APPENDIX

The Bentham Manuscripts

The manuscript notes and essays on homosexuality by Jeremy Bentham cited in this study are described by A. Taylor Milne in the second edition of his Catalogue of the Manuscripts of Jeremy Bentham in the Library of University College, London (London: Athlone Press, 1962) as follows. Roman numerals refer to box numbers, the Arabic numbers to the sheets in each box. (In my notes the box numbers are also given in Arabic numerals.)

LXVIII 10–18. Penal Code—appendix, sexual eccentricities; 1824–1825
LXXII 187–205. [Penal code] Paederasty [ca. 1785]
LXXIII 90–100. [Sexual] Nonconformity [ca. 1774]
LXXIV(a) 1–25. [Sexual] Nonconformity [fragments; ca. 1774]
26–34. Nonconformité [in French, ca. 1785]
35–222. Code penal—sexual; 1814, 1816
CLXI(a) 1–19. Sextus: General idea of a work having for one of its objects the Defence of the Principle of Utility, so far as it concerns the liberty of taste, against the conjunct hostility of the principle of asceticism and the principle of antipathy; and for its proposed title, proposed on the ground of expected popularity, or at least protection against popular rage—"Not Paul but Jesus." 1817

The earliest of the manuscripts is the collection of notes most of which Bentham labeled with the heading "Nonconformity." These make up eleven sheets of different sizes
in box 73, and twenty-five sheets in box 74a. The large folio sheets numbered 15, 16, and 17 comprise a fantastic *jeu d’esprit* entitled “Castrations to Mr. B by the Daemon of Socrates.” Each of these folios is folded to make four large pages, so the essay is twelve pages long. Otherwise, the notes in this collection are fragmentary, brief, and extremely miscellaneous, but all relate directly or indirectly to the subject of homosexuality and law reform.

The essay “Paederasty” in box 72 (dated ca. 1785) is written on folios numbered 191 through 205. Again, each large sheet is folded to make four pages, so there are sixty pages in all. Preceding the essay are three folios (twelve pages) with unconnected paragraphs on various topics relating to homosexual law reform, numbered 187, 188, and 189. This essay, with the accompanying paragraphs, has been transcribed and published by the present author in the *Journal of Homosexuality* 3 (1978): 389–405; and 4 (1978): 91–107.

In April and May 1814, Bentham wrote extensively on this subject on sheets with “Code Penal” written at the top, and again from July to September 1816 on sheets headed “Sex.” These make up folios 35 to 222 of box 74a, that is, 188 pages in all. These notes are much more developed than those of 1774, some filling a half-dozen or more consecutive pages. They show signs of being organized into chapters, with subject headings written at the top of many sheets. Most of the pages bear a precise date, but the pages are not presently in chronological order. Pages written in 1814 and 1816 have been interleaved to bring related topics together.

In 1931 C. K. Ogden published significant excerpts from these 1814–1816 notes in an appendix entitled “Bentham on Sex,” which comprised pages 476–97 of his edition of *Theory of Legislation* (London: Kegan Paul, Trench, Trübner), without indicating what specific pages he was using or their dates. In this study, I have drawn on some of the passages Ogden has transcribed, but readers who compare
the two versions will find frequent differences. There are two main reasons for this. One is the frequent obscurity of Bentham's handwriting. Occasionally, I have corrected words that Ogden seems to have misread. In other cases, there appears to be more room for diversity. Bentham regularly revised his pages by writing alternative expressions over his original words and phrases, only rarely crossing out the first version or indicating whether he really wanted the alternatives to replace it. He seems to be leaving the choice to some future occasion or to an editor. Most often I have used the interlineations as representing his second, if not necessarily his preferred, thoughts. Unfortunately, however, since the interlineations are often written in a hand even more cramped than his usual hasty scrawl, it has not always been possible to decipher these. In such cases I have gone back to the first version. However, since Bentham's interlineations seem nearly always merely to give alternative expressions without any significant change in the sense, this practice has not likely led to any serious misrepresentations. Where it has been necessary to correct the grammar, to abbreviate, or to add words inadvertently omitted by Bentham, I have used square brackets.

The fair copy of Bentham's prospectus to William Beckford, which the cataloguer has entitled "Sextus," fills folios 14 to 18 of box 161a and two pages of folio 19, making twenty-two pages in all. The first thirteen sheets of this box contain a draft of this essay, three sheets of which are dated August 26, 1817, whereas the last sheet is dated September 11, 1817. The fair copy was not dated by Bentham.

Box 161b contains 309 manuscript pages headed "Not Paul but Jesus," which deal with questions of asceticism and sexuality, particularly homosexuality. These pages are individually dated, the earliest on November 19, 1817, and the latest on February 7, 1818, and, in their degree of organization, come close to forming a volume with identifiable chapters.
Finally, Bentham once more returned to the subject of homosexuality and law reform in an "Appendix" to his "Penal Code," written when he was seventy-six. He gives a brief recapitulation of his attack on asceticism and his arguments for a change in the laws on eight pages preserved in box 68. The first four pages are dated December 26, 1824, and the remainder January 13, 1825.
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