The distinction between the \textit{expository} and the \textit{censorial} modes of enquiry in Bentham

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Introduction

1 When defining the principle of utility by means of the distinction between two modes of discourse – the expository and the censorial – Bentham, perhaps unwittingly, introduces us to a proportionate formulation similar to Plato’s use of proportionate analogy and Aristotle’s syllogistic – a formula defined by the term in question (the object of enquiry) being mentioned twice, once for ‘what it is’ and a second time for ‘what it ought to be’.

2 This formulation of the principle of utility by the relation between an expository and a censorial mode of enquiry seems to affect not only the definition of the object to which we have applied the distinction (when we apply the formula as principle – here as the principle of utility) but also the philosophical method employed (the mode of enquiry) and the person of the one conducting the enquiry. This may seem difficult to grasp at first, but it becomes easier when we look at the manner in which Plato employs the same terms to define the city-state and the individual soul. Plato defines both the city-state and the individual soul analogically and simultaneously, and it is the proportionate formula that makes this possible. In the modern-day version, as employed in Bentham on the occasion of defining the principle of utility, the effect on method can be seen or witnessed in the immediacy of the transition from one mode of enquiry (the expository) to the next (the censorial) - a definition of the principle by means of a transformation of the method itself (change of mode = change of method). It would still be difficult to understand the extent to which the application of the proportionate formula as principle transforms the one applying it. But once we learn to see the expository and the censorial modes of enquiry for what they are – two modes of discourse defined by dispositional and modal
terms, the psychological aspect of the occasion of the application of the proportionate formula becomes clear, and with it the manner in which the process of arriving at judgments and actions in respect of utility transforms us. In other words, the necessary transition from the expository to the censorial mode of enquiry (a transition that occurs once we apply the principle of utility to an object) also changes the properties that define our person (attitude, disposition, intention, manner, belief). One could also argue that when we apply the formula/principle to our judgments (when we evaluate our judgments in respect of utility) our own psyche (defined by the way we do things and by the question whether we are doing the right thing) becomes the object transformed by the application of the principle.

3 The use of the proportionate formula, defined by the relation between the expository and the censorial modes of discourse, turns out to be, in this generalized form (no longer merely a distinction between two modes of legislation), a way of defining utility and applying it as principle by means of one’s relation to their own perfected state or Form. What is, in Plato, the relation of the object of enquiry to the perfected Form in which it participates, is presented in Bentham as the relation of the object to the fictitious entity representing its perfected state – what it ought to be. It is in this manner, that, once we make the expository/censorial distinction in respect of utility, we necessarily establish the object of enquiry’s relation to its own fictitious entity, and also one’s own relation to ‘what they ought to be’ or ‘how they ought to be’. The relation of a particular action or judgment to their perfected state easily becomes the relation of our own person to that same perfected state, when the object to which we apply the formula/principle is in itself an abstracted conception (or related to one). In other words, when we consult the principle of utility about a certain action or judgment being just or not, we help define the relation of that action or judgment to their perfected state (their abstracted conception - what they ought to be) and we also establish our own relation to the abstracted conception of Justice, since judgement is so constructed semantically and logically as to affect our person. Once the actions and judgments to which we apply the proportionate formula concern Justice, obligation, wisdom and method (and a variety of other abstracted conceptions), the act of applying the formula as principle to these actions and judgments positions us, as the ones conducting the enquiry in a relation to these abstracted conceptions. And this relation, produced by the application of the proportionate formula to an object, is not a trivial one, but a binding relation – a real one.

4 Whether the application of the proportionate formula as principle represents the transformational nature of everything (as Plato believed), or whether it is the conscious act of applying the principle that causes the transformation, remains to be seen, but it is clear that once the principle of utility has been conceived and applied as ‘principles of utility two’ the relation to fictitious entities becomes the engine defining all matters utilitarian. The distinction between the expository and the censorial modes of enquiry has methodological significance, but in utilitarian discussions the distinction is usually mentioned in the context in which Bentham first mentions it – legislation. The distinction is often formulated or represented as the distinction between ‘what the law is’ and ‘what the law ought to be’. In A Comment on the Commentators Philip Schofield quotes Hume on the subject of the “fallacy of deriving an ‘ought’ from an ‘is’”:

In every system of morality, which I have hitherto met with, I have always remark’d, that the author proceeds for some time in the ordinary way of reasoning ...when of a sudden I am surpriz’d to find, that instead of the usual copulations of propositions, is, and is not, I meet with no proposition that is not connected with
last consequence. For as this ought, or ought not, expresses some new relation of
affirmation, 'tis necessary that it shou'd be observ'd and explain'd.

And Schofield adds: “The problem identified by Hume was not, as is usually assumed, the
move from the “is” to the “ought” as such, but the lack of any explanation as to how it
was done.” The comment is made as part of Schofield’s response to commentators on his
_Utility and Democracy_, and in particular the question of whether Bentham should be
considered a substantive or methodological positivist (the question whether the law as it
is should be separated from the law as it ought to be).

Riccardo Guastini discusses the expository/censorial distinction in an effort to better
understand what neutrality, as _Wertfreiheit_, might mean in the legal domain, and he says
that, “both Bentham and Austin, as well as Kelsen, aimed at distinguishing the value-free
knowledge of the law from (a) the moral or political criticism and/or approval (or
justification) of the existing law as well as (b) legal policy.” In Guastini the distinction is
formulated in terms of the relation between a ‘thing in itself’ (existing law) and ‘relation
to a thing’ (justification of existing law). We will see that, when Bentham applies the
‘expository/censorial’ distinction directly to the principle of utility, the distinction no
longer affects only the law and our relation to it, but affects, in a more general sense, the
way we think and evaluate legislative and moral principles.

My interest in the subject of the ‘expository/censorial’ distinction had from the start a
slightly different emphasis: as I was reading Bentham I couldn’t help but notice that some
of the major distinctions of Law (distinctions concerning legislation) made by Bentham,
such as the distinction between the expository and the censorial roles of the legislator,
and the distinction between substantive and adjectival law, appeared to be only thinly
disguised methodological distinctions (often based on grammatical distinctions, and
having potentially a more generalized appeal or application). I learned to see these
distinctions as part of a theory of meaning, a semantic theory, at times a rhetoric.
Bentham is of course the main culprit for my newly found emphasis: he presents the
distinction between the expository and the censorial roles of the legislator as a
distinction between two modes of discourse, affecting both the manner of the person’s
speech and their character (both a discursive and a psychological enterprise). And, as it
turned out, approaching Bentham’s work in this manner was fruitful as it revealed the
full extent of the structure of the theory (comprehensively mapping out the method), and
made it possible to fill the explanatory gap (as pointed out by Hume in the above quote).
It also produced more detailed guidance for the application of the principle of utility.

1. Utility as a divided principle

We are familiar with the historical processes that helped form Bentham’s conception of
the principle of utility, but we are less familiar, I believe, with the semantic and logical
structure of the principle, as envisioned by Bentham (by ‘semantic’ I simply mean, that,
which pertains to meaning). And our ability to make sense of the few and far apart
mentions of the definition of the principle of utility by Bentham has much to do with our
own method and approach to philosophical questions. To put it somewhat crudely:
Bentham’s philosophy is primarily a theory of signification – a logico-semantic theory (a
theory of meaning), and as such, its principles and distinctions are founded on
grammatical-predicational constructs (one may also call it ‘a rhetoric’). And it is the
semantic nature of the theory that makes the moments of its application so difficult to

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2. Utility as a divided principle
understand and justify, especially when the agent – the acting political philosopher – comes from a metaphysical tradition which relies on the substantive value of its principles and objects, and tends to regard grammatical-predicational terms and constructs as merely instrumental. It is only once we have acknowledged (as I believe Bentham did) that the terms and distinctions making abstracted conceptions available to us are not the typically substantive terms of definition by genus and differentia, that we can define the principle of utility properly and possibly apply it (the application of the principle of utility amounts to applying ‘relation to a fictitious entity’ – the object’s relation to its own perfected state – to the object of enquiry). And there is another problem here: In Bentham’s work there is little separation between the definition of the principle in itself and the occasions of its application. Bentham, as Sidgwick would attest, seems to make the transition from the non-prescriptive to the prescriptive mode of the enquiry without much contemplation. When we look closely at the various descriptions of the principle of utility in Bentham’s work, it would appear that utility and the principle of utility are embedded naturally in all that we do and say (in human action and in language); the transition from defining utility and the principle of utility to actually applying the principle is not only a transition from a non-prescriptive mode of enquiry to a prescriptive one, but it is also a transition from the observation of a naturally occurring phenomenon to its willful application as principle – an artifice (a man-made contraption) at that. And since this transition – the transition from ‘what is’ to ‘what ought to be’ (from utility as a natural phenomenon to utility applied as principle) is used by Bentham to define the principle of utility itself (“principles of utility two, or if but one, it is understood in two senses – viz. the censorial and the expositive...”), the study of the principle and the possibility of its application become a complex undertaking. It would seem that since the principle in itself is constructed as a transition from ‘what is’ to ‘what ought to be’, even the mere analysis of the principle – before ever applying it – would necessarily include the question of its application, insofar as the transition (within the principle itself) towards the censorial state (‘what ought to be’) already implies the artifice of application.

A. “Principles of Utility Two”

In *A Table of the Springs of Action: Marginals*, Bentham writes, under the subtitle, Principle of Utility, the only Source of Solution:

48. Principle of general utility the only trustworthy guide, but everywhere opposed.
49. Principles of utility two, or if but one, it is understood in two senses – viz. the censorial and the expositive or exhibitive. (Censorial, what. Expository, what.)
Meantime, the principle of utility has been pronounced dangerous: as good, say security, is dangerous or danger safe.

Studies of the principle of utility in Bentham often focus on the combination between the idea of utility and the greatest happiness principle. Bentham himself surveys the history of that combination in the *Article on Utilitarianism*. On this approach, the history of earlier versions of the principle of utility and Bentham’s own account of the history of the construction of the principle coincide, and so do the historical and the methodological aspects of this construction.

The expression “principles of utility two”, suggests a definition of the principle by means of a purely structural division into two modes of discourse. Exploring this division will allow us to understand the principle of utility as a rhetorical and logical construct – from
a methodological point of view. And since this definition of the principle constitutes a repetition of the same object as perceived (or conceived) within two different modes of discourse – the expository and the censorial – we learn that the principle so defined can be perceived of as a private case of the principle of the association of ideas – two mentions of the same object but within different modes of enquiry (as two different ideas). On most occasions, especially when the object of enquiry is an abstracted conception, the application of the principle to the object becomes an act of conception (construction of the object in question) as much as perception and evaluation.

The above quote, is taken from *A Table of the Springs of Action*, but was not published in 1815 or 1817; it was introduced in 1983 by Amnon Goldworth in a fully researched version of the *Table*, with the addition of the text of the *Marginals*, which survived among the Bentham MSS at University College London. It is in the *Marginals*, that we see Bentham applying the distinction between the expository and censorial mode to the definition of the principle of utility, thus presenting us with a new definition, perhaps a purely methodological definition, of the principle of utility – one pertaining to its manner of rhetorical and logical construction rather than to the history of the ideas of utility, felicity, and the greatest happiness (and the combination of these ideas by Bentham).

By defining the principle of utility as the relation between two modes of enquiry – the expository and the censorial – Bentham makes it possible for us to compare the definition of the principle with the use of proportionate analogy in Plato, and to the structure of the Aristotelian syllogistic, both formulated on the relation between ‘what is’ and ‘what ought to be’. In Plato, the object of enquiry, such as the body of the gymnast, would be referred to, first, in terms of ‘what it is’ and then in terms of ‘what it ought to be’ (its relation to a perfected Form). The speaker would then present the conclusion as the relation between the expository and the censorial statements (a third comparison, if you will), defining the object in question in terms of its participation in a perfected Form by the same name (for space constrictions the full comparison of the principle of utility to Plato’s use of proportionate analogy will not be presented here). But before we explore the methodological and practical implications of the statement Bentham makes in #49 above we must first look at the way Bentham employs the expository/censorial distinction on other occasions, prior to him applying it to the principle of utility directly.

**B. The two characters of the person who finds anything to say on the subject of law**

There are two characters, one or other of which every man who finds any thing to say on the subject of Law, may be said to take upon him; that of the Expositor, and that of the Censor. To the province of the Expositor it belongs to explain to us what, as he supposes, the Law is: to that of the Censor, to observe to us what he thinks it ought to be. The former, therefore, is principally occupied in stating, or in enquiring after facts: the latter, in discussing reasons. The Expositor, keeping within his sphere, has no concern with any other faculties of the mind than the apprehension, the memory, and the judgment: the latter, in virtue of those sentiments of pleasure or displeasure which he finds occasion to annex to the objects under his review, holds some intercourse with the affections.”

Bentham employs the terms ‘expository’ and ‘censorial’ as adjectives pertaining to the character (or disposition-attitude) of the person who finds anything to say on the subject of law. This wording makes the ‘expository/censorial’ distinction a distinction of Law – a distinction between two modes of legislation. And it also makes it a distinction pertaining...
to the person of the one conducting the enquiry. In one swoop Bentham uses the distinction between two modes of discourse to define both the act of legislation and the one legislating, making it both a political and a psychological distinction, but one still founded in the forms of speech. And if we look again at the quote, we can see that making the distinction, would be, in itself a public act pertaining both to speech and politics: “There are two characters, one or other of which every man who finds anything to say on the subject of Law, may be said to take upon him...” (my emphasis). As trivial as this may sound, the observing of the act of a person taking upon themselves one ‘character’ or the other, depends on the kind of attention which is typical of the public realm – on reputation. The person who takes upon himself one mode/character or the other may be said to have done so – they are known to have done so, as a matter of public record or reputation. Both the nature of the act (‘finding anything to say’) and the way in which the actor (the agent) is being observed or is being defined as actor (‘may be said to take upon him’) are defined in discursive terms – the terms of speech, which are also the terms defining the public and political domain (as the terms defining the intersubjective). This relation between ‘acting’ and ‘being acted upon’ was used by Aristotle to define Soul in De Anima.8 When later Bentham defines the principle of utility itself by means of the ‘expository/censorial’ distinction, this duality of the political and the psychological (and respectively, of the nature of speech and the nature of Soul) makes the principle of utility, so defined, a logico-semantic (or even rhetorical) principle, and one of personal transformative significance. Once the distinction has been applied to the principle of utility, the principle of utility becomes a transformative principle, affecting both the political and the personal. We can see the best evidence of this effect in Plato’s theory of the state (in the Republic) where city-state and individual soul are defined simultaneously by the same construct, which in Plato has the form of proportionate analogy (a relation between ‘what is’ and ‘what ought to be’).

The above speculations, having shown the necessary connection between the logico-semantic and the political and the personal (as concerns the expository/censorial distinction), make the transition to the study of the purely rhetorical aspect of the distinction between the expository and the censorial modes more easy or plausible. Kenneth Burke is perhaps one of the few scholars who have addressed Bentham’s work as a rhetoric (in his A Rhetoric of Motives, in the chapter Rhetorical Analysis in Bentham). Burke’s chapter on Bentham is a must read, as it opens the productive path to a more comprehensive assessment of Bentham’s philosophical method.

C. The censorial term has the force of an assumption, without its form.9

The division of the principle of utility into two senses or modes seems to colour the study of the principle as a semantic study pertaining to meaning, or even a part of rhetoric (the study of persuasion). It is generally tempting to describe Bentham’s theory as a whole as a theory of signification and meaning, since much of Bentham’s work is dedicated to a scrutiny of the terms, and many of the distinctions and principles discussed are founded on semantic constructs (such as the principle of the artificial identity of the interests of governors and the governed, where ‘governors’ and ‘the governed’ are the same in respect of their meaning, responding to the same general name ‘government’).
Kenneth Burke quotes from Bentham’s *Book of Fallacies*, on the occasion of Bentham “considering the censorial terms that reflect ‘interest-begotten prejudice’”:

It neither requires nor so much as admits of being taught: a man falls into it but too naturally of himself; and the more naturally and freely, the less he finds himself under the constraint of any such sense as that of shame. The great difficulty is to unlearn: in the case of this, as of so many other fallacies, by teaching it, the humble endeavour here is, to unteach it.

From the rhetorical perspective the censorial terms reflect an ‘interest-begotten prejudice’, and the great difficulty associated with the censorial terms would be to unlearn and unteach the ease at which a man falls into the use of the censorial terms ‘naturally and freely’. When we look at the ‘expository/censorial’ distinction as a whole – as a relation between the two modes of enquiry, we can see that, while the falling naturally into the use of the weighted terms associated with the censorial mode corresponds to the transition from the expository mode to the censorial – a movement forward – that same movement seems to trigger the need to unlearn and unteach the use of weighted terms, constituting a retrograde movement – a movement back to the expository mode of enquiry, which would be associated (by default) with the neutral terms.

Burke says that, “the persuasive function of this most spontaneous and ubiquitous rhetorical practice (this use of weighted words that makes all men rhetoricians because they are all poets)”, is described in Bentham (again quoting from the *Book of Fallacies*) as,

Having, without the form, the force of an assumption, – and having for its object, and but too commonly for its effect, a like assumption of the hearer or reader, – the sort of allegation in question, how ill-grounded soever, is, when thus masked, apt to be more persuasive than when expressed simply and in its own proper form: Especially where, to the character of a censorial adding the quality and tendency of an impassioned allegation, it tends to propagate, as it were by contagion, the passion by which it was suggested. On this occasion it seeks and finds support in that general opinion, of the existence of which the eulogistic or dyslogistic sense, which thus, as it were by adhesion, has connected itself with the import of the appellative, operates as proof.

And Burke comments: “this is an unlovely paragraph, and not very viable”12. As for myself, I find this paragraph instructive, and I think it is one of the best descriptions available to us of the ‘logical must’ inherent in language and the distortions it produces in logico-metaphysical theories, especially political theory. It also explains the connection between language and semantic (and rhetorical) constructs, such as the compact between speaker and listener defining the social realm; it in fact explains how ‘speech’ transforms into political force. It also provides a good explanation of the ‘naturalness’ of the force of language and the need to sometimes act counter to our intuition or nature in order to arrive at a better understanding of theory construction (theory construction on one hand, and political action on the other).

When Bentham describes the function of the weighted-censorial term as, “having, without the form, the force of an assumption, – and having for its object, and but too commonly for its effect, a like assumption of the hearer or reader...” he not only presents us with the logical role of the censorial terms, but also with their role within rhetoric – “having for its object ...a like assumption of the reader or hearer.” The capacity of the censorial term, not only to produce an air of assumptive power, but also to mirror a like assumption in the reader or hearer, makes it the perfect rhetorical term – a term of
persuasion. The role of the censorial terms as terms of both logical (assumptive) and rhetorical (persuasive) significance, brings us to the comparison between the Aristotelian syllogistic and the principle of utility, since the Aristotelian syllogistic seems to be based on precisely the same construct of proportionate analogy suggested by the ‘expository/censorial’ division.

D. The syllogistic form of the principle of utility

22 In proportionate analogy, which is primarily a discursive construct in which the object of enquiry is mentioned twice, we have four terms: the name of an essential property belonging to the object, the name of the object mentioned the first time, the name of the object mentioned a second time (this time in relation to the perfected state of the object), and the name of the perfected state of the object. In Plato the four terms are used, for example, in the discussion of the body of the gymnast, where the body is mentioned first for ‘what it is’ and then for ‘what it ought to be’ (in relation to its perfected Form), - not unlike the division of the principle of utility into an expository ‘what is’ and a censorial ‘what ought to be’. The four terms of proportionate analogy in Plato correspond to the four terms of the Aristotelian syllogistic, A, B1, B2 (the middle term mentioned twice), and C (Aristotle, would deny, of course, that the C term in his formula corresponds with the perfected Form in the Platonic sense, since Aristotle makes a concerted effort to prove that the perfected Forms are not necessary).

23 In the syllogistic the middle term B is mentioned twice, once in relation to A and once in relation to C, thus producing four terms (if we count each mention as a term). The term A is predicated of the middle term B (the first mention of the middle term), and the term B is predicated of the term C (the second mention of the middle term). This operation provides us with the conclusion that A can be a property of (can be predicated of) C. What happens when we apply this operation to our discussion of the two senses of the principle of utility (“principles of utility two”)? Since in proportionate analogy we have one object mentioned twice, once for ‘what it is’ and a second time for 'what it ought to be', the resemblance to the two senses of the principle of utility is uncanny. And since the principle of utility is defined not merely by the relation between the expository and the censorial mode, but by the transition from the former to the latter, we can see how this transition from the first leg of the principle to the second resembles the transition from the first comparison of proportionate analogy to the second, which corresponds to the transition from the first to the second mention of the middle term in the syllogistic. This, then, shows the principle of utility to be, not merely a criterion or measure of action, but a formula of inference of sorts, by means of which any object introduced as its middle term (any object to which we apply the principle) necessarily undergoes a logical-inferential transformation.

24 When we apply the principle of utility to an object we mention the object twice, and we define the principle itself by means of the transition from the first mention of the object – in the expository mode – to the second mention of the object – in the censorial mode. When we use the syllogistic for (when we apply it to) any object we also see a transition from the first relation of the middle term to the second, a transition that defines the syllogistic form (and its application). What is peculiar to the syllogistic form is that with the first mention of the middle term (our object of enquiry), the middle term B serves as the grammatical subject to which the predicate A belongs (we say, ‘A belongs to B’), and
with the second mention of the middle term B the term B serves as the predicate belonging to the grammatical subject C (we say, 'B belongs to C'). This makes the relation between the two mentions of the middle term B (our object) a relation between the term B as grammatical subject and the term B as predicate.

When we compare the application of the syllogistic with the application of the principle of utility (in its proportionate form), it seems that the two senses or modes of utility (represented as the relation between the expository and the censorial modes) correspond respectively to the object perceived as grammatical subject and the object perceived as predicate (the latter in relation to its perfected state or form). When we set out to question the utility of an object of enquiry, and apply the principle of utility to it, we also define the relation between 'what the object is' and 'what it ought to be', and in this transition-of-a-relation we start with the object as our 'subject' only to see it transform (transform in respect of its grammatical position in our formula) into a 'predicate', which means, that by the time the 'what is' has turned into 'what ought to be' our object of enquiry is no longer defined exclusively by its so-called essential properties, such as the term A, but by its own relation – as predicate (an adjectival term) – to a term C (an ideal state or form represented within the censorial mode by the expression 'what ought to be'). It then appears that in the transition from the expository to the censorial mode, not only the mode changes, but also the definition of definition, since the object, partially defined within the first mode by the traditional *genus and differentia*, is now defined, within the censorial mode, by its relation (as predicate) to another object or form (the object’s own perfected state or form). Bentham would have called the perfected state or form of the object in question a ‘fictitious entity’. And whereas in the expository mode our knowledge of the object of enquiry (our middle term) is still on the solid ground of having at least one essential (substantive) property of the object, when we move to the censorial part of the principle/formula we must perceive of the object in terms of its relation to an abstracted conception, to its own perfected state, - a relation that translates predicationally to a modal or accidental property of the middle term (the object as middle term). And because in the second leg of the application of the principle we find ourselves having to retreat to using modal and adjectival terms, it also becomes clear why Bentham retreated to paraphrasis when trying to define fictitious entities. This shows how due to the transformative nature of the principle of utility the definition of ‘definition’ has changed, changing the definition of the object, and the object itself.

2. How can we apply the principle of utility? Historical and methodological perspectives

The possibility of the application of the principle of utility corresponds to the transition from the non-prescriptive to the prescriptive mode of discourse (and of philosophical enquiry). The transition from an expository to a censorial mode of enquiry (also modes of discourse) defines the principle of utility itself. Finding out how the non-prescriptive/prescriptive distinction corresponds to the expository/censorial distinction, might help us define the manner in which to apply the principle of utility successfully.
A. The transition from the non-prescriptive to the prescriptive mode in Bentham

Could it be the case that the resistance to the principle of utility is sometimes the result of the less than clear transition in Bentham's theory between the non-prescriptive and the prescriptive mode? Is it always the case that 'principle observed' ('observed' in the sense of things being studied for what they are) should be 'principle applied', or should we pay attention to how (and why) principles and distinctions observed could also be applied? Henry Sidgwick writes in 1877:

... from different points of view one might truly describe Bentham as one of the most or the least idealistic of practical philosophers. What is, immediately suggests to him what ought to be; his interest in the former is never that of pure curiosity, but always subordinated to his purpose of producing the latter.16

Sidgwick’s comment suggests that for Bentham the observation and perception of things as they are is subordinated to the way they ought to be. It would then appear that the distinction between the expository ‘what is’ and the censorial ‘what ought to be’ corresponds to the distinction between the practical and the idealistic. The question to be asked here is whether the distinction between ‘nature’ and ‘artifice’ also corresponds to the two distinctions just mentioned. It would seem that this is the case, since for Bentham the expository ‘what is’, or ‘what things are’, seems to be synonymous with ‘things observed’ – things observed in their natural state (for example, utility insofar as it is embedded naturally in human behavior). But nonetheless, the distinction that Sidgwick makes between the practical and the ideal can prove to be confusing if we consider that the ‘practical’ also implies the direct involvement of the agent with the application of a principle. Since ‘practical’ conveys all this, it would appear that ‘practical’ must be associated with the censorial mode as much as with the expository insofar as ‘practical’ can easily be associated with the weighted terms and dispositional terms of the censorial mode.

The very discrepancy between ‘what the principle is’ – its nature as embedded in everything – and ‘what the principle ought to be’ – or how it ought to be applied, seems to correspond to the difference between the expository mode and the censorial mode. But as much as Bentham himself declares the principle of utility to be defined by these two senses – the expository and the censorial – he seems to be unaware of the significance of the transition from the natural to the artificial in this context. And this corresponds, of course, to the failure to properly distinguish between the non-prescriptive and prescriptive modes of discourse within the theory as a whole.17

What Bentham describes as the various forms of opposition to the principle of utility is thus tainted by the need to separate between ‘principles adverse to utility’ and the combination of the “anti-utilitarian interest and vicious sensibility of the lawyer, the politician, and the literary dictator” that Bentham finds in Jeffery.18 In moving freely from the non-prescriptive (expository) mode in his work to the prescriptive (censorial), Bentham, may have, inadvertently, caused this kind of resistance. Were it only for this assumption of the self-evident nature of the transition from observation and analysis to prescription (application of principle) Bentham’s system would have followed the well-trodden path of other political theories. But with the introduction of the concept of utility into the system, the transition from non-prescriptive to prescriptive discourse
becomes problematic, since utility is naturally embedded in our judgements and behavior, and prescribing it in the form of a principle (as a man-made act of application) presents the author of such a prescription with the possibility of a methodological and practical redundancy.

31 The question I keep coming back to periodically is: how is the principle of utility constructed? – The question of its structure, of its parts, of its ‘senses’, and of the kind of principle it is. Coinciding with these concerns is the need to know what unifies the principle, and the sense in which it is universal – the sense in which it can be applied to anything and everything. The difficulty concerning the latter – the sense in which the principle of utility is universal – resides in one having to redefine ‘universality’ itself before applying the term to utility and its objects; this becomes necessary because the run-of-the-mill, primarily metaphysical, conception of universality, which is understood ‘substantively’ (as ‘a universal’), might prove not to be compatible with the principle of utility, which seems to rely primarily on adjectival terms (the principle of utility can be considered ‘universal’ insofar as it has the capacity to be applied to ‘everything’ and ‘anything’ – an adjectival use of the term ‘universal’).

32 When we look beyond the immediate structure of the principle (as suggested here by the methodological19 division into an expository and a censorial mode) to the history of the principle and to the historical aspect of its construction, we find other divisions and cleavages that might have inspired its design.

B. The principle of utility as a historical and a methodological construct

33 The principle of utility was constructed over time, as a history, and at the same time the principle was constructed by Bentham on methodological grounds, making the study of the principle a methodological enquiry as well as a historical one. In addition to being both a historical and a methodological construct the principle of utility seems to have both a natural aspect (as it is embedded in human nature, or in the nature of language) and an artificial aspect – what Bentham would have referred to as the artifice created by human will (expressed as the application of the principle): what we ought to do, and what we choose to do, culminating in our man-made combinations of predicate and grammatical subject. It would seem, then, that when it comes to the principle of utility, history and method, nature and artifice are equally at play in defining it.

34 At the beginning of the Introduction to The Principles of Morals and Legislation, written in 1780, Bentham defines the principle of utility, only to later modify that definition in a footnote (added in 1822)20. When Bentham returns to describe the construction of the principle of utility in both historical and methodological terms in A Table of the Springs of Action21, he elaborates on the certain deficiencies in the earlier (1780) definition, deficiencies resulting from the principle being a somewhat peculiar combination of Hume’s idea of utility and Priestley’s phrase, and he introduces the division of the principle into an ‘expository’ and a ‘censorial’ sense (in the Marginals). It is at this point (around 1812) that Bentham makes the structure of the principle available to us in the form of a relation between ‘what is’ and ‘what ought to be’ – a unified principle defined by a relation, or strictly, by a division. This apple of a principle did not fall far from the tree of the principle of the association of ideas, which is, in itself a relation between two ideas.22
Principles that are defined by ‘relation’ have a transformative quality, Justice is just one such principle – consisting of the identity formulation on which any judgment is founded (the conception of judgement or just judgement is often represented by the image of the scales, which also represents an identity or equation). Principles of the understanding (as Kant would have called them) are transformational because they can be constructed upon a relation between ‘what something is’ and ‘what something ought to be’ – a division that calls for a transition from one state of the object of enquiry to a second state, a perfected state if you will (or strictly, a relation to a perfected state). But such principles are also transformational due to their abstracted character, - their being what Bentham called ‘fictitious entities’, entities that have no superior genus, thus initiating (with Bentham) a new definition of ‘definition’ – paraphrasis. With ‘paraphrasis’ as the form of definition we tend to employ adjectival terms rather than substantive ones, especially when the abstracted conception to be defined is in itself a relation and not a typical substance. From this less metaphysical and more grammatical or semantic perspective it is easier to see the transformational nature of conceptions based in relation, such as Justice, or in the case at hand, the principle of utility. Such abstracted conceptions and principles, based in Relation, take the object (any object posited as the subject of the enquiry) through a transition from a first state to a second, while continuously affecting, not only the nature of the referent – the object of the enquiry (the signified) – but the method or mode of the enquiry, and perhaps surprisingly, the person of the one conducting the enquiry (we must remember that Bentham first employs the ‘expository/censorial’ distinction as a distinction pertaining to the person of the legislator – a distinction between the expository and the censorial ‘characters’ of the legislator). It is perhaps difficult, at first, to see how the relation between the role of the legislator as expositor and the role of the legislator as censor pertains to the person of the legislator: we are so accustomed to the object of science (the law in this case) and the scientist (the legislator) being defined by categorically different terms – the scientific object in substantive terms (genus and differentia) and the scientist in the vague terms contemporary philosophy has put at our disposal (see the various futile discussions of consciousness in analytical philosophy). But once we have defined the principle of utility by means of the proportionate formula (represented as the relation between ‘what the object is’ and ‘what the object ought to be’), as does Bentham (perhaps unaware of the methodological meaning of the introduction of ‘principles of utility two’), we have also found a system of terms (a method) that allows for both the object of science and the person of the scientist to be defined by the same terms, thus creating a logical and semantic continuity between the object of enquiry and the one conducting the enquiry, to the effect that when Bentham talks about the two modes of legislation as two diverse characters of the legislator we should take his words literally, insofar as the terms defining the mode of legislation also define the person of the legislator, and not in a trivial sense. The best examples the history of philosophy offers us of the continuity between State and Person (between the Law and the Legislator) are, of course, Plato’s theory of the city-state, which employs the analogical formulation to study and define in a parallel manner both State and Soul, and Aristotle’s theory of the mean (where Justice and virtue are defined by the correct positioning of the individual in relation to the extreme terms). This issue naturally leads to a much longer study of the transition occurring in enquiries such as Bentham’s from the instrumental use of words and terms to their constructive use, but this will be discussed elsewhere. We can say briefly that the transformation of the terms of the enquiry from being instrumental to being constructive is triggered by the abstracted
nature of the conceptions studied here: legislation, governance, obligation, justice and method – the terms Bentham refers to as fictitious entities (and which he argues, are necessary for meaningful discourse, but produce meaningless propositions when posited as subject).\textsuperscript{23} It is the abstracted nature of the concepts central to any principle of morals or legislation that makes the retreat to the terms of relation and disposition necessary, - the same terms defining the person of the one conducting the enquiry (the moralist or the legislator), and especially the person of the one applying the principle of utility in its proportionate form.

C. The relation between the structure of the principle and the possibility of its application

In the Article on Utilitarianism\textsuperscript{24} Bentham describes the principle of utility in its early manifestation in Hume’s work as “a principle which might be considered as the foundation or cornerstone of one of the systems of morals at that time…” Bentham describes Hume’s exposition of the principle as, “altogether vague”, and as not applied to practical use. But this is my point precisely: how can it be the case that with all this careful scrutiny of the terms of the enquiry (in Bentham) the transition from a fundamentally moral principle to “practical use” is perceived by Bentham to be, not only a necessary move, but also a self-evident one. Couldn’t Hume’s reluctance to put the principle to practical use (if we accept Bentham’s interpretation) be understood as Hume being a prudent philosopher, who takes a deep breath before rushing into applying (or prescribing) a principle before having fully defined it? Or, perhaps, is this reluctance an expression of Hume’s intuitive understanding of the gap separating the principle for ‘what it is’ from the principle for ‘what or how it ought to be’ (or ‘how it ought be applied’, if you will).

Bentham attributes to Helvetius the “commencement …of the application of the principle of utility to practical uses”:

> To the direction of human conduct, in the ordinary course of life, a connection was forged between the idea attached to the word ‘happiness’, and again between the idea attached to the word ‘happiness’ and the ideas respectively attached to the words ‘pleasure’ and ‘pain’ ...attached to the words ‘utility’ and ‘principle of utility’ were now ideas in abundance...\textsuperscript{25}

Bentham seems to take this development in Helvetius – the transition from the somewhat “vague” nature of Hume’s handling of the new principle (in respect of its practical uses) to the application of the principle to practical uses via the connection to ‘pleasures’ and ‘pains’ – Bentham seems to take this development as a given or self-evident step. But the transition taking place here (over a relatively short period of historical time) is a categorial shift from a non-prescriptive mode of discourse to a prescriptive mode (as concerns utility and how it works). One could say that the ‘before’ and ‘after’ of this transition have been defined properly by the participating philosophers, but that the transition itself – this categorial shift, which is typical of philosophical political theories - has not been properly defined.\textsuperscript{26}

The problem seems to be, that since, (1) the transition from the non-prescriptive mode to the prescriptive mode has not been properly understood or defined, and since, (2) the non-prescriptive/prescriptive distinction corresponds to the distinction between the expository and the censorial modes (between ‘what is’ and ‘what ought to be’), we end up
with (3) – no real understanding of the relation between the expository and the censorial modes. And since, (4) the relation between the expository and the censorial modes of enquiry defines, for Bentham, the two senses of the principle of utility – in effect defining the principle as such, we must conclude that, (5) Bentham’s failure to properly define the transition from the non-prescriptive (expository) sense of the principle of utility (in Hume) to its practical use (beginning with Helvetius) – that this lack of a proper definition of the transition creates a permanent gap in Bentham’s own definition of the principle of utility and its application (when we define the principle, as he does in the Marginals, by its two senses – “principles of utility two”).

At this point, even the straightforward idea that Utilitarianism could or should be a political theory (a theory with practical applications) does not seem convincing, but we will see later, in the article on the distinction between substantive and adjectival terms in Bentham, why the actual application of the principle of utility in its proportionate form serves an important purpose (it is only by means of the application of the proportionate principle that we can become fully aware of our relation to perfected states – morality, for one). Peculiarly, it is Bentham’s own definition of the principle of utility by its two categorically diverse senses that brings out this problematic, which goes to the same general problematic plaguing all political theories. It is significant, perhaps, that Bentham’s own emphasis, when describing the history of the principle (in Article on Utilitarianism), is on “the stock of denominations” of pleasures and pain. And while, according to Bentham, in Helvetius the stock of denominations of pleasures and pains was “scanty”, in David Hartley’s work “a greater number of species were ...ranked under the genera of pain and pleasure than are to be found in the work of Helvetius. Still, however, it was far from being all comprehensive...” Bentham’s emphasis here is on classification, on the all-comprehensive ranking of species under the genera of pain and pleasure. The method of classification is a typically metaphysical method in that it sorts the objects in question according to their genus, species and differentia – as pertains to the conditions of their being or existence - while, methodologically speaking, the division of the principle of utility into an expository and a censorial mode (and correspondingly into a non-prescriptive and a prescriptive mode of enquiry), is part of a semantic method, based in discursive constructs, – a theory of meaning (pertaining to the meaningfulness of the terms used), not of being. In a way, this immediate emphasis on classification of species according to the genera of pleasure and pain fills, in Bentham, the methodological gap left by not having addressed the transition from the non-prescriptive to the prescriptive part of the study and development of the principle of utility. It is clearly a shift, in Bentham, from the further defining of the principle to the classifying of its practical uses – or, as Bentham puts it, “the stock of denominations devised ...for the purpose of giving expression to the various universally-experienced modifications of pain and pleasure.” But even when resorting to classification Bentham’s primary concern is that of finding the right names for the newly classified entities – “denominations devised...for the purpose of giving expression to...” - bringing these metaphysically-sorted entities (entities sorted according to their genera) into the hub of a semantic realm in which all objects are represented by their names, and names alone.

We have already seen how the connections and combinations defining the historical construction of the principle of utility (such as the advance from Hume’s idea of utility to Helvetius’ allegedly more practical approach) were led by the association of the import of the words used as the names for the respective ideas. When we proceed to Bentham’s
account of his first encounter with Priestley’s phrase - ‘the greatest happiness for the greatest number’ - we can also notice how Bentham is substituting Priestley’s phrase for the name ‘utility’ in naming the principle of utility – a typical act of paraphrasis. Bentham is using the principle of the association of ideas to guide the construction of the principle of utility historically (from one real encounter to the next), but he also uses paraphrasis at the level of naming (substituting a whole phrase for one word).

D. “Giving denomination to a principle” – Bentham’s procedures of naming and paraprasing

It was Priestley’s phrase, ‘the greatest happiness of the greatest number’, that Bentham read, probably in 1768, and which left a great and enduring impression on him (Bentham here referring to himself in the third person): “At sight of it he cried out as it were in an inward ecstasy....” and, “little did he think of the correction which within these few years on a close scrutiny he found himself under the necessity of applying to it”. Priestley’s phrase, ‘the greatest happiness of the greatest number’ was, for Bentham, a virgin territory of sorts. And Bentham employs it in the best tradition of Hume’s principle of association:

10. In the year 1776 came out his first publication entitled A Fragment on Government. On this occasion borrowing the phrase from David Hume, regarding himself as amply warranted in making use of it by a philosopher the most eminent of his day, the idea of happiness being in his mind constantly connected with that of utility, and not suspecting that it could fail being so in any other, this was the denomination he on that occasion employed, that phrase of Priestley, by which so strong an impression had been made upon him, not having presented itself to his view as having ever been employed in giving denomination to a principle.

The difficulty in distinguishing here (in Bentham’s own testimony) between Hume’s idea of utility and the influence of Hume’s principle of the association of ideas is, perhaps, typical of the nature of Hume’s influence on Bentham. Bentham refers to Hume in justifying his own association of the ideas of utility and happiness, and in the use he, Bentham, makes of Priestley’s phrase as the new denomination for the principle. And in the Short Version Bentham attributes to Hume the positing of Utility as principle in the first place (page 322, Ibid.): “12. Epoch the third. Year 1742: year in which David Hume’s Essays made their first appearance. Contained in this year was the first moment at which it came out in the garb and with the style and note of a principle.” Hume’s influence seems to extend to the later division of the principle of utility (by Bentham) into the expository and the censorial senses – a division that corresponds to the structure of the principle of the association of ideas (the association of the two ideas of the same object of enquiry as perceived or conceived within two diverse categories of enquiry).

When we look at this procedure or process in Bentham in terms of naming and definition, we can see how Bentham takes, what in Hume is an exercise of the principle of association in respect of utility, and gives it a new name in the form of Priestley’s phrase, thus making this not only an occasion of the association of ideas but also of renaming (since both utility and the principle of association are highly generalized conceptions, it seems, at times, as if Bentham is renaming the principle of association itself). The principle of association allows Hume to combine the ideas of utility and happiness into one principle, while Bentham renames the principle by substituting a whole phrase (the greatest happiness for the greatest number) for the word ‘utility’ – a procedure similar to
paraphrasis, demonstrating, perhaps, the natural stage of the invention of paraphrasis – the new form of definition (or ‘non-definition’) – in Bentham.\textsuperscript{44}

In the Short Version of the Article on Utilitarianism Bentham explains in an even more succinct manner the nature of the substitution or paraphrasing taking place here (paraphrasing is an occasion of substitution):

26. Epoch the sixth. Year 1768: date of Priestley’s tract entitled Essay on Government. In the concluding page of it, if memory is not deceitful, on the character of the only proper end of government, appears in italics the phrase ‘the greatest happiness of the greatest number’. Of this phrase, the good effect is the substituting to the univocal word ‘utility’ the unequivocal phrase of which happiness is the principal and sole characteristic ingredient. In the change herein consists the whole of the improvement at this time made.\textsuperscript{35}

When we look at the way Bentham substitutes Priestley’s phrase for the “univocal word ‘utility’”, the procedures of paraphrasis (which Bentham describes in the context of the discussion of fictitious entities elsewhere) come to mind. And, as we have seen in the first part of the present article, when we apply the principle of utility as the proportionate formula that Bentham declares it to be (‘principles of utility two’), a similar transition (and an occasion of substitution) from the name of the object mentioned the first time, to the name of its own fictitious entity (denoting its perfected state) occurs\textsuperscript{36} – also reminiscent of paraphrasis. And on both occasions – the combination of the principle we have arrived at historically and the division of the principle we have arrived at methodologically – the structure of the principle is defined as a substitution of one denomination (name) for another (in respect of definition – as part of the effort to define the principle itself - or upon its application, trying to define the object to which we have applied it).

It is, perhaps, unusual to read Bentham’s description of the history of utilitarianism as a history of his own procedures of naming and paraphrasing (and association). But it is precisely on these occasions that we can see how Bentham thinks and acts – his actual method. Bentham keeps jumping back and forth (here in the Long Version) between the principle of the association of ideas, the denomination given by him to Hume’s idea of utility (using Priestley’s phrase), the principle of utility, and the ‘inventory list’ of motives and “the various universally-experienced modifications of pain and pleasure.” In the shuffle we seem to lose sight of the transition between the non-prescriptive and the prescriptive parts of the theory (also the parts of the moral and political utilitarian system presented here); we lose sight, correspondingly, of the movement (and relation) between the expository and the censorial roles of the philosopher-legislator, - a distinction of great importance for Bentham. And we lose sight of the conception of universality at play here: is it the purely qualitative universality of a novel principle applicable to anything and everything human, or is it merely the quasi-universality associated with the quantitative (or metaphysically inclined) all-comprehensiveness of the stock of modifications of pain and pleasure (a comprehensiveness associated with \textit{genus} and \textit{differentia})? The intellectual gap between Bentham the grammarian (the proprietor of a theory of signification and meaning) and Bentham the classifier never comes to the fore here to be properly discussed (not in Bentham, that is). The reliance of Bentham on the metaphysical hierarchy of \textit{genera} and species, when it comes to classifying the stock of pains and pleasures, seems to contradict the dependence of the universality of his principle of utility on the logico-semantic relation between the expository and the censorial modes of enquiry (and legislation).
Conclusion

From the point of view of method, the division of the principle of utility into an expository and a censorial mode allowed us to see how the application of the principle of utility transforms both the object to which we apply it and the method of application (the principle is defined by a shift in method – a change from one mode of enquiry to another). And since the terms defining the principle and its application are the same terms defining character and person (for the most part, terms of relation and disposition), we were also able to understand the transformative effect that the application of the principle can have on the one applying it (the one conducting the enquiry). We also compared the ‘expository/censorial’ distinction to the proportionate construct of the syllogistic, allowing us to better understand the complexity and potential utility of that construct when applied as principle.

In the second part of the article we briefly looked at the history of the construction of the principle of utility and the influence that the principle of association might have had on the young Bentham, when combining in his mind Hume’s idea of utility (which in itself is an act of association) with Priestley’s ‘greatest happiness’ phrase. And we tried to link Bentham’s processes of naming and paraphrasing to that feat of historical construction, and to his somewhat lax awareness of the transition from the non-prescriptive mode of discourse to the prescriptive mode (the transition from theory to practice).

I think that the understanding we now have of the transformative effect (and nature) of the principle of utility (when defined as “principles of utility two” – as a proportionate formula), and the newly gained awareness of the impact the transition from the non-prescriptive to the prescriptive mode of enquiry would have on the occasion of the application of the principle, can help us treat Bentham’s study of utility as an ongoing investigation, not as a prescriptive theory. Our contribution, being of a critical nature, does not start with what in Bentham appears to be viewed as self-evident - the actual application of the principle, the immediate transition from the non-prescriptive (expository) state of the principle to its prescriptive (censorial) state; from my point of view, the actual application of the principle of utility to current events should be considered a far removed possibility (or occasion) of political action, preceded by an open ended philosophical investigation of the methodological elements that have been embedded in Bentham’s work all along. The substance, and hence, the prescriptive practical value of Bentham’s system resides generally in its method, and particularly in the proportionate formulation of the principle of utility (as ‘principles of utility two’). The constant movement within the system away from substantive terms and towards adjectival terms coincides with the retrograde movement experienced by a truly benevolent reader/agent and with the general character of the theory as a theory of prevention.

The various divisions (or combinations) of the principle, whether methodologically or historically conceived, have in common a foundation in grammatical-predicational and semantic constructs and a reliance on names and the procedures of naming and renaming, - procedures that are compatible with the occasions of substitution initiated by paraphrasis – Bentham’s new form of definition. It becomes clear that the proportionate formulation of the principle of utility – its division into two modes of enquiry – also defines it as a relation between an object and its perfected state or form – the fictitious

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entity bearing the same name, thus positing 'relation to a fictitious entity' as the *raison d'être* of Bentham's system.39

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**BIBLIOGRAPHY**


Lukasiewicz, Jan, *Aristotle’s Syllogistic* (Oxford at the Clarendon Press, 1951)


**NOTES**

5. Ibid.
6. Ibid.
8. In *De Anima* Aristotle defines ‘soul’ by means of the relation between ‘action’ and the ‘acted upon’, where the agent acting and the patient acted upon share the same name, and therefore have the same meaning, even though they are essentially different (in ‘sensation’, for example, the ‘sensing’ and the ‘thing sensed’ are essentially different, but have the same meaning as conveyed by the common name ‘sensation’).


10. Ibid.

11. Ibid.

12. Ibid.

13. My interpretation of the syllogistic differs from the typical interpretation in traditional philosophy and modern predicate logic, since it stays closer to Aristotle’s own description of the syllogism as a predicational construct grounded in forms of speech (‘A belongs to B, B belongs to C’).

14. A brief apology to the reader is in order here for the absence of examples in this segment; since the subject is a formula using variable terms (A, B, and C), I found it difficult, if not impossible to provide examples. The only examples possible would have been examples of particular occasions of the application of the formula to particular events, occasions on which the substitution of particular terms for the variable terms of the formula would have occurred, thus making these occasions examples of the application of the formula, not examples of its own structure, which is the case here (the subject).

15. According to Lukasiewicz, it is only with the traditional interpretation of the syllogistic that the formula can function as a rule of inference (when the variable terms in the formula are substituted for the names of particular objects). Otherwise, the Aristotelian syllogistic, according to L. has the ‘if…then’ form of an Implication. (in *Aristotle’s Syllogistic*, by Jan Lukasiewicz, Oxford at the Clarendon Press, 1951, p.21).


17. On some occasions Bentham seems to put the distinction between the natural and the artificial to good use. Such is the case with Adam Smith’s ‘principle of the natural identity of interests’, which in Bentham’s version becomes the ‘principle of the artificial identity of interests of governors and the governed’.

18. Francis Jeffery, editor of the *Edinburgh Review* (p.29, in #271, Article on Utilitarianism).

19. The ‘expository/censorial’ distinction is a distinction of method, since it defines the way we use the principle, and it defines the principle by the way we use it. Other ways to define the principle, such as the combining of Hume’s idea of utility with Priestley’s phrase, do have methodological significance, but are, by the means and manner of their construction, of historical origin.

20. In *Introduction to The Principles of Morals and Legislation*, London, W. Pickering & E. Wilson, 1823, (a text completed in 1780); on p.3, Bentham defines the principle of utility in the following words: “by the principle of utility is meant that principle which approves or disapproves of every action whatsoever, according to the tendency which it appears to have to augment or diminish the happiness of the party whose interest is in question... I say of every action whatsoever...not only of every action of a private individual..." In a note added to this edition in 1822, Bentham modifies the definition: “to this denomination has of late been added, or substituted, the greatest happiness or greatest felicity principle: this for shortness, instead of saying at length that principle which states the greatest happiness of all those whose interest is in question, as being the right and proper, and only right and proper and universally desirable, end of human action... the word
utility does not so clearly point to the ideas of pleasure and pain as the words happiness and felicity do...”

21. A Table of the Springs of Action was first printed in 1815, and published in 1817. But the comment concerning “principles of utility two”, which is part of the Marginals, was published in 1983, in Deontology together with A Table of the Springs of Action and The Article on Utilitarianism, edited by Amnon Goldworth, Clarendon Press, Oxford, 1983.

22. Here, with the two senses of the principle of utility, we have an association of two ideas of the same object perceived under two aspects – for ‘what it is’ and ‘for what it ought to be’. This constitutes a unique case of the principle of the association of ideas, which Adam Smith so beautifully describes in Part V, Section V, Chapter I: Of the influence of Custom and Fashion upon the Sentiments of Approbation and Disapprobation: “When two objects have frequently been seen together, the imagination requires a habit of passing easily from one to the other. If the first is to appear, we lay our account that the second is to follow. Of their own accord they put us in mind of one another, and the attention glides easily along them.” (p.1, in Adam Smith’s The theory of Moral Sentiments, Vol. II, London, printed for T. Cadell and W. Davies in the Strand; and W. Creech, and Bell and Bradfute, Edinburgh, 1804).

23. In the introduction to the Marginals (p.5 of the Goldworth edition) Bentham states that “a proposition having for its subject a fictitious entity has neither truth nor meaning,” which he follows with, “a fictitious entity can not be understood but by its relation to the correspondent real entity.” At the same time, “fictitious entity propositions are necessary to all discourse other than such as might be carried on by inferior animals ...for discourse having for its subject the state or any operations of the mind, fictitious entity discourse is necessary, real entity discourse being inapplicable.”

24. In section #2 of the Long Version (p.290).

25. In section #3 of the Long Version (p.290).

26. It should also be noted in the above quote that the structure of the connections that Bentham and others make between the various terms is apparently governed by the principle of the association of ideas (“a connection was forged between the idea attached to the word ‘happiness’, and the ideas attached respectively to the words ‘pleasure’ and ‘pain’.”), and more particularly, by the relation between (association of) the import of words to which the said ideas are attached.

27. The difficulty has always been in finding a real and methodologically valid link between abstracted conceptions such as Justice and Obligation and the everyday occurrences of social life (or human behaviour, for that matter). The difficulty becomes even more pronounced when we try to define the abstracted conceptions in themselves (which could lead to the breakdown of the philosophical method).


29. Of course, this is a ‘metaphysical’ remedy, since the bipartite division employed in classification only simulates ‘relation’, which is a non-substantive category, while, in effect, addressing concerns in respect of the essence and existence of the entities in question.

30. In Ogden’s Bentham’s Theory of Fictions, p.138: “In a definition, a phrase is employed for the exposition of a single word: in paraphrasis, a phrase is employed for the exposition of an entire phrase, of which the word, proposed to be expounded, is made to constitute the principal or characteristic word.”

31. Ibid. #9 in the Long Version, p.292. On p.291, n.4, the editor (A. Goldworth) comments that the phrase ‘the greatest happiness of the greatest number’ does not in fact occur in Priestley’s Essay on the First Principles of Government, to which Bentham attributes it.

32. Bentham had his doubts concerning the second part of Priestley’s phrase: “little did he think of the correction which within these few years on a close scrutiny he found himself under the necessity of applying to it”. In segment 54 of the Long Version Bentham writes: “Greatest happiness of the greatest number. Some years have now elapsed since, upon a closer scrutiny,
reason, altogether incontestable, was found for discarding this appendage ...be the community in question what may, divide it into two unequal parts ...lay out the account of the feelings of the minority, include in the account no feelings but those of the majority, the result you will find is that to the aggregate stock of the happiness of the community, loss, not profit, is the result of the operation.” (Ibid. p.309).

33. Ibid.

34. We find a description of paraphrasis in Ogden’s Bentham’s Theory of fictions, p.138: “The paraphrasis consists in taking the word that requires to be expounded – viz. the name of a fictitious entity – and, after making it up into a phrase, applying it to another phrase, which, being of the same import, shall have for its principal and characteristic word the name of the corresponding real entity. In a definition, a phrase is employed for the exposition of a single word: in paraphrasis, a phrase is employed for the exposition of an entire phrase, of which the word, proposed to be expounded, is made to constitute the principal or characteristic word.”

35. Ibid., p.325.

36. In the case of the transition from the expository state of the object to the censorial, the name of the object of enquiry is replaced by an expression representing the object’s relation to its own perfected state (to the fictitious entity by the same name). And on this occasion paraphrasing is warranted since the new denomination (name) is meant to denote the relation to the fictitious entity, not merely the fictitious entity in itself. The nature of this transition would also warrant the transition from using substantive terms in describing the object of enquiry to using adjectival terms.

37. All political theories are meant to be applied, and are in this sense prescriptive. But with a political theory founded on semantic constructs, the implied prescriptive force of the movement forward within the principle/theory is coupled with the retrograde movement – the movement away from knowing the abstracted conceptions in themselves and back to the middle represented in terms of ‘relation to abstracted conception’ – an act of prevention rather than prescription (or a prescribed preventive act, if you will).

38. The complexity or dimensionality of the proportionate formula allows, when applied as principle, for a suspension of the rush to judgement (or to action) – producing a necessary delay in the movement from the non-prescriptive mode to the prescriptive. The logico-semantic structure of the principle also allows for an emphasis on the terms of relation – primarily modal and dispositional terms, which are the terms defining philosophical method and consciousness to begin with, thus helping synchronise the subject matter (political judgement and action) with the method employed and with the person of the one conducting the enquiry (with consciousness).

39. In the introduction to the Marginals (p.5 of the Goldworth edition) Bentham provides an explanation of the role of fictitious entities. Bentham states that “a proposition having for its subject a fictitious entity has neither truth nor meaning.” At the same time, “fictitious entity propositions are necessary to all discourse other than such as might be carried on by inferior animals ...for discourse having for its subject the state or any operations of the mind, fictitious entity discourse is necessary, real entity discourse being inapplicable.” In #32 Bentham describes Paraphrasis as “the mode of exposition suited for the case ...the name of the fictitious entity in question is made parcel of a phrase, which contains in it the correspndent and expository real entity.” The use of the term ‘expository’ as an adjective for ‘real entity’ is significant here, since it aligns the array of real entities available to us in discourse with the expository mode (with ‘what is’), and the corresponding fictitious entities with the censorial mode of enquiry (with ‘what ought to be’), with the perfected state of things.
The distinction between the expository and censorial modes of enquiry is referred to in Bentham and in discussions of his work as a distinction between two modes of legislation. When Bentham applies it to the principle of utility, he defines the principle of utility as a proportionate formula. It becomes easier to see the expository/censorial distinction as a distinction of method, as a transition from one mode of enquiry to another, allowing us to compare the principle of utility to other proportionate formulas, such as the Syllogistic. Since it distinguishes between two modes of discourse and between two characteristics of the person conducting the enquiry, it has both a semantic-rhetorical aspect and a psychological aspect. The principle of utility is a transformative formula: upon its application to an object, the object, the method and the person conducting the enquiry are bound to change. Applying the principle of utility involves paraphrasis: we transform the name of the object of enquiry into a complex grammatical proposition expressing what it ought to be.

Dans les textes de Bentham comme dans les travaux qui lui sont consacrés, la distinction entre le mode exégétique (expository) et le mode censorial (censorial) est essentiellement juridique : elle se rapporte à deux attitudes face à la loi. Quand Bentham applique cette distinction au principe de l’utilité lui-même, indiquant sa double nature, il définit effectivement le principe d’utilité comme une proportion. Il apparaît alors que la distinction entre l’exégèse et la censure est essentiellement méthodologique. On peut ainsi comparer le principe d’utilité à d’autres formules proportionnelles telles que les syllogismes. Mais l’opposition entre l’exégèse et la censure n’est pas seulement méthodologique. Elle concerne également deux modes de discours, et deux caractéristiques de l’enquête : elle possède à la fois un aspect sémantico-rhétorique et un aspect psychologique. On doit conclure que le principe d’utilité est une formule dynamique : appliqué à un objet, il induit des transformations à la fois dans l’objet, dans la méthode et dans la personne qui l’applique. Le principe opère au niveau des noms, il permet une substitution terme à terme. On aura reconnu ici la méthode de la « paraphrase » par laquelle Bentham passe d’un mot simple, rattaché à une entité réelle, à une phrase complète.

INDEX

Mots-clés: utilité, exégèse / censure, analogie proportionnelle, paraphrase, prescription / non-prescription
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