Public Opinion in the Political Thought of John Stuart Mill

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The thesis studies what role the concept of public opinion played in the political thought of John Stuart Mill (1806-1873). The phrase “public opinion” is understood the same way as Mill understood it, as the opinions of the majority of the people. This majority opinion contrasted with the opinions of the ruling classes and the opinions of the educated. The main question of the thesis is how much power Mill thought public opinion should have in a society. Mill’s views were somewhat contradictory which has also led to quite different interpretations of his writings. For example, in his essay *On Liberty* he claimed that the pressure from public opinion limited individual liberties. At the same time, he opposed the introduction of secret voting, because he thought public opinion should exert its influence on the voter.

The most important primary sources for this thesis are the actual writings of John Stuart Mill. Especially valuable writings regarding his views on public opinion are *Civilization*, *Bentham*, *On Liberty*, *Thoughts on Parliamentary Reform* and *Considerations on Representative Government*. The writings of Jeremy Bentham are also analyzed briefly, because he had such a profound impact on Mill’s thought and because they had different views regarding the role of public opinion in politics. In addition, two pamphlets from the 1860s that dealt with Mill’s arguments against the introduction of secret ballot are used, because Mill’s reply to one of the pamphlets reveal more about his views.

The methodology used in the thesis emphasizes the historical nature of Mill’s writings. This means that his writings are understood as products of their own time. This approach has been used for example by Quentin Skinner, who has emphasized the fact that the writings of philosophers have been contributions to the political or philosophical controversies of their own times.

The main focus of the thesis is on Mill’s ambivalent views on the influence of public opinion. He had expressed concern for the increased influence of public opinion from the 1830s onwards. Especially worrisome for him was how public opinion could limit individual liberties. However, Mill also considered the fulfillment of social obligations as very important, and public opinion was the most effective mechanism for making sure these obligations were fulfilled. Therefore Mill made a distinction between actions that harmed others and actions that did not. Public opinion was allowed to affect other-regarding actions but not self-regarding actions. This gave a somewhat complicated solution to the question of the proper influence of public opinion, because different types of actions were dealt with so differently. What made the issue even more complicated was that Mill did not seem to follow this logic all the way through. People were allowed to express their opinions about self-regarding actions, so this allowed some influence from the public. At the same time, Mill supported different schemes for limiting the influence of public opinion in politics.

**Keywords**

Mill, John Stuart, Public Opinion, Tyranny of the Majority, Secret Ballot
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1. Introduction

The writings of John Stuart Mill (1806-1873) reveal that he was acutely aware of the fact that he lived in a time of great change. The industrial revolution was changing the old economic order and new political movements challenged the traditional ways of doing politics. In Mill’s view the fundamental aspect of these changes was that the masses were gaining more power. This meant, in turn, that public opinion was becoming ever more powerful.

Since the phrase “public opinion” can be given different meanings, it is necessary to first explain what Mill meant by it. In addition, I will clarify how Mill’s “political thought” is defined in this thesis.

1.1. Key concepts

1.1.1. Public Opinion

In Mill’s vocabulary the phrase “public opinion” meant the opinions of the majority of the people. Mill also used such phrases as “general opinion”, “popular opinion” and “common opinion” to denote the opinions of the majority, but “public opinion” was the most common expression in his writings.¹

In addition to the opinions of the majority, there were also opinions of minorities. Mill contrasted public opinion especially with the opinions of the ruling classes and the opinions of the highly educated. It was of course possible that the majority and the minorities had the same opinions on some issues, but differences were also inevitable, because of the different interest, living conditions and education levels of the groups.

In Mill’s view power in a society was based on property and knowledge. Throughout history, these had usually been possessed only by a small minority, which then constituted the ruling class in a society. Under such circumstances, public opinion was not a major influence and it was also easily manipulated by the ruling few. But when the distribution of wealth and knowledge became more equal, the influence of public

opinion started to grow.\(^2\) It also became more difficult for the rulers to influence the opinions of the majority. This is what had happened in Europe after the Middle Ages.

The Reformation was the dawn of the government of public opinion. Even at that early period, opinion was not formed by the higher classes exclusively; and while the publicity of all state transactions, the liberty of petition and public discussion, the press—and of late, above all, the periodical press—have rendered public opinion more and more the supreme power, the same causes have rendered the formation of it less and less dependent upon the initiative of the higher ranks.\(^3\)

The progress had come so far that, when Mill was writing about his own time, he declared, “In politics it is almost a triviality to say that public opinion now rules the world.”\(^4\)

Mill did not claim that the “majority” was a homogenous group. He recognized that in his own day the British middle class had more political power that the working class, and sometimes he referred to the middle class as the group that formulated public opinion.

Those whose opinions go by the name of public opinion, are not always the same sort of public: in America they are the whole white population; in England, chiefly the middle class.\(^5\)

This quote can also be understood as an explanation of how the phrase was usually used, because other passages show that Mill did not use the phrase exclusively to denote the opinions of those who had political power in his own day.

The majority have not yet learnt to feel the power of the government their power, or its opinions their opinions. When they do so, individual liberty will probably be as much exposed to invasion from the government, as it already is from public opinion.\(^6\)

Here Mil indicated that “public opinion” was the opinion of the “majority”, which, at the time Mill wrote the passage in the 1850s, did not yet have political power. This majority was the working class, which was to a large extent excluded from political


\(^3\) De Tocqueville on Democracy in America [II], 162.


\(^5\) Ibid., 268.

\(^6\) Ibid., 223.
participation. Since Mill thought this class would gain political power sooner or later, there was really no reason for him to only consider the opinions of the middle class.

In the quote shown above Mill suggested, that public opinion did not only affect the government. It could also affect how people behaved in their private lives. Mill called it the “tyranny of the majority” and he thought it was even more dangerous than tyranny exercised by political rulers, because “it leaves fewer means of escape, penetrating much more deeply into the details of life, and enslaving the soul itself”. Therefore, by the phrase “public opinion” Mill did not refer solely to opinions that dealt with governmental affairs or opinions that were expressed in something that could be called a “public” space. He also called “public opinion” the views that people expressed to each other in everyday circumstances. It was one of the main things that influenced how people behaved.

This is the power of public opinion; of the praise and blame, the favour and disfavour, of their fellow creatures; and is a source of strength in any system of moral belief which is generally adopted, whether connected with religion or not. This was especially true in small communities.

It is in a small society, where everybody knows everybody, that public opinion, when well directed, exercises its most salutary influence.

1.1.2. Jürgen Habermas on Public Opinion

Jürgen Habermas is one of the scholars who have emphasized the connection between the phrases “public opinion” and “public sphere”. Since Habermas’s analysis is well known, it is motivated to cover this issue in detail, so that there won’t be any confusion regarding these concepts. It should be noted that the subject of this thesis is partly inspired by Habermas’s work because he also dealt with Mill’s views on public opinion, but my emphasis is on the questions that have been raised in Mill scholarship.

Habermas maintained in his book *The Structural Transformation of the Public Sphere* that the phrase “public opinion” was created in 18th century Europe to express opinions that were formed through rational discussions in the public sphere. This public sphere

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7 Ibid., 220.
9 Civilization, 132.
was distinct from the public authorities, i.e. the government, and the private sphere, which included the economy and the family. The public sphere of the 18th and early 19th centuries consisted, according to Habermas, of men who owned property and had mostly a relatively high education. The emergence of a sphere where political questions could be debated independent of the government and the church showed how the bourgeois were gaining a more prominent place in society. The individuals in this sphere challenged the power of the aristocracy and the monarch, and claimed that political decisions could ultimately be legitimatized only by an appeal to public opinion. The public sphere was thought to be a place where the best arguments eventually prevailed and it was therefore free from domination and manipulation. Evidence for this claim Habermas took from the writings of thinkers like Edmund Burke (1729-1797) and Jeremy Bentham (1748-1832) who explained that only free discussion and the influence of public opinion could guarantee good government. Habermas said that the word “opinion” was conceived to mean ideas that had not been tested by critical debate, and was therefore clearly distinct from “public opinion”. “Opinions” were just the common views and prejudices of the people.

Habermas claimed that eventually some scholars started to use the phrase “public opinion” in a different sense. They did not see it as a product of rational discussion in the public sphere, but simply as the opinions of some group of people. A step in this direction was taken by John Stuart Mill, who had a more critical view of public opinion than Bentham. The main difference between Bentham and Mill, in Habermas’s view, was that Mill had to deal with the expansion of the public sphere. The working class started to demand the right to political participation and therefore the bourgeois hegemony in the public sphere was coming to an end. The public sphere was not any more seen as a place of rational debate where the best argument eventually conquered. Instead, it was now thought to be occupied by different groups that were engaged in a struggle for power. Therefore public opinion was not something that was formulated through critical debate, it only reflected the opinions of the majority. It had become a potential threat for good government and the preservation of individual liberties.


11 Ibid., 94-101.

12 Ibid., 89-90.
Habermas then showed how Mill criticized Bentham for giving too much power to public opinion. Mill thought public opinion could be resisted by creating a public sphere of the educated, who could formulate an enlightened public opinion. In the political sphere the role of the majority would be quite limited, because they could not actually understand political issues.\textsuperscript{13}

Habermas was correct in pointing out that Mill conceived also unenlightened opinions as “public opinion”. The problem with Habermas’s interpretation is that he analyzed Mill’s views on public opinion mostly in reference to the public sphere. It is true that Mill thought public opinion could be formulated in the public sphere, in newspapers and in debates in the parliament, but the public sphere was not necessary for the existence of a public opinion. Therefore the idea of a public sphere should not be taken as the starting point when analyzing Mill’s views on public opinion. As was seen earlier, Mill also called public opinion those common views that Habermas said were merely opinions, expressed in the private sphere. Mill thought that the effects of the rising power of public opinion were more fundamental in the private than in the public sphere.

In my view Habermas also gave an incorrect interpretation of the differences in Mill’s and Bentham’s thought. Habermas did not take into account the fact that in his old days Bentham became a proponent of radical political reform. One expression of this was the idea of a Public Opinion Tribunal that could control the conduct of the rulers. Bentham said very clearly that every citizen of a country was a member of that tribunal\textsuperscript{14}. Therefore Bentham did not have any problems with the expansions of the bourgeois public sphere to include the working class.

1.1.3. Mill’s Political Thought

What writings are considered to be part of Mill’s political thought is dependent on what is understood by the word “politics”. The word can be understood in many different ways, but in this thesis politics is understood to be concerned with power. According to the traditional view political power is only governmental power. Mill expressed this view when he made a distinction between “social power” and “political power”. Social power became political power, when the ability to influence other people was used

\textsuperscript{13} Ibid., 129-137.

through governmental institutions.\textsuperscript{15} Outside the government, public opinion was social power and it could affect how people behaved in their private lives. It was especially this power that Mill focused on in \textit{On Liberty}. He wrote that the subject of the essay was “Civil, or Social Liberty”.\textsuperscript{16} However, I will use a more modern approach, where also power that is outside the government is considered to be political power\textsuperscript{17}. Therefore Mill’s views on individual liberty are also classified as part of his political thought.

\subsection*{1.2. The Main Theme of the Thesis}

The fundamental question in this thesis is: how much power did Mill think public opinion should have in a society? The issue is complicated, because Mill had a quite ambivalent approach to public opinion. This ambivalence was present in two different ways.

First, Mill made a distinction between actions that harmed others and actions that did not. In his view different rules applied to these two categories. It was wrong for public opinion to try to control self-regarding actions. Mill thought the growing influence of public opinion threatened individual liberties and therefore he encouraged people to be eccentric and brake with customs, because otherwise human culture would become too monotonous.\textsuperscript{18} But the public did have the right to control other-regarding actions. For example, Mill thought voting should not be secret. In 19\textsuperscript{th} century Britain reformers were usually fighting for the introduction of secret voting, because they thought open voting allowed voter intimidation. Mill had also been a proponent of the secret ballot in the 1820s and the 1830s, but he later changed his mind. He thought other people had the right to know how a person voted, because the vote also affected them. Mill claimed

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\textbf{Source} & \textbf{Reference} \\
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On Liberty, 217. & \textsuperscript{16} \\
Heywood, Andrew (2002) \textit{Politics, 2\textsuperscript{nd} Edition}. Palgrave, Houndmills, 10-12. & \textsuperscript{17} \\
On Liberty, 261-263. & \textsuperscript{18} \\
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\caption{References}
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that when public opinion exerted its influence on the voter, he would be less inclined to consider his selfish interests when casting a vote.\textsuperscript{19}

Second, there was some ambivalence regarding Mill’s approach to self-regarding and other-regarding actions. Mill wrote that people had the right to express their disapproval of self-regarding acts and he even maintained that these sentiments should be expressed more often.\textsuperscript{20} Therefore it is possible to question Mill’s commitment to defending individual liberties from the pressure of the public. Mill also proposed ways to limit the influence of public opinion in government. He championed the voting system devised by Thomas Hare, because he thought it could guarantee seats in the parliament for the educated. He also thought the educated should have more votes than the uneducated. In addition, the role of the elected representatives was quite limited in Mill’s scheme, because the actual drafting of laws was given to professional civil servants.\textsuperscript{21}

Since Mill contrasted public opinion with elite opinion the question regarding the influence of public opinion has also a connection to Mill’s ideas about the role of the elite in a society. Although it should be noted, that the difference between public and elite opinion was not necessarily absolute in Mill’s thought, because elite opinion could influence public opinion. This aspect is present in Joseph Hamburger’s interpretation of On Liberty, in which Hamburger emphasizes the elitist sentiment in Mill’s thought. Hamburger claimed that Mill accepted the controlling of self-regarding acts by public opinion, if the opinions of the public were influenced by the intellectuals.\textsuperscript{22} The connection between Mill’s elitism and fear of public opinion is clearer in his views on representative government. J. H. Burns has claimed that Mill was after all not much of a democrat because he was so concerned with limiting the influence of public opinion.\textsuperscript{23} The interpretations given by Hamburger and Burns have of course been challenged, as will be seen next.

\textsuperscript{19} Mill, John Stuart (1977) Thoughts on Parliamentary Reform. From Robson, John M. (ed.) Collected Works of John Stuart Mill Volume XIX. University of Toronto Press, Toronto and Buffalo, 332. The secret ballot was eventually introduced in Britain in 1872.

\textsuperscript{20} On Liberty, 278.

\textsuperscript{21} See for example chapters 5, 7 and 8 of Considerations on Representative Government.


1.3. Earlier Research

J. H. Burns wrote about the development of Mill’s views on democracy in his two articles *J.S. Mill and Democracy, 1829-61 I and II*. Burns claimed that in the early 1830s Mill had thought that the uneducated would simply recognize that the more educated deserved to have the political power. However, in the mid-1830s Mill’s views changed and he became convinced that a rival power had to be created to resist the influence of public opinion, since it was no longer certain that the majority would defer to their superiors. Mill claimed that a permanent antagonism between the public and the educated elite was necessary, because otherwise human progress would end. 24 Burns maintained that Mill’s democratic thought was thoroughly elitist. In the 1830s he thought that the majority of the people could not really understand political issues. Their duty as voters was to recognize which individuals could be trusted with political power. 25 In his later writings Mill came up with different institutional ways to limit the influence of public opinion. 26

Dennis Thompson, on the other hand, claimed in his book *John Stuart Mill and Representative Government* that Mill could be seen as a proponent of some kind of participatory democracy. Thompson did not deny the elitist element in Mill’s thought but said that Burns had exaggerated its significance. In the later writings from the 1850s and 1860s Mill did not any more claim that the people could not understand political issues. On the contrary, he considered it very important, that everybody participated in politics. In Thompson’s view Mill wanted to strike a balance between participation and competence, public and elite opinion. Thompson even claimed that Mill was not completely committed to plural votes for the educated. 27 Burns, on the other hand, considered Mill’s support for plural voting as a crucial evidence of his elitism, since plural voting implied that people were not equal. 28

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25 Ibid., 41.
26 Burns 1998b, 57, 62.
28 Burns 1998b, 66.
Joseph Hamburger criticised in his book *John Stuart Mill on Liberty and Control* the traditional interpretations of *On Liberty*. In Hamburger’s view the individual liberties Mill wrote about in *On Liberty* were meant for the intellectuals, who could use the liberties to further the moral reform of mankind. This interpretation was based on the fact that Mill allowed individuals to express their contempt for self-regarding actions they did not approve of. Before public opinion became enlightened enough, only the educated had the right to express their contempt for self-regarding acts. Once public opinion had become more enlightened by the influence of the intellectuals, it could also control self-regarding acts. Hamburger claimed that in *On Liberty* Mill expressed his negative view of the existing public opinion while in other writings Mill envisioned conditions where a more enlightened opinion controlled the conduct of individuals. He said that Mill’s “more benign evaluation of public opinion is at most only obscurely present in *On Liberty*, yet it is an important part of his moral and political thought”. Therefore one must also read Mill’s other writings in order to completely understand his views about it. An example of Mill’s “more benign evaluation of public opinion” was his opposition to secret voting. Mill could not be against the pressure from public opinion since he specifically said it should be exerted on the voters.29

Among the traditional interpretations that Hamburger criticised was the one given by C. L. Ten in *Mill on Liberty*. Ten claimed that Mill wrote *On Liberty* because he wanted individual liberties for everybody and thought that public opinion threatened these liberties. He did recognize the fact that Mill encouraged people to express their contempt also for self-regarding acts. But this was because Mill made a distinction between legitimate and illegitimate interference. Mill allowed the expression of ones opinions, but not moral coercion of public opinion.30

Hamburger was not the first scholar to claim that Mill was ultimately quite illiberal. The idea that the individual liberties championed in *On Liberty* were really meant only for the educated elite had been express already by Maurice Cowling in *Mill and Liberalism*, published in 1963.31 Gertrude Himmelfarb, on the other hand, wrote in *On Liberty and Liberalism*, first published in 1974, that *On Liberty* promoted extreme individualism.

But according to Himmelfarb, the essay represented only one phase in Mill’s intellectual life, since both before and after its publication Mill had expressed more conservative and elitist views.\(^{32}\) Hamburger’s interpretation bears some resemblance to these earlier ideas. He claimed that Cowling had correctly emphasized the illiberal side of Mill’s thought, but had still exaggerated it, since Mill was, as the title of Hamburger’s book suggested, concerned with both liberty and control.\(^{33}\) The main argument of Hamburger’s interpretation was totally contrary to the one given by Himmelfarb, because Hamburger tried to show how Mill’s illiberal side was expressed also in *On Liberty*, while Himmelfarb emphasised how *On Liberty* differed from the other writings of Mill.\(^{34}\) But Hamburger did also stress the importance of the other writings, the same way Himmelfarb had done.\(^{35}\)

Ten had criticised the earlier interpretations of the elitist Mill already in *Mill on Liberty*.\(^{36}\) A direct reply to Hamburger’s criticism was given by him in the article *Was Mill a Liberal?* Ten claimed that even though Hamburger had managed to create a quite sophisticated and original interpretation of Mill’s writings his claims were still deeply flawed.\(^{37}\)

Regardless of the value of Hamburger’s interpretation as a whole, he made some valid points. One was pointing out the fact that Mill allowed public opinion to pressure voters, since he opposed the secret ballot. It should be noted that voting was an other-regarding act and in *On Liberty* Mill was concerned with how public opinion could interfere with self-regarding acts. But Mill’s views can still be seen problematic, because in *On Liberty* he described public opinion as a suffocating force that could eradicate all other opinions. It is not clear how it would be different for other-regarding actions, so the majority could force everybody to vote for the popular candidates. This was recognized already by Mill’s contemporaries. That a noted reformer like Mill became an opponent of the ballot dismayed other reformers and a few pamphlets were


\(^{33}\) Hamburger 1999, xv-xvi.

\(^{34}\) Ibid., 212-213.

\(^{35}\) See page 15 of this thesis.

\(^{36}\) Ten 1980, 144-173.

published to counter Mill’s arguments against the ballot. The writers of these pamphlets pointed out that Mill seemed to have contradictory views on public opinion.

In his article *J. S. Mill and the Secret Ballot* Bruce L. Kinzer did not deal with the question whether Mill’s views on the ballot contradicted his statements about the threat of public opinion made in *On Liberty*. But the article is useful in providing a historical context for Mill’s views on the ballot. It is from this article that I learned of the existence of the pamphlets that were written against Mill. Kinzer only mentioned them briefly, but I will analyze two of them in more detail in chapter six. 38 Kinzer’s article *The Un-Englishness of the Secret Ballot* also explains how the ballot was opposed in 19th century Britain.

1.4. Research Questions

By focusing on Mill’s views on public opinion it is possible to deal with some of the central questions concerning his theories on individual liberty and on democracy. I will take ideas from previous research and create a more complete picture of the different aspects of Mill’s views on public opinion. There are four main questions in this thesis, and a chapter is devoted to each of them. Mill’s thoughts are presented in a chronological fashion, because his views evolved throughout his life.

1. How did Mill’s views on public opinion develop in the 1830s?

In the 1820s Mill had been an ardent supporter of the thoughts of Jeremy Bentham, but in the 1830s his views began to change. This change led Mill to draw very different conclusions about public opinion compared to Bentham. Some questions concerning representative government are dealt with in chapter four, but for the most part the focus is on Mill’s general ideas about the increased influence of public opinion. This theme was continued in *On Liberty*, published in 1859, so it is motivated to deal with that essay in chapter five.

2. How was public opinion portrayed in *On Liberty*?

The different interpretations given by Ten and Hamburger are compared.

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3. How did Mill motivate his stance against secret the secret ballot?

This third question has a clear link to the second and fourth questions. How could Mill claim, that the influence of public opinion should be increased in elections, since in On Liberty he was worried about this influence? And how could he champion open voting, when he also proposed means to limit the influence of public opinion in politics? Here the chronological presentation is especially useful, because Mill made public his changed views on the ballot in Thoughts on Parliamentary Reform, which was published a few months after the publication of On Liberty. Two pamphlets from the 1860s that criticized Mill’s position on the ballot issue are also analyzed in chapter five.

4. In what ways did Mill want to limit the influence of public opinion in representative government?

These ideas were expressed in Considerations on Representative Government, published in 1861. Thompson’s book is used as a guide to Mill’s later views on representative government.

1.5. Methodology

In his book Happiness, Justice and Freedom: The Moral and Political Philosophy of John Stuart Mill Fred Berger said that there are three different approaches to the history of philosophy. One way was to emphasize the historical context of the philosophical writings. This meant that one concentrated on how a philosopher’s ideas had evolved and how they related to the events of the time. Another way to look at the writings was to focus on the theories themselves and try to come to a better understanding of the concepts used. Berger himself used a third approach, which meant that he reconstructed an interpretations of Mill’s writings in order to come up with a coherent theory that could be used to shed light on philosophical questions. Berger admitted that the problem with his approach was that the historical context might be neglected. John Gray had a similar approach when he wrote the book Mill on Liberty: A Defence. He said that “I will use terms and distinctions that would have seemed foreign to Mill...my

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interpretation must be in the nature of a frankly conjectural reconstruction rather than a literal rendition of Mill’s argument”.  

Joseph Hamburger criticized these approaches in *John Stuart Mill on Liberty and Control*. He thought they gave a distorted view of Mill’s writings. Their aim was to show how Mill had influenced 20th century liberalism and how he could be considered as the quintessential liberal who gave the most eloquent defence of individual liberty. Hamburger himself wanted to give a more accurate picture of what Mill tried to accomplish with his writings by taking into account the time period in which Mill lived. Quentin Skinner has also emphasized, that the historical context must be considered when dealing with the writings of philosophers because the writings have been contributions to the political or philosophical controversies of the day.

My sympathies lie with the historical approach and it is used in this thesis. The aim is to be as truthful to Mill’s own ideas as possible. There is of course no guarantee that this will be achieved even though the historical context is taken into consideration. As will be seen, Hamburger’s interpretation is problematic in many ways. On the other hand, Thompson and Ten give valuable insights into Mill’s thought, even though their focus is on how Mill’s ideas relate to the debates of the 20th century.

### 1.6. Sources

The most important primary sources for my thesis are the actual writings of John Stuart Mill. The collected works of Mill were published between the years 1963 and 1991. In total there are 33 books that include all the books, essays and newspaper articles that Mill wrote. Included are also his letters, parliamentary speeches and transcripts of the testimonies that he gave to parliamentary committees on certain laws.

Volumes 18 and 19 of Mill’s collected works, entitled *Essays on Politics and Society I* and *II* contain Mill’s most important writings about politics. Of Mill’s writings from the 1830s especially important for this thesis are *Civilization*, *Rationale of Representation* and the two essays on Alexis de Tocqueville’s book *Democracy in America*. Volume 18

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41 Hamburger 1999, xii.

includes also *On Liberty* while *Thoughts on Parliamentary Reform* and *Considerations on Representative Government* are in volume 19.

Volume 10 of the collected works, named *Essays on Ethics, Religion and Society*, includes Mill’s essays on Jeremy Bentham and Samuel Taylor Coleridge, which are simply entitled *Bentham* and *Coleridge*. The essays are important because they show how Mill had distanced himself from the narrow Benthamism of his youth. Mill claimed that Bentham and Coleridge where the two great thinkers of their age; Bentham a reformer and Coleridge a conservative. Mill’s aim was to indicate how one could learn from both of these men in order to get a more nuanced view of man and society.\(^{43}\) The essay on Bentham is used in chapter four, because Mill explained in it what he thought about Bentham’s views regarding public opinion. The essay on Coleridge is used in chapter five, because Hamburger referred to it in his arguments. The 10\(^{th}\) volume also includes Mill’s three essays on religion: *Nature, Utility of Religion* and *Theism*. *Utility of Religion* is relevant to this thesis, because the essay deals with the role of public opinion in upholding morality in a society.

Mill’s *Autobiography* is a valuable source of information, because in it he dealt with all aspects of his thought. It was published after his death in 1873, but an early draft of the autobiography has also survived. The early draft is interesting because it differs somewhat from the final version. Mill wrote it in the 1850s, around the time he was also preoccupied with writing *On Liberty*. This is why Hamburger thought the early draft important when assessing what Mill’s state of mind was when he wrote *On Liberty*.\(^{44}\) The early draft is used in this thesis when there is a reason for it; otherwise the published version of the autobiography is used. Reasons for using the early draft are that some scholar has referred to it or that the draft includes some relevant passage that is not included in the final version. A parallel reading of the early draft and the final version is in the first volume of the collected works, entitled *Autobiography and Literary Essays*.

In the collected works the differences in the different editions of Mill’s writings have been taken into account for those editions that were published during Mill’s lifetime.


\(^{44}\) Hamburger 1999, 14n.
For Mill’s essays, which were originally published in periodicals, there are two sources for the later versions. Some essays were published later in collections called *Dissertations & Discussions* and some were used in Mill’s other writings. An explanation of how the different versions are marked in the collected works is given in volume 18 pages xc-xcv.

Most of the changes are stylistic, but some have real significance for the understanding Mill’s thought. For this thesis the really important changes are those Mill made to his essay *Coleridge* in order to make its content less conservative. Mill used part of the text from *Coleridge* in his *System of Logic* and the changes were first made public in the third edition of the *Logic*, published in 1851. The changes were retained when Mill republished *Coleridge* in the first volume of *Dissertations & Discussions* in 1859.45 Himmelfarb claimed these changes showed how Mill at one point wanted to hide his conservatism, since the changes gave a more liberal impression of his thoughts. Hamburger did not discuss the changes Mill made, but he did consider *Coleridge* as important evidence of Mill’s less liberal side.46

The two pamphlets regarding the ballot question have been taken from the Internet Archive (https://archive.org/), a non-profit that collects historical publications. The pamphlets are Henry Romilly’s *Public Responsibility and the Vote by ballot*, published in 1865, and *Mr. John Stuart Mill and the Ballot*, published anonymously in 1869. Romilly’s pamphlet is especially valuable, because Mill wrote a reply to it and Romilly two replies to Mill’s reply. Therefore we get an interesting dialogue regarding the ballot. Romilly’s pamphlet and the replies to Mill’s comments can be found in the archive from Romilly’s book *The Punishment of Death to which is apprehended his treatise on Public Responsibility and the Vote by Ballot*, published in 1886. Mill’s comments to Romilly’s pamphlet are taken from the 25th volume of his collected works, entitled *Newspaper Writings December 1847 – July 1873*. The anonymously published pamphlet can be found from the archive with its original title.

Most of Jeremy Bentham’s writings remain unpublished to this day. Books that are part of *The Collected Works of Jeremy Bentham* have been published since 1968 and the

45 See Appendix D of the 10th volume of the collected works, pages 503-508.
publication still continues.\textsuperscript{47} Writings from this collection have been used when they have been available to me. Especially important for this thesis is Bentham’s \textit{Constitutional Code}, because in it he expressed his later views on public opinion. Mill commented the content of the \textit{Constitutional Code} in his essay \textit{Bentham}. There is also an earlier collection of Bentham’s works, called \textit{The Works of Jeremy Bentham}. This collection was published between 1838 and 1843 under the editor John Bowring. Two writings from this collection have been used; \textit{Securities against Misrule} and \textit{Bentham’s Radical Reform Bill}. Writings from this collection have been taken from the Online Library of Liberty (oll.libertyfund.org), which is run by the Liberty Fund, Inc.

\textsuperscript{47} The progress of the Bentham Project can be followed from the address https://www.ucl.ac.uk/Bentham-Project/.
2. Britain During Mill’s Lifetime

As was noted in the introduction, Mill’s writings are analyzed in this thesis in relation to their historical context. Therefore a short review of the British society in the 19th century is given first.

2.1. The Structure of Society

When Mill was born in 1806 the British Isles had become a single political entity. The unification of the different parts of the Isles was a long process. England conquered Wales in the 13th century and Wales got its own representatives to the Parliament of England in 1536.1 England and Scotland had the same monarch from 1603 but the countries still had their own parliaments. This changed in 1707 when the Act of Union created the Parliament of Great Britain in which England, Wales and Scotland had their representatives.2 England and Scotland had ruled parts of Ireland from the Middle Ages, but first in the late 16th century did England manage to subjugate the whole of Ireland under its rule.3 The union between Great Britain and Ireland in 1801 abolished the Parliament of Ireland and created the Parliament of the United Kingdom of Great Britain and Ireland, where the Irish also had their representatives.4

By the early 19th century most of the executive power had transferred from the monarch to the Cabinet, which was headed by the prime minister. The Cabinets needed the support of the lower house of parliament, the House of Commons, to be able to pass legislation. Therefore the formation of Cabinets was mostly based on elections results of the Commons. It became quite exceptional for the monarch to influence the process to a considerable degree. The upper house of parliament, the House of Lords, was also a powerful institution, because it could block legislation that had been passed by the Commons and because members of the Lords usually had a significant presence in the Cabinets. Because of the imperfections of the electoral system the Lords could also influence to a great extent the elections of the Commons.

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2 Ibid., 128-129, 157-158.
3 Ibid., 121-124.
4 Ibid., 194-196.
In the beginning of the 19th century only a small minority of the British population had the right to vote and in many constituencies the elections were not even contested. Therefore it is not surprising that political reformers concentrated their efforts especially on reforming the parliament. This led to major reform bills being passed in 1832, 1867 and 1884. These reform measures will be dealt with later in this chapter, but because their content cannot be understood without knowing the social structure of the time, an explanation of the structure must first be given.

At the top of the social hierarchy were members of the peerage. The Crown created the peerages, of which there were different types. The most prestigious were the English peerage, the peerage of Great Britain and the peerage of the United Kingdom, since they gave automatically a seat in the House of Lords. The Scottish peers elected among themselves 16 representatives to the Lords while the Irish peers elected 28.\(^5\) Ownership of land was considered essential for peers and many of them were wealthy landowners. They could derive an income from land by renting it to others to cultivate. Most of those who were accepted to the peerage owned land, so individuals interested in the peerage acted wisely if they put at least some of their money in land. However, some peers had so modest means that they were given a government pension so that they could have a standard of living deemed proper to their status.\(^6\) The oldest son of a peer inherited his father’s title and most of his property, which meant that the titled nobility in Britain was quite small compare to the Continent. In the beginning of the 19th century there were some 500 peers in Britain. The younger sons often became lawyers, officers, priests or civil servants.\(^7\) They did of course have a possibility to earn a peerage during their lifetime.

The aristocracy managed to a large extent to retain their grip on political power throughout the 19th century and their position started to diminish considerably first in the 1870s. Between 1830 and 1900 peers still formed a majority in most of the Cabinets. In the 19th century twenty men were prime ministers and out of them thirteen

Catholic peers were allowed to enter the House of Lords in 1829, Jewish peers in 1858 and female peers in 1958.

\(^6\) Ibid., 43-45.

\(^7\) Ibid., 23, 41.
were peers. Also in terms of time in office the peers were leading, since they held the premiership two thirds of the time.\(^8\)

It might therefore be considered strange that Mill saw public opinion as the dominant force in Britain. But it is possible to maintain that the aristocracy was able to hold on to its power only by adapting to the times. In the economic sector, they advanced the Industrial Revolution by investing in mines and in infrastructure like roads and canals. This meant that they did not derive all of their income from agriculture.\(^9\) As politicians, they accepted many different reforms which eventually diminished their influence. It can also be argued, that the aristocracy was not necessarily setting the political agenda of the day. The pressure for reforms came often from grassroots movements, which expressed the opinions of the public. The clearest example is probably the fight over the Corn Laws. The laws that were enacted in 1815 stipulated that imported wheat was not allowed to Britain if the price of wheat was below 80 shillings per quarter\(^10\). The laws were modified somewhat in 1828, but were still considered by many as an example of how landowning aristocrats were willing to keep the price of food high in order to guarantee their own incomes. The Anti-Corn Law League, which was established in 1838 in Manchester, was a quite sophisticated grassroots movement. It was well financed and it was also willing to manipulate the electoral system in its favour. The objective of the League was finally achieved in 1846, when the Corn Laws were repealed.\(^11\)

The diminishing role of the aristocracy can also be seen in the development of the political parties. In the beginning of the 19\(^{th}\) century British politics was dominated by the Whigs and the Tories, which were both aristocratic in their composition. New movements had started to challenge their position by demanding reforms to the old system. Radicals wanted universal or near universal suffrage, the secret ballot and the shortening of parliamentary sessions. The Whigs responded to these demands by starting to advocate moderate parliamentary reform, but they retained their aristocratic

\(^{8}\) Ibid., 406-408.


\(^{11}\) Evans, 331-339.
worldview, according to which the persons of noble birth had the right to rule. Those who supported moderate reforms but were not aristocrats or did not share the aristocratic worldview were called liberals from the 1840s onwards. The Tories, who had opposed the reform bill of 1832, evolved into the conservative party after the passage of the bill. The conservatives also accepted that reforms had to be made, but they emphasized that they should be implemented in a cautious manner. A famous expression of these sentiments was the Tamworth Manifesto, declared in 1834 by Sir Robert Peel, who at that time had become the leader of the conservatives. The issue of free trade proved to be very difficult for the conservatives. The repeal of the Corn Laws by Peel’s second administration split the party and the Peelites formed their own group in parliament after 1846. Peel himself died in 1850 and the Peelites disappeared as a group by the late 1850s. Some went back to the Conservative party while others formed the Liberal Party together with Whigs and liberals.

The peers did of course not own all of the land in Britain. Those who were not peers but owned considerable amount of land were part of the gentry. The wealth of the gentry varied greatly. The wealthier members derived their income by renting the land for others to cultivate, while others owned only the land they cultivated themselves, but were still considered as part of the gentry for example because of their birth or education. They were therefore distinct from yeomen, who also cultivated the land they owned. Members of the gentry usually held public offices in the countryside and a few of them were members of the House of Commons.

By the early 19th century the class of yeomen had become quite small, because landownership was concentrated in so few hands. Most of the farmers cultivated land they had rented from the landowners. Land could be rented on very different terms. Copyholders had fixed rents and quite secure possession of the land for their whole

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15 Evans, 408-411, 416-417.
lives. Leaseholders, on the other hand, made a lease contract for a certain amount of years. There were also tenants-at-will who could be evicted from the land very easily by the landowner. The number of tenants-at-will increased in the late 18th and early 19th century because agricultural prices fluctuated so much. Both landowners and farmers preferred shorter contracts in such circumstances.\(^\text{17}\)

Even though agriculture was still very important for the British economy, its significance started to decline after 1850. By that time Britain was the leading industrial nation, the workshop of the world. Manufacturing, mining, building and trade had been 53 per cent of the national product in the 1830s and 1840s, but it rose to 60 per cent by 1871. Industrialization lead to urbanization and in 1851, for the first time, 50 per cent of the British population lived in towns.\(^\text{18}\)

This development had both political and cultural implications. The historian Eric J. Evans has called the time period between 1850 and 1870 the zenith of the bourgeoisie, because middle class values of hard work and thriftiness were dominant. This middle class was in no way a homogeneous group and its defining characteristic was that its members were not manual labourers or aristocrats. Those in the lowest ranks earned about the same as some skilled workers. At the other extreme, the wealthiest members of the middle class were bankers, merchants and manufacturers, who earned as much or even more than many of the peers.\(^\text{19}\)

Below the farmers and the middle class were the manual labourers. In the 1850s the majority of the labourers did not yet work in factories and those who did, worked for the most part in quite small ones.\(^\text{20}\) The number of agricultural labourers reached its peak in 1851 and dropped by 20 percent by 1871. The situation of the agricultural labourers worsened from the 1780s to the 1850s, partly because of population growth. This meant that rural poverty increased. In England, the Poor Laws stipulated that property owners had to pay the poor rates, which were meant to relieve the plight of the poor. An indication of the worsening condition of the agricultural labourer was the fact that the poor rates collected increased significantly from the 1780s to the 1820s. This in turn led

\(^{17}\) Beckett, 183-190.
\(^{18}\) Evans, 347, 367.
\(^{19}\) Ibid., 347-352.
\(^{20}\) Ibid., 154-155.
to demands from the ratepayers for changing of the Poor Laws, which eventually happened in 1834.\textsuperscript{21}

The skilled workers, on the other hand, could do quite well. In the 1830s, a skilled worker could earn 30 shillings per week; some even more than 40 shillings. The skilled workers formed the aristocracy of labour who could aspire to middle-class status. A way to gain respectability was to participate in the workings of friendly societies, temperance organisations and churches.\textsuperscript{22}

\subsection{The Unreformed Parliament}

In 1831, before the first reform act had been passed, about 488,500 individuals in the United Kingdom had the right to vote in parliamentary elections. This was only 2 per cent of the whole British population of 24.1 million.\textsuperscript{23} But the electorate was not altogether unrepresentative of the people, because even some members of the working class could vote.

There were county, borough and university constituencies, which all had their own unique qualifications for the right to vote. The land area of England, Wales, Scotland and Ireland was divided into counties, which had their own representatives. In England, the county of York had four representatives while the other 39 counties had two representatives each. The Irish counties were also represented by two MPs each, but the Welsh and the Scottish counties had only one representative each. Inside the counties, some towns had their own constituencies, which were called borough constituencies. Almost all English boroughs had two representatives and almost all Welsh, Scottish and Irish boroughs had one. Three universities in Britain also had their own representatives. Oxford and Cambridge elected two MPs each and Trinity College in Dublin elected one. The size of the electorate in these different constituencies varied, and therefore the significance of a single vote was not the same among those who had the right to vote.\textsuperscript{24}

The population of England and Wales was about 13.9 million in 1831 and about 435,000 of them could vote. In the English and Welsh counties the right to vote had been

\begin{thebibliography}{99}
\bibitem{21} Ibid., 177-183.
\bibitem{22} Ibid., 159-160, 393-396. One pound was 20 shillings.
\bibitem{23} Brock, Michael (1973) \textit{The Great Reform Act}. Hutchinson & Co LTD, London, 312-313.
\bibitem{24} Ibid., 19-20.
\end{thebibliography}
given to those who had freehold property worth of 40 shillings. This property did not
have to be land; it could also be interest that arose from land, for example rent or shares
in canals. The rule had been instated in 1430 and was still in use four hundred years
later in 1830, even though the value of money had changed quite a bit. This meant that
the social status of the 40 shilling freeholder varied greatly. Some were tenant farmers,
because they could not make a living by cultivating only the land they owned. Others
were urban industrialists or merchants, who voted in the county constituency because
they did not have the right to vote in the borough they lived in or because their home
city was not a parliamentary borough. County representatives were usually landowners,
who represented the agricultural interest in the parliament, although other interests were
not wholly insignificant because of the urban voters.

There was no single criterion for the right to vote in the English and Welsh boroughs. In
some boroughs all men who paid the poor rates could vote while in others it was enough
if a man was a householder and did not receive poor relief. In freeman boroughs those
men who were by tradition classified as ‘free’ had the right to vote. This status could be
obtained for example by inheritance, purchase or by marrying the daughter of a
freeman. These boroughs had quite large and independent electorates. At the other
extreme were the nomination boroughs, which were dominated by a single wealthy
individual. In corporation boroughs only the members of the town corporation, which
took care of the local administration, had the right to vote. These corporations could
consist of 20-50 individuals and they were allowed to elect the members themselves. If
a wealthy individual controlled the corporation then he also controlled the election of
the MPs. Many of the nomination boroughs were controlled by peers, and therefore it
is not surprising, that between 1780 and 1830 about a fifth of the members of
parliament were sons of peers. For the eldest sons, being a member of the Commons
was considered important training before entering the House of Lords.

Reformers also criticised the fact that there were a lot more boroughs in the south than
in the north. The county of Cornwall in the south of England had 44 MPs, while the

26 Brock, 28-30.
27 Ibid., 18-25.
28 Evans, 21.
whole of Scotland had 45. Emerging industrial cities like Manchester, Leeds and Birmingham did not have borough constituencies at all.\textsuperscript{29} It is also interesting that considering the size and wealth of London, it was underrepresented in the Commons. The City of London had four MPs, Southwark and Westminster two each and the county of Middlesex two, so the greater London area had only 10 MPs.\textsuperscript{30}

The franchise was even more restricted in Scotland than in England or Wales. Only about 4 500 individuals had the right to vote, even though the Scottish population in 1831 was 2.3 million. In the counties, the franchise was in theory given to landowners. In reality it was in the hands of the owners of “superiorities” who were not necessarily landowners. They could be merchants or professionals who had simply bought the superiority because they considered the right to vote useful. In the boroughs, only members of the self-electing corporations could vote.\textsuperscript{31}

The Irish system had actually gone through major changes already before the first reform bill. There had been 300 MPs in the lower house of the Parliament of Ireland, but because Ireland only got 100 MPs to the Parliament of the United Kingdom, 84 boroughs were completely disenfranchised and 32 two-member boroughs lost one member. This meant that a large part of the nomination boroughs were eliminated.\textsuperscript{32} Still, about half of the Irish boroughs were self-electing corporation boroughs. Most of them were dominated by Protestants, which put the Catholic majority at a disadvantage.\textsuperscript{33}

The Irish counties did not lose seats in the unification process, but the voter qualification in the counties was later changed. Irish Catholics had got the right to vote in parliamentary elections in 1793, but they were still not allowed to become members of parliament\textsuperscript{34}. This changed in 1829 when Catholic Emancipation removed most of the disabilities Catholics suffered from in Britain. However, at the same time, a 10-

\textsuperscript{29} Ibid., 20
\textsuperscript{31} Gash, 35-37.
\textsuperscript{32} Ibid., 50-51.
\textsuperscript{33} Brock, 33.
\textsuperscript{34} Ibid., 33.
pound property qualification replaced the old 40-shilling freeholder qualification in the Irish counties. Estimates vary as to how many voters were disenfranchised, but it is safe to say the change led to a significant reduction in the number of voters.\(^\text{35}\) According to Brock, there were a total of 49,000 voters in Ireland in 1831, when the population was about 7.8 million.\(^\text{36}\)

Politicians tried to control election results by bribing or intimidating voters. In the counties, landowners could demand tenant farmers to vote for a certain candidate, while in the boroughs those who rented apartments felt the pressure from the apartment owners. Shopkeepers and other businessmen could also be pressured by their customers to vote a certain way. Violence during elections was quite common, as mobs supporting different candidates fought each other.\(^\text{37}\) Intimidation was made easier by the fact that voting was open. Pollbooks, which showed who had voted for whom, were published and sold after elections.\(^\text{38}\) On the other hand, it should be noted, that many electors expected to be bribed. They did not necessarily care much about politics and considered the right to vote only as a means of earning money.\(^\text{39}\)

### 2.3. The Reformed Parliament

As Norman Gash has pointed out, the phrase Great Reform Act is actually inaccurate, because there were not one but three different reform acts. There was one act for England and Wales, one for Scotland and one for Ireland.\(^\text{40}\) The biggest fight ensued over the English bill. The Whig administration of Earl Grey had taken office in November 1830 and Lord John Russell presented the English reform bill in the Commons in March 1831. After that, it took a lot of political manoeuvring before the bill was finally passed in June 1832. The first time the English bill was put up to a vote in the House of Commons it passed only by one vote, so the administration decided to arrange a new election, which the reform-side won clearly. The next time the bill passed the Commons by a wider margin, but it was rejected in the House of Lords in October.

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\(^\text{35}\) Gash, 52.
\(^\text{36}\) Brock, 313.
\(^\text{37}\) Gash, 137-143.
\(^\text{39}\) Gash, 122-123.
\(^\text{40}\) Ibid., 34.
1831. Riots ensued as the people thought the aristocracy was unfairly looking for its own interest. The administration eventually got King William IV to agree to create new peerages to individuals who would support the reform in the House of Lords. Therefore the Lords gave up their opposition in order to avoid the upper house being swamped by new peers.  

The reform bills did not revolutionize the old electoral system, but they did change some of the most undemocratic aspects of it. The number of electors in 1833 was 808 000, about 3.33 per cent of the whole population.

In all the borough constituencies in Britain the right to vote was given to men who owned or occupied houses that were worth at least 10 pounds per annum. In addition, one had to have paid all the taxes and the poor rates and be registered as a voter. The effects of the 10 pound qualification varied based on the general price level in the boroughs. In London, the change led in practice to a household suffrage, but in some other boroughs the number of electors would have reduced dramatically, if the new qualification had been the only one. Those who could vote under the old system retained their right to vote, as long as they continued to live in the same borough. The proportion of these voters was quite big immediately after reform.

In England, a total of 55 two-member borough constituencies lost all of their members, while 30 lost one member. In addition, one single-member constituency was disenfranchised and one four-member borough lost two of its members. Out of these 143 parliamentary seats 126 went to other constituencies in England. 44 went to the 22 newly created two member borough constituencies and 20 to the new single-member constituencies. The rest of the seats were given to counties, so that 27 counties got two additional members and seven counties one additional member. The Isle of Wight was also given its own representative. The rest of the seats went to the other parts of the country. Wales got four new seats, Scotland eight and Ireland five. Therefore the total number of seats remained unchanged. The changes in England had two aims. One aim was to reduce the number of undemocratic nomination boroughs and the other was to

41 Brock, 392-393.  
42 Ibid., 312-313.  
43 Gash, 95-100.  
44 Compare the tables of the unreformed and reformed parliaments in Brock, 19-20, 310-311.
make the geographical distribution of parliamentary seats more even between the north and the south. Most of the disenfranchised boroughs were in the south while new boroughs were created to northern parts of England. Manchester, Leeds and Birmingham were now given direct parliamentary representation for the first time. London also got new boroughs.\textsuperscript{45}

In the English and Welsh counties the 40-shilling freeholders retained their votes, but now also copyholders who paid a yearly rent of at least 10 pounds got the right to vote. 10-pound leaseholders could vote if the lease was at least for 60 years. For the 50-pound leaseholder the lease had to be at least for 20 years. The Chandos amendment, proposed by the Marquis of Chandos, also gave the 50-pound tenants-at-will the right to vote. The government opposed the amendment, but it was passed in the Commons, so the government had to accept it grudgingly in order to save the whole bill. The amendment was supported especially by those who opposed reform and who wanted to guarantee, that landowners still had influence under the reformed system. Also some radicals supported it, because they seized every opportunity to widen the franchise.\textsuperscript{46}

The biggest relative change in the number of electors occurred in Scotland, where the number rose to 65 000.\textsuperscript{47} The 10-pound householder rule gave quite sizeable electorates in the biggest cities, but not in the smaller ones. In the counties, franchise was given to those who had property worth 10 pounds per annum. 10 and 50-pound leaseholders also got the right to vote, if their leases lasted long enough.\textsuperscript{48}

Since the Irish system had already gone through major changes before the reform act, the changes enacted in 1832 were not so dramatic. The 10-pound householder qualification was too high to enlarge the borough constituencies in any significant way. In the counties, the vote was given to the 10-pound leaseholders, whose lease was at least 20 years.\textsuperscript{49} The total number of electors rose to about 90 000 after the reform.\textsuperscript{50}

\textsuperscript{45} Gash, 65-68.
\textsuperscript{46} Ibid., 86, 92-93.
\textsuperscript{47} Brock, 312.
\textsuperscript{48} Gash, 41-42.
\textsuperscript{49} Ibid., 54-57.
\textsuperscript{50} Brock, 313.
Since the basic structure of the old system did not change, it is not surprising that in the few decades after the reform the composition of the House of Commons remained largely the same as before.\textsuperscript{51} Bribery and intimidation of voters also continued. Even good ideas, like the introduction of voter registration, were diverted into partisan weapons. The rules allowed numerous ways to manipulate the registration process in order to reduce the number of those who were not likely to vote for a certain candidate.\textsuperscript{52}

Parliamentary reform became once again a topical issue in the 1850s. Russell gave different proposals in 1852, 1854 and 1860, but they failed to pass. Palmerston, who was the other leader of the Liberals, opposed reforms and was backed by the conservatives.\textsuperscript{53} After Palmerston’s death in 1865 Russell became Prime Minister and decided to try parliamentary reform again. When the reform bill presented in 1866 failed to pass in the Commons, the government resigned and the conservatives formed a minority government, which in 1867 drove through a reform bill for England and Wales that was even wider than the one originally proposed by the liberals.\textsuperscript{54} The reform bills for Scotland and Ireland were passed the next year.

In terms of numbers, the effect of the second reform bills was bigger than the effect of the first. The electorate in the whole kingdom rose from 1.36 million in 1866 to 2.48 million in 1868. In England, Wales and Scotland the reform bills gave a household suffrage in the boroughs. In the counties those who owned or leased for 60 years or more land worth at least 5 pounds got the right to vote. The vote was also given to those who occupied lands of a yearly value of 12 pounds.\textsuperscript{55} In Ireland the borough and county qualifications had been changed in 1850, when the borough qualification was lowered from 10 to 8 pounds and the county qualification raised to 12 pounds. The second

\textsuperscript{51} Evans, 272-274.
\textsuperscript{54} Evans, 433-439.
\textsuperscript{55} Smith, 236, 226; Evans, 482.
reform bill meant that the borough qualification was lowered further to 4 pounds while the county franchise remained the same.\textsuperscript{56}

\textsuperscript{56} Smith, 19, 228.
3. Bentham and the Two Mills

The two biggest influences on John Stuart Mill’s thought in the early part of his life were his father, James Mill, and Jeremy Bentham. It is useful to go through the basic ideas espoused by Bentham and James Mill, because they provide a context for John Stuart’s later speculations.

3.1. Jeremy Bentham and Utilitarianism

Jeremy Bentham’s father Jeremiah was a successful lawyer in London who had high hopes for his son. Jeremiah wanted him to become a lawyer so he was sent to Oxford in 1760, when he was only 12 years old. At Oxford he attended Sir William Blackstone’s lectures on the English common law in 1763.1 Blackstone’s *Commentaries on the Laws of England*, which became the standard work on English common law, was published in four volumes between 1765 and 1769.

Bentham did not become a practising lawyer, because he wanted to do something a lot more ambitious. His goal in life became to create a perfect and rational legal code, which could replace the existing one. He considered English common law to be hopelessly outdated, full of absurdities and inconsistencies.2 Blackstone, who defended the common law system, became Bentham’s main target and his first major publication, *A Fragment on Government*, published in 1776, was a critique of the first book of the *Commentaries*.3

Bentham was especially opposed to the theory of natural law, which according to Blackstone was dictated by God and was above all man made laws. In Bentham’s view no such thing as natural law existed, it was simply empty words without meaning.4 Bentham wanted something concrete to base his legal theory upon. His solution was the principle of utility, which maintained that the end of politics and legislation was human happiness, which in turn was based on maximizing pleasure and minimizing pain. This principle was first expressed in the book *Introduction to the Principles of Morals and...*

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2 Ibid., 46-56.
4 Ibid., 53.
Legislation, published in 1789. For Bentham it was essential to define happiness by referring to real things, i.e. sensations of pleasure and pain. In his view those who believed in the theory of natural law could base their judgments of right and wrong simply on their own feelings, not on an external standard. Bentham called their approach the principle of sympathy and antipathy.\footnote{Ibid., 28-31, 44-47.}

The idea of natural law and natural rights was very popular in the eighteenth century, so Blackstone was not the only one who used it. In the Declaration of Independence, written for the American Colonies, and in the Declaration of the Rights of Man and the Citizen, written by the revolutionaries in France, the arguments were based on natural rights. Bentham was in favour of the French Revolution and he was disappointed when he found out that the revolutionaries decided to write a declaration of rights. He published his critique in a pamphlet with the telling name Nonsense upon stilts. He had already before written a critique of the American declaration, although he later explained that he had only criticized the arguments based on natural rights. In Bentham’s view, the best argument for American independence was that good government could not be administered at a distance.\footnote{Ibid., 57-61.}

As will be seen below, John Stuart Mill was an ardent Benthamite in his youth. He eventually came to consider Bentham’s philosophy as too narrow, but he did retain many of the basic tenets of Bentham’s thought. Mill was also highly critical of the common law system and in his Autobiography he talked about the “chaos of barbarism, called the English law”\footnote{Mill, John Stuart (1981) Autobiography. From Robson, John M. – Stillinger, Jack (eds.) Collected Works of John Stuart Mill Volume I. University of Toronto Press, Toronto and Buffalo, 67.}. He considered Bentham’s critique of the English laws as a monumental achievement, because before Bentham it had been common to see the existing laws as the perfection of reason. Mill thought that Bentham’s greatest weakness as a philosopher was that he did not care much about the ideas of others. But this self-reliance was precisely the characteristic which allowed Bentham to expose the common law system to devastating criticism.\footnote{Bentham, 81, 103.}
Mill also retained his belief in utilitarianism, even though he revised the theory extensively. He thought that Bentham had not adequately dealt with the criticism aimed at utilitarianism. Mill wanted to show that utilitarianism did not imply that the only goal in life should be maximizing one’s own pleasures. He said the aim was the maximization of the pleasures of everybody. Mill also emphasised that the pleasures aimed at did not have to be bodily pleasures. In fact, the most pleasurable experiences could be gained from philosophy and art.\footnote{Mill, John Stuart (1969) Utilitarianism. From Robson, John M. (ed.) \textit{Collected Works of John Stuart Mill Volume X}. University of Toronto Press, Toronto and Buffalo, 218, 209-211.} For Mill it was also important, that utilitarianism provided an alternative to the notion of natural rights. In the beginning of \textit{On Liberty} he made clear, that his understanding of individual liberties was not based on some notion of abstract rights that were independent of utility.\footnote{On Liberty, 224.}

\section*{3.2. The Political Thought of Bentham and James Mill}

James Mill (1773-1836), who grew up in Northwater Bridge, Scotland, had a far more humble background than Bentham. His father was a cobbler and his mother had been a servant girl before marriage. Mill’s studies at the University of Edinburgh were financed by a fund that was meant for educating ministers to the Church of Scotland. After graduation he was ordained a minister, but eventually quit, because he came to the conclusion that he could not believe in the teachings of the Church. He moved to London to become a journalist and started to collaborate with Jeremy Bentham after they met in 1809. James Mill’s breakthrough in the literary world was the publication of the \textit{History of British India} in 1818. It also helped him get a job at the East India Company the next year.\footnote{Packe, Michael St. John (1954) \textit{The Life of John Stuart Mill}. Martin Secker and Warburg LTD, London, 3-9, 36.}

Bentham was in favour of democratic government in the early years of the French revolution, but changed his mind after the revolution became too violent. He even started to defend the existing British constitution. By 1809 he had nevertheless become convinced that law reform could be achieved only through the democratization of government. That year he started to write \textit{Plan of Parliamentary Reform}, which was eventually published in 1817. Since Bentham started his collaboration with James Mill around 1809, some have suggested that it was he who converted Bentham to a believer...
in democratic change. Others have claimed that it was the other way around. At least it is clear that after 1809 both men were committed to democratic reforms.\textsuperscript{12}

In Bentham’s view the obstacles to good government were the sinister interests of the ruling classes. He thought that in every society, there had to exist a ruling minority and this minority would use its power to further its own interests if it could get away with it. In a democracy the ruling few could only further the interests of the whole community, because there were different kinds of institutional arrangements that limited the power of the rulers.\textsuperscript{13}

Bentham rejected the view common at the time that the separation and the balance of powers guaranteed good government. The separation of powers meant that the King had the executive power, the House of Lords the judicial power and the House of Commons the legislative power. However, the separation of powers was not thought to be absolute. Legislative power was actually shared by all the three groups, which meant that their power was balanced.\textsuperscript{14} Bentham thought that the rulers could still further their sinister interest even if there was a separation of powers. Good government was guaranteed only if the rulers followed the will of the people.\textsuperscript{15}

James Mill followed to a large extent Bentham’s ideas in his \textit{Essay on Government}, published in 1820. Distinctive of this essay was the style of reasoning that the elder Mill used. He started with simple premises and deduced from them the conclusion that representative government could guarantee the greatest happiness of the greatest number. His first premise was that people would always try to control those who were weaker than themselves. Therefore government was needed for protection from exploitation. But government had to be given to the hands of a minority, because it was not possible for the whole community to take part in the administration of the government. This created a new problem, because the ruling few would of course try to exploit the many. The traditional answer to this problem was the balanced constitution,

\textsuperscript{12} Schofield, 137-142.


\textsuperscript{14} Schofield, 232n.

but Mill proved, that it would not work. If the power was shared by three different
groups, then two of them could together destroy the third group. This would happen,
because it was in human nature to always want more power. If there were only two
groups, the more powerful one would subdue the weaker one. If they actually had equal
power, both sides would believe that they were the more powerful one, and a power
struggle would ensue.16

Therefore the only way to guarantee good government was to create a system, where the
people elected their representatives. The chief mechanism for keeping the elected
representatives in check was to have a short interval between elections. Mill also
maintained that the right to vote should be given to men who had turned 40. He though
that since most of these men had sons, they would not try to exploit the young.17

3.3. The Political Thought of John Stuart Mill

Today James Mill is probably most known for the education he gave his oldest son.
John Stuart was taught Greek when he was three and Latin when he was eight. He read
Plato for the first time when he was seven and Aristotle’s logic when his was twelve.
By the time he was twenty he had acquired an impressive amount of knowledge
concerning philosophy, history, political economy, psychology, mathematics and
natural sciences. The aim of John Stuart’s education was to make him a reformer, who
would carry on the work started by Bentham and James Mill. He was introduced to
Bentham’s writings on utilitarianism in 1821, and he later described how the writings
made a profound impression on him.18

I now had opinions, a creed, a doctrine, a philosophy, in one among the best
senses of the word, a religion; the inculcation and diffusion of which could be
made the principal outward purposes of life.19

From then on Mill was a thorough utilitarian in the Benthamite sense. He became
friends with men like John Arthur Roebuck, Charles Buller and George Grote, who had
also converted to Benthamism. In the 1820s the acquaintances of James and John Stuart

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17 Ibid., 73-81.
18 Autobiography, 9, 13, 21, 67.
19 Ibid., 69.
Mill formed a group called the Philosophic Radicals. Like other radicals, they advocated universal or near universal suffrage, shortening of parliaments and the ballot. But their main goal was to create a political party completely committed to parliamentary reform, because they considered the Whigs and the Tories as both representing the aristocratic interest. It was this goal that separated them from other radicals, who usually had more specific goals in mind. They took inspiration from Bentham’s thoughts, but James Mill was the real leader of the group. At that time John Stuart regarded his father’s essay on government as “a masterpiece of political wisdom” even though he disagreed with him on how much the franchise should be restricted. The mouthpiece for the Philosophic Radicals, for some time at least, was the Westminster Review, which had been started by Bentham in 1824. It was supposed to be a counterweight to the Whig Edinburgh Review and the Tory Quarterly Review. Both John and James Mill contributed articles to the review, but eventually stopped, because they had disagreements with its editor John Bowring.

John Stuart was eagerly involved in their work until 1826, when he suffered a mental crisis, which was probably caused by the defects of his upbringing. He had been taught how to reason well, but not much more. He now realized that his zeal for reform was mostly theoretical. It was not based on any real sympathy for the people he was supposed to be fighting for. Mill eventually recovered from his crisis, but as a changed man. He started to evaluate more critically the teachings of his two mentors and found them defective in many ways. Their approach to human affairs was too theoretical and based on simplistic assumptions about human nature. He now understood how important the cultivation of human feelings was. He started to appreciate poetry and art, something he had not been taught to do by his father. Mill also became interested in reconciling different modes of thought. He saw that socialists and conservatives also had valid viewpoints, and he wanted to include those views into his own theories. He still considered himself a utilitarian and a Philosophic Radical, but he was not as dogmatic as he had earlier been.

22 Hamburger 1965, 17-21; Autobiography, 93, 95.
23 Hamburger 1965, 76-78.
One inspiration to John Stuart’s new ideas was Thomas Babington Macaulay’s article on James Mill’s essay on government, published in *Edinburgh Review* in 1829. Although John Mill did not accept Macaulay’s Whig politics, he did recognize that Macaulay had detected many weaknesses in James Mill’s arguments. Macaulay wrote that a deductive method should not be applied in the study of politics. In addition, he claimed that James Mill’s premise that people would always try to exploit others was simply not true. Selfish behaviour certainly existed, but so did unselfish behaviour. He also questioned Mill’s assumption that frequent elections could prevent the elected representatives from becoming an oligarchy. Since Mill assumed that everybody would always try to gain more power, why would the representatives not make their terms longer?24

John Stuart answered this criticism by taking ideas from the Saint Simonians, who thought an intellectual elite could guarantee good government. Earlier he had considered deference to authority to be mental slavery, but now he realized, that this was the case only when opinions that the educated did not believe in were enforced. If the educated could agree on moral questions the same way they already agreed on questions concerning natural sciences, then the problems concerning elite rule would disappear. That this would actually happen was assured by Auguste Comte, who in his early life had been a Saint Simonian. Comte claimed that human knowledge went through three different stages. The first was the theological stage, the second the metaphysical stage and the third the positive stage. Mathematics and physics had already reached the third stage, and moral sciences would eventually do so as well. It was therefore not necessary for the majority of the people to understand political issues.25

From this time my hopes of improvement rested less on the reason of the multitude, than on the possibility of effecting such improvement in the methods of political and social philosophy, as should enable all thinking and instructed persons who have no sinister interest to be so nearly of one mind on these subjects, as to carry the multitude with them by their united authority.26

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25 Hamburger 1965, 81-86; the rejected leaves of the Early Draft of the *Autobiography*, Appendix G in the first volume of the collected works, 615-616.

26 Hamburger 1965, 83; the quote is from the rejected leaves of the Early Draft, 616.
Mill also liked the view of history that the Saint Simonians had. In their view some time periods were organic, which meant that there were fundamental ideas everybody believed in. Organic periods were followed by critical periods, when old beliefs were criticized but new ones had not yet taken their place. The Middle Ages had been an organic period, and a critical period had started during the Reformation. This critical period was still ongoing during in the 19th century.27

Mill expressed his new ideas in a series of articles called The Spirit of the Age, published in the Examiner in 1831. He wrote that the present age was a critical period, because the intellectuals disagreed on fundamental moral questions. This in turn meant that the uneducated did not take their beliefs from the educated, but tried instead to come up with their own ideas.28

Even though Mill’s thinking had changed, he was still in favour of political reform. He believed in universal suffrage, though in his view it could lead to good government only if the uneducated voted for the educated. An obstacle to these reforms was the existing rule of the aristocracy. Mill was therefore very much involved in the Philosophic Radical cause in the 1830s, relentlessly criticizing the Whig administrations of that decade for enacting only small political reforms.29

The future looked bright for the Philosophic Radicals after the passage of the reform bill. Roebuck, Grote and Buller had been elected to the parliament and they worked together with MPs like John and Edward Romilly, Edward Strutt, William Ewart and Sir William Molesworth. Grote was a leading figure among the radicals in the Commons. He took the secret ballot as his central issue and he proposed its introduction regularly during the 1830s. The proposals did not pass, but the radicals could find solace in the fact that through the years the ballot gained more support.30

John Stuart had started to work at the East India Company in 1823, so he could not become a Member of Parliament. He instead tried to affect public opinion by his

27 Autobiography, 171, 173.
29 Hamburger 1965, 86-90, 214-216.
30 Ibid., 113-119, 160-161.
writings. Mill very much believed in the importance of political journalism, saying it “is to modern Europe what political oratory was to Athens and Rome”\(^\text{31}\). It is therefore natural that he, and the other radicals, wanted to eradicate the tax on newspapers, which they called the “tax on knowledge”. This was partially achieved in 1836, when the tax was lowered.\(^\text{32}\) In 1835 the Philosophic Radicals formed the *London Review*, which merged the next year with the *Westminster Review* to become the *London and Westminster Review*. Mill, who became the editor, was determined to make the review into something more than just a mouthpiece for orthodox radicalism. This was displayed for example in his own articles on Coleridge and Bentham, though some of the Philosophic Radicals were unhappy about Mill’s unorthodox views.\(^\text{33}\)

The Philosophic Radicals failed to achieve their goal of creating a realignment of the political parties and the group disbanded around 1840. That year Mill gave up his editorship of the review and turned his attention to more theoretical subjects.\(^\text{34}\) *A System of Logic*, published in 1843, established his reputation as a philosopher. In 1848 he published *Principles of Political Economy*, which in turn made him one of the leading economists of the time. Even these more theoretical books did have an underlying political agenda. In *Logic* Mill tried to show how all knowledge was based on empirical observations. In his view the idea that knowledge could be attained through intuition could be used to motivate bad political practices.

> The notion that truths external to the mind may be known by intuition or consciousness, independently of observation and experience, is, I am persuaded, in these times, the great intellectual support of false doctrines and bad institutions.\(^\text{35}\)

In the *Principles* Mill tried to dispel the idea that economics was a hard-hearted science hostile to the interests of the working class. He explored from the point of view of economics how the conditions of the working class could be improved.\(^\text{36}\)


\(^{32}\) Hamburger 1965, 128-129.

\(^{33}\) Ibid., 98-100, 129-131.

\(^{34}\) Ibid., 241-243.

\(^{35}\) Autobiography, 229, 231, 233.

\(^{36}\) Ibid., 239, 241, 243
In the 1840s and 1850s Mill lived a quite secluded life, not participating in politics or society events. His greatest influence at that time was Harriet Taylor, whom he had met for the first time in 1830 and whom he married in 1851, after Harriet’s first husband had died. According to Mill many of his writings were equally the work of Harriet. In the 1850s they devised a list of subjects they thought had to be addressed in order to help the improvement of mankind. These plans materialized eventually in the works that Mill is most known for today: On Liberty, Utilitarianism, Considerations on Representative Government, The Subjection of Women and Autobiography. Mill was most satisfied with On Liberty, which he dedicated to the memory of Harriet, who had died in 1858. Considerations on Representative Government, published in 1861, summed up Mill’s later views on democracy. In Utilitarianism, first published in Frazer’s Magazine in 1861, Mill explained his own version of the theory. The Subjection of Women was at its publication in 1869 highly controversial for its critique of the then existing attitudes towards women. In Autobiography, published in 1873 after Mill’s death, Mill gave an account of his unusual upbringing and his mental crisis. The three essays on religion were also published after his death.37

Mill assumed a more public role again in the 1860s. This was made possible partly by his retirement from the East India Company in 1858 and partly by the fact that he had become one of the most prominent intellectuals in Britain. An indication of his prominence was his election to the parliament from the borough of Westminster in 1865, even though he refused to run an actual election campaign and though he said he would not follow any party line if elected.38

Mill did not care very much about how his actions in parliament affected his chances of getting re-elected. He saw his role as someone who furthered causes that would be realized first in the future. In 1867, when the second reform bill was debated in the Commons, Mill proposed, that the government’s bill be altered so that also women would be allowed to vote. Unsurprisingly, the proposal did not pass. He also proposed the introduction of Thomas Hare’s voting system, but the proposal did not pass either.

37 Packe, 368-371.
Probably due to his uncompromising stance, Mill lost his re-election bid in 1868, and therefore returned to his philosophical pursuits.\textsuperscript{39}

\textsuperscript{39} Ibid., 104-106.
4. Government of Public Opinion

The most important source of Bentham’s later political thought is the *Constitutional Code*, which he started to write in 1822. Only the first volume of it was published during his lifetime, in 1830. When Bentham was writing the *Code* he was in contact with politicians and reformers from Portugal, Spain, Greece, Tripoli and several Latin American countries. He hoped that some of the countries would adopt his constitution in its entirety, but these hopes did not eventually materialize.¹

Part of the *Constitutional Code* was Bentham’s *Radical Reform Bill*, published in 1819. It was a concrete proposal to change the election laws in Britain.² Bentham believed that the right to vote should be given to all men who had turned 21, were occupiers of a household and who had passed a literacy test. He also emphasized that everybody should have an equal amount of votes and that voting should be secret.³

4.1. The Public Opinion Tribunal

As was seen in the previous chapter, Macaulay criticized James Mill’s ideas about how the sinister interests of the rulers could be checked simply by arranging frequent elections. Frederick Rosen believes that Bentham avoided the problem by devising more elaborate devices to control the rulers. One of the devices was the Public Opinion Tribunal.⁴ The tribunal was not an actual organization. In *Securities Against Misrule*, a constitutional charter written in 1822 for the Pasha of Tripoli, Bentham called it a “half and half imaginary tribunal”.⁵ However, Bentham thought that the public could function as judges towards the rulers.

Be the acts of the Government ever so arbitrary, the subject many, in proportion as they form and make public their respective opinions, in relation to them, act in

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¹ *Constitutional Code*, xi-xliv.
² Ibid., 48n.
⁴ Rosen, 168-170, 174-177.
so far, in the character of judges: judges sitting in judgment over the conduct of, and in this way exercising rule over, the rulers themselves... Operating thus as judges, the members of this same community may, in their aggregate capacity, be considered as constituting a sort of judicatory or tribunal: call it for example The Public-Opinion Tribunal.  

The tribunal consisted of all the individuals in the state, also those who did not have the right to vote. Foreigners who wanted to take part in the debates of a nation were also part of it. The tribunal had many different forms. It consisted, for example, of audiences, who watched the proceedings of the legislature and the courts. Individuals who participated in political meetings also performed the functions of the tribunal. The same applied to all those who wrote or spoke about political issues.

The tribunal was supposed to give information about how public institutions functioned. Based on this information, judgments could be given about how well these institutions worked. These opinions were expressed for example in public speeches and in newspapers and other writings. Liberty of the press was therefore very important for the proper functioning of the Public Opinion Tribunal.

Frederick Rosen has pointed out that for Bentham, the tribunal was the most important check on the abuses of power.

To the pernicious exercise of the power of government it is the only check; to the beneficial, an indispensable supplement. Able rulers lead it; prudent rulers lead or follow it; foolish rulers disregard it.

Bentham also thought that public opinion was for the most part in agreement with utilitarianism.

Even at the present stage in the career of civilization, its dictates coincide, on most points, with those of the greatest happiness principle; on some however, it still deviates from them: but, as its deviations have all along been less and less numerous, and less wide, sooner or later they will cease to be discernible; aberration will vanish, coincidence will be complete.

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6 Securities Against Misrule, 561.
7 Rosen, 27-28; Constitutional Code, 35-36.
8 Rosen, 27-28; Constitutional Code, 35-36, 86-87.
9 Rosen, 24-25; the quote is from Constitutional Code, 36.
10 Rosen, 24-25; the quote is from Constitutional Code, 36.
Since Bentham did not believe in the balanced constitution, he thought that the power of the legislature should not be limited. In the *Constitutional Code* there was a hierarchy of powers. The people were sovereign and they exercise sovereignty by electing the legislators. The executive and judicial branches of government were ultimately under the power of the legislature, because the legislators could appoint and dismiss the Prime Minister and because the courts did not have the right to judge as unconstitutional any laws the legislature had passed.11

The Supreme Legislature is omnicompetent...To its power, there are no limits. In place of limits, it has checks.12 Bentham used the word “omnicompetent”, because the legislature was not omnipotent. The legislators were still answerable to the people, but as long as the legislators followed the will of the people there were few limits to their power.13 Therefore the Public Opinion Tribunal was important, because it could express the will of the people.

When Bentham said that the power of the legislature could only be checked, he meant the arrangements that were supposed to guarantee the aptitude of the legislators.14 He distinguished between moral, intellectual and active aptitude. Moral aptitude meant that officials pursued the greatest happiness of the greatest number. Intellectual aptitude implied that the official had enough knowledge to perform his duties. Active aptitude was expressed by actually performing one’s duties punctually. Bentham devised different types of institutional arrangement that he thought would maximize the aptitude of legislators, ministers and other public officials.15

In the *Constitutional Code* Bentham first explained what the general securities for aptitude were. Elections were held annually and after having served for one year a legislator had to wait few years before he could be elected again. In addition, the sittings of the legislature had to public. Bentham also specified how to guarantee active, moral and intellectual aptitude. For active aptitude it was important that the sittings of the legislature were not interrupted and that the legislators had to attend the sittings. For

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11 Rosen, 78, 135, 44-46; Constitutional Code, 25-26, 159, 45.
12 Constitutional Code, 41-42.
13 Rosen, 44-45
14 Constitutional Code, 42.
15 Schofield, 274.
moral aptitude there had to be “all-comprehensive subjection to the tutelary power of the Public Opinion Tribunal, through the instrumentality of the Legislator’s Inaugural Declaration”. Legislators would have to read the declaration to the voters after the announcement of the election results. The declaration stated for example, that the legislator should not interfere without good reason with the dealings of the executive and judicial branches of government. If the elected did not agree with some of the statements in the declaration they would have to admit it. The voters could then decide whether a new election should be arranged. Bentham also mentioned that the intellectual aptitude of the legislators required that they pass an examination. The examination was especially meant for the civil service and Bentham did not discuss in more detail why the legislators also should take the examination. According to Rosen this arrangement could in a significant way limit the number of people eligible to stand for elections.

4.2. Mill on the Will of the People

Mill also rejected the idea of a balanced constitution. He claimed that in a society there was always a class of people, which had the ultimate power. For example in Britain in the 19th century, it was the majority of the people who had the ultimate power, even though the aristocracy still had considerable influence. But unlike Bentham, Mill was worried that the majority would not necessarily use its power wisely. This can be seen from how Mill employed Bentham’s concepts of intellectual, moral and active aptitude in Considerations on Representative Government. Bentham was mainly concerned with the aptitude of the rulers while Mill wanted to make sure that the people were ready to use their political power. This question had occupied Mill already in the 1830s.

J. H. Burns claimed that for Mill the basic question in politics was how to guarantee that the political power was given to the ablest individuals in society. This was expressed in The Spirit of the Age in the following way.

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16 Rosen, 60-63; Constitutional Code, 130-138.
17 Rosen, 198-199; Constitutional Code, 132.
18 Rosen, 184n; Considerations on Representative Government, 422.
19 Rosen, 184-185.
Society may be said to be in its natural state, when worldly power, and moral influence, are habitually and undisputably exercised by the fittest persons whom the existing state of Society affords.

Mill followed this reasoning in 1832, when he departed from some radicals by claiming that the electors should not exact pledges from Members of Parliament. The first article on pledges was published in the *Examiner* on the first of July, and the second, a response to the criticism expressed in the *Morning Chronicle*, on the 15th of July. The English Reform Bill had been passed on June the 7th, and Mill wrote in the early draft of his autobiography, that at the time he thought that the reformers had won the decisive battle for democracy and no major obstacles lay ahead. Therefore it was important to make sure that the democratic spirit did not become too extreme. So though Mill thought the stance against pledges was right, the timing of the articles was not.

Mill’s reasoning against pledges was based on the idea, that the Members of Parliament should be the wisest individuals in the nation. Therefore it was not reasonable, that the wisest should take instructions from less talented individuals. Becoming a good legislator required work and study the same way becoming a doctor required. People did not think that they knew more about treating diseases than doctors, so why should they think they knew more about legislating than those whose profession it was to legislate? Instead of thinking about the actual political questions, the voters should evaluate a candidate’s character. According to Mill, character was revealed for example by asking whether a person had ever held opinions that were contrary to his interests. The same way people were capable of choosing a doctor, but not of judging how the doctor should treat illnesses.

Mill did not mean to say that it was always wrong to exact pledges. The people should decide the basic questions regarding the political system. These questions included for

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21 Burns 1998a, 41, 36.


23 Pledges [1], 489-492.
example the length of the parliamentary terms and the ballot. So Mill accepted that pledges be required concerning the core issues the radicals were advocating. Mill also acknowledged that there might not always be good candidates to vote for. Therefore it was proper to exact pledges from candidates who were not trustworthy. But it was always a bad sign if pledges were considered necessary. It meant that either there were not enough good candidates or that there were good candidates, but the people did not vote for them.

In the second article Mill clarified that he did not want to quell public discussion. It was necessary that the people should make their opinions known to the candidates. In this way the political leaders also learned what the public opinion was regarding certain political issues, and this was important even if they disagreed with the public. Just because some people were more intelligent than others did not mean that the less intelligent knew nothing.

We know that the will of the people, even of the numerical majority, must in the end be supreme...but in spite of that, the test of what is right in politics is not the will of the people, but the good of the people, and our object is, not to compel but to persuade the people to impose, for the sake of their own good, some restraints on the immediate and unlimited exercise of their own will.

In *Rationale of Representation*, published in the *London Review* in July 1835, Mill expressed similar sentiments. He wrote that “the judgment or will of an uninstructed mass, whether of gentlemen or of clowns” should not decide political questions. Instead, decisions should be made by a minority, who were educated for the task. The minority should be responsible to the majority, but the majority should not think about the actual political questions.

their judgment must in general be exercised rather upon the characters and talents of the persons whom they appoint to decide these questions for them, than upon the questions themselves.

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24 Burns 1998a, 37; Pledges [1], 492-494.
25 Pledges [1], 492-494.
However, Dennis Thompson has pointed out, correctly in my view, that Mill’s opinions had changed by the time he wrote Representative Government. In that book Mill still thought that the elite should have a prominent role, but he was willing to give more credit to the masses. He emphasised that everybody should participate in politics and try to learn how to reason well.²⁸

4.3. The Essay on Civilization

Mill’s essay Civilization, published in the London and Westminster Review in April 1836, revealed what he thought about modernization in general. Mill noted that the word “civilization” could be understood in two different ways. It could mean improvement, that people had more enlightened opinions and more gentle manners. But it was also possible to use it in a more neutral way, simply to express how some societies differed from societies that were “barbarous”. Mill used the word in the latter sense. His aim was to show, what possible problems increased civilization lead to. Mill did not want to turn back the clock, but he thought that the negative characteristics of a modern society had to be recognized, so that these characteristics could be corrected.²⁹

In Mill’s view, civilized societies were characterized by cooperation. This meant that people were willing to give up a part of their independence to achieve common goals. Therefore it was also possible to create quite complex systems of commerce and justice. Barbarians, on the other hand, were not capable of working together with other people in the same degree, and therefore lived mostly in small communities. They were also for the most part responsible for their own security, while in civilized societies the security of the individual was based on social arrangements, that is, the justice system.³⁰ This meant that barbarians were more brutal, but also more energetic and heroic, because they had to struggle more just to survive. People in civilized societies were less brutal, which was a good thing, but at the same time they lacked the energy to achieve greatness.³¹

In addition, there was also another major consequence of the advancement of civilization. Increased cooperation meant that the power of the masses grew stronger.

²⁸ Thompson, 83-85.
²⁹ Civilization, 119-120.
³⁰ Ibid., 120.
³¹ Ibid., 129-132.
...by the natural growth of civilization, power passes from individuals to masses, and the weight and importance of an individual, as compared with the mass, sink into greater and greater insignificance.\textsuperscript{32}

Mill explained this claim by saying, that people could influence other individuals if they had wealth or knowledge. In earlier times, only the Few had these, so the Many were subjugated under their rule. As civilization advanced, wealth and knowledge was spread more evenly and therefore the masses gained strength. In the political arena examples of increased cooperation were the birth of the labour movement and the growing influence of the newspapers. By reading newspapers people became aware of what other people were thinking and collective political action became easier to accomplish. According to Mill, the newspapers “will enable the people on all decisive occasions to form a collective will, and render that collective will irresistible”. The best example of this was the passage of the Reform Bill, which was preceded by heated political agitation.\textsuperscript{33}

Mill was especially concerned over the diminishing influence of the intellectual elite. Intellectuals now had to influence the masses, if they wanted to accomplish something.

...this growing insignificance of the individual in the mass...corrupts the very fountain of the improvement of public opinion itself; it corrupts public teaching; it weakens the influence of the more cultivated few over the many.\textsuperscript{34}

In Britain, a single individual now had the best chance to influence public opinion if he was a member of parliament or an editor of a London newspaper. The number of members of parliament had not increased even though the power of the masses had increased. The number of newspapers, on the other hand, was kept low by the taxes on newspapers. Mill did remark, that the influence of individual newspapers was about to diminish, because taxation of newspapers was being lowered. All the newspapers combined would be more influential in expressing the public opinion, but the importance of individual writers would become smaller.\textsuperscript{35} This shows how Mill could have conflicted feelings towards reforms. Reformers, Mill included, had been very much against the taxation of newspapers, but from Mill’s point of view the consequences of this reform were not necessarily altogether positive.

\textsuperscript{32} Ibid., 126.  
\textsuperscript{33} Ibid., 121, 125.  
\textsuperscript{34} Ibid., 133-134.  
\textsuperscript{35} Ibid., 135.
Burns said that the solution Mill gave to this problem showed how his thinking had changed. Mill maintained that the cultivated should create a force that could counter the masses. Since the rise of the masses was irresistible, it was only possible to try to manage the situation.

...to create a power which might partially rival the mere power of the masses, and might exercise the most salutary influence over them for their own good.

According to Burns, the idea of a counterforce was new in Mill’s thought. Burns said that earlier Mill had been more optimistic about the tendency of the majority to vote for the persons of superior intellect. In *Rationale of Representation* Mill had claimed that people were perfectly capable of recognizing who the most eminent individuals in the nation were. Therefore universal suffrage would not lead to bad government. Burns also referred to a passage from Mill’s first essay on Alexis de Tocqueville’s book *Democracy in America*, published in the *London Review* in October 1835.

When there shall exist as near an approach to unanimity among the instructed, on all the great points of moral and political knowledge, we have no fear but that the many will not only defer to their authority, but cheerfully acknowledge them as their superiors in wisdom, and the fittest to rule.

Now Mill thought that a permanent antagonism between the public and the elite was necessary.

The counterforce Mill talked about could be established only if the wealthy and the educated changed their behaviour. For example, it was a problem that books of superior quality did not get enough attention. The public was informed about new books through advertisements and book reviews, which were mostly poorly written. Mill said that the most prominent intellectuals should cooperate and give their approval to books they considered to be truly important. This way serious books could be given more publicity. An example of this sort of cooperation was the Society for the Diffusion of Useful Knowledge, though Mill was not completely satisfied with its functions. James Mill,

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36 Burns 1998a, 44-45.
37 Civilization, 127.
38 Burns 1998a, 42-45.
40 Civilization, 137-138.
for instance, had been involved with the society, but the Philosophic Radicals were not happy with the fact that its publications did not deal with political or religious issues. In the early 1830s they had devised plans for creating the Society for the Diffusion of Moral and Political Knowledge.  

4.4. Mill’s Assessment of Bentham’s Views on Public Opinion

We have now explored Mill’s political thought enough to better understand his assessment of Bentham’s ideas. This assessment was given in the essay *Bentham*, published in August 1838 in the *London and Westminster Review*. The essay on Coleridge was published in the same journal in March 1840.

When assessing Bentham’s political thought, Mill relied mostly on the *Constitutional Code*. Mill wrote that a political thinker should answer three basic questions. Under what authority should the people live, how they can be made to respect that authority and how can we make sure that this authority is not abused. According to Mill, Bentham considered in detail only the third question. His answer was, that the authorities in a society should be responsible to those who have an interest in securing good government, i.e. all the individuals in the nation. But in Mill’s view it was not really possible to make the rulers responsible to every individual in the community, so Bentham actually gave the power to the numerical majority.

...he exhausted all the resources of ingenuity in devising means for riveting the yoke of public opinion closer and closer round the necks of all public functionaries, and excluding every possibility of the exercise of the slightest or most temporary influence either by a minority, or by the functionary’s own notions of right.

Mill said it was understandable that the type of ideas Bentham proposed would emerge at a time when the aristocracies still had a firm grip on the political power in Europe. But for philosophers it was not really enough to propose different political arrangements that were equally one-sided as the existing systems. The truth, according to Mill, was somewhere between these two extremes.

There must, we know, be some paramount power in society; and that the majority should be that power, is on the whole right, not as being just in itself, but as being

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42 The material for this section is from *Bentham*, 106-110. The idea that Mill expressed in *Bentham* a will to create a rival power to the masses is from Burns, 1998a, 47-48.
less unjust than any other footing on which the matter can be placed. But it is necessary that the institutions of society should make provision for keeping up, in some form or other, as a corrective to partial views, and a shelter for freedom of thought and individuality of character, a perpetual and standing Opposition to the will of the majority.

Mill claimed that in all progressive societies throughout history there had existed a rivalry between different power centres; for example between priests and kings, freethinkers and priests and between the aristocracy and the people. China was a society where no such rivalry had existed, and that was why progress had stopped there. Mill thought that the United States would also eventually become stationary, if no rival to the will of the majority emerged.

Mill was afraid that the majority would want to control almost every aspect of people’s lives. The education of children would be modelled according to majority opinion and individuals with differing opinions would be persecuted. It would be better, if the majority only used its power to defend itself against the abuses of power.

The power of the majority is salutary so far as it is used defensively, not offensively —as its exertion is tempered by respect for the personality of the individual, and reverence for superiority of cultivated intelligence.

This brings us to the next subject, the supposed tyranny of the majority in America.

4.5. Tyranny of the Majority

In early 19th century Europe both the proponents and the enemies of democracy used examples from America to further their cause. Therefore it is not surprising that Alexis de Tocqueville’s Democracy in America was interpreted in different ways. Mill noted in his second essay on de Tocqueville’s book that Tories had used de Tocqueville’s phrase “tyranny of the majority” to paint him an opponent of democracy. In Mill’s view de Tocqueville simply acknowledged that democratization had its own perils and that democracy could function well only under certain circumstances.43

De Tocqueville claimed that the tyranny of the majority mostly affected freedom of discussion. He said that in America issues could be discussed only if there was no majority consensus. Once the majority had made its mind about something, all

43 De Tocqueville on Democracy in America [II], 155-157. The essay was published in the Edinburgh Review in October 1840. The fact that it was published in a Whig journal showed that Mill did not any more want to be as sectarian as he had earlier been.
discussion ended. Therefore, compared to Europe, freedom of speech was actually more restricted in America. A powerful European monarch could not affect people’s thoughts the same way the majority of the people could in the United States. There were also many different power centres in Europe. The people could support a critic of a monarch and a monarch could function as a counterforce to majority opinion. In America, every writer had to please the majority, because it was offended very easily.  

Mill agreed with de Tocqueville on what the tyranny of the majority actually implied. He tried to ensure the “English alarmists”, that the poor in America were not oppressing the rich. The majority did not enact oppressive laws against minorities, except if religious or racial prejudices were involved. But these prejudices could exist also in nondemocratic states, so this oppression was not a problem only in democracies. The real problem in democracies was the power of public opinion, which could influence to considerable degree the way people behaved.

Mill said de Tocqueville had made a mistake in attributing all the peculiar characteristics of the American society to democracy. De Tocqueville defined democracy as equality of conditions, and this equality between individuals was according to him the reason behind the different phenomena he witnessed. Mill thought de Tocqueville was simply describing the effects of the advancement of civilization. These effects could be seen in all countries where commerce was developing rapidly. Civilization did lead to a more equal distribution of wealth, but the differences in wealth could still be significant. This was the situation in Britain, but civilization was nevertheless advancing, which meant that the power of the masses was growing. Therefore the wealthy had more difficulties in resisting the will of the masses. For example, the members of the British House of Lords were very wealthy, yet they had to vote for the passage of the Reform Bill, because the power of the masses had become so great. The middle class had now become the dominant force in British society.

The daily actions of every peer and peeress are falling more and more under the yoke of bourgeois opinion; they feel every day a stronger necessity of showing an immaculate front to the world. When they do venture to disregard common opinion, it is in a body, and when supported by one another; whereas formerly every nobleman acted on his own notions, and dared be as eccentric as he pleased.

44 De Tocqueville on Democracy in America [I], 81-82.
The rise of the middle class meant that more books were written than ever before, but the quality of the books was not very high. Most books were read only once, and then forgotten. In earlier times books were mostly written for scholars who appreciated higher learning. Because the middle class did not possess this appreciation, there existed instead “the dogmatism of common sense”.

Burns noted that according to Mill there had to be a leisured class, an agricultural class and a learned class to counteract the commercial spirit of the middle class. All these classes were different from the middle class. For example, farmers had an attachment to the area they were from and to their occupation. They did not usually make large fortunes so also in that regard they had a different lifestyle than the more ambitious businessmen.

In his second article Burns dealt with Mill’s thought regarding democracy from the 1840s until the publication of Representative Government. Mill eventually dropped the idea of an agricultural and a leisured class as necessary checks on the power of the majority. He became more interested in how to ensure good government through different institutional arrangements.

Mill continued to deal with the idea of a tyranny of the majority in his later writings. The most famous expression of these sentiments is in his essay on liberty.

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46 De Tocqueville on Democracy in America [II], 191-196.
47 Burns 1998a, 50-51; De Tocqueville on Democracy in America [II], 197-200.
48 Burns 1998b, 63-66.
5. Public Opinion in Mill’s Theory of Liberty

5.1. The Liberty Principle

Mill said in the first chapter of *On Liberty* that individual liberties could be restricted either by intrusive laws enacted by the government or by the people acting on their own, coercing or pressuring individuals to act according to the standards set by others. In Mill’s view the advancement of civilization meant that individual liberties were threatened in both ways.¹

People did not necessarily consider limits to governmental power to be an important issue, if the government was a democracy. After all, the rulers in a democracy were answerable to the people, so how could the people oppress themselves? In earlier times, when the rulers were a separate class from the people, it had been natural for the people to demand some limits to the power of the government. The government was considered to be necessary, because it could protect individuals from each other. But there was also a risk that the government itself became a threat to the liberty of individuals, and therefore its power had to be checked.² Mill thought that the power of the government was more limited in Britain than on the European Continent. The reason to this was the prevalence of the old mode of thought, according to which the political rulers were seen to have different interests than the people. Not even in Britain was there any special regard for the liberty of the individual.³

The power of the masses could be used also without the power of the government.

...there needs protection also against the tyranny of prevailing opinion and feeling; against the tendency of society to impose, by other means than civil penalties its own ideas and practices as rules of conduct on those who dissent from them; to fetter the development, and, if possible, prevent the formation, of any individuality not in harmony with its ways, and compel all characters to fashion themselves upon the model of its own.⁴

Mill claimed that the general tendency of the time was towards limiting individual liberties. This disregard for individual liberty could be seen for example in the ideas put forth by many thinkers as proposals for societal reform. According to Mill, the most

¹ *On Liberty*, 218-220.
² Ibid., 217-220.
³ Ibid., 222-223.
⁴ Ibid., 220.
extreme ideas had been laid by the French philosopher Auguste Comte in his *Système de Politique Positive*. Comte’s system established “a despotism of society over the individual, surpassing anything contemplated in the political ideal of the most rigid disciplinarian among the ancient philosophers”.

Mill’s liberty principle gave a criterion for when the society was allowed to punish an individual or prevent him or her from doing something. By punishment and compulsion Mill meant both “legal penalties” and “the moral coercion of public opinion”. He stated that society had the right to interfere with the conduct of an individual only if the conduct harmed others.

...the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others. His own good, either physical or moral, is not a sufficient warrant...In the part which merely concerns himself, his independence is, of right, absolute. Over himself, over his own body and mind, the individual is sovereign.

Mill made clear that the liberty principle did not apply to everybody. Minors were excluded, as were “those backward states of society in which the race itself may be considered as in its nonage”. Mill used here his distinction of societies into civilized and uncivilized. In *On Liberty* Mill was concerned with those societies he considered to be civilized, i.e. where the people “have become capable of being improved by free and equal discussion”. Uncivilized societies could be improved even if individuals did not have maximum liberties. According to Mill, “Despotism is a legitimate mode of government in dealing with barbarians, provided the end be their improvement, and the means justified by actually effecting that end”.

The principle did not apply to the economy either, because “trade is a social act”. However, Mill stated that the principle of free trade was equally true as the liberty principle, even though they were grounded on different considerations. There were also some issues concerning individual liberty that had to do with trade. For example, Mill said that it was wrong to ban the sale of alcohol or “the importation of opium into China” based on the claim that these products might be harmful. The individual had the right to decide what products to consume, even if the products were detrimental to

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5 Ibid., 226-227.
6 Ibid., 223-224.
7 Ibid., 224.
health. The ban on products considered harmful did not violate the rights of the seller, but it did violate the rights of the buyer.\(^8\)

Ten interpreted Mill’s liberty principle to mean, that a society’s likings and dislikings were never a good reason to interfere with an individual’s self-regarding actions. It had to be confirmed, that an action was harmful to others, before interference could be justified. It did not matter how disgusting or revolting we considered some type of conduct, as long as nobody else was harmed, interference was not justified. By “interference” Ten meant “coercive interference” because in his view Mill allowed people to give advice about self-regarding conduct. Mill wrote that if we didn’t accept a person’s self-regarding conduct, then there could be “good reasons for remonstrating with him, or reasoning with him, or persuading him, or entreating him, but not of compelling him, or visiting him with any evil in case he do otherwise”.\(^9\)

Ten pointed out that Mill thought we should have a consistent principle, which concerned the power of the society over the individual. No consistent principles were usually applied, when there were disagreements about the society interfering in people’s lives. People simply liked or disliked different things, and therefore also had different opinions about when society had the right to intervene with the conduct of individuals.\(^10\)

This meant that it was simply public opinion that decided what kind of conduct was tolerated. According to Mill, most philosophers encouraged this kind of thinking.

These teach that things are right because they are right; because we feel them to be so. They tell us to search in our own minds and heart for laws of conduct binding on ourselves and all others. What can the poor public do but apply these instructions, and make their own personal feelings of good and evil, if they are tolerably unanimous in them, obligatory on all the world?\(^11\)

Mill wrote that if we thought it was wrong to forbid some self-regarding actions, then in order to be consistent, we had to think it was wrong to forbid all self-regarding actions. Otherwise we simply decided questions about the right of society to intervene based on our own likings and dislikings. As an example Mill mentioned the Catholics in Spain,

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\(^8\) Ibid., 293.
\(^9\) Ten 1980, 2-6; the quote in the last sentence is from On Liberty, 223-224; see also Ten 2002, 358-359.
who thought priests should remain unmarried. Protestants probably thought it was wrong for Spanish Catholics to force non-Catholics not to have married priests. But if these Protestants thought that it was not wrong to interfere with self-regarding actions, then they did not really have any consistent principles. They simply didn’t want the majority to interfere in this particular case, because they happened to accept married priests.

...if mankind are justified in interfering with each other’s liberty in things which do not concern the interest of others, on what principle is it possible consistently to exclude these cases?\textsuperscript{12}

The same applied to Muslims who wanted to ban the eating of pork also for non-Muslims in countries where Muslims were the majority. Eating pork was very offensive to Muslims, and the ban on pork could not be considered religious persecution, because nobody had a religious duty to eat pork.

Would it be a legitimate exercise of the moral authority of public opinion? and if not, why not?...The only tenable ground of condemnation would be, that with the personal tastes and self-regarding concerns of individuals the public has no business to interfere.\textsuperscript{13}

Mill claimed that the majority was able to judge if it was appropriate to interfere with a person’s conduct, when that conduct affected others, because in that case they only had to consider how the conduct affected them.

On questions of social morality, of duty to others, the opinions of the public, that is, of an overruling majority, though often wrong, is likely to be still oftener right; because on such questions they are only required to judge of their own interests; of the manner in which some mode of conduct, if allowed to be practised, would affect themselves.\textsuperscript{14}

But the majority did not, for the most part, know more about self-regarding actions than the individual who did the act. Therefore, the majority was not capable of judging whether self-regarding actions were good or bad for individuals. Many times the majority did not even care about the opinions of the individual; it just wanted to impose its views on everybody.

\textsuperscript{12} Ibid., 285.

\textsuperscript{13} Ibid., 284-285.

\textsuperscript{14} Ibid., 283.
in these cases public opinion means, at the best, some people’s opinion of what is
good or bad for other people; while very often it does not even mean that; the
public, with the most perfect indifference, passing over the pleasure or
convenience of those whose conduct which they censure, and considering only
their own preference.\textsuperscript{15}

\section*{5.2. Hamburger’s Interpretation of Mill’s Intentions}

Hamburger did not deny the fact that Mill defended individual liberties in many
passages of \textit{On Liberty}.\textsuperscript{16} But in his view the essay should not be seen as simply a plea
for extensive individual liberties, because Mill in many passages also advocated for
constraints on the conduct of individuals. For example, Mill wrote that, “liberty itself is
often granted where it should be withheld, as well as withheld where it should be
granted”. This meant that interference with liberty “is, with about equal frequency,
improperly invoked and improperly condemned”.\textsuperscript{17}

Hamburger thought Mill allowed punishments also for self-regarding actions, because it
was proper to express disapproval of these actions. During existing conditions, this
could only be done by the intellectuals, because public opinion was not yet enlightened
enough.\textsuperscript{18} In Hamburger’s view the expression of disapproval that Mill allowed was not
about giving advice, but about “moral coercion”. Therefore he disagreed with Ten, who
claimed that Mill was against coercion but not persuasion. Hamburger said that Ten was
wrong in claiming that in Mill’s view “individual liberty in the area of self-regarding
actions should be absolute”.\textsuperscript{19}

Hamburger also maintained that in Mill’s scheme of things the area of self-regarding
conduct was ultimately quite small. For example, having children was in Mill’s view an
other-regarding action, because an increase in the supply of workers affected other
people’s wages. Therefore Mill demanded that only those who were able to take care of
children should be allowed to get married.\textsuperscript{20}

\begin{footnotes}
\item[15] Ibid., 283.
\item[16] Hamburger 1999, 15.
\item[17] Hamburger 1999, 12; the quotes are from On Liberty, 301, 223.
\item[18] Hamburger 1999, 181.
\item[19] Hamburger 1999, 7-9; the quote is from Ten 1980, 40.
\end{footnotes}
According to Hamburger it is not easy to understand Mill’s intentions writing *On Liberty*, because he was not completely honest about his intentions.\(^{21}\) Most importantly, one must understand how Mill’s priorities regarding societal reform had changed after the 1830s. Earlier Mill had emphasized the importance of institutional reforms, but he was quite disappointed, when it became evident that many of the reforms enacted, like the electoral reform in 1832 or the abolishment of the Corn Laws in 1846, had not changed the moral or intellectual character of the people in any significant way.

...these changes have been attained with much less benefit to human well being than I should formerly have anticipated, because they have produced very little improvement in that on which depends all real amelioration in the lot of mankind, their intellectual and moral state.\(^ {22}\)

Therefore Mill became convinced that there was a need for a complete reform of the common ways of thinking.\(^ {23}\) This moral reform would be achieved by first destroying the old beliefs and after that creating new ones. Especially important was to replace Christianity with a Religion of Humanity. Mill considered Christian morality as essentially selfish, because good deeds were ultimately done in order to avoid being sent to hell. What was needed was a secular religion based on altruism. Then good of the whole of mankind would be the ultimate aim of morality. This meant that Mill’s aims were far-reaching, even utopian. Intellectuals would have a prominent role in creating this new moral order.\(^ {24}\)

Hamburger claimed that *On Liberty* was written in order to advance this fundamental transformation of society. But because Mill felt that he could not openly talk about his hostility towards Christianity, he did not reveal all of his ideas in that essay. Mill wrote about liberty because expanding freedoms was important in the first phase of the project, the destruction of old beliefs. Especially expanding the freedom of speech was crucial, because it would allow a critical evaluation of Christianity.\(^ {25}\) Once a better society had been established, liberties could be constrained more.

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\(^{21}\) Ibid., xi-xiii.

\(^{22}\) Hamburger 1999, 18-19; the quote is from Early Draft, 244.

\(^{23}\) Hamburger 1999, 18-19.

\(^{24}\) Ibid., 42-43.

\(^{25}\) Ibid., 86-87.
Hamburger said that Mill wrote more openly about these sensitive matters in *Autobiography* and in the three essays on religion, because they were to be published first after his death. For example, in *Autobiography* he wrote that his father did not teach him to believe in any religion.

I am thus one of the very few examples, in this country, of one who has, not thrown off religious belief, but never had it. I grew up in a negative state with relation to it. I looked upon the modern exactly as I did upon the Greek religion, as something which in no way concerned me.²⁶

Though Hamburger was not the first to challenge the traditional view of Mill as a champion of individual liberties his interpretation is still very interesting. At the heart of the controversy are Mill’s views regarding public opinion. According to the traditional interpretation of *On Liberty*, the chapters two and three were written because Mill wanted to defend freedom of speech and individuality against the intolerance of public opinion. Hamburger claimed that in these chapters Mill was mostly concerned with the liberties of the intellectual elite. He also said, that in chapter four Mill revealed his true intentions by allowing the punishment of self-regarding actions by the expression of opinions. Finally, Hamburger referred to Mill’s other writings, especially to Coleridge and *Utility of Religion*, where a more positive view of the influence of public opinion was expressed.

### 5.3. Freedom of Speech

After having explained his liberty principle in chapter one of *On Liberty*, Mill defended freedom of speech in chapter two. He stated that individuals should have the right to express any opinions. Even if only one person in the whole world believed a certain proposition to be true, the rest of the world did not have the right to silence that person.²⁷ In chapter three Mill clarified, that under certain circumstances opinions should not be expressed. For example, one should not express opinions in front of a group of people, if those opinions might excite the group to harm other people. But it should be legal to express those opinions for example in newspapers.²⁸

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²⁶ Hamburger 1999, 55, 45; the quote is from Early Draft,44; it is also in Autobiography, 45.

²⁷ *On Liberty*, 228-229.

²⁸ Ibid., 260.
Hamburger said that Mill defended freedom of speech especially because it would allow the criticism of Christianity. He talked generally about defending freedom of speech only because he did not want to reveal his real intentions. Hamburger claimed that Mill in fact admitted that freedom of speech was respected in Britain.

The time, it is to be hoped, is gone by, when any defence would be necessary of the “liberty of the press” as one of the securities against corrupt or tyrannical government.\(^{29}\)

Mill also said that British governments respected this freedom “except during some temporary panic, when fear of insurrection drives ministers and judges from their propriety”.\(^{30}\) Therefore Mill actually wanted to guarantee freedoms for “those who would implement his plan for moral reform”.\(^{31}\)

Hamburger was correct when he said that Mill used for the most part religion as an example in chapter two. But Mill himself said that he wanted to examine what at the time many considered to be the strongest case for restricting freedom of speech at least on some occasions\(^ {32}\). Many thought that even if religious beliefs were false, they were still essential for maintaining moral order in a society. For example, some judges demanded witnesses to swear religious oaths in courts, because they thought atheists could not be trusted to speak the truth.\(^{33}\)

The biggest flaw in Hamburgers interpretation is the claim that Mill was not worried about the freedom of speech generally. In the first quote given in this section Mill was clearly saying, that few anymore deny freedom of speech to be important against “corrupt or tyrannical government”. In the next sentence he said that arguments were no longer needed “against permitting a legislature or an executive, not identified in interest with the people, to prescribe opinions to them”. The part “not identified in interest with the people” shows that Mill was talking about nondemocratic governments. The real threat in Mill’s time was governments that followed the intolerant views of the public. He said no government had the right to limit freedom of speech.

\(^{29}\) Hamburger 1999, 86-89; the quote is from On Liberty, 228.

\(^{30}\) Hamburger 1999, 89; the quote is from On Liberty, 228.

\(^{31}\) Hamburger 1999, 86.

\(^{32}\) On Liberty, 234.

\(^{33}\) Ibid., 239-240.
I deny the right of the people to exercise such coercion, either by themselves or by their government. The power itself is illegitimate. The best government has no more title to it than the worst. It is as noxious, or more noxious, when exerted in accordance with public opinion, than when in opposing to it.\textsuperscript{34}

Ten noticed this difference, and said that Mill was worried about the limits to freedom of speech enacted by democratic governments. Ten also stressed, that Mill wanted the freedom of speech for everybody, not just the elite. Freedom of expression was, of course, important for intellectuals. Mill said, that, “No one can be a great thinker who does not recognise, that as a thinker it is his first duty to follow his intellect to whatever conclusions it may lead.”\textsuperscript{35} But Mill also clearly said that everybody should have the right to express their opinions.

Not that it is solely, or chiefly, to form great thinkers, that freedom of thinking is required. On the contrary, it is as much and even more indispensable, to enable average human beings to attain the mental stature which they are capable of. There have been, and may again be, great individual thinkers, in a general atmosphere of mental slavery. But there never has been, nor ever will be, in that atmosphere, an intellectually active people.\textsuperscript{36}

5.4. Individuality

In chapter three of \textit{On Liberty} Mill concentrated on promoting individuality. He wrote that individuals should not simply follow existing traditions, but come up with “different experiments of living”. It was important that they should be guided by their own inclinations. He claimed that a person had character if his “desires and impulses are his own – are the expression of his own nature, as it has been developed and modified by his own culture”.\textsuperscript{37}

Hamburger said that the individuality Mill talked about was meant to for those who could bring forth major reforms in the world. According to Hamburger individuality had for Mill mostly instrumental value, even though he mentioned that it also had intrinsic worth.

Mill celebrated individuality, however, less for its intrinsic value than for its usefulness in helping bring about distant and (in the largest sense of the word)

\begin{itemize}
\item \textsuperscript{34} Ibid., 228-229.
\item \textsuperscript{35} Ten 1980, 124, 130-131; the quote is from \textit{On Liberty}, 242.
\item \textsuperscript{36} Ten 1980 130-131; the quote is from \textit{On Liberty}, 243; Ten 2002, 368.
\item \textsuperscript{37} On \textit{Liberty}, 260-261, 264.
\end{itemize}
political ends. The few statements upholding it for its inherent value are greatly outnumbered by the many passages emphasizing its instrumental value.\textsuperscript{38} Hamburger claimed that Mill contrasted the few with individuality with the vast majority of people, who simply followed traditions. Most people never even thought about the possibility of doing what one liked. It was self-evident to simply behave the same way other people did. Mill favoured energetic, courageous and eccentric individuals and criticised those who were passive, indolent and weak.\textsuperscript{39} In Britain especially people who belonged to the middle class were passive and did not try to change the society. They had more influence than ever, because public opinion had become so important.

In politics it is almost a triviality to say that public opinion now rules the world. The only power deserving the name is that of masses, and of governments while they make themselves the organ of the tendencies and instincts of masses...Those whose opinions go by the name of public opinion, are not always the same sort of public: in America they are the whole white population; in England, chiefly the middle class.\textsuperscript{40}

I think Hamburger simply overstated his case once again. There is no doubt that Mill gave a prominent role to the elite. For example, the passage quoted above continues like this.

.. And what is a still greater novelty, the mass do not now take their opinions from dignitaries in Church or State, from ostensible leaders, or from books. Their thinking is done for them by men much like themselves, addressing them or speaking in their name, on the spur of the moment, through the newspapers.\textsuperscript{41}

But, as Ten notes, individuality was not meant only for the elevated few. Intellectuals had a special role in Mill’s theory, because they were capable of developing new practices.

...there are but few persons, in comparison with the whole of mankind, whose experiments, if adopted by others, would be likely to be any improvement on established practice. But these few are the salt of the earth; without them, human life would become a stagnant pool.\textsuperscript{42}

\textsuperscript{38} Hamburger 1999, 149.
\textsuperscript{39} Ibid., 152-153.
\textsuperscript{40} Hamburger 1999, 161-163; the quote is from On Liberty, 268 (emphasis added by Hamburger).
\textsuperscript{41} Ibid., 268-269.
\textsuperscript{42} Ten 1980, 71-72; the quote is from On Liberty, 267.
After these “persons of genius” had come up with new practices, other people could then choose among the alternatives that were given. Intellectuals were not allowed to force their views on the majority. They should simply convince the majority by showing a good example.

I am not countenancing the sort of “hero-worship” which applauds the strong man of genius for forcibly seizing on the government of the world and making it do his bidding in spite of itself. All he can claim is, freedom to point out the way. The power of compelling others into it, is not only inconsistent with the freedom and development of all the rest, but corrupting to the strong man himself.43

Hamburger also made clear that in his view Mill did not want the elevated few to have despotic powers over the rest.44 But Hamburger and Ten had different conceptions about whether the elite had the right to punish individuals for self-regarding actions.

5.5. Coercions or Persuasion?

Hamburger claimed that commentators have not satisfactorily dealt with those passages in On Liberty where Mill seemed to advocate constraints to liberty. The most important ones can be found in the fourth chapter, where Mill said that certain type of behaviour should be strongly disapproved.

There is a degree of folly, and a degree of what may be called (though the phrase is not unobjectionable) lowness or depravation of taste, which though it cannot justify doing harm to the person who manifests it, renders him necessarily and properly a subject of distaste, or, in extreme cases, even of contempt.45

Hamburger thought that by using the words “distaste” and “contempt” Mill indicated that punishments were allowed also for self-regarding conduct. Mill was even clearer when he wrote shortly after the passage just quoted that “a person may suffer very severe penalties at the hands of others, for faults which directly concern only himself”. By this Mill meant that we were allowed to avoid the company of a person whose self-regarding actions we disliked and to encourage others to do the same. In Hamburger’s view Mill would not have used the word “penalties”, if he was not advocating punishments. He said that Mill actually recognized how this differed from the earlier statements about self-regarding actions, because he tried to explain how these penalties

44 Hamburger 1999, 199.
45 Hamburger 1999, 166-168; the quote is from On Liberty, 278.
were not “purposely inflicted on him for the sake of punishment”, but they were simply the natural consequences of bad behaviour. In Hamburger’s view they were purposeful, because Mill encouraged people to disapprove certain kinds of conduct.\footnote{Hamburger 1999, 169-171; the quotes are from On Liberty, 278.}

As was said earlier, Hamburger claimed that Mill made a difference between existing public opinion and a more enlightened public opinion that might exist in the future. Before this better public opinion existed, the public was not allowed to inflict these punishments. The elite had the right to inflict punishments, because its views were not based on public opinion. Hamburger admitted that Mill did not say this explicitly in \textit{On Liberty}, but he alluded to it in some passages. For example, Mill said that drunkenness or idleness should not be punished by legal means. Therefore he left room for punishments by the expression of distaste and contempt. Hamburger claimed that Ten did not understand, that Mill only forbade the majority to enact punishments for self-regarding activities.\footnote{Hamburger 1999, 174-177, 181.}

In my view Hamburger managed to show that there are many difficulties with Mill’s theory of liberty. The difference between persuasion and coercion is very small, if not nonexistent. Even if there was a clear difference, the pressure on an individual to act according to the opinions of others can be immense, even though the opinions are expressed in a reasonable and dispassionate manner. But, as Ten also pointed out\footnote{Ten 2002, 360.}, the real issue here is what Mill’s intentions were. Just because Mill’s ideas can seem incoherent or impracticable, does not mean that he had some ulterior motives. He made it very clear that he did not consider the expression of contempt as the kind of punishment that was forbidden by his liberty principle.\footnote{On Liberty, 278-280.}

In order to support his views Hamburger reverted many times to quite dubious interpretations of Mill’s writings. It is a bit far-fetched to say, that Mill allowed punishments by other than legal means in cases of drunkenness or idleness, because in that passage Mill only mentioned legal penalties. Hamburger also claimed that when Mill talked about how a person had to be ready to suffer the consequences of his or her self-regarding actions, Mill meant that the consequences included punishments. It is
quite clear, that liberalism requires individuals to take responsibility for their own actions. Since society has no right to prevent people from doing certain things, it does not either have the duty to help that individual if doing those things leads to problems.

Hamburger also took some sentences out of context. Mill wrote for example that “the spirit of improvement is not always a spirit of liberty, for it may aim at forcing improvement on an unwilling people”. But this is only a small part of a sentence, and it is a bit disingenuous for Hamburger to show only this part. The whole sentence shows, that Mill was very much in favour of individual liberty.

The spirit of improvement is not always a spirit of liberty, for it may aim at forcing improvements on an unwilling people; and the spirit of liberty, in so far as it resists such attempts, may ally itself locally and temporarily with the opponents of improvement; but the only unfailing and permanent source of improvement is liberty, since by it there are as many possible independent centres of improvement as there are individuals.\(^{50}\)

Ten also pointed out the problem with only showing the first part of the sentence.\(^{51}\)

5.6. The Stable Society

Hamburger said that in Mill’s view the amount of individual liberty should vary during different time periods. He claimed that those commentators were wrong, who thought that On Liberty set a fixed limit to individual liberties that would apply always. In other writings Mill explained what requirements there were for a stable society. These requirements were listed for the first time in Coleridge, and that part of the essay was later published in the System of Logic.

First, a system of education had to be created, so that people could learn a “restraining discipline”. This meant, according to Hamburger, that the individual would be subordinated to society. Therefore, it meant the rejection of individuality that was championed in chapter three of On Liberty.\(^{52}\)

The second requirement was that there had to be some permanent beliefs, so freedom of speech would not be complete.

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\(^{50}\) On Liberty, 272; Hamburger quoted the first part of the sentence on pages 166 and 177.

\(^{51}\) Ten 2002, 366.

in all political societies which have had a durable existence, there has been some fixed point: something which people agreed in holding sacred; which, wherever freedom of discussion was a recognised principle, it was of course lawful to contest in theory, but which no one could either fear or hope to see shaken in practice; which, in short (except perhaps during some temporary crisis) was in the common estimation placed beyond discussion.\textsuperscript{53}

Lastly, people in the same community had to feel some type of mutual sympathy towards one another. In Hamburger’s view this requirement also limited people’s freedoms, because this feeling “would limit what an individual felt free to do”.\textsuperscript{54}

Hamburger claimed that it is possible to reconcile Mill’s different views about public opinion only, if one takes into account the difference between critical and organic periods. In \textit{On Liberty} Mill talked in negative terms about the existing public opinion. For example, he said that “the public of \textit{this age and country} improperly invests its own preferences with the character of moral laws”. On the other hand, in the essay \textit{Utility of Religion}, Mill said that “The power of public opinion…is a source of strength inherent in any system of moral belief which is generally adopted”. In an organic state, there would be no differences between public opinion and the opinions of the elevated few.\textsuperscript{55}

I don’t think that the three requirements for a stable society expressed in \textit{Coleridge} and \textit{Logic} differ from what Mill wrote in \textit{On Liberty}. The essay on liberty dealt with civilized societies, which were characterised by personal discipline. Mill said that liberties could be given to adults because during childhood society could teach them self-discipline. If adults could not live responsibly as free individuals, society should blame itself for it.

Society has had absolute power over them during all the early portion of their existence. It has had the whole period of childhood and nonage in which to try whether it could make them capable of rational conduct…If society lets any considerable number of its members grow up mere children, incapable of being acted on by rational consideration of distant motives, society has itself to blame for its consequences.\textsuperscript{56}

\textsuperscript{53} Hamburger 1999, 195; the quote is from Coleridge, 133-134.
\textsuperscript{54} Hamburger 1999, 195; Coleridge, 134-137.
\textsuperscript{55} Hamburger 1999, 198-199; the quotes are from On Liberty, 284 (emphasis added by Hamburger) and Utility of Religion, 410.
\textsuperscript{56} On Liberty, 282.
The second requirement is interesting, because Mill made later some changes to the first version of *Coleridge* published in 1840. In the first version of the essay, Mill said that the permanent beliefs could be directed towards “a God or gods”, highly esteemed persons, “laws”, “ancient liberties” or institutions of the state. To the third edition of the *Logic*, published in 1851, Mill made some additions, which were retained when *Coleridge* was republished in *Dissertations & Discussions* in 1859. Mill clearly wanted to make the passage more in line with liberalism.

Or finally, (and this is the only shape in which the feeling is likely to exist hereafter), it may attach itself to the principles of individual freedom and political and social equality, as realized in institutions which as yet exist nowhere, or exist only in a rudimentary state.\(^{57}\)

The idea that people should have common feelings towards one another was also expressed in *On Liberty*. Mill thought that people should care more about the well being of others, and try to point out to them how to correct their behaviour.\(^{58}\)

But the most damaging evidence against Hamburger’s claims about the amount of liberties in a stable society is a passage from *Autobiography*, which Hamburger actually quoted. Mill said that it may have looked as unnecessary to write a book about liberty, because individuals seemed to be quite free in 19th century Britain. However, this was only true because during a critical period there were no unifying beliefs, but eventually an organic period would ensue.

Some particular body of doctrine in time rallies the majority round it, organizes social institutions and modes of action conformably to itself, education impresses this new creed upon the new generations without the mental processes that have led to it, and by degrees it acquires the very same power of compression, so long exercised by the creeds of which it has taken the place. Whether this noxious power will be exercised depends on whether mankind have by that time become aware that it cannot be exercised without stunting and dwarfing human nature. It is then that the teachings of the *Liberty* will have their greatest value. And it is to be feared that they will retain that value a long time.\(^{59}\)

In Hamburger’s view this simply meant that Mill wanted some freedoms to exist also in an organic period.\(^{60}\) I am of the same opinion as Ten, who also quotes from this

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\(^{57}\) Coleridge, 134; see also Ten 1980, 162-163; Ten 2002, 367.

\(^{58}\) On Liberty, 276-277.

\(^{59}\) On Liberty, 259-260.

\(^{60}\) Hamburger 1999, 199.
passage⁶¹, that regard for individual liberties was in Mill’s view especially important for a future organic period.

5.7. Conclusions

As we have seen in this chapter, Hamburger’s interpretation is flawed in many ways. The liberties Mill talked about were not meant just for the elite, but for everybody, because Mill was worried about the growing influence of public opinion. But the passages that Hamburger emphasised do show how Mill’s views on public opinion were ambivalent. The “moral coercion of public opinion” Mill preached against was quite strictly defined, because it did not include the expression of contempt. He even encouraged people to express their contempt for conduct they did not approve of.

The reason for this ambivalence was that Mill tried to reconcile two different goals. He wanted to fight the growing influence of public opinion, but at the same time he wanted to improve the moral character of individuals.

It would be a great misunderstanding of this doctrine to suppose that it is one of selfish indifference, which pretends that human beings have no business with each other’s conduct in life, and that they should not concern themselves about the well-doing or well-being of one another, unless their own interest is involved. Instead of any diminution, there is need of great increase of disinterested exertion to promote the good of others.⁶²

Trying to reconcile these goals is problematic, because then one has to make a fine distinction between legitimate and illegitimate interference from the public.

As Hamburger noted, Mill’s more positive view of public opinion was more clearly expressed in other writings, like Thoughts on Parliamentary Reform, in which Mill advocated open voting. These different views on public opinion baffled some of Mill’s contemporaries. George Grote, for example, wrote in a letter to John Romilly, that “I know no two things more contradictory, than the Essay on Liberty and the reasoning against the Ballot”.⁶³

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⁶² On Liberty, 276-277.
⁶³ Hamburger, 174n.
6. Mill on the Secret Ballot

It is not possible to say when exactly Mill changed his mind about the ballot, but it was probably sometime between 1846 and 1851, which was the time period between the publication of the second and third editions of his *Logic*. A sentence that expressed support for the ballot was removed from the third edition, which seems to imply that Mill was no longer in favour of it. The first direct evidence of his changed views is from a letter written in March 1853, in which he mentioned that the introduction of the ballot was not desirable.¹

Although *Thoughts on Parliamentary Reform* was published in the spring of 1859, Mill had started to write it already in the early 1850s, after one of Russell’s reform bills had failed to pass. Mill proposed, among other things, that boroughs should be made bigger, that gradual steps to universal suffrage should be made and that voting should remain open. There was not yet any mention of Thomas Hare’s proposal, because Mill read Hare’s book *The Election of Representatives, Parliamentary and Municipal* (also published in 1859) first after his pamphlet had been published. Mill was immediately convinced of the usefulness of Hare’s ideas and he wrote a positive review of Hare’s book in *Recent Writers on Reform*, published in *Frazer’s Magazine* in April 1859. He continued to praise Hare’s proposal in *Representative Government*.²

Mill dealt with the ballot issue also in chapter 10 of *Representative Government*, but the central arguments against the ballot in that chapter were taken directly from the pamphlet on parliamentary reform.

6.1. The Opposition to the Ballot in British Politics

Bruce Kinzer detailed in his article *The Un-Englishness of the Secret Ballot* the different reasons why the ballot was opposed in Britain in the 19th century. He also showed that Mill’s ideas bore some resemblance to those arguments.

A major reason for championing open voting was of course the self-interest of the ruling class and many admitted it openly. Peel, for example, claimed in the Commons in

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¹ Kinzer 1998, 186.
1833, that the ballot would make the elections too democratic. In his view the stability of the society required that the influence of the propertied individuals remained firm.\textsuperscript{3}

Intellectually more convincing, at least for people like Mill, was the claim that voting was not a right but a trust. The argument went that when voting, people should consider the good of the whole country, and not simply their own private gain. In order to guarantee that people did not vote for selfish interests, voting had to be open.\textsuperscript{4} In Mill’s view voting could not be a right, because nobody had the right to power over others. He also said that if voting was a right, it would not be wrong to sell one’s vote the same way it was not wrong to sell the property one owned.\textsuperscript{5}

However, according to Kinzer, historical evidence suggests that in reality most people in Victorian England did not seem to think of voting as a trust. It was not at all foreign for people to vote according to their self-interest. Therefore saying that voting was a trust was not the most convincing argument against the ballot. What was convincing for many was the claim that voting in secret was un-English. It was considered to be part of the manly character of Englishmen that they openly told what their opinions were. Therefore the ballot was unnecessary, because Englishmen would not lie if someone asked whom they had voted for. The English identity had been crafted in opposition to the perceived characteristics of Catholics. The Catholics were seen to be servile, secretive and effeminate while Englishmen were thought to be independent, open and manly. This argument was also problematic for the supporters of the ballot. Many of them said that they would like voting to be open, but corruption and intimidation in elections made secrecy necessary. Therefore the ballotists worked at a disadvantage when trying to increase the popularity of their cause.\textsuperscript{6} After Mill had become an opponent of the ballot he claimed that “the ballot cannot be, and has not been, defended otherwise than as a necessary evil.”\textsuperscript{7}

\textsuperscript{4} Kinzer 1978, 240-242.
\textsuperscript{5} Considerations on Representative Government, 488-489.
\textsuperscript{6} Kinzer 1978, 242-244, 248-250.
\textsuperscript{7} Thoughts on Parliamentary Reform, 337.
Kinzer noted that Mill did not use the phrase “un-English”, but he did say something similar.

The moral sentiment of mankind, in all periods of tolerably enlightened morality, has condemned concealment, unless when required by some overpowering motive; and if it be one of the paramount objects of national education to foster courage and public spirit, it is high time now that people should be taught the duty of asserting and acting openly on their opinions. Disguise in all its forms is a badge of slavery.8

Mill also identified honesty as something typical of Englishmen.

There are but few points in which the English, as a people, are entitled to the moral pre-eminence with which they are accustomed to compliment themselves at the expense of other nations; but, of these points, perhaps the one of greatest importance is, that the higher classes do not lie, and the lower, though mostly habitual liars, are ashamed of lying.9

Mill told in his autobiography that his claim that the lower classes were “habitual liars” was used against him when he was a candidate for Parliament in 1865. Mill was asked at an election event whether he had made the statement. He admitted it openly, and the public responded with applauds. Mill thought that the reason to the response was that the public, mostly consisting of members of the working class, appreciated his honesty.10

6.2. Mill’s Transformation to an Opponent of the Ballot

Kinzer focused on the development of Mill’s views regarding the ballot in his article J. S. Mill and the Secret Ballot. He claimed that Mill’s defence of the ballot in the 1830s was based on political calculations and therefore at that time Mill never developed a philosophical justification for the ballot. In his more theoretical writings, like in the two essays on de Tocqueville or in Civilization, he did not discuss the issue. For the Philosophic Radicals the clearest expression for the need of the ballot did not come from John Stuart but from James Mill, who expressed his views first in the History of British India and later in an article which was published in the Westminster Review in

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8 Kinzer 1978, 237; the quote is from Thoughts on Parliamentary Reform, 337.
9 Thoughts on Parliamentary Reform, 338.
1830. John Mill used his father’s arguments in his own writings, but mostly he discussed the ballot in relation to the political developments of the day.11

The younger Mill saw the ballot as a perfect tool for advancing the Philosophic Radical cause. In his mind opponent of the ballot were true conservatives and proponents of the ballot true reformers. Therefore Mill tried to advance the realignment of the parties by pushing the ballot issue.12

Kinzer’s main claim was that Mill’s enthusiasm for the ballot started to wane, as it lost its political usefulness. By 1840 it had become clear that the political realignment into reformers and anti-reformers would not take place. It was also important, that the labour movement now wanted the ballot only if the franchise was widened at the same time. The demand for the ballot was dropped from the Chartist petition of 1848, because people in the labour movement thought, that the ballot alone would mostly benefit the middle class and not the working class. Kinzer showed that Mill was very much aware of how the labour movement saw the issue.13

6.3. Mill as an Opponent of the Ballot

Even though George Grote thought that Mill’s reasoning against the ballot contradicted his statements made in On Liberty there are some similarities with the arguments in On Liberty and Thoughts on Parliamentary Reform.

Mill’s argument against the ballot was based on the idea that voting was an other-regarding action. A voter exercised power over others, and therefore other people had the right to know whom he had voted for.

...the duty of voting, like any other public duty, should be performed under the eye and criticism of the public; every one of whom has not only an interest in its performance, but a good title to consider himself wronged if it is performed otherwise than honestly and carefully.14

It is possible to claim that Mill’s views were not contradictory, because in On Liberty he was worried about how public opinion could affect self-regarding actions. In fact, Mill

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12 Ibid., 180-183.
13 Ibid., 184-185.
14 Considerations on Representative Government, 490.
wrote in *On Liberty*, that public opinion was for the most part right when evaluating other-regarding acts.

It should also be noted, that Mill did retain a somewhat sceptical view of public opinion. He did not claim that voters should always adhere to it.

It is a very superficial view of the utility of public opinion, to suppose that it does good, only when it succeeds in enforcing a servile conformity to itself.\(^{15}\)

But he considered pressure from public opinion as a good thing, because people then had to think through their opinions more carefully.

To be under the eyes of others—to have to defend oneself to others—is never more important than to those who act in opposition to the opinion of others, for it obliges them to have sure ground of their own. Nothing has so steadying an influence, as working against pressure.\(^ {16}\)

Mill’s stance is nevertheless problematic, because it is not very plausible to claim that the influence of public opinion has totally different effects on other-regarding actions. It is not even clear that people always agree on what actions are self-regarding and what other-regarding.

In *Thoughts on Parliamentary Reform* Mill also seemed to have a different view concerning the rising power of the masses. Mill maintained that it had been completely reasonable to be a proponent of the ballot in the 1830s, because back then landowners had had so much power over tenant farmers. But in his view the situation had since then changed fundamentally. A good tenant farmer was now very valuable to the landowner and would not be cast aside because of a vote.

At every election the votes are more and more the voters’ own... They are no longer passive instruments of other men’s will—mere organs for putting power into the hands of a controlling oligarchy. The electors themselves are becoming the oligarchy.\(^ {17}\)

Mill thought that open voting was necessary to check the power of the masses.

A “base and mischievous vote” is now, I am convinced, much oftener given from the voter’s personal interest, or class interest, or some mean feeling in his own

\(^{15}\) *Thoughts on Parliamentary Reform*, 335.

\(^{16}\) Ibid., 335.

\(^{17}\) Ibid., 333.
mind, than from any fear of consequences at the hands of others: and to these evil influences the ballot would enable him to yield himself up, free from all sense of shame or responsibility.\textsuperscript{18}

In \textit{On Liberty} Mill had claimed that the growing influence of the masses threatened individual liberties, especially through the moral coercion of public opinion. But now he claimed that in the case of voting the growing power of the masses meant that there were fewer restraints on the behaviour of individuals. Therefore pressure from public opinion was needed so that individuals would not feel free to vote according to their selfish interests.

\textbf{6.4. Mill and His Critics}

Henry Romilly (the brother of John Romilly) questioned in his pamphlet Mill’s claim that secret voting would most likely lead to selfish votes. The influence from public opinion could just as easily encourage selfish behaviour. Especially important was the influence exerted by those who belonged to the same class as the voter and they would most likely encourage selfishness based on a class interest. In Romilly’s view the ballot allowed the voter to consider only the public good, because there were no other inducements\textsuperscript{19}. Other individuals could not intimidate the voter and the voter could not try to benefit from the vote, because nobody knew whom the person actually had voted for. Therefore the only alternative that was left was to vote for the public good.

\begin{quote}
If you place him by the ballot quite beyond the reach of the improper control of other men, you leave the elector no intelligible interest, except that of the body of which he is a member – his interest as a citizen.\textsuperscript{20}
\end{quote}

Romilly also pointed out that the influence of public opinion was especially mischievous during a time of political excitement. During such episodes, the public could threaten everybody who was against the popular cause.\textsuperscript{21}

In his reply, published in \textit{The Reader} in April 1865, Mill wrote that people did not usually choose the public good because they thought they would ultimately benefit from

\begin{footnotesize}
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\item \textsuperscript{18} Ibid., 332.
\item \textsuperscript{19} Romilly, Henry (1886) Public Responsibility and the Vote by Ballot, 2\textsuperscript{nd} Edition. From Romilly, Henry (1886) \textit{The Punishment of Death to which is apprehended his treatise on Public Responsibility and the Vote by Ballot}. John Murray, London, 241. From the Internet Archive <https://archive.org/details/punishmentofdeat00romiiala> (Retrieved March 19\textsuperscript{th} 2013).
\item \textsuperscript{20} Ibid., 218.
\item \textsuperscript{21} Ibid., 249-250.
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it. The reason to choose the good of the public came instead from a sense of duty. This sense would be strengthened, if voting was done openly.  

Mill did admit that public opinion was not necessarily always on the side of the public good. If the situation in a country was such that the public threatened the voters with violence, then the ballot would be justified. Mill said that “We are for leaving the voter open to the penalties of opinion, but not those of brute force”. But punishment was not the main thing Mill had in mind. He claimed that for the most part public opinion had a milder effect.

the more ordinary operation of public opinion consists in making the voter more careful to act up to his own sincere opinion; that it operates through the quite comments of relatives, neighbours and companions; noting instances...in which a selfish private purpose or a personal grudge prevails over public duty.

Mill also stated that the public would allow a person to vote according to the beliefs he was known to hold. This passage differs most clearly with the negative statements made about public opinion in On Liberty.

In his first reply to Mill’s reply, published in The Reader in May 1865, Romilly agreed with Mill that people voted for the public good out of a sense of duty. But Mill had not shown, how publicity would guarantee a vote that benefitted the society as a whole. Romilly was especially against Mill’s views on the influence from the public. Relatives and friends had in his view no right to try to evaluate the motives for a vote. They were allowed to give their opinion about the different candidates, but not to judge what motives the voter had, because only the voter could know the real reasons for a vote. Romilly also abhorred the idea that public opinion would be used as a means to punish voters. He said that Mill’s reasoning went like this.

We will protect your decision from physical violence, but not from moral violence; from blows but not from persecution; from coercion of the strong arm,

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23 Ibid., 1215.

24 Ibid., 1215.

but not coercion of the bitter tongue. We will shield you from the mob, but we will not shield you from invective, or ridicule, or the imputation of unworthy motives.\textsuperscript{26}

In Romilly’s view it was completely unnecessary to know whom a certain individual had voted for. It could make that person’s situation very uncomfortable. It would lead to “the tyranny of society over dissentients from prevailing opinions”. Romilly then quoted from \textit{On Liberty} to show, how Mill himself had very clearly warned of this tyranny. He did admit that Mill was talking about self-regarding actions, but in his view the reasoning did apply also to voting, because the voter was supposed to be free to choose whom to vote for. There would be no freedom, if the majority was allowed to punish those who did not adhere to its beliefs.\textsuperscript{27}

The anonymous author of the pamphlet \textit{Mr. John Stuart Mill and the Ballot} expressed similar ideas. He agreed with Mill, that society was allowed to impose a moral influence on the voter. But this influence was felt even when voting was secret. The secret ballot was meant to protect the individual voter from other kind of influence, i.e. “the influence of intimidation, loss of social position, and all the countless evils that swell the “tyranny of the majority””. The author did not understand how Mill, who so forcefully had warned about this tyranny, could not see this. As stated earlier, Mill considered concealment of one’s opinions as “a badge of slavery”. The author of the pamphlet, on the other hand, thought it was “the refuge of the weak against the strong”.\textsuperscript{28}

\textbf{6.5. Conclusions}

In order to understand Mill’s views on the ballot one must remember that Mill took very seriously the fulfilment of social obligations. He thought it was important to make sure that people fulfilled their duties to others. When Mill claimed that society did not have

\textsuperscript{26} Ibid., 320-321.

\textsuperscript{27} Romilly, Henry (1886) Further Observations on Mr. Mill’s Letter. From Romilly, Henry (1886) \textit{The Punishment of Death to which is apprehended his treatise on Public Responsibility and the Vote by Ballot}. John Murray, London, 325-327. From the Internet Archive \url{https://archive.org/details/punishmentofdeat00romiiala} (Retrieved March 19\textsuperscript{th} 2013).

\textsuperscript{28} \textit{Mr. John Stuart Mill and the Ballot} (1869), s.n.W. Ridgway, London, 12-15. From the Internet Archive \url{https://archive.org/details/mrjohnstuartmill00westuoft} (Retrieved March 19\textsuperscript{th} 2013).
the right to interfere with conduct that did not harm others, he also claimed, that if harm to others was done, then interference could be warranted.

Mill even used the same kind of vocabulary, when he wrote about self-regarding and other-regarding actions. In *On Liberty* he claimed that in matters of self-regarding actions, an individual’s independence was “absolute”. In *Representative Government* Mill talked the same way about an individual’s responsibilities to other persons.

> In any political election, even by universal suffrage (and still more obviously in the case of a restricted suffrage), the voter is under an absolute moral obligation to consider the interest of the public, not his private advantage, and give his vote to the best of his judgment, exactly as he would be bound to do if he were the sole voter, and the election depended upon him alone.\(^{29}\)

Mill tried to come up with a balanced approach that would take into consideration both the need for individual liberties and the need for the fulfilment of social obligations. This approach is problematic, because it implied that public opinion had very different effects on self-regarding and other-regarding acts.

What makes the issue even more complicated is that on other instances Mill wanted to limit the influence of public opinion in elections.

\(^{29}\) Considerations on Representative Government, 490 (emphasis added).
7. Public Opinion in Representative Government

As was stated in chapter four, Mill believed, like Bentham, that a balanced constitution was impossible. The ultimate political power in a society was always held either by one, the few or the many. This did not mean that one group or individual should be allowed to decide every question. Some kinds of checks on the ascendant power were essential for good government, but there was always one group or individual which would prevail, if an actual power struggle ensued.¹

Mill thought that the best form of government was such where the majority had the “ultimate controlling power”. Since everybody could not participate in the political process, it was necessary to have elected representatives. It was also important to make sure, that the educated minority could form a counterbalance to the will of the majority.² Dennis Thompson summed up these ideas by saying that Mill was in favour of representative democracy where there would exist a balance between participation and competence.³

7.1. The Principle of Participation

Thompson said there were two main reasons Mill was in favour of political participation. First, the interests of the people would be recognized only if they could influence the decisions the government made. People were generally inclined to further their own interests, so if only a small minority had the political power, they would most likely try to benefit themselves.⁴

The second reason was that political participation could educate citizens. Mill thought that people should be more interested in the common good, and this goal could be fostered by allowing, or even demanding, them to participate in some way in politics. Participation was also important in advancing the development of the active character. Active individuals were those who did not just accept things as they were but tried to improve society.⁵

¹ Considerations on Representative Government, 422-423.
² Ibid., 422, 412, 454-455.
³ Thompson, 9-10.
⁴ Ibid., 14-15.
⁵ Ibid., 28-31.
7.2. The Principle of Competence

The principle of competence was based on Mill’s belief that some individuals were more eminent than others in their intellectual and moral capacities. The influence of the competent was needed, because democracy had two major defects.

danger of a low grade of intelligence in the representative body, and in the popular opinion which controls it; and danger of class legislation on the part of the numerical majority, these being all composed of the same class.

The first problem could be alleviated by allowing the intellectuals to make public opinion more enlightened. This is the educative argument for competence and it is similar to the educative argument for participation.

The solution to the second problem was devising different arrangements that guaranteed representation also for the educated. Mill maintained that true democracy did not mean the exclusive rule by the numerical majority. It was indeed right that the will of the majority should prevail in the end. But this did not imply that the minority should not have any voice in political affairs.

Mill thought that if a community was not divided by race, language or nationality, it could be said to consist of two groups, labourers and employer of labour. In the former group he included small business owners whose lifestyle and habits were quite similar to labourers while the educated people with a high income belonged in the latter. Mill wanted both groups to have half of the political power in a society. In both groups there would always be some individuals who did not decide every question based on class interest, and this flexibility could guarantee that decisions were usually based on what was best for the whole community. Mill believed the election system devised by Thomas Hare was essential in achieving this goal.

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8 Ibid., 54-55.
7 Ibid., 63-64; the quote is from Considerations on Representative Government, 448.
8 Thompson, 77-80.
9 Ibid., 68-70.
10 Considerations on Representative Government, 446-447, 453.
7.3. Thomas Hare’s Voting System

In Hare’s plan every candidate who got a certain number of votes, would get elected to Parliament. The quota could be calculated for example by dividing the number of votes by the number of seats in the House. There were no geographically defined constituencies, so a person could vote for anybody he liked. It was also possible to name many candidates in an order of preference. Therefore, if the candidate the voter liked the most got more than enough votes, some of the votes given could go to other candidates so that no votes were wasted.\textsuperscript{11}

This system appealed to Mill for many reasons. He liked the idea that people from different parts of the country could vote for the same person. This meant that the educated, who constituted a minority in every community, could together elect someone to represent them. In Mill’s view it was ever more difficult for truly talented individuals to get to the Parliament and the situation would only get worse, if and when the franchise was widened.\textsuperscript{12}

For democratic societies to be able to develop, there had to exist a counterforce to the will of the majority.

The great difficulty of democratic government has hitherto seemed to be, how to provide, in a democratic society, what circumstances have provided hitherto in all the societies which have maintained themselves ahead of others—a social support, \textit{a point d'appui}, for individual resistance to the tendencies of the ruling power; a protection, a rallying point, for opinions and interests which the ascendant public opinion views with disfavour.\textsuperscript{13}

In Mill’s view it was the educated few who could serve as the opposition to the majority, and Hare provided a method for giving the educated this role.

An arrangement better adapted to keep popular opinion within reason and justice, and to guard it from the various deteriorating influences which assail the weak side of democracy, could scarcely by human ingenuity be devised.\textsuperscript{14}

\begin{itemize}
  \item \textsuperscript{11} Ibid., 453-454.
  \item \textsuperscript{12} Ibid., 455-457.
  \item \textsuperscript{13} Ibid., 459.
  \item \textsuperscript{14} Ibid., 460.
\end{itemize}
7.4. Plural Voting

Mill did not think that the problems involved with democracy should be solved by restricting the suffrage, because participation in the political process was important for the moral education of the people. However, even though everybody should be allowed to participate in politics, some individuals could be given more influence than others. The number of votes given to each citizen could be determined for example by their occupation. An employer of labour could get more votes than a labourer and a skilled labourer more than an unskilled one. University graduates and people employed in the liberal professions could also be classified as worthy of more than one vote. Mill emphasized, that the wealth of the individual did not matter. Many votes should be given to those poor individuals, who could show that they had acquired an amount of knowledge that was deemed sufficient. Therefore the plural voting scheme was not intended to discriminate the poor.15

Thompson claimed that when Mill wrote Representative Government he was actually not any more as ardent a supporter of plural voting as he had been when he wrote Thoughts on Parliamentary Reform. The reason to this was, in Thompson’s view, the high hopes Mill had for Hare’s plan.16

It is true, that Mill said that Hare’s system could extinguish the threat of class dominance, because it could enhance the moral influence of the instructed. However, he did recognize that without plural voting the instructed would still be a minority.17

In Thompson’s view Mill weakened the effect of plural voting in Representative Government by stating, that those with more than one vote should not be allowed to get majority of the seats in Parliament.18 I think this only meant that Mill did want any group to have the majority, because the majority could always oppress the minority. Power should be divided evenly by two groups, so that one group could not decide every question.19

15 Ibid., 474-476.
16 Thompson, 99-103.
17 Considerations on Representative Government, 467.
18 Thompson, 100.
19 Considerations on Representative Government, 476.
Thompson also referred to a passage in Mill’s *Autobiography*, in which Mill seemed to imply that plural voting would not be necessary.\(^{20}\) The reasoning in the passage is quite confusing, so it should be quoted in its entirety.

As far as I have been able to observe, it has found favour with nobody; all who desire any sort of inequality in the electoral vote, desiring it in favour of property and not of intelligence or knowledge. If it ever overcomes the strong feeling which exists against it, this will only be after the establishment of a systematic National Education by which the various grades of politically valuable acquirement may be accurately defined and authenticated. Without this it will always remain liable to strong, possibly conclusive, objections; and with this, it would perhaps not be needed.\(^{21}\)

Mill started with lamenting the fact that few people supported the idea of plural voting based on knowledge. Then he said that the idea could become more popular if there was a unified national education system so that the level of knowledge of each individual could be determined by the same standards. In the end he stated that this education system could in fact make plural voting unnecessary.

In my view this only shows that Mill did have some doubts about plural voting, or at least about how it could be made work properly in practice. The main reason I disagree with Thompson is that Mill did in fact defend plural voting very forcefully in *Representative Government*. He claimed, that the principle behind plural voting was entirely correct. The idea that everybody should have an equal amount of votes gave people the wrong impression.

> It is not useful, but hurtful, that the constitution of the country should declare ignorance to be entitled to as much political power as knowledge.\(^{22}\)

The impression the practice would give was very important for Mill.

> and I should still contend for assigning plurality of votes to authenticated superiority of education, were it only to give the tone to public feeling, irrespective of any direct political consequences.\(^{23}\)

\(^{20}\) Thompson, 101.
\(^{21}\) *Autobiography*, 261-262.
\(^{22}\) Considerations on *Representative Government*, 478.
\(^{23}\) Ibid., 508.
Mill also invoked the distinction between self-regarding and other-regarding conduct. Since voting was an other-regarding activity, those who were more knowledgeable should be given more influence.

In an affair which concerns only one of two persons, that one is entitled to follow his own opinion, however much wiser the other may be than himself. But we are speaking of things which equally concern them both; where, if the more ignorant does not yield his share of the matter to the guidance of the wiser man, the wiser man must resign his to that of the more ignorant. Which of these modes of getting over the difficulty is most for the interest of both, and most conformable to the general fitness of things?  

As was mentioned in the introduction, Burns considered plural voting to be an essential part of Mill’s political thought. The quotes given above show, that on this issue, he had the evidence on his side.

7.5. The Role of the Elected Representatives

Mill asserted that in a representative government the ultimate political power was in the representative assembly. But this did not mean that the assembly should directly run the actual business of governing.

No body of men, unless organized and under command, is fit for action, in the proper sense.  

Mill actually went as far as saying that the representative assembly should not be involved in formulating legislation. The actual formulation of laws should be done by a Commission of Legislation, which would consist of professional civil servants. The assembly should only have the power to tell the commission which laws should be drafted and, after the commission had given its proposal, decide whether it should be accepted or not. The elected representatives were not allowed to modify the proposals made by the Commission.  

Representatives of the people were instead fit to debate the different political issues concerning the nation.

24 Ibid., 473.
25 Ibid., 424.
26 Ibid., 430-432.
When it is necessary, or important, to secure hearing and consideration to many conflicting opinions, a deliberative body is indispensable.\textsuperscript{27}

It is important to understand, that Mill did not consider political debate unnecessary. He noted that some people derided national assemblies as places for empty talk. In his view that kind of criticism was totally misplaced.

I know not how a representative assembly can more usefully employ itself than in talk, when the subject of talk is the great public interests of the country, and every sentence of it represents the opinion either of some important body of persons in the nation, or of an individual in whom some such body have reposed their confidence.\textsuperscript{28}

The representative assembly was the place where different opinions could be expressed in front of the whole nation.

the Parliament has an office... to be at once the nation’s Committee of Grievances, and its Congress of Opinions; an arena in which not only the general opinion of the nation, but that of every section of it, and as far as possible of every eminent individual whom it contains, can produce itself in full light and challenge discussion;\textsuperscript{29}

Therefore it could be possible to decide what the public opinion of the country was.

where every party or opinion in the country can muster its strength, and be cured of any illusion concerning the number or power of its adherents; where the opinion which prevails in the nation makes itself manifest as prevailing, and marshals its hosts in the presence of the government.\textsuperscript{30}

7.6. Conclusions

In the end it is not surprising that Mill wanted to limit the power of public opinion also in the sphere of other-regarding actions, because otherwise public opinion would have become all-powerful in this sphere. But then the usefulness of the notion of self- and other-regarding actions becomes questionable. Mill did not provide any clear principles on when public opinion should be limited for other-regarding actions.

\textsuperscript{27} Ibid., 424
\textsuperscript{28} Ibid., 432-433.
\textsuperscript{29} Ibid., 432
\textsuperscript{30} Ibid., 432.
Conclusions

In the introduction it was stated, that the aim in this thesis was to assess how much power Mill thought public opinion should have in a society. The subsequent chapters have shown that there is no easy answer to that question.

Mill’s views on public opinion were ambivalent, because he tried to reconcile two different ideas. On the one hand, he was worried that in a modern industrialized society the majority could force everybody to live according to its will. Then there would be no room left for individuals to think for themselves. On the other hand, Mill thought it was very important for individuals to fulfil their social obligations, and the pressure from public opinion was the best way to make sure that people actually fulfilled their duties.

Mill’s solution to this dilemma was the principle of liberty, which was based on the distinction between self- and other-regarding actions. It was proper for society to punish or coerce an individual, either through legal means or through the moral coercion of public opinion, if the actions of that individual threatened the well-being of others. Mill even claimed that on other-regarding issues public opinion was mostly correct. Self-regarding actions, on the other hand, were supposed to be free from improper intrusion from the public.

Taking this solution at face value, we can answer the main question of this thesis by saying that in Mill’s view public opinion should have great influence on other-regarding actions, but not very great on self-regarding actions. It is interesting how far Mill was willing to go in applying this rule, because it seemed to lead to contradictory opinions about the rising power of the masses. When it came to self-regarding actions, Mill thought the public opinion was becoming ever more intrusive; but for self-regarding actions like voting, the problem was quite the opposite. Individuals had fewer constrains on their behaviour, and that was why voting had to remain open. In the case of voting, Mill saw pressure from public opinion as a good thing even if there were good grounds for opposing it, because people would in any case think more carefully about their votes when being under the eyes of others.

However, the answer given above can be considered to be true only in a broad sense, because there were significant exceptions to this rule. Mill did not consider self-regarding vices as irrelevant, and therefore he allowed people to express their
disapproval also of self-regarding acts. In fact, he even encouraged this kind of behaviour and made a fine distinction between legitimate and illegitimate form of influence from the public. In addition, he did not think that public opinion should be all-powerful in the sphere of other-regarding acts. In politics it was important to have a counterforce to the majority opinion, and the individuals best suited for this role were those who belonged to the educated elite.

These exceptions show the problems involved in dividing actions into self- and other-regarding. But there is no doubt that the distinction was important to Mill and that he used it to motivate his stance on different issues. It should also be noted, that the distinction between these two categories was clearer when it came to legislation. Public, or, for that matter, elite opinion, was in Mill’s scheme not allowed to influence self-regarding actions through laws. The ban on the moral coercion of public opinion was more difficult, because an individual certainly had the right to express his or her opinion on different matters and therefore a fine distinction had to be made between coercion and persuasion.
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