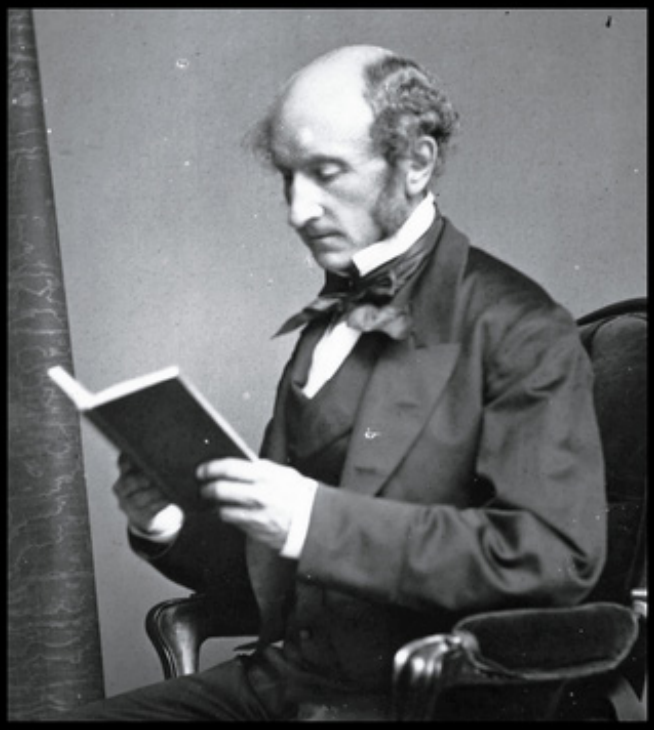
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A Companion to Mill

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This volume is dedicated to the memory of Donald "D.G." Brown, who sadly passed away just as it was going to press.

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Preface

Why another book on Mill? And, more specifically, why another companion volume, given the existence of the excellent 1998 *Cambridge Companion to Mill,* edited by John Skorupski? The questions are fair, but the answers are not hard to find. Mill has indeed already been the subject of many books of late. In just the last ten years – since 2006, which happens to be the year of his bicentenary – more than a dozen new monographs, at least a half-dozen edited collections of new papers, and a new biography have appeared (in addition, of course, to countless articles in academic journals). While much of the scholarly attention has been focused on Mill's moral, social, and political philosophy, as well as his place in the history of political thought, his theoretical philosophy has not been neglected: witness the publication of a significant work on the Mill–Whewell debate in the philosophy of science and an edited collection on the *System of Logic*, not to mention a number of nuanced articles considering Mill's philosophy of language.

Yet the very fact that so much first-rate work has been and continues to be produced about every aspect of Mill's life and thought indicates that interest in him remains both widespread and intense, and this alone constitutes a rationale for another significant contribution to the literature – at least as long as it is of sufficient quality. Moreover, that the literature has grown so much in just the last decade, let alone since the publication of the last companion to Mill, suggests that this is an appropriate juncture for taking stock in a comprehensive fashion both of everything that we have learned and of the state of the debate over the many interpretative questions that remain unsettled. This is what this volume, whose contributors include most of the biographers and interpreters responsible for moving the conversation about Mill forward in recent years, aims to do.

Despite the advances that have been made in our understanding of Mill, there are still very basic disagreements about the nature of his thought. Writing in Skorupski's *Companion,* Alan Ryan pointed out that despite the apparent simplicity of its prose, the nature of Mill's *On Liberty* remains disputed.

> [O]ught we not to know by now whether the essay's main target is the hold of Christianity on the Victorian mind or rather the hold of a monolithic public opinion of whatever kind; whether its intellectual basis lies in utility as Mill claimed or in a covert appeal to natural right; whether the ideal of individual moral and intellectual autonomy is supposed to animate everyone, or only an elite; and so indefinitely on? (Ryan 1998: 497)

Such debate continues between this volume's contributors both here and on the pages of scholarly journals. We still lack consensus on even issues as fundamental as

whether Mill is more profitably seen as a libertarian or a socialist. And if there are still disagreements about the basics of Mill's political philosophy, the same can be said of many other aspects of his works. Whether Mill is better read as advocating a *eudaimonistic* or hedonistic conception of the good is still a live issue, as is how this theory of value relates to his account of morality. Even his orientation towards idealism or naturalism in metaphysics remains contentious.

It is tempting to say that such disputes are inevitable, given Mill's self-declared "many-sidedness" (*Autobiography*, I: 171). His goal to unite the philosophies represented in his own age by Bentham and Coleridge plays out throughout his philosophy as no less than the attempt to reconcile Enlightenment and Romanticism, liberalism and conservatism, scientific explanation and humanistic understanding. This means that Mill's work inevitably pulls in different directions. That is not to say that his philosophy is contradictory, but rather just to point out the obvious – that any satisfactory account of human beings' relationship to the world and to one another must do justice to the complexity of those relationships. Mill's sensitivity to such complexities makes him an invigorating philosophical companion. With the increasing spirit of pluralism within Anglo-American philosophy, Mill's desire to learn from "Germano-Coleridgean" (*Coleridge*, X: 215) insights also provides a useful lesson in how to be open to traditions beyond one's own, while remaining philosophically level-headed.

The chapters in this volume consider many different aspects of Mill's thought. Part I deals with biographical issues, broadly conceived. Mill's life has always been a source of considerable interest. His remarkable education, his breakdown and discovery of poetry, his love-affair with Harriet Taylor and his foray into parliamentary politics all make for absorbing stories – all the more for being set during a period when the British institutions of Church and State were undergoing pivotal change. Behind these episodes, however, lie questions about Mill's relationship to his own intellectual heritage, and the extent to which Mill is a reliable narrator of the meaning and lessons of his own life. Part II of the book offers an account of various important influences on Mill's thought. Providing a complete account is, of course, impossible – Mill's reading was wide, and influence is an amorphous concept. The account here, therefore must be partial, and there are regrettable omissions from the story told here – regrettable all the more because they indicate genuine gaps in our knowledge of Mill's background. We still know little in detail of Mill's debt to the distinctive voices coming from Germany in his own period, the place of the Medievals in his philosophy is not well understood, and (perhaps most surprisingly) his relation to Scottish thought of the eighteenth and nineteenth century has not been fully investigated. Any of these topics, and more besides, could have been usefully included in a companion such as this.

Part III deals with what we have decided to title the "Foundations of Mill's Thought." These include aspects of his theoretical philosophy – though we do not mean to take a stand on the much disputed question of whether Mill's theoretical philosophy is the groundwork, or rather a result of, his moral philosophy. Whatever the case, this aspect of Mill's philosophy is rich and deep, and it is perhaps surprising that it has received so little attention when compared to that of Locke and Hume. Mill's place in the history of philosophy means that he sees clearly the strengths and possibilities of British empiricism – but also its internal tensions. The growth of the physical, biological, and social sciences in his own time made it clear that a new account of humans' knowledge of the

world was necessary – but in the process of attempting to offer such an account, Mill runs into some of the most difficult problems of reconciling the mind seen as a natural object in the world and seen as the condition for our view on that same world. This leads him to struggle with how our minds are formed by our circumstances, the nature of our representations of the world, and the relativity of knowledge – issues which could only start to come clearly into focus in British philosophy after the Kantian turn. This section also deals with Mill's view on issues – aesthetics, history, and religion – which, although not traditionally thought of as theoretical, are closely related to those issues.

Parts IV and V form the core of this volume, dealing with Mill's ethics and social philosophy respectively. It is to these areas of Mill's thought that most scholarly attention has been dedicated in recent years, and much has been learnt. It is now generally accepted that any full understanding of Mill's ethics must place his account of morality within the broader context of his account of "the art of life." Mill, to be sure, has much to say about distinctively moral categories of *right*, *obligation*, and *justice* – but it is an open question as to how these relate to his account of the value of utility, which grounds practical reason as a whole. Mill freely avails himself of notions of spontaneity, virtue, and cultivation – these too inform his theory of how it is best for an individual to live. The question of how to Mill's mind it is best for a community to organize itself and act is equally as complex. It has taken a long time for it to be clearly appreciated how many issues are at stake in Mill's "text-book of a single truth" (*Autobiography,* I: 259). There are many arguments presented in that work and they must be carefully picked apart if we are to properly understand Mill's argument for freedom. We must also see these arguments in the context of Mill worries and hopes for a nation's ability to improve itself and other communities, as given in his lesser known works.

The volume concludes, in Part VI, with a consideration of Mill's relation to later movements in philosophy: to modern liberalism, to modern utilitarianism, and to the Analytic/Continental divide. Mill's influence, of course, continues. Many of the philosophic issues he struggled with remain alive today, and chapters on Mill's relation to various other aspects of twenty-first century philosophy could (and no doubt would) have been chosen for inclusion by other editors. We hope that the perceived gaps in this volume will spur others on to complete the work started here.

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Note on Citations

All citations to Mill in this volume are taken from the *Collected Works of John Stuart Mill*, published by Routledge & Kegan Paul, London and Toronto University Press, Toronto, 1963–1991, and edited by John M. Robson.

References are to volume and page and, in order to minimize in-text disruption, we have adopted the following abbreviations throughout the volume:

Auguste Comte	*Auguste Comte and Positivism*
Chapters	*Chapters on Socialism*
Considerations	*Considerations on Representative Government*
Early Draft	*Early Draft of the Autobiography*
Examination	*An Examination of Sir William Hamilton's Philosophy*
Inaugural Address	*Inaugural Address to the University of St Andrews*
Liberty	*On Liberty*
Logic	*System of Logic*
Notes on the Analysis	*Notes on the Analysis of the Phenomena of the Human Mind*
Principles	*Principles of Political Economy*
Rejected Leaves	*Rejected Leaves of the Autobiography*
Subjection	*Subjection of Women*
Thoughts on Poetry	*Thoughts on Poetry and its Varieties*

Part I

Mill's Autobiography and Biography

1

Mill's Mind: A Biographical Sketch

RICHARD V. REEVES

Benjamin Franklin exhorted his fellows to "either write something worth reading or do something worth writing." John Stuart Mill (like Franklin himself) is among that rare breed who managed to do both. It hardly needs stating – especially in a volume such as the one in your hands – that Mill's writing and thought is influential. Across the field of political philosophy, ethics, gender studies, and economics, his writings still carry a good deal of weight. If the true measure of greatness is posthumous productivity, as Goethe suggested, Mill's status is assured.

But Mill's life holds plenty of interest, too, not least for the additional light it shines on the development of his thought. In this brief biographical sketch, I hope to show this relationship between life and work in two areas in particular. First, the way in which Mill's extraordinary upbringing and education fuelled his journey away from utilitarianism towards liberalism; and second, how his relationship with Harriet Taylor influenced his thinking on gender equality, most obviously, but also on the potentially damaging influence of social custom.

Mill was a quintessential public intellectual before the term was created; an advocate for a humanist, self-reflective life – the "Saint of Rationalism," as William Gladstone dubbed him – but also a man of political action. John Morley, a Liberal politician and writer and a disciple of Mill's, described him as "a man of extreme sensibility and vital heat in things worth waxing hot about" (Morley 1921: i.55).

There were many such things, too: parliamentary reform, the US Civil War and slavery, the Irish potato famine, religious freedom, inherited power and wealth, and women's rights, to name only the most obvious. These were issues to which Mill was intellectually and politically committed. But they became personal, too. It is useful to consider Mill's personal journey, not simply because it is interesting in itself, but because his ideas bear a strong imprint of the personal and political circumstances of his life. Mill was an intensely autobiographical thinker: for him, the political and personal were intertwined.

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Mill's life was out of the ordinary from the beginning. After his birth on May 20, 1806, his father, James Mill, wrote to another new father and proposed "to run a fair race ... in the education of a son. Let us have a well-disputed trial which of us twenty years hence can exhibit the most accomplished and virtuous young man" (Mill 1976: 11).

Mill was home-schooled by his father, a historian and disciple of Jeremy Bentham. The education was, as Isaiah Berlin observed, "an appalling success" (Berlin 2002: 220). By six, Mill had written a history of Rome; by seven he was reading Plato in Greek, at eight soaking up Sophocles, Thucydides and Demosthenes; at nine enjoying the Pope's translation of The *Iliad*, reading it "twenty to thirty times." By the age of 11 he was devouring Aristotle's works on logic, before being moved on at 12 to political economy. Not that the young Mill has to be coerced: as he recalled later, "I never remember being so wrapt up in any book, as I was in Joyce's Scientific Dialogues." In 1819 he undertook "a complete course of political economy" (*Autobiography*, I: 13, 21, 31). (It may have helped that David Ricardo had become a friend of the family, and was fond of Mill junior).

But Mill was lonely, and reserved. "As I had no boy companions, my amusements, which were mostly solitary, were in general of a quiet, if not a bookish turn," he observed. He could talk to his father about cerebral matters, but never emotional ones. Mill's mother does not feature in the final, published version of his *Autobiography* at all: but in earlier, discarded drafts, he ponders how different life might have been if he had been blessed with "that rarity in England, a really warm-hearted mother" (*Rejected Leaves*, I: 610, 612).

After a year in France as an adolescent – turning Mill into a lifelong Francophile – he was baptized into the utilitarian faith, after being presented with Jeremy Bentham's work on the moral foundation of the law. The opening sentences of the work are surely among the clearest in moral philosophy:

> Nature has placed mankind under the governance of two sovereign masters: pain and pleasure. It is for them alone to point out what we ought to do, as well as to determine what we shall do. (Bentham 1962: 1)

Bentham was in fact a very close family friend to the Mills, providing them with financial support in the form of what amounted to a rent subsidy, intellectual engagement and even access to a country home, where the Mill–Bentham routine of reading, writing, editing, and educating was interrupted by bracing walks, even the occasional dance.

When Mill read Bentham, in Dumont's French translation, as he recounted,

> the vista of improvement which he [Bentham] did open was sufficiently large and brilliant to light up my life, as well as to give a definite shape to my aspirations ... I now had opinions; a creed; a doctrine; a philosophy; in one among the best sense of the word, a religion; the inculcation and diffusion of which could be made the principal outward purpose of a life. (*Autobiography*, I: 71)

But during a self-described "mental crisis" in 1826 and 1827, Mill began his long and difficult journey away from a narrow, Benthamite utilitarianism vision towards a

profound belief in the inalienable value of individuality and the humanist liberalism that would illuminate his most famous work, *On Liberty*. Mill was helped out of his depression by poetry – famously dismissed by Bentham as no better than push-pin – including the verse of Wordsworth and Coleridge, very far from being required reading for the philosophical radicals clustered under the Benthamite banner. (When Mill visited Wordsworth in the Lake District in 1831, his more orthodox radical friend and travelling companion, Henry Cole, pointedly stayed away.) Mill's much-tested friendship with Carlyle survived the accidental burning by Mill's maid of the only copy of the first volume of Carlyle's monumental history of the French revolution.

Mill's "crisis," and his increasingly negative reflections on his own upbringing, had a clear impact on the development of his philosophy. I do not intend, here, to adjudicate the various attempts to reconcile Mill's utilitarianism and liberalism; that is better left to others in this volume. I will restrict myself to suggesting that Mill was a weak utilitarian, because he was a good liberal.

Biography matters in understanding the development of Mill's thought here. He became highly sensitive to criticism, from those such as Thomas Carlyle, that he was a "manufactured man." And not least because he agreed with it:

> I conceive that the description so often given of a Benthamite, as a mere reasoning machine was, during two or three years of my life not altogether untrue of me. (*Autobiography*, I: 111)

Mill felt trapped by one element of his youthful creed, the "associationist" psychology of Hartley, which implied that everyone is shaped by their circumstances into the person they are destined to remain. We are what we are raised to be:

> [During] the later returns of my dejection, the doctrine of what is called Philosophical Necessity weighed on my existence like an incubus. I felt as if I was scientifically proved to be the helpless slave of antecedent circumstances; as if my character and that of all others had been formed by agencies beyond our control, and was wholly out of our own power. (*Autobiography*, I: 175–176)

Mill's departure from this brand of psychological determinism was painful, both personally and intellectually. But following his crisis, and during subsequent bouts of depression, it became vitally important to Mill to feel that he was the master of his destiny, living under his own intellectual propulsion. Mill's rejection of the Benthamite version of utilitarianism – at first *sotto voce*, but increasingly loudly – and his embrace and advocacy of a Humboldtian, developmental liberalism are reflections of his own private journey.

In *On Liberty*, Mill criticized those who conform to any of "the small number of moulds which society provides in order to save its members the trouble of forming their own character" (*Liberty*, XVIII: 267–8). It is hard to read this description without thinking of how Mill himself saw himself as breaking free from a mould provided not by "society," but by his father. We are only truly free when our "desires and impulses" are our own, in Mill's view: when we have our own character, rather than the character prescribed for us by others (*Liberty*, XVIII: 264).

Although one of Mill's best-known works is his *Utilitarianism*, he was ambivalent, even dismissive, about the work himself. In a letter to Alexander Bain, on October 15, 1859,

he described the work as "a little treatise" (Letter to Alexander Bain, Oct 15, 1859, XV: 640). A few weeks later, also to Bain, he wrote: "I do not think of publishing my Utilitarianism till next winter at the earliest, though it is now finished … It will be but a small book…" (Letter to Alexander Bain, Nov 14, 1859, XV: 645). To W.G. Ward, Mill described the work as a "little manuscript treatise" (Letter to William Ward, Nov 28, 1859, XV: 640). *Utilitarianism* ran to four editions during his lifetime, but Mill – generally a diligent reviser of his work – barely touched it. Of the changes that he made, just eight are of any substance. This treatment contrasts strongly with the editorial investments he made in the many editions of the *Principles of Political Economy*, the *System of Logic* and – perhaps most comparable – *Representative Government*, to which Mill made 105 substantive changes for the second edition alone.

It is the only work of any significance that Mill fails to treat in any detail in the *Autobiography*. An important question is: why did he write it? The motives appear to a mixture of defensiveness and guilt. Having become an increasingly outspoken critic of Bentham himself, Mill worried that following the death of his father and Bentham, utilitarianism had been left without serious defenders. Explaining his motives in 1858 to Theodor Gomperz, his German translator, he wrote, "there are not many defences [sic] extant of the ethics of utility" (Letter to Theodor Gomperz, Aug 30, 1858: 570). To Charles Dupont-White in 1861 he explained that "l'idée de l'Utile été…très impopulaire" (Letter to Charles Dupont-White, Oct 10 1861, XV: 745).

Since the work was, for Mill, backward-looking, an attempt to compensate for earlier assaults, he failed to take opportunities to clarify and thereby strengthen his treatment. One example of editorial neglect stands out particularly starkly, given the intellectual history of the work. The weakness of Mill's "proof" of utility was immediately apparent, even to Mill's allies. Theodor Gomperz pointed it out to him in 1863, just after first publication of the first edition of the book in February.[1] But Mill made no alterations, in either the second edition (1864) or the third (1867). In some frustration, Gomperz tried again in 1868 as he was preparing a German translation:

> Let me conclude by expressing my regret that you did not in the later editions of the Utilitarianism remove the stumbling block … pp. 51–52 1st ed. (audible, visible – desirable) which when pointed out to you by me, you said you would remove. (Gomperz 1868)

In his reply a few days later, Mill admits the problem, professes to have forgotten about it, claims he has been too busy in the preceding five years to address it, and then asks Gomperz to do it for him, in the German edition:

> With regard to the passage you mention in the Utilitarianism *I have not had time regularly to rewrite the book* & it had escaped my memory that you thought that argument apparently though not really fallacious which proves to me the necessity of, at least, some further explanation & development. I beg that in the translation you will kindly reserve the passage to yourself, & please remove the stumbling block, by expressing the real argument in such terms as you think will express it best. (Letter to Theodor Gomperz, Feb 18, 1866, CW XXXII: 163, my emphasis)

Gomperz, reasonably enough, leaves the flawed passage: it was not his job or place to fix a problem of this kind. The resulting weakness in Mill's argument has provided sport for

undergraduate philosophers ever since, and as Alan Ryan points out, the essay has "become a classic through the efforts of its opponents rather than those of its friends" (Ryan 1982: 12).

This rather shocking neglect was however of a piece with Mill's distance from the work: between the first publication of the essay and his death twelve years later, *Utilitarianism* is mentioned by Mill just eleven times in his correspondence, compared to thirty-three references to *On Liberty*. While he published many of his works – *On Liberty* and *Principles of Political Economy* for example – as cheap "people's editions" (for which he received no royalties), he appears never to have considered doing so for *Utilitarianism*. In 1866, he asked Longman to send some free copies of his most important works to the Durham Cooperative Institute: *Utilitarianism* was not on the list (Letter to William Longman, Feb 18, 1866, XXXII: 163).

A number of scholars, not least Alan Ryan and Wendy Donner, and various authors in this volume, have worked hard to make a better job of presenting Mill's mature utilitarianism than he managed himself in this essay (Donner 1998; Ryan 1974). My only point here is that a biographical examination of the question shows that by the time Mill wrote and published *Utilitarianism*, his heart wasn't in it – and that's at least one reason why it is, by his standards, a poor-quality piece of work (Reeves 2008: 333).

Of course, Mill was not an academic publishing in peer review journals. Like most of his contemporaries, he was an amateur intellectual. He did not attend school or university. His day job was at the East India Company, following in his father's footsteps, where he rose gradually to the heights of First Examiner. He walked to work each morning and began each day with a cup of tea and a boiled egg. (Mill wrote precious little about India, however, and unlike Macaulay, never troubled to visit the county he spent his mornings administering.)

In addition to his civil service duties, Mill was a debater, journalist, editor, and politician. In his twenties, he was an enthusiastic participant in the burgeoning debating club culture. He was not a charismatic speaker by any means, but was sharp in argument, and had the writer's ability to coin a resonant phrase. Mill also ended up running the *London and Westminster Quarterly*, a platform from which he could bring Alexis de Tocqueville's work to a British audience. In fact, Tocqueville bound Mill's review of his landmark book Democracy in America into his own working copy, on the grounds that the two had to be read together for his own work to be fully appreciated.

Mill's reputation was made by his *System of Logic*, published in 1843, and burnished by his 1848 *Principles of Political Economy*. William Gladstone was heavily influenced by Mill's economics, and the success of the *Principles* gave him, according to the Victorian writer Walter Bagehot, a "monarchical" status in political economy for decades (Bagehot 1915: 120).

But it was *On Liberty*, published in 1859, the year after the death of his wife Harriet, and dedicated to her memory, that secured Mill his lasting place in intellectual history. The essay synthesized Mill's mature philosophy, centered on the idea of individual growth, progress and cultivation. A liberal society, for Mill, was one in which each person was free to progress "nearer to the best thing they can be" (*Liberty*, XVIII: 267). Mill prefixed his essay with what he called a "motto" from Wilhelm von Humboldt's *Sphere and Duties of Government*, published in 1854: "The grand, leading principle, towards which every argument unfolded in these pages directly converges, is the

absolute and essential importance of human development in its richest diversity" (*Autobiography*, I: 191; *Liberty*, XVIII: 215). Mill endorsed Humboldt's claim that "the end of man … is the highest and most harmonious development of his powers to a complete and consistent whole" (*Liberty*, XVIII: 261; Reeves 2008: 278).

Mill's liberalism was founded on a conviction that the range of opportunities for self-creation and autonomy were the standard against which cultures, political systems, economic institutions, and philosophical ideas should be judged. When Mill argued against repression, he did not use spatial terms like "invade" or "interfere." For him, repression inhibited natural growth, with people turned into "pollards," or being "compressed," "cramped," "pinched," "dwarfed," "starved," or "withered" (VF: 278).

Here, Mill was clearly able to draw a connection to his own life. For him, self-development was a personal issue. He saw his own upbringing as constricted, especially emotionally. But he also believed his education had given him the resources to escape from the path on which he had been set. Mill described his journey to Carlyle:

> None however of them all has become so unlike what he once was as myself, who originally was the narrowest of them all…fortunately however I was not *crammed*; my own thinking faculties were called into strong though partial play; & by their means I have been able to *remake* all my opinions. (Letter to Thomas Carlyle, Oct 22, 1832, XII: 128)

Mill worked for his entire career for the East India Company, the same organization that had employed his father. In fact, he owed the job to his father:

> In May 1823, my professional occupation and status for the next thirty-five years of my life, were *decided by my father's obtaining for me* an appointment from the East India Company, in the office of the Examiner of India Correspondence, immediately under himself. (*Autobiography*, I: 82, my emphasis)

Mill, as noted earlier, was justifiably afraid of being – and of being seen as – a "made man." For Mill, it was vitally important that individuals not only be authors of their opinions, but also architects of their lives:

> He who lets the world, or his own portion of it, choose his plan of life for him, has no need of any other faculty than the ape-like one of imitation. He who chooses his plan for himself employs all his faculties. (*Liberty*, XVIII: 262)

One of the chief obstacles to self-expression and self-development identified by Mill is the "despotism of custom." This was a theme of much of his writing; again, biographical factors are important here, specifically the influence of Harriet Taylor, who Mill met in the summer of 1830. Harriet was married with children and the status of her relationship with Mill during the years up until her husband's death in 1849 has been the subject of gossip and speculation ever since. More importantly, the scope of Harriet's intellectual influence has also been hotly contested all along. Godefroy Cavaignac, a French refugee and leading light in the *Société des Droits de l'Homme* dubbed her "the Armida of the London and Westminster."[2]

Harriet's role has occupied the attention of scholars since. Nicholas Capaldi suggests Harriet was a "great influence" on Mill's life and thought (Capaldi 2004: xiv); for Jo

Ellen Jacobs, her work, "beginning with the *Principles of Political Economy*, tended more and more towards co-authorship" (Jacobs 2002: 196). Hayek devoted a book to the subject. Helen McCabe's chapter in this volume argues that Mill "would not have been half the man he was without her."

According to Michael Packe, Harriet wielded an "astounding, almost hypnotic control of Mill's mind" (Packe 1954: 315). Packe also claimed for Harriet a good deal of the credit for Mill's subsequent essays – especially *On Liberty* and *The Subjection of Women*: "In so far as Mill's influence, theoretic or applied, has been of advantage to the progress of the western world, or indeed of humanity at large," he wrote, "the credit should rest upon his wife *at least as much* as himself" (Packe 1954: 371, my emphasis).

In private and in public, Mill was at pains to emphasize Harriet's unique brilliance, eclipsing his own merely workmanlike abilities. Sometimes he did in fact position himself as a mere translator of her thoughts, as her amanuensis, likening her at one point to Bentham, "the originating mind," and himself to Dumont, the French translator of Bentham's *Traite de Legislation* (Letter to Harriet Taylor Mill, Aug 30, 1853, XIV: 112). "Unfortunately for both," recounted his friend Alexander Bain, "he outraged all reasonable credibility in describing her matchless genius, without being able to supply corroborating evidence" (Bain 1882: 171).

There is no question that Harriet was an important influence on Mill's thinking and that they worked together in close intellectual partnership. Here again, Mill's biography is interwoven with his thought. His relationship with Harriet, for example, both directly and indirectly shaped his views about the dangers of social custom. Mill and Harriet suffered from gossip and social exclusion during the years of their unusual relationship while Harriet's husband was still alive. Unsurprisingly, they shared a strong fear and dislike of the power of custom.

It is in fact quite difficult in the early years of their relationship to disentangle the effects of Harriet on Mill, from those of Mill on Harriet, on this particular subject. A review by Harriet of Sarrans' *Louise Phillipe and the Revolution of 1830* has clear Millian markings. Or put differently, the quotes from Harriet's essay lamenting the "phantom power" of the "opinion of society," and the centrality of "self-dependence" could be dropped unnoticed into almost any paragraph in *On Genius* – or indeed *On Liberty* (*Enfranchisement of Women*, XXI: 399–400).

An unpublished essay of Harriet's from the early 1830s (it is not dated but is on paper watermarked "1832") describes the "spirit of conformity" as:

> [T]he root of all intolerance … what is called the opinion of society is a phantom power, yet as is often the case with phantoms, of more force over the minds of the unthinking than all the flesh and blood arguments which can be brought to bear against it. It is a combination of the many weak, against the few strong. (Taylor 1832: 264–5)

Harriet also strengthened Mill's support on women's rights, a subject on which he became increasingly outspoken as the years passed. (He was even able to persuade Florence Nightingale of the cause.) Mill was the first MP to put down legislation to give women the vote, winning seventy-four votes to his side, and was the moving spirit in the National Society for Women's Suffrage. Millicent Fawcett described him as the "principal originator of the women's movement" (Fawcett 1873: 85).

During his short tenure as a Member of Parliament, Mill dueled Benjamin Disraeli over the right to protest in public parks, and won. A corner of Hyde Park stands to this day as a testament to his victory. The Tories, he declared, were "the stupid party," or, as he later clarified his view in Parliament: "I never meant to say that the Conservatives are generally stupid. I meant to say that stupid people are generally Conservative" (*Speech on Representation of the People*, XXVIII: 61). He was also, in addition to his work on women's rights, a passionate advocate for the north in the US Civil War in the 1860s, for more support to Ireland during the famine of the 1840s, for opening up the British civil service through competitive examination, and for women's and girls' education in England and India.

Following his retirement from the East India Company in 1858 and ejection from Parliament a decade later in 1868, Mill spent most of his time in Avignon in southern France, where Harriet had died.

In the Spring of 1873, Mill picked up erysipelas, the result of a bacterial infection following a botanising expedition near his French home. He told his stepdaughter: "you know that I have done my work" (Packe 1954: 705). Indeed, he had. Mill was buried next to his wife, in a funeral with just five attendees, proof, if any were needed, of Dickens' claim that "the more truly great the man, the more truly little the ceremony" (Ackroyd 1990: xiii).

Notes

1 See Weinberg (1963) for an account of the interaction between Gomperz and Mill.

2 Armida is an enchantress in Tasso's *Gerusalemme Liberata* who lured crusading knights away from their duty, popularized through operas by Gluck and Rossini. Cavaignac may have been suffering from sour grapes: there is some evidence that Mill rejected his literary offerings, see *VF*, p. 139.

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2

Mill's Epiphanies

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John Stuart Mill was raised to be the Lenin of the revolutionary movement that we remember as utilitarianism, and whose members at the time were called the "Philosophic Radicals." And as many philosophers know, Mill's youth was brought to a close by a bout of depression – what he called his "Mental Crisis" – that amounted to a crisis of commitment. Sandwiched between his training and his first not-exactly-breakdown (of three) we find two epiphanies that get little or no attention, and I want to go some distance towards rectifying that omission. I think they will explain Mill's Crisis, and why he never became the Lenin of utilitarianism – but also why utilitarianism turned out not to be the sort of movement that needed a Lenin.

1. First Epiphany

In his *Autobiography*, Mill describes "an epoch in my life; one of the turning points in my mental history" (*Autobiography*, I: 67). First, a bit of background. Mill had spent time in France, and by his mid-teens, he spoke and read French fluently. A good deal earlier than that, Jeremy Bentham, the father of utilitarianism and his mentor, had shipped off a very large pile of manuscripts to Étienne Dumont, who translated, edited, abridged, and rewrote them into the *Traités de législation civile et pénale*, since retranslated into English under the title *Theory of Legislation*.[1] Mill is about to describe what it was like to read Dumont's French rendering of Bentham.

> My previous education had been, in a certain sense, already a course of Benthamism. The Benthamic standard of "the greatest happiness" was that which I had always been taught to apply … Yet in the first pages of Bentham it burst upon me with all the force of novelty. What thus impressed me was the chapter in which Bentham passed judgment on the common modes of reasoning in morals and legislation … and characterized them as dogmatism in disguise imposing its sentiments upon others under cover of sounding expressions which convey no

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> reason for the sentiment, but set up the sentiment as its own reason. It had not struck me before, that Bentham's principle put an end to all this. The feeling rushed upon me, that all previous moralists were superseded, and that here indeed was the commencement of a new era in thought. … But what struck me at the time most of all, was the Classification of Offences… my previous training, had given me a strong relish for accurate classification. … when I found scientific classification applied to the great and complex subject of Punishable Acts, under the guidance of the ethical principle of Pleasurable and Painful Consequences … I felt taken up to an eminence from which I could survey a vast mental domain, and see stretching out into the distance intellectual results beyond all computation. As I proceeded farther, there seemed to be added to this intellectual clearness, the most inspiring prospects of practical improvement in human affairs. … at every page he seemed to open a clearer and broader conception of what human opinions and institutions ought to be, how they might be made what they ought to be, and how far removed from it they now are. When I laid down the last volume of the *Traité* I had become a different being. The "principle of utility," understood as Bentham understood it, and applied in the manner in which he applied it through these three volumes, fell exactly into its place as the keystone which held together the detached and fragmentary component parts of my knowledge and beliefs. It gave unity to my conceptions of things. I now had opinions; a creed, a doctrine, a philosophy; in one among the best senses of the word, a religion; the inculcation and diffusion of which could be made the principal outward purpose of a life. And I had a grand conception laid before me of changes to be effected in the condition of mankind through that doctrine. … the vista of improvement which he did open was sufficiently large and brilliant to light up my life, as well as to give a definite shape to my aspirations. (*Autobiography*, I: 67–71)

This is Mill's first epiphany, the moment when he realizes what the meaning of his life is, and unlike most such "realizations," Mill lived up to this one. Just for instance, the passage emphasizes the importance of displacing disguised appeals to what people already think or feel with transparent Benthamite cost-benefit analysis; Mill went on to write his *System of Logic*, the book that made him famous in his own lifetime, partly in order to delegitimize appeals to self-evident (that is, *a priori*) knowledge, and to moral intuitions. And of course Mill stayed a utilitarian until the day of his death.

Mill was sixteen, give or take a bit. About two years later, Bentham had a favor to ask, and it must have gone something like this: "John, you know, there's this book I've tried to write three times, and wasn't ever able to finish." (Sorry, I'm too American to even try for an in-period, British rendering!) "Why don't you take these three enormous piles of handwritten manuscript, fold them together, clean it all up, and we'll publish it. It'll be great for your career."[2] Mill couldn't very well say no to the great man, and it was in any case a genuine opportunity: he had had the home-school equivalent of a very good PhD or two, and this would have been his postdoc: no longer merely a homework exercise, but a contribution to a substantial publication. His father, James Mill, must have encouraged him; Mill senior had put together a lengthy abstract of this very book, and probably he had originally intended himself to do the task his son was taking on.[3] Mill then produced the five-volume *Rationale of Judicial Evidence*, totaling some 3300 pages, which he describes as having "occupied nearly all my leisure for about a year" (*Autobiography*, I: 117). Having myself tried the exercise of transcribing Bentham's nearly illegible handwriting into fair copy that you might plausibly send off to a publisher, I can advise you not to take the word "leisure" to suggest a part-time hobby or relaxed pastime; that Mill was able to finish it off in this time frame is nothing short of remarkable.[4]

The year Mill turned twenty brought the onset of his Mental Crisis, and as you no doubt expect, I'm going to suggest that the timing wasn't a coincidence. Here is Mill's own much-quoted description of it:

> From the winter of 1821, when I first read Bentham ... I had what might truly be called an object in life; to be a reformer of the world. My conception of my own happiness was entirely identified with this object ... This did very well for several years, during which the general improvement going on in the world and the idea of myself as engaged with others in struggling to promote it, seemed enough to fill up an interesting and animated existence. But the time came when I awakened from this as from a dream. It was in the autumn of 1826. ... it occurred to me to put the question directly to myself, "Suppose that all your objects in life were realized; that all the changes in institutions and opinions which you are looking forward to, could be completely effected at this very instant: would this be a great joy and happiness to you?" And an irrepressible self-consciousness distinctly answered, "No!" At this my heart sank within me: the whole foundation on which my life was constructed fell down. All my happiness was to have been found in the continual pursuit of this end. The end had ceased to charm, and how could there ever again be any interest in the means? I seemed to have nothing left to live for. (*Autobiography*, I: 137-9)

Mill's friend, protégé and biographer, Alexander Bain, put the lengthy "dejection" down to "over-working the brain," and, looking at the *Rationale*, it's not an unreasonable initial hypothesis (Bain 1882: 38). But I don't in fact think that's all, or even nearly all, of the explanation.[5]

Notice this very terse remark in the *Autobiography*:

> My name as editor was put to the book [that is, the *Rationale*] after it was printed, at Mr. Bentham's positive desire, which I in vain attempted to persuade him to forego. (*Autobiography*, I: 119)

First, let me render that into my crude American, and in due course I'll argue that what I'm about to give you *is* the right rendering. At one of the final prepublication stages, Bentham becomes aware that Mill has left his name off the title page of the finished book, and sends him a note telling him that he's done a lot of work and should have his name on it. Mill modestly replies: "Oh, no – this is *your* book! I just did copyediting; I really don't deserve that sort of credit... and I also wouldn't want to look like I'm trying to take credit." Bentham says: "No, I insist." Mill tells him that really he doesn't deserve it, *really*; Bentham absolutely insists; in the end, Mill's name appears, but not actually on the title page; you will find it at the end of the editor's Preface.[6]

Mill is polite, but we academics recognize what's just happened. This is the moment when you tell your collaborator that it's really *his* work, because you've realized that you don't want to be associated with it, and the reason you don't want to be associated with it is that it's embarrassingly *bad*. I'm going to defend that reconstruction of the course of events in a moment, but first, and to anticipate, here's the cause (although likely only a partial cause) that I'm about to propose for Mill's Mental Crisis: his teenage emotional commitment to the utilitarian political enterprise was threatened by the low intellectual quality of Bentham's thought and writing.

2. Second Epiphany

How could Bentham have produced two so very different reactions on occasions just two years apart? The materials used by Dumont and the manuscripts on which Mill worked were not nearly all the same, but there was nonetheless a good deal of overlap. Bentham's views hadn't changed much; and while Mill was a couple of years older, at a time of life when people mature rapidly, he was evidently still very much the same person as his slightly younger self. And anyway, where do I get off making dismissive judgments about the quality of the work by someone acknowledged to be an important figure in the history of philosophy and the political and legal history of Great Britain?

If you take time out to read Dumont's *Traité* and Mill's rendition of Bentham side by side, here's what you'll find. Dumont took a great many liberties with his original; he attempted to convey Bentham's ideas, but (evidently partly because Bentham himself wouldn't supply complete manuscripts, or answer Dumont's many questions about what he thought and meant) the resulting work speaks in the voice of a worldly Frenchman, it emphasizes the systematic structure of Bentham's views (especially the organizing idea that all that really matters, when you're designing laws and the institutions that go with them, is the balance of pleasure over pain), and, perhaps most importantly, it is relatively short.[7] Now Mill, as we'll see in a moment, seems to have taken few liberties with the manuscript in front of him: he made choices about which version to use, but the very length of the *Rationale* suggests that, whenever possible, he used *all* of them.[8] He took his job to include rewriting Bentham's sentences, and occasionally he added supporting materials, but on the rare occasions when he felt he needed to correct Bentham, the correction appears as an editor's footnote; so he was unwilling to tamper with the content himself.[9] Perhaps this was because he felt himself to be a great man's underlaborer; perhaps because Bentham was discussing aspects of courtroom procedure that were simply undocumented – in order to know about them, you would had to have spent a great deal of time in court, or talking with lawyers – and so Mill would likely not have felt confident making more than very minor changes to the text in front of him.[10] We no longer have the manuscripts from which Mill worked (and Bentham had the practice of destroying manuscripts once the material had actually been published). But when we look at the *Rationale*, what we see must be very close to what Mill saw, and this is confirmed by the large amount of quite similar manuscript material that we do still possess.

What we see in the *Rationale* is startlingly different from Dumont's rendering of Bentham; I'll mention just a handful of the more striking contrasts. First, there is almost no properly utilitarian argument. Bentham has many ideas about how things ought to be done, but he does not appeal to anything on the order of a hedonic calculation to justify his proposals (and on most of the occasions, not all that frequent overall, that the term "utility" comes up, it clearly means "usefulness," and not the feeling of pleasure).[11] Second, Bentham's proposals often sound reasonable to us: for example, he argues that when taking testimony, you should ask the witness questions in person (as opposed, say, to sending him a letter to answer), you should be allowed to ask followup questions, and when he answers, someone should write it all down. But where Dumont makes this sort of point in a paragraph, the *Rationale* devotes 434 pages to it.[12] Finally for right now, Bentham is much given to pointless taxonomizing.[13] The overall impression produced

by the writing – anyway, this is how it struck me, and I would expect it to strike you this way also – is of philosophically uninteresting, intellectually flat, endlessly repetitive *crankiness*.[14]

The impression the materials made was probably worse than the finished product which Mill has left us indicates. If you sit down today with the many boxes of Bentham's carefully preserved handwriting, you will find, for instance, one after another almost-identical table of contents, meant for the same book, and one after another almost-identical preface, also for that same book… for folder after folder after folder. These are not drafts, as we normally understand the notion: stages in which previous material is being reworked and improved.[15] Rather, Bentham seems to have commenced writing, morning after morning (he worked until his three o'clock breakfast), by starting in, yet once again, on whichever book it was, beginning, as usual, at the beginning. (He apparently did the same thing in the evening as well: while being shaved, presumably with a straight razor, he would dictate to a secretary; see Wheatley 1855?: 9, 34–6.) And, each morning (or evening), the words came out pretty much the same way. Looking at the manuscripts, I had something like the reaction – and I expect that Mill's was similar – of the character in Kubrick's *Shining* who discovers that her husband's novel-in-progress consists entirely in repetitions of the sentence, "All work and no play makes Jack a dull boy" (Kubrick 1980).

What really matters, of course, is not how it strikes you or me, but how the young Mill responded to it. And here we have his subsequent testimony to go on as well.

Somewhat later in life, Mill penned a biographical essay titled *Bentham* (X: 77–115). The tone manages to be laudatory, but inspection confirms the substance of the assessment I've just given. Describing his mentor's prose, Mill tells us that

> he fell into a Latin or German structure of sentence, foreign to the genius of the English language. He could not bear, for the sake of clearness and the reader's ease, to say … a little more than the truth in one sentence, and correct it in the next. The whole of the qualifying remarks which he intended to make he insisted on embedding as parentheses in the very middle of the sentence itself. (X: 114)

Bentham, Mill more than allows, is not much good at careful argument: "We must not look for subtlety, or the power of recondite analysis, among [Bentham's] intellectual characteristics. In the former quality, few great thinkers have ever been so deficient" (X: 80). Reiterating that "we often must [reject] his practical conclusions," Mill goes out of his way to praise "Bentham's method … as the method of detail, of treating wholes by separating them into their parts … Hence his interminable classifications" (X: 82f). Mill seems to identify Bentham's procedure with Plato's Method of Collection and Division; he says that "Bentham was probably not aware that Plato had anticipated him in the process to which he too declared that he owed everything" (X: 88). For the moment, the relevant observations are two: This is a part of Plato's work that nonspecialists tend to ignore, for the simple reason that we don't think much of the Method. And although Mill seems to praise it, this is not how he argues himself.

Mill is in retrospect also disappointed on matters of substance, although it is hard to know how much of that response to attribute to his younger self. Bentham overlooked the importance of character formation in ethics (X: 98), and his philosophy is capable

"of organizing and regulating the merely *business* part of the social arrangements" (X: 99). Even these arrangements are unacceptable, because he never noticed that entirely empowered majorities would be likely to oppress minorities (X: 106–8). His moral philosophizing was bound to be defective, because he both ignored the work of previous philosophers, and was insufficiently imaginative to compensate without their help for "the incompleteness of his own mind as a representative of human nature" (X: 91f). And while Mill insists that any one person would be an incomplete such representative, Bentham was an extreme case, someone who had never grown up: "a boy to the last," his understanding of other human beings was "the empiricism of one who has had little experience" (X: 92). "It is," Mill remarks in a final note,

> indispensable to a correct estimate of any of Bentham's dealings with the world, to bear in mind that in everything except abstract speculation he was to the last, what we have called him, essentially a boy. (X: 115)

We can still hear the echo of those "intellectual results beyond all computation" which the young Mill saw "stretching out into the distance," now almost entirely stripped of the sense of the sublime: his older self tells us that "the field of Bentham's labours was like the space between two parallel lines; narrow to excess in one direction, in another it reached to infinity" (X: 100).

Looking back, the more mature Mill did find something he could wholeheartedly praise, and that real praise is reserved almost entirely for Bentham's willingness to stand on his own convictions when faced with institutionalized abuses:[16]

> he alone was found with sufficient moral sensibility and self-reliance to say to himself that these things … were frauds, and that between them and himself there should be a gulf fixed. To this rare union of self-reliance and moral sensibility we are indebted for all that Bentham has done. (X: 81)

To borrow a phrase from the *Rationale*, Bentham's role was to be someone who "speaks out and calls things by their names" (Bentham 1827: vol. i, 388n); he was the child who proclaimed that the emperor had no clothes. His example taught others to do likewise:

> It is by the influence of the modes of thought with which his writings inoculated a considerable number of thinking men, that the yoke of authority has been broken, and innumerable opinions, formerly received on tradition as incontestable, are put on their defense, and required to give an account of themselves. (X: 78)

Mill's father, James Mill, was a friend and political ally of Bentham's, and the young Mill had been prepared to be a utilitarian political activist. On encountering Bentham's ideas in Dumont's rendering of them, John Stuart Mill had embraced that mission. But faced with the actual written manuscripts of the Marx of utilitarianism, John Stuart Mill had, I am suggesting, a horrifying realization, and I'll put it in today's idiom: that he had been raised by – and into – the Flat Earth Society. This was Mill's second teenage epiphany.

3. Bentham's Two Faces

In 200 years, no one is likely to remember the founder of the Flat Earth Society, much less devote a life of scholarship to editing his writings. Benthamites, then and now, think much better of Bentham than I am suggesting the young Mill did. How are we to reconcile the conflicting assessments?

Bentham was in fact capable of graceful, powerful writing, and a good deal of Bentham's influence was due to it. The material on evidence was crabbed, obsessive, and tedious; so part of the problem was that Mill's sample of the raw materials was unfortunate.[17] The problem was no doubt compounded by a further cause of the uptake Bentham received. Much of Bentham's output made its way to the public by way of other intellectuals, such as Dumont and James Mill, who rewrote what they were given, and in doing so, imposed on the final product a much more attractive authorial persona; it would be a mistake to think of Dumont as having translated Bentham from an already existing English original: rather, Dumont *composed* a work "by Bentham."[18] However, Mill was aware of the provenance of Dumont's *Traité*, and in his struggle to make passable prose out of the source materials for the *Rationale* was only too likely to have decided that he was seeing the *real* Bentham behind the facade supplied by another author.

Much of the subsequent enthusiasm for Bentham has to do with the obvious merits of many of his practical proposals. An anonymous contributor to the *Times Literary Supplement* provides an enthusiastic overview which conveys what sort of improvements fall under this heading:

> He stood for the reform of the representative system in Parliament; he demanded municipal reform; he prayed for the mitigation of the terrible criminal law, for the abolition of transportation, and for the improvement of prisons … He clamoured for the removal of defects in the jury system, pleaded for the abolition of grand juries … demanded the abolition of imprisonment for debt, the sweeping away of the usury laws, the reform of the law of evidence, the repeal of religious tests … the reform of the Poor Law, … the training of pauper children, … the establishment of a national system of education. He demanded an extension of the idea of savings banks and friendly societies, cheap postage without the object of national profit coupled with post office money orders. He insisted on a complete and uniform Register of Births, Marriages and Deaths, a Code for Merchant Shipping, full Census returns, the circulation of Parliamentary papers, the protection of inventors. He demanded local Courts, uniform and scientific methods of drafting Acts of Parliament, a general register of real property, of deeds and all transactions, and last, but certainly not least, the passing of public health legislation.
>
> [I]n addition … [h]e demanded the creation of public prosecutors and of advocates for the poor.
>
> To us to-day [this is 1925] practically the whole of it in principle, if not in effect, is admitted. It makes quite dull reading. … But … when Bentham set forth his polity all these things were impossible, absurd, ridiculous. Great intellects waved them away. (Anonymous 1925: 902)[19]

These proposals stand on their own; one doesn't need to read hundreds of pages of Bentham, or connect them to the remainder of Bentham's intellectual system, in order to appreciate their force.

Finally, Bentham's followers are impressed by him because they think he was *right*. But whether utilitarianism was right was not Mill's problem; rather, it was that although he continued to think that Bentham was right on that score, he was dismayed both by the way Bentham's ideas were developed and by the quality of the presentation.

4. From Revolution to Reform

When teenagers become disenchanted with their parents' and elders' ideals, they generally walk away. After emerging from his depression, however, Mill devoted the remainder of his life to improving the quality of utilitarian moral theory, of utilitarian political philosophy, and of all the rest of it. In his hands, the intellectual heritage of utilitarianism became subtle, mature, refined, richly argued, thoughtful – in short, everything it had not been in Bentham's development of it. We remember utilitarianism, and still take it seriously, only because John Stuart Mill took it upon himself to *make it worthy* of the emotional commitment that he had come to have as a 16-year-old.

We tend to forget that the utilitarianism of Bentham and James Mill was not called "radical" for nothing; many of the then-shocking implications – representative government and universal enfranchisement, most notably – have long since been assimilated, and now seem tame. But a succession of popular authors have been clear enough about what sort of steps the position entails.[20] And while Bentham seems to have trusted that once his ideas were given a hearing, policymakers would enact the laws and institute the procedures that he advocated, if you actually tried to implement the policies entailed by a principled Benthamite utilitarianism, you would quickly enough find yourself faced with resistance, and just the sort of resistance that could only be overcome by expedients that the French and Russian Revolutions have made familiar. How is it that we do not think of Benthamite utilitarianism together with guillotines and gulags?

In part, the unsullied history is a fortunate accident; in their early days the Benthamites had neither the opportunity nor the personal ruthlessness required to seize the reins of power. Although the reforms that Bentham and James Mill had their hearts set on were not nearly all of the consequences that could be derived from the Principle of Utility, they happened to line up nicely with the interests of the middle class, and so it turned out that they could be gradually accommodated without simply overturning the political system.[21] And the key players were coopted in various ways: James Mill became a colonial administrator; while Bentham never managed to put up his notorious model prison, the government compensated him for having terminated the project. In part, however, it is a matter of how John Stuart Mill resolved his personal crisis of confidence: once he had reworked the theoretical foundations of utilitarianism, it was no longer that sort of movement. I'll conclude by explaining how that happened.

To connect this point to the preceding discussion, I want to draw my illustration of the way Mill attempted to improve the intellectual underpinnings of the utilitarian platform from his discussion of scientific method. To do that, I'll provide only the briefest sketch of his lengthy and rich treatment of the topic.

Some sciences are systematized, in such a way that lengthy inferences can be assembled from shorter ones; these are the "Deductive or Ratiocinative Sciences" (*Logic*, VII: 209),

with Euclidean geometry serving as Mill's paradigm case. To effect this sort of systematization, we

> construct the science from the fewest and simplest possible inductions [the axioms], and … make these, by any combinations however complicated, suffice for proving … truths, relating to complex cases … (*Logic*, VII: 218)[22]

Now, of the Deductive Sciences, some exhibit composition of causes and others do not. The model for composition of causes is, "in dynamics, the … Composition of Forces" (that is, summing vectors to get resultants); formally, causes compose when

> the law which expresses the effect of each cause acting by itself … also correctly express[es] the part due to that cause, of the effect which follows from the [causes] together (*Logic*, VII: 370f)

Sciences which exhibit composition of causes treat causes that can cancel each other out:

> A stream running into a reservoir at one end tends to fill it higher and higher, while a drain at the other extremity tends to empty it. … in cases such as these … the two causes which are in joint action [may] exactly annul one another… (*Logic*, VII: 372)

This means that your calculations may be mistaken if you have overlooked a contrary cause; whereas if you add 5 and 7 to get 12, you do not have to worry that perhaps a countervailing cause is draining off some of the cardinality unnoticed, and that in *this* case, 5 + 7 = 9. This latter sort of science

> affords no room for what so constantly occurs in mechanics and its applications, the case of conflicting forces … In mechanics we continually find two or more moving forces producing, not motion, but rest … There is no similar state of things in geometry … What is proved true from one geometrical theorem … cannot be altered and made no longer true by reason of some other geometrical principle. (*Logic*, VIII: 887f)

Mill calls the mode of treatment appropriate to a science like mechanics the Physical Method and that appropriate to sciences like arithmetic or geometry the Geometrical Method.

For domains in which a great many different kinds of cause interact, Mill recommends the Deductive Method.[23] A core of initial principles – he seems to think of Newton's Laws of Motion as a model – is to be established inductively.[24] Alternatively, they may be handed down as results established by a methodologically simpler science, as when associationist psychology supplies the initial principles for Mill's projected science of character, which he called "ethology." Further results are derived from these initial principles, in the manner of any Deductive Science, and here we can think of the ways in which, from Newton's laws, we work up treatments of planetary orbits or automobile collisions. But because the causes represented in the treatment might be overridden, we treat them as "tendencies" (*Logic*, VIII: 898), and the conclusions

> are therefore, in the strictest sense of the word, hypothetical. They are grounded on some suppositious set of circumstances, and declare how some given cause would operate in those circumstances, supposing that no others were combined with them. (*Logic*, VIII: 900)

The reality check is "Verification," that is, comparison of the results of the science to "Empirical Laws" – what we call phenomenological laws, rough and ready generalizations "which observation or experiment has shown to exist, but on which [one] hesitate[s] to rely in cases varying much from those which have been actually observed …" (*Logic*, VII: 516f).

In very complex domains, in particular and especially, that of social science, merely calculating a composition of causes in the manner of mechanics does not in practice suffice. Instead, an entire science is peeled out of the domain and systematized, on the understanding that the treatment exhibits only one aspect of the highly interconnected phenomena; the conclusions drawn within such a treatment will have to be checked against the phenomena and the results of complementary sciences to see whether in one case or another they are overridden by other tendencies. For example, economics helps itself to a simplifying assumption, that people are motivated by solely "economic" considerations (they want to make as much money as possible for as little work as possible). But the conclusions drawn in particular cases may be overridden by phenomena assigned to ethology; in many countries (Mill seems to have France especially in mind), "in conducting the business of selling their goods over a counter … [men] care more about their ease or their vanity than about their pecuniary gain" (*Logic*, VIII: 900–6).[25]

In the *System of Logic*, Mill takes time out to criticize "the interest-philosophy of the Bentham school." Bentham's "mistake was not so much one of substance as of form": he applied the Geometrical Method in domains whose sciences require the Deductive Method. That is, when he derived a conclusion from idealized or oversimplified initial principles, he forgot to allow that the conclusion might, in simpler or more complicated ways, have to be modified or overruled. In the example Mill gives, Bentham treats human beings as governed by self-interest, and draws conclusions about how the behavior of rulers can be yoked to the interests of the ruled. These conclusions are right as far as they go, but they have to be corrected to take account of further causes that Bentham overlooked: that human beings in general, and rulers in particular, are also governed by habit and local custom.[26]

Let's turn from Mill's philosophy of science to its political applications. It is plausibly what Mill thinks of as the Geometrical Method that gives rise to revolutionary excesses. When you draw a policy conclusion from the premises supplied by a political ideology, it often wears an extreme form: the monarchy and the church must be deprived of their powers and assets; the implementation of socialism requires shifting agricultural production from small farmers to collectives; China must increase its steel production. When these are not counterbalanced or overridden by other considerations, we have *assignats*, dekulakization, the Great Leap Forward and so on: the repeated spectacle provided by the late eighteenth and twentieth centuries, of revolutionary movements perversely inflicting widespread suffering and mass murder on the populations in their power in the name of humanitarian ideals. However, the formal characterization of the Geometrical Method was precisely that, once you have drawn a conclusion, you do not need to worry that it might need counterbalancing, or even be overridden.

Even a political party with a dramatic slogan – in this case, "the greatest happiness of the greatest number" – that applies its principles using the Deductive rather than the Geometrical Method is no longer this sort of revolutionary vanguard. Bentham and James Mill bought into a quick argument for mechanisms of representative democracy that would tie the interests of the rulers to those of a majority of the population. That argument, Mill allowed, is fine as far as it goes, but there is a counterbalancing consideration, namely, the likely effects of a tyranny of the majority; and so he went on to design institutions intended to restrain the majority in various ways.

If you have drawn policy conclusions from your ideological principles and other political actors object to them, then if you are committed to the Geometrical Method, you will not be able to allow that their objections spring from legitimate counterbalancing considerations. If they do not come around to your point of view after a few rounds of attempted explanation, you are likely to find yourself doubting their good faith: they must be driven by (and here is a phrase that Bentham used in this context) "sinister interests."[27] Such opponents must be silenced and eliminated; it is no accident that the revolutionaries who implicitly adopt the Geometrical Method so frequently avail themselves of the secret police.

But the Deductive Method leads its practitioners to expect their opponents' conclusions to complement their own, and to think that the correctly adopted policy is likely to be one that reflects and accommodates the apparently conflicting arguments. This puts us in a position to explain the puzzling framing argument of the second chapter of *On Liberty*. You will recall Mill reasoning that any opinion you might have is either true, half-true, or false. He claims that if your opinion is true, it needs to be contested to keep it alive; that if your opinion is half-true, it needs to be contested to have it completed; and that if your opinion is false, it needs to be contested so it can be changed (*On Liberty*, XVIII: 228–59, esp. at 252ff).[28] Since any opinion you have needs to be contested, and since you're probably not going to do the contesting yourself, you have a very strong interest in others having the liberty to disagree with you. The puzzling bit is why Mill felt it necessary to clutter a straightforward dilemma with an extensive discussion of the middling case: of those beliefs that are neither true, nor false, but merely half-true. After all, why isn't the part-falsity already covered by the final case: false opinions which need to be contested in order to be corrected?

The argument of *On Liberty* is evidently shaped by Mill's theory of scientific method. In political argumentation, the subject matters are typically those for which the Deductive Method is appropriate. When it is, conclusions established by any one argument quite often turn out to be a part of the truth, and one that is misleading on its own. To complete such a half-truth, it must be supplemented by results often produced by independently developed sciences, and, plausibly, by arguments whose advocates are antecedently disposed to see things in a very different manner.

In the *Autobiography*, Mill tells us that, as a young teen

> the subject [of the French Revolution] took an immense hold of my feelings. It allied itself with all my juvenile aspirations to the character of a democratic champion. What had happened so lately, seemed as if it might easily happen again; and the most transcendant glory I was capable of conceiving, was that of figuring, successful or unsuccessful, as a Girondist in an English Convention. (*Autobiography*, I: 65f)

Mill grew up in the aftermath of that Revolution – the Napoleonic Wars lasted until 1815, when he was nine or so – and it would have been a grave oversight if the revolutionary potential of movements directed at radical reform had not eventually received his close attention. A good deal of his writing suggests that it must have: not only did he at one point seriously contemplate composing a history of the French Revolution himself, and not only did Mill review Carlyle's history of the French Revolution very favorably, but an entire volume of his *Collected Works* is devoted to "Essays on French History and Historians." Here we have before us the results of that intellectual engagement: if I am right, Mill's theory of scientific method was an attempt to diagnose and correct the Terror (not that this was by any means its only agenda). Mill's own subsequent political theorizing was shaped by the diagnosis, and if we now think of the views he made famous as "liberal" rather than "radical," and if a great many of them have been taken up into the political common sense of our time, that is in good part because his insistence on sensitivity to the different sides of a question strikes his readers today as intelligent and mature.

I earlier argued that Mill was disheartened when he found Bentham to be, among other things, childish, and that he reformulated the utilitarian theory and political program so as to retrieve his own youthful commitment, by rendering it, among other things, grown up. Let me conclude with one final observation: we are finally in a position to see how Mill managed to rescue rather than reject Bentham.

The Deductive Method allows the result of one treatment to be complemented, adjusted by and even overridden by considerations belonging to a different treatment (or even a different science). Bentham's error, as Mill thought, was that of treating the Geometrical Method as appropriate in social-science subject matter. That allowed Mill to correct Bentham's policy dictates, while granting that the arguments that Bentham constructed for them were right as far as they went. In his essay on Bentham, in one of those attempts to make a criticism sound as nice as possible, he remarked that

> there is hardly anything positive in Bentham's philosophy which is not true: … when his practical conclusions are erroneous, which in our opinion they are very often, it is not because the considerations which he urges are not rational and valid in themselves, but because some more important principle, which he did not perceive, supersedes those considerations, and turns the scale. (*Bentham*, X: 93)

At the age of sixteen, Mill had taken on a lifelong commitment to a cause, one which he was not ready to abandon; his work in philosophy of science, it turns out, met a very personal need. It allowed him to understand himself as *improving* the utilitarianism he had inherited, rather than merely *replacing* it.[29]

Notes

1 (Bentham 1930, originally published in 1802); the 1864 translation by Richard Hildreth can be found in Ogden's edition (Bentham 1931).

2 Here is how Mill remembers it:

> Mr. Bentham … bethought himself of me as capable of preparing [his papers on Evidence] for the press … I gladly undertook this task … Mr. Bentham had begun this

> treatise three times, at considerable intervals, each time in a different manner, and each time without reference to the preceding … These three masses of manuscript it was my business to condense into a single treatise … I had also to unroll such of Bentham's involved and parenthetical sentences, as seemed to overpass by their complexity the measure of what readers were likely to take the pains to understand. (*Autobiography*, I: 117)

3 At Bentham (1838–43: vol. vi, 1–187). Because the younger Mill is the protagonist of the story I'm telling, a freestanding "Mill" will always refer to him; his father, James Mill, will always be called by his full name.

4 Even at the time, his correspondents complained about Bentham's handwriting: "vos billets," Dumont gently chided him, "demandent des heures pour être déchiffrés" (Bentham 2006: 181).

5 The Mental Crisis is much discussed, and among the better treatments are Vogler (2001) and Carlisle (1991).

6 This must have been an awkward moment, because although the Mills and Bentham lived around the corner from each other, the back and forth was conducted as correspondence, most of which we still have. Here's the long version from which I drew the colloquial summary (Bentham 2006: 347–349):

> It is a matter of no small surprise to me [Bentham begins] to see the title page without your name to it. Nothing could be more clearly understood between us than that it should be there …
>
> I certainly did not understand you [Mill replies] to have expressed any desire that my name should be in the title page. Nevertheless, if you positively require it, I am willing that it should be so rather than that you should imagine I had taken less pains with the work under the idea of its being … anonymous. But I confess I should greatly prefer that my name should be omitted … if my name were annexed to it people would think that I wished to make a parade either of your good opinion [of] me, or of the few notes which I have added … & I should be very sorry to be suspected of wishing to obtain a reputation at a cheap rate by appearing before the public under the shelter of your name.

Bentham replied curtly in two notes:

> Your name is of far too great importance to the work to be omitted in the titlepage to it.
>
> P.S. Name at end of the Preface.

7 Emphasis on the "relatively": The French totals 1214 pages of text, exclusive of front and back matter, and the English translation runs to some 555 pages. But this is still a great deal shorter than the *Rationale* and it has much greater breadth of coverage.

8 Indeed, at one point, Mill apologetically announces that he has included two chapters which are near-duplicates of one another (Bentham 1827: vol. iii, 333n).

9 That said, it needs some qualification. Bentham's writing is simultaneously choppy and overloaded – under the latter heading, I mean that copying out, for instance, just the title of one of his tables gives you a half-paragraph – and is occasionally simply illegible. So anyone writing up his prose will have had to interpolate words and phrases, and not infrequently to make up his own mind as to what Bentham was trying to say; likewise, anyone copyediting Bentham will have to make up his mind what can be left out. Moreover, at various points, Mill found the manuscripts to be simply incomplete. He complains in the editor's notes: "This and the following section were left by the author in the state of mere fragments";

> The paragraphs … inserted by the Editor… appeared necessary to complete the section, which is composed of mere fragments … which the Editor was obliged to connect together as he best could.
>
> The papers from which the above remarks … have been compiled, were written by Mr. Bentham at different times, and left by him in a very incomplete and fragmentitious state … The remainder of this chapter … is the result of a partial attempt to fill up the void which had thus been left in the body of the work. (Bentham 1827: vol. iii, 422, 374, 573f, emphasis deleted; see also vol. v, 570, 597)

10 I'm grateful to Philip Schofield for this observation.

11 Here's the sort of thing I mean: Arguing against "the ceremony of an oath," Bentham remarks that "it places the Almighty in the station of a sheriff's officer" (Bentham 1827: vol. i, 366). Or again, Bentham points out that Christians cannot consistently treat hearsay evidence as inadmissible; after all, their own religious beliefs are based on hearsay (vol. iii, 532n). Those are the sort of point-scoring you might find in Voltaire, but they're not appeals to the Principle of Utility. In many ways, Bentham belongs a great deal more to the Enlightenment than we remember.

There are rare exceptions: for instance, an appeal to cost-benefit calculation (though not one that explicitly invokes utility as Bentham officially wants us to understand it), at vol. ii, 521; or again, in proposing that a register be kept of cases in which "makeshift" evidence is used, he argues that reviewing the register will "exhibit the aggregate quantum of benefit on the one hand, and of mischief on the other," and allow future legislators to revise the judicial code on the basis of the track record (vol. iii, 545f); or again, at vol. iv, 36f, 278, 479–481. (The term is mentioned – but it's not clear in which sense – at vol. iv, 393n., again at 471, and again at vol. v, 416, 457, 735 and 744.)

However, in vol. v, the frequency with which utility is invoked picks up: "the principle of utility" is used in its proper sense on p. 60; Bentham's utility-driven account of justified punishment is rehearsed at 141–3; the Principle of Utility is in play when we are told what "humanity" amounts to on 233; on 298 the point is made that comparative utilities matter, whereas traditional legal categories (such as the classifications "civil" and "criminal") don't; on 303 we are given a definition of immorality in terms of the tendency to lessen the quantity of happiness in society; and there are similar references at 326f, 330–2, 344, 587 and 628n. Mill tells us that over the course of the year-long homework assignment his own writing style improved, to the point where it "became, at times, lively and almost light" (*Autobiography*, I: 119). The change is noticeable only in the final volume (not throughout, however), and the relatively frequent invocations of utility are confined to those more gracefully written stretches of text. I suspect that we owe them to Mill rather than Bentham; at the stage when as editor he became willing impose his voice on the writing, he also found himself able to adjust the content.

If, as John Plamenatz once remarked (Halévy 1972: xvi), the "ends of policy" that Bentham identified "were not happiness but other things which he believed (without troubling to prove it) make for happiness," and if the "principles," which he intended to be

> used as guides in making policy … (though he thought otherwise) have nothing to do with promoting the greatest happiness of the greatest number, conceived as a sum of pleasures,

the problem, from the point of view of a sophisticated Benthamite, is not that most of Bentham's arguments are not made out in terms of sums of pleasures and pains. Benthamites were and

are committed to identifying intermediate principles and ends. (I'm grateful to William Twining for pressing me on this point.) The problem is rather that those intermediate principles and ends are supposed to be anchored to the principle of utility, and the young John Stuart Mill working through Bentham's manuscripts would have found no evidence that they were.

12 At Bentham (1827: vol. ii, 1–434).

13 A shortish sample, picked more or less at random, can be found at vol. iii, 612–8. I should emphasize that the problem was not the presence of taxonomies (recall Mill's "strong relish for accurate classification," from his description of the earlier epiphany), but rather, as Bain (1966: 143) dryly put it, "distinctions without adequate differences."

14 Mill's contemporaries balked at the finished product as well. For instance, one reviewer, who as a matter of fact thought well of Bentham's project overall – e.g., he seconds the point about testimony we just touched on, noting that "if there is a point that may be considered indisputable as a general maxim, it is the superiority of *vivâ voce* examination over prepared and written questions" – complained about "a repulsiveness of style as mysterious as the bricks of Babylon, [which] set[s] lay-readers so completely at defiance," and he went on to reproduce "specimens of the style" that "form as unsuitable ornaments [in a work meant for the edification of posterity] as the grinning faces and burlesque forms with which the monkish builders have studded our magnificent cathedrals"; he pointedly observed that "ignorance of the views of other men is not indispensible for the correctness of one's own; and that it is possible for opinions that are not insolently expressed, to be yet honestly, boldly, and successfully maintained"; and he remarked on Bentham's "eccentricities and impracticableness," which "thrust him out of the rank where [his] genius ought to place him," of "frequent absences of a plain work-a-day sense," and "flaws, which strike across this great work a vein so deep and coarse that there is scarce a page together which we have read with unmixed pleasure" (Empson 1828: 459, 482, 516–20).

15 Compare Bentham's own later description of the process of writing the *Rationale*:

> all the time of scribbling it the second time I never looked at what I had scribbled the first time: nor while going over the field a third time … never did I … take the trouble of bestowing a glance on what I had done at either of the two preceding times … I suffered the pen to run on in the track upon which it had entered. (Bentham 2006: 336f)

16 Mill's example of such an abuse is legal clients having to "pay for three attendances in the office of a Master of Chancery, when only one was given" (X: 81).

17 There are exceptions: e.g., the chapter on improbability and impossibility (Bentham 1827: vol. iii, 258–384) is decently written and develops a recognizably philosophical view, which comes with supporting arguments. (For example: by the law of the excluded middle, a proposition is true – and so a fact is the case – or it is not; probability comes in degrees; therefore, probability must be psychological, rather than a feature of the objective world.) But this stretch of text is most striking for the contrast it makes with the remainder of the *Rationale*.

18 Acknowledged in his own somewhat awkward explanations at the beginning of the "Discours préliminaire" to (Bentham 1830: at vol. i, iff).

When the reviewer invoked in note 14 objected to "[t]he slovenly and careless confidence with which [Mill's] office of editor has been performed," part of his dislike had to do with the young Mill's own lack of legal training and experience, but a good part of it was a response to Mill's unwillingness to cut down the manuscripts as ruthlessly as had Dumont: "Not a single unsightliness seems to have been removed" (Empson 1828: 462n, 465n).

19 Ogden, whose own somewhat abbreviated quotation of it directed me to the passage, attributes it to an "eminent authority" (Bentham 1931: ix–x) and, writing when and where he did, may well have known enough to do so.

20 Huxley (1998) is perhaps the most famous; Gunn (1961) is a more recent and very knowledgeable dystopia. Williams (1973) covers some of the territory in a professional philosopher's register.

21 Nonetheless, it's important to remember that what seems to us moderate in retrospect was dangerous politics by the lights of the time; a good example of where the limits were drawn is found in (Bain 1966: 111): in 1810, Sir Francis Burdett published a piece

> denying the power of the House of Commons to send to prison, as they had done, John Gale Jones, and John Dean, printer, for discussing in a debating society, the exclusion of strangers from the debates of the House. Burdett was brought up for this article, and sent to the Tower.

And Mill's anything-but-revolutionary tone, later in life, is not representative of how he sounded early on. Mazlish (1975: 237f) reminds us that

> if it were not for Roebuck we might never have known that, for example, Mill and his two friends, on the occasion of Louis Philippe's first visit to the opera [this is during a trip to France during the upheavals of 1830], had aroused the audience to shout for "La Marseillaise," and then shouted "Debout, debout!" until the whole audience, including the King himself, actually stood up during the playing of the revolutionary tune.

As far as temperaments went, Bain reports that "while so daring as to be accounted revolutionary, [James Mill] was really the safest politician of his age," and remarks that "in the first French Revolution, no such man was to be found" (421f).

22 Many contemporary readers no longer know that Mill's *System of Logic* argues at length for the over-the-top view that all inference, properly understood, is inductive. Thus even geometry simply systematizes inductive generalizations about the empirical world and as a matter of terminology, "the opposition is not between the terms Deductive and Inductive, but between Deductive and Experimental" (*Logic*, VII: 219).

23 Bear in mind that not all "Deductive Sciences" are suitable for the "Deductive Method." Because Mill's various uses of "deductive" differ from our own, his commentators tend to lose track of his terminology: for instance, Haraldsson (2011) describes ethics done geometrically as "in a deductive spirit," which is just plain confusing.

24 Using his famous methods of agreement, difference, residues and concomitant variations (*Logic*, VII: 388–406); these "four methods" are still taught today in informal logic classes.

25 Elsewhere, endorsing a view he attributes to Thomas Carlyle, Mill tells us that:

> in the infinite complexities of human affairs, any general theorem which a wise man will form concerning them, must be regarded as a mere approximation to truth; an approximation obtained by striking an average of many cases, and consequently not exactly fitting any one case. No wise man, therefore, will stand upon his theorem only – neglecting to look into the specialties of the case in hand, and see what features *that* may present which may take it out of any theorem, or bring it within the compass of more theorems than one. (*Carlyle's French Revolution*, XX: 161)

And Mill ascribed the success of his *Principles of Political Economy* in part to the way it

> treated Political Economy not as a thing by itself, but as a fragment of a greater whole; a branch of Social Philosophy, so interlinked with all the other branches, that

> its conclusions, even in its own peculiar province, are only true conditionally, subject to interference and counteraction from causes not directly within its scope. (*Autobiography*, I: 243)

26 (*Logic*, VIII: 890–3); compare VIII: 946 on "the error … of those who would deduce the line of conduct proper to particular cases, from supposed universal practical maxims." Again, in *Utilitarianism*, Mill replies to a complaint on the part of Herbert Spencer that

> Bentham, certainly … is, least of all writers, chargeable with unwillingness to deduce the effect of actions on happiness from the laws of human nature and the universal conditions of human life. The common charge against him is of relying too exclusively upon such deductions, and declining altogether to be bound by the generalizations from specific experience which Mr. Spencer thinks that utilitarians generally confine themselves to. My own opinion … is, that in ethics, as in all other branches of scientific study, the consilience of the results of both these processes, each corroborating and verifying the other [that is, successful application of the Deductive Method], is requisite to give to any general proposition the kind and degree of evidence which constitutes scientific proof. (*Utilitarianism*, X: 258n)

27 Indeed, Mill observed, in a passage that appeared in early editions of the *System of Logic*:

> It is hardly an exaggeration to say that society has usually, both by practitioners in politics and by philosophical speculators on forms of government, from Plato to Bentham, been deemed to be whatever the men who compose it choose to make it … hardly any notion was entertained that there were limits to the power of human will over the phenomena of society … the only obstacle was supposed to lie in the private interests or prejudices, which hindered men from being willing to see [the social arrangements] tried. (*Logic*, VIII: 876)

28 Millgram (2004: secs. 2–3) reconstructs the supporting argument Mill gives for the first of these three claims.

29 I'm grateful to Jerry Ravetz, Henry Richardson, Philip Schofield, William Twining, and an audience at the University of Parma for helpful discussion, to Chrisoula Andreou, Janice Carlisle, Ben Crowe, and Bruce Kinzer for comments on an earlier draft, and to Buket Korkut-Raptis and Candace Vogler for comments on and discussion of related material. Thanks also to the University of Utah for research and travel support, and to Margaret Bowman for research assistance.

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3

The Afterlife of John Stuart Mill, 1874–1879

DAVID STACK

His death in May 1873 did not end all interest in John Stuart Mill. In the years that followed, the many feet that tramped to the outskirts of Avignon to visit the "gloomy cemetery" that housed his decomposing corpse were testaments to an enduring fascination. Indeed, in 1876 the *Glasgow Herald* somewhat improbably listed Mill's grave and former house as the third most important feature to be seen in the historic Papal city (*Glasgow Herald*, Jan 22, 1876). Most of the pilgrims were politely curious, but away from Avignon some continued to look to Mill for political guidance. In January 1874, H.R. Fox Bourne used *The Examiner*'s preview of the coming year to lament that the world would "suffer much" from the lack of Mill's "wise teaching," but drew comfort from the fact that Mill had bequeathed his books "as monitors" and had "already taught wisdom enough to guide his followers" (*The Examiner*, Jan 2, 1874).

Reading Fox Bourne one might expect to find Mill a significant posthumous presence in the political debates of the mid- and late-1870s. "This kind of afterlife," however, as Stefan Collini noted, "is naturally short" (Collini 1991: 246), and Mill's name and books were invoked far less often than his friend predicted. The simplest interpretation of this relative absence is the standard linear narrative that Mill's reputation "fell rapidly from his death" in 1873 (Skorupski 1998: 2–3). This had its earliest airing in a letter from Henry Sidgwick to C.H. Pearson barely a week after Mill's passing, (Collini 1991: 178) and was an established trope by 1879 when *The Examiner* blithely asserted "the sudden collapse of Mill's influence" was an inevitable consequence of the rise of evolutionism, compounded by the "self-inflicted" blows of Mill's *Autobiography* (1873) and his *Three Essays on Religion* (1874) (*The Examiner*, Apr 26, 1879). It remained the dominant interpretation at the time of the 2006 bicentennial celebrations (Varouxakis and Kelly 2010).

Far from demonstrating Mill's clear and comprehensive decline, however, a review of the late-1870s newspaper press reveals a more complex and variegated set of attitudes. Fox Bourne was not alone in looking to Mill as a guide (*Trewman's Exeter Flying Post*,

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Nov 21, 1877) and many continued to revere Mill as "the greatest logician since the days of ARISTOTLE" (*Huddersfield Daily Chronicle*, Jan 23, 1877). It should also be noted that those keenest on talking Mill down often justified the intemperance of their assaults with the complaint that for "the public at large, Mill's works still undoubtedly remain as the standard of accurate thinking, and the most esteemed repertory of philosophy" (Jevons 1877: 169). Mill, that is, remained irritatingly influential, and assertions of his rapid fall into irrelevance should be treated, in part at least, as an expression of a desire to render him so, rather than as indisputable evidence of an established fact. Even in death Mill remained a highly politicized figure, and glib proclamations of his decline usually worked to the speaker's benefit.

In the late-nineteenth century, the rapid decline narrative served not only Mill's political enemies, keen to eradicate his influence, but also a new breed of liberals like Sidgwick, who wished to emphasize how they had moved on from their mid-Victorian forebears. For historians the tale of Mill's plunge into irrelevance once accorded with the now increasingly suspect narrative of a "Darwinian revolution," in which pre-evolutionary thought was rapidly usurped. More recently it has served to honor Mill as a misunderstood modern – a sort of celibate Oscar Wilde – cast aside because of his "untimely moral and social opinions," which make him more like us precisely because he "cut against the grain of conventional Victorian mores" (Varouxakis and Kelly 2010: 2–3).

A reading of the newspaper press in the years following Mill's death, however, reveals neither a rapid decline nor the martyrdom of a modern, but a subtler sidelining of Mill. Newspapers, of course, in common with all other primary sources have their limitations: most obviously they are not the best place to find detailed critiques of Mill the moral philosopher. But a study of the newspaper press in the years after his death is revealing. What they show is rather than there being an outright rejection of Mill, based on his supposed anti-evolutionism, a more complex process occurred: there was a decisive narrowing of Mill's range and breadth of appeal, which is largely traceable to an intensification of Mill's identification with the cause of religious infidelity. I have discussed elsewhere Mill's reputation in the period between his death and the appearance of his *Autobiography* (Stack 2011); in this chapter I extend that discussion to the further fracturing of Mill's reputation that occurred between the publication of his *Three Essays on Religion* (1874) and his final posthumous work, *Chapters on Socialism*, in 1879.

1. Immortalizing Mill

In the summer of 1879 the provincial press noted the forthcoming publication of *The Next World*, a collection of essays and papers from those dwelling in the spirit realm. The clairvoyant, Mrs. Susan Horn had, it was claimed, been in communication with a diverse set of illustrious names on "the other side," including: Prince Albert, Titian, Thomas de Quincey, Herodotus and, perhaps most surprisingly, John Stuart Mill (*Sheffield and Rotherham Independent*, 24 Jun 1879). Mill had not been among those originally "invited" to contribute to the book but one evening, during a group sitting in her study, Horn had fallen into a trance and Mill, quite unbidden, "spoke with earnestness"

through the medium. His posthumous peroration dwelt upon the burden of materialism he had carried in his lifetime and "the weight" that was "taken from my heart" by the discovery of immortality in the "World of Spirits." Mill rounded off this religious recantation with a word of reassurance to "the poor and honest peasantry of England" who, he claimed, "have here better homes and more honorable positions, than those who would oppress and subjugate them" (Horn 1890: 31–3). Mercifully for his admirers this was not Mill's only activity in his afterlife.

Mill's spiritual apparition in Horn's study had been preceded in January 1878 by his physical manifestation on the banks of the Thames. The proposal for a statue had been made in the immediate wake of Mill's death, but it was almost five years later that a group of devotees, led by Henry Fawcett, gathered on the Embankment to unveil a bronze of Mill rising from a garden-seat, a closed book in one-hand, a newspaper fallen at his feet, in "a striking likeness" of Mill in the House of Commons (*Daily News*, Jan 28, 1878; *Sheffield and Rotherham Independent*, Jan 28, 1878). The unexpected death of the first commissioned sculptor John Henry Foley in August 1874 (Read 1982: 72–5), and the perfectionism of his Pre-Raphaelite replacement Thomas Woolner – who insisted on starting again from scratch (*The Standard*, Nov 16, 1877) – explain the delay. More time was then lost securing the agreement of the Metropolitan Board of Works for a site – the location, in what is now Temple Gardens, was chosen by Woolner himself, to the dismay of at least one newspaper (*Huddersfield Daily Chronicle*, Jan 28, 1878) – and then in finalizing the details of the unveiling (*Hampshire Telegraph and Sussex Chronicle*, Nov 7, 1877).

One consequence was that by the time Fawcett led the tributes it was impossible to ignore the fact that Mill was "under a cloud of unpopularity." It was, Fawcett noted, "the fashion at the present time" for lesser men to boost their own reputation with "a series of carping and petty criticisms" of Mill's work. "I have heard it said by one of these men," Fawcett continued, "that one of the greatest services which the political economists of the present day can render is to do all they can destroy the influence of John Stuart Mill" (*Pall Mall Gazette*, Jan 26, 1878). The target of these remarks was William Stanley Jevons, who had joined the gaggle of Mill admirers, despite having just published the first installment of a four-part critique of what he called Mill's "essentially illogical" philosophy in the previous month's *Contemporary Review* (Jevons 1877: 169). Jevons was unique among critics in braving the cold wind off the Thames that January morning, and an even frostier reception from Mill's friends. Criticism of Mill, however, was far from unusual, and Jevons's assault is a particularly good example of how questions about Mill's character and non-belief were entwined in assessments of his thought and writings.

Despite his declared ambition to "destroy" Mill's influence in the field, it was not his political economy per se that most troubled Jevons. Critical though Jevons had already been of Mill in his *Theory of Political Economy* (1871), there was nothing in the pages of that book to match the ferocity of Jevons's assault upon Mill's logic in the *Contemporary Review* seven years later. Indeed, in his unpublished papers Jevons was relatively forgiving of Mill as a political economist: "his errors are those of previous economists." It was Mill's character, especially his "tendency to bad logic," rather than his conclusions that Jevons found unforgivable. Mill's maneuverings on the question of the "wages fund," for example, were evidence of an intellectual capriciousness: "he no sooner feels

a difficulty than he takes up a new position adapted to meet it," regardless of the fact that he is already "committed to various positions logically inconsistent with his new view." Thus even though Jevons agreed with Mill's revised position that "the wages fund is doubtless wrong," he accused him of being "over-persuaded" by W.T. Thornton's criticisms, and damned him for lacking "good reasoning." In Jevons' judgment this was far more fundamental than whether or not Mill was right or wrong on any individual issue (Jevons Papers, JA6/6/14).

This is an important distinction because political economy is the area where the narrative of Mill's precipitous fall appears most convincing. It is undeniable that the late 1870s witnessed "a widespread revolt against the ascendancy possessed a few years ago by Ricardo, and Cairnes, and Mill" (*The Examiner*, Apr 20, 1878). What is less clear cut, and has sometimes perplexed historians of economic thought, is why legitimate criticism frequently spilt over into what his friends described as "promiscuous snarling" and a "wearisomely tedious and hypercritical" approach, as Jevons and others accentuated differences that might have been attenuated (*The Leeds Mercury*, May 22, 1878, e.g., Schabas 1990: 106–9). Jevons was not alone in playing the man rather than the ball, and the reason lies beyond anything Mill wrote in political economy.

Mill had been identified with freethinking in life, but in death the association was intensified. There was, said *The Western Mail,* one shared feature uniting those who gathered for the 1878 statue unveiling: Fawcett, Dilke, Goldwin Smith, Heywood, Harrison, Lecky, Spencer, Stanfeld, Tyndall, Huxley, and Cobbe "form a phalanx of various schools of disbelief which it would be hard to parallel at any other gathering." Mill's skepticism, the paper suggested, "formed, doubtless, his chief attraction to some of those who gathered around his statue" and it was striking that "not even one Radical Nonconformist was willing to take part in the ceremony" (*Western Mail*, Jan 29, 1878). Even more indicative was an "odd and amusing incident," reported in a number of newspapers a few days later when "a very serious and zealous looking Christian" was observed approaching the pedestal and launching into an angry tirade, declaiming: "There's the fool! There's the fool! The fool hath said in his heart there is no God!" before asking why "a Christian generation did not pull the effigy down" (*Sheffield and Rotherham Independent*, Feb 2, 1878; *Ipswich Journal*, Feb 5, 1878).

This is precisely what Jevons and others were attempting to do, intellectually. Here, besides Mill's statue, played out in microcosm, was Mill's fate in the half-decade after his death. When "a studious-looking foreigner" attempted to calm the excitable Christian by remarking: "If you go on this way they won't erect a monument to you," his efforts were undermined by a "more polemical Englishman" who goaded Mill's assailant with a sarcastic question: "I suppose this is a specimen of your Christian charity?" (*Sheffield and Rotherham Independent*, Feb 2, 1878; *Ipswich Journal*, Feb 5, 1878). This polarization of religious opinion around Mill owed something to the publication of his *Autobiography*, with its unapologetic depiction of his father's atheism and his own godless childhood (*The Hull Packet*, Feb 13, 1874; *Bradford Observer*, Mar 10, 1874; *York Herald*, Mar 26, 1874). But for Jevons and others the true extent of Mill's intellectual shortcomings was only fully revealed in the posthumous *Three Essays on Religion*, which "received a far more searching and hostile criticism than any of his other writings" and finally exposed the "inherent defects in [Mill's] intellectual character" (Jevons Papers, JA6/6/14).

2. Religious Controversy

From our perspective, the significance accorded the *Essays* can be difficult to understand. The book after all was a collection of unfinished manuscripts written over many years and lacking the originality and élan of Mill's best writings. To dismiss the *Essays*, however, would be to underestimate the expectation with which they were anticipated, and the fervid theological context into which they were launched: "Probably no work Mr Mill issued during his lifetime has been looked forward to with such widespread interest," commented the *Manchester Guardian* (reprinted in *The Morning Post*, Oct 20, 1874). Speculation about the existence, and content, of the *Essays* had begun almost immediately after Mill's death and as the countdown to publication began in earnest in the autumn of 1874 rumors about their contents were rife. According to *The Examiner*, the publication was "waited for with the greatest curiosity and impatience" (*The Examiner*, Oct 24, 1874). For *The Times* the announcement that Mill had "left his private, deliberate, and testamentary thoughts on such matters as religion, nature, and revelation" offered "a promise of something only short of a revelation itself, something we are bound to take into account and cannot but listen to" (quoted in *The Huddersfield Daily Chronicle*, Oct 22, 1874). Mill's publisher further stoked the anticipation by issuing advanced copies to the press (*York Herald*, Oct 20, 1874), but the *Essays* themselves did nothing to advance Mill's reputation (Sell 1997).

The first extracts led the *Telegraph* to remark "that a sadder book has not been published for many a day," while the *Dundee Courier* was sure it would do:

> immense injury to his reputation in the eyes of the public, and even the critical few will deny that the frequent crudeness of its reasonings is worthy of his intellect. (*Dundee Courier and Argus*, Oct 21, 1874)

The *Manchester Guardian* thought it bound to "still further diminish his influence," with both "the public and with his own disciples": "for it exemplifies in a bolder and more pronounced form the tendencies which gave offence in the autobiography" (reprinted in *The Morning Post*, Oct 20, 1874). The flurry of articles on, and summaries of, the *Three Essays*, which glutted the daily press in the latter part of 1874, soon gave way to lengthier treatments in the periodicals and a surprisingly large number of "popular" lectures usually, although not exclusively, by clergymen, which, as with Jevons' approach to Mill's political economy, focused less on Mill's arguments and more on what they "revealed" about his character (see, for example, *The Ipswich Journal*, Dec 9, 1876, and *The York Herald*, Mar 28, 1877). We will return to this point later; for the moment, we need to note that the *Three Essays* achieved the considerable feat of satisfying nobody – friend or foe.

Prior to publication the *Manchester Examiner* was reporting that "several prominent members of the Utilitarian party," who had seen the essays passing through the press, "have been speaking of their contents in a slighting tone" (quoted in *Birmingham Daily Post*, Jun 5, 1874). The accuracy of this rumor was confirmed, months later, by John Morley's critical appraisal in the *Fortnightly Review*. *The Examiner* defended Mill by arguing that Morley had misunderstood his master's point, (*The Examiner*, Jan 9, 1875) but even in this newspaper a thoughtful review by William Minto took Mill gently to

task. Minto complained that the book had a misleading title – they would have been more accurately presented as "Essays on Morality and Religion" – and that Mill's critique in the essay on "Nature" was "unanswerable" only if one assumed a "rigid" definition, when in fact "nature" is more usually "a word used in a loose popular way" (*The Examiner*, Oct 24, 1874). Where Minto was himself unusual was in wanting to seriously engage with what Mill had written. For most reaction to the *Essays* was determined not by what Mill wrote so much as when they were published and, in particular, the turbulence created by John Tyndall's Belfast Address of August 1874.

Historians have long recognized Tyndall's speech at the British Association for the Advancement of Science as a key moment in crystallizing a conservative reaction against religious unbelief. But few have made a connection between this context and the ferocious treatment meted out to Mill's (in many ways) anodyne essays. According to Bernard Lightman, a series of events – the 1867 Second Reform Act, the 1870 Education Act, publication of *The Descent of Man* (1871), the unification of Germany, and the Paris Commune – led "defenders of the faith" to feel "as though they were under siege and Tyndall offered them an irresistible target which enabled them to go on the offensive" (Lightman 2004: 202). Non-belief was no longer to be accepted as a discrete failing, and the middle ground of rational but moral non-belief, which Mill had sought to map in the *Three Essays,* was rendered a friendless no man's land. A small band of liberal clergy, usually Unitarians, who attempted to hold the line that Mill was "almost Christian" persisted, but theirs was very much a minority position (*Nottinghamshire Guardian*, Oct 23, 1874; *The Graphic*, Jan 2, 1875; *Pall Mall Gazette*, May 7, 1878). New battle lines had been drawn and the context, rather than the content, of the *Three Essays*, stranded Mill on the side of Tyndall. This had an element of irony, given that in the Belfast Address Tyndall had explicitly sought to distance himself from Mill, comparing him unfavorably to Herbert Spencer (to the chagrin of *The Examiner*, Aug 22, 1874), but the overwhelming interpretation of the *Essays* was that they confirmed what the *Autobiography* had established:

> that the universe of this philosopher was a universe without a God, that for him death meant final extinction, that for him the future had no hope and immortality no meaning. (*Freeman's Journal*, Oct 21, 1874)

Mill, that is, was made an embodiment of infidelity, to be referred to thereafter in the same breadth, as Strauss, Renan, Tyndall, Huxley, and other proponents of "rank atheism" (*Liverpool Mercury*, Jul 7, 1875).

3. The Character Question

Accusations of atheism, infidelity, and freethinking, which came to define Mill in death, ran deeper than a pejorative judgment on his theology; they entailed a wholesale damning of his moral worth. It is here, in assessments of Mill's character – that quintessential but nebulous Victorian term – that we find the key to his posthumous reputation. Measured considerations were thin on the ground: for Mill's friends there was a plaintive concern, as Fawcett put it, that memories of his "charm and simplicity of character" would be

lost as Mill's contemporaries passed away (*Pall Mall Gazette*, Jan 26, 1878). For his enemies, as the *Newcastle Courant* noted, it was simpler "to attrach [sic] odium to his name through a fault in his life than to dispute with his philosophy" (*Newcastle Courant*, Jan 2, 1874). This maneuver, of course, had been presaged in Abraham Hayward's impugning *Times* obituary (May 10, 1873), but it is interesting to note that Hayward's two most vicious allegations – the insinuation of adultery and the claims of pro-birth control activities – did not echo through Mill's afterlife.

A polite passing over of an unprovable suspicion of adultery is less surprising than the fact that the birth control allegation, which flared so spectacularly in May 1873, was barely broached thereafter. Mill's name continued to be invoked in discussions of population, and he continued to be regarded as one who favored population restriction. But, as in the *Principles of Political Economy* (1848), the question of *how* Mill intended for this to be achieved was left gloriously undefined. Thus William Farr's 1877 address on population to Section F (Economic Science and Statistics) of the British Association referred rather imprecisely to "the policy which had been advocated by Malthus, John Stuart Mill, Dr Drysdale, and practiced by the French peasant" (*Standard*, Aug 21, 1877). But this "policy" was anything but singular: Malthus was an advocate of "moral restraint"; Drysdale, contraception; while the French peasantry practiced *coitus interruptus*. Which of these Mill favored was not considered, and we should be wary of assuming this was necessarily because it was somehow known that Mill favored the use of contraception. If that was the case, we need to explain why Mill and birth control was "the dog that didn't bark" during the 1877 Bradlaugh–Besant trial.

The trial of the secularists campaigners Charles Bradlaugh and Annie Besant on a charge of obscenity for publishing a pro-birth control pamphlet might well have provided an occasion for a resurfacing in the press of the unsubstantiated story of a seventeen-year-old Mill's arrest for distributing birth control literature. Not only had Mill's association with Bradlaugh been firmly established, to Mill's detriment, during the 1868 general election campaign, but also both defendants quoted freely from Mill's *Principles*. Yet neither Mill's many enemies in the press nor Bradlaugh and Besant made any direct claim that Mill favored contraception. Mill was cited exclusively in his sober guise as a political economist, rather than as a birth control activist (Chandrasekhar 1981; Peart and Levy 2008).

It was only in the 1878 coda to the trial, in which Besant's daughter Mabel was removed from her mother on the grounds of Besant's unsuitability for conducting Mabel's education (Fix Anderson 1997), that Mill's name was used more controversially. Tellingly, however, this was not as a birth controller or even as a philosopher, but as the fellow child of an atheist. The Master of the Rolls justified Mabel's removal on the grounds that Besant would raise her daughter without religion. This was a judgment that provoked both *The Times* and a correspondent to *Reynolds's Newspaper*, writing under the pseudonym "An Old Workman," to note that Besant was educating her daughter on "similar lines" as James Mill had raised his son, and yet no one would have thought of taking the young Mill from that "serene old pagan" (*The Times*, May 20, 1878; *Reynold's Newspaper*, May 26, 1878).

Perhaps the most disappointing aspect of these citations is that they barely touched upon Mill's philosophy and thought. Where the author of *On Liberty* might have been

invoked either as an advocate of individual freedom or as a proponent of the state's role in a child's education he appeared only as his father's son. Even when the discussion touched on questions of parental rights and the duty of the state to guarantee a child's welfare, which echoed in tone, though not in prescription, the frequently neglected interventionist sections in *On Liberty* (see Claeys 2014: 173–210), no mention of Mill's writings was made (*The Examiner*, May 11, 1878, *Hampshire Telegraph and Sussex Chronicle*, May 22, 1878). Instead the case fed the ongoing fascination with Mill's childhood – or at least a caricatured version of that childhood – that was, in great part, traceable to his own unfortunate depiction of it in his *Autobiography*, and which showed no sign of abating.

If anything the image of Mill as a prodigy became ever more deeply embedded, even among those who had not read the *Autobiography.* The resultant estimate of Mill was rarely favorable. In an article on "Macaulay as a Child" *The Hampshire Advertiser* contrasted the infant historian, "a quaint little piece of precocity," with "a little monster like John Stuart Mill" (*The Hampshire Advertiser*, May 6, 1876). The interesting thing here is not so much the relative estimate as the fact that Mill was gratuitously introduced into a discussion of Macaulay's childhood. *The Examiner* was similarly wanton two years later when describing a market place in which a "beggar child" watched drunken men reel past her:

> But does she think of it all, one would like to know? Well, she is four years old, as we have said: only John Stuart Mill had learned to think at that age; and it is probable her education has not received the same attention. (*The Examiner*, Jan 5, 1878)

Of course, as the Macaulay comment makes clear, Mill's infant abilities were not unique, but *The Examiner*'s comment is representative of an increasing tendency to cast Mill as *the* child prodigy, rather than one among many. In a broad sense this chimes with the wider phenomenon of the late-Victorian invention of childhood, which accompanied the 1870 introduction of compulsory schooling. More proximately, interest in Mill's childhood received a further boost from Alexander Bain's decision to present his work in progress for his planned biography with an article in *Mind* in 1879, extracts from which found their way into the press. Bain found the youthful Mill to be a "marvelous boy," who possessed "a combination of cerebral activity and constitutional vigor that is as rare as genius" and, when it came to logic, Bain said, he had "never known a similar case of precocity" (*Aberdeen Weekly Journal*, Apr 16, 1879).

Both Mill's religious infidelity and depictions of his precocity fed into a broader narrative of his idiosyncrasy, and an overwhelming sense that Mill was "exceptional." This was a judgment accepted, to a certain extent, by his friends as well as his enemies. Mill's assertion of the entirely Platonic nature of his pre-marriage relationship with Harriet Taylor was accepted, in the main, because Mill was deemed not to be like other men. This could be presented as a virtue, as when Fawcett praised Mill's "gentleness and tenderness" (*Pall Mall Gazette*, Jan 26, 1878), but it also left him open to a charge of otherworldliness that even those who were sympathetic could not always deny. Thus Bain thought Mill ill-equipped to comment upon matters of the flesh, while Harriet Martineau complained that Mill "was deplorably weak in judgment, with the weakness, so damning to a man, of being as impressionable as a woman" (Bain 1882: 90;

Martineau 1877: 505). Mill's alleged femininity and otherworldliness, found its fullest expression in the politically damaging form of an accusation of impracticality (*Berrow's Worcester Journal*, Nov 6, 1875).

By 1878 it had become the fashion, Fawcett complained at the statue unveiling, "to speak of Mr. Mill as a theorist, and to say that he was not a practical man" (*Pall Mall Gazette*, Jan 26, 1878). The key justification was Mill's parliamentary career, which was "generally considered to have been a failure" (*Freemans Journal*, Nov 15, 1877). The claim that he had "failed in Parliament" (*The Standard*, Jun 28, 1879), "never made any real mark upon Parliament" (*Leeds Mercury*, Apr 5, 1879) or, even more bluntly, was "'a notorious failure in the House of Commons" (*Huddersfield Daily Chronicle*, Dec 9, 1879), was repeated ad nauseum. Mill's defeat by W.H. Smith at Westminster in 1868 was viewed as the triumph of "the practical man taking the place of the ideal and theoretical" (*Dundee Courier and Argus*, May 6, 1878), and Mill himself was seen as "more of a philosopher than a statesman; which is only saying, in other words, that he was better able to propound what is desirable, than to devise what is practicable" (*Sheffield and Rotherham Independent*, Oct 16, 1879). So established was this image of impracticality that, as with the child prodigy references, Mill's name was introduced to discussions of impracticality that had no direct connection to him (*Sheffield and Rotherham Independent*, Mar 8, 1879). Again Mill's *Autobiography*, with its presentation of reading as the constitutive act in the construction of the self (Plotz 2010) fueled the fire. "It seems to be the fashion in certain quarters," Fawcett noted, "that if a man reads anything at all he is supposed to be a theorist and not a practical man" (*Pall Mall Gazette*, Jan 26, 1878). But there were also other factors at play.

What might have been considered the most "practical" aspects of Mill's politics had dated badly. The administrator of East India House had been lost from view with the demise of the East India Company and the rapid change in Britain's relationship with India that followed the 1857 rebellion. Fawcett's attempt to revive memories of Mill the Company man at the 1878 statue unveiling could barely have been worse timed so soon after Disraeli had made Victoria Empress of India. In the age of the "new imperialism" few were in the mood to reminisce about the good old days of the East India Company. Mill's brief parliamentary career was similarly untimely; he was too late to succeed as an independent MP. This had less to do with his philosophical disposition than the changing nature of parliamentary politics that made it nigh-on impossible for any non-party politician to shine (Taylor 1995).

Mill's critics, of course, were not interested in mitigation or contextual assessment. There was a Burkean subtext to the allegation of impracticality. Just as Mill being a "miserable dry stick" was presented as both a consequence and a condemnation of his life without Christianity (Sir William Worsley quoted in *The York Herald*, Oct 31, 1879; cf. *Liverpool Mercury*, Sep 25, 1877), the charge of "impracticality" was an implicit judgment on Mill's radical politics. He had not been forgiven for his description of the Conservatives as "the stupid party," but the epithet was increasingly worn as a badge of honor in the press of the second half of the 1870s (*Jackson's Oxford Journal*, Nov 22, 1879). For many Tories, what Mill called "stupid" was actually the virtue of expediency and what was truly "stupid" was to try to govern according to a theory (*Aberdeen Weekly Journal*, Sep 4 and 11, 1879). Mill's alleged "impracticality," that is, was only another name for his radicalism.

4. Politics

Far from being *persona non grata*, Mill's name continued to be mentioned in a diverse range of political contexts: from recognition of the Spanish Republic in 1874, to the Brazilian financial crisis, and the treatment of lower animals (*The Examiner*, Feb 21, 1874, Oct 10, 1874). But instances of anything approaching sustained engagement with Mill's thought in straightforwardly political debates were rare. On one occasion when a Gladstone speech introduced Mill's name into a discussion of the future of liberalism (*Leeds Mercury*, Jun 2, 1877) the loudest reaction was a howl of outrage at Mill's "calmly predicated Atheism," which was judged "more dangerous and more unbecoming than the abominable ravings of a profane and unbelieving Radical and Red Republican" (*Trewman's Exeter Flying Post*, Jun 13, Oct 31, Nov 21, 1877).

Attempting to find meaningful political debate in the daily press is, perhaps, a category error, and to some extent we must accept that the topics with which Mill was closely associated in life were often too outré for mainstream press. Even with these caveats, however, it is striking how infrequently Mill's name was invoked in relation to, for example, women's suffrage. In March 1874 the Birmingham branch of the Women's Suffrage Society expressed "the deep loss they had sustained in the death of Mr. John Stuart Mill, whose lifelong advocacy of the cause had entitled him to the gratitude of all women" (*Birmingham Daily Post*, Mar 24, 1874). Thereafter, one finds only scattered references. For example, Thomas Hare declaring in 1875 that the London branch of the National Society for Women's Suffrage remained true to Mill's principles; or *the Belfast News-Letter* reporting the claim of a Miss Caroline Biggs that women's suffrage, which had once been "a chimera of [Mill] the philosopher," had become a realistic ambition of the statesman (*Belfast News-Letter*, Mar 19, 1878).

Of more immediate impact were sporadic citations of Mill's support for trade unions, taken from the pages of his *Principles* (*The Wrexham Advertiser*, etc., Jul 11, 1874). These received a further posthumous boost in 1878 when a letter Mill had sent in 1868, discussing the justice and efficacy of trade unions, resurfaced and was published in a number of newspapers (e.g., *Sheffield and Rotherham Independent*, Mar 22, 1879). There is a degree of uncertainty over how Mill would have regarded his association with trade unionism. What we can be sure of is that he would have been unhappy with his rather unlikely invocation as a posthumous proponent of protectionism.

The year 1879 saw a flurry of support for the principle of reciprocity in trade, which was little more than protectionism by another name. What was particularly galling for free traders, as *The Examiner* noted, was that claims for reciprocity were frequently backed "by an isolated expression of the late Mr. John Stuart Mill" (Jan 25, 1879). From George Bentinck down, the speeches of Conservative protectionists were peppered with references to Mill's argument for protecting infant industries and responding in kind to those who taxed English imports (*Leeds Mercury*, Jul 5, 1879; *Bury and Norwich Post and Suffolk Herald,* ul 8, 1879). As with interpretations of the *Three Essays,* context was all: Mill's mitigations of the principle of free trade, which had seemed moderate in an era when the triumph of unfettered commerce appeared assured, were distinctly less reassuring in the midst of the 1870s Great Depression, when protectionism – in the guise of "reciprocal trade" – was back on the agenda (see Letters to Henry Soden, May 2, 1865,

and Frederick Milnes Edge, Feb 26, 1866, XVI: 1043–4, 1150–1). In other areas too, the changing political terrain was rendering Mill's statements in life outdated.

Despite Mill's rapid radicalization as a land reformer towards the end of his life, it was only in Ireland that Mill's name became central to the land agitation (Martin 1982). Michael Davitt's speech to the monster Land League meeting at Gurteen, for which he was arrested and charged with sedition in November 1879, repeated two pages from Mill's *Principles of Political Economy* verbatim (*The Leeds Mercury*, Dec 1, 1879). In December 1879 his co-accused, James Boyce Killeen, referred to "that eminent Englishman, John Stuart Mill, whose works he hoped every Irishman would read" (*The Standard*, Dec 15, 1879). On the mainland, however, Mill's name carried far less cachet. The fate of his Land Tenure Reform Association is unclear. A move to wind it up in 1874 was "indignantly rejected as a slight to the memory of John Stuart Mill," but this did not prevent P.A. Taylor, MP, resigning as treasurer, and the "new lease of life" the Association's supporters predicted was not realized (*Leicester Chronicle and Leicester Mercury*, Jun 27, 1874). One reason was that the land question developed so quickly in the 1870s and Mill's proposals for free trade in land, which were radical in the early 1870s, appeared parsimoniously passé by the end of the decade. Where Mill had hesitated to go the whole hog toward to land nationalization, his stepdaughter Helen Taylor soon mutated into one of its most outspoken advocates.

5. Helen Taylor and the *Chapters on Socialism*

Taylor is rarely more than a shadow in most accounts of Mill's life, but she played a central role in framing his posthumous reputation. She was his named executor – charged with editing and arranging the publication of his *Autobiography*, *Three Essays*, and *Chapters on Socialism* – and was also taken by many, including Mill's old comrade-in-arms, John Roebuck, as the living embodiment of his political spirit (*Lloyds's Weekly Newspaper*, Jan 21, 1877). Indeed, so closely were the two identified in Roebuck's mind, he declared his readiness "to stand on his head" if she had asked him, "out of respect for the memory of Mr. Mill" (*Daily News*, May 18, 1877). Few went this far but it is interesting to note that admiration of Mill's "clever step-daughter" (*Aberdeen Free Press*) was widespread. In the press she was praised as "a highly intelligent and accomplished lady" (*Huddersfield Daily Chronicle*, Jan 23, 1877) who had imbibed Mill's "style and ways of thinking," (*Freeman's Journal*, Aug 22, 1878) and was "his earnest disciple and the inheritor of his large-minded principles" (*Reynolds's Newspaper*, Nov 23, 1879). Ironically, given that Mill was often condemned for his femininity, Taylor was praised for her masculinity (*Newcastle Courant*, Jan 26, 1877). During her candidacy for the London School Board in 1877, one newspaper lauded a Taylor speech as "masculine in both thought and expression," while her proposed "candidacy" for a parliamentary election led another to praise her as "at heart … only half a woman" (*Huddersfield Daily Chronicle*, Jan 23, 1877).

Besides incarnating his political principles, Taylor also inherited Mill's material possessions. Particularly problematic was the private herbarium of over 12,000 specimens that he had gathered over decades of botanizing across Europe. Taylor – who in the 1860s had aided him on some of his trips – determined that Mill would have wanted his

specimens "disposed of in any way that might be most useful," and thus offered Joseph Hooker, Director of the Royal Botanic Gardens at Kew, the chance to select "such specimens as you would like to have either for your own private or for any public collection" (Helen Taylor to Joseph Hooker, Sep 27, 1873, Herbarium Presentations to 1900, Kew Royal Botanic Gardens Archives). As a result, the herbarium was split: Hooker picked out what he wanted for Kew, and suggested that many of the other specimens be sent to Darwin's US-ally Asa Gray at Harvard University (Helen Taylor to Joseph Hooker, Mar 20, 1875, English Letters, Kew Royal Botanic Gardens Archives). Taylor happily complied and Gray, in turn, forwarded 2000 of Mill's specimens to the Academy of Natural Sciences of Philadelphia (The Philadelphia Academy of Natural Sciences to Asa Gray, Apr 3, 1878, Herbarium Presentations to 1900, Kew Royal Botanic Gardens Archives). Finally, at Taylor's request, a portion of Mill's collection was sent to the Royal Botanic Gardens in Melbourne. The Director, Ferdinand von Mueller, was effusive in his thanks, declaring "the unexpected gift of one of the three portions of Mr. J. Mill's collection, [...] one of the triumphs of my life" (Ferdinand Mueller to Joseph Hooker, Sep 23, 1876, Kew Royal Botanic Gardens Archives).

In the long term, however, splitting the collection probably contributed to the relative neglect of Mill's botany by historians. Indeed, judging from the late-1870s press, Mill's reputation as "a great pedestrian and botanist" (*The Examiner*, Mar 9, 1878) faded from public consciousness quite quickly. A humorous indication of this can be seen in the great fun a number of newspapers had with a story concerning the "John Stuart Mill" rose. The story, which had first appeared in the *Gentleman's Magazine*, concerned a "curate in the north" who had read a paragraph on "the Names of Flowers" in a local journal, and reached the erroneous conclusion that the three roses referred to – including the John Stuart Mill rose – were not real plants at all but an elaborate libel upon his fiancée, himself, and his father-in-law (*Sheffield and Rotherham Independent*, Nov 14, 1878; *Manchester Times*, Feb 8, 1879). The rose itself divided opinion along familiar lines. For Mill's admirers it was "a graceful tribute to the great thinker," (*The Standard*, Apr 19, 1877); for his detractors it was an opportunity to attack his already traduced character. *The York Herald*, for example, took exception to a nurseryman who described the John Stuart Mill as: "Bright clear red, large, full, and beautiful form, of great substance; well adapted for exhibition purposes, being also of strong constitution and free habit. Quite distinct." Except for the last two words, the paper commented dryly, "nothing could be more inappropriate than this" (*York Herald*, Jun 9, 1875).

For his friends Mill's botanical passion was proof that "the hard and abstract studies of his life never destroyed the gentler and artistic element in his character" (*The Examiner*, Jun 8, 1878), and thus the fading memory of Mill the botanist contributed to narrowing perceptions. A more direct threat to his reputation, however, came from Mill's apparent neglect of evolutionary thought. Taylor, in her introduction to the *Three Essays*, was sufficiently sensitive to the problem to apologize for "the absence of any mention of the works of Mr. Darwin" (X: 371). In doing so she deftly claimed an affinity and "coincidence of thought" between Mill and Darwin, especially in their shared Malthusian image of nature. Unfortunately, this common ground related to precisely that part of Darwinian theory – the rejection of providentialism – that was least popular, and which encouraged Mill's opponents to identify a "common bond of union" between

Mill and evolutionist infidels such as Tyndall and Huxley. According to William Courtney, author of the highly critical *The Metaphysics of John Stuart Mill* (1879), Mill was "the parent tree" of the Tyndall-Huxley "Extreme Left" of evolutionary thought (*The Examiner*, Apr 26, 1879). However idiosyncratic Courtney's interpretation, it serves to remind us that in the late-1870s the key dividing line was between believers and nonbelievers, and it was the grouping of Mill with the latter that most harmed his reputation.

The damage done by the *Three Essays*, however, was partially abated by Taylor's final raid on Mill's unpublished manuscripts for the *Chapters on Socialism* (1879). Five years on there was less anticipation, but many newspapers were nonetheless eager to see how Mill would treat "the absorbing question of socialism" (*The Morning Post*, Feb 3, 1879), and one predicted that the book 'cannot fail to be received with interest' (*The Bristol Mercury and Daily Post*, Feb 5, 1879). The *Chapters* were first published in installments in the *Fortnightly Review*, with summaries appearing in the press, and *The Examiner* was sufficiently impressed to declare that the *Chapters* were "written with a force and clearness unsurpassed by the author, in any of his previous compositions" (Feb 15, 1879). Ultimately, however, it was the content and timing, rather than Mill's clarity of expression, which ensured a more positive reception than that meted out to the *Three Essays.* Quite simply the *Chapters* did not pose any direct threat to the *status quo*. There was a moment of doubt when the first published article lulled some into believing Mill more sympathetic to the theories he described than proved to be the case (*The Examiner*, Mar 8, 1879). But it soon transpired Mill's was, as he had said in the *Autobiography*, a "qualified Socialism" (*Autobiography* I: 199). In any case, Britain's few socialists hardly posed a threat to property equivalent to that posed to Christian belief, and prior to the 1880s, "socialism" was little more than a synonym for all things broadly "social." The *Chapters*, in short, was a much safer publication than the *Three Essays*. Its chief impact was in reasserting Mill's reputation as a political philosopher: an identity with which both his enemies, and increasingly his friends, could be content.

6. Conclusion

Writing in 1897 Charles Dilke argued that Mill had long been surpassed "as a writer upon logic, upon political economy, or upon metaphysics," but remained worthy of celebration as "a political philosopher" and a practitioner of "the art of politics" (Dilke 1897: 630). This was not the first time Dilke had narrowed Mill. The portrait he had commissioned just prior to Mill's death, and which was first displayed at the Royal Academy in May 1874, showed Mill as every inch a Victorian political philosopher: enclosed in a wood-paneled study with "dark, downcast eyes and closed, firmly-set mouth [that] bespeak contemplation and interiority" (Hookway 2013: 30). The contrast with Woolner's statue of a thoughtful but active Mill, poised to spring into action, could not have been greater. But whereas Woolner's statue excited little aesthetic comment and was soon obscured by the branches and briars of Temple Gardens, Watts's portrait provoked an ecstatic press response and soon became the "official" representation. *The Morning Post* thought the painting "an admirable likeness," "full of excellencies"; the *Ipswich Journal* judged it one of Watts's "masterpieces of portraiture"; and Helen Taylor

was impressed enough to write to Lady Dilke requesting a copy to donate to the National Portrait Gallery (Taylor to Lady Dilke, Nov 20, 1873, National Portrait Gallery 1009 (4a)).

There was only one dissenting voice in the press. "The portrait," the *Pall Mall Gazette* complained, was:

> too much like a mask which records a single phase of expression without regard to its source, and without an attempt to connect it with a larger interpretation of the underlying temperament, so that we seem to have here only a part of a portrait, giving in some degree the effect of caricature. (Jun 18, 1874)

This, in essence, was the fate of John Stuart Mill in his afterlife: caricature not collapse. Mill was diminished, distorted, and set in intellectual aspic. Watts's portrait represents the "sad and wizened" view that, until relatively recently, dominated Mill studies (Carlisle 1991: xii). Mill had disliked sitting for the photographer John Watkins in 1865, and declined all subsequent requests (Letter to Edward Walford, Feb 14, 1867, XVI: 1038). But while the ambition of Victorian photographers regularly outran their ability, Watkins's attempt to capture a complete personality, constructed from multiple perspectives, offers a much better guide to historians than Watts's attempt to capture a single all-encompassing image. What is required is precisely what the portrait failed to provide: a study of the Goethean many-sidedness that Mill spent his life striving to achieve, but which was lost from view in his afterlife.

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4

Mill's *Autobiography* as Literature

SAMUEL CLARK

What is it to take the *Autobiography* "as literature"? It could just be a banal compliment: the *Autobiography* is a classic, high quality, culturally endorsed and lasting, not mere ephemeral trash. All this is true, but barely worth saying.

1. An Artifact

More interestingly, to take the *Autobiography* as literature is to recognize that it is not raw data, not a transparent window into Mill's life. It is a work or a performance: art, or perhaps craft; an *artifact*. That recognition has several consequences.

First, artifacts are made to *do* something: Mill's *Autobiography*, any other autobiography, any text, is an author's device, aimed to bring something about. Common aims of autobiographies include self-justification, self-understanding, public self-presentation or self-advertisement, inspiration or warning to readers, debt-paying and score-settling, and simple money-making.

Second, like any artifact, an autobiography – Mill's *Autobiography* – both reveals and conceals its maker. The autobiographer, like any artist, is in her work but does not reveal all of herself in it. Some of herself comes through regardless of intention, like a fingerprint in pottery. Some of herself is deliberately deployed. Some is deliberately hidden, or inaccessible, or unspeakable: Rudyard Kipling's autobiography *Something of Myself* (1990) might better have been titled *Very Little of Myself*, for one example (Pinney 1990); Mill suppressed some harsh material about his mother that survives in the extant early draft of the *Autobiography*, for another. The autobiographical artifact is an attempt to deal artfully (craftily) with material that exerts its own demands and resistances.

Third, to take an autobiography as an artifact is further to recognize it as made in and addressed to a particular context, with inherited and public tools and techniques. Makers have particular languages and audiences that partly constitute what they do in

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and by making (Tully 1988). But some makers also transform their tools and remake their audiences: late-nineteenth- and early-twentieth-century autobiographers like Edmund Gosse (2004), for example, recast the inherited tools and forms of confessional and conversion narratives into their own distinctive deconversions (Peterson 1986; Barbour 1994: Ch. 4). Gosse, in particular, was canny about the popular audience for his autobiography *Father and Son* as part of his public work as a promoter and interpreter of modern poets and playwrights.

One mode of investigating the *Autobiography* as literature is therefore to ask what Mill meant to do by writing and publishing it, and to address that question by considering what languages, tools, and audiences were his context of making. I consider Mill's aims as part of what follows.

2. In a Genre

To take the *Autobiography* as literature is further to recognize it as a work *in the genre that names it*.

A literary genre, as I use the term here, is a tradition consisting of a *canon* of exemplary works and workers, a *pattern of development* – or at least of change – over time, and a certain *self-consciousness*. *Science-Fiction*, for example, is a genre. Its canon includes work by Arthur C. Clarke, Larry Niven, Ursula Le Guin, and Octavia Butler. Its development includes its proto-history in Verne, Wells, and others; its "golden age" in pulp magazines and paperbacks; and its transformation by the New Wave (Aldiss and Wingrove 1986; Roberts 2006). Its self-consciousness is displayed in the self-referring activity of its members: its self-identified writer and fan culture, its critical meta-literature in journals such as *Foundation*, and its shared vocabulary for describing common technical and artistic problems. That a genre exists does not require that its boundaries be precise: Science-Fiction has unambiguous core representatives – *Ringworld* (Niven 1970) – but also boundary cases and undecidables – *Nineteen Eighty-Four* (Orwell 2009).

Rapidly forgotten Booker Prize winners, on the other hand, is not a genre, even though it is an identifiable class of books and authors.

Following the same schema, the autobiographical canon includes Augustine's *Confessions*, Margery Kempe's *The Book of Margery Kempe*, Benvenuto Cellini's *My Life*, John Bunyan's *Grace Abounding*, Jean-Jacques Rousseau's *Confessions*, William Wordsworth's *The Prelude*, John Henry Newman's *Apologia pro Vita Sua*, Frederick Douglass's *Narrative of the Life of Frederick Douglass*, Vera Brittain's *Testament of Youth*, Gertrude Stein's *The Autobiography of Alice B. Toklas*, and Michael Leiris's *Manhood*. Our subject, Mill's *Autobiography*, fits neatly into that partial list.

The genre's developmental moments include Augustine's paradigmatic conversion narrative; the subjective turn usually associated with Rousseau, but, according to Jelinek (1986: Ch. 2), actually rooted in seventeenth-century women's autobiographies, which were far more personal and self-analytic than the records of public deeds written by men of the period; the spiritual-political slave narratives of nineteenth-century America (Davis and Gates 1985); and the twentieth-century flowering of autobiographies by black women, most obviously Maya Angelou's *I Know Why the Caged Bird Sings* (1969).

The autobiographical genre's self-consciousness appears in several ways. First, autobiographers are typically aware, sometimes mockingly aware, of the genre they are working in. For example, in the opening paragraphs of *Goodbye to All That*, Robert Graves pokes fun at generic tropes: "As a proof of my readiness to accept autobiographical conventions, let me at once record my two earliest memories" (Graves 2000: 9). Mill himself puts his reading of an autobiography – Marmontel's *Memoirs* – at the center of his autobiographical account of his crisis and recovery (*Autobiography*, I: 145; see further Nussbaum 2004).

Second, there are histories of the genre, or of parts or strands of it, understood as generic. (For example: Spengemann 1980; Cockshut 1984; de Mijolla 1994; Bjorklund 1998; Conway 1998; Treadwell 2005.)

Third, there is self-conscious disagreement about definitions, characterizations, inclusions, and exclusions. According to Roy Pascal, the autobiographical form is distinguished by the author taking up a self-separated double perspective as both subject and object of attention, and texts like diaries and chronicles fail to be fully autobiographical because "the author fails to distance himself from himself" (Pascal 1960: 24). In Philippe Lejeune's widely quoted (and almost equally widely attacked) definition, autobiography is "retrospective prose narrative written by a real person concerning his own existence, where the focus is his individual life, in particular the story of his personality" (Lejeune 1989: 4). For Sidonie Smith and Julia Watson, autobiography is "a historically situated practice of self-representation" (Smith and Watson 2001: 14). James Olney offers an etymology of "autobiography" – self-life-writing – but worries that "there is no way to bring autobiography to heel as a literary genre with its own proper form, terminology, and observances" and that "we often cannot tell whether we should call something a novel, a poem, a critical dissertation, or an autobiography" (Olney 1980a: 4).

Fourth, there is both a mainstream of criticism and a stream attacking it. The mainstream is personified, for example, by Roy Pascal (1960), Karl Weintraub (1978), and James Olney (1972, 1980b). According to their critics, their understanding of autobiography is problematically Romantic and gendered in assuming: an unambiguous identity between author, narrator, and protagonist; a unified and precultural self; simple dichotomies between individual and society and between different individuals; a universal human nature revealed in the lives and concerns of almost entirely male subjects; and a sharp dividing line between fact and fiction in narrative (Lang 1982; see also Evans 1999; Anderson 2011).

Another mode of investigating the *Autobiography* as literature is therefore to consider it in historical and comparative perspective: to locate it both in the pattern of change of its genre, and by contrast to other parallel traditions. I do some comparative work on Mill's *Autobiography* as against other autobiographies as part of what follows.

3. Necessary Form

To take the *Autobiography* as literature is, finally and most importantly here, to take up the idea that *its form is necessary to what it does*. It is not something accidentally clothed as autobiography, which might as easily have been presented as an analytic treatise; not a different jacket on the same old Millian book. That is, to take the *Autobiography* as

literature in this way is to make the claim about it that Martha Nussbaum makes about certain novels: that they are *irreplaceably* works of philosophy, that they do philosophical work which could *only* be done in their particular form (Nussbaum 1990a).

The rest of this essay will make the case for that claim, in three parts: first, an account of the *Autobiography*'s form as a paradigm of the genre; second, argument that what this form makes possible for Mill is a distinctive kind of ethical work, which I distinguish from other kinds, characterize in general, and exemplify from the *Autobiography* in particular; third, responses to some objections.

3.1. The Form of the Autobiography

I begin with some basic points about form – mostly so obvious, given our expectations of the genre, as to be invisible. The *Autobiography* tells a story of Mill's life in time order from childhood to old age. It divides that story into chapters that associate temporal episodes – "Childhood," "Youthful Propagandism" – with fundamental influences – "My Father's Character and Opinions," "The Most Valuable Friendship of My Life." Perhaps the only oddity at this level is the unbalanced assignment of space and attention to time: six chapters cover Mill's life up to 1840; the remainder of his life – nearly as many years again – gets one desultory chapter.

But more importantly, the *Autobiography* is a paradigmatic example of classic autobiographical form, and I want to pick out four distinguishing features it exemplifies.

First, the *Autobiography* is *reflexive*, a work of self-reflection. Mill as autobiographer takes up a multiple point of view, turning his attention as subject on himself as object. A narrator-Mill distinguishes himself from and examines the protagonist-Mill of the story he narrates. An author-Mill makes and performs both.

Note that this does not trump the point I have already made that autobiography is not raw data, even for the autobiographer herself. An autobiographical author does not have a special *kind* of access to her life, just – normally – a more capacious access than other potential authors (I say "normally" because this condition has exceptions, to be examined in a moment).

A work of self-reflection is still an artifact: with particular purposes, revealing and concealing its maker, in its context. But this doesn't mean that there's nothing to choose between different artifacts – that what's made is a matter of arbitrary choice or accident, without norms of success. Some interpretations are better than others, judged by norms, including sincerity and accuracy, which we can't as humans do without (Williams 2002).

However, that I do not have a privileged kind of access to my own life, unavailable to others, does mean that someone else might be able to make a better interpretation of my own life than I could. Perhaps this biographer has more information than I do: Oliver Sacks (1986) can tell us more about his amnesiac patients than they can tell about themselves, for example. Perhaps the biographer is better able to make sense of the causal processes of my life than I am competent to, or can bear to.

Second, the *Autobiography* is *diachronic* self-reflection. Late-in-life-Mill turns his attention on his own past, as distinct from attending to himself now, as when, for example, I consider whether this is anxiety or anger that I'm now feeling. In contrast, there are non-diachronic autobiographies in which no historical time passes and episodes are instead cyclical: Herbert Read's *The Innocent Eye* (1933), for example.

Third, the *Autobiography* is diachronic self-reflection on the *whole life-course*, rather than focusing on a more circumscribed episode or strand of that life, or on a protagonist other than the author and narrator, as in memoir (on the distinctions between autobiography, memoir, and memoirs, see further Yagoda 2009). Clearly though, there is no sharp distinguishing line here between autobiography and memoir: there's a fuzzy boundary with obvious cases wide of it on both sides, and more ambiguous cases nearer to it. James Thurber's *The Years with Ross* (1959), which focuses on the writer and cartoonist's work with *New Yorker* editor Harold Ross, is an unambiguous memoir. But what is *Goodbye to All That*, which is so centrally about the First World War, and which finishes with Graves in his early thirties?

Apart from these boundary problems, there are Wordsworthian autobiographies in which the life course in time is taken not as the object of interest, but as an illusion to be overcome to reveal the timeless reality: Edwin Muir's *An Autobiography* (1954), for example.

Fourth, the *Autobiography*'s self-reflection is *teleological*. Mill doesn't just attend to what happened over the period of his life, he shows himself as changing in a meaningful, directional way: as growing and developing rather than just varying, and as driven partly from inside rather than just blown about by circumstance. In contrast, there are non-teleological autobiographies. A life may be represented as lacking an internal developmental thread, as in Goronwy Rees's *A Bundle of Sensations* (1960):

> For as long as I can remember it has always surprised and slightly bewildered me that other people should take it so much for granted that they each possess what is usually called 'a character'; that is to say, a personality with its own continuous history … I have never been able to find anything of that sort in myself. (quoted in Strawson 2009: 184)

Such a non-teleological autobiography may present its subject as shaped and reshaped by changing momentary circumstance rather than any inner coherence or potential, as in George Moore's *Confessions of a Young Man*:

> My soul, so far as I understand it, has very kindly taken colour and form from the many various modes of life that self-will and an impetuous temperament have forced me to indulge in. Therefore I may say that I am free from original qualities, defects, tastes, etc. What I have I acquire, or, to speak more exactly, chance bestowed, and still bestows, upon me. I came into the world apparently with a nature like a smooth sheet of wax, bearing no impress, but capable of receiving any; of being moulded into all shapes. Nor am I exaggerating when I say I think that I might equally have been a Pharaoh, an ostler, a pimp, an archbishop, and that in the fulfilment of the duties of each a certain measure of success would have been mine. (Moore 1972: 49)

Note that I say that the *Autobiography* is a paradigm case, not that it asserts "the definition" of autobiography, nor that my contrasting examples are failed or pseudo-autobiographies measured against its standard. I doubt that we need or can produce satisfactory definitions, in the sense of necessary and sufficient conditions of inclusion, for traditions: as things extended and changing over time, they tend to elude such precise line-drawing. My contrasting examples are as much autobiographies as Mill's: they're just different kinds of autobiography.

In general, the fact there is a paradigm in play makes various rejections and transformations available, such that a tradition is liable to be characterized by resistance and recasting as much as by repetition of earlier attempts. A genre is therefore better described as an argument over tools and purposes, and by identifying paradigms and examples that depart from them, than by a definition.

3.2. The Autobiography as Ethics

I now argue that the distinctive form of Mill's *Autobiography* allows him to do a certain kind of ethical work with it: the *Autobiography* is ethics, in a phrase. But what kind of ethics?

Most obviously, the *Autobiography*, constructed as it is out of empirical and contingent particulars – individuals, circumstances, places, moments – cannot be ethics in the Kantian universalizing tradition, although it could provide difficult subjects for Kantian practical reasoning.

The *Autobiography* is also not ethics in a style familiar from some recent academic moral philosophy: a moral dilemma is set out in a vignette; an answer is intuited; and a general moral principle is derived from that answer, to be tested against other cases. Gradually, we work at both ends – now modifying our judgments about particular cases, now modifying our general principles – to work towards reflective equilibrium.

So, for example, a runaway tram will hit and kill five workers on the line, unless a bystander switches the points to redirect it onto a sidespur on which it will kill only one worker. Most people think that the bystander morally may switch the points. The apparent general principle informing this judgment is that it's permissible to kill one person to save five. But what about the case, apparently permitted under that principle, where a surgeon could dismantle one healthy person to provide transplants for five who will otherwise die (Thomson 1985)?

If this is a productive way to do moral philosophy, we might imagine a parallel process with autobiographies: we could work up from particular autobiographies to general moral principles, and then retest those principles against other autobiographies, now modifying our judgments about particular represented lives, now modifying our general principles, again working towards reflective equilibrium. For example, Robert Graves volunteered to fight in World War One: what principle in the ethics of war does this imply? Can we accept how that principle evaluates "George Sherston," Siegfried Sassoon's representative in his fictionalized autobiography (1937), or Tim O'Brien in *If I Die in a Combat Zone* (2003)?

But that would be a way of doing ethics *with* autobiographies, just as we might do ethics with history or with anecdotes, not a way in which Mill's *Autobiography* actually *does* ethics itself. We might use autobiographies the way we use thought-experiments, but the *Autobiography* does not work by the methods of thought-experiment and reflective equilibrium.

Further, we should be wary of moving from Mill's or anyone's particularity to any general principles: Mill is not everyman, let alone every person. The many lives Mill did not have include life as a woman, as racially stigmatized, as poor, as a mother or father. The range of human possibility is larger than any one of us can encompass, and if we rush to generalize, we will tend to mistake the particular characteristics of a privileged group for the universal characteristics of humanity (Young 1990).

A proper resistance to generalizing the partial doesn't mean that each individual person is unlike all others: we also have a lot in common, and have to recognize those commonalities if we're to meet our need for understanding one another, and for an adequate account of social justice in particular (Nussbaum 1992). But our commonalities are often family resemblances rather than membership of sets defined by generalities. That is, one person will be like another in this way, and like a third in that; the third will be like the second in yet another way. There may be no one characteristic each member of a family has, but only a web of various similarities and contrasts. Autobiographies – Mill's *Autobiography* among them – therefore offer opportunities as much for "horizontal" person-to-person recognition and contrast as for "vertical" generalization and reapplication of principles.

There is another way of doing ethics apart from the Kantian and thought-experimental, which the *Autobiography* does enact. This is the kind of ethical reflection that is the starting-place for classical ethical thought and requires stepping back from the immediate flow of living and taking up a separated point of view on my life as a whole; considering how I have come to be what I am; and, most importantly, judging my life as good or bad, success or failure, as a whole (Annas 1993: Ch. 1).

This kind of whole-life self-evaluation is an important part of what Mill is doing – it's built on the *Autobiography*'s diachronic, self-reflective, and teleological form – and it is an important way in which the *Autobiography* is ethics. But if this was all, there wouldn't be much here for us: the *Autobiography* would be a valuable if risky personal exercise for Mill himself, but it would be hard to explain why he published it, or why we should read it, unless as inspiration to our own eventual self-evaluations. Ethics need not be interpersonal, but there is also, I want to claim, an interpersonal aspect to what Mill is doing in the *Autobiography*.

The *Autobiography* is interpersonal ethics in offering an account of the *education* of its protagonist, from the knowledgeable, sympathetic, identified but not identical narrator's point of view. Narrator-Mill gives an account of his earlier self's increasing grasp of how to live, from his youthful philosophic radicalism and loneliness, through recasting his understanding of pleasure and its sources and roles, towards his love for and with Harriet Taylor, and his attempts to synthesize Benthamism with Romantic insights and to find a public role in which he can do some good. The *Autobiography*'s diachronic form allows Mill to present one person's development from ignorance to knowledge and from potential to its partial expression. The self-reflective form means that this education can be shown as the source of the perceptive and sympathetic capacities which allow Mill to understand this life and development – his own life and development – as a whole. But Mill is doing more than merely reporting that development: the teleological form means that he also explains his development as an interaction between inner potential and outer circumstance. The *Autobiography* can therefore be read as a philosophy of education, which offers not only an account of a life in time, but a theory of its developmental conditions and challenges.

As it stands, this might just be the classical self-examination already noted. But Mill's aims here are also interpersonal: Mill openly intended his *Autobiography* to have more than personal significance (a point also taken as philosophically important, in various ways, by Anderson 1991, Eisenach 1987, and Millgram 2011). In its first paragraph, he writes that "I do not for a moment imagine that any part of what I have to relate can

be interesting to the public as a narrative or as being connected with myself" (*Autobiography*, I: 5). Mill doesn't think anyone would be interested in his life just as *his*, and repeatedly insists that he's nothing special. As he later says about his intellectual achievements: "What I could do, could assuredly be done by any boy or girl of average capacity and healthy physical constitution" (*Autobiography*, I: 33). Mill aims to speak to and about humans: The *Autobiography*'s topic is some ways in which a particular human – "any boy or girl," not just Mill – might be cultivated, develop, and flower with the help of others; or might fail to grow, and be left stunted and incomplete. My suggestion is that Mill is using his own life as an exemplar and test-case for a general account of the good life and of the social and personal conditions which are necessary to it. The *Autobiography* is ethics, then, in that it is one attempt at "the search for a specification of the good life for a human being" (Nussbaum 1990b: 139).

I want further to suggest that the *Autobiography* dramatizes, specifically, a perfectionist or self-realizationist account of the good life (Clark 2010a; on perfectionism in general, see Hurka 1993; on self-realizationism, Nielsen 1973). That is, the *Autobiography* offers, by exemplification, the theory that the good life for a human being consists in the full development and expression of central human and individual capacities. The paradigmatic autobiographical form is well-suited to that task, since it turns attention on the appearance or non-appearance, development or maldevelopment, and success or failure, of particular elements of a life over time.

A self-realizationist account of the good life needs to specify what is in the self to be realized or left fallow, and I have argued elsewhere that the *Autobiography* picks out several distinctive capacities as central to Mill's flourishing and therefore to human flourishing: aesthetic and emotional sensibilities (Clark 2010a), powers of resistance to oppression (Clark 2010b), pleasure diagnostic of individual potential (Clark 2012). I have also argued for reading some military memoirs as picking out other features of successfully self-realizing life (Clark 2013). I offer these as examples of the results of taking the *Autobiography*, or autobiographical and related texts in general, as ethics in this sense. But the important point here is not so much these particular claims about which human or individual capacities a good life would need to realize, nor even to reassert my controversial claim that the *Autobiography* reveals Mill as a perfectionist or self-realizationist rather than a hedonist. The important point is that the *Autobiography* is worth reading as ethics in this sense: it attempts to specify the good life for a human being.

The *Autobiography* not only reports an ethical education, it draws us as readers through a version of that education: we have to keep up with Mill, or at least keep close, and doing so is developmental practice for us. To understand Mill's developmental crux of recognizing Romantic insights, we have to recognize them ourselves, or at least see what it would be like to do so. It is therefore ethics in the further sense of aiming to make us ethically better.

These arguments partly appeal to Mill's aims expressed in his text, but they do not depend on my having recovered the actual state of mind of someone long dead. The text does this work for us its readers, even if Mill hadn't intended it to, in virtue of its public features, its form as well as its content. To read it well is to learn something about developmental success and failure in human life, and to be developed ourselves by that education. We can see this most strongly in an autobiography that explicitly rejects the

aim of theorizing about human life in general: Rousseau's *Confessions* (2000). Rousseau repeatedly asserts his singularity, but we would be foolish readers if we learned nothing about friendship and its role in human life, for example, from Rousseau's disastrous failures at it. My point, then, is not just that Mill *meant* his *Autobiography* to exemplify an account of the good life (although I think that's true): my point is that any autobiography in the paradigmatic form Mill uses will engage us in conversation and argument about the good life.

Summing up this section so far: I have taken Mill's *Autobiography* as literature by suggesting that its form is necessary to what it does. Specifically, I have argued that the *Autobiography*'s diachronic, whole-life, teleological self-reflection allows Mill's text to do a distinctive kind of ethical work: to use its particular kind of self-representation to specify a philosophy of education and an account of the good life, and to educate his readers by drawing them along with his development, as developmental practice for us.

3.3. Three Objections

I now respond to some expected objections to these arguments. First: I have represented the *Autobiography*'s form as necessary to the ethical work it does. But couldn't a novel or a biography do the same work? In fact, doesn't my use of Nussbaum's readings of novels as a model for my own arguments suggest that there's nothing specific to autobiographical as distinct from any other narrative form at work here?

My answer is that yes, a novel or biography could do this work – to the extent that it adopts the paradigmatic autobiographical form of diachronic, whole-life, teleological self-reflection. That it's *self*-reflection does not require metaphysical identity, but the adoption of the particular literary device of sympathetic identification, often but not necessarily signaled by the adoption of the grammatical first person. There are borderline cases here on both sides of the fuzzy boundary between autobiographies and other narratives. On one side, Richard Holmes's loving, occasionally exasperated ventriloquism of his biographical subject Samuel Taylor Coleridge (1989). On the other, Henry Adams's grammatically third-person, and rather detached, account of his own life in *The Education of Henry Adams* (1999); and, more extreme, Gertrude Stein's account of her own life as if from the perspective of her partner Alice Toklas (1966). The claim of necessary form is a claim about the relation between a generic form and one thing texts do.

Of course, it's not an accident that novels and autobiographies have such similar forms and can therefore do such similar work: the two traditions have the same prehistory. Early novels were presented as memoirs or confessions. The fuller title of *Robinson Crusoe* is *The Life of Robinson Crusoe, of York, Mariner… Written by Himself*, for example, and "Defoe created his novel by adapting the materials of contemporary spiritual autobiography to a fictional purpose" (Peterson 1986: 5).

The autobiography perhaps has an advantage over the novel as ethics, to the extent that autobiographies are constrained to be more accurate about the publically-accessible facts of one particular life, which might also constrain them to greater accuracy about the actual demands and transformations of human life. But there are no easy generalizations here. Some novels are certainly more truthful about human life than some autobiographies: compare *War and Peace* (2005) with James Frey's *A Million Little Pieces*

(2003), for example (although if we were to pursue that comparison further, we would have to acknowledge the extent to which Tolstoy's fiction is autobiographical, and to which Pierre in particular is his representative).

Second: I have presented the ethical work done by the *Autobiography* in noticeably Romantic terms, but I haven't answered the criticisms, made by Lang (1982) and others, of the Romantic picture of the self. I have apparently gone right on assuming that individuals have within them a distinct essence or potential that needs to be expressed if they are to live good lives, and which might be well or badly served by a culture that it pre-exists. That, after all, is the self-realizationist account of the good life that I have found in the *Autobiography*.

My answer is that this Romantic picture of the self is built into the formal features of the *Autobiography* – that is, critics like Lang are *right* that some autobiography assumes much that is questionable about the self. I haven't defended these questionable claims here, and haven't intended to: again, what I've done is show a relation between a literary form and a kind of ethical work, not defend that kind of work against all criticisms. One response to the ethics described but not defended here would be to show that it relies on a false account of the self – to develop an error theory of Romantic autobiography and the Romantic self – but that argument is beyond the scope of this essay (for two very different examples of such error theory, see Evans 1999 and Strawson 2009).

Third: I have echoed Lang, Young, and others, in expressing worries about being too quick to generalize from the very partial experience and self-understanding of one privileged subject. But haven't I also encouraged just such generalization, in arguing that the *Autobiography* offers a philosophy of education and an account of the good life *for human beings*, and an ethical education *for all of its various readers*?

My answer is that I'm aware of this tension, but don't think it can be avoided. On one hand, it is a mistake to rush to generalize (and I in particular have been too quick to generalize in some of my earlier work). On the other, it would bad ethics and bad reading to take Mill's *Autobiography*, or any autobiography, as telling us only about one isolated subject, unlike and irrelevant to anyone else. We should be slow to generalize, but we can't do without talking about humanity as well as particular humans.

Perhaps we can avoid the worst problems of generalization by taking an autobiography not as a completed general theory, but as a voice in a conversation: not as inviting what I above called "vertical" theorization, but as inviting "horizontal" and tentative connections between particular people, particular authors and readers. On this reading, Mill's *Autobiography* speaks in a conversation on ethical education and the good life, by offering one particular developmental experience for sympathy, identification, critique, and contrast. Mill is one more self heard from in that conversation: his predicaments, successes and failures elicit our own responses of recognition and rejection, and, by doing so, further our shared understanding of the range and complexity of human lives and possibilities.

This way of taking the *Autobiography* means that it can only be developmental practice for those who need its particular, partial lessons: different readers will need, and we hope will find and respond to, different educations. For some, Mill will be little use: perhaps you in particular would get more from Maxine Hong Kingston's *The Woman Warrior* (1989), or *The Autobiography of Malcolm X* (1966), or another of the vast range of self-represented lives. But we could all be helped to more successful humanity by engaging with some other life, as thought through by the person created by it.

4. Summary

I began with the question: What is it to take Mill's *Autobiography* "as literature"? I have explored three answers. First, it is to attempt to understand the *Autobiography* as an artifact, made in a context by an author with particular aims and secrets. Second, it is to place the *Autobiography* in a generic context, as a paradigm but not defining case. Third, it is to pursue the idea that the *Autobiography*'s form is necessary to what it does. In particular, its diachronic, teleological, whole-life self-reflective form allows it to do a distinctive kind of ethics: arguing by example for a philosophy of ethical education, searching for a specification of the good life, and helping to educate its readers by developmental practice.

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Part II

Influences on Mill's Thought

5

Mill and the Classics

ROBERT DEVIGNE

John Stuart Mill's interest in the classics should not come as a surprise. He began to study the works of Homer, Herodotus, Thucydides, Xenophon, Plato, and Aristotle as a child (*Autobiography*, I: 8–18). Mill also translated and published Platonic dialogues during the 1830s. He considered Plato the most significant influence on his "mental culture," and claimed no modern thinker had been influenced by Plato as much as he had (*Autobiography* I: 25, 49). As early as 1840, in reviewing Tocqueville's thesis that modern democracy is an intellectual leveler that discriminates against higher modes of thought, Mill argued that it was "incumbent upon those who had the power to do the utmost towards preventing" the decline of classical studies (*De Tocqueville on Democracy in America [II]*, XVIII: 195).

Indeed, friend and foe alike criticized Mill for placing such high value on the study of Plato and the ancients and his call for reconciliation in "that age old conflict between the ancients and the moderns" (Bain 1882: 126; Huxley 1902: 183–4; *Inaugural Address*, XXI: 219). In response to Herbert Spencer's criticism that his vision of higher education placed too much emphasis on the ancients, Mill wrote,

> In regard to classical instruction, I do not altogether agree with you that the side favorable to it is too strong; for I think there is a growing reaction to the opposite extreme, producing a danger on that side which being the side most in harmony with modern tendencies has the best chance of being ultimately the stronger. (Letter to Herbert Spencer, Feb 9, 1867, XVI: 1237)

Friend and biographer Alexander Bain said, Mill "was a … Greece-intoxicated man" (Bain 1882: 94) and to ignore this would do Mill's legacy a great injustice. The damage that results has to do not only with the broad range of Mill's contributions, but even with those elements of Mill's thought that are better know, such as the *character of liberty*. Here, I explain Mill's analysis of Plato's teachings and his adoption and revision of Plato's dialectic for his own philosophic and moral project. I also explain continuities

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and differences between Mill and Aristotle in their respective conceptions of the task of cultivating a higher nature. Finally, I explain Mill's view of the different advantages and disadvantages represented by Athens and Sparta, which founded their respective regimes on distinct human needs – namely, creativity and social unity.

1. Plato's Moral Quandary

While all of Mill's major writings refer heavily to Socrates and Plato, Mill also was determined to develop and publish a comprehensive position that dealt solely with Plato. This desire is dramatically expressed in letters to his wife and in *Diary* entries he wrote in the winter of 1854, when coughing fits and blood-ridden phlegm convinced Mill that he was suffering from tuberculosis, the same disease that killed his father. Confronting the possibility of an early death, Mill felt a great impetus to produce a series of essays on the most important questions, "which thinkers ... after us may nourish themselves with & then dilute for other people." On Mill's agenda are the themes published in *On Liberty, The Subjection of Women*, and the *Three Essays on Religion.* It also includes "Plato" (*Diary*, Mar 30, 1854, XXVII: 665; Letter to Harriet Taylor, Jan 29, 1854, XIV: 141–5; Letter to Harriet Taylor, Feb 7, 1854, XIV: 151–3).

In 1865, Mill used the opportunity of reviewing George Grote's *Plato and the Other Companions of Sokrates* (1888) as a venue to publish his comprehensive position on Plato. He re-read all of the Platonic dialogues, in the original Greek, while alone in southern France as he worked on the essay. "The chief occupation of this year," Mill wrote to Grote at the end of 1865, "has been with Plato, Socrates, and you: and there could not have been to me, a pleasanter one." In this letter, Mill immodestly states that no single essay discusses Plato as thoroughly as the one he was then completing (Letter to George Grote, Nov 26, 1865, XVI: 1120–1).

Mill and Grote agreed that the Platonic dialogues were characterized by "dialogues of search" as well as "dialogues of exposition" and that the positive ethical and moral teachings of the latter were rarely challenged by the critical inquiries of the former. But Mill and Grote were far apart on other issues. For example, Mill refused to distinguish the teachings of Socrates and Plato, an important feature in Grote's analysis. And unlike Grote, Mill argues that Plato's dialectic reveals the inability of reason to discover a rational ground for ethics and morality (Grote 1888: vol. 1, 301–9, 340–2; Letter to George Grote, Nov 26, 1865, XVI: 1120–1; *Grote's Plato*, XI: 382; Devigne 2006: 24–6, 30–5; Irwin 1998: 431–9, 448–52).

Mill had plenty of company in his engagement with Plato. Throughout the nineteenth century, philosophers, poets, and historians in the West had been turning to Plato for help in understanding the sources of and cures for the materialism and disunity of the age (Turner 1981; Devigne 2006: 10–26). To the Romantics, Plato cultivated the moral sensibilities of humanity by painting pictures of beauty and truth – the doctrine of ideas, the immortal soul, among others – that lay behind the civilized world (Herder 1991: 125; Wordsworth 1974: 234–5). To G.W.F. Hegel and his legion of followers, Plato's genius lay in his recognition that the ethical substance of his age was being undermined by free thought. They applauded his attempt to overcome this crisis by constructing a new universalistic ethos, which only failed because he eschewed integrating

subjective freedom with the reestablished shared moral understandings (Hegel 1952: 10, 42–3, 123–4, 132–3, 156–9, 267, 280).

What excited Mill about reading Plato was what he saw as his attempt to harmonize seemingly contradictory values: creative individuals and the universal good. On the one hand, the Platonic dialogues cultivate reason and aim to create individuals liberated from society's constricting norms. On the other hand, the dialogues are concerned with the development of common ethical bonds. But Mill believed Plato was unable to reconcile these goals and ultimately upset this balance when he allowed the need for stable social forms to overtake the dialectical, liberating side of his thinking, especially in works like the *Laws* (*Grote's Plato*, XI: 415). Indeed, Mill devoted an enormous amount of attention to understanding why Plato emphasized social unity at the cost of unfettered thought.

Breaking from both the Romantics and Hegelians, Mill consistently put forth the view that it is not possible to ascribe specific political and moral positions to Plato. The conflict between different dialogues, Plato's failure to appear as his own person in the dialogues, and the consistent use of irony all preclude confidence in any one position (*Protagoras*, XI: 40–1). Plato taught a "mode of philosophy" – a method to discover and understand the truth – but he did not create a "philosophy of beliefs" or discover a coherent set of conclusions. With the notable exception of his endorsement of Plato's natural religion in the *Statesman* (*Utility of Religion*, X: 425), Mill considers Plato's moral teachings ill-conceived and notes, "The affirmative Socrates only stands his ground because no negative Socrates is allowed to attack him." Plato, Mill continues, is the great puzzle to posterity because of his refusal to make explicit the internal opposition or dichotomy in his own thinking: the presentation of absolute moral and religious truths in some cases, the liberating method of the dialectic in others (*Grote's Plato*, XI: 412–5).

For example, Mill argues that there is a conflicting idea of virtue in the *Protagoras* and *Gorgias* that crystallizes a general fault line in the Platonic dialogues on the relation between individual happiness and virtue. In the *Protagoras*, Socrates' response to his interlocutor's queries produces a utilitarian doctrine worthy of Epicurus and Bentham: describing virtue as the knowledge of which actions will produce more pleasure and less pain. There is no discussion of virtue as a general or universal good or as something to be pursued for its own sake. Mill points out that this line of argument can be found in a number of the dialogues. In the *Laws*, for instance, Plato goes further and indicates that people cannot be persuaded to practice virtue if they do not believe it will produce some kind of reciprocal benefit. Thus, whether "virtuous" or not, it is necessary to go along with rewards-based arguments on behalf of virtue. In this line of Plato, virtue, whatever its merits, fails to compel the public in and of itself (*Protagoras*, XI: 61; *Grote's Plato*, XI: 417–21).

But Mill does not consider Plato (or Socrates) to be a utilitarian.[1] Rather, "it is doubtful whether [Plato] has adopted on the original foundation of virtue, any fixed creed." This is because in the *Gorgias*, too, Socrates teaches that knowledge is virtue. However, Mill points out that the substance of this knowledge and its relation to individual happiness are explained differently in this dialogue. The Socrates of the *Gorgias* makes a clear distinction between pursuits of knowledge as a universal good that a person chooses for its own sake and actions that result in individual happiness.

Whereas in other dialogues like the *Protagoras* Socrates collapsed virtue, happiness, and knowledge into the same notion, in the *Gorgias* a chasm opens up between virtue and happiness. In particular, Socrates' claim that somehow the just person who is persecuted, imprisoned, tortured, and universally despised is "better off" than an unjust rich and powerful neighbor who is universally loved strikes Mill as going much too far. This chasm between what is good for the body and good for the soul is so wide that no one could be asked to embrace virtue unless he already was predisposed to do so. Too often in these and other dialogues (e.g., *Philebus*), in Mill's view, virtue requires the painful and unworldly overcoming of private good for the sake of reason and the soul (*Grote's Plato*, XI: 417–21).

The conflict in Plato's thinking, according to Mill, is based on an unfortunate disconnect between the dialectical method and virtue. Plato promotes the dialectic as an essential tool for self-knowledge and wisdom. These self-regarding qualities directly contribute to individuals' ability to gain command of their actions and fully realize their natural capacities. Nonetheless,

> though the premises of this argument are profoundly true, they only prove that the knowledge in question is one of the conditions of virtue, but that it is not virtue in itself. (*Gorgias*, XI: 149)

Plato himself recognizes that justice as well as knowledge is needed to cultivate self-developed individuals; otherwise, some individuals adopt goals that lead to *pleonoxia*: the view that power is the one thing people need to be happy. Or, as Mill would put it in a different context, "It is a very imperfect education which trains the intelligence only, but not the will" (*Inaugural Address*, XXI: 247). Plato, in Mill's view, knows that his portraits of the pursuit of wisdom deepen the understanding of this virtue to those predisposed to embrace it, but that they are unlikely to sway those who are not already motivated to cultivate the mind.

> How to live virtuously, is a question the solution of which belongs to the understanding: but the understanding has no inducements which it can bring to the aid of one who has not yet determined whether he will endeavor to live virtuously or not,

notes Mill:

> It is impossible, by any arguments, to prove that a life of obedience to duty is preferable, so far as respects the agent himself, to a life of circumspect and cautious selfishness. (*Gorgias*, XI: 149)

The *aporia* in Plato's teachings stems from his realization that the dialectic, which fosters qualities such as reason and creativity, does not discover the *nomoi* necessary for justice and morality. Rather, the dialectic reveals that many of our most cherished views are devoid of reason. At the end of many of the dialogues, Mill insists, no one ends up with a better understanding of what courage or justice is, as the dialectical inquiries do not discover anything. "The dialogues [never] exhibited a consistent system of opinions, always adhered to and always coming out victorious," states Mill.

> [S]o far is this from being the case, that the result of a large proportion of them is merely negative, many opinions in succession being tried and rejected, and the question finally left unresolved.

When an outlook does appear

> to prevail, it almost always happens that in some other dialogue that same opinion is either refuted, or shown to have difficulties which, though frequently passed over, are never resolved.

The dialectic mainly reveals our ignorance and what kinds of criteria a good argument must meet. It shows how our moralities do not derive from reason and that reason itself could not constitute the ultimate source of authority. Mill concludes that Plato probably felt that many of our moral understandings are what Locke identified as "mixed modes:" our moral values are simple impressions and ideas that have been combined more or less arbitrarily from past experiences (*Grote's Plato*, XI: 385, 406–16).

Mill wishes Plato had managed to articulate an argument on behalf of morality and ethics. Regretfully however, Plato depended exclusively on his imagination and art. Unable to construct a coherent rationale for justice, states Mill, Plato's dialogues are bifurcated between two conflicting tasks: first, the philosopher's often "deconstructive," destabilizing search for absolute truth and, second, artistic images that cultivate at best an ethical sensibility of wholeness and harmony. In short, Plato developed poetic metaphors to cover up or hide reason's limited understanding of morality. Whereas the Romantics believe Plato used artistic imagery to give popular and figurative form to the truth, Mill counters that Plato developed poetic metaphors to cover up or hide reason's limited understanding of the truth. Whereas Hegelians claimed Plato failed because he did not integrate subjective freedom with his newly discovered universals, Mill argues that it was Plato's failure to discover universal moral ideas that led him to place restrictions on subjective freedom. Plato came to the conclusion, Mill summarizes,

> that objections insoluble by dialectics could be made against all truths; and, the ethical and political tendencies of his mind becoming predominant … he came to think that the doctrines which had the best ethical tendency should be taught, with little or no regard to whether they could be proved true, and even at the risk of their being false. (*Grote's Plato*, XI: 415; *Examination*, IX: 46)[2]

In Mill's view, while Plato was right to recognize that reason alone is powerless to establish a foundation to justice, that does not mean that there are not emotions and other human qualities that can *aid* reason in promoting just actions. Individuals will be motivated to act justly through moral sentiments rooted in fear, especially fear of harm at the hands of others, as well as social sympathy generated by social equality and moral education. By explaining how independent moral sentiments derive in part from passions, Mill is attempting to offer a solution to the problem of justice whereby reason is not dependent on art (or the gods). Fear, social sympathy, and moral education can be combined to forge a just moral conscience that enables an individual

> to attach himself to the collective idea of his tribe, his country, or mankind, in such a manner that any act hurtful to them rouses his instinct of sympathy and urges him to resistance. (*Utilitarianism*, X: 249; *Subjection*, XXI: 295)

Liberty, in short, requires moral development, not simply wisdom and art, and justice is built in part upon the moral emotions and is not derived from philosophic reason.

2. Reforming Plato's Dialectic

Mill is most interested in those moments in Plato's teachings where accepted views of justice, piety, courage, and other standards of good and bad are challenged through questioning and cross examination. True, the quest to obtain knowledge of moral truths by dialectical inquiries generally fails. Still, Mill insists that a *reformed* Platonic dialectic contributes to qualities of character – reason, desires for distinctiveness, the sense of duty to oneself – that will promote human agency and the protection of liberty itself. Further, Mill believes that, by adopting and revising this dialectical outlook and integrating it with the dialectics of Coleridge and the German Romantics, English liberalism would begin to cultivate self-commanding individuals who will contribute to both social unity and the valorization of higher types capable of creative innovation.

Mill's account of the Platonic dialectic argues that it is a crucial step on the staircase to cultivating the mental faculties and self-commanding individuality. Plato's dialectic derives from the recognition that so many claim to possess knowledge about matters that they are ignorant of: He employs a "close searching *elenchus* by which the man of vague generalities" is pressed either to define his understanding to himself in clear terms, or to admit that he does not understand what he is talking about; This

> perpetual testing of our general statements by particular instances; the siege in form which is laid to the meaning of abstract terms … [A]ll this, as an education for precise thinking is inestimable. (*Autobiography*, I: 25)

Mill argues that the dialectic has made enormous contributions to the development of great thinkers and human excellence. "Human invention," he writes,

> has never produced anything so valuable, in the way of both stimulation and of discipline to the inquiring intellect, as the dialectic of the ancients, of which the many works of … Plato exhibit the practice. (*Liberty*, XVIII: 231–2, 242–3; *Inaugural Address*, XXI: 229–30)

Even when Plato was unable to discover the ideas that lie at the bottom of our opinions, it was no small benefit to expel the false views of knowledge; to make individuals aware of their ignorance regarding things most required to be known; to fill them with embarrassment at their own being,

> and rouse a pungent internal stimulus, summoning up all of their mental energies to attack these greatest of all problems, and never rest until, as far as possible, the true solutions are reached. (*Grote's History of Greece [II]*, XI: 310; *Liberty*, XVIII: 250–1)

For Mill, Plato's dialectic is as relevant today as it was in antiquity because contemporary views on most "mental and moral subjects" are not based on knowledge:

> they are, just, as much, the wild fruits of the undisciplined understanding – of the "*intellectus sibi permissus*," as Bacon phrases it; rough generalizations of first impressions, or consecrations of accidental feelings, without due analysis of mental circumspection. (*Grote's Plato*, XI: 404)

But that is not the end of the matter, as Mill also reforms Plato to accord with a romantic-expressive conception of liberty.

First, Mill democratizes the dialectic. Mill's account of Plato argues that the ancient thinker concluded that philosophy can be maintained only by placing the dialectic on the margins of society. "In the *Republic*," Mill complains,

> we find him [Plato] dwelling on the mischiefs of a purely negative state of mind, and complaining that Dialectics are placed too early in the course of education and are taken up by immature youths, who abuse the license of interrogation, find all of their home-grown opinions uncertain, and end by losing all positive convictions.

The teachings of the dialectic in the Platonic dialogues, Mill notes, are primarily private education for elites in private settings (*Grote's Plato*, XI: 414).

This option to restrict the use of the dialectic is today neither necessary nor possible. It is not necessary, says Mill, because a developed moral conscience limits the ability of the dialectic to create mischief. It is not possible, at least in Protestant countries, since Protestants believe, "at least in theory," that the responsibility for analyzing and making moral and religious choices must be borne by each and cannot be relegated to an elite. Finally, as contemporary intellectuals now debate and exchange ideas in writing, it is almost impossible to hide dialectical exchanges from the uninstructed. Thus, while the Platonic dialectic must be reintroduced to the highest type of thinkers, it "is now as much and even more indispensable to enable average human beings to attain the mental stature which they are capable of." Mill envisions extending the dialectic into the center of society (*Liberty*, XVIII: 246–7; Villa 2001: 60–70).

Accordingly, Mill broadens the category of the type of individual who challenges customs and conventions well beyond Plato's philosopher, championing the rights of all individuals whose minds are strong enough to question prevailing views and conventions: heretics, eccentrics, atheists, religious dissenters, among others. Without these oppositionists, Mill argues, the public will not be awakened from its political and moral slumber and will remain unsure of itself. Conflict of a spirited and rhetorical kind within the parameters of liberal justice will spur all individuals, elite and mass alike, to become more self-defining. In short, free. "If there are any persons who contest a received opinion," Mill asserts,

> or who will do so if law or opinion will let them, let us thank them for it, open our minds to listen to them, and rejoice that there is someone to do for us what we otherwise ought, if we have any regard for either the certainty or the vitality of our convictions. (*Grote's Plato*, XI: 405; *Liberty*, XVIII: 251–2)

Next, the dialectic is reformed into a source of positive political and moral beliefs and actions, despite his criticism of the prevailing nineteenth-century view that Plato's teachings centered on a "philosophy of beliefs." As discussed, Mill held that Plato cannot be associated with a specific idea of the good or cosmology. Plato never specifically wrote on the subject of nature (*Nature*, X: 372). What distinguishes Plato's understanding of the philosopher from the outlook of all others is nothing but the knowledge of one's ignorance. Socrates' wisdom, as portrayed by Plato, consists in knowing what he does not know, in realizing that he does not possess anything like the "knowledge" claimed by the politicians, poets, and artisans:

> He, Sokrates, did not pretend to know anything, except his own ignorance; but inasmuch as other people did not know even that, Sokrates, who did, deserved the palm of wisdom assigned to him by the Delphian Oracle. (*Grote's Plato*, XI: 403, 410)

But Mill believes that much more can be extracted from the dialectic than just pronouncements of one's ignorance. Dialectical inquiries in a democratic society can serve as the prerequisite to positive political and moral beliefs and human agency. Only individuals who can rebut an opposing opinion and successfully defend their own against an opponent have the right to think that they have sufficient knowledge for right actions and right beliefs. "No one's opinions deserve the name of knowledge," states Mill, "except so far as he has either had forced upon him by others or gone through himself" negative criticism. While such criticisms are worthless as an ultimate result, they are a,

> critical means to attaining any positive knowledge or conviction worthy the name … and until people are … trained to it [the Platonic dialectic], there will be … a low general average of intellect. (*Liberty*, XVIII: 251–2)

This is the most important teaching in Plato's writings and:

> dialectics, thus *understood*, is one branch of an art which is the main portion of the Art of Living [prudential, moral, and aesthetic activities] – that of not believing except on sufficient evidence;" its purpose being that of "compelling a man to put his beliefs into precise terms, and take a defensible position against all objections that can be made to it. (*Grote's Plato*, XI: 401, 404–5, 413)

In Mill's reformed dialectic, the examined life does not pursue philosophic truth or *the* good: it is not an ascent from thoughtless assumptions to fleshed out universals and knowledge. Neither does the dialectic promote questioning as an end in itself, providing a relentless critique of all accepted categories of our moral culture. Rather, the transformed Platonic dialectic allows individuals to discover and embrace *a* good of their own:

> If the cultivation of the understanding consists in one thing more than another, it is surely in learning the grounds of one's opinions. Whatever people believe … they ought to be able to defend against at least the common objections.

Mill's reformed dialectic contributes to the free or self-developed individual, one who has thought out and can defend his actions and way of life. Through the challenges of the dialectic the individual gains courage, defense of principle, independence and self-mastery (*Liberty*, XVIII: 244; *Grote's Plato*, XI: 403–5).

What is being argued here is that the highest good is not the pursuit of some specific good. Self-development that accompanies activities that pursue any good, as long as those activities do not undermine the capacity of other individuals to self-develop and self-govern their lives, becomes the highest good. This account of higher or developed individuality is based on a teleology of striving; namely, actions are good if structured by purposiveness. But it is not based on an intrinsic teleology: the purposive development of a specific entity or type (Galston 1993: 215). In Mill's view, the mind and will are not focused on *the* good but on oneself in the purposeful pursuit of *a* good – this good or another. He locates the pinnacle of freedom in a person's ability to:

> desire for its own sake, the conformity of his own character to his standard of excellence, without hope of good or fear of evil from other sources than his own inward consciousness.

To Mill, only the highest type of individuals attain "complete freedom," which is the successful remolding of our character in light of our own image of what is good, "and hence it is said with truth, that none but a person of confirmed virtue is completely free" (*Bentham*, X: 95; *Logic*, VIII: 841–2).

Mill warns that whoever cannot answer dialectical inquiries about his main goals is wandering in a cave, having no standard by which his judgments are regulated and kept consistent with one another. Such individuals have no principle or rule that they can rely on for the guidance of their lives:

> any one who does not think the description applicable, with slight modifications, to the majority even of educated minds in our own times and all times known to us, has not brought either the teachers or the practical men of any time to the Platonic test. (*Grote's Plato*, XI: 404; *Logic*, VIII: 842; *Examination*, IX: 853; *Utilitarianism*, X: 215–6)

Reason, in Mill's view, serves us by granting thought out beliefs about the most important questions in one's life. "There is no such thing as absolute certainty," Mill writes, "but there is assurance sufficient for the purposes of human life." We should, and must, strive for thoughtful opinions that prepare us for the guidance of our own conduct.

> Complete liberty of contradicting and disproving our opinion is the very condition which justifies us in assuming its truth for purposes of action; and on no other terms can a being with human faculties have any rational assurance of being right.

Reason is vital to human agency; and without dialectical inquiries, one's actions are mere responses to impulses or external forces such as public opinion, customs, or rules (*Liberty*, XVIII: 231; *Grote's Plato*, XI: 403–5).

3. Regenerating Human Agency

Why did Mill reformulate the Platonic dialectic into a source of lively ideas and fleshed out political and moral beliefs? The answer in part can be found in Mill's view that a richer kind of freedom resides in the self-legislation of all pursuits, contributing to Millian reason having a constructive current. To Plato, liberation resides in complete understanding – Platonic reason has more passively contemplative or acquisitive qualities (Plato 1968: 163–172 (484a–492a)).

Mill feels that traditional empiricism's naturalistic understanding of man, where human freedom means the unfettered pursuit of one's empirical desires, needed to be supplemented by the self-knowledge that the knowing subject had of itself, as only by understanding the causes and aims of our desires do we gain power over them. Mill insists that the individual who develops the capacity to deliberate and make particular choices with a good life in view leads a happier and better existence. He announces,

> the end of man, or that which is prescribed by the eternal or immutable dictates of reason, and not suggested by vague and transient desires, is the highest and most harmonious development of his powers to a complete and consistent whole.(*Liberty*, XVIII: 261)

Once again, however, Mill does not identify the specific end or good the agent should pursue.

> Different persons … require different conditions for their spiritual development: and can no more exist healthily in the same moral, than all the variety of plants can in the same physical, atmosphere and climate. The same things which are helps to one person towards the cultivation of a higher nature are hindrances to another. (*Liberty*, XVIII: 270)

In a sense, Mill returns to classical political philosophy or, more specifically, to Aristotle's conception of a second nature, in positing the possibility of cultivating a "higher nature." Aristotle explains that humans, solely by virtue of being human, effect and carry out natural capacities in a distinct way from other species of animals: that is, through the raising of the young in a regime, our natural capabilities for speech, deliberation, and ethics are cultivated and harnessed. When properly cultivated, these potentialities develop as a "second nature" that maintain an ongoing relationship with our primary nature. Individuals who are habituated and trained poorly do not attain this second or higher nature. For Aristotle, these individuals are "unnatural," as they are unable to reflect the higher capacities of the human species. As Aristotle puts it, "The virtues arise in us neither by nature nor against nature. Rather, we are by nature able to acquire them, and reach our complete perfection through them" (Aristotle 1985: 33–4 (1103a25), 44–6 (1106b35–1107a25)).

Mill argues that nature itself is incapable of establishing an ethical standard of the good. Yet, while nature is a source of far more evil than beneficence, it is to be studied, not ignored:

> If the useless precept to follow nature were changed into a precept to study nature; to know and take heed of the properties of the things we have to deal with, … we should arrive at the first principle of all intelligent action.

Like Aristotle, Mill views human nature as not wholly determinate of human actions, but not irrelevant to it either. Human nature is a source of difficulties to be addressed and capacities to be structured. "The duty of man," Mill summarizes, "is the same in respect to his own nature as in respect to the nature of all things, namely not to follow but amend it" (*Nature*, X: 379–80, 397; Muirhead 2004: 126).

Mill knits together the position that ethics are based on fostering habits that overcome our natural instincts, but that virtues reflect an assessment of the ways humanity can possess either base or noble ends and are not mere conventions. "That there must be the germs … of virtues in human nature … I am ready to admit," states Mill. "But the weeds that dispute the grounds of these beneficent germs … are luxuriant growths" that will not be overcome unless there is well-conceived habituation and education. For example, the human tendencies toward selfishness and cruelty necessitate the cultivation of social ethics, while the human capacity for such virtues as cleanliness, courage, honesty, self-control, and justice presupposes habits that,

> in some happily circumscribed specimens of the human race, the most elevated sentiments of which humanity is capable become a second nature, stronger than the first, and not so much subduing the original nature as merging it into itself.

Mill stresses the particular importance of moral training among those individuals with the "finest nervous organizations," as they realize their impulses in manners that have the greatest effect on the well-being of others (*Nature*, X: 394–5, 396).

To be sure, Mill is only in partial agreement with Aristotle. He rejects Aristotle's metaphysical conception of nature and virtue that extracts norms from a conception of the specie's highest point of developmental possibilities. True, Mill's distinction between higher and lower individuals does assume, like Aristotle, a difference between living through the power of self-mastery versus being the passive tool of a ruler's needs, public opinion, customs, or one's immediate physical desires. But Mill rejects Aristotle's position that what is most desired is a life in accordance with nature, with the highest "accordance" understood as the realization of a life of *logos*. Mill's free individual places self-command above instrumentality, but that in itself does not define the life that the individual should lead.

Mill's argument in favor of reintroducing the dialectic into modern life can also be explained in part by Mill's account of the different relations between thought and action in ancient Athens and Victorian England. In Mill's view, the Athenians were an unusually energetic people, and Athens was a place where thought and action, word and deed, were not estranged and illusionary ideas and principles had enormous political consequences. The Athenians were "bred to action, and passing their lives in the midst of it." Their speculations were for the purpose of practice, and all of their ideas of right and wrong "had a direct reference to it." By inducing debate and self-examination over what the good and bad, just and unjust, were, Plato aimed to cultivate the art of deliberation among a section of Athenians (*Grote's History of Greece [II]*, XI: 314, 316; *Grote's Plato*, XI: 405, 409).

To be sure, Mill believed the English also suffered illusions. He repeatedly attacks the general tendency of the English to confuse arbitrary, historically produced practices and values with timeless truths. The people of England treat conventional mores and habits

as the only way to organize life in relation to reality, and are highly resistant to the suggestion that other approaches have merit (*Auguste Comte*, X: 325; *Early Draft*, I: 244–6; *Liberty*, XVIII: 262–3). But rather than illusionary ideas misdirecting human energy as in Athens, Mill believes he lives in a Victorian world in which one feels an acute sense of weakness, whether engendered by enervating remnants of Christian beliefs, the loss of independent minds and unique character in the face of the rule of public opinion, or simply the vague and defeatist idea that customs cannot be opposed, or worse, that they should be uncritically embraced (*Liberty*, XVIII: 227, 247–8, 268). As Mill complained, "Scarcely anyone, in the educated classes, seems to have any opinions, or to place any real faith in those which they profess to have" (*Diary*, 13 Jan 1854, XXVII: 642). Thus Mill had what his friend John Morley called "double viewing," combining criticisms of prevailing customs and conventions with the recognition that new beliefs are needed to renew human agency. Mill's goal was to rebuild, not just to limit or tear down (Morley 1874: 74; Houghton 1957: 1–23, 218–42).

But for the complete picture of Mill's adaptation of the Platonic dialectic another element of dialectical process is needed. Here Mill draws on the lesson he learned from Coleridge – the complementariness of opposites – and argues that there is generally an element of truth in the views that individuals oppose, as well as partiality or falsehood in the perspectives one embraces (Coleridge 1983: 124, 142–3). As agents rebut opposing views and defend their own against critics, a dialectical process emerges that, by convincing people of their limited views, and pointing out the value of competing positions, new approaches for thinking come into view (*Liberty*, XVIII: 252–6; Devigne 2006: 80–93; Alexander 1965: 34–73).

With the addition of this last feature, Mill's reformed Platonic dialectic contributes to a broader *social dialectic* of competing views of right and wrong that provide raw material for new synthetic truths. It is a process in which polarities clash with one another, link up, and create a new phenomenon in which both currents exist, but at a higher level of organization. Mill's approach to the development of authentic individuality can serve as an example of the value of sharp contrasts.

> [T]he unlikeness of one person to another is generally the first thing which draws the attention of either to the imperfection of his own type and the superiority of another, or the possibility of combining the advantages of both, of producing something better than either. (*Liberty*, XVIII: 269–71, 273)

4. Athens and Sparta

The benefits of this contrast of individual ways of life can be seen on the level of *polis*. Mill asserts that Athens and Sparta provide valuable lessons, grounded in contrasting experiences, on the limitations of one-sided moral development and the value of synthesis. Mill extols the creativity and greatness of Athens, which can be traced to the peculiarly active and experimental culture that Pericles boasts about in his funeral oration. But he also praises the role education and public opinion played in fostering political stability in Sparta. At the same time, Mill maintains that Athens was too dependent on the qualities of its most outspoken and forceful citizens, while also criticizing

Sparta for being too acquiescent to custom. Each represents an excellent case of contrasting or partial truths that must be reconciled and recombined. Mill will address these respective strengths and weaknesses of Athens and Sparta as a backdrop to his formulation of how society can pursue moral ends while providing an outlet for outstanding individuals to play their role.

In Mill's account, the distinct character of Athens and Sparta is well articulated by an enemy of Athens, the Corinthian speaker who urges the Spartans to go to war in Thucydides' *Peloponnesian War* (1954). The Athenians and Spartans embody two very different human types or drives. Self-assertion and creativity on one side are at odds with the claims of stability and public good on the other side. The Athenians are wedded to innovation, and their plans are characterized by swiftness both in conception and execution. The Spartans favor self-preservation, and their plans generally are cautious. The Athenians enjoy the dangers that accompany their self-imposed tests, which often push them beyond the limits of their own power and understanding. The Spartans mistrust their judgments and remain focused on political security (Thucydides 1954: 73–7).

Mill believes that the respective "national characters" of Athens and Sparta create a duality or dialectic that all political societies must generate and reconcile if they are to prosper: human creativity and the public good. Unfortunately, neither:

> one of the ancient forms of society contained in itself that systematic antagonism, which we believe to be the only condition under which stability and progressiveness can be permanently reconciled with one another. (*Guizot's Essays and Lectures on History*, XX: 269)

Athens and Sparta, Mill maintains, provide the clearest examples of the advantages and disadvantages of these different human characters as their respective regimes centered on the cultivation of each. Both are extremes, and conveniently (for the modern philosopher at least), clashed with one another in war, where their contrasting approaches to life and the role of the polis come fully into view.

5. Spartan Moral Education

A look at the record of Athenian weaknesses and mistakes will incline some to appreciate key features of the Spartan polity, according to Mill. To individuals who feel,

> called upon to stand up for Law against Will, and for traditional wisdom against the subtleties of sophists and the arts of rhetoricians, Sparta was the standing model of reverence for law, and attachment to ancient maxims.

Mill primarily had a critical view of the Spartans: they were the Tories of Greece, allowing law, custom, and self-preservation to be ranked above self-assertion, liberty, and creativity. Nor was Sparta the reformist regime of political participation and egalitarian property relations that writers such as Rousseau believed it to be. Rather, Mill counters, collective self-determination and equality were reforms initiated by King Agis and Cleomenes in the second-century B.C. to regenerate public support for a regime that

had decayed. These features of a late, declining Sparta were mythologized by Plutarch, eventually becoming objects of admiration to those moralists and philosophers who were in despair at contemporary tendencies to overemphasize individualism (*Grote's History of Greece [I]*, XI: 299–305).

By unveiling the myth of a reformed Sparta, Mill emphasizes that its accomplishment of unparalleled political stability was a testimony to the powerful influence of comprehensive education in creating a will that shapes public behavior. While this Spartan will originated from a quest to preserve its position as the most powerful city-state in Greece, Spartan education, which included general military education, public tables and meals, and a common culture, is the finest example of the powerful role that moral education can play in society. It cultivated a will for the common good, citizenship, and stability despite the existence of hierarchy. But these values relentlessly and single-mindedly pursued, held back creativity and contributed to its ultimate decline. Nevertheless, Mill learns from Sparta that the will can be cultivated in many different directions through early education and the reinforcing influence of public opinion. He invokes Sparta in his argument that belief in gods is no longer necessary for the cultivation of a moral will for modernity (*Utility of Religion*, X: 407–10; *Nature*, X: 393–4). Sparta teaches "the wonderful pliability, and amenability to artificial discipline, of the human mind." If Spartan-type moral education centered on establishing a sense of public good and citizenship had been combined with the Athenian ethos of creativity, the ancient societies would have harmonized the two ends key to the good society: the cultivation of self-defining, self-commanding individuals and the development of higher modes of social unity (*Guizot's Essays and Lectures on History*, XX: 269).

6. The Athenian Will

To Mill, the root of Athens's ethos of creativity was the innovative war-fighting strategy required to defeat the Persian invasion. The result was an empire that rivaled Sparta. In following their natural desires and inclinations to avoid defeat and pursue gain, Athenian creativity was consistent with empiricism's position that the will is determined by something outside the agent. But over time, Mill continues, Athens' persistent, indeed habitual, emphasis on creativity transformed this instrumental practice into the standard for evaluating all human conduct. This strong creative will is the core of the unique Athenian character, which pushed its citizens to pursue innovation – ultimately to its detriment. The Athenian will reveals the powerful capacity for human agency, the ability to remold one's circumstances:

> We ought … to look up with reverent admiration to a people, who, without any of our adventitious helps, and without the stimulus of preceding example, moved forward by their native strength at so gigantic a pace. (*Grote's History of Greece [II]*, XI: 313–4)

The Athenian democracy, Mill insists, was characterized by a quality noticeably absent in modern societies, an "idea of human excellence" or "an accepted standard of virtuous conduct." The Athenians embodied the virtues of social tolerance, cultivated taste, and a "lively interest and energetic participation in public affairs." This emphasis

on experimentation and freedom in society was a part of the general ethos or will that valued human creativity as a means to serve the public good,

> while in the ethical practice of the moderns, this is exactly reversed, and no one is required by opinion to pay any regard to the public, except by conducting his own private concerns in conformity to its expectations. (*Grote's History of Greece [II]*, XI: 313–4)

The Athenians, Mill explains, came to recognize that founding-type individuals – persons willing to overcome prevailing standards of right and wrong in order to create new practices – are necessary to attain political and social prosperity. To put Mill's views in Hannah Arendt's (1984: 27) terms, the Athenians were characterized by "action": asserting one's will for "natality," or founding practices, against the regularized process of nature and society. As Mill put it, the Athenians understood that "originality is not always genius, but genius is always originality"; and a society that distrusts

> original people – which imposes its common level of opinion, feeling, and conduct, on all its individual members – may have the satisfaction of thinking itself very moral and respectable, but it must do without genius.

This love of human excellence points to the human capacity to conceive higher goals and re-form our lives in its name. The Athenians "were the beginners of nearly everything, Christianity excepted, of which the modern world makes a boast" (*Grote's History of Greece [I]*, XI: 273; *Grote's History of Greece [II]*, XI: 314–21).

But to Mill's regret, the Athenians did not avoid dependence on chance or forceful leaders, such as Pericles or an Alcibiades provided. While the Athenian will engendered fortitude and self-assertion, this drive to overcome prevailing conditions did not necessarily promote the public good. The combination of reason and action is incomplete in the sense that creative practices need to be anchored by respect for just rules and, most important, the just moral conscience. Intellect and deed can be noble when they serve just principles, but the former combination is potentially very dangerous and often morally wrong. Athenian excellence required tremendous and rare individuals. The history of Athens, Mill insists,

> is one series of examples how often events on which the whole destiny of subsequent civilization turned, were dependent on the personal character for good or evil of some one individual. (*Logic*, VIII: 942)

While some leaders, most notably Pericles, ingeniously led the Athenian citizenry to find new ways to pursue the public good, others, such as Alcibiades and Nicias, employed debased versions of the charismatic charm and common sense that enabled Pericles to be a great leader. The Athenian republic tended to lack self-control: political decisions were too often products of demagoguery in the popular assembly based on speeches delivered by self-selected participants. "The Athenian Many, of whose democratic irritability and suspicion we hear so much, are rather to be accused of too easy and good-natured confidence" in those who asserted new practices and leadership. "Ever variable," Mill continues,

> according to the character of the leading minister of the time; alike prudent and enterprising under the guidance of a Pericles; carelessly inert or rashly ambitious when their most influential politicians were a Nicias or an Alcibiades. (*Grote's History of Greece [II]*, XI: 316, 327)

Indeed, Athenian public opinion was so unstructured that, after Pericles died, it was only the antagonisms generated by the demagogues Cleon and Hyperbolus that prevented Athens's immediate downfall. By the time Demosthenes emerged, another leader with the qualities of Pericles, the Athenians lacked the moral energy to stand up to Philip of Macedonia. In short, Athens teaches that reason and will are hallmarks of human agency. But Athens also teaches that these qualities are not always advantageous because they may engender unjust deeds. Without justice, intellect and deed may undermine the public good. Whoever knows what Athenian "society was (or indeed any society consisting of an active and spirited people, in an imperfect state of the social union)," Mill concludes, "is well aware that lawlessness, in such a society, is the prevailing mischief, the great moral and political danger to be combated against" (*Two Publications on Plato*, XI: 241). There is nothing, Mill posits, that the citizens of Athenian *demos* were incapable of understanding and,

> of executing; nothing generous or heroic to which they might not be roused; and scarcely any folly, injustice or ferocity into which they could not be hurried, when no honest and able adviser was at hand to recall them to their better nature.

Athens "furnishes the most extreme example of" the reliance on extraordinary individuals "to be found in history" (*Grote's History of Greece [II]*, XI: 314, 316; *Logic*, VIII: 942; *Guizot's Essays and Lectures on History*, XX: 273–4).

Mill argues that Alcibiades and Nicias represent two great political dangers. Alcibiades, who flattered the public into policies that encouraged his own good irrespective of public expense, the "crowning act" of which was the proposal for the ill-starred expedition to Syracuse, teaches the need for a morality of justice to channel the creative will and provide protection against political zealotry. In Athens, innovation and the pursuit of immortal deeds were permitted too wide an influence in activities that should have been guided by additional norms. At the other extreme there was Nicias, who styled himself a representative of ordinary sentiments and opinions, and collapsed too readily in the face of the unfavorable conditions confronting the Athenians during the conflict in Syracuse. His type of outlook represents the danger posed by the socially acquiescent individual (*Grote's History of Greece [II]*, XI: 331–7).

Mill's view of the advantages and disadvantages of these different human types – Alcibiades and Nicias – plays a central role in Mill's vision of the good liberal society. In *On Liberty*, Mill's criticism of individuals with the disposition of Nicias is well known. It is a crucial part of Mill's depiction of the newest threat to liberty and the *summum malum*, the highest evil: the society-manufactured individual. If one's compliance with rules, public opinion, and customs is too complete, then one's actions are nothing more than obedience – and such an individual is not free. In Mill's discussion of human excellence in *On Liberty* we also find him explicitly addressing the problem of Alcibiades as part of the need for liberal societies to cultivate the *summum bonum*, the

single best way of life. On the one hand, liberal societies must learn to control such individuals, as their uncontrolled energies can easily spin out of control and do more harm than good. On the other hand, too much social control – including the kind of obedience warned against in *On Liberty* – will excessively tame the creativity of society's best leaders and innovators. The potential danger of these willful types can be avoided by establishing rules and mores of justice that prohibit actions that harm others. At the same time, one must remember that the prosperity of a society based on the rules and mores of justice will not be realized unless the innovative will is cultivated among its citizens.

Notes

1 Influential commentators (Ryan 1974: 110–1; Hamburger 1999: 134) often criticize Mill, who notes (*Utilitarianism*, X: 205) Socrates' use of a utilitarian argument in the *Protagoras*, for opportunistically enlisting Socrates as a utilitarian. But Mill states in *Utilitarianism* that Socrates advocated this outlook "against the popular morality of the 'so-called sophist'" [Protagoras]. This non-controversial assessment about Socrates' rebuttal to Protagoras is not Mill's explanation of Socrates' general outlook. Mill argues in other essays that Socrates and Plato present distinct ideas in different dialogues on the character of virtue.

2 Mill's position should be distinguished from that of Leo Strauss, who maintains that Plato used poetry to protect philosophy itself. For Strauss's (and Nietzsche's) position on the relation between philosophy and poetry in Plato, see Devigne (1997).

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6

Roots of Mill's Radicalism

PETER NIESEN

There is universal consensus that John Stuart Mill's philosophy contains an important "radical" dimension, but it is controversial what this means. Scholars agree that Mill's radicalism stems from his early exposure to the philosophies of Jeremy Bentham (1748–1832) and of his father, James Mill (1773–1836), even though John Mill would go on to modify and shape the tradition in his own way. But, if radicalism is a species, it is not clear what its genus is. Is "radicalism" more than a polemical term in the struggle for political hegemony? If so, should it be taken to refer to a movement, a reform campaign, or a philosophical doctrine? If the notion is to refer to a doctrine within what we now call Political Philosophy or Political Theory, we would need to be able to specify the necessary and sufficient conditions for its application. But do its core features relate to principles, or methods, or both? Do they have systematic unity?

Mill describes his work as standing in a tradition of "philosophic radicalism" that prominently includes Bentham and James Mill, specifically their legal and political thought. The political circumstances in which this tradition arose have been closely examined, and the formation of Mill's thought, and of his own account of it, painstakingly reconstructed (Thomas 1979; Rosen 2011). The conceptual features of this tradition have met with less attention. In particular, its relation to two related narratives has not been resolved. A largely parallel narrative is the history of *utilitarianism*, but it is not clear whether utilitarianism is one of philosophic radicalism's defining features. A third narrative is *radical democracy*, since the formation of philosophic radicalism occurred within the struggle for democratic reform in early nineteenth-century England. When Bentham joined the political debate about parliamentary reform in 1817, he argued that the radical position could be articulated in a simple slogan that "knit together into one whole" its four elements of "secresy, universality, equality, and annuality of suffrage" (Bentham 1843: iii.558).[1] But the status of democracy in the thought of the philosophic radicals is problematic. If we can trace the outline of philosophic radicalism as a doctrine, what will we find the relation to be between philosophy, utility, and democracy? My argument will

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be that "philosophic radicalism" serves to denote an unstable junction between utility, broadly construed, and radical democracy, a junction that Bentham made two attempts to get right, with decreasing success, and that John Stuart Mill attempted to forge anew. "Philosophic radicalism" designates attempts, by utilitarian philosophers, to initiate political reform by introducing radically democratic institutions, without relying on narrowly conceived utilitarian foundations.

After Bentham's death, Mill wrote two long critical essays in which he outlines what his own thought owes to Bentham's philosophy, but at the same time attempts to give it independent standing (*Remarks on Bentham's Philosophy*, X: 3–18; *Bentham*, X: 75–116). In his late *Autobiography* (I: 1–290), he insists that philosophic radicalism was his conscious decampment from "sectarian Benthamism." He was trying to show that "there was a Radical philosophy, better and more complete than Bentham's, while recognizing and incorporating all of Bentham's which is permanently valuable" (*Autobiography*, I: 221). In this chapter, I present philosophic radicalism as a doctrine striving at systematic unity. I will start from Mill's practical and programmatic characterizations of radicalism, then develop what is radical in Bentham's philosophy early and late, discuss the elements Mill took to be "sectarian" and indicate how he begins to depart from them, and end with a brief reflection on philosophy and democracy.

1. Radical Practice

The early-nineteenth-century "radicals" were a band of left-wing intellectuals and politicians who strove for democratic reform within and outside parliament. They aligned in the progressive *milieu* generated in the wake of the Parliamentary Reform Act of 1832. The Reform Act created more equal constituencies and moderately extended the franchise, but did not progress much towards universal household suffrage, let alone universal suffrage. "Philosophic" radicals were identified by that label in parliament from 1837, but as a discernible group they struggled to make an impact, and dissolved by the early 1840s. Not all such radicals were utilitarians, nor were all utilitarians radicals, but in the public perception, "Utilitarianism, Benthamism and philosophic radicalism" were soon used interchangeably (Thomas 1979: 4).

From an early age, John Stuart Mill supported reformist policies and campaigns. As a sixteen-year-old, he wrote letters to the *Morning Chronicle* defending freedom of speech and of religion. When he was seventeen years old, he was briefly arrested for spreading immoral pamphlets in a working class area of London. He had distributed notices that advocated and advised on contraception (Reeves 2007: 1–2). Most importantly, in his untiring contributions to reformist newspapers and journals like the *Examiner,* the *Westminster* and the *London and Westminster Reviews*, Mill gradually became a spokesperson for progressive political reform, arguing for his positions on sociological, psychological, legal, and philosophical grounds. While others sought to further radical politics through public agitation or a parliamentary career, Mill's main outlet in the first half of the nineteenth century was his activity as (what we would now call) a public intellectual (Hamburger 1965).

At the risk of stating the obvious, therefore, a first criterion for "radicalism" is that it pursues a practical agenda. Detached observation from the perspectives of historiography

or academic philosophy will not suffice, as practitioners need to be connected to a political "cause." In order to count themselves among radicals, scholars need to put their work into the service of reform. As all reformist politics must rely on campaigns and coalitions, it needs to be able to speak to a broad social and political basis. By the same token, radicals must not be sectarians. Aiming at broad appeal is not simply a majoritarian impulse, but a condition of adequacy for their work: They must ensure that their voices are heard. Their political activity is an integral part of their intellectual and scholarly productivity.

2. Philosophic Radicalism

Mill first used and, for all we know, coined the term "philosophic radicals" in his 1832 *Obituary of Bentham*, where he asserts that Bentham, as far as jurisprudence and politics are concerned, "ranks as the first name among the philosophic radicals" (X: 497). While Mill's coinage was unsuccessful in the short-term, and did little to unite the radical movement, the term has enjoyed resonance in Intellectual History, partly due to its prominence in Mill's *Autobiography*. Mill ensured that its genealogy starts with Bentham, and while he positions "philosophic radicalism" at arm's length distance from Bentham's philosophy, the term has come to stand for the origin and development of the utilitarian tradition as an intellectual and political force. At least since the French intellectual historian Elie Halévy published his seminal *Growth of Philosophic Radicalism* (1928 [1901–4]), the term has stood for a Bentham-influenced school of philosophers and reformers, with Mill ranking as the first name among them.

Mill first attempts to spell out what he means by the term in 1837, five years after he introduced the phrase, in reviewing the work of a like-minded journalist, Albany Fonblanque (*Fonblanque's England*, VI: 349–80). In this piece, Mill gives a fourfold characterization of philosophic radicalism, (1) identifying its political objectives, (2) distinguishing it from other types or "schools" of radicalism, (3) discussing its philosophical method, and (4) its principle of political analysis. Fonblanque remained unpersuaded of the term's utility, and Mill agreed that it had a *coterie* feel to it, but continued to defend and use it (Letter to Albany Fonblanque, Jan 30, 1838, XIII: 370).

(1) Mill praises Fonblanque for his defense of reformist positions and his opposition to traditional privilege, in attacking unaccountable government, political office for the rich, the House of Lords, the wealth of the Church, and restrictions on the franchise. He commends Fonblanque's demand of secret and near-universal suffrage, under an educational qualification, and applauds his critique of the plan to bind MPs to their constituents' views via "pledges" (*Fonblanque's England*, VI: 361). Characteristically, Fonblanque supports institutional reform rather than specific policies or social reforms, and Mill assures him that he does not assimilate his position to the levelling views of "division of property radicals if there be any." The main objective of philosophic radicalism is ambitious and large-scale democratic reform, as Mill points out, and not "only within the limits of the existing Constitution" (Letter to Albany Fonblanque, Jan 30, 1838, XIII: 370).

Parliamentary government is both the motor and the object of reform, to be fortified against favoritism, plutocracy, arbitrary rule, corruption, and waste.

(2) Mill next sets philosophic radicalism apart from four other "schools" of radical thought that share its practical objectives. Mill distinguishes between *historical*, *metaphysical*, *occasional*, and *positional radicals*. *Historical radicals* "demand popular institutions as the inheritance of Englishmen, transmitted to us from the Saxons or the barons of Runnymede" (*Fonblanque's England*, VI: 353). Mill thinks of agitators such as Major John Cartwright, who, when opportune, drew on a tradition of "immemorial points of national agreement" and defended political liberty as an Englishman's birthright (Cartwright 1797: 15; cf. Letter to Albany Fonblanque, Jan 30, 1838, XIII: 370). Their nostalgic views add pedigree, but not persuasiveness to the radical position. The same is true for *metaphysical radicals* who believe in the people's natural right to rule. They defend "the principles of democracy not as means to good government, but as corollaries from some unreal abstraction – from 'natural liberty,' or 'natural rights'" (*Fonblanque's England*, VI: 353). Of course, Mill is referring here to the attempts, by the supporters of the American and French Revolutions, to ground the authority of civil rights in the fact that they "self-evidently" precede all political order. As natural rights, they are valid in all societies and not amenable to change through political legislation. In 1776, and again in 1795, Bentham had attacked the American and French revolutionaries for invoking the spurious language of natural rights, for tacitly endorsing rebellion and the use of violence in political conflict, and for tying the people down to immutable laws that could not be bettered. Confronted with a "natural liberty" fully specified in natural law, the democratic sovereign could no longer learn, or change her mind, on the basis of future more enlightened political knowledge (Lind and Bentham 2007; Bentham 2002: 186). Mill, in the quoted passage, does not just reject metaphysical radicalism as a spurious justification for democracy, but makes a point of countering it with an alternative and ostensibly less demanding view, as a "means to good government," thereby tying radicalism to an instrumental conception of democracy.

Mill treats *occasional* and *positional radicalism* as intellectually vacuous. Occasional radicals oppose government based on concrete antipathy to its policies; and radicals of position are motivated by social envy in that they hate aristocrats (*Fonblanque's England*, VI: 353). Bentham would have agreed and pointed out that in this, they share the less than principled character of metaphysical radicalism. Their politics are likewise based on incommunicable "caprice," and therefore hard to distinguish from mere preferences, nor can they be redeemed in intersubjective argument (Bentham 1843: i.6). Whereas Mill derides radicals of position who feed on social comparison, this should not obscure the fact that there is an important "positional" element to his own analysis. He rejects the simplistic worldview of those who are radicals "because they are not Lords" (*Fonblanque's England*, VI: 353), but, as we will see later under (4), goes on to describe the opposition of political interests between the "people" and the aristocracy as a result of political stratification.

(3) What is philosophical about "philosophic radicalism"? Mill states that its protagonists "observe the common practice of philosophers – that is, who, when they are

discussing means, begin by considering the end, and when they desire to produce effects, think of causes" (*Fonblanque's England*, VI: 353). As an account of a distinctive "common practice of philosophers," Mill's reference to means-ends-reasoning and the relevance of causes seems rather deflationary. But given radicalism's philosophical ambition, the important question is whether Mill, by swearing radicals to a teleological approach, commits them to a version of utilitarianism. Is "considering the end" of good government a matter of debate or interpretation, or will discussion be reduced to the means and causes appropriate to reach a pre-determined end, the greatest happiness of the greatest number? In answering these questions, it is helpful to go back to the statement that Mill echoes in the quoted passage, the opening sentence of James Mill's influential essay "Government" in the supplement to the fifth edition of the *Encyclopedia Britannica*: "The question with respect to Government, is a question about the adaptation of means to an end" (J. Mill 1992: 3). James Mill believes that the reason for the sorry state of social and political science is that in earlier periods, "ends and means have not been analyzed." Whereas the end of all government is by no means a secret, and has been referred to in various expressions, among them the principle of "the greatest happiness of the greatest number," looser formulations like that of "the public good" (Locke) are also acceptable: "These, and equivalent expressions, are just; they are only defective in as much as the particular ideas which they embrace are indistinctly announced" (3–4). Admitting variety in the denominations of the end of government, James Mill nevertheless goes on to discuss how a "science of human nature" would show how society's happiness is aggregated from the happiness of its individuals (4), a view he took from Bentham (Bentham 1843: i.1–2). Given the end of government and a perspicuous view of human nature, all that remained to do was "analysis" (J. Mill 1992: 3).

John Stuart Mill held his father's "Government" essay in high esteem. He called it "a masterpiece of political wisdom," but defended it against critics as an "argument for parliamentary reform" rather than a "scientific treatise on politics" (*Autobiography*, I: 107, 164). In his review of Fonblanque, he follows its strategy not to specify or define the positive end of government. But while James Mill's refusal to base government on the principle of utility alone appears merely tactical, as he goes on to assume "that its business is to increase to the utmost the pleasures, and diminish to the utmost the pains, which men derive from one another" (J. Mill 1992: 4), John Stuart Mill's reference to means and ends appears more open textured. While he does not seem to expect any interesting controversy over ends to arise within the radical movement, he avoids committing radical thought explicitly to the maximization of the general happiness.

Mill's restraint does not signal a principled retreat from utility, but rather an appeal to broadening and deepening our understanding of it, and an awareness of what it would take to impose the principle on fellow activists. Soon after Bentham's death, in 1833, Mill criticized him for not having given a sufficient elucidation, let alone a demonstration, of the principle of utility. Bentham had also failed to give a fully "fair treatment of the believers in other moral principles than that of utility" (*Remarks on Bentham's Philosophy*, X: 5). Mill thought at the time that neither "can any proof be given, that we ought to regulate our conduct by utility," nor could

any alternative view be proved (X: 6). Bentham's interpretation of happiness and utility were exceedingly narrow, although reliance on "his own greatest-happiness principle" had been more successful in political legislation than in morality:

> The mode in which he understood and applied the principle of Utility, appears … far more conducive to the attainment of true and valuable results in the former, than in the latter of these two branches of inquiry. (X: 7)

Its "sectarian" articulation in Bentham's philosophy therefore does not lead Mill to suggest dropping the orientation to the greatest happiness altogether. He acknowledges the need not to treat rival principles as refuted until a demonstration has been given, but allows activists and legislators to go ahead in using a broad conception of utility as a non-controversial interim basis for political reform.

(4) If philosophic radicalism is not united in a shared commitment to Bentham's and James Mill's substantive view of utility as aggregated pleasure, its unity lies elsewhere. In his review of Fonblanque, Mill locates its core insight in its awareness of a political antagonism. Not only is philosophic radicalism motivated by the "immense practical evils existing in the government and social condition of this country"; those evils at the same time determine its scientific approach. People became radicals:

> because the same examination which showed them the evils, showed also that the cause of those evils was the aristocratic principle in our government – the subjection of the many to the control of a comparatively few, who had an interest, or who fancied they had an interest, in perpetuating those evils. (*Fonblanque's England*, VI: 353)

Philosophic radicals saw,

> that in the present imperfect condition of human nature, nothing better than this self-preference was ever to be expected from a dominant few … [T]he motto of their radicalism was, enmity to the Aristocratical principle.

They accepted that the root of social evils lay in the ruling few's oppression of the subject many. The "radical" component in philosophic radicalism should, therefore, not be sought out in any deep or hidden philosophical foundation, when it is more plausibly derived from its diagnosis of a common root of evil, and the subsequent wish to uproot it. Philosophic radicals reflect the kernel of truth in "positional" radicalism. They see that the cause of practical evils lies in the existence of a small ruling class with an interest in perpetuating those evils. Their fixation on the mechanics of cause and effect in politics is a diagnostic as well as a constructive advantage. Radicals do not just come up with "some grand sweeping general plan" (Halévy 1928: 261), but are united in their analysis of political mechanisms. In identifying the "subjection of the many to the control of a comparatively few," that is, the "aristocratic principle" as the root of great practical evils, Mill refers to the inevitability of a conflict that Bentham and his father had understood to lie in a class-based stratification of the polity. In contrast to Marx's

later economic understanding of class, in the radicals' view, class-based divisions in bourgeois society originate in political oppression, opposing a non-productive (and therefore often idle and intellectually impotent) ruling class to a laboring class that included entrepreneurs as well as workers (Bentham 1843: ix.43; J. Mill 1992: 9). The notion of "self-preference" Mill invokes in explaining society's antagonism is a psychological term that Bentham defined, in his late writings, as:

> that propensity in human nature, by which, on the occasion of every act he exercises, every human being is led to pursue that line of conduct which, according to his view of the case, taken by him at the moment, will be in the highest degree contributory to his own greatest happiness. (Bentham 1843: ix.5):

Although Bentham did not think that humans were psychological "egoists" in the sense that they could not take pleasure in another person's well-being, or strive for their equitable treatment, it is fair to say that he did not allow "independent" motivating factors outside a wide notion of self-interest (Dinwiddy 2004: 141–3; Rosen 2011: 284). In the quoted passage, Mill's take on "self-preference" is more guarded. By tying exclusive self-preference to the "present imperfect condition of human nature," he affirms the causal power of self-preference as a central assumption of radicalism, but rejects the psychological axiom behind it. In understanding self-preference as a product of place and time, he unites radicals under a sociological generalization, yet disavows the existence of a deterministic psychological mechanism.

Let us briefly take stock. By "philosophic radicalism," Mill means an engaged doctrine with a small number of shared practical objectives. Its strategy for reform lies in extending democratic rule, building on a shared instrumental commitment to democracy. Philosophic radicalism will not tolerate justifications deemed unreliable or *ad hoc* for adherence to radical causes, but allows some variance in the articulation of its positive goals. Although Mill ties radicalism's approach to a teleological method, he envisages disagreement over how to spell out the basic moral principle identifying the ends of government. Radicalism starts from a diagnosis of "practical evils," explains them by an analysis of the predatory interests of the ruling class, and expects its practitioners to contribute to their eradication.

3. Bentham and Radical Democracy

In 1833, Mill credits Bentham for the intellectual depth of his "philosophy of legislation," but falsely accuses him of neglecting "institutions and general forms of polity" (*Remarks on Bentham's Philosophy*, X: 9). Mill's charge reflects the fact that he was reared predominantly on French editions of Bentham's works, starting with his *Traités de Législation Civile et Pénale*, and less familiar with his writings on constitutional law and democratic theory. Mill knew the volumes that, from 1802 onwards, Étienne Dumont (1759–1829), Bentham's editor in Paris, had put together from Bentham's manuscripts (Rosen 2011: 258). In the restorative climate of the early-nineteenth century, it is

perhaps no coincidence that Bentham's contributions to democratic theory and revolutionary constitutionalism were only selectively included.

Bentham's formative commitments lay in the "radical enlightenment" (Burns 1984). From his earliest to his last publications, he strove to enlighten legislation, fighting religious superstition and dogmatism, censorship, economic and sexual paternalism, as well as the Common Law tradition of informal, judge-made law, but Bentham did not equally consistently oppose enlightened despotism. Where autocratic rule seemed amenable to philosophic guidance, he put himself forward to draft codes of civil, criminal, and constitutional law (Schofield 2009: 1–43).[2] A tension between the virtues of expert codification and the need for law's political authority would continue to run through his work, but in the early phase of the French Revolution, Bentham invested considerable energy into the development of an inclusive version of representative democracy. Bentham's initial enthusiasm for the Revolution cooled fast when he was confronted, from 1792, with its degeneration into terror. But in its early stages he supplied expert advice on constitutional design, on parliamentary procedure and electoral rules to his French correspondents (Bentham 1999; 2002). Since he does not use the terms "radicalism" or "radical reform" in this period (they became common currency only later, Halévy 1928: 261), the literature has mostly reserved the phrase "transition to radicalism" for Bentham's nineteenth-century writings. Any "radical" qualities his "French" writings might have are understood to derive from his support of domestic parliamentary reform in England in the same period (Dinwiddy 2004: 110–2). While meticulously tracing the semantic history of "radical" politics, this narrow interpretation has obscured the systematic fit of Bentham's "early" (in fact, middle-aged) democratic theory with Mill's emergent radicalism. Based on an opposition to spurious political argument and a broad commitment to political analysis based on self-interest, Bentham's "French" writings in fact pre-empt radicalism's credentials. And while Bentham formed a lasting commitment to "radical democracy" only in the nineteenth century (Schofield 2006: 81–2), already his intermittent conception articulates an unreservedly democratic profile, in combining the three ideas of (1) unrestricted public and parliamentary deliberation, (2) political equality, (3) and legislative omnipotence.

(1) In his formative period, Mill had read Bentham's 1791 work on *Political Tactics* in its French version, completed by Dumont, as the first volume of *Tactique des Assemblées Législatives* (1816; Robson 1983: 16). While not a comprehensive work of democratic theory, it is a pioneering text in setting out the rules and principles of parliamentary decision making. The work starts by considering the end of parliamentary legislation, but in Bentham's view this,

> end is, so to speak, of a negative character. The object is to avoid the inconveniences, to prevent the difficulties, which must result from a large assembly of men being called to deliberate in common.

With obstacles removed, an open and disciplined deliberative process may lead to more enlightened decisions, "grounded on arguments which had happened to escape all the preceding voters, but which, when once brought to light, stamp conviction on their minds" (Bentham 1999: 15, 94). Independent ideas will be fed

into debates by an expert public outside parliament, and full transparency and publicity of debates serve to inform the public and enable it to hold MPs accountable. With electoral as well as reputational sanctions at its disposal, the public will be able to keep its delegates' self-interest in line with theirs. The public thus composes an incorruptible "tribunal," far from infallible, but continuously becoming more enlightened. Bentham concludes that if the external and internal setup of the assembly is as should be, "its wish will be conformed to the decision of public utility" (1999: 29, 19). In introducing "public utility" as a criterion of good decision making, Bentham reassures his French interlocutors. He echoes the general use of the term in Enlightenment philosophy and in French revolutionary rhetoric (see, e.g., the 1789 *Déclaration*, Art. 1) and does not burden the French debate with a new, potentially divisive principle. At the same time, he forges a junction between utility and open parliamentary debate, in relying on the epistemic virtues of deliberation: The ends of government policy determined in earnest, disciplined parliamentary decision making unwittingly conform to the precepts of utility, so that legislative decisions will reflect what public utility demands. If by "indirect utilitarianism" we understand the view that the decision procedure leading to optimal results need or should not invoke the greatest happiness principle itself (Miller 2014), Bentham's take on parliamentary legislation can be seen as providing us with one such account.

(2) Another, at the time unpublished, component of Bentham's early democratic theory concerns the franchise. In a 1788/9 fragment, he attempts to establish yet another connection between utility and radical democracy, this time relying on the principle of utility itself, that is, on an aggregative understanding of the general happiness. Bentham argues that from the three uncontroversial premises of an equal claim to happiness, an equal capacity, and an equal desire for happiness, a universal right to suffrage can be derived, under the sole condition that voters are sufficiently competent to judge what will in fact contribute to happiness (Bentham 2002: 68–9). On a further property qualification for the franchise, Bentham at first wavers, but in a 1789 draft advocates universal suffrage for rich and poor, female and male, under a modest reading qualification, in annual elections (2002: 231; see Schofield 2006: 78–108). If by "radicalism" we understand the pursuit of the four objectives of equal, universal, secret, and annual suffrage, Bentham's was fully formed in 1789. In arguing for frequent elections, he attempts to maximize voters' control over self-seeking representatives. He makes a case for equal individual claims to suffrage without straying into a realm of "natural rights" or "natural liberty." But in contrast to the broader case he makes for parliamentary deliberation, he explicitly invokes the principle of utility in his attempt to derive political equality.

(3) The third component of Bentham's early radical politics is the "omnipotence" or, as he would later prefer to say, "omnicompetence" of the parliamentary legislative (2002: 405; Bentham 1843: ix.119). Political equality and parliamentary deliberation would be worthless without an authoritative mechanism to ensure that their precepts will be transformed into binding law. A legislative will that is capable of determining the dictates of public utility ought not be subjected to the veto of a second chamber, a balance of power between legislative, executive and jurisdictional institutions, or immutable constitutional limits. Even a monarch's suspensive veto

on legislation should not be understood to introduce an interest that is different from the people's, but as a chance to give parliament more time for deliberation (2002: 263, 407). Bentham's famous critique of natural rights, which is usually taken to indicate disillusionment with his revolutionary partisanship for democracy, likewise reveals an important element of his vision of legislative power, since it defends an unlimited scope for democratic rule (2002: 317–402). It requires that the assembly embody the universal interest, and thus links up with electors' input as well as with their means of holding delegates responsible.

To sum up the argument of this section, deliberation, political equality, and legislative omnipotence, three key features of Bentham's early radically democratic theory, prefigure the motives of philosophic radicalism, reflecting, at the same time, a sensibility to the problem of "sectarianism." The impact of the principle of utility varies among the three features. It generates a *pro tanto* case for political equality, understood as universal suffrage, in practice only qualified by absence of competence. In Bentham's conception of parliamentary legislation, the influence both of the principle of utility and of the idea of self-preference are more tempered. If, on the basis of universal suffrage, the universal interest is reflected in parliament, and given the omnipotent position of the legislative within the political system, deliberative decision making will conform to the demands of public utility without explicitly being held to its principle. Even though Bentham believes that if set up correctly, parliamentary discussion will lead to decisions that correspond to the dictates of general happiness, there is no need to impress this interpretation universally on its participants, as long as they share an understanding of the enlightening power of public argument. At the same time, in describing the mechanics of parliamentary deliberation and in allowing public argumentation to exert an "influence of understanding over understanding," Bentham bypasses the overriding significance of self-preference (2002: 422). In allowing open democratic decision making to determine the ends of government policy, Bentham's early account blurs the neat division of labor later envisaged, as we have seen, by both Mills, between philosophy, as a technique to consider and analyze the ends of government, and democracy, as a vehicle for their realization.

4. Bentham's Philosophic Radicalism

From the early nineteenth century, Bentham supported "radical" as opposed to "moderate" reform, where the former is understood to be systematic and the latter spontaneous and haphazard. While moderates support a single cause, a policy change, or a partial vision, radicals base their suggestions on a plan (Bentham 1843: iii.432–555, 452). At the heart of Bentham's reform plan lies a conceptual innovation, the notion of "sinister interest" (Schofield 2006: 109–38). Bentham took sinister interest to constitute a special category of self-preference in group behavior: It is the self-interest of groups that can only be realized at the detriment of the general interest. Sinister interest is a form of "systematic corruption" that we find even in polities that ban and prosecute open bribes (Schofield 2006: 118). Bentham's use of the category is not limited to political issues, but derives from his prior analysis of the legal establishment and of the Church of

England. Law, politics, and organized religion all rely on expert networks that reduce the non-initiated to a state of utter helplessness. In the administration of the law, tradition-based knowledge, unnecessary technicality, and prohibitive fees effectively keep the poor from accessing the justice system, and judges, lawyers and wealthy suitors conspire to perpetuate their monopoly. Radicals agreed that the antidote was parliamentary codification, but Bentham did not think parliament was immune to developing a sinister interest. In his *Plan of Parliamentary Reform*, written from 1809 and published in 1817, he alleged that the main motivation in politics was to pursue money, power, and "factitious" (artificial) dignity at the expense of the governed (Bentham 1843: iii.438; Schofield 2006: 137–70). *Plan* argues that democratic rule, subject to the electoral and reputational sanctions of the people, is the only form of government that systematically opposes sinister interest, and is capable of securing rulers' competence in the three dimensions of "moral," "intellectual," and "active aptitude" (Bentham 1843: iii.539). While "active" and "intellectual aptitude" refer to a person's intrinsic features of talent and expertise, moral aptitude or "probity" is a largely artificial virtue, to be induced through accountability. Representatives needed to be held to the "democratical" or "universal interest" in isolating them from rivalling incentives, for instance from the corrupting influence of the monarch (Bentham 1843: iii.440). Constituencies were to reflect territorial and population factors, slightly privileging larger cities because of their concentration of information and intelligence. MPs were to be elected under "virtual" universality of suffrage, aliens and females included, excluding only those who failed to understand "what constituted their interest" (Bentham 1843: iii.540; Schofield 2006: 149). Secrecy and annuality of elections were to eliminate undue influence on electors and put delegates under tight scrutiny.

Bentham's justification for a radical reform of the franchise reprises part of his earlier argument. He still insists on everybody's equal claim to happiness:

> The happiness and unhappiness of any one member of the community – high or low, rich or poor – what greater or less part is it of the universal happiness and unhappiness, than that of any other? (Bentham 1843: iii.459)

If everyone's happiness is of the same value, it makes sense to convert everybody's claim into a non-negotiable political power in elections (Bentham 1843: iii.461). At the same time, Bentham argues that the criterion for "virtual" (i.e., non-actual) universality of suffrage is the "advancement of the universal interest," which requires the "comprehension of all distinguishable particular interests" in parliament. This is to ensure that "with exceptions to as small an extent as possible, interests all to be advanced: without any exception, all to be considered" (Bentham 1843: iii.452). Bentham is aware that he has given two very different arguments for the extension of the franchise, one, on the basis of an egalitarian reading of the principle of utility, for a claim to a share in power for everybody, the other, on the basis of the representation of the general interest, for the full inclusion of everybody's interests in parliamentary decision making. Bentham accordingly distinguishes between "practical equality of suffrage" and "virtual universality of suffrage," allowing that the "comprehension of all interests" principle is identical to the latter (Bentham 1843: iii.457). The second argument is weaker than the first in that it will not yield the political equality of all

individuals, since it can co-exist with the exclusion from the franchise of some whose interest is independently safeguarded.

The difference can be brought out by taking up another suggestion from James Mill's "Government" essay. Mill *père* was prepared to exclude women and to raise the age of suffrage to forty years, in that he believed the interest of females and under-forties to be included in those of the male electors, so that what Bentham called the "universal-interest-comprehension principle" would be satisfied (Bentham 1843: iii.462). James Mill argued that "scarcely any laws could be made for the benefit of all the men of forty which would not be laws for the benefit of all the rest of the community" and that the interest of almost all women were included in the interests of their husbands or fathers (J. Mill 1992: 27–8). Bentham would have applauded John Stuart Mill's verdict that James Mill's view was deeply misguided. The younger Mill thought "that the interest of women is included in that of men exactly as much and no more, as the interest of subjects is included in that of kings" (*Autobiography*, I: 107). But by distinguishing virtual from full or "practical" universality of suffrage, already Bentham had opened the door to what he called "defalcations" from the principle of political equality, given that the respective interests were represented (Bentham 1843: iii.452).

In his *Plan of Parliamentary Reform*, Bentham is largely oblivious of the rationalizing potential of parliamentary deliberation, besides suggesting that non-elected office-holders should continue to have a deliberative role in parliament, even though they should no longer enjoy voting powers (Bentham 1843: iii.456). In his parallel *Book of Fallacies*, the bulk of which the young Mill knew as the second volume of Dumont's *Tactique des Assemblées Législatives*, Bentham identifies rhetorical abuses in political argument (Bentham 2015). But the late Bentham's eye is mainly on the scope and impact of the electoral sanction, and on isolating elected representatives against the temptations of sinister interest. The same is true for the systematic work following *Plan,* the *Constitutional Code* of 1830 (1843: ix; Rosen 1983). This *magnum opus* is conceived as a scholarly treatise in style and content, not as a contribution to the radical movement, and therefore less guarded in its use of the principle of utility. It is much more detailed than Bentham's writings at the time of the French Revolution, but besides adding an elaborate institutional scheme, its case for democracy is more narrowly focused on channeling self-preference, and its account of democratic practices is reduced to the transmission of information and control between government, parliament, and public opinion (Lieberman 2014: 134–42). The principle of utility is asserted as the basis of democracy, and sovereignty handed to the people as the body in whose interest it is that happiness be maximized (Bentham 1843: ix. 96). The principle of legislative omnicompetence assures lasting parliamentary supremacy, but where Bentham's early conception of democracy allowed for the creative potential of parliamentary legislation, his late writings predominantly ensure it remains subject to the unforgiving regime of democratic sanctions.

5. Mill's Revision of Radicalism

In devising "philosophic radicalism," Mill intended to shape a progressive tradition in a less "sectarian" mold, reacting to what he perceived as narrow dogmatism in his immediate predecessors. Although he saw himself operating in the tradition of Bentham

and James Mill (*Autobiography,* I: 69–71, 107), he insisted he had emancipated himself from their guidance, and contrasted an old with a new radicalism (*Autobiography*, I: 214, 225). Two main changes he advertised concern radicalism's rapport with the normative vision of utilitarianism and with the social-scientific principle of self-preference. This is not the place to discuss Mill's transformation of the notion of utility, his broader, more differentiated, but also more demanding and perfectionist understanding of happiness, and the related questions of its aggregation (Riley 1988; Brink 2013). We saw previously that Mill criticizes the "Bentham school" for insufficient attention to the appeal of rival moral principles, and for the refusal to try and integrate any attractive elements they might contain. But we need to distinguish two fights he picked with his predecessors. One is over the best understanding of the principle of utility, while the other concerns the use of a particular understanding of the principle as a basis for a practically-minded reform project. Whereas James Mill's "Government" was open only in terminology to more than one conception of utility, we have seen that Bentham's two accounts of radical politics drew less directly and less exclusively on his understanding of the principle than John Stuart Mill's critique of old-style radicalism indicated. The hopes Bentham invested in parliamentary deliberation could be spelled out entirely without recourse to the principle, and the electoral consequences he drew from an inclusion in the "universal interest" in his late radicalism were hardly sectarian.

With respect to the principle of self-preference, we saw that Mill thought it an essential ingredient of radicalism, not as an axiom of "mental pathology" (Bentham 1843: i.350), but as an empirically well-founded basis for an unflinching diagnosis of his time. In his *System of Logic* (1843), he would go on to reject self-preference altogether as a principle of social science. Somewhat uncharitably, he alleges that the "Bentham school," in prefacing the principle of self-preference to all analysis, were engaging in "mere polemics of the day" (*Logic*, VIII: 893). More substantively, he rejects the corollary that:

> the desire of retaining or the fear of losing their power, and whatever is thereon consequent, is the sole motive which can be relied on for producing on the part of rulers a course of conduct in accordance with the general interest. (*Logic*, VIII: 890–1)

If the principle of self-preference is to be discarded, so must the assumption that an identity of interest between the people and its parliamentary delegates can only be established by holding the latter responsible to (electoral, reputational, etc.) sanctions. But if this is no longer true, then the exclusive focus on sanctions and accountability in the democratic theory of the old radicalism must be complemented. Mill's plea for a less restrictive social scientific epistemology is at the same time a demand for a less single-minded account of democracy.

Note that there is no contradiction between Mill's rejection of self-preference as a universal explanatory principle while embracing it as the cornerstone of philosophic radicalism. We have seen Mill treat it as a fundamental, but contingent, feature of his social and political world: as the basis for a polemical account of a governing "aristocracy" in nineteenth-century England, not as a hard-wired determinant of political behavior. This enables Mill to hold fast to his diagnosis of the root of political evils, to adopt Bentham's orthodox conception of sinister interest as a matter of analysis, but

at the same time to refuse to draw fatalistic conclusions from it. While old and new radicalism jointly denounce current rulers' self-seeking exploitation of the subject many, they disagree on whether its logic must structurally determine all future institution-building.

Mill argued that Bentham's view of democracy was too exclusively concerned with establishing power-holders' responsibility, and that popular sovereignty only served to rivet "the yoke of public opinion closer and closer round the necks of all public functionaries" (*Bentham*, X: 108). Against such criticism, Bentham's early democratic theory is less vulnerable than his late radical writings. His "French" writings hold up better, since their account of publicity and parliamentary deliberation, though embedded in a framework of self-interest, awards a degree of freedom to representatives' rule-making. It allowed parliamentarians to emancipate themselves from their narrowly self-interested preferences in yielding to the influence of understanding over understanding.

In re-booting his democratic theory after rejecting the self-preference principle, Mill's own mature philosophy adopted the deliberative language of Bentham's earlier work. The French version of Bentham's *Political Tactics* that Mill knew had substituted all occurrences of "debate" to read *délibération* (Niesen 2009), and Mill's transformation of the Radicals' democratic theory would make him a precursor of today's conceptions of "deliberative democracy" (Urbinati 2002). Although he would never transcend a broadly instrumental understanding of democracy, his 1861 *Considerations on Representative Government* (XIX: 371–577), like Bentham's *Tactics,* invest their hopes in the rationalizing effects of deliberative exchanges, thereby entrusting the determination of the ends of government to the parliamentary legislator. The deliberative function of the legislature serves to articulate the voices of minorities, control government, debate proposals for legislation, and explain decisions to those who lost out in them. Parliament is a place "where every person in the country may count upon finding somebody who speaks his mind, as well or better than he could speak it himself" (*Considerations*, XIX: 432). Political deliberation, as a unifying basis of Mill's mature theory of democracy, allocates a place to legislative authority and regulates the distribution of the franchise. In the process of prioritizing deliberation, Mill weakens the impact of the ideas of political equality and legislative omnipotence, and acknowledges shifting his political ideal from radical or "pure democracy" to the "modified form of it" set out in *Considerations* (*Autobiography*, I: 199). In contrast to Bentham's *Tactics*, Mill directs essential law-shaping deliberations away from parliament and from the wider public, to a Legislative Commission, divesting parliament of the capacity to directly amend legislative proposals, and thereby of legislative omnicompetence (*Considerations*, XIX: 430). While Bentham agreed that extending the suffrage had an important educational aspect (Bentham 1843: iii.474), Mill went further in committing to character-formation as a separate goal of democracy. Inverting the old radicalism's narrow focus on delegates' responsibility, he aimed at increasing electors' responsibility in exposing them to public voting (*Considerations*, XIX: 495). Mill's understanding of the franchise resembles Bentham's late dual approach, in that he combines a *pro tanto* case for universal and equal suffrage with a case for the universal articulation of all interests in parliament. However, political equality is easily trumped by considerations of higher competence. In place of secret, equal, and annual suffrage, Mill advocated public and weighted voting and longer parliaments (*Considerations*, XIX: 508, 502). While his

mature account corrects the narrowing of the utilitarian democratic imagination in the early-nineteenth century, it struggles to retain its radical profile.

6. Conclusion

Philosophic radicalism is a test case for utilitarian philosophers' attempts to strike coalitions with non-utilitarian progressives, as well as for various versions of utilitarianism to align. A "philosophical" approach can be an asset as well as a detriment in pursuing a practical reform project, and Mill wisely puts an emphasis on a common negative agenda, the shared identification of the root cause of "sinister" social evils, and the intention to do away with them. Mill sees the old radicalism weighed down by the attempt to tie it to narrow and apodictic conceptions of utility, or to rigid views of psychological regularities, and advocates a more respectful awareness of alternative moral codes and a more comprehensive normative basis. He seems unaware that at least Bentham's early argument for a deliberative, "omnipotent" parliamentary legislation as well as his later argument for a "virtually" universal extension of the franchise, were formulated independently of the greatest happiness principle. Of course, Bentham invests utilitarian hopes into extending democracy by extending its representative and deliberative practices, but he makes sure the bulk of his argument relies on independently plausible grounds.

In this chapter, I have drawn attention to the fact that between radicals' enumeration of their concrete reform objectives and their deep philosophical commitments, there lie systematic visions of democracy. Democratic procedures of political decision making not only seem directly mandated by the various interpretations of utility. They can also serve to mediate between concrete political objectives and the specific utilitarian philosophies of the proponents of radicalism, in leaving the interpretation of what utility demands to a process based on egalitarian representation. More important, therefore, than showing that, for example, Bentham's commitment to standard radical objectives was fully formed in 1789 on utilitarian grounds, is that his early account of democratic legislation was to outline a framework for an open and inclusive, processual, even unwittingly indirect mechanism to generate precepts of public utility. Mill's critical adaptation of his predecessors' accounts serves to highlight the fact that utilitarians who advocate egalitarian, deliberative, and "omnicompetent" democratic procedures can help self-immunize their radical agenda against the challenge of sectarianism.[3]

Notes

1 References to Bentham (1843) are given by volume and page number.

2 Bentham's philosophy is therefore at cross-purposes with Jonathan Israel's influential characterization of radical enlightenment, in which substance monism and atheism go hand in hand to derive a commitment to democratic politics; see de Champs (2015).

3 Thanks for critical comments go to the editors of this handbook, to Philip Schofield, Emmanuelle de Champs, Malik Bozzo-Rey, Benjamin Bourcier, Guillaume Tusseau, and, for persistent guidance, Michael Quinn.

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7

British Critics of Utilitarianism

BRUCE KINZER

Thomas Macaulay excepted, the British critics of utilitarianism whose influence Mill acknowledges in the *Autobiography* were associated with what he calls "the reaction against the philosophy of the eighteenth century" (*Early Draft*, I: 160). The individuals Mill has in mind include Thomas Carlyle, Samuel Taylor Coleridge, Frederick Denison Maurice, and John Sterling (the latter two deemed the "Germano-Coleridgeans" by Mill). Rejecting the empiricism, naturalism, materialism, and skepticism they identified with the dominant modes of eighteenth-century thought, these men drew inspiration from German Romanticism and forms of philosophical idealism (which is not to say that they should all be considered "systematic" thinkers). Carlyle, while undeniably a major contributor to the "reaction" Mill invokes, belonged to no "school," and under no circumstances would wish to be thought of as a "Coleridgean" (in his *Life of Sterling* Carlyle refers to Coleridge's "prophetic moonshine" [Carlyle 1894: 78]). Maurice and Sterling, when first encountered by Mill, readily affirmed Coleridge's hold over their way of thinking. I will turn to Carlyle, and Macaulay too, after taking up Mill's response to Coleridge and the "Germano-Coleridgeans."[1]

1. Becoming Acquainted: Mill, Coleridge, Maurice and Sterling

An analysis of the influence of Coleridge, Maurice, and Sterling on Mill must take into account the particular character of his association with each. Although Mill joined Sterling on several visits to Coleridge at Highgate, he knew the latter chiefly through his writings, published and unpublished. Discussing Coleridge in a letter to John Pringle Nichol of April 15, 1834 (the year Coleridge died), Mill noted that he had "not much personal knowledge of him, though I have seen and conversed with him several times." Coleridge was known to him "by his works, and by the fact that several persons with whom I have been very intimate were completely trained in his school. Through them,

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too, I have had opportunities of reading various unpublished manuscripts of his" (Letter to John Pringle Nichol, Apr 15, 1834, XII: 221). Mill must have read some of Coleridge's published works before the end of the 1820s. In a speech he gave at the London Debating Society in spring 1828 he cited Coleridge as one "of the wisest men of all political and religious opinions" (*Perfectibility*, XXVI: 429–30). Mill's library at Somerville College includes Coleridge's *Aids to Reflection*, *Biographia Literaria*, *Confessions of an Inquiring Spirit*, *The Friend*, *On the Constitution of the Church and State*, and *Second Lay Sermon*. Mill's 1840 essay "Coleridge" draws upon several works not found in his library: the *First Lay Sermon*, the *Literary Remains*, and *Specimens of the Table Talk*. References to a number of Coleridge's poems turn up in sundry volumes of Mill's *Collected Works* (*Index of Persons and Works*, XXXIII: 135–6). Mill had read a lot of Coleridge before he wrote his letter to Nichol in 1834; much of this he undoubtedly reread in preparation for writing the essay of 1840.

2. Maurice and Sterling: Assailants of Benthamism

Although one may wonder about Mill's assertion that he had been "very intimate" with "several persons … completely trained in his [Coleridge's] school," Maurice had to be one of these "several persons." Sterling, so far as I am aware, was the only such person with whom Mill became "very intimate." Indeed, soon after Maurice's death in 1872 Mill wrote the following to the former's second son:

> He [Maurice] and I were never intimate, but we used to have long discussions together on philosophy, religion, and politics; from which, though I do not think either of us often convinced the other, I always carried away, along with a most lively impression of his mental powers and resources, ideas both new and invaluable to me. (Letter to Charles Edmund Maurice, May 19, 1872, XVII: 1898)

Such conversations would have taken place during the late 1820s, when Mill, Maurice, and Sterling were members of the London Debating Society. Mill had in fact met Maurice before the latter joined the Debating Society, the introduction having been made by Mill's close friend William Eyton Tooke, who had been at Cambridge with Maurice (*Autobiography*, I: 161). When in residence at Trinity College Maurice came under the influence of Julius Charles Hare, a young Cambridge don who had recently been appointed to a classical lectureship at Trinity. A great admirer of Coleridge's thought, Hare probably encouraged Maurice (and Sterling, Hare's pupil) to dig deeply into Coleridge's body of published work. Hare's modern biographer, Merrill Distad, notes that Hare "reserved his worst venom for Jeremy Bentham and his followers" (Distad 1979: 47). While still at Cambridge Maurice launched the *Metropolitan Quarterly Magazine*, for which he wrote a piece entitled "A Supplementary Sheet to Bentham's Book of Fallacies" (Maurice 1826). Mill read the article, decades later describing it as "an extremely clever quiz of the style of Bentham's 'Book of Fallacies'" that amounted "in substance" to "an attack … upon what he [Maurice] considered as fallacious in Bentham's own modes of reasoning" (Letter to Charles Edmund Maurice, May 19, 1872, XVII: 1897). Hence, Mill knew Maurice as an assailant of Benthamism even before the

latter became active in the London Debating Society. After the end of the 1820s Mill and Maurice seldom crossed paths. As Mill explained to Maurice's son, "both in life and in speculation" each went his own way: "our direct intercourse was small and at considerable intervals; but I remained an assiduous reader of his writings, and was always a sympathizing as well as admiring observer of his career" (Letter to Charles Edmund Maurice, May 19, 1872, XVII: 1898).

With John Sterling Mill had some "direct intercourse," complemented by a personal correspondence that attests to an ardent friendship. They met in 1828, when Maurice and Sterling became Mill's "Coleridgian adversaries" in the London Debating Society. In the *Autobiography* Mill says that "Maurice was the thinker, Sterling the orator, and impassioned expositor of thoughts which, at this period, were almost entirely formed for him by Maurice" (*Autobiography*, I: 159). Sterling's personal circumstances – chronic ill health, occupational twists and turns, financial difficulties, a rapidly expanding family after his marriage in 1830 – spawned a peripatetic existence that more often than not placed him at some distance from Mill's London domicile. They met when they could, and carried on an active correspondence when they could not. From the late 1820s until his early death from pulmonary disease in 1844, Sterling's writings included journalism, a novel, poems, verse dramas, and literary essays. Mill read much that Sterling wrote, and, as editor and proprietor of the *London and Westminster Review*, printed articles by Sterling on Montaigne, Simonides, and Carlyle.

Sterling was not an original thinker, while Maurice's originality lay in the realm of Christian theology. Such being the case, neither man was equipped to exercise significant influence on the substance of Mill's thought. The forcible impact of their personal presence, however, aided Mill's search for new truths in the wake of his "mental crisis." His disenchantment with Benthamism – possibly triggered, as Elijah Millgram (2017) powerfully argues in his essay in this volume, by the "epiphany" induced by working through Bentham's materials on judicial evidence – coincided with his coming to know Maurice and Sterling. These young critics of utilitarianism possessed a depth of character and intellect unmatched by most of the young men who looked to James Mill for authoritative political guidance. John Mill had no reason to suppose that the likes of John Arthur Roebuck, Eyton Tooke, and Horace Grant could enlarge his own store of knowledge or the range of his intellectual sympathies. His association with these contemporaries could not advance the program of self-cultivation that became a cardinal element in his reappraisal and revision of the system of thought he acquired from Bentham and James Mill. Maurice and Sterling, apart from their instrumental role in fostering John Mill's serious engagement with Coleridge's work, did augment this program of self-cultivation.

In an article published in the *Athenaeum* in 1828, Maurice described the genuinely moral author as one

> whose works have the effect of flinging men back upon themselves; of forcing them to look within for the higher principles of their existence; of teaching them that the only happiness, and the only virtue, are to be found by submitting themselves uniformly to the dictates of duty, and by aiming and struggling always towards a better state of being than that which ourselves, or those around us, have hitherto attained. (quoted in Allen 1978: 79)

In the same year he praised Wordsworth, whose poetry had the admirable effect of combating "unchristian sectarianism" and of making "men look within for those things in which they agree, instead of looking without for those in which they differ" (quoted in Allen 1978: 78). A shared love of Wordsworth generated the spark of recognition that first brought Mill and Sterling together. In the *Autobiography* Mill refers to the latter's "ever assiduous self-culture" (*Autobiography*, I: 163).

For Sterling, Mill developed a strong and abiding affection. Their warm friendship testified to the emotional nourishment gained from the cultivation of sympathy.[2] The Mill–Sterling friendship also informed Mill's sensitive response to a varied body of imaginative literature between the late 1820s and the close of the 1830s.[3]

Maurice's cast of mind and intellectual distinction presented Mill with issues absent from his association with Sterling. In the *Autobiography* he goes so far as to say that Maurice's "intellectual power" surpassed that of Coleridge. He adds, however, that in Maurice "there was more intellectual power wasted … than in any other of my contemporaries" (*Autobiography*, I: 161). Yet Mill confesses to a profound "respect for Maurice's character and purposes" (*Autobiography*, I: 161). The "waste" Mill has in mind concerns Maurice's growing conviction that

> the Church of England had known everything from the first, and that all the truths on the ground of which Church orthodoxy have been attacked … are not only consistent with the Thirty-Nine articles [the creed of the Church of England], but are better understood and expressed in those articles than by any one who rejects them. (*Autobiography*, I: 161)

Maurice's unsettling impact on Mill is readily apparent in passages found in the latter's important essays "Civilization" (1836) and "Coleridge" (1840). A portion of the former essay is devoted to a withering condemnation of Oxford and Cambridge. This section includes a lengthy quotation from Maurice's novel *Eustace Conway* (1834), which Mill introduces by saying: "We are glad to corroborate our opinion by a quotation from a work written by a friend to the Universities … a book which contains much subtle and ingenious thought, and the results of much psychological experience" (*Civilization*, XVIII: 139). He complains, however, that the novel also has "much caricature, and very provoking (though we are convinced unintentional) distortion and misinterpretation of the opinions of some of those with whose philosophy that of the author does not agree" (*Civilization*, XVIII: 139). Mill had difficulty reconciling his deep respect for Maurice's "character and purposes," as well as his esteem for Maurice's intellect, with what he saw as the "distortion and misinterpretation" in Maurice's disparagement of the school of "philosophic radicals." A similar ambivalence turns up in a footnote Mill added to his essay on Coleridge. The footnote amplifies Mill's observation "that in any person fit to be a teacher, the view he takes of religion will be intimately connected with the view he will take of all the greatest things which he has to teach (*Coleridge*, X: 149), and cites as illustration "a remarkable pamphlet, entitled *Subscription No Bondage* [1835] by the Rev. Frederick Maurice." Declaring the pamphlet "signally unsuccessful in its direct object, the justification of the exclusive regulations of the Universities," Mill nevertheless says that it "contains, like all that

author's works, many important truths incidentally illustrated, and a lavish display of the resources of a subtle and accomplished as well as a devoted and earnest mind" (*Coleridge*, X: 149n).

Mill's personal connections with Maurice and Sterling enhanced his post-1826 drive to achieve a greater breadth of sympathy and an augmentation of his store of truths. Sterling was especially significant in the former respect, while Maurice mattered more in the latter. In the *Autobiography* Mill notes Maurice's formidable "powers of generalization, rare ingenuity and subtlety, and a wide perception of important and unobvious truths" (*Autobiography*, I: 161). One such truth so forcibly impressed Mill that he discussed it in a letter to Sterling in October 1831.

> I once heard Maurice say (& like many things which have dropped from him, its truth did not strike me at first but it has been a source of endless reflexions since) that almost all differences of opinion when analysed, were differences of method. (Letter to John Sterling, Oct 20–2, 1831, XII: 79)

Mill's letter to Maurice's son states that his conversations with Maurice and Sterling

> were almost my first introduction to a line of thought different from any I had previously known, and which, by itself and by its effects, contributed much to whatever mental progress I subsequently made. (Letter to Charles Edmund Maurice, May 19, 1872, XVII: 1898)

The line of thought to which he refers, like the valuable truths he met with in Maurice's conversation and writings, carried a Coleridgean imprint.

3. Coleridge's Clerisy

What can be said with confidence about Mill's debt to Coleridge?[4] Regarding the specifics of this debt the *Autobiography* is disappointingly reticent. Apropos of the late 1820s, Mill says, without elaboration, that he "was deriving much from Coleridge" (*Autobiography*, I: 161). When he later discusses the impact upon him of streams of thought expressing the reaction of the nineteenth century against the eighteenth, he groups Coleridge with several other sources (*Autobiography*, I: 169). By the 1850s, when Mill embarked upon the writing of the *Autobiography*, Coleridge meant less to him than would have been the case fifteen years earlier. Enough is said in the *Autobiography*, and in other writings, to show that Mill valued Coleridge's poetic gifts, the fruits of which contributed to his affective education. Mill says, in his essay on Coleridge, that he ranks "as one among the great, and … among the greatest, names in our literature" (*Coleridge*, X: 122). Yet it was principally as a political philosopher, not as a poet, that Coleridge marked Mill's thinking.

In 1830 Coleridge brought out *On the Constitution of the Church and State*, in which he urged the state to dedicate national resources to the support of a "clerisy."[5] Coleridge considered the Church of England a national institution whose property should be

applied to national purposes. No such purpose mattered more than the education of the people, provision for which was imperative if the state was to meet its duty "to secure to the subjects of the realm generally, the hope, the chance, of bettering their own or their children's conditions" (Coleridge 1976: 73). The state had an obligation "to develop, in every native of the country, those faculties, and to provide for every native that knowledge and those attainments, which are necessary to qualify him for a member of the state, the free subject of a civilized realm" (Coleridge 1976: 74). The clerisy, Coleridge said, should impart to the members of the community an education "grounded in *cultivation*, in the harmonious developement of those qualities and faculties that characterise our *humanity*. We must be men in order to be citizens" (Coleridge 1976: 42–3).

This ideal greatly attracted Mill, who in October 1831 told Sterling "I certainly think it desirable … that there should be a national clergy or clerisy, like that of which Coleridge traces the outline, in his work on Church and State". He hastened to add that most of the clergy in the Church of England were unfit to form part of this clerisy. Coleridge, Mill felt certain, would agree with him

> in thinking that a national clergy ought to be so constituted as to include all who are capable of producing a beneficial effect on their age & country as teachers of the knowledge which fits people to perform their duties & exercise their rights, and as exhorters to the right performance & exercise of them. (Letter to John Sterling, Oct 20–2, 1831, XII: 75–6)

Mill's published writings soon showed the effects of Coleridge's impact. Consider the change in Mill's disposition regarding an established church. In a speech given in the London Debating Society in 1828 he declared himself "an enemy to church establishments because an established clergy must be enemies to the progressiveness of the human mind" (*The Church*, XXVI: 424). Five years later Mill asserted that

> A national *clerisy* or clergy, as Mr. Coleridge conceives it, would be a grand institution for the education of the whole people: not their school education merely … but for training and rearing them, by systematic culture continued throughout life, to the highest perfection of their mental and spiritual nature. (*Corporation and Church Property*, IV: 220)

An aspiration of this kind presupposes a state whose scope of action went well beyond the prevention of harm. Coleridge enlarged Mill's conception of the role of the state.

Although the defects of the Church of England continued to draw Mill's fire, Coleridge's influence gave him a new way of thinking about institutions, the Church included. The meaning of institutions could only be grasped through an understanding of their history and original purpose. In his essay on Coleridge Mill observes that the Germano-Coleridgean school was "the first … who inquired with any comprehensiveness or depth into the inductive laws of the existence and growth of human society" (*Coleridge*, X: 138–9). There he also insists that "an enlightened Radical or Liberal" should "rejoice over such a Conservative as Coleridge." According to the Mill responsible for this essay,

one rather different from the young exponent of Benthamite doctrine in the London Debating Society, fair-minded Radicals and Liberals

> must know that the Constitution and Church of England, and the religious opinions and political maxims professed by their supporters, are not mere frauds, nor sheer nonsense – have not been got up originally, and all along maintained, for the sole purpose of picking people's pockets; without aiming at, or being found conducive to, any honest end during the whole process. (*Coleridge*, X: 146)

The Benthamite position held that institutions had no meaning distinct from their utility in serving practical ends. For Coleridge, institutions embodied an Idea whose essence answered fundamental human needs. Without sharing Coleridge's belief in the providential origin of institutions and moral truths, Mill did take on board Coleridge's distinction between form and essence. In *Considerations on Representative Government*, composed two decades after the essay on Coleridge, Mill stipulated that

> In treating of representative government, it is above all necessary to keep in view the distinction between its idea or essence, and the particular forms in which the idea has been clothed by accidental historical developments, or by the notions current at some particular period. (*Considerations*, XIX: 422)

Representative Government also offers an analysis of the concepts of "Order" and "Progress," or, as Mill says, "Permanence and Progression in the words of Coleridge" (*Considerations*, XIX: 384). In the *Second Lay Sermon* (1817) Coleridge had argued that a proper balance of the forces of Permanence and Progression was essential to a healthy social and political order (Coleridge 1972: 221–3). The landed classes, as the stewards of the nation's fixed property, should embody values that fostered the durable interests of the wider society. Those groups engaged in commerce were seen by Coleridge as the agents of Progression. Acknowledging the need for the latter, Coleridge nonetheless worried about the potentially damaging effects of an excess of the commercial spirit, the pursuit of wealth inevitably being linked to the search for personal material advantage over one's competitors. Mill had his own misgivings regarding the ever-expanding influence of the commercial spirit, which he associated with the coming of mass society. Within such a society "the weight and importance of an individual … sink into greater and greater insignificance" (*Civilization*, XVIII: 126). In his second essay on Tocqueville's *Democracy in America* (1840) Mill declares "that the most serious danger to the future prospects of mankind is in the unbalanced influence of the commercial spirit." Moreover, he identifies "our agriculturists" as the class that "should represent the type opposite to the commercial, – that of moderate wishes, tranquil tastes, cultivation of the excitements and enjoyments near at hand, and compatible with their existing position" (*De Tocqueville on Democracy in America [II]*, XVIII: 198, 199). The other two classes he deems essential to providing "great social support for opinions and sentiments different from the mass" are "a leisured class, and a learned class" (*De Tocqueville on Democracy in America [II]*, XVIII: 198). In *On Liberty* Mill treats virtually as a given the proposition "that a party of order or stability, and a party of progress or reform, are

both necessary elements of a healthy state of political life" (*Liberty*, XVIII: 253). Such views attest unmistakably to Coleridge's influence on Mill's thought.

Yet Mill was not content with Coleridge's distinction between Permanence and Progression, which Mill characterized as "unscientific and incorrect" (*Considerations*, XIX: 384). Holding that "Progress" subsumes "Permanence," Mill says in *Representative Government* that "Progress includes Order, but Order does not include Progress. Progress is a greater degree of that of which Order is a less" (*Considerations*, XIX: 387). Albeit significant, too much should not be made of the flaw Mill detects in Coleridge's distinction. In the Preface of *Representative Government*, Mill says that he wishes to assist in the formation of a doctrine that "in virtue of its superior comprehensiveness, might be adopted by either Liberal or Conservative without renouncing anything which he really feels to be valuable in his own creed" (*Considerations*, XIX: 373), an aspiration compatible with both his own formulation of the relation of Progress and Order and with Coleridge's search for comprehensiveness. Towards the close of his essay on Coleridge, Mill expresses the hope that he had

> done something to show that a Tory philosopher cannot be wholly a Tory, but must often be a better Liberal than Liberals themselves; while he is the natural means of rescuing from oblivion truths which Tories have forgotten, and which the prevailing schools of Liberalism never knew. (*Coleridge*, X: 162–3)

Scholars have acknowledged Coleridge's influence on Mill's appreciation of the relation between historical understanding and the fashioning of means to foster social improvement. According to John M. Robson, Mill learned from Coleridge (and the Saint-Simonians) that history was "a record of the various and continuous means by which institutions have been moulded by man to satisfy his needs" (Robson 1968: 71). Frederick Rosen has forcefully argued that the method of reform embraced by Mill, a method owing much to Coleridge, "allowed Mill to emphasize more easily that reform must be adapted to particular times, and the means devised to achieve given ends could not be assumed to apply universally" (Rosen 2007: 142). Mill's major contributions to social and political thought indisputably disclose this Coleridgean strain, one nowhere more evident than in Mill's treatment of "the general science of society" and political sociology in Book VI of the *Logic* (*Logic*, VIII: 833–942). One may doubt, however, whether Mill systematically applied the method Rosen ascribes to him. Stefan Collini, in an incisive discussion of *Representative Government*, endorses Henry Sidgwick's assessment of Mill's method in that work. Sidgwick says that when Mill

> came to treat with a view to practical conclusions the question of the best form of government, he certainly dealt with it by a method not primarily historical: a method in which history seems only to be used either to confirm practical conclusions otherwise arrived at, or to suggest the limits of their applicability. (Sidgwick 1891: 8n; Collini, Winch and Burrow, 1983: 148–56)

It should also be noted that when Rosen examines Mill's "method of reform," he has Mill's theoretical prescriptions in mind. The character of Mill's practical political

engagement, whether in his capacity as editor of the *London and Westminster Review* during the second half of the 1830s or in his parliamentary and extra-parliamentary activity in the years 1865–73, is often at odds with his abstract investigations of method. Many Mill scholars – Stefan Collini (1991), Jeff Lipkes (1999), Donald Winch (2004), Richard Reeves (2007), and Bruce Kinzer (2007) among them – have pointed out the radical temper and febrile partisanship that sometimes informed Mill's political activism. Of course it should come as no surprise that contradictory tendencies crop up in the theory and action of complex thinkers. No doubt such tendencies can be found in those here treated as British critics of utilitarianism; Thomas Carlyle, for instance.

4. Carlylean Corpuscles

The Improvement of Mankind, Robson's classic study of Mill's social and political thought, gives Carlyle approximately three times more space than Coleridge in his chapter dealing with "influences" of a non-Benthamite and non-Harriet Taylor variety (Robson 1968: 80–95). Most of the account presented by Robson deftly charts the course of the Mill-Carlyle association: the inception of their friendship in the early 1830s; the rising personal tensions of the late 1830s; the skirmish over "The Negro Question" of the late 1840s; the monumental clash over Governor Eyre's brutal response to the Jamaican uprising in the mid-1860s. Robson says, near the close of his section on Carlyle, that "[i]t is difficult to assess Carlyle's part in Mill's intellectual development" (1968: 93). Earlier works pairing Carlyle and Mill in their titles had not made this difficulty central to their concerns. Emery Neff's scholarly study, *Carlyle and Mill: Mystic and Utilitarian* (1924; republished in 1926 with the new subtitle of *An Introduction to Victorian Thought*) treats Carlyle and Mill as archetypes of divergent strains in Victorian thought. Richard Pankhurst's *The Saint-Simonians, Mill and Carlyle: A Preface to Modern Thought* (1957) throws an additional element into the mix without answering the problem of Carlyle's influence on Mill. It is arguable that the problem arises at all only because of the biographical significance of the Mill–Carlyle relationship. By way of contrast, Mill had but a slight personal acquaintance with Coleridge. Yet Carlyle's influence on Mill's intellectual growth fell well short of Coleridge's impact.

The connection between Carlyle and Mill during the 1830s tells us why this is so. The publication in 1831 of Mill's *Examiner* series of essays on "The Spirit of the Age" excited Carlyle's curiosity regarding its author. The latter's piece "Signs of the Times," published in the June 1829 number of the *Edinburgh Review*, proclaimed that "great and outward changes are in progress … The time is sick and out of joint … There is a deep-lying struggle in the whole fabric of society; a boundless grinding collision of the New with the Old" (Carlyle 1829: 458–9). Carlyle found echoes of these themes in "The Spirit of the Age"; from Mill's handling of them Carlyle impetuously decided that its author was "a new Mystic" (*Autobiography*, I: 181). The two men met at the home of John and Sarah Austin in early September 1831. A personal attachment of some intensity quickly formed between them.

Carlyle was partial to the idea that he could make a disciple of the brilliant young Mill, a notion made all the more enticing by the pedigree of this imagined acolyte. For Benthamism, Carlyle expressed unmitigated disdain. "Nay, is it not true, and clear as day, that I do reckon Jeremiah Bentham no Philosopher, and the Utilitarian system little better than the gross Idol-worship of a generation that has forsaken and knows not the "Invisible God"? (Carlyle 1970: 390). Carlyle considered himself a "God-inspired man." Made miserable by his loss of faith while a student at the University of Edinburgh, he had turned to German literature for intellectual and spiritual sustenance. What he found did not disappoint. In Goethe especially Carlyle discovered a voice that moved him profoundly, a voice sending forth the heroic purpose of the creative spirit. The material world, Carlyle held, offered visible signposts of a spiritual order whose mysteries the poet alone could penetrate. "He is a *vates*, a seer; a gift of vision has been given him" (quoted in Tennyson 1965: 91).

Mill had never before encountered anyone such as Carlyle (nor would he ever encounter his like again). They met at a time when Mill was in quest of new truths to add to those he had already made his own. Carlyle's blend of moral fervor, rhetorical power, and creative force stimulated Mill's imaginative faculties. Not that the younger man (eleven years Carlyle's junior) ever thought himself capable of realizing the aspirations Carlyle had internalized. In July 1832 Mill told Carlyle:

> I am rather fitted to be a logical expounder than an artist. You I look upon as an artist, and perhaps the only genuine one now living in this country: the highest of all, lies in that direction; for it is the artist alone in whose hands Truth becomes impressive, and a living principle of action. (Letter to Thomas Carlyle, Jul 17, 1832, XII: 113)

Mill wanted Carlyle's approval. Winning and keeping that approval sometimes proved hard to reconcile with complete candor. Although Mill, in his correspondence with Carlyle, acknowledged that there were matters upon which they differed, he showed a marked reluctance to specify the character of these differences. Not wanting Carlyle to assume he had the makings of a Carlylean "mystic," neither did he want the older man to discount the possibility. Some of Mill's published writings of the early 1830s suggest the presence of Carlylean corpuscles in the young man's bloodstream. The following specimen, from 1833, is a case in point.

> Let the word be what it may, so it be but spoken with a truthful intent, this one thing *must* be interesting in it, that it has been spoken by man – that it is the authentic record of something which has actually been thought or felt by a human being. Let that be sure, and even though in every other sense the word be false, there is a truth in it greater than that which it affects to communicate: we learn from it to know one human soul. "Man is infinitely precious to man" [words written by Carlyle in a letter to Mill of January 1833], not only because where sympathy is not, what we term *to live* is but to *get through* life, but because in all of us, except here and there a star-like, self-poised nature, which seems to have attained without a struggle the heights to which all others must clamber in sore travail and distress, the beginning of all nobleness and strength is the faith that such nobleness and such strength have existed and do exist in others, how few soever and how scattered. (*Writings of Junius Redivivus [I]*, I: 369–70)

Mill's friendship with Carlyle, like his flirtation with the idiosyncrasies of Carlyle's style, rested on a shallow foundation. Between them there could not exist a full complement of either intellectual or emotional trust. Of these years in his life it could be said that Mill did not wholly trust himself.[6] To Carlyle he made no mention of his most important "friendship," that with Harriet Taylor. Not until May 1834 did Carlyle hear of Mill's involvement with Mrs. Taylor (his sources being Sarah Austin and Charles Buller). Concluding by that autumn that Mill had become entangled with people of unsavory character, Carlyle began to have doubts about the soundness of the young man's judgment. Their personal association showed signs of strain, a strain compounded by the loss in March 1835 of Carlyle's manuscript on the French Revolution while in Mill's care. While both men acted commendably in the face of this calamity, and Mill did Carlyle a valuable turn with his laudatory review of *The French Revolution* in the *London and Westminster Review* (*Carlyle's French Revolution*, XX: 131–66), the closeness of the Mill-Carlyle friendship attained during the early 1830s proved unsustainable. Even without the complications arising from the Mill–Taylor connection and the burnt manuscript, a parting of the ways eventually would have occurred.

In the years after 1840 the tight fit between Carlyle's authoritarian temperament and the substance and style of his politics became evermore apparent. Acutely sensitive to abuse of power in any form, Mill recoiled from Carlyle's glorification of the might wielded by men impelled to enforce providential injunctions. This political dimension, joined to the rising personal animus of the Carlyles for Harriet Taylor, contributed to the growing estrangement of Mill and Carlyle. That estrangement, however, also had an immanent intellectual source. Their modes of understanding "reality" differed fundamentally. It was fanciful of Mill to suppose he had the means to translate "the mysticism of others into the language of Argument" (Letter to Thomas Carlyle, Mar 2, 1834, XII: 219). Fancy Mill seeking to give argumentative form to the following passage of Carlyle's *Sartor Resartus* (1837), a vivid example of Carlyle's mysticism.

> Thus, like some wild-flaming, wild-thundering train of Heaven's Artillery, does this mysterious MANKIND thunder and flame, in long-drawn, quick-succeeding grandeur, through the unknown Deep. Thus, like a God-created, fire-breathing Spirit-host, we emerge from the Inane; haste stormfully across the astonished Earth; then plunge again into the Inane. Earth's mountains are leveled, and her seas filled up, in our passage; can the Earth, which is but dead and a vision, resist Spirits which have reality and are alive? On the hardest adamant some footprint of us is stamped in; the last Rear of the host will read traces of the earliest Van. But whence? – O Heaven, whither? Sense knows not; Faith knows not; only that it is through Mystery to Mystery, from God and to God. (Carlyle 1937: 266–7)

Neither the method nor the idiom of Millian argument could accommodate the essence of Carlylean mysticism.

The section of Mill's *Autobiography* dealing with Carlyle states that "the good" he obtained from Carlyle's writings "was not as philosophy to instruct, but as poetry to animate" (*Autobiography*, I: 183). Mill felt the force of Carlyle's creative imagination during the 1830s, a decade in which Mill evinced an especially keen interest in the capacity of the artist to convey moral truths through the vibrant representation of

human action and feeling. Carlyle reinforced the influence of the Germano-Coleridgeans in moving Mill to engage with German thought; he also sharpened Mill's already awakened appetite for "poetic feeling." Be this as it may, he did not exercise a decisive influence on the substance of Mill's mature thought. As for style, the texture of some of Mill's prose momentarily registered Carlyle's impact, a fact Mill came to regret. In an undated letter (most likely written towards the end of 1840), Mill told George Henry Lewes, who had recently come across Mill's essay "On Genius" (1832):

> The "Genius" paper is no favorite with me, especially in its boyish stile. It was written in the height of my Carlylism, a vice of style which I have since carefully striven to correct … I think Carlyle's costume should be left to Carlyle whom alone it becomes. (Letter to George Henry Lewes, XIII: 449)

5. Macaulay's Assault

At no time and in no way did Thomas Macaulay take his cues from Thomas Carlyle. For neither Carlyle nor Coleridge did Macaulay have any use. Indeed, no writer or thinker not long dead – Edmund Burke, who died in 1797, being the exception – stood much chance of gaining Macaulay's admiration. Supremely self-confident, Macaulay had from childhood been conspicuously aware of his remarkable intellectual and verbal gifts. At Cambridge (1818–22) he won scholarships and the chancellor's medal for English verse. Those who witnessed his speeches in Cambridge Union debates marveled at his powers of thought and expression. Macaulay became acquainted with utilitarianism through the riveting presence at Cambridge of Charles Austin, at that time a dogmatic and brilliant young exponent of Benthamite doctrine. Further experience of Benthamite politics came with his participation in the fortnightly meetings of the London Debating Society in 1826, a year after Macaulay made his debut as a contributor to the *Edinburgh Review*, the great periodical organ of Whiggery. Bearing no traces of either Germano-Coleridgean or Carlylean influence, Macaulay's critique of utilitarianism sprang from an overtly political conflict between Benthamite radicalism and the moderate reformism exemplified by the *Edinburgh Review*.

Whereas James Mill could discern nothing in Coleridge or Carlyle worthy of his attention, he deemed it his duty to expose the oligarchical bias of Whig politics. Early numbers of the *Westminster Review*, founded in 1824 to advance the Benthamite cause, included two excoriating attacks on the *Edinburgh Review*. James Mill wrote the first of these (J. Mill 1824); John Mill, overseen by his father, the second (*Periodical Literature: Edinburgh Review*, I: 291–325). Canvassing a wide array of essays appearing in the *Edinburgh Review*, the Mills contended that the conduct of the *Edinburgh* demonstrated its refusal to tackle the abuses of aristocratic government. Tories and Whigs, the Benthamites held, were simply two sides of the same aristocratic coin. Both of these oligarchic factions were guilty of seeking to protect the sinister interests of the Few at the expense of the Many. Trying to present themselves as the friends of the people, the Whigs rode a political "see-saw," one that routinely tilted in favor of oligarchy. The *Edinburgh*, according to the Mills, amply displayed this

"immoral" practice, "which is, throughout, a mere sacrifice of truth to convenience: a practice which habituates its votaries to play fast and loose with opinions – to lay down one, and take up another, with every change of audience" (*Periodical Literature: Edinburgh Review*, I: 312–3).

Macaulay's attendance at the London Debating Society in 1826, coupled with the Mills' philippics in the *Westminster Review*, informed his oblique allusion to the Benthamites in an 1827 *Edinburgh Review* essay on the contemporary political situation. There he told his readers of the presence, within the country's "middling orders," of

> a Republican sect, as audacious, as paradoxical, as little inclined to respect antiquity, as enthusiastically attached to its ends, as unscrupulous in the choice of its means, as the French Jacobins themselves, – but far superior to the French Jacobins in acuteness and information – in caution, in patience, in resolution.

The intellectual temerity of its members, he added, "made them arrogant, intolerant, and impatient of superiority" (Macaulay 1827: 261). In this piece Macaulay left unnamed the sect and its leaders. Any doubts concerning those he had in mind were removed by his ferocious assault on James Mill in 1829, an assault directed at the very foundations of Benthamite political reasoning.

In the mid-1820s, James Mill issued a volume of essays he had originally composed for the *Encyclopædia Britannica*. Coming first in this volume was his *Essay on Government*, which J.S. Mill and his fellow Benthamites regarded "as a masterpiece of political wisdom" (*Autobiography*, I: 107). James Mill's essay sought to identify the best means to obtain legislation consistent with the public interest. He asserted as axiomatic the inexorable force of what he deemed a universal attribute of human nature: the pursuit of individual self-interest. A concentration of power in the hands of a minority would inevitably result in an abuse of the public interest as those in power satisfied their selfish ends at the expense of the community at large. The only way to prevent such abuse was to devise a system of representation that gave effective expression to the aggregate of individual interests present within the society. An extensive suffrage and frequent elections were the indispensable means to fusing the interests of representatives and the wider public (J. Mill 1825). Macaulay aimed to demolish the political logic evident in James Mill's *Essay on Government*, and his effort caused J.S. Mill to doubt the adequacy of his father's political reasoning.

Brilliantly written and fiercely critical of its subject, Macaulay's "Mill's Essay on Government: Utilitarian Logic and Politics" appeared in the March 1829 issue of the *Edinburgh Review*. Its argumentative thrust contended that the type of reasoning manifest in Mill's essay vitiated both its explanatory and prescriptive value. James Mill assumed the force of certain predispositions inherent in human nature, "and from these premises the whole science of Politics is synthetically deduced!" (Macaulay 1829: 161, 162). Deriving conclusions from suppositions that woefully failed to acknowledge the range of motives giving rise to conduct in the real world, James Mill's method inevitably yielded a "science of politics" devoid of practical utility. According to Macaulay, "just conclusions" must rest on induction, the method used "in every experimental science" to enlarge "the power and knowledge of our species." Would-be benefactors of mankind must heed "the present state of the world"; scrutinize "the history of past

ages"; weigh "the evidence of facts"; generalize "with judgment and diffidence"; constantly test such generalizations against "new facts" (Macaulay 1829: 188–9). James Mill's modus operandi shunned these imperatives.

Macaulay's attack came at a time when J.S. Mill was already questioning the adequacy of utilitarian political doctrine, a questioning he links in the *Autobiography* to his recent encounter with other "schools of political thinking" (the Saint-Simonian being the most significant of these). Unlike Macaulay, however, the representatives of these schools had not made the flaws in James Mill's political reasoning a principal concern. Macaulay's assault, J.S. Mill says, "gave me much to think about." Macaulay's "strictures" caused the younger Mill to judge "that my father's premises were really too narrow, and included but a small number of the general truths, on which, in politics, the important consequences depend." Achieving an "[i]dentity of interest between the governing body and the community," while essential, was not in itself a sufficient guarantee of "good government." Moreover, "conditions of election" could not alone secure such an identity of interest (*Autobiography*, I: 165). Although J.S. Mill did not look to Macaulay for guidance in discovering the additional requisite "general truths," the latter's destructive attack on James Mill had stimulated the search for such truths.[7]

The effects can be seen in Mill's 1835 essay "Rationale of Representation," prompted by the publication of Samuel Bailey's work on the subject. In this piece Mill concedes that only an enlightened populace capable of detecting fraud could bring about a true identity of interest between government and people. "The identity would be perfect, only if the people were so wise, that it should no longer be practicable to employ deceit as an instrument of government." Such wisdom would imply "a point of advancement only one stage below that at which they could do without government altogether" (*Rationale of Representation*, XVIII: 23). Moving a good deal closer to this presumably unattainable ideal required a much greater societal investment in the education of the people than was currently the case. Even a genuinely enlightened populace coupled with appropriate "conditions of election" could not assure good government in the absence of trained leadership. The functions of government must be in the hands of "a select body"; the deciding of "political questions" must express "the deliberately-formed opinions of a comparatively few, specially educated for the task" (*Rationale of Representation*, XVIII: 23). These notions owed nothing to Macaulay; nor were they an affront to James Mill, who had devoted much time, thought, and energy to advancing mass education and who was ever mindful of the importance of giving due weight to the instructed members of the community. They did, however, expand "the small number of truths" on which James Mill had founded his science of politics. The doubts raised by Macaulay's attack on the latter had set the younger Mill on the path that yielded this gain.

Mill briefly scrutinizes that attack in his essay on Bailey's book, but not in such a way as to make readers think they should look to Macaulay for direction in the province of political reasoning. Bailey had himself gone to some lengths to refute Macaulay's assertion that "it is not possible to lay down a single general rule respecting the motives which influence human actions" (Macaulay 1829: 186–7). Mill applauds Bailey's success in showing that

> a general proposition may be of the greatest practical moment, although not absolutely true without a single exception; and that in managing the affairs of great aggregations of human beings, we must adapt our rules to the nine hundred and ninety-nine cases, and not to the thousandth extraordinary case. (*Rationale of Representation*, XVIII: 21)

Macaulay's call for an exclusively empirical treatment of political phenomena struck Mill as seriously misguided. The complexity and profusion of the causes and effects typical of such phenomena rendered useless the experimental method advocated by Macaulay. The inadequacy of James Mill's premises did not mean that one could do without premises altogether. J.S. Mill had Macaulay in mind when he scornfully declared in his *System of Logic* that

> The vulgar notion, that the safe methods on political subjects are those of Baconian induction – that the true guide is not general reasoning, but specific experience – will one day be quoted as among the most unequivocal marks of a low state of the speculative faculties in any age in which it is accredited. (*Logic*, VII: 452)

Mill's mature thought shows traces of the influence of British critics of utilitarianism. To affirm that the sum of these traces is large would be to affirm too much. The lion's share of the modest sum came from Coleridge.[8]

Notes

1 This is not the place to address the issue of Mill and Romanticism. Although this problem intersects at certain points with the influence on Mill of certain British critics of Utilitarianism, it also contains elements that cannot be effectively taken up in an essay whose scope does not extend beyond Britain's shores. For examples of contrasting views on the subject of Mill and Romanticism, see Capaldi (2004) and Winch (2004).

2 For a valuable treatment of Mill and the theme of sympathy, see Green (1989).

3 Mill's literary essays, in the first volume of the *Collected Works*, give tangible expression to this response.

4 Christopher Turk's valuable comparative study *Coleridge and Mill* (1988) identifies what he refers to as "three strong parallels" between his subjects. These include "the idea of an endowed 'clerisy' for national cultivation"; "the theory of poetry"; and the "apologia for eclecticism, the 'half-truth' theory." He also rightly indicates that "clear borrowings" (p. 169) can be discerned (with Mill, of course, doing the borrowing). The "most important" of these borrowings, Turk aptly points out, "is Mill's use of Coleridge's idea of the 'clerisy'" (p. 169). It must be noted, however, that Turk's study gives far more attention to the fundamental philosophical differences between Coleridge and Mill than he does to their commonalities. Indeed, when introducing his discussion of the "parallels," he observes: "Only in the context of opposition are the parallels so interesting" (170). Coleridge of course turns up in sundry studies interested in the influences that shaped Mill's thought. For some suggestive commentary on Coleridge's contribution to Mill's "reformed associationism" see Devigne (2006: 33–5); Devigne also identifies a Coleridgean presence in Mill's "understanding of dialectics" (2006: 88–90). Raymond Williams, in his seminal work *Culture and Society 1780–1950*, considers Coleridge of central importance in the formation of what he terms Mill's "humanized

Utilitarianism" (1983: 70). Certainly worthy of attention, these notions occupy a speculative terrain I am too timid to enter.

5 For a thorough and insightful examination of the concept of the clerisy in nineteenth-century thought, see Knights (1978).

6 For a treatment of this theme, see Kinzer (2007: 112–33).

7 This is not to suggest that other stimulants were less significant, even in the sphere of politics. The early phase of Saint-Simonian influence on Mill, for example, probably predated the publication of Macaulay's essay, and contributed a good deal to Mill's distancing himself from the notion of "representative democracy as an absolute principle"; instead, he tells us in the *Autobiography*, he came to consider "it as a question of time, place, and circumstance" (I: 177).

8 I wish to thank Don Habibi for his helpful comments on an earlier draft of this essay.

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8

Harriet Taylor Mill

HELEN McCABE

It is sometimes said that behind every great man is an even greater woman. Apparently, John Stuart Mill thought this true in his case, though this has been much denied and disparaged (Jacobs 1998: xi). JSM was, after all, often fulsome in his praise, and, besides, knowing JSM's genius, surely any claim that someone was so superior must be taken with a pinch of salt. Almost as though JSM's praise of HTM was embarrassing (and it is a little intemperate, especially in the wake of his bereavement), the very possibility of her being what JSM called her, a collaborator and co-author, is generally swept under the carpet. Those who do credit HTM with some role in the development and content of JSM's thought tend to blame her for that which they dislike, and see her as exercising a malign influence, swaying him away from his true political beliefs (Robbins 1967: xxxix; Schwartz 1972: 190–2; Himmelfarb 1974; Flew 1975: 21; Ekelund and Tollison 1976: 215; Von Mises 1978; 195; Rees 1985: 7; Reeves 2007: 213; Légé 2008: 199, 202; Winch 2009: 50–4). In this chapter I would like to advance a different view, which takes JSM's judgment more seriously, and sees HTM as his collaborator on a number of works, and theirs as arguably his most important intellectual, emotional and philosophical relationship: doing so allows us to shine a unique light on JSM's philosophy and his life.

The problem of HTM's role in JSM's life and thought is compounded by the difficulties of attaining much clear knowledge of her: Harriet Hardy, Harriet Taylor, Harriet Mill, Harriet Taylor Mill, Harriet, Mrs. Taylor, Mrs. Mill, HTM – even her name is subject to contention.[1] In order to gain some clearer knowledge, therefore, of both HTM and her role in the development of JSM's philosophy, I will take important themes in their thought alongside exploring the context of the chronological development of their relationship.

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1. Early Life, First Meeting, and Friendship

Born in London in 1807, HTM was one of the seven children of surgeon and "man-midwife" Thomas Hardy and his wife Harriet. HTM's parents were apparently conventional, obstinate, and tight-fisted, convinced that self-interest was the best policy (HTM 1998: 388–9, 414, 423). HTM, as was usual for the time, was educated at home, learning at least French, German, Italian, Greek, and Latin, reading widely in literature, history and philosophy, and keeping up with newspapers and periodicals (Jacobs 1998: xiii). Though her informal works ignore most rules of grammar and punctuation, she had strong views on good writing and, at the age of eighteen, produced her *Life of William Caxton*, a masterful history of the written word (HTM 1998: 51–73). In 1823, she married John Taylor, a pharmaceutical wholesaler. He was twenty-nine, an "upright[,] generous[,] true … good," "brave and honourable man, of liberal opinions and good education," though rather conventional and passive (HTM 1998: 355–6, 359–60, 372; JSM, *Autobiography*, I: 193).

HTM later said her affection followed from gratitude for Taylor's affection and kindness, but that she had affection for him is undoubted, and her contemporary writings reveal great happiness in motherhood and marriage (JSM, Letter to William Fox, Nov 5–6, 1833, XII: 187; HTM 1998: 343–71, 437). The newly-weds settled in Finsbury, close to both Taylor's business and South Street, where Taylor was already part of the radical circle surrounding the Unitarian Minister, William Fox. HTM was soon also at home there, discussing radical politics, modern literature and debating the social questions of the day. Their eldest child, Herbert, was born in 1827: Algernon (known as Hajji) followed in 1830. By what was to be the fateful summer of 1831, HTM was pregnant with her third child, Helen (known as Lily). But a thunderbolt was to strike and cause what was not only a personal tragedy for those involved but also the further problem of HTM's future reception: without it, on the one hand, we might have a clearer view of her as a person in her own right, but on the other, we might have little interest in her at all.

The thunderbolt was, of course, JSM. The educational experiment that comprised his upbringing is well-known, but certain deficiencies ought to be emphasized, in order to understand the importance of this meeting, and his relationship with, and the influence of, HTM, especially as the meaning of "influence" is itself a complicated question, and there are many different ways in which HTM influenced JSM and his work (JSM, *Autobiography*, I: 5–189). James Mill's privileging of reasoning and the acquisition of knowledge had ignored the education of JSM's emotions, creating a "reasoning machine," and led, in part, to JSM's mental "crisis" in 1826/7, during which JSM also lost faith in his father and Jeremy Bentham's political project, making him increasingly depressed and isolated (JSM, *Autobiography*, I: 111–7, 137–89). JSM was forced to look beyond his father's circle both for political ideas and people with the characteristics he himself lacked, particularly as he had come to think that truth was a many-sided business, and that true friendship could only exist between people of differing, though complementary, characters (JSM, Letter to John Sterling, Apr 15, 1829, XII: 29–30; JSM *Autobiography*, I: 171; Urbinati 1991: 626–48). This quest took JSM through the gamut of 1830s intellectual society, from the Romantics to the Saint-Simonians, and eventually to South Street (JSM, *Autobiography*, I: 137–89). Here, JSM found like

minds – radical, but not entirely Benthamite, with a love of poetry as well as politics. Most importantly, he found HTM.

JSM immediately felt HTM was "the most admirable person" he "had ever known," though love may have taken rather longer to blossom: however much JSM yearned for the *idea* of love, it is evident he found the practical repercussions of a relationship, and the challenges of expressing himself, rather difficult (JSM, *Autobiography*, I: 193; HTM 1998: 326). Indeed, reading HTM's concern that her talk of love might have been a "foreign language," and her extreme trepidation of forcing confidences from him, one cannot help but feel rather sorry for her – she seems to have fallen in love with a be-sideburned Mr. Spock (HTM 1998: 326–7). By 1833, however, JSM was addressing HTM as "she to whom my life is devoted," and HTM was writing to him as "dearest" and "most dear" (JSM, *On Marriage*, XXI: 37; HTM 1998: 327–8).

It is not implausible that the attraction was swift; JSM did not yet resemble the well-known portraits painted of him thirty years later (balding and wrinkled). Indeed, he may still have been training in the gymnasium built by Bentham, complete with trapeze. Contemporary descriptions and portraits of HTM give her all the physical graces then thought desirable – dark hair, "pearly" complexion, long "swan-like" neck, and slight, "drooping" figure (Hayek 1951: 25). From her writings, and JSM's fulsome description of her, she appears to have been a beauty and a wit, fiery, unselfish, empathetic, generous, loving, modest, proud, sincere, compassionate, thoughtful, forthright, frank, fun-loving, honest and intelligent, free from superstition and sentimentality, intellectually and imaginatively incisive, passionate about rectifying unfairness and injustice, and unwilling to compromise for the sake of expediency (JSM, *Autobiography*, I: 193–5). JSM even (favorably) likened HTM to Shelley (JSM, *Autobiography*, I: 193–5).

At first glance, this indeed seems risible – Shelley was a great poet, and not even HTM's staunchest supporters would claim her verse was in his league. But it is not her poetry to which JSM refers. JSM believed the role and purpose of poets was to see, with a mixture of imagination and incisive clarity, the end of social action (JSM, *Coleridge*, X: 147–8). It is scientists who then work out how we might achieve these goals. JSM saw himself as a social scientist, and HTM as, as it were, a social poet – she knew the *purpose* towards which social institutions ought to aim, and he knew best how to achieve it. This division of labor is well summed up when HTM writes:

> If I could be Providence to the world for a time, for the express purpose of raising the condition of women, I should come to you [JSM] to know the *means* – the *purpose* would be to remove all interference with affection. (HTM 1998: 21)

This collaboration of different intellectual strengths was the hallmark of their relationship, and is a main reason that we ought not to scorn JSM's claims for so many of his works to be co-authored with HTM, nor try to look for the specific pages or paragraphs she might have contributed: theirs was a peculiarly melded and cooperative collaboration, founded on this basic difference in intellectual character. JSM, who seems often to have had an eye on posterity as well as feminist reasons for showing what women were capable of, scrupulously recorded HTM's collaborations, and we can see a wide range, from texts which he says she mainly wrote or dictated, through to those for which she was copy-editor. Some see something nefarious in HTM's collaborative and

editorial eye, but Jacobs is right to dismiss this idea and instead to describe their working partnership as an integrated writing process with each contributing their strengths (Jacobs 1998: 364). One profound way in which HTM influenced JSM, then, was through helping him identify the goals towards which he ought to be helping society aim (in a more precise sense than the blanket idea of "utility"), which was particularly important given his recent loss of faith in his inherited political Utilitarianism.

Another interesting example of this is to be found in JSM's feminist writings: JSM was initially concerned that the effect of granting women equal access to the labor market would be to halve wages, meaning *household* income would remain the same (JSM, *Marriage*, XXI: 43). HTM, although accepting his economic argument, felt this was beside the point – *power* was what mattered, and working for equal wages, and bringing home half the household's earnings (even if there was no net increase in earnings), would give women equal power, which was much more important (HTM 1998: 60). Thus, JSM, as a social scientist, worried about the implications according to his economic theories; HTM, as "poet," clear-sightedly saw that this was beside the point – it is equalizing *power* which is important. Eventually, JSM was persuaded of her view (JSM, *Principles*, III: 765).

HTM was also the kind of person JSM so desperately needed as a friend. She united, he says, all the qualities which he had admired in others, but previously found only singly (JSM, *Autobiography*, I: 193). A second way in which HTM influenced JSM, then, is that she helped him develop an emotional language that had previously been alien to him (though he had learned some from the poets he had read after his mental crisis), and made him acknowledge, face up to, and express his emotions. Although not an influence which is easily identifiable in particular texts, it is the most profound influence anyone could have had on JSM, and it made him into a much more human, sensitive and empathetic philosopher than he would otherwise have been.

JSM also says HTM was more practical than him; that he had been brought up on theory and she had a good eye for the real implications of things. This was another way in which HTM and JSM complemented each other's characters, and is another sphere in which we may spot HTM's influence – indeed, JSM notes that she kept his feet on the ground whenever he tried to be "really visionary," always seeing utopian projects in terms of their practical consequences, a trait which is very evident in JSM's discussions of "utopian" socialisms in *Principles*, of which, of course, HTM may be a co-author (JSM, *Autobiography*, I: 195, 257; JSM, *Principles*, II: 202–4; Jacobs 1998: xiv).

Moreover, JSM felt himself to be (and perhaps was) bad at speaking on the spur of the moment, and much better with a pen in his hand (JSM, Letter to William Fox, Apr 3, 1832, XII: 97). HTM appears to have been the opposite – her ideas seem spontaneous, and pour out of her on various scraps of paper, not always connected, not always finished, and not always clear. Indeed, she sometimes voices frustration with her writing, feeling that JSM put her thoughts much better (this may have had something to do with her family responsibilities and frequent distractions) and she seems to have felt she could put things better orally, longing to *talk* of things with JSM (HTM 1998: 364). This was another way in which they complemented each other, and both found, in the other, the attributes which they so keenly felt the lack of in themselves. It is also another sphere of HTM's influence on JSM's thoughts and writing, though it also makes discerning her influence difficult, as so much of it must have been exercised in conversations of which it is now impossible to know anything.

We ought, however, not to fall into the trap of thinking that HTM was a bad writer, thus denigrating her contribution, and implying she could not really have been a philosopher without a man's help. Although much of what we have of HTM's writing is fragmentary notes and mnemonic scribbles, her finished texts are considered, carefully researched, and clearly constructed. Thus, we should not laugh off the idea that HTM dictated parts of JSM's works, nor that they fashioned a joint style as well as cooperating over ideas.

Theirs was (amongst other things) an intellectual friendship, and in the written evidence that does remain, we see a sharing of ideas and frank discussion between two inquiring minds, which led to subtle changes in position and opinion on both sides. The paucity of texts makes it hard to discern detail of HTM's thought *before* she met JSM (though she was already considering the social responsibilities of women for their children's education) (HTM 1998: 7). Indeed, she makes a cryptic but intriguing remark in her first extant critique of marriage: "I remember, well my first lesson of democratic feelings … Twas [a luxuriant] evening was this" (HTM 1998: 19). Perhaps HTM was less radical before she met JSM (if the "luxuriant evening" in question was the one where they met), but this is a very slim piece of evidence, and clearly she previously had *some* radical leanings. Certainly, by the time we have more evidence, HTM reveals herself to be utilitarian in her ethics, radical and liberal in her politics, and forthright in her feminism, all positions she shared with JSM (HTM 1998: 21–5, 140, 153–4, 225; JSM, *Marriage*, XXI: 40–9).

Indeed, it may have been feminism which brought them together. JSM believed, *contra* his father, that women ought to be included in a "universal" suffrage, but even his earliest feminism was not limited to the vote. In some of their earliest exchanges, he and HTM discussed their ideas of marriage, the family, women's education, what we might now call gender construction, sex, and what could be done to emancipate women (HTM 1998: 21–4; JSM, *Marriage*, XXI: 39–49). Their ideas are similar, though not identical. Both saw marriage as a contract, ideally between consenting friends, but in actual existence, an exploitative mechanism by which women bought security, food and shelter, and men bought a sexual slave (HTM 1998: 18–25; JSM, *Marriage*, XXI: 40–3, 45, 49). Neither thought chastity should be seen as a virtue in its own right, and certainly not in the narrow sense in which it usually applied (virginity or fidelity), but rather that it should be understood as only having sexual relations where there was also strong affection (and not mere power or as a necessary aspect of married women's – and prostitute's – bargain for bread and shelter) (HTM 1998: 23–4, 226; JSM, *Marriage*, XXI: 48–9). Both saw the education given to girls as fitting them for nothing more than being the submissive toy of a tyrannical master – HTM is perhaps more illuminating as to the damage this does to women; JSM considers, too, the damage it does to men (a theme which is picked up later in *On Liberty*) (HTM 1998: 21–2; JSM, *Marriage*, XXI: 41–2; JSM, *Liberty*, XVIII: 269). Both believed in equal rights to separation, divorce and re-marriage: both worried, too, that without changes to society and character, this would mean men could more easily abandon toys they had tired of, and took parents' responsibilities towards any children they had conceived in a marriage they now wanted to dissolve seriously (HTM 1998: 18, 20–4; JSM, *Marriage*, XXI: 39–40, 42, 45–9). JSM may have been more conservative as to both the desirability of women working outside the home, and their own desire to do so, but evidently each found in the other someone with very similar ideas who could become a sounding board for, and aid to developing, their own (JSM, *Marriage*, XXI: 43–4).

It was not solely the question of women which brought them together intellectually, however, and we should not consign HTM to this one corner (however interesting and vital) of JSM's thought: meeting JSM seems to have awakened a geyser of ideas and writings in HTM, and we have a plethora of notes from 1831–2 on a variety of topics. In these, we find a sketch of much of what JSM was to write, at greater length, throughout his life, including in his most famous books (HTM 1998: 19, 50, 225–37). Perhaps the most striking fragment reads, "Every human being has a right to all *personal* freedom which does not interfere with the happiness of some other" (HTM 1998: 19). This idea is evidently the kernel of JSM's famous harm principle, which is often seen as his single most important contribution to political philosophy (JSM, *Liberty*, XVIII: 244).

Echoing other arguments which are later to be found in *On Liberty*, HTM prescribed "[c]omplete freedom of speech, printing, public meetings and associations, locomotion, and industry in all its branches," warned of the dangers of:

> a standard of conformity raised by the indolent minded many and guarded by the fasces of opinion, which, though composed individually of the weakest twigs, yet makes up collectively a mass which is not to be resisted with impunity,

and criticized how people are forced to lie in Procrustean beds, subject "to the *crucifixion* of conformity" (HTM 1998: 50, 54, 138, 154; JSM, *Liberty*, XVIII: 229). Indeed, she makes many impassioned pleas for tolerance, and wrote in favor of eccentricity and individuality (HTM 1998: 138–43). Again in an echo of arguments in *On Liberty*, HTM also wrote "Truth has so many sides, one is always telling *one* side" – an idea both she and JSM may have taken from Carlyle (HTM 1998: 232; JSM, *Liberty*, XVIII: 229).

HTM has also been credited with prefiguring JSM's famous phrase from *On Liberty* "experiments in living" (JSM, *Liberty*, XVIII: 281). However, this slightly overstates the case. Where HTM writes "[T]here have not been experiments enough yet" she is clearly speaking about how (conventional) mothers educate their (equally conventional) daughters within a context of how "higher" natures are by no means solely to be found in the aristocracy (Jacobs 1998 xiv, 231; HTM 1998: 230–1). It is, however, very clear that HTM believed people ought to be free from the tyranny of public opinion and social mores, and in this there certainly is a clear link between her ideas and JSM's on "experiments in living." This is particularly interesting, as so often the fact that JSM says HTM's death made it impossible for her to make any final editorial changes to *On Liberty* is used as evidence for the contention that it is clearly and uniquely JSM's work, free from any "taint" of HTM's (perceived) non- or even anti-liberalism.

There are also similarities to other of JSM's later works when HTM writes of "respect for the possession of that in others which he desires to possess himself," "*equal* high respect for oneself and others – that is my democracy," and of the need for an educational barrier to suffrage, as well as the difficulties of determining what that could be, all of which is reminiscent of JSM's writings on friendship, on the need for the independence of the working classes and the proper relationship between rich and poor, and his considerations on democracy (HTM 1998: 50, 234; JSM, *Principles*, III: 759–63; JSM, *Autobiography*, I: 261–2).

Of course, HTM may have been writing down what JSM had already said to her, though her notes have the feel of personal ideas being worked out in private. It is difficult

with any intellectual relationship to determine who influenced what and, in a relationship so evidently oral, who said what first. It is striking, though, that there is nothing in JSM's earlier work that looks exactly like this, and it is difficult to deny HTM *any* originality, or to gainsay her influence over the progression and content of JSM's political philosophy: what are thought of as his – and indeed his most unique and famous – ideas may well have spontaneously generated from HTM's brain rather than his, and been fleshed out in joint conversations and discussions.

2. Paris and the Great Utilitarian Compromise

Their friendship may well have begun, and even remained, Platonic, but by September 1833 Taylor was evidently sufficiently uncomfortable about it that he asked his wife to refrain from seeing JSM. HTM refused. This precipitated a crisis in her marriage and her relationship with JSM. Eventually, a six-month separation was agreed on, and HTM (and her children) went to Paris (JSM, Letter to William Fox, Nov 5–6, 1833, XII: 187).

Evidently, this was a stressful period for all those involved. JSM was faced with a considerable struggle about "part[ing] company with the opinion of the world, and with [his] former modes of doing good in it" – that is, of being a public, political figure and writer (JSM, Letter to William Fox, Nov, 5–6 1833, XII: 187). JSM's youthful ambitions of standing for Parliament had not been realized as he went to work for his father at the East India Company: his published writing, and to a lesser extent his public speaking, were, then, the only remaining paths by which he could "do good" in the world, which was evidently something he burned to do, and which a scandalous relationship would make impossible (JSM, *Autobiography*, I: 85). He was twenty-seven, with his future stretching ahead of him, and going to Paris meant sacrificing it.

As can be imagined, this attitude distressed HTM, though she also continually encouraged JSM to believe himself strong enough to face the difficulties (JSM, Letter to William Fox, Sep 7, 1833: 178). HTM had her respectability, her place in society, her home, her source of sustenance, shelter, protection, and, most importantly, her children at stake. More even than JSM, HTM also had any chance of doing good in a wider society to lose – a scandal associated with her name would close the door on publication. What is more, JSM was her conduit for getting many of her ideas before the public; that which threatened his chances of publication, also threatened hers. Most importantly of all, she loved her husband and children, and felt her duties to them keenly: she did not want to be the source of their "durable wretched[ness]" and shame (JSM, Letter to William Fox, Nov 5–6, 1833, XII: 188).

Their time in Paris appears to have been happy, except, of course, for the dark cloud looming on their horizon: this was a sojourn from real life, but they could not escape it forever (JSM, Letters to William Fox, Sep 7 and Nov 5–6, 1833, XII: 178, 186–7). Rejecting the idea of HTM staying on in Paris, forever, alone, in the end all three drew up an almost unimaginable compromise: HTM returned to London, apparently on the understanding that she would live with Taylor, continue regularly to see JSM – and be a wife to neither (JSM Letters to William Fox, Sep 7 and Nov 5–6, 1833, XII: 178, 186–7). JSM described it as "but a poor result to come of so much suffering, and so much effort, but for *us* even so the gain is great" (JSM, Letter to William Fox, Nov 5–6, 1833, XII: 188).

The compromise had its basis in sound utilitarian principles, as it at least minimized pain. (It would be interesting to know if HTM was a utilitarian, too, before she met JSM, but the textual evidence cannot help us). Saving her husband from scandal, notoriety, and humiliation; preserving a stable home for her children, protecting them from obloquy and gossip; it also saved HTM and JSM from the misery of not seeing each other at all and experiencing some "higher" pleasures of intellectual discussion and collaboration. A more intimate and shared life together, they knew, would be a great source of pleasure, but they believed this would be outweighed by the pain it would cause. Admirably, then, they chose to refuse it for the sake of other people's happiness, giving us a clear sign of their utilitarianism in action. What ensued was an odd, and presumably strained, triangle of a relationship, with HTM living with her husband, whilst she and JSM accompanied each other to concerts and events, travelled on the Continent for long holidays, apparently had assignations in carriages on ill-frequented roads, and with JSM being a regular visitor in HTM's home whilst her husband went to his club (HTM 1998: 323–4, 375; JSM, *Autobiography*, I: 237).

Regarding utilitarianism, HTM has been credited with prefiguring JSM's later distinction between "higher" and "lower" pleasures as she wrote "the higher the *kind* of enjoyment, the *greater* the *degree*" (HTM 1998: 24). The context is of sexual ethics, and in-particular HTM's thoughts about sex and how it is "the way in which is manifested all that is highest and best and beautiful in the nature of human beings" (HTM 1998: 23). Thus, though it *may* apply to utility and higher and lower pleasures, the application is neither direct nor, it would appear, intended. Indeed, it probably speaks more to the vexed question of HTM and JSM's physical relationship than to her contribution to his meta-ethics.

3. Withdrawal from Society and Socialism

This compromise was (unlike marriage) the kind of "proper contract" HTM desired for personal relationships, that is, one dissolvable by mutual consent, as all agreed only to enforce it as long as it was endurable – and by the late 1830s, it was not (HTM 1998: 21–5). HTM set up her own residence in Walton-on-Thames, taking Helen with her. Her sons were at boarding school, but came to her in the holidays.[2] JSM and HTM gradually withdrew from Society. Although HTM and JSM both occasionally sound incredibly snobbish if not downright arrogant about the paucity of "higher natures" in society with whom they might even *want* to associate, this must still have been a difficult decision, and a difficult time for HTM who had to bear, like millennia of other women, the approbation that kept her housebound whilst not affecting the social lives of the men in her life.

This enforced withdrawal seems to have initially resulted in a fallow period in HTM's intellectual output. Her initial outpourings of the early 1830s seem to dry up (though this is hard to be certain of, as most of our dating evidence for her un-published work is the watermark of the paper she wrote on, which can only give us a *terminus ante quem* for its composition). Perhaps there is less of a paper-trail because she saw so much more of JSM, and had less need to write. Perhaps she was too busy to write with three children under thirteen. Perhaps her manuscripts have simply been lost. Perhaps there was indeed a drop-off in her productivity.

The early 1840s were full, for JSM, with the composition of *A System of Logic* (which HTM helped edit – no small task!) and its associated reading and lengthy correspondence with Auguste Comte (JSM, *Autobiography*, I: 255). HTM appears *not* to have a hand in this, though JSM still wanted to share it with her, giving her a bound copy. Indeed, on reading it, she confessed herself rather surprised to find "[his] opinion undetermined where [she] had thought it made up" regarding feminism, and when one compares JSM's letters to Comte to his letters to her, she has a good point (HTM 1998: 337; JSM, Letter to Auguste Comte, Aug 30, 1843, XII: 592; JSM, *Marriage*, XXI: 42).

Concurrent with the Comte correspondence, JSM and HTM co-authored a number of newspaper articles, particularly on women's rights to their children and domestic violence, which mark the beginning of another upsurge in HTM's writings. Their focus on this latter subject has led to HTM (though not JSM) being accused of a "deep-seated" masochism that made her unfit "for normal physical love" (Jacobs 1998: xi). In the main, this also seems to be part of the project of character assassination that so often passes for biography where HTM is concerned (why should *she* be so reviled for writing on domestic violence, and not JSM?). Furthermore, it is wrong to think of HTM as *only* interested (morbidly or not) in spousal abuse – these articles also cover child abuse and murder, abuse of domestic servants, doctors wrongly accused of manslaughter, prisoners subjected to corporal punishment, and soldiers punished by the superior officers they had previously testified against (HTM 1998: 77–131). In fact, what these newspaper writings show is her aforementioned passionate desire to defend the defenseless and to fight injustice.

As JSM's correspondence with Comte was coming to an end, and as he moved from tying to write an "ethology" (back) towards political economy, he and HTM embarked upon the *Principles of Political Economy*, to which JSM records HTM made a "conspicuous" contribution (Rosen 2013: 72–110; JSM, *Autobiography*, I: 255). The chapter "On the Futurity of the Labouring Population" in particular, he says, is:

> [E]ntirely due to her … she was the cause of my writing it; and the more general part of the chapter … was wholly an exposition of her thoughts, often in words taken from her own lips. (JSM, *Autobiography*, I: 255)

Indeed, JSM wanted to dedicate *Principles* to HTM (an idea quashed by John Taylor as being "in bad taste" and displaying a "want of taste and tact," making them all vulnerable to "vulgar remarks," though a few private copies were hand-inscribed) (HTM 1998: 474).

Few have had an upbringing in economics akin to JSM's, and it is not clear that HTM had *any* formal training in what was a relatively new subject. However, we should not immediately dismiss JSM's attribution to her of a weighty role in composing *Principles*: she evidently knew the material well, making detailed editorial comments on it, and her writings reveal an engagement with economic questions and proposals, many of which are akin to what JSM wrote in the more normative elements of *Principles* and other texts where JSM engages in ideal thinking (HTM 1998: 50, 59–61). Indeed, JSM emphasizes HTM's role in the "human" rather than "scientific" aspects of all his works, particularly *Principles* with its foundational embrace of the idea that though the laws of production might be scientific and immutable, the laws of distribution were human constructs

which were changeable, improvable, and answerable to claims of justice (JSM, *Autobiography*, I: 255–7).[3] Here too, then, we ought to assign a role for HTM in helping JSM shape his views, as well as some originality of her own.

Principles, and "On the Futurity…" in particular, has drawn the vitriol of later commentators on HTM's head, as it contains one of the clearest expressions of JSM's socialism, for any sign of which she is often made the scapegoat (Robbins 1967: xxxix; Schwartz 1972: 190–2; Flew 1975: 21; Ekelund and Tollison 1976: 215; Von Mises 1978: 195; Rees 1985: 7; Reeves 2007: 213; Légé 2008: 199, 202; Winch 2009: 50–4). It would be mistaken to assume that "On the Futurity…" was *solely* HTM's composition, neither reflecting views also shared by JSM nor having any connection to his other works (Winch 2009: 50–4). Rather, it is closely linked to the chapters on property and *laissez-faire* in *Principles*, and has roots stretching back to *The Claims of Labour* and forward to *Newman's Political Economy*, *Co-operation* and the *Autobiography* (McCabe 2011: 281).[4] JSM says HTM made him bolder about contemplating visions of the future that, in the mouths of Socialists, were much mocked by political economists, whilst keeping his feet firmly on the ground, so that these proposals were considered concretely and as practical problems (JSM, *Autobiography*, I: 277). Even granted this is true, this does not mean, as some have argued, that all JSM's socialist views were due to his wife; that they were thus somehow unauthentic to him; and that he rid himself of them as soon as she was dead (Winch 2009: 53).[5] On the other hand, given their close intellectual and working relationship, and her own evidently socialist views, clearly HTM did have *some* role in shaping JSM's socialist beliefs (HTM 1998: 50, 61).

Something nefarious has been read into the chronological coincidence of JSM's interest in socialism and his relationship with HTM, and into the fact that the period at which JSM was happiest to forthrightly align himself with socialism (1848–52) coincides with their marriage (in 1851) (Winch 2009: 53). However, it also coincides with the period in which JSM believed the public was most open to socialism, and in the backlash which followed 1848, he toned down his rhetoric without ever really changing his views. Moreover, given the nature of their previous relationship, it is not clear why their *marriage* should make JSM's views suddenly change. Furthermore, it is surely as plausible to reason from cause to effect the other way, and blame HTM's socialism on JSM.

Moreover, JSM did not become involved in socialism solely through HTM. His first contact with socialism came through Bentham's, and his father's, acquaintance with Robert Owen, which was followed by debates with Owenites in the 1820s (JSM, *Autobiography*, I: 127–9). Later in that decade, JSM had a close relationship to Saint-Simonism (JSM, *Autobiography*, I: 175). Indeed, JSM had met Henri Saint-Simon himself on his visit to Paris in 1820 (JSM, *Autobiography*, I: 63). JSM's interest in socialism, therefore, pre-dated his relationship with HTM.

Furthermore, during their relationship his interest in socialism was not entirely motivated or sustained by hers. Mill had contact with a number of other socialists, for example George Jacob Holyoake, Edward Vansittart Neale and Frederick Maurice in England, and Louis Blanc on the Continent – introductions which were also not effected by HTM (indeed, she evidently strongly disliked Holyoake) (HTM 1998: 340–1).

More importantly, however, JSM's interest in socialism did not wane after HTM's death. His basic commitments to land nationalization, workers' cooperatives, state ownership of natural monopolies and severe restraints on inheritance continued until

his death, and were unaffected by his wife's demise (McCabe 2011: 281). These commitments come out of his underlying political theory, which fits neatly under his own conception of socialism, is recognizably akin to contemporary cooperative socialism, and conforms to a conceptual definition of socialism: JSM's socialism is not something added onto his general political theory, but the correct label for it (Stafford 1998: 327; Reeves 2007: 228–37; McCabe 2011: 1–296).

"On the Futurity" is not only used to blame HTM for JSM's socialism, but also to claim that he was completely under her spell, and became her mere mouthpiece or intellectual slave. Careful examination shows this claim is exaggerated. In what has been called a "notorious" letter, JSM responds to HTM's suggestion that they change an earlier criticism of communism on the grounds that it overplayed the utility gained by securing the necessities of life (Stafford 1998: 327; JSM, *Principles*, III: 978, 1027–9). These, they had previously written, once secured, become much less important than liberty, individuality and diversity, an opinion HTM now thought not entirely correct (JSM, *Principles*, III: 978). It should be noted that this does *not* mean HTM was herself a communist, nor that she wanted JSM to become one: rather, she simply felt their criticism of this particular communist claim was no longer valid – there might be much else, however, to be said against it.

After promising to think seriously about this question, and insisting he could not change *Principles* until he was sure he had changed his mind, JSM added that he would probably come to agree with HTM, both because he was certain they would always agree "when we think long enough" and because of "the certainty I feel that I never should continue long of an opinion different from yours on a subject which you have fully considered" (JSM, Letter to HTM, Feb 19, 1849, III: 1027–9).

Three things should be noted. First, despite HTM's evident desire that the passage be changed, it stood in the 1849 edition (though it was changed in later editions) – JSM could not have been *entirely* subservient to her wishes, then.[6] Secondly, when eventually altered, the passage is not so significantly different from the original: JSM does now say "an end to all anxiety concerning the means of subsistence … would be much gained for human happiness," but he adds the fairly strong caveat that:

> [I]t is perfectly possible to realise this same advantage in a society grounded on private property … Supposing this attained, it is surely a vast advantage on the side of the individual system, that it is compatible with a far greater degree of personal liberty. (JSM, *Principles*, III: 978)

JSM did indeed come to agree with HTM on the specific point in question, but his general stance concerning communism remained the same: it has benefits, but it has drawbacks, too. (Indeed, this is the same position JSM puts forward in *Chapters on Socialism*, where his praise of communism is much more strident than in this passage of *Principles*, and which was written long after HTM's death and his apparent "falling away" from socialism (JSM, *Chapters*, V: 713)). If HTM really was the rabid communist she has been made out to be, and she really did have the kind of control over JSM that has been asserted, we might expect his position to be far less considered, and consistent.

Most importantly of all, why should we run scared of the idea that JSM trusted HTM's judgment, respected her reasoning capacities, her opinions, her intuitions, and her

beliefs, and thought himself likely to agree with her well-considered opinions if he too pondered something carefully? That is the kind of relationship we have with people we love and respect, and to whom we turn as sounding-boards for the correctness of our own personal beliefs, knowing – as we know we respect and love them – that if we think something radically different from them, there may well be something wrong with our opinion. This attitude by no means makes us anyone's intellectual slave, and it seems to more adequately reflect the relationship between both JSM and HTM, for HTM, too, was open to suggestion, persuasion, and frank discussion with JSM.

4. Marriage, Death, and Religion

Taylor died in 1849, with HTM (who nursed him through his final illness) and his children by his side. Then ensued a second scandal – should HTM and JSM marry? Evidently, they wanted to live together, but on the one hand there was their very public dislike of the institution of marriage, and on the other there was the concern of JSM's mother and sisters that in "making an honest woman of her," JSM would merely confirm that HTM had been his mistress for the past twenty years. Unable to please both parties, JSM and HTM alienated themselves from both by marrying in 1851.

During this period, they were convinced their health was fatally bad, and they set about drafting the *Autobiography* and planning all the things they had not yet had time to write, which means we ought not to cease to see HTM's hand and influence in works JSM wrote long after her death (obvious pieces being *The Subjection of Women* and *Utilitarianism* as well as *On Liberty*) (JSM, *Autobiography*, I: 245, 249–59). One point of interest is JSM's essays on religion, many points of which are prefigured in previously-written joint works (HTM 1998: 158–9, 358, 355–6). HTM was particularly passionate during her husband's illness about the problem of evil, and, given JSM's consideration of the possibilities of a non-omnipotent but benevolent Deity somewhat akin to Zoroastrianism, she makes a very interesting comment about thanking "the good [God] who must abhor this wicked work of the demons as much as I do" (HTM 1998: 366). JSM, famously, was brought up an atheist, and we know little of HTM's religious beliefs before she met him – indeed, here may be signs of influence going the other way, with JSM increasing HTM's atheistic tendencies (JSM, *Autobiography*, I: 41).

In 1858 HTM's health worsened, and her condition deteriorated as they attempted to travel to Italy for a better climate. She died in Avignon, where she was buried, covered by a Carrara-marble tombstone engraved with so long a eulogy there was no room for JSM's name when he, too, died. JSM dedicated his most famous work, *On Liberty* (published shortly after), to her memory, and named her as co-author (JSM, *Autobiography*, I: 277–9). As already noted, many people assume *On Liberty* is "free" from HTM's influence, but as shown previously, her ideas about liberty were akin to JSM's, and, indeed, his famous "harm" or "liberty" principle may have come first to her mind.

Although in the next decade JSM went on to a political career and received much more publicity and fame than he had done whilst HTM lived, we ought not to think her influence dropped entirely out of his work. For one thing, as already noted, she had

helped him plan many of the works he wrote in these later years. For another, they were of one mind in most things, and so what is his is, to some extent, hers. After another fourteen years of campaigning for women's education, women's suffrage, women's rights; for cooperation and workers' rights; for justice in Jamaica; and for freedom, JSM died in 1873, and was buried in the same grave as HTM. An attempt to give him a Westminster funeral was scuppered by the raking up of an arrest when he was seventeen for distributing information about contraception, and though it perhaps means he was not accorded the honor he was due, it is probably better that he is quietly moldering into the same earth as her.

Theirs was a remarkable relationship, and an extremely close one, intellectually and emotionally. Many others influenced JSM's work – Jeremy Bentham, James Mill, Auguste Comte, Gustave d'Eichthal, John Sterling, Thomas Carlyle, John Elliot Cairnes, Alexander Bain, William Thompson, Alexis de Tocqueville, even Charles Fourier, and Robert Owen – but none influenced him in so many ways as HTM, or had such an irreversible, and indeed unmeasurable, influence on his life. HTM's own originality, clear-sightedness and philosophical ability are over-shadowed by her collaboration with such a famous philosopher, and by later years' determination to deny her any significant role in his output or thought. Hopefully, this attitude is diminishing, and we can turn to look at HTM as an interesting philosopher in her own right, accord her the respect her collaboration with JSM should earn her, and also recognize that a philosopher so many admire so much would not have been half the man he was without her.

Notes

1 Of a set of inadequate options, I have determined to use HTM, despite it being occasionally cumbersome and inelegant. For equality's sake, I also use JSM.

2 Jacobs calls this "absentee mothering," but it was fairly usual for women of HTM's class (Jacobs 1998: xxviii).

3 JSM originally got this idea from the Saint-Simonians, but HTM helped him embrace it.

4 Winch, spotting the socialism in the chapters on property, also assigns these solely to HTM's hand, but this argument is unpersuasive for the same reasons (Winch 2009: 50–4). One might, of course, blame HTM for *every* pro-socialist assertion in JSM's work, for she was alive when he sketched his socialist utopia in *Claims*, and helped write, and edit, the passages of the *Autobiography* where he affirms their socialism. But there would still be the problem of JSM's continued acknowledgement of socialism after HTM's death, something which cannot be denied merely by pointing at the incomplete *Chapters*, as Stafford rightly points out. (Stafford 1998: 325–45).

5 Winch also alleges that this change of heart is not clearly revealed in later editions of *Principles* because JSM was devoted to HTM's memory (Winch 2009: 50–54). This, too, is unpersuasive.

6 It has been insinuated that JSM's attitude changed towards socialism between 1848 and 1852 because HTM was insufficiently attentive to the early draft, forcing JSM to change it once she had read *Principles* more attentively. This is directly belied by their correspondence, is otherwise unsubstantiated, and also seems psychologically implausible (Winch 2009: 53).

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9

The French Influence

VINCENT GUILLIN

John Stuart Mill was undoubtedly a "Greece intoxicated man" (Bain 1882: 94). But Mill was also a "France-fascinated intellectual," and a proper understanding of some of his most distinctive ideas cannot eschew the consideration of his relations to France: besides his affective attachment to France and the French – he escaped from his father's tutelage on the occasion of a one-year trip abroad,[1] toured the country with and without his wife Harriet Taylor several times, buried her in Avignon, wintered nearby her grave thenceforth, and eventually died there after a botanizing stroll[2] – Mill was driven by an intense intellectual curiosity towards French society, its political, social, philosophical, moral, and artistic life. It seemed to him that most of the trends characteristic of modernity (the development of democracy both as a political regime and as a social fact, and the evils associated with a possible "tyranny of the majority"; the ever-growing expansion of industry and commerce and the correlative rise of the working and middle classes as new political actors) were present and at work there. Accordingly, he drew from the recent history of France, along with that of England and the United States, the evidence from which he could elaborate his own conception of the evolution of mankind as well as using it as a benchmark against which to test for the cogency of his views. Hence the profusion of Mill's writing on France and the French, which quickly made him an authority on French politics and culture.[3]

But Mill did not only write *about* France and the French; for he also actively wrote – most of the time, in a flawless prose – *to* many representatives of the French intelligentsia in an attempt to engage in a dialogue with some of the first-hand witnesses of the transformations that were currently reshaping French society. These exchanges, fueled by a continued interest in the flurry of ideas originating from almost all segments of the French intellectual spectrum, helped Mill sharpen, enlarge, or correct his views. Yet, what Mill primarily drew from his familiarity with French thought was a distinctive way of articulating *historically* the substantial ethical, social, economic, and political claims he defended. In a nutshell, it allowed him to develop an original social and historical philosophy of liberty.

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Mill's relation to French thought is also of crucial significance for his own intellectual trajectory. As recalled by the *Autobiography*, his first serious encounter with French doctrines and authors (in the early 1830s) was part and parcel of the process of mental and ideological recovery that followed his psychological crisis of the late 1820s, a period during which "[the] influences of [...] Continental thought [...] were streaming upon [him]" (*Autobiography*, I: 169). Accordingly, Mill's continued engagement with French thought must be viewed as a key element in Mill's emancipation from the narrow-minded utilitarianism inherited from his father and Bentham, and a crucial step in the shaping of a philosophy of his own. In what follows, I will try to provide a synthetic overview of the various ways in which such a transformation was achieved.[4]

1. Emancipation and Revolutions: Mill's Early Discovery of France and its History

In his *Autobiography*, Mill stressed the importance of his one-year stay (1820–1) in Southern France: there, in the convivial ambiance of the family of Samuel Bentham, Jeremy's brother, he discovered the "free and genial atmosphere of Continental life," which advantageously compared to the "low moral tone" of English society (*Autobiography*, I: 59–61). This first experience abroad, besides sowing the seed of his Francophilia, made Mill more receptive to the variety of what he would later call "national characters" (Varouxakis 2002a), paving the way for his idea that the social, moral, and political improvement of mankind was a gradual process that depends on the respective circumstances, mores, and state of development of the various populations concerned,[5] a lesson at odds with the simplistic theory of human nature of James Mill, which judged "universal questions by a merely English standard" (*Autobiography*, I: 63). But it would take a psychological crisis and a lot of reading, thinking, and discussing before Mill could distinctly perceive that.

Upon his return to England, Mill's Gallic enthusiasm took a more political turn, with his close study of the history of the French Revolution. At a time when the revolutionary period was judged in England, by conservatives and most liberals alike, in the light of its bloodiest episodes, Mill defended it as a crucial step in the progress of freedom, the unprecedented example of a revolution in which "the principles of democracy [...] had borne all before them [...] and had been the creed of the nation," (*Autobiography*, I: 65) not that of a mere section of the people, like it had previously been the case in England. Mill's juvenile "aspirations to the character of a democratic champion" even culminated in the somewhat exalted dream of becoming "a Girondist in the English Convention" (*Autobiography*, I: 65–7).

Outgrowing its romantic phase, Mill's interest in the French Revolution more soberly translated, during the late 1820s and 1830s, into a string of articles[6] in which he opposed "the torrents of unmeasured and undiscriminating invective [...] poured forth against the Revolution" (*Scott's Life of Napoleon*, XX: 62). Emphasizing the popular nature of the uprising and its legitimate attempt at getting rid of a monarchy turned despotic and of a selfish and oppressive aristocracy, Mill both celebrated the genuine love of the public good that had animated most of the key actors of the Revolution (and, first and foremost, *Girondins* like Condorcet) and invoked the necessity of fighting the

enemies of liberty, at home and abroad, to account for the dramatic turn taken by the events. For the French rightly saw that, against the reactionary forces assembled to crush them, the alternative was simple: "*La liberté ou la mort*."

Quite predictably for a self-avowed "radical and democrat", Mill welcomed the news of the Revolution of July 1830 with "utmost enthusiasm" (*Autobiography*, I: 177). As soon as the smoke of the barricades had dissipated, he hurried to Paris to join in the celebration of the fall of the Bourbons. Mixing both with the Parisian populace and the representatives of the various political factions, especially the "active chiefs of the extreme popular party" (*Autobiography*, I: 179)[7], Mill became convinced that it was in the name of the true "principles of democracy" – fair representation and freedom of expression – that the fight had been fought. In a series of letters sent from Paris to the *Examiner* in August 1830,[8] he insisted on the moderation and good sense displayed during the "*Trois glorieuses*" and immediately afterwards by the common people of Paris, "who had but one idea, that of fighting for their legal rights, and the observance of the legal rights of others followed as an immediate corollary". He was less charitable with the "monied class," which only showed "apathy and cowardice" (Letter to James Mill, Aug 20, 1830, XII: 56, 57–8) during these events.

Back in London, Mill dedicated a fair share of his time reporting on the progress of the democratic spirit in France.[9] He well knew that the July Monarchy was not the ideal incarnation of a modern constitutional order: infected with place-hunting and jobbery, the new regime allowed the appearance of a wealthy oligarchy that temporally sided with the people to dispose of the old aristocracy. Yet, at first, Mill optimistically registered signs of improvement, such as the abolition of hereditary peerage or the passing of the bill enforcing the establishment of a primary school in every *commune*. But the difficulty to achieve real significant social change and the dodging of the most pressing political issues – most notably the extension of suffrage – together with Louis Philippe's growing authoritarianism and the continuous governmental assault on the press, gradually convinced him that the liberal aspirations of the July Revolution were not to be satisfied as quickly as he had hoped. By late 1834, utterly disappointed by the failure of the democratic experiment in France, Mill discontinued his weekly report of French news.

A few years later, Mill probed deeper in the reasons of such an unfortunate outcome: in France, the public mind was not ripe for democracy, neither on the side of the wealthy classes, which used the power of the state to defend their privileges by enforcing an institutional *statu quo*, nor on that of the people, which balanced between the unreasoned use of violence and sheer indifference towards the advancement of its own cause. More fundamentally, what the French lacked were *mœurs constitutionnelles*: "equal justice and equal protection to all opinions" and a "feeling of respect and obedience to the law" (*Armand Carrel*, XX: 191). Absent theses dispositions, democracy could not thrive.

The depressing outcome of the July Revolution prompted Mill to reassess the conception of democratization he had inherited from his father and Bentham: clearly, the overthrow of the *Ancien régime* and the rise of the middle classes did not ensure the equal representation of all social interests, much less the "greatest happiness of the greatest number". This questioning of some of the most fundamental tenets of his political creed was one key element in Mill's attempt, in the aftermath of his psychological crisis, to transcend the dreary and mundane utilitarian ideals he had been raised to defend and to enrich the hopelessly abstract theory of human nature on which it depended. At that critical juncture in his intellectual trajectory, Mill's engagement with French thought would prove crucial.

2. Administering Society: The Saint Simonians

Mill himself highlighted his discovery of Saint-Simonianism as one of the "turning points" of the "progress in [his] mode of thought" (*Autobiography*, I: 175).[10] First acquainted with the doctrine around 1828, Mill only grasped its social significance after the July Revolution, precisely because it explained why the latter did not deliver what it had promised. According to the Saint-Simonians, the repeated revolutionary outbreaks that had been shaking France, and more generally Europe, were evidence of the "critical" nature of the period: the feudal and monarchical order, no longer able to promote intellectual, moral, and material progress, had to give way to a new social mode of organization; unfortunately, the very nature and goal of that organization had not yet emerged, thereby preventing the advent of a new "organic" period during which modern societies could develop harmoniously. Hence the necessity of formulating a systematic program of improvement, premised on a fixed set of beliefs. Such a speculative undertaking required, in its turn, the establishment of a *spiritual power*, composed of individuals endowed with the highest theoretical capacities and conversant with the latest findings of the "natural" and "moral sciences," which would scientifically determine the path of reforms to follow, in accordance with the current stage reached by human evolution.

Clearly impressed by the analytical framework elaborated by the Saint-Simonians, Mill incorporated some of its key components – most notably the distinction between "critical" and "organic" periods – in his own historical assessment of the present situation of Europe (see *Spirit of the Age*, XXII: 252–3). He also shared their belief in the urgency of formulating a comprehensive doctrine that could accommodate the various challenges faced by post-revolutionary societies, in particular the improvement of the lot of the less fortunate classes. And he certainly welcomed the thought of a spiritual power in which he could himself, as a philosopher, an economist, a student of history, and a journalist, usefully participate.

However, despite its appeal, Mill still could not condone the authoritarian bent of Saint-Simonianism: the very idea of "organizing" the spiritual power, that is, of regulating the production and diffusion of opinions, instead of letting them appear spontaneously, spread through a free press, and prevail on one another by way of discussion and argument, seemed to Mill incompatible with the intellectual development the doctrine called for (See Letter to Gustave d'Eichtal, Nov 7, 1829, XII: 40–1).

Yet, what seemed to have struck Mill most was the conception of progress on which Saint-Simonianism was premised. It indeed claimed:

> that the human mind has a certain order of possible progress in which some things must precede others, an order which government and public institutions can modify to some, but not to an unlimited extent. (*Autobiography*, I: 169)

and that the study of history could provide evidence as to the direction and term of this progress. Accordingly, such a view called for the adoption of a relative standard of historical judgement, since an institution that now seemed to hinder human development (like, for instance, the present dogmatic and anti-democratic Catholic Church) could once have played a crucial role in its evolution (say, by supplying Christian populations

with a moral code and by policing their most antisocial tendencies). Obviously, this kind of historical relativism sat ill with the absolutist approach of political and social matters Mill ascribed to his father and most Utilitarians. On the other hand, it made clear that the primary condition of a sound political intervention was "to ascertain what is the state into which, in the natural order of the advancement of civilization, the nation in question will next come," so as to be able "to facilitate the transition into this state" (Letter to G. d'Eichtal, Nov 7, 1829, XII: 43). In other words, the Saint-Simonians had demonstrated that "any general theory or philosophy of politics supposes a previous theory of human progress" (*Autobiography*, I: 169), a truth that would be at the heart of Mill's utilitarian plea for liberty, which, he argued, was "grounded on the permanent interests of man as a progressive being" (*Liberty*, XVIII: 224).

Despite admiring their daringness in proposing momentous and innovative reforms, Mill nonetheless rarely agreed with the content or timeliness of the specific policies advocated by the Saint-Simonians. For instance, he very much doubted the practicability of their plan of establishing "a sort of joint-stock management of the entire productive resources of the nation: the land, and all the instruments of production, being the property of the State" (*Fontana and Prati's St Simonism in London*, XXII: 678), just as he feared that the public appropriation of private estates via the imposition of high inheritance taxes would prove both economically inefficient and socially disruptive; yet, these unorthodox proposals opened his eyes "to the very limited and temporary value of the old economy, which assumes private property and inheritance as indefeasible acts" (*Autobiography*, I: 175), and certainly paved the way for his more mature views on landed property (*Principles*, II: 226–32; III: 821–2) and the limitations of the freedom of bequest (*Principles*, III: 810–2; 887). Similarly, Mill balked at the idea of a *temporal power* that would both organize the production of goods and oversee the repartition of wealth. But he nonetheless commended as an admirable "ideal of human of society" (*Autobiography*, I: 175) the willingness of Saint-Simonians to apportion "to each according to his capacity; to each according to his works". Finally, and perhaps most significantly given his later involvement in the feminist cause, Mill applauded "the boldness and freedom from prejudice with which [the Saint-Simonians] treated the subject of family" (*Autobiography*, I: 175) and their principled stance against arranged marriage, for the liberalization of divorce and in support of female education. On a more personal note, Mill had also incurred another debt towards the Saint-Simonians: he owed them his discovery of Auguste Comte, another of the "turning points" in the shaping of his views on social science, politics, and religion.

3. "Positive Philosophy" or "Positive Politics"? Auguste Comte

Comte's thought really had cast a "spell" on Mill (see Rosen 2013, Part II): acquainted with his early work in the late 1820s, Mill caught up with Comte's *Cours de philosophie positive* (1830–42) whilst writing the *System of Logic* (1843), before entering into an intense correspondence (1841–7) with Comte, finally publishing in 1865 a book-length examination of Positive Philosophy, *Auguste Comte and Positivism* (X: 261–368). That philosophical encounter, which the *Autobiography* tends to downplay (I: 173, 219–21, 231, 271–2), was crucial in Mill's intellectual trajectory: it helped him realize that a

common set of epistemological claims about what constituted the "scientific" or "positive" spirit (the primacy of observation; the search for natural laws; the refusal to inquire about primary or final causes; the adoption of a naturalistic method) did not necessarily lead to a shared conception of what would be the social organization most conducive to human happiness. Hence Mill's growing ambivalence towards, and final rejection of, the most central tenets of Comte's *politique positive*.

Mill's first impressions about Comte were indeed quite mixed. Supplied with a copy of the *Plan des travaux scientifiques nécessaires pour réorganiser la société* (1822), a tract calling for the reforming of post-revolutionary societies on the basis of a social science emulating the methods successfully applied in the physical sciences, Mill was struck by Comte's "power of systematizing, of tracing a principle to its remotest consequences" (Letter to Gustave d'Eichtal, Oct 8, 1829, XII: 36), even though he considered this purely "deductive" approach responsible for much of what was to blame in the pamphlet: for instance, it erred in holding production to be the unique end of society, with no consideration given to "the improvement of man himself as a moral and intelligent being" (Letter to G. d'Eichtal, Oct 8, 1829, XII: 36); more fundamentally, it wrongly claimed that all social forces should be made to converge towards one single goal. This last contention – the importance of cultivating individuality for human happiness and the necessity of taking it into account when assessing the expediency and relevance of political and social reforms – would become one of the distinctive features of the individualism Mill would later defend in *On Liberty* (XVIII: 260–75), as it would remain one of the strongest objections he levelled against Comte.

Mill's later discovery of Comte's *Cours de philosophie positive*, read whilst he was drafting his own *Logic* (*Autobiography*, I: 173, 217) did not have the epistemological impact one might have expected: already a convinced naturalist (*Autobiography*, I: 173), Mill claimed to have developed his conception of scientific explanation and his methodological canon independently of Comte. Yet, there was one matter on which he would not skimp on his debt: the impact of Comte's thought was most decisive for his understanding of the logic of the "moral sciences" (*Autobiography* I: 217–9, 255n). For Comte did not merely formally distinguished between the two complementary aspects of sociological inquiry, namely "social statics" – the study of the laws governing the relations of the various elements (institutions, laws, mores, customs, beliefs) from which society is made of at a given stage of its development – and "social dynamics" – the study of the laws accounting for the evolution of societies from one stage of their development to the other – but he also properly defined the latter (see for instance *Principles*, III: 705). Furthermore, Mill claimed that the law of the three states – which described the gradual evolution of the human mind from a theological to a positive state, through a metaphysical one – indeed provided an appropriate tool for the interpretation of the historical development of mankind (*Logic*, VIII: 928–30; and, later, *Auguste Comte*, X: 269, 315–26). Yet, he also made clear that, whereas he fully endorsed the "method" suggested by Comte for the study of social phenomena, he was more guarded about some of the general views he had reached as to the course of the evolution of mankind (*Logic*, VIII: 928).

The first signs of that tension surfaced in the letters Comte and Mill exchanged throughout the 1840s, most notably with respect to the contested issue of women's

place in society (Guillin 2009). The debate, which revolved around the question as to whether men and women were endowed with the same intellectual and moral capacities, addressed the various aspects – biological, sociological, historical – of the matter and allowed Mill to introduce more fully his take on the problem. Whilst acknowledging that brain science – on which Comte rested a good part of his case for the subjection of women – certainly played a role in the settlement of the question, Mill demonstrated that none of the pieces of anatomical evidence adduced by Comte proved anything as to the mental constitution of mankind, and *a fortiori* to the alleged inborn inferiority of women (Letter to A. Comte, Jun 9, 1842, XIII: 525–6). On the other hand, neither the present subjection of women nor the fact that their submission to men had persisted throughout history supported Comte's views about their natural inferiority, since "feminine nature" was the result of a centuries-long process of subjugation that thwarted the development of their mental capacities (see Letters to Comte from Jul 13, 1843, XIII: 589–91; Aug 30, 1843, XIII: 592–4; and Oct 30, 1843, XIII: 604–11). The only way to decide whether women could be the equals of men was to emancipate them from male tutelage. This discussion gave Mill the opportunity both to stress the necessity of developing a science of the formation of character (which would emphasize the importance of environmental influences), what he had christened Ethology in the *Logic* (VIII: 861–74), and to elaborate some key arguments he would later use in the *Subjection of Women* (1869). Eventually, Comte's stubborn refusal to hear any of his points convinced Mill that the founder of Positivism was not a supporter of progress, at least in the sense he himself understood that term.

The dogmatism and rigidity displayed by Comte in his correspondence with Mill reached its climax with the *Système de politique positive* (1851–4), a four volume treatise instituting the Religion of Humanity, with Comte declaring himself its "Great Pontiff", and introducing an obsessively detailed scheme of social organization governing all aspects of human existence. Because he had been instrumental in diffusing the central tenets of "*Positive philosophy*"[11], Mill feared people would believe he also endorsed the authoritarian program articulated by "*Positive politics*". Hence the publication, eight years after Comte's death, of *Auguste Comte and Positivism*, a "critical examination" aimed "at sifting what [was] good from what [was] bad in [his] speculations" *(Autobiography*, I: 271).

Mill's appraisal of Comte's ideas sharply contrasted the overall progressive philosophical contribution of the *Cours* with the outlandish and potentially damaging moral and social views of the *Système*, which Mill declared "the completest system of spiritual and temporal despotism, which ever yet emanated from a human brain, unless possibly that of Ignatius Loyola" (*Autobiography*, I: 221).

In itself, Mill did not consider the very idea of a Religion of Humanity, that is, of a secular creed extolling the "Human Race, conceived as a continuous whole, including the past, the present and the future" (*Auguste Comte*, X: 333), as a genuine object of worship and striving to cultivate our altruistic feelings, to be oppressive. On the contrary, he praised it as an inspirational ideal that would contribute to the ethical improvement of mankind (see *Utility of Religion*, X: 422). What Mill strenuously objected to was Comte's willingness to make all personal inclinations subservient to the well-being of Humanity. In that scheme, "To Live for Others" would both become "the test of conduct" and "the exclusive motive to it" (*Auguste Comte*, X: 336). This primacy granted to

morality was due to Comte's obsession with "unity" and "systematization" (*Auguste Comte*, X: 336). On the one hand, Comte failed to understand that mankind could well

> obtain a greater sum of happiness when each pursues his own, under the rules and conditions required by the good of the rest, than when each makes the good of the rest his only "object" (*Auguste Comte*, X: 337)

a possibility that was at the heart of Mill's so-called indirect utilitarianism (*Utilitarianism*, X: 18). On the other hand, because Comte entertained that warped conception of humanity according to which all individual pursuits were blamed as selfish, he devised a comprehensive system intended to maim personal inclinations and cultivate altruistic feelings. In Comte's scheme, all aspects of human existence became objects of incredibly meticulous regulations. No space was left for initiative or originality.

But what undoubtedly horrified Mill most was the "spiritual despotism" (*Auguste Comte*, X: 314) in which Comte's "positive polity" resulted. For, although freedom of expression and association would still be guaranteed by the separation of the temporal and spiritual powers, it was very likely that the positive priesthood, through its monopoly on education and control over the agenda of research, would repress any opinion diverging from the "dogma", thereby stifling the mental capacities of the population by depriving it of the only means – discussion, argument, controversy – of reaching the truth. For Mill, there was something truly paradoxical in trying to provide for Humanity's happiness at the expense of the intellectual and personal development of individuals, the latter being an essential element of the former (see *Autobiography*, I: 221; *Liberty*, XVIII: 227).

Comte's authoritarian scheme was in radical opposition with Mill's conception of a social and political organization promoting the global happiness of mankind without curtailing individual freedom. Yet, scaled by the disappointing outcome of the July Revolution and aware of the present inability of the popular party to embody the claims of the general interest, Mill also knew that mere institutional reform would not bring about the kind of regime he called for. Worse, he progressively came to the conclusion that an uncontrolled enlargement of the franchise could compromise the very ends aimed at by the democratic ideal he subscribed to. Comte's enlightened dictatorship was not the only danger to avert: there also existed, in addition to that "despotism from above," the threat of a "tyranny from below."

4. The Uncertain Prospects of Democracy: Alexis de Tocqueville

Mill claimed that the "shifting of [his] political ideas from pure democracy, as commonly understood by its partisans [in which Mill certainly included his father and Bentham], to the modified form" he eventually advocated in his 1861 *Considerations on Representative Government*, "took place very gradually" (*Autobiography*, I: 199). He precisely traced back the awakening of that heightened sense of the "specific dangers which beset Democracy, considered as the government of the numerical majority" (*Autobiography*, I: 199), to his reading of the first part of Tocqueville's *De la démocratie en Amérique* immediately after its publication, in 1835 (on Mill and Tocqueville, see Kahan 1992).

Mill did not spare his efforts to publicize Tocqueville's views in England (see his *Rationale of Representation*, XVIII: 18n; and his two reviews of *De la démocratie en Amérique*, *De Tocqueville on Democracy in America [I]*, XVIII: 49–90 and *De Tocqueville on Democracy in America [II]*, XVIII: 155–204). He had of course a tactical reason for doing so: despite his reservations about the adverse political and moral effects of the equalization of conditions, Tocqueville still described the progress of democracy as an unstoppable historical trend. Therefore, the problem no longer amounted to choosing between monarchy, aristocracy or democracy, but "between a well and an ill-regulated democracy" (*De Tocqueville on Democracy in America [I]*, XVIII: 56). Mill was also impressed by the scope of Tocqueville's analysis – which offered a comprehensive understanding of the process of democratization at large and not only in America – and by the distinctive approach he had adopted – the alleged effects of democracy being both deduced from the most general laws of human nature and empirically observed to occur in democratic societies (*De Tocqueville on Democracy in America [II]*, XVIII.: 157). Finally, Mill also found in Tocqueville's own experience – that of a young aristocrat who lamented the disappearance of the virtues of the old world but nonetheless accepted the ineluctability of the democratic condition and praised some of its potential benefits (*Writings of Alfred de Vigny*, I: 466) – an inverted mirror-image of his own evolution – that of a radical democrat who progressively acknowledged that some aspects of popular government could be inimical to individual freedom.

In his review of Part I of *De la démocratie en Amérique*, Mill was still intent on mitigating some of the concerns raised by Tocqueville's prospects about the future of democracy. Although he agreed that the progressive disappearance of the older social structure caused by the levelling of conditions could lead to "the absolute rule of the head of the executive over a congregation of isolated individuals, all equals but all slaves" (*Autobiography*, I: 201), Mill nonetheless argued that the constitutional arrangements in effect in the USA (the system of checks and balances, the accountability of functionaries, the holding of regular elections, and the judicial oversight by the courts) were effective bulwarks against such a threat. What particularly challenged Mill in Tocqueville's account of the American experience was his emphasis on the role of municipal institutions, considered as "the very fountain-head of democracy" (*De Tocqueville on Democracy in America [I]*, XVIII: 58). Amending his centralist bent (*Autobiography*, I: 201–3), Mill drew from Tocqueville the idea that it was through:

> the habit of superintending their local interests [...] that diffusion of intelligence and moral activity, as applied to joint concerns, take place among the mass of a people, which can qualify them to superintend with steadiness or consistency the proceedings of their government. (*De Tocqueville on Democracy in America [I]*, XVIII: 60)

Mill also acknowledged that the exact appraisal of where to draw the line between abusive interference and legitimate intervention from the central government, and more generally between what ought to be left to individual initiative and what should be devolved to the state, varied greatly according to the stage of development reached by the populations considered (*Autobiography*, I: 201–3): for instance, whereas the English had demonstrated that industrial undertakings fared better when handled privately, but still needed to overcome their anti-centralization prejudices when dealing with the evils

of poverty and ignorance, the French had to learn how to emancipate themselves from the tutelage of an invasive state that smothered their spontaneity and originality (see *Centralisation*, XIX: 579–613).

Mill's second article on Tocqueville's *Démocratie* addressed a different concern raised by the development of democracy as a social fact, namely its tendency to foster conformism. According to Tocqueville, because the democratic dynamics of modernity was primarily driven by a "passion for equality," it threatened to give rise to a "tyranny of the majority" that would resent any divergence from the collective norms or the ideological standard of one's society as a transgression and would result in non-political or non-legal forms of oppression – such as social pressure or stigmatization – targeting dissenting minorities or individuals. As Mill observed, the disappearance of the ancient sources of guidance did not mean that, for many such topics as the definition of the good life or the choice of one's lifestyle, every individual would craft her own set of beliefs. In a democracy, he explained, "[all] being nearly equal in circumstances, and all nearly alike in intelligence and knowledge, the only authority which commands and involuntary deference is that of numbers" (*De Tocqueville on Democracy in America [II]*, XVIII: 179). Hence the risk of seeing prevail a cramped conception of existential values and a growing hostility towards originality or novelty. Such a trend, Mill argued, could already be observed through the gradual diffusion of the commercial spirit in England, the United States and, to a lesser extent, France, at the expense of other dimensions of well-being not catered for by the pursuit of wealth, most notably those associated with involvement in the public sphere and the cultivation of intellectual or artistic endeavors. Mired in a mangled conception of human excellence, unable to escape the weight of social conformity, the democratic subject could end up being stuck in a state of "Chinese stationariness," as Mill described the horizon of Tocqueville's anticipations (*De Tocqueville on Democracy in America [II]*, XVIII: 188).

Although Mill acknowledged the seriousness of such a threat, he nonetheless questioned both Tocqueville's claim that democracy per se was responsible for mediocratization and the idea that such a process could not be eluded. On the one hand, he argued that the detrimental effects of "civilization," equated with the diffusion of the commercial spirit, the rise of the middle classes and the ascendancy of their values – "that treading upon the heels of one another – that habitual dissatisfaction of each with the position he occupies, and eager desire to push himself into the next above it" (*De Tocqueville on Democracy in America [II]*, XVIII: 193), should not be conflated with the democratic equalization of conditions. On the other hand, the advent of a "tyranny of the majority," that is, the uncontested domination of the middle classes, was not an historical necessity, for "economical and social changes" were "not the only forces which shape the course of our species." Ideas too were "a power in history" (*De Tocqueville on Democracy in America [II]*, XVIII: 197–8); hence the urgency of cultivating a variety of opinions about what constituted human excellence, a diversity Mill thought a certain amount of social stratification could help preserve and foster, the "agricultural," "leisured," and "learned" classes serving as repositories for alternative mores and ways of life.

Two decades later, *On Liberty*'s attempt at finding the proper balance between individual independence and social control was premised on the acknowledgement of the threat associated with Tocqueville's "tyranny of the majority," "a social tyranny more formidable than many kinds of political oppression, since [...] it leaves fewer means

of escape, penetrating much more deeply into the details of life, and enslaving the soul" (*Liberty*, XVIII: 219–20). Apparently, Mill had come closer to Tocqueville's reluctant democratism, for he no longer dwelt on the influence of the commercial spirit to exculpate the equalization of conditions from its most debilitating effects. Furthermore, he no longer relied on social stratification, but now considered a most extended liberty of thought and discussion and the possibility of freely venturing into "experiments of living" (*Liberty*, XVIII: 261) – so long as it caused others no harm – as the most efficient means of escaping from social conformism.

5. The History of Liberty: François Guizot

On Liberty's plea for individual freedom clearly went beyond both the protection of individual rights against encroachments by the state or the majority and the celebration of originality and spontaneity as vital elements of one's personal well-being. The will to preserve and develop individuality was also crucial, Mill argued, to the very improvement of society as a whole (*Liberty*, XVIII: 261). The demonstration, which was central to his case in *On Liberty*, that the "unlikeness of one person to another is not only a principle of improvement, but would almost seem to be the only principle" (*De Tocqueville on Democracy in America [II]*, XVIII: 197), Mill had ascribed, twenty years earlier, to the French philosopher-historian François Guizot. And since European societies, contrary to their Ancient or Asian counterparts, had so far been constantly propelled by the development and confrontation of competing moral values and social principles, including the spirit of liberty, the general erosion of human diversity noticed in France by Tocqueville (in his 1856 *L'Ancien régime et la révolution*) and by Mill in England (*Liberty*, XVIII: 274) was by itself preoccupying enough to justify Mill's call for the preservation of the "free development of individuality [as] one the leading essentials of well-being" (*Liberty*, XVIII: 261), personally *and* collectively.

Although Mill finally came to entertain a negative estimation of Guizot as a politician (see Letter to Sarah Austin, Jan 18, 1845, XIII: 654), he nonetheless always commended his work as an historian, praising him as "among the first, if not the very first, of a school of writers on history, and the philosophy of history" (*Guizot's Lectures on European Civilization*, XX: 370). What struck Mill most in that new kind of historical scholarship, which had flourished on the Continent, and especially in France, after Napoléon's fall, was its ambition to offer an account of the succession of events and periods and of the laws governing it. In that last regard, it provided the Saint-Simonian intuition of a progressive development of mankind with its proper empirical verification whilst concretely exemplifying the positive methodological attitude codified by Comte (on Mill and Guizot, see Varouxakis 1999).

Mill was also impressed by Guizot's claim that "the multiplicity, the complication" characteristic of European societies was the main engine of its "Civilization," understood not only as "a state of improvement and progression [...] in the physical condition and social relations of mankind", but also "in their inward spiritual development" (*Guizot's Essays and Lectures on History*, XX: 266–7). Contrary to ancient societies in which the predominance of a power fueled social evolution in a certain direction at the expense of the other essentials of individual and collective well-being, modern Europe

had always maintained "a systematic antagonism [...] among rival powers naturally tending in different directions" that Mill considered the primary cause of the "spirit of improvement, which has never ceased to exist, and still make progress, in the European nations" (XX: 269–70; see also *Considerations*, XIX: 396–7). But this historical analysis of the past also stood a potent warning for the future: absent this perpetual antagonism, the progressiveness of European societies might be lost. Such was the factual backdrop that would give *On Liberty*'s plea for social pluralism its historical rationale (*Liberty*, XVIII: 274).

But the impact of Guizot's historical ideas extended well beyond the main thrust of Mill's liberal argument, and indeed echoed, confirmed or informed the very substance of some his views. It is especially true of the idea according to which the "modern spirit of liberty", that is, "the love of individual independence, the claim for freedom of action, with as little interference as is compatible with the necessities of society" was the result of the taming of the "self-will" of the Germanic savage by "the demands of civilized life" (*Liberty*, XVIII: 274). In *On Liberty*, all these constituents were blended with the Greek classical ethos so as to coalesce into an original "type of human excellence" in which "'Pagan self-assertion' is one of the elements of human worth, as well as 'Christian self-denial'" (*Liberty*, XVIII: 266). Although unmentioned, Guizot surely was one of the sources of Mill's mature elaboration of the importance of the manifoldness of human individuality.

As evidenced by his appropriation of Tocqueville and Guizot, Mill's "strong and permanent interest" in the French branch of "Continental Liberalism" (*Autobiography*, I: 63) allowed him to support his views on the indispensability of a representative government as a curb on the potential excess of a political tyranny of the majority and on the necessity of cultivating autonomy, spontaneity, and originality as crucial elements of individual and collective happiness by a long-term, retrospective, and prospective, account of the evolution of European civilization. But the course of history was not only played out in the past or determined by a desirable final state in the future; for liberty was indeed in the making, and also demanded that Mill pronounced on its promises and perils.

6. The Claims of Justice: 1848, Socialism, and Communism

The Revolution of February 1848 in Paris provided a perfect occasion for such an examination. Although Mill was – like many – caught unaware by the fall of the July Monarchy, it revived the enthusiasm he had experienced in 1830, except that this time, this "second 'three days'" ended "in the proclamation of a French Republic" (Letter to Henry S. Chapman, Feb 29, 1848, XIII: 731). Once again, Mill tried to dispel the unfounded fears of the English public, whilst celebrating the moderation of the Parisian people, defending the actions undertaken by the Provisional Government to guarantee both order and progress, and outlining to what extent what was happening in France was crucial for the political and social improvement of Europe at large.[12] As Mill pointed out, the extension of the suffrage granted by the Second Republic to peasants and workers did not collapse into an ochlocracy, quite the contrary; furthermore, the Revolution in France sparked a "Springtime of the peoples" that prompted the flowering

of popular and national claims throughout Eastern and Central Europe, thereby inaugurating a new era in international relations, for "every liberal government or people" now had "a right to assist struggling liberalism, by mediation, by money, or by arms, whenever it can prudently do so", especially when it fought against a foreign yoke (*Vindication of the French Revolution of February 1848*, XX: 346; Varouxakis 2013); finally, the mobilization of the Parisian laboring classes and the willingness of the French Republican authorities to cope with their demands put at the forefront of the debate *la question sociale*; that is, the cognate issues of the organization of work, the relation between capital and labor, and the distribution of wealth.

It was certainly with respect to these questions that the evolution of Mill's thought – his adoption of a "qualified Socialism" (*Autobiography*, I: 199) as he put it – was most distinctively influenced by the various social experiments carried out during the Second Republic, which prompted him to get a fair hearing for the various "socialist" doctrines that challenged the extant economic order. Hence his successive rewritings of some chapters of the *Principles of Political Economy* (especially of Book II, Ch. 1, "Of Property"; and Book IV, Ch. VII, "On the Probable Futurity of the Labouring Classes," which underwent significant revisions in the second and third editions).[13] Now, Mill's eagerness to present these heterodox views under the most favorable light possible was in no way a surrender of his liberal credentials. For, although he concurred with the socialist criticism of the existing economic system to the extent that it protested against "the unjust distribution of social advantages" (*Vindication of the French Revolution of February 1848*, XX: 351) and upheld the principle that reward be commensurate to effort, Mill nonetheless differed as to the means of improving social arrangements.

Comparing the merits of the various schemes at hand, Mill judged that the ability of Communism, as articulated in the writings of Louis Blanc for instance (*Principles*, II: 203; *Chapters*, XIX: 716–9), to diminish or enhance productivity remained "an undecided question" (*Principles*, II: 205), although he suggested that the level of altruism and disinterestedness it assumed demanded a "higher moral condition of human nature" than the one presently existing among the laboring classes (*Principles*, II: 210). As to the capacity to promote "the greatest amount of human liberty and spontaneity", Mill anxiously wondered whether the weight of public opinion, the primacy granted to the general interest and the bureaucratic control of production advocated by Communism "would not grind all down into a tame uniformity of thoughts, feelings, and actions" (*Principles*, II: 208–9). Everything considered, a reformed regime of private property, genuinely enforcing the principle that "the produce of labour be apportioned" according to the work performed (*Principles*, II: 207), might prove more conducive to the kind of ideal society Mill had in mind.

The prospects of Socialism, at least in the version advanced by Charles Fourier and later developed by Victor Considérant[14], were far more promising. Mill argued that it could fare quite well, both with respect to the improvement of productive efficiency and the advancement of individual autonomy. To the extent that the Fourierist *phalange* would operate like a joint-stock company but would distribute the produce of its operation between "Labour, Capital, and Talent", it was likely that it would "strengthen the motives to exertion" (*Principles*, II: 212) of its associates, either by inducing the involvement of the most competent individuals in management or by prompting workers to contribute more actively than under the present social arrangements or Communism.

With respect to individuality and spontaneity, the Fourierist mode of organization also compared favorably both with Communism, since it promoted local initiatives rather than a complete transformation of the productive apparatus along centrally planned lines, and with the existing economic system, because it left people free to engage in a variety of occupations. By so doing, it reconciled true liberty and "real equality," "not from the compression, but, on the contrary, from the largest possible development, of the various natural superiorities residing in each individual" (*Principles*, II: 214). Yet, Mill argued, it would be

> for experience to determine how far and how soon any one of more of the possible systems of community of prosperity will be fitted to substitute itself for the "organization of industry" based on private ownership of land and capital. (*Principles*, II: 214).

In this last regard, a reformed Capitalism, based on the generalization of a cooperative scheme still founded on private property, indeed remained a live option for Mill. As demonstrated by the various undertakings launched in the aftermath of the 1848 Revolution, in France and in England, in which either capitalists granted a share of profits to workers or laborers associated "themselves on terms of equality, collectively owning the capital with which they carry on their operations, and working under managers elected and removable by themselves" (*Principles*, III: 775), another organization of work was possible that could surpass the existing system. More efficient materially – because it dispensed with intermediaries, increased the productiveness of labor and preserved incentives to innovate – the cooperative scheme also contributed to diminish the intensity of class struggle and furthered social dialogue. Combined with the electoral and institutional schemes for more popular participation advocated in the *Considerations on Representative Government*, Mill hoped that a fuller integration of the laboring classes in the economic sphere by way of association would help realize the demands of social justice, whilst preserving the individuality and spontaneity radical proposals in favor of collective ownership threatened.

One cannot overstate the significance Mill ascribed to the democratic experiment inaugurated by the 1848 Revolution: as he put it somewhat dramatically at the time, "[the] whole problem of modern society […] will be worked out […] in France, & nowhere else" (Letter to Henry S. Chapman, May 28, 1849, XIV: 32). Hence the extent of his disillusion when he witnessed the election of Louis Napoléon Bonaparte as first President of the Second Republic, the farcical transformation of the regime in an Empire, the gradual exclusion of all the progressive elements from the political scene, and the resolute thwarting of all attempts at solving the *question sociale*. The jingoistic 1870 war against Prussia would only comfort his appreciation of Napoléon III as an "unprincipled usurper" (*Autobiography*, I: 245), just as the ferocious repression of the *Commune* painfully evidenced the difficulty of reconciling the claims of capital and labor, of order and progress, of liberty and equality. Hope in the advancement of mankind would have to be found elsewhere, most notably in the fight engaged against slavery in America. Yet, and quite paradoxically, Mill's final disenchantment with the inability of the French to concretize the promises of social progress and individual development to a large extent derived from his adoption of the analytical tools and the endorsement of some of the substantial views his engagement with French thought

made him discover. That was the reason why, despite the various disappointments he experienced with respect to the course taken by events in France and his reservations about many of the ideas of the Saint-Simonians, Comte, Tocqueville, Guizot, and the French Socialists and Communists, Mill always kept a vivid interest in what they had to say: as he put it to one of his French correspondent, "all those for whom everything that happens is linked to a general conception of human development [...] always have something to tell one another" (Letter to Gustave d'Eichtal, Aug 20, 1866, XVI: 1193). That was exactly the heart of Mill's privileged relation to French thought.

Notes

1 On Mill's 1820–1 trip to France, see XXI: 3–143; *Autobiography*, I: 57–63.
2 For biographical details, see Capaldi (2004).
3 Varouxakis (2002b).
4 Mueller (1956) and Filipiuk (1991) respectively offer a book-length and a more concise account of Mill's relation to France and French thought still worth reading.
5 For a late echo of that view, see *Considerations*, XIX: 374–8, 383 and 393–6.
6 See Volume XX of the *Collected Works*.
7 Mill primarily refers here to prominent members of the "*Société Aide-toi, le ciel t'aidera*," such as Cavaignac, Guizot, Lafayette, and Odilon Barrot (see XII: 63–7).
8 See XII: 55–9, 59–63.
9 See his series *Prospects of France* (in XXII) and the collection on *French News* (XXII & XXIII).
10 See also *Autobiography*, I: 171–5; on Mill and the Saint-Simonians, see Mueller (1956), Chap. 3; Pankhurst (1957).
11 Especially through the first edition of the *Logic*.
12 See *The Provisional Government of France*, XXV: 1091–3; *On Reform*, XXV: 1104–7; *French Affairs*, XXV: 1110–2; and most notably his *Vindication of the French Revolution of February 1848*, XX: 317–63.
13 The posthumous *Chapters* (V: 703–53) also testified to Mill's critical engagement with socialist ideas.
14 See letters to Harriet Taylor, Feb 19, 1849, XIV: 9–10; Feb 21, 1849, XIV: 11; Mar 31, 1849, XIV: 21–2; *Chapters*, V: 719–24, 725–7, 747–9.

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Part III

Foundations of Mill's Thought

10

Psychology, Associationism, and Ethology

TERENCE BALL

Prolific polymath that he was, John Stuart Mill wrote about many subjects. His most enduring works – *On Liberty, Considerations on Representative Government*, and *The Subjection of Women* foremost among them – were devoted to political theory and practice. But for Mill in his own day it was his theoretical inquiries into broadly psychological topics – psychology proper, the association of ideas, and more especially ethology or the "science of character-formation" – that occupied at least as much of his time, energy, and attention. In attempting to recapture something of Mill's own mind-set and program, I plan to proceed in the following way. First, I situate Mill in the intellectual context of his time, as the inheritor of associationism, or "the association of ideas," whose greatest ancestor was John Locke, followed by David Hartley, David Hume, and, of course, James Mill. That Mill was the son and intellectual heir of James Mill, was of the utmost import, inasmuch as the elder Mill's studies in psychology and its application (to education and penal reform, for example) form the backdrop for the younger Mill's inquiries into psychology and ethology. Second, I show how the younger Mill was also sometimes his father's rebellious son. Third, I try to trace some of the broadly and practically psychological implications of Mill's views on these matters.

1. Some Background

"I was born in London, ... the eldest son of James Mill ..." (*Autobiography*, I: 5). With these words Mill begins his posthumously published *Autobiography*, and devotes many pages following to offering a paean to his father and describing the rigorous education to which his father and only teacher (he never went to school or college) subjected him from infancy onward. Although his father's presence is palpable throughout Mill's *Autobiography*, there is no mention of Mill's mother, an omission which has appalled generations of feminists and delighted psychobiographers (Mazlish 1975).

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He seems almost, like Athena, to have sprung fully formed from the brow of his god-like father. One of Mill's most recent biographers begins his biography by stating that one of "the two most important facts about the life of John Stuart Mill" is that "he was the son of James Mill" (the other important fact is that Mill fell in love with the already-married Harriet Taylor who, after her husband's death, he then married – a much less formative experience because it occurred during adulthood). The younger Mill, he explains,

> could not be seen in retrospect as arguably the greatest British mind of the nineteenth century if he had not been the son of James Mill. In the most literal sense, Mill did owe it all to his father. (Capaldi 2004: 1, 34)

By means of a most rigorous and unusual education that seems at times to have bordered on child abuse, Mill was molded to be his father's son and Bentham's disciple. He was permitted no playmates, no games, or other recreations, only strict and unremitting study. Long daily walks with his father were the only form of exercise he took, and these also were devoted to study, as his father grilled him at great length on the previous day's lessons. He was as a result physically awkward and uncoordinated all his life. Not surprisingly, his father's strict regimen also took its psychic toll. As we shall see later, Mill suffered a serious mental breakdown and a prolonged bout of severe depression in his early twenties. After his recovery he became his own man, and less his father's son and Bentham's disciple. But even then his father – or rather his father's writings – remained very much at the center of Mill's attention, if only later in life for purposes of criticism and refutation. This, as we shall see shortly, is especially true of the elder Mill's psychological and ethological inquiries.

In its strict, literal and original sense, psychology is the systematic scientific study of *psyche*, or mind, or, even more precisely, the operations of the human mind. Behind every theory or "school" of psychology lies a theory about how the human mind works, the operations it performs, the causes and effects of mental states and activities, and the like. In the case of John Stuart Mill and his father, that theory was Associationism.

James Mill's magnum opus in psychology is his *Analysis of the Phenomena of the Human Mind*, published in two large volumes in 1829. His *Analysis* is an attempt to summarize, synthesize, systematize and amend a scientific research program begun by Locke in his *Essay Concerning Human Understanding* (1690), and continued (and as he thought corrected, if not entirely satisfactorily) by Dr. Hartley in his *Observations on Man* (1749). At the heart of this research program was a concept that although arguably originating with Hobbes, was much more fully and systematically developed by Locke: "the association of ideas." Roughly, the idea (sic) is this: at birth our mind is a *tabula rasa*, a "blank tablet" on which the experience of the five senses records its messages in our memory; thus our ideas or conceptions begin with and through sensory experience. For example, our idea of heat stems from our sensory experience of fire. If our early encounters with fire result in our being burned, we learn to "associate" fire with the feeling of pain. If, however, we experience only welcome warmth on a cold morning or evening, we come to associate fire with pleasure or "pleasurable sensations." We come to understand, through experience, that it is wise to keep a certain distance from fire, and to strike a happy medium between being cold and being burned.

As with fire and heat, so also with a wide array of other experiences and the associations of ideas that result therefrom. There are no non-sensory or pre-experiential ideas – "innate ideas," in Locke's lexicon – for everything we know or understand is the result of our experiences and their concomitant associations of ideas. This proved to be a powerful and promising point of departure for what later became the fledgling science of psychology. It also helped to underwrite skepticism in philosophy, particularly in the work of Hume. Hume famously argued that we cannot (for example) know directly the connection between cause and effect. All we can know is that the alleged cause is experientially "associated" with the alleged effect, and nothing more. Thus we expect one billiard ball's striking another to make or cause the second ball to move; but this expectation rests not on necessity or any "necessary connection" between the two events but only on a train of associations established through earlier experience.

By the time James Mill undertook the research that resulted in his *Analysis of the Phenomena of the Human Mind*, the associationist research program was more than a century old; Hume had awakened Kant from his "dogmatic slumbers" and prompted him to launch his counter-associationist "Copernican revolution in philosophy" (the famous phrases are Kant's own); and a great deal of energy and attention was being devoted to tracing out the implications – moral, psychological, and political – of that program. Or, if you prefer, attention shifted from "theory" to "practice," that is, to the practical implications and applications of associationism.

One of the most important of these concerns the ways in which a person's character is formed very early on through trains of associations. Since the concept of "character" looms large in the work of the two Mills, we need to note what they meant by that term. One's character consists of a series or system of dispositions to think and act in characteristic (sic) ways, to have and to exercise certain habits of thought, attention, affection, and action. In a sense, one *is* one's character. Character constitutes one's moral, mental, and intellectual skeleton and muscles; it's what keeps everything else together, making us who and what we are. As we shall see, associationism offers an explanation of how and why particular kinds of characters are formed, and with what results.

James Mill devoted almost equal time and attention to the theory and the practice (or practical applications) of associationism. His *Analysis* addresses the former, and his numerous essays on education, ethology, politics, penology and prison reform, and other sundry subjects the latter. It also bears mentioning that the elder Mill modified Utilitarianism along associationist lines; instead of speaking of "pains" and "pleasures" *simpliciter*, as Bentham was wont to do, James Mill spoke of painful and pleasurable sensations, and of how forming the character and conduct of anyone is very largely a matter of making them associate untoward conduct with painful sensations and praiseworthy conduct with pleasurable ones.

Too often the opposite occurs: at an early and tender age children learn to associate bad conduct with pleasurable sensations. Lacking (as we say nowadays) impulse control, and preferring immediate to distant gratification, they become badly behaved children who then turn into badly behaved adults. Criminals commit crimes and convicts are in prison because they have defective characters; their characters have been malformed and misshapen by untoward experiential associations in their youth; they did not, in short, receive the right sort of education as prescribed by James Mill in his essay *Education*. Lacking that, they must while in prison be subjected to a kind of

remedial education to reform – quite literally, to re-form – their degraded minds and characters, and this is a vastly more difficult task. And that is because, as the elder Mill notes in his *Analysis* and in his long review of Robert Owen's *A New View of Society* (1813) and elsewhere, the most "effectual education" is visited on the very young. His son coined the neologism "ethology" – the "science of character formation" – but the father wrote extensively about that science *avant la lettre* and under the heading of "the science of education" in *Education* and elsewhere. It was against his father's theory of character formation that the son developed his own, alternative theory.

In what follows, I propose to take issue with a claim asserted by a prominent contemporary commentator on the life and work of John Stuart Mill. In an important and valuable contribution to Mill studies Fred Wilson asserts that both Mills "are convinced determinists" (Wilson 1998: 205). If by the term "determinist" one means merely someone who holds that all phenomena are amenable to causal explanation, and are in fact effects to be explained by invoking general laws linking effects to antecedent causes, then this is surely correct. But what this claim elides or glosses over is that there are different *kinds* of determinists – let us, following the lead of William James (1897: 149), call them "hard" and "soft" – and that the father was a determinist of the former sort, and the son of the latter sort, at least as concerns the causes of character formation. To anticipate my argument before actually making it: James Mill believed that one cannot take part in shaping one's own character, while his son believed that one can do so (and this he knows because he claims to have actually done it). Or, to put the point another way, the father believes that the causes of "character formation" are always and necessarily *external* to the actor, while the son holds that the causes of character formation (or re-formation) can come from within.

2. James Mill's Hard-Determinist Ethology

Let me begin by considering, not James Mill himself, but the younger Mill's surrogate and stalking horse, Robert Owen. The main tenets of Owen's crudely associationist and hard-determinist theory of character formation were endorsed heartily by the elder Mill, and provided a somewhat less sophisticated approximation of his own views on that subject – views subsequently rejected and replaced by the younger Mill, albeit in the filially pious guise of a critique of Owen's theory.

Owen contended that any individual's character is "formed *for* him, and not *by* him" (*Logic*, VII: 840). His hard-determinist or even fatalistic view is advanced and defended in his *A New View of Society: or, Essays on the Principles of the Formation of the Human Character* (1813). Owen's language is revealing, and appears almost to anticipate Stalin's vision of an elite corps of experts being "engineers of human souls" (quoted in Berlin 2002: 82). Owen held that

> children are, without exception, passive and wonderfully contrived compounds, which, by due preparation and accurate attention, founded on a correct knowledge of the subject, may be formed collectively into any human character ... They all partake of that plastic nature or quality, which, by perseverance under judicious management, may be ultimately molded into the very image of rational wishes and desires. (Owen 1991: 19):

Such molding may be easily achieved inasmuch as human beings are merely "living machines" that can be made (we might now say "programed") to perform predictably and reliably (Owen 1991: 5). But by far "The greatest of all errors [is] the notion that individuals form their own characters" (Owen 1991: 64). If anything is the central defining feature of Owen's crude hard-determinist theory of character formation it is this:

> That the character of man is, without a single exception, always formed for him; that it may be, and is chiefly, created by his predecessors; that they give him ... his ideas and habits, which are the powers that govern and direct his conduct. Man, therefore, never did, nor is it possible he ever can, form his own character. (Owen 1991: 43)

In his extensive review of Owen's *New View of Society* James Mill praised and warmly endorsed Owen's hard-determinist theory, and continued to do so in later essays, including "Education" and "Prisons and Prison Discipline" (both are reprinted in J. Mill 1992). "Human beings," the elder Mill wrote, "are the creatures of the circumstances in which they are placed." In fact, "almost everything which constitutes character [is] the offspring of the impressions which, from sources over which he has no control, are made upon the individual" (J. Mill 1813: 96). Mill contends that "the character of every man is bad to the most enormous pitch of depravity, or good to the highest degree of excellence, exactly as it has been operated upon by circumstances" in the early formative years of his youth (J. Mill 1813: 98). It is no less true that the character of even the most depraved adult criminal was formed during his childhood:

> If a man's character, and even his opinions, are the unavoidable results of the circumstances in which he has been placed, he is not the object of any hostile feeling on account of them. They were not produced by circumstances over which he had any control. (J. Mill 1813: 113)

Thus laws and the punishments they prescribe are rather frail and all too often ineffective attempts to alter the grievously malformed characters of criminals. The allegedly long arm of the law is not really as long as has been supposed, inasmuch the power of punishment to reform, that is, re-form, malformed characters is severely limited (Ball 1995: Ch. 7). Laws, says James Mill, are "imperfect substitutes for the defects of character," which were almost indelibly inculcated in youth. And "no laws, where character is universally depraved, can save society from wretchedness." Individual "character, in proportion as it is good, really supplies the place of laws." Therefore, it is

> the first consideration of public wisdom, to ascertain in what degree it is possible to operate on the improvement of human character. This lies at the foundation of everything. No law, or set of laws, ... can boast of a comprehensiveness and efficiency equal to this. Every other branch of legislation, in truth, sinks into insignificancy in the comparison. (J. Mill 1813: 97)

For human beings, character counts for everything. Whether during childhood or while serving a prison sentence, the causes of the formation, malformation, or reformation of character must always and necessarily be *external* to the person.

Like Owen, James Mill put character and the role of early-education-as-character-formation at the center of everything. The human mind is neither more nor less than a large storehouse of associations of ideas derived from experience (J. Mill 1829, I: Ch. 3). Long before Freud the elder Mill emphasized repeatedly that those associations first formed in childhood are far and away the strongest, deepest, and the most determinative of adult character. It is, he says,

> a law of human nature, that the first sensations experienced produce the greatest effects; more especially, that the earliest repetitions of one sensation after another produce the deepest habit; the strongest propensity to pass immediately from the idea of the one to the idea of the other. Common language confirms this law, when it speaks of the susceptibility of the tender mind. (J. Mill, "Education," in J. Mill 1992: 175)

This surely goes a long way toward explaining the extraordinary lengths to which James Mill went in educating his son John. No less does it help to explain his son's almost life-long effort to break free from the lingering effects of his father's heavy-handed regime of character formation. And, not least, it casts considerable light on the son's attempt to devise an alternative to his father's theory of character formation.

3. J.S. Mill's *Logic*

I want to suggest that the younger Mill's *System of Logic* (1843) provides both a critique of and an alternative to his father's hard-determinist theory of character formation. Mill's first and longest book, the *Logic* took twelve years to write and would, he believed, permanently set the seal on his reputation. About this Mill was mistaken. As it happens, only a handful of hardy Mill scholars now crack open these two large volumes. This is unfortunate, for the *Logic* helps us to understand Mill's other, better-known works. Here I shall focus only upon Book VI of that work, "On the Logic of the Moral Sciences." By "the moral sciences" Mill means what are now called the human sciences or the social sciences – psychology, sociology, political science, and the like.

Mill begins Book VI by lamenting "the backward state of the Moral Sciences [which] can only be remedied by applying to them the methods of Physical Science, duly extended and generalized." If there is to be a science of psychology, for example, there must be general laws linking cause and effect, thought and action. "But the laws of Mind, and, in even a greater degree, those of Society, are so far from having attained a similar state [to those of the physical sciences]" that much work remains to be done (*Logic*, VIII: 833). Here, in the concluding book of his *Logic*, Mill can only sketch and suggest what such laws might look like. The singular scandal of the moral sciences, psychology included, is that we lack almost all knowledge of such laws. His "hope [is] to remove this blot on the face of science." Although "the most effectual mode of showing how the sciences of Ethics and Politics may be constructed would be to construct them," his more modest ambition is merely "to point out the way" in good Lockean underlaborer fashion by clearing away some of the logical confusions and semantic rubbish that have impeded the progress of the moral sciences; to show that the methods of the physical sciences are indeed applicable to the moral sciences; and to sketch the outlines of the new science that he calls Ethology (*Logic*, VIII: 835–6).

> A science is thus formed, to which I would propose to give the name of Ethology, or the Science of Character, from *ethos* [habit], a word more nearly corresponding to the term "character" as I here use it … The name is perhaps etymologically applicable to the entire science of our mental and moral nature; but if, as is usual and convenient, we employ the name Psychology for the science of the elementary laws of mind, Ethology will serve for the ulterior science which determines the kind of character produced in conformity to those general laws by any set of circumstances, physical and moral … Ethology is the science which corresponds to the art of education in the widest sense of the term, including the formation of national or collective character as well as individual. (*Logic*, VIII: 869)

The formation (and deformation) of character became for Mill, as for his father, almost an obsession (*Logic*, VIII: 833–5). As his first biographer rightly remarks,

> He was all his life possessed of the idea that differences of character, individual and national, were due to accidents and circumstances that might possibly be, in part, controlled; on this doctrine rested his chief hope for the future. (Bain 1882: 79)

Mill's preoccupation with character and how it is formed was another inheritance from his father and to his and his father's decidedly Greek, and more particularly Platonic, concern with *paideia*, that is, the cultivation of mind and morals. "I have ever felt myself, beyond any modern that I know of except my father, a pupil of Plato, and cast in the mould of his dialectics" (*Early Draft*, I: 24; cf. 68–9). Plato, however, did not have, as the two Mills did, ready recourse to the theory of associationism, and of associationist psychology in particular.

Mill first sets out to show that character is formed causally, by "antecedent circumstances." But, unlike his father, he goes to great lengths to show that the fact that one's character is – initially, at least – causally formed by others does not mean that one is powerless to change it. The contention against which Mill is arguing is this: If "the actions of human beings, like all other natural events, [are] subject to invariable laws," then human freedom or "free will" is an illusion; and if we are not free, then we are utterly unfree automatons trapped in the sticky spider's web of causal necessity. Mill tries to show that this claim rests on a series of semantic and other confusions surrounding "the doctrine called Philosophical Necessity." That doctrine,

> correctly conceived, … is simply this: that, given the motives which are present to an individual's mind, and given likewise the character and disposition of the individual, the manner in which he will act might be unerringly inferred; that if we knew the person thoroughly, and knew all the inducements which are acting upon him, we could foretell his conduct with as much certainty as we can predict any physical event. (*Logic*, VIII: 836–37)

But from this it does *not* follow that the person is and must forever remain the helpless slave of the antecedent causes or circumstances introduced early on by parents or others. And this is because we can change circumstances by adding our own wishes or volitions to the antecedent conditions that causally determine the shape and content of our character. "That wish being … a *new antecedent*" we thereby alter the outcome of the series of causal antecedents that form our character (*Logic*, VIII: 838). This being so, we are in principle free to reform, that is, re-form, the character we acquired in our youth.

I am not concerned here with the logical validity of Mill's argument – it appears to run the risk of infinite regress: what, then, is the causal antecedent of the wish? – but with its challenge to his father's theory of character formation. Mill's next task is to sketch in bold strokes an outline of the new science of ethology. This requires that he refute his father's hard-determinist theory of character formation and replace it with his own alternative soft-determinist theory. His father's and Owen's contention that one's character, once formed for one by others, is formed finally and forever, Mill rejoins, "is a grand error" that is grounded on a grievous misunderstanding of the doctrine of philosophical necessity that he had just refuted and corrected.

> His character is formed by [antecedent] circumstances ... but his own desire to mould it in a particular way is one of those circumstances, and by no means one of the least influential.

Although our parents (read: father) molded our character "*for* us," they acted as they did because they chose to mold us by introducing antecedent conditions, so likewise we can re-mold or re-make our characters according to antecedent causes of our choosing. Those choices can include our wish to change our characters.

> If they could place us under the influence of certain circumstances, we, in like manner, can place ourselves under the influence of other circumstances. We are exactly as capable of making our own character, *if we will*, as others are of making it for us. (*Logic*, VIII: 840)

Not only can we re-make our character: "we are under a moral obligation to seek the improvement of our moral character" (*Examination*, IX: 466).

Countering the hard determinist who contends that our will is likewise the product of "external causes" that are beyond our control, Mill asserts that our characters are the product not only of the education imposed on us by others but also of unplanned and contingent "experience," including accidents, chance encounters, and so on. The latter hold out the ever-present possibility of producing consequences unforeseen, unforeseeable and utterly unintended by anyone, including our educators and ourselves. Anticipating what he will later write in his *Autobiography*, Mill says that these include "experience of the painful consequences of the character we previously had" or of "some strong feeling of admiration or aspiration, accidentally aroused" (*Logic*, VIII: 841).

Whether its subject-matter be weather patterns or human behavior, any genuine science must in Mill's view be capable of supplying causal explanations. We explain any event, whether it be a tornado or a temper tantrum, by deducing a description of the event from premises that include the relevant general laws and antecedent conditions. Mill was not only an early proponent of the deductive-nomological or "covering-law" model of scientific explanation but was arguably the first to devise or discover it (Wilson 1998: 203–5). Thus if there is to be a science of character-formation, its pattern of explanation must conform to this model, in which causes are connected to effects via general laws. For Mill, the main difference between the physical and the moral sciences is that, in the latter, human wishing, willing, and desiring can figure as antecedent conditions or causes.

I cannot describe Mill's proposed science of ethology in any detail, for the single, simple reason that he himself offers only a cursory sketch or outline of what that science, once

developed, will look like. I can at least say this much: it is to be a bridging science that links psychology and its micro-level "laws of the mind" with sociology and its macro-level laws concerning collectivities or entire classes of individuals. Psychology's "general laws of the mind" are laws of association, *à la* Locke, Hartley, Hume, and James Mill: If one "idea" or "mental impression" X is always associated with another impression Y, then the experience or recollection of the one will invariably call the other to mind (J. Mill 1829, I: Chs 2–3). If X, then Y. Such psychological laws are determinative of how and what we *think*, while those of sociology are determinative of how we *act* in the aggregate, in concert with others and on the basis of beliefs formed by processes of association. Between these two sciences, and linking them, is the intermediate science of ethology. This new science is concerned with the types or kinds of characters formed via association and under different antecedent circumstances. People with different educations – that is, with different formative experiences – will have different characters; and people with different characters will act in different ways, both individually and in concert with others.

"Ethology," Mill concludes, "is still to be created." Its general laws are to be derived from the laws of associationist psychology.

> The inference given by theory as to the type of character which would be formed by any given circumstances must be tested by specific experience of those circumstances wherever obtainable. (*Logic*, VIII: 872, 874)

It has long been almost axiomatic among Mill scholars that after publishing his *System of Logic* Mill turned to other things and forgot all about his proposed science of ethology. I have argued elsewhere (Ball 2010) that this is at best only half-true. It is certainly true that he never constructed a systematic science of character formation. But he did, I believe, construct in his best-known works a series of case-studies in what we might call *applied ethology*. The first, and arguably the greatest, of these considers the development – and in part, he believed, the deformation and ultimately the reformation – of his own character. I turn now to Mill's *Autobiography*.

4. Mill's *Autobiography*

Mill's *Autobiography* can be and has been read and interpreted in a number of ways – as straightforward autobiography, of course, but also as a *cri de coeur* that is a gold mine for psychobiographers (Mazlish 1975), and even as a work of political theory in its own right (Eisenach 1987). Here I want to suggest that it can also be read and understood as a work of introspective psychology and applied ethology. By introspective psychology I mean that one takes oneself as a subject of scientific inquiry, generalizing from one's own thoughts or mental states to others'. Thomas Hobbes counseled readers of his *Leviathan* (1651) to allay any skepticism as regards his generalizations about actions and mental states with the words *nosce teipsum*, "read thyself":

> Whosoever looketh into himself and considereth what he doeth, when he does *think, opine, reason, hope, fear*, & c; and upon what grounds; he shall thereby read and know, what are the thoughts of all other men. (Hobbes 1991 [1651]: 10–1)

If there are indeed timeless and universal laws of human nature – as both Mill and Hobbes agreed – then any two or more individuals placed in exactly the same circumstances and exposed to identical experiences will believe and behave in the same way. Mill modestly (and almost certainly mistakenly) denied that he was more intelligent than most men and believed that anyone subjected to exactly the same education and formative influences that he was, would turn out to be at least similar if not identical in intellect and character. Mill in effect counsels the reader to look within him- or herself and reflect upon the influences or antecedent circumstances that molded and made her or his character. And if you don't like it, you can, with a little luck and a lot of hard work, change it.

Mill's *Autobiography* is as candid as the *Confessions* of Augustine or Rousseau. It is at times painfully, even achingly, honest, and would have been even more so if his wife, Harriet Taylor Mill, had not insisted that he tone down or omit entirely particular passages (as we know from his surviving *Early Draft*). Even so, it is hardly what Carlyle called it – "the autobiography of a steam engine" (quoted in Ryan 1974: 9) – as any close reader can attest. The first-time reader of that book will likely be struck by, and wonder about, its rather odd structure. It consists of seven chapters, the first five of which cover Mill's life from his birth in 1806 to 1830, when he was twenty-four; the sixth chronicles his life from 1830 to 1838, when he had reached the age of thirty-two. The short seventh and concluding chapter, "The Remainder of my Life," deals summarily with the remaining thirty-three years of Mill's life, which were, to say the least, significant. These, after all, were the years during which Mill published all the major works that established his reputation, that saw his scandalous courtship of and marriage to Harriet Taylor, and his election to the House of Commons and the bills he sponsored as M.P. for Westminster. Why, then, does Mill skate so quickly over the second half of his life?

To this question Mill himself supplies the answer. He calls his *Autobiography* the "record of an education which was unusual and remarkable" (*Autobiography*, I: 5). By 1838 (and quite possibly as early as 1830) Mill's education was complete and his character had been fully formed. Since, as Mill tells us in opening the final chapter. "I have no further mental changes to tell of … I shall therefore greatly abridge the chronicle of my subsequent years," that is, fully the remaining half of his life (*Autobiography*, I: 229). The *Autobiography* deals mostly with his early years, when his character was being formed (and, he felt, in certain respects deformed) by his father and then later re-formed by himself.

From infancy through adolescence Mill's education was carefully planned and sternly supervised by his dour and demanding father. James Mill often quoted Helvetius' dictum, *l'education peut tout*, and – as I noted earlier – agreed with Robert Owen's maxim that one's character is formed early on by "circumstances" arranged by others (J. Mill 1813; "Education," in J. Mill 1992). Thus our characters are formed for us and never ever by us. Given the right circumstances an adult's character will be well-formed in childhood, and for the rest of his or her life. But given the wrong circumstances his character will be deformed, and he or she will live an unhappy life of misconduct, even of crime (J. Mill, "Prisons and Prison Discipline," in Mill 1992; Ball 1995: Ch. 7). Hence James Mill's eagerness to educate – that is, to form the moral and intellectual character – of his first-born son.

The elder Mill was a stern taskmaster who made no allowances for childish weaknesses or limitations. As a boy Mill was not allowed to associate with other children, because his father feared that they would be a bad influence. He was not permitted to play games or to engage in other forms of frivolous and time-wasting entertainments. As Mill later lamented, "I never was a boy, never played at cricket" (Fox 1882, I: 63–4). Recalling his first impressions on meeting the nineteen-year-old Mill, J.A. Roebuck wrote that "he was the result of a most strict and extraordinary training. He was armed at all points ... In his childhood and youth he had no playfellows," adding: "He had never played with boys; in his life he had never known any, and we [i.e., Roebuck and George John Graham] were the first companions he had ever mixed with" (Roebuck 1897: 36, 28). And even at that point Mill's father disapproved of and discouraged such socializing. Because their presence was unwelcome the two young men "soon ceased to see John Mill at his home and began meeting elsewhere" (Roebuck 1897: 28–9).

The education to which James Mill subjected his son was, to say the least, rigorous. He was learning Greek by age three, and Latin by eight. By age five he was reading Plato, Aristotle, Thucydides, and the Greek dramatists in Greek, and Horace, Virgil, and Cicero in Latin. By age eleven he had mastered Newton's *Principia Mathematica* (Capaldi 2004: 7). He always denied that his was an education of "cram" and insisted that he benefitted enormously from his father's harsh regimen (*Autobiography*, I: 35). There were at least two disadvantages of the education to which he had been subjected. The first is that the curriculum tilted strongly toward the sciences, history, and philosophy, and decidedly away from literature, poetry, or anything that addressed the emotions, leaving young Mill muscle-bound in one direction but weak and puny in the other. The other downside of his education was that he lived in constant fear of his father's criticism. In the earlier and more candid draft of his *Autobiography* Mill recalled that "mine was not an education of love but of fear" (*Early Draft*, I: 52). Let us briefly consider these two disadvantages in turn.

Mill tells us that his father regarded emotions or "feelings" with disdain. "For passionate emotions of all sorts," he writes, "he professed the greatest contempt. He regarded them as a form of madness. 'The intense' was with him a bye-word of scornful disapprobation" (*Autobiography*, I: 51). This disapproval was reflected in the young Mill's education, with (as he later came to believe) deleterious results. He had been educated, or habituated, to be unerringly analytical in his approach to every problem or issue. But "the habit of analysis has a tendency to wear away the feelings" and as a result his education "had failed to create these feelings in sufficient strength to resist the dissolving influence of analysis" (*Autobiography*, I: 143). Mill felt himself emotionally empty, starved of all passion or feeling.

Add to this the constant fear of his father's strident temper. "I thus grew up in the absence of love and in the presence of fear: and many and indelible are the effects of this bringing-up ..." Chief among these was

> the stunting of my moral growth ... To have been, through childhood, under the constant rule of a strong will, certainly is not favorable to strength of will. I was so much accustomed to expect to be told what to do, either in the form of direct command or of rebuke for not doing it, that I acquired a habit of leaving my responsibility as a moral agent to rest on my father, my conscience never speaking to me except by his voice ... I thus acquired a habit

> of backwardness, of waiting to follow the lead of others, an absence of moral spontaneity, an inactivity of the moral sense and even to a large extent, of the intellect … for which a large abatement must be made from the benefits, either moral or intellectual, which flowed from any other part of my education. (*Early Draft*, I: 613)

Mill felt his father's influence to be both omnipresent and oppressive. "My education," Mill wrote, "was wholly his work" (*Autobiography*, I: 139). His father had done his work well – perhaps indeed too well. As Isaiah Berlin remarks, the elder Mill's "[educational] experiment was, in a sense, an appalling success" (Berlin 2002: 220).

Having been educated by his father to be a Benthamite–Utilitarian analyst and reformer of society, Mill initially welcomed the prospect of that career. After reading Bentham, Mill says, he became "a different being" (*Autobiography*, I: 69).

> From the winter of 1821, when I first read Bentham … I had what might truly be called an object in life; to be a reformer of the world. My conception of my own happiness was entirely identified with this object. (*Autobiography*, I: 137)

Bentham's principle of utility

> gave unity to my conceptions of things. I now had opinions; a creed, a doctrine, a philosophy; in one among the best senses of the word, a religion; the inculcation and diffusion of which could be made the principal outward purpose of a life. (*Autobiography*, I: 69)

But then everything came crashing down around him. In the autumn of his twentieth year Mill suffered a nervous breakdown or, as he calls it, "a crisis in my mental history." He exhibited all the signs of what we now call clinical depression – listlessness, seeking solace in sleep, losing interest in everything that had once delighted him, and even contemplating suicide. The initial trigger for this depression was what he discovered upon answering a question he put to himself, acting in effect as an introspective psychologist.

> In this frame of mind it occurred to me to put the question directly to myself, "Suppose that all your objects in life were realized; that all the changes in institutions and opinions which you are looking forward to, could be completely effected at this very instant: would this be a great joy and happiness to you?" And an irrepressible self-consciousness distinctly answered, "No!" At this my heart sank within me: the whole foundation on which my life was constructed fell down … I seemed to have nothing left to live for. (*Autobiography*, I: 139)

As 1826 turned into 1827

> I frequently asked myself if I could, or if I was bound to go on living, when life must be passed in this manner. I generally answered to myself, that I did not think I could possibly bear it beyond a year. (*Autobiography*, I: 145)

Fearing his father's rebuke, Mill hid these feelings from him.

At least part of Mill's depression stemmed from his fear that he might be "a 'made' or manufactured man, having had a certain impress of opinion stamped on me which I could only reproduce" (*Autobiography*, I: 163). This fear was not without foundation,

for his father attempted nothing less than to create a reasoning machine, made to order according to his hard-determinist theory of character formation. Mill feared, in short, that his father's and Owen's hard-determinist theory of character-formation might actually be true. During his depression

> the doctrine of what is called Philosophical Necessity weighed on my existence like an incubus. I felt as if I was scientifically proved to be the helpless slave of antecedent circumstances; as if my character and that of all others had been formed for us by agencies beyond our control, and was wholly out of our own power. I often said to myself, what a relief it would be if I could disbelieve the doctrine of the formation of character by circumstances. (*Autobiography*, I: 175–7)

Mill feared that his character had been formed for him, not by him, and that he was helpless to change it. He had no free will, no agency, no autonomy, no feelings that were authentically his own. He felt that "the laws of human nature" had turned against him.

> And there seemed no power in nature sufficient to begin the formation of my character anew, and create in a mind now irretrievably analytic, fresh associations of pleasure with any of the objects of human desire. (*Autobiography*, I: 143)

He was, as he was to write later in his *Logic* – which now emerges as surprisingly autobiographical, even confessional – "experienc[ing] the painful consequences of the character" that his father had formed for him (*Logic*, VIII: 841).

Gradually the dark fog of depression began to disperse, due to an intellectual discovery, on the one hand, and an emotional accident, on the other. The first is that:

> the word necessity carries with it a misleading association; and that this association is the main cause of the depressing and paralyzing influence which I had experienced. I perceived that though character is formed by circumstances, our own desires can influence those circumstances.

Mill adds that "what is really inspiriting and ennobling in the doctrine of free will, is the conviction that our will has real power over the formation of our character." Having himself benefited greatly from this discovery, he tells us, he was eager to share it with others who might suffer as he had.

> The train of thought which had extricated me from this dilemma seemed to me, in after years, fitted to render a similar service to others, and it now forms the chapter on Liberty and Necessity in the concluding book of my *System of Logic*. (*Autobiography*, I: 177)

Not only can our own wishes and desires function as causes of character self-reformation, so can accidents, including what we might call emotional accidents. During the depths of his depression

> a small ray of light broke in upon my gloom. I was reading, accidentally, Marmontel's Memoirs, and came to the passage which relates his father's death, the distressed position

> of the family ... A vivid conception of the scene and its feelings came over me, and I was moved to tears. (*Autobiography*, I: 145)

Mill did not seek to undergo this experience; it simply happened, and "accidentally" at that. Emotions over which he had no control "came over" and "moved" him. He was, as he was to write in the (again, remarkably autobiographical) *Logic*, motivated "by some strong feeling of admiration or aspiration, accidentally aroused" (*Logic*, VIII: 840–1).

Quite unexpectedly, "From this moment" of unsought and accidental arousal of feeling, Mill writes,

> my burthen grew lighter. The oppression of the thought that all feeling was dead within me, was gone. I was no longer hopeless: I was not a stock or a stone. I had still, it seemed, some of the material out of which all worth of character, and all capacity for happiness, are made. (*Autobiography*, I: 145)

Out of these new emotions and mental states Mill began to remold and remake the character bequeathed to him by his father, thereby forming his own character along lines laid down by himself. The motivation for undertaking this self-transformation came not from his father's strict and stringent education but from sheer accident and contingent "experience."

These were the causes or antecedent conditions of Mill's self-transformation. But what were the effects of that remarkable change? "The experiences of this period [of depression] had two very marked effects on my opinions and character." The first effect was "to adopt a theory of life, very unlike that on which I had before acted." According to this theory Mill should cease to ask himself if he was happy. "Ask yourself whether you are happy and you cease to be so." His new theory, secondly, required that Mill cultivate his capacity to feel as well as to analyze. "The cultivation of the feelings became one of the cardinal points" in his new "ethical and philosophical creed" (*Autobiography*, I: 147). As I noted earlier, Mill came to the realization that "the habit of analysis" that his father had inculcated "has a tendency to wear away the feelings" (*Autobiography*, I: 141). From that point forward Mill would cultivate his feelings by reading the poetry of Wordsworth and Coleridge and other modern poets. Another act of rebellion, since "The poetry of the present century he [his father] saw scarcely any merit in" (*Autobiography*, I: 19). In marked contrast to his childhood education, during which he had no choice of teacher, Mill was now at liberty to choose his teachers. In seeking a "new way of thinking" he wove "my new fabric of thought," in part with the aid of Wordsworth's poetry. In so doing he "found the fabric of my old and taught opinions giving way in many fresh places" (*Autobiography*, I: 161, 163). He was at last beginning to become his own man, with a character quite different than that formed for him by his father.

Mill's *Autobiography* can be understood as, and was I believe intended to be, a work of introspective psychology and applied ethology. The concepts and categories he uses can be found in Book VI of his *System of Logic* where he writes about Ethology and Liberty and Necessity – a discussion, I have argued, that is remarkably if rather covertly confessional and autobiographical. This seemingly dry discussion takes on flesh in his posthumously published *Autobiography*. Using what he says in Book VI and taking

himself as a case study, he shows how one man, dissatisfied with the character made for him, reformed his character according to his own desires and specifications. That is, he shows by example how a character originally formed by others and by circumstances initially outside his control can be re-formed according to his own wishes and will (and with the aid of accident and a little luck). A "manufactured man" can revolt against his manufacturer, re-making and re-molding his own character. He shows how a robot might, by his or her own efforts, become fully and completely human.

I have attempted here to show a side of Mill the man and thinker who has been half-hidden from public view, obscured in shadows cast by the bright light of *On Liberty* and other well-known works. Mill the introspective psychologist and applied ethologist deserves closer and more careful study than he has heretofore received.

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11

Mill on Race and Gender

C.L. TEN

Mill is well in advance of his times when he argues passionately for equality between men and women, maintaining that there is nothing in the inherent nature of men or women that justifies the domination of women by men and the confinement of women's functions to the home. Similarly, he believes that there is no natural superiority of whites over blacks that would support slavery. Major differences between races are not innate. Rather, they are the results of different circumstances. Mill often compares the marriage institution with despotism and slavery, with husbands having near absolute power over their wives. But there the parallel seems to end. Mill is quite clear and emphatic about what is needed to remedy the subjection of women: "perfect equality" in social and political life. On the other hand, Mill believes that despotism is an appropriate form of government for "backward states" like India. Mill supports British imperial rule in India. This chapter examines the complex details of his views on gender and race.

1. Gender

Mill likens marriage in Britain in his time to slavery for the woman, "the wife is the actual bondservant of her husband: no less so, as far as legal obligation goes than slaves commonly so called" (*Subjection*, XXI: 284). The husband has complete access to the wife's property and he can use or take it away without her consent. Rape in marriage is not a criminal offence. The husband also has sole legal rights over the children. Indeed, in some respects Mill thinks that the wife's position is worse than that of the slave. According to the laws of many countries, such as Roman law, the slave's property is to a certain extent guaranteed for his personal use. Again, most slaves have fixed tasks that, when done, give them some free time of their own on

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which their masters rarely intrude. In Christian countries, a female slave has "an admitted right, and is considered under a moral obligation, to refuse her master the last familiarity" (XXI: 285). On the other hand, a brutal husband can claim from his wife "and enforce the lowest degradation of a human being, that of being made the instrument of an animal function contrary to her inclinations" (XXI: 285). No matter how badly she is treated by her husband, she is not free to divorce him and remarry, so long as he has not committed adultery. Women are denied opportunities to education and entry to various professions. They are indoctrinated to believe that their sole functions are to look after the household and the welfare of their husbands and children.

Mill believes that there should be perfect equality between men and women: the legal subordination of one sex to another is:

> wrong in itself, and one of the chief hindrances to human improvement; and that it ought to be replaced by a principle of perfect equality, admitting no power or privilege on the one side, or the other. (XXI: 261)

Without such equality, women's freedom would be severely limited and they will lack the opportunities to develop their interests, improve their lives, and shape them in accordance with their own values.

1.1. Women's Suffrage

To begin with, Mill believes that women should be given the suffrage on the same basis as men. Mill was elected a Member of Parliament in 1865. He devoted much attention to trying to extend the suffrage to women, and he modestly commented on his parliamentary activities in this area that this was "perhaps the only really important public service I performed in the capacity of a Member of Parliament" (*Autobiography*, I: 285). In 1867 Mill made an amendment to the Reform Bill, substituting the word "person" for the word "man." This would have given the vote to all women, who had the same qualifications as male voters. Mill's motion was defeated, but it attracted more votes than expected.

For Mill, extending the suffrage to women is a matter of elementary justice, but there was strong opposition to it. Even Mill's father, James Mill, had earlier rejected it in his essay *On Government*, and it is important to see how father and son differ on this important issue. James Mill regards government as merely a means to the utilitarian end of promoting the greatest happiness of the greatest number. The means is most effective when a large community delegates power to a small group to protect the interests of all. But checks must be placed to restrain the small group from abusing governmental power in order to promote their own "sinister interests," rather than the common good. In monarchies and aristocracies, government power is in the hands of people who are not checked by the community and are therefore free to promote sinister interests. It is only in representative government that there can be an identity of interests between the legislators or rulers and the community at large (the ruled) who are empowered to elect them. Further checks are provided by limiting the duration of government to fairly short terms (J. Mill 1967: 20–1).

The interests of the whole community and those of the electors must also be the same. But this does not mean that every member of the community must be an elector and have the vote: "all those individuals whose interests are indisputably included in those of other individuals may be struck off without inconvenience" (J. Mill 1967: 21). James Mill believes that children up to a certain age, whose interests are included in those of their parents, and women, whose interests are involved either in those of their fathers or husbands, need not be part of the choosing body, the voters.

But this swift denial of the vote to women is specious. Even if fathers and husbands have the same interests as daughters and wives, this counts as much in favor of giving women the franchise and denying it to their fathers and husbands as it does for excluding women from the vote. Of course James Mill would have other reasons for favoring men to women. Presumably he would argue that women lacked the necessary knowledge about political affairs since their focus is on the household. This relies on a static notion of women's interests and knowledge. Perhaps there is also a condescending paternalism in James Mill's exclusion of woman from the vote. He might think of the vote, not as a cherished right, but as a rather tiresome burden, which had to be exercised for the sake of self-protection. Women may be spared from this burden if there are sufficient men to look after their interests.

Unlike his father, John Stuart Mill rejects the view that our interests can be left to others to protect. "It is," he writes,

> an inherent condition of human affairs, that no intention, however sincere, of protecting the interests of others, can make it safe or salutary to tie up their own hands. Still more obviously true is that by their own hands only can any positive and durable improvement of their circumstances in life be worked out. (*Considerations* XIX: 405–6)

Women's interests would not be adequately protected by their fathers and husbands who would see those interests differently from the women themselves. This is particularly the case when women also lack the freedom and opportunities to express themselves and to discover and pursue their true interests. Many of them may even share men's socially accepted and enforced view that women's interests are best confined to the home. Such agreement does not show that, even in narrowly utilitarian terms, women would be most happy in confining themselves to household chores, rather than in developing their dormant faculties and potentialities. At best, loving fathers and husbands know their wives' current preferences and views, as shaped by the society in which they live. Women's preferences and views might be radically different when they enjoy the "perfect freedom" Mill wants them to have. Mill does not believe that it is in the interests of husbands to represent accurately the interests of their wives. Men have the strongest desire to exercise power over those nearest to them:

> for everyone who desires power, desires it most over those who are nearest to him, with whom his life is passed, with whom he has most concerns in common, and in whom any independence of his authority, is often most likely to interfere with his individual preference. (*Subjection*, XXI: 268)

1.2. The Nature of the Sexes

On the basis of the existing unequal relations between men and women, Mill believes that we cannot know the true nature of the sexes. What is considered the nature of women, such as the view that their natural vocations are those of being a wife and mother, is "an eminently artificial thing – the result of forced repression in some directions, unnatural stimulation in others" (*Subjection*, XXI: 276). Women's characters have been distorted by their subservient relations to men. They have not been allowed to develop freely. Human nature is subject to external circumstances to an extraordinary degree. What is regarded as their most universal and uniform nature is in fact extremely variable. Women are currently "universally taught that they are born and created for self-sacrifice" (XXI: 293). This is an artificial ideal of feminine character. Under circumstances different from the present, men would be much more unselfish and self-sacrificing. Moral education for men and women would be provided by a law that confers equality on men and women. Such a law would be conducive to the happiness of both parties. A justly constituted family, based on equality and love, and free of the domination of one party and the obedience of the other, will be a school for developing and exercising the virtues required for all other associations. It will provide training for children.

Mill rejects the view that the domination of women by men is natural and he compares it with similar unjust practices of domination of one group by another. He notes that slavery was at one time regarded as natural by the most cultivated minds, including Aristotle. Slave owners in the Southern United States claimed that "the black race is by nature incapable of freedom, and marked out for slavery" (XXI: 269). Mill points out that what is uncustomary is treated as unnatural. Thus English men do not regard it as unnatural to be ruled by a queen, but others elsewhere, unfamiliar with such rule, do so. On the other hand, the English regard it as unnatural for women to be soldiers or Members of Parliament, but at other times and in other places, women's participation in war and politics were treated as natural (XXI: 270).

Mill rejects the suggestion that women are consenting parties to their domination by men. He notes that an increasing number of women have explicitly expressed their opposition to their inferior treatment by demanding the suffrage, equal access to education, and admission to the professions and occupations from which they are currently excluded (XXI: 270). Of course, wives, subject to the oppressive power of their husbands, are reluctant to complain for fear that this might provoke husbands to repeat or increase their abuses. Most men prefer their wives to be willing rather than forced slaves. Men have therefore resorted to the force of education to achieve their aim. From their earliest years, women are brought up to believe that they should be "submissive and yielding to the control of others," and that "it is their nature to live for others; to make complete abnegation of themselves, and to have no life but in their affections" (XXI: 272). Women are also aware that they are in reality totally dependent on their husbands for "every privilege or pleasure" (XXI: 272). But Mill thinks that modern social institutions are changing in the direction that leaves women's social subordination as the only case in which the higher social functions are closed to a group of people simply because of "a fatality of birth which no exertions, and no change of circumstances, can overcome" (XXI: 275).

But in spite of his frequent claims that no one knows the true nature of women, when they are dominated in slave-like conditions in marital relationships, Mill himself believes that,

> When the support of the family depends, not on property, but on earnings, the common arrangement, by which the man earns the income and the wife superintends the domestic expenditure seems to me the most suitable division of labor between the two persons. (XXI: 297)

Although this remark has attracted some criticisms, it is in fact a mild and somewhat qualified opinion about what most couples would find as a suitable arrangement (Shanley 1998: 403–4, 414–7). It is not meant to be prescriptive, or to replace whatever voluntary arrangements they would prefer. It reflects Mill's view about a fair arrangement in the circumstances. The wife has already gone through the "physical suffering of bearing children, and the whole responsibility of their care and education in the early years" (*Subjection*, XXI: 297). She would be taking a larger share of "bodily and mental exertions" if, in addition, she has to supervise the use of the husband's earnings. He believes that customary arrangements, which emerged from a closed environment based on inequality, and which are enforced, are undesirable. However, some customary arrangements may suit the parties involved, and be freely chosen. Nonetheless Mill's remark seems to overlook the fact that under conditions of freedom and equality, there is likely to be great variety in the choices made by men and women. Some women might prefer to spend most of their time working outside the home, while some men might prefer to look after the children at home.

Once women can freely choose their occupations on equal terms with men, the stereotypes of what they would prefer, developed under different conditions of inequality, will change, sometimes quite radically. Mill is surely right in claiming that the true nature of women can only be known under conditions of freedom and equality. We now know that even with the franchise, it has taken a long time for women to be accepted in spheres dominated by men, and regarded as areas more suited to men than to women. Recently it was reported that hedge funds run by women performed better than those run by men. This is an industry historically dominated by men. A director of a firm, which tracks the industry, refers to a study on the performance of women, and states his view that, "There have been studies which show that testosterone can make men less sensitive to risk-reward signals, and that comes through in this study" (*The Business Times* (Singapore), Jan 16, 2014).

1.3. Developing Women's Nature

Mill sees the liberating force of giving women the suffrage. It enables them to develop new interests beyond those related to the home. Most people would not develop their intellectual capacities unless these can be put to some practical use. He claims that, "The only sufficient incitement to mental exertion, in any but a few minds in a generation, is the prospect of some practical use to be made of the results" (*Considerations*, XIX: 400). So those whose interests are confined to the home will only develop a small part

of their intellectual powers. Their moral capacities are also similarly stunted if their sphere of action is artificially restricted.

> Let a person have nothing to do for his country, and he will not care for it. It has been said of old, that in a despotism there is at most but one patriot, the despot himself; and the saying rests on a just appreciation of the effects of absolute subjection, even to a good and wise master. (*Considerations*, XIX: 401)

Mill is here referring to the general effects of active political participation. When women have the vote and participate in political activities, they are not only able to protect their own interests as they see them, but they also develop broader interests, which they share with others. Some of Mill's remarks about women's interests and perspectives also apply to the effects of the subjection of women by their husbands in an unequal marriage, and the stunting of women's moral and intellectual capacities when their activities are narrowly confined to the management of the household. When women are granted the same opportunities and freedom as men, they will engage in public affairs, now regarded as men's business, and thereby enlarge the pool of talented people who can make contributions to society. Women will have a "softening influence" on the conduct of public affairs. Being the main victims of violence, they would seek to limit the sphere of violence and mitigate its excesses. Women are not taught to fight, and they would seek to settle differences without fighting. Men who desire to be admired by women would cultivate and sustain the virtue of chivalry (*Subjection*, XXI: 328–9).

There would be a great gain for society in women's participation in the broader areas of social life. There will be a huge increase in the available pool of talent for the performance of various functions. Women will find entry to occupations from which they were previously excluded. But for Mill, the emancipation of woman is basically a matter of simple justice to individual women, just as the abolition of slavery is a requirement of justice to individual slaves. The promotion of justice is also a source of great happiness to women, who can now find worthy outlets for their active faculties. The free direction and use of their own faculties give women a sense of personal dignity and happiness, just as their restriction and confinement is a source of unhappiness. "There is nothing after disease, indigence, and guilt, so fatal to the pleasurable enjoyment of life as the want of a worthy outlet for the active faculties" (*Subjection*, XXI: 338). Women who care for the family have this outlet, but an increasing number of women do not have the outlet. Women who have brought up a family, while still active, no longer have an occupation. They need to acquire new interests and challenges, just like some men who, on retirement, find the change to a life of relative inactivity causes "ennui, melancholy, and premature death" (XXI: 338).

1.4. Marriage and Equality

Mill believes that when women's interests are confined to the home and family, they would not be engaged with public issues, or the cultivation of virtues which do not promote advantages for the family. Women, who have no experience of managing public charitable schemes, tend to have misplaced notions of benevolence. By simply

giving to the poor, and thereby removing from them the bad consequences of their own acts, women tend to undermine the sense of self-dependence and self-respect in the poor. Women, whose well-being depends on their husbands, would not be able to appreciate the value of self-dependence. On the other hand, women, who are socially and politically emancipated, will act in a more socially beneficial manner (*Subjection*, XXI: 329–31).

They would also exercise a more valuable influence on their husbands. Men, married to those inferior to themselves, will be dragged down, even if they have aspirations to rise above public expectations of them. If they make sacrifices for the social benefit, these would be at the expense of their wives and children. The wife is expected to devote her whole life to self-sacrifice for the benefit of the family, and public opinion would also not generally endorse acts of the husband which go against the wife's interests, or the interests of the family. The husband is expected to compensate his wife for her total self-sacrifice. Husbands are thereby kept down at the level of the "mediocrity of respectability" that is a feature of the times (XXI: 333).

Without emancipation, the minds of women are reduced to such an inferior level compared with those of men that there can be no real identity of interests between men and women. The vast differences between them in education and character are not conducive to a happy and intimate marriage relationship. A "union of thought and inclinations" is crucial to a happy marriage (XXI: 333). Where the difference in mental capacities is great, and there is no attempt on the part of the inferior to rise to the higher level, the likely result is a deterioration in the abilities of the superior. The ideal marriage is one among equals, where each can have the pleasure of sometimes leading, and at other times being led by, the other.

But for Mill more is at stake in the emancipation of women than the achievement of happy and inspiring marriages. The "moral regeneration of mankind" depends on it:

> The moral regeneration of mankind will really commence, when the most fundamental of the social relations is placed under the rule of equal justice, and when human beings learn to cultivate their strongest sympathy with an equal in rights and cultivation. (XXI: 336)

2. Race

Mill's case for women's emancipation is clear and compelling. It rests on equality between men and women, on the value of free social and political participation for protecting one's interests, and for the cultivation and development of one's capacities. It condemns the despotic marriage arrangement in which men completely dominated over women. Given this background, it might seem strange for Mill to support British imperial rule over India, which is a system of despotism and inequality in the relations between the British and the Indians. But Mill sees no inconsistency in his views. In *On Liberty*, he maintains:

> Despotism is a legitimate mode of government in dealing with barbarians, provided the end be their improvement, and the means justified by actually effecting that end. Liberty, as a principle, has no application to any state of things anterior to the time when

> mankind have become capable of being improved by free and equal discussion. (*Liberty*, XVIII: 224)

Nor is this an isolated passage, for Mill repeats its substance elsewhere, and it seems to represent his considered view on the subject (Chiu and Taylor 2011: 1239–50; Ten 2012: 184–97). So what is the basis for his claim that such despotism is justified? Was Mill a racist, believing in the inherent superiority of whites over black people?

2.1. Mill and Carlyle

In "The Negro Question," a long letter to *Fraser's Magazine* published in 1850, Mill replies to Carlyle's earlier article of 1849. For a long time, negroes have been captured and brought to the West Indies to work as lifelong slaves. They were subjected to cruelty, tyranny, and wanton oppression. Carlyle had complained about emancipated negro slaves doing very little work producing pumpkins, and having a comfortable existence. He believed that they should remain the servants of the whites, who were born wiser and superior to the blacks. Mill rejects Carlyle's claim that all differences between human beings can be traced to "an original difference of nature". Mill points out that differences between two trees can partly be attributed to differences in the soil, climate, and exposure, rather than simply to the original seedlings.

> Human beings are subject to an infinitely greater variety of accidents and external influences than trees and have infinitely more operation impairing the growth of one another; so those who begin by being strong have almost always hitherto used their strength to keep the others weak. (*The Negro Question*, XXI: 93)

It is very rare for individuals or groups to improve spontaneously, without the help of others. If negroes are not in this rare group, it is not because they lack the capacity for improvement. There is evidence that the early Egyptians, and so the earliest known civilization, was a negro civilization. But even if by birth whites are superior in intelligence to blacks, this does not justify them in subordinating blacks by force and making them do all the hard work for the benefit of whites. Mill welcomes the abolition of negro slavery.

Mill, however, rejects the view, widely held in his day by Carlyle and others considered to be intellectual leaders, that there are inherent differences between different races and some are from birth superior to others. As in the case of the differences between men and women, Mill attributes differences to the different circumstances in which they are brought up. It is quite compatible with Mill's view that if a nation has different races, but they are brought up in similar circumstances and treated equally, they would share a distinctive national character. This could apply to blacks and whites living together. However, if the historical, social, and political circumstances of people living in the same society are very different, then one would expect radical differences in their characters, interests, capacities, and achievements. Under certain conditions, people's capacities would be confined or distorted, and they would be unable to improve themselves. This is true of women confined to the home and it is equally true of negro slaves, or poor natives deprived of resources, or incentives to work.

2.2. The Eyre Controversy and Indian Mutiny

Mill chaired the Jamaica Committee that campaigned for the prosecution of Governor Eyre of Jamaica for murder (Ten 2012: 191–2). Governor Eyre used excessive force in suppressing a black uprising in Morant Bay in 1865. About 400 black rioters killed a magistrate and several other persons. Governor Eyre declared martial law that lasted a month, even though the uprising had been suppressed in a week. In his reaction to the uprising, several hundred blacks were killed or flogged and buildings were burnt. Among those killed was an outspoken black member of the legislature, George William Gordon, who Eyre accused of starting the riots. Gordon was convicted of high treason and hanged.

Mill was then a Member of Parliament and his sustained campaign against Governor Eyre provoked a reaction among Eyre's supporters, who included Carlyle, and they formed the Eyre Defense and Aid Fund Committee in 1866. The Jamaica Committee was unsuccessful in prosecuting Eyre and was dissolved in 1868. Mill plays down his campaign against Eyre as a defense of negroes. In a letter to Urquhart of October 6, 1866, he writes,

> you see I am not on this occasion standing up for the negroes, or for liberty, deeply as both are interested in the subject – but for the necessity of human society, law. (Letter to David Urquhart, Oct 4, 1866, XVI: 1205)

Nonetheless, it is clear that the ill-treatment of blacks in Jamaica under British rule was a matter of grave concern to him. In a "Statement of the Jamaica Committee," which Mill signed, one of the aims specified was, "to arouse public morality against oppression of subject and dependent races" (Kinzer, Robson, and Robson 1992: 211–2; Ten 2012: 191–2). It is clear that Mill was greatly concerned about the treatment of blacks under colonial rule. They should be subject to the rule of law and not left to the arbitrary despotic treatment under martial law.

Mill was aware of the unpopularity of his cause. He received abusive letters and even threats of assassination. Certainly, no one of his day saw him as a racist. In fact, one magazine said that he was "such nuts upon niggers" (Reeves 2007: 381). He lost his parliamentary seat when he stood for re-election in 1868, after completing a three-year term. In his *Autobiography*, he includes among the reasons for his defeat the offence many people felt at what they regarded as his persecution of Eyre, and the donations he gave to nearly all working class candidates (*Autobiography*, I: 281).

Mill was appalled by the racism of his countrymen during the Indian Munity of 1857. The Indian Army had been provided with new rifles, which the sepoys refused to use because they believed that the cartridges were greased with beef or pork animal fat, which were religiously forbidden diet for Hindus and Muslims, respectively (Wilson 2003: 201–2; Ten 2012: 192–3). The cartridges had to be bitten off before being loaded into the rifles. The revolt spread from northern India to other parts of the country and lasted for over a year. Some British officers and soldiers showed violent racism and prejudice towards the Indians. Mill was also disturbed by the racist feelings at home that supported the actions of the soldiers in India:

> my eyes were first opened to the moral condition of the English nation (I except in these matters the working classes) by the atrocities perpetrated in the Indian Mutiny and the feelings which supported them at home. (Letter to David Urquhart, Oct 4, 1866, XVI: 1205–6)

Mill does not believe that the missionary activities of more advanced nations to make barbarian nations civilized are justified. In discussing the Mormon institution of polygamy, Mill expresses deep disapprobation of it, but he points out that, while the institution established a very unequal relation between men and women, the relation was voluntarily accepted by the women involved. Many women prefer "being one of several wives, to not being a wife at all" (*Liberty*, XVIII: 290). The Mormons have left the countries in which their views were unacceptable and established themselves in a remote area. So long as they do not commit aggression against other nations, and allow their own members the perfect freedom to leave the group if dissatisfied, it would be tyrannical to prevent them from living as they choose. Directly addressing the issue of a civilizing mission, Mill comments:

> A recent writer, in some respects of considerable merit, proposes (to use his own words) not a crusade, but a *civilizade*, against this polygamous community, to put an end to what seems to him a retrograde step in civilization. It also appears so to me, but I am not aware that any community has the right to force another to be civilized. (XVIII: 291)

In *Representative Government*, Mill maintains that a politically active people, like the English, are sometimes likely to interfere, "almost always in the wrong place," with natives in India (*Considerations*, XIX: 569). The interference is most likely to be made through proselytism, or by conduct that is intentionally or unintentionally offensive to the religious feelings of the natives. Mill opposes the forcing of "English ideas down the throats of the natives," and he was against the teaching of Christianity in government schools in India, even at the option of the pupils or their parents (XIX: 570). According to him, Hindu parents would not be persuaded that the government was not using improper means to convert Hindu children to Christianity.

In 1858, the East India Company was abolished, and India was ruled directly from Westminster. Mill had spent many years working for the Company. In "The Petition of the East India Company" presented to Parliament, Mill defends the Company, and argues for its continued rule of India. He points out that the Company had not interfered with "the religious practices of the people of India, except such as are abhorrent to humanity" (*Petition of the East-India Company*, XXX: 81; Ten 2012: 193–4). He notes that the success of this policy was shown by the fact that, although the Indian Mutiny was believed to be caused by threats to the local religions, many parts of the Indian population remained faithful to the British government.

The only kind of interference with native customs and ways of life that Mill supports are those that clearly harmed non-consenting persons. In his "Memorandum of the Improvements in the Administration of India during the Last Thirty Years," he lists among the Company's achievements, the actions it has taken against certain "barbarous" practices of the natives, such as female infanticide, human sacrifices, and slavery (Ten 2012: 194). Of course Mill is judgmental about aspects of native customs and practices that he regards as inferior to those of his own countrymen. These judgments and comparisons are unavoidable unless one adopts an extreme form of cultural relativism. Where there is harm to others against their will, adverse judgments and recommendations for change would have to be made. Other things being equal, Mill believes that it is always an improvement in social life to be rid of slavery, female

infanticide, and the total domination of men over women. There are other aspects of social life, such as differences in religious and customary practices that do not harm others, where differences need not reflect superiority or inferiority, or even if they do, they may best be met by toleration rather than the imposition of one practice on all. Mill justifies despotic colonial rule of "backward states" only when it is the most effective means of improving the capacity of the natives to rule themselves (Tunick 2006: 586–611; Chiu and Taylor 2011: 1239–50; Ten 2012: 184–97).

2.3. Backward States the Result of Social Circumstances

Mill's notions of "backward states" and "barbarians" involve a comparison of children and backward states, rather than the children of the developed countries and individuals (adults) in these backward states. So he is not claiming that British colonial rule over India is justified because all Indians are like children who cannot look after themselves. It is the race itself which "may be considered in its nonage." "Barbarians" refer to members of such backward states, however different they might be to one another in terms of personal capacities (Ten 2012: 184). They all live in societies under conditions in which representative government cannot be successfully applied and only some form of despotism is applicable. In *Representative Government*, he again maintains that colonial rule is legitimate "if it is the one which in the existing state of civilization of the subject people most facilitates their transition to a higher stage of improvement" (*Considerations*, XIX: 567). He goes on to point out that there are "conditions of society" that justify the "vigorous despotism" that trains the people in what is needed "to render them capable of a higher civilization" (XIX: 567). It is the condition of society that defines its state of civilization and limits the capacities of its members. This is in line with Mill's view that attributes differences in the capacities of different racial and ethnic groups to different, but alterable, social circumstances.

Mill believes that not all races are at the same level of development. However, these differences are not the result of intrinsic differences in intellectual and moral capacities. Rather, they are the product of circumstances that could have been different. These circumstances can change and can also sometimes be changed. He believes in the science of Ethology, which is concerned not only with the formation of individual character, but also with national and collective character (*Logic*, VIII: 869). He does not develop his account of Ethology, as he had hoped. But it is clear that he thinks that social and political progress are the result of favorable circumstances and, that in appropriate conditions, all racial groups are capable of such progress.

Mill discusses in more detail the social conditions in which representative government is inapplicable. He points out that a people's ability to adapt to representative government depends more on their having certain "special requisites" than on "the place they occupy in the general scale of humanity" (*Considerations*, XIX: 413). People must value representative institutions and be prepared to fight for them if they are endangered. They must have the will and capacity to perform the duties and functions required of them by the representative constitution. This involves using the suffrage not just to serve their private interests, but also in taking an interest in the general affairs of the state to the extent that a public opinion is formed, which checks the exercise of governmental power.

People are unsuited for representative government if they are either extremely passive or unable to show obedience to legitimate authority. Mill believes that such obedience is "the first lesson of civilization" (*Considerations*, XIX: 415). Representative government would also be unsuitable for a people who have what Mill calls "an inveterate spirit of locality" (XIX: 417). Such people have the capacity to exercise their faculties in matters of local interest at the village or town level, but no capacity to deal with wider issues affecting many communities. It is only through deferring to a central authority, common to all, that "these political atoms or corpuscles have coalesced into a body, and learnt to feel themselves one people" (XIX: 417). An absolute monarchy is better than representative government in developing "common feelings of cohesion" among a group of small regional units (XIX: 418).

But given that a period of despotic rule is needed to prepare people for representative government, this still leaves open the issue of why local despotism is inadequate. Of course, living under despotism is part of the social conditions that retard the capacities for the successful application of representative government. In his discussion of nationality, Mill argues that the working of representative government requires a united public opinion. For this reason, he thinks that, "Free institutions are next to impossible in a country made up of different nationalities" (XIX: 547). However, he notes that the feeling of nationality can be generated by various causes, including identity of race, descent, community of language or religion, and the possession of a common history (XIX: 546). But none of these, he acknowledges, in itself is indispensable or sufficient. It is also unclear how despotism can bring different groups of people together, and how a united public opinion will be allowed to develop under despotism. Freedom of discussion and association seem more likely to generate the discovery of common interests around which a united public opinion can be formed. But despotism would suppress such freedom. Mill himself is acutely aware that foreign despotism faces special problems. He notes, "Foreigners do not feel with the people" (XIX: 568). They also do not have detailed knowledge of the people over whom they rule and they have to depend on acquiring such knowledge from the natives, without at the same time knowing whom to trust. Foreign despots are prone to despise the natives.

Mill maintains that only a "good despot" can improve barbarians, but that a good native despot is "a rare and transitory accident" (XIX: 567). On the other hand, a despot from a more advanced nation ought to be able to provide what is needed constantly. However, this may only be true with respect to the technical expertise needed for good government. Technical knowledge would not be sufficient to generate the social conditions that Mill regards as necessary for people to successfully apply representative government and live happily under free institutions. In the absence of the franchise, what is the reliable mechanism for letting the "good despot" know about the interests and needs of the ordinary natives? What would motivate the despot, who does not feel with the people, to protect their interests and prepare them to replace him as ruler?

Mill may be right in arguing that the delegation of government in India to the East India Company is better than direct rule by the British Parliament, responsible to British public opinion. But why does he think that the East India Company, which is a commercial enterprise, would rule India in the interests of the Indians and prepare them to rule themselves without the Company? A major sacrifice of the Company's

commercial interests would be required if it is to meet Mill's condition for justified colonial rule.

Commenting on the power of the East India Company in India during his time, also in the nineteenth century, Macaulay wrote:

> Enormous fortunes were thus rapidly accumulated in Calcutta, while thirty millions of human beings were reduced to the extremity of wretchedness. … Under their old masters they had at least one resource; when the evil became insupportable, the people rose and pulled down the government. But the English government were not to be shaken off. That government, oppressive as the most oppressive form of barbarian despotism, was strong with the strength of civilization. (Macaulay 1963: 528)

Unlike Mill, Macaulay had lived and worked in India. His comments cannot be totally dismissed. They are in sharp contrast with James Mill's view, "Even the utmost abuse of European power, is better, we are persuaded, than the most temperate exercise of Oriental despotism" (Pitts 2005: 125). James Mill never visited India, although his *The History of India* was accepted by many in Britain as authoritative at the time.

John Stuart Mill maintains that before British rule in India, there was "disorder and confusion" in most Indian states. The British made native states safe from invading "hordes of undisciplined adventurers." Certain hill tribes, who were robbers and had been treated like "wild beasts" by native governments, were converted by the British to peaceful cultivators by the provision of land, tools, and money (*Memorandum of Improvements in Indian Administration*, XXX: 151–3; Ten 2012: 194–5).

But was lawlessness, disorder, and uncontrolled robbery a typical condition of most Indian states, and was British rule generally as benign and helpful to peace, security, and stability as Mill's example suggests? India is a vast country with different prevailing social conditions and problems. Mill himself believes that in the Rajput states there was a sense of nationality and shared historical traditions and feelings that gave them a sense of unity and they therefore required different treatment from other states that were not national polities (Zastoupil 1994: 153). There were Indian states with relative stability. In his instructive discussion of Mill's singling out of the Rajputs as truly national polities, Lynn Zastoupil points out that they were not the only national dynasties and that Mill's view was based on a "shallow and biased reading of Indian political history" (1994: 155). Mill distinguishes the national polities of the Rajputs from other Indian states where the ruling classes were conquerors, "almost as much foreigners to the mass of the people" as the British (Zastoupil 1994: 154). But even so, he acknowledges that they could provide stable government.

3. Conclusion

Mill genuinely believes that the high-minded and very demanding standards that he set for colonial rule could be, and to a certain extent were, met by the British in India. He believes in the power of ideas. "One person with a belief, is a social power equal to ninety-nine who have only interests" (*Considerations*, XIX: 381). He does not anticipate how his belief about the proper aims of colonial rule could be easily defeated by

the sheer power of the material interests of the rulers and their supporters. Although his working life was spent in the service of the East India Company, Mill never visited India. This was to be expected, given his fragile health. But it meant a narrowing of his experience, knowledge, and perspective of Indian communities. He could not entirely break out of the imprisonment by the views of his father's book on India. The book was an important part of his early education. As he noted in his *Autobiography*, his father took about ten years to write the book and, throughout that period, he spent almost every day instructing his children, including Mill himself (*Autobiography*, I: 7). No doubt his father's tuition would have included some of the materials in the book. His father also gave him the manuscript of part of the book to read. This made a deep impression on the young Mill. As he put it, "Almost as soon as I could hold a pen I must needs write a history of India too" (*Early Draft*, I: 16). He abandoned this project, but throughout his boyhood he was "much addicted" to writing about what he called "histories; of course in imitation of my father" (I: 16). James Mill's book was published in 1818 and while it was going through the press the previous year, Mill would read the manuscript to his father while the father corrected the proof. Mill acknowledges that the book

> contributed very much to my education: The number of new ideas that I received from this remarkable book, and the impulse and stimulus as well as guidance given to my thoughts by its criticisms and disquisitions on society and civilization in the Hindoo part, on institutions and the acts of governments in the English part – made my familiarity with this book eminently useful to my subsequent progress. (*Early Draft*, I: 26–8)

Mill remains true to his deepest liberal convictions, but he was not well-placed to form accurate assessments of the detailed social and political conditions in different parts of India, and the capacities and achievements of Indians. He is too willing to believe that his own countrymen and women could be motivated to work for the benefit of the ordinary natives, even at the expense of their own and their country's interests. He is a dedicated champion of the vulnerable and the oppressed, whether they be the working class, women, negroes in Jamaica, or Indians. But he is not always a successful champion.

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12

Mill on Logic

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Working within the broad lines of general consensus that mark out the core features of John Stuart Mill's (1806–73) logic, as set forth in his *A System of Logic* (1843–72), this chapter provides an introduction to Mill's logical theory by reviewing his position on the relationship between induction and deduction, and the role of general premises and principles in reasoning. Locating induction, understood as a kind of analogical reasoning from particulars to particulars, as the basic form of inference that is both free-standing and the sole load-bearing structure in Mill's logic, the foundations of Mill's logical system are briefly inspected. Several naturalistic features are identified, including its subject matter, human reasoning, its empiricism, which requires that only particular, experiential claims can function as basic reasons, and its ultimate foundations in "spontaneous" inference. The chapter concludes by comparing Mill's naturalized logic to Russell's (1907) *regressive method* for identifying the premises of mathematics.

1. The Nature of Logic

1.1. Reasoning: The Subject Matter of Logic

Logic, for Mill, is the science and art of reasoning:

> meaning by the former term, the analysis of the mental process which takes place whenever we reason, and by the latter, the rules, grounded on that analysis, for conducting the process correctly. (*Logic*, VII: 4)

Mill's naturalization of logic begins by naturalizing its subject matter: logic studies mental, that is, natural, processes.

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Yet, while logic studies reasoning as a natural process, it does so normatively, not descriptively: it "takes cognizance of our intellectual operations, only as they conduce to our own knowledge" (*Logic*, VII: 6; cf. 12).

> Logic is not the science of Belief, but the science of Proof, or Evidence. In so far as belief professes to be founded on proof, the office of logic is to supply a test for ascertaining whether or not the belief is well grounded. (*Logic*, VII: 9)

Logic, as an art, is prescriptive and hence logic is not fully naturalized. The fact that logic studies natural processes does not commit Mill to a naturalistic account of logical norms. This, as we will see, comes later.

Nevertheless, even here Mill's position is a site of controversy. To appreciate this, consider an alternative, Fregean view. For Frege, laws of logic "[are] not psychological laws of takings-to-be-true, but laws of truth" (1964: 13), and

> [a] derivation from these [psychological] laws [of taking-to-be-true], an explanation of a mental process that ends in taking something to be true, can never take the place of proving what is taken to be true, (1977: 2)

since

> being true is different from being taken to be true, whether by one or many or everybody, and in no case is to be reduced to it. There is no contradiction in something's being true which everybody takes to be false. (1964: 13; cf. 1979: 146, 1980: vi)

Reasons like these led Frege to de-naturalize the subject matter of logic, postulating a "third realm" (1977: 17) of sempiternal, insensible *thoughts* – truth-bearers or the senses of declarative sentences – for which all psychological properties, such as their being grasped by a mind, are accidental. For Frege, by mistakenly taking logic to be about thinking rather than *thought,* Mill's logic mistakenly supplies laws of takings-to-be-true rather than laws of truth (see Godden 2005, 2014).

1.2. Logic as Philosophy of Evidence

Yet for Mill, it is vital that logic be about thinking and supply laws of takings-to-be-true, since "[t]he sole object of Logic is the guidance of one's own thoughts" (*Logic*, VII: 6). Accordingly, logic supplies guidance norms and this requires its naturalization.

On Mill's view, reasoning and consciousness comprise the two sources of all our knowledge (*Logic*, VII: 6–7). Truths of which we are directly conscious provide "the original data, or ultimate premises of our knowledge," but are "known antecedently to all reasoning;" hence "[t]here is no logic for this portion of our knowledge" (*Logic*, VII: 7). Mill thus restricted "[t]he province of logic … to that portion of our knowledge which consists of inferences from truths previously known" (*Logic*, VII: 9).

The study of reasoning, though, is not limited to demonstrative, or deductive, reasoning (which Mill called "ratiocination"). Rather, logic studies all inferential means

to knowledge. "Logic, as I conceive of it, is the entire theory of the ascertainment of reasoned or inferred truth" (*Logic*, VII: 206). For Mill, logic is a "Philosophy of Evidence" (*Examination*, IX: 371): a logic not of consistency, the property preserved through deductive validity, but of truth (*Logic*, VII: 208).

A logic of truth, for Mill, involves *real* rather than *verbal propositions* (*Logic*, VII: 109ff.), and *real* rather than *verbal inferences* (*Logic*, VII: 158ff.) Verbal propositions are distinguished by Skorupski's (1989: 79) criterion of *connotative inclusion* whereby "the attributes connoted by the predicate are a subset of the attributes connoted by the subject." Real propositions, by contrast, are synthetic and thereby capable of conveying new information about their subjects (*Logic*, VII: 116). Similarly, real inferences are ampliative – their conclusions assert more information than what is contained in their premises. Thus for Mill, real inferences, "in which we set out from known truths, to arrive at others really distinct from them," are alone capable of advancing knowledge (*Logic*, VII: 158ff., 162). Hence, if logic is to have an epistemic function, it must move via real inferences from premises to conclusions each expressing real propositions. As we will see next, on Mill's view, only induction is capable of producing such results.

2. Deduction

2.1. Syllogisms and Real Inferences

To understand Mill's reasons here, it is instructive to consider his treatment of an illustrative, example syllogism.

> All men are mortal,
> The Duke of Wellington is a man,
> Therefore, the Duke of Wellington is mortal.
> (*Logic*, VII: 185)

As an aside, Mill held that all valid deductions could be represented syllogistically and that all valid syllogisms could, by means of merely verbal transformations of their constituent claims, be represented in one of the four moods of the first figure: affirmative syllogisms as either *Barbara* or *Darii*, and negative syllogisms as either *Celarent* or *Ferio* (*Logic*, VII: 168). He was wrong on both counts.[1]

Given a syllogism such as this, the question for Mill is: in what manner is the inference demonstrative? How, and to what extent, do the premises support the conclusion? The problem, Mill recognized, is the following:

> the proposition [the Duke of Wellington is mortal] is presupposed by the more general assumption, All men are mortal: that we cannot be assured of the mortality of all men, unless we are already certain of the mortality of every individual man: that if it be still doubtful whether [the Duke of Wellington], or any other individual we choose to name, be mortal or not, the same degree of uncertainty must hang over the assertion, All men are mortal… (*Logic*, VII: 184; text adapted to fit example)

Because of this, Mill concluded: "It must be granted that in every syllogism, *considered as an argument to prove the conclusion*, there is a *petitio principii*" (*Logic*, VII: 184; emphasis added). On Mill's view, a syllogism cannot provide a reason for accepting its conclusion, since acceptance of the conclusion is already presupposed in the acceptability of the premises. As such, the general premises of syllogisms are not *epistemically prior* to their conclusions, and hence cannot provide a rational basis for the conclusion's acceptability.[2]

Accordingly, ratiocination is not a form of real inference: "no reasoning from generals to particulars can … prove anything: since from a general principle we cannot infer any particulars, but those which the principle itself assumes as known" (*Logic,* VII: 184). This position leads Mill to several remarkable, indeed revolutionary, logical views: first on the inductive form and basis of all reasoning, second on the role of general claims in reasoning, and finally on the proper function of ratiocination.

If not the premises of the syllogism, what, according to Mill, provides the real reason on the basis of which we accept its conclusion?

> The true reason why we believe that the Duke of Wellington will die, is that his fathers, and our fathers, and all other persons who were cotemporary with them, have died. Those facts are the real premises of the reasoning. (*Logic,* VII: 195)

3. Empiricism in Logic

3.1. Our Knowledge of General Truths

Here we discover the second key component of Mill's naturalization of logic: his empiricism. Mill found the rationalist view of intuitionist philosophers, that substantive truths can be known a priori, to be "the great intellectual support of false doctrines and bad institutions" (*Autobiography*, I: 233). Against this, Mill sided with the "School of Experience," which he described as follows:

> Of nature, or anything whatever external to ourselves, we know, according to this theory, nothing, except the facts which present themselves to our senses, and such other facts as may, by analogy, be inferred from these. There is no knowledge *a priori*; no truths cognizable by the mind's inward light, and grounded on intuitive evidence. Sensation, and the mind's consciousness of its own acts, are not only the exclusive sources, but the sole materials of our knowledge. (*Coleridge*, X: 125)

Thus, considering the general proposition "all men are mortal," Mill asked,

> whence do we derive our knowledge of that general truth? Of course from observation. Now, all which man can observe are individual cases. From these all general truths must be drawn, and into these they may be again resolved. (*Logic*, VII: 186)

Because of its sources in experience, our knowledge occurs, and is acquired, first in individual cases. Only subsequently by means of inductive inference is this knowledge of particular instances collected and organized into generalizations.

3.2. *Induction as Real Inference*

The result is that induction is the sole form of real inference, and indeed the basis of all other inference. Since "all experience begins with individual cases, and proceeds from them to generals," the fundamental, primary, and basic operation of inference cannot be deduction, or ratiocination, which Mill defined as "inferring a proposition from propositions *equally* or *more* general" (*Logic*, VII: 163, 162). Rather induction, "inferring a proposition from propositions *less general* than itself" (*Logic*, VII: 162) must be primary. Indeed, induction, being the sole form of ampliative inference, is the sole form of real inference.

> In every induction we proceed from truths which we knew, to truths which we did not know; from facts certified by observation, to facts which we have not observed, and even to facts not capable of being now observed; future facts, for example; but which we do not hesitate to believe on the sole evidence of the induction itself. (*Logic*, VII: 163)

4. Deduction Revisited

4.1. *The Function of General Claims and Principles in Inference*

Since they must be supported inductively, general claims do not have the inferential function they are typically taken to have. Generalizations, whether occurring as premises or as inferential principles, are not load-bearing structures in reasoning. Rather, they are *inferentially inert*.

Consider again our example syllogism and recall that for Mill our sole evidence supporting our belief in the conclusion is our prior experience of individual cases of human mortality.

> The mortality of John, Thomas, and others is, after all, the whole evidence we have for the mortality of the Duke of Wellington. Not one iota is added to the proof by interpolating a general proposition. Since the individual cases are all the evidence we can possess, evidence which no logical form into which we choose to throw it can make it greater than it is; and since that evidence is either sufficient in itself, or, if insufficient for the one purpose [i.e., of providing sufficient reason for the particular claim of the conclusion], [it] cannot be sufficient for the other [i.e., of providing sufficient reason for the general claim of the premise]; I am unable to see why we should be forbidden to take the shortest cut from these sufficient premises to the conclusions and constrained to travel the "high priori road" by the arbitrary fiat of logicians. (*Logic*, VII: 187)

For Mill, articulating our reasoning syllogistically, such that it passes through a general claim from which the conclusion logically follows, is not a means of adding to the evidence we have gleaned from experience. Instead, it is merely a means of referring to that evidence. When we conclude that

> the Duke of Wellington is mortal like the rest; we may, indeed, pass through the generalization, All men are mortal, as an intermediate stage; but it is not in the latter half of the process, the descent from all men to the Duke of Willington, that the *inference* resides.

> The inference is finished when we have asserted that all men are mortal. What remains to be performed afterwards is merely deciphering our own notes. (*Logic* VII, p. 187)

General claims, on Mill's account, do not, properly speaking, function as premises. Rather, Mill described their function variously as "memoranda" and as "registers of … inferences already made" (*Logic*, VII: 194–5; 193), and explicitly denied them an evidentiary function: "when we conclude that the Duke of Wellington is mortal, we do not infer this from the memorandum, but from the former experience" (*Logic*, VII: 195). The role of general claims in inference is not evidential but notational: "a general truth is but an aggregate of particular truths; a comprehensive expression, by which an indefinite number of individual facts are affirmed or denied at once" (*Logic*, VII: 186). As such, while general claims are cognitively useful – Skorupski (1989: 115) describes them as functioning like currency in an economy: they are a store and measure of value, and a means of exchanging real goods – they are, nevertheless, inferentially inert.

4.2. The Basic Axioms of Syllogistic Reasoning

Mill's position on the primacy of induction and the inferential inertness of general claims in reasoning extends also to the basic axioms or principles of deduction itself.

Mill held that the fundamental principle of all ratiocination is the transitivity of coexistence, having two formulations corresponding to affirmative and negative syllogisms respectively (*Logic*, VII: 178). Importantly for Mill, these principles are not merely verbal (e.g., conceptual or definitional) but are real, universal laws of nature.

> These axioms manifestly relate to facts, and not to conventions; and one or the other of them is the ground of the legitimacy of every argument in which facts and not conventions are the matter treated of. (*Logic*, VII: 178)

Yet while they mark the legitimacy of syllogistic inference, they do not have an evidentiary or warranting function. Instead they are, like any other general truth, supported by induction. As real propositions, they are known first in their particular instances and only subsequently is this evidence drawn together inductively to conclude the general axiom.

Similarly, concerning the principles of non-contradiction and excluded middle as axioms of rationality or deduction, Mill wrote:

> I consider it [the law of non-contradiction] to be, like other axioms, one of our first and most familiar generalizations from experience. The original foundation of it I take to be, that belief and disbelief are two different mental states, excluding one another. (*Logic*, VII: 277)

Because of this, the basic principles of ratiocination lack any argumentative role in deduction, even as second-order or meta-theoretic principles. Stating the principle "things which coexist with the same thing, coexist with one another" (*Logic*, VII: 178) together with the Duke of Wellington syllogism provides the conclusion with no additional evidence or warrant beyond the evidence of any particular cases supplied by experience.

Thus the supposed axioms of ratiocination have the same function as any other general claim. First, as already mentioned, rather than function evidentially, they function as memoranda of the evidence collected in induction.

> All inference is from particulars to particulars: General propositions are merely registers of such inferences already made, and short formulae for making more: The major premise of a syllogism, consequently, is a formula of this description: and the conclusion is not an inference drawn *from* the formula, but an inference drawn *according to* the formula: the real logical antecedent, or premise, being the particular facts from which the general proposition was collected by induction. (*Logic*, VII, p. 193)

Second, as will be discussed further next, rather than functioning as parts of arguments, providing reasons or principles for reasons from which conclusions may then be justifiably inferred, general claims and principles provide rules according to which inferences may be made and against which the correctness of inferences may be checked. Importantly though, these rules do not act as inference licenses, authorizing the step from premises to conclusion, since the rule itself is inferentially inert. Rather than in the rule itself, the authorization for the inference is to be found in the evidence collected under the rule.

4.3. The Proper Function of Ratiocination

Given his picture of the role of general claims in reasoning, Mill must offer an alternative account of the proper function of the syllogism. On Mill's account, syllogisms, and deduction generally, cannot function argumentatively: they cannot supply reasons on the basis of which the acceptability of their conclusions rest. Nor, according to Mill, is the syllogism representative of our actual reasoning processes.

> [T]hough there is always a process of reasoning or inference where a syllogism is used, the syllogism is not a correct analysis of that process of reasoning or inference; which is, on the contrary, (when not a mere inference from testimony) an inference from particulars to particulars. (*Logic,* VII: 196)

Rather than having an argumentative or representative function, Mill claimed that the proper function of the syllogism is evaluative.

> [T]he syllogism is not the form in which we necessarily reason, but a test of reasoning: a form into which we may translate any reasoning, with the effect of exposing all the points at which any unwarranted inference can have got in. ... [T]he syllogistic theory is only concerned with providing forms suitable to test the validity of inferences. (*Examination*, IX: 390; cf. *Logic*, VII: 198, 205)

Together with the formulation of general premises or principles, syllogistic logic provides a mechanism to test the validity of our ordinary reasoning. If we can formulate our reasoning in one of the valid syllogistic forms, and if, having done so, we are prepared to admit the general premise(s) of the syllogism, then we may be assured of the acceptability of our conclusion – at least to the extent that we are justified in our

willingness to admit the premises. Yet to reiterate, this operation is only a test, since the real argumentative work (both evidentiary and warranting) has been done inductively, in amassing the evidence required to establish the general premises or principles in the first place.

5. Induction

5.1. Analogical Reasoning: The Basic Structure of Induction

Induction then, is the foundation of all inferential knowledge. Further, given that it provides the basis for all other forms of inference and inferential principles, Mill's system requires that induction itself be self-supporting. What then is the structure of inductive reasoning, and how is it free-standing while being the sole load-bearing structure in Mill's logic?

Induction, for Mill,

> consists in inferring from some individual instances in which a phenomenon is observed to occur, that it occurs in all instances ... which *resemble* the former, in ... the material circumstances. (*Logic*, VII: 306)

Though induction includes both inductive generalization and induction to a particular, for Mill both the alpha and omega of induction, and hence of all reasoning, is reasoning from particulars to particulars (*Logic*, VII: 193). Indeed, it is the first and most natural way in which we ordinarily reason.

> Not only *may* we reason from particulars to particulars without passing through generals, but we perpetually do so reason. All our earliest inferences are of this nature. ... We all, where we have no definite maxims to steer by, guide ourselves in the same way. (*Logic*, VII: 188)

The structure of reasoning from particulars from particulars is analogical (*Logic*, VII: 202ff; cf. 554ff.): we pass from premises that note particular properties in observed cases to a conclusion that projects at least one of those properties onto unobserved cases resembling the former in respect of the other observed properties. Mill gave the following general formula for analogical reasoning:

> *Form of Analogical Reasoning*
> Two things resemble each other in one or more respects;
> a certain proposition is true of the one;
> therefore it is true of the other.
> (*Logic*, VII: 555)

This formulation, he claimed, "will serve for all reasoning from experience ... the strictest induction, equally with the faintest analogy" (*Logic*, VII: 555). Yet, clearly such inferences are not always successful: they do not always, or even generally, conduce to true conclusions even when their premises are true. The question for Mill, then,

was what distinguishes the successful, cogent applications of analogical reasoning, which Mill identified with induction, from those that unreliably project similarities from premises to conclusions?

5.2. *Induction and Causal Laws of Nature*

For Mill, the difference between successful induction and failed analogy is that in cases of induction our projection of properties tracks some causal law of nature: "every well-grounded inductive generalization is either a law of nature, or a result of laws of nature, capable, if those laws are known, of being predicted from them" (*Logic*, VII: 318). When a property is reliably projected in induction, this reliability is explained by the fact that the principle at work in the inference corresponds to some actual regularity in the world – a law of nature.

Thus, in order to know whether our inductions are warranted we must discover the laws of nature, or the actual regularities according to which the universe operates. (Importantly, for Mill "the expression, Laws of Nature, *means* nothing but the uniformities which exist among natural phenomena" which he claimed to be synonymous with "the results of induction": *Logic*, VII: 318). In this respect, the aims of inductive logic and natural science are the same.

To achieve this end, Mill proposed a series of Baconian methods of experimental inquiry for "singling out from among the circumstances which precede or follow a phenomenon, those with which it is really connected by an invariable law" (*Logic*, VII: 388ff.). These canons of induction prescribe sequences of controlled observations designed to isolate particular aspects of correlated phenomena and subsequently (1) to exclude them as not part of the cause, because they can be absent yet the same result obtain (method of agreement), or (2) identify those aspects acting causally, because when they alone are absent the result fails to obtain (method of difference). (The remaining methods either combine or are built on the results of these.)

Because successful, warranted inductions track laws of nature, whenever an induction to a particular is warranted, so too is an inductive generalization that states the relevant nomological regularity.

> If, from observation and experiment, we can conclude to one new case, so may we to an indefinite number. If that which has held true in our past experience will therefore hold in time to come, it will hold not merely in some individual case, but in all cases of some given description. Every induction, therefore, which suffices to prove one fact, proves an indefinite multitude of facts: the experience which justifies a single prediction must be as such to bear out a general theorem. (*Logic*, VII: 196)

Mill's thesis that successful inductions track natural laws is at the core of his dispute with Whewell (1794–1866) concerning the nature of induction. The question was whether induction involved the mind adding anything to what was given in experience. According to Whewell, induction involves a *colligation* of facts: a bringing together of particular facts under some general, uniting conception. This uniting conception, Whewell claimed, is not found among the facts, but is supplied by the mind.

> The facts are known, but they are insulated and unconnected, till the discoverer supplies from his own store a principle of connexion. The pearls are there, but they will not hang together till someone provides the string. (Whewell 1858: 73)

Against this Mill argued that, while the mind must conceive of this generalization for itself, when induction is rightly conducted it is because the generalization conceived in the mind corresponds to a fact in the world – specifically to a law of nature. "If the facts are rightly classed under the conception, it is because there is in the facts themselves something of which the conception is itself a copy" (*Logic*, VII: 296).

5.3. The Ground of Induction

As with ratiocination, Mill granted that there was a "fundamental principle, or general axiom, of induction," a real proposition or "universal fact, which is our warrant for all inferences from experience," namely the *uniformity principle* [UP]: "that the course of nature is uniform; that the universe is governed by general laws" (*Logic*, VII: 306–7).

Mill claimed that our acceptance of UP is warranted by experience. "The truth that every fact which has a beginning has a cause, is coextensive with human experience" (*Logic*, VII: 325; cf. 306). Yet he also claimed that our experience of the uniformity of nature was not, itself, uniform. "The course of nature, in truth, is not only uniform, it is also infinitely various" (*Logic*, VII: 311). Hence, "[t]he general regularity [UP] results from the coexistence of partial regularities [the laws of nature]" (*Logic*, VII: 315).

> [T]he uniformity of the course of nature ... is itself a complex fact, compounded of all the separate uniformities which exist in respect to single phenomena. These various uniformities, when ascertained by what is regarded as sufficient induction, we call in common parlance, Laws of Nature. (*Logic*, VII: 315)

Consequently, our entitlement to UP is itself grounded on induction.[3]

> [T]his great generalization [UP] is itself founded on prior generalizations. ... We should never have thought of affirming that all phenomena take place according to general laws, if we had not first arrived, in the case of a great multitude of phenomena, at some knowledge of the laws themselves; which could be done no otherwise than by induction. (*Logic*, VII: 307)

As such, UP has the same epistemic grounding in experience and induction, and hence the same inert argumentative status, as any other real general claim. By using UP, "every induction may be thrown into the form of a syllogism" such that "the uniformity of the course of nature, will appear as the ultimate major premise of all inductions" (*Logic*, VII: 308). Yet, like any other major premise its function is merely notational, rather than evidentiary or warranting. In any induction, UP stands to the conclusion as any major premise in a syllogism: "not contributing at all to prove it, but being a necessary condition of its being proved" (*Logic*, VII: 308).

5.4. *"Spontaneous" Inference: Mill's Naturalization of Induction*

What then is the ultimate ground for induction in Mill's logic? Here we find a third, and most trenchant, aspect of Mill's logical naturalism. As already noted, Mill held that reasoning from particulars to particulars is the first and most natural way we ordinarily reason. Additionally, Mill held that the kinds of spontaneous induction human beings naturally engage in is primitively cogent.

> Assuredly, if induction by simple enumeration were an invalid process, no process grounded on it could be valid; just as no reliance could be placed on telescopes, if we could not trust our eyes. But though a valid process, it is a fallible one. (*Logic*, VII: 567–8)

Thus, at the very core of Mill's logic one finds a naïve naturalism about the reliability of induction and the epistemic responsibility of its use as a means to knowledge. Though inferential, induction is a basic source of justification and, rather than provide it with some further ground, the task of the logician is to supply guidance norms for its proper use.

Induction, reflectively practiced and rigorously articulated, for example, by representing and testing our inferences syllogistically, and by using Mill's methods to identify correct generalizations, constitutes a refinement of, indeed an improvement upon, our spontaneous and unreflective inferential proclivities. For example, Mill claimed, "Though not necessary for reasoning, general propositions are necessary to any considerable progress in reasoning" (*Logic*, VII: 199). Such refinements can improve our success in using induction, and hence the reliability of induction in particular applications. Yet, mere improvements they remain. "[T]he most scientific proceeding can be no more than an improved form of that which was primitively pursued by the human understanding, while undirected by science" (*Logic*, VII: 318).

Indeed, the very processes of refinement, which Mill called "rigorous" or "scientific" induction, presupposes rather than establishes or bolsters the reliability of the initial, spontaneous practice.

> As, however, all rigorous processes of induction presuppose the general uniformity, our knowledge of the particular uniformities from which it was first inferred was not, of course, derived from rigorous induction, but from the loose and uncertain mode of induction *per enumerationem simplicem*; and the law of universal causation, being collected from results so obtained, cannot itself rest on any better foundation. It would seem, therefore, that induction *per enumerationem simplicem* not only is not necessarily an illicit logical process, but is in reality the only kind of induction possible; since the more elaborate process depends for its validity on a law, itself obtained in that inartificial mode. (*Logic*, VII: 567)

Thus, rather than provide any further justification for induction, Mill was content to provide a natural history of it, seemingly because that was all the justification it needed, or at least because that was all the justification there was to be found.

> Many of the uniformities existing among phenomena are so constant, and so open to observation, as to force themselves upon involuntary recognition. … The first scientific inquirers assumed these and the like as known truths, and set out from them to discover others which

> were unknown … [as well as to revise] these spontaneous generalizations … when the progress of knowledge … showed their truth to be contingent on some circumstance not originally attended to. … [T]here is no logical fallacy in this mode of proceeding; … any other mode is rigorously impracticable: since it is impossible to frame any scientific method of induction, or test of the correctness of induction, unless on the hypothesis that some inductions deserving of reliance have already been made. (*Logic*, VII: 318–9)

6. Conclusion

6.1. Summary

In summary, Mill's logic concerns human reasoning insofar as it is an inferential path to knowledge and seeks to provide reasoners with guidance norms for inferential knowledge. As an empiricist, Mill held that all our knowledge is acquired experientially and hence, in the first instance, is of concrete particulars. Since its original inputs are particular claims, the primary form of reasoning is from particulars to particulars. This kind of analogical reasoning becomes properly inductive when our extrapolation of properties from premise to conclusion conforms to an actual regularity in nature. When this occurs, we may infer not only to a particular but also to a generalization (i.e., to the regularity) and it is by this method that all real general propositions are properly inferred. The reliability of our inductions may be improved when we explicitly formulate the generalizations our inferences rely upon and undertake to identify the actual regularities at work in the world, the causal laws of nature, ensuring that the former are instances of the latter. Ratiocination, or syllogistic logic, provides a mechanism to test our reasoning. When our reasoning conforms to a valid syllogistic form and the general premises are properly nomological, we may be assured that our conclusions are soundly derived. Yet, none of the general premises of ratiocination, or the principles of deduction (the transitivity of coexistence) or induction (the uniformity of nature), have any argumentative (evidentiary or warranting) function. Rather, in every case they are themselves the product of induction and their justification is reliant on induction. As such, induction is free-standing as the basic source of inferential justification. Its primitive cogency is established naturalistically through our spontaneous tendency to rely on it and our successes when doing so.

6.2. Mill's Naturalism and Russell's Regressive Method

Fumerton has charged that:

> Where Mill is most original, he is often least plausible. His apparent endorsement of induction as the source of even elementary knowledge of arithmetic … truths, for example, isolates him even from his most staunch fellow empiricists. (Fumerton 2009: 147)

On the face of it, Mill's empiricist and naturalist account of the structure and foundations of inference seems deeply at odds with the kind of account that would become prevalent in Anglo-American analytical philosophy. For example, in as much as Mill's empiricism was embraced by the logical positivists concerning synthetic knowledge,

his naturalized and empirical account of the nature and foundation of putatively a priori, analytic knowledge was soundly rejected in favor of a formalist, logicist approach of the sort afforded by the new logical calculus. Take arithmetic, for example. While Frege recognized that simple arithmetical theorems (e.g., $2 + 2 = 4$) and laws (e.g., the associativity of addition) are "amply established by the countless applications made of them every day" (1980: 2), he claimed that empirical observations play no part in the proof of such claims, which are properly demonstrated via derivations from first principles, as in his own *Grundgesetze* (1893–1903).

Similarly, in describing his early views on Mill's logic, Russell wrote: "In spite of [a] strong bias towards empiricism, I could not believe that 'two plus two equals four' is an inductive generalization from experience" (1959: 11). Yet, in 1907 Russell voiced his *regressive method* for discovering the premises of mathematics. The paper begins with the recognition of a striking paradox:

> There is an apparent absurdity in proceeding, as one does in the logical theory of arithmetic, through many rather recondite propositions of symbolic logic, to the "proof" of such truisms as $2 + 2 = 4$: for it is plain that the conclusion is more certain than the premises, and the supposed proof therefore seems futile. (Russell 1973: 272)

The paradox lies in the fact that the logical axioms from which theorems such as the truism $2 + 2 = 4$ are derived, while putatively supplying the logical bases for the theorem, are in fact accepted by us only because they produce the truism as a theorem. "[W]e tend," Russell (1973: 273–4) claimed, "to believe the [logical] premises because we can see that their consequences are true, instead of believing the consequences because we know the premises to be true." That is to say, our acceptance of the truism is primary in the order of *our* reasons, and our acceptance of the axioms is explained by the fact that they generate as theorems the truisms we *already* and *independently* accept.

Although I do not wish to claim that Russell's views here were influenced by Mill's – indeed their projects were quite different – Russell's position bears an unmistakable resemblance to Mill's naturalized, empirical account of our knowledge of arithmetical truths. For example, Russell wrote that, while we now accept $2 + 2 = 4$ as obvious and might thereby use it as a reason to demonstrate that combining two pairs of sheep would yield four sheep,

> the proposition "2 sheep + 2 sheep = 4 sheep" was probably known to shepherds thousands of years before the proposition $2 + 2 = 4$ was discovered; and when $2 + 2 = 4$ was first discovered, it was probably inferred from the case of sheep and other concrete cases. (Russell 1973: 272)

Not only does this account embrace Mill's naturalization of the subject matter of arithmetic (the "gingerbread or pebble arithmetic" so derided by Frege (1980: viii) in the introduction to his *Grundlagen* (1884)) but it also accepts Mill's naturalized and empiricist account of the epistemic foundations of arithmetic. We accept the general axioms of a system (arithmetic, in this case) because of a prior and independent acceptance of the particular instances which are logical consequences of the axioms.

Finally, in view of the proceeding considerations, Russell proposed a picture of the function of derivation from logical premises that strikingly agrees with Mill's view. In deriving the truths of arithmetic from logical first principles, Russell claimed,

> But of course what we are really proving is not the truth of $2 + 2 = 4$, but the fact that from our premises [i.e., the logical axioms] this truth can be deduced. (Russell 1973: 272)

While Russell did not claim that the function of the derivation is to provide a check of our untutored arithmetical reasoning, his position does grant that the derivation of arithmetic from logic does not function epistemically or argumentatively, providing us with reason to accept arithmetical truths. Russell concluded that:

> If the contentions of this paper have been sound, it follows that the usual mathematical method of laying down certain premises and proceeding to deduce their consequences, though it is the right method of exposition, does not, except in the more advanced portions, give the order of knowledge. (Russell 1973: 282)

Rather than as an attempt to discover the epistemological foundations of mathematics, the project of Russell and Whitehead's *Principia* (1910–27) is better understood as a "rational reconstruction" of mathematics as a science – the exhibition of its logical structure through the discovery of a set of assumptions that would sufficiently support it. Rather than to provide mathematics with a foundation in logic that would make it more secure or certain than it had been previously, the expectation was that it would be better understood and less philosophically puzzling. While it is true, then, that Russell and Mill were up to very different things, it also seems true that Russell's views about what Mill was up to (i.e., about the epistemic structure of our knowledge of mathematics) accord rather strikingly with Mill's own, at least as they are expressed in the 1907 "Regressive Method" paper.

Mill's interest in the *System of Logic* was to analyze and evaluate the order of our knowledge. His aim was to provide us with norms for the guidance of our thoughts. And, he recognized, perhaps better than any other in his time, that the content and structure of logical reasons need not, and typically do not, correspond to the content and structure of empirical reasons. Today such a view is commonplace: it is widely recognized that logical norms (e.g., consistency and deductive closure) are not fit as rational norms, and quite often they fail even to prescribe rational norms in any straightforward way. Moreover, it is the empirical reasons that constitute the actual bases for our beliefs: they explain why we hold the beliefs we do, and they are what is really at issue when it comes to changing minds. In providing a naturalized account of the subject matter and foundations of inference, Mill hoped to articulate the logic of our *real* reasons and our *actual* inferential practices. Viewed in this way, perhaps his system of logic is best approached and understood as a system of reasoning.

Notes

1 On the second point, as Skorupski (1989: 103) observes, some transformations require a *reductio* proof and hence appeal to the principle of non-contradiction that, according to Mill, is a real proposition.

Perhaps more seriously, it was known at least from the time of Leibniz (1646–1716) that valid inferences can have non-syllogistic forms. In his *New Essays on Human Understanding* (1704), Leibniz wrote:

> It should also be realized that there are *valid non-syllogistic inferences* which cannot be rigorously demonstrated in any syllogism unless the terms are changed a little, and this altering of the terms is the non-syllogistic inference. There are several of these, including arguments from the direct to the oblique – e.g.,"If Jesus Christ is God, then the mother of Jesus Christ is the mother of God." And again, the argument-form which some good logicians have called relation-conversion, as illustrated by the inference: "If David is the father of Solomon, then certainly Solomon is the son of David." (Leibniz 1996: 479f.; as quoted in Hodges 2009: 596)

In Mill's own time, several such developments were under discussion, some of which Mill was aware of (*Logic*, VII: 171ff.; *Examination*, IX: ch.22). For example, Hamilton had proposed quantifying both the predicate and subject of syllogistic claims, while DeMorgan had discovered a "statistical" syllogism that Mill described as follows:

> DeMorgan observes, [*Formal Logic,* 1847: 139,] very justly, that from the premises Most Bs are Cs, most Bs are As, it may be concluded with certainty that some As are Cs, since two portions of the class B, each of them comprising more than half, must necessarily in part consist of the same individuals. (*Logic*, VII: 171)

DeMorgan also cited an example paralleling Leibniz's: "man is an animal, therefore the head of a man is the head of an animal" (1847: 114).

Mill's response to these developments is both instructive and curious. He rejected their relevance to his project on two basic grounds. First, he claimed that these "expansions" to syllogistic logic were not representative of our actual reasoning processes.

> Considered however as a contribution to the *Science* of Logic, that is, to the analysis of the mental processes concerned in reasoning, the new discipline appears to me, I confess, not merely superfluous, but erroneous; since the form in which it clothes propositions does not, like the ordinary form, express what is in the mind of the speaker when he enunciates the proposition. (*Logic*, VII: 173 fn)

This response is curious since, as we will see, Mill denied that the syllogism has a representative function, insisting instead that its function is purely evaluative.

Second, Mill claimed that the new forms being proposed did not aid in the evaluation of reasoning.

> The sole purpose of any syllogistic forms is to afford an available test for the process of drawing inferences in the common language of life from premises in the same common language; and the ordinary forms of Syllogism effect this purpose completely. The new forms do not, in any appreciable degree, facilitate the process. ... The new forms have thus no practical advantage which can countervail the objection of their entire psychological irrelevancy; and the invention and acquisition of them have little value. (*Examination*, IX: 403)

This second reason is clearly false, since the expanded syllogistic systems formalize inferential structures that cannot properly be represented, and hence tested, in a classical

syllogistic system. Indeed, the kind of example given by Leibniz and DeMorgan requires a fully quantified predicate logic with identity in order that its validity be demonstrated.

2 As Scarre (1989: 52–3) observes, Mill is mistaken on this key point, since there are clear cases where even an empiricist must admit that general claims are not known inductively. Scarre gives the following example:

> All U.K. citizens over the age of 18 can vote in parliamentary elections. Jim is a U.K. citizen over the age of 18, therefore Jim can vote in parliamentary elections,

where the general premise is established by statute and known by reading the statute. While Mill is correct in saying that any doubt concerning the conclusion extends equally to the premise (perhaps we might wonder whether Jim can actually vote if his is not also a British resident, or if he is a member of the House of Lords, or if he is presently incarcerated), Mill is wrong to say that general claims cannot be epistemically prior to their conclusions and hence cannot act as reasons in argument. Insofar as there are legitimate means of knowing general claims other than by enumerative induction, e.g., by mathematical induction, ratiocinative inference can be real inference.

3 Mill's commentators frequently note that he failed to address or even take notice of the sceptical problem of induction (e.g., Skorupski 1994: 100; Scarre 1998: 116). Some have sought to excuse this by pointing out that the problems of induction were not well known in Mill's time. Scarre (1998: 117), for example, claims that "there was nowhere a lively interest in this sceptical problem of induction before the Green and Grose edition of Hume's work in 1874 – and by that date Mill was dead." Ducheyne and McCaskey (2014) claim that Hume's association with induction was not made until the 1920s with the publication of Keynes's *Treatise on Probability* (1921).

Whatever the case, it seems clear that Mill found the combined tools of empiricism and naturalism sufficient to solve the problem of induction. As we will see, Mill's naturalism took for granted the primitive cogency of spontaneous induction, from which he used empiricism to build the more rigorous scientific induction. In view of reasons like this, Macleod (2014) argues that, rather than ignoring the problem of induction, Mill's naturalism provides a Kantian solution to it by taking for granted the starting point of our common reasoning faculties.

Additionally, Mill had little patience for the purely sceptical aspects of the problem of induction. For example, when considering the question of what evidence we have for UP, Mill engaged with the familiar sceptical argument that our experience that the course of nature *was* uniform is not good evidence that it *will continue to be* uniform, which is precisely what is required to establish the universal generalization UP, that the course of nature *is*, always, uniform. To this point Mill replied:

> Dr. Ward's … strongest argument, is the familiar one of Reid, Stewart, and their followers – that whatever knowledge experience gives us of the past and present, it gives us none of the future. … I confess that I see no force whatever in this argument. Wherein does a future fact differ from a present or past fact, except in their merely momentary relation to the human beings at present in existence? The answer made by Priestley, in his *Examination of Reid* [1774], seems to me sufficient, viz. that though we have had no experience of what *is* future, we have had abundant experience of what *was* future. (*Logic*, VII: 577)

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13

Mill's Epistemology

RICHARD FUMERTON

1. Mill's Foundationalism

Mill's views in epistemology were very much the culmination of the radical British empiricist foundationalism of Locke, Berkeley, and Hume. In some ways, a number of Mill's views might also be seen as a natural transition from that radical empiricism to certain versions of logical positivism and the attempted reductions that characterized one school of analytic philosophy in the early twentieth century.

The British empiricists usually talked relatively little about the nature of our knowledge of our own mental states, nor of the need to build all other empirical knowledge on inference from that secure foundation. It's almost as if they took the framework within which they were working to be simply obvious. We find Mill endorsing foundationalism in the following passage:

> Truths are known to us in two ways: some are known directly, and of themselves; some through the medium of other truths. The former are the subject of Intuition, or Consciousness; the latter, of Inference. The truths known by intuition are the original premises from which all others are inferred. Our assent to the conclusion being grounded on the truth of the premises, we never could arrive at any knowledge by reasoning, unless something could be known antecedently to all reasoning. (*Logic*, VII: 6–7)

And he goes on to identify the following as paradigmatic instances of foundational knowledge truths about mental states:

> Examples of truths known to us by immediate consciousness, are our own bodily sensations and mental feelings. I know directly, and of my own knowledge, that I was vexed yesterday or that I am hungry to-day. (*Logic*: VII: 7)

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It is interesting to note, however, that the preceding passage gives as examples of foundationally known truths not just truths about present consciousness (that I am hungry), but also truths about past mental states (that I was vexed yesterday). And that introduces potential problems that we will discuss shortly.

Foundationalists like Mill often argue in a general way for foundationalism by claiming that it is the only way to avoid vicious regress (this is the natural interpretation of the first quote above). But we also need a way to identify what should be included in the foundations of knowledge and justified belief. In his discussion of Sir William Hamilton's philosophy, Mill seems to admit that one should be cautious about trying to reach conclusions through introspection about the *extent* of introspective knowledge. Perhaps more than some of his predecessors, Mill seems sensitive to the fact that beliefs that can only be justified inferentially might nevertheless *seem* to involve no conscious inference from premises to conclusion. And this is an important observation. Radical empiricists are often accused of implausibly over-intellectualizing the way in which we react to sensory stimulation. And those critics have a point. As many contemporary philosophers emphasize, it is often only with considerable difficulty and effort that we notice subtle changes in the intrinsic character of our sensory states (the kind of effort that an artist exerts, for example, in noticing how different the grass appears at noon as opposed to dusk). Furthermore, while we often casually talk as if we are making inferences from past experience (we infer, for example, that the next drink of water will quench our thirst and not kill us), the fact is that many of us would be hard-pressed to come up with premises describing the many specific occasions on which we drank water with the resulting quenching of our thirst. It might be more plausible to suppose that our experience with past correlations simply creates a habit to expect certain outcomes when prompted with certain stimuli. Indeed, many contemporary philosophers would suggest that these sorts of "immediate" responses to stimuli are at least sometimes a product of evolution. We are born with certain tendencies to form belief and in that sense the "inferences" are innate. None of this settles, however, the nature of the epistemic *justification*, if any, we enjoy for the beliefs that we form as a result of the relevant stimulus.

If all this is so, however, how are we supposed to figure out which beliefs belong in the foundations of knowledge and which can be justified, if at all, only inferentially? The answer Mill seems to gives is broadly Cartesian. We can identify that which is truly given in experience (foundationally known) with that about which we cannot doubt:

> Consciousness, in the sense usually attached to it by philosophers, – consciousness of the mind's own feelings and operations, cannot, as our author [Hamilton] truly says, be disbelieved. (*Examination*, IX: 135)

And again:

> The facts which cannot be doubted are those to which the word consciousness is by most philosophers confined: the facts of internal consciousness; "the mind's own acts and affections." What we feel, we cannot doubt that we feel. It is impossible to us to feel and to think that perhaps we feel not, or to feel not, and think that perhaps we feel. What admits of being doubted, is the revelation which consciousness is supposed to make (and which our

> author [Sir William Hamilton] considers as itself consciousness) of an external reality. (*Examination,* IX: 128)

This familiar formulation of a criterion for foundational knowledge is, of course, plagued with difficulties. For it to be useful, we need to disambiguate the critical modal operator involved in reference to what can and cannot be doubted. It is not clear that the *causal* impossibility of doubting some proposition has much of anything to do with the *epistemic* status of belief in that proposition. And if we move to talk about what is *logically* possible to doubt, it is not at all clear that we wouldn't be inappropriately restricting the class of truths known foundationally. It is not obvious whether it is logically impossible for someone to doubt that he or she is in pain when he or she is, even if the justification one has for believing that one is in pain is the strongest possible (i.e., is justification that precludes the possibility of error). But in this context it seems plausible to suppose that the indubitability about which Mill is thinking just is the existence of infallible *justification*. And I would suggest the same of Descartes. What both Descartes and Mill are suggesting is that to find secure foundations for knowledge you search for those truths you believe where your justification is so strong that you can't even conceive of possessing that justification while what you believe is false. And following most of his empiricist predecessors, Mill was convinced that belief in propositions describing the external world wouldn't survive *this* test for foundational knowledge. In reaching conclusions about the physical world, Mill argued that we can only rely on the way things appear, and no matter how vivid, detailed, and coherent those appearances might seem, we can still imagine them occurring in the context of a vivid dream or a hallucination.

But given this very familiar "Cartesian" criterion for foundational justification, one must return to the question of why Mill thought that he could include in his foundations knowledge of past experience. The possibility of dreams, hallucination, and illusion might convince you that you possess only fallible justification for believing what you do about the physical world, but one hardly even needs an argument for the conclusion that apparent memory is fallible. Who hasn't been convinced that he or she put the keys on the desk only to discover that they are still in his or her pocket? The older one gets, the more the problem of memory becomes not only an abstract theoretical epistemological problem, but a real problem navigating the world.

To be sure, one must be careful in stating the epistemological problems of perception and memory. When an undergraduate is asked to identify the evidence we have for thinking that there is a tree before us, the response is often "I see it." And when one is asked to identify the evidence one has for thinking that one had cereal for breakfast, the response is likely to be "I remember having had cereal." While some would argue that the responses are perfectly appropriate, the radical empiricist would insist that they should be rephrased. Seeing and remembering are sometimes called "factive" states. In one sense of "see," by definition, one cannot see what does not exist. And in one sense of "remember," one cannot remember what didn't happen. But one can be in states (the empiricist argues) that are (from the "inside") indistinguishable from seeing and remembering even when what one thinks one sees doesn't exist and what one thinks one remembers didn't happen. Twentieth-century philosophers would often talk about what one seems to see or seems to remember to leave open the question of whether the

apparent seeing and remembering are veridical. Using this terminology, Mill would surely concede that one can seem to remember having experienced pain yesterday even when one didn't.

Mill seems a bit sensitive on the topic of why he gets to include beliefs about the past based on apparent memory in his foundations. He says:

> Our belief in the veracity of Memory is evidently ultimate; no reason can be given for it which does not presuppose the belief, and assume it to be well grounded. (*Examination*, IX: 164)

And as if to reassure himself that he at least has company, he points out that all of his predecessors who attempted to secure knowledge from a foundation consisting of truths about sensations, also "gave" themselves memory-based knowledge of their immediate phenomenal past (*Examination*, IX: 165n). Certainly, given the emphasis Mill puts on inductive reasoning (reasoning from observation of past correlations of experiences), he is right to worry about securing knowledge of the past. Without memory one simply isn't going to generate premises from which to reason inductively. But wanting something and getting it aren't the same, and it is still unclear how Mill thinks he can get foundational knowledge of past experience. The quote immediately above is actually consistent with at least two views. The first, suggested by the earlier quote, is simply that we have direct, noninferential knowledge of past experience. The second, is that there is a "principle" sanctioning the legitimacy of relying on memory and we can have direct, noninferential knowledge of the principle. Both, however, are problematic given Mill's proposed criterion for identifying foundational knowledge. One might surely worry that we can doubt both individual apparent memories of past experience, and also even a principle asserting the *general* "veracity" of memory. One could, I suppose, interpret Mill as arguing transcendentally. [1] As he says previously, any reasoning designed to support memory would ultimately end up relying on memory. And he might go even further and suggest that any reasoning at all (construed as a temporally extended process) would also rely on apparent memory. So reliance on apparent memory is a necessary condition for our reasoning in general. But even if all this were true, it is not clear why the skeptic should be satisfied that a non-question begging reason has been offered for thinking that apparent memory does make probable the occurrence of that which we seem to remember. The fact that we have only one path to travel doesn't mean that following that path will take us to our destination.

2. Justifying Inductive Reasoning

As we'll see in more detail next, Mill, like Hume before him, thought that there is only one way to move beyond empirical foundations and that is to use enumerative induction. If we want to legitimately infer that some kind of event Y will occur from our observation of some kind of event X, we will need to establish that events of the latter kind have invariably (or usually) been followed by events of the former kind. Indeed, his reliance on inductive reasoning is even more extreme than Hume as he seems to suggest that even certain necessary truths that most think one can know *a priori* are, in fact, only knowable through inductive reasoning. But the skeptic is unlikely to simply give you the legitimacy of inductive reasoning. Hume realized that a self-respecting skeptic will insist

that you give a non-question begging argument for thinking that the use of inductive reasoning is likely to get you at the truth.

Mill realizes that he needs to provide a response to the challenge. In *A System of Logic* (VII: 306–7), he suggests that whenever we reason inductively we take as an *axiom* the principle that the future will resemble the past, or that nature is uniform in relevant respects. And at one point, he even seems to suggest that if we take this assumption as an implicit premise we can transform inductive arguments into syllogistic deductively valid arguments (*Logic*, VII: 308). But as we will also see next, he seems equally adamant that what appears to by syllogistic deductively valid reasoning is really just inductive reasoning in disguise, and it is hard to see how one can hold both positions simultaneously.

Mill could, of course, claim that one can simply intuit (know *a priori*) the truth of fundamental epistemic principles. But Mill was in general highly suspicious of appeals to intuition. Indeed, as we shall see, he couldn't even bring himself to believe that we can just see "by the light of reason" the truth of elementary mathematical propositions. Any philosopher that wary of intuition is going to shy away from brute appeals to a special faculty that allows one to just "see" that certain ways of reasoning are legitimate. In the final analysis, Mill probably is content simply to offer an inductive justification of induction. If you want to know why we should think that inductive reasoning will usually get us to the truth, all we can tell you is that it usually *has* led us to the truth. Skeptics would surely accuse him of begging the question. Hume, for example, explicitly rejected an inductive justification of induction as pathetically question-begging. Ironically, perhaps, Mill might have been much more at home (at least on this issue) with some contemporary externalist views in epistemology when it comes to these key questions concerning knowledge of fundamental epistemic principles. Crude reliabilism, for example, insists that a way of forming beliefs only needs to be reliable in order for it to generate justified beliefs. You don't need a reason to think that the process in question is reliable. But if this is so, then it follows that *if* inductive reasoning and reliance on apparent memory is reliable, then there is no reason why one wouldn't be able to use induction and reliance on memory to generate justified beliefs that induction and reliance on memory are both reliable ways of generating true beliefs. I doubt, however, that Mill was a proto-externalist. I suspect, instead, he had the same attitude towards inductive reasoning that he had towards reliance on apparent memory. Specifically, I think he thought that one simply isn't going to get anywhere without reasoning in these ways, so if one is even going to try to get at the truth this is the epistemic road one must take.

3. The Problem of Perception

We saw previously that Mill is a classic foundationalist who thinks that the foundations of empirical knowledge are restricted to what we know about our own subjective experiences. He further thinks that if we are to move beyond what we know about our experiences our only available epistemic tool is inductive reasoning. But that gives rise to an obvious problem made vivid by Hume:

> The only conclusion we can draw from the existence of one thing to that of another, is by means of the relation of cause and effect, which shews, that there is a connexion betwixt

> them, and that the existence of one is dependent on that of the other. The idea of this relation is deriv'd from past experience, by which we find, that two beings are constantly conjoin'd together, and are always present at once to the mind. But as no beings are even present to the mind but perceptions; it follows that we may observe a conjunction or a relation of cause and effect between different perceptions but can never observe it between perceptions and objects. 'Tis impossible, therefore, that from the existence or any of the qualities of the former, we can ever form any conclusion concerning the existence of the latter, or ever satisfy our reason in this particular. (Hume 1888: 212)

Because Hume, as a paradigmatic empiricist, thought that all simple ideas are derived from prior impressions, he also endorsed the even more extreme position that we can't even think of anything (at least in terms of its *positive* characteristics) other than perceptions:

> Let us chase our imagination to the heavens, or to the utmost limits of the universe; we never really advance a step beyond ourselves, nor can conceive of any kind of existence, but those perceptions, which have appear'd in that narrow compass. This is the universe of the imagination, nor have we any idea but what is there produc'd. (Hume 1888: 67–8)

As I understand Mill, he would endorse (suitably interpreted) both of Hume's radical claims. Unlike Hume, however, Mill thought that he could avoid skepticism. The key to achieving this result, Mill argued, is to understand properly the content of beliefs about the external world. Such beliefs should be understood as beliefs in "the permanent possibility of sensations" (*Examination*, IX: 183). The locution "permanent possibility of sensations" actually suggests two closely related, but importantly different views. One was considered by Berkeley (put forth by Hylas) in the second of the *Three Dialogues*. Hylas's idea was that we could understand talk of ordinary physical objects as talk about that which is the cause of various ideas, where all we assert of such objects is to be understood in terms of their causal role in affecting us. Mill considers the same view:

> External things exist, and have an inmost nature, but their inmost nature is inaccessible to our faculties. We know it not, and can assert nothing of it with a meaning. Of the ultimate Realities, as such, we know the existence, and nothing more. But the impressions which these Realities make on us – the sensations they excite, the similtudes, groupings, and successions of those sensations, or, to sum up all this in a common though improper expression, the *representations* generated in our minds by the action of the Things themselves – these we may know, and these are all that we can know respecting them. (*Examination,* IX: 9–10)

While neither Mill (nor even Hume before him) should have any objection to the intelligibility of this view (we might call it the causal theory of objects), Mill appears to reject it in favor of a more radical phenomenalism – the idea that we can literally *translate* claims about the physical world into complex subjunctive conditionals describing relations between kinds of experiences:

> ... the sensations which, in common parlance, we are said to receive from objects, are not only all that we can possibly know of the objects, but are all that we have any ground for believing to exist. What we term an object is but a complex conception made up by the laws

> of association, out of the ideas of various sensations which we are accustomed to receive simultaneously. There is nothing real in the process but these sensations. They do not, indeed, accompany or succeed one another at random; they are held together by a law, that is, they occur in fixed groups, and a fixed order of succession; but we have no evidence of anything which, not being itself a sensation, is a substratum or hidden cause of sensations. (*Examination*, IX: 6)

Illustrating the general idea with an example, Mill talks about what it means to assert that Calcutta exists even when no-one is currently actually perceiving it:

> I believe that Calcutta exists, though I do not perceive it, and that it would still exist if every percipient inhabitant were suddenly to leave the place, or be struck dead. But when I analyze the belief, all I find in it is, that were these events to take place, the Permanent Possibility of Sensation which I call Calcutta would still remain; that if I were suddenly transported to the banks of the Hoogly, I should still have the sensations which, if now present, would lead me to affirm that Calcutta exists here and now. (*Examination*, IX: 184)

The view Mill defended was not entirely original. It was *one* of the ways that Berkeley tried to hold the world in existence when it wasn't perceived (something he discussed in trying to understand the order of creation). But Berkeley also seem to rely at least as heavily on a God who was always having "prototypical" ideas even when no finite beings were around to have sensations. And here Mill really is a transitional figure, a bridge to the phenomenalists of the early twentieth century who were trying to solve epistemic problems through reductionist analyses of the claims they wanted to be knowable.

Mill's attempts at phenomenalist analyses were hardly sophisticated. They underscored the problem of perceptual relativity that Chisholm (1948) made famous in his criticism of the phenomenalism of C.I. Lewis (1946). What sensations follow others depends in part on the *physical* conditions of perception. And it is interesting to note that in his attempt to translate talk about Calcutta into talk about sensations, Mill blatantly "cheats" on the rules of reduction. His critics are not going to let his translation make reference to the "banks of the Hoogly." Presented with the problem, Mill would probably insist that it was just the sketch of an analysis and that with enough effort we could eliminate all apparent reference to things other than sensations. But it is an understatement to suggest that doing so is no easy task. The problem Mill faces (the underlying problem Chisholm stresses and Sellars (1963) later makes explicit) is that those "laws" Mill refers to governing a "fixed order of succession" of sensations just don't seem to exist. The merest blink of an eye will destroy any *constant* correlations between sequences of kinds of visual sensation.

4. Mill on our Knowledge of "Necessary" Truths

We noted that Mill seems to accept Hume's idea that the only way to achieve empirical knowledge that goes beyond our foundations is to use enumerative induction – to discover observed correlations that we can project so as to generate predictions concerning what has not yet been observed. Mill, however, infamously seems to argue that we have no recourse but to use that same sort of inductive reasoning to generate even knowledge of

basic arithmetic and geometric truths. So in *A System of Logic* (VII: 233), Mill argues that we reach the conclusion that "no space can be enclosed by two straight lines" by examining indefinitely many straight lines, none of which enclose a space. We then generalize to the conclusion that no such lines do. The view is dramatic. While many empiricists strongly reject the idea that *certain* "metaphysical" hypotheses can be known through "intuition" (e.g., that every event has a cause), almost all allowed for *some a priori* knowledge. That is not to say that they agreed with each other on how to understand *a priori* knowledge. But they almost never tried to assimilate knowledge of necessary truths to knowledge of empirical generalizations based on enumerative *inductive* reasoning.

Mill is well aware that most philosophers will reject his view and he does consider and attempt to respond to objections. The first, and most obvious, perhaps, is that there is a clear difference between the way in which we need to discover the truth of most empirical generalizations and the way in which we can discover the truth of paradigmatic necessary truths. To discover that metal expands when heated, it does seem plausible to suppose that we'll have to get out there in the world and observe what happens when metal is heated. But to discover that the opposite angles of intersecting straight lines are equal, we need do no such thing. We can sit in our office (or lie in our bed) and figure out that the axioms of Euclidian geometry are true. That's not to deny that when we teach children mathematics, we'll often use visual aids. To get them to see that two plus two equals four, we might well use a couple of apples to which we "add" another couple of apples. And so the kids don't think we are just talking about apples, we'll vary the kinds of things we use. But the classical view is that *in principle* we wouldn't *need* to do that to acquire the relevant knowledge. We could get that knowledge just by thinking hard enough about the relevant subject matter.

Mill's response to the objection is intriguing. He concedes that we can access many necessary truths through that sort of introspection, but that we shouldn't conclude on that basis that we are not using induction. The difference between metal and lines, according to Mill, is that lines are actually present in thought. We can form mental images of intersecting lines and those mental images contain real lines that are really intersecting so as to form angles. Fortunately for us, then, we can sample all sorts of intersecting lines just by varying what we imagine and we can generalize in just the same way we do about objects whose properties are not exemplified by mental images.

Even if Mill's response to this first objection were somewhat plausible, the critic will surely press what seems to be an even more intimidating objection. The problem, the critic argues, is that we not only know that paradigmatic necessary truths are true, but we also know that they are *necessarily* true. We can imagine (or so I would argue) that metal does something other than expand when heated. We can't even make sense of intersecting straight lines whose opposite angles are not equal. We can't even make sense of two plus two equaling anything other than four (unless we confuse addition with something like placing next to – certainly we can imagine the world being such that were we to place two apples next to another two apples all of the apples would disappear *in nihilo*). Inductive reasoning seems to give us only the truth of a generalization – it doesn't seem to get us the *necessity* of that truth.

In response Mill argues first that the only way to understand talk of modality is in terms of talk about what is or is not conceivable. And he further concedes that we will never produce even in imagination two straight lines enclosing a space. But he seems to

suggest (*Logic*, VII: 236–8) that this failure of imagination is to be explained by the fact that the correlations producing our conviction in the proposition about straight lines have been present to the mind from the earliest moments of our conscious life. They have been so ingrained in us that we can't even imagine anything else. But surely, this misses the point. Fundamental (contingent) lawful correlations have been just as omnipresent as the lines present in imagination and we don't (at least I don't) have any trouble imagining a world in which those laws don't exist. So we are still left wondering how Mill can distinguish observed correlations that support only the claim that a generalization holds contingently from observed correlations that allow us to reach conclusions about what holds necessarily.

Before leaving this discussion, it should be noted that Mill does not seem to argue consistently throughout *A System of Logic*. In a later discussion of inductive reasoning, Mill distinguishes between induction proper and what he describes as argument through parity of reasoning (*Logic*, VII: 290). He suggests, for example, that when we think about a particular triangle and "see" that its angles must add up to 180 degrees, we somehow use that triangle as a "stand in" for all triangles, with the idea that what we find out about it will apply equally to any other triangle. But this, of course, starts to look like an entirely different account of knowledge of necessary truths, where the key epistemological question is how to justify treating this triangle as representative of all triangles (when we wouldn't be justified, presumably, at least without prior experience, in treating a single piece of metal as representative of all metal).

5. Mill on the "Reduction" of Deductive Reasoning to Inductive Reasoning

If Mill's attempt to argue that induction grounds knowledge of necessary truths is surprising, he makes an even more startling suggestion in *A System of Logic* concerning the nature of deductive reasoning. There are passages in which he seems to argue that all genuine reasoning is inductive reasoning, where inductive reasoning should always be construed as inference from particulars to particulars (*Logic*, VII: 193). To be sure, one must be cautious in interpreting Mill's terminology. Mill seemed to think that universal generalizations were themselves just conjunctions of particular propositions. That all metal expands when heated is just a vastly complex conjunction of the form: a is metal and a expands when heated; b is metal and b expands when heated; c is metal and c expands when heated; and so on, until we have named all the bits of metal (past, present and future) in the universe. Of course, there lies the problem in supposing that we can translate universal generalizations into conjunctions of propositions about particulars. The translation doesn't work until we add the clause "and that's all the metal there is," and now we have included another generalization in the attempted analysis. In any event, Mill's claim that inductive reasoning is always reasoning from particulars to particulars is at least understandable if he thought (rightly or wrongly) that empirical generalizations were themselves complex statements about particulars.

But why on earth would Mill reject the idea that there is such a thing as deductively valid reasoning? When we conclude that this metal will conduct electricity by

deducing that from the generalization that all metal does and the particular claim that this is metal, surely that is perfectly legitimate reasoning, and it is not inductive reasoning.

The target of Mill's claim is syllogistic reasoning. While it is not possible to defend Mill's view understood as a claim about logical relations, the position is at least understandable if it is intended to be primarily a claim about *epistemology*, about the *generation* of justified belief and knowledge. Consider the following argument: Premises: (1) All men are mortal, (2) Fumerton is a man; Conclusion: Fumerton is mortal. The basic idea behind Mill's view is that the major premise (the universal claim) in that piece of "reasoning" serves really as just a kind of reminder that you have or, at least, have had at your disposal an array of observed correlations concerning particular men, correlations that would allow you to inductively infer the conclusion about Fumerton's mortality. Construed as a claim about the nature of your *evidence* or *justification* for believing that Jones will die, Mill's view isn't that implausible. Think about the way in which we often criticize an argument for being question begging, and think about why a question-begging argument is supposed to be defective. Suppose I argue for P and offer as my sole premise (P and Q). The argument is certainly deductively valid and it might have true premises, but it strikes us a pathetically poor argument at least when thought of us an attempt to gain knowledge of, or justified belief in P's truth. The problem is that I would *already* have had to know P in order to know (P and Q), and so I'm not going to *acquire* knowledge of P's truth *through* knowing first (P and Q). But is the situation so very different when I reason syllogistically? Suppose that you and I are arguing about whether or not I, Fumerton, am mortal (I have a bit of an ego problem). You claim to have a knockdown argument that I am going to die: All conscious beings (past, present and future) are mortal, and Fumerton, you are one of those conscious beings, so Fumerton, you are mortal. Valid argument – might have true premises (though you never know about the future). But we surely aren't getting anywhere in resolving our dispute. If I didn't already believe that I was mortal, I am not going to accept the premise that everyone (including Fumerton) is mortal. Furthermore, the argument isn't just question-begging. You couldn't *acquire* knowledge that I am mortal through that sort of reasoning for you would already have had to know that fact in order to know the general proposition that all conscious beings (including Fumerton) are mortal. The only evidence you could use to acquire justified belief in this proposition about Fumerton's future death is to rely on evidence restricted to claims about other people who have already died. The critical evidence would be accurately characterized by the premises of a classic *inductive* argument.

6. Mill's Methods

No discussion of Mill's epistemology would be complete without at least a brief examination of his famous methods for discovering causal connections. There is a sense in which the methods seem to go beyond simple enumerative induction, though as we shall see the reasoning employed is often highly enthymematic, and might in the end rely heavily again on enumerative induction.

Just as we needed to understand how Mill thought of the content of claims about physical objects to understand how he thought we could justify beliefs about the physical world, so also we need to understand how Mill thought of the content of causal claims in order to understand his epistemological views about how to discover causal truths. Like Hume before him, Mill argued for a version of the so-called regularity of causation. Mill says:

> To certain facts, certain facts always do, and, as we believe, will continue to, succeed. The invariable antecedent is termed the cause; the invariable consequent, the effect. And the universality of the law of causation consists in this, that every consequent is connected in this manner with some particular antecedent or set of antecedents. (*Logic*, VII: 327)

He goes on to note that:

> It is seldom, if ever, between a consequent and a single antecedent that this invariable sequence subsists. It is usually between a consequent and the sum of several antecedents; the concurrence of all of them being requisite to produce, that is to be certain of being followed by, the consequent. In such cases it is very common to single out one only of the antecedents under the denomination of Cause, calling the others merely Conditions. (*Logic*, VII: 327)

So to illustrate Mill's point, I might identify as the cause of my house's catching fire that it was struck by lightning. But the lightning strike by itself was only a part of a complex set of conditions (the presence of oxygen, the absence of a sprinkler system, and so on) that together was the full cause of the house's catching fire. It's no easy task to capture the informal rules governing which of the many causally relevant variables it is appropriate to describe as "the" cause of a given event (though often it seems to have something to do with change as opposed to standing conditions, and in some contexts, with the assignment of blame). The regularity theory of causation faces enormous difficulties as an account of the meaning of causal claims. But here, all that is important is that we see Mill's methods against the backdrop of Mill's idea that causality is all about regularities in nature. While Mill unquestionably endorsed the idea that causation is nothing but regularity, it might be more plausible to suppose that his famous methods *presuppose* only what we might call a *generality* theory of causation. Like the regularity theorist, the generality theorist insists that particular causal claims presuppose regularities between kinds of events. Unlike the regularity theorist, a generality theorist leaves open that the relevant laws might themselves invoke some strong notion of necessary connection.

With the presupposition that causal connection is underwritten by regularities or, at the very least generalities, in nature, Mill introduces his methods for discovering the cause of some phenomenon we are investigating – methods that do seem undeniably to capture certain commonsense considerations we take into account in investigating causes. Again, the methods are not altogether new. Some of them get at least inspiration from Hume's (1888: 173–5) "Rules by which to judge of causes and effects." But Mill's statement of the methods is perhaps the clearest, most comprehensive, and,

certainly, most influential of the early attempts to set out the epistemology of causal knowledge. All of the methods make more sense if we suppose (as I think Mill did) that the relata of causal connection are best understood in terms of property exemplifications (though he often calls them "circumstances"). The search for causes among antecedent conditions is best understood as a search for which of the relevant properties that have been exemplified are those that are causally efficacious.

The first of Mill's methods he calls the *Method of Agreement*.

> *Method of Agreement*: If two or more instances of the phenomenon under investigation have only one circumstance in common, the circumstance in which alone all the instances agree is the cause (or effect) of the given phenomenon). (*Logic*, VII: 390)

The basic idea is simple and familiar. So if I occasionally get heartburn and am looking for the cause, I can plausibly rule out drinking beer (at least as the sole cause) if drinking beer is sometimes followed, but also sometimes not followed by heartburn. On the other hand, if there is only one circumstance common to all those occasions on which I get heartburn (say drinking red wine), then it is a pretty good bet that the red wine is the culprit.

It is a pretty good *bet*, but as Mill himself concedes (*Logic*, VII: 390), employment of the method carries with it a number of often highly problematic assumptions. Perhaps, most obviously, we are presupposing that we have isolated from among the indefinitely many antecedent conditions those that are *candidates* for the cause. We also typically presuppose that we are not dealing with a case of over-determination. The beer consumed with French fries might have been the cause of that heartburn last Tuesday, while the red wine on an empty stomach might have caused the heartburn last Saturday. It's entirely possible that if we make all of our relevant presuppositions explicit, we might really have a case of enthymematic deductive reasoning, where the real epistemological questions concern the justification we have for the relevant *presuppositions*.

Enthymematic description of reasoning, I would argue, is the norm, even in philosophy. The evidence we cite is rarely our total evidence. When I conclude that I have been robbed after noticing valuables missing and windows broken, I am relying on all sort of information about customs and laws that I don't bother to state. If I make explicit all of those background assumptions I might be able to construe the reasoning as deductively valid (though it will be no stronger than the evidence I have for the premises). In like fashion, I'm suggesting that the use of Mill's methods might often be best seen as deductively valid reasoning from the observations described in the method supplemented by background premises that, if justified, allow us to deduce the conclusion in question.

We noted that the method of agreement can easily go wrong (in part because our background assumptions might not be true). Use of the second method, the *Method of Difference*, can help lessen the possibility of error.

> *Method of Difference*: If an instance in which the phenomenon under investigation occurs, and an instance in which it does not occur, have every circumstance in common save one, that one occurring only in the former; the circumstance in which alone the two instances

> differ is the effect, or the cause, or an indispensable part of the cause, of the phenomenon. (*Logic*, VII: 391)

So in our example of the heartburn, if we find that there are four factors, A, B, C, and D that are always followed by heartburn, but then find that when we remove D, the heartburn doesn't occur, then we might tentatively conclude that D was the culprit. The method of difference is particularly useful when the candidates for cause are easy to manipulate (as with our example). Of course, if we somehow know *in advance* that the cause was one of A through D, then we can *deduce* that none of A through C is the cause, at least the full cause, once we have those conditions and we don't have the heartburn. The full cause of a kind of event X, you will recall, is that kind of condition or set of conditions that is *invariably* followed by events like X. There is, of course, nothing to prevent one from using both the method of agreement and the method of difference together (Mill calls this the *Joint Method*).

The method of residues is a prescription for how to identify causes against a background of prior causal knowledge. Mill states it as follows.

> *Method of Residues*: Subduct from any phenomenon such part as is known by previous inductions to be the effect of certain antecedents, and the residue of the phenomenon is the effect of the remaining antecedents. (*Logic*, VII: 398)

So *if* you find that A, B, and C are followed by x, y, and z, and you have *already* established that A is the cause of x, and that B is the cause of y, then you can justifiably start speculating that C (the residue, that which is left over) is the cause of z. Again, it seems obvious that the reasoning is highly enthymematic. As Mill himself would emphasize, you would need to antecedently know not just that A and B are the cause of x and y respectively, you would also have to know that C is the *only* other antecedent condition that is a plausible candidate for the cause of z.

> *Method of Concomitant Variations*: Whatever phenomenon varies in any manner whenever another phenomenon varies in some particular manner, is either a cause or an effect of that phenomenon, or is connected with it through some fact of causation. (*Logic*, VII: 401)

When I began to suspect that the stereo had something to do with the interference with my TV picture, I might investigate further by moving the stereo closer and farther from the set. Suppose that as I move the stereo closer, the picture gets worse, and as I move it farther away, the picture gets better. Commonsense would certainly suggest that I have gained more evidence for the conclusion that the stereo is indeed the culprit.

It is not entirely clear to me that the method of concomitant variation is distinct from the method of difference. The various forms of picture distortion are, after all, distinct events, each requiring a causal explanation (on the supposition that there is a cause of the phenomenon). The method, then, might be construed as repeated application of the method of difference, together with, perhaps, reliance on an inductively justified principle that where we find a certain kind of cause responsible for a certain kind of effect, and we have another presumed effect similar to the first kind of effect, we should look for a similar sort of cause.

7. Mill and Moral Epistemology

I'm going to conclude this examination of Mill epistemology with a brief and necessarily *highly* controversial discussion of his views about moral knowledge. As is true of virtually every other epistemological topic on which Mill had views, here also it seems to me that understanding how Mill thought of moral epistemology is parasitic upon understanding his views about the *content* of moral judgments. But it is much harder to figure out just what Mill believed about the *meaning* of ethical judgments. So let me just put some cards (as I said, all of them controversial) on the table. It's my view that Mill thought we could *define* the rightness and wrongness of actions (what we ought to do) in terms of facts about the consequences of alternatives and the comparative "sum" of their intrinsic goodness and badness – he usually puts it in terms of their desirability and undesirability as ends. Within that framework there are still all sorts of issues concerning whether the consequences in question are actual, probable or possible, whether rightness and wrongness admit of degrees, and so on. Everyone knows that he was at least officially committed to the view that only pleasures are desirable as ends and only pains undesirable as ends (where happiness gets defined in terms of pleasure and the absence of pain – though he has an extremely expansive view as to what counts as a pleasure). So far the epistemological problem of knowing what we ought to do is conceptually relatively straightforward, though practically extraordinarily difficult. We need to know the relevant facts about alternatives and their consequences. Critically, we need an account of how to discover which things have (positive or negative) intrinsic value and how to quantify that value.

There are two famous (some would argue infamous) passages that seem to bear directly on the answer to that question. In his discussion of why intellectual pleasures are intrinsically superior to physical pleasures, he seems to suggest that the only way we could figure that out is to see how much people who have experienced a full range of the relevant pleasures prefer the one sort of pleasure to the other. And in the context of the epistemological discussion he seems willing to assert that we can literally *define* intrinsic superiority in terms of the relation of being preferred or desired more (*Utilitarianism*, X: 211). That discussion is followed in Chapter 4 by the even more controversial "proof" for the principle of utility, where Mill tries to get the conclusion that pleasure is the only thing desirable as an end through the empirical observation that it is the only thing that is in fact desired as an end. He arrives at the conclusion that each person's pleasure is desirable as an end for that person and somehow (I have no idea how) we are supposed to be able to get from this the conclusion that the *general* happiness is desirable as an end (either for the group or the individuals within the group).

We must, of course, take all of Mill's talk about a proof for the principle of utility with a grain of salt as he warned as prior to the "proof" that we *really* can't prove fundamental claims about what is desirable as an end. On the other hand, he clearly gives it a try. My own suggestion is that the move here is best understood in light of the ways in which Mill builds on Hume in other matters epistemological. We solve the problem of knowing the physical world by reducing talk about the physical to kinds of claims that are epistemologically unproblematic, claims about subjective experience. I'm relatively convinced that Mill thought that to solve epistemological problems concerning knowledge of

moral truths we'll also need to translate the relevant fundamental moral truths into claims about subjective experience – this time, truths about what people (of a certain sort) desire as an end. Mill is hardly candid about doing this (except perhaps in his discussion of intellectual versus physical pleasures), but he certainly hints at it and it would explain his otherwise mysterious attempts at "proving" the claim that pleasure and only pleasure is desirable as an end by appeals to alleged empirical facts about the psychology of people.

Note

1 For an interesting discussion of the possibility that Mill was sympathetic to a transcendental argument, see Macleod (2014).

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14

Mill's Philosophy of Language

FREDERICK KROON

Reflection by contemporary philosophers of language on pre-twentieth century philosophical accounts of language tends to go in one of two directions. The more radical perspective sees such accounts as pre-dating the discipline of philosophy of language, an autonomous discipline that only began at the dawn of the twentieth century. The less radical sees them as for the most part irrelevant to philosophy of language as practised by contemporary philosophers of language.

Jason Stanley adopts the second perspective:

> In the Twentieth Century, Logic and Philosophy of Language are two of the few areas of philosophy in which philosophers made indisputable progress. For example, even now many of the foremost living ethicists present their theories as somewhat more explicit versions of the ideas of Kant, Mill, or Aristotle. In contrast, it would be patently absurd for a contemporary philosopher of language or logician to think of herself as working in the shadow of any figure who died before the Twentieth Century began. ... [F]rom the perspective of the progress made in the last 120 years, previous work is at most a source of interesting data or occasional insight. All systematic theorizing about content that meets contemporary standards of rigor has been done subsequently. (Stanley 2008: 382)

With John Stuart Mill as our focus, this claim is worth highlighting for a number of reasons. First, Stanley identifies Mill as someone whose ideas in ethics formed the foundation of the ideas of some twentieth century writers in ethics, while implicitly denying that Mill's work on language is worth a second glance – this despite the fact that Mill himself saw his work on language and logic as no less innovative, and even more foundational, than his work in ethics. Secondly, the language Stanley uses in dismissing such work is surprisingly severe. The work of Mill and others is described as at most a "source of interesting data or occasional insight."

The present chapter describes Mill's account of language and the wider goals that he sets for his account. The main purpose of the chapter is expository, but critical reflection

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will never be far from the surface, and enough will be said to show why in Mill's case we need a more nuanced judgment than Stanley's dismissive reaction to pre-twentieth century accounts of language – why we should find middle ground between seeing Mill's account as "at most a source of interesting data or occasional insight" and seeing it as "systematic theorizing about content that meets contemporary standards of rigor."

1. Propositions and Their Constituents

Mill's account of language is developed in the first book of the *System of Logic*, entitled "Of Names and Propositions." In line with his larger aims, he makes it clear that he is focusing on language at the beginning of the *System of Logic* because of the fundamental role that language plays in reasoning and the acquisition of knowledge. It is "obvious," he points out, that logic is "a portion of the Art of Thinking," and since language is one of the "principal instruments of thought" an effective way to guard against error in thought is to begin with an examination of that instrument, in particular the "signification and purposes of words" (*Logic*, VII: 19).[1] More fundamentally, Mill thinks it is necessary to inquire into the signification, meaning or import of *propositions* (he claims, in fact that "the analysis of the import conveyed [by propositions] is the real subject and purpose of this preliminary book" (VII: 78)), and this, he thinks, can only be done through a study of the signification, meaning or import of *words*. Mill has a particular reason for focusing on the import of propositions. He wants to analyze this notion because he wants to define a distinction between verbal and real propositions – at a first approximation, propositions true in virtue of meaning and propositions true in virtue of facts about reality – and he wants this latter distinction because in the *System of Logic* he wants to defend a radically empiricist view of our knowledge of the substantive claims we encounter in mathematics and logic no less than in science and everyday life.

Note that Mill takes propositions to be linguistic in nature, although he is clear that they are not merely *sentences* (whether type or token). For he sees a close connection between propositions and assertion: after saying that "a proposition … is formed by putting together two names," he proceeds to conflate predication and assertion by declaring that through this combination "something is affirmed or denied of something." So even when the linguistic nature of propositions is most evident, Mill's actual words shows that he thinks their only role in discourse is in assertive utterances – perhaps as token declarative sentences uttered as part of assertoric discourse or perhaps more plausibly as declarative sentences uttered assertorically with a particular meaning.

But not just *any* declarative sentence. In saying that propositions are formed by putting together two names, Mill is showing his commitment to the pre-modern framework of syllogistic logic, with its various categorical forms. The propositional forms that Mill considers are "S is P," "S is not P," "Some S is/are P," "Some S is/are not P," "All S is/are P," "No S is/are P" – in other words, the standard list of forms that feature in categorical syllogisms, expanded to include two non-quantificational forms, "S is P" and "S is not P." He doesn't include complex propositions, even though he acknowledges that our discourse features conjunctions and disjunctions as well as conditionals, and even though logicians from medieval times onwards had acknowledged and

investigated arguments that feature more complex forms (such as hypothetical syllogisms, which feature conditional propositions).

The reason shouldn't surprise us. Mill, as we saw, conflates predication and assertion. Frege was later to point out why such a conflation is problematic: meaningful sentences can occur in discourse *unasserted*, say as antecedents of conditionals, or as sentences used with non-assertoric force, for example questions (Frege 1879, 1918). Mill's response to the first complaint is, in effect, to say that conditionals as well as disjunctions are systematically misleading as to their true form. After first defining disjunction in terms of the conditional, he then proceeds to show how conditional claims can be interpreted as categorical propositions:

> When we say, if the Koran comes from God, Mahomet is the prophet of God, … [w]hat is asserted is not the truth of either of the propositions but the inferability of the one from the other. … The real subject of the predication is the entire proposition "Mahomet is the prophet of God," and the affirmation is, that this is a legitimate inference from the proposition, "The Koran comes from God." (VII: 83)

Such an analysis is deeply problematic (for one thing, it appears to turn disjunctions and conditionals into metalinguistic propositions) and the logical tradition both before and after Frege simply rejects it. Note that the analysis does nothing to exculpate Mill's conflation of predication and assertion since Frege's point about force remains: when we say "Is Caesar alive?" we are not affirming that Caesar is alive.[2] (As we will see later, Mill himself espouses a kind of anti-psychologism about the subject-matter of logic that suggests he is in fact *committed* to the predication/assertion distinction, even though his theory of propositions depends on conflating the two.)

When Mill turns to the constituents of propositions, it becomes clear why he thinks propositions are assertoric by nature. First of all, a *name* is any expression that can meaningfully replace "S" or "P" in any of the categorical forms, with a name replacing "S" being classed as the *subject* of the corresponding proposition, and a name replacing "P" the *predicate*. What remains, apart from the quantity words "some," "all," and "no," are the expressions "is/are" and "is not/are not." These constitute the *copula*, and it is Mill's account of the copula that drives his assertoric account. He thinks that the function of "is/are" and "is not/are not" is to indicate whether the predicate is being *affirmed* or *denied* of the subject, not merely whether the predicate is or is not predicated of the subject.

He also insists that the copula does not have the further function of expressing existence, contrary to a tradition in logic dating back to Aristotle. This is amply shown, he thinks, by a proposition like "A centaur is a fiction of the poets" whose truth requires the subject-term to be empty (VII: 78), or "A ghost is an embodied spirit," which a speaker may affirm without believing in ghosts (VII: 113). (Mill thus clearly thinks that terms at least sometimes lack existential import; indeed, that seems to be his view of all general concrete names; cf. VII: 94.) The assumption that the copula does express existence is, he claims, "the result of an imperfection of language": it derives from the ambiguity of the copula – the fact that "is" can be used as "a concrete word denoting (actual) existence" (VII: 113).

Note that Mill offers us no distinction between predicates and names as distinct syntactic constituents in the manner of modern quantificational logic. Mill's predicates are

simply names that follow the copula, and even *proper* names can be predicates on this account ("Tully is Cicero", for example, predicates the proper name "Cicero" of "Tully").[3] This is not to say that the category of names is an undifferentiated one for Mill. There are significant divisions among names, but none of these are imposed at the level of syntax. Three of them are particularly important from Mill's point of view.[4]

The first distinction, branded as "fundamental" by Mill, is the singular versus general name distinction. A general name is one that is "capable of being truly affirmed, in the same sense, of each of an indefinite number of things," while a singular or individual name "is only capable of being truly affirmed, in the same sense, of one thing." Allowing for the conflation of predication and assertion, this corresponds to the familiar singular term/general term distinction found in contemporary logic,[5] although Mill makes it clear that he thinks there is no difference in the *kinds* of items that are denoted by singular and general names. In particular, for Mill a general name denotes each of the items it applies to rather than the *set* of items it applies to: in Quinean terms, a general name has *divided reference*. (While Mill frequently writes as if a general name stands for a class, he insists that "a class is absolutely nothing but an indefinite number of individuals denoted by a general name": VII: 93.)

What *kinds* of items do names denote? That is addressed by Mill's distinction between concrete and abstract names (I.ii.4). Concrete names, he writes, denote things and abstract names attributes (whether of things or of other attributes), a distinction he takes to be exhaustive since he takes "abstract" to mean the opposite, "in logic," of "concrete." I.iii makes it clear that for Mill the category of "thing" encompasses both states of mind and physical and mental substances. He doesn't acknowledge any other existent items, but does say that names are always "names of something, real or imaginary" (VII: 27). This suggests that he allows for a category of nonexistent objects. But there is no developed doctrine of fictitious or imaginary objects to be found in Mill, and it is hard to imagine an arch empiricist like Mill as a proto-Meinongian.

Abstract names – both individual names like "whiteness" and general names like "color" – all denote attributes and never abstract objects such as numbers or classes. (Numbers for Mill are attributes of things taken as aggregates; they are not abstract objects.) In thus insisting on the existence of attributes, Mill rejects the radical kind of Nominalism advanced by Hobbes on which the only relevant commonality shared by white things, for example, is that they are all denoted by the general term "white". But he is even more dismissive of the doctrine of Realism, which takes attributes to be abstract universals. Mill takes them to be ordinary features of things, not abstracta existing in some robust metaphysical way.

Attributes occupy an especially important position in Mill's views because they are more than just the denotata of certain words: they play a crucial role in his distinction between connotative and non-connotative names, a distinction that finally brings us to Mill's views on meaning.

2. Connotation and Denotation

When Mill describes the difference between concrete general and individual names, he talks of the shared qualities or attributes in virtue of which a general name can be truly affirmed of each and every thing it denotes. What makes it the case that "white," for

example, denotes a certain object is that this object has the attribute of whiteness and what makes it the case that "bachelor" denotes a certain individual is that this individual has the attributes of being a male person, being of marriageable age, and being unmarried. In introducing his distinction between connotative and non-connotative names at the start of I.ii.5, Mill writes that such general names *imply* or *connote* the relevant attributes, and he defines a connotative name as one that not only denotes a subject (i.e., something that has attributes) but also implies/connotes an attribute, where possession of all of the attributes connoted is both necessary and sufficient for something to be denoted by the name.[6] Even singular concrete names can be connotative, Mill thinks. The examples he gives are terms we would nowadays call (complete) *definite descriptions*: "the only son of John Stiles," "the present Prime Minister of England." As Mill puts it, such a term signifies "some attribute, or a union of attributes, which being possessed by no object but one, determines the name exclusively to that individual" (VII: 33).[7]

By contrast, a non-connotative term is a name that "signifies a subject only or an attribute only" (VII: 31). Here we come to Mill's most famous doctrine about names, the thesis that proper names in particular are non-connotative. Before giving Mill's account of his view, note that Mill does not think that proper names are the *only* non-connotative names. He thinks that nominalizations of simple adjectives – abstract singular names like "whiteness" and "wisdom," say – are also non-connotative.[8] But Mill thinks that there is a crucial difference between such terms and proper names. Unlike abstract singular terms like "whiteness," proper names are *mere* marks:

> When we name a child by the name Paul, or a dog by the name Caesar, these names are simply marks used to enable those individuals to be made subjects of discourse. (VII: 33)

Even when we have a reason for giving something a particular name, the name is independent of the reason. A town may have been named "Dartmouth" because it is situated at the mouth of the river Dart, but

> [i]f sand should choke up the mouth of the river, or an earthquake change its course, and remove it to a distance from the town, the name of the town would not necessarily be changed. … Proper names are attached to the objects themselves, and are not dependent on the continuation of any attribute of the object. (VII: 35)

(Note that this is a *modal* argument, reminiscent of Kripke's argument that proper names are rigid designators.)

Mill clearly thinks this is the default view of proper names, the one case where Hobbes's view of names is clearly true, and most of the intellectual work in I.ii.5 goes into defending the category of *connotative* names. He provides only one brief analogy to help us understand how proper names do their work without the help of connotations. To give a proper name to something, he argues, is akin to our making a mark with chalk on a house so that we can recognize the house in future, just like the robber in the Arabian Nights who marked a house with chalk to remind him where the booty was hidden:

> When we impose a proper name, we perform an operation in some degree analogous to what the robber intended. … A proper name is but an unmeaning mark which we connect

> in our minds with the idea of the object, in order that whenever the mark meets our eyes or occurs to our thoughts, we may think of that individual object. (VII: 35)

A crucial question remains. Given Mill's interest in the meaning of propositions and his announced view that to investigate propositional meaning we need to investigate the meaning of words, what can we say about the meaning of these different kinds of names? Although proper names "have, strictly speaking, no [meaning]" (VII: 34), Mill thinks this is not true of other non-connotative names. Non-connotative abstract names like "whiteness" do have meaning; their meaning is their denotation, that is, the attributes they denote. But the most familiar category of meaningful names is that of *connotative* names. Their meaning can't reside in denotation, Mill argues, for by learning what things a name denotes "we do not learn the meaning of the name: for to the same thing we may, with equal propriety, apply many names, not equivalent in meaning" (VII: 36). According to Mill, the meaning of a connotative name is simply its connotation. Such names convey information, and

> [w]henever the names given to objects convey any information, that is, whenever they have properly any meaning, the meaning resides not in what they *denote*, but in what they *connote*.[9] (VII: 34)

3. The Import of Propositions

In Book I, Ch. V, Mill finally turns to the question of the import or meaning of propositions themselves. Before describing his view, we need to remind ourselves of the two main traditions he is opposing: Conceptualism and Nominalism. The first is the psychologistic view he regards as orthodoxy and which he attributes to thinkers from Descartes on, but especially Leibniz and Locke (although he admits to finding traces of it in Hobbes as well). Conceptualists held that a proposition was a *judgment*, which they took "to consist in affirming or denying one *idea* of another":

> To judge, was to put two ideas together, or to bring one idea under another, or to compare two ideas, or to perceive the agreement or disagreement between two ideas. (VII: 87)

It is a doctrine Mill excoriates, classing it as:

> one of the most fatal errors ever introduced into the philosophy of logic; and the principal cause why the theory of the science has made such inconsiderable progress during the last two centuries. (VII: 89)

The mistake, according to Mill, is two-fold. First, to judge is always more than to bring two or more ideas together. Bringing together the ideas of Muhammad and apostle of God, say, does not determine a unique judgment: in some cases, we make no judgment at all (we may simply be *imagining* Muhammad as an apostle of God) and in other cases we bring the ideas together to express disbelief rather than belief (VII: 88). What more is needed for judgment is assent or dissent, although determining what these are "is one

of the most intricate of metaphysical problems." Secondly, none of this is relevant to the issue at hand, namely reasoning and the role of propositions. Quite simply, "propositions (except sometimes when the mind itself is treated of) are not assertions respecting *our ideas of things*, but assertions respecting *the things themselves*" (VII: 88; my emphasis). What is claimed when someone makes the judgment "Muhammad is an apostle of God," for example, concerns Muhammad, not the idea of Muhammad. Conceptualists slide over the difference between assent, which involves ideas on the part of the assenter, and what is assented to, which concerns things rather than ideas of things.

Mill is surely right to deplore the conflation. Note, however, that conflating assent and what is assented to is an instance of an act-content confusion. Earlier we saw that Mill himself unashamedly conflates affirmation and predication, and in doing so Mill seems guilty of a closely related confusion. We should distinguish between *what* I affirm when I utter a subject-predicate sentence – something to which "I give my assent, and call upon others to give theirs" (VII: 90) – and my affirming it, and that requires us to distinguish the role predication plays on its own from the speaker's speech act of assertion.

Having summarily dismissed Conceptualism, Mill shows he has more time for the doctrine of Nominalism, in the sense described by Hobbes. Nominalism so understood claims that names denote objects and, in the case of general names, may denote many objects; there is, however, no further universal thing that is somehow instantiated in these individual objects (as Hobbes put it, "there is nothing universal but names").[10] Nominalism therefore implies that the meaning of a proposition can only involve component names and the relation of denotation, nothing else. According to the resulting account of meaning for subject-predicate sentences,

(1) A proposition of the form "S is P" or "All S are P" means that *anything denoted by S is also denoted by P*,
(2) A proposition of the form "Some S are P" means that *some things denoted by S are also denoted by P*,

and so on for the other categorical forms. This metalinguistic formulation of a theory of meaning comes closest to what Hobbes seems to have had in mind and certainly to the way Mill interprets Hobbes (see especially I.v.2).

Mill of course rejects Nominalism. He thinks that the meaning of connotative names is not their denotation but their connotation and appears to endorse a compositional account of meaning on which the meaning of sentences containing such terms involves these connotations in a manner that is determined by the form of the subject-predicate sentence. Thus:

> [t]he real meaning of the word *man* is [the attributes the word connotes], and not Smith, Brown and the remainder of the individuals. The word *mortal*, in like manner connotes a certain attribute or attributes; and when we say, All men are mortal, the meaning of the proposition is, that all beings which possess the one set of attributes, possess also the others. (VII: 92)

Call this Mill's *pure* account of the meaning or import of propositions.

The pure account is resolutely non-metalinguistic. Confusingly, however, Mill also accepts a *mixed* account, one that retains a Hobbes-like metalinguistic component. After telling us that for Hobbes "the proposition, All men are living beings … is true because *living being* is a name of everything of which *man* is a name", Mill writes:

> What is stated in this theory as the definition of a true proposition, must be allowed to be a property which all true propositions possess. The subject and predicate being both of them names of things, if they were names of quite different things the one name could not, consistently with its signification, be predicated of the other. … What he gives as the meaning of propositions, is part of the meaning of all propositions, and the whole meaning of some. (VII: 90)

Mill's argument for this mixed account of meaning is usually said to be based on a classic use-mention confusion (see, e.g., Skorupski 1989: 64). While the truth of the *sentence* "All men are living beings" no doubt requires that "living being" is a name of everything of which "man" is a name, what the sentence *states* (namely, that all men are living beings) carries no such implication about how words relate to the world – a staple lesson of twentieth century philosophy of language.[11] But there is a better way of reading Mill's argument and it is implicit in his emphasis throughout the chapter on what is asserted or conveyed by means of propositions. When speakers use language, they convey a great deal: they convey information about the possession of attributes but they also convey information about the words that signify these attributes. The pure account of meaning is Mill's single attempt to give a compositional theory of meaning, but the emphasis on communication quickly overshadows this attempt. Given that Mill lacks the semantic machinery to give a thorough-going compositional theory and lacks anything like a semantic/pragmatic distinction, his failure to provide a coherent theory of meaning shouldn't surprise us.

But Mill also saw one clear downstream advantage to a communication-centered approach, and that probably prevented his appreciating the difficulties in the road he took. For Mill was struggling with the problem of proper names. Mill declares that these have "strictly" no meaning, that they are "mere marks for individual objects." But what then is the meaning of a proposition containing a proper name? In this case the compositional story that yielded Mill's pure account of meaning for propositions involving connotative names fails us. Propositions involving proper names obviously do have meaning, but since proper names have no meaning in themselves this meaning can't be delivered compositionally. Armed with his general argument for there being a metalinguistic component to meaning, Mill can now appeal to this general argument to ensure that propositions containing proper names do after all have a meaning. That is why "when a proper name is predicated of another proper name [e.g., 'Tully is Cicero'], all the signification conveyed is, that both the names are marks of the same object" (VII: 91).[12]

4. Verbal and Real Propositions

Mill's account of the meaning of propositions leads directly to his distinction between verbal and real propositions, a central plank in his defense of empiricism and the focus of Book I, Ch. VI. As an empiricist, Mill holds that no informative statement about the

world is *a priori*. He also holds that it is only the informative propositions that interest us as we advance our knowledge about the world and this includes mathematical propositions. The informative propositions he calls *real*, the uninformative ones *verbal*. (He maintains a matching distinction between inferences that are real and inferences that are merely apparent, with the real ones producing an advance on what we already believe, and the merely apparent ones producing no advance. On Mill's account, reasoning proper – reasoning that doesn't simply beg the question – involves real inferences from real propositions, whether in science, mathematics, or in ordinary life.)

But how can propositions fail to be real on Mill's account? Early on in the chapter he says this happens when propositions "do not relate to any matter of fact, …, but to the meaning of names" – roughly, when they are true or false in virtue of the meaning of names.[13] Mill thinks this can happen in one of two ways. He takes the least important way to involve the case of identity statements discussed earlier. Such propositions are verbal because the only information they contain is that the names have been conventionally assigned to the same thing and this is information about *names*, not the world.

Proper names, however, do not have meaning for Mill, and so this case seems to involve a rather different notion of verbal proposition (a point I return to later). The paradigm of a verbal proposition on Mill's understanding is a proposition like "Bachelors are male," which is true because the connotation of "bachelor" includes that of "male."[14] But Mill thinks that there is a type of verbal proposition that is philosophically far more important. He has in mind propositions like "Man is a corporeal being" and "Man is a rational animal" that have traditionally been thought to state essential properties of things. Mill denies that things have essences and essential properties, arguing that the necessity in such cases arises from the connotations of the terms involved, not from anything directly involving their denotations. In such cases, the predicate term ("a corporeal being," say) connotes certain attributes that form a subset of the attributes connoted by the subject term ("a man") and hence:

> the universal affirmative proposition ["Every man is a corporeal being"] will be true; since whatever possesses the whole of any set of attributes, must possess any part of that same set. A proposition of this sort, however, conveys no information to anyone who previously understood the whole meaning of the terms. (VII: 112–3)

Summing up, Mill adds that a verbal proposition thus:

> asserts of a thing under a particular name, only what is asserted of it in the fact of calling it by that name; and which therefore either gives no information, or gives it respecting the name, not the thing. (VII: 115)

Note that in saying this Mill seems to slide from the pure, compositional account of meaning used in the preceding quote to his mixed account. The slide reveals why he thinks identity statements involving proper names are verbal. On this alternative account, the only (non-trivial) information conveyed by a verbal proposition is information about the names used in the proposition. That is also true of identity statements containing proper names, and that is what unites them with propositions true or false in virtue of the meaning of connotative names.[15]

What remains are propositions that are *real*, where real propositions

> predicate of a thing some fact not involved in the signification of the name by which the proposition speaks of it; some attribute not connoted by name. Such are all propositions concerning things individually designated, and all general or particular propositions in which the predicate connotes any attribute not connoted by that name. (VII: 115–6)

The verbal/real distinction plays a central role in Mill's empiricist philosophy. Mill uses the notion of a proposition that is verbal because of connotative inclusion to argue against any kind of essentialism of the Aristotelian and scholastic kind: all necessity for him is verbal necessity, all essences nominal rather than real. Propositions whose apparent air of necessity cannot be defended in this way are considered real propositions, their apparent air of necessity a feature of our psychological attitudes rather than anything in language or the world. These claims are in turn put to a much larger purpose in the remainder of the *System of Logic*: to show that our ordinary and scientific knowledge of the world, including our mathematical knowledge, is of real propositions, and that our reasoning as we advance to new propositions involves real inferences, even when these are deductive inferences (since, as Mill put it, "All deductive sciences are inductive": VII: 252). These larger purposes underline the radical nature of Mill's empiricism, and different aspects of this empiricism are examined in different chapters of this volume. But it is his analysis of language – his account of propositions, of the connotation/denotation distinction, and of the verbal/real distinction – that lies at the foundation of this overarching empiricist outlook.

5. Mill and Contemporary Philosophy of Language[16]

It is time to return to the question we began with: what should contemporary philosophers of language make of Mill's account of language? The differences between Mill's account and contemporary work are, of course, stark and they shouldn't be underestimated. It is true, for example, that his account of propositions appears to place him in the Aristotelian tradition that was completely overthrown by the work of Frege, Russell, and later logicians. Even George Boole, a contemporary of Mill, at least did work that in crucial ways anticipated later logical trends. But there are ways in which Mill's outlook was nonetheless distinctly modern. Mill offered a theory of propositions that did not simply take sentences at face value, but considered the purpose to which sentences were put in reasoning, found that some constructions did not to adhere to this purpose, and based his analysis on that. If we now berate him for the conflation of predication and assertion that seems to sit at the root of this theory, it is worth remembering that it was a confusion that persisted well into the twentieth century.[17]

But it is of course Mill's semantic views – views that are substantially independent of his theory of propositions[18] – that have drawn most comment from contemporary philosophers of language, in particular his views of the meaning of proper and common names (his partly metalinguistic account of the meaning of propositions, on the other hand, has had mostly negative press). Mill's account of proper names suffered a long decline in influence after the appearance of Frege's and Russell's arguments for a

descriptivist account of proper names in response to a range of problems involving such names, including the problem of the informativeness of identity statements. In the late 1960s, however, Mill's account was resurrected by Kripke, in a way that allowed Kripke to draw a sharp contrast between Mill's overall view of names and his own views. Kripke declared that Mill was more or less right about proper names, but wrong about natural kind terms, which both Kripke and Putnam took to be non-descriptive.[19] Although not uncontested, their views have become orthodoxy.

Mill's views are rather deeper than Kripke allows, however. As we have seen, much of what he has to say about propositions and meaning stems from his overriding interest in the assertoric, communicative purposes to which language-users put their use of language (especially in reasoning). The same concern also underlies his account of proper names. It is true that for Mill proper names are non-connotative, but this just means that they don't have a conventional meaning. Unlike Kripke, who argues for a causal-historical account of how the uses of proper names single out their bearers, Mill's view is focused on the way speaker's need for information shapes the way they use names. He writes that

> [a name] enables us to distinguish [its bearer] when it is spoken of, either in the records of our own experience, or in the discourse of others; to know that what we find asserted in any proposition of which it is the subject, is asserted of the individual thing with which we were previously acquainted. (VII: 35)

Here and elsewhere Mill stresses the role of a speaker's implicit knowledge of informational ties – not connotations – in virtue of which her uses of a name denote the same thing as her informants' uses. Such an account doesn't simply class proper names as mere marks, but offers us the beginnings of a distinctive theory of how their reference is determined.[20]

A similar interest in in the communicative purposes of language-users underlies Mill's account of natural kind terms. Mill insists that natural kind terms have connotations – that much is true. But he also thinks that in their case connotations are variable. Where real kinds are concerned,

> a hundred generations have not exhausted [their] common properties …; nor do we suppose them to be exhaustible, but proceed to new observations and experiments, in the full confidence of discovering new properties which were by no means implied in those we previously knew. (VII: 122)

Names for such kinds may start off by connoting various superficial attributes, based on our observation of things that we wish to group together because they seem to naturally belong together, but as scientists enquire into their underlying common properties some will seem significant enough to then become the connotations of the terms, at least on the scientists' use of the terms, without any change of denotation. Mill thus mentions "the possession of 'four incisors in each jaw, tusks solitary, and erect posture'" in the case of the term "man" (VII: 129), but clearly thinks such a change to a more scientifically apt connotation happens routinely (not surprisingly, since natural kind terms play a crucial role in induction, a major theme of *A System of Logic*).

In short, what Kripke–Putnam see as the accretion of scientific, even essentialist, information about what a term denotes, Mill sees as the occasion for a change to a scientifically more useful and deeper connotation for the term. Of course, given the Kripke–Putnam critique of descriptivism about natural kind terms, it is not hard to imagine their response. Mill's picture suggests, counter-intuitively, that a term like "gold" will encompass both real gold and fools' gold for the naïve user of "gold" but only stuff with atomic number 79 on the scientific use of the name, so that denotation will *not* be preserved. But this is to misunderstand Mill's view. He does indeed believe that a name might name a superficial kind, not just a natural kind, if that is what our interests dictate.[21] In other cases, however, he seems to think that ordinary people clearly have a natural kind in mind; this happens when we are aware that what we are demarcating has inexhaustible common properties, without yet knowing much about these properties (gold might be an example). Mill, I think, would take this presupposition to be a constraint on the way ordinary connotations are selected, although he is not clear about this. He is much clearer in the case of what he calls a *nomenclature* (the collection of names of kinds in some branch of knowledge). Names in a nomenclature might combine a small number of characteristics in terms of which we distinguish instances (he mentions "viola odorata" and "peroxide of iron"), and these constitute their ordinary connotation. But such names differ significantly from other names in that,

> besides the ordinary connotation, they have a peculiar one of their own: besides connoting certain attributes, they also connote that those attributes are distinctive of a Kind. (VIII: 705)

Hence users of such a term explicitly assume that the superficial attributes connoted by the term inhere in a kind. In this and other ways Mill's view of natural kind terms seems rather more nuanced than many contemporary commentators allow.

At the end of this tour through Mill's work in the philosophy of language, a few things stand out. It does indeed seem "patently absurd" for a contemporary philosopher of language or logician to think of herself as working in the shadow of a figure like Mill. Mill's work did not set the agenda for the work of subsequent theorists of language. That agenda was set by Frege and Russell. What I have tried to suggest in this final section is that we should think of Mill's contributions rather differently. Take the case of proper names and natural kind terms. Despite similarities, Mill's view of proper names harbors an interestingly different perspective from that found in Kripke. And his view of natural kind terms is a much deeper and more attractive view than the caricature we get from Kripke. These views contribute much more than some "interesting data or occasional insight".

And not only these views. Even Mill's struggle with the question of the *meaning* of propositions, especially the meaning of identity propositions, is in some ways a very modern struggle. To see this, one only has to look at the writings of Millian/referentialist philosophers of language like Kaplan, Perry, Salmon, and Soames on the problem of identity statements.[22] With their rejection of Fege–Russell descriptivism, their struggles seem to mirror Mill's struggle, despite the "contemporary standards of rigor" they bring with them. Some are even prepared, like Mill, to say that utterances of identity statements convey something *metalinguistic*, although they typically insist that this is a pragmatic rather than a semantic feature of such utterances.

It is of course tempting to say that Mill's theory of meaning fails precisely because he doesn't distinguish meaning as a purely semantic notion from the pragmatic notion of the information conveyed rather than expressed by a statement. But this by itself is scarcely a besetting sin, since the semantic/pragmatic distinction (and its significance) continues to be a source of contention among contemporary philosophers of language (witness the debates about the precise connection between semantic content and assertion in the work of philosophers like Perry, Cappelen and Lepore, Soames, Recanati, and Sperber and Wilson).[23] Mill's struggle with the notion of meaning – his near-embracing of a pure compositional account, together with his acceptance of a mixed account – serves to highlight some of these issues, even if his work is not "systematic theorizing about content that meets contemporary standards of rigor."

In short, while Mill's concerns did not play a noticeable role in the rise of philosophy of language, his work provides a significant counter, and in some cases parallel, to some of the developments in modern philosophy of language. In my view, closer scrutiny of his views would have affected the history of the discipline for the better.[24]

Notes

1 All references to Mill in this chapter are taken from the *System of Logic*. Page references for quotations refer to the edition in his *Collected Works*; book, chapter and section numbers (e.g., I.ii.4) are used for general references.

2 And this last sentence in turn does not affirm that Caesar is alive, even though the final that-clause contains the subject-predicate sentence "Caesar is alive." (Mill himself makes numerous claims in which constituent sentences are not used assertorically.)

3 For an important discussion of this aspect of proper names, see Lockwood (1975).

4 The other divisions are among Positive and Negative names, Relative and Absolute names, and Univocal and Equivocal names. The third is not so much a division among names as a reminder that names may be ambiguous, and thus give rise to fallacies (I.ii.8). The first and second are more interesting, but Mill's discussion stays at an informal semantic level and lacks the generality and sophistication of modern syntactic-semantic approaches.

5 Indeed, Quine in *Word and Object* approvingly cites Mill's strong endorsement of the distinction (Quine 1960: 90 fn. 2).

6 Hence connotation determines denotation, to use the familiar Fregean terminology for the connection between sense and reference. As on Frege's classification, the converse is not true.

7 More colorfully, they are "signs which accompany an attribute: a kind of livery in which the attribute clothes all objects which are recognised as possessing it" (VII: 36). Language like this makes one appreciate the virtues of a more black-and-white *syntactic* characterization of such terms.

8 Note, in particular, that "whiteness" doesn't connote the attribute of *being the quality possessed by sensations of white*; Mill clearly thinks that such a characterization would be circular (VII: 52).

9 Mill stresses that such a view is consistent with the fact that the meaning of a connotative name may be "unsettled and vague" and that while vagueness of meaning can cause problems, there are cases where "the ends of language are better promoted by it than by complete precision."

10 Hobbes (1990), 5.6.

11 Although it is scarcely a new lesson; Descartes, Leibniz, and others all criticized Hobbes for suggesting that speakers of different languages must mean different things because the words are different (see, e.g., Leibniz 1969: 128).
12 Modern Millianism famously regards the denotation of a proper name as its meaning or content. It thereby faces problems that Mill's view bypasses (in particular, sentences that are identical apart from containing co-denoting proper names turn out to have the same meaning). For some attempts to solve this problem, see Salmon (1986) and Soames (2002).
13 Mill adds that "since names and their signification are entirely arbitrary, such propositions are not, strictly speaking, susceptible of truth or falsity but only of conformity or disconformity to usage" (VII: 109). This assumes that truth and falsity are always contingent. Elsewhere, he freely allows that such propositions are true or false.
14 Mill acknowledges that connotative inclusion is similar to the notion of conceptual containment that Kant uses to define analytic judgments (Kant A6–7) (although Kant has an alternative definition at A7 that appeals to the principle of non-contradiction – for Mill a very different definition since he thinks logical principles are empirical).
15 Note that the information about names conveyed by "Every man is a corporeal being" is trivial for those who "have previously understood the whole meaning of the terms" (VIII: 1018); not so in the case of identity propositions.
16 Articles that present a sympathetic treatment of some Millian themes on language in the face of modern orthodoxy include Lockwood (1975), Kroon (2004), and Schwartz (2013, 2014).
17 The confusion survived the Frege-inspired retreat from psychologism. Early Russell, for example, writes:

> It is plain that, if I may be allowed to use the word assertion in a non-psychological sense, the proposition "*p* implies *q*" *asserts* an implication, though it does not *assert p* or *q*. The *p* and the *q* which enter into this proposition are not strictly the same as the *p* or the *q* which are separate propositions. (Russell 1903: 35)

Geach (1965) points out that Ryle was among the later offenders. Indeed, Ryle (1950) considers an account of the logical form of conditionals based on the very predication/assertion confusion that we find in Mill.

18 Note, in particular, that Mill's account of names and their import doesn't assume that names are constituents of propositions in Mill's sense. (If it did assume this, most expressions in language wouldn't be names in Mill's sense since so few of them are actually used as part of an assertion.)
19 Kripke (1980), Putnam (1975).
20 Kroon (2004) argues that Mill's account of proper names is anti-connotative but descriptivist in spirit.
21 He writes, "Whales are or are not fish, according to the purpose for which we are considering them" (VIII: 716). LaPorte (2004: 68) argues for a similar view in the context of his sceptical reaction to the views of Kripke–Putnam. See also the useful discussion in Schwartz (2013).
22 Kaplan (1989), Perry (2001), Salmon (1981, 1986), Soames (2002).
23 Perry (2001), Cappelen and Lepore (2005), Soames (2002), Recanati (2004), and Sperber and Wilson (1992).
24 Thanks to Chris Macleod for useful critical comments on an earlier draft of this chapter.

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15

Mill on Metaphysics

NICHOLAS CAPALDI

1. Introduction

J.S. Mill's conception of metaphysics is not only of intrinsic interest but it has important implications for his political and social philosophy. Unfortunately, his metaphysical views have been obscured for a number of reasons. One reason is that his preeminence has encouraged philosophers either to assimilate him to their favored positions or to attack him for not reflecting their own. A second reason is that there are conflicting views of philosophy itself. What is true of "philosophy" in general is true of "metaphysics" in particular. Finally, in interpreting any philosopher, scholars try to place that philosopher within a larger intellectual context of an on-going conversation(s). Given the conflicting conceptions of philosophy, there will inevitably be conflicting understandings of the larger context within which that philosopher is to be placed.

2. What is Metaphysics?

In order to avoid prejudicing any one particular view, I shall begin by understanding "metaphysics" in a very broad sense. When the term "metaphysics" is used in this essay what is meant is (1) the identification of fundamental truths, (2) the status of these truths, and (3) how the philosopher understands his relationship to those truths. It is worth noting that Mill's own use of the term is idiosyncratic, in that it sometimes seems to be synonymous with psychology.

Three generic metaphysical traditions have emerged within the history of Western thought (Capaldi 2009). Those traditions are here labeled as naturalism, idealism, and Copernicanism.

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2.1. *Naturalism*

The world is fully intelligible in its own terms. Its narrative is monistic (we understand both ourselves and the world in the same way); rationalistic (everything is in principle conceptualizable); impersonal (the ultimate principles of intelligibility have no direct reference or concern for human welfare); and secularly Pelagian: despite the world's impersonality, humanity can solve its problems on its own and by exclusive reference to the natural order. Since Individuals are part of the natural order, they can achieve fulfillment only through their larger social role.

Metaphysics is the most comprehensive and most general characterization of existent things. It is arrived at by abstraction from the specialized sciences. Hence, metaphysics is a kind of empirical *super-science*. There is a tendency to reduce meaning to reference; truth consists in correspondence. More importantly is the connection in naturalism between epistemology and ontology. Reality is said to consist of individual or particular things or substances. A substance (thing) is something more than its properties and it is ultimately identified as the subject matter of discourse. Since *epistemology* is understood as the study of the basic categories used for describing and explaining our experience, epistemological conclusions have metaphysical import. Language *somehow* (*naturalistically*) mirrors psychology that *somehow* (*naturalistically*) mirrors an external physical world.

2.2. *Idealism*

The world of everyday experience cannot be understood on its own terms. As a consequence, a distinction is introduced between the world of appearance (or everyday experience) and ultimate reality. Science can account for the world of appearance, but it cannot account either for itself or for ultimate reality. Hence, metaphysics is a kind of non-empirical pre-science. Ultimate reality is conceptual or logical, (consisting of forms, ideas, or universals, etc.), not a system of physical objects. The conceptual entities that comprise ultimate reality are related to each other in logical fashion. Idealism rejects any distinction between a thing and its properties. A thing is a particular set of properties (ideas, forms, etc.), thus conceding the fundamental and irreducible nature of the self; we derive conclusions about ultimate reality from our knowledge of the self. Here, too, we can conceptualize the pre-conceptual.

Idealism is marked by a series of dualisms. The dualism of subject and object exemplifies that how we understand ourselves is different from and more fundamental than how we understand the world. Mind (and spirit) are fundamental. At the same time, by insisting that everything is somehow related to everything else, idealists assert the social nature of the self and the organic nature of society. The empirical social world is always construed as a dualism between utopia and the "cave" within which we live; hence history is a series of events that imperfectly reflect an ideal.

2.3. *Copernican Metaphysics*

The Copernican Revolution in philosophy was introduced by Hume (Capaldi 1972) and Kant (Beck 1979), and it suggests a third or alternative vision of metaphysics. The ultimate source of reality and intelligibility is neither the physical world nor a

supersensible conceptual world, but the everyday pre-theoretical world constituted by the interaction of human beings with their environment and each other.

Science itself can no longer be construed as observational; in order to obtain knowledge of a thing we need to have it interact with other things; hence science is to be understood as experimental. Science is not the observation of nature but experimentation on and with nature. It is *technological*. Physical Science itself would seem to be, post-Newton, a form of practical knowledge. But, unlike as in naturalistic metaphysics, there cannot be a theoretical account of practical knowledge. Any attempt to give a scientific account of how human beings interact with the world and attempt to manipulate the world for practical purposes would itself be an interaction. Any alleged meta-theoretical explanation of the theoretical explanation of practical knowledge would itself be another interaction, ad infinitum.

Whereas, both naturalists and idealists believe that the pre-conceptual can be conceptualized, Copernicans do not. The human mind is not a mirror of nature but something that interprets nature and that interpretation presupposes a self that is spontaneously free. This self and its freedom are conditions of knowledge but not themselves possible objects of knowledge. Hence metaphysics cannot prove the existence of either a self or of freedom. Individual freedom is a presupposition of daily, common sense morality. Moreover, some conceptions of both God and immortality might be held as presuppositions of common sense morality but not theoretically provable.

One of the distinguishing characteristics of much of British thought is the appeal to "experience," understood as a kind of know-how or practice. The concept of experience generally refers to knowing how or procedural knowledge rather than propositional knowledge. The *Cambridge Dictionary* defines it as, "the basic level of practical knowledge and judgment that we all need to help us live in a reasonable and safe way." This appeal to experience is the view that practice precedes theory, that theory is an explication of previous practice, and that theory can never transcend practice. In one form or another, this view can be found in twentieth century philosophers such as Hayek, Wittgenstein, Ryle, Polanyi, and Oakeshott.

This raises the further question, how do we know when we have definitively and exhaustively understood something? The answer is that we do not – there is always more to come. Hence, no generalization can ever be secure. If there is always more to come, when does an assertion achieve impregnable status? The answer is never. There cannot be any *a priori* knowledge of a genuinely mind-independent world.

The ultimate explanation of experience cannot lie in the passive receptivity of external stimuli (the "given"). Following Newton, everything interacts with everything else; hence "experience" has to be the interaction of human beings (subjects) with objects or other subjects. What the human being contributes to the interaction is twofold: the imposition of structure both (1) psychologically, through the laws of association and (2) socially, through custom – understood as the *historical* pattern of past interactions. "Philosophy," for Hume is common sense methodized and corrected (Livingston 1998). Neither the "subject" nor the "object" can be known independent of its properties, and those properties are revealed only in the interaction. Since *human action* is primordial, reflection is always ultimately reflection on prior practice. Explanation is not the abstracting of an external structure but the subject's explication

of our ordinary understanding of our practices, in the hope of extracting from our previous practice a set of norms that can be used reflectively to guide future practice. We do not change our ordinary understanding but rather come to know it in a new and better way.

There is the ever-present temptation to rigidify custom, either by assimilating custom to naturalistic teleology (not evolution) or to timeless ideal patterns. Copernicanism eschews timeless analysis and sees discourse (and epistemology) as conventional in the sense that it denies that structure can be explicated apart from the agent. However, there are no hidden rigid substructures to social practice such that one can predict (or normatively require) future permutations of that practice (there are no rules for the application of rules) and no structures that would show the "hidden" logic of a practice. The application of an understanding of a practice to a *novel* set of circumstances requires analogical imagination. Since no culture dictates its own future, human beings are free to accept, reject, or redeploy specific features of their inheritance. Note that this also means that we can never start *de novo* behind a veil of ignorance. Following the Newtonian analogical model further, the social world is the interaction of self-directed individuals.

Copernican metaphysics is directly connected with the advocacy of individual autonomy. Personal autonomy is itself a modern notion that was articulated prior to the advent of a self-conscious Copernican metaphysics, most notably by Hobbes.

> Almost all modern writing about moral conduct begins with the hypothesis of an individual human being choosing and pursuing his own directions of activity ... this autonomous individual remained as the starting point of ethical reflection ... Every human being, in virtue of not being subject to natural necessity, is recognized by Kant to be a Person, an end in himself, absolute and autonomous ... he will recognize in his conduct the universal conditions of autonomous personality; and the chief of these conditions is to use his humanity, as well in himself as in others, as an end and never as a means. (Oakeshott 1991: 367)

In practice, one can embrace autonomy and still be committed to either a naturalistic or idealistic metaphysics. However, there is a high price to be paid. When the new wine of personal autonomy is poured into the old bottles it is easy to understand how those bottles lead to formulations that are easily misread as forms of authoritarianism (e.g., Hobbes and even Locke or Hegel) or evolve into something that can become authoritarian – think of Dicey's explanation (1917) of how Bentham's views were transmuted into socialism and more recently Hayek's critique of his friend Popper (1973).

Since autonomy is a modern notion it is clear that pre-modern expressions of metaphysics have always been connected with enterprise (collective goal or organic communities) social philosophies. Are the classical forms of metaphysics compatible with individual freedom? More to the point, if human beings are part either of a natural order or even reflect an ideal order, it is inevitable that wisdom will be construed as requiring (1) discovery of the independent order (often teleological) and (2) conformity to that order. It would make no sense to co-create or transform the order or to negotiate with the order.

3. Categorizing Mill

Mill has been mistakenly assimilated to naturalism as far back as his association with Bentham, James Mill (his father), and Bain, all of whom were naturalistic; by idealist critics such as Green and Bradley; and most recently by Skorupski (1989), Andy Hamilton (1998), and Donner and Fumerton (2009). Since naturalists link epistemology with ontology, when they examine what they see as Mill's phenomenological epistemology they are frustrated by Mill's refusal to draw metaphysical conclusions: for example, that Mill did not attempt to establish the independent existence of external physical objects, he refused to reify sensations as sense-data, and declined to reduce the self to a series of sensations. Others remain unsympathetic if not appalled at Mill's willingness to talk about God, freedom, and immortality (Millar 1998); there is a cottage industry of scholarship that critiques Mill's so-called utilitarianism for failing to reconcile how the pursuit of personal fulfillment (self-interest) serves a larger (collective) social good. Seemingly reassured by Green and Bradley's dismissal of Mill, naturalists remain mystified by Mill's appreciation for Berkeley and Kant; and finally, many discount the idea that Mill would take history seriously or that Mill's own views evolved as reflected in the *Autobiography.*

Does this mean that Mill was an idealist as he once classified himself? Green and Bradley certainly did not think so. As Passmore put it,

> The proper approach, he [Green] argued, is not from the individual mind to the world, but rather from the world to the universality of mind. In thus taking the world as the starting point of his philosophy, Green, like so many of his contemporaries, returns to Kant. His method of argument, too, is Kantian – or, often enough, Platonic, in the manner of Plato's *Theatetus* especially – rather than Hegelian. (Passmore 1957: 56)

Green understood himself to be reacting against Humean skepticism (Hume, after all, had also refused to conceptualize the pre-conceptual) as well as Spencer and Mill because they, in Green's mind, reduced the person to natural forces, and thereby made any theory of conduct meaningless. For Green, individuality is rendered more perfect only when the separate individualities are integrated as part of a social whole.

Bradley maintained that "Outside of spirit, there is not, and there cannot be, any reality…." and therefore contemptuously dismissed Mill for refusing to make the recognition of a self into the recognition of an Absolute. As Bradley put it, when Mill had,

> the same fact before him, which gave the lie to his whole psychological theory, he could not ignore it, he could not recognize it, he would not call it a fiction; so he put it aside, as a "final inexplicability," and thought, I suppose, that by covering it with a phrase he got rid of its existence. (Bradley 1924: 40n)

This does a great injustice to Mill, but more to the point it is a criticism of Mill for not conceptualizing the pre-conceptual. Bradley's endorsement of "My Station and Its Duties" is the classic naturalistic reduction of ethics to politics. Bradley's student Bosanquet would, in *The Philosophical Theory of the State* (1899), endorse the total subordination of the individual to the state.

4. J.S. Mill as Copernican

Mill qualifies as an advocate of Copernican metaphysics. Mill believed himself to have joined a conversation that was defined directly by Kant and indirectly by Hegel.

> Kant … holds so essential a place in the development of philosophic thought, that until somebody had done what Kant did, metaphysics according to our present conception of it could not have been continued … he has become one of the turning points in the history of philosophy. (*Examination*, IX: 493n)

This is one of the many reasons that the so-called empiricist-rationalist debate is not the context of Mill's thought.

The other important element in the conversation was practical: understanding and trying to guide England in the transition from feudalism to a modern industrial democracy. The enemies, so to speak, were the forces of feudal orthodoxy – conservatism and Anglicanism. Mill was concerned with epistemology and metaphysics, in part, because philosophical doctrines were used to rationalize orthodoxy.

> The notion that truths … may be known by intuition … independently of observation and experience, is, I am persuaded, in these times, the great intellectual support of false doctrines and bad institutions. (*Autobiography*, I: 233)

> Among the truths which are thus known a priori, by occasion of experience, but not themselves the subjects of experience, Coleridge includes the fundamental doctrines of religion and morals, the principles of mathematics, and the ultimate laws even of physical nature. (*Coleridge*, X: 126)

As Mill saw it, the great philosophical controversy was between the *intuitionists* and the school of "*Experience and Association*."

> [T]he associationist-philosophy as taught by Hartley, and the metaphysics of the German school … are the two systems between which, and which only, almost every metaphysician, deserving the name, in all Europe, is now beginning to be convinced that it is necessary to choose: the two most perfect forms of the only two theories of the human mind which are, strictly speaking, possible. (*Blakey's History of Moral Science,* X: 23)

The latter attempted to buttress traditional institutional structures by claiming that discursive reason revealed permanent truths which served to support those practices and render them impervious to change.

> And the chief strength of this false philosophy in morals, politics, and religion, lies in the appeal which it is accustomed to make to the evidence of mathematics and of the cognate branches of physical science. (*Autobiography*, I: 233)

Mill was not in principle opposed to custom or tradition. What he opposed was the rigidification of custom, the rendering of it as impervious to change or development. Consider that one of his arguments in favor of free speech was that if we do not remind

ourselves of the arguments why we accept something that something becomes a dead dogma instead of a living truth.

> Their mistake was, that they did not acknowledge the historical value of much which had ceased to be useful, nor saw that institutions and creeds, now effete, had rendered essential services to civilization, and still filled a place in the human mind, and in the arrangements of society, which could not without great peril, be left vacant. Their [Bentham, etc.] mistake was, that they did not recognize in many of the errors which they assailed, corruptions of important truths, and … necessary elements of civilized society, though in a form no longer suited to the age … They threw away the shell without preserving the kernel. (*Coleridge*, X: 138)

The deductive sciences give rise to the illusion that there are necessary truths. The *System of Logic* was written in part to dispose of deduction by arguing that all inference is ultimately inductive. It did not matter to Mill what the personal social/political views of individual thinkers may have been. What mattered to him were the intellectual foundations of a rigid conservatism. His formal attack on such dogma began with the *System of Logic*. In true Anglo-Saxon and Baconian fashion, he defended an inductivism that denied any possibility of permanent or a priori truths. The Baconian conception of science involves the accumulation of useful facts – theories (hypotheses) are suggested to the mind via the imagination (association) from past experience (never completely novel as the history of science shows) and are useful in discovering new facts – but the facts are what count. It is these facts that give us control over nature. Explanation and prediction are in the service of control. Critics such as Whewell responded that science often proceeds through speculative hypotheses that guide future research. Can these hypotheses be reduced to inductive thinking? Yes, if we keep in mind that Mill does not deny the operation of imagination and the laws of association working upon previous experience. When we examine actual hypotheses in hard science we do not find them to be *de novo*. The theory of relativity, for example, was not formulated by indigenous natives of the Amazon rain forest but by a European deeply immersed in the history and controversies of then contemporary physics. Hypotheses, in short, are secondary or tertiary level inductions.

5. World

The starting point is not an ideal Platonic world, and it is not the natural world outside of the subject. Mill's starting point is the pre-theoretical, the common sense world of individuals engaging in various practical tasks with the world:

> To draw inferences has been said to be the great business of life. Every one has daily, hourly, and momentarily … to ascertain certain facts, in order that they may afterwards apply certain rules, either devised by themselves, or prescribed for their guidance by others … It is the only occupation in which the mind never ceases to be engaged. (*Logic*, VII: 9–10)

Reflection is reflection on the pre-theoretical or prior practice:

> If a science of logic exists…it must be useful. If there be rules to which every mind consciously or unconsciously conforms in every instance in which it infers rightly, there seems

> little necessity for discussing whether a person is more likely to observe those rules, when he knows the rules, than when he is unacquainted with them. (*Logic*, VII: 11)

Self-understanding precedes our understanding of everything else – something already inherent in the Cartesian starting point culminating in Hume and Kant. There is a metaphysical world view already assumed by Mill in his treatment of logic; but the enumeration of the norms of inference inherent in everyday practice can be carried out without directly addressing metaphysical issues. "Logic is common ground on which the partisans of Hartley and of Reid, of Locke and of Kant, may meet and join hands" (*Logic*, VII: 14), "and the views which will be here promulgated, may, I believe, be held in conjunction with the principal conclusions of any of their systems of philosophy" (*Logic*, VII: 14n). This is why Mill's metaphysics cannot be found full blown in the *System of Logic*. Mill's views on metaphysics did not shift radically in between the writing of the *Logic* and that of the *Examination*. However, he was reticent to spell out the full implications of those views in the earlier work, for a number of reasons (Capaldi 2004: 185–6).

While Mill will use his inductivism to address issues in metaphysics, he believed that his analysis of inference was metaphysically neutral. It is neutral in the sense that Mill begins his analysis with the everyday practical world – namely, the pre-theoretical. He leaves open at this point the question whether the pre-theoretical can itself be conceptualized. To that great issue he turns attention in *Examination*.

J.S. Mill's metaphysical positions are presented full-blown in *An Examination of Sir William Hamilton's Philosophy* (1865). Mill's "subject" was "less Sir. W. Hamilton, than the questions that Sir W. Hamilton discussed" (*Examination*, IX: 2). These questions were metaphysical ones, and "the difficulties of Metaphysics lie at the root of all science" (*Examination*, IX: 2). Hamilton was important because he addressed the important "philosophical conversation" (dispute) between "Locke and Hume" on the one hand and the reaction against them "which dates from Reid among ourselves and from Kant for the rest of Europe" (*Examination*, IX: 1). Hamilton seemingly combined both the Reidian and Kantian positions. To refute Hamilton was to resuscitate Locke and Hume.

Mill added three qualifications. First, although he endorses the Kantian doctrine of the relativity of knowledge that "we mentally invest the objects of our perceptions with attributes," which are "constructed by the mind's own laws" (*Examination*, IX: 8), Mill rejects the Kantian view that the construction reveals innate forms. The rejection is necessary to support Mill's contention that there are no eternal truths that ground eternal institutional structures. This is what he detests about intuition. Second, he sees the resuscitation as best embodied in "the doctrine of Hartley, of James Mill, of Professor Bain," namely that the constructions of the mind are "put together out of ideas of sensation, by the known laws of association" (*Examination*, IX: 9). Thirdly, he quietly suggests, without elaboration, that the latter position is compatible with the Berkeleian theory (*Examination*, IX: 8–9). Lurking in the background is the question of the status of the mind (ego, self, etc.).

The upshot of Mill's laborious examination of Hamilton per se is that some of the proponents of common sense either make empirically false claims, such as the contention that we have direct perception of external objects or they violate the norms of common sense inference (Mill's enumerative induction). More fundamentally, Hamilton

does not see the incoherence of combining the primacy of the subject (Kant's Copernicanism) with the belief in the external "objectivity" of objects (Reid). To put this in our terms, you cannot be both an idealist and a naturalist at the same time. Moreover, we cannot explain the subject by reference to anything transcendent or transcendental (Mill's critique of Hamilton, Mansel, theology, and Continental thought in general) because the norms of common sense inference (Mill's enumerative induction) will not license it.

The Pre-theoretical consists of two kinds of truths: intuitive truths (province of Metaphysics) and inferential truths (province of Logic). In his analysis and explication of logic, Mill identifies two primitive cognitive dispositions: the reliance on memory and the habit of enumerative induction. Both of these dispositions are properties of the mind. So far, the analysis of the pre-theoretical has led us to the activities of the mind. How then are we to understand the mind? Metaphysics deals with the "original furniture of the mind" (*Logic*, VII: 8–9). It also takes cognizance of the following issues:

> the existence of matter and of spirit; of the existence of any connexion between cause and effect, other than the constancy of their succession; of the reality of time & space as entities *per se*, distinguishable from the objects which are said to exist in them … inquiries into the nature of conception, perception, memory and belief … Whether our emotions are innate, or the result of association: Whether God and duty, are realities … the original premises of all our knowledge … is the object of the higher, or remoter metaphysics. (*Logic*, VIII: 964).

Following Berkeley, Mill identified himself as a kind of "idealist." Specifically, this meant three things to Mill: (1) the mind is incontrovertibly aware of "sensations," (2) we can never be directly aware of physical objects, and (3) we cannot infer the latter from the former. Matter is the permanent possibility of sensation. This philosophical idealism, which Mill thinks is consonant with common sense, is a rejection of both naturalism and the kind of idealism one finds in Berkeley, Green, and Bradley. Unlike Berkeley, Mill does not endorse an *inference* to the mind of God. Given his inductivism, Mill rejects Kant's and Green's "transcendental idealism" and Hegel's "absolute idealism."

6. Mind

Can a similar analysis be given of the mind? Mill rejects the idea because the mind is aware of memories and expectations, and the latter presuppose an "I." The mind or ego is either a series that is aware of itself or something over and above the series. The examination of the "original furniture" reveals a distinction between a *subject* who engages in reflection/action and an *object*. How we understand the subject – ourselves – is primary; how we understand the object – non-human world – is derivative. We cannot explain the pre-theoretical by reference to the non-human. This is the fatal and boring flaw of naturalism; it is the former that explains the latter because the norms of explanation are themselves drawn from common sense. We cannot treat the subject as itself an object or a series of objects (a point already made by both Hume and Kant); the meaning of the self cannot be explicated solely by reference.

> The fact of recognizing a sensation … remembering that it has been felt before … and the inexplicable tie … which connects the present consciousness with the past one … is as near as I think we can get to a positive conception of Self. That there is something real in this tie … I hold to be indubitable … Whether we are directly conscious of it in the act of remembrance … or whether, according to the opinion of Kant, we are not conscious of a Self at all, but are compelled to assume it as a necessary condition of Memory, I do not undertake to decide … As such, I ascribe a reality to the Ego – to my own Mind – different from that real existence as a Permanent Possibility, which is the only reality I acknowledge in Matter: and by fair experiential inference from that one Ego, I ascribe the same reality to other Egos, or Minds. (*Examination*, IX: 207–8)

Metaphysics is not an analysis of the brain; it is not empirical psychology or brain physiology. Those sciences cannot explain the mind or self; rather an understanding of the self precedes, and is presupposed by, those sciences. All natural sciences presuppose metaphysics; metaphysics is not an empirical super-science and it cannot be arrived at by abstraction from the special sciences. There can be no monistic and holistic account; we cannot conceptualize the pre-conceptual. Echoing Hume, Mill confesses that:

> The truth is, that we are here face to face with that final inexplicability, at which, as Sir W. Hamilton observes, we inevitably arrive when we reach ultimate facts; and in general, one mode of stating it only appears more incomprehensible than another, because the whole of human language is accommodated to the one, and is so incongruous with the other, that it cannot be expressed in any terms which do not deny its truth. (*Examination*, IX: 194)

No further philosophical explanation of the self is possible. The self is a condition of knowledge not an object of knowledge.

Does this reflect a failure on Mill's part? It can be a failure in one of two ways. It is a failure if one insists that everything is in principle conceptualizable and that the explication must refer to other facts about the natural world. In short, this is a failure if one subscribes to naturalistic metaphysics. It can also be a failure if one believes that we can offer a transcendental proof of the existence and nature of the self, that is, if one is a post-Copernican idealist (Kant/Green/Hegel/Bradley). Mill is none of these, and he believes that both of these metaphysical approaches are wrong because they indulge in a form of inference not licensed by ordinary practice. Perhaps it is time to recognize that Mill was a radical Copernican. Like the idealists, Copernicans insist upon the distinction between, and the irreducibility of, subjects to objects; but, unlike idealism, the subject is rooted in the pre-theoretical world of everyday practices.

7. Free Will

We turn our attention now to the question of the freedom the will. Given what we have said above, what should we expect Mill's position to be? Given the existence of the self (subject) that is not explainable by or reducible to an object or series of objects, the "will" would seem to be an inherent property of such a self. This is what the *Examination* adds to the earlier discussion of the *System of Logic*. The "will" would have to be an inexplicable ultimate fact. Mill denies that there is "any mysterious compulsion"

(*Examination*, IX: 467). There is not, contra Hamilton himself, and there cannot be, a positive argument that somehow proves the will is free. Any argument would have to take the form of a causal induction (how do you show that something is "uncaused"?) or a transcendental one (which Mill considers an illegitimate form of inference that adds nothing to common sense).

Putting the adjective "free" in front of the "will" does not seem to add anything to its meaning. What would a "un-free" will be like? Mill insists that "not only our conduct, but our character, is in part amenable to our will" (*Examination*, IX: 466) and that "we can, by a course of self-culture, finally modify, to a greater or less extent, our desires and aversions." (*Examination*, IX: 467). The doctrine of fatalism in all of its forms is incompatible with the notion that the "will" exists and makes choices. The choices may be influenced by other data, but the data do not "determine" the will. This is all that Mill needs for his and for practical common sense purposes.

Rather than doing what cannot be done, Mill focuses on those who deny the "freedom" of the will. Such a denial would be tantamount to denying the existence of "a" will and seemingly to assert that there are choices but "we" do not make them, rather the choices are dictated by some other entity or entities. Almost the whole of Mill's treatment of this issue in the *Examination* is focused on exposing confusion in the minds of those who either present arguments in favor of some sort of causal compulsion or those who like Hamilton present a bad argument in favor of the "freedom" of the will. This should remind us of Kant's antinomies.

Given the Newtonian inspiration, and consistent with idealism but not naturalism, a thing can only be known indirectly by its properties. We discover the Self through its interactions. Richard McDonough (2011) has suggested that Mill exhibits an early form of British emergentism, something Mill may have acquired from Kant and Hegel via Coleridge.

Mill's own *Autobiography* is a narrative history, not a synthetic a priori history (Kant) and not a teleological account (Hegel), but an inductive narrative account of the evolution of Mill's thinking as influenced by interactions with others – his father, Carlyle, Coleridge, Harriet, and so on. It is an account of how Mill discovered his autonomy, his freedom and took responsibility for shaping his life. Just as the discovery of this autonomy in his own self allows the attribution of this autonomy to other minds or selves, so the social world becomes intelligible as the interaction of self-directed individuals. Ethics is the clarification of individual autonomy and responsibility.

If the pre-conceptual cannot be conceptualized, how then are we to "understand" it? In the absence of any further philosophical explanation, can we offer some other kind of account? The previous discussion of Mill's understanding of himself offers a clue and a suggestion. What we can offer is a grand narrative. This narrative is speculative but is not to be construed as the residue of discursive reason. It is a "practical" narrative. As Herbert Butterfield once put it,

> When we have reconstructed the whole of mundane history it does not form a self-explanatory system, and our attitude to it, our whole relationship to the human drama, is a larger affair altogether – it is a matter not of scholarship but of religion … Ultimately our interpretation of the whole human drama depends on an intimately personal decision concerning the part we mean to play in it. (Butterfield 1949: 27, 86)

It is precisely such a grand narrative that Mill offers us in his writings on religion. It is not a futile exercise in alleged "proofs," which violate common sense inference, and it is not a defense of clerics, or an outdated feudal institutional bureaucracy. It is a narrative that references God, freedom, and immortality. Here we come to the end of metaphysics and the beginning of something else.

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16

Mill's Philosophy of Science

AARON D. COBB

1. Introduction

John Stuart Mill's *A System of Logic Ratiocinative and Inductive: Being a Connected View of the Principles of Evidence and the Methods of Scientific Investigation* (hereafter, *Logic*) was a decisive work in the historical development of the philosophy of science as a discipline.[1] Going through eight editions between 1843 and 1872, Mill sought to construct an account of the sciences that would faithfully represent its distinctive role in the progression of human knowledge. But more than this, the *Logic* represented Mill's sustained efforts to ground science upon what he took to be its proper epistemic foundations. Together with the works by his contemporaries John F.W. Herschel (1830) and William Whewell (1837, 1840), Mill's *Logic* ranked among the most influential early works in the history of the philosophy of science.

Although Mill began work on the *Logic* in the early 1830s, it wasn't until 1837 that he made significant progress in completing the manuscript.[2] Lacking a synoptic grasp of the history and practice of the sciences, Mill delayed his work on the *Logic* for nearly five years, confessing that he had been "stopped and brought to a halt on the threshold of Induction" (*Autobiography*, I: 153). Fortunately for Mill, William Whewell published his *History of the Inductive Sciences* early in 1837. This work provided a rich repository of material from which Mill could draw as he began to construct a systematic account of the nature and practice of the sciences.

Mill made extensive use of Whewell's *History*, but he rejected the epistemological synthesis of *a priori* ideas and experience underpinning Whewell's philosophy.[3] Arguing that a commitment to *a priori* ideas, or intuitions, provided intellectual cover for "false doctrines and bad institutions," Mill aimed to develop an alternative conception grounded on distinct epistemic foundations. He observed,

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> In attempting to clear up the real nature of the evidence of mathematical and physical truths, the *System of Logic* met the intuition philosophers on ground on which they had previously been deemed unassailable; and gave its own explanation, from experience and association, of that peculiar character of what are called necessary truths, which is adduced as proof that their evidence must come from a deeper source than experience.(*Autobiography*, I: 278)

Mill's philosophy of science reflected a commitment to the view that experience alone is the source and justification for all knowledge claims, including knowledge of both mathematical and physical truths.[4]

Consistent with this epistemic stance, Mill explicitly asserted that his orienting concern was to develop a philosophy of science adequately informed by the sciences. In the Preface to his *Logic*, Mill maintained,

> On the subject of Induction, the task to be performed was that of generalizing the modes of investigating truth and estimating evidence, by which so many important and recondite laws of nature have, in the various sciences, been aggregated to the stock of human knowledge. (*Logic*, VII: cxii)

Thus, Mill's expressed hope was to generalize from the scientific record, accounting for the actual methods scientists employ and explaining why these methods enabled the achievement of the fundamental aims of scientific inquiry.

Satisfying this goal, however, required Mill to recognize his own limitations. In addition to his use of Whewell's *History*, Mill acknowledged that Alexander Bain, a philosopher familiar with the sciences of his day, enriched the manuscript

> with a great number of additional examples and illustrations from science; many of which, as well as some detached remarks of his own in confirmation of my logical views, I inserted nearly in his own words. (*Autobiography*, I: 255)

So, although Mill held that a philosophy of scientific method ought to reflect and illuminate successful scientific practices, he did not derive his philosophy of science from an intimate understanding of the history or practice of the sciences.[5] R.F. McRae contends,

> The generalizing which Mill performs lies not in generalizing the means used by scientists, but in generalizing and reconstructing what he considered to be the nature of their problem, or of reducing their inquiries to one fundamental type. The problem in its full generality having in his view been ascertained, Mill then proceeds to solve it. (McRae 1974: 183)

The goal of this essay is to characterize Mill's views on the central purposes of the sciences and to detail his account of the methods that give to scientific inquiry its distinctive quality and power. More broadly, the chapter explores the implications of Mill's philosophy of science for important debates concerning the nature of inductivism and the normativity of scientific practice in the construction of an adequate philosophy of science. In the first two sections, I describe Mill's views on the aims of the sciences and

his account of the methods by which scientists achieve these aims. In the final section, I conclude this chapter with an account of Whewell's criticisms of Mill's philosophy of science and the implications of these criticisms for the discipline of the philosophy of science.

2. The Aims of the Sciences

Many have interpreted Mill's philosophy of science as a form of inductivism. There are good reasons to challenge this interpretation, but it is helpful to situate Mill's views concerning the aims of the sciences within a broadly inductivist, or Baconian, tradition. Mill's appropriation of this tradition was not naïve or uncritical. In fact, he argued, "physical investigation has now far outgrown the Baconian conception of Induction" (*Logic*, VII: 313). But he praised Bacon for challenging the entrenched methodology of scholastic natural philosophy, which proposed explanatory principles that were "hastily snatched up, or arbitrarily assumed…neither established by legitimate canons of experimental inquiry, nor the results tested by… verification by specific experience" (*Logic*, VII: 482). According to Mill, Bacon's natural philosophy was significant because of its insistence on a form of gradualism. Scientists must begin by producing a robust body of inductive evidence on the basis of which they can formulate explanatory principles. Having framed an explanatory proposal, scientists could then proceed to test its empirical predictions and seek further confirmation of its truth. Furthermore, Mill endorses the Baconian insistence that eliminative methods are the most important tool in the formulation and justification of explanatory claims.

This broad inductivist tradition was committed to the view that the proximate aim of scientific inquiry was the discovery of laws governing phenomena. The ultimate aim, however, was to uncover the cause or causes underlying both the phenomena and their governing laws. Although there was a general consensus among nineteenth-century British inductivists concerning the ultimate aim of scientific inquiry, they differed significantly in their respective understanding of the nature of this aim. On the traditional model, a model endorsed by both John F.W. Herschel and William Whewell, ultimate explanation requires an account of underlying productive, or agent, causes. Mill rejected this view, arguing that the ultimate aim of the sciences is the discovery of the most general causal laws under which one could subsume distinct empirical facts or regularities. He writes,

> An individual fact is said to be explained, by pointing out its cause, that is, by stating the law or laws of causation, of which its production is an instance…And in a similar manner, a law or uniformity in nature is said to be explained, when another law or laws are pointed out, of which that law itself is but a case, and from which it could be deduced. (*Logic*, VII: 464)

Even those aspects of scientific inquiry Mill considers to be subsidiary to induction, such as classification, are oriented toward this ultimate explanatory goal. Berna Kilinç (2000) contends that, for Mill, classification in the sciences was distinct from other classificatory practices because of the role of science in advancing human knowledge. Scientific progress was "measurable in terms of the number of important generalizations

achieved by a given classificatory scheme," and "that classification of things which generated more fruitful generalizations was to be preferred over the others" (266).[6]

In spite of his rejection of the traditional model of ultimate explanation, Mill retained the notion that scientific inquiry is essentially a form of causal investigation.[7] He contends,

> To ascertain, therefore, what are the laws of causation which exist in nature; to determine the effect of every cause, and the causes of all effects, – is the main business of Induction; and to point how this is done is the chief object of Inductive Logic. (*Logic*, VII: 378)

For Mill, however, causal terminology does not refer to underlying productive causes. Instead, it refers to "physical causes" – that is, "causes in that sense alone in which one physical fact is said to be the cause of another" (*Logic*, VII: 326).[8] On Mill's analysis, a physical cause is an antecedent phenomenon invariably and unconditionally connected with consequent phenomena (*Logic*, VII: 327–42).

The invariance condition concerns the observed succession, or order of events, in past and present experience. To Mill's credit, he recognizes that it is often difficult, and perhaps impossible, to isolate a singular phenomenon as the invariable antecedent to a consequent phenomenon. So, he argues that a cause is the entire set of conditions and circumstances invariably antecedent to this consequent phenomenon. This set includes those "negative conditions" that would prevent the consequent phenomenon from occurring were they to be present. In short, a cause is "the sum total of the conditions, positive and negative taken together; the whole of the contingencies of every description, which being realized, the consequent invariably follows" (*Logic*, VII: 323).

Given this expansive understanding of antecedent phenomena, Mill must address some important objections. First, on this view, it would be difficult to distinguish between genuine causal relations and mere accidental regularities. Second, it is not clear that present and past experience of an invariable connection between phenomena provides sufficient grounds for generalizing to future instances.[9]

To address these concerns, Mill maintains that in addition to being invariably antecedent, a cause must also be *unconditionally* antecedent to a phenomenon. An invariable connection between antecedent circumstances *C* and some consequent phenomenon *E* is unconditional only when the invariance does not depend upon factors other than *C*. In other words, to be a cause, *E* must be invariably connected with *C* and *C* alone must be sufficient for the occurrence of *E*. To illustrate this more concretely, consider Mill's response to the challenge that his account of causation implies that night is the cause of day. While night is invariably antecedent to day, Mill contends that it is not the cause of day because the occurrence of the day is itself conditional upon the appearance of the sun over the horizon. Mill notes,

> We do not believe that night will be followed by day under all imaginable circumstances, but only that it will be so *provided* the sun rises above the horizon. If the sun ceased to rise, which, for aught we know, may be perfectly compatible with the general laws of matter, night would be, or might be, eternal. (*Logic*, VII: 339)

In subsequent editions to the *Logic*, Mill extends this account to incorporate the idea that causes may produce their effects instantaneously. Responding to an objection

Herschel raised concerning this notion of causation, Mill states, "I have no objection to define a cause, the assemblage of phenomena, which occurring, some other phenomenon invariably commences, or has its origin" (*Logic*, VII: 344). Whether the effect is simultaneous with or succeeds the cause is irrelevant; the important condition is that the occurrence of the effect is invariably and unconditionally dependent upon the occurrence of the cause. And scientific practices, especially the methods of causal inquiry, are ordered toward the discovery and verification of both causes and their governing laws.

Before proceeding to a full discussion of these methods, one final observation concerning Mill's views on causation is necessary. Given Mill's account of the explanatory aims of the sciences, it is curious that he does not offer an extended discussion of forces such as gravity. In a context where Newton's achievements were the paradigm of successful scientific inquiry, it was common to explain phenomena in terms of the causal activity of forces. Mill's only comments on these forms of explanation indicate that he thinks of these locutions primarily in terms of their instrumental function in the sciences.[10] This language enables a more efficient consideration of the relations between various phenomena and the empirical conditions sufficient for their occurrence.

Within this analysis, the term "force" does not refer to a real entity with causal powers. Consistent with his rejection of any search for the efficient causes of phenomena, Mill's instrumental use of the language of forces fits with his focus on a science aimed at the discovery and verification of physical causes and their governing laws. Hence, one ought to think of forces as a kind of logical fiction – a way of abstracting from the minute and particularized description of the empirical conditions upon which some phenomenon depends. This is all that is necessary for the sciences given the ultimate aims of the sciences. Furthermore, this connects well with Mill's acceptance of the heuristic employment of hypotheses concerning unobservable entities which, given the epistemological framework he presupposes, are admissible only to the extent that they are grounded on independent observational evidence. Developing this point more fully requires attending to Mill's account of the structure and methods of the sciences.

3. The Structure and Methods of the Sciences

In the philosophy of science, Mill is known primarily for his reflections on scientific methodology and, in particular, his articulation of methods of causal inquiry. Interestingly, in a letter to Herschel, Mill admits that he borrowed his discussion from Herschel's own writings. He writes,

> You will find that the most important chapter of the book, that on the four Experimental Methods, is little more than an expansion & a more scientific statement of what you had previously stated in the more popular manner suited to the purpose of your "Introduction". (Letter to John F.W. Herschel, May 1, 1843, XIII: 583)

In spite of this acknowledgment, it is Mill's formulation of these methods that is most well-known today.

It is important to situate "Mill's methods" within the context of his account of the over-arching structure of scientific inquiry. Mill argues that there are generally three stages in this process: induction, ratiocination, and verification (see Mill, *Logic*, VII: 454ff). In the inductive stage, use of eliminative methods generates evidence sufficient to formulate laws that would account for observed regularities. Ratiocination, sometimes referred to as the deductive method, involves deriving specific predictions concerning what ought to occur in novel circumstances given these inductively established laws. Verification refers to the testing of these predictions; successful tests provide further evidence of the truth of the proposed law. Mill is aware, however, that there are times when scientists adopt hypotheses, bypassing the initial inductive stage of inquiry and proceeding directly to the deductive stage of the process. In later editions of the *System of Logic*, Mill places greater emphasis on hypotheses, particularly in their role as an aid to the discovery of general laws. And, in this respect, there are important concerns about Mill's continued adherence to the gradualism characteristic of inductivism. To address these concerns, one must consider a detailed description of Mill's account of the inductive stages of scientific inquiry and an account of Mill's mature views on the employment of hypotheses.

3.1. Mill on the Inductive Stages of Scientific Inquiry

Mill begins his discussion of the stages of scientific inquiry with an account of observation and experiment. If the goal of science is the discovery of causal laws, scientists must begin by discriminating between antecedent conditions and consequent phenomena. Observation and experimentation are the processes that enable scientists to demarcate these aspects of empirical regularities. According to Mill, however, the only way one can isolate a real physical cause is to

> meet with some of the antecedents apart from the rest, and observe what follows from them; or some of the consequents, and observe by what they are preceded. We must, in short, follow the Baconian rule of *varying the circumstances*. (*Logic*, VII: 381)

There are two ways to conform to this Baconian rule: (1) "passive observation" of natural variations among phenomena and (2) the active introduction of circumstantial variations through experimentation. Experiment offers practical advantages over observation including the introduction of a greater range and diversity of circumstantial variation. Furthermore, it enables one

> to produce the precise *sort* of variation which we are in want of for discovering the law of the phenomena; a service which nature, being constructed on a quite different scheme from that of facilitating our studies, is seldom so friendly as to bestow upon us. (*Logic*, VII: 382)

"Passive observation," however, takes precedence in any inquiry tracing the occurrence of an observed effect back to a potential cause. Mill writes,

> If nature happens to present us with instances sufficiently varied in their circumstances, and if we are able to discover, either among the proximate antecedents or among some

> other order of antecedents, something which is always found when the effect is found, however various the circumstances, and never found when it is not; we may discover, by mere observation without experiment, a real uniformity in nature. (*Logic*, VII: 385–6)

Nonetheless, Mill maintains that one cannot prove that one has discovered a genuine cause through observation alone; rather, one must engage in experimental activity, employing and varying potential causal variables to determine whether there is an invariable and unconditional connection between the phenomena under investigation. Until one substantiates this connection by experimental evidence, it may be an instance of accidental invariable connection or simply the successive stages of another more fundamental cause. Mill concludes that, "Observation, in short, without experiment (supposing no aid from deduction) can ascertain sequences and coexistences, but cannot prove causation" (*Logic*, VII: 386).

Concerning experimentation, Mill provides detailed descriptions of five methods. These methods are particularly powerful because of their capacity to reveal those conditions that are casually irrelevant to the occurrence of a phenomenon under investigation. These methods enable scientists to take initial steps in an idealized context of inquiry – that is, a context in which one is dealing with singular threads of causation among phenomena. They make possible the "progressive localization" of particular variables and conditions that are causally efficacious.[11] In contexts where this kind idealization is impossible or impractical, scientists must employ deductive or hypothetical methods. Before we consider these methods, however, it is important to study Mill's account of the epistemic significance of these eliminative methods.

Mill distinguishes between the method of agreement (MA), the method of difference (MD), the joint method of agreement and difference (JM), the method of residues (MR), and the method of concomitant variation (MCV).[12] MA and MD are the simplest and most obvious for "singling out from among the circumstances which precede or follow a phenomenon, those with which it is really connected by an invariable law" (*Logic*, VII: 388). Suppose, for the sake of illustration, that a scientist is seeking to discover a causal law underlying some observed regularity. MA involves a close inspection of antecedent conditions present in every case where the effect under investigation has been observed. Among the diverse antecedent conditions, MA holds that there is a causal connection between those antecedent conditions that are invariably present whenever the effect occurs. It counsels scientists to eliminate potential causal variables from their consideration when those conditions are not present in any instance in which the effect is present.

MD, on the other hand, involves comparing antecedent conditions in those circumstances when the effect has been observed with the antecedent conditions in those circumstances where the effect fails to occur. Mill contends that MD is a uniquely experimental method because its successful employment requires that the antecedent conditions agree in all but one circumstance (i.e., the one under investigation) (*Logic*, VII: 393). In experimentation, scientists can control the variables under consideration and seek to eliminate one variable at a time; if the effect fails to occur, then it is likely that the eliminated condition is the relevant causal variable. MD holds that it is the presence of this condition that explains the occurrence of the effect and the absence of this condition that explain those circumstances in which the effect fails to occur.

According to Mill, JM, MR, and MCV each involve some specific application of MA or MD (or both). For instance, in some cases it may be impossible to produce a phenomenon without combining antecedent conditions in a particular manner. In these cases, Mill suggests employing JM. Since the method of difference requires two cases differing in only one respect, one begins by looking for common antecedents in a range of cases where the effect occurs. Having established a range of potential efficacious antecedent conditions, one systematically varies the circumstances by eliminating one of these possibilities to determine whether this alteration will nullify the presence of the effect. Scientists employ MR in cases where they are attempting to understand unexplained aspects of complex phenomenal effects. Given their knowledge of a causal law between a subset of the antecedent conditions and aspects of the effect, scientists can isolate those aspects of the effect that are have yet to be explained. MR holds that the cause of the unexplained features of the effect will be among those antecedent circumstances not incorporated within known causal laws. Finally, MCV holds that a law of causation between antecedent and consequent phenomena obtains insofar as altering the degrees of presence in the antecedent conditions produces a corresponding variation in the effect. If there is no variance in the effect, this allows the experimenter to eliminate the variation in the antecedent conditions as a potential cause.

It is important to note that there are a number of limitations in the successful deployment of these methods.[13] Mill acknowledges that their use presupposes that one can isolate individual threads of causation among phenomena – single effects from single causes. This idealization is problematic because the

> cause indeed may not be simple; it may consist of an assemblage of conditions; but we have supposed that there was only one possible assemblage of conditions, from which the given effect could result. (*Logic*, VII: 434)

If this assumption fails, as it can in cases where a plurality of causes are operative or an intermingling of effects occurs, the experimental results cannot establish causal laws with certainty. In fact, the recognition of a plurality of causes implies that a consequent phenomenon can be produced by more than one cause. Hence, an antecedent condition invariably connected with consequent phenomena may not be the operative cause on a particular occasion. One can establish causal laws with certainty only if one derives confirming evidence from MD or through deduction from other known laws. Likewise, with respect the intermingling of effects arising from the composition of causes, Mill notes that discovering the unconditional invariable antecedent conditions requires either deduction from known laws of causation or additional experimentation. This is one of the reasons that some scholars have emphasized the provisional, exception-laden nature of Mill's methods along with the fallibility of the conclusions one can derive from the use of these methods.[14]

3.2. Mill on Hypotheses

The idealized context of inquiry presupposed by Mill's account of experimental methodology renders problematic the practical use of these methods. Mill recognizes this limitation and argues that in actual scientific contexts, scientists must make use of

deductive and hypothetical methods. Since deduction refers to the derivation of empirical predictions from general explanatory claims, it is instructive to consider Mill's mature views on the principle sources of these explanatory claims. In early editions of the *System of Logic*, Mill argued that inductive methods were the central means by which scientists discover and justify these general explanatory principles. Some recent interpreters have argued that Mill abandoned a strict form of inductivism, adopting in its place a qualified method of hypothesis.[15] On this view, Mill came to appreciate the role of theoretical speculation in the discovery of explanatory laws and rejected his earlier gradualism – that is, the view that scientists must infer their explanatory claims from a substantive body of inductive evidence.

But even if he rejected a strict form of inductivism concerning the formulation of explanatory principles, Mill argued that induction is essential in the justification of these claims. Furthermore, Mill articulated strict conditions for the acceptance of a hypothesis. While he allowed greater latitude for their heuristic employment, Mill held that successful tests of empirical predictions are not sufficient for inferring the truth of hypotheses. Successful empirical testing does not establish the reality of the hypothesis or justify accepting it as the real explanation the phenomenon. Mill contends that a hypothesis that has passed empirical tests is a plausible candidate for a true account of the phenomena only if there is independent evidence of its reality and its capacity to account for the phenomena under investigation. This evidence must be distinct from the phenomenon for which the hypothesis has been framed to explain. In order to grasp Mill's reasons for holding this independent evidence criterion, it is important to consider more fully Mill's mature views on the role of hypothetical speculation in the sciences.

Mill describes a hypothesis as a speculative proposal concerning either (1) an unknown law of physical causation or (2) an unknown cause upon which some phenomenon depends for its occurrence. Scientists frame these conjectures on the basis of little to no evidence in order to explain the phenomena under investigation. Hypotheses are useful in the sciences because they allow one to move more directly to tests of empirical predictions against experimental and observational evidence without first accumulating a substantive body of inductive evidence. But if the use of hypotheses involves reasoning from a presumed cause or law grounded on little or no evidence, Mill argues that, ideally, the use of hypotheses would be provisional.[16] Additionally, Mill contends that any hypothetical cause

> should not only be a real phenomenon, something actually existing in nature, but should already be known to exercise, or at least be capable of exercising, an influence of some sort over the effect. In any other case, it is no sufficient evidence of the truth of the hypothesis that we are able to deduce the real phenomena. (*Logic*, VII: 495)

For Mill, ultimate proof of a causal hypothesis requires direct confirmation of the reality of the cause by an application of the method of difference. This is possible only if (1) one can produce contrast cases involving the presence and absence of a particular phenomenon and (2) one can trace this difference back to the absence of the proposed cause in the case where the phenomenon in question fails to occur.

If the method of difference is the ultimate test for the acceptance of a putative cause, some scholars have maintained that Mill should reject any appeal to causal entities that

are in principle unobservable.[17] After all, the method of difference requires the isolation of one circumstantial difference between cases where a phenomenon under investigation occurs and those in which it fails to occur. If a proposed explanatory cause is in principle unobservable, it is not clear how one could ensure that there is only one circumstantial difference among the antecedent conditions.

Mill may respond, however, that he is concerned only with the inability to detect or ascertain independent evidence indicating the reality of the proposed cause. Within the *Logic* itself, Mill countenances several hypotheses involving unobservable entities. In his discussion of the ether hypothesis, for instance, Mill argues that this is the kind of hypothesis that could be grounded on independent evidence. Citing analogies between the hypothesis of an ether and other observable forms of resisting media, Mill argues that the retarding effects of space on the motion of planetary bodies provides some evidence of the possibility of an ether. His basic claim is that these kinds of hypotheses are acceptable in the sciences if one can produce evidence of their real existence independent of the specific phenomenon for which they have been formed to explain. Although Mill assumes a restrictive epistemological framework, he allows for hypothetical appeals to unobservable causes provided that they have some independent evidential grounding.

Independent evidence is essential, on Mill's account, because it is possible for two (or more) conflicting hypotheses to account for the same set of empirical evidence. Furthermore, given the possibility of genuine competitor hypotheses yet to be considered, one cannot take the sufficiency of a hypothesis to account for predicted outcomes as an indicator of its truth. As Jacobs observes,

> [Mill] says (correctly) that explaining known phenomena does not prove a hypothesis since other conflicting hypotheses may do this too. Nor is a hypothesis proven if, besides explaining the facts it is designed to explain, it anticipates other phenomena (presumably, previously unobserved facts or relations that have gone unnoted) and has its predictions confirmed. The successful predictions may simply be coincidences, produced not by the mechanism in question but by some other. What is shown in these circumstances, Mill says, is that the hypothesized mechanism *may be* the cause, not that it must be. (Jacobs 1991: 77)

But even if Mill contends that it is possible to produce independent evidence of a cause that is in principle unobservable, this is not consonant with Mill's extra-scientific epistemological commitments. Mill premises his account of induction on the fact that sciences do not and should not seek to discover imperceptible agent causes. He explicitly asserts that science aims to discover physical causes – that is, causes that are themselves phenomena. Furthermore, Mill endorses the view that observation and experiment alone are the sources of knowledge. It is not clear, then, how Mill can maintain these commitments while admitting hypothetical appeals to causal entities that are in principle unobservable. Reflecting on this incongruence in Mill's *Logic*, Geoffrey Scarre concludes that

> The weakness at the heart of [Mill's] methodology is a profound theoretical timidity, a reluctance to offer hostages to fortune in the shape of hypothetical entities or forces whose explanatory fruitfulness can compensate for their lack of straightforward verifiability. (Scarre 1998: 136)

4. Whewell's Critique of Mill and its Implications for Philosophy of Science

The previous discussion demonstrates that it is possible to describe Mill's philosophy of science without directly addressing his contentious debates with William Whewell.[18] But much of the abiding interest in Mill's philosophy of science stems from the issues addressed in the context of these debates. Recall that Mill sought to construct a philosophy of science that was faithful to the history and practice of science and which was free from any reference to *a priori* ideas. For this reason, he developed central aspects of his account in direct opposition to Whewell's philosophy of science. It is fitting, then, to conclude this essay with an extended reflection on Whewell's criticisms of Mill's philosophical reconstruction of the sciences.

Mill admitted that his hopes for securing attention for the *Logic* "were mainly grounded on the polemical propensities of Dr. Whewell; who I thought would have replied, and that promptly, to the attack on his opinions" (*Autobiography*, I: 231). Whewell eventually composed a response to Mill's work; his *Of Induction, with Especial Reference to Mr. Mill's System of Logic* (1849) advanced a series of incisive criticisms of Mill's account of the sciences. Whewell and Mill's disagreements ranged over a number of issues including: (1) the nature of induction, (2) the aims of scientific inquiry, (3) the epistemology of the sciences, and, most importantly for the purposes of this essay, (4) scientific methodology and the role of the history and practice of the sciences in the construction of a philosophy of science.

Inductive inference, for Mill, is an ampliative inference from the observation of particular members of class to a general claim regarding all members of the class (see *Logic*, VII: 288). Whewell rejects this view as unnecessarily restrictive; the nature of induction cannot be reduced to the generalization from observed to unobserved cases. This is merely the second step of a broad inductive process. Prior to this stage of process, Whewell contends that scientists draw a *colligatory inference* – an inference uniting diverse observed phenomena according to an *a priori* conception. Whewell maintains that this conception is not merely a guess or something that one perceives within the observational evidence; instead, it requires inferring that all members of this set belong together in virtue of a shared hypothetical property. The process of discovering this property often involves positing a hypothetical notion and testing it against experience.[19] Although these conceptions are innate, they are not self-evident; scientists frame, refine, correct, and modify initial construals through successive iterations of experiential testing and dialog within a broad community of scientists. The history of scientific ideas is itself the explication of these fundamental ideas into the proper conceptions fit to bind together particular observations.

Whewell contends that the colligation of phenomena is the first step in an induction even though it involves no generalization from observed phenomena to unobserved cases. In response, Mill argues that colligation is neither an induction nor a constituent part of a genuine induction because it involves no generalization beyond the realm of observed cases. Colligation, for Mill, is subsidiary to a genuine induction. A colligation is a description of phenomena organized in accordance with a classificatory idea derived from experience itself. Contrary to Whewell's claim, Mill contends that the classificatory idea of a colligation does not originate in extra-experiential sources.

Turning to the aims of scientific inquiry, Whewell agrees with Mill that scientists aim to discover general explanatory laws. But unlike Mill, Whewell believes that the discovery of the laws of phenomena – even laws of the highest level of generality – is merely the first step of physical science. It may be that a particular branch of the inductive sciences remains at this level of explanation for an extended period of time, but ultimately scientists seek to discover the productive causes of phenomena. Underlying this view is a conception of causation Mill would reject. Whewell contends that a cause is a productive power, or quality, that produces observable events. Whewell believes that causes are not merely invariably and unconditional successions of phenomena but forces that account for the regular succession of events. These forces are agents that ground the necessary connections among phenomena; and necessity is not reducible to invariable and unconditional succession. Scientists possess knowledge of these connections because the idea of causation is an *a priori* fundamental idea, originating in the mind. Experience is necessary to determine which causal conception genuinely unites the facts within a particular domain of scientific inquiry, but the conception, when clearly and distinctly understood, provides certain knowledge of the productive causes of phenomena.

The disagreement here between Mill and Whewell concerning the aims of inductive inquiry reflects their deep disagreement about the epistemology of the physical sciences. Whewell argues that scientific knowledge requires both experience and *a priori* ideas. The *a priori* elements function as conditions for the possibility of knowledge within a specific science. They provide the relations by which objects and events are connected in real experience. Thus, they provide the form under which scientists can understand appearances as connected. Whewell contends that these ideas, once explicated, are accurate representations of objective, mind-independent aspects of the world. In fact, the ideas allow scientists to possess knowledge of the objective features of the world as they exist as archetypes in God's mind. Clearly this view is at odds with Mill's austere epistemic commitments.

As is evident, Mill and Whewell's disagreements were wide-ranging, but one of the most important reasons for the continued interest in these debates concerns their respective conceptions of the role of the history of science and scientific practice in the development of a philosophy of science.[20] Whewell's epistemological views reflected an understanding of science he derived from "a connected and systematic survey of the whole range of Physical Science and its History" (Whewell 1847 [1840], 1: 8). The *History of the Inductive Sciences* (1857 [1837]) presented the foundations for his philosophical conclusions concerning scientific inquiry. And Whewell contrasted this approach with the common and, to his mind, specious use of detached examples from various scientific domains to illustrate a preconceived philosophical framework. As I noted previously, although Mill claimed to be following a similar methodological goal, it is clear that Mill formed his epistemological commitments and assumptions about the nature of scientific inquiry prior to his study of the history of science.

This has direct bearing on Whewell's critique of Mill's methods of causal inquiry. Whewell contends that Mill's account of experimental inquiry presupposes a context that overlooks the real difficulties of scientific practice. Whewell puts this point explicitly:

> Upon these methods, the obvious thing to remark is, that they take for granted the very thing which is most difficult to discover, the reduction of the phenomena to formulæ such as are here presented to us. (Whewell 1849: 286–7)

In response to this criticism, Mill acknowledges that the "greatest difficulty … is first obtaining the evidence, and next, of reducing it to the form which tests its conclusiveness" (*Logic*, VII: 430). Nonetheless, he contends that scientists cannot make progress until they possess a clear knowledge of evaluative criteria for assessing the conclusiveness of evidence. For this reason, Mill argues that the sole aim of inductive logic

> is to provide rules and models…to which if inductive arguments conform, those arguments are conclusive, and not otherwise. This is what the Four Methods profess to be, and what I believe they are universally considered to be by experimental philosophers, who had practised all of them long before any one sought to reduce the practice to theory. (*Logic*, VII: 430)

Departing from his formulation of the goals of inductive inference articulated in early editions of the *Logic*, Mill asserts that his methods are not intended primarily as means of discovery. Instead, they are formal methods by which one can test whether a discovery satisfies the canons of inductive inquiry.

Even if this blunts some of the force of Whewell's initial comments, Whewell deepens his criticism by articulating a more general set of objections. First, Whewell maintains that Mill failed to account for the historical progression of various scientific domains and to show how his methods could be applied to obvious, undoubted examples of scientific discovery extending throughout the history of the sciences. Second, Mill invokes examples to illustrate his views that Whewell claims were either too recent to admit of adequate development and sufficient understanding, or unsubstantiated as genuine discoveries. Third, Whewell contends that Mill sometimes misinterpreted cases in which scientists extended their knowledge through deductive methods as instances of inductive discovery. Fourth, and finally, Whewell argued that Mill failed to provide guidance concerning the use of his methods for those actually engaged in research. Laura J. Snyder (2006, 2009) maintains that Whewell's concern is not merely that Mill failed to infer his philosophy of science from the history of science but that his views are not inferable from the sciences. As such, they cannot capture the distinctive nature and power of the sciences in the advancement of human knowledge.

Interest in Mill's philosophical reconstruction of the sciences stems in large part from the manner in which his philosophy, along with influential criticisms of his views, raise significant questions about the epistemic foundations of the sciences. Whewell's criticism is particularly trenchant because of the way in which it challenges Mill's goal of providing a faithful reconstruction of the sciences. Mill's critics contend that his lack of acquaintance with both the history of science and scientific practice gives rise to a tenuous grasp of the significance and difficulty of scientific inquiry.[21] Given the importance Mill ascribes to methodology, this criticism exposes a vulnerability in Mill's attempts to place the sciences on what he takes to be its proper epistemic foundations. Additionally, this criticism raises the substantive question concerning the normative role of the sciences in constructing an adequate philosophy of science. This question, more than many of the features Mill's philosophy of science detailed previously, remains a central concern in contemporary philosophy of science.

Notes

1 Mill's philosophy of science is discussed in a number of articles and books including the following: Buchdahl (1971), Cobb (2011), Ducasse (1960), Ducheyne (2008), Forster (2009), Jacobs (1986, 1991), Kilinç (2000), Losee (1983), Mackie (1974), McRae (1974), Randall (1965), Scarre (1998), Skorupski (1989), Snyder (2006, 2009), and Staley (1999).

2 For extended discussion of the composition of the *System of Logic*, see John M. Robson (1974) and R.F. McRae (1974).

3 For discussion of Whewell's epistemology see Snyder (2006).

4 For discussion of Mill's epistemology see Randall (1965), Scarre (1998), and Skorupski (1989).

5 Mill did have an acquaintance with the science of botany as is evident from his writings. See Mill, *Miscellaneous Writings*, XXXI.

6 Kilinç (2000) draws important connections between Mill's views on the aims of the sciences and his views of natural kinds. For additional discussion of Mill's views on classification and natural kinds see Snyder (2006: 162–7).

7 Mill's understanding of the limitations of the sciences has some affinity with Auguste Comte's philosophy of the sciences. For further discussion of the relationship between Mill and Comte, especially as it concerns the methodology of the social sciences, see Whitaker (1975). In this essay, I have chosen to focus on the contrast between Mill and others within the British inductivist tradition because I believe it more effectively illuminates Mill's distinctive contributions to the philosophy of science.

8 For further discussion of Mill's views on causation see Ducasse (1960), Ducheyne (2008), Mackie (1974), and Randall (1965).

9 It is important to note that Mill does not seem to be concerned with what has come to be called "Hume's problem of induction." For further discussion, see especially Scarre (1998).

10 See Mill, *Logic*, VII: 345.

11 See Mackie (1974) and Ducheyne (2008) for further discussion.

12 For important discussions of Mill's methods see, Ducasse (1960), Ducheyne (2008), Mackie (1974), Scarre (1998), Skorupski (1989), and Wilson (2008).

13 For further discussion of these limitations see Ducheyne (2008), Mackie (1974), Whewell (1849), and Wilson (2008).

14 See Staley (1999).

15 See Jacobs (1991).

16 This condition reflects Mill's acceptance of a *vera causa* principle. For more on Mill's understanding of this principle see Snyder (2006).

17 See Scarre (1998) and Snyder (2006) for detailed arguments to this effect.

18 There are many important discussions of these debates. For some important recent analysis see Forster (2009) and Snyder (2006, 2009).

19 Laura J. Snyder (2006) provides a very helpful discussion of Whewell's account of colligatory inferences.

20 For some discussion of these issues see John Losee (1983) and Laura J. Snyder (2006).

21 For a more detailed argument for this conclusion see Cobb (2011).

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Further Reading

Ducasse, C.J. 1960. "John Stuart Mill's System of Logic." In E. Madden (ed.), *Theories of Scientific Method: The Renaissance through the Nineteenth Century*. Seattle: University of Washington Press, pp. 218–32. An accessible discussion of Mill's views on scientific method, including an introductory-level discussion of Mill's methods.

Jacobs, Struan. 1991. "John Stuart Mill on Induction and Hypotheses." *Journal of the History of Philosophy*, 29: 69–83. Gives a nuanced discussion of the development of Mill's views on the nature and use of hypotheses in the sciences. This work provides an important analysis of the extent to which Mill departed from his early acceptance of inductivism.

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Wilson, Fred. 2008. "The Logic of John Stuart Mill." In D. Gabbay and J. Woods (eds), *Handbook of the History of Logic. Volume 4: British Logic in the Nineteenth Century*. Amsterdam: North Holland, pp. 229–82. A deep analysis of Mill's *Logic*, situating Mill's views on scientific methodology within his broader conception of the nature of logic.

17

Mill's Aesthetics

ANTIS LOIZIDES

1. Introduction

The question that preoccupies most studies of John Stuart Mill's views on aesthetics has to do with the role of poetry in his moral and political thought: how can poetry bring about social well-being?[1] This is not surprising. First, Mill's moral and political works receive the most attention from commentators – his logical and metaphysical works come next. Only last does emerge an interest in Mill's intellectual development and literary criticism; but even then such an interest arises mostly in an effort to explore the underlying tensions of his thought – most of Mill's essays on aesthetics were written during the period of his "extreme reaction" to Benthamite utilitarianism. Second, there is simply not enough material to work on – just a few short essays and notices which seem sufficient only to sketch the outlines of a theory. From 1840 onwards, Mill's attention was predominantly directed at other projects.[2]

In the 1960s, Mill's views on aesthetics, particularly his ideas on emotional cultivation, became a focal point in revisionist readings of his moral and political thought. Since then, and with the benefit of an excellent edition of Mill's writings, others have picked up this theme. Less frequently, however, commentators have stressed the therapeutic aspect of Mill's engagement with poetry, in which he came to award intrinsic worth to aesthetic cultivation, that is, regardless of a potential contribution to social ends. This chapter argues that two distinct, yet connected, contexts – Mill's "mental crisis" and his task as a "Logician" – led to the formation of two arguments on the value of art. On one hand, Mill argued that aesthetic cultivation was important as an end in itself; it offered "inward joy," making life richer, by opening up the possibility of "permanent happiness in tranquil contemplation." Excellence could be pursued disinterestedly, that is, for its own sake, as part of a beautiful life. On the other, Mill argued aesthetic cultivation was important as a means to the utilitarian end – strengthening the social sympathies made social happiness attainable.

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The chapter begins with a brief discussion of Mill's theory of art and then proceeds to differentiate between the two contexts and the two arguments just mentioned. Proceeding this way suggests that Mill, in taking up the role of the "Logician," did not exhibit a desire to abandon his utilitarian heritage – its bad parts, Mill noted in his diary, were only omissions (Jan 12, 1854, XXVII: 642). What Mill identified as the most important omission of his utilitarian predecessors was not the need to cultivate social feelings and sympathy, which constitutes the instrumental value of art, but that self-culture and self-development could be ends in themselves.

2. What is Poetry?

In an expressive aesthetic theory such as Mill's, a work of art, according to Meyer Abrams (1953: 22), "is essentially the internal made external, resulting from a creative process operating under the impulse of feeling, and embodying the combined product of the poet's perceptions, thoughts, and feelings."[3] In 1833, Mill argued that the difference between that which is poetry and that which is not poetry is a difference of natural kinds; he then tried attempted to distinguish between the essential property of poetry and those properties which are frequently associated with it but do not set poetry apart as distinct kind in nature (*Thoughts of Poetry*, I: 344).[4]

For Mill, poetry acts on emotions; it acts on the sensibilities not the understanding. Although poetry is not the only literary medium which acts on the emotions by presenting interesting objects of contemplation, poetry's objects are representations of feeling – the source of the emotion excited is "not a series of states of mere outward circumstances" but a state or states of human sensibility (I: 344–5). Poetry paints "the human soul truly"; whereas fiction, for example, gives true pictures of life, action and events – "outward things," not "thoughts and words in which emotion spontaneously embodies itself," that is, the "inward man" (I: 346–7, 356).[5]

The essential properties of poetry are best illustrated through its contrast with eloquence:

> Poetry and eloquence are both alike the expression or utterance of feeling. But if we may be excused the antithesis, we should say that eloquence is *heard*, poetry is *over*heard. Eloquence supposes an audience; the peculiarity of poetry appears to us to lie in the poet's utter unconsciousness of a listener. Poetry is feeling, confessing itself to itself in moments of solitude, and embodying itself in symbols, which are the nearest possible representations of the feeling in the exact shape in which it exists in the poet's mind. Eloquence is feeling pouring itself out to other minds, courting their sympathy, or endeavouring to influence their belief, or move them to passion or to action. (I: 348–9)

According to Abrams (1953: 23–5), expressive theories argue that true poetry expresses genuine human emotion; its subject-matter and form, the spontaneity or craftsmanship with which it was composed, and whom it addresses are subordinate to that expression.[6] For Mill, poetry is thus free from all motivations and purposes, from "every vestige of … looking-forth into the outward and every-day world":

> when he [i.e., the poet] turns round and addresses himself to another person; when the act of utterance is not itself the end, but a means to an end – viz. by the feelings he himself expresses, to work upon the feelings, or upon the belief, or the will, of another, – when the expression of his emotions, or of his thoughts tinged by his emotions, is tinged also by that purpose, by that desire of making an impression upon another mind, then it ceases to be poetry, and becomes eloquence. (*Thoughts of Poetry*, I: 349)

"Poetry" and "poet" are really shorthand expressions for "Art" and "Artist." The distinction between eloquence and poetry, Mill argued, "intersect[s] the whole domain of art": there is "poetry [in all fine arts], if the feeling declares itself by such signs as escape from us when we are unconscious of being seen; … oratory, if the signs are those we use for the purpose of voluntary communication" (I: 350, 352).

"Enter[ing] a little" into "the metaphysics of criticism," Mill suggested, first, that poets are not all from the same stock; there are poets by nature and poets by culture. Poetry pervades the mental and physical constitutions of poets by nature: "emotions are the links of association by which their ideas, both sensuous and spiritual, are connected together." To poets by culture, poetry is "extraneous and superinduced" (*Wordsworth and Byron*, XXVI: 438; *Thoughts of Poetry*, I: 355–7). The poetry of the first is poetry in a far higher sense – for feeling "enters far more largely into" their variety of poetry. Mastery of the media of the expression of emotion – that is, of thought – is as important as the presence of emotion itself. Although the poet by nature does sometimes keep emotion subordinate to the intellect, the poet by culture rarely, if at all, gives the impression of over-bounding and excessive emotion (*Thoughts of Poetry*, I: 361, 363; also, *Tennyson's Poems*, I: 413). In Wordsworth's poetry, for example, the "contemplative part," rather than the emotional part, is that which manifests itself (Letter to J. Sterling, Oct 20–2, 1831, XII: 81);[7] Wordsworth, for Mill, "has exercised, and continues to exercise, a powerful, and mostly a highly beneficial influence over the formation and growth of not a few of the most cultivated and vigorous" but "unpoetic" individuals (*Thoughts of Poetry*, I: 358).[8] Even though the productions of the two types of poets may be indistinguishable in terms of truth or of usefulness, according to Mill, the few who find a "keener sympathy" with the works of poets by nature, such as Shelly, receive from them "a deeper enjoyment" (I: 355).

Second, what poets know, Mill noted, they know through introspection and self-reflection; this is not too difficult, however, as the "laws of emotion are written in large characters" (I: 361). Mill thus explained that

> [a]t the centre of each group of thought or images will be found a feeling; and the thoughts or images will be there only because the feeling was there. The combinations which the mind puts together, the pictures which it paints, the wholes which imaginations constructs out the materials supplied by fancy, will be indebted to some dominant feeling, not as in other natures to a dominant thought, for their unity and consistency of character. (I: 357)[9]

Imagination is key; the artist must "be able to conceive correctly, and paint vividly within himself, states of external circumstances, and of the human mind" (*Mlle Leontine Fay [2]*, XXII: 310). Art is "a language for the most earnest feelings of the most

susceptible minds" (*Flower's Songs of the Seasons*, XXIII: 436). Be it poet, a musician or actor, a true artist intimately knows feelings, "from the loftiest to the most tender":

> If he imitate the mere signs, without well knowing and intimately feeling what they are signs of, it matters not how accurately he may observe, nor how ample may have been his opportunities of observing; no care and pains will prevent a thousand inconsistencies from creeping in, or a thousand of the finer traits from escaping his notice. (*Mlle Leontine Fay [2]*, XXII: 310)

The distinctive law of poetic association is much indebted to the "peculiar kind of nervous susceptibility" of poets which puts them "either by physical or moral causes, into *states* of enjoyment or suffering," more easily than most individuals (*Tennyson's Poems*, I: 413; *Thoughts of Poetry*, I: 361, 363). As we shall see, the "philosopher-poet" combines the skill (and feeling) required for perfection in execution (for its own sake) and genuine emotion.

3. Mill's Re-discovery of Poetry

The development of Mill's aesthetic ideas is invariably traced back to his "mental crisis." In the autumn of 1826, for Mill, the promotion of the happiness of mankind and the pursuit of excellence for itself – the distant and durable ends of a happy life – had lost their charm. The intellectual habits he so efficiently acquired during his upbringing – analytical habits for breaking associations between prejudices and passions (and replacing them with a habit of attending to the evidence of every belief) – had the unexpected effect of breaking off Mill's own associations between noble ends and the ensuing pleasure of their being pursued. Individual happiness was expected to follow the pursuit of social happiness. It did not. As Mill complained, knowing that the feeling would make him happy, if he had it, did not give him the feeling. Mill's diagnosis was that he had but superficially cultivated his emotional capacities – the anticipated pleasure was incapable of making him desire those ends. He soon fell into "the dry heavy dejection of the melancholy winter of 1826–7." The realization that he had the capacity for feeling would eventually provide the means to restore his mental state, and his faith in his ability to achieve happiness (*Autobiography*, I: 137–45).[10]

According to Mill, this bleak experience allowed him, "for the first time," to award "its proper place, among the prime necessities of human well-being, to the internal culture of the individual" (*Autobiography*, I: 147).[11] Mill came to see why art was important as an instrument of human culture, when he found in Wordsworth's poetry "expressed, not mere outward beauty, but states of feeling, and of thought coloured by feeling, under the excitement of beauty" (*Autobiography*, I: 149–51). Poetry came to correct a flaw in his diagnosis of his "dejection": life's pleasures are neither invariably nor unconditionally connected with achieving one's goals. In reading Wordsworth, Mill found:

> a source of inward joy, of sympathetic and imaginative pleasure, which could be shared in by all human beings; which had no connexion with struggle or imperfection, but would be made richer by every improvement in the physical or social condition of mankind.

There was a fountain of emotion unconnected with social and political improvement – an inexhaustible source of pleasure that could enrich one's life even when one's goals were all achieved. Poetical cultivation opened up the possibility of "permanent happiness in tranquil contemplation." Mill realized that there was much more to aim in life "when we see that happiness may coexist with being stationary and does not require us to keep moving" (*Autobiography*, I: 151–3; *Wordsworth and Byron*, XXVI: 441).

In 1829, in a speech taking up Wordsworth's merits against Byron's,[12] Mill admitted that poetry may appear to offer very little to human happiness. Readers do not have the special associations which poets have – seeing something spiritual and ideal in objects which "the mind's eye only can see." Readers cannot follow authors in those private moments. Still, Mill added, as Wordsworth's poetry taught him,

> it is possible by dwelling on certain ideas to keep up a constant freshness in the emotions which objects excite and which else they would cease to excite as we grew older – to connect cheerful and joyous states of mind with almost every object, to make every thing speak to us of our own enjoyments or those of other sentient beings, and to multiply ourselves as it were in the enjoyments of other creatures: to make the good parts of human nature afford us more pleasure than the bad parts afford us pain – and to rid ourselves entirely of all feelings of hatred or scorn for our fellow creatures. (*Wordsworth and Byron*, XXVI: 440–1)

This was how poetry helped Mill restore his ability for happiness as well as counter a feeling akin to misanthropy (Letter to John Sterling, Apr 15, 1829, XII: 29).

However, Mill added immediately that such states of feeling were not strong enough for what was needed in the present state of society (*Wordsworth and Byron*, XXVI: 441); this points to a second context in which Mill's preoccupation with literature developed – one which runs parallel with that of his "mental crisis." As a "Philosophic Radical," Mill followed in politics "the common practice of philosophers – that is, who, when they are discussing means, begin by considering the end, and when they desire to produce effects, think of causes" (*Fonblanque's England*, VI: 353). In 1827, having identified that motivating virtuous conduct was the "grand problem" of political science (*Use of History*, XXVI: 395), Mill argued that the "proper use" of literature involved advancing knowledge, dispelling prejudices and, most importantly, improving the moral condition of mankind (*Present State of Literature*, XXVI: 410–2).[13]

4. The Artist and the Scientist

Mill thus shifted his attention from one argument about poetry to another, in trying to delineate a "new mode of judging the merits of a poet." Such a test, Mill argued, should not limit itself to the ability of the poet to move the emotions of its audience; it should also take into consideration the kind of emotions evoked. The best kind of poetry is that which is adapted to move the highest states of mind, with its description of objects and emotions as well as the expression of thoughts – making "moralizing interesting" (*Wordsworth and Byron*, XXVI: 441).

Mill's argument entailed concurrently the rejection of two views: that poetry was merely an "elegant amusement" – providing momentary pleasure – and that education

consisted only in intellectual cultivation. Both views have been associated with Benthamite utilitarianism.[14] According to Mill, Benthamites persistently undervalued imagination and neglected emotional cultivation. For Mill, even if people came to know their "true" interests through, for example, public opinion, they would change their ways only if they *cared* for what others thought. Transforming their feelings from selfish to social did not depend on educating the intellect, but on inspiration and emotional cultivation (*Plato's Gorgias*, XI: 150; *Autobiography*, I: 113).[15] It was up to the artists to move and inspire individuals, by illustrating "the most important features of the happiest and most virtuous character" giving "a noble direction" to aspirations by "keeping present to the mind an exalted standard of worth." For Mill, what readers learn "to love and admire, is what forms their character" (*Ware's Letters from Palmyra*, I: 435–6, 441, 460).[16]

Poets and philosophers, "men of highly-cultivated intellects," contribute to social and mental progress (*Attack on Literature*, XXII: 323–4),[17] by leaving "permanent impression[s] upon the mind," they

> batter down obstinate prejudices; … throw light on the dark places; … discover and promulgate ideas, which must be meditated for years before they will be appreciated; … form mankind to closer habits of thought; … shame them out of whatever is mean and selfish in their behaviour; … elevate their tastes; … inspire them with nobler and more beneficent desires; … teach them that there are virtues which they have never conceived, and pleasures beyond what they have ever enjoyed. (*Attack on Literature*, XXII: 325)

Poets and philosophers work for "the improvement of man himself as a moral and intelligent being," the "highest & most important" purpose of all which is for "man's good" (Letter to G. D'Eichthal, Dec 8, 1829, XII: 36).

Mill's reference, to the need of taking under consideration the "present state of society" when discussing means and ends, betrayed a growing concern in identifying the proper method of politics. The method of his utilitarian mentors – his father's especially – drew severe criticism in late-1820s. At this particular moment in his intellectual biography, Mill came into contact with views not only different from his utilitarian background, but also blatantly hostile to it (*Autobiography*, I: 161, 171); both Saint-Simonian and Coleridgean ideas left their mark on Mill's method of treating political phenomena.

In 1828, Frederick Dennison Maurice, soon to be a close friend to the younger Mill, published a brief discussion of James Mill's works.[18] Anticipating by a year the better known critique by Thomas Babington Macaulay (1829), Maurice criticized the elder Mill on two grounds: first, he failed to harmonize "logical perfection with the strength of sentiment." He failed as a philosopher because he did not realize that:

> [l]ike the fountain, which nourishes the roots of the oak, a feeling lies deep and fresh at the root of all valuable moral truths. It goes along with them in all their progress; and if we find that which professes to be such a truth, unaccompanied by this inward life, we may be sure that it either an error, or the produce of some other mind[.]

For Maurice, the task of the philosopher is to teach his age "that there are many faculties in the mind"; all – "beauty, morality, religion, truth" – must be cultivated, without resolving any one into the other.

Second, according to Maurice, James Mill failed to take into account that:

> [t]here is a growth and progress of a people which acts from an interior law of its own, and makes the application to it at any period, of a merely abstract theory, a folly and an impossibility.

To understand the laws, institutions, the literature and religion of a community, that is, its level of civilization, the philosopher needs "to seize the idea on which their social system is founded." The same institutions cannot be applied to any place, at any time. Maurice's critique resonated well with the Saint-Simonian view of historical process, that is, that natural periods are followed by transitional periods, and the institutions of the one are not be suitable for the other.

The present state of society was one of transition, according to John Stuart Mill; so the question about the ends of poetry became part of the question "how we are to get out of" a state of transition (*Spirit of the Age [II]*, XXII: 241). For Mill, the best poet was one who can move her or his audience with that kind of emotion which is strong enough to make a permanent impression on its mind. This was the only way to "get rid of," as Mill put it, the "indifference, moral insensibility" of such an age of transition (Letter to G. D'Eichthal, May 15, 1829, XII: 32).

But to which direction does the best kind of poetry "impress the mind"? Poets, Mill argued, are either of a conservative or radical kind:

> The partialities of the one will be towards things established, settled, regulated; of the other, towards human free-will, cramped and fettered in all directions, both for good and ill, by those establishments and regulations. Both, being poets, will have a heroic sympathy with heroism; but the one will respond most readily to the heroism of endurance and self-control, the other to that of action and struggle. (*Alfred de Vigny*, I: 467)

The latter type of poet will demand active, the former passive, qualities; the Radical or Liberal poet seeks those qualities "which fit persons for making changes in the circumstances which surround them" – the Conservative or Royalist, those qualities which fit persons "for accommodating themselves to those circumstances."[19]

The greatest poet, Mill argued,

> will always partake of the nature of both. A comprehensive and catholic mind and heart will doubtless feel and exhibit all these different sympathies, each in its due proportion and degree.

The needs of the time decide "due proportion" – depending on time, place and circumstances, the good of society might call for a predominance of a Radical, not a Conservative feeling, and vice versa. There is a "perpetual antagonism" between the Radical and the Conservative sympathies; and in the present state of human affairs – that is, a state of transition – "each will require to be, in a greater or less degree, tempered by the other" (*Alfred de Vigny*, I: 469). Influenced by Maurice, Mill argued that the "regeneration of mankind" would take place by providing "a moving & influencing and living principle within" individuals, not merely trying to alter selfish feelings through intellectual

education (Letters to G. D'Eichthal, Nov 7, 1829 and Feb 9, 1830, XII: 39, 42, 47; *Autobiography*, I: 113). That was the poet's task.

Between 1828 and 1840, Mill was increasingly preoccupied with his own special task. In 1832, while working on his *A System of Logic* (1843), Mill confessed to John Sterling that the only thing he saw himself being fit for was "investigation of abstract truth," working out abstract principles on education, self-education, morals and politics. What he was especially fit for was the "science of science itself." But, he added, "he who can throw most light upon the subject of method, will do most to forward that alliance among the most advance intellects & characters of the age." This, according to Mill, was "the only definite object I ever have in literature or philosophy so far as I have any *general* object at all" (Letter to J. Sterling, Oct 20–2, 1831, XII: 78–9). A year later, Mill would repeat this to Thomas Carlyle:

> My vocation, as far as I yet see, lies in a humbler sphere; I am rather fitted to be a logical expounder than an artist. You I look upon as an artist … : the highest destiny of all, lies in that direction; for it is the artist alone in whose hands Truth becomes impressive, and a living principle of action.

Even if the scientist is successful in reconciling the many sides of truth (and making others receptive to it), people may *understand* "truth", but not until the Artist "breaths" it upon them can they *feel* it (Letter to T. Carlyle, Jul 17, 1832, XII: 113).[20]

Unlike Carlyle – the Artist or Mystic – Mill confined his task on working on the "the series of steps" of practical reasoning; as a scientist, he attempted to translate "the mysticism of others into the language of Argument" (Letters to T. Carlyle, Jul 17, 1832; Aug 2, 1833; Oct 5, 183; Mar 2, 1834, XII: 113, 173, 181, 219). Mill thus identified his own, "humbler," task of the logician to be auxiliary to that of the poet. However, it was no inconsiderable task:

> For, as far as I have observed, the majority even of those who are capable of receiving Truth into their minds, must have the logical side of it turned *first* towards them; then it must be quite turned round before them, that they may see it to be the same Truth in its poetic that it is in its metaphysical aspect. (Letter to T. Carlyle, Jul 17, 1832, XII: 113)[21]

To most people, Mill argued, the higher "truth," to which poets have access, appears as "dreaming or madness." Even though he was not a poet, Mill thought he could make others understand poetic truths. They could then "build on them and act on them." Mill was confident he could "make those who are not poets, understand that poetry is higher than Logic, and" – in reminisce of Maurice – "that the union of the two is Philosophy." Mill believed that the person who could make that happen was "more wanted than even the poet himself; that there are more persons living who approximate to the latter character than to the former" (Letter to T. Carlyle, Jul 5, 1833, XII: 163).

As Mill made progress with the *Logic*, he increasingly took up the role of the "Scientist." Mill hoped he did not,

> overrate the value of anything I can do of that kind [i.e., related to logic] but it so happens that this, whatever be its value, is the only thing which I am sure I can do & do not believe

> can be so well done by anybody else whom I know of. (Letter to T. Carlyle, Jun 30, 1837, XII: 340 and G. D'Eichthal, Jan 10, 1842, XIII: 496)

In *Logic*, Mill expanded in more detail on how Art and Science worked together in defining ends and seeking means to put them to practice, utilizing ideas he had developed in early 1830s.[22]

Still, writing in 1836, Mill noted that his father's death ("the event which has deprived the word of the man of greatest philosophical genius it possessed") gave him the opportunity to "soften the harder & sterner features" of Benthamite utilitarianism, by advancing "a utilitarianism which takes into account the whole of human nature not the ratiocinative faculty only." Such utilitarianism "holds Feeling at least as valuable as Thought, & Poetry not only on a par with, but the necessary condition of, any true & comprehensive Philosophy" (Letter to E. Lytton Bulwer, Nov 23, 1836, XII: 312). Expectedly, Mill's radical associates did not welcome his enlargement-of-the-utilitarian-creed project. In 1840, John Bowring told Caroline Fox, that

> Mill's newly-developed "Imagination" puzzles him not a little; he was most emphatically a philosopher, but then he read Wordsworth, and that muddled him, and he has been in a strange confusion ever since, endeavouring to unite poetry and philosophy. (Fox 1882: I.216; Morley 1917: I.67)

Bowring's disdain for Mill "as a renegade from philosophy" was shared among Benthamites; they considered Mill a "wayward intellectual deity," who had "made great progress in becoming a German metaphysical mystic" (Wallas 1898: 91, 91n4).

However, already by 1827, as we saw, Mill argued that the principle of utility provides the test of literary worth. That test took the shape of examining the influence of art on civilization rather than the enjoyment one receives from poetry. The productions of philosopher-poet, whose "poetic nature has been united with logical and scientific culture," were thus deemed superior to those of "mere poet[s]" (*Thoughts of Poetry*, I: 362). In 1835, Mill laid down a principle: "the achievements of any poet in his art will be in proportion to the growth and perfection of this thinking faculty" (*Tennyson's Poems*, I: 413); to give

> impressiveness to important truths, he must, by continual study and meditation, strengthen his intellect for the discrimination of such truths: he must see that his theory of life and the world be no chimera of the brain, but the well-grounded result of solid and mature thinking: – he must cultivate, and with no half devotion, philosophy as well as poetry. (I: 417)

By the standard of utility, the "noblest end of poetry" is to act upon "the desires and characters of mankind through their emotions." Thus, the success of the great poet in bringing forth the "regeneration of mankind" will depend on

> the intrinsic value of his thoughts, and to the command which he has acquired over the materials of his imagination, for placing those thoughts in a strong light before the intellect, and impressing them on the feelings. (*Tennyson's Poems*, I: 414; *Writings of Junius Redivivus [I]*, I: 375–6)

As we saw, the task to make ends desirable – to embed the feeling, as Maurice put it, "deep and fresh at the root of all valuable moral truths" – falls to the hands of the artist. The philosopher-poet is the one who harmonizes "logical perfection with the strength of sentiment." However, Mill was not merely interested in art or poetry "*in so far as it* directs the sentiments towards moral behavior."[23]

5. Mill, Poetry, and Bentham's Omissions

The universal interest, according to Jeremy Bentham, consisted in the aggregate interests of all individuals in the whole community (Bentham 1817: xviii). Notwithstanding the vagueness of the term "interest," John Stuart Mill agreed: "[t]he laws of the phenomena of society are, and can be, nothing but the laws of the actions and passions of human beings united together in the social state." Social well-being consists of the aggregate individual well-beings, since "[h]uman beings in society have no properties but those which are derived from, and may be resolved into, the laws of the nature of individual man" (*Logic*, VIII: 879). Thus, what poetry does for society, by the law of Composition of Causes, refers essentially to the aggregate of what it does for any one member of society.[24]

Mill admitted in 1861 that:

> [i]t would be a great facility if we could say, the good of society consists of such and such elements; one of these elements requires such conditions, another such others; the government, then, which unites in the greatest degree all these conditions, must be the best. (*Considerations*, XIX: 383–4)

However, this *a priori* method was not suitable in politics;[25] still, Mill did not reject it for ethics. He argued that "since A's happiness is a good, B's a good, C's a good, &c., the sum of all these goods must be a good" (Letter to H. Jones, Jun 13, 1868, XVI: 1414; *Utilitarianism*, X: 234). Three decades earlier, Mill told Carlyle:

> Though I hold the good of the species (or rather of its several units) to be the *ultimate* end, (which is the alpha & omega of my utilitarianism) I believe with the fullest Belief that this end can in no other way be forwarded but by the means you speak of, namely by each taking for his exclusive aim the development of what is best in *himself*. (Letter to T. Carlyle, Jan 12, 1834, XII: 207–8)

Self-development became the core of Mill's ethics (Robson 1968: 140; Ryan 1970: 255). He argued:

> that the cultivation of an ideal nobleness of will and conduct, should be to individual human beings an end, to which the specific pursuit either of their own happiness or of that of others … should, in any case of conflict, give way. (*Logic*, VIII: 952)

According to Mill, the conditions needed to secure this essential component of social wellbeing were: a "bold, free expansion in all directions is demanded by the needs of

modern life and the instincts of the modern mind," giving "full scope to all individuality not positively noxious" (Diary Entry, Feb 6, 1854, XXVII: 651–2; *On Liberty*, XVIII: 263; *Autobiography*, I: 259; *Alfred de Vigny*, I: 469).

Maurice argued that to keep a vivid feeling "deep and fresh at the root of all valuable moral truths," truths must be the product of one's own mind. Let it suffice to say here that *both* Mills agreed.[26] However, John Stuart Mill moved beyond his father's ideas by arguing in *On Liberty* (1859) that "man" is a "living thing" and "requires to grow and develope itself on all sides" in order to experience those vivid feelings. In his 1867 rectorial address at St. Andrews, Mill made the point clearer: The Beautiful includes the Good, and adds something to it:

> He who has learnt what beauty is, if he be of a virtuous character, will desire to realize it in his own life – will keep before himself a type of perfect beauty in human character, to light his attempts at self-culture. (*Inaugural Address*, XXI: 255)

This particularly Greek idea, that *to kalon* (the fine, beautiful or noble) includes *to agathon* (the good, beneficial or advantageous), was quite foreign to the practical turn of mind of the English (*Grote's Plato*, XI: 409; *Inaugural Address*, XXI: 253).[27] For Mill, however,

> Art, when really cultivated ... maintains, what it first gave the conception of an Ideal Beauty, to be eternally aimed at, though surpassing what can be actually attained; and by this idea it trains us never to be completely satisfied with imperfection in what we ourselves do and are: to idealize, as much as possible every work we do, and most of all, our own characters and lives. (*Inaugural Address*, XXI: 256)

Hence, "[a]mong the works of man which human life is rightly employed in perfecting and beautifying, the first in importance surely is man himself" (*Liberty*, XVIII: 263, 270). One's own character should be viewed as any work:

> which is done as if the workman loved it, and tried to make it as good as possible, though something less good would have answered the purpose for which it was ostensibly made.

Art, according to Mill, is "the endeavour after perfection in execution" (*Inaugural Address*, XXI: 256).

From a social utilitarian perspective, when one focuses on the moral aspect of actions, it does not really matter if you are a truly noble person or a cautious egoist as long as the consequences of your actions pass the test of utility. Originating in selfishness or altruism does not make an act moral – motivation is irrelevant. However, it is not irrelevant to the estimation of the agent (*Utilitarianism*, XI: 220n; *Bentham*, X: 112–3).[28] Even self-regarding acts, which fall outside the purview of others, offer insights into the character of the agent. Although Bentham occasionally admitted that poetry and the arts in general could be employed as means to important social ends, Mill argued, he failed to see the extent to which acts that fall within the domain of aesthetics (which are not subject to private or public punishment) "enter into the moral nature of man, and into the education both of the individual and of the race" (*Bentham*, X: 113). However, James Mill did recognize the instrumental value of art.

James Mill argued that some writers could "introduce their readers to a living scene of human action," probing deeper than "the habits of feeling and thinking, which characterize different stages of society," into the agent's motives. "It is this," he added, "to which the ancient histories are chiefly indebted for that deep interest which they universally inspire": displaying human passions and "awaking our sympathies." These are functions "which dramatic and epic poems, as well as novels and romances" share with "fictitious histories," that is, illustrating the moral qualities of their main actors so that they can "come home to the bosom of … [their] readers, and call forth their love or their detestation." It is impossible to read works with such characteristics, the elder Mill maintained, and "rise without a warmer love of one's country than before; without a stronger disposition to make for it every sacrifice," and "to account life not worth preserving, where freedom, independence, liberty, are not enjoyed, where tyranny reigns, or oppression operates" (J. Mill 1809: 101–3).[29] Thus, for both Mills, the superiority of works of art consisted in making "moralizing interesting," and that of writers in managing "to induce a current of morality into the community."[30]

However, the focus on the instrumental value of poetry misses something important in the younger Mill's thought. Even if we grant that a noble person, a poet, an artist, a hero is more likely to influence others and inspire them to a life of virtue than a cautious egoist, from a social utilitarian perspective it does not matter if you are *really* such a person – what matters is only to *appear* as such. However, appearing as a noble person is not striving after perfection; it is not trying to make one's self "as good as possible, though something less good would have answered the purpose for which it was ostensibly made." As Mill argued in 1833, conduct is not always "swayed by the balance of motives," the

> fear of pain *consequent* upon the act, cannot arise, unless there be *deliberation*; and the man as well as "the woman who deliberates," is in imminent danger of being lost. (*Remarks on Bentham's Philosophy*, X: 12–3)

Virtuous conduct has social value – which is why society ought to encourage it (*Utilitarianism*, X: 235). However, the truly virtuous person, just like the true poet, is the one who succeeds "in excluding from his work every vestige of such lookings-forth into the outward and every-day world." A virtuous agent ceases to be virtuous, just like the person who writes poetry ceases to be a poet, when he or she "is tinged … by that purpose, by that desire of making an impression upon another mind" (*Remarks on Bentham's Philosophy*, X: 12; *Thoughts of Poetry*, I: 349). To live life as an art, one must fare and do as if s/he is utterly unconscious of an audience.

James Mill considered acts to be "hurtful or beneficial," "moral or immoral," and "virtuous or vicious," but added that it was "only an abuse of language to call them beautiful or ugly" (J. Mill 1835: 263). Likewise, Bentham, the younger Mill argued, recognized "no such wish as that of self-culture, we may even say no such power, as existing in human nature." Bentham thus failed to see that an outward regulation of conduct – by the standard of utility – was but half of morality; the other part was self-education: "the training, by the human being himself, of his affections and will" (*Bentham*, X: 98). As already hinted, Morality and Aesthetics are different domains of ends;[31] both morality and beauty, as per Maurice's insight, must be cultivated, without

resolving one into the other. Making one's own life as close as possible to one's own standard of perfection was an end in itself – reward was irrelevant. Still, for Mill,

> there is one reward which will not fail you, and which may be called *disinterested*, because it is not a consequence, but is inherent in the very fact of deserving it, the deeper and more varied interest you will feel in life, which will give it tenfold its value, and a value which will last to the end. (*Inaugural Address*, XXI: 257)

In discussing aesthetic pleasures, Mill distinguished between "physical and sensual" pleasures and a complex emotion, in which the associated ideas (which aesthetic media such as music, painting or poetry express) and "sensual" pleasures are indiscriminately blended. The first is an example of what Mill called a "bodily feeling" ("the class of feelings which are immediately occasioned by bodily states"); the second are feelings which result from things that are done or happen in a certain way. Sensate pleasures have "a fixed limit at which they stop"; however, when these pleasures are "intimately blended" with ideas which appeal to the "higher parts of our nature," they "give a stronger stimulus and a deeper delight to the imagination, because the ideas they call up are such as in themselves act on the imagination with greater force."[32] Hence, life itself done as a work of art provides an inexhaustible source of pleasure, making "permanent happiness in tranquil contemplation" possible. Self-development and self-culture give a:

> sense of perfection, which would make us demand from every creation of man the very utmost that it ought to give and render us intolerant of the smallest fault in ourselves or in anything we do. (*Inaugural Address*, XXI: 255)

6. Conclusion

John Stuart Mill made two distinct arguments as regards poetry. As he moved farther from the context of his "mental crisis" – which gave rise to a contrast between the pleasures of pursuing one's ends and the pleasures of self-culture – to the context of seeing himself as a "Scientist," his interest in poetry shifted from aesthetic cultivation as an end in itself to aesthetic cultivation as a means of social progress. As Robson (1960: 252–3) put it,

> Mill at sixty years of age is indebted to Mill at twenty-six; "What is Poetry?" is echoed in the footnotes to James Mill's *Analysis of the Phenomena of the Human Mind*; the early critic of Tennyson's poems is clearly seen in the author of *Utilitarianism*.

At the same time, Mill never lost sight of the need for the aesthetic component of self-cultivation, pursuing excellence for itself and not just because it is socially useful. Both arguments are indebted to Mill's exposure to influences outside the utilitarian tradition. However, Mill's realization that he was fitter to take up the role of a "logical expounder" brought him closer to his utilitarian heritage. As virtue was an affair exclusively of reason for neither Mill, it is John Stuart Mill's argument about the intrinsic worth of

self-cultivation which set his theory of utility apart. His focus on beautifying character as an end in itself provided more than anything else what Mill thought missing from Benthamite utilitarianism.[33]

Notes

1 For the classic discussion on Mill's theory of poetry, see Robson (1960). For extended discussions, see Woods (1961); Sharpless (1967); Heydt (2006). See also, Green (1989, 1991); Burnstone (1992); Paul (1998); Gustafson (2009).

2 For example, in the late-1860s, J.S. Mill told Alexander Bain (Bain 1904: 290–1) that he could not devote to the subject of the Sublime and the Beautiful the amount of study necessary to grapple with it as editor of James Mill's *Analysis of the Phenomena of the Human Mind* (1829).

3 On Mill's literary theory, see also Leavis (1949); Armstrong (1993: 31ff); Guy and Small (2000: 384–5); Wood (2001: Ch. 1).

4 Mill eventually developed a completely different theory of kinds. See *Logic*, VII: 119 ff. See also, *Autobiography*, I: 190–1 and Robson's "Textual Introduction" to Mill's *Logic*, VII: lviii.

5 Cf. Wordsworth (1815): viii–ix.

6 For the Romantic view that creativity provides access to "truth," see Macleod (2014).

7 Interestingly, Mill added that Wordsworth "talks on no subject more instructively than on states of society & forms of government." See also, *Use and Abuse of Political Terms*, XVIII: 4n–5n.

8 Cf. *Autobiography*, I: 153.

9 The two Mills seem to disagree on what is distinctive to the trains of associations of the poet (J. Mill 1829: I.241–2). See, Robson (1960): 259–60; Shaw (1981: 36–9); Stewart (1993: 374–5); Paul (1998: 91ff). For Wordsworth's discussion on Imagination and Fancy, see Wordsworth (1815: xviii–xxxviii).

10 Cf. J.S. Mill's note to James Mill's *Analysis of the Phenomena of the Human Mind* (1829), XXXI: 240.

11 Mill's other insight was that one's own happiness can only be achieved indirectly or "anti-self-consciously."

12 For the event, and its consequences, see *Autobiography*, I: 153. Cf. Leader (1897: 38).

13 Burnstone (1998: 89) thus incorrectly suggests that it is anachronistic to read into Mill's preoccupation with literature in late-1820s a concern with moral cultivation.

14 Intellectual cultivation was related to the pursuit of truth; utilitarians denied that poetry expressed important truths. See, Sharpless (1967: Ch. 1); Stewart (1993: 377ff). See also, Green (1991: 453).

15 See also, Devigne (2006: 15, 27, 38).

16 Cf. *Garnier's Deutsches Leben, Kunst, und Poesie [2]*, XXIII: 748–9.

17 For the role individuals have in shaping history, see, e.g., *Logic*, VIII: 938–9.

18 The following discussion draws from Maurice (1828). Maurice criticized both James Mill's *Encyclopaedia Britannica* essays (J. Mill 1825) and his *History of British India* (J. Mill 1818).

19 For Mill's discussion on active and passive characters, see Rosen (2013: Ch. 4).

20 For a discussion on Harriet Taylor and Mill and as Artist and Scientist, see Robson (1966).

21 See further, Shaw (1981).

22 See, e.g., *Definition of Political Economy*, IV: 310–2; *Logic*, VIII: 943ff.

23 Contra Gustafson (2009: 822).

24 Contra Burnstone (1992: 82).

25 See further, Rosen (2013); Loizides (2014).
26 See, Loizides (2013b).
27 The idea that *to kalon* includes *to agathon* is found particularly in Plato's *Gorgias*. See *Grote's Plato*, XI: 416. See further, Loizides (2013: Chs 7 and 8); Riley (2013).
28 Cf. Robson (1960: 257). Commentators (e.g., Gustafson 2009: 834–6; Woods 1961: 72–3) often neglect to consider that it was quite common (see, e.g., J. Mill 1835: 5–9) to separate the sentiments of the actor from those of the spectator, assessing thus the morality of the act and that of the actor differently – a wicked person does not necessarily act immorally.
29 Note here the similarity with *Inaugural Address*, XXI: 254.
30 Robson (1960: 266). See also, Stillinger (1991); Robson (1964).
31 For more details on Mill's "Art of Life," see Eggleston, Miller, and Weinstein (2011); Loizides (2013a: Ch. 7).
32 See, *Logic*, VII: 53, 442; *Notes on James Mill's Analysis of the Phenomena of the Human Mind*, XXXI: 222, 225–6; *Bain's Psychology*, XI: 363–4. See also, Riley (2013).
33 I am indebted to both editors, but especially to Christopher Macleod, for reading and making insightful remarks on earlier drafts of this chapter.

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18

Mill on History

CHRISTOPHER MACLEOD

> *[W]hoever desires to know either the best which has been accomplished, or what the most advanced minds think it possible to accomplish, for the renovation of historical studies, must look to the Continental and by the Continent we mean, of course, in an intellectual sense, Germany and France.*
>
> (Michelet's History of France, XX: 219)

John Burrow, in his 1998 *Whigs and Liberals*, argues that Mill's historical thinking is broadly continuous with the Scottish Enlightenment tradition. That Mill shares much with his British predecessors is a point well taken. It would be easy to be misled by Mill's contrast of the eighteenth and nineteenth century – the former "abstract and metaphysical," the latter "concrete and historical" (*Coleridge*, X: 125) – into supposing that his views on the relevance of historical studies to philosophy were formed solely by what he heralded as the "new historical school" (*Armand Carrel*, XX: 187) emerging in his own time.[1] That would be a mistake. We should not forget that John Stuart's father, James Mill, was the author of *A History of British India* and was educated at Edinburgh by Dugald Stewart. This backdrop could not fail to play a crucial role in forming Mill's sense of the nature and purpose of the philosophical study of history – and any account of his thought that ignores that, via his father, Mill stands as a direct intellectual descendant of the tradition of conjectural history would be highly implausible.[2]

Nevertheless, Burrow's argument that Mill inherits much from the tradition of the eighteenth-century philosophers of progress is itself only one side of the truth. Though there is continuity, there is also much change: Mill's ideas *do* diverge in significant ways from the eighteenth-century tradition of historical philosophy. Stefan Collini (1999: 138) suggests that Mill "never really took the measure of [the] cultural sea-change" that romanticism generated in historiography – and that, as a result, Mill "remained a man of the Enlightenment" in his view of history. In this chapter, I will argue that this impression is mistaken. Though Mill maintains some views that we typically associate

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with the eighteenth century – most obviously, a concern for charting the natural stages of development through which societies must pass in the process of civilization – he also moves towards doctrines associated with the historicists of the nineteenth century. He believes in the historical variability of human nature, the need to understand historical periods in their own terms, and of progress driven not according to timeless laws but by an inner principle of development. As with so many other things, Mill's view of history is guided by an attempt to reconcile and combine the best of eighteenth-century British philosophy with nineteenth-century Continental developments.

1. Directionalism and Historicism

The term "historicism" has had an awkward history – it has been used to signal different positions between, and even within, disciplines. To those working in Anglophone philosophy, it is perhaps still most commonly associated with Karl Popper, who used the term to designate the claim that there are "universally valid … laws of historical development" (Popper 1960: 41). Popper's choice of terminology was unfortunate – for the term historicism was already in use. On the Continent, historicism had already become associated with the view – originating with the work of Chladenius, and finding its high point in the work of Herder, Humboldt, and Ranke – that because the human world is entirely a product of history, a sophisticated appreciation of historical setting is necessary to understanding human beings, their actions, and their institutions (Beiser 2011). This is not the place to chart the complicated history of the term, however.[3] For the purposes of clarity, I will use the term directionalism for historicism in Popper's sense, reserving historicism for views that resemble those of the central figures of the German historicist movement.

Directionalism, then, is the claim that history displays a pattern. Such a pattern is not merely "read into" history, but is supposed to be of genuine explanatory value – not merely a story to tell to help us understand the past, but at some level an account of what is genuinely happening throughout history. Societies, the directionalist holds, proceed along identifiable and historical pathways, which can be specified by generalizable historical laws. The nature of such laws – the variables to which they appeal, and the grand narrative they present – of course depend on the directionalist's specific account. History could be a story of the realizing of some ideal, of continuous progress or decline, or of ongoing cycles of repetition. But the overall claim is that, rather than being "one damn thing after another," history is in some sense endowed with an identifiable form – and that it is engagement with this form, as well as the detailed contents, which affords proper historical understanding.

Such understanding will involve placing historical agents, institutions, and events within historical processes larger than themselves – processes which might be opaque to the individuals involved. This view might seem to make individuals merely victims of history – to render their actions inevitable, in some way troubling for human freedom. This need not be so. The laws that directionalism appeals to *may* be deterministic, though they *need* not be. And even if deterministic, it is not obvious that determinism from above is any more problematic than determinism from below: it is not clear, that is to say, that the fact that *history* is subject to generalized laws should be any more

worrying for human freedom than the fact that our psychology or brain chemistry is subject to generalized laws. We should also resist the temptation to think that the general laws of history are to be elevated to a status beyond that of other general laws into claims about fate.

Directionalism comes in many forms. It certainly does not *originate* in the eighteenth century – the idea that history has a meaningful shape of course formed a central part of Christian thought long before then (Graham 1997: 166–200) – but it does gain a maturity and self-consciousness in that period. With an increasing confidence in man's ability to discover the laws which govern the *natural* world and *its* history came the anticipation that the laws that govern the *human* world and *its* history could be discovered. Adam Smith, for instance, argues that

> [t]here are four distinct states which mankind pass thro: – 1st, the Age of Hunters; 2ndly, the Age of Shepherds; 3rdly, the Age of Agriculture; and 4thly, the Age of Commerce,

and offers an explanation of why each stage leads naturally to its successor (Smith 1978: 14).

But it was a common concern of philosophers of the period to attempt to specify the laws that describe societies' movement from a state of ignorance and barbarism to that of enlightenment and civilization – one shared by figures as diverse and Vico, Kant, and John Millar.[4]

The nineteenth-century philosophers of history learnt much from such works, but their distinctive contribution to the philosophical study of history was quite different, and has come to be known as "historicism." The growing confidence in man's ability to gain a rational understanding of his own past led to an increased awareness of the extent to which human beliefs and practices are conditioned by their historical context. The philosophers of the Enlightenment had undermined the transcendent place of faith and authority by use of reason – the historicists deepened their critical examination, questioning whether reason itself was transcendent, or historically determined. If, indeed, the practice of giving reasons and finding meanings were determined by local particularities, the attempt to understand the past through the prism of our own norms would be quite wrongheaded.[5]

The historicists claimed, therefore, that historical understanding must be understanding "from the inside" – making sense of actions involves making sense of reasons and meanings, and to do *this*, we must come to possess the concepts and mental categories that local agents used. If we assume that institutions and practices play the same role in past periods as outwardly similar actions and institutions do to us, we will either draw an interpretive blank, or misunderstand the past. Making sense of the *strangeness* of the past involves coming to see the period as local agents saw it. As Humboldt puts it "[e]verything depends on this fusion of the inquiring intellect and the object of the inquiry" (1967: 59).[6]

Understanding the past, then, is fundamentally a hermeneutic task: uncovering how agents themselves viewed the world often involves discovering unspoken assumptions, and such assumptions cannot be read off the pages of the chronicles, but must be reconstructed by a sympathetic act of interpretation. Reliable interpretation, however, can only be formed by a process of immersing oneself in the details of the past – under-

standing the formative background of the everyday world is a necessary prerequisite to understanding the great events traditionally treated by history. For the historicists of the nineteenth century, this new method of understanding the past also necessitated a new method of communicating it. The writing of history in this period comes to be an attempt to help others come to see the past as local agents saw it. The task was not merely to relate what happened, but to share what the past was like; not to document, but to recreate the past.

The shift that historicism brought about is perhaps most clearly marked by the changing view of human nature as itself historical. Hume could write that "[i]t is universally acknowledged, that there is a great uniformity among the actions of men, in all nations and ages, and that human nature remains still the same" (Hume 1975: 83). Not all, but by far the larger proportion of Enlightenment thinkers would have agreed. For the eighteenth-century philosopher, history could be seen as a dataset, from which we can abstract, uncovering a fixed human nature. Perinetti (2006: 1122) makes a useful distinction:

> First, there were philosophies of history that held that a theory of human nature can be arrived at independently of history. … History is the progressive unfolding of innate and uniform natural faculties, a process that enables individuals to gain consciousness of their own nature. An understanding of history is, thus, *derivative* from the metaphysics of human nature. … Secondly, there was the contrary view that a theory of human nature cannot be arrived at independently of history. On this approach the very nature of human beings is subject to evolution and cannot be understood independently of the exertion of human faculties in history. History is, thus, *constitutive* of the metaphysics of human nature.

It is clear that whereas the first approach dominates the eighteenth century, the second approach dominates the nineteenth. For the former, human nature lies behind and *guides* history; for the latter human nature is imminently determined *by* history (Mandelbaum 1974: 141–269).

Yet, for all this, the historicists of the nineteenth century did not *abandon* directionalism. Herder could still speak of "the universal connection between time periods and people," and "development, progress, steps on the ladder" between civilizations (2002: 287, 281, 299); Humboldt would remain comfortable with talk of the "world-historic dimensions" of events, and "universal destiny" of mankind (1967: 66). Rather, they sought (like, as we shall see, Mill) to *integrate* directionalism into a historicist framework. It may seem confused to attempt simultaneously to determine general laws of history while focusing on the uniqueness and individuality of historical episodes. Whether this is so, we shall consider in Section 3.

2. Mill on Directionalism and Historicism

2.1. Mill on Directionalism

Mill is clear in his endorsement of directionalism. Indeed, it would not be an exaggeration to claim that one of the principal goals of his work is to establish the "laws which regulate the succession between one state of society and another" (*Logic*, VIII: 912)—not

only for its own sake, but because "universal history … is acknowledged to be one of the requisites of a general system of social doctrine" (*Logic,* VIII: 830). Knowing the general trends of history can help us in

> determining what artificial means may be used, and to what extent, to accelerate the natural progress in so far as it is beneficial; to compensate for what may be its inherent inconveniences or disadvantages. (*Logic*, VIII: 829–30)

Mill's philosophical motivation for directionalism has its roots in his basic commitment to naturalism. According to this view, man is wholly part of nature, and humans are objects broadly continuous with other simpler objects which we encounter in experience. As such, Mill believes that human beings are themselves subject to natural laws – primarily, the laws of associationist psychology. Given that *individuals* are subject to such laws, there is little reason to think that the societies *composed* of individuals will not be subject to natural laws (*Logic*, VIII: 879). Indeed, Mill's method for discovering the laws which govern societies' transition from one phase to another – the "inverse historical method" – involves confirming these laws by their deduction from the ethological and psychological laws on which they supervene (*Logic*, VIII: 915–7).

Mill argues that:

> the general tendency is, and will continue to be, saving occasional and temporary exceptions, one of improvement; a tendency towards a better and happier state … there is a progressive change both in the character of the human race, and in their outward circumstances so far as moulded by themselves. (*Logic*, VIII: 914)

Of course, such progress is, and must remain, contingent. As with other causal laws, Mill holds that the laws of history are always subject to counteracting causes (*Logic*, VII: 332–4). Indeed, Mill's depiction of "Chinese stationariness" makes it clear that he thinks the natural progress of civilizations can be interrupted (*Bentham*, X: 108; *Liberty*, XVIII: 273–4). When Mill suggests that "[t]he order of human progress" is guided with "a sort of necessity established … by the general laws of human nature," then, he merely means to claim that it is not accidental or unexpected that progress *does* occur amongst human societies (*Logic*, VIII: 938).

What is meant by "progress," of course, is in need of clarification, in order to spell out the substance of Mill's directionalism. Mill commonly thinks of progress in terms of the process of growing equality. Such an account appears, for instance, in the essay *Civilization*, in which history is portrayed as the story of the rise of the middle class, and their gradual dominance over the political institutions and social norms (*Civilization*, XVIII: 120–1). Mill's impression of the pervasiveness and importance of the historical movement towards equality was deepened by reading Tocqueville's *Democracy in America*. "Reading through the pages of our history," Tocqueville writes, "we shall scarcely find any great events which did not promote the cause of equality over the last seven hundred years" (Tocqueville 2003: 14).

> The gradual unfurling of equality in social conditions is … a providential fact … it is lasting and it constantly eludes human interferences; its development is served equally by every event and every human being. (Tocqueville 2003: 15)

Mill agrees. Tocqueville's characterization of the growth of equality as steady and law-like in its operation impressed him deeply – as did his analysis of its effects on the situation, character and intellect of humanity. *Democracy in America*, he wrote, "constitute[s] the beginning of a new era in the scientific study of politics" (*De Tocqueville on Democracy in America [II]*, XVIII: 157). He finds no major disagreement with Tocqueville's claim that there is an "irresistible tendency to equality of conditions" manifest throughout history (*De Tocqueville on Democracy in America [II]*, XVIII: 157). Indeed, such an account of history sets the agenda for much of Mill's social philosophy, which attempts to preserve high ideals and freedom from tyranny in a society that will inevitably become dominated by greater and greater levels of equality.

Such is Mill's general account of progress in broadly *social* terms – but he also thinks of progress in *intellectual* terms. The laws that govern history tend to promote greater and greater equality, but, importantly, they also promote a gradual growth of the intellectual abilities of mankind. Indeed, Mill's considered opinion seems to be that *intellectual* progress is fundamental, it being the driving force behind *social* progress, rather than *vice versa*. "[T]he state of the speculative faculties, the character of the propositions assented to by the intellect, essentially determines the moral and political state of the community" (*System*, VIII: 926).

Mill's account of intellectual progress is heavily indebted to that of Auguste Comte. For Comte the story of history is the rise of science, understood as humans' ability to achieve control over phenomena *via* their predictive power. He describes history as humanity's advancement as the law like progression through three stages of engaging with the world intellectually: Theological, Metaphysical, and Positive. As Raymond Aron puts it,

> In the first, the mind explains phenomena by ascribing them to beings or forces comparable to man himself. In the second phase … the mind explains phenomena by invoking abstract entities … Finally, in the third phase, man is content to observe phenomena and to establish the regular link existing among them … He abandons the search for the final principle behind the facts. (Aron 1968: 65–6)

This sequence takes place in each area of human activity:

> each branch of our knowledge is necessarily liable in its course to pass in its turn through three different theoretical states: the theological or fictional sate, the metaphysical or abstract state; the scientific or positive state. (Comte 1998: 81)

The simplest branches of human knowledge, Comte claims, are those which rise to the level of science first, and Europe lies on the brink of positivizing the most important science of all: the science of man. "[P]olitics must today rise to the rank of the sciences of observation" (Comte 1998: 47).

Mill describes Comte as one of the great minds of the age, and in the *Autobiography*, he wrote that he was a "long and ardent admirer" of Comte's work (*Autobiography* I: 219; Letter to Auguste Comte, 8 Nov, 1841, XIII: 490). It is indicative of Mill's high estimation of Comte's early work that just the first chapter of *Auguste Comte and Positivism* is longer than essays on Bentham, Coleridge, or Whewell. And it was, in

particular, Comte's historical narrative that attracted Mill to his system – "by far his greatest achievement." His view of progress is praised as "profound and comprehensive," and Mill writes that he can "find no fundamental errors in M. Comte's general conception of history" (*Auguste Comte*, X: 318, 324, 322).

Of course, Mill does not believe that either Tocqueville or Comte have had the *final word* on the laws that govern history. "Trac[ing] the filiation of states of society one from another … is rather a possibility to be one day realized" (*Michelet History of France*, XX: 225). Much remains to be done, he believes, in the effort to construct an account of the laws of history. Nevertheless, he holds that Comte and Tocqueville have made significant progress on that task and makes his commitment to the aspirations of directionalism clear. [7]

2.2. Mill on Historicism

If Mill is clear in his commitment to directionalism, he is, as we shall see, equally clear in his commitment to historicism. We cannot, he holds, fully understand a historical period without understanding its agents, and cannot understand its agents without attempting to enter into their perspective, and understand and perceive the world as they did. As with his directionalism, Mill's subscription to this general outlook ultimately has its roots in his naturalism. Human beings, he believes, are natural beings, without *direct* or *intuitive* access to modes of apprehending and engaging with the world.[8] As such, human understanding of the world is deeply historically conditioned – we understand the world as we do because of our acculturation within certain communities.

In Mill's work, this naturalistic approach takes the form it does because of his associationist psychology. Such is Mill's associationism that he believes that individuals vary enormously from one historical period to another: our nature is malleable. "[I]f there are some tendencies of human nature […] which are the same in all ages and countries, these never form the whole of the tendencies" (*Spirit of the Age*, XXII: 256–7). Human nature exhibits "astonishing pliability" throughout different historical periods (*Civilization*, XVIII: 145). Our nature is such that we can "amend it," and it is this sense in which man is a "progressive being" (*Nature*, X: 397; *Liberty*, XVIII: 224). We cannot truly understand the meaning of a historical agent's actions without

> framin[ing] a connected outline of the inward structure of that person's mind, so as to know and feel what the man is, and how life and the world paint themselves to his conceptions. (*On Genius*, I: 333)

Indeed, for Mill, meaning *itself* is a product of historical circumstance (*Logic*, 686–97). "Without knowing the language of a people, we never really know their thoughts" (*Inaugural Address*, XXI: 226).[9]

There are, for Mill, then, no *transcendent* or *timeless* ways of interacting with the world. Indeed, one benefit to the study of history is that it reminds us that ways of being which seem absolutely given and unarguable are not in fact so, being the result of a historical process rather than a natural law (cf. *Autobiography*, I: 45; *Inaugural Address*, XXI: 227). Mill holds that a vast range of ends can be made a motivation to action, given the appropriate psychological background (Crisp 1997: 88–90). Such is another way of

saying that what is taken and offered by agents as *reasons for action* can vary enormously between different cultures. Mill's naturalism is not the sort of naturalism that claims that certain ways of behaving or understanding are naturally ordained or given – it is, rather, to use a phrase of Allen Wood's, a "historicized naturalism" (Wood 1990: 33–5).

If we are truly to understand history, then, we must get inside the minds of historical agents – and Mill offered high praise for those writers who did just that. In an 1844 review of Michelet's work, Mill recognized the author as "a subjective historian, one who looks, above all, to the internal moving forces of human affairs," and somebody who examines not the externalities of individual action but "their internal life; their thoughts and feelings in relation to themselves and their destination; the habitual temper of their minds" (*Michelet's History of France*, XX: 235, 233). He approved of this method, writing that appreciating "the inward mental workings" was the only way to understand the *individuals* of other periods and the events they took part in (*Michelet's History of France*, XX: 232). This was to be done with "[t]he reproduction of past events in the colours of life, and with all the complexity and bustle of a real scene": we come to understand an age when we "feel with its sufferings, rejoice in its hopes" (*Michelet's History of France*, XX: 225, 232).

Detailed appreciation of the minutiae of how day-to-day life was conducted, for Michelet, was everything. It was only by this method that we could truly see the world as historical figures had seen it. In order to see the world from another vantage point, though, it was not merely a study of facts that was necessary, but the active reconstruction of a way of life. This was a sympathetic and creative project, as much as an intellectual one. In order to communicate the essence of a historical period, as Hayden White puts it, Michelet aimed to avoid the common confusion of "accuracy in the details … with truth of the meaning of the story" (1973: 142). And, indeed, Mill approved of such a method of writing history:

> [t]he spirit of an age is a part of its history which cannot be extracted literally from ancient records, but must be distilled from those arid materials by the chemistry of the writer's own mind … it is a mistake to suppose that a man of genius will be oftener wrong, in his views of history, than a dull unimaginative proser. (*Michelet's History of France*, XX: 233)

To bring back to life the essence of an age was the project of history, and it was because of Michelet's success in this project that Mill possessed "the warmest admiration" for his work (Letter to Gustave D'Eichthal, May 7, 1840, XIII: 432). He describes Michelet as a "great writer" (*Coleridge*, X: 139), and at one point queries whether a correspondent is "fully aware of the importance of Michelet as a European thinker" (Letter to Macvey Napier, Mar 3, 1842, XIII: 505). Others, too, come in for high praise for their hermeneutic approach to historical study. Carlyle's *History of the French Revolution* is described as the "truest of histories," and a landmark work of "genius," because of the immersion it offers in the "spirit of that period" (*Carlyle's French Revolution*, XX: 133, 134, 137). Mill contrasts Carlyle's history to that written in the eighteenth century:

> Take, for example, Hume's history … Does Hume throw his own mind into the mind of an Anglo-Saxon, or an Anglo-Norman? Does any reader feel, after having read Hume's history that he can now picture to himself what human life was, among the Anglo-Saxons? …

> [D]id any one ever gain from Hume's history anything like a picture of what may actually have been passing, in the minds, say, of Cavaliers or of Roundheads during the civil wars? (*Carlyle's French Revolution* XX: 135)

Such histories convey information, but do not enable us to *understand* the past. Carlyle, in contrast, throws us into the period: he "brings the thing before us in the *concrete*," rather than by way of "mere shadows and dim abstractions" (*Carlyle's French Revolution*, XX: 134, 158). He allows us to see events as historical agents saw them, to find meaning in events (*Carlyle's French Revolution*, XX: 136). Such a portrayal allows:

> a deeper understanding of what it is; the power to conceive, and to represent, not the mere outside surface and costume of the thing … but an image of the thing itself in the concrete. (*Carlyle's French Revolution*, XX: 138)

3. Combining Directionalism and Historicism

Mill, then, endorses both directionalism and historicism – indeed, it is this that most clearly sets him apart from his eighteenth-century predecessors. His goal was to understand civilization as progressing in a law-like way, while at the same time doing justice to the independent and autonomous character of each period. This goal was of course not Mill's alone – it was a common cause of the early nineteenth century. Nor was it a niche interest, of localized concern to those within the philosophy of history. It was, rather, reflective of the deeper struggle to integrate the world of reasons and the world of causes in to a unified vision.

Mill's attempt to combine directionalism and historicism can profitably be compared to that of the greatest of all nineteenth-century philosophers of history: George Wilhelm Friedrich Hegel. Hegel, too, famously sought to understand history as the *development* of humanity. "The History of the world is none other than the progress of the consciousness of Freedom" (Hegel 1956: 19). And yet he nevertheless insists that to understand a period, we must understand it from the inside, on the basis of its own "inherent distinctness of character" (Hegel 1956: 226). Because each period of history is informed by humanity's self-understanding – because it is impossible to understand a historical action, object, agent, or theory, in abstraction from how humanity at that time understands itself – it is impossible to understand the *development* of humanity without such understanding. As Beiser puts it,

> Hegel stresses that the philosopher of history must not rest content with *external* necessity, 'a necessity that originates causes that are themselves no more than external circumstances', and that he should strive to explain the *internal* necessity of things, why they happen from their underlying purpose or inherent form. (Beiser 2005: 274)

Though Hegel attempts to understand the progress of humanity as proceeding in a law-like way, such laws are not seen as something *external* to human understanding, but are driven by such understanding *internally*. "Principle – Plan of Existence – Law – is a hidden undeveloped essence, which *as such* – however true in itself – is not completely

real" (Hegel 1956: 22). Geist is self-positing, with Reason imposing ends upon itself; as ends are internally generated, so too is the process by which history progresses. Terminology aside, Mill's thought is remarkably similar.

> [H]istory is conceived as a progressive chain of causes and effects; or (by an apter metaphor) as a gradually unfolding web, in which every fresh part that comes to view is a prolongation of the part previously unrolled, whether we can trace the separate threads from the one into the other, or not. (*Michelet's History of France*, XX: 225)

The correction of his initial characterization of history as "a progressive chain of causes and effects" in favor of "an unfolding web, in which every fresh part that comes to view is a prolongation of the part previously unrolled" is telling – and reminiscent of the process of Hegelian *aufheben* (cf. *Guizot's Essays and Lectures on History*, XX: 260). The language of unfolding emphasizes the importance of the internal: progression happens by unpacking that which is already immanently contained in the present. The metaphor of "unfolding" is repeated in the essay on *Coleridge*, where Michelet is said to have,

> made a science of causes and effects; who, by making the facts and events of the past have a meaning and an intelligible place in the gradual evolution of humanity, have at once given history, even to the imagination, an interest like romance, and afforded the only means of predicting and guiding the future, by unfolding the agencies which have produced and still maintain the Present. (*Coleridge*, X: 139–40)

The attempt to combine the directionalist's appeal to *causation* with the historicist's appeal to *meaning* is ultimately an attempt to incorporate two ways of looking at historical events. As objects of natural study, historical episodes are subject to law like generalizations. But at the same time, they are the product of self-directing agents acting from reasons. The aim is to integrate the two perspectives – to see human beings as at once members of the world of reasons and the world of causes.

That aim, of course, is intimately related to Mill's ongoing attempt to integrate the insights of the two schools Mill sees as dominant in European philosophy during this period. The radical, empiricist, liberal school was precise, clear thinking, but excessively narrow in its ability to understand the possibilities of human nature. The conservative, metaphysical, romantic school was profound and imaginative, but intellectually undisciplined. The two schools of philosophy are best represented by Bentham and Coleridge.

> By Bentham, beyond all others, men have been led to ask themselves, in regard to any ancient or received opinion, Is it true? And by Coleridge, What is the meaning of it? The one took his stand *outside* the received opinion, and surveyed it as an entire stranger to it; the other looked at it from within, and endeavoured to see it with the eyes of a believer in it. (*Coleridge*, X: 119)

Mill sought to combine and reconcile the two schools, preserving the rigor of the former and the depth of the latter. "[W]hoever could master the premises and combine the methods of both, would possess the entire English philosophy of their age" (*Coleridge*, X: 121). His attempt to fuse the explanatory and hermeneutic perspectives in history – one

taking its stance outside the perspective of agents, and treating episodes as subject to general directional laws; the other taking its stance inside the perspective of agents, treating episodes in their historical specificity – was one part of this overall goal.

There are, Mill claims, three stages to the study of history. In the first stage, historians "transport feelings and notions back into the past, and refer all ages and forms of human life to the standard of that in which the writer himself lives" – they neglect the fact that historical agents acted and thought with reasons and concepts of their own. Such a style of history is unsuccessful, giving "an exceedingly false notion of their qualities and circumstances." In the second stage, this fault is corrected, with an attempt being made, "to regard former ages not with the eyes of a modern, but, as far as possible with that of a contemporary; to realize a true and living picture of the past time, clothed in its circumstances and peculiarities".

The highest stage of historical writing, however, involves incorporating this into a more systematic understanding of the past. "There is yet a third, and the highest stage of historical investigation, in which the aim is not simply to compose histories, but to construct a science of history" (*Michelet's History of France*, XX: 223–5).

Mill's belief in the possibility of a *science* of history is not a claim that we can, in understanding the movement of history, bypass the human viewpoint – the science of history can no more do without the language of reasons and concepts than the science of ethology or associationist psychology. "[B]efore we can trace the filiation of states of society one from another, we must rightly understand and clearly conceive them, each apart from the rest" (*Michelet's History of France*, XX: 225). Though Mill sees real use for mathematical methods in understanding history, it would be anachronistic to think of Mill's thought as an early attempt at quantizing the study history as some attempted in the twentieth century (*Logic*, 931–4).[10] A science of history is the ultimate aim, but we should not assume that Mill thought it possible to rid such a science of the everyday vocabulary we use to understand humans.

Nevertheless, the attempt to construct a science of history might seem to at odds with the historicist claim that each culture is unique and to be understood in its own terms. Even if the aim to render the study of history scientific does not exclude the *human* viewpoint, we might wonder whether there is a universalist aspiration behind that aim which is in tension with the historicist claim that human viewpoints are *irreducibly many and varied* – whether the attempt to generalize over historical periods must involve an imperializing use of foreign concepts to describe local particularities. Mill never addresses this issue directly. But if there is a tension here, it seems clear where his commitments lie. Mill takes historicist insights extremely seriously, and these insights altered and deepened his approach to history – much as his encounter with conservative ideas altered and deepened his approach to politics, and his encounter with Coleridge altered and deepened his approach to philosophy more broadly. But though his thinking was deeply influenced by these encounters, Mill never abandons a liberal, utilitarian and cosmopolitan outlook on the unity of mankind, and never wavers in his belief that human beings and their communities can be subject to scientific investigation.

Notes

1 See also, for instance, *Coleridge*, X: 138–9, *Autobiography* I: 169.
2 Indeed, the more theoretical passages of *History of British India* follow very much in the tradition of conjectural history. See Thomas (1975: xiii) and *Notes on the Analysis of the Phenomena of the Human Mind*, XIII: 99.
3 See Lee and Beck (1954) for a useful history of the term.
4 See Perinetti (2006: 1121–34) for useful discussion of directionalism in the eighteenth century.
5 So stated, of course, the historicist doctrine is connected in important ways to central claims of modern communitarianism (see, for instance MacIntyre 1988) – and thereby connects Mill to these movements, also.
6 See Moore (2003: 48–51) for extremely useful discussion of what it means to come to possess another's concepts.
7 A case could also be made that Guizot is enormously influential on the character of Mill's directionalism. Guizot's attempt to construct a directionalist account of *European* history comes in for much praise, being "one of the most successful … partial efforts" at constructing an account of the general laws of history (*Guizot's Essays and Lectures on History*, XX: 262). Because that effort *is* partial, however, I will not address his contribution in this chapter.
8 This is connected in important ways to Mill's general denial of intuitionism. See Macleod (2013; 2014).
9 It is interesting to compare John Stuart Mill and James Mill on the necessity of possessing the language of a people in order to understand them, and write their history. John Stuart Mill, criticizing a historian of France for not having mastery over the French language: "The very first and simplest requisite for a writer of French history, a knowledge of the French language, Mr. Alison does not possess in the necessary perfection" (*Alison's History of the French Revolution*, XX: 117). James Mill, defending his lack of mastery over Sanskrit: "In the first place, it appeared to me, that a sufficient stock of information was now collected in the languages of Europe, to enable the inquirer to ascertain every important point, in the history of India" (J. Mill 1826: vol. 1, ix).
10 See Bentley (1999: 129–37) for a useful overview of twentieth-century attempts to quantize the study of history. See also Beiser (2011: 6–10) on the danger of anachronism in approaching the German historicists' attempt to construct a "science" of history.

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19

Mill's Philosophy of Religion

LOU J. MATZ

Based on his published writings during his lifetime, Mill had the reputation as an outspoken apologist for religious liberty, an admirer and critic of Christian morality, a sceptic on miracles, and an advocate that utilitarianism could be established as a religion. When Mill's *Autobiography* appeared after his death, it reinforced the suspicion that he rejected supernatural religious hope and embraced a secularism in which a utilitarian morality and the virtues of character constituted the best religion. A Unitarian reviewer wondered whether Mill might regret depriving humans of "Divine trust and hope" despite acknowledging in his *Autobiography* the vital role of the feelings and emotions for human well-being.[1] However, the publication in the next year of Mill's *Three Essays on Religion – Nature, Utility of Religion*, and *Theism* – surprised everyone, for the celebrated author of the *System of Logic* judged, in his essay *Theism*, the design argument to be weakly probable and defended the legitimacy of hope in an afterlife and revelation. Mill's friend and biographer, Alexander Bain, apparently asked Mill's stepdaughter, Helen Taylor, to edit the essays to save Mill's reputation. Mill wrote *Nature* and *Utility of Religion* between 1850–58, whereas *Theism* was written between 1868–70, near the end of Mill's life. *Nature* is an analysis, and critique, of the theory of natural moral law. *Utility of Religion* is an exploration of the question whether supernatural religions, such as Christianity, are necessary for individual and social well-being. And *Theism* is Mill's examination of the scientific evidence for the main tenets of supernatural religion – the existence and attributes of God, immortality, and miracles – and the legitimacy of imaginative supernatural hope.

The publication of the *Three Essays* attracted an immediate and considerable reaction (Sell 1997), but Mill's philosophy of religion, stated in the *Three Essays*, remains regrettably unknown today, and there has been little scholarly attention devoted to it, which is surprising given that his critique of supernatural religion and appropriation of it is essential for a full understanding of his moral theory, theory of human well-being, and his approach to social reform.[2] Mill's philosophy of religion

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also makes a nuanced contribution to the current debate about the value of religion spawned by the so-called new atheists.[3]

1. Mill's Position and Historical Climate

For Mill, religions provide ideals to guide and inspire human conduct about ultimate aims. He defines the essence of religion as:

> the strong and earnest direction of the emotions and desires toward an ideal object, recognized as of the highest excellence, and as rightfully paramount over all selfish objects of desire. (*Utility of Religion*, X: 422)

His philosophy of religion can be summed up in one sentence: *Improve yourself and society, and if you need the motivation to do so, it is legitimate to hope in supernatural realities that are consistent with reason and moral feelings*. Contrary to the position of many commentators (Hamburger 1991; Raeder 2002; Sell 2004), Mill did not think that a secular Religion of Humanity, freed of any supernatural hope, was the highest form of religious belief, the most enlightened *Weltanschauung*. He thought such a secular religion was possible and that it had advantages over supernatural religions such as Christianity. While he claimed that the most important quality of any opinion on any momentous subject is its truth or falsity and that the "legitimate conclusions of science are entitled to prevail over all opinions, however widely held, which conflict with them" (*Theism*, X: 431), Mill held that the literal truth of facts is not the only thing to be considered when theorizing about human well-being. He believed that since people have different temperaments and feelings, cultivating hope in the existence of a benevolent deity and an afterlife could fortify a Religion of Humanity without detracting from the progress of the sciences and morality. Mill thus did not think that the fortification of a Religion of Humanity with supernatural hopes was merely a transitional stage in history, necessary for the successful reform of religion and morality in his time; rather, he believed that there were open metaphysical questions, such as the existence of the afterlife, and that, given differing human temperaments and feelings, the combination of belief, which has an evidentiary basis that justifies some level of assurance about what exists, and imaginative supernatural hope, which is "desire combined with expectation" (*Notes on the Analysis*, XXXI: 215) about what is real that is not contradicted by experience and that inspires moral conduct and helps one cope with life's suffering, might be part of any future enlightened age.

Mill long held that the best religious believers and non-believers share the same ultimate aims and feelings – ideals of honesty, self-sacrifice, love of fellow creatures, and desire to be of use in the world. He believed that these moral ideals, and not theological dogmas and Church traditions, are the essence of true Christianity, exhibited by Jesus in the gospels, and he was amazed that there were not more Christians "who perceive that Xtianity [Christianity] … forms a point of union for all men in this point of view" (Letter to Thomas Dyke Acland, Dec 1, 1868, XVI: 1499). Religious believers have been taught to judge that if others do not share their theological dogmas – of the atonement, original sin, salvation by faith alone, predestination – there can be no unison between them and unbelievers. For Mill, it was necessary "to establish a bond of union – public spirit &

practical good deeds – between all disinterested men," (XVI: 1501) regardless of their religious or metaphysical opinions. Mill thus understandably claimed that the best unbelievers "are more genuinely religious, in the best sense of the word religion, than those who exclusively arrogate to themselves the title" (*Autobiography*, I: 47) because such unbelievers have a truly universal point of view – the priority of graces of character and the good of others – and do not divide and stigmatize people based on inconsequential theological opinions.

Moreover, as a moral and social reformer, Mill disagreed with those who thought philosophy could simply replace supernatural religion since any successful reform of religion would require the preservation of the core of Christian belief. As a student of history, Mill recognized that religion – "the spring and regulator of energetic action" (Diary Entry, Jan 23, 1854, XXVII: 646) – had been essential in guiding and inspiring humans to live morally and to help them cope with life's suffering, and he lived in an age in which Christianity was the foundation of morality and the framework for law, government, and university education. Successful reform required preserving the best elements of the Christian tradition and inspiring religious believers "to systematize and rationalize their own creed" (*Coleridge*, X: 163). As Mill proclaimed in *On Liberty*, it would be wise for heretical opinion to seek conciliation with the truth contained in common opinion rather than contradict it and set itself up as the whole truth (*Liberty*, XVIII: 252). In his 1840 essay *Coleridge*, Mill asked:

> What is the use, then, of treating with contempt the idea of a religious philosophy? Religious philosophies are among the things to be looked for, and our main hope ought to be that they may be such as fulfill the conditions of a philosophy – the very foremost of which is, unrestricted freedom of thought. (*Coleridge*, X: 160)

At the beginning of *Utility of Religion*, Mill rendered his interpretation of the crisis of religious belief in Victorian society.[4] The credibility of religious belief had been seriously undermined – internally, by the historical-critical method in Biblical studies demonstrating that there is no supernatural origin to religious scriptures, and externally, by the success of the natural and emerging social sciences in explaining phenomena based on human and natural, and not supernatural, causes. These developments led both unbelievers and rational religious believers to raise a novel question about religion – might it be useful to believe religion for the sake of individual and social welfare even if its truth is doubtful? This stage of weak belief – which represented for Mill a transitional stage in history, what the Saint Simonians categorized as a "critical age, when there is a loss of commonly held worldview" – led to different kinds of unsettling predicaments. Rational believers were led to avow what they could not intellectually believe since they believed it to be good for society to believe, a state that Mill describes as the "wish to believe" (*Utility of Religion*, X: 403).[5] On the other hand, religious sceptics who valued truth and the general good, such as Mill, were put in the painful predicament of possibly doing social harm by making their honest estimation of religion known. Mill's purpose in *Utility of Religion* was to explore whether there is any intrinsic power to traditional supernatural religions that make them necessary for social and individual good or whether it is possible and desirable to reorient thinking away from unknowable supernatural beliefs and focus on the improvement of humanity in this world.

Mill was not only writing in a transitional age of religious belief but also in a climate of legal and social persecution toward outspoken critics of religion and Christianity.[6] The Toleration Act of 1689 that followed the Glorious Revolution in England opened up freedom of worship for Protestant Dissenters, and several religious reforms were enacted during Mill's life that removed legal restrictions for Dissenters, Catholics, and Jews; however, unbelievers were still subject to the law of blasphemous libel and other legal statues, such as the requirements to take a religious oath for public office or during trials or to enter the universities. In 1823, Mill, at the age of seventeen, wrote five letters to the *Morning Chronicle* (two were not published due to their content) defending religious liberty in reaction to the 1817 blasphemy prosecution of William Hone, who wrote liturgical parodies, and to the 1819 blasphemy conviction and imprisonment of Richard Carlile, who published Thomas Paine's *The Age of Reason*. When Mill was writing *On Liberty*, he lamented that while unbelievers were no longer threatened with death, there was no security in the public mind in England since law and social sentiment about religion created a climate of potential intolerance that could turn at any moment into active persecution. The worst part of this climate was not legal persecution but the stigmatization of free-thinkers as immoral, which Mill considered the worst offence committed by any religious polemic (*Liberty*, XVIII: 259). This climate motivated Mill to refrain from publishing anything in his lifetime devoted exclusively to religion. His father, James Mill – who had been a licensed Presbyterian minister but lost his faith and raised his son without any religion and impressed on him the moral evils of religion – instructed him that it was prudent to keep his religious beliefs private. And Mill did so, not wanting to jeopardize his influence as a social reformer by revealing his views on religion and Christianity.[7] Mill also refused to be interrogated about his religious opinions during his MP candidacy for Westminster; he stated in a letter,

> no one has any right to question another on his religious opinions; that the tree ought to be judged, and can only be judged, by its fruits; and I hold myself bound … for the sake of future candidates, not to do any thing that may facilitate raising a religious cry against a person who may be unassailable as a politician. (Letter to Charles Westerton, Jun 21, 1865, XVI: 1069)

The jurist Fitzjames Stephen speculated that Mill could have been prosecuted and excommunicated had his *Three Essays on Religion* been published earlier.[8]

2. Religious Morality

Mill did, however, make public in *On Liberty* his analysis of Christian morality by adopting the most difficult test case – freedom of religious belief – to assess the cogency of his arguments defending liberty of thought and discussion. To limit the expression of religious opinion might rob society of noble moral doctrines. The Athenians persecuted Socrates because they thought he undermined the social order, but Socratic philosophy prevailed as a liberating force for mental development. The wise Roman emperor Marcus Aurelius persecuted Christianity because he thought it was detrimental to the social order, yet he failed to see that Christianity would be a force of good and a renovating

agency. By historical analogy, Christendom was in the same situation in its persecution of atheists and free-thinkers. To those who claimed that Christian morality was the truth, Mill contended that while Jesus' teachings were reconcilable with a comprehensive morality, they could not have been intended to be complete – the gospels refer to a pre-existing Greco-Roman morality, and many precepts are too general to guide in specific situations or difficult to interpret literally. The teachings were also defective, such as not recognizing the importance of political obligation and having a reactionary nature against paganism, that is, ideals of submissiveness, innocence, avoidance of evil, and asceticism rather than ideals of action, nobility, pursuit of the good, and fulfillment in life. Mill held that the inculcation of Christian morality as the entire truth was "becoming a grave practical evil, detracting greatly from the value of the moral training and instruction" and that to form the mind and feelings on an exclusively religious type without adding secular moral ideas would result in a "low, abject, servile type of character" (*Liberty*, XVIII: 256). The moral regeneration of humanity required both Christian and non-Christian moral teachings.

For Mill, real Christianity was found not in dubious theological doctrines but in Jesus' moral teachings in the Sermon on the Mount – to love one's neighbor, not to judge others unless one judges oneself by the same standard, the kingdom of heaven is for the poor, humble, and dispossessed, and that to be perfect, one should sell one's things and give to the poor. Mill had a long-standing admiration for Jesus, which was strengthened in the 1830s when he read the New Testament.[9] He judged that the goodness of Christ's teachings "are surely in sufficient harmony with the intellect and feelings of every good man or woman, to be in no danger of being let go" (*Utility of Religion*, X: 417) and that the most valuable part of Christianity was the effect of Jesus' life and teachings on human character, a standard of excellence and source of motivation even for the "absolute unbeliever" (*Theism*, X: 487). Mill held that the complete spirit of utilitarianism was represented in the Golden Rule of Jesus (*Utilitarianism*, X: 218).

Mill's analysis of Christian morality in *On Liberty* has led some commentators to charge that its disguised goal was to eliminate Christianity and to replace it entirely with a Religion of Humanity (Hamburger 1991; Raeder 2002; Sell 2004). This interpretation problematically assumes that traditional forms of Christianity are the essence of Christianity, and Mill clearly wanted to preserve the spirit, as well as many of the precepts, of Christian moral teaching. As Eisenach correctly observed, Mill's defense of liberalism in *On Liberty* depends not on dismantling Christianity but expanding its religious, historical and philosophical framework, a further development of the Reformation (Eisenach 1998: 228). Mill made this point in a letter where he defied "any one to point out in my writings a single passage that conflicts with what the best religious minds of our time accept as Christianity" (Letter to Charles Westerton, Jun 21, 1865, XVI: 1069).

For Mill, the great evil in ascribing a supernatural origin to morality was that it protected morality from being questioned and thereby inhibited moral progress. This religious consecration of morality was also theoretically untenable. In his 1833 essay *Blakey's History of Moral Science*, Mill gave his version of Plato's *Euthyphro* by debunking the divine command theory of morality, the theory that God does not merely command humans to do good but that God determines what is good and virtuous. One difficulty with this theory is that it makes morality arbitrary; unless God's will conforms to what is good, what God wills is arbitrary, and he must be obeyed because of his power

and not his goodness: "he is not to be obeyed because he is good, for *that* implies a good which he could not have made bad by his mere will" (*Blakey's History of Moral Science*, X: 27). Another difficulty is that to judge scriptural morality as good implies that there is an independent standard separate from God's will and discoverable without revelation. Yet another problem is that the divine command theory makes morality mysterious; if precepts of scripture are not intrinsically good but are only good because God makes them good, the goodness of scripture

> ought to be as mysterious and incomprehensible to us as the ceremonies of magic: nor could there on that supposition be any reason apparent to us, why we are not commanded to hate our neighbor instead of to love him. (X: 28)

For Mill, the alleged special force of Christian morality was not due to a supernatural origin but to the natural psychological effects of authority, early education, and public opinion on the human mind, an argument he made in *Utility of Religion*. Religious creeds are promulgated by social authorities, such as parents, governments, churches, and universities, and authority makes a strong impression on the human mind. Religious morality is also inculcated at an early age and gains an advantageous command over the feelings, an effect that later teaching does not have. Mill pointedly remarks that "early religious teaching has owed its power over mankind rather to its being early than to its being religious" (*Utility of Religion*, X: 410). However, the strongest force in maintaining religious morality is the power of social opinion to compel conformity. Unlike legal sanctions, social sanctions are practically impossible to escape given the social character of human life and the effects of internalization, a point Mill emphasized in *On Liberty* in his critique of the tyranny of the majority. Religious obligations that are not supported by social opinion do not have much effect on conduct. As evidence, Mill noted that dueling is a custom in England but clearly contrary to Christian morality.[10] The implication of Mill's analysis of the effects of authority, early education, and public opinion is that a secular morality that wielded these powers could have as strong a command on thought and feeling as traditional religion.

3. A Religion of Humanity

In *Utility of Religion*, Mill argued that an otherworldly religion was unnecessary for social morality and individual good. He described a Religion of Humanity that is based on the idealization of earthly life, on the aspirations to develop one's character to the fullest and to advance the greatest happiness for all sentient creatures. These are the ideal objects of a religion of humanity, and they deserve to be called a "religion" since they express ideal excellence, which is ultimate and sovereign over all selfish objects of desire. Mill's characterization of this secular religion was sparse, but his account of the character virtues in *On Liberty* and his moral theory in *Utilitarianism* can fill in the details, and these works were written at the same time as *Utility of Religion* and *Nature*. The motivation to live up to these human ideals would not be any hope for reward in an afterlife but the approval of those, whether alive or dead, whom we admire. To those who claimed that a religion of humanity would not have the same kind of psychological

and social power as supernatural religious belief, Mill countered that were a religion of humanity to harness the psychological forces of authority, early education and public opinion, it could take root and become the *Weltanschauung* in a society. Indeed, in Mill's discussion of the sanctions of morality in *Utilitarianism*, he claimed that were the natural feeling to be in unity with others

> to be taught as a religion, and the whole force of education, of institutions, and of opinion, directed, as it once was in the case of religion, to make every person grow up from infancy surrounded on all sides both by the profession and the practice of it, I think that no one who can realize this conception, will feel any misgiving about the sufficiency of the ultimate sanction for the Happiness morality. (*Utilitarianism*, X: 232)

Mill then referred in this passage to Auguste Comte's account of a religion of humanity to illustrate this possibility.

Mill appropriated the label "Religion of Humanity" from Auguste Comte, the positivist philosopher and sociologist, and analyzed his version of a Religion of Humanity in *Auguste Comte and Positivism* (1865). Mill thought that the principal value of Comte's social philosophy was to discredit the notion that "moral authority can be maintained over society without the aid of religious belief" (*Autobiography*, I: 221) and to defend the possibility that the collective existence of humanity, the *Grand Être*, could replace the traditional concept of God as an object of religious and moral commitment. Mill recognized that Comte's *Grand Être* had an advantage over the traditional conception of an omnipotent God since it, unlike an omnipotent deity, needs human help to achieve its ends. Mill acknowledged that the notion of a religion without God would be thought in his age to be an absurdity by most all believers and non-believers but that it nonetheless fulfilled the goal of religion – a creed that is internalized and has ultimate authority over one's actions and feelings. Mill found Comte's attempt to systematize and ritualize a Religion of Humanity, though, to be an unseemly imitation of Catholicism.[11]

For Mill, a Religion of Humanity avoided the intellectual and practical problems of revealed religions, such as Christianity. It advanced intellectual and moral progress by instilling the importance of independent, critical thinking rather than dogmatically protecting beliefs by consecrating them as the product of a divine source. It was truly catholic and not sectarian with its focus on perfection of individual character and promotion of the greatest happiness. Its moral motivation was unselfish, which is contrary to the selfish effects of traditional Christianity on "common minds" that tempts believers to regard the fulfillment of moral duties as a means to personal salvation, a position that even Christ unfortunately adopts (Matthew 6:33), though Mill acknowledged that the most noble Christians did not view morality in this way. A Religion of Humanity focused on the joys and suffering in this world and not some problematical hereafter, and it did not lead to intellectual or moral absurdities, like hell for unbelievers or grace for the elect (Calvinism), a doctrine that Mill thought was inseparable from every form of Christianity in his day. Mill contended that it was possible to worship the Author of Nature and of the Gospel without perverting the moral sentiments only by focusing on the good in nature and the spirit of the gospels. In reply to those who believed that a non-supernatural religion made life insignificant and justified a self-indulgent *carpe diem* philosophy of life, Mill countered that the improvability of self and society "offers to the imagination

and sympathies a large enough object to satisfy any reasonable demand for grandeur of aspiration" (*Utility of Religion*, X: 420).

Mill recognized that supernatural religions have a significant advantage over a secular religion with the prospect of an afterlife. He discerned a close affinity between religion and poetry in that both created, through the imagination and rooted in feelings and emotions, ideal conceptions that are more beautiful than realized in human life. Religion posits another world in which these ideal conceptions are realized, and the appeal of religion is powerful "so long as human life is insufficient to satisfy human aspirations … so long as earthly life is full of sufferings" (*Utility of Religion*, X: 419). And Mill noted that for sensitive natures, the expectation of a reunion with loved ones in an afterlife is a warranted hope since it is not known to be false. Nonetheless, in the context of his argument in *Utility of Religion*, Mill argued that hope in an afterlife is neither necessary (e.g., Buddhists believe the highest good is self-annihilation, not self-preservation) nor desirable (eternal self-conscious existence without any escape might be a terror).

For Mill, a Religion of Humanity avoided the principal moral difficulty with traditional monotheism – the problem of evil, that is, that the amount and extent of suffering in the world are irreconcilable with a benevolent and omnipotent God. Mill's analysis of the problem of evil is contained in his essay *Nature* in which he rejected the standard of morality of Deism as well as any theory of a natural moral law. Deists believe that a good and all-powerful deity created the world but left it to work according to its own laws and that the ways of Providence exhibited in nature are good and worthy of imitation since they reflect a good and perfect deity. As a result, "nature" or the "natural" becomes a moral standard. Mill argued, though, that any definition of nature or natural cannot be a standard to judge the morality or goodness of actions since any definition would lead to absurdities. One definition of nature, which Mill considered to be the true scientific definition, is "the sum of all phenomena together with the causes which produce them, including not only all that happens, but all that is capable of happening" (*Nature*, X: 374). Based on this standard, all that happens is natural and good, but phenomena such as natural disasters, disease, and predation demonstrate this standard to be absurd as a moral guide and contrary to Christian morality to take care of the weak and treat others with love. Mill stated,

> For however offensive the proposition may appear to many religious persons, they should be willing to look in the face the undeniable fact, that the order of nature, in so far as unmodified by man, is such as no being, whose attributes are justice and benevolence, would have made, with the intention that his rational creatures should follow it as an example. (*Nature*, X: 383)

To identify certain aspects of nature as the standard of good in order to avoid Mill's *reductio* argument would be to introduce an entirely new standard:

> either it is right that we should kill because nature kills; torture because nature tortures; ruin and devastate because nature does the like; or we ought not to consider at all what nature does, but what it is good to do. (*Nature*, X: 386)

At the end of *Nature*, Mill stated that a dualistic supernatural religion, such as Manicheanism, was the only one consistent with the facts of the world.

In his *An Examination of Sir William Hamilton's Philosophy* (1865), Mill also rejected the theological move, still common today, to avoid the problem of evil by conceiving God as beyond human comprehension, that its qualities differ not just in degree but in kind from human qualities. This conception of God implies that there can be no justified judgments about God's moral character. Mill rejected this notion of God. If God is entirely "other," then on what basis should one worship God? Veneration is based on reverence for God's qualities. If God's qualities are different in kind and beyond human comprehension, then it's possible that God is not good. On this view, God's worthiness of worship is based solely on its power. In a famous passage that brought charges that Mill was an atheist and Satanist, he exclaimed,

> I will call no being good, who is not what I mean when I apply that epithet to my fellow-creatures; and if such a being can sentence me to hell for not so calling him, to hell I will go. (*Examination*, IX: 103)

4. God, Afterlife, and Miracles

In *Theism*, Mill evaluated different a posteriori and a priori arguments for monotheism, taking it rather than polytheism as the starting-point of his investigation since it is a better explanation for the unified, interconnected, and seemingly coordinated system of actions and reactions in the world. He found the first cause or cosmological argument to be lacking. The mind might extrapolate from the experience of cause and effects and posit a totality of causes and effects, and consequently postulate an antecedent cause for the totality – God – but events always have antecedent causes. And since the permanent substratum in which events happen can neither be created nor destroyed, Mill did not think there was an explanation for the origin of matter and force. Mill next dismissed the popular general consensus argument, that God must exist because most people believe in God, as a fallacious appeal to authority, and he casted doubt on the alleged universality of theistic belief. The ontological argument proved to be baseless since the mere mental conception of a thing does not imply anything about its existence. Due to its empirical and inductive character, the only argument for God's existence that could have any plausibility for Mill was the argument from marks of design in nature. Natural phenomena, such as the eye, resemble human artifacts since the parts are arranged to achieve an end and so appear to be designed. For Mill, the argument from design was not only analogical but inductive, an example of his inductive method of agreement. Mill construed the argument as follows:

(1) All parts of the eye conspire or work to produce sight.
(2) Eyes of many creatures share this property.
(3) Eyes have origins and their parts were brought together by a cause.
(4) A common cause, rather than a random occurrence of independent causes, explains how the parts of the eye come together to produce sight in so many creatures.
(5) Based on analogies from experience, it is plausible that an intelligent will produced the connection between the parts of the eye and the fact of sight through an antecedent Idea or purpose.

The inductive character of the argument is that there are innumerable instances of "some connection through causation between the origin of the arrangements of nature and the ends they fulfill" (*Theism*, X: 450). Darwin's theory of natural selection, however, presented an alternative explanation; the human eye and power of sight are not the result of an intelligent designer but the result of modifications over an expanse of time of a simpler eye to a more complex one. Ultimately, while Mill recognized that Darwin's "startling" theory rested "on well ascertained facts" and that his theory "will form an era in thought" (Letter to Herbert Spencer, XVI: 1505), he did not think there was yet enough evidence to prove that accidental variations or chance could be responsible for causing the intricate relation of parts of the eye that made sight possible. Mill thus concluded that there was weak inductive evidence to support the hypothesis of creation by intelligence. This intelligent designer or architect of nature, however, was limited in skill due to the imperfections in nature (e.g., human limitations in intelligence and goodness and vulnerability to disease) and limited in power due to the nature and extent of unwarranted suffering. There was evidence, though, that this divine architect is benevolent since pleasure typically results from the normal functioning of the body. If God exists, it is thus limited in power and skill but benevolent, a deity such as Plato's demiurge in the *Timaeus*.

Regarding the existence of the afterlife, Mill investigated both non-religious and religious arguments. For non-religious arguments – such as found in Plato's *Phaedo* or Descartes' *Meditations* – Mill claimed that the scientific evidence was entirely inconclusive. Brain diseases and impairment gave ample evidence that the brain is a condition *sine quâ non* of mental operations, and these operations uniformly coexist with brain activity. However, Mill warned that uniform coexistence does not imply a metaphysical necessity. He found no evidence that disembodied souls remain on earth or interfere with events but contended it is possible that mental states may continue or recommence elsewhere under different conditions. To those who say that the fate of consciousness is no different than other objects of nature and hence perish like them, Mill responded that the negative evidence against immorality is different since "all matter apart from the feelings of sentient beings has but an hypothetical and unsubstantial existence" (*Theism*, X: 463). Hence, the lack of evidence for immortality is not as conclusive as it is, say, for witchcraft. Mill ultimately asserted that the reasons for belief in immorality were not based on empirical evidence but on the wish for continued existence and the force of social opinion. Mill pointed out, however, that the consoling nature of an opinion cannot justify its status as a belief, which has an evidentiary basis, and that the doctrine that consoling opinions *ipso facto* provide a basis for belief would sanction all kinds of mischievousness and mislead individuals in their lives.

Mill also dismissed the religious argument for immortality. If there is a good God with limited power, there is no basis to think that it could grant life after death. However, there is room to hope, for those who find it useful, that such a being might grant this gift since there is some evidence that this being seeks human good. Mill speculated that if there is an afterlife, its character is such that the consequences of our actions and character in this life will follow us into the next life, and he further imagined that a feature of the afterlife might be the best feature of this one: improvability by our own efforts.

Mill then considered the reality of miracles or revelation and reaffirmed the position he stated at the end of Book III in his *System of Logic*. He judged Hume's analysis to be

conclusive and strengthened by the progress of scientific explanation, which showed that all phenomena are amenable to law. Miracles are violations of the observed uniform course of nature where effects follow antecedent causes and never occur without the appropriate collection of physical conditions. Any claim about a supernatural cause is not based on direct evidence of perception but on an inference to the unobserved. The existence of God cannot be proved by miracles since an alleged miraculous event can be explained by a more probable hypothesis, for example, the falsity of testimony or the existence of an unknown physical law or the existence of unknown antecedent conditions that produce the effect according to a law. For Mill, miracles had no claim as historical facts. Miracles are evidence of revelation only for those who already presuppose the existence of God, but even then there is a choice of what is most probable between a divine explanation or a naturalistic one (Letter to William George Ward, XIV: 26). For miracles to be a serious possibility, there must be independent evidence for the existence of a benevolent deity.

5. Rational Belief and Imaginative Hope

Mill's final statement of his philosophy of religion comes at the end of *Theism* in reply to the question whether feelings and opinions must be regulated strictly by empirical evidence. Mill contended that the provinces of reason and the imagination can operate independently and that it is legitimate for the imagination, in reaction to the skepticism of the understanding, to cultivate supernatural religious hopes as long as they do not subvert the intellect or moral judgment. Even with the continual material and moral improvement of human society, some persons might, depending on their sensitivities, need inspiration and the comfort that the imagination provides by hoping in a realm beyond the human, and it is part of wisdom to furnish the imagination with any probabilities and possibilities. When reason is strongly cultivated, the imagination may make "life pleasant and lovely inside the castle" (*Theism*, X: 485). Mill adduces as evidence the example of cultivating a cheerful disposition. Based on the evidence, there might not be grounds for a cheerful and optimistic outlook in life, yet it is wise to cultivate one, and this outlook need not be detrimental to one's welfare or the welfare of others. Based on this principle, the indulgence of hope about God and an afterlife is legitimate, and the benefit is real – supernatural hopes elevate the feelings, provide a balm to cope with loss, and inspire people to improve their character and advance the good of others.

Mill concluded *Theism* by asserting that the most animating and invigorating thought that can inspire a person is to know that one has done something to help advance goodness in the world. To fortify a religion of humanity with supernatural hopes – that humans are working with an all-good but limited-in-power deity to advance good in the world, that there is an afterlife, and that Jesus' "stamp of personal originality combined with profundity of insight" (*Theism*, X: 487) might have been commissioned by this deity – could motivate traditional Christian believers to adopt a Religion of Humanity and is one example of the possible complementary relationship between rational belief and imaginative hope, making reason and supernatural religion partners, and not antagonists, in "cultivating a religious devotion to the welfare of our fellow-creatures as an obligatory limit to every selfish aim" (X: 488).

Mill's view on religion presented challenges to both religious skeptics and religious believers. August rightly notes that the rancorous reception of Mill's *Three Essays* demonstrated that "once again the intricacies and alterations of his thought were too much for party-line thinkers" (August 1975: 246). As a utilitarian and social reformer, Mill could not dismiss the value of religious hopes since they might elevate and inspire self-development and the commitment to others without subverting the intellect and moral feelings. Mill experienced living examples of this possibility among his Unitarian friends, who included his future wife Harriet Taylor and the Unitarian leader, W.J. Fox, whose religion Mill described as

> the most unobtrusive kind … what the religion of all denominations would be, if we were in a healthy state – a religion of *spirit*, not of *dogma*, and catholic in the best sense. (Mill, Letter to John Pringle Nichol, Jan 17, 1834, XII: 210)

The challenge for the rational sceptic is to recognize the variety of individual sensitivities and feeling and that certain kinds of religious hopes can have psychological and moral value as long as they are properly bounded. Religious hope need not be rejected as irrational or infantile simply because it meets human emotional needs. An enlightened society can be composed of various supernatural religious traditions and beliefs that can reformed to be consistent with what is known.

On the other hand, Mill's conception of religion challenged traditional Christian believers. Contrary to critics like Hamburger, Raeder, and Sell, Mill did not seek to eliminate Christianity. Rather, he sought to recover the essence of Christianity unencumbered by immoral or indefensible theological dogmas. Jesus was to be understood as human, not divine, and the belief in a Providential deity must be rejected. The ideas of miracles and an afterlife must be relegated to the region of religious hope, of mere theoretical possibilities, and not held with the conviction of beliefs. Jesus' alleged resurrection was a later addition or interpolation. Religious writings and tradition must be evaluated by reason, a position the Unitarians promoted. Law and morality cannot be based on scripture but on independent reasons, and complete liberty of religious opinion must be protected by law and encouraged by social opinion. Parents should raise their children to value questioning and critical examination of ideas[12] and that it is not a duty to believe and a sin to doubt.[13] The highest good is personal development and the happiness of others. Religions that can reform their narratives and traditions to accord with these principles are to be respected.

6. Assessment of Mill's Philosophy of Religion

Several commentators (Bain 1882; August 1975; Carr 1962; Sell 2004) have speculated that Mill's defense of supernatural hope marked a significant change in his thinking about religion as a result of the death of Harriet Taylor in 1858, which occurred after he wrote *Nature* and *Utility of Religion* but before he wrote *Theism*. However, as early as 1847, Mill recognized the legitimate role of the imagination to entertain conjectures about metaphysical questions, such as the existence of a Creator, when there is no proof against it (*Enlightened Infidelity*, XXIV: 1083), and he recognized at the end of *Utility of*

Religion that "the more sensitive natures" will keep alive the imaginative hope of a futurity; Mill long had what Morley described as "a deep-eyed solicitude for tender consciences, an anxious allowance for diversity of mental operation and temperament" (Morley 1875: 103).

Mill's consideration of the relationship of rational belief and imaginative hope at the end of *Theism* is a fitting denouement to his scientific analysis of the main tenets of supernatural religion, and I concur with Britton (1976) that Mill's main contribution to the philosophy of religion was his delineation of the realms of reason and imaginative hope. It is necessary, though, to distinguish between Mill's general project of delineating these realms from his specific examples of imaginative hope. His defense of the objects of imaginative supernatural hope turns on the cogency of the design argument, however, this foundation is fatally undermined by the truth of evolution, the best explanation for the appearance of design among living entities. There is thus on Mill's own terms no basis to harbor either a low-probability belief that a designer deity exists or imaginatively hope that it has the power to bestow an afterlife or send a moral exemplar like Jesus into the world. Early reviewers of Mill's *Three Essays* criticized his lack of appreciation of the evidence for natural selection, and it is perplexing that Mill, who read Hume's *Dialogues Concerning Natural Religion* and praised its mode of argument, did not consider Philo's objections to the design argument in Part V, for example, experience shows that the creation of complex entities requires multiple intelligences, and not one, that intelligence is always embodied, and that it is arbitrary and anthropocentric to privilege intelligence as the origin of design rather than other known causal powers, such as instinct, generation, or vegetation.

Mill's defense of the realms of rational belief and imaginative hope does not, though, necessarily depend on his defense of the design argument. There are other imaginative possibilities for supernatural realities – such as the Manichean force of goodness – that might inspire moral commitment and the courage to endure hardship. But is Mill's delineation of realms plausible? Sell contends that Mill's naturalism and positivism theoretically preclude grounds to defend legitimacy of imaginative hope, but he does not appreciate that Mill's utilitarianism makes the appeal to the usefulness of hope a legitimate consideration for human well-being, Nonetheless, commentators have rightly questioned whether purely theoretical possibilities that have not been proven false can actually sustain hope, especially when there is overwhelming evidence against them. Bain argued that

> Mill hardly does justice to the natural difficulties of reproducing human existence, after death, for an eternal duration; and yet casts doubts on the omnipotence of the Power that is to perform the miracle. (Bain 1882: 135)

and Millar pointed out that

> it is one thing to be hopeful about what for all we know might be the case when we think there is at least some chance that it may be so. It is another to indulge hope where we have no reason to think there is such a chance. This latter speculative hope is what Mill enjoins. (Millar 1998: 198)

These points are well-taken, yet experience seems to show that theoretical possibilities can be psychologically motivating. It would be a worthwhile empirical study to determine whether, and in what ways, the indulgence of imaginative supernatural hopes might, or might not, be detrimental to rational thinking in other realms.

Commentators are correct that Mill was not well-versed in theological writings (Bain 1882) and did not address some important Christian theological doctrines in his analysis (Sell 2004), and they claim that these shortcomings make Mill's analysis of Christianity less convincing. However, these shortcomings do not materially affect Mill's critical assessment of the grounds to believe the most important tenets of monotheism and Christian theology – the existence of an all-powerful and benevolent deity, miracles, and the divinity of Christ. Moreover, Mill's objection that traditional religion is not acceptable to rational minds helps to explain the rise of secularism and religious non-identification in countries like England and the United States. There is no Religion of Humanity so-named, but secular humanist organizations abound, and the percentage of the population in England and the United States that identifies with no religion is on the rise. For example, in the 2011 UK census conducted by the Office of Statistics, 59% of the population identified as Christian, and 25% identified as "no religion," a 10% increase from the previous census ten years prior.

In his *Autobiography*, Mill characterized religion as the "region of ultimate aims," and he identified two realms for those who aspire to improve human life: the region of ultimate aims, and the useful and practically attainable. For Mill, the essence of religion is the moral improvement of humanity and the consolation it can provide in life, and so religion is both an ultimate aim and practically useful. And his philosophy of religion represented his attempt to reconcile his deepest conviction about the region of ultimate aims – the moral improvement of humanity – with his unwavering epistemological commitment that all beliefs must be warranted by sufficient evidence.[14]

Notes

1 Lowe (1874: 110).
2 For an introduction to the *Three Essays*, see Matz (2009).
3 Such as Richard Dawkins, Sam Harris, Christopher Hitchens, and Daniel Dennett.
4 Mill also briefly describes the predicament at the beginning of Chapter 2 of *On Liberty*.
5 Modern-day philosophers like Daniel Dennett have characterized this condition "belief in belief."
6 For an account of the legal climate, see Hamburger (1991).
7 Haac, Oscar A., trans. 1995. *The Correspondence of John Stuart Mill and Auguste* Comte. Brunswick, NJ: Transaction Publishers, 42. See also Letter to Thomas Carlyle, Jan 12, 1834, XII: 206.
8 See Hamburger (1991).
9 Letter to Thomas Carlyle, Jan 12, 1834, XII: 208.
10 Mill's example comes from Jeremy Bentham's *Analysis of the Influence of Natural Religion on the Temporal Happiness of Mankind* (1822), which inspired Mill's writing *Utility of Religion*. Bentham's essay can be found in Crimmins (1998).
11 For Mill's analysis of Comte's religion of humanity, see his *Auguste Comte and Positivism*, X: 332ff.

12 Letter to Charles Friend, Oct 29, 1868, XVI: 1468–9.
13 *Theism*, X: 480.
14 Thanks to Alan Millar, Eldon Eisenach, and Monica Libell for their helpful comments on drafts of this chapter.

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Part IV

Mill's Moral Philosophy

20

Mill's Art of Life

GUY FLETCHER

Towards the end of *A System of Logic*, John Stuart Mill makes some intriguing, suggestive, and neglected claims about what he calls "The Art of Life." Despite the comparatively little attention that the Art of Life has received in the extensive scholarly literature on Mill, it turns out to be extremely important to understanding his moral philosophy and his practical philosophy more generally. It reveals Mill to be a much subtler philosopher than some presentations of his views would suggest. It also insulates him from many unwarranted criticisms.

In this entry I proceed by picking out some elements of Mill's discussion of the Art of Life, explaining them and then examining their significance. I pick and choose from Mill's discussion; I do not cover everything that he says that is of interest.

1. Arts and Sciences Distinguished: Metaethical Mill?

Mill begins his discussion of the Art of Life by drawing a distinction between everything that has come before in *A System of Logic* and his new focus for the remainder of the work:

> In the preceding chapters we have endeavored to characterize the present state of those among the branches of knowledge called Moral, which are sciences in the only proper sense of the term, that is, inquiries into the course of nature. It is customary, however, to include under the term moral knowledge, and even (though improperly) under that of moral science, an inquiry the results of which do not express themselves in the indicative, but in the imperative mood, or in periphrases equivalent to it; what is called the knowledge of duties; practical ethics, or morality. (*Logic*, VIII: 943)

This introduces Mill's shift of focus from the theoretical to the practical, from "natural science" to "moral science." Mill's claim here appears to be that as a field of inquiry

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practical ethics is to be distinguished (at least in part) by the *way* in which its conclusions are expressed, namely in the imperative mood rather than the indicative. Mill immediately makes clear that this feature of practical ethics is a consequence of a more general distinction between *arts* (of which ethics is one part) and *sciences*:

> Now, the imperative mood is the characteristic of art, as distinguished from science. Whatever speaks in rules, or precepts, not in assertions respecting matters of fact, is art; and ethics, or morality, is properly a portion of the art corresponding to the sciences of human nature and society. (*Logic*, VIII: 943)

Both points are also visible in the account of the distinction(s) between science and art he gives in *Essays on some Unsettled Questions of Political Economy* thus:

> Science is a collection of *truths*; art, a body of *rules*, or directions for conduct. The language of science is, This is, or, This is not; This does, or does not, happen. The language of art is, Do this; Avoid that. (*Essays on some Unsettled Questions of Political Economy*, IV: 312)

Despite Mill's initial characterization of the science/art distinction as *grammatical* this cannot be what he meant. Mill would have been aware that many moral assertions are plainly not couched as imperatives but, rather, use the indicative ("stealing is wrong," "Jane is virtuous"). The same goes equally for other arts so one should doubt that Mill really meant to be drawing a distinction based on grammar. It seems much more likely that his real point is to be found in his distinguishing between science, which is concerned with how the world *is*, and art which is concerned with something else. Mill in fact provides such a gloss thus:

> Propositions of science assert a matter of fact: an existence, a coexistence, a succession, or a resemblance. The propositions now spoken of [i.e., Art] do not assert that anything is, but enjoin or recommend that something should be. They are a class by themselves. A proposition of which the predicate is expressed, by the words *ought* or *should be*, is generically different from one which is expressed by *is*, or *will be*. (*Logic*, VIII: 949)

There are at least three ways of interpreting Mill's division between arts and sciences. One way is to think that Mill is simply latching onto the fact that morality and other practical arts are *normative* subject-matters, where a subject matter is normative when it is concerned with how something *ought* to be, or would best be, in some respect or by some standard (aesthetic, prudential, ethical). Call this first interpretation "Arts as Normative":

> *Arts as Normative*: For Mill, arts are distinctive in being concerned with how things *ought* to be in some respect, rather than how they actually *are*.

Note that *Arts as Normative* is silent on the traditional questions of metaethics. It says *nothing* about normative properties. Further, it is silent on the state(s) of mind constituting normative thought (such as the *thought* that stealing is wrong) and also silent on the correct approach to understanding normative language such as moral assertions (e.g., "stealing is wrong"). *Arts as Normative* is reminiscent of Moore's "Open-Question

Argument" and of "Hume's Law" in drawing our attention to the fact that normative thinking is somehow distinct from thinking about how the world is (where metaethics is the attempt to explain *what* this distinctiveness consists in). In normative thinking we are not concerned simply with how the world actually is but, rather, with how it would be good for it to be or how it ought to be.

A second interpretation, one championed by Ryan (1970), sees Mill as not (only) highlighting the *normativity* of arts, as opposed to sciences, but as in fact concerned with the states of mind that constitute normative thought and with the correct theory of normative assertions. On this interpretation, Mill is a non-descriptivist in metaethics (and likely a non-cognitivist). Call this "Arts as Non-Descriptivist":

> *Arts as Non-Descriptivist*: For Mill, arts are distinctive in being comprised wholly of judgments and utterances that are not truth-apt (not capable of being true or false).

Such a non-descriptivism would say that utterances of, for example, "torture is wrong" should not be understood as assertions or descriptions but rather in some non-descriptivist manner. Some non-descriptivist models for such a view to appeal to are imperatives ("go home!"), exclamations ("ouch!"), and expressions ("boo!"). All three kinds of utterance are incapable of being true or false and, on this interpretation, the same is true of utterances within practical arts. Thus on this interpretation the indicative grammatical form of "tax avoidance is wrong" is misleading for whereas the statement "John is tall" attributes the property of tallness to John, the statement "tax avoidance is wrong" does not attribute a property of wrongness to tax avoidance.

Anti-descriptivism about moral language is typically paired with a *non-cognitivist* theory of moral *judgments* (where the *judgment* that comprises (e.g.,) thinking that torture is wrong is to be contrasted with *utterances* of "torture is wrong"). A traditional non-cognitivist view says that moral judgments are not belief-like or representational states of mind but rather desire-like or *affective* states of mind. Having highlighted this natural pairing, I will, for the moment, focus on the non-descriptivist thesis, leaving aside the (complementary) non-cognitivist thesis.

Christopher Macleod has recently proposed a third interpretation of Mill's arts/science distinction one which, like the second interpretation, is compatible with but more committal than *Arts as Normative*. Macleod (2013: 213) argues that we should read Mill as a metaethical cognitivist and *non-naturalist*. He outlines the cognitivist element of the interpretation thus:

> [A]n equally consistent reading would be to attribute to him the view that the alternative to factive statements about the world are truth-apt statements that are not about the way the world is. It is consistent with cognitivism, as a thesis about truth-aptitude that moral statements are not made true by corresponding to the way the world is, but in some other way.[1]

The non-naturalist element of Macleod's (2013: 214) Mill is explained thus:

> Truth in moral statements might, for Mill, be characterized in a way other than correspondence to the worldly facts…All we properly gather from his [Mill's] definition…is that noncognitivism and *a cognitivism taking in truths that are not about the way the world is*

> are the only options open to Mill. It does not help us to arbitrate between the possible interpretations. And, as I hope is shown by the growing consensus that a belief in truths about a nonworldly normative domain is consistent with naturalism, it is not obvious that such an interpretation would be in philosophic tension with Mill's naturalistic ontology.

On Macleod's non-naturalist cognitivist interpretation, Mill thinks moral judgments are beliefs and moral utterances are descriptive and what is distinctive about them is their ascription of *non-natural* or non-worldly normative properties. Thus moral assertions can be true or false it is just that they are *not* made true by how the world *is* or by the instantiation of any natural property. The normative subject matter is distinctive in being about these *normative* properties. Macleod argues that this reading is left equally open by Mill's remarks and that this interpretation is to be preferred on grounds including avoiding anachronism.

To briefly recap, the first, most minimal, interpretation I suggested was that Mill is simply distinguishing between normative and non-normative subject matters. Interpretation two claimed that Mill offers a non-descriptivist gloss on the nature of such normative thought and talk. Interpretation three claimed that Mill offers a cognitivist non-naturalist, gloss on the nature of such normative thought and talk.

Which of these interpretations is the correct way to read Mill? Is he drawing our attention only to the normative subject matter of the arts or is he *also* offering a complementary theory of normative thought and talk?

Actually no interpretation stated above is clearly correct and, oddly enough, each is undermined by the very same passage, one coming immediately after Mill's remarks about the difference between propositions featuring "ought" and those featuring "is." He writes:

> It is true that, in the largest sense of the words, even these propositions assert something as a matter of fact. The fact affirmed in them is, that the conduct recommended excites in the speaker's mind the feeling of approbation. This, however, does not get to the bottom of the matter; for the speaker's approbation is no sufficient reason why other people should approve; nor ought it to be a conclusive reason even with himself. (*Logic*, VIII: 949)

This counts against the *Arts as Normative* approach by seeming to engage in metaethical theorizing about the nature of normative utterances, that they assert something as a matter of fact.

Here is how the passage undermines a non-naturalist cognitivist interpretation. If Mill were a non-naturalist cognitivist he would think that the largest sense of "fact" includes true ethical statements. These are facts, facts about how the world ought to be rather than how it is. A desire to make the distinction between the non-normative realm and the normative realm maximally clear might lead one generally to call the former the realm of the *factual* (in a manner analogous to the contemporary use of "descriptive" as a *contrast* with "normative," even by metaethical cognitivists). But if Macleod's non-naturalist reading were correct then, when Mill is explicitly taking "fact" in the *widest* sense of the word, he should be willing to say that the propositions of arts can be facts. (I am assuming that Mill is referring to the widest possible sense of "fact," possibly along with "proposition" and "assert.") However, he is not. Thus the passage counts against Macleod's *Arts as Non-Naturalist Cognitivist* interpretation.

What is extremely interesting is that *in this widest sense*, Mill allows that the propositions of art do *assert something* factual namely that the conduct excites in the speaker some *feeling* of approbation (presumably he means approbation *or disapprobation*, depending on the judgment). As such the passage *also* undermines the *Mill as Non-Descriptivist* interpretation. If Mill has metaethical issues in mind in this passage, then he is not defending a *pure* form of non-cognitivism. Or, more concessively, this passage reveals that Mill did not *consistently* put forward a pure form of non-cognitivism. Depending on how we read "assert," and take into account Mill's claim that this applies only in its largest sense, Mill may be suggesting commitment to some form of dual-content (or "hybrid") view, wherein moral utterances report the speaker's attitude and also do something else, such as express a desire-like attitude.[2]

One might over-hastily conclude from this passage that we should interpret Mill as claiming that what is asserted in this widest sense – the propensity of the conduct to excite approbation in the speaker – is the *whole* of the meaning of normative utterances. If this were the whole of the meaning of the propositions of arts then Mill would, in fact, be a kind of speaker-relativist or subjectivist, taking normative utterances to be mere reports of the speaker's own state of mind. However, this simply *cannot* be the correct way to read Mill here. If the report of excitement of feelings of (dis)approbation were the *whole* story of the propositions of arts, then the propositions of arts would be propositions of science. Propositions of arts would straightforwardly be reports of how the world is (but focused on the small part of the world located within us).

The upshot of this is that this passage provides strong, though admittedly defeasible, evidence against all three interpretations suggested so far (as well as conclusive evidence against a *Mill as Speaker-Relativist* interpretation). The first interpretation is undermined by Mill's engaging in metaethical speculations. The second and third interpretations are undermined by the *content* of those speculations. On the basis of this passage Mill's Art of Life does not contain a consistent commitment to a pure form of non-cognitivism nor to a form of non-naturalist cognitivism.

In interpreting these remarks of Mill's the interpretive options left standing are that either (1) Mill is simply highlighting the normative subject matter as distinct from inquiry into how the world actually is (i.e., interpretation one) but inadvertently giving the *impression* of engaging in metaethical speculation about normative utterances; (2) Mill is a precursor to modern hybrid theories in metaethics, theories that take moral utterances to have both descriptive and expressive elements.

I lack the space to pursue the issue of whether there is sufficient extra evidence to adjudicate between these, and further, interpretations. What is important is that I have shown that both the *Mill as Non-Cognitivist* and Macleod's recent *Mill as Non-Naturalist* interpretations are somewhat undermined by Mill's remarks. I now move on to my second theme.

2. The Content of the Art of Life

What makes up Mill's Art of Life? Mill's initial discussion suggests that it contains only *morality* but it quickly becomes clear that the Art of Life has three departments, namely: Morality, Prudence (or Policy), and Aesthetics – "the right, the expedient, and the beautiful or noble" (*Logic*, VIII: 949).

One passage from *Utilitarianism* apparently contradicts this composite picture of the Art of Life. There Mill writes that morality "may accordingly be defined, *the rules and precepts for human conduct*" (*Utilitarianism*, X: 214). Unless we read "human conduct" implausibly narrowly, Mill's remark unwittingly suggests that *all* rules for human conduct are part of morality. But Mill's discussion of the Art of Life is repeatedly explicit that morality is not all of practical reason. Further, Mill's charge against Comte of being "morally intoxicated," and his admonishing Bentham for only focusing on moral evaluation, suggest that Mill simply presents his view erroneously in *Utilitarianism*. In fact, the passage in which Mill explains Bentham's mistake provides a, partly mitigating, explanation of why Mill occasionally gives the mistaken impression that morality is all of the Art of Life. He writes that Bentham:

> is chargeable ... for the 'error, or rather one-sidedness ... of treating the *moral* view of actions and characters, which is *unquestionably the first and most important mode of looking at them*, as if it were the sole one: whereas it is only one of three, by all of which our sentiments towards the human being may be, ought to be, and without entirely crushing our own nature cannot but be, materially influenced. (*Bentham*, X: 112)

In light of this passage, the criticism of Comte, and the numerous explicit tripartite divisions in the discussion of the Art of Life, it is impossible to plausibly read Mill as thinking that it contained only morality.

One complication for the tripartite division outlined above is that Mill's equivalent division in the first two editions of the *Logic* has "the art of education" rather than "aesthetics" (*Logic* VIII: 943). Then, in *Bentham*, Mill divides things in a way that may or may not be more than terminologically different from the morality-prudence-aesthetics division thus

> Every human action has three aspects,– its *moral* aspect, or that of its *right* and *wrong;* its *aesthetic* aspect, or that of its *beauty*; its *sympathetic* aspect, or that of its *lovableness*. (*Bentham*, X: 112)

Having highlighted these actual and possible differences in Mill's view I will nonetheless proceed to discuss the Art of Life using his most settled division, namely that into Morality, Prudence, and Aesthetics, and move onto further discussion of its details.

Mill spells out a number of different and highly significant features of the Art of Life in general. First, Mill thinks that there must be first principles of conduct that will tell us "the goodness or badness, absolute and comparative, of end or objects of desire" (*Logic*, VIII: 951). He also describes such first principles as giving us general premises "determining the proper objects of approbation, and [...] the proper order of precedence among those objects" (*Logic*, VIII: 949). Such principles – which Mill explicitly refers to as *the* principles of Practical Reason in general – and the "principal" conclusions to be drawn from them are what he means by the "Art of Life" (*Logic*, VIII: 949–50). It is important to note here that Mill repeatedly and explicitly claims that the first principles are about the *value* of objects of *desire* or *approbation*. Thus the first principles are axiological – about value – rather than deontic or directive.

Second, Mill makes clear that *all* arts aside from those that comprise the Art of Life – Mill mentions architecture and medicine as examples – are subordinate to the Art of Life as *only* the Art of Life can adjudicate and declare the *objects* of such subordinate arts to be desirable or *worth* pursuing. All other arts are then "a joint result of laws of nature disclosed by science, and of the general principles of teleology, or the doctrine of ends[.]" (*Logic*, VIII: 949).

Third, Mill thinks that there is in fact one principle, an *ultimate* teleological principle of practical reason, that governs *all* compartments of the Art of Life – morality, prudence, and aesthetics. He mentions those who suggest we have an innate moral faculty which enables us to determine the correct moral principles, and the interplay between them, before signaling his doubts about such a view coupled with the observation that it:

> [W]ould provide only for that portion of the field of conduct which is properly called moral. For the remainder of the practice of life some other general principle, or standard, must still be sought; and if that principle be rightly chosen, it will…serve quite as well for the ultimate standard of Morality, as for that of Prudence, Policy or Taste. (*Logic*, VIII: 951)

Thus Mill's ultimate principle is only correctly understood as both distinct from and the *foundation* of his theory of morality, prudence, and aesthetics, rather than being identical with any part thereof.

Fourth, Mill believes that this *one* principle, capable of acting as a foundation for all compartments of the Art of Life, is that:

> all rules of practice ought to conform, and the test by which they should be tried, is that of conduciveness to the happiness of mankind, or rather, of all sentient beings. (*Logic*, VIII: 951)

Thus Mill's principle is monistic, in being concerned only with happiness and it is also applied to *rules of practice* (including their ends or aims).

Fifth, this fundamental principle of teleology, the principle which *justifies* all rules of practice, or arts, is Mill's "Greatest *Happiness* Principle" or, to give it its other name, Mill's "principle of utility". We see this from his introducing the principle as the ultimate principle of teleology before adding in a footnote "For an express discussion and vindication of this principle, see the little volume entitled 'Utilitarianism'" (*Logic*, VIII: 951).

To summarize, Mill's supreme principle of teleology or practical reason is the principle of utility. The principle evaluates the desirability of objects of desire and evaluates *rules of practice* based on the desirability or value of their objects. The principle is the foundation for each of morality, prudence, and aesthetics and it evaluates these, and other, rules of practice solely in terms of the resultant happiness for all sentient beings.

So far I have followed Mill in referring to the Art of Life as containing morality, prudence, and aesthetics. However, it is unclear exactly how to understand "prudence" and therefore to determine whether the Art of Life actually contains three separate categories. Assuming for the moment that there are the three categories outlined initially, Mill describes the second category using each of "prudence", "policy", and "the expedient." An initial problem is that of vagueness. Whilst we would understand what

Mill meant if he simply said "prudence" – namely well-being or prudential value – "expediency" and "policy" are rather vague. A secondary problem is how to distinguish between morality and the vague category of prudence or policy (and, indeed, aesthetics) given that, as we have already seen, they share the same foundational principle, the principle of utility. A third problem is that, at least in the passage above, Mill makes it sound as if prudence and policy are distinct when he writes "serve quite as well for the ultimate standard of Morality, as for that of Prudence, Policy or Taste." However, this comes very soon after his apparently referring to one department as "Prudence or Policy." Perhaps this is a slip on his part and that he means for "prudence" and "policy" to be the names of one department.

As for how to distinguish the compartments of the art of life, my *hunch* is that Mill divides them according to the different *sentiments* that the judgments involve. Aesthetic judgments are (presumably) judgments of warranted admiration or some such.[3] That leaves us with the question of what distinguishes moral judgments and how to distinguish these from judgments of prudence or policy. Having raised this question, I postpone further discussion until the next section, as I think we find an answer in Mill's *Utilitarianism.*

3. The Art of Life and Mill's *Moral* Philosophy: Mill's *Utilitarianism* and Utilitarianism

Having seen the content of the Art of Life, I will now turn to showing how Mill's discussion of the Art of Life helps us to better understand his moral theory and works such as *Utilitarianism*. This will involve the features of the Art of Life given above along with some additional features of Mill's discussion that also shed light on his moral theory.

One result of paying close attention to Mill's Art of Life is that it renders untenable any reading of Mill in *Utilitarianism* which *identifies* his Principle of Utility with a form of utilitarianism in the modern sense (specifically, a particular family of theories of *morally right action*). One example of such a theory is what I will call "Modern Day Act Utilitarianism":

> *Modern Day Act Utilitarianism*: an action is morally right if and only if it maximally promotes net happiness for all sentient creatures.[4]

As we have seen, Mill's principle of utility is: (1) distinct from a moral theory through being the *foundation of* his moral theory; (2) more *general* in being the foundation of morals, prudence, and aesthetics; (3) not itself a criterion of rightness but only about the value of objects of desire or approbation. Mill's reference to the principle of utility and to "utilitarian doctrine" must then be understood to refer only to his single teleological principle, one about the value of outcomes or objects of desire.[5] So much is, or should have been, clear from Chapter 4 of *Utilitarianism*, which contains two passages that make clear what Mill means by "Utilitarianism." The first is: "The utilitarian doctrine is that happiness is desirable, and the only thing desirable, as an end; all other things being only desirable as means to that end" (*Utilitarianism*, X: 234). The second is:

> [T]his state of the will is a means to good, not intrinsically a good; and does not contradict the doctrine that nothing is a good to human beings but in so far as it is either itself pleasurable, or a means to attaining pleasure or averting pain. But if this doctrine be true, the principle of utility is proved. (*Utilitarianism*, X: 239)

Thus when reading Mill's moral philosophy and *Utilitarianism* in particular we must be careful not to identify what Mill means by "utilitarianism" and "the principle of utility" with utilitarianism in its modern form (or any other theory of morally right action). Furthermore, from this observation we know that, however, Mill's *proof* of the principle of utility is supposed to work, its conclusion is only about goodness, about the desirability of happiness (alone), not about morally right action.

One might object here that Mill refers to utility as "the test of right and wrong" (*Utilitarianism*, X: 209). He does but he is also explicit in saying that utilitarianism is the *grounds* or *foundations of* a moral standard, rather than a moral standard itself. (*Utilitarianism*, X: 210.) So whilst *Utilitarianism* is supposed to provide at least some part of a moral theory and the principle of utility is part of the story, what Mill means by "utilitarianism" is not *itself* a moral theory but the foundations thereof.

Second, once we are aware of the general and not narrowly moral nature of the principle of utility we might use this to resolve an alleged puzzle in interpretation of Mill's moral philosophy, one stemming from an apparent tension between claims Mill makes about morality.

Some commentators have wondered how, if at all, Mill's commitment to utilitarianism can be squared with remarks he makes about duty, justice, and punishment. The first part of this puzzle is the view, rejected above, that Mill's utilitarianism is *Modern Day Act-Utilitarianism*, namely the claim that an action is morally right if and only if it maximally promotes net happiness for all sentient creatures.

The second part of the puzzle arises from passages where Mill characterizes morality, as distinct from prudence or expediency, in his discussion of morality and justice. He writes:

> We do not call anything wrong unless we mean to imply that a person ought to be punished for doing it – if not by law by the opinion of his fellow creatures; if not by opinion, by the reproaches of his own conscience. This seems the real turning point of the distinction between morality and simple expediency. (*Utilitarianism*, X: 246)
>
> Duty is a thing which may be *exacted* from a person, as one exacts a debt. Unless we think that it may be exacted from him, we do not call it his duty…There are other things, on the contrary, which we may wish that people should do, which we like or admire them for doing, but yet admit that they are not bound to do; it is not a case of moral obligation; we do not blame them, that is, we do not think that they are proper objects of punishment… I think there is no doubt that this distinction lies at the bottom of the notions of right and wrong[.] (*Utilitarianism*, X: 246)

The puzzle arises from the problem that there is no obvious necessary connection between (1) actions deemed wrong by *Modern Day Act Utilitarianism* and (2) actions which we ought to respond to with blame or punishment. It could easily be the case that an action fails to maximize net happiness for all sentient creatures even though we ought not to punish the person or expose them blame or censure, and indeed perhaps the

opposite could be true also. Furthermore, it is difficult to see how *Mill*, given his brilliance, could have thought there is a necessary connection between actions that fail to maximize utility and actions whose agents are fitting objects of punishment of some sort.

Paying attention to the discussion in the Art of Life might help us to resolve this puzzle. First, once we understand the nature and scope of Mill's principle of utility, we can simply reject the first element of the puzzle, the idea that Mill's "utilitarianism" is a defense of *Modern Day Act-Utilitarianism*. For the reasons given earlier, Mill's utilitarianism/principle of utility is more fundamental and more general than his moral theory. His principle of utility is not *Modern Day Act-Utilitarianism.* So this interpretive tension arguably does not arise.

Second, and returning to the issue of distinguishing between prudence and morality within the Art of Life, another way to resolve the alleged interpretive tension is to interpret the passages about praise, blame, and punishment as not providing a criterion of moral rightness (a criterion that tells us which acts are morally wrong). Instead, the passages propose a theory of moral rightness and wrongness *judgments*, one in which such judgments are conceptually connected with meriting punishment (where punishment is construed broadly so as to encompass self-directed guilt feelings). Mill's remarks suggest a view of moral wrongness in which it is essentially that of being what makes punishment (construed broadly) merited.[6] If this is the right way to read the passages then Mill is not in these passages offering a substantive theory of morality – an account of which actions are right and wrong – but a way of identifying the distinctive content of *moral* judgments, as opposed to other kinds of practical, normative, judgments. Thus, again, the distinguishing mark of morality within the art of life is the particular sentiments involved.

The claims that Mill makes in the passages about punishment and duty are instructive in provide an extra level of detail to his Art of Life. In these passages Mill is, I suggest, attempting to both (1) mark out the *moral* domain from the prudential (and presumably the aesthetic) and (2) specify how justice is distinguished from morality more generally. As Mill puts it, the "real turning point of the distinction between morality and simple expediency" is that moral judgments are judgments of warranted (broad) punishment (*Utilitarianism*, X: 246). Presumably judgments of "prudence," "expediency," and "policy" would then be judgments of warranted sentiments such as general (non-moral) preference, choice, or wish to be the case (or that people do).[7]

4. Rules in The Art of Life: Mill Wasn't a Rule Utilitarian

A major focus for scholarship on Mill's moral philosophy has been the question: is Mill an act utilitarian or a rule utilitarian about morality?[8] A typical, contemporary, formulation of each alternative form of utilitarianism is thus:

> *Modern Day Act Utilitarianism*: an action is morally permissible if and only if it maximally promotes net happiness for all sentient creatures.
>
> *Modern Day Rule Utilitarianism*: an action is morally permissible if and only if it is permitted (or required) by a set of rules that maximally promotes net happiness for all sentient creatures.[9]

(These are general statements of these kinds of view so they omit certain details and they are not necessarily the strongest versions of each.)

One might complain that there is no great significance to the issue of whether Mill's view in *Utilitarianism* is *really* a defense of one or the other view. There seems to be sufficient textual evidence for each interpretation, no evidential smoking gun on either side, and little obvious *need* to decide the issue. Whilst sympathetic to these concerns, I proceed to show that Mill's discussion of the Art of Life generates some new evidence on this issue, evidence that plausibly settles the issue *against* the reading of Mill as a *rule*-utilitarian. (Note that I do *not* say that he was therefore proposing act utilitarianism. These are not the only options.)

I begin with some evidence that might be given in *favor* of the rule-utilitarian reading. Mill repeatedly and explicitly describes the three compartments of the Art of Life (morality, prudence, and aesthetics) as sets of *rules* and he explicitly compares them with other arts, such as medicine or architecture, which he also conceives of as bodies of rules. Correspondingly, in *Utilitarianism* he writes:

> This [pleasure and avoidance of pain], being, according to the utilitarian opinion, the end of human action, is necessarily also the standard of morality; which may accordingly be defined, the rules and precepts for human conduct, by the observance of which an existence such as has been described might be, to the greatest extent possible, secured to all mankind; and not to them only, but, so far as the nature of things admits, to the whole sentient creation. (*Utilitarianism*, X: 214)

From this passage, and the discussion of the Art of Life, it is clear Mill thinks of morality as necessarily a body of rules. This is grounds for thinking that the moral theory he puts forward is a form of rule utilitarianism wherein an action is morally right if and only if it is permitted by rules the observance of which produces most happiness to sentient creatures.

The analogy Mill draws between the Art of Life and other arts also supports the rule-utilitarian reading. It would be odd to think of the art of medicine, for example, as consisting simply of the instruction: *do what maximizes healthy outcomes*. (Call this principle "Maximize Health.") The obvious problem is that such a rule provides no guidance for the kinds of situations in which it is needed and would, if taught and followed, lead to considerable amount of unnecessary suffering. Correspondingly, in the case of morality, if the rule of morality was simply *act to maximize net happiness* and this were propagated then it is highly likely to lead to a lot of unnecessary suffering. Thus Mill's repeated claims that morality and the Art of Life are *arts*, and that they are analogous to arts like medicine, is reason to think that he is a rule utilitarian. For just as an art cannot plausibly consist of *Maximize Health* then neither can morality be simply comprised of *act utilitarianism.*

The correct rejoinder to this is that even if Mill is not a rule utilitarian, nevertheless he can allow rules or secondary principles to play a crucial role in moral thinking. The crucial difference is that secondary principles must be (mere) *rules of thumb* or rules that serve an *epistemic* role. Rather than being part of what *makes* an action right, they serve simply to provide clues as to what is right or wrong according to some distinct criterion. Thus, the reply goes, the objection ignores the possibility of allowing morality as an art to include such *secondary* principles.

Deciding between these two interpretations solely on the basis of *Utilitarianism* is, I think, impossible. A fresh take emerges however if we switch to Mill's discussion of the Art of Life. For Mill says a great deal in *System of Logic* that suggest the view that moral rules, and practical rules more generally, are mere rules of thumb, thus undercutting the rule-utilitarian interpretation. I lay out this textual evidence now.

Mill explicitly says that practical business contains:

> cases in which individuals are bound to conform their practice to a pre-established rule, while there are others in which it is part of their task to find or construct the rule by which they are to govern their conduct.

He then claims that:

> [T]he … practitioner, who goes by rules rather than by their reasons, like the old-fashioned German tacticians who were vanquished by Napoleon, or the physician who preferred that his patients should die by rule rather than recover contrary to it, is rightly judged to be a mere pedant, and the slave of his formulas.[10] (*Logic*, VIII: 944)

He then adds:

> [I]n the complicated affairs of life, and still more in those of states and societies, rules cannot be relied on, without constantly referring back to the scientific laws on which they are founded…By a wise practitioner, therefore, rules of conduct will only be considered as provisional. (*Logic*, VIII: 945)

And further:

> How much greater still, then, must the error be, of setting up such unbending principles, not merely as universal rules for attaining a given end, but as rules of conduct generally; without regard to the possibility, not only that some modifying cause may prevent the attainment of the given end by the means which the rule prescribes, but that success itself may conflict with some other end, which may possibly chance to be more desirable. (*Logic*, VIII: 946)

Each piece of text clearly suggests a view of the rules of an art as mere rules of thumb. In each of them it is acknowledged that rules are helpful generally but it is consistently urged that we should not fetishize them by regarding them as having ultimate authority in a case nor should we be afraid to consult their foundation.

In these passages Mill is clearly giving expression of a general view of rules, and a general worry about slavish rule-following, of which the incoherence objection to rule consequentialism is a specific form. This incoherence objection is that if rule-consequentialism is to be a coherent alternative to act consequentialism, then it requires slavish adherence to rules even in situations where happiness would be promoted more by breaking them. But such adherence seems odd when the justification for the rules was their being the set maximally conducive to happiness. To put the challenge in rhetorical question form: If the rules were chosen on the basis of maximal-happiness-promotion, why should one stick to them even when breaking them would promote even more happiness?

The passages here make clear that Mill thinks of rules as secondary principles or rules of thumb and he explicitly rejects the view that we should stick to the best set of rules even when doing so would be suboptimal. In light of this, it is extremely unlikely that Mill's moral theory, outlined in *Utilitarianism*, was anything like *Modern Day Rule-Utilitarianism*.

The discussion of rules in the Art of Life also provides a useful set of textual evidence to explain why Mill can *sound* so much like a rule-utilitarian. Mill provides a prescient account of why rules are indispensable (even if they are not the fundamental moral principles). He writes that:

> for the sake of convenience, rules must be formed from something less than this ideally perfect theory…because, if all the counteracting contingencies…were included, the rules would be too cumbrous to be apprehended and remembered by *ordinary* capacities, on the common occasion of life. (*Logic*, VIII: 945. My italics.)

He also remarks that rules of conduct:

> Being made for the most numerous cases, or for those of most ordinary occurrence, they point out the manner in which it will be least perilous to act, where time or means do not exist for analyzing the actual circumstances of the case, or where we cannot trust our judgment in estimating them. (*Logic*, VIII: 946)
>
> …the common rule may very properly serve as an admonition that a certain mode of action has been found by ourselves and others to be well adapted to the cases of most common occurrence; so that if it be unsuitable to the case in hand, the reason of its being so will be likely to arise from some unusual circumstance. (*Logic*, VIII: 946)

This clearly suggests a view of rules as being generally necessary means to overcome the limitations of ordinary agents, particularly epistemic limitations. This is understandable given that, as any self-aware utilitarian should allow, a utilitarian moral theory would, if consciously applied to each action by each agent, lead to vastly inferior outcomes than the inculcation and (less than total) adherence to a set of moral rules. Mill would have been well aware of the disastrous consequences of a utilitarian principle being promulgated, inculcated, and consciously implemented by everyone. The epistemic and other limitations of humans require us to use something other than the utilitarian principle in making decisions in most cases and Mill was aware of the benefits from using such secondary principles to overcome our limitations. Such rules can correctly be regarded as defeasible by the *wise practitioner* though of course they cannot generally be promulgated in such terms (for otherwise the problems stemming from our epistemic and other limitations would resurface as each of us, thinking ourselves a wise practitioner, would be too likely to erroneously think that the rules did not apply in the case in hand). Thus whilst Mill thought that adherence to such rules even in the situations that were clear exceptions to them would be unwarranted, he rightly saw that moral rules are an indispensable part of moral decision-making and moral education, given the epistemic and other limitations that agents manifest. Given the attitude to practical rules that he displays in the Art of Life, a reading of *Utilitarianism* as being a defense of rule utilitarianism is, I suggest, untenable.

I have argued so far that Mill was not a rule utilitarian and that such an interpretation is undermined by many points he makes about rules in his discussion of the Art of Life. Further textual support for this comes from remarks he makes about character (and the proximity of these to the claims about rules). He remarks first that "the promotion of happiness is the ultimate principle of teleology" (*Logic*, VIII: 951). He then qualifies this by saying that happiness should neither

> be the end of all actions or even of all rules of action. It is the justification, and ought to be the controller, of all ends, but is not itself the sole end. (*Logic*, VIII: 952)

Thus Mill does not think that people should consciously strive to promote happiness with all actions, nor even does he think that rules of conduct should be formulated in terms of promoting happiness. Mill admits that there are cases of virtuous actions and virtuous elements of character which lead people on occasion to fail to produce maximal happiness but he insists that fundamentally the reason why these character traits are noble and should be aimed for by individuals is precisely that "…on the whole more happiness will exist in the world, if feelings are cultivated which will make people, in certain cases, regardless of happiness" (*Logic*, VIII: 952). Thus the cultivation of a nobleness of will and conduct should be a specific ultimate end which should take precedence over our own happiness or that of others. But the reason why we should have this aim is that "this ideal nobleness of character, or of a near approach to it, in any abundance, would go further than all things else towards making human life happy" (*Logic*, VIII: 952).

It is clear from the passage that Mill thinks that in moral education we should aim to endow people with character traits that will lead them on occasion to be insensitive or averse to ways of acting that will promote happiness but we should do this precisely because of the ultimate effects on happiness of people having such traits. Put briefly, having people around who are motivated directly by loyalty, for example, is more conducive to happiness than educating people to aim at maximally promoting happiness.

Here's how this helps to undermine the rule-utilitarian interpretation. Mill gives great importance to moral rules because of the problems with encouraging people to seek to maximize happiness with their actions. There are too many ways in which our ordinary cognitive limitations will see us actually produce less happiness for this to be a sensible route to take. Thus we need rules to (e.g.,) speed up deliberation, to keep us away from disastrous options, and the like. Mill's claims about what kinds of character we should inculcate dovetail with this claim about the necessity of moral rules. In both cases our human limitations and the exigencies of practical life make it necessary that we not aim at, or be directed solely by, a concern to maximally promote happiness. Thus rules, whilst not of fundamental moral importance, are nonetheless to be given great weight in decision-making and education.

If this is correct, Mill was giving an early expression of what nowadays would be called "*Sophisticated* Utilitarianism". Sophisticated Utilitarianism, as developed by Railton (1984),[11] is the claim that Utilitarians should distinguish between (1) the utilitarian criterion of moral rightness and (2) any particular decision procedure, especially that of applying the utilitarian criterion of rightness to one's actions. This distinction is, strictly speaking, orthogonal to the distinction between act and rule utilitarianism. The

distinction is motivated by the fact that it is likely better, in terms of utility promotion, if agents do *not* consciously strive to implement the utilitarian criterion of rightness (due to various kinds of epistemic and affective limitations of agents). Thus even if one embraces an act utilitarian criterion of rightness one can still think that moral rules are extremely important *as a decision procedure* for only by following them will most agents be directed to perform the right actions. I suggest that Mill, in his discussion of rules and of character, gives an early expression of this view and the plausible grounds for it.

I close with a question and a reckless speculation in answer to it. The question: why is Mill *so* much more emphatic about the provisional, rule-of thumb, nature of moral rules and other practical rules in *A System of Logic* than in *Utilitarianism* – a text which can reasonably, even if incorrectly be read as defending rule utilitarianism? This puzzle is made deeper by the respective dates of the publication. Mill's less clear position is in *Utilitarianism*, which appeared in 1861, whereas his clearer view and arguments for it, come in *A System of Logic*, which appeared first in 1843. There will likely be no one simple answer to this question but part of the answer might be the different expected *readerships* of the two works. If one thought that moral rules are necessary as props to aid decision-making of agents with ordinary, and hence limited, capacities then one would perhaps be reticent about making this clear in a work that was likely to have a semi-popular readership. Thus Mill may have had reasons, reasons that stem from observations he makes about practical rules in *A System of Logic*, to be less than fully explicit about the non-fundamental status of (secondary) moral principles.

Notes

1 The original passage has a typo in the last sentence (an extra "not"), which I omit.
2 A possibility anticipated by Ryan (1970: 190). For a survey of such views see for example Fletcher (2014).
3 See Eggleston, Miller, and Weinstein (2011: 7).
4 See Fletcher (2013).
5 For a similar interpretation see Brown (1973).
6 For support see Lyons (1976), and especially Miller (2010: 86).
7 For similar interpretations see Jacobson (2008) and Macleod (forthcoming).
8 See, for example, Urmson (1953).
9 For the most worked out form of rule consequentialism see Hooker (2000).
10 For further discussion, see Eggleston (2011).
11 Railton's discussion concentrates on the more general class of consequentialist views but that makes no difference here, so to avoid confusion I stick with utilitarianism.

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21

Mill's Conception of Happiness

BEN SAUNDERS

Mill regarded happiness as the proper end of all action and the basis of morality:

> The creed which accepts as the foundation of morals, Utility, or the Greatest Happiness Principle, holds that actions are right in proportion as they tend to promote happiness, wrong as they tend to produce the reverse of happiness. (*Utilitarianism*, X: 210)

Nonetheless, two people might agree with this general statement, while having very different understandings of happiness. The aim of this chapter is to elucidate Mill's understanding of happiness, including the contribution of his infamous higher pleasures.

1. Happiness and Pleasure

One difficulty with uncovering what Mill meant by happiness is that he did not use the term in just one sense. Rather, Mill distinguished between happiness

> in the comparatively humble sense, of pleasure and freedom from pain, and in the higher meaning, of rendering life … such as human beings with highly developed faculties can care to have. (*Logic*, VIII: 952)

While the former sense of happiness is arguably the more normal meaning in English, the latter is not altogether unknown. John Finnis, for instance, argues that participating in certain basic goods brings us not only pleasure but also:

> "happiness" in the deeper, less usual sense of that word in which it signifies, roughly, a fullness of life, a certain development as a person, a meaningfulness of one's existence. (2011: 96)

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Further, it is this objective sense that translators have in mind when "happiness" is used to translate the Greek *eudaimonia*, which also denotes an objective ideal of a flourishing life.

Happiness, in this higher sense, is equivalent to well-being, but not biased towards any particular understanding of what that well-being consists in. Thus, to say that happiness is the end of morality is only to commit oneself to *welfarism* (the view that all that matters, morally, is people's well-being) but not to any particular conception of well-being, such as hedonism (the view that well-being or happiness consists in pleasure and absence of pain). One could subscribe to this welfarism while offering an alternative account of happiness, such as identifying it with the satisfaction of our desires, as suggested by A.J. Ayer: "we can identify the 'happiness' of a person with the class of ends that he in fact pursues, whatever these may happen to be" (1980: 266). To understand and apply the Greatest Happiness Principle, we therefore need a specification of the happiness that is to function as the end of morality.

Mill's own gloss on happiness, in chapter two of *Utilitarianism*, suggests the comparatively humble, hedonistic interpretation: "By happiness is intended pleasure, and the absence of pain; by unhappiness, pain, and the privation of pleasure" (*Utilitarianism*, X: 210). We should not, however, take this as Mill's final word on the matter; it is possible that he was merely stating the general position of utilitarians, rather than his own distinctive views, and, in any case, his later remarks offer important qualifications to these statements. Before proceeding further, though, it is worth noting that even this already makes happiness dependent upon *two* distinct constituents: pleasure and avoidance of pain. We should not assume, as Sidgwick (1967: 124–5) did, that pleasure and pain are opposite ends of a single spectrum, like heat and cold, so that a reduction in pleasure could equivalently be described as an increase in pain. It is possible for one life to contain both more pleasure and more pain than another, in which case it has something to recommend it (the good of pleasure) but also something counting against it (the bad of pain). Mill may be committed to the view that pleasure and pain are ultimately commensurable; that is, that we can in principle always judge whether a given pleasure is worth a given pain, by assessing their contribution to happiness. Nonetheless, such choices require careful balancing of good against bad. It is an open question – one that, for Mill, could only be settled by experience – which of these lives would be better *overall* (*Utilitarianism*, X: 213).

As we shall see, Mill certainly thought that a happy life could contain a great deal of discontent (*Utilitarianism*, X: 212). Indeed, it is even possible that a happy life will contain much pain, provided that there is sufficient pleasure to more than compensate for this. Conversely, a more pleasant life may be less happy, if it also contains more pain. According to Mill, those who speak of happiness ordinarily mean

> not a life of rapture; but moments of such, in an existence made up of few and transitory pains, many and various pleasures, with a decided predominance of the active over the passive, and having as the foundation of the whole, not to expect more from life than it is capable of bestowing. A life thus composed, to those who have been fortunate enough to obtain it, has always appeared worthy of the name of happiness. (*Utilitarianism*, X: 215)

Thus, promoting happiness can involve promoting pleasure and/or reducing pain.

Though Mill's identification of happiness with pleasure and the absence of pain suggests that he was, at least in his own estimation, a hedonist, he was acutely aware that his hedonism was not like Bentham's. Immediately after saying that happiness consists in pleasure and absence of pain, Mill added that "much more requires to be said; in particular, what things it includes in the ideas of pain and pleasure; and to what extent this is left an open question" (*Utilitarianism*, X: 210), thereby signaling that what he meant by "pleasure" may be different from what others understood by the term. This is followed by Mill's most (in)famous departure from Benthamite hedonism, namely his distinction between higher and lower pleasures. Before turning to this "qualitative hedonism," however, let us examine what Mill had to say on happiness in chapter four of *Utilitarianism*, his notorious "proof."

2. Mill's "Proof"

Judging by its title, chapter four of *Utilitarianism* concerns the kind of proof of which utilitarianism is susceptible. Mill stresses that there "cannot be proof in the ordinary and popular meaning of the term" (*Utilitarianism*, X: 207), but only considerations "capable of determining the intellect either to give or withhold its assent" (*Utilitarianism*, X: 208). Nonetheless, Mill argues for three distinct claims: first, that happiness is desirable; second, that the general happiness is desirable; and, third, that *only* happiness is desirable. It seems that he regarded these claims as amounting to some sort of proof of utilitarianism, even though by modern lights this proof is incomplete (it only concerns what is valuable, so does not show that right action is what brings about the most value – an assumption that Mill apparently took to be self-evident). The various alleged fallacies in Mill's arguments need not concern us here; our interest is in what Mill says about the happiness that forms the end of morality.

Mill spent little time arguing that happiness is a good, either because he assumed that everyone would acknowledge this or because he thought it fruitless to argue with those who denied it.

> If the end which the utilitarian doctrine proposes to itself were not, in theory and in practice, acknowledged to be an end, nothing could ever convince any person that it was so. (*Utilitarianism*, X: 234)

If someone refuses to accept that happiness is good, then there seems little we can say that might convince them. Mill apparently held that, if we introspect, we will find that we do desire our own happiness and, further, that this desire for happiness shows that we think of our happiness as something good. It would be perverse to desire something while thinking it worthless; we desire things because we think they are good. Thus, assuming that we are somewhat reliable identifiers of what is actually good, our desiring something is therefore evidence that it is good (*Utilitarianism*, X: 234). Perhaps Mill was unwise to draw an analogy between desirability and visibility, but we might say that desiring something is evidence that it is desirable in much the same way that seeing something as red is evidence that it is red. Unless we have some reason to doubt the reliability of our faculties, we should take them as revealing reality to us.

The most crucial stretch of chapter four, however, is the argument that only happiness is desirable as an end. Mill recognized that people,

> do desire things which, in common language, are decidedly distinguished from happiness. They desire, for example, virtue and the absence of vice, no less really than pleasure and the absence of pain. … And hence the opponents of the utilitarian standard deem that they have a right to infer that there are other ends of human action besides happiness, and that happiness is not the standard of approbation and disapprobation. (*Utilitarianism*, X: 234–5)

When speaking of desire, here, Mill means desiring something *as an end*, and not merely instrumentally. If people desire virtue as an end, then this seems to contradict the claim that only happiness is desirable as an end.

Several avenues were open to Mill at this point. He could have denied that people do desire virtue for itself, arguing that it is only desired instrumentally. Alternatively, he could have conceded that people do desire virtue for itself, but insisted that they are wrong to do so, which would be to say that their desires here do not track desirability (or, at least, intrinsic desirability). Neither approach, however, would be likely to satisfy the critics of utilitarianism, who regarded it as defective precisely because it seemed to disparage the value of virtue. These critics maintained that virtue was not only desired but desirable in itself and this is why they objected to the claim that only happiness is desirable as an end. Mill therefore employed a third strategy, arguing that virtue is indeed desirable but only because, at least for those who value it, it is a constituent part of happiness and not, in fact, something distinct from it. If this argument can be sustained, then Mill can consistently agree that virtue is desirable in itself, while still holding that only happiness is desired as an end.

The utilitarian doctrine

> maintains not only that virtue is to be desired, but that it is to be desired disinterestedly, for itself … Virtue, according to the utilitarian doctrine, is not naturally and originally part of the end, but it is capable of becoming so; and in those who love it disinterestedly it has become so, and is desired and cherished, not as a means to happiness, but as a part of their happiness. (*Utilitarianism*, X: 235)

Here, Mill relies upon a distinction between merely instrumental means and constituent parts. Suppose I wish to have a relaxing weekend at home. I might do various things to achieve this, such as working hard to finish a paper by Friday or not scheduling a supervision meeting for Monday morning. These things are only instrumental to my aim: I do not do them for their own sake, but for the sake of something else, namely having a relaxing weekend. On the other hand, there are things I might do because I regard them as *part* of having a relaxing weekend, such as sleeping in on Saturday or going out for dinner on Sunday. I could have a relaxing weekend without doing these things, since they are not the only ways of relaxing, but they are not merely instrumental to my aim. Doing these things is (one way of) having a relaxing weekend. They may be considered means to my end in a non-causal sense (Hoag 1987: 423–4), but their value is not simply instrumental. I value my Saturday morning lie-in differently from the way

I value finishing my paper on Friday; it does not simply enable me to have a relaxing weekend, but is part of my having a relaxing weekend, and therefore something that I value in and for itself.

Just as a relaxing weekend can be made up of relaxing activities, Mill held that happiness can be made up of pleasurable activities.

> The ingredients of happiness are very various, and each of them is desirable in itself, and not merely when considered as swelling an aggregate. The principle of utility does not mean that any given pleasure, as music, for instance, or any given exemption from pain, as for example health, are to be looked upon as means to a collective something termed happiness, and to be desired on that account. They are desired and desirable in and for themselves; besides being means, they are a part of the end. (*Utilitarianism*, X: 235)

Some activities that we pursue might be merely instrumental to our happiness. The process of learning to play a musical instrument, for instance, may not be pleasurable in itself, but playing it – once one has achieved sufficient competence – can be regarded as a pleasure, and not merely a means to pleasure. The learning process is, plausibly, worthwhile only because instrumental to pleasure later on. Playing the instrument, on the other hand, can be regarded as a pleasure in itself, assuming that it is enjoyed.

There is, here, a distinction between two ways of understanding pleasure: one as a mental state, which arises as a result of a given source or activity, and one as encompassing the source itself (Crisp 1997: 26–7). We may say either that "playing the piano gives me pleasure," which suggests that the pleasure is something distinct from and a consequence of the playing, or that "playing the piano is one of my pleasures," which suggests that the activity itself is the pleasure. Brink (2013: 52) draws a similar distinction, between subjective and objective pleasures, where the former refers to mental states and the second activities. A note of caution is necessary here. It would not be plausible, however, to identify a pleasure simply with an activity, such as reading poetry, regardless of one's mental state. One person may enjoy reading, and thereby count it as a pleasure, while another may simply find it boring and there is no merit in describing the latter as partaking in a pleasant activity if she does not enjoy it. Reading poetry is only plausibly described as a pleasure if one enjoys it. Thus, I think the more promising question is whether Mill held pleasure to be simply a mental state or a *combination* of a mental state and the source that produces it.

Bentham, it seems, understood pleasure in the former of these two ways, as a mental state distinct from its cause (1996: 51). Mill's position is less clear. Roger Crisp suggests that Mill is most naturally read, like Bentham, as holding that pleasures are mental states, because he frequently contrasts pleasures and pains, and pains (Crisp assumes) are mental states (1997: 27). But it is not clear that pains must be understood as mental states, rather than as sharing a similar ambiguity. I may say that the administrative duties of my job *are* a pain, rather than that they *cause* me pain (Saunders 2010: 55; Brink 2013: 74). Thus, Mill's tendency to contrast pleasures and pains does not seem decisive evidence that he regarded the former as simply mental states, of the sort that might exist without the activity in question. This does not, of course, show that Mill regarded pleasures as including their sources, as well as mental states. He may simply have been unclear on this point, perhaps due to a tension between his Benthamite and Aristotelian influences.

Whatever Mill's general understanding of pleasure, in his proof he slipped from talking of virtue itself (a disposition of character manifested in actions) to the *consciousness* of virtue (*Utilitarianism*, X: 237), which is presumably a mental state. Most likely this would not satisfy critics, who would insist that it is virtue itself, rather than the mere consciousness of virtue, that is of value. Setting this aside, however, it seems that Mill thought he could reconcile the claim that virtue is valuable in itself with the claim that only happiness is desirable as an end by maintaining that, at least for some people, virtue is part of their happiness.

> Whatever is desired otherwise than as a means to some end beyond itself, and ultimately to happiness, is desired as itself a part of happiness, and not desired for itself until it has become so. Those who desire virtue for its own sake, desire it either because the consciousness of it is a pleasure, or because the consciousness of being without it is a pain. (*Utilitarianism*, X: 237)

Given this argument, it seems that the claim that only happiness is desired as an end becomes a truism, because anything that is desired as an end is labelled part of happiness. Elijah Millgram takes this to be why no proof, in the strict sense, is possible, since it is not an inference but an intuition (2000: 290).

Mill's proof of utilitarianism shows that only happiness is desirable only by incorporating everything desired for itself into happiness. This could be reconciled with an understanding of happiness as consisting in pleasure and the absence of pain only if these various ingredients of happiness can all plausibly be construed as pleasures or absences of pain. For Mill's elaboration on what he includes in pleasure, and the absence of pain, we must return to Chapter II of *Utilitarianism*, where he sets out his distinction between higher and lower pleasures.

3. Qualitative Hedonism

As we have seen, Bentham regarded pleasure as a mental state that could arise as a consequence of many sources. Since he regarded only pleasure itself (and avoidance of pain) as valuable, he was indifferent to the source of the pleasure. As he famously pronounced:

> The utility of all these arts and sciences, – I speak both of those of amusement and curiosity, – the value which they possess, is exactly in proportion to the pleasure they yield. … Prejudice apart, the game of push-pin is of equal value with the arts and sciences of music and poetry. If the game of push-pin furnish more pleasure, it is more valuable than either. Everybody can play at pushpin: poetry and music are relished only by a few. (Bentham 1830: 206 [*Book III*, Ch. 1])

(Push-pin was a simple child's game played with pins (Gomme 1898: 86); a modern equivalent would be something like tic-tac-toe.) Such remarks had led critics to denigrate utilitarianism as "a doctrine worthy only of swine" (*Utilitarianism*, X: 210), guilty of neglecting nobler ends.

Mill was particularly sensitive to these criticisms. Whereas Bentham was dismissive of poetry (*Bentham*, X: 113–4), Mill was a keen admirer, even crediting the works of Wordsworth and others as instrumental in his recovery from depression (*Autobiography*, I: 147–54). Mill's defense of utilitarianism against this charge was, therefore, not simply strategic – he had to satisfy himself that utilitarianism was compatible with a proper appreciation of noble pursuits, if it was to be worthy of his adherence. The challenge, however, is to show that some pleasures, such as poetry, are more valuable than others, such as push-pin, without abandoning the hedonistic claim that only pleasure (and absence of pain) is valuable. Mill could not, therefore, simply postulate self-realization as another end, independent of pleasure. If self-realization is valuable as an end in itself then it must be as part of happiness.

Mill's first response to the doctrine of swine objection was to note that certain incidental considerations may favor poetry over push-pin:

> utilitarian writers in general have placed the superiority of mental over bodily pleasures chiefly in the greater permanency, safety, uncostliness, etc., of the former – that is, in their circumstantial advantages rather than in their intrinsic nature. (*Utilitarianism*, X: 211)

While the features that make higher pleasures more valuable are also ultimately contingent, logically speaking, since they depend on human (or individual) constitution which might have been different, these "circumstantial advantages" depend upon the context, rather than the nature of the activity itself. Push-pin may be preferable to poetry, if one is too tired to enjoy poetry, but conversely poetry may be preferable if one has no one to play push-pin with. Mill wanted to say more, to show that "some *kinds* of pleasure are [intrinsically] more desirable and more valuable than others" (*Utilitarianism*, X: 211).

Drawing on traditional Epicurean responses to the doctrine of swine objection, Mill argued that "Human beings have faculties more elevated than the animal appetites, and when once made conscious of them, do not regard anything as happiness which does not include their gratification" (*Utilitarianism*, X: 210–1). Mill claimed, plausibly I believe, that few, if any, intelligent human beings would agree to be transformed into less intelligent beings, human or animal, even if assured that once transformed they would be fully content with their lot (*Utilitarianism*, X: 211–2). Note that what judges are asked to compare, here, are not two pleasures but two ways of life (Miller 2010: 65–6; Brink 2013: 51). Faced with the choice, Mill assumes that most of us would prefer to be Socrates dissatisfied than a contented fool. Since there is no apparent "further end" served by being Socrates, it seems that we prefer being Socrates as an end, and not instrumentally, and thus that we regard being Socrates as being better off, or happier, than being a contented fool. Again, we see that Mill's "happiness" contains an objective evaluation of well-being, or flourishing, that can come apart from one's own subjective evaluation of one's life, which is merely contentment (*Utilitarianism*, X: 212).

At this point, we might reasonably ask why we should defer to the judgment of Socrates, rather than the fool. Perhaps the contented fool would no more wish to swap places with Socrates than vice versa, so what basis is there to conclude that Socrates's life really is better, just because Socrates thinks it so? There are at least two points to make in response. First, Mill's appeal is not simply to what Socrates and the fool may have thought, but to what *we* think. If all, or most, of us would prefer to be Socrates,

then the most obvious explanation is that we think we would be better off as Socrates than the fool. Unless we postulate some mass error or delusion, it seems this is good reason to think Socrates's life actually is better. Second, we may explain why the fool's verdict is given less evidential weight:

> if the fool, or the pig, is of a different opinion, it is because they only know their own side of the question. The other party to the comparison [Socrates] knows both. (*Utilitarianism*, X: 212)

One may question this, asking whether Socrates has any more appreciation of what it is like to be a fool than vice versa (Ryan 1974: 111; see also Miller 2010: 65). Perhaps Socrates knows that foolish things do not make *him* happy, because he is always discontented with activities that do not employ his higher faculties, but might it not be that they really do make the fool happy, and not merely content? Even if Socrates plays push-pin, couldn't we say that he can't really *appreciate* it in the way the fool does, just as we suppose the fool can't really appreciate poetry? There is certainly something to this. It is relatively easy for me to judge whether I would rather be me reading poetry or me playing push-pin, but much harder to judge whether I would be better off as me reading poetry or *someone else* playing push-pin, since I do not know what it is like to be them. Nonetheless, I think it plausible to say that those of us who are not fools have a better appreciation of what it is like to be a fool than vice versa. All of us were once children, with as-yet undeveloped higher faculties. Life as a child may be contented and carefree – in the subjective sense, perhaps "happier" than life as an adult – but would we, on reflection, choose to remain as children all our lives, rather than to grow up? Do we not think those whose mental age never develops beyond that typical of a child as unfortunate, rather than truly happy? Of course, we may have moments where we wish to be a child again, but I think few of us would choose to be children all our lives. If this is right, then Mill's contention seems at least plausible.

Our decided preference for being Socrates, rather than a contented fool, is taken as evidence that it is better to be Socrates. Similarly, when it comes to particular pleasures, it is by appeal to those with experience of both that we are to determine which is the more valuable or worthwhile. If someone with experience of both poetry and push-pin prefers the former, this amounts to saying that she thinks it more valuable. If the vast majority of such people prefer poetry, this gives us good reason to believe that it actually is more valuable than push-pin. Note that "prefer" here does not simply mean "chooses." Sometimes we may choose to read poetry and other times to play push-pin, perhaps because we are tired (*Utilitarianism*, X: 212–3). Indeed, for us to have experience of both activities, it is necessary that we have at some point chosen each of them.

Why would someone, with experience of two pleasures, such as poetry and push-pin, choose the former over the latter? The obvious answer is that they think it better for them, which is to say that it makes them happier. For Bentham, this must mean that they get more pleasure from it. Mill, however, held that the choice may depend not only on the amount of pleasure involved in each activity, but also on judgments of the *quality* of that pleasure.

> It would be absurd that while, in estimating all other things, quality is considered as well as quantity, the estimation of pleasures should be supposed to depend on quantity alone. (*Utilitarianism*, X: 211)

Suppose one is a wine connoisseur, caring only about winetasting. It would not follow that one wants to maximize the *amount* of wine that one tastes; we would expect such a person to want to taste a variety of wines and to prefer tasting those of higher quality (Schmidt-Petri 2003: 103; Saunders 2010: 61–3). In preferring a high-quality wine to a low-quality wine, they are not valuing some mysterious "quality," independent of wine, any more than preferring more wine to less (other things equal) amounts to valuing "quantity" instead of wine. Rather, quality and quantity are properties of the wine that they value.

Similarly, Mill supposes that a happy life is one "as rich as possible in enjoyments, both in point of quantity and quality" (*Utilitarianism*, X: 214). In other words, for Mill, happiness is a function of both quantity *and* quality of pleasures (Miller 2010: 57). This is less simple than Bentham's hedonism, which focuses only on the quantity of pleasure, but even that is a function of two distinct elements, intensity and duration. Since the only way to determine that one pleasure is more intense than another is to appeal to the verdict of those with experience of both, Mill argues that we should also accept their judgment that one pleasure is "preferable *in kind*, apart from the question of intensity" (*Utilitarianism*, X: 213).

At this point, one may wonder how intensity and quality are distinguished. Suppose we observe someone choose an hour of reading poetry over an hour of playing push-pin. How can we know whether this is because they regard poetry as a more intense pleasure, thus preferring it on merely quantitative grounds, or because they regard it as a higher quality pleasure, thus preferring it even if smaller in amount? If we cannot distinguish judgments of quality from judgments of intensity, then we might question whether there is any need to introduce a qualitative dimension to pleasures, rather than explaining choices in terms of intensity. Indeed, Jonathan Riley suggests that what it is for one pleasure to be higher than another is simply for it to be so much more intense that one always gets more pleasure from the former than the latter (2003: 416). This, however, reduces quality to quantity, whereas Mill is clear that judgments of quality are distinct from differences in intensity or quantity more generally (Saunders 2011: 191).

I would suggest that Mill's qualitative hedonism is motivated by the phenomenology of pleasure. It seems false to experience to say that Socrates derives *more* pleasure from poetry than the fool may gain from childish parlor games. Nonetheless, if we think Socrates's life is a better one, happier in the objective sense, then we must either appeal to some pleasure-independent ingredient of happiness, such as knowledge, or say that a smaller quantity of pleasure can be more valuable (more happiness-producing) than a larger quantity because superior in kind. Taking the former approach would mean abandoning hedonism. By taking the latter approach, Mill was able to maintain that only pleasure (and absence of pain) contributes to happiness, but the contribution that any given pleasure makes depends not only on its quantity but also its quality. The quality of a pleasure, in turn, seems to depend on the extent to which it exercises and develops our higher, intellectual faculties. Thus, Mill values self-development or self-realization, but as something that contributes to the value of pleasure, rather than something independent of it.

On this interpretation, then, what makes one pleasure better in kind than another is that it makes a greater contribution to one's happiness, through the development of one's higher faculties. Thus, there is some independent fact of the matter as to which of

two pleasures will most promote one's happiness and the role of experienced judges is merely an evidential one: we take their preference for one pleasure over another as an indication that the former is better, but this is not what makes it so (Brink 2013: 56–8). There is, however, another way of interpreting Mill's remarks.

Elijah Millgram takes it that the preferences of competent judges play a constitutive role (2009: 237); they are what makes one pleasure better than another. According to this rival view, things are good because we desire them, rather than being desired because they are antecedently good. On this understanding, it is the putative fact that we (competent judges) desire poetry-pleasure more than we desire push-pin-pleasure that makes the former better. This interpretation is not without textural basis. In introducing the notion of higher pleasures, Mill says:

> If I am asked, what I mean by difference of quality in pleasures, or what makes one pleasure more valuable than another, merely as a pleasure, except its being greater in amount, there is but one possible answer. Of two pleasures, if there be one to which all or almost all who have experience of both give a decided preference, irrespective of any feeling of moral obligation to prefer it, that is the more desirable pleasure. (*Utilitarianism*, X: 211)

Since Mill speaks of what *makes* one pleasure more valuable than another, it is natural to read this passage as concerned with what explains or constitutes this value, rather than merely how we come to recognize it. However, Mill's talk of a "verdict" or "judgment" suggests that judges play an evidential role; there is, as suggested above, a fact of the matter that they seek to ascertain. Admittedly, Millgram makes the point that "a judicial verdict constitutes the legal fact" (2000: 297), but, though the judge may be understood as establishing a legal fact, there is also a natural sense in which whether the defendant is innocent or guilty is an independent fact, which the judge may get right or wrong.

Moreover, whatever we think the more natural interpretation of the words that Mill uses, the position that Millgram attributes to Mill seems less plausible, as Millgram himself recognizes (2000: 284). On this view, the verdict of these judges appears arbitrary, whereas Mill suggests that competent judges have reasons to prefer some pleasures to others (*Utilitarianism*, X: 211). Furthermore, it is not clear why we should side with the majority of the judges, if not because we think that they are getting something right (Brink 2013: 57). Thus, it seems that the most charitable way to read Mill is as holding that the verdict of judges tells us which of two pleasures is better, but is not what makes it so. Rather, this preference is explained by a prior fact about that pleasure's conduciveness to mental development and, as a result, happiness.

We now have some understanding of Mill's qualitative hedonism. He held, I have argued, that certain pleasures are intrinsically more valuable than others – which is to say that, other things (such as quantity) equal, they contribute more to our happiness – because they contribute to our development. There are still a number of common confusions about this doctrine that stand in need of correction.

First, it is often supposed that Mill draws a distinction between two kinds of pleasure, "higher pleasures" (generally identified with the intellectual) and "lower pleasures" (usually bodily). On this view, we should be able to say of any given pleasure whether it is higher or lower, depending presumably on whether it involves our higher faculties or

not. However, whether a pleasure involves our higher faculties is a matter of degree. Even a childish game may involve some intellectual input, compared to the purely sensual pleasure of a massage, while reading poetry may be less intellectually stimulating than reading philosophy (Miller 2010: 63). We should, therefore, expect pleasures to fall along a continuum, from highest to lowest, according to the extent to which they cultivate our higher faculties. There is no need to postulate a clear separation, at any point, between "higher" and "lower" pleasures. Mill does not say that any pleasure can be categorized, in isolation, as either higher or lower. It makes no sense to say "poetry is a higher pleasure," without saying what other pleasure it is higher than. Mill's examples concern comparisons between pleasures (Millgram 2009: 327n2). For any two pleasures, we can ask whether one is higher in quality than the other, but the resulting judgment is an essentially comparative one. Thus, we can say that poetry is a higher pleasure than push-pin, but a lower pleasure than philosophy. It makes no sense to ask whether poetry, or anything else, is a higher pleasure, absent some comparator.

Second, many commentators take Mill to be committed to the view that we should always prefer a higher pleasure to a lower pleasure, regardless of the quantities involved (e.g., Riley 2003: 415–6; Millgram 2009: 327). This assumption is based on Mill's remark that:

> If one of the two [pleasures] is, by those who are competently acquainted with both, placed so far above the other that they prefer it, even though knowing it to be attended with a greater amount of distinct, and would not resign it for any quantity of the other pleasure which their nature is capable of, we are justified in ascribing to the preferred enjoyment a superiority in quality, so far outweighing quantity as to render it, in comparison, of small account. (*Utilitarianism*, X: 211)

However, it seems a mistake to infer from this that quality *always* trumps considerations of quantity (Schmidt-Petri 2003; Miller 2010: 58–9; Brink 2013: 50). What Mill says is that, *if* judges prefer poetry to push-pin, regardless of quantity, it must be because of a big difference in quality. He does not say that there is a qualitative difference *only* in such cases or that *all* differences in quality are so significant as to render quantity irrelevant. Just as it would be absurd to consider only quantity and not quality (*Utilitarianism*, X: 211), it would likewise be absurd to consider only quality and not quantity. We often have to make trade-offs between quality and quantity when it comes to other goods, such as wine (to use the earlier example). Indeed, Mill spoke of the decided preference of experienced judges being both "the test of quality, and the rule for measuring it against quantity" (*Utilitarianism*, X: 214), suggesting that one might rationally prefer a larger amount of an inferior pleasure to a smaller amount of a superior one.

If happiness is, as suggested here, a function of both quality and quantity of pleasure, then it makes little sense to suppose that one's choices should depend only on quality, and not also on quantity. Of course, if one pleasure is superior to another in both quality and quantity, then it will clearly contribute more to happiness. However, faced with a choice between a greater quantity of an inferior pleasure and a smaller amount of a superior quality pleasure, there is no way to know *a priori* which is better; we can only rely on the verdict of experienced judges to tell us whether a given increase in quality is worth a given decrease in quantity or not. Mill allowed that the difference in quality

between two pleasures *may* be so great that the quantities involved would become practically irrelevant – that judges would prefer a tiny amount of the better, to any amount of the worse – but he did not say that this was always, or even ordinarily, the case. More often, a balancing of quality and quantity is required.

4. Hedonism Reconsidered

A common complaint about Mill's qualitative hedonism is not that it is implausible in itself, but that it is no longer really hedonistic. We have already seen a superficial answer to this objection: valuing pleasures on the basis of their quality, rather than only their quantity, does not amount to valuing anything other than pleasures, any more than distinguishing between wines of different qualities mean valuing something other than wine. Thus, Mill can consistently maintain that only pleasures (and absences of pain) are of value.

However, we may distinguish two kinds, or aspects, of hedonism (Hoag 1987: 427–8; Crisp 1997: 26). *Substantive hedonism* is a thesis about what things are of value; it says that only pleasure is valuable, but leaves open why this is so. *Explanatory hedonism* is a view about *why* things are valuable; on this view, things are valuable only *because* and in so far as they are pleasant. Given these definitions, explanatory hedonism entails substantive hedonism, but not vice versa. In these terms, it seems that Mill was a substantive hedonist, but not an explanatory hedonist, since the value of higher pleasures is explained, at least in part, by something other than their pleasantness. There must be something that explains our quality judgments, that is, something that makes higher pleasures better than lower pleasures. If this is so, critics suggest, then that property is an independent good-making feature of the activities and ought to contribute to happiness even where pleasure is absent.

One possibility is that what makes pleasures good is that they satisfy our desires. As we have seen, Millgram suggests something like this, holding that being desired makes something good (2000: 297). If one assumes that we desire only pleasure, then this view would be a form of substantive, but not evaluative, hedonism. This may have been Mill's view, since he does indeed suggest that we desire only pleasure:

> desiring a thing and finding it pleasant, aversion to it and thinking of it as painful, are phenomena entirely inseparable, … to think of an object as desirable (unless for the sake of its consequences), and to think of it as pleasant, are one and the same thing; and that to desire anything, except in proportion as the idea of it is pleasant, is a physical and metaphysical impossibility. (*Utilitarianism*, X: 237–8)

But I have already argued that Millgram's interpretation does not make best sense of the role played by experienced judges in Mill's theory (see also Brink 2013: 65). Moreover, if what makes something good for us, or part of our happiness, is its satisfying our desires, this would have counterintuitive implications. It would suggest, for instance, that one ought either to cultivate many strong but easily-satisfied desires, so as to increase one's total desire satisfaction (Parfit 1984: 497), and/or to divest oneself of hard to satisfy desires, in order to increase the proportion of one's desires that are

satisfied (Brink 2013: 70–1). However, Mill realized that even the total satisfaction of his desires would not bring happiness (*Autobiography* I: 139). This suggests that happiness consists in something else; perhaps not the actual fulfillment of desires but the striving to fulfill them.

I have suggested that what makes higher pleasures more valuable than lower ones is their conduciveness to individual development. Mill said that he came to recognize the importance of "the internal culture of the individual" (*Autobiography*, I: 147) as a consequence of his mental crisis of 1826–7. He thereafter emphasized the importance of active self-development throughout his works, for instance:

> The human faculties of perception, judgment, discriminative feeling, mental activity, and even moral preference, … like the muscular powers, are improved only by being used. … It really is of importance, not only what men do, but also what manner of men they are that do it. Among the works of man, which human life is rightly employed in perfecting and beautifying, the first in importance surely is man himself. … Human nature is not a machine to be built after a model, and set to do exactly the work prescribed for it, but a tree, which requires to grow and develope itself on all sides, according to the tendency of the inward forces which make it a living thing. (*Liberty*, XVIII: 262–3)

Similar concerns are displayed in *The Subjection of Women*, in which Mill argues that Victorian women were kept in a stunted condition, unable to realize their full potential (*Subjection*, XXI: 326–31) and in *Considerations on Representative Government*, where Mill argues that a benevolent despotism would be bad, since subjects will be passive and enfeebled (*Considerations*, XIX: 399–412). It seems that happiness, or flourishing, consists in the realization of our natural potential; what might be called self-development or self-assertion (*Liberty*, XVIII: 265–6).

When Mill said that happiness consists in pleasure and absence of pain, this can be seen as no more than an exercise in semantics, paying lip-service to a hedonism he could never bring himself to break from publically (Brink 2013: 66). On this interpretation, Mill sought to reconcile the Greek ideal of self-development with hedonism simply by calling those things that contribute to our development "pleasures." On this view, it would be fair to say that Mill was not really a hedonist, but merely employing the language of hedonism to conceal a very different substantive view about human happiness. Brink (2013: 54–5, 60–3) takes such a view, because he interprets Mill as holding that certain activities are valuable, independently of one's mental states. However, it is possible to read Mill more charitably than this. Perhaps he held that only activities that are enjoyed in the right way contribute to our proper development. In this, Mill would be following Aristotle, who held that pleasure completes virtuous activity (Aristotle 1999: 159 [1174b33]). Reading poetry, without enjoying it, would suggest a lack of proper appreciation. One might well read the entire works of a Shakespeare or a Wordsworth but, if one is not moved by them, and does not feel pleasure as a result, then one's higher faculties are not exercised; one may as well be reading a shopping list. Mill might have held that we are so constituted as to find the realization of our potential pleasant. If so, then it seems he would have good, though contingent, reasons to think that anything that contributes to our happiness will be a pleasure. Even so, this would have the puzzling implication that reading Shakespeare

with no enjoyment would contribute nothing to one's happiness, yet reading it with only a very small amount of pleasure may contribute very significantly to one's happiness, given the quality of that pleasure.

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Further Readings

Brink, David O. 1992. "Mill's Deliberative Utilitarianism." *Philosophy & Public Affairs*, 21: 67–103. Argues that the exercise of our higher faculties is itself an important ingredient of happiness and that this explains why Mill attaches so much importance to individual liberty.
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Riley, Jonathan. 1993. "On Quantities and Qualities of Pleasure." *Utilitas*, 5: 291–300. Argues that higher pleasures are infinitely more intense than lower pleasures, thereby reducing quality to quantity.

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Ryberg, Jesper. 2002. "Higher and Lower Pleasures – Doubts on Justification." *Ethical Theory and Moral Practice*, 5: 415–29. Questions the coherence of the discontinuity view, according to which no amount of pleasure X can ever be more valuable than a given amount of (higher) pleasure Y.

Scarre, Geoffrey. 1997. "Donner and Riley on Qualitative Hedonism." *Utilitas*, 9: 351–60. Rejects two attempts to make sense of qualitative hedonism and argues that we should give up axiological hedonism altogether.

Sturgeon, Nicholas L. 2010. "Mill's Hedonism." *Boston University Law Review*, 90: 1705–29. Argues that, for Mill, both intensity and quality make a pleasure "more pleasant" (in a non-quantitative way) and thus that Mill is consistently hedonistic.

22

The Proof

HENRY R. WEST

There are now many versions of utilitarianism. John Stuart Mill's is founded on the theory that there is something that is of value as an end of action and that all actions, rules for action, laws, policies, and so on, are to be evaluated by their contribution to promotion of that value or to reduction of the negative of that value. For Mill, that value is happiness and the reverse of that is unhappiness. That value judgment, that happiness and unhappiness are the normative ends of action, is the "principle of utility" (Brown 1973),[1] and the "proof" is designed to argue for that principle. It is to show that "there is a comprehensive formula, including all things which are in themselves good, and that whatever else is good, is not so as an end, but as a mean" (*Utilitarianism*, X: 208).

Mill says in Chapter I of *Utilitarianism* that "this cannot be proof in the ordinary and popular meaning of the term" (*Utilitarianism*, X: 207). He means, presumably, that it is not like a mathematical proof with a deductive entailment from premises. But he then goes on to say,

> We are not, however, to infer that its acceptance or rejection must depend on blind impulse or arbitrary choice. There is larger meaning of the word proof, in which this question is as amenable to it as any other of the disputed questions of philosophy. The subject is within the cognizance of the rational faculty; and neither does the faculty deal with it solely in the way of intuition. Considerations may be presented capable of determining the intellect either to give or withhold its assent to the doctrine; and this is equivalent to proof. (*Utilitarianism*, X: 208)

The proof is an argument based on introspective psychology. In examining states of consciousness that might be appropriate ends of action, Mill finds pleasure and pain to be outstanding candidates. Pleasure feels good. Pain hurts. If Mill can show that all things that we desire as ends of action can be reduced to these two, he has the "comprehensive formula," including all things that are in themselves good and bad, and whatever else is good or bad, "is not so as an end, but as a mean."

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The evidence on which the argument is based is what people desire as ends. It is not that desire makes happiness desirable and unhappiness undesirable. Desire and aversion are behavioral motivations. Pleasure and pain are phenomena of consciousness, to which desire and aversion seem always to be conjoined, but desire and aversion can logically be conjoined to other states of consciousness. The connection is contingent, not logical. It is that by paying attention to desire and aversion we are enabled to identify the states of consciousness that are desirable and undesirable. The claim is that, when properly analyzed, each person desires his or her own happiness, in so far as it is believed to be attainable, and all other things that are desired as ends in themselves, such is possession of money, or power, or even virtue, are desired as "parts" of one's happiness. These are not originally desired as ends, but by association with pleasure and avoidance of pain, individuals become such that they cannot be happy without the possession of these. If all things desired as ends are desired as parts of happiness, then happiness is the kind of thing that is the end of all deliberate actions and, therefore, the end of moral actions, as moral actions are a part of all actions.

Mill gives a hedonistic analysis of happiness. "By happiness is intended pleasure, and the absence of pain; by unhappiness, pain, and the privation of pleasure" (*Utilitarianism*, X: 210). Mill recognizes that some actions are done without thought of any pleasure or pain, but he says that these kinds of actions were originally based on desire and are now done from habit.

> Will is the child of desire and passes out of the dominion of its parent only to come under that of habit. That which is the result of habit affords no presumption of being intrinsically good. (*Utilitarianism*, X: 238)

1. Context and Importance of the Proof

The preceding is a quick summary of the "proof." Before going into a critical analysis and evaluation of the argument, it is worthwhile to see how important the proof is in the context of Mill's version of utilitarianism. Mill's theory is a consequentialist one. Mill rejects any basis for morality other than the promotion of what is intrinsically valuable as an end. And he asserts in the proof that there *is* something valuable as an end (and its negation, disvaluable), and all actions, and so on, are to be evaluated by their contribution to that end. Mill is a value realist. There is a kind of experience, pleasure, which is good in itself. There is a kind of experience, pain, which is bad in itself. Promoting the good kind of experience and reducing the bad kind of experience is what Mill calls the "Art of Life" (*Logic*, VIII: 949). Morality is one branch of the Art of Life – not the whole of it, for there are other branches – but morality is dependent on what is experienced as good and bad as ends and must be socially constructed on that foundation. "Actions are right as they tend to promote happiness, wrong as they tend to produce the reverse of happiness" (*Utilitarianism*, X: 210). What actions tend to promote happiness or tend to produce unhappiness is an empirical matter, requiring much psychological and social information. But his theory gives a basis for the relevance of such information. This is a form of consequentialism, evaluating actions by their consequences.

Mill thinks that there are no viable alternatives to consequentialism.

> All action is for some end, and rules of action, it seems natural to suppose, must take their whole character and colour from the end to which they are subservient. (*Utilitarianism*, X: 206)

However, there are other traditional moral theories that are not consequentialist. Some claim that we just know intuitively with a moral sense, without further evidence or argument, what is right and wrong. Others claim to base morality on the authority of God or Scripture. Others find the foundation of morality in Nature. In other writings he argues against each of these (West 2004: 28–47). If these arguments against alternative foundations for morality are sound, the proof is all the more important. It would be one of the most important arguments in all of modern philosophy, for it would establish hedonism, in the broad meaning that Mill attaches to pleasure, as the valuational foundation for all of life and for morality as a part of that.

2. Reconstruction of the Proof

I turn now to the details of Mill's proof. Mill says that the evidence and his argument from it is "equivalent to proof" (*Utilitarianism*, X: 208), and at the end of Chapter IV of *Utilitarianism* he even says that if his arguments are sound, "the principle of utility is *proved*" (*Utilitarianism*, X: 239; emphasis added). Although Mill says that it is not proof in the ordinary sense, in what follows, I present the structure of the argument in deductive form, using Mill's own words found in paragraphs of Chapter IV of *Utilitarianism*.[2] In that way, we can determine the nature of the premises he introduces, locate the gaps that prevent it from being a valid deduction, and see if plausible assumptions can be formulated or interpretations offered that will support the premises and bridge the gaps. I shall present what I believe to be a reasonable interpretation of what Mill had in mind, and I shall claim that the assumptions necessary to make the argument sound are – although controversial – at least plausible.

The conclusion that Mill is seeking is stated in Paragraph 2: "The utilitarian doctrine is that happiness is desirable, and the only thing desirable, as an end, all other things being only desirable as a means to that end" (*Utilitarianism*, X: 234). The connection between this idea and morality is mentioned at the end of Paragraph 9, where he says that the promotion of happiness is the test by which to judge all human conduct, "from whence it necessarily follows that it must be the criterion of morality, since a part is included in the whole" (*Utilitarianism*, X: 237). The structure of the argument is very simple. In Paragraph 3 Mill argues that happiness is desirable. In the remainder of the chapter he argues that happiness is the only thing desirable. The outline of the argument can be given in Mill's own words.

The argument that happiness is *a* good is so obvious to Mill that he presents it in one paragraph:

(1) "The sole evidence it is possible to produce that anything is desirable is that people do actually desire it" (Paragraph 3).
(2) "Each person, so far as he [or she] believes it to be attainable, desires his [or her] own happiness" (Paragraph 3).
Therefore,
(3) "Happiness is a good" (Paragraph 3).

Although he substitutes the expression "is a good" for the earlier expression "is desirable," I presume that this is only for stylistic reasons, and I think that he would regard these two expressions as interchangeable in this context.[3]

The argument to show that happiness is the only thing desirable as an end is likewise based on the evidence of actual desire.

(4) "Human nature is so constituted as to desire nothing which is not either a part of happiness or a means to happiness." (Paragraph 9, but argued through Paragraphs 5–10)
Therefore,
(5) "Nothing is a good to human beings but in so far as it is either pleasurable or a means of attaining pleasure or averting pain" (Paragraph 11).

Here, his use of "pleasure" and "pleasurable" instead of "happiness" is, once again, merely stylistic. Throughout the essay he says that by "happiness" he means pleasure and freedom from pain.

The argument could be stated negatively and could be more (or, perhaps, less) persuasive: (1) The sole evidence it is possible to produce that anything is undesirable is that people are actually averse to it. (2) Each person, so far as he or she believes it to be avoidable, is averse to his or her own unhappiness. (3) Unhappiness is undesirable. (4) Human nature is so constituted as to be averse to nothing which is not either a part of unhappiness or a means to unhappiness. (Therefore) (5) Nothing is undesirable to human beings but in so far as it is either unhappiness or a means to unhappiness or loss of happiness.

This is the simple outline of the argument, positively and negatively. It is complicated by the fact that each individual's desire is for that individual's *own* happiness, whereas the utilitarian doctrine that Mill is seeking to establish is that the general happiness is the foundation of morality (West 1972: 256–7). In Paragraph 3, this distinction is explicit. Having said that each person desires his or her own happiness, Mill says that we have all the proof it is possible to require "that happiness is a good: that each person's happiness is a good to that person, and the general happiness, therefore, a good to the aggregate of all persons" (*Utilitarianism*, X: 234).

These propositions we may state as separate theses:

(3A) "Each person's happiness is a good to that person" (Paragraph 3).
(3B) "[T]he general happiness, therefore, [is] a good to the aggregate of all persons."

This distinction also can be introduced into the second part of the argument. Without doubt the psychological premise (4) means:

(4*) Each person desires nothing which is not either a part of his [or her] happiness or a means of his [or her] happiness

And parallel to (3A) and (3B), the distinction between each person and the aggregate of all persons can be introduced. This would give:

(5A) Nothing is a good to each person but insofar as it is either a part of his [or her] happiness or a means of his [or her] happiness.

(5B) Nothing is a good to the aggregate of all persons, therefore, but insofar as it is either a part of the general happiness or a means of the general happiness.

From (3B) and (5B), we can then deduce an interpretation of the "utilitarian doctrine" as follows:

(6) "[The general] happiness [or a part of the general happiness] is desirable, and the only thing desirable, as an end, all other things being only desirable as means to that end" (Paragraph 2).

Examining the argument, it can be seen that (1), the claim that the sole evidence it is possible to produce for what is desirable is actual desire, is a methodological premise; (2), that each person desires his or her own happiness, and (4), that no one desires anything which is not either a part of happiness or a means to happiness, are factual premises; (3) or (3A) and (5) or (5A), drawing the conclusion of what is good from what is desired, are supported by (2) and (4) respectively. (3B) and (5B), concluding what is good for the aggregate from what is good for the individual, putatively follow from (3A) and (5A), respectively. The premise (2), that each person desires his or her own happiness, is probably uncontroversial. One's own happiness, even interpreted as "an existence made up of few and transitory pains, many and various pleasures" (*Utilitarianism*, X: 215) is at least one thing desired as an end by each person, so far as he or she believes it to be attainable. Even the ascetic desires this, either believing it to be attainable only in some afterlife or believing it to be incompatible with the satisfaction of other desires. The controversial premises are (1), the methodological one, and (4), the claim that no one desires anything that is not either a part of happiness or a means of happiness, and the controversial steps are from the fact of happiness being desired to its being normatively desirable, and from each person's happiness being desirable to that person to the conclusion that the general happiness is desirable to the aggregate of all people. There seem, then, to be three central issues: (a) Mill's methodology, which is to argue for what is desirable on the evidence of what is in fact desired (premise 1); (b) his psychological hedonism, that one desires one's own happiness as an end and nothing as an end which is not a part of one's happiness (premise 4); and (c) the argument that if each person's happiness is a good and inclusive of the only good for that person, as an end, the general happiness is a good, and encompasses the only good, as an end, to the aggregate of all persons. I shall take these issues up in turn.

3. Critical Analysis of the Proof

First, is actual desire the sole evidence it is possible to produce that anything is desirable? It is hardly necessary to point out that Mill did not say that "desirable" or "good" *means* "desired," as G.E. Moore says he does (Moore 1959: 66). He is not committing a naturalistic or definist fallacy (Hall 1949–50). But Mill opens himself to this charge by his language in a footnote in Chapter V, where he says, "for what is the principle of utility, if it be not that 'happiness' and 'desirable' are synonymous terms" (*Utilitarianism*, X: 257n).[4] This is a puzzling use of "synonymous," but it would be absurd to think that Mill's appeal to psychological evidence, "practised self-consciousness and self-observation, assisted by

the observation of others," (*Utilitarianism*, X: 237) is to support the claim that "Happiness is desirable" is a tautology. Mill apparently simply means that the two terms are applicable to the same phenomena, one descriptively, the other as a term of value. The connection of the two is the conclusion of the proof – that happiness is the sole good.

3.1. Methodology

In arguing for his methodological premise, he says,

> The only proof capable of being given that an object is visible, is that people actually see it. The only proof that a sound is audible, is that people hear it: and so on of the other sources of our experience. In like manner, I apprehend, the sole evidence it is possible to produce that anything is desirable, is that people do actually desire it. (*Utilitarianism*, X: 234)

It is incredible to think, as some have argued, that Mill was misled by the similarity of the verbal endings of "visible" and "audible" into thinking that "desirable" means "able to be desired."[5] The significance of the analogy that he is making between "visible" and "desirable" is announced in the first paragraph of the chapter: The first premises of our knowledge do not admit of proof by reasoning, but are subject to a direct appeal to the senses; the first premises of conduct are subject to a direct appeal to our desiring faculty (*Utilitarianism*, X: 234). The analogy is that as judgments of matters of facts such as visibility are based on the evidence of the senses and corrected by further evidence of the senses, so judgments of what is desirable are based on what is desired and corrected by further evidence of what is desired.

The argument does, however, also include an appeal to desire by what is a pragmatic argument: "If the end which the utilitarian doctrine proposes to itself were not, in theory and in practice, acknowledged to be an end, nothing could ever convince any person that it was so" (*Utilitarianism*, X: 234). Anything could be claimed to be desirable as an end, but only one based on actual desires will be convincing. This is one respect in which the "proof" is not a proof in the ordinary sense. There is no logical necessity about accepting desire as the sole evidence for desirability. The force of the appeal to what is desired is only to convince, not logically to rule out all other possibilities. But, unless there is a plausible alternative, it will carry weight.

The import of premise (1), then, is primarily negative. It denies the existence of an intellectual intuition of the normative ends of conduct. That is, Mill is denying that we intuit what is intrinsically a good in some directly cognitive way.

Those who reject Mill's appeal to actual desires as the criteria for the ends of conduct have the burden of proof to give an alternative. As indicated previously, Mill gives arguments against the most common alternatives – intuition, Nature, the will of God. I too am unconvinced by any of these alternatives. I believe that Mill's skepticism of alternatives is justified. However, the desires that we do have provide practical ends that will be pursued unless frustrated by the pursuit of the ends of other desires. These desires provide an arena in which practical reason can seek to bring order out of disorder by analyzing desires to determine which, if any, are illusory; which, if any, are fundamental; and what, if anything, is the common object of them all. It is this last question that Mill's psychological hedonism claims to answer.

3.2. Psychological Hedonism

The argument for his psychological hedonism – Proposition (4) – has two parts. One is in Paragraph 11, which classifies as mere habit those ends of conduct that are sought neither as means of happiness nor as a part of happiness. Here, Mill claims that such acts of will have become ends of conduct derivatively.

> Will is the child of desire, and passes out of the dominion of its parent only to come under that of habit. That which is the result of habit affords no presumption of being intrinsically good. (*Utilitarianism*, X: 238)

An example of this habit formation would be obsessive or addictive behavior which is even contrary to conscious desire, or any pattern of behavior which has become habitual and is done without thought or deliberation. Mill's claim, then, leaves him with everything that affords any presumption of being intrinsically good as being also an object of conscious desire.

The other part of Mill's argument, found in Paragraphs 4–10, is to claim that every object of conscious desire is associated with pleasure or the absence of pain, either as a means or an end. Many desires are acquired, such as the desire for virtue or for the possession of money, and have come to be desired through the mechanism of their association with pleasure or the absence of pain. Whether acquired or not, however, the ultimate ends of the desires can be regarded as experiences or states of affairs with a pleasure component: they are pleasures or "parts of happiness" (*Utilitarianism*, X: 236). Although they may fall under various other descriptions, it is the fact that they are ingredients of happiness that provides a common denominator and supports a unified account of desire.

It is tempting to read into Mill the claim that it is the agreeable quality of the state of consciousness desired that is the only object of desire. Just as the sense-data theorist claims that one sees only sense data, although it is palpable that one sees things that, in common languages, are decidedly distinguished from sense data (i.e., from whatever common language words are sense data words – "sights," "sounds," "appearances," or whatever), so Mill might be thought to hold that one desires only the pleasure component of desired experiences, although it is palpable that people "do desire things, which, in common language, are decidedly distinguished from happiness" (*Utilitarianism*, X: 234–5). J.S. Mill's father, James Mill, apparently did hold such a view: "we have a desire for water to drink, for fire to warm us, and so on." But, "it is not the water we desire, but the pleasure of drinking; not the fire we desire, but the pleasure of warmth" (J. Mill 1967 vol. 2: 192). This is impossible to reconcile with J.S. Mill's talk of the objects of desire including "music," "health," "virtue," "power," "fame," "possession of money." These, in J.S. Mill's view, have come to be desired through association with pleasure, or their absence with pain, but, once this has occurred, the desire may be not at the prospect of obtaining *pleasure* when the object of desire is attained, but pleasure *antecedently* at the prospect of obtaining the *object of desire*. In an early work, "Remarks on Bentham's Philosophy," Mill criticizes Bentham in this regard:

> [T]hat all our acts are determined by pains and pleasures *in prospect*, pains and pleasures to which we look forward as the *consequences* of our acts ... as a universal truth, can in no way

> be maintained. The pain or pleasure that determines conduct is as frequently one which *precedes* the moment of action as one which follows it. A man [or woman] … recoils from the very thought of committing the act … His [or her] conduct is determined by pain; but by a pain which precedes the act, not by one which is expected to follow it. (*Remarks on Bentham's Philosophy*, X: 12)

This is an important point in Mill's psychology, explaining how one can desire as an end things other than one's own experiences. I can desire that my children be happy, by the antecedent pleasure at the thought of their happiness, not just by the thought that I shall be happy on finding out that they are happy. I can desire as an end that someone else recover from an illness by the antecedent pain felt on thinking about the illness, not just by the anticipation of later pain if the person does not recover. I can have desires for objective states of affairs through the mechanism of feeling pleasure or pain at the thought of the state of affairs.

Returning to Mill's examples, the desire for music, health, and so on, has as its object music, and so on, not just pleasure, although at the same time it may be for the pleasure of music, or there may be pleasure at the anticipation of music or of the pleasure of music. Furthermore, Mill does not need to make the strong claim that desire is only for the pleasure of music. He only needs to claim that, as a psychological fact, music, health, and so on, would not be desired if they brought no pleasure or freedom from pain, or had no past association with pleasure or freedom from pain. Desire is evidence of desirability, but it does not confer desirability. This is obvious in the case of things desired as means. On reflection, it is also obvious in the case of things desired as ends. The possession of money is desired as an end by the miser. This desire does not make the possession of money as an end a desirable object of action for a reasonable person. The evidence of desire must be analyzed; it is only by analysis of the fact that the miser desires the possession of money as part of his [or her] happiness – that he [or she] would be made happy by its possession or unhappy by its loss – that the evidence of desire fits into a comprehensive theory. It is this comprehensive theory that identifies the pleasure inherent in desirable things as what makes them desirable, but not everything desired as an end is truly desirable. The object that is "part of one's happiness" may not be desirable. And the pleasure inherent in them does not itself have to be discriminated as the sole *object* of desire.[6]

Some commentators also have thought that Mill reduces the relation between desire and pleasure to a trivial one in the passage where he says that:

> desiring a thing and finding it pleasant, aversion to it and thinking of it as painful, are phenomena entirely inseparable, or rather two parts of the same phenomenon – in strictness of language, two different modes of naming the same psychological fact; that to think of an object as desirable (unless for the sake of its consequences), and to think of it as pleasant, are one and the same thing; and that to desire anything, except in proportion as the idea of it is pleasant, is a physical and metaphysical impossibility. (*Utilitarianism*, X: 237–8)

This statement is certainly puzzling to the twenty-first-century reader, but in context Mill is asking the reader to engage in "practiced self-consciousness and self-observation" (*Utilitarianism*, X: 237). If the terms were reducible to one another independent of observation, it is hard to see why he would invite one to attempt what appears to be an

empirical confirmation. A clue to interpretation is that "metaphysical" means approximately "psychological" for him.[7] In his notes to his father's *Analysis of the Phenomena of the Human Mind*, Mill takes issue with his father's statement, "The term 'Idea of a pleasure' expresses precisely the same thing as the term, Desire. It does so by the very import of the words" (J. Mill 1967, Vol. 2: 191). J.S. Mill says that desire,

> is more than the idea of pleasure desired, being, in truth, the initiatory state of Will. In what we call Desire there is, I think, always included a positive stimulation to action. (*Notes on the Analysis*, XXXI: 215; J. Mill 1967 vol. 2: 194n)

According to J.S. Mill, then, a distinction is to be made between desiring a thing and thinking of it as pleasant. Desire is psychologically more complex and conceivably could have an object not thought of as pleasurable. It is obvious that it may have a more inclusive object, as is the case in desiring the means to an end when the means are unpleasant. In any case, the question is a psychological not a linguistic one.

Part of Mill's argument is that the non-hedonistic things desired as ends, such as virtue, are desired as "parts" of happiness. This requires further analysis and comment.

What can be meant by saying that something is desired as "part" of my happiness? Mill says, "The ingredients of happiness are very various, and each of them is desirable in itself, and not merely when considered as swelling an aggregate" (*Utilitarianism*, X: 235). The ingredients or parts are not to be looked at merely as a means to a collective something termed happiness. "[B]esides being means, they are part of the end" (*Utilitarianism*, X: 235). He discusses the way in which the desire for money, originally desired as a means to other ends, may become desired as an end. The same, he claims, may be said for the majority of the great objects of human life, such as the desire for power or for fame.

> What was once desired as an instrument for the attainment of happiness, has come to be desired for its own sake. In being desired for its own sake it is, however, desired as *part* of happiness. The person is made, or thinks he would be made, happy by its mere possession; and is made unhappy by failure to obtain it. The desire of it is not a different thing from the desire of happiness, any more than the love of music, or the desire of health. They are included in happiness. They are some of the elements of which the desire of happiness is made up. Happiness is not an abstract idea, but a concrete whole; and these are some of its parts. And the utilitarian standard sanctions and approves their being so. Life would be a poor thing, very ill provided with sources of happiness, if there were not this provision of nature, by which things originally indifferent, but conducive to, and otherwise associated with, the satisfaction of our primitive desires, become in themselves sources of pleasure more valuable than the primitive pleasures, both in permanency, in the space of human existence that they are capable of covering, and even in intensity. (*Utilitarianism*, X: 236)

Although Mill expresses an evaluative judgment in the last sentence, asserting that some of the experiences that have come to be desired through association with primitive pleasures are more pleasurable than the primitive pleasures – they are "higher" pleasures, as he has argued in *Utilitarianism*, Chapter II – the argument rests on a psychological, not an ethical, claim. Mill is not at this point of his argument claiming that the desire for money as an end in itself makes it supremely desirable as an end in

itself. It may very well be that coming to associate pleasure with possession of money, to the point that money has come to be desired as an end, is unfortunate, preventing one from finding happiness in other things that would give more pleasure. Mill's claim is that, as a psychological fact, one would not desire money as an end in itself unless it had been, or continues to be, associated with pleasure or the avoidance of pain.

There are really two dimensions to Mill's claim, and distinguishing them from one another will help to clarify his argument. One is a theory of how we come to desire things such as virtue as ends in themselves. It is a claim about the past as to how we have come to desire them. The other is an analysis of what it is that makes the thing to be currently desired and would make it no longer desired if it did not have a pleasure component.

Through association with pleasures or pains, ideas, states of belief, and activities that are originally indifferent – neither pleasurable nor painful – come to be pleasurable or painful. In his text, Mill uses music and health as examples. It is easy to see how an individual, through association of health with agreeable feelings and sickness with disagreeable feelings, can come to desire health as an end and to choose appropriate means to stay healthy without thinking of health as itself a means to pleasure and avoidance of pain.

If pleasure and pain are the *causes* of one's coming to desire power and fame as ends, then they are necessary conditions for such desires. It is therefore psychologically impossible to desire something as an end unless it has first been associated with pleasure or avoidance of pain. This theory was probably persuasive to Mill.[8] It is at least the partial story, if not the whole story, of how we come to develop our ends in life. But it is not the only argument and perhaps not the most important for establishing Mill's conclusion. Pleasure and pain could be the psychological *means* by which goals in life are developed, but it does not follow that one therefore desires nothing that is not either a means of happiness or a part of happiness. That requires an introspective examination of current desires, not a story as to how those desires came to be developed.

This second part of Mill's argument is to engage in "practised self-consciousness and self-observation, assisted by observation of others" (*Utilitarianism*, X: 237). Mill is claiming that anything that is desired as an end will be found to have a pleasure component or an avoidance of pain component, and that on self-observation, it will be found that we find our happiness there. A survey of some things that I desire may satisfy me that this is so. Many things will turn out not to be desired as ends, but clearly as means. I desire to lose weight, to be a good tennis player, to have time to listen to music. These are things that I seek to achieve, but they are obviously means to my happiness and not desired except as they are expected to increase my happiness or decrease my unhappiness.

To test Mill's claim, suppose that we take some end that is believed to be desired as an end independently of pleasure and pain. Aristotle gives as an argument against hedonism that we would desire "seeing, remembering, knowing, possessing the virtues. If pleasures necessarily accompany them, that makes no odds; we should choose them even if no pleasure resulted" (Aristotle 1941: 1097). The self-examination required here is difficult. Because these all *do* bring pleasure or avoidance of pain, it is extremely difficult to be sure that we do not desire them independently. Let us take the activity of seeing. Not only does sight give us the pleasure of seeing the beauty of a

blue sky or of a flower in bloom, it gives us the power of recognizing the faces of the people that we love, and its absence would make us dependent upon others for reading books and for much of our physical mobility. Let us try the thought experiment of supposing that seeing is painful. There would be trade-offs in pleasure and pain. It would be painful to use our sight to see the beauty of a blue sky in order to enjoy the pleasure of the beauty. Depending upon the pain, we might prefer to forgo the pleasure. It may be that we desire to see independent of pleasure. It may be a genetic desire. This is the kind of test required to establish Mill's psychological hedonism, and Mill may fail the test.

Mill's substantive claim, then, is that desire and pleasure (or aversion and pain) are psychologically inseparable. If this is true, two things follow: first, Proposition (4) is established – each person desires nothing that is not either a part of his or her happiness or a means of his or her happiness; second, since attainment of pleasure and avoidance of pain are the common denominators of desire, the evidence of desire supports the theory that it is the pleasure and pain aspects of the objects of desire and aversion which make them desirable and undesirable and which should serve as the criteria of good and bad consequences in a normative theory of conduct.

3.3. Aggregation

I turn now to the move from Proposition (3A) to Proposition (3B). If the intellect is convinced that a person's happiness is good and the sole good to that person, does it follow that it will be convinced that the general happiness is a good and the sole good to the aggregate of all persons? Mill presumably thinks that this is obvious, simply asserting it without argument. He apparently thinks that he has practically established (3B) when he has established (3A), and (5B) when he has established (5A). I think that Mill has been misinterpreted in this argument because commentators have thought that the conclusion is a much stronger claim than it is. He is making a very weak claim, which is seen when we notice what he means by "the general happiness."

According to Mill "the general happiness" is a mere sum of instances of individual happiness. Mill believes that his analysis of desire shows that happiness is the *kind* of thing that constitutes intrinsic welfare, wherever it occurs. All instances of happiness will be parts of the personal welfare of someone, that is, "a good *to someone*," but being instances of happiness, they have a common denominator that makes them the same kind of thing wherever they occur – whether in different experiences of a given individual or in the experiences of different individuals.

Moreover, Mill assumes that the value of different instances of happiness can be thought of as summed up to generate a larger good. These assumptions are explicit in a letter that Mill wrote regarding the move from (3A) to (3B):

> As to the sentence you quote from my *Utilitarianism*, when I said the general happiness is a good to the aggregate of all persons I did not mean that every human being's happiness is a good to every other human being, though I think in a good state of society and education it would be so. I merely meant in this particular sentence to argue that since A's happiness is a good, B's a good, C's a good, etc., the sum of all these goods must be a good. (Letter to Henry Jones, Jun 13, 1868, XVI: 1414)

His assumptions are even more explicit in a footnote to Chapter V of *Utilitarianism*. There, answering the objection that the principle of utility presupposes the anterior principle that everybody has an equal right to happiness, Mill says:

> It may be more correctly described as supposing that equal amounts of happiness are equally desirable, whether felt by the same or by different persons. This, however, is not a presupposition; not a premise needful to support the principle of utility, but the very principle itself ... If there is any anterior principle implied, it can be no other than this, that the truths of arithmetic are applicable to the valuation of happiness, as of all other measurable quantities. (*Utilitarianism*, X: 257–8)

A good to the aggregate of A, B, C, and so on, is interpreted by Mill to be a sum of good or goods to A, plus good or goods to B, plus good or goods to C., and so on. He assumes both that happiness is arithmetical, capable of being summed up to find a total, "general" happiness, and that goods to different people are arithmetical, capable of being summed up to find a total good "to the aggregate of all persons."[9]

With these assumptions, (3B) does follow from (3A), for to say that the general happiness is a good to the aggregate of all persons is merely to say that A's happiness, plus B's happiness, plus C's happiness, and so on, constitutes a good to A, plus a good to B, plus a good to C, and so on. And (5B) follows from (5A). If nothing is a good to each person but in so far as it is a part of his or her happiness (or a means to it), then nothing will be part of the *sum* of goods to A, plus goods to B, plus goods to C, and so on, but insofar as it is a part of the happiness of A or part of the happiness of B, and so on, or a means to these. This explains why Mill did not bother to state (5A) and (5B) explicitly and why he passed from (3A) to (3B) in one sentence. The evidence of desire shows that happiness is the *kind* of thing desirable as an end. It is not a different kind of thing when it is located in A's experience from what it is when it is located in B's experience. Thus, whether or not any single individual desires the general happiness, if each of its parts is shown to be desirable by the evidence of desire, because of the kind of thing each part is, then the sum of these parts will be desirable because it is simply a summation of instances of the same kind of thing.[10] Given this interpretation, the "utilitarian doctrine," represented by (6), is perhaps better stated by making clear that Mill believes happiness, wherever it occurs, is what is desirable as an end. This could be restated with the following reinterpretation:

(6) "Happiness is [the kind of thing which is] desirable, and the only [kind of] thing desirable, as an end, all other things being only desirable as means to that end" (Paragraph 2).

From this, the connection with morality is said to follow:

(7) "The promotion of [happiness is] the test by which to judge of all conduct; from whence it necessarily follows that it must be the criterion of morality, since a part is included in the whole" (Paragraph 9).

If my earlier elucidation of Mill's argument for happiness as the kind of thing that makes the objects of desires desirable was convincing, then this conclusion has plausibility. Desire does not confer desirability; it is evidence for what kind of thing constitutes welfare. Thus, that one desires only one's own happiness does not restrict the desirability

of happiness to one's own happiness. If the desirability of happiness *as such* is *identified* (and not created) by one's own desire for it in one's own experience, its desirability – wherever it is located – can be admitted by the intellect.

If Mill's proof is plausible, as I have argued, it does not follow that anyone will act on it. One's intellect may be convinced without one thereby being moved to conduct his or her life in such a way as to maximize his or her own happiness or being moved to identify the general happiness with his or her own and become a practicing utilitarian. That, according to Mill, requires a good state of society and education. But convincing the intellect is an important step.

Notes

1 There has been controversy over what is to count as Mill's "Principle." Brown (1973) is persuasive.

2 This formulation of the argument was first stated in a paper that I presented to a conference, "The Moral Foundations of Public Policy: The Limits of Utilitarianism," held on the campus of Virginia Polytechnic Institute and State University, May 18–21, 1978. It was published as West (1982), and revised and republished in West (2004: 121–4).

3 Dorothy Mitchell (1970) makes a distinction between "desirable" and "good" based on an analysis of the use of "desirable" in contexts of ordinary language. I think that she is correct that they are not synonyms in English, but I think nevertheless that Mill is using them as such in this context.

4 R.F. Atkinson calls attention to the problem in that passage in Atkinson (1957: 164).

5 This claim is found in many criticisms, but also in some that think that Mill was not misled but was intentionally using "desirable" in the sense of "capable of being desired." An example is Wall (1982: 537–41).

6 Wendy Donner has a detailed discussion of whether pleasure must be a phenomenally distinguishable element of the complex experience. See Donner (1991: 19–23).

7 For example, he says that "the peculiar character of what we term *moral* feelings is not a question of ethics but of metaphysics" (*Whewell's Moral Philosophy*, X: 185). This interpretation of the term "metaphysical" is argued forcefully in Mandelbaum (1968: 39).

8 For Mill's acceptance of the associationist theory, the chief source is J. Mill (1967). Mill's notes, with abstracts to identify their contexts, are reprinted in XXXI: 93–253.

9 These assumptions are, of course, controversial. For example, they are denied by Marshall (1982: 36). Marshall says that it is false that happiness is additive in the required way, even if instances of it are commensurable.

> My height may be not only commensurable with but exactly the same as that of Smith, but there is not even clear sense, certainly no truth, in saying that in the two of us there is twice as much height as there is in either of us considered alone; there is even less sense in the corresponding claim about happiness.

10 Marshall (1973–4: 16) points out the ambiguity in the question, "What is desirable as an end?" It can be taken to ask "What kind of thing?" or "What specific thing?" The answer that happiness is the kind of thing does not raise the question "Whose?" whereas the second does.

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23

Mill on Utilitarian Sanctions

JONATHAN RILEY

John Stuart Mill asks in regard to any supposed moral standard "What is its sanction?" (*Utilitarianism*, X: 227). Put in other words, the question is "what are the motives to obey it? or more specifically, what is the source of its obligation? whence does it derive its binding force?" Moral philosophy must provide an answer, he argues, so that the individual can begin to assess customary notions of right and wrong, which often appear so self-evident to people immersed in them as to be immune from criticism. Moreover, an answer is essential to the analysis of morality. In his view, the nature of a genuine moral standard, and the appeal of a utilitarian one, will not be widely appreciated until people develop moral characters in which "the feeling of unity with our fellow creatures" is "deeply rooted" (X: 227). In so far as prevailing customs and laws impede the requisite self-development, false, and inexpedient moral standards that do not adequately reflect the feeling of social unity, will retain wide appeal even for those who are inclined to examine conventional morality.

"In the mean time," Mill says, "every attempt to analyse morality and reduce it to principles" has the problem of explaining the source of any moral standard's binding force in the face of the "mystical" appeal of customary notions of right and wrong (X: 227–8; see also his discussion of the "magical influence" of custom in *Liberty*, XVIII: 220). For him, the ultimate sanction of the utilitarian moral standard is the *desire* of conscientious people *to do right* by promoting general utility, although it must be "utility in the largest sense, grounded on the permanent interests of man as a progressive being" (*Liberty*, XVIII: 224).[1] But every morality (utilitarian and non-utilitarian alike) is confronted with this question of whence does its particular standard of right and wrong derive its binding force. And the answer is always the same, namely, the desire to do right in terms of its moral standard:

> I see nothing embarrassing to those whose standard is utility, in the question, what is the sanction of that particular standard? We may answer, the same as of all other moral standards – the conscientious feelings of mankind. (*Utilitarianism*, X: 229)

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The ultimate sanction of any moral standard, then, is the internal sanction of conscience, in other words, the subjective feeling of guilt or remorse that any person who accepts the standard experiences, and which he knows beforehand that he deservedly experiences, if he chooses to deviate from the standard:

> The internal sanction of duty, whatever our standard of duty may be, is one and the same – a feeling in our own mind; a pain, more or less intense, attendant on violation of duty, which in properly-cultivated moral natures rises, in the more serious cases, into shrinking from it as an impossibility ... Its binding force ... consists in the existence of a mass of feeling which must be broken through in order to do what violates our standard of right, and which, if we do nevertheless violate that standard, will probably have to be encountered afterwards in the form of remorse. Whatever theory we have of the nature or origin of conscience, this is what essentially constitutes it. (X: 228–9)

An individual's conscience is his desire to do right and aversion to do wrong, and it inflicts punishment in the form of self-blame when it is frustrated "in the more serious cases." The individual who cultivates a powerful conscience is extremely reluctant to violate his standard of right and punishes himself if he intentionally, knowingly or negligently fails to fulfill his recognized duties to others.

Unfortunately, the internal sanction of conscience "has no binding efficacy" on those who lack a conscience or whose conscience is weak in comparison to narrow selfishness: "On them morality of any kind has no hold but through the external sanctions" (X: 229). The external sanctions

> are, the hope of favour and the fear of displeasure from our fellow creatures or from the Ruler of the Universe, along with whatever we may have of sympathy or affection for them, or of love and awe of Him, inclining us to do his will independently of selfish consequences. (X: 228)

The external rewards and punishments which our fellow creatures may create to prevent us from doing wrong are of two sorts, namely: legal benefits and penalties enacted and administered by others in their capacities as state officials; and customary benefits and penalties established and enforced by others in their capacities as makers of public opinion in their society. These external sanctions are costly to implement, however, and can never completely make up for an absence of conscientious feelings. In some situations, then, selfish individuals who have no hope of reward or fear of punishment from a divine force will not face either internal or external sanctions against wrongdoing.

So, according to Mill, the binding force of any moral standard of right has its source in individuals' shared conscientious feelings supplemented by external rewards and punishments. This binding force will be imperfect, however, outside the ideal case in which everyone has developed a moral character consisting of firm dispositions to adhere conscientiously to the same standard of right, without any need for external sanctions. Before he goes on to account for the relative appeal of a utilitarian moral standard, he clarifies and defends some potentially worrisome aspects of his subjective theory of moral obligation. For instance, he provides a brief but compelling critique of the claim

> that a person who sees in moral obligation a transcendental fact, an objective reality belonging to the province of "Things in themselves", is likely to be more obedient to it than one who believes it to be entirely subjective, having its seat in human consciousness only. (X: 229)

He points out that "the belief that moral obligation has its seat outside the mind" does not alter "the ease with which, in the generality of minds, conscience can be silenced or stifled" (X: 229–30). Moreover, only people with weak conscientious feelings can wonder whether they need to obey their conscience if it is only a subjective feeling in their own mind. If they affirm that they must do right, they "will not do so because they believe in the transcendental theory, but because of the external sanctions" (X: 230). Thus, "whatever a person's opinion may be on this point of Ontology, the force he is really urged by is his own subjective feeling, and is exactly measured by its strength" (X: 229).

Mill also argues that his subjective theory does not depend on whether the conscientious feelings of duty are "innate or implanted," although he makes clear that his personal belief is that they are "not innate, but acquired" (X: 230).[2] He remarks in passing, though, that even "those who believe most strenuously in their transcendental origin" admit that the moral feelings are not "in any perceptible degree present in all of us." Even if not innate but acquired, however, "the moral faculty" or conscience is "capable … in a certain small degree, of springing up spontaneously; and susceptible of being brought by cultivation to a high degree of development." The problem is that:

> it is also susceptible, by a sufficient use of the external sanctions and of the force of early impressions, *of being cultivated in almost any direction*: so that there is hardly anything so absurd or so mischievous that it may not, by means of these influences, be made to act on the human mind with all the authority of conscience. (X: 230, emphasis added)

1. Why a Utilitarian Conscience?

Given that the conscientious feelings of mankind can be developed in so many different directions with the implication that inexpedient and even absurd moral standards can be associated with the ultimate sanction, how can Mill reasonably think that a utilitarian moral standard is to be preferred since it reflects the genuine purpose of morality? His answer is that analysis eventually exposes all moral standards but a utilitarian one as flawed or as outright fictions:

> [M]oral associations which are wholly of artificial creation, when intellectual culture goes on, yield by degrees to the dissolving force of analysis: and if the feeling of duty, when associated with utility, would appear equally arbitrary; … if there were not, in short, a natural basis of sentiment for utilitarian morality, it might well happen that this association also, even after it had been implanted by education, might be analysed away. But there *is* this basis of powerful natural sentiment; and this it is which, when once the general happiness is recognised as the ethical standard, will constitute the strength of the utilitarian morality. (X: 230–1, original emphasis)

If analysis showed that it was wholly the artificial creation of early education and external rewards and punishments, even a utilitarian moral standard would eventually dissolve and lose its binding force for competent people. But analysis cannot show this, Mill emphasizes. Instead, it can only confirm that a utilitarian moral standard has a solid natural foundation in our social feelings:

> This firm foundation is that of the social feelings of mankind; the desire to be in unity with our fellow creatures, which is already a powerful principle in human nature, and happily one of those which tend to become stronger, even without express inculcation, from the influences of advancing civilization. (X: 231)

The conscientious feelings that constitute the ultimate sanction of a utilitarian moral standard, Mill insists, develop naturally or necessarily out of the natural desire for social unity that is growing more powerful and cannot be analyzed away.[3] He suggests that a utilitarian conscience is natural and normal, as when he says that "the normal form of moral feeling ... [is] a natural outgrowth from the social nature of man" (Letter to William George Ward, Nov 28, 1859, XV: 649). But it is also ideal in that it is part of the noble type of Periclean character which he holds out as the target of self-development (*Liberty*, XVIII: 265–6).[4] The question arises: how does a natural utilitarian conscience develop out of the natural desire to be in unity with others? Moreover, does this development process distinguish his version of utilitarianism from alternative versions? This second question arises because he tells us that his utilitarianism differs from its Benthamite predecessor by virtue of his conception of "utility in the largest sense" (XVIII: 224). And, if his naturalistic conception of a utilitarian conscience is distinctive, does it follow that his understanding of the practical implications of a utilitarian standard of right differs in significant ways from that of his father James and Bentham? As it turns out, his version of utilitarianism assigns extraordinary importance to a liberal or libertarian view of justice and equal rights, which critics often claim is incompatible with any standard version of utilitarianism.

2. Developing a Utilitarian Conscience

Mill says that his father, in the *Analysis of the Phenomena of the Human Mind* (1829; new edn, 1869), brought analytical psychology based on experience, and in particular that part of it known as the associationist psychology which is concerned with the scientific laws that govern associations (coexistences and successions) of thoughts or ideas as well as of other mental states, to a high level of sophistication. He claims that this psychology of experience has a long tradition that stems from Aristotle, continues through Hobbes, Locke, Hartley, Hume, and others before being significantly improved by James Mill, and reaches "a still higher stage" in the writings of Alexander Bain and Herbert Spencer (*Notes on the Analysis*, XXXI: 102). Bentham, he says, made virtually no contributions to this field.

According to associationism, education and external sanctions can be suitably employed to create associations of ideas and of other feelings. For example, the idea of lying can become associated with the idea and sensation of pain if young people are

urged not to lie and then blamed and scolded for lying by their teachers and parents, and if adults are threatened with public humiliation and legal penalties in the more serious cases of lying such as commercial fraud. In this way, the individual is given incentives to think that he ought not to lie or commit fraud since he wishes to avoid the negative external sanctions associated with lying and fraud. But this thought that he ought not to lie and his desire to avoid incurring the disapproval of other people are self-interested feelings, the younger Mill points out, rather than genuine moral feelings that are disinterested or impartial.

> [Such people] may assent to the proposition that a certain rule of conduct is right; but they really mean nothing except that such is the conduct which other people expect & require at their hands; with perhaps the addition that they have a strong motive for themselves requiring the same from other people… [By contrast,] those who have a true moral feeling … [have] a feeling of pain in the fact of violating a certain rule, quite independently of any expected consequences to themselves. It appears to me that to them the word ought means, that if they act otherwise, they shall be punished by this internal, & perfectly disinterested feeling. (Letter to William George Ward, Nov 28, 1859, XV: 649)

If it could only explain how external sanctions can give people incentives to do right out of self-interest, then associationism would be unable to account for genuine disinterested moral feelings and actions. But associationism is not so restricted.

Notice that when education and external sanctions make it in his self-interest not to lie, the individual remains aware that lying is not in his own interest because lying triggers negative sanctions inflicted on him *by other people*. Or his refusing to lie might trigger praise and rewards showered on him by others, although experience shows that this is unlikely. In any case, there is no association between the idea of lying and an idea of pain arising from the frustration of a conscientious desire *of his own* to do right. Nevertheless, associationism is able to go on to explain how early education and external sanctions can lead the individual to form a genuine disinterested moral desire to do right. More specifically, the law of inseparable association can account for his formation of a compound moral idea in which there is an indissoluble association between the idea of lying and the idea of wrongful harm to others. According to this law, a person who repeatedly experiences negative external sanctions and witnesses others experience them for lying tends to become conditioned (as in behaviorist conditioning) so that he finds it impossible to think of lying without also thinking of negative external sanctions: the thought of lying instantly calls up the idea of pain inflicted by others in retaliation. At the same time, he also finds it impossible to think of the liar being made to suffer for his actions without also thinking of the harms experienced by his victims. The last step to form a disinterested moral desire is to accept that the suffering of the victims is undeserved whereas the pain for lying is deserved. With this acceptance, which can also be the result of conditioning, the person affirms that sanctions, internal as well as external, ought to be inflicted to deter lying, even if he is the liar. It is a genuine disinterested moral "ought." Given his complex moral idea in which the idea of lying is now fused with the idea of harm to others that he impartially judges they ought not to be forced to suffer, he forms a moral desire not to lie and this desire is independent of his selfish interests.

At this stage, the individual has "internalized" a general rule that impartially assigns equal duties not to lie, although some exceptions may be carved out by special rules for unusual situations. Such an "internalized" rule is not merely a rule of thumb that he has learned to consult at his discretion but rather a stringent rule of conscience that he believes he and others are rightly compelled to obey. If he fails to do his duty without excuse, then he understands and accepts that he has done wrong and, since his desire to do right is frustrated, he expects to feel that peculiar kind of suffering named guilt or remorse that punishes him independently of his selfish feelings. Moreover, he can appreciate that in more serious cases of lying and fraud the general rule is expediently enforced not only as a dictate of conscience but as a public custom and law.

Mill says that this associationist theory of conscience, which is essentially his father's theory, "seems to me a sufficient account of it as it exists in many minds" (XV: 649). But he immediately adds that "I certainly do not accept that theory as an exhaustive analysis of the phenomenon" (XV: 649). The theory is not "exhaustive" because even a utilitarian conscience could be analyzed away and lose its binding force if it were wholly an artificial product of manufactured associations of ideas. Even apart from the neglect of the natural desire for social unity, however, Mill proposes to modify his father's brand of associationism in important ways. For example, as elaborated by James, the theory has trouble explaining why the painful feeling of guilt is so different in quality from the dread of the disapproval of others. If a disinterested moral feeling is compounded out of multiple ingredients and the only one that is painful to the agent is fear of others' blame and external sanctions, then it seems impossible that the stern and disinterested quality of the feeling of guilt can emerge merely as the result of repeated mechanical juxtapositions of the idea of lying with the idea of the pain of others' disapproval.

Nevertheless, the younger Mill argues that the distinctive quality of guilt might be accounted for if this moral feeling is seen as the result of a chemical reaction among its various ingredients, just as water is the chemical union of hydrogen and oxygen, a whole new thing with properties of its own that are different from those of any of its ingredients:

> [T]he generation of a complex feeling from simpler ones [is] a sort of chemical union, not a mechanical juxtaposition, [so] it is quite to be expected that the compound will be to appearances unlike the elements it is formed from. The pains of conscience are certainly very different from those of dread of disapprobation; yet it might well be, that the innumerable associations of pain with doing wrong which have been rivetted by a long succession of pains undergone, or pains feared or imagined as the consequence of wrong things done, or of wrong things which we have been tempted to do (especially in early life), may produce a general & intense feeling of recoil from wrongdoing in which no conscious influence of other people's disapprobation may be perceptible. (XV: 649)

A long series of repeated pains, "undergone, feared or imagined," associated with acts of wrongdoing such as lying might eventually produce a whole new intense "feeling of recoil" that we perceive as disinterested. In more serious cases of wrongdoing constituting injustice, the intensity of this feeling may rise to such a high pitch in comparison to ordinary dread of others' disapproval "that the difference in degree

(as is often the case in psychology) becomes a real difference in kind" (*Utilitarianism*, X: 251). The feeling of recoil,

> assumes that character of absoluteness, that apparent infinity, and incommensurability with all other considerations, which constitute the distinction between the feeling of right and wrong and that of ordinary expediency and inexpediency. (X: 251)

Our desire to do right becomes "so powerful ... that ought and should grow into must" (X: 251). We feel compelled not to provoke our own painful feelings of guilt and remorse, which are superior in quality and in binding force to the ordinary pains of others' disapproval and external sanctions.

Indeed, Mill argues that in persons of confirmed moral character the desire to do right can be determined solely by habit so that they forget their original motivations: the individual is no longer conscious that he expects pleasure from doing right or dreads pain – whether of others' disapproval or of his own guilt – from doing wrong.

> Will, the active phenomenon, is a different thing from desire, the state of passive sensibility, and though originally an offshoot from it, may in time take root and detach itself from the parent stock; so much so, that in the case of an habitual purpose, instead of willing the thing because we desire it, we often desire it only because we will it. (X: 238)

In this regard, another major law of association, a law of obliviscence, holds that the individual who does not pay attention to certain ingredients of a compound feeling loses awareness of them and eventually forgets them. By repeatedly attending to right and wrong actions and neglecting his motivations for doing right and refusing to do wrong, for instance, the person forgets the pleasures and pains that are components of his moral feelings, so much so that a person of confirmed virtue may resent any suggestion that he does right only to avoid feeling pain.

> It is not the less true that will, in the beginning, is entirely produced by desire; including in that term the repelling influence of pain as well as the attractive one of pleasure. (X: 238)

Moreover, habit is only valuable as a means of imparting certainty:

> ...there would be no reason for wishing that the purpose of virtue should become independent of pleasure and pain, were it not that the influence of the pleasurable and painful associations which prompt to virtue is not sufficiently to be depended on for unerring constancy of action until it has acquired the support of habit. (X: 239)

Thus, the associationist psychology can even explain how the habitual will to do right becomes detached from pleasure and pain. The psychology has sufficient resources to do this while maintaining that habit is of no intrinsic value and that the ultimate justification of doing right and avoiding wrong continues to be the promotion of general happiness in the sense of pleasure including relief from pain.

While he insists on the sophistication of associationist psychology, Mill does not view it as a complete analytical psychology of experience. Some of our higher feelings,

including the desire for social unity and the desire to do right that is rooted in it, are latent in human nature. In the absence of such natural feelings, higher feelings such as the moral sentiments would invariably be wholly artificial associations of simpler elements and the artificiality would be exposed by analysis. Even when such artificial unions are said to be indissoluble, this does not mean that their dissolution is impossible: "those who maintain the theory do not mean by an indissoluble association, one which nothing that can be conceived to happen could possibly dissolve" (*Notes on the Analysis*, XXXI: 161). Rather,

> ...indissoluble associations are those which we cannot, by any mental effort, at present overcome. If two ideas are, at the present time, so closely associated in our minds, that neither any effort of our own, nor anything else which can happen, can enable us now to have the one without its instantly raising up the other, the association is ... indissoluble. (XXXI: 161)

This does not preclude analysis of a complex idea or desire to identify its various ingredients and ascertain if their inseparable association has been artificially produced by means of education and external sanctions. And if analysis does show that the association is wholly an artificial product, the complex idea or desire loses its vitality and ceases to charm. Anyone capable of analysis ceases to view such a moral idea as an authentic expression of his own intellect or to regard the moral desire's fulfilment as essential to his own happiness. Even so, he may continue to associate the ingredients and to act as if he had moral feelings for some time, out of habit, without taking any pleasure in doing so.

Mill's recognition of higher natural feelings implies that, contrary to a common opinion, his psychological hedonism is not correctly described as merely a version of associationism. In particular, by contrast with any unrestricted associationist theory which sees moral ideas and sentiments as wholly artificial creations, he emphasizes that the "normal form of moral feeling," that is, the conscientious desire to do right in terms of the moral standard of "utility in the largest sense," is a natural feeling:

> I conceive that feeling to be a natural outgrowth from the social nature of man: a state of society is so eminently natural to human beings that anything which is an obviously indispensable condition of social life, easily comes to act upon their minds almost like a physical necessity. Now it is an indispensable condition of all society, except between master & slave, that each shall pay regard to the other's happiness. On this basis, combined with a human creature's capacity of fellow-feeling, the feelings of morality properly so called seem to me to be grounded, & their main constituent to be the idea of punishment. I feel conscious that if I violate certain laws, other people must necessarily or naturally desire that I shd [sic] be punished for the violation. I also feel that I shd desire them to be punished if they violated the same laws towards me. From these feelings & from my sociality of nature I place myself in their situation, & sympathize in their desire that I shd be punished; & (even apart from benevolence) the painfulness of not being in union with them makes me shrink from pursuing a line of conduct which would make my ends, wishes, & purposes habitually conflict with theirs. (Letter to William George Ward, Nov 28, 1859, XV: 649–50)

The natural desire for social unity is inherently weak, he admits, although it can be greatly strengthened by suitable education and external sanctions. Even now, in most people their social feelings are much weaker than their selfish and prejudiced feelings whose relative strength is artificially encouraged by misguided education and external sanctions. He implies that the natural desire for unity would grow more powerful spontaneously, without much if any need for artificial encouragement, were it not for the interference of selfish and ignorant moral and political leaders who establish inexpedient institutions and abnormal moral standards, either for their own advantage or because they don't know any better. Moreover, despite the injustices resulting from the abnormal and wholly artificial moral feelings manufactured by biased and superstitious elites and more or less blindly accepted by their followers, he argues that the conditions of advanced industrial democracy are tending to foster the growth of the natural moral feeling.[5] As he makes clear, this natural utilitarian desire to do right involves the desire for equal justice. Indeed, in his optimistic moments, he points to the possibility of an ideal society in which all have equal rights:

> The entire history of social improvement has been a series of transitions, by which one custom or institution after another, from being a supposed primary necessity of social existence, has passed into the rank of an universally stigmatized injustice and tyranny. So it has been with the distinctions of slaves and freemen, nobles and serfs, patricians and plebeians; and so it will be, and in part already is, with the aristocracies of colour, race, and sex. (*Utilitarianism*, X: 258)

3. The Natural and Normal Utilitarian Conscience

The natural desire to be in unity with others inclines people to wish for a society of equals, Mill argues, because social unity is only possible if the personal interests of all are given equal regard: "Society between equals can only exist on the understanding that the interests of all are to be regarded equally" (*Utilitarianism*, X: 231). In particular, society between equals demands equal regard of those vital personal interests shared by all which ought to be considered as rights. He is saying that the natural and normal utilitarian moral standard requires equal justice understood as equal protection of the *equal rights of all*. Equal protection of the rights of all is not sufficient: "The justice of giving equal protection to the rights of all, is maintained by those who support the most outrageous inequality in the rights themselves" (X: 243).

Since it is obvious that not every interest is so vital that it ought to be considered as a right, Mill is *not* saying that the natural and normal utilitarian moral standard calls for equal regard or impartial consideration of all personal interests as if they are all equal rights. This is a crucial difference between Mill's enlarged utilitarianism and utilitarianism as usually depicted. For, according to Mill, the term interest is just another name, "speaking practically," for utility or happiness (X: 218). By implication, the moral standard of utility in the largest sense rejects the impartial aggregation of all personal utilities as if they could all be treated as equal rights. It distinguishes between ordinary interests and vital interests that ought to be considered as equal

rights, and thus between ordinary utilities or pleasures and vital ones that ought to be considered as rights.[6]

If most continue to improve their characters, Mill insists, civilized society will continue to advance in the direction of a natural but also ideal utilitarian morality in which rules of equal justice for all are given absolute priority over conflicting considerations. At every stage of civilization, he goes on to explain, "every person, except an absolute monarch, has equals" so that "every one is obliged to live on these terms with somebody" (X: 231). Even in the initial stages, people must conceive of themselves "as at least abstaining from all the grosser injuries, and (if only for their own protection) living in a state of constant protest against them" with respect to some group of peers. As they develop their capacities and civilization proceeds, people increasingly conceive of themselves as beings who "naturally and necessarily" pay regard to the good of everyone else (X: 232). Paying regard to the other's good entails respecting his equal rights and also helping him with his projects to some degree when we can easily afford to do so: "This mode of conceiving ourselves and human life, as civilization goes on, is felt to be more and more natural" in the sense of expressing our social nature. If the feeling of social unity and the desire to do right that naturally grows out of it were "taught as a religion," there is no doubt that the morality of utility in the largest sense would have a solid foundation in the conscientious feelings and habits of the majority. Indeed, "the danger" of such a religion of humanity "is, not that it should be insufficient [to cultivate a powerful internal sanction] but that it should be so excessive as to interfere unduly with human freedom and individuality" (X: 231; see also *Liberty*, XVIII: 226–7, 271–5).

The whole force of education together with the external rewards and punishments of law and public opinion, directed by a secular religion of humanity instead of a supernatural religion such as official Christianity, can develop and maintain a powerful natural conscience that is "the ultimate sanction of the Happiness morality." At the same time, this powerful desire to do right in terms of utility in the largest sense can resist, criticize and overturn competing moral standards, including wholly artificial utilitarian ones, and associated external sanctions. The belief that such a conscience is the natural outgrowth of social feelings that are inherent in human nature and not wholly artificial constructions imposed by society, is what justifies the conviction of "well-developed" individuals that education and external sanctions ought to be used to support the ideal utilitarian moral standard instead of some competing one:

> and when those [external] sanctions are wanting, or act in an opposite direction, [the natural and normal utilitarian conscience] constitutes in itself a powerful internal binding force, in proportion to the sensitiveness and thoughtfulness of the character; since few but those whose mind is a moral blank, could bear to lay out their course of life on the plan of paying no regard to others except so far as their own private interest compels. (*Utilitarianism*, X: 233)

The desire for equal justice is the principal component of the natural utilitarian desire to do right. And our natural and normal *moral* sentiment of justice is the source of a conceptual link between utilitarian morality and punishment.

4. The Link with Punishment

While he says that "With the idea of wrong, that of sanction is inseparably bound up" (*Austin on Jurisprudence*, XXI: 181), Mill emphasizes that it is the negative sanction of punishment rather than the positive sanction of reward that is distinctive of morality:

> We do not call anything wrong, unless we mean to imply that a person ought to be punished in some way or other for doing it; if not by law, by the opinion of his fellow creatures; if not by opinion, by the reproaches of his own conscience. (*Utilitarianism*, X: 246)

Punishment is "vastly more efficacious than reward" as a sanction because aversion to pain is stronger than desire for pleasure as a motive (*Examination*, IX: 459n). But even if "rewarding an offender were as effectual a means of improving his own character and protecting society as punishing him," it would conflict with our moral sentiment of justice:

> It would conflict with that natural, and even animal, desire of retaliation – of hurting those who have hurt us, either in ourselves or in anything we care for – which [as Mill maintains in *Utilitarianism*, X: 246–51] is the root of all that distinguishes our feeling of justice from our ordinary sense of expediency. This natural feeling, whether instinctive or acquired, though in itself it has nothing moral in it, yet when moralized by being allied with, and limited by, regard for the general welfare, becomes, in my view of the matter, our moral sentiment of justice. And this sentiment is necessarily offended by rewarding delinquents, and gratified by their punishment. (*Examination*, IX: 459–60n)

The moral sentiment of justice demands that we reciprocate "evil for evil" and "good for good" (*Utilitarianism*, X: 256). Mill concedes that this particular moral sentiment would no longer be needed, and "probably would die away," in a world in which "rewarding offenders would really be more expedient than punishing them" (*Examination*, IX: 460n). But it is "absurd" to suppose that such a world is like our world, "in which punishment is really necessary" (IX: 460n).

Notice that, for Mill, our moral sentiment of justice is implicitly a utilitarian moral sentiment in which the "natural, and even animal" desire for vengeance (which is perhaps instinctive in all animals) is "moralized" and "limited" by the natural utilitarian desire to do right which is itself an outgrowth of the natural desire for social unity. He is saying that, although we may not appreciate the fact, our normal sentiment of justice, insofar as it is a natural sentiment rather than a wholly artificial one that can be dissolved away by analysis, is a peculiarly impressive utilitarian sentiment. As he explains in *Utilitarianism* (X: 251–9), the sentiment grows up around the complex idea that rules which distribute equal rights and correlative duties are of extreme importance for promoting the general welfare, and that retaliation or punishment should be directed only against wrongdoers who break the rules by violating others' rights. Moreover, those with a conscientious desire for justice take a higher kind of pleasure, which is superior in quality to any competing kind of pleasure regardless of quantity, at seeing the rules enforced and wrongdoers punished.[7]

By calling an action wrong, Mill says, we mean to imply that a person *deserves* to be punished for doing it, in other words, that he is "morally responsible" and "justly accountable" for choosing it (*Examination*, IX: 454). But this does not imply that we believe that the person will actually feel accountable or guilty – he may have no conscience. Nor do we necessarily expect that the person will actually suffer external sanctions inflicted by his fellow creatures or by a Supreme Power. Moreover, there is no implication that a person who actually feels guilty or suffers external sanctions for acting in a certain way has done something wrong. Punishment may be wrongfully inflicted. Thus, our expectation that sanctions will be inflicted for deviating from an existing law or custom is distinct from our recognition that the deviation is wrongful: the law or custom may itself be unjust and deviations from it permissible.

To grasp how he conceives the link between utilitarian morality and punishment, we must understand why Mill thinks that punishment is deserved to promote the general welfare. In this regard, he argues that "Punishment proceeds on the assumption that the will is governed by motives" (IX: 458). If it were incapable of motivating us, punishment could never be justified:

> If punishment had no power of acting on the will, it would be illegitimate, however natural might be the inclination to inflict it. Just so far as the will is supposed free, that is, capable of acting *against* motives [in particular, strongest present desires], punishment is disappointed of its object, and deprived of its justification. (IX: 458, emphasis original)

Given the validity of determinism, "two ends … are sufficient to justify punishment: the benefit of the offender himself, and the protection of others." Contrary to those who insist that he imposes on absolute ban on paternalism, Mill claims that the offender's own good is a reason for others to punish him:

> As far, indeed, as respects the criminal himself, the theory of punishment is, that by counterbalancing the influence of present temptations, or acquired bad habits, it restores the mind to that *normal* preponderance of the love of right, which many moralists and theologians consider to constitute the true definition of our freedom. (IX: 458, emphasis added)

The protection of others is another justification for punishment provided that society is attempting to enforce moral duties such as the "perfect duties" of justice:

> Used as a means of aggression by society on the just rights of the individual, punishment is unjust. Used to protect the just rights of others against unjust aggression by the offender, it is just. (IX: 459–60)

Thus, any competent individual with a conscientious desire to do right grounded on the natural desire for social unity, accepts that punishment ought to be inflicted to improve the culprit's character and to secure the just rights of others against unjust violation. This remains true when the conscientious individual is also the culprit:

> the primitive consciousness we are said to have, that we are accountable for our actions, and that if we violate the rule of right we shall deserve punishment, I contend is nothing else than our knowledge that punishment will be just. (IX: 461)

General utility in the largest sense is promoted if punishment is inflicted for these purposes.

Mill's conceptual argument that an action is wrongful in terms of utility in the largest sense only if the action deserves punishment clarifies his brand of utilitarianism in at least two significant ways. First, given that the ultimate sanction of any moral standard is the internal sanction of conscience, his argument confirms that the negative sanction of guilt, and not any positive sanction of self-congratulation or praise, is essentially connected to the only moral standard that can withstand analysis. Justified feelings of guilt or remorse at deviating from that utilitarian moral standard are sufficient to identify a wrongful action. David Lyons is surely correct to insist that, for Mill, "wrongness is conceptually connected with justified guilt feelings, whereas it is only contingently and synthetically connected with external sanctions" (1994: 130; see also Miller, 2010: 85–8). There is no need for external sanctions to be generally expedient to identify immorality. H.L.A. Hart, among others, is mistaken to attribute to Mill the view that an action is wrongful only if general expediency authorizes society to enforce laws or customs that distribute legal or customary duties not to do the action. According to Hart, Mill argues that an individual has a moral right only if general utility justifies "the use of legal and social forms of enforcement with all the costs, suffering and other disutilities which enforcement regulated in such ways inevitably entails" (1982: 91). But, for Mill, dictates of conscience enforced by guilt are all that is required to give binding force to the moral standard of utility in the largest sense. The expediency of external sanctions in any situation is a separate question. Thus, Hart goes astray when he objects to Mill's form of analysis on the grounds that "The legal enforcement of individual claims may be justified if the claims [independently] rank as moral rights but they cannot rank as moral rights because their legal enforcement is justified" (1982: 93). The objection is a product of Hart's own misreading of Mill.

Second, Mill's conceptual argument does not specify any content for the moral standard of utility in the largest sense beyond the principle of utility and the moral concepts of rights, duties, deserved punishment and so forth. By itself, the argument only asserts that to call an action wrongful implies that punishment at least in the form of guilt for doing it is justified in terms of his enlarged utilitarianism. But the argument does not specify the particular form of aggregation procedure that is needed to maximize utility in the largest sense. As a result, the conceptual argument leaves us unsure about which particular actions are wrongful. It does not tell us how to identify which actions we have duties not to perform or which actions we have rights to perform. To fully appreciate the "natural and normal" utilitarian criterion of wrong action, then, more needs to be said about utility in the largest sense and the social decision procedure associated with its moral standard.

5. Utility in the Largest Sense

I cannot discuss further how Mill's enlarged utilitarianism works to identify unjust actions, although I have begun to do so elsewhere (e.g., Riley, 2012, 2013, 2014, 2015a, 2015b, 2016). But I wish to conclude by making three related points. First, the

scope of morality and law is limited in his doctrine. There are spheres of action, including a self-regarding sphere and a competitive one, where the individual has no duties to others and is properly free from coercive interference. In other words, he enjoys negative liberty within these spheres, which are properly beyond morality and law: sanctions, both internal and external, do not apply.

Second, the utilitarian aggregation procedure is confined to the limited sphere of morality and law. The ultimate goal of the procedure is to choose an optimal public code of justice, whose rules distribute and sanction equal rights for all, including a right to do whatever one wishes within one's self-regarding sphere. Only some of the rules can be expediently enforced with external sanctions so that the code consists of naked dictates of conscience in addition to laws and customs. The content of this utilitarian code, and of the equal rights and duties it sanctions, will vary somewhat over time as a result of human fallibility: gains in knowledge will occur about the utility consequences of different sets of rules and rights, unforeseen situations and advances in technology will arise, and so forth. At any point of time, however, the individual is free to pursue his own life in his own way as long as he fulfills his recognized moral and legal duties to others under the code chosen as optimal.

Finally, since the aggregation procedure is limited to the sphere of morality and law, the need for interpersonal comparisons of utility is also confined to that sphere. Here Mill's assumption that the desire for social unity and the desire for equal justice which grows out of it are natural feelings plays a crucial role. Since these feelings are supposedly latent in human nature, all individuals can be treated as fundamentally similar to this extent, as if they were a single individual. All competent human beings will develop a natural and normal utilitarian conscience as they develop their intellectual, imaginative, and moral capacities, and thus they will agree with one another on paying equal regard to the equal rights of all. In the meantime, while some people remain undeveloped and selfish so that they refuse to comply with an optimal code in the absence of external sanctions, society may legitimately use coercion to enforce rules of equal justice.

Notice that there is no assumption that we can get inside each person's head to measure how intense or mild his feelings of pleasure and desire are in comparison with those of other people so as to be able to add them all up in order to find the greatest sum-total of happiness. Mill never gives any indication of supposing that we can discover rules or actions that maximize general utility in such a precise way. Rather, the moral standard of utility in the largest sense demands that we treat all alike, and that we pay equal regard to the equal rights of all, because these demands are rooted in human nature. One moral person can imagine himself in another's circumstances, sympathize with the other's natural feelings, and infer that all people must comply with the same public rules of justice and that all deserve similar punishment for breaking them without excuse. This is what it means to have natural and normal moral feelings. All well-developed humans will take a higher moral kind of pleasure including relief from guilt in the fulfilment of the natural and normal utilitarian desire to do right. So long as they have and act upon this overriding moral desire, different persons' relative intensities of desire-satisfaction or pleasure do not matter. Technically, then, Mill's extraordinary utilitarianism is an *ordinalist* doctrine in which the preference for equal justice for all reigns supreme.[8]

Notes

1 Mill conceives of utility as happiness in the sense of "pleasure, and absence of pain" (*Utilitarianism*, X: 210). Morality is one department of the art of life, and the utility principle is the first principle of the entire art of life. It supplies a standard for aesthetics, for example, as well as for morality.

2 Miller argues that Mill's personal belief that conscience is acquired is "more important" for his subjective theory "than he admits" (2006: 167). He thinks that Mill's claim that

> the conscience might be innately "programmed" to prod us to obey utilitarianism is unpersuasive … because it is too difficult to reconcile Mill's view that the vast majority of people need to revise their views about morality in significant ways with the intuitionist view that our consciences are infallible moral guides. (2006: 167–8)

But we must be careful here. There is no logical connection between moral intuitionism as Mill understands it and received notions of right and wrong: "Assuming [conscience] to be innate," he says,

> it is an open question to what objects it naturally attaches itself; for the philosophic supporters of that theory are now agreed [with Kant] that the intuitive perception is of *principles* of morality, and not of the details. (*Utilitarianism*, X: 230)

Thus, the innate conscience might obey a utilitarian principle, in which case "the intuitive ethics would coincide with the utilitarian" (X: 230). Instead of agreeing with conventional morality about which particular actions are right or wrong, the intuitive morality would then support the utilitarian moral standard when conflicts arose with received ideas.

3 Mill had personal experience with the issue of artificial versus natural moral feelings. He briefly became deeply depressed in his early twenties because he feared that his highly-developed powers of analysis had revealed the artificiality of his utilitarian moral feelings and thereby undermined his personal happiness: he would not feel any enjoyment even if "all the changes in institutions and opinions which [he was] looking forward to, could be completely effected at this very instant" (*Autobiography*, I: 139). But his depression gradually lifted and never returned once he appreciated that feelings of wonder and beauty as well as the social feelings and the moral feelings rooted in them are natural feelings which are "perennial sources of happiness" (I: 151). These natural feelings are permanent sources of higher pleasures which humans who develop their capacities feel when they experience beauty or imagine an ideal – beautiful and just – social unity. They are not eroded by analysis and can be cultivated to become much stronger than any selfish passions. And so: "the delight which [Wordsworth's] poems gave me, proved that with culture of this sort, there was nothing to dread from the most confirmed habit of analysis" (I: 153).

4 On the point that a utilitarian moral character is both natural and ideal for Mill, see Rawls (2007: 280–3, 304–5).

5 See, e.g., Mill, *Utilitarianism*, X: 231–3; and *Liberty*, XVIII: 268–70.

6 See also Mill's important qualification that "the proper allowance for kind" must be made before endorsing Bentham's dictum "everybody to count for one, nobody for more than one" (*Utilitarianism*, X: 257–8).

7 For my reading of Mill's conception of the moral sentiment of justice and its superior quality, see Riley (2012, 2014).

8 I'm grateful to the editors for helpful critical comments on an earlier draft of this chapter. Responsibility for the views expressed remains mine alone.

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24

Mill's Moral Standard

BEN EGGLESTON

1. Introduction

Whether John Stuart Mill was an act utilitarian, or whether he was a rule utilitarian – or whether he was some other kind of utilitarian, such as a sanction utilitarian – are aspects of the more general question of what Mill's *moral standard* was. This is obviously one of the most important questions to ask about Mill's thought; as early as 1833 Mill himself acknowledged finding the correct moral standard as "the fundamental question of practical morals" (*Blakey's History of Moral Science*, X: 26). The question of Mill's moral standard is also one of the most extensively discussed questions in the vast body of scholarship devoted to the interpretation, analysis, and assessment of Mill's voluminous writings. Indeed, because this question has been so extensively discussed, I cannot aspire, in this chapter, to anything approaching exhaustiveness. Rather, in this chapter, I provide an overview of the debate surrounding this central question. In particular, I describe moral standards that are importantly attributed to Mill and I review the passages in his writings (and other interpretive considerations) that are most seriously regarded as bearing on those attributions.

Before proceeding, one point of methodological controversy should be noted. Interpretations of Mill's writings are often charged with anachronism, in the sense that they involve the attribution to Mill of moral standards that do not seem to have been explicitly formulated in the writings of Mill, his contemporaries, or his predecessors. Such concerns are asserted or suggested by, for example, J.D. Mabbott (1956: 116), J.J.C. Smart (1956: 349), Wendy Donner (1998: 279–80, 290; 2009: 34), Daniel Jacobson (2003: 1; 2008: 163–4, 177), David Weinstein (2011: 45, 60, 62–3), and Christopher Macleod (2013: 217–20). In sympathy with such concerns it should be acknowledged that some of the moral standards importantly attributed to Mill were first formulated carefully not in works by Mill or in works of Mill interpretation, but in subsequent evaluative discussions of the substantive merits of various forms of utilitarianism proposed

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as plausible moral theories in their own right. In particular, since the 1950s, various forms of act and rule utilitarianism have been articulated and defended with increasing specificity and sophistication, and interpreters of Mill's writings have drawn freely on those innovations.

On the other hand, Mill's era – and even earlier ones – were not entirely devoid of such ideas. As Dale Miller notes,

> George Berkeley was able to see the difference between act and rule utilitarianism well enough to make it clear that he favoured the latter, and he was writing over a century before Mill. (2010a: 96)

In fact, Mill was sufficiently acquainted with Berkeley's view to criticize it pointedly, as mentioned later. The anachronism debate is murky because the line between strict interpretation and charitable reconstruction is blurry. Ultimately, the charge of anachronism is one to be lodged against, and answered by, individual proposed interpretations, rather than addressed from a more global perspective.

2. Intention, Aggregation, and Other Issues: A Brief Overview

Most of this chapter is concerned with whether Mill's moral standard evaluates acts simply in terms of their effects or whether it evaluates acts in terms of their compliance with certain rules, and whether such evaluation somehow depends on the idea of punishment. This section, however, provides a brief overview of some additional interpretive questions.

One such question concerns Mill's original and enigmatic conception of happiness. This is, rightly, the subject of an entire chapter in this volume, that of Ben Saunders. Another additional question is whether Mill holds that an act is simply either right or wrong, or whether he holds that rightness and wrongness are matters of degree. This is discussed elsewhere by, for example, Alastair Norcross (2006: 223), Daniel Jacobson (2008: 170n27), David Brink (2013: 81), and Joseph Shay (2013: 15). Two further questions, reviewed here briefly, pertain to the intentions with which people act and the interplay of aggregative and distributive considerations in Mill's commitment to the promotion of happiness.

2.1. Intended, not Actual, Consequences

Mill's father, James Mill, imagined a case in which a doctor gives his patient a drug that, contrary to expectations, turns out to be fatal (*Notes on the Analysis*, XXXI: 253). This case illustrates the truism that acts expected to have good consequences can turn out badly, and *vice versa*. Like his father, Mill uses this case to discuss the question of which consequences determine the rightness or wrongness of an act: the consequences that actually ensue, the consequences that the agent intends to bring about, the consequences that an agent with reasonable beliefs would expect, or some other real or imagined consequences.

Mill's thoughts on this question might seem to be indicated by what is probably the most frequently quoted sentence of his *Utilitarianism* (1861), the sentence declaring that "actions are right in proportion as they tend to promote happiness, wrong as they

tend to produce the reverse of happiness" (*Utilitarianism*, X: 210). This formulation might refer to acts' actual consequences – or might not, depending on the import of Mill's use of the word "tend." Fortunately, there is an unambiguous sentence later in *Utilitarianism*: "The morality of an action depends entirely upon the intention—that is, upon what the agent *wills to do*" (*Utilitarianism*, X: 220n). Equally unambiguous remarks reinforcing this one are found in Mill's 1838 essay on Jeremy Bentham (*Bentham*, X: 112) and his 1869 discussion of his father's fatal-drug example (*Notes on the Analysis*, XXXI: 253). This topic is discussed in more detail by Roger Crisp (1997: 99–100, 112; 1998: 121–3) and Eric Wiland (2013b: 377).

2.2. Aggregation versus Distribution

Contemporary forms of utilitarianism typically require not just the promotion of happiness, but the maximization of it (Shaw 1999: 10–1), and contemporary utilitarian theorists tend to be explicit on this point. Mill is not. He shows some interest in issues of aggregation in 1824 when he criticizes "those who can feel and cannot reason" by saying "They would rather that a thousand individuals should suffer one degree each, than that one individual should suffer two degrees" and he goes on to use maximizing language in saying that "the only true end of morality" is "the greatest happiness of the greatest number" (*Brodie's History of the British Empire*, VI: 4). But in an 1847 letter, Mill suggests that non-aggregative considerations also matter, by writing that "I look upon inequality as *in itself* always an evil" – though the import of this remark is admittedly complicated by its occurrence in a discussion of class inequality rather than inequality in the distribution of happiness (Letter to Arthur Helps, estimated 1847, XVII: 2002). Then Mill uses maximizing language again in *Utilitarianism* in speaking of promoting happiness "to the greatest extent possible" (*Utilitarianism*, X: 214).

Mill's stance on maximization is debated. Some scholars see him as embracing some form of maximization, whether a standard one (Crisp 1998: 16) or a nonstandard one (Braybrooke 2004: 84–9; Riley 2009: 303–15, 2010: 78–83). Others see Mill as ultimately eschewing maximization (Coope 1998: 52–7; Skorupski 2006: 23–4; Macleod forthcoming). D.G. Brown, for example, holds that Mill is concerned with "commonsense dealing in utilities" (2010: 28) rather than maximization (2010: 29). In a related vein, David Levy and Sandra Peart formulate a hypothetical scenario, comprising three individuals, in which there are two possible states of affairs: one in which the individuals have utilities of 2, 3, and 4, and one in which they have utilities of 1, 2, and 9. Happiness is maximized in the latter state of affairs, but Levy and Peart claim that Mill would recommend the former because it would be preferred by two of the people involved, while the latter would be preferred by only one (2013: 129).

3. Act Utilitarianism

I mentioned previously that much of this chapter is concerned with the question of whether Mill's moral standard evaluates acts simply in terms of their effects or whether it evaluates acts in terms of their compliance with certain rules. Interpreting

Mill's moral standard as a form of act utilitarianism is one way of answering that question.

3.1. What Act Utilitarianism Is

Act utilitarianism is the most traditional and straightforward form of utilitarianism. A typical formulation is relatively simple:

> An act is right if and only if it results in at least as much overall happiness as any act the agent could have performed.

This principle implies that in any situation, an agent acts rightly if she maximizes overall happiness, and wrongly if she does not.

This principle also implies that the rightness or wrongness of an act does not depend on whether it complies with a moral rule (other than the act-utilitarian rule of "Maximize happiness"). This feature of act utilitarianism is important for our purposes because it is what most sharply distinguishes act utilitarianism from rule utilitarianism (which is discussed next).

Act utilitarianism is one of the leading candidates for Mill's moral standard, having been suggested by many scholars including Maurice Mandelbaum (1968: 212–21), Brian Cupples (1972: 137), Roger Crisp (1997: 96–7, 102–5; 1998: 14–8), William Shaw (1999: 165), David Braybrooke (2004: 81–4), L.W. Sumner (2006: 192–5), and David Brink (2013: 84–5, 110–2). Some scholars who interpret Mill as endorsing act utilitarianism interpret him as endorsing a specific kind of act utilitarianism often called *indirect* utilitarianism. This view affirms the act-utilitarian principle as the correct moral standard, but also acknowledges that the best way for people to promote happiness is to believe in, and act according to, various rules and principles that supplement and may even conflict with the act-utilitarian principle. For example, it is usually better, in terms of maximizing happiness, if people can enjoy a certain zone of freedom of action (and inaction) than if they have to constantly strive to act in happiness-maximizing ways. An excellent overview of indirect utilitarianism, including the attribution of it to Mill, is provided by Eric Wiland (2013a: 269). Indirect-utilitarian interpretations of Mill are advocated by Roger Crisp (1997: 105–26; 1998: 18–21), L.W. Sumner (2006: 194–5), and David Brink (2013: 82–4, 89–98), but this approach is emphatically critiqued by Daniel Jacobson (2003: 16–7; 2008: 160–3, 175–7).

3.2. The Greatest Happiness Principle

There are many remarks in which Mill (1) says that the rightness or wrongness of acts is determined by their effects on happiness and (2) says nothing at all about rules as having any bearing on the matter. Such remarks can be found in his 1852 review of two works on ethics by William Whewell (*Whewell on Moral Philosophy*, X: 172), an 1854 diary entry (Diary Entry, Mar 23, 1854, XXVII: 663), and an 1867 letter to a young Henry Sidgwick – though in this letter Mill agrees with Sidgwick that "a fixed moral principle, or set of principles" on the topic about which Sidgwick had contacted

him "would be very desirable" (Letter to Henry Sidgwick, Nov 26, 1867, XXXII: 185). But the most well-known such remark is the sentence, quoted in part previously, that is probably the most well-known sentence in *Utilitarianism*:

> The creed which accepts as the foundation of morals, Utility, or the Greatest Happiness Principle, holds that actions are right in proportion as they tend to promote happiness, wrong as they tend to produce the reverse of happiness. (*Utilitarianism*, X: 210)

Because this obviously important sentence contains no reference to rules, it is natural to read it as suggesting a form of act utilitarianism (Crisp 1997: 96–7, 1998: 115).

Despite the obvious importance of this sentence, there is reason to be cautious about putting a lot of weight on its exact wording. It occurs early in the chapter of *Utilitarianism* in which Mill explains "what utilitarianism is" (as said in the title of the chapter), and at this stage of the essay, Mill might be providing a simple summary of the general idea of utilitarianism rather than a careful and thorough formulation of what he regards as the most defensible particular form of utilitarianism. This interpretive issue is a fraught and recurring topic of discussion (Brown 1973: 2–3, 2010: 10–3; Coope 1998: 65; Jacobson 2003: 8–12, 2008: 170n27, 177; West 2007: 40–2; D. Miller 2010a: 93–4).

3.3. Breaking Rules to Produce More Happiness

Not only does Mill make no mention of rules in many statements about the determinants of rightness and wrongness; he also argues, in many passages that do concern rules, that they ought to be broken when unusual circumstances arise and cause it to be the case that breaking rules would have better consequences than following them. This point is discussed at length in the 1837 review of Henry Taylor's book *The Statesman* that Mill co-authored with George Grote. There, Grote and Mill write the following:

> To admit the balance of consequences as a test of right and wrong, necessarily implies the possibility of exceptions to any derivative rule of morality which may be decided from that test. (*Taylor's Statesman*, XIX: 638)

They add that if a person "wilfully overlooks" the peculiarities of the circumstances in which he acts and thereby causes unnecessary harm, "he cannot discharge himself from moral responsibility by pleading that he had the general rule in his favour" (*Taylor's Statesman*, XIX: 640).

In *Utilitarianism*, Mill anticipates the objection that if people were to apply his moral theory in actual decision-making, they would feel too free to make exceptions to moral rules. In reply to this objection, Mill does not attempt to show that utilitarianism prescribes its own set of binding rules; instead, he maintains the propriety of breaking rules, depending on the circumstances:

> It is not the fault of any creed, but of the complicated nature of human affairs, that rules of conduct cannot be so framed as to require no exceptions, and that hardly any kind of action can safely be laid down as either always obligatory or always condemnable. There is no ethical creed which does not temper the rigidity of its laws, by giving a certain latitude, under the moral responsibility of the agent, for accommodation to peculiarities of circumstances. (*Utilitarianism*, X: 225)

Utilitarianism also contains passages in which Mill considers moral rules that pertain to specific topics such as lying and injustice, and there too Mill affirms the necessity of occasionally breaking such rules. For example, lying is permissible when needed to protect someone "from great and unmerited evil" (*Utilitarianism*, X: 223) and "particular cases may occur in which some other social duty is so important, as to overrule any one of the general maxims of justice" (*Utilitarianism*, X: 259). Mill elaborates on this latter remark in a letter he wrote in 1867 (Letter to E.W. Young, Nov 10, 1867, XVI: 1327–8).

Finally, I mentioned earlier that Mill criticized Berkeley's rule-utilitarian view. In an 1871 essay, Mill writes that Berkeley "was misled by an exaggerated application of that cardinal doctrine of morality, the importance of general rules" (*Berkeley's Life and Writings*, XI: 468). Similar remarks about rules, on a variety of specific topics, can be found in Mill's 1835 review of Adam Sedgwick's *Discourse on the Studies of the University of Cambridge* (*Sedgwick's Discourse*, X: 72), his 1837 review of Thomas Carlyle's history of the French Revolution (*Carlyle's French Revolution*, XX: 161), his 1843 treatise *A System of Logic* (*Logic*, VIII: 945–6), his 1852 review of Whewell (*Whewell on Moral Philosophy*, X: 182), his 1869 essay *The Subjection of Women* (*Subjection*, XXI: 307), and his 1869 review of William Thomas Thornton's book *On Labour* (*Thornton on Labour and Its Claims*, V: 659). This strand in Mill's thought is emphasized in several interpretive analyses (Mabbott 1956: 116; Cupples 1972: 132; Gaus 1980: 276).

3.4. Considering a Class of Acts in Order to Ascertain an Act's Consequences

Sympathy with act utilitarianism is also suggested by Mill's advocacy of a particular method for ascertaining an act's consequences. In an 1872 letter to the logician John Venn, Mill writes the following:

> I agree with you that the right way of testing actions by their consequences, is to test them by the natural consequences of the particular action, and not by those which would follow if every one did the same. But, for the most part, the consideration of what would happen if every one did the same, is the only means we have of discovering the tendency of the act in the particular case. (Letter to John Venn, Apr 14, 1872, XVII: 1881)

Mill seems to have in mind that in many cases, an act's consequences can best be ascertained by imaginatively scaling up to the performance of many acts similar to the one in question, envisioning the consequences, and scaling those consequences back down to the act in question. Mill's thought here is not that if one person acts in a certain way, then others will do likewise (though the example-setting effects of an act can be important), but that some consequences of acts are so remote and diffuse that they are hard to detect and measure when considering acts one at a time. For instance, the harms of tax evasion – an example from Venn that Mill takes up immediately following the passage quoted previously – have these characteristics. It is typically hard to identify a discrete harm caused by a particular instance of tax evasion, but it is easy to see the harm caused by many instances of tax evasion and then to regard each instance as causing a roughly equal share of that harm.

By advocating this method for ascertaining an act's consequences, Mill invites the thought that those consequences – those of the particular act – are what determine its

rightness or wrongness. Moreover, it is telling that when Mill considers the familiar question "What if everyone did that?" he does not accord it any moral weight; he just regards it as a fact-finding technique. The facts thus found – facts about the individual act's consequences – are what determine the act's rightness or wrongness. Thus, this passage is naturally read as reflecting act-utilitarian thinking, as is a similar passage in Mill's 1852 review of Whewell (*Whewell on Moral Philosophy*, X: 180–2). D.G. Brown (1974: 68) is generally credited with bringing the letter to Venn to the attention of Mill scholars, though there is some dissent from this interpretation of this material (Eggleston and Miller 2008) as well as reconsideration from Brown himself (2010: 37n4).

3.5. Further Lines of Argument

Act-utilitarian interpretations of Mill are supported by several further considerations that, for reasons of space, I can only summarize here.

Previously, we saw that there is reason to believe that Mill objects to following a rule when more happiness would result from breaking it. There is also reason to believe that Mill objects to following a rule when the purpose of the rule itself would be better served by breaking it – a consideration that is conceptually distinct from the promotion of happiness, though presumably the two will often overlap. This is acutely relevant to the question of whether Mill should be interpreted as an act utilitarian or as a rule utilitarian (discussed later) because it suggests that Mill anticipated, with startling precision, a concern about rule utilitarianism that would be vividly expressed a century later in Smart's claim that rule utilitarianism involves "a form of superstitious rule-worship" (1956: 349). I discuss this aspect of Mill's thought more fully elsewhere (Eggleston 2011: 82–5).

Second, support for act-utilitarian interpretations can be found not only in some of Mill's remarks about when rules should be broken (as discussed previously), but also in some of his remarks about when they should be followed. At times, Mill argues in favor of following a particular rule on the grounds that when all of the likely consequences are taken into account – long-term as well as short-term – following the rule would actually promote happiness more than breaking the rule would. In other words, Mill defends the act of following the rule ultimately in terms of the act's promotion of happiness, just as an act utilitarian would. Mill offers such defenses in *Utilitarianism* (*Utilitarianism*, X: 223) and his comments on his father's *Analysis of the Phenomena of the Human Mind* (*Notes on the Analysis*, XXXI: 253). This aspect of Mill's thought is noted by Mabbott (1956: 118) and Gerald Gaus (1980: 273).

Third, Mill refers to rules with a rich variety of different words and phrases, and many of them suggest the advisability of disregarding a rule when it is incorrect or ineffective. For example, he calls rules "corollaries" and "direction-posts" (*Utilitarianism*, X: 224) and analogizes them to the information that sailors find in nautical almanacs (*Utilitarianism*, X: 225; also see *Sedgwick's Discourse*, X: 66). Obviously a supposed corollary of a principle should be ignored when it is found to conflict with that principle, a direction-post should be disregarded when it fails to point the way to one's destination, and erroneous astronomical or tidal data should be corrected. This interpretation of Mill's terminology is anticipated and rejected by J.O. Urmson (1953: 37–8) but is advanced nonetheless by Mabbott (1956: 117) and Smart (1956: 349–50).

4. Rule Utilitarianism

4.1. What Rule Utilitarianism Is

Rule utilitarianism is the primary rival of act utilitarianism within contemporary utilitarian thought, and is also the primary rival of act utilitarianism in the interpretation of Mill's moral thought. Rule utilitarianism follows act utilitarianism in regarding the maximization of happiness as the basis of morality, but specifies a more complicated connection between the maximization of happiness and the rightness of acts. Whereas act utilitarianism judges each act simply in terms of its effects on happiness, rule utilitarianism judges each act in terms of its compliance with a system of rules that is, in turn, selected on the basis of its effects on happiness.

There are different forms of rule utilitarianism. Probably the most prominent is the following:

> An act is right if and only if it is allowed by the system of rules whose general acceptance would maximize happiness.

Because of its focus on the system of rules that meets a certain normative ideal (regardless of whether it is actually accepted), this view can be called *ideal*-code rule utilitarianism. Views of this kind have been attributed to Mill by J.O. Urmson (1953: 35), Richard Brandt (1967: 57–8), and Alan Fuchs (2006: 144–50).

This form of rule utilitarianism focuses on ideal rules, without regard to the rules actually in effect in a person's society. Some theorists reject this and advocate a form of rule utilitarianism that (1) does not require people to always rise to the level of complying with ideal rules and (2) allows that people can act rightly as long as they comply with the rules actually in effect in their societies, if those rules are good enough from a utilitarian point of view. Making these two adjustments to ideal-code rule utilitarianism can lead to a view something like the following:

> An act is right if and only if it is allowed by happiness-promoting rules that are in effect in the agent's society.

This view, which can be called *actual*-code rule utilitarianism, implies that the rightness or wrongness of an act depends on actual rules rather than ideal rules, but not all actual rules have moral force – only those that promote happiness do. Views resembling this one have been attributed to Mill in several recent works (Eggleston and Miller 2007: 42; Donner 2009: 54; R. Miller 2009: 6–8, 22; Martin 2011: 31), but some skepticism has also been expressed (Norcross 2007: 2–3).

For our purposes, we can abstract away from the differences between these two forms of rule utilitarianism and note two claims that follow from rule utilitarianism in general, but are incompatible with act utilitarianism. First, the rightness or wrongness of an act is determined not by its effects on happiness, but by its conformity to some system of rules. Second, not all happiness-maximizing acts are obligatory and some are not even permissible. These two claims are suggested by several important strands in Mill's thought that we shall review shortly. First, however, we should note the place of rules in one of Mill's most direct statements of his conception of morality.

4.2. Morality Defined in Terms of Rules

Mill declares that rules are integral to morality. Consider, in particular, the passage in *Utilitarianism* in which Mill explains how happiness is "the ultimate end" and adds that this is not only "the end of human action" but "necessarily also the standard of morality." He then says that this standard "may accordingly be defined" as "the rules and precepts for human conduct" the observance of which will promote the end just identified (*Utilitarianism*, X: 214). This reference to "rules and precepts" in explaining how morality may be "defined" might be Mill's most direct statement of a principle resembling that of rule utilitarianism.

4.3. Liberalism

For the study of Mill's moral theory, *Utilitarianism* is of unmatched utility. But the single work for which Mill is probably most renowned is *On Liberty* (1859). In that essay, Mill argues for a form of liberalism that seems incompatible with act utilitarianism but at home within, and possibly entailed by, rule utilitarianism.

Probably the most frequently quoted part of *On Liberty* is the emphatic paragraph in which Mill declares that "the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others" (*Liberty*, XVIII: 223). Many parts of this claim bear close study, but for our purposes its most salient feature is its implication that not all happiness-maximizing acts are permissible: a happiness-maximizing act is impermissible if it would limit someone's liberty and could not be justified under the rubric of preventing harm to others.

Later in *On Liberty*, Mill reveals his opinion of the moral significance of various personal faults. Mill's language is characteristically delicate, but he basically sets up a hypothetical example involving a reckless, profligate, sex-obsessed drunk (*Liberty*, XVIII: 278). Of this person's many flaws, Mill writes the following:

> the self-regarding faults previously mentioned … are not properly immoralities … and … do not constitute wickedness. They may be proofs of any amount of folly, or want of personal dignity and self-respect: but they are only a subject of moral reprobation when they involve a breach of duty to others. (*Liberty*, XVIII: 279)

In this passage, Mill limits the scope of "moral reprobation." He similarly limits the scope of "moral disapprobation" – possibly the same idea – in a later passage (*Liberty*, XVIII: 281). These remarks imply that not all happiness-maximizing acts are obligatory: even if an act would maximize happiness, an agent may forgo it if doing so would not constitute a breach of duty to others. Of course, this last phrase makes everything turn on Mill's conception of our duties to one another, and if our duties to one another included the incessant maximization of happiness, then this liberal zone of freedom from moral censure would be perfectly consistent with act utilitarianism (as well as attenuated to the point of triviality, obviously). On the contrary, however, Mill posits a circumscribed realm of our duties to one another by claiming that people do not even have a general right not to be harmed (*Liberty*, XVIII: 293), not to mention a general right that everyone else always maximize happiness. Mill revisits this question in *Utilitarianism* (*Utilitarianism*, X: 250).

We have seen that within the framework of Mill's liberalism, not all happiness-maximizing acts are obligatory and some are not even permissible. Thus, Mill's liberalism militates against interpreting him as an act utilitarian. But it arguably meshes nicely with rule utilitarianism, since its key elements – the presumption against interfering with anyone's liberty of action and everyone's personal zone of freedom from moral censure – would arguably be part of a happiness-maximizing system of rules. Indeed, Mill himself assures us that

> I forego any advantage which could be derived to my argument from the idea of abstract right, as a thing independent of utility. I regard utility as the ultimate appeal on all ethical questions. (*Liberty*, XVIII: 224)

Liberals acknowledging "utility as the ultimate appeal" are likely to welcome the option of turning from act utilitarianism to rule utilitarianism, suggesting the latter as a more plausible reading of Mill's moral theory.

The compatibility of Mill's liberalism and his utilitarianism is a persisting question in Mill scholarship. This issue is treated seriously by Isaiah Berlin (2002: 236–7), Alan Ryan (1965: 621), D.G. Brown (1972: 150–3), C.L. Ten (1980: 9), Fred Berger (1984: 123–34), L.W. Sumner (2006: 187–92), Daniel Jacobson (2008: 175), and Wendy Donner (2009: 44) – though Fred Rosen dissents, arguing that Mill was unconcerned about "reconciling liberty and utility in the two essays on these topics" (2013: 134).

4.4. Supererogation

Mill's defense of liberalism is not the only important strand in his thought that denies the act-utilitarian claim that maximizing happiness is always obligatory. Another is his embrace of the idea that although morality may make many onerous demands on us, in many situations there remains the possibility, if the agent so chooses, of "going above and beyond the call of duty" – of acting in a way that is morally commendable, but not morally required. For example, we might say this of someone who volunteers at a nursing home for twenty hours per week instead of spending that time on leisure activities. Common-sense morality leaves room for such "supererogatory" acts, but act utilitarian does not, since it implies that whenever an agent is not producing as much happiness as possible, she is acting wrongly. Act utilitarianism's denial of the possibility of supererogatory acts is the source of one of the main objections to it – the objection that it is excessively demanding – and, interpretively, this issue can also be regarded as a litmus test for whether a certain view is compatible with act utilitarianism.

Mill seems firmly committed to thinking of morality in a way that leaves room for supererogation. In his 1865 essay on Auguste Comte, he writes that "There is a standard of altruism to which all should be required to come up, and a degree beyond which is not obligatory, but meritorious" (*Auguste Comte*, X: 337). Additional remarks along similar lines can be found in *Utilitarianism* (*Utilitarianism*, X: 246), an 1862 letter (Letter to George Grote, Jan 10, 1862, XV: 762), an 1867 letter (Letter to Henry S. Brandreth, Feb 9, 1867, XVI: 1234), and his 1869 review of Thornton's *On Labour* (*Thornton on Labour and Its Claims*, V: 650–1).

Like Mill's liberalism, his allowance for supererogation is not only inconsistent with act utilitarianism but also quite explicable in terms of rule utilitarianism. This is because the happiness-maximizing system of rules is probably less demanding than act utilitarian is, for two reasons. First, presumably the happiness-maximizing system of rules spreads the burden of maximizing happiness widely, instead of charging each individual with picking up all of the slack left by others. Second, the costs and benefits of any given system of rules are understood by rule utilitarians to include the costs of getting people to accept it, and less-demanding systems of rules have lower acceptance costs. The interpretive significance of the issue of supererogation is further discussed by Gaus (1980: 275) and Donner (2009: 40–4).

4.5. Evaluating Acts Based on Their Classes

Previously, I mentioned that Mill sometimes claims that we should consider the class to which a particular act belongs not because the question "What if everyone did that?" has any moral weight, but because it serves a fact-finding purpose: it helps to reveal the consequences of the act in question. But at other times, Mill suggests that the class to which an act belongs is more directly determinative of its rightness or wrongness.

Support for this idea is sometimes sought in the multiple occurrences of words such as "tend" and "tendency" in Mill's statements of his moral standard, including the two occurrences of that word in the Greatest Happiness Principle (quoted earlier). It is sometimes thought that tendencies cannot be ascribed to individual acts, but only to kinds of acts. On this view, the Greatest Happiness Principle refers to kinds of acts rather than individual acts, and thereby implicitly expresses a form of rule utilitarianism rather than act utilitarianism (Urmson 1953: 37). But this argument is undercut by the observation that Mill attributed tendencies to individual acts, not just to kinds of acts, as discussed by Cupples (1972: 136–7), John Gray (1983: 29–30), Berger (1984: 68–9, 88–94), Crisp (1997: 103–5), and Brink (2013: 85–8).

We saw previously that act-utilitarian interpretations of Mill are supported by remarks that seem to recommend breaking a rule because of the consequences in the particular case. But rule-utilitarian interpretations are supported by a remark that seems to have the contrary import:

> In the case of abstinences indeed – of things which people forbear to do, from moral considerations, though the consequences in the particular case might be beneficial – it would be unworthy of an intelligent agent not to be consciously aware that the action is of a class which, if practised generally, would be generally injurious, and that this is the ground of the obligation to abstain from it. (*Utilitarianism*, X: 220)

To be sure, some aspects of this passage make its upshot debatable. For example, Mill does not actually say that it would be wrong of the agent, after due consideration, to go ahead with the act in question – he only says that the agent ought to be aware of certain considerations. And the "obligation" Mill mentions might be a felt *sense* of obligation, rather than a genuine obligation correlated with the act's truly being wrong in the case at hand. These complications notwithstanding, the fact that this remark is treated as a

serious challenge to act-utilitarian interpretations of Mill's moral theory (Crisp 1997: 115–7, 1998: 124; Brink, 2013: 96–8) attests to the force that it is perceived to have in favor of rule-utilitarian interpretations. The thesis that the rightness or wrongness of an act is determined by the class to which it belongs is also suggested in two letters that Mill wrote later in the 1860s (Letter to George Grote, Jan 10, 1862, XV: 762; Letter to Henry S. Brandreth, Feb 9, 1867, XVI: 1234).

5. Sanction Utilitarianism

The two general forms of utilitarianism discussed so far – act and rule – are prominent contenders in the contest among contemporary ethical theories as well as leading candidates in the field of Mill interpretation. A third general form of utilitarianism attributed to Mill is not often proposed as an independently attractive moral theory, but can be regarded as a distillation and synthesis of some intriguing remarks in Mill's writings. Accordingly, it is helpful, in considering this form of utilitarianism, to start with those remarks and then review the moral principles they suggest.

5.1. Mill on Wrongness and Punishment

In the fifth and final chapter of *Utilitarianism*, Mill undertakes an analysis of justice, in order to show that utilitarianism can provide a satisfactory account of it. Partway through the chapter, Mill arrives at the preliminary conclusion that, despite disagreements over the substantive content of justice, it is generally agreed that people can legitimately be punished if they act unjustly. But Mill immediately adds that this point does not explain how the obligation associated with justice differs from

> moral obligation in general. For the truth is, that the idea of penal sanction, which is the essence of law, enters not only into the conception of injustice, but into that of any kind of wrong. We do not call anything wrong, unless we mean to imply that a person ought to be punished in some way or other for doing it; if not by law, by the opinion of his fellow creatures; if not by opinion, by the reproaches of his own conscience. This seems the real turning point of the distinction between morality and simple expediency. (*Utilitarianism*, X: 246)

Mill continues in this vein for just one paragraph before returning to his project of analyzing justice, but this brief digression into the connection between wrongness and punishment has proved to be influential. It is useful to read this paragraph alongside a closely related one found in a letter Mill wrote two years before the publication of *Utilitarianism* (Letter to William George Ward, Nov 28, 1859, XV: 649). Further helpful context is provided by Mill's remarks, in *A System of Logic*, characterizing morality as just one of the three "departments" of "the Art of Life" – along with "Prudence or Policy" and "Æsthetics" (*Logic*, VIII: 949). These remarks suggest that, for Mill, only some questions of value qualify as questions of morality, and it is natural to read Mill's remarks in *Utilitarianism* as suggesting that punishment – more precisely, the appropriateness of punishment – is the distinguishing factor.

5.2. *Interpretations*

Some scholars see this line of thought as supporting rule-utilitarian interpretations of Mill's moral theory (Urmson 1953: 37, 38; D. Miller 2010a: 85–8, 2010b: 52–7), but most see it as leading in a new direction. To refer to these novel forms of utilitarianism, it is convenient to note Mill's reference to "the penal sanction" and borrow Brink's term "sanction utilitarianism" (2013: 101).

The simplest forms of sanction utilitarianism start with the familiar ideas of moral rightness and maximizing happiness and simply insert the idea of the appropriateness of punishment as a conceptual intermediary between those two ideas. An example of such a view is the following:

> An act is right if and only if it would maximize happiness not to punish people for performing it.

This view differs from act utilitarianism in virtue of allowing, in principle, that an act can be right without being happiness-maximizing (but it coincides with act utilitarianism when it is supplemented with the premise that it would maximize happiness not to punish people for performing all and only happiness-maximizing acts). Interpretations similar to this view include those of Mandelbaum (1968: 209–10n7), Jonathan Harrison (1974: 96), David Copp (1979: 84), Gray (1983: 31), Berger (1984: 65), John Skorupski (1989: 321), Brink (1992: 29; 2013: 101–2), and Crisp (1997: 129).

The foregoing view is an act-based form of sanction utilitarianism. Some forms of sanction utilitarianism are rule-based: they make the rightness or wrongness of an act dependent on rules as well as on the appropriateness of punishment. An example is the following:

> An act is right if and only if it is allowed by the system of rules that it would maximize happiness to punish people for violating.

This view differs from ideal-code rule utilitarianism in virtue of allowing, in principle, that an act can be right without being allowed by the system of rules whose general acceptance would maximize happiness (but it coincides with ideal-code rule utilitarianism when it is supplemented with the premise that it would maximize happiness to punish people for all and only violations of the system of rules whose general acceptance would maximize happiness). One motivation for attributing a rule-based form of sanction utilitarianism to Mill is that he states in the letter mentioned above that "a true moral feeling [is] a feeling of pain in the fact of violating a certain rule" (Letter to William George Ward, Nov 28, 1859, XV: 649). Scholars proposing interpretations in the neighborhood of this view include David Lyons (1976: 109–11), Jacobson (2008: 163n10, 170n26, and 182–6), Jonathan Riley (2010: 90), and Macleod (forthcoming).

6. Conclusion

If act utilitarianism, rule utilitarianism, and sanction utilitarianism were cities, many scholars (as noted previously) would trace the location of Mill's moral standard to one of them, or at least a suburb of one of them. Some other scholars would agree that

Mill's moral standard is somewhere in the region of those cities, while demurring from locating it in any one of them (see, e.g., Dryer 1969: cv; Sumner 1979: 111; Gaus 1980: 278; West 2004: 84–7, 2014: 68–70; Brown 2010: 16–29; Kitcher 2011: 199–205). Finally, a few other scholars would place Mill's moral standard far away, perhaps on an altogether different continent; a helpful overview of these eccentric readings is provided by Riley (2013: 347). It is possible that such wide-ranging disagreement about Mill's moral standard is an unavoidable consequence of the rich diversity of fruitful thoughts about utilitarianism and other areas of morality that can be found in Mill's writings.[1]

Note

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25

Mill on Justice and Rights

DAVID O. BRINK

Mill develops his account of the juridical concepts of justice and rights in several different contexts and works. He discusses both the *logic* of these juridical concepts – what rights and justice are and how they are related to each other and to utility – and their *substance* – what rights we have and what justice demands. Though the logic and substance of these juridical concepts are distinct, they are related. An account of the logic of rights and justice should constrain how one justifies claims about their substance, and ways of defending what rights we have and what justice demands presuppose claims about the logic of these concepts. We would do well to examine Mill's central claims about the substance of justice and rights before turning to his views about their logic.

Mill links demands of justice and individual rights. He defends rights to basic liberties in *On Liberty* (1859), women's rights to sexual equality as a matter of justice in *The Subjection of Women* (1869), and rights to fair equality opportunity in *Principles of Political Economy* (1848) and *The Subjection of Women*. While these are Mill's central claims about the substance of rights and justice, he is attracted to three different conceptions of the logic of rights and justice. His most explicit discussion occurs in Chapter V of *Utilitarianism* (1861) in response to the worry that justice is a moral concept independent of considerations of utility. There, Mill develops claims about justice and rights that treat them as related parts of an indirect utilitarian conception of duty that explains fundamental moral notions in terms of expedient sanctioning responses. On this conception, duties are actions whose omission it is useful for us to sanction in some way. Matters of justice involve duties to respect rights, and rights are individual claims that it is useful for society to protect and enforce. But this conception of rights and justice inherits difficulties with sanction utilitarianism and fails to distinguish rights from other things society has reason to protect. Fortunately, Mill employs other claims about rights and justice that do not presuppose sanction utilitarianism.

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According to a second conception, rights involve secondary principles or rules that insulate especially important interests and liberties from routine cost-benefit analysis. Honoring rights and justice, on this conception, is justified by the utility of doing so. A third conception focuses on the greater value of the interests and liberties protected by rights and justice and justifies observing rights and the demands of justice as a way of promoting the overall good.

Many philosophers think that there is a tension between utility, on the one hand, and rights and justice, on the other hand. In Mill's day, intuitionists, such as William Whewell, thought that justice and rights were distinct from beneficence and non-derivatively justified. Nowadays, many moral and political philosophers think that rights and justice constrain utility, claiming that rights "trump" considerations of utility (Dworkin 1977: xi, 184–205) or act as "side constraints" on the pursuit of good consequences (Nozick 1974: 28–33). Mill is an interesting test for this conventional wisdom about the tension between utility and rights and justice, because he wants to give these deontic notions a utilitarian foundation. In Chapter V of *Utilitarianism*, he argues that justice and rights are derivatively justified by the way that they contribute to happiness. In *On Liberty*, Mill insists that his liberal arguments depend on rights that have utilitarian foundations.

> It is proper to state that I forego any advantage which could be derived to my argument from the idea of abstract right as a thing independent of utility. I regard utility as the ultimate appeal on all ethical questions; but it must be utility in the largest sense, grounded on the permanent interests of man as a progressive being. (*Liberty*, XVIII: 224)

In reconstructing Mill's claims about rights and justice, we need to ask if he succeeds in providing them with a plausible utilitarian foundation.

1. Liberal Rights

On Liberty begins by distinguishing old and new threats to liberty. The old threat to liberty is found in traditional societies in which there is rule by one (a monarchy) or a few (an oligarchy). Though one could be worried about restrictions on liberty by benevolent monarchs or oligarchs, the traditional worry is that when rulers are politically unaccountable to the governed they will rule in their own interests, rather than the interests of the governed. In particular, they will restrict the liberties and opportunities of their subjects in ways that benefit the rulers, rather than the ruled. It was these traditional threats to liberty that the democratic reforms of the Philosophical Radicals were meant to address. Mill shares these concerns. But he thinks that these traditional threats to liberty are not the only ones to worry about. He makes clear that democracies contain their own threats to liberty – this is the tyranny, not of the one or the few, but of the majority (*Liberty*, XVIII: 217–20). Mill sets out to articulate the principles that should regulate when and how governments and societies, whether democratic or not, are allowed to restrict individual liberties (XVIII: 220).

In an early and famous passage, Mill formulates his liberal commitments in terms of "one very simple principle," which is worth quoting at length.

> The object of this essay is to assert one very simple principle, as entitled to govern absolutely the dealings of society with the individual in the way of compulsion and control, whether the means used be physical force in the form of legal penalties or the moral coercion of public opinion. That principle is that the sole end for which mankind are warranted, individually or collectively, in interfering with the liberty of action of any of their number is self-protection. That the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others. His own good, either physical or moral, is not a sufficient warrant. He cannot rightfully be compelled to do or forbear because it will be better for him to do so, because it will make him happier, because, in the opinions of others, to do so would be wise or even right. These are good reasons for remonstrating with him, or reasoning with him, or persuading him, or entreating him, but not for compelling him or visiting him with any evil in case he do otherwise. To justify that, the conduct from which it is desired to deter him must be calculated to produce evil to someone else. The only part of the conduct of anyone for which he is amenable to society is that which concerns others. In the part which merely concerns himself, his independence, is, of right, absolute. Over himself, over his own body and mind, the individual is sovereign. (XVIII: 223–4)

Here, Mill distinguishes paternalistic and moralistic restrictions of liberty from restrictions of liberty based upon the harm principle and claims that the harm prevention is the sole legitimate basis for restricting individual liberties.

There is an ambiguity in Mill's formulation of the harm principle between harm prevention and preventing one person from harming others (cf. Brown 1972 and Lyons 1994: Ch. 4). These two claims are not equivalent. Every time A prevents B from harming another person C, A engages in harm prevention. But in some cases A might prevent harm to C by restricting B's liberty even though B is not the source of potential harm to C. So we can distinguish two different versions of the harm principle: (1) an *anti-harming* principle: A can restrict B's liberty only in order to prevent *B from harming others* and (2) a *harm prevention* principle: A can restrict B's liberty only in order to prevent *harm to others*. For instance, Good Samaritan laws involve the state restricting B's liberty by requiring him to aid C to prevent harm to C (e.g., rescuing a child drowning in a shallow pond) even if B is not the source of the threat to C. Such laws can be rationalized under the harm prevention principle but not under the anti-harming principle. Because Mill thinks that Good Samaritan laws are consistent with the harm principle (XVIII: 225), this is evidence that he understands the harm principle as a harm prevention principle.

Later, Mill distinguishes between genuine harm and *mere offense*. In order to satisfy the harm principle, an action must violate or risk violation of those important interests of others in which they have a right (XVIII: 225, 260, 276–7, 281, 283–4).

These distinctions allow Mill to defend a *categorical approach* to liberal rights. To decide whether an individual's liberty ought to be protected, we must ascertain to which category the potential restriction of liberty belongs: offense, moralism, paternalism, and harm prevention. Mill seems to permit or forbid restrictions on liberty by category, claiming that the only restrictions that are permissible involve harm prevention. Of course, a given regulation might fall under more than one category. Many provisions of the criminal law, such as prohibitions on murder and assault, might be designed both

to enforce fundamental moral provisions and to prevent harm to others. Mill does not object to moralistic or paternalistic legislation that can also be defended by appeal to the harm principle. Rather, the objection is to restrictions that can only be justified in these ways and cannot be justified by appeal to harm prevention.

Harm prevention is a necessary but not sufficient ground for restricting individual liberties. Harm prevention is sufficient to establish a pro tanto case for regulation (XVIII: 224), but whether regulation is all things considered appropriate depends on a utilitarian calculation of whether the benefits of regulation exceed its costs (XVIII: 292–3).

> As soon as any part of a person's conduct affects prejudicially the interests of others, society has jurisdiction over it, and the question whether the general welfare will or will not be promoted by interfering with it, becomes open to discussion. (XVIII: 276)

This means that the harm principle is not in fact Mill's only principle, because we cannot decide whether regulations that would prevent harm should be adopted without appealing to the principle of utility. But even if harm prevention is not sufficient to justify restricting liberty, Mill does appear to claim that it is necessary.

It is doubtful that Mill consistently adheres to the claim that the only permissible restrictions on liberty must be designed to prevent harm. How many exceptions he makes to this principle depends on complicated questions about how best to interpret the harm principle (Brink 2013: §§51–4). But even on interpretations that minimize the number of exceptions to the harm principle, Mill qualifies his blanket prohibition on paternalism to allow for some forms of paternalism, including the prohibition on selling oneself into slavery (XVIII: 299). There is an interesting question about the scope of this sort of exception to the usual prohibition on paternalism. But the exception itself shows that Mill does not think that the only acceptable restrictions on liberty are those that prevent harm to others. For this is a case in which it is permissible to restrict liberty, not to prevent harm to others, but to prevent a special kind of harm to self. This is further reason to think that Mill's one very simple principle is over-simple.

On a traditional understanding of Mill's liberal principles, acceptance of the categorical approach and, in particular, the harm principle leads Mill to recognize a large sphere of individual conduct that it is impermissible for the state to regulate. We could think of these as *liberal rights*. Mill's liberalism focuses on three basic kinds of liberties (XVIII: 225–6).

(1) Liberties of conscience and expression
(2) Liberties of tastes, pursuits, and life-plans
(3) Liberties of association

Though these basic liberties evidently include quite a bit, Mill does not claim that there is a right to liberty per se.

Mill apparently believes that rights to these basic liberties can be derived by consistent application of the categorical approach, in particular, the harm principle. But rights

figure not only in the conclusion of Mill's liberal arguments but also in the premises. Because what distinguishes harm from mere offense are those important interests of others in which they have rights (XVIII: 276, 281), the application of the harm principle depends on a prior conception of rights.

2. Liberal Rights and Progressive Happiness

We have seen that Mill wants his liberal principles to have utilitarian foundations, "grounded on the permanent interests of man as a progressive being" (*Liberty*, XVIII: 224). Mill's reference to the interests of man as a progressive being invoke his idea that we have higher-order interests in self-examination and self-determination. It is our capacities for practical deliberation that enable us to be self-governing and responsible agents (*Logic*, VIII: 839–42). They are what distinguish us from other animals that are not genuine agents and that endow our existence with greater comparative worth (*Liberty*, XVIII: 262–3). And, of course, they explain the superiority of higher pleasures and allow us to distinguish genuine happiness and mere contentment – the life of Socrates and the life of the contented pig (*Utilitarianism*, X: 210–2). Mill's defense of basic liberties in *On Liberty* appeals at crucial points to these higher-order progressive capacities.

For instance, Mill's defense of freedom of expression reflects his view that freedoms of thought and discussion are necessary for developing and exercising our deliberative capacities and, hence, for fulfilling our natures as progressive beings. Mill appeals to the distinction between knowledge and mere true belief.

> [A]ssuming that the true opinion abides in the mind, but abides as a prejudice, a belief independent of, and proof against, argument – this is not the way in which truth ought to be held by a rational being. This is not knowing the truth. (*Liberty*, XVIII: 244)

If we understand knowledge as something like *justified* true belief, we can better understand his rationale for freedom of expression (cf. Scanlon 1972; Ten 1980: 126–8). Progressive beings seek knowledge and not simply true belief. Whereas the mere possession of true beliefs need not exercise one's deliberative capacities, because they might be the product of indoctrination, their justification would. One exercises deliberative capacities in the justification of one's beliefs and actions that is required for theoretical and practical knowledge. This is because justification involves comparison of, and deliberation among, alternatives (*Liberty,* XVIII: 231–2, 243–5, 258). Freedoms of thought and discussion are essential to the justification of one's beliefs and actions, because individuals are not cognitively self-sufficient (XVIII: 256–7, 260–1). Sharing thought and discussion with others, especially about important matters, improves one's deliberations. It enlarges the menu of options, by identifying new options worth consideration, and helps one better assess the merits of these options, by forcing on one's attention new considerations and arguments about the comparative merits of the options. In these ways, open and vigorous discussion with diverse interlocutors improves the quality of one's deliberations. If so, censorship, even of false belief, can rob both those whose speech is suppressed and their audience of resources that

they need to justify their beliefs and actions and so fulfill their natures as progressive beings (XVIII: 229).

Though important in its own right, Mill's defense of freedom of expression also provides the resources for a more general argument for other basic liberties. Mill elaborates this rationale in the balance of *On Liberty*, but especially in Chapter III. A good human life is one that exercises one's higher capacities, and a person's higher capacities include her deliberative capacities, in particular, capacities to form, revise, assess, select, and implement her own plan of life.

> He who lets the world, or his own portion of it, choose his plan of life for him has no need of any other faculty than the ape-like one of imitation. He who chooses his plan for himself employs all his faculties. He must use observation to see, reasoning and judgment to foresee, activity to gather materials for decision, discrimination to decide, and when he has decided, firmness and self-control to hold his deliberate decision. And these qualities he requires and exercises exactly in proportion as the part of his conduct which he determines according to his own judgment and feelings is a large one. It is possible that he might be guided in some good path, and kept out of harm's way, without any of these things. But what will be his comparative worth as a human being? (XVIII: 262–3)

Here, Mill makes clear the importance of the development and exercise of deliberative capacities in a life that is fit for progressive beings. Self-government requires various liberties of thought and action. If the choice and pursuit of projects and plans are to be deliberate, then they must be informed as to the alternatives and their grounds, and this requires intellectual freedoms of speech, association, and press that expand the menu of deliberative options and allow for the vivid representation of the comparative merits of options on that menu. If there is to be choice and implementation of choices, there must be liberties of action such as freedom of association, freedom of worship, and freedom to choose one's occupation (XVIII: 225–6).

In particular, the appeal to our higher-order interest in self-determination explains Mill's general anti-paternalism. For if a person's happiness depends on her exercise of the capacities that make her a responsible agent, then her own good must include opportunities for responsible choice and reflective decision making. But then it becomes clear how self-determination is an important part of a person's good and how paternalism undercuts her good in important and predictable ways. Indeed, once we understand how Mill grounds his anti-paternalism in our capacities for self-determination, we can understand why he makes an exception for regulations that limit one's ability to self oneself into slavery.

> The ground for thus limiting his power of voluntarily disposing of his own lot is apparent, and is very clearly seen in this extreme case. … [B]y selling himself for a slave, he abdicates his liberty; he foregoes any future use of it beyond that single act. He, therefore, defeats in his own case, the very purpose which is the justification of allowing him to dispose of himself. (XVIII: 299)

Because it is the importance of self-governance that explains the usual reason for opposing paternalism, the same considerations argue against extending liberties to do things that would permanently undermine one's future capacities for self-governance.

In this case, an exception to the usual prohibition on paternalism is motivated by appeal to the very same values that explain the usual prohibition.

3. Justice, Rights, and Equality

On Liberty focuses more on rights to basic liberties than on justice. But in *Utilitarianism* Mill finds connections between rights and justice and links them with equal treatment.

> [T]he Greatest Happiness Principle ... is a mere form of words without rational signification, unless one person's happiness, supposed equal in degree (with the proper allowance made for kind), is counted for exactly as much as another's. ... The equal claim of everybody to happiness in the estimation of the moralist and legislator, involves an equal claim to all the means of happiness, except in so far as the inevitable conditions of human life, and the general interest, in which that of every individual is included, set limits to the maxim; and those limits ought to be strictly construed. ... All persons are deemed to have a *right* to equality of treatment, except when some recognised social expediency requires the reverse. And hence all social inequalities which have ceased to be considered expedient, assume the character not of simple inexpediency, but of injustice, and appear so tyrannical, that people are apt to wonder how they ever could have been tolerated; forgetful that they themselves perhaps tolerate other inequalities under an equally mistaken notion of expediency, the correction of which would make that which they approve seem quite as monstrous as what they have at last learnt to condemn. The entire history of social improvement has been a series of transitions, by which one custom or institution after another, from being supposed a primary necessity of social existence, has passed into the rank of an universally stigmatized injustice and tyranny. So it has been with the distinctions of slaves and freemen, nobles and serfs, patricians and plebeians; and so it will be, and in part already is, with the aristocracies of colour, race, and sex. (*Utilitarianism*, X: 257–8)

As Mill makes clear here and elsewhere, equal treatment does not always guarantee equality of outcome. The kind of equality Mill treats as a matter of right and justice is *equality of opportunity*. For instance, in *Principles of Political Economy* Mill claims that because the opportunities for each depend in part upon the position and resources of others the provision of fair opportunity constrains permissible socio-economic inequalities (II: 217–9).

> A just and wise legislation would abstain from holding out motives for dissipating rather than saving the earnings of honest exertion. Its impartiality between competitors would consist in endeavoring that they should all start fair .... Many, indeed, fail with greater efforts than those with which others succeed, not from difference of merits, but difference of opportunities; but if all were done which it would be in the power of a good government to do, by instruction and by legislation, to diminish this inequality of opportunities, the differences of fortune arising from people's own earnings could not justly give umbrage. (*Principles*, III: 811)

As Mill makes clear in this passage, his concern is not with inequality as such. Though he envisions a society in which inequalities are reduced and in which a decent minimum standard of living is available to all (III: 753–7), he does defend the profits of capitalists

as a just recompense for their savings, risk, and economic supervision (*Principles*, II: 400–2; *Chapters*, V: 734–5). Rather, Mill's concern is with inequalities derived from inequality of opportunity and those inequalities that perpetuate inequality of opportunity.

4. Sexual Equality, Rights, and Justice

These links between rights, justice, and equality of opportunity are on display in *The Subjection of Women* where Mill denounces existing forms of sexual inequality.

> [T]he principle which regulates the existing social relations between the two sexes – the legal subordination of one sex to the other – is wrong in itself, and now one of the chief hindrances to human improvement; and … it ought to be replaced by a principle of perfect equality, admitting no power or privilege on the one side, nor disability on the other. (XXI: 261)

While Mill clearly expected many aspects of his liberal principles to be controversial (*Liberty*, XVIII: 220–3), the revolutionary import of Mill's liberal principles only became clear when he later applied them to issues of sexual equality in *The Subjection of Women* (Nicholson 1998: 471).

Mill rejects sexual inequality in both domestic and social contexts. He discusses domestic equality primarily in Chapter II of *The Subjection of Women*. There, he focuses on the rights of wives and mothers, recognizing women's equal rights over their bodies or persons (*Subjection*, XXI: 283–6), to own and control property (XXI: 284–5, 297) to control various aspects of domestic decision making and household management (XXI: 290–2), to custody and care of children (XXI: 285), and to separation and divorce (XXI: 285–6). But Mill is not only concerned with wives and mothers in domestic contexts. He also defends equal rights to education (XXI: 315–6), to professional opportunities (XXI: 299; *Principles*, III: 765), to vote in political elections (*Subjection*, XXI: 301), and to run for political office (XXI: 301). In addition to these rights, Mill presumably also endorses equal rights to freedom of expression, worship, and association. One assumes that he sees the main threats to these rights as occurring in the domestic realm and coming from husbands, fathers, and brothers.

At times, Mill defends sexual equality on explicitly consequentialist grounds as a way of making fuller use of people's talents and promoting a culture of equal opportunity, accountability, and genuine meritocracy (XXI: 326–8). But Mill also defends sexual equality as a matter of individual rights and justice.

> Thus far, the benefits which it has appeared that the world would gain by ceasing to make sex a disqualification for privileges and a badge of subjection, are social rather than individual; consisting in an increase of the general fund of thinking and acting power, and an improvement in the general conditions of the association of men and women. But it would be a grievous understatement of the case to omit the most direct benefit of all, the unspeakable gain in private happiness to the liberated half of the species; the difference to them between a life of subjection to the will of others, and a life of rational freedom. After the primary necessities of food and raiment, freedom is the first and strongest want to human nature. (XXI: 336)

In elaborating this claim about women's higher-order interests in liberty, he says that personal independence is an "element of happiness" (XXI: 336–7). This echoes the arguments in *On Liberty* for claiming that basic liberties are necessary for persons to exercise the deliberative capacities that make them progressive beings.

In *The Subjection of Women*, Mill also defends sexual equality by appeal to the distinctively modern norm of equality of opportunity.

> For, what is the peculiar character of the modern world – the difference which chiefly distinguishes modern institutions, modern social ideas, modern life itself, from those of times long past? It is that human beings are no longer born into their place in life, and chained down by an inexorable bond to the place they are born to, but are free to employ their faculties, and such favorable chances as offer, to achieve the lot which may appear to them most desirable. (XXI: 272–3)

Mill is especially interested in women's opportunities for self-realization, which would include opportunities for developing capacities for practical deliberation – normative competence – and for exercising this competence in self-governed lives that realize their natures as progressive beings. These opportunities are not good in themselves, but they are necessary conditions for achieving these higher-order goods. This explains why Mill refers to the demand for equal opportunity for welfare as a demand of justice (XXI: 325) and why it grounds a claim of right.

5. Justice, Rights, and Duty

These are some aspects of Mill's claims about the substance of rights and justice. Mill appears to link justice with respecting individual rights, and chief among the individual rights Mill recognizes are rights to basic liberties, rather than liberty per se, and rights to equality of opportunity. No doubt, Mill recognizes other rights as well if only because more specific rights may be derived from these. For instance, Mill can and does derive a right to education as a condition of self-determination and equality of opportunity (*Liberty*, XVIII: 301–3; *Principles*, III: 947–53). But rights to basic liberties and equality of opportunity seem especially fundamental for Mill. That is not to say that they are non-derivative. As we have seen, Mill thinks that they can be given a utilitarian foundation, and he explains their importance to the individuals whose rights they are in terms of their role in self-governance and the exercise of our higher deliberative faculties.

We can now turn to Mill's account of the logic of rights and justice, in particular, the way in which they are related to each other and to duty. This account is complicated by the fact that Mill appears committed to more than once conception of duty. Though Mill clearly thinks of duty and obligation in terms of actions that in some way promote happiness, he embraces incompatible ideas about exactly how duty is grounded in utility. In particular, he is ambivalent between direct and indirect utilitarian conceptions of duty.

A *direct utilitarian* makes the assessment of things depend on the value of their consequences for happiness. So a direct utilitarian assessment of actions would be the *act utilitarian* claim that an act is right or obligatory insofar as its consequences for

happiness are at least as good as any alternative action available to the agent. Mill suggests this sort of direct utilitarian assessment of actions in his famous Proportionality Doctrine.

> The creed which accepts as the foundations of morals "utility" or the "greatest happiness principle" holds that actions are right in proportion as they tend to promote happiness; wrong as they tend to produce the reverse of happiness. By happiness is intended pleasure and the absence of pain; by unhappiness, pain and the privation of pleasure. (*Utilitarianism*, X: 210)

Similarly, in other passages Mill makes the direct utilitarian claim that acts are right in virtue of their utility. In the opening paragraph of Chapter II, he tells us that utilitarians are "those who stand up for utility as the test of right and wrong" (X: 209). Later in that chapter, he says that utilitarianism requires that "utility or happiness [be] considered as the directive rule of human conduct" (X: 213). Still later in Chapter II, he describes utilitarianism as a "standard of what is right in conduct" (X: 218). Even Chapter V, which will eventually introduce some indirect elements, begins with Mill asserting that utilitarianism is "the doctrine that utility or happiness is the criterion of right and wrong" (X: 240).

By contrast, an *indirect utilitarian* assesses something not by the value of its consequences but by its relation to something else that is then assessed by its consequences for happiness. So, for instance, the most familiar form of indirect utilitarianism is *rule utilitarianism*, which claims that an act is obligatory or right insofar as it conforms to a rule whose acceptance value for happiness is at least as good as any alternative rule available to the agent.

Mill is sometimes read as a rule utilitarian (Urmson 1953; Miller 2010: Ch. 6; Eggleston 2011; Martin 2011). The main rationale for this reading is the importance he attaches to secondary principles in moral reasoning. He defends the utilitarian's appeal to various moral precepts as secondary principles, such as veracity, fidelity, and fair play (*Utilitarianism*, X: 224–6). He thinks that optimal secondary principles satisfy two conditions.

(1) Employing the principle generally but imperfectly leads to optimal results.
(2) One cannot in general reliably discriminate whether or, if so, when adherence to the principle would produce suboptimal results.

When these two conditions are met, Mill believes, agents should follow these principles automatically and uncritically most of the time. In these cases, agents consult only secondary principles; they do not use them as heuristics in a utility calculation. They have genuine deliberative autonomy. But to say this is not to say that agents should never consult the utilitarian first principle or assess the acceptance value of secondary principles. They should periodically step back and review, as best they can, whether the principle continues to satisfy conditions (1) and (2). Also, they should set aside these secondary principles and make direct appeal to the principle of utility in unusual cases in which it is especially clear that the effects of adhering to the principle would be significantly, and not just marginally, suboptimal, and in cases in which secondary principles, each of which has a utilitarian justification, conflict (X: 219–20, 224–6).

Whether Mill's claims about the importance of secondary principles imply rule utilitarianism depends, in part, on whether he wants to define right action in terms of the best set of secondary principles or whether they are just a generally reliable way of doing what is in fact best and right. If he defines right action in terms of conformity with principles with optimal acceptance value, then he is a rule utilitarian. But if the right action is the best action, and secondary principles are just a reliable (though imperfect) way of identifying what is best, then Mill is an act utilitarian. An adequate discussion of this issue is not possible here, but a good case can be made that Mill's main claims about the importance of secondary principles can be squared with his act utilitarian commitments (Brink 2013: Ch. 4).

The same cannot be said about Mill's indirect utilitarian claims about duty in Chapter V of *Utilitarianism*. In one of Mill's clearest discussions of the inter-relations among duty, justice, and rights, he develops a conception of justice and rights that is part of an indirect utilitarian conception of duty. In particular, Mill links duty and sanctions.

> For the truth is, that the idea of penal sanction, which is the essence of law, enters not only into the conception of injustice, but into that of any kind of wrong. We do not call anything wrong unless we mean to imply that a person ought to be punished in some way or other for doing it – if not by law, by the opinion of his fellow creatures; if not by opinion, by the reproaches of his own conscience. This seems the real turning point of the distinction between morality and simple expediency. (X: 246)

Here Mill defines wrongness and, by implication, duty, not directly in terms of the nature of the action or its consequences but indirectly in terms of appropriate responses to it. He appears to believe that one is under an obligation or duty to do something just in case failure to do it is wrong and that an action is wrong just in case some kind of external or internal sanction – legal punishment, social censure, or self-reproach – ought to be applied to its performance.

Sanctions determine when conduct is wrong, which allows Mill to say that an act is one's duty just in case its omission would be appropriate to sanction. In this way, the sanction test distinguishes duty from expediency (X: 246–8). Not all suboptimal or inexpedient acts are wrong, only those in which one ought to apply some sort of sanction (at least, self-reproach) to them.

Justice is a proper part of duty. Justice involves duties that are perfect duties – that is, duties that are correlated with rights (X: 246–8).

> Justice implies something which it is not only right to do, and wrong not to do, but which some individual person can claim from us as a matter of right. (X: 247)

An act is unjust just in case it is wrong and violates someone's rights (X: 249–50). Someone has a right just in case she has a claim that society ought to protect by force of law or public opinion.

> When we call anything a person's right, we mean that he has a valid claim on society to protect him in the possession of it, either by the force of law, or by that of education and opinion. If he has what we consider a sufficient claim, on whatever account, to have

> something guaranteed to him by society, we say that he has a right to it. If we desire to prove that anything does not belong to him by right, we think this is done as soon as it is admitted that society ought not to take measures for securing it to him, but should leave it to chance, or to his own exertions. (X: 250)

Notice that these relationships among duty, justice, and rights do not yet introduce any utilitarian elements. But Mill does think that whether sanctions ought to be applied to an action – and hence whether it is wrong – and whether society ought to enforce an individual's claim – and hence whether she has a right – both depend upon the utility or expediency of doing so (X: 250). He does not say precisely what standard of expediency he has in mind. To fix ideas, let us assume that the relevant standard is optimality: something is one's duty just in case it is optimal to sanction its omission, and something is one's right just in case it is optimal for society to enforce one's claim to that thing.

Because this account of duty defines the rightness and wrongness of an act, not in terms of its utility, as act utilitarianism does, but in terms of the utility of applying sanctions to the conduct, it is an indirect form of utilitarianism. Because justice is a species of duty, it inherits this indirect character (cf. Lyons 1994). Because it makes various deontic categories depend upon the utility of sanctioning responses, we might call this conception of duty, justice, and rights *sanction utilitarianism*. Because sanction utilitarianism is a species of indirect utilitarianism, it is inconsistent with act utilitarianism.

6. The Sanction Theory of Rights

Mill links justice and rights – claims of justice are claims of individual right. According to the sanction theory, rights and, hence, justice are individual claims that it is useful to protect and enforce. Central among these rights are rights to basic liberties and to the conditions necessary for or conducive to equality of opportunity. Does the sanction theory provide a good reconciliation of rights and justice with utility?

For one thing, the sanction theory of rights inherits a problem from the sanction theory of duty. Sanction utilitarianism is a *hybrid* of indirect and direct elements. For while it provides an indirect utilitarian theory of duty, which applies to any kind of conduct, the account it provides of when sanctions should be applied to conduct is direct – it depends upon the consequences of applying sanctions. Because imposing sanctions is itself a form of conduct, the direct and indirect elements of sanction utilitarianism conflict. The general indirect criterion is incompatible with the direct criterion for applying sanctions.

(1) Any act is right iff it is optimal to apply sanctions to its omission (the indirect claim).
(2) Applying sanctions is right iff doing so is optimal (the direct claim).

This inconsistency in the sanction theory of duty infects the sanction theory of rights.

(1) X has a right to Y iff society ought to protect X's claim to Y from interference (the first part of the sanction theory of rights).

(2) Society ought to protect X's claim to Y from interference iff doing so is optimal (the direct part of the sanction theory of rights).
(3) Society ought to protect X's claim to Y from interference iff it would be optimal to blame society for failing to do so (the indirect sanction theory of duty).

(2) and (3) are inconsistent. One could respond by decoupling the sanction theory of rights from the sanction theory of duty. (2) is only problematic when conjoined with the sanction theory of duty. One could maintain the sanction theory of rights by rejecting the sanction theory of duty and accepting a direct utilitarian conception of duty.

But the sanction theory of rights has problems of its own. The sanction theory of rights treats the desirability of social enforcement as constitutive of the idea of a right. But this seems to get things backward. It is because we have rights that society ought to enforce them; it is not that we have rights to whatever society ought to enforce. The desirability of social enforcement seems *consequential* on the existence of the right.

This is even clearer, because there are some claims that society ought to enforce that are not rights. Among the things that society ought to recognize and protect are both rights and *privileges*. The exact line between rights and privileges is not always clear. But we recognize the distinction in claiming that some interests and opportunities that the state ought to protect are not ones that can be claimed as a matter of right. Perhaps a driver's license, access to public transportation, or certain income tax credits are best understood as privileges, rather than rights. The intuitive idea with privileges is that though there are good reasons for the state to recognize and protect them, they are not things that can be claimed as a matter of individual right or entitlement. This shows that the usefulness of social enforcement cannot be constitutive of a right, because otherwise privileges would be rights. But it also underscores the idea that even with rights, the desirability of social enforcement is consequential on, and so not constitutive of, the existence of the right.

7. Rights as Secondary Principles

Though the sanction theory of rights is the conception Mill introduces when he is explicitly defining rights in Chapter V of *Utilitarianism*, he has the resources for other conceptions of rights that do not presuppose indirect utilitarianism. As we have seen, in *On Liberty* Mill recognizes rights but only such rights as can be given a utilitarian grounding (XVIII: 224). That means that rights must be subordinate to the utilitarian first principle, and that suggests that Mill regards rights as especially important *secondary principles* (cf. Berger 1984: Chs. 3–4). On this conception, rights are rules that insulate or protect an individual's interest or liberty from certain kinds of interference and that make no direct reference to the good consequences of insulation. We should observe such rules more or less uncritically and set them aside only when adherence to them is clearly suboptimal or in cases of conflicts among such rules (rights). In such exceptional cases, we should make direct appeal to the principle of utility.

Why should we regulate our conduct by such rules? Because doing so is generally but imperfectly optimal, and because we are unable to discriminate for cases in which deviation from the rules is suboptimal without deviating from them in other cases in

which it is not. Why should we believe that there are interests or liberties that are generally but imperfectly optimal to protect? Mill's answer is that some interests and liberties play a more fundamental role in human happiness than others.

> While I dispute the pretensions of any theory which sets up an imaginary standard of justice not grounded on utility, I account the justice which is grounded on utility to be the chief part, and incomparably the most sacred and binding part, of all morality. Justice is a name for certain classes of moral rules which concern the essentials of human well-being more nearly, and are therefore of more absolute obligation, than any other rules for the guidance of life; and the notion which we have found to be of the essence of the idea of justice – that of a right residing in an individual – implies and testifies to this more binding obligation. (*Utilitarianism*, X: 255; cf. X: 255–6, 259)

Like other goods that are, as a class, especially valuable, Mill thinks that we should make them the object of secondary principles that regulate our deliberations and reasoning.

The special importance of the interests protected by rights suggests that Mill might claim not simply that rights are secondary principles but further that rights are *especially stringent* secondary principles. For we can assess the stringency of any moral claim by the number of other claims it defeats when they conflict. The reasons generated by secondary principles tend to defeat ordinary pro tanto reasons for action, which explains the stringency of secondary rules in relation to ordinary pro tanto reasons. But we might also recognize that some secondary principles tend to defeat others in cases of conflict, which makes the first sort of secondary principles more stringent than the second. Mill presumably thinks that these more stringent secondary rules concern security and other necessary conditions for exercising our higher capacities. One version of the secondary principle conception of rights would identify rights with especially stringent secondary principles. However, there will be conflicts among rights of comparable stringency, and these must be resolved by direct appeal to utility.

8. Rights as Pre-Eminent Goods

In explaining the secondary principle conception of rights, we saw that Mill explains why it is generally but imperfectly optimal to protect some interests and liberties by claiming that some interests and liberties play an especially fundamental role in human happiness (*Utilitarianism*, X: 255–9). But this claim suggests a distinct conception of rights, as protections of pre-eminent goods. This conception of rights rests on Mill's assumptions about happiness and the role of individual rights to basic interests and liberties in securing happiness.

On this reading, it is crucial that Mill's conception of happiness is a pluralistic one in which some elements of happiness trump or dominate others. We know that Mill accepts a conception of happiness that insists on the superiority of activities that exercise our capacities for practical deliberation and self-governance. Indeed, in the higher pleasures doctrine Mill insists that such pursuits are discontinuously better than mere contentment. But then we can see how superior goods trump lesser goods. Claims to liberties and opportunities that are necessary for or highly conducive to such

higher-order goods would also trump the promotion of lesser goods. On this view, honoring rights is normally the way to promote utility because the goods rights protect are higher-order goods. But the presumption in favor of honoring rights must be abandoned when rights conflict. Some suits trump others, but within the trump suit, the higher value card wins. So too, when rights conflict, the conflict should be resolved by determining which resolution better promotes utility.

9. Conclusion

Mill has a reasonably stable conception of what rights we have and what justice demands. Justice involves honoring individual rights, where possible. So Mill's conception of justice is given by his conception of rights. For Mill, our most important rights are to basic liberties, rather than liberty per se, and to conditions essential for preserving equality of opportunity. He defends these liberal rights by appeal to their role in furthering our higher-order interests in realizing our capacities for self-governance, which are constitutive of our nature as progressive beings.

He also tries to show that these liberal rights can be given a utilitarian foundation, so that they don't have to stand as non-derivative deontic notions, as the intuitionist claims. In fact, Mill is attracted to three different conceptions of how to reconcile rights and utility. In Chapter V of *Utilitarianism*, he articulates a sanction theory of rights according to which rights just are individual claims that it would be expedient for society to protect. But that view seems to inherit the incoherence of the sanction theory of duty, which mixes direct and indirect utilitarian claims in incompatible ways. Moreover, it fails to distinguish rights and privileges. Fortunately, Mill has the resources for two other utilitarian conceptions of rights. He can regard rights as especially important secondary principles. On this conception, rights are rules that insulate or protect an individual's interest or liberty from certain kinds of interference. Entrenched rules of this sort do not themselves make reference to the good consequences of insulation, but their adoption is justified by their good consequences for the happiness of progressive beings. Mill can also appeal to the hierarchy of values in his progressive conception of happiness to explain why liberal rights protect superior elements of happiness. For this reason, liberal rights trump other, lesser goods, and so honoring them is a normal part of promoting happiness. On this conception, rights are pre-eminent goods.

Fortunately, these two conceptions of rights are complementary, rather than competing. One could perhaps accept the conception of rights as especially important secondary principles without accepting the hierarchy of values ingredient in the conception of rights as pre-eminent goods. But the first claim will be even more plausible if we accept the second. Both conceptions imply that rights should normally be honored but allow that rights cannot be honored in cases of conflicts of rights. In such cases, conflicts should be resolved by determining which resolution better promotes overall utility. Moreover, both conceptions are compatible with direct utilitarianism, which provides Mill with a way to reconcile rights and utility that does not require him to give up his predominant commitment to direct utilitarianism.

Both of these conceptions of rights permit Mill to claim that rights are considerations that in normal circumstances trump or constrain the pursuit of other goods. But rights,

so conceived, are not absolute trumps or constraints, if only because rights can conflict. So neither conception captures every claim that has been made on behalf of rights. But it is not clear that the claims that rights cannot conflict and are absolute represent adequacy conditions on a conception of rights. But then the secondary principle and pre-eminent goods conceptions of rights show promise of vindicating Mill's claim to be able to give rights a utilitarian foundation.

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Mill and Virtue

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Mill's views on virtue have been given comparatively little attention by writers on his moral philosophy. Two reasons for this suggest themselves. Firstly, Mill's treatments of virtue crop up in contexts where the main focus of discussion lies elsewhere. Secondly, Mill does not employ the term "virtue" in a consistent manner, and so attributing some single, unified "theory of virtue" to him may seem misplaced. There is little doubt, however, that virtue, or good character more generally, is a central obsession which runs through much of Mill's work. An influential criticism of utilitarians has been that they focus on questions of right and wrong action to the exclusion of issues of good character. This can hardly be said of Mill. Although he never wrote a single treatise on the science he termed "ethology," which was to be a bridge between sociology and psychology, questions of how social circumstances affect the formation of good and bad character infuse Mill's major moral, social, and political writings. In proposing social and political reforms, always at the forefront of Mill's discussion are questions such as: What sorts of human characters will be formed? What are human beings capable of becoming? Will this promote the moral and intellectual improvement of mankind? In *On Liberty,* Mill asserts explicitly that "It really is of importance, not only what men do, but also what manner of men they are that do it" (*Liberty*, XVIII: 263). A few pages later, he asks,

> what more or better can be said of any condition of human affairs, than that it brings human beings themselves nearer to the best thing they can be? or what worse can be said of any obstruction to good, than that it prevents this? (*Liberty*, XVIII: 267)

In *Utilitarianism,* Mill makes a point of emphasizing that "there is nothing in the utilitarian theory inconsistent with the fact that there are other things which interest us in persons besides the rightness and wrongness of their actions" (*Utilitarianism*, X: 220–1).

In this chapter, I begin by examining Mill's remarks on the nature and value of virtue in *Utilitarianism*, before looking at where virtue fits in Mill's moral philosophy and noting some of the distinctive features of his conception of it.

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1. Virtue and its Value: Chapter 2 of *Utilitarianism*

Scholars and students of *Utilitarianism* tend to focus on some clear central themes: Mill's criterion of right action (and the controversy of whether he is best interpreted as an act- or a rule-utilitarian); his idiosyncratic account of the good, with the famous distinction between "higher" and "lower" pleasures; the "proof" of the principle of utility in Chapter 4; and his account of justice and rights in the final chapter. Mill's views on virtue are far less frequently given detailed attention, instead generally being touched on only in passing in discussion of the foregoing topics. Although it is not a central purpose of Mill's in *Utilitarianism* to outline a fully-fledged positive account of virtue, discussion of virtue pervades the text. It is no exaggeration to say that the objection that utilitarians fail to do justice to virtue, and to the *value* of virtue in particular, is one of the two objections to utilitarianism that Mill takes most seriously (the other being that utilitarianism cannot give an adequate account of justice). Indeed, when Mill offers his proof of sorts of the principle of utility, he skates over such seemingly crucial issues as whether there are constraints on promoting the good, and whether the general good consists in a mere aggregation of individual goods, instead to focus on whether utilitarians can accommodate a convincing account of the value of virtue.

Before turning to that, however, we must look at the sustained discussion of virtue in the latter half of Chapter 2, where Mill responds to an influential objection to utilitarianism that:

> happiness, in any form, cannot be the rational purpose of human life and action ... men can do *without* happiness; that all noble human beings have felt this, and could not have become noble but by learning the lesson of Entsagen, or renunciation; which lesson, thoroughly learnt and submitted to, they [the objectors] affirm to be the beginning and necessary condition of all virtue. (*Utilitarianism*, X: 214)

It is objected that a moral philosophy built around happiness loses sight of what we may take to be the most admirable life of which humans are capable, a life of moral perfection, the life of a virtuous hero or martyr who sacrifices happiness for the sake of pursuing a moral end. Mill's response, assessing the virtue of someone who voluntarily forgoes his own happiness, insists on the following: (1) that the "object" of virtuous action is not itself virtue, but the promotion of general happiness, including the prevention of suffering; self-sacrifice for this end is what merits moral admiration, rather than mere asceticism or self-denial pursued for its own sake; and (2) that it is a contingent, and hopefully temporary, fact that self-sacrifice is a good means to the promotion of happiness.

He proceeds:

> All honour to those who can abnegate for themselves the personal enjoyment of life, when by such renunciation they contribute worthily to increase the amount of happiness in the world; but he who does it, or professes to do it, for any other purpose, is no more deserving of admiration than the ascetic mounted on his pillar...
>
> Though it is only in a very imperfect state of the world's arrangements that any one can best serve the happiness of others by the absolute sacrifice of his own, yet so long as the

> world is in that imperfect state, I fully acknowledge that the readiness to make such a sacrifice is the highest virtue which can be found in man…
>
> The utilitarian morality does recognise in human beings the power of sacrificing their own greatest good for the good of others. It only refuses to admit that the sacrifice is itself a good. A sacrifice which does not increase, or tend to increase, the sum total of happiness, it considers as wasted. The only self-renunciation which it applauds, is devotion to the happiness, or to some of the means of happiness, of others; either of mankind collectively, or of individuals within the limits imposed by the collective interests of mankind. (*Utilitarianism*, X: 217–8)

These passages clarify some important issues but leave others unsettled. It is surely right to say that the diminution of one's own happiness is not good, but that the readiness to impose such a diminution on oneself for the sake of others is. But is devotion to the general happiness only conditionally good – conditional on such devotion being instrumentally valuable? If a willingness to sacrifice one's own happiness for that of others is only contingently a means to producing happiness, is it thereby only contingently virtuous? In virtue of what, precisely, is this highest virtue admirable? Its good consequences? The good consequences of admiring it? Or just in itself, in virtue of what it is – a striving to promote the good of others even to the detriment of one's own good?

Clearly, Mill thinks that self-sacrifice not *aimed at* the general happiness is not virtuous, but we are inclined to admire self-sacrifice that *is* aimed at the general happiness, but which fails to attain its end, at least when this is through no fault of the agent. The villager who unsuccessfully attempts to hide a Jewish family from the Nazis seems no less admirable than one who succeeds, when the success of their respective efforts is quite beyond their control. The unsuccessful attempt counts as virtuous even if it results in more bad than good. And Mill does make clear that an account of virtue ought to accommodate this – traits acquire their status as virtues because they have a *general tendency* to promote good consequences:

> the motive [to someone's action], that is, the feeling which makes him will so to do … makes a great difference in our moral estimation of the agent, especially if it indicates a good or a bad habitual *disposition* – a bent of character from which useful, or from which hurtful actions are likely to arise. (*Utilitarianism*, X: 220n)

Mill correctly notes that self-sacrifice is only contingently our best means to promoting the general happiness. In a world with a more equitable distribution of resources, education, and opportunity, our best bet in promoting the good would not involve any deep sacrifice to our own material wealth and our own time and energies to those in need, but instead would focus on the pursuit our own personal projects and relationships. As a consequence, Mill appears to conclude, self-sacrifice is only contingently virtuous. But we might more precisely conclude that the virtuousness of self-sacrifice is contingent upon its being (faultlessly) *believed* to be a means to promoting happiness, rather than on its in fact being a means to promoting happiness.

The qualification matters. Distinguish two views of virtue:

(1) Instrumentalism: What makes a character trait a virtue, what makes it morally admirable, is just that it is generally instrumental in promoting the good.

(2) Appropriate Response View: What makes a trait a virtue, what makes it morally admirable, is just that it involves devotion to, or "appropriate response" to, what is good. Thomas Hurka calls this virtue as "loving the good," which takes three primary forms: desiring that the good come about, taking pleasure in the good when it does come about, and striving to bring about or sustain the good when one is in a position to do so. (See Hurka 2001, and Adams 2006.)

Mill does not explicitly address cases where Instrumentalism and the Appropriate Response View come apart. But his various remarks are most suggestive of the view that virtuous traits inherit their admirableness from the actual consequences they tend to have, rather than whether they involve correct responses to good and bad objects. Utilitarians "resolutely refuse to consider any mental disposition as good, of which the predominant tendency is to produce bad conduct" (*Utilitarianism*, X: 221), implying that virtuous dispositions should be characterized in terms of their prompting actions with good consequences, rather than simply in terms of having the appropriate sort of intentional object. On the other hand, his phrasing in saying that the "multiplication of happiness is, according to the utilitarian ethics, the object of virtue" (*Utilitarianism*, X: 220) may suggest a view more like the Appropriate Response View.

Mill perhaps ought to distinguish two separate normative questions about character in which we might take an interest: (1) What sort of character do we have reason to cultivate? (2) What sort of character is there reason to admire?
The first question appears to admit of a straightforwardly utilitarian answer: we should cultivate those character traits which will best promote the general happiness. But the second question can be answered in different ways by utilitarians of different stripes:

(1) One might say that there is most reason to admire those traits which tend to produce the best consequences. This faces the objection that some traits that produce good consequences do not appear to merit any particular admiration, even though we might be glad when people have them – for example, a disposition to obey the law out of fear of punishment. Worse, some trait could even be positively disadmirable, or contemptible, yet be such as to systematically produce good consequences under the circumstances. In a world where Satan so orders things that malevolence systematically produces happiness, and benevolence produces suffering, we should surely be glad of widespread malevolence, but it is not so clear that malevolence is thereby admirable (see Skorupski 2004).
(2) A second view is that there is most reason to admire some trait when admiring it will itself have good consequences. Something like this appears to be Mill's view, as noted next. But this view seems to fall foul of wrong kinds of reason objections. It seems implausible to say that some ruthless tyrant is admirable just because admiring him will make people's lives go better (Rabinowicz and Ronnow-Rasmussen 2004; Jacobson 2011). And it is not clear that we avoid these worries if we move to a more generalized version, which says that there is most reason to admire some trait if admiring such a trait *in general* has good consequences. Analogous claims about when there is reason to perform *actions* which express admiration may be more plausible (there is at least some reason to *applaud* some

malevolent person if doing so will prevent some future suffering), but in the case of judging admirableness itself, the consequences of admiration seems the wrong place to look.

(3) A third, more intuitive view, is that reasons to feel, such as reasons to admire, are responsive to their own norms, which themselves admit of no direct consequentialist rationale. There need be no embarrassment in a utilitarian conceding that reasons to feel are not governed in any direct way by the principle of utility. After all, a utilitarian account of reasons to believe seems a non-starter. In fact, this third, non-consequentialist view of reasons to feel, which declares that some feelings are simply fitting, should have some independent attraction for utilitarians. Just in saying that happiness is good, one seems committed to saying that some particular feelings toward happiness – desiring happiness, taking pleasure in happiness – are intrinsically merited, appropriate, correct. In saying that suffering is bad, one seems committed to saying that different sorts of feelings towards suffering – aversion to suffering, being pained by suffering – are merited. One need not await some further facts about the consequences of having these sentimental reactions themselves in order to know that there is some reason to have them. It may be that Mill's anti-intuitionism would deter him from conceding this point.[1] (For more discussion of the debate between Instrumentalism and the Appropriate Response View, see Driver 2001; Hurka 2001; Skorupski 2004; Adams 2006; Calder 2007; Russell 2007; McElwee 2015.)

2. Virtue and Happiness: Chapter 4 of *Utilitarianism*

A more explicit discussion of the value of virtue appears in Chapter 4 of *Utilitarianism*. Scholarly attention given to Mill's "proof" of the principle of utility has focused as much on what it omits as on what it contains. Mill seeks to establish what he here calls the "utilitarian doctrine," which is "that happiness is desirable, and the only thing desirable, as an end; all other things being only desirable as means to that end" (*Utilitarianism*, X: 234). His avowed method for determining what is desirable is examination of our actual desires.

His three main claims are:

Claim 1. Happiness is desired and thus good.
Claim 2. The general happiness is good.
Claim 3. Nothing besides happiness is good (Skorupski 1989; Crisp 1997).

Mill's proof has been charged with two main sorts of criticism: firstly, that the passages in which Claims 1 and 2 are argued for are painfully brusque and somewhat misleadingly articulated; secondly, that acceptance of these three claims is insufficient to establish full-blown utilitarianism, understood as the practical principle that we ought to maximize happiness (is maximization of happiness the appropriate way to understand the promotion of the general good? Ought we always to do what best promotes the good, or are there reasons for action that are not teleologically grounded?)

When we concentrate on what Mill does have to say in Chapter 4, rather than what he leaves out, we find that his discussion is dominated by his attempt to convince us of Claim 3. This strongly suggests that Mill himself judged that the major barrier to his readers' acceptance of utilitarianism would be the worry that it fails to accommodate goods which we ordinary distinguish from happiness – most particularly *virtue*, whose desirability we are very confident about, and which is putatively distinct from happiness or pleasure.

Mill speeds through Claims 1 and 2 to conclude that "Happiness has made out its title as *one* of the ends of conduct, and consequently one of the criteria of morality" (*Utilitarianism*, X: 234). For all that has been said, it may yet be that there are other ends, distinct from happiness, which constitute distinct, supplementary moral criteria. And virtue is a chief candidate:

> it is palpable that [people] do desire things which, in common language, are decidedly distinguished from happiness. They desire, for example, virtue, and the absence of vice, no less really than pleasure and the absence of pain. The desire of virtue is not as universal, but it is as authentic a fact, as the desire of happiness. And hence the opponents of the utilitarian standard deem that they have a right to infer that there are other ends of human action besides happiness, and that happiness is not the standard of approbation and disapprobation. (*Utilitarianism*, X: 234–5)

This need be no objection to the utilitarian claim, however, Mill assures us. Virtue may be desirable in itself, even though happiness is the only thing desirable for its own sake, because virtue can come to be a *part* of happiness.

> [Utilitarianism] maintains not only that virtue is to be desired, but that it is to be desired disinterestedly, for itself. Whatever may be the opinion of utilitarian moralists as to the original conditions by which virtue is made virtue; however they may believe (as they do) that actions and dispositions are only virtuous because they promote another end than virtue [1]; yet this being granted, and it having been decided, from considerations of this description, what *is* virtuous, they not only place virtue at the very head of the things which are good as means to the ultimate end, but they also recognise as a psychological fact the possibility of its being, to the individual, a good in itself, without looking to any end beyond it [2]; and hold, that the mind is not in a right state, not in a state conformable to Utility, not in the state most conducive to the general happiness, unless it does love virtue in this manner [3] – as a thing desirable in itself, even although, in the individual instance, it should not produce those other desirable consequences which it tends to produce [4], and on account of which it is held to be virtue. (*Utilitarianism*, X: 235)

Mill continues:

> This opinion is not, in the smallest degree, a departure from the Happiness principle. The ingredients of happiness are very various, and each of them is desirable in itself, and not merely when considered as swelling an aggregate. The principle of utility does not mean that any given pleasure, as music, for instance, or any given exemption from pain, as for example health, are to be looked upon as means to a collective something termed happiness, and to be desired on that account. They are desired and desirable in and for themselves; besides being means, they are a part of the end. Virtue, according to the

> utilitarian doctrine, is not naturally and originally part of the end [5], but it is capable of becoming so; and in those who love it disinterestedly it has become so, and is desired and cherished, not as a means to happiness, but as a part of their happiness. [6] (*Utilitarianism*, X: 235)

These very dense passages reveal the following five key points about virtue and its value, as Mill sees things:

(a) Virtue is a matter of being instrumental in producing happiness. [1]
(b) Traits are virtues because of a general tendency to produce happiness – one is still virtuous in displaying honesty or veracity, even on occasions when doing so does not promote happiness [4]
(c) We do not naturally or originally desire virtue for its own sake. [5]
(d) We can come to desire virtue for its own sake, so that it becomes a part of our happiness. [2], [6]
(e) It is good if we do come to desire virtue for its own sake, since this will itself generally have good consequences. [3]

A possible misunderstanding of Mill's position needs to be guarded against here. If something is initially only instrumentally valuable and not intrinsically valuable, it may yet be the case that *treating* that thing as intrinsically (i.e., non-instrumentally) valuable will itself promote happiness, and thus be instrumentally valuable. Mill's language might mislead us into thinking that he is suggesting that the instrumental benefit of taking a non-instrumental attitude to X can itself make X non-instrumentally valuable. This would be unconvincing (a false belief or a misplaced attitude having good consequences does not make the belief true or the attitude apt), but it is not Mill's line of argument. On Mill's account, what makes virtue intrinsically good is not that its being desired for its own sake will have good consequences. Instead, what makes virtue intrinsically good, when it is, is just that it has become a part of happiness.

Virtue typically begins as desirable in respect of being a means to things desired for their own sake, Mill believes. But then we begin to form an association in our minds between virtue and the goods to which it is a means, and thereby come to form a desire for virtue for its own sake; we come to take pleasure in virtue itself. Virtue thereby becomes a part of happiness, a constituent part of the inclusive good of happiness. Virtue is not idiosyncratic in this respect, Mill tells us. It is just the same as with money, power, or fame – each of which is initially desired primarily as a means to further goods, but then by association with those further goods, comes to be desired for its own sake. Lovers of virtue may be disappointed here that, even though Mill finds room for virtue to be desired for its own sake, it has such vulgar bedfellows as money, power, and fame! Do we not want to attribute more value, or a more special type of value, to virtue than to these other goods? Indeed, things might appear worse for Mill than the comparison with money, power or fame intimates. If we are really to think of virtue as being *desirable* for its own sake just as a consequence of having come to be (through mental association with the pleasure to which it typically leads) desired as a part of happiness, then the same potentially holds true of anything at all. Something morally

horrific like torturing the innocent may become a part of one's happiness if one comes to desire it and to take pleasure in it. Concluding that it thereby becomes to some degree *desirable* looks unpalatable.

In fact, there is, Mill suggests, one extremely important difference in the evaluative status of virtue, as compared to money, power, or fame:

> all of these [desire of money, power, fame] may, and often do, render the individual noxious to the other members of the society to which he belongs, whereas there is nothing which makes him so much a blessing to them as the cultivation of the disinterested love of virtue. And consequently, the utilitarian standard, while it tolerates and approves those other acquired desires, up to the point beyond which they would be more injurious to the general happiness than promotive of it, enjoins and requires the cultivation of the love of virtue up to the greatest strength possible, as being above all things important to the general happiness. (*Utilitarianism*, X: 237)

Love of *any* thing, of course, involves not just taking pleasure in that thing's presence, but also being pained by its absence. And these consequences of a love of *some* thing clearly need to be taken into account in considering the wisdom of cultivating or suppressing that love. If one's prospects of becoming rich are minimal, then a love of money is best suppressed, since one is likely to be made miserable by the gap between reality and what is desired. On the other hand, being pained by the absence of money may be instrumentally valuable on occasion, by prompting a healthy ambition. Being pained by the absence of virtue is, Mill believes, more systematically an instrumental good than an evil.

But again we can press the question on Mill: Is this really all that there is to be said about what things we ought to desire, to love, to take pleasure in? On Mill's view, it would appear, we should evaluate desires solely on the basis of the balance of pleasure and pain that having that desire is likely to afford the agent, given the likelihood of the desire's being fulfilled in her circumstances, along with the good or bad consequences for the general happiness of having the desire itself. But this seems to leave out the intrinsic appropriateness of some desires, and intrinsic inappropriateness of other desires. It is not just that loving or desiring torturing others will tend to have bad consequences. Another thing that is bad about such a desire is that it is a desire *of* something that is itself bad. Such a desire is ill-fitted to its object. Again, as urged by the Appropriate Response account of virtue, there seems to be reason to love the good, and to hate the bad, independently of the consequences of so loving and hating.

3. Moral and Self-Regarding Virtues and Vices

We frequently think of virtue and vice simply as, respectively, good and bad character in the round. But within these broad categories of evaluation, Mill draws finer-grained distinctions, classifying traits of character not only according to whom they benefit, but also according to the different reactions by which such traits are appropriately encouraged or discouraged.

In *On Liberty*, for example, Mill urges upon us the importance of distinguishing self-regarding virtues and vices from moral ones. The self-regarding virtues and vices are those traits which tend to promote or undermine the happiness of the agent:

> If he is eminent in any of the qualities which conduce to his own good, he is, so far, a proper object of admiration. He is so much the nearer to the ideal perfection of human nature. (*Liberty*, XVIII: 278)

Note here Mill's broad notion of good character, as that which merits admiration, without being limited to specifically moral evaluation. Correspondingly, Mill states that *defects* in self-regarding aspects of our character and conduct quite properly elicit negative sentimental reactions such "distaste, or, in extreme cases, contempt" (*Liberty*, XVIII: 278). We might expect, corresponding to the characterization of self-regarding virtues and vices as those traits that, respectively, promote and undermine the happiness of the agent herself, that moral virtues and vices, by contrast, are simply those which promote or undermine the *general* happiness. But Mill does not characterize them this way. Rather, moral vices are to be understood more specifically in terms of what leads us to violate *moral obligations.* (Unfortunately, Mill does not in these passages make explicit what, if anything, he takes specifically moral *virtue* to be. Is it what helps us fulfil our moral obligations? Or is it what goes beyond obligation, and is positively admirable?) And Mill does not characterize morally obligatory actions directly in terms of whether those actions promote the general happiness. Instead they are to be understood in terms of what society is entitled to enforce, either through formal punishment or informal sanctions of the moral sentiments. Society generally has no business enforcing actions which concern only the individual. And even when it comes to actions which concern others, Mill does not think that one has a general standing enforceable moral obligation to try to promote the good of others. Instead, what is morally obligatory is limited to specific types of behavior so essential to social life that they require more or less formal enforcement, rather than mere encouragement:

> Encroachment on [others'] rights; infliction on them of any loss or damage not justified by his own rights; falsehood or duplicity in dealing with them; unfair or ungenerous use of advantages over them; even selfish abstinence from defending them against injury – these are fit objects of moral reprobation, and, in grave cases, of moral retribution and punishment. And not only these acts, but the dispositions which lead to them, are properly immoral, and fit subjects of disapprobation which may rise to abhorrence. Cruelty of disposition; malice and ill-nature; that most anti-social and odious of all passions, envy; dissimulation and insincerity; irascibility on insufficient cause, and resentment disproportioned to the provocation; the love of domineering over others; the desire to engross more than one's share of advantages; the pride which derives gratification from the abasement of others; the egotism which thinks self and its concerns more important than everything else, and decides all doubtful questions in its own favour; – these are moral vices, and constitute a bad and odious moral character. (*Liberty*, XVIII: 279)

Mill's aim in these pages is carefully to distinguish these *moral* vices, which merit the distinctively coercive responses of blame or even formal punishment, from merely self-regarding faults, which merit quite different responses of sentiment and action – pity,

dislike, perhaps contempt, and avoidance in the more serious instances. These self-regarding vices are:

> not properly immoralities, and to whatever pitch they may be carried, do not constitute wickedness. They may be proofs of any amount of folly, or want of personal dignity and self-respect; but they are only a subject of moral reprobation when they involve a breach of duty to others, for whose sake the individual is bound to have care for himself. What are called duties to ourselves are not socially obligatory, unless circumstances render them at the same time duties to others. (*Liberty*, XVIII: 279).[2]

For Mill, this studious categorization of character flaws and the behaviors they prompt, in terms of the disparate types of responses they merit, is crucial. It is of the utmost practical importance that the negative moral sentiments of blame and guilt, which serve to coerce, just as do the formal penalties of the law, not be brought to bear on people, save in those specific instances Mill lists, headed by cases of harm threatened to others. Mill's arguments that the enforcement of self-regarding virtue in particular is not in society's interests constitute the heart of *On Liberty*:

> The distinction between the loss of consideration which a person may rightly incur by defect of prudence or of personal dignity, and the reprobation which is due to him for an offence against the rights of others, is not a merely nominal distinction. It makes a vast difference both in our feelings and in our conduct towards him whether he displeases us in things in which we think we have a right to control him, or in things in which we know that we have not. If he displeases us, we may express our distaste, and we may stand aloof from a person as well as from a thing that displeases us; but we shall not therefore feel called on to make his life uncomfortable ... He may be to us an object of pity, perhaps of dislike, but not of anger or resentment. (*Liberty*, XVIII: 279–280)

In thus categorizing behaviors according to the responses they merit, Mill has in mind always his master principle of utility. The ultimate good of the general happiness is best served by a particular combination of responses to different sorts of actions and character. To Mill's mind, a pattern of responses that standardly involves wheeling in the compulsive moral sanctions of blame, resentment, and guilt, and or worse the formal sanctions of law, in response to self-regarding flaws, will be singularly unlikely to promote the general good.[3] It will lead to the undermining of individuality, spontaneity, self-determination, and eccentricity, upon which social progress so much depends. The general happiness instead will be most effectively promoted when moral and legal sanctions are kept within strict limits.

This is not to say that we cannot legitimately influence the behavior of others by alternative means, in those cases when coercive sanctions would be inappropriate. This is where we see Mill's division of labor in promoting the end of general happiness amongst different sorts of responses we can have to people's behavior. As Wendy Donner puts it, "morality should not be regarded as being entrusted with the entire mandate for utility promotion" (Donner 2010: 85). Pity, dislike, avoidance, contempt, in response to certain sorts of traits and behaviors, can serve as equally effective means of influencing others. And importantly, so too can admiration, praise, and emulation. This brings us to another important construal of virtue in Mill's writing.

4. Duty, Virtue, and the Art of Life

We have noted that even within the domain of the other-regarding, Mill is at pains to limit the scope of duty. Not all ways in which we might promote the good of others are properly regarded as matters of moral duty, governed as these are by the sentiments of blame, by conscience, and by law. What we might call *the domain of positive virtue* concerns those traits and actions that tend to promote the general happiness, but that are *not* obligatory.

The distinction is perhaps most concisely articulated in Mill's 1869 article "Thornton on Labour and its Claims":

> Utilitarian morality fully recognizes the distinction between the province of positive duty and that of virtue, but maintains that the standard and rule of both is the general interest. From the utilitarian point of view, the distinction between them is the following: – There are many acts, and a still greater number of forbearances, the perpetual practice of which by all is so necessary to the general well-being, that people must be held to it compulsorily, either by law, or by social pressure. These acts and forbearances constitute duty. Outside these bounds there is the innumerable variety of modes in which the acts of human beings are either a cause, or a hindrance, of good to their fellow-creatures, but in regard to which it is, on the whole, for the general interest that they should be left free; being merely encouraged, by praise and honour, to the performance of such beneficial actions as are not sufficiently stimulated by benefits flowing from them to the agent himself. This larger sphere is that of Merit or Virtue. (*Thornton on Labour and its Claims*, V: 650–1)

So amongst behaviors that promote the general good, some are properly governed by the distinctively moral sentiments of blame or by formal penal sanctions, while others are instead properly governed only by non-coercive social responses, such as admiration, honor, and praise. These latter utility-promoting behaviors constitute the domain of positive virtue. And which behaviors are correctly governed by which sort of response is to be determined, on Mill's view, by the goodness of the consequences of their being so governed.

There is a constant danger that "professed moralists" (*Bentham*, X: 112–3) such as Bentham and Comte, the "morality-intoxicated man" (*Auguste Comte*, X: 336) will misportray the domain of moral duty as more encompassing than is desirable, invading what is properly the province of positive virtue. For modern readers, Mill's concern finds echoes in Bernard Williams' critique of "the morality system," within which moral obligation, whose heart is the sentiment of blame, can come to crowd out all other timbres of ethical evaluation (see Williams 1985, esp. Ch. 10). For Mill himself, the moralism of Bentham and Comte repeats the Calvinist mistake of thinking that "whatever is not a duty is a sin" (*Auguste Comte*, X: 337). By contrast, Mill insists that:

> between the region of duty and that of sin there is an intermediate space, the region of positive worthiness. It is not good that persons should be bound, by other people's opinion, to do everything that they would deserve praise for doing. There is a standard of altruism to which all should be required to come up, and a degree beyond it which is not obligatory, but meritorious. It is incumbent on every one to restrain the pursuit of his personal objects within the limits consistent with the essential interests of others. What those limits are, it

> is the province of ethical science to determine; and to keep all individuals and aggregations of individuals within them, is the proper office of punishment and of moral blame. If in addition to this obligation, persons make the good of others a direct object of disinterested exertions, postponing or sacrificing to it even innocent personal indulgences, they deserve gratitude and honour, and are fit objects of moral praise. (*Auguste Comte*, X: 337–8)

Note here again the suggestion that what is properly regarded as falling within the region of duty, that which may be governed coercively, is determined by the goodness produced by so treating it. The proper boundaries of permissible pursuit of one's own good, where this might impinge upon others, are to be determined by reference to the principle of utility. And which possible drawing of the boundaries will best promote the general good? Mill's answer is that:

> The proper office of those sanctions [of the reproaches of others and of one's own conscience] is to enforce upon every one, the conduct necessary to give all other persons their fair chance: conduct which chiefly consists in not doing them harm, and not impeding them in anything which without harming others does good to themselves. To this must be added, that when we either expressly or tacitly undertake to do more, we are bound to keep our promise. And inasmuch as every one, who avails himself of the advantages of society, leads others to expect from him all such positive good offices and disinterested services as the moral improvement of mankind has rendered customary, he deserves moral blame if, and without just cause, he disappoints that expectation. (*Auguste Comte*, X: 338)

"Demanding no more than this, society, in any tolerable circumstances, obtains much more," (*Auguste Comte*, X: 339) Mill claims. We are to be encouraged and educated into a virtuous concern for others which goes beyond refraining from harm and fulfilling our undertakings, but not compelled.

This division of domains, and its centrality to Mill's practical normative thought, has been well articulated by Wendy Donner, who shows how it fits with the intriguing but under-developed practical normative framework introduced in the final pages of *The System of Logic*, namely the "Art of Life, in its three departments, Morality, Prudence or Policy, and Aesthetics; the Right, the Expedient, and the Beautiful or Noble, in human conduct and works" (*Logic*, VIII: 949).[4] Within this division, virtue falls under the head of the Beautiful or Noble, or positive worthiness, as Mill elsewhere calls it. What Mill here names "Morality" concerns specifically moral *duty* or *obligation*. The principle of utility governs each of these three departments. This principle may be the ultimate foundation of practical normativity, but it is a mistake to think that the domain of moral duty either exhausts or dominates practical normativity. A life of extreme altruism may be best by the lights of the utilitarian principle, but it is not morally required – one would properly admire the ultra-altruistic person, but one ought not to blame those who do less. We can see then how Mill's (self-avowedly idiosyncratic) utilitarianism is much better placed than other versions to accommodate some commonly accepted moral views. Supererogatory action fits into Mill's framework as part of the sphere of positive virtue – that which merits praise and admiration, but whose omission does not merit moral blame. Millian utilitarianism will not systematically generate the extreme moral demands which leave many modern-day consequentialists vulnerable to so-called

demandingness objections. (For further discussion, see Mulgan 2001; Murphy 2003; Cullity 2006; Sobel 2007; Chappell 2009; McElwee 2010.) Under ordinary circumstances, people will have a variety of morally permissible options available to them, and will not merit moral condemnation simply for doing other than what is morally best. Those who live a lifestyle of significant altruism, but which falls short of the most they could do, may merit praise, rather than blame.

5. Individuality, Malleability, Relativity

Finally, a full appreciation of Mill's views on virtue requires noting three strikingly distinctive features of his general understanding of character and its worth: the value of individuality, the malleability of human character and the relativity of virtue.

5.1. Individuality

Some philosophical discussions of virtue may give the impression that there is some specific character profile that every human ought to have; that it would be for the best if every person were to share all the same traits. Mill rejects such a one-size-fits-all conception of virtue. He even claims that truly having "a character" requires that one have individuality; insofar as one simply conforms to the traits, values and practices of the society in which one lives, one can be said to lack character altogether. This lack of character is a loss to the individual in question, and to society as a whole:

> As it is useful that while mankind are imperfect there should be different opinions, so is it that there should be different experiments of living; that free scope should be given to varieties of character, short of injury to others; and that the worth of different modes of life should be proved practically, when any one thinks fit to try them … Where, not the person's own character, but the traditions or customs of other people are the rule of conduct, there is wanting one of the principal ingredients of human happiness, and quite the chief ingredient of individual and social progress. (*Liberty*, XVIII: 260–1)

The cultivation of individuality allows humans to:

> become a noble and beautiful object of contemplation; and as the works partake the character of those who do them, by the same process human life also becomes rich, diversified, and animating, furnishing more abundant aliment to high thoughts and elevating feelings, and strengthening the tie which binds every individual to the race, by making the race infinitely better worth belonging to. (*Liberty*, XVIII: 266)

The central exception to the general desirability of diversity is that all good characters will involve the absence of moral vice, construed in the specific manner discussed in Section 3 previously, as what may lead to the violation of moral obligations. There will therefore be some virtues that everyone should have, while ample scope is left for a rich individuality.

5.2. *Malleability*

A key part of individuality, on Mill's view, is the shaping of one's own character. The malleability of human character is a recurring theme in Mill's work. He is persistently optimistic about the improvement of mankind, not just intellectually but morally. Chapter 3 of *Utilitarianism*, for example, is devoted to how our natural fellow-feeling, and the tendency of that altruistic concern to prompt us to action, can be expanded by the cultivation of a closer association in our minds between the internal sanction of conscience and the general happiness. While deep inhibitions against actively harming – "the horror of crime" (*Utilitarianism*, X: 227) – are already part of any well-bred person's character, Mill thinks that distinctively moral motives can be brought to bear more broadly on our attitude to the general happiness. Elsewhere, Mill asserts explicitly that "we are under a moral obligation to seek the improvement of our moral character" (*Examination*, IX: 466). More generally, Mill's writings are infused with discussion of how good and bad character are created. He goes so far as to say that:

> Of all the difficulties which impede the progress of thought, and the formation of well-grounded opinions on life and social arrangements, the greatest is now the unspeakable ignorance and inattention of mankind in respect to the influences which form human character. (*Subjection*, XXI: 277)

Although there was never to be a dedicated volume on ethology, piecemeal examination of which social arrangements tend to produce which sorts of characters, features prominently in his best-known texts. Among the central claims of *On Liberty* is that liberal social arrangements produce human beings who have the archetypal Millian virtues – rationality, assertiveness, independent-mindedness, and breadth of social concern. Terence Ball has argued that the *Autobiography* and *Considerations on Representative Government* are likewise rewardingly interpreted as exercises in applied ethology (Ball 2010).

Among the most sustained of Mill's discussions of the formation of good and bad character is *The Subjection of Women*, where Mill argues that the entrenched gender roles of nineteenth-century Britain prevent both men and women developing significant aspects of good character. The prevailing social norms, where the authority of men, independent of intelligence or ability, goes unquestioned, result in the domestic sphere becoming "a school of despotism," where instead it ought to be "the real school of the virtues of freedom" (*Subjection*, XXI: 294–5). While men are taught "self-worship" (*Subjection*, XXI: 293), and "overbearingness" (*Subjection*, XXI: 289), the character of women suffers too. Their spirit of self-sacrifice is too often directed towards a perniciously narrow end:

> all the education which women receive from society inculcates on them the feeling that the individuals connected with them are the only ones to whom they owe any duty – the only ones whose interest they are called upon to care for … they are left strangers even to the elementary ideas which are presupposed in any intelligent regard for larger interests or higher moral objects. (*Subjection*, XXI: 321)

5.3. *Relativity*

Finally, virtue can be importantly relative to social circumstances, on Mill's view, in two ways. The first is that the value of different character traits can vary, according to the level of human development and civilization. On a predominantly instrumentalist conception of virtue, we would expect traits to be virtues in some contexts though not in others, or at least, that some virtues will become more or less valuable depending on circumstances. This is just what we find in Mill's writing, though with a clear preference for some social relations over others, and consequently for the virtues required by those preferred social arrangements:

> Existing moralities … are mainly fitted to a relation of command and obedience. Yet command and obedience are but unfortunate necessities of human life: society in equality is its normal state … We have had the morality of submission, and the morality of chivalry and generosity; the time is now come for the morality of justice … We are entering into an order of things in which justice will again be the primary virtue … having its root no longer in the instinct of equals for self-protection, but in a cultivated sympathy between them … the true virtue of human beings is fitness to live together as equals. (*Subjection*, XXI: 293–4)

Virtue can be relative in a second sense, in that the improvement of mankind makes it possible for us to expand what may properly be morally obligated. The disappointment of justified expectation of "positive good offices and disinterested services" (*Auguste Comte*, X: 338) always merits blame and counts as a moral wrong, according to Mill. But precisely which good offices we are entitled to expect from our peers changes according to custom. Thus,

> the domain of moral duty, in an improving society, is always widening. When what was once uncommon virtue becomes common virtue, it comes to be numbered among obligations, while a degree exceeding what has grown common, remains simply meritorious. (*Auguste Comte*, X: 338)

These three distinctive aspects of Mill's conception of character – the desirability of individuality, malleability, and relativity – are intertwined in Mill's optimism about the prospects for the gradual improvement of mankind. Human character is not set in stone. By allowing people to live according to their individual conceptions of their own good, we may acquire empirically based justifications for conclusions about which sorts of characters, lifestyles, and social conditions most conduce to the individual and social good. And as humanity develops in response to these lessons learned from empirical observation, we become able to hold each other to higher ethical standards, and to come to live together in the true equality that befits our nature.

Notes

1 I consider that school of philosophy [intuitionism] as the greatest speculative hindrance to the regeneration so urgently required, of man and society; which can never be effected under the influence of a philosophy which makes opinions their own proof, *and feelings their own justification*. (Letter to Theodor Gomperz, Aug 19, 1854, XIV: 239, emphasis added)

2 Mill goes on to offer examples of circumstances when putatively self-regarding harms do in fact call for moral sanctions – those cases where the character flaw is liable to lead to a violation of a specifiable duty to others:

> When, by conduct of this sort, a person is led to violate a distinct and assignable obligation to any other person or persons, the case is taken out of the self-regarding class, and becomes amenable to moral disapprobation in the proper sense of the term. If, for example, a man, through intemperance or extravagance, becomes unable to pay his debts, or, having undertaken the moral responsibility of a family, becomes from the same cause incapable of supporting or educating them, he is deservedly reprobated, and might be justly punished; but it is for the breach of duty to his family or creditors, not for the extravagance. (*Liberty*, XVIII: 104)

3 Though compare this passage from *August Comte and Positivism*:

> we agree with him [Comte] in the opinion, that the principal hygienic precepts should be inculcated, not solely or principally as maxims of prudence, but as a matter of duty to others, since by squandering our health we disable ourselves from rendering to our fellow-creatures the services to which they are entitled. As M. Comte truly says, the prudential motive is by no means fully sufficient for the purpose, even physicians often disregarding their own precepts. The personal penalties of neglect of health are commonly distant, as well as more or less uncertain, and require the additional and more immediate sanction of moral responsibility. (*Auguste Comte*, X: 340)

4 See Donner (2010). Donner also notes that when Mill carves out the proper place of moral duty in Chapter 5 of *Utilitarianism*, alongside "the remaining provinces of Expediency and Worthiness" (*Utilitarianism*, X: 247), he is doing just the same thing as he earlier did in the *System of Logic*.

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Part V

Mill's Social Philosophy

27

The Harm Principle

D.G. BROWN

Mill's principle has often been called the Liberty Principle; nowadays more often the Harm Principle. "Liberty Principle" reflects a long preoccupation with whether this concise statement can serve as the central doctrine, and the essay as the classic text, of liberalism as a political philosophy. Controversy about its merit in such a role swirled around Mill's writings during his life and for the rest of his century, as recounted in Nicholson (1998), and has resumed since World War II.

"Harm Principle" reflects the post-war resurgence of interest in Mill, after decades of disregard. I start from this revival of Mill studies, which went along with the post-positivist return to substantive moral theory, and with a shift toward practical reason as the center of meta-ethics.

Attention to the Harm Principle owed much to the independence of mind and historical perspective of John Rees, and to his reinstatement of the notion that interpretations of Mill called for page references. Geraint Williams has helpfully assembled the parts of Rees's unfinished work into a coherent book (Rees 1985).

Another pioneer was Alan Ryan, whose short piece (1965) and later book (1970) can serve as the original spring of the Revisionist stream in interpretation. This term is due to John Gray (1979) and I have listed an updated selection from that literature in a recent paper (Brown 2010a). By the 1970s, a patchwork of agreements emerged among a number of writers, including Ryan, Dryer, Berger, Lyons, Ten, and myself. It became apparent that Mill's Principle of Utility governed his whole Art of Life (the good); that his view of moral requirement (the right) was quite narrowly restricted; and that it was controversial to what extent the Harm Principle could be supported on traditional utilitarian grounds.

Not everyone is convinced of course, and although the account I give of the Harm Principle tries to extend the Revisionist line, it is clear that traditional interpretations, on maximizing consequentialist lines, indebted more to Sidgwick (1907), continue to develop not only versions of Mill but contemporary versions of utilitarianism.

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1. The Harm Principle and the Essay *On Liberty*

We need to get clear just what the Harm Principle says, and just what role it plays in Mill's theory of liberty as a whole. But it helps to begin with the interest in it as a central commitment for liberalism as a political philosophy. How large a part does the principle have in the essay *On Liberty* as a defining text for liberalism? In his *Autobiography* Mill speaks of the essay as:

> a kind of philosophic text-book of a single truth: … the importance, to man and society, of a large variety in types of character, and of giving full freedom to human nature to expand itself in innumerable and conflicting directions. (I: 259)

We need to ask how this fits with his introduction of the principle:

> The object of this Essay is to assert one very simple principle … That principle is, that the sole end for which mankind are warranted, individually or collectively, in interfering with the liberty of action of any of their number, is self-protection. That the only purpose for which power can be rightfully exercised over any member of a civilised community, against his will, is to prevent harm to others. (*Liberty*, XVIII: 223)

Reflecting late in life on his work, Mill realized that the passionate Chapters II and III, on the freedom of thought and discussion and the role of individuality in well-being, embodied the spirit of what liberalism was all about. They support the Liberty Principle with a new vision of the desirability of individuality as an end to be pursued, and he remarks in the essay, in a sanguine mood, that if the felt indifference to such ends were overcome, liberty would not be undervalued, "and the adjustment of the boundaries between it and social control would present no extraordinary difficulty" (*Liberty*, XVIII: 261). We can return to the significance of this vision when his theory of liberty has been set out as a whole.

But the project of the essay is to ask how in the light of liberal ideals we are to answer a practical, perennial, but poorly answered question of political philosophy. He says as he returns in Chapter IV to spell out the answer he gave in Chapter I, "What, then, is the rightful limit to the sovereignty of the individual over himself? Where does the authority of society begin?" (XVIII: 276). After the nuanced answer given in Chapter IV, there remains a chapter of illustrative applications. The essay is organized to be faithful to its opening sentence, which announces its subject as "the nature and limits of the power which can be legitimately exercised by society over the individual" (XVIII: 217). It is a reasonable conjecture that the first sketch of the essay consisted of Chapters I and IV. The two intervening chapters then inspire the practical prescription for the laws and customs of the liberal society.

The final chapter on applications contains a useful confirmation, by its reference to "the two maxims which together form the entire doctrine of this Essay…"

> The maxims are, first, that the individual is not accountable to society for his actions, in so far as these concern the interests of no person but himself. … Secondly, that for such actions as are prejudicial to the interests of others, the individual is accountable, and may be

> subjected either to social or legal punishment, if society is of opinion that the one or the other is requisite for its protection. (XVIII: 292)

This version in the form of two maxims reminds us that the Liberty Principle is a biconditional. Roughly, if and only if conduct is harmful to nonconsenting others there is some reason to restrict it, and it becomes open to discussion whether it is actually justified to do so. The cutting edge is the outright exclusion of all other grounds for restriction. The other side, which calls for careful examination, states the one legitimate ground for considering restriction.

The Liberty Principle is indeed a direct partial answer to the question the essay is formally about.

2. What the Principle Does and Does Not Say

Two questions about the Principle need to be distinguished. In this section: what does it count as harmful conduct? In the next: given its structure, what role does it have in Mill's theory of liberty as a whole?

What does Mill mean by harm? Nowhere does he give an explicit general stipulation. But he does identify types of harm, and he does use phrases evidently meant to cover the idea in a form appropriate to some business in hand. He seems throughout to think no further explanation is necessary, and to count on any literate speaker of English to accept his application of the word or of some proxy for it.

There are, I find, such speakers of English. But I am not one of them. Stealing someone's property is clearly conduct harmful to others without their consent. But by the time we reach the failure to bear one's fair share in any joint work necessary to the interest of the society of which one enjoys the protection (*Liberty*, XVIII: 224–5) it seems equally clear that, unlike stealing, such failures of participation typically *cannot* count as cases of harming others without their consent, unless the notion of harm is severely stretched. The enlarging extension of "harm" is apparent, however natural, in a sequence like: harm; risk of harm; conduct prejudicial to the interests of others; not doing a fair share; disappointment of expectation; not intervening to prevent harm. Reading Mill's official statement simply as plain English the Harm Principle is simply false. Nevertheless, allowing him to count as harm everything he goes on explicitly to include, and reading him as using "harm" in his extended way, the Harm Principle will turn out to amount to a first approximation to a plausible substantive theory of moral requirement.

This conclusion is directly opposed to longstanding complaints against the Principle, to the effect that it was indeterminate, or doomed to endless disagreement among conceptions of harm. Mill is to be read by attending to what he himself meant by his principle. In fact, he tells us piecemeal a great deal about what he does and does not count. That is what determines the content of his principle, and also its role in his moral theory.

As to both content and role, the striking feature of the official statement of his principle (XVIII: 223) is the central importance of the notion of society's self-protection.

The subject matter of the principle is a category of reasons, namely the warrant or purpose for which power can be rightfully exercised over the individual – that is to say,

for which the individual may be subject to compulsion. The social purpose may be to protect individuals from one another or to protect society as a whole. In either case the warrant for compulsion of the individual must be that "the conduct from which it is desired to deter him must be calculated to produce evil to some one else" (XVIII: 223). We are also put on notice that when Mill sometimes uses broader phrases like "concerns the interest of others" he normally has in mind "harmful to others."

In his workmanlike way, Mill provides much of the explanation of his principle right after his statement of it in Chapter I, notably in paragraphs 10–2 (XVIII: 224–5). The first of these shows Mill accepting the need, as to minors and less advanced societies, to postpone marginal cases or outright exceptions until the main thrust of his principle is clear. Not only the members of a sovereign state, but any group of people who engage in cooperative or collective action will have to define their moral relations to members whose competence is yet to be achieved, or never will be, or has broken down. It is especially to the point, when one of the threats to personal liberty arises from illegitimate forms of paternalism, to set aside the margin where paternalism is in place.

As to historically less advanced societies, the limitation is due to practical impossibilities of implementation. From a defender of British rule in India, the positive description of conditions for the principle to apply may seem too complacent. I find the closeness of the parallel with personal immaturity unfortunate, or at least insufficiently guarded against any implication that members of a less advanced society will be less mature individuals. But he is on strong ground in saying that "the early difficulties in the way of spontaneous progress are so great, that there is seldom any choice of means for overcoming them" (XVIII: 224).

The next paragraph is full of rapid fire stipulations as significant as they are brief. Their importance calls for substantial air time for Mill's own voice:

> It is proper to state that I forego any advantage which could be derived to my argument from the idea of abstract right, as a thing independent of utility. I regard utility as the ultimate appeal on all ethical questions; but it must be utility in the largest sense, grounded on the permanent interests of man as a progressive being. Those interests, I contend, authorise the subjection of individual spontaneity to external control, only in respect of those actions of each, which concern the interest of other people. If any one does an act hurtful to others, there is a *prima facie* case for punishing him, by law, or, where legal penalties are not safely applicable, by general disapprobation. There are also many positive acts for the benefit of others, which he may rightfully be compelled to perform; such as to give evidence in a court of justice; to bear his fair share in the common defence, or in any other joint work necessary to the interest of the society of which he enjoys the protection; and to perform certain acts of individual beneficence, such as saving a fellow-creature's life, or interposing to protect the defenceless against ill-usage, things which whenever it is obviously a man's duty to do, he may rightly be made responsible to society for not doing. A person may cause evil to others not only by his actions, but by his inaction, and in either case he is justly accountable to them for the injury. (XVIII: 224–5)

First we have what amounts to "philosophical utilitarianism" in the sense defined by T.M. Scanlon (1982: 108), that "all that counts morally is the well-being of individuals, no one of whom is singled out as counting for more than the others." It is a very abstract statement, silent on what sorts of things need to be assessed, and on what

principles, for their effect on utility. But it comes with the warning that this "utility" is to be conceived "in the largest sense."

Then the bare, central restriction: constraint is legitimate only in respect to "those actions of each, which concern the interest of other people." The form of this restriction is a first approximation to drawing a line around a minimal core of individual freedom and spontaneity. In this it shares the form of the fuller working out of the practical outcome of utilitarian liberalism, namely the scope of individual sovereignty. In that working out, much will be said about the ways in which concern for the interest of others can justify constraint. But the cutting edge is simply rejection of every other ground for restraint. Not just paternalism, but religious doctrine, cultural tradition, received morality, patriotism, the likings and dislikings of society – all are gone, in a single sentence. This is not the salvage of a small region of personal privacy, but a whole program central to liberalism for rectification of past and present injustice. Hence the name "Liberty Principle." (Mill himself refers to it as "the principle of individual liberty asserted in this Essay": *Liberty*, XVIII: 293.)

An act hurtful to others, such as assault or theft, is as uncontroversial a kind of harm as one can find, and serves for the presentation of Mill's conception of restraint or control: by threat of punishment, the punishment having two main forms, legal penalties and general disapproval. Both are forms of compulsion, as evidenced in a series of implied equivalences: being legitimately subject to external control; being justly accountable to others for injury; a *prima facie* case for punishment; the individual rightly compelled to perform or rightfully made responsible to society for not doing something. These are the teeth in the Harm Principle, deployed here in the main business in hand, that of establishing the enlarged extension of terms like "harmful to others."

Two explicit stipulations about possible forms of harm frame the examples given. The one is that a person may cause evil to others not only by his actions, but also by his inaction. The other is that the positive action required of the individual, the failure to perform that is punishable as harm, may be action for the benefit of others, independently of the prevention of harm.

The acts of individual beneficence, saving a life and intervening to protect, seem nearest to common intuitions about duties of rescue and the like, which lend comfort to calling nonperformance harmful, ensuing harm being immediately present. But the sequence from jury duty through military service culminates in an extraordinarily broad category of harmful conduct that is inaction that fails to benefit others. It becomes possible to show that it is harmful to others not to bear one's fair share in any joint work necessary to the interest of one's society. If a national day care system for the benefit of low income families, financed from general revenues, is necessary to the interest of society, and the tax system is fair, failure to pay taxes becomes conduct harmful to others. This is some distance from harm by physical assault.

It is arguable that Mill would restrict the ultimate aims of relevant social policy to the prevention of general social harm, since in Chapter IV when he resumes the general exposition of his principle, he speaks of "each person's bearing his share (to be fixed on some equitable principle) of the labours and sacrifices incurred for defending the society or its members from injury and molestation" (XVIII: 276). But even there it is the individual's responsibility that is being discussed, and whatever may be the necessity

to the interest of society it is the withholding one's share that implies the harmfulness of such conduct. In that passage the departments of the individual's liability to compulsion are presented as applications of a general principle that "everyone who receives the protection of society owes a return for the benefit" (XVIII: 276). This principle is announced as obvious, without comment or argument.

Returning to the Chapter I exposition: with respect to relations between individuals, Mill even lets slip the phrase "which, whenever it is obviously a man's duty to do..." (XVIII: 225). The overlapping varieties of enforceable obligations range over: not violating the rights of identifiable individuals, which Mill regards as the sphere of justice; duties to the public attached to legal or administrative roles; and so-called duties of imperfect obligation, calling for a degree of participation in political and social forms of helpfulness. I have tried in Brown (2010b) to set out the detailed structure of one such duty, that of voting, involving both fair shares and imperfect obligation in a way found in many political and social involvements. In the account of acts of injustice in *Utilitarianism*, Chapter V we find, below acts of aggression,

> ... those which consist in wrongfully withholding from him something which is his due; in both cases, inflicting on him a positive hurt, either in the form of direct suffering, or the privation of some good which he had reasonable ground, either of a physical or of a social kind, for counting upon. (*Utilitarianism*, X: 256)

The paragraph following this develops the theme, prominent in Bentham, of the importance of disappointment of expectation.

So far, the stipulations of Chapter I extend the reach of harmfulness, thereby enlarging social control. The next expository move extends individual freedom. The protected sphere of the individual's "life and conduct" includes anything which affects others "only with their free, voluntary, and undeceived consent and participation" (*Liberty*, XVIII: 225). This does seem an integral part of the official formulation of the content of the Harm Principle. It is instructive in several ways. First, it is typical that this apparently innocent and obvious qualification is a bombshell which lands quietly in a subordinate clause, without defending argument. Second, Mill treats it as so obviously understood that again typically he often omits to include it, or other assumptions, where the context seems to take them as given. And finally, with respect to this as to many elements of his position, when considerations of utility are in fact adduced, there is often an air of overdetermination. The position stands as common sense and the consideration of utilities supports it, whether conclusively or not.

3. The Theory of Liberty as a Whole

There are a good many specific claims, especially in Chapter IV, about how the line is to be drawn between individual and social authority, some favoring the individual, some the reverse. It is tempting to think of these as further stipulations attaching to the Principle as a whole. But that would be to miss the structural cunning of the biconditional. Its negative sweep is dramatic, but its positive side merely introduces an area of debate.

It is time to emphasize that the Harm Principle does not lay down the sphere of individual freedom, or the boundary of society's right to coerce. It only makes a kind of harmfulness a necessary condition of legitimate interference with conduct. But such harmfulness is not a sufficient condition. When it is present, what liberties the individual is entitled to becomes a matter for the theory of liberty as a whole. As Mill says,

> … it must by no means be supposed, because damage, or probability of damage, to the interests of others, can alone justify the interference of society, that therefore it always does justify such interference. (*Liberty*, XVIII: 292)

The most striking case is the freedom of thought and expression itself, which is not a simple application of the Harm Principle. Speech can obviously be harmful in many ways, and Mill's defense of an extremely wide freedom of expression fully accepts the need to argue for its necessity. The nature of that argument, and its formal analogy to the argument for free trade, are set out in a pair of articles by Jonathan Riley (Riley 2005, 2008).

The freedom of thought and discussion heads the brief Chapter I prospectus of the final shape of Mill's theory of liberty as a whole, which follows immediately on his elaboration of the Harm Principle (XVIII: 225–6). The other main areas of this large picture are the freedom of personal conduct and the freedom of association. To understand the role of the principle in shaping the theory, and the justifications both for it and by use of it, we must attend to the considerations that enter into deciding the specific issues about coercion. The only hint given here is that when conduct harmful to others is in question distinctions will be needed between direct and indirect harm. For such matters we are in effect referred to Chapter IV.

Mill works with a conception of social jurisdiction, within which the existence of harm to others has triggered the class of considerations referred to in the Harm Principle, and the discussion can therefore begin which will lead to decision on whether or not his full theory of liberty will justify control.

> As soon as any part of a person's conduct affects prejudiciously the interests of others, society has jurisdiction over it, and the question whether the general welfare will or will not be promoted by interfering with it, becomes open to discussion. (XVIII: 276)

Mill has a lot to say about the merits and demerits of laws, conventions, customs, attitudes, and so on. The structure of these discussions of particular kinds of coercion, occasioned by the application of the positive side of the Principle, is what we must look to when we go on from the matter of what exactly the Harm Principle says, to understand the way it functions in his theory of liberty as a whole.

4. The Weighing of Utilities

Mill says that what is relevant throughout is the general welfare. No surprise. But we need to observe examples of particular conclusions he comes to about where to draw the line, all things considered, between individual sovereignty and warranted societal control.

Consider the relevance of the violation of a distinct and assignable obligation. This is representative of the variety of considerations alluded to in Chapter I as needed to spell out the ultimate protected area of a person's conduct:

> When I say only himself, I mean directly, and in the first instance: for whatever affects himself, may affect others through himself; and the objection which may be grounded on this contingency, will receive consideration in the sequel. (XVIII: 225)

This is not a stipulation of what he means by harm. Throughout he talks about kinds of harm, which are already accepted as such, and which thereby bring into application the positive side of the Harm Principle. This brings the conduct under social jurisdiction, but some of the harms will be found acceptable and some not acceptable. The role of the Principle is to introduce the relevance of such considerations, not to settle their weight. To reach conclusions about the legitimacy of social control, we need to look at the circumstances of each case. Nor is it an objection to a theory of liberty, but a merit, that its application requires attention to the facts, and allows for localized disagreements and for the reform of practices. In the course of such open-ended consideration of particular circumstances Mill tries to work out rules of thumb or useful policies to deal with issues of intermediate generality.

The Chapter IV formulation of the rule in question arises from his concession that an individual may harm himself in ways that result in harm to others close to him and in a minor degree to society at large:

> When, by conduct of this sort, a person is led to violate a distinct and assignable obligation to any other person or persons, the case is taken out of the self-regarding class, and becomes amenable to moral disapprobation in the proper sense of the term. (XVIII 281)

I take this to be a rule of thumb to help in the process of balancing utilities in familiar types of case, in which we need to distinguish between harms to be put up with and harms that are impermissible. He does not undertake to define the range of cases for which his rule will be relevant, but he has noticed that the particular challenge, that harm to self can cause harm to others, shares a structure with other matters of individual conduct. Conduct that is imprudent, discreditable, or just unfortunate, without being itself harmful to the agent, may cause distress and more serious harms to others. He sees the importance of distinguishing the regrettable but in itself permissible conduct from the harm that in the circumstances it happens to cause. Without indicating the range other than by examples, he thinks that something general can be said about the circumstances in which social control is justified. The formulation that here introduces the examples is the violation of a distinct and assignable obligation. The end of paragraph summary reads:

> Whenever, in short, there is definite damage, or a definite risk of damage, either to an individual, or to the public, the case is taken out of the province of liberty, and placed in that of morality or law.

This version is immediately given further light by contrast:

> But with regard to the merely contingent, or, as it may be called, constructive injury which a person causes to society, by conduct which neither violates any specific duty to the public,

> nor occasions perceptible hurt to any assignable individual except himself; the inconvenience is one which society can afford to bear, for the sake of the greater good of human freedom. (XVIII: 282)

It must be admitted that this assembly of formulations and scattered illustrations is informally and loosely written. Sometimes a violation is of an officer's legal duty to the public, sometimes of parents' obligations to a child. It is not clear whether harm done directly, and in the first instance, is a narrower kind than contingently related harm, or whether constructive injury depends on alterable social arrangements, and so on. Perhaps such failures in exact fit reflect Mill's decision not to change a word of the essay that he and Harriet had revised. But I think a better explanation lies in his intention to convey the nature of the deliberation inevitable in fleshing out a theory of liberty.

He is addressing public deliberation in general, and his appeal is to commonsense about what practices will make sense. How close is a family or personal relation? Do we know who is being hurt, or just see risks? How fair is the penalty for impaired driving? Along the way he will help himself to provisions of law, convention, and social expectations, and to commonly accepted moral attitudes, because his respect for common attitudes is grounded in a belief that people's judgments often reflect an assessment of utilities. He remarks in his discussion of justice in *Utilitarianism* that "the notion of justice varies in different persons, and always conforms in its variations to their notion of utility" (X: 243). He is not departing from "general utility" in invoking a variety of ways of locating utilities. He attends to the constraints on the particular choices to be made.

Similar remarks apply to "allowable self-preference" and to such uncontroversial restrictions on freedom of expression as the exclusion of incitement to violence. The acceptance of harms involved in competition that is free of force or fraud is a large field, some of which is defined by the consent of the participants, but some by the social needs of an economy.

It is impossible to reduce a theory of liberty to a manageable set of rules, and Mill's precepts serve mainly as reminders of the pervasive value of liberty, the standing evils of compulsion, and the basic demands of fairness. The detail of his handling of such considerations tends to be local and practical.

Mill was a student of practical reasoning – "borrowing the language of the German metaphysicians" (*Logic,* VIII: 949–50). It is of course the job of practical reasoning to offer reasons to the moral agent bearing on the question "What shall I do?" But it is also its job to offer reasons bearing on the question "What shall we do?," where we are participants in decision making in personal relations, families, clubs, societies, unions, churches, businesses, unions, local governments, political parties, legal institutions, governmental agencies, and electorates. Of course collective decisions, along with conventions and cultural expectations, are literally made up of the conduct of individual participants. It does not follow that the utilities of an individual's decisions are related in any simple way, or even in any discernable way, to those of the collective decisions. When I consider whether to support a party in my constituency, I need to think about the merits of its policies, but also the extent to which I can influence them, whether the money I contribute precludes my support of some other group, whether a piece

of legislation comes under federal or provincial jurisdiction, and so on, and on in an inextricable tangle. Somehow we keep making such decisions, and accumulate experience of what makes sense and what doesn't. It also is natural to try to identify those institutions or groups which actually have power to affect the welfare of people, and to discuss collective practices and decisions, even when as individuals our contributions are highly structured and limited.

It is not only common sense, but a merit in Mill's practice, to recognize this complexity in the considerations that practical reason can eventually offer to the deliberating individual agent, in or outside of roles in collective decisions. As he says in his 1838 article on Bentham, by way of critique of Bentham's insistence on the Greatest Happiness Principle itself:

> We think utility, or happiness, much too complex and indefinite an end to be sought except through the medium of various secondary ends, concerning which there may be, and often is, agreement among persons who differ in their ultimate standards, and about which there does in fact prevail a much greater unanimity among thinking persons, than might be supposed from their diametrical divergence on the great questions of moral metaphysics. (*Bentham*, X: 110)

This we know will apply to questions of social expediency, or desirability; and to aesthetic appraisal of conduct and character; but certainly it applies to questions of moral requirement.

5. Toward Moral Foundations

In this final stage where the theory of liberty draws the boundaries of individual liberty, the positive side of the Harm Principle has brought conduct under social jurisdiction, and the judgment of permissibility or impermissibility will consult the general welfare. At the same time, the negative side of the Principle imposes three constraints on which harms are relevant. (1) Only harms, as Mill conceives harm, not straightforward benefits, are relevant. (2) Harms to the agent, taken in themselves, are ruled out. (3) Harms to others accepted with free and informed consent, and in that respect like harms to oneself, are ruled out.

We can now ask what justification Mill has for his theory of liberty. What is the case for the Harm Principle itself? By what principles does he assess the piecemeal contribution of possible sanctions to the general welfare?

It has been a preoccupation of mainstream interpretation whether the Harm Principle itself is derivable from any form of utilitarianism which morally requires some form of maximization of aggregate utility. A meticulous overview by C.L. Ten (1991), with useful references to his earlier work, leaves little ground for such derivability, or even consistency with these constraints. Some interpreters draw the conclusion that Mill's utilitarian grounding of liberalism is an impossible project.

But it is simple to resolve this interpretive problem in a way congenial to liberals and to respect for Mill's coherence. He has no such maximizing principle of moral requirement.

This position remains controversial, but seems the inescapable outcome of the Revisionist reading of Mill. His Principle of Utility, to the effect that happiness is the only thing desirable as an ultimate end, is foundational for the whole Art of Life. It grounds prudence and social expediency and nobility of character as much as it grounds moral requirement. Once its role as foundation is properly understood, we cannot assume that Mill has any single basic principle of moral requirement. What is morally basic proves to depend on how he perceives the pro tanto general utilities (in the largest sense) of various kinds of social compulsion.

One bit of jargon has obscured the relevance here of commendable attention to just which utilities Mill actually assesses, of acts, rules, or whatever, namely: the variously defined, or undefined, term "indirect utilitarianism." It misleads by suggesting that he justifies a particular moral judgment as flowing from the best decision procedure for estimating conformity to an underlying standard of what makes something required, namely that it in some sense maximize aggregate utility. Actually it is no help to offer Mill ultimate ends when they may be indeterminate, and when calculating the chance of contributing to them is intractable. If ultimate outcomes are out of sight, no support for "indirect strategies" flows from formulating ultimate ends.

Mill's actual practice is the route to finding the classes of factual consideration he takes to be morally relevant. He starts from real states of affairs, or realistically conceivable ones, and considers what reasons they provide for individual or collective decision. The content of the decision is constrained by the situation, the information available, the abilities of the individual or collective agent, the needs of those affected, and so on. Each of his rules of thumb accepts the frames in which the specific questions are raised. Balancing the consequences of decisions for the utilities of those affected, impartially weighed, is the very thing Mill calls promoting the general welfare. The policy, when faced with options, of preferring a greater utility to a lesser, makes Mill in one sense an optimizer. So are we all.

His reliance on commonsense moral judgment appears where he surveys commonly held attitudes, as he does in *Utilitarianism*, Chapter V on conflicting ideas of justice. He is always alive to the fact that most moral disagreements are derivative from nonmoral disagreements about empirical fact or about the context of the specific issue. He says of three widely held views of punishment

> All these opinions are extremely plausible; and as long as the question is argued as one of justice simply, without going down to the principles which lie under justice, and are the source of its authority, I am unable to see how any of these reasoners can be refuted. For in truth every one of the three builds upon rules of justice confessedly true. (X: 252)

The reason disagreements can be resolved only by appeal to utility is that ordinary moral beliefs rest on empirical conceptions of social expediency. Having dug down to a pretty fundamental principle of the equal claim of all to happiness and the means of happiness, Mill says that in inevitable conditions of human life the general interest may set limits to the maxim.

> As every other maxim of justice, so this is by no means applied or held applicable universally; on the contrary, as I have already remarked, it bends to every person's ideas of social expediency. (X: 258)

What is remarkable is his apparent confidence that correction of factual understanding of utilities will vindicate the resulting ordinary judgments. He expects the tendency of commonsense judgments in particular situations to be morally sound. This of course is in striking contrast to his virulent rejection of the self-evidence claims of his intuitionist opponents.

Without disrespect for various attempts to offer Mill a conception of harm that would make his Principle a straightforward application of some favored principle of utility, it is not safe to make any assumptions about what underlies it and its applications. It is rather that the Harm Principle, together with Mill's view of the enforceability in principle of moral requirement, contributes to Mill's radical reconception of the province of morality and of utilitarianism itself.

6. The Art of Morality

Mill's conception of moral requirement is simple; he states it in a couple of sentences. It also has the consequence that the substantive content of moral requirement is delimited by the Harm Principle.

> For the truth is, that the idea of penal sanction, which is the essence of law, enters not only into the conception of justice, but into that of any kind of wrong. We do not call anything wrong, unless we mean to imply that a person ought to be punished in some way or other for doing it; if not by law, by the opinion of his fellow creatures; if not by opinion, by the reproaches of his own conscience. This seems the real turning point of the distinction between morality and simple expediency. (*Utilitarianism*, X: 246)

What then will be the reach of substantive moral requirement? The Harm Principle tells us there is no warrant for sanctions against any conduct that is not harmful to nonconsenting others. So if a course of action is such that its omission would not be harmful to others there is no moral warrant for requiring it, and no case for regarding it as a duty or obligation. Even on Mill's extended conception of harm there are endless ways in which our conduct fails to add to aggregate utility without thereby harming anyone else. The conjunction of the Harm Principle with the enforceability in principle of moral requirement is enough to show that Mill was not a maximizing consequentialist.

This conception of morality amounts to saying that being morally required to do something implies that there is substantial reason for you to be physically required to do it; that is, to be compelled to do it. The intuitively instructive connection between two of the senses of requirement is only slightly complicated by Mill's recognition of self-punishment, the reproaches of conscience, as a kind, along with legal and social. Its occurrence presupposes the recognition by the guilty of a pro tanto case for compulsion. It would be open to Mill to regard the whole apparatus of moral education, which he thinks highly important, as an organized system of such punishment; but that would itself be an institution of punishment by social pressure. Guilt feelings have their importance, but not in determining the scope of moral requirement.

Such a conception of morality seems an odd product of utilitarian thinking. It is indeed the other way about. It is the Harm Principle's embodiment of the notion of societal self-defense that shapes Mill's radical form of utilitarianism. A variety of the lines on which he reinvented both utilitarianism and liberalism intersect in his conception of the art of morality.

His view of practical reason relates the moving parts of Mill's machinery. The *System of Logic* distinction (VIII: 949–50) between science and art assigns to the Art of Life the principles of teleology, derivable from the Principle of Utility, determining the desirability of subordinate ends, and the reasons for action in pursuit of those ends. Arts are distinguished by the ends they pursue, whatever the occasion or motivation of the activity. The most succinct account of the art of morality occurs in Mill's notes to his father's *Analysis of the Phenomena of the Human Mind* (XXXI: 241). It fits the present account of moral requirement as societal self-preservation against the harm that responsible agents can do to one another. (For a fuller account see my 2010a.)

It is natural to protest that Mill's concern for the Greatest Happiness of the Greatest Number of sentient beings implies that the sovereignty of the individual over self-regarding conduct must be in some sense derivable from, an application of, his Principle of Utility. So his theory of moral requirement after all depends on a conception of what will maximize aggregate utility. What else can be meant by serving general utility?

But this ignores the basic structural shift Mill has given to the tradition he inherited. His Principle of Utility, the basic principle of Teleology, or the Art of Life, identifies the ends which generate practical reasons in the areas of individual prudence or self-interest, social expediency, morality, other Aristotelian ethical excellences and defects, and creative achievement. In each department of life, the Principle of Utility approves the relevant end, whereby, in the case of moral requirement, we consider the reasons justifying coercive restraint of conduct. It is difficult to think of a more important sense in which that makes moral judgment overriding or dispositive. At the same time, it makes clearer how the final application of the theory of liberty, as described previously, can proceed within the frames in which practical problems present themselves. Meanwhile his concern for human well-being has been expressed in two further ways. One is the widening of his conception of harm, the other is his regard for "any maxims, however important, which only point out the best mode of managing some department of human affairs" (*Utilitarianism,* X: 255) as promoting what is *desirable*.

7. The Content of Substantive Moral Requirement

Mill's Art of Morality takes part in a pervasive cultural change arising in the eighteenth-century Enlightenment's project of liberating us from those elements of the *mores* that were not universalizable and rationally defensible. This change tries to identify "the distinctively moral" or "morality in the narrow sense" and provide a basis for political justification closer to that of the virtue of justice in classical ethics. Mill undertakes to show that a version of utilitarianism is able, given his view of practical reason, both to define the scope of morality in terms of harm and with the help of his extension of the notion of harm to generate sound moral judgments on particular issues.

To many utilitarians this is a drastic restriction of their moral claims, even if it relieves them of familiar objections. To Mill it is the extension of the scope of utilitarianism to the whole Art of Life, while leaving morality its dangerous but necessary teeth.

Given that Mill has no time for standard utilitarian justifications of his theory of liberty, we need real help to understand what motivates the absoluteness of the Harm Principle and the radical reconception of moral requirement. For this I return, as promised, to the vision in the first paragraph of the first titled section of this chapter. There we have, along with the Principle, two comments of his that give a hint of the peculiar intensity and peculiar complexity of his conception of individuality. An individual's flourishing has more than the value of one person's happiness, it may foresee a development of the species, toward what all might have, "utility in the largest sense," devotion to which might inspire a "religion of humanity." In the present it goes with what Hume would call "a resentment of the misery of mankind." So he is an individualist deeply conflicted about morality. In the account of justice in Chapter V of *Utilitarianism* he accepts the necessity of early liberalism's rule of law and institutions of property. But in his new vision morality itself is part of the problem. The rule of moral law certainly. But only if moral demands are tamed, and that is the job of the Harm Principle, itself tamed by extending the conception of harm.

Such a diagnosis helps to explain the elusiveness of the fundamental principles of his substantive morality. We need to go along with his technical ways of speaking, translating into English when necessary, seeking out which facts he takes to be relevant to which moral conclusions. When his recognition of relevant utilities drives his extension of harm, what alternative principles might serve as well to arrive at the highly sensible particular judgments he usually arrives at? This is not the place to defend a hunch that the result will contain more deontic rules and more Kantian aspects than might be expected.

8. Mill as Avant-Garde

Mill stands between Bentham and Sidgwick among the main writers whose work shaped twentieth-century utilitarian debates. How does Revisionist interpretation place Mill in the history of utilitarian theory? It says that from Bentham he went his own way; that Sidgwick, for all the merits of his classic treatise, set the mainstream literature on a maximizing consequentialist effort to read Mill and his teachable text in a theoretically respectable way; and that the recovery of Mill's full views struggles against a resilient tendency to recruit him to a mainstream consensus. The irony is that the better Mill is understood the more fit he is to ground the next forms of utilitarian theory – to be in the avant-garde.

It would be anachronistic to think of Mill as pioneering decision theory or game theory. But on the analogy of "folk psychology," as what the folk say about the findings of psychology, it helps to think of him as exploring what has now become "folk decision theory" and "folk game theory." For some time, writers have been bringing the complexities of game theory in economics and political science to bear on utilitarian moral theory, often requiring it, as in the spirit of Russell Hardin's (1988) and (2008), to be more realistic about the availability of cardinal and ordinal measures of utility, and of

interpersonal comparisons, and about the predictability and even determinacy of the effects of particular decisions. A good deal of this commentary, including Hardin's, has concerned Mill, but interpretation of him will surely gain from systematic treatment of this kind by those who are competent, as I am not, to provide it.

The estrangement between economics and social science generally, on the one hand, and moral theory on the other, is breaking down, and what I call Mill's interest in folk decision theory and game theory serves realism. An account of the role of his concern with practical reason can draw on the flood of that literature. Recent study in cognitive science of the power of pattern recognition, together with speculation in evolutionary psychology, give better support for Mill's faith in commonsense intuitions than he was entitled to claim.

My account of final judgments in his theory of liberty supports a striking conjunction of planets on the all-too-familiar issues about whether utilitarianism should take acts, rules, or some alternative "focal point" as its target. Three cases of Millian inclusiveness appear in Hooker, Mason, and Miller (eds, 2000): Lyons (2000) – "generic utilitarianism"; Pettit and Smith (2000) – "global consequentialism"; and Kagan (2000) – "all focal points"; and in the nearby sky, Kitcher (2011) – "flexible consequentialism."

These are all further reasons "why we should read Mill today."[1]

Note

1 As so often I am much indebted to Alister Browne for his comments on earlier drafts; my thanks also to Robert Ware.

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28

Mill on Individuality

WENDY DONNER

1. Introduction

Individuality plays a central role within Mill's moral and social philosophy, and so any exploration of it must be situated within this theoretical framework. Mill's utilitarianism and liberalism are quite distinctive. Much recent scholarship has illustrated its complexities. Mill's moral philosophy has at its foundation a structure that he articulates in the *System of Logic* and other writings. The theoretical framework of the Art of Life is the foundation of Mill's moral and social philosophy. The principle of utility underlies and grounds the pursuit of well-being in all of the areas of the Art of Life. It grounds Mill's comprehensive notion of the good, which governs all areas of the practical Arts of Living. In the *Logic*, Mill sets out the three departments of the Art of Life – "Morality, Prudence or Policy, and Aesthetics; the Right, the Expedient, and the Beautiful or Noble" (*Logic*, VIII: 949). All three departments have their place in promoting happiness and well-being. Understanding the framework of the Art of Life makes it apparent that much happiness depends upon the flourishing of wellbeing *outside* of the limited domain of Morality. Until quite recently, the theoretical framework of the Art of Life was relatively neglected as an object of study and research. Now there is a substantial and increasing body of scholarly literature which draws upon this theoretical framework (Donner and Fumerton 2009; Donner 2010, 2011; Eggleston, Miller, and Weinstein 2011).

Mill's conception of well-being or happiness is also distinctive (Donner and Fumerton 2009). His theory measures the value of happiness by taking into account the quantity as well as the quality or kind of the experiences. The forms of happiness that involve the development and exercise of our higher human faculties or virtues are judged to be more valuable within Mill's theory. Mill's philosophy of education has pride of place since it is the process by which people are educated and trained in the virtues of self-development. Mill devotes a good deal of time to exploring the nature and process of

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education in the higher human capacities or virtues that constitute self-development. These capacities are organized around a holistic cluster that features reason, emotional sensibility, autonomy, individuality, compassion, and sociality, all in balance and none in control or dominating. This situates the capacity of individuality within the cluster of core human excellences which comprise Mill's conception of self-development. This framework and philosophy of education rely upon the notion of self-development as being at the heart of identity and well-being. Individuality in Mill's philosophy is a core human excellence or virtue, and something that is needed for exemplary human selfhood and principled identity as well as an indispensable element for leading a good life within the context of the Art of Life. Not only is it good in itself, but it has substantial links to other components of human virtue and it promotes social well-being.

It is distinctive that Mill's individuality plays an important role in promoting pluralism and respect for difference. Mill's utilitarianism and liberalism are infused with elements of virtue ethics. This means that Mill can draw upon ideal or exemplary models of character and human higher capacities in spelling out his strategies for promoting diversity and pluralism. People who display individuality fall into this category. In exploring Millian individuality, two key distinctions must be marked out. Firstly, it must be noted that in Mill's theory individuality is not merely an *individual* good (although it is certainly that) but also a *social* good. This pushes back against the notion that liberal individuality is somehow necessarily linked with a liberal self that is atomistic and separate. This can perhaps be attributed to other forms of liberalism. But Mill's liberalism does not espouse an atomistic self. Secondly, by expressing his *preference for* and *appreciation* of difference and diversity, Mill's liberalism goes beyond *tolerating* difference and pluralism. His distinctive position is that pluralism can and should be *promoted* and *appreciated* as a thing of value, rather than merely tolerated as it is in some other strands of liberalism. These two sets of distinctions are tools for understanding Mill's distinctive notion of individuality. This makes Mill's theory particularly helpful in current debates about pluralism and difference. For example, Mill's notion of identity has much in common with Kwame Anthony Appiah's examination of the ethics of identity, and Appiah thinks of Mill as his "traveling companion" (Appiah 2005: xiv). Iris Marion Young's ideal of the unoppressive city also resonates with Mill's distinctions and with his models and processes of identity creation (Young 1990).

2. Millian Individuality: The Fundamentals

The obvious starting point for exploring Mill's notion of individuality is the justly celebrated chapter "Of Individuality, as One of the Elements of Well-Being" in *On Liberty*. This book and this chapter are part of the liberal canon for good reason. The book is often the first writing of Mill's that readers encounter. The arguments of this work illustrate that for Mill the development and exercise of the higher faculties and virtues of individuality and autonomy are fundamental to being fully human and even to having a character. These most valuable forms of human well-being are essential components for a flourishing life, and so Mill argues that society must be set up so as to have the institutional protections to guarantee its members the opportunity to have this sort of liberal education in the virtues. Individuality and autonomy work as

companions to create the conditions to formulate one's identity and to follow through and express one's values, commitments, and life plans.

Although it is easy to fall into thinking that in *On Liberty* Mill is praising eccentricity for its own sake, the Millian sense of authenticity that is at the core of identity and individuality is more adequately expressed by the notion of being one's own person. This is usually understood as meaning that one has adopted one's values and commitments as one's own after due reflection and contemplation and scrutiny. While one's character and commitments are undoubtedly developed with due respect and sensitivity to the interests and desires of one's intimates and one's society, yet the final choice must be the agent's own, in Mill's liberal framework. He says,

> [To] conform to custom merely *as* custom, does not educate or develope in him any of the qualities which are the distinctive endowment of a human being. The human faculties of perception, judgment, discriminative feeling, mental activity and even moral preference, are exercised only in making a choice. He who does anything because it is the custom, makes no choice. He gains no practice either in discerning or in desiring what is best. The mental and moral, like the muscular powers, are improved only by being used. (*Liberty*, XVIII: 262)

In order to avoid the grievous harm of having one's individuality and autonomy stifled by the "despotism of custom" or even the despotism of one's intimates, a clear line in the sand must be drawn (*Liberty*, XVIII: 272). Otherwise, Mill believes, there is a real danger of giving over one's life to passivity and subjection and of living one's life solely to please the expectations of others. Mill likens this state of submissiveness to a slave-like condition of subjection. The condition is like being a machine or automaton rather than a human agent of character. *On Liberty* contains Mill's general critique of the dangers of submissiveness. In Mill's essay *The Subjection of Women* we find a more focused attack on the dangers of patriarchal despotism as promoting the false and damaging ideal of women whose distorted model is "not self-will, and government by self-control, but submission … to live for others; to make complete abnegation of themselves" their goal (*Subjection*, XXI: 271–2). In *On Liberty* he explains the core point.

> He who lets the world, or his own portion of it, choose his plan of life for him, has no need of any other faculty than the ape-like one of imitation. He who chooses his plan for himself, employs all his faculties. He must use observation to see, reasoning and judgment to foresee, activity to gather materials for decision, discrimination to decide, and when he has decided, firmness and self-control to hold to his deliberate decision … It is possible that he might be guided in some good path, and kept out of harm's way, without any of these things. But what will be his comparative worth as a human being? It really is of importance, not only what men do, but also what manner of men they are that do it. Among the works of man, which human life is rightly employed in perfecting and beautifying, the first in importance surely is man himself. (*Liberty*, XVIII: 262–3)

Mill's use of the phrase "the despotism of custom" conveys that his positive arguments for the value of individuality and autonomy are also accompanied by his critique of the dangers of the powerful forces of conformism. He is well aware that people have deep desires for belonging, to be in harmony with intimates, peers, family, and

community. He is equally aware that these laudable desires can be manipulated by oppressors so that autonomy and individuality are put to the test. Healthy autonomy and individuality do not conflict with authentic forms of intimacy, belonging and collective identity. He believes the very opposite is true, because healthy kinds of autonomy and individuality and of belonging and connection function as mutual reinforcements. But then there are the shadow forms that mask oppression, and it is these forms that Mill battles. They work to diminish individuality by manipulative appeals to questionable forms of attachment that corrode well-being. The cultural and societal context can enhance and support or threaten autonomy and individuality. That is one reason why Mill argues in *On Liberty* for freedom of discussion and open public debate to turn culture and society in the direction of enhancing individuality and autonomy (*Liberty*, XVIII: 228–59).

The process of creating and developing individuality, identity, and selfhood involves working through some very difficult balancing acts required between individuality and sociability and connectedness; this can be the material of compelling real life dramas and great works of fiction. Mill does value highly using one's abilities for the good of others, and choosing autonomously a life which exercises sociality and compassion (and indeed these are also essential elements of self-development), but he does not condone mindless and unthinking self-sacrifice and deference to others, which amounts merely to martyrdom in his eyes. It is too easy to allow the expectations of others to determine one's life, and so one's individuality then degenerates into succumbing to the will of others and allowing them to dominate. This is why the conformity to despotism is one of the chief targets of attack in *On Liberty*, as well as *The Subjection of Women*. In that direction lie servitude, passivity, self-abnegation and self-denial. Mill's preferred and valued traits and virtues of active, courageous character resist the pressures and demands for conformity to others' notions of identity. The person of individuality must in the end be self-determining and free from domination by others. Only on such a foundation can principled identity securely rest. He says,

> A person whose desires and impulses are his own – are the expression of his own nature, as it has been developed and modified by his own culture – is said to have a character. One whose desires and impulses are not his own, has no character, no more than a steam-engine has a character. (*Liberty*, XVIII: 264)

This model of individuality and autonomy is carried forward into contemporary liberalism. Will Kymlicka expresses the central idea. There are two essential preconditions of the good life for liberals.

> One is that we lead our life from the inside, in accordance with our beliefs about what gives value to life; the other is that we be free to question those beliefs, to examine them in the light of whatever information, examples, and arguments our culture can provide. (Kymlicka 2002: 216)

We must be free and able initially to form, and then subsequently to endorse, revise, or reject our choices of character, commitments, relationships, and so on. These endorsements and revising procedures are essential for giving the stamp of authenticity to our choices.

The virtues of individuality are essential preconditions of and components of the higher forms of happiness at which we aim, and Mill notes that these can be crushed by conformity. But he would not disagree with Charles Taylor's description of the process of identity creation that Taylor argues is dialogical in nature. This means that our identity and selfhood are created through a process that includes engaging in dialogue with others. Taylor argues in his writings on multiculturalism that this process must allow room or space for being influenced or persuaded by others (Taylor 1994: 32–4). This does not conflict at all with Mill's principles. Indeed, this can be taken as one of the main reasons for Mill's emphatic insistence on the necessity of debate in *On Liberty*. The spirit of free inquiry in the interest of truth and authenticity call upon this full hearted open dialogue with others, before we make our choices. The benefits of this dynamic and dialogical exchange go in both directions. It is a Millian good thing, of great value, to be a self-authored, self-created person, according to the processes described previously. Merely witnessing the courage, honesty, and integrity of those who willingly dialogue with others and then make and stick to their own choices can motivate others. They offer models for others to emulate, in the language of virtue ethics. One Millian expression of this model is his clarion call in *On Liberty* for "experiments in living" (*Liberty*, XVIII: 261). The experiments can then be taken up by others, and thus new ideas appear and become part of the cultural mix for all to consider. On this depend moral and social progress.

Millian autonomous agents generally are deeply immersed in communities and intimate relations with others. What distinguishes the autonomous agent from the other-determined agent is that the former makes her own choices at the conclusion of the dialogue – albeit with due concern for the welfare of significant others. Autonomous agents scrutinize and reflect upon their options, often in dialogue with others. This reflective process leads them to endorse and choose their plan of life, conception of the good, commitments, communities, and most of all their fundamental character. They then become agents with character and individuality. These lives of their own are not lives of isolation but generally involve interconnection with others – by choice, not by force.

Mill is very well known for arguing that individuality is a central component of well-being and happiness for the individual. However, this is only half of the story. The first prong of Mill's argument, in which he states that individuality is a good for the individual, is very familiar. But the second half of the chapter on individuality in *On Liberty* is devoted to Mill's argument for individuality as a social good, as a virtue that produces significant social benefits for others and society as a whole and that strengthens social bonds. Self-developed agents often are the ones who challenge cultural ways that no longer serve well, such as patriarchy, racism, and homophobia. They are seen as the moral reformers, the drivers of innovation, and through their efforts and experiments new morally and socially progressive and creative attitudes come to the fore. For example, in Mill's time, a marriage model based upon equality and friendship rather than the command and obedience model of patriarchy was beginning to be brought into the public domain for consideration and deliberation. In our time, the idea of same-sex marriage appears as a possibility and then as a reality, allowing hope for gay, lesbian, and transgender people that they will be recognized as full participants in this social and legal institution, should they so choose.

As Kwame Anthony Appiah puts it, historically it "is only with Mill that a sense of diversity as something that might be of value enters into mainstream Anglo-American political thought" (Appiah 2005: 142). Social richness, which brings in new social formations, by its nature offers others a broadened liberal cultural context of choice. Millian social experimenters engender social richness even as they offer models of courageous self-affirmation. Thus the individual and the social intertwine. Appiah understands the value of social richness as well as the dialogical dimension of individuality. He says that "the idea of identity already has built into it a recognition of the complex interdependence of self-creation and sociability" (Appiah 2005: 17). On the Millian model of individuality, then, people see themselves as being enhanced and enriched by the diversity they encounter every day, rather than feeling threatened by others' individuality and difference.

Mill feared and challenged social stagnation and collective mediocrity and believed that innovative and courageous experiments in living were the antidote. Grounding Mill's argument is the claim for the minimum bar or threshold of liberal *tolerance*. Others should at the minimum tolerate individuality; it is necessary to point out "to those who do not desire liberty … that they may be in some intelligible manner rewarded for allowing other people to make use of it without hindrance" (*Liberty*, XVIII: 267).

Mill's positive arguments for liberty are always complemented by his attacks on despotism and oppression. He parts company from some other liberal thinkers in his recognition that the processes of promoting liberty and of fighting despotism and oppression are inseparable, in theory as well as in practice. Indeed, reading his works quickly establishes that he devotes as much time to writing about how to combat oppression as to how to promote liberty. He castigates the desire for power over others as "depraving" (*Subjection*, XXI: 338). In *The Subjection of Women*, he unpacks the notion of autonomy in terms of freedom from domination. In *On Liberty* he says that "whatever crushes individuality is despotism" (*Liberty*, XVIII: 266). Despots seek to deny others their individuality. This argument belongs in the toleration camp. But now follows an argument for the positive social value of individuality and for the higher bar or stronger claim that individuality should be positively appreciated and celebrated rather than merely tolerated. The value here is also the value of aesthetic or beauty. We may find people who develop individuality inspiring and worthy of contemplation:

> It is not by wearing down into uniformity all that is individual in themselves, but by cultivating it … within the limits imposed by the rights and interests of others, that human beings become a noble and beautiful object of contemplation … by the same process human life also becomes rich, diversified, and animating, furnishing more abundant aliment to high thoughts and elevating feelings, and strengthening the tie which binds every individual to the race, by making the race infinitely better worth belonging to. (*Liberty*, XVIII: 266)

The benefits are not only to the individual, but flow out to others "In proportion to the development of his individuality, each person becomes more valuable to himself, and is therefore capable of being more valuable to others" (*Liberty*, XVIII: 268).

The limits set here, as always for Mill, are those boundaries marked by the rights of others. His theory of justice dictates that exercising our individuality must not overstep

the boundaries of violating their rights. I explore the limits to liberty prescribed by the theory of justice and rights next.

Importantly, Mill does not equate individuality with selfishness. Individuality is a virtue. Selfishness resides in developing forms of individual character that do violate obligations to and the rights of others.

> As little is there an inherent necessity that any human being should be a selfish egotist, devoid of every feeling or care but those which centre in his own miserable individuality. (*Utilitarianism*, X: 216)

But apart from this, suppressing our own individuality to appease others "dulls and blunts the whole nature" (*Liberty*, XVIII: 266) and is a form of oppression including self-oppression. Social fairness requires at a minimum liberal toleration of difference. "To give any fair play to the nature of each, it is essential that different persons should be allowed to lead different lives" (*Liberty*, XVIII: 266). But the argument for celebrating difference and individuality quickly follows. "In proportion as this latitude has been exercised in any age, has that age been noteworthy to posterity" (*Liberty*, XVIII: 266).

3. Contemporary Applications of Millian Individuality

Mill's arguments and theoretical commitments have laid the groundwork and shaped many contemporary debates. Mill's arguments for the value of individuality have been used to argue for the celebration of social pluralism and difference. His theory of oppression is used in contemporary warnings of the dangers of suppressing individuality and diversity. Thus some core elements of Mill's commitment to pluralism and diversity have been salient in movements and theories of justice and the politics of difference.

Both of these strands of celebrating difference and warning of the oppression that underlies attempts to suppress it are present in Charles Taylor's discussion of the politics of difference and recognition. As Taylor sets up the discussion of the politics of difference, he says that the positive acknowledgement of difference amounts to the recognition or appreciation sought by oppressed individuals and groups as a part of their freedom and liberation. These are two sides of the same coin, as the appreciation of difference as an attitude is the very attitude or stance that overcomes the harms of oppression. There is a need or a demand for recognition. Taylor says,

> The demand for recognition … is given urgency by the supposed links between recognition and identity, where this latter term designates something like a person's understanding of who they are, of their fundamental defining characteristics as a human being. The thesis is that our identity is partly shaped by recognition or its absence, often by the *mis*recognition of others, and so a person or group of people can suffer real damage, real distortion if the people or society around them mirror back to them a confining or demeaning or contemptible picture of themselves. Nonrecognition or misrecognition can inflict harm, can be a form of oppression, imprisoning someone in a false, distorted, and reduced mode of being. (Taylor 1994: 25)

He adds the emphasis:

> Within these perspectives, misrecognition shows not just a lack of due respect. It can inflict a grievous wound, saddling its victims with a crippling self-hatred. Due recognition is not just a courtesy we owe people. It is a vital human need. (Taylor 1994: 26)

This is exactly the sort of vital need that grounds Millian rights, as I discuss next. Within Mill's framework, there are compelling reasons to regard denial of difference and lack of recognition as violations of rights and as grievous wrongs.

Young has also drawn attention to the links between oppression and the denial of difference, as well as to celebrating the models of richness inherent in pluralism and diversity. On these key points, her arguments echo both strands of Mill's argument of celebrating individuality and warning of the dangers of attempting to suppress it. I believe that Young's arguments illustrate some Millian ideals in contemporary form. She eloquently sets down and celebrates the political ideal of what she calls the unoppressive city. This ideal resonates with Mill's model of the process of construction and development of individuality, selfhood, and identity. Mill's process involves participating in and witnessing activities and events in the public domain that can serve as models or examples to be considered. These include participating in or witnessing public debates, examples of experiments in living, as well as other public displays of individuality. Young promotes a vision of "inexhaustible heterogeneity," which is reminiscent of Millian ideals (Young 1990: 301). According to Young, the unoppressive city is a rich environment of ever expanding horizons that allows each person to develop and experience their own individuality without threats to conform to the limited and dogmatic molds of others.

While some theorists might view the stranger as a threatening figure, and might therefore seek theoretical tools to force unity or intimacy, Young resists coerced and enforced closeness. In addition to enforcing suspect unity, it "denies difference…[by] making it difficult for people to respect those with whom they do not identify" (Young 1990: 311). Closeness must come by choice. To counter this, Young proposes viewing the presence of strangers more positively. "A model of the unoppressive city offers an understanding of social relations without domination in which persons live together in relations of mediation among strangers" (Young 1990: 303). While positing a laudatory evaluation of the role of the stranger may initially seem surprising, still following out Young's the line of argument reveals significant insights into the issues of difference and good reasons for using the model of the stranger.

According to Young, in city life, people come together as strangers while "acknowledging their contiguity in living and the contributions each makes to the others" (Young 1990: 318). Their relations are external and "they experience each other as other, different, from different groups, histories, professions, cultures, which they do not understand" (Young 1990: 318). This is acknowledged, and so there is no forced social intimacy. City life quite naturally is what can be called cosmopolitan and so contains within it many diverse individuals and social groups "whose lives and movements mingle and overlap in public spaces" (Young 1990: 319). These distinct people and groups interact in numerous public areas, in their neighborhoods, and in the places they work. In these ventures and encounters, people "witness one another's cultures

and functions in such public interaction, without adopting them as their own" (Young 1990: 319). Or at least, they witness them without *necessarily* taking them up as their own. This may happen, quite naturally, and without strain or inauthenticity.

> In such public spaces the diversity of the city's residents come together and dwell side by side, sometimes appreciating one another, entertaining one another, or just chatting, always to go off again as strangers. (Young 1990: 319)

By living in such proximity, people naturally end up in a social give and take and so enhance richness. As a result, there arises the value of "a positive inexhaustibility of human relations" (Young 1990: 319). We cannot discern final and definitive horizons, because there is always the prospect of meeting and discovering newness: "new and different people, with different cultural and social experiences; the possibility always exists for new groups to form or emerge" (Young 1990: 319).

Now Young asserts her ideal of politics of difference, with the model of the unoppressive city. She notes that the "unoppressive city is thus defined as openness to unassimilated otherness" (Young 1990: 319). This fruitful expression calls for some further examination. When we assimilate something, we absorb it, incorporate it, and make it part of ourselves. On the unoppressive city ideal we can be open to encountering difference, yet without feeling threatened by it or challenged to incorporate it into our own identity. We can leave it be. Or we can take it up. Just as we choose. Perhaps the response of hostility to otherness on the part of dogmatic people rests in the view that otherness *requires* a certain sort of response or challenge. You have different values, practices, commitments from my own. If I encounter these, if they are "in my face" so to speak in the public square, then perhaps I may feel compelled to ask myself *why* they are not part of my own identity. On this attitude of hostility to or lack of respect of difference that Young is trying to counteract, there is a dualistic or binary view of otherness. *Either* I must judge these values and commitments to be worthy of incorporation into my own identity, *or* I must judge them to be *unworthy period*. There is no middle way, no mean between extremes. Young offers a way out of this false dogmatic dilemma. On her view, I don't need to view them through a dualistic lens of either choosing them or disrespecting them. I can encounter them, peruse them, play with them, and decide to forgo them if they don't fit with or harmonize with my view of my own identity. Yet foregoing them need not result in disrespecting them, or attempting to suppress or oppress them. I can simply let them be. I am not required to assimilate them, or to account for why I don't. They are part of the ongoing richness of city life, and "[d]welling in the city means always having a sense of beyond, that there is much human life beyond my experience … I can never grasp the city as a whole" (Young 1990: 318). I suggest that this perspective allows for the breathing space to appreciate otherness without feeling threatened by it. Adopting this perspective, both rationally and emotionally, permits and encourages the living together respectfully as strangers. And this perspective is a contemporary expression of Mill's arguments for the individual and social benefits of individuality. It is one interesting way in which Millian ideals play out in the contemporary context.

Notice that this differs from one received view, which assumes that in order to accept or respect difference or otherness we must find *something* shared with it, something

with which we can identify. Presuming that we can find shared features or that we are able to identify with the multifarious aspects of cosmopolitan richness is a recipe for emotional and mental exhaustion. And how authentic can we claim to be if we assert that we can find commonality with everything? Are we not then characterless amorphous blobs? The very opposite of what Mill is seeking? So I contend that Iris Young's proposed mean between extremes of identification and incorporation or rejection and disrespect is a reasonable way out of this dilemma.

4. Mill's Liberty Principle and Theory of Justice and Rights

Few theorists praise and prize liberty as highly as Mill does. Few also recognize as strongly the many forces lined up against liberty, prepared to crush it with almost any excuse. However, we must not lose sight of the fact that the structure of Mill's theory does place limits – very reasonable ones, I would argue – on the exercise of individual liberty, including individuality and autonomy. These are expressed in the Liberty Principle. There are boundaries to the forms and expressions of individuality permitted by Mill's liberalism. These limits are set down by this overarching principle of the essay *On Liberty.*

> That principle is, that the sole end for which mankind are warranted, individually or collectively, in interfering with the liberty of action of any of their number, is self-protection. That the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others. (*Liberty*, XVIII: 223)

The discussion of what Mill means by the notion of harm has given rise to an extensive literature. Here I will adopt the view that I have argued for in other writings, that the notion of harm should be analyzed within the framework of Mill's theory of justice, and so the harm referred to in this passage consists of interference with or violation of the most vital interests, or the most essential elements of human well-being, which are institutionalized as rights (Donner and Fumerton 2009: 36–45). So the Liberty Principle asserts a fundamental human right, and interference with liberty, here in the form of expressing our individuality and autonomy, can only be considered if a weightier right of another or others is threatened. Rights are weighed and adjudicated against other rights and not merely against small gains in happiness of many others.

The key point is that the distinctive structure of Mill's utilitarianism rules out a persistent objection to some other forms of consequentialism. According to the structure of Mill's theory of rights, small increases of happiness or utility to others, even many, many others, cannot provide a justification for violating the rights; in particular, the rights to liberty, of individuals, or minorities. The possibility of justification for interfering with the right to liberty only comes in when other rights are at stake. Then the deliberative process takes effect. Over time, specific examples of what we consider to be rights or core vital interests may change and evolve, and new applications of accepted rights (such as the right to form legal marital and family unions with loved ones of our own choosing) may come to the forefront for social and political consideration and debate.

For our purposes here, then, we want to distinguish cases in which people's *rights* are threatened by the exercise of others' liberty of individuality from cases in which people, even a multitude of people, are merely annoyed, irritated, upset, outraged, or offended by others' lifestyle choices. Mill has a particularly pungent and sharp rebuke to those who believe that their feelings of annoyance or offence should be enough to stifle others' ways of life. In Mill's theoretical framework, mere feelings of irritation are not sufficient grounds to interfere with rights to liberty of individuality. Such feelings are insubstantial when compared with the protection of identity and individuality. His rebuke to intolerant people is that:

> There are many who consider as an injury to themselves any conduct which they have a distaste for, and resent it as an outrage to their feelings; as a religious bigot, when charged with disregarding the religious feelings of others, has been known to retort that they disregard his feelings, by persisting in their abominable worship or creed. But there is no parity between the feeling of a person for his own opinion, and the feeling of another who is offended at his holding it; no more than between the desire of a thief to take a purse, and the desire of the right owner to keep it. And a person's taste is as much his own peculiar concern as his opinion or his purse. (*Liberty*, XVIII: 283)

The despotism of custom rears its head in many such cases. Mill complains that the public seems to have an endless appetite for interfering with and censoring anyone who tries acting or feeling differently. The problem lies with a public or society with the unfortunate tendency to transform what are merely its preferences or feelings into moral laws. If we do not hold firmly to the rights framework, the consequences are sadly predictable.

> [I]t is not difficult to show … that to extend the bounds of what may be called moral police, until it encroaches on the most unquestionably legitimate liberty of the individual, is one of the most universal of all human propensities. (*Liberty*, XVIII: 284)

Mill gives an example of "antipathies" that people feel simply because others have different opinions and practices (*Liberty*, XVIII: 284). He uses the example of eating pork. Christians eat pork, yet people of other religious faiths, such as Muslims and Jews, do not, and may be disgusted by this dietary habit. At least this was so in the nineteenth century. Mill also gives the example of the Temperance movement which for a time managed to have outlawed the consumption of alcohol in North America. These days, outrage over other people's dietary choices is more likely to be directed by vegetarians at meat eaters, or by vegans at consumers of eggs and dairy products, or by advocates of raw food diets against those who cook their food, or by those who only consume local and organic foods against those who choose delicacies from the other side of the globe. (And yet, this is a borderline example, calling for discussion and deliberation, for vegetarians and vegans do not consider their disgust to be based upon mere preference, but upon moral injunctions against inflicting suffering upon innocent animals.)

So we must distinguish cases of rights violations and harms arising from lack of recognition of vulnerable individuals and groups from cases of irritation or outrage at the lifestyles and ways of life of others which do not conform to our own choices.

Here we reach a point in the discussion, which for some may be a disappointing let down. Some people may expect absolute and crystal clear answers and guidance on how to approach and resolve clashes of important rights. After all, is that not what moral theories are supposed to do? Are they not supposed to provide a blueprint on how to resolve moral conflicts and disputes, especially those which can cause enormous social dissent and upheaval? However, this confuses a *philosophical theory* of morality (which provides a methodology for seeking truth) with a moral *doctrine* (which simply sets down rules to be followed). Mill's philosophical theory provides us with a framework for deliberation rather than with a blueprint. He does not ever attempt to carve in stone that which should be the moral and social rules of the future. The chapter of *On Liberty* on liberty of thought and discussion is a tribute to liberty as a core human interest, but it is also, on a deeper level, a succinct guide to Mill's theory of knowledge and truth. His theory does not and indeed cannot eliminate uncertainty and borderline or grey areas. His epistemological fallibilism, combined with his expectation of moral and social progress, rule out the blueprint. Human beings are fallible and prone to be mistaken in their beliefs and convictions. John Skorupski explains the essence of this. He says that Mill "takes the fallibilist attitude that *any* of the things we think we know, however seemingly certain, could turn out to be wrong in the course of our continuing inquiry" (Skorupski 2006: 8). We therefore need to act with awareness of our tendency to err and take the appropriate precautions. So follows the prescription of free and open discussion eloquently described in *On Liberty.* And of course, Mill's methodology ensures that the inquiry *will be* continuing and that we will not reach a final stopping point. For Mill also believes that these truth seeking methods can reasonably be expected to yield continual change and moral and social progress. For some, this will be welcome since they believe in the model of deliberative democracy. For others, this will be somewhat dissatisfying since they would prefer a moral theory which gives clear directives on even the smallest decisions. For others, it will be a middle way in between. They would appreciate the chance to narrow disagreement and come closer to consensus.

There are many possible examples of this deliberative process that would shed light on this methodology of public deliberation, as it relates to individual freedom, autonomy and individuality. I would like to pose two examples here.

The first of these concerns the tensions between individuality and autonomy as they bump up against the demands and needs of familial relations and human connection. I raise the question of the boundaries of parental control over their children's education and future autonomy and individuality. There are tensions arising from the tendency to want to extend our own individuality and autonomy to include shaping others to our goals and ideals – after all, are they not *our* children, *our* spouse? Being in close, intimate relations may slide into inappropriately perceiving them as extensions of ourselves, when we project our desires and needs onto them, rather than seeing them as independent beings and as individuals in their own right with their own individuality. This is yet another recurring human story that is the material of real life, fictional drama and even tragedy. Here the dilemma is well put by Joel Feinberg's claim that autonomy requires that children have a "right to an open future." Joel Feinberg says that:

> When sophisticated autonomy rights are attributed to children who are clearly not yet capable of exercising them, their names refer to rights that are to be saved for the child until

> he is an adult, but which can be violated in advance, so to speak, before the child is even in a position to exercise them. Violations guarantee now that when the child is an autonomous adult, certain key options will already be closed to him. While he is still a child, he has the right to have these future options kept open until he is a fully formed self-determining agent capable of deciding among them. (Feinberg 1983: 98)

Feinberg states here what is surely a requirement or condition of Millian individuality and autonomy. If parents have the right to determine how their children will be as adults, or to expect them to follow in their ways and values, then this undercuts or completely demolishes Mill's cherished individuality. And yet it is often to case that discussions on these matters assume that the individuality and autonomy of parents *includes* just this right to control how their children are educated and how parental values are passed on. The despotism of custom may be soul crushing, as is patriarchal domination of husbands over wives. However, Millian liberal commitments to individuality seem to lead to the conclusion that parental expectations of how their children will live out their futures are equally suspect, in cases in which the expectations turn into demands or requirements. This point resonates with Mill's own personal life experience. The story of his father's domineering efforts to educate the son to follow and promote Benthamite utilitarianism is poignantly recounted in the younger Mill's description of his education and subsequent "mental crisis" and recovery *(Autobiography*, I: 136–191).

Parents may have the power to go beyond just influencing or encouraging their children (which most liberals would accept) to coercing or making them into future adults who maintain and carry on their values, rather than their own freely chosen ones. The despotism of custom then becomes the despotism of families. Liberal respect for children's future autonomy and individuality should act as a brake or limitation on these desires, on Millian principles. One test case or example is that of parents who want their children to continue to carry on the practice of arranged marriage. Appiah weighs in on just this issue when he says that "the ethical principles of equal dignity that underlie liberal thinking seem to militate against allowing the parents their way because we care about the autonomy of these young women" (Appiah 2005: 135). So "though parents have a central role in raising their children, the state can rightly intervene to protect the child's growth to autonomy" (Appiah 2005: 206).

The case of same-sex marriage also allows us to consider how issues in the public domain of discussion might be informed by using Mill's methodology. The question of same-sex marriage was not on Mill's agenda. In nineteenth-century Britain, homosexuality was criminalized. The first step in moral progress was to decriminalize it. Later came further steps of deliberating about toleration for, and appreciation of, same sex partnerships for gays and lesbians. And now very recently, many jurisdictions are moving to legalize same-sex marriage. This is surely one example that Mill did not expect or predict – yet moral and social progress has changed the landscape of values and attitudes to include respect for the equal rights of gays, lesbians, and transgender people. But one of the prime examples of clashes of rights in the public domain concerns the right to freedom of expression of those who disagree with same-sex partnerships versus the rights of gays and lesbians to be protected from speech that is hateful and demeaning to their ways of life and love. Recall Charles Taylor's words that "misrecognition ... can inflict a grievous wound, saddling its victims with a crippling self-hatred" (Taylor 1994: 26).

We can ask, at what point does this expression of disagreement with a proposed or actual public law allowing same-sex marriage turn into expression of hatred towards gays and lesbians? Of course, this is but one of many current examples of the clash between the right to freedom of speech and the right to be protected from virulent expressions of hatred directed at groups and persons. Mill's methodology can be applied even though the specific example may not have been one that would have occurred to Mill himself.

These are some interesting contemporary examples for contemplation, if not for resolution. They illustrate the place of deliberation, inquiry and moral progress within Mill's theory. In this case, the examples show how the exercise of individuality fits in to Mill's moral philosophy and his Art of Life. The very fact that such examples are now in the public domain as objects of intense dialogue and debate marks them as good candidates to illustrate Mill's deliberative framework and how it allows for progress over time. Some of these, such as gay, lesbian, bisexual, and transgender rights, were not even on Mill's radar in the nineteenth century. And yet these forms of loving familial and marital unions are now seen as being vital to the individuality and identity of many people. This illustrates that moral progress brings new examples to the forefront and into the public arena.[1]

Note

1 An earlier version of parts of this article appeared in Chapter 4, "Liberty," 56–75, in Donner and Fumerton (2009). I presented versions of this paper as invited keynote lectures at conferences on Toleration, Pluralism and Social Consensus: Reassessing Political Thought and Practice in the Liberal Tradition, at Université Lumière Lyon 2, March 22, 2013 in Lyon, France, and at the John Stuart Mill Conference, at Bucerius Law School, Hamburg, Germany, June 5, 2014. I thank members of the audiences there for their questions and comments.

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29

Mill on Freedom of Speech

DANIEL JACOBSON

There are three rival views of Mill's defense of speech rights, which we might call the *absolutist*, the *pragmatic*, and the *qualified* interpretations. According to the absolutist interpretation, Mill defended an unqualified doctrine of freedom of speech, based on one of his fundamental principles: the principle of liberty. In this view, any interference with an agent's freedom of speech – as that notion is properly understood – counts as a violation of his liberty rights. This reading stresses what Mill expressly and repeatedly says about what he calls the free society, which has developed sufficiently to sustain individual rights and representative government. Once society has progressed sufficiently to reached the level of development where the principle of liberty should be respected: "there ought to exist the fullest liberty of professing and discussing, as a matter of ethical conviction, any doctrine" (*Liberty*, XVIII: 228n).

According to the pragmatic interpretation too, Mill defends freedom of speech as claimed, but he does so in an unprincipled way. His defense does not rest on the principle of liberty, and interference with an agent's freedom of speech is no violation of her rights. Rather, Mill defends free speech as he defends free trade: not as a matter of rights, let alone because it follows from the principle of liberty, but simply on pragmatic grounds.[1] In this view, speech falls under the jurisdiction of society, in principle, but it turns out that restrictions on the expression of opinion and sentiment are never optimal. This is indeed how Mill defends the doctrine of free trade, which he grants "rests on grounds different from, though equally solid with, the principle of individual liberty" (*Liberty*, XVIII: 293). His objections to coercive interference with trade are practical rather than principled. They rest on the inefficacy of restraints on trade, which are wrong because they do not produce their intended effects and have bad unintended consequences as well.

According to the qualified interpretation, by contrast, Mill does not in fact defend the freedom to express any doctrine, his claims to the contrary notwithstanding. Instead he draws a distinction between harmful and merely offensive speech; or between especially

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harmful speech, which diminishes autonomy or some other higher good, and speech that harms only in less significant ways.[2] In short, Mill does not defend freedom of speech at all, but something more like the freedom of harmless speech. Since this interpretation must set aside as exaggeration so much of what Mill says about free speech, it rests heavily on a putative exception he makes to the doctrine: the corn dealer example. Mill notes that the opinion that corn dealers are starvers of the poor must be tolerated – that doctrine too must be allowed to be professed and discussed – but its expression can justly be punished specifically when it is advocated to an angry crowd gathered outside a corn dealer's house.[3] The qualified interpretation understands the corn dealer example as just one of a wide variety of cases where the (significant) harmfulness of an opinion justifies its prohibition and the punishment of its expression, in Mill's view.

In this chapter, I will argue that the absolutist interpretation is the only tenable reading of Mill's position on freedom of speech. The pragmatic interpretation is misguided to claim that the expression of opinion falls beyond the pale of the principle of liberty; and hence that it is subject, in principle, to restriction in the free society.[4] It comes to this view through a faulty reading of the principle of liberty as a *harm principle*, on which there is reason – though not always sufficient reason – to interfere with all and only actions harmful to non-consenting others.[5] And the qualified interpretation misunderstands the significance of the corn dealer example, which is not intended as an example of an opinion that can properly be punished for its harmfulness. Rather, it is meant to differentiate between the "profession and discussion" of opinions and sentiments, and the more performative things people do with words, which are not universally immunized by Mill or included in any tenable conception of free speech. The freedom of expression does not include the freedom to threaten, conspire, or even suborn (and hence commit) murder – all of which can be done by speaking.

Although this discussion will focus on freedom of speech, it has further implications. It bears on how Mill's principle of liberty should be understood; on his distinction between self-regarding and social actions; and, perhaps most significantly as a matter of Mill interpretation, on how his principle of liberty can be reconciled with his unorthodox but genuine commitment to utilitarianism. Moreover, the issue of freedom of speech is especially significant in the current political context, because the justification for the absolutist interpretation over its rivals hangs on distinctions crucial to the difference between classical liberalism and progressivism, which is often obscured by vagueness in the use of the term liberal. Mill's classically liberal commitments support an unqualified defense of speech rights against the skepticism of modern progressives. This chapter does not attempt to argue for the empirical and evaluative commitments of classical liberalism, merely to show how fundamental they are to Mill's moral and political philosophy, contrary to some modern reinterpretations of him as a proto-progressive.

1. Freedom of Speech and the Principle of Liberty

The central claim of the pragmatic interpretation is that Mill does not believe in a *right* to freedom of speech, despite defending the doctrine on pragmatic grounds. This reading must hold, in particular, that the principle of liberty does not entail any such right. The model for this argument comes from Mill's defense of free trade – understood as the

doctrine that sellers should be allowed to set prices as they choose, and buyers free to purchase goods elsewhere – which he expressly grants not to rest on the principle of liberty. His objection to price controls, tariffs, and the like are practical: the quality and price of commodities are best ensured by the state forgoing such regulation of trade. It makes no difference for present purposes whether Mill was correct on this matter of economic policy. The crucial point is that Mill holds that trade properly falls under the jurisdiction of society.[6] That is why he claims that it would be no violation of the liberty rights of the *seller* to ban the sale of any particular good, though it would be a violation of the liberty of the *buyer* (*Liberty*, XVIII: 293). The prohibition of alcohol is a violation of the rights of would-be buyers, for instance, because it contradicts the slogan with which Mill sums up the principle of liberty: "Over himself, over his own body and mind, the individual is sovereign" (*Liberty*, XVIII: 224).

Since the pragmatic interpretation agrees with the absolutist interpretation about Mill's conclusion – that he ultimately defends freedom of speech – it is not belied by his repeated claims that the liberty to express one's opinion and sentiment should be exceptionless. But it has a great deal of trouble making sense of the peremptoriness of Mill's arguments for this conclusion. To take just the most obvious example, Mill writes:

> If all mankind minus one, were of one opinion, and only one person were of the contrary opinion, mankind would be no more justified in silencing that one person, than he, if he had the power, would be justified in silencing mankind. (*Liberty*, XVIII: 229)

It is not trivial to square this argument with Mill's commitment to utilitarianism, since that theory seems committed to taking the numbers so seriously, but there are some indirect forms of the theory that can accommodate it – given certain empirical assumptions. Consider rule utilitarianism, on which an action is wrong if it violates the best set of moral rules, where those are determined by the utility of their acceptance, including the costs of non-compliance. If a rule mandating freedom of speech is one of the best moral rules, then it would follow that it is wrong to silence even the lone dissenter. But this will be the case only if alternative approaches have worse outcomes, in particular rules that make exceptions for putatively low-value speech, as progressives are wont to do with "hate speech" and skepticism about climate change, both of which have been recently targeted for censorship by prestigious transnational institutions (such as the European Union and the United Nations).[7]

Hence the peremptory nature of Mill's argument challenges any merely pragmatic defense of free speech, which must remain sensitive to alternative policies and changing circumstances, since the doctrine is a matter of policy rather than principle. Moreover, Mill's discussion of the topic is couched in claims about rights. In the passage previously quoted, he adds: "I deny the right of the people to exercise such coercion [over speech], either by themselves or by their government" (*Liberty*, XVIII: 229). This contrasts sharply with his treatment of free trade; and it is exactly what he should not say, according to the pragmatic interpretation. Although it would be a mistake to restrain speech, in this view, it falls within the jurisdiction of society to do so.

Supporters of the pragmatic interpretation rely primarily on the fact that speech (i.e., the expression of opinion and sentiment) can harm others without their consent. If one reads the principle of liberty as a harm principle, which protects only action

harmless to non-consenting others, then this puts speech outside the sphere of liberty protected by that principle. In Mill's terms, the potential harmfulness of speech renders it a *social* rather than a *self-regarding* act. These are terms of art for Mill, since an action is not social simply in virtue of involving other people; acts that involve others consensually count as self-regarding. Thus Mill's claim that trade is a social act simply recapitulates his claim that it is not protected by the principle of liberty. Were the principle of liberty a harm principle, then the only self-regarding acts would be (roughly) those that are harmless to non-consenting others. This is rough because some level of danger must be counted as harm even if it does not issue in injury, in order for any harm principle to be tenable; otherwise lucky drunk driving would not be punishable. Hence the fate of the pragmatic interpretation rests on whether the principle of liberty is a harm principle, and self-regarding action – those actions that the principle makes immune to interference – is tantamount to such "harmless" action.[8]

It must be admitted that this way of understanding the principle of liberty is the most natural one, if the two sentences that seem to give its official statement are taken by themselves, out of context. They read:

> That principle is, that the sole end for which mankind are warranted, individually or collectively, in interfering with the liberty of action of any of their number, is self-protection. That the only purpose for which a power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others. (*Liberty*, XVIII: 223)

Mill then makes explicit that this rules out paternalism – the coercion of people for their own good – when it comes to sound-minded adults, and he sums up the doctrine with the slogan already quoted about individual sovereignty over mind and body.

This passage poses several obvious exegetical problems. The two consecutive statements (of what Mill calls "one very simple principle") do not seem synonymous, since the concept of an exercise of power is more expansive than just interference with liberty of action. Indeed, Mill goes on to argue that certain *positive compulsions* are legitimate, such as taxation, even though he never claims that taxation can only be used to prevent harm, as opposed to promoting the good.[9] Even if taxation does not interfere with the liberty of the taxpayer, it certainly counts as an exercise of power over him. But I propose to ignore the problem about positive compulsions and set aside worries about how to understand harm. These are nuances as compared to the most significant point, which has been extremely influential since noted by contemporary utilitarian critics of Mill such as James Fitzjames Stephen. In short, the objection is that (almost) everything we do potentially affects others, even harmfully, so no significant sphere of liberty is secured by Mill's principle – and certainly not freedom of speech.

If we do not try to understand the seemingly official statement of the principle of liberty in isolation, however, it will become clear that Mill cannot intend it to be a harm principle. If the principle of liberty were a harm principle, then it would protect freedom of speech only if the expression of opinion and sentiment could somehow be guaranteed to be harmless. But there is no evidence that Mill adopted this naive theory of harm – which we might call the *stick-and-stones* theory, after the nursery rhyme that concludes "but words will never harm me" – and conclusive evidence that he does not. When Mill identifies individual rights as having a "more binding obligation" than do

ordinary maxims because they are more vital to human well-being, he expressly refers to those "moral rules which forbid mankind to hurt one another (in which we must never forget to include wrongful interference with each other's freedom)" (*Utilitarianism*, X: 255). Thus Mill rejects the sticks-and-stones theory by taking wrongful violations of liberty to count as harms; moreover, such violations count as harms against which one has the right to protection in the free society.

Since Mill rejects this untenable theory of harm, any interpretation of the principle of liberty that reads it as a harm principle, which immunizes only those actions harmless to non-consenting others, seems forced to conclude that speech lies beyond the pale of the principle of liberty. This is precisely the argument for the pragmatic interpretation. If the principle of liberty applies only to harmless actions, and the expression of opinion and sentiment can harm non-consenting others, then that principle cannot immunize speech. Mill's defense of free speech therefore must be based on pragmatic grounds, like his defense of free trade. A first sign of trouble for this reading, however, is that Mill claims otherwise: that his defense of freedom of speech is part of the general defense of liberty. After having introduced the principle of liberty in Chapter 1 of *On Liberty*, he begins its defense in Chapter 2, which is titled "Of the Liberty of Thought and Discussion." In explaining his argumentative strategy, Mill writes:

> It will be convenient for the argument, if, instead of at once entering upon the general thesis [that is, the principle of liberty], we confine ourselves in the first instance to a single branch of it, on which the principle here stated is, if not fully, yet to a certain point, recognized by the current opinions. This one branch is the Liberty of Thought: from which it is impossible to separate the cognate liberty of speaking and of writing. (*Liberty*, XVIII: 227)

Those defenders of the pragmatic interpretation who notice this point puzzle over why Mill would say that the liberty of speaking and writing is impossible to separate from the liberty of thought. After all, we are not always incapable of thinking something without saying it. But the first question is not whether Mill is correct in his claim that speech is, in practice, impossible to separate from thought; it is whether this is Mill's view. The fact that he discusses thought and discussion together in Chapter 2 of *On Liberty*, specifically as constituting a single element of the sphere of liberty, makes this hard to deny. A clue to the puzzle can be found in the epistemological arguments of that chapter, where he claims that justification is fundamentally social. Mill believes that exposure to opposing points of view is a prerequisite for knowledge, because in order to be justified in one's beliefs, one must know the best opposing arguments, which can only be adequately propounded by their advocates. So although we can sometimes keep our thoughts *to* ourselves, we cannot have knowledge *by* ourselves.

But how can Mill think that freedom of speech follows from the principle of liberty without holding that the expression of opinion is harmless? The answer is that the principle of liberty is not a harm principle, and self-regarding action – that is, action protected by the principle of liberty as a matter of rights – is not equivalent to harmless action. In the passage where Mill discusses what he means by self-regarding action, he explains:

> I fully admit that the mischief which a person does to himself may seriously affect, both through their sympathies and their interests, those nearly connected with him, and in a

> minor degree, society at large. When, by conduct of this sort, a person is led to violate a distinct and assignable obligation to any other person or persons, the case is taken out of the self-regarding class, and becomes amenable to [punishment].[10] (*Liberty*, XVIII: 281).

The crucial point is that what makes a typically self-regarding action lose that status is not that it harms others, or even that it harms their interests, but that it violates an obligation. The example Mill uses to illustrate the point is drunkenness, which is ordinarily a self-regarding vice, protected by the principle of liberty. Although my drunkenness may harm those who care about me and affect the interests of those who might have benefited by my sobriety, it can only violate the rights of those to whom I have an obligation that I cannot meet due to my being a drunk, such as my family and creditors. The conduct that society may demand of individuals is not that one never harm others, even without their consent, but that one does not harm "certain interests which, either by express legal provision or by tacit understanding, ought to be considered as rights" (*Liberty*, XVIII: 276).[11] Among the harms to which one is *not* entitled to protection from society, Mill includes harm from persuasion, harm by example, and offense. We will need to explain why Mill does not consider these (and certain other) harms to count as reasons for compulsion, but the first point to note is that *these are exactly the harms most likely to be caused by the expression of opinion and sentiment*.

Hence the central argument for the pragmatic interpretation – that because speech can do harm, it cannot be a self-regarding act protected by the principle of liberty – is belied by the fact that Mill expressly grants that some self-regarding action is harmful. What makes an act that would otherwise be self-regarding fall out of that class, and lose its immunity, is not that it does harm but that it violates an obligation. This doctrine implies that not all harms are violations of rights, since rights ground obligations of non-interference; and that is just what Mill avows. Moreover, the harms that can be attributed to the profession of specific opinions and sentiments, such as those involving persuasion and offense, are not such violations. Hence the potential harmfulness of the expression of opinion and sentiment does not make speech a social act, subject in principle to regulation by society. This belies the pragmatic interpretation, but it also raises an obvious question. What is the principle of liberty if it is not a harm principle, and what kinds of action does it protect from interference?

We can understand the place of the defense of freedom of speech in Mill's philosophy only by recognizing that the purpose of the principle of liberty is to circumscribe a sphere of liberty where the individual is sovereign and cannot rightfully be subject to coercion. While this accords with Mill's summation of the principle in *On Liberty*, the doctrine is more clearly expressed in his *Principles of Political Economy*, where he writes:

> [T]here is a circle around every individual human being, which no government … ought to be permitted to overstep. That there is, or ought to be, some space in human existence thus entrenched around, and sacred from authoritative intervention, no one who professes the smallest regard for human freedom and dignity will call into question: the point to be determined is, where the limit should be placed; how large a province of human life this reserved territory should include. I apprehend that it ought to include all that part which concerns only the life, whether inward or outward, of the individual, and does not affect the interest of others, *or affects them only through the moral influence of example*. (*Principles,* III: 938; emphasis added)[12]

Mill declares that there is a significant region of human liberty, containing "large departments of human life from which [coercive interference] must be unreservedly and imperiously excluded" (*Principles,* III: 937).

The fact that the harms characteristic of the expression of opinion and sentiment do not count as violations of rights allows Mill to be peremptory in his argument for freedom of speech, and specifically to claim that even harmful and immoral speech counts as self-regarding action. While this claim still has to be defended, the textual evidence already given suffices to belie the pragmatic interpretation. First, Mill expressly denies its central claim by stating that freedom of speech is one element of the sphere of liberty. Second, Mill's conception of self-regarding action includes certain acts harmful to non-consenting others: those that harm in ways against which we are not protected by right. If the principle of liberty is understood not as a harm principle but instead as circumscribing a sphere of liberty, which expressly includes the liberty of thought and discussion, then that helps explain the peremptoriness of his argument.

2. Limits of Speech and the Corn Dealer Example

Mill repeatedly states that *all* opinions and sentiments should be tolerated – that is, permitted expression though not exempted from criticism – including immoral and even harmful opinions. "However positive any one's persuasion may be, not only of the falsity but of the pernicious consequences – not only of the pernicious consequences, but ... the immorality and impiety of an opinion" (*Liberty*, XVIII: 234), none have the right to prevent the opinion from being heard. Hence he states that it is irrelevant to his argument whether the *doctrine* of "tyrannicide" is immoral. Its advocacy should be tolerated in any case, except in contexts where it constitutes an instigation to a specific murder, and even then "only if an overt act has followed, and at least a probable connexion can be established between the act and the instigation" (*Liberty*, XVIII: 228n).

The qualified interpretation, according to which Mill only defends the freedom to express certain opinions, such as those that are offensive but (otherwise) harmless, thus faces a substantial argumentative burden. Even so, it must be allowed that Mill has a tendency to make broad pronouncements, not to say exaggerations, which he later qualifies. He calls the principle of liberty a very simple principle, for instance, and no one takes that claim seriously. Immediately after stating the principle, he draws from it a ban on paternalistic reasons just as sweeping as his defense of speech rights. An agent's "own good, either physical or moral, is not a sufficient warrant" for compelling him against his will, Mill declares (*Liberty*, XVIII: 223). Yet he later seems to qualify that claim by banning agents from selling themselves into slavery, on the grounds that the very point of the principle is undermined by this application of it. The strongest version of the qualified interpretation makes an analogous suggestion that speech can be prohibited when it is harmful specifically to the "deliberative goods" such as autonomy, the promotion of which is supposedly the point of freedom of speech.

The qualified interpretation relies crucially on an example Mill gives of speech that is *not* immune from censorship: the corn dealer example. The gist of the case is that Mill

identifies a context in which an opinion whose expression should ordinarily be tolerated loses its immunity from coercive suppression. Mill writes,

> No one pretends that actions should be as free as opinions. On the contrary, even opinions lose their immunity, when the circumstances in which they are expressed are such as to constitute their expression a positive instigation to some mischievous act. An opinion that corn dealers are starvers of the poor, or that private property is robbery, ought to be unmolested when simply circulated through the press, but may justly incur punishment when delivered orally to an excited mob assembled before the house of a corn-dealer, or when handed about among the same mob in the form of a placard. (*Liberty*, XVIII: 260)

Recall that drunkenness, although typically protected by the principle of liberty, ceases to be self-regarding when it prevents the drunk from meeting a specific obligation, such as to his creditors or family. Mill here makes an analogous point about "opinions" – by which he explicitly means their expression: that an opinion loses its immunity from interference when the context in which it is expressed makes it constitute incitement to murder. Nevertheless, it remains the case that the doctrine that corn dealers are starvers of the poor, or that property is theft, must be tolerated.

What is at issue between the absolutist and the qualified interpretation is whether Mill's willingness to prohibit the expression of such opinions in specified contexts, such as to an angry mob gathered outside the corn dealer's house, constitutes a limitation on freedom of speech motivated by its harmfulness. The qualified interpretation holds that opinions that are not just offensive but harmful, or not just harmful but harmful to others' interests, or that significantly diminish autonomy, can rightfully be censored. Whatever the merits of this position as a matter of policy, it is problematic as an interpretation of Mill because he grants that some opinions are pernicious and yet advocates their toleration nevertheless. The opinion that corn dealers are starvers of the poor threatens to harm the interests of corn dealers simply by being advocated, regardless of context. Indeed, Mill considered Proudhon's dictum that property is theft – the other opinion mentioned in this passage – to be harmful to the interests of the poor as well as the rich.[13] Were he willing to consider silencing harmful opinions as such, he would not endorse its toleration in ordinary discursive contexts where it does not constitute incitement to imminent violence. But he does, and he makes a point of reiterating that in this passage. Hence the corn dealer case does not conflict with Mill's insistence that an opinion's falsity, immorality, or pernicious consequences does not put it beyond the pale of toleration.

Rather, the point of the corn dealer example is to explicate the notion of freedom of speech that Mill defends. It is not the freedom to say anything at anytime, anywhere. It does not conflict with noise regulations at libraries or prohibitions on speech in monasteries. Nor does it immunize all of the actions that can be performed with words. As Mill says, no one pretends that actions should be as free as opinions. The corn dealer example illustrates that, in certain peculiar but not unrealistic contexts, an act that would ordinarily be merely an expression of opinion constitutes the more performative action of incitement to violence. In that context, it is not a self-regarding act protected by the principle of liberty, because it violates an obligation. The fact that certain tokens of the expression of an opinion can be prohibited does not count as an exception to the

absolute freedom of speech Mill advocates, because it does not prohibit the expression of any doctrine as a matter of ethical (or political or religious) discussion. Proudhon must be allowed to advance his doctrine, regardless of its merits – which is just what Mill concludes.

In arguing against the pragmatic interpretation, I showed that Mill defends freedom of speech as part of the sphere of liberty protected as a matter of rights. I have now argued, against the qualified interpretation, that Mill's claim to offer an absolute and unqualified defense of freedom of speech is not an exaggeration. This argument depends partly on having the proper conception of what constitutes freedom of speech, since an overly broad "anything, anytime, anywhere" conception is indefensible. But Mill clearly states what he is defending: the claim that the expression of any opinion or sentiment, propounded as a matter of ethical discussion, ought to be protected from coercive interference regardless of its merits. The "fullest liberty of professing and discussing" any doctrine requires that opinions of any content be tolerated. It does not rule out limitation on what now gets called the time, place, and manner of speech; nor does it immunize everything one can do with words. The importance of the corn dealer example is that it illustrates that the typically self-regarding act of professing a doctrine can, because of its context, count as incitement to violence and thereby lose its immunity – but not its claim to toleration in other contexts. In this respect, the expression of opinion is analogous to other paradigmatic self-regarding action, such as drinking, which loses its status as self-regarding in just those circumstances where it violates an obligation.

Mill's argument for freedom of speech, and for the principle of liberty more generally, require argument – not just about what rights individuals do have but those they do not. A right not to be offended, for instance, would undermine the absolute and unqualified defense of freedom of speech, which extends to offensive opinions. Mill notes this point specifically about drinking, when he denies the claim made by a contemporary temperance group that society has the right to police the moral ecology by demanding sobriety. Mill responds to this claim incisively:

> So monstrous a principle is far more dangerous than any single interference with liberty; there is no violation of liberty which it would not justify; it acknowledges no right to any freedom whatever, except perhaps to that of holding opinions in secret, without ever disclosing them; for, the moment an opinion which I consider noxious passes any one's lips, it invades all the "social rights" attributed me … (*Liberty*, XVIII: 288)

This is an especially important passage because it illustrates two points. First, that rights claims are double-edged. Certain putative rights, such as the right to determine one's moral ecology – or to be protected from offensive opinions – would not increase freedom but diminish it. Second, that Mill disparages a narrow conception of the liberty of thought, which allows one to hold any opinion but only if one keeps it secret. The liberties of conscience must be understood more broadly than that, Mill contends, so as to include the right to express one's opinions and sentiments.

Although it is challenging to reconcile Mill's liberalism with his utilitarianism, he gives a similar account and justification of rights throughout his mature work, including both *On Liberty* and *Utilitarianism*. "When we call anything a person's right," according

to Mill, "we mean that he has a valid claim on society to protect him in the possession of it" (*Utilitarianism* X: 250). There are no natural (or "abstract") rights for Mill. But although rights are founded on utility, he insists that this must be understood as "utility in the largest sense, grounded on the permanent interests of man as a progressive being" (*Liberty*, XVIII: 224), capable of improvement. These individual rights trump considerations of utility in specific cases, because they arise from those moral rules that most concern the essentials of human well-being; hence they ground more absolute obligations than other rules of conduct.[14]

In short, Mill defends freedom of speech as an absolute and unqualified right, on the basis of an indirect utilitarian argument about the prerequisites for human well-being. This conclusion can be challenged, of course, and recently freedom of speech has increasingly come under attack, most notably from the progressive left. In its willingness to sacrifice liberty for equality and other collective goods, progressivism rejects several of the foundations of classical liberalism. Mill's position thus helps explicate the distinction between liberalism and progressivism, which has been obscured by the current, nearly synonymous use of those terms. Whereas (classical) liberalism is a doctrine of individual rights and personal responsibility, progressivism is overtly skeptical of those individualistic notions. Although a progressivist interpretation suits the political views of many modern readers, it founders as an interpretation of Mill. In the final section, I will show how his classically liberal approach helps buttress the empirical claims necessary to defend the principle of liberty and, in particular, freedom of speech.

3. Agency and Self-Development

We've already noted conclusive textual evidence that Mill considers certain harms not to count as reasons to interfere with individual liberty. What these harms have in common is that, in Mill's view, they would be counterproductive to try to prevent, when considered in terms of the utility of man as a progressive being, capable of improvement. Some of these harms are the products of agency, in that the individual herself is responsible for them. This point comes out most clearly in Mill's rejection of paternalism, but it also holds for the harms of persuasion and example, which are also ruled out as reasons for compulsion. He thinks that agents will learn from their mistakes only if they are held responsible for doing so rather than being protected from error by others. Another example is offense: Any attempt to protect people from even significant emotional harm would inhibit the atmosphere of intellectual freedom that is a prerequisite both for individual flourishing and the cultivation of genius; and the right to avoid false, immoral, or harmful opinions would, in several respects to be discussed, undermine justification and knowledge. Finally, to protect people from the harm of losing would impede the great engine of improvement, namely competition. These would be counterproductive secondary principles, according to Mill, whereas the principle of liberty – including its recognition of individual rights of freedom of conscience in the broadest sense, which expressly includes freedom of expression – can be justified as contributing essentially to human well-being.

These arguments amount to a relatively straightforward, though hardly uncontroversial, indirect utilitarian justification of certain individual rights (but not others) and

a similarly founded critique of paternalism. They rely on substantive empirical claims about what does and does not generally promote human flourishing in the long run. What interpreters of Mill have largely failed to appreciate, in my view, is how profoundly agent-centered his approach to morality is.[15] Mill holds that the development of humanity must primarily be a matter of self-development, because we learn best when we are allowed to enjoy the fruits of our successes and to suffer the pains of our mistakes. In effect, Mill places a principle of personal responsibility alongside his principle of individual liberty. While he does not name this responsibility principle, as he does the liberty and utility principles, his commitment to it is quite clear; and it helps reconcile his liberalism with his utilitarianism. Mill thinks it would be a mistake to compromise these principles, which he holds to be so crucial to human development and flourishing, by attempting to distinguish exceptional circumstances with more fine-grained moral rules. These dual principles of individual rights and personal responsibility form the core of the classical liberal tradition, which too often gets obscured not only by the ambiguity in the term liberal but also by the current tendency to construct a false dichotomy between progressivism and *laissez-faire*.

As important as he takes the development of character and civilization to be, Mill does not approach them as goods to be maximized through exogenous means, whether those means involve compulsion or benevolence. Instead, the recurring theme in Mill's work is his focus on *self*-development. This was one of his main criticisms of Bentham:

> Morality consists of two parts. One of these is self-education; the training, by the human being himself, of his affections and will. That department is a blank in Bentham's system. (*Bentham*, X: 98)

Mill criticized Bentham's conclusions about even the half of morality he recognized – that is, those external actions that can be considered without reference to their moral qualities – on the grounds that he systematically ignored the effects of action on the agent herself. In an early letter to Thomas Carlyle, where he calls himself a utilitarian only in an idiosyncratic sense, Mill proposes that the good of humanity can be furthered only "by each taking for his exclusive aim the development of what is best in *himself*" (Letter to Thomas Carlyle, 12 Jan 1834, XII: 207; emphasis in original). This was not just an early deviation from utilitarian orthodoxy but a lifelong commitment. In his late work, *The Subjection of Women*, Mill warns against "unenlightened and short-sighted benevolence" that, by taking control of their lives out of people's own hands and relieving them of responsibility for their own action, "saps the very foundations of self-respect, self-help, and self-control which are the essential conditions both of individual prosperity and social virtue" (*Subjection*, XXI: 330).

In order for people to flourish, they must be at liberty to shape their own lives and held responsible for their choices. This does not mean that other people, and society at large, should not attempt to guide and educate them; on the contrary, Mill thought we should do more by way of persuasion. But the misguided attempt to coerce others toward their own good, or to provide it for them, proves counterproductive because it undermines virtue. Similarly, the attempt to shield them from offense and error, whether factual or moral, proves counterproductive because it undermines knowledge and practical reason. Instead the "[c]omplete liberty of contradicting and disproving our opinion,

is the very condition which justifies us in assuming its truth for purposes of action" (*Liberty*, XVIII: 231). Thus freedom of speech is to knowledge as anti-paternalism is to virtue. Mill has classically liberal worries about the unintended consequences of benevolently motivated action, including censorship for the sake of the common good, which no doubt many modern progressives will consider exaggerated. But the merits of these arguments are not here at issue. The question is how to interpret Mill, and on that score there can be little doubt.

Perhaps the most telling example of Mill's commitments to the principles of individual rights and personal responsibility arises from his view of democracy. He held that the best form of government at any given time will be the one that most contributes to the advancement of society; and representative government is the ideal form for those societies that have the prerequisites to sustain it, because it best promotes the self-development of its members. Nevertheless, Mill saw several dangers inherent to democracy. The most famous is the tyranny of the majority, against which the best protection is the institution of individual rights. But Mill also thought that democracy tends to promote conformity of thought even without compelling it. In order to palliate this tendency, he advocated a form of democracy that "breaks the headlong impulses of popular opinion ... [by] adverse discussion" (*Tocqueville on Democracy in America [I]*, XVIII: 180). By adverse discussion Mill meant confrontation with opposing points of view, which he considered necessary for knowledge and virtue. This means that democracy in particular requires, "above all, the utmost possible publicity and liberty of discussion" (*Considerations*, XIX: 436).

The second chapter of *On Liberty* offers various Millian arguments for the necessity of freedom of speech and the cultivation of diversity of opinion. Rather than go into the details of those specific arguments, which are profound in their essence but can be quibbled with in detail, it is more fruitful to see Mill as anticipating the phenomena now known as *epistemic closure* and *confirmation bias*. Epistemic closure refers to the tendency to surround oneself with those of like opinions and thereby avoid adverse discussion, which people typically find onerous. And confirmation bias refers to the common habit of finding evidence that confirms our antecedent opinions especially salient, while ignoring or discounting disconfirming evidence. These are among the psychological phenomena explaining Mill's observation that "the weakest part of what everybody says in defence of his opinion, is what he intends as a reply to antagonists" (*Liberty*, XVIII: 251). Mill's insight is that it is not just intellectual dishonesty that causes people to argue against straw men, but unwitting ignorance of the best opposing arguments. Yet in order to be justified in one's beliefs, one must be able to answer the strongest arguments against them. Mill concludes this argument just as the absolutist interpretation would have it:

> We have now recognized the necessity to the mental well-being of mankind (on which all their other well-being depends) of freedom of opinion, and freedom of the expression of opinion. (*Liberty*, XVIII: 257–8)

Mill's classically liberal views about self-development and the importance of cultivating diversity of opinion render far more plausible the empirical claims necessary to ground his defense of freedom of speech (and the principle of liberty more generally).

Whether or not one is convinced by Mill's argument, this constitutes decisive evidence in favor of my interpretation, which takes his defense of freedom of expression to be as absolute and unqualified as he expressly and repeatedly claims. Contrary to the pragmatic interpretation, Mill considered the expression of opinion to be quintessentially self-regarding action, which lies at the center of the sphere of liberty protected by rights. And contrary to the qualified interpretation, even the expression of harmful opinions, such as those targeted by modern progressives, must be tolerated in standard contexts where they do not constitute more performative speech acts that are not similarly immune. These commitments reflect not the weakness of speech but its paramount importance to human flourishing.

Notes

1 I cannot attempt to be comprehensive in citing advocates of each view, but will note an exemplar of each of these approaches. The pragmatic interpretation is defended by Riley (2005) among others.
2 The qualified interpretation is defended by Brink (2013) among others.
3 The toleration of opinion simply means that it should not be subject to coercion: prohibited or punished, either legally or socially. Toleration is not immunity to criticism, nor does it preclude the avoidance of an opinion's advocates, so long as this is due to a sentiment of repugnance rather than an effort to punish (*Liberty*, XVIII: 278).
4 All of Mill's rights claims are indexed to a given state of society, and he defends freedom of speech, and the principle of liberty more generally, specifically in the context of the free society.
5 This must stand as a rough first gloss, as there are further caveats necessary in order to make such a harm principle plausible, but these refinements do not suffice to make it an authentically Millian doctrine.
6 Mill owes an argument for this claim. Libertarians would put capitalist acts between consenting adults in the sphere protected by the principle of liberty (with caveats for fraud). Mill's classical liberalism deviates from libertarianism on this point, as well as on taxation, though it differs from progressivism even more.
7 The point is not that a rule utilitarian justification of freedom of speech is impossible; indeed, I think Mill ultimately offers something of this sort. It is rather that this rhetoric is disconsonant with a merely pragmatic defense. The silencing of one person *would* be less justified than the silencing of the rest of mankind, unless such justification is a matter of principle (as the imagined rule utilitarian would have it).
8 Hereafter, I will simply speak of harmful and harmless action, dropping the caveats about danger and consent, and the scare quotes meant to signal them, but they should be inferred throughout.
9 This claim is not uncontroversial, but the contrary view is difficult to defend on both exegetical and substantive grounds. Cf. Berger (1984), Lyons (1994), and Jacobson (2000).
10 What Mill really says is: "moral disapprobation in the proper sense of the term." But this reflects Mill's idiosyncratic view that the immoral and the punishable are coextensive, and it is clear from the passage as a whole that he is talking about what can properly be punished. See (*Utilitarianism*, X: 246), where Mill identifies the wrong with conduct that deserves punishment.
11 Although this is not pertinent to the issue at hand, Mill adds that society may also demand "each person's bearing his share … of the labours and sacrifices incurred for defending the society or its members from injury and molestation" (*Liberty*, XVIII: 276). These too are

obligations, though they do not correspond to another's rights, and when an ordinarily self-regarding action precludes them it loses its immunity.

12 This passage refers specifically to governmental coercion because it is taken from the "Limits of Laissez-Faire" section of the *Principles*, but *On Liberty* makes it clear that Mill's argument extends to social coercion as well.

13 "We suppose the majority [of the poor] sufficiently intelligent to be aware that it is not to their advantage to weaken the security of property" (*Considerations*, XVIII: 442).

14 This is a close paraphrase of (*Utilitarianism*, X: 255). In an 1862 letter to George Grote dedicated to explicating the argument of *Utilitarianism*, Mill writes:

> people must not be required to sacrifice even their own lesser good to another's greater, where no general rule has given the other a right to the sacrifice; while, when a right *has* been recognized, they must, in most cases, yield to that right even at the sacrifice, in the particular case, of their own greater good to another's less. These rights and obligations are (it is of course implied) reciprocal. (Letter to George Grote, Jan 10, 1862, XV: 762)

15 For more on the idiosyncratic nature of Mill's utilitarianism and, in particular, its agent-centered focus, see Jacobson (2008).

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30

Mill on Democracy Revisited

GEORGIOS VAROUXAKIS

John Stuart Mill made original and significant contributions to theorizing on modern representative democracy. And yet, "Mill's membership in the democratic family is a contested issue" (Urbinati 2002: 1). This essay will examine both the main contributions Mill made to thinking about democracy and the reasons why his own democratic credentials have been a matter of dispute. I will analyze the context in which Mill thought about the prospects of democracy in his time. And I will attempt briefly to highlight some common misunderstandings on Mill on democracy. I argue here that a key to understanding Mill's pronouncements on democracy from the mid-1830s onwards was his strong attachment to the idea that no power, value, group, or idea should be allowed to preponderate exclusively in any society and that instead a healthy level of diversity and antagonism had to be kept up, artificially if necessary, in order to prevent societies from stagnating.

1. The Development of Mill's Views on Democracy Prior to 1861: From "Spiritual Power" to "The Principle of Antagonism"

In his *Autobiography*, J.S. Mill referred to his father, James Mill, as "holding … opinions of extreme democracy" (*Early Draft*, I: 6; cf. *Autobiography*, I: 29). As for himself, already in his teens the younger Mill saw himself in "the character of a democratic champion" (*Autobiography*, I: 65–7). All the same, Mill did talk in his *Autobiography* of his position on democracy as having evolved. He spoke of

> a shifting of my political ideal from pure democracy, as commonly understood by its partisans, to the modified form of it, which is set forth in my *Considerations on Representative Government.* (*Autobiography*, I: 199)

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Mill claimed that the latter change, which occurred "very gradually," commenced from his study of Alexis de Tocqueville's *Democracy in America* (1835 and 1840). In Tocqueville's "remarkable" work, "the excellencies of Democracy were pointed out in a more conclusive, because a more specific manner." While, at the same time,

> the specific dangers which beset Democracy … were brought into equally strong light … not as reasons for resisting what the author considered as an inevitable result of human progress, but as indications of the weak points of popular government, the defenses by which it needs to be guarded, and the correctives which must be added to it in order that while full play is given to its beneficial tendencies, those which are of a different nature may be neutralised or mitigated. (*Autobiography*, I: 199–201)

The development of Mill's thought on democracy has been studied in some detail by J.H. Burns (Burns 1968). Burns followed Mill's utterances on democracy from his youthful propagandism for philosophic-radical reform (from 1829 onwards) until the definitive statement of most of his matured opinions in *Considerations on Representative Government* (1861). There were shifts in details and also periods when Mill showed no interest in political matters for some years (as well as what Burns saw as a relatively conservative turn in Mill's thought that reached its climax in 1840), but, overall, some clear conclusions emerge. For most of the early years covered by the study (from the late 1820s to the late 1840s – with some exceptions around 1840), Mill subscribed to the main platforms of the "orthodox radical" political demands of the time, including, most prominently, the secret ballot, the gradual extension of the suffrage, the shortening of parliamentary sessions, the abolition of the hereditary House of Lords, and the desirability of paying Members of Parliament.

The best-known change was Mill's abandonment of his earlier support for the secret ballot, completed by the time of his 1859 *Thoughts on Parliamentary Reform* (Burns 1968: 319). Mill's rationale then, as well as two years later in *Considerations*, was that the conditions that had made the ballot desirable earlier no longer existed. Thanks to changed social conditions, there was now much less danger of pressure being exercised on the voters by landlords, employers, or customers and instead more danger of the voters using their vote selfishly if allowed to cast it secretly. Mill's later argument was similar to a much older idea articulated by Cicero. The claim was that, if they had to account for their vote to their fellow-constituents, people would feel the need to use publicly defensible criteria, criteria that referred to the common good, as opposed to their own selfish or sectional interests. This argument went together with a long-held belief of Mill's that the vote, being power over others, was by no means a right, but rather a duty and a trust, and had to be used in the interests of the common good.

There are other changes and shifts of emphasis registered in Burns's account of Mill's pronouncements on democracy, but the most interesting seems to me to be the following: "[I]t is important to notice the emergence in Mill's thought of the notion of a power to *rival* that of the masses; for this is a new element." According to Burns, up to then Mill had largely relied on "the people's ability to choose wise rulers" (Burns 1968: 297). Burns does not explicitly account for the change he notices, though the implication seems to be that it had been Mill's recent reading of Tocqueville's *Democracy in America* that had led to his new way of thinking. However, I have argued elsewhere that

the crucial idea that led to changes such as this one came to Mill from his study of some of the historical works of another Frenchman, François Guizot (Varouxakis 1999). Incidentally, Guizot had meanwhile taught and profoundly influenced Tocqueville himself in the 1820s.

In his 1828 *History of Civilization in Europe*, Guizot had argued that there was a distinctive feature unique to modern European civilization, which made for its "particular physiognomy." All civilizations which had preceded that of modern Europe, "in Asia or elsewhere, including even Greek and Roman civilization," struck one with:

> the unity which pervades them. They seem to have emanated from a single fact, from a single idea; one might say that society has attached itself to a solitary dominant principle, which has determined its institutions, its customs, its creeds, in one word, all its developments. (Guizot 1997: 27–8)

As a result of the exclusive or over-preponderant dominance of *one* principle or power, those earlier civilizations had either become extinct or – hardly better – had stagnated at some point in their history. Guizot had adduced the examples of Egypt and India as cases where the eventual exclusive preponderance of one principle or class had led to stagnation, and that of Greece as a case where the preponderance of one principle, the "democratic principle," had led, after a most rapid and wonderful development, to the exhaustion and dissolution of society. In contrast, the civilization of modern Europe had been displaying "continuous" and "steadily progressive" growth for the previous fifteen centuries. The reason was the existence in Europe, since the fall of the Roman Empire, of a continuous struggle between different forces, ideas, principles, values, groups, with each trying to prevail and take exclusive hold of society but none of them ever succeeding in doing so (*Guizot's Lectures and Essays on History*, XX: 267–8).

Mill adopted this idea enthusiastically. From some time in the early 1830s when he read that work, Mill started talking (consistently and repeatedly) of the paramount importance of diversity, struggle, and the need for the keeping up of an "organised antagonism" in society if progressiveness were to be preserved and stagnation to be avoided (Varouxakis 1999). Formulations of this idea can be found in a great number of Mill's published works and correspondence. They all date from the mid-1830s onwards, and he continued defending this idea vociferously throughout the rest of his life. The vast majority of these cases where the idea is repeated were formulated with Guizot's arguments and examples cited almost verbatim, while Guizot himself was sometimes mentioned and credited.

One of the main reasons why Mill was as excited as he turned out to be about Thomas Hare's proposal for "personal representation" was that it would obviate the danger posed by the power most likely to be the one that, in England and America, threatened all others (and therefore threatened stifling diversity and civilization) with its imminent over-preponderance, the power of the numerical majority, or "public opinion." Hare's plan was a system of single transferable vote that would have achieved remarkable levels of proportional representation if adopted. (It was also, alas, painfully complicated in its details.) Mill was to write later that he saw in "Mr. Hare's admirable system of Personal Representation" the "greatest improvement of which the system of representative government is susceptible." It was, Mill explained, the most felicitous possible cure

for what had seemed up to then the greatest defect of the representative system. The defect in question was that the existing system of constituency elections was giving to the numerical majority all power, "instead of only a power proportional to its numbers." The then current system was allowing the strongest party to exclude all weaker parties from being heard at all in the national assembly, "except through such opportunity as may be given to them by the accidentally unequal distribution of opinions in different localities." Hare's system afforded "a radical cure" to those "great evils." That "great discovery … in the political art," inspired Mill with:

> new and more sanguine hopes respecting the prospects of human society; by freeing the form of political institutions towards which the whole civilised world is manifestly and irresistibly tending, from the chief part of what seemed to qualify or render doubtful its ultimate benefits.

Minorities, Mill opined,

> so long as they remain minorities, are, and ought to be, outvoted; but under arrangements which enable any assemblage of voters, amounting to a certain number, to place in the legislature a representative of its own choice, minorities cannot be suppressed.

Such an arrangement would allow independent opinions to "force their way into the council of the nation and make themselves heard there" (*Autobiography*, I: 262).

Mill had been no less explicit in describing his enthusiasm in a letter to Thomas Hare. The latter's proposal was:

> *the* great discovery in representative government. As you have read the two volumes of Dissertations, you have *seen how during a great part of my life I have been troubled by the difficulty of reconciling democratic institutions with the maintenance of a great social support for dissentient opinions*.[1]

Hare's plan was an answer to exactly that difficulty. "The portion of the House of Commons returned by an union of minorities would *be* this social support, in its most effective form…" (Letter to Thomas Hare, Dec 19, 1859, XV: 653–4).

A close analysis of Mill's formulations of the historical lesson that he drew from Guizot's work also holds the key to explaining Mill's abandonment of the Saint-Simonian idea of government by the educated elites and his substitution instead of what he started – after reading Guizot – to call the principle of antagonism. The issue is of great significance, as a proper understanding of what Mill meant by the principle of organized antagonism can also put paid to some misinterpretations with regard to his so-called "elitism." It is well known that Mill fell under the spell of the philosophy of Saint-Simon and his followers in the late 1820s and early 1830s. It was part of the Saint-Simonians' message that there was a need for the leadership of an enlightened elite, the *pouvoir spirituel*. Mill "highly" approved and commended their advocacy of "the necessity of a *Pouvoir Spirituel*": The Saint-Simonians had:

> held out as the ultimate end towards which we are advancing and which we shall one day attain, a state in which the body of the people, i.e. the uninstructed, shall entertain the

> same feelings of deference and submission to the authority of the instructed, in morals and politics, as they at present do in the physical sciences.

Mill was then persuaded, that that was:

> the only wholesome state of the human mind; and the knowledge that we ought to look to it as the ultimate end, has a great tendency to protect us from many errors which the philosophers of the 18th century fell into, and which all will be liable to who suppose that the diffusion of knowledge among the labouring classes and the consequent improvement of their intellects is to be the grand instrument of the regeneration of mankind. (Letter to Gustave D'Eichthal, Nov 7, 1829, XII: 40)

This was not to last. As Mill was to explain to Auguste Comte in a letter of February 25, 1842, he had come to reject such Saint-Simonian ideas as the advisability of government by an instructed *élite* because it would become a *pédantocratie* (XIII: 501–4). What is remarkable about that letter is that he told his French correspondent that he had formed this "vague doctrine" thanks to his study of history and then went on to formulate it in words that unmistakably point towards Guizot's argument in his Second Lecture in *History of Civilization in Europe* (see Varouxakis 1999: 297–300). The same argument for the need for systematic antagonism has a prominent place in Mill's mature reflections on representative democracy in *Considerations* (1861), to which I now turn.

2. Mill's Case for Representative Government in the *Considerations*

Mill makes a compelling case in *Considerations* that good government depends above all else on "the qualities of the human beings composing the society over which the government is exercised" (XIX: 389–90). This meant, then, that the one criterion of the goodness of a government was the degree in which it tended to increase "the sum of good qualities in the governed, collectively and individually". This was crucial, "since, besides that their well-being is the sole object of government, their good qualities supply the moving force which works the machinery." This left, according to Mill, "as the other constituent element of the merit of a government, the quality of the machinery itself." That meant the degree to which it was fit "to take advantage of the amount of good qualities which may at any time exist, and make them instrumental to the right purposes" (XIX: 390–1). It was this attempt to combine the developmental aspects of a political regime (the degree to which it improved the collective or "national" character of the people) with its practical merits in making the most of the people who were to be governed at each stage of their development that was the main focus of Mill's attention in *Considerations*.

In Chapter III of *Considerations* ("That the Ideally Best Form of Government is Representative Government") Mill strongly criticized the common saying that if only a good despot could be found, "despotic monarchy" would be the best form of government. For him this was "a radical and most pernicious misconception of what good government is" (XIX: 399). Even if the hypothetical good monarch were all-seeing and superhuman in the amount of work and energy that she or he put to the job, the result would be

disastrous in terms of its effects on the whole population that she or he would be the ruler of. Their utter passivity and ignorance would be the inevitable consequences of the situation assumed. And, besides their intelligence, the people's moral capacities would also be "equally stunted." For "[w]herever the sphere of action of human beings is artificially circumscribed, their sentiments are narrowed and dwarfed in the same proportion." As Mill put it, "Let a person have nothing to do for his country, and he will not care for it" (XIX: 400–1).

The ideally best form of government was:

> that in which *the sovereignty, or supreme controlling power in the last resort*, is vested in the entire aggregate of the community; every citizen not only having a voice in the exercise of that ultimate sovereignty, but being, at least occasionally, called on to take an actual part in the government. (XIX: 403–4, emphasis added)

A "completely popular government" was best in both respects that Mill had argued "the excellence of a political constitution" consisted in. It was both "*more favourable to present good government*" and promoted "*a better and higher form of national character*," than any other polity (XIX: 404, emphasis added). Its superiority with regard to "present well-being" rested upon two principles. The first was,

> that the rights and interests of every or any person are only secure from being disregarded, when the person interested is himself able, and habitually disposed, to stand up for them.

The second principle was, "that the general prosperity attains a greater height, and is more widely diffused, in proportion to the amount and variety of the personal energies enlisted in promoting it" (XIX: 404).

But the superiority of "popular government" was "even more decided and indisputable" when it came to the influence of the form of government on the national character. This question depended in turn upon the "still more fundamental" question, "which of two common types of character, for the general good of humanity, it is most desirable should predominate – the active, or the passive type". (XIX: 406–7) It was this criterion that had made the Athenians the object of Mill's deepest admiration:

> Notwithstanding the defects of the social system and moral ideas of antiquity, the practice of the dicastery and the ecclesia raised the intellectual standard of an average Athenian citizen *far beyond anything of which there is yet an example in any other mass of men, ancient or modern*. (XIX: 411, emphasis added)

But not all peoples and societies could enjoy the benefits of a free representative government unfortunately. It is well known that Mill argued that societies below a threshold of "civilization" were unlikely to be able to appreciate, sustain, or/and make the best use of free government. Mill stipulated three conditions of preparedness for free representative government:

> 1. That the people should be willing to receive it. 2. That they should be willing and able to do what is necessary for its preservation. 3. That they should be willing and able to fulfil the duties and discharge the functions which it imposes on them. (XIX: 413; see also XIX: 376–8)

3. Potential Dangers of Democracy

We have seen already that Mill insisted that the best form of government was that in which "the sovereignty, or supreme controlling power in the last resort, is vested in the entire aggregate of the community." But exercising sovereignty does not mean "governing" and it is important to remember Mill's definition of it as "supreme controlling power in the last resort" (cf. Garsten forthcoming). Thus, in Chapter V ("Of the Proper Functions of Representative Bodies") he stressed that it was necessary to bear in mind the distinction between the "idea or essence" of representative government and "the particular forms in which the idea has been clothed by accidental historical developments, or by the notions current at some particular period." According to Mill, the "meaning" of representative government is, "that the whole people, or some numerous portion of them, exercise through deputies periodically elected by themselves, the ultimate controlling power, which, in every constitution, must reside somewhere." On this there was no equivocation: "This ultimate power they must possess in all its completeness. They must be the masters, whenever they please, of all the operations of government." This having been said, however, he went on to argue that there is "a radical distinction between controlling the business of government, and actually doing it." For

> [T]he same person or body may be able to control everything, but cannot possibly do everything; and in many cases its control over everything will be more perfect, the less it personally attempts to do. (XIX: 423)

Mill felt strongly about the proper business of a representative assembly. In an important sense he had anticipated and answered Carl Schmitt's later criticisms of parliamentarism (Schmitt 1988). Mill noted that representative assemblies were "often taunted by their enemies with being places of mere talk and *bavardage*." But he opined that there had "seldom been more misplaced derision." Talking was exactly what a representative assembly could most usefully employ itself in doing,

> when the subject of talk is the great public interests of the country, and every sentence of it represents the opinion of some important body of persons in the nation, or of an individual in whom some such body have reposed their confidence.

But such assemblies ought to know that "talking and discussion" was their proper business, "while, *doing*, as the result of discussion, is the task not of a miscellaneous body, but of individuals specially trained to it." Hence Mill's proposal for the setting up of specialized legislative commissions charged with formulating the details of legislation and putting their legislative proposals in front of the elected assembly for approval or rejection. The job of the representative assembly was:

> to see that those individuals are honestly and intelligently chosen, and to interfere no further with them, except by unlimited latitude of suggestion and criticism, and by applying or withholding the final seal of national assent.

It was, Mill thought, the very fact which most unfitted such numerous assemblies of representatives for "a Council of Legislation," which qualified them the more for their proper office:

> namely, that they are not a selection of the greatest political minds in the country, from whose opinions little could with certainty be inferred concerning those of the nation, but are, when properly constituted, a fair sample of every grade of intellect among the people which is at all entitled to a voice in public affairs.

Their part was

> to indicate wants, to be an organ for popular demands, and a place of adverse discussion for all opinions relating to public matters, both great and small; and, along with this, to check by criticism, and eventually by withdrawing their support, those high public officers who really conduct the public business, or who appoint those by whom it is conducted. (XIX: 432–3)

There were dangers to which representative government was particularly liable meanwhile. Mill identified two *positive* evils democracy was in danger of: the first was "general ignorance and incapacity, or … insufficient mental qualifications, in the controlling body" (XIX: 436). He argued that, unlike what was generally believed, democracy was not more liable to the former danger than other regimes. His conclusion was that the only meaningful comparison as to intellectual attributes had to be made between a representative democracy and a bureaucracy.[2] He acknowledged that a bureaucratic government had the advantage in some important respects. "It accumulates experience, acquires well-tried and well-considered traditional maxims, and makes provision for appropriate practical knowledge in those who have the actual conduct of affairs." And yet, bureaucratic governments were fatally afflicted by the disease of "routine." In the end, a bureaucracy always tended to become "a pedantocracy" (XIX: 438–9). One of the most strongly held beliefs Mill tried to defend in *Considerations* and elsewhere was that the best government would be one that combined the advantages of a bureaucracy while avoiding its defects, and the best advantages of popular government, while avoiding as much as possible its dangers and aberrations. The principle of antagonism that Mill had appreciated in Guizot's historical analysis was again very relevant here: "In all human affairs, conflicting influences are required, to keep one another alive and efficient even for their own proper uses" (XIX: 439–40). Thus freedom could not produce its best effects, and might break down altogether, "unless means can be found of combining it with trained and skilled administration" (XIX: 440).

The second positive danger for democracy that Mill identified related to

> the evils arising from the prevalence of modes of action in the representative body, dictated by sinister interests … that is, interests conflicting more or less with the general good of the community. (XIX: 441)

The disposition to prefer one's selfish interests to the interests shared with the whole community as well as the disposition to prefer one's supposed immediate and direct interests to those which are "indirect and remote" were both reinforced by the possession of power.

Power corrupts men and classes and the more of it they have the more they will abuse it. One of the greatest dangers of democracy ("as of all other forms of government," Mill stressed) lay in "the sinister interest of the holders of power": it was "the danger of class legislation", in other words "of government intended for … the immediate benefit of the dominant class, to the lasting detriment of the whole." That is why the composition of the representative body had to be diverse, and no class or group should be allowed to predominate so much in it as to be able to legislate in its own favor unopposed. Mill had a proposal:

> If we consider as a class, politically speaking, any number of persons who have the same sinister interest, – that is, whose direct and apparent interest points towards the same description of bad measures; the desirable object would be that no class, and no combination of classes likely to combine, should be able to exercise a preponderant influence in the government. (XIX: 446)

Ideally, a representative system should be so organized that the two classes composing most advanced societies, "manual labourers and their affinities" on one side, "employers of labour and their affinities" on the other, should be roughly equally balanced in terms of how many votes each influenced in parliament. Mill's rationale was that it could be assumed that, whenever any difference between two classes were to arise, the majority of each class would be predominantly influenced by their class interests, but there would also exist a minority of each "in whom that consideration would be subordinate to reason, justice, and the good of the whole." That small number of selfless people,

> though too few and weak to prevail against the whole of the others, usually after sufficient discussion and agitation become strong enough to turn the balance in favour of the body of private interests which is on the same side with them.

Mill argued that the representative system ought to be so constituted as to maintain such a state of things:

> it ought not to allow any of the various sectional interests to be so powerful as to be capable of prevailing against truth and justice and the other sectional interests combined. (XIX: 447)

4. How to Make the Most of Democracy: Mill's Constitutional Proposals

Given his avowed fear of the over-preponderance of any one class and his concomitant desire to see the power of numbers counterbalanced in some way, one could have been excused for expecting Mill to have recommended restrictions to the franchise in the way most early- and mid-nineteenth-century liberals had done. But this was not the case. In Chapter VII of *Considerations* ("Of True and False Democracy; Representation of All, and Representation of the Majority Only") Mill rejected the argument that the way to avert the dangers of democracy was to limit the democratic character of representation, and argued that there was a previous and more important consideration that would render such restrictions unnecessary. Mill explained that two very different ideas are

usually "confounded under the name democracy": "The pure idea of democracy," on the one hand, was, according to its definition, "the government of the whole people by the whole people, equally represented." On the other hand, democracy "as commonly conceived and hitherto practised," was "the government of the whole people by a mere majority of the people, exclusively represented." The former was synonymous with the equality of all citizens. The latter was "a government of privilege," favoring the numerical majority, who were the only ones with any say. Minorities were completely disenfranchised as a result of the then current voting practices (XIX: 448). There was one simple way of achieving real and equal democratic representation for all citizens, and Thomas Hare had shown how this could work in practice. Real equality of representation would only be obtained when,

> any set of electors amounting to the average number of a constituency, wherever in the country they happen to reside, have the power of combining with one another to return a representative. (XIX: 453)

A system of personal (proportional) representation such as that proposed by Hare would enable people who had distinguished themselves "by their writings, or their exertions in some field of public usefulness" and thus made themselves known and admired by even small numbers of people in most districts in the country, to be elected to parliament as soon as they completed the number of the quota required for each seat in parliament. According to Mill, "In no other way which it seems possible to suggest, would Parliament be so certain of containing the very *élite* of the country" (XIX: 456).

It was of paramount importance to solve this problem. For "The natural tendency of representative government, as of modern civilization, is towards collective mediocrity." This was not the end of the discussion though: "But though the superior intellects and characters will necessarily be outnumbered, it makes a great difference whether or not they are heard." In the "false democracy," which gave representation only to the local majorities in each constituency, the voice of "the instructed minority" would almost certainly not be represented in the assembly (XIX: 457). If, on the other hand, Hare's system was adopted,

> [t]he champions of unpopular doctrines would not put forth their arguments merely in books and periodicals, read only by their own side; the opposing ranks would meet face to face and hand to hand, and there would be a fair comparison of their intellectual strength, in the presence of the country.

That would be the only way to find out, Mill opined, "whether the opinion which prevailed by counting votes, would also prevail if the votes were weighed as well as counted." He reminded his readers that in ancient direct democracies there was no way of preventing any able man from participating in the debates: "the bema was open to him; he needed nobody's consent to become a public adviser." This was not the case in a representative government;

> and the best friends of representative democracy can hardly be without misgivings, that the Themistocles or Demosthenes whose counsels would have saved the nation, might be unable … ever to obtain a seat. (XIX: 458)

Coming to the crux of the matter, Mill once again highlighted the urgency of "the function of antagonism" that he had been tirelessly stressing since he read Guizot (XIX: 458). In every government there was some power that was stronger than all the rest and that power tended perpetually "to become the sole power." Half-intentionally and half-unconsciously, the strongest power was "ever striving to make all other things bend to itself" and was not content while there was "anything which makes permanent head against it, any influence not in agreement with its spirit." Yet, if it succeeded in "suppressing all rival influences, and moulding everything after its own model," improvement, in that country, would be at an end, and decline would commence. In words unmistakably reminiscent of Guizot's second lecture on civilization in Europe, Mill declared: "No community has ever long continued progressive, but while a conflict was going on between the strongest power in the community and some rival power". And "When the victory on either side was so complete as to put an end to the strife, and no other conflict took its place, first stagnation followed, then decay." Mill conceded that the ascendancy of the numerical majority was "less unjust, and on the whole less mischievous, than many others," but stressed that it was nevertheless attended with exactly the same dangers, and even with more certainty: "for when the government is in the hands of One or a Few, the Many are always existent as a rival power." But when the majority was supreme, there was "no One or Few strong enough for dissentient opinions and injured or menaced interests to lean upon." As a result:

> The great difficulty of democratic government has hitherto seemed to be, how to provide, in a democratic society, what circumstances have provided hitherto in all the societies which have maintained themselves ahead of others – a social support, a *point d'appui*, for individual resistance to the tendencies of the ruling power; a protection, a rallying point, for opinions and interests which the ascendant public opinion views with disfavour. For want of such a *point d'appui*, the older societies, and all but a few modern ones, either fell into dissolution or became stationary (which means slow deterioration) through the exclusive predominance of a part only of the conditions of social and mental well-being. (XIX: 458–9)

Now, it was exactly this great need that "the system of Personal Representation" was designed to supply. The only quarter where one could look for "a supplement, or completing corrective, to the instincts of a democratic majority," was "the instructed minority." But, in the way representative democracy operated up to then (in the US for example), that minority had "no organ: Mr. Hare's system provides one. The representatives who would be returned to Parliament by the aggregate of minorities, would afford that organ in its greatest perfection." What was more, the way Hare's model of representation would allow the instructed few to be represented in parliament meant that they would not be resented:

> if the *élite* of these classes formed part of the Parliament, by the same title as any other of its members – by representing the same number of citizens, the same numerical fraction of the national will – their presence could give umbrage to nobody, while they would be in a position of highest vantage, both for making their opinions and counsels heard on all important subjects, and for taking an active part in public business.

As a result, a democratic people:

> would in this way be provided with what in any other way it would almost certainly miss – leaders of a higher grade of intellect and character than itself. Modern democracy would have its occasional Pericles, and its habitual group of superior and guiding minds. (XIX: 459–60)

The argument makes sense if one shares Mill's faith in the power of better ideas to prevail in debate if allowed free discussion.

Having said all that, Mill admitted, in Chapter VIII ("Of the Extension of the Suffrage"):

> But even in this democracy, absolute power, if they chose to exercise it, would rest with the numerical majority; and these would be composed exclusively of a single class, alike in biases, prepossessions, and general modes of thinking, and a class, to say no more, not the most highly cultivated.

This meant that the constitution would "still be liable to the characteristic evils of class government." The problem was, Mill clarified, "to find the means of preventing this abuse, without sacrificing the characteristic advantages of popular government" (XIX: 467). This would not be achieved by limiting the suffrage, though. He highlighted the education of the intelligence and of the sentiments of citizens as one of the main benefits of free government. For people whose occupations provide few if any intellectual stimuli (such as manual laborers) the exercise of political franchises provided "a potent instrument of mental development." Distant and complicated interests were brought to the attention of everyone if they had a say in political affairs and their circle of moral concern expanded to include their fellow-citizens (XIX: 467–9).

Independently of this argument, Mill also adduced an argument based on justice: it would be:

> a personal injustice to withhold from any one, unless for the prevention of greater evils, the ordinary privilege of having his voice reckoned in the disposal of affairs in which he has the same interest as other people.

If one was:

> compelled to pay, if he may be compelled to fight, if he is required implicitly to obey, he should be legally entitled to be told what for; to have his consent asked, and his opinion counted at its worth, though not more than its worth. (XIX: 469–70):

This does not mean that Mill thought there should be no exceptions at all. But the exceptions he recommended were:

> required by positive reasons, which do not conflict with this principle, and which, though an evil in themselves, are only to be got rid of by the cessation of the state of things which requires them.

He thus stipulated a minimum requirement of intellectual aptitude in asking for voters to be able to "read, write and perform the common operations of arithmetic." But he hastened to clarify that it was a demand of justice "that the means of attaining these elementary acquirements should be within the reach of every person" (XIX: 470). (At the very same time that Mill was insisting on at least a minimal educational qualification in Britain, though, he was advising the victorious Northern Americans to give the vote to all blacks without any delay, in order to prevent them from being enslaved to their former masters through indirect means. See Varouxakis 2013b: 743–7 and Varouxakis 2013a: 114–5, 154–8). Another requirement Mill stipulated was the payment of taxes. People should not be allowed to put their hands into other people's pockets "for any purpose which they think fit to call a public one." He also stressed that the receipt of parish relief should disqualify the recipient from the franchise. He emphasized that all the exclusions he proposed were not in their nature permanent (XIX: 473–3).

And that was how it ought to be, for the reasons he had already explained, he concluded. But this did mean that in most countries, and "emphatically" in Britain, the great majority of voters would be manual laborers. He still believed, though, that the twin dangers he had identified (the danger of "too low a standard of political intelligence" and the danger of "class legislation") could be obviated, by accepting one more principle that he proposed:

> though every one ought to have a voice – that every one should have an equal voice is a totally different proposition. When two persons who have a joint interest in any business, differ in opinion, does justice require that both opinions should be held of exactly equal value? If with equal virtue, one is superior to the other in knowledge and intelligence – or if with equal intelligence, one excels the other on virtue – the opinion, the judgment, of the higher moral and intellectual being, is worth more than that of the inferior: and if the institutions of the country virtually assert that they are of the same value, they assert a thing which is not.

Mill admitted the difficulty of ascertaining which of the two people in question was the wiser or the better man, and therefore hastened to explain that it was impossible to do so *in the case of individuals*. But he asserted that, "taking men in bodies and in numbers, it can be done with a certain approach to accuracy" (XIX: 473; see also *Logic*, VIII: 847–8). In a statement consistent with the main message of *On Liberty*, Mill clarified further that:

> There would be no pretence for applying this doctrine to any case which could with reason be considered as one of individual and private right. In an affair which concerns only one of two persons, that one is entitled to follow his own opinion, however much wiser the other may be than himself.

But things had to be different when it came to:

> things which equally concern them both; where, if the more ignorant does not yield his share of the matter to the guidance of the wiser man, the wiser man must resign his to that of the more ignorant. (XIX: 473–4)

Now, "national affairs are exactly such a joint concern." All should have a vote, but some should have more than one vote, if they could prove some kind of intellectual superiority and expertise, that would allow them to have opinions that ought to be weighed more than those of others. Mill offered a number of examples and possible ways of ascertaining such superiority in individuals and ways in which "plural voting" might work in practice. Few of his proposals have incurred as much criticism and ridicule as plural voting. And yet, he had been clear from the beginning that he did not feel too strongly about the details, but only about the principle. He was aware that all those suggestions he had made were "open to much discussion in the detail, and to objections." The time had not come, he made clear, "for giving to such plans a practical shape, nor should I wish to be bound by the particular proposals which I have made." (XIX: 475) But the principle itself was very important for Mill, as he emphasized:

> So much importance do I attach to the emancipation of those who already have votes, but whose votes are useless, because always outnumbered; so much should I hope from the natural influence of truth and reason, if only secured a hearing and a competent advocacy – that I should not despair of the operation even of equal and universal suffrage, if made real by the proportional representation of minorities, on Mr. Hare's principle.[3] But if the best hopes which can be formed on this subject were certainties, I should still contend for the principle of plural voting. I do not propose the plurality as a thing in itself undesirable, which, like the exclusion of part of the community from the suffrage, may be temporarily tolerated while necessary to prevent greater evils. I do not look upon equal voting as among the things which are good in themselves, provided they can be guarded against inconveniences. I look upon it as only a relative good; less objectionable than inequality of privilege grounded on irrelevant or adventitious circumstances, but in principle wrong, because recognising a wrong standard, and exercising a bad influence on the voter's mind. *It is not useful, but hurtful, that the constitution of the country should declare ignorance to be entitled to as much political power as knowledge*.[4] The national institutions should place all things that they are concerned with, before the mind of the citizen in the light in which it is for his good that he should regard them: and as it is for his good that he should think that every one is entitled to some influence, but the better and wiser to more than others, it is important that this conviction should be professed by the State, and embodied in the national institutions.[5]

Such things, explained Mill, "constitute the *spirit* of the institutions of a country" and he argued that the institutions of every country produced "more effect by their spirit than by any of their direct provisions, since by it they shape the national character." (XIX: 477–8)

Thus, the educative functions of giving the vote to the laboring classes were clear to Mill and it was because of that "most desirable effect" that he strongly recommended "the admission of the less educated classes to some, and even to a large share of power." However, both theory and experience proved "that a counter current sets in when they are made the possessors of all power." For whether they are one, or few, or many,

> those who cannot be resisted are usually far too well satisfied with their own opinions to be willing to change them, or listen without impatience to any one who tells them that they are in the wrong. (XIX: 478–9)

Hence,

> The position which gives the strongest stimulus to the growth of intelligence, is that of rising into power, not that of having achieved it; and of all resting-points, temporary or permanent, in the way to ascendancy, the one which develops the best and highest qualities is the position of those who are strong enough to make reason prevail, but not strong enough to prevail against reason.

That was the position in which Mill thought we should aim to place "the rich and the poor, the much and the little educated, and all the other classes and denominations which divide society between them." And it was by combining that principle with "the otherwise just one of allowing superiority of weight to superiority of mental qualities," that a political constitution "would realize that kind of relative perfection, which is alone compatible with the complicated nature of human affairs" (XIX: 479).

Among Mill's other proposals it is important to note that he insisted that women should have the vote on exactly the same terms as men, and he adduced a number of arguments based on both justice and consistency to support his claim (XIX: 479–81). He was vehemently opposed to the giving of pledges by parliamentary candidates as to how exactly they would vote on particular issues once in parliament. He preferred MPs to be allowed to exercise their judgement once in Parliament (XIX: 504–12). This put him on the same camp on theories of representation with Edmund Burke and the authors of the *Federalist Papers*. And Mill certainly insisted on applying this principle of his when he was asked to be a parliamentary candidate for Westminster in 1865 (see Kinzer, Robson, and Robson 1992).

Mill thought that the heated discussions (especially on Continental Europe) on whether there should be a second chamber were rather misplaced. The moderating power that ought to exist and be able to stand up to the majority has to be part of the popular assembly, according to him. If it were simply set up as a separate body or house, it would be overruled and ignored every time it clashed with the more popular house. That was why he was so keen to have the elements most likely to stand up to the majority elected to the popular house through devices such as Hare's "personal representation" or plural voting. But if there was to be a second house, Mill thought its composition should resemble as much as possible that of the Roman Senate, "a council composed of all living public men who have passed through important political offices or employments" (XIX: 513–9).

5. Conclusion: Elitist or Democrat?

One of the most persistent perceptions about Mill's attitude towards democracy is that it was somehow ambivalent, that he was not a wholehearted democrat. It is part and parcel of that perception to add that there was a serious element of "elitism" in Mill. Much depends on how one defines such terms of course. If by elitism one means a desire to have either the well-born or the affluent or the educated few rule the rest

of society, Mill was emphatically not an elitist. If, on the other hand, by elitism one means that Mill thought there were gradations of knowledge, cultivation, or/and expertise, and that the best possible people should be placed in the best possible positions, with the ultimate aim of raising (through arguments, teaching and example) everyone to the best level of education, cultivation and expertise they could achieve, then Mill was emphatically an elitist (cf. Skorupski 2000). Here is what Mill wrote to Alexander Bain in response to the latter's comments after he had first read Mill's *On Liberty*:

> The "Liberty" has produced an effect on you which it was never intended to produce if it has made you think that we ought not to attempt to convert the world. I meant nothing of the kind, and hold that we ought to convert all we can. We *must* be satisfied with keeping alive the sacred fire in a few minds when we are unable to do more – but the notion of an intellectual aristocracy of *lumières* while the rest of the world remains in darkness fulfils none of my aspirations – and the effect I aim at by the book is, on the contrary, to make the many more accessible to all truth by making them more open minded. (Letter to Alexander Bain, Aug 6, 1859, XV: 631)

A major part of the "elitism" narrative is related to a misunderstanding about the political role Mill proposed for the elites. First of all, few would deny that the elites in question had to be based on merit and intellectual and moral qualities (as opposed to wealth, birth or social position). Taking that for granted, Mill is often seen as somehow wishing for the intellectual and moral elites to rule society in the interests of the common good, given that they know and mean best. His early dalliance with Saint-Simonism gives some credence to this perception if focused on in isolation from his later thought and his profound admiration for Plato can also be seen as reinforcing this image – if the particular and eclectic debts Mill owed to Plato are not identified (for an excellent corrective against this latter mistake see Loizides 2013).

Yet Mill, from the mid-1830s onwards, went out of his way to stress that the idea of an educated elite ruling society unopposed appealed to him as little as the idea of a priesthood or a despotic monarch ruling unopposed. At least from the mid-1830s onwards, Mill had formulated the doctrine he wrote to Comte about, that no single group should be allowed to rule society, no matter how qualified or well-meaning, and that what was needed was some form of organized antagonism that would keep society on a progressive path. If this overwhelming concern of Mill's is borne in mind it is then easy to see that devices such as the representation of minorities through Hare's plan and plural voting were not meant to impose rule by the intellectual elites. Rather, they were simply results of his desire to make sure members of the intellectual elite were elected to parliament in order for them to provide the best possible opposition and counterweight to the ever-threatening over-preponderance of the majority and the tyranny of public opinion. They were the best means he could think of in modern democratic societies of preserving what he called "the function of antagonism." Mill criticized democracy as an ardent friend who wanted it to make the most of itself, not as a crypto-antidemocrat.

Notes

1 Emphasis added. Mill was obviously referring to the edited selection of some of his essays, published under the title *Dissertations and Discussions*, the first two volumes of which had been published in 1859. Interestingly for my argument here the selection included Mill's 1845 review of Guizot's historical essays and lectures.
2 For the meaning and role of bureaucracy in Mill's thought, see Ryan (2012).
3 Cf. an earlier statement by Mill in *Recent Writers on Reform*, XIX: 343–70.
4 Emphasis added.
5 For excellent critical comments on Mill on plural voting see Miller (2010: 180–91).

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31

Mill on the Family

DALE E. MILLER

Most of my discussion in this chapter will be aimed at answering two related questions. The first, roughly stated, is what J.S. Mill takes to make for a good family. What, in other words, are the virtues of a family? The second, also roughly put, is how much importance Mill attaches to the family. How large of a role does it play in his social philosophy? Before turning to these questions, though, I will first offer a brief biographical note on the role that family, or families, played in Mill's own life.[1]

1. Mill's Experiences of Family

People who know nothing else about Mill's life know about his early relationship with his father. Or at least they know that James Mill took personal charge of his elder son's education and that, by working the young boy hard and supervising him closely, he achieved impressive results, at least in certain respects. John famously began to read Greek at age three, among other precocious accomplishments. He was not only educated at home but was intentionally kept apart from children other than his own siblings – of whom there were many, for John was followed by five sisters and three brothers. With them he spent much time, for he was tasked with overseeing their education just as his father was overseeing his.

In his *Autobiography*, Mill cautions readers against forming a picture of his childhood that too closely resembles a Victorian workhouse. He remarks on the patience with which his father, not a characteristically patient man, tolerated interruptions of his own work whenever John needed help with Greek vocabulary (*Autobiography*, I: 9). And he points out that "Though no holidays were allowed, lest the habit of work should be broken, … I had ample leisure in every day to amuse myself" (although he adds that "my amusements, which were mostly solitary, were in general of a quiet, if not a bookish turn …") (*Autobiography*, I: 39).

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Mill's later relationship with his father was somewhat fraught. He allowed his father to draw him into employment at the East India Company, and he continued to reside with his family well into adulthood, but he did not confide in his father about his melancholic "mental crisis" (*Autobiography*, I: 137–92) and on more than one occasion he sharply rejected his father's counsel about with whom he ought to associate – most notably when his father told him to break off his relationship with Harriet Taylor, about which more later (Bain 1882b: 39, 163). Perhaps his own explanation for this is given indirectly in his *Autobiography*, where he admits that "known liability to punishment" is probably an indispensable element of any successful pedagogy but then cautions that if it predominates too much it may "preclude love and confidence on the part of the child to those who should be the unreservedly trusted advisers of after years" (*Autobiography*, I: 55).

Remarkably, Mill never mentions his mother in the *Autobiography*. In an unpublished early draft of the *Autobiography*, however, his description of her is diminishing:

> That rarity in England, a really warm hearted mother, would in the first place have made my father a totally different being, and in the second would have made the children grow up loving and being loved. But my mother, with the very best intentions, only knew how to pass her life in drudging for them.... [T]o make herself loved, looked up to, or even obeyed, required qualities which she unfortunately did not possess. (*Rejected Leaves*, I: 612)

Alexander Bain, a psychologist who collaborated closely with John Stuart Mill and who wrote biographies of both him and James Mill, observes that she

> became thoroughly obedient to her lord. As an admired beauty, she seems to have been chagrined at the discovery of her position after marriage. There was disappointment on both sides: the union was never happy. (Bain 1882a: 60)

Mill had the opportunity to experience life with a family somewhat more cheerful than his own when, just before his fifteenth birthday, he embarked on a fourteen-month sojourn to France. While there he stayed with the family of Sir Samuel Bentham, Jeremy Bentham's younger brother. In his *Autobiography* he says that the greatest benefit of this adventure "was that of having breathed for a whole year the free and genial atmosphere of Continental life" (*Autobiography*, I: 59), but it is not difficult to believe that he could have enjoyed much the same sense of freedom anywhere that put him beyond his father's watchful gaze. His description of Samuel's wife Mary contrasts sharply with that of his own mother; he found her to be

> a woman of strong will and decided character, much general knowledge, and great practical good sense ... she was the ruling spirit of the household, as she deserved, and was well qualified, to be. (*Autobiography*, I: 59)

The next family that exerted a major influence on the course of Mill's life was that of Harriet Taylor and her husband John. Mill's relationship with Harriet Taylor is probably the second-best known item of his biography. Mill and Mrs. Taylor fell in love soon after they were introduced, when he was twenty-four and she twenty-two. They spent many

hours alone in each other's company, an arrangement that generated considerable gossip. John Taylor demonstrated considerable forbearance, on the whole, although he did eventually insist that he and Harriet maintain separate homes (albeit not on a legal separation). Harriet Taylor returned to her husband's side in 1849, as he lay dying from cancer. Indeed, so devoted was she to nursing her husband that she castigated Mill for suggesting that she could write to him during an "odd time" when she might find a "change of subject of thought a relief": "Good God, sh[oul]d you think it a relief to think of something else some acquaintance or what not while *I* was dying?" (H.T. Mill 1998: 360).

Mill and Harriet Taylor were married in 1851. Afterwards, Mill began severing relations with members of his own family. He became prickly and virtually impossible to satisfy where their conduct toward Harriet was concerned. As one biographer writes,

> One by one the links of kinship were deliberately broken, until at last nothing remained but the pitiful figure of Mill's mother, scurrying helplessly to the India House to plead for reconciliation. (Packe 1954: 349–55)

Mill's distancing himself from his mother and siblings was of a piece with a generally anti-social turn in the Mills' lives after their marriage. They took a home on the outskirts of London and received few visitors. But Mill now had a family of his own that included, in addition to his wife, three stepchildren. The most significant of these in Mill's own life was Helen Taylor, Harriet's only daughter. After Harriet's death, in 1858, Helen would give up her budding stage career to become his amanuensis; she was also active in the women's rights movement.[2]

2. Critique of Victorian Marriage Laws

A useful first step in understanding Mill's conception of an ideal marriage is seeing what he takes to be defective about the institution in his milieu. Mill criticizes multiple aspects of marriage as it existed in his day. Many of his criticisms are objections to elements of the legal framework surrounding marriage that relegated wives to an inferior position *vis-à-vis* their husbands. I will discuss five specific areas of law in which he advocates reform.

2.1. Divorce

The first of these concerns the laws governing divorce and separation. Early in the nineteenth century, ecclesiastical courts could grant a divorce *mensa et thoro*, which was more a separation than a true divorce (it did not, for instance, allow for remarriage) in cases of adultery, desertion, or (extreme) cruelty. They could also grant a divorce *vincula matrimonii*, which amounted to an annulment, but only when the marriage was found to be invalid (e.g., because one party had been underage). A couple whose marriage was valid could completely terminate their marriage only through a "private" act of Parliament specific to that particular marriage. Attaining a Parliamentary divorce was extremely expensive, and with very few exceptions they

were granted only in cases of adultery by the wife, so the possibility existed almost exclusively for the benefit of wealthy men (Shanley 1989: 35–7). The 1857 Divorce Act empowered a newly-created Divorce Court to grant a divorce that fully terminated a marriage and allowed for remarriage. A man could petition the Court for a divorce when his wife was adulterous; a woman seeking divorce, in contrast, was required to show that her husband was guilty of not only adultery but also cruelty, bigamy, desertion, or incest. Since the Court sat only in London and petitioning it was fairly expensive, divorce continued to exist primarily for the benefit of well-off men (Shanley 1989: 38–9).

Mill is reticent about divorce in *The Subjection of Women*, which appeared in 1869. After discussing some of the elements of the law that I will canvass next, which he takes to make marriage little more than a state of servitude for women so far as their legal rights are concerned, he does venture to say that fairness would seem to demand that women be given the right to try different masters until they find one a good one. But he hastens to add that "The question of divorce, in the sense involving liberty of remarriage, is one into which it is foreign to my purpose to enter" (*Subjection* XXI: 285).

In an earlier work, though, one not intended for publication, Mill does argue at some length for the claim that divorce should be a feasible option. In 1831, he and Harriet agreed to write and exchange essays on the topic of marriage, and both devoted a significant portion of their efforts to the question of divorce's permissibility.[3] In his, Mill allows that the indissolubility of marriage is of some benefit to women, since in the status quo few women would be able to support themselves without a husband due to their lack of opportunities and education, and a man's interest in a woman is usually largely a matter of a physical attraction that fades with time (*On Marriage*, XXI: 40–2). In these circumstances a woman might justifiably worry that if divorces were easy to come by then she would be discarded and left helpless when her husband's ardor cooled.

But in a future in which women were treated as men's equals, possessing the same rights and opportunities and receiving the same education, they would no longer need to see the availability of divorce as a threat to their interests (*On Marriage*, XXI: 40–6). In such a world, a woman would not choose to marry unless she were convinced that her husband's interest in her transcended the physical, and she would not want to remain married unless she believed that this conduced to both her and her husband's happiness. Inevitably, Mill says, there will be marriages whose continuation would only detract from both parties' happiness. Since someone marrying for the first time will necessarily be inexperienced – co-habitation before marriage is apparently no part of the future that Mill contemplates – even the best-meaning people are sometimes certain to contract unsuitable matches.

Still, Mill acknowledges that there are considerations that would count against a couple's divorcing and that in a well-constituted society would result in public opinion's being directed against couples who do so too blithely (*On Marriage*, XXI: 40–2). One is that couples who split as soon as their relationships hit a rough patch will often deprive themselves of the contentment that they would have found together in the long term. A second is that frequent changes of partner would tend to wear down people's finer feelings and their sense of "any peculiar sacredness attaching to the relation

between the sexes." (This "ethological" concern with the effects of a social practice on people's characters is characteristically Millian.) Finally, couples will often have children soon after marrying, Mill's advice against this practice notwithstanding, and their well-being becomes an important factor in any decision about the fate of the marriage. Mill does not believe that these considerations, even when taken together, are sufficient to show that couples should never be able to divorce. The misery of someone in an unsalvageable marriage, together with his more general aversion to contracts of unlimited duration, militate too strongly in favor of protecting this option. However, he concludes

> That in a tolerably moral state of society, the first choice would almost always, especially where it had produced children, be adhered to, unless in case of such uncongeniality of disposition as rendered it positively uncomfortable to one or both of the parties to live together, or in case of a strong passion conceived by one of them for a third person. (*On Marriage*, XXI: 48; see also *Liberty*, XVIII: 300–1)

(That final clause is noteworthy in the context of his relationship with Harriet.)

Happily, Mill argues, under modern economic conditions it is unlikely that divorce will be common even where it is freely available. "Busy men," he writes, "have no time" for "sexual profligacy, or prolonged vagaries of imagination on that subject," and "require that home should be a place of rest." Hence "there is no probability that marriages would often be contracted without a sincere desire on both sides that they be permanent" (*Auguste Comte*, X: 311). He would no doubt be quite surprised by contemporary divorce rates.

2.2. Property

A second serious flaw that Mill sees in the laws governing marriage is their failure to recognize the agency of married women in the ownership of property and making of contracts. This was one implication of the common-law principle according to which a married couple is one legal person whose decisions are all made by the husband. Under a doctrine known as *coverture*, "the very being or legal existence of the woman is suspended during the marriage, or at least is incorporated and consolidated into that of the husband ..." (Blackstone 1765: 430). In 1854, Barbara Leigh-Smith summarizes the state of the law in this way:

> [T]he wife loses all her rights as a single woman, and her existence is entirely absorbed in that of her husband. ... What was her personal property before marriage ... becomes absolutely her husband's, and he may assign or dispose of them at his pleasure whether he and his wife live together or not. ... Money earned by a married woman belongs absolutely to her husband .... A married woman cannot ... enter into contracts except as the agent of her husband; that is to say, her word alone is not binding in law ... (Leigh-Smith 1983: 301–2)

Mill criticizes these restrictions in *The Subjection of Women*, arguing that in this respect the common law treated married women worse than Roman law had treated slaves (*Subjection*, XXI: 284). And although this had no legal force, before he married Mill

composed a statement declaring his opposition to this element of marital law and renouncing any claim on Harriet Taylor's property or any power to restrict her freedom.

> … I having no means of legally divesting myself of these odious powers … feel it my duty to put on record a formal protest against the existing law of marriage, in so far as conferring such powers: and a solemn promise never in any case or under any circumstances to use them. (*Statement on Marriage*, XXI: 99)

2.3. Marital Rape

There is a further respect in which coverture results in the legal position of wives being worse than that of slaves, according to Mill: "[A] female slave has (in Christian countries) an admitted right, and is considered under a moral obligation, to refuse to her master the last familiarity." Yet a wife could not prosecute her husband if he forced himself upon her. In the eyes of the law the power to decide what she had consented to was his alone, which meant that marital rape was virtually a conceptual impossibility (Shanley 1989: 177–8). Mill decries the wretched position into which a wife can thus be placed:

> [H]owever brutal a tyrant she may unfortunately be chained to … he can claim from her and enforce the lowest degradation of a human being, that of being made the instrument of an animal function contrary to her inclinations. (*Subjection*, XXI: 285)

2.4. Domestic Violence More Generally

Fourth, while some forms of domestic violence were recognized as criminal, Mill still regards the law as woefully inadequate at protecting women against them. Convictions were hard to win. Although an exception was made in such cases to the general principle that, because of coverture, husbands and wives could not testify for or against one another, a woman who knew that she would again be under her husband's absolute power once his sentence was served would frequently be too intimidated to testify (*Subjection*, XXI: 287–8).

Moreover, Mill asserts that the sentences for husbands convicted of assaulting their wives tended to be far too light. This was a topic on which he more than once deployed his most powerful rhetoric. From 1846 to 1851, he and Harriet Taylor co-authored a series of newspaper articles concerned with criminal cases of the day that they took to epitomize larger social injustices. Toward the end of this series they turned their attention turn to cases of violence by men against their wives, and in the *Morning Chronicle* they opine that

> There ought to be severer penalties for killing or ill-treating a wife or child than for killing or ill-treating, in a similar manner, any other person. … The crime is greater; for it is a violation of more solemn obligations…. It is also baser – for it is committed upon one who has trusted the culprit, who is in his power, and who is generally without sufficient bodily strength to resist or retaliate. … Finally, there is no crime in the whole catalogue of offences in which the single act which incurs the penalty of the law is an index to such an amount of undetected and unpunished wickedness. (*Wife Murder*, XXV: 1186)

In the course of introducing an amendment to the Reform Bill of 1867 that would have extended the right to vote to women on the same terms as men, Mill points to the lax sentences given to men found guilty of domestic violence as an illustration of the respects in which the interests of women were being inadequately represented:

> I should like to have a return laid before this House of the number of women who are annually beaten to death, kicked to death, or trampled to death by their male protectors: and, in an opposite column, the amount of the sentences passed, in those cases in which the dastardly criminals did not get off altogether. I should also like to have, in a third column, the amount of property, the unlawful taking of which was, at the same sessions or assizes, by the same judge, thought worthy of the same amount of punishment. We should then have an arithmetical estimate of the value set by a male legislature and male tribunals on the murder of a woman, often by torture continued through years, which, if there is any shame in us, would make us hang our heads. (*The Admission of Women to the Electoral Franchise*, XXVIII: 158–9)

2.5. Custody

Finally, fifth, the law also favored husbands over their wives where the custody of children was concerned. Her children, Mill writes,

> are by law *his* children. He alone has any legal rights over them. Not one act can she do towards or in relation to them, except by delegation from him. Even after he is dead she is not their legal guardian, unless he by will has made her so. (*Subjection* XXI: 285)[4]

And that was when the couple remained together. When they separated or divorced, the law continued to favor the father in many respects. Prior to 1839, when a couple legally separated custody of all children automatically passed to the father, leaving the mother with no rights whatsoever where they were concerned. The Infant Custody Act, passed in this year, made it possible for women to petition the courts for custody of children younger than seven and some right to visit children below the age of sixteen.[5] Only women of some means, however, could afford to turn to the courts (Shanley 1989: 137). The 1857 Divorce Act did give judges some discretion to decide which parent ought to have custody, but the principle that mothers and fathers are co-equal parents would not be legally recognized until well after Mill's death (Shanley 1989: 137–8, 148–9).

2.6. The Harm Done by the Legal Subordination of Married Women

Mill takes the inequalities imposed on married women under this sort of legal regime to seriously diminish the prospects for happiness of all married people. That women's prospects for happiness are greatly diminished is clear enough. For them, to be married is to have a master, against whose predations the law offered virtually no protection. Of course, it is no part of Mill's purpose to deny that many men will use the power that the law gives them gently and lovingly, or even refuse to use it at all (even if not many went to the length, as he did, of setting out in writing their intention not to use it). But as he points out,

> Marriage is not an institution designed for a select few. Men are not required, as a preliminary to the marriage ceremony, to prove by testimonials that they are fit to be trusted with the exercise of absolute power. (*Subjection*, XXI: 287)

Moreover, the harmful consequences of the legal subjection of wives to their husbands are neither limited to the more immediate effects on women's welfare nor suffered only by women. I have already mentioned in passing that Mill's utilitarianism is deeply ethological, insofar as he frequently takes the most significant consequences of a given institution or practice to be those that are mediated by its effects on people's characters or habits of thought, feeling, and volition. This is a case in point.

In writing about slavery, Mill observes that slavery deprives slaves of the opportunity to develop their intellects and capacity for self-direction (see, e.g., *Principles* II, 247; *Civilization*, XVIII: 122; *Considerations*, XIX: 395). Similarly, he says that the patriarchal structure of society, of which the laws surrounding marriage are a primary element, prevents their characters from developing as fully as they would in an environment of equality. Indeed, it so transforms women's characters that we cannot really say which differences between the sexes are natural and which the product of social conditioning (*Subjection*, XXI: 276–7; see also Morales 1996: 122–3).

In addition to noting the effects of slavery on the characters of the enslaved, Mill asserts that slavery is

> so corrupting to the master-class when they have once come under civilized influences, that its adoption under any circumstances whatever in modern society is a relapse into worse than barbarism. (*Considerations*, XIX: 395)

He regards this as a specific instance of the more general principle that "It is wholesomer for the moral nature to be restrained, even by arbitrary power, than to be allowed to exercise arbitrary power without restraint" (*Subjection*, XXI: 321). And he believes that this principle also holds in the case of the legal subordination of married women:

> [T]he almost unlimited power which present social institutions give to the man over at least one human being … seeks out and evokes the latent germs of selfishness in the remotest corners of his nature – [and in so doing it] offers to him a license for the indulgence of those points of his original character which in all other relations he would have found it necessary to repress and conceal, and the repression of which would in time have become a second nature. (*Subjection*, XXI: 289; see Morales 1996: 124–6)

Of course, not every man's character would be perverted by marriage in this way. But those who are so affected not only become a source of positive unhappiness to those around them but are also made less capable of enjoying happiness themselves, even if they cannot appreciate the point.

> It would be vain to attempt to persuade a man who beats his wife and ill-treats his children that he would be happier if he lived in love and kindness with them. He would be happier if he were the kind of person who could so live; but he is not, and it is probably too late for him to become, that kind of person. (*Considerations*, XIX: 44)

3. Marriage Between Equals

3.1. Marriage as a Friendship of Virtue

While the laws that governed marriage in his lifetime accorded husbands considerable power over their wives, Mill strenuously maintains that ideally marriage is a partnership of equals. More than one sense of equality is in play here. Equality of power is one of these, and I have already outlined some of the harms that Mill takes to flow from the disparity in marital power that the legal regime of his day constructed.

But Mill has another sense of equality in mind as well, which is equality of ability, and mental ability in particular. A marriage between people who are unlike in mental ability, he claims, can never offer lasting satisfaction to the superior party and can only tend to his degeneration as a thinker (*Subjection*, XXI: 335). Or her degeneration, should the wife be the mental superior, but while Mill would never forget this possibility – he would have placed Harriet far above John Taylor in these terms – he assumes that among his contemporaries, wives will usually be intellectually inferior to their husbands in many respects in virtue of having had fewer opportunities for mental cultivation. In the *Subjection of Women*, Mill makes very broad criticisms of the myriad ways in which nineteenth-century society confined women's attention to the home and domestic sphere, which he took to be responsible for stunting their mental development. The poor formal education offered for women is the chief culprit in this regard. Mill is very critical of the sorts of education that most *men* received, both in terms of what they were meant to learn and how they were meant to learn it (see, e.g., *On Genius*, I: 337–8). But he regards the education usually afforded to women as far worse than this in both the quantity of instruction and the subjects taught (*Subjection*, XXI: 305, 326–7, 330; *On Marriage*, XXI: 41–3). Other offenders, which might be regarded as forms of education in a broader sense, included the exclusions of women from many occupations and from the franchise (*Subjection*, XXI: 300–5; *Considerations*, XIX: 480–1; *Principles*, III: 955n1).

The best marriages, according to Mill, involve two people who are not only approximately equal in abilities but also similar in interests, beliefs, and tastes. He has little patience with the old saw that "opposites attract": "Unlikeness may attract, but it is likeness which retains; and in proportion to the likeness is the suitability of the individuals to give each other a happy life" (*Subjection*, XXI: 333). When two equals have largely similar interests as well, Mill concludes, it is possible for them to share an especially intense and lasting friendship, and it is this sort of friendship that he takes to constitute the best sort of marriage.

> When the two persons both care for great objects, and are a help and encouragement to each other in whatever regards these, … there is a foundation for solid friendship, of an enduring character, more likely than anything else to make it, through the whole of life, a greater pleasure to each to give pleasure to the other, than to receive it. (*Subjection*, XXI: 334)

In this sort of marriage, Mill writes, one between "two persons of cultivated faculties, identical in opinions and purposes, between whom there exists that best kind of equality," husband and wife will each "enjoy the luxury of looking up to the other"

(*Subjection*, XXI: 336). More than that, though, each will contribute to the other's improvement, experiencing "alternately the pleasure of leading and of being led in the path of development." Thus Mill's conception of the ideal marriage looks very much like Aristotle's account of the highest form of friendship, a "friendship of virtue" (Aristotle 2000, see also Urbinati 1991: 637–9). In a friendship of virtue, the friends love each other without ulterior motive, which precludes vicious people from participating in this form of friendship. These friendships can only exist between equals. And through belonging to a friendship of virtue, good people become better still, "[f]or each molds the other in what they approve of" (Aristotle 2000: 153 [1172a13]).

Mill declines to describe how fulfilling being part of such a marriage can be, saying that "To those who can conceive it, there is no need; to those who cannot, it would appear the dream of an enthusiast" (*Subjection*, XXI: 336). His paean notwithstanding, however, this may seem a somewhat pallid conception of the ideal marriage. Even if one accepts it as far as it goes – as one surely should – one might be struck by Mill's lack of attention to romance, not to mention sexual attraction. Mill may well have undervalued the contribution that these factors can make to a good marriage. Recall, for instance, his description of rape as forced participation in an "animal function." We can share his abhorrence of rape while wondering whether his description precisely captures what is horrific about it and whether it suggests an excessively denigrating attitude toward sexual pleasure as such. There is other evidence that suggests that both he and Harriet attached little importance to sexual activity, ranging from Mill's discussion of the higher pleasures in *Utilitarianism* (which on one reading suggests that the best conceivable life would not involve any physical pleasures at all), to Bain's testimony that Mill "made light of the difficulty of controlling the sexual appetite" (1882b: 149), to Harriet's denial that "the non-exercise of [the sexual functions] is necessarily a deprivation" (H.T. Mill 1998: 226). Susan Mendus comments instructively that in setting his "faith on a great day when there will be no more sensualism" and behaving "as though that day might be tomorrow," Mill displays "a view of human nature just as impoverished as Bentham's and much less realistic" (Mendus 1989: 190).

3.2. Division of Labor

One might naturally assume that if Mill believes that the partners in an ideal marriage will be similar in their abilities, interests, and beliefs, so too will they spend their time on similar activities. Rather notoriously, however, Mill endorses a familiar gendered division of responsibilities which has women overseeing the home while men earn an income.

> [T]he common arrangement, by which the man earns the income and the wife superintends the domestic expenditure, seems to me in general the most suitable division of labour between the two persons. If, in addition to the physical suffering of bearing children, and the whole responsibility of their care and education in early years, the wife undertakes the careful and economical application of the husband's earnings to the general comfort of the family; she takes not only her fair share, but usually the larger share, of the bodily and mental exertion required by their joint existence. (*Subjection*, XXI: 297; see also *On Marriage*: 43–5; cf. *The Enfranchisement of Women*, H.T. Mill 1998: 60–1)

While what lies behind this remark is Mill's appreciation of a genuine and on-going problem – the so-called "second shift" problem, whereby women do both an equal share of work outside the home and a disproportionate share of work in it – he has been taken to task for his failure to realize that alternative arrangements are possible. His feminist credentials have consequently been tarnished. Julia Annas, for instance, writes that Mill

> argues that to have self-respect a woman must be able to earn her own living, but that in fact few women will, and he seems to envisage jobs being held only by the unmarried, or by middle-aged women whose children have grown up. This is clearly most unsatisfactory. How can women's education be a serious affair if it is known that most will not use it? (1977: 190)

Feminists who are sympathetic readers of Mill have responded to this line of criticism by arguing that Mill is far more committed to the ideal of equality between spouses than he is to the desirability of the "common arrangement" of responsibilities between them, so that if the two turned out to be incompatible, he would unquestionably retain the former and repudiate the latter. Mary Lyndon Shanley, for instance, says that while the "belief that equality was a precondition to marital friendship was a profound theoretical tenet" for Mill and Victorian feminists of his ilk, "their belief that friendship could be attained and sustained while women bore nearly exclusive responsibility for the home might be modified or even abandoned if experience showed it wrong" (1989: 66). Maria Morales, despite criticizing Shanley's specific formulation of this point, makes a similar move. She distinguishes between Mill's "ideal of perfect equality" and his "hypothetical prediction of what form the family would take *under conditions of perfect equality*", and argues that while it might falsify Mill's prediction if most families actually departed from the "common arrangement" after conditions of perfect equality were established, it would not weaken his case for the ideal (1996: 168–74). Of course, defending Mill in this way does not preclude us from judging his prediction or hypothesis about how work would be divided within an ideal marriage to be implausible. Shanley accuses Mill of "ignoring the profound effect of the sexual division of labor both inside and outside the home on men's and women's occupations and resources" (1989: 67), while Morales says that "Mill's *faux pas* was to assume that the functions of child bearing and child rearing must go hand in hand" (1996: 172).

3.3. Non-Traditional Marriage

Mill's description of the ideal marriage presupposes that marriage is a relation between a man and a woman. Given the context in which he was writing, we cannot expect him to have discussed a possibility such as same-sex marriage. Still, it is worth noting that there is nothing in Mill's account of the best sort of marriage that would preclude a homosexual couple from sharing one. We do not find in Mill, for instance, the suggestion that a marriage achieves its true purpose only if it results in procreation.

One might wonder whether Mill would think that non-traditional marriages of other sorts could fulfill his ideal, for example, polygamous or polyandrous ones. We actually do find some discussion of polygamy in *On Liberty*, although perhaps not enough to let

us entirely answer this question. There Mill criticizes the practice by Mormons in what is today the American state of Utah but was then a remote part of the frontier. He argues that it would be wrong for outsiders to intervene in this practice, at least as long as no one was forced to participate in polygamy and individuals who rejected the practice were free to leave. Still, Mill characterizes polygamy as "a mere riveting of the chains of one half of the community, and an emancipation of the other from reciprocity of obligation towards them" and "a retrograde step in civilization" (*Liberty*, XVIII: 290–1). What is not entirely clear, however, is whether Mill thinks that polygamous marriages are inherently bad for women or only that the same sorts of circumstances which tend to make traditional marriages bad for women in societies like his own – the difficulties faced by single women, the disparity of power between husband and wife, and so on – are exacerbated by polygamy. If he thinks the latter, then he might believe that in an improved society in which these circumstances have changed a marriage with more than two spouses might be as good as any other. As long as the interests of children and other third parties could be protected, the doctrine of *On Liberty* at least appears to license experimentation with such marriages.

4. Parents and Children

4.1. Bringing Children into the World

Mill describes the having children as "one of the most responsible actions in the range of human life." People who take this course of action have a weighty obligation to safeguard the well-being of people whom they bring into being.

> To undertake this responsibility – to bestow a life which may be either a curse or a blessing – unless the being on whom it is to be bestowed will have at least the ordinary chances of a desirable existence, is a crime against that being. (*Liberty* XVIII: 304).

Prospective parents must also consider the impact of their decision on the rest of society. They have, first, a responsibility not to have children that will have to be supported at public expense: "no one has a right to bring creatures into life, to be supported by other people" (*Principles*, II: 358). They even have a responsibility to take into account the desirability of avoiding an oversupply of workers, since

> in a country either overpeopled, or threatened with being so, to produce children, beyond a very small number, with the effect of reducing the reward of labour by their competition, is a serious offence against all who live by the remuneration of their labour. (*Liberty,* XVIII: 304)

Both of these responsibilities to society, needless to say, really weigh only on members of the working class.

Of course, I have already noted that Mill believes that it is easier than most people realize to resist the sexual impulse. Given the empirical fact that many people are not in fact willing to delay sexual activity too long, however, he believes that the pressure of public opinion can justifiably be used to encourage people to keep the size of their family

in check (*Principles*, II: 367–79). He is even willing to contemplate the use of the law to this end, in the form of a refusal to allow couples to marry unless they have sufficient means to support children (*Principles*, II: 158, 346–8; *Liberty*, XVIII: 304). He suggests that a misplaced delicacy about discussing sexual matters is responsible for a state of affairs in which – while considerable energy is devoted to keeping in place the taboo against sex outside of marriage – people are not encouraged to curb their procreative activities once they are married, with the result that they choose to have more children than they ought (*Principles*, II: 367–74). (He observes that husbands, more than wives, are responsible for this.)

Mill would no doubt find much to celebrate in the development of safe and effective birth control technologies, which allow people to engage in sexual activity with very little risk of unwanted pregnancies. In fact, there is evidence to suggest that as a young man he was arrested for distributing literature describing primitive methods of birth control in working class neighborhoods (Packe 1954: 57–9). What he would think about the contribution that the development of birth control has made to the willingness of people to engage in "casual sex" outside of committed relationships is an interesting question. From a utilitarian perspective, of course, every experience of pleasure in and of itself makes the world a better place. Given the low value that Mill sets on physical pleasure, however, if there is reason to think that the weakening of the cultural taboos against pre-marital sex has resulted in people pursuing sexual gratification at the expense of the higher pleasures – which might include the emotional pleasure that can be found in sexual activity with a partner whom one loves – then he would see this consequence of the birth control revolution as a cost rather than a benefit.

4.2. Parental Obligations

Mill of course believes that parents have obligations toward their children, although he does not believe that these obligations are as expansive as they are sometimes made out to be. I have already quoted a passage in which he says that it is criminal for someone to bring a new life into existence unless there is reason to expect that it will have "at least the ordinary chances of a desirable existence," and it is the responsibility of parents to see to it that their children have such prospects. Obviously parents have a responsibility to ensure that their children are fed, clothed, and so on, as long as they are in their care. And obviously they are obligated not to abuse their children. Mill is no less exercised by brutality toward children than he is by brutality toward women, and in the newspaper articles that he wrote with Harriet he does not fail to criticize the law's handling of cases of child abuse (e.g., *The Case of Ann Bird*, XXV: 1153–7). But the obligation on which Mill places the most emphasis and which he describes as "one of the most sacred duties of the parents (or, as law and usage now stand, the father)," is the obligation "after summoning a human being into the world, to give to that being an education fitting him to perform his part well in life towards others and towards himself" (*Liberty*, XVIII: 301–2; see also *Principles*, III: 948–9). He calls for the law to ensure that parents fulfill this obligation. And while Mill might think that it is irresponsible for parents to have children for whose education they are unable to pay themselves, he does concede that public funding should be available in these cases.

Mill, though, denies that parents are obligated to do everything in their power for their children. This emerges in his discussion of inheritance, when he writes that:

> Whatever fortune a parent may have inherited, or still more, may have acquired, I cannot admit that he owes to his children, merely because they are his children, to leave them rich, without the necessity of any exertion. (*Principles*, II: 221)

What children have a claim to, Mill asserts, is a sufficient start to have a "fair chance of achieving by their own exertions a successful life." While individual children may be due more than this, as a result perhaps of having been promised it, no child has a right to more simply in virtue of being born to parents who could afford to more if they chose. Mill, it should be noted, is critical of both the English system of primogeniture, in which the eldest male heir was entitled to inherit the lion's share of a family's assets (including the estate and title, were they aristocrats, as fans of *Downton Abbey* well know) and the French system that mandated a more equal division with similar inflexibility (*Principles*, III: 889–95).

I have focused here on what parents owe their children. There is much that it is desirable that parents give their children but that they are not obligated to give, and Mill could hardly be blind to this. Perhaps parents cannot be obligated to be warm, for instance, but it is desirable, and it is clear from Mill's *Autobiography* (including especially the rejected lines about his mother) that he is keenly aware of the fact.

5. The Family as a "School in the Relation of Equality"

Heretofore, I have shown that Mill believes that couples united in marriage should be equals and that he considers the obligation of parents to see to it that their children are educated to be of paramount importance. These two themes come together in Mill's discussion of the contribution that growing up in a household in which their parents treat each other as equals makes to children's moral education.

While Mill believes that Western society has many moral shortcomings and is progressing far too slowly, he is still optimistic that each generation is somewhat better, morally speaking, than the one before it. It is increasingly true that people find "the good of others" to be "a thing naturally and necessarily to be attended to, like any of the physical conditions of our existence" (*Utilitarianism*, X: 232). This instinctive regard for the interests of others is both encouraged by and encourages a sense that the people by whom we are surrounded are our equals. A family is a microcosm of society, and it is the first and most powerful influence on children's habitual sentiments. So nothing can do more to promote our collective moral progress, in Mill's view, than for children to be given a clear sense of the equality of their parents (see Urbinati 1991: 635–7). The family

> should be a school of sympathy in equality, of living together in love, without power on one side or obedience on the other. This it ought to be between the parents. It would then be … a model to the children of the feelings and conduct which their temporary training by means of obedience is designed to render habitual, and therefore natural, to them. (*Subjection*, XXI: 295; see also *Married Women's Property*, XXVIII: 286, from which the quotation in the title heading of this section is drawn)

Mill credits society's ability to make such moral progress as it does to the fact that many husbands treat their wives as equals, or at least near equals: there are "numerous persons whose moral sentiments are better than the existing laws" (*Subjection*, XXI: 295). But improving families in this regard will be the driver of moral progress in other areas of social life, since

> The moral training of mankind will never be adapted to the conditions of the life for which all other human progress is a preparation, until they practice in the family the same moral rule which is adapted to the normal constitution of human society.

And this will require legal reform.

Two questions naturally arise. First, how would Mill account for our apparent lack of moral progress today, given that legal equality between men and women – as he understood it, at least – has been much more fully realized? Second, how did Mill think that his own moral development had been affected by growing up in a home that was anything but "a school of sympathy in equality, of living together in love"?

I cannot answer these questions here; indeed, I doubt that the second can be answered by anyone. But at least the answer to the second question with which I began this chapter is clear. Despite the fact that the family is not discussed systematically in any of Mill's major philosophical works outside of the *Subjection of Women*, it occupies a pivotal role in his social philosophy. It is the primary engine of moral improvement and increasing civilization.[6]

Notes

1 In my book *J.S. Mill*, I noted that the largest lacuna in the volume was "a chapter on Mill's views on the family" (Miller 2010: 12). This chapter is my attempt to rectify that earlier omission.

2 There was also Harriet's eldest child, Herbert, who had always been much closer to his father than his mother, and her somewhat hapless middle child Algernon (called Haji).

3 We do not have Harriet's completed essay, but three fragmentary drafts have survived (H.T. Mill 1998: 21–5).

4 Illegitimate children were an exception to this rule; there the mother had sole custody.

5 Mill refers to this law as "Serjeant Talfourd's Act," after the M.P. who brought it before the House, although "Caroline Norton's Act" might be a more accurate label given her role in building popular support for such a law (*Subjection* XXI: 285; on Norton's crusade see Wroath 1998: 61–118).

6 I am grateful to Ben Eggleston and Christopher Macleod for comments on this chapter, and to Old Dominion University for the research leave during which it was written.

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Further Reading

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32

Mill's Normative Economics

GERALD GAUS

1. Is Normative Economics an Independent Field for Mill?

Contemporary economics is divided about what is "normative economics," and whether it has an important role in economic science (Caplin and Schotter 2008). The modern ambivalence toward normative recommendations in economics was not shared by the classical tradition in political economy; indeed, the very idea of "political economy," as opposed to the modern term "economics," indicates that the analysis of economic systems, the "science of legislation," and policy recommendations are all intimately intertwined (Robbins 1977: 1). To the classical political economists economic inquiry inherently concerns politics and policy.[1] Although John Stuart Mill was certainly a classical economist, in some ways his is a bit closer to the modern view; the full title of his great treatise on political economy is *The Principles of Political Economy with Some of Their Applications to Social Philosophy*, suggesting a more systematic distinction between positive analysis and the normative questions of social philosophy than was characteristic of earlier writers. One can read Mill as maintaining that political economy – the analysis of politico-economic systems – is one thing, while questions of how society ought to be arranged is another, a matter of social philosophy; the *Principles* is engaged in both, but they are not necessarily inseparable.

Two distinctions advanced by Mill have led many to see a somewhat surprising "modern" independence of his normative economics from other elements of his system. On the one hand, Mill advances his famous (to some, infamous) distinction between the laws of production and distribution (see Vallier 2010):

> The laws and conditions of the production of wealth partake of the character of physical truths. There is nothing optional or arbitrary in them … It is not so with the Distribution of Wealth. That is a matter of human institution solely. The things once there, mankind, individually or collectively, can do with them as they like. They can place them at the disposal of whomsoever they please, and on whatever terms. (*Principles*, II: 199)

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If distribution is up to society and does not follow from the requirements of production, it looks as if thinking about distributive justice is freed from the core of positive economics. Let us call this Mill's *positive/normative distinction in economics*; the laws of production concern immutable economic science while the laws of distribution are about a society's understanding of justice (Blaug 1996: 173).

While the first distinction seems to free normative economics from positive economics, the second seems to sever Mill's analysis of the case for economic liberty from his famous doctrine of personal freedom. Mill insists in *Liberty* that:

> trade is a social act. Whoever undertakes to sell any description of goods to the public, does what affects the interest of other persons, and of society in general; and thus his conduct, in principle, comes within the jurisdiction of society: accordingly, it was once held to be the duty of governments, in all cases which were considered of importance, to fix prices, and regulate the processes of manufacture. But it is now recognised, though not till after a long struggle, that both the cheapness and the good quality of commodities are most effectually provided for by leaving the producers and sellers perfectly free, under the sole check of equal freedom to the buyers for supplying themselves elsewhere. This is the so-called doctrine of Free Trade, which rests on grounds different from, though equally solid with, the principle of individual liberty asserted in this Essay. (*Liberty*, XVIII: 293)

Jonathan Riley cites this passage, stressing that Mill's defense of "laissez-faire"[2] is based simply on judgments of the general welfare (1998: 316ff). Thus it also seems that Mill advances the *distinction between the normative status of civil and economic liberty*, a view characteristic of the "new liberalism" of the twentieth century, which emphasized the coherence of personal freedom and economic regulation (Hobhouse 1911: Chs 4 and 7; for a criticism, see Tomasi 2012: Ch. 2).

Thus Mill's normative economics appears independent both of his positive economics of production and his liberal normative political philosophy of liberty. If this is correct, then we might wonder whether Mill is truly a classical liberal and classical political economist; perhaps, as many have thought, he is better interpreted as a proto "new liberal" (Roll 1973: 360), stressing normative distributive issues and downplaying economic liberty. In this chapter, I seek to show why we should reject this *prima facie* plausible interpretation, by calling into question both the sharp distinctions between production and distribution, and economic and civil liberty. Following Robbins (1952), I argue that Mill is firmly rooted in the classical tradition of political economy and, indeed, that throughout his social thought his primary value is liberty.

2. The Sharp Positive/Normative Distinction Questioned

2.1. The Laws of Production and Distribution

As Mark Blaug (1996: 173) emphasizes, if Mill's distinction between the laws of production and distribution (in the passage on page 499) is taken to imply that production and its distribution are entirely independent, it is untenable. That production would not be affected by the scheme of distributive shares would imply that incentives and resources

were irrelevant to production: regardless of the distribution of rewards and resources, productive decisions would be invariant. Mill, though, almost immediately takes care to reject such an interpretation:

> We have here to consider, not the causes, but the consequences, of the rules according to which wealth may be distributed. *Those, at least, are as little arbitrary, and have as much the character of physical laws, as the laws of production.* Human beings can control their own acts, but not the consequences of their acts, either to themselves or to others. Society can subject the distribution of wealth to whatever rules it thinks best: but what practical results will flow from the operation of those rules, must be discovered, like any other physical or mental truths, by observation and reasoning. (*Principles*, II: 200, emphasis added)

The point, then, is that while the analysis of production – the relation between capital and labor inputs – does not in itself imply a distributive scheme and so societies can choose to implement diverse distributive arrangements – there are "feedbacks" from distributive schemes to the factors of production, which affect how they are employed. And the analysis of these feedbacks will depend on "physical and mental" truths – matters of positive science. Consequently, when normative economics considers alternative distributive arrangements, it must rely on positive economics' understanding of how shares and incentives will alter the inputs into the productive process.

This much is clear, even if we focus simply on Mill's explicit analysis of the laws of production and distribution in Book II of *Principles*. As Samuel Hollander (1985: 344–50) points out, however, the entire distinction becomes much more puzzling once we turn to Book III, on Exchange. After an extensive analysis of the pros and cons of different distributive arrangements, Mill commences Book III by insisting that economic value depends on the theory of distribution, not production (*Principles*, II: 455). In itself that is not puzzling, but the theory of exchange value developed in Book III presents a classical analysis, which actually implies a theory of distribution (Screpanti and Zamagni 2005: 118–9). If distribution is understood in terms of the shares of the different factors of production such as labor or capital – as contrasted with distribution among groups not described in terms of their productive roles in the economy (e.g., the educated and uneducated) – the classical analysis of exchange value posits an intimate connection between production and the distribution among the factors of production (i.e., labor and capital).[3] But that means that, after all, Mill's account of exchange value does relate to production. Hollander seems correct: Mill's analysis of distribution in Book II of *Principles*, where it is decoupled from production, must be read as preliminary, for Book III's analysis of exchange in market economies brings them back closer together.

2.2. Mill on Property

Mill sought to loosen the tie between production and distribution so that he could address, with an open-mind, the distributive critiques of the socialists (Robbins 1952: 165–8). Yet, as I have suggested, the classical system was not especially hospitable to a radical break; the analyses of production and distribution were rather more closely linked than indicated by many of Mill's comments in Book II of the *Principles*. The

importance of Mill's positive classical analysis for understanding his views on distribution is well illustrated by his analysis of property. Famously, Mill proclaims:

> [a] Private property, in every defence made of it, is supposed to mean, the guarantee to individuals of the fruits of their own labour and abstinence. The guarantee to them of the fruits of the labour and abstinence of others, transmitted to them without any merit or exertion of their own, is not of the essence of the institution, but a mere incidental consequence, which, when it reaches a certain height, does not promote, but conflicts with, the ends which render private property legitimate. (*Principles*, II: 208)

It is easy to read this as a "Lockean" *justification* of property, as do Screpanti and Zamagni (2005: 115). Mill seems to say that holdings are justified through the expenditure of labor – they are the "fruits" of labor. If we read Mill in this Lockean way, we will be struck by this combination of the Lockean labor theory of property with Mill's adamant insistence that this principle does not extend to the land:

> [b] When the "sacredness of property" is talked of, it should always be remembered, that any such sacredness does not belong in the same degree to landed property. *No man made the land. It is the original inheritance of the whole species.* Its appropriation is wholly a question of general expediency. When private property in land is not expedient, it is unjust: It is no hardship to any one, to be excluded from what others have produced: they were not bound to produce it for his use, and he loses nothing by not sharing in what otherwise would not have existed at all. But it is some hardship to be born into the world and to find all nature's gifts previously engrossed, and no place left for the new-comer. (*Principles,* II: 230, emphasis added)

Given the initial Lockean reading of [a], passage [b] suggests that the principle of private property does not extend to the land, or more generally, natural resources. Individuals deserve the fruits of their labor, but this does not apply to the land, which is "the original inheritance of the whole species." Combining passages [a] and [b], Mill has been read by some as a forerunner of the contemporary normative political philosophy known as "left-libertarianism" (Vallentyne and Steiner 2001: 157–71), combining strong Lockean rights of the person and the claims to the fruits of one's labor with common ownership of natural resources (Vallentyne, Steiner, and Otsuka 2005).

For at least two reasons, I now think we should resist this interpretation.[4] First, rather than *justifying* private property (*a la* Locke), Mill seems to be explicating what he takes as its *underlying rationale*. That is, necessary to the institution of property is that individuals are to receive the fruits of their labor and abstinence; in considering the justification of property it is this feature, not various incidental and accidental features, upon which we must focus. But this does not prejudge whether the institution is truly justified; that is the fundamental concern of Book II of *Principles.* To know its rationale is not to endorse it. Secondly, and for our purposes more importantly, we should resist interpreting Mill's analysis of property as based on simply the fruits of labor: it seeks to ensure the fruits of labor *and* abstinence. This is important as Mill has an abstinence theory of saving and profit (Blaug 1996: 183, 186–8; Hollander 1985: 427ff): "all capital is the produce of saving, the abstinence from present consumption for the sake of a future good" (*Principles*, II: 160). Thus, in passage [a] Mill is saying that fundamental to private property is rewarding the two factors of production that are fundamental to

the Ricardian system: labor and capital. We can think of private property as basing distribution directly on the factors of the productive process; those individuals who bring forth the factors receive the rewards.

Once we see the analysis of private property in light of the Ricardian version of the classical system, we also can appreciate that the exclusion of landed property is not a basic normative claim about joint world ownership, but reflects a deep Ricardian suspicion of land rents. Ricardo holds the price of a good must cover its labor costs plus the return on capital (profits), but he denies that that price includes rent. On Ricardo's analysis rent is payment simply for use of "*the original and indestructible powers of the soil*," as distinct from capital improvements by a landlord (Ricardo 1951 [1821]: 67, emphasis added). In the Ricardian system rent would not be paid if there were an abundance of fertile land; each person could simply farm such land, and then the natural price would be determined simply by labor and capital costs. Suppose, however, that land varies in degree of fertility, and comes in three degrees of quality (Ricardo 1951 [1821]: 70ff). A is the most fertile, B, the middle, and C, is the least fertile; assume that an hour of labor produces ten bushels of wheat on A, eight on B, and six on C. As population increases eventually land B will be pressed into cultivation. Now to be pressed into cultivation, the price of wheat must cover the costs of bringing it to market from B. Simplifying (leaving out capital costs), let us say that eight bushels of wheat, which take one hour of labor to produce on B, will exchange for goods that themselves take one hour to produce; that must be the market price of wheat if cultivating land B is to cover costs. But land A produces ten bushels with an hour's labor yet, because wheat has a uniform price in the market, the first eight bushels of A will cover the cost of producing wheat on A (they will exchange for goods worth one hour of labor); the extra two bushels will go to the landlord of A as rent. Notice that the landlord of A did nothing to achieve this "reward:" it is entirely the result of demand pressing land B into cultivation. If B can cover its costs, A automatically gets rent. If land C is then pressed into cultivation, the price of wheat will be such that six bushels will exchange for goods worth one hour of labor.[5] In this event the rent on A will go up to four bushels, and the landlord of B will now start collecting rent of two bushels (8 – 6). Rents go up as the need for food production rises, though landlords have not contributed to increased production. Fundamental to the Ricardian theory of rents is that the price of grain is determined by the cost of production on land of the poorest quality, which by definition collects no rent. Thus the market price of grain does not reflect rent payments (Robbins 1998: 189–91).

Mill declares himself to be a disciple of Ricardo on this essential point: "This general law of agricultural industry is the most important proposition in political economy" (*Principles*, II: 174; see also Blaug 1996: 183; on Mill's more general Ricardianism, see Riley 1998). We can now appreciate why the principle of private property does not apply to land ownership: in contrast to laborers and capitalists, landlords contribute nothing to production, and grow richer as society becomes more miserable.[6] If the core of private property is to reward those who bring forth the factors of production, rent has no real place, nor do those who live by rent – landowners. Rather than interpreting Mill's analysis of property in passages [a] and [b] as a sort of proto left-libertarian normative theory of distribution, it is far sounder to read it as closely tied to Mill's Ricardian analysis of production.

3. Economic Freedom in Mill's Normative Economics

Thus far, I have been arguing that Mill's normative economics is much more closely tied to his positive analysis than many suppose. I now wish to show that his normative economics is much more closely tied to his general normative system than is commonly thought.

3.1. Mill on Laissez-Faire*: The Common View*

Mill famously declares in Book V, Chapter XI of the *Principles* that "*Laisser-faire*, in short, should be the general practice: every departure from it, unless required by some great good, is a certain evil" (*Principles*, III: 945). However, after proclaiming this general principle, Mill goes on to justify a list of exceptions – cases in which government interference in economic life is justified (*Principles*, III: 947–71). Thus, Mill argues government intervention is justified when (or for):

- the consumer is incompetent to make the best choice for herself (education, Mill thought, was a crucial example of such a good);
- one person exercises power over another, such as over children;
- there are contracts in perpetuity, such as marriages that cannot be dissolved;
- there are agent-principal problems: a principal, such as the owner of stock in a corporation, may hire an agent (manager) to look after her interest, but if she does not have the same knowledge as the agent, the principal may be unable to determine whether the agent is acting in her interest.
- there are natural monopolies such as gas and water (where the market equilibrium is not multiple competing providers, but a single one);
- there are collective action problems in which all may prefer a certain outcome, but unless they act in concert they cannot achieve it;
- colonization;
- support of the poor;
- there are goods with "indiscriminate" benefit: this is the core of the idea that governments are to supply public goods such as clean air and "the cultivation of speculative knowledge," which if they are provided to anyone, they are necessarily provided to everyone, so each has an incentive to wait until someone else provides the good (Blaug 1996: 211).

The common view of Mill's account of the limits of government interference in the economy makes two claims. First, the list of exceptions is so extensive that there really is nothing left of the basic *laissez-faire* principle. According to Marian Bowley, in the end he is left with only "a shadow of a maxim" (Schwartz 1968: 124). The second claim follows closely: Mill's considered opinion is that whether or not government should intervene is simply a question of expediency, entirely independent of his doctrine in *Liberty*; as we saw, he insists that trade is a social act to which the "principle of individual liberty" does not apply. As Jonathan Riley sums up this view:

> … Mill's general policy of *laissez-faire* [is] marked by various "large exceptions" … Another point worth emphasizing is that it is *entirely distinct* from his famous principle of individual

> liberty … His rather complicated *laissez-faire* policy is driven by considerations of general expediency: its delicate balance between private competition and government intervention is defended as expedient for attaining any civil society's economic goals, including allocative efficiency. But the "one very simple principle" of liberty [in *Liberty*] is grounded on considerations of justice: its assignment of universal equal rights to make whatever purely private choices one likes is said to be part of what justice should mean in any civilized society. These two doctrines are often conflated by a failure to recognize that the meaning of the term "private" alters as we move from Mill's idea of a private choice to the common idea of private market activity. (Riley 1994: xli–xlii, emphasis added)

On this common view, Mill's normative economics is independent of his broader normative commitments in social philosophy; it is a straightforward utilitarian analysis of economic policy, aiming at "civil society's economic goals, including allocative efficiency."

3.2. Liberty in On Liberty *and the* Principles

To evaluate this common view, consider Mill's project in *Liberty*. Certainly the common view is correct that his ultimate aim is to defend "one very simple principle, as entitled to govern *absolutely* the dealings of society with the individual in the way of compulsion and control," namely:

> that the sole end for which mankind are warranted, individually or collectively, in interfering with the liberty of action of any of their number, is self-protection. … That the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others. (*Liberty*, XVIII: 223)

It is critical, however, to distinguish two stages of Mill's defense of this claim (Gaus 2008).

First, much of *Liberty* is devoted to showing the fundamental value of liberty. In particular, Chapters II and III advance wide-ranging arguments showing that human freedom is a great good: it is necessary for individuality, intellectual progress, and is the engine of material progress. The fundamental value of liberty gives rise in Mill's normative system to a basic presumption in favor of freedom over regulation. Thus in the *Subjection of Women*, a work that advances many of the themes of *Liberty*, Mill notes that, "in practical matters, the burthen of proof is supposed to be with those who are against liberty" (*Subjection*, XXI: 262; see also *Liberty*, XVIII: 299). Liberty is the default; its limitation requires justification.

The *second* important stage of Mill's argument is to identify when the presumption in favor of liberty is impossible to override or defeat. Mill describes this stage in the *Principles* as seeking to delimit the "departments of human life" from which coercive interference with liberty "must be unreservedly and imperiously excluded" (*Principles*, III: 937). These excluded departments, according to Mill,

> ought to include all that part which concerns only the life, whether inward or outward, of the individual, and does not affect the interests of others, or affects them only through the moral influence of example. (*Principles*, III: 938)

Mill is indeed absolutely clear that the departments from which coercion "must be unreservedly and imperiously excluded" do not include trade, and in general economic activity, since they affect the interests of others. It is, however, a serious mistake to infer that, because the *second-stage* argument does not apply to trade, neither does the general presumption in favor of liberty. Mill explicitly denies this inference:

> Even in those portions of conduct which do affect the interest of others, the onus of making out a case always lies on the defenders of legal prohibitions. It is not a merely constructive or presumptive injury to others, which will justify the interference of law with individual freedom. To be prevented from doing what one is inclined to, or from acting according to one's own judgment of what is desirable, is not only always irksome, but always tends, *pro tanto*, to starve the development of some portion of the bodily or mental faculties, either sensitive or active; and unless the conscience of the individual goes freely with the legal restraint, it partakes, either in a great or in a small degree, of the degradation of slavery. Scarcely any degree of utility, short of absolute necessity, will justify a prohibitory regulation, unless it can also be made to recommend itself to the general conscience; unless persons of ordinary good intentions either believe already, or can be induced to believe, that the thing prohibited is a thing which they ought not to wish to do. (*Principles*, III: 938)

It is difficult to square this with the reading that, in economic matters, only straightforward expediency and efficiency considerations count: "Scarcely *any degree of utility*, short of absolute necessity, will justify a prohibitory regulation, unless it can also be made to recommend itself to the general conscience."

Indeed, Mill takes pains to stress that one of the strongest reasons against government interference in social, including economic, life is its effect on individuality and human intellect. In *Liberty* Mill insists that, even if another could choose better for a person than he would choose for himself, it is nevertheless better to allow each the freedom to make her own decisions.

> He who chooses his plan for himself, employs all his faculties. He must use observation to see, reasoning and judgment to foresee, activity to gather materials for decision, discrimination to decide, and when he has decided, firmness and self-control to hold to his deliberate decision. (*Liberty*, XVIII: 262–3)

In *Principles*, not only does Mill make much the same argument, but he depicts it as one of the "strongest reasons against the extension of government agency" (*Principles*, III: 942).

> Even if the government could comprehend within itself … all the most eminent intellectual capacity and active talent of the nation, it would not be the less desirable that the conduct of a large portion of the affairs of the society should be left in the hands of the persons immediately interested in them. (*Principles*, III: 942)

Crucial to human improvement and mental development "is a vigorous exercise of the active energies; labour, contrivance, judgment, self-control: and the natural stimulus to these is the difficulties of life" (*Principles*, III: 942–3).

It is because Mill is so devoted to liberty and intellectual development, and so worried about the effects of coercive limitations, that he, uniquely among the classical political economists, stresses the distinction between authoritative and non-authoritative actions of government. Some interventions by government:

> extend to controlling the free agency of individuals. Government may interdict all Persons from doing certain things; or from doing them without its authorization; or may prescribe to them certain things to be done, or a certain manner of doing things which it is left optional with them to do or to abstain from. (*Principles*, III: 937)

Again, in economics as in all other spheres of social life, the presumption is always in favor of liberty, and so such authoritative interventions must be justified. Mill treats altogether differently government interventions that do not restrain freedom:

> There is another kind of intervention which is not authoritative: when a government, instead of issuing a command and enforcing it by penalties, adopts the course so seldom resorted to by governments, and of which such important use might be made, that of giving advice, and promulgating information; or when, leaving individuals free to use their own means of pursuing any object of general interest, the government, not meddling with them, but not trusting the object solely to their care, establishes, side by side with their arrangements, an agency of its own for a like purpose. (*Principles*, III: 937)

With such interventions there is "no infringement of liberty, no irksome or degrading restraint. One of the principal objections to government interference is then absent" (*Principles*, III: 939).[7]

Overall, we can see that Mill's entire analysis in the crucial Chapter XI of Book V, "Of the Grounds and Limits of the Laisser-Faire or Non-Interference Principle," is structured around the value of freedom and individuality. Hollander is, once again, absolutely correct: "The perspective of *On Liberty* is that of the *Principles*" (1985: 685).

3.3. The Rule of Laissez-Faire *and Mill's Classical Political Economy*

Not only, as we saw previously, does Mill declare that "*Laisser-Faire*, in short, should be the general practice: every departure from it, unless required by some great good, is a certain evil" (*Principles*, III: 945), but after enumerating the exceptions, Mill concludes that they are "to the best of my judgment, the whole of the exceptions to the practical maxim, that the business of society can be best performed by private and voluntary agency" (*Principles*, III: 970). In his classic study of Mill's political economy, Pedro Schwartz confesses puzzlement about this summary remark; Mill's approach does not allow a closed list of justified interventions (Schwartz 1968: 141). Thus the puzzle about Mill: why does he try so hard to specify a rule of *laissez faire*, yet his specific discussions are nuanced, and the underlying rationale apparently open-ended, about economic tasks of government? Was Bowley correct that, in the end, Mill is left with only "a shadow of a maxim?"

Everything turns here, I think, on appreciating that Mill was a classical political economist, and that all the classicals had fairly complex views about the role of government. Despite the important work of historians of economic thought such as

Robbins (1952), Schwartz (1968), and O'Brien (2004), many continue to believe that in general classical political economy strongly endorsed *laissez faire*, and so Mill's list of exceptions, so far from showing he supported the principle, indicate that he was really qualifying it out of existence. But none of the classical political economists were doctrinaire proponents of laissez-faire; that dubious honor goes to the French physiocrats of the eighteenth century and to members of the British "Manchester School" of the nineteenth century. Indeed, endorsing *any* version of "*laissez faire*" is not typical among the classical political economists. J.R. McCulloch repudiated it:

> The principle of *laissez-faire* may be safely trusted to in some things but in many more it is wholly inapplicable; and to appeal to it on all occasions savours more of the policy of a parrot than of a statesman or philosopher. (quoted in Robbins 1952: 43)

Robert Torrens was similarly disparaging (Robbins 1952: 44n). And Nassau Senior, in a review of Mill's *Principles*, explicitly rejects Mill's defense of it (Robbins 1952: 45; Schwartz 1968: 124). When we compare Mill with the other classical political economists, so far from qualifying an accepted principle out of existence, he is its foremost advocate. To be sure, as a classical economist he is alive to the various tasks that government must perform, including ones that it should have been performing that it was failing to; and he too criticized those with a too-literal interpretation of *laissez-faire* (Robbins 1952: 44n).

Mill was distinctive among the classical political economists; he was also a philosopher who thought deeply about the place of rules in guiding practice (Riley 1998). Economic policy, like morality, is not the same as the science of economics; it is what Mill calls an "art" (*Logic*, VIII: 943). "An art, or a body of art, consists of the rules, together with as much of the speculative propositions as comprises the justification of those rules" (*Logic*, VIII: 947). For Mill, art proposes the goal (say, the protection of liberty or utility), and then looks to science as providing guidance as to how this end is to be achieved. These practice-guiding rules or "maxims" do not seek to attend to more conditions (or qualifications) than arise in ordinary cases; their very nature as guides to practice means that they are imperfect expressions of the underlying science (*Logic*, VIII: 947).

Mill's treatment of the place of rules in practice poses a puzzle for all interpreters. On the one hand, he disparages legislators who are rule-worshippers:

> The legislator is bound to take into consideration the reasons or grounds of the maxim … [T]he legislator, or other practitioner, who goes by rules rather than by their reasons, like the old-fashioned German tacticians who were vanquished by Napoleon, or the physician who preferred that his patients should die by rule rather than recover contrary to it, is rightly judged to be a mere pedant, and the slave of his formulas. (*Logic*, VIII: 944)

It would thus seem that a maxim of art could only function as a general guide to a legislator formulating policy; the legislator must be sensitive to the underlying goals. The conclusion that, for Mill, *laissez-faire* is only a tentative maxim with a host of exceptions, is indeed solidly grounded on Mill's general treatment of rules of art. Yet, this is the same author who, in *Liberty*, proposes "one very simple principle, as entitled

to govern absolutely the dealings of society with the individual in the way of compulsion and control" (*Liberty*, XVIII: 223). Given the analysis of rules of art in the *Logic*, it is, to say the least, very difficult to see how such a simple and absolute maxim, covering such a wide area of social life, could be justified. What is clear is that throughout his career Mill is deeply worried about "what happens when once men lose sight in their speculations, of the value of Liberty and Individuality" (*Autobiography*, I: 221). In matters of coercive regulation of liberty and individuality, Mill consistently sought to formulate the strongest possible guides to practice, stronger perhaps than his more general analysis of rules would justify. In the case of *Liberty* this was a simple and absolute rule. In the *Principles* the task was much more difficult. Not only did Mill recognize that the actions under consideration affected the interests of others, but he was working within a tradition in political economy that generally disavowed clear rules about the proper scope of economic policy. What is truly noteworthy about Mill's defense of *laissez faire* is not his exceptions, but his sustained effort to justify and specify a liberty-protecting rule. The crux of Mill's complicated *laissez-faire* rule – the reason why he seeks to develop such a rule within classical political economy – is the fundamental importance of liberty and individuality in his social, political *and* economic thought.

4. Mill's Analysis of Socialism: Drawing the Elements Together

In his *Autobiography* Mill says that his and Harriet's social ideal "would decidedly classify us under the general designation of Socialists" (*Autobiography*, I: 239). At least from the third edition onwards, the *Principles* insisted that the justifiability of socialism was an open question, and could not be dismissed on the general facts of economic science.[8] Indeed, Mill saw his main departure from the "old school of political economists" as opening up the possibility that the path of social improvement could lead toward socialism and the abolition of private property (*Autobiography*, I: 239). It may well seem that Mill's attitudes toward socialism are proof of the relative independence of his normative economics. Because distribution does not follow from production, socialism cannot be dismissed on the basis of positive economics; because personal liberty is distinct from economic liberty, it cannot be dismissed by appeal to human freedom. I believe that both these claims are mistaken. Mill is ultimately deeply skeptical of socialism just because of his positive economics and his devotion to liberty. Because Mill's views about socialism were constantly evolving, I focus here on, quite literally, his last word – the posthumous *Chapters on Socialism*.

4.1. What is Socialism?

We must first clarify what Mill has in mind by "socialism." Analyses of Mill's views on socialism must distinguish four quite different institutional arrangements.

(1) For Mill,

> what is characteristic of Socialism is the joint ownership by all the members of the community of the instruments and means of production; which carries with it the

> consequence that the division of the produce among the body of owners must be a public act, performed according to rules laid down by the community. (*Chapters*, V: 738)

Mill typically reserved "socialism" for institutional schemes that differentially rewarded differential inputs into the productive process. The models here are those of Robert Owen's (1814) New Lanark community, the followers of Saint-Simon (Robbins 1998), and especially the writings of Charles Fourier (Hollander 1985: 800ff; Schwartz 1968: 169ff; Screpanti and Zamagni 2005: 133–40).[9] All of these proposals had the advantage of being subject to relatively small-scale experiments. They can be "tried first on a select population and extended to others as their education and cultivation permit" (*Chapters*, V: 737).

(2) Mill referred to "communism" as a version of socialism, such as that proposed by Louis Blanc, that did not differentially reward inputs: the distribution of the fruits of production was governed by some principle of equality.

(3) Mill sharply contrasts the first two forms of "socialism" from "revolutionary" socialism, which seeks

> to substitute the new rule for the old at a single stroke, and to exchange the amount of good realised under the present system, and its large possibilities of improvement, for a plunge without any preparation into the most extreme form of the problem of carrying on the whole round of the operations of social life without the motive power which has always hitherto worked the social machinery. (*Chapters*, V: 737)

Mill is deeply critical of such proposals: their advocates "must have a serene confidence in their own wisdom on the one hand and a recklessness of other people's sufferings on the other" (*Chapters*, V: 737).

(4) Lastly when Mill is called a "socialist" some readers have in mind his support for cooperative production, where the firm is owned and managed by the workers collectively, but workers do not own shares that can be sold (Robbins 1952: 158–9). Mill was certainly enthusiastic about what he perceived as the trend towards such cooperative organization. However, it is never the focus in his explicit discussions of socialism, which almost always focus on (1) and (2) – as will mine.

4.2. The Economic Problems of Socialism

Mill reiterates his distinction between the laws of production and distribution in the *Chapters*, stressing that that the former are a matter of necessity, based on physical laws:

> there must be a large accumulation of capital, both fixed in the implements and buildings, and circulating, that is, employed in maintaining the labourers and their families during the time which elapses before the productive operations are completed and the products come in. (*Chapters*, V: 738)

But whether this capital is to be private or collective property is a matter of social choice. Again, then, the basic laws of economic science do not preclude socialism. But that a society can choose whether to embrace private or collective property does not mean that it can choose the consequences of that decision. Thus for Mill,

> the question to be considered is, whether this joint management is likely to be as efficient and successful as the managements of private industry by private capital. And this question has to be considered in a double aspect; the efficiency of the directing mind, or minds, and that of the simple workpeople. (*Chapters*, V: 739)

Mill focuses his analysis on communism and its equal rewards principle (*Chapters*, V: 737–47).

As far as efficiency of "directing minds" – managers, planners, and so on – Mill comes down clearly on the side of private property. Although it is not inevitable that people are motivated by self-interest, in the near- and medium-term, until education is far more advanced, we must suppose that it will be the predominate motive in economics. Because private-property-based economies reward the owners of capital for seeking out new opportunities and methods, and their profits are closely tied to the success of their business, private property systems strongly motivate owners. In contrast, Mill argues, communism provides little incentive for the exceptional to take on managerial tasks with great responsibilities; their reward would be no greater than a regular worker. To be sure, given a sufficient degree of education and intellectual advancement, people might be motivated by public service and communal reputations, but, not only are these sentiments still sufficiently rare, but they "are more to be depended on for preventing wrong, than for calling forth the fullest energies in the pursuit of ordinary occupations" (*Chapters*, V: 739–40).

Communism, on the other hand, has the advantage when it comes to efficiency of "simple workpeople." Under the current system workers have very little interest in performing well; they have fixed wages and every incentive to do the least work they can:

> The change from this to a state in which every person would have an interest in rendering every other person as industrious, skillful, and careful as possible (which would be the case under Communism), would be a change very much for the better. (*Chapters*, V: 742)

Yet Mill immediately adds that a system of private property and individual competition can be reformed in a direction that also solves this problem. Mill always championed piecework (paying workers in terms of the units produced) as a way to more closely link workers' incentives to efficiency. But in the longer term Mill looked to his favored system of worker cooperatives (which would still be based on competition between cooperative producers) or at least arrangements by which owners and workers share in profits. These too would link worker incentives to efficiency.

Mill also argues that egalitarian schemes have difficulty fully utilizing the division of labor. Recall that communism seeks to equally reward different workers: it thus must compare different occupations to determine equal treatment. It is, however, very hard to determine, say, how an hour of ditch digging compares with an hour of fishing (Mill suggests that communist communities would be constantly in conflict about such matters); to avoid these decisions there would be a tendency to rotate tasks as much as possible. But this, of course, undermines occupational specialization.

Mill depicts Fourierism as a version of socialism that seeks to respond to all the obvious difficulties of communism, by allowing differential rewards, specialization, and so on.

> There is scarcely an objection or a difficulty which Fourier did not foresee, and against which he did not make provision beforehand by self-acting contrivances, grounded, however, upon a less high principle of distributive justice than that of Communism, since he admits inequalities of distribution and individual ownership of capital, but not the arbitrary disposal of it. (*Chapters*, V: 747)

As Mill understood it, Fourier proposed a solution to the socialist problem of the allocation of labor: people would gravitate to the type of work they enjoyed.

> The workers in a Fourierist village are to class themselves spontaneously in groups, each group undertaking a different kind of work, and the same person may be a member not only of one group but of any number; a certain minimum having first been set apart for the subsistence of every member of the community, whether capable or not of labour, the society divides the remainder of the produce among the different groups. … (*Chapters*, V: 747)

So the total amount of income for each group will be set by society; groups will apparently adjust their size according to the share a group receives. Just how all this is to function is highly speculative.

Although Mill certainly thinks that such schemes – communist, and especially socialist – have a sound case for experimental trial, he concludes that

> they are at present workable only by the *élite* of mankind, and have yet to prove their power of training mankind at large to the state of improvement which they presuppose. (*Chapters*, V: 748)

4.3. Freedom and Socialism

Mill was always most sensitive and sympathetic to socialist criticisms of the injustice of the current economic order, and the importance of their case for distributive justice. We must be very careful to distinguish Mill's defense of the possibilities of a reformed private-property-based economy from the form of private property that he confronted in Victorian England. Yet, it would be entirely erroneous to conclude that, while Mill thinks the socialists have the moral high ground, given the economic problems of socialism and supposing humans as they are, we should stick with private property as normatively unappealing but economically efficient. In the *Principles*, Mill suggested that the ultimate judgment as to the superiority of property-based economies or socialism will turn on which system is consistent with the greatest amount of human freedom (*Principles*, II: 208). In the *Chapters*, Mill seems to have reached a clear, but of course always defeasible, judgment about communism:

> The obstacles to human progression are always great, and require a concurrence of favourable circumstances to overcome them; but an indispensable condition of their being overcome is, that human nature should have freedom to expand spontaneously in various directions, both in thought and practice; that people should both think for themselves and try experiments for themselves, and should not resign into the hands of rulers, whether acting in the name of a few or of the majority, the business of thinking for them, and of prescribing how they shall act. But in Communist associations private life would be

> brought in a most unexampled degree within the dominion of public authority, and there would be less scope for the development of individual character and individual preferences than has hitherto existed among the full citizens of any state belonging to the progressive branches of the human family. Already in all societies the compression of individuality by the majority is a great and growing evil; it would probably be much greater under Communism. … (*Chapters*, V: 745–6)

If we understand the comparative evaluation of (broadly speaking) capitalism and socialism as a core question of normative economics of the late-nineteenth and twentieth centuries, Mill's open-minded, but by no means indecisive, analysis shows just how closely his conclusions in normative economics were related both to his positive economics and his general liberal defense of liberty.

Notes

1 The classical political economists are usually taken to include Adam Smith, David Ricardo, Thomas Malthus, J.B. Say, James Mill, John Stuart Mill, John Ramsey McCulloch, Nassau Senior, Robert Torrens, and J.E. Cairnes. The definitive study of the classical school is O'Brien (2004).

2 "*Laissez-faire*" — let them choose, to which it was sometimes added "*laissez passer*," or let them exchange – was a doctrine first proposed by the French economist François Quesnay (1694–1774). See further Robbins (1998: 95–103).

3 See O'Brien (2004: Ch. 5). Even in classical political economy there is some room for independent distributive concerns; as long as capital and labor get their minimums, Adam Smith argued, there is room for different distributions. See Smith (1981 [1776]: Ch. 8).

4 I mistakenly suggested such a view in Gaus (1999: Ch. 9).

5 More precisely, on Ricardo's analysis, goods exchange in the ratio that corresponds to the ratio of the labor taken to produce them.

6 On the basic Ricardian analysis, as population increases, real wages – which essentially concern the amount of food that can be bought with an hour's labor – steadily decline. Profits also decline, while rent goes up. See O'Brien (2004: 137–61).

7 Except, Mill immediately notes, insofar as these activities are funded by taxation, which does involve coercion.

8 The first edition of the *Principles*, in 1848, was critical of socialism; in the third edition of 1852 the relevant discussions were drastically revised and much more sympathetic. For a still excellent analysis of the changes, see Robbins (1952: 147–60).

9 Mill was amazingly generous in his treatment of Fourier, who was noted for a variety of bizarre predictions: a utopia was coming that would last 80,000 years of which 8000 of them would be an era of perfect harmony in which, for example, the seas would lose their salt, the oceans would become lemonade, and each woman was to have simultaneously either four lovers or four husbands. Mill charitably comments that "Fourier had peculiar opinions, which, however, as he himself declares, are quite independent of, and separable from, the principles of his industrial system" (*Chapters*, V: 748). He was less kind to Pierre Proudhon, writing to Harriet: "I heartily wish Proudhon dead … there are few men whose state of mind, taken as a whole, inspires me with so much aversion, & all his influence seems to me mischievous except as a potent dissolvent which is good so far, but every single thing which he would substitute seems to me the worst possible in practice & mostly [?] in principle" (Letter to Harriet Taylor, c. Mar 31, 1849, III: 1031–2). My thanks to Piers Norris Turner for pointing me to this letter.

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33

Mill on Education and Schooling

GRAHAM FINLAY

Although only a few of John Stuart Mill's writings directly address questions of education, a concern for education in the widest sense pervades John Stuart Mill's entire work. In this chapter, I explore how this wider concern shaped Mill's specific views about schooling and the educational issues of his time and conclude with a short reflection about his importance for present day educational practice.

1. Mill's Education and Intellectual Heritage

Mill's educational thought shows considerable continuities with the thought of his father, James Mill, and Jeremy Bentham. His father's *Encyclopedia Britannica* article, "Education," displays the elder Mill's characteristic bluntness from the very beginning: "The end of Education is to render the individual, as much as possible, an instrument of happiness, first to himself, and next to other beings" (Burston 1969: 41). Although, as we will see, Mill developed a much more sophisticated account of what this might mean, he did not depart from his father's understanding of what education is about. Restated in his own, more high-minded language, Mill's version of this claim runs:

> Whatever it teaches, it should teach as penetrated by a sense of duty: it should present all knowledge as chiefly a means to worthiness of life, given for the double purpose of making each of us practically useful to his fellow creatures, and of elevating the character of the species itself, exalting and dignifying our nature. (*Inaugural Address*, XXI: 248)

He also shared his father's commitment to secular education (Burston 1969) and faith in education's efficacy: like his father, he could agree with Helvétius that "l'education peut tout." In the "Utility of Religion," for example, he says "the power of education is almost boundless" (*Utility of Religion*, X: 409, cited in Garforth 1979).[1]

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Proof of education's power was provided by his own "unusual and remarkable" education at his father's desk. It is as a contribution to debates on educational reform that he published his *Autobiography*, to show

> how much more than is commonly supposed may be taught, and well taught, in those early years which, in the common modes of what is called instruction, are little better than wasted. (*Autobiography*, I: 5)

Mill's arduous education informs his later views about the appropriate subjects of knowledge and is to a large extent replicated in the demanding curriculum he sets out in his "Inaugural Address to the University of St. Andrews." All the areas covered in that address are recapitulations of his own learning: a fundamental emphasis on ancient languages (which he believed – erroneously in his biographer Alexander Bain's eyes – to be under threat), philosophy and logic, the philosophy of history and economics. Even the area that Mill thought his father had most underrated was present: the cultivation of the aesthetic feelings through poetry, both by reading and composition (*Autobiography*, I: 33. See also Stefan Collini, "Introduction," I: liv).[2]

James Mill's teaching was also informed by his commitment to educational reform. Mill was not subjected to mere cramming, but forced to recount, through ongoing dialogues with his father, the subject matter of his education, whether logic or economics, such that he learned the content by having to explain it coherently and to evaluate the arguments on their merits (*Autobiography*, I: 35). Bentham and James Mill also embraced a pedagogical innovation that made the schooling of a much larger portion of the population possible, the Bell-Lancastrian monitorial system of having a trained teacher teach some advanced pupils a subject, then having them teach the others (Burston 1969: 191; Ryan 2011: 660–1).[3] Mill was James Mill's monitor and was soon set to teaching his younger siblings, beginning with his sister Wilhelmina and continuing to teach new siblings as they arrived. There was even a form of a Benthamite enthusiasm that Mill would endorse for the rest of his life: payment by results. If his siblings failed in their understanding of his lessons, it was John who was sent to bed without his supper. In his submission to the Royal Commission for Inquiry into Schools (largely informed and prompted by the reformer Edwin Chadwick) Mill endorses "payment for results" as the way of "identifying the agent's [schoolmaster's] interest with his duty" (*Educational Endowments*, XXI: 209–10).[4] The most consistent and severe punishment for the young Mill, however, were the severe criticisms of his overbearing schoolmaster. In a passage removed from the final draft of the *Autobiography*, Mill describes his as an "education not of love but of fear" (*Early Draft*, I: 52). That said, he continued to believe that such "discipline" was necessary to education: boys will not persevere in "irksome" studies "by the sole force of persuasion and soft words" (*Autobiography*, I: 53). As is so often the case, this has a strict analogy to Mill's views on the treatment of peoples that are still in their "nonage." When Mill gives an example of a theorem in social science, he stresses the use of knowledge in education, where it functions as a "restraining discipline" over slightly socialized, "uncultivated or half-cultivated" individuals by habituating them into what he describes later as a "common system of opinions." Adherence to some common beliefs is what makes social life possible (*Logic*, VIII: 921–3, 926). This civilizing aspect certainly informs Mill's views

about deliberate education, which is the inculcation of abilities and values that will maintain and promote order and progress.

Finally, as mentioned before, J.S. Mill's education was secular. At a time when it was difficult to express skepticism about religious belief, in which most schools were run by the Church of England and funded from Church endowments and when the universities of Oxford and Cambridge – as they were, to a considerable degree still by the time of John Mill's "Inaugural Address" – largely seen as seminaries, John Stuart Mill was a remarkable example of "one who has, not thrown off religious belief, but never had it" (*Autobiography*, I: 45). In later debates about the role of religion in schooling, Mill could argue that indoctrination in a set of religious beliefs was neither necessary nor desirable, and he could point to his own development as proof.

2. Direct and Indirect Education

In his most extensive contribution on the nature of education, the "Inaugural Address to the University of St. Andrews," given after the students elected him to the honorary title of Rector, Mill distinguishes between "direct" and "indirect" education. Indirectly, individuals may be educated by all the institutions of their society, most of which have some other "direct" purpose than education. But not just institutions: ultimately the influences include any circumstance that can affect an individual's character. It

> comprehends even the indirect effects produced on character and on the human faculties, by things of which the direct purposes are quite different, by laws, by forms of government, by the industrial arts, by modes of social life; nay even by physical facts not dependent on human will; by climate, soil, and local position. Whatever helps to shape the human being, to make the individual what he is, or hinder him from being what he is not – is part of his education. (*Inaugural Address*, XXI: 217)

The indirect role of education is central to all of Mill's work: in this sense all his work is an investigation into the conditions and possibilities of education of nations and classes as a means of the improvement of humanity as a whole and of individuals to bring "us somewhat nearer to the perfection of our nature" (*Inaugural Address*, XXI: 217). But there is also an education that is directly intended. It is,

> the culture which each generation purposely gives to those who are to be its successors, in order to qualify them for at least keeping up, and if possible for raising, the level of improvement which has been attained. (*Inaugural Address*, XXI: 218).

In many ways, Mill's theory of how education should be directed is a specific application of his wider views on indirect education, of how the institutions that most conduce to human improvement might consciously be used to improve individual character. In his more modest account of education, Mill was still committed to the aspiration that had led him to propose and unsuccessfully attempt to develop an Ethology, the science of the formation of character. As the structure of Mill's logic of the social sciences requires, the science of Ethology has a corresponding art, which is Education: "in the widest

sense of the term, including the formation of national or collective character as well as individual" (*Logic*, VIII: 869).

It is helpful, then, to look at Mill's account of the conditions of progress and the education of public opinion before examining issues more specific to schooling, of children in particular. As analogous to the children of a society capable of benefiting from free institutions, we should look at the education Mill proposed for the working classes of England and France, since on this hung the viability of the inevitable rise of mass culture and mass representative democracy. Mass education is a vital institution for rendering these historical trends progressive and, like them, can be turned to good or ill. In his *Principles of Political Economy*, Mill says of the education he envisions for the working classes:

> the aim of all intellectual training for the mass of the people, should be to cultivate common sense; to qualify them for forming a sound practical judgment of the circumstances by which they are surrounded.

Such an education,

> directed to diffuse good sense among the people, with such knowledge as would qualify them to judge of the tendencies of their actions, would be certain…to raise up a public opinion by which intemperance and improvidence of every kind would be held discreditable. (*Principles*, II: 375)

Nadia Urbinati has noted that Mill conceived of this education of the working class as a dialogue between equals. Mill says, "free discussion with them as equal … seems to be the best instruction that can be given to them" (Letter to the Rev. Henry William Carr, Jan 7, 1852, XIV: 80–1. Cited in Urbinati 2007: 88). Chief among the improvident actions to be avoided, Mill argues, are reproductive decisions that produce a glut of labor and make all of the laboring class worse off. These views are repeated in his writings on education and it should be noted that Mill believed that such education regarding the effects of their actions and their true interest was needed by the middle classes and "land-holders" as well (*Rationale of Representation*, XVIII: 31). Mill also came to his conviction about the importance of dialogue through his own education. Believing that he was somewhat below the ordinary in ability, he put his achievements down to his father's willingness to pay such attention to it, chiefly through being willing to engage in discussions with him about all the subjects he was studying, if not as equals (*Autobiography*, I: 33–5).

In his plans for the education of the working class, Mill incorporated elements of the education of his opinions but added to them the element of practice that he thought was missing from his own education. This is especially striking in his account of the educational requirements of the French revolutions of February, 1848. The new republican government had to form public opinion in such a way that the French people, currently indifferent to republican and democratic principles, would develop the attachment to institutions and a set of opinions that make the operation of a representative government possible. The government must "republicanize the public mind" (*Vindication of the French Revolution of February 1848*, XX: 335). Crucially, however, the government

cannot use just any means to inculcate republican sentiments or encourage the election of a "sincere" republican legislature:

> The democratic principles of these men forbade them to impose despotically, even if they had the power, their political opinions upon an unwilling majority; and compelled them to refer all their acts to the ultimate ratification of a freely and fairly elected representative assembly. (*Vindication of the French Revolution of February 1848*, XX: 335)

In the education of the people, as in the education of students, indoctrination is ruled out. Democrats could only form political opinion through the agencies of opinion that the French people currently lacked: "education," "habits of discussion," and "participation in public business" (*Vindication of the French Revolution of February 1848*, XX: 332). He draws this conclusion, in part, from the United States of America's successful experiment in democracy, largely through the political education of the public through local participation (*De Tocqueville on Democracy in America [I]*, XVIII: 60, 76–7). Here we see the combination of habituation or the "formation of habits" – and discipline of opinions – and agency that characterizes Mill's programs of education. That the needs of France's incipient democracy are driving this educational program show the deep connections between Mill's thought and the progressive and participatory education of John Dewey (Dewey 1985). In a country like England (Mill was always careful to emphasize the superiority of education in Scotland, especially to the Scottish audience of the "Inaugural Address"), where the people had progressed to the point where they could benefit from liberal institutions, Mill's specific recommendations for education were completely directed at the moral, if not economic, needs of the emerging, diverse polity that Great Britain (including Ireland) was becoming.

3. Controversies in Education

Although they do not loom large in his written work, or even in his political activism, Mill did nevertheless contribute to the debates surrounding education during his lifetime as a writer, activist and Member of Parliament. Mill lived through a time that began with few children receiving an education, and poor children only through charity (as his father had received from Mill's namesake, Sir John Stuart, at least for his secondary and university studies) and ended with concrete plans, including those developed by Royal and Parliamentary Commissions, for the education of the bulk of Great Britain's children. Mill found it necessary to comment on these developments throughout his lifetime, and was dragged into them, towards the end of his life, as a public intellectual and Member of Parliament. If there were to be new schools (and by analogy, universities), especially for the working classes, there were several questions that arose: Should schooling be compulsory? What should be taught? Should they devote themselves to training for different forms of labor, including the professions? Should schools be paid for by the State or by private initiative? Directly provided by the State? Regardless of how they should be provided, how could the quality of teaching be maintained and improved? Should they be provided, as most had been before, by the religious denominations, especially the Established Church, or should they be secular?

Should similar education be given to girls and women? Mill's answer to the last question will not surprise any of his frequent readers, but some aspects of his other contributions to these debates might.

Mill's answers to these questions shows both the power of his philosophical approach and his willingness to compromise in the face of practical obstacles. We can consider the questions in rough order. To begin with, should the state take a role in education at all, or should it be left to those who were willing to pay for it? Mill is clear, in both his moral and economic writings, that laissez-faire should not determine who is educated. (The importance of compulsory primary education has been acknowledged since, even in Article 26.1 of the *Universal Declaration of Human Rights*.) For both good moral and economic reasons, education should be provided to those who cannot afford it. The scheme should require all those who can discharge their responsibilities to the children they have brought into this world to do so, through parents' financial support for their education. Those who cannot afford to educate their children, however, should be assisted even to the point of education being provided without charge (*Educational Endowments*, XXI: 210; *Liberty*, XVIII: 302). Those who will not educate their children – and this extends in Mill's eyes to parents who only want their children to study what is lucrative – must be compelled, and the justification is that those parents lack relevant experience:

> The uncultivated cannot be competent judges of cultivation. Those who most need to be made wiser and better, usually desire it least, and if they desired it, would be incapable of finding the way to it by their own lights. It will continually happen, on the voluntary system, that, the end not being desired, the means will not be provided at all, or that, the persons requiring improvement having an imperfect or altogether erroneous conception of what they want, the supply called forth by the demand of the market will be anything but what is really required. (*Principles*, III: 947)

It is clear, from Mill's reference to the supply called forth by the "demand of the market" that the class of parents he is concerned with extends beyond the impoverished. In his educational writings, he bemoans the middle classes' focus on attainments that they think will lead to economic success and the willingness of schoolmasters to give them what they want.[5] In both his early writings on "Reform in Education" and in the mature "Inaugural Address," he takes considerable pains to deny that this aspiration has any place in education (*Reform in Education*, XXI: 65–6). In the "Inaugural Address," he denies that universities' role is to provide professional education:

> Universities are not intended to teach the knowledge required to fit men for some special mode of gaining their livelihood. Their object is not to make skilful lawyers, or physicians, or engineers, but capable and cultivated human beings. (*Inaugural Address*, XXI: 218)

Education, for Mill, is about producing individuals and citizens, not simply economic factors. Only what Mill called a "liberal education" will contribute to the improvement of mankind and the viability of the coming representative government.

This is most apparent in his description of how education should be provided to the working class, a topic of much discussion among philanthropists and employers

at the time Mill was writing the *Principles of Political Economy*. There was considerable agreement that the working classes should be educated, but many emphasized a curriculum based on the Bible, to keep the laboring classes virtuous, industrious, and docile. Mill, while not neglecting the importance of "vocational education," nevertheless insisted that even workers required a more extensive education that developed the whole person. This contained many of the elements and certainly the goals of the education that Mill recommended for university students. It was calculated to make the pupil a better worker and a better citizen, but also something more. He says:

> Schools for reading are but imperfect things, unless systematically united with schools of industry; not to improve them as workmen merely, but as human beings ... We want schools in which the children of the poor should learn to use not only their hands, but their minds, for the guidance of their hands; in which they should be trained to the actual adaptation of means to ends; should become familiar with the accomplishment of the same object by various processes, and be made to apprehend with their intellects in what consists the difference between the right way of performing industrial operations and the wrong. Meanwhile they would acquire, not only manual dexterity, but habits of order and regularity, of the utmost use in after-life, and which have more to do with the formation of character than many persons are aware of. Such things would do much more than is usually believed towards converting these neglected creatures into rational beings – beings capable of foresight, accessible to reasons and motives addressed to their understanding. (*The Claims of Labour*, IV: 378, cited in Garforth 1979: 206–7)

In these recommendations, we see how Mill combines what might be called theory and practice in a schooling that is a clear ancestor of the "progressive" education of the twentieth century.

Although he thinks that the state should play an important role in subsidizing public education, Mill is strongly resistant to the idea that the state should directly provide it, down to the smallest details. From his earliest writings on the subject, he shows an interest in structures that do not involve direct state provision of education and he takes especial pains to guard against a state-controlled curriculum. Mill's chief concern is to guard against indoctrination. His belief in the power of education and attention to the importance of indirect education means that custom harnessed to the power and interests of the state is a powerful threat to individuality. Thus in the famous passages on education in *On Liberty*, he emphasizes the crucial importance of diversity of direct educational provision:

> All that has been said of the importance of individuality of character, and diversity in opinion and modes of conduct, involves, as of the same unspeakable importance, diversity of education. A general State education is a mere contrivance for moulding people to be exactly like one another: and as the mould in which it casts them is that which pleases the predominant power in the government, whether this be a monarch, a priesthood, an aristocracy, or the majority of the existing generation, in proportion as it is efficient and successful, it establishes a despotism over the mind, leading by natural tendency to one over the body. An education established and controlled by the State should only exist, if it exist at all, as one among many competing experiments, carried on for the purpose of

> example and stimulus, to keep the others up to a certain standard of excellence. (*Liberty*, XVIII: 302. See also *Civilization*, XVIII: 140; *Principles*, III: 950)

There is a tension here between Mill's hope that private and presumably parental initiative will create these "competing experiments" and his concern that parents, as customers, will get the education they want for their children rather than the education the children need. So that diversity of provision, largely on the "voluntary principle," does not lead to the mediocrity that Mill thinks characterizes the majority of schools, he is careful to propose systems of inspection and examination that promote quality, without giving too much power to the state to indoctrinate.

Mill's recommendations are ingenious and, to some extent, surprising. Although he confesses that the poor state and variety of English local institutions makes it difficult to propose the very best way that inspections and governance of schools should be managed, he is keen to place checks on the role of the executive and balance its power to supervise and dismiss poorly performing teachers with local control. So, while he thinks the Education Committee of the Privy Council is the best institution to engage in general supervision and inspection of schools, he does not grant it a direct role. Instead, the Education Committee and its representatives should select the individuals of all denominations in the district who are most interested in education to serve as a school committee and limit the role of its agents to advising the committee on how to carry out the inspections. He emphasizes that this is merely a temporary solution given the variety of local institutions and allows that there could be considerable variations in how educational governance is constituted between different districts (*Educational Endowments*, XXI: 211). Curiously, he does not push localism and diversity to an extreme but, in fact, the reverse. He also argues for larger schools, districts, and the consolidation of the different endowment funds of different schools. Such an arrangement allows ease of inspection, but more important, allows a more efficient and higher quality education, through specialization and the ability to hire better teachers for the same cost. These teachers could be paid more to educate more pupils and could be devoted to the higher subjects (*Educational Endowments*, XXI: 211–2).

The quality of teachers and the standards of education will be maintained through competitive, independent examinations of students of all levels (*Educational Endowments*, XXI: 210). To prevent any attempt "by the State to bias the conclusions of its citizens on disputed subjects" such examinations will be, for the higher grades, voluntary and "confined to facts and positive science exclusively" (*Liberty*, XVIII: 303). These examinations are crucial both to "payment by results" (*Educational Endowments*, XXI: 210) but also to prevent abuses of parents' freedom to choose their child's education. Mill says of the lower, non-voluntary examinations for literacy:

> If a child proves unable [to read], the father, unless he has some sufficient ground of excuse, might be subjected to a moderate fine, to be worked out, if necessary, by his labour, and the child might be put to school at his expense. Once in every year the examination should be renewed, with a gradually extending range of subjects, so as to make the universal acquisition, and what is more, retention, of a certain minimum of general knowledge, virtually compulsory. (*Liberty*, XVIII: 303)

It should be noted that beyond literacy, numeracy and the use of languages, Mill confines even compulsory education largely to the knowledge of facts. The same is true of his proposed examinations for plural votes (*Considerations on Representative Government*, XIX: 476). Here we see one of the traps that Mill falls into because of his lack of familiarity with the practicalities of education. To place so much emphasis on general high-stakes examinations on facts provides incentives to two things Mill wants to avoid: a narrow curriculum and a focus on cram. If teachers' pay is linked to competitive examinations, there is a profound incentive to teach to the test and to avoid the controversial subjects that allow scope for critical thinking. It is hard to imagine the dialogues that Mill sees as crucial to a good education occurring under this system. It is also difficult to incorporate artistic and creative work into such a curriculum. The narrow curriculum encouraged by these examinations may be avoided, somewhat, if schools teach a particular religious or moral point of view (as Mill envisaged, see next), but given that the system of examinations is an explicit counter to this it is difficult to see how these pernicious effects are to be avoided.[6]

This question of whether education should be denominational or secular gave rise to the most heated debates surrounding education of Mill's time. The question of whether, and to what extent, particular religious bodies should be allowed to operate educational institutions arose at all levels, from primary school to university. Mill's preference was for secular education, but he recognized, for a number of reasons, the need for diverse approaches in a diverse society. Due to his fears of indoctrination, Mill was committed to secular schools, but showed surprising pragmatism in the face of the complex issues involved. Mill's support of secularism was of long standing, and became particularly important in the last two decades of his life. In a now lost manuscript version of a speech that was never delivered, towards the end of 1850 or soon after, Mill gives a clear indication of his preference. Noting the recent establishment of a movement for secular education, he laments the movement's abandonment of the term "secular," in favor of "unsectarian" (*Secular Education*, XXVIII: 4–5). "Secular" merely means pertaining to this world and accordingly covers all subjects except religion; it means "not religious" rather than "irreligious". In a society of diverse beliefs, national education must be secular education:

> To know the laws of the physical world, the properties of their own bodies and minds, the past history of their species, is as much a benefit to the Jew, the Mussulman, the Deist, the Atheist, as to the orthodox churchman; and it is as iniquitous to withhold it from them. Education provided by the public must be education for all, and to be education for all it must be purely secular education. (*Secular Education*, XXVIII: 4)

The term "unsectarian," on the other hand, means that the Christian religion will have a role in schools and their teaching, but that no particular sect of Christianity will be favored. This excludes Jews and atheists, although they would still have to support such schools with their taxes. Mill is keenly aware of the power politics that form the context of religious instruction:

> I take higher ground. I maintain that if you could carry all the sects with you by your compromise you would have effected nothing but a compact among the more powerful bodies to cease fighting among themselves and join in trampling on the weaker. (*Secular Education*, XXVIII: 4)

Twenty years later, Mill was an active participant in the agitations of the National Education League, which agitated against the existing power of school boards to create denominational schools and for an exclusively secular education. Mill spoke at one of their meetings and the *Spectator* reported that he supported the British system (a renaming of the Lancaster school system) of limiting religious instruction to a Bible reading before lessons. Mill wrote an angry correction to the journal, claiming that he only preferred the British system to denominational schooling and would prefer no "employment of the Bible in rate-supported schools at all." As for the British system, "I decidedly object to it, as unjust to Catholics, Jews, and the Secularists" (*The Education Bill*, XXV: 1222–3). Around the same time, in a letter to Sir Charles Dilke, Mill again objects to taxing "Catholics, Jews and Secularists" to pay for Protestant religious education. Religious education should be provided on the "voluntary principle" organized by the various religions "as they please." This should be attractive to the various religious groups, because a secular education supported by the state would free up funds that could improve the quality and extent of voluntary religious education (Letter to Sir Charles Wentworth Dilke, Jun 8, 1870, XVII: 1732–3). It should be noted that this was by way of advising Dilke to vote against a compromise with proponents of denominational education that provided for unsectarian teaching of the Bible only (Letter to Sir Charles Wentworth Dilke, Jun 8, 1870, XVII: 1732n2).

But Mill did not always refuse to compromise in matters of secular education. While he was a Member of Parliament, the Irish University Question became one of the leading issues in both the government of Ireland and in education policy. The Queen's Colleges had been established in 1845 as secular universities to cater for a group of students who were predominantly Catholic. In response, Cardinal Newman inaugurated the Catholic University of Ireland (now University College Dublin) with his lectures on *The Idea of a University* in 1854. At the time, the Catholic University did not have a Royal Charter and so could not grant degrees. It was proposed by the Church that students, the bulk of whom would be students at the Catholic University, be allowed to sit the Queen's Colleges examinations and receive Queen's College degrees, despite not having attended the Colleges themselves. This provoked a strong backlash in both Ireland and England against this attempt to increase the power of the Catholic church. One of the most ardent resisters of the change was John Elliott Cairnes, an economist and frequent correspondent of Mill's, who taught at Queen's College Galway. He continuously urged Mill to use his influence, as an author and as a Member of Parliament, to block it, but, despite one reference in a speech on "The State of Ireland," Mill failed to do so, as Bruce Kinzer shows (*The State of Ireland*, XXVIII: 252; Kinzer 2001: Ch. 4). This was largely to maintain Gladstone's government in power, but also because Mill was sensitive to the feelings of the bulk of the Irish people. In a later letter to Henry Fawcett, when he was no longer a Member of Parliament, Mill suggests that subsidizing the Queen's Colleges and non-denominational schools with money raised from the Established Church would be resisted by the Catholic church and the "majority of the Irish population." In deference to this resistance, such secular education should be supported by the Empire's general taxation (Letter to Henry Fawcett, Mar 22, 1869, XVII: 1579–80). Still later, and still more heretically from Cairnes's point of view, he proposed that

> a really national university for any country, but especially for a country divided between different religions, would be a university in which instead of only one professor of history, of ethics, or of metaphysics, there should be several of each, so that as long as there are subjects on which interested people differ, they might be taught from different points of view; & the pupils might either choose their professor, or attend more professors than one in order to choose their doctrine, examinations & prizes being made accessible to all. (Letter to John Morley, May 11, 1872, XVII: 1892–3)

Mill proposed that this plan, in which the diversity of competing views is institutionalized within the university and where standards are maintained through the objective examinations Mill is always quick to advocate, should actually be used to reorganize Trinity College Dublin (Letter to John Morley, May 11, 1872, XVII: 1892). The Catholic University, with its particularly virulent tendency to indoctrination, should not, however, be subsidized "in any shape or to any extent" (Letter to John Morley, May 11, 1872, XVII: 1892).

Mill's striking institutional proposal for Irish university education and striking concessions to the sentiments of Irish society forms an interesting comparison to his claims about moral and religious education in the "Inaugural Address." There he is uncharacteristically modest in his claims for what education can do: "Moral and religious education consist in training the feelings and daily habits, and these are, in the main, beyond the sphere and inaccessible to the control of public education" (*Inaugural Address*, XXI: 247–8). There he recommends that all ethical and religious approaches be taught in a neutral manner:

> if teaching, even on matters of scientific certainty, should aim quite as much at showing how the results are arrived at, as at teaching the results themselves, far more, then, should this be the case on subjects where there is the widest diversity of opinion among men of equal ability, and who have taken equal pains to arrive at the truth. This diversity should of itself be a warning to a conscientious teacher that he has no right to impose his opinion authoritatively upon a youthful mind. His teaching should not be in the spirit of dogmatism, but in that of enquiry. The pupil should not be addressed as if his religion had been chosen for him, but as one who will have to choose it for himself. (*Inaugural Address*, XXI: 249–50)

Mill urges even theological students, whose livelihoods depend on adherence to some doctrines: "whatever you do, keep, at all risks, your minds open: do not barter away your freedom of thought" (*Inaugural Address*, XXI: 250). (Bain records that those same theological students greeted this part of Mill's remarks with "vociferous applause": Bain 1969: 128, cited in Garforth 1979: 222.) It is striking that using diversity of opinions to promote free inquiry – one of the central concerns of *On Liberty* – can be promoted by such different educational institutions as those that Mill proposes for Ireland, on one hand, and Scotland on the other.

Mill's belief that public education cannot exercise much power over morals may stem from the last educational issue that needs to be examined. Mill thinks that the family is much better placed to form the will – through the "daily habits" – of children, their "moral and religious education" and that this role is played afterwards by society (*Inaugural Address*, XXI: 248). What will be the result, then, if the family is a "school of

despotism" of one sex over the other, rather than a "school of sympathy in equality" and a "school of the virtues of freedom" (*Subjection*, XXI: 294–5)? As his remarks about education in general suggest, Mill claims that in a family that is to be a school of equality and freedom children will still have to obey, but their parents should live in "perfect equality," "without power on one side or obedience on the other" (*Subjection*, XXI: 261, 295). Mill famously decries the negative educational effects of the patriarchal family on the characters of boys and girls and notes that the entire wider and narrower education of girls is to make them subservient to boys (*Subjection*, XXI: 271–2). With this as its aim, patriarchal society has made a crucial mistake in teaching even some women to read and write, since they can only disturb the "existing constitution of things" (*Subjection*, XXI: 282). The education of girls is, for Mill, a crucial case of the liberating power of education, both for individuals and in the way it undermines unjust customary patriarchal institutions. Still more threatening to this unjust constitution is the professional woman and the woman able to think on the "great concerns" of life. At the time, such women were self-educated, Mill says, because of their exclusion from the higher institutions of learning (*Subjection*, XXI: 305). And yet women of talent are, Mill argues, particularly suited to grasping general truths and to putting them into practice, when they have not been denied the "observations" that constitute the "general knowledge" that Mill prizes throughout his educational thought (*Subjection*, XXI: 305–6). It is hard to avoid a sense that Mill is speaking of the difference between his own and Harriet Taylor Mill's opportunities here and giving vent to her frustrations as a woman who had managed to acquire a "literary education."

Accordingly, much of Mill's speech in favor of women's suffrage in the House of Commons is devoted to women's education, including professional education. As in the *Subjection of Women*, Mill notes that the earliest education most people receive is from their mothers, but that there is no effort made to educate the mothers themselves. It is held to be "the most important part of national education … because they educate the future men," but far from developing universities or secondary schools for women, women are excluded from any profession that they succeed at. There is not even a training-school for governesses, the only "decent educated occupation … open to them" (*Admission of Women to the Franchise*, XVIII: 159, see also *Subjection*, XXI: 297, 339). Mill refers to the success of his friend, Elizabeth Garrett, in subverting her exclusion from the medical profession by succeeding in passing the apothecary examinations, which had not thought to exclude women. As Mill notes, this loophole was immediately closed. The exclusion of women from higher education shows the constant struggle a sexist society engages in to keep women subservient and uneducated. Not surprisingly, given Mill's faith in education's power, education in the direct and indirect sense is the principal battlefield of this struggle and liberation comes through the competitive examination.

4. Conclusion

Despite his unfamiliarity with the practicalities and limitations of direct education, Mill sets out a powerful liberal theory of the importance and function of education. He still has much to offer contemporary educational debates. He anticipated the progressive education of Dewey and his followers, with Dewey's emphasis on practice, dialogue, and

the connections between democratic education and democratic epistemology. He builds his educational theory around an insight that only received full recognition much later, the important role of the "hidden curriculum." The hidden curriculum consists in the lessons taught by the institutional arrangements of the school and wider society, often in contrast to the school's overt curriculum.[7] Mill saw, more clearly than almost any of his contemporaries, how the discourses and power relations of the wider society informed what was taught in the schools and what kind of individuals such schools produced. This is why he sees schooling as such an important site for contesting these discourses and institutions and for individuals to liberate themselves from them. Mill also has much to offer the specific study of education for citizenship. All subjects are political, but in the specific area of moral and citizenship education – where matters are especially contested – Mill's desire to preserve freedom of thought at all costs sets him against theorists of citizenship education who rule some forms of speech by students – for example racist or sexist – out of the classroom environment (see, e.g., Callan 1997: 216–7).[8] Finally, he anticipates how "higher order thinking" skills are crucial to learning in all subjects, not just those, like citizenship education, that most obviously involve critical thinking. These skills are not encouraged by high stakes examinations, which place a particular emphasis on cramming. I like to think that if presented with the tension between producing critical individuals and his attachment to examinations based on facts that Mill would have abandoned the latter as a counterproductive approach to the goal he always had in view: the development of the character of individuals and through them human beings as a whole.

Notes

1 More than most areas of Mill scholarship, anyone interested in Mill's views on education is indebted to one scholar above all, F.W. Garforth. His two book-length studies, Garforth (1979) and (1980), are remarkable for their comprehensive analysis.

2 A further sign of the continuity of Mill's views on education is that the curriculum in the "Inaugural Address" is, in many ways, an expansion of Mill's suggestions in his 1836 essay, "Civilization," although there he recommends the study of the events of history, whereas in the "Inaugural Address" he leaves this to the student's private initiative (*Civilization*, XVIII: 145–6).

3 It should be noted that he cites very critical descriptions of the actual practice in the Lancastrian schools in "Reform in Education" (*Reform in Education*, XXI: 68–9). The system was first developed in India by Andrew Bell. See Ryan (2011: 660).

4 Cited in Garforth (1979: 18) where Garforth notes that this system was opposed by many educational reformers, including Matthew Arnold and T.H. Huxley.

5 That he has the middle classes in mind as well as the working classes is evident in his reply to Charles Dunoyer's argument that

> that instruction, however good in itself, can only be useful to the public in so far as they are willing to receive it, and that the best proof that the instruction is suitable to their wants is its success as a pecuniary enterprise. (*Principles*, III: 948n)

Mill explicitly argues that even those who can pay for private education are not competent judges of the content of that education and that educational experiments, especially those

suited to creating "superior minds," are unlikely to succeed rapidly as "pecuniary enterprises" as a wholly privatized education requires. (*Principles*, III: 948n)

6 Mill says,

> Under this system, the rising generation would be no worse off in regard to all disputed truths, than they are at present: they would be brought up either churchmen or dissenters as they now are, the State merely taking care that they should be instructed churchmen, or instructed dissenters. (*Liberty*, XVIII: 303)

7 The term "hidden curriculum" was first used in Jackson (1968), which remains the classical sociological account.

8 I have explored a form of Millian citizenship education, with special reference to Ireland, in Finlay (2007).

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34

Mill on Colonialism

DON A. HABIBI

1. Introduction

This chapter explores the thorny issues surrounding John Stuart Mill and his extensive dealings with colonialism and empire.[1] The central problem stems from the fact that Mill actively endorsed Britain's colonial project as a civilizing mission: not only in his role as a public intellectual, but also in his professional career with the British East India Company (EIC). His beliefs and ideas impacted debates on a range of theoretical issues pertaining to the economics, legitimacy, responsibilities, and goals of colonialism. In particular, he advanced a moral justification that satisfied his liberalism and the changing needs of an expanding empire (Sullivan 1983, Pitts 2005). More importantly, he wielded real power formulating policies that affected tens of millions of people. In addition to his 35-year career at India House, Mill also served a term in Parliament. For those who study his famous writings on logic, ethics, economics, freedom, and gender equality, the contradictions are glaring. The extensive record of Mill defending the British Empire – and its associated violence, subjugation, oppression, exploitation, and other harms – is incongruent with his conviction that pleasure and the absence of pain is the ultimate end. It does not conform to his image as the social reformer, outspoken critic of British institutions, and public moralist who was "on the right side of history" on most of the issues of his day. He is rightly reputed to be an exemplar of moral and intellectual integrity. How do we reconcile his colonialism with his overall record? This is the paradox that tarnishes Mill's legacy.

There are two distinct avenues of interpretation for examining this question. The first is to read Mill in the context of how he understood the issues that he faced. The second is to evaluate Mill from an outside observer's perspective – often through the lens of contemporary interpretation which denounces colonialism as a moral evil on multiple grounds. These avenues have their respective advantages and disadvantages. The first is fairer to Mill, but, the sympathetic reading can veer from accuracy to

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apologetics. The second has the benefit of hindsight, but it can also be imbalanced, anachronistic, and judgmental. It runs a further risk of appropriating Mill to fit into some other world view that he never considered, as when he is chided for using "familiar Orientalist symbols such as the 'odalisque'" to criticize "domestic servitude in patriarchal marriages," or shamed for his "'latent,' or unreflective, Orientalism in sketching Asian women as what [Edward] Said has called 'creatures of a male power-fantasy'" (Botting and Kronewitter 2012: 471, 472; see also de Groot 2000: 55). This does not sound like the John Stuart Mill I know. This brings to mind Fred Rosen's recent study, which sets out to rescue Mill from the "stale arguments and debates" that interest many philosophers who appropriate Mill for their own purposes (Rosen 2007, 2013: vii, 2). While I agree with Rosen's complaint that scholars often misunderstand, misinterpret, and *use* Mill to fit their own agendas, I also recognize that this inevitable "fusing of horizons" is to be expected in light of Mill's enduring relevance to contemporary debates (Weinstein 2013). The two avenues converge on the path to a more thorough understanding of Mill's colonialism.

To understand Mill on *his* own terms, one must appreciate his principled opinions on the range of issues he faced throughout his life. His support of colonialism was qualified and critical, not automatic. He often opposed particular policies and excesses, sometimes vehemently. It is clear that Mill thought deeply and persistently about colonialism in its many manifestations. His writings addressed ancient colonialism, such as Greek and Roman, as well as Britain's modern rivals, such as the Spanish, Portuguese, French, and Russian empires. He recognized the violence their conquests entailed. He measured this against their contribution to progress and civilization. For instance, in reviewing Grote's *History of Greece*, he seeks to rescue the reputation of Athens from the "most perversely misjudged and misunderstood" verdict of historians by insisting that aggressive, warring Athenians justifiably engaged in "their vocation as the organ of progress." In the name of improvement, he encourages "the better and more gifted portions of mankind to push for dominion over the duller and coarser" (*Grote's History of Greece [II]*, XI: 321).

Primarily, Mill focused on British colonialisms. He believed that colonies of émigré settlers called for policies quite different from dependent colonies populated by the "uncivilized." Descendants of Europeans were closer to eventual autonomy and independence. The uncivilized non-Europeans, however, required more help and time from the better and wiser to emerge from backwardness. He distinguished between dependencies ruled directly by the British government and those controlled by a joint stock company (such as the EIC). Within the aegis of the EIC, his views differed from regions directly under company control, and the "native" or "princely" states where the company played a lesser role (Bell 2010; Varouxakis 2013). There were many kinds of corporations based in Britain's colonies, and some of them were not just business entities designed solely for profit. Some, like the EIC, wielded great power. They oversaw education, armies and navies, taxation, legal systems, and even religion. They waged wars and conducted diplomacy (Stern 2013). Not all colonies were on a civilizing mission. Some dependencies functioned as "outlying agricultural or manufacturing establishments." For example, Jamaica was the convenient place to produce England's sugar and coffee (*Principles*, III: 693). Some dependencies were military or strategic outposts, such as Gibraltar. Mill's views on colonies varied according to the different

kinds of rule, and his opinions evolved over time. However, there is nuance and consistency that underlies his moral analyses.

Ultimately, Mill supported colonialism because he thought it was a force for improving humankind. There was utility in both settler colonialism and helping backward peoples to advance. It was Britain's historic moment to carry this paternalistic mission. He envisioned the colonialist project in moral terms, as a long term commitment to nation building designed to shepherd undeveloped cultures from stagnation to civilization. Independence was the end, not permanent control. He also supported exporting Britons to establish their own communities and show by example the blessings of living as a free people with democratic governance under the rule of law. He believed that the ingenuity, industriousness, and values of these dependencies would inspire people struggling against abject poverty or tyranny. He approached this project in practical terms as a *fait accompli* in the context of available alternatives. He also understood the competition and stakes in the global game of power politics.

No doubt, Mill was misinformed and mistaken in many ways. Even the most sympathetic Millian must acknowledge that the "Saint of Rationalism" had some major blind spots. As I shall explain, his world view was formed by many influences. It was grounded on Eurocentric presumptions of superiority, a theory of history based on developmental stages, an optimism stemming from simplistic nineteenth-century views on psychology, education, and culture, and a utilitarian belief that promoting progress is imperative for maximizing happiness.

2. Mill's Historical Milieu

To begin to understand Mill's imperialist world view, we must piece together the major strands of his thinking that account for it. For all the examples of Mill as a prescient thinker on the cutting edge of so many academic disciplines, the fact remains that he was a product of his environment. Just as he was a radical proponent of gender equality, he also exemplified the Victorian prudery of his day (Collini 1984). He lived in a milieu of rigid social class divisions and the widespread belief in hierarchical relationships. Mill complained about social inequality based on the unfair advantages of the aristocracy. Unlike many of his contemporaries, he rejected the notion that inequality reflected inherent differences. But he accepted inequality. He was an elitist who believed in a meritocratic hierarchy.

During Mill's lifetime, the preeminence of Western European nations on the world stage led to a conceit of superiority. This mentality was not controversial – it was the norm. Discussion revolved around the details and meaning of this supremacy. This belief, reinforced by superior naval and military technology, enabled these nations to extend their power worldwide. Empires were a common political arrangement for millennia – more common than nation states. In terms of popular opinion, seizing territory and establishing colonies were not unjust or anomalous: they were a source of prestige, national pride, and divine grace.

Living in London and a frequent visitor to France, Mill regarded Western Europe as the apex of civilization. He saw the British on top of the civilizational hierarchy, just above the French. He believed that the civilized have a duty to share the advantages of

civilization with benighted peoples. He recognized that colonialism created opportunities for positive change. He supported colonialism as long as it was directed toward progress and nation building.

Mill was an historian, and this sheds light on his colonialism. He studied historiography and the methods and theories of the great historians of his day. He appreciated history as the story of progress, rather than the study of past events. However, progress was the exception, not the rule; thus, he was attentive to its causes and promotion, and concerned about stagnation and decline. What excited him were those elites who moved civilization forward. He regarded himself as an agent of history. Progress was his mission and he was dedicated to improving the world. From François Guizot, he learned that humanity is still in its infancy in terms of development and civilization (Levin 2004). This fueled Mill's optimism, which was also based on his faith in the power of associationist psychology for educating the masses, and the benefits to come from science and the advancement of reason (Habibi 2001: Ch. 7). The potential for a dramatically better future was entirely credible, but it required great effort to prevail.

A key historical dynamic for Mill is that societies advance in stages. His father, Adam Smith and the Scottish Enlightenment, Comte, Guizot, and others influenced him with their respective theories of the developmental stages that peoples must pass through on the road to civilization. Mill's idea of historical progress is akin to a scale that starts with the most primitive hunter gatherers (e.g., Andaman Islanders) and proceeds to the most cultivated and civilized (e.g., the English). Nicholas Capaldi explains Mill's idea as a three level scale of progress. A population proceeds from savagery to barbarism to civilization (2004: 192ff). Beate Jahn (2005) describes a four stage progression, adding a "slave" stage. She notes that Mill made references to interstitial parts of the scale, such as "despotic" and "semibarbarous" stages, although he was unclear about these gradations. Mill had an additional category for cultures that achieved greatness and then lost it. What matters is that the stages have a relevant corollary: the needs of a people for advancement depend on its level of historical development. Mill claimed that savages cannot compromise their freedom or discipline their will, and that barbarians do not understand the fairness of reciprocity. Therefore, they require different treatment. The ethical theory for which Mill is famous, is neither impartial nor universalistic in the manner we take these to mean today. He understood this, but he believed paternalistic responsibility trumps "international morality" (*A Few Words on Non-Intervention*, XXI: 118). What constitutes justice and injustice in a given society depends on the historical context. He was a pragmatic consequentialist in terms of applying the right tactics to the hard task of changing people for their own good.

> [T]he same institutions will no more suit two nations in different stages of civilization, than the same lessons will suit children of different ages. As the degree of civilization already attained varies, so does the kind of social influence necessary for carrying the community forward to the next stage of its progress. For a tribe of North American Indians, improvement means, taming down their proud and solitary self-dependence; for a body of emancipated negroes, it means accustoming them to be self-dependent, instead of being merely obedient to orders; for our semi-barbarous ancestors it would have meant, softening them; for a race of enervated Asiatics it would mean hardening them. (*Remarks on Bentham's Philosophy*, X: 16)

Mill believed life in a primitive condition was characterized by vicious brute force and cruelty. He meant it when he wrote in that "despotism is a legitimate mode of government in dealing with barbarians, provided the end be their improvement" (*Liberty*, XVIII: 224). He also asserted that: "the English are the fittest people to rule over barbarous or semi-barbarous nations like those of the East" (*Diary*, Jan 26, 1854, XXVII: 647; see also *Civilization*, XVIII: 120–1). The particular English conceit was that they were better than other Europeans in ruling with disinterested fairness. It was costly, unpleasant and thankless; but it was their paternalistic duty to bring modernity and enlightenment. Success and legitimacy depended on preserving the image of benevolent rule. Writing on India and warning of English misbehavior, Mill explains:

> [O]ur empire … consisting of a few Europeans holding 100 millions of natives … will not exist for a day after we shall lose the character of being more just and disinterested than the native rulers.

Continuing, he stresses the vital importance of protecting "the *prestige* of superior moral worth and justice in dealings which now attaches to the British name" (*Minute on the Black Act*, XXX: 15).

Dominant in Mill's thinking was his utilitarian value system. He thought the pleasures and pains of savages were coarse, animalistic, and fleeting. Their lives were miserable and brutal. The stresses of surviving constant danger precluded long term pleasures. For barbarians, the lack of autonomy, the strictures of conformity, and the insecurities of arbitrary power left little room for refinement. The highest pleasures – the *summum bonum* – came from cultivating our distinctly human capacities. Achieving higher levels of education, culture, and social arrangements correlated to the realization of the qualitatively superior forms of happiness. Therein lay the nobility and generosity of the colonial project: preparing others to refine their thoughts, manners, and tastes. Once the British took responsibility for overseas territories, they had an obligation to guide the people under their control.

> [A colonial] mode of government is as legitimate as any other, if it is the one which in the existing state of civilization of the subject people, most facilitates their transition to a higher stage of improvement … Such is the ideal rule of a free people over a barbarous or semibarbarous one. We need not expect to see that ideal realized; but unless some approach to it is, the rulers are guilty of a dereliction of the highest moral trust which can devolve upon a nation; and if they do not even aim at it, they are selfish usurpers. (*Considerations*, XIX: 567–8)

Had England never embarked on its "accidental empire," there would not be any dereliction of duty. But Mill faced the preexisting reality. Back in the sixteenth century, the English were threatened by mighty Spain and other powerful neighbors. Once England engaged, the competitive stakes were too high not to take advantage of situations as they arose. In the earlier days of colonialism, England engaged in piracy, slavery, exploitation, and mass killing. Mill aided the transition to what the British believed was a moral empire. Beyond his theoretic powers, his task was to formulate the best courses of action based on available alternatives. As he stated in *The Spirit of the Age*, "there are

states of society in which we must not seek for a good government, but for the least bad one" (XXII: 289). British despotism was far better than the Portuguese, Russian, or Mughal versions, or the tyranny of local warlords. Taken together, the utilitarian strands in Mill's thinking and his nineteenth-century mindset clarify his outlook (Ryan 2012: Ch. 5). The following section continues to explain how these strands came about and evolved during his life.

3. Reconstructing Mill

The greatest influence on Mill's worldview comes from his father. James Mill was a close associate of Jeremy Bentham, the brilliant legal theorist and social reformer. Bentham was the founder of utilitarianism and he led a high powered group of followers known as the "philosophical radicals." James Mill made a living as a scholarly writer, and was considered an expert on education, psychology, economics, colonialism, and most significantly for our purposes, India.[2] His most ambitious and significant work is his multi volume *The History of British India*, which led to his employment by the EIC. This book was ground breaking for its rebranding of Indian societies and peoples in thoroughly negative terms. He attacked Sir William Jones and Orientalist scholars, such as Sir John Malcolm and H.T. Colebrooke, who found much in Indian culture worthy of respect and praise. The Orientalists believed that governing India properly, called for basing laws and policies on Indian traditions. Thus, they mined the subcontinent's rich past to find, translate, codify, and devise workable ways to administer the territories that were coming under EIC control. James Mill thought this was all wrong and that he had a better way. He denied that India had ever achieved a high state of civilization or a "golden age." This was a baseless myth fabricated by the Orientalists. Instead, his scientific study presented Indian society as primitive, barbaric, and corrupt, and the people as ignorant, lazy, dishonest, and degenerate. He supported his opinions with numerous accounts of bizarre rituals, despotic control and a privileged priesthood that enslaved superstitious minds.

Instead of looking back to a worthless past, better to start anew. James Mill was a pioneer of associationist psychology, which was based on Dr. David Hartley's eighteenth-century account of how the human mind gets ideas and processes them. Hartley's psychology followed John Locke's empiricist epistemology, in that our minds begin as a *tabula rasa*. James Mill regarded India's condition as so wretched that it was wiser to approach India as a blank slate. The retrograde Orientalists had it all wrong. He offered a simpler, faster, more efficient way to rule India. He called for utilitarian reasoning to make policy and bring civilization to the Indians. Relying on secondary sources, he dismissed the Orientalists' erudition. They romanticized India. By contrast, James Mill presented his analysis as objective, and he considered it a strength that he never visited India or studied an Indian language. He rarely interacted with Indian people. (The same can be said for J.S. Mill.) Moreover, he opposed colonies as costly and as a "grand source of war" (James Mill 1817, 1825; Pitts 2005: 124–5). This bolstered his self-portrayal as an honest dispassionate outsider, and it lent credence to his praise of the EIC and British intentions as benevolent and noble.

There are interesting parallels between James Mill's anti-Orientalist polemic and Edward Said's 160 years later (Said 1978). Both were landmark studies that constituted paradigm shifts. James Mill's impact led to reversing the EIC's administrative policies that incorporated Indian beliefs and traditions by replacing it with Anglicization. Translating English texts into Indian languages, contributing to Ashrams and Mosques, opening EIC offices on Sunday and closing them on Indian holidays, or participating in celebrations of Hindu deities were a waste of resources or sent the wrong messages (Mehta 1999: 89). He advocated replacing the deferential approach of the Orientalists with civilized English culture. He asserted British superiority and convinced the increasingly powerful directors of the EIC that there was no need to make concessions to Indian traditions or placate Indian elites (Koditschek 2011: 82). Said's impact was also revolutionary. His book *Orientalism* was an epistemological challenge on how we understand the world. Said set out to challenge academic claims to objectivity and disparage "Western" scholarship as biased. He articulated the connection between power and the production of knowledge. His ideas changed the landscape of academia and popular culture. An irony is that Said attacked William Jones for serving the Empire by "closing down vistas" and "roping in" India's heritage. In actuality, Jones opened large vistas and brought about great Western interest in classical Indian texts, a cultural phenomenon for which the word "Indomania" was coined. Absent from Said's critique was recognition of Jones' major role in revitalizing Indian culture. Jones preserved hundreds of rare manuscripts of scripture and commentary, not just for Hindus and Muslims but for the cultural heritage of humanity. Jones was driven by his love for Indian literature and his own academic pursuits. He was not figuring out how best to exploit the peoples of Hindustan. Unlike Said, Jones' efforts served to unite people, rather than divide them. His discovery of the Indo-European family of languages elevated the status of Sanskrit as a foundational component of Western civilization. He even argued that Greek and Latin were derived from Sanskrit. This is hardly a mythology produced to assert Western superiority. Unfortunately, instead of recognizing Jones' humanitarianism, universalism, and love for the "other," Said interpreted his efforts as Eurocentric. Both Said and James Mill faulted the Orientalists as misbegotten bad actors, but for quite different reasons.

In his *Autobiography*, J.S. Mill clearly acknowledges his intellectual debt to his father, and he specifically praises the *History* as the foundational text of his education. James Mill labored on the book for the first eleven years of his son's childhood, often at the same table where John spent hours on his exceptionally rigorous studies. Guided by his expertise in psychology and education, James Mill designed an extraordinarily intensive educational experiment for his first born son. A major part of the curriculum was the *History*. The younger Mill perused his father's work regularly and poured over the drafts and proof sheets as the project neared completion. For young John, it was the closest thing to a sacred text. The *History* was, metaphorically speaking, in his mother's milk: he cut his teeth on it, and it became his bread and butter when he followed his father in working at India House. It was:

> A book that contributed largely to my education, in the best sense of the term ... The number of new ideas which I received from this remarkable book, and the impulse and stimulus as well as guidance given to my thoughts ... made my early familiarity with it

> eminently useful to my subsequent progress. And though I can perceive deficiencies in it now as compared with a perfect standard, I still think it, if not the most, one of the most instructive histories ever written, and one of the books from which most benefit may be derived by a mind in the course of making up its opinions. (*Autobiography*, I: 27, 29)

In time, Mill would transcend the biased opinions of his father and help change policies back to incorporating respect for Indian traditions. However, his starting point took Indian barbarism and English superiority as axiomatic. These ideas remained ingrained in his colonialism.

Both father and son made their living at the EIC, rising through the ranks to positions of great importance. For James, the job provided a secure, comfortable income to support his large family. It also gave him opportunities to experiment and apply his ready theories on psychology, education, and government to a faraway land that desperately needed good governance. It was his moral duty to help the millions in his care. For John, who was not particularly interested in India, the position was not an ideal fit. He was raised to be a social reformer, and he thought law would be his entree to a political career. At seventeen, John likely resented his controlling father's domination in determining his career (Carlisle 1991). But his work did not marginalize or bore him. It gave him time, space, and opportunity for his own pursuits. He enjoyed flexibility in his schedule with short office hours. He often let his India House work pile up and then dealt with it at his convenience. He had time to confer with friends, write his journalistic essays and articles, maintain his considerable correspondences, and produce several editions of his major textbooks on *Logic* and *Political Economy*. His superiors respected him, and they gave him ample space to advance his reformist agenda publicly, within certain parameters.[3] As I explain, the job gave John the opportunity to pursue his calling of promoting progress for India. The boy trained to be the "theoretical reformer of the opinions and institutions" of his generation learned "the necessary conditions of the practical conduct of public affairs" and "practical knowledge of life" (*Autobiography*, I: 84–7).

Working at India House did not mean that John Mill was isolated from anti-colonialist viewpoints. Both Mills, Bentham, and David Ricardo, following fellow political economist Adam Smith and others, thought that colonies were liabilities (Bell 2010). Colonies were ineffective for promoting free trade, capitalism, and prosperity. There were profits to be made, but these mainly benefited small interested parties, while the heavy financial, military, and administrative burdens fell to the metropolitan government and the majority of its citizens. In short, colonialist projects would lead to endless wars and financial ruin. The conservative Edmund Burke denounced the Empire more forcefully. Enlightenment thinkers Denis Diderot, Nicolas de Condorcet, and Immanuel Kant also criticized colonialism (Muthu 2003).

The perspective at India House and the passage of time influenced the Mills. By the late 1820s they came to question the old-school economic analysis. After half a century, Adam Smith's analysis appeared irrelevant, if not wrong. Smith understood that there was no going back, but he did not predict the success of the rising Empire. There were wars, but they were small and manageable. The British military as well as private armies figured out how to use their advantages to shock and awe the numerically superior locals. Britain's industrialized economy prospered, and the colonial

project was sustainable. By abolishing slavery throughout the Empire, Britain rose to a position of moral leadership. Furthermore, Great Britain was the global superpower precisely because of her empire. The important geostrategic logic of this status created the need for expanding. Better that Britain grow in power rather than her rivals. Even Bentham was persuaded to rethink the economics of colonialism (Sullivan 1983; Pitts 2005; Schofield 2006).

Another reason for the shift from Adam Smith was economist Edward Gibbon Wakefield's concept of "systematic colonization." Wakefield proposed policies to make settler colonialism efficient and profitable. For instance, he observed that offering settlers cheap land is counter-productive. Where labor is needed, the offer of land empties the pool of available workers. They become landowners who do their own labor, which limits them to subsistence farming. This inhibits the division of labor necessary to make the economy efficient. Better to raise land prices so as to encourage immigrants to work hard and save up before purchasing land. Profits from property sales could finance building infrastructure and assist more British families to immigrate, thus maintaining the supply of laborers (without recruiting convicts). Good planning would encourage urban settlement, which was crucial for bearing the fruits of civilization, and agricultural productivity, which was crucial for making the colony profitable. Back in Britain, where there was a labor surplus, emigration would shrink the labor pool enough to raise wages. For J.S. Mill, this addressed his major concerns of improving conditions for the working class and easing overpopulation. Wakefield and Mill were persuaded by Thomas Malthus' projections of unsustainable population growth. Mill advocated having fewer children as the most practical escape from pauperism, and now emigration looked like a realistic remedy. Wakefield's plan offered a release valve for the pressures of demographic and political instability. The French Revolution and the turmoil that followed reinforced this argument. Mill and Wakefield worried about the potential for rebellion that might lead to mob rule. Mill differed from Wakefield on many points. For example, he did not share Wakefield's conservative vision for colonies that recreated England's social class divisions. But Wakefield showed how exporting labor and capital could benefit both metropolitan and dependency, and how good planning will bring success.

By the 1830s, Mill had become an active advocate for colonialism, having seen how well it aligned with his utilitarian belief in promoting progress. The Empire brought opportunities for careers, adventure, and a new start. It served as a stimulus to the Millian virtue of cultivating an "active character." Mill's own career opportunity was that he could experiment like his father. At this dynamic moment in history, he was in the right place at the right time to be a force for progress. The EIC built schools and hospitals, set educational policies, protected the vulnerable, and kept the peace. Mill provided good governance. He was not working for the government or responsible to a constituency. He was not answerable to public opinion (although he was called to testify before Parliament on occasion). Mill cared deeply for England's moral reputation (*Moral of The India Debate*, XXX: 195–8; Letter to William Sims Pratten, Jun 9, 1868, XVI: 1411), but he was a loyal civil servant charged with putting the best interests of the Indian people first. He saw the aim of the EIC in terms of preparing India for eventual independence. He had a stellar career and achieved considerable power in India. Through his job and his writing, he could help channel Britain's unprecedented power into an educative engine of human progress and thereby improve the world.

Changes over the decades, caused Mill's optimism to unravel. The Empire continued to grow; however, the negative consequences multiplied. Settler colonies that he thought would be outposts of civilization became flashpoints for hostility. In Canada, the Lower and Upper Rebellions against British rule (1837–8) were not difficult to quash militarily, but they indicated that consent of the *Québécois* and English speaking Canadians could not be taken for granted, and the colonists deserved better, more responsive government. In well planned New Zealand, rapacious British settlers clashed with the indigenous people in the Maori Wars (1845–72). At the height of the conflict (1860–4), Mill thought that the British army would be needed to protect the Maori (Letter to Henry Samuel Chapman, Jan 7, 1866, XVI: 1136). The catastrophic potato famine in Ireland (1846–52) highlighted British misrule, and Mill was a persistent critic of government policy. In the aftermath of the Fenian Rising (1867), Mill, by then a Member of Parliament, took the lead in supporting the Irish peasants and presciently warned of the long term harm to Britain's reputation and interests. The greatest challenge to Mill's colonialism was the "Sepoy Rebellion" of 1857, when he held high office at the EIC. He criticized the harshness of Britain's reaction, but he defended the EIC's record as altruistic and argued passionately against direct government rule. (*Memorandum of Improvement* XXX: 93–160). Nonetheless, the EIC was dissolved in 1858 and Mill was finally independent to write more prolifically and enter the political arena.

In 1865, Mill was elected to the House of Commons and served one term with distinction. He was not successful in achieving Parliamentary victories, but he did his moral part by getting his views on the record. The best example of this is his leading role in the Governor Eyre controversy. In Morant Bay, Jamaica in October, 1865, a skirmish turned into a confrontation in which several people were killed. This grew into a small rebellion against English rule which was ruthlessly suppressed by Eyre, who placed all of Surrey county under martial law for one month and used his troops to punish the people ruthlessly. Hundreds were killed and flogged, including women and children. Over 1000 houses were razed. In addition, Eyre used the cover of martial law to arrest a former magistrate he considered a trouble-maker, and had him executed for instigating the rebellion. Mill was outraged and led the charge to have Eyre and some of his subordinates brought to justice. Mill was uncompromising in his zeal to punish Eyre for abusing his power, disregarding the rule of law, and damaging the reputation of the Empire. Public sentiment was strongly sympathetic to the needs of the severely outnumbered White colonists to maintain control by any means. Eyre was recalled from office, but after a two-year fight, he never stood trial. He was awarded a pension that supported him until he died in 1901. Mill often lost his battles, but he persistently reminded Britons of their professed moral responsibilities.

4. Conclusion

The outstanding British intellectual of his generation, Mill has been an icon in the liberal pantheon for repeatedly taking moral stands that have stood the test of time. Yet, the moral problems surrounding his support of imperialism will continue to weaken his reputation. Marxist, Saidist, post-colonial, and contemporary liberal critics can readily find examples of Mill's self-righteous insensitivity to the pains of "the other." Consequentialists

do not have to wait for the judgment of history to recognize the moral wrongs of imperialist conquest and domination. Few today would accept Mill's rationalization that the ends justify the means – even if his intentions were pure and directed to the improvement of mankind. And even if he was a product of his time and advancing the Empire made perfect sense to him, he was misguided. Like all great men, Mill had flaws and made mistakes. This must not distract us from all we can learn from him. The contradictions and mistakes of great men are worthy of our careful study.

How would Mill respond to his critics? Some like to think that he would listen openly and be quickly persuaded by the irresistible arguments of reason. Alternatively, his admirers complained that he was often stubborn, doctrinaire, and unwilling to concede his viewpoint (Kinzer 2007: 180). In Mill's defense, his record was consistent. Actual inconsistencies were remarkably few considering his numerous practical dealings with colonialism. He was open and honest about his ideas. He acknowledged that British rule in India and elsewhere was despotic but maintained it was appropriate. That he held a general belief in historical stages of development is hardly problematic: social scientists often construct indices of development and rank orderings. Those who accuse Mill of hypocrisy for practicing paternalism while preaching anti-paternalism simply demonstrate their unfamiliarity with his extensive treatment of this topic. Even those who only read *On Liberty*, must note that he correlated the appropriateness of paternalism to maturity and civilizational status. Paternalism should be temporary (Claeys 2013; Cohen-Almagor 2012). There has been an extensive debate over Mill's alleged racism. No doubt the man had his prejudices. His harsh, unflattering generalizations about Indians, Chinese, and Africans are undeniable. However, he frequently disparaged the aristocracy, the working class, lawyers, the Irish, Catholics, Muslims, Jews, and others. He was an equal opportunity bigot, but accusations of racism are unfair. Mill denied invidious claims of biological or inherited racial differences (*Principles*, II: 319). Whatever his musings on national character and "ethology," he considered social environment the salient factor effecting individual development. Mill stood up to Thomas Carlye's racism (*The Negro Question*, XXI: 85–95). He disagreed strongly with the "scientific" racists of his day, such as James Hunt and Charles Dupont-White (Letter to Charles Dupont-White, Apr 6, 1860, XV: 691). As Georgios Varouxakis (2005: 138) points out, Mill was "in the forefront of attempts to discredit racial theories and their deterministic as well as inegalitarian implications." On this important battlefront, Mill fought the good fight, but there was no victory. Racist arguments for colonialism increased among the British after Mill's death in 1873.

Because Mill attributed so much to social influence, he disqualified the uncivilized from the domain of maximum freedom. Instead, he believed that building the right governmental and educational institutions would prepare them to succeed. Not everyone was ready for the liberal values that drove Mill's social vision. But everyone should be ready to improve. He believed that the higher rungs on the improvement ladder required discipline, self-restraint, abstract thinking, and responsibility. Freedom is a powerful enabler, but it is easily abused or lost by those who are not ready. For Mill, colonial rule should be like a preparatory school, cultivating the character traits necessary for success.

Mill was guilty of cold, insensitivity when it came to the pain of others, particularly barbarians. Equality, dignity, respect, individuality, and common humanity gave way to generalizations about other cultures. In some instances, their lives were no more than

an abstraction to him. A case in point was Mill's support of "gunboat diplomacy" in the Second Opium War (1856–60). The British took advantage of a provocation in Hong Kong (which was ceded to Britain after the first Opium War) to demonstrate their military superiority and force further concessions from China. In a letter to Edwin Chadwick (Mar 13, 1857, XV: 528), concerning Parliamentary debates on the decision to go to war, Mill writes:

> What disgusted me was the stupidity (if it was no worse) of supposing that people here could judge of the effect that would be produced on the minds of barbarians who put to death several thousands per year by the more or less of reparation demanded ... the ridiculous appeals to humanity and Christianity in favour of ruffians, & to international law in favour of people who recognize *no* laws of war at all (witness the poisonings & stabbings in the back).[4]

Mill continues by mentioning an eye witness account of mass public executions in Canton (3000 in one day!)

The war ended with a lopsided victory and several concessions: territorial (Kowloon was added to Hong Kong); financial (indemnity payments of 300,000 kilos of silver each for Britain and France); ecclesiastical (freedom of religion established); and, commercial (the Port of Tianjin was opened up for trade and the sale of opium was again legal). This came at a human cost of approximately 30,000 Chinese and 2400 British troops. Keeping Chinese markets open was vital for the EIC, which had a monopoly on opium production in India. This was its leading export (Levin 2004). For the sake of expanding the Empire, promoting free trade, demonstrating superiority, marketing an addictive drug despite the responsible authority's rejection of it, and reaping windfall profits, Mill did not see the wrongfulness of starting a war.

But even here, where Mill is utterly insensitive, he could argue. Perhaps the Qing dynasty was so tyrannical that it deserved to be humiliated and lose power. If so, the Opium War is explained as a humanitarian intervention. A better argument is that the people of Hong Kong were clearly better off under British tutelage than mainland rule. The notion of extra-legal, universal "human rights" was not yet invented, and given Mill's skepticism concerning imprescriptible natural rights, he would not concede that the positive consequences of Britain's victory were negated by the Chinese death toll or generations of opium addicts. By using superior military technology to show the Chinese that their civilization has been surpassed, the British forced China to emerge from isolation. For this, the Chinese people as a whole were better off.

Interestingly, some of Mill's views have contemporary support. Advocates for free trade capitalism, globalization, civil liberties, and human rights might at least agree that the people in Hong Kong had it better than those in the People's Republic. Niall Ferguson (2004b) as well as Lange, Mahoney, and vom Hau (2006) argue that overall, the British Empire was a force for the good, and nations under its rule are better off for it. In his recent memoir, Chinua Achebe (2012: 36, 43–4, 51–2) admits to missing the efficiency, tolerance, and fairness of British rule before Nigerian independence. Deepak Lal (2004), Max Boot (2001), and Ferguson (2004a) argue that the United States should assert itself internationally as an imperial power for the betterment of the world. There are many human rights advocates and political philosophers who argue for

humanitarian military intervention and taking the "responsibility to protect" seriously (e.g., Walzer: 2007a, 2007b). I take this list of scholars as evidence for our vibrant marketplace of ideas rather than a sign that the pendulum has swung back in favor of empire or benevolent despotism. Nonetheless, Mill would have some company in the twenty-first century.

Postcolonial nation building has often been divisive and violent or hampered by corruption. Ethnic minorities or communities once favored by the colonial masters have been persecuted. Critics of empire sometimes argue that tribal problems were created by the imperialists who imported workers or drew arbitrary borders ignoring tribal lines. David Washbrook (1999) makes a stronger case, arguing that the British in India disrupted society in ways that set India back. Entrenched religious attitudes, plunder, and arrested development were the result of British rule. Mill would have emphatically rejected his assertion. There were many examples where Britain did harm and created problems. However, Mill sincerely believed that overwhelmingly, Britain served India dutifully, as a major force for the good. He made his case in his 1858 *Memorandum of Improvement,* presented to the House of Commons. He claimed that the EIC's record of public improvement was "unsurpassed" and detailed the many accomplishments of the final decades of the EIC (*Memorandum of Improvement*, XXX: 93).

It is no surprise that a new generation of scholars from a variety of academic disciplines examine Mill in their twenty-first century context, and bring their critical perspectives to evaluating Mill. While some appropriate Mill to fit this or that paradigm, posing questions or making judgments over matters that Mill never conceived, there are many insightful interpretations to consider. Fortunately, Mill left us with voluminous records on his views of colonialism. His newspaper writings, journal articles, books, letters, plus the record of his thirty-five-year career at India House and his term in Parliament constitute a treasure trove for research. Further appraisals will continue to come that will no doubt challenge and redefine Mill's reputation. Mill was no stranger to harsh criticism, vicious attacks, libel, and slander (e.g., Kinzer, Robson, and Robson 1992: 224–9). This did not deter him from taking strong stands on the controversies of his day, including his justifications and criticisms of colonialism Mill loved argument and debate. For those who understand Mill on his own terms, it is clear that he would be pleased that his works are accessible and that his ideas remain hotly contested in the marketplace of ideas. It is in this spirit that I have explored the debate over *the* question of his moral legacy.

Notes

1 The key terms, "colonialism," "imperialism," and "empire" are notoriously difficult to define and differentiate. There are many forms and variants, and their meanings have changed over the centuries. Even if precise definitions were available, we should not lose sight of the uniqueness of each particular case. Given space limitations of this essay, I will only discuss the different versions as they become relevant to my argument. For explanations on the various forms of rule in the British Empire, see Darwin (2012).

2 James Mill's reputation as an expert in a variety of fields is instantiated by his contributions to *Encyclopedia Britannica*. He wrote articles on "Colony," "Education," "Government," "Jurisprudence," "Law of Nations," "Liberty of the Press," and "Prisons and Prison Discipline."

3 For example, Mill could not run for public office, an "exclusion" that ruled out standing for election to Parliament. Mill complained that the job "hampers my freedom of action in a thousand ways" (Letter to Thomas Carlyle, Dec 22, 1833, XII: 200).

4 In fairness to Mill, this is a personal letter, not a carefully written publication, and he admits to not knowing all the details. Also, John Bowring, the Governor of Hong Kong, was well known to Mill. They were both close with Bentham. The poisoning Mill is referring to was an attempt to murder Bowring and his family by a Chinese government agent.

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Part VI

Mill and Later Movements in Philosophy

35

Mill, German Idealism, and the Analytic/ Continental Divide

JOHN SKORUPSKI

1. Bentham and Coleridge

Throughout his life Mill studied continental thinkers – tending to present them as more reflective and advanced than the down-to-earth, empirical thought of the insular British. He was strongly in sympathy with a variety of strands of French post-revolutionary thinking, some to be found in Saint-Simonianism, some in Comte, others in Tocqueville, and others in liberals of the center such as Guizot.

However, it was not French thought that was influential among new friends he made in the impressionable years of 1826–9 that followed his mental crisis. It was German idealism, which was beginning to make its way in Britain, if somewhat uncertainly. Whereas Mill had direct personal knowledge of French thinking,[1] his knowledge of German thinkers came, at this stage, mostly indirectly, through these new friends, through Coleridge, and through Carlyle.[2]

Even this indirect knowledge was enough for him to see that German thinkers posed the most comprehensive, powerful challenge to the enlightenment education, analytic and critical, that he had received. He never, he said, joined in the reaction against the eighteenth century – but he saw the need for a less one-sided philosophy:

> The fight between the nineteenth and the eighteenth century always reminded me of the battle about the shield, one side of which was white and the other black. I marveled at the blind range with which the combatants rushed against one another. I applied to them, and to Coleridge himself, many of Coleridge's sayings about half-truths; and Goethe's device, "many-sidedness," was one which I would most willingly, at this period, have taken for mine. (*Autobiography*, I: 171)

The rethinking and synthesizing that Mill's search for many-sidedness called forth at this time make it one of the most interesting and formative of his intellectual life. It gives

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us a view on early nineteenth-century philosophy taken from the standpoint of a young and open-minded philosopher in the first maturity of his powers.

The considered result eventually came in two brilliant essays on Bentham and Coleridge – "the two great seminal minds of England in their age" (*Bentham*, X: 77), published, respectively, in 1838 and 1840, when Mill was 32 and 34. They are an impressive attempt to live up to "many-sidedness." In reading them, it is true, one feels a leaning, at least at the emotional as against the doctrinal level, towards Coleridge:

> By Bentham, beyond all others, men have been led to ask themselves, in regard to any ancient or received opinion, Is it true? And by Coleridge, What is the meaning of it? The one took his stand outside the received opinion, and surveyed it as an entire stranger to it: the other looked at it from within, and endeavoured to see it with the eyes of a believer in it … Bentham judged a proposition true or false as it accorded or not with the result of his own inquiries; and did not search very curiously into what might be meant by the proposition, when it obviously did not mean what he thought true. With Coleridge, on the contrary, the very fact that any doctrine had been believed by thoughtful men, and received by whole nations or generations of mankind, was part of the problem to be solved, was one of the phenomena to be accounted for. (*Coleridge*, X: 119–20)

This contrast between the critical-analytic approach of Bentham and the interpretative or hermeneutic approach of the "Germano-Coleridgean" (*Coleridge*, X: 125) school greatly interests Mill. A leaning towards the latter as less superficial, more insightful, is evident in his scathing sketch of Bentham, the "boy to the last" –

> Self-consciousness, that daemon of the men of genius of our time, from Wordsworth to Byron, from Goethe to Chateaubriand, and to which this age owes so much both of its cheerful and its mournful wisdom, never was awakened in him. How much of human nature slumbered in him he knew not, neither can we know. He had never been made alive to the unseen influences which were acting on himself, nor consequently on his fellow-creatures. Other ages and other nations were a blank to him for purposes of instruction. He measured them but by one standard; their knowledge of facts, and their capability to take correct views of utility, and merge all other objects in it. (*Bentham*, X: 92)

Later, Mill conceded that he might be thought

> to have erred by giving undue prominence to the favourable side [of Coleridge] as I had done in the case of Bentham to the unfavourable. In both cases the impetus with which I had detached myself from what was untenable in the doctrines of Bentham and of the eighteenth century, may have carried me, though in appearance rather than reality, too far on the contrary side. (*Autobiography*, I: 227)

But this later concern to correct appearances should not mislead. There was more to Mill's reaction even at the time of the essays than youthful over-enthusiasm; he always remained fully committed to the substance of the assessments that he then made. Furthermore, his evident impatience, in those essays, with a certain kind of narrowly analytic mind is perfectly reasonable, and his account of what Bentham lacked is right on target.

It also introduces the broad comparison I want to consider in this essay: between the state of Anglophone and Continental philosophy at the time Mill wrote and the so-called Analytic/Continental divide as we have it now. One can't help noticing that Bentham's kind of mind, as described by Mill, is readily traceable around today's departments of analytic philosophy, and that what he has to say about its deficiencies is similar to what critics of analytic philosophy, particularly of analytic moral and political philosophy, have tended to say. Just as it pushed Mill toward Coleridge so, in the current divide between "Analytic" and "Continental," the same deficiency on the "Analytic" side understandably pushes one towards the "Continental" (even if to discover, disappointingly, at least equally exasperating deficiencies there).

There may be some cause of this long-standing polarization between the analytic and the hermeneutic mind – a cause which undermines attempts to realize what would otherwise seem the perfectly obvious aim of *combining* robust critical analysis with insightful understanding. However, what is at stake as between "Analytic" and "Continental" is not just a division of temperaments. The differences between Bentham and Coleridge, and in general between "analytic" and "continental" philosophy, go deeper. We should examine whether there is some difference of doctrine or problematic, as well as temperament, in the face of which one cannot synthesize, but must to the best of one's ability decide.

Mill's substantive criticisms of Coleridge are in fact pretty tough. While he criticizes Bentham and Benthamites for lack of psychological and historical insight, he criticizes Coleridge, and through him, the German School, for its untenable philosophy. Bentham is seriously deficient in *verstehen*, but Coleridge is outright mistaken in his basic metaphysics.[3] And while Mill praises the Germans for their historical sense, it is also true, as he notes elsewhere,[4] that important ideas about history that he could get from the German school he could equally get from the French: among these would be the idea that societies develop in historical stages, that there is intimate interaction between society and character, that European progressiveness is to be explained by the history of European conflicts, that there is a necessary historicity to all ideas.

If you factor out these propositions, which as Mill rightly thought could be found in Comte, Guizot, and Tocqueville, what are you left with, as distinctive of the German school? And what, in what you are left with, did Mill accept or oppose?

The answer, in brief, is that there is a philosophical anthropology that he accepts, and an ontology that he opposes. To these points I turn in the next two sections. In the final two sections I come back to the Analytic/Continental divide.

2. Mill and Schiller

A master-theme in Mill's ethical thought formed in his mind during these years and shaped his moral and social philosophy throughout the rest of his life. It is a far-reaching conception of "the internal culture of the individual" (*Autobiography*, I: 147) – self-development into wholeness of character. With it goes the idea that such development of potentialities of thought, will and feeling – primarily through a person's own actions – is the condition of true happiness. It pulls together all the distinctive elements of Mill's

ethical thought: the series of distinctions he makes between means to and parts of happiness, between higher and lower pleasures, between desire and will; the strain of cultural or spiritual elitism that runs through his anxieties about the mediocritizing effect of democracy and his thinking about leadership in a democratic culture – overall, his conception of how internal or moral freedom is connected with social and political liberty.

Nowadays this is not, I think, a contentious thing to say about Mill. Still, to get away from the old picture of Mill as a confused eclectic it remains important to grasp it fully. Mill's ethics and politics, far from being a mish-mash of incompatible elements, are worked out with a rare degree of coherence and depth, because they are comprehensively informed by the master-theme of progressive self-culture. His ethical project is as robust an attempt at "many-sidedness" as one will find.

This idea of self-culture is more German than French; in contemporary French thought, as Mill knew it, the focus was political and sociological more than anthropological. We can be more specific in locating the idea within the interactions of German thought at that time. In making *Bildung* the master-theme of his liberal politics Mill's affinity is with Schiller – not with Kant and not with either Fichte or Hegel.

A detailed comparison of Mill and Schiller would bring out the similarities, but a few passages from Schiller's *On the Aesthetic Education of Man* will indicate what I have in mind:

> it will always argue a still defective education [*Bildung*] if the moral character is able to assert itself only by sacrificing the natural. And a political constitution will still be very imperfect if it is able to achieve unity only by suppressing variety. The State should not only respect the objective and generic character in its individual subjects; it should also honour their subjective and specific character …
>
> Once man is inwardly at one with himself, he will be able to preserve his individuality however much he may universalize his conduct …
>
> Wholeness of character must … be present in any people capable, and worthy, of exchanging a State of compulsion for a State of freedom (4th letter).
>
> The development of man's capacity for feeling is … the more urgent need of our age, not merely because it can be a means of making better insights effective for living, but precisely because it provides the impulse for bettering our insights (8th letter).[5]

Whether or not there is influence here, there is affinity.[6] Two other points of affinity are worth noting. Each of the two thinkers worked their way to their own conception of human "wholeness of character" by way of reaction to a philosopher they greatly admired, but found narrow and over-simple in his ideas of moral psychology and in the ethical notions he founded on these ideas – in Schiller's case, Kant, in Mill's case, Bentham. Further, and as part of this reaction, both of them were influential proponents of the romantic Hellenism of their time – in Mill's words, of a "Greek ideal of self-development, which the Platonic and Christian ideal of self-government blends with, but does not supersede" (*Liberty*, XVIII: 265–6).

The way Mill articulates and develops this idea of human wholeness is a noble statement of a true ideal. His framework for ethics and politics is teleological; the idea of wholeness of character is its core. The framework and its distinctive features rightly preoccupy analytic discussions of Mill's ethics. Here, however, it is the content of Mill's humanism that I want to consider.

It is liberal and naturalistic. Leaving the naturalism to the next section, consider, to begin with, how Mill's liberalism works. In brief, wholeness of character is a kind, and a most important kind, of freedom – freedom from inner compulsion. It is thereby the basis of true well-being. The argument to liberty is then that wholeness is achieved through self-culture, and self-culture flourishes most in a state of liberty.

What should we make of this argument? It is partly normative, partly sociological, and most deeply, hermeneutic. In this last respect it is about the psychological and ethical *significance* of wholeness, or as Schiller and Mill would see it, freedom of character – what such freedom of character *is* to us, as well as its relation to self-culture and to liberty. It is thus a question at least as much about What does it mean? as about Is it true?

There is a critique of this ideal, considered as a public ideal, of which the most powerful source in this period is again German, namely, the ethics and politics of Hegel. It holds the Schillerian ideal to be too individualist and too elitist to serve as a public ideal for ethical life. True liberation, at least for most people, is found in accepting and fulfilling one's role within ethical life (*Sittlichkeit*): the social structures of an ethical community. Hegel does not deny the importance in a modern community of the "right of the subjective will", nor of the right of individual "particularity" to develop – within limits – freely. But he fears that if these elements come to dominate ethical life they will atomize it. His ideal, one can say, is the ideal of at-oneness in ethical life. It is also, as it turns out, the ideal of at-oneness in Being. We shall come back to this.

Comparing these two conceptions throws light on each of them. But one can also ask how well either of them can flourish in modern democracies. The question applies in particular to liberal capitalist democracies, as these have developed in the course of their prosperous maturity, that is, since the second world war. By now we have considerable experience of the way they develop; that experience suggests that neither of these visions of a good and fulfilling life flourishes very well.

For anyone committed to the Schillerian ideal, whether via classical-liberal or via classical Marxist antecedents, the prosperous, commercially-dominated, apparently stable democracies that we have come to know raise painful questions. For the ideal combines very poorly with the populist ethos that increasingly, it seems inexorably, dominates them. True, populism also makes much of "choice," "autonomy," and "freedom to develop in one own way." But the populist understanding of these notions, whether at the public-popular, the corporate, or the state-bureaucratic level, is an enemy of the Schillerian ideal in the way that caricature is the enemy of the real.

For some on the Marxist side this has more to do with capitalism than with democracy, and the remedy is the advent of some form of socialism. Mill, however, thought that at least under the communist form of socialism conformist pressure would be very great (*Chapters*, V: 746). In any case like other liberals of the nineteenth century his anxieties about populism concerned democracy itself. His remedy is two-fold. There is the liberty principle and complete liberty of experimentation in life-styles; but also, perhaps less often noticed, a hierarchy of judgement that would enable liberal humanism to play a public leadership role. The difficulty, of course, is to know how, in a democracy, this could or should work. The intermediating safeguards proposed for the political structure of democracy in *Considerations on Representative Government* have some relevance, but they are mostly concerned with technical and administrative

competence. Deeper, more cultural and ethical worries frequently surface in Mill's thought. Consider this from *Liberty*:

> At present individuals are lost in the crowd. In politics it is almost a triviality to say that public opinion now rules the world. The only power deserving the name is that of masses, and of governments while they make themselves the organ of the tendencies and instincts of masses. This is as true in the moral and social relations of private life as in public transactions. Those whose opinions go by the name of public opinion, are not always the same sort of public … But they are always a mass, that is to say, collective mediocrity. And what is still greater novelty, the mass do not now take their opinions from dignitaries in Church or State, from ostensible leaders, or from books. Their thinking is done for them by men much like themselves, addressing them or speaking in their name, on the spur of the moment, through the newspapers. I am not complaining of all this. I do not assert that anything better is compatible, as a general rule, with the present low state of the human mind. But that does not hinder the government of mediocrity from being mediocre government. No government by a democracy or a numerous aristocracy, either in its political acts or in the opinions, qualities, and tone of mind which it fosters, ever did or could rise above mediocrity, except in so far as the sovereign many have let themselves be guided (which in their best times they always have done) by the counsels and influence of a more highly gifted and instructed One or Few. The initiation of all wise and noble things must come from individuals; generally at first from some one individual. The honour and glory of the average man is … that he can respond internally to wise and noble things, and be led to them with his eyes open. (*Liberty*, XVIII: 269)

There is much that is revealing in this passage. On the one hand, "the present low state of mind" looks as much a fantasy escape ticket for Mill, as the "the culture industry" is for Adorno. Mill takes comfort in an abstractly imagined process of education that will bring everyone up from their present lowness. Adorno trusts in an abstractly imagined liberation of the mind from commercial domination. But why is the state of the human mind low, and what exactly will transform it? Should we credit the culture industry with an exogeneous power of dominating people's minds, or simply a power to identify very accurately what they want anyway, whether or not they know it, and to profit by supplying it? Mill and Adorno make hopeful assumptions which the cumulative experience of liberal democracy must make one question.

On the other hand, the later section of Mill's passage strikes a different note. It is unashamedly elitist about human powers, but at the same time it puts trust in a widespread capacity to recognize and follow the higher. This begins to address the hard problem in a more clear-eyed, potentially less abstract, if still optimistic way. Are there common dispositions and attitudes, in a liberal and secular democracy, that maintain free space for "wise and noble things" – that can generate an "internal" response that is not commercially or politically suborned? If there are, what institutions can strengthen them? That liberal democracy has insufficient resource to strengthen them – that it is too atomistic – is what Hegel (or say in present-day terms, Alasdair MacIntyre) would affirm. On this view, to give people an ideal, and a role by which they can live, there is needed from the start a much stronger structure and flow of moral authority, vested in common norms and institutions. In a liberal and secular democracy, they are inevitably lost in the crowd, driven on down the dull track by *das Man*.[7]

My point (here) is not to address these questions about democratic cultures, but to note the kind of question they are: hermeneutic, Coleridgean questions about how we understand our culture and about how we should value it. They link normative assessment to investigation of historical and social meaning. Criticism which searches the meaning of attitudes and institutions has kept open the questions – one might say, from Schiller, Hegel and Nietzsche, through to Heidegger and the Frankfurt School, or to Alasdair MacIntyre and Charles Taylor.

When liberal thinking becomes so one-sided as to lose sight completely of pressing questions about the quality of our life and institutions, it becomes dominated by abstract versions of individualism and egalitarianism, and comes to deny anything it cannot see. In contrast, Mill's liberalism was deeply concerned, all the way through, with these pressing questions. This much – the ambitious Schillerian anthropology, and the consequent anxiety about democratic culture – puts him in the German-Coleridgean camp. But now for what he rejects: the metaphysics of German idealism.

3. Two Schools or Three?

Mill drew his favorite distinction between a priori and a posteriori schools of philosophy in many places, always putting himself firmly on the *a posteriori* side. So much is clear; alas, it leaves a lot unclear. For a start, Mill was too eager to turn this contrast into a weapon against people he thought of as sanctifiers of tradition and intoners of the inevitable nature of things. More fundamentally, he was, like many other philosophers in the naturalistic tradition, too impatient with epistemological issues. Thoroughly worked-out taxonomies of the epistemological options are absent from his work; clear-cut statements of what option he adheres to are brief and rare. To understand his view, we have to put together scrappy remarks he makes across his writings. And to see how it can be defended takes us beyond anything he said.

He assimilates two very different types of position into the *a priori* side of his binary divide. There are the implicit epistemological assumptions shared by otherwise widely differing Scottish enlightenment philosophers such as Hutcheson, Smith, and Thomas Reid. And then there are the developments of idealism in Germany after Kant (also of course quite diverse). Mill's attitude to Scottish common sense is in practice very different to his attitude to the varieties of German idealism. In the former case, he has detailed knowledge and his criticisms reveal an underlying shared epistemological ground. In the latter case, his knowledge is rudimentary (though not inaccurate) and his rejection is complete.

The epistemology of Scottish enlightenment philosophers is naturalistic; this is as true of Thomas Reid as it is of Hutcheson and Smith. In a special sense it is psychologistic: namely, it identifies and defends whatever normative principles it regards as fundamental or ultimate by invoking a criterion of what we are "originally," "instinctively," or "naturally" disposed to think, will or feel, and continue on reflection to think, will or feel. I will call this the *naturalistic criterion of normativity*. To separate it from other issues, we should note two things. First, the Scottish debate about rationalism and sentimentalism in ethics and aesthetics was conducted *within* the framework of this criterion. Just as the criterion can support the normativity of various kinds of inference

by appeal to our original, instinctive, or natural, cognitive and conative dispositions, so it can support normative claims about what is desirable, admirable, and so on, by appeal to original or instinctive or natural affective dispositions of desire, admiration, and so on. Second, the appeal to psychological dispositions is epistemological, not reductive: the claim is that dispositions that can be identified as original, and so on, are the epistemic criterion of what normative principles are fundamental. But the normative principles are not themselves assertions about such dispositions.

Much hangs, plainly, on how such terms as "original," "instinctive," "natural" are to be understood. A way to understand them is that they distinguish dispositions that are in a certain sense free and spontaneous – freely arrived at – from those that are in a parallel sense artificial or adventitious. Then if a disposition can be identified as free and spontaneous that warrants taking it to have default normative authority. In contrast, calling it artificial or adventitious implies that even if it *seems* free and spontaneous the explanation of how it arose would undermine it as a criterion of normativity.

Mill's underlying epistemology is psychologistic in the sense explained. His appeal to the desired as "evidence" of the desirable is a case in point. This claim is neither reductive nor deductive; it is an appeal to the naturalistic criterion. Similarly, his objection to the Reidian common sense school is not a general objection to the naturalistic criterion of normativity. It is, rather, an in-house naturalistic objection: his argument is that the best psychological analysis of our dispositions shows that far fewer of them are original or spontaneous than the school of Reid would have us believe.

The contrast between spontaneous and adventitious dispositions is in the first place a hermeneutic, not a theoretical contrast: the philosopher investigates our intuitive responses and their content phenomenologically, rather than causally by means of a psychological theory. Obviously, however, if we accept (as we must) that a disposition may have the wrong kind of etiology to support a norm, that leaves an opening for theory. Theory might provide undermining explanations that disqualify dispositions that seem to introspection to be free and spontaneous.

This is the opening Mill seeks to enter. In Chapter 9 of the *Examination* ("'Of the Interpretation of Consciousness") he distinguishes between an "introspective" and a "psychological" method of interpreting consciousness (IX: 139). The introspective method undertakes an introspective scrutiny of consciousness, on the assumption that that suffices to get at dispositions that are genuinely spontaneous, screening out only attitudes that are merely conventional, or in other ways adventitious. The psychological method – that of Mill – is more theoretical. It tries to reduce the data of consciousness to minimum elements which can, by associationist principles, be shown capable of generating the rest.

Mill's basic line seems mainly, if not always,[8] to be that dispositions acquired through processes of association cannot be classified as original and thus provide no criterial support for normativity. He does not say enough about why associationist explanations should be in and of themselves undermining, but on this basis he acknowledges that the dispositions to make enumerative inductive inferences, to trust apparent memory by default, to desire pleasure, must be assumed by associationism to be original, and (in the case of induction and memory) must be relied on in defending the associationist theory itself. Here the link between theory and normativity seems to be this: any theory of the mind has to postulate some primitive belief- and affect-forming dispositions, in terms of

which other dispositions can be explained; showing a disposition to be primitive in this sense warrants treating it as normative. This seems to be the dominant idea in Mill's version of naturalistic epistemology.

Suppose we now ask whether, according to naturalistic epistemology, any proposition is a priori? The answer is mixed. A clear contrast remains between (1) the specific kind of empirical psychological investigation that is required to warrant the normativity of a principle and (2) empirical investigation of the facts in general. We argue for a fundamental normative principle by means of an inquiry that establishes facts about ourselves on which our criterion of normativity operates; but the principle warranted in this way is normative, not factual. There is still a distinction between a normative proposition argued for in this way and a factual proposition. Psychological evidence (phenomenological and theoretical) is required to establish that a principle satisfies the naturalistic criterion, but it remains the case that the principle itself is, as I shall say, *normatively a priori*. It is not *deduced* from empirical facts, nor from some other normative principles plus empirical facts, nor is it itself an *a posteriori* factual proposition. For example, the principle that there is reason to pursue what one will find pleasant is normatively *a priori* (if true) whereas the principle that there is reason to stop smoking is not.

Should this naturalistic view of normativity be considered a version of empiricism? It is opposed, like empiricism, to all views that hold that facts, whether natural or "non-natural," can be known *a priori*. It makes no claim to provide such factual knowledge. However, empiricism, as that is commonly understood, goes further. It applies the thesis that only "analytic" or "verbal" propositions are a priori, in such a way as to debar synthetic normative propositions from normatively *a priori* status. This is one reading of Hume, a reading naturally favored by critics of naturalism, who then argue that Hume saw the skeptical consequences of naturalism in a way that less penetrating, more prevaricating, naturalistic philosophers failed to grasp.[9] I do not myself think their argument, that naturalistic epistemology collapses into strict empiricism and thence into skepticism, is sound. Inasmuch as naturalism allows for normative *a priori* truths it differs from strict empiricism.[10] So it is best to think of the basic epistemological positions as dividing into three groups rather than two: a strict empiricism that has skeptical implications, various naturalistic accounts of normativity, and various kinds of metaphysical apriorism.

This analysis allows us to say some things about Mill's views that it would have been useful for him to clarify. In the first place, he is evidently just as committed to normatively fundamental propositions as Reid. His argument with Scottish common sense is about how many there are. His reliance on associationism to reduce their number is unpersuasive, partly because associationism is questionable, but partly for the more philosophical reason that it is not clear why the mere fact that a disposition is acquired rather than innate determines its normative significance. Second, it becomes clear that the serious metaphysical opposition – to which Mill does not respond – is provided by philosophers who deny the coherence of naturalistic epistemology as such. To group together Reidians and Germano-Coleridgeans as a priori theorists is to conflate two very different kinds of view. It leads Mill into absurdities such as his remark that Reid is "in principle as much an ontologist as Hegel" (*Bain's Psychology*, IX: 344).[11] Overall, it means that Mill never comes to grips in a considered way with the metaphysics of German idealism.

Here too, there are important differences. In particular, there is an especially important difference between Kant and later German idealists. Kant's account of the *a priori* is not readily fitted into the three-fold division of positions we have just made. Like Mill, he rejects the possibility of *a priori* inference from conscious experience, or pure spontaneity of thought, to factual claims about how things really are. This degree of agreement creates scope for debate and the possibility of some common ground. Comparisons can be made between naturalistic and transcendental epistemology that throw light on both (cp. Macleod 2014).

These are topics Mill does not even broach, though he could have done. In contrast, when it comes to "ontology," in the sense in which Hegel was an ontologist, whereas Reid and Kant were not, Mill could have found no common ground even if he had tried. Here there is a major dividing line with Mill, Reid, and Kant on one side, and Hegel's absolute idealism on the other. By the end of his life Mill was broadly aware of the latter, and evidently allergic to it.[12] He knew via Coleridge how it related to Kant's distinction between understanding and reason (which we shall come to in a moment), and he saw the affinity with Parmenides:

> the Ens of Parmenides, Being in General … what is it (as Mr Grote remarks) but the Absolute of the modern Ontologists? (*Grote's Plato*, XI: 381)

Indeed. Absolute idealism has nothing to do with the epistemological debates that we have sketched in this section. In one of those remarkable changes of subject that sometimes occur in philosophy it introduces a different topic, the question of Being. Hegel's acceptance of the question, let alone his response to it, puts him in different territory to any that could be recognized as legitimate by Mill, Reid, and Kant. In coming to this question of Being we arrive at the most fundamental issue dividing philosophy after Hegel.

4. The Analytic/Continental Divide

We noticed that Mill's criticisms of the over-analytic character of Enlightenment Radicalism, and of Benthamism in particular, sound rather like criticisms that are nowadays made of Analytic Philosophy, especially analytic moral and political philosophy: lack of historical and interpretative sense, shallowness of psychological insight, lack of thoughtful reflectiveness about oneself and one's time.

We have also noticed the Schillerism of Mill's ideal of life, the way he connects it to his argument for political liberty, and his anxieties about modern democracy. He feared the respectable hegemony of the bourgeois; what he did not (understandably) anticipate was the contemporary shift from bourgeois respectability to commercial populism – or more exactly, the contemporary alliance between these two.

At the same time, we have seen that Mill's epistemological and psychological framework remains strongly continuous with Enlightenment philosophy: naturalism in epistemology, optimism about the prospects for scientific psychology. Many-sidedness, as Mill envisaged it, lies in carrying forward the enlightenment's epistemological insights and scientific ambitions, while also grasping in full the importance of hermeneutic insight and the new ideas about human personality and powers.

Plainly this raises questions that remain unresolved. Is hermeneutics reconcilable with associationism or indeed with scientific psychology as such? It is crucial to Mill's kind of humanism that it should be: that the "internal," meaning-oriented, understanding of human beings should be reconcilable, at least in the long run, with "external" biological and psychological knowledge. In the full synthesis, hermeneutics should not break the bounds of naturalism nor should naturalism undermine hermeneutics. Liberal humanism that is naturalistic in its epistemology but meaning-oriented in its ethics and cultural critique is, I believe, what Mill would continue to want, even if many of his specific commitments in psychology, epistemology and ethics, such as associationism, or inductivism, or even perhaps utilitarianism, had to be dropped. This is not incoherently "eclectic." The refusal to accept, as genuine, oppositions that others regard as decisive is what makes it attractive. It transcends the enlightenment/counter-enlightenment division or the analytic/continental division, or indeed Mill's own *a priori*/*a posteriori* division, at least as he makes it.

Still there remains a metaphysical, and spiritual, issue that sets Mill distinctly apart from "Continental Philosophy" in the currently conventional sense of that term. I called it the question of Being. But one of the main issues is whether there *is* such a question – and if there is how important it is to answer it, and how momentous if one is forced to conclude that the question cannot be literally stated, or just cannot be answered – I will call this the "problematic" of Being. It is because their most fundamental concern is the problematic of Being that Hegel, Nietzsche, and Heidegger figure so crucially in the tradition of Continental Philosophy. If one takes this question seriously one is likely to feel, with intensity, that it transcends the liberal humanism of Mill or the liberal humanism of Kant. The drive towards at-oneness with reality goes beyond the confines of mere humanism. It is taken seriously by Hegel, in his way by Nietzsche, and later, by Heidegger. Let me explain a little further.

A turning point is Hegel's revaluing of Kant's distinction between Understanding (*Verstand*) and Reason (*Vernunft*). Understanding, for Kant, is the faculty deployed in common-sense and scientific cognition of the phenomena. Its basic norms, in theoretical and practical thought, are provided by Reason. But Reason, Kant thinks, inevitably seeks to go beyond the phenomena to metaphysical knowledge; in doing so it goes beyond its own limits and falls into dialectical contradiction. It is an essential task of "critical" philosophy in Kant's sense – essential both for sound science and for religious faith – to place clear and principled limits on the ambitions of Reason.

Hegel reverses this assessment. Through Reason we attain knowledge of the Absolute. While Reason informs the Understanding, its distinctive deployment in speculative logic reaches knowledge higher than scientific Understanding can provide. The contradictions of speculative or dialectical logic are not *reductios*; they are, on the contrary, insights into the absolute nature of things. Being contains both contradiction and ultimate identity-in-diversity, including identity of self and other, of subject and object. In Hegel's hands, the Kantian contrast between *Vernuft* and *Verstand* is transformed into the Parmenidean contrast between the way of truth and the way of seeming.

I have suggested elsewhere that there has always been present, in our search for an understanding of the world, a bifurcation of cognitive interests: a "mystical" and a "theoretical" interest, propounding distinct conceptions of what it is to know reality (Skorupski 1999: sections 6 and 7). The mystical interest is not in a mediated knowledge

of reality achieved through analysis of and inference from appearances. It seeks immediate apprehension. Mystical understanding is engulfing: it apprehends in a single insight the differentiated unity of thought and world. Hegel takes with utmost seriousness the need to articulate this mystical conception in philosophical terms, and to reconcile it with the theoretical interest. He believes dialectical logic does that. It is a fully conceptual articulation of the mystical conception; it directly addresses and completely answers the question of Being.

"Mystical" is not used here, of course, in any derogatory way, any more than it is by Hegel. The truth Reason reveals is the truth in mysticism:

> The meaning of the speculative is to be understood as being the same as what used in earlier times to be called "mystical" ... When we speak of the "mystical" nowadays, it is taken as a rule to be synonymous with what is mysterious and incomprehensible; ... About this we must remark first that "the mystical" is certainly something mysterious, but only for the understanding, and then only because abstract identity is the principle of the understanding ... As we have seen, however, the abstract thinking of the understanding is so far from being something firm and ultimate that it proves itself, on the contrary, to be a constant sublating of itself and an overturning into its opposite, whereas the rational as such is rational precisely because it contains both of the opposites as ideal moments within itself. Thus, everything rational can equally be called "'mystical"; but this only amounts to saying that it transcends the understanding. It does not at all imply that what is so spoken of must be considered inaccessible to thinking and incomprehensible.[13]

This confident, one could say triumphalist, project of articulating the mystical in a fully articulated Concept did not really survive Hegel. But the idea of it, which is something much more resilient, did. A major concern in the development of Continental Philosophy has been the attempt to fight one's way past the language of the Understanding to a language that can at least point to (if not as Hegel hopes, fully articulate) the "way of truth" – to a reconciliation with Being that goes beyond the "way of seeming" offered by science. After Hegel, the problematic of Being returns in Heidegger, rethought by him in a new way that, as he emphasized, involves a constant struggle with language.[14] These attempts to grapple directly with Being collapse in the post-modern phase of Continental Philosophy. But the *problematic* does not go away; no therapy finally dissolves it. When Continental Philosophy reaches its post-modernist stage its underlying pathos is that the problematic of Being is still felt, even though all philosophies of Being have collapsed.

5. The Unbearable Elusiveness of Being

The problematic of Being is alien to anything Mill saw as a problem and attempted to address. It is no part of the humanism that he shares with Schiller (and one can add, the early Marx). Anyone who thinks that blindness to Being is *the* fundamental blindness of our culture will therefore see it as shallow. And since Mill is the philosopher who most clearly seeks to give humanism both inward depth and naturalistic foundations, he is likely to be seen with particular hostility.

But what in this antagonism is deep, and what shallow? Philosophically, one might try to show that the naturalistic epistemology discussed in Section III is incoherent. Or that even if it is coherent in its own terms, it leaves unsettled questions about the relation between knowing subject and reality as object, which still lead to the question of Being. Or, turning from epistemology to ontology, one might try to show that the deeper serious hermeneutic phenomenology excavates, the more it discloses Being. This is Heidegger's way of undermining humanism, including its later existentialist versions.[15]

Even if these challenges are not in the end cogent, or not cogent in a way that introduces the question of Being, the mystical interest remains a standing human disposition. It will not go away. Those who feel it will find no answer in humanism of any kind, even if attempts to articulate the question of Being come to seem ever more marginal and obscure. They may simply feel that they are being pushed back by the dominant culture of shallowness. This divergence is as much ethical and spiritual as philosophical, and is unlikely to be resolved by philosophy. At-oneness within ethical life somehow fuses with at-oneness within Being.

Nonetheless, the humanism Mill aspires to cannot be accused of shallowness. Here I am not considering whether Mill's specific doctrines, be it utilitarianism in ethics or inductivism in science, can be defended. Philosophically they are at least not unreasonable. Even if we disagree with them they are not so wrong-headed as to undermine his overall naturalistic and liberal stance, with its guiding interest in the true content of human well-being. That stance can survive internal corrections and improvements. It is in no way philistine: its understanding of human well-being gives scope to high humanistic ideals. For many people these ideals are fully sufficient to give life meaning.

In the contrast we have now come to, between naturalistic humanism and the problematic of Being, we have found a basic respect in which Mill belongs on the "Analytic" as against the "Continental" side. These are misnomers, as will be clear by now, but I am not going to try different terms. However, something must be said about the Analytic side. I have distinguished elsewhere between Analytic Philosophy and the Analytic School (Skorupski 2013). The latter is a movement of thought belonging to the first half of the twentieth century; along with Heidegger it is a main contributor to twentieth-century modernism in philosophy. The Vienna Circle is its humanistic, science-welcoming, future-oriented element; one could conjecture that the *emotional* charge of its anti-metaphysics is radical liberation from the oppressive question of Being. In Wittgenstein, in contrast, the problematic of Being is fully present. He obviously felt the mystical interest intensely, and spent a philosophical lifetime showing its question to be inexpressible. The point, perhaps, is that in coming to see that a careful description of ordinary language dissolves "philosophical" questions one achieves a recognition of Being that purported "philosophical" questions obscure. That would be in one way continuous with two basic themes of the mystical tradition: the impossibility of expressing mystical insight *within* ordinary language, as one piece of knowledge among others, and yet the intimate closeness of Being to the unreflective routines of everyday life.

So the problematic of Being is not absent from philosophical modernism. Yet we are now well past philosophical modernism. Analytic Philosophy, as the term is now conventionally used, roughly means philosophy done now in Anglophone departments of philosophy (other than the few that consciously specialize in Continental Philosophy). In contrast to the Analytic School, which was in most ways a sharp break from

nineteenth-century philosophy, Analytic Philosophy in this sense is quite continuous with the main currents of Anglophone philosophy in the nineteenth century.

Three broad continuities are noticeable. First, there is a prevailing naturalism in philosophy that gives rise to the same sort of debates as could be found within and about naturalistic epistemology in the nineteenth century. Second, the ethical side of this naturalism is, to a considerable extent, and in a very broad way, liberal humanism. These two tendencies are by no means the only ones to be found in current Anglophone philosophy but they are in various ways fairly dominant. Third, however, we also increasingly see scholarly attempts to come to grips with Continental ideas, especially with those can be found in German idealism and in Nietzsche. To my mind one can criticize some of these attempts as too interested in domesticating these thinkers to Analytic tastes, and not (yet?) interested enough in understanding them in their own terms. But they still have the potential to broaden problems and perspectives. Rather like Anglophone philosophy in the nineteenth century, "Analytic Philosophy" in its current sense has become a broad church that is increasingly open to currents from elsewhere.

See how Mill fits this scene in all three aspects. He is a naturalist in epistemology, a liberal humanist in ethics. He aims to refresh and regenerate enlightenment humanism by opening it up to German hermeneutics, but he balks at absolute idealism – rather as current Analytic philosophy is becoming increasingly open to German idealist themes, but still balks at Hegel on speculative logic or Heidegger on Being.

However, Analytic philosophy also maintains an attitude of critical detachment from contemporary culture: this is another Divide. As with the Continental Divide, there are good and bad sides to that. But it is not a characteristic Mill shares. What still invigorates and refreshes about Mill is his outspoken plain speaking, coming as it does from a liberal humanism that has been thought through. There is a lazy tendency to think that profound criticism of modern culture can be found only in Continental Philosophy. And it is true that, when seen from the perspective of Being, contemporary democratic culture appears lost in its own shallowness, with humanism as just a highbrow element in it. But it is not true that this is the only, or for most of us the most convincing, perspective from which to criticize it. Mill's humanism is just as much a source of serious critique: as serious, if not as dramatic, and vastly more realistic. Strikingly, what Mill fears in modern culture is not unlike what Nietzsche or Heidegger fear. Nor did he mince words about it. In those respects, the three of them have elements in common. His fears did not, however, lead him to oppose democracy as such. He understood its empowering capacity as well as its populist dangers. He is not a mere spokesman for the democratic ethos; he does not simply take it for granted that it is obviously right. He is more like an honest but anxious friend, speaking from an outlook that many modern people can share. This, I think, is a sound and sober basis for criticism of the democratic culture that we now know.

Notes

1 The Saint-Simonian, Gustave d'Eichtal, was a personal friend with whom Mill corresponded extensively. There is also extensive correspondence with Comte and de Tocqueville, as well as lengthy published assessments of their work. His view of Guizot and other French historians can be found in *Collected Works*, Vol. XX, *Essays on French History and Historians*.

2 We learn from his *Autobiography* that he learned German around 1825 (I: 123), and that he read Goethe and "other German authors … during those years" (I: 161, 169).
3 Not to mention his economics, where he "writes like an arrant driveller" (*Coleridge*, X: 155).
4 See Letter to Auguste Comte, Mar 13, 1843, XIII: 576.
5 Schiller (1967: 19, 23, 53).
6 Mill refers to Schiller's histories and plays, but not to his philosophical writings. However, there are some possible links to the latter. In the *Autobiography* (I: 260), in discussing antecedents of *On Liberty*, Mill mentions Goethe and Humboldt, and "a whole school of German authors" in "the early part of the present century" who emphasized the importance of "individuality" and "self-development". It was Schiller who strongly encouraged the publication of Humboldt's *Sphere and Duties of Government* (a passage from which is cited as the motto for *On Liberty*). Humboldt's work was written in 1791, published in parts in Schiller's *Thalia* and the *Berlin Monthly Review*, but published in full only posthumously, in 1852, by Wilhelm's brother Alexander. I would add that to my mind, after allowing for the difference in underlying metaphysics, Mill's tone and thought in Chapters 2 and 3 of *On Liberty* is more like Schiller's than like Humboldt's.
7 Heidegger's expression, standardly translated as "the 'They,'" for Mill's "collective mediocrity."
8 Sometimes he seems to be assuming that the relevant question is how easy it is to undermine a disposition through analysis. See for example his remarks in *Utilitarianism*, Ch. 3, about moral associations which "are wholly of artificial creation" versus those based on "powerful natural sentiment" (X: 230–1).
9 T.H. Green uses Hume in this way. See his introduction to Green and Grose (eds 1878). Also Green (1882).
10 A critic of this kind may well ask what supports the criterion of normativity. The naturalistic answer must be that it applies to itself.
11 Admittedly this is probably said more with provocative than with serious intent. Mill is referring to Reid's common-sense claim that we perceive mind-independent physical objects; his own minimalist account of epistemic norms – memory plus induction – leads him to phenomenalism (in the current sense) about perception.
12 I have been toiling through Stirling's Secret of Hegel. It is right to learn what Hegel is & one learns it only too well from Stirling's book. I say too well because I found by actual experience of Hegel that conversancy with him tends to deprave one's intellect. … For some time after I had finished the book all such words as *reflexion*, *development*, *evolution*, &c., gave me a sort of sickening feeling which I have not yet entirely got rid of. (Letter to Alexander Bain, Nov 4, 1867, XVI: 1324)
13 Hegel (1991: 133) §82, Addition. Further on Hegel and Mysticism: Magee (2008).
14 On Heidegger and mysticism: Caputo (1974, 1975).
15 See Heidegger, "Letter on Humanism," in Heidegger (1993).

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36

Mill and Modern Utilitarianism

WILLIAM H. SHAW

The utilitarian tradition in ethics is as alive and fecund as ever. Philosophical work in that tradition, like contemporary moral philosophy in general, has increased greatly in rigor and precision since Mill's day, probing a range of often esoteric questions that he never considered and exploring possible variants of utilitarianism that he never clearly envisioned. Nevertheless, for contemporary utilitarians Mill remains a towering figure, engagement with whom continues to pay dividends. His insights are often deep, and many have proved seminal. Yet sometimes it has been the ambiguities in his positions or the questions he leaves unanswered that have spurred deeper analysis and further elaboration of utilitarianism.

In this essay, I situate Mill in relation to modern utilitarianism, comparing some of his ideas with current thinking and highlighting aspects of his thought that have influenced utilitarianism today. There is, however, no unified thing called "modern utilitarianism" but, rather, a family of related theories and a wide and uncatalogable range of philosophical work in the utilitarian tradition, broadly understood. Inevitably, then, the remarks that follow are far from comprehensive and reflect the perspective of only one member of that tradition.

1. What Kind of Utilitarian Was Mill?

In contemporary terminology, utilitarianism is a kind of *consequentialism*. Consequentialist ethical theories maintain that our actions are right or wrong because, and only because, of their results or consequences. The "only because" is important because almost all ethical theories take consequences into account when assessing actions, and almost all philosophers believe that the consequences of our actions at least sometimes affect their rightness or wrongness. What distinguishes consequentialist from nonconsequentialist ethical theories is their insistence that when it comes to rightness and wrongness, in the final analysis nothing matters but the results of our actions.

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When consequentialists affirm that the results or consequences of an action determine whether it is right or wrong, they have in mind, more specifically, the value of those results. That is, it is the goodness or badness of an action's consequences that determines its rightness or wrongness. In its standard form (Shaw 2006), consequentialism asserts further that the morally right action for an agent to perform is the one that has the best consequences or that results in the most good. It is thus a maximizing doctrine. Consequentialism is not a complete ethical theory, however, because it doesn't say what the good is. One needs to supplement it with a value theory, with a way of ranking outcomes. Utilitarianism does that. It says that happiness or well-being is the good that we are to promote, and the more well-being the better.

In its most basic and straightforward form – often labeled *act utilitarianism* to distinguish it from other versions of the theory – utilitarianism thus affirms the following principle: "An action is right if and only if it results in at least as much well-being as anything else the agent could have done."[1] Did Mill accept this theory? There is some evidence that he did. He writes that utilitarians are "those who stand up for utility as the test of right and wrong," "that actions are right in proportion as they tend to promote happiness, wrong as they tend to produce the reverse of happiness," and that "as the directive rule of human conduct ... the utilitarian standard ... is not the agent's own greatest happiness, but the greatest amount of happiness altogether" (*Utilitarianism*, X: 209, 210, 213). In line with this side of Mill's thought, many subsequent thinkers have adopted an act-utilitarian or act-consequentialist account of right and wrong (e.g., Moore 1903, 2005; Sidgwick 1966; Smart 1973).

However, there is also evidence that Mill may have favored a different sort of utilitarian theory, which philosophers today call *rule utilitarianism*. In its most widely accepted formulation, it states the following principle: "An action is right if and only if it is permitted by a system of rules the general acceptance of which would bring about more well-being than would the acceptance of any other system of rules." Unlike act utilitarianism, rule utilitarianism acknowledges no direct imperative to maximize well-being. John Austin, whose lectures the young Mill attended, held a view like this, and sometimes Mill seems to, as well. For example, he writes that an action can be wrong even though it has beneficial results in the particular case because it "is of a class which, if practiced generally, would be generally injurious, and that this is the ground of the obligation to abstain from it" (*Utilitarianism*, X: 220). Lyons (1994) and Brandt (1992) maintain that Mill's contention that "we do not call anything wrong, unless we mean to imply that a person ought to be punished in some way or other for doing it" commits him to a kind of rule utilitarianism, according to which an action is wrong if and only if a coercive rule against it would be justified on utilitarian grounds (X: 246). A number of contemporary utilitarian theorists have embraced the rule-utilitarian side of Mill's thought (e.g., Brandt 1979; Riley 2000).

Whether Mill was essentially an act utilitarian or some sort of rule utilitarian has been a long-running issue in Mill scholarship, going back at least to Urmson (1953). It may be that Mill was not really either an act or a rule utilitarian. Mill clearly wanted to apply the utilitarian standard to a wide range of objects – to the assessment, not just of actions and rules, but also institutions, social policies, character traits, dispositions, and motivations. And he may possibly have believed that no one realm of utilitarian assessment automatically takes precedence over the others, a view now called *global*

utilitarianism (Driver 2014). In any case, this scholarly controversy over the interpretation of Mill has had a lasting impact on modern utilitarianism, prodding theorists to identify and refine various possible forms of the theory.

2. Pleasure and Well-Being

As I have said, utilitarianism assesses the goodness of outcomes in terms of well-being. In contemporary terminology, the theory is *welfarist* because it holds that individual welfare or well-being is the only thing that is to be valued for its own sake, that all that ultimately matters is that people's lives go as well as possible. Other things that we normally take to be valuable, say, knowledge or close personal relationships, are valuable only because and only insofar as they contribute to one's well-being. The theory is also *aggregative* and *universalistic* because it holds that the goodness of outcomes is a direct, additive function of individual welfare and that everyone's welfare matters the same. Mill believed these things. He spoke in terms of happiness, however, as did the other classical utilitarians, implicitly equating it with welfare or what is good for us. Moreover, Mill joined Bentham and other early utilitarians in explicitly identifying happiness with pleasure and unhappiness with pain. Mill famously contended, however, that we can compare and rank pleasures, not just quantitatively, but also qualitatively.

Whereas Bentham thought that two pleasures are of equal worth if they are equivalent in terms of intensity, duration, purity, and "propinquity," Mill urged that some kinds of pleasure are better than others, not because they are more pleasurable, but because they are pleasures of a higher or more valuable sort. Unfortunately, Mill never works this position out satisfactorily, and several generations of commentators have puzzled over it. Those who favor traditional hedonism argue that introducing qualitative considerations is needless because the pleasures that Mill celebrates as higher – in particular, the pleasures of the intellect – are just those that human beings tend over the long run to find more satisfying than they do crude or vulgar pleasures. Usually, however, Mill has been attacked from the opposite perspective. These critics contend that, contrary to his expressed intention, Mill's talk of higher and lower pleasures implicitly repudiates hedonism. They argue that what his attempt to rank pleasures along some qualitative dimension really shows is that he values things other than pleasure.

Hedonism has always had its critics, but within the consequentialist camp G.E. Moore's arguments against it were particularly influential (Moore 1903, 2005). In any case, the main currents of twentieth-century consequentialism have run against the hedonist idea that pleasure, whether understood in Mill's way or in Bentham's, is the central good. As a result, utilitarians today typically formulate their theory in terms of well-being, a concept that is broader than pleasure and, perhaps, broader than happiness, too, depending on what one means by happiness (Sumner 1996; Feldman 2010). But what, then, is well-being? Utilitarians today often leave this question unanswered; for them well-being is simply a placeholder for whatever it is that is good for human beings and other sentient creatures. They do, however, typically identify three different types of theories that one could have of well-being: mental state accounts, preference-satisfaction accounts, and objective-list theories.

According to the first, well-being consists in one's having certain valuable mental states. Because it holds that only pleasure is intrinsically valuable, the hedonism of Mill is one such theory. (Among philosophers, there are, of course, competing conceptions of pleasure – is it, for example, a sensation or, rather, some kind of second-order attitude towards one's experiences? On this matter Mill's own remarks are ambiguous.) However, because one might hold that there are mental states or experiences other than pleasure, whatever it is, that are intrinsically valuable, hedonism is not the only possible mental-state account of well-being. In contrast, according to preference-satisfaction accounts well-being consists, not in one's having certain mental states, but rather in one's preferences (or desires) being fulfilled, that is, in one's getting what one wants. Preference-satisfaction theories of well-being have been very influential since Mill's day, especially among economists, largely because preferences have been thought to be more easily identifiable and measureable than mental states like pleasure. Various preference-satisfaction theories are possible, depending for instance on whether the desires in question are simply the desires one happens to have or are, rather, the desires one has or would have under certain conditions (e.g., if one were fully informed). Finally, according to objective-list accounts, well-being consists in one's life containing certain valuable things, such as, say, friendship or a sense of accomplishment. Although these are things that most people are likely to want, and having them may well bring one pleasure, this is not why they are valuable. Rather, they are simply the things that, objectively speaking, make up human well-being; to have them is to have well-being.

Which, if any, of these is the best way to conceptualize well-being is an important issue, and not just for utilitarians. Although Mill's writings contribute little to this theoretical question, he did have some sage insights into the things that typically make people's lives go better or worse. He thought, for example, that once people are tolerably well off, then the main causes of unhappiness are selfishness and a want of mental cultivation (*Utilitarianism*, X: 215; *Autobiography*, I: 145–7). This is a point about human well-being, I think, with which any plausible conception of it must square.

3. The Case for Utilitarianism

In Chapter III of *Utilitarianism*, Mill argues that "the conscientious feelings of mankind" can be cultivated so as to buttress utilitarianism just as effectively as they can be brought to support any rival moral system (*Utilitarianism*, X: 229). Many people, however, take commonsense morality to be obviously correct and treat its precepts as reflecting elementary ethical principles that need no independent justification. This is because "customary morality, that which education and opinion have consecrated … presents itself to the mind with the feeling of being *in itself* obligatory." Indeed, Mill continues,

> when a person is asked to believe that this morality *derives* its obligation from some general principle [such as utilitarianism] round which custom has not thrown the same halo, the assertion is to him a paradox. (X: 227)

In addition to disparaging philosophers who remained within the confines of commonsense morality, Mill criticized those who appealed to a putative moral sense capable

of identifying moral rules, the truth of which can be known independently of observation and experience. In Mill's view, appeals to moral intuition tend to underwrite existing prejudices and prop up bad institutions, and he waged war against intuitionism in all areas of thought, including mathematics, because he thought it bolstered moral intuitionism with all its pernicious consequences (*Autobiography*, I: 233, 269–70). He would have been dismayed to learn how much normative theorizing these days involves building on the moral intuitions, or considered judgments of right and wrong, that the reader is presumed to share with the author. Many contemporary philosophers defend their normative principles by showing that their implications cohere with and tie together our pre-theoretical judgments about particular cases and fit with other principles that we find intuitively plausible. Modern utilitarians are extremely skeptical, as Mill would have been, of this way of doing ethics, because of the degree to which one's intuitions about right and wrong reflect one's enculturation and upbringing (e.g., Singer 1974; Brandt 1979: 16–23).

3.1. Mill's Arguments for Utilitarianism

Mill agreed with Bentham that the utilitarian theory cannot be proved – at least not in any strict sense of proof. This is because one is dealing with first principles. "To be incapable of proof by reasoning is common to all first principles," Mill writes, "to the first premises of our knowledge, as well as to those of our conduct" (*Utilitarianism*, X: 234). He held, nevertheless, that one can still rationally discuss first principles and, further, that considerations "capable of determining the intellect" can be advanced in favor of utilitarianism (X: 208).

One of those considerations is the fact that utilitarianism is firmly grounded in "the social feelings of mankind; the desire to be in unity with our fellow creatures" (*Utilitarianism*, X: 231). In a similar vein, some contemporary utilitarians see the theory as grounded in an appeal to generalized benevolence (Smart 1973: 7). True, our benevolent instincts are frequently weaker than our self-interested desires. However, Mill optimistically believed that as civilization advances, people's social feelings and sympathetic regard for others tend to strengthen. The development of society and the closer ties among people that this brings not only "give to each individual a stronger personal interest in practically consulting the welfare of others," they also lead "him to identify his *feelings* more and more with their good." (*Utilitarianism*, X: 231). Social progress also fosters analysis and reflection, and these invariably undermine the emotional force of moral principles and convictions that "are wholly of artificial creation" or lack "foundation in human nature." By contrast, utilitarianism, Mill thought, rests on a "powerful natural sentiment," which analysis does not weaken (X: 230–1). The twentieth-century utilitarian Richard Brandt advanced a somewhat similar argument, contending that unlike some relatively deep-seated desires and likings, one's benevolent responses are not irrational because they would not diminish under "cognitive psychotherapy" (Brandt 1979: 144–5).

Mill argues more explicitly for utilitarianism in Chapter IV ("Of What Sort of Proof the Principle of Utility Is Susceptible"). First, he reasons from the fact that people desire happiness to the conclusion that happiness is a good. He then contends that everything people desire they desire either as a means to happiness or as part of their happiness and

that therefore happiness is the only good, that is, the only thing that is valuable for its own sake. The literature contains countless discussions of this argument, which has attracted an inordinate amount of criticism, much of it quite uncharitably charging Mill, the logician, with committing some elementary fallacies. But even when sympathetically reconstructed (e.g., West 2004; Miller 2010), the argument has limited power, and few subsequent utilitarians have put much reliance on it.

With their attention focused on happiness, readers often overlook the final step in Mill's reasoning. Mill believes that, having established that happiness is the only thing that is good in itself and thus "the sole end of human action," it follows that it is "the test by which to judge of all human conduct; from whence it necessarily follows that it must be the criterion of morality" (*Utilitarianism*, X: 237). As he puts it in Chapter II, if happiness is the ultimate end, then it "is necessarily also the standard of morality," providing "the rules and precepts for human conduct" (X: 214). In other words, Mill assumes that once utilitarianism's value theory is vindicated, then so is its criterion of right and wrong. Because he takes consequentialism for granted, the only controversial or difficult question for him is the nature of the good to be pursued:

> Whether happiness be or be not the end to which morality should be referred – that it be referred to an *end* of some sort, and not left in the dominion of vague feeling or inexplicable internal conviction, that it be made a matter of reason and calculation, and not merely of sentiment, is essential to the very idea of moral philosophy; is, in fact, what renders argument or discussion on moral questions possible. That the morality of actions depends on the consequences which they tend to produce, is the doctrine of rational persons of all schools; that the good or evil of those consequences is measured solely by pleasure and pain, is all of the doctrine of the school of utility, which is peculiar to it. (*Bentham*, X: 111)

3.2. Contemporary Perspectives

These days, moral philosopher are well aware that a normative theory might retain utilitarianism's consequentialist approach to right and wrong but abandon, supplement, or modify its welfarist value theory. Indeed, in recent years the professional literature has probably contained more discussions of consequentialism in a generic sense (where the value theory is left unspecified) than it has of utilitarianism proper. By raising the prospect of consequentialist theories other than utilitarianism, the above quotation from Mill is prescient. But what about his assumption that consequentialism is the only rational moral doctrine?

A number of subsequent philosophers have held that it is. Agreeing with Mill that it is impossible to prove any first principle, Henry Sidgwick held that utilitarianism "must rest on a fundamental moral intuition," and in the concluding section of *The Method of Ethics*, he writes,

> I find that I undoubtedly seem to perceive, as clearly and certainly as I see any axiom in Arithmetic or Geometry, that it is "right" or "reasonable" for me … to do what I believe to be ultimately conducive to universal Good or Happiness. (Sidgwick 1996: xix, 507)

In *Principia Ethica*, G.E. Moore went further than this, contending that "morally right" simply means "maximizes the good." "The assertion 'I am morally bound to perform

this action' is," he wrote, "identical with the assertion 'This action will produce the greatest amount of good in the Universe'" (Moore 1903: 147). Were this correct, then (assuming, contrary to Moore himself, that welfare is the sole good) utilitarianism would be true by definition. Although Moore subsequently abandoned this definitional claim, he continued to maintain that it is self-evident that the morally right action is the one with the best overall outcome (Moore 2005). In his 1910 essay "The Elements of Ethics," Bertrand Russell (1910) endorsed a similar view.

That the right action is the action that best promotes the good seems a very natural and intuitive assumption. Yet various counterexamples to this principle, for example, the notorious deathbed promise case in which one must choose between honoring a bequest or spending the money in a way that will bring greater benefit, have led many people to doubt that it is true, let alone self-evidently true. As a result, utilitarians today concede that their theory can sometimes have implications that seem to run contrary to our ordinary or intuitive moral judgments about right and wrong. They then usually endeavor in some way or other to disarm those intuitions, showing that they do not undermine the utilitarian principle. At the same time, part of the attraction of utilitarianism, for them as for Mill, is that it provides a standard in terms of which our intuitive or commonsense morality can be assessed and perhaps improved.

Beyond challenging the authority of commonsense morality and of people's "considered moral judgments," contemporary utilitarians sometimes attack nonconsequentialism directly, challenging, in particular, the belief that some moral rules or principles are valid, independently of the goodness or badness of their results. For example, utilitarians charge that it is paradoxical or even irrational to affirm, as deontological or nonconsequentialist systems of morality do, that violating a given rule can be wrong even when doing so would result in there being fewer overall violations of that very rule (Shaw 1993). They also argue that nonutilitarian moralists, when pressed to defend their rules, ultimately rely on the contention that there is sometimes a morally weighty distinction between doing *x* and letting *x* happen or that there is sometimes an important moral difference between intending *x* and foreseeing that *x* will result from one's action. Neither proposition, utilitarians maintain, can withstand critical scrutiny (Kagan 1989; Bennett 1995).

A few modern utilitarians have attempted to prove their theory in the rigorous way that Mill thought was impossible. Over several decades and in numerous publications, R.M. Hare contended that moral judgments are universal prescriptions and that, because of this, moral language itself entails a utilitarian approach to ethics. Because moral judgments are both prescriptive and universalizable, as moral agents we can make moral judgments only when we are prepared to prescribe for all like situations. From this it follows that to make a universal prescription, we must identify an action that will be acceptable to us after we have put ourselves in the shoes of each person affected by the action. In treating the preferences of each person as of equal weight with my own and in forming a total preference that accommodates these individual preferences, I am doing what utilitarianism recommends – prescribing the act that impartially maximizes the preferences of all (Hare 1981).

Employing the mathematical techniques of contemporary economics, John Harsanyi used rational-choice theory to make the case for utilitarianism. Among other arguments, he developed a thought experiment similar to the one made famous by Rawls (1971), in

which we are to imagine people in an original position choosing the principle or principles that they want to govern their society (Harsanyi 1976, 1982). Like Rawls, Harsanyi supposes that the choosers do not know in advance what their social positions will turn out to be. He also stipulates that each person reasonably assumes that he has an equal chance of ending up in any given social position once the veil of ignorance is lifted. (By contrast, Rawls assumes that choosers can make no probability estimates at all and that they are extremely risk averse.) Under these conditions, Harsanyi argues, a rational self-interested individual would want society to be governed by whatever principle resulted in the highest average utility. That principle is, of course, the utilitarian principle.

Some utilitarians argue more simply and without Harsanyi's technical apparatus that it is rational for people who are fully informed (and not behind a veil of ignorance) to support a welfare-maximizing moral code (Brandt 1979). Others contend for utilitarianism on the grounds that any normative principle must claim the assent of all rational beings and that the only principle that can do this is the utilitarian principle because it alone takes the interests of all as equally worth satisfying (Narveson 1967). But these and other arguments are best taken as considerations that might reasonably incline one toward utilitarianism but that do not prove it. Indeed, Hare and Harsanyi notwithstanding, most contemporary utilitarians would probably agree with Mill that normative theory is not, at the most foundational level, amenable to "proof by reasoning." Their commitment to the theory is likely to rest, not on logical demonstration, but on the conviction that well-being is what ultimately matters, that everyone's well-being matters equally, and that the goal of morality should be the impartial promotion of the interests of all, either directly or indirectly (Hardin 1988, Shaw 1999).

Utilitarian and nonutilitarian approaches to ethics seem, then, to rest on different moral assumptions and to appeal to different judgments and values. Utilitarians think, though, that it counts in favor of their theory that it requires only a small number of ethical assumptions while its nonconsequentialist rivals, such as the reflective equilibrium method of Rawls (1971) or the commonsense pluralism of Ross (1930), typically depend on a wide and diverse range of moral intuitions and ethical judgments. Moreover, the ethical assumptions on which utilitarians rely are not only few in number, but also very general in character, whereas nonconsequentialist theorists typically appeal to a variety of more specific lower-level normative intuitions. These intuitions – about the rightness or wrongness of specific types of conduct or the correctness of certain normative rules – seem more likely to be distorted by the authority of cultural tradition and the influence of customary practice than do the more abstract, high-level intuitions upon which utilitarianism rests. This is a point with which Mill would have concurred.

4. Toward a More Refined Utilitarianism

In *Utilitarianism* and elsewhere Mill strengthened the case for utilitarianism by answering various objections to it. In this section, I examine his responses to three important criticisms of utilitarianism, criticisms that, with various twists and refinements, utilitarianism's detractors continue to advance. His rejoinders to these criticisms are among his most seminal contributions to utilitarian thinking, for his arguments and insights, many

utilitarians believe, point toward a sophisticated and largely indirect form of utilitarianism, one that is subtle, refined, and attractive.

4.1. Is Utilitarianism Unworkable?

The most common criticism of utilitarianism, in Mill's day and now, is that it is an ineffectual guide to conduct, for at least three reasons. First, it is impossible to know all the consequences of our actions, especially since they extend indefinitely into the future, still less to know the future results of every possible action we might have performed. Second, measuring and comparing people's levels of well-being is tricky and imprecise at best; even if doing so is possible in principle, it seems hopelessly difficult in practice, especially when many people are involved. Finally, even if we had the relevant information and could make the necessary calculations, there would rarely be time to do so.

Mill undoubtedly believed that conceding these points would not impugn the utilitarian goal of maximizing well-being. The correctness of that goal is not undermined by shortfalls in our knowledge or abilities. However, the critic's arguments are exaggerated. For one thing, human beings are, Mill contends, already well acquainted with the nature and typical causes of happiness and unhappiness. Based on countless years of collective experience, we understand many of the sources of suffering and satisfaction, and we know various things that conduce to people's lives going well and various things that thwart their flourishing.

> People talk as if … at the very moment when some man feels tempted to meddle with the property or life of another, he had to begin considering for the first time whether murder and theft are injurious to human happiness … It is truly a whimsical supposition that if mankind were agreed in considering utility to be the test of morality, they would remain without any agreement as to what *is* useful. (*Utilitarianism*, X: 224)

Our knowledge of the future is far from certain, and we can, it seems, measure and compare people's well-being only coarsely at best. Nevertheless, utilitarians today would agree with Mill that we frequently know enough about the kinds of action that tend to promote well-being and the kinds that do not to justify our acting one way rather than another.

Mill addresses the complaint that "there is not time, previous to action, for calculating and weighing the effects of any line of conduct on the general happiness" by arguing that in ordinary circumstances we can and should follow certain well-established rules or guidelines that can generally be relied upon to produce the best results (*Utilitarianism*, X: 224). We can, for example, make it a practice to tell the truth and keep our promises, rather than try to calculate possible pleasures and pains in every routine case, because we know that in general telling the truth and keeping promises result in more happiness than do lying and breaking promises. Mill rejects as absurd the "endeavour to test each individual action directly by the first principle." Rather, we need to follow certain "intermediate generalizations" or "corollaries from the principle of utility":

> To inform a traveller respecting the place of his ultimate destination, is not to forbid the use of landmarks and direction-posts on the way. The proposition that happiness is the end and

> aim of morality, does not mean that no road ought to be laid down to that goal … Whatever we adopt as the fundamental principle of morality, we require subordinate principles to apply it by. (*Utilitarianism*, X: 224–5)

Contemporary utilitarians disagree about the exact role or status within utilitarianism of these subordinate principles. Are they mere rules of thumb (Smart 1973)? Are they institutional devices for social coordination (Bailey 1997, Braybrooke 2004)? Are they second-order moral principles that we should internalize and allow to govern our ordinary decision-making even though they are not the ultimate arbiter of right and wrong (Hare 1981)? Or do they themselves provide the criterion of right and wrong (Brandt 1979; Riley 2000)? Mill's own view, as I have mentioned, is elusive. Still, utilitarians of all stripes agree with Mill that it is often welfare-promoting for people to follow rules. Having people firmly inclined to act in certain rule-designated ways – and, indeed, to have them feel guilt or compunction about failing to do so – can have enormous social benefit. This is because it produces good results to have people strongly disposed to behave in certain predictable ways, ways that generally (but perhaps not always) maximize happiness. "Any other plan," Mill wrote,

> would not only leave everybody uncertain what to expect, but would involve perpetual quarrelling: and hence general rules have to be laid down for people's conduct to one another, or in other words, rights and obligations must … be recognised. (Letter to George Grote, Jan 10, 1862, XV: 762)

Then as now, critics urge "that Utility is an uncertain standard, which every different person interprets differently" and that therefore we should rely instead on certain "immutable, ineffaceable, and unmistakable" principles of justice and morality (*Utilitarianism*, X: 251). Mill finds little merit in this line of criticism, insisting, to the contrary, that "there is as much difference of opinion, and as fierce discussion, about what is just as about what is useful to society." If the dictates of justice were as unambiguous as the critics of utilitarianism contend, he argues, then "it is hard to understand … why so many things appear either just or unjust, according to the light in which they are regarded" (X: 251). Indeed, "in the mind of one and the same individual, justice is not one rule, principle, or maxim, but many, which do not always coincide in their dictates" (X: 252). Turning the critic's argument on its head, Mill contends that, without utilitarianism to provide a determinate standard of justice, one is left with a plethora of competing, often mutually incompatible principles, each of which seems to have some plausibility.

4.2. Is Utilitarianism Too Demanding?

Mill tackles another recurring criticism of utilitarianism, namely, that it is too exacting or "too high for humanity" because it requires that we shall always act with the aim of promoting the general good. To this, Mill replies that the rule or standard of conduct is not to be confused with one's motive in acting. "It is the business of ethics," he writes,

> to tell us what are our duties, or by what test we may know them; but no system of ethics requires that the sole motive of all that we do shall be a feeling of duty. (*Utilitarianism*, X: 219)

Except on certain rare occasions, we are not required to fix our minds on the general good.

> The great majority of good actions are intended, not for the benefit of the world, but for that of individuals, of which the good of the world is made up. (X: 220)

In line with this, utilitarians today distinguish between utilitarianism as a *standard of right* and utilitarianism as a *decision procedure*. Although utilitarianism provides the correct criterion of what is right and wrong, direct application of that criterion may not always be the best procedure for determining what we should do. On utilitarian grounds, it may often be best for us to be guided by more specific rules or to act on the basis of motives other than that of maximizing overall well-being.

Nevertheless, critics today frequently repudiate utilitarianism on the grounds that it demands too much of us. They object, for instance, to Peter Singer's (1972) utilitarian insistence that morality requires us to do much, much more than we now do to save the lives of people threatened by famine – precisely because this would necessitate a substantial sacrifice on our part. The issue, of course, is broader than famine relief. At many points in our day, when we are innocently relaxing, talking with friends, or simply at work doing our jobs, we could probably be doing something else instead that would bring more happiness to the world. Our lives are rarely so productive of good that it would be impossible for us to do yet more. Thus, the critics contend, utilitarianism is unacceptably demanding because it obligates us to work around the clock for the general good, thereby sacrificing our most basic interests – our projects, close personal relations, and defining commitments.

Some utilitarians agree that the theory can demand a lot. "Given the parameters of the actual world," one consequentialist asserts, "there is no question that promoting the good would require a life of hardship, self-denial, and austerity" (Kagan 1989: 360). Nevertheless, it's fair to say that most contemporary utilitarians endeavor to show that in practice utilitarianism does not set an unreasonably high or excessively demanding standard. In line with some of Mill's remarks, they contend that it may have better results to uphold a rule that does not routinely require us to make significant sacrifices for others rather than a rule that does because, human nature being what it is, people are likely to rebel against the latter. One can also, again following some hints in Mill, distinguish between right and wrong, on the one hand, and praise and blame, on the other. Thus, even if it would be utility maximizing for one to sell most of his or her worldly assets and give the proceeds to charity, it may not be utility maximizing to blame people for failing to do so. Indeed, it is probably better to praise those who set a good example by spending more time or money helping others than most people do.

Mill would have thought that modern critics of utilitarianism overlook the fact that people's personal attachments and relationships, and their particular commitments, projects, and interests, are cardinal components of their well-being. To strip oneself of these things, even if it were possible, would not only denude oneself of the very things that give meaning, zest, and interest to life, but also undermine the sources of one's identity and self-understanding. "Free development of individuality is one of the leading essentials of well-being," Mill correctly observes, and the liberty to live life as one sees fit is "quite the chief ingredient of individual and social progress" (*Liberty*, XVIII: 261).

Accordingly, a number of contemporary utilitarians (e.g., Railton 1984) stress that utilitarianism favors people's developing close relationships and acting directly on the basis of their concern for friends and loved ones and that it seeks to protect individual choice and autonomy and to give people reasonably wide scope to live as they wish, free from criticism or punishment as long as they adhere to the basic moral rules and refrain from harming others. As Mill writes:

> Mankind ... obtain a greater sum of happiness when each pursues his own, under the rules and conditions required by the good of the rest, than when each makes the good of the rest his only object, and allows himself no personal pleasures not indispensable to the preservation of his faculties. (*Utilitarianism*, X: 337)

4.3. Does Utilitarianism Require Immoral Conduct?

Among contemporary philosophers, the most persistent criticism of utilitarianism is that it sometimes requires immoral or unjust conduct because, in the given circumstances, such conduct would produce more well-being than would any alternative action. Furthermore, utilitarianism places no intrinsic value on how well-being is distributed among individuals. It cares only about total well-being. As a result, critics charge that utilitarianism too easily permits one person's happiness to be sacrificed for the benefit of others and, more generally, that it subordinates considerations of justice, equality, and fairness to the promotion of well-being.

This is not a criticism, it seems, that was advanced by Mill's philosophical opponents or at least not by any critics he took seriously. Thus, when discussing the relation between justice and utility, Mill states that although nonutilitarians believe that in principle justice is distinct from utility, they acknowledge that justice is "never ... disjointed from it in fact," at least not "in the long run" (*Utilitarianism*, X: 240). This subtle view contrasts with that of most contemporary critics of utilitarianism. They contend that justice and utility do indeed conflict, and they relish pointing to situations in which utilitarianism requires, or is alleged to require, a course of action that violates people's rights, runs contrary to the requirements of justice, or fails to respect some basic principle of morality.

Faced with the fanciful examples that are the stock and trade of contemporary anti-utilitarians – for example, that the theory could require us to support slavery, kill an innocent person, torture a young child, or frame a suspect for a crime he did not commit – Mill would have simply denied the assumptions of the supposed counterexample. And, indeed, the more dreadful the action or policy the critic envisions, the less believable it becomes that it would bring about more good than would any other possible course of action. But today's critics of utilitarianism refuse to accept this response, insisting that utilitarians grant the concocted scenario and concede that in some logically possible world, it might somehow maximize long-run human well-being to do something perfectly dreadful, such as, kill healthy hospital patients to harvest their organs. But one can certainly doubt, as I do, that any normative theory must take seriously hypothetical scenarios involving possible worlds in which human beings are quite different from what we know them to be or in which the consequences of their actions are not what they are in the only world we are familiar with.

In any case, Mill would not have worried about such examples, had he been presented with them. He clearly thought that, when carefully and intelligently applied, utilitarianism had no untoward implications. For one thing, one must take into account the long-run implications of actions whose short-term consequences might seem beneficial. For this reason, Mill excoriates lying because it weakens the trustworthiness that is "the principal support of all present social well-being." A lack of veracity "does more than any one thing that can be named to keep back civilization, virtue, [and] everything on which human happiness on the largest scale depends" (*Utilitarianism*, X: 223). Or consider the contention that it might maximize happiness to murder some particularly disreputable person. Even if this were the case, teaching people that it is permissible to kill others whenever they are firmly convinced that doing so is for the best would have disastrous social consequences. "If it were thought allowable for any one to put to death at pleasure any human being whom he believes that the world would be well rid of," Mill writes, then "nobody's life would be safe" (*Whewell on Moral Philosophy*, X: 182). Furthermore, "an essential part of the morality or immorality of an action or a rule of action consists in its influence upon the agent's own mind," making it more likely that he or she will act a certain way in the future. Indeed, our actions can affect not only our own character, but also the character of others (*Remarks on Bentham's Philosophy*, X: 7; *Sedgwick's Discourse*, X: 56). Thus, a willingness to kill or steal or torture, even in an effort to promote the good of all, represents a disposition that utilitarians would strive hard to discourage in favor of attitudes and sentiments more conducive to promoting human happiness. Accordingly, Mill's utilitarianism lays great stress on character and nobleness of purpose (*Logic*, VIII: 952), enjoining us to cultivate a disinterested love of virtue "up to the greatest strength possible" (*Utilitarianism*, X: 237). This aspect of Mill's thinking has led some utilitarians to consider reframing utilitarianism by making motives its evaluative focal point (Adams 1976; Railton 1988).

Besides emphasizing virtue and character, Mill also stressed the importance of respecting rights and adhering to certain principles of justice. This aspect of his thought, too, has greatly influenced modern utilitarianism. Mill equates the realm of justice with the realm of rights. That something is a matter of justice entails not only that it is the right thing to do but also that it is something that someone can claim as a matter of right. What is it to have a right? Rights are "legitimate and authorized expectations" (*Utilitarianism*, X: 220). More particularly, for one to have a moral right to something is to have "a valid claim on society to protect him in the possession of it" (X: 250). Mill goes on to assert that social utility determines when one has such a claim.

For Mill, a right is nothing other than a valid claim, and one has that claim because of the utility of society's protecting claims of that sort. Utilitarianism thus determines what claims society should affirm and protect; these claims, then, constitute our rights. By contrast, nonutilitarian rights theorists reverse this explanatory order. Although they presumably believe that, if one has a right, society should protect it, they identify the rights that people have independently of considerations of social utility. For them, my right to *x* is the reason that society should protect me in the possession of it whereas for the utilitarian that society should protect my claim to *x* is the reason I have a right to *x* in the first place. Utilitarians believe that their approach gives a better account of what

rights we have, why we have them, and what their contours are than do nonutilitarian theories (Gibbard 1984; Sumner 1987; Brandt 1992).

Mill believes that justice is the "most sacred and binding part" of morality because it consists in upholding

> certain classes of moral rules, which concern the essentials of human well-being more nearly, and are therefore of more absolute obligation, than any other rules for the guidance of life. (*Utilitarianism*, X: 255)

In line with this, there is a strong utilitarian case for identifying and upholding certain human rights and insisting as adamantly as possible that individuals are always and everywhere entitled to be treated in certain ways whether or not that is required by the legal system under which they live. By identifying as human rights certain fundamental sources of well-being or preconditions for people's faring well, utilitarians attempt to safeguard the most basic interests of individuals and prevent governments and powerful groups from trampling on them. This is why, in Mill's words, justice is "the claim we have on our fellow-creatures to join in making safe for us the very groundwork of our existence," a "claim [that] assumes [the] character of absoluteness," that "becomes a moral necessity" (X: 251), and that is marked "by the sterner character of its sanctions" (X: 259).

5. Concluding Remarks

As we have seen, some arguments that were important to Mill, in particular, his defense of a qualitatively-oriented hedonism and his famous "proof" of the theory have had little impact on modern utilitarianism. On the other hand, utilitarians today share his skepticism about moral intuition and his belief that any acceptable moral system must have a consequentialist structure. They also concur that utilitarianism, when properly understood and handled judiciously, resists a wide range of familiar criticisms. Most of them also follow Mill in acknowledging the importance of character and virtue and accept his insistence that the long-run maximization of well-being requires the identification and endorsement of certain moral rules and rights, which in normal circumstances take categorical, sometimes nearly absolute, precedence over immediate determinations of utility. Contemporary utilitarians keep returning to Mill because his writings hold out the prospect, however exactly it is to be realized, of a subtle, indirect form of utilitarianism, one that is feasible, intellectually attractive, and morally compelling.

It bears noting, though, that modern utilitarianism is academic utilitarianism. Mill was not a university-based philosopher, concerned with drawing distinctions, analyzing concepts, or identifying and refining different variants of utilitarianism for their own sake. Because of the immense volume of Mill's writings, it is easy to overlook the fact that his theoretical work was ultimately subordinate, in his eyes, to the goal of making a difference in the world. Nineteenth-century utilitarianism was a radical movement aimed at social, political, legal, and economic reform, and Mill was part of that movement. Deeply engaged with the social causes of his day, Mill was a public intellectual

and a man of action – in the words of Richard Reeves (2008), "a Victorian firebrand." To be sure, a number of subsequent utilitarian philosophers have written on topics of practical importance, such as, war, euthanasia, or punishment. And Peter Singer's utilitarian treatment of our moral obligations to animals and to strangers in need has brought these issues to life, issues of the gravest real-world concern (Singer 1972, 1990). But Singer aside, it is probably accurate to say that relatively few modern utilitarians see their theory or their own contributions to it as having radical and progressive implications for our collective conduct – something that was central to Mill's commitment to utilitarianism. And none of them has rivaled Mill in public stature or influence.

Note

1 Some writers formulate the utilitarian standard in terms of the well-being that one's action could reasonably have been expected to bring about, not the well-being it actually did or would have brought about.

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37

Mill and Modern Liberalism

PIERS NORRIS TURNER

1. Introduction

Soon after its publication in 1859, John Stuart Mill's *On Liberty* entered the canon of liberal political philosophy.[1] Mill enjoyed great influence among philosophers and social reformers during his lifetime, and although his reputation as a major liberal thinker has evolved, it has never really waned. His liberty principle limiting the basis of legitimate coercion by state and social authorities, as well as his arguments concerning the value of individuality, freedom of expression, and social diversity, continue to be staples of liberal thought. Isaiah Berlin expressed a still common view when he wrote that Mill's defense of toleration and individuality in *On Liberty* "founded modern liberalism" (Berlin 1991: 131).

However, starting with Mill's earliest critics, there have also been persistent and serious doubts about whether his utilitarian moral philosophy is consistent with the liberal commitments of *On Liberty*.[2] In particular, if violations of liberal rights would sometimes maximize overall happiness, then utilitarians are unable to secure a system of inviolable equal basic liberties. Partly for this reason, most liberals today are not utilitarians (though most utilitarians are liberals), and admirers of Mill's liberal principles commonly divorce them from their foundations in his moral theory. In recent decades, the question of his liberal credentials has become only more complicated with the development of a "public reason" strain within the liberal tradition. Proponents of this view regard Mill's utilitarian defense of liberalism less as *false* than as objectionably dependent on a controversial conception of the good that is not acceptable to all reasonable people living within a society. Both sets of objections express a liberal discomfort with Mill's utilitarianism, either with regard to its failure to protect rights or with regard to its controversial status amidst reasonable moral disagreement. Despite these worries, however, Mill remains a major influence on the liberal intellectual tradition. In this chapter, I explore the reasons for his continuing influence.

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Unfortunately, the great variety of views that have been labeled "liberal" makes it almost impossible to summarize neatly Mill's relationship to the modern liberal tradition as a whole. It is true that liberals all regard individual liberty as one of the most important moral and political values and that the general problem animating liberalism is that of reconciling individual self-directedness or self-development with the demands of social life. But further specification is difficult. Liberalism is presented variously as a theory of the principled limits of state interference, of the distribution of goods in society, or of state legitimacy itself. But even when one isolates one of those concerns, liberals disagree. They differ, for instance, in the significance they attribute to various conceptions of individual liberty, such as noninterference, nondomination, and autonomy. Those conceptions of liberty then play different roles in competing justificatory frameworks – for example, consequentialist, natural rights, and contractarian – that also come in many varieties. And those varieties admit a range of practical conclusions concerning the role of government, political participation, private property, economic redistribution, and other matters.

It might be argued that *modern* liberalism is to be distinguished from *classical* liberalism by its having rejected the latter's narrow focus on limited government, strong private property rights, and state noninterference in favor of a view that places greater emphasis on autonomy and social and political equality, in which private property and markets are themselves understood as potential threats to freedom. But both of these "liberalisms" are alive and well, and I here want to address Mill's influence on the liberal tradition as a whole. Abstracting away from many differences, Gerald Gaus has argued that what unites modern liberals since Mill, including T.H. Green, John Dewey, and John Rawls, is their recognition that individuality implies more than mere self-interest and that "the social order can be understood as an essentially cooperative endeavor to promote the development of human nature" (Gaus 1983: 270). On this account, modern liberals are committed to a developmental ideal – individuality – and to equal concern or respect for each person's individuality within the social order. But, even on this view, liberal views may invoke more or less perfectionist accounts of individuality, different notions of equal concern or respect, and rather different justifications of the social order.

To simplify matters, I want to focus on three commitments widely shared among contemporary liberals, each of which owes a debt to Mill's discussion in *On Liberty*. First, liberals are unified by a strong commitment to basic negative liberties of conscience, speech, and association, and so to strictly limiting society's rightful interference with individual thought and conduct in these respects. Second, liberals accept that the development of individuality is a significant individual and social good, the limitation of which requires weighty countervailing reasons. Third, liberals tend to accept some version of the liberty principle, according to which state or social interference with individual liberty cannot be justified in the absence of demonstrable "harm to others" (*Liberty*, XVIII: 223).[3] In Section 2, I present the main arguments of *On Liberty* that have informed these three commitments. In Section 3, I then turn to Mill's relationship to the "public reason" liberalism developed by Rawls, Gaus, Charles Larmore, and others. Like these writers, most contemporary liberals are fundamentally committed to the principle of justifying state coercion in terms that all reasonable individuals could

accept. I argue that despite Mill's utilitarian commitments, elements of his views may usefully be extracted from their initial setting to inform a Millian strain within the public reason tradition.

In focusing on these considerations, I set aside questions of normative political economy and distributive justice. Though important in themselves, they are not Mill's focus in *On Liberty*. His views on such matters, including private property rights, the regulation of commerce, and the redistribution of wealth, are the subject of another chapter in this volume. I observe only that a range of practical policies are in principle consistent with his more basic utilitarian and liberal commitments. His practical conclusions depend on empirical information specific to different times and places, and he remained open to a variety of policy options.

2. The Arguments of *On Liberty*

In *On Liberty*, Mill addresses a specific problem: that all governments and social authorities, even democratically organized ones, tend toward despotism instead of taking "precautions" against the misuse of their own power (*Liberty*, XVIII: 219). In the political domain, Mill argues that although it might once have seemed that democratic governments do not need to take such precautions, the very real possibility of a "tyranny of the majority" has shown us otherwise (*Liberty*, XVIII: 219). In social life, he argues that the examples of the Church and other influential groups have demonstrated the tendency of the powerful both to impose whatever rules or customs they happen to favor and to dismiss or suppress opposition. Mill's topic in *On Liberty*, then, is "the nature and limits of the power which can be legitimately exercised by society over the individual" (*Liberty*, XVIII: 217), whatever the form of government or social authority.[4]

Mill's response to this question has three principal elements: first, a largely epistemic argument that individual and social improvement – because they depend so much on intellectual development – require social conditions allowing for free discussion and "experiments of living" (*Liberty*, XVIII: 261); second, an argument that individuality, or self-directedness, is itself a key constitutive part of the individual human good; and third, the introduction of a principle – the liberty principle – according to which only considerations of nonconsensual "harm to others" may justify social or political interference (*Liberty*, XVIII: 223). In this section, I examine each of these elements. Taken together, *On Liberty* offers a positive vision of open critical discourse and diverse modes of life in which we develop as individuals and as a society by learning from each other, and it criticizes the stifling of differences that cause harm only to oneself or that fail to cause significant nonconsensual harm to others.

Summarizing these themes, Mill writes in his *Autobiography* that *On Liberty* is a "philosophic text-book of a single truth," which he states as:

> ... the importance, to man and society, of a large variety in types of character, and of giving full freedom to human nature to expand itself in innumerable and conflicting directions. (*Autobiography*, I: 259)

Whatever the interpretive or philosophical worries lurking in the details, this general vision accounts for Mill's continuing and widespread influence on modern liberals. In the remainder of this section, I look at these arguments in more detail.

2.1. The Value of Discussion and "Experiments of Living"

Having noted the failure of political and social authorities to take precautions against their own misuse of power, Mill argues that individual and social improvement requires basic freedoms of thought, discussion, and conduct. His central argument is that individual and social improvement is driven primarily by intellectual advancement, which requires free social conditions allowing new ideas and modes of life to be tested and criticized. Despotism is inconsistent with

> the source of everything respectable in man either as an intellectual or as a moral being, namely, that his errors are corrigible. He is capable of rectifying his mistakes, by discussion and experience. (*Liberty*, XVIII: 231)

Political and social authorities must therefore do two things: first, they must tolerate new ways of thinking and new ways of living that provide the raw material for social improvement; second, they must be responsive to rational criticism in light of these new ideas and experiences. This process of "discussion and experience" requires individual liberty: "the only unfailing and permanent source of improvement is liberty, since by it there are as many possible independent centres of improvement as there are individuals" (*Liberty*, XVIII: 272).[5] The basic picture is one in which individuals, free to think for themselves and to experiment with different lifestyles, develop their own mental and moral capacities, learn from each other, provide a critical check on social authority, and together produce that "stimulating collision" of ideas, tastes, and talents that moves society forward.[6] Mill argues not only that the social conditions allowing for "discussion and experience" are incompatible with social and political despotism, but also that, for the sake of improvement, society must accept the uncertainty and discomfort that may result from having those conditions in place.

These considerations generate a presumption against coercive interference with individual liberty, because any restriction on "discussion and experience" threatens individual development and the means of social improvement.[7] In *Principles of Political Economy*, Mill explicitly endorses a general "non-interference" principle according to which "the onus of making out a case always lies on the defenders of legal prohibitions" (*Principles*, III: 936, 938). He allows that the presumption can be overcome by considerations of social coordination or by other appeals to the general good – commentators disagree on the extent to which Mill accepts that the presumption will be overcome – but it is important to his picture that liberty is the default position.

Related to this is Mill's strident defense of free discussion, which remains one of the most enduring and distinctive parts of *On Liberty*. Mill argues that with regard to the liberty of thought and discussion the presumption is never overcome. In each and every case, whether received opinion is possibly false or certainly true, the costs of censorship outweigh its benefits. Silencing dissent either robs us of the opportunity to exchange falsehood for truth – or partial truth for better adapted partial truth – or it denies us the

opportunity to keep alive and reaffirm the reasons for our true beliefs. He accepts that discussion might have harmful effects – such as a tendency to make us more sectarian – but he argues that the good of free discussion always outweighs the harm. This argument is carefully circumscribed by its focus on "discussion," which does not include all forms of expression. But, Mill argues, any sincere expression of opinion offered for public consideration in the spirit of truth and fair play should be protected from censorship. In his diary from 1854, he summarizes the connection between free discussion and individual and social improvement:

> In government, perfect freedom of discussion in all its modes – speaking, writing, and printing – in law and in fact is the first requisite of good because the first condition of popular intelligence and mental progress. All else is secondary. A form of government is good chiefly in proportion to the security it affords for the possession of this. (*Diary*, XXVII: 661–2)

Mill also argues that the conditions allowing for "discussion and experience" are required for social authority to justify the beliefs on which it bases its authoritative decisions. Without those conditions in place, social authority's decisions will be determined by mere preference rather than reason. A society in which social and political rules are determined by mere preference (of, say, a majority) not only gives up the rational hope of social improvement, but the epistemic basis of any rational authority. With this worry in mind, Mill famously argues that the permanent silencing of discussion on some matter involves an "assumption of infallibility" by social or political authority (*Liberty*, XVIII: 229). Mill does not mean that the would-be censor must consciously believe him- or herself to be infallible on some matter. Rather, he means that the permanent silencing of discussion puts the censor in a position that only infallibility could justify because it undermines – indefinitely into the future – the very mechanism by which society's understanding of some issue might be improved. No fallible person is entitled to assume such a position of epistemic superiority over posterity. This argument therefore places an important constraint on what political and social authorities may rightfully do.[8]

When we turn from free discussion to the freedom to pursue different "experiments of living," we find that Mill's main objection to interference runs along the same epistemic lines:

> ... the same reasons which show that opinion should be free, prove also that he should be allowed, without molestation, to carry his opinions into practice at his own cost. That mankind are not infallible; that their truths, for the most part, are only half-truths; that unity of opinion, unless resulting from the fullest and freest comparison of opposite opinions, is not desirable, and diversity not an evil, but a good, until mankind are much more capable than at present of recognizing all sides of the truth, are principles applicable to men's modes of action, not less than to their opinions. As it is useful that while mankind are imperfect there should be different opinions, so is it that there should be different experiments of living ... (*Liberty*, XVIII: 260)

The epistemic argument relating the conditions of "discussion and experience" to individual and social improvement is, I believe, the overarching argument of *On Liberty*. In Section 3, I consider its potential significance for public reason liberalism.

2.2. *Individuality as an Element of Well-Being*

For most modern readers, however, the heart of *On Liberty* is not the epistemic argument. Rather, they focus on Mill's claim that individuality itself is a key constituent of the human good.[9] His discussion is no less significant today than it was for England in the nineteenth century. He argues that it is a great good to individuals that they be able to develop in their own way and to frame their own mode of existence, whatever that mode of existence is:

> Where, not the person's own character, but the traditions or customs of other people are the rule of conduct, there is wanting one of the principal ingredients of human happiness. (*Liberty*, XVIII: 261)

Mill observes that powerful social or political forces will tend to

> impose … its own ideas and practices as rules of conduct on those who dissent from them, to fetter the development, and, if possible, prevent the formation of any individuality not in harmony with its ways and compel all characters to fashion themselves upon the model of its own. (*Liberty*, XVIII: 220)

Despotism, especially the "despotism of custom," drains individuals of their character and energy, turning them into mere "sheep" who are "cramped," "dwarfed," "hidebound," "docile," and "inert and torpid" (*Liberty*, XVIII: 272, 270, 242, 265, 310, 265).

The point here is not just that despotism undermines the means of social improvement, but that it makes impossible a basic component of the individual good, namely, that of being one's own person. In Mill's hands, the argument has a strongly perfectionist character, articulating an ideal of human development, though it allows for a great range of personal tastes, values, projects, and ends.[10] The person who exhibits individuality "employs all his faculties" of observation, reasoning, judgment, discrimination, and self-control (*Liberty*, XVIII: 262–3). Employing these faculties is not merely a useful means for the achievement of one's ends, the frustration of which is "irksome" (*Principles*, III: 938), but is a principal part of the human good itself: "It really is of importance, not only what men do, but also what manner of men they are that do it" (*Liberty*, XVIII: 263).

The basic idea that individuals ought to be able to develop in their own way, within limits, informs all varieties of modern liberalism. One could frame the disagreements among political parties in Western liberal democracies in terms of the social policies they believe to be required to allow people to develop individuality. Progressives and social democrats tend to argue that the development of individuality requires a range of educational and other social programs ensuring that each person has the mental and material resources to develop his or her individual potential. Libertarians tend to reject perfectionist arguments and the intrusive tendencies of such programs, arguing instead that what individuality most requires is simply non-interference. Individuals should be left alone to pursue their own good in their own way.

Mill straddles this line. On one hand, he argues that to promote the ideal of individuality it is necessary to place strict limits on social and political coercion. In a striking

passage from *Principles of Political Economy* that anticipates the main lines of argument of *On Liberty*, he writes:

> Experience … proves that the depositaries of power who are mere delegates of the people, that is of a majority, are quite as ready (when they think they can count of popular support) as any organs of oligarchy, to assume arbitrary power, and encroach unduly on the liberty of private life. The public collectively is abundantly ready to impose, not only its generally narrow views of its interests, but its abstract opinions, and even its tastes, as laws binding upon individuals. And the present civilization tends so strongly to make the power of persons acting in masses the only substantial power in society, that there never was more necessity for surrounding individual independence of thought, speech, and conduct with the most powerful defences, in order to maintain that originality of mind and individuality of character, which are the only source of any real progress, and of most of the qualities which make the human race much superior to any herd of animals" (*Principles*, III: 939–40)

Mill emphasizes not only the contribution of "discussion and experience" to social progress, but that individuality is an ideal of human development. This ideal also plays a major role in justifying the presumption against coercive interference expressed by the general principle of non-interference.

On the other hand, despite his sensitivity to the threat of social and political despotism, Mill also believes that the presumption against coercive interference can be overcome: "All that makes existence valuable to any one, depends on the enforcement of restraints upon the actions of other people. Some rules of conduct, therefore, must be imposed" (*Liberty*, XVIII: 220). In *Principles of Political Economy* and *Considerations of Representative Government*, he ultimately gives government a significant role in establishing the security and public goods that promote the general welfare.[11] Mill also distinguishes between "authoritative" and "not authoritative" interference (*Principles*, III: 937). Authoritative interference is coercive, involving restraints or threats of punishment, and is the focus of *On Liberty*. Non-authoritative interference provides educational and other opportunities to individuals without forcing anyone to pursue them. Mill gives society wide scope to act non-authoritatively, despite the fact that it involves social or political authorities in making potentially controversial judgments about what is good for individuals, thereby encouraging the development of individuality in certain directions and not others.[12] But he remains confident that a society acting both authoritatively and non-authoritatively in certain respects is consistent with the protection of individual liberty and the development of individuality.

2.3. The Liberty Principle

The third principal element of *On Liberty* is Mill's introduction and defense of the liberty principle (aka the harm principle), according to which social and legal coercion may be justified only by considerations involving nonconsensual "harm to others" and never by paternalistic reasons:

> [T]he only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others. His own good, either physical or moral, is not sufficient warrant … The only part of the conduct of any one, for which he is

> amenable to society, is that which concerns others. In the part which merely concerns himself, his independence is, of right, absolute. (*Liberty*, XVIII: 223)

Despite disagreement over its best form and its justification, the liberty principle has become a staple of court decisions and everyday moral thinking in the modern liberal state. For instance, it is common for debates about gay marriage laws in the United States to turn on the question of whether there would be any nonconsensual harm to others in allowing gay marriage or whether it concerns just the voluntary choices of two rational adults capable of making decisions concerning their own good.[13] The liberty principle is also invoked in objections to paternalistic social policies, as when New York City banned mega-sized sodas, and with regard to less obvious "nudges" that encourage us to make smarter decisions concerning our health or finances (Thaler and Sunstein 2008; Conly 2013).

The liberty principle has a particular role within the argument of *On Liberty*. Consider that the epistemic argument and the commitment to individuality together already make a strong case for a general, but defeasible, principle of non-interference. What does the liberty principle add to this picture? Rather than introduce another weighty consideration into society's deliberations about whether to interfere or not, the liberty principle rules out certain kinds of reasons altogether from justifying interference. Specifically, it restricts society's deliberations only to reasons concerning nonconsensual "harm to others." Given a case involving no such harm to others, society would not be permitted even to consider interference. As Mill puts it:

> As soon as any part of a person's conduct affects prejudicially the interests of others, society has jurisdiction over it, and the question whether the general welfare will or will not be promoted by interfering with it, becomes open to discussion. But there is no room for entertaining any such question when a person's conduct affects the interests of no persons besides himself, or needs not affect them unless they like (all the persons concerned being of full age, and the ordinary amount of understanding). In all such cases there should be perfect freedom, legal and social, to do the action and stand the consequences. (*Liberty*, XVIII: 276)

By ruling out paternalistic justifications for social interference, the liberty principle places a powerful constraint on social and political authorities. It removes from the interference calculus the potentially very weighty set of considerations concerning the welfare and moral status of individual consenting agents whose action it is proposed to restrict. In the case of gay marriage laws, for instance, the removal of (already tendentious) paternalistic considerations leaves those opposed to such laws with relatively little ammunition. Is there any significant harm to others?

There is considerable doubt that a utilitarian could truly endorse such an *absolute* anti-paternalism principle, even when restricted only to rational adults. Some commentators have therefore argued that Mill did not really intend the principle to be absolute. This is partly because most commentators agree with John Skorupski "that the case for the Liberty Principle derives from an account of human well-being," namely Mill's ideal of individuality (Skorupski 2006: 52). I suggested earlier, however, that the appeal to individuality would result only in a defeasible presumption against interference. My

own view is that the liberty principle is a specific upshot of Mill's practical concern – on evidence throughout his moral and political works – with giving jurisdiction or decisional authority to whichever available party is most competent to make a given decision. He writes, "with respect to his own feelings and circumstances, the most ordinary man or woman has means of knowledge immeasurably surpassing those that can be possessed by any one else" (*Liberty*, XVIII: 277). In considering the division of decisional authority between society and the individual, Mill thus argues that when it comes to the individual's own good, the individual should *always* be regarded as the more competent party in advance of any particular decision. For Mill, competence considerations justify a jurisdictional claim that is exceptionless, and in that sense absolute (Turner 2013b).

Whatever the justification of the liberty principle – and whether or not it can sustain Mill's absolute anti-paternalism – the principle itself has taken hold as a mid-level rule that appeals to people with divergent foundational moral commitments.[14] The main question in the interpretation and practical application of the liberty principle has concerned the kinds of effects that should count as "harm to others" and which thereby grant social or political authority the right to consider interference. Although there is reason to think Mill regarded most any negative consequence for others as "harm," most interpreters have argued that only rights-violations or significant setbacks to others' interests give social or political authorities the right to consider interference.[15]

These, then, are the main elements of *On Liberty*: an epistemic argument in favor of free discussion and social diversity, an articulation of the great value of individuality, and the introduction of a mid-level principle according to which society may rightfully interfere with individual liberty only on the basis of nonconsensual "harm to others." Mill's staying power is the result of the fact that these three elements, in somewhat different guises and in a variety of configurations, remain central components of almost any contemporary liberal view. Most liberals do not accept Mill's utilitarian framework, but they do tend to accept versions of the liberal arguments set out in *On Liberty*.

It bears mentioning that, among Mill scholars, there is significant debate about the coherence of Mill's moral and political philosophy. Some commentators have argued that Mill's utilitarianism is obviously at odds with liberal commitments (Stephen 1873; Rawls 1971: 22–7; Ten 1980). This has led some, like Berlin, to argue that because Mill's liberal principles represent the true core of his moral and political thought, he must renounce (and so maybe secretly did renounce, against all evidence) his utilitarianism (Berlin 1991). But most Mill scholars have tried to recast his liberal commitments or have offered new interpretations of his utilitarianism in an effort to make them consistent (Berger 1984; Ryan 1997: ix–xlv; Skorupski 2006; Miller 2010).[16] The variety of these efforts is impressive. Perhaps the leading line of thought has been to interpret Mill as a *rule* utilitarian, which could explain how to preserve a strict system of liberal rights even when violations in certain cases might better promote overall utility.[17]

I will not here take up these interpretive disputes, but instead turn to a radical *external* challenge to liberal utilitarianism posed by proponents of "public reason" liberalism. This challenge arises even if Mill's liberal principles are consistent with his utilitarianism. It states that because utilitarianism is a controversial basis on which to justify state coercion, any coercion justified on that basis alone would fail to respect reasonable

disagreement about how to conduct public matters and would therefore be oppressive. Utilitarian liberalism, on this view, is something of an oxymoron.

3. Mill and Public Reason Liberalism

Over the past three decades, public reason liberalism has become the dominant tradition within liberal thought. The core of the view, defended by John Rawls and others, is the "liberal principle of legitimacy." As Rawls puts it:

> [O]ur exercise of political power is fully proper only when it is exercised in accordance with a constitution the essentials of which all citizens as free and equal may reasonably be expected to endorse in the light of principles and ideals acceptable to their common human reason. (Rawls 2005: 137)

The basic thought is that the principles justifying state coercion must be acceptable to all reasonable citizens living within that state. Coercion based on principles that are not acceptable to all reasonable citizens is regarded as oppressive in the context of reasonable disagreement about how to live. Public reason liberalism represents a revolution in liberal thought because it holds that public principles are justified by their capacity to speak to and win the support of individuals holding divergent moral, religious, and other philosophical commitments. They are justified not as the implication of one moral theory or another – even the correct moral theory – but as a set of political principles that respects reasonable disagreement about the good. One way of expressing this new liberal thought has been to say that publicly justified principles must be "neutral" among competing moral views, so that public institutions are not seen to favor any particular controversial doctrine.

The worry, then, is that Mill's political theory is not neutral or uncontroversial in the necessary sense. Does this mean that Millian liberalism (and other liberalisms articulated within particular moral frameworks) is unable to speak to modern pluralistic societies?

Rawls himself observes that Mill's utilitarianism is objectionably controversial, but he also argues that Mill's liberal philosophy can be partially assimilated to the public reason tradition in two key respects. First, he contends that Mill, from within his utilitarian framework, nevertheless endorses "basic institutions quite similar" to those favored by Rawls (2007: 297). Given that the public justification of political principles requires that all reasonable people can endorse the same principles, though not necessarily for the same reasons, Rawls sees Mill as articulating one way of arriving at them. In other words, a Millian can be part of a Rawlsian "overlapping consensus" (Rawls 2005: 133–54). Second, Rawls argues that the liberty principle itself is presented by Mill as "a principle of public reason" that can be separated from its utilitarian moorings (Rawls 2007: 284–91). It is presented, in other words, as a potential object of an overlapping consensus. As I have already suggested, the liberty principle has been taken up in various forms by liberals of different stripes. Gerald Gaus has developed this claim, arguing that the liberty principle is, on its face, a broadly neutral principle that does not depend on Mill's utilitarian arguments (Gaus 2008). He argues further that Mill is

sensitive to the project of securing an overlapping consensus on his public principles, as when he writes that legal restraints must win over the "general conscience" (*Principles*, III: 938; Gaus 2008: 95).

One might add the historical point that Mill – like Jeremy Bentham before him – defends the principle of utility partly on the ground that it is a publicly accessible standard. It is an "external standard" (*Whewell on Moral Philosophy*, X: 169), to be contrasted with the claims of intuitionists and commonsense theorists who take their own internal convictions as reason enough. Mill's utilitarianism is sensitive to the thought that the regulation of public life requires reasons and arguments that anyone can take up and consider, such as the tendency to produce happiness. Of course, on Mill's view, public reasons must be consequentialist (*Bentham*, X: 111). He therefore does not address the full range of reasonable pluralism as it appears in contemporary public reason liberalism, and so his own arguments are bound to remain controversial from that perspective. But the fact that most people now take the range of reasonable opinion to extend beyond consequentialism should not obscure the point that he responds in his own way to the spirit of public justification.

Some Mill scholars have argued that the move away from Millian liberalism toward liberal neutrality has been a mistake because, in rejecting the appeal to controversial values, it has also given up too much of what the liberal tradition so beneficially introduced into political life (Skorupski 1997, 2000, 2006: 104; Brink 2013: 256, 255–9). Public reason liberalism itself also faces basic challenges concerning the intractability of public justification, the controversial nature of "reasonableness," the impossibility of remaining neutral about the good, a tendency toward the *status quo*, and other problems.[18] I cannot here decide the prospects of public reason liberalism. But in the remainder of this section, rather than resist the move toward it, I want to suggest that Mill's place in liberal theory should remain secure even within that tradition. This is because, like the liberty principle, Mill's epistemic argument is separable from his controversial utilitarian and perfectionist moral commitments.

Interestingly, epistemic arguments for liberal democracy have recently regained prominence after a period of relative neglect (Misak 2000; Buchanan 2004; Estlund 2008; Peter 2008; Talisse 2009). These arguments attempt to show that part of what justifies liberal democracy is its tendency to arrive at the best or correct decisions for a political community, usually by appeal to the epistemic virtues either of free and reasoned discussion or of inclusive collective decision procedures, or both. Rawls had de-emphasized epistemic arguments in light of the fact that modern liberal democratic societies are confronted with ineliminable, but reasonable, moral disagreement. In that circumstance, he argued, the legitimacy of the state must not rest on the truth of any particular moral view, but rather on its being able to offer fair terms of social cooperation to all reasonable citizens (Rawls 2005). This is the aim of public justification, and its core mechanics are contractarian. Recently, however, a handful of political philosophers have begun to argue that the epistemic virtues of liberal democratic institutions are part of what makes them publicly justifiable and therefore compatible with a contractarian model (Buchanan 2004; Estlund 2008; Talisse 2009). Although Mill's own views are grounded ultimately in his commitment to utilitarianism, his epistemic argument can be taken up by those who reject his utilitarianism to play a constructive role in that contemporary discussion.

Consider three problems facing public reason liberalism. First, public reason theorists have had to acknowledge that the depth of reasonable moral disagreement in society might result in no substantive moral principles being able to satisfy the liberal principle of legitimacy. Perhaps no substantive principles can be *utterly* neutral or acceptable to every reasonable person within society (unless one simply identifies reasonableness with acceptance of the principles in question). Second, they have recognized that a very *inclusive* conception of "reasonable" individuals might result in legitimate state coercion being held hostage to uninformed, uninterested, or even antisocial citizens, while a very *restricted* conception of "reasonable" would lead public reason liberalism to fail to show the equal concern and respect for individuals that motivates the view in the first place. Third, public reason liberals have been too narrowly focused on a static conception of public justification and not attentive enough to the dynamics of changes in the publicly justified principles. The result in some cases has been a perhaps troubling bias in favor of the status quo.

Mill's epistemic argument can help to address each of these problems. Despite reasonable moral disagreement, the epistemic argument for basic liberties of thought and conduct can be endorsed by a very wide range of individuals, namely, anyone who accepts that our modes of living can be improved (or at least better adapted to changing circumstances), that having the means to do so is important, that improving our *knowledge* about the conditions and consequences of our modes of living is crucial to actually improving them, and that improving our knowledge requires social arrangements allowing for reasoned, free discussion and social tolerance. The fact that few individuals would openly deny these claims suggests that Mill's epistemic argument speaks to a very broad swath of individuals holding divergent moral commitments and, therefore, that there can be convergence on liberal institutions for epistemic reasons connected with our shared interest in improving our current social conditions.[19]

With regard to the inclusivity or exclusivity of "reasonable," Mill's epistemic argument suggests a model according to which all and only those who remain genuinely open to the possibility of changing their views in light of reasoned discussion and evidence will count as reasonable. This may exclude some individuals who might otherwise be thought reasonable, but the Millian will contend that the legitimacy of the public order should not be determined by those unwilling to reconsider their own views. In particular, anyone willing to undermine the conditions of "discussion and experience" – who would thereby deny the very basis of reasoned decision-making and take up a position of epistemic superiority with respect to the future that no one is entitled to adopt – would count as unreasonable. Millian public reason would thus emphasize the implications, for the legitimacy of our political arrangements, of seeing ourselves as a fallible community of inquiry trying to intelligently address public concerns.[20]

Finally, with regard to the dynamics of what is publicly justified, Mill's epistemic argument gives all reasonable persons a reason not to rest content with whatever substantive principles happen to be publicly justified within society at a given time. The Millian alternative does not hold us hostage to the status quo even if there is already in place a convergence of reasonable opinion. Rather than retreat from controversy, Millian public reason asks us to challenge convention and to seek out new proposals, because these might guide us to improved social arrangements (MacGilvray 2004: 238–41).

The commitment to the possibility of improvement is built into the very idea of Millian public reason, encouraging individuals to offer up controversial new ideas and experiments of living for public discussion.

These comments suggest some lines of thought that have yet to be fully explored by public reason liberals. A distinctive feature of Mill's epistemic argument that has not escaped notice, however, is the way he incorporates considerations of competence into his institutional designs. It is partly with an eye to competent decision-making that Mill introduces proposals for representative government, legislative commissions, and (infamously) a plural voting scheme (*Considerations*, XIX: 392, 430, 473). It is important to appreciate that he supports these proposals only so long as they do not undermine his more fundamental liberal democratic commitments to free discussion and a public check on power. Nevertheless, such proposals face the challenge of how competence might be identified in a neutral or noncontroversial way. David Estlund's resistance to "epistocracy" – the rule of the wise – on these grounds is particularly instructive (Estlund 2008, Ch. 3). Like Estlund, Mill rejects strong forms of epistocracy – in Mill's case, the reason is that they would be incompatible in practice with liberal democratic institutions, themselves justified on epistemic grounds. But unlike Estlund, Mill accepts as commonsense that competence can be identified roughly (though imperfectly) by appeal to certain relatively neutral markers including education, experience, and interest, and that we do better to leave many social and political decisions to representatives who have greater training and experience than ourselves. Whatever the merits of Mill's proposals about competent decision making, they constitute, together with the argument for liberal conditions supporting "discussion and experience," the most sophisticated attempt to justify a full-fledged set of political institutions on largely epistemic grounds.

4. Conclusion

In this chapter, I have attempted to do two things. First, I have tried to show the three main elements of *On Liberty* that continue to inform and inspire the liberal tradition. His epistemic argument, his commitment to individuality, and the liberty principle all remain prominent parts of the liberal landscape. Second, I have tried to show, briefly and in broad strokes, how some of Mill's arguments might be taken up by public reason liberalism, the dominant tradition in liberal thought today, even though his own framework is utilitarian. In particular, his epistemic argument provides a way of thinking about liberal institutions that should appeal to many within the public reason tradition.

Notes

1 Although his other major works on moral and political philosophy – including *Principles of Political Economy*, *Utilitarianism*, *Considerations on Representative Government*, and *The Subjection of Women* – also continue to inform current debates on a range of social and political issues, I will here focus on the contemporary relevance of *On Liberty*.

2 These worries received their first sustained statement from James Fitzjames Stephen (1873).
3 Citations marked by "CW [volume number]: [page number]" refer to Mill's *Collected Works*. The liberty principle is sometimes also called his "harm principle."
4 Mill's focus in *On Liberty* is the limits on interference appropriate to (what he calls) "civilized" circumstances in which typical individuals exhibit an unspecified but sufficient degree of sociability and rationality. In "uncivilized" circumstances, Mill argues that limits on interference are less immediately important (*Civilization*, XVIII: 122–123).
5 See also Mill, *Considerations on Representative Government*, XIX: 394.
6 The quoted phrase is from Mill, *Principles*, III: 979.
7 On the need for restrictions, however, see Mill, *Periodical Literature: Edinburgh Review*, I: 296; *Liberty*, XVIII: 220; and *Cooperation: Closing Speech*, XXVI: 321.
8 For discussion of this point, see Turner (2013a).
9 Paul Kelly (2006) argues, for instance, that Mill's concern with epistemic diversity is itself ultimately grounded in his value commitment to individuality.
10 On this point, see: Brink (2013: 60–3, 255–9); Miller (2010: 132–6); Donner (1993).
11 Rawls (2007: 267) is confident that Mill's practical political order would resemble his own social democratic and redistributive vision, despite their philosophical differences. For a similar assessment, with some reservations, see Skorupski (2006: 101–5).
12 In this Mill anticipates the libertarian paternalism of Thaler and Sunstein (2008).
13 For instance, Judge Richard Posner (2015) cites Mill explicitly, concluding: "Unless it can be shown that same-sex marriage harms people who are not gay (or who are gay but don't want to marry), there is no compelling reason for state intervention, and specifically for banning same-sex marriage."
14 The most extensive modern exploration of the liberty (harm) principle is found in Feinberg (1984–8).
15 In Turner (2014) I argue that the textual evidence forces us to accept that, for Mill, mere offense and emotional distress may contribute to the justification of social interference, though these are typically swamped by the much weightier utilitarian arguments for individual liberty concerning social progress and individuality. One might worry that this turns Mill into an illiberal utilitarian by allowing society to *consider* interference to ameliorate mere offense or distress caused to others (particularly if one narrowly identifies liberalism only with the sort of *strict* defense of individual rights that utilitarians are not historically in the business of providing: Riley 2015). As an interpretive matter, however, we have every reason to believe that Mill trusted in his oft-repeated utilitarian arguments for protecting individual liberty.
16 Some heroic efforts to reconcile Mill's liberal commitments with his utilitarianism have unfortunately led to interpretive contortions that fail to do justice to the main repeated arguments found in Mill's texts. Thus Riley (2010: 85) contends that Mill remains a defender of inviolable liberal rights despite his utilitarianism by arguing that our pleasure at having equal liberal rights strictly enforced is *infinitely* greater than any other competing pleasures combined. But this reading has almost no textual support, relying as it does on a misreading of just one passage, and it cannot explain those cases in which Mill accepts that rights might be violated.
17 For a critique of the rule utilitarian interpretation, see Turner (2015).
18 For criticism of liberal neutrality and the public reason tradition from a broadly Millian perspective, see Richard Arneson (2003, 2014).
19 Gaus (2008: 100) and Buchanan (2004: 109–10) explore Mill's epistemic argument in a public reason framework. Perhaps the most prominent inheritor of Mill's epistemic argument is Karl Popper in his defense of "open society" (Popper 1945).

20 Eric MacGilvray (2004: 172–80, 221–5) has pursued related ideas in an explicitly Millian way. Buchanan (1975) incorporates this thought explicitly into a Rawlsian framework.

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