Chapter Six
Aristocracy Unmasked, Authority Transferred

From 1818 to 1836 (the year of his death) James Mill published a multitude of texts in which he severely criticised aristocratical politics and especially that ‘section of the aristocratical conspiracy called Whiggery’. Mill’s criticisms can be likened to bursting speech balloons filled with aristocratic air. He applied Bentham’s fallacies of authority to make his readers aware of the fact that Whigs and other party men stood or sat for their shared sinister interests at the cost of the common good. James Mill carried on the opposition’s complaint that corruption undermined an independent House of Commons but at the same time he unmasked the opposition’s feudalist and anti-royalist vocabulary as aristocratic commonplace. Edmund Burke played an important part in the utilitarian critique of authoritarianism. During his political life Burke had moved from being the eloquent spokesman of the opposition to the epoch-making defender of the establishment without changing his intonation much. It was only natural that Bentham as well as Mill used Burke’s political career and his speeches to make their point.

Jeremy Bentham wrote a commentary on a speech of Edmund Burke on economical reform. The piece was published in 1817, seven years after Bentham wrote it (and more than thirty-five years after Burke delivered the speech). The tenor of the commentary corresponded to the central tenets that marked Bentham’s ‘transition to political radicalism’, as the period of its inception corresponded to its crucial years. Two years after Burke delivered the speech (which he did in 1780) he became part of the Rockingham ministry. Then he carried the bill for economical reform on the grounds that the Commons should be made more independent from the ‘influence of the crown’. Bentham exposed Burke’s reasoning and his reasons. Burke had never been in earnest, Bentham thought, on the issue of reform. All that he was after, was to put his party in as favourable a light as possible with as little possible damage done to the unreformed system from which he hoped to profit once in office himself. And to that purpose Burke commanded the gift of oratory. He used those ‘phrases by which the imaginations of men are fascinated, their passions inflamed, and their judgements bewildered and seduced’. Bentham drew attention to Burke’s overwhelming capabilities to put his listeners in a spell while uttering seemingly anti-authoritarian cant. Indeed, Bentham himself was wont to emphasise the dangers of an overbearing executive. But the great difference that Bentham perceived between him and his Whig opponents was that the latter thus masked their concern to uphold (or even to increase) their own authority, to the exclusion of that of the people. Jeremy Bentham and James Mill would, to the end of
their lives, stress and stress again that the Whig shibboleth of the 'influence of the crown' and similar incantations were used to foreclose discussion of the authority wielded by the aristocratic establishment. Bentham and Mill insisted that linguistic criticism should be taken one step further; that the composition and duration of parliament must be considered not a given but a problem; that the public should know their interest was endangered; and that all words pertaining to leave those topics undiscussed must be exposed as such.

One of James Mill's five commonplace books (full of extracts of, and commentary on other people's works) contained a refutation of a landmark speech by Burke, prepared in May 1782, perhaps not delivered at all, and published posthumously in 1812. John Dinwiddy gathers this might be the 'most valuable piece of original writing which the commonplace books contain'. In the secondary literature, this particular speech of Burke (on the subject of reform of the 'Representation of the Commons in Parliament') is considered momentous because it was the first time that Burke 'fully articulated the notion of a prescriptive constitution'.

Prescription, understood as the appeal to former political knowledge contra principles independently known, was one of the two fallacies that Mill thought were combined in Burke's text. Prescription was the supposed 'wisdom of our ancestors' brought to bear against common sense and reason, Mill thought. It appealed to that what was furthest from reason in order to stand clear from difficult questions asked and penetrating answers given. In Burke, this rhetorical trick was combined with the equally pernicious Hobgoblin Argument in order to silence those who might ask such questions and give such answers. The cry of 'No Anarchy', Mill observed, was a 'favourite fallacy of Burke, as of most of the anti-reformers' who presumed or pretended to see in each demand for reform a 'proposal to dissolve all the bonds of government, and leave society in confusion'. Mill appealed to common sense and 'general reason' to refute this presumption or pretence.

Upon the whole, it is plain that this argument about prescription is nothing but the common fallacy of 'No Innovation'. As a general argument against all improvement, this is exploded by the general reason and general practice of mankind. Innovation never is nor can be bad, but on the particular merits of the particular case, when the benefit sought is less than the benefit abandoned.

Mill most likely wrote his reflections on the speech in 1818, two years after it appeared in a collection of Burke's works, and one year after the publication of Bentham's commentary on Burke mentioned above. In May 1782, Burke had just seen some measures of economical reform (the subject of the speech on which Bentham commented) through
parliament. Those measures of reform were intended to make and keep parliament independent from the influence of the crown. Burke was part of the Rockingham ministry when he wrote out the speech in which he first used prescriptive arguments to state that this was as far as he wished to go. The speech was directed against further measures of reform. Given Burke’s position at that time, and in view of the fact that he turned against arguments that he formerly used, one hardly needed the advantage of hindsight enjoyed by Bentham and Mill to see an interested in contrast to a principled move here. In the 1790s, when Burke had switched from the opposition to the government, the Foxite Whigs saw Burke’s speech as the overture to his deflection. Towards the end of the first decade of the nineteenth century, Bentham and Mill began to perceive that the breach in the Whig party was only a hairline in the edifice of the establishment, and that Burke’s detraction of his former principles revealed the true nature of all Whigs which manifested itself when they were given the opportunity to take office. Had not Fox, in his coalition with Grenville of 1806, demonstrated how his words on reform lasted only as long as he was out of power? To Bentham and to Mill the ruling few were divided in those temporarily in and those momentarily out of power. The opposition consisted of a changing team taken from an unchanging cast, which sometimes spoke for, but always acted against reform.

James Mill’s very last publication appeared in April 1836, two months before his death. The *London and Westminster Review* (under which name the *London Review* and the *Westminster Review* had merged in the same year) featured ‘Theory and Practice’, a Socratic dialogue on the unity of speculation and experience. As was so often the case with Mill’s writings, the stake was overwhelmingly political. The dialogue came down to the ‘historical fact’ that in the political arena the prescriptive argument, or rather fallacy, of the ‘practice of our ancestors’ was pitted against the use of reason. The language of prescription was, Mill wrote, a prevalent language in our two Houses of Parliament time out of mind. Our leaders in Parliament have always used it so profusely as if they did it in emulation of one another; and as a proof of their wisdom. We need not go too far back; let us begin with Pitt. It became a settled formula with him and his school. Fox was not behind him, in a nimble use of the same instrument: nor Windham, nor Grenville. Burke outran them all. ... Another melancholy fact is. that this language, the offspring and display of the most deplorable ignorance, has always been peculiarly acceptable to the Members of both Houses of Parliament. They crow and look triumphant whenever they hear it. Whenever a great man gets up, and with a commanding voice and manner says, ‘Away with such or such a scheme of improvement! We will have no theories! Give us practice!’ the *hear hims* are more fervent than on almost any other occasion.
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For a last time James Mill rehearsed Bentham’s fallacies of authority. Reason was shown to be counteracted by the praise for the ‘wisdom of our ancestors’, aided in its unhappy, anti-reformist task by the alarmist cry of ‘no innovation’. It may have been ignorance in most MP’s that made them cheer such talk, in several of the ‘great men’ that Mill was thinking of the choice of words certainly had a deeper meaning. They drew a linguistic veil over the ‘accumulation of enormous abuses’ to leave the reform of parliament undiscussed.

The ‘great men’ enumerated by Mill ranged across the entire spectrum of traditional party politics, from the seated Pitt, through the shifted Burke and Windham, to the upset Fox and his short-time associate Grenville. Irrespective of their verbal tactics (whether stressing the influence of the crown or prescription, or, in the case of Burke, shifting from one to the other) all politicians mentioned were considered to be part of one aristocratic bloc, the establishment-opposition complex which was out to hush up faults in the system of representation. Although Mill held Tories and various sorts of Whigs equally responsible for the covering up, it were the Whigs that occupied most of his time. In most of Mill’s writings and campaigns, Whigs were the ones to be scolded and condemned. That is easily understood when one realises that for most of the period here considered Whigs came closest to radical proposals on parliamentary reform without meaning to put those through. In many constituencies Whig candidates appealed to the voters with a programme that promised reform and thereby threatened to undercut support for the radical cause. Nowhere more so than in Westminster. As William Thomas remarks, Westminster canvassing and polling between 1817 and the 1830s (in which Mill actively engaged) revolved wholly around radical and Whig variances. ‘Radical Westminster’ was contested ground, claimed by Bentham when he launched the Westminster Review in 1824. The radical Westminster Review was marketed with the express purpose of confronting the Whig Edinburgh Review and the Tory Quarterly Review, that was founded in 1809 in response to the more reform-minded stance taken by the Edinburgh at that time.

James Mill set the tone for the Westminster Review in his first of ten contributions that appeared on its pages over a dozen years. The article in the first number of the Westminster was a scathing exposure of the editorial policies and the political effronteries of the Edinburgh Review, covering the first ten years of its existence. Just like in the Parliamentary History and Review (started in 1825) and in the London Review (begun in 1835 to merge with the Westminster Review the year after) most of Mill’s contributions to the Westminster dealt, in one way or other, with the evils of ‘aristocratical slang’. Aristocratical slang were the words and notions that circulated in the higher classes, which, when spoken in public, tended to confuse the people. The confusion could take many forms. Bad things were praised and good things were condemned; reasonable objections were ignored while unreasonable
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proposals were cheered. The penultimate section of the present chapter treats of the connection that Mill saw between the interests of the aristocratical section of society and its speech-acts or linguistic performances. This question occupied much of Mill’s attention in the last years of his life. The section before that introduces a wordy exponent of the language that concerned Mill so much. Henry Hallam’s history of authority serves as a counterpoint to Mill’s complaints about the genre.

An interesting aspect of Hallam’s historical work is that, despite great resemblances and many similarities, Millar’s work was chiefly neglected and treated rather hostile when it was not. Whereas Millar was orphaned by Hallam and other Whigs, he was adopted by James Mill. Mill was an exigent father for all of his children. The first section of this chapter shows how Millar was pressed into service of Mill’s revaluation of antifeudalist arguments. Millar became part of a master strategy to defeat Mill’s ‘natural enemies’, the Whigs. The Whigs put up a good fight. The most gifted Whig historian of the age, Thomas Babington Macaulay, answered Mill’s ‘Government’, a piece that was unusually mild on the Whigs but otherwise typical of his mature utilitarianism. Macaulay replied to the linguistic niceties of Mill by criticising the imperiousness of Mill’s own language. The chapter’s final section shows how, in the years leading up to the Reform Bill of 1832, utilitarians encountered a renewed Whig critique of authority.

THE HISTORY OF BRITISH INDIA (1817)

James Mill’s life’s work consisted of three hefty volumes filled with hard-won information on British India. Three editions appeared in Mill’s lifetime, at the close of 1817, in 1820 and 1826. Mill introduced the work, his main occupation for twelve years, as a ‘critical or judging history’. The History of British India was certainly full of criticisms and judgements. An all-out critique of Hindu culture and government occupied the second book (of six). This book was and is easily the most startling of the whole set. It was also the closest that Mill came to writing a full-scale history of improvement. In August 1818, writing to the editor of the Encyclopaedia Britannica, Mill announced his next great literary undertaking to be a

History of English Law, in which I mean to trace, as far as possible, the expediens of the several ages to the state of the human mind, and the circumstances of society in those ages, and to show their concord or discord with the standard of perfection.8

The work never got off the ground. Book two of the History of British India, however, gives plenty leads on Mill’s ideas about the state of British politics and law, its relation to history
and the connection between all that and the interests of the political elite. The same book also contains ample material on Mill’s use of Millar’s writings.

The most important standard of Mill’s judgement was the comparative historical morality which was discussed at the end of the previous chapter.

In looking at the pursuits of any nation, with a view to draw from them indications of the state of civilisation, no mark is so important as the nature of the end to which they are directed. Exactly in proportion as utility is the object of every pursuit, may we regard a nation as civilized. Exactly in proportion as its ingenuity is wasted on contemptible or mischievous objects, though it may be, in itself, an ingenuity of no ordinary kind, the nation may safely be denominated barbarous.

It is common knowledge that Mill relegated the Hindu nation to the lowest regions of the scheme which he thought was earlier delineated by John Millar. With regard to his particular moral use of the partly analytical tool of progress (in which this part of the History of British India abounded) Mill prided himself to follow suit, meanwhile lamenting the paucity of comparable works.

The suggestions offered in [Millar’s] successive productions, though highly important, were but detached considerations applied to particular facts, and not a comprehensive induction leading to general conclusions. Unfortunately the subject, great as is its importance, has not been resumed. The writings of Mr Millar remain almost the only source from which even the slightest information can be drawn.  

Mill’s following and prolongation of the trail blazed by Millar involved a great deal of creativity in reading, and of singularity in applying the latter’s work (as we saw above, and will see below). It is well-known that in the History of British India the British nation was measured by the same standard as India, and that many of its practices were subject to the same criticisms levelled at similar Indian practices, even though, as Duncan Forbes writes, the ‘climate of opinion called for a Persian Letters technique’. The present section shows how and to what avail Mill’s ‘Hinduphobia’ intervened in long-standing British political-historical debates, and what role Millar was made to play.

In the literature it is an accepted fact that Mill’s ferocious attacks were directed to an entire nation and the whole of its history as well as to a relatively new interpretation and re-evaluation of that nation’s culture. His main target in that last department was the Orientalism of the late William Jones (1746-1794). As president of the Bengal Asiatic Society, Jones promoted the study of Indian languages, mythologies, mores and traditions. In the conviction that Indian culture had its own merits and should be assessed accordingly, Orientalists were looking for the individuality of native expressivity which they thought
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intrinsically valuable. To be sure, Jones’s thorough knowledge of Sanskrit supported his thesis of its affinity with the classical languages and served to make ‘intercultural comparisons’ which were ultimately meant to ease the implementation of rules and regulations that were forged in Britain. But that did not detract from the dignity of the language of which James Mill was proud not to speak a single syllable. Majeed tells us how Mill perceived the Orientalist school headed by William Jones as an ally of the British establishment. Orientalism, according to Mill, was the cultural pendant of the colonial fictions of the British aristocracy. The colonies were a ‘source of power and patronage’ for the elite. To ‘perpetuate their position’ the elite upheld fictional riches from which their countrymen supposedly profited. Orientalism’s productivity added cultural treasures, which Mill thought were non-existent, while its mythologising and mystifications conveniently concealed the ‘actual backwardness of the culture and the need for reform’.¹¹

There were more ways than one in which Orientalist productions could be seen to link up with the promotion of ‘sinister interests’ at home. The learned cultivation of native traditionalism and customary law was, to Mill’s mind at least, on a par with the discursive antiquarianism of the Whigs. Instead of the good it professed to do, it veiled existing abuses in a language of misplaced praise and objectionable obscurity. William Jones was a select target of Mill’s invective. He had been a Foxite Whig and a Supreme Court judge in India. In the eyes of Mill this made Jones an accomplice of the ruling few (if not one of their number), while his eminent Orientalist scholarship made him an expert in putting up smokescreens and covering up corrupt practices. In short, Jones shared the interests of the establishment and commanded the language to further those interests by hiding them from view. Mill was confirmed in his ideas by one of the grand feats of Oriental learning that had been performed by Jones and some of his associates: a codification of Indian legal tradition. To Mill this was like squaring the circle (be it with much more pernicious consequences than its geometrical equivalent). He said he knew that from a heap of discouragingly undisciplined and utter discreditable material nothing more could have been expected than

a disorderly compilation of loose, vague, stupid or unintelligible quotations or maxims, selected arbitrarily from books of law, books of devotion and books of poetry; attended with a commentary which only adds to the mass of absurdity and darkness. A farrago, by which nothing is defined, nothing established, and from which, in the distribution of justice, no assistance beyond the materials of a gross inference can for any purpose be derived.¹²

The very idea of writing down and arranging systematically indescribable things that were best forgot went against everything Mill thought codification was for: to record in words, and place under headings what rights should be safe from the arbitrariness of judicial
interpretation of the uncaptured phrase. ‘To supply a code’, he wrote, ‘is to give fixed and
determinate words to the laws by the only instrument of permenency and certainty in
language, writing’.13

That to catch phrases and put them on paper does not usually decide the meaning of
a text is demonstrated by Mill’s own interpretational skills in refuting Jones’s interpretation
of Indian culture. He employed the universalist scheme supposedly designed by Millar, with
its external measure of morality, against the moral relativism of the Orientalist notion of the
inherencies of Hindu society. Mill hoped to correct Jones’s overvaluation of the Hindus by
conclusively determining their lowly status with the help of Millar. At a crucial point in the
History of British India, namely there where Mill introduced utility as the measure of
civilisation, he confronted Jones with Millar. He would have wished that an intellectual
confrontation had taken place during life, although Mill doubted that Jones would have
bothered to learn anything from it. Millar’s writings, he remarked, ‘were not all produced
when William Jones’s notions were formed, but into which the latter probably had never
looked anyway’.14 And so Millar’s work was put into action against the Whiggish
historicism and the romanticist antiquarianism that were its own outstanding qualities. In
Mill’s continued polemics with Whig historians, John Millar was invested with an exceptional
position.

Among the many references to Millar that occurred in the History of British India
Mill inserted the remarks that he had made in the article ‘Caste’ that same year. Mill utilised
Millar’s remarks on the condition of women in barbarous societies just like he did those on
the existence of castes: as decisive proof of the lowly state of the Hindu nation.

The condition of women is one of the most remarkable circumstances in the manners of nations,
and one of the most decisive criterions of the stage of society at which they have arrived. Among
rude people the women are generally degraded; among civilized people they are exalted.

At an occasion where Millar’s text seemed to contradict Mill’s conclusions, concerning the
prominence of American Indian women in tribal affairs, Millar was made to correct himself,
confirming that ‘nowhere the female sex was more neglected and despised’.15 Mill
transformed Millar’s discussion of women. That which was originally meant as part of a
natural history of authority preceding the written word, became an infallible indication of the
external standard of utility (the natural enemy of prescription) which found its highest
expression in exactly circumscribed laws and its ultimate implementation in the person of a
legislator (a type prominently present in the book). That was not the only historiographical
pirouette performed by Mill in the History of British India, however.
James Mill stripped Millar of his feudalism by interpreting his references to the Anglo-Saxons and other Germanic peoples as acts of condemnation. Mill did the same with Tacitus and Caesar, whom he often mentioned in that respect (although it should be remembered that their feudalism was itself a layer added by early-modern gloss). When Mill declared that ‘our Gothic ancestors’, in point of ‘character and civilisation’, were to be preferred to Hindus, that was no compliment. The attempts of ‘our Saxon ancestors’ at anything were severely handled; every call upon their supposed wisdom was unmasked as antithetical to reason, and as working against the common good. Most noticeable of all, Mill affiliated himself with the antifeudalist writings of David Hume, William Robertson and others. In those writings that countered the nobiliaire appreciation of the medieval polity a link was laid that accorded with Mill’s main concern: the aristocratic interest in glorifying the Anglo-Saxon constitution. Hume was approvingly cited on the backwardness of Anglo-Saxon legal and penal practices, and on the havoc wrought by barons. Robertson, after being reprimanded by Mill for his sympathetic stance towards the codification of Hindu law, was consulted especially on the scenes of feudal anarchy that he thought characterised the middle ages.

An example of Mill’s use of the traditional counterdiscourse of feudalism is found in his ‘analysis of the Hindu constitution’. The evildoers formed an aristocracy that sanctified itself by the monopolising of sacred text. The Brahmins also ‘usurped’ both the legislative and judicative powers of state. The king was left with the executive power, but in name only because also that had succumbed to lawless Brahmin raids. What the king managed to control however, were the public revenue and the army. The control of those two instruments of government, Mill argued, were crucial in maintaining the balance of powers. They enabled the crown to hold his own and to help protect the people from the worst pillage and plunder of the nobles. Mill, in this as well in other passages, employed the antifeudal notion of a combination between royalty and the people to ward off their common enemy, the aristocracy. In the vein of traditional antifeudalism, Mill pitted this idea against the notion that it was the aristocracy who defended and represented the people, and that it was on them that the people had always depended for their freedom against tyranny.

The turnaround taking place was complex. The opposition’s feudalist scholars presented themselves as anti-establishment. For Mill ‘establishment’ had a wider meaning; he included the traditional parliamentary opposition in that term of reproach. Mill utilised a discourse which that opposition had recognised as shielding and wielding the interests of (what they called) the establishment. But in Mill’s hands the antifeudal discourse certainly lost that function. He rendered it with an unmistakably radical meaning. That what had first been a pre-eminent language of the establishment became a language which helped to expose its opponents as being themselves part of the establishment. Here we see how antifeudalism
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took on its modern guise. The establishment became synonymous with the *ancien régime*, and the target of an undiscriminatingly anti-aristocratic attack. The contrast between medieval politics and that of later ages became part of a more democratic outlook as it was invoked in favour of a greater share of the people in government.

**HALLAM’S HISTORY OF AUTHORITY**

James Mill made John Millar ready for the future by ridding him of his feudalism; the most prominent feudalist of Mill’s time declared Millar behind the times while virtually ignoring his contributions to the field. Shortly after Mill had finished the *History of British India*, Henry Hallam (1777-1859) delivered the first proof of his competence with the publication of the *View of the State of Europe during the Middle Ages* (1818). That book lined up with works, such as William Robertson’s *View of the Progress of Society in Europe* and Gilbert Stuart’s *View of Society in Europe*, that took a wide perspective of the feudal era. Hallam’s second work, titled the *Constitutional History of England* (1827), belonged to those books that focussed on the celebrated English constitution as the culmination of Europe’s middle period, like Stuart’s *Antiquity of the English Constitution*, De Lolme’s *Constitution of England* and Millar’s *Historical View of the English Constitution*. Of all those books from the publishing house John Murray, Hallam’s were among the most marketable. During his life the first book sold twelve editions, the second eight. As lines of argumentation were concerned, Hallam’s work was so close to Millar’s that it seems odd that he, in the preface to the first edition of the *View of Europe during the Middle Ages*, condemned Millar for ‘theorising upon an imperfect induction, and very often upon a total misapprehension of particular facts’. A few remarks besides, no further mention was made of Millar in either of Hallam’s historical works. That could be because ideologically speaking they were not close at all. Both were Foxite Whigs, but Hallam’s first work appeared near thirty years after Millar’s *Historical View*, and in those years the Foxite creed had gone a long way. In the last fifteen years of the eighteenth century, to be a Foxite was to be a reformer. For a Foxite it was both possible and reputable to be against reform between 1815 and the late 1820s. Henry Hallam was a Foxite ill-disposed toward reform.

‘The most important ideological characteristic of Hallam’s two works of history’, according to Timothy Lang in one of the rare studies that pays much attention to Hallam, ‘was their reassertion of a Foxite constitutionalism’. Lang holds that the key element of the post-Waterloo assertion of Foxite constitutionalism was a balance aristocratically maintained in the name of the people and in spite of the influence of the crown, a familiar creed indeed. Lang ranges Hallam’s medieval scholarship with the Whig tradition that
established the precedents of parliamentary privileges. However, he effectively defeudalises Hallam when he writes that ‘though impressed with the continuities in English history’ that author ‘dismissed the ancient constitution as apocryphal’. The failure to see that Hallam was concerned to neutralise the Norman conquest and to look for the origins of English liberties in the ‘woods of Germany’, points to an insufficient grasp of the structure of feudalist arguments. Due to that restricted understanding, Lang also tends to exaggerate the historiographical differences that actually existed between Hallam and Millar.20

The two fat volumes in which Henry Hallam’s View of the State of Europe during the Middle Ages originally appeared, constituted, in the words of the author, a ‘series of historical dissertations’. The second dissertation was wholly dedicated to the ‘feudal system’. Later chapters dealt with the medieval histories of specific large countries, including England. The work ended with a supplementary chapter on the ‘general state of society in Europe during the middle ages’. In the opening lines Hallam echoed Tacitus.

Germany in the age of Tacitus was divided among a number of independent tribes ... Their country, overspread with forests and morasses, afforded little arable land, and the cultivation of that little was inconstant. Their occupations were principally the chase and pasturage ... They had kings, elected out of particular families, and other chiefs, both for war and administration of justice, whom merit alone recommended to the public choice. But the power of each was greatly limited, and the decision of all leading questions, though subject to the previous deliberation of the chieftains, sprung from the free voice of a popular assembly.21

That was the start of an attempt to show where liberties stemmed from and how they were preserved, in the face of antifeudal imputations. Hallam divided the history of the feudal era in two: the monarchical phase and that of ‘feudal aristocracy’. Just like Millar, Hallam sitatated the transition between both phases in the eleventh century. That, of course, was the century of William of Normandy. Along the same lines as Millar, Hallam argued that William had merely completed the ‘feudal system’ in England, which had been long in coming. Hallam explained how feudal relations ‘matured’ but did not yet exist ‘in a complete state’ before William came over from France where the feudal system was more ‘regular’ and ‘systematic’ than in his new kingdom.22

Exactly like Millar, Hallam’s perception of the middle ages revolved around a positive appraisal of the feudal system as the historiographical vehicle of a natural growth. In the case of both authors, it was directed against an antifeudalism which denied the existence of medieval liberties achieved by parliament and which considered all freedom as the product of royal courtesy. Hallam vindicatively wrote about the feudal system as the manner to unify large-scale and otherwise scarcely governable territory; he held that the relation between lord and vassal was the answer to administrative incapacity rather than its synonym.
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If the view that I have taken of those dark ages is correct, the state of anarchy which we usually term feudal, was the natural result of a vast and barbarous empire feebly administered, and the cause rather than effect of the general establishment of feudal tenures. These, by preserving the mutual relations of the whole, kept alive the feeling of a common country and common duties; and settled, after the lapse of ages, into the free constitution of England, the firm monarchy of France and the federal union of Germany. 23

To Hallam, feudal relations were the cement of society. They were also the channels through which freedom ran. Noblemen were depicted as sentinels alert to the ‘danger of universal monarchy’. Feudal anarchy did not find its continuation in royalty run riot, Hallam observed, because an independent nobility managed to keep the prerogative within its ancient bounds.

If we look at the feudal polity as a scheme of civil freedom, it bears a noble countenance. To the feudal law it is owing that the very names of right and privilege were not swept away ... by the desolating hand of power. The tyranny which, on every favourable moment was breaking through all barriers, would have rioted without control if, when the people were poor and disunited, the nobility had not been brave and free. 24

Ultimately the whole feudal era was of moral exemplarity. In a tone that resembled Burke late in life rather than Millar (and which contradicted Mill’s moral sentiments and legal convictions) Hallam celebrated the middle ages

as the school of moral discipline, the feudal institutions were perhaps most to be valued. ... The feudal law-books breathe throughout a spirit of honourable obligation. Their feudal course of jurisdiction promoted, what trial by peers is peculiarly calculated to promote, a keener feeling and readier perception of moral as well as of leading distinctions. 25

Hallam’s second book, the Constitutional History of England took up the story where the first had left it. Like Millar, Hallam thought the reign of Henry VII heralded the beginning of new, post-feudal era that was characterised by ever increasing commercial activity. He spent much time refuting Hume’s ‘Toryism’, choosing the parliamentary side against the unconstitutional-minded Stuarts. The Constitutional History of England ended with the reign of George II. Hallam concluded that, although the ‘personal authority’ of that king was less than in any of his predecessors (because he lacked the ability to converse with his first minister in a current language) his ‘executive’ influence remained a force to be reckoned with. The ‘natural leaders’ of the people, assembled in parliament, were up to that task. Their vital role however was threatened by democratic forces demanding reform. It was at this point that Hallam took a decisively different position than Millar, who was more
sympathetical to popular demands and whose main concern remained the influence of the
crown. Hallam argued against reform. He countered, for instance, the oft-voiced
complaint that the Whig majority in parliament pushed through the Septennial Bill in 1716
solely for its own good. Hallam countered the complaint, which of course was a plea for
shorter parliaments in the present, by arguing that sessions had always lasted seven years and
that the introduction of triennial parliaments (part of the Revolution Settlement) was a failed
‘experiment’.

Nothing can be more extravagant than what is sometimes confidently pretended by the ignorant,
that the legislature exceeded its rights by [the enactment of the septennial bill]; or, if that cannot
legally be advanced, that it at least violated the trust of the people, and broke in upon the ancient
constitution. The law for triennial parliaments was of little more than twenty years’ continuance.
It was an experiment which ... had proved unsuccessful.

As so often among Whigs, it was on the issue of reform that the late Millar and Hallam
really disagreed. Perhaps that explains why the work of first was not very sympathetically
beheld by the latter. Millar, who was branded ‘republican’ and ‘democrat’ early in his public
life, never lost those stigmas. And that counted for much in a time when ideological
questions, political associations and personal reputations decided the interpretation of
historical texts.

Hallam’s View of the State of Europe during the Middle Ages was reviewed in the Edinburgh
Review for June 1818 by John Allen, historian and ‘Holland House factotum’. Allen (1771-
1843) highly praised Hallam’s ‘firm but temperate love of liberty’ and his ‘enlightened but
cautious philosophy’. Meaning that, ‘though a decided enemy to the encroachments of
arbitrary power, Mr Hallam is no infatuated admirer of antient turbulence, nor blind
apologist of popular excesses’. The best part of the work was the chapter on the English
constitution. Allen opined that that chapter was also the best that had yet appeared on the
subject.

Without setting up our antient constitution as a model of perfection, he has shown that the people
of this country have always lived under a monarchy limited by law. In this view, his work may
be considered as a complete and satisfactory answer to the false and mischievous theories of Brady
and Carte, adapted and brought into notice by the genius and authority of Hume. The work of Mr
Millar, the only historical view of the constitution that has appeared since Mr Hume’s history, is
remarkable for the sagacity of its conjectures, the ingenuity of its explanations, the boldness of
its discussions and its total freedom from prejudice. But it is deficient in accuracy and research,
and will not bring conviction to the mind that has received its first impressions from the plausible
but delusive representations of Hume. It is with great satisfaction, therefore, that we recommend
Millar’s words were supposedly less delusive but less plausible than Hume’s, while his approach was considered too little discriminatory to stand up to Hallam’s. John Allen’s only criticisms of Hallam’s book were specialist’s points made by a fellow antiquarian. Undoubtedly, Hallam and Allen were more diligent and thorough readers of authorities than Millar had been, or indeed than almost any of the philosophic historians of Millar’s age. Allen thought that the study of sources was the best way to understand the ‘spirit and wisdom of our ancestors’ from which the people still profited. Millar’s gliding over the bumpy surface of medieval history did not convince him.

A very different opinion of the relative worth of Hallam and Millar is found in an article by Mill’s oldest son which appeared the year before Hallam’s Constitutional History of England. The article appropriately appeared in the scourge of the Edinburgh Review, the Westminster Review. John Stuart Mill was made to read Millar’s Historical View when he was seven years old, and he had come to prefer it to Hallam’s View of the Middle Ages. At the age of twenty he explained why.

In the Westminster Review for July 1826 John Stuart reviewed several French historical works. The article presented the reviewer’s own, idiosyncratic view of the ‘feudal system’ in which oppositional themes stood next to antifeudalist fulminations. The whole was somehow said to be congenial to Millar’s treatment of the middle ages. John Stuart Mill began by stating what he thought was well-known, namely that the ‘feudal system was not the work of contrivance, of skill devising means for the attainment of an end, but arose gradually and, as it were, spontaneously out of the pre-existing circumstances of society’. So far, so good. But the Millarite effect was undone already in the next line, where Mill declared that the German peoples had nothing about them which made the feudal system take root and spread. He did believe that feudal relations gradually developed in Anglo-Saxon England, and refuted the idea that the feudal system was introduced into, or rather forced upon England by William the Conqueror. Rather, it was the ‘last step’ in its formation, hurried by a prince who hailed from a place where that step had already been taken. Where Millar made the same point to refute royalist pretensions, the outcome of the Conquest according to John Stuart Mill was royal supremacy. William’s successors reigned supreme and it was through them that the nobility was pacified and united in a legislative assembly. ‘It is difficult to say how much of our present liberty we may not owe to this fortunate vigour of the royal authority, which compelled the barons to have recourse to parliaments, as the single means of effectual opposition to the encroachments of the king’.
John Stuart Mill could depict 1066 as an important step towards ‘present liberty’, while thinking that Anglo-Saxon England was organised feudally, because he found the feudal system exceptionally unsafe and therefore characteristically unfree. Mill introduced Millar to illustrate the deplorable state of feudal society. To understand that state of society, John Stuart Mill said, one had to try to ‘imagine a perpetual civil war’, and that a ‘war, not between two great divisions of the nation, which might rage in one district, leaving the others in tranquillity, but between every landed proprietor and his next neighbour’. But even that image was inadequate, he thought, to capture the sheer terror of those times.

So much more destructive of security was feudal order, than what elsewhere goes by the name of civil war; and so endurable a thing is even despotism, compared with ‘liberty’, when all the liberty is for a few barons, and the mass of the people are slaves. In this country it has been the interest of the powerful, that the abominations of the clergy in the middle ages should be known; and accordingly they are known. But it has not been the interest of the powerful in this country, that the abominations of the barons should be known; and consequently they are not simply unknown, but their authors are believed to have been patterns of the noblest virtues.

What was mostly kept from sight (or redefined) for ‘sinister’ motives, John Stuart Mill brought to light (or set aright) with the help of Millar. Mill copied his father in insisting that Millar, maybe the ‘greatest of philosophical inquirers into the civilisation of past ages’, had compared the lowly state of women in feudal Europe and present Asia to determine and to condemn the ‘low state of civilisation’ of both.\footnote{32}

Although John Stuart Mill needed Millar to prove the ‘badness of those ages’, less heavy equipment was needed to assess the badness of another British historian of the middle ages. ‘To appreciate Mr Hallam, it is not even necessary to have read Millar; it is sufficient to have read Sismondi [one of the autors whose work Mill was reviewing]’. To John Stuart, Millar’s work was the pinnacle of the ‘genuine philosophy of history’, and second to none but his father’s History of British India. Although John Millar’s Historical View was ‘rather a history of institutions, than of morals and manners’, Mill thought that he was almost the only writer we have, who has made the middle ages a subject of philosophical investigation. There is, indeed, Mr Hallam; but we should be much surprised if the nation which has produced a Millar, could admire or read the [View of the State of Europe during the Middle Ages].

Hallam’s View of the Middle Ages was no more than a ‘chronological table, or the table of contents to a historical work’. As historian of the middle ages he was an ‘utter failure’, but he succeeded in dealing out ‘little criticisms and little reflections, and little scraps of antiquarian lore, which neither throw any light upon the condition of mankind in the middle
ages, nor contribute either to support or illustrate any important principle’. John Stuart Mill found fault, not so much with Hallam’s ideology as with the lack of an element that fitted Mill’s ideology: Millar’s philosophical approach that could be made to support antifeudal arguments.

‘ARISTOCRATICAL SLANG’ 1824-1836

January 1824 the first number of the Westminster Review appeared. The radical quarterly was Bentham’s initiative, and it was with Bentham’s money that the first few volumes were produced. James Mill was asked as editor, but he declined the offer because of his already overstrained agenda. But he was willing to contribute several articles, even without pay when the financial situation of the Westminster was low. Part of the publication’s strategy was to dismantle the linguistic tactics that underlay the leading periodicals of the time, the Edinburgh and the Quarterly Review, and to discredit the final end both publications were thought to have in common: the upholding and controlling of an aristocratically run society. In the words of Mill, literature was ‘useful only as it contributes to the extirpation’ of such ‘erroneous opinions’ as led to the ‘injury of the great number of mankind for the benefit of the small number’. James Mill’s first contribution occasioned most of the noise with which the first issue of the Westminster Review was received. Assisted by John Stuart, he singled out the earliest volumes of the Edinburgh Review for a scathing analysis. In the next number, his son continued the deconstruction on his own.  

At the outset James Mill wondered how periodicals could have so long escaped the criticism for which the periodical press itself was so well-known a mode of expression. The question was meant as more than mere hyperbole. It was legitimate, pertinent moreover, to look critically at a branch of literature that was certain to patronise the most fashionable opinions because its very existence depended on the immediate appeal of its contents. Mill doubted not on who set the fashion. Nor was it a question what were their opinions, namely those that confirmed and increased their power. ‘The favourite opinions of people in power are the opinions which favour their own power’.

The Edinburgh Review and the Quarterly Review, Mill observed, were ‘almost exclusively addressed’ to the ‘aristocratical classes’. Faithful to his continual plea for verbal clarity he took care to define his ‘somewhat extended’ understanding of the term aristocracy.

Wherever a government is not so constituted as to exist solely for the good of the community, aggregately considered, its powers are distributed into a certain number of hands ... a number always small in comparison with the population at large. This body, sharing among them the
powers of government, and sharing among themselves also the profits of misrule, we denominate the aristocratical body; and by this term, or the aristocratical class, or in one word, the aristocracy, we shall be careful to distinguish them. The comparatively small number possessing political power compose the real aristocracy, by whatever circumstances, birth, or riches or other accident, the different portions of them become possessed of it.\textsuperscript{35}

In England the aristocracy was a ‘motley body’, made up of those who controlled the composition of the House of Commons and of those of whom that part of the constitution was actually composed. In a sense the aristocratical body was divided against itself without, Mill observed, losing coherence. The aristocracy was always split in two sections, the composition of which depended on current placement and the distribution of positions: the ministerial party and the opposition party. The \textit{Quarterly Review} belonged to the first party, Mill remarked. Their situation enabled the editors and other contributors to sail a straight course. The publication always and exclusively addressed itself to those in power. ‘Whenever the interests of the country are named, it is the interests of the aristocracy that are meant. The aristocracy are all in all’. The only steerage that was required was to avoid shipwreck in its collisions with the opposition party. It was on the spokesmen for the opposition party that the burden of coherence weighed more heavily. The \textit{Edinburgh Review} needed to allure the people to support the opposition’s bid for power. But the potential potentates also needed to convince their peers that they were to be trusted to promote their common interests as opposed to those of the entire community. The kind of argumentation that this double task required, Mill famously likened to ‘playing at seesaw’, ‘a perpetual system of compromise, a perpetual trimming between the two interests’.\textsuperscript{36}

James Mill explained that the \textit{Edinburgh Review} dealt in ambiguities and in words that were unspecific because of its opposite addressees.

It is essential, in writing upon this plan, to deal as much as possible in vague language, and cultivate the skilful use of it. Words which appear to mean much, and may by those to whom they are addressed be interpreted to mean much, but which may also, when it suits the convenience of those who have used them, be shown to mean little or nothing, are of singular importance to those whose business it is to play the game of compromise, to trim between irreconcilable interests, to seesaw between contradictory opinions.\textsuperscript{37}

Mill saw it as his task to unveil the ‘skilful use of vague language’, which he did by scrutinising the early volumes of the \textit{Edinburgh Review}. He found numerous passages that were intelligible only if one knew what the rationale behind the incomprehensibilities and inconsistencies was. Within the confines of a single article one read about popular sovereignty and about aristocratic inviolability. Sometimes the seesaw went ‘so rapid, that,
as in the swift succession of the prismatic colours, the mixture becomes confusion'. It was concluded by Mill that concessions to the populace were invariably made in harmless terms, whereas the long-term intentions were clad in nobiliare commonplaces like the balanced constitution and the influence of the crown. This, Mill said, could be seen in the Edinburgh's review of Bailly's memoires discussed in the previous chapter. There Jeffrey invoked the inevitable emancipation of the people next to the naturalness of aristocratic leadership, trying to please all parties while postponing discussion of parliamentary reform.38

In the first as in his later contributions to the Westminster Review James Mill undertook to expose and expunge what he called 'aristocratical slang', and to expound the purposes to which a purer language should be spoken and written.39 The Westminster was not the only publication which lent itself for that purpose. In 1825 the Parliamentary History and Review was founded. It was closely connected with Bentham's Book of Fallacies which had had its first English appearance the previous year. On the last pages of the book Bentham suggested that the reports of parliamentary debates be scanned on the fallacies that he himself had enumerated. Bingham, the editor of the Book of Fallacies, also edited the Parliamentary History and Review. That publication set itself to arrange in print the deliberations of the legislature 'for the purpose of examination or reference' as opposed to the chaos of chronological reports. By treating the most material issues under several headings (such as 'Law' and 'Constitution') the authors could hope to formulate well-founded and fundamental criticisms as opposed to the chance remarks usually made by 'newspaper editors'. The Parliamentary History and Review for each year was divided in two parts. The unworked parliamentary proceedings were rendered and arranged in the first. The second part, or 'prorogation', promised a 'careful examination of 'measures discussed' and 'arguments adduced'. In 1826 James Mill contributed ('in his best style', his son thought) the final salvo to that concluding part.40

The choice of the article's title, which read 'Summary Review of the Conduct and Measures of the Seventh Imperial Parliament', betrayed Mill's highly sceptical attitude towards the proceedings of, what Bentham in the Book of Fallacies called, the 'august assembly which has been pleased to call itself the Imperial Parliament of Great Britain and Ireland'.41 In the first few pages of what was a summary of an entire parliamentary session (from 1820 to 1826) Mill discussed general matters that were not specific for any year or particular parliament. In all his remarks he displayed great sensitivity to the reception and deceptions of political speech.

He chose not to spill words on the fact that the House of Commons was the 'main spring in the government of England', a fact 'neither disputable nor disputed'. What was hardly ever discussed but should surely be topic of discussion was the 'mode in which the
suffrage for members to the House of Commons is distributed, and in which the business of the election is performed’. The problem of English politics as Mill saw it was that the greatest part of the Commons and consequently the main part of the constitution was dominated by the aristocracy, ruling in its own, and against the common interests. A small minority of independent candidates sat in the Commons, but their number was far too small to effectively represent the highest good against the great majority. Mill argued that those independents did not deserve to be called ‘legislators’, a denomination which they would seem to derive from having a seat in the legislative assembly. Their effectiveness in that capacity, however, was negligible. ‘It is mere imposture to call [them] so. Their combined votes in favour of any measure to which the aristocratical interest is inclined, are useless, because the measure would be as certainly carried without their votes as with them’. Giving their vote was a ‘mere nullity’; a man might as well ‘act the farce of voting in a desert’. Voting was not yet the independents’ province. Speaking was. Making speeches and criticising ‘aristocratical slang’ was what they could and what they should do. The effectiveness of this manner of ‘advocating the general interest’ would be considerably enhanced when the independent Members of Parliament were ‘relieved from their mock character of legislators’.

James Mill believed that those who could wield legislative power had done nothing during the entire session of parliament to commend themselves as legislators. They had shown to be full of awe for ancient laws and established regulations. Once more, Mill gave vent to his anger.

The astonishing thing with respect to law, is, that in a concern in which improvement so deeply affected the interests of all, the barbarous product of a barbarous age should have been ... handed down to a late and civilized age in a state of more perfect preservation than any other monument ... of antiquity. Of all countries, England stands foremost in the merit or demerit of this monstrous preservation. If any one desires to have an accurate, and as it were a living image of the mode of thinking and acting among our barbarous ancestors, he has only to look carefully into the law.

Mill thought that legislative inertia was caused by a combination of stupidity and wickedness. To the last category belonged the wilful counteracting of reason in order to resist all change. But in some places reason was little to be feared. Most MPs, to Mill’s mind, did not think or reflect at all. Insofar parliament in the last session had been a platform for legal reasoning and proposals for law it had shown itself to be blinded by ancient wisdom or enthusiastic about such small material as to slow or stop the realisation of real changes. In Bentham’s terminology, the House was captivated by a combination of the Chinese and the Snail’s-Pace Arguments.
The remainder of Mill’s article for the *Parliamentary History and Review* focussed on the meaning of ‘lopsided use of speeches’, on the skill with which the ‘potent machinery of names’ was employed, and on the significance of silence. Mill remarked that the most important subject of all, parliamentary reform, remained virtually undiscussed. ‘On the great, the master subject—the right composition of the legislature, no proposition was discussed in the last parliament, which, even if carried, would have altered the relative state of the private and public interest in the House of Commons—would have given to the public interest that ascendancy which the private has hitherto enjoyed’. In all of seven years two proposals had been made. John Russell (1792-1878), a Whig grandee, had spoken, but his plan was void. He suggested to forfeit the second seat of the hundred smallest boroughs. Sixty of those should go to the counties and forty to the great cities. Mill thought that this was just the plan that could be expected from a member of the aristocratical body. Its implementation would actually increase the number of members to be nominated by the aristocracy, by making sure that independent members were no longer able to buy (or bribe) their way in. One of the independent members had given the only honest speech on reform of the whole session, Mill thought. He celebrated David Ricardo’s speech on Russell’s proposal, in which he insisted on the need for annual elections and for secret voting (the ballot). But speaking out was all that Ricardo could do, and he was a voice in the wilderness.44

To Mill’s discern, those who spoke on reform (even those whose attempts were less than half-hearted) were left to stand alone. The great Whig organs under the leadership of Grey remained silent. They spoke out not once in seven years. And that while George Canning, the main Tory spokesman, had given plenty of opportunity to stand up for the cause of reform. Mill analysed Canning’s anti-reform arguments and found them fallacious in the extreme. Canning, he said, was a master of insinuation, those ‘forms of expression which deliver in the oblique, whatever it would be less convenient to deliver in the direct way’. Mill’s eye pierced through the darkness to detect the ‘bulwarks of anti-reform’, the ‘stock declamation of the cause; the excellence of government as it is, and the danger of change’. The excellence of government was a most delusive creed, Mill thought, and meaningless at best. The English constitution was certainly excellent if that meant ‘existent’ or ‘better than before’. But that could still mean that it was ‘thoroughly worthless’. Excellence should in fact denote the ‘equal perfect protection of all for the smallest possible expense’. Instead Canning juggled with vague terms like the ‘prosperity’ and ‘happiness’ of the people, goods that were everywhere to be found and were no proof of good government. The other ‘stock declamation’ of anti-reform, the vast danger of change decried by Canning, Mill considered a ‘pretence so generally seen through, that we shall not think it necessary to waste words on’.45
Nearly the entire opposition resigned to Canning’s falsities because those were part of their own stock. Mill thought that it was an ‘historical fact’ that wherever the powers of government have been engrossed by an aristocracy they have almost always broken themselves in two sections—the one more immediately wielding the powers of the body—the other angry that it is not wielding them. What are the consequences of this? Not that either section ever loses sight of those interests which it has in common with the other, and which belong to the whole aristocratical body. These the section out of power is as deeply concerned to preserve and to improve, as the section which it wishes to supplant ...—the aristocratical interest has little to dread from such an opposition as this.\(^{46}\)

The last session of parliament showed Mill that the opposition no longer looked to the people as a partner. The ceasing of seesaw was caused by grand-scale changes in mentality. Mill saw a ‘growing contrariety between the state of government and the state of the public mind’, in England and elsewhere, causing changes that took place ‘perfectly inevitable’ and ‘comparatively quiet’. Earlier the people had been ‘dim-sighted enough’ to let themselves be used for an internal struggle from which they had nothing to gain. Bit by bit the people became ‘sufficiently clear-sighted’ to turn their back on all that, and to demand measures be taken in their favour.

Things have very nearly come to this pass in England: the consequence is that the out-section of the aristocracy, ceasing to draw any hopes from the people, manifest sentiments towards them hardly less hostile than those of their opponents. ‘His Majesty’s opposition’ is a name which has been recognised as well adapted to them, *ipis non recusantibus*. This is a name which proclaims their equipment for court service, and the dissolution of their connexion with the people. Disjoined from the people, an opposition section of the aristocracy is perfectly insignificant. We see accordingly with what rapidity our opposition party is melting away. In a short time, there will be no such thing.\(^{47}\)

Mill’s hopes were shattered in the years to come. The Whig opposition found the people on its side after their orchestration and passing of the Reform Act in June 1832. The Whigs took office, forcing the Tories in the oppositional role. Recent scholarship has stressed that it were the Tories themselves who, by internal divisions, forsook their position. However that may be, the Whigs appealed to the people. They came to hold a great majority in parliament after the first elections in the reformed system. Mill held that the Reform Act simply extended aristocratic dominance. His worst fears seemed to come true.

In the *Edinburgh Review* for January 1833 an article appeared that criticised arguments in favour of the ballot. Secret voting, it said, would do nothing to rule out
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intimidation and bribery, and would result in irresponsible voting behaviour when implemented. Arguments in favour of the ballot went further than the reform just attained, and therefore were more than just implicitly critical of the measures of reform that were accomplished by the passing of the Reform Act 1832. The article appeared the month after the Whigs had won a great victory at the first general election held under the Reform Act. The article was a clear act of tightening the reins by erstwhile reformers, a delineating of the borders beyond which they were not prepared to go. And those borders were fixed in the Reform Bill, which Lord John Russell (one of the great men behind the Bill) called the ‘final solution of a great constitutional question’. Mill could not but see his stark vision of reform as the small change of those out of power confirmed. He aired his grievances in the newly erected London Review. That periodical shared the hostility towards the Edinburgh Review with the Westminster Review, with which it merged under the name of London and Westminster Review in 1836, after nearly two years of leading a separate existence. To each number of the London Review James Mill contributed an article, each of which was given a prominent place as either the issue’s first or last item. The London Review for April 1835 opened with Mill’s reaction to the above-mentioned article from the Edinburgh Review and to some recent statements of Russell.

Mill’s article on the ballot took the form of a dialogue between a schoolmaster, a farmer and a squire. The schoolmaster took issue with the Edinburgh reviewer, which he called a ‘skilful rhetorician’. One advantage of secret voting that was named in the dialogue was that it ruled out the much more drastic manner to put an end to intimidation and bribery, namely the levelling of property. Mill ended the dialogue with a note that discussed a recent speech in which Russell said that the ballot would lead to irresponsible voting, and a commentary in the Times on that score. He thought Russell, the newspaper commentator and all the yes-men got the meaning of responsibility wrong.

The heads which lend themselves easily to the delusion of names are not the small class. Responsibility here does the business of Lord John. He has got the name, and the thing, he imagines, goes along with the name, as the substance with the shadow. ... Lord John must not think it impertinent, after the way he has talked, if we ask him a plain question—if he knows what is meant by responsibility? Lord John knows many people, and admires some, who are very ready in the use of the word, but know the meaning of it no more than what name it goes by in the language of Brobdignag.

The ruling class tended to project their own ‘sinister interests’ on the voters, much against the interests of the latter. According to Mill, one could only begin to speak of the responsibility of the elector if one realised what that elector’s immediate interests were, and what were the eventual interests that he shared with the community of voters. Many voters
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had a direct interest in pleasing the landlord on whom they were dependent for their livelihood, contrary to their real interest. So the aristocracy was in the position not only to project but also to impose their own interests on the electorate. Widespread non-response showed the need for secret voting.

The farmer who stays away makes proclamation of the fact. He says to all those around him, the opinion you may hold of my conduct is of small importance to me compared with what I hope and fear at the hands of my landlord. My responsibility to you is something in name; my responsibility to him is something in terrible reality.\(^50\)

One of the last things that Mill wrote in his life opened the closing issue of the *London Review* as a separate publication. The article bore the ominous title ‘Aristocracy’. Ominous, that is, for those who knew what Mill understood by that term. They would know that to Mill the aristocracy was first and foremost a political category. And they would expect Mill to fulminate against the advocates of aristocracy as deceiving the public, leading all the listeners astray in a labyrinth of language. He thought that these advocates must no longer be allowed ‘to practise with the forked tongue’, praising a bad thing by ‘cunningly’ transferring the ‘praises of some other thing which is good’. Like laying the benefits of government in general over the defects of the British exemplar. They performed more ‘juggles of language’ to protect and add to the power of them and their class. People who reasonably demanded reform ‘they call a wretch who wants to destroy government and substitute anarchy’. In the end they came to ‘hold a language about institutions, as if nobody had a regard for them but themselves; taking care ... to include all abuses under the name of institutions’.\(^51\)

John Russell, he again, was singled out by Mill as a master juggler with words. He was ‘one of those who like to make themselves known by circumlocution, rather than by plain speaking, when their inclinations and those of the community are not quite in accord’. And that the cause of ‘Lord John’ was not that of the people needed no longer to be concealed after his transfer to the ‘in’ part of the powerholding class of people. Russell could dispense with the weary Whig strategy of seesaw, because he no longer needed to hide that he was ‘one of that class, or tribe, or sect, who dread the people’\(^52\). While it had been the people to whom the aristocracy historically owed their prominence. Mill, for a last time, had recourse to antifeudal discourse in which the aristocracy was caught between the people (from whose strength it profited and from whose weaknesses it took advantage) and the king (on whose power the nobles preyed and on whose dignity they parasited). Mill sketched how the nobility plundered and usurped its way into the seventeenth century where it gained the
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upper hand as the parliamentary party only because they managed to draw the people to their side, ‘gulled as they were by the name representative’. Then and there the contest seemed to be decided against the king. From that moment on he could only rule subservient to parliament. He had much better, Mill suggested, joined the people in saving parliament from the ‘gripe of the aristocracy; and then he would have been really subservient to nothing but the public interest, which he would have felt to be his’. Instead, ever since the expulsion of the Stuarts, the kings

have degraded themselves by becoming the creatures of the aristocracy. They have no independent power because they have separated themselves from the people. The aristocracy, after making them dependent upon themselves, have made a stalking-horse of them—have talked in very lofty terms of their authority, and the obedience due to it, because they can employ it all for their own use, and with the vast advantage of having the king for a screen. The power of the sovereign has been converted into their power: no wonder they like it.

The king was under the influence of parliament rather than the other way around. Like in the eighteenth-century antifeudal literature, Mill suggested a combination between the royal power and the people, be it now to the purpose of a reform of parliament. At the end of the article ‘Aristocracy’ Mill pleaded the identification of their interests; the ‘interest of the monarch and the interest of the people are not opposite, but identical’. Together they should oppose the ‘sinister interests’ of the aristocratical body. This crowned Mill’s turning around of the opposition versus the establishment arguments of the previous century. He forged a bond between the king and the people, just as the antifeudalist scholars had done, but with a contrary objective: the crown became part of an antifeudalism that was anti-establishment. With this last move Mill meant to take away from (what he called) the establishment a discourse and its counterdiscourse, with which he thought the aristocracy had so long managed to disagree over the heads of the people in the knowledge that, among themselves, they perfectly agreed were it really mattered.

CONTROVERSY ON ‘GOVERNMENT’

What is known as the ‘Essay on Government’ contained most of the utilitarian reasoning for which James Mill is remembered. It sported a decided language in syllogistic style; drew its conclusions from a presupposed notion of ‘interest’; censured the aristocracy and celebrated the ‘middle rank’. These and corresponding elements are usually considered as Mill’s mature political statements. At the end of this dissertation, that is how the work that first appeared in September 1820 will be discussed: as a mature statement of James Mill’s utilitarian
politics. What will not be followed, however, is the common practice of discussing the essay as if it were Mill’s only political work that needs to be remembered, as his definitive statement. Although Mill defended the article’s contents as late as 1835 (challenged by the controversy ignited on the pages of the Edinburgh Review in 1829) in the article itself certain themes were abandoned to be taken up again later, with renewed fervour. Those themes were left out to tone down Mill’s talent for antagonising Whigs. Mill was in earnest (though unable to control this talent while doing so) when he wrote to his editor that he was convinced that the article contained “nothing capable of alarming even a Whig”. Specific demands on parliamentary reform, such as the ballot and annual elections, were omitted, as well as most of Mill’s usual unpleasantries concerning the Whig state of mind. Mill even inserted an uncharacteristic concession on mixed government, a subject dear to Whigs. Mill’s assessment that his article was relatively unexceptional reading for Whigs proved to hold true for a long time. The first serious criticism came from other quarters. In 1825 the Irish philanthropist and Owenite William Thompson (1775-1833) spoke on behalf of the women of the world when he criticised Mill for trusting the protection of their interests to their fathers or husbands. A similar point was made in the Edinburgh Review by Thomas Babington Macaulay when he attacked Mill’s article more than nine years after it first appeared. Macaulay (1800-1859), still a young Whig on the rise, had more important points to make on behalf of his party. What those points were and why they were made is discussed below. Comparing the article to Mill’s earlier and his later work, as discussed above, enables us to see which ideas typical for Mill’s mature utilitarianism it contained and which of those were withheld.

What was in fact Mill’s entry ‘Government’ written for the Encyclopaedia Britannica appeared separately in May 1821 and again, now in a collection of four entries of the twelve that he wrote, in 1823. In 1825 and in 1828 that collection, enlarged with three more entries, was published again. In the Edinburgh Review for March 1829 Macaulay referred to that last edition. But something more than the reprinting of an article that had appeared several times since 1820 needs to be taken into account to fully understand Macaulay’s attack. Of course, Mill’s article enjoyed considerable popularity (not least among philosophical radicals), and the attempt to state his case in brief for a wide public may just have been too good an opportunity for the display of Macaulay’s skills as a literary critic to pass by. But ‘Government’ remained what it had been, a piece that, certainly for Whigs, must have been rather unexceptional when compared to Mill’s other political writings. That was the opinion of David Ricardo in 1820 when he complimented Mill for ‘not entering into the consideration of the securities for a good election’, and for the fact that in the article there was ‘no attack ... on other people for their opinions, no calling of names’. 56
In what reads, in the light of the rest of Mill's writings, as a conciliatory effort, Mill implicitly supported Charles Grey's motion of May 1793 on parliamentary reform by criticising a Tory speech against it. At the latter he levelled criticisms that were usually reserved for Whig speech: 'great vagueness in language', propositions surrounded by 'mist'. Indeed, as Lively and Rees remark, Mill could equally well have singled out a Whig to make the same points. Yet he did not. This kind of circumspection helps to explain why Macaulay's attack on Mill's 'Government' caused quite a stir among the Edinburgh reviewers. Macvey Napier, the editor of the Britannica who had been reassured by Mill that there would be no offence, now edited the Edinburgh Review, and he was annoyed with Macaulay's severity. Napier smoothed his texts accordingly. Still Henry Brougham and Sydney Smith, two editors from the very beginning, were displeased with the treatment that Mill's article received. All in all, 'Government' was a peculiar subject of controversy between the Westminster Review (which replied three times to comments of Macaulay) and the Edinburgh Review (in which Macaulay rejoined twice).

To see what induced Macaulay to take up the issue when he did, and why Mill's ‘Government’ invoked no earlier official Whig response, we best look at (now Lord) Grey's efforts concerning parliamentary reform and at the part performed by Macaulay. Grey had succeeded Fox in leading the opposition Whigs. That task, as he saw it, required silence on the subject of reform for many years. It was this silence on which Mill commented in the Parliamentary History and Review. Shortly after the parliamentary session which provoked Mill to make this comments, Grey decided to try paternalising the movement for reform once more. As prime minister, Grey was responsible for acting out the Reform Bill in 1832 but in the last years of the 1820s the fate of Grey's moderate programme for reform was far from sure. The issue of reform was still divisive in Whig circles, even among Foxites. Macaulay chose Grey's side and his reaction to Mill's article can be read as a safe bet, promoting a slight extension of the electorate while trying to unite the Whig party by slighting an acknowledged reformer and anti-Whig.

Mill began 'Government' by stating that utility and the public good were two equivalents that expressed the good for which government existed. The negative reason for the being of government was the unceasing operation of particular, 'sinister' interests. The article developed a basic structure of political society, as derived from those assumptions, and it answered some objections to that structure beforehand. Democracy, aristocracy and monarchy (the three 'simple forms of government') could not, Mill argued, serve the end of government. Democracy (understood as frequent plenary sessions of the entire political nation) was an impracticable way to consult the people concerning its own good. Aristocracy and monarchy were of course much easier convened but could not be trusted to regard the
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general interest above their own. Whereas the first form of government was unrealisable the latter two were undesirable. Given that only the community had no 'interest in bad government', and the physical and organisational impossibility of assembling the whole community even once, a solution had to be wrought. Mill found a solution in the 'grand discovery of modern times', that was the 'system of representation'. The appointment of representatives made it possible to constantly consult the people's choice. The representatives themselves, however, were liable to the same logic as every potential holder of political power. They would be inclined to exercise their authority for their own good. Therefore, Mill thought, the representatives' mandate should be given under strict conditions to secure that the representative body had an 'identity of interest with the community'.

The conditions Mill was thinking of were the term of office and the selection of the electorate. To prevent representatives from profiting from corrupt behaviour they should return their mandate ever so often as to be still able to perform their service to the public. Mill did not specify what length of time fitted this description. He did suggest that certain limits be set to those who should have the right to vote. A low property qualification had the same effects as no property qualification and a high property qualification would result in aristocratical government. Mill reasoned that enfranchising some two-thirds of the remaining population (he had already excluded men up to forty and all women) would ensure the identity of interest between the elective body and the community at large. After having thus established in the abstract that the 'representative system', under certain conditions, was the only conceivable form of 'good government', Mill answered the objection that his conclusion would mean the end of the monarchy and the House of Lords. He wrote

a king such as ours, instead of being inconsistent with the representative system, in its highest state of perfection, would be an indispensable branch of good government; ... if it did not previously exist [it] would be established by a representative body whose interests were identified, as above, with those of the nation. The same reasoning will apply exactly to our House of Lords.

The conditions mentioned by Mill, those he refrained to mention, and the concession added made of the article 'Government' a moderate statement. The latitudinarian cutting in the nation's electoral potential, and silence on secret voing and annual elections placed Mill way behind the forefront of political radicalism. His statement was not just moderate. It was also very close to well-tried anti-oligarchic reasoning. Limiting the duration of parliament, according to Mill himself, was an 'old and approved method of identifying, as nearly as possible, the interests of those who rule with the interests of those who are ruled'. The institutional identification of those interests was the solution to corruption, i.e. to those
instances of political life in which those entrusted with authority employed it for their own, and against the public good. James Mill did not buy the patriot Whig diagnosis that the king was guilty of corrupting the ruling class. He disowned the establishment’s supposedly hereditary disinterestedness and demanded that trust be put in, and authority transferred to the ‘natural representatives of the whole population’, the middle class.  

In September 1828 there appeared in the *Edinburgh Review* a review of Henry Hallam’s *Constitutional History of England* from the hand of Thomas Babington Macaulay. Macaulay agreed with much that Hallam wrote but not with his anti-reformism. He concluded the review with a bit of constitutional history that was more than implicitly reformist and decidedly Millarian. Of the several arguments that Macaulay borrowed from John Millar the most important was that which read that lately both the people and the crown were on the rise, and that the first needed to be better represented in parliament in order to check the rise of the second. This reasoning was entirely at odds with Hallam’s idea that unreformed parliament could easily withstand the remaining influence of the crown as long as it was left undisturbed by the people. According to Macaulay, the long-standing contest between the British crown and parliament made place, halfway the eighteenth century, for the ongoing conflict between parliament dominated by the king and a ‘large portion of the people’. Macaulay saw it as his task to bring parliament and the nation into accord. The task was an historical one. That is, it was necessitated, even dictated by the political emancipation of the people. Macaulay ascertained that public opinion reigned as never before, and that parliament did not keep abreast of the historical development of popular feeling. In this manner Macaulay distinguished himself as a reformist Whig contra a member of his own party. March 1829, six months later, he set in his attack on Mill’s ‘Government’.

Macaulay fought Mill with a weapon of his own. He accused Mill of obstructing political debate by spreading fear for well-reasoned and well-put arguments, and of showing contempt of reason by selling ‘sophisms’ for truths.

It is one of the principal tenets of the utilitarians that sentiment and eloquence serve only to impede the pursuit of truth. They therefore affect a quakerly plainness, or rather a cynical negligence and impurity of style. The strongest arguments, when clothed in brilliant language, seem to them so much wordy nonsense. In the mean time they surrender their understandings, with a facility found in no other party, to the meanest and most abject sophisms, provided those sophisms come before them disguised with the externals of demonstration. They do not seem to know that logic has its illusions as well as rhetoric—that a fallacy may lurk in a syllogism as well as in a metaphor.
Mill’s ‘Government’ was not just a ‘hubbub of unmeaning words’ whose faulty inferences were set aright soon enough by an appeal to ‘either history or experience’. Its main fallacy, wrote Macaulay, lay in a ‘simple trick of legerdemain’. Mill fabricated propositions (such as ‘man always acts from self-interest’) that were only true in the sense of being identical (as in Macaulay’s pungent paraphrase, ‘man had rather do what he had rather do’). After Mill had thus prevented a proposition from being further discussed (or even doubted) he used it, Macaulay thought, to draw a conclusion that suited his purpose (in this case the conditional representation of the general interest).  

Macaulay was a master rhetorician. What he mentioned as Mill’s major weaknesses, his preposterous presuppositions and his ludicrous conclusions, Macaulay used at his own discretion. First he ridiculed Mill’s ‘unquestionable truth’ that everyone with unbridled authority would seek to take as much from the people as he could. Next Macaulay imitated Mill’s syllogistic style and revised the abovementioned postulate to deduce that the lower classes instead of (as Mill would have it) the higher classes were ‘eager for plunder’ and wont to ‘spoliation’. He thought that his inference was much closer to the truth than Mill’s. According to Macaulay many communities consisted roughly of two classes of men, both characterised by their own overriding motives. There were the low-class people who were too poor to respect other people’s goods or to fear disapprobation. And there were those people who were mainly driven by the desire for reputation, the ‘fear of public opinion’ and the ‘dread of posthumous reproach and execration’. The first, Macaulay wrote, was the class for which government was in fact intended. Not to represent its interests, to be sure, but to keep it from acting them. The second, on the other hand, was destined to rule. The character of that class was the check on government that Mill failed to see. In his article on government Mill did not acknowledge ‘one-half of human nature’, Macaulay continued. The ‘fear of resistance and the sense of shame’ was principally found with the better half of the nation, a numerical minority equipped with a moral superiority that secured responsible administration. In this ingenious way Macaulay made the promotion of Mill’s ‘sinister interests’ into a plebeian vice while emphasising the typically aristocratic virtue of reputability.  

The only part of ‘Government’ in which Mill rivalled Macaulay’s eloquence was the ‘encomium on the virtues of the middle rank’. In the final paragraphs of the article Mill contended that there is not only as great a proportion of wise men in that part of the community which is not the aristocracy as in that which is, but, under the present state of education and the diffusion of knowledge, there is a much greater [proportion] ... [The] class which is universally described as both the most wise and the most virtuous part of the community. The middle rank, are wholly included in that part of the community which is not the aristocratical. ... [The] opinions of that
class of the people who are below the middle rank are formed, and their minds are directed by that intelligent, that virtuous rank who come the most immediately in contact with them, who are in the constant habit of intimate communication with them, to whom they fly for advice and assistance in all their numerous difficulties, upon whom they feel an immediate and daily dependence, in health and in sickness, in infancy and in old age, to whom their children look up as models for their imitation, whose opinions they hear daily repeated, and account it their honour to adopt. There can be no doubt that the middle rank, which gives to science, to art and to legislation itself their most distinguished ornaments, and is the chief source of all that has exalted and refined human nature, is that portion of the community of which, if the basis of representation were ever so far extended, the opinion would ultimately decide. Of the people beneath them, a vast majority would be sure to be guided by their advice and example.

Macaulay labelled Mill’s celebration of the middle rank a ‘delicious bonne bouche of wisdom which he has kept for the last moment’. His sarcasm, however, cannot veil the seriousness of what was at stake. Though introduced by Mill at the end of his article, the theme pierced the heart of his matter. Macaulay as well as Mill addressed (what the first called) the ‘middling orders’ in moving prose to contest a constituency that should be created by reform. Mill’s and Macaulay’s interpretations of the middle class (to use an interchangeable term) differed according to their respective conceptions of who ideally constituted the political nation.

For Mill the middle rank was the basis of an extended representation. He characterised the class of people he had in mind in moral terms. The inescapable criterion of economic situation was translated into the virtue of diligence. Working hard, Mill said, went hand in hand with the development of ‘intellectual powers’. Mill chose his morals carefully. Diligence or productivity was a virtue seldom found among the aristocracy, and its mental concomitant could accordingly be reserved for the middle rank, as Mill made sure in the first sentences of the above quotation. Macaulay countered Mill’s ‘middle class virtues’. For him the middling orders were an extension of the aristocracy. That is, they were to be given the vote only in so far they shared in the aforementioned aristocratic virtues, like fear of public opinion and the sense of shame. Even though Mill’s middle rank was meant to replace the aristocracy in power and Macaulay’s middling orders were let in on aristocratical politics there was a striking similarity in the logic of both authors. The respective virtues, different though they were, served to put the corresponding segments of society at the forefront of the historical march of mind and hence confirmed their status of being the choice governors of society. Hard-earned knowledge and the firmness of mind to act on what was known to be just were exactly what a society ridden by an oligarchy not amenable to reason needed, Mill thought. Fear for public opinion and related inhibitions as basis for the political reform that Macaulay proposed accorded nicely with his analysis, found in the essay on Hallam, that the sitting parliament did not keep pace with public opinion.
Mill’s ‘Government’ addressed the problem of how to distribute authority (or the ‘means of government’, as Mill also called it) to guarantee utility (the ‘end of government’). James Mill was one of the few who continued to believe that he had succeeded. The anonymous Westminster reviewer(s) who replied on his behalf to Macaulay were repetitive rather than repentant. Mill himself, according to his oldest son, thought of Macaulay’s arguments as ‘simply irrational; an attack upon the reasoning faculty; an example of the saying of Hobbes that when reason is against a man, a man will be against reason’.69 Macaulay’s attack and his father’s obstinacy made John Stuart Mill realize that there was much amiss with the article that he in his youth had considered a ‘masterpiece of political wisdom’. John Stuart, who also had a low opinion of Macaulay’s alternative, thought that his father was wrong in focusing exclusively on the ‘identity of interest between the governing body and the community at large’.70 Yet the identity of these interests formed the core of James Mill’s utilitarian logic and politics as Macaulay recognised. The controversy on ‘Government’ was a highlight of the continuously contentious claims of Whigs and their critics on who naturally represented the people. Mill refined and slightly softened his argumentation that this was certainly not the aristocracy. In answer to Mill, Macaulay elaborated and cautiously enlarged the Foxite conviction that the ‘higher orders’ were the ‘natural representatives of the human race’.71 Whether it was Burke’s natural aristocracy, Mill’s middle rank or Macaulay’s higher and middling orders, all were creatures that were supposed to represent the people sufficiently, exclusively and exhaustively. It is doubtful that any of those was up to that task.

The concepts of authority and utility were two poles in the idiomatic space in which most of the political writers studied here uttered their aspirations and pretensions, their exasperations and anxieties. For those authors, both poles exerted an inescapable attraction. The concept of authority was at the same time expressly identified with the political establishment (in whatever composition) and tacitly claimed by the establishment’s critics (either from oppositional or utilitarian background). The concept of utility was declared desirable by all pretenders, but its implementation required that authority was transferred to them. This double logic, if logic it was, haunted John Millar’s work, explains the clearly paternalistic overtones of utilitarian politics and it accounts for the turns that the debates on Whig politics took. The authoritarian bind may also account for the limited popular appeal of both parliamentary opposition and utilitarian bids for power. Few were the occasions in which the electorate showed to have much faith in either ‘party of the people’ to handle its interests well. The opposition and utilitarians thought their analyses of oligarchic and corrupt practices were confirmed, and they swelled their demands for electoral reform. It is nevertheless hard to deny that the principle of utility was an unfulfilled political ambition that largely failed to find a public or bind the populace.
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NOTES

1. Ricardo, Works, 8:106.


5. Dinwiddy, 'Mill on Burke', 255, 256.


22. Hallam, View of Middle Ages, 75, 92, 96, 425.
42. *Parliamentary History and Review* 2 (1826), 773, 774.
44. *Parliamentary History and Review* 2 (1826), 781, 790, 782, 789.

49. London Review 1 (1835), 250, 251.


51. London Review 2 (1836), 283, 284, 296, 301.

52. London Review 2 (1836), 299, 300.


54. 'and [a Whig] is more terrified at the principles of good government than the worst of Tories. I would undertake to make Mr Canning a convert to the principles of good government sooner than your Lord Grey'. Napier, Correspondence, 26.


58. Utilitarian Logic and Politics, 55, 58-61, 73.

59. Utilitarian Logic and Politics, 75, 76, 77-82.

60. Utilitarian Logic and Politics, 87.

61. Utilitarian Logic and Politics, 75, 79.


63. Utilitarian Logic and Politics, 100.

64. Utilitarian Logic and Politics, 110, 113, 125.

65. Utilitarian Logic and Politics, 105-8, 115-16, 119, 121-22.

66. 'Government' was not the only publication in which Mill celebrated the virtues of the 'middle rank'. In his Elements of Political Economy (1821), a book that was even more 'abstract, spare and a-historical' than the article, Mill wrote about the merits and promises of the middle class in similar terms. Collini, Winch & Burrow, Noble Science, 101, 122.

67. Utilitarian Logic and Politics, 93-94, 123.

68. Utilitarian Logic and Politics, 60.

