James Mill (1773-1836) maintained relatively late on the duties of professional writers, but he was a student of Edinburgh University, a firm believer in the private tutor around Aberdeen and Edinburgh. Whatever Mill did, he did with insatiable energy. He wrote an estimated 500,000 words; many books, pamphlets, and speeches, recommendations, and reviews. Mill's work can actually be judged by the editorial writing of the centre of his effort. Some of his published books were quite different in style and method, and there was no censure of the subject matter and of the written style. The present part is divided into two main sections, each of which deals with a distinct period of Mill's work. The 'On the Duty of Subjects in a Monarchy' was the first major work, and the 'Oeconomy of British Rule' was the second. These major works were written over a period of almost 20 years, and the 'On the Duty of Subjects in a Monarchy' was written in 1825-1826. After that, Mill's life as an intellectual was in a sense interrupted by a series of personal responsibilities. The 'On the Duty of Subjects in a Monarchy' was a result of his responsibility as a father and husband. The 'Oeconomy of British Rule' was written in 1832. This work was interrupted by a series of personal responsibilities, and Mill's health, that were mostly due to the stress of these responsibilities. His work was interrupted by a series of personal responsibilities, and Mill's health, that were mostly due to the stress of these responsibilities. His work was interrupted by a series of personal responsibilities, and Mill's health, that were mostly due to the stress of these responsibilities. His work was interrupted by a series of personal responsibilities, and Mill's health, that were mostly due to the stress of these responsibilities. His work was interrupted by a series of personal responsibilities, and Mill's health, that were mostly due to the stress of these responsibilities. His work was interrupted by a series of personal responsibilities, and Mill's health, that were mostly due to the stress of these responsibilities. His work was interrupted by a series of personal responsibilities, and Mill's health, that were mostly due to the stress of these responsibilities.
PART THREE

PACTS OF AUTHORITY 1805-1836
James Mill (1773-1836) embarked relatively late on the career of professional writer. He took up writing for a living when he went to London in 1802, at the age of 29. Before he went to live in London, Mill was a student of Edinburgh University, a licensed preacher, and a private tutor around Aberdeen and Edinburgh. Whatever Mill did, he did with unbridled energy. He wrote an estimated 700 (mostly lengthy and tightly argued) contributions to more than a dozen different periodicals. James Mill also wrote many books, pamphlets, essays, reports, recommendations and letters. A presentation of Mill’s work can scarcely do justice to the width his writing or the extent of his effort. Here a portion of his political texts is discussed. In the previous part of this study, each of John Millar’s books or pamphlets had a chapter to itself. With Mill, however, a selection has to be made, and much of the selected work has to be gathered under one and the same heading. The present part is divided in two chapters, each of which deals with a distinct period of Mill’s authorship. The line of demarcation corresponds to the clear break that occurred in Mill’s literary career around 1818. By 1818 his greatest work (on which he had relentlessly worked since 1806) had finally been completed. In the early months of 1818, just after the History of British India was published, Mill was informed that the East India Company meant to employ him. His appointment as Assistant to the Examiner in 1819 put an end to more than sixteen years of pecuniary circumspection for a father of nine children. It is no wonder that the bulk of what Mill wrote for the periodical press was written up to 1818. After that year his life as an intellectual hireling was over, though he continued to lend his indefatigable pen to causes that he thought worthy.

The year 1818 may also be taken as the year in which Mill’s political education was complete. In the period from 1802 to 1817 Mill’s political outlook, mainly formed by a robust training in Scottish Whiggism, underwent severe changes. James Mill became one of the most outspoken critics of Whig politics of his time. By 1818 the transformation was concluded. The first chapter of the present part follows changes in Mill’s politics that were partly the work of an autodidact disappointed in his former allies, partly the result of his association with Jeremy Bentham. The subsequent chapter also deals with movement but within a much narrower space. Ideological space, that is, because the span of time extends to 1836, the year of Mill’s death. In the period from 1818 to 1836 Mill’s convictions were fixed and, according to Mill himself, constantly confirmed. The chapter oscillates between ideological hardening and tactical softening.

In contrast to John Millar, James Mill cannot be awarded a single denomination that encapsulates most of his political creed. The changes in his thought were too drastic for that. Whereas Millar stayed a patriot Whig to the bitter end, Mill unrelentingly exposed a
Whiggism to which he had formerly subscribed. Exactly that quality makes him an excellent candidate for a leading role in a study on the complex interplay between early nineteenth-century utilitarianism and the venerable Whig tradition. The weightiest and most penetrating censure of the Whigs that Mill came to hold was that they concealed their involvement with the subversion of what they pretended to value the most: the general interest. In Mill's version of utilitarianism, the public good needed to be protected against the pushing of particular interests by a small but very powerful class of people. With that in mind Mill feared the Whigs, especially those in opposition, much more than he feared the Tory or ministerial party. The last, he thought, were at least honest about their aristocratic politics and in their attitude towards the people. Whigs, on the other hand, insidiously insisted that they would govern in the name of the people, while in fact they were no better than their peers.

According to Mill, the parliamentary opposition run by Whigs was itself part of the political establishment. Its members came from the same social class and had ultimately the same goal as the members of the ministerial party, that is serving their own shared interests. At first sight the two parties looked so different because the opposition's aspiration to govern was unfulfilled. Whigs did their utmost, Mill thought, to exaggerate that difference by means of their anti-oligarchical language. In that way they hid their distance to the people, whose support they needed to succeed in their bid for government. Meaning to expose this wriggling, James Mill made use of Jeremy Bentham's 'fallacies of authority'. According to Bentham, the various appeals to authority were linguistic interventions on behalf of a small minority. Those interventions were not so much arguments as invocations that served to allay or sabotage a reasonable discussion. A reasonable exchange of ideas, Mill argued, was something from which Whigs had nothing to gain and their credibility to lose.

Mill's own writings, however, did not exactly contain the kind of arguments that would lead to dialogue and mutual understanding. The tone he struck, especially against Whigs, was mostly tactless, and his terms very often sounded as if the last word on the matter was being pronounced. It is questionable whether Mill escaped the burden of authority under which he thought the Whigs were operating. While he blamed the Whigs to flirt with the people by claiming power in the name of the people without actually intending to stray from their own particular interests, Mill did more or less the same. His grim anti-aristocratical logic was remarkably similar to the tireless anti-oligarchical reverberations of the Foxites in speaking for the people without giving conclusive evidence of the identity of the interests of the people and the interests of their spokesmen. By positing instead of proving such an identity of interests, neither fulfilled the promise of utility, according to which the people could be convinced that they owed obedience to their governors.
Much of the written work of Jeremy Bentham had an intricate publication history, if it was published at all. Lengthy manuscripts, full of idiosyncratic ideas often held to be subversive, penned down in tortured prose, only found their way to readers through the interpretative, editorial and translational efforts of a considerable number of secondants. Of Bentham’s works that made it into print, the Book of Fallacies (1824) was one of the more tractable and legible productions. Its first appearance in the English language combined several hands in a transnational undertaking. The rude material was entrusted to the Swiss Étienne Dumont whose redaction appeared in French in 1816. This text was translated back into English by one Peregrine Bingham with the help of James Mill. A translation in the Spanish language was published in the same year as Bingham’s edition, 1824. In 1840 the English edition was translated back into French again.

The Book of Fallacies was the most popular publication of Bentham in early nineteenth-century Britain. The dissemination of the ideas contained in that work was greatly helped by the periodical press. An apt and jocular summation of the book that appeared in the Edinburgh Review acquainted a large public with its contents. On Bentham’s own suggestion, a periodical, called the Parliamentary History and Review, was funded to publish the parliamentary debates ‘classified according to subjects, and accompanied by a commentary pointing out the fallacies of the speakers’. Even though that publication was shortlived it attracted ‘some attention among parliamentary and political people’, according to John Stuart Mill. Like his son, James Mill was a contributor to the Parliamentary History and Review. Provoked by debates held in the Commons on parliamentary reform, he screened the parliamentary proceedings from 1820 to 1826 on fallacious reasoning and false silence. James Mill had closely followed parliamentary business since he settled in London in 1802. But it was only later in life that he came to see through (what Jeremy Bentham had by then unmasked as) the discursive strategies of the distractors of the common good.

In the Book of Fallacies Bentham meant to expose ‘discourse in any shape’ that would feed ‘erroneous opinion’ which, in turn, might legitimate ‘pernicious’ political practices. For exposition’s sake, Dumont (the first among Bentham’s editors), divided the fallacies laid bare by Bentham into three categories. The first, and in a sense the most formidable, type of misleading arguments were the ‘Fallacies of Authority’. These comprised appeals to authority which foreclosed discussion on a particular subject. Authority could be dressed in several guises. There was what Bentham called the ‘Chinese Argument’. This fallacy consisted in an appeal to the wisdom that inspired the political descendancy, deliberations and decisions of ‘our ancestors’. Bentham argued that this argument assumed exactly the inverse of the actual relationship that existed between the progress of reason and the passing of time. The
Fallacies of Authority

longer ago; the less the accomplishments of reason. Only on learned questions of a political or legal nature, Bentham said, were ancient answers still commonly prescribed. The cause for promoting the obsolete was captured in a famous phrase of his, 'sinister interest'. Politicians and lawyers represented not their constituents or their clients, but the interests of their own class which were dubbed 'sinister' because they were secretive and opposite to the interests of the community at large. By letting every issue be decided by historical interpretation, advocates of narrow interest stood in the way of reason. Experts monopolising useless and inefficient knowledge managed to keep the public unaware of information that would work against leaders and the whole legal system. Shutting reason out enabled politicians to evade putting their principles to the test. The same held true for what Bentham called the 'No-Precedent Argument'. To argue that a certain proposal must be dropped because it had no precedent was really an attempt to repress discussion on the merits of the motion. The search for precedents kept politicians out of the wind, and it kept common lawyers employed.⁴

Peregrine Bingham ventured a further division in the one already made by Dumont in Bentham's Book of Fallacies. Appeals to authority that served to 'repress discussion altogether' were subdivided by Bingham in 'Fallacies of Authority' proper and 'Fallacies of Danger'. The first category, including the arguments aforementioned, foreclosed discussion by counteracting reason. The 'Fallacies of Danger' did the same by 'exciting alarm'. There was, for instance, the 'Hobgoblin Argument'. The alarming and vociferous counterpart of the scary folklore character Bentham had in mind was 'anarchy', which was bred by a monster called 'innovation'. The cry of 'Anarchy!' was enough to scare away most people from proposals for new procedures or novel legislation. In the end, the alarmists deluded themselves by branding all innovation as a danger to the established order. They seemed not to understand that what they pretended to protect was itself the result of innovation. 'For of all the old things ever seen or heard of', Bentham wrote, 'there is not a single one that was not once new. Whatever is now establishment was once innovation'. With his thesis that history was a series of innovations, Bentham outflanked the Whigs for whom practically nothing in history had ever been new. But Bentham shared the Whig sensibility for the historical role and the constitutional weight of the Commons. By crying 'no innovation', he warned, one automatically condemned the 'birth and first efficient agency of the House of Commons, an innovation in comparison with which all others, past or future, are for effectiveness ... but as grains of dust in the balance'. Bentham even claimed that before the Commons took part in legislation (which first happened between 1422 and 1458, he reckoned) there was strictly speaking no constitution.⁵

Once discussion of a certain topic seemed inevitable, recourse was had to 'Fallacies of Delay'. With the view of indefinitely postponing a public exchange of thoughts, enemies...
Fallacies of Authority

of one measure or other might employ the 'Snail’s-Pace Argument'. Adjectives which might lead to the detection of this type of argument being used were ‘gradual’, ‘moderate’ and ‘temperate’. These words, of course, were part of the anti-innovatory vocabulary which belonged to the language of authority. For the exposure of its fallacious tenets, Bentham chose the homely instance of the racehorse.

Transfer the scene to domestic life and suppose a man who, his fortune not enabling him without running into debt to keep one racehorse, has been for some time in the habit of keeping six. To shift to this private theater the wisdom and benefit of the ‘gradual system’, what you would recommend to your friend would be something like this:—Spend the first year in considering which of your six horses to give up; the next year, if you can satisfy yourself which one it shall be, give up one of them. By this sacrifice, the sincerity of your intention and your reputation for economy will be established; which done, you need think no more about the matter.

Back in political life, Bentham agreed that some abuses needed to be dismantled piecemeal. In a case that was far from hypothetical, to wit the extensive system of parliamentary patronage, an all-out offensive would only lead to the combination of all the members and officials defending their ‘sinister interests’. Gradual was also the pace with which timid legislators should be pushed along the path of reform. ‘Time is requisite for quieting timidity’, Bentham thought. ‘Why? Because time is requisite for instructing ignorance’. The ‘gradual system’ derived its value not from the wisdom of the past but from the progress of reason with the passing of time.

If discussion could not be repressed or postponed, it could still be ‘perplexed’ with the help of ‘Fallacies of Confusion’. Loaded terms, phrases, classifications and distinctions were creatively used to obscure the point at issue. ‘Impostor Terms’ enabled political speakers and writers to disguise abuses. Take the example of the ‘influence of the crown’. Its proper name, Bentham explained, was ‘corruption’. The use of the euphemism ‘influence’ drew the attention away from the evil of the practice it was meant to convey. The linguistically neutered practice actually threatened to turn Britain’s mixed monarchy into an absolute one. There were politicians, like Burke and Windham, who, seduced by the crown, misapplied the term ‘corruption’ to the populace. The word thus applied was indeterminate and unintelligible. ‘But to the class of the ruling few it has a perfectly intelligible application’, said Bentham.

Pretending to be, all of them, chosen by the subject many, when only a small proportion of them are chosen in that manner, the ruling few profess to act as trustees who are bound to support the interest of the subject many. Instead of so doing, being bribed by one another under the ruling one and with money exacted from the subject many, they act in constant breach of their trust, serving in all things their own particular and sinister interests. ... Applied to such conduct, the words
At first sight (and according to scholarly consensus) the relation of Bentham’s work to the study of constitutional history and common law is purely negative. This is not at all surprising given the large number of, and the fame enjoyed by Bentham’s disclaimers on these subjects. Around 1795, for instance, he denounced history as the ‘times to which our own are happily as unlike as possible’. A few years after Bentham’s death, John Stuart Mill remarked that through the man’s efforts the ‘yoke of authority has been broken and innumerable opinions, formerly received on tradition as incontestable, are put upon their defence, and required to give an account of themselves’. Today, the great instigator of classical British utilitarianism is still portrayed in the manner he liked to present himself: as the scourge of authoritarianism and tradition. Yet this impression of things leaves no room for the complex connection that existed between arguments based on authority and the ‘principle of utility’.

Hidden in Bentham’s own exposé of authority-related fallacies were several elements of traditionalist stock. Although he refuted the ‘balanced constitution’ as an image prone to perplex discussion he underwrote the British patriot version of the classical adage of regnum mixtum. The three powers of state were, in Bentham’s view, dominated by the ‘ruling one’ who, through ‘sinister influence’, managed to get the other two powers to work in harmony through his will and against the interests of the ‘subject many’. He called the great threat ‘corruption’, and the major persons involved he called ‘Corruptor-General & Co.’. By 1809, towards the end of which year the writing that served as the basis for the Book of Fallacies neared completion, organised opposition in parliament led a withering life. Charles James Fox (in Bentham’s words, the late ‘Opposer-General’) had died in 1806. His successor, Charles Grey, attempted to unite the Whigs in opposition by keeping distant from the question of reform of the parliamentary system. Insistent reformers had little to expect from Whig oppositional activity. They looked at a legislative Münchhausen unable to pull its noble self by the hair out of the morass of corruption. Still, reformers could consider the patriot Whig agenda of the second half of the eighteenth century to have a certain potential. Bentham, who in 1806 and 1807 was rather closely associated with the ‘ministry of all the talents’ (which Fox had formed with the anti-reformist Lord Grenville), celebrated the function of the legislative assembly, and he called corruption by its name. Bentham combined the decidedly Whig emphasis on limits that needed to be set to the executive power with the more radical voices of the 1760s that condemned the Glorious Revolution for failing to put up such a barrier with a more representative legislature.
Bentham could render the events of 1688 as falling short of new standards, because he was not afraid to speak of innovation in political history. He could speak historically of political innovation because he thought he had time on his side. With the passing of time reason spread itself and furthered the principle of utility. We call this mode of reasoning the 'history of improvement'. The connection between the Whig history of authority and the utilitarian history of improvement consisted of more than just mutual negation. We deal here with two forms of political legitimation that were based in conflicting histories. One projected the present onto the past, because the length of time over which an institution had persisted and grown was held to decide its worth. The other judged the past by present-day standards, which usually meant that the further a practice went back in time, the less positive it was valued. That did not imply that the present time was thought to live up to the standards that were set. But those practices considered to stand most in need of improvement were commonly those with the longest pedigree. In the end, the past was used to demonstrate that improvement was necessary. From the last point of view (but certainly not from the first) a break in history more often than not signalled a happy occasion.

To use a Malthusian image, the two histories envisioned can be likened to an arithmetic and a geometric progression respectively. In the 'history of authority' each phase seemed close to, and not strikingly different from the foregoing phase, due to the regular and equal intervals; in the 'history of improvement' each next phase looked increasingly different from the previous, and the distance between an early and a much later phase appeared unbridgeable. Those conceptions of history were irreconcilable but related nonetheless. The latter conception borrowed elements from the former, but also from the arguments brought forward by the establishment historians against the oppositional discourse. Current concepts were given a different meaning, became part of a different strategy, and counter-strategies were deployed in a new setting. To learn about the complex connection between authority and utility in those years in which both openly conflicted, the work of James Mill is much better suited than Bentham's. Mill, raised on a diet of Hume and Millar, had a much more open attitude to politics of the past. In contrast to Bentham, James Mill showed a great interest for political historiography. When he disagreed with a certain position taken on a historical issue, he was at pains to show where it went wrong, and how it should be set right. The political development that Mill went through can be told from his writings that express a change in position on historical issues. That part of his work enables us to gain insight into the rumored relation between authority and utility in the first decades of the nineteenth century. But before that relation can be clarified, we must address a problem of interpretation with regard to the relationship between Bentham and Mill.
James Mill and Jeremy Bentham first met in 1808. Mill was in his mid-thirties, making a living by writing and editing for the periodical press. Bentham was sixty and deeply involved in a variety of proposals for reform. On strictly political reform, however, Bentham was audibly silent after a short spell of political radicalism around 1789 from which he retracted some years later. Shortly after Bentham became acquainted with Mill, he took up writing on parliamentary reform again. This ultimately resulted in the publication of his most important pamphlet on that score, the *Plan of Parliamentary Reform*, in 1817, and of the *Radical Reform Bill* two years later. One of the reasons for Bentham’s ‘transition to political radicalism’ mentioned in the literature is the official rejection of the Panopticon (his scheme for penitentiary reform) at the beginning of the nineteenth century. Bentham thought this project failed through the personal influence of the king in defiance of parliament, after which experience he supposedly (and considerably later) set out to expose the ‘sinister influence’ of the crown and to argue that the executive should be subordinated to the legislature.

A more widely shared thesis on the evolution of Bentham’s political ideas reads that James Mill was the one through whose ‘influence’ those ideas took a radical turn. Several dates support the thesis. Bentham began to work on what would turn out to be a manuscript of a thousand pages on parliamentary reform in August 1809. That was just weeks after Mill arrived at Bentham’s residence to spend the summer editing work by the latter. By the beginning of the same year Mill had already published a few articles of a more or less radical nature. Who ‘led the way’, however, is not a very material question. Much more interesting is the fact that both Bentham and Mill radicalised politically in almost exactly the same way at nearly the same time. In 1808 James Mill still expressed views that have been described as ‘advanced Whig’. In his case, as in Bentham’s, political radicalisation meant a decisive turn away from Whig politics. Surely, their near simultaneous periods of transition are indicative of shared concerns and circumstances. What needs to be documented and explained is not who took what from whom, but how and why both developed their radical views in a period of joint productivity. Speaking of ‘influence’, it is less important to see what Mill taught Bentham than to know what lesson he did not take from him: Bentham’s studied contempt of history. Mill inherited more than a little Whig sensitivity for historical matters. He inherited all of the tension that existed between the principles of authority and utility.

Bentham turned political radical in 1809 and 1810. His credentials on that score were delivered to the public in 1817 and 1819. In the sphere of national politics, the first years were characterised by the rather resigned indignation of the Whigs whose share in government (in the eyes of many of their number) had come to an end in 1807 because the king had unconstitutionally prevailed over the Commons, just like in 1784. The numerical
and organisational weakness of the opposition diminished the enthusiasm for reform in those circles. This, and the incapacity of the Foxites when still in office to make good on their promises to realise reform, added to the distance between them and the reformers whose lines happened to be strengthened around then. 1817 was a year of economic depression and popular demonstrations. The year 1819 witnessed the infamous ‘Peterloo’ massacre and the repressive Six Acts. A mass reform meeting in St. Peter’s Fields, Manchester, was violently dispersed at the cost of eleven lives. Hundreds of demonstrators were wounded. Hoping to restore tranquillity, parliament passed the so-called Six Acts which set strict limits to political publications and held out most severe punishments on political agitation. Against the background of a resilient opposition in a parliament that turned to repression, James Mill distanced himself from several Whig convictions to come up with certainties of his own.

Mill began his career as a political writer as an unobtrusive and unobjectionable Whig. By the time of Peterloo, the appellation of Whig was the worst he could think of. ‘Politically speaking’, Mill wrote to David Ricardo, a ‘confirmed Whig ... is decidedly the most vicious creature we have amongst us’. In a somewhat earlier letter to Ricardo he wrote

Whiggery is whiggising most characteristically on the present occasion. It would like dearly to make a howl about the Manchester massacres for the sake of turning out the ministers; but it is terrified out of its miserable wits to do so, for fear of aiding parliamentary reform to which it seems to shew pretty distinctly that it would prefer an iron despotism.\textsuperscript{12}

The ‘whiggising’ that Mill despised was the result of a dilemma that he thought all Whigs out of power faced. Should they cash in on popular discontents that might endanger their own position? Opposition Whigs always spoke out for the people and against the oligarchy, but when push came to shove they would not betray their class.

His explicit aversion to whiggising notwithstanding, Mill’s utilitarianism gave and took in a similar fashion. Mill claimed that the common good was served by a relatively small portion of the community, the ‘middle rank’. Instead of tackling the question how a diversity of interests could lead to good government, Mill stressed the exemplary character and indisputable suitability of the middle rank by contrasting it with the aristocracy. He presupposed instead of proved an identity of interest between the intended ruling class and the people, which was exactly what he blamed the Whigs for doing. Just like the Foxite fear for secret influence, Mill’s main anxiety called for custodian solutions. The creeping and cunning ways in which the ruling class increased and abused its power called for a task force enabled to track and eradicate undercover activity. The elite troops were recruited from the middle rank, that part of society which was enlightened enough to see through dangerous schemes and upright enough to be trusted to serve their country.
Mill wrote for the *True Briton* and the *Anti-Jacobin Review* in 1802, the *St James's Chronicle* between 1802 and 1808, for the *Literary Journal* from 1803 to 1806, and for the *Annual Review* in 1808. Up to 1818 he wrote for the *Eclectic Review*, the *Edinburgh*, the *Monthly* and the *British Review*, and for the *Philanthropist*. Furthermore Mill wrote for the *Westminster Review* from 1824 to 1830, for the *Parliamentary History and Review* in 1827 and 1828, and for the *London Review* during the last two years of his life. The latest comprehensive account of Mill's writings is in Robert Fenn, *James Mill's Political Thought* (New York, 1987), Appendix II.


