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*"Farther Uses of the Dead to the Living":
Reading the Felicity of the Body in Jeremy Bentham's Auto-Icon*

FADE IN

In *South Park*-style 2-d animation, the heads of Jacques Lacan, Jeremy Bentham and Roman Jakobson stand atop sticks before a blank backdrop where "p. 12: The Ethics of Psychoanalysis" scrolls vertically, horizontally and diagonally without an apparent pattern.

JAKOBSON

(jovially, putting his arm around Lacan)

My dear Lacan, may I share with you a key, a little latch, which might serve as a hint to your own thinking: *Jeremy Bentham's Theory of Fictions*. Ordinarily this text seems be neglected in the summary of his work traditionally given. (Jakobson presents the book to Lacan)

LACAN

(glancing interestedly through the text, looking up periodically to look at BENTHAM. He shuts the book emphatically.)

This personage is far from meriting the discredit, indeed the ridicule, which a certain critical philosophy might formulate concerning his role in the history of the development of ethics!

BENTHAM

(who has hitherto stood slightly apart from the group, but now raising

his hand to make a fist and an announcement)

In the dialectic of the relationship of language to the real, the Good is situated on the side of the real, therefore, I hereby renounce the pestilence that is Fiction!

[IMAGE: rotating Auto-Icon] This paper is meant to be a “bodying forth” –a bringing forward of the body in Jeremy Bentham’s written corpus, a body which materialized through the hand his dear friend, Dr. Southwood Smith, who, as instructed by Bentham, preserved Bentham’s dead body in the manner expressed in the “Annex” to Bentham’s Last Will and Testament, entitled “B: Auto-Icon.” What I would like to do today is to cross-read Bentham’s Last Will and Testament, and his last, very eccentric essay, “Auto-Icon or, Farther Uses of the Dead to the Living” (1832), with *Bentham’s Theory of Fictions*, the collection of essays spanning Bentham’s considerable writing career on this theme compiled by C.K. Ogden in 1932.¹ Intersecting these texts will be several Lacanian texts, with some Roman Jakobson in the conversation as well. These three philosophers of linguistic subjectivity meet on page 12 of Jacques Lacan’s *Ethics of Psychoanalysis* Seminar held in 1959-1960 to debate the performativity of fiction, the elusivity of the Real, and the subjectivity which comes into

Being in the relation between Fiction and the Real. They all recognize what Lacan calls the “fading” of the Subject (*aphanisis*), that is, a kind of deprivation of Being which comes from the Subject subsumed or eclipsed by signification, particularly, language.

In the *Ethics* seminar Lacan salutes Bentham as “the man who approaches the question [of the progress of knowledge] at the level of the signifier” (*Ethics*, 228). But while Lacan and Jakobson sit very comfortably with the construction of the Subject as a function of language, epistemologically and otherwise, Bentham clearly rebels against this fading of the Subject which he designates, quite disparagingly, the “scourge” that is “fiction”. Arguably, Bentham struggled from the beginning of his writing career against the “fiction” inaugurated by the belief in the natural law promulgated by Sir William Blackstone in his *Commentaries on the Laws of England* (1765). Bentham’s first publication, written anonymously in 1776, the *Fragment on Government*, mounts an offense against Blackstone for the “fiction” that Blackstone endorses in his *Commentaries*.² The epigraph on the front page of the *Fragment*, from Montesquieu’s *Esprit de Loix*, announces the starting point of Bentham’s intervention into legal and juridical theory: the imperative to de-trump the trick which has been perpetrated upon general knowledge itself, in this case, by Judge

Blackstone: *“Rien ne recule plus le progrès de connaissances, qu’un mauvais ouvrage d’un Auteur célèbre: parce qu’avant d’instruire, il faut commencer par detromper.”*³ (“Nothing can delay the progress of knowledge more than the bad work of a famous Author: because before instruction, it is necessary to start by undeceiving.” my translation). Blackstone’s “trick” comprised the dissemination of what Bentham elaborates as the detestable fiction instituted by the “Original Contract,” also understandable as natural law.

As Mary Warnock reads Bentham’s stance, natural law, and the Original Contract which sets that law into motion, are the primary causes of the “fundamental muddles and incoherences” – of the “drug” or “opiate” effect upon citizens -- by which bad or “mischievous” laws, that is, laws which are not put to the test of utility and therefore of happiness, are put into practice, unchallenged. For Bentham, natural law was based upon an “indulg[ence]... in the licence of supposing that to be true which is not...”,⁴ a blind following of laws which, by definition of their being “natural,” are interwoven with morals and are, therefore, indisputable. The principle of utility, not the hegemony of morals, should determine law, Bentham insisted, thus leaving room for the possibility that some laws as theorized by Blackstone may not actually be for the greater good. (Warnock, 15) Utility was able to be calculated, determined through a

highly structured “felicific calculus,” and would be, as such, a more reliable and more “real” foundation than the absolutist dominance of morals as the basis of law. Bentham’s radical new proposal for the basis of law would require modification on a massive and material level in order to displace the authority of natural law. And I think it is worth considering just that “materiality” of the modification: not only in the level of material determinants (in the Marxist sense), but, on the level of the materiality of the body, which, notably, is also the metaphorical referent behind Utilitarianism’s measurable amounts of “pleasure” and “pain.”

Bentham’s long battle with the governance of fiction took place on the ground of language. He placed particular emphasis on the legal body or person constituted in language: this body-person constituted the fundamental unit of the “trumpery” put forth by Blackstone. Though Bentham concedes that Blackstone’s approach to jurisprudence attempted to rid the practice of law of its jargon--its “artifice” --, in fact, says Bentham, the use of the English language [as opposed to jargon] as the legal medium only served to foster “the pestilential breath of Fiction [that] poisons the sense of every instrument it comes near.”⁵ Bentham particularly decries the maintenance of the “Fictions of Law”, legal “bodies” constituted solely through linguistic positing, upon which the entire foundation of English

legal jurisprudence was based. "Fiction of use to justice?" Bentham exclaims in an essay called "Legal Fictions," – "Exactly as swindling is to trade." (Ogden, 141) Bentham thus characterizes fiction as a swindler, looking for the easy mark. Of course he was up against much more than the fiction of law: his became a battle against the discursivity of language in general, of which law was paradigmatic.

Bentham defined "fiction" as the following: "a fictitious entity is an object, the existence of which is feigned by the imagination, feigned for the purpose of discourse, and which, when so formed, is spoken of as a real one."⁶ In Bentham's scenario of fiction, the subject constructed by language, which he understands as a "body," is a fictional sign. Any qualities which are attributed to that subject of language are also "altogether fictitious," because these attributes, he says, are often spoken of as if they were "*in* a body, i.e. a tangible substance, or in some other object which is spoken of as if it were a body... which... it is not."⁷ Here Bentham defines "body" as "a tangible substance." But this "tangible substance" seems to be prone to an accumulation of fictional overlays. Even a preposition -- Bentham's example is the word "in" -- will take on and enhance the signifying properties which constitute fiction. The preposition "in" is yet another sign: the "sign of the relation". (Ogden, lvii) This

accretion of fictional signs within language works *metonymically* in terms of structural linguistics – that is, on a horizontal level that is based on syntactic proximity or attachment to other signifiers. Although the term “metonymy” comes from Roman Jakobson’s structuralist model of linguistics, and will be elaborated upon by Jacques Lacan, I propose that Bentham’s theories of fiction bear remarkable similarities, particularly in the mutual acknowledgment of the inevitable accumulation of signification, figured as a signifying chain or constellation, which constitutes subjectivity. Furthermore, both Bentham and Lacan posit a structural relation of proximity or nearness between signification and the “real” that has a deleterious effect, especially according to Bentham.

This deleterious effect is the fading of the Subject theorized by Lacan. It is an ambivalent fading, always marked by an indexicality necessary to the performativity, a.k.a. the felicity or happiness, of the Subject. This necessary indexicality comes into play in the linguistic shifter, as analyzed by Roman Jakobson.⁸ Ambivalent in its concurrent conjunction and disjunction of the Subject in language, the linguistic shifter is exemplified by the primary case of the personal pronoun “I.” As a signifier, “I” is totally general and transferable, and thereby empty [of material “reality”]. But “I” is also completely singular, “being in existential relation,” that is,

being indexically annexed to its individually-existing utterer. In this sense the shifter is a structure of language that is both symbolic and indexical, respectively (Jakobson, 388). Similarly, the fictional body which allows law to be performative is in itself devoid of a “real” body, but, in reiterative usage by individual users, attaches itself to “real” “material” entities or users so that each individual becomes a subject of and beneficiary of the given law. In Lacanian discourse, this indexical joining to the otherness or alterity of signification, to the Symbolic, is understood as “suture.” “Suture” effects the *proxy subject* that is, for Lacan, the Subject. This is a subject-persona that “stands in” for the Subject, facilitates its “being” through the performative syntax of language, and only through such; it is a “deprived” subject, one which has to “give up” the desire for discursivity in the Real to submit to discursivity in the Symbolic, named by Bentham “Fiction.”

But throughout Bentham’s writings, even if he might acknowledge the necessity of language, arguably, a persistence of the Real, or at least a persistence of the *desire for the Real*, comes through. This persistence manifests in his recurrent recourse to a material, tangible body. Emanuelle de Champs’ very interesting and helpful essay entitled “The Place of Jeremy Bentham’s theory of Fictions in Eighteenth-century Linguistic

Thought,”⁹ richly contextualizes Bentham’s philosophy of language within his own context of 18th century philosophy. As De Champs relates, Bentham, like other philosophers of his time, looked to etymology as the proving ground that every word is derived from a sensory-perception, comprising a “material image” which beckoned and anchored a “direct relation” to the given word. In this sense, explains De Champs, Bentham denied any existence of abstract ideas. (De Champs, 11) If this bodily phenomenology of language derived from sensory perception is only suggestive of “the body” standing in for the material real, Bentham lets us know more explicitly that he is calling upon the body as the indicator of the “substantial” Real:

Fate, Destiny, Luck, Lot, Chance, Accident, Heaven, Hell, Providence, Prudence, Innocence, Substance, Fiend, Angel, Apostle, Saint, Spirit, True, False, Desert, Merit, Fault, Etc. Etc., as well as JUST, RIGHT, and WRONG, are all merely Participles poetically embodied, and substanciated by those who use them. (my emphasis)¹⁰

Thus, as Emmanuel De Champs has noted, Bentham, in line with the philosophers of his time, exhibits a certain want for a material referent behind language. Furthermore, his use of the word “embodied” is telling here, because he qualifies this word with what Jakobson would call the

linguistic “shifter” when adds the phrase, “and substantiated by those who use them.” The body, then, *is* the indexical signifier in Bentham’s mind.

So, ultimately what I am trying to do here is to identify “the body” as the urgently needed real entity conducive to the realization of the greater happiness for the greater number. This realization of happiness is performed by being allowed to occur *materially*. Bentham’s explicit instructions for the “auto-iconization” of his body in his Will, along with his last, unpublished essay “Auto-Icon, or, Farther Uses of the Dead to the Living,” comprise the culmination, or at least the attempt to be such, of the greater happiness principle. As useful cadaver, the Auto-Icon in its corporeality, “is” the Real, the Real entity that for Bentham is lamentably lost in the Fictional subject of the Law. The “Auto-Icon” as a body, text, and body-text, gives us a special hindsight to *Bentham’s Theory of Fiction*: it is the fulfillment, the “bodying forth”, the *appropriation*, of the legal person, the person-in-language.

In one of many quirky pronouncements in “Farther Uses of the Dead to the Living,” the corporeal body eases the otherwise divisive relationship between signifier and signified, trying to eliminate the gap between them that leads to abstraction and figuration: “*Auto-Icon* will soon be

understood,” Bentham proposes, “for a man who is his own image... Is not identity preferable to similitude?”¹¹ As a performative act, the Auto-Icon is, as JL Austin, and of course Bentham, would say, “happy.” The high score in the felicific calculus not only comes from the greater good being achieved, but, reading on a deeper, perhaps more unconscious level, from the continuity between Bentham’s Will, or conscious intention, and his corporeal body. Insisting upon a corporeal voice of intention, Bentham, in the annexation of his body to his Will is, in his mind, a model to follow for all humankind, beset as humankind is by the deprivation resulting from the subject’s constitution in language. The materiality of the corpse would yield a more stable constitution of the living subject than would the performativity of language. Instead of the figurative person of law which perform as a proxy subject or place-holder, a corpo-real referent would anchor the intentional subject in indisputably tangible reality.

However: Bentham’s notion of “ownership” and the proprietary nature of one’s relation to one’s image here begins to get slightly tricky,

because in order for one to physically auto-iconize oneself, one has to do so through the transfer of one’s body *as property* to someone else’s hands (in Bentham’s case, Southwood Smith’s). In “Farther Uses...,” in which Bentham prescribes the Auto-Icon to be a head that stands in for the whole

body, Bentham constructs a progressive sequence of property markers for the Auto-Icon which culminates in its being co-opted into the category of the *graph*:

As in the progress of time, instruction has been given to make 'every man his own broker,' or 'every man his own lawyer': so now may every man be his own statue. Every man his best biographer.¹²

The act of auto-iconism is a new kind of writing, and when we read Bentham's Last Will and Testament, where his corpse becomes equivalent to his prolific *corpus*, we cannot help but to begin to read the corpse as a text. The Auto-Icon comprises "an auto-graph of a higher order," specifically, an "auto-thanato-graph." ("Farther Uses...", 5, 8) In "Farther Uses..." Bentham cites as an inspiration the contemporary puppet theater in which wooden heads of different characters are laid out "lexonically" on a table before an audience.¹³ The heads thus become figural, transposable.¹⁴ Once the line is crossed from "identity" to "graph", the Auto-Icon becomes textual, tropological, figurative, *Fictional*...

Even the body-- perhaps especially the body--is prone to appropriation, and Fiction plays on an almost fickle receptivity of "the body" to lend itself to the figurality of the graphic mark or linguistic sign. Bentham's allegory of the "automaton" is most telling of this transferability of the body into the realm of fiction. Couched in a footnote of his essay on

Movement and Bodies (and included by Ogden in *Theories of Fiction*)¹⁵, the automaton allegory becomes especially resonant when read from the hindsight of his Auto-Icon. Both figures are similarly seated, both “in the dress of a man... constructed by the ingenuity of the mechanist”:

Beholding at a distance, in the dress of a man, sitting and playing upon an organ, an automaton figure, constructed... by the ingenuity of the mechanist, to take this creature of human art for a real man, is a sort of mistake which, at a certain distance, might happen for a time to be made by the most acute observer. In like manner, beholding a part of speech cast in the same mould with the name of a real entity, a really existing substance, no wonder if, on a variety of occasions, to the mental eye of a very acute observer, this fictitious entity thus accoutred should present itself in the character of, and be regarded and treated as if it were a real one. How should it be otherwise, when on every occasion on which, and by every person by whom it is spoken of at all, it is spoken of as if it were a real entity? (Ogden, xlii-xliii)

The automaton put forth by Bentham here brings us full circle back to Jacques Lacan, who characterizes the Symbolic, which he aligns with Bentham’s Fiction, as “*automaton*” in his essay “*Tuché and Automaton*.”¹⁶ In this essay, reading the Aristotelian terms, *Tuché* marks the encounter with the Real, and it operates as an always missed encounter which may, or may not, “happen” alongside the general discursive Symbolic milieu of *Automaton*.¹⁷ Following Aristotle’s notion of “*automaton*” being the name for animal movement which has no internal cause or intention and moves

by outside chance collisions (unlike man, who does maintain internal cause), automaton's *appearance* of internal cause is key.¹⁸ The fact that Bentham's automaton man is sitting at an organ, that is, proximate to another instrument, creates the misperception that the automaton is "real." The attribute of mechanical instrument is transferred over to the organ, away from the automaton man, who appears to exert control and intention upon the organ. When the automaton man is discovered to be not a man but a machine, according to Aristotle, the viewer will look for the cause which precedes the automaton.¹⁹ The nature of *automaton* is such that mechanical instrumentality seems to constitute an ongoing chain, even as you look at it. Persistent always is the search – unrequited-- for an original cause or intention.

The Lacanian theorist Joan Copjec explains subjectivity as constructed by the Lacanian *automaton* as a primary separation, between the self and an almost puppet-like objectivity which ineluctably co-exists with it: "The subject constructed by language finds itself detached from a part of itself. And it is this primary detachment that renders fruitless all the subject's efforts for a reunion with its complete being." (Copjec, 52) Lacan proceeds from this fundamental detachment coming from a residence in the network of signifiers he calls *automaton*. He allows for the shifty elusiveness of the

real and the chain of signifiers that overtakes and subsumes the real.

Bentham, on the other hand, reveals a certain resistance to *automaton*, also known as Fiction, condemning it as being a swindling fraud masquerading as a real entity but which, contrary to appearance, never actually has any indexical relation to the Real at all. He would like to finally put an end to the perpetuation of signification by annexing his corpse to his corpus, his preserved head to his Will. This real, bodily entity might begin to rectify the damage incurred by fiction, by the figural body constituted through language, a constitution that abandons any anchoring in “tangible substance.” The Auto-Icon is Bentham’s attempt to personify legal fiction, by restoring reality as corpo-reality to a body which has been wrapped up in layers of fiction and automated by mechanical reiteration.

But does not the relation of annexation, of the “Auto-Icon” “annex” text to Bentham’s last Will and Testament, which then becomes “annexed” to the body “itself”, reveal the inexorable metonymy of the signifying chain? Even the corpo-real becomes a graphic mark, immediately annexed into the alterity of signification. Bentham’s logic of auto-thanatography is its own infelicitous undoing. Discussing Bentham’s “proleptic dialogue with Lacan,” David Collings writes:

Death alters the status of one’s intentions, as it does one’s body;

to pretend otherwise is to refuse the sway of what Lacan has called the Other, the domain precisely of substitutions (such as names or symbols), the mode of signification in which any subject is necessarily embedded and in whose terms one's identity is framed. Death marks one boundary of the literal, forcing one to recognize that one might signify in a way that one did not intend and that any form of representation, however minimal, participates in a logic of substitution that eventually dissolves the illusion of the represented's identity with itself. (Collings, 100)

Here Collings, too, is recognizing the conversation taking place between

Lacan and Bentham across the dissection table of the Auto-Icon.

Bentham's consistent recourse to the body and to sense perception throughout his voluminous written corpus becomes evocatively apparent when read through the body-text of his "own" (dead, real) body, bequeathed to the Greater Happiness for the Greater Number. To be opened up further in subsequent reading would be, following Lacan's lead, introducing a program of "ethics" into Bentham's negotiation of the ongoing relationship between Real and Fictional entities.

¹ C.K. Ogden, *Bentham's Theory of Fictions*, New York: Harcourt, Brace and Co., 1932. As Emmanuelle de Champs has elaborated, Bentham's theories of fiction were not compiled as such during his lifetime; Ogden assiduously collected relevant essays and passages from the vast and unedited writings in the original Bowring edition. These essays included "An Essay on Logic"; "Ontology"; "An Essay on Grammar"; and "Universal Grammar", with passages from *Fragment on Government*; *Anarchical Fallacies*; *The Book of Fallacies*; *Chrestomathia*; and *Deontology*.

² See Mary Warnock, ed., *John Stuart Mill: Utilitarianism; On Liberty; Essay on Bentham*, New York and Scarborough, Ontario: New American Library, 1962, 7-31, for an analysis of Bentham's antagonistic relationship to Blackstone and of Bentham's early development of the theory of Utilitarianism and Greater Happiness. For an interesting account of the stir and speculation in London society caused by the anonymous publication of the *Fragment on Government* see Charles Warren Everett, *The Education of Jeremy Bentham*, New York: Columbia University Press, 1931, 96-98.

³ *Collected Works of Jeremy Bentham*, ed. John Bowring, London, 1838-43.

⁴ Warnock, 12, 15.

⁵ Ogden, quoting from Bentham's *Fragment on Government*, xvii. All subsequent quotations of Bentham cited by Ogden will be indicated as paginated in Ogden. Ogden's citations are footnoted as pages from Bentham's *Works*, from various volumes.

⁶ Emmanuelle de Champs, "The Place of Jeremy Bentham's theory of Fictions in Eighteenth-century Linguistic Thought," *Journal of Bentham Studies*, 2, citing Bentham's "Essay on Language," in Bentham, "Essay on Language," *Collected Works*, ed. Bowring, 325.

⁷ Ogden, lix.

⁸ See Chapter 23, "Shifters and Verbal Categories," in Roman Jakobson, *On Language*, ed. Linda R. Waugh and Monique Monville-Burston (Cambridge:

Harvard University Press, 1990) 386-392.

⁹ de Champs,

¹⁰ Emmanuelle de Champs, 2, citing Bentham's "Essay on Language," in Bentham, "Essay on Language," *Collected Works*, ed. Bowring, 325.

¹¹ Bentham, "Auto-Icon or, Farther Uses of the Dead to the Living," London: 1832, 2, 5.

¹² Bentham, "Auto-Icon or, Farther Uses of the Dead to the Living," London: 1832, 1-2, italics in the original. Bentham is citing Thomas Mortimer, *Every Man His Own Broker; or, a Guide to the Stock Exchange, etc.*, 1761ff, and Giles Jacob, *Every Man His Own Lawyer: Or, a Summary of the Laws of England in New and Instructive Method, etc.*, 1763ff. As footnoted in Robert Fenn, ed., *Auto-Icon or, Farther Uses of the Dead to the Living, A Fragment*, 17.

¹³ Bentham, "Auto-Icon or, Farther Uses of the Dead to the Living," London: 1832, 8 and Gerald Kahan, *George Alexander Stevens and the Lecture on Heads*, Athens: University of Georgia Press, 1984, 82.

¹⁴ Not unrelatedly, Bentham's own Auto-Icon head, which had been placed in a box in the prescribed glass case, was stolen as a mascot by King's College, prompting the head's current storage place in a vault in the College Library.

¹⁵ See volume VIII, Bentham, *Collected Works*, 129, and Ogden, xlii.

¹⁶ Lacan, *The Four Fundamental Concepts of Psycho-Analysis*, 55.

¹⁷ In *The Ethics of Psychoanalysis*, Lacan points out that "happiness" is etymologically linked to "happen." He observes, "It's odd that in almost all languages happiness offers itself in terms of a meeting--*Tuche* [originally in the Greek]," 13.

¹⁸ Aristotle compares animal movement to that of puppets, or "automata," and to the movement of a child's wagon. Animal movement, he postulates, derives from the most proximate cause, desire. Animal motion driven by

desire looks as if it had a final cause, or *telos*, as motion does in humans, but does not actually have one. In this sense of having no actual final cause but seeming to, animal movement is "*to automaton*". (Aristotle, "*De Motu Animalium*," trans. Terence Irwin and Gail Fine, Indianapolis and Cambridge: Hackett Publishing Co., Inc., 1995, 701a-701b)

¹⁹ This chain effect of granting antecedent authority as the determiner of human movement is clarified in Joan Copjec's reading of Aristotle's description of the movement of a hand holding a stick, from *De Motu Animalium*. "Seeking the 'true original' of the stick's movement, [Aristotle's] analysis makes its way up the arm joint by joint, rejecting each with the declaration that it's something 'higher up' that can always initiate the motion even if each joint were to stiffen and thus each section of arm go rigid as the stick." (Joan Copjec, *Read My Desire: Lacan Against the Historicists*, London and Cambridge, MA: The MIT Press, 1994, 49)