

ON LIBERTY'S LEGACY

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Gertrude Himmelfarb, *On Liberty and Liberalism: The Case of John Stuart Mill*. New York: Alfred A. Knopf, 1974, pp. xxiii, 345.

Gertrude Himmelfarb writes that as she began to study *On Liberty* in depth, she also began to realise that the message contained therein differed from that appearing in most of Mill's other works; it was necessary, she felt, to face the question, "Why did John Stuart Mill write *On Liberty*?" Himmelfarb's book offers a unique thesis in answer to that question; ironically, however, her book raises its own version of the query which lay behind its inception: "Why did Gertrude Himmelfarb really write *On Liberty and Liberalism: The Case of John Stuart Mill*?" For although part of the book is comprised of scholarly analysis (although, I submit, in the wrong direction), part of it can only be considered propaganda. *On Liberty and Liberalism* is a confused mixture of social history, gossip, interpersonal analysis and a condemnation of contemporary American liberalism.

Himmelfarb begins her book by discussing each of the chapters in *On Liberty*, comparing the thought in them to ideas presented in Mill's other works; she comes to the conclusion that *On Liberty* is an anomaly among the *corpus* of Mill's writings, that the "one very simple principle" that *On Liberty* strives to support is inconsistent in content and style with the rest of Mill's work. Surely it is evident that the existence of *On Liberty* requires special explanation.

To this end, Himmelfarb proposes several reasons why Mill might have written the book and then explains why none of them are satisfactory. What she finally argues is that Mill wrote *On Liberty* at the behest of Harriet Taylor as "the generalized statement, the theoretical formulation" of the argument made primarily in *The Subjection of Women*, namely the need for greater equality and freedom for women. *The Subjection of Women*, we are told, is the only work written by Mill which is compatible with the "simple principle"

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expressed in *On Liberty* and that "Mill's essays on women present striking parallels to the argument of *On Liberty* ... [T]hese are the only writings by Mill which do have a real affinity with *On Liberty*, indeed, which do not actually conflict with it."

First, it must be conceded that this is a novel idea and to some extent one that could be supported. There is no doubt at all that Mill was extremely concerned about the status of women in his society; he proved that concern not only in his writings but also in his actions as a member of the London National Society for Woman Suffrage and of the House of Commons and in his involvement in the repeal of the Contagious Diseases Acts of 1866 and 1869 which permitted the authorities to compel any woman suspected of being a prostitute to submit to a medical examination — the law in this case "has the genuine characteristics of tyranny," he wrote. Earlier in his life, his support of female suffrage represented one of the few areas of open disagreement with his father, James Mill. Thus we would expect that he would want to contribute a major work to the debate on the topic.

Nor can we easily discount the influence of Harriet Taylor; Himmelfarb herself has shown the extent of that influence in her excellent introduction to *Essays on Politics and Culture: John Stuart Mill*. There she ably substantiated her contention that there were "two Mills", the one manifest before Mill met Harriet Taylor and after her death and the other manifest during the period of her influence, the latter being more radical than the former. In *On Liberty and Liberalism*, Himmelfarb carries this view to an extreme conclusion — the style of *On Liberty* is that of Harriet Taylor who was inclined to perceive issues in simple, clearcut terms, unlike Mill who had a greater capacity to grasp the complexities of an issue. It was at Taylor's urging that Mill devoted *On Liberty* to the statement of a theory which would in a sense "back up" the writings on women.

There is something to be said for Himmelfarb's thesis, but there is more to be said against it. We can cite Himmelfarb's own statements to substantiate this claim. She writes that the problem with which *On Liberty* was concerned was one of the "greatest magnitude". Yet she describes the issue of women's rights as "relatively minor". It might seem strange, she says, to try to explain *On Liberty* in relation to Mill's essays on women, for "*On Liberty* was too momentous an event to be understood, however partially, in terms of the relatively minor subject of women." But we have seen that, "momentous events ... can indeed have the trivial causes." In any case, Himmelfarb does admit that the issue of women has lately been taken "more seriously" and that "we can appreciate, as Mill's generation could not, the potency of the idea of women's liberation..." Of course, Mill did see the issue of women's rights as a question of the "greatest magnitude" and in this sense Himmelfarb's thesis

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might seem, despite her own efforts to minimize the importance of women's rights, to be substantiated by Mill's own emphasis on the issue. Nevertheless, we must ask why Mill's own concern for the problem of social tyranny, even if not a concern shared by many of his contemporaries, was not sufficient cause for *On Liberty*.

More significant and detrimental to Himmelfarb's thesis is the fact that Mill's writings on women are not as compatible with *On Liberty* as Himmelfarb would have us believe but are often antagonistic to the argument presented there. We can summarize the message of *On Liberty* by referring to Mill's definition of freedom. "The only freedom which deserves the name, is that of pursuing our own good in our own way, so long as we do not attempt to deprive others of theirs, or impede their efforts to obtain it." Among the kinds of rights included in liberty, is that, "of framing the plan of our life to suit our own character; of doing as we like", so long as we do not harm others. In *On Liberty*, Mill made it clear that a most important element defining "human being" is that of choice: "The human faculties of perception, judgement, discriminative feelings, mental activity, and even moral preference, are exercised only in making a choice ... It is possible that [an individual] might be guided in some good path, and kept out of harm's way without [exercising these faculties]. But what will be his comparative worth as a human being?" Of course Mill deplored the influence of custom since it impedes progress and limits the scope of activity determined by the individual himself or herself. We can say, then, that the central doctrine of *On Liberty* is that everyone should be able to plan his or her life according to his/her own interest, independent of custom or any other form of social pressure and subject only to the limitation that one's actions should not be harmful to other people.

Himmelfarb argues that this freedom is what Mill is claiming for women in *The Subjection of Women*, that women should enjoy greater liberty to determine and pursue their own interests, that they, "should not be subjected to restrictions that men no longer tolerated for themselves. They should not be consigned to a realm that others deemed appropriate to them. One sex could no more determine the proper limits of the other than any one individual could make that determination for another individual." And custom stands most in the way of this extension of liberty. "The most formidable obstacle to the liberation of women, Mill found, was the weight of received opinion and custom which had so long relegated women to a subordinate position. It was this body of opinion and custom that had first to be refuted."

One cannot deny that Mill said this sort of thing; he said it very clearly, not only in *The Subjection of Women* and other essays on women but also in passing references to women in other works such as *Principles of Political Economy*. Thus Himmelfarb's thesis does have some truth to it; but one could

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also find passages about the rights of workers and about their need to become more independent through co-operatives, for example, which would just as well conform to the principles established in *On Liberty*. Yet — and this is the point which renders Himmelfarb's thesis void — in both cases one can also find statements which seriously contradict Mill's views as defined in *On Liberty*. Mill did try to tell women what was in their best interests and he conceded the "validity" of that which custom had determined to be the correct division of labour in the family. Himmelfarb does not deal with this other side of Mill's writings on women; she selects as evidence only those passages which agree with her thesis. This is fair enough; she naturally wants to make the strongest case possible. The problem is that she does not attempt to refute these other statements, even to "explain them away"; they simply do not seem to exist for her. In reality, the statements which are consistent with *On Liberty* become the exception to the dominant views held by Mill in regard to women's place in the public and private spheres.

The assertions which Mill did indeed make about the need for greater freedom of choice for women, for the right to enter any occupation they wished, to equal access to the educational system and so on must be placed side by side with statements which effectively deny the impact the achievement of these rights would have. In Mill's "Essay on Marriage and Divorce", written in 1832, he wrote, "It does not follow that a woman should *actually* support herself because she should be *capable* of doing so: in the natural course of events she will not." This view is echoed in *The Subjection of Women*, published in 1869. "The *power* of earning is essential to the dignity of a woman, if she has not independent property. But if marriage were an equal contract, ... it would not be necessary for her protection, that during marriage she should make this particular use of her faculties."

Similarly, in both works he argued that women should "*beautify life*" and that the most desirable and functional division of labour between husband and wife (when the family depends on earnings rather than on property) is "[t]he common arrangement, by which the man earns the income and the wife superintends the domestic expenditure." And we find similar statements in other works. In *Principles of Political Economy*, for example, he wrote (in accordance with Himmelfarb's thesis) that, "even when no more is earned by the labour of a man and a woman than would have been earned by the man alone, the advantage to the woman of not depending on a master for subsistence may be more than an equivalent." This rather positive statement is followed immediately, however, by a qualification (added only after Harriet Mill's death) that, "[i]t cannot ... be considered desirable as a *permanent* element in the condition of a labouring class, that the mother of the family (the case of a single woman is totally different) should be under the necessity of

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working for subsistence'

Mill thought he knew what was good for women and what they wanted themselves, caring for a family "generally suffices" as a "worthy outlet for the active faculties" as far as women are concerned. He was worried that married women would be overburdened if they worked outside the home, since they would still have their household tasks to perform; therefore, only exceptional women should obtain outside employment, assuming that they make provision for their usual responsibilities to be fulfilled.

Himmelfarb points to evidence in another essay which does indeed contradict these statements limiting women's scope of activity; in "The Enfranchisement of Women", the author wrote a statement similar to that which appeared in the *Political Economy*, "how infinitely preferable is it that part of the income should be of the woman's earning, even if the aggregate sum were but little increased by it, rather than that she should be compelled to stand aside in order than men may be the sole earners, and the sole dispensers of what is earned." This comment is certainly more in keeping with Himmelfarb's thesis than are the statements quoted above from Mill's "Essay on Marriage and Divorce" and *The Subjection of Women*. There is probably good reason for the different attitude expressed in the "Enfranchisement" essay in regard to women and the public sphere, for it is likely that Mill did not write it but that Harriet Taylor did. Alice Rossi in her *Essays on Sex Equality* argued persuasively that "The Enfranchisement of Women" expressed sentiments similar to those expressed in Harriet Taylor's "Essay on Marriage and Divorce", also written in 1832, while there are obvious discrepancies between that essay and Mill's writings on women.

Himmelfarb mentions Rossi's argument but does not accept it and she responds directly to it only briefly. She depends mainly on evidence in letters and other works to prove her contention that Mill wrote the article. The comments in "The Enfranchisement of Women" are more consistent with the tone of *On Liberty* than are other writings on women and it would be to Himmelfarb's advantage to be able to show that Mill did have a more positive view of women's employment outside the home than was apparent in *The Subjection* and other writings. The evidence does not offer strong support for either view; an internal analysis, however, does tend towards the view that Harriet Taylor was the author.

On the whole it is hard to accept Himmelfarb's thesis. It is hard to see why *On Liberty's* existence needs to be explained in terms other than those stated by Mill himself. Himmelfarb herself has shown — contrary to her intentions — the significance of the book at the time of its publication; yet she has misinterpreted — or omitted from consideration — important aspects of Mill's writings on women in order to support what she admits is an unusual thesis

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regarding Mill's intent in writing *On Liberty*. All this suggests that she herself had something else in mind when she wrote *On Liberty and Liberalism*.

That "something else" seems to be her castigation of contemporary American liberalism and to a lesser extent, a specific portion of that liberalism, the women's movement. Ostensibly, in the last chapter of the book, she discusses the contemporary inheritance of the doctrine enunciated in *On Liberty*; yet in some ways, this section of the book seems to be as anomalous within the book itself as she claims *On Liberty* is within the body of Mill's writings.

The current use of the term "liberty" has been carried so far, she argues, that it is in danger of losing credibility. No doubt some of what Himmelfarb says is true; there is a tendency to political or philosophical relativism which may undermine a cohesive, effective set of values upon which to base the society and upon which the individuals comprising that society can base their own lives. She has a valid point when she criticizes those "liberals" who claim that "the 'so-called' democracies are no better than dictatorships, ... that a lack of racial equality is equivalent to genocide, ... that any pressure for social conformity is as much a violation of the self as the most egregious act of a tyrant". To equate these concepts and situations is to deprive both words and actions of meaning, and consequently, to undermine solid criticism of what are true injustices in themselves.

But she misses the point when she talks about censorship. She obviously feels that "permissiveness" is too much so, that some "quality control" is necessary. Liberals, she believes, do not understand this and thus are contradictory in their demands, wanting government intervention in some areas but not in others. "While most liberals deny the corrupting or depraving effect of a bad book, they have no doubt of the corrupting or depraving effects — spiritually as well as physically — of slums and bad housing." The point is that one chooses one's books, films and magazines, while one does not normally choose to live in a slum. Government intervention in the case of censorship limits freedom but intervention to improve living conditions extends freedom. Provision of the basic necessities at a minimum standard promotes freedom not only because it allows one to pursue the more "luxurious" activities of self-development but also because it makes a crucial statement about the equal value of human beings.

Similarly, she misconstrues some of the aims and language of the women's movement. She decries its commitment to equality, "and a particular kind of equality at that, not so much the equality of opportunity as the equality of achievement, of results." To her, the women's movement "focuses attention on numbers ... on the assumption that this is the visible test of equality"; this is, she says, "a far cry from Mill's insistence upon free choice and free com-

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petition" and "would seem to encourage a revival of precisely the kind of regulation which he deplored, the determination in advance of the 'proper spheres' of men and women."

This reference suggests a misunderstanding both of Mill and of the women's movement. On the one hand, Mill did deplore this predetermination, but on the other, as we have seen, he was quite happy to continue it, to foster it. As far as the women's movement is concerned, numbers provide a rough and indirect — and thus unsatisfactory yet necessary — measurement of the extent to which women are able to make use of what is claimed to be equality of opportunity; far from predetermining "proper spheres", the movement uses numbers as a way of estimating the distance travelled from that predetermination. Mill limited the travel to single women; he insisted that women make a choice between marriage and a career outside the home.

It is unfortunate that Himmelfarb did not try to respond to these more negative comments by Mill; it is equally unfortunate that her argument to some extent depends on the omission of portions of quotations which do not conform to the point she is trying to establish. For example, in her discussion of the discrepancies between *On Liberty* and other works, she remarks that, "the point of greatest divergence from *On Liberty*", as far as the *Political Economy* was concerned, was Mill's treatment of socialism and communism. During this discussion, she writes that, "[w]here he had originally argued that the present system for all its faults was better than any of its alternatives, the weight of the argument in the later editions [of the *Political Economy*] shifted to the point where the alternative systems, for all their faults, were better than the present one"; to substantiate her point, she quotes Mill:

If, therefore, the choice were to be made between Communism with all its changes, and the present state of society with all its sufferings and injustices; ... if this or Communism were the alternatives, all the difficulties, great or small, of Communism, would be but as dust in the balance.

This quotation does seem to substantiate Himmelfarb's point, but that is because she has neglected to include all of the quotation. The fact is that Mill did not believe the struggle to be between "this" and Communism, but rather between private property at its best and Communism at its best, a comparison which has not yet been possible because private property, "has never yet had a fair trial in any country; ..." With universal education and population control,

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there would be no poverty, "even under the present social conditions." One might question why Himmelfarb did not include an important part of the above passage; the answer might lie in the fact that the conclusion one would reach about Mill's views on socialism from this passage and similar ones, has serious implications for her attempt to answer the question, "why did Mill write *On Liberty*?"

Gertrude Himmelfarb is right in her contention that there are two Mills: there is the Mill of *On Liberty* who argues passionately for individuality, freedom, and equality and there is the Mill of *The Political Economy* who is reluctant to renounce private property and capitalist market relations. Both Mills appear in *The Subjection of Women* and in most of his works, including the *Liberty* and *Political Economy*. *The Subjection* is not as close to *On Liberty* as Himmelfarb claims it is and the other works are not as distant from it.

Himmelfarb's whole thesis rests on a false premise, that *On Liberty* is an anomaly — it is not. Most of Mill's other works contain some references to equality and freedom while at the same time denying them. *On Liberty* is merely the best expression of one of the Mills. Why did Mill write *On Liberty*? He wrote it because part of him firmly believed in greater equality and freedom; yet another part of him was afraid of both because he was afraid they would endanger private property. Women needed to stay at home because their entrance into the labour market would overburden it and because the family was necessary to the continuance of the moderate wealth which Mill saw as desirable. Quite simply, Mill was a liberal-democrat: *On Liberty* represented one part of the conflict that entails. In that, it was hardly an anomaly, it was an integral part of the perspective Mill held. It does not provide the conflict; rather it is a necessary expression of it.

Gertrude Himmelfarb has devised a thesis which she tries to support through arguments based on omission of important sections of *The Subjection of Women*, on an insistence that Mill wrote "The Enfranchisement of Women" when its authorship is in doubt, and the assumption that *On Liberty* is so different from the rest of Mill's writings that it requires an elaborately devised explanation for its appearance. But a more careful analysis of the works in question show that her thesis cannot be supported and raises the thought that Gertrude Himmelfarb wrote *On Liberty and Liberalism* in order to denounce the legacy of *On Liberty*.

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