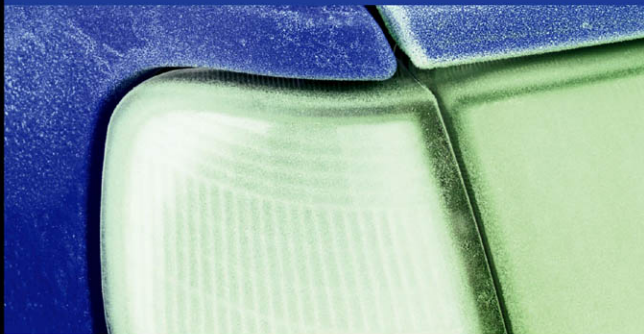


Starting with

Mill

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CONTENTS

<i>Chronology</i>	ix
<i>Preface</i>	xi

CHAPTER 1: MILL AND THE MODERN WORLD 1

i. Modern Philosophy	1
ii. Metaphysics and Epistemology	4
iii. British Empiricism	8
iv. Logic and <i>A System of Logic</i>	15
v. Hume's Fork	17
vi. Kant's Copernican Revolution	19
vii. Rejecting a Priori Knowledge	22
viii. Psychology and Associationism	28
ix. James Mill and Associationism	30

CHAPTER 2: MILL'S EDUCATION AND EARLY INFLUENCES 33

i. James Mill	33
ii. John Stuart Mill's Education	37
iii. Mill's Introduction to Bentham	42
iv. The East India Company	43
v. Harriet Taylor	44
vi. The Ancient Greeks	45
vii. The Dialogues of Plato	46
viii. The Logic of Aristotle	49
ix. Plato and Utilitarianism	52

CONTENTS

CHAPTER 3: LIBERALISM AND <i>ON LIBERTY</i>	54
i. Classical Economics and Adam Smith	54
ii. Smith and the Division of Labor	59
iii. <i>On Liberty</i> and the <i>Autobiography</i>	61
iv. The Harm Principle	66
v. The Liberty Principle	67
vi. Mill's Dialectic	68
vii. Freedom of Expression and Individuality	70
viii. The Utility of Experiments in Living	72
ix. The Final Formulation of the Liberty Principle	76
CHAPTER 4: MILL'S MINIMALIST UTILITARIANISM	81
i. Mill's Minimalist Ethics	81
ii. Edwards' Reading of Mill	82
iii. A Point of Clarification	85
iv. Philosophy and Fashion	86
v. Urmson's Reexamination	88
vi. The Difficulty with the Maximizing Reading	89
vii. The Minimalist Reading	90
viii. Mill and Moral Extremism	92
ix. Mill's utilitarianism and <i>On Liberty</i>	96
x. <i>Utilitarianism</i> and <i>A System of Logic</i>	98
xi. The Principle of Utility	104
xii. Utility and Character Formation	108
xiii. The Choice of Hercules	112
CHAPTER 5: MILL AND HUMAN RIGHTS	114
i. Racial and Gender Justice	114
ii. Kant on Race	115
iii. Racial Blindness	116
iv. Mill on Race	118
v. Kant and Women	121
vi. Mill and Feminist Activism	124
vii. The Historical Mill and the Historical Kant	124
viii. Kant and Animals	125
ix. Kant and the Capacity for Rationality	128

CONTENTS

x.	Bentham and Animals	132
xi.	Bentham on Paederasty	133
xii.	Classical Utilitarianism and Rights	136
xiii.	Utilitarianism, Egalitarianism, and the Right to Equal Consideration	139
xiv.	Modern Ethics, Utilitarianism, and Kantianism	146
xv.	Two Concepts of Liberty	148
xvi.	Universal Declaration of Human Rights	150
xvii.	The Trolley Problem	152
xviii.	The Two Mills	154
<i>Notes</i>		159
<i>Further Reading</i>		166
<i>Bibliography</i>		169
<i>Index</i>		177

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CHRONOLOGY

- 1806 Born May 20 in Pemberton section of London. First born child of James and Harriet Mill. Named after father's patron Sir John Stuart.
- 1809 Begins education at home by father with study of Greek.
- 1814 Begins study of Latin.
- 1818 James Mill publishes *History of British India*, and is subsequently employed at East India Company.
- 1820 Goes to France staying with family of Sir Samuel Bentham.
- 1821 Studies Jeremy Bentham. Begins publishing articles in newspapers. Studies law with John Austin. Studies psychology with his father.
- 1823 Internship at East India Company. Employment there will last 35 years. Arrested and detained for distribution of birth control pamphlets.
- 1826 Mental crisis.
- 1830 Meets Harriet Taylor.
- 1832 Death of Jeremy Bentham.
- 1836 Founds and edits *London and Westminster Review*. Death of James Mill. Promoted to assistant examiner.
- 1838 'Essay on Bentham.'
- 1843 *A System of Logic*.
- 1844 *Essays on Some Unsettled Questions in Political Economy*
- 1846 Writes articles criticizing governmental response to Irish famine.
- 1848 *Principles of Political Economy*.
- 1849 Death of John Taylor.
- 1851 Marries Harriet Taylor.
- 1856 Promoted to chief examiner.

CHRONOLOGY

- 1857 Indian Mutiny.
- 1858 Retires from East India Company with generous pension after Parliament assumes direct rule of India. Harriet Taylor Mill dies and is buried in Avignon, France. For the rest of Mill's life he will spend much of each year in Avignon, often accompanied by his step-daughter, Helen Taylor.
- 1859 *On Liberty*, with dedication to Harriet.
- 1861 *Considerations on Representative Government. Utilitarianism* (in three installments in *Frazer's Magazine*, as a book two years later).
- 1865 Elected to Parliament. Elected Lord Rector of St. Andrews University. 'August Comte and Positivism,' *An Examination of the Philosophy of Sir William Hamilton*.
- 1866 Calls for prosecution of Governor of Jamaica for his unjustified use of military force against Black Jamaican protestors.
- 1867 Brings forward to Parliament first proposal for women voting.
- 1868 Loses reelection.
- 1869 *Subjection of Women*. Edits with assistance from Alexander Bain, George Grote, and Andrew Findlater a second edition of James Mill's *An Analysis of the Phenomena of the Human Mind*.
- 1873 Dies May 20 in Avignon, France. *Autobiography of John Stuart Mill*, and *Chapters on Socialism* published posthumously by Helen Taylor. She will go on to publish his *Three Essays on Religion*, volume IV of *Dissertations and Discussions*.

PREFACE

There are two main goals I wish to accomplish in this work. The first is to ground Mill solidly in the history of philosophy. To really understand Mill or any other philosopher, one must understand the critical issues of the day, and how that philosopher's views fit into this overall discussion. I have spent the last few years teaching the history of philosophy, and my own sense of what Mill is doing has profited enormously from it. Mill is a product of his times. He is in my view the last figure of an era philosophers call the modern era. But he is also classically educated. So to make sense of Mill, some knowledge of both modern philosophy and ancient philosophy is in order. Of course in one small book I cannot do justice to Socrates, Plato, Aristotle, Descartes, Locke, Hume, Smith, Kant, Bentham, and James Mill. But all of the above play a significant role in this book. Mill's education began with the Ancient Greeks, and his love of Greece never left him. This Grecian influence can be felt throughout the book. Similarly, Mill is an empiricist and a naturalist. Any clear understanding of his ethics and politics has to include at a minimum why he is rejecting rationalism and Kantian transcendental idealism. He has reasons for rejecting a priori morals or moral intuitions. This can be traced back through His Father and Bentham to Locke.

Since my graduate school days I have been interested in the 'two Mills problem.' For at least the last fifty years many philosophers have argued that there are two John Stuart Mills.¹ There is the rights supporting liberal Mill of *On Liberty*, and then there is the author of *Utilitarianism*. This reading often presupposes that there is no possibility of reconciling these two Mills, since it is purportedly impossible to be both a supporter of liberal justice and

PREFACE

utilitarianism. On this view, ‘liberal utilitarianism’ is a full-blooded oxymoron. Eventually I will propose specific readings of *On Liberty* and *Utilitarianism* that make this claim far from credible. I will offer a reading of Mill that suggests that he believes that we do have fundamental rights, and yet still manages to keep this work and Mill’s overall moral theory under a utilitarian rubric. However, this will not satisfy sophisticated opponents of utilitarianism. Sophisticated opponents of Utilitarianism will admit that utilitarianism can support some sort of rights, but the system of rights that utilitarianism can support is not sufficient to protect the individual liberties necessary for a liberal theory of justice. They have argued that in utilitarian hands individual rights become so truncated or conditional that the rights defended by utilitarianism do not give individuals the individual protection that an acceptable theory of justice would provide. My second main goal is to argue that this view is mistaken, and properly understood Mill’s liberal utilitarianism can support a system of rights rich enough to guarantee individual liberty.

A point of clarification: Some commentators use the term ‘liberal’ to suggest a supporter of a priori, natural, indefeasible, and/or God-given rights. I am using the term ‘liberal’ to indicate a supporter of what Gerald Gauss has called the Fundamental Liberty Principle, namely, ‘freedom is normatively basic, and so the onus of justification is on those who would limit freedom. It follows from this that political authority and law must be justified, as they limit the liberty of citizens. Consequently, a central question of liberal political theory is whether political authority can be justified, and if so, how.’² This does not preclude a belief in, say, a priori rights, but it certainly does not require one. Similarly, I use the term ‘rights’ broadly and inclusively, since as Gauss notes liberals disagree ‘about the concept of liberty, and as a result the liberal ideal of protecting individual liberty can lead to very different conceptions of the task of government’³ One attempt to define rights broadly and inclusively is offered by Norman E. Bowie and Robert L. Simon in their *The Individual and the Political Order*. These authors suggest that rights should be understood as entitlements or areas of ‘individual inviolability that may not be invaded on grounds of benevolence, social utility, the public interest, or charity’⁴ As we shall see, Mill’s utilitarianism does not prevent him from demarcating an area of personal morality

PREFACE

that would allow such entitlements. For Mill's definition of rights see p. 77.

This work is primarily an exegesis of Mill's thought and a defense of his moral and political philosophy from his critics. But moral and political philosophy matters. One might say that moral and political philosophy is the theory and social institutions and government is the practice. There is an old curse, some say Chinese, some say Scottish that goes: 'May you live in interesting times.' And we live in interesting times. Many of the recent failures of government have been consequentialist failures. Who could have imagined terrorists attacking New York, or the insurrection in Iraq, or the ballooning deficit, or the actual cost of drugs for seniors, or the flooding in New Orleans, or . . .? In the aftermath of all these breakdown of social institutions and governmental failures, the relevance of consequentialist thought should be apparent, and the virtues of a liberal utilitarianism obvious. Thus, a defense of Mill's philosophy would be an important project. I hope the reader finds this work a useful first step.

Finally, my sources for the chronology include Mill 1986, Mill 1994, Mill 2008, Skorupski 2006, Capaldi 2004, and Packe 1954 with an assist from my student Anthony Mundis. I would also like to thank my friend from graduate school, Bertis Vanderschaaff, for reading and commenting on parts of this manuscript. My dissertation director, Betsy Postow, died during my work on this manuscript. This work is dedicated to her.

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CHAPTER 1

MILL AND THE MODERN WORLD

i. MODERN PHILOSOPHY

Often the best way to begin understanding the work of any philosopher is to understand the historical era of his or her life. Philosophy does not take place in a vacuum. Philosophers are influenced by other thinkers, and the events of their times. It is often the case that without a clear idea of what a philosopher is rejecting, it is exceedingly difficult to see what point is being made. In the case of Mill, this is clearly important. Mill is writing in the nineteenth century, and the nineteenth century is either the culmination of, or a response to, a particularly fruitful era in Western philosophy called ‘modern philosophy.’

The history of Western philosophy is often broken into four periods: ancient philosophy, medieval philosophy, modern philosophy, and contemporary philosophy. Western philosophy is generally accepted to begin in Greece around the year 580 B.C. and ancient Greek philosophy hits its zenith with the great Athenian philosophers Socrates (469–399 B.C.), Plato (427–347 B.C.), and Aristotle (384–322 B.C.). The era of ancient philosophy begins with the ancient Greeks and ends with the fall of the Roman Empire (around 401 A.D.)

The era of medieval philosophy begins with the fall of Rome and the eventual spread of Christianity through Europe. The most influential of these thinkers were the great theologians and Saints of the Roman Catholic Church Augustine (354–430), Anselm (1033–1109), and Thomas Aquinas (1225–1274). Augustine along with many other early Christian thinkers can be characterized as neo-Platonists; they attempted to meld Plato’s work with Christian

doctrine to create a coherent philosophical system. During much of the early medieval period the works of Aristotle are almost unavailable to the non-Arabic world. When Aristotle's works are introduced to Europe from the Arab world a new synthesis becomes available, and in the hands of Aquinas it becomes a powerful force. As Daniel Kolak and Garrett Thomson note in their book *The Longman Standard History of Philosophy*, the work of Aquinas 'can be regarded as an attempt to adapt the teachings of the Church to those of Aristotle, and in the process Aquinas defined a new Christian doctrine, which in many ways dominated medieval European thought.'¹

It should be noted that during much of the medieval era most of the population of Europe was poorly educated and often illiterate, and that the main access to education was through the Church. Thus, the Church and its theologians controlled the education available to most of those lucky individuals who had any access to education at all. Before the invention of the printing press in 1455 the process of producing books was laborious; books had to be copied by hand by skilled craftsmen. Since it could take many months to copy a book, they were very expensive. Access to books came to those who were wealthy or had access to the Church's libraries. Thus, even if one had a desire to learn, and for poor peasants there would be little incentive to do so, access to education, for all practical purposes, came through the church. It is only after 1517 when Martin Luther (1483–1546) rebelled against the church in Germany that there was any organized resistance to Church dogma.

The division of the philosophical world into two periods prior to 1600 is not controversial. There is also little controversy about the labeling of the period following 1900 as the contemporary era. It remains problematic, however, what we should do with the nineteenth century and, in particular, John Stuart Mill. Some authors, such as the previously mentioned Kolak and Thomson, create a fifth category, namely, nineteenth-century philosophy. Others, such as Louis Pojman in his *Classics of Philosophy*, simply run modern philosophy through 1900.² In the case of Mill, there are arguments for either approach. Mill is very much a modern and, as we shall see, finds himself in agreement with many ideas which can be traced back to the philosophers and other intellectuals of the seventeenth and eighteenth century. However, Mill is rejecting some ideas and

significantly changing others in ways that suggest his philosophy as a response to the modern era. It might be best to view Mill as a transitional figure that bridges the gap between the modern and contemporary era. But to see this we need to see how the moderns broke with the medieval philosophers, and to what extent Mill finds himself in agreement with the moderns' criticism of medieval philosophy and its methodology.

Perhaps the clearest and most succinct summary of the project shared by the modern philosophers is offered by Forrest E. Baird and Walter Kaufman in their book *From Plato to Derrida*:

To a large extent, modern philosophy begins with a rejection of tradition. Whereas medieval philosopher such as Thomas Aquinas had taken great pains to incorporate and reconcile ancient writings, early modern philosophers such as Rene Descartes encouraged their readers to make a clean sweep of the past. Previous thinkers had been deluded by errors in thinking or had relied to heavily on authority. In the modern age, the wisdom of the past was to be discarded as error prone.³

As noted earlier, the medieval philosophers relied heavily upon authoritative figures and authoritative texts of the past. This did not sit well in the modern era. With the dawn of science in full view around them, the modern philosophers were looking for new tools to justify our beliefs about the world. Of course, the science of the 1600s was hardly the science that we have today. Yet, there are roots in the moderns' approach to philosophy that explicitly makes the scientific project possible. Galileo (1564–1642) was ordered by the Church in 1616 to neither advocate nor teach the radical suggestion that the earth rotates around the sun rather than vice versa. Galileo's telescopic observations were at odds with Church dogma, since Copernicus' heliocentric account is contrary to the geocentric account found in the Christian theology of the Church with its interpretation of scripture, and the physics of Aristotle. Thus, the Church's use of Christian theology and Aristotelian physics was an impediment to modern experimental science.

It was clear then that if science was to develop, new methods of investigation would be needed to replace authority figures and authoritative texts. As Baird and Kaufman put it: 'In the modern age, the wisdom of the past was to be discarded as error prone.'⁴

STARTING WITH MILL

Rene Descartes (1596–1650) is often considered the father of modern philosophy. Descartes' influential *Meditations on First Philosophy* (1641) can be read as the first modern assault on the use of authority. As Descartes notes in the first paragraph of his first Meditation:

Some years ago I was struck by the large number of falsehoods that I had accepted as true in my childhood, and by the highly doubtful nature of the whole edifice that I had subsequently based on them. I realized that it was necessary, once in the course of my life, to demolish everything completely and start again right from foundations if I wanted to establish anything at all in the sciences that was stable and likely to last.⁵

Medieval philosophy, according to the moderns, is insufficient in two important ways. The medieval account and its reliance on authority is error prone and offers an insufficient basis for experimental science. As Kolak and Thomson note:

Up to the late sixteenth century, investigation consisted in studying authoritative texts such as those of Aquinas and the Bible, and debate comprised citing and making deductions from them. However, the new sciences, such as astronomy, had no place for arguments from authority. They relied on observation and reasoning. The English Philosopher Francis Bacon strongly attacked authoritarian arguments on the grounds that the new science required freedom from the old traditions to investigate the universe without prejudice and superstition.⁶

The question then arises: If the moderns wish to reject medieval philosophy, what do they offer in its place? The answer will ultimately be a new approach to how we view the world, and our place in it that makes room for the new science, and, as we shall see, new approaches to politics and ethics as well.⁷

ii. METAPHYSICS AND EPISTEMOLOGY

There are various ways that one can be introduced to the study of philosophy. I have already discussed a historical approach above. But it is also possible to break philosophy down into four distinct

subject matters or sets of questions the philosophers are interested in solving. Traditionally these four areas of study are metaphysics, epistemology, value theory, and logic. Here my discussion will follow that of Louis P. Pojman in his *Introduction to Philosophy: Classical and Contemporary Readings*.

Metaphysics is the branch of philosophy that discusses the nature of reality. Metaphysical questions include: What is ultimately real? Is reality made of one thing (e.g., matter) or is it made of something else (e.g., ideas, mind or spirit) or is it made of some combination of these or something else? Is there free will? Is there human nature? Is there a God? What is a person and does that thing persist through time? Do human beings survive death? If human beings are both minds and matter, how are these connected?

Epistemology is the branch of philosophy that discusses the nature of knowledge. The connection to metaphysics is immediate. Once one is presented with a metaphysical claim such as 'God exists,' the easy rejoinder is: How do you know that? And what exactly does it mean to know something? What is knowledge? Can I really know anything? Is it possible that I am wrong about all my beliefs and must be skeptical of all knowledge claims? What does it mean to say that something is true, and how could I justify such an assertion? As we saw above for the medieval philosophers, one approach to epistemology is to use authority figures and authoritative texts. The medieval philosopher can say that believe in some metaphysical claim is believable because Aquinas and scripture say so, and this is sufficient epistemological justification. But with the rejection of authority the moderns must look elsewhere.

Value theory (sometimes called axiology) is the branch of philosophy that discusses the nature of value. What makes something valuable? What is beauty? What is art? What is justice? What would a just society look like? What makes an action right or wrong? Are moral principles universally valid or do they depend on specific times, places, and cultural circumstances? Are there human rights? Are there natural human rights? Do rights and morality depend on religion? Once again, the medieval philosopher has an easier initial go of it, and the modern rejection of authority forces the modern philosopher to seek new justification.

Logic is the branch of philosophy that discusses the nature of arguments. What is a good argument? How can logic and good arguments support our metaphysical, epistemological, and value