

Jeremy Bentham and Philosophical Radicalism[†]

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Abstract

This paper tries to elucidate Bentham's political ideas in terms of philosophical radicalism. First, his utilitarianism was a call for a way of thinking radical enough not only in his time, but also nowadays. There still are a vast number of cases where conflicts can be reconciled peacefully by utilitarian approaches, although his idea of a "moral arithmetic" is certainly fallacious. Second, Bentham considered society, law and even nature as fictitious entities. This is a point which has not been adequately understood since, but touches right at the conceptual foundation upon which our understanding of human lives can be built. Elucidation of these two points will show how radical Bentham's philosophy is.

Keywords: *Jeremy Bentham, Philosophical Radicalism, Utilitarianism, Deontology, Fictitious Entity, Ély Halévy, John Stuart Mill*

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제레미 벤담과 철학적 급진주의

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국문요약

제레미 벤담의 정치사상을 철학적 급진주의라는 각도에서 조명하고자 한다. 먼저, 그의 공리주의는 당대에는 물론이고 현재에도 여전히 급진적인 발상의 전환에 해당한다. 도덕산수라는 발상은 오류지만, 공리의 비교를 통해 갈등을 해소할 수 있는 경우는 실제로 굉장히 많다. 다음, 벤담은 사회와 법은 물론이고 자연조차도 모조적 실체(fictitious entity)로 이해했다. 이는 당대는 물론이고 지금까지도 충분히 이해되지 못한 착상으로서, 우리가 우리 자신의 삶을 정확하게 파악하기 위해 필요한 뿌리에 해당한다. 이 두 가지 요점을 해명함으로써 벤담이 철학적으로 얼마나 급진적이었는지를 부각한다.

주제어: 제레미 벤담, 철학적 급진주의, 공리주의, 의무론, 모조적 실체, 엘리 알레비, 존 스튜어트 밀

1. Introduction

Jeremy Bentham is widely known as the proponent of utilitarianism, the central tenet of which is often summarized by “the greatest happiness of the greatest number.” In that guide it has met critiques and opposition as a harsh justification to sacrifice the lesser good for the sake of the greater. In particular, Benthamite utilitarianism has even been accused of being a precursor to totalitarianism by some since Foucault (1977) took Bentham's penitentiary plan of the panopticon as a typical manifestation of capitalist mindset whose nature is revealed in industrialized and organized modern societies.¹

However, common conceptions and comments about an individual's thought are more often the outcome of superficial impressions, hasty conclusions and overinterpretations than sincere understanding appreciating what the author meant to, and failed to, say. Jeremy Bentham is not a philosopher whose ideas can be summarized in a few sentences. He left writings on many different subjects in an idiosyncratic style that became abstruse and perplexing mainly because he tried so hard to write in precise and systemic phraseology that too often led him to coin many, at times grotesque neologisms. He may well have left open a possibility that utilitarian logic may sometimes be abused for totalitarian purposes. But he did not hold the doctrine that the sacrifice of the minority is **always** justified by the good for the majority. The sacrifice of the minority for the good of the majority can be justified only when the majority become happier after the sacrifice. Of course, as I will discuss later, the formula of the greatest happiness of the greatest number cannot provide us with as clear a criterion as Bentham expected it would, and ends up with generating more problems than it solves. But still is it not fair to confound Benthamite utilitarianism with the law of the jungle. A finer and more considerate reading is necessary for a fairer evaluation of Bentham.

One of the first comprehensive studies on what Bentham thought and did was published by a French, more than 60 years after his death. In *La formation du radicalisme philosophique* (1901-1904) Ély Halévy described the life of Jeremy Bentham as a way in which philosophical radicalism was generated and formulated, even though the phrase “philosophical radicals” originated with John Stuart Mill and never appears in Bentham's writings. Mill coined the phrase precisely because he wanted to distinguish himself and his colleagues from those who were called at the time “the Benthamites.” Therefore, some explanation that could go over, or at least around, John Mill's intention is needed before one uses his phrase to name the kind of philosophy like Bentham's.

I will argue that Bentham's way of thinking is philosophically radical in two respects. First, despite many shortcomings, his utilitarianism suggests a very radical change in the way of thinking about politics and morals. Mill's complaint against Bentham drew attention to a drawback in his predecessor's way of thinking, while admitting it did not affect the radicalness of the utilitarian way of thinking. Second, the radical nature of Bentham's thought is expressed in his naming such conceptions as nature, society, and law as fictitious entities. He did not mean that these are non-entities, but that their existence has something to do with artificiality. In his thought, the artificial has come into being for some sort of utility, so its form of existence could and should change as conceptions of its utility change.

¹ For criticism of Foucault's generalization, see Wright (1983, 20-22) and Gay (1993, 616-617)

This paper will give an account in Section 2 of how the phrase, “philosophical radicalism”, was first developed by John Stuart Mill and then used by Halévy. Sections 3 and 4 will elaborate the sense in which utilitarianism and Bentham's concept of “fictitious entities” respectively carry radical senses. The paper will be concluded with a consideration on the implications that Bentham's radicalness has for the relation between theory and practice.

2. “Philosophical Radicalism”

The English word “radical” comes from the Latin word “radix,” meaning root. The adjective “radical” designates in politics a generic disposition to change society at the root of the problem. Not a few among those who want the radical change act with haste as if purpose justifies means, and end up sacrificing much with little good. But there are indeed certain problems in human society that need to be dealt with at the root, and some among the radical do approach with enough patience until others come to see the point and practicability of the radical agenda.

The word “radical” in English politics began to be used not as a generic adjective but as a name for a certain group or party of people. Typically were called radical the candidates who ran for the Westminster constituency, sympathizing with revolutions in America and France, urging electoral reform, judicial reform, social service for the poor, and elimination of sinecures. These were called radical by others as an exonym and they called themselves radical as an endonym from the late 18th to the early 19th century. For instance, Henry Hunt and John Cartwright both of which ran for the House of Commons in Westminster were typical radicals (cf Claeys and Lattek 2011). But the usage of the word is inevitably loose and ambiguous. People usually designated as radical were those who positioned themselves in or around the Whig party, agreed to coalesce with the Whigs in opposition to the Tories, but were quite ready to attack the Whigs if their own agenda were at stake. Moreover, classification of political attitudes in terms of Whig, Tory, and Radical was not formal or legal but practical and conventional. Thus in a loose sense of the word, and allowing for the possibility of anachronism in which people of earlier times are classified by terms the sense of which is only later developed, the history of radicalism could go up to John Wilkes in the House of Commons and William Godwin, Robert Owen, Thomas Paine, Thomas Spence, and John Cartwright among authors and social reformers.

Later individuals commonly called radical included supporters of the Great Reform Bill of 1832, those who made the repeal of the corn laws possible in 1846, and the Chartists in the 1840s. John Stuart Mill, a member of this later generation, coined the phrase “philosophical radicals” to specifically distinguish himself and his colleagues from the misleading epithet, “utilitarians” or “Benthamites” (Thomas 1979, 2). He seems to have used it first in one of the contributions to *Monthly Repository* in 1834 (Rosen 2011, 277),² in which he called the group of youths including himself “the little band of enlightened and philosophic radicals” (Mill 1982, 191), and referred to “the little knot of philosophic radicals” (Mill 1982, 212), without any further specification. A more elaborated intention behind the new coinage was expressed in a book review in 1837.³ He distinguishes “the philosophic radicals” from four

² J. S. Mill's contributions to *Monthly Repository* are reprinted in Mill (1982). The phrase “philosophic radicals” appears on 191 and 212.

³ A book review of *England under Seven Administrations* by Albany Fonblanque, *London and Westminster Review*, April 1837, pp. 65-98. Reprinted in Mill (1982, pp. 349-80).

other schools of radicals, “the historical radicals”, “the metaphysical radicals”, “the radicals of occasion and circumstance”, and “the radicals of position.” The philosophic radicals are “those who in politics observe the common practice of the philosophers - that is, who, when they are discussing means, begin by considering the end, and when they desire to produce effects, think of causes.” (Mill 1982, 353). Then, he further elaborates on his intention in *Autobiography*.

... his [James Mill's] opinions, as I said before, were the principal element which gave its colour and character to the little group of young men who were the first propagators of what was afterwards called "philosophic radicalism." Their mode of thinking was not characterized by Benthamism in any sense which has relation to Bentham as a chief or guide, but rather by a combination of Bentham's point of view with that of the modern political economy, and with the Hartleian metaphysics. Malthus's population principle was quite as much a banner, and point of union among us, as any opinion specially belonging to Bentham. This great doctrine, originally brought forward as an argument against the indefinite improvability of human affairs, we took up with ardent zeal in the contrary sense, as indicating the sole means of realizing that improvability by securing full employment at high wages to the whole labouring population through a voluntary restriction of the increase of their a restriction of the increase of their numbers. The other leading characteristics of our creed, as mainly derived from my father, may be stated as follows. In politics, an almost unbounded confidence in the efficacy of two things: representative government, and complete freedom of discussion. (Mill 1981 [1873], 106-109)⁴

The phrase, “philosophic radicals”, was coined by John Stuart Mill to stress the difference from Benthamite utilitarianism. However, Ély Halévy took the formation of philosophical radicalism as a finality which Bentham's whole life was devoted to reach. For Halévy, the difference between utilitarians, including both Bentham and Mill, and those who could not understand the point of utilitarian movement was much greater than the difference between the two utilitarians. J. S. Mill might not have approved of Halévy's work if he had seen it, but the more immediate question to ask in determining whether the phrase “philosophical radicalism” could be applied to Bentham is how philosophical and radical Bentham's ideas were in the context of a human mind consisting of feelings and imagination as well as logic, which was the main point of critique J. S. Mill brought up against Bentham.

3. Utilitarian as a Radical Suggestion

Bentham is well known to be one of the first figures who contended that homosexuality

⁴ The *Autobiography* was edited and published five months after J. S. Mill's death. It is virtually impossible to establish exactly when he wrote the paragraph here quoted but it can reasonably be presumed that he wrote it in the late 1830's.

need not be feared (Halevy 1901-1904, I, 310-311, n.3), capital punishment should be abolished (Bedau 1983), and animals also have rights (Bentham 1907 [1789], 310-311, note). The conviction with which he could speak out for these propositions came out of the principle of utility. His support for the electoral reform was in the same vein. He drew a utilitarian conclusion that the social arrangement where the governing class has to worry about how the governed would feel is to the greater good for the whole than the one where those in power can tyrannize for their own good.⁵

To be sure, Bentham's belief that all grave social issues could be solved by a hedonic calculus was fallacious. As J. S. Mill (1969 [1861], 212) brought out in sharp relief in his famous remark, "it is better to be a human being dissatisfied than a pig satisfied; better to be Socrates dissatisfied than a fool satisfied,"⁶ Bentham paid little attention to the problem of commensurability. And Bentham and Mill both failed to see the limitations of the Enlightenment. That the most important problems in human affairs are often the hardest to solve by rational knowledge has been well elucidated by, *inter alia*, Michael Oakeshott (1962) and Isaiah Berlin (1969), while the degree to which Mill confounded the matter of our understanding each other with the task of attaining scientific knowledge was clearly brought to light by Peter Winch (1958). Furthermore, for the practical side, the kind of moral arithmetic which Bentham hoped would solve major social problems has not yet come about. Utilitarianism is simply incapable of determining the time span for which the utilities of a given choice are to be calculated, as is clearly shown by complicated debates around and between act-utilitarianism and rule-utilitarianism, and so on.

However, this should not lead us to denounce the utility of utilitarianism. The shortcoming lies in the expectation that utilitarianism could solve **all** social problems. It would still be a great contribution if **some** problems are solved by utilitarianism. There are indeed many problems which it can safely be said have been solved by the utilitarian approach. Cost-benefit analysis widely in use in policy and management studies is the direct offspring of utilitarianism. There are, of course, many problems the cost-benefit analysis cannot solve. But there are also many problems that it can and do solve.

The radicalness of utilitarianism consists in its being a suggestion for a transformation of the outlook from which we see matters of politics and ethics. Halévy (1901-1904, tome III, iv-v) summarized this transforming implication in these words: "comme la raison est le produit naturel de l'arrangement des sensations, l'ordre moral résulte nécessairement de l'équilibre des intérêts." Utilitarians were trying to transcend the reason-sentiment and the morality-interest dichotomies.

Take the case in which A robs B of money. Common sense tells that A deserts morality blinded by his monetary interest. This form of description is characteristically in accordance with the morality-interest dichotomy. Now, what if a third party witness, C, called the police

⁵ Debates continue as to when Bentham started to support democracy. See Mack(1962), Crimmins(1994), Schofield(2004), Rosen(2007, 2011).

⁶ Mill noticed an aspect of the commensurability problem by saying that satisfaction cannot be the overriding measure of comparison between a satisfied fool and dissatisfied Socrates. But he took the matter as if the states of the fool and Socrates are in the end commensurable by adding that "the fool, or the pig, only know their own side of the question," while "the other party to the comparison knows both sides." This is consistent with his belief in the "moral science" (Mill 1843), showing how he failed to distance himself from Bentham but concurred on putting scientific knowledge and human understanding on the same plain.

and A got punished? A would have not only deserted morality but also suffered loss in his physical interest while having gained no monetary interest at all. One has to suffer losses in an overwhelming majority, although certainly not entirely, of cases if he or she acts blinded by more or less immediate temptations. Utilitarians think that the description of the situation like this in the dichotomous contrast between morality and interest is likely to conceal the highly important fact that immorality is detrimental not only to the victim's but to the perpetrator's interest in very many cases. It is not only immoral but also stupid in a civilized society to take the money someone else has by force or fraud simply out of temptation. The perpetrator will, more often than not, get caught and punished.

Does this mean that utilitarianism recommends robbery depending on the probability of getting away with it? Many philosophers, including John Rawls and Michael Sandel, take it that way. But confidence, if any, that A would not get caught would just be a perception generated by A. Whether A gets caught or not does not at all depend upon his level of confidence, for how people around this particular crime will act in relation to it is completely indeterminate at the time zero. Still, of course, there may be some who are confident enough to commit it despite all odds. However, the existence of such individuals is not germane to utilitarianism as framed by Bentham and his followers. They thought that not committing the criminal act is evidently to the interests of the actor and the society as a whole.

On the personal dimension, there is the risk of getting caught and hiding oneself not to get caught is, arguably, a waste of life. On the social dimension, such an act is disutility because it makes the society less safe. Now, it is quite to the point to ask what is in the utilitarian calculus to make these two judgments deductions from the utilitarian logic. Probably, one would have to answer that they are extrapolated rather than deduced from utilitarianism. But still, this last consideration only shows that the principle of utility is not as self-contained as Bentham thought it would be. It is a far cry from truth to say that utilitarianism instigates immoral behavior.

The lifeboat dilemma is also quite commonly brought up to exemplify the internal flaw of utilitarianism. The lifeboat in a shipwreck can take ten more people when eleven are to be rescued. Is it justified for ten of them to decide to kill the eleventh? This metaphor takes many different forms. A driver of a train out of control must choose at a crossroad between taking the risks of killing five or one. An American anthropologist in the wild west period happens to visit a village of native Americans and is required by a vengeful cavalry officer either to watch twenty villagers executed or to choose and kill by his own hand one villager to save the lives of the rest nineteen.

These are metaphors successfully shed light on a certain flaw in the utilitarian logic. But what exactly is the flaw here? An extremely superficial interpretation will suppose that utilitarianism prescribes killing less to save more. This is as superficial as to suppose that deontology recommends letting all die in order to avoid the difficult choice. Utilitarianism is certainly incapable of providing any general guidance in the predicaments like these. But that is not a flaw unique to utilitarianism. It is a flaw, if at all, for every moral theory or principle. It is untrue to say that human beings have not yet come up with a systematic answer to moral dilemmas. The truth of the matter is that there being no ready-made answer is itself the very characteristic of these dilemmas. Utilitarians like Bentham and Mill

overlooked this aspect of the matter to allow some harsh critiques to accuse them of boasting as if the hedonic calculus could serve to solve this kind of dilemmas. At the root of this inattention lies the *hubris* of the Enlightenment rationalism, which has been criticized by Oakeshott, Berlin, and Winch as I mentioned above. At any rate, an utilitarianism purified of rationalist excess remains a possibility.

A subject quite similar to the lifeboat dilemma was, as a matter of fact, discussed among the Benthamites. Halévy summarized a discussion between Joseph Hume and Francis Place as follows (1901-1904, tome III, 186-188). Hume asked, “if 29 of a community, say of 30, agree that it would be a feast and afford pleasure to them to roast the 30th, are they not warranted by the 'General Happiness' principle, to roast and eat that one, and ensure the greatest happiness of the greatest number?” Place responded by raising two points. First, nothing stops them from doing so if they truly believe that is the way to greater happiness. But such a state of affairs is not what utilitarianism warrants, but what has frequently happened in human history. Does the English society indeed at the time, Place asked, not hang a poor man who was forced by starvation to burglary? Second, on the contrary, Place continues, utilitarianism should ask whether elimination of the least one truly benefits the majority. Now, once again, Place's conclusion that termination of the minority is not to the true interest of the majority does not follow logically from utilitarianism. However, it only means that utilitarianism cannot provide a definite prescription to guide moral conducts. It should not be regarded as a warrant to attribute to utilitarianism the perverse excuse that the majority becomes happier by destroying the minority.

J. S. Mill's remark quoted above also shows just how radical a turn of thinking was implied by utilitarianism. When Mill tries hard to distance from Benthamism by acknowledging the intellectual debt owed to Malthus as well as Bentham, he says: “Malthus's population principle ... originally brought forward as an argument against the indefinite improvability of human affairs, we took up with ardent zeal in the contrary sense, as indicating the sole means of realizing that improvability by securing full employment at high wages to the whole labouring population through a voluntary restriction of the increase of their a restriction of the increase of their numbers” (Mill 1981 [1873], 106-109). Malthus disclosed the inconvenient truth that human progress cannot proceed infinitely as the Enlightenment had assumed because food production cannot increase to keep pace with population growth. Mill and his friends found a way to transpose it to an inverse consequence that the only way to maximize human perfectability consists in population control by means of enhancing welfare services like education and medicine. Mill took Malthus's principle in substance only to overturn the latter's gloomy conclusion to a bright one by applying the kind of radical turn of thinking he had learned from Bentham's utilitarianism.

But the more radical part of Bentham's philosophy comes to the fore in his concept of “fictitious entities.”

4. “Fictitious Entities”

Rawls (1971) and Sandel (2009) put utilitarianism in opposition to deontology which they took as based typically on the Kantian concept of “categorical imperative.” But the word “deontology” was a neologism coined by none other than Jeremy Bentham. As he explained

in *Chrestomathia* (1816), he created the term “from two Greek words, the first of which signifies fit, fitting, right, becoming, proper. Deontology - an account or indication of that which on the occasion in question ... is fit, fitting, becoming, proper. It is in sound only, and not in signification, that it has any connexion with the word ontology” (Bentham 1843 [1816], 93 note). He also considered “dicastic ethics” as a synonym of “deontology,” but preferred the latter because it consists of one word instead of two. “Dicastic” is from an ancient Greek word “dicastes” designating judges or jurors, so dicastic ethics means for Bentham an ethics of judgment. He intended to mean both by deontology and dicastic ethics a science of right decision in concrete and particular circumstances.

Of course, for Bentham, utilitarianism was such a science of judgment. He even went on to write a book on reaching a right judgment according to the principle of utility, and entitled it *Deontology*.⁷ The title of the book in full was *Deontology; or, The science of morality: in which the harmony and co-incident of duty and self-interest, virtue and felicity, prudence and benevolence, are explained and exemplified*. Quite contrary to the common usage of these days in which it connotes duty in the Kantian sense, Bentham invented the word postulating that the science of morality should be able to explain the harmony and co-incident of duty and self-interest. He denounced the effect of duty strongly: “One thing which there will be occasion to stress is that it never is, to any practical purpose, a man's duty to do that which it is his interest not to do” (Bentham 1983 [1834], 121).

How can one pursue an ethics of judgment, that is, a science of morality which is supposed to be able to lead to the right decision while denouncing the effect of duty? Bentham's concept of “fictitious entities” comes into play here. He explored the relation between particulars and universals following the steps of the medieval nominalism and the English empiricism. The question that interested him is expressed in these words: “The Statute Law is a body composed of members we are acquainted with... We see, we hear, we touch: in short, we handle them... what is the Common Law? What, but an assemblage of fictitious regulations feigned after the images of these real ones that compose the Statute Law?” (Bentham 2008 [1776], 119-120). To rephrase his point in the context of contemporary South Korean practice, there are real regulations like the Criminal Code, the Civil Code, the National Assembly Law, etc. These are particular statute laws and “the statute law” is a name for the assemblage of those particular regulations. Now, there is also what is called the common law in England. Common law is superficially a body of court decisions. But obviously enough, not all decisions have binding force as precedents in subsequent cases. Therefore, one may argue that common law should be more rigorously defined as precedents to be observed in courts because what does not have to be followed cannot be law. Then the question follows: What is the criterion to distinguish precedents with binding force from those without? There is no such criterion clarified in common law. This is one of the reasons why Bentham called the common law “an assemblage of fictitious regulations feigned after the images of these real ones.”

When Bentham calls something “fictitious” or “fiction”,⁸ he does not mean “fake” or

⁷ John Bowring published it in 1834, having edited it from Bentham's manuscripts. References in this paper are to the Goldworth edition of 1983.

⁸ Both words, “fictitious” and “fiction,” are derived from the Latin word, “ficta”, which is a participle of

“false”. His enquiry into the meaning of terms was not tied to dichotomies like authentic vs. counterfeit, true vs. false, real vs. imaginary, etc. He employed a variety of adjectives with regards to the subject: “real”, “fictitious”, “corporeal”, “material”, “immaterial”, “corporeal”, “incorporeal”, “spiritual”, “perceptible”, “inferential”, “fabulous”, “mental”, “phychical”, “physical”, and so on. And the relations he put them in were not necessarily systematic (see for example Murphy 2014, 59-87). He exerted sincere efforts throughout his life to use language in the way as definite and systematic as he could, but usually ended up with futile complications. His enquiry into the meaning of language and the kinds of being too is intellectually interesting, but stopped far short of any self-contained system. However, just as his striving for a complete system could not get rewarded perhaps not because his utilitarianism was faulty, although it was, but because he strived too much for human knowledge, it may as well be not due to his (and our) ignorance that he could not attain a system to clearly blueprint the kinds of being, but due to the misguided, if one can call it that, pursuit of an unattainable system. At any rate, his concept of “fictitious entities” is worth illuminating, although he failed to establish a systematic and correct theory on the meaning of language or the kinds of being.

According to Bentham, “entities are either real or fictitious: real, either perceptible or inferential: perceptible, either impressions or ideas: inferential, either material, i.e. corporeal, or immaterial, i.e. spiritual” (Bentham 1843 [1816], 126 note). We can see the influence on him of English empiricism in which, when I see something, I do not see the object directly, but only see the impression of it left in my sensation or the idea formed by the impression. Therefore, a particular entity, that is, a material entity is classified not as perceptible but as inferential. If I, for instance, touch the surface of a table by hand, I perceive the sensation of the touch from which the being of the table is inferred. This is certainly a use of language very much opposite to ordinary speech. And it was not an endpoint he finally reached by rearranging language in accordance to the truth he had found about reality, idea, perception, matter, spirit, but it was an attempt on his part to rearrange language in a way which he thought would be consistent, in areas where he felt more light needed to be shed among the usage of the ordinary speech.

The concept of “fictitious entities” comes up in the midst of that attempt. There are three subclasses of fictitious entities, according to Bentham: “somatic or somatological,” “noological” and “ethical” fictitious entities” (Bentham 1843 [1816], 187). But the classification is in different terms in another writing which seems to have been written more or less contemporaneously. To “physical” fictitious entities belong substance, quantity, places, time, motion, rest, relation, etc. (Bentham 1843 [1821], 200-201). Kingdom, class, order, genus, species, variety), etc., are “concomitant” fictitious entities (Bentham 1843 [1816], 206). And obligation, right, exemption, power, privilege, prerogative, possession-physical, possession-legal, property, command, prohibition, punishment, pardon, license, warrant, judgment, division, etc., are “political” fictitious entities (Bentham 1843 [1821], 206). Fictitious entity is different from non-entity. For example, “in the house... lives a being called the Devil, having a head, body and limbs, like a man's - horns like a goat's - wings like a bat's, and a tail like a monkey's... the observation naturally might be, that the Devil... is a

“fingo” meaning to deceive, dissemble, adorn, fashion, form, shape, instruct, etc. Ockham and his mentor Harclay had used “ficta” as a philosophical term (Read 1977), and Bentham was more than likely aware of this usage (Murphy 2014, 65). For Bentham, “fictitious entities” were not real, nor fabulous, but objective.

non-entity” (Bentham 1843[1821], 198). In other places, he differentiates these non-entities again from fictitious entities, calling them “fabulous” entities (Bentham 1843[1816], 126 note; 1843[1821], 193; 1843[1838], 262-263).

Bentham's thought about being and language remains far from complete. However, at least the reason why he classified duty as fictitious can now be explained. The word “duty” is a form of representation by which a fictitious entity of what human beings ought to do is created. The “root” of this form of representation or “fiction” is “in the nature of language: that instrument without which, though of itself it be nothing, nothing can be said, and scarcely anything can be done” (Bentham 1843[1821], 198). Bentham thought particulars are real. The men we know of by the names of Socrates, Plato, Aristotle, etc., are real entities. On the other hand, the generic name “man” designating the set combining all men is a fictitious entity. The common noun “man” is not a particular, but a form of representation through which we set off particular individuals in a class. This is consistent with Bentham's distinction between particular statute laws as real regulations and common law as fictitious. Similarly the generic term “statute law” is a fictitious entity, whereas particular statute laws are real regulations (Murphy 2014, 72).

How humans ought to act at a given moment of choice differs depending on the nature of the circumstances and who the actors are. But it at least seems invariable that everybody must do “what humans ought to do,” and therefore the generic name, “duty” was somehow fashioned to denote the seemingly invariable “what humans ought to do”. Then, it also looks as though what each human being ought to do under what circumstances can be known, only if what duty is can be linguistically explicated. But this latter is an illusion generated primarily due to the nature, sometimes deceptive, of language. For Bentham, the major cause of predicaments philosophers had struggled with since Aristotle was the failure to see the distinction between real and fictitious entities, that is, between what we say of things and what we say of our language in which we say of things.

Especially in fields like ethics, realizing that such a concept as “duty” is a fictitious entity has weighty implications for practice. “Duty,” being a form of representation, does not and can not tell the particular actor under particular circumstances what choice he or she ought to make. You must forgive a criminal to fulfill the duty of mercy, while you must put him to stern punishment to fulfill the rigor of justice. Which of these two “duties” ought to be fulfilled? Bentham started from this question, explored into the proportion between crime and punishment, and finally found the proportion in the principle of utility. Then he tried to develop a science of judgment expecting that utility calculation would give direction to virtually all judgment only if such calculation method is to be found, and gave a name “deontology” to the science. It was C. D. Broad (1930, 277) who first used this Benthamite notation in, quite contrarily, Kantian sense (Beauchamp 1991, 171), Deontology is now usually meant to be the very opposition of utilitarianism. But it was just another name for utilitarianism when Bentham first coined it.

5. Concluding Remarks

Jeremy Bentham's utilitarianism is commonly taken as a theory that favors the interest of the stronger, partly because it is usually treated as opposite Kantian deontology. But the

English word, “deontology” was coined by Bentham himself, and intended to designate Benthamite utilitarianism. Since Broad used it in 1930 to represent the Kantian kind of ethical theory, it is a common notation for a position which stresses the Kantian duty. This usage is the very reversal of Bentham's intention. A certain degree of misunderstanding of Bentham's thought must have acted behind this incidence of reversal that happened to the meaning of a word far from trivial to Bentham.

This paper has brought to light Bentham's thought in the form of discussing how radical his thoughts were. A large part of misunderstanding as to Bentham may as well have resulted from the failure to see how radical his philosophy was. The phrase “philosophical radicals” was what John Stuart Mill coined for the group of young intellectuals around himself, specifically to differentiate from Benthamism. There is certainly some differences between thoughts of Mill and Bentham. But the kind of radicalness I tried to bring out to relief is one characteristic of utilitarianism both philosophers shared, and, at the same time, a radicalness rooted in Bentham's unique interest in language differently from Mill. I highlighted in this paper that utilitarianism amounts to a radical turn of thinking, and that how Bentham's mind went radical when he paid attention to “fictitious entities.”

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