

## A reading of Bentham's "Historical Preface to A *Fragment on Government* – Intended for the second edition."

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**Publisher**  
Centre Bentham

**Electronic version**

URL: <http://etudes-benthamiennes.revues.org/748>  
ISSN: 1760-7507

**Electronic reference**

Arnon Ben-David, « A reading of Bentham's "Historical Preface to *A Fragment on Government* – Intended for the second edition." », *Revue d'études benthamiennes* [Online], 13 | 2014, Online since 01 September 2014, connection on 10 March 2017. URL : <http://etudes-benthamiennes.revues.org/748>

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This text was automatically generated on 10 March 2017.

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# A reading of Bentham's "Historical Preface to *A Fragment on Government* – Intended for the second edition."

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- 1 The present note is part of a commentary on the first six chapters of the *Historical Preface* – the preface intended by Bentham for the second edition of *A Fragment on Government*<sup>1</sup> As Sir John Bowring, the executor of Jeremy Bentham's work, testifies, « This preface was first printed in 1828, during Mr. Bentham's lifetime. » (footnote, p. 240, Vol. I of the 1843 edition of *The Works of Jeremy Bentham*). On this, as on other occasions, Bentham employs the literary convention of the preface to demonstrate how political authority is produced, not by one's place in the political hierarchy, but by the circumstances of speech and the semantic and literary forms that define them.

## Authority, Author and Reader – The Lord Mansfield Story

- 2 In the *Historical Preface*, Bentham uses a series of indirect dealings with Lord Mansfield to weave an allegory in which he, Bentham – an author seeking approval in high places – insinuates himself semantically and rhetorically into the life of the Lord Chief-Justice Mansfield, to the effect of reversing the sense of authority associated with Lord Mansfield's position and reputation. Bentham also puts together one Frankenstein-like authoritative figure combined of bits and pieces of the members of the "higher regions" (including Mansfield) to whom the authorship of the *Fragment* was attributed at the time of its publication. The presence of these 'namesakes' of Bentham makes sure that under no circumstances would one unified author be held responsible for the text, and it diffuses the figure of authority, thus allowing for its transformation. But, still, the complexity of Bentham's association with matters concerning Lord Mansfield, presents us

with a tale of political and legislative authority turned on its head, by the semantic insurgent Bentham.

- 3 To explain his acquaintance with Lord Mansfield, Bentham describes the trip he made to Paris in the company of the painter David Martin, who was going there to find someone to produce an engraving of a portrait of Lord Mansfield he, Martin had previously painted. For some odd reason Bentham describes this endeavour in great detail, down to his own part in drafting the articles of the agreement Martin entered into with one Littret de Montigny, an engraver:

They entered into an agreement; I drew up the articles of it. ....My performance went through the hands of several Frenchmen, artists as well as others; one alteration alone being made in it; the substitution of the word art to the word metier, which, with unconsciously offensive impropriety, I had employed. The artist was imported; but perseverance failed: the task of finishing fell back into the hand of the painter, as above.<sup>2</sup>

- 4 Bentham shares all of this with us immediately after briefly describing Lord Mansfield's response to the *Fragment* as conveyed to him by one Mr. Way, who served in office under Mansfield. And he brings the Paris adventure as another reason he had for "expecting favourable notice on the part of Lord Mansfield". The reason for doing so is perhaps Bentham's need to bring to the fore his role in procuring the transformation of Lord Mansfield's painted portrait into an engraving. Bentham thereby interjects his own person into the occasion of the execution of Lord Mansfield's portrait in print – an occasion significant for the manner in which the Lord would be remembered ("Two engravings there are, and I believe no more than two considerable ones, of Lord Mansfield").<sup>3</sup>

- 5 Bentham prepares the reader for any possible response of Lord Mansfield to the *Fragment* by making sure we are witnesses to his, Bentham's, role in drawing the articles of the agreement that was meant to affect or even secure the Lord's place in history via the distribution of his portrait. Bentham thus has the upper hand, (a hand presented with great humour) with the honourable Mansfield, before the first act has even begun to unfold. And this goes on:

Martin was familiar at Ken Wood. To the noble and learned patron, the Parisian expedition could not be an uninteresting one: particulars were called for and given: - the document was produced. He read it and took particular notice of it: it received his unqualified approbation. The draught was, in the whole complexion of it, one of the ordinary track of business. He enquired who the draughtsman was, and was informed."<sup>4</sup>

- 6 The drafting of the contract, by Bentham, while in Paris, takes on an almost 'constitutional' importance, as if he had drafted the articles of an agreement between sovereign nations. This presents Bentham as a statesman of sorts. It also strengthens his standing as Author – making the point that his reputation as author, beginning here with Lord Mansfield, had been secured. In other words, Bentham uses the Paris contract story to establish the fact that Mansfield generally approved of him as Lawyer (the one drafting the contract) and as Author (author of a legal document). Bentham continues by sharing his early encounters with his "idol" about ten years before the publication of the *Fragment* :

Days and weeks together have I made my morning pilgrimage to the chief seat of the living idol, with a devotion no less ardent and longing, and somewhat less irrational, than if it had been a dead one. Summons to the interior would have been admission into Paradise. No such beatification was I predestinated to receive. The

notice taken of my Fragment had kindled my hopes, the notice taken of my draught had revived them; they were revived a second time, and with no better result.”<sup>5</sup>

- 7 Bentham's narrative of his anticipation of a response from Lord Mansfield strikes a tragic cord. He hangs on to an indirect account of Lord Mansfield's response to having the *Fragment* read to him by a Mr. Way, who was employed by the Lord:

Some of the remarks that dropt from his Lord were also mentioned. While this or that passage was reading - “Now,” cried his Lordship, “he seems to be slumbering;” while this or that other - “Now he is awaken again.” Which were the sleepy parts, which the animated and animating ones, was at that time a mystery to me: to me, it was at length cleared up: whether it be so to the reader, he will presently have to determine. This was not the only ground I had for expecting a favourable notice on the part of Lord Mansfield.<sup>6</sup>

- 8 And this is when the story of the trip to Paris, and of the contract drafted by Bentham, unfolds. Bentham's genius manifests itself in the account he provides of the manner in which he inserted his person and work into the world of his idol – half of this interjective effort relying, not on direct physical presence of either person or text or on existing political authority, for that matter, but on the contender's manner of placing himself and his work within the logico-semantic constructs that define both private and public discourse, on the manner in which Bentham interprets Lord Mansfield's relation to Bentham's work after the fact, and on a psychological-symbolical level that depends much on the eye of the beholder. The meaning of the young Bentham's encounter with Lord Mansfield, is being extracted (or produced) here by the mature Bentham regardless of what the events described have meant initially – the older Bentham makes these events serve his more mature purpose, and with great finesse.

## Parthood relations and the reality of the text

- 9 The distinction between preface and main text has more than an instrumental or trivial role in Bentham's work. Nowhere is this role more pronounced than in the two prefaces Bentham had written for *A Fragment on Government*. Bentham's fascination with the employment of secondary, seemingly less substantive, literary forms or parts of text, such as preface, fragment, comment and introduction, becomes clear upon reading any of the prefaces he had authored. The *Historical Preface* was meant as a survey of the responses to the first edition of the *Fragment*. The *Fragment* itself (as can be gleaned from the *Preface to the First Edition*) addresses Blackstone's Introduction, rather than the main text of the *Commentaries*, and focuses on Blackstone's style and mode of enquiry. Throughout the texts authored by Bentham around that time, most of the serious philosophical work was done by means of such 'secondary' or 'adjectival' (less substantive) terms and literary forms, forms that could be described as 'splinter' forms – the parts of text not meant to become the main event.<sup>7</sup>
- 10 Bentham's use of the literary convention of the Preface allows him to address the manner, style and method of Blackstone's work, thus exposing the semantic shadow-world in which the dispositional and modal terms, used to describe our relation to the abstracted conceptions, lurk. The manner in which Bentham uses the *Preface to the First Edition* to survey the style of Blackstone's Introduction (another contributive, rather than primary form) is one with his comments about fictitious entities and linguistic fictions elsewhere. Such entities respond more favourably to analogy, – the analogical form sometimes resulting (as in the *Historical Preface*) in the appearance of discontinuity, as the

elements of the enquiry are presented 'side by side' rather than as a linear argument. The splinter system Bentham is so fond of – the method of making the splinter (the less-substantive) parts of the text, such as preface, introduction, comment or fragment, carry the main part of the enquiry, goes hand in hand with the emphasis on the employment of adjectival terms throughout the text – the terms of 'how' rather than 'what' (the modal and dispositional terms used by Bentham to survey and classify motives and offences) – and with the criticism directed at Blackstone's style and mode of writing, rather than at the more pronounced 'content' of his work.

- 11 When we experience, as readers, a text that produces meaning not merely as *content*, but by means of its *form* (by means of exemplification), we are bound to ask ourselves at one point 'how real the text is'. This question becomes pertinent, since the act of reading has been transformed from being instrumental to being constructive in the sense of 'world-making'. Because the text itself, its body, its form, become part of what is meaningful, we encounter the text as 'realm' – as a real entity – and must consider the state of the text itself. And this is the moment all such constructive texts, from the philosophical to the prophetic, must face. This would also explain why an editor, rejecting a text submitted by Kenneth Burke in 1930, justified the rejection by saying that the text was 'unreal'. In Burke's own words: "The author ... promptly withered away when the editor wrote that he was turning it down because it seemed "unreal" to him." Which presented the author, Burke, with the opportunity to address the issue of the reality of the text, in a Preface he added to the text a year later (again, a mischievous and most profound use of the Preface form).<sup>8</sup> The rejection becomes an occasion for further construction:

But now, ironically, I think of offering the piece for publication precisely because the editor was right. The thing is "unreal". But its very "unreality" is what might recommend it now to a reader's attention as a kind of "document" that "reconstructed" some of the moody tentatives (erroneous trials) let loose during those days.<sup>9</sup>

- 12 What Kenneth Burke and Bentham's texts have in common is that they exemplify the questions they address instead of merely 'talking about' them. In the *Historical Preface* Bentham traces both the private (his own) and the public procedures that lead to the overthrow of the existing regime and to a definition of the theory guiding the new regime; it is a slow but steady process of extracting from the real events and facts (and one's extant works) a series of "general conceptions". The adjective 'historical' would, then, represent, not only the temporal succession of facts and events, but the *re-arrangement* of such facts and events – a re-arranging that becomes possible only within a Historical Preface, for, "by being put together in a certain order, the facts might be made productive of an incomparably more useful effect". While Bentham attributes to the 're-arranging of the facts' the advantage of being able to deduce general principles from particular experiences, the reader can understand this re-arranging of the historical facts as enabling the transformation of the text into an allegory – and, as such, a work of literary fiction. It is, of course, the second sense of 're-arrangement' that holds the key to the *Historical Preface* as a whole, as it allows Bentham to muster enough political authority (via the allegorical construct) to overthrow the existing regime.

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## NOTES

1. Bentham, Jeremy, "Preface intended for the second edition of the *Fragment on Government*", *A Comment on the Commentaries and A Fragment on Government*, J. H. Burns and H. L. A. Hart eds, London, Athlone Press, 1970, pp.502-551.
2. "Historical preface", p.518.
3. "Historical preface", p.518-19.
4. "Historical preface", p.519.
5. "Historical Preface", p. 519.
6. "Historical Preface", p.517.
7. The same parthood relations can be studied within Mereology (the formal theory of parthood relations). But since contemporary Mereology has become the domain of ontologists and metaphysicians, the purpose it might serve here would be limited, as the mathematization of the study of parthood relations tends to put an unnecessary emphasis on the quantitative aspect of the relations studied (our interest here being in the *meaning* of the terms and objects studied – on this occasion the text itself - not in the conditions of their existence).
8. Burke, Kenneth, *Auscultation, Creation and Revision – The Rout of the Esthetes – Literature, Marxism, and Beyond* [1930,] in *Extensions of the Burkeian System*, Tuscaloosa, AL: The University of Alabama Press, 1993, pp. 47-172.
9. Burke, *Auscultation*, p. 45.