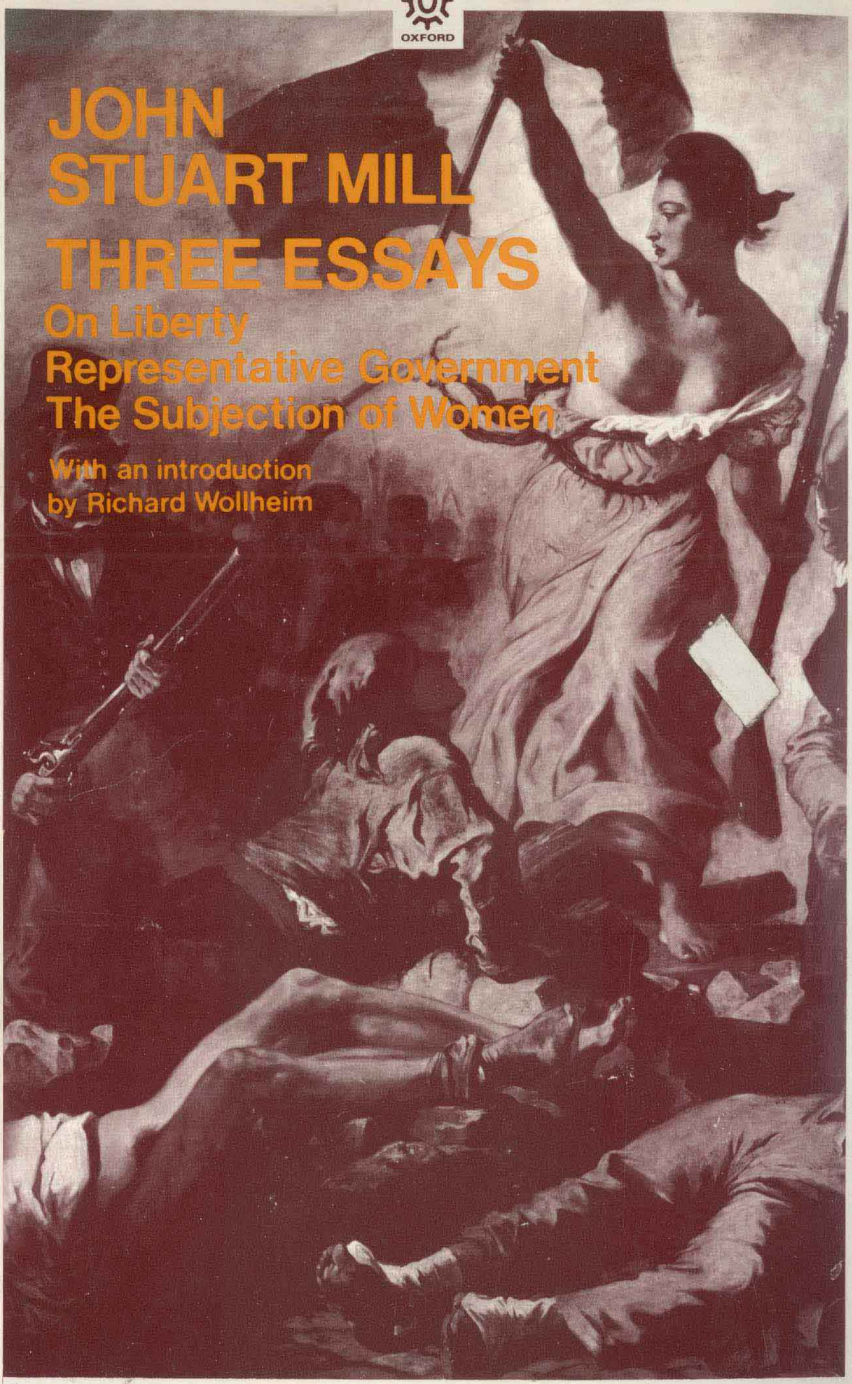

OXFORD

JOHN STUART MILL

THREE ESSAYS

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The Subjection of Women

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INTRODUCTION

THE three essays collected in this volume were published within ten years of one another. *On Liberty* appeared in 1859, *Representative Government* in 1861, and *The Subjection of Women* in 1869. Naturally the degree of attention that they received differed, *On Liberty* soon finding itself, where it has remained, at the centre of a lively and far-ranging controversy. But all three essays were soon accepted into the canon of European political and social thought, and nothing that has occurred in the intervening years has seriously affected their standing as classics of the subject. Their claim upon our attention and interest rests on at least two separate counts.

In the first place, these essays can be seen as the distillation of the thinking of one highly intelligent, highly sensitive man who spent the greater part of his life occupied with the theory and the practice of society. Brought up inside one of the most austere and ambitious ideologies to take root in England—classical Utilitarianism—John Stuart Mill as a young man felt himself compelled to try to enrich or to supplement the arid intellectual diet of his youth by what he could import from a number of different sources. Utilitarianism as Mill learnt it was fundamentally a product of the eighteenth century. It preserved many of the intellectual principles—and, it must be said, not a few of the intellectual prejudices—of the European Enlightenment. It would be no great distortion of Mill's career to say that what he did was to graft on to an eighteenth-century stock of ideas some of the new concerns that came into cultivation in the nineteenth century: the sense of history, reverence for nature, the high value placed upon self-knowledge and expression, a feeling for

the complexity of society, an ardent concern for human liberty, a new and secularized awareness of the failings of human nature. In breaking out of the narrow confines of the Enlightenment Mill invoked the values of Romanticism. All three essays in this volume, but particularly *On Liberty*, can be seen as documents in the history of his emancipation and also as records of the intellectual balance or synthesis that he achieved. Read in this way, they find their natural background in Mill's *Autobiography*, a powerful and fascinating work, in which it becomes easy to sense the tremendous emotional import that the process of intellectual self-enlargement had for Mill. For this reason, if no other, these works are bound to retain a biographical interest: though they also transcend it.

For, secondly, they remain unsurpassed as expressions of a certain political philosophy. Clarity, reasonableness, eloquence make them the finest statements of one of the two great traditions of social thought that have competed for the support of progressive men and women in the last two hundred years. And here again it is Mill himself who provides the best background for the understanding of his thinking. For, with the possible exception of Alexander Herzen, there was no one in the whole of the nineteenth century who had a sharper sense of the conflict that existed within liberal thought than Mill, and in the Introductory Chapter of *On Liberty*, where his aim is merely to set out the questions that he will raise in the course of the essay and to explain why they had fallen out of favour in recent years, he allows us to see precisely what this conflict was over.

The central concern of the essay, he tells us, is to be that of the proper sphere of state action. When is the state justified in restricting the liberty of the citizen? When is the citizen entitled to claim that his freedom has been unduly or unfairly curtailed? Those who maintained that these questions, which were agreed on all sides to have been the initial inspiration of liberalism, were no longer of

relevance, did so because of an assumption on which the questions seemed to them to rest—the assumption that, in any society, the rulers are of necessity distinct, in aim and interest, from the ruled, so that the ruled always stand in need of protection from the rulers. However, to the new liberals, this assumption was no longer so obviously correct. · By the end of the eighteenth century a state of society could be envisaged in which the rulers were the same as the ruled, and in such a society the traditional premises of liberalism would fail of application. Indeed, once the state passed into popular control, attempts to place restrictions upon its freedom of action would be worse than irrelevant: they would be injurious to the better interests of the ruled. Accordingly, the task for liberalism was to put these questions to one side, and to concentrate on the issue, at once theoretical and practical, how the institution of popular control in this sense could be achieved. As Mill paraphrased it,

> What was now wanted was that the rulers should be identified with the people: that their interest and will should be the interest and will of the nation. The nation did not need to be protected against its own will. There was no fear of its tyrannising over itself.

This conception of society, according to which in certain favoured circumstances the traditional dichotomies of government could be altogether transcended, had come to be fairly widely accepted by Mill's day as a premise of advanced political thinking. Mill goes on, 'Those who admit any limit to what a government may do, except in the case of such governments as they think ought not to exist, stand out as brilliant exceptions among the political thinkers of the Continent'. And if the situation in England was appreciably different, this was so, he thought, only because of a happy alteration of circumstances. Mill's estimate of the relative strength of the forces engaged may have been exaggerated, but his analysis of the issues on which they confronted one another is surely right.

In talking of 'the brilliant exceptions' to the new liberal ideology, Mill would doubtless have had in mind men like Benjamin Constant, Alexis de Tocqueville, Wilhelm von Humboldt, and Thomas Carlyle; very diverse thinkers but from all of whom Mill carried away something. And as for the new ideology itself, it is evident that he is here thinking of the teaching of Jean-Jacques Rousseau who in the *Contrat Social* had so radically reinterpreted the issues of political legitimacy. If one of the two great traditions of advanced political thought finds its best expression in the work of Mill, the other can be identified with Rousseau; that which Mill expresses may be called 'libertarian' and that which Rousseau typifies may be called 'collectivist'—though, of course, in each thinker statements may be found which make these ready-made labels seem inappropriate.

Mill's opposition to Rousseau-ite thinking, and his reversion to an earlier form of liberalism, derives from two fundamental convictions, one relating primarily to Man, the other relating primarily to Society. The conviction relating to Man is this: that any compulsion that is brought to bear upon the individual—compulsion, that is, as opposed to the pressures of argument or persuasion or even moral disapprobation—is more likely than not to be against his true interests. This is so because either the external authority will miscalculate those interests, or, if it doesn't, just in virtue of its authority being external, it will, in enforcing those interests, most probably distance or alienate the individual from them. The conviction relating to Society is this: that, no matter what form of government obtains, the state, in seeking to get itself obeyed, is bound to bring compulsion to bear upon the individual.

These two convictions put together are clearly incompatible with the Rousseau-ite conception of liberalism: for precisely what they dispute is that there could be such an identity of ruler and ruled as to render irrelevant questions about the proper limits of state action or the sphere

of inviolable individual liberty. However, what they are compatible with, at any rate as things now stand, is the total rejection of civil authority; indeed, some earlier thinkers, such as William Godwin, had argued for anarchism from not dissimilar premises. If Mill resisted the anarchist conclusion, he did so by invoking an assumption which might at first seem quite independent: that is, that though the individual has something to fear from the state, he has also something to fear from the encroachment of other individuals, if they are unconstrained.

However, we take a step significantly further into the understanding of Mill's thought when we appreciate that this seemingly independent assumption fits together with the two convictions about Man and Society to form part of an overall conception of human nature, and that this conception—or, perhaps better, this conception and the many different applications that Mill finds for it—is the most interesting and innovatory aspect of his philosophy. For Mill is one of those rare thinkers, like Hobbes or Rousseau or (in certain guises) Marx, who at all points rested his moral and social theory on a conception of what human nature is: whereas others have either done without one or concocted one that would justify pre-existent theory. With Mill one feels that a theory of man was, and remained, his prime inspiration.

Mill's conception of human nature may be considered under two broad headings: negative and positive.

On the negative side Mill denied the uniformity of human nature. In doing so he rejected a belief that, explicitly or implicitly, had been central to the thought of the European Enlightenment and thus, by descent, to classical Utilitarianism. At a blow he undercut both benevolent despotism of the kind largely favoured by the *philosophes* and any facile version of anarchism. For to maintain either that individuals could safely be left entirely to their own devices or that they could be centrally regulated down to any significant degree of detail by a well-informed public-spirited bureaucracy would

seem to presuppose that, at any rate in their aims and interests, men were reasonably interchangeable.

On the positive side Mill asserted the diversity of human nature in a way that needs to be carefully identified. To begin with, the diversity with which Mill was concerned was not a diversity based on physical or biological differences, at any rate of a gross kind. The essay on *The Subjection of Women* is highly relevant at this point, for there we can see Mill reserving some of his most acid criticism for arguments in favour of sexual discrimination based on just such considerations. The diversity that Mill asserted was irreducibly psychological in its ground—which is not, of course, to say that it could not have physiological concomitants or conditions. The starting-point for Mill—as indeed for his Utilitarian predecessors—is that man like any other species is pleasure-seeking. What, however, is peculiar to man, and what gives human nature its distinctive character, is how he seeks it. For human beings obtain pleasure not simply in pleasurable sensations—which they do—but also in the realization of certain projects. The different projects of each individual will have a tendency to cohere, and in favoured circumstances they will come together to form an overall project or a ' plan of life '.

That happiness for the human individual consists essentially in the realization of his own plan of life—where there is no guarantee that what is one man's plan will be another's—is sufficient to establish the diversity of human nature. But in order to understand the particular way in which Mill asserted this thesis we need to grasp two further respects in which he thought a plan of life to be personal to the individual whose it is. It is personal in that each individual should form it for himself, rather than accept it from others. And it is personal in that—at least where this is feasible—the individual should realize it for himself, rather than depend on having it realized for him. In other words, central to Mill's conception of man as a pleasure-seeking creature is the

attribute frequently referred to in the writings of two distinguished philosophers of our own day, both firmly in the ' libertarian ' tradition—Bertrand Russell and Noam Chomsky—as ' creativity '.

This last point is extremely important if we are to avoid a widespread error in the interpretation of Mill. Mill himself claimed on a variety of occasions that all his moral and social thought derived from the principle of utility: that is, that in the determination of all personal or public decisions the only consideration to which weight should be attached is the resultant balance of pleasure and pain. Of recent years it has become conventional to set aside these professions and to regard Mill's moral and social thought as partially grounded in values that are quite independent of and at times inconsistent with utility: values such as liberty or self-development. The argument of, for instance, *On Liberty* must, it is argued, be based on such a commitment. But this line of reasoning is cogent only if we leave out of account Mill's actual views about human nature and if we insist that Utilitarianism is necessarily conjoined—as indeed it was in the case of its founders—with a highly simplistic psychology: with, in other words, a belief in the uniformity of human nature and the equation of pleasure with discrete pleasurable sensations. Once it is appreciated that Utilitarianism can be conjoined with a more complex psychology, then the temptation to attribute to Mill subscription to non-utilitarian values loses all force. For, if one thinks that man is such that he can achieve real pleasure or happiness only through the formation and actualization of a plan of life suited to his own particular nature, then, one will, in according to utility ultimate value, recognize that liberty and self-development have instrumental value. Liberty and self-development may seem independent of utility on some crude interpretation of utility, but take what Mill calls ' utility in the largest sense, grounded in the permanent interests of man as a progressive being ' and they become necessary. Free and open discussion, the

consideration and pursuit of experience and opinion in all their variety, are prerequisites if the individual is to decide how his own unique nature is to be fulfilled. The same point is made more vividly when Mill claims that it is essential for the development of mankind that men should be permitted, indeed encouraged, to conduct ' experiments of living '.

Nevertheless Mill also saw that, once the principle of utility was reinterpreted so as to bring it into line with the new psychology, or with what is actually involved in man's pursuit of happiness, then its application brings in train problems that did not exist for his predecessors with their simpler interpretation of the principle. Of course, some of these problems are purely practical, but a theoretical problem of some complexity arises from the fact that, though man is essentially creative, not all men are equally creative, and indeed in some creativity is no more than a potentiality. In some men, through force of circumstances the capacity to devise an adequate plan of life is underdeveloped, and in others it can be said not to be developed at all.

Here then we have the first part of the problem. For, in so far as the capacity to devise plans of life is not developed, there is a *prima facie* case for thinking that the reinterpreted principle of utility, with its emphasis on liberty and self-development, does not apply. And Mill says as much. He says that the principles developed in *On Liberty* apply only to human beings in the maturity of their faculties, and for whole peoples whose faculties are immature he thought that their best hope lay in ' an Akbar or a Charlemagne '. But the question then arises, where is the line of demarcation to be drawn? How mature must a human being be to be mature? But at this point a second part of the problem comes into motion, and overtakes the first. For, if the principle of utility in its reinterpreted form applies only to those who have a conception of their own happiness, is there not, all the same, some kind of obligation, residual or derivative from

the principle, to encourage the capacity to form such a conception in those who have not attained it—as well as, for that matter, to protect or reinforce it in those who have? And the answer, as Mill saw it, was that there certainly is. If we now ask how this is to be achieved, it would seem to have been Mill's opinion that the conditions which a man's conception of happiness requires for its formation and realization are precisely those which are also required for either the development or the reinforcement (as the case may be) of the capacity to originate such a conception: supremely, that is, a state of free and open inquiry and discussion.

Another way of looking at the matter is to see that for Mill unlike his predecessors Utilitarianism is a two-tiered morality. The upper tier consists in the direct application of the principle of utility: that is to say, the advocacy of measures which offer a favourable balance of pleasure over pain, where pleasure and pain can be calculated only in the light of the various conceptions of happiness, the different plans of life that the individuals affected have formed. But the principle of utility thus understood presupposes that individuals have formed their own conceptions of happiness or plans of life. In some cases, however, they will not have done so: and, if they have not done so, this will most likely be because their capacity to do so has been insufficiently developed. This leads to the lower tier of Utilitarianism—what might be called the indirect or oblique application of the principle of utility—which is precisely concerned with the fostering of this capacity, in so far as this is possible, and with the safeguarding of it once it has developed. In other words, on the lower tier the preconditions of the upper tier are secured.

It is only by appreciating this aspect of Mill's thinking, which has been overlooked by his commentators, that its structure as a whole can be grasped. For instance, hostile critics of Mill have, from Fitzjames Stephen onwards, made much of certain seeming inconsistencies in *On Liberty*, but these inconsistencies correspond to the tension between

the two different applications, direct and indirect, of the principle of utility, and, once we have sorted this out, they correspondingly fall into place. So in the Introductory Chapter and in Chapters IV and V Mill is principally concerned with the direct application of the principle of utility. In distinguishing between actions that concern only their agents and actions that concern others as well, and in insisting that in the case of the former society has no right ever to intervene whereas in the case of the latter it might in certain circumstances have such a right, he was simply trying to ensure, in concrete terms, that society should not act where its action was bound to lead to an overall balance of pain over pleasure. (A common argument against Mill at this stage is to suggest that the protection he seeks for the individual through this principle is purely notional in that there are not and could not be actions which concerned only the agent: such actions form an empty class. But, as I have tried to show elsewhere, this is a misunderstanding of Mill, since by self-regarding actions he meant not simply those actions which affect the agent alone, but those actions which affect either the agent alone or others but only in so far as they think these actions wrong—which is by no means an empty class—and that he had good utilitarian grounds for understanding them thus.) In Chapters II and III Mill is principally concerned with the indirect application of the principle of utility. In advocating that people should cultivate individuality and enjoy a very wide-ranging liberty of opinion, he was in large part concerned that people should be able to form, and to go on being able to form, plans of life so that they should be fully fit to have the principle of utility directly applied to them.

The two-tiered nature of Mill's Utilitarianism is also evident in the essay *Representative Government*. For Mill, while arguing that representative democracy is the best form of government for a population mature in its faculties in that it is most likely to advance its interests, also thought that an ancillary case for representative democ-

racy rests on its capacity to encourage and sustain maturity of faculty. Democratic government is calculated to favour the active or self-helping type of character.

However, the central interest of this essay must lie in Mill's attempt to justify representative democracy on the basis of the reinterpreted principle of utility: that is to say, to show that it is the required form of government, given both Utilitarianism and an adequate or sufficiently complex psychology.

The preliminary step in this argument we have already had occasion to consider. From the diversity of human nature, which is central to the new psychology, Mill concludes that direct democracy is impossible. And if, he goes on, in the face of this fact we persist in believing that direct democracy is desirable, then what will result is a form of government which is not democracy at all but is often confused with it: the rule of the Many, or the government of the whole people by a mere majority of the people. At this point two questions arise. The first is: if the diversity of human nature makes direct democracy impossible, how can representative democracy hope to satisfy the heterogeneous and conflicting interests to which this diversity gives rise? And the second is: how can democracy ever be anything but the rule of the Many, for how is it possible that there should be rule of the whole people by the whole people?

The two questions are, of course, related, and it is Mill's strategy to answer the first through the second. In other words, he tried to show that representative democracy meets the requirements of a sophisticated utilitarianism through exhibiting what representative democracy really is and, more significantly, what it certainly isn't. And he thought that before we can recognize representative democracy as providing ' the ideally best polity ', we must make two adjustments in the way in which we normally think of it: each adjustment relating to one of the two constituents into which the term ' democracy ' can be

etymologically resolved—demo-cracy, or rule of the people.

The first adjustment is in the notion of ruling or governing. If democracy is the form of government in which the people rule or govern, then greater attention must be paid than is usual to what activity it is that is thereby ascribed to the people. They are not, Mill maintained, supposed to *do* the business of government: rather, they are supposed to *control* the business of government. This interpretation, and the corresponding distinction between doing and controlling, was first put forward by Mill in 1835 in a review of the first volume of Tocqueville's *Democracy in America*, and even then it was not an altogether new idea. It had, for instance, been advanced by Benjamin Constant in his brilliant but neglected essay, *On the Liberty of the Ancients compared with that of the Moderns*, but what is peculiar to Mill is the tenacity, the seriousness with which he pursued the implications of this idea over twenty-five years and more of reflection.

In his earlier writings on representative democracy Mill thought that the principal implication of thus understanding what it is for the people to rule was that the representative should be under no obligation to commit himself in advance on any specific political programme to those whom he represented. The people were, of course, entitled to be informed about the personal character, the ability, and the general political opinions and sentiments of the man for whom they were asked to vote: but, once they had satisfied themselves on this score, and had made their choice, then, Mill maintained, they must take the man on trust until the moment came when they could pass a retrospective judgement on the legislative decisions in which he had participated. To many contemporaries of Mill it seemed that, if the people were entitled to judge legislation after it had been passed, it could only be to the general good if the representatives had advance knowledge of how this judgement was likely to go so that they could anticipate it. In practical politics this expressed

itself as a drift towards the idea of 'the mandate'. To Mill, however, this was anathema, for it meant, as he saw it, a way in which the function of controlling government, which did indeed belong to the people, surreptitiously converted itself into the function of doing the business of government, which, as we have seen, belonged to the people only on an erroneous view of democracy. Mill resorted to the language of Burke to express his disapproval: 'The substitution of delegation for representation,' he wrote, is 'the one and only danger of democracy'. However, by the time Mill wrote *Representative Government*, his views had hardened. If it was wrong that the people should as a whole try to do the business of government, then it was also wrong—he had now come to feel—that their representatives should undertake to do it for them, and he put forward the proposal, perhaps not fully absorbed into the body of the essay, that legislation should always be initiated by a more specialized body, or 'Commission of Legislation', over which the people's representatives would exercise a form of control analogous to that which the people exercised over them.

However, if in one respect *Representative Government* records a contraction in what it is that the people are supposed to do when in a democracy they rule, in another respect what it records is an enlargement. The notion of controlling government may have lost some ground to that of doing the business of government: but the ground that it retains proves richer than was recognized. For it is, Mill now appreciated, only on a very narrow view of what control of government amounts to that it amounts to no more than saying yes or no to a given piece of legislation. In many cases, for instance, might not a more reasonable reaction on the part of the people's representatives be to suggest ways in which the piece of legislation might be emended, or supplemented, or pruned of irrelevance, or rendered more flexible to changes in circumstance? (And here we have an echo of the

famous argument that Mill deploys in *On Liberty* when he points out that for any opinion the possibilities are more numerous than that it should be totally true or that it should be totally false: there are many many other possibilities according to the degree to which the opinion might be true or false.) Accordingly for Mill a simple vote upon a proposed measure resulting either in acceptance or in rejection is no more than the minimum that could be expected of a representative assembly in exercising control over legislation. What might also, and very reasonably, be expected of it is that it should discuss the topics dealt with by the legislation and deliberate upon the proposals themselves. And as the view taken of what it is to control the business enlarges so this part of the assembly's work will move to the fore.

But, if the representative assembly is to take the task of debating legislation as seriously as that of voting upon it, then it must be adequately equipped to do so. And what this effectively means is that its constitution must be determined with this in mind. It must contain within itself as wide a spectrum of opinion as is to be found amongst the people outside. And it is to this end that one of Mill's proposals to which he himself attached the greatest significance but which nevertheless has been widely misunderstood is directed: I refer to Mill's advocacy of Proportional Representation in the selection of the representative assembly.

Critics insensitive to the general direction of Mill's argument about democracy have seized upon this proposal and used it to attach to him the label 'conservative'. Mill supported Proportional Representation so as—it is said—to 'limit' democracy. But the issue cannot be settled so speedily. For, Proportional Representation in its various forms being ultimately a way of relating the distribution of opinion within the assembly to the distribution of opinion without, its advocacy can be judged only by taking into account the function that the assembly is expected to discharge. It is only against the back-