination, they may on that account be termed inferential " [1]

To the class of inferential entities belong, " 1 The soul of man in a state of separation from the body 2. God. 3. All other and inferior spiritual entities " With inferential entities we are advised elsewhere [2] not to trouble ourselves unduly ; *they being best " left in the places in* which they are found ". Real and fictitious entities are our more immediate concern :—

> " By a real entity, understand a substance—an object, the existence of which is made known to us by one or more of our five senses [3] A real entity is either a person or a thing, a substance rational, or a substance not rational.
>
> By a fictitious entity, understand an object, the existence of which is feigned by the imagination—feigned for the purpose of discourse—and which, when so formed, is spoken of as a real one "

These sorts of fictitious entities " may be classed in different ranks or orders, distinguished by their respective

[1] Another of Bentham's many references to Berkeley is added at this point " According to those who agree with Bishop Berkeley, matter belongs to the class of those entities of which the existence is inferential, impressions and ideas being, in that case, the only perceptible entities But, in the case of matter, the justness of the inference is determinable, at all times determinable, by experimental proof if of the wall opposite me, I infer the non-existence and run that way as if there were no wall, the erroneousness of the inference will be but too plainly perceptible on my forehead, which is not the case in any one of these other instances " (*Works*, Vol VIII, p 189)

[2] *Theory of Fictions*, p 10

[3] " Say, in a word, where the object is a tangible one," says Bentham elsewhere (*Theory of Fictions*, p 60)

degrees of vicinity to the real one " [1] And here comes one of the most important passages in which qualities, as fictions, are assigned to their different levels

" To substance we ascribe qualities , to motion also we ascribe qualities It is by this circumstance that of motion the import is placed, as it were, nearer to that of substance than that of qualities Substances have their qualities—they are large, small, long, short, thick, thin, and so forth , motions have their qualities—they are quick, slow, rising, falling, continued, discontinued, regular, irregular, and so on

If, then, *motion* be termed a fictitious entity of the *first* order, viz. that which is nearest to reality, mobility, and so any other quality, may with reference to it be termed a fictitious entity of the *second* order

Here, then, we have an additional class of fictitious entities, of fictitious substances We have largeness, smallness, length, shortness, thickness, thinness , we have, moreover, quickness, slowness We might have as well as rising, risingness , as well as falling, fallingness , as well as continued, continuedness, as well as discontinued, discontinuedness , we have as well as regular, regularity , as well as irregular, irregularity , attributes as well of substances as of motions

Already has been brought to view, though as yet without special notice, a different sort of conjugate, the noun-adjective—large, small, long, short, thick, thin and so forth.

This sort of conjugate, in what consists its difference from that which is the name of a quality ? In this —when we speak of *largeness*, there is largeness , we speak of the fictitious substance so denominated, without reference made to any other object On the contrary, when we say *large*, we present the idea of that same quality, but accompanied with the intimation of some other substance which is endued with that quality—some other object in which that quality has existence, and is to be found. We put the mind upon the look-out for that other object, without which it is satisfied that the expression is incomplete ; that the idea presented by it is but, as it were, the fragment of an idea—a fragment, to the completion of which the idea of some object in which the quality is to be found is necessary.

In a word, the *substantial name* of a quality presents the idea, in the character of a complete idea, conceivable

[1] *Works*, Vol VIII, p 325 (=*Theory of Fictions*, p 114)

of itself, the *adjectival denomination* of that same quality presents the idea in the character of an incomplete idea, requiring for the completion of it the idea of some object in which it may be seen to *inhere* "[1]

That qualities are typical fictions is further emphasized in the account given of Abstraction,[2] which may be supplemented by a passage dealing with the principles of education, where it is laid down that "no portion of matter ever presents itself to *sense* without presenting at one and the same time a multitude of simple ideas, of all which taken together the *concrete* one, in a state more or less correct and complete, is composed".

Though naturally all these ideas present themselves together, "the mind has it in its power to detach, as above, any one or more of them from the rest, and either keep it in view in this detached state or make it up into a compound with other simple ideas, detached in like manner from other sources But for the making of this separation—this abstraction, as it is called—more *trouble*, a stronger force of *attention*, is necessary than for the taking them up in a promiscuous bundle, as it were; in the bundle in which they have been tied together by the hand of Nature: that is, than for the consideration of the object in its *concrete* state."[3]

What is to be understood by *concrete* is made clear in the elaborate gloss on the term itself —

"From a Latin word, which signifies *grown up along with*; viz along with the subject which is in question, whatever it be. it is used in contradistinction to the word *abstract*, derived from a Latin word which signifies *drawn*

[1] *Works*, Vol VIII, p 326 (= *Theory of Fictions*, pp 116–7)

[2] *Ibid*, pp 121 ff

[3] *Ibid*, p 26 In an entry in Bentham's Memorandum Book dated 1831, "February 16, the day after arrival at the age of 83 J B the most ambitious of the ambitious", we find the following—

"*Logic*—Abstraction is one thing, association another, relation comprehends both, the one the converse of the other, *relation* is the most abstract of all abstractions

Each thing is—the whole of it, what it is, but we may consider the whole of it together, or any one or more parts of it at a time, as we please, thus we make—thus we have abstracted—abstract ideas" (*Works*, Vol XI, p 72)

off from; viz from the subject in question, as above. An *orange*, for example, has a certain *figure*, whereby, in connexion with a certain *colour*, it stands distinguished from all other fruits as well as from all objects of all sorts Take into consideration this or that *individual* orange, the ideas presented by the *figure* and *colour*, whereby it stands distinguished not only from other fruits but even from other *oranges*—from other fruits of the same kind—are *concrete* ideas, for they *grew up*, as it were, together in the mind, out of the individual object, by which they are excited and produced they are amongst the *elements*, out of which the aggregate conception, afforded and presentable to us by that individual object, is formed The orange being no longer in sight—now, of the figure and colour observed in that individual orange, consider such parts or appearances as are to be found in all *other* oranges as well as in *that* one The idea thus formed is *an abstract idea* it being a portion *drawn off*, as it were, from the *aggregate idea* obtained, as above, from the *individual object*. Being abstracted and slipt off from the individual stock, and thereupon planted in the mind, it has there taken root, and acquired a separate and independent existence Without thinking any more of that individual orange in particular, or of oranges in general, or of so much as of *fruits* in general, take now into consideration *figure* at large, and *colour* at large Here, at one jump, the mind has arrived at an idea not only *abstract* but vastly *more* abstract than in the case last mentioned Instead of *figure* and *colour*, let us now say *sensible qualities* Under this appellation are included not only *figure* and *colour* but *smell*, *taste*, and many others, it is therefore *abstract* in a still *higher* degree "

Thus, in talking about sensible or sensory qualities, we are already dealing with fictions of a high order, and we must go back to the concrete situation if we are to understand the part played by such fictions in predication. " Everything which can happen to a corporeal subject is resolvable into this, viz the having been, during the length of time in question, either in a state of motion or in a state of rest." Similarly, everything that can be said of that same corporeal subject " is resolvable either into this, viz that during the length of time in question it has been, or has been capable of being, in a state of *motion*, or into this, viz that it has been, or has been

capable of being in a state of rest". Sight, hearing, and smell present no exceptions [1]

"In either case, by what is said of the corporeal subject in question, a quality may be said to be ascribed to it, to be attributed to it, to be said to belong to it, it may be said to be possessed of, endued, endowed with that same quality, the quality is spoken of as being in that same subject, belonging to, appertaining to, inherent in that same subject

If, in speaking of the quality as being in the subject, no more than a single point of time is brought to view, the quality thus attributed may be styled *actual*, or *momentary*, or *transient*, if it be considered as either being, or capable of being, in the subject for an indeterminate length of time, the quality may be styled *potential*, *habitual*, or *permanent*.

When a quality is spoken of as appertaining to this or that subject, that which on this occasion is most frequently meant to be designated and is, therefore, most apt to be brought to view, is an habitual or permanent quality.

In consideration of its being attributed to a subject, a quality is also frequently styled an *attribute*—an attribute of that same subject, and in consideration of its belonging to a subject, it is also frequently styled a *property*—a property of, or belonging, or appertaining to, or inherent in, that same subject"

Suppose, then, a portion of the matter of language so constructed "as to present to view a quality, whether actual or habitual, as appertaining to this or that given corporeal subject, let it be considered what are the objects of which this portion of the matter of language must have contained the signs These are. 1 the subject, 2. the quality. But to say that the quality in question is *in* the subject in question, is to affirm the existence of a certain relation between that subject and that quality, viz. the sort of relation of which the word *in* is the sign. Thus, then, to the sign of the subject and the sign of the quality must be added the sign of the relation."

[1] "In case of *sight*, the object said to be seen may be at rest, but the light, but for which it would not have been seen, has been in motion and so in the instances of *hearing* and *smell*, in hearing, the air, in smell, the odoriferous particles" (*Works*, Vol VIII, p 337)

But what is here affirmed "is that in the subject in question the quality in question *is*, in other words that *between* the subject and this quality there *exists* the relation in question Thus, then, to complete the texture of the proposition, to the sign of the subject, the sign of the *quality* and the sign of the *relation* must be added the sign of existence—the sign by which existence is brought to view—the sign by which existence is asserted to have, or to have had place, viz the existence of the relation between the subject and the attribute"

The number of words employed in the minimum proposition "Sugar is sweet" are no more than *three*, "but in the form of expression, an abbreviation may be observed. Sweetness (the quality of sweetness) is in sugar Sugar, the name of the subject—a corporeal subject; sweetness, the name of the quality, the quality consisting in the aptitude, in consequence of the necessary actions, to produce in the *sensorium* of men the perception termed by the same name" [1]

In the further treatment both of the subject of a proposition and of predication, the fictitious nature of qualities is also emphasized In discussing the question of singular and plural subjects, he remarks that the individuals designated by a plural name are either all determinate, all indeterminate, or some determinate, others indeterminate

"1. All determinate—for instance the members of one official *board* actually in existence

2 All indeterminate—for instance the intended members of an official board, not in existence but in contemplation to be established

3 Some determinate, some indeterminate—of this sort, are the names of all *species* and *genera* of things, of aggregate objects which have, have had, or will have, a real existence, for in and by every such specific or generic name are designated, in the first place, all the individuals which are considered as being at the time in question endowed with the specific quality indicated by the name. In the next place, all that ever were In the last place, all which ever

[1] *Ibid*, p 337

will be, and by the supposition these last neither *have* nor ever have had existence."

A specific name, therefore, "partakes at once of the nature of the name of a real entity and of a name of a fictitious entity It is the name of a real entity considered as applied to any one of the individuals now or before now in existence, which were endowed with the specific property, or to the whole number of them, or to any part of the whole number of them put together It is as yet the name of a fictitious entity, considered as applied to all or any one or more of those individuals which, with that same specific character belonging to them, are considered as about to come into existence"

In this it differs from the name of a quality, "for a quality is an object altogether fictitious, an object which, considered as distinct from the subject in which it is spoken of as *inhering*, neither has, nor has had, nor ever will have existence; for as often as it is spoken of as if it were *in* a body, *i e* a tangible substance, or in some other object which is spoken of as if it were a body, it is spoken of as if it were a substance, a tangible substance, which, by the supposition, it is not" [1]

Predication is either real or verbal [2] It is verbal "when the design is merely to give intimation of the import of the word which, on the occasion in question, is

[1] *Ibid*, p 335

[2] "Different as they are in themselves, that is, in the design in pursuance of which they are employed, these two modes of predication are very liable to be confounded

When the predication is *real*, the purpose of it—the purpose of the proposition in which it has place—is always, as above, to convey an intimation that in the entity in question which, or the name of which, is the *subject* of the proposition in question, a certain quality to which expression is given in and by the Predicate, has existence

When the predication is *verbal*, purely verbal, the design is not to give intimation of any quality as having existence in any subject, but merely to convey an intimation of a certain relation between the import of one word and the import of another, no such object as the nature of the quality designated by either being on that occasion meant to be brought into view

The reason for holding up to view this distinction is, that sometimes, when the effect or design of the proposition is of one sort, it is liable to be misconceived, by being conceived to be of the other sort". (*Works*, Vol VIII, p 336)

employed in the character of a sign, as "An oak is a plant" or "A dog is an animal". It is real "when the design of the proposition is to convey information concerning the nature of the object signified; when it declares the existence of some quality in the subject named" Only a quality can be the object or matter of a real predication—but "a quality being but a fictitious entity, the predicate, if the predication be real, can never be anything but the name of a fictitious entity".

How then can Bentham speak of 'real qualities', which "belong to the objects" to which they are ascribed?[1] If we take the phrase 'real qualities' in isolation there is an apparent contradiction, as in the case of the reality of the 'rights' of the ordinary man—which Bentham is not concerned (at that level) to deny[2] But here again it would be rash to assume that he is muddled.[3] "To be spoken of at all", we are told, "*every* fictitious entity *must* be spoken of *as if* it were real".[4] Since, therefore, no quality can be real, all talk about qualities in this context must be interpreted at the level for which it was intended. Having stated in more than a dozen carefully worded passages that all qualities, attributes, or predicates of whatever kind are inevitably and typically ontological fictions, Bentham could hardly expect to be misunderstood if for the sake of brevity he occasionally used language as the majority of his readers would also use it

Thus when we find amongst the MSS relating to qualities this isolated allusion to 'real' qualities, and the equally unguarded remark that "the name of the attribute or predicate may be either the name of a real or the name of a fictitious entity",[5] we can be fairly certain that by 'real' Bentham here meant—first order

[1] *Works*, Vol VIII, p 211(=*Theory of Fictions*, p 51)
[2] *Works*, Vol VIII, p 126 (=*Theory of Fictions* p 138)
[3] *Contra* Wisdom, *Interpretation and Analysis*, p 120 Cf p **lxxix**
[4] *Works*, Vol VIII, p 19 The italics are ours Cf "***Fictitious*** **as they are, entities of this description could not be spoken of at all if they were not spoken of as *real* ones"** *Ibid*, p 126
[5] *Ibid*, p 333

fictions such as ordinary language is forced to introduce by any form of predication

This interpretation is supported by the instructive passage in which figurative language is distinguished from that which for all practical purposes may be treated as non-figurative. "Fiction", we have been told, "in the simplest case in which language can be employed, becomes a necessary resource". But if all language be thus figurative, how can it escape the condemnation to which rhetoric in general is liable? "To this it may be answered: The discourse that, in this particular sense, is *not* figurative is that in which no other figures are employed than what are absolutely necessary to, and which, consequently, are universally employed in, the conveyance of the import intended to be conveyed."[1]

Thus only can we avoid undue pedantry in expression The penalty may be, as Bentham remarks in another connexion, that by "confining himself to the language most in use, a man can scarce avoid running, in appearance, into perpetual contradictions," [2] but the alternative, at any rate in the case of fictions such as quality, would be to remodel the very structure of the grammar of substantive and adjective on which Indo-European languages are based Some idea of the effects of such a procedure on communication may be gathered from the recent attempts of logicians who have not yet abandoned the search for "incomplete symbols" to discover what sort of sentences may, in their terminology, be said to "express facts".[3]

For Bentham, as for anyone who accepts a Theory of Fictions founded on linguistic psychology rather than on logical assumptions, the term 'real' can have no use other than as a pointer indicating a high degree of symbolic approximation to a technological ideal.

[1] *Theory of Fictions*, p 74

[2] *Introduction to the Principles of Morals and Legislation*, Chapter X, § 2

[3] *Mind*, 1931, pp 204 and 475

III.—EXPANSIONS AND APPLICATIONS

WORDS, THOUGHTS, AND THINGS

THOUGH Bentham's views on Language and Linguistic Psychology are essentially part of his general Theory of Fictions, there are many passages scattered through his writings in which the symbolic factor is dealt with as a separate problem A useful starting-point for an estimate of the importance which Bentham attached to linguistic analysis is provided by his notes on Nomenclature and Classification, where instructions are given for the planting of a Ramean tree [1]

The distinction between names of real and names of fictitious entities " which in some of his Encyclopaedical remarks, D'Alembert was, it is believed, the first to bring to view ", will, he says, " be found to pervade the whole mass of every language upon earth, actual or possible " [2] The names of the various branches of the *Porphyrian* or *Ramean* tree are names of *real* entities , [3] those of the branches of the (Benthamic) Encyclopaedical tree [4] are names of *fictitious* entities, though to a con-

[1] *Works*, Vol VIII, pp 118 ff (*Chrestomathia*, Appendix IV, § 18)

[2] " Even by Bishop Berkeley, by whom, as if to out-scepticize the sceptics, and foil them at their own weapons, the existence of the table he was writing upon was denied, the *name* of the table would have been allowed to be, in common intendment at least, the name of a *real entity* , and, even in his own view of the matter, the table (an utensil which required wood to make it of and a saw, etc , to make it with) would have been allowed to approach somewhat nearer to the state of reality than a sort of entity such as *quality*, as a *relation*, in the making of which *thoughts* have been the only *materials* and words the only *instruments* "

[3] " Say, strictly speaking, names of so many aggregates or classes, of objects *in* which *real entities* are included , for, strictly speaking, *individual* objects are the only real entities considered in themselves, the *aggregates* or *classes* in which those *real entities* are regarded as included, are no more than so many *fictitious bodies*, put together by the mind for its own use "

[4] See *Works*, Vol VIII, p 8

siderable extent references made to correspondent names of real entities are included in them

This division of entities forms the basis of one exhaustive division of the whole stock of nouns substantive. "Strict, to the highest pitch of strictness, as is the propriety with which the *entities* here called *fictitious* are thus denominated, in no instance can the idea of *fiction* be freer from all tincture of blame · in no other instance can it ever be equally beneficial, since, but for such fiction, the language of *man* could not have risen above the language of *brutes*"

This being the minimum of explanation which will "prevent the whole field of fictitious entities from presenting itself to the eye of the mind in the repulsive character of an absolutely dark spot", more cannot be said "without wandering still further from the main subject, and trespassing beyond hope of endurance upon the reader's patience".

The endeavour to trace the principal relations between the fields of thought and language, including, of course, a survey of Universal Grammar, led Bentham to develop the Theory of Fictions in relation to "the discoveries, half-concealed or left unperfected", of Horne Tooke; the upshot being that "almost all names employed in speaking of the phenomena of the mind are names of fictitious entities In speaking of any *pneumatic* (or say *immaterial* or *spiritual*) object, no name has ever been employed that had not first been employed as the name of some *material* (or say *corporeal*) one Lamentable have been the confusion and darkness produced by taking the names of *fictitious* for the names of *real* entities".

In this misconception he traces "the main if not the only source of the clouds in which, notwithstanding all their rivalry, Plato and Aristotle concurred in wrapping up the whole field of *pneumatology* In the phantoms generated in their own brains, it seemed to them and their followers that they beheld so many realities. Of these fictitious entities, many will be found of which,

they being, each of them, a *genus generalissimum*, the names are consequently incapable of receiving what is commonly understood by a definition, viz a definition *per genus et differentiam* But, from their not being susceptible of *this* species of exposition, they do not the less stand in need of *that* species of exposition of which they are susceptible " [1]

The conclusion is significant · " Should there be any person to whom the ideas thus hazarded present themselves as having a substantial footing, in the nature of *things*, on the one hand, and the nature of *language* on the other—it will probably be admitted that a demand exists for an entirely new system of *Logic*, in which shall be comprehended a *theory of language, considered* in the most general point of view " [2]

THE LINGUISTIC BASIS OF LOGIC

This " entirely new system of logic ", with its linguistic orientation arising out of the analysis and classification of Fictions, was Bentham's chief concern (apart from Codification as such) during the last twenty years of his life. In addition to the purely fictional material (dealt with primarily under the caption ' Ontology '), it comprises —

(i) The application of Linguistic Psychology to differentiate Symbol, Thought, and Referent, in any system of Communication

(ii) The principles of classification, whereby symbolic Order is established by hierarchical Division (Dichotomy)

[1] " Examples of these *undefinable* fictitious entities are

1 Physical fictitious entities—*motion, rest, quality, etc*
2 Ethical fictitious entities—*obligation, right, power, etc*
3 Ontological fictitious entities—*condition, certainty, impossibility, etc*

Of the demand for a *species* or *mode* of *exposition* adapted to the nature of this class of appellatives, hints may be seen in an anonymous tract published by the author, A 1776, under the title of *A Fragment on Government*, etc , pp 179–85 [=*Works*, Vol I, p 283 ff] "

[2] *Works*, Vol VIII, pp 119–20

(iii) The rationale of Definition, including the Exposition of Names of Fictional entities

(iv) The linguistic analysis of Propositions, for the detection of Elliptical Fictions.

(v) The foundations of Universal Grammar.

The sense in which Bentham uses the term logic is made clear in the fragmentary treatise which actually bears that name *Logic*, he says, may be defined as " the art which has for its object, or end in view, the giving, to the best advantage, direction to the human mind, and thence to the human frame, in its pursuit of any object or purpose to the attainment of which it is capable of being applied ". And by way of explanation :—

> " That of all definitions that have been or can be given of this art this is the most *extensive*, seems upon the face of it to be sufficiently manifest
>
> That it is the most *useful*, will, it is believed, be no less so, for it is in this modern definition alone, and not in any preceding one, that its relation to practical *use* in any shape has been directly held up to view
>
> That it is the most proper, will, at the same time, appear from the account given of logic, by those who were the first to hold it up to view in the character of an art, and that an attainable one , in a word, by its inventors, viz Aristotle and his followers, not to speak of his at present almost unknown predecessors " [1]

We are concerned, in fact, with " the entire field of human thought and action In it is accordingly included the whole field of art and science , in it is moreover included the field of ordinary, *i e* unscientific *thought*, and ordinary, *i e* unartificial action—or say *practice*, including, together with the whole contents of these respective fields (viz all the subjects, not only of human action but of human thought), all entities, not only real but fictitious , not only all real entities but all fictitious ones that have ever been feigned, or remain capable of being feigned . fictitious entities, those necessary *products of the imagination*, without which, unreal as they are, *dis-*

[1] *Ibid* , p 219.

course could not, scarcely even could *thought*, be carried on, and which, by being *embodied, as it were, in names*, and thus put upon a footing with real ones, have been so apt to be mistaken for real ones " [1]

Let us begin, therefore, with the thoughts. " Words are the signs of thoughts, proportioned only to the degree of correctness and completeness with which thoughts themselves have been conceived and arranged can be the degree of correctness and completeness given to their respective signs Of speech, though the correction, extension, and improvement of thought be, and that to a prodigious degree, a consequence, yet the more immediate and only universally regarded object is but the communication of thought " To communication, in general, we shall return Bentham himself proceeds —

> " But by anything less than an entire proposition, *i e* the import of an entire proposition, no communication can have place In language, therefore, the *integer* to be looked for is an entire proposition—that which logicians mean by the term logical proposition Of this integer, no one part of speech, not even that which is most significant, is anything more than a fragment, and, in this respect, in the many-worded appellative, *part of speech*, the word *part* is instructive. By it, an intimation to look out for the integer of which it is a part may be considered as conveyed. A word is to a *proposition* what a *letter* is to a word.
>
> A sentence—in that which by Grammarians is meant by the word sentence—the matter either of no more than a single proposition, or that of any number of propositions, may be contained " [2]

Hence the supreme importance of the linguistic factor ; for what is thus ' embodied ' (as it were) must be, as it were, disembodied and separately re-interred. " The words employed, and the compounds formed of them in the shape of propositions—in one or other of these classes of objects may be seen the source of every instance of error or perplexity, every cause of deception to which discourse can give rise, if it be in the structure of the propositions, or in the sort of connexion given to them

[1] *Ibid*, p 219 [2] *Ibid*, p 188

that the *imperfection* has, or is supposed to have, its source, logic (in which grammar may be considered as included) is the name of the art or science, by which alone the remedy, if obtainable, can be obtained, if it be *in the import* attached to the words taken singly, sometimes it is to logic, sometimes it is to metaphysics, that any endeavours to remedy it are referred." For Bentham, however, 'metaphysics' resolved itself into a misunderstanding of the Theory of Fictions, and logic, as commonly understood, was for him little more than a similar misunderstanding of the grammatical principles here "considered as included" [1]

Amongst the last entries in Bentham's Memorandum Book (1831, he being then in his eighty-fourth year) is the following —

> "Wherever there is a word, there is a thing; so says the common notion—the result of the association of ideas
>
> Wherever there is a word, there is a thing, hence the almost universal practice of confounding *fictitious* entities with *real* ones—corresponding names of fictitious entities with *real* ones Hence, common law, mind, soul, virtue, vice
>
> Identity of nomenclature is certificate of identity of nature, diversity of diversity —how absurd, how inconsistent, to make the certificate a false one" ! [2]

ARISTOTELIAN VERBALISM

The 'common notion' of the correspondence of words and things lay, for Bentham, at the very root of the system of traditional logic It vitiated the entire Aristotelian doctrine, with its claim to provide an instrument for the attainment of knowledge, correct and complete "So much for profession, now for the result For about two thousand years, little more or less, the precepts of this art have been before us, and the result is that of the whole amount of things knowable there is not a single one concerning which the smallest particle of knowledge has been found obtainable by means of it On the con-

[1] *Ibid*, p 221 [2] *Works*, Vol XI, p 73

trary the nature of it is now—or may now—be seen to be such that, by means of it, of no one thing can any sort of degree of knowledge—at any time, by any possibility—be obtained " And the indictment proceeds as follows —

" Experience, Observation, Experiment, Reflection, or the results of each and of all together , these are the means, these are the instruments by which knowledge—such as is within the power of man—is picked up, put together, and treasured up , and of no one of these, in the whole mass of the Aristotelian logic, is so much as a syllable to be found.

The *import of words*—in this short expression will, in truth, be found the subject, the only subject of it , in such or such a manner the import of this or that word agrees or disagrees with the import of this or that other.

On this occasion, a notion, and that an erroneous one—a proposition, and that a false one—was all along involved ; this is, that to each word was an import naturally inherent, that the connexion between the sign and the thing signified was altogether the work of nature

What is now pretty generally, and at the same time, pretty clearly understood, is that the connexion between a word and its import is altogether arbitrary, the result of tacit convention and long-continued usage, and, of the truth of this proposition, the short proof is the infinite diversity of languages —the infinite multitude of signs by which, in the different languages, the same object has been found represented

The case is, that so firmly connected by habit are the connexions between these signs, and the things which they have respectively been employed to signify and present to the mind, that, in Aristotle's time, men had not learned sufficiently to distinguish them from one another and of this inability one consequence, and thereby one proof, was their aptitude, as often as they observed a word which, in its grammatical form, purported to be the name of a thing (that form being the form that had been given to such words as were really, and in truth respectively, the names of things) to infer the existence of a particular sort of real thing corresponding to that word , the observation not having been as yet made that the purposes of human converse could not in any instance have been attained, unless to such words as are names of real entities, a mixture, and that a large one, had been added of words which are but so many names of so many purely fictitious entities " [1]

[1] *Works*, Vol VIII, pp 238–9

In short, "it was by fancying that everything could be done by putting together a parcel of phrases, expressive of the respective imports of certain *words*, mostly of certain *general* words, without any such trouble as that of applying *experiment* or *observation* to *individual things*, that, for little less than two thousand years, the followers of Aristotle kept *art* and *science* nearly at a stand".[1]

As such, the method of the Aristotelians "was not simply worthless, it was positively pernicious. It was pernicious by drawing aside and keeping mankind for so many ages out of the only instructive track of study . . . into and in this uninstructive one. But out of an ill-directed pursuit, it will sometimes happen that useful results may collaterally, and, as it were by a side-wind, be brought to light". And here follows a remarkable anticipation of the modern approach to the philosophy of the Middle Ages—as an exercise in operational technique.—

> "Though of all the propositions thus demonstrated or demonstrable, the value was, is, and ever will be equal to O; though logical demonstration, the fruit of all this labour, was and is delusion; yet of the operations which had no other object than the formation and maturation of this fruit, many there are which have been, and will ever continue to be found, applicable to and continually applied to real and most important uses.

[1] *Ibid.*, p. 110. Bentham is quite prepared (p. 218) to substitute "the followers of Aristotle" for Aristotle himself, in any passage where injustice may have been done to the original by Sanderson. Sanderson's *Compendium* was the standard treatise of the eighteenth century, and Bentham fully acknowledges his own debt to Aristotle's logical work. "In that storehouse of instruction the author found at any rate a considerable number of the tools or instruments which he has had to work with." Of his detailed criticism, the following, on the Fifth Post-Predicament and the Tenth Predicament, may serve as a specimen. "A word is now introduced in the character of the name of a Post-Predicament, and to the word no determinate idea is attached. In the way of specification, what is given is not the modification of an idea, but a multitude or number of significations or senses in which it has happened to this same word to have been employed. Eight in number are these specifications; eight, according to a statement in a succeeding chapter, is the number of these its different significations. Two, and no more, were the different significations included in the Predicament termed *habitus*, habit. These two form two out of the eight significations ascribed to *habere*, to have, this last of the Post-Predicaments" (p. 236).

The demonstration of the Aristotelian may in this respect be compared to the philosopher's stone The *stone* was a *nonentity*, but in seeking for this nonentity, real entities, pregnant with real and important uses, were discovered in no inconsiderable numbers, for though the stone was never discovered, multitudes of substances applicable to the purposes of medicine and the arts were brought to light " [1]

THE FUNCTIONS OF LANGUAGE

Bentham's own approach to the linguistic factors involved in all interpretation, in all symbolic analysis, is, as we have already indicated, essentially technological There is the operator, the machine, the operation, the raw materials, the product, and so forth; there is the thinker or speaker with his ideas and emotions, there are the words and their ways, there are the entities real and fictional which the words through the thought which they symbolize may stand for

Language, according to Bentham, must be regarded primarily as a system of *communication* It has, of course, both solitary and social uses, it is used for designation as well as for discourse, for intransitive as well as transitive purposes, indeed "it is to its intransitive use that discourse", or transitive language, "is indebted for its existence".[2] But whatever the importance of the intransitive use, for purposes of interpretation and analysis it is clearly secondary.

Though the operational or technological approach to language adopted in all Bentham's writings makes it necessary for him to stress its communicative (transitive)

[1] *Works*, Vol VIII, pp 233–4 Cf the similar verdict a few pages later "In respect of miscarriage and success, the character and lot of the art of logic, as taught by Aristotle, may be considered as a sort of prototype of the art of alchemy, as taught by the searchers after the universal medicine, the universal solvent, and the philosopher's stone In both instances, in respect of the ultimate object, a complete failure was the result but, in both instances, in the course and in consequence, of the inquiry, particular discoveries of no small use and importance were brought to light"

[2] *Ibid*, pp 228, 301

side, he was equally aware of the importance of the notational (intransitive) development :—

> " By its transitive use, the collection of these signs is only the vehicle of thought ; by its intransitive use, it is an instrument employed in the creation and fixation of thought itself. Unclothed as yet in words, or stripped of them, thoughts are but dreams like the shifting clouds of the sky, they float in the mind one moment, and vanish out of it the next But for these fixed and fixative signs, nothing that ever bore the name of *art* or *science* could ever have come into existence Whatsoever may have been the more remote and recondite causes, it is to the superior amplitude to which, in respect of the use made of it in his own mind, man has been able to extend the mass of his language, that, as much as to anything else, man, it should seem, stands more immediately indebted for whatsoever superiority in the scale of perfection and intelligence he possesses, as compared with those animals who come nearest to him in this scale
>
> Without language, not only would men have been incapable of communicating each man his thoughts to other men, but, compared with what he actually possesses, the stock of his own ideas would in point of number have been as nothing , while each of them, taken by itself, would have been as flitting and indeterminate as those of the animals which he deals with at his pleasure " [1]

Of more interest, in view of its bearing on the technique of interpretation, is the distinction between the emotive and referential use of symbols Words may be used either to refer ourselves and others to the things about which we are thinking, or to arouse emotions ; [2] to convey information, says Bentham, or for the purpose of excitation. The passage is one of considerable historical interest :—

> " In respect of its transitive function, it is the medium of communication between one mind and another, or others.
>
> This communication may convey information purely, or information for the purpose of excitation, say—more simply, and, when as above explained, not less precisely—information or excitation , to one or other of these ends and purposes, or both, will language in every case be directed "

[1] *Ibid* , pp 228–9

[2] *The Meaning of Meaning*, third edition, 1930, pp 223 ff

In so far as *information* is the end, the understanding is the faculty to which the appeal is made; in so far as *excitation* is the end, the will.

> "[For] the purpose of simple communication, neither in act nor in wish need the philanthropist wish to apply any restriction to the powers of language. Of such communication, evil, it is true, may be the subject as well as good; but, in the mixed mass, good, upon the whole, predominates; and it cannot be rendered apt for the one purpose without being rendered proportionably apt for the other.
>
> Considered as applied to the purpose of excitation, the case may at first sight present itself as being, in some respects, different. In regard to passion, and thence in regard to affection, which is but passion in an inferior degree and always liable to be raised to higher degree, repression, not excitation, may appear to be the object to be wished for; passion being, in every part of the field, the everlasting enemy of reason, in other words, of sound judgment, *alias* correct and all-comprehensive judgment.
>
> But even to the lover of mankind, an acquaintance with the powers of language, even when applied to this dangerous purpose, is not without its use: for by the same insight by which the mode of increasing its powers in this line is learned, the mode of repressing them, when and in so far as applied to pernicious purposes, is learned along with it. In the case of moral, as in that of physical poison, an acquaintance with the nature and powers of the disease is commonly a necessary preliminary to an acquaintance with the proper nature and mode of applying the most efficient, and, upon the whole, the most benignant remedy." [1]

For Rhetoric in general, and particularly political rhetoric, Bentham had little use. The logic of it is of a piece with its morality: "a perpetual vein of nonsense, flowing from a perpetual abuse of words—words having a variety of meanings, where words with single meanings were equally at hand; the same words used in a variety of meanings in the same page; words used in meanings not their own, where proper words were equally at hand; words and propositions of the most unbounded signification, turned loose without any of those exceptions or modifications which are so necessary on every occasion

[1] *Works*, Vol. VIII, pp. 301–2.

to reduce their import within the compass, not only of right reason, but even of the design in hand, of whatever nature it may be the same inaccuracy, the same inattention in the penning of this cluster of truths on which the fate of nations was to hang, as if it had been an oriental tale, or an allegory for a magazine , stale epigrams, instead of necessary distinctions , figurative expressions preferred to simple ones , sentimental conceits as trite as they are unmeaning, preferred to apt and precise expressions , frippery ornament preferred to the majestic simplicity of good sound sense , and the acts of the senate loaded and disfigured by the tinsel of the playhouse."

The criticism is verbal ? " True, but what else can it be ? Words—words without a meaning or with a meaning too flatly false to be maintained by anybody, are the stuff it is made of. Look to the letter, you find nonsense —look beyond the letter, you find nothing " [1]

THE TECHNIQUE OF DEFINITION

To analysis we must oppose both generalization and synthesis. Generalization is the converse of analysis, which presupposes its performance " By the combination made of the ideas of a multitude of individuals or sorts of individuals, in virtue of some property which is supposed to belong to them in common, and which is thus made to serve as a bond of ideal union by which they are bound together into one *aggregate*, and that aggregate recorded and fixed by one common name—*generalization* is formed By the *division* and *sub-division* of an aggregate thus found, correspondent names, whether single-worded or many-worded, being either formed or made for the several parts which are the results of the several acts of division and sub-division, *analysis*, *i e* the *resolutive* division and decomposition of the antecedently formed artificial aggregate, is performed "

Thus, on the *Porphyrian tree*, if we work in the direction

[1] *Ibid* , Vol II, p 497

of *generalization*, and set out either from *Homo* or *Brutum*, or from a sub-species, or an individual of either species, we may arrive, immediately or through *sensitivum, vivens* and *corpus*, at least at *substantia* But working in the direction of *synthesis*, the course taken is exactly the reverse "By imagination, the idea and practice of *logical, noological, metaphysical* analysis, was deduced from that of *physical* Physical is either *mechanical* or *chemical*. *Physical* analysis is an instance of a *real* and *material* operation , *logical*, of an *immaterial*, and thus in some sort, a fictitious one, of the same name"

Synthesis is apt to be considered not only as the opposite but the exactly co-extensive correlate of analysis "If the coincidence were thus complete, *synthesis* and *generalization* would be exactly synonymous, and ought to be interconvertibly employed This, however, is not the case. Of any number of ideas, how heterogeneous soever, the putting together may be termed *synthesis* But in so far as the term *analysis* is applied, the ideas comprehended in the subject in which the operation is to be performed are by the supposition *homogeneous*. The subject analysed is an aggregate or *genus*, which is divided into *species*, those into *sub-species*, and so on The only case in which *synthesis* is exactly opposite and correspondent to, and no more than co-extensive with analysis, is when between the ideas put together there is that sort of conformity from which the act of putting them together receives the name of *generalization*"

Analysis and *synthesis*—*analytic method* and *synthetic method*—are locutions which are often very loosely used "The same operation which by one person is called by one of these names shall by another person be called by the other By giving to every supposed explanation the name of *an analysis*, Condillac, in his Logic, thinks he has explained everything , and thus it is that he explains nothing *Analysis* (he says) *is nothing but a language well made* He sees not, that it is of an act of synthesis (the declared object of his antipathy) that every name,

which is not, in the grammatical sense, a *proper* name, is the sign and the result · and that, were it not for that despised and much vituperated agent, his favourite and exclusively lauded instrument would not have a subject on which to operate " [1]

The further the operation of analysis by dichotomy is continued, the longer and more complex the names that would tend to be given to the continually diminishing aggregates " In a synoptic table, an instrument designed for the eye rather than the ear, this inconvenience may, under favour of a well-adapted language, remain for some time almost imperceptible ; but in a running discourse, a discourse designed for the ear as well as the eye, it would probably become intolerable In ordinary discourse, therefore, at the second if not at the very first operation, the necessity will be felt of substituting, in the instance of each aggregate, in the place of the two-worded appellative exhibited by the table, a single-worded one Thus, in English, to the two-worded appellative *material substance*, on the occasion of the first division made of the import of the universal appellative body—*a fortiori* to the three-worded appellative *living material substance*—a single-worded appellative, so it were that the English language . . afforded one [will require to be substituted] , *a fortiori* again, on the occasion of a second division to the three-worded appellative, *insensitive living body*, or the four-worded appellative, *insensitive living corporeal substance*, will require to be substituted another single-worded appellative, such as a plant or vegetable and so in the case of the opposite result of this same division, viz animal "

The logician here finds himself driven to the same sort of expedient as " is wont to be employed by the algebraist, who to a heap of *a*'s, *b*'s, and *c*'s, mixed up with a heap

[1] *Ibid*, Vol VIII, p 75 It is therefore hardly sufficient to say with Halévy (*Philosophic Radicalism*, p 457) that for James Mill " to analyse is to decompose into elements and to reduce to principles, so as subsequently to make possible the synthesis of the phenomenon considered ", whereas for Bentham to analyse is only " to enumerate and to distinguish "

of *x*'s, *y*'s, and *z*'s, forms to himself, in the shape of a single *s*, a concise and most commodious substitute". Moreover, at every step in the track of exhaustive division, "the condivident aggregates, or two prongs which are the result when added to the divided aggregate which forms the stem, exhibit a definition, and that of the *regular* kind, a definition *per genus et differentiam* of the two aggregates thus brought to view"[1]

For Bentham, then, definition *per genus et differentiam* is definition proper, and in this respect he accepts the convention of traditional logic "By logicians, when speaking of a *definition*, is commonly meant, as of course, the mode termed in Latin *definitio per genus et differentiam*, definition, afforded by the indication of a more extensive collection of objects, to which the object in question belongs—some *genus* (as the phrase is) of which it is the *species*—together with the indication of some peculiar character or quality by which it stands distinguished from all other objects included in that same collection—from all other *species* of that same *genus* and this form is that which, when what is considered as a *definition* is given, is the form constantly intended and supposed to be given to it"[2]

Traditional logic, however, has neglected the problem of Fictions "By him who undertakes to give a definition in this form, what is necessarily, howsoever tacitly, assumed, is that there exists in the language a word, serving as the name of a *genus* of things, within which the *species* of things indicated by the word he thus undertakes to define is comprehended. But words there are, and in no small abundance, of which definitions of this sort are frequently undertaken to be given—or which are supposed to be as clearly and generally understood as if definitions in this form could be and had been given of them—but for which, all this while, no such more extensive denomination is afforded by this or any other language, and among them, words which in law and

[1] *Ibid*, p 292 [2] *Works*, Vol III, p 593.

politics are in continual use, and upon the signification of which questions of prime and practical importance are continually turning "

Take, for instance, says Bentham, the words *right, power, obligation* "Now, in the way in question—namely, by indication of so many superior genuses of things, of which these words respectively designate so many species, it is not possible to define these words. No one of these three words can you thus define The word *man* (for example) you *can* thus define · you may do so, by saying that he is *an animal*, and then stating a quality by which he is distinguishable from other animals. Here, then, is a word you can and do thus define Why ? Because, comprehending in its import that of this same word *man*, stands that same word *animal*, by which is accordingly designated a *genus* of which *man* is a *species* So likewise in regard to *operations* : for example, that of *contracting*, in the *civil* branch of the field of law, and that of *stealing*, in the *penal* branch of that same thorny field *Contracting* is one *species of operation*, *stealing* is another. But this you cannot say in the instance of *right*, or *power*, or *obligation* for a right is not a *species* of anything; a power is not a *species* of anything; an obligation is not a *species* of anything "

In short, " the objects of which the words *man, animal, substance* are names are extensive sorts or kinds of *real* entities, the objects of which the words *right, power, obligation* are names are *not* sorts or kinds of any *real* entities ", but so many *fictitious* entities

To cope with fiction, therefore, a different technique is required, and for this purpose Definition proper must be treated as a part of the wider problem of Exposition. It is then seen that for expounding or explaining the import of the name of any fictitious entity, " the nature of the case affords but one resource, and that is, the finding some class of real entities, which is more or less clearly in view as often as, to the name of a class of

fictitious entities, any clear idea stands annexed—and thereupon framing two propositions, one, in which the name of the fictitious entity is the leading term, the other, in which the name of a corresponding class, either of real entities, or of *operations* or other *motions* of real entities, is the leading term —this last so ordered, that, by being seen to express the same import, it shall explain and make clear the import of the first This mode of exposition has been termed *paraphrasis*—*paraphrase* giving *phrase* for *phrase*" [1]

For lack of this distinction, all attempts to define words of the description in question, such as *right*, *power*, and *obligation*, have proved abortive "In a work entitled *A Fragment on Government*, published by the Author in 1776 without a name, and long since out of print, indication was, for the first time, given of the utter impossibility of doing that which, in such numbers, men have been continually supposing themselves to have done. Instead of a *superior genus*, what on this occasion has been brought forward has been some term or other bearing in its import such a resemblance to the term in question as to be capable of being, on some occasions, with little or no impropriety, employed instead of it *A right is a power*—*or a power is a right*—and so forth; shifting off the task of definition, backward and forward, from one word to another, shifting it off thus at each attempt and never performing it" [2]

A *right* is not itself a species of anything, "but *right* has divers species, perfectly and clearly distinguishable; namely, by means of the *benefits* which they respectively confer, and the *sanctions* by which they are respectively created · and for each of these species a separate exposition would be found requisite. *Give us our rights*, say the thousands and the millions *Give us our rights*, they say, and they do well to say so. Yet, of all who say so, not one perhaps can say, not one perhaps ever conceived

[1] For Paraphrasis, cf *Theory of Fictions*, pp 86 ff
[2] *Works*, Vol III, p 594

clearly, what it is he thus calls for—what sort of a thing *a right* is "[1]

They do well to say so, because although rights, as entities, are fictitious, any sentence in which rights are spoken of can be translated, by means of archetypation and paraphrasis, into a statement at another level in which all the referents are real entities "From the observations by which the words 'duties' and 'rights' are here spoken of as names of fictitious entities, let it not for a moment so much as be supposed that in either instance the reality of the object is meant to be denied, in any sense in which in ordinary language the reality of it is assumed "[2] What ordinary language assumes can only be discovered by systematic interpretation, and the ordinary man may often be led astray by false analogies When he demands his rights, what he demands can be given to him, but when he succumbs to Word-magic and adds, *qua* metaphysician, that rights are things, the Theory of Fictions steps in to disillusion him. "There is many a man who could not endure patiently to sit and hear contested the reality of those objects which he is in the habit of speaking of as his rights "[3] In *this* sense, therefore, something which the ordinary man assumes about the reality of the object is meant to be denied, and Bentham's aside might perhaps have been more carefully worded.

There is, however, no question of a confusion Bentham is not contradicting himself as a result of some uncertainty in his own mind whether or in what sense there are such things as rights[4] "Altogether inevitable", he says, "will this seeming contradiction be found The root of it is in the nature of language" In this respect, when we return to the language of ordinary communication, it is much the same with rights as with qualities—whose status in this connexion we have already discussed[5]

[1] *Works*, Vol III, pp 593–4
[2] *Works*, Vol VIII, p 126 (=*Theory of Fictions*, p 138)
[3] *Ibid*, p 328 (=*Theory of Fictions*, p 60)
[4] *Contra* Wisdom, *Interpretation and Analysis*, pp 104–6
[5] Above, p lx

All predicative language, in Bentham's view, is fictional and the 'qualities' which make their entry at the lowest level are near enough to 'reality' to justify their claim to be called, on occasion, relatively real

As in the case of psychological descriptions, "this is to misrepresent them But very different from what it is in most other cases, in this case misrepresentation is not matter of blame By it no deception is intended, if to a certain degree misconception be the result of it", the writer cannot, unless by accident, be held responsible. In Psychology, moreover, "on no other terms can discourse be carried on" [1] To Bentham's psychology we may, therefore, with this methodological *caveat*, now proceed.

PRINCIPLES OF PSYCHOLOGY

Bentham's chief concern with Psychology, apart from its legal and medico-legal aspects, was the necessity for an account of Volition which could serve as a basis (*a*) for the study of motivation, and (*b*) for the theory of fictions. His chief contention, that every sort of psychological description is fictional, might have saved much subsequent confusion; for it relegated the 'faculties', which dominated both the associationist and nineteenth-century schools, to the position of mere heuristic conveniences which they occupy to-day,[2] and at the same time gave the entire problem of symbolization a new orientation.

[1] *Works*, Vol VIII, p 327 (=*Theory of Fictions*, p 59)
We have seen that Bentham uses very similar language in discussing the problem of 'rights' and 'qualities'—both of which he is prepared, on occasion, to justify at the level of ordinary discourse "The word *right* is the name of a fictitious entity, one of those objects the existence of which is feigned for the purpose of discourse—by a fiction so necessary that without it human discourse could not be carried on" And again, "Though fictitious, the language cannot be termed *deceptious*—in intention at least, whatsoever in some cases may without intention be the result" (*Works*, Vol III, pp 217–9=*Theory of Fictions*, p 118) Trouble only arises through false analogy and misinterpretation

[2] Piéron, *Principles of Experimental Psychology*, 1929, Part IV, Chapter II

Here, too, the starting point is linguistic "Words are the signs of ideas," and again, "language is the sign of thought, an instrument for the communication of thought from one mind to another" [1]

It may be the sign of other things, it may stand indirectly for objects and facts in great variety · but the thought of the speaker is what is primarily symbolized—"of this object it is always the sign, and it is only through this that it becomes the sign of any other object" [2]

Furthermore, the exterior objects about which discourse makes declarations "will belong either to the class of *persons*, or that of *things*, or to both these classes". And as regards motion and rest, "the state in which, at any such given point of time, they are thus considered or spoken of as existing, will be either a quiescent state, *i e* a state of rest, or a moving state, *i e.* a state of motion . . . When considered as the result of motion, any state of things is termed an *event.*" Considered as the outcome of volition "an event is itself termed an *action*, or is considered as having action, an action, for its cause". Finally, the existence of any expressible state of things (or persons) "whether it be quiescent, or motional, or both, at any given point or portion of time, is what is called a *fact*, or a *matter of fact*" [3]

Bentham's own term for psychology, "in so far as pleasure or pain are taken for the subjects of it", is *pathematology* But for pre-established associations, *pathology* would have been preferable "The appellative, however, has been employed by the art and science of medicine, and after being shorn of a great part of its import, confined to a corner of the field occupied by that science"

Pleasure and pain being the only objects possessed of intrinsic and independent value, "simple perceptions—perceptions, if any such there were, altogether unconnected with either pleasure or pain—would have no claim to

[1] *Works*, Vol VIII, pp 329 and 333
[2] *Ibid*, p 329 (=*Theory of Fictions*, p 70)
[3] *Ibid*, p 300

attention, would not, in fact, engage attention, would not be comprehended within any part of the field of art and science ".

In general, pathematic feelings, *i e* pleasure or pain, and apathematic feelings, *i e* simple perceptions considered in so far as separable from pleasures and pains, are experienced together—are simultaneously concomitant A simple perception, however, " which has neither pleasure nor pain for its contemporary adjunct, may, through the medium of attention, reflection, volition and transitive action ", so frequently include feelings of both sorts among its consequences, " that except for clearness of intellection, the distinction between pathematic and apathematic perception becomes void of practical use "

Simple perception, simple remembrance, enjoyment, the sensation of pain, attention, reflection, examination, judgment or opinion or judicial determination, volition, volitional determination, internal action, external action— " all these, on one and the same occasion, indeed on most occasions, all these several accidents are taking place at the same time , but, in the way of abstraction, for the purpose of science, any one of them, every one of them, may be, and has been, detached from the rest, and held up to view, and subjected to examination by itself. So many of these incidents as are capable of being distinguished from each other, so many compartments or separate fields are included within the vast all-comprehensive field of psychology " [1]

Every operation of the mind, and thence every operation of the body, is, according to Bentham, the result of an exercise of the will, or volitional faculty " The volitional is a branch of the appetitive faculty, *i e* that faculty in which desire, in all its several modifications, has place Desire has for its object either pleasure or pain, or, what is commonly the case, a mixture of both, in ever-varying and unascertainable proportions " [2]

A desire is termed a *motive*, when it is " considered as

[1] *Ibid* , p 228 [2] *Ibid* , p 279

having produced, or as being with more or less probability of success operating towards the production of, the result (viz presence of pleasure, or absence of pain) which is the object of it ".

An act of *will*[1] is said to take place " in so far as the production of the state of things which is the immediate object of the desire is considered as following immediately and certainly upon the existence of the desire " ; and the faculty " by which this effect is considered as produced is termed the volitional, or volitive faculty, or, in one word, the *will* The volitional faculty is, therefore, a branch of the appetitive "

An act of the will can only take place " in consequence of a correspondent desire ; in consequence of the action of a *desire* in the character of a motive " " Moreover, no desire can have place unless when the idea of pleasure or pain, in some shape or degree, has place Minute, it is true, minute in the extreme is the quantity of pleasure or pain requisite and sufficient to the formation of a desire " ; but it is none the less true that if all pleasure and all pain are taken away there is no desire.

> " Pleasure and pain, considered in themselves, belong to the perceptive faculty, *i e* to the pathematic branch of it.
>
> But pleasure and pain considered as operating, as above, in the production of *desires*—operating, as above, in the character of motives, and thus producing *volition*, action, internal or external, corporeal, or purely mental—belong to the appetitive faculty
>
> Pleasure and pain compose, therefore, as it were, the bond of union and channel of communication between the two faculties "[2]

The psychology of the Will, *thelematology* as Bentham would call it, has pathematology for its basis " It is by the eventual expectation of pleasure or pain that in every case the will, and thereby the agency, internal only or

[1] Those psychologists (cf William James, *Principles*, Vol II, p 558) who find a difficulty with this account may be reminded that Bentham is primarily concerned with the practical or legal distinction between *e g* wilful murder and manslaughter

[2] *Works*, Vol VIII, p 280

internal and external together, are determined It is by the idea of pleasure or of exemption from pain, considered as about to result from the proposed act, that the volition in pursuance of which the act is performed, and consequently the act itself, is produced "

It is clear that Bentham's account here applies rather to processes of deliberate choice than to the operation of such passions as would often be described as 'blind' or 'instinctive' So Hume says, "though the satisfaction of these passions gives us enjoyment, yet the prospect of this enjoyment is not the cause of the passions, but, on the contrary, the passion is antecedent to the enjoyment, and without the former the latter could never possibly exist "[1] But Bentham, who in many places recognizes the force of habit, goes far to meet this objection with his distinction between pleasure (and pain) as means and as ends

Both as means and as ends—" in that double character it is that pleasures and pains or their respective negatives are continually presenting themselves not pain itself, but its negative, *i e* exemption from pain, is the end, but in the character of a means, pain itself operates as well as its negative—pain itself as well as pleasure ". From which observation Bentham proceeds to a classification of psychology and its borderland sciences —

> " What dynamics is to somatology, the practical branch of thelematology, or the art of giving direction to volition and thereby to action, is to psychognosy or psychology, it may be termed *psychological dynamics*
>
> From somatology and psychology taken together, eudæmonics, or the art of applying life to the maximization of well-being, derives its knowledge of the phenomena belonging to human existence considered as applicable to that its purpose In the one word *Deontology* may be comprehended the knowledge, in so far as by art it is attainable, of the course by which, on each occasion those means may, with most advantage, be rendered conducive to that common end
>
> In the field of Deontology, as thus explained, will be found included the several fields of Ethics, meaning private

[1] *Essay*, "On the Different Species of Philosophy," § 1

Ethics, or morals, internal Government, and International law." [1]

Finally, in this connexion, we may record a methodological observation of considerable interest "By the name of *materialists*", says Bentham, "stand distinguished a set of philosophers, of whom Priestley was one, according to whom there exists not any such created being as a *mind* distinct from matter, for that *that* which is called *mind* is but an assemblage or collection, of the sort of fictitious entities called *properties*, with which certain species of *matter* are endowed." It would be a gross defect in any system, "if, by the unnecessary assumption of any proposition which by any class of men were regarded as false, the effect of it were to render itself so far, *i e.* with reference to that class of men, unfit for use". In the case of pneumatology or psychology, the materialist may be readily accommodated if it is described, in fictional terms, as the science to which belongs "the consideration of such bodies or portions of matter as are endowed with the aggregate mass of properties collectively styled *mind*, considered in relation to those same peculiar properties".[2]

THE DETECTION OF ELLIPSES

In view of his fictional approach both to Language and to Psychology, it could hardly be expected that Bentham would be satisfied with the relegation of Grammar to a consideration of the so-called parts of speech coupled with the conventional remarks on correctness of diction. What is really wanted, he says, is a new sort of work, "the object of which shall be to show the course best adapted to the purpose of rendering language—*i e* the particular language employed, whatsoever it be—in the highest practical degree well adapted to the *general* end or purpose of language, viz. *communication* of *thought*, abstraction made of the *particular* nature of the particular

[1] *Works*, Vol VIII, p 289 [2] *Ibid*, p. 84

purpose to which on the particular *occasion* in question it may happen to it to be employed By the observation of the rules, called *rules of grammar*, belonging to the particular language in question, true it is, *that* general purpose will in some measure be accomplished. But to afford a complete direction of the complete accomplishment of it, will, it is believed, be found to require, in addition to those at present designated by the appellation of *grammatical rules*, others, in considerable numbers, extent, and variety, which have not as yet been brought to view " [1]

One of his most important rules is that which says—" Prefer verbal substantives to verbs " , as when, " instead of *to apply*, the phrase *to make application* is used From this substitution convenience is frequently found to result " This avoidance of verbs on account of their elusive nature was characteristic of his own later style

> " The noun from the same root is commonly a *verbal noun* , a *verbal noun* of that sort which serves to designate, in the first place, the species of action for the designation of which the verb, including all the several adjuncts and modifications belonging to that complex part of speech, is used , and thence, by an almost imperceptible transition, the state of things produced by that same act
>
> This verbal noun—when thus obtained in a state of separation from these adjuncts, which form so many parts in the composition of the very complex part of speech called a verb , and which, in this its separate state, becomes the name of a sort of fictitious entity, of a sort of fictitious body or substance—is, in this state, rendered more prehensible. Being thus prehensible, it is more easily and thence directly, brought to view , and being thus brought to view, it is capable of being employed as a common subject to any number whatsoever of propositions that may be requisite for predicating, whatsoever the nature of the case requires to be predicated, of the sort of act in question, or of its result."

The treatment of Prepositions, Adverbs, and Conjunctions, the explanation of which " constitutes the obscure, the transcendental, the mysterious part of the art and

[1] *Ibid* , p 93

science of universal grammar ", is equally indebted to the analysis of Fictions. " The relation they bear (*i e* which their imports respectively bear) to the imports of the other parts of speech (viz the substantive, the adjective, and the verb) resembles that which, by the signs employed in algebra, is borne towards the signs employed in common arithmetic When the signs employed in algebraic arithmetic are all of them translated into the signs employed in common arithmetic, those employed in common arithmetic being, at the same time, reduced to one simple uninterrupted line of numeral figures, the import of the algebraic signs is completely understood and the problem for the solution of which they have been employed is solved In like manner, when of a sentence of which a preposition, an adverb, or a conjunction, makes a part, the equivalent is given in a sentence in which no part of speech other than a substantive, a verb, and an adjective, or some other substantive, is employed—then, and then only, is the import respectively attached to these mysterious parts of speech at once clear, correct, and complete "

Clearness, correctness, and completeness can be obtained only by the following technique —

" 1. Denomination , *i e.* giving to them respectively, and to each separately, or to each aggregate composed of several together, an appropriate name of denomination

2 Systematization ; *i e* placing the several denominations, when so constructed, as above, in systematic order ; *i e* by a division made of the respective universal *trunks* (being the names of the several *genera generalissima*, preposition, adverb, conjunction) performed, in each instance, as far as it can be pursued with advantage, in the exhaustive or bifurcate mode, whereby their several relations of agreement and disagreement to and with each other will be brought under the eye at one view.

3 Exemplification ; *i e* exhibiting a proposition or sentence of the sort of those in common use, in the texture of which several words, belonging respectively to the above-mentioned *genera generalissima*, shall respectively be employed

4 Paraphrasis , *i.e.* for the explanation or exposition

of each such proposition or sentence, exhibiting another which shall present exactly the same import, but without containing in it a word belonging to the part of speech thus undertaken to be expounded

As in every instance in the paraphrasis, or paraphrastical proposition, or sentence thus brought to view, a more or less considerable number of words will be contained, while the word thus requiring to be expounded is but one (except in a few instances in which two are so put together as to form, as it were, but one)—on this consideration the paraphrasis may be termed the development "[1]

Phraseoplerosis, the filling in of such words as will serve to remove the oblique or elliptical element in a fictional statement, is also necessary before we can truly interpret many of the apparently straightforward normative utterances of everyday life "In regard to some expressions, viz course proper to be pursued, course not proper to be pursued, one matter of fact there is, which, on every occasion, it may be of use to the reader to have in mind This is, that everything, of which any such phrase can be, in an immediate way the expression, is a certain state of mind on the part of him by whom the expression is employed, that state of his mind with relation to the subject-matter of the discourse, whatsoever it happens to be" The speaker himself is always involved "The state of mind will be the state of one or more of his intellectual faculties, in one word, his understanding—or the state of his sensitive faculties, in one word, his feelings, or the state of his volitional faculties, in one word, his will, his desires, his wishes "[2]

That the proposition is the conventional unit of discourse must not be lost sight of when we come to interpret single words, for the isolation of any part of such a unit will be liable to generate on its own account what may be called an elliptical fiction[3] We do, however, communicate with some success, and, in the circumstances, that is sufficiently surprising to require comment :—

[1] *Works*, Vol VIII, p 356
[2] *Works*, Vol XI, p 4
[3] *Theory of Fictions*, pp 66 ff

"In language are to be considered—

1 The ideas designated,

2 The signs employed in the designation of those ideas

As to the signs, they have been for the most part arbitrary, bearing no naturally characteristic analogy to the things respectively designated, when considered apart from the ideas, no very considerable instruction, comparatively speaking, is accordingly derived from the consideration of them

Being arbitrary, they have accordingly been infinitely diversified, taking the human species in the aggregate, one and the same idea having found employment for signs to the number of some hundreds at least, not to say thousands, in the expression of it

In a very different case are the ideas themselves These being the furniture of the mind, and mind being, in fact, a property of the body—in the sort of fictitious language without which it cannot be spoken of—a sort of inmate of the body, the differences between minds (that is to say, the furniture of minds) are not greater than the differences between bodies

Hence it is that, in the history of the formation of ideas, *i e* of the order in which the several ideas thus characterized by their several sets of signs have made their appearance, there must, throughout the whole human race, have been a considerable degree of sameness" [1]

COMPARATIVE PHILOLOGY

Hence the value of Comparative Philology to which Bentham, like Leibnitz, directed attention—particularly as regards field-work among those who still trail clouds of glottological glory In a note dated 27th October 1826,[2] he wrote :—"*Spoken* words are the signs, the representation of ideas : *written* words, of spoken words. To class words we must class ideas To give the origin of words, to show how words spring up, we must show how ideas spring up, and thence how spoken and written words spring up out of them. To give the history of language (the formation of language) we must give the history of ideas, of the formation of ideas"

[1] *Works*, Vol VIII, p 323
[2] Univ Coll MSS Box 102

Such a comparative and historical study must, he agrees, be largely conjectural "But in a considerable degree it will consist in a statement of unquestionable matters of fact; it will be statistical, and of the conjectural parts the statistical will be the foundation." The analogy between time and space will afford great assistance here "In one or other of the parts of the earth's surface may be seen at present the human species at all the different stages of civilization. In New South Wales there may be seen the immediate progeny of Adam and Eve By their language no small light might be thrown upon the origin of language. By it would be exhibited the original stock —the scantiest stock possible of ideas and correspondent words," etc

Meanwhile, whatever light may be shed on historical problems by the behaviour of his immediate progeny, we can form a tolerably clear idea of the linguistic procedure of a hypothetical angel "While the human species contained but one individual, viz Adam, individual designation was the only operation of this class which an intelligent and conversing being, such as an angel or devil, having occasion to designate him, could have occasion to employ in the designation of him; but no sooner had Eve received a separate existence, than the occasion for *denomination, i e* collective designation or denomination, came into existence a name such as should be capable of designating the species which by the addition of this second individual was now formed One species was then already in existence, at the same time, the two sorts of subordinate species, or rather two species at once (viz the two species formed together by the difference in respect of *sex*), received already a sort of potential existence—were already formed *in potentia* At the birth of Cain, the species corresponding to the male sex received an actual existence, Adam and Cain the individuals. On the birth of Cain's eldest sister, the species corresponding to the female sex received the like

existence; Eve and her anonymous daughter, whoever she were, the individuals" [1]

DEAD LANGUAGES

It must not be supposed, however, that because comparative philology as such has strong claims, any particular advantage is to be derived from the maintenance of Latin and Greek in our educational system. For the purpose of the learned professions, such as Law or Medicine, an acquaintance with dead languages may, Bentham admits, have their value But even here the case is too often overstated "Though with a view to the bar or the pulpit, not to speak of the bed of sickness, the possession of a considerable acquaintance with the dead languages may, in a general view, be considered as necessary, this necessity, especially if comparison be had with the system of instruction here proposed, will hardly be regarded as having place, with relation to a yet more exalted theatre, the House of Commons Take two men, one of them capable of rendering into English without premeditation (not perhaps that any such person ever had existence) any sentence whatsoever, in every one of the Greek and Latin classics extant, but unacquainted with any of the branches of art and science beyond common arithmetic included in this system—the other acquainted with every one of them, in the degree in which an average scholar may be generally expected to be acquainted with them, but unable to render into English any such sentence. which of these two men, on the occasion of the ordinary details of parliamentary business, will be likely to find himself most at home? Without much danger of contradiction, the answer may surely be—he who passed through the proposed course of practically useful instruction The classical scholar may be better qualified for decorating his speech with rhetorical flowers, but the chrestomathic scholar, after

[1] *Works*, Vol VIII, p 226

a familiar and thorough acquaintance has been contracted with things, with things of all sorts, will be, in a much more useful and efficient way, qualified for the general course of parliamentary business "

The real question is not what the classical authors knew, " but what, by the study of them, is at this time of day to be learnt from them, more than is to be learnt without reading them Such is the question, and the answer is—not anything." [1]

There is a finality about Bentham's views of the theoretical value of a classical education for all but a specialized few which must have endeared him to the orthodox scholastic world of the early nineteenth century hardly less than his entertaining assessment of its practical achievements .—

> " To the degree of inefficiency and slowness which, by original weakness, the result of the immaturity and barbarism of the age—by original weakness, followed by habitual and day-by-day more firmly rooted prejudice—is capable of being established, there are absolutely no limits At Christ's Hospital, for example, to two or three years consumed in learning the rudiments of Latin grammar succeed two or three years which are employed in forgetting those rudiments , while, in addition to the art of writing, the rudiments of arithmetic are endeavoured to be learnt After the course thus completed of learning and forgetting, if a select few are applied to drawing, or reapplied to grammar, and to Latin and Greek taught by means of it—it were strange indeed, if in such a multitude, a small number were not actually found who wrote well, another small number who drew well, and another who, with or without the benefit of being sent to the university, to enjoy the provision attached to the school foundation, acquire in a greater or less degree that sort of acquaintance with the Greek and Latin classics which denominates a man a good scholar
>
> But from the examples of inefficiency and tardiness, were they even more egregious and numerous than they are, the inference would be not less unreasonable than discouraging if it were concluded that efficiency and despatch are impossible It would be as if, from the abundance of

[1] *Ibid* , pp 17–18.

snails and sloths, it were concluded that no such animal as a race-horse could have existence." [1]

In spite of his own sensitivity to verbal form and emotive nuance, Bentham's mistrust of linguistic accomplishment, which has so often proved prejudicial to linguistic reform, is consistently exhibited both in his attitude to poetry,[2] and in his treatment of the dead languages [3] Science and curiosity are starved wherever the Classics are given undue prominence. In the study of language all is abstraction, there are no concrete objects to relieve the memory, and mental energy is consumed in the acquisition of words

"The knowledge of languages is valuable only as a means of acquiring the information which may be obtained from conversation or books For the purposes of conversation, the dead languages are useless, and translations of all the books contained in them may be found in all the languages of modern Europe What, then, remains to be obtained from them, not by the common people, but even by the most instructed? I must confess, I can discover nothing but a fund of allusions wherewith to ornament their speeches, their conversations, and their books—too small a compensation for the false and narrow notions which custom continues to compel us to draw from these imperfect and deceptive sources To prefer the study of these languages to the study of those useful truths which the more mature industry of the moderns has placed in their stead, is to make a dwelling-place of a scaffolding, instead of employing it in the erection of a building it is as though, in his

[1] *Ibid*, p 19

[2] *Works*, Vol II, pp 253-4

"Between poetry and truth there is a natural opposition false morals, fictitious nature The poet always stands in need of something false When he pretends to lay his foundations in truth, the ornaments of his superstructure are fictions, his business consists in stimulating our passions, and exciting our prejudices Truth, exactitude of every kind, is fatal to poetry The poet must see everything through coloured media, and strive to make everyone else to do the same It is true, there have been noble spirits, to whom poetry and philosophy have been equally indebted, but these exceptions do not counteract the mischiefs which have resulted from this magic art If poetry and music deserve to be preferred before a game of push-pin, it must be because they are calculated to gratify those individuals who are most difficult to be pleased"

[3] *Ibid*, p 258

mature age, a man should continue to prattle like a child Let those who are pleased with these studies continue to amuse themselves, but let us cease to torment children with them, at least those children who will have to provide for their own subsistence, till such time as we have supplied them with the means of slaking their thirst for knowledge at these springs where pleasure is combined with immediate and incontestable utility "

THE NATURE OF MATHEMATICS

Though it was to a gradual realization of the nature of Fictions that Bentham looked for the progress of enlightenment in these various fields of human thought and activity, he was also influenced by the educative possibilities of science in general and of the physical sciences in particular From this point of view he devoted special attention to the claims as well as to the technique of Mathematics The relations between mathematical or other symbol systems and ordinary language occupied him particularly during the last thirty years of his life So late as 1831 he makes a memorandum · " Arithmetical, algebraical, and musical notation are a portion of the quasi-universal written language, while the correspondent spoken exists in all its varieties An analogous case is that of the Chinese character, common to China, Japan, Cochin-China " [1]

Mathematics as such, he held, " otherwise than in so far as it is applicable to physics, Mathematics (except for amusement, as chess is useful) is neither useful nor so much as true 1 That, except as excepted, it is not useful, is a proposition which, when clearly understood, will be seen to be identical, a proposition disaffirming it would be a self-contradictory one 2 That it is not so much as true, will, it is believed, be found, upon calm and careful reflection, to be little if anything different from an identical proposition, a proposition contradicting it, little if anything different from a self-contradictory one."

[1] *Works*, Vol XI, p 72

Apart from Geometry, a mathematical proposition is one " in which physical existences, *i e* bodies and portions of space, are considered in respect of their quantities and nothing else "

A proposition in Geometry is one " in which physical existences, as above, are considered in respect of their figure, and thereby in respect of their quantity but in no other respect "—which leads to ·—

> " A proposition having for its subject the geometrical figure called a sphere is a proposition having for its subject all such bodies as can with propriety be termed spherical bodies, as likewise all such individual portions of space as can with propriety be termed spherical spaces , and so in the case of a cone, a cube, and so forth.
>
> In as far as any such individual portions of matter and space are actually in existence, the proposition is actually true In as far as any such portions of matter or space may be considered as likely to come into existence, or as capable of coming into existence, it may be considered as having a sort of potential truth, which, as soon as any such portions of matter or space come into existence, would be converted into actual truth
>
> In point of fact, no portion, either of matter or space, such as agrees exactly with the description given by Mathematicians of the sort of figure called a sphere, ever has come into existence (there seems reason to believe) But, by this circumstance, though in a *strict sense*—that is, to the mere purpose of absolutely correct expression—*the truth* of all propositions concerning the sort of figure called a sphere is destroyed , yet, in no degree is the utility of any of them either destroyed, or so much as lessened , in no degree is the truth of them destroyed or lessened with reference to any *useful purpose*, with reference to any purpose, or in any sense, other than a perfectly useless one
>
> A general proposition which has no individual object to which it is truly applicable is not a true one It is no more a true proposition than an army which has no soldier in it is a true army , a faggot which has no stick in it, a true faggot " [1]

[1] *Works*, Vol VIII, pp 162–3 Bentham's distinction between truth and what he describes as 'potential' truth, on the one hand, and purely mathematical interpretable rules in an operational calculus, will be of interest to the modern mathematician

All this, though largely admitted by modern mathematicians, was highly unacceptable to the expert of Bentham's day "That before any such surface as a circular one had any existence, all its radii were equal is, in his creed, as in Montesquieu's, a fundamental article That fluxions and equations should have had their origin in so impure a source as matter, is to an ardent-minded mathematician an idea no more to be endured than, by certain religionists it is, that moral evil should have no other source than physical, or, by the sentimental poet, the sentimental orator, or the hypocritical politician, it is that sympathy (whether for the individual or the particular class of the community-political body he belongs to, the nation at large, or the human race) should have so unhonoured a parent or so despicable an antagonist as self-regard, either in his own pure bosom or that of any of his friends" [1]

In spite, however, of their lack of orthological orientation, mathematicians often get along remarkably well with their strange symbols "What wonder if among those to whom, while not yet in possession of the key, the cypher comes to be pored over, the number of those to whose minds the words of the cypher have imparted clear ideas, is comparatively so inconsiderable"

By a small number of privileged minds, "to the constitution of which the subject happens to be in a peculiar degree adapted, at the end of a certain number of years thus employed, an acquaintance with the science—an acquaintance more or less clear, correct, and extensive—comes to have been attained Attained! but how? by means of the cypher? by means of the inapposite, the ill-constructed, the fictitious language? No, but in spite of it Instead of being left to be drawn by abstraction, like Truth out of her well, from the bottom of an ocean of perturbers, had the key been conveyed in the first instance, and terms of compact texture constructed out of apposite, familiar, and unfictitious language, a

[1] *Ibid*, p 163

small part of the time so unprofitably employed would have sufficed for extracting from the subject a set of conceptions much more clear, correct, and extensive than those obtained by a process so full of perplexity and inquietude " [1]

But all these wonders for which Algebra is responsible—" can it be that it is by mere *abbreviation*, by nothing but a particular species of *short-hand*, that they have been performed ? By the mere use of a set of *signs* or *characters*, by which the ideas in question are expressed in a less quantity of *space* and *time* than would have been necessary to the giving expression to them by the *signs* or *characters* of which *ordinary written* language is composed, and by which those sounds are designated of which the ordinary *spoken* language is composed ? Newton, Leibnitz, Euler, La Place, La Grange, etc , etc —on this magnificent portion of the field of science, have they been nothing more than so many expert *short-hand writers* ? " The answer is that the system of abbreviated forms of expression is one thing, but the purpose for which they are employed is quite another " The purpose to which, in the instance in question, this species of *short-hand* is applied comes, in every instance, within the description given above, viz by *means of their relation to certain quantities that are known, the making known a certain quantity or certain quantities, which, in all other respects, are as yet unknown.*"

In order to determine this relation, " some *contrivance* in every instance (and, in some instances, abundance of very subtle contrivance) over and above the use of *short-hand* is, or at any rate originally was, necessary , and from the *short-hand* itself, the system composed of these *contrivances* is in itself no less distinct than any one of the species of discourse (a *speech*, for instance, or the *evidence* of a *witness*) which *short-hand*, commonly so called, is employed in giving expression to, is distinct from the *short-hand*, the *mode of writing*, itself " [2]

[1] *Ibid*, p 183 [2] *Ibid*, p 37

The practical conclusion is that, for the convenience of learners, "it would probably be of no small use, if, in ordinary language—language clear from those *characters* and *formularies*, so appalling to every as yet uninitiated (and more particularly to the uninitiated juvenile) eye—explanations were given of the several *contrivances* in question, or if, in this way, the explanation of the whole system, pursued to the length to which it has already been carried, would occupy too much space—at any rate, of such points as, by the joint consideration of *facility* and *utility* (*facility* in *acquisition*, and *utility* in *application*) should be found recommended for preference" [1]

THE DIFFERENTIAL CALCULUS

To give the mathematical learner as complete an understanding as possible of what Mathematics is doing Bentham proposes a special technique [2]

> "A key should not only have the effect of letting the reader into the heart (so to speak) of the contrivance by which the proposed object is effected, the proposed advantage gained, but in the production of this effect the purely verbal mode of expression alone . should be employed the *purely verbal* mode, viz in Geometry, to the exclusion of the diagrammatic, in Algebra to the exclusion of the Algebraic, characters and forms . .

The sort of intellectual instrument, the key thus proposed, or rather the apparatus or collection of keys, would, adds Bentham, "be very far from being complete, if in its purpose it did not include all the several fictions, which, in the framing of this branch of art and science, have been invented and employed" And for illustration, he mentions two such fictions—"the conversion of the algebraical method into geometrical, and the contrivance, called by its first inventor, Newton, and from him by British mathematicians, the method of *fluxions*, and by its second but not less original inventor, Leibnitz, and from him by the mathematicians of all other countries,

[1] *Ibid*, p 38 [2] *Ibid*, pp 169 ff

the *differential and integral calculus*" For the explanation of these fictions, and, indeed, for the justification of the use so copiously made of them, two operations would require to be performed

" One is, the indication of the really exemplified state of things, to which the fiction is now wont to be applied, or is considered as applicable, the other is the indication of the advantage derived from the use of this the fictitious language, in contradistinction to the language by which the state of things in question would be expressed plainly and clearly without having recourse to fiction

1 As to the conversion of the forms of Algebra into those of Geometry, or of the algebraic mode of expression into the geometrical If in a case in which figure has no place—as in a case where the quantity of money to be paid or received, or given under the name of interest for the use of money during a certain time, is the subject of investigation—the geometrical forms should be employed, or the subject of investigation, thereby represented in the character of a portion of matter or space, exhibiting a certain figure, here a fiction is employed, figure is said to have place in a case where it really has no place

2 In cases where the geometrical form is the form in which the subject presents itself in the first instance, and the translation which is made is a translation from this geometrical form into the algebraical, here in this case no fiction has place. here what is done may be done, and is done, without any recourse to fiction, and as to the advantage looked for from this translation, an obvious one that presents itself is the abbreviation which constitutes an essential character of the algebraic form In the opposite species of translation, viz that from the algebraic form into the geometrical, fiction is inseparable Why?—because when by the supposition figure does not form part of the case, figure is stated as forming part of the case But when the translation is from the geometrical form into the algebraical, neither in this, nor in any other shape, has fiction any place. Why?—because, though in the case as first stated, figure has place, yet if reference to the figure be not necessary to the finding the answer which is sought, to the doing what is required or proposed to be done, the particular nature of the figure is a circumstance which, without fiction, may be neglected, and left out of the account"

So in the case of the method of fluxions, which is but a particular species of algebra distinguished by that name

" Take some question for the solution of which this new method is wont to be employed This question, could it be solved by ordinary algebra, or could it not ? If it could, then why is it that this new method is employed ? *i.e* what is the advantage resulting from the employment of it ? If it could not, then what is the expedient which is supplied by fluxions, and which could not be supplied by algebra ?

In this method a fiction is employed a point, or a line, or a surface, is said to have kept flowing where in truth there has been no flowing in the case With this falsehood, how is it that mathematical truth, spoken of as truth by excellence, is compatible ?

The point here made is then illustrated in ordinary Geometry and Algebra

" In the practice of mathematicians, propositions of the geometrical cast, and propositions of the algebraical cast, are, to an extent which seems not to have been as yet determined, considered as interconvertible, employed indifferently, the one or the other, and upon occasion translated into each other When, in the particular subject to which they are respectively applied, figure, although it have place, may, without inconvenience in the shape of error, or any other shape, be laid out of consideration—in this case, instead of geometry, which, in this case, seems the more apposite and natural form, algebra, if employed, is employed without fiction, and may, therefore, be employed without production of obscurity, without inconvenience in that shape, and, in proportion as the sought-for result is arrived at with less labour and more promptitude, with clear, and peculiar, and net advantage

But if, in a case in which figure cannot have place, as in the case of calculation concerning degrees of probability, as expressed by numbers, if any proposition be clothed in the geometrical form, so far will fiction have been employed, and with it, its never-failing accompaniment, obscurity, have been induced

In the mind of him by whom they are employed, when the natural and individual ideas in which they have their source, and the individual or other particular objects, from which those ideas were drawn, are once lost sight of, all extensive general expressions soon become empty sounds

In the use made of algebra, at any rate on the occasion

of instruction given in this art to learners, the particular application which, either at the time in question, was made, or at any future time, was proposed to be made of it, should never be out of sight "

Algebraical language, even where no fiction is involved, is, as previously explained, a sort of abbreviated or shorthand language

" So far, and so far only, as the abbreviated expressions which it employed are, by him who employs them, capable of being, upon occasion, translated into propositions delivered at length, in the form of ordinary language, so far, and so far only, as in the room of every such fiction as it employs, expressions by which nothing but the plain truth is asserted —expressions significative, in a direct way, of those ideas for the giving expression to which the fictitious language here employed—were capable of being substituted, and accordingly are substituted, so far and so far only, are they in the mouth or pen of him by whom they are employed, of him by whom, or of him to whom, they are addressed, anything better than empty sounds

It is for want of all regular recurrence to these sorts of intellection, it is for want of this undiscontinued reference to unabbreviated and unsophisticated language, that algebra is in so many minds a collection of signs, unaccompanied by the things signified, of words without import, and therefore without use "

Returning to the distinction between referential and fictional language, Bentham expands his views in relation to the work of the continental analysts

" It was by an abstract consideration of the nature of the case (*i e* by a metaphysical view of the subject, as some mathematicians would incline to say, or a logical, as it might be more correct to say), that this notion of the natural distinctness between the contrivances for abbreviation on the one hand, and the contrivances for the actual solution of problems, though with the assistance afforded by those abbreviative contrivances on the other, were suggested to the writer of these pages It was with no small satisfaction that, for this same idea, he found afterwards a confirmation, and a sort of sanction, in the writings of two first-rate mathematicians, viz a passage in Euler, adopted and quoted with applause by Carnot (Euler, *Mémoires de l'Académie de Berlin*, Année 1754), *Reflexions sur la Metaphysique du Calcul infinitesimal*, Paris, 1813, p 202—

" Persons there are, says he, in whose view of this matter, Geometry and Algebra (la géomètrie et l'analyse) do not require many reasonings (raisonnements), in their view, the *rules* (les règles) which these sciences prescribe to us, include already the points of knowledge (les connoissances) necessary to conduct us to the solution, so that all that we have to do is to perform the operations in conformity to those rules, without troubling ourselves with the reasonings on which those rules are grounded This opinion, if it were well grounded, would be strongly in opposition to that almost general opinion, according to which Geometry and Algebra are regarded as the most appropriate instruments for cultivating the mental powers (l'esprit), and giving exercise to the faculty of ratiocination (la faculté de raisonner) Although the persons in question are not without a tincture of mathematical learning, yet surely they can have been but little habituated to the solution of problems in which any considerable degree of difficulty is involved for soon would they have perceived that the mere habit of making application of those prescribed rules goes but a very little way towards enabling a man to resolve problems of this description, and that, before application is actually made of them, it is necessary to bestow a very serious examination upon the several particular circumstances of the problem, and on this ground to carry on reasonings of this sort in abundance (faire la-dessus quantité de raisonnements) before he is in a condition to apply to it those general rules, in which are comprised that class of reasonings, of which, even during the time that, occupied in the calculation, we are reaping the benefit of them, scarce any distinct perception has place in our minds This preparation, necessary as it is that it should be before the operation of calculation is so much as begun—this preparation it is, that requires very often a train of reasonings, longer, perhaps, than is ever requisite in any other branch of science, a train, in the carrying on of which a man has this great advantage, that he may all along make sure of their correctness, while in every other branch of science he finds himself under the frequent necessity of taking up with such reasonings as are very far from being conclusive Moreover, the very process of calculation itself, notwithstanding that, by Algebra, the rules of it are ready made to his hands (quoique l'analyse en préserve les règles), requires throughout to have for its support a solid body of reasoning (un raisonnement solide) without which he is, at every turn, liable to fall into

some mistakes The algebraist, therefore (*le géomètre* is the word, but it is in his algebraic, and not in his geometrical, capacity, that, on the present occasion, the mathematician is evidently meant to be brought to view)—the algebraist, then (concludes this Grand Master of the Order) finds, on every part of the field, occasion to keep his mind in exercise by the formation of those reasonings by which alone, if the problem be a difficult one, he can be conducted to the solution of it "

Thus far the illustrious pair " Now," asks Bentham, " these reasonings (raisonnements) so often mentioned, and always as so many works or operations perfectly distinct from those which consist in the mere application of the algebraic formulæ, what are they ? " His answer reverts once more to the distinction between references and fictions

" Plainly the very things for the designation of which the words, contrivances for the coming at the solution of the problem, or some such words, have all along been employed Thus much, then, is directly asserted, viz that the operations which consist in the, as it were, mechanical application of this set of rules, which for all cases is the same, on the one hand, and, on the other hand, those which consist in the other more particular contrivances for solving the particular problem, or set of problems, in question, by the application of these same general rules, are two classes of operations perfectly distinct from each other But, moreover, another thing which, if not directly asserted, seems all along to be implied, is that to one or other of these two heads everything that is or can be done in the way of algebra is referable

Of the descriptions given of these different contrivances and sets of contrivances, of this sort of materials it is, that, in as far as they apply to the algebraic (not to speak here of the geometric) method, all these *keys* and sets of *keys*, as employed by the hand of the mathematician, will have to be composed But, these contrivances being in themselves thus distinct from the general formulæ it follows that, for the explanation of them, language other than that in which these formulæ are delivered, may consequently be employed other language, viz (for there is no other) that language which is in common use And thus it is that not only to Geometry, but to Algebra, may the purely verbal mode of designation be applied, to give to the several quantities which have place in the problem such a mode of expression

as, by indicating the several relations they bear to each other, shall prepare them for being taken for the subjects of that sort of operation, which consists in the putting them in that point of view in which, by means of those relations, those quantities which at first were not known, but which it is desired to know, become known accordingly. This, when expressed in the most general terms of which it is susceptible, will, it is believed, be found to be a tolerably correct account of the sort of operation which, on each particular occasion, must proceed No direct and, as it were, mechanical application of the set of general rules Of what, then, is it that a sort of algebraic *key*, or *set of keys*, of the kind in question, must be composed? Of a system of abbreviations or directions by which it shall be shown in what manner, in the several cases to which it is applicable, this sort of preliminary tactical operation may be performed, and to the best advantage

As these two *intimately connected yet distinguishable* operations, viz the application of the use-indicating and that of the key-presenting principle, went on together—the order of *invention*, *i e* the order in which the several propositions, or groups of propositions, come to be invented, would, in conjunction with the order of *demonstration*, *i e* the order in which, for the purpose of demonstration, it is either necessary or most convenient that they should be presented, be brought to light

But in proportion as the order of invention came thus to be detected and displayed, in that same proportion would it be rendered manifest that theory was formed, and in what manner it was so formed, by abstraction, out of positive ideas, more and more general out of particulars, and, in a word, originally out of individual ones

Supposing the whole field of Geometry, or, in a word, of Mathematics, measured and delineated upon this plan, what would, in that case, be signified by the word *understanding*, in such phrases as these, viz 'he understands plain elementary geometry,' 'he understands conic sections,' or, in general, 'he understands the subject,' would be a state of mind considerably different from that which at present is indicated by these same phrases, and accordingly, in the signification of the words *learning* and *teaching*, as applied to the same subject, the correspondent changes would be undergone "[1]

For the philosophical historian of mathematics these

[1] *Works*, Vol VIII, pp 176-7

passages offer a most important clue for unravelling the symbolic tangles that accumulated for two hundred years around the notation for the derivative; in fact this notation still haunts the modern mathematician in spite of the work of Weierstrass, Dedekind, and Cantor, who only obscurely see the part played by fictions in mathematical processes.

Bentham's rather oblique approach to the problem in this context presupposes that the reader accepts the earlier analysis of linguistic fictions; and takes it for granted that the application to mathematical symbols follows as a matter of course. The case of the derivative, as it is presented in Carnot's *Reflexions sur la metaphysique du calcul infinitesimal*, then becomes a most elegant exemplification of fictional invention, and Carnot's analysis follows Bentham's method of archetypation and phraseoplerosis. The geometrical operation of finding the tangent at any point of a given curve is taken as the archetype, and the analytical formulation consists in adding to the fundamental algebraic operations—addition, subtraction, multiplication, division, involution, and evolution—a new operation on functions which will be analogous or isomorphic with the geometrical operation. The separation and formal consideration of these operational symbols, which are in themselves fictional and, as such, incitements to the hypostatization of mathematical entities, nevertheless throw their numerous applications in geometry and physics and also their previous partial formulations in the methods of exhaustions, indivisibles, indeterminates, prime and ultimate ratios, fluxions, vanishing quantities, and the calculus of derivations into a systematic analogical order; and they themselves appear in their true light as shorthand notations with direct simple references to complicated things in geometry and physics and subtle connections with the other notations in higher branches of mathematics. The derivative and the integral are necessary fictions in that they cannot be reduced, and the attempt should not be made to reduce

them, to the other mathematical operations; but on the other hand their fictional and referential uses may be made clear as in Bentham's suggested interpretation of Carnot's exposition. There is an important suggestion in this for the current perturbations of pure mathematicians about the realities of the various infinities, those latest descendants of the antinomies of the infinitesimal calculus and fluxions of Bentham's time. The first step is the original invention of an operation to fit the archetypal problem; the second step is the formulation of this new operation in a set of notations; and the third step is the assimilation by analogy of the troublesome cases to the archetypal form—in short the disentangling of references after the manner of the analyses already indicated elsewhere.[1] This will be nothing new to the operating mathematician, but it will require a certain mental readjustment on the part of those mathematicians and scientists who have recently been aspiring towards what they still frequently regard as metaphysics.

TOWARDS A UNIVERSAL LANGUAGE

Passing now to the problem of universal grammar—what are the difficulties that have intimidated grammarians? Admitting the reality of difficulties at some point in the inquiry, can we sidestep the ultimates, if any, and proceed with confidence in practice? It is strange that the one thinker who was in a position to help us here has never been mentioned in this connexion. This is due in part to the inevitable tendency of historians to focus on their special interests; and nothing could be more remote from the interests of social and political historians of today than the preoccupation of many of the world's greatest thinkers with apparently futile linguistic analysis.

Bentham has here suffered more than Locke, for although the third book of Locke's *Essay* ("On Words")

[1] See *op. cit.*, *The Meaning of Meaning*, Chap. IX, and I. A. Richards, *Mencius on the Mind*, 1932, Chap. IV.

is frequently dismissed with scant attention, his system can to some extent be discussed without it In Bentham's case, however, the linguistic factor is paramount His studies of language are both the key to his system and the foundation of his analytic and expository power.

It is unlikely that any writer has been less misled by words; and those who are concerned with the future of grammar will note especially that he avoided verbs wherever possible, employing a verbal substantive with an auxiliary, instead. " I use a verbal substantive," he says,[1] " where others use a verb A verb slips through your fingers like an eel—it is evanescent. it cannot be made the subject of predication—for example, I say *to give motion* instead of *to move*. The word *motion* can thus be the subject of consideration and predication: so, the subject-matters are not crowded into the name sentence—when so crowded they are lost—they escape the attention as if they were not there "

In the practice of Nomography he had noted that where an idea is presented in the form of a verb, it is mixed up with other words in the form of a sentence, or proposition, more or less complex " The import of it in such sort covered, disguised, and dunned that no separate nor continued view can be taken of it. Where, on the other hand, a substantive is employed the idea is stationed as it were upon a rock " [2] Bentham therefore advocated his " substantive-preferring principle," and sacrificed elegance of style to clarity on all occasions. He had no use for such an appeal " to the most miscellaneous and even the most fastidious societies " as he allowed to be an asset in his spiritual enemy, Blackstone, the merit of whose work he regards as primarily " the enchanting harmony of its numbers, a kind of merit that of itself is sufficient to give a certain degree of celebrity to a work devoid of every other So much is man governed by the ear " Hence his concern with Grammar.

[1] *Works*, Vol X, p 569
[2] *Works*, Vol III, p 268 Cf Vol VIII, pp 315–6

Grammar is defined by Bentham as "That branch of art and science in and by which the words of which language or discourse is composed are considered, without any regard to the subject or occasion of the discourse, but only with respect to the relations which the imports of the different classes of words of which it is composed bear to each other, these classes of words being the same whatsoever the subject of the discourse"

The differences between particular grammars may be considerable in regard to these classes, or 'parts of speech', but the imports they designate (the ideas they symbolize) are, he holds, so similar that a *universal grammar* can be constructed from the study of a typical selection We can either study meaning and function abstracted from particular grammars or the concrete provisions made in practice

The uses of *Universal Grammar* are that it helps us to study and understand any particular language or group of languages, to decide which language is most adequate for a given purpose, and to improve the psychology of thought "To give a clear, correct, comprehensive and instructive view of the field of universal grammar, it is not enough for a man to look into the books that are extant on the subject of grammar, whether particular or universal—he must look into his own mind" [1]

A fortiori any analysis based on Greek and Latin is vitiated from the outset "In both these languages, properties will be shown by which they are rendered in a high degree incompetent, and ill adapted for their purpose"

In addition to Greek and Latin, Bentham himself had a thorough knowledge of French and some acquaintance with Italian, Spanish and German, and Brissot "saw him study Swedish and Russian" [2] He was perhaps the

[1] It is to be noted that Bentham did not devote attention to the question of an artificial language, not because he was not familiar with the controversy, but because he believed in the development of English for universal needs

[2] *Works*, Vol X, p 193

first writer to realize fully the advantages of the less inflected languages, not only in simplicity but in force[1]—though Comenius had explicitly corrected Bacon on this point in 1648[2]

In English, the separate auxiliary verbs perform with great advantage "those functions in the performance of which terminations in prodigious number and variety are employed in the more inflected languages, viz. the Greek and Latin and their modern derivatives".

A much higher degree of impressiveness is, he maintains, the result of this analytic process "Witness the words *shall* and *will*, and the most imperiously *imperative* mood expressible by the word *shall*. Indeed, such is the quantity of verbal matter saved by the employing the word *shall* in its imperative sense that besides giving to the English, *pro tanto*, a degree of simplicity and force not possessed by any of those southernly derived languages, dead or living, it may almost be said to give to it a degree of copiousness equally peculiar Why? Because in the expressing by means of the necessary circumlocution that the mind has not patience to draw them out, and so they remain unexhibited"

Bentham's analysis of the functions of the Indo-European verb, achieved in isolation over a hundred years ago, when read in conjunction with his theory of fictions, provides a basis for linguistic reconstruction that has not yet been superseded[3] The next step, in accordance

[1] *Works*, Vol VIII, p 310 "The same modifications which, in the least inflected languages, are mostly expressed by separate words termed *auxiliaries*, are in the most inflected languages expressed by inseparable affixes, viz, prefixes and suffixes, mostly by suffixes, more commonly styled terminations"

[2] Otakar Vočadlo, "Jespersen and Comenius", *Xenia Pragensia*, 1931, p 422

[3] Cf Sapir, *Language* (1921), p 126, and Jespersen, *Philosophy of Grammar* (1924), pp 91–2

The reader who also takes into account such material as that collected in Sheffield's *Grammar and Thinking* (1912), pp 87 ff and 106 ff, and the Grammatical Appendix to *op cit*, *The Meaning of Meaning*, will find that he has at his disposal all that modern Linguistic has contributed to supplement Bentham's outline Actually he regarded himself as a pioneer, doing the Grammarian's job for him, a job made possible by the discoveries of Horne Tooke (*Works*, Vol VIII, pp 187–8)

with Bentham's principles, was to inquire which, if any, of these functions is essential and which of practical convenience[1] He was certainly in favour of the abolition of inflexions wherever possible, and the most recent findings of comparative philology would have delighted him

"Though inflexional endings may seem too precious a possession for any language to get rid of them, the evolution of the European languages is steadily working for their entire abolition," writes Professor Karlgren[2] In this, he adds, they are becoming more and more like Chinese, which is ahead of us in this respect The Chinese, he explains, have no verbs, nor any parts of speech. They can say all that is said by the European language-forms without any formal word-classes to correspond to 'thing' process, etc Sheffield gives the following example —

Ch'u mên pu tai ch'ien
Pu ju chia li hsien
Go(ing) abroad without tak(ing) cash
(is) not up-to loaf(ing) at home

Whether the Indo-European languages can dispense with verbs as readily as the Chinese dispensed with travel is another question At a certain stage in teaching languages Bentham supposed the teacher to have introduced his charges to substantives and adjectives; yet "without verbs no discourse can be held—no further exposition given, and consequently no clear ideas communicated"[3] He further held that since the relations we wish to express are the same in all languages "the parts of speech are, therefore, the same in all languages, the scantiest and most inconveniently constructed as well as the richest and most cultivated—the Hottentot and Chinese as well as the Greek and English".[4]

[1] L W Lockhart, *Word Economy*, 1931, pp 24–37
[2] *Sound and Symbol in Chinese*, 1923, p 70
[3] *Works*, Vol I, p 244
[4] *Works*, Vol VIII, p 187 It is worth noting that Bentham devoted a great amount of thought to mathematical notations, which he regarded as "special signs,"—whose function is abbreviation and

This raises in an acute form one of those ultimates which have kept grammarians from interesting themselves in Universal Grammar If we define our parts of speech in terms of the psychological, physical, and social requirements of communication, then we shall tend to find these parts of speech in all languages, however rudimentary their differentiation in terms of form and syntactic function It might well be that the verb in Indo-European languages is a purely symbolic creation, completing a structural pattern , and yet Bentham's view of its necessity, either by definition, or for practical purposes, might be valid We must, in fact, always bear in mind that for one who realized that both *relations* and *qualities*, as well as all *mental phenomema* (in terms of which his definitions of the parts of speech are framed) are linguistic fictions,[1] any such conclusion was primarily pragmatic [2]

Bentham believed that English used more " separate accessory words ", as distinguished from modifications or inflected words, than any other language In connexion with the " substantive-preferring principle " already referred to, he had, as we have seen, made a special study of auxiliary verbs, on which simplification in the future chiefly depends He strongly advocated a survey of their scope : " A catalogue of this species of auxiliary verbs, accompanied with a catalogue of the nouns substantive to which they are in use to be employed as auxiliaries is an instrument of elucidation that remains to be constructed, and by its usefulness may perhaps be found to pay for the trouble " [3] And though Chinese

condensation A mathematical language, " except by means of the abbreviative and concentrative, cannot facilitate conceptions more than ordinary language, of which it is the sign, does " (*Works*, Vol VIII, pp 166–7)

[1] *Works*, Vol VIII, pp 129, 174, 189, 203 Cf also his account of the language of algebra " Reducing all styles to one, it places the most expert grammarian upon a level with the most inexpert "

[2] In other words, he is not necessarily discussing the problem at a level which would place him in conflict with such considerations as arise in Jespersen's survey of the Universal Grammar controversy, after a century of Comparative Philology, at pp 45–71 of his *Philosophy of Grammar* (1924)

[3] *Works*, Vol III, p 268 , cf Vol VIII, p 316

may have no verbs, defined as distinct language-forms, there is no doubt, as Karlgren himself has emphasized, that certain tonal equivalents of inflexion, and the use of auxiliaries as in *t'a yao lai*, "he will come," where there is a complete parallel with the auxiliary of the future, play a subordinate part, so that, though an unambiguous word-order is the chief resource, a development of auxiliaries on European lines might well take place This consideration is of importance to those who advocate a common technological language for East and West with a certain interchange of terms The less the structural divergence the greater the hope of a *rapprochement*

Hence the possibility of taking up the problem of Debabelization where Bentham left it [1] His was the first important attempt to determine what we talk about, and his Theory of Fictions is basic for all classifications or evaluations of language forms, and of the Verb in particular, in terms of meaning, whether in relation to thoughts or things His, too, was the first systematic analysis of the verb in terms of syntactic function His own stylistic practice was the outcome of a personal interpretation of these achievements If we do not admit its utility, it must be because we have other views of the best method of attaining clarity in communication and universality in form Yet, after the lapse of a century, the case for a Back to Bentham movement in linguistic reform is at least as strong as in other fields of internationalism.

[1] See the writer's *Debabelization*, 1931, and *Basic English*, second edition, 1932, p 19

IV.—REMEDIES, LEGAL AND GENERAL

THE REFORM OF LEGAL JARGON

In the *Table of the Springs of Action* Bentham lays down the following propositions as relevant to all psychological, and *a fortiori* to all legal, discussion —

> " (*a*) The words here employed as leading terms, are names of so many *psychological entities*, mostly *fictitious*, framed by necessity for the purpose of *discourse* Add, and even of *thought* for, without corresponding words to clothe them in, ideas could no more be *fixed*, or so much as *fashioned*, than *communicated*
>
> (*b*) By habit, wherever a man sees a *name*, he is led to figure himself a corresponding object, of the reality of which the *name* is accepted by him, as it were of course, in the character of a *certificate* From this delusion, endless is the confusion, the error, the dissension, the hostility, that has been derived " [1]

By this analysis of reference in terms of fictions, Bentham was enabled to avoid all discussion of ' incorporeal things ' [2]

> " What shall we say of the famous division among the Romanists, of things *corporeal* and things *incorporeal*, that is to say, of things which do not exist, which are not things ? It is a fiction which only serves to hide and to augment the confusion of ideas All these incorporeal things are only rights either to the services of men, or of real things . this will be shown in treating of rights "

The fictional technique is invoked in every field with which the legislator or psychologist is called upon to deal. Thus *Security* may be considered with reference to the objects which are secured, and with reference to the objects against which they are secured —

> " Taking human beings individually considered, these are the only real entities considered as being secured But

[1] *Works*, Vol I, p 205

[2] *Works*, Vol III, p 177

> when a particular and practical application comes to be made of the word *security*, certain names of fictitious entities in common use must be employed to designate so many objects, to and for which the security is afforded Person, reputation, property, condition in life—by these four names of fictitious entities, all the objects to which, in the case of an individual, the security afforded by government can apply itself, may be designated " [1]

Though legal fictions are only a particularly obvious form of linguistic compromise, it is commonly implied that Bentham's objections to their use was based on ignorance Had he known what we know today he would have seen the folly of his tirades Then comes a stock reference to Maine's *Ancient Law* But what would Bentham have found in Maine to shake his conviction? " At a particular stage of social progress they are invaluable expedients for overcoming the rigidity of law, and, indeed, without one of them, the fiction of adoption which permits the family tie to be artificially created, it is difficult to understand how society would ever have escaped from its swaddling clothes, and taken its first steps towards civilization "

Exactly the same consideration presents itself to the historian of slavery or war. There is no reason, however, to suppose that Bentham was unaware of the historical value of primitive methods

Just how, then, do modern jurists conceive that the polemic against fictions has been circumvented? If we take Dicey's date, 1870, as that which marks the conclusion of a Benthamite era, the testimony of Professor Sheldon Amos is most relevant He was born three years after Bentham's death, became Professor of Jurisprudence at University College, London, in 1869, and published his *Science of Law* in 1872 He there explains that by legal fictions " the imaginative reverence for old symbols and formalities is deferred to while more or less perceptible change is introduced into the substance of the law". This practice " is now thoroughly understood, and has

[1] *Works*, Vol IX, p 11

been fully commented upon ". By fictions, sometimes the legislature " is imposed upon ", generally the populace or the educated layman " is the object of the snare ", more frequently (*sic*) " the judges and all the ministers of the court who co-operate with them deceive themselves by tricks practised upon their own understanding " Under the illusion that what is useful must be real, they innovate without feeling iconoclastic

Instead of questioning the desirability of so ready a capitulation to Word-magic, Professor Amos passes on[1] to *equity* as another mode of altering laws without admitting it, vouchsafing in extenuation that we are indebted to " a series of useful fictions for such benefits as the development of a large branch of the praetorian jurisdiction at Rome ", for the fact that " a variety of important doctrines —some useful, some pernicious—touching the prerogative of the English Crown, have taken symmetrical shape ", for encroachments of certain English Courts on the jurisdiction of others, and for a curtailment of inalienable entail.

Apart from fictions, equity is invoked to " get rid of the precise verbiage familiar to an older age " ; and the third way of securing legal reform without apparent change of front is by *interpretation*. Bentham, on the other hand, would have us endeavour to substitute for Fictions, Equity, and Interpretation—Candour, in relation to fact, Clarity, in the practice of nomography, and Codification, in the interests of the greatest happiness

To realize the imperfections of English statute law, and of the language employed for the purpose of legislation by lawyers, it is only necessary, says Bentham, to sum up the points by which it is distinguished from the ordinary language of the multitude

> " Wheresoever it is seen to differ, it will be seen to differ to its disadvantage—peculiar absurdity the immediate effect —peculiar mischief the result

[1] In the following year, however, he made it clear (*An English Code, its Difficulties and the Modes of overcoming them*, 1873) that he himself was an advocate of Codification on Benthamic lines, cf also his *Codification in England and the State of New York*, 1867

This distinction from the ordinary language of the multitude is peculiar to the language of English statute law foreign laws are clear from it

It has been among the devices of lawyers to connect with everything that is justly dear to English hearts, the absurdities and the vices in and by which they reap their profit Fiction—the vice which they are not ashamed to avow and magnify under that name—fiction has never been either more or less than lying, for the purpose of extortion and usurpation yet men who ought to have known better have not been ashamed to stand up and speak of fiction as the foundation and efficient cause, *causa sine qua non* of everything that is most valuable in the fabric of the constitution, and the texture of the common law " [1]

And again —

" With as much truth, and as much reason and sincerity, might a man slip in, along with the memorials usually buried with the first stone of an edifice, a bridge, or a court of justice—a rotten egg and a rotten apple, and then set up proclaiming the virtue of rotten eggs and rotten apples

A rotten egg or a rotten apple is quite as necessary to the stability of a bridge for the convenience of passengers, or of the edifice in which justice, or what is called by that name, is to be administered, as fiction, legal fiction ever can have been or ever can be to any good work that may be attempted with it "

But nowhere did Bentham express himself more clearly on the whole subject of Legal Fictions than in Chapter XII of the little-known *Constitutional Code* " By fiction ", he says, " in the sense in which it is used by lawyers, understand a false assertion of the privileged kind, and which, though acknowledged to be false, is at the same time argued from, and acted upon, as if true ". And he proceeds to enumerate its characteristic features —

" It has never been employed but to a bad purpose It has never been employed to any purpose but the affording a justification for something which otherwise would be unjustifiable No man ever thought of employing false assertions where the purpose might equally have been fulfilled by true ones By false assertions, a risk at least of disrepute is incurred by true ones, no such risk

[1] *Works*, Vol III, p 241

It is capable of being employed to every bad purpose whatsoever.

It has never been employed but with a bad effect

It affords presumptive and conclusive evidence of the mischievousness of the act of power in support of which it is employed

It affords presumptive and conclusive evidence of the inaptitude of the form of government in support of which it is employed, or under which it is suffered to be employed

It affords presumptive and conclusive evidence of moral turpitude in those by whom it was invented and first employed

It affords presumptive and conclusive evidence of moral turpitude on the part of all those functionaries, and their supporters, by whom it continues to be employed

It affords presumptive and conclusive evidence of intellectual weakness, stupidity, and servility, in every nation by which the use of it is quietly endured

In regard to fiction, two sources of service require to be noted · one is the extent of the sinister service rendered, the other is the extent of the class of persons to whom the service is rendered

In respect of the extent of the service rendered, the use of fiction may be distinguished into general and particular

By particular use, understand the particular benefit which, on the occasion of such fiction, results to the class or classes of persons served by it by the general use, the benefit which accrues to all of them in the aggregate, from the general principle of demoralization which it contributes to establish : viz that in regard to human action in general, right and wrong, proper ground for approbation and disapprobation depends, not on the influence of the action on the greatest happiness of the greatest number, but on the practice, consequently on the will, and thence on the interest, real or supposed, of the aggregate of those same particular classes Of the establishment of this principle of demoralization, the object and the effect is—the causing men to behold, not merely with indifference, but even with approbation, in the first place, the perpetration of injustice, and in a word, of political evil in all its shapes, and in the next place, the employing, as an instrument in the commission of such mischief, wilful, deliberate, and self-conscious falsehood, in a word, *mendacity* the practising on this occasion and for this purpose,

that vice which, when, by individuals not armed with power, it is employed to purposes much less extensively mischievous, is by these same men habitually and to a vast extent visited with the severest punishment

Now as to the extent of the class of persons to whom the sinister service is rendered In this respect, likewise, the service will require to be distinguished into particular and general Of the wilful and mischievous falsehoods in question, some will be found in a more particular manner serviceable to the functionaries having the direction of that particular department of government, in the business of which they are employed to the giving augmentation to the arbitrary power of those same rulers thus enabling them, with the greater efficiency, and to the greater extent, to make sacrifice of the universal interest to their several particular and sinister interests

In every case, and throughout the whole field of government, these instruments of mis-rule have had, as they could not but have had, for their fabricators, the fraternity of lawyers more particularly and obviously such of them as have been invested with official power, principally in the situation and under the name of judges though, in the unofficial and less formidable characters of writers, authors of reports and treatises, men of the same class have not been wanting in contributing their share " [1]

THE PERSONIFICATION OF FICTIONS

Personification is usually regarded as a harmless literary device by which Ceres, for example, comes to the aid of the writer of Latin verse by deputizing for *corn* Bentham, however, insists on its subtler uses —

" Amongst the instruments of delusion employed for reconciling the people to the dominion of the one and the few, is the device of employing for the designations of persons, and classes of persons, instead of the ordinary and appropriate denominations, the names of so many abstract fictitious entities, contrived for the purpose. Take the following examples —

Instead of Kings, or the King—the *Crown* and the *Throne*

Instead of a Churchman—the *Church*, and sometimes the *Altar*

[1] *Works*, Vol IX, pp 77–8

Instead of Lawyers—the *Law*.
Instead of Judges, or a Judge—the *Court*
Instead of Rich men, or the Rich—*Property*.

Of this device, the object and effect is, that any unpleasant idea that is in the mind of the hearer or reader might happen to stand associated with the idea of the person or the class, is disengaged from it and in the stead of the more or less obnoxious individual or individuals, the object presented is a creature of the fancy, by the idea of which, as in poetry, the imagination is tickled—a phantom which, by means of the power with which the individual or class is clothed, is constituted an object of respect and veneration

In the first four cases just mentioned, the nature of the device is comparatively obvious

In the last case, it seems scarcely to have been observed But perceived, or not perceived, such, by the speakers in question, has been the motive and efficient cause of the prodigious importance attached by so many to the term *property* as if the value of it were intrinsic, and nothing else had any value as if man were made for property, not property for man Many, indeed, have gravely asserted, that the maintenance of property was the only end of government." [1]

Having thus stigmatized the technique of the opponents of linguistic reform in the legal field, Bentham proceeds to the causes—" the moral, the inward, the secret causes, in which this error, this pernicious mode of thinking, appears to have had its source ". These, applied to the field of thought and action taken in the aggregate, he finds to be four in number —

" 1 Aversion to depart from accustomed habits, in particular, the habit of regarding the stock of the matter of language, as applied to the stock of ideas in question, as being complete

2 Love of ease, or say aversion to labour—aversion to the labour of mind necessary to the forming therein, with the requisite degree of intimacy, an association between the idea in question, new or old, and the new word thus introduced, or proposed to be introduced

3 Where the word is such as appears to convey with it a promise of being of use, more or less considerable, in that

[1] *Works*, Vol IX, p 76

portion of the field into which it is thus proposed to be introduced, a sentiment of envy or jealousy, in relation to the individual, known or unknown, on whose part the endeavour thus to make a valuable addition to the stock of the language has been manifested

4. Of the causes above mentioned, the application wants not much of being co-extensive with the whole field of human discourse one cause yet remains, the influence of which will naturally be more powerful than that of all the others put together This cause is confined in its operation to the field of morals and politics—taking, however, the field of opinion on the subject of religion as included in it

It consists in the opposition made by every such new word—in the proportion to the tendency which it has to add to the stock of ideas conducive to the greatest happiness of the greatest number—to the particular and sinister interests of those by whom the sentiment of disapprobation, as towards the supposed effect and tendency of the new word in question, stands expressed, and is endeavoured to be propagated "

One of Bentham's most vigorous diatribes against the opposition to the reform of legal language follows an amusing passage in the *Nomography* on ' corruption of blood ' —

" Within the memory of the author of these pages, the population of Great Britain, to the number of about twelve millions, was divided into two not very decidedly unequal halves the one composed of those whose fondest wishes centred in the happiness of being slaves to a Scotchman of the name of Stuart —the other of those whose wishes pointed in the same manner to a German of the name of Guelph Of the twelve millions, six were devoted to extermination by the lawyers on one side —the other six by the lawyers on the other side In the aggregate mass of the blood of the whole population, not a drop that was not in those days in a state of corruption, actual or eventual, according to the system of physiology established for the benefit of most religious kings, by learned lords and learned gentlemen

Scarcely of the whole number of those in whom, according to Blackstone's language, the capacity of committing crimes had place, would a single one have escaped the having his or her bowels torn out of his or her body, and burnt before his or her face, supposing execution and

effect capable of being given, and given accordingly, to the laws made, under pretence of being found ready made, and declared for the more effectual preservation of loyalty and social order "

Language as we know it today is essentially the creation of savages—persons, no doubt, of broad minds and great ingenuity in some respects,[1] but holding less advanced views on the subtler aspects of science and jurisprudence. Science discovered their shortcomings several centuries ago, and in Bentham's view the legal profession would do well to follow scientific procedure

" To whatsoever particular language the aggregate mass of discourse in question belongs, it will undeniably be in the greater degree apt with reference to the uses of human discourse taken in the aggregate, the more it abounds with words by which ambition and obscurity are excluded, or with words by means of which fresh and fresh degrees of conciseness are given to the body of the language.

Every language being the work of the human mind, at a stage of great immaturity, reference had to the present state of it, hence it is, that in every language, the most apt, or say the least unapt, not excepted, the demand for new words cannot but be great and urgent In some of the departments of the field of language, including the field of thought and action, and the field of art and science, no reluctance at all as to this mode of enrichment has place —on the other hand, in others such reluctance has place in a degree more or less considerable Of this field, the portion in regard to which this reluctance seems to be most intense and extensive, is that which belongs to morals in general, and politics, including law and government, in particular —of this reluctance, the inconsistency, and the evil effects that result from it to the uncontrovertible ends of human discourse, are apparent "

PURITY-INDIGENCE

And here Bentham makes use of his far-reaching analysis of *eulogistic* and *dyslogistic* terms, where a neutral nomenclature would usually deprive an argument of its popular appeal :—

[1] Malinowski, *The Sexual Life of Savages*, 1929

"The opposite of that useful quality, the degree of which would be as the multitude of apt words associated with clear ideas—with ideas of unprecedented clearness, and introduced at a still maturer and maturer stage of the human mind, is a quality for the designation of which the word *purity* has commonly been employed No sooner is the idea for the designation of which this word is employed brought clearly to view, than it is seen to be that which is aptly and correctly designated by the word *indigence* This word *indigence*, wherefore then is it not employed—for what purpose is the word *purity* substituted to it? Answer. For this purpose, viz the causing every endeavour to render the language more and more apt, with reference to the uncontrovertible ends of human discourse, to be regarded with an eye of disapprobation *Purity* is the number of those words to which an eulogistic sense has been attached—words under cover of which an ungrounded judgment is wont to be conveyed, and which are thence so many instruments in the hand of fallacy

Of the use made of the word *purity*, the object, and to an unfortunate degree the effect, is to express, and, as it were by contagion, to produce and propagate, a sentiment of approbation towards the state of things, or the practice, in the designation of which it is employed—a sentiment of disapprobation towards the state of things or practice opposite

On each occasion on which the word *purity*, is employed for the purpose of pointing a sentiment of disapprobation on the act of him by whom a new-coined word is introduced or employed, reference is explicitly or implicitly made to some period or point of time at which the stock of words belonging to that part of the language is regarded as being complete—insomuch that, of any additional word employed, the effect is, to render the aggregate stock—not the more apt but by so much the less apt, with reference to the ends of language to wit, not on the score of its individual inaptitude (for that is an altogether different consideration) but on the mere ground of its being an additional word added to that stock of words which is found already complete —a word introduced at a time subsequent to that at which the language, it is assumed, had arrived at such a degree of perfection, that by any change produced by addition it could not be deteriorated—rendered less apt than it was with reference to the ends of language

That as often as conveyed and adopted, any such

> sentiment of disapprobation is not only ungrounded but groundless, and the effect of it, in so far as it has any, pernicious, seems already to have been, by this description of it, rendered as manifest as it is in the power of words to render it
>
> An assumption involved in it is, that so far as regards that part of the language, the perfection of human reason had, at the point of time in question, been already attained. Another assumption that seems likewise involved in it is—either that experience has never, from the beginning of things to the time in question, been the mother of wisdom, or that exactly at that same point of time, her capacity of producing the like offspring had somehow or other been made to cease " [1]

In the subsequent discussion of " the modes or sources of improvement of languages in respect of copiousness " the Purity *motif* is still prominent. Of single words, there are not many by which, in various ways, mischief to a greater amount has been done, than has been done by the word *purity*, with its conjugate *pure*: in the field of morals, of legislation, and of taste.

> " In the fields of morals and legislation, purity has for another of its conjugates a word significative of the opposite quality, *impurity* —to the field of language the application of this negative quality does not appear to have extended itself
>
> The grand mischief here is that which has been done by the inference that has been made of the existence of moral impurity from that of physical impurity—of impurity in a moral sense, from that of impurity in a physical sense.
>
> In the field of taste, this word has been made the vehicle in and by which the notion is conveyed and endeavoured to be inculcated, that copiousness in language, instead of being a desirable is an undesirable quality—instead of a merit a blemish purity, being interpreted, is the opposite of copiousness , the less copious the language, the more pure If ever there were a prejudice, this may assuredly be called one "

But it was left to Bentham himself to do the real work —

> " In the field of mechanics, when a workman has a new contrivance of any kind upon a pattern of his own to

[1] *Works*, Vol III, pp 273–4

execute, a not uncommon preliminary is the having to contrive and execute accordingly a new tool or set of tools, likewise of his own contrivance, to assist him in the execution of the new work Such, to no inconsiderable extent, has been the unavoidable task of the author with respect to legal language " [1]

FIXATION

We might have expected to find disquisitions on Language and Fictions in treatises on Political Economy or Codification, since in both fields the linguistic factor is of obvious importance,[2] but proposals for a Radical Reform Bill would at first sight seem less hopeful Bentham, however, added an Appendix to his Bill,[3] dealing amongst other things with Fixation, Exposition, or Explanation (including Definition)

Fixation, deciding which meaning of a word is to be adopted, " has for its purpose the removal of *ambiguity* , explanation, the clearing up of *obscurity* " The distinction may not always be obvious ; sometimes both operations may be necessary But between them the danger " that no object at all might present itself as clearly denominated " can be avoided Elsewhere (in the *Nomography*) obscurity is referred to as " ambiguity taken at its maximum ".[4]

The form of exposition known as definition is usually understood as " the exhibition of some word of more extensive signification, within the signification of which that of the word in question is included—accompanied with the designation of some circumstance, whereby the object designated by it stands distinguished from all others that are in use to be distinguished by that more extensive appellative " But though such a method—

[1] *Works*, Vol III, p 275

[2] See " Bentham on Inventions ", *Psyche*, Vol X, No 2, October 1929, where the passages on language as a misleading factor in Economics are exhibited in their appropriate setting

[3] *Works*, Vol III, p 592

[4] *Ibid* , p 39 " In the case of ambiguity, the mind is left to float between two or some other determinate number of determinate imports , in the case of *obscurity*, the mind is left to float amongst an indeterminate, and it may be an infinite, number of imports "

of genus and differentia—is intended and supposed to be employed, such words as *right*, *power*, and *obligation* cannot be so defined [1]

On the other hand, as Bentham points out in his treatment of Power in the *Pannomial Fragments*,[2] it may sometimes be possible to give an orthodox definition of a fiction —

> "Power may be defined to be the faculty [3] of giving determination either to the state of the passive faculties, or to that of the active faculties, of the subject in relation to and over which it is exercised —say the correlative subject "

Bentham's theory of Definition has already been dealt with in sufficient detail, [4] it is, however, worth while here to append the account of Dichotomy, as such, given by his Editor in the Introduction previously referred to —

> "It is only by a division into two parts that logical definition *per genus et differentiam* can be accomplished. The species is marked off by its possessing the quality of the genus, and some differential quality which separates it from the other species of that genus It is only by the expression of a difference as between two, and thought and language enable us to say whether the elements of the thing divided are exhausted in the condividends We can only compare two things together—we cannot compare three or more at one time In common language we do speak of comparing together more things than two, but the operation by which we accomplish this end is compound, consisting of deductions drawn from a series of comparisons, each relating to only two things at a time Com-

[1] See above, p lxxvii, and *Theory of Fictions*, pp 86 ff

[2] *Works*, Vol III, p 222

[3] "In this form, the exposition is of the sort styled *definition*, in the narrowest sense of the word—*definitio per genus et differentiam* exposition effected by indication given of the next superordinate class of objects in which the object in question is considered as comprehended, together with that of the qualities peculiar to it with reference to the other objects of that same class

The import of the word *faculty* being still more extensive than that of the word power, as may be seen by its assuming the adjunct 'passive,' the word power is, in a certain sense, not unsusceptible of the definition *per genus et differentiam* But to complete the exposition, an exposition by periphrasis may perhaps require to be added "

[4] Above, pp lxxiii ff, cf also *The Theory of Fictions*, pp 84 ff

parison is the estimate of differences, and language, by giving us the word 'between', as that by which we take the estimate, shows that we can only operate on two things at a time Thus, if we have a division of an aggregate into three, we cannot give such a nomenclature to these three elements as will show that they exhaust the aggregate If we say law is divided into penal and non-penal, we feel certain, in the very form of the statement, that we include every sort of law under one or other of these designations, but if we say that law is divided into real, personal, and penal, we cannot be, in the same manner, sure that we include every kind of law If we wish to proceed further in the division, and, after dividing the law into penal and non-penal, say the non-penal is divided into that which affects persons and that which does not affect persons, we are sure still to be exhaustive, and this system we can continue with the same certainty *ad infinitum*

The system is undoubtedly a laborious and a tedious one, when the subject is large, and the examination minute The exemplifications which the Author has given in his tables are the produce of great labour, and cover but a limited extent of subject It was more as a test of the accuracy of the analysis made by the *mind* when proceeding with its ordinary abbreviated operations, than as an instrument to be actually used on all occasions, that the Author adopted the bifurcate system As a means of using it with more clearness and certainty, he recommended the adaptation to it of the Contradictory formula—viz, the use of a positive affirmation of a quality in one of the condividends, and the employment of the correspondent negative in the other The value of this test, as applicable to any description of argumentative statement, is, in bringing out intended contrasts with clearness and certainty It is not necessary that the Differential formula should be actually employed In its constant use there would be an end to all freedom and variety in style But it is highly useful to take the statement to pieces, and try whether its various propositions contain within them the essence of the bifurcate system and the formula, in other words, to see that when differences are explained, or contrasts made, they be clearly applied to only two things at a time, and that the phraseology, instead of implying vague elements of difference, explains distinctly what the one thing has, and what the other has not" [1]

[1] *Works*, Vol I, pp 82–3

CLASSIFICATION

Natural Classification, we are told, in the *View of a Complete Code of Laws*[1] presents objects according to their most striking and interesting qualities, and " nothing is more interesting or striking to a sensible being than human actions considered in reference to the mischief which may result from them to himself or others ". Hence the merit of the classification of offences in the Nine Orders there adopted, which is moreover (2) *simple and uniform* and (3) best adapted *for discourse*, for the announcing of the truths connected with the subject :—

> " In every species of knowledge, disorder in language is at once the effect and the cause of ignorance and error. Nomenclature can only be perfected in proportion as truth is discovered It is impossible to speak correctly, unless we think correctly , and it is impossible to think correctly, whilst words are employed for registering our ideas, which words are so constituted that it is not possible to form them into propositions which shall not be false "[2]

The importance of a consistent nomenclature for the purposes of classification is again emphasized by Bentham in drawing up his Table of Rights[3]

> " The preparation of a table of rights is a sufficiently dry and ungrateful task , but such labours are required of those who would be of use to the science It is necessary to distinguish one part of a subject from another, in order to be in a condition to establish true propositions respecting

[1] *Works*, Vol III, p 171

[2] " When a nomenclature has been formed respecting a collection of things before their nature is known, it is impossible to draw from it any general propositions which will be true Take *oils*, for example under the same name of *oils* have been comprehended oil of olives and oil of almonds, sulphuric acid and carbonate of potass —What true propositions can be deduced respecting the *delicta privata* and the *delicta publica*, the *delicta publica ordinaria* and the *delicta publica extraordinaria*, established by Heineccius in explaining the Roman laws ? What can be deduced from the *felonies*, the *praemunires*, the *misdemeanours* of the English Laws ?—from the *penal cases*, the *civil cases*, the *private* and the *public* offences of all laws ? These are objects composed of such disproportionate parts, of words referring to such heterogenous things, that it is impossible to form respecting them any general proposition "

[3] *Works*, Vol III, p 185

them Nothing can be asserted, nothing can be denied, respecting them, whilst objects are mixed *pell mell*, and form only heterogeneous masses In order to make it understood that one plant is food, and another poison, the characters which distinguish them must be pointed out, and proper names must be assigned to them So long as there are no names for expressing many rights, or that there is only one and the same name for expressing many dissimilar ones so long as generic names are employed, without distinguishing the species included under them, it is impossible to avoid confusion—it is impossible to form general propositions which will be true This observation has already been made, but it often presents itself in a science in which the greatest difficulties arise from a vicious nomenclature "

EXAMPLES

'Rights'

The fictional treatment of rights in the two sections devoted to their analysis in the *View of a Complete Code of Laws* and in the more elaborate discussion of the *Pannomial Fragments*,[1] enables Bentham to restrict the term to a profitable field and divert attention from imaginary entities The conclusion of the whole matter, from a legal standpoint, is as follows —

" Rights are, then, the fruits of the law, and of the law alone There are no rights without law—no rights contrary to the law—no rights anterior to the law Before the existence of laws there may be reasons for wishing that there were laws—and doubtless such reasons cannot be wanting, and those of the strongest kind—but a reason for wishing that we possessed a right, does not constitute a right To confound the existence of a reason for wishing that we possessed a right, with the existence of the right itself, is to confound the existence of a want with the means of relieving it It is the same as if one should say *Everybody is subject to hunger, therefore everybody has something to eat*

There are no other legal rights—no natural rights, no rights of man, anterior or superior to those created by the laws The assertion of such rights, absurd in logic, is pernicious in morals A right without law is an effect

[1] *Works*, Vol III, pp 158–62, 181–6, and 217–21

without a cause We may feign a law in order to speak of this fiction—in order to feign a right as having been created , but fiction is not truth

We may feign laws of nature—rights of nature, in order to show the nullity of real laws, as contrary to these imaginary rights , and it is with this view that recourse is had to this fiction—but the effect of these nullities can only be null "

Obligations and *rights* must be dealt with together We require " an explanation of these moral, including political, fictitious entities, and of their relation to one another, by showing how they are constituted by the expectation of eventual good and evil, *i e* of pleasures and pains, or both, as the case may be, to be administered by the force of one or more of the five sanctions ". The political sanction, he explains, includes the legal, the religious, and the sympathetic

" Of either the word *obligation* or the word *right*, if regarded as flowing from any other source, the sound is mere sound, without import or notion by which real existence in any shape is attributed to the things thus signified, or no better than an effusion of *ipse dixitism*." [1]

And here is perhaps the most characteristic passage in Bentham's many accounts of the word-cluster to which words like *right*, *obligation*, and *service* belong —

" To declare by law that a certain act is prohibited, is to erect such act into a *crime* To assure to individuals the possession of a certain good, is to confer *a right* upon them To direct men to abstain from all acts which may disturb the enjoyment of certain others, is to impose *an obligation* on them To make them liable to contribute by a certain act to the enjoyment of their fellows, is to subject them to *a service* The ideas of *law*, *offence*, *right*, *obligation*, *service*, are therefore ideas which are born together, which exist together, and which are inseparably connected.

These objects are so simultaneous that each of these words may be substituted the one for the other. The law directs me to support you—it imposes upon me the *obligation* of supporting you—it grants you the *right* of being supported by me—it converts into an *offence* the negative act by

[1] *Works*, Vol III, p 293

which I omit to support you—it obliges me to render you the *service* of supporting you. The law prohibits me from killing you—it imposes upon me the *obligation* not to kill you—it grants you the *right* not to be killed by me—it converts into an *offence* the positive act of killing you—it requires of me the negative *service* of abstaining from killing you. . .

With respect to those actions which the law refrains from directing or prohibiting, it bestows a positive right,—the right of performing or not performing them without molestation from any one in the use of your liberty

I may stand or sit down—I may go in or go out—I may eat or not eat, &c the law says nothing upon the matter Still the right which I exercise in this respect I derive from the law, because it is the law which erects into an offence every species of violence by which any one may seek to prevent me from doing what I like

This, then, is the connexion between these legal entities they are only the law considered under different aspects, they exist as long as it exists, they are born and they die with it There is nothing more simple, and mathematical propositions are not more certain This is all that is necessary for obtaining clear ideas of the laws, and yet nothing of this is found in any book of jurisprudence, the contrary is, however, everywhere found There have been so many errors of this kind that it may be hoped that the sources of error are exhausted.

The words *rights* and *obligations* have raised those thick vapours which have intercepted the light their origin has been unknown, they have been lost in abstractions These words have been the foundations of reasoning, as if they had been eternal entities which did not derive their birth from the law, but which, on the contrary, had given birth to it They have never been considered as productions of the will of the legislator, but as the productions of a chimerical law—a law of nations—a law of nature " [1]

It follows from Bentham's account of Rights that when a right appears nominally to be conferred on a thing it is really conferred on a person, which is " what the compilers of the Roman code never comprehended ". They were misled by grammar.

" According to them, all rights are divided into two masses, of which the one regards *persons*, the other *things*

[1] *Works, Vol* III, pp 159–60

They have set out with a false unintelligible division into two parts, which are not exclusive with regard to each other *Jura personarum—Jura rerum*

It may be said that they were led to take this division by a species of correspondence or grammatical symmetry, for there is no correspondence between the two appellations except as to the form—there is none as to the sense. *Rights of persons*—what does it mean? Rights belonging to persons, rights conferred by the law on persons, rights which persons may enjoy —everything is clear. Transfer this explanation to *rights of things*, what is the result? Things which have rights belonging to them, things on which the law has conferred rights, things which the law has wished to favour, things for whose happiness the law has provided —it is the height of absurdity.

Instead of *rights of things*, it is proper to say *rights over things*. The change appears very slight it, however, overthrows this nomenclature, this division of rights, all this pretended arrangement of the Romanists—since adopted by Blackstone, and according to which he has so badly classed the objects of the law"

In explaining the relations of *offence*, *right*, *obligation* and *service*, in the *View of a Complete Code of Laws*,[1] Bentham remarks that "the distinction between rights and offences is strictly verbal"; and, as we have seen, he goes on to state that these legal entities "are only the law considered under different aspects"

The problem of translation from one set of terms into another is thus raised, and Bentham refers to it specifically in distinguishing between the Civil and Penal Code He will not allow that the civil code contains the descriptions of rights and obligations, the penal those of crimes and punishments—"There is no foundation for this distinction" But the analysis in terms of offences does provide a solution

"If you say that the right which you have to be supported by me belongs to a certain class of laws which ought to be called *civil*, and that the offence which I commit by neglecting to support you, belongs to a different class of laws which ought to be called *penal*, the distinction would be clear and intelligible

[1] *Loc cit*, p 159

There exists between these two branches of jurisprudence a most intimate connexion, they penetrate each other at all points All these words—*rights*, *obligations*, *services*, *offences*—which necessarily enter into the civil laws, are equally to be found in the penal laws But from considering the same objects in two points of view, they have come to be spoken of by two different sets of terms — *obligations*, *rights*, *services*, such are the terms employed in the civil code *injunction*, *prohibition*, *offence*, such are the terms of the penal code To understand the relation between these codes, is to be able to translate the one set of terms into the other "

'TITLE'

As an example of the translation of a fiction in terms of 'real entities', we may take the special case of *title* [1] Bentham here requires the fundamental term *event* with which it " is possible to form a regular class of appellations " These may have the double inconvenience of length and novelty, but—" I have tried to make use of the word *title* I have found it equivocal, obscure, defective—spreading a mist over the whole field of jurisprudence " It is especially defective when *obligations* are spoken of, but if we adopt the nomenclature of 'events', *dispositive* events can be divided into *collative* and *ablative*, and we can then both classify and translate

" There is here a series of names which have a reference to each other, here is a generic name, and subordinate specific names Take the word title, the logical ramification is stopped at the first step There are no species of titles, it is an absolutely barren trunk

The radical objection against the word *title* is, that it is obscure—it does not exhibit things as they are To say that an event has happened, is to speak the language of simple truth—is to announce a fact which presents an image to the mind—it is to present a picture which could be painted To say you have a *title*, is to speak the language of fiction it is to utter sounds which do not present any image, unless they are translated into other words, as we shall shortly see To *possess*, to *have*, in a physical sense—here there is a real fact announced in a real manner, for it

[1] *Works*, Vol III, p 189

is to occupy the thing, or to be able to occupy it (*posse, potes*, to have power over it) To *possess* a thing in the legal sense, to *possess rights* over a thing—there is an equally real fact, but announced in a fictitious manner To *have a title*, to *possess a title*, in relation to these rights—there is still a real fact, but announced in a manner still more fictitious—still more removed from presenting a real image.

I would not, therefore, employ the word *title* as a fundamental term, but as one translated from the language of fiction into the language of reality, I hesitate not to employ it It is not luminous in itself, but when it has received light, if it be properly placed, it may serve either to reflect or to transmit it "

'Rule and Principle'

Another example of symbolic procedure is the verbal distinction which Bentham regards as preliminary to any inquiry into what is a law, and what laws are concerned with Before this is explained, he says, the two mutually and intimately connected words *rule* and *principle* must be carefully defined —

" Correspondent to every rule you may have a principle , correspondent to every principle you may have a rule

Of these two, a rule is the object which requires first to be taken into consideration and presented to view Why ? Because it is only by means of a rule that any moving force can be applied to the active faculty, or any guide to the intellectual—any mandate can be issued—any instruction given

A *rule* is a *proposition*—an entire proposition a *principle* is but a *term* True it is, that a principle instruction may be conveyed Conveyed ? Yes but how ? No otherwise than through the medium of a proposition—the corresponding proposition—the proposition which it has the effect of presenting to the mind Of presenting ? Yes . and we may add, and of bringing back , for only in so far as the rule has been at the time in question, or in some anterior time, present to the mind, can any instruction, any clear idea be presented to the mind by a principle

A principle, therefore, is as it were an abridgement of the corresponding rule —in the compass of a single term, it serves to convey for some particular present use, to a

mind already in possession of the rule, the essence of it · it is to the rule, what the essential oil is to the plant from which it is distilled

So it does but answer this purpose, its uses are great and indisputable

1 It saves words, and thereby time

2 By consisting of nothing more than a single term, and that term a noun-substantive, it presents an object which, by an apt assortment of other words, is upon occasion capable of being made up into another proposition

So, it is true, may a rule—but only in a form comparatively embarrassing and inconvenient This will appear by taking in hand any sentence in which a principle has a place, and instead of the principle employing the corresponding rule.

Upon occasion, into any one sentence principles in any number may be inserted, and the greater the number, the stronger will be the impression of the embarrassment saved by the substitution of the principles to the rules

A principle, as above, is no more than a single term, but that term may as well be composite, a compound of two or more words, as single Of these words one must be a noun-substantive, the other may be either a noun-adjective or a participle, including under the appellation of a noun-adjective, a noun-substantive employed in that character, in the mode which is so happily in use in the English language, and which gives it, in comparison with every language in which this mode is not in use, a most eminently and incontestably useful advantage " [1]

' FUNCTION '

Here, again, is his justification of the particular use of the term *function*, at the beginning of the *Constitutional Code* [2] —

" The term *functions* has been employed for the sake of conciseness, correctness, clearness, and symmetry But for this comprehensive denomination, where arrangements were intended to be the same, assemblages of words, more or less different from one another, would have been apt to have been employed in giving expression to them, and from this diversity in expression, diversity of meaning might, on each occasion, have naturally been inferred.

[1] *Pannomial Fragments*, Chapter II (*Works*, Vol III, p 215)

[2] *Works*, Vol IX, p 3

But by a single word, with a few others, necessary to complete it into a proposition, less space by an indefinite amount will be occupied than would be occupied by any equivalent phrase of which this same word formed no part . . .

If in any one of these instances, the word *function*, with the attribute connected with it, is the proper one, so by the supposition it is in every other so much for correctness

If in any one of these instances, the import meant to be conveyed is clear, so will it be in every other. For, there being no obscurity in it on the first that occurs of those occasions, so neither can there be on any other "

Another characteristic Benthamic Instrument (No 12) relates to the special terminology, " the formation of an uniform and mutually correspondent set of terms ", which he adopted for " the several modifications of which the creation, extinction, and transfer of subjects of possession, whether considered as sources of benefit or as sources of burthen, are susceptible —and thence of a mutually connected and correspondent cluster of offences, consisting of the several possible modes of dealing as above with such subjects of possession, in the case in which they are considered as wrongful, and as such prohibited by statute law, or considered and treated as prohibited by judiciary *alias* judge-made law " These terms are, in the first instance, *Collation* and *Ablation*

" In the case, and at the point of time, at which the subject-matter is for the first time brought into existence, collation has place without ablation if it be already in existence, then collation and ablation have place together, and of their union *translation* is the result in so far as ablation has place without collation, then not translation, but *extinction*, is the result

Performed in favour of the collator himself, collation is *self-collation* —if regarded as wrongful, it is *wrongful* self-collation ; or in one word, *usurpation* is the name by which it has been, and at any time may be, designated.

Performed by the ablator himself, ablation is *abdication* —if by the laws regarded or treated as wrongful—wrongful abdication is accordingly the name by which it may be designated." [1]

[1] *Works*, Vol III, p 294

FALLACIES

To rhetorical Fallacies Bentham devoted a special treatise,[1] and he was able to show, in the words of his Editor, "that they consisted, to a great extent, in an ingenious perversion of the language of praise or blame, to make it comprehend that which did not properly come within the quality expressed and the permanent evil to truth he found to consist in the circumstance, that by habitual use and reiteration, men came to associate the good or bad quality with the thing so spoken of, without examining it". Thus the term 'old', which, as applied to men, implies the probability of superior experience and sedateness, is nevertheless frequently used to characterize periods or states of society which had not the benefit of so long a lesson of experience as later times have had:—

> "It is singular that the persons who are most loud in magnifying the pretended advantage in point of wisdom of ancient over modern times, are the very same who are the most loud in proclaiming the superiority in the same respect of old men above young ones What has governed them in both cases seems to have been the prejudice of names, it is certain that, if there be some reasons why the old should have advantage over the young, there are at least the same reasons for times that are called modern having it over times that are called ancient There are more for decrepitude as applied to persons is real, as applied to times it is imaginary Men, as they acquire experience, lose the faculties that might enable them to turn it to account, it is not so with times the stock of wisdom acquired by ages is a stock transmitted through a vast number of generations, from men in the perfection of their faculties to others also in the perfection of their faculties, the stock of knowledge transmitted from one period of a man's life to another period of the same man's life, is a stock from which, after a certain period, large defalcations are every minute making by the scythe of Time"

Unfortunately, the treatment is not generalized; so a practical study of verbal fallacies as a whole is still a desideratum

[1] *Works*, Vol II, pp 375 ff

DARK SPOTS

To the objection that the sciences present too many difficulties to be included in any system of elementary education, Bentham replies with some force that "the branches of knowledge which, by reason of the unfamiliarity of their names, present this formidable aspect, are in almost every instance less difficult to learn than those dry and speculative *grammatical rules*, with their applications, and the tasks belonging to them, and the obligation that arises out of them of penning discourses in prose and verse in a dead language, those tasks which, because it has been the custom so to do, are, without a thought about the difficulty, universally under the established system put into the hands of children at ages less mature than the earliest of those at which, under this new system, it is proposed to apply to their youthful minds instruction in various forms—selected on account of their simplicity and of the promise they afford of converting the sort of employment which hitherto has been the source of immediate and almost universal pain, into a source of immediate and absolutely universal pleasure".[1]

We must not allow ourselves to be horrified by a few words, "which, because less familiar than those which we are most accustomed to, are called hard names—names without which the several branches of knowledge, which are not only among the most useful but to a greater or less extent even the most generally familiar, could neither be distinguished from each other nor so much as expressed. Let us not conclude, that because without teaching, they are not to any extent generally understood by grown men, therefore, *by* teaching, they are not capable of being made to be understood by children"[2]

The essential point for the educator is that there shall be no 'dark spots', and Bentham's graded technological method was designed so to present matters that, "in the

[1] *Works*, Vol VIII, p 19 [2] *Ibid*, p 24

whole field of the language, there being no *hard words* there shall be no absolutely *dark spots*, nothing that shall have the effect of casting a damp upon the mind, by presenting to it the idea of its ignorance, and thence of its weakness". By means of his panoptic tables, he hoped that from every part of the field of knowledge, "through the medium of these appropriate denominations (the relations of which, as well those to one another, as to the matter of the body or branch of art and science, are determined and brought to view) ideas, more or less *clear*, *correct*, and *complete*", would be "radiated to the surveying eye". By this means there would remain "no absolutely *dark spots*, no words that do not contribute their share towards the production of so desirable an effect as that of substituting the exhilarating perception of mental strength to the humiliating consciousness of ignorance and weakness".[1]

He admitted, of course, that any word belonging to a family of words of which no other member is as yet known "constitutes, in every field over which it hangs, a *dark spot*; a spot to which no eye, among those in which it excites the notion which that word is employed to express, can turn itself without giving entrance to sentiments of humiliation and disgust".[2] Here, however, in addition to the advantages of a panoptic approach, the educator can call to his aid two different sorts of linguistic exercise:—

"1. To render the scholar acquainted with the *structure* of language in general, and that of his *own* language in particular, and thereby to qualify him for speaking and writing on all subjects and occasions, with clearness, correctness and due effect—in his own language.

2 By familiarizing him with the greater part, in number and importance, of those terms belonging to *foreign* languages from which those belonging to his *own* are derived, and in which the origin of their import, and the families of words with which they are connected, are to be found—to divest them of that repulsive and disheartening

[1] *Ibid*, p 101

[2] *Ibid*, p 64

quality of which so impressive an idea is conveyed by the appellation of *hard words* " [1]

Even so, certain technical terms, " words which, whether derived or not from foreign languages, appertain exclusively to particular trades and occupations, will of course continue to operate as so many incidental sources of the sensation of *ignorance*, to a person not correspondently conversant with the languages of those particular trades and occupations respectively, there must, in those several divisions of the language, be of course as many *dark spots* as there are of these peculiar words. But in these instances it will, by the context of the discourse, be sufficiently shown that by a want of acquaintance with the import of these particular words, nothing worse is indicated than a correspondent want of acquaintance with . . . the field of that *particular* trade or occupation ; not any want of acquaintance with any part of the general body of the language The language of *seamanship* will afford an example " [2]

NEOLOGICAL EXPERIMENTS

Bentham himself was a linguistic innovator, but he had little hope that many of his recommendations would find acceptance Specifically if, in English, " *or*, being confined to the disjunctive, *or say* were the diction employed—and that exclusively, where the sense meant to be presented is the *sub-disjunctive*—a blemish, so incompatible with certainty and clearness of conception, might thus be removed But supposing the improvement were ever so desirable, how the introduction of it could be effected seems not very easy to conceive. The inconvenience of departure from habit is an inconvenience which in such a case would be felt by everybody ", whether as speaker or writer, hearer or reader " The uneasiness produced by a violation of the law of custom in matters of discourse is an inconvenience to which

[1] *Ibid*, p 33 [2] *Ibid*, p 101

everybody, without exception, is more or less sensible; want of precision—want of certainty—is an inconvenience to which, though in many cases so much more serious than the other is in any case, few indeed are sensible " [1]

Certain of his happiest creations, such as *international, maximize, minimize, codification*, and so on, have become part of the language The case for another such neologism, equally desirable perhaps but less seductive, is thus stated Hume, says Bentham, was the first to emphasize " how apt men have been, on questions belonging to any part of the field of Ethics, to shift backwards and forwards, and apparently without their perceiving it, from the question, what *has been done*, to the question, what *ought to be done*, and *vice versa* , more especially from the former of these points to the other. Some five-and-forty years ago, on reading that work—from which, however, in proportion to the bulk of it, no great quantity of useful instruction seemed derivable, that observation presented itself to the writer of these pages as one of cardinal importance " Unless such a distinction is clearly made, the whole field of Ethics, must remain " a labyrinth without a clue Such it has been in general, for example, to the writers on International Law , witness Grotius and Puffendorf In their hands, and apparently without their perceiving it, the question is continually either floating between these two parts of the field of Ethics or shifting from one to the other In this state of things, a name, which, such as *Deontology*, turns altogether upon this distinction—suppose any such name to become current, the separation is effectually made, and strong and useful will be the light thus diffused for ever over the whole field " [2]

In the choice of words in general, appositeness is, of course, purely a matter of association Apart from established associations one symbol has as much claim as another , but " with relation to the idea which for the first time it is employed or about to be employed

[1] *Ibid.*, p 85 [2] *Ibid* , p 128

to designate, a term is *apposite* when, in virtue of the family connexions with which it is already provided, it has a tendency, upon the first mention, to dispose the mind to ascribe to it properties, whatsoever they may be, by which that object is distinguished from other objects. It is inapposite when it tends "to dispose the mind to ascribe to it, instead of the properties which are thus peculiar to it, others which it is not possessed of, or at any rate which are not peculiar to it. Thus of appositeness on the part of the appellative, on the part of the mind to which it presents itself, correct at least, if not complete conception is at first sight the natural result: of inappositeness, conception always more or less incomplete, and frequently altogether incorrect and erroneous." [1]

In connexion with Bentham's avoidance of grammatical forms which he considered dangerous, particularly the verb,[2] the following account of his peculiar use of the word *matter* is worth attention He advocated its extension from physics to the whole field of *psychics*, or *psychology*, including *ethics* and *politics* —

> "1 In the higher, or more general quarter of them; viz in the phrases *matter of good*, *matter of evil*
>
> In the department of *law* in general, and of *penal* law in particular—*matter of satisfaction* or *compensation*, *matter of punishment*, *matter of reward*, matter of punishment being neither more nor less than the matter of evil applied to a particular purpose,—matter of reward, the matter of *good* applied to *one* particular purpose,—matter of satisfaction, the matter of good applied to *another* particular purpose
>
> 3 In political economy—matter of wealth and its modification, viz the matter of *subsistance*, and the matter of *opulence* or *abundance*, each of these being neither more nor less than so many modifications of the matter of *wealth*; and in so far as, through the medium of exchange, interconvertibility as between them has place, with no other difference than what corresponds to the difference in the purposes to which that common matter comes to be applied
>
> Correctness, completeness, and consistency of the views taken of these large portions of the field of thought and

[1] *Ibid*., p 290

[2] See above, pp cvii ff

action—conciseness in the sketches made or to be made of them .—such are the desirable effects which this locution presented itself as capable of contributing in large proportion to the production of

By this means, for the first time, were brought to view several analogies, which have been found of great use in practice—a clearer, as well as a more comprehensive view of all these objects having thereby been given, than in the nature of the case could, or can have been given by any other means

The matter of *good*, as to one-half of it—one of the two modifications of which it is composed, viz the negative—being the same as the matter of *evil*, one and the same object, viz pain, having by its presence the effect of evil, by its absence or removal the effect of good the matter of being good being, in its positive modification, composed of pleasures, and their respective causes—in its negative modification or form, of exemptions, *i e* exemptions from pain, and their respective causes

In like manner, the matter of *evil* being as to one-half of it—as to one of the two portions of which it is composed, viz the negative—the same thing as the matter of good, one and the same object, viz pleasure, having by its presence the effect of good, by its *absence*, when considered as the result of loss, the effect of *evil* the matter of evil being, in its positive form, composed of pains, and their respective causes—in its negative form, of losses corresponding to the different species of pleasure capable of being acquired and possessed, or lost, and their respective causes

From this correspondency and interconvertibility, a practical result—in the hands of whosoever is able and willing to turn the observation to advantage—is the prevention of excess and waste in the application of both of these portions

A position which by this means is placed in the clearest and strongest point of view, is—that by whatsoever is done in any shape, in and by the exercise of the powers of government, is so much certain evil done, that good may come

Though the matter of reward, and the matter of satisfaction (viz. for injuries sustained) are in themselves so much of the matter of good, yet it is only by coercion, and that in a quantity proportioned to the extent to which that coercion is applied, that the matter of good thus applied can be extracted

[When,] on the score of and in compensation for injury

sustained, the matter of good is, in the character of matter of satisfaction, extracted from the author of the injury, it operates, *in and by the whole amount of it, in the character* of punishment, on the person from whom it is extracted and whatsoever may be the quantity of punishment inflicted in this shape, in that same proportion is the demand for punishment satisfied , and whatsoever may be the amount of it in this shape, by so much less is the demand, if any, that remains for it in any other.

Operating in any such way as to produce, on the part of the party operated upon, an act or course of conduct adverse in any way upon the whole to the interest of the community in question—*e g* a particular class or district or other division of the political state, the whole of the political state in question, or mankind at large—the matter of good and evil becomes the matter of corruption

It may either be the matter of *good* or the matter of *evil* but it is the matter of good that most frequently presents itself in that character " [1]

In emphasizing the need for a new linguistic method, Bentham refers with admiration to the progress of Chemistry made possible by Lavoisier's improvements in its nomenclature

" Not less extensive than just was the tribute of admiration and applause bestowed upon that illustrious man, and the no less illustrious partner of his bed, for that rich product of their conjoint labours in that branch of art and science —Think of what chemistry was before that time—think of what it has become since !

Think of the plight that a natural history and natural philosophy would have been in, had a law of the public-opinion tribunal been in force, interdicting the addition of any terms belonging to these branches of art and science, to the stock in use at the time of Lord Bacon But the employment of the terms then in use in the field of natural history and natural philosophy, is not more incompatible with the attainment and communication of true and useful knowledge in that field, than the employment of the terms now in use in the field of jurisprudence is with the attainment and communication of the conceptions and opinions necessary to the attainment of the only legitimate and defensible ends of government and legislation." [2]

[1] *Works*, Vol III, pp 287–8

[2] *Nomography*, Chapter VII (*Works*, Vol III, p 273)

But the prospect of reform, however beneficial, is sufficiently remote "What if, in this way and by these means, the import of all words, especially of all words belonging to the field of Ethics, including the field of Politics and therein the field of Political Religion, should one day become fixed? What a source of perplexity, of error, of discord, and even of bloodshed, would be dried up! Towards a consummation thus devoutly to be wished, there does seem to be a natural tendency But, ere this auspicious tendency shall have been perfected into effect, how many centuries, not to say tens of centuries, must have passed away?" [1]

THE SAD CASE OF MR BEARDMORE

Finally, we must not overlook the effect of the enlightenment which might be derived by the public from a new approach to language Is there not a risk of its proving what today would be termed 'mischievous' by the elect? "In the eyes of a class of persons, nor that an inconsiderable one, which always has existed nor will ever cease to exist, Religion, not only in the Church of England form, but in every form, is seen hanging on a thread—a thread which, by the blast of this or that speech or by the flutter of this or that pamphlet, is in continual danger of being cut, while, without the support of their arm, the power of the Almighty is in continual danger of being overborne, his intentions defeated, his promises violated To those to whom the promises of their God afford not any sufficient assurance, it were not to be expected that any firmer assurance should be afforded by any human promises" [2]

But, it may be asked, if in spite of all this intensive ratiocination there are to be yet other wars to end war, and the pious are still to be left more or less in the places in which they are found, what, apart from the diffusion of Truth, can be the advantage of educational reform?

[1] *Works*, Vol VIII, pp 106–7 [2] *Ibid*, p 42

To such a question Bentham has a ready and characteristic answer He was deeply interested in the prognosis of a disease characterized by restlessness in retirement; a disease resulting from insufficient intellectual stimulus in youth, maturity, and middle age, a disease for which modern methods of nomenclature would seem to indicate the appellative, *Beardmore's Blues*

> "For this sort of uneasy sensation, to which everywhere the human mind is exposed, the English language (in general, so much more copious than the French) affords no single-worded appellative The word *ennui* expresses the species of uneasiness, *désoeuvrement*, another word for which the English language furnishes no equivalent, expresses the cause of the uneasiness Ennui is the state of uneasiness, felt by him whose mind unoccupied, but without reproach, is on the look out for pleasure—pleasure in some one or more of all shapes—and beholds at the time no source which promises to afford it désoeuvrement is the state in which the mind, seeing before it nothing to be done, nothing in the shape of business or amusement which promises either security against pain or possession of pleasure, is left a prey to the sort of uneasiness just designated " [1]

To this pain of ennui, which afflicts the man of industry only towards the end of his career, " the man of hereditary opulence stands exposed throughout the whole course of it. It is the endemical disease that hovers over the couch of him whose mind, though encompassed with the elements of felicity in the richest profusion, allows them, by neglecting them, to play a comparatively passive part. From uneasiness of this sort, the mind of him who has cultivated no more than a single branch of art or science, possesses a rarely insufficient policy of insurance " And in order to recommend his remedy—the cultivation of the intellectual garden in general, and of the linguistic and fictional in particular—Bentham treats us to the sad story of one of the victims of its neglect,[2] as revealed in the *Gentleman's Magazine* for February 1814 :—

[1] *Ibid*, p 8

[2] *Ibid*, pp 8–9 In the first edition of the *Chrestomathia* the obituary is taken from another source

"Died, Feb 13, of a gradual decline, after having passed his grand climacteric with less visitation from indisposition of mind or body than happens to mankind in general, at his house in Owen's Row, Islington , calm from philosophical considerations, and resigned upon truly Christian principles , beloved, esteemed, and regretted by all who knew his worth, John Beardmore, Esq , formerly of the great porter-brewing firm of Calvert and Co , in Redcross Street, London. A stronger evidence of the fallaciousness of human joys, and of the advantages resulting from honest employment, can scarcely be pointed out than the life, the illness, and the death of this good man exhibited Mr Beardmore was born in dependent circumstances, and of humble parentage, in the country His constitution, naturally sound, was hardened by exercise , his frame of body, naturally athletic, was braced by temperance , his mind, naturally capacious, owed little to regular education The theatre of life was his school and university, and in it he passed through all his degrees with increasing honours For many years after his residence in London, Mr Beardmore acted as a clerk in the brewery in which he finally became a distinguished partner. When it was deemed proper to transfer the concern from Redcross Street, and to consolidate it with that in Campion Lane, Upper Thames Street, Mr Beardmore withdrew himself entirely from business, and retired to one of the houses which his brother William had left him at Islington, by will at his decease, some years before From inclination active, and from habit indefatigably industrious, he had hitherto commanded such an exuberant flow of good spirits as made him the object of general remark among friends, whom his kindness and vivacity delighted Early rising contributed much to the support of this happy and equable temperament He preserved a memory richly stored with pleasant anecdotes, sprightly remarks, and useful information on a great variety of topics, derived not from books, but from living studies He had acquired also a lively, popular facility of singing easy songs, to which a tuneful voice gave tolerable execution For dull sedentary investigations of abstract science , for . . . classical learning, or moral and theological knowledge, the gay, the heartsome John Beardmore, felt no wish, and avowed no relish He was, as he often proudly declared, a 'true-born Englishman ' Humane by natural feelings, and charitable by a sense of religious duty, he passed through a life of honourable toil with a light heart . . . From the fatal hour in which he quitted business, however, he grew insensibly

more and more the victim of listlessness and ennui With high animal spirits, with a mind still active, and a body still robust; with confirmed health, independent property, an amiable wife, a plentiful table, and a social neighbourhood, Mr Beardmore was no longer 'at home' in his own house The mainspring of action was now stopped In all his pleasures, in all his engagements, for the day, for the week, or for the month, he was conscious of a vacuum, that, alas! his want of intellectual resources rendered him utterly unable to supply, he experienced now, perhaps for the first time, that intolerable *taedium vitae*, which, like hope deferred, 'maketh the heart sick'. The result is soon told Long did he bear up against the clouds that obscured his little horizon of domestic repose, at times, indeed, transient flashes of cheerfulness still gleamed athwart the gathering gloom; but the intervals between these bright seasons grew longer, and even their short duration lessened Want of customary application brought on relaxation of activity; want of exercise brought on langour of body and depression of spirits; a train of evils ensued, comprising loss of appetite, nervous affections, debility mental and corporeal, despondency, sleeplessness, decay of nature, difficulty of respiration, weariness, pain and death."

CONCLUSION

MUCH of Bentham's best work on language was done in the year of Waterloo, all of it during the Napoleonic wars and the distressful years which followed. " In the storm of that eventful period ", wrote his Editor, the year Queen Victoria ascended her stable throne, " the small still voice of one weighing the meaning of words used was not heeded ".[1] Even less was it heeded when the storm had died down, however much the reformers may have profited by its practical suggestions Yet as Bentham put it —

> " In a play or a novel, an improper word is but a word: and the impropriety, whether noticed or not, is attended with no consequences In a body of laws—especially of laws given as constitutional and fundamental ones—an improper word would be a national calamity and civil war may be the consequence of it Out of one foolish word may start a thousand daggers "

What, finally, are we, looking back on the controversies of a century, to think of this Theory of Fictions? From the material here selected it is clear that he applied it consistently throughout his life and in all his writings, that it arose from a series of personal adventures in the world of verbal illusion which began with the Word-magic of childhood and continued till the lonely clarity of his dotage found him writing for posterity alone, and that both the formulation and the application were original to him and have been misunderstood by the posterity for whom he wrote no less than by his contemporaries

Today a Philosophy of As-if dominates scientific thought —without the sound linguistic basis which Bentham gave it, and an ingenious Logic of ' incomplete symbols ' has partly obscured the linguistic issues which he approached at the level of everyday practice It is possible, as we have seen, to give a formal translation of part of his

[1] Introduction to Bentham's *Works*, Vol I, p 43

doctrine in terms which a modern logician can recognize, if not as satisfactory, at least as intelligible. But it is doubtful what has been achieved thereby; for the 'Logic' of which the theory of 'incomplete symbols' forms part is built on a verbal foundation as insecure as that of the lawyers whose 'rights', the psychologists whose 'faculties', the physicists whose 'qualities' Bentham was at such pains to dethrone.

It was because it dissolved so much logical and metaphysical theory into Grammar on the one hand and Psycho-physiology on the other that the Theory of Fictions seemed to Bentham a powerful Instrument. But the dissolution and the disillusion in other fields than those which he so intensively cultivated have scarcely begun.

If the Theory of Linguistic Fictions is to take the place of Philosophy, as he undoubtedly intended that it should, it must be developed as the nucleus of a complete theory of symbolism in every branch of human thought; from the first mnemic reaction, through all forms of perception, interpretation, and eidetic projection, to the final achievements of grammatical accessories, abbreviations, and condensations, in notations as yet unborn. No wonder Bentham found the days too short and the nights too precious for sleep:—" O that I could decompose myself like a polypus. Could I make half a dozen selfs, I have work for all ".

NOTE

ON BENTHAM'S METHOD OF COMPOSITION

THE circumstances in which Bentham's MSS. were prepared require a few words of explanation

His first printed contribution appeared when he was aged twenty-three, in the form of a letter to the *Gazetteer* "Some will say it was better than anything I write now", he said in later years "I had not then invented any part of my new lingo" In those days, he adds, "composition was inconceivably difficult I often commenced a sentence which I could not complete I began to write fragments on blotting paper, and left them to be filled thereafter in happier vein By hard labour, I subjugated difficulties, and my example will show what hard labour will accomplish I should be glad to see my earliest placed side by side with the latest compositions of my life I used to put scraps into drawers, so that I could tumble them over and over, to marginalize and make notes on cards, which I could shuffle about but, at last, I took to arranging my thoughts I had been in the habit of shifting my papers from shelf to shelf, and well remember, when at Bowood, where I stayed two or three months at a time, that Lord Shelburne took Minister Pitt to see the strange way in which I worked, and arranged the many details of a complicated subject" [1]

By his 'new lingo' Bentham meant the style which he adopted after the age of sixty, for the exposition of subjects in which clarity was more important than literary convention Most of what he produced before the year 1808 and intended for publication is written in the best traditions of eighteenth century prose Much of it is obviously the work of a stylist who has few equals in the history of English literature

In 1810, he had been publishing for nearly forty years, his eyesight was beginning to give trouble, and though he was to continue his labours unremittingly for more than two decades he felt that Time was against him There were certain major tasks, requiring concentration and experience, that only he—with the achievement of two lifetimes already behind him—was likely to face The first was to develop the principles of Codification so that posterity might be able to make practical use of them, the second was to give the Theory of Fictions a solid foundation in linguistic psychology.

[1] *Works*, Vol X, p 68 In the writer's *Jeremy Bentham, 1832–2032* (Appendices I and XII), the material in question is reproduced

"It was his opinion", says Burton, "that he would be occupied more profitably for mankind in keeping his mind constantly employed in that occupation to which it was supereminently fitted, and in which it seemed to find its chief enjoyment—ratiocination He thought that while he lived in the possession of this faculty, he should give as much of the results of it to the world, as he could accomplish by a life of constant labour, temperance, and regularity, and he left it to others to shape and adapt to use the fabric of thought which thus came out continuously from the manufactory of his brain Laying his subject before him for the day, he thought on, and set down his thoughts in page after page of MS To the sheets so filled he gave titles, marginal rubrics, and other facilities for reference, and then he set them aside in his repositories, never touching or seeing them again"

Moreover, throughout his life, unless he was writing deliberately with a view to publication, he adopted the unusual practice of starting afresh whenever he resumed the consideration of any subject from a different angle, or any new subdivision of a dichotomous table, so that instead of removing an ambiguity or polishing a loose sentence he traverses the same ground, often in some detail, with whatever additions are suggested by the new approach The whole mass of papers, with all their repetitions, was then handed to some editorial collaborator to be prepared for the press In this way Dumont was able to make a readable synthesis of *The Theory of Legislation* (much of which, partly in order to prevent his thoughts from running in customary verbal grooves, Bentham had jotted down in French), and J S Mill a systematic treatise out of *The Rationale of Judicial Evidence* But the material on Linguistic Psychology occupied a peculiar position, and its importance was not obvious to his younger collaborators Not only was the subject matter somewhat difficult and outside the range of ordinary inquiry, but the entire technological approach was a century ahead of its time His nephew George Bentham made a very creditable attempt to cope with such parts of the notes on Logic (twelve years after they were written) as could be related to contemporary doctrine, with elaborations of his own which evoked generous praise from the old man (Bentham was then in his eightieth year) He dealt briefly with the classificatory notes on Fictions (see Appendix B), but it was not till Bentham had been dead for more than a decade that the MSS were printed by Bowring as he found them—though in such a form that their neglect by all subsequent writers is not altogether surprising

In particular, Bentham's method of punctuation leaves much to be desired Sometimes, especially in his first drafts, he seems to have punctuated as he breathed, but if so, his breathing was highly irregular, and in any case the eighteenth century had a method of signalling by commas which is today no longer in vogue Colons, semi-colons, and parentheses are interspersed with disturbing and unsystematic profusion Such regularization

as has been attempted in these pages (with the occasional insertion of a bracket, or the omission of a dash) will it is hoped render their perusal less irksome to the modern eye

A few general reference headings have been inserted to assist the reader in identifying the main divisions—the sources of which are in every case given in footnotes to the headings themselves

Otherwise, any minor editorial additions have been enclosed in square brackets, and all omissions are indicated . as they occur

The printed text itself was transcribed by those responsible for the official edition of Bentham's posthumous writings in a manner far from satisfactory if judged by modern standards Fortunately the sense of the original has seldom been distorted Where, for example, Bentham writes that fictitious qualities (of the second order) are " mere chimeras, mere creatures of the imagination—mere nonentities ", the third ' mere ' is arbitrarily omitted [1] Where Bentham says, " Under yon tree, in that hollow in the ground, lies an apple ", we find the text misprinted ' on the ground ' But thirteen lines lower, where the MS reads " In this way it is, that we learn the import of this same word *in* with reference to our two minds —in a word, with reference to *mind* in general By no other means could we have learned it "—the printed text [2] appears as follows

> " In this way it is, that we learn the import of this same word *in* with reference to our two minds In a word, with reference to *mind* in general, by no other means could we have learned it "

Here the careless alterations are at least confusing, and wherever doubt seemed justified, the original has been consulted

[1] *Works*, Vol VIII, p 211 [2] *Ibid*, p 329