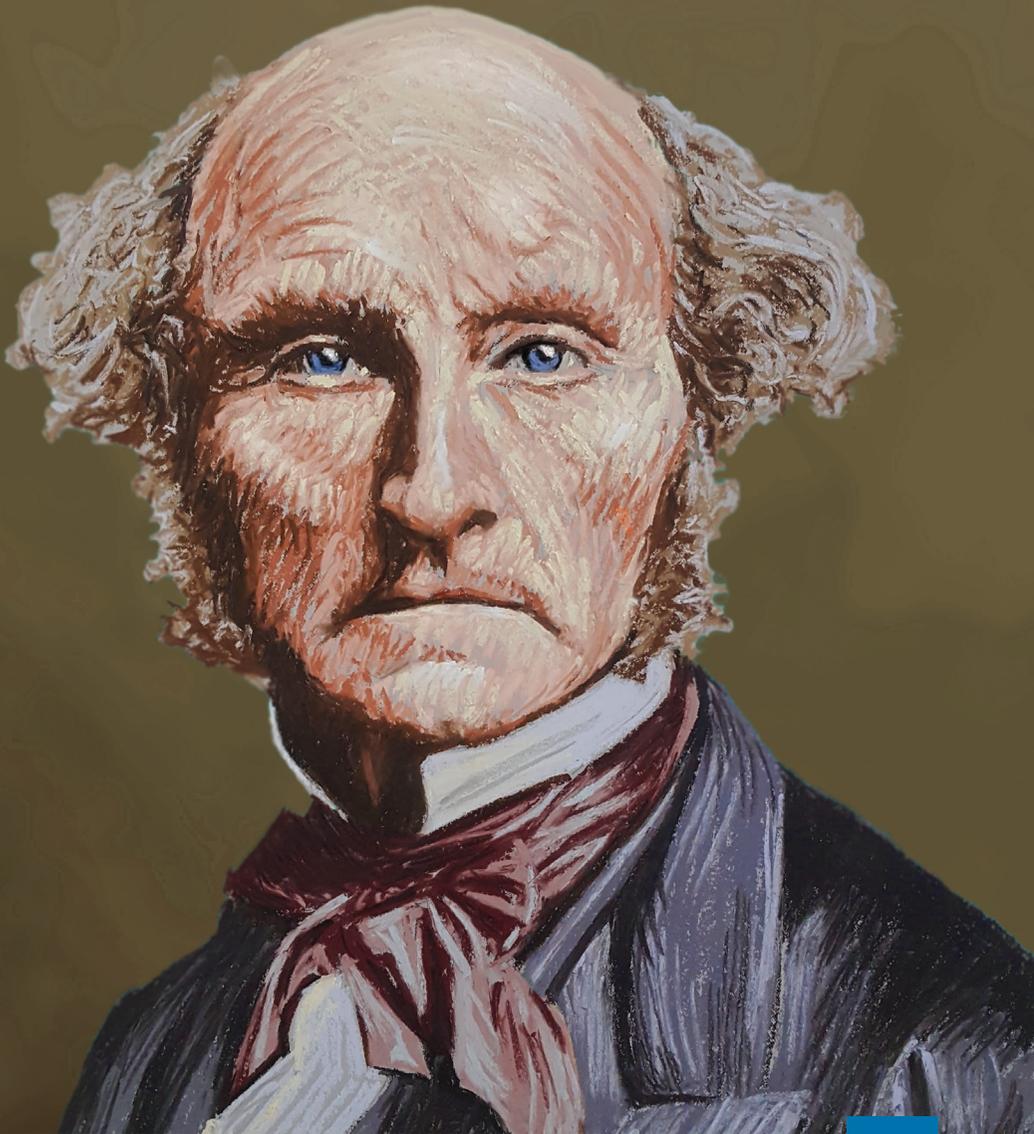


The Essential

# JOHN STUART MILL



by Sandra J. Peart

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# Introduction: Who Was John Stuart Mill?

I have thought that in an age in which education, and its improvement, are the subject of more, if not of profounder study than at any former period of English history, it may be useful that there should be some record of an education which was unusual and remarkable.

—J.S. Mill, *Autobiography*, p. 1

The *Autobiography* is as remarkable for what it leaves out as for what it discusses—what it leaves out not in any desire to suppress but because Mill thought it genuinely irrelevant. It is one of the most impersonal accounts of a mental development ever attempted, an account in which only the factors found a place that in Mill's view ought to have influenced it.

—F.A. Hayek, *Introduction*, p. 13

Few intellectuals have wider name recognition than John Stuart Mill. In schools across Canada and the US, many still learn about *On Liberty* and *Utilitarianism*. Teachers whose lessons focus on Mill's contributions to our political, philosophical, and economic understanding, often also include remarks about Mill's unusual upbringing and life experiences. It would be folly to attribute the positions he spelled out in *The Subjection of Women* (1869) to his love affair with the married woman, Harriet Taylor, with whom he collaborated for many years. Indeed, Mill sketched out many of the positions contained in *The Subjection of Women* in an essay written much earlier, in 1832 or thereabouts.<sup>1</sup> Notwithstanding, some biographical context will prove helpful before

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<sup>1</sup> F.A. Hayek first published the essay in full. See Peart, 2015, ch. 3.

we proceed to Mill's intellectual contributions to philosophical, political, and economic thought.

### **The “made or manufactured man” who remade himself**

A theme of what follows is that, while Mill's education and experiences did “make” him, his struggle and rebellion against being “manufactured” (*Autobiography*, p. 163) via an education received at the hands of his father and Jeremy Bentham very likely formed the basis for Mill's conviction that we all have agency to make and remake ourselves. Secondary to this theme, it will become evident that Mill's remaking, which also followed his intense, prolonged relationship with Harriet Taylor, cost him dearly. Indeed, the price he paid for nonconformity was steep, and included isolation from family and friends. This experience forms the backdrop to his strong denunciation in *On Liberty*—a work “more directly and literally our joint production than anything else”—of the oppression associated with public opinion.

Many will know something of the two major forces that shaped Mill's life: his extremely rigorous education conducted by James Mill and Jeremy Bentham, and his long friendship and collaboration with Harriet Taylor, who was married to John Taylor until Taylor's death in 1849. Harriet and Mill were married two years later and Harriet thereafter assumed Mill's last name. They suffered from declining health in their married years together. Harriet died at their residence in Avignon in 1858.

The oldest of nine children, John Stuart Mill was born on May 20, 1806; he died in France, where he spent many of his later years, on May 7, 1873. His *Autobiography* says little about his mother. In the pages Mill decided not to include for publication—perhaps because they are so stark—he wrote: “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 of intentions, only knew how to pass her life in drudging for them” (*Autobiography*, p. 612).

By all accounts, John's father, James Mill, was a strong-minded, ambitious person whose work in political economy earned him considerable stature. He published *A History of India* in 1817. His work in political economy earned

him the favour of Sir John Stuart,<sup>2</sup> for whom James named his first-born son. Stuart's generosity enabled James to be educated at Edinburgh University but James and John educated the children. For John, this meant a very strenuous series of lessons. James's friendship with Jeremy Bentham played an important role in the content and delivery of these lessons.

As Hayek notes in the above epigram, the *Autobiography* is short on details about personal relationships, perhaps because they were rather few in Mill's childhood.<sup>3</sup> In it, however, Mill describes his extraordinary education at length—reading Greek at age three and Latin at the age of eight followed a few years later by recitations of the political economist David Ricardo's *Principles of Political Economy and Taxation*. At an early age, Mill regarded himself as a reformer, and he endorsed Bentham's utilitarian positions.

Mill eventually shrugged off portions of his education and changed some of his views. Still reform-minded, his more mature views allowed that people might come to realize how best to reform, remake, and improve *themselves*, whereas James Mill's position was that one becomes improved via education and, once educated, that is the end of the matter. While the younger Mill developed a more nuanced view of improvement than what he believed was allowed by his father and Benthamism, he never lost his zeal for reform. It was all a question of how that reform should unfold.

Indeed, reform-mindedness will be a major theme of the following chapters. Among the many liberal causes associated with Mill, the following will be apparent: the defense of the abolition of slavery, repeal of the Corn Laws, extension of the franchise and property rights to women, reform of Irish property arrangements, and the question of birth control. Mill was at the center of each of these, sometimes on the winning side (Corn Laws, abolition of slavery, franchise, birth control) and sometimes in a losing coalition (the Governor Eyre controversy over the suppression of a rebellion in Jamaica). Mill's position on property rights and socialism requires particular emphasis. Because socialism remained a problem for twentieth- and, indeed, twenty-first

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<sup>2</sup> James served as tutor to Sir John Stuart's daughter, thereby earning Stuart's favor. Stuart (1752-1821) served as a Scottish member of Parliament for Kincardineshire (Reeves, 2007, pp. 12, 41).

<sup>3</sup> Alan Ryan remarks about the lack of detail: "Even in Victorian fairy tales children are not taken down from a bookshelf" (Ryan, 1997, p. ix).

century intellectuals, Mill's position on this issue has attracted much commentary, including that by Hayek in the twentieth century. What united all of these causes and Mill's proposed answers was a laser-like focus on the expansion of human agency, and flourishing through greater opportunities for choice.

When Mill was just fourteen, Jeremy Bentham's brother, Sir Samuel Bentham, invited Mill to his villa in France for an extended visit. During this lengthy stay, Mill gained a modicum of intellectual independence from his father while he also came to appreciate the French countryside. He met French intellectuals, including the French political economist, Jean-Baptiste Say, and the flamboyant utopian socialist Henri, Comte de Saint-Simon. Mill wrote extensively about Saint-Simon's plans for economic arrangements in the 1848 and subsequent editions of his *Principles of Political Economy*. For the next several decades Mill continued to engage with the ideas of the sociologist August Comte and Saint-Simon's follower, Gustave d'Eichthal, whom he met in 1828 at a Debating Society event. Here, too, Mill was drawn to the emphasis on reform and improvement. He parted company with Comte, Saint-Simon, and d'Eichthal over the idea of *how* one improves (via one's own choices, in Mill's considered view, or via someone's dictates).

When the younger Mill turned seventeen, the minimum required age for such a position, James Mill helped his son obtain a post at the East India Company. Thus began John's long career with the company, one that suited him as it offered financial security, especially as he climbed the ranks of promotion, and left time for writing. He eventually earned his father's former post as Chief Examiner and remained at the East India Company until it was shuttered in 1858. His work there adds a complicating factor to the presumption, noted above, in favour of liberty. We will consider Mill's position regarding British rule in India in Chapter 8.

At the still-young age of twenty, three years after taking the position at the East India Company, Mill suffered an emotional breakdown. While the definitive cause of the breakdown is unknown, commentators link it to the loneliness of his upbringing and the stringency of his education (see Reeves, 2007, pp. 62-63). As recounted in the *Autobiography*, Mill soon after began a new and more self-directed education, reading widely, especially in poetry, including Coleridge and Wordsworth (*Autobiography*, p. 151). This period of

intense intellectual questioning, which he referred to as “remaking” himself, led Mill to embrace a more expansive form of utilitarianism that made room for people to make and improve themselves—and emphasized self-direction and the freedom required for such remaking. In a step that would be important for his thinking throughout the rest of his life, especially as he considered the potential for success of various socialist schemes, Mill now embraced “many-sidedness,” or diverse points of view, an idea attributed to the German poet, von Goethe (*Autobiography*, pp. 169, 171).

Along with Jeremy Bentham, in the early nineteenth century James Mill was part of a loosely organized group referred to as the Philosophical Radicals, whose members favored the extension of the franchise (though not necessarily to women) and the termination of aristocratic privilege. John enthusiastically adopted the causes of the group, frequently participating in events at the Debating Society, a key organ of the group. But by the late 1820s, Mill’s growing independence from his father’s and Bentham’s grip began occasionally to manifest itself. He withdrew from the Debating Society after 1829, having “had enough of speech-making, and... glad to carry on my private studies and meditations without any immediate call for outward assertion of their results” (*Autobiography*, p. 163).

In 1831, Mill published “The Spirit of the Age” in seven installments in *The Examiner*. He opened the first installment with the claim, “the times are pregnant with change; and that the nineteenth century will be known to posterity as the era of one of the greatest revolutions of which history has preserved the remembrance, in the human mind, and in the whole constitution of human society” (*Newspaper Writings*, pp. 228-29). Mill proceeded to examine the relationship between authority and individual agency, a theme that would preoccupy his mature writing, thereby moving some distance from the tropes of his father and the Philosophical Radicals. In his introduction to the 1942 republication of the essays, Hayek asserted that Mill “was certainly not, as is now sometimes suggested, merely a late representative of a once powerful school whose thought he summarized at the height of its popular influence” (Hayek, 1942, p. vi).

The event that would forever change Mill’s life occurred at roughly this time. In the summer of 1830, Mill received an invitation to dine with John and Harriet Taylor. Also attending the dinner were Harriet Martineau, the

extremely successful nineteenth century popularizer of economic ideas, and William Johnson Fox, editor of the *Monthly Repository* to which Mill would become a regular contributor. Mill shortly fell headlong in love with Harriet Taylor. The repercussions of his friendship with and eventual marriage to Harriet were profound. Harriet's influence on his work and his partnership with her were equally important.

In the years that immediately followed, Mill and Taylor's acquaintance and intellectual partnership eventually blossomed into a love affair. While there is no clear certainty whether or not their relationship remained platonic, their travels together were unusual enough to generate rumors and scandal. Harriet and John Taylor agreed to separate in 1833. She established her own residence and traveled frequently with Mill over the decades that followed, returning to John Taylor's home to nurse him through a long illness before his death.

These arrangements, so atypical for the time, generated strong reactions among Mill's family and friends. His correspondence recounts a stark story of real or perceived hurt and rejection that followed. His friendship with the Philosophical Radical John Roebuck was an early casualty of the affair. The damage went much deeper and included Mill's friendship with Thomas and Jane Carlyle and, eventually, estrangement from his family.<sup>4</sup> By the mid-1840s, Mill and Taylor withdrew from their acquaintances: Sarah Austin, Harriet Martineau, Mrs. Grote, and Lady Ashburton. In 1851, his sister, Mary Elizabeth Coleman, wrote to Mill: "And now Good Bye.... If this should close all intercourse between us as I think possible it will be to me very painful, but at least the sting will be wanting of thinking that I have shrunk from the duty of honesty towards you."

Notwithstanding their isolation, these were very productive years for Mill. His *Logic* appeared in 1843 and established Mill's reputation at the time as a notable public intellectual. Beginning in 1846 in a newspaper article and then recurring frequently thereafter, Mill attributed his work as a "joint production" with Taylor. The first edition of his *Principles of Political Economy: With Some of Their Applications to Social Philosophy* followed in 1848, with

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<sup>4</sup> See Peart, 2015, Editor's Introduction, pp. xxx-xxxvii, and Chapters 1-4 for details of the relationship and its personal cost to Mill and Taylor. Peart (2015, pp. 168-71) publishes the full letter from Mary Coleman, with the sentence that closes this paragraph appearing at p. 171.

numerous revised editions following soon after. *On Liberty*, written in close collaboration with Harriet as her health was failing, appeared the year following her death, in 1859. Mill's retirement from the East India Company offered him considerable time to write. *Considerations on Representative Government* was published in 1861, the same year that *Utilitarianism* first appeared in *Fraser's Magazine for Town and Country*; two years later *Utilitarianism* was published in free-standing form.

By the time Mill became a member of Parliament in 1865, he had gained a great deal of fame as a logician, philosopher, and political economist. His years in Parliament, 1865-68, corresponded with numerous national controversies, especially over Ireland and the Reform Bill. In what was perhaps his "finest parliamentary hour" (Reeves, 2007, p. 371), Mill spoke on Gladstone's Reform Bill in 1866, taking the position that the bill, which would have increased the electorate by about 40 percent., was an important step, but only a step, towards wider reform.

Mill's time in Parliament was relatively brief but his influence did not dwindle in full retirement. He spent much of his remaining time in France, having never lost his love for the French countryside. In 1861, he completed one of his and Harriet's most influential works, *The Subjection of Women*, on which he had collaborated closely with Harriet until her sudden death in 1858. Filled with ideas well ahead of their time, *The Subjection of Women* was published in 1869. Mill continued to live in Avignon until his death in 1873.



## Chapter 1

# Liberty: Why, for Whom, and How Much?

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.

—J.S. Mill, *On Liberty*, p. 223

The practical question, where to place the limit—how to make the fitting adjustment between individual independence and social control—is a subject on which nearly everything remains to be done.

—J.S. Mill, *On Liberty*, p. 220

### Individualism and choice

Mill's 1869 *On Liberty* made the case for three forms of freedom: thought, conscience, and expression; tastes, pursuits, and plans; and to join other like-minded individuals for a common purpose. Why did he care so much about these freedoms? He believed that self-governance—freedom—was an essential part of human happiness, how “human life... becomes rich, diversified, and animating” (*On Liberty*, p. 266; see Skorupski, 1989). Liberty holds a special place Mill's overall conception of happiness, serving both as a means to obtaining individual and societal happiness, and also as an essential component of being human. Mill grounds his discussion of liberty on “utility,” “the permanent interests of man as a progressive being” (*On Liberty*, p. 224). Chapter 3 will examine Mill's *Utilitarianism* in detail. For our present purposes, bear in mind that Mill's rationale for liberty and the “ultimate appeal on all ethical questions”

is utility in this wide sense of human thriving and development (*On Liberty*, p. 224). Accordingly, we begin with an examination of the role and significance of liberty for Mill, before turning to his views on threats to and legitimate limitations on freedom.<sup>5</sup>

Why is liberty so important to Mill? For one thing, the liberty to exercise choice is the means by which we develop our capacity to choose. By making choices we not only learn which ones are good and bad, but we also develop a range of abilities required to get along and succeed in life:

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. (*On Liberty*, p. 262)

By making choices, we improve our decision-making skill:

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. (*On Liberty*, pp. 262-63)

More than this, only when individuals freely choose diverse ways to live, and to live with others, will they truly flourish. Mill abhorred the dullness that in his mind results from “uniformity” and conformity. He defended the liberty that leads to diversity in thought, speech, and living almost 200 years before it became fashionable to do so, and he praised idiosyncrasy:

It is not by wearing down into uniformity all that is individual in themselves, but by cultivating it, and calling it forth, within the

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<sup>5</sup> While there are nuances among how academics use “liberty” and “freedom,” in the treatment that follows we shall use the words interchangeably.

limits imposed by the rights and interests of others, that human beings become a noble and beautiful object of contemplation ... 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. (*On Liberty*, p. 266)

What if we do not experience the liberty to choose, think, and develop ourselves? Mill worried that without a fulsome amount of liberty we become ape-like, less than fully human. Mill compares the absence of choice to slavery, forced uniformity. Those who do not choose are “yoked,” with “withered and starved” human capabilities:

Thus the mind itself is bowed to the yoke: even in what people do for pleasure, conformity is the first thing thought of; they like in crowds; they exercise choice only among things commonly done: peculiarity of taste, eccentricity of conduct, are shunned equally with crimes: until by dint of not following their own nature they have no nature to follow: their human capacities are withered and starved: they become incapable of any strong wishes or native pleasures, and are generally without either opinions or feelings of home growth, or properly their own. (*On Liberty*, p. 265)

It is important to emphasize Mill's choice of words. In the quotation above, he described people who suffer from tyranny of opinion as “apes” who imitate fashionable opinions: “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” (p. 262). The alternative to a free person is stunted and non-human.

Liberty is not only beneficial to the individuals who are free. Mill also foresaw significant social spillovers from an unyoked people since free people are better able to help one another. Society as a whole benefits from individual liberty: “each person becomes more valuable to himself, and is therefore capable of being more valuable to others” (*On Liberty*, p. 266).

Thus, the first reason we do not choose for others in the private spheres outlined above is that in so doing we deny their personhood. Mill also insisted that when we try to choose for someone else, we frequently get things badly wrong. Anyone who is a parent knows that at some point we need to allow our children to develop into free human beings, making their own choices, rather than imposing our own desires and wants on them. It is so much the worse when we put the choice in the hands of someone altogether unrelated to us, a governing authority. In Mill's view, the problem of not actually knowing what is best for another person is the "strongest of all the arguments against the interference of the public with purely personal conduct": society, when it does interfere, "interferes wrongly, and in the wrong place" (*On Liberty*, p. 283).

In sum, for Mill, society has no business interfering with a person's right to choose how to live, at least up to the point where those choices do not cause harm to others. This is the famous "no-harm" principle: Mill distinguished between choices that affect oneself and choices that affect others (what he called self- and other-regarding choices) and held that one should be free to make self-regarding choices. Before we examine Mill's no-harm principle in more detail, we briefly consider his worry about threats to liberty and the question of liberty for whom.

### **Threats to liberty**

Mill worried a great deal about threats to self-governance—tyrannical rulers, tyranny of the majority, and tyranny of opinion. Indeed, as noted in the Introduction, he knew the cost of tyranny of opinion up close and personally. For his time, he had a very unusual co-living arrangement with his friend and companion, Harriet Taylor, an arrangement that caused his friends and family to abandon and isolate the couple. More generally, he held that "the despotism of custom is everywhere the standing hindrance to human advancement, being in unceasing antagonism to that disposition to aim at something better than customary" (*On Liberty*, p. 272).

In Mill's view, England had successfully emerged from the time when despots wielded unlimited power. Yet he worried such freedom would be short lived. The English had escaped political tyranny to rule themselves, only to have a new threat to liberty come to the fore: the rule of people over other people.

The potential and actual tyranny of one group over another, the majority over the minority, the strong over the weak, preoccupied much of his thinking in *Considerations on Representative Government*. We will examine that worry more fully in Chapter 8.

Mill also worried about a subtler form of oppression, the limitation placed on individuals by social pressure. This social influence was deeply dangerous to individual choice and social thriving: “a social tyranny more formidable than many kinds of political oppression, since, though not usually upheld by such extreme penalties, it leaves fewer means of escape, penetrating much more *deeply* into the details of life, and enslaving the soul itself” (*On Liberty*, p. 220). Mill worried about parental interference that did not enable the child to develop, and social pressure or laws that prevented people from making choices and learning to be fully developed humans.<sup>6</sup> Such social tyranny, rather than natural inclination, was the cause of being ape-like. By reducing persons to sub-human status, the tyranny of custom that prevented individuals from thriving also reduced their potential contributions to social well-being (*On Liberty*, p 266).

### **Who can be free?**

Mill’s position was that *all* people (including former slaves, the Irish, and women) possessed the capacity to be free and all could become fully-fledged individuals. He vigorously opposed those in his time who argued that some groups of people were incapable of being free. Thomas Carlyle, for instance, held that former slaves in Jamaica were unable to correctly decide on their own whether (or how much) to work or not. In his view, left unattended, they would sit around and squander their productive attributes and, consequently, they should be forced to work.<sup>7</sup> Others, such as political essayist W.R. Greg, attacked the Irish as incapable, and sought to deny them the right to political self-governance. In these accounts, the Irish were portrayed as too impulsive

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<sup>6</sup> There is a developmental element to Mill’s notion of full personhood. Children who have little experience with choice are imprudent and willful; as their parents offer them choices, they gain insight into how best to choose and lose their ape-like characteristics. We return to the case of children below.

<sup>7</sup> See Thomas Carlyle, 1849, “Occasional Discourse on the Negro Question.”

and too superstitious to govern themselves. We will examine Mill's views on Ireland in Chapter 5.<sup>8</sup>

It is important to stress just how radical Mill's egalitarianism was at the time. Mill fought hard against those who urged that one group or another was simply incapable of making reasonable choices without the direction of their supposed betters. To his former friend and colleague, Carlyle, he responded that former slaves were fully capable of making their own choices and if they decided not to work, it was because their wages were so low that it just did not make sense to do so!<sup>9</sup>

More generally, as noted, Mill held that it would stunt intellectual, creative, and moral development of individuals (and society) if some were not offered fulsome opportunities to make choices. Paternalism—making choices for others—harmed individuals and society and kept those who were not given opportunities to make choices unfree, in other words, slave- or ape-like.

As we will see in Chapter 4, Mill also fought to ensure that women—as noted, another group singled out at the time for a purported inability to choose correctly—had the right to choose when and whom to marry (and leave the marriage), whether or not to work outside the home, vote, and manage financial assets. In *On Liberty*, he remarked that the State had almost entirely neglected its obligation to ensure equal protection for women under the law; instead, it allowed husbands to exercise “almost despotic” control over their wives, a control he hoped would be eradicated by equal standing under the law (*On Liberty*, p. 301).

Mill fought hard against these stereotypes and against the abuses of authority that enabled one group of people to rule another.

Mill allowed one important, some would say problematic, qualification to the question of who is capable of choice. Social control over individual self-regarding action was justified, he argued, for those who are unprepared for adulthood. Mill's doctrine of liberty does not pertain to children, “[T]hose who are still in a state to require being taken care of by others,” and “those

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<sup>8</sup> For more detail on the Irish question, see Peart and Levy (2004).

<sup>9</sup> Mill, *The Negro Question*, 1850. David Levy and I have written extensively on this exchange; see our online columns at <https://www.econlib.org/library/Columns/LevyPeartdismal.html> and the references therein.

backward states of society” (*On Liberty*, p. 224). He did not elaborate on how we are to know when another no longer needs to be taken care of. In the case of parental restraints, this may be less problematic: Mill would hold that the parent (rather than the State) knows best when to allow children the freedom to choose. However, in the case where the situation involves political control of those in “backward states,” the exception may be more problematic. Especially in light of his connection to the East India Company, Mill opened himself up to considerable criticism for insufficiently appreciating the sophistication of non-Western societies and insufficiently appreciating how rulers might *keep* the ruled in check using whatever means possible. Elsewhere, Mill provided a partial answer to the question of when a group is ready for freedom: people who are educated to the point of being able to discuss and discriminate amongst ideas are sufficiently “advanced” for self-government.

### **How much liberty? The no-harm principle**

As noted in the epigram at the start of this chapter, Mill’s *On Liberty* limits liberty to “self-regarding” actions that do not harm others. This no-harm principle allows for the full scope of liberty so long as one’s acts do not interfere with the happiness of others. As noted above, Mill used the no-harm principle to carve out three main areas of liberty: thought and discussion (the latter with a caveat, addressed in Chapter 2), tastes and pursuits, and association (pp. 225-26).

But what does Mill mean by “harm” and does the no-harm principle imply that individual liberty is circumscribed in all cases of harm? Recall that Mill tied this discussion to utility “in the largest sense” as the “ultimate appeal on all ethical questions,” “grounded on the permanent interests of man as a progressive being” (*On Liberty*, p. 224). By harm, Mill seems to have in mind something more than a transitory or trivial hurt (he uses the words “permanent” and “in the largest sense”), but rather something that can be expected to (or that does) significantly reduce the happiness of others. He also sees this as something we may anticipate—so he includes both expected harms, where by this he means something a reasonably informed person would anticipate, and, for the purposes of this discussion, harms that actually transpired. Finally, it is important to note that by grounding the rationale for liberty in Utilitarianism, Mill interjects a reciprocity

principle, whereby people are ethically constrained to treat one another as they would themselves. We will examine this more closely in Chapter 3.

Keeping these elaborations in mind, it is clear that not all harms would justify a prohibition on action. First, transitory and slight harms generally do not require a blanket, government-imposed prohibition on them. Simple conventions might arise to deal with these. In these cases, notwithstanding Mill's worry about social control, mutual approval might enforce a no-harm set of conventions. We agree, for instance, that I will use my arm to cover my cough (as will you) and our mutual worry about disapproving looks will help us remember to do so.

To examine whether more significant anticipated or realized harms justify intervention, Mill distinguishes between actions and inactions. If a person does something "hurtful" to another, there is grounds for punishment by law (if a law has been broken), or by general "disapprobation," if the action is not illegal. Examples of the former are straightforward: theft of property or unprovoked physical harm of another, both of which are punishable by law. Mill, though, was preoccupied with examples of the latter—cases such as the choice of how many children to have where one's duty to support them might warrant a delay of marriage, but the law did not compel such a delay. In such a case, again notwithstanding his worry about the tyranny of opinion, Mill allowed that public disapproval might kick in and perhaps induce the couple to behave more prudently. (We will return to Mill's views on population in Chapter 7.) He also urged that the response to lack of action (for instance, when one refrains from saving a drowning person), requires special care since compulsion might not be appropriate. A person might allow harm to come to another by not acting and yet, because circumstances vary (such as the current being too swift for any human swimmer), Mill urged a "cautious exercise of compulsion" (p. 225).

Additionally, mutual consent plays a significant role in Mill's thinking about actions and harm. He examines actions that affect and potentially harm others "with their free, voluntary, and undeceived consent and participation" (*On Liberty*, p. 225) and urged that here, too, compulsion is to be limited. There is no need for the State to step in, for instance, in cases where people strike a bargain that one party regrets, *ex post*.

Suppose you and I enter into an agreement, voluntarily and without deceit, for me to sell you my car for \$5,000. Some months after the trade I come to you and ask for the car back, as I have learned it is actually worth more than the \$5,000 you paid me for it. Since the trade was voluntary and made with no deceit, there is no reason for the State to limit, or unwind, the transaction. The next time I make a transaction of that sort, however, I will do some additional research on the value of the item for sale! If, by contrast, you forged documents or otherwise hid from me the fact that the car is a priceless antique, there *might* (but might not, depending on how egregious is the deceit) be a role for the State. Laws against fraud fall in this category, but so, too, might a law specifying a short period of time in which buyer's remorse applies. In Chapter 4 we will consider an interesting case of buyer's remorse in some detail: marriage contracts.

Remember that Mill argues that by choosing, including by choosing poorly, we learn to make better choices. Thus, his presumption is that if you and I agree to a bargain with no deceit involved, the act is part of a beneficial learning exercise. Again, the case of parents who allow their children to make mistakes comes to mind: if they fail to allow their children to err, they stunt their children's development *and* very likely choose poorly for them!

Significantly, Mill does not go so far as to suggest that the State *must* or *should* intervene in all cases in which actions might cause harm, only that "power *can rightfully* be exercised" in such cases. Given the overall importance of liberty in his thought, there are still presumptive hurdles to overcome before intervention is warranted.

What about the tough problem of harm to one's self? Mill insisted, first, that one cannot be free to sell one's self into non-freedom. His position, noted above, that liberty has a special place in the utilitarian calculus as a key component of happiness, comes to the fore: "by 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. He is no longer free; but is thenceforth in a position which has no longer the presumption in its favour, that would be afforded by his voluntarily remaining in it. The principle of freedom cannot require that he should be free not

to be free. It is not freedom, to be allowed to alienate his freedom” (*On Liberty*, pp. 299-300).

In cases where the harm to one’s self is less severe than the full surrendering of liberty, Mill is anti-paternalist. He is unwilling to endorse a blanket State-sponsored prohibition in cases where one’s choices *might* harm one’s prospective or actual self: “[One] 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” (*On Liberty*, pp. 223-24). In such instances, society or the State might persuade or remonstrate—perhaps a label on the carton of cigarettes is warranted or information might be disseminated regarding the danger associated with playing football, but State intervention is to be limited to remonstrance, licenses, taxes, and so on, rather than prohibition. In the main, people are to be granted liberty to make the choice to play football or smoke cigarettes with the knowledge that they are likely harming themselves when they do so.

What of the situation where an act may or may not harm another—as when a person purchases poison, which has several uses? Here Mill’s position is that, as the poison has more than one potential and legitimate use, its prohibition is unjustified. Again, he allows for licensing and record keeping. Whether Mill would allow for the prohibition of weapons that apparently are designed for one and only one purpose—killing people—is an open question. Another open question for the application of the no-harm principle that has come to the fore in recent years relates to infectious diseases, where one’s face-to-face interactions with others may subject them to grave and often undisclosed risk. As this is a violation of reciprocity, there may well be a case for intervention. The form of that intervention, however, is open to debate. It is conceivable that Mill might not endorse forced vaccination where the public health risk is low, but he might favour regulations that prohibit the unvaccinated from mingling and putting others in harm’s way.

When it comes to harming others, Mill provides another example of interest to educators—that of inciting violence against corn dealers. Interestingly, he allows here that speech can incite physical harm and, as such, it is an act that can be restricted:

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. Acts, of whatever kind, which, without justifiable cause, do harm to others, may be, and in the more important cases absolutely require to be, controlled by the unfavourable sentiments, and, when needful, by the active interference of mankind. (*On Liberty*, p. 260)

Indeed, inasmuch as public speech can be construed as an incitement to riot, it would not be allowable.

Consider a situation where an unpopular visitor is invited to speak on a college campus. In Mill's view, it would be allowable for students and faculty to oppose the visit, to write and speak against the views put forward by the speaker. Using his reasoning as well, however, the university would be justified to take measures to protect the speaker from harm and in disciplining those who incite and cause harm to the speaker. The no-harm principle then kicks in: If protesters incite violence against the speaker, their speech is no longer allowable. As with all of his writings and as Mill recognized in the second epigram at the opening of this chapter, the devil is in the details.<sup>10</sup> Our next chapter turns to a detailed look at Mill on speech.

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<sup>10</sup> As Alan Ryan (1975/1997) notes, "it is likely that Mill would allow much less freedom of speech to, say, anti-abortion protesters parading up and down outside an abortion doctor's house than the U.S. Supreme Court has done" (pp. xxxiii).



## Chapter 2

# Freedom of Expression: Learning, Bias, and Tolerance

The fatal tendency of mankind to leave off thinking about a thing when it is no longer doubtful, is the cause of half their errors. A contemporary author has well spoken of “the deep slumber of a decided opinion.”

—J.S. Mill, *On Liberty*, p. 250

### **Why does free speech matter?**

We ended Chapter 1 with a brief mention of how Mill’s no-harm principle intersects with his views on speech. Here, we take on the issue of speech at greater length. For those who work at a college or university, this question—free speech, its rationale and limitations—has rarely been as controversial as it is today. In widely publicized recent events, college leaders have disinvited commencement and other public speakers in response to student protests.<sup>11</sup> University leaders struggle to find and maintain the balance between relatively unrestricted speech and speech that is regarded as harmful. On all these matters, Mill’s insights are still relevant.

For Mill, the important lesson on speech is that, like choice itself, speech is a learning device, a way that people become better choosers (especially in the case of political choice), more tolerant, and more learned. Unlike thoughts and beliefs that are unexpressed in public, speech is for the most part a social act.

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<sup>11</sup> See Abby Jackson (2016, July 28), “Disinvitations” for College Speakers Are on the Rise — Here’s a List of People Turned Away This Year, *Business Insider* <<https://www.businessinsider.com/list-of-disinvited-speakers-at-colleges-2016-7>> as of August 31, 2020.

This publicness is useful, in Mill's mind: By speaking our arguments aloud, we learn to understand our own words and we see how others receive them. Via speech, we learn to understand, and—Mill hoped—tolerate each other. For Mill, this was particularly important in the coming age of democracy. Since speech is a social act, it influences others. That influence comes with a responsibility: those in authority, such as politicians or professors, have a responsibility to speak truthfully and listen to counterarguments. Speech thus comes with potential limitations and restrictions that attempt to balance potential harms against the benefits associated with speech.

Mill frames the argument about the benefits associated with speech by considering how speech is a social act, a give-and-take that enables us to learn about others and ourselves. Recall from Chapter 1 that Mill's notion of utility—the ethical grounds for freedom of expression and all other liberty—is reciprocal: we are to count the happiness of others as we count our own. Recall also Mill's remarks in the *Autobiography* about many-sidedness—his willingness to consider arguments from many points of view. His views on the give-and-take of speech are very much in line with these two observations. By speaking with those who have competing points of view, we learn to understand (and perhaps correct) our own beliefs and we come to live together peacefully with others who hold different beliefs. For Mill, the first thing we learn through such discussion is that we are all fallible. Here, Mill develops Adam Smith's argument about how we learn that we are not the centre of the universe via the give-and-take of social interaction.<sup>12</sup> While Smith focused on reciprocity in social interactions, such as trade, and the imaginative exchange of approbation, Mill built on Smith to emphasize that this learning happens via *discussion* of different viewpoints, which yields benefits for the individuals involved and society overall.

Mill lays out four reasons that it is important to allow and even encourage free discussion of competing opinions. Essentially, his argument is that

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<sup>12</sup> Smith makes this abundantly clear in his *Theory of Moral Sentiments*. See the account of how children learn to temper their outbursts when they are “old enough to go to school, or to mix with... [their] equals” and learn “they have no such indulgent partiality” as from their parents. He calls this the “great school of self-command” (Smith, 1759/1976, p. 145). There are many accounts of the motivational force of our desire to earn well-deserved praise. See Vernon Smith and Bart Wilson's recent treatment in *Humanomics* (2019).

discussion helps us appreciate that we are fallible. First, we sort out whether an opinion is true or not via discussion: “if any opinion is compelled to silence, that opinion may, for aught we can certainly know, be true” (*On Liberty*, p. 258). Silencing discussion amounts to an assumption of infallibility: “To call any proposition certain, while there is any one who would deny its certainty if permitted, but who is not permitted, is to assume that we ourselves, and those who agree with us, are the judges of certainty, and judges without hearing the other side” (p. 223).

Second, even wrong opinions may contain partial truths and we learn to appreciate the partial truth by discussing it. Since the “general or prevailing opinion on any subject is rarely or never the whole truth” we come to an improved understanding by collating “adverse opinions” (p. 258). Third, even when one side of the matter is correct, we learn to appreciate the correct view more deeply by (and only by) defending it vigorously: “even if the received opinion be not only true, but the whole truth; unless it is suffered to be, and actually is, vigorously and earnestly contested, it will, by most of those who receive it, be held in the manner of a prejudice, with little comprehension or feeling of its rational grounds” (p. 258).

He next adds the clinching argument. Even when an opinion is true, and recognized to be so, it is important to discuss so it doesn’t become settled dogma, incapable of improvement: “And not only this, but, fourthly, the meaning of the doctrine itself will be in danger of being lost, or enfeebled, and deprived of its vital effect on the character and conduct: the dogma becoming a mere formal profession, inefficacious for good, but cumbering the ground, and preventing the growth of any real and heartfelt conviction, from reason or personal experience” (p. 258).

### **Learning via discussion**

As we think about how people learn through speaking, it is important to keep in mind Mill’s embrace of “many sidedness” mentioned earlier in the Introduction. As noted, for Mill we come to know a subject by knowing what is said about it:

[T]he only way in which a human being can make some approach to knowing the whole of a subject, is by hearing what can be said

about it by persons of every variety of opinion, and studying all modes in which it can be looked at by every character of mind. (*On Liberty*, p. 232)

If, instead of doing the hard work of studying and collating opinions, we simply believe what we are told without questioning or discussing it, we fail fully to understand the proposition. In such instances, our belief might well be called “superstition.”

In this context, Mill makes one of the earliest cases for what is referred to, today, as experiential knowledge—he writes that we more fully understand many truths once we have experienced and discussed them. Anyone who has attempted to counsel a child on the dangers associated with fingers on hot burners or tongues on cold metal will appreciate this point in Mill:

there are many truths of which the full meaning *cannot* be realized, until personal experience has brought it home. But much more of the meaning even of these would have been understood, and what was understood would have been far more deeply impressed on the mind, if the man had been accustomed to hear it argued *pro* and *con* by people who did understand it. (*On Liberty*, p. 250)

More than this, as noted above, in Mill’s view we must always be ready to improve our understanding and admit to fallibility. There is, however, no guarantee that this will happen, absent the forced or induced listening that comes with living in a society filled with competing viewpoints. It is only because we live amidst others who hold and convey critical points of view that we become ready to learn from our critics, to develop a “steady habit of correcting and completing” our opinion “by collating it with those of others” (*On Liberty*, p. 229).

Mill’s observation, that we learn from others’ points of view, forms the basis for classroom exercises that randomly assign points of view to students and ask them to argue a conclusion that may well be contrary to the views they bring to the classroom. While that exercise seeks artificially to create the rich diversity of points of view (“many sidedness”) that Mill so appreciated, the

hope is that even such an artificial set-up will enable students to appreciate the weight of their classmates' opposing viewpoints.<sup>13</sup>

### **Bias and tolerance**

More than a century before social psychologists coined the now-current term “implicit bias,”<sup>14</sup> Mill acknowledged that we all want various things to be true or at least provisionally correct, and we consequently tend to confirm our prior views (something we refer to today as confirmation bias). In his 1843 *Logic*, a tour de force in making the case for inductive logic, Mill wrote:

We cannot believe a proposition only by wishing, or only by dreading, to believe it. ... [Wishing] operates, by making [a person] look out eagerly for reasons, or apparent reasons, to support opinions which are conformable to his interests or feelings; ... whoever was on his guard against all kinds of inconclusive evidence which can be mistaken for conclusive, would be in no danger of being led into error even by the strongest bias. There are minds so strongly fortified on the intellectual side, that they could not blind themselves to the light of truth, however really desirous of doing so. (*Logic*, p. 738)

At least some of what Mill called “false beliefs” are today referred to as priors or implicit bias. Consistent with the argument below, social psychologists maintain that such biases are malleable and suggest that biases against “out group” individuals are reduced by intra-group interactions.

In his 1867 *Inaugural Address* as rector at the University of St Andrews, Mill reiterated the relationship between speech and the elimination of bias. Through speech, he argued, we begin to understand how others think and we come to appreciate their points of view. Mill suggested here that we benefit

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<sup>13</sup> Commentators whose views differ widely on other matters share an appreciation for this point: Nussbaum (2010) and McCloskey (2010) both focus on the benefits of discussion.

<sup>14</sup> The literature on this is vast. See Greenwald and Cooper (1994) for a survey.

from the exchange of ideas with those who are very different from us—he used those of different nationalities as an example.

By the late 1860s, Mill spoke with some urgency, as he had in mind the impending enlargement of the voting public and the coming political argumentation that would ensue. Again, he emphasized how speech and the discussion of different points of view helps us improve ourselves. By speaking with those who wear “differently coloured glasses,” Mill argued, we improve: “improvement consists in bringing our opinions into nearer agreement with facts; and we shall not be likely to do this while we look at facts only through glasses coloured by those very opinions. But since we cannot divest ourselves of preconceived notions, there is no known means of eliminating their influence but by frequently using the differently coloured glasses of other people: and those of other nations, as the most different, are the best” (*Inaugural Address*, p. 226). For Mill, perception is influenced in the first instance by coloured glasses and then improved via discussion.

While he was for the most part silent on the source of our biases, Mill was convinced that we all have them and it is only via discussion with competing points of view that we will rid ourselves of bias. In his view, experiences matter, but experiences must also be discussed to be fully understood. People rectify “mistakes, by discussion and experience. Not by experience alone. There must be discussion, to show how experience is to be interpreted. Wrong opinions and practices gradually yield to fact and argument: but facts and arguments, to produce any effect on the mind, must be brought before it” (*On Liberty*, p. 231).

Mill saw speech as the means through which we come to tolerate those who hold different points of view. Discussion of ideas and views also leads to a moderation in speech, he believed, since we tone down our words when we appreciate another’s point of view and we speak less pugnaciously when we want our words to be heard and appreciated by others who hold competing views. Those who speak against received wisdom, Mill suggested, have asymmetrically aligned incentives. They must practice more moderation than those who hold received opinions:

In general, opinions contrary to those commonly received can only obtain a hearing by studied moderation of language, and the most

cautious avoidance of unnecessary offence, from which they hardly ever deviate even in a slight degree without losing ground: while unmeasured vituperation employed on the side of the prevailing opinion, really does deter people from professing contrary opinions, and from listening to those who profess them. (*On Liberty*, p. 259)

Teachers, and here Mill has in mind that basic education, too, would soon become more widespread, were especially obliged to teach different perspectives and avoid dogmatism:

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. (*Inaugural Address*, p. 249)

## Rules for speech

While Mill put forth a strong case for the positive benefits of learning and tolerance associated with speech, he did not advocate speech without rules. He denounced in the harshest terms *ad hominem* attacks on character that masquerade as arguments. Rules related to speech were to be applied to both sides of the case.

Mill noted that those who hold the minority point of view are often “comparatively defenceless.” For them, rules that ensure the views of minorities may be heard are consequently especially important:

With regard to what is commonly meant by intemperate discussion, namely invective, sarcasm, personality, and the like, the denunciation of these weapons would deserve more sympathy if it were

ever proposed to interdict them equally to both sides; but it is only desired to restrain the employment of them against the prevailing opinion: against the unprevailing they may not only be used without general disapproval, but will be likely to obtain for him who uses them the praise of honest zeal and righteous indignation. Yet whatever mischief arises from their use, is greatest when they are employed against the comparatively defenceless; and whatever unfair advantage can be derived by any opinion from this mode of asserting it, accrues almost exclusively to received opinions. The worst offence of this kind which can be committed by a polemic, is to stigmatize those who hold the contrary opinion as bad and immoral men. (*On Liberty*, pp. 258-59)

Arguments that try to silence discussion often, in Mill's view, hide behind a pronouncement that we must avoid discussing an extreme case. Like Smith before him, Mill recognized the problem of faction, where those within a group or faction are unwilling to listen to arguments that counter their group position, and he recognized that discussion may not break down the barriers of factionalized or party interests. While discussion may not successfully penetrate or alter the minds of those whose views have been hardened by whatever faction they belong to, it will, nonetheless, be useful to the "calmer and more disinterested bystander," who has yet to become factionalized.

I acknowledge that the tendency of all opinions to become sectarian is not cured by the freest discussion, but is often heightened and exacerbated thereby; the truth which ought to have been, but was not, seen, being rejected all the more violently because proclaimed by persons regarded as opponents. But it is not on the impassioned partisan, it is on the calmer and more disinterested bystander, that this collision of opinions works its salutary effect. Not the violent conflict between parts of the truth, but the quiet suppression of half of it, is the formidable evil. (*On Liberty*, p. 257)

Further, as we saw in Chapter 1, speech that excites harmful action is subject to restraint if it breaks the no-harm principle.

The harder question in this context, of course, is whether speech that does not incite physical harm but instead hurts the listener emotionally or psychologically also constitutes harm. Those who argue against free expression on college campuses now seek to expand the notion of harm from Mill's actual danger of physical harm to subtler forms of aggravation. These include feeling unsafe in the presence of a controversial speaker, feeling hurt when someone uses a racial slur to describe another, and (sometimes unintentional) hurts associated with ill-chosen words (also referred to as "micro-aggressions").

Does Mill's *On Liberty* provide guidance for these cases? Given his notion that speech is very important to learning and his caution, discussed in Chapter 1, regarding blanket prohibitions in cases of harm, it seems clear that he would proceed carefully. As for controversial speakers, the foregoing suggests a presumption in favour of allowing differing viewpoints in this public sphere. As to micro-aggressions, Mill's wording suggests that the harm he sought to avoid was significant and permanent (see Chapter 1). He emphasized voluntary agreement and asserted that, in minor cases, social conventions might emerge to curtail harmful actions. Perhaps, then, speech associated with smaller harms might be limited using reciprocal social conventions: we agree not to harm each other using micro-aggressions. Speech that violates reciprocity and causes lasting and serious harms—a racial slur used to dehumanize another—might, by contrast, require a legal or organizational prohibition.

## Conclusion

There is in Mill a clear tension between the presumption of liberty of thought and opinion versus a more constrained notion of public speech. The question arises as to whether Mill would favour the type of statements regarding free expression that many college campuses have recently endorsed? He recognized instances where speech should be restrained and he insisted that discussion be governed by rules to help ensure decorum in the exchange of ideas. The foregoing also strongly suggests, however, that Mill regarded vigorous debate as a method for deep learning and the acquisition of tolerance. Indeed, those who have read Mill carefully appreciate that in his own work he constantly revised

and collated his views in light of newly discovered arguments and information, so much so that Samuel Hollander has noted that it becomes difficult to find Mill's "centre of gravity" amidst his shifting viewpoints (Hollander, 1985, p. 638).

Mill paid dearly for his position that we must attend to speech with care. His radical position that language be enlarged to include all members of society equally in social and political matters was strenuously and successfully opposed, and Mill was ridiculed for his attempt to include women in the political debates of his time.

## Chapter 3

# Utilitarianism: Happiness, Pleasure, and Public Policy

Laws and social arrangements should place the happiness, or (as speaking practically it may be called) the interest, of every individual, as nearly as possible in harmony with the interest of the whole.

—J.S. Mill, *Utilitarianism*, p. 218

### Utilitarianism defined

As noted in the Introduction, Mill was the quintessential social reformer of the nineteenth century. How did he balance his steadfast commitment to liberty with the desire for reform and improvement? We have seen that in the course of writing about liberty and freedom of expression, Mill wrote about how choice and speech were the means by which people learned and gained the “real power” by which they remade and improved themselves. In his view, liberty and reform go hand in hand.

But, improvement for what end? Here, we consider how Mill’s *Utilitarianism* was grounded in a theory of morals in which the worth and capacity of each was equal to that of others and all individuals are connected via sympathy and the desire for approbation. From this ethical theory, Mill recommended sweeping institutional reforms to offer equal treatment to all while continuing to advocate more individual choice.

Mill’s *Utilitarianism* relied on several key principles. For individual actions, Mill held that “actions are right in proportion as they tend to promote happiness, wrong as they tend to produce the reverse of happiness”

(*Utilitarianism*, p. 210). He equated happiness with pleasure and the absence of pain, recognized that human beings enjoy different sorts of pleasures (and pains), and sketched out his thoughts on higher and lower pleasures. Second, Mill insisted that the criterion for right action is not simply the individual's own happiness or pleasure but rather that of society, "the greatest amount of happiness altogether." The happiness of one was to count equally with that of others. Mill equated utilitarianism to the Golden Rule: "As between his own happiness and that of others, utilitarianism requires him to be as strictly impartial as a disinterested and benevolent spectator. In the golden rule of Jesus of Nazareth, we read the complete spirit of the ethics of utility. To do as one would be done by, and to love one's neighbour as oneself, constitute the ideal perfection of utilitarian morality" (*Utilitarianism*, p. 218). Third, this greatest happiness principle formed the rationale for Mill's public policy stance in which the happiness of each counts equally in the total.

### **The social context**

Mill was much concerned with the precise nature of the general rule for human actions, in particular with "what things [utilitarianism] includes in the ideas of pain and pleasure" (*Utilitarianism*, p. 210). He confronted a central problem at the outset: whom to include in the calculation – a question he answered "so far as the nature of things admits" to include "the whole sentient creation" (p. 214).

Second and more complex for Mill was how to define the aggregate social "happiness." In a departure from Bentham, Mill's version of utilitarianism presupposes a sort of Smithian sympathy, the ability to change places imaginatively with others and a resulting treatment of others as equal to one's self. As Mill put it, the "ethical standard" was grounded on the "social feelings of mankind; the desire to be in unity with our fellow creatures." These feelings, he opined, were "already powerful" in his time:

The social state is at once so natural, so necessary, and so habitual to man, that, except in some unusual circumstances or by an effort of voluntary abstraction, he never conceives himself otherwise than as a member of a body; and this association is riveted as more and

more, as mankind are further removed from the state of savage independence. (*Utilitarianism*, p. 231)

Society was “manifestly impossible” except on an equal footing: ever the proponent of impartiality, Mill insisted the interests of all were to count equally (p. 231). For Mill, like Smith before him, social connections have a pronounced motivational force:

Not only does all strengthening of social ties, and all healthy growth of society, give to each individual a stronger personal interest in practically consulting the welfare of others; it also leads him to identify his *feelings* more and more with their good, or at least with an ever greater degree of practical consideration for it. (*Utilitarianism*, p. 231)

Thus Mill’s no-harm principle is embedded in his utilitarianism—the happiness of one is not at the expense of others. Later versions of utilitarianism, as we will see briefly in the conclusion to this chapter, distanced themselves from Mill’s Smithian perspective.

## Happiness as pleasure

So much for the social context and *how* Mill proposed to aggregate, with each to count equally, as well as how the happiness of others motivates individuals. But *what* was to be aggregated? What constituted happiness? Perhaps because the Smithian basis would have been well understood in his time, it was on this relatively contested question of what constituted happiness that Mill focused his attention. In a partial answer Mill equated happiness with pleasure, “By happiness is intended pleasure, and the absence of pain; by unhappiness, pain, and the privation of pleasure” (*Utilitarianism*, p. 210).

Yet this definition simply pushed the argument to another word—What constituted pleasure? Mill insisted that his was no epicurean notion of happiness “worthy only of swine” (*Utilitarianism*, p. 210). Since humans are capable of enjoying pleasures no swine enjoy (e.g., the pleasure associated with

learning or conversing), Mill distinguished between these “higher” pleasures and the “lower” pleasures associated with bodily functions. He acknowledged that “Utilitarian writers in general have placed the superiority of mental over bodily pleasures chiefly in the greater permanency, safety, uncostliness, &c., of the former—that is, in their circumstantial advantages rather than in their intrinsic nature” (p. 211).

### **Higher and lower pleasures**

Like Jeremy Bentham before him, Mill allowed that people’s varied experiences yield different pleasures. Also like Bentham, Mill allowed that in general, people generally prefer a constancy of pleasure over intensity and prefer active pleasures to passive ones (keeping in mind that intellectual pleasures are active). By this, he meant that intense pleasure is often fleeting and thus compares poorly with less intense but longer lasting pleasure. Mill suggested that most individuals should not expect “more from life than it is capable of bestowing,” meaning that one should not expect to achieve a life filled with intense pleasure (*Utilitarianism*, p. 215). The alleviation of poverty, however, was not too much to expect from life (p. 216). As we shall see below, Mill believed this was fully attainable through education.

Perhaps the most contentious subject among utilitarians then or since is the vexing question of what Mill referred to as higher and lower pleasures. Mill’s *Utilitarianism* allowed that some pleasures are available to all or most of us—when we eat, we enjoy the food—while others are open only as institutions facilitate this—if we are allowed to learn, read, or go to school, we are able to enjoy learning. In Mill’s time, social, economic, or legal arrangements prevented access to higher pleasures among many. Those who were unfree, slaves, and women who were unable to own property outside of marriage were most obviously unable to enjoy the full array of pleasures open to free humans. Mill also recognized that the labouring poor led “wretched” lives of desperation, without education or any benefits beyond the bare necessities of existence. For them, existence was severely circumscribed, limited to pleasures associated with maintaining life, and by no means “happy.” Mill focused in *Utilitarianism* and other works on how society as a whole would benefit if these pleasures, closed off to so many in the nineteenth century due to legal and institutional

arrangements, were made available to all. Thus, he undertook to describe the difference between their existence and that of a fully thriving human and then to advocate policies that he believed would enable them to enjoy fuller lives. Mill's focus in *Utilitarianism* was on broadening, via institutional reform, the set of pleasures open to all.

And so Mill took on Bentham's question of evaluating different types of pleasure. Bentham had maintained that all sorts of pleasures might be measured using seven criteria: intensity, duration, certainty, propinquity, fecundity, purity, and extent. Then, if the quantity of pleasure is equal in two activities, both produce happiness equally. Mill demurred. He countered that pleasures varied qualitatively as well as in quantity. In Mill's view, there were "higher pleasures," small amounts of which might outweigh "lower pleasures" in the individual's calculus. He associated pleasures with anything beyond the necessities of life (food, sleep, and so on), including learning, reading, and reflection. Thus followed his famous distinction:

It is better to be a human being dissatisfied than a pig satisfied; better to be Socrates dissatisfied than a fool satisfied. And 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 knows both sides. (*Utilitarianism*, p. 212)

Of course, in opening the door to the consideration of higher and lower pleasures, the immediate question was how to tell which is better? It is important to note that, for Mill, there was not an *a priori* way to adjudicate whether pleasures were higher or lower. Instead, he leaned on experience to make the determination. He used what economists today would call a "revealed preference" argument—suggesting that we observe the choices of those who have experience making the comparison:

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 given a decided preference, irrespective of any feeling of moral obligation to prefer it, that is the more desirable pleasure. (*Utilitarianism*, p. 211)

From here, it was a small step to Mill's famous and controversial idea of "competent judges":

If one of the two 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 discontent, 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*, p. 211)

Competent judges are experienced but, importantly, they are not superior to those who are inexperienced. They simply have had the good fortune of experiencing both the pleasure of poetry and that of stand-up paddleboarding. Anyone—former slave, labourer, married woman—who has experience is competent. The problem, of course, and for Mill it was the key policy problem of his day, was lack of experience: so few slaves or labourers or women were afforded the chance to learn to read or enjoy other intellectual pleasures. In line with what we have seen in Chapter 1, Mill also worried that people who are not allowed to choose or for whom pleasures are greatly circumscribed might lose their ability to discriminate and choose (or never gain that ability in the first place):

Men lose their high aspirations as they lose their intellectual tastes because they have not time or opportunity for indulging them; and they addict themselves to inferior pleasures, not because they deliberately prefer them, but because they are either the only ones to which they have access, or the only ones which they are any longer capable of enjoying. (*Utilitarianism*, p. 213)

## The public policy of Mill's utilitarianism

Importantly, while those who are unfree might become “addicted” to lower pleasures, Mill did not suggest that we force poetry on the lovers of stand-up paddleboarding. Instead, his point in *Utilitarianism* was that a richer set of pleasures be made more widely available. Thus, he balanced his concern with individual choice with the desire to improve the lot, for instance, of the labouring poor, to move them out of the extreme poverty of mid-nineteenth century existence and into situations where additional choices would be opened up for them, and they would be able to choose other pleasures as well as those associated with sustenance, drink, and procreation.

Most Mill readers have a working knowledge of his *Utilitarianism*, yet few appreciate that the doctrine was the unifying principle of his public policy. How did Mill move from an ethical theory to a principle of public policy? As noted at the outset, utilitarianism as a moral standard was to be based not on the individual's happiness but “that of all concerned”: “I must again repeat, what the assailants of utilitarianism seldom have the justice to acknowledge, that the happiness which forms the utilitarian standard of what is right in conduct, is not the agent's own happiness, but that of all concerned. As between his own happiness and that of others, utilitarianism requires him to be as strictly impartial as a disinterested and benevolent spectator” (*Utilitarianism*, p. 218).

Mill thus championed “impartiality” and “equality” not as a corollary of utilitarianism but as instead “involved in the very meaning of Utility.” One person's happiness thus must count “for exactly as much as another's” (*Utilitarianism*, p. 257).

Mill was much concerned with applications of his general utilitarian rule. After his self-described emotional crisis, he reformulated the goal, rejecting what he originally perceived to be Bentham's excessively narrow definition (*Autobiography*, pp. 99-100). Because he stressed the spiritual nature of people, he argued that material gain was not the ultimate goal for society. A moral tone, and a wide notion of improvement were integrated into the utilitarian goal: “utility,” he maintained, constitutes the “ultimate source of moral obligations” (*Utilitarianism*, p. 226). This perspective had major implications for economic policy, which at the least, Mill argued, was to suit, and at best might improve, the moral character of the public. Thus, Mill occasionally questioned

the effectiveness of institutional reforms that did not aim at moral improvements and would consequently not achieve lasting effects.

Since for Mill the moral, economic, and intellectual independence of each is integral to happiness, he placed conspicuous emphasis on liberty as a component in the utilitarian goal. As Chapter 1 notes, liberty relates to self-regarding actions and is a human need, requisite to attaining happiness: “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” (*On Liberty*, p. 261).

Consistent with his position that the happiness of one counts equally with all, Mill advocated wide-ranging social and economic reforms to unravel the legally sanctioned partiality that characterized social relationships in his day. He insisted that the “only real hindrance” to attaining social happiness was the “present wretched education, and wretched social arrangements.” Education, made available to all, was a key means of alleviating poverty and achieving social utility. Indeed, he believed education would eliminate (extreme) poverty: “Poverty, in any sense implying suffering, may be completely extinguished by the wisdom of society, combined with the good sense and providence of individuals” (*Utilitarianism*, p. 216). Somewhat naively, perhaps, he foresaw that education might also “indefinitely” reduce disease: “Even that most intractable of enemies, disease, may be indefinitely reduced in dimensions by good physical and moral education, and proper control of noxious influences; while the progress of science holds out a promise for the future of still more direct conquests over this detestable foe” (p. 216).

The availability of education in his day to only a privileged few was but one example of policy partiality. Mill opposed all legal and economic privileges that favoured one group over another. Thus, social arrangements that favoured one group at the expense of another were ripe for reform. (Chapter 4 details Mill’s reform proposals for women.) Mill advocated reforms of such “aristocracies of colour, race, and sex”:

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 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*, p. 259)

Other situations, where it seemed possible to increase overall happiness through policies that prescribed choice, were to be judged on a case-by-case basis. Consistent with this concern for preserving freedom of choice, Mill stressed that such reforms should be encouraged but not imposed, and he preferred local to central control of reforms on the ground that this preserved liberty. If unimpeded action led to undesirable results, this behaviour might be restricted on utilitarian grounds. Laws preventing fraud, and sanitary and safety regulations, were justified on this basis (*On Liberty*, pp. 293-94). Throughout, Mill's program for social reform was designed to encourage self-reliance and greater happiness among labourers. (We return to Mill on the labouring poor in Chapter 6.)

### **Mill's anti-paternalism**

As a good liberal, Mill respected the autonomy of people's choices (and the pleasure accruing) to count in the calculation of social happiness. All persons would learn to choose and the social theorist was to respect those choices in the utilitarian calculus. On balance, despite the difficulties associated with the distinction between higher and lower pleasures, Mill's utilitarianism was at once reformist and anti-paternalistic. Experience and education would be sufficient to ensure that the presently impoverished would become adept at making choices—at self-governance. Mill opposed the view, held by many in his time, that women, the Irish, and the labouring poor would never be self-sufficient. Mill (and another nineteenth century liberal, John Bright) held that the Irish (and former slaves, and women) were perfectly capable—with only lack of experience standing between them and happiness.

Thus, as noted above, in his argument with Thomas Carlyle (Mill 1850, *The Negro Question*), Mill was adamant that the reason former slaves chose not to exert themselves much in the labour market was simply that wages were so

low. Like Carlyle, later social theorists did not share Mill's view, questioned the rationality of the observed behaviour of individuals, and believed they might prescribe individual choices if it seemed like people weren't working enough.

In 1870, William Stanley Jevons rejected Mill's identification of happiness with choice. Instead, Jevons took a step towards calculating social utility by advocating that social theorists measure the effect of an action on the "happiness of the community" (Jevons, 1879, p. 533). For Jevons, some groups of people systematically make mistaken choices: women who make poor marriage and labour market decisions; and the Irish who, in his view, systematically save too little for the future. This allowed for the view, contra Mill, that experience was insufficient to enable some groups to assume the role of competent judges, and it opened the way for a wide array of paternalistic policy suggestions.

F.Y. Edgeworth went beyond Jevons in this regard. Like Jevons, he distinguished between social welfare and individual choice, and allowed that individuals possess different capacities for enjoying (the same) pleasures. Thus, Edgeworth assigned different weightings to people in the social utility formulation. Beyond Jevons, Edgeworth even allowed that some individuals' capacity for pleasure was so low that they would obtain zero or negative lifetime pleasure and he imagined that if such people were banished from society social welfare would increase. This sort of calculus, *not Mill's*, led to eugenics proposals that were supposedly intended to improve social welfare.

## Chapter 4

# Mill's Feminism: Marriage, Property, and the Labour Market

If nature has not made men and women unequal, still less ought the law to make them so.

—J. S. Mill, *On Marriage*, p. 42

Chapter 2 focused on how Mill balanced a desire for social reform with a presumption in favor of individual choice. Chapter 3 considered how Mill recognized that in his time some groups were not allowed much scope for the enjoyment of pleasure. Here, we examine Mill's views on "the woman problem," as commentators called it in the nineteenth century. We will see that Mill was a thoroughgoing feminist before the emergence of a feminist movement. Long before it was fashionable to do so, he advocated for equal labour market and educational opportunities for women. As part and parcel of his utilitarian presumption that people be treated equally under the law, Mill advocated for women to obtain the legal right to leave marriages and the ability to own property outside of marriage. More than this, he insisted that women obtain education to the same degree as men and compete on equal footing with men in all aspects of the labour market. Throughout, we again find Mill articulating the controversial position that institutional arrangements rather than natural inferiority frequently destined women to outcomes of poverty, violence, and dependence. The implication was that if these arrangements were reformed, women would advance to much different and improved outcomes and that men, too, would benefit.

## Mill and Harriet Taylor

As Chapter 2 noted, these controversial positions cost Mill dearly, both professionally and personally. So, too, did Mill's unusual (for the time) relationship with Harriet Taylor. Friends and family alike followed convention and judged Mill and Taylor accordingly. Indeed, correspondence between Mill and Taylor presents a stark story of real or perceived hurt and rejection (Peart, ed. 2015, "Friends and Gossip: 1834-1842"). As detailed in the Introduction, John and Harriet were isolated from family and friends in the ensuing years.

Some commentators question Mill's originality, too, because of Taylor's supposed influence. Indeed, F.A. Hayek attributed Mill's interest in the subjects of marriage and divorce and the broader topic of women's rights at least partly to Taylor's influence on him and the difficult situation in which the two found themselves. Yet Mill's early manuscript on the subject—reprinted in full as chapter three of *The Mill-Taylor Friendship* (Hayek, 1951)—confirms Mill's statement in the *Autobiography* that it was "so far from the fact" that his views on the equality of the sexes were in any way influenced by Harriet Taylor. On the contrary, Mill asserted that his own views on the subject attracted Harriet to him (*Autobiography*, p. 253).

## Marriage

More than thirty years before the publication of *The Subjection of Women*, Mill railed against the custom of educating women for (and only for) marriage:

It is not law, but education and custom which make the difference [between men and women]. Women are so brought up, as not to be able to subsist in the mere physical sense, without a man to keep them: they are so brought up as not to be able to protect themselves against injury or insult, without some man on whom they have a special claim, to protect them: they are so brought up, as to have no vocation or useful office to fulfil in the world, remaining single; for all women who are educated for anything except to *get* married, are educated to *be* married, and what little they are taught deserving the name useful, is chiefly what in the ordinary course of things will not come into actual use, unless nor until they are married. (*On Marriage*, p. 41)

“All this” Mill attributed to the current state of marriage laws, which were determined by a yet larger question: “what woman ought to be.” Mill’s radical egalitarianism prevailed: “If nature has not made men and women unequal, still less ought the law to make them so” (*On Marriage*, p. 42). Keeping in mind Mill’s notion that one learns to choose prudently by experiencing a life filled with choices (Chapter 1) and his concern that over the course of a highly circumscribed life one might lose the ability to appreciate higher pleasures (Chapter 3), this institutional failure imposed substantial costs on society.

Thus, as we saw in Chapter 3, Mill’s utilitarianism led him to question legal arrangements characterized by partiality that placed groups on different footings in terms of their ability to develop the capacity to enjoy higher pleasures. Marriage laws, in his time, were one area ripe for reform. The “legal state” of women, as he and Harriet Taylor Mill put it in the 1869 *Subjection of Women*, left women dependent on the good graces of their husbands. While this sometimes worked out, often it did not. Moreover, women frequently were not offered the choice of partners—as in the case of arranged marriages. Since women who *were* allowed to choose frequently did so at a very young age, with little to no education or experience in making choices of any sort, let alone one of such importance, Mill and Taylor opined that it was no surprise that women often got the decision badly wrong.

What could women do if they did get the choice badly wrong? Since women could not own property outside of marriage, they had no means to support themselves and no recourse to leave the marriage. Such an imbalance of legal, economic, and physical power left a woman in a position of “slavery as to her own person.” In extreme cases, they were subject to physical abuse, including marital rape.<sup>15</sup> A century and a half before the #MeToo movement, the Mills were candid in their assessment of the situation: “however brutal a tyrant [the wife] may unfortunately be chained to—though she may know that he hates her, though it may be his daily pleasure to torture her, and though she may feel it impossible not to loathe him—he can claim from her and enforce the lowest degradation of a human being, that of being made the instrument of

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<sup>15</sup> Mill compares the situation of women in such marriages to that of slaves as early as his 1832/33 essay *On Marriage*.

an animal function contrary to her inclinations” (*Subjection of Women*, p. 285). Even worse, there was no way for women legally to remove children from an abusive relationship. Women had no legal rights with regard to their children independently of the husband: “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 of Women*, p. 285).

### **Women and property**

Property laws exacerbated the situation since a woman could not hold property outside of marriage: “If she leaves her husband, she can take nothing with her, neither her children nor anything which is rightfully her own. If he chooses, he can compel her to return, by law, or by physical force; or he may content himself with seizing for his own use anything which she may earn, or which may be given to her by her relations” (*Subjection of Women*, p. 285).

Nothing short of equality under the law would suffice for Mill. Those women who were fortunate enough, through inheritance, to bring property into the marriage and the few who were able to earn property during the course of the marriage were to have access to it if the marriage dissolved: “a woman’s inheritance or gains ought to be as much her own after marriage as before. The rule is simple: whatever would be the husband’s or wife’s if they were not married, should be under their exclusive control during marriage, which need not interfere with the power to tie up property by settlement, in order to preserve it for children” (*Subjection of Women*, p. 297). Mill was hopeful, pointing to legal arrangements in several states in America that secured to women the right to own property independent of marital status.

### **Labour market participation**

As noted above, Mill called for the reform of social arrangements so that women would have access to education to the same extent as men. Over the course of his long writing career, he vigorously opposed the custom of educating women to be wives and only to be wives. Mill insisted instead that women be offered the same educational and labor market opportunities as men. Indeed, Mill held that women were not only fit to vote—itsself still controversial in the mid-nineteenth century, but also to hold office! (*Subjection of Women*, p. 301).

Mill justified calls for reform of education and labour market arrangements on utilitarian grounds. First, such reforms would yield an increase in the productive capacity of the time. Mill anticipated that some—but not all—women would enter the labour force. Some would choose to work in the labour market and others would choose to stay in the home: in Mill’s view, the important thing was that they be offered the choice and educated so that it was a feasible one. In addition, as women were educated and offered expanded opportunities, they would be able to enjoy a wider set of pleasures and, as noted in Chapter 3, they would develop an improved capacity for enjoyment of “higher pleasures.” They would become able to improve themselves, via the learning that comes by doing. As Mill put it in his *Principles of Political Economy*, the end of “forced dependence” would lead to “moral, social, and even intellectual improvement”

The same reasons which make it no longer necessary that the poor should depend on the rich, make it equally unnecessary that women should depend on men; and the least which justice requires is that law and custom should not enforce dependence (when the correlative protection has become superfluous) by ordaining that a woman, who does not happen to have a provision by inheritance, shall have scarcely any means open to her of gaining a livelihood, except as a wife and mother. Let women who prefer that occupation, adopt it; but that there should be no option, no other carrière possible for the great majority of women, except in the humbler departments of life, is a flagrant social injustice. The ideas and institutions by which the accident of sex is made the groundwork of an inequality of legal rights, and a forced dissimilarity of social functions, must ere long be recognised as the greatest hindrance to moral, social, and even intellectual improvement. (*Principles of Political Economy*, p. 765)

Such a reform, Mill suggested, would also be associated with a decline in population growth, especially among the labouring classes. Present arrangements left women with no say in the size of their family and led to severe poverty. (One is reminded here of Mill’s own family with nine children born in

nine years.) Mill predicted that as women entered the labour force, they would choose to have fewer children:

On the present occasion I shall only indicate, among the probable consequences of the industrial and social independence of women, a great diminution of the evil of over-population. It is by devoting one-half of the human species to that exclusive function, by making it fill the entire life of one sex, and interweave itself with almost all the objects of the other, that the animal instinct in question is nursed into the disproportionate preponderance which it has hitherto exercised in human life. (*Principles of Political Economy*, pp. 765-66)

Mill's position on women is fully consistent with his position in *Utilitarianism*, that institutional reforms that better reflected impartiality and equality were the means to achieving the greatest happiness. More than this, he believed that moral improvement would follow institutional reform. The Mills concluded that the "sole mode" of rendering marriage consistent with justice to both sides "and conducive to the happiness of both" was to make the relationship between the sexes one of "equality before the law" (*Subjection of Women*, p. 293).

As things stood, mid-nineteenth century institutional arrangements were morally corrupting, both for those in power (men) and for those held in dependence (women). As constituted under nineteenth century law, the family was a school for the wielding of power, as opposed to placing parties on an equal footing: "If the family in its best forms is, as it is often said to be, a school of sympathy, tenderness, and loving forgetfulness of self, it is still oftener, as respects its chief, a school of wilfulness, overbearingness, unbounded self-indulgence, and a double-dyed and idealized selfishness..." (*Subjection of Women*, pp. 288-89). Institutional reform to place women on the same legal status as men was the only means by which the household might instead become "a school of moral cultivation" (*Subjection of Women*, p. 293): "All the selfish propensities, the self-worship, the unjust self-preference, which exist among mankind, have their source and root in, and derive their principal nourishment from, the

present constitution of the relation between men and women” (*Subjection of Women*, p. 324).

It is important to keep in mind just how controversial, and how prescient, were Mill’s positions on women. Somewhat later in the nineteenth century, William Stanley Jevons worried about married women working in factories. Unlike Mill, however, Jevons questioned the decision-making capacity of working women and he wondered if the option of working in factories increasingly induced women to make poor marriage choices. These worries led Jevons to speculate that the State might be justified in restricting the ability of married women to work in factories. By contrast, writing several decades before Jevons, Mill foresaw that with additional labour market opportunities population pressures would be reduced because working women would choose to have fewer children.



## Chapter 5

# Production and Distribution

We cannot alter the ultimate properties either of matter or mind, but can only employ those properties more or less successfully, to bring about the events in which we are interested. It is not so with the Distribution of Wealth. That is a matter of human institutional solely.

—J. S. Mill, *Principles of Political Economy*, p. 199

In his 1848 edition of the *Principles of Political Economy* and in all editions that followed, Mill famously distinguished between the laws of production, subject to technological and knowledge constraints, and those of distribution, a matter of human design. Perhaps more than any other claim in Mill's corpus, this famous distinction has caused a great deal of confusion and consternation.

In what follows, we consider, first, why it matters in the first place. Essentially, the distinction and, by extension, the question of how distribution plays into production lies at the heart of all discussions of distributional reforms, including recent proposals to forgive loan debt and enact free health care, where the real questions are at what cost to our productive capacity, when is a transfer simply a transfer, and when and to what extent does it reduce savings and future growth.

Second, we take a close look at the motivations, in Mill's view, of those whose efforts are responsible for production and distribution. We next examine the meaning of Mill's claims that production arrangements are fixed but distribution "is a matter of human institution solely." Finally, we return to the question of whether production is divorced from distribution: Mill is very clear that different distributional arrangements have implications for production. Of course, the details—how much—depend on the specific arrangements.

## The distinction between production and distribution and why it matters

At the start of Book Two of his *Principles of Political Economy*, Mill distinguished between the laws of production—“physical truths”—and laws of distribution—“a matter of human institution solely” (p. 199). Beginning in the nineteenth century and continuing through today, this now-famous description has generated considerable interest and much criticism. The technical point relates to whether distributional arrangements—e.g., capitalism, socialism, or communism—have any impact on output. If production is independent of how the product is distributed, then we can change the distribution of the total product with no effect on how much output is produced. If such a reform affects the size of what is to be distributed, we have less warrant to be confident in the success of the reform.<sup>16</sup>

In Mill’s time, there was much discussion of and experimentation with different distributional arrangements. Much of this occurred in Europe, but even within the United Kingdom social reformer Robert Owen<sup>17</sup> and others experimented with non-market mechanisms of production. Indeed, the very existence of private property itself came under fire. Less than a decade before Mill published the first edition of his *Principles of Political Economy*, the French communist Pierre-Joseph Proudhon claimed that “Propriété c’est le vol!” (Property is theft!). In accordance with his commitment to “many sidedness,” his conviction that the franchise would soon be significantly enlarged, and his observation of the deep poverty and limited choices of the working class, Mill was very preoccupied with various distributional schemes put forward by the French socialists, especially those of Saint-Simon and Charles Fourier. He maintained a long and close friendship over the years with the French publicist and Saint-Simonian, Gustave d’Eichthal, who

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<sup>16</sup> There is of course another matter that became very important in twentieth century discussions—that of whether socialist or communist arrangements could replicate the outcome under capitalism. This question, which preoccupied F.A. Hayek briefly, is usually referred to as the Socialist Calculation debate. As Mill’s examination focused on small-scale socialist experiments, he did not tackle the question of wide-scale communism or socialism, yet he was much interested in the issues of information and incentives to which Hayek pointed.

<sup>17</sup> A textile producer, Robert Owen was a prominent social reformer who, along with Charles Fourier and Saint-Simon, are referred to as the Utopian Socialists. Owen experimented in the early nineteenth century with socialist communities, including Harmony (later New Harmony), which he established in Indiana using his private funds.

was one of the most ardent and active apostles for the movement's ideals and who did not hesitate to attempt to convert Mill to Saint-Simonian ideas.

The technical point relates to the feedback of distributive schemes on production. Those who favored socialist schemes believed they could redistribute wealth (to something approximating equality) without damaging productive efforts. In opposition, Mill and others remarked that any change in the distribution of wealth might affect how much people would be willing to work and invest. This dispute came to the fore again in the twentieth century when Cambridge economists, including Piero Sraffa, scrutinized David Ricardo's (and Mill's) economics.<sup>18</sup> These economists tried to construct a theoretical economic system in which distribution and production are independent. Aside from the theoretical debate, the economists questioned whether Mill's separation of the laws of production and distribution proved that he favored socialism. For the famous socialist, Sidney Webb, Mill's separation of production and distribution marked the beginning of a new sort of economic analysis, one distinctly and increasingly "socialistic" (Webb, p. 52). In Hayek's judgment, Mill's distinction denied any relationship between production and distribution, the "size of the product" being "independent of its distribution." For this, and because Mill opened the way for theorists such as Webb and Sraffa to endorse socialism, Hayek criticized Mill (and he attributed Mill's mistaken analysis to Harriet Taylor's influence). Here is Hayek's damning judgment in *Fatal Conceit*: "it is probably John Stuart Mill as much as anyone who is responsible for spreading... [this] error." Mill "overlooks the dependence of size on the *use* made of existing opportunities" (Hayek, pp. 92-3).

While the technical problem has largely been resolved (distribution and production being recognized as interdependent), the issue of whether socialist arrangements may be obtained with little cost to the size of the product remains a live one. As noted at the outset, politicians and public intellectuals frequently propose redistributive measures—e.g., zero-cost tuition. Rarely does the discussion of such proposals focus on how and to what extent these policy measures will alter savings, incentives, and output.

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<sup>18</sup> Sraffa edited Ricardo's *Collected Works* and devoted much of his career to the unfinished problem (in his view) of classical economics, an economy-wide model relying on the labour theory of value (Sraffa 1960).

The question remains as to whether the evaluations of Mill's position, noted above, are substantially correct. They are not. To see that they are mistaken, in what follows we consider, first, how in Mill's view producers (and consumers) are motivated, and, second, his discussion of the laws of production and distribution, *as well as* their interrelationships.

### **Who are Mill's producers and consumers?**

To understand Mill's writings on distributional arrangements, we need to step back and consider what motivates people in his system. Recall the point emphasized above (Chapters 1-3) that, for Mill, people are all basically subject to similar motivations.<sup>19</sup> For his purposes in the *Principles of Political Economy*, producers include laborers, landowners, and those we would today call capitalists, who control the means of production. Beginning with the first edition and in all subsequent editions, Mill wrote that, subject to substantial, and improved, education and information opportunities (see Chapter 7), all people are capable of making reasonable economic and political choices. In Chapter 2 we saw that Mill held that speech and the ability to make decisions improved when people had opportunities for discussion. We have also seen this position our examination of Mill's feminist writings (Chapter 4): once they were allowed to make more decisions, including how much to save and when and whom to marry, women would improve their decision-making capacity.

In looking at production in the *Principles of Political Economy*, Mill wrote that labourers, capitalists, and landowners are similarly motivated to obtain gain (material or otherwise) at the lowest cost. More than this, he acknowledged that those in other cultures (he names France and Ireland) are similarly motivated. Consequently, differences in outcomes are not the result of systematic natural differences for Mill. Instead, they result from circumstances, luck, history, and experience, including educational attainment.

This contrast between circumstances and natural inclinations is a major theme of Mill's work, both in the *Principles of Political Economy* and in many additional pieces on Ireland. Responding to the enormous suffering caused by

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<sup>19</sup> Gordon Tullock famously declared that "people are people," a phrase that nicely captures Mill's view. David Levy and I have developed the argument, which harkens back to Adam Smith, at length. We call it "analytical egalitarianism."

the Irish famine, some writers of the time questioned whether Ireland and Irish labourers were doomed to economic stagnation and poverty. W.R. Greg blamed the poverty of the Irish labourers on their so-called natural inclinations to be lazy. He suggested that the Irish would never work hard or become productive.

Mill vehemently rejected this supposed explanation. He opposed arguments regarding inherent, racial, national, or ethnic differences and he explicitly attacked statements that relied on “natural differences” in his discussion of the impact of property rights on incentives in Ireland. In Mill’s view, the problem was not the workers but the institutions. Low productivity in Ireland was not a result of a natural inclination to indolence:

Is it not, then, a bitter satire on the mode in which opinions are formed ... to find public instructors of the greatest pretensions, imputing the backwardness of Irish industry, and the want of energy of the Irish people in improving their condition, to a peculiar indolence and insouciance in the Celtic race? Of all vulgar modes of escaping from the consideration of the effect of social and moral influences on the human mind, the most vulgar is that of attributing the diversities of conduct and character to inherent natural differences. (Mill, *Principles of Political Economy*, p. 319)

Mill instead imputed Ireland’s “backwardness” to distributional arrangements that denied to the Irish the fruits of their labour. People will not work very hard, he argued, if they are not very well rewarded. On the other side of this, the political economist Greg attacked Mill’s position and suggested that the Irish were inherently indolent. Any attempt to change the distribution of income through newly established property rights would fail to correct:

“Make them peasant-proprietors,” says Mr. Mill. But Mr. Mill forgets that, till you change the character of the Irish cottier, peasant-proprietorship would work no miracles.... Mr. Mill never deigns to consider that an Irishman is an Irishman, and not an average human being—an idiomatic and idiosyncratic, not an abstract, man. (Greg 1869, p. 78)

The argument had real currency for those who lived in England—in Mill’s view, what went wrong in Ireland in the lead-up to the famine was a matter of institutional failure, poor institutions, rather than inherently unproductive workers. Other commentators made the case that, because of their natural proclivity to indolence, Ireland was and would remain the burden of England, with the poor working folk in England suffering as a result.

The parallels to present-day arguments about the burden that poor immigrant workers impose on taxpayers, or not, are unmistakable. Arguments over whether and why people work hard today—inclination versus incentives—remain with us, and the racialized context remains.

### **What motivates Mill’s producers and consumers?**

With Mill’s position on how people are equally capable and willing to work in mind, consider next Mill’s idea of *what* motivates them. Mill’s clearest statements about this are contained in an early piece, the 1836 essay *On the Definition of Political Economy*. Here he argued, in line with his position in the later *Utilitarianism*, that people are social beings. He attempted in the earlier work to specify which decisions were the appropriate subject matter for political economy. Mill made the case for a separate science of political economy, one that treats economic behaviour in a social context:

“Political Economy” is not the science of speculative politics, but a branch of that science. It does not treat of the whole of man’s nature as modified by the social state, nor of the whole conduct of man in society. It is concerned with him solely as a being who desires to possess wealth, and who is capable of judging of the comparative efficacy of means for obtaining that end. It predicts only such of the phenomena of the social state as take place in consequence of the pursuit of wealth. (*On the Definition of Political Economy*, p. 321)

In line with this attempt to abstract from the full causal framework and focus on the main causes at work in economics, Mill developed an “arbitrary definition” of economic people. While recognizing the complexity of motivational forces at work, he suggested that most of these are unimportant for the

study of economic phenomena. Maximizing, economizing behaviour, and the desire to create and obtain wealth were central; other motivations were less significant and might be neglected without harm to the study at hand. People “invariably” do what is required, Mill wrote, to “obtain the greatest amount of necessaries, conveniences, and luxuries, with the smallest quantity of labour and physical self-denial with which they can be obtained in the existing state of knowledge” (*On the Definition of Political Economy*, p. 326).

This is the origin of Mill’s abstract “economic person” and, arguably, the much-maligned idea of *homo economicus* in modern economics in which an idealized person acts perfectly rationally, armed with perfect knowledge. In light of criticism that has been directed towards the idea of *homo economicus*, it is important to note the context in which Mill developed the notion: as others held that neither the Irish nor women nor former slaves would ever be capable of voting or self-governance, Mill countered that, abstracting from experience and luck, they were the same equally capable people.

In *On the Definition of Political Economy*, Mill noted that we are all subject to two countervailing exceptions that are “perpetually antagonizing” to the desire to accumulate wealth: namely, we are all averse to labour, and we all desire present enjoyment of pleasure (pp. 321-22). Having duly noted these counter tendencies, the economist “abstracts” from other motivations that sometimes might interfere with work effort.

Thus, Mill presupposed that producers are motivated to produce as much as possible by expending as little effort as possible. In this context, he distinguished between laws that were largely subject to human manipulation (distribution), and ones that were less so (production). At any given time, he wrote, productive capacity is largely determined: “Whatever mankind produce, must be produced in the modes, and under the conditions, imposed by the constitution of external things, and by the inherent properties of their own bodily and mental structure.” Mill listed four factors that determine production: energy, skill, technology (“the perfection of their machinery,” and something akin to judgment (“judicious use of the advantages of combined labour”) (*Principles of Political Economy*, p. 199).

### **Production subject to technological and knowledge constraints**

Of course, while these factors are relatively fixed over the production period, Mill recognized that they change over time and in this context he focused on positive changes in productive capacity. Technological change, an “improvement in the processes of cultivation” or “future extensions of our knowledge of the laws of nature” might occur (*Principles of Political Economy*, p. 199). Barring such improvements, his main point is that wishful thinking doesn’t actually affect production; at any given time “the opinions, or the wishes, which may exist on these different matters, do not control the things themselves” (*Principles of Political Economy*, p. 199). Notwithstanding his recognition of significant opportunities for improvement, Mill’s overall thrust is to set up a contrast between what is fixed as “physical truths” (*Principles of Political Economy*, p. 199)—production arrangements—and what is subject to human control—distribution.

### **Distribution not subject to these constraints**

Of course, policy might initiate a one-time (or ongoing) shock to productive capacity. As noted at the outset, Mill believed that the rules governing distribution were determined not by technological relationships but rather by the collective will of society. He acknowledged that by “consent of society” the distribution of produce may be altered: “The things once there, mankind, individually or collectively, can do with them as they like” (*Principles of Political Economy*, pp. 199-200). Distribution depends on what arrangements the collective endorses:

The distribution of wealth, therefore, depends on the laws and customs of society. The rules by which it is determined, are what the opinions and feelings of *the ruling portion* of the community make them, and are very different in different ages and countries; and might be still more different, if mankind so chose. (*Principles of Political Economy*, p. 200; Mill added the italicized text in 1852 and subsequent editions)

Customs vary in time and place. The consequences of customs are not arbitrary, but instead are much like “physical laws”; “Human beings can control their own acts, but not the consequences of their acts.” Consequences are much akin to the laws of production, having the “character of physical laws, as the laws of production” (*Principles of Political Economy*, p. 200). Wishful thinking is just that, wishful.

Mill’s position on distribution in these passages is an “eyes wide open” argument: humans may shift from one distributional arrangement to another, but they must realize there will be consequences of such shifts that they can perhaps foresee but cannot prevent. Hence, Mill proceeds to analyze the predicted consequences of different distributional arrangements, systems of private property, socialism, peasant proprietorships, and so on.

### **A relationship between distribution and production?**

We can now return to the question raised at the outset, whether for Mill changes in distributional arrangements are independent of production. Notwithstanding Hayek’s conclusion, Mill insisted such changes would have consequences on the amount to be distributed: “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 of Political Economy*, p. 200). As we will see when we discuss his views on socialism and economic democracy in detail (Chapter 7), Mill was very preoccupied with the potential impact on production of various institutional arrangements for land tenure, inheritance and poverty relief. Human nature being what it was, Mill foresaw difficulties under the incentive structure associated with socialism. For now, it is sufficient to note that Mill worried that the pressure of population growth would be more severe under socialism than under a system of private property. Comparing “individual agency in its best form” and “Socialism in its best form” Mill held that the conclusion would “depend mainly on one consideration”: “which of the two systems is consistent with the greatest amount of human liberty and spontaneity” (*Principles of Political Economy*, p. 208). In this, he remained consistent with his views on liberty, outlined in Chapter 1 above.

The policy implications of Mill's position are twofold and consistent with what we have learned in earlier chapters: Mill saw self-governance and independence as keys to individual happiness. From the *Principles of Political Economy* and *On the Definition of Political Economy* we have seen that individuals are equally capable of making choices for themselves. Thus, it will come as no surprise to learn that, for Mill, education is useful while paternalism, looking after the labouring poor or some other disfavoured group, is unnecessary. In the 1849-50 exchange with Thomas Carlyle about former slaves in Jamaica, Mill held there was no need to force former slaves to work (to re-enslave them, as Carlyle opined should happen). Rather, like anyone in the labour market, former slaves would work as long as real wages were sufficiently high to induce them to do so (Mill, 1850). Mill further insisted in the chapter "On the Probable Futurity of the Labouring Classes" in the *Principles of Political Economy* that paternalism directed at the labouring poor was not a viable policy option: "The poor have come out of leading-strings, and cannot any longer be governed or treated like children. To their own qualities must now be commended the care of their own destiny. Modern nations will have to learn the lesson, that the well-being of a people must exist by means of the justice and self-government" (*Principles of Political Economy*, p. 763).

Second, if, as is clear from Mill's *Principles of Political Economy*, distributional arrangements influence the total amount being produced, a systematic study of the impact of different arrangements on production was warranted. For Mill, improvement in this narrow, economic context meant ending the dependence of the labouring poor upon the good offices of the rich (*Principles of Political Economy*, p. 768). Ever the "many sided" one, he was open to considering changes that *would* influence output if they might also favour workers, "moderating the inordinate importance attached to the mere increase of production, and fixing attention upon improved distribution and a large remuneration of labour as the two desiderata" (*Principles of Political Economy*, p. 758). As noted above, the devil was in the details—how much independence would be gained and at what cost. Mill therefore undertook a study of various economic arrangements. We turn to Mill's position on property in Chapter 6, followed by his analysis of socialism, worker cooperatives, and capitalism in Chapter 7.

## Chapter 6

# Mill on Property

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.

—J.S. Mill, *Principles*, p. 208

As we proceed in this chapter, it is important to keep in mind, first, that *all* forms of property were under attack in the mid-nineteenth century. Second, particular property arrangements that are almost unimaginable today—legally sanctioned slavery and exclusions of married women owning property—were under sustained and severe attack at the time, as was the widespread practice of absentee landholding in Ireland. While some commentators used these property arrangements as reasons to attack the existence of property altogether, Mill took the position that abolition was warranted in the case of slavery and vast reforms were warranted in the cases of married women and land holdings, while legitimately earned property remained useful and productive. Of course, as we have noted more than once in the foregoing, sorting out the details was complicated.

Knowing that the laws of production and distribution are interrelated, property arrangements might feed back to the productive capacity of society. Mill was certainly aware of the interrelationship and yet that realization did not prevent him from making sweeping recommendations for the redistribution of existing property arrangements. For the most part, e.g., that of the abolition of slavery, such reform proposals rested on the grounds of utility and fairness; in other words, justice. In cases when something that should never have been designated as “property” (human chattel) is made illegal, Mill’s judgment was that the former owner whose right to property was curtailed by reform warranted

compensation. In other instances, given that the state collects taxes and no one has a right to the property of others (including the property of our parents), the state might redistribute property using taxes on inheritance.

Before we turn to those recommendations, we will consider how Mill justified the existence of private property in the first instance, along with his view on what is (and is not) properly owned privately. Following this, we turn to the role of the State, including compensation, with respect to reform of property arrangements. We conclude by returning to Mill's defense of a system in which property persists.

### **Property justified**

Mill's chapters on property in the *Principles of Political Economy* begin with his observations on property arrangements in mid-nineteenth century Britain. As he saw it, private property—and here, for the most part, he had in mind property in land—was not justified by natural law or utilitarian principles but rather had emerged over the course of time as a means to minimize conflict. Mill thus attributed the distribution of landed property (i.e., property that earns an income for its owner) to a long, historical process by which legal and quasi-legal decisions mitigated violence over ownership: “tribunals (which always precede laws) were originally established, not to determine rights, but to repress violence and terminate quarrels. With this object chiefly in view, they naturally enough gave legal effect to first occupancy, by treating as the aggressor the person who first commenced violence, by turning, or attempting to turn, another out of possession” (*Principles of Political Economy*, p. 201).

In the course of social development over time, rules had emerged that “incidentally” assigned rights in property to people already on the land and already extracting rents from it. Property rights preserved the peace but, as a by-product, they also confirmed that people obtained property in things that were not the fruits of their own labour. Mill concluded that the resulting distribution of landed property gave legal standing to a status quo and all too frequently rewarded the strong and powerful over the productive. This led him to question who *should* own what. Mill saw no reason to justify the status quo on utilitarian or other ethical grounds. As we will see, he in fact accepted that the state might sometimes intervene to facilitate a redistribution of property.

By contrast, ownership (property) in the fruits of one's labour was another matter. Following William Nassau Senior, Mill included abstinence in this category as well.<sup>20</sup> The fruits of one's labour and abstinence from consumption, he insisted, were matters of freedom and, as such, unassailable for Mill (and, before Mill, for Adam Smith). Not surprisingly, given what we have learned about Mill on liberty as well his utilitarian presumption that all count equally, Mill insisted on this as the only viable justification of property: "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" (*Principles of Political Economy*, p. 208). The "foundation of the whole" system of property, in his view, was the "right of producers to what they themselves have produced" (*Principles of Political Economy*, p. 215). Mill would contrast this unassailable right with situations where people obtain property by some other means, e.g., by inheritance, marriage, or force.

The right to the fruits of one's labour includes the right to use it to obtain other goods or services, to exchange what one has produced or received as gift (including gifts of inheritance), or "by fair agreement, without force or fraud" (*Principles of Political Economy*, p. 218): "The right of property includes then, the freedom of acquiring by contract. The right of each to what he has produced, implies a right to what has been produced by others, if obtained by their free consent; since the producers must either have given it from good will, or exchanged it for what they esteemed an equivalent, and to prevent them from doing so would be to infringe their right of property in the product of their own industry" (p. 220).

### **Property not justified—Human chattel, land, inherited wealth**

Mill was, however, less preoccupied with establishing what is justifiably property—in his view that was relatively settled dogma—and turned instead to what is not rightly owned privately. Anything beyond what one has produced (or

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<sup>20</sup> Recall the argument, noted in Chapter 5, that people prefer present to future gain. This position, which implies that one must be compensated to abstain from consuming today, led to the abstinence theory of interest and the argument that capitalists' profits were a return from their abstention. Karl Marx attacked this position and tried to show, by contrast, that capitalists were using labour (and only labour) to obtain profit.

freely contracted to obtain using the fruits of one's labour), falls into a category of convenience or historical accident and, as such, is subject to interference on the grounds of social utility. As noted above, Mill acknowledged that "the institution as it now exists" allowed for property rights "over things which [people] have not produced." What sorts of things did Mill have in mind?

At the head of the list of unacceptable property for Mill is people:

Besides property in the produce of labour, and property in land, there are other things which are or have been subjects of property, in which no proprietary rights ought to exist at all. But as the civilized world has in general made up its mind on most of these, there is no necessity for dwelling on them in this place. At the head of them, is property in human beings. It is almost superfluous to observe, that this institution can have no place in any society even pretending to be founded on justice, or on fellowship between human creatures. (*Principles of Political Economy*, pp. 232-33)

Other abuses of property comprised monopoly privileges, sometimes inherited or obtained through government approval: "properties in public trusts," "judicial offices," "commission in the army," "ecclesiastic benefice," "monopoly," and other "exclusive privilege" (p. 233). All these have in common that they are unearned.

As will be evident from the discussion above, Mill considered property in land as quite different from the fruits of one's labour. Here, he followed in a tradition of economists from David Ricardo through his father, James Mill. Since "no man made the land" and its distribution is the result of inheritance and, perhaps, conquest, property in land is by no means sacred: "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" (*Principles of Political Economy*, p. 230). Thus, landowners have no unassailable right to property, although, consistent with his view on the rights to one's labour, Mill insisted that landowners who improve the land, by fencing it or other means, have a right to the value of that improvement.

Second, and just as controversial, inherited property including but not limited to land was also quite different from the fruits of one's labour. Mill insisted that while people have a right to give their property away, no one has a right to inherit property. In a section of the chapter entitled "The institution of property implies the power of bequest, but not the right of inheritance. Question of inheritance examined" (see *Principles of Political Economy*, pp. 218–23), Mill remarked that the guarantee to the fruits of our labour and exchange did not extend to a right to receive the fruits of another's labour via inheritance. In this context Mill allowed that inheritance practices might actually conflict with the ends of private property. Unsurprisingly, Mill singled out parents who, he wrote, are not obliged (and should not be obliged) to leave property, acquired either through inheritance or their productive efforts, to their children, "to leave them rich, without the necessity of any exertion" (*Principles of Political Economy*, p. 224). In line with his views on liberty (see Chapter 1), Mill argued that such a practice—passing on wealth to those who have not worked to produce it—is in fact morally corrupting to those who receive it.

### **What role for the State?**

For the most part, Mill sees as minimal the role of the State as it relates to property—a role generally limited to appropriately enforcing contracts entered into freely by competent individuals. But Mill allowed for two exceptions. First, as noted in Chapter 1, he insisted that contracts, even those voluntarily agreed upon, to sell one's self into slavery should be null and void. He did so, notwithstanding his generally anti-paternalistic position, on the grounds that it makes no sense to have the freedom (and have that freedom enforced) to give up one's freedom. Mill's position here follows from his view of freedom, that it is *the* key component of happiness whose value is incommensurate with other components. Whatever one might gain by selling one's self into slavery will never compensate for the loss of freedom. Thus, any such contract must have been coerced or made without full understanding (e.g., by a child) and the State should render it void.

Mill also inserted a reciprocity notion into the idea of free contracts—only contracts that are reciprocally acceptable should be allowed by law and enforced by the state. This condition of reciprocity rules out

taking (stealing) and ensures that contracts are accepted without coercion by all parties.<sup>21</sup>

Second, agreements that bind one person to another and involve no third party should not, Mill argued, be enforced for life. In this context, of course, Mill focused on marriage. As we have seen in Chapter 4, even in the event that third parties—children—were involved, Mill allowed that the marriage contract might be void. (His prediction in such circumstances was that the presence of third parties would substantially reduce the number of voided marriage contracts.) The problem with marriage contracts in the absence of improved property arrangements, was that, coupled with a lack of education and other opportunities, they held one group dependent on another. Mill saw marriage arrangements of his day as an outgrowth of this dependence, of women being taught “to think marriage is the one thing needful, [which makes] it intelligible that many a woman should prefer being one of several wives, to not being a wife at all” (*On Liberty*, p. 290). A better policy than enforced lifetime contracts was to reduce the dependence of women on men by allowing them to own property outside of the marriage and offering them educational and labour market opportunities.

Mill also made the case for massive property reforms to be enacted through the democratic process (of which, recall, he was a part, arguing the case in Parliament). These would alter property arrangements when property was in his view unjustly owned or transferred. Not surprisingly, his examples relate to the three distortions of justice enumerated above: slavery, landed property (especially in Ireland), and inheritance. We turn now to the issue of compensation.

### ***Compensating former slave owners***

In instances where property rights had been unjustly granted and enforced by the State, Mill urged that the injustice be corrected. However, he insisted that compensation be offered to the current owners of such property in order to effect the reform. Even in the most “iniquitous” of all instances, slavery, because the State had “expressly legalized it,” it was obliged to compensate

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<sup>21</sup> For an examination of how reciprocity infuses Adam Smith’s economics, see Smith and Wilson (2019). Their demonstrations pertain to Mill as much as Smith.

slaveholders in order to right this arrangement.<sup>22</sup> Such was the outcome of the Act of Emancipation, the “most virtuous act” that abolished slavery:

It is almost superfluous to observe, that this institution [property in human beings] can have no place in any society even pretending to be founded on justice, or on fellowship between human creatures. But, iniquitous as it is, yet when the state has expressly legalized it, and human beings, for generations, have been bought, sold, and inherited under sanction of law, it is another *wrong, in abolishing the property, not to make full compensation*. This wrong was avoided by the great measure of justice in 1833, *one of the most virtuous acts*, as well as the most practically beneficent, ever done collectively by a nation. (*Principles of Political Economy*, p. 233)

Although landowners have no natural right to their property, they, too, have a claim to compensation if their property is taken on utilitarian grounds:

The claim of the landowners to the land is altogether subordinate to the general policy of the state. The principle of property gives them no right to the land, but only a right to compensation for whatever portion of their interest in the land it may be the policy of the state to deprive them of. To that, their claim is indefeasible. It is due to landowners, and to owners of any property whatever. (*Principles of Political Economy*, p. 230)

### ***Irish land reform***

As noted, Mill targeted landed property that assigned rights to absent landowners and left the labouring poor in wretched conditions of poverty in Ireland. He published the first edition of his *Principles of Political Economy* just as

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<sup>22</sup> The Emancipation Act abolished slavery with a three-way compensation: slaves were freed, former slave-owners were offered tariff protection on sugar production, and British taxpayers, who supported emancipation, paid for the tariff in the form of higher sugar prices. In Mill's view, the abolition was “most virtuous,” while compensation was also just since society had formerly sanctioned human chattel.

hundreds of thousands of Irish peasants starved, succumbed to disease, or fled their homes in the wake of the Irish potato blights and famine. Mill recommended that Irish cottiers (peasant farmers living in a cottage on the land) be converted to peasant proprietors through what would have amounted to a massive land redistribution, with compensation: “The land of Ireland, the land of every country, belongs to the people of that country. The individuals called landowners have no right, in morality and justice, to anything but the rent, or compensation for its saleable value. With regard to the land itself, the paramount consideration is, by what mode of appropriation and of cultivation it can be made most useful to the collective body of its inhabitants” (*Principles of Political Economy*, p. 326).

It is important to keep in mind just how radical Mill’s position on Ireland, and the Irish peasants, was. Many commentators suggested that Irish were poor because they were naturally lazy, impulsive, and unreasonable. Mill was actively engaged in the debate about whether Irish would forever remain poor. In his view, the problems in Ireland were a result of property arrangements and poor incentives. As we saw in Chapter 5, those who opposed Mill, such as the political economist W.R. Greg, who wrote extensively on Ireland, held that the Irish were indolent and inferior. In the passage quoted in Chapter 5 where Greg suggests that the Irishman is “not an average human being” he argued, contra Mill, that because of the natural indolence of the Irish, land reform would fail in Ireland:

“Make them peasant-proprietors,” says Mr. Mill. But Mr. Mill forgets that, till you change the character of the Irish cottier, peasant-proprietorship would work no miracle. He would fall behind in the instalments of his purchase-money, and would be called upon to surrender his farm. He would often neglect it in idleness, ignorance, jollity and drink, get into debt, and have to sell his property to the nearest owner of a great estate... In two generations Ireland would again be England’s difficulty, come back upon her in aggravated form. (Greg *Realities*, 1869, p. 78)

Agitation in Ireland focused on obtaining better conditions for Irish peasant. Mill entered the debate by insisting that the British government, having sanctioned inappropriate arrangements, compensate landowners (along with whatever improvements to the land they were responsible for):

There is no necessity for depriving the landlords of one farthing of the pecuniary value of their legal rights; but justice requires that the actual cultivators should be enabled to become in Ireland what they will become in America—proprietors of the soil which they cultivate. (*Principles of Political Economy*, p. 326)

### ***Inheritance***

As noted above, Mill also favoured limitations on the right to inheritance: “Each person should have power to dispose of his or her whole property; but not to lavish it in enriching some one individual, beyond a certain maximum, which should be fixed sufficiently high to afford the means of comfortable independence” (*Principles of Political Economy*, p. 225). Parliament might limit amounts of such bequests: “I see nothing objectionable in fixing a limit to what any one may acquire by the mere favour of others, without any exercise of his faculties, and in requiring that if he desires any further accession of fortune, he shall work for it” (p. 228). Such laws would serve the dual purpose of raising revenues for the state while at the same time helping to prevent the moral decay associated with receiving unearned wealth. Mill pointed to the contrast between practice in England and America, where

A large portion also of the accumulations of successful industry would probably be devoted to public uses, either by direct bequests to the State, or by the endowment of institutions, as is already done very largely in the United States, where the ideas and practice in the matter of inheritance seem to be unusually rational and beneficial. (*Principles of Political Economy*, p. 226)

Interestingly, Mill's position on inheritance is rather similar to that of Nobel laureate economist James Buchanan.<sup>23</sup>

## Conclusion

Notwithstanding his ideas for reforming property arrangements, Mill strongly defended the overall private property system in the face of mid-nineteenth century attacks. Mill argued that the system of had never “had a fair trial” (*Principles of Political Economy*, p. 207). As he put it, existing arrangements allowed for property in things that should never have been property in the first place and frequently stripped people of the rights to their produce. He acknowledged, further, that property arrangements in a hyper-competitive world seemed destined to create inequity where earnings were allocated

almost in an inverse ratio to the labour—the largest portions to those who have never worked at all, the next largest to those whose work is almost nominal, and so in a descending scale, the remuneration dwindling as the work grows harder and more disagreeable, until the most fatiguing and exhausting bodily labour cannot count with certainty on being able to earn even the necessaries of life. (*Principles of Political Economy*, p. 207)

Yet, while Mill had ideas about how best to deal with the situation described above, he was not ready to jettison private property. In the face of calls for new and different distributional arrangements (to which we will turn next in Chapter 7), Mill urged reform of the system of private property, including education for the labouring classes and the end to other forms of dependence. Only then would a system of private property obtain a fair trial on which to judge its relative merits compared to Communism.

To judge of the final destination of the institution of property, we must suppose everything rectified, which causes the institution to

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<sup>23</sup> Like Mill, Buchanan held that since there is no ethical principle in favour of inherited property and inheritance may have a corrupting influence on the inheriting generation, the state may appropriately tax inherited property.

work in a manner opposed to that equitable principle, of proportion between remuneration and exertion, on which in every vindication of it that will bear the light, it is assumed to be grounded. We must also suppose two conditions realized, without which neither Communism nor any other laws or institutions could make the condition of the mass of mankind other than degraded and miserable. One of these conditions is, universal education; the other, a due limitation of the numbers of the community. (*Principles of Political Economy*, p. 208)

In Chapter 7, we will consider Mill's calls for "a due limitation" of population and "universal education" as well as his investigations into economic arrangements such as worker cooperatives and Socialism. As noted throughout this work, Mill's overriding concern was the amount of poverty that he believed was due to overpopulation as well as the amount of liberty and flourishing that he believed would prevail under each system. On both those counts, he came to favour a (modified) system of private property.



## Chapter 7

# Mill on Socialism, Capitalism, and Competition

The united forces of society never were, nor can be directed to one single end, nor is there, so far as I can perceive, any reason for desiring that they should. Men do not come into the world to fulfill one single end, and there is no single end which if fulfilled even in the most complete manner would make them happy.

—J.S. Mill to Gustave d'Eichthal, October 8, 1829, *Earlier Letters*, p. 36

The common features of all collectivist systems may be described, in a phrase ever dear to socialists of all schools, as the deliberate organization of the labours of society for a definite social goal.

—F.A. Hayek, *The Road to Serfdom*, 1944/2007, p. 100

Although Mill insisted that production and distribution are in fact interrelated, we should not conclude that he favoured only market-determined outcomes without regard for other, freely chosen institutional arrangements. Indeed, much of Mill's *Principles of Political Economy* is devoted to the review of potential costs and benefits associated with socialism, peasant proprietorship, and trade unions. In this chapter, we examine Mill's main arguments as they relate to alternative economic arrangements. While he was open to different institutional arrangements, Mill strongly opposed a centrally directed imposition of goals. He insisted on two components for any reform: education (which, in itself, would contribute to reducing overpopulation); and prudent behaviour on the part of the labouring classes. Consistent with his position laid out in

Chapter 1, the key feature as he compared economic arrangements was human flourishing grounded in wide opportunities for independence and economic choice. In the end, Mill favoured an improved and evolving capitalism alongside freely chosen small-scale economic experiments in which some resources were held in common. He regarded the wage relationship as a symptom of dependence and predicted that as labourers gained independence, they would increasingly form associations as owner-workers and eliminate the need for wage work.

### **Singular goals: Mill's overriding worry about socialist plans**

As is well known, Mill spent a great deal of time considering alternatives to what we would today refer to as capitalism. Some commentators regard this as a weakness in Mill and suggest that Harriet Taylor was responsible (indeed, some would say to blame) for his willingness to consider the merits of socialism. As mentioned earlier, Ludwig von Mises blamed Taylor for befuddling Mill in this regard (Mises 1927, *Liberalism*, p. 169), while Michael Packe referred to “Harriet’s astounding, almost hypnotic control of Mill’s mind” (Packe, *John Stuart Mill*, p. 317). Harriet and John corresponded at length about socialism and capitalism, but both of these assessments overstate Harriet’s influence; as George Stigler opined, Mill was on *all* topics, including this one, scrupulously fair-minded and open to persuasion.

As noted above, over the course of a long and rich friendship, the French publicist Gustave d’Eichthal also tried to persuade Mill about the relative merits of socialism. D’Eichthal became one of the most ardent and active apostles of the Saint-Simonians, a group that had close ties with August Comte in its early years and then later parted ways with Comte. For F. A. Hayek, d’Eichthal’s friendship with Mill represented an “important, though little-known” source of information about Mill’s views on socialism.

Mill voiced a thorough criticism of Comte’s political views in a letter to d’Eichthal. In line with his views on individuality and wide range of choice (Chapter 1), he opposed Comte’s proposal for the State to direct “all the forces of society” towards “some one end.” How, Mill wrote in the passage quoted at the outset of this chapter, is society or the government to settle on one single end for all: “The united forces of society never were, nor can be directed to one

single end, nor is there, so far as I can perceive, any reason for desiring that they should” (Mill to d’Eichthal, October 8, 1829, *Earlier Letters*, p. 36). Over a hundred years later in the midst of the twentieth century’s turn towards central planning, Hayek voiced a similar concern in his *Road to Serfdom*. For Hayek, like Mill, it was impossible to find the single end for society and only a totalitarian authority could impose such a unitary goal.

### Education and population growth

Mill was, however, more than willing to consider the relative merits of alternative economic arrangements as long as they offered wide scope for individual freedom. Two additional factors were important in the evaluation: population pressures and education levels.

As we saw in Chapter 6, Mill argued vigorously in favour of universal education as a means to resolving poverty and ensuring that the coming democratic moment was successful.<sup>24</sup> He placed his faith in education—including, as detailed in Chapter 2, robust discussion—as a necessary input by which free individuals come to make choices that, at least on balance, are well informed and will likely to lead to flourishing lives.

As we have noted throughout this reader, Mill held that all persons, including women, former slaves, and the Irish, were capable of improvement through education. All were capable of learning and of eradicating bias through education, “correcting mistakes by discussion and experience” (*Inaugural Address*, p. 306; see Chapter 2). That concept may seem obvious, but it is important to realize that Mill’s contemporaries and later economists vigorously contested his view. The late nineteenth century economist F.Y. Edgeworth wrote that by “conveying an impression of what other Benthamites have taught openly, that all men, if not equal, are at least *equipotential*, in virtue of equal educatability,” Mill promoted a “pre-Darwinian prejudice” (Edgeworth, 1881, p. 132).<sup>25</sup>

Since the benefits of education were potentially open to all and significant, Mill made a recommendation for state intervention: he suggested that,

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<sup>24</sup> Economists from Frank Knight and James Buchanan to A.K. Sen have shared this position with Mill (see, e.g., Sen 2012).

<sup>25</sup> For additional discussion and evidence of the opposition, see Peart and Levy (2005).

as an “almost” “self-evident maxim,” the “State should require and compel the education, up to a certain standard, of every human being who is born its citizen” (*On Liberty*, Chapter 5). (We set aside the question of born citizens for a moment to consider how this was to occur.) As it is “a moral crime, both against the unfortunate offspring and against society” not to educate one’s children, compulsion was justified “at the charge, as far as possible, of the parent.”

Importantly, Mill’s recommendation was *not* to entail a State monopoly on the *provision* of education. Indeed, he vigorously opposed such a monopoly: “The objects which are urged with reason against State education, do not apply to the enforcement of education by the State, but to the State’s taking upon itself to direct that education” (*On Liberty*, p. 302). He worried a good deal about State-directed education that would limit experiences and individuality and become “a mere contrivance for moulding people to be exactly like one another” (*On Liberty*, p. 302). Consistent with his views on economic experimentation and competition, Mill called for “many competing experiments” in education (*On Liberty*, p. 302). Many economists have since agreed with this position.<sup>26</sup>

Recall that Mill’s career spanned one of the deadliest series of famines in British history (Chapter 6). While these added urgency to any analysis of population growth, many economists had been preoccupied with population growth long before the Irish famines. T.R. Malthus published the first edition of his famous *Essay on Population* in 1798 and British economists such as Nassau William Senior were active in the development of the 1834 New Poor Law. As a young member of the Philosophical Radicals, Mill was already concerned about apparently excessive population growth and intense poverty among the labouring classes. As noted in this book’s Introduction, he drew attention to himself as a youth distributing “diabolical handbills” propagating birth control information (Hollander, 1985, p. 968). In the 1848 edition of the *Principles* (and all subsequent editions), he wrote that a principal benefit of an educated laboring class is that they would appreciate the need to limit family size (*Principles of Political Economy*, p. 765).

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<sup>26</sup> Most notable in this respect is Milton Friedman’s case for vouchers to enable choice and variation in education.

Mill also foresaw an enormous benefit of education and expanded labour market opportunities for women. He predicted that as they, too, became independent, they would limit family size:

This most desirable result would be much accelerated by another change, which lies in the direct line of the best tendencies of the time; the opening of industrial occupations freely to both sexes.... On the present occasion I shall only indicate, among the probable consequences of the industrial and social independence of women, a great diminution of the evil of over-population. (*Principles of Political Economy*, pp. 765-76)

Mill's influence on this topic was not contained to the ivory tower. At the famous trial in 1879 (after Mill's death) for republishing, at a low cost, Charles Knowlton's 1832 tract containing contraceptive information, *Fruits of Philosophy*, one of the co-defendants, Annie Besant, read extensively from the above and other passages in Mill's *Principles* related to population growth. (The other co-defendant at the trial was the former Member of Parliament and Mill's colleague, Charles Bradlaugh.) Besant was unsuccessful in her defense but the decision was reversed on appeal and from that time forward the distribution of contraceptive information was no longer in law considered "obscene."<sup>27</sup>

### **Socialism versus capitalism?**

Having eschewed large-scale centralized planning, Mill's comparative analysis of economic arrangements focused mainly on experiments in which some resources were held in common, which he called "Socialism," in contrast to the "entire abolition" of private property under "Communism." Under Socialism, "communities or associations" or "the government" would own some property in common. Always willing to consider the "many sides," Mill carefully examined various proposals for communal arrangements put forward by Saint-Simon (and his followers) and Charles Fourier (*Principles of Political Economy*, pp. 212-18). The schemes that most appealed to him allowed for a variety of

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<sup>27</sup> Peart and Levy (2005) discuss the details.

occupations and remuneration while offering the prospect of agreed-upon redistribution of a portion of total (communal) earnings. He stopped short of endorsing Saint-Simon, which he worried would limit freedom of occupational choice or any other such arrangements wholesale, preferring instead to allow for participants voluntarily to opt in (and out of) such arrangements.

Importantly, Mill worried about the potential for human misery that could be caused by excessive population growth under communal arrangements. Given how people responded to incentives in mid-nineteenth century England, Mill believed they would be more likely to have large families under socialist arrangements where the cost of raising children would be borne by the communal group. In a market economy, by contrast, the cost of rearing children was borne by parents and the inducements to saving, delaying marriage, and other prudent decisions were stronger than under socialism. Mill worried that Fourier, Saint-Simon, and their followers had ignored these issues. For their plans to succeed, the labouring classes would need to become sufficiently willing to limit their numbers *absent* a material incentive to do so. While people *might* conceivably improve in the future and be prudent without the financial inducement to do so, Mill was under no illusion as to the difficulty of this task. His disagreement with Harriet focused on the very low likelihood that such improvement would be forthcoming in the near term.

It seemed to Mill that widespread adoption of such communal arrangements required a people who generally were different (more willing to internalize non-pecuniary incentives), from those who currently lived and worked in nineteenth-century England. Until such a change in human nature occurred, Mill favoured the voluntary and small-scale adoption of Saint-Simonian ideas that, he wrote, are “capable of being tried on a moderate scale” with the associated risks accruing only to “those who try them” (*Principles of Political Economy*, p. 213):

It is for experience to determine how far or how soon any one or more of the possible systems of community of property will be fitted to substitute itself for the ‘organization of industry’ based on private ownership of land and capital. In the meantime we may, without attempting to limit the ultimate capabilities of human

nature, affirm, that the political economist, for a considerable time to come, will be chiefly concerned with the conditions of existence and progress belonging to a society founded on private property and individual competition. (*Principles of Political Economy*, p. 214)

By no means were such schemes to be imposed from without, by an agency, group, or State that had somehow divined the common good.<sup>28</sup>

At the same time, Mill was optimistic about the future of the laboring classes under competitive arrangements. He believed that they had already achieved much progress and their manifest desires to become even more independent would generate additional progress in the future. Mill favored institutions that supported and enabled independence and association, including but not limited to competition: “The institutions for lectures and discussion, the collective deliberations on questions of common interest, the trades unions, the political agitation, all serve to awaken public spirit, to diffuse variety of ideas among the mass, and to excite thought and reflection in the more intelligent (*Principles of Political Economy*, pp. 763-64; see also, p. 768).<sup>29</sup>

### **Conclusion—capitalism evolving over time**

Notwithstanding his caution about socialist schemes, Mill was no apologist for the status quo of nineteenth century capitalism. As noted in Chapter 6, he worried a great deal about the “disagreeable symptoms” of nineteenth century industrial life. In his famous chapter on the stationary state, Mill decried the “trampling, crushing, elbowing, and treading on each other’s heels, which form the existing type of social life” (*Principles of Political Economy*, p. 754). Perhaps naively, he looked forward to a new phase of industrial life in which economic growth slowed (and stopped) when, instead of “the art of getting

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<sup>28</sup> Mill especially worried about how some of the followers of Saint-Simon turned towards a cult-like religion, a version that d’Eichthal also eschewed.

<sup>29</sup> “But if public spirit, generous sentiments, or true justice and equality are desired, association, not isolation, of interests is the school in which these excellences are nurtured” (*Principles of Political Economy*, p. 768). All forms of association offered “civilizing and improving influences” (*Principles of Political Economy*, p. 769; see also p. 708). For this reason, and because they were a means to education (especially regarding population growth and savings), Mill allowed that trade unions were, on balance, a positive force in his time.

on” people would have additional room for “the Art of Living” (*Principles of Political Economy*, p. 756).<sup>30</sup>

After much observation and study, Mill concluded that a capitalist system with private property and competition was, on balance, an improvement over the proposed alternatives of his time. How might capitalism evolve over time? Mill imagined a capitalism with a “better distribution of property”—via, among other means, reformed inheritance laws—couple with improved “prudence and frugality” among the labouring classes (*Principles of Political Economy*, p. 755). Experimentation and “associations of individuals voluntarily combining their small contributions” would yield additional improvements, including increased independence for all (*Principles of Political Economy*, p. 708).<sup>31</sup>

In Mill’s view, as capitalism evolved it would entail a continued, healthy dose of competition. Competition would also, he argued, continue to erode current monopoly privileges, serving the many poor at the expense of the privileged few:

To be protected against competition is to be protected in idleness, in mental dulness; to be saved the necessity of being as active and as intelligent as other people; and if it is also to be protected against being underbid for employment by a less *highly* paid class of labourers, this is only where old custom, or local and partial monopoly, has placed some particular class of artizans in a privileged position as compared with the rest; and the time has come when the interest of universal improvement is no longer promoted by prolonging the privileges of a few. (*Principles of Political Economy*, pp. 795-96)

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<sup>30</sup> Stationarity (a situation of zero economic growth) in this chapter is economic; but Mill reveals here that this is only one dimension of human flourishing. Without making any extreme predictions regarding how little one might work in the future, the passage calls to mind J.M. Keynes’s famous article, “Economic Possibilities for our Grandchildren” (Keynes 1930, *Essays in Biography*, pp. 358-76).

<sup>31</sup> “The aim of improvement should be not solely to place human beings in a condition in which they will be able to do without one another, but to enable them to work with or for one another in relations not involving dependence” (*Principles of Political Economy*, p. 768).

Underscoring Mill's comparative analysis of economic arrangements was his deep concern with expanding all forms of freedom for the labouring classes and ending their economic and intellectual dependence. As workers gained political power and "improved intelligence," Mill believed they would increasingly eschew working for wages.<sup>32</sup> He foresaw a time when they would become fully independent and "work on their own account." As such, Mill believed the wage relationship would decay in the future:

In the present stage of human progress, when ideas of equality are daily spreading more widely among the poorer classes, and can no longer be checked by anything short of the entire suppression of printed discussion and even of freedom of speech, it is not to be expected that the division of the human races into two hereditary classes, employers and employed, can be permanently maintained. (*Principles of Political Economy*, pp. 766-67)

Whether Mill had in mind something like the "gig economy" where people increasingly work as self-employed entrepreneurs, is difficult to say. The foregoing suggests that he would regard such start-ups as a salutary outcome signaling the achievement of independence among a growing segment of the labour force.

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<sup>32</sup> In his view, workers "will become even less willing than at present to be led and governed, and directed into the way they should go, by the mere authority and *prestige* of superiors" (*Principles of Political Economy*, p. 764).



## Chapter 8

# Mill's Considerations on Representative Government

A people may be unprepared for good institutions; but to kindle a desire for them is a necessary part of the preparation. To recommend and advocate a particular institution or form of government, and set its advantages in the strongest light, is one of the modes, often the only mode within reach, of educating the mind of the nation not only for accepting or claiming, but also for working, the institution.

—J.S. Mill, *Considerations on Representative Government*, p. 379

### **Introduction: Paternalism vs. reform?**

As noted throughout this reader, Mill was both reform-minded in principle and active in a significant number of reform proposals. As a member of Parliament during the Governor Eyre controversy in Jamaica and the Fenian rebellion in Ireland, his tenure overlapped several key incidents related to self-governance of former slaves and dependent Irish people. In 1865, Governor Eyre responded to an uprising among former slaves in Jamaica by declaring Martial Rule and using armed force to terrorize and kill over 400 Jamaicans. Mill was chosen unanimously to lead the Jamaica Committee, which was formed to bring Eyre to trial for murder. Opposing Mill were those who supported Eyre's use of force including Thomas Carlyle and John Ruskin. At roughly the same time, rebellions led by the Irish Fenians against British rule were thwarted by the British government with inevitable comparisons to the Jamaican uprising.<sup>33</sup>

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<sup>33</sup> For more detail on the significance of the controversy and the trial, see Levy and Peart, 2001.

Some agitation for change was, of course, peaceful. The Reform Act of 1832 had increased the voting public to about 20 percent of English adult males (Hollander, 2015, p. 530), while the coming of the Second Reform Act in 1867 lent additional urgency to Mill's writings on self-governance.

Mill's opinions on these matters, voiced in print and in Parliament, were unpopular with many of his contemporaries, being too radical for their way of thinking. Included among these opinions was his (failed) attempt to change the wording of the Reform Bill to refer to *persons* instead of men.<sup>34</sup> It bears noting, as emphasized in Chapter 4, that this latter step was extremely radical for Mill's time. Mill's contemporaries understood the significance of his advocacy for democratic reform, including the extension of the franchise to the labouring poor and women. As mentioned in earlier chapters, *Punch* ridiculed Mill for his positions on political representation, especially his position regarding "persons" (including women), who deserved the suffrage.

At the same time that he advocated for an extension of the franchise, Mill held that people must be "ready" for self-governance. Indeed, he went so far as to suggest on utilitarian grounds that it might occasionally be best for despots to rule those who were unready for the responsibilities associated with democracy. We will first address below the question of whether this represents an inconsistency for Mill and whether he was a paternalist with respect to India.

Mill described in some detail a set of conditions for successful self-governance to ensure that it would not descend into factional violence or majoritarian taking. In his view, a minimal amount of mutual regard, which political theorists of the time conceived of as sympathy,<sup>35</sup> was a necessary condition for the representative form of government. This will be the subject of the next section in this chapter. Today, the idea of sympathy has been recast as sociability, including mutual respect and reciprocity.<sup>36</sup> In Mill's view, when people in a polity have a mutual regard for one another, this provides a sufficiently motivating force to prevent a descent into civil war between factions.

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<sup>34</sup> For a detailed examination, see Reeves, 2007, pp. 422-25, and the references therein.

<sup>35</sup> For a description of the nature and significance of sympathy in Adam Smith's work, see James Otteson's book in this series: *The Essential Adam Smith*. See also the essays in *Sympathy: A History*, edited by Eric Schliesser of Oxford University Press (2015).

<sup>36</sup> As noted above, the best reference for the contemporary significance of sociability is Vernon Smith and Bart Wilson's 2019 book, *Humanomics*.

## Who is ready for democracy?

Despite his radical advocacy for widening the suffrage, when Mill held that not all people were ready for self-governance he opened himself up to criticism on the grounds of inconsistency. Was Mill *really* for liberty, or just for the liberty of some? Was he just being paternalistic? To answer this, we need to begin by examining what Mill meant by these statements.

In his 1861 *Considerations on Representative Government*, Mill sketched three conditions of readiness. First, he wrote, there is no point in thrusting self-governance on a people who do not want it (an action that, one might argue, itself is paternalistic). They must be “willing to accept it; or at least not so unwilling, as to oppose an insurmountable obstacle to its establishment” (p. 376). Then they must be willing to make self-governance work, “to do what is necessary to keep it standing” (p. 376). Finally, they “must be willing and able to do what it requires of them to enable it to fulfil its purposes,” “capable of fulfilling the conditions of action, and the conditions of self-restraint, which are necessary either for keeping the established polity in existence, or for enabling it to achieve the ends, its conduciveness to which forms its recommendation” (p. 376). This latter condition, entailing sufficient “self-restraint,” would prevent factionalized violence between opposing groups in the polity.

Absent these conditions, Mill held that people are unready for self-governance. Considering the question of the suffrage in England, Mill pointed to “the twofold danger” associated with representative government: “too low a standard of political intelligence, and that of class legislation” (*Considerations on Representative Government*, p. 473). A voting population characterized by indolent, careless, or cowardly voters, those who lacked public spirit, or were easily duped—who “can be induced to lay their liberties at the feet even of a great man, or trust him with powers which enable him to subvert their institutions” (p. 377)—may be incapable of the self-restraint required to prevent class warfare and taking. They may be incapable of the self-restraint necessary for civil society, “unable to practise the forbearances which it demands: their passions may be too violent, or their personal pride too exacting, to forego private conflict, and leave to the laws the avenging of their real or supposed wrongs” (p. 377).

These were the dangers that worried Mill; he was fearful that factionalized violence would result when sub-groups of a populace were insufficiently respectful of each other's hopes and desires. Mill did *not* conclude that in all cases where people lacked habits of civility and self-restraint they should be ruled by a dictator or some other entity. The question was one of degree. Some form of democracy would work, poorly or better, depending on the "mental habits" of the people:

But however little blame may be due to those in whom these mental habits have grown up, and however the habits may be ultimately conquerable by better government, yet while they exist, a people so disposed cannot be governed with as little power exercised over them, as a people whose sympathies are on the side of the law, and who are willing to give active assistance in its enforcement.

... it must be understood that the amount of the hindrance may be either greater or less. It may be so great as to make the form of government work very ill, without absolutely precluding its existence, or hindering it from being practically preferable to any other which can be had. (*Considerations on Representative Government*, p. 378)

## India

In Mill's view, such considerations were particularly pressing as they related to colonial power and authority. In this context, recall that for most of his adult life Mill worked for the East India Company (see Chapter 1). This fact alone lays him open to a charge of enabling colonial domination. It is important to keep in mind, however, that Mill regarded the ultimate aim of British rule in India as one of ensuring a transition to self-governance in that country. Whether that fact is enough to insulate him from a charge of paternalism is an open question.

Mill laid out his views regarding India in his 1858 memorandum published without attribution by the East India Company and never republished during his lifetime under his name (*Collected Works*, vol. XXX, p. 92). Mill titled the memo, "Improvements in the administration of India during the last thirty

years.”<sup>37</sup> The closing passages in the section, “Protection and Improvement of Oppressed Races,” contain his assessment of when people *in colonies* are prepared for self-government: once the rule of law is demonstrably and generally accepted in the polity and factional violence subsides. Mill examined a number of reforms that moved India toward readiness for self-rule. He observed that instead of such reforms being imposed by brute force, British officers increasingly worked with local inhabitants to implement reforms through discussion. In some cases, officers visited remote areas and spoke with inhabitants so that “the object which had for years been vainly sought by force, was accomplished by explanation and persuasion” (Mill 1990 [1858], p. 154). Mill noted the following reforms:

suppression of crime, piracy, infanticide, voluntary burning of widows on the funeral pires of their husbands, and witchcraft; enforcement of property rights; eradication of human sacrifices; abolition of slavery and compulsory labour; protection of religious freedom; re-marriage of widows. (Mill 1990 [1858], pp. 408ff)

Local inhabitants who participated in the implementation of these reforms were motivated to do so because they appreciated the unjustness of enslaving a portion of the population. Moreover, they were capable of the give-and-take of discussion. In Mill’s mind, they demonstrated readiness for self-governance. In this way, Mill squared working with the East India Company with his desire for reform, including self-determination. As Alan Ryan has put it, he favoured “a self-abolishing imperialism.”<sup>38</sup>

What about situations where people are deemed unready, when self-governance leads to violence, death, and destruction? From today’s vantage point, Mill may seem out of touch on this topic, perhaps insufficiently appreciative of the nature and successes of institutions in far-away lands, and not

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<sup>37</sup> See Hollander (2015), p. 408.

<sup>38</sup> “Unlike imperialists whose goal was the greater glory of the imperial power, Mill envisaged self-abolishing imperialism; if it was justified it was an educative enterprise, and if successful its conclusion was the creation of independent liberal-democratic societies everywhere” (Ryan, 1999, pp. 15-16). For a detailed examination of Mill on India, see also Hollander, 2015, pp. 386-423.

agitating soon enough or strongly enough for political self-governance in India. For some readers, Mill's remarks in *On Liberty*, apparently justifying dictatorship under conditions of so-called barbarism, also may come across as superficial, dismissive, or imperial: "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. Until then, there is nothing for them but implicit obedience to an Akbar or a Charlemagne, if they are so fortunate as to find one" (1859, p. 224). Without endorsing dictatorship,<sup>39</sup> however, it is important to recognize Mill's key points in this respect: sub-groups in a polity must respect each other enough to avoid internecine violence, civil war, or enslavement; if mutual respect is lacking, they will be unable to live, and govern themselves, together. Genocides of the twentieth century, such as that in Rwanda, have borne out the validity of Mill's worries about factional violence when minimal amounts of mutual respect are lacking.

### **Self-governance**

Mill of course also elaborated on how people *do* become ready for self-governance. Indeed, the chapters above suggest that this was the point of much of his writing. The acquisition of mutual sympathy via freedom of association (Chapters 1 and 7), discussion (Chapter 2), education (Chapter 7), and equality of opportunity (Chapters 4 and 5), plays a critical role in the argument, being a necessary condition for democratic government. As a source of moral obligation, sympathy constrains people and forms a barrier to injustice and violence. Mutual sympathy creates the boundaries of successful association (in this case, to form a polity), "To render a federation advisable, several conditions are necessary. The first is, that there should be a sufficient amount of mutual sympathy among the populations. The federation binds them always to fight on the same side" (*Considerations on Representative Government*, p. 553). Competition and the participation of a sufficient number of disinterested

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<sup>39</sup> Unfortunately, economists such as F.A. Hayek and Milton Friedman have a checkered history as it relates to dictatorship. For a careful study of their position as it relates to Chile, see Andrew Farrant (2019).

sympathetic individuals prevents factional injustice. In his 1840 essay on Alexis de Tocqueville's *Democracy in America*, Mill maintained that a tyranny of the majority is unlikely in America, because the economy and the political system are competitive (*De Tocqueville on Democracy*, p. 72).

In England, Mill worried that not all potential groups of voters were willing to respect the views and property of each other, the problem of the Many and the Few made famous by his father. How did he square these concerns with his overall support for self-governance and the extension of the franchise? In his *Autobiography*, Mill told his readers that he regarded the question of a parliamentary democracy not as “an absolute principle” but rather “a question of time, place and circumstance.” With those considerations in mind, he endorsed a number of safeguards against rule via direct democracy.

First and foremost, Mill favored proportional representation, specifically a plan outlined by Thomas Hare in 1859 by which “every section [of the polity] would be represented, not disproportionately, but proportionately” (*Considerations on Representative Government*, p. 419). With proportional representation, minority viewpoints would be fairly represented and so the plan would partially resolve the problems of factions and minority groups.<sup>40</sup> Mill also foresaw that proportional representation would generate more skillful representation of minority viewpoints, since it would elicit “leaders of a higher grade of intellect and character” to represent them in Parliament (*Considerations on Representative Government*, pp. 490, 460).

Second and not surprisingly given what we have learned above, Mill advocated for education in this context. Education would, he argued, ensure that voters were well and critically informed, “being able to read, write, and, I will add, perform the common operations of arithmetic” (*Considerations on Representative Government*, p. 470). In the context of the coming electoral reforms, Mill spoke with some urgency regarding the need for education. The impending extension of the franchise was clearly on his mind in his 1867 *Inaugural Address* where he made the case forcefully that it be imperative for

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<sup>40</sup> Mill wrote to Hare on March 3, 1859 (*Collected Works, Later Letters*, volume XV, p. 599). For Hare's plan, see Thomas Hare, *A Treatise on the Election of Representatives, Parliamentary and Municipal* (1859).

the voting public to learn how to evaluate political arguments and conflicting opinions:

But we all require the ability to judge between the conflicting opinions which are offered to us as vital truths; to choose what doctrines we will receive in the matter of religion, for example; to judge whether we ought to be Tories, Whigs, or Radicals, or to what length it is our duty to go with each, to form a rational conviction on great questions of legislation and internal policy, and on the manner in which our country should behave to dependencies and to foreign nations. (p. 234)

Education was to include logic as a means to ensure that potential voters were able to discriminate against fallacy.<sup>41</sup>

## **The Ballot**

It may come as a surprise that, in his considered view, Mill argued against the secret ballot. His position on this, however, was in line with that above, a faith in the social motivations of voters. Mill believed that the secret ballot attenuated social motivations:

the point to be decided is, whether the social feelings connected with an act, and the sense of social duty in performing it, can be expected to be as powerful when the act is done in secret, and he can neither be admired for disinterested, nor blamed for mean and selfish conduct. But this question is answered as soon as stated. (Mill [1865] 1986, p. 1214)

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<sup>41</sup> Mill wrote that “Wrong opinions and practices gradually yield to fact and argument: but facts and arguments, to produce any effect on the mind, must be brought before it” (*Inaugural Address*, p. 206). Additional safeguards included the payment of taxes (having “skin in the game”) and plural votes to give disproportionate weight to those with “education and knowledge” (*Considerations on Representative Government*, pp. 477-78).

Recalling Mill's opposition, noted in Chapter 2, to the tyranny of public opinion, it may seem contradictory that Mill would advocate for such public votes. In this *political* context, he apparently trusted that British public opinion was insufficiently factionalized to warrant the attenuation of social feelings that would result from secrecy.

### Concluding thoughts

Several questions arise from this brief review of Mill's views on representative government. First, it bears emphasizing that while Mill worked for the East India Company and did not advocate the dismantling of the Empire, neither did he advocate an Empire without end. In his view, foreign officials, working with local inhabitants, had reduced violence in India. Most important, foreign rule would eventually become unnecessary. Of course, although he explained when people would be ready for self-rule, the devil would be in the details—how soon would a people be “ready” and who would decide when they were “ready” for self-governance? In hindsight, it seems that Mill paid insufficient attention to such questions.

He also neglected the desire for ownership and wealth by foreigners who had assumed power in the first place. While it was well to recognize that local groups in India would one day be ready to assume self-rule, there was no guarantee that those in power, who favoured the Empire, would be willing to give up their authority without a struggle. Mill's statement that it might be best for a despot to rule so-called “barbarians” also neglected issues of power and authority, notwithstanding his qualification (“providing the end be the improvement”). Perhaps such rulers start out intending local improvement; however, at some point along the way, rulers in such situations may rule mainly to obtain resources or exercise power.

Finally, one might wonder whether Mill was overly optimistic about the motivational force associated with sympathy and mutual regard. In today's polarized political world, it seems that the desire for approbation and to be an impartial spectator are extremely weak motivational forces. We may now be in the situation Mill feared and hoped to prevent, not of violence, but rather unwillingness to have discussions across political and other group divisions.



## CONCLUDING THOUGHTS

# Lessons from Mill's Radical Reformism

We have real power over the formation of our own character.

—J.S. Mill, *Autobiography*, p. 177

This book has emphasized Mill's radical reformism, pointing to his views on land reform, the suffrage, and opportunities for women and the laboring poor as examples of how little of the established institutional framework he took for granted. It bears emphasizing that underlying his reformism was an overriding concern that reforms be embraced and, often, initiated by those who would benefit from them. The goal was to reform, but not a reform imposed top down by someone who supposedly knew the people's preferences. Indeed, the idea of compensation would ensure that those on all sides of a reform would embrace it willingly.

In espousing these ideas, a tension runs throughout Mill's work. For he clearly had his own views about human flourishing and what constitutes good choices. Yet his overriding concern was that people be enabled to form and reform their own character. This concern meant that he was typically unwilling to endorse the wide-scale adoption of one means of social arrangement over another. Instead, his reform-mindedness focused on removing obstacles to self-governance, such as slavery, absentee land ownership, or life-long contracts, and widening opportunities for discussion, learning, and choice through education and political participation.

With a few notable exceptions, economists in the latter half of the twentieth century eschewed this approach. The modern, twentieth century approach

to economics posited tastes as given, exogenously—*de gustibus non est disputandum*. Economists in this vein then proceeded to address the problem of utility maximization in the face of fixed tastes. In doing so, they departed significantly from Mill's work, in which remaking, and our desire to remake ourselves, figured so prominently.

Two twentieth century exceptions warrant a brief mention. In his *Ethics of Competition* Frank Knight insisted that tastes are not given exogenously but rather change over time. For Knight, like Mill and contra many twentieth century economists, people not only want to satisfy tastes but they also want to have better tastes. In line with Mill, Knight held that conduct is consequently shifting and provisional: people are constantly looking to a future in which they will be different and better people (*Ethics of Competition*, pp. 11-32). James Buchanan also insisted that people have a "sense of becoming" and, as such, our tastes change over time (Buchanan, "Natural and Artifactual Man," p. 247). Buchanan insisted that the central importance of choice is that because we do not know in advance who we will become (indeed, who we want to become), it is important not to interfere with choice, to leave us with as many doors open as possible. In this regard, Buchanan reveals a deep similarity with Mill.

One might wonder if Mill's optimism (and that of Buchanan and Knight) regarding our ability to remake and improve ourselves is well-founded. The point, however, is not how much we change ("improve") but rather that we are capable of imagining new choices and new selves and we have the option of attempting to remake ourselves. The foregoing suggests, moreover, that Mill was actually quite realistic in this regard. He knew both personally and from observation that improvement was no easy task. However difficult, Mill presumed that living with one another and subject to a no-harm principle, we are the best judges of how to go about improving ourselves both through institutional reforms and opportunities for self-governance. While the specifics of the reforms have altered over the years, Mill's overriding concerns and his conclusions remain live issues: how do we go about bettering ourselves in the context of social life?

# Suggestions for Further Reading

J. S. Mill was one of the most prolific writers of his time or since. Under the careful editorship of John Robson and over the course of three decades, the University of Toronto Press published Mill's *Collected Works*, spanning 33 volumes. The massive project of collecting and publishing the works began when F.A. Hayek undertook to collect and publish a significant portion of Mill's correspondence with Harriet Taylor. Hayek there recounts the difficulty: Mill's letters were scattered and his manuscripts had been sold—quickly and without attention to their significance. Having gathered some of the correspondence over the course of a several years, in 1951 Hayek published *John Stuart Mill and Harriet Taylor: Their Friendship and Subsequent Marriage*. This collection began an impetus to collect and publish Mill's works. The 33 volume set is now available online at the Online Library of Liberty (<https://oll.libertyfund.org/titles/mill-collected-works-of-john-stuart-mill-in-33-vols>), and ten volumes of the works have been re-published in paperback form by Liberty Fund, Inc.

The below lists contain suggestions for further reading in two categories. The first is suggestions for reading Mill himself. As Mill was so prolific and is relatively straightforward for specialists and non-specialists alike to read, the main criterion for choosing these is that they bear most directly on the issues discussed above. Many of Mill's works have been published in multiple editions, reprints, and variations. Since the University of Toronto is uniformly considered to be *the* scholarly edition of Mill's writing and because it is available online, all suggestions for further reading use the Toronto editions. Second, two additional lists provide secondary sources on Mill. These are divided into suggestions for those who are beginning to explore Mill's life and ideas; and those who are more advanced in their study. Many of the latter are detailed or

specialist examinations and critiques of the texts while the former are more generalist accounts.

## Mill's works

*Collected Works of John Stuart Mill, Volume I—Autobiography and Literary Essays.* John M. Robson and Jack Stillinger (eds.). Introduction by Lord Robbins. University of Toronto Press; Routledge and Kegan Paul, 1981. (Mill's *Autobiography* was first published in 1873.)

*Collected Works of John Stuart Mill, Volumes II and III—The Principles of Political Economy with Some of Their Applications to Social Philosophy.* John M. Robson (ed.). Introduction by V.W. Bladen. University of Toronto Press; Routledge and Kegan Paul, 1965. (First published in 1848.)

*Collected Works of John Stuart Mill, Volume IV—Essays on Government and Society.* John M. Robson (ed.). Introduction by Lord Robbins. University of Toronto Press; Routledge and Kegan Paul, 1967. (Includes *On the Definition of Political Economy; and on the Method of Investigation Proper to It*, first published in 1836.)

*Collected Works of John Stuart Mill, Volume X—Essays on Ethics, Religion, and Society.* John M. Robson (ed.). Introduction by F.E.L. Priestly. University of Toronto Press; Routledge and Kegan Paul, 1985. (Includes *Utilitarianism*, first published in 1861.)

*Collected Works of John Stuart Mill, Volume XVIII—Essays on Politics and Society Part I.* John M. Robson (ed.). Introduction by Alexander Brady. University of Toronto Press; Routledge and Kegan Paul, 1977. (Includes *On Liberty*, first published in 1867, and Mill's reviews of Tocqueville's *Democracy in America*, first published in 1835 and 1840.)

*Collected Works of John Stuart Mill, Volume XIX—Essays on Politics and Society Part 2.* John M. Robson (ed.). Introduction by Alexander Brady.

University of Toronto Press; Routledge and Kegan Paul, 1977. (Includes *Considerations on Representative Government*, first published in 1861.)

*Collected Works of John Stuart Mill, Volume XXI—Essays on Equality, Law, and Education.* John M. Robson (ed.). Introduction by Stefan Collini. University of Toronto Press; Routledge and Kegan Paul, 1984. (Includes *On Marriage*, written in 1832 or 1833, *The Negro Question*, first published in 1850, Mill's and Taylor's *The Subjection of Women*, published in 1869, and *Inaugural Address Delivered to the University of St Andrews* delivered in 1867.)

*Collected Works of John Stuart Mill, Volume XXII—Newspaper Writings December 1822-July 1831 Part I.* Ann P. Robson and John M. Robson (eds.). Introduction by Ann P. Robson. University of Toronto Press; Routledge and Kegan Paul, 1986. (Includes *Spirit of the Age* essays, first published in 1831.)

*Collected Works of John Stuart Mill, Volume XXX—Writings on India.* John M. Robson, Martin Moir, and Zawahir Moir (eds.). University of Toronto Press; Routledge and Kegan Paul, 1990.

## Overviews of Mill's life and ideas

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Peart's research focuses on the role and responsibilities of experts in society. She examines these questions as a historian of economic thought with a particular interest in the economics of Adam Smith and John Stuart Mill.

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