

# ‘Interpreting Mill’s *On Liberty*, 1831-1900’

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I, Stephanie Conway, hereby declare that this thesis and the work presented in it is entirely my own. Where I have consulted the work of others, this is always clearly stated.

Signed:                   S. Conway                  

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## *Abstract*

Many discussions of *On Liberty* fail to consider the reception of Mill's political ideas during the nineteenth-century, which is significant for revising our understanding of Mill, his thoughts and how they have been interpreted. Accordingly, this thesis is a wide-ranging study of the English reception of Mill's political thought from 1831 to 1900. Throughout this period, Mill's public image went through incredible changes due to the cumulative effect of almost seventy years of engagement, absorption and dismissal. Bringing together a variety of reactions to Mill's texts from the 1830s, particularly *On Liberty* (1859), including periodicals, plays, poems and speeches, this thesis unveils the reactions of his commentators and the development of Mill's controversial reputation during the nineteenth-century, challenging both the traditional and revisionary view of Mill scholarship. I structure this discussion in accordance with five key aspects which deeply influenced Mill's thought. The first was discussion concerning a collectivist theory of liberty in the 1830s. The second considers how scandalous *On Liberty* was, where I propose that Mill's critics misjudged the significance of this essay. The third concerns the powers of the state in promoting a tolerant society and removing restraints upon liberty. The fourth was the lack of clarity on the state's prerogatives over the individual. Finally, public support for the family as a model for social progress and the framework for an equal community, one where everyone played a special role and liberty surpassed all distinctions such as the private or public sphere. This thesis critically examines how contemporary responses to *On Liberty* stepped over the importance of Mill's reception, which in turn contributes to a fuller understanding of Mill and his political thought.

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## Introduction

### MILL'S *ON LIBERTY* AND ITS RECEPTION

#### *Implications, ambiguities and the major themes of Mill's On Liberty*

*On Liberty* is known today as *the* text on freedom and individuality.<sup>1</sup> Its author, John Stuart Mill, is consistently described as a man of liberty. The principal argument is disdainful of conformity, passionately drawing attention to the importance of individuals freely enriching themselves through capitalising upon their freedom to pursue their own interests,<sup>2</sup> adding diversity of character where freedom of thought and discussion are indispensable for development.<sup>3</sup> The text is equally concerned with the struggle between liberty and authority, where Mill defines liberty as 'protection against the tyranny of the political rulers'<sup>4</sup> who are guilty of cultivating character poorly, hindering social freedom and self-governance through maintaining 'wretched education, and wretched social arrangements'.<sup>5</sup> Mill's one very simple principle was intended to govern the relationship between society and the individual, to enforce a rule<sup>6</sup> where the exercise of power over another can only be done in order to prevent harm to others.<sup>7</sup> This prompted a number of ongoing discussions regarding the boundaries of interference and the preservation of liberty, which would come to be of paramount importance when discussing *On Liberty*.

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<sup>1</sup> For a study revolving around these two terms see C. L. Ten, *Mill on Liberty* who notes that *On Liberty* was penned by 'a consistent liberal, deeply committed to the cause of individual freedom for everyone' (p. 9). See further Francis Wrigley Hirst, *Liberty and Tyranny* which claims *On Liberty* was an 'epoch-making treatise' spurred into publication by Humboldt's essay *The Sphere and Duties of Government* (p. 24).

<sup>2</sup> See Fred R. Berger, *Happiness, Justice and Freedom*, where he argues that individuality is '*the* central thesis of *Liberty*' (pp. 235-236). See further Peter Nicholson, 'The reception and early reputation of Mill's political thought', in John Skorupski, ed. *The Cambridge Companion to Mill*, pp. 464-496. Mill moved 'so cautiously, temperately and decorously in *On Liberty*' in addressing individuality so as to present a form of individualism which would appear harmless to society (p. 470). This reception study is brief and uses very few newspapers or periodicals to explore Mill's political thought, even then, they are not used to address a connection between Mill's writings and the public reception of him.

<sup>3</sup> See John Skorupski, *John Stuart Mill*. In *On Liberty*, a ground rule of Mill's liberalism, which is also characteristic of a liberal state, 'is that *all* its citizens have unrestricted access to dialogue' (p. 384).

<sup>4</sup> *The Collected works of John Stuart Mill* (hereafter 'CW'), vol. 18, p. 217. (All citations here from this edition have removed the textual variants noted there).

<sup>5</sup> CW 10, p. 215.

<sup>6</sup> See Henry R. West, 'Mill's case for Liberty', in Ten, ed. *Mill's On Liberty*. Mill seeks a rule that 'would protect others from interfering on the basis of their paternalistic judgement' (p. 38).

<sup>7</sup> See Joseph Hamburger, *On Liberty and Control*, particularly pp. 3-17, for a discussion questioning whether Mill 'establishes grounds for control and restraint' in his harm principle, specifically concerning another agenda, 'which concerned "things [society] left alone that it ought to control"' (p. 7). *On Liberty* is an 'advocacy of both liberty *and* control' whilst still celebrating individuality (p. 16).

Mill's plea for freedom of discussion stems from a belief that liberty has been increasingly threatened and curbed by an oppressive public opinion, disastrous to both the intellectual and moral development of society. After all, it is a 'bold, vigorous, independent train of thought'<sup>8</sup> which develops intellectual figures with outward characters, the aim of *On Liberty* was to thwart 'the "noxious power" of compression'.<sup>9</sup> Mill crucially notes however that this applies 'only to beings in the maturity of their faculties, to personalities, to beings who are capable of being improved by free and equal discussion'.<sup>10</sup> The principle championed in *On Liberty* promotes the formation of opinions to improve the common good. Mill's proposal 'to embed individuals in alternative social networks, to "cultivate character"'<sup>11</sup> would produce developed beings with marked, energetic characters.<sup>12</sup> Conformity would prove debilitating.

Mill's objection to hostility towards expressions of individuality led to the differentiation between self-regarding and other-regarding acts as a basis of *legitimate* interference upon individual liberty.<sup>13</sup> Unwarranted interference is strictly forbidden by Mill, even in situations which may promote the happiness of an individual, as 'the sole end for which mankind are warranted, individually or collectively, in interfering with the liberty of action of any of their number, is self-protection'.<sup>14</sup> Mill was deeply troubled as to whether individualism or collectivism ought to be the predominant principle of his theory of liberty.<sup>15</sup> In light of this, many studies note Mill's 'overriding devotion to the concept of individual freedom of choice and a celebration of the act of choosing'<sup>16</sup> as a dominant theme of the text.

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<sup>8</sup> CW 18, p. 242.

<sup>9</sup> Allan D. Megill, 'J. S. Mill's Religion of Humanity and the Second Justification for the Writing of *On Liberty*', p. 618.

<sup>10</sup> Frank Thilly, 'The Individualism of John Stuart Mill', p. 14. Mill's conception of individualism claims that the best solution to the social problems of the period can be found in an unhindered 'direct and exclusive interest of the human race' (p. 16).

<sup>11</sup> Karen Zivi, 'Cultivating Character: John Stuart Mill and the Subject of Rights', p. 50. Mill 'never conceived of the individual as completely extractable or isolatable from society' (p. 52).

<sup>12</sup> See Maurice Cowling, *Mill and Liberalism*. Mill's commitment to 'elevate character and make moral reasoning self-critical leaves less room for variegated human development than some writers have imagined' (p. xlviii). On the contrary, see Nicholas Capaldi, *John Stuart Mill*, who notes *On Liberty* 'advocated the liberating effects and the moral transformation that accompanies the self-critical examination of all ideas' (p. 9). Thus, self-critical discussion of opinions actually increases room for human development.

<sup>13</sup> See Clark W. Bouton, 'Mill On Liberty and History'. Bouton suggests that for Mill, the 'only solution is to insulate the individual from the public opinion of the dominant class' (p. 572).

<sup>14</sup> CW 18, p. 223.

<sup>15</sup> See further J. P. Day, 'Individual Liberty', in A. Phillips Griffiths, ed. *Of Liberty*, pp. 17-29.

<sup>16</sup> Harry M. Clor, 'Mill and Millians on Liberty and Moral Character', p. 3.



Mill felt that those of sound intellect and rationality should not have their liberty interfered with. Such freedom however was not extended to children or those mentally unsound.<sup>17</sup> Mill became increasingly concerned with ensuring individuals developed a cultivated character,<sup>18</sup> for people often lack the desire, skill, or compulsion to make the best of their lives. Mill noted that the ‘one characteristic of the present direction of public opinion’ is ‘peculiarly calculated to make it intolerant of any marked demonstration of individuality’.<sup>19</sup> Deeply cherished throughout *On Liberty*,<sup>20</sup> freedom to act upon shared common values would restrain any development of social tyranny.<sup>21</sup> Here, we must consider more closely the spectrum of interpretations seeking to make sense of the central ideas of *On Liberty*.

The central argument offered here is the following. A close historical and contextual reading of Mill’s writings challenges both the traditional and revisionary view of *On Liberty*. The traditional view, put forward by thinkers such as Isaiah Berlin, emphasises the utilitarianism connection between Mill, his father and Bentham, adding that for this reason, the young Mill was both inconsistent and incoherent. The revisionary reading, taken up most notably by Alan Ryan, John Rees and John Gray argues that Mill’s work can be shown to contain a coherent theory, reading Mill’s principle of liberty in relation to harm to others’ interests and that Mill’s account of human interests derivable from his distinctive indirect utilitarianism. A reception history seeks to add to both of these interpretations to help clarify the confusion surrounding Mill’s ideas on liberty. The reception of Mill’s theory of liberty, we will see, was deeply influenced by five key aspects. The first was public support for a collectivist theory of liberty since the 1830s. The second considers the reception of the individual chapters and arguments in *On Liberty*, unveiling which issues were most and least provocative for Mill’s readers from

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<sup>17</sup> See Gerald C. MacCallum, ‘Negative and Positive Freedom’. It is problematic to denote ‘forms’ of liberty as either negative or positive. It is this ascription of liberty as positive or negative which has prevented scholars from being clear as to what they mean by these variables and what justifies the use of one term over another.

<sup>18</sup> See John Gray, ‘Mill’s Liberalism and Liberalism’s Posterity’ for an account of how difficulties in engaging with works by liberal thinkers stems from a misunderstanding of progressive ideals such as freedom, where they have been viewed ‘with curiosity, even sympathy, but little comprehension’ (Isaiah Berlin, *Four Essays on Liberty*, p. 172) reiterating, amongst other liberals, Mill’s concerns for the stagnation of society.

<sup>19</sup> CW 18, p. 271. In support see Patrick Devlin, *The Enforcement of Morals*, where it was claimed that ‘we have not yet got rid of the troublesome minority who will yield only to compulsion’ (p. 105). Authority cannot be kept at bay if Mill’s principle of liberty is to function.

<sup>20</sup> See P. R. Struhl, ‘Mill’s Notion of Social Responsibility’ for an elegant summation noting ‘that a social consciousness is natural, ought to be encouraged, indeed coerced, so that men and women live as equal comrades in an atmosphere of respect, cooperation, and concern’ (p. 162).

<sup>21</sup> See specifically Struhl, ‘Mill’s Notion of Social Responsibility’ for a study focusing upon Mill’s devotion to the community, disregarding studies which conclude *On Liberty* should be read negatively. Mill ‘was the enemy not the ally of the kind of personal isolationism we attribute to contemporary conservatism’ (p. 162). See Bernard Semmel, *The Pursuit of Virtue*, who notes that ‘a life of isolation from society, or one given up entirely to self-interest, diminished individuality and consequently diminished individual liberty’ (p. 197).

1859. The third was commentator's reaction to Mill's apparent reluctance to pardon any restraints upon liberty. The fourth was the lack of clarity on the state's prerogatives over the individual, leading Mill's critics debating how to improve upon the argument of *On Liberty*. Finally, in the 1890s, we see a renewal of attacks directed at Mill's sovereignty of the individual (previously challenged after the emergence of Stephen's essay in 1873), further warnings that Mill's liberty risked individual excess and greater consideration on the abuses of power across society. This thesis therefore has one primary objective. It considers chiefly newspapers and periodicals which have not largely hitherto been explored in Mill scholarship, outlining the response to Mill's theory of liberty from 1831, in order to clarify readings of Mill's political thought in both primary and secondary literature. Broadly, it follows the consequences of Mill's writings, particularly *On Liberty*, as well as the development of Mill's scandalous reputation in nineteenth-century England.

My account proceeds in the following manner. This introduction outlines the basic argument concerning Mill's intentions in writing *On Liberty* and the number of readings which have surfaced as a result. The thesis is then divided into five chapters. Using six of Mill's earlier publications, the first chapter examines the reception of Mill's theory of liberty from 1831 to 1859.<sup>22</sup> The reception of these earlier publications demonstrates the complexity in understanding Mill's theory of liberty and how those reading Mill reacted to his ideas. Culminating with the reputation of Mill in the 1850s, this chapter uses a close historical and contextual reading of Mill's writings to argue that he should chiefly be read in context alongside his critic's comments. Chapter 2 demonstrates how Mill's critics responded to the individual chapters and leading arguments of *On Liberty* in the 1860s. The immediate reception revealed how controversial Mill's essay was. It could not be left unchallenged for it had outraged religious groups, judged those lacking a particular type of education whilst also appealing to those leaning towards radical politics. Mill was a unique figure but most of all, these responses demonstrate the wide uses of the term liberty in nineteenth-century England.

Chapter 3 discusses the central arguments put forth in the 1870s, led by James Fitzjames Stephen's 1873 work, ultimately suggesting that *On Liberty* was a plea for toleration rather than a defence of liberty. Chapter 4 engages with Spencer, Herbert and Levy in order to

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<sup>22</sup> The earlier publications include 'The Spirit of the Age' (1831), 'On Genius' (1832), 'Bentham' (1838), 'Coleridge' (1840), the *System of Logic* (1843) and the *Principles of Political Economy* (1848).

demonstrate how these three loyalists proved instrumental in keeping Mill's reputation alive. The re-emergence of discussion on where and how the state could intervene, paired with the individualism/collectivism debate initiated by Dicey, meant that by the 1880s, Mill was too useful to be dismissed, even for his critics. Chapter 5 offers a reception of *On Liberty* from 1890 to 1900 in the context of debate on the family and what this meant for ideas such as equality, liberty and sociability. By the 1890s, it was clear from the reaction to Mill's essay in 1859 that cooperation was a central ingredient for individual development. This also resulted in further discussion on the family and the liberty of all individuals across society. Various political and religious periodicals wrote on the diverse roles everyone in society can play and this, coupled with greater consideration on social responsibilities, opened debate on how to achieve a truly progressive society. Accordingly, the 1890s revealed a new phase in the reception of *On Liberty*, one which reflected the relevance and absorption of his writings on liberty long after his death. Moreover, responses in the 1890s highlight that despite the criticism Mill received since the publication of *On Liberty*, what consistently united both him and his commentators was an eagerness for a new dawn of progress.

A conclusion draws these five arguments together in order to show how Mill's conception of liberty cannot entirely be described or explained by the traditional nor the revisionary reading of Mill or *On Liberty*. The reception of Mill and particularly *On Liberty* enables us to read Mill alongside the reactions of his commentators, critics, admirers, opponents and friends. The ways in which these ideas were received unveils how nineteenth-century periodicals, from a variety of political and religious affiliations, felt about ideas on liberty. Mill's ambition in *On Liberty* was to establish boundaries concerning the relationship between liberty and authority, to highlight the importance of individuality and warn society of the dangers of the tyranny of the majority. The resulting portrait of Mill in light of a reception history reveals the following: it revises our understanding of the role of Mill and *On Liberty* in nineteenth-century England. Secondly, it highlights public support for a collectivist vision of liberty and thirdly, a universal and radical approach of leaving people to decide what is in their best interests. It is often taken for granted the influence Mill had on those around him, rather than being examined in depth. Accordingly, the combination of these points offers a revised understanding of Mill's political thought, particularly *On Liberty*, challenging contemporary understandings of Mill's impact by providing a more detailed reading of the reception of his ideas.

## *Prevailing Understandings: A Spectrum of Interpretation*

*On Liberty* has been read in a number of different and conflicting ways. For many, Mill was a defender of liberty for the intellectual elite; for others, he was, and remains, one of the strongest defenders of liberal individuality.<sup>23</sup> This explains why *On Liberty* does not escape charges of inconsistency and ambiguity. To add to interpretations, liberty itself has been read in multiple ways, further stressing the complex nature of the text.<sup>24</sup> In light of Mill's great concerns with liberty and freedom, it is fitting to begin with contextual readings of these terms in order to further engage and explore the interpretations that result from reading *On Liberty*.

### *Negative Liberty*

*On Liberty* has been read as a text devoted to negative liberty, the absence of constraints upon pursuing one's own ends. Mill himself, after all, had written that 'liberty consists in doing what one desires'.<sup>25</sup> More recently, negative liberty, or freedom, has been categorised as 'a state where no one's life and liberty are secure',<sup>26</sup> one which alienates the individual and subordinates the collective to an unprogressive path.<sup>27</sup> Ascertaining the limits of intervention and the means in which we may enforce it has proven to be heavily problematic for both admirers and critics of Mill alike.<sup>28</sup> Even so, *On Liberty* has been understood as a text devoted to negative liberty, critical of interference, as one should be free to pursue one's own ends. In this negative sense, it is liberty *from* absence or restraint, or in a major sense, 'the absence of

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<sup>23</sup> See G. L. Williams, 'Mill's Principle of Liberty'. When reading *On Liberty*, 'we find no evidence for an 'absolutist' view but a much more sensitive interpretation of the part rules play in moral and social life' (p. 135).

<sup>24</sup> See Berlin, 'Two Concepts of Liberty' and MacCallum's criticism of this in 'Negative and Positive Freedom'. MacCallum proposes a triadic formula comprising variables such as agent, constraints and purpose. See further Nelson, 'Liberty: One concept too many?', who notes that an exercise-concept is conceptualisable in terms of MacCallum's single concept. See also Elford, 'Reclaiming two concepts of liberty' where it is argued that MacCallum's triadic structure is actually unable to conceptualise a particular understanding of liberty.

<sup>25</sup> CW 18, p. 294.

<sup>26</sup> James Oakes, 'What's Wrong with "Negative Liberty"', p. 80. Oakes presents a very critical reading of negative liberty.

<sup>27</sup> See Lloyd D. A. Thomas, 'The Justification of Liberalism'. Individuality and originality, terms associated with negative liberty, are presupposed ideals. Liberalism ought to be justified 'on something which can be accepted by any man' irrespective of their wants, where a 'stable and tolerable' society protects our interests (p. 210). For a chief study on negative liberty see Friedrich Hayek, *The Constitution of Liberty* and D. Miller, 'Constraints on Freedom'.

<sup>28</sup> See Kristján Kristjánsson, 'For a Concept of Negative Liberty – but which Conception?'. When considering these two readings, 'there can be no 'pure' negative account of freedom – nor for that matter any 'pure' positive one' referring to this objection as 'the thesis of *conceptual equivalence*' (p. 222). See further Nadia Urbinati, *Mill on Democracy*. The dualistic image of Mill is inaccurate and *On Liberty* should be read with three concepts of liberty in mind. These are 'liberty as *noninterference*, liberty as *nonsubjection*, and liberty as moral *self-development*' (pp. 159-160). See further Quentin Skinner, 'A Third Concept of Liberty', pp. 237-268.

human interference of coercion'.<sup>29</sup> Whatever the outcome of an action, 'the only freedom which deserves the name, is that of pursuing our own good in our own way, so long as we do not attempt to deprive others of theirs, or impede their efforts to obtain it'.<sup>30</sup> Much of the urgency of Mill's plea in *On Liberty* has been read from a chiefly 'libertarian' angle, resulting in Berlin's conclusions that 'the defence of liberty consists in the negative goal of warding off interference'.<sup>31</sup> A negative reading of *On Liberty* caters for the development of some of Mill's most cherished traits: originality, genius and developing independent characters. The warning which Mill postulates is that if such a form of liberty is ignored, the pressure of social opinion will result in 'collective mediocrity'.<sup>32</sup> Berlin has noted that 'Millian freedom' has been equated with negative liberty as Mill concerns himself with fending off interference.<sup>33</sup> MacCallum added that negative freedom should not be abandoned and that such freedom 'is thus always *of* something, *from* something, *to* do, not do, become, or not become something' where liberty 'is always and necessarily *from* restraint'.<sup>34</sup>

The freedom to pursue individuality has been referred to as a definite and vigorously defended theme of *On Liberty*. The 'importance of the free development of individual character in the face of the many obstacles modern society was putting in its way'<sup>35</sup> added value to safeguarding the rights and values of mankind. Brink strongly defends Mill's key elements of freedom of expression and equality, noting that 'Mill intended his free-speech principles to play a larger role in articulating and grounding more general liberal principles governing thought and action'<sup>36</sup> but does not endorse an unqualified right to liberty. Mill's focus in *On Liberty* is to

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<sup>29</sup> Don A. Habibi, 'The Positive/Negative Liberty Distinction and J. S. Mill's Theory of Liberty', p. 349. It is claimed that negative liberty is valuable to and of itself.

<sup>30</sup> CW 18, p. 226.

<sup>31</sup> Berlin, *Four Essays on Liberty*, p. 127. See Skinner, 'A Third Concept of Liberty', pp. 237-265. See further D. M. White, 'Negative Liberty', for an account of liberty in a purely negative sense.

<sup>32</sup> CW 18, p. 268. See further Harry Holloway, 'Mill's Liberty, 1859-1959'. Mill was suspicious of the state and the majority. Character was an ideological device used to defend middle-class interests. Mill's development of individuality and elitism 'add up to an idealized version of middle-class interests and values' (p. 31).

<sup>33</sup> See Berlin, 'Two Concepts of Liberty'.

<sup>34</sup> MacCallum, 'Negative and Positive Freedom', pp. 314, 330.

<sup>35</sup> J. C. Rees, 'A Phase in the Development of Mill's Ideas on Liberty', p. 39. Ernest Barker, *Political Thought in England, 1848-1914*, further notes that Mill's essay was 'a fine vindication of spiritual liberty and originality against restraints whether of legislation or of social opinion' (p. 206). Mill looked forward to an age when such ideas could materialise in light of present obstacles and challenges.

<sup>36</sup> David Brink, 'Mill's Liberal Principles and Freedom of Expression', in Ten, ed. *Mill's On Liberty*, p. 60. See further S. V. Laselva, 'A Single Truth' where paternalism in particular is accredited with the most serious charge alongside a series of inconsistencies found in *On Liberty*. Laselva argues that by embracing his paternalistic tendencies, Mill abandoned his harm principle, where he rules out paternalism but sanctions good samaritanism (p. 496). See further David Archard, 'Freedom Not to be Free'. Mill's liberty principle is anti-paternalist as 'it denies that a person's own good is sufficient ground for the curtailment of their liberty' (p. 453).

protect ‘the individual against all forms of social pressure’ where Mill was most concerned ‘with the intrusion of society upon the individual’.<sup>37</sup> Ryan contends that ‘the impetus to the writing of *On Liberty* was to protect freedom from the assaults of illiberal do-gooders’.<sup>38</sup> *On Liberty* has been said to make ‘a timeless case for freedom of speech and action that has inspired generation after generation around the world’.<sup>39</sup> In order to best understand *On Liberty*, we must take note of Mill’s insistence that for a well-organised and educated society, all must be able to liberate themselves from constraint.<sup>40</sup> *On Liberty* ‘tills the soil in which individuality can flourish’,<sup>41</sup> presenting most expressively ‘an ardent and persuasive argument for the most unhindered individualism’.<sup>42</sup> Mill’s treatise cements its position as the ‘most influential statement of the irreducible value of human individuality’,<sup>43</sup> earning Mill the reputation of ‘*the philosopher of liberty*’.<sup>44</sup>

Thus far, it has been established that liberty gives us the *opportunity* to pick positive choices both for ourselves and society and this was used to defend individuality in accordance with utility. Scarre has written that we see ‘the promotion of self-development in *On Liberty* as intimately connected with Mill’s utilitarian project of enhancing human happiness’.<sup>45</sup> Commonly perceived as Mill’s ‘demand for liberty in isolation from other values’,<sup>46</sup> *On Liberty* is a defence which magnifies the value of liberty, where the individual, ‘is, of right, absolute. Over himself, over his own body and mind, the individual is sovereign’.<sup>47</sup> To safeguard sovereignty, we ought not to compel or violate the rights of the individual.<sup>48</sup> This is found in

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<sup>37</sup> Alan Ryan, ‘Mr. McCloskey on Mill’s Liberalism’, p. 254.

<sup>38</sup> Ryan, ‘Mill in a Liberal Landscape’, in Skorupski, ed. *The Cambridge Companion to Mill*, p. 501.

<sup>39</sup> Richard Reeves, ‘John Stuart Mill’, p. 48. In *The Life of John Stuart Mill*, Michael Packe disputes this noting that *On Liberty* ‘was really more of a hymn or incantation’ and was ‘intended rather to excite than to persuade’ (p. 400). As added to by Claeys, it was a case of ‘extreme over-exuberance’ (p. 5).

<sup>40</sup> See for a detailed account G. W. Smith, ‘Freedom and Virtue in Politics’, pp. 112-134.

<sup>41</sup> Martin Hollis, ‘The Social Liberty Game’, in A. Phillips Griffiths, ed. *Of Liberty*, p. 32.

<sup>42</sup> Shirley Letwin, *The Pursuit of Certainty*, p. 297.

<sup>43</sup> Stefan Collini, ed. *On Liberty*, p. vii.

<sup>44</sup> Claeys, *Mill and Paternalism*, p. 1.

<sup>45</sup> Geoffrey Scarre, *Mill’s On Liberty*, p. 62. If more people are maximally happy, then society ought to allow them room to develop their interests and capacities. F. L. Van Holthoon, *The Road to Utopia*, notes that ‘capacity is the mark of originality’ and is one of the characteristics of genius (p. 22).

<sup>46</sup> Graeme Duncan and Gray, ‘The Left Against Mill’, p. 219.

<sup>47</sup> CW 18, p. 224. Or at least that ‘the individual wishes to be his own master’, in Stegenga’s terms ‘J. S. Mill’s Concept of Liberty and the Principle of Utility’, p. 284. See Struhl, ‘Mill’s Notion of Social Responsibility’, where ‘one’s conduct is one’s own concern’ (p. 156). On the contrary, see Berlin, ‘Two Concepts of Liberty’, which considers a higher freedom found through a ‘collective entity’ as opposed to an individualistic pursuit for liberty (pp. 8-9).

<sup>48</sup> See Joel Feinberg, *Moral Limits of the Criminal Law*. See in particular vol. 3, where Feinberg opposes legal hard paternalism and advocates personal sovereignty as ‘respect for a person’s autonomy is respect for his unfettered voluntary choice as the sole rightful determinant of his actions except where the interests of others need protection from him’ (p. 68). When an individual’s autonomy is infringed upon, even for his own good, ‘it

*On Liberty* when Mill noted that ‘the only purpose for which power can be rightfully exercised over any member of a civilised community, against his will, is to prevent harm to others’.<sup>49</sup> If and when harm is forced upon another, one is not to intervene. Mill’s concerns led to his articulation of ‘the devastating effect of social pressure on individuals who dared to be different’.<sup>50</sup> Himmelfarb argues that *On Liberty* promotes the interests of liberty for men and women against a social tyranny, protecting them from subversion by society where Mill sought to defend his principle of liberty and not to grant greater powers to an elite few as no authoritative voice is permitted in matters of morality and liberty.<sup>51</sup> Ten draws attention to a sympathetic reading of Mill’s defence of liberty, stating that the tyranny of the majority is something which surfaces as a recurring theme throughout Mill’s personal development.<sup>52</sup> Berger adds that it is Mill’s understanding of utilitarianism which directs his moral order, adding that Mill’s ‘theory of liberty is best understood as a defence of a right to freedom that is itself defended in terms of a right to autonomous activity’.<sup>53</sup> Social tyranny is a great threat to the flourishing of liberty. Arneson notes that whilst Mill does not mention the term autonomy, ‘he at least flirts with the concept’ where he ‘has in mind autonomy rather than freedom as the value to be held up for admiration’.<sup>54</sup> Accordingly, possessing the means to act upon our individual liberty brings independence and is the idea of ‘authoring one’s own world’.<sup>55</sup>

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is still a violation of his personal sovereignty’. This ‘applies just as much to coercion of another that it intended to increase his *de facto* freedom (open options) as it does to compulsions and prohibitions intended to promote any other element of a person’s well-being’ (p. 68). See R. J. Arneson, ‘Joel Feinberg and the Justification of Hard Paternalism’ for a comprehensive study of Feinberg’s work.

<sup>49</sup> CW 18, p. 223.

<sup>50</sup> Capaldi, *John Stuart Mill*, p. 110.

<sup>51</sup> Gertrude Himmelfarb, *On Liberty and Liberalism*. Mill’s principle of liberty ‘was required for the liberation of women’ (p. 181). Mill was a prominent activist of women’s rights and they were perhaps the most obvious victim of social tyranny.

<sup>52</sup> See Ten, ‘Mill and Liberty’. The first phase ‘was fearful of any power that might be exercised without the control of public opinion’, the second ‘advocated a passive acceptance by the public of the enlightened doctrines propounded by more cultivated minds’. Culminating in *On Liberty*, cultivated minds were seen to be ‘very valuable’, enabling the flowering of intellectually active people (pp. 67-68).

<sup>53</sup> Fred Berger, *Happiness, Justice, and Freedom*, pp. 231-232.

<sup>54</sup> Richard Arneson, ‘Mill versus Paternalism’, p. 476. See further D. G. Brown, ‘Mill on Harm to Others’ Interests’. The ‘calculation of what a person’s interests are belong to prudential reasoning, not to legal or moral or sociological reasoning’ (p. 399). See further Ryan, *The Philosophy of John Stuart Mill*. Ryan is supportive of Mill, stating that we can draw a line distinguishing self-regarding and other-regarding behaviour in terms of the private and public morality of individuals. This is simplified to a distinction between moral and prudential rules. See pp. 213-230 for further discussion. Mill comes close to making a distinction between freedom and autonomy, noting the Mormon practice of polygamy in particular. Mill’s hesitation rests in his worry of how voluntary the choice will be. See further CW 18, p. 290.

<sup>55</sup> Robert Young, *Personal Autonomy: Beyond Negative and Positive Liberty*, p. 19. See further J. A. Blumenthal, ‘A Psychological Defence of Paternalism’. We should have the freedom to choose and learn from our mistakes. Those who enforce paternalism are equally as vulnerable as other individuals and ‘their interventionist decisions should therefore not be privileged’ (p. 215).

Thus far, it has been suggested that at the heart of *On Liberty* is a pronounced importance to develop one's own character, free from violation or restraint. It has been 'widely argued that autonomy is a character ideal',<sup>56</sup> echoed by Skorupski who credits autonomy 'as the doctrine defended in *On Liberty*'.<sup>57</sup> Mill's heartfelt plea for enriching personal character and self-cultivation is arguably his most cherished trait found in an individual.<sup>58</sup> Mill was far from shy in expressing concerns about a 'pinched and hidebound type of human character' which was becoming the norm in society as most were content with ordinariness. One of Mill's greatest anxieties was the lack of men of genius who rendered progress possible, for 'mass domination would destroy the atmosphere of freedom'. For Mill, society needed to foster a 'more pronounced individuality of those who stand on the higher eminences of thought'. Such men 'should be encouraged in acting differentially from the mass'<sup>59</sup> who are idle and ignorant. People ought to be eccentric, to be forceful ambassadors of individuality. For Cowling, *On Liberty* seeks to 'moralize all social activity',<sup>60</sup> to enable such development indicating a strong moral foundation underlying many of the concepts which make up *On Liberty*. After all, Mill only 'argues in favour of liberty for the sake of only some members of civilised society, but not all'.<sup>61</sup>

### *Positive Liberty*

In contrast, there are those who favour a positive reading of *On Liberty*. Abraham notes that reading *On Liberty* negatively is counter-objective for Mill, as a 'negative liberty ideology is *not* a neutral resource, equally available to all interests or all movements'.<sup>62</sup> Mill 'can no longer be seen as an apostle of 'negative liberty' alone' as economic cooperation was 'an essential component in Mill's 'positive' notion of liberty, where liberty is defined in terms of society

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<sup>56</sup> Young, 'The Value of Autonomy', p. 35.

<sup>57</sup> Skorupski, 'The Philosophy of John Stuart Mill', p. 191. See further Mill's reference to 'l'autonomie de l'individu' as residing at the heart of his text (CW 17, p. 1832).

<sup>58</sup> In particular, see Collini, 'The Idea of 'Character' in Victorian Political Thought', which explores a 'higher type of character'. Collini refers to this ideal type of character as the 'moral tissue that was assumed to provide the flesh on the otherwise abrasively bare skeleton of the Individualist idea of the state' (p. 37).

<sup>59</sup> CW 18, pp. 265, liv, 269.

<sup>60</sup> Cowling, *Mill and Liberalism*, pp. 87-93.

<sup>61</sup> Richard B. Friedman, 'A New Exploration of Mill's Essay *On Liberty*', p. 283. Mill is also guilty of wavering between liberty as a social or strictly individual value.

<sup>62</sup> David Abraham, 'Liberty Without Equality: The Property-Rights Connection in a "Negative Citizenship" Regime', p. 64.



helping to provide the preconditions for individual self-development'.<sup>63</sup> A positive form of Millian liberty 'is a crucial component of the articulation of principles of justice and the resistance to certain forms of oppression'.<sup>64</sup> Positive liberty permits support from others in pursuit of a common good and rejects non-interference.<sup>65</sup> In instances where an individual lacks the will to engage in virtuous activity, meddling may be beneficial as only 'a virtuous society could remain a free society'.<sup>66</sup> Mill's encouragement for discussion urges people to engage with others, where 'instead of any diminution, there is need of a great increase of disinterested exertion to promote the good of others', ultimately carving itself into the development and maturity of society.

Mill concedes that there is a 'servile type of character'<sup>67</sup> that does not desire liberty and this individual is subject to decay unless external social or political coercion is issued.<sup>68</sup> For Friedman, 'liberty can be lost by what may be called lack of self-determination'.<sup>69</sup> This is not to discredit liberty as a valued concept for Mill, for as Halliday writes, it is liberty 'which 'unfreezes' the social structure and makes possible persuasion as well as sanction',<sup>70</sup> demonstrating the differing treatments of the individual in *On Liberty*.<sup>71</sup> *On Liberty* explores the antagonism of opinions and considers the relationship this has with society and individuals.<sup>72</sup> Urbinati claims that 'the main objective of *On Liberty* is to examine the kinds of coercion that the state and society can legitimately exercise over individuals 'in the maturity of their faculties'<sup>73</sup> where the state's task is one solely to 'umpire between the majority of fools

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<sup>63</sup> Claey's, 'Justice, Independence, and Industrial Democracy', pp. 122, 134-135.

<sup>64</sup> John Christman, 'Saving Positive Freedom', p. 87.

<sup>65</sup> See MacCallum, 'Negative and Positive Freedom'. For studies advocating positive liberty, see A. J. M. Milne, *Freedom and Rights*, Christman, 'Saving Positive Freedom' and for a forceful account against negative liberty, see Charles Taylor, 'What's Wrong with Negative Liberty'. Semmel asserts that the problem of free will 'was critical to the argument of *On Liberty*', (*John Stuart Mill and the Pursuit of Virtue*, p. 165). The essay was a plea for positive liberty 'for the sense of participation and self-realization in the idea of freedom' (p. 166). Eldon J. Eisenach, *Mill and the Moral Character of Liberalism*, notes *On Liberty* was 'perhaps primarily, a neoradical plea for positive liberty, the sense of participation and self-realization' (p. 63).

<sup>66</sup> Eisenach, *Mill and the Moral Character of Liberalism*, p. 63.

<sup>67</sup> CW 18, pp. 277, 52. See further H. S. Jones, 'Mill as Moralist' where Jones argues that *On Liberty* is an exposition of a positive concept of liberty, so much so that Mill is a 'positive libertarian' (p. 299).

<sup>68</sup> See J. E. Parson's, 'J. S. Mill's Conditional Liberalism in Perspective', p. 148. Mill's differentiation between those who are capable of improving through liberty of thought and discussion and others, such as children and barbarians, who are not, means Mill is 'a conditional liberal'.

<sup>69</sup> Friedman, 'A New Exploration of Mill's Essay On Liberty', p. 290.

<sup>70</sup> R. J. Halliday, 'Some Recent Interpretations of John Stuart Mill', p. 15.

<sup>71</sup> See K. C. O'Rourke, *John Stuart Mill and Freedom of Expression*. See further Richard Lindley, *Autonomy*, Young, *Personal Autonomy* and Lawrence Haworth, *Autonomy* for three of the most recent studies on how autonomy supports the politics of left liberalism. For studies arguing the contrary, see Alasdair MacIntyre, *After Virtue* and Michael Sandel, *Liberalism and its Critics*.

<sup>72</sup> See Ryan, *The Making of Modern Liberalism*, p. 261.

<sup>73</sup> Urbinati, *Mill on Democracy*, p. 134.

and the minority of Socrates'.<sup>74</sup> Wollheim further notes that 'the *fundamental* aim of John Stuart Mill's essay *On Liberty* was the revival of the old issue of the proper limits to be set to state action'.<sup>75</sup> Scholars have commented on the utility of intervention specifically if harm violates an obligation or interest when distinguishing between conduct which does and does not concern others.<sup>76</sup>

Thus far, *On Liberty* has been read as a work calling for the enrichment of the individual. There is always a possibility that individuals may choose freely to sacrifice their chances for self-development in the name of another pursuit, which may of course be detrimental to the common good of society.<sup>77</sup> In such instances, Mill's concern was if coercion would penetrate 'deeply into the details of life, and enslaving the soul itself'.<sup>78</sup> Baum has noted that coercion may well stifle the 'mental freedom' of an individual, but in instances it may be necessary.<sup>79</sup> These are of course grave concerns, yet Mill's main anxiety was social tyranny. Possession of mental freedom enables individuals to pursue a moral good and tyranny of the majority posed a grave threat to such freedoms.<sup>80</sup> Conflicting with traditional readings and his appointment as the 'Saint of Rationalism',<sup>81</sup> such a reading reveals an element of 'moral totalitarianism',<sup>82</sup> where Mill placed his great hope of progress in just a few, who were trusted with leading the masses who are looked upon 'as incapable of reasoned thought and hence in need of instruction

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<sup>74</sup> Hollis, 'J. S. Mill's Political Philosophy of Mind', p. 340. See further Jones, *Victorian Political Thought*, which notes that Mill was very much in favour of extending state action where it could be demonstrated that it 'would supplement rather than supplant free individuals' (p. 40). See Halliday, *John Stuart Mill*. Mill was 'too frightened of the unchecked and 'undirected course of democracy'' (p. 114). This suggests an underlying autocratic tone and need for the state to monitor action and behaviour.

<sup>75</sup> Richard Wollheim, 'John Stuart Mill and the Limits of State Action', p. 1.

<sup>76</sup> See Brown, 'Mill on Liberty'. The principle of liberty is not absolute and is in fact synonymous with that of utility. Whilst the former determines possible justifications to the prevention of harm, the latter is the application in the prevention of harm to an agent. See Gray, *Liberalism*, which claims this is the precise problem with Mill's principle of liberty. It 'specifies only the necessary, and not the sufficient condition of justified restraint' (p. 220). Happiness from a utilitarian perspective is only achievable in a society governed by the principle of liberty. See further Brown, 'What is Mill's Principle of Utility', which calls for more value to be given to the principle of utility. See also Ted Honderich, 'The Worth of J. S. Mill *On Liberty*'. Mill's discussion on intervention is utilitarian as it 'must be settled by the Principle of Utility' (p. 468).

<sup>77</sup> See further Robert Hoag, 'Happiness and Freedom'. Mill's principle of liberty depends upon a concept of happiness but one that is fundamentally non-hedonistic. Hoag notes that 'Mill accepts at least some hedonists' substantive claims about pleasures' values, but offers a different account or explanation of their value' (p. 191).

<sup>78</sup> CW 18, p. 220.

<sup>79</sup> Bruce Baum, 'J. S. Mill on Freedom and Power', p. 194.

<sup>80</sup> See Feinberg, *Moral Limits of the Criminal Law*, vol. 1. It is claimed that 'free citizens are likelier to be highly capable and creative persons through the constant exercise of their capacities to choose, make decisions, and assume responsibilities' (p. 9). In instances of preventing tyranny of the majority, 'liberty should be the norm; coercion always needs some special justification' (p. 9).

<sup>81</sup> See Packe, *The Life of John Stuart Mill*, pp. 51-55. Gladstone famously described Mill as this after his death.

<sup>82</sup> Cowling, *Mill and Liberalism*, p. xlviii.

from the enlightened few'.<sup>83</sup> Such a reading ultimately results in Mill emerging as more elitist than often considered.<sup>84</sup>

In light of these revised readings to *On Liberty*, Hamburger notes that Mill's work is considerably less libertarian due to the great deal of evidence for 'limitations on liberty and many encroachments on individuality'<sup>85</sup> found within the text. In this regard, liberty was just one of the many elements that made up *On Liberty* and we ought not to read the text supposing that liberty is the core of his argument.<sup>86</sup> The text calls for a sense of moral regeneration and imposing this upon society may be necessary. Intervention, or coercion, can be defended based upon Mill's commitment to a moral and social virtue.<sup>87</sup> In instances 'where the rules of justice are transgressed and rights violated there society may intervene, through law or opinion'.<sup>88</sup> Whilst coercion does not necessarily result in good character, Holloway stresses that 'the law could enforce those basic rights for all which were essential to a man's becoming a first-class citizen'<sup>89</sup> as, admittedly, few might actually be the best judges of their own interests owing to a lack of education.

The rule of law further contributes towards this positive reading of *On Liberty*.<sup>90</sup> Mill's principle 'gives the state the right to deprive citizens of the grounds for arriving at an

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<sup>83</sup> Rees, 'A Phase in the Development of Mill's Ideas on Liberty', p. 41.

<sup>84</sup> See in particular Semmel, *John Stuart Mill and the Pursuit of Virtue*. This study reveals Mill as more conservative than stereotypical liberals of the nineteenth-century. Mill's faith was not embedded in a liberal framework for 'Mill was not prepared to see man as innately virtuous, nor progress as inevitable' (p. 187).

<sup>85</sup> Hamburger, *On Liberty and Control*, p. xi. See further Peter Carbone, 'John Stuart Mill on Freedom, Education, and Social Reform'. Carbone notes that the tension between freedom and control forms one of the most distinguishing traits of Mill's thought, particularly in *On Liberty*. See further Peter Radcliff, *Limits of Liberty* for a general study on the limitations of Mill's theory.

<sup>86</sup> See Y. N. Chopra, 'Mill's Principle of Liberty'. Contrary to Mill arguing for the maximisation of liberty in all instances, 'he fails to take into account important aspects of it, so that, regrettably, he is not to be regarded as a wholly dependable champion of it' (p. 418).

<sup>87</sup> See Feinberg, 'Legal Paternalism'. Paternalism is not rejected entirely, especially if a person's own good is at risk. Legal paternalism is however deemed a 'preposterous doctrine' (p. 105). Imposing external constraints upon an individual is likely to be 'self-defeating' (p. 120). D. N. Husak, 'Paternalism and Autonomy', argues that instead of forming objections to paternalism, we ought to 'concentrate instead on assessing the justifiability of instances of paternalism on their individual merits' and posits three reasons for doubting paternalism as an inconsistent treatment (p. 46).

<sup>88</sup> Williams, 'Mill's Principle of Liberty', p. 134. This study explains how Mill's notion of interests is best seen in terms of justice and rights.

<sup>89</sup> Holloway, 'Mill and Green on the Modern Welfare State', p. 399.

<sup>90</sup> The most compelling debate between Hart and Raz versus Devlin and Stephen. This debate extends from the publication of *On Liberty* through to contemporary accounts. See Joseph Raz, *The Morality of Freedom*. Raz adopts a moderate anti-individualist position concerning the common collective good. This debate concerns whether punishment, or an enforcement of morals, is justifiable in any particular case. Moreover, is conversation or 'suasion' perhaps the only apt means of discussing our individual moral choices. This further raises questions of pursuing human altruism or public duties as a means of aiding a rational sense of public engagement.

independent judgement as to whether the law should be obeyed'.<sup>91</sup> Providing governments further power to intervene and prevent harm may encourage more honest citizens. Moreover, the educational benefits of expressing opinions mean *On Liberty* is a form of 'undiluted paternalism'<sup>92</sup> at best. When disorder and regression are as grave as Mill stresses, the price of such 'may give the government's commands very real binding force'.<sup>93</sup> Devlin sanctions state action and intervention in individual private lives noting that 'authority should be a grant and liberty not a privilege'.<sup>94</sup> Devlin's claim places *On Liberty* in the centre of a debate that it is the purpose of law to enforce good moral convictions.<sup>95</sup> Devlin appeals directly to the moral fabric of society. Echoing similar words of Stephen a century before him, Devlin added that 'the suppression of vice is as much the law's business as the suppression of subversive activities'.<sup>96</sup>

Stephen's 1873 response to *On Liberty* claimed that the purpose of law was to promote virtue and to hinder vice. Stephen further noted that 'restraints on immorality are the main safeguards of society against influences which might be fatal to it'.<sup>97</sup> Stephen and Mill's relationship has invited much interest.<sup>98</sup> Hart, in particular<sup>99</sup> claimed that you can act against an individual's will only in instances to prevent harm to others, where opponents of his fail to provide a universally acceptable conception of legal punishment.<sup>100</sup> Hart thus remains convinced that it

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<sup>91</sup> Thomas Scanlon, 'A Theory of Freedom of Expression', p. 218. See further Jack Lively, 'Paternalism', in A. Phillips Griffiths, ed. *Of Liberty*, pp. 147-165 which looks closely at Mill's paternalism.

<sup>92</sup> Oskar Kurer, 'John Stuart Mill and the Welfare State', p. 725. See further, John Kleinig, *Paternalism*, which notes that 'our lives do not always display the cohesion and maturity of purpose that exemplifies the liberal idea of individuality' justifying the use of paternalism in such instances (p. 67).

<sup>93</sup> Scanlon, 'A Theory of Freedom of Expression', p. 226.

<sup>94</sup> Devlin, *The Enforcement of Morals*, p. 102. This is also the mark of a free society.

<sup>95</sup> See further Devlin, 'Law, Democracy and Morality' and 'Mill on Liberty in Morals'.

<sup>96</sup> Devlin, *The Enforcement of Morals*, p. 13.

<sup>97</sup> James Fitzjames Stephen, *Liberty, Fraternity, Equality*, p. 11. Urbinati, *Mill on Democracy*, notes Stephen furthered this when he 'argued that Mill's principle of the sovereignty of individual judgement fostered disengaged individuals and weakened social ties' (p. 125).

<sup>98</sup> See Gray, *Two Faces of Liberalism*, pp. 88-89. The differences between Mill and Stephen in their understanding of restraints upon liberty are said to 'mirror their different conceptions of human interests' (p. 89). Mill thought personal autonomy to be vitally important and Stephen thought little of it as an element of well-being.

<sup>99</sup> See H. L. A. Hart, *Law, Liberty, and Morality*, pp. 16-24. According to Hart, Stephen and Devlin maintain that 'it is morally justifiable to use the criminal law' and to punish immorality (p. 18). Ryan later comments that Devlin's argument is 'embarrassingly poor' (p. 246).

<sup>100</sup> For a rejection of the harm principle see Nils Holtug, 'The Harm Principle'. It is rejected based upon a premise that it 'protects individual liberty on too narrow a basis' and 'exploits only one dimension of affect in person-affecting morality' making it indefensible (p. 387).

is not the law's business to involve itself in regulating or inducing individual morality,<sup>101</sup> providing one of the most recent challenges to this positive reading of legal intervention.

Even so, harm to others is the condition under which interference is acceptable, identified as 'the pivotal notion'<sup>102</sup> of *On Liberty*. Mill explicitly notes 'there is a *prima facie* case for punishing him, by law',<sup>103</sup> expressing 'a preference for legal action, as against mere societal intervention, in the prevention of harm by an individual to others'.<sup>104</sup> In instances when compulsion is ruled out, 'conviction and persuasion need not be',<sup>105</sup> as Mill promoted 'disinterested exertion'.<sup>106</sup> Williams notes that 'his respect for their rights does not lead him to withdrawal or passiveness',<sup>107</sup> and Long further comments that 'toleration does not mean the suspension of judgement'<sup>108</sup> in ensuring both moral order and meaningful discussion in society.

### *Positive Paternalism*

In light of these negative and positive readings of liberty, consideration must be turned to positive paternalism, or what has equally become known as 'positive parentalism',<sup>109</sup> which focuses not just on intervening, but rather 'on developing policies that would help citizens flourish by helping them develop their own strengths and abilities'.<sup>110</sup> Mill placed great value upon enhancing education within society.<sup>111</sup> In light of this, Mill's demand for the 'ascendancy of public opinion in the state'<sup>112</sup> has led scholars to assert that the central concern of Mill's

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<sup>101</sup> See Hart, *Law, Liberty, and Morality*. In his preface, Hart warns that 'it is comparatively easy to make criminal law and exceedingly difficult to unmake it'. For support, see Wendy Donner, 'Autonomy, tradition, and the enforcement of morality', in Ten, ed. *Mill's On Liberty*. The notion that morality should be enforced is 'refuted by the thriving reality of social diversity and pluralism of modern democracies' due to the resilience of Mill's system (p. 159). See further Berger, *Happiness, Justice and Freedom*, pp. 259-265 for a brilliant summary of the Hart vs. Devlin debate on enforcing morality.

<sup>102</sup> Chopra, 'Mill's Principle of Liberty', p. 419.

<sup>103</sup> CW 18, p. 224.

<sup>104</sup> Chopra, 'Mill's Principle of Liberty', p. 420.

<sup>105</sup> Williams, 'Mill's Principle of Liberty', p. 135.

<sup>106</sup> CW 18, p. 277.

<sup>107</sup> Williams, 'Mill's Principle of Liberty', p. 135.

<sup>108</sup> See Douglas Long, *Bentham on Liberty*, p. 135. Running parallel to Bentham's justification of the use of coercion and/or control, *On Liberty* advocates 'self-protection' by the community' where the community is comprised of any number of individuals, differentiating this criterion from coercion on the grounds of self-regarding and other-regarding actions.

<sup>109</sup> Blumenthal, and P. H. Huang, 'Positive Parentalism'. This may promote the most beneficial outcome by developing institutions to support individuals, encouraging governments to foster development and supplementing traditional elements of paternalism.

<sup>110</sup> Blumenthal, 'A Psychological Defence of Paternalism', in Christian Coons and Michael Weber, eds. *Paternalism*, p. 210.

<sup>111</sup> A chief study is Francis Roellinger, 'Mill on Education' and E. G. West, 'Liberty and Education'.

<sup>112</sup> CW 18, p. 275.

essay ‘was the revival of the old issue of the proper limits to be set to state actions’.<sup>113</sup> McCloskey asserts that liberty is essential if a state is to be legitimate, for Mill’s principle supports the idea that ‘the end of the state is to maximise the goods of true knowledge, rational belief, self-direction, self-perfection, moral character and responsibility, happiness and progress’.<sup>114</sup> A state that is managed properly will provide accessible means to education and enable individuals to cultivate a moral character, requisites for individuality. McCloskey echoed claims that liberty was never intended as the end goal<sup>115</sup> as it was ultimately the responsibility and business of the state ‘to secure and promote goods’.<sup>116</sup> After all, Mill’s belief in education and social improvement ‘led him to favour the enlargement of the state’s powers to counteract the pressures of society’.<sup>117</sup> Mill ‘advocated a whole set of institutional arrangements, including liberty, equality, variety, socialization and participation, because they transform people’s wants and thus influence their choice of lifestyles’.<sup>118</sup>

Mill’s belief that institutional arrangements would redirect our desires towards higher faculties does not mean his conception of the good is a diversion from his position as a liberal. Strasser claims that ‘his greatness as a defender of liberty is precisely due to his ability to show why liberty must be protected on *utilitarian grounds*’.<sup>119</sup> Bird adds that ‘there would seem to be a prima facie case on utilitarian grounds for restricting our options so as to induce us to select better alternatives’.<sup>120</sup> In the name of enhancing liberty, social interactions and preventing harm, nonlegal ‘moral suasion’<sup>121</sup> was appropriate. An educated opinion is vital in the

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<sup>113</sup> Wollheim, ‘John Stuart Mill and the Limits of State Action’, p. 1.

<sup>114</sup> H. J. McCloskey, ‘Mill’s Liberalism’, p. 145.

<sup>115</sup> See further Cowling, *Mill and Liberalism*. Cowling claims that liberty was not something we ought to work towards as it was a term employed to legitimise an elite moral order.

<sup>116</sup> McCloskey, ‘Mill’s Liberalism’, p. 155.

<sup>117</sup> Maurice Cranston, ‘John Stuart Mill and Liberty’, p. 89.

<sup>118</sup> Kurer, ‘John Stuart Mill: liberal or utilitarian?’, p. 206. See further Robert F. Landenson, ‘Mill’s Conception of Individuality’. Much of *On Liberty* (particularly chapter 3) provides a utilitarian argument for the value of individuality as truth is one of the greatest goods Mill pushes for us to achieve.

<sup>119</sup> Mark Strasser, ‘Mill and the Utility of Liberty’, p. 68. See further D. H. Monro, ‘Utilitarianism and the Individual’, which asks us to reconsider a reconciliation between utilitarianism and individualism. See further James Bogen and Daniel Farrell, ‘Freedom and Happiness in Mill’s Defence of Liberty’. Mill ‘provides consistently utilitarian arguments for his harm principle throughout *On Liberty*’ (p. 326). Also see Berger, *Happiness, Justice and Freedom* where it is argued that it is Mill’s close-knit doctrines which ‘provide the basis for a more defensible form of utilitarianism, and of political liberalism, that has often been previously supposed possible’ (p. 1).

<sup>120</sup> Colin Bird, *The Myth of Liberal Individualism*, p. 126. Bird defends Mill the liberal and Mill the utilitarian, stating that Mill’s harm principle in *On Liberty* is presented on utilitarian grounds (p. 126).

<sup>121</sup> See particularly Claeys, ‘Mill, Moral Suasion, and Coercion’, in Thom Brooks, ed. *Ethical Citizenship: British Idealism and the Politics of Recognition*, pp. 79-104. Claeys argues that ‘nonlegal rules would be formulated and enforced which ought in principle sustain the principle of liberty while ensuring the progress of morality’ (p. 80).

development of the common good, but we should be cautious of individuals who opt to enact a ‘moral totalitarianism’ upon the masses,<sup>122</sup> or that individual liberty could be suppressed in society ‘where every adult has an entitlement to a voice in government’.<sup>123</sup> Mental freedom enables mankind ‘to attain the mental stature which they are capable of’,<sup>124</sup> so that men ‘may not only have true opinions, but that they may also *know* the truth’.<sup>125</sup> Packe notes that synthetic truths were the structure of *On Liberty*, a theme that ran throughout his life, where ‘every honest point of view achieved an aspect of the truth’.<sup>126</sup> What Mill hoped for from this process was the establishment of a healthy society where opinions ‘have been reached by agreed, rational, self-evident reasoning’.<sup>127</sup>

Thus far, positive paternalism appears to promote the type of individuality Mill wants us all to develop. The government or an individual interferes with another person in order to prevent them from harm as one of the many experiments of living conducted to promote character. Mill regards true education as ‘self-education’,<sup>128</sup> which inadvertently requires the state to provide the means to do so. The formation of individual character through circumstance was indisputably sustained by the ‘unlimited possibility of improving the moral and intellectual condition of mankind by education’.<sup>129</sup> The state was not to interfere, but rather to govern institutions which would cater for the education of the individual, without exerting influence nor control over what they enriched themselves with.<sup>130</sup> People are social beings and society is, at best, a mechanism for the protection of the individual. Intervention is used to prevent tyranny of the majority. Under positive liberty, coercion becomes necessary to ensure order and control within society and through positive paternalism, we see the enactment of policies promoting good character.

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<sup>122</sup> See Smith, ‘J. S. Mill on Freedom’, and ‘Social Liberty and Free Agency’.

<sup>123</sup> Gray, *Liberalism*, p. 56.

<sup>124</sup> CW 18, p. 243.

<sup>125</sup> Ten, ‘Mill and Liberty’, p. 64.

<sup>126</sup> Packe, *The Life of John Stuart Mill*, p. 246.

<sup>127</sup> Cowling, *Mill and Liberalism*, p. 31.

<sup>128</sup> West, ‘Liberty and Education’. Mill opposed governments becoming a driving force in the education of individuals. Individuals must determine their own prospects as ‘it was a grave hindrance to their development to make the government responsible for their education’ (p. 130).

<sup>129</sup> CW 1, p. 111.

<sup>130</sup> See Raphael Cohen-Almagor, ‘Between Autonomy and State Regulation: J.S. Mill’s Elastic Paternalism’, pp. 557-582. Mill’s elastic paternalism ‘stretches from prescribing compulsory education to very personal matters such as preventing unripe marriage, prescribing birth control and discouraging divorce by mutual consent’ (p. 559).

From the beginnings of human society, men have, in some way or form, been coerced to fulfil their human desires. As individual development progresses, we start to see ‘the beginning of that education of the conscience of which the end is conviction that the only true good is to be good’.<sup>131</sup> When responsibilities to another are neglected, such as in parental obligations to the well-being of their children, external influence must be enforced as children have a need to be ‘protected against their own actions as well as against external injury’.<sup>132</sup> However, enforcing positive paternalism is not solely the state’s responsibility. Mill’s vision of the common good demands that ‘parents meet their obligation to educate their children’.<sup>133</sup> The parental obligation to the child’s development ensures that education and opinion is as diverse as possible for the child’s maturation. Failure to educate your children was violating a rule not to be a nuisance to others, as neglecting their education would subsequently harm the best interests of others.<sup>134</sup> Where there is ‘strong evidence as to the nature of the person’s hypothetical unencumbered choice’,<sup>135</sup> paternalism is thusly justified.

Even those who oppose paternalism, such as Berlin and Nozick, admittedly accept that paternalistic intervention, when used in cases which concern exclusively children, can bring positive outcomes. Berlin goes further in conceding that few may actually possess the freedom to choose the most worthy action to themselves and others as a mature adult.<sup>136</sup> In the interests of all, ‘society has the duty to raise the educational hurdles in order to minimise such failures of judgement’<sup>137</sup> and to thwart civic decline. The enforcement of sanctions served a moral end. Where parents fail in enhancing their child’s rationality, coercion or ‘suasion’ becomes a

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<sup>131</sup> G. F. Barbour, ‘Green and Sidgwick on the Community of the Good’, p. 154.

<sup>132</sup> CW 18, p. 224. See further D. A. L. Thomas, ‘Rights, Consequences, and Mill on Liberty’, where it is suggested that we would have a better understanding of Mill’s principle of liberty if we read it in relation to rights-based interests, ruling out external control or acting in accordance with utility.

<sup>133</sup> Ryan, ‘Mill’s Essay On Liberty’, in Alan Ryan, ed. *The Making of Modern Liberalism*, p. 262.

<sup>134</sup> The most recent study of which is Claeys, *Mill and Paternalism*, which notes this area has been surprisingly neglected, further stating that a central aspect of *On Liberty* is ‘the duty one owes to support one’s children, and further, not to produce those who cannot be maintained’ (p. 174). See further Scarre, ‘Children and Paternalism’ who claims that ‘adults must impose a comprehensive ‘system of purpose’ on children (p. 123). See also Francis Schrag, ‘The Child in the Moral Order’.

<sup>135</sup> John Hodson, ‘The Principle of Paternalism’, p. 69. See Arneson, ‘Mill Versus Paternalism’ for a pessimistic account of paternalism. Paternalism will never advance the interests of the intended in the immediate instance, nor will the consequences better themselves in the long-term perspective (pp. 481-82).

<sup>136</sup> See Berlin, *Four Essays on Liberty*, p. 19. Berlin implies that compulsion is also a form of education. Education does not necessarily reach its highest point at a child’s maturity as we ‘learn the greatest virtue of obedience to superior persons’ (p. 19). This is not always achieved through ascendancy into adulthood nor achieved by some in the entirety of their lifetime. Compulsion is justified on the grounds that ignorance and barbarianism is worse for us than the restraint imposed to curtail their actions. Ignorance can surface at any age hence the justification for paternalism in children as well as any individual possessing ‘cramped and dwarfed’ natures (CW 18, p. 265).

<sup>137</sup> Claeys, *Mill and Paternalism*, p. 55.



necessity. Education provides the means in which you can secure your well-being and when ‘parents fail to appreciate that part of education’,<sup>138</sup> positive paternalism, or parentalism, becomes an eagerly anticipated outcome.

### *Critiques and Inconsistencies*

Cowling delivered perhaps the most recent and notable critique of *On Liberty*. Whilst he conceded that ‘the libertarian character of the great body of Mill’s expressions’ cannot be mistaken, Cowling has suggested that Mill was pessimistic of collectivism, a false prophet of liberty and one who masked his ‘agitated plea for the supersession of one style of politics by another’<sup>139</sup> cosily under his confident entreaty for liberty. Rees notes that progress was really only the work of a select few and Mill sought to ‘promote and safeguard the conditions for the distinctive activity of this *elite* in face of the growing power of the mediocre mass’.<sup>140</sup> Liberty ‘is primarily there to safeguard their aspirations and interests’,<sup>141</sup> contrary to countless interpretations. An enlightened individual has a greater capacity to cultivate good habits, elevating society as well as themselves. Letwin’s study of Mill focuses attention on what Raeder has denoted as Mill’s plea for a ‘Religion of Humanity’,<sup>142</sup> claiming that ‘on the surface, *On Liberty* is simply an ardent and persuasive argument for the most unhindered individualism’.<sup>143</sup> Mill’s conception of a spirit of liberty calls for education to enable each individual to act upon their own desires, removing any ‘lingering theological and metaphysical beliefs’.<sup>144</sup> Likewise, ‘Mill is committed to argument and persuasion, and not force and coercion’. Mill’s liberalism never denied that some are more able than others, but he did not believe that ‘these wiser and nobler men have the right to compel or coerce others’.<sup>145</sup> Ten is correct to note that Mill’s conception of individual liberty is not compromised because of a

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<sup>138</sup> Kurer, ‘John Stuart Mill and the Welfare State’, pp. 724-725. Kurer notes that ‘parents thus have faulty preferences’ (p. 725). State paternalism is a necessity for educational development, particularly in children.

<sup>139</sup> Cowling, *Mill and Liberalism*, pp. 97, 76.

<sup>140</sup> Rees, ‘A Re-reading of Mill on Liberty’, p. 115. The elite ‘could provide standards of conduct and act as an example of virtuous living’ but were only ‘a means to the education of the non-elite’ and not a ‘guardian of morals’ (p. 88).

<sup>141</sup> Holthoon, *The Road to Utopia*, p. 23. ‘Individuality will directly benefit the few and only indirectly the multitude’ (p. 21).

<sup>142</sup> See Linda Raeder, *John Stuart Mill and the Religion of Humanity* for an account reinterpreting Mill’s contribution to liberalism. Mill’s attempt to subvert Christianity had with it a motive of introducing a religion built upon his philosophical writings calling for it to be led by a moral order, spiritually embodied in society and, progressively, the individual.

<sup>143</sup> Letwin, *The Pursuit of Certainty*, p. 297.

<sup>144</sup> Raeder, *John Stuart Mill and the Religion of Humanity*, p. 50.

<sup>145</sup> Ten, ‘Mill and Liberty’, pp. 50, 51.

mere preference of personality. Cowling's playing down of Mill's desire for experiments of living, varieties of character and customs of different people coming together is actually 'the chief ingredient of individual and social progress'. Liberty possesses value for 'the more civilised portions of the species'<sup>146</sup> whereas the rest require suasion.

Mill's attempt to ground his commitment to liberty in utility has faced much scrutiny where many have noted that his project was doomed to failure as 'the circle cannot be squared'.<sup>147</sup> Even Mill was consistently disappointed by utilitarianism, which 'could never be exhausted by complete attainment'<sup>148</sup> and did not allow us to orchestrate our own fate. Mill's one very simple principle 'cannot be overridden by other claims'<sup>149</sup> such as that of utility. Moreover, his defence of freedom goes beyond that which utilitarianism can accommodate.<sup>150</sup> Arneson suggests that Mill rejects paternalism in the private sector but champions it in the public, as the principle of liberty really only applies to self-regarding acts. Distinguishing between the private and public sector may assist in ironing out the discrepancies which riddle Mill's work, 'an eclectic mixture of ill-assorted elements, which tend to disintegrate under any sustained critical pressure'.<sup>151</sup> Mill's liberalism was ultimately shaped by the notion that he 'wanted our lives to be free, but he also wanted them to be good'.<sup>152</sup> Hamburger's chief study<sup>153</sup> bridges the gap between those who claim *On Liberty* defends wholly liberal ideals,<sup>154</sup> and those who categorise him as an aristocratic liberal.<sup>155</sup> Semmel observes that Mill was the victim of a divided mind between

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<sup>146</sup> CW 18, pp. 261, 217.

<sup>147</sup> Steven Wall, 'Introduction', in Steven Wall, ed. *The Cambridge Companion to Liberalism*, p. 13.

<sup>148</sup> CW 1, p. 136.

<sup>149</sup> Collini, 'Liberalism and the Legacy of Mill', p. 243.

<sup>150</sup> See Glyn Morgan, 'The Mode and Limits of John Stuart Mill's Toleration'. Whilst 'Mill's conception of liberty is inadequately defended in terms of "individuality," it is important to locate an alternative stronger justification for liberty' which she grounds in security, which Mill labels as our most vital interest (p. 150).

<sup>151</sup> Gray, 'Mill on Liberty, Utility, and Rights', p. 84. Gray further argues that in Mill's works, there exists an 'inability of his theory of liberty to give definite answers to questions about the restriction of liberty' and one which 'derives, rather, from an area of evaluative disagreement' over the incorporation of a criteria of harm in Mill's principle of liberty (p. 93). See further John Kilcullen, 'Mill on Duty and Liberty' for an account of the inconclusive results in Mill's defence of liberty, noting liberty is a principle of "'small-l' liberalism' (p. 300).

<sup>152</sup> Reeves, *John Stuart Mill: Victorian Firebrand*, p. 6.

<sup>153</sup> See Hamburger, *John Stuart Mill On Liberty and Control*.

<sup>154</sup> See in particular Brink, *Mill's Progressive Principles*, which explores Mill's contribution to liberty, rights, utilitarianism and equality.

<sup>155</sup> See Cowling, *Mill and Liberalism*, R. P. Anschutz, *The Philosophy of J. S. Mill*, Karl Britton, *John Stuart Mill* and Alan Kahan, *Aristocratic Liberalism* for some of the leading critiques of *On Liberty*. See further Devlin, *The Enforcement of Morals* for a critique based upon legal moral intervention which questions the credibility of Mill's principle of liberty. Devlin claims 'the state must know right from wrong and impose its view of the right' (p. 12). See pp. 102-123 in particular. See further Stephen who argues that criminal law 'affirms in a singularly emphatic manner a principle which is absolutely inconsistent with and contradictory to Mr. Mill's' (CW *Liberty, Equality, Fraternity*, p. 108).

Bentham's rigorous teaching of necessity in the principle of utility and a path of virtue aimed at enhancing the noble worth of individual character.<sup>156</sup> Mill indeed appeared to be in two minds when human development and progress were concerned<sup>157</sup> and placed emphasis upon attaining virtue where 'our activities and attachments flow naturally from our being' and are not imposed upon us 'from the outside'.<sup>158</sup>

Collini's critique of Himmelfarb adds to discussion on inconsistent readings of Mill's essay.<sup>159</sup> Mill's principle of liberty is absolute and all other principles are subordinate to moral freedom. Capaldi notes that after demanding such freedoms in *On Liberty*, Mill most famously and 'persistently pursued libertarianism' where *On Liberty* was 'the clearest expression of the libertarian moral perspective'.<sup>160</sup> Mill strongly defends liberal values but does not evade inconsistencies between his thoughts on utility and liberty.<sup>161</sup> It was anything but a plea for hedonism where for Mill 'progress would spring from the supersession of hedonism by altruism'<sup>162</sup> and a selfless devotion to the good. Mill allowed liberty in self-regarding actions as without such liberty, 'there can be no 'individuality'' for Mill's 'defence of freedom is not in terms of utility, but of 'utility in the largest sense', i.e. individuality'.<sup>163</sup>

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<sup>156</sup> See Semmel, *The Pursuit of Virtue*. Mill rejected the liberalism that made happiness the end goal and favoured virtue as that which individuals seek. See further John Rees, 'The Thesis of the Two Mill's' for a chief study exploring Himmelfarb's conflict between *On Liberty* and Mill's other writings, leading her to conclude that if any of Mill's works are inconsistent with *On Liberty*, they are the work of the 'other Mill'.

<sup>157</sup> See, for instance, Richard Friedman, 'A New Exploration of Mill's Essay On Liberty', where he claims, parallel with Semmel, that 'Mill was torn between the version of utilitarianism he was taught to believe by James Mill and something more 'idealistic' (p. 282).

<sup>158</sup> Donner, *The Liberal Self: John Stuart Mill's Moral and Political Philosophy*, p. 150. See CW 18, pp. 263-265. Mill provides an example of the branches of a tree, which represent individual choices, axioms which promote freedom through the ability to choose from a multitude of options in our lives. Freedom of choice is not a singular option.

<sup>159</sup> See Ten, 'Mill and Liberty', who is equally dubious of Himmelfarb's account where he fails to see the point of the alleged contrast of Mill's works. Whilst 'there is every evidence of a continued belief in individual liberty' (p. 55), that which permeates the essay *On Liberty* is uniquely a 'manifestation of his fear of the tyranny of the majority' (p. 55). Mill notes in his *Autobiography*, in reference to *On Liberty*, that 'none of my writings have been either so carefully composed, or so sedulously corrected as this' (CW 1, p. 249). Arneson however sees value in comparing Mill's works (*Representative Government* with *On Liberty*) noting that the former permits paternalism whilst the latter assumes anti-paternalism. Mill is portrayed as a defender of liberal values, adding that the benefit for understanding Mill's principle of liberty through a comparison is 'to throw fresh light on its character', ('Democracy and Liberty in Mill's theory of Government', p. 43). This ought to be given more consideration in light of the ambiguous nature of Mill's theory today.

<sup>160</sup> Capaldi, 'The Libertarian Philosophy of John Stuart Mill', pp. 8, 18. The force of Mill's unique principle means that 'there can be no unqualified adherence to laissez-faire or any other economic doctrine' and that such cannot take precedence over his principle of liberty (p. 8).

<sup>161</sup> See Hardy Jones, 'Mill's Argument for the Principle of Utility'. This is a useful account as to how and why Mill failed to establish a consistent formula in reaching his conclusions concerning the principle of utility.

<sup>162</sup> Jones, *Victorian Political Thought*, p. 37.

<sup>163</sup> Ten, 'Mill on Self-Regarding Actions', p. 37.

*On Liberty* deals with the problem of liberty and the nature and limits of power which can be legitimately exercised by society over an individual, yet the lack of attention given to Mill's historical thought is quite surprising.<sup>164</sup> There is vast literature on Mill yet there have been astonishingly few historically grounded studies of his ideas in context.<sup>165</sup> This raises the question as to what procedures we should adopt when attempting to arrive at the chief argument of a text. Equally so, what do these conclusions mean for our understanding of the ideas discussed, in this instance, throughout *On Liberty*. Contextually speaking, Mill was motivated to write *On Liberty* by his despondency at the social, moral and political decay of Victorian England. *On Liberty* becomes problematic however for historians when an ahistorical approach is adopted by the majority of studies.<sup>166</sup> Whilst the text had a great impact on philosophers and political theorists, Mill achieved more than simply writing 'a kind of philosophic text-book of a single truth'.<sup>167</sup> Berger explores the relationship of concepts in Mill's oeuvre, noting that his motivation for understanding the philosophers of the past, and their subsequent use today, 'is the light they can shed, the insights that can be gleaned from them, for present concerns'.<sup>168</sup> Yet philosophical studies of *On Liberty* disregard considerations of broader contextual concerns for these do not matter as much as the concept or idea being discussed. Such approaches have tended to dominate many studies of *On Liberty*, studies which do not directly relate his ideas to the social and political context, nor do they necessarily acknowledge the influences upon Mill, or dare categorise him as a reporter of the social and political problems rather than a philosopher of liberty. A greater consideration of the contextual factors will reveal much as to the nature of the present concern philosophers and political theorists look to debate.

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<sup>164</sup> See principally Claeys, *Mill and Paternalism*, for a reading of *On Liberty* in light of Mill's commitment to a number of other contextual concerns, such as his ideas on Malthusianism, feminism and education. See further Cowling, *Mill and Liberalism*, for a chronological exploration of the development of ideas behind *On Liberty*. Hamburger, *John Stuart Mill on Liberty and Control*, draws upon the historical context, particularly religion, in support of his claims that Mill's belief in the necessity of control is incompatible with liberal ideals. See further Rees, *John Stuart Mill's On Liberty*. See Himmelfarb, *On Liberty and Liberalism*, pp. 143-278 for a biography of Mill's idea of liberty, Capaldi, *John Stuart Mill*, Packe, *The Life of John Stuart Mill*, Reeves, *John Stuart Mill*.

<sup>165</sup> For instance, see Georgios Varouxakis, *Liberty Abroad*.

<sup>166</sup> The majority of studies of *On Liberty* are directed from a philosophical framework with surprisingly few written with concern for the historical context. They are concerned with Mill's problem solely in *On Liberty* and its application, see Gray, *Mill on Liberty*, which scrutinises the substance of Millian liberalism. See further Donner, *The Liberal Self*.

<sup>167</sup> CW 1, p. 259.

<sup>168</sup> Berger, *Happiness, Justice and Freedom*, p. 296.

Taken systematically, these approaches are useful in terms of how they engage with the arguments of *On Liberty*. Historical enquiries ought to be seriously employed further in order to assess how Mill arrived at the theory of liberty he wrote of in 1859, as well as expanding the visibility of the text to those not necessarily specialists of Mill's ideas. Where philosophical studies fall short, we must 'turn to the argumentative context of their occurrence to determine how exactly they connect with, or relate to, other utterances concerned with the same subject matter'.<sup>169</sup> Once we've understood the context, we can hope to understand with greater accuracy what an individual said and what their interests were in saying it. Through reconstructing differing temporal structures of the past, we are able to convert these into principles for historical enquiry.<sup>170</sup> *On Liberty* places itself firmly in contemporary political philosophy debates. The philosophical studies of *On Liberty* appear in legal as well as political debates concerning accounts on the relationship between the intervention of law and the impact this has upon individual morality. Mill's contextual fixations had a huge impact on the development of his thought. Analytic philosophers, through their attempts to understand Mill, fail to engage with the material and personal contexts of thinkers, where Mill is no exception. Whilst I do not aim to undermine this work, the need for further historical scholarship understanding how these terms developed is vital. This thesis chronologically traces Mill's works from 1831 to 1900 to ascertain the theory of liberty Mill was exposed to before writing *On Liberty* as well as what happened after it was published.

Very briefly, how have a handful of tailored readings summarised Mill's theory of liberty? In the 1960s and 1970s, discussions on Mill's earlier works were often sceptical that he maintained the same theory of liberty throughout his life. Whilst at one stage, Mill strongly approved 'of Comte's insistence that the improvement of society was contingent upon the moral and intellectual advancement of the people',<sup>171</sup> Robson suggested that as Mill grew older, he rejected much of the philosophy which previously appealed to him in the 1820s and early 1830s. He came to feel that it was not only unsatisfactory but dangerous. Whilst Mill maintained that society is to be scientifically reordered, Mill felt that this should be based upon 'a moral and intellectual revolution which in turn depends on freedom',<sup>172</sup> rather than based

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<sup>169</sup> See Skinner, 'Meaning and Understanding in the History of Ideas', which attacks philosophers who repeatedly ask the same question and fail to take into account the importance of the historical context, (p. 116).

<sup>170</sup> See Hartmut Lehmann, and Melvin Richter, *The Meaning of Historical Terms and Concepts*, where it is further noted that older concepts, such as democracy, freedom and even liberty, 'denoted a new future-oriented perspective, that is, they become concepts in motion' and are not stationary ideas as philosophers assume (p. 5).

<sup>171</sup> John Ellery, *John Stuart Mill*, p. 51.

<sup>172</sup> Robson, *The Improvement of Mankind*, p. 103.

upon a model proposed by Comte or the Saint-Simonians. Ryan insisted though that we must remember the major elements throughout Mill's writings, stretching from his earlier works through to *On Liberty*, most of which preserve his concern for 'diversity, spontaneity, and individuality'.<sup>173</sup> Yet Ryan too concedes that part of his criticism of Bentham and other intellectuals was because they failed to mention any of the elements which for Mill are the ends of life, traits we must safeguard by giving people the space to experiment.

By the 1980s, commentators had warmed to the idea that Mill's theory of liberty never drastically changed. Gray noted that 'there can be no doubt that Mill saw the argument from his earlier works through to *On Liberty* as 'continuous with his project for a progressive theory of morality in which a revisable moral code is grounded in corrigible scientific theory'.<sup>174</sup> Semmel added that 'there was an intimate articulation between the three great problems of social metaphysics – those of free will and determinism, virtue and happiness, and of order and progress – and his solutions to them, an interconnection that gave a decided shape and direction to his ideas, and formed not so much a system as a faith'.<sup>175</sup> For Anschutz, it was as early as the 1830s where Mill established his fixed theory of liberty that he would work on his entire life. Mill's project, unlike other thinkers, whose proposed reforms were 'not only impossible, but if possible, would be bad, *this* plan, if it could be realized, would be good'.<sup>176</sup> After all, 'much of what is most passionately felt in Mill's political philosophy is threaded on this strand – the idea of a society of human beings fully and variously developed, morally vigorous, self-determining'.<sup>177</sup>

Himmelfarb has argued that Mill 'looked to liberty as a means of achieving the highest reaches of the human spirit; he did not take seriously enough the possibility that men would also be free to explore the depths of depravity'<sup>178</sup> and this is where a number of criticisms emerge upon the reception of *On Liberty* in 1859. Since the 1830s Mill held an optimistic view of the prospect of human development and this belief would remain with him for the rest of his life. Hamburger has discussed how Mill had a clear and relatively fixed agenda when it came to his theory of liberty. As suggested in this chapter, Mill had a number of attitudes which contributed

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<sup>173</sup> Ryan, *The Philosophy of John Stuart Mill*, p. 253.

<sup>174</sup> Gray, *On Liberty: A Defence*, p. 116.

<sup>175</sup> Semmel, *John Stuart Mill and the Pursuit of Virtue*, p. 187.

<sup>176</sup> Anschutz, *The Philosophy of John Stuart Mill*, pp. 51-52.

<sup>177</sup> Skorupski, *John Stuart Mill*, p. 338.

<sup>178</sup> Himmelfarb, *On Liberty and Liberalism*, p. 50.

towards this theory and differing elements surface in his six earlier publications. Hamburger noted that we must read *On Liberty* ‘in light of Mill’s overarching purpose of bringing about moral regeneration’<sup>179</sup> for this is what unites his works. Going back as far as Mill’s connections with the Saint-Simonians, we must consider Urbinati’s claim that Mill always maintained that individuals should be free from slavery and that greater opportunities to express your liberty be available to everyone.<sup>180</sup> More recently, Claeys has added that the leading influence on his writing and intellectual maturity was his meeting with Harriet Taylor in the 1830s.<sup>181</sup> As will be discussed later in this thesis, this encounter would have significant bearings upon readings of *On Liberty* in the 1890s.

### *Conclusion*

This brief discussion underlines a number of divisions and lack of agreement in understanding Mill’s chief concern in *On Liberty*. Reading *On Liberty* as promoting positive or negative liberty strongly directs currents of interpretation. To read the text as one upholding positive liberty, it must fulfil a criterion of responsibly promoting social goods for all whilst also permitting state intervention in areas which promote the common good, such as social or political policy reform. A negative reading demands the absence of restraints upon the freedom of the individual. Moreover, ensuring that they are not hindered in any way so that they can have the avenue to freedom of religion, speech and action.

Even so, the sheer number of ambiguous readings of *On Liberty* have made it difficult to assert which strand of liberty Mill saw as being more beneficial to social progress. With this in mind, the absence of a reception history of *On Liberty* in the nineteenth-century could not be more vital in current literature to establish how Mill’s text has been interpreted since its publication. Reading Mill before *On Liberty* demonstrates the flexibility with which Mill used the term liberty. Whilst this complicates the task of ascertaining what Mill meant when he used this term, it crucially shows how it meant considerably more for Mill than what many accounts presume.

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<sup>179</sup> Hamburger, *John Stuart Mill on Liberty and Control*, p. xi.

<sup>180</sup> Urbinati, *Mill on Democracy*, pp. 190-191.

<sup>181</sup> See Claeys, *Mill and Paternalism*, pp. 34-42 for a discussion on Taylor’s influence. Claeys noted that ‘few relationships have been so productive both of fruitful ideas and of painful controversy’, p. 34.

## CHAPTER 1

### Reading Mill before *On Liberty*: Early Writings 1831-1859

#### INTRODUCTION

It was argued in the previous chapter that Mill's theory of liberty is much more inconsistent and ambiguous than typically understood. Many studies stress the value that Mill places upon individuality, whilst other readings claim that Mill advocated a much more authoritarian form of governance, entrusting only the most cultivated minds to guide the majority. This chapter will explore Mill's writings in the decades prior to *On Liberty* and the theories of liberty he engaged with before 1859. The writings considered in this chapter are broken down into earlier and later publications. Earlier publications include 'The Spirit of the Age' (1831), 'On Genius' (1832), 'Bentham' (1838), 'Coleridge' (1840). The later publications include the *System of Logic* and the *Principles of Political Economy* (hereafter the *Principles*) where the differing editions will be acknowledged where appropriate in order to evaluate the theory of liberty which Mill was working with at the time. Most treatments of *On Liberty* have inadequately evaluated Mill's theory of liberty in his earlier writings and how his critics responded to this. The central focus of this chapter therefore is to consider a range of reactions to Mill's earlier publications to understand the theory of liberty Mill was working with leading up to 1859.

Mill covered a wide range of thoughts in these six publications. What united these theories was his concern over a society which was growing increasingly intolerant and divided. Mill's theory of liberty was therefore dependent upon change in thought and opinion and this could only come through a renovation of beliefs. Using brief examples to further illustrate this, consider 'The Spirit of the Age', an essay wholly critical of the condition of England, which Mill wrote to 'point out in the character of the present age, the anomalies and evils characteristic of the transition from a system of opinions which had worn out, to another only in the process of being formed' despite conceding that his discussion was ill-timed. In 'On Genius', Mill highlighted a defect in our mental training. The remedy of which can be found 'in the distinct recognition, that the end of education is not to *teach*, but to fit the mind for learning from its own consciousness and observation'.<sup>182</sup> The essays on 'Bentham' and 'Coleridge'

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<sup>182</sup> CW 1, pp. 181, 338.



demonstrated the transition into an age where people led the way by opinion. All were indebted to Bentham and Coleridge for initiating a revolution in the ‘general modes of thought and investigation’.<sup>183</sup> The *System of Logic* was Mill’s attempt to scientifically ground this theory of liberty, noting that ‘logic, then, comprises the science of reasoning, as well as an art, founded on that science’,<sup>184</sup> the art of reasoning cultivates the individual. The *Principles* lastly reinforced this theory as Mill felt that the cultivation of mental faculties was dependent upon competition, warning that ‘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’.<sup>185</sup> Without an active and engaged society, the threat of stagnation would increase and Mill had demonstrated in six seemingly contrasting works that this theory could be applied to all aspects of communal life.

The primary and secondary material often reach different conclusions as to what influenced Mill’s earlier thoughts and *if* this changed, where this occurred. Mill noted that his mental crisis opened him to new influences.<sup>186</sup> His re-evaluation of utilitarianism (adopted by his father and Bentham) led him to conclude that individuals must develop their own characters, thoughts and feelings above everything else.<sup>187</sup> ‘Individuality’ therefore would resurface in a number of his works, forming a key component in his theory of liberty.<sup>188</sup> But this does not mean he was strictly an *individualist*. Mill conceded in his *Autobiography* that he was convinced ‘that no great improvements in the lot of mankind are possible until a change takes place in the fundamental constitution of their modes of thought’.<sup>189</sup> Mill’s theory of liberty in these six publications would be framed around this central premise but there are also variations and this will be addressed in this chapter.

The four earlier writings which will be discussed in this section include ‘The Spirit of the Age’ (1831), ‘On Genius’ (1832), ‘Bentham’ (1838) and ‘Coleridge’ (1840). The later writings

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<sup>183</sup> CW 10, p. 77.

<sup>184</sup> CW 7, p. 4.

<sup>185</sup> CW 3, pp. 794-795.

<sup>186</sup> For Mill’s discussion on his mental crisis, see CW 1, pp. 137-192.

<sup>187</sup> Durham noted that Mill’s grievance was that ‘Bentham’s mind was not representative of universal human nature’. Accordingly, Bentham was wrong for ‘his analysis did not include enough of the elements of life’. See Durham, ‘The Influence of John Stuart Mill’s Mental Crisis on His Thoughts’, p. 380.

<sup>188</sup> See further Williams, *John Stuart Mill on Politics and Society*, pp. 9-50 for a discussion on Mill’s influences and how this impacted his thoughts on liberty and freedom. For a specific discussion on the impact of his mental crisis, see Durham, ‘The Influence of John Stuart Mill’s Mental Crisis on His Thoughts’, pp. 369-384.

<sup>189</sup> CW 1, p. 244. Claeys stated that ‘throughout his life Mill grew steadily more critical of what he regarded as the limitations of the English mentality’. See *Mill and Paternalism*, p. 18.

include the *Principles* and the *System of Logic*. These essays and publications from the 1830s and 1840s outline the backdrop for Mill's theory of liberty prior to 1859. Moreover, reading the immediate response to Mill in the newspapers and periodicals reinforces why we must be thoughtful when reading Mill in light of the historical context. As these reviews will demonstrate, we can read these publications in a number of ways and conclude conflicting understandings, ultimately revealing how controversial Mill was.

In 1831, Mill wrote 'The Spirit of the Age'. Here, Mill maintained that cultivated minds are the most adequate to lead society collectively forwards; commentators noted the need for universal equality, irrespective of class, gender or intellectual ability. By 1832, Mill had written 'On Genius', an essay which explored cultural avenues as a means to express thoughts on liberty. 'On Genius' was the clearest articulation of the cultural divide that existed in England. After a brief period of six years, Mill wrote his two works on what he describes as 'the two great seminal minds of England in their age'.<sup>190</sup> The essays on 'Bentham' and 'Coleridge' explored those who influenced Mill's utilitarian ideas as well as his broader thoughts on ethics and religion in society.<sup>191</sup> By the 1840s, Mill had written the *System of Logic* and the *Principles*, two texts which discussed the issue of working class labour, wages and the organisation of industry. Emphatically defending worker's rights, the *Principles* extended beyond addressing just economic concerns to inviting discussion from Mill's readers on the urgent need to improve working conditions throughout society.

## EARLIER ESSAYS

### 'THE SPIRIT OF THE AGE' 1831

In 1825, William Hazlitt wrote *The Spirit of the Age*.<sup>192</sup> A collection of eighteen essays, Hazlitt's work explored the leading representatives of movements in thought and politics during his time. Just six years later in January 1831, Mill anonymously published the first of five articles, under the same title as Hazlitt's work, all of which appeared in the weekly radical newspaper, *The Examiner*.<sup>193</sup> Mill disclosed his social anxieties and his desire to move England

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<sup>190</sup> *Westminster Review*, Aug 1838, no 2, p. 468.

<sup>191</sup> CW 10, p. v.

<sup>192</sup> William Hazlitt, *The Spirit of the Age*.

<sup>193</sup> Also known as *Political Examiner*, *The Examiner* was a leading intellectual newspaper expounding radical principles. These articles appeared on the 9 and 23 Jan, 6 Feb and 13 Mar in two parts, 3 Apr and the 15 and 29 May, again in two parts and all were published in 1831. Packe noted that 'The Spirit of the Age' expressed 'his full adherence to the Comtist-Saint-Simonian philosophy of history' addressing the dire condition of England,

forwards to a better and more prosperous future, one which would be inclusive of all needs. Mill wrote to ‘persuade Englishmen to vote on the side of history’<sup>194</sup> if they sought to avoid the consequences of almost certain revolution. For Mill, the defining feature of the age was one which was made up of a character which thwarted the march of intellect and his observations of Europe only added to this sentiment. These anonymous publications claimed that society was ‘pregnant with change’ and approaching a time where there would be a revolution in ‘the whole constitution of human society’.<sup>195</sup> England needed to further its march of historical progress. Society was demonstrating the early signs of naturally bonding together in what Mill understood as distributing interests of the collective rather than individualism.<sup>196</sup> This is one of the first instances where we see clearly Mill’s theory of liberty as outlined earlier in this chapter.

The greatest contributors to society were those who had ‘knowledge adequate to the formation of sound opinions’. England was in a state of ‘convalescence’<sup>197</sup> and in need of well-informed individuals to drive the majority in the right direction. Writing favourably of Mill’s essay, the *Morning Advertiser*, a non-partisan newspaper, pointed out that ‘the character of the present age and the challenges this faces’<sup>198</sup> requires greater investment from individuals. This plea for public expression of opinions and freedom set up much of Mill’s focus for the rest of his life. Mill reinforced his ideas for an improved society on the condition that no Whig nor Tory could command through personal authority, as ‘the young do not respect the elderly and where the poor do not respect the rich’. *The Examiner* added that ‘if the multitude of one age are nearer to the truth than the multitude of another, it is only in so far as they are guided and influenced

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where ‘it was not hard to show the babble of voices, disunity, and lack of a firm faith characteristic of a dying critical epoch’. See Packe, *The Life of John Stuart Mill*, p. 98.

<sup>194</sup> CW 12, p. lii. See *The Examiner*, 9 Jan 1831. Mill noted that mankind are divided ‘into the men of the present age, and the men of the past’, p. 20. For the former, the spirit of the age ‘is a subject of exultation; to the latter, of terror; to both, of eager and anxious interest’, p. 20. Mill’s great concern is whether people understand their own age. Mill writes, ‘a knowledge of our own age is the fountain of prophecy – the only key to the history of posterity’, p. 20. We have a duty to influence the present age, specifically commenting on Robert Southey, *Colloquies on the Progress and Prospects of Society* as the ‘gloomiest book ever written’, p. 20. Southey was impatient for reform in his youth, criticising the condition of towns across England and promoting universal education, whilst shifting towards conservatism in his later years.

<sup>195</sup> *The Examiner*, 9 Jan 1831, p. 20. We have outgrown this age, ‘just as the same jacket which fit a man at six will not fit him at six-and-twenty’, p. 20. Almost every other nation has achieved a change in form of ruling government, ‘indications which tell of a more vital and radical change’, p. 20.

<sup>196</sup> See for instance Himmelfarb, *The Spirit of the Age: Victorian Essays*, particularly p. 51.

<sup>197</sup> *The Examiner*, 9 Jan 1831 p. 21.

<sup>198</sup> See *Morning Advertiser*, 12 Oct 1831, p. 3, which claims that politics is used to advance your status and quality of life further, such is ‘the obvious character of the Tories’. Mill encourages society to notice these differences in character so that they may trust the morally good and knowledgeable to lead the majority.

by the authority of the wisest among them'.<sup>199</sup> It would be incorrect however to read this as illiberal, for this would be one of the reasons as to why Mill would later reject Bentham. Bentham's theory of liberty was nowhere near as inclusive as Mill's.

'The Spirit of the Age' had shown itself to be an open but anonymous example of some of Mill's earliest thoughts on liberty. Mill's observations of other nations living in greater liberty led him to call for a society where 'the uninstructed have faith in the instructed'.<sup>200</sup> Mill claimed that men of the past adhered to the 'blind guide'<sup>201</sup> but people ought to be encouraged to form their own opinions. It becomes 'one of the necessary conditions of humanity, that the majority must either have wrong opinions, or no fixed opinions, or must place the degree of reliance warranted by reason, in the authority of those who have made moral and social philosophy their peculiar study'. Whilst we ought to understand our own interests and duties first, Mill maintains that 'reason itself will teach most men that they must, in the last resort, fall back upon the authority of still more cultivated minds'.<sup>202</sup> From his earlier writings, Mill had shown his enthusiasm for people helping others in order to improve society and placed this responsibility upon the shoulders of more cultivated minds so that all could develop a sense of self-culture.

As early as 1831, Mill felt that England required authority to fix opinions and form feelings.<sup>203</sup> Writing in *The Examiner*, Mill noted that 'society, fortunately, has not so frequent need to unlearn, as to learn',<sup>204</sup> condemning aspects of society which exclude 'the possibility of

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<sup>199</sup> *The Examiner*, 9 Jan 1831 pp. 20-21. Mill noted in a later article that the age of transition for the physical sciences has already passed, as with the great men of the sciences, 'the methods by which they are cultivated so entirely preclude the possibility of material error when due pains are taken to arrive at the truth', *The Examiner*, 23 Jan 1831, p. 51. Whilst the sciences have a different nature of evidence to that of liberty and the social condition of man, Mill stresses they are connected systems of truth. The truths of political economy, however, 'may be brought down to the level of even the uninformed multitude, with the most complete success', *The Examiner*, 23 Jan 1831, p. 51. Some ages are easier to achieve than others, where liberty and the social condition of man is perhaps the furthest away natural state.

<sup>200</sup> *The Examiner*, 23 Jan 1831, p. 50.

<sup>201</sup> See *The Examiner*, 13 Mar 1831, particularly p. 162 for a discussion on how the wealthy have had considerably easier and more available means to educate themselves more than other classes. Knowledge has always been in the reach of the upper class, yet it is this standard of knowledge which qualifies them to manage the affairs of his country.

<sup>202</sup> *The Examiner*, 23 Jan 1831, p. 52.

<sup>203</sup> *The Examiner*, 6 Feb 1831, p. 82. Mill's preference for authority to rest in a cultivated character is something which most readers highlighted. A moral and social revolution must replace worldly powers with the most competent of judges, to push the boundaries of the capabilities of human nature, where Mill refers to the Greeks and their ruling of offices conducted by judges and gentlemen to administer the best ideas of their age, pp. 82-83.

<sup>204</sup> *The Examiner*, 3 Ap 1831, p. 211.

material conflict of opinion among its teachers'.<sup>205</sup> The maturity of Mill's theory of liberty can be noted in how he distanced himself from the philosophic radicals who had claimed through Bentham that it was tyrannical to take an interest in someone else's life. The need to develop our own opinions was fundamentally important. Mill had demonstrated little in favour of the wealthy, rule by such individuals was 'the government of an irresponsible few; it therefore swarmed with abuses' and such interests 'naturally and properly engross every mind'.<sup>206</sup> Many responses to Mill's essay equally reflect thoughts of those troubled by the condition of England and Mill had given them a recipe to prevent disaster.<sup>207</sup>

People could come to terms with the fears Mill had and by 1831, social bodies had established organisations that mobilised themselves around a focus of reforming society by encouraging greater liberty of thought and discussion.<sup>208</sup> One of the great defenders of Mill's essay came from the *Poor Man's Guardian*, a radical weekly newspaper and passionate advocate of the rights of the working class. They encouraged greater opportunity for them to articulate their thoughts, freely and fairly, dismissing suggestions that Mill was not inclusive. Mill had arguably done more for the working class than most before him. The *Poor Man's Guardian* notably endorsed 'The Manchester and Salford Political Union of the Working Classes' during the 1830s, advancing a movement focusing upon freedom of discussion. Additionally, they organised public speeches, where they sought to remind all of the problems affecting entire communities,<sup>209</sup> mirroring Mill's call for greater dialogue.

Accordingly, the *Poor Man's Guardian* noted that Mill's essay added legitimacy to action 'for the purpose of taking into consideration the propriety of petitioning the House of Commons to put a stop to prosecutions for theological and political opinions'.<sup>210</sup> A movement which would resist oppression 'until the working classes have an equal share in making the laws which

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<sup>205</sup> *The Examiner*, 15 May 1831, p. 307. Mill provides the example of the 'Hindoos' and 'Turks' in the modern age and 'Christendom' in the Middle Ages, where terror or religion is worse than aristocratic ascendancy.

<sup>206</sup> *The Examiner*, 29 May 1831, pp. 340, 341.

<sup>207</sup> In particular, see *Poor Man's Guardian*, which called for management of state affairs to be distributed evenly. Contrary to the articles published anonymously in *The Examiner*, *Poor Man's Guardian* called for equality for all, irrespective of intellect or class, dismissing any idea that some are naturally more inclined to lead than others.

<sup>208</sup> For instance, the Chartist movement, alongside the Reform Act (1832), Poor Law Amendment (1834), Whig legislation enacted in support of the working class and the London Working Men's Association (1836).

<sup>209</sup> See the *Poor Man's Guardian*, 27 Aug 1831, p. 61. These speeches and public events were met 'with rapturous applause', reflecting the speed in which social mobilisation was unfolding at the same time as the publication of Mill's earlier essays.

<sup>210</sup> *Poor Man's Guardian*, 17 Sep 1831, p. 84.

govern the lands’, the *Poor Man’s Guardian* utilised Mill’s ideas to raise awareness of the ‘den of thieves’ in Westminster. Money could not buy cultivated minds. By 1831, the *Poor Man’s Guardian* purposely targeted Lord Howick for ‘acting upon the atrocious principles of Malthus’, signifying a pivotal moment when the working class openly questioned the ability of government to increase liberty. The defiant attitude of the working class would persevere for as long as the number of ‘odious monopolies’<sup>211</sup> of the government continued. Crucially, this unwraps the complex nature of ideas on liberty and freedom which Mill explored in ‘The Spirit of the Age’. The individual was fundamentally important to collective progress and the tyrannising of government ministers over the working class was detrimental to everyone.

We have seen how collective progress sat at the centre of Mill’s theory of liberty in ‘The Spirit of the Age’. The politically radical *Cobbett’s Weekly Political Register* claimed that the band of oligarchs that oversee everyday life are those that have ‘waged war against the liberties and rights of man in almost every corner of the world’ seeking to ruin ‘every man who dared to raise his voice in opposition to theirs’.<sup>212</sup> This failure of society to unite deeply frustrated Mill. Many of the working-class attitudes in the period were in fact developing Mill’s discussion from ‘The Spirit of the Age’. Even if they dismissed him as a result, they had used parts of his essay to develop their own discussion. Even then, few disagreed with Mill that the more involved the individual is, the more likely it is that they have an incentive to work in unison with one another.

*Cobbett’s Weekly Political Register* had already warned of a tyrannous and oppressive ruler, reinforcing the need for restraints upon the power they can expel yet it seems that many missed the collective aspect of Mill’s essay. The *Poor Man’s Guardian* noted that Mill failed to speak to ‘the industrious millions and the friends of liberty and justice’.<sup>213</sup> *Cobbett’s Weekly Political Register* further wrote that people ‘are no longer deluded by the foolish nonsense of Whig and

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<sup>211</sup> *Poor Man’s Guardian*, 27 Aug 1831, p. 62. Lord Howick (Charles Grey) was British Prime Minister from 1830–1834. He is accredited with initiating the Reform Act of 1832, restricting child employment and abolishing slavery in the British Empire. The *Poor Man’s Guardian* would go on to attack Malthus, a man who inspired Mill, on the basis of property rights, labour and population control. On monopolies, this argument was put forward by Henry Hetherington, publisher of the *Poor Man’s Guardian* in 1831, where he lists a few such as education, the church and the corn laws. Mr Sutcliffe, a leading speaker for these meetings targeted the management of the East India monopoly in the same article. Mill, following his father’s footsteps, worked at the East India Company from 1823–1858.

<sup>212</sup> *Cobbett’s Weekly Political Register*, 24 Dec 1831, p. 792. William Cobbett is credited with being an ‘able and determined’ figure in opposition to those oligarchs, the Whigs and Tories, who continue to suppress the liberties of the majority within society, p. 792.

<sup>213</sup> *Poor Man’s Guardian*, 25 Dec 1831, p. 223.

Tory, but are inclined to manage their own affairs themselves' in order to restore England to the status of a 'happy Republic'.<sup>214</sup> Mill did not discourage people from developing their own character and this is an incorrect reading of his essay. From the early 1830s, Mill was concerned with intellectual stagnation, more so after hearing of events in Europe. For Mill, it was the art of *combining* which was crucial.

These responses to Mill's essay stressed a desire to expand the opportunity for people to influence and create legislation. *The Examiner* pointed out that discussion on reform 'now forces itself upon the most inobservant'<sup>215</sup> and that 'there must be a moral and social revolution'.<sup>216</sup> The *Dublin Morning Register*, a daily liberal newspaper, applauded 'the new lights which the struggle for liberty of speech and freedom of thought have thrown over the field of politics'.<sup>217</sup> The liberty of the press 'was an unalienable right, which could not, under any pretext, be wrested'. The *Poor Man's Guardian* had stated that 'all the recent attempts to cripple the press are at variance with the true principle of liberty'.<sup>218</sup> Without greater preservation of this freedom, the working class would never have an output for their thoughts and opinions.<sup>219</sup> Mill's essay had enlightened, educated and agitated the working class, for it provided them with an avenue to express themselves which was previously unheard of. Ultimately, it was 'cheap' knowledge, accessible and central for change.<sup>220</sup>

#### 'ON GENIUS' 1832

'On Genius' appeared in quick succession after 'The Spirit of the Age'. It was written anonymously and published in the *Monthly Repository*, a radical unitarian periodical.<sup>221</sup> Mill

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<sup>214</sup> *Cobbett's Weekly Political Register*, 24 Dec 1831, p. 794.

<sup>215</sup> *The Examiner*, 9 Jan 1831, p. 20.

<sup>216</sup> *The Examiner*, 23 Jan 1831, p. 52.

<sup>217</sup> *Dublin Morning Register*, 11 Jan 1837, p. 2.

<sup>218</sup> *Poor Man's Guardian*, 27 Aug 1831, p. 62.

<sup>219</sup> Liberty for the working class was so vital to their subsistence, it was 'like the air we breathe, and without which we die'. See the *Manchester Guardian*, 1 June 1822, p. 4. This was yelled out at a Westminster reform dinner where the liberty of the press was stressed as their only support during this time of change.

<sup>220</sup> An article of 17 Sep 1831 published in the *Poor Man's Guardian* strongly argued for liberty of the press and was critical of those who had been imprisoned or punished for writing articles expressing the injustice people suffer. The article further wrote that they have been charged with 'the glorious and immortalizing offence of giving what the people loudly demand, viz.: Cheap Knowledge' and those who pursue this are 'injured for the cause of liberty', p. 84.

<sup>221</sup> See *Monthly Repository*, Oct 1832, no. 70, p. 649. This was a radical Unitarian monthly periodical, which wrote on education reform, extension of the suffrage and the removal of monopolies (Mill felt these were particularly disastrous to progress). Mill signed this article as 'Antiquus', meaning old or ancient, referencing the age of transition unfolding in England as discussed in his newspaper articles of 1831.

maintained that society thwarted the development of genius, claiming that an original thinker is ‘a *man of genius*’<sup>222</sup> where ‘Originality says Genius’.<sup>223</sup> Crucially however, genius was not out of reach for all, where ‘by the aid of suitable culture all might possess it’<sup>224</sup> if we develop it within our own persons first. Yet Mill’s preference for a particular type of character could not be underestimated. Men of genius were rare, essential for positive change and vital for progress. Whilst it was inclusive of Mill to suggest anyone can develop a character of genius, without the appropriate conditions, many would fall short. What is crucial here is that more people needed to be given the opportunity to develop their originality. This is something which will be discussed in chapter 5.

Mill wrote that ‘none of the controversies which fill the present age with flame and fury is comparable in interest.’ The most valuable part of our daily conduct ‘is the *spirit* in which they are done’. Genius is the faculty of thought itself, yet new truths do not infer philosophic genius any more than the action of discovering them as this is the only way to *know* something. We can *know* of something by being told of it by another individual, a manufactured truth. However, for us to *know* it we must put our mind in the state where the truth was found and verify it, that which Mill insists ‘by my own observation, or by interrogating my own consciousness’.<sup>225</sup> Truths that we have been told are less important to know as ‘it requires less hardihood to attempt to do what somebody has done before’. This is a true exercise of the genius Mill refers to. The urge to act differently to *discover* on one’s own nurtures the energetic and vivacious character Mill sought, demonstrating parallels with his discussion in ‘The Spirit of the Age’.

We have seen how Mill thought that reliance upon another individual or wider society would not spark originality, echoing the need for *individual* as opposed to *social* thinkers to diffuse

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<sup>222</sup> CW 1, p. 332. See *Monthly Repository*, Oct 1832, no 70, pp. 651-652 where Mill notes that ‘genius be no particular mental power, but only mental power possessed in a peculiar degree’.

<sup>223</sup> CW 1, p. 332. Packe emphasises how this essay was a plea for originality, one which looked back to Athenian democracy for ‘the Greeks, he said, considered wisdom not as a private luxury to be indulged in a select salon or in a precious cloister, but as a quality essential to success, a practical weapon of daily life available to all’. See Packe, *The Life of John Stuart Mill*, p. 133. Once this was available to all, then beliefs and opinions could be refined, underlying the equality element existent in Mill’s theory of liberty.

<sup>224</sup> *Monthly Repository*, Oct 1832, no 70, p. 654.

<sup>225</sup> CW 1, pp. 339, 329, 650-651. Mill seems to be encouraging a selfish way of enhancing genius rather than helping those who may need it by increasing *their* ability to become men of genius. We can read liberty in this regard negatively (perhaps also ignorant of those who may get left behind), for if they cannot better themselves, then there is little that can be done. Mill had conceded that most of the work conducted by man is ‘little better than trivial and contemptible’ (p. 329) and that men of genius are trusted with the responsibility of discovering new truths for the betterment of all and then diffusing this knowledge across society.



across society to prevent a march of intellect led by ‘the united efforts of a constantly increasing multitude of dwarfs’. After all, the exercise of the higher faculties is that which generates originality.<sup>226</sup> Mill noted that there are few men of genius because ‘things have *only* been taught and learnt, but have *not* been *known*’. Truths should serve their purpose, to help individuals ‘form to himself an intellect fitted to seek truth for itself and to find it’.

By 1832, Mill’s growing concern over intellectual stagnation had resulted in his essay ‘On Genius’. An age where the spirit does not pervade the mind, one where ‘modern education is all *cram*’ with no room for impartial inquiry. Society has become ‘content to copy’ rather than to challenge and discover our own truths. In light of this, responses called for changes in the way society conducts itself, to ‘let the feelings of society cease to stigmatize independent thinking, and divide its censure between a lazy dereliction of the duty and privilege of thought’. We have a duty to strive for genius, which Mill calls for us to realize ‘in our own persons’ first, independently and without interference.<sup>227</sup>

*Bell’s New Weekly Messenger*, a conservative newspaper, wrote enthusiastically of the progress made in literary publications. Literature was commended for ‘breaking down on all sides the banks of prejudice and superstition, and threatening the very topmost heights of Privilege, Exclusion and Despotism’. Mill’s essay had an immediate impact which encouraged people to act upon their own interests and desires whereby literature became a powerful means of developing characters of genius. It is noted that whilst we do not have a second Newton or Shakespeare, ‘we have innumerable lofty and exquisite imaginations’ of which ‘a host of newspapers, magazines and pamphlets’<sup>228</sup> are duly responsible. Exploring the movements in

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<sup>226</sup> *Monthly Repository*, Oct 1832, no 70, pp. 650-653. See further Mill’s comments in this article concerning the mountain climber at Mount Blanc who uses the same muscles as the man who climbed before him. Whilst we can be encouraged to do as man did before us, this requires less exertion as we *know* what to do from previous experiences and are not discovering alternative ways to further knowledge and understanding. Mill suggests that *conceptive* genius is of an even higher faculty than *creative* genius. Mill notes that self-observation is *imagination* and the extraction of knowledge of truths from our consciousness may require analysis and induction, both of which are indicative of originality and a thinker of genius, applauding Newton and Locke as specific examples from history.

<sup>227</sup> See *Monthly Repository*, Oct 1832, no 70, pp. 650-659. Referred to as ‘mental gymnastics, eminently conducive to acuteness in detecting fallacies’, p. 656. These were all preparations for an active individual life. This education ‘formed *men*’ p. 657. Mill claimed that Christianity interfered in the development of man and brought in an age where ‘the doctrines and precepts of Scripture began to be studied’ and because of this, the spirit of individuals declined as people no longer conversed nor challenged one another. See Claeys, *Mill and Paternalism*, where it is suggested that ‘legislative action for collective self-improvement – of a non-coercive type, justified by Mill on loosely utilitarian grounds, that it was better to work nine hours than ten per day’, p. 65. Clarification of the concept of interference would be crucial here.

<sup>228</sup> See *Bell’s New Weekly Messenger*, 1 Jan 1832, p. 1.

society in 1832, we can identify how essential literature was in shaping individual consciousness. Mill's theory of liberty in his earlier essays had been instrumental in this. They had both emphasised the need for greater dialogue and freedom to develop individuality in order to help the collective and provided people with the opportunity and responsibility to do this.

Echoing these lines of literature-based radicalism, theatrical productions are an additional means where social and political movements develop and gain momentum. The conservative *Evening Mail* noted that productions in 1832 portrayed the key character as a 'good genius', who turns evil into good and converts men who display folly to perform positive changes in society.<sup>229</sup> The *Morning Advertiser* noted further that promoting the interest of the stage will help the community, 'but no encouragement can raise the stage from its present degraded state while the system of exclusion is suffered to prevail'. These are two clear examples of absorption of Mill's theory of liberty. In order to help the stage 'quickly recover from the wretched condition to which it has been reduced by those who have had a patent to quack it',<sup>230</sup> there must be universal encouragement for the growth of genius more than what is at present, 'dispersed through a thousand minds, scattered through ten thousand channels'. The similarities between what Mill had discussed and his reception are staggering. The support he received added momentum to this movement of social and political progress.

We have seen how involved commentators were in discussing their own theory of liberty upon reading Mill's first two essays. Alongside direct reference to 'On Genius', *Bell's New Weekly Messenger* advertised a production entitled 'The World turned upside down', a dialogue concerned with 'the necessity of "reform" on the sublunary planet'. One of the characters is called the 'Genius of Reform' and intervenes during the play to send people to 'reform the world and themselves'.<sup>231</sup> Genius was an integral tool in reforming society and rather than being associated with selfishness, it encouraged those with desires and passions to act upon them. The level of engagement with Mill's discussion was astounding, not just in print but on the stage too, his readership echoed the same pledges he made in his earlier essays. Moreover,

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<sup>229</sup> See *Evening Mail*, 2 Jan 1832, p. 1.

<sup>230</sup> *Morning Advertiser*, 7 Jan 1832, p. 1.

<sup>231</sup> *Bell's New Weekly Messenger*, 1 Jan 1832, pp. 1, 6. It was also stated that society has 'grown weary of peace and civilization, Europe demanded a crisis' to radically alter society, where for no longer should 'kings, princes, and courtiers' have all the riches, but that the turn of the working class was coming where they could equally have a 'safe and comfortable journey towards the greatest happiness of the greatest number', p. 4.

the link between the first two essays demonstrates that Mill's theory of liberty never changed significantly, calling into question secondary commentators who differentiate between multiple theories in his early development.

#### 'BENTHAM' 1838

By 1838, Mill had secured a pool of loyalists for his current and future writings. The essay on 'Bentham' is Mill's first public exercise of freedom in light of the recent deaths of both Bentham and his father, James Mill.<sup>232</sup> This period marks the start of Mill's independent exploration of ideas on liberty. The essay on 'Bentham' appeared in the radical liberal journal, *Westminster Review*, where Mill credits him as 'the father of English innovation' endorsing his reputation as one of 'the great intellectual benefactors of mankind'. Bentham had helped restore faith in the laws that governed the land not through his own works, but 'through the minds and pens which those writings fed – through the men in more direct contact with the world'.<sup>233</sup> This depiction of Bentham persisted throughout Mill's essay.

We have seen how responses to Mill's essay did not doubt the intellect and uniqueness of Bentham, but it becomes precisely this characteristic which renders him old-fashioned and out of touch. Mill encouraged people to dismiss Bentham, rejecting his view of human nature where we are not guided by self-interest but are driven by our desire for perfection.<sup>234</sup> This is however rejected by the *Leeds Times*, a radical newspaper, which describes Bentham as the only proponent 'of those truths which only now begin to be appreciated' and refer to him as a 'political prophet'.<sup>235</sup> The moderately liberal *Morning Chronicle* added some months later that 'the age of law reform and the age of Jeremy Bentham are one and the same. Bentham, after

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<sup>232</sup> CW 10, p. xvii. Bentham died in 1832 and James Mill in 1836. Williams added that 'until his mental crisis in 1826, Mill's approach to the study of politics was that provided for him by Benthamism; the belief that human nature can be analysed in terms of pleasure and pain'. See Williams, *John Stuart Mill on Politics and Society*, p. 19. After Bentham's death, Mill's theory of liberty could accommodate other principles, perhaps even those which clashed with utilitarianism.

<sup>233</sup> *Westminster Review*, Aug 1838, no 2, p. 469. *Westminster Review* was the official periodical of the philosophical radicals. Claeys has written that 'to the Philosophic Radicals of the 1830s, Benthamism offered a reforming outlook which regarded legislation as a vehicle for social and political change'. However, in light of Mill's mental crisis and subsequent revision of ideas, this all changed. See *Mill and Paternalism*, p. 21.

<sup>234</sup> See further Ryan, *J.S. Mill* who claimed that the 'uncertainty and remoteness of the principle of utility is perhaps the simplest opening through which to approach Mill's doubts about Bentham's philosophy of life', p. 54. Moreover, we must consider Ryan's assertion that 'Mill's claim that "the greatest happiness principle" is not of direct use in telling us what to do: much of the problem is knowing what does create happiness', which implies that this can only be discovered through greater expressions of individuality. See Ryan, *J.S. Mill*, p. 54.

<sup>235</sup> *Leeds Times*, 29 Dec 1838, p. 6.

all, was understood by the public to be the father of the most important of all the branches of reform, the leading and ruling department of human improvement'.<sup>236</sup> As Mill rejected Bentham, he still noted the value he brought to public discussion, giving a 'voice to those interests and instincts'<sup>237</sup> that had in previous times been neglected. Yet for Mill, Bentham's theory of liberty lacked essential features. For others, Bentham was widely respected for his axiom on utility,<sup>238</sup> with the *Leeds Times* noting 'that all laws should be framed for the greatest happiness to the greatest number'. For Mill, however, this was inadequate for progress.

Convincing the public would not be easy. The *Leeds Times* was first to challenge Mill's criticisms of Bentham, calling for 'political pilgrims' to come together. Bentham is the 'chief of moralists – this profound political economist'<sup>239</sup> and for many, there were no obvious shortfalls in his work. The *Morning Advertiser* praised Bentham as 'the great master of the science of legislation and of morals as bearing on legislation'.<sup>240</sup> Bentham utilised the business of codification to provide a scientific basis to his ultimate goal of enhancing the happiness of the community and he achieved this by 'not only reducing to a system and method the existing laws, but in so amending them as to make them capable of accomplishing their cardinal object'.<sup>241</sup> Many felt Bentham exposed the defects in the English system of jurisprudence, something which no one before seriously considered doing.<sup>242</sup> Mill however sought to add to Bentham's utilitarianism, not undermine it.

We have seen how Mill sought to expand Bentham's system, not restrict it, in order to accommodate for his increasing concerns over the condition of England. *The Examiner* noted in 1830 that on 'the evils existing in the Judicial System of his country', Bentham makes 'a full disclosure to the public of the most abominable system of fraud practiced by a superior class of men, who have the impudence to style themselves of an honourable profession'.<sup>243</sup>

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<sup>236</sup> *Morning Chronicle*, 4 Aug 1838, p. 6.

<sup>237</sup> *Westminster Review*, Aug 1838, no 2, p. 469.

<sup>238</sup> *Morning Advertiser*, 15 Mar 1838, wrote that to criticise Bentham's works in the columns of newspapers would be 'superfluous', p. 3.

<sup>239</sup> *Leeds Times*, 29 Dec 1838, p. 6. See further Camic, 'The Utilitarians Revisited', pp. 516-550.

<sup>240</sup> *Morning Advertiser*, 15 Mar 1838, p. 3.

<sup>241</sup> *Morning Chronicle*, 4 Aug 1838, p. 6.

<sup>242</sup> See *Morning Chronicle*, 4 Aug 1838, p. 6, which particularly praised Bentham's work in jurisprudence and legislation. The article wrote further that even the Chancellor, Lord Brougham, who trained as a young lawyer and founded the *Edinburgh Review* (a quarterly liberal magazine), was a fan of him. See further Jones, *Victorian Political Thought* which noted that Dicey claimed Benthamism 'was the dominant and authoritative influence on legislation in the period 1825-70', p. xiii. If this is accurate, it may help explain why Mill struggled to have the impact he desired with the publication of *On Liberty*.

<sup>243</sup> *The Examiner*, 3 Jan 1830, p. 5.

Power remaining in the hands of the corrupt was a key concern for society and pleas for justice regularly fell onto deaf ears. *The Pilot*, a liberal newspaper, echoed the anger noted in *The Examiner*, writing that on reform associations in London, those who actually had a voice in elections was insignificant. Power ‘was not in the hands of a majority of the people, but in those of a few individuals, who neither represented the wealth, intelligence or independence of the country’.<sup>244</sup> Liberty and freedom will never be until ‘popular rights and public privileges have more of a public investment’.<sup>245</sup> This required contributions from *all* citizens and is precisely what Mill addressed in his earlier works, the art in working cooperatively.

Commentators had taken note of Mill’s earlier essays and his insistence upon the need to work together. The radical periodical, *London Dispatch*, asserted that the sooner a coalition merges together, we will all ‘have the truth demonstrated, that the aristocracy have an interest adverse to that of the people; and the latter will be taught to rely on themselves, and not on any section of the aristocracy, for the attainment of good government’.<sup>246</sup> Corruption impedes upon the moral health of a society and is a disaster for the cultivation of liberty and freedom.<sup>247</sup> More people must have the opportunity to develop good characters so that they can enlighten those who are sceptical of progress. Accordingly, government intervention too may be required to coerce people for their own benefit as well as the community.

Nonetheless, Mill and Bentham still had their opponents. The liberal *Sheffield Iris* noted that ‘among those “incapable of forming an opinion” may be numbered Adam Smith, Bentham, Ricardo, Mill, Archbishop Whateley, Senior, Bowring, Lord Fitzwilliam, and many other foolish ill-informed individuals’.<sup>248</sup> Other charges are directed at the irrelevance of Bentham’s work, with the liberal *Bristol Mercury* claiming that ‘it is not the fashion to quote Mr. Bentham; the man is popular – his principles are more so; but his works are not so universally read as they deserve to be’.<sup>249</sup> Perhaps Mill’s essay had a greater impact than he is given credit. Praising Mill’s criticism of Bentham, *Bell’s New Weekly Messenger* added that as ‘great as Jerry was, death smote the great mortal at last’. It was further noted that the *Westminster Review*

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<sup>244</sup> *The Pilot*, 21 July 1830, p. 4.

<sup>245</sup> *Morning Advertiser*, 6 Jan 1838, p. 3.

<sup>246</sup> *London Dispatch*, 7 Jan 1838, p. 547.

<sup>247</sup> See *London Evening Standard*, 26 Jan 1838, p. 4, which stated that the only justification a revolt needs is that it will bring a fair probability of success. This also applies to the invasion of liberty justified on the grounds of establishing greater liberty for a greater number. *London Evening Standard* was a conservative newspaper.

<sup>248</sup> *Sheffield Iris*, 12 Mar 1839, p. 2.

<sup>249</sup> *Bristol Mercury*, 28 June 1831, p. 4.

was ‘a stupid publication’ for maintaining from the very start that Bentham was ‘the greatest of law-givers and the greatest of men’<sup>250</sup> when he was, from their perspective at least, quite the opposite.

By the late 1830s, it was noted that ‘oppression, although appreciated, has been tolerated; and coercion, although hated, has been permitted to work its purpose with impunity’. Public opinion is a ‘terrific engine’ for rousing a nation behind a combined effort. The *Morning Advertiser*, in rejecting Mill’s essay on ‘Bentham’, noted that social change would have begun much earlier in the nineteenth-century ‘had people wanted to listen to the doctrines of the likes of Bentham and co, or had their doctrines been more widely spread in earlier times even’. It is by the start of the 1840s where we can clearly see commentators detach from intellectuals and start to confront social injustice across society. As we turn to Coleridge, we will see that through bringing to the forefront of discussion an alternative means of expression, he maintained public interest and fired up society even more in the revolution against social and political inequality.

#### ‘COLERIDGE’ 1840

In 1840, Mill wrote his essay on ‘Coleridge’, who had contributed ‘to shape the opinions of those among its younger men, who can be said to have opinions at all’.<sup>251</sup> Known as one of the most important of the British poets, founding the Romantic movement with Wordsworth, his contribution to liberty in the nineteenth-century inspired the working class to use art and poetry as tools to express their opinions freely. The political library journal, the *Dublin Monitor*, noted that ‘his politics purified as his poetry grew thick’,<sup>252</sup> encouraging his readers to form their own ideas. In this period, artistic expressions were used to address questions of liberty and freedom, not just by Coleridge but in a growing number of minds.

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<sup>250</sup> *Bell’s New Weekly Messenger*, 7 Oct 1832, p. 410. Skorupski argued that Mill’s chief criticism of Bentham focused on the idea that his ‘moral psychology is a collection of misleading or banal abstractions, uninformed by any mature understanding of human beings’. See Skorupski, *John Stuart Mill*, p. 321. Claeys added that ‘Bentham was chillingly illiberal in his treatment of the least fortunate’ and for this reason, there were clear authoritarian implications of Bentham’s scheme. See Claeys, *Mill and Paternalism*, p. 19.

<sup>251</sup> *Morning Advertiser*, 6 Jan 1838, pp. 3, 4. See Claeys, *Mill and Paternalism*, p. 134. Claeys points out that Mill read Coleridge ‘in search of answers to the shortcomings of Benthamism’. See further Capaldi, *John Stuart Mill*, p. 143. Capaldi noted that the essay on ‘Coleridge’ addresses Mill’s problematic question, ‘how to maintain the benefits of liberal culture and how to overcome its limitations’. A clear connection can be made with Mill’s earlier essay ‘On Genius’, which revealed the causes of a regressive England and how society should fix this so to create a liberal culture.

<sup>252</sup> *Dublin Monitor*, 5 Sep 1840, p. 3.

Mill's anxiety over events unfolding in Europe had become a public concern. The *Morning Post*, a conservative newspaper, noted that since the beginning of the nineteenth-century, the British have been occupied with Napoleon and hadn't thought to concern themselves with 'the great men who have been among us – men not conversant with war nor with mechanics, but only great in philosophy and poetry'. Of those most qualified in philosophy and poetry, 'the most *remarkable* undoubtedly' was Coleridge, 'a *comparatively* unnoticed man'.<sup>253</sup> Commentators related Mill's essay to Hazlitt and Birch, noting that acts of genius were indicative of how much liberty you had.<sup>254</sup> Mill was applauded for revisiting this discussion on the liberation of culture from the grip of the aristocracy, where art and culture become a right and not a privilege.

Thus far, Mill's essay on 'Coleridge' related expressions of genius and individuality to acts of liberty. In light of this, the *Morning Post* printed the opening pages to Birch's poem, which noted, 'ye birds of liberty, mind not man, reveal me reason' where an ariel flight from man on the ground to reason up above is used to describe current movements within society. As with Hazlitt, Birch sought 'to affix a distinctive character to each, and to place before the minds of his readers a hasty review of the principal features in their individual history; of the monuments to which they owe their fame; and the causes from which has risen their decay'. The *Morning Post* observed that people are right to criticise social injustice for 'excessive ideality seems to be the leading tendency of the writer's mind, and in its excessive indulgence he loses sight of more sober realities'.<sup>255</sup> Coleridge 'seemed never able to disengage himself from the idea, that it was his duty at once to enlighten and astound the whole living race of mankind, besides leaving a handsome legacy for all generations to come'.<sup>256</sup> Like Mill, Coleridge felt it his responsibility to cultivate good characters and inspire a moral revolution in society.

Coleridge and Bentham have been referred to as 'worshippers of Civilisation and Independence'. The *Kendal Mercury*, a liberal newspaper, added that 'one may see in a very

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<sup>253</sup> *Morning Post*, 19 Nov 1840, p. 5.

<sup>254</sup> See Hazlitt, 'The Spirit of the Age' and Birch, 'The Real and the Ideal'. Both of these texts explore the concept of liberty in a more poetic and illustrious manner, as is reflected in the newspapers and periodicals of the period.

<sup>255</sup> *Morning Post*, 7 May 1840, p. 6.

<sup>256</sup> *Dublin Monitor*, 5 Sep 1840, p. 3. Ryan claimed that this is precisely why Mill praised him. Coleridge not only filled the gaps absent from Bentham's theory but gave Mill 'new insights into the role of the state in promoting educational and moral purposes'. See Ryan, *J.S. Mill*, p. 57.

strong light, the need which the great mass of mankind have, of being ruled over by a degree of intelligence and virtue superior to their own'. Responsibility therefore fell to 'their superiors in culture'. Coleridge maintained there is a role for everyone; the *Kendal Mercury* added that 'the only possible remedy is a pure democracy, in which the people are their own governors, and can have no selfish interest in oppressing themselves'.<sup>257</sup> Each of these works reinforced Mill's chief concern found in his theory of liberty. For as long as people were intolerant, divisions between class and gender would continue to grow across society. With this came the prevention of freedom of discussion for certain groups and the consolidation of a regressive society. Mill's main concern was that society would suffer as a result of a minority few.

Responses went so far as to connect Mill and Coleridge's thoughts on liberty to trade and commerce, feeding into discussion of the *Principles*. The literary journal, *Durham County Advertiser*, challenged any government policy acting upon 'the accursed principle of deliberately injuring foreign manufacturers, if they can, even to the ultimate disgrace of the country, and loss to themselves'.<sup>258</sup> Questions of generating positive trade and commerce came into fruition in the years leading up to the publication of the *Principles* and the events of 1848 added to this sentiment. If 'we are to become a great horde of manufacturers, shall we not, even more than at present, excite the ill-will of all the manufacturers of other nations?' The 'nation that cannot even exist without the commodity of another nation, is in effect the slave of that other nation'.<sup>259</sup> State commodity and the corn-laws emerged as concerns driven by readings of Coleridge as well as Bentham and this would set up much of the debate we see in the 1840s.<sup>260</sup> For Mill, Coleridge had added something vital to discussion on the need for both private and voluntary agency and this would feed into discussion on cooperation with the publication of the *Principles*.

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<sup>257</sup> *Kendal Mercury*, 11 Apr 1840, p. 4. See further Sanders, 'Coleridge as a Champion of Liberty', pp. 618-631.

<sup>258</sup> This article appears in *Durham County Advertiser*, 23 July 1841, p. 3 but is taken from *Coleridge's Table Talk*, p. 297.

<sup>259</sup> *Coleridge's Table Talk*, pp. 297, 303.

<sup>260</sup> Claeys noted that 'the turning point in Mill's thought respecting both landed and state obligation, then, came between 1845-48, as the currents emanating from Coleridge, Saint-Simonism and cooperation began to emerge'. See *Mill and Paternalism*, p. 139. Moreover, 'Coleridge also prompted Mill's most important early concession of the weakness of the extreme *laissez-faire* model', p. 136.



LATER PUBLICATIONS  
THE *SYSTEM OF LOGIC* 1843

The *System of Logic* was chiefly read by public intellectuals and university students concerned with the study of logic, language, knowledge and scientific methods for understanding human reason.<sup>261</sup> Whilst groups were drawn to the intellectual rigour of Mill's work, unsurprisingly for the majority, the response was somewhat unenthusiastic and unconvinced. The radical Sunday paper, *Lloyd's Weekly Newspaper*, claimed that 'the notice of "Mill's System of Logic" is as hard and dry as the work on which it discourses'.<sup>262</sup> The *Warder and Dublin Weekly Mail* added that 'to the light reader, it must be anything but enticing', commenting further that Mill's 'Logic is rather a dry topic for the present class of readers'.<sup>263</sup> But this seems to have missed the point of Mill's work, for it has often been associated in contemporary literature as the source of Mill's conception of freedom, which we find in *On Liberty*.<sup>264</sup>

Initial responses suggested that the text was concerned with municipal reform, with one reviewer noting that it was 'talented, clear, and most interesting, and will amply reward for perusal'.<sup>265</sup> In light of this, the *Dublin Monitor* claimed that the *System of Logic* was 'a very excellent paper' and one which 'goes far to redeem the literature of our age from the charge of frivolity and superficiality'.<sup>266</sup> Whilst circulation of the work brought with it periods of confusion and dismissal, it reveals the progressive nature of Mill's political thought leading up to 1859. Mill's thoughts on liberty were supported by scientific enquiry rather than something divine. Logic, after all, was an exercise in the art of evaluating evidence and shared beliefs to improve human progress.

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<sup>261</sup> The greatest number of responses to the *System of Logic* appeared in *Oxford University and City Herald* as well as *Cambridge Chronicle and Journal* (both were weekly conservative newspapers). Notices and reviews of this work appeared in newspapers in 1843 and the surrounding years but was written with less intensity and rigor when compared to articles in university magazines. Urbinati has noted that the '*System of Logic* did for ideologies what *Representative Government* did for politics. It aimed to make a dialogue possible among opposite comprehensive views'. See Urbinati, 'John Stuart Mill, Romantics' Socrates, and the Public Role of the Intellectual', in K. N. Demetriou and A. Loizides, ed. *John Stuart Mill: A British Socrates*, p. 62.

<sup>262</sup> *Lloyd's Weekly Newspaper*, 21 May 1843, p. 6. *Lloyd's* added that in the *System of Logic*, we do not find that 'its dryness is atoned for by any particular force or depth of reasoning' (p. 6).

<sup>263</sup> *Warder and Dublin Weekly Mail*, 7 Oct 1843, p. 5 (religious or political affiliation unknown).

<sup>264</sup> See Gray and Smith, 'Introduction', in Gray and Smith, ed. *J.S. Mill On Liberty in Focus*. Gray noted that 'the "self-amendment" of the *System of Logic* evolves naturally into the "individuality" of *On Liberty*, and the logical form of the conception of freedom', p. 14. For further studies, see Jackson, *An Examination of the Deductive Logic of John Stuart Mill*, Scarre, *Logic and Reality in the Philosophy of John Stuart Mill*, Skorupski, *John Stuart Mill*, Ryan, *The Philosophy of John Stuart Mill* and Anschutz, 'The Logic of J. S. Mill'.

<sup>265</sup> *Nottingham Review*, 26 May 1843, p. 7. This was a weekly conservative newspaper.

<sup>266</sup> *Dublin Monitor*, 2 Oct 1843, p. 2.

However, *Lloyd's Weekly Newspaper* maintained that Mill's arguments 'will make little or no impression on the public mind, for there appears to be just now a general indisposition to stir in the matter, and a willingness to remain in *status quo*'.<sup>267</sup> During this period, commentators regarded large towns and cities as 'a sphere of action'. Developing individual morality 'would speedily exhibit improvement'<sup>268</sup> in other areas. The *System of Logic* acquired more general comments applauding its 'varied and attractive contents'<sup>269</sup> whilst assuring readers the author of such work 'is an advocate for an unflinching reform'.<sup>270</sup> It seems that by this stage, Mill's theory of liberty was looked upon as being far more representative of all citizens than his earlier essays might have implied. With this came a revision of interpretations of Mill, individuality did not mean neglect of the community.

Mill had used the idea of the 'Art of Life' to express precisely how we could each master our own lives.<sup>271</sup> Whereas traditional interpretations of the *System of Logic* concluded that Mill was inconsistent, more recent accounts demonstrated a theory of utility consistent with liberty.<sup>272</sup> But Mill felt that looking at life as art would cultivate character and rid society of diminished individual happiness and self-agency that compromised progress.<sup>273</sup> In his inaugural address given at the University of St Andrews, he noted that when art is properly cultivated, 'it trains us never to be completely satisfied with imperfection in what we ourselves do and are: to idealise, as much as possible, every work we do, and most of all, our own characters and lives'.<sup>274</sup> Only when we begin to cultivate our individual faculties can we advance the march of human progress. As we will uncover in chapter 5, the institution of the

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<sup>267</sup> *Lloyd's Weekly Newspaper*, 21 May 1843, p. 6.

<sup>268</sup> *Morning Post*, 4 Dec 1843, p. 5.

<sup>269</sup> *Caledonian Mercury*, 15 May 1843, p. 4. A newspaper published 3 days a week commenting on local affairs.

<sup>270</sup> *Lloyd's Weekly Newspaper*, 21 May 1843, p. 6.

<sup>271</sup> CW 8, p. 949.

<sup>272</sup> See further Loizides, 'The Socratic Origins of John Stuart Mill's "Art of Life"', in K. N. Demetriou and A. Loizides, ed. *John Stuart Mill: A British Socrates*, pp. 75-96. On utilitarianism, Mill noted that the promotion of happiness should be the justification of all ends, not itself the end of all actions. Mill wrote, 'I hold that the very question, what constitutes this elevation of character, is itself to be decided by a reference to happiness as the standard' (CW 8, p. 952). See further Ryan, *The Philosophy of John Stuart Mill*, pp. 233-255. See Donner, 'Utilitarianism: Morality, Justice, and the Art of Life', in Donner and Fumerton, ed. *Mill for a discussion specific to this idea of the art of life in relation to broader questions of liberty in the System of Logic*. See further Riley, *Liberal Utilitarianism: Social Choice Theory and J.S. Mill's Philosophy*, pp. 226-231.

<sup>273</sup> See Ryan, *The Philosophy of John Stuart Mill*. Ryan argued that 'once we have established the rational society, scientifically understood, controlled according to utilitarian principles, the goals we aim to transcend these, and can only be described as the freely pursued life of personal nobility – the establishment of the life of the individual as a work of art', p. 255.

<sup>274</sup> CW 21, p. 256.

family will be instrumental in this for it provided greater opportunities for the cultivation of character.<sup>275</sup>

The *System of Logic* had encouraged society to be their own master and to be more individualistic rather than social.<sup>276</sup> This shift brought with it a new understanding of Mill's theory of liberty. *Lloyd's Weekly Newspaper* noted that the aldermen, who have extraordinary powers, are 'irresponsible to their constituents and to public opinion'. The biggest drawback of reform is that 'they are put forth at a wrong season' where it wouldn't occur to those in the House of Commons as an urgent matter. The 'privileges and constitution of these functionaries are utterly at variance with the principles of free institutions, without realising the advantages of the opposite system'<sup>277</sup> and this had turned London into 'the needy villain's general home'.<sup>278</sup> Ultimately, it was the *System of Logic* which Mill hoped would introduce a progressive stage of deliberation across society.<sup>279</sup> Mill would still attract the attention of critics but it was the *Principles* which would endorse his position as a public intellectual.

#### THE *PRINCIPLES OF POLITICAL ECONOMY* 1848

The *Principles* went through seven revisions until Mill's death in 1873.<sup>280</sup> Williams had noted that by comparing the first three editions of the *Principles*, we can see that 'between 1848 and 1852 his opposition to socialism is replaced by sympathetic discussion'.<sup>281</sup> These adjustments

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<sup>275</sup> See Colin Heydt, 'Mill, Life as Art, and Problems of Self-Description in an Industrial Age', in B. Eggleston, D. E. Miller, and D. Weinstein, ed. *John Stuart Mill and the Art of Life*, pp. 264-290.

<sup>276</sup> Many responses to the *System of Logic* came from university periodicals. *Oxford University and City Herald* concluded that it was 'a good paper' and one 'with a promise of treating on the subject of Induction'. See *Oxford University and City Herald*, 12 Oct 1843, p. 6. See further advertisements on the *System of Logic*, particularly in *Oxford University and City Herald*, 19 Oct 1843, *Cambridge Chronicle and Journal*, 21 and 28 Oct 1843. The *System of Logic* proved to be an anticipated text for universities but was met with less excitement by the rest of society.

<sup>277</sup> *Lloyd's Weekly Newspaper*, 21 May 1843, p. 6.

<sup>278</sup> *Morning Post*, 4 Dec 1843, p. 5. This expression was penned by Samuel Johnson, an English writer who made vast contributions to literature a century earlier. Johnson famously referred to London as 'the common sewer of Paris and of Rome! With eager thirst, by folly or by fate, Sucks in the dregs of each corrupted state', (reprinted in the *National Preacher*, no 10, Mar 1841, p. 57. The *National Preacher* was a monthly conservative periodical).

<sup>279</sup> See further Urbinati's reading on what Mill actually proposed in the *System of Logic*. Urbinati stated that Mill 'wanted to devise a method for finding out how the mind proceeds when working out an opinion, yet not in order to replace it with truth but to make it open to exchange as in a market'. Moreover, she concluded that it is in this work where Mill 'challenged his readers to consider the meaning of justice, marriage, happiness, equality, citizenship, virtue, and so on'. See Urbinati, 'John Stuart Mill, Romantics' Socrates and the Public Role of the Intellectual', in K. N. Demetriou and A. Loizides, ed. *John Stuart Mill: A British Socrates*, p. 64. More broadly, see pp. 49-74.

<sup>280</sup> The first edition was published in 1848, followed by 1849, 1852, 1857, 1862, 1865 and 1871.

<sup>281</sup> See Williams, *John Stuart Mill on Politics and Society*, p. 17.

had shaped and refined his thoughts in the years leading up to *On Liberty* in 1859. It was undisputed that the *Principles* appealed to many people, impressing ‘the minds of men of the world and of legislature’. Prior to the publication of *On Liberty*, this was Mill’s acclaimed work. Discussions on political economy dominated newspaper headlines in the years surrounding 1848, with articles focusing on creating a fair relationship between labour and wages. The *Morning Chronicle* compared Mill’s contribution to that made by Adam Smith. Mill’s work treated ‘the social facts and ideas of the present age in the spirit which characterises the Wealth of Nations’ and was an ‘immediate and permanent success’.<sup>282</sup> *Bradford Observer*, a liberal newspaper, added that whatever government holds power, ‘it was of the utmost importance that they should have the mass of the people imbued with sound principles of political economy and free trade’, speculating that if people did not rehearse themselves thoroughly in these ideas, ‘they would reach out to communism’.<sup>283</sup> In this immediate period, the *Principles* was used to encourage improved relations between the government and society in communicating concerns of economic liberty and freedom. Levy had picked up on this discussion on the stationary state and economic growth in relation to the *Principles*, noting that ‘when his writings on the stationary state are integrated with his views on socialism, social dynamics, liberty, and equality, it becomes clear that the stationary state provided Mill with a set of economic and social conditions which logically completed his vision’.<sup>284</sup> The coherence of his system had proven attractive to many of Mill’s readers.

By 1848, Mill was steadily moving towards a collective economy. Claeys has noted that ‘the drift of Mill’s thinking from now onwards would be towards extending cooperation among the working classes from profit-sharing to co-ownership’.<sup>285</sup> This was a turning point in Mill’s support for cooperative production and echoed his relationship with the Saint-Simonians.<sup>286</sup> Moreover, Claeys has stated that ‘Mill’s premise from 1845 onwards seems to have been that the greater the workers’ share in the enterprise, the stronger would be their incentive to make

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<sup>282</sup> *Morning Chronicle*, 11 May 1848, p. 3. Ellery added that Mill had succeeded in ‘explaining the essential and abiding character of his Utilitarian ethic; the doctrine of a political economy based on social consciousness and moral principle’ and for this reason, Mill had engaged the attention of a number of admirers; he had espoused a theory of liberty which most could relate to, having suggested that improved economic conditions result from improved *social* conditions. See Ellery, *John Stuart Mill*, p. 54.

<sup>283</sup> *Bradford Observer*, 13 Apr 1848, p. 7.

<sup>284</sup> See Michael B. Levy, ‘Mill’s Stationary State & the Transcendence of Liberalism’, pp. 273-275.

<sup>285</sup> See Claeys, *Mill and Paternalism*, p. 138.

<sup>286</sup> See further Betts, ‘John Stuart Mill, Victorian Liberalism, and the Failure of Cooperative Production’, pp. 153-174.

it profitable'.<sup>287</sup> Capaldi wrote further that the *Principles* and Mill's other economic writings all have one goal, 'the encouragement and promotion of an entrepreneurial attitude among the working class, on the understanding that being entrepreneurial allows a space for the development of human excellence in other than monetary forms'.<sup>288</sup> This idea of self-rule or self-autonomy is something which dominates Mill's writings and this suggestion of partnership implies an equal distribution of responsibility, tying together the central argument of this thesis.

The conservative newspaper, *Bucks Herald*, observed that 'people believe the revolution in Paris is a communist movement. They know it to be like Owenism and St. Simonianism but like these two, it will soon make bankrupts of those who put it into practice, and convert a would-be Paradise into an actual Hell'.<sup>289</sup> Reiterating Bentham's comments that events unfolding in Europe should be watched and learnt from yet never imitated, *Bradford Observer* wrote that no revolutions must exist in England for 'in this country those results could be obtained by moral peaceable means'.<sup>290</sup> The *Morning Post* echoed these concerns by suggesting that it would be wiser 'to seek domestic peace, rather than engage with what the continentals have in attempting to establish perfect systems of social order but to no success'. Mill's theory of liberty in the *Principles* was framed around the idea of collective effort for individual development and many seemed to be supportive of this idea. Accordingly, the need to surrender individual liberties for the common good is something that Mill was sceptical about in the 1830s but by the 1840s, he had warmed to the idea and this was fuelled by his dismay at increasing inequality.

To support this claim, the *Morning Post* outlined the connection between revolutionary activity and poor economic prosperity. Richard Cobden, writing for the *Morning Post*, noted that people should pursue 'industrial occupations' as opposed to political or social agitation for 'perpetual social agitation will delay the benefits to be deprived from any social system'.<sup>291</sup>

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<sup>287</sup> See Claeys, *Mill and Paternalism*, p. 138.

<sup>288</sup> See Capaldi, *John Stuart Mill*, p. 147.

<sup>289</sup> *Bucks Herald*, 8 Apr 1848, p. 4.

<sup>290</sup> *Bradford Observer*, 13 Apr 1848, p. 7.

<sup>291</sup> *Morning Post*, 8 June 1848, p. 4. Richard Cobden was a radical and a liberal who strongly valued free trade. Cobden was fearful of the national experiments unfolding across Europe for agitation will hinder the ability of free trade to work practically in society. *Morning Post* often wrote in support of a social economy and called upon people to watch the consequences of agitation within Europe before engaging in any form of activity themselves. *Oxford University and City Herald* added (in support of a social economy) that the deficiencies in the Liberal policy of increasing revenue has been occasioned by 'the practical operation of free trade' which has depressed national interests (*Oxford University and City Herald*, 8 July 1848, p. 2).

The only role the state could assume was to organise industry through ‘certain modifications of the law of partnership’.<sup>292</sup> Cooperation would be crucial here. Mill had hoped, one day, that society could heal ‘the widening breach between those who toil and those who live on the produce of former toil’.<sup>293</sup> By this point, Mill had clearly demonstrated his commitment to equality, both in a class sense but equally with regards to gender.

Mill’s commentators focused their responses on moving away from ‘the deplorable habit of relying on the Government’<sup>294</sup> for a society which could be built on individual interests and morals. The idea of self-management is also found in commercial society debates. In a social economy, it was believed to help steady the common interest with other countries in order to ensure a mutual and profitable exchange.<sup>295</sup> However, whilst government intervention should not interfere with the natural laws that govern the economy, where it serves the well-being of the individual, it is permissible for it serves a proper end.<sup>296</sup>

Debates on economic liberty and social mobility were motivated by concern over a growing population and the effect this will have on employment and wages. The *Morning Chronicle* picks out a striking chapter of Mill’s work on the stationary state, commenting that ‘the growth of capital and production has reached its limits, and a further increase of population would be but an increase of unemployed and hungry wretchedness’.<sup>297</sup> Mill had warned after all that ‘even in a progressive state of capital, in old countries, a conscientious or prudential restraint on population is indispensable, to prevent the increase of numbers from outstripping the increase of capital, and the condition of the classes who are at the bottom of society from being deteriorated’.<sup>298</sup>

The clash between those supporting free trade and those who put their faith in a social economy became a very noticeable rivalry in the years following both the Reform Act of 1832 and the

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<sup>292</sup> *Morning Post*, 8 June 1848, p. 3. Ellery noted that ‘Mill’s *Political Economy* sets forth a complicated system in which the individual could seem insignificant, but this would be a gross error. Mill’s whole approach is predicated upon a wonderful faith in his fellow man’. See Ellery, *John Stuart Mill*, p. 56.

<sup>293</sup> CW 4, p. 382.

<sup>294</sup> *Morning Post*, 8 June 1848, p. 2.

<sup>295</sup> See in particular the *Morning Post*, 8 June 1848, p. 4.

<sup>296</sup> See further Ellery, *John Stuart Mill* which stated that ‘the influence of the progress of society on the production, distribution, and exchange of wealth must be carefully weighed on one hand, and the influence of government on the other’, p. 55.

<sup>297</sup> *Morning Chronicle*, 11 May 1848, p. 3.

<sup>298</sup> CW 3, p. 753.

Poor Law reforms of 1834. William Cobbett strongly supported a social economy and the rightful concerns that the state should have over maintaining a safe working environment, keeping wages at a fair living standard and ensuring good housing for labourers.<sup>299</sup> The *Morning Chronicle* noted that political economy seems to treat these social ills as ‘incurable’ and turned their attention to Mill’s work in the sciences to act as a remedy for this contagion.

Economically, Mill condemned ‘the principle of state guarantees of work and wages’ in preference of individual ownership. To those who claimed that cooperation is incompatible with individual ownership, ‘there has never been imagined any mode of distributing the produce of industry, so well adapted to the requirements of human nature on the whole, as that of letting the share of each individual (not in a state of bodily or mental incapacity) depend in the main on that individual’s own energies and exertions, and on such furtherance as may be obtained from the voluntary good office of others’.<sup>300</sup> Louis Blanc professed ‘let the State be a model father. If it is not, there can be nothing but violence and injustice’<sup>301</sup> because ‘the government overlooked the true principles of political economy’<sup>302</sup> and directly interfered with labour. Echoing these concerns, *Bucks Herald* noted that whilst it is the duty of the state to facilitate the means of ensuring every man can benefit from his labour, ‘let a State beware how it goes beyond this, lest it strike at the root of the first principles of political economy’.<sup>303</sup> Economical regeneration was important, but so was ensuring ownership and respect for individual rights.

Support for individualism endorsed the *Principles* and Mill’s critics were now concerned with attempts ‘to run down vested rights, and to interfere with that most sacred of all sanctities, the sanctity of property’. Property was a marker of economic standing and by 1848, it was a prize considered to be the most opulent, free from any state interference. ‘Freedom is our birthright’<sup>304</sup> was proclaimed in the liberal newspaper *Worcestershire Chronicle* with the *Morning Post* adding that the true principles of political economy did not prohibit market

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<sup>299</sup> William Cobbett and Edwin Chadwick were two leading figures involved in calling for sanitary reform. See Chadwick’s *Report on the Sanitary Condition of the Labouring Population of Great Britain* 1842, which reveals the great extent to which issues of public health and sanitation had upon ideas of political economy. Earlier proponents of these ideas include Smith, Malthus, Ricardo and Bentham.

<sup>300</sup> *Morning Chronicle*, 11 May 1848, p. 3.

<sup>301</sup> *Bucks Herald*, 8 Apr 1848, p. 4.

<sup>302</sup> *Bell’s Life in London*, 31 Dec 1848, p. 2. A weekly, anti-establishment newspaper aimed at the working class.

<sup>303</sup> *Bucks Herald*, 8 Apr 1848, p. 4.

<sup>304</sup> *Worcestershire Chronicle*, 7 June 1848, p. 3.

regulation but rather preserved rights whilst simultaneously increasing wealth.<sup>305</sup> The argument widely adopted in support of a social economy argued that it would see society ‘divided into great social families, living together in one great building or village, contributing each their separate share of talent, capital, or industry, and dividing the resulting profits in production to their contribution’. On paper, this economic model combined elements of social living with individual ownership and developed out of a reading of Mill’s earlier works.<sup>306</sup> The *Principles* was used to explain much more than just how society could construct their own functioning economies. It was used to deter people from revolution, to not remain idle but to not accept violence as the only means to induce reform. In this sense, Mill’s work corrected the path that English society was on, redirecting it towards the preservation of rights and freedoms, not their destruction.

### MILL’S REPUTATION IN THE 1850s

The new analysis offered here clarifies divisions of interpretation we find in the secondary literature. Commentators had been engaged with Mill since the 1830s and they had come to a number of conclusions before they read his famous essay *On Liberty*. Critics cited the discrepancies in his six earlier publications, choosing to read them *separately* rather than *collectively*, failing to read them as texts concerned with a similar concern. The argument presented thus far does not undermine existing studies but seeks to contribute a comprehensive account of Mill’s theory of liberty. Mill’s works published before 1859 divided opinion and this opened Mill to controversy rather than clarity yet many recent readings of Mill often ignore the detail found in contextual debates as his works were published since the 1830s.

The reception of Mill’s earlier publications demonstrates two vital points prior to the publication of *On Liberty*. Firstly, the reception from 1831 to 1859 unveils how engaged a number of political and religious periodicals were in Mill and his writings. Secondly, we can narrow this down further, to identify which works appealed to certain political, religious or independent groups. Accordingly, this clarifies the fate of Mill’s publications by showing how his reputation developed in the nineteenth-century. The reception of ‘The Spirit of the Age’

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<sup>305</sup> *Morning Post*, 8 June 1848, p. 4.

<sup>306</sup> *Bucks Herald*, 8 Apr 1848, p. 4. Newspapers read Saint-Simon and Fourier as individuals seeking to resolve the problem of revolutions so as to prevent society turning into ‘hell’ rather than a ‘paradise’. Their leading idea was ‘the overthrow of the right of separate property, and of the separate enjoyment of its produce’.



was chiefly dominated by radicals and liberals. 'On Genius' interested responses by mostly conservative and radical unitarians. Mill's essay on 'Bentham' provoked reaction from mostly liberals, both radical and moderate, with the odd conservative response for good measure. The essay on 'Coleridge' is the outlier thus far, in the sense that it was engaged with by a multitude of periodicals; not one political or religious journal dominated the reception in the period from 1831 to 1859. The reception of the *System of Logic* was dominated by conservative periodicals. Finally, the *Principles*, met by mostly liberal observers, it was praised for preserving individual rights whilst supporting a social economy. After publishing the *System of Logic* and the *Principles*, Mill established himself as a public intellectual, but it was the latter of these works which appealed to a far greater audience.

By 1859, the public had scrutinised Mill's theory of liberty. The more learned readers would have read Mill's essay on 'The Spirit of the Age' and 'On Genius' and noticed his unorthodox views on the role of the individual. Those who praised these two essays indicated approval at the need for a cultivated elite to guide the majority. 'Bentham', 'Coleridge' and the *System of Logic* were received by the public in very similar ways. Whilst they did not rouse suspicion as to what Mill's intentions were, they were viewed as comparatively dry works. The political and social consequences would prove to be problematic for the reception of *On Liberty*.

With the *Principles*, Mill established a reputation as the people's intellectual. Mill admired both individualism and collectivism. Mill's discussion on creating a better relationship between labour and wages spoke to everyone, it was a text which certified Mill as a thinker of the stature of Adam Smith. Mill's critics connected the 1848 revolutions with economic instability, resulting in arguments against collectivism. On the other hand, promoting self-government and independence seemed far more appealing and this would prove a key reference point in the 1870s when the debate on individualism and collectivism gained momentum.

## CHAPTER 2

### Reconsidering *On Liberty*, 1859 - 1869

#### INTRODUCTION

The arguments found in *On Liberty* are similar to Mill's earlier publications. However, the number of disparities in the reception of these earlier works compared with the essay of 1859 suggests there is more to the reception of Mill than is currently detailed in the very few and brief historically ground studies. Consider Mill's belief that Christianity is to blame for the increasingly submissive and obedient nature of individuals. This argument paved the way for his doctrine of individualism as well as his defence of the freedom of thought and discussion. This set the tone for a distinct set of arguments and challenges from religious groups and attempts seeking to tame the contents of *On Liberty*. Mill's estimation of the value of individuality had agitated a number of his critics, particularly those who saw no problem in the existing relationship between the individual and the state. Each of Mill's chapters had upset someone and often for different reasons. This chapter will explore the reception of the chapters of *On Liberty* to ascertain if, or how, Mill's theory of liberty had changed since his earlier publications.

The first four chapters of *On Liberty* dominated the reception in the first ten years; the one chapter which did not was Mill's discussion on the applications of his theory. Responses briefly touched upon marriage and overpopulation, but this discussion did not really develop until the 1890s. Readers were so captivated by Mill's views on freedom of discussion and the worth of individualism, they often ignored some of the most important parts of *On Liberty*, those which implied a re-reading of the text in its entirety. The difficulty in finding a straightforward reading of *On Liberty* confirms the elasticity of interpretations as well as the potential scope of Mill's intentions. As we have seen in the previous chapter, newspapers and periodicals published from 1831 provided an invaluable and alternative reading of the reception of Mill's works. These earlier pieces explored ideas such as Mill's preference for cultivated minds and the importance of economic independence and social mobility. This chapter will consider the reception of *On Liberty* in the period 1859 to 1869. As we will see, this period unveils the controversial character of Mill. This not only revises our understanding of Mill's reading of liberty but enables us to identify moments in his chronological development that fostered more

provocative reactions. Ultimately, this revealed that the arguments of *On Liberty* needed to be watered down if people were to take them more seriously and that it was almost impossible to ignore Mill.

## INTRODUCTORY

Despite Mill offering one very simple principle, the majority of readers who reacted to his essay attest how it was far from simple after all.<sup>307</sup> In his introductory chapter, Mill noted that he sought to confine his discussion to civil, or social liberty, firstly providing an overview of the development of liberty. In April 1859, we can identify some of the earliest expressions of what we now frequently refer to as positive or negative readings of the text.<sup>308</sup> For instance, the quarterly magazine, *The National Review*, which was co-edited by a liberal and a clergyman, noted that Mill's use of the term was liberty 'in its negative rather than its positive significance' for it 'implies that fresh and unconstrained play of national character, that fullness of social life and vivacity of public energy, which it is one of the worst results of such constraint to subdue or extinguish'. *On Liberty* was 'in many parts a continuous wail over the tendency of the individual mind to succumb to the conventional prejudices of a social creed'.<sup>309</sup> In trying to exclude the influences of one group, Mill had simultaneously paralysed the other. *Bentley's Quarterly Review*, a conservative periodical, claimed that Mill's principle is most effectively the absence of restraints on social opinion.<sup>310</sup> Liberty is not so much a state of being but a right, one which 'implies certain promises, guarantees, indemnities, reliable securities, against interference'.<sup>311</sup> However, in light of the responses we will disclose in this chapter, the inconsistencies within his essay are revealed, as is the somewhat elastic liberty principle in *On Liberty*.

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<sup>307</sup> See further Himmelfarb, 'Liberty: "One Very Simple Principle"?', pp. 531-550 and Clausen, 'John Stuart Mill's "Very Simple Principle"', pp. 40-46.

<sup>308</sup> For some studies on this reading, see Habibi, 'The Positive/Negative Liberty Distinction and J.S. Mill's Theory of Liberty', pp. 347-368. Also, Kristjánsson, 'What is Wrong with Positive Freedom', pp. 289-310 as well as MacCallum Jr., 'Negative and Positive Freedom', pp. 312-334.

<sup>309</sup> *The National Review*, Apr 1859, pp. 407, 414. *The National Review* is one of the few periodicals in the mid nineteenth-century which closely engaged with the development of Mill's use of the term liberty, with particular focus on whether it was best expressed positively or negatively.

<sup>310</sup> See *Bentley's Quarterly Review*, Oct 1859, for a thorough review focusing on a negative reading of *On Liberty*. Originally set up to rival the *Edinburgh Review* and the *Quarterly Review*, *Bentley's Quarterly Review* did not enjoy much popularity and had low sales.

<sup>311</sup> *The London Review*, Apr 1861, p. 117. A quarterly periodical running from 1828, *The London Review* wrote on political and economic matters.

Initial responses associated *On Liberty* with liberty in a negative sense. The first attempt to situate *On Liberty* in the context of political and social discussions came from the *Evening Mail*, a sibling paper of *The Times*. It concluded that *On Liberty* was ‘an attempt to define on philosophical grounds the legitimate objects of government, whatever its form may be’. Mill’s intent then was to establish lawful bodies and determine their relationship with the rest of society. The *Evening Mail* added further that the purpose of *On Liberty* was to decipher what the government is to do for society. When ‘principles argued for by great political prophets are superseded over time’,<sup>312</sup> *On Liberty* was initially seen as *the* text to redefine these values.<sup>313</sup>

Thus far, critics have read *On Liberty* as an essay which expressed the relationships people should have within society and stressed the value of individual sovereignty. In light of this, the *Evening Mail* claimed that whilst legislators should aim to encourage the flourishing of individual natures, this is not the business of government. Adding further, they noted that self-protection is the only condition in which ‘mankind are warranted to interfere, either by legal penalties, or moral coercion, in the shape of public opinion, with the liberty of action of any of their number’. Mill’s preference for self-protection justified ‘society in punishing an individual for the harm that he does, but even for abstinence (in some cases) from good that he might do’,<sup>314</sup> so that individuals are encouraged to refine good traits.

Readings of the introductory chapter of *On Liberty* raised significant questions for Mill’s theory of liberty. Firstly, for Mill’s liberal critics, *On Liberty* was wrong to legitimise interference on the basis of correcting ill-founded opinions as this is a tyranny and infringement upon the overall health of society. Secondly, commentators raised the issue of how we are to remedy unsound opinions if society is not to interfere with the freedom of another. After all, the *Evening Mail* read *On Liberty* as a text with a vague hope of success in ‘neutralizing

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<sup>312</sup> *Evening Mail*, 4 Mar 1859, p. 7. *Evening Mail* was first published in 1789 by the Walter family, a year after the first publication of *The Times*. Walter II, before his son Walter III took over in 1846, sought to publish the news before any of his competitors, which brought in impressive sales and great power. Walter II was innovative in his revised attitude towards theatre advertising and reviews of productions and maintained neutrality in party politics all his life. At the appointment of Walter III as chief editor in 1846, the newspaper faced a great difficulty in balancing Walter’s personal position as an MP with accusations of partiality in political matters. The paper was eventually sold in 1908.

<sup>313</sup> *Bury Free Press* further wrote that ‘it is far safer and far more honourable to move in harmony with great principles than parties’. Party politics is never a reliable nor constant practice to put your faith in and for this reason, opinions formed in accordance with your own morals will serve you better in the long-term (28 May 1859, p. 4). A weekly centrist newspaper.

<sup>314</sup> *Evening Mail*, 4 Mar 1859, p. 7.

intolerance by claiming “public opinion” as a part of the defensive armoury of society, to be employed for the sole purpose of “self-protection”<sup>315</sup>.

However, the suspicion surrounding Mill’s essay did not result in particularly damaging reviews. The *Cheltenham Mercury*, a liberal newspaper, claimed that Mill’s discussion of social freedom and independence urged readers to be much more cautious in exercising authority over another individual and to be aware of the boundaries of interference.<sup>316</sup> The local newspaper, *Man of Ross, and General Advertiser*, too claimed that Mill’s emphasis upon self-protection essentially compelled one another to live well so that it is good for others and was deserving of the name freedom. Moreover, *On Liberty* was an attempt to accentuate the relationship people have with one another, encouraging mutual respect for self-governance, one where politics nor society should corrupt or interfere.<sup>317</sup> From this angle, it seems that all Mill really did was remind people of the importance of social relations alongside those with the state, yet, as we will see, his essay would never be read that simply.

Mill had claimed in his introductory chapter that ‘the sole end for which mankind are warranted, individually or collectively, in interfering with the liberty of action of any of their number, is self-protection’.<sup>318</sup> The liberal literary magazine, *The Athenaeum*, noted that even ‘those who still think that the honour of God is to be upheld, meaning that their own religious opinions are to be enforced by the State, also maintain that such upholding is necessary to the protection of society’. The popularity of Mill’s principle seemed to supersede the boundaries of the political as well as the religious. The protection of social rights is dependent upon ‘the

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<sup>315</sup> *Evening Mail*, 4 Mar 1859, p. 7. See further Stegenga, ‘J. S. Mill’s Concept of Liberty and the Principle of Utility’, pp. 281-289. Stegenga discusses how, from a utilitarian point of view, interference would be permissible if greater happiness was the result.

<sup>316</sup> *Cheltenham Mercury*, published between 1855 and 1903, advocated administrative reform, rather than political, and unsectarian education. It was a liberal newspaper and was representative of ideas stressing the importance of the family. Its editor, W. H. Dixon, favoured articles which applauded good causes rather than discussing the means to reform society. Ella, Dixon’s daughter, described him as a knight of the inkstand after his career in editorial work. *Cheltenham Mercury* directly refers to the introductory chapter of *On Liberty*, responding positively to Mill’s discussion on social freedom. The absolute freedom of opinion, freedom to unite, the freedom to pursue our own good, which Mill discusses in this chapter are all worthy features of any society and this is one of the most enriching parts of Mill’s essay.

<sup>317</sup> See *Man of Ross, and General Advertiser*, 23 June 1859, p. 3.

<sup>318</sup> CW 18, p. 223. See *The Athenaeum*, 26 Feb 1859, p. 282 for a discussion on the idea of self-protection and what it entails. *The Athenaeum* was a literary magazine published in London between 1828 and 1921. See further *Blackwood’s Edinburgh Magazine*, May 1866, p. 614 and *The Athenaeum*, 1 June 1867, p. 725. See the *British Quarterly Review* which criticises the vagueness of Mill’s argument when he claims that no restriction upon individual liberty is acceptable except for the purposes of self-protection. In such instances, ‘who shall define the limits of what is morally justified by ‘self-protection?’ (Jan 1860, p. 181). The *British Quarterly Review* was published between 1845 and 1886 and practiced religious conservatism.

rule of society, acting for its own protection by opinion'.<sup>319</sup> However, intervention would not only deter vice and dangerous doctrines, but protect society by helping individuals to help themselves.

We have seen how the introductory chapter of *On Liberty* resulted in a sudden increase in discussion concerning the individual and their relationship with others. The monthly Catholic periodical, *The Rambler*, noted that this consistent struggle between liberty and authority, protection and neglect, is marked by 'the establishment of definite rights and immunities, wrung by the subjects from the governing few with the view of protecting themselves against abuses of power'. Mill had exposed new and larger dangers to liberty. Of those dangers, *The Rambler* claimed that tyranny of the majority is precisely that which is 'manifested either in the acts of the public authorities, or in the *social* intolerance habitual to a majority'. In instances where we are socially intolerant, 'our ideas of our neighbour's good may justify our remonstrating with, or counselling him'<sup>320</sup> but never compelling him nor threatening him if he acted indifferently to someone of good character. Of course, social intolerance does not only come from the majority. Others were quick to point out the least educated faction of the clergy, whilst small, it secures a great mass of power.<sup>321</sup> In searching for characters of genius, he had completely overlooked an abundance of small-minded characters developing around him.

In light of these inconsistencies, responses were outraged that Mill had implied that the majority were intolerant of new ideas or opinions. The sectarian *British Quarterly Review* challenged Mill, asserting that an increase in the liberality of law, which has come from the liberality of society, has emerged precisely because 'society is more tolerant among us than it ever was, that our laws have become more liberal than they have ever been'. Every single person can express their individuality more than they have previously been able to. Initial reactions to Mill's claim that society curbs liberty noted that he was unsound and sought to intimidate individuals into abiding by his creed. The *British Quarterly Review* refused to

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<sup>319</sup> *The Athenaeum*, 26 Feb 1859, p. 282.

<sup>320</sup> *The Rambler*, 1 Nov 1859, pp. 64-65. *The Rambler* was a Catholic periodical which ran from 1848 to 1862. It sought not just to encourage acceptance of Catholics but to foster an understanding that free enquiry be tolerated. Mill was anxious that social intolerance was so powerful that it would 'induce men to disguise their opinions, and to abstain from any active effort for their diffusion' (*Saturday Review*, 19 Feb 1859, p. 213). *Saturday Review* was a London weekly newspaper running from 1855 for almost a century, ceasing publication in the late 1930s. Its contributors included Stephen, Walter Bagehot and Lord Salisbury before he became Prime Minister in 1885.

<sup>321</sup> See *Saturday Review*, 19 Feb 1859, p. 213. Writing further, the clergy had secured a large following but have received no social penalties for dismissing all beliefs which did not correlate with their own.

approve of the extreme individuality Mill discussed in *On Liberty*. After all, ‘to make society intelligent, is to make it its own leader’. The evidence given in light of these reactions focused on the claim that ‘society can no longer be a mere instrument in the hands of its great men – it has in itself too many of the elements of greatness for that’.<sup>322</sup> But society needed to be more tolerant of irreconcilable beliefs and attitudes for all opinions, whether true or false, contribute towards the process of knowledge.

Despite Mill’s warning, the radical newspaper, the *Leader*, commented that society was far more tolerant of different opinions and that Mill should be ‘the least alarmed at the growing ascendancy of society, by reason of its mass, over all separate classes, cliques, and individuals’. Critics had noted the sense of distrust Mill enforced between individuals and whilst they did not outright reject him, they were becoming increasingly suspicious of his apparent desire to force people to stand on their own two feet. In reviewing the plurality of liberty, the *Leader* added that intellectual power ‘belongs more to society than individuals; it is inherited from generation to generation; it increases with mankind’. If *On Liberty* suggested society in England was nothing more than an unruly mob, this greatly undermined the credibility of his claims. Mill had already been charged with intellectual elitism after his essay ‘On Genius’ and by 1859, Mill was still seen to exhibit ‘confidence in a select few, and his mistrust of the bulk of society’.<sup>323</sup> For Mill’s critics, individualism contributes little to those he neglects, the majority that are apparently less intellectual and less cultivated. Mill’s essay was in response to what he saw as the increasing power of the masses over individuals. Alongside this was his concern over intellectual stagnation having witnessed this in neighbouring Europe. To prevent this spreading to England, Mill maintained that *everyone* should be more active members of society.

## OF THE LIBERTY OF THOUGHT AND DISCUSSION

Chapter 2 of *On Liberty* discussed the value of freedom of opinion and public expression, where Mill encouraged people to challenge one another in order to prevent a loss of meaning

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<sup>322</sup> *British Quarterly Review*, Apr 1859, pp. 547-548. They added further that ‘no great man can now be great alone – he is sure to have his compeers’.

<sup>323</sup> *Leader*, 2 Apr 1859, p. 436. Cowling asserts that it is *Mill* who is intolerant, noting the inaugural lecture at St Andrews which actually pardoned ‘moral indoctrination’. See *Mill and Liberalism*, p. 117.

to their beliefs.<sup>324</sup> The controversy surrounding Mill's religious views, or lack of them, meant that his critics always had something to undermine Mill as *the* philosopher of liberty. Mill had targeted Christianity on the grounds that it does not encourage its believers to challenge or question Christian doctrine; the clergy instead told worshippers what they read was scripture and truth. He wrote that Christianity 'is essentially a doctrine of passive obedience; it inculcates submission to all authorities found established' and gives to human morality 'an essentially selfish character, by disconnecting each man's feelings of duty from the interests of his fellow-creatures'.<sup>325</sup> In response, the conservative newspaper, *Belfast News-Letter*, claimed that *On Liberty* contained 'much that is good and beautiful, but also contains much that is erroneous and subversive to Christianity'.<sup>326</sup> Mill's attack on religion was so radical that it couldn't be overlooked even by those with no faith. Mill was intentionally pushing the boundaries of religious toleration. This criticism would prove to be the incentive for many critical responses which dominated the period of the first ten years.

Despite the number of criticisms directed at *On Liberty*, we see the emergence of several readings asserting that Mill's essay provided those with unorthodox views the justification they needed to maintain their beliefs.<sup>327</sup> Secular periodicals exploited *On Liberty* to further advance their goal of complete separation of church and state. The independent *Shrewsbury Chronicle* stated that there must be no discrimination based upon belief, or equally a lack of it, and the state should not finance the church and the latter must have no say in governmental matters. It was further argued that for as long as minds are controlled by 'military and bureaucratic absolutism in its alliance with priest-craft',<sup>328</sup> reform will be unattainable. However, accusations were met by those who defended the church when Christianity was targeted. Rather

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<sup>324</sup> *On Liberty* was understood as a nineteenth-century equivalent of Milton's *Areopagitica* (*The Examiner*, 24 Dec 1859, p. 4). *Areopagitica* was a seventeenth-century work which strongly defended freedom of the press and the right to freedom of speech and expression. See further Brink, 'Mill's Liberal Principles and Freedom of Expression', in Ten, ed. *Mill's On Liberty*, pp. 40-61.

<sup>325</sup> CW 18, p. 255.

<sup>326</sup> *Belfast News-Letter*, 13 Oct 1859, p. 4. Belfast's first newspaper, the bi-weekly paper was particularly active in the 1780s and 1790s as a mouthpiece for radical Presbyterianism in Northern Ireland. In the early 1800s, it was politically conservative, speaking mostly to the Protestant land owning elite. From 1829 it vehemently opposed Catholic emancipation.

<sup>327</sup> See Baum, 'Freedom, Power and Public Opinion: J.S. Mill on the Public Sphere', pp. 501-524. Baum noted that 'according to this civil libertarian reading of Mill's theory, freedom of thought and discussion is maximized when there is no active censorship of controversial ideas, by either the state or the 'moral coercion' of prevailing opinion', pp. 501-502.

<sup>328</sup> *Shrewsbury Chronicle*, 7 Oct 1859, p. 3. *Shrewsbury Chronicle* is one of the oldest newspapers in the UK, with its first publication dating back to 1772. One of their most prominent journalists was Thomas Frost, a radical writer from a working class background. In the 1840s he was active in the Chartist and Owenite socialist movements, reviving the *Communist Chronicle* despite having very little money and working for radical liberal newspapers for much of his life.



than protect faith by directly responding to Mill, they often fixed their criticism on ineffective government and used this to comment how governance from the church would resolve all social and political problems. The radical and evangelical newspaper, *Montrose Review*, proclaimed that the government deserved their reputation as ‘unbecoming the character of any genuine reformer’<sup>329</sup> and for this reason, people should return to their faith.

Thus far, Mill’s criticism of Christianity has revealed how symbolic *On Liberty* became for the non-believer. However, the faithful were quick to respond and sought to damage Mill’s reputation. The negative reviews which followed noted two values which they claimed *On Liberty* did not endorse but could be found in faith. The two values were inclusiveness and charity.<sup>330</sup> Initially, Christianity seemed to be winning the race. *The Examiner* noted that ‘we should follow the Christian precepts, which allow for the wide range of self-development, intellectual and moral’.<sup>331</sup> For individual minds to be enlarged and strengthened, thoughts must be expanded to cover a number of subjects, rather than being restricted to one or two ill-informed ones. The *Kendal Mercury* dismissed Mill’s anxiety that ‘free and daring speculation on the brightest subjects, is abandoned’.<sup>332</sup> Belief in a God was intellectual laziness as far as Mill was concerned, bringing the wrath of the church down onto his head. This was despite keeping his *Three Essays on Religion (and Autobiography)* for posthumous publication.<sup>333</sup>

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<sup>329</sup> *Montrose Review*, 13 May 1859, p. 6.

<sup>330</sup> Mill is later charged with founding his argument against the morality of Christianity upon ‘a grievous misconception of the true character of gospel morality’ (*Dublin University Magazine*, Oct 1859, p. 400). *The Rambler* further charges Mill with distorting the facts of the development of Christianity (See *The Rambler*, 1 Mar 1860, pp. 376-385). *Dublin University Magazine* wrote further that through doing so, Mill alienates a group of individuals who have a belief that Mill does not uphold.

<sup>331</sup> *The Examiner*, 20 Aug 1859, p. 533.

<sup>332</sup> *Kendal Mercury*, 26 Feb 1859, p. 3.

<sup>333</sup> Mill wrote three essays on religion. Two of these were written between 1850 and 1858, ‘On Nature’ and ‘On the Utility of Religion’. The third, ‘On Theism’, was written between 1868 and 1870. All were published by Helen Taylor, Mill’s stepdaughter, in 1874, a year after Mill’s death. ‘On Nature’ argued that people should not follow nature, we should ‘alter’ it where we can. For Mill, following nature is not employing your faculties of reason, ‘conformity to nature has no connection whatever with right and wrong’ (CW 10, p. 400). Mill wanted to improve humanity, and this meant changing nature, for imitating it was ‘the wickedest of men’ (CW 10, p. 402). For Mill, little had been written on the *usefulness* of religion and this is an issue he took up in his essay ‘On the Utility of Religion’. Mill wrote that ‘we are in an age of weak beliefs’ determined by a ‘wish to believe’ caused by ‘disinterested feelings’ (CW 10, p. 403). Building on his earlier publications, ‘The Spirit of the Age’ and ‘On Genius’, Mill was agitated by restraints on the free expression of character as well as the lack of use of the mental faculties. Like his previous essay on religion, Mill wanted people to act against ‘nature’ by employing their reason. Religion posed too much a risk to the development of individual characters to assure Mill that it posed no great threat. In the introduction to his final essay, ‘On Theism’, Mill stated that he looked at religious doctrines as a problem of scientific inquiry (see CW 10, p. 431-434). Mill’s final essay was concerned with the problem of God, where he listed several reasons, at the time of writing, as to why there is less conflict between believers and unbelievers. These developments have ‘rendered possible an impartial estimate of the doctrines and institutions of the past, from a relative instead of an absolute point of view’ (CW 10, p. 429). Like his father, James Mill, John Mill believed that all legitimate beliefs must be grounded on evidence and ‘On Theism’ was Mill’s scientific examination into the existence of a God. However, whilst Mill

Despite Mill's inconsistencies, it was not disputed that the liberty of thought and discussion and expression of public opinion would help us understand and further our knowledge.<sup>334</sup> The strict conservative *New Monthly Magazine* wrote 'that the chapter on liberty of thought and discussion is stringent in the extreme on the evil of silencing the expression of an opinion – which evil, it is contended, amounts to robbing the human race'<sup>335</sup> of the freedom to discuss and challenge one another. They added that Mill's characters of genius 'are, *ex vi termini*, more individual than any other people – less capable'.<sup>336</sup> In light of this, the degree to which Mill stressed the ideas of *On Liberty* renders it controlling and undemocratic as some people may simply desire not to be different. Whilst Mill's claims were too radical to be employed in society, this didn't mean that they ought to be dismissed altogether. The liberal-conservative newspaper, the *Saturday Review*, defended *On Liberty*, claiming that Mill's call for characters of genius did not force a system of hero-worship. Mill did not want the strong to coerce less able individuals. *On Liberty* rather appoints individuals of genius to the position that they are justly entitled, 'in order that the world may be shaken out of the self-satisfied mediocrity into which it is so much disposed to settle down'.<sup>337</sup>

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maintained that religious views should be scrutinised, he noted the important role religion plays in society. Mill felt that religion would be better served if people directed their desires towards the general good. He wanted 'a morality grounded on large and wise views of the good of the whole', CW 10, p. 421. See further Alan P. F. Sell, *Mill and Religion: Contemporary Responses to Three Essays on Religion*. Robert Carr stated that the three essays were Mill's attempt 'to apply the canons of scientific induction to religion'. See Carr, 'The Religious Thought of John Stuart Mill: A Study in Reluctant Scepticism', p. 475. See Raeder, *John Stuart Mill and the Religion of Humanity*, pp. 87-144 for a discussion on Mill's consistency between the three essays and the development of his thoughts on religion. See also Hamburger, *John Stuart Mill on Liberty and Control*, pp. 42-54 for a consideration of how *On Liberty* played an important role in Mill's agenda for moral and social reform. Also, Lou J. Matz, 'Mill's Philosophy of Religion' in Miller, ed. *A Companion to Mill*, pp. 279-294. During his lifetime, Mill had the reputation 'as an outspoken apologist for religious liberty, an admirer and critic of Christian morality, a sceptic on miracles, and an advocate that utilitarianism could be established as a religion', p. 279.

<sup>334</sup> *The Rambler* did not comment in detail upon this chapter, noting just that Mill gives us four conditions in which he infers it is necessary to the welfare of society to allow liberty of thought and discussion. First, opinions may be false but public discussion is one of the few means to disprove them. Second, an opinion may be partly true and partly false, though a dissenting opinion may contain the truth which would complete the popular half-truth. Thirdly, a received opinion should be vigorously challenged to prevent it becoming mere prejudice of an opinion of habit. Lastly, the meaning of the received opinion may be lost or obstruct the furthering of even greater truths. See *The Rambler*, 1 Nov 1859, pp. 65-66.

<sup>335</sup> *New Monthly Magazine*, Apr 1859, p. 473. They added, 'if the opinion is right, they are deprived of the opportunity of exchanging error for truth; if wrong, they lose, what is almost as great a benefit, the clearer perception and livelier impression of truth, produced by its collision with error' (*New Monthly Magazine*, Apr 1859, p. 473). This journal was published between 1814 and 1884 and was intended as a Tory competitor to the *Monthly Magazine*.

<sup>336</sup> *New Monthly Magazine*, Apr 1859, p. 476.

<sup>337</sup> *Saturday Review*, 12 Feb 1859, p. 187.

Critics took issue with Mill's discussion on tolerance in his introductory chapter to *On Liberty* and such problems resurfaced when people engaged with chapter 2. Mill's great disservice to the argument in favour of toleration was his 'anxiety to prop it up with the rotten buttress of the duty of scepticism'. Mill's case for greater public expression was a plea for liberty as 'an inculcation of duties rather than a requisition of rights'. The Protestant and Unionist outlook of the *Dublin University Magazine* criticised Mill for reproaching individuals by 'not allowing their faith in the collective authority of the party, the sect, the church, the class of society to which they belong'. They must abandon all of this if they are to have any hope of satisfying Mill's principles. Ultimately, Mill had failed to distinguish the different natures of the subjects of opinions. Mill elevated truth to a higher platform but he should have been more cautious not to bend the balance of truths with falsehoods and he should 'not persecute by way of propping up truth'.<sup>338</sup> Mill wanted respect for the opinions of others as much as 'emotional elasticity'.<sup>339</sup>

Thus far, responses have stated that Mill improperly persecuted society by subduing the rights of the collective over his doubts of sustainable eccentricity within a community. The quarterly liberal-conservative periodical, *The London Review*, wrote that the most just way society can tackle the unlawful persecution of thoughts and opinions is to ensure 'that every man has an absolute and irrefragable right to treat any doctrine as he thinks proper; either to argue against it, or to ridicule it'.<sup>340</sup> Persecution after all subverts the opinions of everyone. Even in a court of law, these criminals find themselves used as scapegoats to crush the opinions of the working class.<sup>341</sup> Mill is too premature in discussing liberty of thought and discussion but *On Liberty*

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<sup>338</sup> *Dublin University Magazine*, Oct 1859, pp. 387-390. This review from *Dublin University Magazine* is the most thorough in comparing *On Liberty* with Christian ethics. Adding further, this inculcation of duties 'is when they with whom reside power, authority, influence of any genuine kind, understand that the rights of other men constitute their own duties, and that in conceding such rights they are doing no less justice to themselves than to others'. See further the *Saturday Review*, which notes that 'duty to oneself means either prudence, or self-respect, or self-development' where none of which make a man accountable to his neighbour. Breaches of the duties arising out of the social 'are the only proper subjects for punishment, either legal or social' (12 Feb 1859, p. 187). *The London Review* notes that within religion, 'churches are founded upon the right of every man to join whatever sect he most approves' but there is no advantage in attempting to classify individuals into sects when trying to encourage an acceptance of differing opinions across society (Apr 1861, p. 141). The different natures of opinions which Mill fails to distinguish are complicated by men who 'refuse to allow the sense of their own fallibility, individual or collective, to shake' (*Dublin University Magazine*, Oct 1859, p. 390).

<sup>339</sup> *The London Review*, 13 Mar 1869, p. 243. They added that 'the purport of the discussion is to determine what portions of our lives may be governed by State rule, by actual penal law; what portions may be legitimately subjected to the influence or discipline of social opinion; and what portions should be wholly exempt from the first'. The elasticity and adaptability of the law should protect the interests of the individual.

<sup>340</sup> *Fraser's Magazine*, May 1859, p. 537. *Fraser's Magazine* was a conservative journal, in circulation from 1830 to 1882.

<sup>341</sup> See *Fraser's Magazine*, May 1859, pp. 533-537. See further *The Examiner*, 27 Aug 1859, p. 549, which challenges this claim by writing that of every legislative change in recent years, 'instead of imposing a heavier social tyranny, has added to the liberty of thought and discussion'. *The Examiner* ran from 1808 to 1881 and

was instrumental in raising this concern. From this angle, it can be reasoned that Mill did indeed seek to protect the defenceless but the problem in its reception was the lack of commentary supporting *On Liberty* as the work of an honest liberal with unquestionably good intentions. Mill needed to more obviously represent all interests and understand that society and its future was made up of more than a select few. But this view needs to be revised for the theory of liberty Mill outlines in his earlier essays was considerably more inclusive than critics of *On Liberty* allow.

If the liberty of thought and discussion is to be respected across society, the conservative *Fraser's Magazine* contended that men of letters have a responsibility 'to defend the weak against the strong, and to uphold the poor against the rich'. *On Liberty* did not encourage intellectual and cultivated individuals to sympathise with those from any class other than their own, nor is the freedom of all Mill's first concern. Unfortunately, Mill's principle of liberty did not remove the 'gross iniquity'<sup>342</sup> practiced by a minority elite. However, Mill never sought to take opportunities away from individuals, only to add. The *Saturday Review* argued that injustice conquers because of such flaws, for it counteracts the true definition of the liberty of thought and discussion, which they define as 'the liberation from the bondage of words' resulting 'in the liberation of speech'.<sup>343</sup> Once someone has won freedom of thought for themselves, they naturally desire it for others. *Bentley's Quarterly Review* picked out Mill's estimate as resting 'at the foundation of his appeal for immunity from all accountability to their judgement on behalf of those who do use their reason'.<sup>344</sup> Liberty is dependent upon the prevalence of strong and practical opinions. Responses to this would have important implications for contemporary readings of Mill's work.

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was led by brothers John and Leigh Hunt to reform both government and journalism. They felt that literature was as important as politics and their paper is named after the eighteenth-century Tory mouthpiece. A very successful newspaper, circulation was over 7,000 by 1812. It was critical of the government, incurring multiple charges of political libel as a result.

<sup>342</sup> *Fraser's Magazine*, May 1859, pp. 536-537. For a critical reading of this chapter, see Henry M. Magid, 'Mill and the Problem of Freedom of Thought', pp. 43-61. Magid notes that 'Mill recognizes the need for intellectual, and perhaps moral, qualifications for admission to the arena of free thought and discussion', p. 55. For this reason, 'it is not possible to justify absolute and unlimited freedom of thought; nor is it possible, in Mill's terms, to justify limitations on freedom of thought', p. 43.

<sup>343</sup> *Saturday Review*, 27 Feb 1869, p. 272.

<sup>344</sup> *Bentley's Quarterly Review*, Oct 1859, p. 447.

## OF INDIVIDUALITY, AS ONE OF THE ELEMENTS OF WELL-BEING

Mill's fundamental claim in chapter 3 centred around individuality as one of the elements of well-being.<sup>345</sup> Mill contended that individual spontaneity is a good in itself, essential to social and individual progress and an opponent of conformity. Mill's claim that there is a growing problem with the little value that society places upon spontaneity of conduct was central to public debate. *The Rambler* noted that the individual 'should be free to use and interpret past experience in his own way, instead of having some customary rendering imposed upon him', adding further that 'conformity to custom, merely *as* custom, even though it may happen to be good, involves no practice of the faculties, no moral choice'. *On Liberty* is directed at 'those who possess known landmarks and unalterable methods for the guidance of life and the discipline of the soul, as by those to whom all questions of the kind are still open'.<sup>346</sup> The real danger throughout society resides in a uniform type of character. By advocating individuality, *The Examiner* suggests that 'there is a sense in which selfishness is not a weakness, but the highest virtue'.<sup>347</sup> It demonstrates the courage to break free from the crowd in order to bring the greatest of rewards for the individual.

Mill's Christian critics chose to ignore or respond very briefly to the chapter on individuality, reflecting their dismissal of the opinions which Mill offered. It was difficult to interpret Mill's writings in a way which portrayed him as an advocate of faith, Christian perspectives exhibited how Mill's scandalous book couldn't be taken seriously without compromising belief. Writing in 1865, the *Morning Advertiser* suggested that Mill can enter parliament, but he is not favoured by Christians.<sup>348</sup> Is it right that Mill should stand as an MP in Westminster whilst being 'the most insidious and dangerous enemy' of religion? *On Liberty* had demonstrated that it was not inclusive of religion, resulting in the *Morning Advertiser* claiming that 'no Christian man can vote for him without seriously compromising his own character as a believer'.<sup>349</sup> *The Rambler*

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<sup>345</sup> See Riley, 'Mill's Greek Ideal of Individuality', in K. N. Demetriou and A. Loizides, ed. *John Stuart Mill: A British Socrates*, pp. 97-125.

<sup>346</sup> *The Rambler*, 1 Nov 1859, pp. 62-66.

<sup>347</sup> *The Examiner*, 20 Aug 1859, p. 533. See further Albert William Levi, 'The Value of Freedom: Mill's Liberty (1859-1959)', pp. 37-46. Levi notes that 'the argument is distinctly and unmistakably Aristotelian. The external inducement to such acts as are not congruent with our feelings and our character renders us passive and not energetic', p. 41.

<sup>348</sup> Mill served as an MP for Westminster from 1865 to 1868 for the Liberal party but was not re-elected in 1868. Instead, he moved to France where he later died in 1873.

<sup>349</sup> *Morning Advertiser*, 8 June 1865, p. 5. *Morning Advertiser* was founded in 1794 by the Society of London Licensed Victuallers. It was a paper devoted to trade interests rather than supporting a particular political party. It is England's oldest continuously produced newspaper.

added that the ‘Catholic faith places a man in the best position for forming a sound ethical code, and extending it to new cases and exigencies as they arise’.<sup>350</sup> This presented a problem for those who were torn between the comfort of their faith and the appeal of an individual who appeared to have a plan in place to reform society. This further led to allegations that rather than uniting society, Mill divided it.<sup>351</sup> The problem for Mill was that the more frequently it was read, the more open it was to attack.

Mill’s worries of an increasingly conformist society dominated the reception of chapter 3 of *On Liberty*. We have seen how suspicious readers were, often noting that ‘the spirit of progress and improvement may co-exist with the loss of individuality’.<sup>352</sup> *The Examiner* asserted that a certain amount of assimilation is necessary for the complete development of individuality which is no different to the theory of liberty Mill expressed in his earlier writings. People needed to be immersed in society with its differing traits and opinions in order to understand what they as an individual value, cherish and believe. Yet Mill’s radical *enforcement* of individuality had encouraged distrust and uncertainty of *On Liberty*. *The London Review* added that Mill ‘should have avoided overstocking the market’ with such a forceful plea for individuality that ‘seems to be aggravating itself into a disease’.<sup>353</sup> It is foolish to suppose that every single person who seeks to invite themselves into the heart of public life will only act in accordance with one another. Reactions put forth the counter-argument that living as a community is the surest way to live, rather than dispersing every individual as far from one another as possible.

By 1861, Mill had developed a reputation as a ‘terrible tyrant’.<sup>354</sup> No one felt that the pursuit of discovering truths would be affected by focusing on the community *alongside* the individual, nor was it felt that this would hinder individuality despite Mill’s caution at ‘the gregarious

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<sup>350</sup> *The Rambler*, 1 Nov 1859, p. 62.

<sup>351</sup> See Thilly, ‘The Individualism of John Stuart Mill’, pp. 1-17. Thilly reads Mill’s third chapter as calling for the need to strike a balance between the individual and society, he noted that ‘there is something of lasting value in the individualistic doctrine; and ‘oversocialization’ is no less to be dreaded than individualistic anarchism’, p. 3.

<sup>352</sup> *The Examiner*, 27 Aug 1859, p. 548.

<sup>353</sup> *The London Review*, 19 Sep 1868, p. 345. However, for an account which revises this reading of Mill, see White, ‘Conceptions of Individuality’, pp. 173-186. White notes that ‘Mill’s account of individuality can be detached from his élitism, if it is not true that only a few are able to determine their own plan of life without succumbing to the pressures of custom and public opinion’, p. 174. White adds, ‘if we lower the demand, the cultivation of individuality may be able to become a universal ideal’, p. 174.

<sup>354</sup> *The London Review*, Apr 1861, p. 119.

imitativeness of mankind'.<sup>355</sup> The potential evils caused by individuality are never discussed by Mill but *The National Review* warned that the social indifference which Mill favours 'will result, not in individual vitality, but in individual indifference'.<sup>356</sup> No one completely thinks for themselves as the bulk of our knowledge is received through interacting with others; isolation from a particular type of character in society from our early years would be the only means to fulfil Mill's agenda.<sup>357</sup>

Whilst Mill's theory of individualism was continually targeted in the first ten years of the publication of *On Liberty*, this does not mean his ideas were not absorbed into public discussion. In considering the capability of the majority in achieving the highest faculties, Mill divided society. The *Saturday Review* claimed that denying 'that there may be now living amongst us some eight or ten men of the first order, of whom two or three may ultimately be actually what they are potentially, would surely be rash'. When we consider a handful of people that we know, when asked to explain their character or personality, each one will certainly display such distinct features that are in many ways completely opposite, no two will be the same. Genius referred to someone who is a 'vigorous, lively talent – combined with the habit of looking at things with your own eyes, and drawing your own conclusions'.<sup>358</sup>

Human faculties develop within the individual, whether they are in a community or whether they are isolated but the social arrangements within society provide individuals with immense scope for the development of character. Mill is misguided in declaring that originality is ceasing to exist.<sup>359</sup> Further responses from the *Saturday Review* stated that questions of how far he shall express his opinion, what he should read next, whether he should practice a religious doctrine 'are questions which he is left to settle – not nominally, but practically – for himself'.<sup>360</sup> Despite acknowledging the merits of individualism, it was proving difficult for

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<sup>355</sup> *The London Review*, 13 Mar 1869, p. 243. It was not felt by critics that individual characters would disappear through the process of social assimilation but simply class types, 'to some local or social organisation' (*The National Review*, Apr 1859, p. 394).

<sup>356</sup> *The National Review*, Apr 1859, p. 401.

<sup>357</sup> See *Saturday Review*, 27 Feb 1869, p. 273. It notes that from our earliest years, society has 'been pouring into our minds opinions, ideas, prejudices, thoughts; what is peculiar to ourselves is for the most part merely the combination and form in which these are held'.

<sup>358</sup> *Saturday Review*, 19 Feb 1859, p. 214.

<sup>359</sup> *The National Review* suggested that individual character is not fading away but concedes 'that there has been a loss of social intensity of character' (Apr 1859, p. 395).

<sup>360</sup> *Saturday Review*, 19 Feb 1859, p. 213.

Mill to persuade a majority of periodicals that his theory was the key to happiness and freedom.<sup>361</sup>

Despite this criticism, the chapter on individuality spoke directly to the working class. Whilst radical ideas had been brewing long before 1859, *On Liberty* was what the working class needed to legitimise their movement for reform. This sudden realisation that they should be treated equally ultimately encouraged them to be more vocal of their opinions. But this moment of validation for Mill was short-lived. The politically radical *Birmingham Daily Post* was quick to express their resentment that Mill had debated against secret voting. This act would predominantly punish the working class and unveiled the deceit behind Mill's allusion to his supposed 'enforcement of the necessity for a large measure of reform'.<sup>362</sup> The early philosophic radicals were notable for strongly backing the secret ballot as it was the fairest way to ensure there was no intimidation when voting, nor financial incentives or moral influences forced upon the electorate<sup>363</sup> but Mill had now appeared somewhat elitist again.

By 1868, Mill had been accused of being a 'meddlesome'<sup>364</sup> member of Westminster for telling people how to vote and what sort of character they should vote for. In response to Mill, critics noted that 'this is a moderate age. It is not *ton* – it is not intellectual - it is not the thing, to be excited or exaggerated in any way'. The *Islington Gazette*, which chiefly published only local

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<sup>361</sup> See Ladenson, 'Mill's Conception of Individuality', pp. 167-182. Ladenson considers where Mill abandons utilitarianism in chapter 3 but equally where he is consistent, concluding that we may suppose that 'it is an unassailable philosophical defense of the freedom to act upon one's opinions', p. 179. See further Reeves, *John Stuart Mill*. Mill was 'a second-rate utilitarian, but a first-rate liberal', p. 49.

<sup>362</sup> *Birmingham Daily Post*, 8 Feb 1859, p. 2. Founded by the proprietor of the *Birmingham Journal*, John Frederick Feeney and John Jaffray in Dec 1857, *Birmingham Daily Post* established itself for the next 85 years as a leading liberal unionist newspaper aimed specifically at the business and professional classes. Jaffray was replaced by John Brunce in 1862, who was not only a founder of the National Liberal Federation, but ensured the newspaper played a major role in the reform movement in Birmingham. In the 1868 elections, three Liberals were elected in Birmingham and no Tories, which was assisted by the radical William Harris.

<sup>363</sup> See the article on the ballot from one of the early philosophic radicals and Mill's father, James Mill, written in the *Westminster Review*, which encouraged secret voting on the premise that candidates are judged upon fitness for legislating. This is to prevent the use of intimidation, bribery or corruption to gain popular support. Until the ballot act of 1872, voting was a public activity and saw high levels of violence, bribery and corruption. Secret voting was seen as hugely important in the struggle against the aristocracy.

<sup>364</sup> *Marylebone Mercury*, 14 Nov 1868, p. 2. Articles for the *Marylebone Mercury* were written by William Hazell and George Watson. This newspaper was published weekly with a liberal outlook. William Hazell was a Liberal MP, a social reformer and a women's suffrage supporter. George Watson, the founder, had also founded *Family Mirror*, a liberal periodical (1856-57) and though it failed, it represented his interests, both women's suffrage and the family unit. Watson secured a second contract to continue publishing the feminist magazine, *Alexandra Magazine & Women's Social and Industrial Advocate* alongside *Marylebone Mercury*. Jointly, Hazell and Watson printed the *Women's Signal* and the *Women's Gazette* (both were weekly feminist publications; the former was a magazine and the latter, a newspaper) to continue to address female political and economic interests. By 1887 they were managing 6 weekly publications, 32 monthly and 5 quarterly.



news, stated that *On Liberty* described an entirely impoverished and regressive society. These reflections were deeply similar to Mill's earlier work, 'The Spirit of the Age', an essay unequivocally critical of England. The *Islington Gazette* noted that these were reasonable fears and whilst 'society plants a hedge of thorns around this moderate society to keep all locked inside, including great minds', a moderate society is considerably better than an overwhelming one. In light of this, very few could comprehend the value of *On Liberty* but they did not dismiss it; Mill was too unpredictable to ignore.<sup>365</sup>

*On Liberty* had shown itself to be a work so radical that it could not be left unchallenged; it had awoken a working class consciousness which felt that Mill was attempting to explore the means of enhancing freedoms but simultaneously, how to take them away. Mill had a growing number of critics as more of his essay was read and engaged with. Despite this, he had a handful of loyalists who kept his reputation from collapsing under criticism. The liberal newspaper, *London Daily News*, proclaimed that *On Liberty* presented nothing less than a just and representative society for his 'sympathies are ever with the suffering and degraded'. It was further claimed that Mill's preference for 'a social state where the virtues, even though coarser in grain and less brilliant in lustre are more widely diffused' *did not* mean the sacrifice of working class rights. It was further argued that the 'democratic virtues of energy, self-control, and self-respect' are not sacrificed in *On Liberty* and contrary to depictions of Mill as an advocate of oppression, Mill 'belongs to the party of movement',<sup>366</sup> inclusive to all. Whilst Mill's ambition in writing *On Liberty* was challenged by his critics, attempts to demonstrate how it would protect social freedoms emerged in equal force, revealing the scope to which it could be interpreted and utilised.

Even so, Mill's chapter on individuality had closer links to society than many of his critics understood. Of commerce, the conservative *Sheffield Daily Telegraph* wrote that it caused 'great uneasiness among those entrusted with the government of the country'.<sup>367</sup> Associations

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<sup>365</sup> *Islington Gazette*, 2 July 1859, p. 2. The *Islington Gazette* added that when Mill next treated the subject of social liberty, that he does so in the context of 1859. This is not only to help society relate to the issues he writes of, but to stress 'this remarkable feature of society as it now is' as it is not so despondent as Mill implies.

<sup>366</sup> *London Daily News*, 30 Aug 1859, p. 5. Founded in 1846 by Charles Dickens, the first editor, *London Daily News* was initially intended as a radical rival to *Morning Chronicle*. Dickens soon after handed management to his friend John Forster who ran the paper until 1870. It was further argued that Mill's faith in his liberal creed made it possible to foster individual rights. Creating a community where each individual has mastered self-control and self-respect will ensure his ideal for the good of the community.

<sup>367</sup> *Sheffield Daily Telegraph*, 24 Oct 1868, p. 9. For two leading examples of journals reflecting the progress of the British socialist movement as well as trade unions and the cooperative movement, see the peer-reviewed

played a significant role in the working class movement during this period. Their frequent meetings and annual conventions were held in major cities around the country and were cited in articles by the chief newspapers of the period.<sup>368</sup> The response was perhaps unsurprisingly positive. One of the leading Northern newspapers, the liberal *Newcastle Daily Chronicle*, claimed that in the 1850s, the people who exercise power ‘are not always the same people with those over whom it is exercised: it is not the government of each by himself but of *each by all the rest*’. What this led into was Mill’s discussion on the exercise of power and the broader question of when interference upon another is rendered legitimate or intrusive. These debates gained momentum at a time when parties were ‘as timid on reform as the next’<sup>369</sup> and anti-capitalist sentiments within specifically working class newspapers became more popular. For many, *On Liberty* certainly had its flaws but it was also proven to add something crucial to the cooperative and trade union movement which ultimately gave the working class a lifeline on which they could rebuild and push for reform. They were no longer willing to accept that decisions for them must be taken by someone else and sought their own autonomy. In light of this, many turned to the question of when liberty can be curtailed and if so, under what conditions.

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journal of statistics, the *Journal of the Statistical Society of London* (1834) and *Transactions* (religious or political affiliation unknown) by the Manchester Statistical Society (1833), which published social and economic research. *Dublin Daily Express* argued that *On Liberty* revealed Mill’s obvious socialistic doctrines. Mill subtly called for the fall of the aristocracy if his argument for freedom was to be achieved. It was written in light of the 1867 reform bill (*Dublin Daily Express*, 5 June 1866). This was a unionist and conservative newspaper, particularly popular with the landed gentry and Protestant clergy.

<sup>368</sup> See *Bradford Observer*, as well as *Birmingham Daily Post*, *Liverpool Daily Post* (a non-partisan daily newspaper), *Manchester Guardian* and the weekly liberal *Leeds Mercury*. Alongside these major newspapers, socialist journals subjected new ideas to scrutiny, reporting on lectures and debates, where each journal had a primary focus. For example, *The Economist* (a weekly classical and economically liberal magazine) assumed the role of guarding laissez-faire liberalism, the *Bee-Hive* (a radical trade unionist weekly journal) researched social science and its relationship with the organised labour movement, the *English Women’s Journal* (a monthly feminist magazine) discussed women’s participation in debates on sanitation and the *Law Magazine and Law Review* (a quarterly legal journal) covered legislative expertise on issues of social reform.

<sup>369</sup> *Newcastle Daily Chronicle*, 19 Feb 1859, p. 2. Published from May 1858 by the Hodgson family for just over a year, the newspaper was taken over in late 1859 by the Newcastle radical Joseph Cowen Jr. who believed the paper pulpit was the best way to spread his radical creed to the masses. As a result, he received financial investments to make his paper ‘*The Times of the North*’. By 1873, journalist James Clephan launched a campaign on sanitary improvement drawing upon the social upheavals he witnessed in his youth. From the 1860s, George Jacob Holyoake, one of the most radical journalists in the nineteenth-century, focused the newspaper on expanding the cooperative movement. The pamphlet on ‘reform’ in *The Manchester Manifesto*, further challenged the rule of political parties and their lack of motivation to enact reforms. They supported the sovereignty of the individual whilst conceding this was not an easy concept to define, it assumed importance due to the persistent liberal abuse of institutions in England. In what direction is liberalism heading when people can be persecuted and have their rights as an individual taken away? Social upheaval rather than isolationism was the preferred strategy, distancing themselves from Mill’s rhetoric.

## OF THE LIMITS TO THE AUTHORITY OF SOCIETY OVER THE INDIVIDUAL

Chapter 4 of *On Liberty* engaged with the question as to when authority can legitimately limit individuality as well as further questions surrounding the sovereignty of the individual.<sup>370</sup> In light of this, *The National Review* claimed that Mill's objective in *On Liberty* was not to discuss a moral penalty for an individual on a charge of interference, but 'that portion of it which social custom or political law is justified in *inflicting* for the purpose either of retribution or restraint'.<sup>371</sup> *The Rambler* added that in light of Mill's notion of self-regarding actions, a person who is grossly deficient in self-regarding virtues is still 'amenable to society in respect of the *spontaneous* and *natural* consequences which flow from his conduct, viz. the displeasure, contempt, and avoidance of his neighbours; but not in respect of positive penalties'.<sup>372</sup> Even if you consider Mill's classification of self-regarding and other-regarding acts a morally artificial one, it was felt to be quite a justifiable position to hold that 'the only legitimate ground for social or political penalty ought to be an injury to society or the state'.<sup>373</sup>

However, if an individual is too deficient in his duty to himself, compelling him to act in a certain way which may bring about greater goods for the individual and society is permissible. Whilst the deficiency of any individual may be a direct result of the neglect in providing an early childhood education, enforcing a penalty is still appropriate. However, the monthly conservative periodical, *Universal Review*, noted that when the state feels the need to interfere, it generally does so in the wrong place and for this, you cannot punish an individual 'for failure in duties which it has never taught them to provide'.<sup>374</sup> In providing a clear distinction between authoritative interference and the preservation of liberty, *The Rambler* noted that 'for the merely contingent or *constructive* injury which his conduct may cause to society, it is better that society should bear the inconvenience than that the principles of liberty should be infringed'. If society is at fault in failing to provide an education, it is equally at fault as the

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<sup>370</sup> *New Monthly Magazine* chose not to review this chapter of Mill's work, writing that this section 'has to deal with knots of an almost Gordian intricacy' (Apr 1859, p. 477).

<sup>371</sup> *The National Review*, Apr 1859, p. 404.

<sup>372</sup> *The Rambler*, 1 Nov 1859, p. 68.

<sup>373</sup> *The National Review*, Apr 1859, p. 404. See further Ten, 'Mill's Defence of Liberty', in Gray and Smith, ed. *J.S. Mill On Liberty in Focus*, pp. 212-238.

<sup>374</sup> *Universal Review*, Apr 1859, p. 242. For a discussion which compares Mill and Humboldt on positive state action, see Andrew Valls, 'Self-Development and the Liberal State: The Cases of John Stuart Mill and Wilhelm von Humboldt', pp. 251-274. For those who have little or no desire to develop their character, Mill noted that 'when the condition of any one is so disastrous that his energies are paralysed by discouragement, assistance is a tonic, not a sedative', CW 3, p. 961.

citizen who has been deficient in duty. After all, ‘ill-judged attempts at the coercion of conduct generally end in a strong rebound in the contrary direction’<sup>375</sup> and considerations to mediate should be cautiously weighed up. *The National Review* did not dispute that Mill felt strongly that people be left alone, ‘but virtually on condition that they shall not coalesce into a society and have a social or political life that may react strongly on the principles of individual action’.<sup>376</sup>

So, how did Catholic periodicals in particular relate Mill’s theory of liberty to chapter 4? *The Rambler* labelled it a flawed theory for any Christian to adhere to as it is the ‘absence of accountability to any *temporal* authority’. Christians are accountable directly to God and coercion to aid individual development could only come from the church, for this would reveal the ‘intrinsic superiority of falsehood which they had formerly embraced’.<sup>377</sup> *The Rambler* added that ‘coercion succeeds only when it produces higher moral results to the persons coerced than were attained under toleration’. Clashing over how to resolve this impasse, the expediency of coercion implied that the majority can be enlightened only by the appropriate teachers, which incidentally are only those who represent faith and are God’s servant first.

However, deciding where to place limitations on liberty engaged more than just Mill’s Catholic critics. *The Critic*, a conservative magazine, claimed that Mill’s essay ‘never discovered that all freedom is in the first instance a moral and religious energy’. They added that limits ought to be placed upon interference from the state and society as faith can provide greater support. Mill maintained that the laws which forbid marriage until it can be proven that a parent can provide for their children do not exceed the legitimate powers of the state. Yet through maintaining this position, Mill sacrificed ‘every moral consideration, every spontaneous impulse, every ordinance of God’. *The Critic* condemned Mill’s treatment of liberty and

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<sup>375</sup> *The Rambler*, 1 Nov 1859, p. 68.

<sup>376</sup> *The National Review*, Apr 1859, p. 404.

<sup>377</sup> *The Rambler*, 1 Nov 1859, pp. 68-69. *Dublin University Magazine* noted that Mill ought to have distinguished between comparative and absolute injustice when claiming that Christianity was dangerously stifling opinions and in warning society of the dangers of immoral and impious opinions (Oct 1859, p. 392). See further the *Christian Remembrancer*, a High-Church monthly periodical, which considers Mill’s principle of liberty in relation to toleration, noting that whilst they agree with Mill on the conditions in which *control* can be exercised for the good of an individual, they profess the difficulty in defining what is meant by harm and dissent from Mill in calculating intent as well as the degree of harm inflicted (July 1859, pp. 177-200). Published between 1819 and 1868, *Christian Remembrancer* was a monthly church periodical, encouraged by the editors of the *British Critic*.

labelled it as something which ‘is not much more than hackneyed’<sup>378</sup> continuing to threaten Mill’s reputation.

Despite the inclusive and progressive image the church sought to build, Mill was concerned they would continue to extend their power and influence to a point of social and moral decline. *On Liberty* had outraged the Catholics, a community which Mill believed was committed to conformism and guilty of eroding individuality. Yet the *Shrewsbury Chronicle* praised Mill’s attack as what society needed to wake up and realise attempts made by the church ‘to regain supremacy over the minds of men which may lead to desperate measures in those rulers who rely on this church for support’.<sup>379</sup> Religious writers impacted upon the reception of *On Liberty* in two ways. Firstly, it split readership between those with faith and those without. Secondly, much criticism was directed at Mill for his denunciation of the church and this engaged a new group of supporters. The *Dublin University Magazine* asked of the church, ‘why is my liberty judged of another man’s conscience?’<sup>380</sup> What are we to have obedience to when such obedience crushes the abilities of human faculties? Such docility would surely bring with it a greater likelihood of the same type of pinched character that Mill disliked.

The publication of *On Liberty* had brought with it a real test of faith for Catholics, Protestants, Unitarians and Evangelicals (these were the four religious factions which engaged with Mill and *On Liberty*). Through ridding society of sin and wickedness, a pledge for social reform would be more successful. Those who abused their power, acted corruptly or immorally, were sinners and as a Christian, it was their duty to intervene. The *Montrose Review* emphasised that Christian intervention on the basis of their moral duty to God came as a result of their ‘serious objections to Parliamentary conduct because of the abuses of power and true anti reforming character’. Politics was branded as a place where ‘the grossest jobbing; the most extended system of peculation of public funds is going on’ and where worst of all, ‘individual liberty is unknown’. Individual liberty would diminish sin yet too much individuality would result ‘in a dictatorship and total loss of liberty’.<sup>381</sup> Many saw the public engagement of Mill’s essay as an

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<sup>378</sup> *The Critic*, 22 Oct 1859, pp. 390-392. See *British Quarterly Review*, which objected Mill’s claim that individuals with genuine opinions and convictions are being tyrannised by the majority. The majority do not have genuine opinions due to a ‘mere indolent love of quiet’ or a ‘moral cowardice’ but this does not automatically mean they tyrannise (Jan 1860, p. 194).

<sup>379</sup> *Shrewsbury Chronicle*, 7 Oct 1859, p. 3.

<sup>380</sup> *Dublin University Magazine*, Oct 1859, p. 407.

<sup>381</sup> *Montrose Review*, 13 May 1859, p. 6. George Troup was the editor of this Scottish Newspaper, he was also a committed member of the evangelical branch of the Church of Scotland, supporting anti-slavery and the temperance movement. Previously associated with *Tait’s Edinburgh Magazine* he was briefly editor of the

opportunity to stress the need to restore Christian ethics, to mediate between excess and deficiency and preserve the individual in a way that catered for all.

Mill's argument for moral improvement was not grounded on Christian ethics. *The Rambler* had claimed that it extended discussion concerning the laws of parental discipline which delegitimise coercion. Adding further, when employing punishment to direct the behaviour of a child, we ought to bear in mind that whilst 'ethical principles do not change, the applications of those principles may vary with changing circumstances and relations'. *The Rambler* criticised coercion as it cannot possibly have the desired outcome to satisfy both Mill and the Christians. No legal or social coercion, nor moral suasion can be used in persuading another to act in accordance with their duty, even if it 'could be ensured that all censors should be saints and men of genius, the evils inseparable from restraints would remain'.<sup>382</sup> In this regard, no one in society has authority to infringe upon the freedom of another; both Mill and Christian readers would need to revise their arguments.

We have seen how chapter 4 of *On Liberty* raised the issue of church and state relations. Mill's discussion on the limits of authority over the individual was also read as an argument approving of laws forbidding marriage until both parties can demonstrate they have the means of supporting a family. The *Leader* argued that as long as those who wish to marry 'have brains and limbs', no one ought to question their ability to provide subsistence. The desire to provide for a family would in turn sustain industry as it remained the duty of each party to know in themselves how they are to provide for their children. It is not, however, the duty of the state or of society to interfere. The *Leader* added that Mill would have 'the State require and compel the education, up to a certain standard',<sup>383</sup> disputing claims that Mill had an educational prejudice. The remarkable transformation of Mill's public image highlights the extent to which he was controversial. *The Critic* even likened Mill to a 'fanatical Malthusian', with a creed

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*Liverpool Weekly Telegraph* and the *Montrose Review*. Troup also wrote anti-corn law pamphlets and used his position at Scotland's first daily newspaper, the *North British Daily Mail*, to campaign for greater awareness to Glasgow's slums. By the 1860s, Troup became friends with the trade unionist George Potter and they were brought closer by the issue of a nine-hour working day.

<sup>382</sup> *The Rambler*, 1 Nov 1859, pp. 73, 62, 75. It is argued that in the early years of childhood, punishment is often the best means of succeeding in moral improvement. However, as the child passes into his youth and ultimately adulthood, punishment becomes an increasingly less advantageous means of managing the moral development of an individual. A point is ultimately reached where there are detrimental consequences for both the child and the parent when punishment is inflicted.

<sup>383</sup> *Leader*, 2 Apr 1859, p. 436. *On Liberty* was also described as a lengthy discussion which sought to ingrain in each of us a mentality 'embracing all our social duties', emphasising that Mill was an advocate for equality as every individual brought something unique to the prospect of human progress.

which thought that ‘little babies are a nuisance, and that big babies should spend all their time in what the Scotch called argle-bargling’.<sup>384</sup> Mill’s essay had covered a great deal of ground.

Thus far, Mill was criticised by both religious groups and those who challenged Mill for his thoughts on the family. Christians claimed that God gave everyone an assortment of gifts to be used to effectively develop individuality. *On Liberty* had stated that religion created an identical type of character. The *Saturday Review* responded that Mill failed to consider ‘the very parts of history in which great men were greatest, and in which individual energy was most highly developed, are just those periods at which the sentiment of obeying God was most powerful’. In catering for those who may not have already developed a distinctive character, religion nurtures those through the practice of faith to direct desires and passions. The *Saturday Review* added that the individual can only be awoken by religion. Faith in God’s will ‘in every action of life is the highest aim of human existence, far from being a slavish one’ and for this reason, it is ‘the noblest conception of life that any mortal creature can form’.<sup>385</sup> For Mill, the individual would be awoken by developing a unique character and increasing their individuality and this could only happen when individuals direct their emotions and desires towards the general good for all mankind.

The immediate responses to *On Liberty* demonstrate the difficulty in deciding when limits on interference have been met and where they can go further.<sup>386</sup> Putting aside the many reactions of pure outrage, Mill’s argument was also interpreted as a defence of liberty against despotism of custom rather than against political tyranny. *Fraser’s Magazine* reflected upon society, noting that there is a ‘determination of society to exercise arbitrary sway over individuals’. Moreover, the mass of society is in a state of social slavery, each ‘bound under heavy penalties to conform to the standard of life common to his own class’. However, Mill’s theory of individuality would not release people from this social servitude. The argument for improving

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<sup>384</sup> *The Critic*, 22 Oct 1859, pp. 391, 410.

<sup>385</sup> *Saturday Review*, 19 Feb 1859, p. 214. Even if people understood God’s will incorrectly and acted in accordance with the will of the Devil, they are still developing a character and not crushing it. Human nature is corrupt and exercising the wrong will of God is somewhat to be expected but this does not mean that individuality is suppressed in any way.

<sup>386</sup> See Barry S. Clark and John E. Elliott, ‘John Stuart Mill’s Theory of Justice’, pp. 467-490. They argued that Mill’s position on freedom and government intervention was reliant on ‘a theory of justice to synthesize morality and expediency’, p. 483. They further wrote that Mill’s critique of government intervention was inextricably linked to economic prosperity and Mill’s celebration of free markets. In ‘many arenas of economic life, therefore, governmental action is likely to be inferior to free enterprise in contributing to productivity and material prosperity’, p. 484.

society could only come from *within* society and not by building our character in isolation through fear of what the community might do to it. The art of life which Mill discussed in his earlier essays surfaced again through the reception of *On Liberty*: ‘if society were more lenient to eccentricity, and more inclined to examine what is unusual than to laugh at it’, conduct would show itself to be more reasonable than all are led to believe. Challenging Mill’s thoughts on the need for greater individuality, *Fraser’s Magazine* noted that ‘our greatness is collective, and depends not upon what we do as individuals, but upon our power of combining’.<sup>387</sup> This idea of uniting, of merging together, is crucial to understanding immediate responses to *On Liberty*. It seemed to his readers that Mill was seeking to build walls between those he was satisfied with and those he was not; the reception of his essay proves that his critics were determined to knock these walls down and encourage greater mobility between class but *not* gender.

We have seen how Mill’s essay resulted in both praise and criticism upon publication. The reception in the first ten years are twofold. Firstly, there are claims that the value of liberty is lost if not protected by law and secondly, we must be wary of those who are in a trusted position to interfere and the abuse of power this might bring. The early reception of *On Liberty* did not stress the importance of individuality and liberty. It did however generate a multitude of different responses and raised questions over Mill’s use of provocative argument. Many claimed that *On Liberty* had neglected members of society, patronised others and ignored those who had an opinion or belief that Mill disagreed with. Together with the arguments Mill discussed, we must also consider the ideas which *On Liberty* did not uphold. We see little discussion from critics on the worth of the individual, whether Mill’s individuality is indeed the best course of action society ought to take or whether it is deeply unsound. Showing how *On Liberty* wasn’t simply a text exploring the nature of limits which could be legitimately exercised over an individual, it generated aggressive debates that perhaps Mill never anticipated, or perhaps ones he subtly encouraged.

So, where does the reception of chapter 4 leave us by 1869? We have a basic interpretation of how people read liberty for Mill, but this is rarely developed further than a passing statement. The Church of England supporting *Devizes and Wiltshire Gazette* claimed that Mill’s liberty principle is only worthwhile if it is ‘liberty protected by laws’ and not something which permits

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<sup>387</sup> *Fraser’s Magazine*, May 1859, p. 527.



frenzied revolts which may bring harm to the individual and society. Whilst it does not distinguish between different types of interference, the implication is that coercion is legitimate. The *Devizes and Wiltshire Gazette* further commented that at the rate things are going, ‘we shall have reached that stage of advanced liberalism which Mr. Mill, in his *Essay on Liberty*, anticipates with so much alarm, wherein the intolerable despotism of the multitude tramples down all other freedom but its own’.<sup>388</sup> Social control is vitally important to ensure a harmonious society. So, *On Liberty* did permit intervention in order to ensure liberty for all. The implication of this is that those who revolt do so because they do not know any better. To quell revolutionary activity, people may need to be coerced to keep their behaviour and actions in check and this was something critics felt Mill wrongly supported.

Yet despite the inconsistencies and ambiguities in *On Liberty*, Mill is undeniably clear when noting which forces can be employed to suppress individual liberty and under what conditions. For the *Evening Mail*, legal intervention is the only satisfactory force which Mill discussed as a force ‘employed by society to crush the liberties of its individual members’.<sup>389</sup> Whilst law may indeed protect the liberties of individuals, it may equally be subject to abuse and tyranny by those enforcing it. In such cases, the *Newcastle Daily Chronicle* raised the question of how is the ‘tyrant Society to be guarded against – to be limited and kept in bounds, so that human development in its richest diversity – as Wilhelm von Humboldt expresses it – may be answered?’<sup>390</sup> The difficulty concerning Mill’s arguments and claims was not that people rejected his thoughts on intervention, they targeted specifically the means in which Mill proposed we do this. This reflects absorption of his ideas rather than rejection and Mill’s loyalists in the following decades would prove instrumental in bridging the gap between these two readings.

Discussion on whether social punishment should be used to deter tyranny became increasingly common in light of *On Liberty*. Whilst concern for people tyrannising over one another was important, *Bradford Observer* posited that ‘perhaps greater dangers are to be guarded against by men, tyrannising over themselves’.<sup>391</sup> That same year, Mill had written that public opinion

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<sup>388</sup> *Devizes and Wiltshire Gazette*, 24 Nov 1859, p. 3. See further Wollheim, ‘John Stuart Mill and the Limits of State Action’, pp. 1-30. Once power was in the right hands, any further limitations upon freedom were unnecessary. Wollheim describes how Mill’s principle never solves the issue of legislation, but it was not meant to, and goes on to defend him against criticisms which focus on whether action can only harm ourselves.

<sup>389</sup> *Evening Mail*, 4 Mar 1859, p. 7.

<sup>390</sup> *Newcastle Daily Chronicle*, 19 Feb 1859, p. 2.

<sup>391</sup> *Bradford Observer*, 27 Oct 1859, p. 7.

would serve a critical purpose as it ‘rested not so much on its truth, as on its importance to society’.<sup>392</sup> Stifling any opinion is wrong as it prevents the possibility of discovering further truths. The liberal newspaper, *Sheffield Independent*, admired *On Liberty* as the only work of such nature – ‘a peg on which to hang a powerfully argued apology for liberty in its fullest and most absolute sense’.<sup>393</sup> This in turn helps to explain the two extremes in which *On Liberty* was received. The only work on liberty of its day, it needed attention, and liberty in an absolute sense encouraged confrontation.

## APPLICATIONS

Discussion on whether the application of Mill’s principle of liberty were regressive, or indeed a social offence emerged by those seeking to discredit *On Liberty* as well as those hoping to ground a safe application of it.<sup>394</sup> There was little rejection of Mill’s claim regarding the laws forbidding marriage until it is proven that all can be provided for and this does not exceed the legitimate powers of the state. Instead, we see an adjustment to the application of this fixed ethical principle as the expediency of law restraining marriage depends more on whether this would create a greater social evil than what they would otherwise seek to prevent.<sup>395</sup> *The National Review* wrote that the one social offence Mill discussed with sustained outrage is that of ‘early marriage on the part of men unprovided with certain means of supporting a family – the social crime of contributing to over-population’.<sup>396</sup> Echoing previous claims that Mill was a fanatical Malthusian, this demonstrated one of the few instances where Mill and his critics agreed on an issue of social importance.

Mill’s preference for all to refine their characters has been so far closely related to his concerns over subsistence within the family. Unlike Mill’s consideration of marriage and the family, his love of knowledge and truth resulted in accusations of ‘educational prejudice’.<sup>397</sup> Mill was right

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<sup>392</sup> CW 18, p. 233.

<sup>393</sup> *Sheffield Independent*, 14 May 1859, p. 9.

<sup>394</sup> *The Examiner*, 20 Aug 1859, pp. 532-533. This article explores two applications of Mill’s theory, of education and marriage. *The London Review* commented briefly on the application of *On Liberty*, noting that ‘he is responsible for them; we are not’ and such difficult questions are only made worse by Mill’s lack of explanation. In so far as ‘not teaching respect for the opinions of others, the essay may almost be said to teach nothing else’ (13 Mar 1869, p. 244).

<sup>395</sup> A law preventing marriage should depend more upon local circumstances and feelings over whether or not two parties can provide for a child. See *The Examiner*, 20 Aug 1859, p. 532.

<sup>396</sup> *The National Review*, Apr 1859, p. 413.

<sup>397</sup> *Dublin Review*, July 1869, p. 75. An influential Catholic periodical published from 1836 until 1969. It was intended for a large audience by discussing Catholic opinions and non-religious matters.

to call for widespread education yet this was challenged for being unsustainable and exclusive to those who meet Mill's requirement to educate others. If Mill's agenda had been less radical and controversial, it may well have been received quite differently. Whilst the response to Mill's discussion on applications is brief, it does help situate some of the reactions to Mill based upon the previous four chapters in *On Liberty*. For Mill, marrying someone and having children without the means to support them (such as providing them with an education), was a social crime. Education and toleration provided the anchor for much, if not all of Mill's discussion within *On Liberty*. If these two principles were satisfied, the rest would fall into place. As we will see in the following chapter, the responses which Mill's theory of liberty received from both critics and admirers challenge contemporary readings on the chief argument of *On Liberty*. These debates unveil both the complex nature of his work but equally how misunderstood it has been since 1859.

## CONCLUSION

As we have seen, *On Liberty* was reviewed extensively in the newspapers and periodicals between 1859 and 1869. Whilst a number of reviews merely skimmed over the surface of Mill's work, they demonstrate an active engagement with the ideas that Mill brought to public discussion. The diversity of debate *On Liberty* provoked shows that it was too radical to leave unchallenged and too important to ignore. It demanded to be read. Within the first ten years, *On Liberty* had proven its usefulness in representing radical politics and working class movements, outraging religious bodies yet simultaneously encouraging a greater relationship between religion, society and developing individual characters. Further readings reveal the reaction to Mill's socialism, encouraging gradual change in the democratic system rather than some of the radical suggestions proposed by newspapers. It was hoped that paying greater attention to the liberties of individual men would create a more harmonious community, where men are not hesitant in pursuing their own interests.

This chapter has considered the reception of the individual chapters of Mill's *On Liberty*. The introductory chapter was dominated chiefly by liberal and religious responses; articles were often written by clergyman or those supporting Catholics. Chapter 2 (Of the Liberty of Thought and Discussion) was widely discussed in conservative circles, particularly between strict and liberal conservatives. However, there was also growing interest amongst protestants and unionists and some radical periodicals. This particular chapter of *On Liberty* appealed to all

walks of political and religious life. Chapter 3 (Of Individuality, as One of the Elements of Well-Being) was clearly the most widely discussed. This is also the first-time feminist periodicals (newspapers and magazines) openly cited and responded to Mill's argument. Both liberals and conservatives commented, as did radical trade unionists, legal journals, non-partisan as well as classical and economic liberal periodicals. Chapter 4 (Of the Limits to the Authority of Society over the Individual) was dominated by articles from conservative periodicals along with those writing on behalf of the Church of England and other High-Church periodicals. Chapter 5 (Applications), Mill's discussion on the application of his argument, was the least engaged with chapter but most interpretations came from Catholic periodicals.

If we compare Mill's earlier essays and publications with *On Liberty*, his 1859 essay was as controversial but less concise and for this reason, Mill was frequently challenged. The reception that Mill received rendered him a unique figure to the public imagination. Outraged by most, challenged by the rest and ignored by some, Mill's case in *On Liberty* covered such a mix of debate that it was difficult *to not* challenge or question him. Despite the controversy surrounding *On Liberty*, there are two reasons as to why he had as many critics, challengers and admirers as he did. Firstly, Mill was an admired public figure and his ideas were of great social and political importance. By ensuring *On Liberty* was not hard to come by, reviews shared no geographical bounds, nor were they only replied to by representatives of one class, party or religion. The commentaries were extensive and considered almost every page and every word. In light of the different nature of responses to *On Liberty*, Mill naturally appeared more attractive at times to a particular group or person. If it wasn't the anti-Catholic radicals or the working class, it was advocates for heightened legal power or the minority who wanted greater liberty and equality. These critics were some of Mill's most effective representatives in spreading his ideas.

Secondly, the majority of those that criticised Mill and *On Liberty* absorbed his ideas as they attacked them. This can be most effectively seen in chapter 3. Mill's critics responded with a passionate defence of the ability of humankind to develop their faculties whether in a community or isolated from the crowd. We can see from the responses that many shared similar anxieties as Mill but clashed with the answers he had settled on. The scale of Mill's intellectual achievement can be understood in relation to how his critics went about challenging *On Liberty*. Mill's ideas influenced an understanding of the world around him and awoke an individual consciousness. Countless replies fell into the trap of using his rhetoric when they

sought to dismiss his ideas, reflecting not only the importance of what he had written but also the burst of life *On Liberty* put into debate on ideas such as liberty and freedom.

As we will see in the following chapter, Mill's ideas engaged the attention of other leading intellectuals. Together, they sought to make sense of the purpose of Mill's essay, to revise controversial arguments in *On Liberty* and to defend Mill when he was fiercely under attack. In the following decade, Mill's theory of liberty would be used to address further the question of when we can interfere with the liberty of another. Moreover, we see the emergence of discussion concerned chiefly with the defence of toleration. This will have a great impact on readings of *On Liberty* in the 1880s and 1890s when debate concerns the family and collective liberty most prominently.

## CHAPTER 3

### The Limits of Toleration

1870 - 1880

#### INTRODUCTION

The previous chapter revealed how comprehensively *On Liberty* was discussed within the first ten years of its publication. By the 1870s, responses attempted to discern what role the government should serve, if any at all. How was society meant to protect the individual? Was it permissible to interfere with the liberty of another in order to help them help themselves? The central claim which emerged suggested that law was justified in enforcing a shared morality. Since its publication, this would become the most devastating and sustained attack upon Mill's essay. In a somewhat Hobbesian tone, Mill's critics stated that people needed to be kept in hedges, to be contained from violating the liberty of others. This response demonstrates two points of reception: absorption as well as rejection.

We have seen in the first ten years how Mill had been attacked from a number of commentators such as the Catholics, who launched a major attack on his theology. Whilst this weakened the reputation Mill had established by 1859, it did not do enough to prevent readers from discussing his essay nor did it really result in any major attacks. If anything, it was his controversial character which encouraged a response from a variety of critics. However, one of the most significant reviews of *On Liberty* was the publication of James Fitzjames Stephen's *Liberty, Equality, Fraternity* in 1873. Mill's apparent individualistic agenda didn't quite fit with Lord Palmerston's Liberal party politics of the 1860s and Stephen seized the opportunity to provide society with a new identity focused on force and constraint. *On Liberty* came under renewed scrutiny as a result; it generated debates on paternalism and revealed the first of Mill's loyalists who sought to preserve Mill's reputation and represent *On Liberty* as a defence of toleration, one inclusive of all people and all opinions.

We have seen how Stephen's account of *On Liberty* claimed that Mill permitted too much that ought to be prohibited. Accordingly, *On Liberty* appeared to tolerate more than what most felt was acceptable. Yet for Mill, intolerance prevented people from considering different values, ideas and perspectives, all of which were vital to progress. This also addressed the question of

why the state should be entrusted with promoting a tolerant and free society; for Mill, this was in order to provide equality to those who lacked it. Despite criticism, Mill was a strong champion of equality, believing that if people were more tolerant, society would prosper and progress. Toleration was essential for the advancement of a plural society, the compromise needed between differing political, social or moral values. This argument in relation to the reception of *On Liberty* will subsequently be addressed in this chapter.

## LATER EDITIONS OF MILL'S EARLY PUBLICATIONS

By the 1870s Mill had written widely on progressive ideas. The *System of Logic* and the *Principles* went through an incredible eight and seven editions respectively until Mill's death in 1873. We know that the first edition of the *System of Logic* circulated in relatively small circles in comparison to his other works (chiefly intellectuals and university students), yet also that it was not as eagerly read as Mill might have anticipated. Some however read the *System of Logic* as advocating social and political reform. We also know from the first edition of the *Principles* that circulation was significantly more widespread. The benefits of this for Mill were twofold: a larger readership was encouraged to participate in discussion and Mill's work had addressed concerns which everyone could relate to on some level. This brief section will discuss the chief developments of these two works, noting the changes in their editions and what this meant for the development of Mill's theory of liberty.

### The *System of Logic*

Mill published a total of eight editions of the *System of Logic*, the last published a year before his death in 1872. *The Academy* stated that Mill formulated 'the method with peculiar distinctness and estimate with caution and candour the extent of the philosophical beliefs that could be attained by it'.<sup>398</sup> Whilst it was not given as much attention as his other works, it was not ignored.<sup>399</sup> The first edition of the *System of Logic* appeared in 1843.<sup>400</sup> It was met by several criticisms (Mill himself referred to these criticisms as being of controversial character),

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<sup>398</sup> *The Academy*, May 1873, p. 193.

<sup>399</sup> See *The Examiner*, 4 Feb 1871, *Cambridge Chronicle and Journal*, 18 and 25 Feb 1871 and *Pall Mall Gazette*, 4 Feb 1871. See 'Stebbing's Analysis of Mill's Logic' and 'Killick's Students Handbook of Mill's Logic' for further discussion on the role Mill's work assumed in the decades after its publication.

<sup>400</sup> There were eight editions in total. The second edition was published in 1846, third 1851, fourth 1856, fifth 1862, sixth 1865, seventh 1868 and the eighth, 1872, a year before his death.

from writers such as Bain, Dr. Whewell and Archbishop Whately. Mill would revise this work for the following thirty years until his death. The reception of the 1843 edition demonstrated how Mill's text engaged minds in debate on liberty and freedom and by the 1870s, we see debate encourage self-legislation. The need to hold people to account and muster good government became the new rhetoric of progress, marking a decisive shift from the language used so prominently in the 1850s and 1860s.

Unfortunately for Mill, the reception of the *System of Logic* in the 1870s was met with as much confusion and uncertainty as the first edition. Strong criticism came from Stanley Jevons, an economist and logician who noted that 'Mill's authority is doing immense injury to the cause of philosophy and good intellectual training in England'<sup>401</sup> for his writings are so illogical that they represent all that is bad in philosophical developments of the period. *The Observer*, edited by both liberals and conservatives, noted that 'his logic has nothing in it that is not in the *Human Understanding* and the *Novum Organon*'.<sup>402</sup> Jevons led an upheaval which aimed to publicise the apparent inconsistency of Mill's work and ultimately raised 'the standard of insurrection against Mill's logic'.<sup>403</sup> Yet as we have seen, many criticisms were founded upon a mis-reading of the text altogether and for this reason, it is difficult to ascertain a clear reception of Mill's theory of liberty in these later editions.

Moreover, there was very little engagement with the *System of Logic* during the period between 1843 and 1870, when disapproval appeared to halt further discussion. So, what does this have to do with Mill's later writings on liberty? Mill's writing style was the target of critics and the *Exeter and Plymouth Gazette*, a conservative newspaper, subjected Mill and his theory of liberty to far greater scrutiny. They argued that 'the chapter on "Evidence," in Mill's "Logic," did more than anything else to lead him into the false and treacherous "freedom" of an utter denial of Christianity'.<sup>404</sup> The suspicion surrounding Mill's faith, or lack of it, only further harmed his reputation as an intellectual and his critics were now beginning to make connections between his religious assault in *On Liberty* and his other works. Despite this, *The Examiner* remained one of Mill's few allies. They described how, in the *System of Logic*, they found no discrepancies and it remained one of the key texts on scientific progress, far better than any

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<sup>401</sup> *The Examiner*, 19 Jan 1878, p. 73.

<sup>402</sup> *The Observer*, 26 Oct 1873, p. 2.

<sup>403</sup> *The Examiner*, 19 Jan 1878, p. 73.

<sup>404</sup> *Exeter and Plymouth Gazette*, 30 Apr 1874, p. 2.



other work at the time. They added that Mr. Jevons fools himself in his ‘pettifogging verbal criticism’ and he shows ‘an amusing conception of the function of a teacher when he assumes that his whole duty is to cram text-books, with all their imperfections, into the heads of his pupils’.<sup>405</sup> Mill’s supporters emphasised his influence on young students; his revised works were a ‘pure stream of correct thought’<sup>406</sup> and demonstrated the value of challenging one’s own opinions in order to edge closer to the truth. Mill’s works were now read as championing the need to scrutinise opinions in order to develop an informed judgement.

By 1873, the *System of Logic* was seen to be concerned with the individual. The *Western Daily Press*, a liberal newspaper, noted that Mill did more than just speak about wealth, commerce and wages. Mill had shown ‘that prosperity depended more upon the mental and moral qualities than upon these outward things’. In addition to this, Mill ‘dealt out even-handed justice to all classes’ where ‘many measures of reform were advocated in this book which had since become the law of the land, and the foremost men in the land were working for the reception of the remainder as established law’.<sup>407</sup> The early reception of Mill’s works unveiled how he sought to reform legislation and advance the cause for equality, yet as Mill’s idea of tolerance was closely examined, critics would alter their reading of him. The *System of Logic* had initially dissatisfied readers for being inconsistent and elitist, yet by 1873, critics had noted an underlying focus on developing the faculties of the individual (more so after reading Mill’s discussion on free-will and human nature in book VI). The scope of subject and the problems which Mill observed in his writings could all be resolved by cultivating individual development and the *Principles* would be no different.

### *The Principles of Political Economy*

By the 1870s, discussion on political economy often involved criticism of trade unions and their usefulness for economic development. Moreover, by rewriting, almost in its entirety, the chapter on property in the third edition of 1852, Mill downplayed most objections to a socialist system yet Mill’s discussion on land and property indicated the extent to which he championed equality; his writings on socialism essentially scorned society for failing to adequately

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<sup>405</sup> *The Examiner*, 19 Jan 1878, p. 73.

<sup>406</sup> *Western Morning News*, 4 July 1873, p. 4. *The Examiner* added that ‘this is why candidates for University degrees in Philosophy are expected to show an acquaintance with the work’ (19 Jan 1878, p. 73).

<sup>407</sup> *Western Daily Press*, 19 May 1873, p. 3.

distribute between classes. Mill's conception of socialism, after all, was itself a combination of individual liberty, shared interests and equal participation. Whilst condemning the labouring classes as unfit and incompetent to make any decisions regarding the community of ownership, Mill maintained that the greatest possible freedom was in relation to ownership of property, individually or communally. The conservative, pro-Church of England newspaper, *Leamington Spa Courier*, noted that 'it must never be forgotten that a nation, just as much as an individual, is bound to give value for all it receives'.<sup>408</sup> In contrast, *Cork Examiner*, a Catholic newspaper, added that 'principles of political economy declare that there should be no monopoly' for it is more beneficial to society to have multiple contributors to the markets as opposed to a single market and the exploitation this can bring. After all, political economy is the 'science of the accumulation of wealth'.<sup>409</sup> It seems that Mill's earlier comments on the value of collectivism had been noted. The liberal newspaper, *Burnley Gazette*, had condemned trade unions for their 'unwise and unjust interference with capital'. Cairnes added that 'the simple process of leaving people to themselves'<sup>410</sup> would be most expedient. Echoing Mill's concerns in 1859, leaving people to manage themselves would not only prove to be the most utilitarian outcome but it would likely usher in a period of economic prosperity and stability.

The *Principles* was met with praise from the start. Discussion on the need to establish a fair and just relationship between labour and wages had surfaced prior to 1848. The later editions of both texts reveal much continuity in the manner in which they were received. The *System of Logic* was eyed with suspicion and frustration. The *Principles* was met with increasing levels of support, for Mill had directly addressed a concern most in society could relate to, the risk of a stationary state and a lack of economic growth. Workers needed to be happy and in order to sustain that, they needed to have liberty, exercised through their individuality. In this regard, the later editions of the *Principles* sanctioned more state intervention than *On Liberty* had in 1859. As the brief reception of these later editions demonstrates, Mill and his commentators would agree on some key points; the need to educate society and ensure people were genuinely free, balanced by an intuitive yearning to unite society.

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<sup>408</sup> *Leamington Spa Courier*, 23 Aug 1879, p. 3.

<sup>409</sup> *Cork Examiner*, 7 Apr 1870, p. 3.

<sup>410</sup> *Burnley Gazette*, 16 Aug 1873, p. 5. Mill praised Cairnes in the sixth edition of his work, published in 1865. See further George O'Brien, 'J. S. Mill and J. E. Cairnes', pp. 273-285.

The *Principles* had initiated discussion specific to the balance between individuality and collectivism that didn't have the 'baggage' *On Liberty* seemed to carry with it. The *Westminster Review* noted that there was a growing competency of 'all classes to learn by practice to combine and labour for public and social purposes'. In light of this, people will still work harder for individual benefit as opposed to the communal good, so 'why should it be more difficult to persuade a man to dig or weave for his country than to fight for it?'<sup>411</sup> Ultimately, the *Principles* was impressive and sought to influence legislation in securing 'freedom of industrial enterprise and of contract, as the one and sufficient solution of all industrial problems'.<sup>412</sup> Freedom was essential, yet the use of restraints to direct action would more directly resolve industrial problems than if people managed it themselves. Helping people to help themselves was becoming an appealing option.

The claim that the community is of greater importance than the individual resurfaced in light of Mill's later publications. The *Westminster Review* noted of the *Principles* that 'while still repudiating the tyranny of society over the individual which most Socialistic systems involve, he came to look forward to a time when the division of the produce of labour will depend less on the accident of birth, and it will be more common for all to labour strenuously to procure benefits that shall not be exclusively their own, but will be shared by the society of which they are members'.<sup>413</sup> Critics previously claimed that Mill failed to convince his readers that he wanted to break down the barriers of social mobility but this is an attitude he always held. By early 1874, however, critics noted Mill's thoughts on the importance of the community in cultivating good individuals.

*Burnley Gazette* noted that 'you have to maintain what you believe to be the just rights of industry, and sometimes, as you know, you do things which many people do not approve, and which, probably, when you come to think more coolly of them, you may even doubt the wisdom of yourselves'.<sup>414</sup> Mill had not suggested that we interfere with individual choice per se. After all, this was one of the core features in developing unique characters. By 1879, responses noted that the *Principles* 'is directly applicable to the working classes for they are most concerned with labour and capital'.<sup>415</sup> *The Academy* praised Mill's work for restoring 'to political

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<sup>411</sup> *Westminster Review*, Jan 1874, p. 141.

<sup>412</sup> *Burnley Gazette*, 16 Aug 1873, p. 5.

<sup>413</sup> *Westminster Review*, Jan 1874, p. 141.

<sup>414</sup> *Burnley Gazette*, 16 Aug 1873, p. 5.

<sup>415</sup> *Leamington Spa Courier*, 23 Aug 1879, p. 3.

economy that natural connexion with the general science of society and art of government which it had almost lost in the hands of Adam Smith's successors'.<sup>416</sup> The value of collective involvement spanned all aspects of daily life and much of Mill's success was because he 'humanised it' for he 'showed that its principles were the beneficent necessities that guarded human wellbeing, that they were, in fact, the laws of nature'.<sup>417</sup>

Accordingly, this fundamentally underlines Mill's sanctioning of cooperatives, which grew from the 1820s via his reflections on Coleridge. Mill had commented that for those who cannot help themselves, the state can play an integral part. The extent to which men are proprietor of themselves indicates the scale of modern growth; after all, the 'government can do something directly, and very much indirectly, to promote even the physical comfort of the people' and to 'teach the people what is in theirs'.<sup>418</sup> Stressing the need for independence of thought, self-autonomy taught 'the working classes the value of honesty & intelligence *to themselves*', initiating a great 'moral revolution in society'.<sup>419</sup> Mill's support of paternalism become apparent here for he noticed that the working-class not only needed to be educated to a higher standard but given the independence to manage their own interests.

In promoting worker cooperatives, Mill noted 'the association of the labourers themselves on terms of equality, collectively owning the capital with which they carry on their operations, and working under managers elected and removeable by themselves'.<sup>420</sup> For Mill, cooperatives both enhanced productivity and reduced inequality without the need for excessive and potentially regressive state interference. The power of combining not only increased productivity but encouraged people to self-govern in a way which not only considered individual interests but also those of the community. It is vital to read Mill's plea for individuality in this manner; making the working-class their own master gives them the freedom to cooperate with others, indispensable for the type of individuality Mill champions. For Mill, participation in cooperatives was an expedient way for a greater majority to work together for the shared interests of the community, something he unpacked in the *Principles*.

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<sup>416</sup> *The Academy*, May 1873, p. 193. This is perhaps the clearest attempt to read Mill's theory of liberty in the *System of Logic* and the *Principles* in conjunction.

<sup>417</sup> *Western Daily Press*, 19 May 1873, p. 3.

<sup>418</sup> CW 10, p. 156.

<sup>419</sup> CW 15, p. 546.

<sup>420</sup> CW 3, p. 775.

So, if we look exclusively at the *Principles*, by the late 1870s, Mill had developed a reputation as a man of sound values and not overly invested in the affairs of Westminster. It was Mill's brief spell though as an MP in the 1860s and failure to be re-elected which possibly saved this reputation. *Leamington Spa Courier* had noted that 'the principles of Political Economy enunciated by modern politicians are erroneous',<sup>421</sup> and ought to be replaced by the principles as explored by writers such as Smith and Mill. Commentators praised Mill's work for giving 'workmen a direct interest in the business they were engaged in in the shape of a percentage on the profits'.<sup>422</sup> Mill's reputation was somewhat safe by the early 1870s, but he required the defence of his loyalists from this period onwards to preserve his title as *the* prophet of liberty.

### JOHN MORLEY AND THE LIMITS OF TOLERATION

The later reception of the *System of Logic* and the *Principles* paved the way for John Morley's defence of *On Liberty*. We have seen emphasis on developing the individual within the community, the need to distribute evenly between social classes and perhaps most relatable to Morley, the importance of keeping social reform and party politics separate. As with Mill, Morley did not oppose state intervention, permitting it when it can help those unable to help themselves. In 1874, he wrote his work *On Compromise*. Published as a series of five essays, *On Compromise* originally appeared in the fortnightly liberal magazine, *The Fortnightly Review*, 'to consider, in a short and direct way, some of the limits that are set by sound reason to the practice of the various arts of accommodation, economy, management, conformity, or compromise'.<sup>423</sup> Morley considered whether we should ever hold back opinions and whether we ought to conceal our thoughts. *The Examiner* noted that Morley's aim was to find out 'one or two of the most general principles which ought to regulate the practice of compliance'. *On Compromise* addressed the decisiveness of political parties and the need to mediate between

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<sup>421</sup> *Leamington Spa Courier*, 23 Aug 1879, p. 3.

<sup>422</sup> *Western Daily Press*, 19 May 1873, p. 3.

<sup>423</sup> *The Athenaeum*, 17 Oct 1874, p. 505. See further Haley, 'John Morley', pp. 403-409. Haley noted that *On Compromise* dealt 'with the acceptable limits of conformity and dissent in politics and religion', p. 408. See further Warren Staebler, *The Liberal Mind of John Morley* for a study of Morley's ideas and intellectual interests. Also, Hirst, *Early Life and Letters of John Morley* and John Lyle Morison, *John Morley: A Study in Victorianism*. For a leading study on the social and political roles Morley served, see David Allan Hamer, *John Morley: Liberal Intellectual in Politics*. Knickerbocker noted that Mill and Morley worked to save the liberty of man and 'if their tone was often combative that was because they were fighting, not religion, but an intolerant orthodoxy that seemed to them the enemy, not only of the new truths of science and Biblical criticism, but of the very freedom of the mind to seek the truth'. See Frances W. Knickerbocker, 'The Legacy of John Morley', pp. 145-146. Edward Alexander noted that 'Mill's influence on Morley's generation had been so pervasive that it determined, even among those who rejected Mill's principles, the very questions to be considered'. See Alexander, *John Morley*, p. 25.

their interests. More importantly, Morley added to *On Liberty*, stating that there was a need to ensure both liberty and state power were always balanced, an idea which would appeal to many more than Mill's essay had in 1859.

*The Examiner* provided one of the most comprehensive and engaging responses to Morley's work in relation to *On Liberty*. They compared it to the 'Character of a Trimmer', a seventeenth-century piece written by the statesman and politician, George Savile, Marquis of Halifax. In Halifax's work, these trimmers 'mediated between the extremes, as being at once the ballast and the rudder of the vessel of the State, preventing it from capsizing when pressed too heavily on one side, and from shipwreck when propelled too violently in one direction'. Morley outlined a doctrine of moderation on discussions of liberty, freedom, restraint and protection that maintained a balance of power, serving all interests. This would mediate between 'unbound tyranny and extravagant liberty', for each one needed to be tamed if progress was ever to be achieved and this was an issue taken up by Mill's critics in 1859.

Thus far, it seems that Morley had achieved something with his essay which Mill had not. There is something problematic that comes with unlimited freedom: the freedom to do wrong, the freedom to harm others, to be a nuisance and cause offence. As *The Examiner* added, Morley sought to ascertain 'whether there are any exceptions to the doctrines of 'Liberty of Discussion' as laid down by Mr. Mill'.<sup>424</sup> Alongside this, the *Saturday Review* observed that society was so intolerant that men 'should be so strong in speaking out their minds one way as to be ready to burn or embowel the man who speaks out his mind another way'.<sup>425</sup> In his earlier publications, Mill had expressed the need for freedom of expression and thought and Morley had continued this by exploring the limitations of tolerating the opinion of another.

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<sup>424</sup> *The Examiner*, 21 Nov 1874, pp. 1269-1270, for a brief discussion on Morley. They added that on the issue of toleration, Morley is fundamentally dealing with the same problem faced by Milton's 'Areopagitica' and Locke's 'Essay on Toleration' (p. 1269). *On Liberty* has often been criticised for tolerating too much that ought to be prohibited. See Stephen, *Liberty, Equality, Fraternity*, particularly chapter 1. Morgan states that protected freedom and legitimate coercion mark the limits of toleration. Morgan, 'The Mode and Limits of John Stuart Mill's Toleration', p. 147. Morgan further wrote that 'the most obvious disadvantage is that Mill's empirical claims concerning the process of character formation might prove false. Perhaps people will use their freedom to develop pernicious lifestyles and base characters from which they will derive little genuine happiness; perhaps they will use their freedom to oppress each other', p. 157. See Haley, 'John Morley', which states that *On Compromise* has not lost its relevance but 'it stands in the shadow of Mill's *On Liberty*. On the other side there is Stephen's *Liberty, Equality, Fraternity*', adding that both Morley and Stephen 'jousting over Mill', p. 408.

<sup>425</sup> *Saturday Review*, 20 June 1874, p. 776.

We have seen how the problem of intolerance (particularly religious), played a key part in Mill's works and this is something we see cross over to Morley's essay.<sup>426</sup> It was also something that gained attention from a number of periodicals. *The Athenaeum* noted that if an atheist accepted an invitation to a country house belonging to those of faith, it is not his duty to go to church on Sunday morning. The atheist, ought, under the circumstances, to say 'I shall not go to church with you and your family, and I shall not do so because I am an atheist, and hold your religion to be an abominable and degrading superstition'.<sup>427</sup> Like Mill, Morley warned of an increasingly hostile society, reluctant to accept opinions which were not orthodox. In light of this, *The Academy* noted of Morley that 'parts of the present essay may be read as a sighing confession that it is growing very hard to be a consistent Liberal'.<sup>428</sup> This may explain why commentators felt *Mill* was inconsistent too.

Works such as *On Compromise* addressed if there are exceptions to free discussion and whether an individual can coerce another opinion. Yet there is something problematic in forcing people to form an opinion and this is noted in responses to Morley. People should not feel they cannot decide for themselves. Making up our minds seemed to be a lost art, Morley himself had a personal grievance with this, leaving university after a dispute with his father who insisted he become a clergyman. Even so, responses from periodicals such as *The Athenaeum* contended that they were unable to 'agree with Mr. Morley either in his premises or in his conclusion',<sup>429</sup> with *The Examiner* adding that his notion of the positive duty of making up our minds 'savours perhaps too much of a rigid dogma'.<sup>430</sup> *The Contemporary Review*, a quarterly magazine intended as a church-minded counterpart, noted that if Morley maintains "'history is a huge *pis-aller*," where is the storehouse in which he looks for our sanctions or our encouragements?'<sup>431</sup> Morley's essay had naturally built upon *On Liberty*. It added to the material discussed in 1859 but was less argumentative and 'more distinctly a *pièce*

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<sup>426</sup> See further Parsons Jr., 'J. S. Mill's Conditional Liberalism in Perspective', pp. 147-168. Parsons Jr., discusses the free expression of orthodox and unorthodox statements in an open society, citing the case of Socrates, noting that 'in contrast to popular orthodoxy, Mill defends the free, temperate expression of unorthodoxy as epitomized chiefly by the founder of moral philosophy, Socrates', p. 152.

<sup>427</sup> *The Athenaeum*, 17 Oct 1874, p. 505. Morley draws the line at parents, noting that 'after considering how far it is a duty for an atheist to openly express his opinions, he decides that the one exception to the general rule is in the case of his parents, whose scruples he is bound to treat with a filial respect' (p. 506).

<sup>428</sup> *The Academy*, 21 Nov 1874, p. 552.

<sup>429</sup> *The Athenaeum*, 17 Oct 1874, p. 505.

<sup>430</sup> *The Examiner*, 21 Nov 1874, p. 1270. *The Contemporary Review* dismissed the duties Morley demanded in his essay and disputed the claim that both he and Mill felt that such duties can be made upon a utilitarian basis (August 1877).

<sup>431</sup> *The Contemporary Review*, Aug 1877, p. 517.

*d'occasion*',<sup>432</sup> yet he could not quite persuade readers of the appeal of self-autonomy and free choice.

Upon reading Morley's essay, compromise became 'the recognition by upright and intelligent persons of their occupation to a greater or less extent of a common ground, the boundaries of which may be extended or left undisturbed without derogation to good feeling or self-respect in either case'.<sup>433</sup> However, for the majority not felt to be upright nor intelligent, Mill's support for paternalism would provide them the opportunity to help themselves, creating a greater sense of equality within society. By 1874, critics were asking 'how far and under what circumstances the minority ought of their own free will to abstain from speaking out their whole mind' and 'how far the individual does right in yielding to the uninformative pressure of the majority, and being restrained thereby from expressing his own thoughts and living his own life'.<sup>434</sup> For the first of these points, Mill would likely answer 'never', *unless* it causes harm to another; for the second, Mill would likely remind them of the lack of progress accountable due to uniformity. There was an air of hesitancy in people speaking freely, for many were too concerned with offending or insulting another, even if this assisted progress. Yet individual intolerance was not the greatest threat for Mill and Morley; social intolerance was guilty of keeping many a prisoner in their own mind and until they were able to exercise their liberty, there would be no progress.

Accordingly, the *Saturday Review* observed that England was in 'an age of great insincerity' as men and women do not speak freely as they are fearful of the repercussions. It is 'one of the weak points of our political system that it has a tendency to lead public men to an imperfect utterance of opinion, and thereby to an imperfect formation of opinion'.<sup>435</sup> *The Athenaeum* added that Morley's grievance 'is that the majority of men are indifferent to truth, and amenable only to the lower and baser considerations of expediency'.<sup>436</sup> Moreover, the 'impossibility of inspiring men who do not exactly know or particularly care what they think about'<sup>437</sup> revealed the crucial role of state or individual coercion/suasion in encouraging people to expand their interests and challenge their beliefs so they can develop a unique character. Echoing Mill's

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<sup>432</sup> *The Academy*, 21 Nov 1874, p. 552.

<sup>433</sup> *The Examiner*, 18 July 1874, p. 766.

<sup>434</sup> *The Examiner*, 21 Nov 1874, p. 1269.

<sup>435</sup> *Saturday Review*, 20 June 1874, p. 775.

<sup>436</sup> *The Athenaeum*, 17 Oct 1874, p. 505.

<sup>437</sup> *The Academy*, 21 Nov 1874, p. 552.



concerns in *On Liberty*, the *Saturday Review* wrote that men have ‘no distinct opinions. They come to say whatever is the right thing to say, if not with any fervent belief in it, yet at least without any unconscious unbelief’. People had never been encouraged to think outside of what the norm was; for this reason, progress was a foreign language, to be stationary was the new fashion.

The extent to which people were prevented from freely expressing their thoughts and opinions was becoming increasingly clear. The *Saturday Review* noted that men ‘do not profess their genuine opinions, but such opinions as they think are likely to be acceptable to the electors, at any rate to the electors of their own party’. Society had a long way to go if their chief concern was that not all men could freely declare honest opinions; for Mill, an equal anxiety was that women were consistently ignored. This closely ties in with Mill’s discussion on truth throughout his works; the lack of truths are due to people saying what others want to hear and not being honest, perhaps in fear of the many who are intolerant. At least this would encourage them to *compromise*, satisfying Morley’s objectives. This extended beyond the realm of politics too. The *Saturday Review* added that those ‘who disbelieve in Christianity do not openly profess their disbelief’.<sup>438</sup> Specifically discussing Socrates and Christ, two figures who were both put to death because of what they proclaimed, Mill noted that ‘history teems with instances of truth put down by persecution. If not suppressed for ever, it may be thrown back for centuries’.<sup>439</sup>

What Morley showed is that we have an intellectual responsibility to express our opinions. This is something both Mill and his commentators agreed with. *The Examiner* noted that ‘to put off forming clear opinions about a subject till it is ripe for legislative action is absurd for many reasons, but chiefly for this, that it is by the force of opinion that great changes are accomplished’.<sup>440</sup> *The Contemporary Review* further called for the genuineness of thought or belief, writing that ‘a man’s profession or belief, or his acquiescence in the teaching or profession of beliefs by others – whether the belief be political or religious – should be absolutely sincere’.<sup>441</sup> After all, it has become something of a national sin ‘to carry out half-

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<sup>438</sup> *Saturday Review*, 20 June 1874, p. 775. It is for this reason that Mill ‘casts *society* in the role of tyrant over libertarian departures from accepted modes of behavior’. See further Parsons Jr., ‘J. S. Mill’s Conditional Liberalism in Perspective’, p. 151.

<sup>439</sup> CW 18, p. 238.

<sup>440</sup> *The Examiner*, 21 Nov 1874, p. 1270.

<sup>441</sup> *The Contemporary Review*, Aug 1877, p. 517.

accepted principles to their legitimate practical conclusions'.<sup>442</sup> Mill had championed the need to express sincere opinions and by the 1870s, his readers seemed to take seriously the threat this posed to both the community but also individually. However, society was still not as inclusive as Mill would have hoped and collectively, they were intolerant towards women and men, particularly on electoral matters and social expectations of women as wife and mother in the private sphere. Despite three reform acts in the 19<sup>th</sup> century (1832, 1867 and 1884), women could not vote and even by 1884, just under half of the male population were excluded too.

### INDIVIDUALISM TO PATERNALISM

By the 1870s, paternalism was considered to be the best mediator between tyranny and liberty. Mill maintained that many people (he noted the young and mentally unsound) are unable to make rational decisions, resulting in accusations that 'Mill evidently does not see that "current opinions" have more vitality in them than he suspects. That they are a social power has clearly never struck him'.<sup>443</sup> Mill felt that the 'growth of social equality, and of a submission to public opinion, should impose on mankind an oppressive yoke of uniformity in opinion and practice'.<sup>444</sup> However, the conservative publication, *Saint Paul's Magazine*, noted that 'a man who will neither enter unintellectual society nor consort with anyone who differs from him in opinion, practices an unconscious self-indulgence analogous to the care of a valetudinarian for freedom from disturbance and for an equable temperature'. They added further that 'in precisely the same spirit, religious bigots and other leaders of cliques and coteries confine themselves to the society of those who echo or share their opinions'. This repeated Mill's claim that individuals needed to be different. However, critics stated that Mill subtly asked for 'voluntary self-seclusion'.<sup>445</sup> Mill had long warned of the dire consequences if one continued to partake in a community which had fixed, unyielding beliefs and a further anxiety of his was the impact this had on the community.

We have seen earlier readings which claim that liberty is *only* liberty if protected by laws. By 1879, this had not changed. The individual was not free to do as they liked and if they did,

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<sup>442</sup> *The Academy*, 21 Nov 1874, p. 552.

<sup>443</sup> *The Observer*, 26 Oct 1873, p. 2. Arneson notes that 'the long-run indirect consequences of paternalism are likely to be very bad - that it, inimical to social progress - for just the same reasons that the long-run indirect consequences of suppression of speech are likely to be very bad', see Arneson, 'Mill Versus Paternalism', pp. 481-482.

<sup>444</sup> *Westminster Review*, Jan 1874, p. 140.

<sup>445</sup> *Saint Paul's Magazine*, Dec 1873, pp. 688-689.

intervention was permissible on the grounds of protecting liberty for all. *Dundee Evening Telegraph*, a liberal and reformist newspaper, noted that liberty is the ‘full protection to every man who is doing right – protection in his person, in his property, and in his reputation’. They added, however, that liberty is not ‘freedom to do wrong’.<sup>446</sup> *Shetland Times*, a local newspaper, added that ‘it is essential to liberty that men should be subjected to the restraints of law; and where this interest is limited by a wise regard to the best interests of the State, there men are free’. It added further that ‘the highest degree of civil liberty is enjoyed where natural liberty is so far only abridged and restrained’,<sup>447</sup> necessary and expedient for the safety of society. Man ‘is a social being, needing help above and around him, and unable to evolve any sound conception of liberty unless trained also in the school of law’.<sup>448</sup>

The liberal newspaper, *Manchester Evening News*, wrote that ‘people had been following dreams of liberty created out of their own foolish ideas, they had not only failed to obtain liberty, but had brought upon themselves ruin and desolation, and their liberty had ended in smoke and flame’. Every man was ‘afraid of his neighbour – every man disposed to shut up his neighbour in prison because he was afraid of him’. Liberty whereby ‘every man allowed his passions to run as they would was no liberty at all’.<sup>449</sup> In this sense, liberty needed to be curbed first and foremost by the individual; if and when this was not fulfilled, the state or society had an obligation to intervene and restrain behaviour that was deemed a nuisance. The interests of the state were dependent upon people making not just any choice, but a wise one.

*Dundee Evening Telegraph* reasoned that the liberty to exercise our desires is when the individual can sit ‘under his own vine and under his own fig tree, with none to make him afraid’. The desire for restraints was greater than ever to stop those ‘plucking his neighbour’s fig tree’<sup>450</sup> as he sees fit. *Manchester Evening News* observed that liberty ‘began in a man getting free from himself – from his own passions’.<sup>451</sup> *Shetland Times* noted that whilst civil liberty can stress the importance of individual decisions, it ‘is not freedom from restraint. Men

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<sup>446</sup> *Dundee Evening Telegraph*, 7 May 1879, p. 4

<sup>447</sup> *Shetland Times*, 15 Sep 1873, p. 4.

<sup>448</sup> *The Leisure Hour*, 31 Jan 1874, p. 74. *The Leisure Hour* was a weekly periodical published by the (Christian) Religious Tract Society.

<sup>449</sup> *Manchester Evening News*, 31 May 1871, p. 4. See Dworkin, ‘Paternalism’, pp. 64-84, which argues that restrictions on liberty may be justified if it means that a person can have the opportunity to live a more prosperous and meaningful life.

<sup>450</sup> *Dundee Evening Telegraph*, 7 May 1879, p. 4.

<sup>451</sup> *Manchester Evening News*, 31 May 1871, p. 4.

may be wisely and benevolently checked and controlled, and yet be free. No man has a right to act as he thinks fit, irrespective of the wishes and interests of others'. Contrary to Mill's recommendations, a majority of responses emphasised their concerns at permitting too much liberty and perhaps it was better for everyone if this was curtailed in order to keep bad behaviour in check. Necessary force could be applied, and this transcended the realm of self-regarding and other-regarding actions.

The recurring argument that government is there for the good of the people dominated responses to Mill. *Shetland Times* added that 'the life, liberty, and property of no man should be infringed upon, except by process of law – that every man who respects and obeys the laws has a right to protection and support – and that all that is valuable in civil institutions rests on the intelligence and virtue of the people'.<sup>452</sup> The point of being free is not to have unrivalled opportunities to act in any manner you see fit. Liberty permits control and the monitoring of individuals for a more harmonious community. For this reason, the claim that 'there must be a screw loose somewhere'<sup>453</sup> in *On Liberty* became an increasingly widespread interpretation of Mill's essay.

Debate surrounding *On Liberty* in the 1870s condemned acts which were unconstitutional and subversive of morality. Social duties or freedoms were discussed in terms of whether you have a legal or moral right.<sup>454</sup> Responses discussed the rhetoric of legal moralism with regards to what is permissible, further reflecting the problem of intolerance. What is not to be tolerated is that 'individuals or cliques, clubs or parties shall take into their hands the power of secretly dooming men to death and suddenly executing the vengeance thus privately decreed'.<sup>455</sup> The enforcement of a legal code is necessary for the protection of liberty, even if there is a strong case that the introduction of something of this nature may itself be a liberty-limiting principle.

However, the *Western Gazette* (non-partisan until 1886 when it was sold to the conservatives) condemned the need to build boundaries and hedges around individuals as well as social groups, claiming that part of the struggle for progress is because 'the tendency of modern

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<sup>452</sup> *Shetland Times*, 15 Sep 1873, p. 4.

<sup>453</sup> *The Examiner*, 7 Dec 1872, p. 1197.

<sup>454</sup> See *Warder and Dublin Weekly Mail*, 15 July 1871, pp. 6-7. Furthermore, see the following conservative newspapers, *Carlisle Patriot*, 5 Oct 1877, p. 3, *Yorkshire Post and Leeds Intelligencer*, 7 Jan 1876, p. 3 and *Bolton Evening News*, 22 Nov 1871, p. 4.

<sup>455</sup> *Bolton Evening News*, 22 Nov 1871, p. 4. A daily newspaper publishing local news.

legislation is to interfere with individual liberty’, as opposed to protecting and enhancing it. The article later conceded though that interference can be permitted in specific cases, for instance, in situations where a parent fails in their responsibility to educate their children. Failure in this responsibility enables the state to take ‘children by force and send them to school’.<sup>456</sup> Yet persecution must be mediated for there is a ‘tendency of this facile repressive legislation to make those who resort to it, neglect the more effective, humane, and durable kinds of preventative legislation’. It is wrong for the majority to resort to enforcing law simply because they can, after all, ‘only on condition of liberty without limits is the ablest and most helpful of “heroes” sure to be found’.<sup>457</sup>

We have seen how responses absorbed and differed with the ideas of *On Liberty*. Many claimed that if needed, the state or another individual can legitimately interfere in order to foster good moral convictions. Others, however, such as the *Dewsbury Reporter*, which chiefly commented only on local news, maintained that the government has no right to exercise coercion in matters affecting the liberty of the subject. Coercion ‘was not in accordance with individual liberty, and with his and their individual convenience, and not in accordance with their interests’.<sup>458</sup> There is, therefore, a ‘need to affirm the expediency of legislating for the proper reception, detention and management’ where ‘society has a right to interfere with the liberty of another until it is safe for the public and until their reclamation’.<sup>459</sup> Accordingly, this resulted in discussion as to what the best form of government was, responses inspired by both *On Liberty* and *Considerations on Representative Government*.

Mill himself had noted that ‘one of the greatest dangers, therefore, of democracy, as of all other forms of government, lies in the sinister interest of the holders of power: it is the danger of class legislation; of government intended for (whether really effecting it or not) the immediate

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<sup>456</sup> *Western Gazette*, 1 Apr 1870, p. 3. Hodson however noted six categories which permit paternalistic intervention. These are ‘ignorance, emotional stress, compulsion and undue influence, mental illness, nonrationality, serious harm’. See Hodson, ‘The Principle of Paternalism’, pp. 61-62. See further Edward Sankowski, ‘“Paternalism” and Social Policy’, pp. 1-12. Sankowski notes, ‘for those below the age of legal adulthood, Mill concedes and even seems to approve many “paternalistic” interferences with liberty. He seems to regard this period of life as providing society’s chance to instill characteristics which are among the conditions making later paternalistic interventions unjustifiable’, p. 6. See further Himmelfarb, *On Liberty and Liberalism*, pp. 116-120 where it is suggested that Mill adopted a far more interventionist strategy when it came to parental responsibility.

<sup>457</sup> *The Fortnightly Review*, Aug 1873, pp. 240-241.

<sup>458</sup> *Dewsbury Reporter*, 6 Dec 1873, p. 7.

<sup>459</sup> *Oxford University and City Herald*, 12 Mar 1870, p. 4.

benefit of the dominant class, to the lasting detriment of the whole'.<sup>460</sup> Subsequently, the chiefly conservative daily newspaper (though at times supportive of liberal policies) *Pall Mall Gazette*, wrote that democracy 'has, as such, no definite or assignable relation to liberty' adding that governments interfere in accordance with 'the size of the country, the closeness with which people are packed'. They added that liberty can mean mere absence of restraint. Secondly, it can suggest the absence of an injurious restraint, conveying a more negative reading of liberty as freedom from external restraints upon our own actions. Thirdly, liberty was understood as the virtue of obedience. Rhetoric concerning discipline, order and stability was being discussed considerably more by this period and often at the expense of calls for greater liberty.<sup>461</sup> These three readings show that liberty *and* order are not just mutually compatible, they are two halves of the same coin.

Consequently, the monthly Methodist publication, *Wesleyan Methodist Magazine*, observed that 'the right of punishment, they say, arises from necessity' adding that the central question for society is not how to increase liberty, but rather to decide whether there is a social responsibility (if there is no moral one) and whether it is right to impose a system of control upon people. This fed into debate on the *type* of individualism Mill was often seen to be championing. After all, Mill felt that the opportunity to exercise your liberty could be curtailed if you failed to prove that you could be entrusted with this responsibility. The *Wesleyan Methodist Magazine* echoed this sentiment, writing that 'responsibility is nothing else but the confiscation of the freedom of the feeble for the benefit of social order'.<sup>462</sup> The imprudent few were simply not entitled to the same level of liberty as those who would make a meaningful contribution to society. This would prove to be a crucial line of disagreement between Mill and his critics.

This new age of legislating for oneself was met with optimism for it ensured undemocratic and unrepresentative bodies would not represent the will of the people. The *Dewsbury Reporter* claimed that self-legislation would solve a number of problems. Government 'were the

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<sup>460</sup> CW 19, p. 446.

<sup>461</sup> *Pall Mall Gazette*, 12 Dec 1872, p. 10. See further Cohen-Almagor, 'Between Autonomy and State Regulation: J.S. Mill's Elastic Paternalism', pp. 557-582. Cohen-Almagor argued that in considering the boundaries of state interference and paternalism, 'both might introduce dangers to the citizens' well-being and to democracy itself', p. 559. Moreover, democracies should sustain both private and public liberty. A lack of involvement and neglect of civic duties 'would encourage undemocratic trends and opinions', p. 580.

<sup>462</sup> *Wesleyan Methodist Magazine*, Feb 1874, pp. 152-154. They further asked 'are our judges, our magistrates, our courts of law, right in establishing and enforcing a system of repression, when the persons against whom that repression ought to be applied are mere pieces of irresponsible machinery', (p. 152).

representatives of the people, and legislated for the people, and therefore they could only exist by the will of the people, and if they did not act in harmony with the wishes and will of the constituencies they represented, when the time for election came round again, they turned them out and sent men who would truly represent them'.<sup>463</sup> The government must incur all accountability if they neglect their duty to the people. Ultimately, 'a man must be suppressed, not as guilty, but as an obstacle'.<sup>464</sup>

If everyone is capable of legislating for themselves, there ought to be no coercion 'because the people of this country either are, or ought to be, prepared to form an opinion for themselves'.<sup>465</sup> Reiterating Mill's encouragement for the formation of sound opinions, people should be able to decide for themselves what was according to their necessities, desires and circumstances. The liberal newspaper, *Wiltshire Times and Trowbridge Advertiser*, added that 'society has no right to discourage'<sup>466</sup> experiments in living, sharing Mill's concern. Law was not to subvert the will of the people, for 'no law in the nineteenth-century could be recognised in England that abrogated the liberties and privileges of the people'.<sup>467</sup> The justification of coercion or persuading someone to act in a certain way requires more than simply an interest in the collective.

As we have seen, Mill's thoughts on individuality were heavily scrutinised in the 1860s. Responses ranged from dismissing Mill's plea as a rigid and unshakeable form of individuality, through to those who celebrated the prospect of an abundance of individual and eccentric characters. By the 1870s, this charge had extended to claims that Mill felt compelled to 'wall in the sacred fire'; those whose intellect and virtue he approved. Critics felt that Mill found it impossible 'to mix with the multitude and not lower the pitch of one's own faith and self-respect'.<sup>468</sup> *The Examiner* noted that 'almost every human being, quite every class of human

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<sup>463</sup> *Dewsbury Reporter*, 6 Dec 1873, p. 7.

<sup>464</sup> *Wesleyan Methodist Magazine*, Feb 1874, p. 153.

<sup>465</sup> *Dewsbury Reporter*, 6 Dec 1873, p. 7.

<sup>466</sup> *Wiltshire Times and Trowbridge Advertiser*, 5 Dec 1874, p. 3. In fact, the more competent could do more to help others, 'by way of being helpful, of opening up alternatives, of maximizing dignity'. See Claeys, *Mill and Paternalism*, pp. 219-221.

<sup>467</sup> *Dewsbury Reporter*, 6 Dec 1873, p. 7.

<sup>468</sup> *Saint Paul's Magazine*, Dec 1873, p. 689. For a counter argument, see Cohen, 'Paternalism That Does Not Restrict Individuality: Criteria and Applications', pp. 309-335. In some cases, you could restrict conduct without reducing the individuality of that person. Those who were able to demonstrate eccentric characters did not require any further 'help'. What Mill would refer to as blind adherence to custom would permit interference for adhering to custom is not an exercise of choice for it does not require the use of our faculties. You are not expressing your individuality, it is merely the 'ape-like one of imitation', CW 18, p. 262.

beings, requires more or less coercion and restraint as astringents to give him the maximum of power which he is capable of attaining'. A young man who is educated and has his behaviour kept in check will have a more vigorous and original character than a young man who is entirely left to his own devices. The character of any individual needs to be formed, which may in turn require restraint, if they are to ultimately develop unique qualities later in life. Mill required 'that all shall restrain themselves from injuring anyone whose conduct has in no way injured them'. However, this 'does not require that men should not rise up against oppression'.<sup>469</sup>

Mill and his critics agreed upon restraining the behaviour of those who were a nuisance to another and drunkards resurfaced as an example demonstrating the complexity in establishing boundaries between interference and non-intervention. The liberal newspaper, *Western Morning News*, commented specifically upon prohibitory laws, arguing that 'it was an infringement upon personal liberty' and opponents turned to chapter 4 of *On Liberty*, contending that 'the only conclusion from the argument in that chapter was prohibition. The health of the people was the supreme law, and the liquor-seller could not plead personal liberty unless he could show that his traffic had in it no risk of damage'.<sup>470</sup>

Mill's work raised an important debate as to whether one can prevent harm, for instance, the harm that a drunkard might pose. Considering this, *The Fortnightly Review* claimed that 'you must have authority, and yet must have obedience' for Mill's doctrine of liberty supports a much more considered view of intervention. Dismissing the argument that 'if the majority has the means of preventing vice by law, it is folly and weakness not to resort to those means', *The Fortnightly Review* contended that the doctrine of liberty requires a much broader view to weigh up whether human coercion or pro-active regulation has received greater justification as a means of interference. Once this issue was resolved, it would become clear the extent to which individual freedom could be interfered with.

Yet *On Liberty* alone fails to satisfy these specific yet crucial questions as to whether we are to enforce morals. However, at minimum, it 'does emphatically recognise the right of the state to enforce that part of its moral code which touches such acts as not self-regarding'. The weak link in Mill's doctrine was his failure to address if 'any opinion or any serious part of conduct

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<sup>469</sup> *The Examiner*, 7 Dec 1872, pp. 1198-1199.

<sup>470</sup> *Western Morning News*, 29 Sep 1871, p. 4.



be looked upon as truly and exclusively self-regarding'. *On Liberty* was proving inadequate to fight the corner of liberty in the modern world. Instead, it was being used as a *reason* for why we should employ force and coercion, shaping the majority of responses to Mill's ideas in the second half of the nineteenth-century.

Even amongst those who were resolute that force should not be used to counter vice, there is a shift towards permitting the coaxing of people down a particular path to bring out their best character. For instance, passing a law to condemn drunkenness can control 'impatient natures'. However, this is not to forget the possibility that you could have done better, perhaps 'to leave that law unpassed, and apply yourselves sedulously instead to the improvement of the dwellings of the more drunken class, to the provision of amusements that might compete with the ale-house, to the extension and elevation of instruction, and so on'. In this regard, law is still compatible with Mill's principle, it didn't take away the freedom to enjoy one's liberty, yet 'whilst liberty cannot improve people, compulsion or restraint can'.<sup>471</sup> These responses to *On Liberty* indicated a growing feeling that intervention *can* work in conjunction with Mill's essay, perhaps sympathising with the idea that Mill was a paternalist.

By the 1870s, theories of legislation dominated discussion, suggesting that perhaps Mill's fundamental aim in *On Liberty* was to describe the way in which legislation could compliment his wider theory of liberty and ensure his call for collectivism and unity was acted upon.<sup>472</sup> Those who sought to control the expression of another were the source of intolerance and this was one of Mill's sharpest criticisms of society, for it hampered people from expressing their individuality. People are discouraged from being themselves because of social intolerance, which forces people to conceal their feelings and forfeit opinions. By the 1870s, this became a central focus of public debates, drawing attention to those groups which had always been excluded from freely expressing their thoughts, such as women. This is a concern which motivated much of Mill's work and will be expanded upon briefly in the conclusion of this thesis. After all, Mill placed great value on individual autonomy and claimed that it was wrong to subdue the expression of another.

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<sup>471</sup> *The Fortnightly Review*, Aug 1873, pp. 238-250.

<sup>472</sup> In mind here is Arneson's claim that 'paternalistic restrictions always decrease a person's autonomy', in 'Mill versus Paternalism', p. 481. This is an incorrect generalisation and fails to consider readings of Mill as a paternalist.

JAMES FITZJAMES STEPHEN

A RESPONSE TO *ON LIBERTY*

Perhaps the most notable criticism of *On Liberty* came from Stephen's 1873 *Liberty, Equality, Fraternity*. The level of support Stephen received proved disastrous for the reception of Mill's essay.<sup>473</sup> Critics found in Stephen's work the gaps that needed to be filled in *On Liberty*. Stephen had addressed 'some of the fundamental questions in political ethics'.<sup>474</sup> Moreover, their responses were becomingly increasingly specific. For instance, the *British Quarterly Review*, *The Athenaeum* and *Fraser's Magazine* all noted Stephen's chapters on 'Spiritual and Temporal Power' and 'Liberty in relation to Morals' as those of the greatest importance to consider when reading *On Liberty*.<sup>475</sup> Accordingly, Stephen represented 'at once fairly and forcibly, one side of a question which has already been dealt with from the other side by Mr. Mill'.<sup>476</sup> The *British Quarterly Review* noted that Stephen was astounded 'by the lack of self-consistency in some of the current political doctrines of the day, and he rushes forthwith to the construction of a new system for himself'.<sup>477</sup> Commentators approved of Stephen's claim for greater exertion of force.<sup>478</sup> Compared to Mill, Stephen received fewer negative reviews; those who objected did so on the grounds that too much force might lead to the tyranny of one over another but this was often noted as a passing comment rather than a criticism.

Contrary to *On Liberty*, Stephen's essay 'is in some measure a healthy and much-needed protest against the abuses of Liberalism'.<sup>479</sup> Whilst Stephen was very sceptical about human progress, *Fraser's Magazine* applauded his revolutionary trinity of *Liberty, Equality, Fraternity* and argued that 'there is more true freedom in Mr. Stephen's principle than in Mr. Mill's' for his 'expression is closer to the facts and less likely to mislead'.<sup>480</sup> *The Observer*

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<sup>473</sup> See K. J. M. Smith, *James Fitzjames Stephen: Portrait of a Victorian Rationalist*, who noted that 'the obsessive individualism at the heart of *On Liberty* at the same time appealed to and repelled Stephen', p. 122.

<sup>474</sup> Smith further noted that Stephen, newspapers and periodicals picked up on 'Mill's diagnosis of an intellectually declining nation, malnourished by an inadequate diet of liberty and individuality' (p. 167). This engaged them more closely in the debate. See Smith, *James Fitzjames Stephen: Portrait of a Victorian Rationalist*.

<sup>475</sup> See *British Quarterly Review*, July 1873, p. 256, *The Athenaeum*, 17 May 1873, p. 628 and *Fraser's Magazine*, July 1873, p. 92.

<sup>476</sup> *The Athenaeum*, 17 May 1873, p. 627.

<sup>477</sup> *British Quarterly Review*, July 1873, p. 256.

<sup>478</sup> Kirk noted that force 'arms the sanction which lies behind whatever good men do' and is 'the corrector of our vices'. See Kirk, 'The Foreboding Conservatism of Stephen', p. 574.

<sup>479</sup> *British Quarterly Review*, July 1873, p. 256.

<sup>480</sup> *Fraser's Magazine*, July 1873, p. 92. See further Kirk, 'The Foreboding Conservatism of Stephen', p. 573. Kirk noted 'the fundamental internal error of J. S. Mill's politics is just this: he thinks that society can be ruled

echoed earlier claims that Stephen's work 'is a protest against unconscious and popular cant. It is an assault on the common-place of journalism – an attack on Liberalism, and the political creed of the majority of men who believe that they are on the side of the enlightenment'. For Stephen, 'all modern politics are pervaded with the idea that liberty in itself, and apart from the ends for which it is employed, is good and meritorious, that men are in some important sense equal, and that true morality recognises all mankind as brothers'.<sup>481</sup>

Mill had defined liberty with regards to two broad yet encompassing points. Firstly, the idea of self-protection and secondly, that actions can only be legitimately interfered with when they concern the interests of other people. *Fraser's Magazine* argued that 'it is really impossible that any act of any man should concern the interests of no one but himself'<sup>482</sup> adding that Mill's essay was more than just paradoxical. These two points 'are so vague as to be capable of meaning anything or nothing according to the sense assigned to the qualifying terms'. *The Observer* asked 'what sane man, for example, ever contended that Liberty *per se* was good?' They added further that liberty of action is often noxious, and all morality which invokes its sanction to restrain license demonstrates this fact'. Moreover, 'there is no society which ought, or can, or does, act up to the ideal of freedom preached by men such as Mr. John Stuart Mill'.<sup>483</sup> *Fraser's Magazine* questioned 'what objects are included within the 'self-protection' of society?' probing further whether this idea of the *self* compromises 'future generations as well as the present'. More so, 'does *protection* mean protection against vice and disease as well as violence?'<sup>484</sup> Critics would continue to discuss these points for decades to come.

The freedom to do as one likes can be easily taken advantage of, challenging the universality, meaning and vigour of Mill's principle. Mill hoisted the flag of liberty so high that it opened his work to even greater scrutiny. In attempting to demonstrate the value of liberty, Mill managed to damage its meaning entirely. It was the politically conservative *Blackwood's Edinburgh Magazine* which contested Mill's theory of liberty. They stated that restraint is suitable, for 'age is a ground of exception, and children are not free to do as they please',

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by discussion. But the tremendous impelling power in all societies is force' and for this reason, Mill actually restricts the liberty we have.

<sup>481</sup> *The Observer*, 18 May 1873, p. 2.

<sup>482</sup> *Fraser's Magazine*, July 1873, p. 88.

<sup>483</sup> *The Observer*, 18 May 1873, p. 2.

<sup>484</sup> *Fraser's Magazine*, July 1873, p. 88. It was added that the legislature may well claim, in the name of self-protection, that it is the wisest but 'by limiting 'protection' to protection against crime and personal violence; it might be concluded that all civil law is superfluous' (p. 88).

secondly, ‘the capacity to make a good use of freedom is the measure of the right to possess it’. Finally, ‘capacity for freedom depends on the capacity to be guided to improvement by conviction or persuasion’.<sup>485</sup> Mill had claimed that you must be a responsible individual before you can be entrusted with greater liberty, which meant that those who were not could have their liberty curtailed. Accordingly, Mill had developed a merit-based system of freedom where greater liberties were awarded to those who could be trusted to cultivate good habits both for themselves and society.

It seems that many had read Mill wrong. The main problem for Stephen however was the lack of a theory of liberty in Mill’s work.<sup>486</sup> The *necessity* of force is perhaps the most contentious element of Stephen’s doctrine. The *British Quarterly Review* affirmed that force ‘is seen to supply the ultimate sanctions for civil government’<sup>487</sup> whereby it ‘must provide the series of conditions for regulating, the action of men in society, and in their relations as governing and governed’. *Fraser’s Magazine* challenged those who dismissed the exercise of authority on the charge that it is a bad course of action. They noted that ‘assuming that all authority is bad in itself leads also to the attempt to make out that the more civilised society becomes the less it rests upon force’.<sup>488</sup> It is wrong to say that using force makes you somehow less civilised. This could be equally applied to liberty; assuming all liberty is bad in itself may lead to the assumption that greater liberty means greater anarchy.<sup>489</sup>

However, the *British Quarterly Review* noted that Stephen’s error in *Liberty, Equality, Fraternity* was the exaggeration he placed on force, noting that it would have been better if he had noticed that ‘what we need and are able to attain to, is not force alone but force that is reasonable and right – that is to say, rational force’. Stephen’s essay offers ‘merely a return to

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<sup>485</sup> *Blackwood’s Edinburgh Magazine*, Sep 1873, p. 351. See further Lippincott, ‘James Fitzjames Stephen-Critic of Democracy’, pp. 296-307. Mill had claimed that the removal of restraints would invigorate character. However, criticisms asserted that the growth of liberty actually tends to diminish originality. Moreover, ‘how can mankind be improved by discussion when in favourable conditions it is just beginning to be conscious that it is ignorant?’, p. 304.

<sup>486</sup> Roach notes that ‘the most serious criticism of Stephen’s argument is that, in correcting some of Mill’s extravagances, he has almost explained liberty away altogether’. See Roach, ‘Liberalism and the Victorian Intelligentsia’, p. 67.

<sup>487</sup> *British Quarterly Review*, July 1873, p. 256.

<sup>488</sup> *Fraser’s Magazine*, July 1873, p. 94.

<sup>489</sup> For instance, Scarre noted that ‘along with the enthusiasts who praised it to the skies for its defence of individual liberty in every sphere of life and thought were critics who judged its defence of individuality as encouragement to anarchy and indiscipline’. See Scarre, *Mill’s On Liberty*, p. 135.

the foundations of despotism; for the authority of force, as force, must be despotism'.<sup>490</sup> Mill was also charged with this due to his insistence for greater individuality.

So, what do we see if we read these two works together? *The Athenaeum* noted that 'Mill attempted to devise a formula which shall include all cases in which the individual is entitled to please himself; Mr. Stephen to devise one which shall include all cases in which the State will do well to exert compulsion'. Mill defended 'the liberty of the individual, for freedom of opinion, for originality, in a word for eccentricity in all its forms' but his 'side of the controversy is the unpopular one'. Stephen conceded that 'Liberty is good and bad according to time, place, and circumstances'.<sup>491</sup> *The Saturday Review* added that liberty should not be a glorified term and you should consider 'who is left at liberty to do what, and what is the restraint from which he is liberated?'.<sup>492</sup> Ultimately, Stephen wished to prove that 'social coercion would in many cases tend to make men virtuous',<sup>493</sup> and by proving that the absence of coercion does not tend in such cases to make men virtuous, the utility of coercion has perhaps been undervalued.

In light of this, *Blackwood's Edinburgh Magazine* rejected *On Liberty*, claiming that 'free room in which to develop, not one's "individuality," but one's best self, by the light of all that is best and greatest, is an indispensable condition of human improvement, a necessary means to a desirable end. But that implies a great deal more than freedom – viz., a constraining sense of duty'. This implies it is acceptable to restrain those who act contrary to these duties. *Blackwood's Edinburgh Magazine* stressed that even Mill 'admits that all that makes existence valuable depends upon the enforcement of restraints upon the actions of other people'<sup>494</sup> even if he would later complain that these restraints are enforced by custom as opposed to reason. If ever in doubt, 'in every civilized community it must be the State as representing the ruling power which is the ultimate source of authority that will decide the question at issue'.<sup>495</sup> What we gain by civilisation 'is that force is organised, economised, and rightly directed. For the many who choose, political freedom means the power of choosing intelligently and for the

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<sup>490</sup> *British Quarterly Review*, July 1873, p. 256.

<sup>491</sup> *The Athenaeum*, 17 May 1873, pp. 627-628. The most cited chapter of Mill's essay now was 'Of the Liberty of Thought and Discussion', taking over importance from 'Of the Limits to the Authority of Society over the Individual', which dominated the majority of responses from 1859.

<sup>492</sup> *Saturday Review*, 19 Apr 1873, p. 517.

<sup>493</sup> *The Fortnightly Review*, Aug 1873, p. 242.

<sup>494</sup> *Blackwood's Edinburgh Magazine*, Sep 1873, pp. 349-350.

<sup>495</sup> *British Quarterly Review*, July 1873, p. 256.

common good whom they will obey; for the few who are chosen, it means the duty of ruling for the common good and no other purpose’.

Such a reading underlines the inconsistency with a utilitarian theory of morality. Many responses asked how compulsion can be bad for a utilitarian if it brings about a greater good. More so, if the good outweighs the inconvenience of compulsion, then where is there a problem? These are major questions which Mill failed to convincingly address, for if compulsion can bring you closer to the greatest freedom, why must there be an objection? Perhaps Mill wasn’t attempting to answer at all the question of liberty but sought to propose axioms which would foster debate so that people could answer themselves, ‘what acts affect the interests of others so definitely that the consequences are of calculable importance’.<sup>496</sup> In turn, society might realise that they often suppress the liberty of those who could make a meaningful contribution.

The reception of both Mill and Stephen’s theory of liberty dominated discussion on liberty and individual-state relationships by the 1870s. Mill felt ‘more strongly upon the rights of the individual and the value of originality’, whereas Stephen insisted ‘upon the claims of society and the advantages of orderly and concerted action’.<sup>497</sup> As we have seen in 1859, Mill was accused of spreading a strikingly low estimate of humanity. In 1873 this resulted in criticism from the *Saturday Review* as to how such an individual ‘can with any degree of consistency be the advocate of liberty in the sense of a negation of all government, and of equality in any sense at all’.<sup>498</sup> Mill lacked awareness that ‘society is founded on a graduated force which runs from one end of it to the other. We cannot get rid of the actual force which exists; that depends upon the nature of individuals, but law can define and control it’.<sup>499</sup>

One of the most prevalent attacks can be found in chapter 2 of Stephen’s work, ‘On the Liberty of Thought and Discussion’. Here, Stephen addressed the doctrine of toleration, an issue which surfaced both in *On Liberty* and a number of responses in the early 1860s. *The Observer* noted that ‘it is not right to tolerate doctrines which you know and believe to be wrong and

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<sup>496</sup> *Fraser’s Magazine*, July 1873, pp. 88-94. Roach discusses this in his comparison between Mill and Stephen, stating that for Stephen, ‘he argued that it was impossible, as Mill had done, to distinguish between acts which affect the individual alone and those which affect others as well, because all our acts are at the same time both individual and social’. See Roach, ‘Liberalism and the Victorian Intelligentsia’, p. 65.

<sup>497</sup> *The Athenaeum*, 17 May 1873, p. 628.

<sup>498</sup> *Saturday Review*, 19 Apr 1873, p. 517.

<sup>499</sup> *Blackwood’s Edinburgh Magazine*, Sep 1873, pp. 352-353.

pernicious'.<sup>500</sup> The problem now facing Mill and *On Liberty* was his assertion that society ought 'to use its power in favour of the unlimited expression of certain unpopular opinions instead of against it'.<sup>501</sup> For Mill, there was nothing to be lost in holding an opinion which no one agreed with, in fact, it would probably lead to more engaging and inviting discussion.

Fundamentally, 'people do and must act on principles at variance with those which Mr. Mill and other passionate lovers of liberty avow; and, in fact, our author urges it is impossible to lay down any principles of legislation at all unless you are prepared to say, I am *right*, and you are *wrong*'. Stephen 'takes the opportunity of breaking not a few of the idols of popular Liberalism, and of protesting against such favourite modern ideas',<sup>502</sup> a recurring trend we find in response to the arguments expressed to Mill. *Fraser's Magazine* had noticed that 'when the community is once so educated in the importance of any moral doctrines as to call those who disagree with it fools or brutes, then, on Mr. Stephen's own principles of justifiable compulsion, there will be sanction enough and to spare'.<sup>503</sup> Restraints on individual action are injurious, for they hold back the freedom to express whatever opinion one holds. From Stephen's perspective, it is pragmatic to remove such restraints and to deal with any instance of offence, or harm, as and when they arise.

It would be incorrect to conclude that responses to *On Liberty* in the 1870s resulted in Mill's followers abandoning his key arguments. Stephen however added something vital to the term liberty which Mill had not. *The Athenaeum*, in seeking to defend *On Liberty*, argued that 'obviously society is strong enough to protect itself – obviously the individual must always find it difficult to assert his rights, his opinions, and his discoveries in the face of an adverse majority, even if that majority be sufficiently enlightened to refrain from exercising its enormous powers of penal repression'. Mill reinforced that 'men should be taught that it is hardly possible to be too tolerant, whilst intolerance is only too easy'.<sup>504</sup> This was too often overlooked, a doctrine which had been advanced by Morley but would be thrown 'overboard altogether'<sup>505</sup> by Stephen; Stephen would foster intolerance within society whereas Mill would encourage open-mindedness.

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<sup>500</sup> *The Observer*, 18 May 1873, p. 2. To tolerate something which you do not believe is right 'is really immoral. It is impracticable' (p. 2).

<sup>501</sup> *Fraser's Magazine*, July 1873, p. 91.

<sup>502</sup> *The Observer*, 18 May 1873, p. 2.

<sup>503</sup> *Fraser's Magazine*, July 1873, p. 96.

<sup>504</sup> *The Athenaeum*, 17 May 1873, p. 628.

<sup>505</sup> *British Quarterly Review*, July 1873, p. 256.

Yet the point of departure from defending *On Liberty* took shape in the 1870s. Stephen's work had certainly fuelled people's interest in Mill's essay but this was a mood that had already started taking shape within the first five years of its publication. Further reactions which challenged the central premise of *On Liberty* did so by building further upon this requirement of a social right to punish. *Wesleyan Methodist Magazine* asserted that a doctrine of justice, as opposed to liberty, directly appealed to the intellect and moral feeling of all individuals.<sup>506</sup> The 'discrimination between right and wrong, between what is lawful and what is illicit. The respect of human personality, the obligation incumbent upon us of observing that respect, and of compelling others to do so, the idea of a guarantee protective of man's freedom'.<sup>507</sup> Mill's point was that freedom of thought and discussion was needed to develop the intellectual and moral feeling of an individual. Only then would they be able to act freely in relation to what was rendered just in society.

Stephen's growing support had secured him the title 'worshipper of the regulated law of force'.<sup>508</sup> The symbolic use of *Liberty, Equality, Fraternity* became an important part of the development of Stephen's image as a rival to *On Liberty*.<sup>509</sup> The truth is that 'the feelings and rights and wishes of others meet us at every corner, and along every path of social life'. There were few objections to the premise that 'society has a right to enforce attention to customs'.<sup>510</sup> Interference was not felt to be unjust if it meant the protection of your liberty and it seems that the majority of people were willing to accept the compromise and allow restraint now and then. There was certainly an absence of optimism for liberalism during the 1870s.

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<sup>506</sup> Mill had already been targeted by his critics as they failed to find a convincing argument for equality in *On Liberty*. As we see with the emergence of Stephen's work, a stronger conception of justice would not only enforce equality but protect liberty. In *A Theory of Justice*, John Rawls argued that Mill's conditions do not provide equal liberty for all. In light of this, it seems that Mill's essay would always fall short in appealing to the moral fabric of society, which partly explains why Mill's critics saw appeal in Stephen's response and moreover, why we see a revival of interest in Mill at the turn of the century after his commentators reconsidered his boundaries of liberty.

<sup>507</sup> *Wesleyan Methodist Magazine*, Feb 1874, p. 154.

<sup>508</sup> *Blackwood's Edinburgh Magazine*, Sep 1873, p. 348.

<sup>509</sup> See further Stapleton, 'James Fitzjames Stephen: Liberalism, Patriotism, and English Liberty', pp. 243-263. Stapleton noted that 'Stephen savaged all the ascendant doctrines of the mid nineteenth-century which seemed to have crystallized in Mill's later writings', p. 243. This can be extended to disciples of Mill such as Morley and Spencer.

<sup>510</sup> *Blackwood's Edinburgh Magazine*, Sep 1873, p. 353. To those who challenge the necessity of force, *The Observer* stated that the question is, 'has or has not persecution been a success?', (18 May 1873, p. 2).



The necessity to enforce customs was at the heart of debates on coercion. The *Saturday Review* stated that ‘given a herd of stupid fools who are never to be coerced, and who are to keep everyone from rising above their own level, what will you ever get to the end of time except a herd of stupid fools?’<sup>511</sup> In *Liberty, Equality, Fraternity*, Stephen sought to ‘glorify the wisdom of the majority’ and to ‘extol their beneficent influence in repressing individual eccentricities and oddities’.<sup>512</sup> Whilst Stephen’s essay was well received, it is incorrect to assume that submitting some of your liberties meant forfeiting your ability to develop a unique character. *Fraser’s Magazine* claimed that ‘to be able to punish, a moral majority must be overwhelming’,<sup>513</sup> demonstrating how critics distanced themselves from Mill’s claim that the minority are tyrannised by the majority, something very few responses agreed with.

Accordingly, discussion on the *right* to do something is an important development which unfolds primarily in the 1870s. *Blackwood’s Edinburgh Magazine* stated that ultimately, ‘liberty is an assertion of authority, of the right to compel the observance of other people’s duties to ourselves’. They added that ‘the vaunted Radicalism of the present day, is founded upon the rights of man’ endorsing Mill’s claim in *On Liberty* that people have moral as well as legal rights, such as the right to liberty and prevention of harm. However, there cannot be such a fixed basis on which these rights are certified as ‘in every case society must judge according to the circumstances, and not by any preconceived rule, what amount of authority it will exercise, or of censure it will impose’.<sup>514</sup> Mill stated that matters concerning personal conduct are those not to be interfered with, but Mill nowhere defines this in his work, which was problematic for the later reception of *On Liberty*.

Since the publication of *Liberty, Equality, Fraternity*, there has been a renewed interest in the natural role law plays in aiding the flourishing of liberty. The *London Serio-Comic Journal*, a conservative satirical magazine, noted that without laws, people ‘murder and ruin, and pillage and maim – committing their crimes in EQUALITY’S name’.<sup>515</sup> Mill, ‘the advocate of liberty, in the sense of every man rebelling against the society of which he is part’,<sup>516</sup> had propagated an aggressive creed of individualism and promoted inequality and division rather than

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<sup>511</sup> *Saturday Review*, 19 Apr 1873, p. 517.

<sup>512</sup> *The Examiner*, 21 Nov 1874, p. 1269.

<sup>513</sup> *Fraser’s Magazine*, July 1873, p. 89.

<sup>514</sup> *Blackwood’s Edinburgh Magazine*, Sep 1873, pp. 349-353.

<sup>515</sup> *London Serio-Comic Journal*, 19 Aug 1871, p. 246.

<sup>516</sup> *Blackwood’s Edinburgh Magazine*, Sep 1873, p. 348.

encouraging the formation of a healthy society. This, however, is a misunderstanding. The *Saturday Review* contended that ‘ineradicable dissimilarity is an unsafe foundation of equality’<sup>517</sup> where the ‘certain artificial and injurious inequalities between different sorts of men exist, and it is expedient to abolish them’. Mill’s creed was precisely that, artificial, for it built up a wall keeping people from mixing with one another whereas Stephen, along with the responses to *On Liberty*, sought to break this wall down and allow collective living for the sake of everyone. It was added that Mill’s ‘groundless mutual aversion between men’<sup>518</sup> exists purely because Mill supported artificial restraints in an attempt to make people as individualistic as possible. Nineteenth-century liberalism had opened the gates to conservatism.

## CONCLUSION

The claim that society cannot progress without order directed responses to *On Liberty* in the 1870s. Mill’s essay is referenced frequently in public discussions yet the frosty reception he received really seems to be because he ended up with more problems than what he had started with.<sup>519</sup> This poses a serious problem for contemporary readings which seldom challenge *On Liberty* to the extent that his immediate critics did. The account provided thus far highlights the need for greater contextual readings of Mill’s works in order to ascertain what he was doing and who for.

This chapter has three purposes. Firstly, to briefly examine the later editions of Mill’s *System of Logic* and the *Principles* to see if, and how, ideas on liberty have changed since the earlier editions. Secondly, to consider the reception of *On Liberty* between 1870 and 1880. Thirdly, the reception of Mill’s ideas on liberty alongside responses from a select few intellectuals of the period. The earlier reception of the *System of Logic* was discussed amongst conservative periodicals but by the 1870s, a handful of liberal affiliated articles surfaced, noting how Mill demonstrated the importance of developing the mental and moral qualities of the individual.

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<sup>517</sup> *Saturday Review*, 19 Apr 1873, p. 517.

<sup>518</sup> *Fraser’s Magazine*, July 1873, p. 93.

<sup>519</sup> See further Smart, ‘Some Will Be More Equal Than Others’. J. S. Mill on Democracy, Freedom and Meritocracy’, pp. 308-323. Smart suggests that *On Liberty* ‘reinforced Mill’s defence of the intelligentsia, and served as the theoretical foundations for the inegalitarian constitutional framework of *Considerations on Representative Government*’, p. 322. Mill felt society should progress towards the ‘good society’ and he was ‘torn between his sympathy for the demand for universal franchise and his belief in the necessity to protect the delicate flower of intellect’, p. 322. For this reason, Mill would always be controversial.

The *Principles* had been praised in the 1840s for championing individual rights and whilst this had not changed by the 1870s, a number of religious periodicals engaged with the later editions of this text, particularly the Church of England and Catholics. These religious affiliated periodicals emphasised the need for everyone to work together to benefit the community, to show compassion and charity. Of John Morley's influence in the 1870s, responses were mostly liberal and sympathetic to the church. Liberal periodicals claimed that intervention could promote individual maturity, but crucially, tyranny and liberty must be balanced or mediated to cultivate a more tolerant society. The debate on individualism and paternalism (helping others to help themselves) was not confined to a small circle of readership. From conservative to Methodist, liberal to Christian, this was a topic central to most periodicals in light of the political and social developments. Unsurprisingly, the conservative James Fitzjames Stephen's work, *Liberty, Equality, Fraternity*, was dominated by responses from conservative periodicals. Mill's critics labelled his essay inconsistent, misleading, with many conservative periodicals citing the magnitude of liberty outlined in *On Liberty* as dangerous and unpopular.

Of course, Mill had his enthusiasts but those who put their faith in him did so not because they believed in unregulated freedom but because they felt that individuals should dedicate time to their own pursuits, using their individual qualities to help society prosper. The significance behind the meaning of liberty was drastically different for the two sides of the debate. Mill believed that liberty was not to be interfered with unless it brought harm to others. For those writing in response to Mill, the term liberty necessitated controls and restraints to direct the flow of freedom in a healthy direction; this is tantamount to the account Stephen provided in *Liberty, Equality, Fraternity*. When Stephen published his essay, there was a resurgence of attacks against *On Liberty*.

Many criticisms targeted in particular Mill's discussion of individuality, noting that it does not allow society to be its own leader and produce distinct characters. Moreover, it was so strict that no one could ever seriously adhere to it without jeopardising their own individuality. Morley demonstrated continuity with the ideas proposed in *On Liberty*, marking a decisive shift from Stephen's rhetoric. Stephen and Mill had differed with respect to the consequences and applications of their views on toleration and this determined the extent to which people would support one or the other. Many had been anticipating a little book on liberty in 1859 but it had proved far more controversial than many anticipated.

## Chapter 4

### Mill, the State and the Demise of Individualism

1880-1890

#### INTRODUCTION

The previous chapter has shown how readers of *On Liberty* were more persuaded by Stephen's argument that order and restraint are necessary for the flourishing of liberty. Commentators of *On Liberty* claimed that liberty cannot always be exercised unimpeded for unregulated freedom will lead to further tyranny. Critics had begun to dismiss Mill for championing too much liberty but often failed to suggest alternative readings of either how to moderate this or what his intentions actually were in *On Liberty*. This chapter unveils further the suspicion critics had towards Mill's work, often turning to Stephen's dispute with Mill from the 1870s, which permitted the use of force, if required, to ensure that people were not a nuisance. Accordingly, readings of *On Liberty* in the 1880s meant critics were left to decide whether *On Liberty* restricted liberty only in cases where conduct *caused* harm to another or whether it restricted liberty in order to *prevent* harm to others.

We have seen previously arguments which stress how individual actions ought to be scrutinised and this responsibility fell on the government or another person if an individual failed to control their own actions. In light of this, Mill was met with a charge that his earlier essay 'On Genius' received; he could be no advocate of equality. *On Liberty* was strongly autocratic and would bring about the quick end to liberty for all. As this chapter will demonstrate, Mill's essay was subject to less criticism in the 1880s. Writers such as Spencer, Herbert and Levy had argued a similar case to what Mill had addressed in 1859. Their ideas are recognisably Millian, but they rarely make direct reference to *On Liberty* or Mill for that matter. They dissociated themselves from the intellectual but did not distance themselves from his ideas. Mill's critics had distanced themselves from his essay as they felt he did not permit state interference on enough occasions. Yet reading *On Liberty* from a different perspective and in conjunction with his other works, we see that this wasn't quite the case.

## FROM INDIVIDUALIST TO COLLECTIVIST: THE CASE OF JOHN STUART MILL

So far, we have seen how Mill's association with individualism or collectivism directed responses to *On Liberty*. Albert Venn Dicey (1835–1922) wrote extensively on this debate. A leading constitutional lawyer, Dicey was professor of English law at Oxford University from 1882 until 1909.<sup>520</sup> He had concluded that the move from individualism towards collectivism was accountable to a revolution in political belief, a departure from the Benthamite era of peace and retrenchment. Whilst Mill was not himself involved in this debate, Dicey often engaged with his works, writing that whilst in the 1830s, 'some individualists were prepared to cut down the right of combination as stringently might be required for the absolute protection of each individual's freedom of action', others, like Mill, had taken a different route. For Dicey, Mill favoured 'securing the right of combination, to curtail the free action of individuals'<sup>521</sup> in order to bring about greater liberty, whilst pardoning interference from the state.<sup>522</sup> Individualism and collectivism viewed the relationship between the individual and the state differently and by the 1880s, misreading's and controversy surrounding *On Liberty* continued to add to this debate.<sup>523</sup>

As we have seen, by the 1870s, there was a clear departure from wanting to isolate or confine oneself to a secluded life with little or no involvement with the wider community. Dicey had

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<sup>520</sup> Dicey wrote *Introduction to the Study of the Law of the Constitution* (1885) as well as authoring *Lectures on the Relation between Law and Public Opinion During the Nineteenth Century* (1905). Dicey was in favour of Mill's liberalism early on in his career, but by the 1880s, he had warned of the dangers that came with liberalism.

<sup>521</sup> Dicey, *Lectures on the Relation between Law and Public Opinion During the Nineteenth Century*, p. 113. Dicey felt that utilitarians had not given greater attention to 'the difficulty of combining the contractual freedom of each individual when acting alone with that unlimited right of association', p. 113. Neglecting this social aspect of human nature is the gap within the Benthamite creed. Dicey added that to the many admirers, *On Liberty* appeared 'to provide the final and conclusive demonstration of the absolute truth of individualism', p. 130. Dicey himself felt that both the *Principles* and *On Liberty* had 'promoted a rigorous Liberal Benthamism', see pp. 130, 275, 361-363.

<sup>522</sup> Dicey suggested that Mill was an individualist from the 1830s, then changed his mind by the time he wrote *On Liberty* in 1859 to something more collectivist/socialist. As I have argued previously, Mill was much more supportive of the power of combining, long before 1859 and many of his immediate commentators and secondary critics have failed to read Mill in this way. Ultimately, this is where Mill and Spencer disagreed: in a letter to John Plummer in 1863, Mill wrote that Spencer 'carries his hostility to government agency beyond reasonable bounds' for assuming that the business of government was to leave people to do as they please (CW 15, p. 888).

<sup>523</sup> See Collini, *Liberalism and Sociology: L. T. Hobhouse and Political Argument in England 1880-1914*. Collini wrote that the late Victorian 'disagreement over the role of the state was conceptualized in terms of the opposition between Individualism and Collectivism', pp. 14-15. See further James Meadowcroft, *Conceptualizing the State*, which addresses terms such as individualism and collectivism in this period.

observed a tripartite theory of the currents of public opinion in the nineteenth-century.<sup>524</sup> From this, we can identify a clear perspective of where the shift from individualism to collectivism occurred and what this meant for the reception of *On Liberty*. Mill's shift in favour of collectivism may well have arisen out of the number of critical commentaries of *On Liberty* but we can actually identify this sentiment much further back to his earlier writings. Just as Mill had put the fear of tyranny at the centre of his thought, his critics concentrated on the fear of individualism. However, in light of the reception of *On Liberty* thus far, Dicey's tripartite theory is in need of revision.<sup>525</sup> The hostility towards Mill's call for greater individuality implied a much earlier blossoming of a collective consciousness than Dicey's model allows. What is clear however is that the transition from individualism to collectivism marked a critical stage in the social and political developments of the nineteenth-century.

In his *Autobiography*, Mill had written that his own reaction to Bentham made him more inclined to focus on the community; he wrote: 'I was a democrat, but not the least of a Socialist'.<sup>526</sup> Dicey had also written that collectivism is 'meant to mean the school of opinion often termed (and generally by more or less hostile critics) socialism, which favours the intervention of the State, even at some sacrifice of individual freedom, for the purpose of conferring benefit upon the mass of the people'.<sup>527</sup> By the 1880s, interest in Mill's essay had not declined. In a decade which welcomed compulsory education and a third reform act (the previous two acts were passed in 1832 and 1867), *On Liberty* seemed a little bit more relevant to its readers.

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<sup>524</sup> Dicey noted that the first period was of 'Old Toryism', (1800-1830). This was followed by 'Benthamism or Individualism', 1825-1865/70 and was succeeded by 'Collectivism', 1865/70-1900.

<sup>525</sup> See further Perkin, 'Individualism versus Collectivism in Nineteenth-Century Britain: A False Antithesis', pp. 105-118. Perkin stated that individualism and collectivism 'were not opposites but adjacent steps in a progression' and Dicey had created 'a dilemma which does not exist', p. 110. Sugarman added that 'Dicey, like most people, was not internally consistent', p. 111. In trying to locate the practical limits on law and state, Dicey demonstrated the inconsistencies which riddled his works. See also Parris, 'The Nineteenth-Century Revolution in Government: A Reappraisal Reappraised', pp. 23-25 for a brief discussion which criticises Dicey's tripartite division.

<sup>526</sup> CW 1, p. 238. Mill continued that he is less of a democrat now than he had been because he 'dreaded the ignorance and especially the selfishness and brutality of the mass: but our ideal of ultimate improvement went far beyond Democracy, and would class us decidedly under the general designation of Socialists', CW 1, p. 239. These reflections in the 1830s suggest Mill's sympathy towards socialism and collectivism started considerably earlier.

<sup>527</sup> Dicey, *Lectures on the Relation between Law and Public Opinion in England During the Nineteenth Century*, pp. 46-47. See further Sugarman, 'The Legal Boundaries of Liberty: Dicey, Liberalism and Legal Science', pp. 102-111. Sugarman notes that Dicey's preoccupation with collectivism and stability was the impetus behind a number of his works.

Thus far, at the heart of debate surrounding *On Liberty* was whether force can ever be employed to improve individual faculties and if so, when. Mill had not said that actions should be left to the responsibility of the individual in all instances. The liberal newspaper, *Edinburgh Evening News*, noted that there were ‘only two ways of conquering the evils of life, under the compulsory group and under the voluntary group’. Mill and a number of commentators had agreed however that liberty could be taken away in instances where the individual failed to make a choice in their best interests. Interpretations stated that there was certain to be some form of tyrannical abuse if individuals were bestowed with so many opportunities to do wrong, yet this expanded further than the sphere of education which Mill discussed. Citing specifically the rights of labour, the radical liberal newspaper, the *Dundee Advertiser*, stated that there was great oppressive abuse of the liberty of association due to its misuse. *Edinburgh Evening News* claimed that even political parties thought they could entice people by offering them ‘some slice of some property’.<sup>528</sup> What this demonstrated was a public appeal to improve the relationship between the individual and the state; the ultimatum was to adopt either Mill’s peace through liberty or his critic’s suggestion of peace through order, both of which had proven to be unsustainable under scrutiny.

In light of this, the monthly literary periodical, *Time*, suggested that ‘liberty is the freedom to do what the law permits’.<sup>529</sup> *The Academy* added that only this will bring complete liberty ‘except in cases of flagrant incitement to immorality’.<sup>530</sup> The individual is driven by the idea of a whole society, ‘to talk of the rights of the isolated individual, abstracted from that law, is an absurdity. Such an individual does not exist; and if he did exist, he could have no rights, for right is the correlative of duty’. Commentators sought to emphasise that for the individual to have any rights, which would enable them to develop their character, they must be an assimilated part of society; society does not, or *could not*, exist without the individual. From this reading, they appear complimentary rather than dissimilar ideas.

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<sup>528</sup> *Edinburgh Evening News*, 20 Nov 1886, p. 2.

<sup>529</sup> *Time*, March 1888, p. 379. For a counter argument, see Berkowitz, *Virtue and the Making of Modern Liberalism*, p. 138. The protection of individual liberty carries with it the chance that people will make decisions which harm themselves or serve to injure the liberty of others. The tension between permitting the liberty *to do* and legislating morals was at the height of debate by the 1880s. Berkowitz noted that ‘every effort to direct by law, or set legal limits on, individual experiments in living threatens to subvert the principle of autonomy by legislating the meaning of right choice’, p. 138. Ultimately, the task of Mill and his critics was to ascertain which one poses a greater threat to the liberal ambition to safeguard individual liberty.

<sup>530</sup> *The Academy*, 21 Mar 1885, p. 199.

Perhaps, after all, Mill was for liberalism but not for liberty; or rather, he was a *sceptical* liberal. *The Fortnightly Review* noted that ‘liberalism is not a development, nor an exaggeration of liberty, but its very opposite, its blight and its bane, its depravation and its death’. It often represented a ‘far more noxious version of the doctrines of Divine Right and Passive Obedience’. Challenging Mill’s preference for a minority few who could guide others, *The Fortnightly Review* stated that a dogma in the will of one or many is a form of absolutism and absolutism ‘is fatal to all that the wise have ever venerated as liberty’. They added that society consisted of ‘a multitude of sovereign human units, who are free because they occasionally vote in elections’<sup>531</sup> but this was not a long-term solution to the problem of inequality.

In December 1885, after nearly three decades of debate over Mill’s essay, *Time* concluded that ‘the main work of Liberalism is to diminish the amount of Government action’ and there were several reasons for this. Firstly, ‘political freedom has been won by a very long and very gradual series of struggles and with this came a ‘disposition to suspect and resent Government interference’. Secondly, whilst sympathetic to the idea of leaving people to do things for themselves, there are gains to be made, ‘not in the mere absence of Government action, but in the habit of free association’. Further to this, *Time* stated that ‘a highly differentiated and decentralised government is not identical with no Government at all’.<sup>532</sup> Ultimately, it was a question of government power; when they could exercise this and where.

Mill’s ambition in *On Liberty* had become inextricably linked to the problem of authority. Responses agreed that greater liberty brought with it a risk to harm others. Therefore, the power and authority of the state needed to be enlarged to ‘ameliorate the intellectual, moral, and material condition of a greater number of citizens’.<sup>533</sup> On top of this, the fear that ‘liberalism is growing more and more coercive in its legislation’<sup>534</sup> echoed earlier claims that compulsion or persuasion are not always counter-productive. Earlier responses to *On Liberty* had stressed that Mill’s ideas were unsustainable, and that force may be necessarily employed in order to

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<sup>531</sup> *The Fortnightly Review*, May 1886, pp. 660-678.

<sup>532</sup> *Time*, Dec 1885, pp. 645-646. However, one should consider those who claim that Mill’s liberalism resembles something of a moral totalitarianism. See Cowling, *Mill and Liberalism*, p. xlviii. Mill sought to convert people to act more in line with those he deemed elite members of the community; nor would he necessarily ‘save’ those unable to develop characters he desperately sought.

<sup>533</sup> *The Contemporary Review*, Apr 1885, p. 491. Coates made a connection with laissez-faire, writing that ‘the very process of depriving the state of its power over economic activities required the employment of the power of the state’. See Coates, ‘Benthamism, Laissez Faire, and Collectivism’, p. 358. To shake off the shackles of government interference, you needed to *initially* employ their help.

<sup>534</sup> *The Academy*, 20 Dec 1884, p. 407.



prevent misuse. It seems that the amount of liberty we have was less important than whether it was equally available. By the 1880s, *On Liberty* had still failed to convince Mill's critics that he was an advocate of equality. Mill's characters of genius could subvert and limit the freedom of others, as they apparently *know best*. Mill believed in liberty, but liberty for those who had proven they were responsible.

It was this reading of Mill which was so strongly condemned. Mill had advocated an unhampered form of individual liberty, one which was not to be interfered with unless harm was brought to others. This exception to the rule would simply not work. *The Cornish Telegraph*, a conservative newspaper, noted that 'with reference to the charge of undue interference with the liberties of the subject, their objectors raised the sacred standard of liberty and mentioned a name which was most dear to every Englishman, the name of liberty; but liberty without order was license, and it was the function of Government to combine liberty and order'.<sup>535</sup> Mill would likely have been sympathetic to this, for an ordered society might help diminish intolerant attitudes and subsequently develop an inclusive society.

So far, we have seen how responses focused on the need for order and control, so that harmful expressions of liberty could be restrained. Even the local newspaper, *Kent & Sussex Courier*, wrote that 'the price of liberty is eternal vigilance, be it against the tyranny of emperor, king, or caucus'.<sup>536</sup> Liberty should enable individuals to better their lives and contribute towards society, but it also provides the opportunity to harm others. In light of this, it was stated that 'if liberty caused crime, the question arose whether that liberty should not be abridged'.<sup>537</sup> Taking away the liberty of an individual would have been scorned by Mill for it posed a risk to the development of eccentric individuals.<sup>538</sup> *On Liberty* fostered and encouraged the enhancement of good personalities yet liberty needed to be regulated and individuals could still be eccentric characters within the boundaries that were equal to all; this appears to be where the misunderstanding between Mill and his critics developed.

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<sup>535</sup> *The Cornish Telegraph*, 26 Jan 1882, p. 6.

<sup>536</sup> *Kent & Sussex Courier*, 20 Feb 1885, p. 4.

<sup>537</sup> *The Cornish Telegraph*, 26 Jan 1882, p. 6.

<sup>538</sup> See further Smith, *James Fitzjames Stephen: Portrait of a Victorian Rationalist*, who noted that Mill 'seemed to place a premium on eccentricity', p. 167. Smith added that 'for Mill, removal of restraints could lead to an invigoration of character' yet it could also lead to its demise.

Thus far, it has been asserted that liberty could not exist, in the sense of liberty *to do* something, without a body of laws providing clear boundaries where people can exercise this. The *Kent & Sussex Courier* noted that the ‘only security for the preservation of their liberty lies in the maintenance of their Constitution’, which in turn secures their liberty. There would be no abuse of power if everyone was treated equally, no one could escape charge, and everyone is protected for ‘no one is at liberty to resist the law’.<sup>539</sup> If nothing more, it would act as a deterrent for those intending to harm others.<sup>540</sup>

Accordingly, putting restraints on liberty seemed to be a practical way to ensure that people would be treated equally and have their liberty secured. Mill had clearly failed to understand the magnitude of the liberty he permitted in 1859. *Dundee Advertiser* asked ‘who that has not himself been once imprisoned can appreciate what liberty means?’<sup>541</sup> Those who engaged with *On Liberty* found countless examples of where people could abuse their liberty in Mill’s society but this entirely misses the point.<sup>542</sup> People could and did abuse opportunities to express their liberty and this is why society needed to be equal. *The Cornish Telegraph* speculated that ‘there was such a large amount of pauperism, crime, and insanity, and the time had come when it was necessary to restrain the liberty if the people could be saved’.<sup>543</sup> From this reading, Mill was putting lives at great risk as opposed to helping them.

Lessons needed to be learnt from *On Liberty* and for this reason it could not be dismissed. *Warminster & Westbury Journal* noted that ‘the old principle of liberty as defined by its great expounders – liberty to do, to say, and to think as one likes, subject to the general interests of society, as laid down by society itself, had been dethroned in favour of mere license, under which the so-called champions of liberty, aimed at becoming the enslavers of everybody else’.<sup>544</sup> Mill’s push for liberty needed a pacemaker and his ideas needed to be tamed. *Dundee Advertiser* added that whilst the use of force to direct the best action ought to be certified, there were ‘abuses of an undeniable liberty which the law did not protect’. These acts are ‘not only

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<sup>539</sup> *Kent & Sussex Courier*, 20 Feb 1885, pp. 3-4.

<sup>540</sup> See the discussion in *Time*, which reviewed *Liberty and Law* by George Lacy, published in 1888. This was an attempt to dismiss the individualism of Mill and later writers such as Spencer through addressing the problem of collectivism and individualism. See *Time*, Mar 1888, pp. 379-380.

<sup>541</sup> *Dundee Advertiser*, 30 Apr 1887, p. 5.

<sup>542</sup> A typical example provided by Mill and his critics was prohibition of Sunday drinking. Mill and Stephen also discussed indirect methods of suppressing socially unacceptable behavior; for instance, Mill would permit heavy taxes or restrictions on availability or supply in order to remove drunkenness.

<sup>543</sup> *The Cornish Telegraph*, 26 Jan 1882, p. 6.

<sup>544</sup> *Warminster & Westbury Journal*, 10 Mar 1888, p. 4 (religious or political affiliation unknown).

abuse, but suicide'.<sup>545</sup> Mill's insinuation that 'all legislation was founded on the principle that liberty should be regulated for the public good',<sup>546</sup> only made the reception of his essay more controversial.

Even so, Mill could be pleased with the sheer volume of engagement with *On Liberty*. Even if his critics dismissed him, they had absorbed his ideas in the process. With the problem of authority came further debate on the balance between liberty and law. The monthly radical journal, *Blackie*, wrote that liberty was best defended through the 'wise restraint of law'.<sup>547</sup> *Kent & Sussex Courier* added that 'true liberty is the resultant of mutually conflicting forces in a community, and it is imperilled whenever anyone of them is suffered to dominate'.<sup>548</sup> Mill only felt *one* force was necessary, the freedom to do as one pleases on the precondition that it does not harm others. In light of this, the conservative periodical, the *London Quarterly Review*, called on its readers to 'discharge the necessary civil duties and not be lawless'<sup>549</sup> in order to provide the most comprehensive protection of individual rights. Critics were hesitant to grant individuals complete control over their actions; as much as this could be dangerous so could entrusting Mill's minority few.

In previous decades, responses contested the lack of restraint and checks upon liberty in Mill's essay. *The Fortnightly Review* noted that 'liberty is found not in anarchy but in obedience, not in lawlessness but in law'. We obey the law because we want to be free and 'the exercise of absolute and unbounded liberty by any finite being is irrational, because it necessarily implies the destruction of such being'. The chief focus of responses emphasised that cooperation and mutual cohesion were fundamental building blocks for a prosperous society. We have seen however that at the centre of Mill's thought was a pervasive fear of the tyranny of the majority; the tension between the individual and the collective. Whilst the state cannot make men good, it can keep them from being violent to one another and this is the point Mill's critics sought to underline.

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<sup>545</sup> *Dundee Advertiser*, 30 Apr 1887, p. 5.

<sup>546</sup> *The Cornish Telegraph*, 26 Jan 1882, p. 6.

<sup>547</sup> *Blackie*, Dec 1889, p. 770. Negley noted that it was sentimental 'on the part of Mill to expect that morals would do the task which law alone can perform in political society'. See Negley, 'Liberty and Lawlessness', p. 122.

<sup>548</sup> *Kent & Sussex Courier*, 20 Feb 1885, p. 4.

<sup>549</sup> *London Quarterly Review*, Jan 1881, p. 524.

We have seen that Mill's critics used the application of law in two ways to discredit *On Liberty*. Firstly, to demonstrate how it ensured checks and balances were carried out on expressions of liberty and secondly, how this, in turn, 'defended' liberty more than Mill's essay could. *The Fortnightly Review* stated that Mill's error was to dismiss the fact that 'law is appointed for the common good, and not for a special or private good'. They added, 'what heavier blow could be given to individuality – that essential element of liberty – than to cast all the youth of a country into one common mould?' Liberty after all is an 'exercise of personality'. *The Fortnightly Review* further wrote that this recognition of liberty supplies 'the true bond of national cohesion, and keeps our Britain whole within herself'.<sup>550</sup> *On Liberty* came to be seen as a dangerous text, inspiring people to act in a manner which would undo the thread of stability in society and unravel disarray.

Although chapter three of *On Liberty* received the most criticism, it was not the only threat Mill faced; his differentiation between self and other-regarding actions was next under attack. *Time* noted that 'there is no such thing as liberty, or as a "self-regarding" action. Everything is law'.<sup>551</sup> It was wrong and inconsistent for the state to remove from 'the individual temptations to go wrong or chances of failure'.<sup>552</sup> Mill's theory was incredibly restrictive and if people were to develop the character that Mill wanted them to, he needed to give them greater flexibility in their choices. In May 1883, *The National Review* noted that there had been 'a considerable modification of their views upon State interference'. The relationship between the individual and the state meant that 'in future the exercise of State-power would mean the gratification of their own wishes'. If Mill sought to get people thinking more seriously about individual liberty, then he succeeded, even if they disagreed.

These responses highlighted that Mill's vision did not apply to all, not that it wouldn't work for some. *The National Review* noted that Mill's reading of individuality was 'a rampart against improper interference with liberty'. When reading *On Liberty*, critics noted that 'all it really lays down is that society can have no business to interfere with acts that are purely self-regarding'. Echoing criticisms from the 1860s, Mill 'could only establish the claims of liberty to the provinces he wished to assign to it, partly by dubbing certain classes of acts self-regarding that are only occasionally or usually so, partly by leaving his principle behind him

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<sup>550</sup> *The Fortnightly Review*, May 1886, pp. 660-674.

<sup>551</sup> *Time*, Mar 1888, p. 379.

<sup>552</sup> *The Academy*, 21 Mar 1885, p. 199.

occasionally and fighting with the weapons that some of his followers characterise as useless'. *The National Review* added that 'until we have learnt how to control or deal with it, society may consider itself forced to demand temporarily some contraction of individual liberty, in more branches than one'.<sup>553</sup> Critics were persistent in their efforts to prove that Mill was fundamentally inconsistent.

By the early 1880s, *On Liberty* had become a major talking point again. We have seen the array of accusations Mill had already received; the social and political implications of his individualism or self and other-regarding actions; the potential religious consequences of his thoughts on toleration, to name but a few. Many assumed that for Mill, the individual and the state were opposites, but this is a misreading of the text. For example, *Time* wrote that the individual and the state are always pinned down as the antithesis of the other. Unfortunately, 'it is this theory of the individual which underlines Mill's famous book on Liberty'. This would remain hugely problematic for Mill. Critics argued that you simply cannot talk about the individual as if their worth is separate to that of the community. However, this had become 'the dogma of the old-fashioned radical' and such blanket judgements were misleading.

Mill had not established a consistent reputation when he wrote *On Liberty*. *Time* identified that for individualists, 'the essence of Liberal efforts has been the struggle for individualism against Governments – not against bad or despotic Governments merely, but against Governments as such'. *Time* added that 'we had always thought that, when men fought for liberty, and checked the tyranny of kings and potentates, they did it for the sake of the common weal',<sup>554</sup> not for the sake of carrying out what they referred to as Mill's negatively regulative function of the state. *The National Review* stated that 'to subordinate individual liberty entirely to State control would at once stop the growth of the healthiest nation in existence, and probably kill it almost immediately; while to carry the principle of individual liberty to its logical end would be to bring about its instant dissolution'.<sup>555</sup> As we will see, this Mill's reputation in 1883 would do little to deter people such as Spencer from defending Mill's premise. Reconstructing Mill's argument here would prove instrumental for the reception of *On Liberty* in the following

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<sup>553</sup> *The National Review*, May 1883, pp. 337, 356, 347. See further Gray, 'John Stuart Mill on Liberty, Utility, and Rights', pp. 80-116. Gray noted that Mill's argument for moral rights depends on three empirical claims. These 'are all empirical claims, revisable and defeasible by experience, but, once they are granted, there is nothing inadvertent or inconsistent in Mill's arguments for moral rights and for the priority of the right to liberty', pp. 109-110.

<sup>554</sup> *Time*, Dec 1885, pp. 644-645.

<sup>555</sup> *The National Review*, May 1883, p. 342.

decade and Spencer had done enough to ensure both their reputations remained somewhat intact.

However, a further controversial part of Mill's essay was his preference for eccentric characters. *Time* brought attention to the fact that 'sometimes the common welfare has been promoted by resisting and restraining bad interference, sometimes by instituting Government action to check evils that had grown up through past bad interference or through long-continued neglect'. If there were no government, society would resemble nothing more than 'an animal drunk, or asleep, with the brain doing as little as possible'. *Time* thus noted that 'individual freedom presupposes the pervading intervention of an effectual Government'.<sup>556</sup> For his critics, if Mill wanted greater individuality, he needed to accept that this necessitated an active government and more importantly, a proactive community where everyone has a role.

Thus far, the question during the 1880s fixated on what 'position can be taken up on the basis of the new ideas for the defence of the proper province of individual liberty and private enterprise against unwise and improper aggression by the State'. Those who supported state interference were aware that when endorsing government intervention, they simultaneously 'invested the State with an almost supernatural power of doing wrong'.<sup>557</sup> However, the authority of the state was a better alternative than no authoritative figure at all and commentators seemed to trust a government rather than their neighbour or friend. In this sense, Mill's critics were far more invested in a collectivist policy of state action.

Despite its flaws, readers of *On Liberty* continued to engage with Mill and the debate of how to define the limits of individual liberty. Whether liberty is negatively or positively expressed, both readings necessitate a consideration of the role of the state in protecting and preserving it. *The Academy* noted that 'we are left to infer that liberty is, negatively expressed, that absence of restraint which is compatible with the moral purpose of the state, or, positively expressed, that it is the rational pursuit of a rational end which the state commends and on occasion enforces'.<sup>558</sup> Both readings suggest the state plays a larger role than Mill was prepared to concede. *The Fortnightly Review* added that 'freedom is, in fact, the prerogative not of the individual, but of the State' further claiming that 'the doctrine of individual sovereignty and of

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<sup>556</sup> *Time*, Dec 1885, pp. 644-652.

<sup>557</sup> *The National Review*, May 1883, pp. 334-339.

<sup>558</sup> *The Academy*, 21 Mar 1885, p. 199.

the equality of all men in right, is a never-failing fount of discontent, disgust, mutinous despair'.<sup>559</sup> State coercive measures sought to improve people's conditions, adding to the odds that they would be able to make efficient choices on their own.

When and how the state may interfere in individual liberty is a question of practical consideration that perhaps Mill had developed considerably more than his critics noticed. Even for those who felt the state should serve a greater role than *On Liberty* seemed to permit, commentators such as *The Academy* compromised that the role of the individual is 'not to supersede his energies, but direct them into nobler courses'. The individual should be 'unrestrained enough for responsibility, without allowing him to claim a freedom which he may use to immoral purpose'.<sup>560</sup> Mill's statement on harm and self-protection raised an important question: in the struggle between liberty or freedom and protection or security, which is more important to control?

The liberal newspaper, *Manchester Guardian*, highlighted the three great personal rights of man. The liberty of free action, the right to a free conscience and the right to free possession.<sup>561</sup> As well as personal rights, 'there are also natural rights belonging to the State, namely, self-protection and the enforcement of justice' which ultimately involves developing the intellectual and moral faculties of the individual in order to relieve the state of any responsibility to manage them. The state, not the individual, is the guardian of justice and such rhetoric would 'substitute for the much abused word liberty'<sup>562</sup> where people were given the advice 'to seek for justice and endeavour to enforce it'.<sup>563</sup> Liberty can only be realised in a social state, where the rights of all are respected and protected. Mill deplored a lack of individuality, but he did not assume that this was only possible when there was a weak or absent government. Echoing Locke and Rousseau, *The Fortnightly Review* stated that 'the many should elect the rulers and hold them responsible',<sup>564</sup> stressing the need for cooperation and accountability.

*The National Review* echoed early responses to Mill's essay that the state needed greater rights to exercise authority but added that 'we must not loosen or tighten its interpretation to suit our

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<sup>559</sup> *The Fortnightly Review*, May 1886, p. 673.

<sup>560</sup> *The Academy*, 21 Mar 1885, p. 199.

<sup>561</sup> *Manchester Guardian*, 8 June 1885, p. 6.

<sup>562</sup> *Time*, Mar 1888, p. 379.

<sup>563</sup> *Manchester Guardian*, 8 June 1885, p. 6.

<sup>564</sup> *The Fortnightly Review*, May 1886, p. 661.

convenience'. If indeed 'individualism is admitted to be an essential element in social progress, the action of Government must always be restrained by a due consideration for it'.<sup>565</sup> Despite the range of criticism *On Liberty* received, Mill was never unanimously dismissed. Self-government had received much encouragement; *Time* conceded that most 'know in our inmost hearts how defective our Local Government is, how chaotic its condition, how much more of it we need, and how much more *controlled* it often requires to be'.<sup>566</sup> Perhaps all along, the issue was not with managing the liberty of individuals, but managing the liberty of the state in so far as the restraint or intervention exerted is in accordance with the assumed consequences. It was ultimately a question of expediency. *The National Review* understood *On Liberty* as Mill's attempt 'to prove that in certain classes of cases the evils of interference with liberty always exceeded the benefits, and that interference, therefore, was, in such cases, invariably inexpedient'.<sup>567</sup> On the other hand, Mill had written a treatise demonstrating the expediency of granting more responsibilities for those mentally fit enough.

Mill pleaded for both freedom of thought and discussion as well as creative individual expression as an element of well-being. Critics noted the epistemological importance of completely free dialogue, but Mill contributed little towards working out the conditions surrounding free speech. This can be in part explained by Mill's failure to sufficiently justify his intentions in *On Liberty*. Critics of Mill had long stressed the significance of public opinion and by the mid 1880s, it is clear that Mill and his challengers had differing thoughts on what the function of public opinion was.<sup>568</sup> *The National Review* questioned 'how the just claims of individualism are to be maintained without it; whether it is not possible, on the view of the nature of human affairs described in this article, to make an adequate defence of the proper province of individual liberty and enterprise by means of experience and observation (in the widest meaning of those words), and such rules and generalisations as we are able legitimately to base upon them'.<sup>569</sup> Mill claimed that mass opinion had the potential to coerce people to act or speak in uniformity. However, public opinion could aid in improving the character of more timid minds. Moreover, this could also act as a mediator to the minority 'moral police' which

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<sup>565</sup> *The National Review*, May 1883, pp. 349-359.

<sup>566</sup> *Time*, Dec 1885, p. 645.

<sup>567</sup> *The National Review*, May 1883, p. 359.

<sup>568</sup> It was argued that 'Mill's was an idealised, generally unachievable system of reasoning' and for this reason it was open to continual dismissal. See Smith, *James Fitzjames Stephen: Portrait of a Victorian Rationalist*, p. 166.

<sup>569</sup> *The National Review*, May 1883, p. 358.



Mill seemed to favour over the majority. In this sense, it was very much indeed a case of ‘aristocratic liberalism’ defended by Mill.<sup>570</sup>

So far, no principle had yet determined the true domains of individuality and state regulation. *The National Review* noted that ‘law is nothing but public opinion organised and equipped with force’ and that ‘in any question of state action, whether it be directed towards the undertaking of certain functions, or to the actual restraining of individuals, they are by no means usually the only ones, or even always – in seeming, at any rate – the most important’. In light of this, *The National Review* stated that it is wrong to say that you barter some of your freedom for greater freedoms. This is certainly not the case, for ‘what man barter some portion of his freedom for seems to me to be: first, some security for life and liberty; secondly, *opportunity* rather than freedom to exercise his faculties’.<sup>571</sup>

Since 1859, we have seen liberals, conservatives and non-partisan commentators emphasise that the state deserved a far greater role than *On Liberty* would ever have permitted.<sup>572</sup> Liberty is only possible when society possesses ‘a Government, not the mandatory of any one class, but broad-based upon the will of the whole people, an independent judiciary, trial by jury’. The state was an association of free persons and as the few should not control the majority, the majority must not control the few. *The Academy* noted that ‘the oppression, in either case, being merely the iniquitous employment of superior strength’. Real progress consisted in ‘the gradual vindication of the personal, social, and public prerogatives which make up individual freedom’.<sup>573</sup>

So, what did critics respond to Mill’s claim that we are free to do anything unless it causes harm to another? *The National Review* suggested that Mill’s liberty ‘deliberately limited it to comparatively modern times. By so doing he deprived it of a good deal of authority’.<sup>574</sup> In light of this, *Time* noted that ‘an ideal state would be one in which there was no waste at all of the lives, and intellects, and souls of individual men and women’. Accordingly, women served a greater role. The state had grown in terms of its ability to legislate, it was ‘originally concerned

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<sup>570</sup> See further Kahan, *Aristocratic Liberalism*, p. 41.

<sup>571</sup> *The National Review*, May 1883, pp. 340-348.

<sup>572</sup> See *The Limits of Individual Liberty* (1885) by Francis Montague for a discussion on the relationship between the individual and the state. It was published in response to *On Liberty* as well as to the broader debates of the 1880s.

<sup>573</sup> *The Fortnightly Review*, May 1886, pp. 663-667.

<sup>574</sup> *The National Review*, May 1883, pp. 354-355.

almost exclusively with defence of the society as a whole against other societies, or with conducting its attacks on other societies, Government has come more and more to discharge the function of defending individuals against each other'<sup>575</sup> as its power has strengthened.

Therefore, government could *defend* individual liberty and where necessary, restrain it, forming a compromise between individualism and collectivism. *The Academy* brought attention to the premise that 'the policy of leaving people to do as they like was leading straight to moral degeneration'. From this point on, *On Liberty* came to be associated with volatility. Mill's preference of a minority guiding the majority was also contested. *The Academy* added that 'the subordination of minority to majority is legitimate; beyond that it is a greater aggression upon the individual than is requisite for protecting him'.<sup>576</sup> What this engagement demonstrates are the failings of Mill's harm principle; it is too dependent on the use of our higher faculties. This is surely more likely to result in less creative characters than one enforced by a government of a multitude of personality types; for his enemies, Mill had evinced an intolerable view of human nature. Readings of Mill as an individualist would continue into the 1890s, many of which interpreted *On Liberty* as a literal plea for developing selfish and competitive characters. However, what Mill really wanted was a tolerant and equal community where the widest possible selection of individuals could flourish.

#### HERBERT SPENCER: FREE FROM STATE CONTROL; FREE FROM STATE SUPERVISION

Like Dicey, Spencer would be influential in continuing the debate on individualism and collectivism. Like Mill, Spencer's liberalism was built on a progressive conception of human nature. Yet whilst a cloud of doubt lingers over whether Mill was an individualist or collectivist, there were no reservations as to what side of the debate Spencer represented. Despite Mill never directly engaging in this debate, many readings of *On Liberty* describe Mill as one or the other and for this reason, the connection between Spencer and Mill will be considered here. In 1884, Herbert Spencer (1820-1903) published his chief work, *The Man Versus the State*.<sup>577</sup> Like Mill, he argued for the emancipation of the individual from

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<sup>575</sup> *Time*, Dec 1885, pp. 658-662.

<sup>576</sup> *The Academy*, 20 Dec 1884, pp. 406-407.

<sup>577</sup> Spencer further wrote 'On the Proper Sphere of Government' (1842), *Social Statics* (1851), 'A Theory of Population' (1852), *The Man Versus the State* (1884), and *A Plea for Liberty: An Argument against Socialism and Socialistic Legislation* (1891) to name but a few. Taylor accredited *The Man Versus the State* as 'the chief

government control. However, for the many who engaged with Spencer, it was never man versus the state it had always been the *state* versus the *man*.

*On Liberty* had received a great deal of criticism and left others deeply suspicious of Mill. Much of this was in relation to his writings on the role of the individual, yet some had targeted his views on limited state interference, others challenged his writings on socialism. The *London Quarterly Review* commented that Mill's essay produced a profound and wide impression upon the minds of the day yet noted that 'we have little sympathy with the advanced forms of State Socialism which give point to his protests and sarcasm, and almost lend plausibility to his theories'.<sup>578</sup> The debate regarding socialism versus individualism was a major concern of the 1880s, appearing most obviously around the time in which Spencer's works began to surface. *The Contemporary Review* wrote however that both Mill and Spencer's 'conclusions are not in the true interest of humanity'.<sup>579</sup> Moreover, 'there are certain things which no man would ever choose to abandon to State power, on the other hand, all would agree that the State should accept the charge of protecting frontiers and punishing theft and murder'. Mill had written against over-legislation and dismissed the claim that 'government defines and sanctions rights, and employs the public strength to enforce their being respected'<sup>580</sup> but he was not so dismissive of helping those unable to help themselves.

We have seen the struggle Mill had faced. *Time* observed that Mill was counsel for man rather than the state. However, there are things which supersede the individual and that is 'the growing sense of a *common* responsibility to diminish the misery of human life'. Mill had wrongly treated the powers of the state and individual liberty as two sides of the same coin, for 'Mill, and all those who take up his attitude towards the State, seem to assume that all power gained

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document of individualism', p. 4. See *Men Versus the State: Herbert Spencer and Late Victorian Individualism*. See further Taylor's introduction in *Herbert Spencer and the Limits of the State*, which claimed that 'Spencer saw himself as the defender of traditional liberal principles against the statist perversion of them which was rapidly gaining ground from the beginning of the 1880s', p. ix. Further studies include a series of essays in Francis and Taylor, *Herbert Spencer: Legacies*, David Wiltshire, *The Social and Political Thought of Herbert Spencer*, Francis, *Herbert Spencer and the Invention of Modern Life*, and Tim Gray, *The Political Philosophy of Herbert Spencer*.

<sup>578</sup> *London Quarterly Review*, Jan 1885, p. 360.

<sup>579</sup> *The Contemporary Review*, Apr 1885, p. 485. However, Sankhdher noted that Spencer's crusade against state interference was accountable to his belief that 'the political power given to the masses would not be rightly used'. See Sankhdher, 'Herbert Spencer and the British State', p. 86. Whilst Spencer preferred a government which left the individual to pursue their own good, he noted that 'the State has merely to look on whilst its citizens act; to forbid unfairness; to adjudicate when called on; and to enforce restitution for injuries. To do the last efficiently, it must become an ubiquitous worker – must know each man's needs better than he knows himself'. See Spencer, *Essays: Scientific, Political, and Speculative*, vol. 3, p. 235.

<sup>580</sup> *The Contemporary Review*, Apr 1885, pp. 486-487.

by the State is so much taken from the individual, and, conversely, that all power gained by the individual is gained at the expense of the State'.<sup>581</sup> In an article the following year, *Time* added that Mill and others wrongly felt that as governments had made errors in the past, they could not be trusted to protect liberty now or in the future, but 'is there not such a thing as *learning by blunders* in individual life?'<sup>582</sup> After all, the state could free 'the individual from the necessity of a perpetual struggle'<sup>583</sup> that they faced on their own, sympathising with readings which suggest Mill supported paternalism. Despite these setbacks, Mill was continuously defended by one of his long-standing loyalists, *The Academy*; they echoed his statement that excessive legislation caused a great deal of loss and suffering, adding 'what can be done by individuals the State should leave alone'. This approach would put a stop to slavery, for regulation fosters 'the assumption that Government should step in whenever anything is not right'.<sup>584</sup> Mill's argument in *On Liberty* clearly meant something more significant than the credit it had received even if it was not always clear what Mill himself was contending.

We have seen throughout Mill's writings the value of education. We have equally seen his distaste at education *prescribed* by the state.<sup>585</sup> Diversity of conduct, opinion and character required an education. Mill had noted that this ought to be compulsory, that there was great utility in knowledge and conceded that it was best if the masses took guidance from intellectual minds for social betterment. Mill did not trust everyone to decide what was the best education or what was in their best interests, he had after all written that 'the uncultivated cannot be competent judges of cultivation'.<sup>586</sup> Like many contemporary readings of Mill's thoughts on education today, those who read him in the 1880s saw no difficulty with the government enforcing education. If society was short of cultivated officials, why not just 'educate our legislators, codify our laws' for 'it is childish to argue that, because three thousand acts of Parliament have been repealed, it is a mistake to pass any'.<sup>587</sup> *The Contemporary Review* added that state intervention was solely responsible for 'greater justice enforced, children better educated, the farmer better guaranteed against the proprietor'.<sup>588</sup> Despite this clear tension,

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<sup>581</sup> *Time*, Dec 1885, pp. 643-647.

<sup>582</sup> *Time*, Feb 1886, p. 141.

<sup>583</sup> *Time*, Dec 1885, p. 662.

<sup>584</sup> *The Academy*, 20 Dec 1884, pp. 406-407.

<sup>585</sup> See CW 18, pp. 301-306 for Mill's discussion on education, which surfaces in most detail in chapter five of *On Liberty*. Mill objected to government interference of three types. He noted that 'a general State education is a mere contrivance for moulding people to be exactly like one another', p. 302.

<sup>586</sup> CW 3, p. 947.

<sup>587</sup> *Time*, Feb 1886, p. 142.

<sup>588</sup> *The Contemporary Review*, Apr 1885, p. 496.

Mill epitomised residual faith in education to counteract the potentially destructive state. Public opinion however championed the state to be guardian and protector of liberty.

Ultimately, it was improving individuals and institutions which underlined both Mill and his critic's thoughts on liberty. *The Contemporary Review* noted that 'laws which deprive me of what I have for my own good and for the further development of my faculties are well-meaning, as is the constraint imposed on his children by a wise father for their instruction or correction. Besides, to contribute to make laws elevates a man's character'. If these laws are lacking in any way we are free to change them, yet measures taken by legislators do not take away our liberty but ensure that where restrictions are in place, they act to promote equality. Such equality 'will bring liberty to the oppressed, consolation to the outcast, and the produce of their labours to the workers',<sup>589</sup> a feat which *On Liberty* had failed to secure; many of Mill's challengers after all failed to see the 'equality' element in his essay but this is a complete misreading of the text.

In light of this, *Time* accused Mill of supposing we are blind 'to the many real difficulties and objections which there are in the way of remedying and preventing evils by direct State action'. They added that if the end is good, state intervention is necessary and expedient and 'we must be prepared to count the cost'.<sup>590</sup> *The Contemporary Review* stated that 'the limit of rights which may be claimed by any one individual must depend upon his aptitudes for making good use of them'.<sup>591</sup> Targeting Spencer, *Time* contended that in objecting to state action, Spencer had argued that the individual has a sphere which the state must not trespass, but that 'the State – i.e., the Government - is always necessarily in a minority, and has no "divine right" to control individuals'.<sup>592</sup> However, the state had a role to defend 'society against external invaders and against internal invaders'.<sup>593</sup> *On Liberty* had provided no type of force which could be used in instances where people exploited the privilege of unrestrained liberty and this was to be heavily disputed. Commentators noted that 'in every independent political community there must be some power which is ultimate, to which in the last resort the appeal can be made'.<sup>594</sup> Mill had

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<sup>589</sup> *The Contemporary Review*, Apr 1885, pp. 501-506.

<sup>590</sup> *Time*, Feb 1886, p. 145.

<sup>591</sup> *The Contemporary Review*, Apr 1885, p. 485.

<sup>592</sup> *Time*, Feb 1886, p. 146.

<sup>593</sup> *The Academy*, 20 Dec 1884, p. 406. However, much to Mill's dismay, women were to fall into this category of 'internal invaders', for as Miller claimed, Spencer did not feel they could be trusted with universal franchise as 'women are less capable of thinking abstractly than men and are more swayed by emotional appeals', p. 494. See Miller, 'Herbert Spencer's Drift to Conservatism', pp. 483-497.

<sup>594</sup> *Time*, Feb 1886, p. 146.

demonstrated clearly that it was very difficult to set boundaries to our liberty. *The Contemporary Review* stated that there was a need to make clear where state interference should cease, writing that ‘state power ought to be limited, and that a domain should be reserved to individual liberty which should be always respected; but the limits of this domain should be fixed, not by the people, but by reason and science, keeping in view what is best for the public welfare’.<sup>595</sup>

The *London Quarterly Review* noted that Mill’s hesitancy suggested he ‘was accordingly restrained from pushing his individualism’.<sup>596</sup> *The Contemporary Review* added that ‘state intervention is the most rapidly increasing, and where opinion is at the same time pressing for these powers of interference to be still further extended’.<sup>597</sup> Mill’s warning of the tyranny of mass opinion was a concern shared by the *Manchester Guardian*, who wrote that even ‘the House of Commons, as a whole, is more and more obliged to subordinate itself to public opinion, the implication is that those who form public opinion are those who really exercise power’.<sup>598</sup> Despite all the negativity surrounding *On Liberty*, Mill had encouraged progressive thinking vis-à-vis the individual and their relationship with the state. Moreover, his essay raised awareness of how toxic public opinion had the potential to be. Commentators however were quick to note that most good things which have happened emerged as a result of the assistance of the state. Despite the occasional setback, ‘we are not so badly off as some people who have never had Parliaments to make blunders at all’. Critics noted that their ‘main reason for desiring more State action is in order to give the individual a greater chance of developing all his activities in a healthy way’, preferring to ignore Mill’s advice on how to achieve precisely that.

Despite permitting the state to serve a central role in society, occasional responses flirted with the idea suggested in the 1870s that voluntary assistance or self-government would at times prove to be more advantageous. *Time* claimed that ‘where it is possible to attain the end in view by individual enterprise or by the voluntary co-operation of individuals, there it is certainly inexpedient to use the more cumbrous machinery of the State’. Spencer’s rhetoric in which he describes society as an organism was categorised into two systems, compulsory cooperation

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<sup>595</sup> *The Contemporary Review*, Apr 1885, p. 488. See further Miller, ‘Herbert Spencer’s Drift to Conservatism’, pp. 483-497. Miller noted that Spencer offered the right to ignore the state in his *Social Statics*, in line with Mill’s clause that one can do as one pleases as long as it does not harm another.

<sup>596</sup> *London Quarterly Review*, Jan 1885, p. 360.

<sup>597</sup> *The Contemporary Review*, Apr 1885, p. 491.

<sup>598</sup> *Manchester Guardian*, 10 Mar 1884, p. 8.

and voluntary cooperation. Where people can do it themselves, they should be entrusted with that responsibility. *Time* further added that it was possible ‘for a Democracy to construct a strong and vigorous State, and thereby to foster a strong and vigorous individuality, not selfish nor isolated, but finding its truest welfare in the welfare of the community’.<sup>599</sup> The essence of practical agency after all was to make and remake ourselves.

We have seen how the idea of state action drove much of the debate after the publication of *On Liberty*. There are two parts to the argument here. The first concerns the opinion that ‘the State should make use of its legitimate powers of action for the establishment of greater equality among men, in proportion to their personal merits’<sup>600</sup> and this would work in conformity with the progress of humanity. The second assumes ‘that every increase of the powers of government (Mr. Spencer uses “Government” and “State” as convertible terms) implies an equivalent decrease in the liberties of individuals’ but, to use Spencer’s rhetoric, this is ‘profoundly inorganic’.<sup>601</sup> Mill and his intellectual successors wrongly assumed that as the state gains strength, the individual loses their liberty. The function of the state was a divisive issue by the turn of the century. Yet Mill and others had failed to satisfy concerns from their critics that their ideas could adequately protect the welfare of the community. This raised important questions concerning the legitimacy of compulsion, and it fell to the responsibility of another of Mill’s loyalists to persuade his readers of the value of *On Liberty*.

#### AUBERON HERBERT: THE LEGITIMACY OF COMPULSION

By the 1880s, Auberon Herbert (1838-1906), like Spencer, had proven himself to be a determined advocate of individualism.<sup>602</sup> The accolade he is given as a champion of liberty is

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<sup>599</sup> *Time*, Feb 1886, pp. 142-145. Spencer was also aware of ‘of the destruction of voluntary effort caused by an acute dependence on the state’, see Sankhdher, ‘Herbert Spencer and the British State’, p. 86. Sankhdher added that ‘whether help is rendered by private individuals or by the state, the help so rendered must aim at helping those who help themselves’, pp. 86-87. See further Whittaker, ‘Individualism and State-Action’, pp. 52-62. Whittaker observed that Spencer expected ‘the transformation to take place entirely by individual effort and voluntary association’, pp. 59-60. However, whilst the development of individuality is likely to benefit from limited state interference, if the state sought to promote this change, ‘it would be acting, whether rightly or wrongly, in the interests of individual freedom’, p. 60. These considerations developed upon discussion in the previous decade on the relationship between individualism and paternalism.

<sup>600</sup> *The Contemporary Review*, Apr 1885, p. 489.

<sup>601</sup> *Time*, Dec 1885, pp. 650-651.

<sup>602</sup> Herbert is author of *The Right and Wrong of Compulsion by the State* (1885), *The Voluntarist Creed and A Plea for Voluntarism* (1906), two works which developed upon the principles of *On Liberty*. He was also an active member in the Personal Rights Association and in the Liberty and Property Defence League. See further Vincent, ‘Classical Liberalism and its Crisis of Identity’, pp. 143-161. Vincent noted that ‘Herbert, despite a total obsession with the liberty of the individual was enough of a Lockean and Spencerian to believe in the constraints

reminiscent of the title Mill assumed when *On Liberty* was first published. How Herbert dealt with both the content and reception of *On Liberty* by the 1880s would prove crucial when revising current readings of the essay. Herbert would do well to firstly define the term. In an article of 1880, the term liberty was claimed to be nothing more than a ‘vision of childhood, a fiction, a high-sounding name’,<sup>603</sup> the ambiguity over the term continued to cause controversy. Accordingly, Herbert’s works had prompted the *Essex Herald* to emphasise ‘the right to individual liberty’,<sup>604</sup> in an article of 1883, an argument we will need to revisit closely.

*Edinburgh Evening News* noticed a parallel between Mill and Herbert’s work. They observed that where Mill stood for liberty until harm was done to another, Herbert claimed ‘that every man and every woman should have the widest possible liberty of action, limited only in one direction. This limitation suggested itself to them at once; he must be held free to guide his own life, to act as he chooses, to find his own happiness, to pursue his own interests, to take charge of his own life, but in doing these he must allow to his neighbours exactly the same quality’.<sup>605</sup> The liberal newspaper, *Peeblesshire Advertiser*, stated that the principles sought after were ‘individual liberty, the rights of citizens and the principles of toleration’.<sup>606</sup> Of the legitimacy of compulsion, *Edinburgh Evening News* wrote ‘the tendency of political life was to employ the State to do more and more for the people, but now came the question, could they, in order to do this, rightly employ the state?’<sup>607</sup> Yet Herbert had written that ‘you will not make people wiser and better by taking liberty of action from them. A man can only learn when he is free to act’.<sup>608</sup>

As we have seen, the majority of responses to Mill’s essay insisted that giving up a little of our liberty in order to gain some security and protection was worth the risk. *Fun* magazine noted of Mill that ‘all law and legislation he would make a rapid clearance; and this he vows would make us all *true* liberty embrace’. However, as much as Herbert would restrain the interference of legislation, ‘he would doubtless let the burglar go a-burgling quite in freedom’ and ‘he’d let

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of natural rights to one’s mind, body and labour, and thus argued for the necessity of mutual respect and consent’, p. 151.

<sup>603</sup> *The Ipswich Journal*, 28 Dec 1880, p. 1. An anti-Chartist weekly newspaper.

<sup>604</sup> *Essex Herald*, 30 July 1883, p. 3. A weekly liberal newspaper.

<sup>605</sup> *Edinburgh Evening News*, 20 Nov 1886, p. 2.

<sup>606</sup> *Peeblesshire Advertiser*, 5 Jan 1884, p. 4.

<sup>607</sup> *Edinburgh Evening News*, 20 Nov 1886, p. 2.

<sup>608</sup> Auberon Herbert, *The Right and Wrong of Compulsion by the State*, p. 6.



all vices flourish'.<sup>609</sup> Whilst Mill had expressed preference for a particular type of character, he never pardoned a culture of vice or anarchy. The *Saturday Review* had too challenged Herbert, noting that despite longing to see people educated he 'would jealously guard alike the sacred right of those who choose to abuse their liberty to sow the seeds of vice and misery untold for generations yet to come, and the sacred right of "modern savages" wantonly to destroy'.<sup>610</sup>

Herbert, like Mill, was sure that people would not abuse their freedom and bring misery to others or live a life of vice. Whilst Mill's critics were uninspired by his essay, the personal liberty club told a different story. The party of individual liberty demonstrated how far they had interpreted Mill's essay. In the reading rooms, members were free to speak as loudly as they pleased, and 'any member seeing a newspaper he wants in the hands of another can snatch it away from him'. Moreover, in the card room, 'members are quite free to cheat if it pleases them'<sup>611</sup> and more generally, 'no member need pay for anything unless he likes'. This 'freedom' or 'liberty to do' is clearly problematic and Herbert evidently goes beyond what Mill had championed in *On Liberty* for Mill never sanctioned such actions, or at least not explicitly. For Herbert, 'individual freedom is not a means but an end, and an end of such paramount and sacred obligation that no risk of practical inconvenience should be suffered to stand in its way'.<sup>612</sup> What Herbert regarded as most fundamental was ensuring a capacity for choice and protection of rights and interests. Here, then, individuality was more than having the liberty to choose how to live your life. It *became* a way of life.

Whereas Mill had been challenged for exaggerating how distinct and original our characters ought to be, Herbert championed voluntarism. It is this distinction which meant that Herbert was met more positively, even if his liberty would permit people to be a nuisance to others. The *Manchester Guardian* wrote that Herbert's 'individualistic creed was a creed of peace and conciliation'.<sup>613</sup> The tendency in the 1860s and 1870s was to support the exercise of *regulated* force. By the 1880s, there was greater emphasis on voluntarism; 'this ceaseless effort to compel each other, in turn for each new object that is clamoured for by this or that set of politicians,

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<sup>609</sup> *Fun*, 3 Nov 1886, p. 189. Lukes noted that Herbert was 'even more extreme than Spencer' in articulating individualistic principles. See Lukes, 'The Meanings of "Individualism"', p. 65.

<sup>610</sup> *Saturday Review*, 10 July 1880, p. 44.

<sup>611</sup> *Fun*, 14 July 1880, p. 11.

<sup>612</sup> *Saturday Review*, 10 July 1880, p. 44.

<sup>613</sup> *Manchester Guardian*, 14 Nov 1887, p. 6.

this ceaseless effort to bind chains round the hands of each other, is preventing progress of the real kind'.<sup>614</sup> Real progress consists in peace, friendship and association, not coercion, underlying Mill's sympathies with paternalism.

Herbert and Spencer had added something vital to the later responses to *On Liberty*. They noted that the risk taken with unrestricted liberty is the inconvenience that others may pose to us (a reference to earlier discussion on toleration), but this did not mean that we ought to use force to prevent this. The *Manchester Guardian* noted that 'people generally were enslaved by the idea of State help; they thought their troubles, discomforts, and ignorance were to remain until the State could lend a helping hand. From the idea they had to escape, and in its place, they had to put the idea of reconstructing life by their own hands. The great things already achieved by voluntary associations was proof that much more might be attained in the direction indicated'.<sup>615</sup> Whilst Herbert shared Mill's concerns of a declining state and the need to give people opportunity, the *Manchester Guardian* wrote state intervention meant 'stripping one man of his self-control and, like a stolen cloak, putting it on the shoulders of another man'. Voluntary associations were promptly discussed as a means to social progress, contrary to Mill's preferred policy of helping people to help themselves.

With the rekindling of interest in Mill's essay, engagement with *On Liberty* focused again on the role of the state. The *Manchester Guardian* noted that 'it sounded very well and reasonable at first to say that the great mass of opinion would always direct in its own interest whatever machine of Government was set up, but the truth was these great machines passed absolutely out of the people's control'.<sup>616</sup> Moreover, man 'should be accounted a free man, free in the disposal of his faculties and his possessions'.<sup>617</sup> In a later article, the *Manchester Guardian* added that the state 'corrupted the people, prevented their checking and controlling of mistakes and crimes of the government'.<sup>618</sup> Inspired by Spencer, it seems that Herbert's warning of the threat of government policy was being adhered to.

So, why were people becoming increasingly suspicious of the state? Utilising force to coerce individuals to act in a certain way meant that people 'placed upon the shoulders of the

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<sup>614</sup> Herbert, *The Voluntaryist Creed*, p. 1.

<sup>615</sup> *Manchester Guardian*, 14 Nov 1887, p. 6.

<sup>616</sup> *Manchester Guardian*, 16 Nov 1885, p. 8.

<sup>617</sup> *Saturday Review*, 17 Dec 1881, p. 753.

<sup>618</sup> *Manchester Guardian*, 16 Nov 1885, p. 8.

Government a burden which it could not bear'.<sup>619</sup> The *Manchester Guardian* focused on Herbert's relationship with the Manchester school of self-reliance and self-help, writing that 'they not only complained that Government mismanaged, wasted, and bungled, but they questioned the whole fabric of power. They said there were no true foundations on which this power of men to regulate and control each other rested. They said all government is force, and force may only be rightfully used for one, and only one, purpose. In self-defence, to protect the individual, to protect the country, it might be used; for all other purposes it was a crime, it was an absurd and unreasonable crime'.<sup>620</sup> Herbert himself had written that 'governments are only machines, created by the individuals of a nation', adding that 'they cannot possibly have larger moral rights of using force'<sup>621</sup> than the individuals who delegated them.

*On Liberty* had fostered debate and discussion on when it was right or wrong for the state to compel people. Herbert 'had often said that the State being only a force-instrument, could only properly do one work – the work of force: that was restraining the violent forms of force, the restraining of thief, murderer, or enemy from another country. All else was to be done by voluntary combination'.<sup>622</sup> The *Saturday Review* noted that whilst 'you cannot make people moral, and it is far better to promote a high standard of morality than to have to punish crime; prevention is better than the cure'. It should be remembered that 'we are obliged in the interests of society to coerce both thieves and drunkards'<sup>623</sup> for the protection of society.

These origins of voluntarism could no longer be ignored. The *Manchester Guardian* noted that 'self-regulation was the true principle as against regulation by some external authority'. Revising existing interpretations of Mill's essay led to comments that 'peace, friendship, voluntary combination – this was the true road: strife, love of power, political organisation, enforcement of the individual – this was the road that led to an ever-increasing weakness of national character and increasing suffering'.<sup>624</sup> People needed to have a sense of responsibility but force would 'relieve us from all the deserved penalties of our carelessness and mental indolence by depriving us of free action'.<sup>625</sup> The *Manchester Guardian* added that 'each individual had the right of self-defence – the right to use force to repel force - and the right to

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<sup>619</sup> *Manchester Guardian*, 25 Oct 1886, p. 8.

<sup>620</sup> *Manchester Guardian*, 16 Nov 1885, p. 8.

<sup>621</sup> Herbert, *The Voluntarist Creed*, pp. 1-2.

<sup>622</sup> *Manchester Guardian*, 14 Nov 1887, p. 6.

<sup>623</sup> *Saturday Review*, 10 July 1880, p. 44.

<sup>624</sup> *Manchester Guardian*, 14 Nov 1887, p. 6.

<sup>625</sup> *Saturday Review*, 10 July 1880, p. 44.

the free and full use of his faculties'.<sup>626</sup> In an article of the following year, they noted that 'the people of this country were much more inclined to ask what was this right of controlling, and on what foundations it rested'.<sup>627</sup> In order to answer these questions, readers turned their attention back to *On Liberty*.

## J. H. LEVY AND THE OUTCOME OF INDIVIDUALISM

Joseph Hiam Levy (1838-1913) had demonstrated his support for individualism long before the 1880s.<sup>628</sup> His reading of individualism maintained that the government is permitted up to the point which maximises freedom; we should be able to exercise our liberty as widely as possible. Levy was instrumental in forming the Personal Rights Association in 1871 with Auberon Herbert, which would maintain government as far as necessary, opposed tyranny, disliked all obstacles to women and wanted to extend the franchise to those deemed responsible.<sup>629</sup> By the 1880s, Levy was at the height of his reputation as a libertarian thinker.

Championing equality of *all persons*, the Personal Rights Association was established to defend the individual after decades of articles avowing that without the correct legislation in place, individual liberty will be unjustly infringed upon. Commentators further upheld that 'everything which did not imperatively require the exercise of force left as voluntary agency and the power of persuasion'.<sup>630</sup> The liberal newspaper, *Luton Times and Advertiser*, observed that Levy sought to 'protect and enlarge personal liberty and personal rights, and to oppose the multiplication of laws and the tendency to control and direct, through parliament, the affairs of the people'.<sup>631</sup> Mill had done something right in convincing the correct people of the importance of his essay, for writers such as Levy, it enabled them to focus their own ideas too and it further clarified responses to Mill. The Nonconformist *Coventry Times* noted that the powers of government were to be 'limited as far as possible to the protection of every member

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<sup>626</sup> *Manchester Guardian*, 8 June 1885, p. 6.

<sup>627</sup> *Manchester Guardian*, 6 Nov 1886, p. 8.

<sup>628</sup> Some of his chief works include *The Outcome of Individualism* (1890), *The Fall of Man* (1899) and *Socialism and Individualism* (1904), as well as a speech entitled *The Enfranchisement of Women* (1892); he was also editor of The Personal Rights Series in 1903.

<sup>629</sup> See further Soldon, 'Individualist Periodicals: The Crisis of Late Victorian Liberalism', pp. 18-19.

<sup>630</sup> *Western Morning News* briefly commented that 'there is a curious society in London called the "Self-Help and Personal Rights Association." Its object is to carry out the ideas of Herbert Spencer, who holds that we are too much governed', (13 Feb 1878, pp. 2-4).

<sup>631</sup> *Luton Times and Advertiser*, 17 Mar 1877, p. 7.

of the community against wrong'.<sup>632</sup> The conservative *Southern Reporter* added that 'a good despotism is better than a bad democracy'. After all, every man 'is a law unto himself in matters social and political'.<sup>633</sup> The criticism *On Liberty* received came from a variety of classes and political or religious obligations.<sup>634</sup> The fear that it would stir up a radical movement was perhaps exactly what Mill intended.

By the 1880s, the majority of responses to *On Liberty* echoed Mill's chief principles. Whilst dismissing him, they simultaneously invested in his thought. The liberal newspaper, *Weston-super-Mare Gazette*, noted that 'each one has an individual responsibility. Each is accountable for his actions. Each action decides our character'. They added, strikingly similarly to what Mill described in 1859, that 'perfection of character is what we should seek to aim at and attain'.<sup>635</sup> The relationship between Mill's project and his readers by the 1880s is easily comparable. Levy had been instrumental in this. Those who wrote favourably of individualism often made a point of stressing how inconsistent socialism was. *Pall Mall Gazette* observed that 'the socialists have been having almost a monopoly of current literature under the cloak of a history of the English poor'.<sup>636</sup> It was time for change and arguments against the collectivist effort emerged. Like Mill, there remained a very real fear that whilst the individual is a unit within society, 'the individual man might lose his personal identity and individual responsibility in the crowd'.<sup>637</sup> Mill had pushed this argument since the 1830s and it was not until the 1880s that we see evidence that his writings were taken seriously. Society, after all represented a nest of uniformity.

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<sup>632</sup> *Coventry Times*, 21 Mar 1877, p. 6.

<sup>633</sup> *Southern Reporter*, 14 Dec 1876, p. 2.

<sup>634</sup> See Schapiro, 'John Stuart Mill, Pioneer of Democratic Liberalism in England', pp. 127-160. Schapiro noted that 'Mill's change of attitude towards the working class came at a propitious time...the extension of the suffrage to the working class by the Reform Bill of 1867 was followed by the Forster Act of 1871, which established a national system of popular education. Mill clearly recognized that these reforms made the workers part of the public', p. 146.

<sup>635</sup> *Weston-super-Mare Gazette*, 4 May 1889, p. 6. See further Mack, 'In Defense of Individualism', pp. 87-115. Mack noted that there are two components of individualism; one is value based and the other is rights based. Mack added that the 'individualist method facilitates the emergence of a civic order of highly diverse rewarding relationships and associations, and radically limits the scope of that great enemy of robust civil society, political power', p. 115.

<sup>636</sup> *Pall Mall Gazette*, 26 Dec 1889, p. 2.

<sup>637</sup> *Dundee Evening Telegraph*, 20 Sep 1880, p. 3. See further Schapiro, 'John Stuart Mill, Pioneer of Democratic Liberalism in England', where it is claimed that Mill's famous formula for the preservation of individual liberty 'went further than did the eighteenth-century libertarians to whom individual liberty precluded the right of association; in a free society there was to be the state on the one hand and a mass of "atomized" individuals on the other', p. 153.

Levy would be crucial in defining Mill's socialism; he wrote that Mill 'has done more to propagate Socialism than any writer of our generation, Karl Marx not excepted' adding that Mill 'knew what he was saying'<sup>638</sup> when he confessed his socialist sympathies in his *Autobiography*. Like Spencer, Mill had described an egalitarian ideology. Moreover, we can relate Mill's 'Chapters on Socialism' (1879) with T. H. Green's liberal interventionism. As Skorupski has suggested, 'Mill's and Green's concern with individual development was placed on the political plane with questions of social justice and national efficiency'.<sup>639</sup> Sidney Webb stated that Mill abandoned mere 'political democracy for an almost complete socialism'.<sup>640</sup> In response, Stephen expressed his anxieties over a tendency towards socialism and anarchy in England. William Morris, in his *News from Nowhere*, admitted that Mill had convinced him, confessing 'that socialism was a necessary change, and that it was possible to bring it about in our own days'.<sup>641</sup> In 1879, *The Fortnightly Review* had printed Mill's 'Chapters on Socialism' in their monthly editions. In his earlier days, Mill had written to Henry Chapman in 1844, that there would be no 'social stability or security if there is not a habitual bond of good offices and sympathy between the ruling classes and the ruled' which would have no effect if there were no socialism to 'frighten the rich'. In a further letter to John Pringle Nichol in 1848, Mill wrote unfavourably of those who held back cases of legitimate socialism. Still, he was pleased to see 'that there are, at least in France, so many men in conspicuous station who have sincerely every noble feeling and purpose with respect to mankind'.<sup>642</sup>

For some, in more recent literature, Mill was not a socialist at all. McCloskey wrote that 'Mill was never a socialist, but his writings did much to advance the cause of socialism, particularly Fabian Socialism'.<sup>643</sup> Kurer added that 'the majority view holds that Mill was not a socialist, let alone a committed one'.<sup>644</sup> Yet others have maintained that Mill could credibly call himself a socialist. Claeys has argued that Mill's commitment to cooperative socialism from the 1830s 'must be interpreted as an extension of his concern for individuality, independence and self-cultivation rather than as existing in an uneasy relationship with these ideals'.<sup>645</sup> Kurer also

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<sup>638</sup> Levy and Belfort Bax, *Socialism and Individualism*, p. 72.

<sup>639</sup> Skorupski, 'Introduction', in Skorupski, ed. *The Cambridge Companion to Mill*, p. 5. For an additional study, see Matt Carter, *T. H. Green and the Development of Ethical Socialism*.

<sup>640</sup> Sidney Webb, *Socialism in England*, p. 72.

<sup>641</sup> William Morris, *News from Nowhere*, p. 380.

<sup>642</sup> CW 13, p. 641, p. 739.

<sup>643</sup> McCloskey, *John Stuart Mill: A Critical Study*, p. 137.

<sup>644</sup> Kurer, 'J. S. Mill and Utopian Socialism', p. 222.

<sup>645</sup> Claeys, 'Justice, Independence, and Industrial Democracy: The Development of John Stuart Mill's Views on Socialism', p. 122.

claimed that ‘Mill had a coherent view about what constitutes socialism’,<sup>646</sup> while Meadearis uses examples of Mill’s views on private property to strengthen the case that he was a socialist after all.<sup>647</sup>

In addition to this, for Mises, Mill was the ‘the great advocate of socialism’<sup>648</sup> whilst Hayek charged Mill with outlining a ‘complete incomprehension of the central problem of economic theory’.<sup>649</sup> Gaus claims that Mill was ‘deeply skeptical of socialism just because of his positive economics and his devotion to liberty’.<sup>650</sup> Reeves has written that ‘it was Mill’s liberalism which shaped his response to socialism’.<sup>651</sup> Baum has suggested that ‘Mill’s interest in socialism stems largely from his understanding of the restraints to and possibilities for freedom contained in modern economics’.<sup>652</sup> Considering any ambiguities in Mill’s thought, Claeys summarised that ‘if Mill’s principles veered in one direction, they veered more towards socialism, insofar as much greater equality was an ultimate goal, and particularly Saint-Simonianism, in its theory of justice and reward according to labour, than towards capitalism’.<sup>653</sup>

Halliday has written that Mill’s writings on socialism were ‘a defence of any means to social co-operation which improved conduct and character, while mitigating the pernicious effects of wage-labour, private ownership and free competition’.<sup>654</sup> Meadearis has claimed that it was Mill’s critique of private property which moved him towards socialism.<sup>655</sup> Riley suggests that ‘a decentralized socialist economy, in which many producer cooperatives compete with each other in product and factor markets, is evidently the only form of socialism he takes seriously’.<sup>656</sup> Capaldi has written that ‘Mill considered himself to be an “ideal” socialist’<sup>657</sup> adding that for Mill, this meant something similar with the utopian socialists of the 1830s and

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<sup>646</sup> Kurer, *John Stuart Mill: The Politics of Progress*, p. 34.

<sup>647</sup> See Meadearis, ‘Labor, Democracy, Utility, and Mill’s Critique of Private Property’, pp. 135-149.

<sup>648</sup> Ludwig von Mises, *Liberalism*, p. 195.

<sup>649</sup> Hayek, ‘The Muddle of the Middle’, in Svetozar Pejovich, ed. *Philosophical and Economic Foundations of Capitalism*, p. 91.

<sup>650</sup> Gerald Gaus, ‘Mill’s Normative Economics’, in Miller, ed. *A Companion to Mill*, p. 498.

<sup>651</sup> Reeves, *John Stuart Mill: Victorian Firebrand*, p. 310.

<sup>652</sup> Baum, ‘J. S. Mill and Liberal Socialism’, in Urbinati and Zakaras, ed. *J. S. Mill’s Political Thought*, p. 102.

<sup>653</sup> Claeys, *Mill and Paternalism*, p. 167.

<sup>654</sup> Halliday, *John Stuart Mill*, p. 100.

<sup>655</sup> See further Meadearis, ‘Labor, Democracy, Utility, and Mill’s Critique of Private Property’.

<sup>656</sup> Riley, ‘Mill’s Political Economy’, in Skorupski, ed. *The Cambridge Companion to Mill*, p. 317.

<sup>657</sup> Capaldi, *John Stuart Mill: A Biography*, p. 211.

1840s. Since the 1870s however, attention turned to using the language of individualist or collectivist to describe Mill's theory of liberty.

Those who were previously Mill's critics were now openly opposing collectivism or indeed socialism and took their arguments concerning liberty down an exclusively individualistic path. *Pall Mall Gazette* claimed that there is too much socialism in the guise of centralised governments or village communities and as a result, the individual has 'had his character warped and his acquisitive instincts atrophied by disuse'.<sup>658</sup> Levy would later write (not until 1904 however) in his *Socialism and Individualism* the following concerning the case against socialism: 'I assert that it is essentially inconsistent with that sovereignty of the individual over himself which is the most sacred and fundamental of human rights, and that, however much there may be to deplore in the present state of things – of which the individualist is not the apologist – the socialistic road is not that which we should take if we desire the suppression of injustice and the misery which follows in its wake'.<sup>659</sup>

In his *Autobiography*, Mill referred to himself as both a democrat and a socialist.<sup>660</sup> Ten has written that 'Mill's greatest sympathy with socialism lies with its account of the evils of existing society',<sup>661</sup> a concern which surfaces in a number of his works and which he addresses in detail in his *Autobiography* and his posthumously published 'Chapters on Socialism'. Mill's development of socialism was encouraged by his reflections on the injustices and inequalities within society. This led Mill to declare, in his vindication on the 1848 revolution in France, that socialism was 'the modern form of the protest...against the unjust distribution of social advantages'.<sup>662</sup> In his *Autobiography*, Mill described his ideal of future improvement as being 'under the general designation of socialist'.<sup>663</sup> In books IV and V of the *Principles*, Mill provided a description of the appeal of socialism and explained how society could and should adopt socialism rather than capitalism. In his 'Chapters on Socialism', Mill wrote that 'this

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<sup>658</sup> *Pall Mall Gazette*, 26 Dec 1889, p. 2.

<sup>659</sup> Joseph Hiam Levy, *Socialism and Individualism*, p. 99.

<sup>660</sup> See CW 1, p. 238. Mill wrote 'we were now less democrats than I had formerly been, because we dreaded more the ignorance and especially the selfishness and brutality of the mass: but our ideal of future improvement was such as would class us decidedly under the general designation of Socialists'.

<sup>661</sup> Ten, 'Democracy, Socialism, and the Working Classes' in Skorupski, ed. *The Cambridge Companion to Mill*, p. 389. A reading of Mill as a socialist is added to by Halliday, who notes that 'there is nothing in Mill's treatment of *laissez-faire* and socialism, then, which is incompatible with his moral and political philosophy'. See Halliday, *John Stuart Mill*, p. 104. Ryan suggested that Mill's sympathy with cooperatives constitutes socialism, see Ryan, *J.S. Mill*, p. 189.

<sup>662</sup> CW 20, p. 351.

<sup>663</sup> CW 1, p. 238.



doctrine does not as yet show signs of being widely prevalent in Great Britain, but the soil is well prepared'.<sup>664</sup> The influence of Mill's socialism cannot be underestimated, particularly in light of Levy's reading of Mill since responses from 1859. So, what of these readings of Mill as a socialist sympathiser? Levy connected Mill directly to the socialist movement and the significance of this reading encourages a revision into arguments concerning Mill's collectivist background since the 1830s when he started writing on marriage, the family and individual liberty. This is particularly important as reactions to Mill's earlier works showed a public endorsement of a collectivist vision of liberty as opposed to an individualist.

The parallel between public perceptions of *On Liberty* and individualism by the 1880s was remarkably similar. *Dundee Advertiser* noted that 'individual merit wherever it is found. Elevate, not the State, but the individual citizen, who by individual effort strengthens our social system'. Whilst Mill's emphasis on encouraging people to develop their individual faculties was seldom read as a defence, or complimentary to the community, readers took note of the warning Levy postulated in his work and revised their approach to Mill's essay. Of the state, 'the great trust we have committed to you is one of constant watchfulness'.<sup>665</sup> In praise of individualism, it was no longer believed that restraints on liberty were necessary to secure the liberties of the entire community. By ridding people of these restraints, they would be more able to cultivate well-regulated and good minds, 'like the ticking of a clock, which goes on in its unvarying and steady course, in spite of all atmospheric change'.<sup>666</sup>

We have seen why Levy was hostile to socialism and, like Mill, he had looked to history in order to explain why. After warning of the dangers associated with the socialist path, Levy later explained the outcome of individualism: 'if repression does its work once more - if, false to our history and our heritage, we surrender one after another of our liberties we had not the courage and the intelligence to persevere on the road on which we found all that is most valuable in British history and British character, the road of freedom and justice'.<sup>667</sup> As Morley

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<sup>664</sup> CW 5, p. 709.

<sup>665</sup> *Dundee Advertiser*, 7 Oct 1880, p. 6. Carbone noted that 'Mill's individualism assumes that people can generally be relied upon to make wise decisions'. See Carbone, 'John Stuart Mill on Freedom, Education, and Social Reform', p. 7. For this reason, people should be left to themselves and both readers of Mill and Levy approved of this stance.

<sup>666</sup> *Weston-super-Mare Gazette*, 4 May 1889, p. 6.

<sup>667</sup> Levy, *Socialism and Individualism*, p. 155. Thilly noted that freedom was a fundamental feature of Mill's agenda and 'without freedom of thought, tastes, and experiments in living, there can be no rich diversity of individuals, no unique personalities, no originality of mind or individuality of character, and hence no progress',

had warned of the need for greater compromise between opinions and beliefs, the 1880s advised of the need for a fair balance between interests in the community; the conservative *Aberdeen People's Journal* noted that 'the good of the society consists in the just balance and proper combination of the interests of all its members, which have hitherto been supposed to be secured through the recognition of individual rights'.<sup>668</sup> England was fragile and people were right to be protective of their liberty.

Levy offered the clearest and most cogent defence of Mill's discussion on the individual, arguing the following: 'do not allow yourselves to be misled into the belief that Individualism means either selfishness or isolation. It really implies the limitation of the rights of each individual by those of every other. It sets bounds to the pursuit of one's own happiness, and prescribes a loyal acceptance of the lot, however humble, which Freedom may award'. Incredibly, this was sufficient justification for developing our own character and also opened the door to greater dialogue concerning the rights of women. Mill's critics seemed convinced by Levy's assertion that 'with the eruptive energy of society we can do much more and far better' and that we must wake up these underground forces, 'a fluid mass of ideas, emotions, passions'. They were never as great a risk as Mill's critics maintained and by the turn of the century, society decisively seemed ready for embracing his ideas.

Mill's reflections on individuality were decisively understood and absorbed by the 1880s. Levy had written on the outcome of individualism that 'our intellectual and moral natures come into play only when we judge and decide for ourselves'.<sup>669</sup> This was reinforced by *Weston-super-Mare Gazette*, 'individual life is marked out by moments' and we need to have the freedom of expression and thought in order to develop our faculties. These responses to ideas on liberty and freedom are typical of the majority of responses to Mill during this period. It is impossible to miss the zealous appeal for greater demonstrations of individual eccentricity throughout *On Liberty*. *Weston-super-Mare* further wrote that 'we all have it in our power to rise in the scale of life, to make our mark, to reach a high standard, to help on the cause of humanity, to benefit

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p. 13. See Thilly, 'The Individualism of John Stuart Mill', pp. 1-17. Levy would concur that these faculties can only be developed when we are left to manage them ourselves.

<sup>668</sup> *Aberdeen People's Journal*, 29 May 1880, p. 4.

<sup>669</sup> Levy and Bax, *Socialism and Individualism*, pp. 99, 66, 153. However, for an argument *against* individualism, see Nolte, 'The People versus Individualism', pp. 545-553.

others, to improve our talents, to refine and exalt our whole being'.<sup>670</sup> Mill could rest assured, for he now had the impact he sought in 1859.

As we will see in the following chapter, the extent to which this *not only* included women but was dependent upon them surfaces with overwhelming persuasion. However, this move in the direction of gender equality can be seen as early as the 1880s; the *Leicester Chronicle*, a liberal newspaper, noted that 'surely it is safest to bring the light of the public conscience to bear upon the teaching and influence of every individual in the community'.<sup>671</sup> As the conservative newspaper, *St James's Gazette* noted in 1885, there was never any doubt as to the right or duty of government to remain in office; it was a question of *who* will challenge them and this required a trained individual character. Perhaps the slow developments in social and political life were because society had 'not instilled into her a knowledge of public duty'.<sup>672</sup> Perhaps the contribution of women filled the missing piece to practically, rather than theoretically, transform society. On the effect of marriage, the *Leicester Chronicle* stated that by making her thoughts accountable to her husband, 'you have made it her merit that she should be ignorant of and unpractised in all those virtues which are of direct benefit to the community'.<sup>673</sup> Women had a responsibility to develop their character, not just for themselves but for civic well-being and it seems that by 1887, people were convinced that this was not so scandalous after all.

Levy himself had some relatable comments, albeit with religious undertones, concerning the position of women and the outcome of individualism. In *The Fall of Man* (not published until 1900), Levy wrote the following: 'if I understand the story of the Fall alright, it means that Man, by eating too freely of the Tree of Knowledge, brings on the multiplication of childbirth and the sorrows of motherhood; that, in order to feed the extra mouths, Man is forced from the freedom and detachment of Nomadism into the toil of agriculture; and that the results are the clashing of interests, fratricidal strife, and the subjection of Women'.<sup>674</sup> If men continue to put their want to expand their knowledge above the rights of women, it will not only be society which will suffer, but their families too.<sup>675</sup> This theme feeds into the reception of *On Liberty* I

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<sup>670</sup> *Weston-super-Mare Gazette*, 4 May 1889, p. 6.

<sup>671</sup> *Leicester Chronicle*, 28 May 1887, p. 7.

<sup>672</sup> *St James's Gazette*, 14 Dec 1885, p. 3.

<sup>673</sup> *Leicester Chronicle*, 28 May 1887, p. 7.

<sup>674</sup> Levy, *The Fall of Man*, pp. 18-19.

<sup>675</sup> An article by the *Edinburgh Evening News* in the 1870s had made a passing comment that Levy 'declared that women holding eminent political positions would make the best mothers'. See *Edinburgh Evening News*, 6 Mar 1876, p. 2.

will address in the following chapter, which chiefly discussed liberty in both the private and public sphere, particularly in the context of the family and the need for greater collaboration for individual progress.

## CONCLUSION

The reception of *On Liberty* thus far has demonstrated how Mill was too useful to be ignored. Spencer, Herbert and Levy all adopted or cherry-picked from Mill's philosophical framework when commenting upon the impact his essay had on society. By the 1880s, Mill's work still interested intellectuals and social movements. As with Mill, the response to Spencer was somewhat frosty. Commentators rearranged the title of his work to turn attention to the chief concern in society. Critics insisted that the state ultimately had prerogative over the individual. Moreover, increasing state power did not mean individual liberty would be reduced. Despite this setback to Mill's essay, commentators demonstrated a subtle breakaway in favour of *reconsidering* the extent to which the state could interfere. Even so, efforts from the 1880s had failed to have as much an impact as Stephen's work in 1873 and it had proven difficult for figures such as Spencer, Herbert and Levy to shake the hold which Stephen had over the public mind.

This chapter has detailed the reception of *On Liberty* from 1880 to 1890. In the previous chapter, we have seen how Mill's association with individualism or collectivism influenced a number of responses to *On Liberty*. This debate, which continued into the 1880s, focused on whether force can be employed to improve individual faculties. The majority of responses were written by liberals or radicals. Together, they wrote on the rights of man, in defence of liberty and safeguarding the right of combination to promote individual freedom. Like Dicey, Spencer was a central figure during the change from individualism to collectivism in nineteenth-century England. Consistent with the reception of earlier works on individualism, articles in the 1880s came from largely conservative and liberal periodicals. Conservative reviews described their concern at the socialist argument of *On Liberty*. The state had responsibilities and Mill's argument for a free society was not in anyone's interests. In contrast, liberal articles adopted Spencer and Mill's warning of the tyranny of the majority as a central argument as to why individuals could ignore the state and be free to do as one wills. Of Auberon Herbert's influence in the 1880s, responses to debate on liberty, individualism and collectivism were almost entirely written by liberal periodicals. Extending Mill's argument further, these liberal and

radical newspapers and magazines demanded greater freedoms to act as they pleased along with minimal state intervention and no practical inconveniences should stand in the way of this. The individualist, Joseph Hiam Levy, provoked articles from chiefly conservative and liberal periodicals. Outraged by conservative critics, they responded that they would prefer a good tyrant to the dangerous individualism proclaimed by Levy and Mill. However, their liberal counterpart stressed that greater individuality was needed for us to accept accountability for our actions and improve our character. This conflict between conservative and liberal periodicals was rooted in a difference of opinion on how to create a just and balanced society. This is consistent in both their reading of Mill and later, Levy.

So, what of Mill's loyalists? Spencer's *The Man Versus the State* epitomised Mill's plea for all individuals to be free from state control and supervision, prompting commentators to revolt against all state meddling. Herbert had encouraged critics to reconsider the use of force upon one another and to contemplate other solutions to individual differences. He had assured society that the state was there to assist. The argument for order and control had lost its way by the 1880s and attention turned to developing ideas in favour of self-reliance and voluntarism. There were limits to the expediency of interference and this was picked up by Levy; his reflections on what it meant to develop your individuality had clarified confusion from Mill's critics. As we will see in the following chapter, this made room for discussion on Mill's overarching anxiety, a concern which can be connected to a number of his works. The story thus far ends discussion on the value of individuality and whether we should cultivate this at the expense of the collective. By the 1890s, attention turned to the utility of the family and how Mill saw this in relation to his writings on liberty and his connection, already noted by some critics, with Malthusianism.

## CHAPTER 5

### Later Responses to *On Liberty*: Mill, the Individual and the Family 1890-1900

#### INTRODUCTION

Since 1859, the vast number of responses and interpretations of *On Liberty* have demonstrated how controversial and unclear Mill's essay was. Despite this, there was great appeal in reading Mill's work, and it remained subject for consideration and debate into the 1890s. Mill's essay did not receive the fame he perhaps hoped it would achieve. For starters, his description of individuality was so provocative that despite three decades of hostility, readers continued to focus on this part of Mill's essay. Yet further criticism of Mill's thoughts on individuality ushered in a new reading of the individual in the context of the family and what this meant for concerns surrounding equality, liberty and sociability. An increase in responses on the family and marriage also encouraged debate on the political and social direction of the woman question.

It became clear by the 1890s that cooperation was an integral ingredient for individual development and interpretations of *On Liberty* prompted a surge in articles writing on the need for collectivism rather than individualism. Accordingly, what we see by the 1890s was greater discussion on the individual and the family. Family life began to be idealised and was considered more stable for progress, particularly when parental roles became more sharply defined by the 1900s. Accordingly, a majority of conservative, liberal, radical, non-partisan and religious periodicals wrote similar articles emphasising the power of combining. As we will see, debate on social progress in the 1890s often raised important questions about the role of the family.

*On Liberty* has been associated with an absolute and uncompromising creed of individualism. In the previous three decades the most provocative arguments which dominated the reception of *On Liberty* were chapters two, three and four. By the 1890s, there was an increase in responses directed at chapter 5 (Applications). This can partly be explained by earlier discussion on whether the family or the individual was the central unit within society. This revived earlier criticism of *On Liberty*, which claimed that Mill had a preference for those with

cultivated personalities and a distaste for the majority. In his introduction to *On Liberty*, Mill proclaimed that the individual is sovereign; for Mill, self-government and individual responsibility created better characters and thus, was more likely to improve society. This argument was very controversial since 1859 and continued to dominate discussion in the 1890s.

For Mill's critics, the individual and the families they collectively formed needed to be tolerant and open-minded in order to truly cultivate freedom. This was not particularly radical and from reading Mill alongside the reception, we can identify their joint ambition to create a society of equal citizens as one of the most consistent pleas throughout this period. For Mill, marriage was an evil of the preceding 'organic' age and acted as a space of tyranny. Society could not truly progress until these evils were rooted out, but Mill's critics responded with an argument that the family was also a setting for education as equal citizens; to prevent inequality by teaching people about the different roles everyone in society can play.

The 1890s ushered in a new phase in the reception of *On Liberty*, which demonstrated the relevance and pertinence of his writings on liberty decades after his death. *The National Review* wrote that 'Mill thought it necessary in his own time to address his emphatic words to the world, much more, we think, would he consider it now'.<sup>676</sup> After three decades of engagement with *On Liberty*, Mill's thoughts on freedom transcended the separate spheres rhetoric of 1890s England. As much as his opponents tried to avoid referencing *On Liberty*, it was difficult to ignore the Millian dimension of debate on a number of political and social problems vis-à-vis questions of liberty. The intellectual roots of the reception of *On Liberty* emerged during debates on individualism, ideas on marriage and family, enlightenment ideas of autonomy, freedom and self-governance as a basis for equality. Accordingly, the family, or a community-focused form of living, was often suggested in response to Mill's insistence on developing individual personalities first. For Mill's readers, particularly religious periodicals, this would foster a moral and social reformation.

## THE SOVEREIGNTY OF THE INDIVIDUAL

The previous chapters have sought to make sense of the number of varying interpretations which dominate existing scholarship of *On Liberty*. Despite the number of readings, the most

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<sup>676</sup> *The National Review*, Dec 1891, p. 520.

consistently discussed argument in *On Liberty* was Mill's admiration of expressions of individuality, how best to develop them and its importance for progress. It was not the case that the image of Mill by the 1900s accurately reflected the entire range of readings or interpretations of *On Liberty* since its early reception. In fact, as the end of the century approached, the typical image that had developed over the previous decades was no longer a significant interpretation of Mill or *On Liberty* (Mill was often described as a strict individualist with a preference for more cultivated beings who did not need to be immersed in a society where the majority had ill-informed opinions). Mill's reputation changed on many occasions throughout this period, but it is from the 1890s where we see it steadily improve. This can partly be explained by a change in what Mill's critics valued but also how they chose to read *On Liberty* in light of contextual developments, such as the newly emerging rights for women and the change in structure this brought to the family.

One of the leading reasons as to why *On Liberty* continued to be discussed and often dismissed in the 1890s is because Mill's critics felt he championed the sovereignty of the individual above all else. Since 1859, those who engaged with Mill continued to note their concern over his plea for individualism and subsequently, grew increasingly suspicious of both Mill and his work. Thus far, the questions which have been addressed in light of the responses to *On Liberty* have sought to understand why Mill's work was often rejected.

Chapters three and four of *On Liberty* continuously attracted most disapproval. *The Nineteenth Century* dismissed chapter three for society was already 'overstocked with the sovereignty of the individual', there was no present danger to individuality nor has there been a particular desire for it. They added further 'that the danger which threatens human nature is *the deficiency of personal impulses and preferences*'.<sup>677</sup> *The Contemporary Review* responded that an 'awakened sense of organic relationships in social life prepared the way for the greatly needed correction of our excessive individualism'.<sup>678</sup> For Mill's critics, too much individualism was

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<sup>677</sup> *The Nineteenth Century*, Sep 1896, p. 492. See further *The Contemporary Review*, Nov 1893, pp. 724-735. The latter wrote that 'our democratic suffrage has lent itself towards this drift in the direction of individualism', p. 727. See additionally Struhl, 'Mill's Notion of Social Responsibility', positing an argument in line with Mill's connections to socialism. Moreover, see Semmel, *The Pursuit of Virtue*, who suggests that a life in isolation, what we could expect if *On Liberty* is read as a plea for rigid individuality, would diminish all positive contributions we make to both ourselves and society.

<sup>678</sup> *The Contemporary Review*, Nov 1893, p. 728. For a discussion on the need for greater regulation, be it from society or the state, see Hamburger, *On Liberty and Control*, which contends that Mill championed both greater individuality but also felt that a degree of control was needed in order to curb excessive and potentially dangerous expressions of individuality.



dangerous but they did not argue that we should refrain from encouraging the development of eccentric and original thinkers. For those responding to *On Liberty*, Mill's appeal for individualism would unsettle society; the safeguarding of rights and liberties depended upon a continuing relationship between the individual and society, not prioritising one at the expense of the other. For those who criticised this aspect of *On Liberty*, they looked towards the role of the family in moderating unwarranted appeals for individuality.

By the 1890s, opposition towards *On Liberty* was almost exclusively fixed on what critics read as Mill's plea for sovereignty of the individual. *The Nineteenth Century* claimed that 'the real weakness of the book, the cause of the aversion it inspires in so many minds, lies in its ultra-absolute dogmatism and its violent exaggeration of individualism'. They further wrote that 'the best, ideals of our time tend still further to assist society in getting the better of the individual. Indeed, the book on *Liberty*, so far from helping to curb the authority of society and limit its range, coincided with a very strong lift throughout the whole of society, from top to bottom, to make the authority of society more stringent'.<sup>679</sup> However, *The National Review* stressed that the benefits of individualism 'are largely discounted by the evils', which results in the 'drying up of those fertilising streams of fresh ideas which, by stimulating progress, invigorate our civilisation, and make it fruitful for good'. They added that 'the system has a prejudicial effect upon the minds of the taught by stifling the originality' resulting in great minds, 'all equally excellent, but so excellent that you can hardly tell one from the other'.<sup>680</sup> They sought to emphasise, like Mill, that society infringed too much upon the development of individual characters and this would have severe consequences for everyone.

The question of interference generated further hostility towards Mill's essay. *The Academy* noted that Mill and Spencer had 'set forth in a very forcible way the evils of interference; but they have hardly made any attempt to measure the undoubted evils of uncontrolled interference'.<sup>681</sup> *The Quiver* suggested too much individual liberty risked 'the danger of excess, of self-assertion, of even licence'.<sup>682</sup> Since 1859, commentators have written of their concern

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<sup>679</sup> *The Nineteenth Century*, Sep 1896, p. 493. This challenges the claim that Mill had a preference for an intellectual elite and elevated them higher than the majority within society, see Cowling, *Mill and Liberalism*, pp. 104-105. For further discussion dismissing Mill as a liberal, see Anschutz, *The Philosophy of J. S. Mill*. For an article which explores both Mill as liberal and illiberal, concluding that *On Liberty* exhibits traits from both readings, see Rees, 'A Re-reading of Mill on Liberty', p. 115. See further Himmelfarb, *On Liberty and Liberalism* for a chief study on the inconsistencies surrounding Mill's 1859 essay.

<sup>680</sup> *The National Review*, Dec 1891, pp. 526-527.

<sup>681</sup> *The Academy*, 13 June 1891, p. 558.

<sup>682</sup> *The Quiver*, Jan 1895, p. 257. Harm to others is the only condition where interference is permitted.

at the risk posed by Mill's plea for individuality. *The Nineteenth Century* noted that whilst individuality 'provides a moral stamina to life, is there any real danger of its being undervalued'.<sup>683</sup> To counter Mill's excessive individualism, critics advocated the development of positive types of characters in a social context to prevent the dangerous individualism they found in *On Liberty*, which they associated with self-centredness and the reinforcement of a sense of superiority, both of which would result in the weakening and destitution of personalities and characters.

For instance, the *Westminster Review* expressed their objection to 'using compulsion to bring about what is supposed to be a reformation in the self-regarding actions of another'.<sup>684</sup> Yet Mill did not explicitly endorse such a way of life.<sup>685</sup> He noted in *On Liberty* that 'desires and impulses are as much a part of a perfect human being, as beliefs and restraint' but as discussed previously, critics noted that there was a deficiency of individual impulse and this posed a threat to social progress. Whilst Mill was worried that excessive checks could curb the development of liberty, he did not dismiss the usefulness of restraint, instead suggesting that they may contribute towards the perfection of the individual.

Let us turn to Mill's discussion on the question of interference to address this. It wasn't the role of government to engage directly in freedom but to foster experiments of living. Mill attacked those who were a nuisance to others and who infringed upon the liberties and freedoms of other people. He wrote that 'the strongest of all the arguments against the interference of the public with purely personal conduct, is that when it does interfere, the odds are that it interferes wrongly, and in the wrong place'.<sup>686</sup> On this account, everyone brought something beneficial to support a progressive society and Mill resented those who interfered with this. What was needed was mutual cooperation, a devotion to the community, and the need for men and women to be equal.<sup>687</sup> Despite Mill writing in *On Liberty* that the question is not about *restraining* the actions of individuals, but about *helping* them, his critics were not satisfied. Mill wrote that 'it

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<sup>683</sup> *The Nineteenth Century*, Sep 1896, pp. 492-493.

<sup>684</sup> *Westminster Review*, June 1898, p. 614.

<sup>685</sup> See Abram L. Harris, 'John Stuart Mill's Theory of Progress', pp. 157-175 for a discussion on the position of freedom in Mill. See further Zivi, 'Cultivating Character: John Stuart Mill and the Subject of Rights', pp. 49-61.

<sup>686</sup> CW 18, pp. 263, 283.

<sup>687</sup> See Struhl, 'Mill's Notion of Social Responsibility'. See further Himmelfarb, *On Liberty and Liberalism*, which considers briefly the role Mill's principle of liberty plays in female enfranchisement and gender equality.

is asked whether the government should do, or cause to be done, something for their benefit, instead of leaving it to be done by themselves, individually, or in voluntary combination'.<sup>688</sup>

The point Mill seems to be emphasising here is his willingness to help people, but opponents of Mill responded that by helping some individuals more than others, you risk the strong crushing the weak and encouraging unequal levels of liberty to do, to say and to act. Responses to *On Liberty* agreed with Mill that too much interference upon individual liberty was an unnecessary evil. Yet the majority of commentators noted Mill's failure to describe the acceptable limits or *amount* of interference we can impose on another, as noted by *The Academy* in 1891 and this led to hostile reactions.<sup>689</sup> This resulted in a number of reactions calling on individuals to develop their personalities within a social context to ensure as many people as possible could flourish in equal liberty.

As we have seen in previous chapters, many responses to *On Liberty* stressed Mill's focus on, and means to secure, greater individuality. Commentators did not read *On Liberty* as supporting a particularly 'organic' theory of society (in fact, Mill felt this would render the future of freedom and individuality uncertain; freedom needed to be protected in the occurrence of a new organic period). However, not everyone who engaged with Mill and his writings on liberty sought to dismiss him; the *Westminster Review* observed that 'Mill's individual is relative only, and we cannot find or imagine a normal human being living a complete and continuous human life, apart from his organic social surroundings'.<sup>690</sup> From this reading, the individual Mill described in *On Liberty* was merely hypothetical (or Mill wasn't taken seriously) despite the *Westminster Review* emphasising in the 1890s, that for anyone to develop their faculties as Mill encouraged, this could only be done in a social context.

In an article published in June the following year (1898), the *Westminster Review* strengthened their argument for the liberty of the individual, writing that Mill's concern and expression, the tyranny of the majority, 'shows that we appreciate this danger, and that it needs guarding

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<sup>688</sup> CW 18, p. 305.

<sup>689</sup> See *The Academy*, 13 June 1891, p. 558.

<sup>690</sup> *Westminster Review*, Jan 1897, p. 5. See Megill, 'J. S. Mill's Religion of Humanity and the Second Justification for the Writing of *On Liberty*', pp. 616-627. Megill maintains that the principles of *On Liberty* were written for the future, anticipating the steady development of an organic society. Megill contends that reading *On Liberty* in this way irons out any creases in interpretations and puts these readings into perspective. See further Mill's *Autobiography*, CW 1, pp. 259-260, outlining how Mill recognised the problem this posed to the protection of liberty.

against'. They continued, 'individuality is in danger of being swamped by social laws. Social tyranny at the present day constitutes a positive danger to the individual, for it tends to make him a slave to custom, a mere machine, a creature who is given a reason which is not to presume to use, except in so far as it finds him at one with society, whose mandates he disobeys at his peril'.<sup>691</sup> This was echoed by *The National Review*, who wrote in 1891 that 'in these days it would seem as if individuality and originality stood in as greater danger of being dwarfed and crushed as they ever did under any tyranny or despotism, howsoever oppressive'. They added, expressions of originality will cease for political and social life had a 'tendency to uniformity'.<sup>692</sup> If establishing a fear of uniformity was Mill's intention, his critics were some of his most effective representatives. Despite the amount of disapproval directed at *On Liberty*, Mill's critics more often than not absorbed his ideas whilst they attacked him, and this is most apparent by the 1890s. However scandalous Mill might have been, his readers could and did identify with his concerns over the need to protect individual characters in an increasingly competitive and collectivist world.

Despite such engagement with Mill's essay, *The Nineteenth Century* noted that 'it is, however, obvious, that the influence of John Stuart Mill has been waning in the present generation'.<sup>693</sup> It is perhaps only in 1898 when we see the clearest example, which approves of, engages with and encourages greater acceptance of the ideas expressed in *On Liberty*. Like Mill, the *Westminster Review* felt individuality was under threat from society. They wrote that the individual should be granted greater liberty and 'we should not pay such blind regard to what "the world" tells us to be right or wrong, but that we should decide every question on its own merits, and never be afraid to stand by our opinions once they are formed'. At present, 'people do everything in crowds' and like Mill, they were concerned that society was moving towards the point when all states cease to progress, 'when individuality is stamped out'.<sup>694</sup> Accordingly, *The National Review* pleaded that something needs to be done quickly to encourage the flourishing of individual characters, for this evil which Mill thought so dangerous to liberty 'is like a canker, eating at the roots of our national life'.<sup>695</sup>

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<sup>691</sup> *Westminster Review*, June 1898, pp. 611-612.

<sup>692</sup> *The National Review*, Dec 1891, p. 520.

<sup>693</sup> *The Nineteenth Century*, Sep 1896, p. 487.

<sup>694</sup> *Westminster Review*, June 1898, pp. 612-616.

<sup>695</sup> *The National Review*, Dec 1891, p. 528.

The most detailed discussion on Mill's sovereignty of the individual during the 1890s occurred between the *Westminster Review* and *The National Review*. These periodicals both read Mill's discussion on individuality as defining the causes and consequences for a lack of original characters. Both periodicals noted the tendency of each new generation to imitate their parents, siblings and those who they interact with, resulting in a likeness of beliefs and thoughts. In particular, *The National Review* emphasised three sources for this uniformity: political, economic and educational. They wrote that previously, 'the personality of original men was a power that made itself felt amongst all grades of society' but when reflecting upon this in 1891, wrote that 'to try to get much individuality from our present democracy is like trying to pluck grapes from thorns, or figs from thistles'. Secondly, they highlighted the growth of capital, writing it is 'directly inimical to the spirit of individuality', adding that 'anything more destructive of originality in production, from which alone we can hope for variety, and indeed for ultimate improvement in our commodities, it would be difficult to conceive'. On education, 'the health and progress of every great science, such as education, depend upon continual difference, upon new ideas, and experiments carried out to give effect to such ideas, upon the never-ending struggle between many different forms and methods each to excel the other'.<sup>696</sup> This is extremely similar to the argument Mill put forth in chapter three of *On Liberty*; opportunities should be given to a variety of characters in order to cultivate different opinions and experiments of living, and in matters which do not primarily concern others, individuality must be defended.

As discussed, one of the most pivotal claims we find in responses to *On Liberty* in the first few decades after its publication was whether Mill was a champion of the individual or the collective (leading on from debate in the 1870s on the merits of individualism vs. collectivism). Whilst the majority of responses in the 1890s opposed Mill for encouraging an unwanted and strict theory of individualism, Mill seemingly champions both, any progress, either individually or collectively is still improvement. Thus far, responses have shown that that the quest to find liberty in Mill's 1859 essay was very controversial and provocative. What conditions were most suitable for the flourishing of liberty? Who could have liberty? Was this at the expense of another? Did Mill permit a certain group to have greater liberties than others in order to excel? These questions chiefly dominated the earlier reception of *On Liberty*. What we see by the 1890s is an increase in the number of responses directly discussing the means to

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<sup>696</sup> *The National Review*, Dec 1891, pp. 523-527.

improve society by developing individuals. The majority remained unsatisfied and alarmed by Mill, but this did not stop them from discussing his ideas whilst trying to avoid any association with them. Despite both dismissal and absorption of Mill, there was no doubt over commentators shared feeling of the urgent *need* to improve individuals for the betterment of all. This feeling, particularly in the reception of *On Liberty*, intensified as the decades went on.

Finding liberty in Mill's 1859 essay is inseparably coupled with larger debates in the 1890s on the family and the need for members of society to make free or unimpeded choices.<sup>697</sup> Mill's suggestion that we must have liberty in order to investigate and find out truths forms a fundamental objective of the text and this is also reflected in the replies to *On Liberty* from 1859. Mill wrote that 'the only freedom which deserves the name, is that of pursuing our own good in our own way, so long as we do not attempt to deprive others of theirs, or impede their efforts to obtain it'.<sup>698</sup> Yet Mill seems to imply that being free is firstly, both a choice and secondly, that you make this choice at your own leisure and you are not compelled to do so.<sup>699</sup>

As we have seen, it is precisely this argument which resulted in greater hostility towards Mill; it suggested that we must seek liberty on our own whilst responses to *On Liberty* stressed that in order to find truths, everybody has a responsibility to themselves, their families, as well as the wider community. We all hold ourselves, and are held by others, as responsible for our actions and choices we make. Opponents noted a widespread failure to discriminate between rules that society must impose and rules we must impose upon ourselves, restating reactions which called for a greater community focus. Progress and development were often spoken of in relation to communal standards; be it debate on liberty, sanitation, or commerce, all citizens had an obligation to their community as much as the community to the citizen (this momentum was added to by the development of socialism).

The *Saturday Review* were particularly concerned by Mill's sovereignty of the individual. They claimed that 'where unlimited freedom is accorded to the individual a plutocratic caste is certain to be involved. In such a society, the many weak must expect to be trampled under foot: the death of the unfit is the compliment of the survival of the fit'. For the *Saturday Review*, *On*

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<sup>697</sup> See Ryan, *The Philosophy of John Stuart Mill*. Ryan notes that 'freedom is a necessary ingredient in anything that Mill can recognize as the life which a rational man would choose', p. 254.

<sup>698</sup> CW 18, p. 226.

<sup>699</sup> See Smith, 'Social Liberty and Free Agency', in Gray and Smith, ed. *J. S. Mill On Liberty in Focus*, pp. 239-259 for a consideration of the ambiguities in Mill's conception of freedom.

*Liberty* had implied that ‘when such untrammelled freedom is accorded to the individual, the man of ability has enormous opportunities for self-advancement and self-enrichment’ but ‘no one can enrich himself without enriching the community in which he lives’.<sup>700</sup> Yet Mill never wanted individuals to develop their faculties in a way which meant that they never gave back to their community. For Mill, developing one’s attributes in the context of the community was *complementary* to the development of individuality.

Mill’s essay encouraged the public to seriously address the liberty question. So, how did Mill’s readership respond to this challenge presented by *On Liberty*? How much can we interfere with another before imposing upon their individual liberty? *The Contemporary Review* noted that ‘all the so-called “social problems” of the day have their root in that fatal propensity to self-centredness which is for ever opposing man’s efforts towards fuller development’. They added that ‘perfect freedom would be the full power of accomplishing this desire (only another name, therefore, for complete self-realisation). The very first essential for attaining such freedom is that man’s desires should be in harmony with the order of the universe, because the possibilities it affords, and those only, can be actualised’.<sup>701</sup> *On Liberty* had been reviewed extensively since its publication in 1859 by a wide variety of observers. Whether you were a conservative, a radical or a Catholic, a majority agreed that Mill’s individuality needed to be tamed. By the late 1890s, the majority of critics were in agreement that Mill pushed his argument for individualism too far and that something more social, such as the community or the family, was the best environment to safeguard and cultivate liberty.

Despite Mill writing in *On Liberty* that as long as we do not harm others, the liberty of the individual follows the liberty ‘of combination among individuals; freedom to unite’, readers of *On Liberty* did not read this essay as supportive of collectivism. This idea of combining for social progress appeared in a number of Mill’s writings. Liberty brought with it a social responsibility and Mill had written that freedom is only deserving of that name when we pursue

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<sup>700</sup> *Saturday Review*, 2 Jan 1897, pp. 6-7. This argument echoes Cowling’s claim in *Mill and Liberalism*. Cowling argued that ‘*On Liberty* does not offer safeguards for *individuality*; it is designed to propagate the individuality of the elevated by protecting *them* against the mediocrity of opinion as a whole’ (p. 104). Cowling further claims that convention and custom cannot be trusted and as they are repressive, they must be resisted and replaced with a better consensus.

<sup>701</sup> *The Contemporary Review*, Mar 1898, pp. 442-444. See further Semmel, *The Pursuit of Virtue*, Struhl, ‘Mill’s Notion of Social Responsibility’ and Scarre, *Mill’s On Liberty*, for readings which consider this interpretation. Mill was an enemy of isolation, not an ally.

‘our own good in our own way, so long as we do not attempt to deprive others of theirs’<sup>702</sup> for each individual is their own guardian.

As noted by *The Contemporary Review*, for anyone to be able to express their liberty freely, they must act in harmony with the interests of society. The more outgoing and free people are, the more vigorous life becomes for everyone. Mill was edging towards the idea that an ideally free life is one where we can spontaneously choose what we want to do but the cause for concern was that impulsiveness was needlessly risky. Whilst the *Saturday Review* responded that Mill ‘claimed for the individual the most complete freedom not only in thought but in action’.<sup>703</sup> *The Quiver* added that liberty ‘is not attainable at once; we enter upon it gradually’.<sup>704</sup> Restraints reduce or fall off as we age and mature when we have greater freedoms and responsibilities. Yet safeguarding liberty for Mill was not merely a task for those who had the ability to do so. Mill looked forward to a time when everyone had an equal share of liberty, for once this occurred, society could step over the impediments which fostered unhelpful discussion on a multitude of issues, instead concentrating on one of the chief objects of life, the opportunity to develop your moral and intellectual faculties.

#### A PROGRESSIVE LIFE: INDIVIDUALISM AND FAMILY VALUES

The previous chapter considered Dicey’s focus on the shift from individualism to collectivism in the 1880s, demonstrating how Mill had long-favoured the art of combining in order to bring about greater liberty for a greater number. By the 1890s, those responding to *On Liberty* seem to have experienced a revolution in political belief. Whilst they did not necessarily depart from Benthamism (he believed that individual interest is predominant over social interest, that there is nothing greater than the individual and that the community is a false body, nothing more than the total interests of the individuals who compose it), they began to discuss the individual and the family as separate groups.

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<sup>702</sup> CW 18, p. 226.

<sup>703</sup> *Saturday Review*, 2 Jan 1897, p. 6. See Brink, ‘Mill’s Liberal Principles and Freedom of Expression’, in Ten, ed. *Mill’s On Liberty*, which develops this discussion further around the premise that Mill’s free speech principles play a larger role than previously contended in enshrining the freedom of thought *and* action.

<sup>704</sup> *The Quiver*, Jan 1895, p. 258. The idea that liberty is something we attain progressively was picked up further by Collini, ‘The Idea of ‘Character’ in Victorian Political Thought’, who suggested that character was a ‘moral tissue’ (p. 37), which integrates with the notion of self-cultivation and enriching our personal character. The importance of *developing* one’s character was crucial for Mill in his essay, this was not something that was expected to satisfy his plea overnight. See further Skorupski, *John Stuart Mill* for a broader discussion on the development of the individual, freedom and liberty for Mill.



By the 1890s, responses to Mill's individualism engaged with the individual as *the* basic unit in society and also their role within the family, stressing both the importance of familial duties and the progressive aspect of uniting with one another in our community. After all, the *Westminster Review* had written that individuals 'cannot expect to reap the benefits to be derived from living in a community without giving as far as possible his services to the community in return'.<sup>705</sup> As much as we ought to develop our individuality, we have a social responsibility to our communities too and both Mill and his critics wanted us to develop them simultaneously. Mill's fundamental concern in *On Liberty* has been read as a work stressing the value of the individual *and* as one elevating the importance of the family. The individual and the family were not competing concepts after all.

We have seen that Mill's call for greater individuality received a hostile reception from 1859. By the 1890s however, something remarkable happened. The shift in the reception, which saw greater attention given to family values, meant that Mill's writings on individuality seemed more important than his early commentators had given credit. Reviews discussed and debated whether the individual or the family served a more central role in human progress. For the previous three decades, Mill and *On Liberty* had been attacked for expounding a rigid and extreme dogma of individualism. Yet in an article of 1896, *The Nineteenth Century* debated whether Mill was in fact a collectivist, as opposed to the strict individualist critics had described him as since 1859.

This theory of Mill as a collectivist was rooted in readings of *On Liberty* as representing 'the most sustained exposition of Mill's life-long theme – the abuses of power'.<sup>706</sup> By the 1890s, responses emphasised that individuals should act in accordance with the interests of the community for a harmonious and progressive life but where they cannot, the community should be prioritised over the individual. The *Westminster Review* claimed that we should 'cultivate the strong feelings with which nature has endowed the man, and educate him to a proper direction of them, and we shall produce a unit valuable in itself and therefore valuable to the

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<sup>705</sup> *Westminster Review*, June 1898, p. 614.

<sup>706</sup> *The Nineteenth Century*, Sep 1896, p. 500. Himmelfarb, *On Liberty and Liberalism* had argued that *On Liberty* promoted the interests of both men and women against a social tyranny. Mill sought to protect women and liberate them. See Ten, 'Mill and Liberty', Mill was fearful of the tyranny of the majority, one of the greatest abuses of power.

community'.<sup>707</sup> No advances could be made in the realm of thought and action if humans were encouraged to isolate or confine themselves to a secluded life; ultimately, readers in the 1890s challenged responses from the 1860s that the individual is sovereign, instead focusing on the social context where we develop individual faculties in the first place.

Three decades after the publication of *On Liberty*, we see the first set of reviews which seriously commented on and debated the contents of chapter five, noting the relationship between Mill's concern over the abuses of power and relationships within the family. In chapter five, Mill wrote that whilst the state is obliged to maintain a watchful eye over the exercise of power over others, 'this obligation is almost entirely disregarded in the case of the family relations, a case, in its direct influence on human happiness, more important than all others taken together'.<sup>708</sup> Mill's readers were certainly sympathetic to this for *The Nineteenth Century* had argued that the true problem is not, what are the limits of the authority of society over the individual, but 'what are the respective limits of State Legislation and Social Opinion' for 'no man's life is, or can be, solitary. The whole of "conduct" concerns society, concerns others; for human life simply means a continual action upon, and reaction from our fellow beings'.<sup>709</sup> From 1859, readers of *On Liberty* did not dispute that it was Mill's attempt to ascertain what are the rights of the individual against society. Whilst this reading did not entirely disappear, commentators were less frequently differentiating between the individual and society or exclusively focusing on the former.

Of Mill's description of individualism in *On Liberty*, the *Westminster Review* noted that 'the Individual possesses rights as against his State, and the difficulty only lies – a very big one – in laying down their limits'.<sup>710</sup> *The Nineteenth Century* furthered this by noting that 'the plea for the vast social changes involved is founded on the same theory of the Individual that is the root error of *Liberty*. Nothing can be made right in sociology whilst society is regarded as made up of Individuals instead of Families'.<sup>711</sup> From this response, Mill's error in *On Liberty* was

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<sup>707</sup> *Westminster Review*, June 1898, p. 613.

<sup>708</sup> CW 18, p. 301.

<sup>709</sup> *The Nineteenth Century*, Sep 1896, p. 494.

<sup>710</sup> *Westminster Review*, Jan 1897, p. 8. For further discussion on 'rights' in *On Liberty*, see Feinberg, *Moral Limits of the Criminal Law* which argues the case for personal sovereignty, claiming that we should not compel or violate the rights of the individual. See also Stegenga, 'J. S. Mill's Concept of Liberty and the Principle of Utility', our conduct is solely our concern and it is not the right of others, including the state, to intervene. See further Williams, 'Mill's Principle of Liberty', which explores the notion of justice and rights in *On Liberty*.

<sup>711</sup> This directly criticises Bentham's writings on the individual as *the* unit in society. See Bentham, *An Introduction to the Principles of Morals and Legislation*, pp. 14-15 and p. 27.

that he based his principle of liberty solely on the individual. For the scale of social change Mill's critics supported, *families* needed to combine and collaborate. The point here is that absolute individualism would cast a blight over a number of institutions, such as marriage and the family, and those who engaged with *On Liberty* were sceptical that this is what Mill championed. Absolute individualism would have disastrous consequences for society; *The Nineteenth Century* detailing the following examples: 'the Family as an institution would be dissolved; the fine flowers of Womanhood would become cankered; the brutality of Man would become a grim reality; and the *Subjection of Women* would be a fact – and not an epigram'.<sup>712</sup> Such reactions to Mill's ideas on liberty encourages us to consider whether Mill and his commentators were really so different in their thoughts and beliefs. They both shared a suspicion of tyranny; they were promoting similar positions, yet these could not be justified as one.

The effect of forty years of critical engagement with Mill and *On Liberty* produced the image we see surface frequently in contemporary studies today, many of which conclude that Mill was both an individualist and an elitist. As the 1900s approached, this impression had not shifted considerably. In an article of 1897, the *Cosmopolis* claimed that Mill was 'the sternest representative of "absolute individualism," but in his last years he was very far from being an individualist, was abreast of the most modern tendencies in a socialist direction'.<sup>713</sup> Whilst Mill was frequently dismissed for making this plea in the decades following 1859, by the 1890s, it was becoming clear that his opponents had reconsidered this criticism. Very rarely did his critics think calls for greater liberty were inappropriate or untimely (even then, this was religious periodicals dismissing the suggestion that women have equal liberty to men). Their focus was on how best to satisfy the conditions for its flourishing, which many concluded were best sustained in a social context (i.e.: the family) rather than individuals.

In a posthumously published work from 1879, Mill demonstrated his appeal to a collectivist theory of liberty; he wrote that 'the very principle on which the production and repartition of all material products is now carried on, is essentially vicious and anti-social. It is the principle of individualism, competition, each one for himself and against all the rest. It is grounded on

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<sup>712</sup> *The Nineteenth Century*, Sep 1896, p. 504.

<sup>713</sup> *Cosmopolis*, Mar 1897, p. 631. See further Zivi, 'Cultivating Character: John Stuart Mill and the Subject of Rights'. Zivi suggests that Mill never wanted people to isolate themselves, in fact, he wanted them to disperse themselves around various social networks in order to develop their individual characters.

opposition of interests, not harmony of interests, and under it everyone is required to find his place by a struggle, by pushing others back or being pushed back by them'.<sup>714</sup> Writing in agreement with the need for everyone to act on their personal responsibility to cultivate their individuality, *The National Review* asked their readers to 'divert, if possible, those other streams which now begin to flow around the roots of our existence – the steams of dullness and forgetfulness, whose sluggish waters cannot fertilize, and serve only to exhaust the sources of life'.<sup>715</sup>

This is similar to responses from 1859, which wrote with alarm upon reading any plea for greater expressions of individuality as a danger to society. Critics thus emphasised that individuals are not isolated but are products of their social environment, we develop through a variety of interactions and exchanging of sentiments with others. Mill was often read as asking for people to develop their own characters first, yet his critics wanted it to be done alongside others so all could develop together; for Mill, this risked uniformity.

Whether the individual or the family is the central unit within society caused stark divisions throughout the later responses to *On Liberty*. *The Nineteenth Century* pointed out that men and women are organic members of a social system, adding that 'the smallest substantive organism of which society is composed is the Family, not the Individual. A Family, as such, has a rudimentary organic life of its own, but an Individual has not. A Family on an isolated island can conceivably continue a normal, but very low, type of human life, physical, moral, intellectual, and progressive'.<sup>716</sup> The point emphasised here echoes previous responses directed at chapter three of *On Liberty*; you cannot expect any moral or intellectual progress if each individual is responsible for their own self-development. *The Saturday Review* claimed that the interests of the individual and those of the social organism are 'antagonistic, and by which the former are rendered subordinate to the latter in the general interests of the evolution which the race is undergoing'.<sup>717</sup> Thus far, responses in the 1890s frequently reiterated the superiority of the family over the individual, resulting in continuous and sustained attacks specifically on chapter three of *On Liberty*.

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<sup>714</sup> CW 5, p. 715.

<sup>715</sup> *The National Review*, Dec 1891, p. 526.

<sup>716</sup> *The Nineteenth Century*, Sep 1896, p. 495.

<sup>717</sup> *The Bookman*, Apr 1894, p. 23.

However, there were chiefly two reasons as to why not everyone was convinced by this reading of *On Liberty*. Firstly, writers disputed the argument that supporting the family first and foremost would result in greater liberty and progress. Secondly, in *On Liberty*, Mill describes a sovereign individual where their liberty is best expressed through self-autonomy, therefore, the family is not as central to his essay as others have assumed. The *Contemporary Review* responded that ‘social movements can be expressed in terms of the individual and contract rather than family and values’, questioning ‘to what extent should the family have a place in our treatment of the question of the individual?’<sup>718</sup> The *Westminster Review* added that the individual is not withering away; it was fallacious for commentators to say that reading the individual as more central in *On Liberty* was based on a radical sophism. For those who heighten the centrality of the family, ‘the Individual has been, and always will be, we hope, the Unit’.<sup>719</sup> *The Review of Reviews* reiterated a similar trend of thought, noting that *On Liberty* is based on a primordial contract and for this reason Mill’s focus is on the individual<sup>720</sup> and for *The Nineteenth Century*, it is precisely this assumption that is the real weakness of Mill’s work.<sup>721</sup>

The 1890s resulted in more reviews on the applications chapter of *On Liberty* (chapter five). Crucial to this discussion, commentators highlighted the importance of liberty within the family and private sphere more generally. Whilst Mill’s discussion on the individual in *On Liberty* does not need restating, it may be helpful at this point to clarify what, in *On Liberty*, Mill had to say on the subject of the family. Mill noted that actions can exceed purely self-regarding boundaries and become amenable to moral condemnation as an act of other-regarding nature. Mill specifically noted that such moral disapproval can only result when a

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<sup>718</sup> *The Contemporary Review*, Nov 1893, pp. 727-735. It seemed something of an unrelated issue, that of the family to the individual. However, in his ‘Chapters on Socialism’, Mill stressed the expediency of cooperatives stores. On the family, bettering one’s own economic condition would in turn directly impact upon all members of the household. He wrote that greater education would ensure greater regulation of the number of children nurtured so that they were more likely to be sustained, emphasising his sentiment that reduced population would ensure greater economic prosperity, connecting with responses we see in the 1890s directly addressing individual liberty within the family to protect and safeguard individuality.

<sup>719</sup> *Westminster Review*, Jan 1897, p. 10. *The Nineteenth Century* dismissed this and contended that ‘it is this fundamental error which vitiates Mill’s book on *Liberty*’, (Sep 1896, p. 496).

<sup>720</sup> See *The Review of Reviews*, Sep 1896, p. 225. They added that *On Liberty* is a ‘powerful protest against all forms of over-legislation, intolerance, and the tyranny of majorities’. See Barker, *Political Thought in England, 1848-1914* for a discussion which supports the notion that *On Liberty* was an expression of the need for liberty and fewer restraints and legislative moves; Mill looked forward to an age with fewer obstacles for people to express themselves. See also Feinberg (vol. 1), which states that coercion always needs justification in cases where the tyranny of the majority surfaces and needs to be prevented. See further Hirst, *Liberty and Tyranny*. For a discussion on the background to this debate of the origins of human society, see Henry Maine, *Ancient Law*, 1861.

<sup>721</sup> See *The Nineteenth Century*, Sep 1896, p. 496.

person violates ‘a distinct and assignable obligation to any other person or persons’.<sup>722</sup> This breach of duty is the condition which, when broken, removes the boundary between self and other-regarding actions. For Mill, ignoring your duty, particularly in instances when you have an obligation to a person or persons, was something of a cardinal sin. It appears thus far that this breach of duty sits at the epicentre of Mill’s discussion. As a result, *The Nineteenth Century* described how this conclusion, paired with Mill’s correspondence with Comte, showed that he championed individual liberty above everything else, including the family. *The Nineteenth Century* concluded that ‘Mill was (in theory) an Individualist, whilst Comte was (philosophically speaking) a Socialist. Mill cared about independence. Both wanted to combine liberty and duty but for Mill, liberty would come first’.<sup>723</sup> This would become an important reference point for further debate on whether *On Liberty* endorsed individualism or collectivism.

#### ON LIBERTY: SOCIAL RESPONSIBILITY

The emergence of discussion surrounding women’s rights in the 1890s ushered in a new and potentially advantageous period for Mill. This would also result in a new phase in the reception of *On Liberty*. There can be no doubt that Mill’s essay had an important impact during this period and whilst the reception of *On Liberty* was often dependent on how Mill’s ideas were perceived at any given time, the situation in the 1890s presented the opportunity for a revival of interest in Mill’s 1859 essay. The 1870s resulted in some of the most harmful criticism of *On Liberty* but by the 1890s, this had changed.

In the 1870s, we have seen how discussion on individualism and collectivism often echoed sentiments from *On Liberty* that greater consideration should be given to the moral worth of individuals. By the middle of the 1890s, this argument emerged in relation to the unfolding political and social movement for greater liberty for women. This mixture of renewed interest in *On Liberty* and these new political circumstances, emphasising language such as individuality, marriage, the family and education, brought Mill’s arguments back into the heart

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<sup>722</sup> CW 18, p. 281.

<sup>723</sup> *The Nineteenth Century*, Sep 1896, p. 507. See further John Kilcullen, ‘Mill on Duty and Liberty’, which questions whether Mill in *On Liberty* was consistent in elevating liberty above duty, concluding that under Mill’s notion of self-regarding and other-regarding actions, circumstances which render a duty to the self at the same time a duty to others, then take it out of the province of liberty for they cannot overlap. For this reason, Mill is inconclusive; ‘duty and liberty divide the whole field of human conduct, without overlap; and there are no duties besides duties to others’.

of discussion on how best to achieve a progressive society, what was our social and individual responsibility and what are the best means to achieve this.

It wasn't just an increase in this type of language which was significant. Many more newspapers and periodicals began to address individual rights in the context of the family as well as women's suffrage by the end of the 1890s. The engagement with *On Liberty* in the late 1890s demonstrates the influence Mill's writings on liberty and freedom continued to have. For instance, *The Sunday at Home: A Family Magazine for Sabbath Reading*, a weekly magazine published by the (Christian) Religious Tract Society, wrote articles specifically describing activities within the family, relationships with others, detailing the interactions which ultimately shaped characters, opinions and beliefs. Consistent with other reactions to *On Liberty* in the 1890s (many of which were written by theologians or clergymen), these religious periodicals either commented on Mill's Malthusian sympathies or sought to elevate the importance of the family for individual development. The reception of *On Liberty* has revealed how central individual development was to Mill's readers but also the importance of family life, which we see reflected in a number of reviews emphasising how individuals were made in the home and domestic labour was a social responsibility.

In particular, it was the radical feminist and liberal periodicals writing in the 1890s who pushed debate on liberty within the family further. However, this also caused problems for the reception of Mill's essay and how others, such as clergymen and theologians, who did not share the same enthusiasm for equal liberty in the family, would read *On Liberty*. Taking away the right to marry unless you can provide sufficient evidence that you can support children raised a number of important questions on marriage and the rights of women. Was marriage restriction ever appropriate or was it a step too far, even for Mill? If it was acceptable, when? And did women serve a crucial role in resolving this conflict? Others were more puzzled that Mill defended Malthusian principles. *The Nineteenth Century* were surprised, 'after such trenchant assertion of the absolute freedom of the individual, to find a defence of the Malthusian law of some continental States, which forbid the marriage of needy adults'.

Mill's reputation as an advocate of liberty was scrutinised after religious periodicals highlighted his Malthusian connection. Critics became suspicious, drawing attention to 'the vehement language against the 'mischievous act' of poor persons in breeding', adding how strange it sounds in the mouth of an apostle of freedom. They wrote further that it is even more

startling to find that it is preceded by ‘an elaborate plea for ‘*the duty of enforcing universal education*,’ the instrument being public examinations, extending to all children, and beginning at an early age, the parent being punished if the child fails to pass’.<sup>724</sup> However, only religious periodicals discussed Mill’s association with Malthusian principles and whilst it was not a long-winded debate, it demonstrates the variety of topics commentators deliberated after reading Mill’s essay.

The period from 1897 marked a remarkable transformation for the movement for women’s rights. The National Central Society for Women’s Suffrage (founded 1867) joined with the Central Committee of the National Society for Women’s Suffrage (founded 1872) to form the National Union of Women’s Suffrage Societies (founded 1897). Chiefly, they demanded women have the same vote as men and organised public meetings, circulated leaflets to the public and wrote to politicians demanding equal liberty. The political problems thrown up by these efforts to foster a moral and social reformation meant that *On Liberty* was hard to avoid. Even though Mill was often condemned, that should not overshadow the other ways in which his writings shaped the political ideas and reactions of his commentators. As we have already seen throughout the responses to Mill and *On Liberty*, their belief that liberty was best safeguarded, and progress was best achieved in the social context was very much a key part of the women’s movement. It was perhaps decades of criticism towards Mill’s theory of individuality that in fact encouraged all individuals to believe they should and could develop their own sense of self. By 1899, the *Westminster Review* had written that ‘women should not be separately legislated for until they have the power to say what they want’, they should not be denied the right which everyone else has, ‘a right to be consulted’.<sup>725</sup> By the turn of the century, *The Academy* noted that ‘there seems just now to be a revival of interest in the writings and opinions of J. S. Mill’.<sup>726</sup> The timing of these responses reveals further the uses of Mill’s essay for a variety of political and religious periodicals as the 1900s approached.

In the 1890s, interpretations often concluded that Mill was an individualist for *On Liberty* argued that the individual should focus on developing their own personality and beliefs first. A number of replies to this have stressed how this was dangerous and that something more social like the family provided the safest environment for the development of originality. Mill’s

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<sup>724</sup> *The Nineteenth Century*, Sep 1896, p. 497.

<sup>725</sup> *Westminster Review*, May 1899, p. 557.

<sup>726</sup> *The Academy*, 19 June 1897, p. 624.



critics had written extensively on familial interactions and that greater liberty to express our opinions formed well-rounded characters. The first few years of our relationships with a parent, guardian or sibling are significant in developing individual characters and if properly nurtured, this could result in the formation of unique personalities which would satisfy Mill's plea for greater eccentricity. This response to Mill can be traced back to the 1870s alongside debate which encouraged everyone to promote a tolerant community, to moderate between tyranny and liberty so all could develop unique characters.

There was nothing scandalous or particularly new in Mill's plea for the development of unique characters and expression of opinion, thought and action. This was a concern for everyone but the glaring disparity between Mill and his commentators can be found in their methods to achieve this. In 1897, the *Manchester Guardian* exclaimed that 'the interests of the community at large suffer from the present total exclusion of that experience from the representation of the country',<sup>727</sup> underlying the centrality of the community to individual and collective improvement. A year later, the *Westminster Review* wrote that English parliamentary reform was a movement 'towards a better order'.<sup>728</sup> What this particular response shows is that for Mill's critics, change and cooperation were encouraged, but exclusion was not.

As we have seen, the majority of reviews from 1859 interpreted *On Liberty* as a plea from Mill to isolate and confine ourselves in order to develop distinctive characters. Whether Mill intended this reading of his essay or not, that is another question, but it is striking how much Mill's insistence on the need for everyone to develop themselves was absorbed and expressed in the newspapers and periodicals of the 1890s. Mill's earlier critics, whilst trying to avoid a connection with the controversial author of *On Liberty*, had simultaneously found a distinctly Millian method in ensuring liberty would not perish by authoritative interference from others and this could be found in their insistence for everyone to develop their faculties.

By the 1890s, questions of suffrage were at their peak in relation to debates on electoral reform and representation in politics. Discussion on who was entitled to vote tended to provoke

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<sup>727</sup> *Manchester Guardian*, 2 Feb 1897, p. 6. They added that 'measures are brought forward year by year in the House of Commons bearing on domestic, educational, and industrial questions on which women can bring special experience to', p. 6. See also Long, *Bentham on Liberty*. For a discussion which explores Mill's admiration for the community, see Struhl, 'Mill's Notion of Social Responsibility' disputing the suggestion that Mill wanted individuals to exclude themselves from society and that Mill did see the negative aspect of such practice on the progress of everyone.

<sup>728</sup> *Westminster Review*, Jan 1898, p. 51.

thoughts on whether women should be included. In *On Liberty*, Mill did not comment explicitly on the role women should serve yet he made it clear that he felt everyone contributed something towards society. Those responding to the social questions by the 1890s on matters concerning who could be at liberty to vote, were clear that they felt women did not possess the relevant traits or abilities to fulfil this role to the standard required. There is something particularly striking here. *On Liberty* had been interpreted in the 1860s as a text which admired elite characters whilst simultaneously, showed no faith or confidence in the ability of the majority who did not fulfil Mill's criteria for individuality. Mill had been heavily criticised for this reading. In many ways, the dismissal of *On Liberty*, founded on Mill's critics supposing he had a preferred group of individuals, is found to be the case by these exact critics, for they had no confidence in women during the 1890s to allow them the same opportunities as men. This is perhaps the standout example of absorption of Mill and *On Liberty* throughout the 1890s.

*The Speaker* rejected suggestions that women be allowed to have increased liberty in the private sphere, instead writing that the 'growing conviction that the very qualities which make women so delightful and so invaluable in the home would make them as electors a danger to the State'.<sup>729</sup> Yet even those who protested against extending the franchise or providing more opportunities for women could not ignore the changing political climate. The ignorance, or intolerance, of those who refused to engage in progressive discussion on the woman question prompted further engagement with *On Liberty* and Mill's encouragement for individuals to freely express their own thoughts and beliefs. The *Manchester Guardian* noted that 'one ground of opposition was the selfishness of those who believed that the enfranchisement of women would go against the particular party with which they were associated'. However, only by giving women the vote could they 'act hand in hand with men as their companions, for the public good'.<sup>730</sup> Moderate liberals too claimed that women's suffrage is surely a matter which ought to be assessed on its own merits and individuals should occupy 'a standpoint high enough above the dust and din of party warfare to support a measure intrinsically just and beneficial, even though it has been patronised'.<sup>731</sup> Once again, the community sits at the centre of concerns.

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<sup>729</sup> *The Speaker*, 30 May 1896, pp. 576-585.

<sup>730</sup> *Manchester Guardian*, 15 Apr 1896, p. 10. Above all, there was a great ignorance that prevailed on this subject, supporters of women's suffrage 'must lose no opportunity of enlightening the men and women of England as to the true bearings on the question', p. 10. This underlines the centrality of the community and cooperation to individual development. Accordingly, reactions to debate on liberty by the late 1890s demonstrate a much more tolerant and inclusive idea of progress than we have seen in earlier decades.

<sup>731</sup> *The Speaker*, 30 May 1896, pp. 576-585.

The *Manchester Guardian* added that the enfranchisement of women would not just ‘elevate women alone, but also the race at large’.<sup>732</sup> To elevate the community, Mill noted that ‘women should be in personal servitude’.<sup>733</sup> The *Manchester Guardian* claimed that ‘men had found the value of women’s work, and the better part among them felt the absurdity of denying them the Parliamentary franchise’.<sup>734</sup> The *Westminster Review* added that ‘men who are wise will welcome the work of women, and aid them in their efforts, for they will know that it is only by the aid of women that greater changes yet to come can be accomplished, not by violent revolution, but by orderly and peaceful evolution’.

Discussion on liberty within the family were entwined with consideration of the position of women. *On Liberty* would be useful for those seeking to advance women’s right and in 1899, the *Westminster Review* had noted that it was Mill’s entrance into parliament in 1865 when ‘the agitation for Women’s Suffrage immediately began’. Mill’s connection with this movement for equality thirty years previously certainly added something to those advocating similar ideas in the 1890s. By 1899, it wasn’t so scandalous for article headings to directly address the injustices women experience and others were keen to connect Mill to this movement. The *Westminster Review* noted that ‘Mr. John Stuart Mill regarded women as the other half of humanity, with equal rights and equal duties, and needing, above all, freedom and space in which to develop herself in her own way, and not according to merely masculine whims and fancies’.<sup>735</sup> After all, the previous year, the same publication had proclaimed not only that ‘greater liberty should be given to the individual’ but that ‘each individual is the best judge of his own affairs, and that we have no right to say that he shall not do with his own life, for his own benefit, what he chooses’.<sup>736</sup> The *Cosmopolis* summarised that ‘the one practical question upon which Mill never changed his views was the woman question’.<sup>737</sup> Mill’s critics were simultaneously absorbing him as they sought to reject him and those that supported the extension of liberty incorporated Mill’s argument to justify this.

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<sup>732</sup> *Manchester Guardian*, 3 July 1896, p. 7. With respect to the idea of elevating everyone within society, inclusive of women, see the differing conclusions of Mill’s intentions in *On Liberty* reached by Cowling and Capaldi. See Cowling, *Mill and Liberalism* and Capaldi, *John Stuart Mill*. The former contended that Mill’s elevation of individual character left less room for a variety of traits to develop. The latter argued however that Mill liberated and transformed existing understandings of ideas for the development of society.

<sup>733</sup> CW 19, p. 479.

<sup>734</sup> *Manchester Guardian*, 9 July 1895, p. 12.

<sup>735</sup> *Westminster Review*, Aug 1899, pp. 141, 138, 130.

<sup>736</sup> *Westminster Review*, June 1898, pp. 614-615.

<sup>737</sup> *Cosmopolis*, Mar 1897, p. 631.

## CONCLUSION

Despite so much criticism of Mill since the publication of *On Liberty* in 1859, *The Academy*, in 1897, concluded that ‘Mill was a practical reformer’ and that ‘he acquired an influence more direct and rapid than has perhaps been wielded by any other thinker of the century’.<sup>738</sup> Mill indeed had an influence on many and his critics were so important as they often absorbed his ideas as they dismissed him. Since the publication of *On Liberty* in 1859, most responses were aimed at chapters two and three. In contrast, the least reviewed was chapter four, where ‘the breach grows widest between Mill’s absolute individualism and the current of contemporary thought’. *The Nineteenth Century* summarised that Mill’s attempt to ascertain the rights of the individual against the state ‘is like asking what are the ‘rights’ of the stomach against the body’.<sup>739</sup> For many, this was an underlying weakness of *On Liberty*.

In 1891, Mill had at least persuaded *some* of his readers of the dangers of imitating other opinions and beliefs. A fear of uniformity prompted *The National Review* to write that ‘it is a humiliating thought that our civilisation should have placed us in danger of an evil that is really subversive of civilisation’.<sup>740</sup> They emphasised the tendency of society to produce individuals of one kind, leading the rest down a path of likeness and ordinariness. Several years later, in 1898, the *Westminster Review* wrote that ‘strong desires are the marks of a strong character’ and the individuality Mill encouraged ‘has made England, and if we wish her to keep her position as foremost in the race of the world, we must encourage it judiciously wherever we find it’.<sup>741</sup> They added that ‘Mill was within the swirl of an eventful time, whose impetus was yet to reach to the dawn of another “organic period”; which dawn he also, later on, perceived to be imminent’.<sup>742</sup> What united Mill and his critics was a sense of anticipation of a new period of progress.

A leading criticism in the 1890s was directed at Mill’s defence of the sovereignty of the individual. The majority of reactions were written by clergymen, theologians and evangelicals. In addition to this, there were some articles from radical liberals and liberal conservatives. Clergymen and theologians were particularly dismissive of Mill’s account of individualism,

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<sup>738</sup> *The Academy*, 19 June 1897, p. 624.

<sup>739</sup> *The Nineteenth Century*, Sep 1896, pp. 493-494.

<sup>740</sup> *The National Review*, Dec 1891, p. 528.

<sup>741</sup> *Westminster Review*, June 1898, p. 613.

<sup>742</sup> *Westminster Review*, Jan 1898, p. 51.

responding that there was no shortage of individual characters in society. Evangelicals added that Mill's liberty risked individual excess. Liberal conservatives agreed, warning that unlimited freedom risked the rise of a plutocratic class where the weak would suffer the most. Whilst radical liberals, such as the *Westminster Review*, absorbed Mill's argument, claiming that individual liberty needed greater protection from social tyranny, he was subject to much more dismissal than approval.

The connection between individualism and family values became clear during the 1890s. Discussion also continues from the 1870s on whether Mill championed individualism or collectivism. By the 1896, articles written by clergymen and theologians describe Mill as a collectivist for his greatest anxiety was the abuse of power. Radical liberal periodicals too re-considered *On Liberty* in this manner; a long-standing supporter of Mill, the *Westminster Review*, detailing the importance of society in the development of individual characters. Clergymen and theologians, also sympathetic to the collectivist movement, noted how individual conduct impacts everyone. What stands out here are the religious and non-partisan affiliated periodicals, as opposed to conservative or liberal ones. The emphasis is very much on the ethical, rather than the political considerations of the application of Mill's argument.

*On Liberty* was also linked to social responsibilities in the community and towards one another and this is reflected in the noticeable increase in periodicals on family life. Consistent with debate in the late 1890s, clergymen and theologians were particularly active, challenging Mill's defence of Malthusian principles. Radical liberals called for freedom to be extended to women as they too should have the responsibility to legislate for themselves. Liberal periodicals too believed that the best interests of the community were served by equal representation. Others, such as the *Manchester Guardian*, held that greater liberty for women would advance the community and state. However, religious periodicals, often edited by clergymen, were unconvinced that extending equal liberty to women was practical; the roles of men and women in the private and public sphere should remain as they are. This is particularly evident in articles by *The Nineteenth Century*.

Interpretations of *On Liberty* in the 1890s defended the centrality of the family in safeguarding and facilitating individual development and progress. Individuals should be given the liberty to develop their own interests and values. However, these reviews emphasise that human character is also shaped by the social bonds within the family. For Mill's critics, if he wished

to develop unique characters, sociability was more beneficial to individual morality than isolation. What is consistent throughout reviews in the 1890s is the need to define and balance the relationship between authority and liberty both in *On Liberty* but also in the public *and* private sphere.

## CONCLUSION

### THE PROBLEM AT HAND AND MILL'S REPUTATION BY 1900

Since its publication in 1859, responses to *On Liberty* have raised a number of central questions concerning society, the individual and the state. By 1900, *On Liberty* had accumulated four decades of critical commentary, reinterpretation, and admiration. At his death in 1873, Mill was associated with a rigorous individualism, unorthodox calls for greater feminism, pleas for uncontrolled and potentially disastrous liberty, and socialism. This raised an important question for what the term 'Mill' would come to be associated with. What has been clearly demonstrated throughout this discussion is that Mill was too useful to be ignored. References to his ideas ensured that even his critics absorbed them and this influenced their own conclusions.

Mill certainly had his fair share of critics. Those who defended or attacked him did so for their personal agendas or grievances and fell into the following categories: the liberty lover and the statesman. The former often projected utopian ideals and championed unregulated levels of liberty, giving little thought to the repercussions (such as social anarchy, the ability to harm others). The latter found a way to read Mill which legitimised their calls for greater state or social control, to keep people in 'hedges' so as not to be a nuisance to others. Alongside these two camps, we have those who feared him. The chief motivation for dismissing Mill was often concern surrounding the kind of individuality he encouraged.

The evidence presented in this reception history highlights what in *On Liberty* was met with outrage and that which Mill's critics admired. This maintained Mill's public profile, especially during Mill's most controversial periods, such as when he penned the *Subjection*. Despite this, there are a number of sources which applauded *On Liberty*. Mill's notable admirers, such as Auberon Herbert, John Morley and Joseph Hiam Levy played their part in protecting Mill's reputation, yet it is the less known enthusiasts (the newspapers and periodicals) which built a very public profile for him. It was this camp which carried him through the more difficult stages of his reception.

If we consider the most recent, albeit brief contribution to the reception of *On Liberty*, we can see how this thesis helps to clarify understandings of Mill's 1859 essay. The most recent

reception history of *On Liberty*, albeit a rather short account, is provided by Peter Nicholson in his study into the reception and early reputation of Mill's political thought. Nicholson concluded that Mill 'had moved so cautiously, temperately and decorously in *On Liberty*, starting off from agreed ideas about religious freedom, sticking to familiar examples, and often making his points in very general terms'.<sup>743</sup> The conclusion of this thesis demonstrates how this was not the case if we consider this next to a range of the responses since 1859. In fact, the majority of reviews were more outraged by Mill's elitist and strict plea for individuality rather than his religious views. Even then, throughout this period, his ideas on religious liberty were never the chief source of criticism directed at Mill. After all, Mill was often criticised for being ambiguous, unclear and inconsistent; yet when his comments were concise, they were dangerous and out of touch.

*On Liberty* did not instantly achieve the prominence it is now awarded in the history of political thought. Upon its publication in 1859, *On Liberty* was subject to frequent criticism and this continued by the turn of the century. After almost five decades of interpretation, *The Fortnightly Review* wrote in 1906 that 'what strikes one first and most emphatically is the very impersonal character of the impression that he made alike upon people who admired him and upon people who did not' adding that it was 'his point of view far more than his personality that attracted or repelled'.<sup>744</sup> *The Bookman* emphasised how 'the record of his earlier years is nothing less than terrible to contemplate'<sup>745</sup> with *The Athenaeum* adding that 'some may think the real John Stuart Mill never came completely into being'.<sup>746</sup> Expectations of both Mill and *On Liberty* were much higher than Mill seemed to deliver. As we have seen throughout this thesis, there is a lot of truth in these comments but Mill's relationship with the public over matters vis-à-vis liberty, freedom and progress throughout this period is more complicated than these reflections suggest, and this reception history has sought to clarify some of these misunderstandings.

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<sup>743</sup> Peter Nicholson, 'The Reception and Early Reputation of Mill's Political Thought', in Skorupski, ed. *The Cambridge Companion to Mill*, p. 470.

<sup>744</sup> *The Fortnightly Review*, Aug 1906, p. 344.

<sup>745</sup> *The Bookman*, July 1901, p. 165.

<sup>746</sup> *The Athenaeum*, 4 June 1910, p. 665.



## TYING UP LOOSE ENDS: THE SCALE OF MILL'S ELASTIC ANXIETIES

1831 – 1900

Since the 1830s, Mill gained the attention of a variety of groups and individuals. As we have seen, *On Liberty* attracted a great deal of criticism as well as admiration. However, the significance of the reception of his ideas is that it shows how much they absorbed Mill. This is particularly clear when we consider chapter three of *On Liberty*. Mill's enthusiasm for individualism, he hoped, would inspire people to develop and nurture their characters but also to confront society for not providing greater and more equal opportunities for individual spontaneity. Despite how insulted many were by Mill's remarks, most could identify and empathise with the risks to individual development posed by so few chances to exercise self-development. For his critics, Mill made a valuable contribution, even if many disagreed with how he suggested we achieve this.

So, what of Mill's earlier works? In the 1830s, Mill authored essays on topics concerned with liberty, freedom, genius, cultural and mental development, labour and working conditions. We may summarise these as Mill's 'elastic anxieties'.<sup>747</sup> They also reveal Mill's flirtation with a number of concepts during his early development. Mill's early reception can be summarised with two points. Firstly, responses were somewhat confused as to who was the 'true' Mill. It was slightly puzzling for commentators that Mill would write something such as 'On Genius', praised and read as a blueprint for social and moral development, yet could then write the *System of Logic*, a piece that was said to be dry and boring. Secondly, whilst the lack of consistency within Mill's works caused disappointment, it emphasised that liberty was not a term which was all encompassing, or one which applied to all individuals at all times. Liberty meant something different for an intellectual compared to someone from the working class, from man to woman, from Christian to atheist. This might explain why, to Mill's critics at least, he failed to give a clear definition of the term<sup>748</sup> but perhaps it was the scale of Mill's reputation which encouraged such a reaction to discussions on liberty.

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<sup>747</sup> See 'The Spirit of the Age' (1831), 'On Genius' (1832), 'Bentham' (1838), 'Coleridge' (1840), the *System of Logic* (1843), and the *Principles* (1848) for a collection of Mill's earlier essays and publications demonstrating the scale of concerns which agitated Mill.

<sup>748</sup> An article published in the *Dublin Review*, July 1869, focused entirely on the lack of definition of liberty in Mill's essay. Mill 'leaves his reader at the disadvantage of having to pick out and join together the detached pieces of his puzzle', p. 2. This may partly explain why we are left with so many differing interpretations of Mill and *On Liberty* in contemporary scholarship.

The publication of *On Liberty* was met with great hostility. No one interpreted it as a work on liberty, or at least concerned with liberty as they understood it, nor did they feel it was representative of his writings on economic or social freedom, nor on his feminism. But this is not why he was challenged. *On Liberty* was targeted due to Mill's argument on individualism, suggestions to weaken the responsibility of the state to effectively zero and preferring an intellectual elite. We have also seen how Stephen's critique in 1873 greatly increased the popularity of arguments in favour of greater state involvement. Responses to *On Liberty* had maintained that we simply cannot do without order and Stephen had woken up a leviathan in his endeavours to discredit Mill. By the 1870s, commentators questioned whether Mill sought to defend the individual at all in *On Liberty*, for it seemed that he was quite content to leave people responsible for their own well-being and development, with or without the support of a community.<sup>749</sup>

Despite the interest that state intervention gathered, it is fair to say that this was a short-lived public obsession. Morley and Levy read *On Liberty* as championing two key ideals; these were compromise and equality. Morley emphasised how there needed to be greater willingness to compromise for the common good and society had to break down this wall of intolerance. Levy had promoted social justice and equality, responding to reviews of *On Liberty* which called for the existence of a judiciary to protect the rights and interests of *all* individuals. Since 1859, *On Liberty* had experienced a sustained period of criticism and dismissal from a variety of commentators, from radicals to Catholics, liberals to conservatives. This demonstrates the scope to which Mill's essay was read and engaged with and a brief summary at the end of each chapter shows how political and religious periodicals responded to Mill each decade.

#### AMBIGUOUS AND INCONSISTENT: RETHINKING *ON LIBERTY*

After four decades of engagement with Mill and *On Liberty*, responses in the 1890s centred on the subject of individuality and the family. Most treatments of this however have failed to seriously consider how Mill sought to cultivate individuality for everyone and what role women might play in collective development. Many critics had accused Mill of separating self

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<sup>749</sup> Capaldi however dismisses such a claim when he noted that 'in order to achieve the inner state understood as autonomy, we must discipline ourselves by doing something in the larger social world'. Capaldi further wrote that individuality for Mill was never about removing ourselves from the community; 'there is an integral relationship between self-fulfillment and social fulfilment'. See further Capaldi, *John Stuart Mill*, pp. 284-285.

and social development and this is where many elitist charges surfaced. Considering the issues which the reception of *On Liberty* between 1859 and 1900 has raised, alongside Mill's autobiographical notes on socialism and his private correspondence detailing his thoughts on women, interpretations on this have been surprisingly quiet. Here, I will briefly consider the position of Mill's feminism in *On Liberty*, a reading only recently, and even then, briefly, considered in existing Mill scholarship. In 1859, Mill suggested that society was best prepared when all were equal and where collectivism was more important than individual interest. In trying to work out why *On Liberty* was often rendered inconsistent and ambiguous, we might turn to some of the more *consistent* reviews on Mill's writings on liberty. Considering the evidence presented when considering the reception of *On Liberty* (including Mill's reputation established from the reception of his earlier works), this aspect of his thought should be reconsidered. It not only shows the concerns of his opponents in the nineteenth-century, but also one of Mill's constant anxieties.

Though the woman question was not prominently discussed in responses to *On Liberty* until the 1890s, it enjoyed a brief spell of interest in the 1860s, particularly surrounding the publication of the *Subjection* in 1869. Despite this, there were a number of political and religious affiliated periodicals used throughout this thesis which frequently supported female emancipation and increased liberty. Specifically, these were periodicals edited by radical unitarians, radicals, evangelicals, radical protestants, liberals and unitarians and protestants who gave a framework for moral and social reform. Yet until recently, studies on Mill's feminism have been largely silent on this matter, or at best are only partial readings.<sup>750</sup> Between 1831 and 1900, it was rare for commentators to describe Mill or *On Liberty* as championing an egalitarian society; in fact, Mill and his essay were often demoted as something quite the opposite.

There are two parts to the argument here. The first concerns Mill's considerations on the contribution women make to modernise society and cultivate collective development. The second considers a number of newspaper and periodical reactions to this particular issue to develop the interpretation offered here. If Mill has indeed been misunderstood, reinterpreting

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<sup>750</sup> For example, Urbinati, 'John Stuart Mill on Androgyny and Ideal Marriage', Donner, 'John Stuart Mill's Liberal Feminism', Morales, *Perfect Equality*, Okin, 'John Stuart Mill's Feminism', Packe, *The Life of John Stuart Mill*, Reeves, *John Stuart Mill: Victorian Firebrand*, Howes, 'Mill on Women and Human Development', Burgess-Jackson, 'John Stuart Mill, Radical Feminist', Mendus, 'The Marriage of Two Minds: The Ideal of Marriage in the Philosophy of John Stuart Mill'.

*On Liberty* in relation to the woman question may result in a reading of *On Liberty* which satisfies his critics. This reading can also help in bringing together seemingly incoherent aspects of Mill's thought and this merits serious consideration.

Admittedly, this argument is nowhere outlined in clear terms despite references to the need for collective harmony for a progressive movement to improve society. Perhaps it was assumed that equality is a fundamental condition for this development. To instil this sense of common good within individuals required an agenda of reform which seems difficult to conceive of in light of the number of responses claiming Mill was a rigid individualist. The confusion surrounding *On Liberty* since 1859 was chiefly because no one could agree when intervention was legitimate and who, either the individual or society, was the intended beneficiary. Whilst many interpretations felt this was ambiguous, in *On Liberty*, Mill wanted individuals to develop their characters, to become virtuous, so that they could benefit both themselves and those around them. It may have seemed initially individualist, but the ends of this self-development had collective progress in mind; bettering the community was a long-term aspiration of both Mill and his commentators. Whilst those responding to Mill wanted greater emphasis of this in *On Liberty*, Mill saw this as a gradual process of reform. Mill's plea for these aims was not in conflict with responses to *On Liberty* since 1859.

Perhaps there is more to be said in existing scholarship regarding the centrality of Mill's feminism to his writings on liberty.<sup>751</sup> Throughout this thesis, judgement has been reserved over the influence of Mill's feminism in dictating the scope to which he pushed his argument for individuality and freedom. This brief section here however hopes to encourage greater consideration into the influence of Mill's feminism, for there has been little consensus on this matter and the extent to which this may have influenced the writing of *On Liberty*. This is surprising considering that Mill had written 'the sufferings, immoralities, evils of all sorts,

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<sup>751</sup> See further Berger, *Happiness, Justice, and Freedom: The Moral and Political Philosophy of John Stuart Mill*, pp. 195-204 for a discussion on Mill's views on women dating back to earlier works. Berger asserted that 'so far as Mill was concerned, the most basic social institution was based on the near total subordination of one sex to another', p. 202. Berger added further that one of the central themes of *On Liberty* argued that 'women have a right to equality, and the freedom which is thus justified will have the further effect of improving society by abolishing those aspects of the social institutions that corrupt the natures of both men and women, and by fostering the full flowering of women as happy, autonomous beings', p. 203.

produced in innumerable cases by the subjection of individual women to individual men',<sup>752</sup> not only crippled women but humanity itself.<sup>753</sup>

Mill expressed in *On Liberty* his deep concern over the unjust exercise of power by some individuals over another. For Mill, this posed a risk to both individual development and social progress. For Mill, the relationship between man and woman was particularly oppressive and troubled him for most of his life. The one area of his interests where Mill did not seem to change his opinion was that of the woman question. Overseas in France or across the globe in Australia, as long as women were edging closer to social and economic equality, Mill was, generally speaking, content.<sup>754</sup> Women needed to be liberated from their domestic sphere to see a revolution not just in society but in mind, thought and opinion. After the *Subjection* was published in 1869, responses turned their focus towards the ongoing debate on liberty and freedom. Debate on women's rights and equality would not surface again until the mid 1890s and this was in the context of debate over whether the family or the individual was the central unit within society but this does not mean it was not being debated elsewhere.

We have seen how, in the 1860s, the liberty of women was discussed in responses to the *Subjection*. In the 1890s, whilst debates on liberty and freedom initiated by *On Liberty* were still very much a topical issue, the woman question surfaced in debates on whether the family or the individual was more central for social progress. Contrary to previous decades, reducing the restraints surrounding women's free expression was considered a significant step in alleviating the burden on everyone in society, the means to achieve this could be extended (and often were in the literature) to questions on marriage, divorce and bearing children. For a number of Mill's readers, women were to serve a more central role than had previously been given much attention in public responses to Mill's ideas on liberty. *Pall Mall Gazette* wrote that Mill advocated female suffrage for he regarded women 'as steps towards a revolution which is to alter the character of every family in England, and to cause every man to cease to be master in his own house'.<sup>755</sup> The *Aberdeen Free Press* added that the subjection of women

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<sup>752</sup> CW 21, p. 323.

<sup>753</sup> For a broader discussion on Western perspectives on human development, with a particular focus on Wollstonecraft and Mill's thoughts on women, see Eileen Hunt Botting, 'The Problem of Cultural Bias: Wollstonecraft, Mill, and Western Narratives of Women's Progress' in Botting, ed. *Wollstonecraft, Mill, and Women's Human Rights*, pp. 155-203. Botting noted that 'Wollstonecraft and Mill upheld Western European women's social status as a cross-cultural standard for economic, political, and cultural progress', p. 157.

<sup>754</sup> See Mill's correspondence with Gustave d'Eichthal who shared similar views on feminism.

<sup>755</sup> *Pall Mall Gazette*, 29 June 1869, p. 13. See further Hollie Mann and Jeff Spinner-Halev, 'John Stuart Mill's Feminism: On Progress, the State, and the Path to Justice', pp. 244-270. Mill's commitment to equalising power

is indeed a ‘blot on our civilisation’,<sup>756</sup> inferring that they should receive equal liberty to advance society collectively.

The *Pall Mall Gazette* seemed to be convinced by Mill’s writings that women were indeed subjected to a life of servitude and this was of no benefit to society. They noted that for men, marriage ‘is a strong spur to exertion in active professions, whilst in the case of women, it physically incapacitates them from everything of the kind’.<sup>757</sup> Even Mill had woefully noted that marriage was ‘the destination appointed by society for women, the prospect they are brought up to, and the object which it is intended should be sought by all of them’ but maintained that if opinions were rightly corrected on the subject of women, they ‘might with perfect safety be left to be regulated by opinion, without any interference of law’.<sup>758</sup>

In *On Liberty*, Mill implied that divorce should not be deliberately made difficult; in the *Subjection*, he wrote with an undertone that women should be permitted the liberty of changing their master if and when they choose. In 1873, *The Examiner* described how Mill and his writings had provided a great boost for women’s causes. They wrote, ‘what he has done for women is final; he gave to their service the best powers of his mind, and the best years of his life. His death consecrates the gift; it can never lessen its value’.<sup>759</sup> This is often overlooked in responses to Mill’s broader contribution to liberty and freedom, yet it appears to have been one of his greatest achievements for those interpreting Mill’s writings at the time, even when he had not specifically discussed women’s liberty in *On Liberty*.

However, not all readers of the *Subjection* were as enthusiastic or supportive of its message. *Aberdeen Free Press* wrote that women will never excel as ‘bold originators, but as practical guides and assistants’<sup>760</sup> and that ‘perhaps we men, we philosophers, know a great deal better what is good for women than they know themselves’.<sup>761</sup> *The Star* added further that ‘women

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relations required ‘restructuring the family and transforming conventional gender roles’, p. 246. They added that ‘equality was not possible, Mill argued, unless the *family* could be transformed to become more egalitarian’, p. 256.

<sup>756</sup> *Aberdeen Free Press*, 25 June 1869, p. 5.

<sup>757</sup> *Pall Mall Gazette*, 29 June 1869, p. 13. See Mill, ‘Marriage and Divorce’, in Jo Ellen Jacobs, ed. *The Complete Works of Harriet Taylor Mill*.

<sup>758</sup> CW 21, pp. 283, 298. Mill would later write that ‘the utmost latitude ought to exist for the adaptation of general rules to individual suitabilities; and there ought to be nothing to prevent faculties exceptionally adapted to any other pursuit, from obeying their vocation notwithstanding marriage’ (p. 298).

<sup>759</sup> *The Examiner*, 17 May 1873, p. 20.

<sup>760</sup> *Aberdeen Free Press*, 25 June 1869, p. 5.

<sup>761</sup> *Southern Reporter*, 22 July 1869, p. 3.

are often tempted, and unluckily they often give way to the temptation, to take up modes of life which are very far from healthful to themselves or to society at large'<sup>762</sup> despite Mill noting in 1869 that 'the things which women are not allowed to do are the very ones for which they are peculiarly qualified'.<sup>763</sup> Certainly from this clash of ideas, it seems that both Mill and his readers were frustrated at the lack of progress but for Mill, the odds of improvement would be enhanced significantly if women were given larger roles in society but this would continue to be a decisive topic in responses to Mill and more general comments on the woman question, marriage and divorce.

For Mill, women had a special role to play in 'modernising' society and scholars have highlighted how this was influential not just for the *Subjection*.<sup>764</sup> Mill maintained that where men ought to be excluded where they prove to be unfit, so should women. What mattered was the acknowledgement that 'even a few women may be fit for these duties', adding that 'an unprejudiced view of it gives additional strength to the arguments against the disabilities of women, and reinforces them by high considerations of practical utility'.<sup>765</sup> Extending the franchise to women ushered in a period of intense discussion in the 1860 and 1870s yet even Mill conceded that the act of voting was not a gift but a trust, it ought to be given to only those likely to make beneficial use of it.<sup>766</sup> This applied to both men and women. If 'women are not more competent than men, the constituency will not be improved by simple dilution'. However, Mill was prepared to break down all legal, social or political barriers because he felt that the unjust treatment of women imposed moral problems on society and in a letter of 1871 to Joseph Giles, Mill asserted that 'the most vitally important political & social question of the future, that of the equality between men & women'<sup>767</sup> will regenerate and revive society on a progressive path. Accordingly, the *Pall Mall Gazette* commented that this enabled Mill to take

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<sup>762</sup> *The Star*, 24 Feb 1870, p. 4 (religious or political affiliation unknown).

<sup>763</sup> CW 21, p. 302.

<sup>764</sup> See Claeys, *Mill and Paternalism*, p. 41. Claeys suggests that this argument underlines 'much of what Mill wrote from 1848 onwards' but as Mill's earlier writings developed, so too did his writings on feminism and this can be traced back to the 1830s, as found in his essay 'On Marriage'.

<sup>765</sup> CW 21, pp. 301-302. See Sue Lonoff, 'Cultivated Feminism; Mill and *The Subjection of Women*', which noted the 'power-lust' that leads men and women to manipulate one another. Lonoff added that 'the antidote is liberty of action, and it must be psychological as well as legal. Women must be free, not just to vote or choose their calling, but to feel the sense of pride in whatever they accomplish that has always been a stimulus for men', p. 98.

<sup>766</sup> For Mill, only 'the competent are required to achieve the full benefits of universal participation'. See J. Joseph Miller, 'J. S. Mill on Plural Voting, Competence and Participation', p. 667.

<sup>767</sup> CW 17, p. 1830.

‘a high *à priori* ground of ridiculing the fears of all those who dread the sudden emancipation of women’.<sup>768</sup>

It may be helpful here to clarify the extent to which Mill was an advocate of women’s equal liberty prior to writing *On Liberty*. Mill’s earlier views on women and his relationship with those who impacted his development is significant in addressing this. Mill’s father, James Mill, objected to female suffrage on the grounds that women were best represented by their husbands or fathers. Yet from as early as 1833, when writing to Carlyle, Mill noted that the women he had encountered were more impressive than most men. Mill wrote, ‘but the women, of all I have known, who possessed the highest measure of what are considered feminine qualities, have combined with them more of the highest *masculine* qualities than I have ever seen in any but one or two men, & those one or two men were also in many respects almost women’. By 1834, in a letter to Gustave d’Eichthal, the young Mill was calling for suffrage to be ‘extended to all householders’,<sup>769</sup> to ensure women were equally represented. Noticeably distancing himself from his father’s views on women, Mill demonstrated from an early age the importance of equality to his political thought.

On the woman question, Mill had much more to agree upon with Bentham rather than his father. Bentham had attacked nations which placed women ‘in a state of perpetual wardship’ due to a ‘decided intellectual inferiority’ to men, a crime where ‘tyranny has taken advantage of its own’.<sup>770</sup> In a letter to John Jay in 1848, Mill echoed similar anxieties when he wrote that any ‘country where institutions profess to be founded on equality, and which yet maintains the slavery of black men and of all women, will be one of the last to relinquish that other servitude’.<sup>771</sup> In a letter to George Grey in 1851, Mill added that society was improving only when women were elevated ‘towards their relief from disabilities, their increased estimation, the assignment to them of a higher position, both social & domestic’.<sup>772</sup>

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<sup>768</sup> *Pall Mall Gazette*, 3 Feb 1870, p. 6. See further *Aberdeen Free Press*, 16 July 1869, p. 5. Those who feared the emancipation of women claimed that ‘if a vote were given to every woman, it would be the cause of dissensions in many families’. See further Jones, ‘John Stuart Mill as Moralist’, pp. 287-308. The *Subjection* was concerned chiefly with creating the correct conditions for attaining both an ideal character as well as good social relations.

<sup>769</sup> CW 12, pp. 184, 241.

<sup>770</sup> Bentham, *Introduction to the Principles of Morals and Legislation*, p. 245.

<sup>771</sup> CW 13, p. 740.

<sup>772</sup> CW 14, p. 64.



Mill was further influenced by William Thompson, an Owenite socialist and advocate of women's rights. In 1825, Thompson challenged James Mill's 1820 *Essay on Government* and encouraged women to escape degradation and develop their faculties. A deprivation so colossal that Mill would later describe in 1852 how it contributed towards 'the perpetuation of all other evils by keeping down the moral & intellectual condition of both men & women'.<sup>773</sup> Working towards a system of association or mutual cooperation, Thompson maintained that only this social arrangement can ensure 'the perfect equality and entire reciprocity of happiness between men and women'.<sup>774</sup> Mill echoed these comments in his *Autobiography*, 'the inferior position of women intertwine themselves with all the evils of existing society and with the difficulties of human improvement'.<sup>775</sup> Proclaiming that 'women will be no longer made the slaves of, or dependent upon men they will be equal in education, rights, privileges, and personal liberty',<sup>776</sup> Robert Owen provided Mill with another ally in his pursuit for female equality.

On questions of women's liberty, Mill's correspondence with Comte started more personally, beginning with Mill's sympathy for the breakdown of Comte's marriage. Writing to Mill in 1842, Comte noted that Madame Comte left him because 'of an unfortunate love, to a woman of rare moral and intellectual qualities'.<sup>777</sup> This experience seemed to encourage Comte to reconsider the position of women in the domestic sphere and reinforced both his and Mill's belief that society needed moral regeneration. A new set of social and moral values were needed, and the equality of women was of the utmost importance. Mill would take this one step further than Comte, writing to him that the 'problem of women must be studied anew in all of its complexity',<sup>778</sup> condemning Comte's theoretical conclusions of women's abilities.

Mill's praise of the Saint-Simonians (particularly *Enfantin*) stemmed from their progressive attitude towards relations between the sexes. In his *Autobiography*, Mill had written that 'I honoured them above all for the boldness and freedom from prejudice with which they treated

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<sup>773</sup> CW 14, pp. 88-89.

<sup>774</sup> William Thompson, *Appeal of One Half the Human Race*, p. 199.

<sup>775</sup> CW 1, p. 252.

<sup>776</sup> Robert Owen, *The Book of the New Moral World*, vol 6, p. 780.

<sup>777</sup> John Stuart Mill and Auguste Comte, *The Correspondence of John Stuart Mill and Auguste Comte*, in Oscar A. Haac, ed. p. 98.

<sup>778</sup> Comte 'was convinced that women could not transcend their natural limitations', but Mill would maintain that with the right education and opportunity, there were no boundaries to what women could achieve. See Mill and Comte, *The Correspondence of John Stuart Mill and Auguste Comte*, p. 10. Claeys has written that 'it was not politics as such but feminism which made a breach with Comte inevitable', see *Mill and Paternalism*, p. 32.

the subject of family’ and for ‘proclaiming the perfect equality between men and women’.<sup>779</sup> Mill had been in contact with the Saint-Simonians before the 1830s. In his *Autobiography*, he would detail how his time in Paris was greatly beneficial for his own development. The Saint-Simonian conception of a new society was committed to equality and cooperation, a unison between scientific and moral progress. Since returning to England from France in July 1821, Mill noted that he afterwards kept himself ‘*au courant*’ (informed) of their developments, adding that this kept him free from ‘the error always prevalent in England, and from which even my father with all his superiority to prejudice was not exempt’. Mill objected to various strands of Saint-Simonism by the early 1830s, doubting ‘the beneficial operation of their social machinery’<sup>780</sup> yet whilst considering their aims to be perfectly reasonable and making an impression upon his own modes of thought.

But it is important to note that Mill’s critics were still deeply suspicious of him after the publication of *On Liberty* and the arrival of the *Subjection* did not necessarily help Mill’s reputation, particularly for those who thought his arguments were distasteful and irrelevant.<sup>781</sup> The refusal to tolerate a woman in the House of Commons deeply frustrated him, after all, the fact that ‘the generality of the male sex cannot yet tolerate the idea of living with an equal’<sup>782</sup> was hardly a secret. The *Aberdeen Free Press* stated that ‘in their own spheres, women have done incalculable good, but when they have abandoned these, and endeavoured to play a man’s part in the work of the world, they have failed to do so, without grievous detriment to their own character as women’.<sup>783</sup> *The Examiner* added that it ‘was one thing to advocate, theoretically, the claims of women to representation; it was another to introduce the subject into the House of Commons’.<sup>784</sup> Whilst commentators may have agreed with Mill, this would have been particularly difficult to introduce.

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<sup>779</sup> CW 1, p. 174.

<sup>780</sup> CW 1, pp. 63-64, 174.

<sup>781</sup> See *The Examiner*, 17 May 1873, p. 20. On Mill’s position as an MP, it was claimed that ‘the persons who are loudest in the assertion of his failures are precisely those to whom the reforms advocated by Mr. Mill in his writings are distasteful’. See further F. Gerald Downing, ‘A Cynical Response to the Subjection of Women’, pp. 229-230. See further Packe, *The Life of John Stuart Mill*, pp. 368-369, which highlights this intimate link between *On Liberty* and the *Subjection*.

<sup>782</sup> CW 21, p. 299.

<sup>783</sup> *Aberdeen Free Press*, 16 July 1869, p. 5.

<sup>784</sup> *The Examiner*, 17 May 1873, p. 20.

But Mill was not the first to openly declare the worth of emancipating women in both the private and public sphere for the sake of social progress.<sup>785</sup> In 1863, *Brecon Reporter and South Wales General Advertiser* proclaimed that subjecting women ‘to the arbitrary will of man, is characteristic of countries steeped in ignorance, barbarism, and tyranny. The elevation of women to the intellectual dignity of man, is characteristic of countries blessed with knowledge, civilisation, and liberty’.<sup>786</sup> The *Cork Constitution* approved of any change ‘which may help a man or woman to get rid of his or her “tyrant”’.<sup>787</sup> With the publication of the *Subjection* in 1869, *Aberdeen Free Press* concluded that Mill sought to remove ‘the social straight jacket’,<sup>788</sup> to grant education and embrace the moral and intellectual nature of women with men.<sup>789</sup> Ultimately, differences between the sexes were pinned down to the suppression ‘by education of women’s natures’.<sup>790</sup>

In a section of the unpublished comments of his *Autobiography*, Mill wrote ‘on that most vital question, the social position of women: whose subordination, by law and custom, to men, we regarded as the last remaining form of primeval tyranny and serfage, and whose equal admissibility to all occupations and equal participation in all rights, we deemed not only to be the clear dictate of justice, but to be an essential condition of any great improvement in mankind either individually or socially’.<sup>791</sup> What is noteworthy is that in the 1890s, Mill’s readers are highlighting similar concerns as Mill had expressed only decades previously. Even anti-Millian accounts demonstrated the dangers of an unequal society. Most were happy to subscribe to much of what Mill had to say about liberty, but his account of the centrality of developing individuality sat uneasily with those who wanted people to be more social beings.

Whilst we cannot here resolve the question of how central Mill’s feminism was, this brief observation seeks to encourage revision into future scholarly research on Mill and *On Liberty*.

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<sup>785</sup> Baum noted how Mill felt ‘that people require certain material resources – including educational opportunities, occupational choices, and a certain level of disposable income – to exercise meaningful freedom’. See Baum, ‘J. S. Mill on Freedom and Power’, p. 203.

<sup>786</sup> *Brecon Reporter and South Wales General Advertiser*, 12 Sep 1863, p. 5.

<sup>787</sup> *Cork Constitution*, 24 July 1869, p. 6. Mill had noted in *On Liberty* that society itself is a tyrant and ‘its means of tyrannising are not restricted to the acts which it may do by the hands of its political functionaries. Society can and does execute its own mandates’, CW 18, pp. 219-220.

<sup>788</sup> *Aberdeen Free Press*, 6 July 1869, p. 3.

<sup>789</sup> Annas noted that ‘women were not allowed to join in when originality was easy to come by, and now when it is hard to come by they start with an educational handicap’. See Annas, ‘Mill and the Subjection of Women’, p. 187. She later added that ‘if women are really to have equality, their education must be seriously intended to fit them for serious jobs’, p. 193.

<sup>790</sup> Annas, ‘Mill and the Subjection of Women’, p. 184.

<sup>791</sup> CW 1, p. 621.

For those responding to *On Liberty*, they emphasise a number of conflicting arguments and remarks, which ultimately make it more difficult to ascertain what Mill was trying to do in 1859. What is important is that Mill's feminism plays an important part not just for Mill, but also his readers, in attempts to improve society. This becomes clear in the 1890s where consideration is given to the importance of the social organism in safeguarding and cultivating liberty.

The reception of the *Subjection* revealed a dozen or so articles, which, like Mill, were sympathetic to the woman question. Moreover, those newspapers and periodicals which encouraged revision into women's roles all suggested their social position be elevated if they are to truly embrace liberty. Based on the evidence we have regarding the liberty of women in responses to the *Subjection* but also in what surfaces in replies to *On Liberty* too, perhaps to clarify the misunderstanding surrounding his 1859 text, we ought to consider more seriously how much Mill's feminist thinking influenced *On Liberty* and whether this text was aimed at providing women with the guidance to escape her tyrant.

#### MILL AND *ON LIBERTY*

Despite this, when we consider the camps that Mill's critics fell into, just a handful rejected Mill because they accused him of excessive or unorthodox feminism, yet these attitudes really only surfaced in the 1890s when discussion on the family and female equality were prominent. Mill directly addressed this worry in the *Subjection*, but that does not at all mean it was only a concern of his in 1869 and we should read this text in isolation, for it *may* have larger ramifications than initially perceived.

Mill and its argument, filtered through debates surrounding the individual and how best to develop positive traits and interests, became an issue that was often a vital argument in countless books, articles, speeches and plays. The early reception between 1859 and c., 1870 was the period when the most familiar modern images of Mill were established by clergymen, (particularly Catholics, Methodists, Unitarians, Church of England), liberals and conservatives. The 1870s resulted in an increase of engagement from liberal and Catholic periodicals. These political and religious affiliated periodicals demonstrated a change in the reception and people's attitudes towards Mill and *On Liberty*. The 1880s too engaged many liberal periodicals with a noticeable increase in radical and conservative writings as well, the latter of

which were motivated by Stephen's 1873 essay the previous decade. In the 1890s, the reception was chiefly dominated by clergymen, theologians and evangelists. Whilst there were articles from radical liberals seeking to defend Mill, these were surpassed by the number of religious affiliated periodicals criticising Mill's account of individual sovereignty.

Mill advocated reduced state interference, condemned those who tyrannised over others or those found to be intolerant of a certain group or idea and often cited his dismay at those who were a nuisance or caused harm to another. We can employ Mill's harm principle here to explain further. In such instances, the state could intervene in order to keep people in their place as to what was acceptable. Mill wrote that 'the State, while it respects the liberty of each in what specifically regards himself, is bound to maintain a vigilant control over his exercise of any power which it allows him to possess over others'.<sup>792</sup> Mill continued by stating that this obligation is almost entirely disregarded when it came to relations between husband and wife.

This raised an important question as to how much social progress was contingent on universal equality. How much of a hindrance was it if people were protected in the public sphere but not in the private? Referencing the despotic power of husbands over wives, Mill demonstrated the elasticity of his feminism, as an integral component of liberty and an enemy of power.<sup>793</sup> It is cases like this which make Mill's argument even more powerful. Mill's thoughts on liberty were greatly influenced by his wife Harriet and it was their conjunction of ideas which had produced *On Liberty*.<sup>794</sup> Mill had kept her close to his writing, both before and after her death, even going to the length of purchasing a cottage to be as close to where she was buried for both comfort and inspiration.<sup>795</sup> Mill wrote that 'my objects in life are solely those which were hers; my pursuits and occupations those in which she shared, or sympathized, and which are indissolubly associated with her'.<sup>796</sup> Mill had a difficult task on his hands and such a feat

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<sup>792</sup> CW 18, p. 301. See further Waldron, 'Mill and multiculturalism' in Ten, ed. *Mill's On Liberty*, pp. 165-184.

<sup>793</sup> Mill's agitation was with authority. Mill may well have had the authority of man over wife in mind here.

<sup>794</sup> Robson suggests that Mill influenced Harriet on questions of equality and that Mill was concerned about sexual inequality before he met her. See Robson, *The Improvement of Mankind*, pp. 50-68. From this account, it appears that Mill's great fear, that of social tyranny, 'leaves fewer means of escape, penetrating much more deeply into the details of life, and enslaving the soul itself' (CW 18, p. 220). Harriet needed to be convinced by a man no less that she was entitled to the same equality, something which alarmed Mill. As much as women were a victim of the prevailing opinion, so was the majority who held such regressive thoughts and imposed them on society, they too had been deprived of the opportunity to develop eccentric and individualistic characters.

<sup>795</sup> See CW 1, p. 251.

<sup>796</sup> CW 1, p. 251.

required public commitment, not increasing levels of individualism. Greater education entwined with breaking down barriers of intolerance would prove instrumental here.

The reception of *On Liberty* has shown how controversial Mill's essay was.<sup>797</sup> These often-dismissive reviews resulted in varying interpretations of Mill. For the educated intellectuals, Mill was your saviour, reinforcing the reasons as to why you should command an authoritative position. For women, you were one of the few voices which deeply cared about female enfranchisement, seeking to ensure that you were treated equally alongside men. For the uneducated labourer, Mill championed individuality and economic freedom, giving you self-governance to author your own lives. Despite the amount of criticism *On Liberty* received from 1859, society could not ignore Mill or his ideas, even after he had died. It became somewhat fashionable to read Mill. Whether you agreed with him or not, that was of secondary importance.

The evidence dealt with here and in a handful of recent studies demonstrates how the reception of Mill's ideas on liberty had important implications for the future. *On Liberty* inspired, outraged, satisfied and disappointed, often simultaneously, a variety of political and religious groups between 1831 and 1900. The reception of Mill's political thought, particularly *On Liberty*, has shown the extent of Mill's achievement in sparking significant discussion on the concept of liberty in nineteenth-century England; chiefly, it reveals what Mill's contemporaries thought he was saying, what was unique or unoriginal in his argument and what was contentious. Such readings have, at times, shown to be at odds with modern interpretations of Mill, challenging those readings which assume or take for granted Mill's influence on nineteenth-century political thought or those writing alongside him. However, we can also see how his lessons and doctrines were fully absorbed into the mainstream of English political thought. *On Liberty* provoked an intellectual, moral and social crisis that challenged and exposed the defects of nineteenth-century England; its pertinence in our modern world is unmistakable and characterises the scale of Mill's intellectual achievement.

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<sup>797</sup> See Gray, *Mill on Liberty: A Defence*, pp. 9-14 for a revisionary view of what Mill was attempting not just in *On Liberty* but across his works, focusing principally upon his 1859 essay and the *System of Logic*.

## Glossary

### PERIODICALS

- Aberdeen Free Press* (1855-1894): A weekly conservative newspaper.
- Aberdeen People's Journal* (1863-1939): A conservative newspaper owned by the Chalmers family throughout the nineteenth-century.
- The Academy* (1869-1902): A liberal periodical during the nineteenth-century, which then shifted towards Conservatism in 1907 when Lord Alfred Douglas became editor.
- Alexandra Magazine & Women's Social and Industrial Advocate* (1860-1878): A feminist magazine, which merged with the *English Women's Journal* in August 1864.
- The Athenaeum* (1828-1921): A monthly liberal literary magazine.
- Bee-Hive* (1861-1878): A trade unionist journal published weekly, it advocated rights for trade unions and supported the more radical members of the liberal party.
- Belfast News-Letter* (1828-1956): A daily conservative newspaper.
- Birmingham Daily Post* (1857-1979): A weekly newspaper associated with radical politics from the outset.
- Blackie* (1889): A monthly radical journal.
- Bolton Evening News* (1868-1910): A daily newspaper publishing local news.
- Bradford Observer* (1834-1901): A liberal newspaper.
- Brecon Reporter and South Wales General Advertiser* (1863-1867): A weekly liberal newspaper.
- Bristol Mercury* (1716-1900): A liberal newspaper.
- Bucks Herald* (1833-1953): A conservative weekly newspaper.
- Burnley Gazette* (1863-1914): A liberal weekly newspaper.
- Bury Free Press* (1856-1955): A weekly centrist newspaper.
- Bell's New Weekly Messenger* (1832-1855): A weekly conservative newspaper.
- Bell's Life in London* (1822-1886): A weekly, anti-establishment newspaper aimed at the working class.
- Bentley's Quarterly Review* (1859-1860): A conservative periodical published quarterly.
- Blackwood's Edinburgh Magazine* (1817-1980): A conservative monthly magazine.
- British Quarterly Review* (1845-1886): A sectarian periodical.
- Cobbett's Weekly Political Register* (1802-1836): A radical weekly newspaper.
- The Cornhill Magazine* (1860-1975): A monthly literary periodical.
- Caledonian Mercury* (1720-1867): A newspaper published 3 days a week commenting on local affairs.
- Cambridge Chronicle and Journal* (1813-1900): A conservative weekly newspaper.
- Carlisle Patriot* (1816-1897): A conservative weekly newspaper.
- Cheltenham Mercury* (1856-1888): A weekly liberal newspaper.
- Christian Remembrancer* (1819-1868): A High-Church monthly periodical.
- The Christian Socialist* (1883-1891): A Christian monthly periodical.
- The Contemporary Review* (1866-2013): A quarterly magazine established to promote independent opinion and intellectual debate on theological and ecclesiastical disputes.
- Cork Constitution* (1826-1896): A staunch Unionist and Protestant newspaper published 3 times a week.
- Cork Examiner* (1841-1911): A daily Catholic newspaper by 1858 (previously only 3 times a week).

*The Cornish Telegraph* (1851-1915): A weekly conservative newspaper.

*Cosmopolis* (1896-1898): A multi-lingual monthly literary magazine, also published in Berlin, Paris and Saint Petersburg.

*Coventry Times* (1855-1889): A Nonconformist, weekly newspaper.

*The Critic* (1843-1863): A conservative magazine published weekly.

*Devizes and Wiltshire Gazette* (1822-1890): A weekly newspaper, which supported the Church of England.

*Dewsbury Reporter* (1869-1884): A weekly newspaper commenting on local news.

*Dublin Daily Express* (1855-1917): A daily newspaper with a strong unionist readership, particularly popular with the landed gentry and the Protestant clergy.

*Dublin Monitor* (1838-1845): A political library journal published 3 times a week.

*Dublin Morning Register* (1824-1843): A liberal newspaper published daily.

*Dublin Review* (1836-1969): A Catholic periodical, initially published quarterly, then monthly.

*Dublin University Magazine* (1833-1882): A monthly magazine with a Protestant and Unionist outlook.

*Dundee Advertiser* (1861-1899): A radical liberal newspaper, published weekly.

*Dundee Evening Telegraph* (1877-1950): A liberal and reformist newspaper, published daily.

*Durham County Advertiser* (1814-1910): A weekly literary journal.

*The Economist* (1843 - ): A weekly magazine-format newspaper, taking a stance of classical and economic liberalism.

*Edinburgh Evening News* (1873-1942): A weekly liberal newspaper.

*Edinburgh Review* (1802-1929): A quarterly magazine, supporting the Whig party and liberal politics.

*English Women's Journal* (1858-1864): A monthly magazine, which sought to improve the position of women in society.

*Essex Herald* (1828-1899): A weekly liberal newspaper.

*Evening Mail* (1802-1867): A conservative newspaper published 3 times a week.

*The Examiner* (1808-1881): A weekly radical newspaper.

*Exeter and Plymouth Gazette* (1827-1950): A weekly conservative newspaper.

*Family Mirror* (1856-1857): A liberal periodical.

*Foreign Quarterly Review* (1827-1846),  
merged with *Westminster Review* in 1846, published as *Westminster and Foreign Quarterly Review* (1847-1852), *Westminster Review* (1852 onwards): a quarterly liberal journal.

*The Fortnightly Review* (1865-1954): a fortnightly liberal magazine,  
incorporated with *Contemporary Review* in 1954: a liberal quarterly magazine.

*Fraser's Magazine* (1830-1882): A monthly conservative magazine.

*Fun* (1861-1901): A politically satirical weekly magazine, often seen as more liberal than the conservative *Punch* despite mocking both sides of the political spectrum.

*The Individualist. A Monthly Journal of Personal Rights* (1903-1914): A liberal monthly journal emphasising the moral worth of the individual.

*The Ipswich Journal* (1748-1902): An anti-Chartist weekly newspaper.

*Islington Gazette* (1856-1911): A weekly newspaper publishing local news.

*Journal of the Statistical Society of London* (1838 - ): A peer-reviewed scientific journal of statistics.



*Journal of the Vigilance Association for the Defence of Personal Rights* (1881-1886), continued as *The Personal Rights Journal* (1886-1903): A radical periodical.

*Jus. A Weekly Organ of Individualism* (1887-1888): A weekly pamphlet produced by the Liberty and Property Defence League, which supported laissez-faire trade.

*Kendal Mercury* (1834-1880): A weekly liberal newspaper.

*Kent & Sussex Courier* (1873-1950): A weekly newspaper publishing local news.

*Lloyd's Weekly Newspaper* (1842-1900): A radical weekly Sunday newspaper.

*Law Magazine and Law Review* (1856-1872): A quarterly legal journal.

*Leamington Spa Courier* (1828-1954): A weekly conservative, pro-Church of England newspaper.

*Leader* (1850-1860): A daily weekday radical newspaper.

*Leeds Intelligencer* (1754-1866): A weekly conservative newspaper.

*Leeds Mercury* (1807-1939): A weekly liberal newspaper.

*Leeds Times* (1833-1901): A weekly radical newspaper.

*Leicester Chronicle* (1813-1915): A weekly liberal newspaper.

*The Leisure Hour* (1852-1905): A weekly periodical published by the (Christian) Religious Tract Society.

*The Liberty Review* (1893-1909): A weekly liberal journal.

*Liverpool Daily Post* (1855-1945): A non-partisan daily newspaper.

*London Daily News* (1846-1912): A daily liberal newspaper.

*London Dispatch* (1836-1839): A weekly radical periodical.

*London Evening Standard* (1827-1909): A daily conservative newspaper.

*London Quarterly Review* (1809-1967): A conservative literary and political periodical, published quarterly to counter the influence of the *Edinburgh Review*.

*The London Review* (1809-1835): A quarterly liberal-conservative periodical.

*London Serio-Comic Journal* (1867-1907): A weekly conservative satirical magazine and rival to *Punch* magazine.

*Luton Times and Advertiser* (1855-1916): A weekly liberal newspaper.

*The Malthusian* (1879-1920): A monthly journal on Malthusian population theory.

*Man of Ross, and General Advertiser* (1855-1897): A weekly newspaper publishing local news.

*Manchester Evening News* (1870-1945): A daily liberal newspaper.

*Manchester Guardian* (1821-1959): A daily liberal newspaper.

*Marylebone Mercury* (1857-1945): A weekly liberal newspaper.

*Morning Advertiser* (1805-1872): A daily newspaper set up to popularise the Society of Licensed Victuallers. It did not align with a political party.

*Morning Chronicle* (1801-1865): A moderately liberal daily newspaper, often supporting Whig policies.

*Morning Post* (1801-1909): A conservative daily newspaper.

*Monthly Repository* (1806-1838): A radical Unitarian monthly periodical.

*Montrose Review* (1846-1958): A weekly radical, evangelical newspaper.

*The National Reformer* (1860-1882): A weekly journal, established by Secularists and advocating atheism.

*The National Review* (1855-1864): A quarterly magazine, joint-edited by a liberal and a clergyman.

*National Preacher* (1841): A monthly conservative periodical.

*New Monthly Magazine* (1814-1884): A strict conservative monthly magazine.

*Newcastle Daily Chronicle* (1858-1869): A daily (except Sunday) liberal newspaper.

*The Nineteenth Century* (1877-1901): A monthly literary magazine; many of its contributors were members of the Metaphysical society (clergymen and theologians).

*Nottingham Review* (1818-1852): A weekly conservative newspaper.

*The Observer* (1807-1901) A weekly newspaper, edited by both conservatives and liberals during this period.

*Outlook* (1898-1928): A weekly conservative magazine.

*Oxford University and City Herald* (1806-1870): A weekly university newspaper, economically conservative.

*The Pilot* (1828-1849): A liberal newspaper published 3 times a week.

*Pall Mall Gazette* (1865-1923): A chiefly conservative daily newspaper, it was at times supportive of liberal policies.

*Peebleshire Advertiser* (1879-1892): A weekly liberal newspaper.

*Poor Man's Guardian* (1831-1835): A radical weekly newspaper.

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*The Quiver* (1861-1926): A weekly Evangelical journal aimed at the middle-class.

*The Rambler* (1848-1862): A monthly Catholic periodical.

*The Review of Reviews* (1890-1893): A non-partisan monthly periodical.

*Sheffield Daily Telegraph* (1855-1950): A conservative daily newspaper.

*Saint Paul's Magazine* (1867-1874): A conservative monthly magazine.

*Saturday Review* (1855-1938): A liberal conservative weekly newspaper.

*Sheffield Independent* (1819-1938): A weekly liberal newspaper.

*Sheffield Iris* (1835-1843): A weekly liberal newspaper.

*Shetland Times* (1872-1911): A weekly newspaper publishing local news.

*Shrewsbury Chronicle* (1772-1910): An independent weekly newspaper.

*Southern Reporter* (1858-1945): A weekly conservative newspaper.

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*Warminster & Westbury Journal* (1881-1908): A weekly newspaper (religious or political affiliation unknown).

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*Western Daily Press* (1858-1950): A liberal daily newspaper.

*Western Gazette* (1863-1950): A weekly newspaper, sold to the Conservative party in 1886 (no clear political leaning prior to this).

*Western Morning News* (1860-1950): A daily liberal newspaper.

*Weston-super-Mare Gazette* (1845-1910): A monthly liberal newspaper.

*Westminster Review* (1824-1914): A radical liberal journal published quarterly.

*Wiltshire Times and Trowbridge Advertiser* (1855-1956): A weekly liberal newspaper.

*Women's Gazette* (1888-1891): A weekly feminist newspaper.

*Woman's Signal* (1894-1899): A weekly feminist magazine.

*Worcestershire Chronicle* (1838-1903): A liberal weekly newspaper.

*Yorkshire Post* (1754 - ): A weekly conservative newspaper.

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