

COLLECTED WORKS OF JOHN STUART MILL

VOLUME XXIII

Newspaper Writings

by JOHN STUART MILL



August 1831 – October 1834

Edited by

ANN P. ROBSON

Associate Professor of History,
University of Toronto

and

JOHN M. ROBSON

University Professor and Professor of English,
University of Toronto

Introduction by

ANN P. ROBSON

Textual Introduction by

JOHN M. ROBSON

UNIVERSITY OF TORONTO PRESS

ROUTLEDGE & KEGAN PAUL

© *University of Toronto Press 1986*
Toronto and Buffalo
Printed in Canada

ISBN 0-8020-2602-8

London: Routledge & Kegan Paul
ISBN 0-7102-0983-5



Printed on acid-free paper

Canadian Cataloguing in Publication Data

Mill, John Stuart, 1806–1873.

[Works]

Collected works of John Stuart Mill

Includes bibliographies and indexes.

Partial contents: v. 22–25. Newspaper writings /
edited by Ann P. Robson and John M. Robson.

ISBN 0-8020-2602-8 (v. 22–25).

1. Philosophy – Collected works.
2. Political science – Collected works.
3. Economics – Collected works.

I. Robson, John M., 1927–

II. Title.

B1602.A2 1963 192 C64-188-2 rev.

This volume has been published
with the assistance of a grant
from the Social Sciences
and Humanities Research Council
of Canada

Contents

* *

August 1831 to July 1832

335

113. French News [24] 335
114. State of Parties in France 336
115. The Peerage Question in France 341
116. French News [25] 346
117. French News [26] 346
118. The Sugar Refinery Bill and the Slave Trade 347
119. French News [27] 351
120. French News [28] 351
121. Dr. Whately's Elevation to an Archbishopric 356
122. French News [29] 356
123. French News [30] 357
124. French News [31] 357
125. French News [32] 359
126. French News [33] 359
127. French News [34] 363
128. French News [35] 364
129. French News [36] 364
130. French News [37] 367
131. French News [38] 372
132. French News [39] 373
133. French News [40] 377
134. French News [41] 381
135. French News [42] 387
136. French News [43] 392
137. French News [44] 395
138. The Irish Character 397
139. Employment of Children in Manfactories 398
140. French News [45] 401
141. Hickson's The New Charter 404
142. French News [46] 405

- 143. French News [47] 407
- 144. Todd's Book of Analysis 411
- 145. French News [48] 417
- 146. Female Emigrants 419
- 147. French News [49] 421
- 148. French News [50] 422
- 149. French News [51] 423
- 150. French News [52] 424
- 151. Smart's Outline of Sematology [1] 425
- 152. French News [53] 427
- 153. Smart's Outline of Sematology [2] 429
- 154. French News [54] 435
- 155. Flower's Songs of the Seasons 436
- 156. French News [55] 438
- 157. French News [56] 440
- 158. Comparison of the Tendencies of French
and English Intellect 442
- 159. Lewis's Remarks on the Use and Abuse
of Political Terms 447
- 160. French News [57] 452
- 161. French News [58] 453
- 162. The Close of the Session in France 453
- 163. Property in Land 459
- 164. French News [59] 460
- 165. French News [60] 461
- 166. Deaths of Casimir Périer and Georges Cuvier 462
- 167. French News [61] 464
- 168. Pemberton's Lectures on Shakespeare 464
- 169. French News [62] 466
- 170. Death of Jeremy Bentham 467
- 171. French News [63] 473
- 172. French News [64] 474
- 173. French News [65] 485
- 174. Pledges [1] 487
- 175. Lewin's The Fisherman of Flamborough Head 494
- 176. French News [66] 495
- 177. Pledges [2] 496
- 178. French News [67] 504

September 1832 to August 1833

507

- 179. Recommendations of Candidates to Parliament 507
- 180. French News [68] 509

- 181. French News [69] 511
- 182. French News [70] 517
- 183. French News [71] 519
- 184. The Corn Laws 522
- 185. French News [72] 523
- 186. French and English Journals 525
- 187. French News [73] 530
- 188. French News [74] 532
- 189. Death of Hyde Villiers 533
- 190. French News [75] 533
- 191. On the Necessity of Uniting the Question of Corn Laws
with That of Tithes 534
- 192. French News [76] 540
- 193. Death of Charles Lameth 541
- 194. The President's Message 543
- 195. Necessity of Revising the Present System of Taxation 545
- 196. Errors and Truths on a Property Tax 549
- 197. Flower's Hymn of the Polish Exiles 554
- 198. The Monthly Repository for March 1833 555
- 199. French News [77] 560
- 200. The Monthly Repository for April 1833 561
- 201. Flower's Mignon's Song and When Thou Wert Here 562
- 202. The Budget 563
- 203. Confiscation Scheme of The Times 566
- 204. French News [78] 568
- 205. French News [79] 572
- 206. Beolchi's Saggio di poesie italiane 573
- 207. The Monthly Repository for June 1833 574
- 208. The Bank Charter Bill [1] 575
- 209. The Ministerial Measure Respecting the Bank 576
- 210. French News [80] 583
- 211. Municipal Institutions 585
- 212. The Bank Charter Bill [2] 590

September 1833 to October 1834

593

- 213. The Quarterly Review on France 593
- 214. The Monthly Repository for September 1833 595
- 215. Note on Benefactors of Mankind 596
- 216. The Ministerial Manifesto 596
- 217. The Marvellous Ministry 608
- 218. The Review of the Session Continued 618
- 219. Lord Brougham's Law Reforms 622

- 220. The Corporation Bill 628
- 221. Conduct of the Ministry with Respect to the Poor Laws 634
- 222. Martineau's A Tale of the Tyne 638
- 223. Conduct of the Ministry with Respect to the Post-Office Department, and the Payment of Officers by Fees 643
- 224. Napier's The Colonies 647
- 225. The Monthly Repository for December 1833 651
- 226. French News [81] 656
- 227. French News [82] 658
- 228. War with Russia 658
- 229. The Monthly Repository for January 1834 659
- 230. French News [83] 661
- 231. Wilson's History of Rome 663
- 232. French News [84] 664
- 233. French News [85] 670
- 234. Fontana and Prati's St. Simonism in London 674
- 235. French News [86] 680
- 236. French News [87] 682
- 237. French News [88] 684
- 238. French News [89] 685
- 239. The Poor Law Report 685
- 240. The Poor Laws 686
- 241. French News [90] 688
- 242. French News [91] 689
- 243. Reply to Dr. Prati 689
- 244. State of Opinion in France 691
- 245. French News [92] 698
- 246. French News [93] 699
- 247. French News [94] 700
- 248. Flower's Songs of the Months [1] 702
- 249. French News [95] 703
- 250. French News [96] 706
- 251. French News [97] 706
- 252. Walter on the Poor Law Amendment Bill 707
- 253. The Poor Law Amendment Bill 713
- 254. Death of Lafayette 716
- 255. The English National Character 717
- 256. Sarah Austin's Translation of Cousin 727
- 257. French News [98] 732
- 258. French News [99] 733
- 259. The New Colony [1] 733
- 260. French News [100] 735

- 261. The New Colony [2] 735
- 262. French News [101] 737
- 263. Wakefield's The New British Province
of South Australia 738
- 264. French News [102] 743
- 265. The Poor Law Bill 743
- 266. French News [103] 745
- 267. Garnier's Deutsches Leben, Kunst, und Poesie [1] 746
- 268. French News [104] 746
- 269. French News [105] 747
- 270. Garnier's Deutsches Leben, Kunst, und Poesie [2] 748
- 271. New Australian Colony 749

FACSIMILES

- Mill's MS list of his articles xi
bound with his copy of the *Examiner*, 1833
- French News [78] xii
Examiner, 5 May, 1833, p. 281

	page
Article on France	8
The Bankers' Message	13
Review of a new system of taxation	16
Review of the new law on a Property Tax	51
Review of the new law on the Public Banks	101
Review of the Monthly Repository for March, 1833	164
Article on France	201
Review of the Monthly Repository for April	229
Review of two of these famous songs	240
The Budget	258
Information relative of the Times	275
Article on France	281
Article on France	313
Notice of Berchet's <i>Seggio di Poesia Italiana</i>	316
Review of the Monthly Repository for June	372
Paragraph on the Bank question	409
The Ministerial Message respecting the Bank	417
Article on France	457
Municipal Institutions	497
The Bank Charter Bill	514
Article on France, in reply to the University Review	551
Article of the Monthly Repository for September	561
Change appended to an extract from the Monthly Repository	570
The Ministerial Manifesto	593
The Association Ministry	607
The Review of the Session, &c. &c.	625
Lord St. Leonards's Law Reforms	623
The Corporation Bill	653
Contract of the Ministry with regard to the Bank	675
Review of the new measure, &c. &c. of the year	677
Product of the Ministry, &c. &c. of the year, &c. &c. of the year	707
Review of the Monthly Repository, in December	741
Article on France	752
	246

Mill's MS list of his articles
 bound with his copy of the *Examiner*, 1833
 Somerville College Library

NEWSPAPER WRITINGS BY JOHN STUART MILL

August 1831 to October 1834

••• August 1831 to July 1832 •••

113. FRENCH NEWS [24]

EXAMINER, 21 AUG., 1831, P. 538

Mill here resumes his regular comments on French political affairs, his last article having been on 24 Apr. (No. 102). Described in Mill's bibliography as "A short summary of French affairs in the Examiner of 21st August 1831" (MacMinn, p. 17), the unheaded item is listed as "Article on France" and enclosed in square brackets in the Somerville College set.

THE FRENCH CHAMBER OF DEPUTIES has continued, during the whole of the last week the important debate on the address.¹ Several orators of considerable ability have appeared among the new members; and several of those who had already distinguished themselves have signalized the present discussion by some of their most successful efforts.

The debate, too, comprehends every topic, both of internal and foreign policy; and contributes greatly to make known, and in no small degree probably even to form, the political views which will predominate in the conduct of the new Chamber.

We shall wait for the termination of this discussion, before we offer to our readers the facts which it discloses, and the observations which it suggests. Few debates, within our recollection, have been calculated to suggest so many; few have afforded so complete a picture of the situation of parties, and the state of the public mind, or such abundant materials for conjectures diving deep into futurity.

The discussion has been stormy; the natural consequence, among an excitable people, of the arrival of two hundred new deputies unused to the forms of debate, and the violent passions excited by a division of parties so nearly equal as to afford a hope of victory to each on every division.

It is not often that we have had it in our power to applaud the articles of the *Times* on foreign affairs, and we have the greater pleasure in referring to that of

¹The July elections had returned 265 members new to the Chamber (rather more than the 200 Mill estimates). Consequently, when it reconvened on 23 July, its political complexion was uncertain. Périer had won the fight over the election of the President of the Chamber by only one vote; therefore, the debate on the Address to the King from 9 to 16 Aug. (*Moniteur*, 1831, pp. 1328-1405), which concentrated on Périer's position that France should not go to war for a principle or a doctrine, was crucial. The left lost the vote by 282 to 73.

Friday last, in which the sitting of the Monday preceding, the most tempestuous of all, is commented upon with great good sense, and in the best spirit.²

114. STATE OF PARTIES IN FRANCE

EXAMINER, 28 AUG., 1831, PP. 545-6

This article, headed as title, begins the "Political Examiner." Described in Mill's bibliography as "An article headed 'State of Parties in France' in the Examiner of 28th August 1831" (MacMinn, p. 17), it is listed as title and enclosed in square brackets in the Somerville College set.

OF THE FOUR HUNDRED AND FIFTY-NINE MEMBERS of the late Chamber of Deputies, two hundred have not been re-elected: and although several of these will obtain seats in the new Chamber by means of the vacancies occasioned by the double, triple, and quadruple returns, the change is sufficient to render the present legislature of France essentially a new body.

This renovation is most auspicious to the tranquillity and improvement of France, and of all Europe. It is far more than was anticipated from the very limited constituency by which the French Parliament is even now elected; and it is sufficient to induce us to desire, that the people of France may rest satisfied with their present electoral qualification for some time longer, and postpone any further extension of popular rights, until the great step which their institutions have now made, shall have had leisure to produce its fruits.

A body, which in so large a proportion consists of new members, who have never before figured in politics, and are not yet pledged to any specific course of public measures, was not likely to assume a very decided character all at once. The majority in the New Chamber has hitherto been a fluctuating one; but it is ascertained that the Liberal party has sufficiently increased in strength, to influence, though not to govern, the decisions of the entire body; and that all propositions, tending to the removal of defects, and the introduction of progressive improvements in the institutions and social condition of France, will meet with a far more favourable reception from the present Chamber than from the last.

This large increase in the strength of the popular party has not been furnished, agreeably to the trite generalities of common-place politics, by the great towns and manufacturing districts. These, in France, are the seats of the wealthy and pusillanimous, and in these, consequently, the popular party has sustained numerous defeats; in Paris itself they have decidedly lost ground, and of the great cities, Strasbourg is the only one where the elections have gone wholly in their favour. As we are writing this, we perceive that the contrary proposition has been

²Leading article on French affairs, *The Times*, 19 Aug., 1831, p. 3.

put forth in the British Parliament with an innocent *naïveté* of self-complacency, which irresistibly invites us to quote. In the House of Commons, on Wednesday last, according to the *Times* newspaper, Mr. Praed delivered himself as follows:

His historical studies had convinced him, that at all times, and in all nations, the inhabitants of towns had been prone to support, and the inhabitants of the country prone to oppose, all kinds of innovation. No man had analyzed so closely as he had the constitution of the present Chamber of Deputies in France, and he saw invariably that it was the Deputy for the vineyard and the corn-field that opposed, and the Deputy for the manufactory and the workshop that supported, the party of the movement.¹

Perhaps this Senator, who in the prosecution of his "historical studies," has "analyzed so closely the constitution of the present Chamber of Deputies," will condescend to substantiate the accuracy of his analysis by accounting for the following facts:

That three of the four Members for Lyons, three of the four Members for Bordeaux, two of the three Members for Rouen, two of the three Members for Metz, the Member for Havre, the Member for St. Etienne, both the Members for Arras, and two of the three Members for Nantes,* belong to the Ministerial, or stationary party:

That the manufacturing departments of Artois and Flanders return twenty Deputies, of whom five only belong to the popular party:

That the department of Seine-Inférieure, the principal seat of manufactures in the North of France, returns eleven Deputies, of whom at least eight are ministerial: while the other three departments of the same province (Normandy) which are chiefly agricultural, return twenty-two Deputies, of whom all except seven belong to the opposition:

That the Member for *Beaune* is *M. Mauguin*, and that the departments of Côte d'Or and Saône-et-Loire, comprising the ancient Burgundy, and electing twelve Deputies, have furnished only four to the Ministerial benches:

And, finally, that the south and west of France, the most peculiarly agricultural districts, return a decided majority of Members belonging to the popular party. Thus the Pyrénées-Orientales return three Deputies, Landes three, Ariège three, all on the popular side: Gers, four out of five; Gard, four out of five; Aude, three, if not four, out of five; Var, three out of five; Isère, five out of seven; Dordogne, five out of seven; Charente-Inférieure, six out of seven; Tarn, four out of five; Vendée, we believe, all five; Vienne, four out of five; Haute-Vienne, all five; Deux-Sèvres, three out of four. When Mr. Praed shall have explained all this, we will allow him to make what he can of the elections for Champagne and the Gironde, the only conspicuous cases in accordance with his theory.

¹Winthrop Mackworth Praed (1802-39), poet and conservative M.P. from 1830; his speech in the Commons on 24 Aug. was reported in *The Times*, 25 Aug., 1831, p. 4.

*This includes the Member for Paimboeuf, which is virtually an appendage of Nantes.

The notion that there is an innovating tendency in manufactures and trade, while agriculture is essentially conservative, belongs to a mind accustomed to look at history only in the gross, without any capacity for scrutiny and analysis; and disappears on a more accurate sifting of the very facts which have suggested the theory. The principle of improvement in modern Europe has had its source in the towns, only because in them security and personal freedom were earliest enjoyed: resistance to innovation has generally been headed by the proprietors of the land, only because the institutions on which it was proposed to innovate, were usually of their making and for their advantage. It always affords a strong presumption of political quackery, to announce a principle of politics as true "at all times and in all nations;" but it may safely be set up, not as a universal but a very general truth, that the tendency to keep things as they are, prevails chiefly not among the town or the country population in particular, but among the wealthy: those who have most to lose and least to gain; those who have thriven under existing arrangements, and cannot be sure that they shall thrive equally if these arrangements are altered. And this conservative tendency (as it is called) belongs perhaps more strongly to manufacturing and commercial, than even to landed wealth; because the former descriptions of property are more precarious in their nature, more dependant for their value on general tranquillity, and more exposed even to total destruction. And hence, no doubt, it is, that in the great seats of French manufactures and commerce, the elections have for the most part afforded to the *statu quo* party the signal triumph evidenced by the facts which we have cited above.

The people of England must seek other informants than those in whom they at present trust, if they would understand the real character of the two great parties between whom the political public of France is at present divided.

There are thousands of good easy people who are simple enough to believe, that the whole of the opposition to the present Ministry of France consists of Republicans and Bonapartists. Now, the Bonapartists have for the most part far too much of the wisdom of this world, to place themselves in opposition to any Government; certainly not to that of Louis-Philippe, who being afraid of them, as he is afraid of all things whatsoever, made sure of them from the first, by scattering among them, with a lavish hand, places and honours. And as for the Republicans (though a great noise is kept up about them by the King and the Ministry, in order to make a bulwark for themselves of the superstitious terror which that word excites in the minds of the French nation), they are really very few in number; not accustomed to act in concert, confined almost entirely to Paris, consisting principally of very young men, and not likely, unless aided by some grievous blunder of the Government, to have any echo in France for many years to come. The Opposition party, on the contrary, is powerful and united, strong in the fame and abilities of its Parliamentary leaders, strong in its alliance with the prevailing tendencies of the national mind: long since predominant in

the press and in the nation; already of equal strength, and certain to be soon a majority, in the strong-hold of its adversaries, the Chamber of Deputies.

It would give a very inadequate conception of the fundamental difference between the Ministerial party and the Opposition, were we merely to enumerate the acts, or state the professed principles, of either. The questions are but few, which there has yet been time to discuss, or on which they have made up their minds; and yet, whatever subject of debate may arise,—from the difference in their habitual feelings and modes of thinking it would not be difficult to predict which side they would respectively espouse. The leading minds on both sides have fixed principles, and systematically consistent opinions: but who is so wild as to inquire the fixed principles of five hundred men? In the age we live in, men class themselves according to their instincts, and not to their creeds: men's characters are not determined by their opinions, but their opinions by their characters. The ministerial party is mainly governed by the instinct of conservation, the opposition by the instinct of progression. Dread of innovation is the strongest feeling in the one, desire of improvement in the other. They cannot be more happily characterized than by their current denominations, the party of Movement, and that of Resistance.

The stationary party, grouped round the King and the present Prime Minister,² are anxious to keep all things unchanged, or to change as little as possible. Had it depended upon them, the nation must have been contented with a far smaller extension of the elective franchise: most of them voted against the principal clauses of the recent election law.³ They are mostly strong adherents of the hereditary peerage. They are averse to all further extension of popular privileges; averse to war, less on its own account, than because it would be a change; and enemies of the press, because it is perpetually thwarting their favourite purpose by calling for change.

The progressive party was that which extorted from the Government the recent change in the election law; and is about to extort from it, to its great displeasure, the abolition of a hereditary peerage.⁴ From them proceed the demands for complete liberty of the press, and its enfranchisement from the oppressive taxes, by which, as in our own country, it is almost weighed down. They it is who demand the abolition of the numerous monopolies, which restrain the free employment of industry in the interior of France. They are the most zealous advocates of popular municipal institutions, for managing the local concerns of the town or of the department. From them, too, proceeds the demand for abolishing the despotic *surveillance* which the government exercises over all

²Casimir Périer.

³Identified at No. 72, n3.

⁴On 9 Aug., Salverte had introduced Proposition relative à la révision de l'article 23 de la charte constitutionnelle (*Moniteur*, 1831, p. 1327), pushing the government to move on the promise made in Art. 68 of the revised Charter (1830). See No. 115.

places of education. They alone have manifested any real sympathy with the most numerous and poorest class: they alone have shown any disposition to retrenchment, or to altering the taxes so as to alleviate their pressure upon those least able to bear them; and it was they who caused to be inserted in the Address, a promise, though a distant and conditional one, of elementary education to be provided for the poorest classes at the public charge.⁵ They, too, are those who sympathise the most strongly with the oppressed patriots of foreign countries: and it is chiefly here that there is any danger lest they should drive their country into measures which, however generously intended, would be perilous to the progress of civilization and of the spirit of freedom in France and in Europe, which at this period, demands, above all other requisites, peace and tranquillity.

This is the party which, by the recent elections, is now barely not a majority in the new Chamber of Deputies. And until the national mind is formed by discussion and education, to a calmer and more practical weighing of public questions than it has yet proved itself to be capable of, there is perhaps nothing better to be hoped, than that the progressive and the conservative spirit, which fail to be properly tempered with one another in each individual mind, should yet be so equally distributed through the whole body, as to afford hope that between opposite passions reason may generally hold the balance. That it will be so, there are many gratifying indications, in the votes, and the general spirit of the new Chamber.

The progressive party are now sure of ultimate preponderance; for every month strengthens their hold upon the national mind, and every death or resignation which gives a younger deputy for an older, or one who is new to public life for one who is already committed, affords them a chance of an additional adherent. More rapid progress than this we do not desire for them; nor if they are wise, will they wish it for themselves. It is not always advisable that the strong should exert their strength, however conscious of a good cause. Great changes should not be made at the first moment when a bare majority can be obtained for them. The idlest fears, the most unfounded dislikes, must have some time allowed them to wear off. Nothing which can be gained by a slight acceleration of the improvement of institutions, is an equivalent for the danger incurred when they improve faster than the minds of a large and powerful part of the nation.

We now feel assured, that even the present ministry will not be allowed to carry on the government in a stationary spirit: that concessions, far beyond what seemed probable six months ago, must be made, and made continually, to the demands of the age for improvement: and, certain of this, we are not anxious that changes, even the safest in themselves, should take place with a rapidity

⁵In the debate on the 12th on the Address (adopted 16 Aug.), an amendment to this effect was moved by Philarète Euphémon Chasles (1798-1873), a literary critic, and adopted after the ministry said it had no objection.

alarming to the timid—that is, to the great majority of the possessors of considerable property. Nor have we any apprehension that the leaders of the popular party will urge its demands too impetuously, unless pressed forward with heedless violence by injudicious adherents out of doors. On the contrary, we perceive with pleasure, and if the phrase may be permitted us, with pride,—that while those who call themselves the moderate party have too often displayed an irritability and intemperance which has fixed on them the *soubriquet* of *hommes furieux de modération*,⁶ the popular leaders maintain, and have maintained throughout, a dignity, a calmness, and a forbearance, which entitles them, and them only, to the praise of genuine and honourable moderation. The two speeches of their principal orator, M. Odilon Barrot, in the discussion on the address, are not only temperate and conciliating in expression and tone, but he who can read them and ascribe violent sentiments or exaggeratedly democratic opinions to this wise and eloquent patriot, must have come predetermined to interpret the mind of an opponent in the spirit of his own perverseness.⁷

115. THE PEERAGE QUESTION IN FRANCE

EXAMINER, 4 SEPT., 1831, PP. 563-4

The article, headed as title, appears in the "Political Examiner," and is described in Mill's bibliography as "An article headed 'The Peerage Question in France' in the Examiner of 4th September 1831" (MacMinn, p. 17). It is listed as title and enclosed in square brackets in the Somerville College set; that edition includes the subheading, "(From a Correspondent)," that is not in other sets.

THE FRENCH MINISTRY has proposed the abolition of the Hereditary Peerage.¹

M. Casimir Périer does not disguise that this is a concession, extorted from him, contrary to his individual inclinations, by the spirit of the times. This avowal has brought upon him the severe reprehension of the more vehement partisans on both sides. They treat him as one who abandons his political creed, from motives of convenience: a censure in which we cannot join. Principles of government are not laws of eternal nature, but maxims of human prudence, fluctuating as the mind of man and the exigencies of society. A truth, in politics,

⁶For the origin of the phrase, see No. 98, n6.

⁷Odilon Barrot's speeches of 11 and 12 Aug. are in *Moniteur*, 1831, pp. 1360-2 and 1367-8.

¹Périer introduced on 27 Aug. the proposal to abolish the hereditary peerage and substitute regal appointments for life of men who had served the state or came from the upper ranks of society (*Moniteur*, 1831, pp. 1477-8). His speech is followed by the text of *Projet de loi destiné à remplacer l'article 23 de la charte constitutionnelle*. As enacted, the law specified service to the state (Bull. 54, No. 130 [29 Dec., 1831]).

which is no longer suited to the state of civilization and the tendencies of the human mind, has ceased to be a truth. The will of the majority is not to be obeyed as a law, but it is to be attended to as a fact: the opinions and feelings of the nation are entitled to consideration, not for their own sake, but as one of the circumstances of the times; one of the elements of that existing state of society, upon which your laws have to operate; an important part of the situation of the country: a cause, which produces effects not to be overlooked; a power, which so largely modifies and interferes with all you do, that unless it is allowed for in your calculations, you can predict nothing.

M. Périer is at liberty to think that it is the faults, and not the virtues, of his countrymen, which render a hereditary peerage unfit for them: it is enough that he perceives that institution to be radically incompatible with the feelings and habits of the French people. Solon has not been accused of tergiversation, for saying that he had given to the Athenians, not the best possible laws, but the best which they were capable of receiving;² and M. Périer, apparently, considers himself to be following in the footsteps of the Athenian lawgiver.

Though we cannot join with the French Minister in lamenting that state of public opinion which renders a hereditary peerage no longer possible in France; its expediency, like that of most other political institutions, is, with us as with him, a question of time, place, and circumstance. This is not the place for determining, with precision, the conditions which are required to render that institution eligible. The consideration would lead us far beyond the present subject, and we are not writing a treatise on the art of government. But, that the most indispensable of those conditions is wanting in France, the most superficial knowledge of that country is sufficient to evince.

All arguments in favour of an Upper Chamber assume that the Lower one is liable to be too much under the immediate influence of public opinion; that it is too accessible to sudden gusts of popular feeling; and if not held in check by another body, would vacillate between opposite extremes, and innovate too frequently and too suddenly. Suppose, therefore, a people liable to these sudden gusts, and a Lower House so constituted as not to be likely to resist them: where shall the Upper House find strength to withstand the united impulse of the people and the Chamber of Deputies?—Not in the sword: for the sword, without some one to wield it, is but cold iron. Mankind, in these days, are not ruled by the sword, but by opinion; and a power which will dare resist the people, must be conscious of a moral ascendancy over them. But birth and wealth confer no moral ascendancy in France; and the French Peerage, moreover, possess, for the most part, neither the one nor the other.

²For the comment by Solon (ca. 638-559 B.C.), Athenian reformer, see Plutarch, *Lives* (Greek and English), trans. Bernadotte Perrin, 11 vols. (London: Heinemann, 1914-26), Vol. I, p. 442 (XV, 2).

Persons who have never lived out of England imagine that the respect of mankind attaches itself to riches and genealogy by an inherent virtue; and the conception of those extrinsic advantages existing apart from unbounded deference and homage, is more than they are able to figure to themselves. Frenchmen, on the other hand, are no less astonished at finding that in this country the Duke of Northumberland³ is a greater man than Sir Humphrey Davy, and Mr. Baring than Sir Walter Scott. This is one of those broad and all-pervading differences between nations, which render it absurd to transfer institutions ready-made from one country to another. The only moral ascendancy in France is that of personal qualities; and personal qualities are not hereditary.

There is no great difference of opinion in France respecting the ends to be aimed at in the composition of a Second Chamber. The *Courrier Français*, one of the ablest and most steadfast of the popular journals, in a sober and well-reasoned article on the peerage question, lays down these principles: That the well-being of society depends upon the due intermixture of the conservative and the progressive spirit; that the progressive tendency is naturally predominant in an assembly purely popular in its constitution: and it is consequently desirable, that, in the other branch of the legislature, the balance should incline to the conservative side.⁴ A doctrine precisely similar was laid down by M. Casimir Périer, in his speech introducing the ministerial project. He said, that to each of the two Chambers was confided, in a more peculiar degree, the guardianship of one of the two principles, on the apt combination of which good government depends: to the Peers, the element of stability—to the Deputies, the element of improvement. The parties being thus sufficiently agreed on the question of principle, all that remains open to debate is a question of fact; namely, what are the materials in France for forming an assembly, which, with a decided overbalance of the conservative spirit, shall unite the greatest attainable amount of wisdom and virtue? With this view the popular party are ready to admit of rather a high qualification in age, and even in property, because the tendencies of age, and of riches, are generally adverse to change. And they contend that the Second Chamber should be exclusively composed of “les illustrations nationales;”⁵ of men of established reputation in all the greater concerns of mankind, in politics, judicature, literature, science, and war. Such persons, having little to gain in reputation and much to lose, have an interest against rash experiments, similar to that which men of large fortune have; while they possess also (what men of large fortune have not) tried abilities, to prevent their tardiness from degenerating into a stupid dread of innovation; and a natural influence on the public mind, which gives weight to their opinions, and ensures, as far as any

³Hugh Percy, 3rd Duke of Northumberland (1785-1847), Lord-Lieutenant of Ireland 1829-30, ambassador extraordinary at his own expense to the coronation of Charles X.

⁴“Effet de l'exposé des motifs de M. Périer,” *Courrier Français*, 29 Aug., pp. 1-2.

⁵See Périer, speech of 27 Aug., p. 1478.

thing can ensure, a willing acquiescence in their decrees. New men, on the contrary, who have their reputation to acquire, and who, having less of the self-distrust which is the fruit of experience, are supposed to be more easily fired by vast schemes of improvement, and less alive to difficulties and dangers, would find their fit place in the Chamber of Deputies, where this faulty excess of valuable qualities could do no harm, as all their acts would be subject to the revision of the more cautious body.

It is a great mistake, therefore, to suppose that the contest against the inheritableness of the Peerage arises from a levelling spirit, or a reckless impatience of any obstacle to the omnipotence of the popular will. It is an affair of philosophy and reflection, not of blind passion; although doubtless, in France, the hatred of unearned distinctions *is* a passion, and an almost universal one. Glad should we be, nevertheless, if we thought, that in our own country, such a question would be argued on either side with so impartial a judgment, or upon principles so unambiguous, definite, and comprehensive.

The project of M. Casimir Périer includes no change in the constitution of the Second Chamber, beyond the suppression of the hereditary principle. The Peers are to hold their seats for life, to be unlimited in their numbers, and to be named solely by the King. To the first of these three propositions, the popular party do not object; but the other two will be strongly opposed, and an attempt made for a partial introduction of the principle of popular election, either by requiring the King to select from candidates presented by the electors or by the Chamber of Deputies, or by giving the absolute nomination of a certain proportion to the King, and a certain proportion to the people.

On this occasion, as on almost every other, it will be found on trial how much easier it is to destroy than to rebuild; how much more obvious it commonly is, what is bad, than what is good. Yet we incline to the opinion that M. Périer's plan has the advantage over every other which has been proposed. We are convinced that no functionary who holds his place for life, ought to be chosen by popular election. A numerous body (and the people are the most numerous of all bodies), is essentially unfit to perform any act that is to be irrevocable. Nothing but a keen sense of undivided responsibility is a guarantee for the degree of forethought and deliberation which such an act demands. What renders popular election enduring, and even causes it to work well upon the whole (more than this cannot yet be said of any government, in so imperfect a state of the human mind), is the frequent opportunities which the people have of correcting a first error. If they were held by an indissoluble tie to their first choice, how bitterly they would often repent of it. The public are scarcely judges of a man's qualifications until he has been tried; and impostors, who knew that what was once gained could no more be lost, would exhaust all the resources of deception. On the other hand, if the election is for short periods, the Second Chamber is but another First Chamber, and may very well be spared.

Men who are nominated for life are, of course, irresponsible when once

appointed; the utmost you can do is to secure a considerate choice: and this you are more likely to obtain from an officer responsible to the people, than from the people themselves. The King, it is true, is not responsible, but his Ministers are; that is to say (the only true meaning of ministerial responsibility), they incur more or less danger of losing their places by a misuse of this power, or of any other. If the constitution of the Lower House is not sufficient to prevent the systematic misapplication of the royal power, it is good for very little. The privilege of creating Peers is not more liable to abuse, under an adequately representative government, than that of appointing judges or general officers. The true wisdom of the people is, to take every possible security that whatever power is given to their supreme government shall not be abused to selfish ends, and then to let the measure of that power be large and liberal.

But the popular party in France are at present in a position which renders complete impartiality impossible. They are biassed by a well-grounded distrust of the present Ministry and King; who, during the transitional state of the national institutions, and the wavering and unsettled disposition of the representative Chamber, are sure to throw the whole weight of all the powers which may be entrusted to them, into the scale opposite to improvement. And it is feared, not altogether without reason, that the hereditary principle, though eliminated from the laws, may practically survive its nominal abrogation, in the hands of a King and Ministry avowed adherents of it, and empowered to confer the peerage, if it so please them, upon the lineal heir of every deceased Peer. If so, the new system will have all the disadvantages of the old one, together with the additional one of rendering the peerage still more dependant upon the Crown.

This danger, however, will probably be obviated by an amendment, which the Committee of the Chamber of Deputies, though composed almost entirely of adherents of the Minister, is expected to introduce, and by which the King, in his nominations to the peerage, will be restricted to persons of certain classes, or of a certain definite description. The limitations, no doubt, will leave ample scope for improper choice. But the promotions of the Dupin's, and Jars's, and Rambuteau's,⁶ from one Chamber to the other, will at least have this advantage, that their places in the more influential body will be better filled; for the same electors who will not cashier an old representative, will often elect a fitter one in his place when he retires. And France will at least have gained the extinction of the hereditary principle; a good in itself, and an important step in the progress of constitutional improvement.

⁶Mill is probably referring both to André Dupin and his brother, Charles Pierre François, baron Dupin (1784-1873), a liberal deputy from 1827, but not of Mill's economic opinions. Antoine Gabriel Jars (1774-1857), an opposition deputy from 1822, one of the 221, but now a member of the stationary party and a supporter of an hereditary peerage. Claude Philibert de Barthelot, comte de Rambuteau (1781-1869), administrator, a deputy from 1827, had also voted with the 221.

116. FRENCH NEWS [25]

EXAMINER, 4 SEPT., 1831, P. 569

This paragraph is headed "London, September 4." The entry in Mill's bibliography, covering this and forty-two other articles (up to and including No. 178), reads: "The summary of French news in the Examiner from 4th September 1831 to 15th July 1832 inclusive, missing only one Sunday (July 1st) and comprising many long articles" (MacMinn, p. 17). Actually one other issue, that for 13 Nov., 1831, also has no summary of French news. This brief notice is listed as "Paragraph on France" and enclosed in square brackets in the Somerville College set.

THE SPEECH of the French Minister of Finance, on presenting the budget, holds out expectations of a considerable relaxation of the restrictions on the importation of foreign commodities.¹ We hail this with joy, as the first indication of an improved spirit on these subjects in the French Government.

117. FRENCH NEWS [26]

EXAMINER, 11 SEPT., 1831, P. 584

For the entry in Mill's bibliography, see No. 116. The summary, headed "London, September 11," is listed as "Article on France" and enclosed in square brackets in the Somerville College set.

THE COMMISSION, or Select Committee, appointed by the French Chamber of Deputies to examine and report upon the proposed law relative to the Peerage,¹ is expected almost immediately to present its report. A day will then be immediately appointed for the commencement of the debate.

In the mean while the Chamber has afforded an agreeable earnest of its disposition to retrenchment, by making a reduction of one half in the emoluments of its own President, and its two executive officers termed Quaestors. One of the Paris correspondents of *The Times* considers this measure to be of most evil augury, and writes with great apprehension of the spirit of economy which is abroad.² We hope that this specimen of the *juste-milieu* party so warmly espoused by *The Times*, will not be lost upon the readers of that journal.

The advantages of a cheap government are visible by the light of mere good intentions. We fear that less is to be expected from the Chamber wherever

¹Baron Louis' speech is in *Moniteur*, 20 Aug., 1831, pp. 1431-3.

¹For the background, see No. 115.

²See Letter from Paris Correspondent (6 Sept.), *The Times*, 9 Sept., 1831, p. 4.

reading, meditation, and political experience, are among the requisites of practical wisdom. The new members who compose nearly half the Chamber, consist chiefly of obscure men, who have never stirred, either bodily or mentally, out of their little country village. This is to be ascribed to a variety of causes. One cause is the needless and mischievous provision of the Charter, by which every department is required to select at least half its deputies from the inhabitants of the department.³ Another is the narrow limits within which the choice of the constituency is still restrained, by the pecuniary conditions of eligibility. A third is the breaking up of the constituent body into small fractions, by the narrow extent of the electoral districts; many of which do not muster more than from two to three hundred electors, who do not include any inhabitants of considerable towns, nor even are under the habitual influence of such, by personal intercourse either in politics or daily life. Neither must we omit to observe, that most of the politicians who figured in public affairs before the revolution of 1830 were disqualified by their servile habits, and retrograde or stationary spirit, from being the representatives of electors who repudiate those habits and that spirit, and whose choice, consequently, was unavoidably made, in a great measure, from the young or the untried.

Three elections have lately taken place for Paris, Lunéville, and Boulogne; all have terminated in favour of the ministerial candidates. The last of the three is a victory, for the retiring member belonged to the Opposition. In the other two cases the predecessors of the new members were of the same politics as themselves.

The remarks of our Paris correspondent on the character and disposition of the Chamber will be read with interest.⁴

118. THE SUGAR REFINERY BILL AND THE SLAVE TRADE

EXAMINER, 18 SEPT., 1831, PP. 594-5

This article is in response to the temporary alliance between the West India planters and traders and the "Saints" (the Evangelical Clapham Sect) and their fellow opponents of slavery, in opposition to "A Bill to Continue and Amend the Provisions of the Acts for Allowing Sugar to Be Delivered out of Warehouse to Be Refined," 1 & 2 William IV (29 Sept., 1831), *PP*, 1831, III, 437-40 (not enacted), which was designed to amend and continue 11 George IV & 1 William IV, c. 72 (23 July, 1830). Mill's leading article, in the "Political Examiner," is headed as title. Described in his bibliography as "An article headed 'The Sugar Refinery Bill and the Slave Trade' in the Examiner of 18th September 1831" (MacMinn, p. 18), it is listed as title and enclosed in square brackets in the Somerville College set.

³Charter (1814), Art. 42, continued in Charter (1830), Art. 36.

⁴Maillefer, "Foreign Intelligence. France" (31 Aug., 1831), *Examiner*, 11 Sept., p. 583.

THE SAINTS AND THE WEST INDIANS, those inveterate enemies, whose quarrels, next to those of the Orangemen and Catholics, engross the unceasing attention of the Ministry and Parliament; those rival powers between whom the administration of the day is perpetually engaged in negotiating a compromise, not on the principle of giving to each his due, but on the simpler and easier one of giving to each half his demand—the Saints and the West Indians, strange to say, are now, for the first time, enlisted under the same banner,—fighting in a common cause against the Ministry. The subject of this contest is the proposed renewal of the temporary act, which permits foreign sugar to be refined in this country. The West Indians oppose this, because the sugar does not come from their plantations; the Saints, because it comes, in great part, from countries which have not effectually abolished the African Slave Trade.

While the Reform Bill is pending,¹ the reasons are obvious for keeping all other questions precisely as they are; for attempting no change, which can be deferred until it can be subjected to the deliberation of a better legislature,—commencing no discussion to which the attention of the public, those persons excepted who have a personal interest in the question, would be very slackly and lazily directed. Since, therefore, the proposed Bill does not change the existing law, but keeps it as it is for a year longer, when it would otherwise revert from what it is to what it formerly was;² the course of every wise and disinterested Member of Parliament should be to vote with the Minister,³ leaving the ultimate disposal of the question to a reformed Parliament.

It is not, however, to be disguised that the objections to the measure, considered as an indirect encouragement of the Slave Trade, are of very considerable weight. And no subject calls more loudly for consideration, so soon as there shall be leisure for it, than the large annual sacrifices which the English nation has long made, and still continues to make, for the suppression of the trade in negroes, while it has yet failed to discover the means of rendering those sacrifices really available for the truly virtuous purpose for which it readily and eagerly incurs them. What follows? Not any motive for abandoning the attempt; but merely a new illustration of the maxim of universal experience, that half-measures are in the end almost always more troublesome and costly than effectual ones.

The treaties for the abolition of the Slave Trade were a phenomenon previously unknown; an indication of an immense step in the progress of

¹The second version of the Reform Bill (see No. 107, n2) was in fact rejected in the Lords on 8 Oct.

²See 58 George III, c. 34 (23 May, 1818), which was continued in 1820, 1824, 1825, and 1826.

³Charles Edward Poulett Thomson (1799-1841), later Baron Sydenham, advocate of free trade and financial reform, M.P. from 1826, Vice-President of the Board of Trade. For the discussion, see *PD*, 3rd ser., Vol. 6, cols. 1166-8.

mankind; the first solemn recognition by the European powers that nations have duties, other than the merely negative one of not molesting one another; the first international compact which had both for its avowed and for its true object, not the security or aggrandizement, real or imaginary, of the contracting parties themselves—but the performance of a disinterested service to a third party, which that party had no claim to, except the claims of humanity.⁴ This great step having been achieved, and the possibility having been demonstrated that nations, as well as individuals, may be induced to bind themselves to perform an act of virtue, at the sacrifice of their immediate selfish interests; what is to hinder them from combining in a similar manner to overcome another and a much less appalling difficulty—that of compelling a few unprincipled individuals, or a few unprincipled governments, to abide by the general compact?

For many years it was affirmed, that the French Government was the principal obstacle to the complete annihilation of the slave trade. The French Government would now be no obstacle. It is eager to render its measures of prevention as effectual as possible. In the last session, a bill passed the Chambers, and became law, for this express purpose.⁵ The interests opposed to the cause of slave-trade abolition, in France, are comparatively feeble; and the public feeling would support the Government (of whose good inclination on this subject there is no doubt) in any reasonable measure which could be proposed to it by our Ministry, for giving effect to the wishes of every honest man in the two countries.

The real obstacles to the extirpation of the Slave Trade are Portugal and Brazil; and shall England and France, either of whom could conquer both countries in a single campaign, allow their noblest purposes to be baffled by these contemptible little powers, when for half the annual expense of Sierra Leone, they might take means for searching every vessel which enters the ports of either country?

In the mean time, England is spending immense sums, and the lives of thousands of her people, upon a pestilential swamp on the coast of Africa; and, finding that this does no good, she is meditating another experiment of the same kind in another spot, little better than the first; she has her Sierra Leone, and her Fernando Po (compare either of them with the American black colony of Liberia!).⁶ But this is not all: she is inflicting a real injustice upon her own colonists, by restrictive regulations, which do not at all conduce to the

⁴The Powers at the Congress of Vienna included a clause favouring abolition of the slave trade in the Peace Treaty of 30 Nov., 1815.

⁵For the measure, see No. 71, n2.

⁶The first settlement of freed slaves was started in Sierra Leone in 1787 but had to be revived in 1791. In 1808 the British government took over the colony, and in the next fifty years about 50,000 Negroes taken from illegal slavers were settled there. Fernando Po, an island off the Guinea Coast, had been settled by the Spanish as a source for slaves. Driven off by yellow fever in 1781, Spain leased bases to Britain after 1807 for the navy in its attempt to police the slave trade. Liberia's first freed slaves arrived in 1822 after a six-year struggle by the American Colonization Society.

suppression of the African Slave Trade, but which greatly aggravate the inevitable ruin of our ancient Slave Colonies. We allude more particularly to the prohibition of the trade in slaves between colony and colony.

It is well known, that the numerous and extensive colonial possessions, which we acquired in the last war,⁷ have by their inexhaustible productiveness, and the immense increase of their cultivation, so greatly undersold our old Slave Islands (which were never equally fertile, and are now in a great degree exhausted) that the proprietors of the latter are utterly and irrecoverably impoverished.⁸ As their estates have sunk in value, and their produce has fallen off, there is of course no internal market for their slaves. On the other hand, in the thriving colonies whose competition has ruined them, the increase of the demand for labour is constantly raising the price of slaves; and the difficulty of increasing the number is an increasing temptation to overwork them more and more. We are informed, that in Tobago the price of an able-bodied slave is not more than thirty pounds sterling, while in the neighbouring island of Trinidad, a new and fertile colony, it is not less than eighty. The ruin of the former colony would be partly alleviated, if its proprietors were permitted to dispose of their slaves to those who are suffering for want of them. The old colonies would then be almost entirely abandoned; and the British legislature would no longer be deafened with the din of never-ceasing demands, that the people of England may be taxed to relieve the distress of those, whose distress admits of no permanent relief, unless they are to be maintained as pensioners of the English nation.

We can conceive no motive for the prohibition of the internal Slave Trade, except the fear, that under colour of importing slaves from our own colonies, they would be imported from Africa. But this there could be no difficulty in guarding against, as the slaves are all registered. Governments, when they really wish it, succeed every day in taking efficacious precautions for the observance of regulations far more difficult to enforce.

⁷Tobago and St. Lucia in the Caribbean and Mauritius in the Indian Ocean were assigned to Britain by the first Treaty of Paris in May 1814 (*PP*, 1813-14, XIV. 227-65, Art. 8); Demerara, Berbice, and Essequibo (British Guiana) were ceded by the Dutch in August 1814. Tobago, however, had since the early seventeenth century been in British, Dutch, and French hands, and may be considered an "old" slave island. Trinidad may be considered a "new" one, as it had been ceded by Spain to Britain by the Treaty of Amiens in 1802.

⁸The old British slave islands, from the early seventeenth century, were Jamaica, Nevis, St. Christopher, Barbados, Antigua, and Bermuda.

119. FRENCH NEWS [27]

EXAMINER, 18 SEPT., 1831, P. 601

For the entry in Mill's bibliography, see No. 116. The article, headed "London, September 18," is listed as "Paragraphs on France" in the Somerville College set, where these two paragraphs are enclosed in square brackets (excluding the opening four paragraphs on the fall of Warsaw to the Russian army on 7 Sept., on which Mill comments in No. 120).

SEVERAL PARTIAL ELECTIONS have taken place in France, and have mostly gone against the Government. The most remarkable case was that of Dieppe, where the King has considerable property, and where the defeated candidate was his aide-de-camp, General Athalin.¹

A bill has been brought in by the ministry for mitigating the penal code, by abolishing the punishment of death in certain cases, and mutilation, branding, and the pillory, in all cases whatever.²

120. FRENCH NEWS [28]

EXAMINER, 25 SEPT., 1831, PP. 616-17

This article is headed "London, September 25." For the entry in Mill's bibliography, see No. 116. The article is listed as "Article on France" and enclosed in square brackets in the Somerville College set, where Mill makes one correction, here adopted: at 354.12 "academies, and of" is altered to "academies of".

THE INTELLIGENCE OF THE FALL OF WARSAW¹ has produced much excitement in the public mind at Paris, and has been followed by serious disturbances. The shops of two gunsmiths have been pillaged, Casimir Périér and Sébastiani have been hanged in effigy, and their carriages pursued by the populace. A great part of the National Guard, sharing in the popular feeling, has refused to act against the rioters, who, however, have been put down by the troops of the line, in conjunction with another portion of the National Guard.²

¹Baron Louis Marie J.B. Athalin (1784-1856), who had fought under Napoleon and become aide-de-camp to the Duke of Orleans at the Restoration, continued in that position when the Duke became King Louis Philippe.

²Introduced on 31 Aug., 1831, the bill was enacted as Bull. 78. No. 178 (28 Apr., 1832).

¹Inspired by the events in France, the Polish insurrection against the Russians had begun on 29 Nov., 1830; it ended with the fall of Warsaw in September.

²For accounts of the disturbances, see *Le National*, 18 Sept., p. 1, and *Le Globe*, 18 Sept., p. 2.

It seems to be generally thought that the fate of Poland has added so much to the unpopularity of the Ministers, as must speedily compel them to resign. They have sustained a signal defeat in the Chamber of Deputies, by the adoption of a proposition for restoring the military rank of the officers appointed during the hundred days, by Napoleon, and by the provisional government which succeeded him.³ A debate, which was originated by MM. Mauguin and Laurence,⁴ and which has already lasted several days,⁵ on the state of the nation (as we should say in England), is likely, in the opinion of many, to give the final blow to the Périer Administration.

Meanwhile, this Administration has given another manifestation of its hostility to popular institutions, and to the spirit of the nation.

Those who are acquainted with the institutions of France, are aware that very extensive functions of local taxation and administration are confided to deliberative bodies, varying in number from nine or ten to about thirty members, and called departmental councils, councils of *arrondissement*, and municipal councils. The authority of a departmental council extends over the whole of one of the eighty-six departments of France—that of a council of *arrondissement* comprises one of the four or five sections into which each department is divided—and a municipal council manages the affairs of a single *commune*; that is, a township or village.

Under the government of Napoleon, faithfully copied by the restored Bourbons, every member of every one of these bodies was named by the Crown, or by its agent, the *préfet* or *maire*.⁶ France, therefore, presented, under these rulers, the *unique* spectacle (*unique* at least in Europe, and certainly unknown to the feudal and despotic monarchy which preceded the French revolution) of a country which did not contain a vestige of any local authority, even down to a village watchman, that did not emanate from the Crown.

A law which passed subsequently to the revolution of July 1830, restored to the people, or rather to a small portion of the people, the choice of the municipal councils. The responsibility, however, of these bodies was reduced almost to nothing, by one absurd provision: they are elected for six years.⁷

The councils of the departments and of the *arrondissements*, are still named by the Crown. Universal opinion, however, has long required that this should cease. That the “intervention of the citizens” should be allowed in the choice of the local authorities, was one of the pledges given by the Chamber, on the revision

³Presented on 24 Aug. by Boissy-d’Anglas (*Moniteur*, 1831, p. 1456), the proposition passed the Deputies on 17 Sept., and was sent to the Peers on the 21st.

⁴Justin Laurence (1794-1863), a Deputy of conservative views elected in 1831.

⁵For the debates of 19-23 Sept., see *Moniteur*, 1831, pp. 1624-8, 1630-7, 1640-50, 1655-62, 1663-70.

⁶For details, see No. 57, n5.

⁷For the law, see No. 57, n10.

of the charter after the revolution, and sworn to by Louis Philippe on his accession to the throne.⁸ To redeem this pledge, a bill has now been introduced by the Ministry.⁹ But we are much mistaken if it fulfils the hopes of the nation; and we are sure that it ought not to satisfy their wishes.

Not only does this bill extend to the other local bodies, the clause which renders popular election almost nugatory in the municipal councils, that which enacts that they be elected for six years—not only this, but it assumes a basis for the representation of the people in the local councils, scarcely wider than that which has been adopted for the Chamber of Deputies. All who have votes for the Chamber, are to have votes for the local councils, together with all who are inscribed on the jury list; but these last consist only of the former, and of certain liberal professions, not numerous anywhere, except in the large towns. Should the number of persons thus qualified in each *arrondissement* not amount to one two-hundredth part of the population, that proportion is to be made up by the addition of the most highly taxed; and in no case is the number to be less than fifty in each *arrondissement*. This last provision shows how clearly it is foreseen that in some, and probably in many *arrondissements*, the electoral body will be little better than a select vestry, meeting to choose a sub-committee of its own body.

The electors of the Chamber of Deputies are very far from sufficiently numerous, being only about 200,000 in a population of 32,000,000. But even were the fact otherwise, the qualification for local councils ought to be far lower than that which is usually thought desirable for the council of the nation. First, because less is risked, the interests at stake being less important, and the legislature being always there to interpose in case of serious mismanagement. Next, because the people at large, by superintending the management of their own local affairs, would be prepared and educated for the ultimate exercise of a more extensive share in the superintendence of the general government. And, lastly, because the local councils, not having, like the legislature, the eyes of a whole nation fixed upon them, stand in still greater need of the check of actual accountability to those whose interests are confided to them, and over whom they exercise their power.

In addition to this law respecting the *composition* of the departmental and *arrondissemental* councils, another law is proposed to define their functions and authorities;¹⁰ and a third to define, in like manner, the functions and authorities

⁸Mill here seems to be conflating the wording of two clauses in Art. 69 of the Charter of 1830. Clause 5 refers to the "intervention des gardes nationaux dans le choix de leurs officiers," while clause 7 says that the departmental and municipal institutions should be based "sur un système électif."

⁹Projet de loi sur l'organisation des conseils-généraux de département et des conseils d'arrondissement (15 Sept.), *Moniteur*, 1831, pp. 1586-7.

¹⁰Projet de loi sur les attributions départementales (16 Sept.), *ibid.*, 1831, pp. 1599-1600.

of the municipal councils,¹¹ this object not having been provided for by the law passed in the previous session. These two bills ought to be attentively studied by our own statesmen; who will certainly be called upon, as one of the earliest duties of a Reformed Parliament, to create similar local councils for Great Britain, and to determine what portion of the public business shall devolve upon such bodies.

The commission, or select committee, appointed by the Chamber to examine the proposition of the Government respecting the peerage, have at last presented their report.¹² The only material alterations which they propose in the ministerial plan, is the limitation of the royal choice to certain classes of persons, consisting chiefly of deputies, judges, law officers, and placemen of various descriptions, after a certain number of years service; members of the four academies of the Institute; military and naval officers of the rank of a lieutenant-general or a vice-admiral; and persons who pay 5,000 francs a year (about 200*l.*) of direct taxes. On the whole, the catalogue seems a very weak and ineffective attempt towards an enumeration of the sorts of persons who may be presumed fit to form part of a conservative branch of the legislature.

A law proposed some time ago by the ministry, for amending the existing laws on the recruiting of the army, has just been returned from the commission to which it was referred.¹³ The admirable practice of referring all bills and all propositions whatever to a select committee, whose duty it is thoroughly to examine the whole subject both in its principles and details, deserves to be introduced into every legislative assembly. The reports of these committees are frequently models of statesmanship, and practical political science. The excellent report just submitted on the *loi du recrutement* might be cited as an example. That steady and comprehensive perception of general principles, combined with a just appreciation of individual circumstances, which is characteristic of the better class of French public men, is nowhere more conspicuous than in these documents.

A most absurd petition has been presented to the Chamber of Deputies, for an application to the British Government to obtain the remains of Napoleon, in order that they may be buried under the column in the Place Vendôme.¹⁴ This gave rise to a debate, remarkable for the effusions of Bonapartism which several

¹¹ *Projet de loi sur les attributions municipales* (14 Sept.), *ibid.*, pp. 1577-9. No law was enacted until Bull. 521, No. 6946 (18 July, 1837).

¹² *Moniteur*, 1831, pp. 1619-24. For details, see No. 115.

¹³ The report of 12 Sept. is in *Moniteur*, 1831, pp. 1561-3; the law as passed (Bull. 68, No. 149 [21 Mar., 1832]) provided for a regular army of 50,000 voluntary soldiers, voluntary in the sense that if called up, an unwilling recruit had the right to a replacement.

¹⁴ *Moniteur*, 1831, pp. 1568-70.

of the speakers thought it a favourable opportunity for giving vent to:—effusions which, however extravagant, may be excused in a Las Cases and a Bertrand, but which inspire unmingled disgust when emanating from Lamarque, Briqueville, Larabit, and others of the military faction.¹⁵ To hear these men, it might be supposed that Buonaparte had been not only the most virtuous and enlightened ruler, but the greatest man of modern times; the warmest well-wisher of free institutions; the most ardent promoter of civilisation; and that France would remember him, not as one of the most selfish, ungenerous, and narrow-minded adventurers who ever usurped supreme power, but as the greatest benefactor of his country during his life, and the man who sheds most glory upon her now when he is dead. In vain did M. Comte, the high-minded author of the *Censeur Européen*, lift up his voice against this senseless and degrading idolatry.¹⁶ The Chamber almost unanimously gave their countenance to the prayer of the petition, by referring it to the Council of Ministers.

M. Comte likewise laid on the table of the Chamber a proposition to abolish the vote by ballot in their own deliberations—in which its effect is obviously one of pure mischief; to shield the representatives from responsibility to their constituents.¹⁷ This proposition, however, obtaining the assent of no more than two out of the nine *bureaux* into which the Chamber is divided, was rejected without a public discussion. M. Comte should next propose the abolition of that most improper regulation of the Chamber, which prescribes that all propositions shall be discussed in the *bureaux* and in secret, before they can be debated in public; and that unless a motion passes three of the nine *bureaux*, it shall not be discussed, or so much as publicly declared, in the assembled legislature.¹⁸

¹⁵Emmanuel Augustin Dieudonné Marin Joseph, comte de Las Cases (1766-1842), served under Napoleon and shared his exile. Henri Gratiem, comte Bertrand (1773-1844), Napoleon's Grand Marshal of the Palace, had also accompanied him to St. Helena. Armand François Bon Claude Briqueville de Bretteville (1785-1844) was a cavalry officer during the Empire and a liberal deputy from 1827. Marie Denis Larabit (1792-1876) had fought under Napoleon and stayed in the army after the Restoration; he supported the July Revolution and became a deputy in 1831.

¹⁶The *Censeur* was founded by Charles Comte in 1814. Several times censorship prevented the paper's appearance; in February 1817 it reappeared as the *Censeur Européen*; after the passing of the censorship law of 31 Mar., 1820, it merged with the *Courrier Français*. For Comte's speech (13 Sept.), see *Moniteur*, 1831, p. 1569.

¹⁷An unheaded leader in the *Courrier Français*, 11 Sept., p. 1, reports that Comte was planning to make this proposal, and gives its details. It did not come to fruition.

¹⁸For this regulation, see No. 68, n7.

121. DR. WHATELY'S ELEVATION TO AN ARCHBISHOPRIC

EXAMINER, 25 SEPT., 1831, P. 618

This unheaded comment, described in Mill's bibliography as "A paragraph in the Examiner of 25th Sept. 1831 on Dr. Whately's elevation to an Archbishopric" (MacMinn, p. 19), is listed ("Paragraph on Dr Whately's elevation to an Archbishopric") and enclosed in square brackets in the Somerville College set.

IT IS STATED, in several newspapers,¹ that Dr. Whately has been, or is about to be, appointed to the vacant Archbishopric of Dublin. A minister desirous of saving the Church, by the only means by which it has now any chance of being saved—by improving its spirit—could not make a more advisable appointment. Dr. Whately is known to the public chiefly by his writings; and among these, less by the many which are of a religious character, than by such works as his *Elements of Logic*, his *Elements of Rhetoric*, and his *Introductory Lectures on Political Economy*.² The merits of these are well known. Scarcely any writer of the present day has combined so great talents for popular exposition, with so much power of thought, so judiciously directed, on subjects of great importance in themselves, and not sufficiently cultivated even by the most educated class. His influence cannot but be most salutary in promoting among his clergy that general mental culture, now so rare in a profession which has heretofore produced so many great men. Dr. Whately's works also display, along with abundant zeal for the established Church, an enlarged and liberal interpretation of religion, remote from the narrow and exclusive spirit of a sect, and more allied to the late lamented Bishop Heber³ than to the modern ascetics, who have inherited the worst qualities both of the Churchmen and the Puritans of former times, without the redeeming virtues of either.

122. FRENCH NEWS [29]

EXAMINER, 2 OCT., 1831, P. 632

This article is headed "London, October 2." For the entry in Mill's bibliography, see No. 116. The item is listed as "Article on France" and enclosed in square brackets in the Somerville College set.

¹ See, e.g., *Morning Chronicle*, 17 Sept., 1831, p. 2; *Globe and Traveller*, 20 Sept., p. 4. Whately was indeed appointed.

² *Elements of Logic* (London: Mawman, 1826); *Elements of Rhetoric* (London: Murray, 1828); and *Introductory Lectures on Political Economy* (London: Fellowes, 1831).

³ Reginald Heber (1783-1826) was an active clergyman of High Church views, who made beneficial changes during his years as Bishop of Calcutta, 1822-26.

THE DEBATE IN THE FRENCH CHAMBER on the policy of the Ministers, was terminated by a decision in their favour. On their foreign policy, the Chamber pronounced, by a large majority, that it was satisfied with their explanations: on their internal policy, the previous question was moved, and carried without a division.¹

The Chamber may thus be considered to have pledged itself to a pacific policy in future, and taken its share of the responsibility of all the measures, by which the Ministry has hitherto endeavoured to preserve peace. But, on the internal policy of the Ministers, the Chamber is in no way pledged. It has merely declared itself unprepared to pass a sweeping condemnation on the whole Ministerial system. Its own conduct has shown, up to the present time, that neither is it prepared, nor even inclined, sweepingly to approve. And, although the Chamber has shown no fixed system, or definite views of its own, it has manifested several times, by its votes, that it is disposed to go much further than the present Ministers, both in administrative, and even in constitutional improvements.

123. FRENCH NEWS [30]

EXAMINER, 9 OCT., 1831, P. 652

For the entry in Mill's bibliography, see No. 116. The article, headed "London, October 9," is listed as "Paragraphs on France" and enclosed in square brackets in the Somerville College set.

THE DISCUSSION in the Chamber of Deputies of France, on the Peerage question, has commenced. The orators, who have put down their names to speak upon it are so numerous, and the number of amendments moved so considerable, that the discussion cannot be terminated for several days.¹

The partial elections which are taking place in different parts of France, go generally in favour of the opposition.

124. FRENCH NEWS [31]

EXAMINER, 16 OCT., 1831, PP. 665-6

For the entry in Mill's bibliography, see No. 116. The article, headed "London, October 16," is listed as "Article on France" and enclosed in square brackets in the Somerville College set.

¹The debate, running from 19 to 23 Sept. (*Moniteur*, 1831, pp. 1624-70), was terminated by a voice vote to adopt the order of the day (*ibid.*, p. 1670).

¹For the resulting law, see No. 115, n1. The debate is reported in *Moniteur*, 30 Sept. to 19 Oct., 1831, *passim*.

THE ABOLITION of the Hereditary Peerage has passed the French Chamber of Deputies by a majority of 324 against 86.¹ That it would pass, we never had the shadow of a doubt; but the greatness of the majority is wholly ascribed to the impression produced by the rejection of our Reform Bill,²—especially as the advocates of the hereditary principle had been sufficiently ignorant of the social condition of England to imagine that our Peerage was a very strong example in their favour, and a conclusive proof of the compatibility of such an institution with the highest degree of prosperity and good government. It is seldom that a false theory in politics meets with so decisive a refutation, from the course of events, in the very nick of time; on the very day when the representatives of a great nation are called upon to pronounce, by their votes, upon the truth or falsehood of the doctrine.

As the voting was by ballot, there cannot be the slightest colour for imputing the result to personal fear of falling under public disapprobation.

The Chamber has still to decide what system of election or nomination it is disposed to substitute for the hereditary succession. Among the multitude of systems proposed, there is likely to be much difficulty in obtaining for any one the concurrence of a majority of suffrages.

The Ministerial plan leaves the nomination entirely to the King. This plan does not seem likely to obtain the assent of the majority, who have not sufficient confidence in the King to expect from him a good choice. Almost every deputy of note has, therefore, his pet scheme for restricting the royal choice by some partial introduction of the principle of popular election.

All these schemes appear to us to be bad. If a certain proportion were named by the King, and a certain proportion by the people, the two halves might be expected to act as the mere attorneys of the power to which they owed their seats. They would fancy themselves placed there, not to legislate for the general good, but to defend kingly power, or popular rights. If, again, the people elect candidates, and the King makes his choice among them, it would be far better to give the choice to the people at once,—for to them it would, in reality, belong. If the King had the sole choice, but were compelled to choose from certain classes, or categories (to use the French expression), the objection would be that the widest categories cannot include all the fit persons, while the narrowest would leave ample scope for appointing unfit ones.

¹Mill is reporting the vote of 10 Oct. on an amendment that in effect abolished an hereditary peerage; the law in full (see No. 115, n1) was not enacted until 29 Dec.

²Early in the morning of 8 Oct., after five days' debate, the House of Lords rejected the second version of the Reform Bill by a majority of forty-one (*PD*, 3rd ser., Vol. 8, col. 340). Parliament was prorogued on 20 Oct., and reconvened on 6 Dec. to consider the third version, "A Bill to Amend the Representation of the People in England and Wales," 2 William IV (12 Dec., 1831), *PP*, 1831-32, III, 1-54, which passed and was enacted as 2 & 3 William IV, c. 45 (7 June, 1832), the first Reform Act.

The best checks or restrictions which occur to us for preventing the abuse of the royal power of creating Peers, would be these:—That the ordonnance by which a Peer is created, should be countersigned by all the Ministers, and preceded by a particular statement of the merits or services which had entitled him to the Peerage; or that the Chamber of Deputies should have, not the right of electing Peers, or even candidates for the Peerage, but a negative on their appointment. Peers would then be created on the nomination of the King, with the concurrence and sanction of the Chamber of Deputies.

125. FRENCH NEWS [32]

EXAMINER, 23 OCT., 1831, P. 681

For the entry in Mill's bibliography, see No. 116. The item, headed "London, October 23," is listed as "Article on France" and enclosed in square brackets in the Somerville College set.

THE DISCUSSION on the French Peerage is nearly closed. The Chamber has rejected all the schemes for making the Peerage elective, or for obliging the King to select from candidates presented by the people.¹ The system adopted has been that of restricting the royal choice to certain categories, or classes of persons. On one point of some importance, the Ministry has been defeated. The Commission had proposed, that landed proprietors, or heads of commercial or banking establishments, paying 5000 francs of direct taxes, should be eligible to the Peerage; but the Chamber has added, as a necessary condition, that they should have been for six years members of one of the Departmental or Municipal Councils, elected by the people.

The French Government has taken a great step towards free trade. It has introduced a new corn law, abolishing prohibitions, and permitting importation and exportation at a reduced scale of duties.²

126. FRENCH NEWS [33]

EXAMINER, 30 OCT., 1831, PP. 696-7

For the entry in Mill's bibliography, see No. 116. The item, headed "London, October 30," is listed as "Article on France" and enclosed in square brackets in the Somerville College set.

¹For identification and discussion, see Nos. 115, n1 and 123, n1.

²Projet de loi sur les céréales, introduced on 17 Oct. (*Moniteur*, 1831, pp. 1885-7), was enacted as Bull. 72, No. 155 (15 Apr., 1832).

THE FRENCH MINISTRY has proposed a bill for the establishment in every commune (parish or township) in France, of an elementary school, where instruction will be given, for a small fee, to those who can afford to pay it; and gratuitously to those who cannot.¹ Education will thus be brought home to every man's door. Nor will this education be confined to reading and writing; it will include (we quote from our contemporary, the *Globe*), "moral and religious instruction, according to the views of the parents; reading, writing, the French language, arithmetic, the legal system of weights and measures; and, according to the extent of local resources, drawing, surveying, and elementary notions of geography and history."²

In none of the more civilized countries of the world was this great national measure more urgently required. It is computed by those Frenchmen who have most studied the statistics of their own country, that of the adult population of France not more than one-third can read. And we have been assured, that electors, and even members of the great or departmental colleges which existed before the late Revolution—men, therefore, who formed part of the twenty or thirty thousand richest persons in France—were obliged, in giving their votes, to have the name of the candidate for whom they voted written for them by others, being themselves unable to write.

On the details of the proposed Education Bill we shall give our opinion when it comes on for discussion. At present, we give from the English papers part of M. de Montalivet's speech, to which we shall subjoin some excellent observations of the *Globe*.

M. de Montalivet passed in review the history of gratuitous elementary education in France, from the first dawn of the system, as originated at Rheims, in 1680, by the philanthropic Delasalle,³ to the present moment. Until after the breaking out of the French revolution, it can barely be said to have existed, but in 1791 the principle was adopted into the Constitution,⁴ and various laws regulating the mode and scale of retribution of the education of the lower classes, were passed in 1793 and 1794.⁵ Under the empire but little attention was paid to it, the nation being exclusively occupied by the ideas of military glory, but in 1816 the Lancasterian method was imported into France,⁶ and so fostered by

¹See especially Titre IV, Art. 14 of *Projet de loi sur l'instruction primaire* (24 Oct.), *Moniteur*, 1831, pp. 1946-8. The bill was lost at the end of the session. For a later law, see No. 187, n6.

²Leading article on French primary education, *Globe and Traveller*, 27 Oct., 1831, p. 2.

³Jean Baptiste de Lasalle (1651-1719) founded the institution of the Brothers of the Christian Schools at Rheims in 1679.

⁴*Constitution française* (14 Sept., 1791), Titre 1.

⁵Decrees were issued on 26 and 30 Oct., 1793, and 22 Feb. and 16 Nov., 1794; see *Moniteur*, 1793, pp. 150-1 and 167, and 1794, pp. 632 and 245-6.

⁶A system of mass instruction based on the use of monitors, named after its developer Joseph Lancaster (1778-1838), favoured by the Philosophic Radicals, and introduced in France by the private Société pour l'Instruction Élémentaire. The system flourished until Charles X's government took steps to establish Church control (see No. 43, n10).

various ordonnances and regulations of the government,⁷ that between 1816 and 1822 the number of pupils in the schools was nearly tripled. The impulse thus given to the system was sufficient to enable it to resist the effect of the Ordonnance prompted by the evil genius of the Restoration, which placed all the schools under the exclusive controul of the Bishops,⁸ and it is the proud office of the Revolution of 1830 to remove all the shackles which impede its progress, and render it fully available for the universal enlightenment of the mass of the population.⁹ The two great questions which present themselves in regulating the systems he stated to be—1st. Whether the reception of primary education should be voluntary or compulsory; and 2nd. Whether it should be open to free competition. On the first point he remarked, that in Germany all parents are compelled, under severe penalties, to send their children to the communal school,¹⁰ on the principle, that as, on the one hand, the government, in its paternal character, was bound to provide all its subjects with the means of education, it had on the other, a right to claim from them the filial duty of availing themselves of it in such a manner as to become useful members of the social body. He, however, stated that, powerful as this argument was, the system of compulsion was too much opposed to the character of the French nation, to admit of his recommending its adoption. He had, therefore, preferred leaving the system to make its way by the force of its intrinsic advantages, and that it would do so, was evident from the fact that since July 1830, three hundred new schools had been opened, and 600,000 volumes distributed. The second point was, he said, virtually decided by the promise of the Charter that education should be free; the most ample scope for competition would therefore be allowed (hear, hear), and every one who possessed the necessary moral and intellectual qualifications would be at liberty to open a school. (Hear, hear.) But in order not to leave education wholly to the fluctuating chances of private speculation, primary schools would be divided into two classes, communal and private, both of which would be subjected to the controul of a committee, in which the Government, the country, and the families of the children, would be alike efficiently represented; while misconduct in the masters of the private schools would be immediately punished by the civil tribunal of the arrondissement, which would be authorized to take cognisance of any complaint made by the committee, and for the rectitude of whose decisions there would be the additional guarantee of a power of appeal to the Cour Royale. The communal schools would afford gratuitous instruction to indigent families. Each master would be chosen by the commune through the mayor, and would have, in addition to his lodging, and whatever monthly sums he might receive from those able to pay for their instruction, a fixed salary, the amount to be fixed every five years by the municipal authority, the minimum of which would be 200 francs, and which would be raised by an addition to the principal of the direct taxes not exceeding five centimes. Provision would be made that such communes as were too poor to pay this salary should be assisted by the department, and that the State should come to the assistance of the department, in case that should not be able to discharge it. Retiring pensions for the masters would be provided from a fund formed by the annual payment by all the masters of one-twentieth part of their salary. The masters of the communal schools would, in case of misconduct, be amenable to, and liable to be suspended by, the committee of primary instruction, from whose decision an appeal would be to the academic council. In order to bring this system into action as fully and

⁷See, e.g., Bull. 73, No. 495 (29 Feb., 1816).

⁸For the ordinance, see No. 43, n10.

⁹See the Charter of 1830, Art. 69, Clause 8.

¹⁰By Part II, Title xii, Arts. 43 and 44 (5 Feb., 1794) of *Allgemeines Landrecht für die Preussischen Staaten*.

speedily as possible, each department would be authorized to establish one *Ecole Primaire Normale* for the education of young men intended to become masters of primary schools. The hon. member then read the bill, which was ordered to be printed.¹¹

Briefly as we have been enabled, [says the *Globe*], to give the outline, it is of a nature to call for much attention in a country which piques itself on a passion for the diffusion of knowledge, and which possesses ample funds, too, for the purpose, were they administered wisely and honestly in the furtherance of instruction, congenial with the progress and the spirit of the age, instead of being frittered away by corporate bodies, and nominal trusts, too many of which are anything but trustworthy, and the interest of a great number of whom is directly opposed to the extension of the intended benefit. Allowing for the various difficulties and discrepancies which must necessarily be encountered, in maturing so extensive a scheme, is it possible to conceive the establishment of such a system of national education in France, for any time, without a necessity on the part of Great Britain of following the example? In spite of the satire, the squib, and the sneer of the multifarious cultivators of the department of Littlewit,¹² the education of the many is a virtual emancipation from the monopoly and oppression of the few; and hence so much ultra, clerical, and patrician objection, cavil, discountenance, and ridicule. We will not say (for we are not for pressing down a corporation, which is so actively doing that business for itself) who they are who have never voluntarily stepped forward in the honourable path of promoting the instruction of their needy fellow-creatures, however forced in the sequel, by the activity of other people, to crawl after in the rear. Who cannot recollect the affected alarm, and sinister opposition, which the foremost man of the day had to encounter a few years ago, when he attempted to concoct the preliminaries of a plan that would render education general?¹³ We still hope to witness his master-mind engaged upon some scheme of kindred utility, with the countenance and support of the government, of which he forms a part. Were, indeed, Providence, in its anger to produce a Tory return to power, with this example of France before the national eye, something in the same line must be attempted, at least if the salutary operation of the two countries upon each other remain a substitute for the blind antipathy engendered by ignorance, and fostered by design.¹⁴

The forthcoming number of *The Foreign Quarterly Review* gives some very interesting information, with relation to the exertions made by private individuals in France, for the diffusion of knowledge, by the publication of elementary books of instruction, in the composition of which the French excel, as they do not (like most authors of elementary works in England) write upon the unfortunate presumption, that the reader is already, in some degree, acquainted with the subject.¹⁵

¹¹"French Papers," *Globe and Traveller*, 27 Oct., 1831, p. 2, translating in summary Montalivet's speech of 24 Oct. (in *Moniteur*, 1831, pp. 1946-7).

¹²A character in *Bartholomew Fayre* (London: Allot, 1631), by Ben Jonson (1573?-1637).

¹³See Brougham, Motion on the Education of the Poor (28 June, 1820), *PD*, n.s., Vol. 2, cols. 49-89.

¹⁴Leading article on French primary education, p. 2.

¹⁵John Ward, "Diffusion of Knowledge in France: Necessity of Public Instruction," *Foreign Quarterly Review*, VIII (July 1831), 433-4.

We have great satisfaction in perceiving numerous indications that the organs of the public mind in France are approximating to a juster appreciation of the impolicy of the restrictive and prohibitory commercial system. M. Mauguin, a few days ago, made profession of opinions favourable to free trade, and the Ministry at once professed concurrence in them, promising the speedy introduction of a bill, modifying the whole of the present custom regulations and duties.¹⁶

127. FRENCH NEWS [34]

EXAMINER, 6 NOV., 1831, PP. 712-13

For the entry in Mill's bibliography see No. 116. The item, headed "London, November 6," is listed as "Paragraphs on France" and enclosed in square brackets in the Somerville College set.

THE ONLY CIRCUMSTANCE of any considerable interest afforded by the French papers of the week, is the trial of the author and publishers of an article in the newspaper *La Tribune*, imputing to MM. Soult and Casimir Périer, the receipt of a corrupt consideration for a contract, concluded by them in England some months ago for the purchase of muskets.¹ Enough was established to account for the general belief of this rumour, though not to prove it well-founded. The French Ministers, or their confidential agents, appear clearly to have paid a high price for bad fire-arms, when good ones were offered at a lower price. But they plead, in justification, that the necessity of immediately supplying the National Guard with arms, obliged them to close with the persons who could furnish them with the greatest number in the shortest time.

The Peerage Bill² is not yet introduced into the Chamber of Peers, which is ascribed to the great difficulty found in securing a majority.

¹⁶For Mauguin's speech on free trade, and the Ministry's concurrence (20 Oct.), see *Moniteur*, 1831, pp. 1910-11. The *Projet de loi portant modification au tarif général des douanes* was brought in on 17 Dec. (*ibid.*, p. 2426).

¹Périer and Soult had brought charges against Ferdinand Bascans (1801-61), manager of *La Tribune* 1829-35, Armand Marrast (1801-52), author of an article, "Situation grave," written for *La Tribune*, of 9 Sept., 1831, and Vincent Ferrare François Antony Thouret (1807-71), manager of the *Révolution de 1830*, which printed it after the authorities had prevented its appearance in *La Tribune*. The article asserted that Périer and Soult had each received a gift of wine during the purchase of some English guns. The trial took place at the end of October; only Marrast was found guilty, and sentenced to six months' imprisonment, a 3,000-franc fine, and expenses. The affair is described in *Le National*, 31 Oct., pp. 2-4.

²For background, see No. 115, n1.

128. FRENCH NEWS [35]

EXAMINER, 20 NOV., 1831, PP. 744-5

For the entry in Mill's bibliography, see No. 116. The item, headed "London, November 20," is listed as "Paragraphs on France" and enclosed in square brackets in the Somerville College set.

THE FRENCH CHAMBER OF DEPUTIES has passed the "*loi du recrutement*,"¹ and is now engaged in discussing a law for the regulation of promotions in the army.²

The Peerage Bill³ has not yet been carried up to the House of Peers; and it is still as uncertain in France as among ourselves, whether there will be a creation of Peers for the purpose of carrying the proposed Constitutional Reform.

129. FRENCH NEWS [36]

EXAMINER, 27 NOV., 1831, P. 760

For the entry in Mill's bibliography, see No. 116. The item, headed "London, November 27," is listed as "Article on France" and enclosed in square brackets in the Somerville College set.

THE FRENCH MINISTER has at length carried the Peerage Bill into the Chamber of Peers¹—but not till after creating a batch of thirty-six peers, in order to secure its passing.

The list of newly-created Legislators, with one or two honourable exceptions, is utterly despicable. It puts an end at once to all those hopes, which alone induced the French nation to tolerate a second chamber not elected by the people. The Peerage ought to have been re-constituted, and if it was absurdly determined that the present members should retain their seats for life, it was at least understood that the chamber was to be recruited from the *élite* of France in politics, literature, science, industry, and art. Instead of this, the list is made up of fifth-rate diplomatists and prefects under the Imperial Government, and tenth-rate Bonapartist officers; all the eminent commanders whom France possesses being either peers already, or in the ranks of the opposition.

Science is represented in this batch of peers only by the weathercock Cuvier,

¹For the Act, see No. 120, n13.

²Enacted as Bull. 72, No. 154 (14 Apr., 1832), it provided among other things safeguards against unearned promotion.

³For background, see No. 115, n1.

¹The Périer ministry brought the bill (see No. 115, n1) to the Peers on 19 Dec. (*Moniteur*, 1831, pp. 2429-32) where, after prolonged debate on the 22nd, 23rd, 24th, 26th, and 27th, its approval was completed on the 28th (*ibid.*, pp. 2534-6).

who, with all his political demerits (and a more servile sycophant of every established government never existed),² is, after all, the only man in the whole thirty-six possessing merits of any description which can justly be characterised as eminent in their kind.* The men of letters of France are represented solely by Count Philippe de Ségur.³ But the most egregious as well as the most ominous inconsequence is this—in a list of peers, created on purpose to carry a bill, abolishing the inheritableness of the peerage, are included persons whose only claim to that rank consists in the merits of their fathers. We allude to young Ney, Prince de la Moskwa, and to M. Bernard Foy.⁴

The minister has raised a storm by this proceeding, which appears to have taken our newspapers by surprise, though expected by all who have any acquaintance with French politics. The opposition intend to urge with their whole strength in the Chamber of Deputies a motion condemning this exercise of the royal prerogative. They contend that the creation of peers, while the article of the charter, which empowered such a creation, is actually undergoing revision, is beyond the legitimate powers of the executive, and, in fact, constitutes a *coup d'état*. We know not whether they will maintain that it is actually illegal, or merely unconstitutional; a violation of the written laws, or only of the unwritten maxims which jointly form the constitution of a state. The latter are as obligatory as the former upon a minister, and the breach of either would be an equally just ground for addressing the King to remove him.

It may be thought captious in the opposition to look so closely into the means adopted to carry an alteration in the constitution of the peerage, so earnestly demanded by themselves. To this we answer, that the opposition had gained their

²Georges Léopold Nicolas Frédéric Dagobert, baron Cuvier (1769-1832), naturalist. Perhaps Mill had in mind Cuvier's uninterruptedly successful career at the University under Napoleon and the Restoration.

*Our friend of the *Globe* says, "the persons selected have, *without exception*, been taken from those whose political principles alone excluded them (before the late revolution) from all participation in the favour and honours of the court." [Leading article, *Globe and Traveller*, 24 Nov., 1831, p. 2.] Surely this was written in a moment of inadvertency. What amusement it will excite in Paris! Political principles and M. le Conseiller-d'état baron Cuvier. It is a specimen of the average degree of knowledge possessed by our newspapers on French affairs, that they have all of them (with scarcely an exception, save the *Morning Chronicle*) eulogized this list of peers as most admirably selected. [See the article by "O.P.Q." (Caleb Charles Colton), in *Morning Chronicle*, 24 Nov., 1831, p. 2, which begins: "Unhappy France! Unfortunate King!"]

³Philippe Paul, comte de Ségur (1780-1873), who, when his highly successful military career ended with Napoleon's defeat, turned to the writing of history.

⁴Joseph Napoléon Ney, prince de la Moskowa (1803-57), general, who had married Laffitte's daughter in 1828 and was already a captain in the hussars, was the son of Napoleon's Marshal Michel Ney, prince de la Moskowa (1769-1815) who, having been executed in 1815, was considered by many as a martyr to the Restoration. (For more on the father, see No. 132, n9.) Maximilien Sébastien Auguste Arthur Louis Fernand (not Bernard), comte Foy (1815-71), still a minor, was the son of Sébastien Maximilien Foy (1775-1825), who had been a very popular general and orator.

point from the moment when the Chamber of Deputies, by a majority of six or seven to one, had given their sanction to the doctrine of the unfitness of hereditary legislation to the present state of society, and of the human mind.⁵ The solemn recognition of this great principle was all the opposition wanted; whether the bill actually passes or not, they regard as of altogether secondary importance; for the hereditary chamber is so utterly discredited by this authoritative condemnation of its principle, that a breath will at any time sweep it away, if it should ever become an active obstruction to good legislation. And as for any *practical* good from the passing of the bill, if they have hitherto expected such a thing—which very few of them ever did, from a chamber nominated by the crown; this contemptible list of nominations must have completely altered their opinion.

It is now, at best, a matter of indifference to the opposition whether the bill passes or not. But if it is to pass, they contend, as they have always contended, that the Chamber of Deputies has a right to pass it, without the Peers, by their own sole authority as a constituent body. This, their opponents say, is unconstitutional. They answer, that it would be so, as a general rule; neither ought any article of the charter to be revised by a legislature elected by virtue of the charter, but only by a constituent Assembly or Convention elected for that express purpose. But it is a fact, that the Chamber of Deputies did, in August, 1830, take upon themselves the powers of a constituent body. They elected a king, and revised the entire charter. One article, that relating to the Peerage, they did not alter at the time; but formally reserved it to be altered now.⁶ This, therefore, is a peculiar case. In making the alteration by their own single authority, the popular branch of the legislature would merely continue and complete its own former act. On this principle the measure ought to have originated with the Chamber. The King himself did wrong in introducing the present bill. The King has, properly, no more to do with the revision of this article than he had with that of all the other articles, a year and a half ago. The King has no voice in making the constitution: it is tendered to him, and he simply accepts it; or else rejects it, and abdicates the throne.

The Chamber has waived its right as a constituent body, and thought fit to pass, with amendments, a bill presented by the Crown; and if the Peers also think fit to pass it, the Deputies will not object. But if the Peers reject it, then, says the opposition, is the time for the Chamber of Deputies to exert their constituent power. They have not claimed it: they have preferred not to raise the question. With that hope they have passed the measure in the forms of any ordinary law; but as it was optional at first, so it is at any time in their power to claim the right they have for the moment waived, and declare, that in the exercise of that right,

⁵For that vote and Mill's comments, see No. 124.

⁶Art. 33 (the provision), and Art. 68 (the promise of enactment in 1831).

they adopt either this or some other measure, and it becomes part of the constitution of France.

While this dispute is going on, the King has afforded the first example, since the establishment of a representative Government in 1814,⁷ of the refusal of the royal sanction to a bill which has passed the two Chambers. The bill in question was for restoring the military grades conferred by Napoleon, during the hundred days.⁸ If there is any part of French history of which all Frenchmen ought to be ashamed, it is the second usurpation of Napoleon; and nothing can be more foolish than to revive, and hold as valid, these acts of the usurper, which were set aside by the government which succeeded him. Many, indeed, of those who supported the bill, did so upon the principle that military rank, conferred by a Government *de facto*, is property, and that he who is deprived of it, on whatever pretext, suffers a wrong. Allowing this, however, the wrong was committed sixteen years ago; and why should one class of sufferers be compensated at the expense of the state,—partly, therefore, at the charge of many other classes of sufferers, whose wrongs go unredressed? The principle is untenable; it is the same upon which Villèle grounded the indemnity to the emigrants.⁹

130. FRENCH NEWS [37]

EXAMINER, 4 DEC., 1831, PP. 776-7

For the entry in Mill's bibliography, see No. 116. The item, headed "London, December 4," is listed as "Article on France" and enclosed in square brackets in the Somerville College set.

AN INSURRECTION has taken place at Lyons.¹ The silk-weavers have risen in arms; and how the greater part of those arms were obtained is still a mystery; after two, or, according to some accounts, three days' fighting against the National Guard and the troops, they have remained masters of the town. The

⁷I.e., by the Charter of 1814.

⁸For the origin of this impasse, see No. 120, n3. Louis Philippe's refusal would appear to have been motivated by a concern to defend the royal prerogative against the infringement of the King's right to confer military rank. On 21 Nov., the Ministry reported the King's unwillingness, and presented an alternative bill (*Moniteur*, 1831, pp. 2193-4), enacted as Bull. 61, No. 142 (15 Feb., 1832), confirming the pensions such ranks would obtain.

⁹In Bull. 30, No. 680 (27 Apr., 1825).

¹The silk weavers of Lyons had complained of low wages. After negotiations, the Prefect proclaimed a higher scale, but on 10 Nov., the manufacturers repudiated it. Trouble began on 20 Nov., and by the 22nd the insurrectionists were in control; there was little bloodshed or looting.

following description of their subsequent conduct, which we copy from the *Times*, is corroborated by every authentic account which has been received:

It is universally admitted that there has been no plunder or bloodshed beyond the two days, the 21st and 22d ultimo; that when the civil power had been overthrown, and the military force expelled, the directing chiefs of the workmen felt the necessity of order, and the utility of the laws which they had violated; that they had enacted severe penalties against pillagers, murderers, and disturbers; that they had appointed sentinels to protect the persons and magazines of their employers, whom they had overcome in the struggle; that they had placed themselves in amicable relations with the préfets and mayors, whom they had at first deposed; and that the city exhibited the strange and anomalous appearance of being at once loyal and rebellious—of uniting insurrection with legitimate authority—of maintaining a profound peace between hostile camps, and in the midst of civil contention. Those who had discarded the civil magistrate, who had beaten the troops of the line and the National Guard, acting under the magistracy, seem horrified at the very idea of being considered bad subjects, and loudly protest their "entire devotion to their citizen King, Louis Philip."²

The *Courrier Français* might well say, "Même lorsqu'il est livré au plus terrible égarement, il y a maintenant chez le peuple français un instinct social qu'on ne rencontrerait dans aucun autre pays: certes, il y a loin des ouvriers de Lyon montant la garde avec les bourgeois, à la populace de Bristol se souillant des plus monstrueux excès."³ Nevertheless, to moderate the honest triumph of the French journalist, and to avoid doing injustice to the morality and self-control of our own working classes, it is well to remark, that the outrages at Bristol were perpetrated by a very small fraction of the very worst part of the populace, mostly thieves, and other criminals by profession;⁴ who, in our great towns, owing to the defects of our police and criminal judicature, are more numerous in proportion to the population than in any other civilized community. If the affair at Bristol had been not a riot, but a general insurrection, events, even there, would have taken a far different turn. The superiority, in such emergencies, of the French working classes over ours, seems to consist less in their greater virtue or good sense, as compared with the *corresponding class* among our own people, than in that extraordinary power of extemporaneous organization, which belongs to the superior quickness and readiness of the French character, and to the military habits of a large proportion of the people. Englishmen, it is probable, could not have jumped out of anarchy into order by one leap, like the Lyonnese. But if a crisis should come, which we trust England may never know, but which we should never intermit to think of and be prepared

²*The Times*, 2 Dec., 1831, p. 2.

³"Intérieur: Paris, 26 novembre," *Courrier Français*, 27 Nov., p. 1.

⁴A mob demonstrated against Charles Wetherell, the Recorder of Bristol and an extreme opponent of the Reform Bill, when he went there to open the assizes on 29 Oct.; the disturbance grew to a riot and next day the bishop's palace was burnt, among other outrages.

for—if events like those of Lyons should, at any future period, take place at Manchester or Glasgow, or any other of our great towns where the people, by means of their Benefit Societies and Trade Unions, are accustomed to concert, and organize under chiefs whom they know, a new government would be ready at once to take the place of that which had been subverted; and though manifold horrors would too probably be perpetrated during the conflict, the moment it was over we are persuaded that these places would become as orderly and peaceful as Lyons at this moment.

The origin of the popular movement at Lyons, was what, in this country, would be termed a strike for wages. For some time past, the silks of France have been in a great degree supplanted in the foreign market by those of England and Switzerland.* The Lyonnese manufacturers, therefore, in attempting to maintain the competition, found themselves under the necessity of lowering wages. To this pre-existing pressure, was added that arising from the unsettled state of France during the last two years. The suspension of purchasers from want of confidence, which created the commercial distress, naturally fell heaviest upon articles like silk, of ornament and luxury. After long bearing their evils with exemplary patience, the workmen at last demanded an advance of wages. The Préfet, with that pestilent spirit of busy intermeddling, of which French officials can never divest themselves, sanctioned the increased rate of wages by an authoritative proclamation.⁵ The consequence was what might have been foreseen. Magistrates may fix a scale of wages, but it is beyond the power of any magistrate to compel the manufacturers to pay it. The employers could not afford to manufacture at a loss; they accordingly discharged their men, and the insurrection followed.

Troops will, of course, march against Lyons, and the revolt will be put down. But we do hope, though we scarcely dare expect, that the legislators of France,

*It is curious, that the very newspaper which gave to the English public the first intelligence that English competition had starved the silk weavers of Lyons into rebellion, contained an account of a meeting of English silk-manufacturers at Coventry, to represent to the Board of Trade their inability to maintain the competition with French silks; and to urge the revival of the old prohibitory laws, which had rendered our silk manufacture (we use the expression of an extensive silk dealer) a disgrace to the country. [Prohibited by 48 George III, c. 22 (1808), the importation of silks was permitted again (after July 1826) by 5 George IV, c. 21 (1824); the meeting is reported in "The Riband Trade of Coventry," *Morning Herald*, 28 Nov., 1831, p. 4.]

That sapient journal, the *Morning Herald*, points to the insurrection at Lyons as a specimen of the consequences of free trade! [Leading article, *Morning Herald*, 28 Nov., 1831, p. 2.] The silk-weavers of Lyons are ruined, we suppose, by being admitted to our markets; for we know not of any other "free trade" which has come into operation with regard to them.

⁵Louis Bouvier-Dumolart (1780-1855), who had held several administrative and financial posts under Napoleon, was appointed Prefect of Lyons by Périer; for his proclamation sanctioning the increase, see *Moniteur*, 1831, p. 1998.

after this warning, will bethink themselves, and lay it to heart, that to pay some attention to the physical well-being of the class which composes fifteen-sixteenths of the whole nation, is really part of the duty of a Government. The *Morning Chronicle* will tell us, that the language we now use is mischievous, tending to make the working classes believe that their condition depends not upon themselves, but upon the Government. Undoubtedly any language would be mischievous, which should persuade the people that the Government could fix the rate of wages. But, without being able to raise wages, the Government has the power of making the present rate of wages sufficient for the subsistence of the labourers.

The French Government, with a reckless fiscality equal to that of the worst Ministries of our worst times, derives the greater part of its immense revenue, both general and local, from duties on the articles consumed by the great body of the people. The taxes which fall upon the most numerous and poorest class, yield most to the revenue; and this is all which a mere financier, either in France or in England, ever troubles himself with. It has been proved again and again, that the tax on salt, that on wine (which is to the French labourer what beer is to the English), the monopoly of tobacco, the *octroi* or town duties on all kinds of agricultural produce, and various other burthens imposed by the French system of finance, fall not only with greatest *comparative*, but with greatest *absolute* weight, upon those who are least able to bear it. A poor family actually pays a greater number of francs to the revenue, one year with another, on account of these taxes, than a rich family. Yet, whenever a voice has been raised (and few and faint have been such voices) in the late or present Chamber of Deputies, for the alleviation of these intolerable exactions, the sound has either been merely re-echoed from the bare walls, or has been drowned in clamour.

Were these taxes taken off, the silk-weavers of Lyons might be able to live, at least without danger of famine, upon such wages as their employers could allow consistently with being able to sell their fabrics in the northern markets at the same price with other nations.

Further, since the year 1821, a corn law, worse than our corn laws when at their worst, has artificially raised the price of food in all the manufacturing parts of France; and considerably more so in Lyons than in other places,—the importation price being, by the absurd provisions of the law, different in different districts.⁶ The French Ministry has lately proposed to the legislature a slight relaxation of this system; and the committee appointed by the Chamber of Deputies to examine the bill, have named for their President M. de Saint-Cricq, and for their Secretary M. Charles Dupin!⁷ They might have hunted through France for men more inveterately averse to free trade, and found none.

⁶Bull. 462, No. 10886 (4 July, 1821), esp. Art. 3.

⁷For the introduction of the Bill, see No. 125, n2. The committee was appointed on 20 Oct. (*Moniteur*, 1831, p. 1916).

Not only the food of the labourer, but almost every other article of his consumption which is not raised in price by excise duties, is so by restrictions on trade. The cottons in which he does, or might, clothe himself and his family, he must not import from England (save at an enormous duty), but must purchase a bad and dear article produced at home. If the woollens in which he clothes himself are foreign, they have paid a high duty, to protect French manufactures; if French, they have paid a high duty on the raw material, to protect French agriculture. If he purchases French manufactures of any description, they are dear and bad, because made by dear and bad machinery, owing to prohibitory duties on foreign iron; the iron of France being of notoriously bad quality, and the mines far from productive: but this is for the protection of French mining and French forests. The sugar and coffee which the poor silk-weaver consumes, he must pay for at an immense increase of price, to protect French beet-root, and to save from ruin three little islands, Martinique, Guadaloupe, and Bourbon; the fee simple of all three not being worth ten years purchase of the tax annually levied, on their account, from the consumers of colonial produce. Finally, even live cattle cannot be driven into France from beyond the Rhine, except at an enormous duty; and a riot took place only a few weeks since, at Strasburg, on this very account.

All these evils the French Ministry, and the leaders of the Opposition, are fully alive to, and would gladly remedy if they were able. But the Minister *dares* not propose an alteration of this monstrous system, to a Chamber composed of cotton and woollen manufacturers, and proprietors of forests and mines.

The dissatisfaction of the people, we know, does not always take the right side; but they are seldom dissatisfied without good cause. What is a Government for, but to find the means of removing evils which the people themselves, either from ignorance or want of power, are unable to cope with? If a Government did its duty to the people—if it never inflicted evil upon any part of them, save for the general good—if it showed itself always eager to search out the causes of their suffering, and administer remedies where remedies were practicable—if it let the people see that, where it had the *means* of doing aught to serve them, it wanted not the *will*,—very rarely would it find the people unreasonable in their demands, or expecting impossibilities. The working classes are not like their enervated and effeminate superiors; they are accustomed to suffering, and exercised in endurance. Evil is no new thing to them; and their habit is, to regard it as inherent in their lot. Let them but see common sympathy, and a *very little* active goodwill, in those whom society has placed over their heads, and they are even more ready than they should be to let themselves be persuaded that their sufferings are inevitable, and that governments can do nothing for them.

131. FRENCH NEWS [38]

EXAMINER, 11 DEC., 1831, P. 793

For the entry in Mill's bibliography, see No. 116. The item, headed "London, December 11," is listed as "Article on France" and enclosed in square brackets in the Somerville College set.

THE DUKE OF ORLEANS and Marshal Soult have entered Lyons without resistance; and regular government is to appearance restored.¹ On what conditions the insurgents have submitted, is not known; and what will be the *dénouement* of this singular drama, no one can predict.

The *Moniteur*, and the papers in the Ministerial interest, talk so big, that one would imagine the revolt of the second city in the kingdom was a glorious tribute to the wisdom of the Government, and the surest guarantee of its stability.²

A most disgraceful disclosure has been made before the tribunals of the low tricks by which the Périer Ministry attempts to maintain itself in office. It is completely proved, that numbers of the poorer workmen were regularly hired by the police, at three francs a-head, to assist in putting down the young men who attempted to plant a tree of liberty on the anniversary of the destruction of the Bastille. The brutal violence which was displayed by these bought auxiliaries had excited much disgust; and the fact of their having been regularly enrolled and paid, was asserted in two newspapers, the *National* and the *Tribune*. These papers were accordingly prosecuted, at the suit of M. Casimir Périer and M. Vivien, who was at the head of the police when these occurrences happened.³ But so clearly was the truth of the accusation made out, that M. Vivien abandoned his share of the prosecution, and the accused have been acquitted.

There was much vapouring in the *Moniteur*, about that time, on the hostility of the working classes to the "agitators" and "eternal enemies of order," evidenced

¹By 5 Dec. the insurrection was over, and the National Guard and a garrison of 20,000 soldiers had been established in the city. For Mill's earlier account, see No. 130.

²The reports on the insurrection can be followed from the announcement on 24 Nov. of its outbreak (*Moniteur*, 1831, p. 2217) to that of the re-establishment of order on 7 Dec. (*ibid.*, p. 2327).

³When a group of students and members of radical clubs announced their intention of holding a meeting at the Place de la Bastille on 14 July, 1831, the Prefect issued a proclamation on the 13th calling them enemies of the people and troublemakers, and promising that justice would be done to them. The next day the meeting was disrupted by hirelings. Articles implying that Périer and Alexandre François Vivien (1799-1854), Prefect of the Paris police, were privy to the incident had appeared in *Le National* on 15, 16, 17, and 18 July, and in *La Tribune* on 16 and 17 July, for which the managing editors of *Le National*, J.B. Alexandre Paulin (1793-1859), and of *La Tribune*, Ferdinand Bascans, were prosecuted under the provisions of Art. 8 of Bull. 241, No. 8754 (18 July, 1828).

by the voluntary assistance given by them in suppressing what the Ministry was pleased to call anarchy.⁴ The world will now know what value to set on the assertions of the official journal.

The Chamber is slowly winding its way through a long *projet de loi* for mitigating the penal code. This bill when adopted will be some improvement on the existing law, but not a very material one. It deserves attention chiefly from the provision which it contains for incorporating the new enactments in the text of the code.⁵ We fear it will be long before our legislators will have the wisdom to learn from the French the art of *drawing up* their laws.

It is well understood that the people of Paris will no longer permit the punishment of death to be inflicted in that place. Preparations were commenced a few weeks since in the Place de Grève for a public execution, but the intention was abandoned in consequence of the strong manifestations of public disgust which it excited. The Parisians will not endure that the lives of any other criminals should be taken, when, to save those of Polignac and his accomplices, the Chamber of Deputies and the King united in expressing a wish for the abolition of capital punishment.⁶

132. FRENCH NEWS [39]

EXAMINER, 18 DEC., 1831, PP. 808-9

For the entry in Mill's bibliography, see No. 116. The item, headed "London, December 18," is listed as "Article on France" and enclosed in square brackets in the Somerville College set.

LYONS APPEARS TO BE in a state of complete pacification.¹ Marshal Sout, by virtue of the extraordinary powers with which he was invested, has set aside the tariff, or scale of wages, the ineffectual attempt to enforce which, was the cause of the insurrection. It is now, therefore, manifest, that the submission of the workmen has not been purchased by any improper concessions on the subject of interference between them and their employers. No *injustice* has been *promised* to the workmen—it remains to be seen whether *justice* will be *done*. We shall see

⁴*Moniteur*, 15 July, 1831, p. 1215, uses the word "agitateurs," but no original for "eternal enemies of order" has been found.

⁵Enacted as Bull. 78, No. 178 (28 Apr., 1832); see No. 119. Mill is presumably referring to Art. 1, the simplicity of which must have appeared wonderful to someone who lived without codified laws and had edited Bentham; it reads: "Les art. 206, 339, 340, 341, 345, 347, 368, 372, 399 et 619 du Code d'instruction criminelle sont abrogés; ils seront remplacés par les articles suivans."

⁶For Mill's first mention of the attempts to save the ex-Ministers, see No. 52.

¹For the background, see Nos. 130 and 131.

what measures the Ministry has to propose, for the alleviation of the burthens which press upon the poorer classes, and for increasing the demand for their labour, by removing the obstacles which stupid legislation has interposed to prevent capital from flowing into the most productive channels.

The French papers of the last week are replete with interesting matter.

A trial has commenced before one of the Paris tribunals, implicating, most seriously, the private character of the individual who now fills the French throne. We allude to the application of the heir-at-law of the late Duc de Bourbon, that the will by which that prince bequeathed the bulk of his immense property to the third son of the King of the French, may be set aside.² We shall take care that the disclosures of which this law-suit is the occasion, shall, when complete, be fully made known to the English public. It is sufficient now to say, that unless the evidence to be hereafter produced shall greatly alter the present complexion of the case, the French people have fastened upon themselves as their ruler, a man not only unfit to reign, but scarcely fit to live.

Several important proceedings have taken place in the Chamber of Deputies.

The bill for the mitigation of the Penal Code³ has passed the Chamber; a clause having first been inserted, by which the law attaching penalties to the assumption of a title of nobility, unless conferred by the King, is repealed. Any person, therefore, may now give himself whatever title he chooses, without incurring any consequences, except the forfeiture of the nickname in case any one should take the trouble to prosecute him for assuming it. Titles were already sufficiently ridiculous in France; as they cannot fail to become every where, when they are shared by many thousands of persons, and have ceased to be connected with any civil or political privileges. Except the *émigrés*, and the survivors of the old court, few persons who possess titles ever assume or claim them. They will now, we imagine, fall into utter desuetude.

In addition to the law for the modification of the penal code, the Chamber has adopted another law, of very considerable importance. The object of this is the introduction of the warehousing system, which, strange to say, did not before

²Louis Henri Joseph, duc de Bourbon, prince de Condé (1756-1830), as husband of Louise d'Orléans, sister of Philippe-Egalité, was uncle of Louis Philippe. Separated from his wife, he was dominated by his mistress, Mme de Feuchères (née Sophie Dawes, 1795-1841). To protect her position in his will, she sought the friendship of the Orléans family, and persuaded the duc to appoint as his heir Louis Philippe's son, Henri Eugène Philippe Louis d'Orléans, duc d'Aumale (1822-97). The duc de Bourbon had apparently planned to leave Mme de Feuchères, but before he could accomplish his escape, he was found on the morning of 27 Aug., 1830, hanging by two handkerchiefs from the fastening of a window. It was pronounced a suicide. The heir-at-law—actually "heirs-at-law"—who disputed the will were the princes of Rohan (*q.v.* in App. J).

³For the introduction of the measure, see No. 119.

exist, or only to a very limited extent, in France.⁴ The present law permits those articles, (with, however, a very numerous list of exceptions) the importation of which is either prohibited or subjected to a duty, to be imported and warehoused for re-exportation either from the same or from some other port or frontier place, without payment of duty. In the debates on this law, several members expressed opinions highly favourable to free trade; but what is still more encouraging, is the mitigated tone of the enemies of that great principle.⁵ Not one of them (except the unconvinced M. Charles Dupin)⁶ contended that the restrictive system was not in itself an evil. They went no further than to recommend that it should not be altered suddenly, but gradually, with due regard to existing interests, and in concert with foreign powers. On the whole, we cannot doubt, from the signs of public opinion in France, that the era is approaching of a great relaxation in the prohibitive laws of that country.

A motion has been made by M. Auguste Portalis, and seems likely to be adopted, for abrogating the compulsory observance of Sundays and holidays.⁷ We should greatly deprecate such a proposition in our own country. We are convinced, that it would lead, and that speedily, to but one result: the labourer would perform the labour of seven days, for the wages which he now receives for that of six; and would be deprived of all the enjoyment, and of the innumerable moral advantages attendant on periodical repose. But we do not anticipate these baneful consequences from the measure which is now proposed in France. The experiment has in fact been tried, and no such consequences have been produced: for the observance of the Sunday, in so far as it is compulsory, has long been practically at an end. The French people are often not better fed or clothed than the English; but in no case are they so much over-worked. They will not submit to be so. They will live upon brown bread, which an English workman will not; but they will not work fourteen hours a day, which an English workman will; nor seven days in the week, which an English workman would. The English are not reduced to a potato diet, because they will not marry and multiply their species on such terms; and the French save themselves by the same means, from being worn down and brought to a premature death by incessant toil. Would that the English might do the like!

The same deputy has proposed, with the same prospect of success, to abolish

⁴Projet de loi sur le transit et les entrepôts (20 Aug.), *Moniteur*, 1831, pp. 1438-40; enacted as Bull. 59, No. 137 (9 Feb., 1832).

⁵*Moniteur*, 1831, pp. 2337-44 and 2345-6.

⁶See *ibid.*, pp. 2339 and 2341; Mill somewhat distorts Dupin's views.

⁷Auguste, baron Portalis (1801-55), lawyer, a deputy elected in 1831, introduced on 6 Dec., 1831, Proposition ayant pour but d'abroger la loi du 18 novembre 1814, relative au travail des dimanches et des fêtes (*Moniteur*, 1831, p. 2319). It went no farther at that time, and after being reintroduced on 11 Feb., 1832 (*ibid.*, 1832, p. 425), it died on the order paper.

the solemnization of the anniversary of Louis XVI's execution.⁸ The object of this motion is to get rid of all the remaining traces which the doctrine of legitimacy or divine right has left in the French laws. A great majority of the French public, and probably all the members of the Chamber of Deputies, disapprove of the conduct of the Convention in putting Louis XVI to death. But they see no reason why this particular act of injustice should be selected as a subject of national humiliation and penance, more than any one among the many judicial assassinations committed during the reign of terror upon far worthier men; or than the execution of the unfortunate Lally, for example, under the old regime, or of Marshal Ney, in 1815, in violation of the capitulation of Paris.⁹ There was nothing in the case of Louis XVI to distinguish him from any other person who is improperly put to death on a charge of treason, except the circumstance of his being a king. And this does not in any way add to the degree of guilt in the estimation of Frenchmen, or rational persons of any other country, unless they are believers in divine right.

A third motion of importance has been made by M. Salvete, and is likely to be adopted in France, as it must ultimately be in the legislative assemblies of all other countries: this is, that all bills which, having passed through some of their stages, are lost, not by being negatived, but by the prorogation of the Chambers, may be resumed in the ensuing session (unless a dissolution has intervened) at the point at which their progress had been interrupted.¹⁰

⁸On the same day that he brought in the proposition cited in n7, Portalis introduced Proposition tendant à abroger la loi du 19 janvier 1816, relative au deuil public du 21 janvier (*Moniteur*, 1831, p. 2319), with reference to Bull. 63, No. 401 (19 Jan., 1816). Approved by the Deputies on 23 Dec., it was rejected by the Peers on 3 Mar., 1832 (*ibid.*, 1831, pp. 2472-3; 1832, pp. 642-3).

⁹Thomas Arthur, comte de Lally (1702-66), Governor of the French possessions in India, was captured in 1761 at Pondicherry and taken to England. When he returned to Versailles (his British captors having released him on his word to return) to face his French detractors, he was imprisoned by a *lettre de cachet* for nineteen months in the Bastille, and after a disgracefully unfair trial, beheaded for treason on 9 May, 1766. Marshal Michel Ney, having been one of Napoleon's best loved and most loyal generals, negotiated the peace in 1814, and welcomed Louis XVIII back to Paris; he then fought for Napoleon during the Hundred Days, and was proscribed in 1815. Though he believed himself protected by Art. 12 of the terms of capitulation (see "Convention" [3 July, 1815], *Moniteur*, 1815, p. 765), he was tried as a traitor and executed before a firing squad on 7 Dec., 1815.

¹⁰Salvete introduced, on 7 Dec., Proposition pour la reprise à une autre session des travaux législatifs non terminés dans la session précédente (*Moniteur*, 1831, p. 2327).

133. FRENCH NEWS [40]

EXAMINER, 25 DEC., 1831, p. 825

For the entry in Mill's bibliography, see No. 116. The article is headed "London, December 25"; it is listed as "Article on France" and enclosed in square brackets in the Somerville College set.

M. CASIMIR PÉRIER has read to the two Chambers a long report on the affair of Lyons.¹ In this document, he does not state a single fact which was not previously known, nor give intimation of any intentions which had not been already expressed. He commences with a loud flourish of trumpets, and undertakes to enter fully into the subject of existing evils and their remedies, yet, for aught we can discover, his *portefeuille* may be overflowing with great projects for the promotion of the public prosperity, or he may meditate nothing but to sit with his arms folded, and consume his salary. All which this production discloses of the state of his mind, is a vehement inclination to have it thought that his conduct is highly praiseworthy.

This empty document, however, afforded an occasion which was sure to be eagerly seized, for a violent debate on the general policy of the Ministry; and the debate has accordingly commenced, and promises to last several days.²

These demonstrations of party hostility are however becoming less and less frequent; while debates on specific questions are rapidly increasing in frequency and interest. The Opposition will speedily find that their true policy, both for themselves and the good of their country, is to load the President's table with motions for well-considered and practicable improvements, and concert together to secure upon each a vigorous and well-sustained debate; acquiring for themselves the *éclat* of suggesting measures, which the Ministry may afterwards adopt, or throwing upon M. Périer and his majority, the odium of resisting improvement.

We see reason to expect a stormy debate on the Corn Law.³ In the French Chamber, even more than in our own House of Commons, the great landed proprietors predominate, and seem equally disposed with our own squirearchy, to hold fast to their usurpations. The Ministry and the Opposition will fight side by side against a large portion of the phalanx by which the Ministers are usually supported. Some say that the question will be postponed to the next session; and

¹On 17 Dec. (*Moniteur*, 1831, pp. 2422-4).

²The debate lasted four days, 19-22 Dec. (*ibid.*, pp. 2438-40, 2442-50, 2451-8, 2462-6).

³For the Bill and its enactment, see No. 125, n2.

really, if it is not, we fear the Ministry will have a hard account to settle with the great "practical authorities" of their party, M. Humann⁴ and M. Charles Dupin.

An excellent speech on the corn question has been made incidentally in the course of another debate, by M. Laguette-Mornay.⁵

The Commission on the budget has not yet completed its labours. Those members of the Opposition who formed part of it, among others MM. Laffitte, Bignon,⁶ and Dupont de l'Eure, have at length discontinued their attendance, disgusted at the absolute failure of their attempts to extort from the majority any considerable diminution of the public expenditure. The impossibility of voting the budget before the conclusion of the year, has compelled the Ministry to solicit from the Chamber the continuance of the existing taxes and expenses for three months longer. This has been agreed to, but under a proviso of a novel and highly important nature: that if in the budget when voted, any salary, pension, or other allowance shall be reduced, the reduction shall take effect retrospectively from the beginning of the year.⁷ The parties interested being thus forewarned, will of course make their arrangements accordingly.

We mentioned in our last paper, that the Chamber had already adopted one law for the extension of the warehousing system:⁸ it has now under its consideration another.⁹ The former law related to goods warehoused for re-exportation: the present, has reference to warehousing for home consumption. In France, as in England, articles which have been imported are allowed to remain under the King's lock, jointly with that of the owner, and to be bought and sold in the warehouse as often as a purchaser can be found; the duty being demanded only when the goods are taken out to be finally sold for consumption. The advantage of this arrangement to the merchant, we need not insist upon, and the advantage to the nation is not less. A large portion of the trading capital of the country is allowed to remain in active employment, when it would otherwise be locked up unproductively, being paid into the hands of Government, and not reimbursed until the goods were sold, which might not be till long after they were imported.

This privilege however, of warehousing goods without payment of duties, has hitherto, in France, been confined to the few sea-ports, and to certain frontier towns. Paris itself, and all the other places in the interior, are excluded from it.

⁴Jean Georges Humann (1780-1842), a liberal deputy since 1820, supported the 221 and the July Revolution. He was a protectionist.

⁵Jules Frédéric Auguste Amédée, baron Laguette-Mornay (1780-1845), a moderate deputy since 1827, supported the July Revolution and free trade. For the speech on 12 Dec. referred to, see *Moniteur*, 1831, p. 2371.

⁶Louis Pierre Edouard, baron Bignon (1771-1841), a deputy since 1817; after the July Revolution he was for two months Minister of Education.

⁷Enacted in Art. 4 of Bull. 52, No. 122 (16 Dec., 1831).

⁸For the measure, see No. 132, n4.

⁹Projet de loi concernant les entrepôts dans l'intérieur et aux frontières (11 Nov.), *Moniteur*, 1831, pp. 2110-11; enacted as Bull. 63, No. 144 (27 Feb., 1832).

The object of the measure now proposed by the Ministry, is, to extend to other places the advantage at present enjoyed exclusively by the sea-ports and frontier towns. The bill accordingly encounters a noisy opposition from the members for the privileged places, and there seems to be some doubt whether it will be suffered to pass.

A bill has been adopted by the Chamber of Deputies, almost without opposition, for re-establishing the dissolubility of the marriage contract.¹⁰ This bill restores the law of divorce, not as it stood during the Revolution, but nearly on the footing on which it was placed by the Code Napoleon. Divorce must be pronounced by a court of justice. It will be granted at the instance of either party, in certain cases which are nearly the same with those in which the tribunals will now grant a separation. Divorce by mutual consent will also be allowed; but this likewise must be pronounced by a tribunal: there must be a long period of probation; the parties, once divorced, cannot again be united; and half their property must be settled on their offspring. On the whole, this measure seems to do as much as can be done by any means hitherto proposed, towards solving the difficulty of allowing marriages to be dissolved where their continuance is a source of insupportable evil, and at the same time avoiding to afford inducements to forming so important an engagement without a reasonable prospect of its permanency.

The Commission of the Chamber of Peers has at length presented to that Chamber its report on the new law relative to the peerage.¹¹ The members of the Commission were equally divided in opinion; but their reporter, the Duke Decazes, is in favour of the law. An alteration, however, is proposed, which will enable the Ministry, if they think proper, to render the abolition of the inheritableness a nullity.

Among the categories, or classes of persons, to whom the Commission of the Chamber of Deputies proposed that the nomination to peerages should be limited,—one consisted of landed proprietors or chiefs of commercial establishments, paying 3000 francs of direct taxes. The Chamber, not being of opinion that riches were of themselves a sufficient qualification for a legislator, required as a further condition that the persons belonging to this category should have served for six years as members of a municipal council or a chamber of commerce, both which functions are conferred by popular election. This

¹⁰The Proposition relative à la loi du divorce was introduced by Auguste Jean Marie, baron de Schonen (1782-1849), on 11 Aug., 1831; it passed the Deputies on 15 Dec., but was rejected by the Peers on 28 Mar., 1832. (See *Moniteur*, 1831, pp. 1352, 2390-6 [the debate Mill is referring to], and 1832, pp. 897-900.) Divorce had been abolished by Bull. 84, No. 645 (8 May, 1816), which had revoked the provision of the Code Napoléon (Bull. 154 bis, No. 2653 bis [3 Sept., 1807]) in Livre I, Titre VI, Chaps. i-v. Divorce was not reintroduced in France until 1884.

¹¹For the measure see No. 115, n1. The report is in *Moniteur*, 1831, pp. 2429-32.

amendment, though violently resisted by the Ministers and their adherents, was carried against them. The Commission of the Chamber of Peers now recommend that it should be struck out.

Should this recommendation be adopted, of which we fear there is little doubt, the eldest sons of Peers will generally be eligible to succeed their fathers. It is true that the general law of succession in France divides the property of the parent equally among all the children.¹² But one of the acts of the Bourbons, after their restoration, was to permit the creation of *majorats*, or entails, to accompany a title of nobility; and to require, in particular, that the Peers should, as a matter of course, tie up a certain amount of property, and transmit it to the next heir, together with the Peerage, which otherwise, should not be transmissible.¹³ The eldest son of a Peer, in consequence, generally succeeds his father in the bulk of his landed property, and therefore in the payment of the bulk of his direct taxes. It is worthy of remark, that a ministerial deputy, M. Jaubert, at a very early period of the present session, laid upon the table a proposition for the abolition of *majorats*.¹⁴ It was received with universal approbation, but a day has never yet been fixed for the discussion of it, nor has it been referred to a Commission; and there is every appearance of an intention to allow it to drop.

That the Ministers will generally name the successor to the estate as successor also to the peerage, if the law allows them, they have taken care to leave no doubt, by naming the sons of Ney and of General Foy;¹⁵ young men who have not had time to shew themselves either fit for the office, or worthy of the honour; one of them not even of age, and neither having attained the age of thirty, before which, by the regulation of the Chamber, they are not permitted to vote;¹⁶ and this, too, although the recent creation of Peers was for the express purpose of outnumbering a hostile majority.

We have given in another part of our paper an abridgment of the law proceedings relative to the will of the Duke de Bourbon.¹⁷ We invite particular attention to it. The defence not having yet been heard, nor the witnesses examined, we forbear any further comment in this stage.

¹²For details, see No. 50, n17.

¹³For the ordinances, see No. 61, n11.

¹⁴Introduced on 24 Aug. (*Moniteur*, 1831, pp. 1455-6) by Hippolyte François, comte Jaubert (1798-1874).

¹⁵For Mill's comment on their elevation, see No. 129.

¹⁶By Art. 28 of the Charter of 1814, continued by Art. 24 of the Charter of 1830.

¹⁷*Examiner*, 25 Dec., 1831, pp. 824-5; for the background, see No. 132.

134. FRENCH NEWS [41]

EXAMINER, 1 JAN., 1832, PP. 9-11

For the entry in Mill's bibliography, see No. 116. The article, headed "London, January 1, 1832," is listed as "Article on France" and enclosed in square brackets in the Somerville College set of the *Examiner*.

THE ABOLITION of the Hereditary Peerage of France has passed the Chamber of Peers by a majority about equal in number to the new creation of Peers.¹ The majority of speakers was, however, on the contrary side; and even of those who supported the bill, there was not one who did not openly lament the necessity of passing it.

The debate in the Chamber of Deputies occasioned by M. Périer's statement respecting the revolt of Lyons,² continued during four days. M. Périer, not denying that there was misconduct somewhere, threw the whole blame upon the local authorities: for which M. Bouvier du Molart, *préfet* of the Rhone, took a public opportunity of giving him the lie.³ After this proceeding, M. du Molart threw up his office, was struck off the roll of the Conseil d'Etat, and being thus freed from all connexion with the administration, commenced publishing in the newspapers a series of letters, of a highly interesting character, on the recent events.⁴

Omitting so much of the controversy, as consists only in crimination and recrimination between M. Périer and M. du Molart personally, we shall merely afford our readers the benefit of such light as is thrown by the disclosures now made, upon the causes of the insurrection.

The disturbances originated as the public are aware, in a tariff or scale of increased wages, promulgated under the sanction of the *préfet*; which was observed for a few days, but afterwards departed from by a portion of the manufacturers, who stopped their works, and refused to give employment to

¹See No. 115, n1. The majority for the Bill was thirty-four; the number of new peers created was thirty-six but, as Mill pointed out (No. 133), two of them could not vote.

²For earlier reports on the revolt, see Nos. 130, 131, and 132; for reference to Périer's speech and the debate, see No. 133, nn1 and 2.

³Bouvier-Dumolart attended the debate on 20 Dec., and accosted Périer as he was leaving the Chamber, calling him a liar (*Moniteur*, 1831, p. 2446).

⁴The reason for Bouvier-Dumolart's resignation is given in his letter to the editor (20 Dec.), *Constitutionnel*, 21 Dec., p. 4. Five of his letters on the events in Lyons, dated 22-26 Dec., are *ibid.*, 23-27 Dec. Extracts from letters by Bouvier-Dumolart to Périer and d'Argout, dated 11, 22, 25, 27, 28 Oct., and 6, 12, 19 Nov., were read in the Chamber of Deputies in their speeches on the disturbances in Lyons (*Moniteur*, 1831, pp. 2444-8). Mill calls Bouvier-Dumolart Prefect of the Rhône.

their workmen at the increased rate. Hereupon the operatives, who had previously had full confidence in the continuance of the tariff, and who, to use the expression of M. du Molart, regarded it as their charter, considered themselves to be cruelly injured; and their resentment broke out, in the manner which the public already know.

It now appears that when M. Périer was apprised of the promulgation of the tariff, he made an official intimation to M. du Molart of his disapprobation of it; and desired him, if possible, to allow it to fall into desuetude. This was imposing upon the *préfet* rather a difficult task; and we cannot be much surprised that no better result should have come of it.

M. du Molart, however, denies the circumstance, upon which the impropriety of the tariff principally depends. He denies that it was prescribed by the authority of government. He affirms, that it was the result of a free compact, concluded between delegates from the workmen, and delegates from the manufacturers; that a small minority only of the manufacturers had any objection to it; that these waived their objection; and that he, the civil magistrate, took no further part in the mutual agreement, than that of attesting and promulgating it. That on receiving M. Périer's despatch, he hastened to lay before him the real state of the case, and hoped to induce him to withdraw his disapproval: but that in the meanwhile, the fact that the conduct of the *préfet* had been disapproved of, oozed out of the public offices at Paris (he says it was even mentioned by M. d'Argout, the minister of commerce, to the deputies for the place): that the news found its way to Lyons, and encouraged that small portion of the manufacturers who had originally disapproved of the tariff, to declare open hostility to it, some of them in a manner most unfeeling and insulting as respected the common people. Hereupon the revolt ensued. The conduct of M. du Molart throughout the trying circumstances in which he was afterwards placed, appears from all accounts to have been worthy of a hero.

If the statements of the ex-*préfet* are correct, it would seem that the fault, if any, imputable to him, was chiefly that of having taken any part in the convention between employers and workmen, even as a mere attesting witness, without first ascertaining that his conduct would meet with the approbation of his superiors. How far the blame of this want of concurrence between the government and its agent, lies with the agent, is a question which seems mainly to depend upon a despatch, which M. du Molart affirms that he wrote and sent, and which the minister denies having received. By what strange misadventure the two statements can both come to be true, or which of the two parties asserts a falsehood, we have no materials for conjecture.

A remarkable circumstance is, that M. du Molart denies the existence of any peculiar stagnation in the manufactures of Lyons. He affirms on the contrary, that they are in a state of unusual activity.

The late political events, [says he,] which have in general exercised so unfavourable an influence over mercantile affairs, have had little effect upon the manufactures of Lyons. There has been no want of employment, thanks to immense orders given by the Americans. The year 1829 was that of the greatest activity of the manufacture, which reached almost 600,000 kilogrammes. The year following the revolution, from July 1830 to July 1831, fell short of this maximum by no more than 15,000 kilogrammes. Not only all the workmen have been constantly employed, but the length of their day's work has been greatly increased, and six thousand machines have remained idle for want of hands. In this situation, however, the workmen complained; they addressed respectful petitions to the authorities; they assembled with order, calmness, and decency, in a private house; they named a committee to state and support their claims. Public opinion was in their favour; they inspired general interest, and all the manufacturers of proper feelings admitted, that these unfortunate people, by working eighteen hours a-day, did not gain even enough to sustain life.⁵

This is very unlike what has been stated in all other quarters, as to the decline of the trade; and M. du Molart, it must be remembered, is strongly interested in making out a case for that rise of wages, to which, in an evil hour for the city of Lyons, he gave his official authority. This statement, however, is specific; and being in figures, may be disproved if not correct. It is important that the truth should be known.

If M. du Molart's statement is correct, a rise of wages was warranted by the state of the trade; but also, it would have been brought about by the state of the trade without his interference, and then it is likely the workmen might not have considered the new law of wages as "their charter," justifying insurrection, like that of Paris, if it were violated. Wages at starvation point, and six thousand looms standing still for want of workmen, are two circumstances, M. du Molart may be assured, which could not have gone on for many days together. We confess, the fact that any number of the manufacturers should have dismissed their workmen rather than pay the advance of wages, throws very great doubt in our minds upon M. du Molart's assertion, that the increased scale was called for by the prosperity of the trade.

Under all suppositions as to this matter, the practical conclusion is one and the same. There exists unhappily no doubt as to the miserably low wages of the Lyons' operatives. They are admitted to be in consequence the worst fed, sallowest, and feeblest in bodily frame, of all the working people of France. Now, there is not a single article of importance consumed by the labourer, which is not taxed to an enormous amount, either for revenue or *protection*. His clothes are taxed by the duties on cottons and woollens; his fire is taxed by the high price of wood occasioned by the duties on iron, his bread and his meat are taxed by the duties on corn and cattle, for purposes of *protection*. His wine, (which corresponds to our small beer) is taxed, his salt is taxed, his only luxury,

⁵Letter of 22 Dec., *Constitutionnel*, 23 Dec., p.1; cf. *Moniteur*, 1831, p. 2446.

tobacco, is raised by a monopoly many hundred per cent. in price, and all articles of agricultural produce are taxed over again by the *octroi*, for purposes of *revenue*. The genius of fiscality has exhausted every device by which the iron hand of the tax-gatherer can be driven hard and deep into the pockets of the very poorest class; who being in a still greater ratio the most numerous class, are the payers of the most productive taxes.

Let the government do its duty on all these points; let it abstain from robbing the people for its own benefit, or for the benefit of landholders and great capitalists; and it may leave the question between them and their employers to be adjusted between them and their employers. How much of the great concerns of society may or may not be brought within the functions of government, when government shall be something very different from what it is, it would be premature for us to decide. But we are sure, that as governments are at present constituted, the less they have to do with the regulation of contracts between man and man the better for society; and the more strictly they confine themselves to the mere protection of person and property from force or fraud, the better they know their proper stations, and the more good, or rather the less intolerable evil they produce.

But of all these matters M. du Molart is so far from being sensible, that while he thinks the regulation of wages quite a proper subject for the interference of authority, he is a declared partisan of the *droits réunis*, as preferable to direct taxation; and goes so far as to condemn even the trifling alleviation of the duties on wine, which was granted at the close of 1830, when the wine countries on the south were in a state in which the tax could not otherwise have been collected but at the bayonet's point. M. du Molart was one of Bonaparte's *préfets*; and this, to any one who knows what these were, means, that in the eyes of M. du Molart, the only one requisite of a good tax, is to be productive to the revenue. We mistake; there is another virtue, namely, to take the people's money as it were while they are asleep, and without their being sensible who takes it. This is the ground of the preference for indirect taxes.

M. Fiévée, who knew this kind of men well, divides them into two classes: the teachers of Bonaparte, and his pupils. Such men as M. du Molart belong to the latter class. It was of them (and more especially of M. Louis, the present minister of finance) that M. Fiévée, writing at a time when these very men were in power, said, "Je connais bien nos administrateurs actuels: ils sont d'une fiscalité qui déconcertait quelquefois Napoléon, le plus fiscal des hommes."⁶ Apt scholars, who surpassed even their schoolmaster.

The debate on the budget will commence in a few days. We shall then see what the sages of the Palais-Bourbon will think proper to do with the Taxes on Poverty. As for the Corn Bill, poor and insignificant as is the palliative which it

⁶Fiévée, *Correspondance*, Vol. I, Pt. 3, p. 16.

offers of a radically pernicious principle of legislation, there seems to be a general understanding that the Landlords' House (for such the Chamber of Deputies truly is) will not pass it this session.⁷ It cannot come on before the budget, and when the budget is passed, it is expected that the Chambers will be prorogued, leaving all other questions in *statu quo*.

In the mean time, two commissions of the Chamber, on two very important bills, have presented reports more liberal (a rare occurrence) than the original scheme. One of these bills is the highly important one for national education.⁸ A majority of the commission on this bill consisted (Heaven knows how!) of members of the Opposition; including several of the most respected leaders, with the venerable M. Daunou at their head. This eminent patriot, eminent alike by his talents and his virtues, was named the reporter of the commission; and though we have not yet seen his report, there can be no doubt of the benevolent and enlightened character of a document on such a subject, emanating from the founder of the Institute of France.⁹ The ministry, we perceive, are violently adverse to some of the amendments which he proposes.

The other bill to which we have alluded, is for defining the functions of the municipal councils: the composition of those bodies, by popular election, having been provided for by a law passed in the preceding session.¹⁰ The ministerial *projet*, though it modified to a certain extent, maintained in all its main features Napoleon's system of centralization;¹¹ that system which, while it crushed the provinces under the oppressive weight of the metropolis, rendered the fit performance of public business impossible: the local authorities not having power to perform the most trifling act of administration (unless it were a matter of mere routine) without orders from Paris, which, in consequence of the immense quantity of such business which flowed in and accumulated, they often had to wait months for, the exigency in the mean time passing away, and endless mischiefs occurring for want of doing that which could not under this system be sooner done. The report of the commission proposes a far greater alteration in the existing system, and confers upon the inhabitants of the different localities, through their local representatives, a far greater share in the management of their local affairs, than the scheme of the Government.

Let us hope that leisure will be found for disposing of these two great

⁷For the measure, see No. 125, n2.

⁸See No. 126 for the original scheme; the commission's report was received and debated on 22 Dec. (*Moniteur*, 1831, pp. 2459-62), but the Bill was abandoned.

⁹The founding of the Institut National was provided for in Art. 298 of Constitution de la république française of 1795. Subsequently, Daunou presented the Report of the Education Committee to the National Convention on 19 Oct. (*Moniteur*, 1795, pp. 128, 130-1), on the basis of which was enacted Bull. 203, No. 1216 (25 Oct., 1795); Titre IV established the Institut National des Sciences et des Arts.

¹⁰For the measure, see No. 57, n10.

¹¹For background, see No. 57, n5.

questions before the prorogation; or at all events that by the adoption of M. Salverte's proposition with respect to dropped bills,¹² they may be allowed to come on at once for discussion at the opening of the following session; which cannot be long after the close of the present, for it takes three months to vote a budget, and the budget of 1833 has also to be voted in 1832. The deputies of France, by the way, take their legislative duties rather coolly; a sitting of five hours seems to be the very longest which they ever allow themselves. One night's debating in the House of Commons, from four in the afternoon to three in the morning, is equivalent to nearly a week's exertions of the French Chamber. It is true that their deputies are obliged to be more regular in attendance than members of the English Parliament, as the Chamber cannot deliberate unless a majority of its whole members be present.¹³

The commission on the civil list has not yet presented its report.¹⁴ This question *must*, by the terms of the Charter be disposed of in the present session.¹⁵ It is true that there is little need for being in any hurry to vote money to the Citizen King, as he is already expending *provisionally* a far larger sum per month than any Chamber, not having arrived at the last stage of profligate impudence, will venture permanently to grant to him. Statements have been made, which, if not refuted, prove that the expenses on account of the civil list since the accession of Louis-Philippe have amounted to nearly forty millions of francs; fully as much as Charles X ever expended in the same time, and greatly exceeding the eighteen millions a year (£720,000) which were all that Louis-Philippe himself dared ask for, in the bill which was presented last year,¹⁶ and immediately withdrawn, from the explosion of public indignation at the magnitude of the demand. Let it be recollected, that the Civil List in France includes none of the expenses of the state, unless that of keeping up the Gobelins and Sèvres manufactories, and a few other items of no great consequence, are so considered. All the rest goes to the support of the King and royal family, and the officers of their household, to defraying their private expenses, and keeping up the domains of Versailles, Fontainebleau, and about a dozen other old palaces and their appurtenances; to which, however, forests are attached, sufficient, it is affirmed, even now, and more than sufficient under proper managements, to pay all the expenses. Along with all this, we must take into account the private fortune of Louis-Philippe, which is estimated to yield annually five or six millions more; exclusive, we presume, of the ill-gotten inheritance of the poor Duc de Bourbon, now owned by one of Louis-Philippe's younger sons,¹⁷ but

¹²For the proposition, see No. 132, n10.

¹³Charter of 1830, Art. 16, continued from Charter of 1814, Art. 18.

¹⁴See No. 135, n15.

¹⁵Charter of 1830, Art. 19, continued from Charter of 1814, Art. 23.

¹⁶For the measure, see No. 71, n3.

¹⁷The duc d'Aumale.

which, if the facts asserted are made out, the verdict of a court of justice may shortly require back from his hands.

This remarkable trial, to which we believe we were the first to draw public notice in this country,¹⁸ but which has since been much discussed in the other papers,¹⁹ is still far from being concluded, no more than one day in every week being dedicated to it. We shall keep our eyes fixed upon the proceedings, and form the best opinion we can of the weight of evidence which may be produced on each side.

We must defer till next week some observations which we had intended to make upon that part of the four days' debate in the Chamber of Deputies, which related to the enrollment of a hired rabble in aid of the police on the 14th of July last.²⁰

135. FRENCH NEWS [42]

EXAMINER, 8 JAN., 1832, PP. 24-5

For the entry in Mill's bibliography, see No. 116. The article, headed "London, January 8, 1832," is listed as "Article on France" and enclosed in square brackets in the Somerville College set of the *Examiner*.

THE REMAINDER of M. du Molart's letters on the revolt of Lyons have appeared.¹ They contain no further information of importance, on the causes or circumstances of the insurrection; but they charge M. Périer with asserting a direct falsehood in the Chamber of Deputies. The particulars of the case are these:—

When the Chamber, shortly after its meeting, had under consideration the validity of the election of M. Jars, by one of the electoral colleges of Lyons, it was affirmed that the president of one of the sections of that college had, during the election, communicated to the electors a telegraphic dispatch, received from Paris on the 6th of June, to the following effect: "Paris is perfectly quiet: the elections are declaring themselves there, as well as in other places, under the most favourable auspices: considerable majorities are declaring themselves."²

This proceeding was severely censured, not only by the Opposition, but by the

¹⁸See No. 132.

¹⁹See, e.g., the articles in *The Times*, 21, 27, and 28 Dec., 1831, pp. 1-2, 3, and 3, respectively (the series ran until 24 Feb., 1832); and *Spectator*, 24 Dec., pp. 1233-4, and 31 Dec., pp. 1255-6.

²⁰For the episode, see No. 131, n3; the debate was on 19-22 Dec., *Moniteur*, 1831, pp. 2432-66.

¹For details, see No. 134, n4.

²*Moniteur*, 1831, p. 1269; the telegram was communicated by Troneller.

bureau of the Chamber which had to report on the validity of the election. It was declared to be an attempt to influence the votes of the electors, in violation of an express law, by which the electoral colleges are interdicted from deliberations or proceedings of any kind whatsoever, except simple voting.³ Hereupon, M. Périer positively declared that no telegraphic dispatch was sent on the 6th or 7th of June, and that the dispatch in question was not sent till the 8th, after the elections were over in almost all parts of France.⁴

Now, this statement M. du Molart asserts to be a falsehood. He affirms that the story, as it was first told, was strictly true: that the telegraphic dispatch was couched exactly in the words mentioned; that it was received on the 6th; that he still possesses the original copy, as taken down from the telegraph; and that he can establish the fact by the most perfect evidence.

Whether M. Périer, according to his customary practice, has prosecuted M. du Molart for defamation, we have not learned. But whichever of the two parties has falsified the truth (that either can be merely *mistaken* is in the nature of the case impossible), the exhibition is a curious one, and little creditable to the French character. There are a hundred points on which the tone both of public and private morality is far higher among the French than among ourselves. It would not seem to be so, in the important point of personal veracity. England is the classic land of cant; the hypocritical pretence of feelings and opinions utterly foreign to the character of the person professing them, is so much a matter of course in our Parliament, so completely conventional, that hardly any body is sensible of its baseness. But we solemnly assure our friends in France, of our firm belief that no man, Whig or Tory, who has been a Cabinet Minister of England within the present generation, was ever suspected, by his worst enemies, of deliberately denying, in the face of the public, any act of his own individually; and that no man who has held high office within the same period would have been capable of the falsehood which, if M. Périer is innocent, must be imputed to M. du Molart: unless indeed, he be an Irishman: for *that* nation, also superior to ourselves in *some* highly valuable qualities, is well understood to be, in all ranks of society, considerably below the English and Scotch in adherence to truth.

The recent proceedings in a French court of justice, on the trial of two editors of newspapers for defamation of M. Casimir Périer and M. Vivien,⁵ afforded some very significant circumstances in illustration of the state of moral feeling in France with respect to personal veracity, and of several other curious points of national character. The libel, as it would be stiled in this country, consisted, as is well known, in charging the authorities with having hired some of the lowest

³Bull. 37, No. 105 (19 Apr., 1831), Titre IV, Art. 40.

⁴Speech of 26 July, *Moniteur*, 1831, p. 1270.

⁵For Mill's earlier comment, see No. 131.

order of workmen, at three francs a head, to aid the police in case of the apprehended disturbances on the anniversary of the destruction of the Bastille. These workmen had acted with unnecessary violence and brutality against some young men engaged in planting a tree of liberty; and had never been called to account for this conduct, while their paid-for services had been celebrated in the *Moniteur* as a proof of the excellent spirit which animated the working population.⁶ On the trial, it was established that the workmen had been regularly enrolled, and formed into a kind of organized force, by a man named Souchet, who kept a tavern in the Faubourg St. Antoine; and that the belief was general in the Faubourg, that they were to receive three francs a head. The doubtful question was, whether the police, and the ministry, or either of them, were parties to the transaction. Souchet himself was brought forward to swear that they were not; and M. Carlier, the head of the local police, and M. Bouvatier, mayor of one of the arrondissements of Paris, both swore positively that they themselves had no concern in the matter, beyond having merely heard of it.⁷ But on the succeeding day, M. Bouvatier spontaneously presented himself before the Court, and stated that in a moment of irritation, occasioned by a calumnious imputation made against him by a previous witness, he had sworn to a falsehood; and that this had caused him so much distress of mind, that he was anxious to make all the reparation in his power, by publicly confessing his fault, and declaring the truth. He then gave evidence implying a much greater degree of participation, or at least connivance on his part, with respect to the proceedings of Souchet, than he had admitted in his testimony of the day before. This received evidence of M. Bouvatier, combined with the obvious prevarication of Souchet, were what chiefly induced the jury to acquit the accused.

Thus, then, the matter stood, when, in the recent debate of four days on the policy of the ministers, M. Mauguin revived the subject of the enlistments, and produced a letter from Souchet.⁸ In this letter, which was addressed to the editor of the *National* (one of the defendants in the trial),⁹ Souchet declared, that *he* also had committed perjury before the tribunal; that he also, like M. Bouvatier, wished to make reparation by proclaiming the truth; which when he should have

⁶*Moniteur*, 1831, p. 1215.

⁷Pierre Charles Joseph Carlier (1794-1858) was appointed commissioner of police in 1830 and director of the municipal police in 1831; François Bouvatier (ca. 1772-1856), mayor of the 8th (now the 11th) arrondissement, 1830-34. For the trial, see the reports from the Cour d'Assises de la Seine in *La Tribune*, 30 Nov., 1831, pp. 3-4, 1 Dec., pp. 3-6, and 2 Dec., pp. 5-8.

⁸For Mauguin's speech on 19 Dec., 1831, see *Moniteur*, 1831, p. 2440.

⁹*Le National* was founded by Messrs. Thiers, Mignet, Sautelet, and Carrel in January 1830 to work for the overthrow of the Polignac ministry. After the July Revolution, it was under the direction of Carrel, who supported Louis Philippe until Périer took office in the spring of 1831. Growing progressively more exasperated with the regime, *Le National* declared itself republican in 1832. See also No. 131, n3.

done, he should, he hoped, be restored to the esteem of honest men. He then proceeded to declare, that he had enlisted the workmen at the express instigation of M. Carlier, the head of the municipal police of Paris, who, as we have already mentioned, had sworn on the trial, that he had nothing to do with the matter. The principal agent in the affair, Souchet added, was an *employé* of the police, by name Alexandre, who was not produced as a witness, and who, it seems, has absconded.

M. Périer, in reply, remarked, that no witness had appeared on the trial, who was able to swear to having actually *received* money.¹⁰ He affirmed that no money had been furnished by Government; that whatever might have been Souchet's proceedings, he alone was responsible for them, having acted without the cognizance either of the ministry or of the police; and if he had held out to the workmen any hopes of pecuniary reward, he must have intended to deceive them, and to make a merit with Government of his instrumentality in persuading them to volunteer their services gratuitously. M. Périer accordingly produced a letter from Souchet, written shortly after the occurrences, soliciting some recompense of his zeal; and insisted upon what, indeed, was sufficiently obvious, the little credit due to the assertions of a man who, when all the world is already convinced that he was perjured, at last confesses it himself, and presents himself with a second story, in direct contradiction to his first.

The probability of M. Périer's participation rests wholly upon the circumstantial evidence derived from the disappearance of the police agent Alexandre, and from the fact that no attempt has been made on the part of Government to clear up the mystery of the transaction, and to remove from employment any of its officers who may be found to have participated in it. This evidence is certainly very far from conclusive: but whatever degree of suspicion it is calculated to engender, M. Périer has done nothing to dispel it, having offered no explanation of either of the above circumstances.

The Bill relating to the Peerage¹¹ has passed the second Chamber without alteration, and is by this time part of the Constitution of France. The mischievous alteration mentioned in our last paper as having been proposed by the commission, was almost universally scouted.¹² It is said, that even the Ministers were averse to it, being anxious that the Bill should not be sent back to the Chamber of Deputies.

The Peers are now engaged in the discussion of a Bill, introduced by the Ministry into their House, for a reform in that part of the French law which relates to imprisonment for debt.¹³ The law, even with the proposed alteration,

¹⁰Speech of 21 Dec. (*Moniteur*, 1831, pp. 2451-4). Périer's defence, although self-exculpatory, gives considerable detail about the event. He included the letter of 25 July from Souchet to the prefect (*ibid.*, p. 2453).

¹¹For details, see No. 115, n1.

¹²Not in fact the last, but the second last; see No. 133.

¹³Enacted as Bull. 73, No. 158 (17 Apr., 1832).

has excited surprise in this country by its extreme harshness; but it is stated that the tribunals of commerce, which are composed of mercantile men, possess and exercise the power of confining the operation of its provisions to debtors who are criminal, and not merely unfortunate.

M. Salverte's proposition¹⁴ for allowing bills which are lost by a prorogation, to be taken up in the succeeding session at the point at which their progress had been interrupted, has passed the Chamber of Deputies, with a slight modification, confining its benefit to bills on which a commission has reported.

The Commission on the Civil List has at length made its report:¹⁵ and the subject is fixed for immediate discussion. This debate will be immediately followed by that on the budget; the report on the expenses (or the estimates, as we should call them) having been received: that on the receipts (or the ways and means) will shortly follow.¹⁶ The subjects of public education and municipal institutions are therefore postponed till after the budget—that is to say, to the next session: but in consequence of the adoption of M. Salverte's proposition, these bills will stand for discussion immediately after the meeting of the Chamber. It is to be hoped that the Commission on the Corn Bill will at least make its report before the prorogation, that this great subject may also be disposed of at an early period of the next session.¹⁷ We hope, indeed, for no other good from the report, in the hands to which the composition of it has been entrusted.

The Commission on the Budget has excited great dissatisfaction among the popular party, by proposing no greater retrenchment than 10½ millions of francs, upon estimates amounting to 956,000,000, independent of 140,000,000 of extraordinary expenses, occasioned by defensive military preparations.

The Commission on the Civil List were equally divided on the amount at which it should be fixed: four members proposing twelve millions and a half, and four others fourteen millions.¹⁸ The ninth Member of the Commission, M. de Cormenin, who is for a much smaller amount than either, stands aloof from both, and is now publishing in the French papers a most able series of letters on the Civil List.¹⁹ It is said that Louis Philippe, whose ruling passion seems to be avarice, is greatly offended at the smallness even of the largest sum suggested by the Commission.

¹⁴For the measure, see No. 132, n10.

¹⁵The report was brought in by de Schonen on 29 Dec. (*Moniteur*, 1831, pp. 2542-7; text on p. 2545); it resulted in Bull. 65, No. 146 (2 Mar., 1832).

¹⁶For the introduction of the budget, see No. 116. As amended by a Commission, it was printed in a special appendix to the *Moniteur*, Supplement to No. 365, 31 Dec., 1831, pp. i-xlii. For the report on the "ways and means," see No. 143, n12.

¹⁷For the introduction of the measure, see No. 125, n2. For the next stage, see No. 172.

¹⁸Titre I, Art. 16, of *Projet de loi amendé par la commission de la liste civile*, reports the division of opinion (*Moniteur*, 1831, p. 2545).

¹⁹Cormenin's letters on the civil list are in *Le National*, 24 Dec., 1831, pp. 3-4; 29 Dec., pp. 1-3; 31 Dec., pp. 1-2; and 4 Jan., 1832, p. 1.

The lawsuit on the will of the Duke of Bourbon makes but slow progress.²⁰ The *Spectator* is severe upon us for having said, that if the case stated for the plaintiff is made out, Louis Philippe is scarcely fit to live.²¹ We ask the *Spectator* whether this is too much to say of a man, who is a party to extorting a will in his own favour, from a feeble old man, through a long series of perpetual annoyance and persecution, by a woman who, from being the mistress, had become the tyrant of her protector? Has our contemporary read the letter of the wretched old man to Louis Philippe himself, beseeching him to use his influence with Madame de Feuchères to prevail on her to cease importuning him on the subject; and the canting answer of Louis Philippe to this letter, containing every thing which a man of common delicacy would *not* have written in answer to such a request?²² Even to *accept* the inheritance, were there no proof except this letter of the means by which it was obtained, is an indelible disgrace; though he had been the most necessitous of mankind, instead of being the monarch of one of the greatest nations, and possessed besides of one of the greatest private fortunes, in Europe.

136. FRENCH NEWS [43]

EXAMINER, 15 JAN., 1832, PP. 40-1

For the entry in Mill's bibliography, see No. 116. The item, headed "London, January 15, 1832," is listed as "Article on France" and enclosed in square brackets in the Somerville College set of the *Examiner*.

THE FRENCH CHAMBER OF DEPUTIES continues discussing the Civil List.¹ The amount is not yet decided upon.

In the course of the debate, M. de Montalivet, the Minister of Public Instruction, employed the expression, "subjects of the King;"² and a great number of the Opposition Members took offence at the term, declaring, that since the Revolution of July, Frenchmen were not the subjects, but the fellow-citizens, of their chief magistrate. The sensitiveness evinced on the subject of a word has excited much surprise and a little contempt on this side of the channel; and it must be allowed to have been excessive, when contrasted with the much less violent feelings which would have been displayed on subjects of

²⁰For details, see No. 132, n2.

²¹"The Duke of Bourbon's Will," *Spectator*, 31 Dec., 1831, p. 1256, with reference to No. 132.

²²The letters (all of 20 Aug., 1829) exchanged between the duc de Bourbon and Louis Philippe are in *Le National*, 10 Dec., 1831, p. 4, and (in translation) in *The Times*, 21 Dec., 1831, p. 2.

¹For background, see No. 135, n18.

²In his Speech on the Civil List (4 Jan.), *Moniteur*, 1832, p. 42.

much greater importance. But we consider the incapacity which has been evinced in this country, to understand and sympathise in such feelings, a far worse symptom of national character than a little excess in the feelings themselves. Let us not lay the pleasing unction to our souls,³ that it is a proof of our superior wisdom and manliness. It arises simply from this, that in France, words really mean things; while *our* political vocabulary is a mere conventional jargon. We have reached that last stage of political hypocrisy, in which we are even unconscious of using the language of deception; because nobody ever dreams that we intend the obvious meaning of our words. The courtesies of politics, with us, have gradually attained the pure no-meaning of the courtesies of private life among the Orientals; who, if they were really ready to sacrifice their lives for you, would have no words in which to tell you so, every phrase they could have used for that purpose having dwindled down into a mere form of politeness. With them, as with us, it cannot be said that the person who uses the lying language shows himself personally indifferent to truth, for custom causes the words to be taken in a purely complimentary sense. But the very fact that the words have thus altered their meaning, is a far greater proof of long habits of hypocrisy than any other which could be produced, since it is evidence against the whole nation.

All our institutions are based upon falsehoods. English law is one mass of fiction. The law of real property is entirely founded upon pretended feudal rights in the King and his vassals,—rights which once existed, but have long ceased to exist. The whole practice of our courts of justice is made up of fiction. Every summons to appear before a court of law pretends that the King is personally present to try the cause. A common *subpoena* to attend as a witness, is an order to appear before the King, in company with a fictitious personage, named John Doe. You cannot bring an action in one of the courts without pretending to be a debtor of the King, nor in another without saying that you are in the Marshalsea prison, nor in either without telling the most ridiculous falsehoods about the nature of your claim. It is not wonderful, where falsehoods without an object are in the common course of things, that falsehoods of servility should be universal: that the King's exemption from legal responsibility should be dressed up into that notable piece of sycophancy, "the King can do no wrong;"⁴ that Ministers of the Crown should call the King their *master*, and themselves his *servants*, that he should be stiled in all legal documents, "*our Lord the King*;" and, to crown all, that expressions like these,—expressions identical with those used towards God Almighty,—should be uttered of the chief magistrate of the State, by high-minded men, without any intention of hypocrisy or sense of degradation.

³Cf. *Hamlet*, III, iv, 145; in *The Riverside Shakespeare*, p. 1169.

⁴For notorious uses of the phrase, see Blackstone, *Commentaries*, Vol. I, p. 238; and William Howley (1766-1848; then Bishop of London, later Archbishop of Canterbury), Speech on the Bill of Pains and Penalties against Her Majesty (7 Nov., 1820), *PD*, n.s., Vol. 3, col. 1711.

Words have never been deemed a matter of indifference in politics, where anything like a healthful tone of political morality has prevailed. They were not deemed a matter of indifference in Greece or Rome, nor are they deemed so in the United States of America, nor in France. But they were so deemed at the Court of Darius, and at the Court of Louis XIV.⁵ They are so deemed in China, and in Hindostan, and in England. How should it be otherwise? When words are thought of no consequence, it is because feelings are thought of no consequence. It is words which bind together and call forth feelings. All but philosophers are mainly governed by the associations connected with words. Why did Julius Caesar wish to be a King, when he already seemed to have all the power of one?⁶ Because no one *can* have all the power, who has not the name. Why was the name of King necessary to France, after the three days of July? Because no other name would have had command over those associations, by which, far more than either by interest or duty, mankind are kept in obedience to established governments. Words are the grand instruments of educating the imagination; and all the affections except those of our daily life. And from this and other causes running parallel with it, arises the fact so often observed, that there exists no more certain symptom of national corruption than the corruption of the language. With the fall of Grecian liberty commenced the decline of the Greek language; the corruption of Latinity might be measured by the succession of the Roman Emperors: and our own language has advanced as much in effeminacy since the days of Milton and Harrington, and Bishop Taylor and Hobbes,⁷ as the French language has grown in masculine vigour since the death of Louis XV.⁸ For it is the national literature and the national character which first shape the language, and are afterwards reacted upon by the character which they have impressed upon it.

Of the immense advantages which France owes to her revolutions, it is not one of the least, that the language of her constitution is the expression of the real principles of her constitution. The words were framed to express things as they really exist; and being still new, they have not lost their original freshness of meaning. It is accordingly as much expected that a man shall mean what he says, in public as in private life. The language used by respectable men at the tribune, or through the press, is expected to be the expression of their real feelings; and there would be as much disgrace in substituting words of mere ceremony, as

⁵Darius was a common name amongst Persian kings from the time of Darius the Great (522-486 B.C.); the Sun King, Louis XIV of France (1638-1715).

⁶Gaius Julius Caesar (100-44 B.C.), who centralized power in his own hands while retaining the republican constitution, and was said to desire the title of "rex." See Plutarch, *Life of Caesar*, in *Lives*, Vol. VII, pp. 580-6 (sects. lx-lxi).

⁷All great stylists of the seventeenth century; James Harrington (1611-77), political theorist, was author of *The Commonwealth of Oceana* (1656).

⁸In 1774.

there is in practising hypocrisy towards an individual. When this shall be the case in England, Englishmen will be able to understand why the Opposition in the Chamber of Deputies, could not bear to be called the *subjects* of their shopkeeper-king. Till then, we shall probably continue to laugh at their folly, and to compliment ourselves on our good sense, upon the strength of our moral callousness.

The *Morning Chronicle* has had an able article on this subject, which was cleverly followed up in the same paper by an anonymous correspondent.⁹

There has been a conspiracy at Paris. An insurrectionary proclamation has been discovered: the conspirators were to sound the great bell of Notre Dame, and to set fire to a tower, by way of signal. Unhappily, however, the *Times* had awkwardly early information of the discovery. M. Périer had arranged that the conspiracy should break out on Monday, and informed the correspondent of the *Times* accordingly, but afterwards put off the discovery for two days longer, forgetting to give due notice to the said correspondent: who consequently wrote word to the *Times* on Tuesday, of what did not take place till Wednesday.¹⁰ This was a sad blunder of M. Périer. A conspiracy so miserably bungled can be of little use to any Government. It was well enough to have a plot, but it should not have been *seen* to be got up by the Ministers themselves.

137. FRENCH NEWS [44]

EXAMINER, 22 JAN., 1832, P. 56

For the entry in Mill's bibliography, see No. 116. The item, headed "London, January 22, 1832," is listed as "Article on France" and enclosed in square brackets in the Somerville College set of the *Examiner*.

THE CIVIL LIST OF LOUIS PHILIPPE is at length finally voted by the Chamber of Deputies. It amounts to twelve millions of francs (480,000*l.*)¹ It is therefore a trifle less than the Civil List of our own King; who, however, has not a private fortune, amounting to about half as much more; who, unlike Louis Philippe, thinks himself bound to pay to the richest noblemen of the land, salaries worth the acceptance of such persons, for consenting to be officers of his household; and who never said any thing about surrounding his throne with republican institutions,² nor ever claimed or affected to call himself a Citizen King.

⁹Leading article on French language, *Morning Chronicle*, 9 Jan., 1832. pp. 2-3; and "O.P.Q." (Caleb Charles Colton), letter on French language, *ibid.*, 10 Jan., 1832, p. 2.

¹⁰The letter, dated Paris, Tuesday, 3 Jan., 1832, appeared in *The Times*, 6 Jan., p. 3.

¹For background, see No. 135, n18. The vote on 12 Jan. is in *Moniteur*, 1832, p. 122.

²Lafayette reported that when he made a comment to this effect on 31 July, 1830, Louis Philippe agreed with him. See his Letter to the Electors of Meaux (13 June, 1831), in

Even this large sum, however, is no more than two-thirds of that which was originally proposed, and which Louis Philippe has received provisionally up to this time. The Chamber has decided that he shall not be called upon to refund, although the disbursement was made without any legal authority.

Several young men, members of the Société des Amis du Peuple, have been tried for circulating some republican pamphlets. On the trial they avowed, and even ostentatiously proclaimed, their political opinions; for which conduct, although they were acquitted by the jury, the judge took upon himself to pass sentences of six, twelve, and fifteen months imprisonment on several of their number.³ *The Times* is as abusive on the occasion, as every one who knows the habits and character of that journal would naturally expect.⁴ Its indignation against the principles professed by these "fellows," as it calls them, in that elegant and polished style of vituperation for which it is celebrated, renders it utterly blind to the flagrant injustice of which they are the victims. These young men were not conspirators; they were not put on their trial for conspiracy, but simply for publishing opinions in disapprobation of the existing form of government. When the jury have declared by their verdict, that men ought not to be punished for publishing republican opinions, is the judge to set aside the verdict of the jury, and condemn the prisoners, on his own authority, to sentences even more severe than would have been the consequences of conviction, on the pretext that they have adopted an improper course of defence?—The defence of *some* of them was intemperate and silly; probably the original publications were so: but a prisoner on his trial is, by the laws of all countries, privileged to enjoy a great latitude, both in the topics he brings forward, and in the language he employs. And we solemnly affirm, that if *some* of those who have been thus nefariously treated, afforded some colour at least for

Mémoires, correspondance et manuscrits du général Lafayette (Brussels: Hauman, 1839), p. 525.

³For the Society, see No. 57, n3. The accused were Louis Auguste Blanqui (1805-81), who had joined the staff of *Le Globe* in 1829 and, after fighting in the July Revolution, had become bitterly disappointed by its outcome; Henri Bonnias (b. 1800), publicist and dramatist; François Guillaume Gervais de Caen (1803-67), doctor and administrator; François Vincent Raspail (1794-1878), chemist, who, after participating in the July Revolution became President of the Society; and Vincent Thouret, also active in and then disappointed by the July Revolution. Tried for their collection entitled *Au peuple*, they were sentenced by the judge Simon Edme Paul Jacquinet-Godard (1779-1858), Bonnias and Raspail to fifteen months' imprisonment and 500 francs fine, Blanqui to one year and 200 francs, and Gervais and Thouret to six months and 100 francs. See "Cour d'Assises de la Seine: Affaire de la Société des Amis du Peuple," *La Tribune*, 13 Jan., 1832, pp. 1-4, which gives the defendants' speeches.

⁴Leading article, *The Times*, 17 Jan., 1832, p. 2.

such treatment, others, if the report we have read is correct,⁵ were absolutely innocent of using a single expression which ought to have subjected them even to a reprimand.

138. THE IRISH CHARACTER

EXAMINER, 22 JAN., 1832, P. 56

This unheaded leading article, an early indication of the interest in national character that led to Mill's unfulfilled wish to write an "Ethology," is described in his bibliography as "An article on the Irish character in reply to a correspondent signing himself 'Erinensis,' subjoined to the summary of French news [i.e., No. 137], in the Examiner of 22d January 1832" (MacMinn, p. 19). It is listed as "Article on the Irish character, in reply to a correspondent" and enclosed in square brackets in the Somerville College set of the *Examiner*. The letter by Erinensis, which was not published in the *Examiner*, has not been located.

WE HAVE RECEIVED A LETTER, signed Erinensis, accusing us of having "taken advantage of the Périer and Cormenin controversy to fling a deliberate and wanton insult on the Irish character," and calling upon us to state "from what sources of authority" we have derived our ideas of the Irish character, "or what the relative veracity of our respective countries had to do with the squabbles of Messrs. Périer and Cormenin."¹ As we should be much grieved to be thought capable of going out of our way to say what might hurt the feelings of any one, we shall answer the second question first. We were laying claim, in behalf of our countrymen, to a superiority in private veracity over the French. Now, as the Irish, though they do not consider themselves our countrymen, are considered such by foreigners, we thought it right, in order not to make a false impression, to state that we meant the assertion only of the English and Scotch.

As for our "sources of authority" in regard to the Irish character, we have none that are peculiar to ourselves: our evidence is public notoriety. To go no further, we have reason to believe that most tradesmen of respectability will inform—but our fiery correspondent—but any cooler person, or himself in a cooler mood, that they will give credit to an Englishman or a Scotchman, but not to an Irishman.

Having now answered our correspondent's two questions, we hope he will not

⁵Mill is probably referring to the account in *La Tribune*, but would have seen Paul Rochette, "Procès des quinze," *Le Globe*, 14 Jan., 1832, pp. 1-2, which includes Blanqui's speech.

¹The reference is to No. 135, where, however, Mill is concerned with Bouvier-Dumolart's rather than Cormenin's quarrel with Périer.

think ill of us for saying, that, as we never hesitate to denounce the national faults and vices of our own country, often at a great sacrifice of our interest as journalists, we think it but fair that we should use as little reserve in speaking of other nations and races of men. We can assure our correspondent that the feeling with which we wrote was any thing but one of reproach or of triumph. We are but too grievously sensible of the load of guilt which lies upon the conscience of England for the vices of Irishmen. Would misgovernment be the crying and dreadful evil that it is, if ages of it were not sufficient to leave any visible stain upon the national character? The only wonder is, that *any* virtue should survive, in a society the most wretchedly constituted which has existed in Europe since the commencement of modern civilisation. We believe from our hearts that the virtue of Englishmen would, in a few generations, have become utterly extinct under such treatment. What has preserved Ireland from the lowest stage of moral debasement, has been that susceptibility of ardent and generous emotion, which is common to her people with the French, and in which the inhabitants of our own island are, in comparison with either, most conspicuously deficient. But this noble quality, the fountain of so many virtues, is the characteristic excellence of an *impressible* people—a people all alive to the sensation of the moment, little addicted to calm reflection, and on whom distant motives have comparatively little influence. The virtues of spontaneous growth among such a people, can never be the virtues of self-control: if these are found in such a soil, they must be the fruit of sedulous moral culture. Such a people will be generous, brave, hospitable, keenly alive both to kindness and to unkindness, ardent in their private attachments, in their humanity, in their patriotism. But it requires highly favourable circumstances to render them equally remarkable for the virtues which consist in curbing impulse, and resisting temptation: stern integrity, justice, forethought, self-denial, *veracity*. In many of the positive virtues, the Irish are probably, the French certainly, our superiors. In many of the negative ones, both, we fear, have much to learn even from so imperfect an example as ours.

139. EMPLOYMENT OF CHILDREN IN MANUFACTORIES

EXAMINER, 29 JAN., 1832, PP. 67-8

This leader, headed as title, is in the "Political Examiner." See the further correspondence in No. 146. The article is described in Mill's bibliography as "An article headed 'Employment of children in Manufactories' in the Examiner of 29th Jan. 1832" (MacMinn, p. 19), and listed as title and enclosed in square brackets in the Somerville College set of the *Examiner*, where there is one correction: at 399.20, "this gradually; and" is changed to "this. Gradually, and".

WE HAVE RECEIVED a most able and interesting paper, emanating from a committee of operative flax-spinners at Dundee, and entitled "Reasons for a Legislative measure (similar to that lately proposed by Sir J.C. Hobhouse) to limit and regulate the hours during which young persons may be employed to labour in flax-spinning mills throughout Scotland."¹ The force of argument, and dignified calmness of manner, displayed in this document, to which the ablest periodical works of the day could not produce on this important subject any thing superior, entitle it to be read and pondered over by every one who takes interest either in the physical well being of the manufacturing population, or in the symptoms and results of that remarkable intelligence which, under so many unfavourable circumstances, has so generally diffused itself among them.

The moral and physical evils occasioned by the over-working of male and female children in manufactories are powerfully depicted in this paper; all the arguments against legislative interference, which self-interest or the spirit of *routine* has suggested, are refuted with much dialectical skill, and an enquiry before a parliamentary committee is prayed for to substantiate all the facts stated. For our own part, we should most strenuously applaud, not merely the measure proposed, of restricting the employment of children in manufactories to a certain number of hours out of the twenty-four, but even a far wider measure than this. Gradually, and, with due consideration of existing interests and expectations, we should wish to see a law established, *interdicting altogether* the employment of children under fourteen, and *females of any age*, in manufactories.

No one can hesitate to acknowledge how desirable it is that such employment should cease. No well-wisher to his species can desire that children, up to the age of fourteen, should be employed otherwise than in fitting their bodies by exercise and freedom, and their minds by education, and that best of all moral training, that of the parental fireside, for the duties which they have to discharge in life. As little can it be desired that the mother of children should be employed in any gainful occupation which withdraws her from the midst of her family. Another thing is equally obvious.

The Dundee operatives profess themselves willing to submit to the diminution of earnings, which would be the effect of the measure they propose; but the truth is, that neither that, nor the more extensive measure which we advocate, would produce any diminution of earnings. It would withdraw a certain number of competitors from the labour market; and the wages of the remainder would immediately rise to the same aggregate amount. The diminished production

¹No copy of this paper has been located. John Cam Hobhouse, Baron Broughton de Gyfford (1786-1869), reforming M.P. for Westminster since 1820, initiated 1 & 2 William IV, c. 39 (1831), which applied only to cotton mills; it limited the hours of work for young people to sixty-nine per week, and made illegal the employment of children under nine years of age.

would be a diminution solely of the capitalist's profits; which would no doubt be reduced by this, in the same manner as by any other rise of wages. Such diminution is desirable; since it is of greater importance that the labourer should have wages sufficient for his comfort, than that his employer should receive £2000 a year instead of £1000. If the manufacturer requires compensation, let it be given by a repeal of the corn laws, and a commutation of all taxes falling upon the necessities of life, or the materials of manufacture.

The objections which are to be anticipated from well-meaning and enlightened men, are not to the desirableness of the end in view, but to the propriety of attempting to effect it by legislative enactment. They consist of arguments drawn from the non-interference philosophy, and resting on the maxim, that government ought not to prohibit individuals, not under the influence of force or fraud, from binding themselves by any engagement which they may think fit to contract, provided it do not violate the legal rights of a third party.

Of this principle we are ourselves partisans up to a certain point; but it appears to us that there is a large class of cases, to which the reason of the principle does not apply, and to which, therefore, the principle itself cannot properly be applicable. The reason of the principle is, that an individual may be presumed a better judge of his own interest than the government, at least as governments are now constituted. But is it not very possible that cases may exist, in which it would be highly for the advantage of every body, if every body were to act in a certain manner, but in which it is not the interest of any *individual* to adopt the rule for the guidance of his own conduct, unless he has some security that all others will do so too? There are a thousand such cases: and when they arise, who is to afford the security that is wanting, except the legislature?

The case now under consideration is a case of this description. It would be highly for the advantage of the labouring classes, to agree never to allow their wives or young children to receive employment in manufactories. If this agreement were made and executed, wages would rise, so that the man alone would be able to earn all that is now earned by the entire family. But as soon as this was the case, it would become the private interest of individuals to break through the rule. Any man whose wife and children work *while others abstain*, gets the advantage of the high wages, both for his own labour and for theirs. All needy and selfish persons would take advantage of this; wages would gradually relapse to their present low rate; and then, it would be necessary for all to revert to present practice, in order to live.

This is therefore precisely the kind of case in which the government ought to interfere. It is a case in which the private immediate interest of each individual is necessarily in opposition to the general interest, unless a universal compact among all individuals is made and enforced. But the only power which can promulgate and guarantee a compact among all the labouring people of the community, is the government; and the only mode in which it can do so is by a

law. If it is beyond the competency of government to do this, it is beyond their competency to do any thing. No objection would apply to their right to make this law, which would not prove that they had no right to prohibit stealing. Even if there were no government, it would be for the general interest of the community that nobody should steal. Why not leave it then to individual interest? Because, although nobody would benefit if all mankind were to steal, yet if some abstain voluntarily, that very abstinence enables others to benefit themselves by stealing. It is necessary therefore that the compact made among the community generally, should be enforced by penal sanctions against any individual who, while he reaps the benefit of its observance by others, does not himself conform to it.

140. FRENCH NEWS [45]

EXAMINER, 29 JAN., 1832, PP. 72-3

Since this article contains a lengthy defence of the Saint Simonians, Mill sent a copy of it to Michel Chevalier (see n7) through his friend Gustave d'Eichthal (*EL, CW*, Vol. XII, p. 96). For the entry in Mill's bibliography, see No. 116. The article, headed "London, January 29, 1832," is listed as "Article on France" and enclosed in square brackets in the Somerville College set of the *Examiner*, with two inked corrections: at 402.18, "been as long" is altered to "been long" and at 403.23 "instituting" is altered to "substituting".

THE FRENCH CHAMBER OF DEPUTIES has been occupied during all this week in the discussion of the budget.¹ The opposition universally demands far greater retrenchments than those purposed by the commission. Of the manner in which this demand is met, the reader may judge, from the expressions of a young ministerial deputy and placeman, M. de Rémusat, who said, "It is time to renounce the chimera or the charlatanism of retrenchments. The taxes are the best possible investment of the people's money:"² and this, in fact, seems to be a general opinion among the supporters of the ministry, particularly those who are receivers of taxes,—they all think that the greatest service a Government can do to a country is to tax it highly, because the revenue is all *spent* in the country. It naturally never occurs to these gentlemen, that it would also be spent in the country, if it were left in the pockets of the payers.

On the other hand, we cannot help blaming many members of the Opposition, for the vehement rhetoric with which they insist on the distresses of the working classes, as a motive for lowering the taxes. Those distresses are not such as could be sensibly alleviated, even by the greatest reduction of taxes, which any one has

¹For the measure, see No. 135, n16.

²François Marie Charles, comte de Rémusat (1797-1875), lawyer, a liberal journalist in the 1820s, married a niece of Casimir Périer and supported the government. His speech on the budget (20 Jan.) is in *Moniteur*, 1832, p. 209.

proposed. They are not caused by the amount of the budgets, but by their present want of employment, and the means of remedying this, are, first, whatever conduces to the restoration of mercantile confidence, and general security: next, whatever by increasing the return to the national capital, extends the range of employment, such as—beneficial public works, and the removal of restrictions on trade or production, and lastly, improvements (and in no country are they more required) in the *mode of levying* the revenue: which is at present derived, in a very great proportion, from taxes pressing with disproportionate severity upon the very poorest classes. It is chiefly to these three purposes, that an enlightened member of the French Legislature would direct such of his exertions, as are intended for the relief of the immediate sufferings of the labouring classes, and we are happy to say, that there are, even now, many deputies whose exertions are thus directed.

It is remarkable, how far the French public is behind ours on some questions of finance. The absurdity of continuing the payments to the Sinking Fund,³ while actually borrowing money; of borrowing with one hand merely to pay off debt with the other, losing the commission, and the expenses of management;—this flagrant absurdity, which has been long seen through and given up, even by the most ignorant of our hacks in office, is gravely defended at this time of day, not only by the French ministry and the commission of the French Chamber, but even by such men as M. Laffitte; who, undoubtedly, among French financiers, must be deemed a highly instructed man.⁴

The war against the press continues; *The Tribune* is now under prosecution, for the thirty-third time since July 1830. The government prosecutions of the press under Louis Philippe have already exceeded in number all those of Louis XVIII and Charles X in the sixteen years of the Restoration. Although in nine cases out of ten the prisoners are acquitted, the vindictive severity of the sentence in the tenth case pays for the whole. M. Allier, an advocate, member of the Society of the Friends of the People, having recently been convicted, for what, if the whole resembles the passages we have seen, appears to us a perfectly innocent publication of political opinions, has been sentenced to a fine and two years imprisonment.⁵ Three successive editors of the *Tribune* are now in prison, and have little prospect of ever more being out of it.⁶ Can any one affect to

³The "Sinking Fund" (i.e., revenues periodically set aside to accumulate at interest, designed to reduce governmental debts) was established under Titre X, "De la caisse d'amortissement et de la caisse des dépôts," of Bull. 81, No. 623 (28 Apr., 1816).

⁴See his speech on the budget (23 Jan.), *Moniteur*, 1832, p. 244.

⁵Joseph Allier (1794-?), a lawyer, was sentenced on 20 Jan., for publishing a letter praising Robespierre and St. Just (*Moniteur*, 1832, p. 219).

⁶As well as Ferdinand Bascans and Armand Marrast, Germain Marie Sarrut (1800-83), a teacher who became editor-in-chief of *La Tribune*, was frequently arrested, and was condemned to prison four times for publishing opinions distasteful to the regime.

wonder that men, who are thus treated, without being conscious of any guilt, should write in a tone of exasperation? It is impossible that a government which needs to support itself by such odious means, can have much longer to exist.

Not content with prosecuting the republicans for publishing their speculative opinions, M. Périer has now instituted a prosecution of a similar kind against the chiefs of the St. Simonians.⁷ The republicans have often been intemperate in addressing the public, and have shown that they would at least not be sorry if the consequence of their writings were an insurrection; but the St. Simonians are as mild and pacific in their opinions and in their language as the Quakers themselves, and have studiously impressed upon the minds of the working people, in every way in which they could gain access to them, that nothing can, in the present age, be so prejudicial to their chances of improving their condition as violence in any shape.

We anticipate nothing from this most contemptible attempt at putting down opinion by the law, except a still more rapid growth of this religious and political sect: who, whatever may be thought of their system as a whole, (and from some parts of it few can dissent more strongly than ourselves) are yet, in our opinion, eminently right in many other of their views, whose leaders are among the ablest and most highly instructed men in France; whose writings and preachings are distinguished for literary talent, and can be read by few, who are capable of thinking, without advantage—who, in the course of a year, have entirely changed the character of political discussion, in the provincial, and, in some measure, even the Paris papers, by substituting important ideas of practical improvement for mere phrases and abstractions; and whose extraordinary success, up to the present time, we ascribe wholly to their real superiority over all other parties, sects, or classes of thinkers and writers in France. We have little expectation that the St. Simonian society will hold together for many years, nor are we by any means convinced that it is desirable it should. But we are satisfied that its rise and progress is an important event in history; at once an evidence, and a cause, of an entirely new tone of thinking and feeling in France, as well among philosophers and publicists, as in the nation at large.

⁷The followers of Claude Henri, comte de Saint-Simon (1760-1825), had formed, on quasi-religious, quasi-economic theories, communes wherein they could put into practice their views on co-operative living. They were accused of teaching anti-social doctrines subversive of the established order (see the Saint-Simonian organ, *Le Globe*, 23 Jan., 1832, p. 2). Those prosecuted were Barthélemy Prosper Enfantin (1796-1864), sociologist, who met and was converted by Saint-Simon in 1825, becoming head of the sect; Pierre Ange Casimir Emile Barrault (1799-1896), one of the principal editors of *Le Globe*; Michel Chevalier (1806-79), another of the editors of *Le Globe*; Charles Duveyrier (1803-66), another of the editors, who was then visiting London with d'Eichthal and spent some time in Mill's company; and Benjamin Olinde Rodrigues (1794-1851), economist and reformer.

141. HICKSON'S THE NEW CHARTER

EXAMINER, 5 FEB., 1832, P. 84

This review, another of Mill's infrequent newspaper comments on the current battle for British reform, indicates his early acquaintance with William Hickson (1803-70), philanthropist and educational reformer, with whom he was later intimately involved in journalism and municipal reform. The review, in the "Literary Examiner," is headed "*The New Charter. Humbly addressed to the King and both Houses of Parliament. Proposed as the basis of a Constitution for the Government of Great Britain and Ireland; and as a substitute for the Reform Bill rejected by the Lords.* [London:] Strange, Paternoster-row. 1831. pp. 16." It is described in Mill's bibliography as "A review of a pamphlet entitled 'The New Charter' (by William Hickson), in the Examiner of 5th February 1832" (MacMinn, p. 19), and is listed as "Review of 'The New Charter,' a pamphlet by William Hickson" and enclosed in square brackets in the Somerville College set of the *Examiner*.

THIS LITTLE TRACT, the production of one who enjoys great and deserved influence among the middle classes of London, to whom he himself belongs, is well-deserving of attention from all who wish to know what is passing in the minds of the most intelligent leaders of the people. It displays considerable reflection, and some reach of thought. The writer has a mind sufficiently enlarged to feel the value of principles in politics, without falling into the common error of those who, having a little cleverness and a large stock of self-conceit, imagine that some one principle, which they have caught a glimpse of, contains all political science within itself.

After a brief introduction, the author enumerates the leading maxims on which, in his opinion, governments should be founded. We think we can perceive a tendency in the writer, which we regret, to a belief that his principles are of universal application; that the science of politics is fixed and unchangeable, like a system of abstract truth, instead of being, as we consider it, progressive with civilization, and fluctuating with the exigencies of society. But to most of his maxims, as applied to the present state of Great Britain and Ireland, we have little to object. Some of them, when stated in a general way, have the air of barren truisms; but even these, when interpreted according to the explanations and remarks which accompany them like a running commentary, will occasionally, we might say invariably, be found to rise into unexpected significance and importance.

Among the principles enumerated, will be observed, along with some which are familiar texts of the democratic reformers, several which have probably been the result of the author's individual meditations, there being few accessible sources whence he can have derived them. His most valuable idea, in our estimation, is that of the importance of local representative bodies for the management of local affairs: his greatest error, the opinion that, by the aid of

such local arrangements, portions of the human race so heterogeneous as the people of England and those of India, for instance, or our Slave Colonies, can possibly be united under a uniform representative government. His plan, too, of a ladder of elections, mounting by successive stages from the village to the empire—A electing B, who elects C, who elects D—is a part of his system which we strongly urge him to reconsider.

142. FRENCH NEWS [46]

EXAMINER, 5 FEB., 1832, P. 88

For the entry in Mill's bibliography, see No. 116. The item, headed "London, February 5, 1832," is listed as "Article on France" and enclosed in square brackets in the Somerville College set of the *Examiner*.

M. DE CORMENIN has published a letter¹ to M. Casimir Périer, which is the hardest blow the Minister has ever yet received. With this exception, scarcely any thing of importance has occurred in France during the last week. The discussion of the Budget continues. The Chamber has decided, by a small majority, that it will persevere in the detected juggle of paying off debt by borrowing; the preposterous and self-contradictory job of giving large profits to contractors and stockbrokers for allowing the French Government the use of its own money.

Several good speeches have been delivered in the Chamber on this question. Those of MM. Pagès, Jollivet, de Tracy, and Mauguin, have excited our particular attention.² Yet there are several points on which even they have curiously missed the mark.

It was contended, for example, by the advocates of a Sinking Fund, that its operations tend to keep up the price of public securities, and thereby enable the State, when it stands in need of loans, to obtain them on easier terms. Now, the answer to this, though extremely obvious, was not given.

There is no doubt that the purchases of stock made in redemption of the debt have some slight effect in keeping up the price of the funds, when the redemption is *bonâ fide*, from a real surplus revenue—that is, when the State *has not* occasion to borrow. But when there is no surplus revenue, but, on the contrary, a deficit,—when the State must borrow to defray even the expenses of

¹Quoted widely in the newspapers; see, e.g., "L.B.," "De la lettre de M. de Cormenin à M. Périer," *La Tribune*, 30 Jan., 1832, pp. 1-4.

²See Nos. 116 and 135, n16, for the Budget. Pagès's speech of 24 Jan. is in *Moniteur*, 1832, pp. 249-50; Jollivet's speeches of the 24th are *ibid.*, pp. 244, 247-8; Tracy's speeches of the 25th and 27th are *ibid.*, pp. 260 and 279; and Mauguin's speeches of the 26th and 27th are *ibid.*, pp. 268-70 and 281-2.

Government, it is surely obvious, that if it then employs any of its own money in redeeming old debt, it must borrow *so much the more*: if it redeems ten millions of old stock, it must, in consequence, create an additional ten millions of new, which it would not otherwise have had occasion for. If, therefore, the one operation tends to raise the funds, the other must have an equal tendency to depress them.

It has even a *greater* tendency. For, the contractor of the new loan must have his profits—seldom so little as four or five per cent. *More*, therefore, than ten millions of new debt must be contracted, in order to redeem ten millions of old. *More* new stock must be created and thrown into the market than is numerically equivalent to the stock redeemed. The funds, therefore, instead of being raised, are actually lowered, by keeping up the operations of the Sinking Fund while the country is obliged to borrow. And this piece of hocus-pocus, instead of rendering the terms of the new loan more favourable, renders them actually more unfavourable.

We can believe, indeed, that before the subject was understood, the Sinking Fund might, even under the circumstances we have described, have had some influence in keeping up the price of stocks; not by its effect on the real pecuniary interests of the buyers and sellers,—for that, as has just been shown, is all the other way; but by what, in France, is called a moral influence: an influence of mere feeling. During the currency of the notions which were prevalent at the commencement of Mr. Pitt's system,³ respecting the magical virtues of compound interest—when the Sinking Fund was regarded as a mine of wealth, as something which (to use the expression of Lord Henry Petty, now Marquis of Lansdowne) creates something out of nothing;⁴—the vague feeling of confidence generated by this strange delusion, had a tendency, no doubt, to keep up the value of the funds, as of all other securities, public and private. In like manner we have no doubt that the funds would rise, if the public could be induced to believe that at ten o'clock every morning, beginning with to-morrow, food for twenty millions of people would be rained down from Heaven. But an increase of commercial confidence, arising from such a source, is not to be sought or desired: for the reasons which have led mankind, in all ages, to agree that delusion is an evil, and that it is a virtue to tell the truth.

³William Pitt (1759-1806), Prime Minister 1783-1801 and 1804-06; he instituted the Sinking Fund by 26 George III, c. 31, to pay off the national debt in 1786.

⁴See *Statement of a Plan of Finance, Proposed to Parliament in the Year 1807* (London: printed Harrison, 1807), by Henry Petty-Fitzmaurice (1780-1863), 3rd Marquis of Lansdowne.

143. FRENCH NEWS [47]

EXAMINER, 12 FEB., 1832, PP. 104-5

For the entry in Mill's bibliography, see No. 116. The item, headed "London, February 12, 1832," is listed as "Article on France" and enclosed in square brackets in the Somerville College set of the *Examiner*.

ANOTHER CONSPIRACY has broken out at Paris: whether of the same kind with that of which the "leading journal of Europe" had such timely information,¹ it is impossible for us as yet to judge. Some hundreds of persons have been arrested, one of whom, a M. Poncelet, (a shoemaker), fired a pistol and wounded the *sergent de ville* who apprehended him. The conspirators are said to be a mixture of Carlists and Republicans: we shall see.² If the plot was real, and Republicans had any concern in it, they have profited little by the advice given them by their leader, M. Cavaignac, in his defence, on a charge of conspiracy, about a year ago, when the prosecutors made so miserable a figure.³ But as far as we are yet able to judge, the imputation, so far as it affects Republicans, is sheer calumny.

All persons of any consideration in France, have long outgrown the juvenile folly of conspiracies. Experience to them has not been without its fruits. Eight or ten years ago, when anything like a popular government in France appeared hopeless; when M. de Villèle was lord of the ascendant, his famous *chambre des trois cents* in full glory, and events seemed to be rapidly retrograding towards jesuitry, superstition, and feudal privileges; such errors were pardonable: and at that time many persons of real virtue and ability were deeply involved in secret societies and Carbonaro intrigues. But they soon found that it is not possible to carry a great nation by a *coup de main*; and that nothing, in the present state of the world, is so idle or so insane, as a conspiracy; inasmuch as it cannot succeed, unless the public mind goes with it; and if this be the case, it is not needed. The only conspiracy which is not absurd, is a conspiracy of the public itself, in the face of day. Accordingly, though the government had never been able to get possession of more than a few detached threads of the great and well-knit web of French carbonarism, the combination speedily dissolved itself; and the men of talents and ardour who had taken the lead in it, found other and better means of doing their part towards improving the institutions of their country.

But if all men of tolerable judgment had found out, long before the revolution

¹See No. 136 for the explanation of Mill's irony about *The Times*.

²Details of this plot, apprehended in the early hours of 2 Feb., are given in *Moniteur*, 1832, p. 332. Louis Poncelet (b. ca. 1803) wounded Houel, the *sergent de ville*.

³See Nos. 100 and 101, and (for Mill's translation of part of Cavaignac's speech) App. A. The prosecutor was Jean Charles Persil.

of July, that a conspiracy is a blunder, and therefore a crime; none but the most senseless of human beings can remain blind to the same conviction, after the memorable lesson of the three days—when that which so many had risked their lives in vainly striving to effect prematurely, came to pass as it were in a moment, almost without difficulty or resistance, when the hour had come, and the silent march of events had prepared the nation to see the overthrow of their government, some with joyful acclamation, the remainder with silent acquiescence.

The few, for there are but few, raw and hot-headed young men, who look with favour upon schemes for subverting the present French government by force, have yet to learn, that any attempt on the part of a minority, to impose upon a nation institutions not called for by a majority of those who habitually take part in public affairs, is a crime: still more so when the majority are not simply indifferent, but positively hostile: and that such an attempt, if it could be successful, is almost the only event which could now seriously retard the progress of political reform. It is the merest illusion to suppose that a government, established against the will of an active majority, whatever may be its name or forms, can be a free government. The Long Parliament, in our own country, made so miserable an end of its career simply from this one fault:⁴ and all the horrors of the Reign of Terror were the fruits of a mistake of the self-same nature in France.⁵ The men of our Commonwealth had, to a certain extent, a valid excuse in the force of circumstances, which rendered it extremely difficult for them to act otherwise than they did; and the same plea has been urged, though with far inferior force, in behalf of the more well-meaning among the abettors of the revolutionary government of 1793. But a similar miscalculation in a Frenchman of 1832 would be utterly without excuse. And every person in France of the slightest pretensions to sense or talents, to whom such designs have been specifically imputed, has been able, as might be expected, triumphantly to exculpate himself. The exertions of all such persons, whether in the Chamber or out of doors, are directed, so far as respects politics, to one only end, that of influencing the public mind. And this they will continue to do, in spite of the Citizen King, and his Attornies-General, who will not for a single moment let them alone.

The government of Louis Philippe regards, or pretends to regard, its own existence and that of a free press as incompatible. There needs not the gift of prophecy to predict, if this be the case, which of the two will be the survivor. The

⁴The Long Parliament, summoned in 1640 by Charles I, ended practically though not legally with Cromwell's dismissive "take away this bauble" in March 1653; it legally ended at the Restoration in 1660.

⁵The Reign of Terror began in the summer of 1793 and ended with the downfall of Robespierre in July 1794.

press, in France, has hitherto been more than a match for every government which has defied it to a contest.

Even the *Times* has, at length, pronounced its condemnation of these relentless persecutions of the Press.⁶ But it could not do so without hazarding the gratuitous and unfounded assertion, that all the journalists prosecuted would have been found guilty of seditious libel by an English jury. The case is so notoriously the reverse, that many of the pretended libels have been such as no English Attorney-General would have dared to bring before any jury. Is the *Times* aware that the juries, who, in nine cases out of ten, have dismissed the prosecutions, are much more select than even what are called in England *special juries*; being composed exclusively of electors paying 200 francs of direct taxes, and the members of a few liberal professions? Nine times out of ten, the convictions and feelings of these juries must have been unfavourable to the doctrines, for the promulgation of which the accused were put upon their trial. Principle, and not any fellow-feeling with the defendants, must have been the sole motive of the acquittals. Most fortunate was it that the law establishing Trial by Jury in political cases, passed the Chambers in the first temporary enthusiasm after the revolution of July.⁷ Had it been delayed till now, we may see, clearly enough, that it never would have been obtained while the present French government lasts.

The Chamber of Peers has thrown out M. Salverte's proposition for allowing the unfinished business of one session to be taken up *in statu quo* in the next.⁸ The reason given by M. Roy against adopting this highly proper and useful measure, was, that if it were acceded to, the Committees on the bills pending at the time of the prorogation, might imagine that they had a right to convoke the Chambers, in violation of the royal prerogative!⁹ This, it will be allowed, is a notable specimen of a non-hereditary Peerage.

The Chamber of Deputies, after a long debate,¹⁰ has appointed a commission of its own body, to inquire into the deficiency in the public treasury, occasioned by the embezzlements and flight of the head cashier, M. Kesner;¹¹ and to report through what defect in the manner of keeping the public accounts, this officer, and his predecessors before him, have been enabled to become defaulters to so

⁶Leading article, *The Times*, 6 Feb., 1832, p. 4.

⁷Bull. 9, No. 68 (8 Oct., 1830); this reform had been promised in Art. 69 of the Charter of 1830.

⁸On 3 Feb. (*Moniteur*, 1832, pp. 344-6). For its introduction, see No. 132. The commission of the Chamber of Peers had recommended against it on 28 Jan. (*ibid.*, pp. 282-3).

⁹*Ibid.*, p. 345.

¹⁰On 30 Jan. (*ibid.*, pp. 297-304).

¹¹Charles Jean Rodolphe Kesner (b. 1778), employed at the Treasury since 1800, had become Caissier Général du Trésor in 1821. He disappeared early in January 1832, after the embezzlement was discovered.

great an amount. The monies abstracted from the Treasury by M. Kesner's speculations, amounts to nearly six millions of francs; £240,000.

The Commission of the Budget has made its remaining report, that on the ways and means.¹² In the present state of the finances of France, an increase of taxes was more to be expected than a relief from them: some change was however looked for in the mode of laying them on; which is even worse in France than it is among ourselves. This hope, however, finds little to encourage it in the report of the commission. The individual selected as the reporter, was M. Humann, the oracle of the non-improvement school; a man in whose estimation the existing system of finance, taxation, and commercial policy in France, is a pattern of perfection. Accordingly all the taxes which had been most justly complained of, as pressing with disproportionate severity on the poorest classes, are mercilessly adhered to; in particular, the salt-tax, and the tax on fermented liquors: imposts, which, independently of all other objections, are so vexatious in the mode of collection, that they, more than any other cause, have rendered every successive French government unpopular with the labouring people. It is proposed gradually to suppress the lottery; gradually enough, in all conscience,—the period fixed for its termination being 1836. The only real improvement recommended is the correction of an error committed last year,—that of increasing the *impôt personnel*, a kind of modified poll-tax, and the tax on doors and windows, and exacting them more rigorously from the poorer class of contributors.

The new taxes proposed are, an increased duty on cotton wool, and on sugar, whether imported from the colonies or manufactured from beet-root in France. There is also to be an additional tax on legacies and inheritances, beyond the fourth degree of consanguinity. There is something to be said in favour of a tax of this last description. Mr. Bentham, long ago, and others since his time, have proposed that the property of intestates should never pass to collateral relations at all, but, on failure of the descending and ascending line, should escheat to the State.¹³ This, however, though highly proper as a prospective measure, should not operate to the prejudice of existing interests and expectations: otherwise it is the height of injustice; and a peculiar tax on this class of inheritances is an injustice of the same kind, only less in degree.

It is melancholy to see, that an event so pregnant with meaning as the late insurrection of Lyons, should have made no deeper impression upon the men by whom France is now governed, than is indicated by all they do, and by all they

¹²On 3 Feb. (*Moniteur*, 1832, pp. 346-51). For the introduction of the budget, see No. 116.

¹³Bentham's idea is found in "Principes du code civil," in *Traité de législation civile et pénale*, ed. Etienne Dumont, 3 vols. (Paris: Bossange, et al., 1802), Vol. II, p. 146, which Mill read in the early 1820s; the English version, *Principles of the Civil Code*, did not appear until 1838 (see *Works*, Vol. I, p. 336).

fail to do, day after day, and month after month. Yet they have not been without better advisers. Not to mention any others, an excellent pamphlet by M. Decourdemanche, a Paris advocate, intitled, *Lettres sur la Législation dans ses Rapports avec l'Industrie et la Propriété*, and an able article in the *Revue Encyclopédique*, on the Budget of 1832, by M. Emile Péreire,¹⁴ contain, along with some errors, much valuable information and many profound views, which, if received with the attention they well deserve, would have placed the Government of the Citizen King in a very different position before the French people and the world, from that in which they now unhappily stand.

144. TODD'S BOOK OF ANALYSIS

EXAMINER, 19 FEB., 1832, PP. 115-17

This article, reviewing the work of Tweedy John Todd (1789-1840), physician and medical writer, witnesses to Mill's concurrent work on logic. The first item in the "Literary Examiner," it is headed "*The Book of Analysis, or, a New Method of Experience; whereby the Induction of the Novum Organon is made easy of application to Medicine, Physiology, Meteorology, and Natural History; to Statistics, Political Economy, Metaphysics, and the more complex departments of Knowledge. By Tweedy John Todd, M.D. Royal College of Physicians of London, &c. &c.* [London:] Murray, 1831." It is described in Mill's bibliography as "A review of a work entitled 'The Book of Analysis, or a New Method of Experience' by Tweedy John Todd, Esq. M.D.—In the Examiner of 19th February 1832." (MacMinn, p. 19.) It is listed as "Review of 'The Book of Analysis, by T.J. Todd, M.D.'" and enclosed in square brackets in the Somerville College set of the *Examiner*.

THIS IS NOT A QUACKISH BOOK, though it is a book with rather a quackish title. When we first read the solemn announcement of "a new method of experience," we expected to find a scheme for superseding the five senses: but it is not so: the author proposes no method of experience, other than the good old mode of seeing, hearing, and feeling. What he has invented is a method, not of experience, but of *recording* and *marshalling* our experience, in order to show more clearly and certainly the conclusions to which it leads.

In spite of the air of pretension about the title-page, the author seems a modest, sensible man. Indeed, the seemingly ostentatious manner in which he connects

¹⁴Decourdemanche, *Aux industriels: Lettres sur la législation dans ses rapports avec l'industrie et la propriété, dans lesquelles on fait connaître les causes de la crise actuelle et les moyens de la faire cesser* (extrait du *Globe*) (Paris: au bureau du *Globe*, 1831); Péreire, "Examen du budget de 1832," *Revue Encyclopédique*, LII (Oct. 1831), 40-90. Alphonse Decourdemanche (1797-1871), a lawyer who adopted Saint-Simonian ideas in his youth, became an advocate of reform in many areas including finance; Jacob Emile Péreire (1800-75), a financier, had also been a Saint-Simonian journalist, writing for *Le Globe* 1830-31 and then for *Le National*.

his own name with the words Experience and Induction, evidently arises from no worse cause than his understanding those terms in a peculiar sense. Else, what can he mean by saying that Lord Bacon was the discoverer of induction? (P. 6.) Lord Bacon was not the inventor of eyes and ears. The first person who discovered that fire burns, found it out by induction. Experience, in the received language both of philosophy and of the world, means seeing and feeling; and induction, judging from what we see and feel. But in our author's sense, the two words mean, not the operations themselves, but some contrivances of our own to help us in performing those operations.

Not to dwell longer on the title, however, but to speak of the work itself; Dr. Todd has the merit of perceiving clearly and strongly the imperfect condition in which those branches of knowledge mostly remain, wherein we are chiefly dependant upon mere *observation*; as compared with those in which we possess almost unlimited power of making *experiments*, that is, of producing at pleasure such new combinations of circumstances, as we have reason to think will afford us a further insight into the laws of nature. To feel this imperfection of our existing knowledge, as vividly and keenly as Dr. Todd does, is already no inconsiderable indication of a philosophic intellect. If all who profess to be thinkers, had barely reached this one point of attainment, the knowledge of our present ignorance—the mouths of nine-tenths of the noisy persons we meet with in the world, would be closed, and the remaining tenth would seriously bestir themselves to acquire knowledge, instead of spending their time in trying to persuade themselves and other people that they have already got it. There would be an end at once, for example, to those clamorous appeals we daily hear, on the most complicated questions of state policy, to what are termed *facts*, that is, to history and statistics, by men, the sum total of whose knowledge of facts in history and statistics (though perhaps clever, well-informed men) is like an insect's knowledge of the great earth; and their inductions, very like an oyster's conjectures of the laws which govern the universe.

Dr. Todd, seeing the little progress which has been made towards a sufficient induction in the sciences of mere observation, and how inadequate to most practical purposes our experience has hitherto been, or else how inadequately that experience has yet been turned to account; being also well read in the standard works on logic and metaphysics, and in particular, being profoundly versed in the *Novum Organum*; very laudably determined to do what lay in him towards following up Lord Bacon's great enterprise, and be himself also, in some sort, a reformer in philosophy. And in what he has done, it would be unjust to deny that there is both merit and utility, though we much question its power to produce such great results as he seems partly to expect from it.

The investigation of nature, consists in ascertaining by experience what are the facts which constantly occur in conjunction with one another. Whatever be the phenomenon which is the subject of inquiry, we discover the *law* of that

phenomenon, by ascertaining what are the circumstances which are invariably found to be present whenever it occurs.

Now, this being the case, Dr. Todd's plan is as follows:—To note down carefully all the circumstances of all the instances, or experiments, and arrange them in tables; the form of which tables, aided by a system of signs rather ingeniously contrived, shows at once, and almost at a glance, what are the circumstances which have been found to occur together in all the instances, and what are those which have been found not to occur together at all, or not with any regularity. If this were done, Dr. Todd thinks that much valuable experience would be preserved which is now lost, and that all the various generalizations which can be legitimately drawn from the instances which have been examined, would appear by simply reading off the signs. The principle on which the process rests, we give in his own words:

To recapitulate; having by the first process, the *classification by affirmative circumstances*, arranged and assorted the circumstances of all the instances, and formed them into classes; and having, by the second process of exclusion, or *classification by negative circumstances*, rejected from the classes all such circumstances as are not found constantly to belong to them; the circumstances which remain of each class may be collected and arranged together. Not having been able, by the evidence of any instance or individual fact, to separate these circumstances from each other, or from their class, it is allowed to conclude that they are connected with each other by some natural relation, either as cause or effect of each other as causes of a common effect, or effects of a common cause. (Pp. 37-8.)

There is no doubt that where the complication of the subject is such, that it is impossible for the mind to take in at once the whole range of the evidence which it has to examine and decide upon, it becomes indispensable to bring our experience into a more compact and manageable shape. The utility of synoptic tables, for this purpose, is well known. And, of the immense increase of power which may be obtained by a well-contrived method of abridged notation, we have a memorable example in algebra; without the aid of which, our knowledge of the properties of numbers could never have reached much beyond common arithmetic. Dr. Todd's is a contrivance somewhat similar. And that some invention of this sort will one day be brought into common use, for registering and methodizing the logical results of any extensive and varied series of observations, appears to us extremely probable. We only doubt whether the logical operation itself, which this plan is intended to facilitate, is one from which any great discoveries in philosophy are likely to flow.

In fact, when we consider the past history of philosophy, we find that not one of the great truths which have changed the face of science, was discovered in the manner which Lord Bacon and the author before us have laid down, namely, by collating an immense variety of very complicated instances, until, in the midst of the apparently inextricable confusion, there manifested itself something like an

invariable order, or law. This is altogether a mistaken view of the nature of philosophical discovery; and Lord Bacon has here proved a false prophet. All the great laws of nature, yet known, have been ascertained by the observation of a few very simple, and generally very familiar phenomena; under circumstances of little complication, where the result of the experiment was not found liable to vary at each repetition from the effect of other unknown causes; where, therefore, that constancy of co-existence or of sequence, which constitutes the law of nature, is visible without any cumbrous apparatus of comparison, such as Lord Bacon conceived, and as our author has attempted to realize. These simple laws having thus been first brought to light in the simple cases, it was afterwards found, that we had only to suppose the same laws to be in operation universally—and all the phenomena of the more complex cases, however perplexed and intricate they had at first appeared, were, without any difficulty, fully accounted for.

Thus, (to use an example at once the grandest and the most familiar) when Newton discovered the laws of the motions of the heavenly bodies, it was not by comparing and collating a long series of astronomical observations. His conclusions were even, in many respects, contrary to those which had seemed to result from the method of direct observation. He did indeed most carefully and scrupulously examine every fact which authentic observation had brought to light respecting the solar system; but he did so, not in order to educe a theory from these facts, but to ascertain whether they corresponded to a theory already framed. The three laws of motion, the law of gravitation, and that of the composition of forces, had been ascertained in an unerring manner, by the simplest and most familiar experience; but experience confined of course to this earth. It occurred to Newton, that by merely supposing that these same laws extended to the whole solar system, all those phenomena of the sun, moon, and planets, which had till then been considered of so peculiar and mysterious a nature, might possibly be explained. And so, upon examination, it turned out. And in consequence of this discovery, there is scarcely any other science at the present day so perfect as astronomy; although (and this is one of the remarkable circumstances) a science of pure observation; for all mankind could not make the sun or moon budge an inch from its place, by their united efforts. But if we had remained destitute of the Newtonian theory till we could deduce it by generalization from the observed phenomena of the heavens, we probably should never, even with the aid of our author's *tabulae inveniendi*,¹ have made any nearer approach to it than Kepler's discoveries.²

¹Todd's Chapter i is headed, "Of a New Method of Induction, Performed by *Tabulae Inveniendi*." The term is taken from Bacon's *Novum Organum* (1620), in *The Works of Francis Bacon*, ed. James Spedding, *et al.*, 14 vols. (London: Longman, *et al.*, 1857-74), Vol. I, p. 199 (Bk. I, Axiom cxii).

²The observations of Johann Kepler (1571-1630) were crucial to the development of Newton's system.

We suspect that, when any more comprehensive views shall be arrived at, or any greater certainty shall hereafter be attained, in the sciences, physical, moral, or political, than we at present enjoy, it will be in some such way as Newton's, rather than by the road which our author has taken so much pains in marking out. We can illustrate this by a recent and highly interesting example. Among the branches of knowledge which our author has pointed out as standing in most need of an improved method of induction, is Meteorology. Has he ever read Mr. Daniell's admirable work on that subject?³ If he have, he must be aware in how low a state that distinguished natural philosopher found his science, if science it could be called in which not one leading principle was ascertained; and to how respectable a rank among the sciences he instantly raised it, by simply reversing the course theretofore pursued; no longer attempting a direct induction from the results of atmospheric observation, but starting from laws of nature previously ascertained under less intricate circumstances—namely, the laws of evaporation and condensation, the properties of elastic fluids, and especially those of air and aqueous vapour; and examining synthetically how many of the phenomena with which meteorology is conversant, these laws would suffice to explain. The result was, that he found he could explain them almost all; and there now remains a much smaller residuum of atmospheric phenomena yet unaccounted for, than almost any one had been inclined, *à priori*, to set down to the account of agents yet unknown.

Dr. Todd might have dissected meteorological observations without limit, and persevered till doomsday in "translating circumstances into signs," before his "induction by classification" would have led him to such a result as this. [Pp. 24, 54.]

We regret that, instead of only giving blank forms, Dr. Todd has not presented us with a specimen of his art, by the actual analysis of some interesting set of instances. If he had done this, nothing, we think, could have prevented him from seeing how much less his method is capable of effecting than he imagines, towards removing the difficulties of induction. Suppose, for example (as Dr. Todd considers his plan peculiarly adapted to inquiries respecting the mind), that the subject of investigation were the formation of character, and the instances individual men and women: has Dr. Todd ever considered what would be implied in a complete enumeration of the circumstances of each instance? It would include the whole history of the life of each of the individuals. Suppose that the subject were politics, and the instances nations: has he calculated the number of square miles which his tables would cover? To begin with a single instance, as, for example, England: we should like to see Dr. Todd attempt the analysis of this instance. Every law on our statute-book, every decision of a judge, which has passed into a law; every book which is in the hands of our

³*Meteorological Essays and Observations* (London: Underwood, 1823), by John Frederick Daniell (1790-1845), reflects his concern for accurate records.

youth; every idea or opinion, every feeling, every habit of thought or of conduct, which prevails among our people or among any class of our people; all the natural qualities inherent in our soil, in our climate, in our geographical position; every invention we have produced in the useful, or every work of genius in the fine arts; the constitution of our schools, of our universities, of our corporations, of our learned societies, of our church; nay, even the personal character of every individual in every rank of life who has any character that can be properly termed his own: and in addition to this, all the thousand-and-one accidents which are daily happening, or have happened any day for the last thousand years, tending to modify more or less the relations in which we stand to one another, to other countries, and to external nature. All this would be but a part of the analysis of one single instance. We ask Dr. Todd whether he seriously believes that the certainty he desiderates can be attained in politics, by collating a few (and the world affords but a few) instances of such vast and unmanageable complication?

And, after all, Dr. Todd's method, if it were practicable and fulfilled its ends, would afford no help towards resolving the most difficult part of the problem—namely, to know whether the induction is *sufficient*. This does not depend upon the mere *number* of the instances. For it is evident that we should learn much more of the nature of animals, for instance, by examining one quadruped, one bird, and one fish, than by examining a hundred sparrows or a hundred eels.

Yet such methods as Dr. Todd's are of very considerable use. Though they may never directly lead to scientific knowledge, they often, on subjects of empirical and probable evidence, afford an approximation to it, sufficient to be of practical use. They afford data for what is called the calculation of chances. The best knowledge we have, is often merely knowledge that certain things happen more frequently than not; without our being able to perceive in what circumstances the cases of exception differ from those which constitute the rule. Now, any process which methodises the substance of any great number of observed cases, and reduces them within moderate compass, attracts attention to combinations which had not before been suspected to be other than casual, and the knowledge of which, besides being of use for the guidance of conduct, probably suggests experiments which in time may bring to light a general law. Dr. Todd's tables and system of signs seem not ill adapted to be of this kind of use. They will show, no doubt, in very many cases, that some conjunctions of circumstances take place more frequently than others—when, from the vastness and intricacy of the field of observation, this had not before been perceived. And medicine, Dr. Todd's own subject, being one of those in which mankind have hitherto been least successful in discovering general laws, and are obliged to rely most on empirical observation; Dr. Todd's method, by extending the range of such observation, may contribute to the enlargement of our knowledge and the increase of our power, in a degree sufficient to entitle its author to considerable gratitude, and his name to lasting remembrance.

145. FRENCH NEWS [48]

EXAMINER, 19 FEB., 1832, P. 121

For the entry in Mill's bibliography, see No. 116. The item, headed "London, February 19, 1832," is listed as "Article on France" and enclosed in square brackets in the Somerville College set of the *Examiner*.

SEVERAL IMPORTANT RETRENCHMENTS have been carried in the Chamber against the French Ministry; while others of still greater importance have been lost.¹ On the whole, however, there appears fair promise of a saving considerably exceeding the ten millions of francs (£400,000), beyond which the Commission thought that retrenchment could not go.

The Ministers have been assailed with vigour in the Chamber for their prosecutions of the press, and of the Saint Simonians.² We trust that these attacks will continue, and that the Opposition will never relax their exertions till they have extorted from the Ministry a real liberty of the press, and real security against arbitrary imprisonment. It is monstrous that such powers should exist as have been exerted in the recent case of M. Lennox, who has been detained in prison for nine months on a charge of a pretended Bonapartist conspiracy, and only now brought before the *Chambre de mis en accusation*, a body of judges performing the function of our grand juries, who have decided that there was no ground for putting him on his trial.³ But who is to compensate M. Lennox for his nine months' confinement?

There seems to be nothing like a habeas corpus act in France. M. Roger, a member of the Opposition, brought into the Chamber of Deputies a bill of that nature several months ago: it has not yet come on for discussion, and cannot now pass in this session, if at all.⁴

M. Casimir Périer and his colleagues are constantly preaching respect to the law, and holding up what they term *l'ordre légal* as the one and only thing

¹The retrenchments included cuts in the budgets of the Ministry of Justice and the Council of State as well as reductions in the pensions of peers and civil servants, but no changes were achieved in the state of the Sinking Fund or the public debt.

²For details, see No. 140, n7. The Saint-Simonian meeting-place had been closed, and their paper, *Le Globe*, had been forced to stop publishing by a malicious prosecution for back stamp duties (see *CW, EL*, Vol. XII, p. 106).

³Comte Lennox (1795-1836), born in Philadelphia, who had served in Napoleon's guard of honour, supported the July Revolution and then resigned from the army after trying to start a general association. He bought the *Révolution de 1830*, which collapsed under heavy fines and seizures.

⁴Jacques François, baron de Roger (1787-1849), introduced, on 3 Sept., *Projet de loi sur la liberté individuelle* (*Moniteur*, 1831, pp. 1504-5), with similar intent to the British Habeas Corpus Act (31 Charles II, c. 2 [1679]). The Bill was reported to the Deputies on 11 Jan., 1832, but it was dropped, and a similar proposal by Roger in the next session (29 Dec., 1832) was not considered by the Deputies.

needful in France.⁵ "Liberty," said the Prime Minister in one of his recent speeches, "is the despotism of the law."⁶ This curious definition—according to which no amount of tyranny and slavery inflicted by means of bad laws, constitutes an infringement of liberty—cannot but be deemed peculiarly insolent and odious in France. For, the laws of France have been enacted at so many periods of distraction and difficulty, and under so great a variety of bad governments, that until they are revised, and purged of all which is inconsistent with the new order of things, but which has never been formally repealed, there is no stretch of power for which legal authority cannot somewhere be found. Decrees of the revolutionary governments and of the empire, which all the world thought had long fallen into utter desuetude, are continually raked up and recalled from oblivion, for the purposes of arbitrary power. The "despotism of the law" in France, is but a polite expression for the despotism of the Minister for the time being. It will hardly be believed that the famous article 291 of the penal code, which interdicts all public meetings without the consent of the government, and under which the meetings of the *Amis du Peuple* and of the Saint Simonians have been put an end to, was originally a decree of the Convention, passed during the reign of Robespierre, and re-enacted by Napoleon in the *code pénal*, from its suitability to the purposes of his despotism.⁷ This reminds us of another curious circumstance. It is, we believe, a fact, that the Bourbons, on their restoration, freed themselves from their just debts, by taking advantage of the decree of the Convention which annulled all engagements with them, and rendered all correspondence with them a criminal offence.⁸ In virtue of this decree, they not only took back St. Cloud, but have never indemnified the intermediate occupant for the trees he had planted, and which had become valuable timber.⁹ Well is it said, "Put not your trust in princes."¹⁰

The *Times* declares the motion for abolishing the *compulsory* observance of Sundays and holidays, to be a gratuitous insult to Christianity.¹¹ It might as well

⁵See, e.g., Périer's speech (18 Mar.) on being elected President of the Council of Ministers (*Moniteur*, 1831, p. 566).

⁶Speech on the events in Lyons (17 Dec.), *ibid.*, p. 2423.

⁷Article 291 of the Code pénal (Bull. 277 bis, Nos. 1-7 [1810]) can be traced back to the Decree on Public Safety (*Moniteur*, 1792, pp. 635 and 958), the responsibility of Maximilien François Marie Isidore de Robespierre (1758-94), the most prominent of the Jacobin leaders of the French Revolution.

⁸See the untitled decree of 31 July, 1793, taking away the émigrés' property (*Moniteur*, 1793, p. 914), and the subsequent related decrees of 1795 (*ibid.*, 1795, pp. 929-30, and 1065-6).

⁹St. Cloud was Napoleon's favourite place of residence.

¹⁰Psalms, 146:3.

¹¹Leading article, *The Times*, 15 Feb., 1832, p. 2, with reference to Portalis's Proposition relative au travail des fêtes et dimanches (*Moniteur*, 1832, p. 425); for earlier comment, see No. 132, n7.

be asserted that Christianity is gratuitously insulted, because people are not bound by legal penalties to go to church. The logic of the *Times* is precisely that of the Inquisition. How hard it seems to be for some people to understand, that it is possible to have a conscience, without seeking to compel men whose conscience is different, to square their conduct by yours.

The same journal is facetious upon the motion of M. Salverte, for transferring, after a certain period, the remains of great men to the national edifice called the Pantheon.¹² Has the *Times* ever heard of such a thing as burial in St. Paul's, or in Westminster Abbey? Methinks such things have been deemed, in other countries than France, suitable testimonials of public respect, but perhaps the *Times* considers no achievements but those of a warlike character as of sufficient dignity and value, to warrant such a mode of commemorating the dead, and inciting the living to go and do likewise. Such, at least, would seem to have been the judgment of those who, in England, have been the dispensers of these honours. In surveying the interior of St. Paul's, it is difficult to behold without a certain feeling of shame, a hundred Lord Howes, and but a single Howard.¹³

146. FEMALE EMIGRANTS

EXAMINER, 26 FEB., 1832, P. 131

This note (in square brackets) is appended to a letter in the "Political Examiner" headed "To the Editor of the *Examiner*,"¹¹ in which reference is made to No. 139, where Mill had responded to the address of the Dundee operatives. Described in Mill's bibliography as "A paragraph in answer to a letter from 'the female operatives of [Todmorden]' in the *Examiner* of 26th February 1832" (MacMinn, p. 19), the item is listed as "Paragraph on a letter from 'the Female Operatives of Todmorden'" and enclosed in square brackets in the Somerville College set of the *Examiner*.

WE ARE MUCH FLATTERED by the favourable opinion of our fair Lancashire friends. To meet the case of females having no legitimate claim on any male relative for support, the interdiction might be confined to *married* females, and

¹²In the leading article cited in n11; for Salverte's motion, see *Moniteur*, 1831, pp. 2441-2, and 1832, p. 423.

¹³There was only one Howe commemorated (Richard, Earl Howe [1726-99], Admiral of the Fleet and commander in the Channel during the French Revolutionary Wars) and one Howard (John Howard [1726-90], the philanthropist and prison reformer); however, military and naval heroes outnumbered others by about five to one.

¹⁴"Todmorden, Feb. 2, 1832. / Sir,—Living, as we do, in the densely populated manufacturing districts of Lancashire, and most of us belonging to that class of females who earn their bread either directly or indirectly by manufactories, we have looked with no little anxiety for your opinion on the Factory Bill, because we consider that you have not only the real welfare of the working classes at heart, but we are so impressed with the

those whose parents are alive and not in the receipt of parish relief. But in spite of our correspondent's jocular remarks on female emigrants, we must observe, that young women who have no parents or other near relatives to support and protect them, are exactly the persons to whom emigration holds out the greatest advantages. Our correspondent need not fear that on her first landing in Australia or Canada, the alternative will be straightway offered her, to marry or starve. On the contrary, labour of all kinds is so scarce, and consequently so highly paid, that for as long a period as she may prefer a single life, she may depend upon earning, with very moderate exertions, an abundant and comfortable subsistence.

idea of your profound knowledge in these matters, that to dispute the soundness of any opinion seriously put forth by the editor of the *Examiner*, is considered by us a great work of presumption. Your notice, this week, of the address of the Dundee Operatives, has supplied us with the knowledge we sought. You are for doing away with our services in manufactories altogether. So much the better, if you had pointed out any other more eligible and practical employment for the surplus female labour, that will want other channels for a subsistence. If our competition were withdrawn, and short hours substituted, we have no doubt but the effects would be as you have stated, not to lower wages, as the male branch of the family would be enabled to earn as much as the whole had done; but for the thousands of females who are employed in manufactories, who have no legitimate claim on any male relative for employment or support, and who have, through a variety of circumstances, been early thrown on their own resources for a livelihood, what is to become of them? In this neighbourhood, handloom has almost been totally superseded by power loom weaving, and no inconsiderable number of females, who must depend on their own exertions, or their parishes for support, have been forced of necessity into the manufactories, from their total inability to earn a livelihood at home. It is a lamentable fact, that in these parts of the country there is scarcely any other mode of employment for female industry (if we except servitude and dress-making.) Of the former of these, there is no chance of employment for one-twentieth of the candidates that would rush into the field, to say nothing of lowering the wages of our sisters of the same craft, and of the latter, galling as some of the hardships of manufactories are (of which the indelicacy of mixing indiscriminately with the men is not the least), yet there are few women who have been so employed that would change conditions with the ill-used genteel little slaves, who have to lose sleep and health in catering to the whims and frivolities of the butterflies of fashion. We see no way of escape from starvation, but to accept of the very tempting offers of the newspapers, held out as baits for us, fairly to ship ourselves off to Van-diemans Land, on the very delicate errand of husband-hunting, and having safely arrived at the 'Land of Goshen,' jump ashore, with a 'who wants me?' Now then, as we are a class of society who will be materially affected by any alteration of the present laws, we put it seriously to you, whether, as you have deprived us of our means of earning our bread, you are not bound to point out a more eligible and suitable employment for us? Waiting, with all humility, for your answer to our request, we have the honour to subscribe ourselves the constant readers of the *Examiner*, / The Female Operatives of Todmorden."

147. FRENCH NEWS [49]

EXAMINER, 26 FEB., 1832, P. 136

For the entry in Mill's bibliography, see No. 116. The item, headed "London, February 26, 1832," is listed as "Article on France" and enclosed in square brackets in the Somerville College set of the *Examiner*.

THE CHAMBER OF DEPUTIES has disappointed the wishes of M. Casimir Périer, by making considerable reductions in the salaries of many of the high officers of state.¹ This is so far well; but there is a much wider field of retrenchment open to them. Offices, great and small, are far too numerous: a reduction of their number would produce a far greater saving than a diminution of the emoluments.

The Chamber of Peers, which is daily setting itself more and more decidedly in opposition to the Deputies and to the nation, has determined that the anniversary of the execution of Louis XVI shall continue to be kept as a *dies non* by the courts of justice and the public offices.² It is strange infatuation to incur the obloquy and danger of running counter to the national feeling for a matter of such trifling importance. The French people do not approve of the sentence upon Louis XVI, but they do not think it more iniquitous than a thousand other acts, both of the Revolution and of the *ancien régime*; they see no reason, therefore, for solemnizing it by any peculiar observances. They bear a particular aversion, moreover, to this celebration, because it was imposed upon them by the *émigrés* in 1816, as a studied insult to the defeated party. It is felt, and was intended to be felt, as an act of national penance and humiliation, much more for having attempted a republican government, than for having put a good kind of man to death without just cause.

The four young men, members of the Société des Amis du Peuple, who were arrested on pretence of being concerned in the late Carlist conspiracy, have been set at liberty.³ There was no ground for proceeding against them, and this was probably known from the first; but it is a favourite scheme of M. Périer, to propagate the belief, that the two extremes of opinion have united against his *juste milieu*.

The case of the Duc de Bourbon's will has been decided in favour of the legatees.⁴ We are not minutely acquainted with the procedure of the French

¹The operating budgets and the salaries of the Minister had been cut for the three Ministries of Education, Interior, and Commerce.

²On 21 Feb., the Peers confirmed Bull. 63, No. 401 (19 Jan., 1816), that the anniversary should not be a legal court day (*Moniteur*, 1832, p. 526). For the origin of the dispute, see No. 132, n8.

³Five men, not four; see No. 137, n3.

⁴For details, see No. 132, n2.

courts; but it seems strange, that judgment should have passed after hearing only the speeches of counsel, without examining a single witness.

148. FRENCH NEWS [50]

EXAMINER, 4 MAR., 1832, P. 152

For the entry in Mill's bibliography, see No. 116. The item, headed "London, March 4, 1832," is listed in the Somerville College set of the *Examiner* as "Article on France" and enclosed in square brackets, with a pencilled emendation: at 422.14, "eighteen" is underlined, and "should be *fifteen*" is written at the foot of the page. In the Somerville College edition, the article is on pp. 152-3.

THE COURT OF CASSATION has confirmed the iniquitous sentence, by which five members of the Society of the Friends of the People, after being acquitted by the jury, were sentenced by the Judges to periods of imprisonment, for what they said in their defence.¹ "Some months' imprisonment," says the mealy-mouthed correspondent of the *Times*.² Yes, good sir; *six, twelve, and fifteen* months imprisonment, besides fines. And it is but justice to say, that the speeches of MM. Blanqui and Thouret, two of these persecuted men, were such as almost any man might be proud of.³

One of the correspondents of the *Times*, on Thursday last, after railing at the Chamber of Deputies for its retrenchments, and bitterly lamenting the error which was committed in extending the elective franchise, calls on the *Times* to give the aid of its pen to the enemies of cheap government in France, and to tell them how much more wisely we order these things in England.⁴ We trust that this Paris correspondence is *read*; and that the indications it gives, of the real spirit of the Journal which publishes it, are not thrown away.

The reason why no witnesses were heard in the law-suit on the will of the Duc de Bourbon⁵ is, that in French law oral testimony is not received to invalidate a will, unless a certain *primâ facie* case can be made out; which, in this case, the Court did not consider to have been established. The decision has been appealed from, and the cause will next be brought before the Cour Royale.

¹For earlier comment, see No. 137. The decision of the Supreme Court of Appeal, presided over by M. de Bastard d'Estang (1783-1844), in the cases of Blanqui, Bonnias, Gervais, Raspail, and Thouret, is in *Moniteur*, 1832, pp. 576 and 579.

²"Private Correspondence" (27 Feb.), *The Times*, 1 Mar., 1832, p. 4.

³For the reference, see No. 137, n3.

⁴"Private Correspondence" (28 Feb.), *The Times*, 2 Mar., 1832, p. 1; not on "Thursday last," but Friday.

⁵See the concluding paragraph of No. 147.

149. FRENCH NEWS [51]

EXAMINER, 11 MAR., 1832, P. 168

For the entry in Mill's bibliography, see No. 116. The item, headed "London, March 11, 1832," is listed as "Article on the French expedition to Ancona" and enclosed in square brackets in the Somerville College set of the *Examiner*.

THE FRENCH EXPEDITION to Italy, which has landed and taken possession of Ancona, has excited much speculation and remark, mostly of a vituperative kind, in the English newspapers.¹ M. Périer has not yet made any declaration of the purposes with which this expedition was undertaken; but there is little difficulty in conjecturing their nature. The truth apparently is, that M. Périer, however reluctant to incur any danger of war, in order to prevent free principles and free institutions, in a foreign country, from being overwhelmed by an invading army, has none of these scruples when the matter at stake is what, in the old slang, were called *national interests*,—that is to say, preventing some other country from obtaining any accession of territory and power. Accordingly we see the consequence. The patriots of central Italy attempted to establish a free government; Austria interfered by force, put a stop to their proceedings, and M. Périer had nothing to say. The Italian patriots having been baffled in this first attempt, and finding that they had no chance of establishing a free government as long as Italy is cut up into little straggling principalities, are now willing to acquiesce in any government which will restore their nationality; and to that end are ready to join with Austria, if Austria will turn out the Pope, and unite all Italy under its own dominion. And this is obviously the next best thing to what they attempted at first; but this will not suit M. Périer. That personage has no objection to let Austria govern the Italians through their detestable native governments, but he has no idea of allowing her to govern them directly and avowedly, when there would be some chance of her governing them comparatively well. Thus French interference at present, is as hostile to the good government of Italy, as French non-interference was before. As England and France allowed Russia to swallow up Poland, but would not hear of permitting her to conquer Turkey, so now the mutual jealousies of France and Austria appear to show themselves precisely where there is some good to be prevented, after having remained dormant where there was any good to be done.

¹See, e.g., the leading article in *The Times*, 6 Mar., 1832, p. 5. In July 1831, the Austrian troops had been withdrawn from Italy (for background, see Nos. 96 and 98), and the Great Powers, including France and England, drew up memoranda outlining some reforms for the appalling government of the Papal States, but all was confusion, and in January 1832 Austria was again asked to send troops. Périer now intervened and offered encouragement to the rebellious inhabitants of the small seaport of Ancona, where French troops arrived on 23 Feb. to resist Austrian encroachment.

150. FRENCH NEWS [52]

EXAMINER, 18 MAR., 1832, P. 184

For the entry in Mill's bibliography, see No. 116. The item, headed "London, March 18, 1832," is listed as "Article on France" and enclosed in square brackets in the Somerville College set of the *Examiner*.

THE NEW CORN BILL proposed by the French Ministry, has, at length, been returned by the Commission appointed by the Chamber to report upon it. Their report, the production of the statistical M. Charles Dupin, is a compromise between right and wrong.¹ We do not mean that its principles are true, but so tempered in their application as to soften the transition, and avoid defeating existing expectations: this we should not disapprove. What we object to is, that the principles themselves are neither true nor false, but half-and-half; a piece of theoretical patchwork, a kind of *juste-milieu* mosaic, a square of black and a square of white alternately. It is as if the Newtonian system had to be voted by show of hands; and the parties being unable to convince one another, agreed to a resolution that there was much truth in Newton's principles, but that Ptolemy also had a good deal to say.

The recommendations of the Commission are, however, a considerable improvement upon what exists; and the Bill is to be discussed this session. The debate is to come between the voting of the Estimates and that of the Ways and Means.

The Ministry are desirous of voting in the present session, or in another to commence almost immediately after, the Budget of the ensuing year, as well as that of the present;² in order to return to the salutary practice of not expending any of the nation's money upon mere votes of credit, when the Estimates have not been regularly laid before the Chamber and discussed. We know not how the Deputies will relish this prolongation of their labours. The Chambers have sat almost without intermission since the Revolution of July; one respite of a month in the latter part of 1830, and another of less than six weeks, mostly occupied in the general election, and in the preparations for it, have formed the only interval of leisure. Yet it is astonishing how little business they have found time to transact. None of the most important Bills presented in this session, that on the Peerage excepted,³ have yet come on for discussion. It is true, the Chamber of Deputies does not sit at an average so much as four hours out of the twenty-four.

¹For the Corn Bill, see No. 125, n2. The report was printed in a special supplement to the *Moniteur*, 6 Mar., 1832, pp. i-x.

²For the budget of 1832, see No. 135, n16. That of 1833 is in Bull. 93, No. 213 (23 Apr., 1833), expenditures, and Bull. 94, No. 214 (24 Apr.), receipts.

³For earlier comment, see No. 115, n1.

151. SMART'S OUTLINE OF SEMATOLOGY [1]

EXAMINER, 25 MAR., 1832, P. 195

This review of a work by Benjamin Humphrey Smart (ca. 1786-1872), teacher of elocution and author of manuals and pronouncing dictionaries, is of importance to Mill's speculations about logic and truth. For the second and concluding part, see No. 153. Both reviews are in the "Literary Examiner." This first part is headed "*An Outline of Sematology; or an Essay towards establishing a New Theory of Grammar, Logic, and Rhetoric.* [London: Richardson,] 1831." The review is described in Mill's bibliography as "A review of a work entitled 'An Outline of Sematology,' in two parts, the first of which on the study of Metaphysics; both signed A.B. In the Examiner of 25th March 1832 and 1st April 1832." (MacMinn, p. 20.) In the Somerville College set, where it is listed as "Review of 'An Outline of Sematology'" and enclosed in square brackets, there is one correction: at 426.36, "others" is altered to "other".

IT IS SINGULAR, that in an age like this, when old systems of opinions and of things are crumbling in pieces, and that spirit of scepticism which metaphysical pursuits are supposed to engender, pervades the great majority of educated minds, the study of metaphysics should be held in discredit, rather than in honour. Upon the causes of this fact it would be interesting to speculate; but at present we shall only say of the fact itself, that among civilized nations it seems to be peculiar to ourselves. The tendency of the Germans to metaphysical speculation is well known; and in France the word Philosophy continues, even in the schools, to be appropriated as it was originally by Socrates, (the inventor of the term) to the science of mind, exclusively; while in England, which has produced so many illustrious names in that department of thought, the man who can analyse a pebble is held in greater estimation than he who can analyse the mind of man.

It is time that this should cease; for, if metaphysics unsettles men's minds, metaphysics also must settle them; the doubts which it raises, it alone is able to solve. If there is any period in man's history in which the scientific study of the human mind is indispensable, it is at a period of moral transition like the present; when those general creeds, which had kept the diversities of individual character in subordination by a common rule of right, are breathing their last—and others, more adapted to the present condition of the species, are slowly and with difficulty evolving themselves out of the shapeless and tumultuous chaos of conflicting opinions. The ancient doctrines will never more regain the ascendancy they have lost: the causes which have overthrown them are not causes which ever pass away. That unity of doctrine, however, which formerly existed, must exist once more, though under other auspices, ere man can yet again have earnest, solemn convictions, and yield willing obedience to a new and steady rule of life. Now, this unity of doctrine can only be brought about through

metaphysics; for when all the questions most deeply interesting to human nature are under discussion, each man deciding them according to his personal predilections, the philosophy of mind is the only common arbiter to whom all can appeal, and who can constrain all to acknowledge his authority.

There are indeed to be found men, the depth of whose sensibility, and the vigour and comprehensiveness of whose imagination, enable them to summon up within themselves all the varieties of feeling incident to the human constitution; to see, at pleasure, any subject, as it would be seen by persons of all dispositions and turns of mind; and so, to understand and sympathize with human nature in all its diversities. Such were Shakspeare, Göthe, and perhaps one or two other persons since the creation of the world. But in general, man's capacity of putting himself into the position of another man, and identifying himself with that man's feelings and modes of thinking, when these are any way different from his own, is extremely limited. Most men, in consequence, regard the feelings and ideas excited in men of an opposite character to themselves, by objects which excite no such feelings in *them*, as monstrous and unnatural; or at least, radically wrong, and meriting no kind of consideration or allowance, either in reasoning or in conduct:—and few can feel the force of any argument which is either founded on, or addressed to, feelings in which they themselves do not participate. Hence we have hundreds of systems founded on the partial views of one-sided minds; and each half or quarter truth, instead of seeking out all the remaining fractions, and uniting with them, shuns them, or endeavours to beat them down by violence.

Now, the only permanent cure for this is metaphysics. The analytical philosophy of mind, can alone enable persons of dissimilar characters to understand one another. It explains, from data which all have within them, the genesis and growth of the most opposite mental habits. It expounds, not only how each habit was likely to originate, but what are the other habits with which each is naturally connected, what those of which it is naturally exclusive; and is thus enabled to sit in judgment upon the many conflicting modes of feeling and thinking, and pronounce which of them are, and which are not, founded in any real defect, either of the understanding or of the heart. Through the reconciling medium of this great interpreter, we discover, nine times out of ten, that what we fancied to be sheer error, had perhaps as much of truth in it as our own contrary opinion; that what we ascribed to a mental defect, really arose from some good quality, not excessive in itself, but unaccompanied by some other which ought to have qualified and corrected it, and which, again, in our own mind, stands as much in need of correction from the former, over which, in its turn, it unduly predominates. And we learn, that instead of eradicating, or restraining the growth of a feeling, or a faculty, the only proper method, almost in every case, of guarding against its excesses, is by cultivating other feelings and faculties *up to it*.

It is chiefly through metaphysics, that men can thus be brought practically to understand and admit, that feelings of which they themselves are incapable, are nevertheless legitimate feelings; and to correct their own partial views, by means of the partial views of other people. And so naturally do these effects seem to follow from habits of metaphysical analysis, that as it has been said that an astronomer must of necessity be pious, so we are almost tempted to say that it is impossible for a real metaphysician to be one-sided, intolerant, or scornful. How much this is at variance with the notion commonly entertained of metaphysicians, we are not ignorant: nor do we affirm that notion to be always destitute of foundation. It has befallen this science, as well as many others, that men have resorted to it less to form opinions, than to find reasons for opinions already held. And it has been the misfortune of this science, even more than of most others, that whereas its subject-matter is peculiarly concrete, and immersed in circumstances, the inquiries of those who cultivate it have, on the contrary, rested for the most part in the highest regions of abstract generality; insomuch that the same person, who may excel all others in analysing belief, or memory, or perception, or any other of the mental phenomena common to all mankind, would perhaps be farther to seek than many common men, if called upon to shew that he understood any one individual human mind, and could tell what are the few leading peculiarities which make it, in all important particulars, what it is. This however will not always be the case: it is not the case with all metaphysicians, even now; and if metaphysicians have not yet done all that ought to be required of them, it remains not the less true, that any one who has it in view to improve the moral nature of man *through the understanding*, can in no way dispense with an accurate and analytical study of the human mind.

These observations have been drawn from us by what is now no frequent occurrence, the publication of a new, and a clever and interesting work, on a portion of metaphysics. The book demands observations of greater length than we have left ourselves room to insert in the present number; we shall therefore return to it in our next.

A.B.

152. FRENCH NEWS [53]

EXAMINER, 25 MAR., 1832, PP. 200-1

For the entry in Mill's bibliography, see No. 116. The item, headed "London, March 25, 1832," is listed as "Article on France" and enclosed in square brackets in the Somerville College set of the *Examiner*.

THERE HAVE BEEN SOME DISTURBANCES at Grenoble, apparently not premedi-

tated, but arising from a carnival frolic which took a political turn. All is now quiet.¹

An important point has been carried in favour of the liberty of the press. Not contented with such verdicts as could be obtained against newspapers from Paris juries, M. Périer resolved, that as he found it difficult to get leave to punish his political opponents *after* trial, he would try whether it was feasible to punish them *before*. He accordingly commenced the practice of throwing journalists into prison as soon as process had commenced against them. After this had been done four times (the monstrous illegality was only attempted once during the sixteen years of the restoration; and in this one case, that of M. Cauchois-Lemaire,² the explosion of public indignation was such as prevented the act of tyranny from being repeated), M. Armand Carrel, the principal editor of the *National*, published in his paper a declaration, signed with his name, that if such illegal violence should be attempted against himself, he would resist it by force, as he would any other assault upon his person or property.³ The Ministry, hereupon, discontinued the obnoxious practice, but prosecuted M. Carrel, and the editors of another paper, who had adhered, as the French phrase is, to his declaration.⁴ They have now been tried, and acquitted. This usurpation, therefore, is knocked on the head.

The Chamber continues to make various retrenchments; not indeed of great amount, but sufficient to excite the bile of M. Casimir Périer, who has accused the Deputies to their faces of an "esprit de vertige," and "jalousie des supériorités sociales," because they reduced a few salaries.⁵ The people now in power actually make a point of honour of their cupidity: they hold fast to the national purse-strings, with the feelings with which a soldier defends his post. Marshal Soult, the Minister of War, being accused of receiving, in defiance of an existing law, his emoluments as Minister, and his emoluments as a Marshal besides, burst out into a passionate exclamation, that his salary should only be

¹Trouble broke out in Grenoble during the city's masquerades, and troops were used on 11, 12, and 13 Mar. to put down the riots, with some loss of life; see *Moniteur*, 1832, p. 785.

²Louis François Auguste Cauchois-Lemaire (1789-1861), a political writer, who, after returning from an exile imposed for his vehement opposition to the Bourbons, was prosecuted and imprisoned for his writings.

³Armand Carrel (1800-36), radical journalist and historian, who won Mill's admiration (see his "Armand Carrel," *CW*, Vol. XX, pp. 167-215). Carrel's signed article was "Du flagrant délit en matière d'impression et publication d'écrits," *Le National*, 24 Jan., 1832, pp. 1-2.

⁴Achille Roche (1801-34) and P. Lionne (or Lyonne), editor and managing editor of the *Mouvement*, were tried with Carrel and Paulin under the provisions of Art. 8 of Bull. 241, No. 8754 (18 July, 1828).

⁵Speech on the Budget (13 Mar.), *Moniteur*, 1832, p. 741.

torn from him with his life. *On ne me l'ôtera qu'avec la vie!*⁶ These were his very words. A new species of chivalry!

The French officer who broke open the gates of Ancona,⁷ is to be brought, it is said, to a court-martial. The Pope goes on protesting against the invasion of the French.⁸ His Holiness need not be alarmed. The French will not dethrone him, nor even suffer the Austrians to do so. The natural tendency of events when they are let alone is, that the better Governments swallow up the worse; but "French interests" will not allow this, though they allowed despotism to be re-established, and poor Menotti to be hanged.⁹ When will it be felt in this country, that there is more good in the most hot-headed republicans, than in the coterie of jobbers, tricksters, and low *intrigans* who form the existing Government of France!

153. SMART'S OUTLINE OF SEMATOLOGY [2]

EXAMINER, 1 APR., 1832, PP. 211-12

For the context and the entry in Mill's bibliography, see No. 151. This second part is headed "*An Outline of Sematology; or, an Essay towards establishing a New Theory of Grammar, Logic, and Rhetoric.* / (Concluded from the Examiner of last week.)" It is listed as "Review of 'An Outline of Sematology' concluded" and enclosed in square brackets in the Somerville College set.

THE PRINCIPAL FAULT OF THIS WORK is its pretension to the character of a New Theory. There is no room now for a new theory in the sciences here treated of. We shall not, probably, be suspected of upholding old opinions because they are old, and we are less inclined than almost any one, to underrate the importance of original thinking. Much remains to be done towards perfecting these sciences: the author before us has contributed to this end something not inconsiderable, and has shown a capacity, which, if fitly improved, may enable him to effect much more; an abundant harvest will also remain for subsequent inquirers: but whatever scope there may be for new theories of particular points, now mysterious, or misunderstood, any thing which can justly be called a New

⁶*Ibid.*, p. 742. Soult was accused under the provisions of Art. 78 of Bull. 81, No. 623 (28 Apr., 1816).

⁷For Ancona, see No. 149. The officer was Captain Thomas Alexandre Gallois (1783-1840).

⁸For English notice of the protests of Pope Gregory XVI, see *Morning Chronicle*, 10 Mar., p. 1, and 24 Mar., p. 4.

⁹Ciro Menotti (1798-1831), Italian patriot, led the insurrection at Modena with, he thought, the co-operation of the Duke of Modena, but the Duke took Menotti prisoner, and hanged him on 26 May, 1831.

Theory of Grammar, Logic, or Rhetoric, will most assuredly be erroneous. These subjects have now occupied the attention of thinking men for upwards of two thousand years, without intermission; and have formed the principal subject of the meditations of some of the most powerful and comprehensive intellects, which the world, we may safely predict, will ever see. No doubt, there still remains to be done, much which they have left undone, and to be undone, much which they have done. But it would argue a very slender faculty of appreciating the mass of valuable truth which their successive labours have called into existence, to imagine that what can be added to the heap by any single individual, can ever bear more than a very insignificant proportion to the entire bulk. A new contribution, whatever may be its absolute importance, cannot now alter the face of a science, as it might formerly have done. The most powerful thinker, in constructing a scheme of the entire science, can be indebted for a small part only of the materials to his own genius; the far greatest portion will be derived from the thoughts of his predecessors. Indeed, the greatest proof of genius, perhaps, which any person of our times has it in his power to give, consists in being able to see the worth of existing materials, from which half-taught mediocrity turns away in scorn; to disengage a great and pregnant thought from the trammels of a language suited to the comprehension of another age, or involving philosophical theories now exploded, and clothe it in the phraseology of the present day; to dare to think that a great man of a former age was substantially in the right, when some flaw, unavoidably or unguardedly left in the mere *accidents* of his theory, has sufficed to disguise the intrinsic truth of its essentials from the intellects of the minute philosophers who succeeded him. He who perpetually and systematically does this, is a great man; for, the very attempt to do it, or the conception of it as a thing proper to be done, seems to be a stretch of intelligence which not many have attained to. Without it, however, mankind would be no wiser after twenty generations than after one, since each generation would be unable to profit by any inquiries but its own.

The author before us has not afforded this evidence of genius; yet he is not so blind to the merits of his predecessors, as might be suspected from his laying claim to be the founder of a new theory of Grammar, Logic, and Rhetoric; that is, if the words have any meaning, to have placed those three sciences upon an entirely new foundation. We fully believe that whatever, in this work, is either expressly, or by implication, laid claim to as original, has been the *bonâ fide* produce of the writer's own thoughts; and this is saying a great deal, even where the thought has occurred to others before him. He often shows, too, that he is acquainted with what others have done, and can appreciate it; so often, as to make us confident that he will hereafter feel the value of much which hitherto he has not known, or has not appreciated.

His own contribution to philosophy consists fundamentally of one idea; which

having clearly conceived and firmly grasped, he has followed it out into numerous ramifications, and traced its bearings upon the general problems of Grammar, Logic, and Rhetoric, in a manner evincing no ordinary capacity for metaphysical investigation. Where he has failed, it is, we suspect, from being in too great a hurry to finish his book. We do not blame him for not carrying the precept, *nonum prematur in annum*,¹ into literal execution; for we should have been sorry to forego for so long a period the pleasure and instruction which he has afforded us: but the results of any intellectual process must suffer greatly by being given out to the world the moment they are conceived in the author's mind. The first principles of the work are set forth in a manner giving token of mature consideration; but as the exposition advances, marks of haste become visible:—after having arrived at some results which he thought important, the writer seems to have been impatient to bring the inquiry to a conclusion, and has therefore not unfrequently stopped short in an interesting train of thought, or left its results in a state of vagueness, which is, we think, the source of the only material errors we have to lay to his charge. This vagueness is by no means a general characteristic, either of our author's conceptions, or of his style; both, wherever his mental powers seem to have been fully called into play, are clear, vigorous, and masculine.

Sematology, from *σήματα*, signs, is the name which our author gives to the doctrine of Language; the office of which, as an instrument of thought, he well understands, and the several uses of which he considers to form the subjects respectively of Grammar, Logic, and Rhetoric. Now the one idea, which is the basis of his speculations, is the following.

What we wish to communicate on any one occasion, by means of words, is some state of our consciousness; say, for instance, the bodily sensation we are experiencing at that particular moment. This we might express by one single word, if we chose; as many things are expressed in a state of nature by single cries. But, it being impossible to have a separate word for every state of feeling which we desire to communicate, we are obliged to express our states of feeling by a limited number of words, variously combined. Now, (says our author,) although the state of feeling we desire to express, may be complicated to any extent, and of course susceptible of being analysed into parts; it is by no means true, that the words which we put together to express this state of feeling, will, when separated, express severally those parts. It is not true that the meaning of a sentence, is made up of the separate meanings of the words composing the sentence. If we take the separate meanings of the separate words, and add them together, the sum total includes much more than is intended to be conveyed by

¹Horace, *Ars poetica*, in *Satires, Epistles, and Ars poetica* (Latin and English), trans. H. Rushton Fairclough (London: Heinemann, 1926), p. 482 (388).

that one sentence; for it includes all that we otherwise know of the objects which we find it necessary to name in order to convey a notion of that one matter of fact.

Let us take, for our first fact, the cry for food of a new-born infant. That is an instinctive cry, wholly unconnected, we presume, with reason and knowledge. In proportion as the knowledge grows, that the want, when it occurs, can be supplied, the cry becomes rational, and may at last be said to signify, "Give me food," or, more at full, "I want you to give me food." In what does the rational cry (rational when compared with the instinctive cry) differ from the still more rational sentence?—Not in its meaning, but simply thus, that the one is a sign suggested directly by nature, and the other is a sign arising out of such art, as, in its first acquirement, (we are about to presume) nature, or necessity, gradually teaches our species. Now, that the artificial sign is made up of parts, (namely the words that compose the sentence) and that the natural sign is not made up of significant parts, we affirm to be simply a consequence of the constitution of artificial speech, and not to follow from any thing in the nature of the communication which the mind has to make. The natural cry, if understood, is, for the purpose in view, quite as good as the sentence, nor does the sentence, *as a whole*, signify any thing more. Taking the words separately, there is indeed much more contained in the sentence than in the cry, namely, the knowledge of what it is to give, under other circumstances, as well as that of giving food; of *food*, under other circumstances, as well as that of being given to me; of *me*, under other circumstances, as well as that of wanting food; but all this knowledge, in this and similar cases for which a cry might suffice, is unnecessary, and the indivisible sign, if equally understood for the actual purpose, is, for this purpose, quite adequate to the artificially compounded sign. [Pp. 7-8.]

. . . *Collectively*, that is in sentences, they (words) can signify any perception by the senses, or conception arising from such perception, any desire, emotion or passion—in short, any impression which nature would have prompted us to signify by an indivisible sign, if such a sign could have been found:—but individually (we repeat) each word belonging to such sentence, or to any sentence, is not the sign of any idea whatever which the mind passively receives, but of an abstraction which reason obtains by acts of comparison and judgment upon its passively-received ideas. The sentence, "John walks," may express what is actually perceived by the senses; but neither word, separately, can be said to express a *part* of that perception, since the perception is of *John walking*, and if we perceive John separate from walking, then he is not walking, and consequently it is another perception; and so, if we perceive walking separate from John, it must be that we perceive somebody else walking, and not him. The separate words, then, do not stand for passively-received ideas, but for abstract notions:—so far as they express what is perceived by the senses, they have no separate meaning; it is only with reference to the understanding that each has a separate meaning. The separate meaning of the word *John* is a knowledge that John has existed and will exist, independently of the present perception, and the separate meaning of the word *walks* is a knowledge that another may walk as well as John. This is not an idea of John or an idea of walking such as the senses give, or such as memory revives; for the senses present no such object as John in the abstract, that is, neither walking, nor not walking; nor do they furnish any such idea as that of *walking* independently of one who walks. There is then a double force in these words,—their separate force, which is derived from the understanding, and their united force, by which, in this instance, they signify a perception by the senses. [P. 10.]

This, as the reader will have perceived, is far from new; but it has never,

perhaps, been presented precisely in this manner. Most metaphysical writers of name have said the same thing, or things distinctly implying it:—equally true is it, however, that they have said other things, as distinctly implying the contrary, and that much of the received language seems to take for granted that the meaning of a sentence is the sum of the meanings of the separate words. Our author has, therefore, rendered a useful service, by making the principle so clear, and illustrating it so copiously and forcibly, that no one who reads him with due care and thought, will be in danger of ever forgetting or overlooking it. And its consequences will be found to be more important than most persons would at first suspect.

For instance, our author is, we think, perfectly right in deeming the truth which he has expounded to be the only rational foundation for philosophical grammar, affording the only explanation of the real nature of the distinction among the parts of speech. It seems to be taken for granted, says he,

That the parts of speech have their origin in the mind, independently of the outward signs, when, in truth, they are nothing more than parts in the structure of language. . . . We are not to confound the instrument with the intelligence that uses it, nor to suppose that the parts of which it is composed, have, of necessity, any parts corresponding with them in the thought itself. It is not *what* a word signifies that determines it to be this or that part of speech, but *how it assists other words in making up the sentence*. . . . As to the meaning, *that* does not of necessity differ because a word is a different part of speech; the following words, for instance, all express the same notion: Add, Addition, Additional, Additionally, With,* And.† [Pp. 38-40.]

This view of the nature of the parts of speech accords in the main with that taken in a work, with which our author is apparently unacquainted, Mr. Mill's *Analysis of the Phenomena of the Human Mind*.² It is not surprising that both writers should have fallen into the same train of thought, since it was evidently suggested to both by the etymological discoveries of Horne Tooke.³

In the spirit of these general observations, our author proceeds to inquire into the nature and object of each of the several parts of speech. There is much instruction to be gathered from this part of the work, and the results he brings out are, we think, substantially correct. His definition of the *verb* appears to us to fall short of perfect philosophical precision; the author should analyze more particularly the meaning of a phrase he often uses; viz., *to make a communication*. What is it we do when we assert a matter of fact, more than when we merely *suggest* the idea of the same fact? What is the difference between belief and simple conception? What do I communicate when I say there is a God,

*The imperative of the Saxon verb *withan*, to join. [Smart's note.]

†The imperative of the Saxon verb *ananad*, to add. [Smart's note.]

²James Mill, *Analysis of the Phenomena of the Human Mind*, 2 vols. (London: Baldwin and Cradock, 1829), Vol. I, pp. 83-168 (Chap. iv), esp. pp. 148-68 (Sects. vii-viii).

³John Horne Tooke, *Ἐπεὰ πρὸς ποιεῖν*; or, *The Diversions of Purley* (1786), 2nd ed., 2 vols. (London: Tooke, 1798-1805), esp. Vol. II, pp. 15-426.

more than when I merely say God? When our author can answer this question, he will not only be able to perfect his definition of a verb, but he will discover that the distinction between the *subject* and the *predicate* of a proposition, is something more than a merely *grammatical* distinction, which is the notion he has of it.

The second chapter of the work, which relates to Logic, is that of which we think least highly. We are not surprised that our author should join in the common cry against the doctrine of the syllogism, since we find it is his opinion that errors in philosophising are always in the premises, and never in the reasoning process. But though men often reason from false premises, or without taking into consideration all the premises which might be obtained, it is surely very common also to conclude from the premises which we have, more than those premises will warrant. If our author will but duly advert to this circumstance, he will, we think, discover that nearly all which he says respecting the nature of the syllogism may be true, and the syllogistic doctrine may nevertheless be of great utility. But a popular journal is not the proper place for explaining ourselves fully on this topic.

Our author's views as to the manner in which general terms serve us in the investigation of truth, are just and profound, notwithstanding some superficial inaccuracies and even contradictions, and although his language in many places is far from satisfying us in point of definiteness and precision, owing to his having not yet analyzed some of his notions into their ultimate elements.

The third chapter, on Rhetoric, is, in our opinion, the best of all: it is full of valuable truth and high moral feeling. We regret that the length to which this notice has extended, renders it impossible for us to attempt even the most meagre abstract of this portion of the work.

In addition to the other merits displayed in this volume, the author is evidently no contemptible scholar. On the whole, there are few works among those recently produced, which do so much credit to the writer.

What has most displeased us, is the tone with which, in more places than one, the author permits himself to speak of so eminent a person as Archbishop Whately, and which we are sure, on reflection, he must feel to be unworthy of him. He naturally cannot value very highly the *Elements of Logic*, from the opposite views which he himself entertains on the subject, but even that work he admits to possess considerable merit; and the author of the *Elements of Rhetoric*, the *Lectures on the study of Political Economy*, and *The Errors of Romanism traced to their origin in Human Nature*,⁴ has afforded evidences of intellectual power, which might have been sufficient to protect him against this disrespectful

⁴Richard Whately, *On the Errors of Romanism Traced to Their Origin in Human Nature* (London: Fellowes, 1830).

and jeering style of criticism; a style which certainly would not be adopted by those, if any such there be, who could be entitled to adopt it towards such a man.

A.B.

154. FRENCH NEWS [54]

EXAMINER, 1 APR., 1832, P. 216

For the entry in Mill's bibliography, see No. 116. The item, headed "London, April 1, 1832," is listed as "Article on France" and enclosed in square brackets in the Somerville College set of the *Examiner*.

THE PRESS AND THE CHAMBER OF DEPUTIES in France have, during the past week, been chiefly occupied with angry discussions respecting the late disturbances at Grenoble.¹ It appears that several lives were lost, and many persons wounded; and the Opposition represents the affair as a sort of Manchester massacre, asserting that there was not the slightest justification for calling in the troops. This seems also to be the opinion of many competent witnesses who were present on the spot. What makes the matter worse is, that M. Casimir Périer does not scruple (it is said) to admit in private that the Préfet was greatly to blame, though in public he associates himself in that magistrate's responsibility by sanctioning and commending his proceedings.² This, however, is in the spirit of his entire administration: his subordinates are all made to understand that in the repression of tumults it is safe to go too far, but fatal not to go far enough. The Cour Royale of Grenoble has commenced a judicial investigation of the whole transaction; so that if not justice, publicity at least may be counted upon.

The Chamber, after interrupting the debate on the Budget in order to discuss the new Corn Bill, has, strangely enough, broken off the discussion of the Corn Bill to resume that of the Budget. The spirit of most of the speeches yet delivered on this important bill has been commendable. All, or nearly all, the speakers supported the measure, either as brought forward by the Government or as altered by the Commission: most were for the project of the Government, the most liberal of the two. Even M. de Saint-Cricq declared for altogether effacing the word prohibition from the corn laws of France.³

¹For details, see No. 152, n1. Further news was given in the *Moniteur*, 24 Mar., 1832, pp. 839-40.

²In his speech of 20 Mar. (*ibid.*, pp. 813-14), Périer supported the conduct of the prefect, Jean Maurice, baron Duval (1778-1861), who had called out the troops. Périer's embarrassment over Duval's mistake is fully covered in "Affaires de Grenoble," *Courrier Français*, 26 Mar., p. 2.

³For the Corn Bill, see No. 125, n2. Saint-Cricq, Speech on the Corn Bill (23 Mar.), *Moniteur*, 1832, p. 852.

155. FLOWER'S SONGS OF THE SEASONS

EXAMINER, 8 APR., 1832, P. 230

For Mill's first tribute to Eliza Flower, see No. 112. This item, in the "Musical Review," is headed "*Songs of the Seasons. By the author of the Musical Illustrations of the Waverley Novels.* [London: Novello, 1832.]" It is described in Mill's bibliography as "A review of Miss Flower's 'Songs of the Seasons,' in the Examiner of 8th April 1832" (MacMinn, p. 20). In the Somerville College set it is listed as "Review of Miss Flower's 'Songs of the Seasons'" and enclosed in square brackets.

IN THE EXAMINER of the 3d of July last, we paid such offering of admiration as we knew how to give, to Miss Flower's *Musical Illustrations of the Waverley Novels*. If time and familiarity have shewn us anything to regret in the testimony we then rendered to that delightful work, it is that we hardly trusted ourselves to say all we might have said in its praise, nor to try it by so high a standard as that to which alone it can be referred, without a certain insensibility to what constitutes its highest excellence. There is in every strain that which denotes it to be the work not merely of an accomplished musician, but of a mind penetrated with the spirit of a true artist; of one who recognizes in art (what the mere trader in its productions, let him trade for fame or money, will never see in it) a language for the most earnest feelings of the most susceptible minds: for those feelings which, when they vent themselves in articulate sounds, give birth to poetry and eloquence—when in any other kind of language, to Art in all its branches. The language which Miss Flower has chosen is music, and she speaks it like one to whom none of its dialects is unfamiliar, because none of the feelings to which it is appropriate, from the loftiest to the most tender, is a stranger to her. When to these qualities of the inmost nature, is added originality of melody, together with adequate scientific knowledge of harmonic principles, we have all which constitutes musical genius, in the highest and most exclusive sense of the term. And whatever may be the place assigned to Miss Flower among the comparatively few, whom this union of endowments entitles to the rank of artists in music, that she belongs to the class, no competent judge, we are persuaded, will for a moment doubt.

We welcome a new work from the same hand, with the greater pleasure, as there are many motives not likely to be durable which may lead to the appearance of a *first* production, but it is the *second* which shews that the author has chosen her career—that she has found an answer to the question which every mind of any inherent power asks itself, what it is fittest for? in what manner the faculties which it possesses can be called into fullest exercise, and turned to the most valuable account? We are now authorized to hope that she will many more times

have to receive our thanks, for benefitting and delighting us as she has already done.

The work before us consists of four songs, illustrative of the Four Seasons. This design did not allow of such lofty flights as her "Lament of Meg Merrilies" or her "Lady in St. Swithin's Chair,"¹ the unearthly character of which could only correspond to words as solemn and impressive; nor would the wild strains in which she has so characteristically shadowed out the mental wanderings of the dying Madge Wildfire, have suited an occasion where neither poetry nor music had anything more to do than embellishing familiar objects. Her present subject required not so much imagination as fancy, and a mind at peace and in sympathy with all nature. There are minds to whom Autumn and Winter are more congenial than Spring and Summer, or over whose emotions at least, those gloomier seasons have greater command. The contrary seems to be the case with Miss Flower; her disposition must be sunny and cheerful, for it is evident to us, that her heart is in the first two of her songs, and only her understanding in the two last.

The first in particular must be admired by every lover of chaste and expressive music. It is one of the sweetest pastoral duets which has been produced in this country for many years. Miss Flower, who is usually happy in the choice of her words, has been indebted for them in this case to a friend who is not named. They appear to us so delicate and fanciful, that we permit ourselves the pleasure of quoting them at length: they are worthy of the music, and the music of them.

Rose, rose! open thy leaves,
Spring is whispering love to thee;
Rose, rose! open thy leaves,
Near is the nightingale on the tree.
Rose, rose! open thy leaves,
And fill with sweet breath the ripening eves.

Lily, lily! awake, awake!
The fairy wanteth her flowery boat:
Lily, lily! awake, awake!
And set thy sweet laden bark afloat:
Lily, lily! awake, awake!
And cover with leaves the sleeping lake.

Flowers, come forth, come forth, 'tis Spring!
Stars of the woods, the hills and dells!
Fair valley-lilies, come forth, and ring
From your green turrets your silvery bells.
Flowers, come forth, 'tis Spring!

The second, "Summer," we think little if at all inferior to the first. The words

¹These, like "Madge Wildfire," are in Flower's *Musical Illustrations*; see No. 112.

(by the author's sister)² mingle another expression with that belonging to the season, being a summons from a lover to his mistress, to partake of its delights. Both the words and the melody (the simplest of the collection) are overflowing with a gentle and placid tenderness.

"Autumn" is less a favourite with us than any of the others: we have met however, with persons who admired this most of them all. We should praise it too, if the author had not so often far excelled it.

"Winter" is highly original, but sounds to us somewhat odd and uncouth: perhaps because the rhythm of the words is unusual, and not very well adapted for music. Nowhere has Miss Flower scattered the materials both of melody and accompaniment with a more lavish hand, but we think she has been less felicitous than usual in putting them together. The air is not marked with that singleness of conception, which is the surest indication, and indeed, the only rational definition ever given, of true taste. It has the appearance of being not one air, but fragments of several. In particular, there is in the very middle a startling modulation from minor to major, which must have produced a great effect if there were at that place any corresponding change of sentiment in the words. A modulation exactly the converse of this, in "St. Swithin's Chair," was extremely striking and characteristic: but the higher resources of the art should be reserved for occasions to which its more ordinary means are not adequate.

Miss Flower's worst pieces, however, are superior to the best of many popular composers, and her best are such as "will not willingly be let die."³ We hope for many more, both of the one and of the other.*

156. FRENCH NEWS [55]

EXAMINER, 8 APR., 1832, P. 232

For the entry in Mill's bibliography, see No. 116. The item, headed "London, April 8, 1832," is listed as "Article on France" and enclosed in square brackets in the Somerville College set of the *Examiner*.

THE TOTAL NUMBER OF PERSONS who have been attacked by the cholera in Paris, from the commencement of the disease (that is, within one week) is 1,052. Of these, 395 have died. When considered with relation to the amount of population

²Sarah Flower Adams, like her sister, lived in W.J. Fox's house as his ward from the death of her father in 1827 until her marriage to William Bridges Adams ("Junius Redivivus") in 1834.

³Milton, *The Reason of Church Government* (1641), in *Works*, Vol. I, p. 119.

*Among the good qualities of the present publication, is to be ranked one as rare in our times as much higher merits, that of cheapness. It consists of twenty-four pages of the ordinary size, and is sold for only six shillings.

in the two cities, the disease has been in the proportion of three to one more destructive in Paris than in London. This greatly exceeds any proportion which we should have anticipated from the comparative unhealthiness, and greater average rate of mortality, in ordinary times, in Paris than in London.

The epidemic has also appeared in several parts of France simultaneously, and all quarantine restrictions have consequently been withdrawn.

There has been a riot at Paris (which seems to have been grossly exaggerated by some of the English papers),¹ excited chiefly by the *chiffonniers*, or rag-pickers. This is an unfortunate class of men, more numerous than the nature of their occupation might have led us to expect, who gain their living by going with lanterns at night and picking up such rags as are to be found in the sweepings which are thrown out of the houses in the evening and carried away by the scavengers before morning. A new system which has been adopted, it seems, for cleaning the streets, threatened to deprive all or some of these poor creatures of their miserable livelihood; and this, together with some absurd misconceptions by the populace of Paris concerning the cholera and the sanitary measures of the civic authorities, gave rise to the disturbances.

The Bill for the amendment of the Corn Laws has passed the Chamber of Deputies, having first been mulcted of all its valuable provisions, except that which puts an end to absolute prohibition.² Importation will in no case hereafter be prohibited, but only subjected to duties tantamount to a prohibition. This proves that on the great questions of commercial legislation, the Périer ministry, though not coming up to several of the leading members of the Opposition, is far ahead of the great bulk of either party. It is most unfortunate that the secret voting, so mischievously established by the regulations of the Chamber,³ prevents the disclosure of the names of the Deputies composing the majority and minority. Were these published, France would see who among the clamorous advocates of democratic principles are the real friends of the people, and who are merely disappointed aspirants for place.

The bill for the re-establishment of divorce, which had passed the Chamber of Deputies almost unanimously, has been thrown out, by a large majority, in the Chamber of Peers.⁴ Every day now widens the breach between the two

¹For example, Mill's *bête noire*, *The Times*, 5 Apr., 1832, p. 2, reported that three groups promoted the riots: the financial speculators, the republicans, and the Carlists. The last group being accused of putting arsenic in the wine butts to convince the lowest classes that the government wanted to poison them.

²The Bill (see No. 125, n2), as amended, was approved by the Deputies on 31 Mar. (*Moniteur*, 1832, pp. 942-6).

³By Art. 32 of *Règlement pour la chambre des députés* (25 June, 1814), *ibid.*, 1814, p. 711.

⁴The Bill (see No. 133, n10), having passed the Deputies, was recommended against by the Commission of the Peers (*ibid.*, 14 Mar., 1832, Supplement, pp. i-vi), and it was defeated on 31 Mar. (*ibid.*, pp. 897-900).

Chambers. Nothing else was to be expected without an entire recomposition, as the French would say, of the *personnel* of the Second Chamber.

157. FRENCH NEWS [56]

EXAMINER, 15 APR., 1832, P. 250

For the entry in Mill's bibliography, see No. 116. The item, headed "London, April 15, 1832," is listed as "Article on France" in the Somerville College set, where brackets surround all but the first paragraph¹ (before which a bracket has been erased).

THE CHOLERA has thus already carried off more than twice as many persons at Paris as have perished by it in London since its commencement. In one day the number of new cases amounted to 1024. We have abundant reason to rejoice that the disease broke out first in our own country. If it were yet to come, no one can think without horror of the alarm which would have been spread by these accounts of its ravages at Paris.

So little is known of the nature of this disease, that it is impossible to pronounce certainly why it has proved peculiarly fatal at Paris, peculiarly mild in London, and all over Great Britain. But we may suspect that the thin and low diet of the working classes at Paris, aggravated by long slackness of employment, has co-operated with their crowded mode of life, and with the bad draining and cleansing of the streets, to generate a predisposition to disease. No one who has ever passed through (to have *lived* there is impossible) certain quarters of Paris, seldom visited by foreigners—the *Marais* for example, eastward from the Rue St. Denis—can be astonished that such places should be *foci* of pestilential maladies.

The most absurd rumours were set afloat in the first few days after the irruption of the disease. Its symptoms were believed to be the result of poisoned provisions; and there seems to be little doubt that some individuals, whether madmen or worse, pretended to put, or did really put, into articles of food and drink, drugs of some kind, but not poison. However, the usual readiness of the French to suspect the most horrible crimes, on less evidence than would be required to make out the most trivial fact, has displayed itself, with even more

¹The paragraph reads: "The number of cases of cholera which have occurred within the walls of Paris is 5,908; of these 2,235 have died. But the official reports of cases, we are assured, are greatly below the truth. A private correspondent assures us, that one street has actually been depopulated by the malady. The great majority of the physicians in Paris do not believe the malady to be contagious. Many attendants at the hospitals have died from the disease, as it is believed, in consequence of fatigue having produced a predisposition to the epidemic."

than its wonted force. No less than five persons were massacred in the streets on suspicion of being poisoners.

The guilt of the murders rests with their perpetrators; but the reproach of credulity rests not with the populace alone. A proclamation by the Prefect of Police,² which was placarded in the streets afforded so much countenance to the absurd and odious suspicions, that some of the newspapers would not make themselves parties to its probable consequences by inserting it in their columns.

The progress of the disease, which is not sparing the higher classes, and of which M. Périer himself is said to be even now lying ill, is wonderfully accelerating the proceedings of the Chamber of Deputies. Laws are now hurried through with an indecent precipitation, which prevents any resistance to the will of the ministers, *except*, indeed, where they meditate some real improvement. They had introduced a bill for reducing the enormous bounties on French fisheries;³ a considerable step towards a system of free and equal law, bribing no one branch of industry at the expense of other branches: but this law has not passed without suffering considerable mutilation, at the instance of the deputies for the maritime towns.

The whole of the estimates have been passed,⁴ and the Chamber is now debating on the Ways and Means.⁵ This debate, which will necessarily involve all the great questions of taxation, would, probably, have been long and interesting at any other time, but, under present circumstances, it is likely to be summary and insignificant.

We have now, at length, an authentic account of the events at Grenoble.⁶ The mayor of the town has made a long report to Government, more deeply inculpatory of the authorities than even the enemies of the Ministry had previously surmised. To this report all the members of the Municipal Council have given in their adhesion, except one,⁷ who abstains on the ground, that, as chief judge of the Cour Royale, he will have to pronounce judicially on the transaction.—We shall return to this subject hereafter.⁸

²Henri Joseph Gisquet (1792-1866), Prefect of Paris, Proclamation to the inhabitants of Paris (2 Apr.), *Moniteur*, 1832, p. 953; see also *ibid.*, p. 973.

³Enacted as Bull. 79, Nos. 179 and 180 (22 Apr., 1832).

⁴On 4 Apr. (*Moniteur*, 1832, pp. 975-82).

⁵Passed after hurried debate on 11 and 12 Apr. (*ibid.*, pp. 1049-54, 1058-62).

⁶For details, see Nos. 152, n1, and 154. Mill may be referring to the account in the *Constitutionnel*, 3 Apr., pp. 2-3, and 4 Apr., pp. 1-2, containing the report of Vincent Rivier (1771-1838), the mayor of Grenoble.

⁷Joseph Désiré Félix Faure (1780-1859), a deputy 1828-30 (one of the 221), when he accepted the Presidency of the Cour Royale at Grenoble.

⁸This promise was not fulfilled by Mill, except in a reference to the Prefect Duval, in No. 182.

158. COMPARISON OF THE TENDENCIES
OF FRENCH AND ENGLISH INTELLECT

MONTHLY REPOSITORY, N.S. VII (NOV. 1833), PP. 800-4

This letter was sent to Charles Duveyrier for insertion in the Saint-Simonian newspaper *Le Globe*, where it appeared on 18 Apr., 1832, two days before *Le Globe* ceased publication. The letter witnesses to Mill's continued friendship with the Saint-Simonians, who shared his interest in the formation of character and the influence of circumstance on national traits. That Mill's letter was originally written in English is made clear in a letter to D'Eichthal and Duveyrier: "It was very well translated, though with some omissions & abbreviations which made it rather more St Simonian than I intended" (*EL, CW*, Vol. XII, p. 109). Since the translation is not by Mill, it is given here as App. B. This English version of the letter, published in the *Monthly Repository* a year and a half later, is there headed as title. The added introductory paragraph (probably by Mill), explains the circumstances, as do the two entries in his bibliography. The first reads: "A letter to Charles Duveyrier, intended as introductory to a series of letters to the Editor of *Le Globe*, the S. Simonian paper at Paris. This was translated garbled in some passages and published in '*Le Globe*' of 18th April 1832. The stoppage of the paper prevented any continuation. The English original of this letter with an introductory paragraph appeared in the *Monthly Repository* for November 1833, headed Comparison of the Tendencies of French and English intellect." (MacMinn, p. 20.) The second reads: "An article headed 'Comparison of the Tendencies of French and English intellect' in the *Monthly Repository* for November 1833, being the [original] of my letter to [Duveyrier] published in the *Globe* with a new heading" (MacMinn, p. 35). The English version contains four passages (one of them the introductory paragraph) not included in the French; these are identified in the variant notes, where "32" stands for *Le Globe* of 18 Apr., 1832.

"THE FOLLOWING LETTER appeared in a French dress, with some omissions and alterations, about a year and a half ago, in *Le Globe*, the journal of the political and religious sect of Saint-Simonians. It was intended to be the introduction to a series of letters, principally relating to the moral and social condition of Great Britain. In consequence of the discontinuance of the journal to which it was addressed, the design was never prosecuted. The original of the only letter which appeared has been communicated to us, and as it contains remarks which, though addressed to Frenchmen, concern Englishmen, and draws a parallel between the intellectual biasses of the two nations, which is at least not common-place, and is drawn (as we can certify) from nearly equal familiarity with the literature and politics of both, we offer it to our readers. In doing so we are requested to state, by way of apology for its somewhat egotistical style, that (although the observation may sound epigrammatic) the tone of French composition is naturally egotistical, and it is hardly possible not, after much mixing with Frenchmen, to assume the externals of egotism in discussing with them, whether orally or in writing.^a

^{a-a}-32

YOU ASK ME to correspond occasionally with the editor of the *Globe* on those subjects on which an Englishman, well acquainted with your doctrines, has more to tell of what you would desire to know than is attainable by any Frenchman. I accept your proposal. The idea had already occurred to myself; and the honour which you have spontaneously tendered to me, I should probably sooner or later have solicited as a favour to myself.

But before I commence, it is due both to myself and to those for whom this correspondence is intended, that I should state somewhat more fully than I have yet done, even to yourself individually, the motives and views with which I undertake it. I do so the more readily, as this is in itself no unimportant element of that knowledge which you have done me the honour to suppose that the readers of the *Globe* may be able to derive from my letters. To a St. Simonian who desires to know England, it cannot be indifferent to learn what are the inducements which may lead an Englishman, himself no St. Simonian, and agreeing with the St. Simonians though partially on almost all points, entirely perhaps on none, to place himself in communication with the St. Simonian Society.

You will imagine, perhaps, that the motive is a desire to do my part towards what you are labouring for with so much success, namely, to enable two nations, each of which possesses so many of the elements of greatness and goodness, but developed in an unequal degree, to understand each other; to make them do justice mutually to each other's merits, and acquiesce in the necessary results of those laws of human and of external nature which have made the characters of the two nations different, and in so doing have marked out to each of them a different vocation, and commanded each to pursue the end of our common existence by separate, yet not by opposite, roads. An arrangement which, viewing it as St. Simonians, you cannot but regard as providential. Viewed in any way in which it can be looked at by an enlarged intellect, and a soul aspiring to indefinite improvement, it is a subject of rejoicing; for it furnishes the philosopher with *varied* experiments on the education of the human race; and affords the only mode by which all the parts of our nature are enabled to move forward at once, none of them being choked (as some must be in every attempt to reduce all characters to a single invariable type) by the disproportionate growth of the remainder.

You are not wrong in supposing that I have this object deeply at heart, and that the earnestness with which you on your part pursue it, is not the weakest of the ties of sympathy which connect me and you. I am sensible, moreover, that at the point of view at which you are placed, this must be the principal source of any expectation of good which you can entertain from my correspondence. But such is not the only, nor even the principal, of the motives which induce me to choose

the *Globe* as a vehicle (so far as your permission extends) of many of my feelings and opinions. There is a stronger still; it is, that among the readers of that journal I find a public capable of understanding those opinions, of entering into those feelings; and in the members of your society, a body of thinkers and writers with whom I think it may be of use publicly to discuss them.

It is not necessary for any one to remind you, that the St. Simonians are, just now, the only association of public writers existing in the world who systematically stir up from the foundation all the great social questions; even those which have been settled long ago upon a footing which revolution has not yet completely carried away; even those on which the ancient doctrines, howsoever they may have declined in their practical efficacy, have not yet ceased to be speculatively acknowledged by every one. You declare that all social questions must receive a new solution; and while you propound with that view the best ideas you have, you call upon all who are capable to do the same, and are yourselves willing to hear and desirous to understand all men.

If even in France to have done this has exposed you to the misinterpretation and the odium of which you are the objects, it is more utterly impossible than you yourselves are as yet able fully to understand, that any set of public writers should for a long time to come stand up openly in England and do the like. In England there is no scope at present for general theories; unless, indeed, they be generalizations of such narrow views as make no call even upon the most uncultivated mind to look beyond its own miserably contracted horizon.

M. Michel Chevalier has frequently propounded in the *Globe*, the doctrine that Germany excels all nations in *science* and *intellect*, England in *industry*, France (as having the most widely-spread sympathies) in *MORALITY*.¹ ^bThis was doubtless intended merely as a general indication, not to be taken literally, but with many explanations and modifications; some of which you are, I know, aware of, and I may have opportunity of suggesting others in the course of this correspondence. What I am now going to mention is, however, literally true, and is, I think, the principal truth contained in M. Chevalier's remark.^b It is, that the German nation is eminently *speculative*, the English essentially *practical*, and the French endeavour to unite both qualities, having an equal turn for framing general theories and for reducing them into 'practice. As far as this goes, the palm of intellectual superiority, you see, belongs to France, and not to Germany. Considered in other points of view, I could prove that it belongs to England. In short, I conceive it might be shown that every one of the three nations possesses some intellectual and some moral qualities in a higher state of development than

¹See, e.g., Chevalier, "Direction nouvelle à donner à la politique extérieure," *Le Globe*, 3 June, 1831, p. 1; cf. other articles by Chevalier, *ibid.*, 20 May, 1831, p. 1, 5 Feb., 1832, pp. 1-2, and 12 Feb., 1832, pp. 1-2.

^{b-b}32

^{c-c}32 pratique. Si

either of the two other nations; and that each excels in some department, even of industry; witness the woollens of Saxony, and the well-known superiority of your country in almost all fancy articles.

But this is not the point I intended to enlarge upon just at present. What I meant to say was, that if^c any person has ideas which he thinks important to propound to the public of Germany, it is a positive recommendation to them that they are brought forward as part of a systematic theory, founded on a combined view of history, and on a general conception of philosophy, literature, and the arts. This would perfectly chime in with the tendency of the German mind. Views very extensive, and therefore, of necessity, promising only a gradual and distant realization, have a better chance of being listened to in that country, than those of a narrower kind. Even in France, though the general and systematic character of any opinions are no *recommendation* to the public attention, neither are they a positive *hinderance*. But in England they are so.

The extremely *practical* character of the English people, that which makes them, as men of business and *industriels* excel all the nations of Europe, has also the effect of making them very inattentive to any thing that cannot be carried instantly into practice. The English people have never had their political feelings called out by abstractions. They have fought for particular laws, but never for a *principle* of legislation. The doctrines of the sovereignty of the people, and the rights of man, never had any root in this country. The cry was always for a particular change in the mode of electing members of the House of Commons; for making an act of parliament to meet some immediate exigency; or for taking off some particular tax. The English public think nobody worth listening to, except in so far as he tells them of something to be *done*, and not only that, but of something which can be done *immediately*. What is more, the only *reasons* they will generally attend to, are those founded on the specific good consequences to be expected from the adoption of the specific proposition.

Whoever, therefore, wishes to produce much immediate effect upon the English public, must bring forward every idea upon its own independent grounds, and must, I was going to say, take pains to conceal that it is connected with any ulterior views. If his readers or his audience suspected that it was part of a *system*, they would conclude that his support even of the specific proposition, was not founded on any opinion he had that it was good in itself, but solely on its being connected with Utopian schemes, or at any rate with principles which they are "not prepared" (a truly English expression) to give their assent to.

To you, who know that politics are an essentially progressive science, and that none of the great questions of social organization can receive their true answer, except by being considered in connexion with views which ascend high into the past, and stretch far into the future; it is scarcely necessary to point out that any person, who thinks as you do on this point, must have much to say, which cannot with advantage be said, just at present, to the people of England. In writing to

persuade the English, one must tell them only of the next step they have to take, keeping back all mention of any subsequent step. Whatever we may have to propose, we must contract our reasoning into the most confined limits; we must place the expediency of the particular measure upon the narrowest grounds on which it can rest; and endeavour to let out no more of general truth, than exactly as much as is absolutely indispensable to make out our particular conclusion.

Now, as the people of England *will* be treated in this manner, they *must*: and those who write for them, must write in the manner best calculated to make an impression upon their minds. When, therefore, I see, that parliament ought to enact a certain law to-day or to-morrow, and that it is my duty to exert myself for that purpose, I will state to the English people such immediate advantages as appear to me likely to result from the measure:—but when I wish to carry discussion into the field of science and philosophy, to state any general principles of politics, or propound doubts tending to put other people upon stating general principles for my instruction, I must go where I find readers capable of understanding and relishing such inquiries, and writers capable of taking part in them.

I come to you as *littérateurs* and artists come to Europe from that country of pure *industrialism*, the United States of America; because there is no call in their own country for the kind of labour which is their vocation. I conceive that, in political philosophy, the initiative belongs to France at this moment; not so much from the number of truths which have yet been practically arrived at, but rather from the far more elevated *terrain* on which the discussion is engaged; a *terrain* from which England is still separated by the whole interval which lies between 1789 and 1832. Every one, therefore, who can contribute any thing towards the elaboration of political principles, should carry his ideas, such as they are, to France, and if to France, to *none* rather than to you, who are in so many respects the furthest advanced of all persons in France at the present moment.

I have yet another reason for placing myself in communication with the readers of the *Globe*. Englishman as I am, I understand them better than I do almost any class of my own countrymen. The cause is, that you have determinate views on all the subjects most interesting to mankind; and you keep none of these back, but state them to the public on every fitting occasion. In England, on the contrary, whatever may be a man's opinions, he never brings any of them before the general public, except those which are naturally suggested by the topics of the day; the rest he keeps to himself, or reserves for philosophical works. You can never tell what sort of persons those are who read the *Times*, or the *Morning Chronicle*, or the *Edinburgh Review*, or the *Quarterly Review*; except that you can in some measure guess whether they are Tories, Whigs, or radicals; even in this, your guess is often wrong, and at the best, how little this discloses of all that constitutes a man's real belief (if he have any) or the real furniture of his mind, no one knows better than yourselves. But whoever reads *Le Globe*, tells you by

that alone, an immense deal of his character and modes of thinking. And I, who have long read it assiduously, as well as almost every other publication which has proceeded from your society, may say that I now know the opinions of the St. Simonians, understand their language, desire to hear more of it on all subjects, and know in what manner my own ideas must be expressed, to find readiest access to their minds. I cannot say so much of any body of English readers, to whom I could address myself.

To these reasons for corresponding with you, permit me to add one, which needed not to be backed by any others in order to render it sufficient;—the high admiration which it is impossible for me not to entertain for you, your purposes, and your proceedings. When I see men doing all that the St. Simonians do, and sacrificing all that they sacrifice, for a doctrine which has as much truth in it as theirs has, and which, though I am unable to adopt it, must, in my opinion, do infinitely more good by its good, than it can do evil by its evil; when I see this, it is enough for me that such men think I can be of any use to them, to induce me eagerly to obey their call, as far as is consistent with what I owe to my own views of truth, and to the superior claims of my own country upon my labours and sacrifices.

^dThis seems to be fully as suitable a termination to my letter as any *formule* of politeness, and with this, therefore, I will for the present conclude. ^d

159. LEWIS'S REMARKS ON THE USE AND ABUSE OF POLITICAL TERMS

EXAMINER, 22 APR., 1832, PP. 259-60

Mill reviewed this work at greater length in *Tait's Edinburgh Magazine* for May 1832 (see *CW*, Vol. XVIII, pp. 1-13). On 29 May, 1832, outlining for Thomas Carlyle his recent activities, Mill evaluates his writings in the *Examiner* on France, his review of Smart, Nos. 151 and 153 (by implication), and his two reviews of Lewis: "On the whole, the opinions I have put forth in these different articles are, I think, rather not inconsistent with yours, than exactly corresponding to them; & are expressed so coldly and unimpressively that I can scarcely bear to look back on such poor stuff. I have not yet come up even with my friends the St. Simonians; & it would be saying very little even if I had." (*EL*, *CW*, Vol. XII, p. 105. Cf. the concluding sentence of the introductory paragraph of No. 158.) This review, the first in the "Literary Examiner," is headed "*Remarks on the Use and Abuse of some Political Terms. By George Cornwall Lewis, Esq., Student of Christ Church, Oxford.* [London: Fellowes, 1832.]" The item is described in Mill's bibliography as "A review of Geo. Cornwall Lewis's Remarks on the Use and Abuse of certain political terms. In the Examiner of 22d April 1832." (MacMinn, p. 20.) It is listed as "Review of Geo. Cornwall Lewis's 'Use and Abuse of Political Terms'" and enclosed in square brackets in the Somerville College set of the *Examiner*, with one correction: at 450.33 "to other" is altered to "to draw other". One passage of the

“poor stuff” was deemed worthy of quotation in *A System of Logic*; in the variants resulting from its collation, “L” signifies *A System of Logic*.

MR. LEWIS IS ALREADY KNOWN as one of the accomplished translators of Müller’s *Dorians*, and Böckh’s *Public Economy of Athens*;¹ but, with the exception of a little tract on Logic, of considerable merit, published a few years ago,² he now appears (we believe) for the first time before the public as the author of an original work.

The nature and purpose of the book are accurately enough expressed by its title. Such works are the natural results of the call which is now making itself heard, for stricter and more precise thinking on political topics. Whoever is *au courant* of the great intellectual movement of the age, is aware that the scientific study of politics as a branch of philosophy, (though scarcely half a century old), is now the chief and engrossing occupation of thinking and instructed minds throughout Europe: whether as embodied in the speculations of Mr. Bentham and his successors; in the labours of the French and English economists; or in the attempts which have been made with various success in France and Germany (from Herder and Johannes Müller³ down to Guizot and Saint-Simon), to philosophize upon the facts of history considered as a connected whole, governed by determinate and assignable laws. In England, (where the hindmost minds remain longer ignorant than in any other reading nation, of what is doing by the foremost) the bare idea that such studies exist, for any purpose which a sensible man can attach value to, has only within this last year or two, if at all, been diffused and popularized. Yet even in England all minds are now turned to politics, if not as yet with great comprehensiveness of views, at least with the certainty of great results, for good or for evil. And though the questions immediately at issue are likely to be decided by more summary methods than those of logic, yet on a subject on which the magnitude of the interests at stake forces all to think after some manner, such as have any capacity for philosophy will endeavour to think philosophically, and to contribute what lies in their power towards enabling as many others as are so disposed to do the like; of which this work of Mr. Lewis is an example.

It is a highly creditable production; less however in itself, than as an earnest of better things to come. Were it to be considered as the ultimatum of a completed

¹Karl Otfried Mueller (1797-1840), *The History and Antiquities of the Doric Race* (1820-24), trans. Henry Tufnell and George Cornewall Lewis, 2 vols. in 1 (Oxford: Murray, 1830); and August Boeckh (1785-1867), *The Public Economy of Athens* (1817), trans. Henry Tufnell and George Cornewall Lewis, 2 vols. (London: Murray, 1828).

²*An Examination of Some Passages in Dr. Whately’s Elements of Logic* (Oxford: Parker, 1829).

³Johann Gottfried von Herder (1744-1803), philosopher and theologian; and Johannes von Mueller (1752-1809), author of *Vierundzwanzig Bücher allgemeiner Geschichten*, 3 vols. (Tübingen: Cotta’schen Buchhandlung, 1810).

and ripened mind, we should have nearly as much to say of it for ill as for good. But there is no other ill in it than that of not being good *enough*; the most hopeless of all faults in a mind which has attained maturity, the most excusable in one which is in a state of adolescence. Every thing in the book which is justly liable to objection, proves merely that Mr. Lewis has *begun* to think and to inquire, and has yet only partially realized any result from his thinking and inquiring. It is already no little matter to have fairly and in singleness of purpose set about the task:—above all, when we consider of how many voluminous and even popular writers and instructors it may be said, that they have never, properly speaking, *thought* at all; that to have had a thought of their own, or even to have *made* a thought completely their own which was originally another man's, is an event in their lives which is yet to come, and which, if it ever should come, would most certainly effect an entire change in their whole manner of existence. Mr. Lewis belongs to a very different category; and we have far other hopes from him. Many a mind of the highest capabilities, if it had attempted to fix upon paper such views of things, or such views of other men's views, as passed through it in the middle stage of its growth, while rising from the learner into the teacher, would have made a far less advantageous appearance than Mr. Lewis has done. This middle stage is the most critical period in any man's intellectual history, and few are they who pass through it. There is nothing in the work before us which forbids us to believe that Mr. Lewis is destined to be one of those few; unless, unfortunately (what sometimes happens), impressions, some of which would naturally be evanescent, should derive from the very process of committing them to paper, that fixity and tenacity which is frequently given to a notion by much pondering over it.

Mr. Lewis's purpose in this work, as a political philosopher, is to set people right in their use of terms. An important object; yet not all-important; and, indeed, essentially secondary in its nature, the primary end being, to set people right in their notions of *things*. True it is, that our judgments of *things* are frequently vitiated by fallacies which creep in by means of *words*; but this is only the common case of an effect reacting upon its cause, since an illogical use of *words* also still more frequently arises from an imperfect conception of the nature and properties of the *things* which these words are employed to designate. Almost all the faults of this book may be traced, we think, to the attempt to treat one of these two classes of errors independently of the other. "Few people have reflected how great a knowledge of *b'things*^b is required to enable a man to affirm that any given argument turns wholly upon words. There is, perhaps, not one of the leading terms of philosophy which is not used in almost innumerable shades of meaning, to express ideas more or less widely different from one another.

^{a-a}[quoted in L. CW, VII, 153n-4n]

^{b-b}L. Things

Between two of these ideas a sagacious and penetrating mind will discern, as it were intuitively, an unobvious link of connection, upon which, though perhaps unable to give a logical account of it, he will found a perfectly valid argument, which his critic, not having so keen an insight into the *“things”*, will mistake for a fallacy turning on the double meaning of a term. And the greater the genius of him who thus safely leaps over the chasm, the greater will probably be the crowing and vain-glory of the mere logician, who, hobbling after him, evinces his own superior wisdom by pausing on its brink, and giving up as desperate his proper business of bridging it over.^a

When it shall be deemed as essential to the character of a logician to be able to recognise the substance of sound reasoning, howsoever overshadowed, as to detect irregularities in the form; it will be acknowledged, that in order to sit in judgment upon any man’s philosophical phraseology, it is often necessary to be more thoroughly master of his ideas than he is himself.

But if there needs all this knowledge, not of words but of things, to ascertain whether one man has preserved sufficient clearness and consistency in the use of language, never to make a stumbling-block to himself of his own terminology; how much more of such knowledge does it require to determine what meanings can be annexed to what words, most conveniently for the general purposes of philosophy! Language to a philosopher is like an army to a general-in-chief; like that, too, it is often all too scanty for the work it has to do. To judge what positions must be occupied, and what may be left unguarded; to make the most advantageous disposition of a small force for the defence of an extensive territory,—requires the most familiar knowledge and careful study of the localities. To give the law to philosophical nomenclature, requires the most intimate acquaintance with the strong and the weak points of philosophy and of general opinion; so as to know where on one quarter a fallacy creeps in, because the most common name of an object suggests a part only of its essential properties, and not the whole; on another, an all-important distinction lies unheeded for want of a short and compact expression pointing it out:—to save words from being engrossed, as they are apt to be, by objects or thoughts which are safe from being overlooked by their own obviousness; and afford the aid of language to draw other less palpable and familiar (though possibly more important) combinations of ideas out of obscurity.

Yet we blame no one, if, in the present state of the human mind, he begins to be a critic in words, before he is adequately conversant with the things which they signify. The greatest intellects, in our time, have had scarcely any other beginnings.

Quintilian remarks, that in a youthful production, redundancy of invention and exuberance of fancy are faults which the teacher should see not merely with

^a“L Things

indulgence, but with pleasure; since every year of experience and culture helps to cure defects of judgment, but the imagination which is not overflowing in youth, will surely be jejune and scanty in maturer years.⁴ In our own times Quintilian's observation must give place to its exact opposite. Circumstances for which no individual can with justice be held responsible, have reversed the order in which the capabilities of the youthful intellect successively unfold themselves. What even the best minds of our day are remarkable for in the outset, is seldom fertility and fulness, but the forced and premature predominance of the faculty of judgment, or rather, of *judging*; exercised, be it well understood, not upon their own stores, but upon other people's. What remains to be accomplished by subsequent culture is nowise to root *out* weeds, and prune luxuriant growth, but rather to plant anything *in* the mind, which else would remain almost a waste. The first lesson, that which men *begin* by teaching themselves, is not to *do* anything, great or little, but to perceive that other people have *not* done it. Some imperfect faculty of criticism is what men first attain to. Imperfect it must necessarily be, for none know really what is false but he who knows also what is true: the knowledge of good and of evil are fruits which grow upon the same tree. Accordingly the criticism generally addresses itself not to the substance of what is taught, but chiefly to the qualifications of the teacher. Criticising in our time is mostly confutation only of the man, not of what he delivers as his opinion: it ends not in throwing any new light upon the subject treated of, but in shewing that some man who is undertaking to treat of it, is inconsistent, or puzzle-headed, and is incapable of giving instruction upon the matter to any one, or at least has not succeeded in giving any to the critic. It is scarcely necessary to add, that even the man, in this mode of proceeding, seldom meets with fair play; for when the presumption set out with is that every man, even though he be a great man, is at least as likely to be wrong as right, what more natural than to conclude that he is talking without a meaning, rather than take any considerable trouble to make out what his meaning is? The critic squares his author's understanding by his own; and if the two do not exactly fit, with whom is it more natural to suppose the fault to lie—his author, or himself?

All this must be; or, at least, in an age of transition like the present, *will* be; which is all that in such a case can be meant by *must*. Numbers of persons who make considerable noise in the world, never emerge from the state of mind above described. Even the best must generally pass through such a state, but rapidly, and without exemplifying any of its more baneful consequences.

Mr. Lewis has begun where it is scarcely possible, just at present, even for the most vigorous minds, not to begin: he has obtained some insight, not into the truth, but into the deficiencies of others in seeking for it, or in setting it forth.

⁴Quintilian (ca. A.D. 35-95), II, iv, 4-7, in *The Institutio Oratoria of Quintilian* (English and Latin), trans. H.E. Butler, 4 vols. (London: Heinemann, 1920), Vol. I, pp. 224-6.

And if amidst many sound and valuable criticisms on the established usage of language, and on the phraseology of particular writers, he occasionally condemns what he has not seen to the bottom of, and for want of sufficient familiarity with an author's ideas, does not see correctly what that author means by his words; if at other times he is almost captious in refusing to writers the use of, perhaps, the only familiar terms which the language affords them to express their meaning, because he has laid hold of those terms to mark distinctions of his own, the importance of which he more clearly sees; all this is but the almost necessary consequence of attempting to settle the language of a science before mankind have agreed about the science itself. Instead of blaming Mr. Lewis because his work contains such blemishes, we will rather give him all praise that it consists of anything else; and will exhort him to persevere in his attempt to reform philosophical language, but to remember that such reform cannot proceed faster than the reform of the doctrines of philosophy; that the two must go hand in hand, and that it is as impossible to use language precisely while ideas are uncertain and confused, as it is for ideas to remain clear without a nomenclature suitable for the accurate expression of them.

A.B.

160. FRENCH NEWS [57]

EXAMINER, 22 APR., 1832, P. 264

For the entry in Mill's bibliography, see No. 116. The item, headed "London, April 22, 1832," is listed as "Paragraphs on France" in the Somerville College set with the first two paragraphs of the article (to the printer's rule) enclosed in square brackets.

THE FRENCH CHAMBER OF DEPUTIES has galloped through the Ways and Means, disposed of all the great questions of taxation with scarcely a word of discussion, and then virtually adjourned, it being now impossible to make a house.¹ It must be remembered that by the regulations of the French Parliament, the number necessary to form a quorum is not forty members, as with us, but a majority of the whole house.² This is one of the causes which practically disable the Chamber from transacting public business after dinner time.

The Session will not close for some days, the Peers having yet to pass several bills already adopted by the other Chamber.

¹The vote of 12 Apr. on the Budget (see No. 150, n2) is in *Moniteur*, 1832, p. 1062. The haste was due to the cholera, which was wreaking havoc in Paris; the official total of deaths had reached between 12,000 and 13,000.

²Charter of 1830, Art. 16; continuing Charter of 1814, Art. 18.

161. FRENCH NEWS [58]

EXAMINER, 29 APR., 1832, P. 280

For the entry in Mill's bibliography, see No. 116. The item, headed "London, April 29, 1832," is listed as "Paragraphs on France" and enclosed in square brackets in the Somerville College set of the *Examiner*.

THE FRENCH CHAMBERS were prorogued on the 21st of April, after a session of nine months, in which but little that is of any real use has been even talked about; and of that little, nothing but the most paltry and insignificant fraction has been accomplished. The first session of the first Parliament elected under the Citizen King and the *charte-vérité*,¹ has demonstrated nothing but the vices of the institutions of France, and the backwardness of her national mind.

In our next paper, we purpose giving a summary of the *res gestae* of the session; with the remarks, which such a survey naturally suggests, on the two comprehensive questions—what France now is, and what she has next to do and to become?

The illness of MM. Périer and d'Argout has set much vain speculation afloat concerning the chances of a change of ministry.

162. THE CLOSE OF THE SESSION IN FRANCE

EXAMINER, 6 MAY, 1832, PP. 291-2

This comment on the background and meaning of the legislative session, with its companion article, No. 172, employs a genre later used by Mill for British sessions (see *CW*, Vol. VI). The article, headed as title, is described in Mill's bibliography as "An article headed 'Close of the Session' in the *Examiner* of 6th May 1832" (MacMinn, p. 21). In the Somerville College set of the *Examiner* it is listed as "The Close of the Session in France" and enclosed in square brackets; at 455.11 "ong" in "longer" is inked over, but no obvious correction can be inferred.

WHEN THE FRENCH CHAMBERS MET, after the general election in June 1831, the situation of France and of the French Government presented many features of resemblance with the position of affairs at the opening of the States General in 1789.

There was not, indeed, as at the former period, an accumulated pile of the abominations of centuries, to be carted off and flung into the bottomless pit. The

¹I.e., the Charter of 1830, of which Louis Philippe said on 31 July, 1830, "La Charte sera désormais une vérité" ("Proclamation du duc d'Orléans," *Moniteur*, 1830, p. 833).

extirpation of evil had ceased to be the first and greatest good; the destroying angel had done his work, and a gentler and more beneficent spirit must henceforth preside over the accomplishment of the milder task which remained. Neither had the men of 1831, like the far greater men of 1789, to construct a Government, from the foundation upwards. There *was* a Government: in a degree more or less perfect, it was, and could keep itself, obeyed; and had therefore full leisure to look about it and think of *deserving* to be so. What is called a Constitution, too, that is, the bare walls and rafters and doorways, the mere carcass of the social edifice, had been bequeathed to the new French Legislature by its immediate predecessors. What is deemed the great question of Government, the question *who* shall govern, (not *how*), had been provisionally decided, by those who had accidentally found the sceptre lying at their feet, when it fell from the incapable hands of its former holders. The workman had got his new tools, and fit was it that he should try how he could work with them, ere he flung them away and looked out again for another set. To this extent, therefore, the position of the French Chambers differed from that of the Constituent Assembly; and was a far easier one. But in other respects the two were strikingly analogous.

In both, the sense of the whole nation, or of that part of it which the law presumed to be the fit guide and guardian of the remainder, had been appealed to; in the one case, after the happening of a revolution; in the other, under circumstances which were in themselves a revolution. In both, a call had been made upon the people to choose out all their best and wisest men, and send these to assemble in one place and consider what could be done to make the condition of the French Nation better. Both bodies were invited by the circumstances under which they were called together, to review all the institutions and the general political condition of their country. Both assembled at the opening of a new era; and on the will of each it mainly depended, what, in the first instance, the character of that era should be.

But the two bodies were very differently fitted, by talents and acquirements, for the task which lay before them.

The Constituent Assembly, with all their faults, were the *élite* of France. There was scarcely a man in the kingdom who had given public proof of integrity and abilities to the nation, or to his own province or district, who did not find a place in that illustrious body. The ruling spirits were inexperienced, which was not their fault; they were also vain and presumptuous, which *was*. But they were, almost to a man, persons whose talents would in any sphere of life have made them conspicuous; well versed in the best studies and the most valuable ideas of their age. If any one doubts this, he does not know them; he has not read, or has not understood, their speeches and writings. It is true, such culture as their age afforded had possessed the most of them thoroughly and deep-rootedly, with little besides this, that Evil was Evil. That it was possible to extinguish the Evil

and yet miss the Good, was a lesson which they had not learned, but which their best and bravest were destined to leave to posterity written in their blood. Yet they warred against evil with an undaunted spirit, and did unflinchingly and effectually the great work of their own time.

The work of *our* time requires far greater men, and is likely, for all we can perceive, to devolve upon far smaller.

It is a very simple matter, if we will but consider it, to see when things as they are, are wrong: the signs of a vicious constitution of society glare obviously upon us: though men who have slept over their evils for centuries, are apt to think that they have accomplished something mirific, because, when their eyes are no longer shut, they can see. But to know the essentials of a healthy state of society, and what it is in the power of a government to do towards realizing these, is quite another affair. Whatever requires only that we shall see what now is, many may accomplish; but to conceive and *foresee* things yet to come, the results which will ensue hereafter from our actions now, so as to be able to translate a mere opinion that things go wrong, into a practical effort of any profitable kind to make them go right—is a faculty given in any high degree to very few, and which even in its lower degrees, seems to be but sparingly possessed by the present generation of public men in France. There is but little of it in the nation; and the legislature represents most imperfectly even that little.

For sixteen years previous to the Revolution in 1830, France had enjoyed a practically free press, and an approach to a representative constitution. During this period, the minds of her youth, absorbed as they have even morbidly been in political speculation and discussion, might have been expected to make some advances in political knowledge; for, in the absence, there as elsewhere, of any systematic instruction on such subjects, it is to the collision of opinions on the questions which practically arise, that mankind are indebted for such faint light as they anywhere see, and guide themselves by. But this improvement, the peculiar character of the battle which French patriotism had then to fight, in a great measure forbade. The contest for good Government, under the Restoration, was essentially *conservative*. The legitimists and divine-right men were then the innovators. The Liberal party were struggling, not to acquire further good, but to hold fast that which they had, against ever-repeated efforts, both open and covert, to take it from them. Consequently, by a strange and unhappy fortune, although the cause of Representative Government against feudal monarchy seemed finally won, and had been followed up even to judgment and execution, it was yet kept open for a perpetual rehearing, and no new cause was ever called on. Still the endless, and then and there almost profitless, dispute about the mere *instrument* of Government, occupied all tongues and all minds, to the exclusion of every thought about Government itself: to say nothing of the still greater problem, in what fashion man, well governed or not, is called upon to conduct himself in this world. Any question which seemed to have no immediate bearing

on that preliminary one, "The Charter, or the *ancien régime*," was all but overlooked. The natural consequence followed. While patriotism was busily and noisily engaged in defending the mere external rampart of French legislation, the watchful eye and quiet hand of private interest were ever at work moulding the whole interior of the structure to its purposes. It was in the years of fiercest anti-Bourbonism, that the most systematic and all-comprehensive system of commercial monopoly under the name of *protection*, which the world has seen for centuries, was silently organized and brought to perfection. And how much of the public mind was taken up with this, during the process? About as much as was bestowed upon the dismissal of a single public officer, for having voted against orders at an election.¹ During the same period, the roads of France, which Napoleon left in good order, were allowed (the public voice remaining nearly silent) to fall into such a state of dilapidation, and the canals to remain so heavily taxed, that except near the great rivers or the sea, France could produce little either in agriculture or manufactures, save what could be consumed on or near the spot where it was called into existence. No one asked why France, for her extent and population, had neither internal nor foreign commerce deserving of the name. If even the almost total extinction of the Lancasterian schools made any noise during its progressive accomplishment, the cause was chiefly, that, in the minds of the Liberals, it was inseparably connected with Jesuitism and the Camarilla.²

We mention not these things for censure, but for the light they throw on what France at present is. We may well lament, not indeed that France, but that man, can seldom think earnestly on more than one thing at a time. But when the sole and indispensable instrument of all other political good, freedom of thought and of utterance, and its accompaniments, exemption from the iron yoke of a caste-oligarchy over the body, and of a retrograde priesthood over the soul, when these were possessions which, while they seemed irrevocably gained, did not the less require to be perennially battled for with all the energy of manhood; it must even be set down to the mere infirmity of our nature, that the French, in the engrossing interest of the contest for a form of government, found little leisure to think of those things for which forms of government were intended.

During the short respite which the Martignac Ministry afforded, (a truce which it was hoped might be the preliminary of a lasting peace), the minds of the French youth eagerly turned from thinking only of the tools, to think of the work itself; and a strong tendency to the study of the details of government, with a view to substantial improvements, was beginning to impress itself on the national

¹ Joseph Pierre Lafontaine (1792-1858), a chevalier of the Legion of Honour (1813), a *capitaine d'état major* at Dijon, was notified in 1822 by the general commanding his division that he should vote for the ministry; he refused, voted for the opposition, and was imprisoned for sedition.

² A term applied to the clique of royal courtiers and flatterers who influenced policy.

mind. The accession of the Polignac ministry brought this march of improvement to a dead halt. And then came the Revolution of July: the greatest advance which any nation perhaps ever made by a single step—an advance which no one expected, and for which no one's habits and ideas were prepared—a change which gave the French nation a clear field to build on, before they had possessed themselves of the materials to build withal; a leap, which cleared in an instant a space of many years journey; and transported France through mid-air, away from the scenes with which she was familiar, into regions unvisited and unknown.

Nothing worse has ensued than ought to have been expected. The peculiarities of the French character render public opinion (when such really exists) in that country more even than elsewhere, all but irresistible: but there has been no public opinion since the Revolution of July; only public discontent and irritation, and a voice perpetually crying out "Do something," but not telling what to do, not having any thing to tell. On one point, and no more, since the accession of Louis Philippe, has there been in France a public opinion: this was the Hereditary Peerage:³ and on this, accordingly, the Government, though with the worst grace in the world, yielded: it had no choice: and it will yield every thing which shall hereafter be demanded with like energy of conviction by the French people; but, unfortunately, the French people have not yet known what else to ask; their time, however, is coming.

Men have not always convictions, but they have always interests: with difficulty enough controlled even by the firmest convictions, but paramount and omnipotent wheresoever there are none. Accordingly, the most remarkable feature in the French literature of the day, whether books or newspapers, is the unceasing complaint proceeding from every earnest mind, that there is no *faith*, no strong persuasion of any kind; an all-pervading scepticism; nobody feeling sufficiently certain of what he calls his opinion, to be willing to part with five pounds because of its truth; and even the men from whom such conduct was least to be expected, sacrificing what seemed their most cherished principles of action for place or favour. Yet these are probably not bad men, nor incapable, even yet, of sacrifices for conscience sake. They have simply nothing for which their conscience commands them any sacrifice. The plain fact is, man doubts of every thing else, but feels perfectly certain that he has a stomach; for amidst all the changes of religious, moral, and political creeds, and even during the interval betwixt one creed and another, these truths remain eternally recognizable—that man lives by bread, and that sugar is pleasant to the palate.

In all this, France is neither worse, nor worse off, than other countries; she has only got forward into another phasis of the change which all Europe is passing through, and of which we ourselves are in the earlier stages, but which, we may trust, is destined to be softened to us by the example of our predecessors. The

³For details, see No. 115, n1.

difference with us is, that more of the old house will probably be left standing until the new one is ready: but who is to build the new one, here any more than there? or who has arrived at any clear notion even of the principles of its construction? Whether the resting-place in which the mind provisionally houses herself, be an old ruin, or a temporary shed, certain it is that she never feels herself at home in it, but dwells in an uneasy uncertainty until Thought and Experience have enabled her to erect for herself a permanent abode. But for this, time is required; and it must be given.

In the meanwhile, for want of clear guiding perceptions to incite or to restrain, such activity as is still to be met with will be the result of passion and instinct. The young and ardent, who hope eagerly, and know not such a feeling as self-distrust, will be impatient and angry because nothing, or less than they expected, is done:—having, themselves, as yet, mostly nothing to propose but this, “Let the people decide:” as if those maxims of political wisdom which they, the friends and leaders of the people, have hitherto failed to discover in their own heads, were to be brought to light of a sudden through some magical incantation by means of balls in a balloting-box. On the other hand, the old and timid, but especially the class possessed of property, will be palsied by a nervous dread of innovation. They who have aught to lose—until improvement is brought before them in a palpable shape, so that they fancy they can see and touch all its consequences—are instinctively its enemies; for they love not a leap in the dark, and, it must be owned, do not trouble themselves greatly to seek for light, feeling easy in their bodily attitude where they now are, and unhappily being apt to esteem that the principal, or the only essential point. But by degrees, as the thinking minds of a country throw more and more light upon question after question, the demands of the one party become more definite and circumspect, the terrors of the other abate, and they lend a more willing ear to what originally appalled them; until, at length, not at one stroke, but by a series of partial efforts, new and wiser systems of policy are bodied forth and wrought into the people’s minds, and the practice of the state insensibly moulded thereon.

In spite of superficial appearances, in themselves affording no materials for right judgment, and seen besides with purblind and jaundiced eyes by the newspaper-writers of all parties in England; the public mind of France is already making a perceptible progress towards this desirable consummation. Great indeed are the obstacles, and long will it be ere they are entirely overcome: yet even now, not a day passes without some fresh indication of the good which is silently preparing: a sensible brightening has long indicated the commencement of the twilight which precedes the rising of the sun. Many are the new and practically important ideas which have for the first time been thrown into general circulation within the last year; and along with the increased tendency to the more directly applicable parts of the art of government, may be plainly discerned the natural accompaniment of a more careful study of that art—an increasing

sense of its difficulties. It is chiefly from the press, that we gather these satisfactory indications. Such marks are not indeed wholly wanting in the Chambers also, but are almost imperceptible, and would not, perhaps, be detected there by any person who had not previously observed the same tokens elsewhere. For in this, as in all else, the French Legislature is but an indifferent representation of the good sense, the talent, or the acquirements of the nation, or of anything else therein which deserves to be represented. The proofs that it is so, deduced from the history of its last session, and the reasons why it must be so, drawn from its own constitution, we shall next lay before our readers. Be this, however, the work of a separate, and a future article.⁴

163. PROPERTY IN LAND

EXAMINER, 6 MAY, 1832, P. 295

This unheaded paragraph (in square brackets, here removed) is appended to a long letter to the editor, headed "Westminster Review—Landlords' Claims," in which "A Claimant of Justice" objects to a passage on p. 306 of "Saint-Simonianism, &c.," *Westminster Review*, XVI (Apr. 1832), 279-321, by Thomas Perronet Thompson (1783-1869), Radical writer and proprietor of the review. It is described in Mill's bibliography as "A paragraph in the same paper [as No. 162], on Property in Land, in answer to a Correspondent" (MacMinn, p. 21). In the Somerville College set of the *Examiner*, it is listed as "Paragraph on Property in Land, in reply to a correspondent" and enclosed in a second set of square brackets.

WE AGREE ENTIRELY in all the doctrines of our correspondent, *except* the practical conclusion which they are probably intended to suggest. We cordially concur in the opinion that land, or any other possession or advantage for which the first possessor is not indebted to his own labour, but to accident or mere priority of occupation, ought to be retained and managed for the benefit of the community generally, and not granted away to individuals; but when it *has* been so appropriated, perhaps ages ago, it would be the height of iniquity to take it away from the possessors without full compensation. The lands of Great Britain, or of any other ancient community, *have*, for the most part, been acquired by the labour of the present owners, or of their progenitors; having been *purchased* from former proprietors, in exchange for property honestly earned by industry, and prudently accumulated by forethought and frugality. The land, therefore, considered as property, is just as much the produce of labour, as if it had been made with hands. That which was given for the land *was* made with hands, as fairly as any other kind of property: and the land is a mere equivalent obtained in exchange. We are speaking only of the land as a source of income; not of the land

⁴See No. 172.

as a source of mischievous power. As far as the ownership of land gives any one an influence which it were desirable he did not possess over its cultivation, and over the interests of its inhabitants, so far, there would be no injustice in placing that kind of property on a different footing. Neither would there be any injustice in buying up all the land in the country, paying to the present proprietors its fair value. We only contend that it would be supremely unjust to take away from any person whatever, what the law has hitherto recognized as his property, without a full pecuniary equivalent. Property is made an idol in England; the sacredness of property is made a shield for every abuse; it should be clearly understood, that the State is at liberty to modify the general right of property as much as it likes; to new-model it altogether, if the public interest requires it: but never to the pecuniary injury of the present possessors, unless by a spontaneous sacrifice on their part.

164. FRENCH NEWS [59]

EXAMINER, 6 MAY, 1832, P. 296

For the entry in Mill's bibliography, see No. 116. The item, headed "London, May 6, 1832," is listed in the Somerville College set of the *Examiner* as "Article on France" with the first three (of five) paragraphs enclosed in square brackets.

IT IS FEARED that M. Casimir Périer will not survive his present illness, and no one seems to believe that he will recover sufficiently to be again capable of public business. Notwithstanding this, the King has found so much difficulty in determining on the choice of a successor, that M. Périer still retains, nominally, the rank of President of the Council,—in other words, of Prime Minister. There is, therefore, no Prime Minister, that is, the King is his own Minister,—the flattest contradiction of all the principles of a free government, since the King, not being subject to be turned out by a change of Administration, is Minister without any responsibility.

The place of Minister of the Interior¹ has been filled up by M. de Montalivet, who held that office under M. Laffitte. M. Girod de l'Ain succeeds M. de Montalivet as Minister of Public Instruction. We hail this gentleman's appointment to this situation, as we should to almost any situation upon earth, which removed him from the function of President of the Chamber of Deputies. His gross partiality in that office, was only surpassed by his indecision, and want of presence of mind. The scenes of confusion and disturbance which have so often disgraced the sittings of the Chamber, during the session which has just expired, were mainly to be ascribed to his incapacity and unfairness.

¹Périer had been Minister of the Interior as well as President of the Council.

The *Courrier Français* observes on this appointment:

After great efforts of imagination, and when the matter seemed almost desperate, the name of M. Girod de l'Ain was hit upon; and, what is almost as extraordinary as the discovery, this name *a fait merveille*: nobody's susceptibility was so easily excited, as to take any umbrage at the accession of such a colleague; accordingly, the decision was adopted almost at once. In this state were affairs this morning; and M. Girod de l'Ain will be Minister of Public Instruction, unless the difficulties proceed from himself, which is not probable. Since a *strong* ministry is wanted, this choice was judicious; it cannot be denied that a Cabinet which comprises M. de Montalivet and M. Girod de l'Ain, possesses a certain homogeneity. If this nomination gives rise to much criticism, it ought likewise to occasion lively and sincere congratulations; the Chamber of Deputies being the party to whom the latter are addressed.²

165. FRENCH NEWS [60]

EXAMINER, 13 MAY, 1832, P. 314

For the entry in Mill's bibliography, see No. 116. The item, headed "London, May 13, 1832," is listed as "Article on France" and enclosed in square brackets in the Somerville College set of the *Examiner*.

THE TELEGRAPHIC DESPATCH given in the *Standard*,¹ relative to an insurrection at Marseilles, and which we conceived to be a forgery, was, it seems, genuine: but the insurrection was of the most contemptible description, and was put down without shedding one drop of blood. The ringleaders have been arrested: and it is affirmed that a steam-vessel, which was bringing the Duchess of Berri from Italy, to join the conspirators, has been seized, and that personage made prisoner.² Should this prove to be the fact, it is said that the French Government intends to dismiss the Duchess quietly to her family in Edinburgh, but to deal with her accomplices according to law.

M. Casimir Périer is said to be slowly recovering. The cholera at Paris is rapidly disappearing.

The interest of foreign politics now fades before that of our own. The theatre of political excitement has changed. The current of the *mouvement* has now shifted to Great Britain: how rapidly to proceed, or in what latitudes to terminate,

²Unheaded leader, *Courrier Français*, 1 Mar., 1832, p. 2.

¹*Standard*, 3 May, 1832, p. 3.

²For background, see No. 87, n1. On 29 Apr., 1832, the Duchess landed at Marseilles, hoping to lead the royalist South in the overthrow of the Orléans dynasty. No general uprising in her favour materialized; the immediate insurrection was easily defeated, but there were sporadic uprisings of varying degrees of seriousness in her favour for the next few months, particularly during June in the traditionally royalist Vendée.

he must be a bold man who deems that he can foreknow: nor needs he: it is not now the time to *hope*, but to *DO*.

166. DEATHS OF CASIMIR PÉRIER AND GEORGES CUVIER

EXAMINER, 20 MAY, 1832, PP. 329-30

This article on the deaths of Périer and Cuvier is headed "London, May 20, 1832." Though presumably included in the entry in Mill's bibliography given at No. 116, it is listed in the Somerville College copy of the *Examiner* not as "Article on France" but as "Obituary Notice of Casimir Périer, and of Cuvier"; it is there enclosed in square brackets.

M. CASIMIR PÉRIER is dead:

He should have died hereafter—
There would have been a time for such a word.¹

On no view of French politics has France any good to expect from his ceasing to be Minister. His successors, whosoever they be, will be chosen from no other party, nor will act upon any other views of policy, than his; but without the vigour of purpose, the resolute determination to make all things bend to his conviction, by which he gave a sort of dignity to the most uninspiring cause which any statesman ever devoted himself to uphold. In any other hands than his, all the evil of his system will become more evil, all the redeeming good which was in it will dwindle away. *He* was at least an able man—at least a brave man—not other than an honest man thus far, that the main springs of his conduct were public, not private motives. He was less scrupulous in the means he used for compassing what he deemed good ends, than a sound morality will approve. But where, save in a few instances, have been the French Ministers, of whom this might not be said? He should have lived, until there had been a hope of his being replaced by a better man, not by some one (it matters not whom) among a hundred worse.

We have been no admirers of the policy of M. Périer's Ministry. But it is not one short twelvemonth's alienation, which can efface from our memory the unwearied public services of fifteen years. We cannot forget, that to him, more than to any man, belonged the overthrow of the Villèle Administration; the first decisive check to the royalist faction: whose encroachments upon all that France had gained by her revolution, were then only stopped in their formidable advance. And the bodily constitution which has at length succumbed to a long series of labours and vexations, was first broken by the fatigues of the daily and hourly struggle of life and death which he maintained with Villèle at the tribune

¹ *Macbeth*, V, v, 17-18; in *The Riverside Shakespeare*, p. 1337.

of that memorable chamber, which contained three hundred creatures of the Jesuits, and but sixteen representatives of the people.

This arduous contest, in which he displayed talents which excited the admiration even of the courtiers of Charles X (of him alone, among the leaders of the liberal party, they never spoke without respect) will be his chief title to the friendly remembrance of posterity; and to this, in order that the remembrance may be as affectionate as possible, let it go down to posterity that he in reality sacrificed his life. For it is ill dying a martyr to a falling cause, when that cause is also one which ought to fall. Cranmer and Latimer and Ridley² will live for ever; but is it for his martyrdom that we remember Sir Thomas More? Devotion to a long line of kings, or to a constitution which has stood the shock of ages, though now rotten, and worm-eaten, and harbouring unclean vermin, we can understand. But to die for a temporary compromise, a patch-work of yesterday, a thing constructed on no principle, to which no human being ever carried hypocrisy so far as to pretend to have any attachment, to which nobody affects to look for any guidance, but only for keeping him from being robbed or murdered;—to be martyred for worshipping at an empty shrine—without an oracle, without a God, without even an idol; no Gothic cathedral or Grecian temple, but a wooden shed, run up in a hurry, because any shelter was better than the open sky, and which men resort to, not because it is good, but because they know not whither to seek for any other—is a death little worthy of an apotheosis; no dying for one's country, but a common suicide.

It is not by this that M. Périer will hereafter be known. Happily for his fame, while the last year of his life, from the insignificance of its permanent results, will sink gradually into comparative oblivion, the former years, because their consequences become every day more momentous, will loom greater and greater in the distance, even as they recede from the eye of mankind still moving onward. And when the noisy and acrimonious disputes of the present day shall be stilled, and he and his contemporaries shall be judged, with those large allowances of which all the men of the present generation stand so sorely in need; then may the close of his career again be profitably reverted to, as a lesson of indulgence rather than as a subject of reproach; and errors, for which he has so cruelly suffered, and the evil effects of which shall long since have been cured and past away, may perhaps render him more interesting to men of those days, than even if his character had been a more perfect one.

For ourselves, we shall hereafter speak of him no otherwise than in honour; he

²Thomas Cranmer (1489-1556), Archbishop of Canterbury, died at the stake for refusing to abet the return of England to Catholicism under Mary; Hugh Latimer (1485?-1555), Bishop of Worcester, having suffered for his puritan religious convictions all his life, was finally burnt at the stake after Mary's accession; Nicholas Ridley (1500-55), Bishop of Rochester, then London, was burnt at the stake with Latimer for his reformed opinions.

now belongs to history; his greatest enemies may now be content that their quarrel with him should be buried in his grave.

Almost at the same time, France has lost another of her most eminent men, the celebrated naturalist, Cuvier; the most distinguished, perhaps, among the physical philosophers of his age; and less honourably noted, as the humble servant of all governments. M. Cuvier was far vainer of being supposed a man of importance in politics, than of his immense merit and reputation as a man of science, and was the laughing-stock of Paris, for the ridiculous consequence which he attached to his title of Baron. Yet, although a *conseiller d'état* for some fifteen years, and latterly a Peer of France, he continued lecturing at the Ecole de Médecine on comparative anatomy and physiology till within a few days of his death: a striking fact, and one which throws great light on the state of feeling in France on many important matters.

167. FRENCH NEWS [61]

EXAMINER, 27 MAY, 1832, P. 345

For the entry in Mill's bibliography, see No. 116. The item, headed "London, May 27, 1832," is listed in the Somerville College set of the *Examiner* as "Paragraphs on France" with square brackets around the first two paragraphs.

NO SUCCESSOR has yet been appointed to M. Casimir Périer, as Prime Minister; and there is no appearance of an intention to fill up the place. All the *departments* of the Ministry are filled, and the King will be his own Prime Minister. Good: but if so, he must recollect that there is such a thing as a *change* of Ministry.

It is now affirmed, that the lady found in the *Carlo Alberto* steam-packet is not the Duchess of Berri, and that the real Duchess has escaped.¹ Some, on the other hand, surmise that this is the real Duchess; and that the Government, after officially announcing the fact, now asserts the contrary, to get rid of the embarrassing alternative of either bringing her to trial or liberating her by an assumption of authority contrary to law.

168. PEMBERTON'S LECTURES ON SHAKESPEARE

EXAMINER, 3 JUNE, 1832, P. 358

Charles Reece Pemberton (1790-1840) quickly abandoned an acting career in 1829 after receiving mixed notices of his *Virginius* and *Shylock* (under Charles Kemble's

¹For earlier details, see Nos. 87 and 165. For five months, the Duchess eluded the Government.

management) and devoted himself to lecturing, largely at mechanics' institutes. He also became a frequent contributor to the *Monthly Repository*. This unheaded review in the "Theatrical Examiner," is described in Mill's bibliography as "A notice of Mr. Pemberton's Lectures on Shakespeare in the Examiner of 3d June 1832" (MacMinn, p. 21). In the Somerville College set of the *Examiner*, it is listed as "Article on Mr Pemberton's Lectures on the Characters of Shakespeare" and enclosed in square brackets.

MR. PEMBERTON is now delivering, at Saville House, Leicester Square, a series of lectures on some of the principal characters of Shakspeare (illustrated by the characteristic delivery of the most striking passages), which we think highly worthy of the attention of the public.

Mr. Pemberton's object is not solely to state and establish his view of the particular characters delineated by Shakspeare, but still more to set forth and illustrate his own theory on the subject of acting. This theory, though not the prevalent one, is not peculiar to him; and we conceive that it must have occurred to almost every one who has given himself the trouble to think long and attentively on the subject: we ourselves have stated the same doctrine pretty fully in this newspaper, just a year ago, (*Examiner* of the 22d May 1831), in our remarks on the admirable acting of Mademoiselle Léontine Fay.¹ The proposition is simply this: that in acting, as in every thing else, genius does not consist in being a copyist; even from nature: That the actor of genius is not he who observes and imitates what men of particular characters, and in particular situations, *do*, but he who can, by an act of imagination, actually *be* what they *are*: who can so completely understand, and so vividly conceive, the state of their minds, that the conception shall call up in his own the very emotions, and thereby draw from him the very sounds and gestures, which would have been exhibited by the imaginary being whom he is personifying. Such a man's representation of nature will have a consistency and keeping in it, and will reach depths in the human heart, which no man's opportunities and powers of mere outward observation could ever have enabled him to attain to.

If any one doubts this, we exhort him to go without delay, and see and hear Madame Schröder Devrient;² and if he does not admit that such acting as hers comes not from the eyes and ears, but from the heart, we give him up, as a person not competent, in respect of sensibility, to judge of Art.

Mr. Pemberton knows these truths so well, and explains them so happily, that he would be well worth listening to, even were he incapable of practically exemplifying them. But he also lays claim to the actual possession of the faculty

¹See Nos. 104 and 106.

²Wilhelmine Schröder-Devrient (1804-60), born in Hamburg and trained from a very early age as a dancer and actor, made her great reputation in opera. Her most famous role, when she came to London for the months of May and June 1832, was as Leonore in the first London performance of Beethoven's *Fidelio* at the King's Theatre, Haymarket, on 18 May. For Mill's praise, see *CW*, Vol. I, p. 351.

to which we have alluded: the power to call up by a voluntary effort of imagination, what he not unhappily terms *secondary* feelings, that is, feelings suggested by a vivid conception of similar feelings in others: and by thus *realizing* for the time being, an imaginary character, to give a profoundly true dramatic representation of it. Though his claim to these powers cannot by us at least, be admitted without considerable explanation and qualification, yet we must, in the main, admit it; and we can at least promise to our intelligent readers both amusement and instruction from listening to him.

Mr. Pemberton has hitherto lectured on three characters only; Macbeth, Hamlet, and Shylock: we have heard him on the two former; and he has certainly succeeded in giving us a far clearer and more comprehensive view of those characters than we had before.

169. FRENCH NEWS [62]

EXAMINER, 3 JUNE, 1832, p. 361

For the entry in Mill's bibliography, see No. 116. The item, headed "London, June 3, 1832," is listed in the Somerville College set of the *Examiner* as "Article on France" and enclosed in square brackets.

THE MOST IMPORTANT CIRCUMSTANCE which has occurred in France during the last week was a meeting of the leading deputies of the Opposition, at the house of M. Laffitte, for the purpose of drawing up a collective address to the nation.¹

When this manifesto shall be agreed upon, and shall make its appearance, it will doubtless excite much interest here; among those at least who do not think, with the *Times* of Friday last, that the internal affairs of France are no concern of the British public, because they are not connected with "English interests."² The *Times* wrongs the British public, and wrongs even itself. We should feel shame for our country if such things were true. We know not why it should be less shameful in a nation than in an individual, to care about nothing but its own interest; nor why we should impute to Englishmen the egregious folly of deeming the interests of good government and civilization throughout the world no interests of theirs. This is but a poor sample of English feeling from the "leading journal," on the very day which brings us the news of a patriotic banquet at Paris, whereat M. Armand Carrel, the Editor of the only influential Paris newspaper in which there lingered some remains of anti-English feeling, was selected, perhaps

¹See "Compte rendu par 41 membres de la chambre des députés à leurs commettans," *Le National*, 28 May, 1832, pp. 1-2. The manifesto, finally signed by 134 deputies of the left, and sent to their electors, deplored the prospect that France and the Revolution of July would be handed over to their enemies because the hoped-for political changes were not occurring.

²Leading article, *The Times*, 1 June, 1832, p. 2.

for that very reason, to give, as a toast, "The People of England," with expression of the warmest sympathy and congratulation upon our late glorious though pacific Three Days.³

A subscription is getting up among the friends and dependants of the Ministry for a monument to M. Casimir Périer. We predict that it will bear a closer resemblance to the subscription for Chambord, so felicitously shown up by the admirable Paul Louis Courier,⁴ than to the grateful adoption by the French nation of the children of General Foy; when the poorest and humblest citizens of France gave each his mite to shield the orphans of him who was her stay, from the honourable poverty which his virtues had bequeathed to them.⁵

170. DEATH OF JEREMY BENTHAM

EXAMINER, 10 JUNE, 1832, PP. 371-2

The death on 6 June of Jeremy Bentham, the day before the great triumph of the enactment of the Reform Bill, signalled the end of an epoch for the Reform movement, and for Mill, just approaching an assessment of his own role as a reformer. The text of this article is remarkably close in many respects to Thomas Southwood Smith's dissection eulogy on the day before this article was published; see *A Lecture Delivered over the Remains of Jeremy Bentham, Esq., in the Webb-Street School of Anatomy and Medicine on the 9th of June, 1832* (London: Wilson, 1832). Compare also Mill's comments on Bentham in 1833 and 1838 (CW, Vol. X, pp. 3-18 and 75-115). The unsigned obituary, headed as title, appears in the "Political Examiner." It is described in Mill's bibliography as "An obituary notice of Jeremy Bentham in the Examiner of 10th June 1832" (MacMinn, p. 21). In the Somerville College set of the *Examiner*, it is listed as "Death of Jeremy Bentham," with square brackets around the portion ending at a printer's rule; the rest of the article, not by Mill, gives the details of Bentham's life.

JEREMY BENTHAM is no more! In him, the world has lost the great Teacher and Patriarch of his time; the man who of all men who were living on the day of his death, has exercised and is exercising over the fortunes of mankind the widest

³See "Banquet allemand à Paris," *Le National*, 28 May, 1832, p. 3.

⁴Courier, *Simple discours de Paul-Louis, vigneron de la Chavonnière, aux membres du conseil de la commune de Vézetz, département d'Indre-et-Loire, à l'occasion d'une souscription proposée par S.E. le ministre de l'intérieur, pour l'acquisition de Chambord* (1821), in *Oeuvres complètes*, Vol. I, pp. 149-74. The ancient château of Chambord, a superb example of Renaissance architecture situated near Blois, had been given by Napoleon to Marshal Berthier, but after the Restoration, his widow, finding it too expensive to maintain, abandoned it. It was suggested in 1820 that a public subscription be organized to present the château to the newly-born heir to the monarchy, the son of the duchesse de Berry. In spite of Courier's famous attack, which brought the author two months in prison and a 500-franc fine, the subscription succeeded, and the duc de Bordeaux became the comte de Chambord.

⁵The success of the Foy subscription, which amounted to nearly a million francs, was noted in *The Times* in 1826 on 19 and 31 Jan., both p. 2.

and most durable influence; and who is even now in some sort governing the world, although not yet recognized and looked up to as their leader by those who are daily obeying the impulse which he gave; no unusual fate of the real guides and rulers of mankind, especially in these latter days.

Had such a man died at an earlier period of his life of usefulness, when much of his task yet remained for him to perform, and many years of possible existence to perform it in, there would have been room for sorrow and lamentation. It is one of the evils of the untimely death of a great man, that it mixes other feelings with those with which alone the thought of a departed sage or hero ought to be associated—joy and pride that our nature has been found capable of again producing such a man, and affectionate gratitude for the good which we and our posterity have received from him. Such feelings only can find a fitting place near the tomb of Jeremy Bentham; nor know we, since all must die, what happier or more glorious end could have been desired for him, than to die just now, after living such a life. He has died full of years, and (so far as regards all minds throughout the world, which are yet fitted for appreciating him) of honours. He has lived to see many of the objects of his life in a train of accomplishment, and the realization of the remainder rendered certain at no remote period. He has achieved the hardest, but the noblest of problems, that of a well-directed and victorious existence, and has now finished his work and lain down to rest.

This is not the time for a complete estimate of the results of his labours. He is not like one of those who go to their grave and are no more thought of. The value of such a life to mankind, which is even now insensibly making itself acknowledged, will be felt more and more, as men shall become more capable of knowing the hand which guides them. Nor need we fear any lack of opportunities for commemorating what philosophy owes to him, when all which has been doing for ten years in English politics and legislation, and all which shall be done for twice ten more, proclaims and will proclaim his name and merits in no inaudible voice to all who can trace the influence of Opinion upon Events, and of a great mind upon Opinion. These things, however, are worthy of notice at the present hour, chiefly as they conduce to a due appreciation of his life; and under this aspect also, as under so many others, will they continue valuable, not for to-day or to-morrow only, (but so far as eternity can belong to any thing human) for ever.

Let it be remembered what was the state of jurisprudence and legislation, and of the philosophy of jurisprudence and legislation, when he began his career. A labyrinth without a clue—a jungle, through which no path had ever been cut. All systems of law then established, but most of all that in which he himself was nurtured, were masses of deformity, in the construction of which reason in any shape whatever had had little to do, a comprehensive consideration of ends and means nothing at all: their foundation the rude contrivances of a barbarous age, even more deeply barbarous in this than in aught else; the superstructure an

infinite series of patches, some larger, some smaller, stuck on in succession wherever a hole appeared, and plastered one over another until the monstrous mass exceeded all measurable bulk, and went beyond the reach of the strongest understanding and the finest memory. Such was the practice of law: was its theory in any better state? And how could it be so? for of what did that theory consist, but either of purely technical principles, got at by abstraction from these established systems, (or rather, constructed, generally in utter defiance of logic, with the sole view of giving something like coherence and consistency in appearance to provisions which in reality were utterly heterogeneous); or of vague cloudy generalities arbitrarily assumed *à priori*, and called laws of nature, or principles of natural law.

Such was existing jurisprudence and that it should be such, was less surprising than the superstition by which, being such, it was protected. The English people had contrived to persuade themselves, and had to a great degree persuaded the rest of the world, that the English law, as it was when Mr. Bentham found it, was the perfection of reason.¹ That it was otherwise, was the only political heresy, which no one had been found hardy enough to avow; even the English constitution you might (if you did it very gently) speak ill of,—but not the English law: Whig, Tory, and Democrat joined in one chorus of clamorous admiration, whenever the law or the courts of justice were the subject of discourse: and to doubt the merits of either appeared a greater stretch of absurdity than to question the doctrine of gravitation.

This superstition was at its height, when Mr. Bentham betook himself to the study of English law, with no other object than the ordinary one of gaining his living by practising a liberal profession. But he soon found that it would not do for him, and that he could have no dealing or concern with it in an honest way, except to destroy it. And there is a deep interest now, at the close of his life, in looking back to his very first publication, the *Fragment on Government*, which appeared considerably more than half a century ago,² and which exhibits, at that remote period, a no less strong and steady conviction than appears in his very latest production, that the worship of the English law was a degrading idolatry—that instead of being the perfection of reason, it was a disgrace to the human understanding—and that a task worthy of him, or any other wise and brave man, to devote a life to, was that of utterly eradicating it and sweeping it away. This accordingly became the task of his own existence: glory to him! for he has successfully accomplished it. The monster has received from him its death wound. After losing many a limb, it still drags on, and will drag on for a few years more, a feeble and exanimate existence; but it never will recover. It is going down rapidly to the grave.

¹For the phrase, see No. 19, n2.

²In 1776; in *Works*, Vol. I, pp. 221-95.

Mr. Bentham has fought this battle for now almost sixty years; the greater part of that time without assistance from any human being, except latterly what M. Dumont gave him in putting his ideas into French;³ and for a long time almost without making one human being a convert to his opinions. He exhausted every mode of attack; he assailed the enemy with every weapon, and at all points; now he fell upon the generalities, now upon the details; now he combatted evil by stripping it naked, and showing that it was evil; and now by contrasting it with good. At length his energy and perseverance triumphed. Some of the most potent leaders of the public became convinced; and they, in their turn, convinced or persuaded others: until at last the English law, as a systematic whole, is given up by every body, and the question, with all thinking minds even among lawyers, is no longer about keeping it as it is, but only whether, in rebuilding, there be a possibility of using any of the old materials.*

Mr. Bentham was the original mover in this mighty change. His hand gave the impulse which set all the others at work. To him the debt is due, as much as any other great work has ever been owing to the man who first guided other men to the accomplishment of it. The man who has achieved this, can afford to die. He has done enough to render his name for ever illustrious.

But Mr. Bentham has been much more than merely a destroyer. Like all who discredit erroneous systems by arguments drawn from *principles*, and not from mere *results*, he could not fail, even while destroying the old edifice, to lay a solid foundation for the new. Indeed he considered it a positive duty never to assail what is established, without having a clear view of what ought to be substituted. It is to the intrinsic value of his speculations on the philosophy of law in general, that he owes the greater part of his existing reputation; for by these alone is he known to his continental readers, who are far the most numerous, and by whom, in general, he is far more justly appreciated than in England. There are some most important branches of the science of law, which were in a more wretched state than almost any of the others when he took them in hand, and which he has so exhausted, that he seems to have left nothing to be sought by future enquirers; we mean the departments of Procedure, Evidence,⁴ and the

³Bentham's ideas found their widest audience (and, incidentally, made their first great impression on Mill) in the earliest of the French redactions by Pierre Etienne Louis Dumont (1759-1829), Genevan political writer, friend of Mirabeau's, who spent much time in England. He edited (in order of publication), under Bentham's name, *Traité de législation civile et pénale*, 3 vols. (Paris: Bossange, et al., 1802); *Théorie des peines et des récompenses*, 2 vols. (London: Dulau, 1811); *Tactique des assemblées législatives*, 2 vols. (Geneva: Paschoud, 1816); and *Traité des preuves judiciaires*, 2 vols. (Paris: Bossange, 1823).

*We mean the old technical terms and distinctions; for the substantive provisions of that or any other system of law, must of course consist, in the far greater proportion, of things useful or unobjectionable.

⁴Both dealt with in the *Rationale of Judicial Evidence* (see n11 below).

Judicial Establishment.⁵ He has done almost all that remained to perfect the theory of punishment.⁶ It is with regard to (what is the foundation of all) the civil code, that he has done least, and left most to be done.⁷ Yet even here his services have been invaluable, by making far clearer and more familiar than they were before, both the ultimate and the immediate ends of civil law; the essential characteristics of a good law; the expediency of codification, that is, of law *written* and *systematic*; by exposing the viciousness of the existing language of jurisprudence, guarding the student against the fallacies which lurk in it, and accustoming him to demand a more precise and logically-constructed nomenclature.

Mr. Bentham's exertions have not been limited to the field of jurisprudence, or even to that of general politics, in which he ranks as the first name among the philosophic radicals. He has extended his speculations to morals, though never (at least in his published works) in any great detail; and on this, as on every other subject which he touched, he cannot be read without great benefit.

Some of his admirers have claimed for him the title of founder of the science of morals, as well as of the science of legislation; on the score of his having been the first person who established the principle of general utility, as the philosophic foundation of morality and law. But Mr. Bentham's originality does not stand in need of any such exaggeration. The doctrine of utility, as the foundation of virtue, he himself professes to have derived from Hume:⁸ he applied it more consistently and in greater detail, than his predecessors; but the idea itself is as old as the earliest Greek philosophers, and has divided the philosophic world, in every age of philosophy, since their time. Mr. Bentham's real merit, in respect to the foundation of morals, consists in his having cleared it more thoroughly than any of his predecessors, from the rubbish of pretended natural law, natural justice, and the like, by which men were wont to consecrate as a rule of morality, whatever they felt inclined to approve of without knowing why.

The most prominent moral qualities which appear in Mr. Bentham's writings, are love of justice, and hatred of imposture: his most remarkable intellectual endowments, a penetrating deep-sighted acuteness, precision in the use of scientific language, and sagacity and inventiveness in matters of detail. There have been few minds so perfectly original. He has often, we think, been surpassed in powers of metaphysical analysis, as well as in comprehensiveness

⁵See *Draught of a New Plan* (1790), in *Works*, Vol. IV, pp. 285-406.

⁶See *Rationale of Punishment* (1830), *ibid.*, Vol. I, pp. 390-532.

⁷See *Principles of the Civil Code* (1838), *ibid.*, pp. 297-364; and *Papers Relative to Codification and Public Instruction* (1817), *ibid.*, Vol. IV, pp. 451-533.

⁸In *A Fragment on Government*, *ibid.*, Vol. I, p. 268n, Bentham attributes the doctrine of utility to David Hume, with reference to "Of Morals," Pt. III, Sect. 1, of Hume's *Treatise on Human Nature*, 3 vols. (London: Noon, 1739-40), Vol. III, pp. 1-26.

and many-sidedness of mind.⁹ He frequently contemplates a subject only from one or a few of its aspects; though he very often sees further into it, from the one side on which he looks at it, than was seen before even by those who had gone all round it. There is something very striking, occasionally, in the minute elaborateness with which he works out, into its smallest details, one half-view of a question, contrasted with his entire neglect of the remaining half-view, though equally indispensable to a correct judgment of the whole. To this occasional one-sidedness, he failed to apply the natural cure; for, from the time when he embarked in original speculation, he occupied himself very little in studying the ideas of others. This, in almost any other than himself, would have been a fault; in him, we shall only say, that, but for it, he would have been a greater man.

Mr. Bentham's style has been much criticised; and undoubtedly, in his latter writings, the complicated structure of his sentences renders it impossible, without some familiarity, to read them with rapidity and ease. But his earlier, among which are some of his most valuable productions, are not only free from this defect, but may even, in point of ease and elegance, be ranked among the best English compositions. Felicity of expression abounds even in those of his works which are generally unreadable; and volumes might be filled with passages selected from his later as well as his earlier publications, which, for wit and eloquence, have seldom been surpassed.

Few persons have ever lived whose lot in life, viewed on the whole, can be considered more enviable than that of Mr. Bentham. During a life protracted far beyond the ordinary length, he enjoyed, almost without interruption, perfect bodily health. In easy circumstances, he was able to devote his whole time and energies to the pursuits of his choice, those which exercised his highest faculties, moral and intellectual, and supplied him with the richest fund of delightful excitement. His retired habits saved him from personal contact with any but those who sought his acquaintance because they valued it. Few men have had more enthusiastic admirers; and if the hack writers of his day, and some who ought to have known better, often spoke of him with ridicule and contempt, he never read them, and therefore they never disturbed his tranquillity. Along with his passion for abstruser studies, and the lively interest which he felt in public events, he retained to the last a childlike freshness and excitability, which enabled him to derive pleasure from the minutest trifles, and gave to his old age the playfulness, lightheartedness, and keen relish of life, so seldom found except in early youth. In his intercourse with his friends he was remarkable for gaiety

⁹Mill later, in his *Autobiography* (see *CW*, Vol. I, p. 171), attributed the notion of "many-sidedness" to Goethe, probably referring to the translation, *Characteristics of Goethe. From the German of Falk, Müller, etc.*, 3 vols. (London: Wilson, 1833), Vol. I, pp. 12-13, by Sarah Austin. This reference predates the publication of those volumes, but Mill, who was in close touch with the Austins, knew of her work earlier (see *CW*, Vol. XII, p. 117).

and easy pleasantry; it was his season of relaxation; and in conversing he seldom touched upon the great subjects of his intellectual exertions.

His principal works are his *Introduction to the Principles of Morals and Legislation*;¹⁰ the *Fragment on Government*, already referred to; the *Rationale of Judicial Evidence*, in five volumes, including a very full examination of the procedure of the English courts;¹¹ *The Book of Fallacies*; the *Plan of a Judicial Establishment*, one of his most finished productions, printed in 1792, but never regularly published; his *Defence of Usury*; *Panopticon*,¹² an admirable work on prison discipline; and many others: besides the excellent treatises edited in French by M. Dumont, from the above works and various unpublished manuscripts, and containing all his most important doctrines, well stated and illustrated, though with little of the piquant criticism on existing institutions with which they were always interspersed in his own writings.

171. FRENCH NEWS [63]

EXAMINER, 10 JUNE, 1832, P. 377

Since Mill's last article on French affairs, the leftist leaders and secret societies, disappointed that Périer's death had not been followed by a change in government policy, had tried to start an insurrection, using as occasion the funeral on 5 June of the popular General Lamarque. The turmoil was increased by the participation of the Bonapartists and Carlists. Fighting continued for two days, with 800 killed or wounded. Mill was much preoccupied in subsequent articles with the imposition of martial law by the government and the harsh trials of the alleged conspirators, signs of the fragility of the gains of July 1830. For the entry in Mill's bibliography, see No. 116. The item, headed "London, June 10, 1832," is listed in the Somerville College set of the *Examiner* as "Article on France" with the first three paragraphs enclosed in square brackets (the rest of the article is in smaller type).

BEFORE THIS PAPER meets the eyes of our readers, it will be known whether a new revolution has or has not taken place at Paris. At the moment when we write, it is only known that an immense concourse of people assembled on Tuesday at the funeral of General Lamarque; that a collision, apparently unpremeditated, took place between the people and the troops; that a desperate struggle commenced in almost all parts of Paris, which, beginning in the afternoon, lasted till late at

¹⁰ A treatise much referred to by Mill in his other writings; in *Works*, Vol. I, pp. 1-154.

¹¹ A work well known to Mill, who, before he was twenty, collated the three manuscripts and contributed notes and parts of chapters to the first edition, which appeared in five volumes with his name as editor (London: Hunt and Clarke, 1827); *ibid.*, Vols. VI and VII.

¹² *Defence of Usury* (1787), *ibid.*, Vol. III; and *Panopticon* (1791), *ibid.*, Vol. IV, pp. 37-172.

night; that the Government, by telegraph, the next day announced the suppression of the insurrection, but that hostilities afterwards broke out afresh, with what result it is yet unknown.¹

A day or two before these events, civil war had also broken out in the West. The roving bands of Chouans, who had rendered life and property insecure for a twelvemonth before, and whom the Government had taken no means effectually to suppress, had at last swelled into a general rising of the Carlist party. The Duchess of Berri and M. Bourmont were among them, having, it is now ascertained, effected a landing near Marseilles before the capture of the vessel which brought them from Italy and Spain; and having contrived, either by the connivance, or the want of vigilance of the authorities, to make their way to La Vendée.² But a few weeks before, the contemptible Ministry of Louis Philippe had obtained from the Chamber of Deputies a parting gift of three millions of francs for secret police expenses.³ The money, we may be very sure, has been spent; yet, in spite of passports and all the formalities and restraints of the French Police Administration, two persons, who must be so well known, have crossed France from one side to the other undiscovered.

General Clouet is said to be at the head of the Carlist insurgents.⁴ The National Guard has every where taken arms against them. Cathelineau, a son of the celebrated Vendean chief, has been killed by a party of Government troops.⁵

172. FRENCH NEWS [64]

EXAMINER, 17 JUNE, 1832, PP. 392-4

This lengthy and detailed account follows up the general discussion of the session in No. 162. For the entry in Mill's bibliography, see No. 116. The item, headed "London, June 17, 1832," is listed in the Somerville College set of the *Examiner* as "Article on France" and enclosed in square brackets.

¹For the government's proclamation of 5 June, see *Moniteur*, 1832, p. 1291. See also "Telegraphic Despatch from Paris of the 6th of June, Half-Past 7 A.M." (the Minister of the Interior to the Prefect of the North and the Mayor of Calais), and "Despatch of the Same Day at 12 o'clock," both in *The Times*, 8 June, p. 1.

²For reports of these events, see Nos. 165 and 167.

³To the 1,500,000 francs granted under the budget (Bull. 76, No. 168 [21 Apr., 1832]) was added another 1,500,000 francs by Bull. 77, No. 172 (21 Apr., 1832).

⁴Anne Louis Antoine, baron Clouet (1781-1862), fought for Napoleon, but went over to the enemy with Bourmont two days before Waterloo. He returned to France at the Restoration, continuing his army career and frequently serving under Bourmont, whom he followed in supporting the duchesse de Berry's attempt to raise the South.

⁵Jacques Joseph Cathelineau (1787-1832), who had served in the *garde royale* until 1830, took part in the royalist insurrection and was treacherously killed. He was the only surviving son of Jacques Cathelineau (1759-93), a leader of the Vendean counter-revolutionaries in 1793.

THE FOLLOWING ARTICLE, on the results of the Session of the French Chambers, was written, and even in print, before the late catastrophe.¹ It is as true now as it was then, and will be as useful, if it ever could have been useful; we, therefore, persevere in our intention of publishing it.

THE NATURE and amount of the doings of the French Chambers, during the session which has just expired, raise a serious doubt of the capacity of those assemblies as at present constituted, we will not say to legislate tolerably, but to legislate at all. For our part we have watched the progress of the session from day to day, in hopes of learning what a Chamber of Deputies is intended for—what function it is designed to fulfil in the body politic: and we regret to be obliged to confess, that this remains as much a mystery to us as ever: the use and purpose of that somewhat noisy and vapouring member of the French sovereignty has not transpired. While Charles X reigned in France, it had a mission which was obvious enough; it was sent there to resist and overawe the King, in case he attempted to bring back the emigrants and the priests. The present King, however, is suspected of no such propensities; and, that the Chamber does not deem itself intended for an antagonist power to his, it demonstrates by throwing its whole weight into his scale. On the other hand, it clearly is not appointed to make laws. We have our suspicions that its allotted office is to prevent them from being made. For it is a fact, not unworthy of commemoration, that if the Chambers, instead of sitting nine months, had sat only one day, and had employed it in passing a vote of confidence in the Ministry, and another vote authorizing the King, until the opening of the next session, to enact whatever laws he pleased by *ordonnance*, France would now have been in the actual enjoyment of a considerable number of very passable laws, affecting some of her most important interests; for many such have been presented by the Government. But now we question if one single law has passed the Chambers during three-fourths of a year of continued sitting, for the passing of which the French, or any other portion of mankind, will be perceptibly the better:—the number of those which have had even an apparent tendency that way, is contemptibly small; while every measure of any intricacy or importance standing for debate, which could possibly be put by, without bringing all things to a dead stand, has not even come on for discussion.

There were three questions which could by no contrivance be put off to another session. There was the budget, a question of every year; the civil list, a question for the first year of every reign; and the reconstitution of the peerage, a question for this year in particular.² These three things, in one way or another, it

¹For details, see No. 171.

²For the introduction of these measures, see, respectively, Nos. 116, 134, and 115.

was absolutely indispensable to get through. And if it be asked, what has the Chamber done, the answer which must be returned is, these three things. The wise men of France have laid their heads together for nine months, or until the cholera morbus dispersed them, for the purpose of accomplishing these three things.

The Ministry, however, gave them the opportunity of effecting much besides this. The following, among other bills, were drawn up by Ministers, and laid before one or other of the two Chambers, mostly at an early period of the session:—

A bill for establishing a school or schools in every town and every village or parish in France, at which no inconsiderable amount of useful instruction would have been given to the whole of the rising generation; public provision being made for defraying the expense, where the parties themselves were not in a condition to sustain it;³

Three bills,⁴ which, together with the municipal law passed in the preceding session,⁵ were destined to substitute for Napoleon's odious system of centralization, local representative assemblies, invested with adequate powers of local legislation, administration, and taxation;

A bill for the general revision of the custom laws of France, and for the relaxation of some of the restrictions on trade;⁶

A bill for abridging in some, though far from a sufficient degree, the tedious and expensive formalities and law proceedings, necessary for dispossessing individuals of landed property required for the purpose of public works, such as roads, railways, and canals⁷—a most serious obstacle to the improvement of the productive resources of that fine country,—as may be judged when we mention, that rather than resort to the legal process, road and canal companies or the state not unfrequently find it their interest to pay for a piece of land four or five times its value;

A bill for giving representative assemblies, and a government of law, to the French colonies⁸—which have hitherto, in defiance of a distinct promise in the Charter of 1814,⁹ remained under the illegal *régime* of royal proclamations;

A bill for securing to officers in the army and navy, the possession of their

³For details, see No. 126.

⁴For the introduction of these measures, see No. 120.

⁵For this measure, see No. 57, n10.

⁶For the measure, see No. 126, n16.

⁷Projet de loi relatif aux expropriations pour cause d'utilité publique (3 Nov.), *ibid.*, p. 2041.

⁸Projet de loi relatif au régime législatif des colonies (16 Dec.), *ibid.*, p. 2410.

⁹Charter of 1814, Art. 73.

rank in the service, and preventing them from being dismissed from it, except after sentence of a court-martial.¹⁰

One of these bills, the last, has passed the Chamber of Peers, but did not come in time for discussion in the Chamber of Deputies: the seven others, neither of those hard-worked and ill-used bodies found leisure to enter upon. And when we consider the length and intricacy of the provisions they contain, and the snail's pace at which these two assemblies travel at all times, except when the cholera is at their heels, the passing of these eight statutes is as much as there seems any likelihood of their accomplishing, together with the regular annual business, in several sessions to come. And yet (though all these bills are very defective, and stand greatly in need of being remodelled) whoever has sufficiently adverted to the proceedings of the two Chambers, to have formed an estimate of their fitness, moral and intellectual, to cope with such subjects, may safely predict that the sum of all the amendments they will introduce into the eight bills, are not worth the postponement of the first alone (the Education Bill) for one single year.

The Ministry proposed three other measures, of importance in themselves, and valuable still more highly as an earnest of further improvements to come: these were—

A corn bill, which permitted exportation and importation at all times, subject to much lower duties than before, and abolished, not entirely, but in a great measure, the absurd division of France into many districts, each with a separate corn law of its own,¹¹

And two bills, reducing the exorbitant bounties on the whale and cod fisheries.¹²

For the corn bill of the Ministry, the Chamber substituted another of its own,¹³ abolishing indeed the prohibition, so far as respects importation, but retaining the high duties, and the division of the country, such as they were fixed by the very worst of all the previous corn bills.¹⁴ In the bounties to the fisheries, the Chamber made but a small reduction, instead of the great one proposed by the Ministry.

These specimens of what the Chambers have not found time to touch upon, and of what they have touched, and spoiled in the handling, give the measure of their fitness for legislation, as contrasted even with the second-rate statesmen who at present fill the various departments of the French Ministry.

¹⁰ Actually two bills with these purposes came before the Peers on 19 Jan.: *Projet de loi relatif à l'état des officiers de l'armée*, and *Projet de loi sur l'avancement dans l'armée navale* (*Moniteur*, 1832, pp. 192-3, 194).

¹¹ For its introduction, see No. 125, n2.

¹² For the introduction of these measures, see No. 157, n3.

¹³ For details, see Nos. 125, n2, 130, n7, 134, and 150, nn1, 2.

¹⁴ That of 1821; see No. 130, n6.

As a set-off to all these things which they could not find time to consider of, or which they considered of, and could not find in their hearts to do, the following is a table of the things which they have actually done. We omit the remodelling of the peerage, as a thing which they could not avoid, and of which, therefore, the credit or discredit depends wholly on the manner of doing it.

They have passed two bills for the extension of the warehousing system:¹⁵ measures right in principle, and, perhaps, not wholly useless in practice, but which might have been dispatched in the same number of days; and even at the slow rate at which the Chambers wind their way through the maze of additions and amendments which invariably start up on all sides, did not occupy them for more than a week, or thereabouts.

They have abolished in some small number of cases the punishment of death¹⁶—a penalty but rarely inflicted in France, comparatively speaking. This bill may possibly make the difference of one or two executions in a year. They have also mitigated in some measure the law of imprisonment for debt.¹⁷

They have tampered with the existing laws on the subject of recruiting, and of promotion in the army and navy;¹⁸ perhaps, the only part of the constitutional law of France with which the public was on the whole not discontented. Though possessing a specious equality which recommends them to the French people, and probably not ill-adapted to the circumstances of France, the principles of her military organization are open to well-grounded objection, being no other than the conscription on the one hand, and rigid legal restraints upon rapidity of promotion on the other. But these principles are not meddled with by the new enactments: all the alterations are in the details; and as far as we are able to judge, there is not one which is either decidedly for the worse, or decidedly for the better, though the passing of them has wasted as much time, and stirred up as much ill-blood, as if the destinies of the French nation hung suspended upon it.

Lastly, greatest achievement of all!—a bill has been passed, by which the elder branch of the Bourbon family is exiled from France.¹⁹ This statute does not even provide any penalty in case the parties concerned should attempt to return from banishment; it is, therefore, in every sense as harmless to all mankind, as a parliamentary recognition that there is a sun in heaven, or the legislative enactment by which the Convention, during the reign of Robespierre, determined

¹⁵For their introduction, see Nos. 132, n4, and 133, n9.

¹⁶For the measure, see No. 119, n2.

¹⁷For the measure, see No. 135, n13.

¹⁸For the measure on recruitment, see No. 120, n13; for that on promotion in the army, see No. 128, n2; that on promotion in the navy (not previously mentioned by Mill) is Bull. 77, No. 170 (20 Apr., 1832).

¹⁹Bull. 71, No. 153 (10 Apr., 1832).

that there was, or should thereafter be, a God.²⁰ Of this crowning glory of the session of 1831, the Chambers are entitled to the undivided credit. The Ministers had no share in it, and the liberal press washed their hands of it. So important a matter, naturally could not be brought to a successful issue without some squabbles; accordingly a dispute broke out between the two houses, and the bill flew backwards and forwards from one to the other several times, like a shuttle-cock, before they could agree in what terms the unmeaning announcement should be made.

There remains only the unavoidable business of the session—the money bills, and the change in the constitution of the second branch of the legislature.

The inheritableness of the Peerage has been abolished. The majority of the deputies had given pledges to their constituents, which rendered this no longer optional with them. But it was not enough to regulate the succession to the Peerage, the Peers themselves remaining as they were before. If there has been any difference in their conduct since the passing of the bill, it is that they have been more audacious than ever in their resistance to public opinion. The law of divorce, which had passed the Chamber of Deputies with scarcely a dissenting voice, they ignominiously threw out.²¹ The bill abolishing the ridiculous celebration of the martyrdom of Louis XVI, met with the same fate.²² M. Salvete's proposition for allowing the unfinished business of one session to be proceeded with in the next, which from its manifest expediency had met with universal assent in the elective chamber, was rejected by the Peers.²³ The quarrel between the two houses respecting the bill for banishing the Bourbons, has been already alluded to; we wish that we had room to place it before our readers, in all its ridiculous details.²⁴ Finally, they so fell out respecting a clause in the law for closing the accounts of the financial year 1829,²⁵ that the prorogation took place

²⁰By Art. 1 of Décret sur les fêtes décadaires (7 May), *Moniteur*, 1794, p. 932. Robespierre's extraordinarily long speech introducing the decree is given *ibid.*, pp. 928-32.

²¹For details, see Nos. 133, n10, and 156, n4.

²²For details, see Nos. 132, n8, and 147, n2.

²³For details, see Nos. 132, n10, and 143, n8.

²⁴The gist of the quarrel in February can be found in *Moniteur*, 1832, pp. 438-9. Should Charles X be referred to as "ex-roi," "roi," "Charles X," or "Charles X, déchu de la royauté"? (The last phrase finally appeared.) Should he and his descendants be named in the same clause as Napoleon or in separate ones? (Napoleon got a clause to himself.) Should there be a forced sale of their possessions or should the State expropriate them at a fair price? (A sale within a year was decreed.) The Peers lost on most of the issues.

²⁵For the beginning of the squabble in January, see *Moniteur*, 1832, pp. 79-80; the Peers wanted to restrict the budget for 1829 to financial accounts and rejected clauses that introduced regulations for the future, the focus settling on two clauses relating to financial transactions being public and to expenses incurred by a new minister. The question of prerogatives added ginger to the conflict, which was not resolved until the passing of Bull. 83, No. 190 (31 Jan., 1833).

before the dispute was brought to an issue; and that important part of the annual business of the country remains still unperformed.

With regard to the public expenditure, this has been a session of large prodigality, and petty economy. Seldom has there been seen in the memory of representative governments, an assembly so penny-wise, nor one so pound-foolish. Few governments excite an Englishman's surprise so much as the French does by the absurd *multitude* of its public officers, and by the curiously small quantity of work, day by day, which seems to be expected from each of them; while at the same time, he is often no less astonished at the low rate at which some of the most important and dignified functionaries are remunerated. The Deputies, having come up from their departments boiling over with economy, vented their noble rage by curtailing, not the *number* of the officers of government, but their *salaries*; beginning with the most important of all, the judges, for which station if for any, there ought to be the means of purchasing first rate abilities; whose pay already was not large, even with reference to the average of incomes in France, and now falls short of what many English attorneys give to their clerks. But there is fully as much jobbery as imbecility in this. The public voice insisted upon some retrenchment; and it was the desire of the deputies that places should at all events continue *numerous*, in order that they might retain the power of dispensing to as great a number of persons as possible, that swelling turkey-cock dignity and self-importance, which the lowest member of the French *bureaucratie*, though he touch but a few sous a day, feels himself equally a partaker of with the highest.

All the oppressive taxes on the necessaries of life have been continued; not a thought entertained of commuting *them* for any others less burthensome upon the many: but while borrowing with one hand to defray current expences, with the other they flung away into the lap of the landed proprietors, the extra land tax which was laid on afresh last year, after a reduction of double the amount a few years ago.²⁶ The loss is supplied partly by a larger borrowing, partly by laying additional taxes upon the public at large.

Finally, so ignorant was the majority of the Chamber of the very first principles of finance, that they would not suspend the operation of paying off debt until there should be money to pay withal, but continued to buy up old debt by contracting new. That any human being, to say nothing of a whole people, should have been capable of being so far juggled as to be made firmly to believe that this was not only an advantageous financial operation, but a source of unexampled prosperity, was marvellous enough at any time, even the time of Pitt

²⁶The justification of this provision of the budget, which took off the tax provided by Art. 1 of Bull. 38, No. 106 (18 Apr., 1831), was given by baron Louis, the Minister of Finance, on 19 Aug., 1831 (*Moniteur*, 1831, pp. 1432-3); the earlier reduction was provided by Bull. 101, No. 3371 (6 July, 1826).

and Dundas.²⁷ But that the French Legislature should believe it still, after so many years of argument, and when the subject has become too stale even for ridicule, with the newspapers shouting the true doctrine in their ears, day after day, turning it over in every way, viewing it under every aspect, and putting it with that pellucid clearness with which French writers almost always explain whatever they understand—is something which we should not have thought possible, and which might well render Dulness herself proud of such disciples among the *élite* of a people so renowned for quickness of apprehension.

Recent events give us unfortunately something to add to what may appear a disparaging estimate of the utility of the French representative constitution. We have said that it is of no use, but a hindrance, to the making of good laws; it is now proved to be quite equally useless as a protection to the French nation against arbitrary power. The government of the barricades has done what Charles X was not permitted to do. It has assumed the power of dispensing with the laws and the courts of justice. Paris is under martial law.²⁸ Not during the insurrection, but after it was completely suppressed, and the authority of the regular tribunals was restored; Louis Philippe has assumed the power of trying all offences by a Court Martial, with the declared intention of exercising that power retrospectively—not only against persons taken in arms, or suspected of being concerned in the insurrection, but against the writers of any articles in newspapers which he affects to consider as constituting their authors accessories to revolt. A warrant has been issued against M. Armand Carrel, the principal editor of the *National*, and the most powerful writer among the journalists in France. Never having been able to obtain a verdict against M. Carrel from a Paris jury, the Government has taken this method of depriving him and others of the protection of jury-trial.

Well was it said not long ago, by an enlightened Frenchman, no friend to a Republic or Republicans—"you, in England, are accustomed to see even bad Governments keep within the bounds of law; but, with us, it is universally understood that *une constitution, c'est pour rire!*"²⁹ This is the meaning of the fetish-worship professed by the rabid moderate party, for *l'ordre légal*.³⁰ Respect for the law is easily observed, when you have the laws of the old *régime*, and those of the Reign of Terror, to fall back upon; and when you are able to

²⁷Henry Dundas, 1st Viscount Melville (1742-1811), friend of Pitt, who was President of the Board of Control when the Sinking Fund was established.

²⁸Louis Philippe declared Paris in a state of siege on 6 June, 1832, by ordinance (Bull. 161, No. 4204), having declared other areas in that state on 1 and 3 June (*ibid.*, Nos. 4202, 4203). For the background to the declarations, see No. 171.

²⁹Not identified.

³⁰For the phrase, see No. 145, n5.

revive an edict of the despot Napoleon,³¹ for the purpose of setting aside several distinct articles of the Charter. So, again, the Republicans, if they had prevailed, had no occasion to violate the law; they needed only to enforce the decree of the Convention banishing Louis-Philippe from France;³² for it has never been abrogated, and, consequently, by his Citizen Majesty's own logic, is as valid as ever.

There is not an article of the Charter more express and formal than this, *nul ne pourra être distrait de ses juges naturels*, to which it was added, "there shall never more be created extraordinary commissions or tribunals." In the Charter of 1814, one exception was reserved,—that of *cours prévôtales*: this exception was suppressed in the Charter of 1830, and the provision which it qualified remains without any qualification.³³

Another article of the Charter declares expressly, that the King shall in no case whatever be at liberty to set aside the laws, or dispense with their execution.³⁴

But what matters it? The people thought they had abolished the trial of political offences by packed commissions; but did not Napoleon once issue an edict authorising it?³⁵ The Duke of Reichstadt, we suspect, is lawful Emperor of the French at this moment, by virtue of another edict of the same Napoleon.³⁶

It is not yet known who is or is not compromised, or whom the Government means to make its victims. Its whole conduct with respect to *émeutes*, conspiracies, and the press, for the last twelve-month, convinces us that it will not be troubled with many scruples in taking this opportunity of ridding itself of any troublesome enemy. Fortunately, most of the leading Republicans were already in prison; so that it would be rather too great a stretch of audacity to impute any participation to *them*. Warrants have, it seems, been issued against three Deputies, MM. Garnier-Pagès, Laboissière, and Cabet.³⁷

³¹Bull. 411, No. 7543 (24 Dec., 1811), esp. Arts. 52, 53.

³²See *Le bannissement perpétuel des émigrés* (22 Aug.), Art. 373 of Constitution de la république française, *Moniteur*, 27 Aug., 1795, Supplement, p. vi.

³³Charter of 1830, Arts. 53 and 54, the first continuing Art. 62 of the Charter of 1814; the exception of *cours prévôtales* was made by Art. 63 in 1814, not continued in 1830.

³⁴Art. 13 (1830).

³⁵See Chap. iv, Sect. 2, Art. 27 of Bull. 282, No. 5351 (20 Apr., 1810).

³⁶The duc de Reichstadt, Napoleon's son, was declared Emperor Napoleon II in *Déclaration au peuple français* (22 June, 1815), *Moniteur*, 1815, p. 715.

³⁷Etienne Joseph Louis Garnier-Pagès (1801-41) was a liberal turned republican who took part in the July Revolution and afterwards took over the *Société Aide-toi, le ciel t'aidera*, and made it republican against the wishes of the majority. Embittered by the results of the July Revolution, he sat on the far left, fighting against Louis Philippe's governments. Paul Joseph Xavier Tramier de Laboissière (1799-1860), another deputy of the extreme left, had organized the funeral of General Lamarque and was involved in the riots. He fled Paris when the warrant for his arrest was issued. Etienne Cabet (1788-1856), a deputy of the extreme left, was a member of many republican associations, including the *Société Aide-toi*, and had been a "commissaire" at Lamarque's funeral.

All medical men have been ordered by the Government, under a penalty, to make a return of the wounded; which most of them have honourably and spiritedly refused to do.

These events have produced a salutary reaction of public opinion, in England, on the affairs of France. The real character of Louis-Philippe and his advisers might have been preached in the highways, and to all eternity; the public would never have believed it, until it was proved by some acts which left no room even for the most ignorant to doubt.

The *Times* is now furious against the French Government; and will not take the King into favour again, unless he will "endeavour to heal the wounds of the nation, by consulting the opinion of those in whom the nation has reposed its confidence. The formidable party who have signed the Laffitte manifesto, cannot now be despised with impunity, and must furnish Ministers either to modify the existing Cabinet, or to supply its place."³⁸

This prudent counsel has come somewhat late, methinks. It is scarcely kind, after having, for eighteen months, applauded and encouraged the course of policy which has brought on this catastrophe, and denounced all who opposed it as the silliest or the vilest of mankind, now, when nothing has changed but the interest of the *Times* newspaper, to turn round upon the man whom itself has contributed not a little to mislead to his ruin, and tell him that he is going wrong, and must alter his course. It is not quite so easy for a king to change his counsels, as for the *Times* to eat its words, or rather, without any confession of error, to bluster and bully on one side as it had just before blustered and bullied on the other. Louis-Philippe, thanks to counsellors like the *Times*, is so far committed, that it would not be in kingly nature to retract; and he will go on the remainder of the way to destruction. Even were he to retrace his steps, the blood which has been shed would scarcely be forgiven him. There is the barrier of mutual injuries between him and the Republicans: they are as the serpent and the man in the fable.³⁹ But a time was, when Louis-Philippe was yet hesitating, or had a retreat still open behind him, and when the public opinion of England, energetically declared through the most subservient but the most powerful of its organs, might have arrested his blind and fatal career. The weight which might have decided him for good, was thrown into the scale of evil: and now, when he seems lost beyond redemption, his adviser turns round upon him, and bids him mend his ways. Just so was it with Polignac and Charles X.

But would not any man of common candour or feeling, who had written what the *Times* has been writing for two years, be now burning with shame and self-reproach for the calumnies he had propagated against the *Mouvement* party in France, painting them in the blackest colours, as men who, from low passions,

³⁸*The Times*, 9 June, 1832, p. 4.

³⁹"The Labourer and the Snake," in *Aesop's Fables*, trans. V.S.V. Jones (London: Heinemann, 1912), p. 149.

reckless obstinacy, or personal ambition, sought to subvert the government by a Republican revolution? A Republican revolution is attempted; and the insurgents turn out to be few in number, with the whole people against them, and countenanced by no name known to the nation; and just then the *Times* discovers that the great bulk of the nation is with the *Mouvement* party; that its chiefs have alone the confidence of the French people; that the King and his Ministers are *detested* (the very word of the *Times*);⁴⁰ and that the Opposition, who were before classed with the scum of the earth, ought to be taken into the Ministry.

When, till now, has the *Times* admitted that there was an opposition party at all, except Carlists, Napoleonists, and Republicans? or that any one who held more popular principles than Casimir Périer was a friend to kingly government, or any government of order and law? All at once it finds out that it has made the slight mistake of simply leaving out of its enumeration of parties the majority of the nation.

The wide circulation, and the audacious assuming manner of the *Times*, together with a skill and energy in popular writing, which it would be affectation to undervalue, render it so efficient a promoter of the popular cause as soon as it finds its account in joining the standard of improvement, that the real patriots are too apt to forgive, and omit taking note of its tergiversations. The men who by the labours and sacrifices of perhaps half their lives, have wrought some valuable idea into the public mind, and have at last triumphed over prejudices and indifference, and rendered their cause worth advocating to the mere trading politicians; having during all this period had to endure, in nine cases out of ten, all the scorn and contumely which the *Times* could express, by putting into requisition the whole of its copious vocabulary of coarse abuse,—such persons are generally too well pleased to find themselves sure of carrying their point (which they know they are when they see the *Times* advocating it), to be much inclined to quarrel with the enemy who deserts to them at the eleventh hour. The “leading journal” then thrusts itself forward to the front of the engagement, lifts up its loud voice till it drowns all the others, and struts in triumph over the field of battle, saying, aha! behold my victory. The real victors have gone forward hours before; they are not seekers of glory, but of a new work to perform; and are buckling on their armour to fight a fresh battle, knowing and foreseeing all the while that the *Times* will be, as before, their bitter and unscrupulous antagonist in the fight, and will again join them when on the point of victory.

⁴⁰The word is used in a dispatch from Paris, *The Times*, 7 June, 1832, p. 2.

173. FRENCH NEWS [65]

EXAMINER, 24 JUNE, 1832, P. 408

For the uprising, the suppression of which Mill traces here, see Nos. 171 and 172. For the entry in his bibliography, see No. 116. The item, headed "London, June 24, 1832," is listed in the Somerville College set of the *Examiner* as "Article on France" and enclosed in square brackets.

THE LONGER WE REFLECT upon the present deplorable measures of the French Government, the more pregnant they appear to us with the most fatal consequences.

Have the struggles of forty-five years, and the sacrifice of an entire generation, brought France no nearer than this, we say not to a good government, but to *any* government of law? Is it still to be a matter of course, that whatever is the form of the government, the executive, in reality, does what it likes; and that a constitution or a charter is not a thing to be regarded when the Government finds the slightest momentary convenience in breaking it?

If there were any mode of rivetting in the minds of the French people a practical conviction that no restraints which they can impose on the instruments of government are the slightest security to them, and that the perpetually-impending terror of popular vengeance is alone sufficient to keep their public men in awe, Louis Philippe and his Ministers have found that mode. If any thing exists which can make the next French revolution a sanguinary one, this will do it.

How many years, rather how many ages, of legal protection seem necessary to engender that habitual reverence for law which is so deeply rooted in the minds of all classes of Englishmen, from the prince to the pauper! Never can we too much rejoice that we have accomplished the first and hardest stage of our national emancipation, and have therefore a reasonable chance of accomplishing the succeeding stages, without any sensible weakening of that salutary association; the first and fundamental condition of good government, and without which any people, however civilized they may imagine themselves, are little other than savages.

Is it not the vainest of fancies to look for any sensible improvement in the government or in the condition of the people, while even honest men are apt to consider any misconduct on the part of the Government a full justification for civil war, and when every King, every Minister, considers every act of resistance to Government a justification for suspending the constitution and assuming dictatorial power?

Of the two parties who are guilty of the present and of the impending mischief, incomparably the most guilty is the Government. That small part of the people of

Paris who planned, or who joined the insurrection, are not without considerable excuse. To compare them with our own people under recent circumstances, would be to judge them unfairly. If we English could neither have formed Political Unions nor held public meetings, how could we have escaped the same extremity? And with those powers, it was seen in the case of Catholic emancipation,¹ what even such a people as the Irish could do. Both these invaluable rights are denied to the French nation. There are no means left open in France, by which public dissatisfaction *can* manifest itself through a peaceable display of moral strength. The press is the only organ of public opinion which exists at all; and the press is weighed down by taxation, and persecuted by the law-officers of Government, to the extent, in the case of one single paper,² of fifty-two prosecutions within two years.

For the Government, there is now no forgiveness. What no necessity could excuse, but that which would excuse a revolution, they have done without even an appearance of necessity. Paris was already quiet; and the ordinary tribunals would have served the vengeance of the conquerors but too well. The whole guilt of anarchy and confusion, should such hereafter ensue, will be on the heads of those who have severed the last cable which, for eighteen years, has held France, though agitated and even inundated by the waves, still steady to such anchorage as she had found, and saved her from drifting out into the unfathomable ocean. France has now no constitution. It has been well said, by one of her own writers, that a constitution which is violated is destroyed.³ How much so then a constitution of yesterday, to which, being consecrated by no ancient associations, when once relinquished there is no return? A friend who has been faithful to you from infancy, may be tempted and may succumb, and yet be trusted again; but the man whose first word to you is a lie, remains to you a liar for ever.

It is not many weeks since we idly amused ourselves and our readers with dreams of progressive improvement, and the growth and strengthening of the national mind, by sober study and manly discussion of the art of government itself, as distinguished from the mere instrument of government.⁴ It is no time now for such thoughts. One of the smallest evils of the present tyranny is, that all such prospects are now, for a season, overclouded. As the French themselves would say, *tout est remis en question*. The forty years war, which we did think was terminated by the final rupture with the fallen dynasty, has broken out afresh. The prize to be contended for is still, as heretofore, whether France shall or shall not have a constitutional government: the skeleton of absolute monarchy has been taken from its grave, clothed once more in flesh and blood, and re-enthroned in the Tuileries. Manuel, and Foy, and Constant, have lived, and

¹Effected by 10 George IV, c. 7 (1829).

²*La Tribune*.

³Not located.

⁴In No. 162 (6 May, 1832).

the martyrs of the Three Days have died, in vain. Alas! it was the forecast of something like this, which abridged the life and embittered the dying moments of the most illustrious of those patriots.⁵

There is little novelty in the Paris intelligence of this week. The courts martial are sitting: two persons have been tried, and acquitted,—whether to give an air of mildness to the illegal transaction, or, as has been surmised, because the witnesses would not tell what they knew, before an unlawful tribunal. Two others have been convicted, and one of them sentenced to death.⁶ Whether, after the canting which the world remembers, on the occasion of a former trial, of far greater delinquents, Louis Philippe will dare to execute the sentence, time will disclose. Nothing is impossible; but if he take the life of this person, let him look to his own.

MM. Chateaubriand, Hyde de Neuville, and the Duc de Fitzjames,⁷ have been arrested and placed *au secret*. It is ridiculous to suppose that any, especially the first, of these three men is a conspirator. That they were named members of a Carlist Regency *in nubibus*, is likely enough, and may be true without the slightest blame on their part. They are, perhaps, of all the partisans of the exiled dynasty, the *most* likely to be ostensibly put forward, and the *least* likely to be actually implicated.

174. PLEDGES [1]

EXAMINER, 1 JULY, 1832, PP. 417-18

The final version of the Reform Bill, "A Bill to Amend the Representation of the People in England and Wales," 2 William IV (12 Dec., 1831), *PP*, 1831-32, III, 1-54, had been enacted on 7 June. Thereafter, major campaigns to bind candidates to their constituents' views were waged by thorough Radicals. Writing to Carlyle on 17 July, Mill says his two articles opposing pledges (this and No. 177) are "in very bad odour with some of our radicals"; he praises "the honest and brave character" of Fonblanque for including them, and hints that the circulation of the *Examiner* may have suffered as a result (*EL, CW*, Vol. XII, pp. 112-13). Late in 1835 he makes the same comment to Tocqueville, saying the articles "offensèrent beaucoup le public radical et lui fit perdre plusieurs de ses abonnés," and adding that James Mill agrees with him (*ibid.*, p. 288; 11 Dec.). In a note to the early

⁵For Mill's account of the death of Benjamin Constant, see No. 68.

⁶See "Premier conseil de guerre séant à Paris," *Le National*, 17 June, 1832, pp. 3-4; *ibid.*, 18 June, pp. 3-4; "Deuxième conseil de guerre séant à Paris," *ibid.*, 19 June, pp. 3-4; *ibid.*, 20 June, pp. 3-4. Those acquitted were Pierre Théodore Florentin Pépin (1806-?) and Charles Boromé Wachez (1782-?); François Margot (1796-?) was sentenced to fifteen years; and Michel Auguste Geoffroy (1805-?) was condemned to death. Cf. *Moniteur*, 1832, pp. 1343-5, 1352-4, and 1563-4.

⁷Edouard, duc de Fitzjames (1776-1838), was a staunch royalist and, although he took the oath to Louis Philippe after 1830, was thought to be a supporter of the Duchess of Berry.

draft of his *Autobiography* (later excised) he admits that the articles were ill-timed. They had been, he says, based on a mistaken impression that the fight for democracy had now been won: "The doctrine of these articles was right in itself, and very suitable to democratic institutions when firmly established and rooted in the habits of the people: then no doubt it would be wise in the electors to look out for the most honest and most instructed men whom they could induce to undertake the office of legislators, and refrain from binding them beforehand to any definite measures: but I did not sufficiently consider that the transition from bad to good institutions was only commencing" (*CW*, Vol. I, p. 180n). This is the first leader in the "Political Examiner," headed as title. It is described in Mill's bibliography as "An article headed 'Pledges' in the Examiner of 1st July" (*MacMinn*, p. 21). In the Somerville College set of the *Examiner*, it is listed as "Pledges" and enclosed in square brackets.

AFTER THE PASSING OF THE REFORM BILL, the next thing to be thought of is how to make use of it. The steed is at the door, saddled and bridled, and it is time to mount and journey onward. The machine is in the people's hands, but how to work it skilfully is the question.

The people of England have acquired by their own energies, the faculty of naming those who manage their affairs; they desire to name the fittest men, for what have they to gain by choosing wrong? But how shall they know who is the fittest? This leads to the question of *pledges*. On that all-important question we desire to state our sentiments; uncertain how far they will be acceptable to those who are most interested in the matter, and certain that we shall offend many of all parties; yet firmly convinced of the concurrence of all who understand and value the true principles of popular representation.

We have read of few things in the annals of insincerity more offensive to any person of the commonest moral perceptions, than the cant which has been canted by the enemies of the popular cause, ever since the last general election, against the exacting of pledges from candidates for seats in Parliament. *Quis tulerit Gracchos de seditione querentes?*¹ To see venting a high moral indignation against the "delegates" of the British people, men who were themselves delegates of some single Boroughmonger, as much as his errand-boy, and much more so than his butler or his groom; to hear men who were put into Parliament solely in order that somebody might fatten himself and his family on the produce of their votes, insulting the plundered nation because it also sent men to the same place, commissioned solely to do the ONE THING which should put an end to all such plunder—was past all human endurance. Ikey Solomons inveighing against public robbers, would be the only suitable comparison.²

On the other hand, we have seen principles avowed, and to a certain extent acted upon, by professed Reformers, which if generally received would put an end to the very existence of a representative government. It is most important for

¹ Juvenal, Satire II, 24; in *Juvenal and Persius*, p. 18.

² Isaac Solomons (b. 1787?) was notorious as a fence and a swindler.

the success of the great experiment upon which we are about to enter, not to forget what a popular government really means. The true idea of popular representation is not that the people govern in their own persons, but that they choose their governors. In a good government public questions are not referred to the suffrages of the people themselves, but to those of the most judicious persons whom the people can find. The sovereignty of the people is essentially a delegated sovereignty. Government must be performed by the few, for the benefit of the many: and the security of the many consists in being governed by those who possess the largest share of their confidence, and no longer than while that confidence lasts.

We deem it of the utmost importance at the present unprecedented epoch in English history, that this principle, together with the restrictions with which it must be taken to be applicable to existing circumstances, should be thoroughly understood and felt. We therefore urgently invite discussion on the subject, and shall begin by stating our own opinion upon it very fully and explicitly. We maintain that when the legislature is properly constituted, no pledges ought in any case whatever to be exacted from representatives: or never but in such rare and peculiar cases, as cannot be anticipated, and probably may never occur.—That, nevertheless, in the actual condition of Great Britain, pledges on some subjects may be, and ought to be, exacted; solely because, notwithstanding the Reform Bill, the Parliament is not yet properly constituted, and will be far from securing to the affairs of the public the best services of the best men in the nation.

The objection to pledges as an interference with the personal independence of the candidate, is good for nothing. If his personal independence stands in the way of his duty, he has no business there. Nobody is obliged to be a Member of Parliament. The electors do not impress a private gentleman as he walks the streets, and drag him *oborto collo*³ to St. Stephen's. If he undertakes the trust, it is quite optional, and if he cannot conscientiously perform it, his honesty is in his own keeping; nobody wishes him to be a scoundrel; he has only to resign. If it were really for the interest of the people that their representatives should go to Parliament not to judge and act for the best, but to execute a mandate already decided upon,—a man who of his own choice seeks an office, which it is no injury to any one not to obtain, has no right to quarrel with the conditions on which it is bestowed.

Our disapprobation of pledges is for the sake of the constituents; the representatives may take care of themselves.

If the House of Commons were constituted in the most perfect manner, whom would it consist of? Surely of the wisest and best men in the nation, or those

³Cicero, "Pro A. Cluentio habito oratio," lix, 5; in *Cicero: The Speeches. Pro lege Manilia, Pro Caecina, Pro Cluentio, Pro Rabiro, Perduellionis* (Latin and English), trans. H. Grose Hodge (London: Heinemann, 1966), p. 282.

whom the people believe to be such. Now, if I vote for a person because I think him the wisest man I know, am I afterwards to set myself up as his instructor, as if I were wiser than he? The wisest men are, we suppose, wiser than any one else. If you knew anybody wiser, why did you not choose him? If there is nobody wiser, why set the smaller wisdom to instruct the greater? Can you hope for more than to have your affairs managed according to the best judgment of the best and ablest men? What is the use of hankering after something better than the best?

Let those who, with Mr. Williams of the City of London, require a representative to "act agreeably to the wishes and instructions of a majority of his constituents, or resign his seat,"⁴ consider whether there is not at the bottom of this a little remnant of aristocratic vanity. Let them ask themselves whether it is not the fact, that they have no real intention of voting for the best and wisest man. They have no proper sense of the inappreciable value of honesty and wisdom; but they would like exceedingly to have a rich man or a man of rank to obey their commands, and they know that such are a kind of wild animals, who are not to be trusted unless you have first drawn their teeth and claws. They would rather choose a man in whom they have no confidence, so he be rich or a lord, than the ablest and most trustworthy person in the nation, who is no better, that is to say no richer, than themselves.

We suspect also, that the people have not yet completely found out how much hard study it requires to make a wise legislator. A people never understands until it has felt. Till now the English have never known what it was to have a government in whose *honesty* they could confide: and they have not yet learned what enormous mischief is capable of being effected by mere blundering. It has been one of the qualities of our legislature, as of all other selfish men and selfish bodies of men, that even its blunders have almost uniformly been on the selfish side. Being accustomed to so much selfishness, it is natural for the people to take securities chiefly against that: and to think that they cannot tie up the hands of their legislators too strictly. Experience must as usual be the mother of wisdom; we must learn the value of intellect as we have partly learnt that of honesty, by suffering for want of it. There is a period before us, in which, peradventure, we shall have opportunity enough to learn how wretchedly a country may be misgoverned by ignorant good intentions.

"Wisdom cometh by opportunity of leisure."⁵ No man is fit to be a legislator whose whole life has been occupied with gaining his daily bread by quite other pursuits. We shall never have wise legislators, until legislation is a profession, and men study for it as any man now studies for the business of his life. Such men, indeed, are seldom now to be met with, and in the meantime we must be

⁴William Williams (1789-1865), Radical London merchant, Letter to the Editor (26 June, 1832), *The Times*, 28 June, p. 6.

⁵Ecclesiasticus, 38:24.

satisfied with an approximation. Since those who have their whole time upon their hands, have found no leisure for the systematic study of politics, the man who has spared some one or two hours a day from his countinghouse or his chambers for reading and reflecting on public questions, must meet with joyful acceptance. But when the value of knowledge is adequately felt, a man will choose his legislator as he chooses his physician. No man pretends to instruct his physician. No man exacts a pledge from his physician that he shall prescribe for him a particular treatment. Nobody pretends that it is the duty of a physician to act "according to the wishes and instructions" of his patient, or of a majority of his patients. Why should we have one rule for the body politic, another and an opposite one for the body natural? Politics is an uncertain science; but so is medicine: your representative may be a quack or an ignoramus; so may your physician. But though your physician, or your legislator, may cheat you, it is worth while purchasing his professional acquirements at that risk: and though he may not know every thing, if you have chosen him wisely, he will probably know much more than you: just as you probably know more than he does of *your* particular calling or profession.

At present men's notions are quite rational about the choice of a physician. Nobody would endure hereditary medicine; nor would choose to have a physician named for him by the Government, whose advice he should be bound to take whether he would or not. But when you have chosen your medical adviser, you let him take his own way, until you are convinced from his ill success, or from his conversation and demeanour, that he does not understand your case; and then you try another. We wish to see the same rule acted upon in the choice of a Member of Parliament. It is singular, if nobody thinks himself a better tailor than his tailor, or a better shoemaker than his shoemaker, that yet everybody is a better legislator than his legislator, and cannot, do what he will, find any person who knows more about that subject than he himself.

But, how, then, it may be asked, are the people to judge of an untried man? Very easily. Inform yourselves of his previous life—learn in what manner his time has been spent; whether in idle dissipation, or in sober and severe study; learn whether he has been a jobber in vestries or corporations, or on the bench of magistrates; or an enemy of jobs: whether he has ever stopped up a path, or set a spring gun: whether he keeps game preserves, to decoy his poorer neighbours to their ruin. Enquire if he ever professed liberal opinions, before it could be his private interest to do so; if he ever professed any one opinion in favour of anything by which he could be a loser; or if his judgment has been always the humble servant of his interest. Find out whether he pays his tradesmen: if he be a landlord, whether his farmers have leases, or are kept as tenants-at-will for the sake of political power; ask if he ever turned out a tenant for voting against him at an election; if he keeps his farmers at a rack rent; if he has remitted his rents when they could not be paid without encroaching upon the tenant's

capital.—Prefer a man who has made himself known by giving his time or his money for any patriotic object; or whose speeches or writings, while they evince zeal for improvement and personal purity of motive, also show that he has bestowed thought and labour on great public questions. Next to such a person, prefer the man whom such persons recommend. When all other things are equal, give your votes to him who refuses to degrade himself and you by personal solicitation. To entrust a man with a burthensome duty (unless he means to betray it) is a compliment indeed, but no favour. The man who manifests the highest opinion of the electors, is not he who tries to gain them over individually by civil speeches, but he who assumes that their only object is to choose the fittest man, and abstains from all canvassing, except by laying his pretensions before them collectively, on the hustings, at public meetings, or through the press.

By these and a hundred other means, it is not difficult for the people to discern who it is that deserves enough of their confidence to be thought worthy of a trial. We believe that these means of selection, fairly used, would very seldom miscarry; and would generally give us a body of representatives whom we could trust without pledges, and whose opinion would deservedly carry weight with us, even when it was opposed to our own; if the representative system were properly constituted.

But with a representative system so imperfect as ours still is, we stand in need of some further security; chiefly on account of the enormity of the seven years lease of legislation⁶—which removes the sense of responsibility to such a distance as to be evanescent; gives the people no opportunity till it is too late, of correcting a first error; and gives time even for highly deserving persons to degenerate and become corrupt, from what has corrupted so many men, the long enjoyment of power.

Till short parliaments are restored, no representatives, however chosen, upon such imperfect knowledge as the electors can possibly have of them before trial, are to be depended upon for fidelity to their trust. If at suitable intervals they had to render an account of their acts *after* performance, it would be unnecessary to fetter them *before*. A liberal confidence should be, and naturally will be, given to a faithful trustee, to execute the trust according to his own judgment: but if he has time to ruin you long before it is in your power to get rid of him, you will trust him with nothing that you can by possibility keep in your own hands. A man who is his own physician, generally has a fool for his patient; but it is better that he prescribe for himself, than obey a physician whom he believes to have been bribed by his heir.

A pledge therefore should be exacted from every popular candidate, for

⁶The "Septennial Act" of 1716, 1 George I, Stat. 2, c. 38, giving parliaments a seven-year term, had repealed 6 & 7 William and Mary, c. 2 (1694), which provided a three-year term.

shortening the duration of parliaments: and for any other measures, if they be so urgent that they cannot safely wait till after the repeal of the septennial act.

As a general rule, we would lay it down that pledges are allowable where there is a demand for changes in the constitution, or where, from any cause whatever, the people feel themselves obliged to choose an unfit man.

Of the propriety of changes in the constitution, the only proper judges are the people themselves. The trustee is to judge how he can best discharge his trust, but not upon what terms it is to be confided to him. It would be absurd that the members of the legislature should determine the conditions of their own power. The very supposition that a constitutional change can be necessary, implies that the present governors are not the best men, or that the system is not such as to secure their best services. Either way their judgment is not to be relied on, and least of all in what so nearly affects themselves. Whoever, therefore, on mature deliberation, with the proper means of knowledge, has made up his mind that the ballot, or annual parliaments, or any other change in the composition of the legislature, is desirable, cannot be blamed for annexing to the promise of his vote a stipulation for supporting these measures.

So again if the people are unable to find a really qualified candidate: which will doubtless be the case in many instances, and for a long time to come. Reform or no reform, the people must in fact continue to make their selection chiefly from a very narrow class; the class possessed of leisure, that is to say, of considerable property. Even of that class the majority are for the present disqualified by a rooted aversion to popular institutions; and the remainder too often by confirmed indolence; incapacity for mental exertion; a life spent in mere amusement, instead of any manly pursuit; ignorance of the world and of business, and a consequent timidity which makes them shrink from difficulty or responsibility instead of facing it bravely. Yet such will frequently be the persons in whose hands the electoral bodies must be fain to place their affairs, until the working of a free government shall have inspired our opulent classes with the ambition of earning honours by deserving them. For, as long as one of the highest and most arduous services which man can render to man, that of making laws for him to obey, shall be almost the only service which goes unremunerated, except by jobbing or underhand methods; as long as no indemnity is allowed to legislators for the value of their time, and, unless they are already rich, they have only to choose between corrupt gains and painful sacrifices; so long government will not be carried on by the wisest and best men. In France the case is somewhat different: for in France narrow circumstances are only an inconvenience, not a disgrace: a man who has but two rooms to live in, may enjoy as much respect, and may even, in those two rooms, receive as much of the best society of the capital, as if he lived in a palace. But here, while the income which is esteemed necessary to respectability is so great as few can inherit, and as scarcely any one can earn without devoting to that sordid pursuit

every moment of his life; and while it requires the heroism of an Andrew Marvel,⁷ to maintain dignity of character in honourable poverty,—there will certainly be many representatives, in every parliament, whom it would be ridiculous to treat as if they were wiser, or even half so wise, as the general public when its opinion is deliberately formed. To such persons very strict instructions may properly be given. But it should be ever present to the mind both of the candidates and of the electors, that the exaction of pledges is always a testimony of the extreme unfitness of the representative. It is either a proof that no fit person is to be found, or it implies the disgraceful supposition, that the electors, having fit persons at command, prefer such as they themselves believe to be unfit.

175. LEWIN'S THE FISHERMAN OF FLAMBOROUGH HEAD

EXAMINER, 8 JULY, 1832, P. 435

Charlotte Lewin (1796-1875), a devotee of vocal music who collaborated with Mill's friend Hickson, was the sister of Harriet Grote (1792-1878), who, with her husband, George, played a large part in Mill's life from the early 1820s. This review, in the "Literary Examiner," is headed: "*The Fisherman of Flamborough Head, now living at the age of Seventy-four. Collected from personal knowledge, during a visit to the East Riding of Yorkshire. By C— L—. Oliphant, Edinburgh; and Nisbet, London. [1832.]*" It is described in Mill's bibliography as "A short notice of Miss Charlotte Lewin's account of a Fisherman at Flamborough Head in the Examiner of 8th July 1832" (MacMinn, p. 22). In the Somerville College set of the *Examiner*, it is listed as "Notice of 'The Fisherman of Flamborough Head'" and enclosed in square brackets.

THIS IS AN ACCOUNT of one of those examples of a life of admirable virtue in the very humblest station, which, though not common, are far more so than is usually supposed, being seldom known beyond the circle of a narrow neighbourhood. The fair author of this little publication has the merit not only of an interesting literary composition, but, what is still better, of a good action: it was written and published in the hope of contributing to the relief of the excellent person who is the subject of it, and whose old age and infirmities now almost disable him from earning his livelihood.¹ From saving he has been prevented by duties of self-imposed beneficence. In that same hope we now call the attention of our readers to this short history of his life, and would gladly, if we could,

⁷Andrew Marvell (1621-78), the poet, satirist, and Commonwealth politician, was reported to have preferred to live humbly rather than accept the patronage of Charles II.

¹The title page says the work is "published with a view, first, to his relief; and secondly, that the light of such an example may shine afar before men, so that they may 'go and do likewise.'"

induce the whole world to profit by it; for there are none who might not, either in the way of sympathy or of example.

176. FRENCH NEWS [66]

EXAMINER, 8 JULY, 1832, P. 440

For the entry in Mill's bibliography, see No. 116. The item, headed "London, July 8, 1832," is listed as "Article on France" and enclosed in square brackets in the Somerville College set of the *Examiner*.

THE PRISONERS condemned by the courts martial, for participation in the late insurrection at Paris, have appealed to the supreme law authority of France, the Court of Cassation, which has quashed all the sentences, and declared the trial of non-military persons, before military tribunals, to be illegal.¹

This is a noble triumph for the cause of legal government; and goes far to undo the mischief which the late illegal measures had done.

Laws and a Constitution *do* yet exist in France. Though the executive disregards them, there is a power above the executive, which recalls the executive to its duty; and whose admonition the King does not think himself strong enough to disregard.

The next day an ordonnance appeared, by which the "siege" of Paris was raised.² It is affirmed that the Chambers will be convened for the 25th of the present month. The present ministry remain in office till the meeting of the Chambers. If they remain for a single week afterwards, a government of law is not valued in France as it is here, and should be every where.

MM. Chateaubriand, Hyde de Neuville, and Fitz-James, have been set at liberty; the *chambre des mises en accusation* (analogous to our grand jury) found that there was no ground for proceeding against them.³ M. Ledieu, one of the journalists who had been arrested, has been dismissed, because there was actually no charge against him.⁴

Immediately after the authority of the law was restored, the three deputies against whom warrants had been issued (MM. Garnier-Pagès, Cabet, and Laboissière) delivered themselves up to justice.⁵

Attempts have been made to strengthen the ministry by taking in M. de

¹On 29 and 30 June (*Moniteur*, 1832, pp. 1401-3 and 1407-8). See Nos. 171 and 173.

²Bull. 168, No. 4261 (29 June, 1832).

³On 1 July (*Moniteur*, 1832, p. 1409).

⁴Louis François Joseph Ledieu (b. 1791), a contributor to *La Tribune*, had been supposedly involved in a seditious plot at the time of Lamarque's funeral.

⁵*Moniteur*, 1832, p. 1409. For the background, see No. 172, n37.

Talleyrand, M. Dupin, or M. Thiers:⁶ but the first, and wiliest of the three, is understood to have refused, and with the others it was not found possible to make terms.

177. PLEDGES [2]

EXAMINER, 15 JULY, 1832, PP. 449-51

For the context, see the first part, No. 174. Mill's observations had been contested in the *Morning Chronicle*, 10 July, 1832, pp. 2-3, by John Black, to whom he now replies. Like No. 174, this is a first leader, headed as title. It is described in Mill's bibliography as "A sec. article headed 'Pledges,' in the Exam. of 15th July 1832" (MacMinn, p. 22). In the Somerville College set of the *Examiner*, it is listed as "Pledges" and enclosed in square brackets.

WE HAVE BEEN SURPRISED to find from an article in the *Morning Chronicle* of Tuesday, that the editor of that journal dissents wholly from the observations on the subject of Pledges in our last paper but one. It is from no deficiency of respect towards our excellent contemporary, or disposition to undervalue the great help he has rendered to the common cause, that we profess our inability to see anything in the arguments which he has brought against us, worthy either of himself or of the gravity of the subject. They have not even, as is usual with him, the appearance of being drawn from a matured and strong conviction, but rather resemble the first crude outpourings of a mind to which Thought, on the great questions of government, is new and unfamiliar. We learn at least one thing from our contemporary's article; how much need there was and is, that the elementary and fundamental truths of politics should be frequently brought forward and insisted upon; for they have been kept out of view until they seem strange and unfashionable, and, if they remain longer in the background, are in positive danger of being forgotten. And in particular we see that it was high time to speak a few reasonable words on this subject of Pledges; when opinions so remote from all we deem true and useful, are professed even as axioms in politics, not by the unthinking vulgar of any rank, which would be less surprising, but by a public writer who has claims much higher than most men to be placed in the class of philosophic reformers.

We shall put first in order a few explanations, necessary to prevent ourselves from being misunderstood.

We acknowledge, as we did most fully in our preceding article, that the

⁶Louis Adolphe Thiers (1797-1877), journalist, historian, and politician, founder with Mignet, Carrel, and Sautelet of *Le National* and author of the journalists' protest against the ordinances of Charles X, was elected to the Deputies in 1830 where, as a Moderate, he supported Louis Philippe.

immediate application of the true principle of Representative Government, is complicated with a number of considerations arising from the surviving evil consequences of the vicious system under which we have hitherto lived. The state of society and manners in Great Britain almost compels the electors to make their selection from persons in whom it would not be natural that they should confide; persons to a great degree corrupted by aristocratic institutions. The *leisured class*, the class which ought to furnish statesmen and philosophers, has been bred in a very different school, and trained to far other occupations. The circumstances of their education were not such as to make them love wisdom or virtue for its own sake; and in the pursuit of power or distinction, both the one and the other were rather obstructions than helps. For a legislator, the sole qualification required was having bought the office, or being born to it; even in a minister, talents for government meant nothing but address in finding a colour for benefiting the few at the cost of the many, and in quieting the exorbitance of those among the few who demanded more than their share. Capacity for government, in any sense implying the good of the governed, was to such a degree unknown and unthought of, that the tradition of its having ever existed, and the opinion of its being required, were gradually dying away, and are all but absolutely extinct.

The evils of centuries are not to be remedied in a day. Great statesmen cannot be called out of the ground by stamping upon it.¹ But there are still some men wiser than others. And let us here clearly understand whether this, among other things, is to be contested. Are all men possessed of an equal quantity of political knowledge and political foresight, aye or no? Let us have a categorical answer to this one question. If the *Morning Chronicle*, or any one else, maintains the affirmative, he shall hear further from us. But, for the present, we take it for granted, that according to the old proverb, "some are wise, and some are otherwise." Now, all we contend for, all we have ever contended for, is, that the people ought to have the benefit of having their affairs managed by the wise, rather than by those who are otherwise. We will join with any one who pleases in deploring that the wise are not more wise, and shall be happy to unite with all the world in making both it and ourselves as wise as our faculties and opportunities will permit. Still, we return to our original position; there may be a wiser government in the moon, perhaps, than the government of the wisest persons that can be had, but how, in the name of reason, is it to be got at? Shall we mend the matter by setting a less wisdom to dictate to a greater? And, mind, we do not, like the Tories, first inculcate the necessity of wisdom, then quietly assume that a long purse is wisdom, and conclude for the government of the longest purse. There shall be no question between us and the people as to who is wisest; we will have no other arbiter of the matter than themselves: for our present purpose the

¹See Plutarch, *Life of Pompey*, lvii, 5; in *Lives*, Vol. V, p. 266.

wisest are whomsoever the people consider such; we own the people, not certainly as infallible judges, but as the only safe ones, and submit to them not from a blind confidence, but from the motive which we ourselves urge, namely, that they are the best that can be had. We only say, let them judge of the workman both before and after, but let them not attempt to teach him the way of his work. They are employing skilled labour; and they cannot as a body be more skilled than the most skilful labourer whom they have it in their power to choose.

In this, however, we are always supposing that a skilful and honest labourer is to be had. We acknowledge that the case is altered, when the people either *cannot* choose a sufficient person to serve them in Parliament, or *will* not.

While the office of a member of Parliament is unpaid, and while even those who have something, cannot be content without making it more, there will be a great reluctance among men of abilities to offer themselves for the people's suffrages, unless they are already in what are called independent, that is, in affluent, circumstances. Now all such persons lie under a *prima facie* suspicion of sympathizing more strongly with the aristocracy than with the mass of the people. It ought never to be believed without the most positive experience, of any English gentleman, that the interests and feelings of gentlemen do not count with him for more than their just value, and the interests and feelings of all the other members of the community for less. There are different degrees of this caste-spirit, but those who have least of it in reality will not be the most confident and eager in their disclaimer of it. As the feelings proper to a free government gain the strength which time and habit alone can give, these wrongful partialities will wear away. But in the meantime they are to be presumed, and guarded against, in almost every case: and every candidate who cannot effectually rebut the presumption, is so far wanting in one of the most essential ingredients of a just title to that confidence, which, some time hence, all the representatives of the people will habitually deserve.

There is also another very important concession to be made. In general the people are better judges of men than of measures; naturally: since we commonly judge of men from past experience, of measures from what is so much more uncertain, prospective anticipation. But now, in some particulars, the case is reversed; there being various measures which, from long and earnest discussion, and the little difficulty of the subjects, the people have come to a tolerably correct understanding of; while in respect to men, the old bad habits which grew up under the exploded system, still subsist, and the fitness of a man is judged by a wrong criterion. This will partly account for the reluctance which we have seen evinced by some persons whom we greatly respect, to admit the true principle on the subject of pledges, as applicable to the present time. It is felt, justly enough, that any pledges which the people are disposed, just now, to exact, are mostly such as almost any candidate well affected to the popular cause could conscientiously give, while yet the same electors, if called upon to point out the man whom they think properest in the abstract to represent them in Parliament,

would probably name the greatest landholder in the neighbourhood, if they are satisfied with his personal manners, and kindness as a landlord or a magistrate; though, perhaps, every act of his Parliamentary life might be hostile to their cause.

These are the considerations which can alone lead us to view with complacency the copious exaction of pledges which is taking place at this period. We regard it as a palliative for the consequences of a vicious state of mind both in the electors and in the candidates. As long as the personal prepossessions of the electors are in favour of the richest rather than of the ablest and most honest candidate, and as long as nine-tenths of the candidates may be suspected of being at heart insincere, or at least but cold, reformers, so long we must tolerate or approve the chaining up of the representative by much tighter bonds than would be allowable, if it were easier finding unexceptionable men, or if the people knew better how to distinguish them. If, therefore, we could think of any pledge to be tendered to a candidate, his acceptance or refusal of which would decide whether he is with us or against us,—whether he is for the Movement or the Resistance,—whether he voted for the Reform Bill as a prop to all our remaining institutions, or as a means of beating down such of them as are bad, and repairing such as are decaying,—we should not be averse to see such a test propounded. But, unhappily, there is no single question, nor small number of questions, which places this point out of doubt. The Ballot, or the Taxes on Knowledge,² perhaps come nearest to a test, but not near enough. It cannot, however, be pretended that a man's spontaneous professions, the style of his addresses, his own previous character and that of his leading supporters, commonly leave any doubt as to the main direction of his politics. We may be sure it will seldom be uncertain who is the Conservative, and who the Reforming candidate; or who is the most in earnest of two professed reformers. But if there *should* be any doubt, *this* is what justifies us in requiring pledges; this is the point which our pledges should be shaped to ascertain; and we should endeavour to ascertain it with the least possible restraint upon the discretion of the man whom we are employing to *judge* for us as well as to *act*.

The exaction of pledges should be felt as a slur upon the candidate; a slur which should never be inflicted except where it is deserved. When the pledge is not a slur upon the candidate, its exaction is a slur upon the electors; to be justified only if the electors are in reality bad judges of the fittest man.

Thus much by way of explanation and enforcement of our own opinion. We must now have a few words with the *Morning Chronicle*.

Our contemporary has very needlessly confounded two ideas, than which it is

²The term "taxes on knowledge" was used with reference to a variety of statutes that imposed duties on newspaper sheets, on advertisements, and on paper, and put various other impediments in the way of inexpensive journals. The statutes included 10 Anne, c. 19 (1711), 11 George I, c. 8 (1724), 55 George III, c. 185 (1815), and 60 George III & 1 George IV, c. 9 (1819).

difficult to conceive any more perfectly distinct; he has supposed that because we object to tying up the representative from acting upon his own opinions, we must therefore be against asking him any questions about them. So remote is this from our sentiments, that we should regard any candidate, who did not explicitly state his present opinion without reserve or disguise, on any political question on which his constituents desired to know it, as disqualified by that single circumstance from being a good Member of Parliament. Because we feel the superiority of matured wisdom, does it follow that we are enemies to discussion? Because we think another man wiser than ourselves, does it follow that we think ourselves fools, and deem that he can learn nothing by talking over the subject with us? Let him tell us his own opinions and hear ours; but let us as well as him, hold and declare our opinions with becoming modesty; let us not suppose that we know everything and he nothing, because we happen to be the electors and he the candidate. By a free communication we may learn much from him, and he something from us: he will moreover learn the public opinion for the time being, which as a fact it is most important that he should know, howsoever as a rule of conduct it may occasionally be improper that he should be guided by it. "But," it is said, "if the candidate is to tell all his opinions, this will be tantamount to exacting pledges." We answer, no doubt it will, with all electors who are so narrow-minded and conceited, as to judge of a man's intellect and virtue by the single test of his agreeing in opinion with themselves: but this is the very thing which we are contending that they ought not to do: we are maintaining that they ought to choose somebody whose opinion, if sincere, is *more likely to be right* than their own: and that it is only if they cannot find such a person, that they ought to send somebody as a mere instrument to execute their own decree: just as it is sometimes necessary to send instructions to a General or an Admiral how and when to fight; but only when he deserves to be superseded, and you have no means of immediately supplying his place.

The *Chronicle* does not well know what to do with our illustration of choosing a physician; he has found out fifty differences between the two cases, every one of which is altogether beside the purpose. He says that the patient cannot always understand the physician's reasons! And can the citizen always understand the legislator's reasons? Are all questions of legislation, then, so extremely simple? As is forcibly remarked by the *Times*, (whose powerful co-operation on this subject gives us much pleasure), what shall we say to the poor-laws, or the currency, or the mode of reforming the law, or the mode of reforming the Courts of Justice, or emigration, or the law of primogeniture, or the best principle of taxation, all subjects on which thinking and honest men are divided in opinion?³ Does it follow that a question is really simple, because the electors may happen to think it so? All questions appear simple while they are looked at only on one

³Leading article on pledges, *The Times*, 11 July, 1832, p. 2.

side. But though we cannot always judge of either the physician's reasons, or the legislator's, it is always advisable to *hear* them. Though we may not know much about the matter ourselves, we may generally give a shrewd guess from what a man says, whether he is speaking of a subject which he understands, or one which he is ignorant of. A wise man will have nothing to do either with a physician, or a representative, who conceals the principles of his treatment. Concealment is the refuge of quackery; a manly avowal is one of the signs both of true knowledge and of integrity.

The *Chronicle* also finds out that a physician differs from a legislator, because a physician has only to satisfy his patient, but a legislator the whole nation. One would think our contemporary was speaking of an actor, or a rope-dancer. The physician has not to satisfy his patient, he has to cure him. No doubt, if satisfaction were all, every man knows best what will satisfy him. But medicine, and government, are not a mere affair of taste. The reason why wisdom is required, either in a physician or a legislator, is because what satisfies a man to-day is not always best for his interest to-morrow. And why, because a nation's good is at stake instead of a single person's, the nation should not be guided by the same maxim of common sense which the individual members of it follow in every analogous case, our contemporary has not succeeded in shewing us.

But all this is nothing to what follows. The *Chronicle* next gives us his notion of a Representative Government. He says it is by the vote of each member, voting as the mere organ of his constituents, that we collect the opinion of the majority, and ensure the conformity of the acts of government to the general will. This is a step beyond Robespierre's democratic constitution of 1793; for in that, although all laws were referred to the express sanction of the electors *after* they were passed, the electors were not consulted *first*, and each legislator gave his provisional vote according to the best of his judgment.⁴ If even this latitude is not to be allowed to a representative, we cannot see much use in the complex machinery of a representation. If the power of changing your representative every three years, or even every year, does not suffice you, but, in order that you may feel secure, the advantages of knowledge and deliberation must be sacrificed, government by a select body be given up, and government by the people *en masse* introduced, then it would be cheaper, more certain, and more expeditious for the electors to send their votes to town on every measure, under an official frank, through the post-office. A few clerks would then suffice to do the business of Parliament, and all danger of jobbing or encroachment on the part of the legislature would be effectually provided against. Nothing short of this will do. You will never be quite safe from Scylla till you are whirling round in the midst of Charybdis. You will always be in some danger of striking against the wall of rock on your right, till you have fallen down the precipice on your left.

⁴Acte constitutionnel de la république (24 June, 1793), Art. 53 (and see also Art. 19), *Moniteur*, 1793, pp. 765-6.

For our part, we avow, that when the Tory prints accused the Reformers of seeking to set up a government of mere numbers, instead of one of intelligence, *our* denial of the imputation was sincere. Such never was our object. A government of honesty and intelligence was all we sought, and our quarrel with the old government was, that its character was the very reverse. We know that the will of the people, even of the numerical majority, must in the end be supreme, for as Burke says, it would be monstrous that any power should exist capable of permanently defying it:⁵ 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. One of our reasons for desiring a popular government was, that men whom the people themselves had selected for their wisdom and good affections, would have authority enough to withstand the will of the people when it is wrong. And it is surely some presumption that the people are in the wrong, if they cannot find any man of ability who will do as they wish him, without being pledged to it. We ourselves do not think that the public opinion, except where it has adhered to the impressions of early education, has often gone far wrong heretofore; but this is because the people have for the most part acted upon our principle, and have not yet learnt the doctrine that they are to hear appeals on all subjects, from the decision of the most competent judges. We must recollect, however, that the people are now the sovereign: as such, it is they who will now be the objects of flattery; it is to them that the interested, the discontented, and the impatient, will henceforth carry their complaints. Every factious minority, every separate class, every adventurer who seeks to rise by undermining those above him, will endeavour to obtain, not as before from the oligarchy, but from the people, what has been refused by the people's representatives: and the grand instrument of success will be, persuading the people, that no thought, no study, no labour, give any superiority in judging of public measures, and that the question immediately on the *tapis*, whatever it be, no matter how complicated, is level to every man's capacity. Where the popular mind is not kept steady by confidence in superior wisdom, these tactics will frequently succeed. The man who says, Judge for yourself, you are wise enough, has an immense advantage over him who can only say, I speak from study and experience, and I know better than you. An ignoramus in politics may deem lightly of this danger; all things appear easy to him, because he sees little in them, and cannot conceive that anything is to be seen, except what he can see. But a man who has thought and read as much as the Editor of the *Chronicle*, *must* know that the correct view of a political question is very often not the superficial one.

⁵Burke, *Letter to the Chairman of the Buckinghamshire Meeting* (1780), in *Works*, Vol. V, p. 229.

We here conclude for the present our answer to the *Chronicle*. We have heard ourselves assailed by another objection, from which, to his credit, the writer in the *Chronicle* has abstained; that our doctrine is untimely. Untimely! why? Because this is a good opportunity for extorting by means of pledges a great number of good measures. According to this doctrine, we ought to withhold what we deem the truth, until by the production of it we can serve our immediate ends; to make our profit of error as long as we can, and first turn against it when it turns against ourselves. With what face could we shew ourselves before the public, or what opinion could we expect them to entertain of our sincerity, if we countenanced the practice of unlimited pledges now when it suits our convenience, and found out its impropriety only when it came to be put in force against our own opinions? Let those act upon such principles who relish them; they shall not be ours. We have never been able to discover any better or more universal maxim of expediency, than honesty, nor know we any occasion upon which the truth is untimely, if it is the truth, and not merely a little bit of the truth, worse than no truth at all. But if there be a time which is fittest of all for combatting errors, it is before they have strengthened into prejudices; and the best of occasions for putting forth the truth, is when it must be seen that we propound it because it is the truth, though something else, it might seem, would better serve our immediate turn. We may add too, that there are few persons from whom the objection to pledges can come with a better grace than from ourselves, since perhaps no pledge has yet been called for, by any considerable portion of the people, in favour of any measures but such as we in the main approve.

Not that we shall in reality carry these measures a day sooner, by violating for them the true principles of a representative government. They are all of them such as the people are sure to obtain, if they choose thorough reformers; and we have already allowed the utmost latitude of pledging, if you are obliged to choose men whom you do not know to be thorough reformers. If the pledges now proposed were to be the last ever asked, we should be as strong advocates of them as any one, for they accord with our own opinions: but how is a practice to be kept within due limits? Surely no otherwise than by pointing out, as often as the subject engages public attention, what the due limits are. It is the part of wisdom to look after as well as before; and not to let those doctrines and feelings which are the only permanent securities for good government, be played away for the mere stake of the moment. Once gone, they are not so easily recovered. And when able men have wandered so far from them as we now see, truly it was not too soon to put in our *caveat* for the established truths.

We did not expect that our view of the subject would find favour with the unreflecting; not because there was anything abstruse, or refined, or paradoxical, in it, for it was the broad common-sense view, which strikes a man of plain understanding as soon as the question is placed before him. But we were exhorting men to two things, either of which is more than a great number of

persons are capable of; to doubt their own infallibility, and to forego an exercise of power.

It was for this reason; it was because we knew the formidable array of human weaknesses and passions which would be perpetually at work to make a Representative Democracy (what it has so often been asserted to be in its own essence) a mere mob-government; that we deemed it necessary thus early to call upon the intelligent leaders of the people that they might join in stemming the torrent before it becomes irresistible. And it disappoints and mortifies us that one who ranks so high among those leaders as the Editor of the *Morning Chronicle*, one who has done more in a few short years to extirpate abuses than any other periodical writer whatever, should have given the sanction of his authority to the most deplorable misapprehension of the nature of representative government, which can possibly prevail; an error of which the Tories have always delighted to accuse the reformers, but which we would gladly have believed that not one of the enlightened reformers really held, and which the Editor of the *Chronicle* may live to deplore his having ever, even for a moment, countenanced by the weight of his authority.

We wind up by a summary of the conclusions of our former article.

Pledges may be exacted for all organic, in other words, all constitutional, changes; such as the Ballot, and Triennial Parliaments:—

Also for all measures of immediate urgency, which cannot conveniently wait for the repeal of the septennial act:—

And finally, if the electors are obliged to choose a candidate of doubtful judgment, or of doubtful affections, any pledges may be taken, which they in their suspicion may deem necessary.

In all other cases, pledges ought not to be required.

178. FRENCH NEWS [67]

EXAMINER, 15 JULY, 1832, P. 456

For the entry in Mill's bibliography, see No. 116. The item, headed "London, July 15, 1832," is listed as "Article on France" and enclosed in square brackets in the Somerville College set of the *Examiner*.

WE HAVE GREAT PLEASURE in calling the attention of our readers to an article on the state of France, which has just appeared in the *Westminster Review*. It is obviously of French origin, and bears marks of the hand to which it is ascribed, one of the most enlightened and high-minded of patriots.¹ We are proud to find

¹"Present State of France," *Westminster Review*, XVII (July 1832), 211-41. The author has not been identified.

in this retrospective view of the history of parties in France, the confirmation (with many additional particulars) of all that was written in this journal on French politics in the few months succeeding the Revolution in July.

We learn from the Paris correspondent of the *Chronicle*, that a half-penny paper for the people is about to be started at Paris, under the auspices of Laffitte, Odilon-Barrot, and Arago, (the leaders of the moderate Opposition) whose names appear in the prospectus;² and under the gratuitous editorship of M. Cauchois-Lemaire, one of the ablest and most independent of the political writers of the day. The price will just cover the stamp duty to Government,—all the other expenses will be defrayed by subscription. A noble employment of wealth and talents, from which we augur the happiest consequences. These are the true Penny Magazines³ for this age of politics; all others, though not absolutely useless, are secondary in usefulness, and less than secondary as instruments of power.

The French Ministry has issued a precious circular to the different *Procureurs du Roi*, ordering a still more strenuous persecution of the newspaper press.⁴ Censure of the mere acts of the Government is to be permitted; but every body who professes, even as a speculative opinion, that a republic, or the restoration of the exiled family, would be desirable, is to be prosecuted. As the first fruits of this increase of "vigour," several newspapers have been seized, and the *Moniteur* has been so obliging as to announce officially what are the exceptionable passages. In one case, that of the *Tribune*, the crime was publishing a list of subscriptions, in which one of the subscribers signs himself "A Good Republican," another "An Enemy of Kings," and a third "An Enemy of all Monarchs since the death of Napoleon."⁵ This is the fifty-sixth prosecution of this one journal since the July Revolution. Truly the heroes of the barricades threw their lives away to some purpose.

The chambers are *not* to be summoned immediately. The King and his miserable Ministry are afraid to meet them.

In the meanwhile, the Government is weeding the public offices of the few remaining patriots, whom it had not hitherto ventured to touch.

²"O.P.Q." (Caleb Charles Colton) announced the prospectus for *Le Bon Sens* in the *Morning Chronicle*, 13 July, 1832, pp. 3-4. Dominique François Jean Arago (1786-1853), a prominent scientist, became a deputy in 1831.

³The *Penny Magazine* (1832-45) was edited and published by Charles Knight for the Society for the Diffusion of Useful Knowledge.

⁴*Moniteur*, 1832, p. 1414.

⁵Given *ibid.*, p. 1413, as "Un vrai républicain, 50 cent.; un ennemi des souverains depuis que Napoléon n'est plus, 1 fr.; une bonne patriote, un ennemi des rois, 1 fr.; C. orléaniste devenu républicain, 5 fr., etc., etc."

••• September 1832 to August 1833 •••

179. RECOMMENDATIONS OF CANDIDATES TO PARLIAMENT

EXAMINER, 2 SEPT., 1832, P. 569

This article is prompted by the candidacy in the Radical interest of some of Mill's acquaintances in the elections for the first post-Reform Parliament. The unheaded article is described in Mill's bibliography as "Recommendations of several candidates for seats in Parliament in the Exam. of 20 Sept. 1832. (Some were not mine. Mine were J. & E. Romilly, C. Buller, T.H. Lloyd, Hyde Villiers, Hutt, Hawkins, and W.H. Ord.)" (MacMinn, p. 22.) In the set of the *Examiner* in Somerville College, it is listed as "Recommendations of several candidates to Parliament," with the relevant portions enclosed in square brackets, and two corrections indicated: at 508.4 "Love" is altered to "Looe"; and at 508.19 "districts, at" is altered to "districts. At". Probably Albany Fonblanque, the editor of the *Examiner*, who wrote most of the material in the paper, was responsible for the paragraphs not here included, that is, the opening three (a first paragraph rejoicing that there are candidates of intellectual attainments, a recommendation of Grote for a City of London seat, and a note of regret that Birkbeck was too unwell to stand for Finsbury) and three interspersed with Mill's (Bulwer for Lincoln, Roebuck for Bath, and Davenport Hill for Hull). One cannot, of course, infer that Mill disapproved of these.

BRIDPORT.—The patriotic electors of this place are expected to return, (along with the present valuable member Mr. Warburton) Mr. John Romilly,¹ second son of the late Sir Samuel Romilly. They could not have found a more courageous or a more enlightened reformer, or a person more devoted, through good and evil report to the people's cause. To this it should be added, that Mr. Romilly, though a professional lawyer, and practising in the most defective of all our law courts, the Court of Chancery, is yet among the warmest friends of a radical and systematic Law Reform.

LUDLOW.—In this stronghold of the Clive Family, Mr. Edward Romilly, a worthy participator in his brother's opinions and purposes, is said to be certain of prevailing over the nominee of the Boroughmonger.²

¹Henry Warburton (1784?-1858), radical reformer and free trader, one of the founders (with James Mill and Bentham) of London University, had sat for Bridport since 1826; John Romilly (1802-74), a liberal, known to Mill personally through the London Debating Society, was elected for Bridport.

²Edward Romilly (1804-70), also a liberal reformer, was elected for Ludlow. The Clive family had lived in Shropshire since the reign of Henry II. The "boroughmonger" was Edward Clive (1754-1839), the Earl of Powis; his nominee was his son, Robert Henry Clive (1789-1854), an anti-reformer, who, defeated in this constituency, was elected for South Shropshire.

LISKEARD.—The inhabitants of this borough, which is in Schedule B, and was a pocket borough of the St. Germain's family are about to do themselves great honour by electing Mr. Charles Buller, nephew of Mr. Buller, of Morval, lately the patron of the (now happily disfranchised) borough of West Looe.³ Mr. Charles Buller is not one of those sprigs of Toryism who have only become reformers since it was no longer their interest to be otherwise. He has always been a reformer, and his disinterested adherence to the people's cause under circumstances of great temptation, could not fail to recommend him to the suffrages of any of the reformed constituencies. He was brought into Parliament early in the Wellington administration by his family, whose ministerial influence together with his own talents, might easily have obtained for him place and favour, but he resisted all allurements, and would not compromise his independence. After the retirement of the Duke of Wellington, Mr. C. Buller was one of the minority of five or six who voted with Mr. Hume, against the increase of the army.⁴ In the interval between Earl Grey's accession to power, and the introduction of the reform bill, Mr. C. Buller published one of the ablest of the pamphlets in favour of reform, in which he proposed a plan, still more extensive than that, afterwards adopted by the ministry, including the ballot, and a new division of the country, into electoral districts.⁵ At the general elections he lost his seat, for having voted for the bill. His support, both by word and vote, will certainly be given to all measures of enlightened reform.

LYMINGTON.—In this borough, the liberal candidate is Mr. Hyde Villiers, a member of the present government, but deserving of support from all reformers, especially when opposed as he is at present, only by Tory candidates. He is one of the most valuable of the young and rising official men; his opinions are in accordance with the spirit of the age, and the nation is likely to be well served by him, both in Parliament and in office. Mr. Villiers also, was one of the members of the last Parliament, who voted for the disfranchisement of his family borough, and lost his seat in consequence.

STOCKPORT.—We know of no candidate for the new Parliament, more deserving the support of all true reformers, than Mr. J.H. Lloyd, one of the

³Buller (1806-48), another friend of Mill's, had been elected to West Looe in 1830 under the auspices of his uncle, John Buller of Morval (1771-1849), who had sat for West Looe in 1826-27; John Buller's younger brother, Charles (1774-1848; father of Mill's friend), had also represented West Looe, 1812-16 and 1826-30. Charles Buller the younger was, as Mill predicted, elected for Liskeard, replacing the representative of the St. Germans family, Edward Granville Eliot (1798-1877), Lord Eliot (later 3rd Earl of St. Germans).

⁴On 22 Feb., 1831, at the conclusion of the Debate on Supply—Army Estimates, Buller and Hume (with O'Gorman Mahon, Daniel O'Connell, Henry Warburton, and John Wood) voted against increasing the army by 6878 men (*PD*, 3rd ser., Vol. 2, col. 826).

⁵Charles Buller, *On the Necessity of a Radical Reform* (London: Ridgway, 1831).

candidates for this place, well known as a rising commercial lawyer, a thorough reformer in the fullest extent of the term, long before reform seemed likely to be accomplished in our own times, and well capable of supporting the popular cause, not only as a voter, but as a speaker.⁶

HULL.—Mr. William Hutt, a candidate for this important place, is, though a young man, an old and genuine reformer.⁷

NEWPORT.—(Isle of Wight).—This patriotic place is about to return two highly meritorious members to Parliament; Mr. Hawkins, whose speeches on reform, the public will not soon forget, and who was thrown out of his family borough, because he voted for its disfranchisement; and Mr. W.H. Ord, (son of Mr. Ord, the member for Morpeth), whom we can certify to have been, in the worst times, an honest and enlightened reformer.⁸

180. FRENCH NEWS [68]

EXAMINER, 9 SEPT., 1832, P. 585

After making a three-week walking tour (19 July to 6 Aug.) and then writing three major essays ("Corporation and Church Property," "Austin's Lectures on Jurisprudence," and "On Genius") and No. 179, Mill returns in this article to French affairs, with further comment on his Saint-Simonian friends and the trial of Carrel, soon to be taken by Mill as the model of a radical publicist. Writing to Carlyle, who shared his interest in the Saint-Simonians, on 17 Sept., he summarizes the article in a gossipy fashion, and mentions it again to him on 22 Oct. (*EL, CW*, Vol. XII, pp. 119-20, 125). The article, headed "London, September 9, 1832," is described in Mill's bibliography as "A summary of French affairs in the Examiner of 9th September 1832" (MacMinn, p. 22). In the Somerville College set of the *Examiner*, it is listed as "Article on France" and enclosed in square brackets.

THE HEAD OF THE ST. SIMONIAN SECT, and two of its principal members, have been sentenced to a year's imprisonment and a fine.¹ This contemptible mode of putting down speculative opinions has been treated by the liberal press, both here

⁶John Horatio Lloyd (1798-1884), barrister and radical reformer, an active member of Mill's circle in the London Debating Society, another successful candidate.

⁷William Hutt (1801-82) also was elected.

⁸See *PD*, 3rd ser., Vol. 3, cols. 1617-30 (19 Apr., 1831), and Vol. 7, cols. 193-214 (19 Sept., 1831), for the reform speeches of John Heywood Hawkins (1802-77), barrister, supporter of the ballot, who had sat for St. Michael's Mount (Cornwall) in 1830 and Tavistock in 1831-32; he was elected for Newport in 1832, as was William Henry Ord (1803-38), a liberal, son of William Ord (1781-1855), Whig reformer, who had represented Morpeth from 1802 to 1832.

¹Enfantin, Chevalier, and Duveyrier (for their arrest, see No. 140, n7). The other two then arrested, Barrault and Rodrigues, were given trifling fines. Enfantin's speech in his own defence is in *Moniteur*, 30 Aug., 1832, p. 1647.

and in France, as it deserves. The *Times*, it is true, with the ingrained vulgarity which so constantly distinguishes it even when advocating a right cause, recommends "ducking in a horsepond" as a substitute for fine and imprisonment.² For our part, if the base and brutal propensity to illtreat those who think differently from us is to be indulged, we had rather that the operation, like the rest of the dirty work of society, should be executed by rule, and by a hired officer, than that the hands or the souls of the people themselves should be contaminated with it.

With regard to the St. Simonians, the strange attitude which their leaders have assumed since the retirement to Ménilmontant, is of itself enough to prevent any further good or harm that could have arisen from their exertions.³ *En France c'est le ridicule qui tue*, has often been said: and if the St. Simonians have been kept alive till now, it is because they have never till now been actually and truly ridiculous. We hope better things yet from several of them. Of their doctrines we still think, what we have in a measure stated, more than once,—that there is, out of all reckoning, more truth and substance in them than in any other of the numerous Utopian systems which are afloat. We agree in but few of their conclusions, yet we see an undeniable and permanent value in many of their premises; and we venture to assure any person who may desire to know more of them, that he must be either very wise or very foolish if he can read their writings without getting rid of many errors, and gaining a clearer insight into various important truths.

The editor of the *National* has been tried on a capital charge, for an article published just before the insurrection, and construed as an act of participation in it.⁴ He has been acquitted not only of the capital, but of the minor, offence. The trial was most interesting. General Pajol, who commanded the military on the 5th and 6th of June, was called as a witness for the defence. One of his own official reports was shown to him, in which he informed the Government that the conflict commenced on the part of the troops; who attacked the people merely because an attempt was made to change the course of the procession, in order to carry Lamarque's remains to the Pantheon.⁵ General Pajol acknowledged the authenticity of the document; but, when the counsel for the defence attempted to interrogate him upon the truth of the statement which it contained, the public

²Leading article, *The Times*, 31 Aug., 1832, p. 2.

³As Mill said in a letter of 17 Sept. to Carlyle: "There was much in the conduct of them all, which really one cannot help suspecting of quackery. . . . The St. Simonians all wear beards, and a peculiar costume, and marched to the place of trial in a body, singing if I recollect right, a succession of hymns, written and set to music by themselves." (*EL, CW*, Vol. XII, p. 120.)

⁴The editor was Paulin; the article was Carrel's "Qu'il faut craindre de rendre les modérés violens en se moquant de la modération," *Le National*, 31 May, 1832, p. 1.

⁵The report by Claude Pierre, comte Pajol (1772-1844), is *ibid.*, 30 Aug., 1832, p. 2.

prosecutor objected, and the Court interfered, declaring that a witness could not be compelled to give publicity to the communications he might have made to the Government in the course of his duty.⁶

This is a curious specimen of the French law of evidence, which, indeed, is of a piece with the French law and practice in most other points; the rule *there* is, that all is fair in favour of the Government, and nothing against it. However, we think few will draw from the refusal of the Crown lawyer to allow General Pajol to confirm his own official statement, any inference but that the statement was true, and known by the Government to be such. If so, what condemnation can be too severe for the *acharnement* with which the Government pursues all who took part in a struggle, in which the military were the aggressors?

It will be remembered that warrants were issued against three deputies, MM. Garnier-Pagès (President of the *Aide-toi* Society), Cabet, and Laboissière, who refused to stand their trial before a court-martial, but surrendered as soon as the decree of the Court of Cassation had restored the course of law.⁷ The *Chambre des mises en accusation*, a court exercising the functions of our grand jury, has set these gentlemen at liberty, on the ground, not that the evidence is *insufficient* to justify putting them on their trial, but that there is actually *no charge* against them.⁸ How long will the French people bear such a Ministry? The three injured representatives of the people will not; for they have published in the newspapers a joint letter, pledging themselves to seek justice from the Chambers against the authors of the injury.⁹

It is said that poor M. Barthe, the *ex-carbonaro*, after being *used* for a twelvemonth, and worn out, is to be turned off to make room for M. Dupin.¹⁰

181. FRENCH NEWS [69]

EXAMINER, 21 OCT., 1832, PP. 680-1

A further walking tour in Cornwall left Mill refreshed for another series on France. In his letter to Carlyle of 22 Oct., Mill says the *Examiner* he is just sending will bring his article "on the Doctrinaires & the new French Ministry, & from this time you may expect to see these notices resumed. As for other newspaper-writing, it has been suspended by the more serious work mentioned in my last letter to you [see the headnote to No. 180], which

⁶Those referred to are Charles Comte and Adrien Théodore Benoît-Champy (1805-72), counsel; Jean Charles Persil, public prosecutor; and Maître Naudin (b. 1784), the presiding judge. The law of evidence is Art. 378 of the Code pénal, Bull. 277 *bis*, Nos. 1-7 (20 Feb., 1810).

⁷For details, see Nos. 172, n37, and 176. For the ruling of the Court of Cassation, see *Moniteur*, 1832, p. 1411.

⁸For an account, see "Paris, 30 août," *Gazette des Tribunaux*, 31 Aug., 1832, p. 1075.

⁹Letter to the Editor from all three, *Constitutionnel*, 30 Aug., 1832, p. 1.

¹⁰The rumour was mistaken; see No. 181.

being over, other things will now have once more their turn." (*EL, CW*, Vol. XII, p. 125.) The series includes Nos. 182, 183, 185, 187, 188, 190, and 192. This article, headed "London, October 21, 1832," is described in Mill's bibliography as "The summary of French news in the Examiner from 21st Oct. 1832, to 24th Dec. of the same year, inclusive—comprising [ten articles]" (MacMinn, p. 22). In the Somerville College set, this item is listed as "Article on France" and enclosed in square brackets.

THE PRESENT FRENCH MINISTRY is a Tory Ministry.¹ We say this advisedly. It is true, that the *Doctrinaires* originally swore by our Whigs; but this was while the Whigs differed only by a shade from the Tories. The *beau idéal* of a Government, in the eyes of the *Doctrinaires*, is the British Constitution as settled in 1688, and Mr. Pitt the paragon of a patriot Minister. M. de Broglie passed a short time in England a few months since, and, it is well known, was perfectly aghast at the Reform Bill, bewailing our madness in casting away from us institutions so well proved by time, and which had showered down upon us so many blessings. The distinction between these men and the Carlists is but the difference between a Pittite and a Jacobite.

This is deeply to be lamented; for it is undeniable that the *Doctrinaire* leaders are among the most instructed and accomplished men in France—incomparably superior, as thinkers and writers, to any English Whigs, though they had the weakness to make these last their models. No French Ministry, probably, ever contained so much literary talent, and such extensive political and philosophical acquirements, as that which numbers among its members MM. de Broglie, Guizot, and Thiers, yet none ever was more certain of misgoverning France, and coming to a speedy and disgraceful end. In fact, it is the real mental superiority of these men, which, by becoming the foundation of a more than proportionate superstructure of philosophic pedantry and self-conceit, has rendered them far unfitter for actual dealing with the world than their English prototypes. One scarcely knew whether to smile or to sigh, when a man of M. Guizot's real erudition and powers of thought, appeared sincerely to look up to a mere superficial pretender to learning and philosophy like Sir James Mackintosh; yet Sir James, like the rest of his party, could bend to the exigencies of the age, while M. Guizot is resolved to be the last person who gives up any of M. Guizot's opinions.

The rise of *Doctrinairism* is naturally accounted for by the circumstances of France during the fifteen years of the Restoration. The dynasty which the Revolution had expelled, had just been replaced on the throne of France by foreign bayonets. The people, however, remained attached to the Revolution, and to the institutions and the habits which had grown up under it. The two rival

¹The "doctrinaire" Ministry, nominally headed by Marshal Soult, included de Broglie, Thiers, and Guizot; it came to power in May 1832 after Périer's death, and lasted until 1836.

powers being placed, as it were, *en face*, and the consequence of their continued hostility being inevitably another convulsion, a class of philosophers and politicians arose, who attempted to negotiate a compromise between the old dynasty and the spirit of the revolution: who professed attachment at once to liberty, and to legitimacy as the only sure guarantee of stability,—who professed to set both the Royalists and the Revolutionists right, as to the errors and excesses by which both alternately had been ruined, and to have found the way by which France, after so long vibrating between contrary extremes, might at last settle down into the golden mean, and find freedom, tranquillity, and happiness.

Unfortunately, these speculators, thinking it a fine thing to profit by the lessons of history,—and being a kind of people for whom history has no lessons, because they bring to its study no real knowledge of the human mind, or of the character of their own age,—could hit upon nothing better than erecting into universal maxims the conditions of the compromise which they fancied had been made at our Revolution of 1688, between the monarchical and the popular principle. This is an instructive experiment upon what is to be expected from those who affect to found their political wisdom principally on history, instead of looking to history merely for *suggestions*, to be brought to the test of a larger and surer experience. M. Guizot's is no ordinary knowledge of history: that subject has been the pursuit of his life; he has written on it, and lectured on it, with great success; and has brought no ordinary powers of philosophising to bear upon the analysis of its evidences, and the explanation of its most remarkable events; as his *Essais sur l'Histoire de France* (to say nothing of any of his other works) amply evince.² He has even produced an elaborate work on English history;³ and yet when he comes to judge of the English constitution, the historical knowledge which alone could be of use to him is precisely that in which he is found deficient, namely, a knowledge how that constitution actually works, in the country for which it was made—in the very age in which he lives and moves, and in three hours' sail may personally commune with thousands of living witnesses, and have leave to cross-examine them as he will.

Now, whoever knows the French and the English, knows, among other things, this—that in England few, except the very greatest thinkers, think systematically, or aim at connecting their scattered opinions into a consistent scheme of general principles, from which they may reason downwards to fresh particulars; but in France everybody who thinks, be it never so contractedly, weaves a

²*Essais sur l'histoire de France* (1823), 2nd ed. (Paris: Brière; Leipzig: Bossange, 1824). His other works include those later praised in reviews by Mill: *Cours d'histoire moderne: Histoire générale de la civilisation en Europe* (Paris: Pichon and Didier, 1828), and *Cours d'histoire moderne: Histoire de la civilisation en France*, 5 vols. (Paris: Pichon and Didier, 1829-32).

³*Histoire de la révolution d'Angleterre depuis l'avènement de Charles 1er jusqu'à la restauration de Charles II* (Paris: Leroux and Chantpie, et al., 1826-27).

regular web of opinions, suspends it cunningly on one or some greater number of "principles," and sits spider-like in the centre, surveying complacently the whole of the web, or, as he fancies, of the world. In England, accordingly, since Whig has ceased to be the correlative and opposite of Jacobite, no person has been able to tell what Whiggery is, or what a Whig believes. "Whig principles" simply meant, feeling and acting with the men called Whigs; who were united, no doubt, by a common spirit, and a general disposition to take similar views of most political questions as they arose, but not by any definite creed or profession of faith. The Whigs, therefore, gave up nothing, renounced no political doctrines, when they proposed the recent great change in the constitution. They did but, under the guidance of the same inclinations and general objects, take what seemed to be the measures required by the actual circumstances of the time. They were for the old system while they thought it worked well, and for a new one when the old would hold together no longer. Not so the Doctrinaires. They took the phrase "Whig principles" *au pied de la lettre*. For them it was the symbol of a real creed, got at by induction from the mere occasional *dicta* of their English instructors. Whig principles, with the Whigs themselves, are in the state of judiciary or common law: the Doctrinaires are the authors of the only Whig *code* in existence. The theory of the British Constitution, with the annotations of its Whig commentators, is in their eyes a system of absolute truth, and its realization the acme of political improvement. Whatever deviates from it, either to the right or to the left, is so far false and wrong, and a proof that the nation which sanctions or requires such deviation falls proportionally short of that highest point in civilization, of which, when attained, that Constitution is the natural and certain result. Of this political religion the main articles of faith are, hereditary Monarchy—a hereditary House of Peers—a powerful Aristocracy of wealth, to hold the balance between the King and the people—the elective franchise limited by requiring a very high property qualification, both from the elector and the elected—the Liberty of the Press, that is, no censorship, but a libel law as indefinite as the English, and to be executed, if necessary, as strictly and severely as the French is at this moment—trial by jury, namely, a *special* jury, to be composed as exclusively as possible of persons who think with the Doctrinaires—and so forth.

Now these principles having been once dovetailed together into a system, no departure from them, no modification of any sort, is to be conceded to any pressure of circumstances. They are an unchangeable rule of right, and are to be stickled for as if they concerned mankind's eternal salvation. The Doctrinaires have not the wisdom of the beaver; they will never yield a part to save the remainder. They would not, like M. Casimir Périer, have given up the hereditary Peerage; and they in fact resisted its abolition to the last gasp, and would re-establish it to-morrow, if the Chambers could be induced to pass a bill to that effect. They are the most inflexible and impracticable of politicians. The men of

the world and of temporary expediency, who are the other leaders of the *juste milieu*, consequently look upon them as Bonaparte looked upon ideologists and metaphysicians. M. Casimir Périer disliked nothing so much as to be identified with the *doctrinaires*; and one of the chief causes of the failure of the attempt to induce M. Dupin to take office, was (it is understood) his determined refusal to form part of any administration of which they were members.

At least it cannot be said that this Ministry, like the last, is composed of men mediocre in every respect, mere second-rate clerks in an office. *The Times*, which has chopped round so briskly in its French politics, but which has changed only its tack, not its mode of sailing, has permitted itself a very pitiful sneer at the abilities and reputation of M. Thiers.⁴ We dislike M. Thiers' politics much, and his unbounded *suffisance* still more; but nobody is entitled to speak scornfully of the author of the best history in the French language, and the best specimen of historical narrative, of any length, perhaps in all modern literature.⁵ M. de Broglie's speech on primogeniture, some years ago, gave tokens of a far other man than he has proved himself,⁶ and his writings on the administrative institutions of France have great merit.⁷ M. Guizot is one of the most instructed men, as well as one of the first orators in France. With so much talent and knowledge, it would have been impossible to form any other ministry so destitute of wisdom.

It is difficult to believe that they can stand. All parties dislike them. They are understood to have been the advisers of the ordonnance putting Paris under martial law.⁸ M. de Broglie has been the chief instigator of the Chamber of Peers to all its collisions with the other House. M. Guizot is probably at this moment the most unpopular man in France. Whilst he is odious to the Liberals and to the Republicans, by the contumelious language which he habitually uses towards them, he is offensive to the deputies of the *juste milieu* party by his *tranchant* dogmatical tone and professorial airs of superiority. Poor M. Thiers, on his late visit to his birth-place, Provence, took care to avoid the large towns for fear of a *charivari*, but reckoned without his host; for, no sooner did he stop for the night, though it were but in a village, than straightway the people assembled with cat-calls, frying-pans, and saucepan-lids, and gave him the unwelcome serenade which he had gone out of his way to avoid. As for the place-hunter Soult, the humble servant of all governments, minister under Louis XVIII, made a Peer by Charles X, as corrupt and rapacious as the rest of Napoleon's military banditti, and said to have already filled his pockets largely by fraudulent contracts since he

⁴Leading article on the French ministry, *The Times*, 17 Oct., 1832, p. 2.

⁵*Histoire de la révolution française*, 10 vols. (Paris: Lecointe and Durey, 1823-27).

⁶Speech on primogeniture (4 Apr.), *Moniteur*, 1826, pp. 443-4.

⁷See, e.g., "De la juridiction administrative," *Revue Française*, VI (Nov. 1828), 58-132.

⁸For earlier comment, see No. 172, n28.

has been Minister of War; he is placed at the head of the ministry only that the King may be the real minister, it being believed that a Doctrinaire, if he were called Prime Minister, would expect to be so, and not simply a cat's-paw.

The first act of the Ministry has been to create a batch of fifty-nine Peers.⁹ The list of names, to any one versed in the *personnel* of French politics, is amusing enough. Nearly twenty are ejected Deputies of the *juste-milieu* or the moderate Royalist party of the Martignac Chamber; men, who, even under the present law of election, which returns a decided majority of the stationary party, have not been able to get themselves re-elected any where, though some of them have tried in three or four places. The remainder are generals, *préfets*, ambassadors, and other public functionaries, of no political character at all, and full half of them either of notorious and laughable imbecility, or bad private character. The only men of real merit in the batch are two or three such as MM. Allent and De Fréville, hard-working and able men of business, of flexible and easy political convictions; together with the well-known M. de Montlosier; M. Thenard, eminent as a chemist and experimental philosopher, but the feeblest of politicians; and MM. Cousin and Villemain, the celebrated lecturers at the Sorbonne, *doctrinaires* of the first water.¹⁰ This last was once a Deputy for about three months, vacated his seat by accepting a place, and has ever since been vainly knocking at the door of one electoral college after another, without being able to obtain admission. Three hundred of the party could get into the Chamber, yet a man of M. Villemain's merit as a writer and orator could not, simply because he was a *doctrinaire*.

One fact deserves notice. Forty or fifty of the supporters of the Government party in the present Chamber of Deputies, thought themselves entitled to Peerages, yet two only have obtained their wish—Marshal Gérard, and M. Bertin de Vaux,¹¹ chief proprietor and editor of the *Journal des Débats*. Why is this? It must be because the Ministry dreads the consequences of any considerable number of new elections in the present state of the public mind.

⁹Ordonnances du roi, Bull. 187, Nos. 4419-78 (12 Oct., 1832).

¹⁰Pierre Alexandre Joseph Allent (1772-1837), whose successful career in the army included his being Under-Secretary at the Department of War in 1817, became a deputy in 1828, but became ineligible on the sale of his property after the July Revolution. Jean Baptiste Maximilien, baron Villot de Fréville (1773-1847), active in the Revolution, was a member of the Tribunal under Napoleon. Louis Jacques Thenard (1777-1857), a brilliant chemist, was a deputy, 1827-31. Victor Cousin (1792-1867), philosopher, who, after his course at the Sorbonne was suspended in 1821, spent six months in prison. In 1828 he was allowed to return to the Sorbonne; he supported the July Revolution. Abel François Villemain (1790-1870), professor of modern history and then of *éloquence française* at the Sorbonne, whose course also was suspended by Villèle, was a deputy, 1830-31, supporting the July Revolution and working on the revision of the Charter.

¹¹Louis François Bertin de Vaux (1771-1842) shared with his brother the political direction of the *Journal des Débats*. He had been a deputy since 1820.

182. FRENCH NEWS [70]

EXAMINER, 28 OCT., 1832, P. 696

For the entry in Mill's bibliography, see No. 181. The item, headed "London, October 28, 1832," is listed as "Article on France" and enclosed in square brackets in the Somerville College set of the *Examiner*.

IN READING THE TRIAL of M. Berryer, we almost doubt whether the scenes that are unfolded took place in a civilized country.¹ The papers of the accused falsified in order to manufacture evidence against him; the chief witness for the prosecution, indeed the only one who testified to anything, a man calling himself a Lieutenant-Colonel, so manifestly perjured that the *avocat général* was obliged to throw up the accusation;² the *procureur du roi* at Nantes convicted by his own admission of having sent up to his official superiors a pretended confession of M. Berryer, on which three other persons were seized and thrown into prison,³ when in truth he had never seen M. Berryer, nor had M. Berryer made any disclosure to any one; this same *procureur du roi* now saying, by way of excuse, that if it was not M. Berryer who made the disclosures to him, it was another person;⁴ the avowed author of this manifest forgery not instantly dismissed from his situation, but called to Paris, as the *Moniteur* phrases it,⁵ to explain his conduct; then the reflection that on such evidence a Deputy was to have been tried by a Court-Martial, if the decree of the Court of Cassation had not averted the dire infliction⁶—altogether the picture of the French government and of the administration of justice and the state of public morality in France, is such as it is frightful to witness.

Another incident not unworthy of notice has recently happened. M. Audry de Puyraveau is one of the most steady and incorruptible members of the *côté*

¹Pierre Antoine Berryer (1790-1868) was a lawyer who, although a royalist, had made himself unpopular with the regime during the Restoration by his defence of persons prosecuted by the State. He was sent by the legitimists to dissuade the duchesse de Berry from her enterprise but failed and was, ironically, arrested. His trial at Blois, from 15 to 17 Oct., is reported in *Moniteur*, 1832, pp. 1839, 1845-6, 1849-50, 1851-3.

²Following the testimony of François Tournier (*ibid.*, pp. 1852-3), the *avocat-général*, Vilnot, abandoned the charge (*ibid.*, p. 1853).

³Joseph Georges Demangeat (1787-1866) admitted, in writing, that he had submitted a false confession (*ibid.*, p. 1852). Chateaubriand (the author of a letter Berryer was carrying to the duchesse), Fitzjames, and Hyde de Neuville had subsequently been arrested.

⁴Aristide Locquet de Grandville (1791-1853), friend of Berryer.

⁵"Il est appelé à Paris pour les [des explications] donner" (*Moniteur*, 21 Oct., 1832, p. 1855).

⁶For the reference to the ruling, see No. 180, n7.

gauche, and one of the most esteemed private characters in France.⁷ He was one of the very small number of Deputies who gave active aid in the resistance to the Ordinances of Charles X; and, like so many other persons, he has been rewarded by the ruin of his private fortunes; for the greater part of his property was embarked in a *roulage* speculation; his fixed capital of carts and waggons was mostly taken to make barricades of, and rendered useless; he participated, too, in the losses occasioned by the subsequent commercial distress. His remaining property, consisting of three landed estates, being mortgaged for more than it would now sell for, M. Audry determined to dispose of it by lottery, as the only means of making the proceeds suffice to clear off the entire debt. Now there is a law, passed in the time of the French Republic, by which private lotteries are illegal.⁸ That law has never been deemed applicable to lotteries of this description. M. de Chateaubriand a few years ago was permitted to take this particular mode of selling an estate; and a lottery took place not many months since, for the benefit of the Poles. No matter: an Opposition Deputy had brought himself within the letter of the law; the Government pounced upon him, and not content with annulling the transaction, obtained from the Court of First Instance a judgment condemning M. Audry to fine, imprisonment, and the *confiscation* of the three landed estates! M. Audry appealed to a higher court, which set aside the confiscation as contrary to the charter, but confirmed the remainder of the judgment, and imposed a much larger fine upon M. Audry. There is another court of appeal still in reserve, and to this M. Audry has had recourse. We have here a specimen of the Citizen King: for the King it is, and not the Minister, who is the author of this, as well as of the persecution of the Press, and all the other odious proceedings of the Government. His Ministers are only the base instruments of his individual will.

The late *préfet* of Grenoble, M. Maurice Duval, who charged the unarmed people from both ends of a street at once, so that they had no escape, and were forced to remain and be butchered—a man whose conduct even Casimir Périer condemned in private, though he had the dishonesty to defend it in public—this man has been made a peer of France, and promoted to be *préfet* of Nantes.⁹ That hitherto peaceful city, in which the best understanding existed between the

⁷Pierre François Audry de Puyravault (1773-1852), industrialist and politician, deputy since 1822, actively opposed the Bourbons, distributed guns and ammunition to the people during the July Revolution, proclaimed Lafayette head of the National Guard, and was a member of the provisional commission.

⁸Bull. 160, No. 1570 (23 Nov., 1797).

⁹For Duval's conduct at Grenoble, and Périer's reaction, see No. 154. The troubles in the nearby Vendée over the duchesse de Berry had caused great dissension in the region. The government appointed Duval to Nantes to take a firm stand in the negotiations that led to her arrest in November.

people and the former *préfet*,¹⁰ would not brook this insolent appointment. On the day of M. Duval's arrival, he underwent a *charivari* of four hours; this was repeated the next day on a still grander scale, until the troops were called out, and the people dispersed.¹¹

M. Guizot once said in a speech in the Chamber, that, in a well-constituted government, a good minister must expect to be unpopular.¹² The ministry of which he himself forms a part, bears a very close resemblance to a good ministry in this particular. It is likely to prove too good, to be popular even with the Chamber of Deputies; and the newspapers already talk of a new modification, turning out M. Guizot, at least.¹³

183. FRENCH NEWS [71]

EXAMINER, 4 NOV., 1832, PP. 710-11

For the entry in Mill's bibliography, see No. 181. The item, headed "London, November 4, 1832," is listed in the Somerville College set of the *Examiner* as "Article on France" and enclosed in square brackets, with two corrections: at 520.25 "bar" is altered to "ban" and at 520.31 "history; and" is altered to "history and".

THE FRENCH GOVERNMENT has performed an act worthy of commendation, if it be followed up in the spirit in which it is conceived, and which has escaped the notice of the English Newspapers,—the re-establishment of the Department of Moral and Political Science in the Institute.¹

In the original scheme of the Institute, as suggested by Talleyrand in his report to the Constituent Assembly on National Education,² as re-touched by Condorcet in another report submitted to the *Assemblée Législative*,³ and as ultimately

¹⁰Louis Marie Rousseau de Saint-Aignan (1767-1837), appointed by Louis Philippe in August 1830.

¹¹See *Constitutionnel*, 19 Oct., p. 2, and 20 Oct., pp. 1-2; and *La Tribune*, 20 Oct., p. 3.

¹²Speech on the public disorders (19 Feb., 1831), *Moniteur*, 1831, pp. 349-50.

¹³See, e.g., leading article, *La Tribune*, 24 Oct., 1832, pp. 1-2; "Opinion de la presse départementale sur le nouveau ministère," *Constitutionnel*, 14 Oct., p. 2, and 15 Oct., pp. 1-2; and "Tactique du nouveau ministère," *Courrier Français*, 16 Oct., 1832, p. 2.

¹Bull. 194, No. 4523 (26 Oct., 1832), given in *Moniteur*, 1832, p. 1881, with the *Rapport au roi* by Guizot.

²*Rapport sur l'instruction publique, fait au nom du comité de constitution, par M. Talleyrand-Périgord* (Paris: Imprimerie nationale, [1791]).

³In his *Rapport et projet de décret sur l'organisation générale de l'instruction publique* (Paris: Imprimerie nationale, 1792), presented to the National Assembly on 20 and 21 Apr., 1792, Condorcet outlined at length his proposal for "une société nationale des sciences et des arts," with four divisions, of which the second was made up of the moral and political sciences (pp. 35-55, esp. 37).

adopted by the Convention on the proposition of one of the still surviving ornaments of that great period of history, M. Daunou,⁴ (and long may he yet survive!) the moral and political sciences occupied the prominent place which justly belongs to them in any attempt to bring together into one body the men who have done the greatest things for science and philosophy. But a despot came, in whose sight all which savoured of thought and inquiry in politics or morals was odious; and, with a stroke of the pen, the Department of Moral and Political Science was blotted out from the Institute.⁵ The Bourbons were as little disposed as Bonaparte to look with favour upon such pursuits. Casimir Périer, we suspect, would have fully sympathised with the "hero" and the "descendant of St. Louis"⁶ in an aversion so natural, and, for a selfish government, so reasonable. But the Doctrinaires, setting up for philosophers themselves, and owing all their reputation to the cultivation of philosophy, have no prejudice against it.

The new Academy of Moral and Political Science will, we suppose, publish Transactions, at the public expense; and the members will be allowed pensions sufficient to enable them to confine themselves to philosophic pursuits. This is so far good; provided the appointments are not given to favour, but bestowed exclusively on persons who, by what they have already done, have proved that it is for the interest of society to place them in such a situation that philosophy may have an exclusive claim upon their time and exertions. Further than this, we know not that such bodies are ever likely to be of much use; but if an institution exists which professes to embody the most distinguished men in all branches of science, it is a disgrace to the nation that the most important sciences of all should be excluded; and by removing this ban from moral and political philosophy, and publicly proclaiming that in the estimation of France they *are* sciences, and sciences of transcendent value, an impulse will be given to a really scientific study of them, for which the Guizot ministry are entitled to all praise.

The Academy is to consist of thirty members, and to be divided into five sections; namely, moral philosophy; legislation; *droit public et jurisprudence*; political economy and statistics; general history and the history of philosophy.

All who were members of this branch of the Institute when it was dissolved by Napoleon, and who still survive, are retained as the *nucleus* of the new Academy. It is interesting to review the list of these distinguished relics of the last age. Sieyès, Talleyrand, Daunou, Garat, Merlin (de Douai), Roederer,

⁴See No. 134, n9, for the reference to Daunou's speech of 19 Oct., 1795, and the founding of the Institute.

⁵Napoleon abolished the Department of Moral and Political Science by Bull. 243, No. 2257 (3 pluviôse an XI; 23 Jan., 1803).

⁶Louis IX (1214-70).

Pastoret, Lacuée de Cessac, Reinhardt, Dacier.⁷ To these are added those of the surviving corresponding members, who have since become members of the other branches of the Institute; namely, MM. Destutt-Tracy and de Gérando.⁸ These were to elect, by ballot, four more, which completes the number sixteen, (necessary by the former statutes) to supply the remaining vacancies. These sixteen are then to elect seven others, and those twenty-three are to elect the remaining seven. The first four were to be selected (for no good reason that we can see) from the ranks of the Institute itself. The successful candidates were, MM. Cousin, Dupin (the advocate), Alexandre Delaborde, and Naudet.⁹ The remaining fourteen are not yet elected. It is from their names that we shall judge whether the new institution is intended as an encouragement to philosophy, or as a mere trick for popularity.

Several of the Doctrinaires themselves ought unquestionably to be members of

⁷Those not identified earlier are Emmanuel Joseph, comte Sieyès (1748-1836), an abbé very active during the early years of the Revolution who then helped Napoleon to power; he had been appointed to the Institut in 1795, and in 1804 to the Académie Française. Dominique Joseph, comte Garat (1749-1833), originally a professor of history, was in turn a member of the Estates General, editor of the *Journal des Débats*, Minister of Justice, and professor of ideology at l'Ecole Normale. Philippe Antoine, comte Merlin de Douai (1754-1838), jurist, statesman, and legal reformer, was reappointed a member of the Institut in 1830. Pierre Louis, comte Roederer (1754-1835), economist and writer, active in the early days of the Revolution, editor of the *Journal de Paris*, had served Napoleon, then retired into private life in 1815, and had been dismissed from the Institut in 1816. Marquis Claude Emmanuel Joseph Pierre de Pastoret (1756-1839) had refused to take the oath to Louis Philippe in 1830 and remained in the service of Charles X. Jean Gérard, comte Lacuée de Cessac (1752-1841), military adviser throughout the Revolution (except for the Terror) and under Napoleon, had been appointed to the Institut in 1795; on its reorganization in 1803 he had transferred to the Académie Française. Charles Frédéric, comte Reinhart (1761-1837), a diplomat, had won many honours, including membership in the Académies des Inscriptions et Belles Lettres and des Sciences Morales et Politiques and a peerage in 1832. Joseph Bon, baron Dacier (1742-1833), historian, first became a member of Inscriptions et Belles Lettres in 1772 and was its Permanent Secretary from 1782 until it was closed in 1793; he fled the Terror but returned in 1795 to take part in the new Institut and the Bibliothèque Nationale; two years later Napoleon charged him with the task of reorganizing the Institut into four Académies, and he then became Permanent Secretary of Inscriptions et Belles Lettres, and in 1823 of the Académie Française.

⁸Antoine Louis Claude, comte Destutt de Tracy (1754-1836), philosopher, had been a member of the Académie Française since 1808. Joseph Marie, baron de Gérando (1772-1842), philosopher and administrator, had been a member of the Académie des Inscriptions et Belles Lettres.

⁹Those not previously identified are Alexandre Louis Joseph, comte de Laborde (1773-1842), archeologist and politician, a member of the Institut in 1813, a liberal deputy in 1820, briefly prefect of the Seine at the end of the July days, then aide-de-camp to Louis Philippe; and Joseph Naudet (1786-1878), classicist, who became a member of Inscriptions et Belles Lettres in 1817.

the body; especially M. Guizot himself, (who ought not, however, to draw the salary,) and MM. Royer-Collard and Jouffroy.¹⁰ These, we have no doubt, will be elected. But the list ought to contain various names, some of which are less acceptable to the party now in power. It ought to comprehend Say, the eminent political economist; Comte, and Dunoyer,¹¹ the authors of the *Censeur Européen*, and various important works; Cormenin, the ablest political writer in France, whose works on Administration have earned him so well-merited a reputation;¹² and others whom it would be tedious to enumerate. We shall see whether the suffrages of the Academy fall on such men, or what others are preferred to them.

184. THE CORN LAWS

EXAMINER, 18 NOV., 1832, P. 739

This comment is appended, in square brackets, to a long letter to the editor in the "Political Examiner" signed "W.P.G.," and headed: "A Plan for Admitting Foreign Corn, Yet limiting the Extent of Importation, so far as is necessary for preserving some given Minimum of Price to the British Farmer." The correspondent argues that the attempt to regulate grain imports according to previous prices is inefficient because fictitious sales cannot be prevented, and immense quantities of grain can be warehoused when the duty is low. He proposes an alternative, regulating the duty according to the quantity imported and sold. The item is described in Mill's bibliography as "Two paragraphs of observations on a letter respecting the Corn Laws; in the Exam. of 18th Nov. 1832" (MacMinn, p. 23). In the Somerville College set of the *Examiner*, it is listed as "Paragraphs on the Corn Laws" and enclosed in a second set of square brackets.

WE HAVE GREAT PLEASURE in giving publicity to this plan, which is founded on a just train of thought, though we think it unsuited to the character which the Corn Question has now assumed. The idea of facilitating the transition to free trade by limiting (for a time) the *quantity* imported, instead of imposing a gradually decreasing duty, was suggested a few years ago by some able and enlightened

¹⁰Théodore Simon Jouffroy (1796-1842), philosopher, deputy from 1829; and Pierre Paul Royer-Collard (1763-1845), political philosopher, member of the Council of 500 in 1797, a deputy and, in 1828, President of the Chamber of Deputies.

¹¹Barthélemy Charles Pierre Joseph Dunoyer (1786-1862), economist and administrator, friend of Charles Comte; after the July Revolution he became prefect of Allier. He was elected in December 1832 to the Académie des Sciences Morales.

¹²Cormenin was known for his *Du conseil d'état envisagé comme conseil et comme juridiction sous notre monarchie constitutionnelle* (Paris: Pillet, 1818), *De la responsabilité des agents du gouvernement* (Paris: Baudouin, 1818), and, his chief work, *Questions de droit administratif*, 2 vols. (Paris: Ridler, 1822).

writers in the *Parliamentary Review*, a work which had not the success it deserved.¹

But we should object to the plan of our correspondent, as applicable to the Corn Laws, on two grounds. First, because a small difference in the quantity of food makes a great difference in its price, so that no one could judge what number of quarters must be admitted to bring the price to 54s. And secondly, on a more enlarged ground, agreeing with W.P.G. that 54s. is a price that any reasonable farmer would now be contented with, we are convinced that the importation of Corn, duty free, would not sink the price below that point. Our reason is this:—Under the present Corn Law² the wheat which has been imported has paid, on an average, no more than from 6s. to 7s. of duty. The present Corn Law, therefore, cannot be much more than equivalent to a fixed duty of that amount; consequently, if the average price in our Corn Market be, as our correspondent affirms, 63s., you might take off the duty entirely, and wheat could not be sold for much less than 56s.

185. FRENCH NEWS [72]

EXAMINER, 25 NOV., 1832, p. 760

Mill here resumes his detailed account of the French legislative chambers, at the beginning of their new session on 19 Nov. The article is memorable for its tribute to Jean Baptiste Say, in whose house Mill had stayed during his boyhood visit to France. For the entry in Mill's bibliography, see No. 181. The item, headed "London, November 25, 1832," is listed as "Article on France" and enclosed in square brackets in the Somerville College set of the *Examiner*.

THE FRENCH CHAMBERS have met. As the King was on his way to open the session, a pistol was fired at him. This will probably be found to be one of the low tricks with which the French police has long familiarised us. A real attempt to assassinate Louis-Philippe would probably prolong his lease of bad government for several years. Such acts have always, in modern times, proved

¹The *Parliamentary History and Review*, a radical annual based on Bentham's *Book of Fallacies*, ceased publication in 1828 after only three issues. Mill wrote four long essays (for the complex bibliographic details and Mill's comments, see *CW*, Vol. I, pp. 121-3, 132, and 706), but none on the Corn Laws. In the *Review* volume for the session of 1825 (London: Longman, *et al.*, 1826), an article on the Corn Laws (pp. 690-705) is identified in George Grote's copy (University of London Library) as by Charles Austin (1799-1874), younger brother of John Austin and a close friend to Mill. Another article, of which the authorship is unknown, also entitled "Corn Laws," is in the *Review* volume for 1826 (London: Longman, *et al.*, 1826), pp. 662-710.

²George IV, c. 60 (1828).

fatal to the party in whose name they were perpetrated. We firmly believe that but for the murder of Marat by the unfortunate enthusiast Charlotte Corday, the heads of the Girondists would not have fallen under the guillotine;¹ and every one knows that the assassination of the Duc de Berri was the signal of the reaction which brought the royalists into power, and kept them there for ten years.

The King's speech evinces an obstinacy not unworthy of his Dutch counterpart.² He means to brazen out the violation of the Charter and virtual suspension of all law through the arbitrary measures of June last,³ and to defy the constantly increasing strength of the hostile public opinion.

It was expected that the contest for the Presidency of the Chamber would have been decisive of the strength of parties; but the ministry have eluded this trial by instructing their adherents to vote for M. Dupin, who, with a body of supporters, has gone into a qualified opposition. If, by the aid of this junction, M. Dupin obtain the majority over the other candidate, M. Laffitte, the result, we suppose, will be crowded over as a ministerial triumph.

A far greater event than these wretched ephemeral victories or defeats, is the death of an eminent man. France has this week lost another of her most distinguished writers and citizens, the celebrated political economist, M. Say. The invaluable branch of knowledge to which the greatest of his intellectual exertions were devoted, is indebted to him, amongst others, for those great and all-pervading truths which have elevated it to the rank of a science; and to him, far more than to any others, for its popularization and diffusion. Nor was M. Say a *mere* political economist; else had he been necessarily a bad one. He knew that a subject so "immersed in matter" (to use the fine expression of Lord Bacon)⁴ as a nation's prosperity, must be looked at on many sides, in order to be seen rightly even on one. M. Say was one of the most accomplished minds of his age and country. Though he had given his chief attention to one particular aspect of human affairs, all their aspects were interesting to him; not one was excluded from his survey. His private life was a model of the domestic virtues. From the

¹Jean Paul Marat (1743-93), Jacobin leader, advocate of a strong dictatorship, was murdered in his bath by Marie Anne Charlotte de Corday (1768-93), an ardent republican, who was guillotined for the murder. The Girondists, more moderate than Marat and Robespierre, lost the struggle for control in the Assembly and consequently twenty-one of them were guillotined on 31 Oct., 1793. Mill was greatly attracted by them; see, e.g., *CW*, Vol. I, pp. 65-7, and Vol. XX, pp. 98-109.

²The speech of 19 Nov. is in *Moniteur*, 1832, p. 1977. Louis Philippe's Dutch counterpart was William I (1772-1844), who assumed the title in 1814, and ruled until 1840.

³For Mill's earlier reaction, see the latter half of No. 172.

⁴See *The Two Bookes of Francis Bacon of the Proficience and Advancement of Learning Divine and Humane* (1605), in *Works*, Vol. III, p. 406 (cf. *Of the Dignity and Advancement of Learning*, *ibid.*, Vol. IV, pp. 452-3).

time when with Chamfort and Ginguené he founded the *Décade Philosophique*, the first work which attempted to revive literary and scientific pursuits during the storms of the French Revolution⁵—alike when courted by Napoleon and when persecuted by him, (he was expelled from the *Tribunat* for presuming to have an independent opinion); unchanged equally during the sixteen years of the Bourbons and the two of Louis Philippe—he passed unsullied through all the trials and temptations which have left a stain on every man of feeble virtue among his conspicuous contemporaries. He kept aloof from public life, but was the friend and trusted adviser of some of its brightest ornaments; and few have contributed more, though in a private station, to keep alive in the hearts and in the contemplation of men a lofty standard of public virtue.

If this feeble testimony, from one not wholly unknown to him, should meet the eye of any who loved him, may it, in so far as such things can, afford that comfort under the loss, which can be derived from the knowledge that others know and feel all its irreparableness!

186. FRENCH AND ENGLISH JOURNALS

EXAMINER, 2 DEC., 1832, PP. 772-3

Mill mentions in passing this article as well as Nos. 191 and 195 (already written) to Carlyle in a letter of 27 Dec., 1832 (*EL*, *CW*, Vol. XII, p. 133), in which he again summarizes his strenuous activities, including the composition of "The Currency Juggle" and "What Is Poetry?" The long quotation from *Le National* and Mill's comment on it signal his continuing, indeed growing, interest in its editor, Armand Carrel, who probably wrote the article Mill quotes ("Des correspondances des journaux anglais," 31 Oct., 1832, pp. 2-3). The article, headed as title, is in the "Political Examiner." It is described in Mill's bibliography as "An article headed 'French and English Journals' in the Ex. of 2d December" (MacMinn, p. 23). In the Somerville College set of the *Examiner*, it is listed as "French and English Journals" and enclosed in square brackets.

WE QUOTE the following article from the *National*:

The English Newspapers have a very convenient method of treating the affairs of France. Their editors seem never to take the trouble of studying, or even of reading, the organs of public opinion in this country. The only Parisian Journals which reach London are those which have been long established. The wiseacres of London affect to despise our

⁵The *Décade Philosophique* was founded in April 1794 as a moderate republican paper, with articles on philosophy, science, literature, and politics. Called *Revue Philosophique* after October 1804, it ran until September 1807. The founders, with Say, were Sébastien Roch Nicolas Chamfort (1741-94), Academician and ironist who, threatened with arrest, shot himself, and Pierre Louis Ginguené (1748-1816), a brilliant scholar and literary historian, imprisoned during the Terror, who made his reputation with his *L'histoire littéraire de l'Italie* (1811).

Newspapers, and seem to imagine that the French are too light-headed, too destitute of reason, to be judges of their own affairs. Even as narrators of facts we are completely disdained by our insular brethren. Their custom is to have a correspondent here, to whose statements and to whose single opinion they give implicit confidence. So long as these correspondents have merely put forth contradictions and absurdities, we have paid no attention to them; but as they have evinced a peculiar animosity against the *National*, we must at least request that the editor who treats us with so much incivility will take the trouble to inform himself who and what we are.

For a long time past, the Paris correspondent of the London *Globe* has made us the subject of violent attacks: a week never goes by without his throwing out against us an epigram *obligato*: and frequently the London editor, without even deigning to cast his eyes upon his antagonist, re-echoes the witticism as from himself.¹ We were at first surprised, we admit, at this want of fair-dealing and politeness in a Journal which is not destitute either of liberality or of enlightened views. But the *Globe* is essentially *doctrinaire*: it has all the qualities of that *coterie*, even down to their pedantry; and as we are naturally honoured with the hatred of that amphibious breed of political writers, it was quite simple that their English brethren, the half-Tories, half-Whigs, should follow the example. We, therefore, do not complain of their animosity, but of their dishonesty; of which the following is an instance:—

Last week there appeared in our columns an article on the state of Ireland, and the progress which the question of the Repeal of the Union is making in that country.² In confirmation of our assertion, we said, that the accession of Mr. Sheil to the Repeal Party was one of the surest signs of that progress, and of the ultimate success of the proposition.³ We reasoned thus, not because Mr. Sheil possesses sufficient personal influence to determine the adoption of the measure, but because he is essentially a man of moderation and prudence, an enemy of extreme courses, and embracing them only when it is impossible or impolitic to delay longer, that is, when extreme courses begin to prevail. We announced Mr. Sheil's conversion not as a cause, but as a presage of the great measure of a legislative separation of England and Ireland. This conclusion may not be relished by the *Globe*, the organ of Mr. Stanley;⁴ but the editor would not have contemned our argument if he had taken the trouble to know what it was.

The *Galignani's Messenger* had cut down the article of the *National* into these few words, that *the repeal must be carried, because Mr. Sheil has become a convert to it*.⁵ Hereupon the *Globe*, who, it seems, reads *Galignani* but not the *National*, quotes the version which the former gave of the opinion of the latter, and adds to the quotation a disdainful remark.⁶

¹Gibbons Merle (ca. 1796-1855) was Paris correspondent of the *Globe and Traveller* from 1829 to his death. See his attacks in the *Globe and Traveller*, 23 Oct., 1832, p. 3, and 29 Oct., p. 2, for example, and the accompanying leading articles on French affairs of those dates, both on p. 2.

²Carrel, "Irlande.—Rappel de l'union.—Lois sur la presse," *Le National*, 23 Oct., 1832, p. 2.

³Richard Lalor Sheil (1791-1851) started life as a dramatist. He supported O'Connell in the 1820s and became an M.P. in 1830, supporting repeal.

⁴Edward George Geoffrey Smith Stanley (1799-1869), later 14th Earl of Derby and Prime Minister, was elected as a Whig M.P. in 1822. At this time he was a moderate supporter of reform in Grey's cabinet.

⁵*Galignani's Messenger*, 24 Oct., 1832, p. 4.

⁶"By the way, . . . [*Le National*] informs its readers that 'it may now be considered as

This is but one example among a thousand of the dishonesty and levity with which all French affairs are treated in the *juste-milieu* Papers of London, while their brethren here are preaching about the possibility of an alliance with England. Within this day or two another Paper, the *Courier*, observed, that it was much to be regretted that French troops should have gone into Don Pedro's service, because their presence in the constitutional army served only to exasperate the Miguelites. Such is the funeral oration which that Paper pronounces on the brave French battalion which has been almost exterminated in defending Oporto!⁷

From our complaints against the *soi-disant* liberal English Journals, we must however except the *Times*, whose columns are open to correspondents of all opinions on French affairs. One of the correspondents, evidently and avowedly a Frenchman, is lavish of eulogium on the *doctrinaires*;⁸ but the language of good society is not unknown to him. The *Times* too, and the *Times* alone, seems to be conversant with the French Papers; and though its spirit of exclusive and selfish nationality makes it substantially our antagonist, it often redeems this fault by touches of generosity for which we are bound to give it credit.

We subscribe to the justice of the above strictures on the English Journalists, who, however, must not be confounded with the English people. One reason why our Newspaper Editors do not judge of France by the French Newspapers is, that they cannot help feeling how erroneously England would be judged if it were judged by *them*. The truth is (and our friends of the *National* must not allow themselves to forget it), that while the French Journals represent the most generous and high-minded portion of the French public, our Newspapers represent, almost exclusively, the baser and more sordid part of ours. The French Papers are written by the most enthusiastic, or the most ambitious,—either way the most aspiring,—among the youth of the educated and refined classes. Ours are conducted by hirelings, and as a trade. The French Journalists, in powers of thought and scientific acquirements, are the *élite* of their country; the English, as a class, are little if at all above the average of theirs. Nor does there exist in France any class corresponding to one sort of the persons connected with the English newspapers,—adventurers, uneducated and low-bred, whose connexion with the Press gives them a power which they never could have gained by any other means, which they are wholly unfit to be trusted with, and with which they

almost certain that the repeal of the Union between England and Ireland will be effected. Can you tell why, gentle reader?—because Mr. Shiel, who had hitherto remained silent on the subject, has declared himself, at Clonmel, to be in favour of it!!! What a tit-bit for the Gallic gobe-mouches!" (*Globe and Traveller*, 25 Oct., 1832, p. 2.)

⁷Dom Pedro (1798-1834), Emperor of Brazil since 1822, succeeded to the Portuguese throne as Pedro IV in 1826, but abdicated in favour of his daughter Maria da Gloria, aged seven. His younger brother, the absolutist Dom Miguel (1802-66), however, declared himself king in 1828. In 1831 Pedro came from Brazil to fight for his daughter's rights. The liberals in England supported Pedro, who landed with troops, including 500 French and 300 British, at Oporto in July 1832. The siege was lifted, and Pedro became Regent for his daughter, who had become Maria II.

⁸See Letter from Paris (16 Oct.), *The Times*, 20 Oct., 1832, pp. 2-3.

play such "fantastic tricks before high heaven"⁹ as are naturally to be looked for in men intoxicated with unmerited and unexpected importance.

There are exceptions to the general low state of the English press. The Editor of the *Globe*, for instance, who has used our brother of the *National* so ill, is a gentleman and a scholar; and not without a conscience either, though he squares it a little too much by *respectability*.¹⁰ But he labours under a grievous misfortune,—a misfortune to his country, whom it deprives of the enthusiastic services of such a man; but a misfortune beyond all measure or limit to the man himself, the very heart of whose moral being it eats out,—the affliction of despising every one who is in earnest. His literary career has been that of a man who not only has no faith, no convictions of his own, but in whose estimation, to have any strong convictions, and to care any thing about them, is a proof of weakness, rawness, and ignorance of the world. He should prefix a motto to his Paper, and that motto should be "*Rub on.*" We will paraphrase it thus: "Mankind are foolish enough to care about certain things, and to believe that their lot might be better than it is. No wise man will share any such delusion; but, also, no wise man will fly in the face of mankind, and tell them that they are following an *ignis fatuus*, because they would be angry, and their anger would disturb his tranquillity, and a wise man values his tranquillity above all things. Therefore, a wise man does not like change; but when it would be more troublesome to resist than to yield, a wise man will let the fools have their way."

Of course, such a man must despise the writers of the *National*, together with all persons else who are for any kind of "movement," and, in general, all who have any aspirations beyond quietness and *respectability*. The *National* will remember *Signor Pococurante* in *Candide*, and how all great men, even of past ages, appeared little in his eyes.¹¹ Voltaire has nowhere shewn a deeper insight into human nature.

The Editor of the *National*, (let us drop the idle circumlocution, and call him by his name,) M. Carrel, then, should know that he does too much honour to such a Paper as the *Courier*, when he condescends to censure it.¹² Nothing goes farther to convince us how ignorant the French Journalists are of the state of public opinion in England, than their continuing to quote from the *Courier* in 1832, because it was the *Treasury Journal* in 1817. We beg to assure them that

⁹Shakespeare, *Measure for Measure*, II, ii, 121; in *The Riverside Shakespeare*, p. 561.

¹⁰Walter Coulson (1794-1860), lawyer, associate of Bentham and James Mill, who had edited the *Globe and Traveller* from the time when John Mill wrote his early pieces for it.

¹¹Voltaire, *Candide, ou L'optimisme* (1767), in *Oeuvres complètes*, Vol. XXXIX, pp. 296-302 (Chap. xxv).

¹²The *Courier*, founded as an opposition journal in 1792, after 1807 was considered a mouthpiece for the Tory ministers, but when the Whigs came to power in 1830 it quickly changed sides, often expressing Brougham's views.

nobody in this country ever seeks or cares to know what the *Courier* thinks or says on any one thing, or on any person. Englishmen, to their shame be it said, can bear a large measure of political profligacy, when combined with talent; but a Paper which changes its Editor and its principles every three months, without any change in the proprietorship,¹³ and never once in ten years says one word deserving to be remembered, is too much for our stomachs.

It is difficult to explain, in the limits of an article, all the causes which render the English Newspapers an imperfect exponent of the feelings of the English people towards the French. We may just allude to a few of them. The enormous stamp duty on Newspapers, which is six or seven times higher than in France, is one cause why our Daily Press is limited in its circulation almost exclusively to the monied classes, and if it represents any opinion at all, represents that of those classes. Now M. Carrel will allow that the corresponding classes in France, the subscribers to the *Débats* and the *Constitutionnel*,¹⁴ are a miserably bad sample of the French nation; and we implore him to believe that ours represent the English nation quite as ill. Another circumstance, the force of which we cannot expect him to feel in the same degree, is the engrossing character of the avocation of a London daily journalist. As a piece of complex and elaborate machinery, a French Daily Newspaper to an English is a wheelbarrow to the steam-carriages on the Manchester railway. The man whose hand gives the impulse and whose head the guidance to that great engine, cannot stir from his post: he can neither read, think, nor converse with the world: he can but write. He neither strengthens his powers nor adds to his knowledge: such as he at first was, he remains,—spinning a lengthening thread of thin talk out of his original raw material of thought, or improvising a judgment on passing events with such share of untutored sagacity as God gave him, and no more. Now, most of our Newspaper writers began to write in the piping times of Toryism and national antipathy; and the wonder is, not that so little but that so much of the new ideas and new feelings of the English public should have reached them. M. Carrel compliments the *Times* on its occasional relaxations of its anti-French spirit: we can assure him that the “touches of generosity” which he speaks of, find a responding chord in every English bosom which Toryism has not petrified; while the spirit to which those touches are exceptions is very generally regarded as an

¹³From 1828 to 1832, the short-reigned editors of the *Courier* were Thomas George Street (who had edited it also from 1811 to 1817), Eugenius Roche, a Mr. McEntaggart, John Galt, and Gibbons Merle. The proprietorship seems to have been a group of shareholders having control from 1827; in 1830 the principal proprietor was William Stewart, who had as partners the brothers George and John Rennie.

¹⁴For the *Journal des Débats*, see No. 50, n4. The *Constitutionnel*, a bourgeois and liberal newspaper, was founded during the early days of the Restoration. After the July Revolution, it loudly supported the new regime and declined markedly in quality and circulation.

instance of the antiquated John-Bullism, which, in many other things besides this, distinguishes that Journal. We can assure him, moreover, that the close union between France and England, which he seems to think chimerical, is earnestly desired by all parties in this country except the Tories; for our *juste-milieu* feels its cause bound up with the French *juste-milieu*, and our *mouvement* with the French *mouvement*. The popular party in England think as ill of the present French Government as M. Carrel himself, and are as anxious as he can be that republican institutions, whether with an elective or hereditary chief, should be firmly established in France. It is true we are imperfectly acquainted with France, and are therefore, perhaps, the more fearful; and we often tremble lest some imprudence or precipitation on the part of our friends and brothers the French patriots, should compromise their *avenir* and our own. But though we may occasionally advise and deprecate, and even remonstrate, their cause is still our cause: it is the cause of improvement against stagnation, of public spirit and virtue against corruption and intrigue; it is the cause to which, and to all who in singleness of purpose have espoused it, our souls are wedded without possibility of divorce; and by that and them, in good or evil fortune, in good report or bad, and whether our advice is followed or not, we have made our election to stand.

187. FRENCH NEWS [73]

EXAMINER, 2 DEC., 1832, P. 777

For the entry in Mill's bibliography, see No. 181. The item, headed "London, December 2, 1832," is listed as "Article on France" and enclosed in square brackets in the Somerville College set of the *Examiner*.

M. DUPIN has the ball at his feet. He has been elected President of the Chamber of Deputies by an overwhelming majority.¹ MM. Bérenger and Etienne, the leaders of the intermediate party which has rallied round him, stand highest on the list of the Vice-Presidents.² The Opposition is completely defeated. Of the nine office-bearers of the Chamber, (the President, four Vice-Presidents, and four Secretaries,) only one Secretary, M. Félix Réal, has been chosen from the ranks of the *mouvement*, and he stands lowest on the list.³ The strength of the

¹For the background, see No. 185. Dupin received 234 votes out of a possible 376; his only rival, Laffitte, received 136 (*Moniteur*, 22 Nov., 1832, p. 1989).

²Alphonse Marie Marcellus Thomas Bérenger (1785-1866), a magistrate, chairman of the commission that investigated the administration of Charles X, was an influential member of the constitutional opposition; and Charles Guillaume Etienne (1777-1845), playwright and politician, like Bérenger an Academician, had been Censor-General of Newspapers under Napoleon.

³Félix Réal (1792-1864), was Deputy for Isère, and avocat-général at Grenoble.

Opposition in the Chamber amounts to about 150 members, being ten more than the number who signed the *compte rendu*.

This result coincides with our previous anticipations.⁴ The Chamber, as at present constituted, is for the *status quo*; it approves all that has been done hitherto, but is for doing nothing more. It is thus distinguished equally from the *mouvement* party, who advocate the further extension of popular rights, and from the *doctrinaires*, who advised the recent violation of the Constitution, who supported the hereditary peerage, and would restore it to-morrow if they could, who regret the downfall of the exiled dynasty, and accept the Revolution of 1830 only as an unavoidable misfortune. The *bourgeois* oligarchy, who have enthroned themselves in the yet warm seats of the feudal aristocracy, have that very common taste which makes men desire to level down to themselves, but not an inch lower.

In the Commission for preparing the address, not one single Deputy of the Opposition found a place, but MM. Etienne and Bérenger *did*.⁵ We expect to meet these gentlemen everywhere for some time to come. The former of them, who is the principal proprietor of the *Constitutionnel*, is already spoken of as the probable successor to M. Guizot, if the illness under which the latter is now suffering should cause a vacancy in his office.

We are somewhat impatient to know the part which the leaders of the intermediate party will take in the debate on the address. As for M. Dupin himself, his office of President will save him from the disagreeable necessity of committing himself to any opinion.

The King's speech promised to bring forward the bills so long expected, for the education of the people, the responsibility of Ministers, municipal institutions, &c.; and also threatened the country with laws for strengthening the hands of justice, or some such phrase;—laws, we suppose, for gagging the press.⁶ Our chief anxiety is to see whether the Intermediates offer any vigorous opposition to these iniquitous projects.

If M. Dupin becomes Prime Minister by a total change of Ministry, he will, we suppose, bring in with him MM. Bérenger as Minister of Justice; Bignon,

⁴See No. 172.

⁵The Commission was appointed on 23 Nov. (*Moniteur*, 1832, p. 1998).

⁶The promises of the Speech from the Throne (19 Nov.; see No. 185) resulted in *Projet de loi relatif à l'instruction primaire* (31 Dec., 1832), *ibid.*, 3 Jan., 1833, pp. 15-16 (enacted as Bull. 105, No. 236 [28 June, 1833], the "loi Guizot"); *Proposition de loi sur la responsabilité des ministres et des agents du pouvoir* (12 Dec.), *ibid.*, 1832, pp. 2139-40 (not enacted); *Projet de loi sur l'organisation municipale* (8 Dec.), *ibid.*, pp. 2113-14; *Projet de loi sur les attributions communales* (8 Dec.), *ibid.*, pp. 2114-16 (the latter leading eventually to Bull. 521, No. 6946 [18 July, 1837]); *Projet de loi sur le conseil-général et les conseils d'arrondissement du département de la Seine, et sur la municipalité de la ville de Paris* (8 Dec.), *ibid.*, pp. 2116-17; and *Projet de loi relatif à l'état de siège* (10 Dec.), which was not enacted (see No. 204).

Foreign Affairs; Etienne, Public Instruction; probably M. Teste⁷ in some capacity or other; and so on. But if he comes in by an understanding with the present Cabinet, it is impossible to foresee how he will be forced to compose his own.

The pistol-plot would appear to be a trick of the young woman (Mademoiselle Boury) who pretended to have frustrated it.⁸ There is strong reason to believe that the pistol was loaded only with powder, and was fired by herself, on speculation, to obtain money from the Royal Family, and a place for a young man to whom she is attached.

188. FRENCH NEWS [74]

EXAMINER, 9 DEC., 1832, P. 792

For the entry in Mill's bibliography, see No. 181. The item is headed "London, December 9, 1832." In the Somerville College set of the *Examiner*, it is listed as "Article on France" with this portion enclosed in square brackets (two preceding paragraphs deal with the siege of Antwerp).

THE ADDRESS of the French Chamber of Deputies was an exact echo of the King's speech; with the single exception of a passage of ineffectual sympathy with the Poles, inserted on the motion of M. Bignon, and carried almost unanimously.¹ All the amendments of the Opposition, or *compte rendu* party, in condemnation of the *état de siège*, or of any part of the policy of the present French Government, were defeated by large majorities. The Intermediates, or M. Dupin's party, have for the present thrown their entire weight into the Ministerial scale. The address was drawn up by one of their leaders, M. Etienne.

The pistol-plot becomes every day more evidently apocryphal; but it has served the turn of the Ministry, by furnishing an excuse to those who only needed one, for rallying round the Government.²

⁷Jean Baptiste Teste (1780-1852) was proscribed as a deputy during the Hundred Days, but returned in 1830; he became a minister only in 1834.

⁸For earlier comment, see No. 185. "Nouveaux détails sur l'attentat du 20 novembre," *Constitutionnel*, 21 Nov., p. 2, identifies Adèle Boury (aged nineteen) as the daughter of the postmaster of Bergues (Nord); her "young man" was named Masse.

¹On 4 Dec. (*Moniteur*, 1832, p. 2073); Bignon's amendment was made on 3 Dec. (*ibid.*, pp. 2068-9).

²For earlier comments, see Nos. 185 and 187.

189. DEATH OF HYDE VILLIERS

EXAMINER, 9 DEC., 1832, P. 792

This unheaded obituary of Mill's friend is described in his bibliography as "Paragraph on the death of Mr. Hyde Villiers, in the Ex. of 9th December 1832" (MacMinn, p. 23). In the Somerville College copy of the *Examiner*, it is listed as "Obituary notice of Mr. Hyde Villiers" and enclosed in square brackets.

THE NATION has sustained a loss which will not soon be repaired, by the premature death of Mr. Hyde Villiers, the Secretary to the India Board.¹ His intelligence and laborious habits, joined to his advantages of connexion and position, could not have failed to raise him, early in life, to great influence in the councils of his country; and few among the rising men in office, or those likely to be in office, were comparable to him in that public spirit, and enlarged liberality of sentiment and principle, which would have made his influence a source of benefits to his country and the world, whereof it is lamentable to think that they should thus unexpectedly be deprived. To his personal friends the loss is most severe, and will be felt even by those who only knew him in the way of official intercourse. Few men ever conciliated in a higher degree the esteem and good will even of political adversaries.

190. FRENCH NEWS [75]

EXAMINER, 16 DEC., 1832, P. 808

For the entry in Mill's bibliography, see No. 181. The item, headed "London, December 16, 1832," is listed as "Article on France" and enclosed in square brackets in the Somerville College set of the *Examiner*.

THERE SEEMS REASON TO BELIEVE that something will, at last, be done by the French Government to relax the absurd restrictions upon the importation of English and other foreign commodities.¹

¹In 1831 Villiers became Secretary to the Board of Control, and had been working on the important revision of the charter of the East India Company that removed its trading monopoly in 1833.

¹Projet de loi sur les douanes, introduced 3 Dec., debated 4-5 Dec. (*Moniteur*, 1832, pp. 2075-7 with the text on pp. 2084-5) would alter the provisions of the Corn Law, Bull. 462, No. 10886 (4 July, 1821), and the Customs Law, Bull. 91, No. 3076 (17 May, 1826).

The Ministry have introduced most of the promised bills;² and, among others, the dreaded one for regulating the power of Government to declare a town in a state of siege. But as we have not yet seen the bills themselves, we defer till next week any particular notice of them.

191. ON THE NECESSITY OF UNITING THE QUESTION
OF CORN LAWS WITH THAT OF TITHES

EXAMINER, 23 DEC., 1832, PP. 817-18

Mentioned in Mill's letter to Carlyle of 27 Dec. (see No. 186), this article, headed as title, is the first leader in the "Political Examiner." It is described in Mill's bibliography as "An article headed 'On the Necessity of Uniting the question of Corn Laws with that of Tithes.' Exam. 23d Dec. 1832." (MacMinn, p. 23.) In the Somerville College copy of the *Examiner*, it is listed as title and enclosed (including the final footnote) in square brackets.

ON LOOKING ROUND and surveying the attitude and movements of the constituencies, both new and reformed, which have been created by the late Act, we see reason to congratulate the friends of improvement upon the definiteness of their objects, and the zeal and unanimity of their exertions. Scarcely a voice has been raised for any causeless or fantastic change, nor has any captiousness been exhibited about mere forms and phrases. This, indeed, would have been inconsistent with the positive, practical, matter-of-fact character of the English mind. Almost as seldom has the advocacy of any act of individual wrong—of the plunder of any man's property, or the blighting of his reasonable prospects,—met with encouraging reception from any body of electors. There is enough of integrity and self-control, and respect for the just rights of others, in the English character, to forbid this. The reforming spirit has fastened upon the real grievances, and with the greatest intenseness upon the most crying and barefaced of these. General rectitude of purpose has produced unity of purpose. The Reformers in all parts of the island proclaim the same objects, proclaim them as with one voice—a voice destined ere long to silence all other sounds except its own echo.

To this unanimity one question forms a solitary exception. That indeed is an alarming one, and may even yet become a firebrand of discord in the ranks of the sincere Reformers, unless disposed of soon and well,—not with the kind of prudence which is synonymous with indecision and cowardice, but with that true and statesman-like kind which can *foresee* as well as see, and of which the foremost ingredient is courage. This question, the only one within the compass

²For the list, see No. 187.

of probability from which a Tory reaction, among any considerable part of our population, can ever again be apprehended, is the Corn Laws.

On this question alone, among the many which are now vehemently agitated, is Reformer at variance with Reformer. On all other subjects the contest will be solely between the Stationary principle and the Progressive: between the spirit of Toryism, whether under its own or under Whig colours, and the spirit of Reform. On this alone a division is manifesting itself between the two great sections of the people; and there is imminent (though not immediate) danger, that the representatives of the manufacturing and commercial towns, and the representatives of the counties, the agricultural towns, and Ireland, will, by the artifices of the common enemy, be set one against the other;—the agriculturists under a total misapprehension of the *nature* of their interest in the question, the manufacturers greatly over-estimating the *degree* of theirs.

We may be sure that nothing would serve the purposes of the Tories so well, as to be able to pick a quarrel between the two great divisions of the reforming host, on this the only subject of dissension ever likely to afford them such an opportunity.

So deeply are we impressed with the importance of frustrating these tactics of our enemies, that if a question which affects, be it ever in so slight a degree, the condition of the most numerous class, were not in our eyes important beyond any other, we would gladly put off the discussion of this question, until others, on which there is less difference of sentiment and of apparent interest, shall have been set at rest. We do not, indeed, think that the *immediate* interests of the working classes are so deeply concerned in this as in several other questions. The effects of the *present* Corn Laws¹ in any way, be it for good or for evil, are in our estimation far short of what either party habitually assumes. But when we consider the transcendant importance of the *principle* which is at issue, where the dispute is (what it here is) between the drones of society and the bees; when we see that both the drones and the bees *think*, however erroneously, that it is a question of life and death between them—when, too, we perceive how generally the members, both for the counties and for the towns, are coming to the new Parliament, if not positively pledged, at least with a distinct expectation on the part of their constituents, that they will give their strongest support or opposition to any abatement of the existing “protection to agriculture;” we cannot doubt that this discussion must be among the earliest which will come on, and that it is not too soon to begin to consider by what means it may be prevented from becoming a source of disunion among the Reformers, and of strength to the Conservatives, by rallying round the standard of Anti-reform in general, the enemies of one particular Reform.

An opportunity now offers itself, such as does not occur once in a century, and

¹9 George IV, c. 60 (1828).

which might seem as if sent on purpose to carry England safely through this difficult passage.

The cry is now irresistible for the extinction of Tithes. There is not a rational person throughout the country, whatever be his wishes, who thinks it possible that this odious impost can exist one year longer. Now, the way to make peace for ever between the agriculturists and the manufacturers would be this: Unite the question of the Corn Laws with the question of Tithes. Throw yourselves upon the country with the boon of relief, at one stroke, from the two most flagrant of its grievances, the two most keenly felt of its burthens. Come with the Tithe in one hand—the freedom of the Corn trade in the other: hold out the one to the farmer, the other to the manufacturer. A minister who should thus act, would save the country from its worst chance of prolonged intestine divisions, himself from a perilous shoal on which even a strong administration can with difficulty avoid being wrecked, and would obtain a new lease of public confidence, which would enable him, with ordinary good sense and good intention, to retain as long as he pleased the control of the Movement in his own hands.

These two questions, of which policy so strongly dictates the union, are besides in their own nature so intimately allied, that no philosophical statesman would ever think of looking at either of the two, except with immediate reference to the other.

The people of England are supplied with food by two channels—home production, and importation. Both are taxed: what is Tithe, but a tax on the home growth? What are the Corn Laws, but a tax on the importation? Now, it is not only admitted by every one whose opinion is worth counting, but is obvious to the merest tyro in the principles of commerce, that these two modes of procuring corn, if taxed at all, ought to be taxed exactly alike. To lay any burthen exclusively on either of the two, is to tax the community for the sake of a factitious encouragement to the other. If, for instance, there were a Tithe, and no Corn Laws, the effect would be to force an importation, when additional food might be grown with less labour from our own soil. If, again, there were Corn Laws, and no Tithe there would be virtually a bounty on home production; forcing cultivation on bad soils, to raise a portion of food which the nation could obtain with a less expenditure of labour and capital by importing.

Accordingly, the only argument among those urged in favour of Corn Laws, to which a thinking man would pay the slightest regard, is the existence of Tithe, or of other burthens on the cultivation of the soil, generally, but erroneously, supposed to be analogous to Tithe. Take away the Tithe, and there is not a word to be said for the Corn Laws; but take away the Tithe, leaving the Corn Laws, and you add just so much to their pressure. Every weight taken off the shoulders of one of two competitors is tantamount to laying an exactly equal burthen upon the other.

Only consider how all the practical difficulties of both questions will be

alleviated by disposing of them in conjunction. What, in truth, is the leading objection felt by every one to the total extinction of Tithes? The fear lest what is taken from the clergyman should be merely given to the landlord. To obviate this (a consequence which all agree in deprecating), fifty cumbrous, and troublesome, and uncertain contrivances have been thought of and propounded, for not abolishing but *commuting* the Tithe into a land-tax, or rent-charge, to be collected on account of the Church or on account of the State. All this operose machinery is but needless perplexity. For giving the benefit of the remission of Tithe to the consumer, instead of the landlord, there is a far simpler way. Abolish the Corn Laws. *That* is the true commutation of Tithe. Do away with both the bread-taxes, utterly and at once. Let the Tithe disappear and be no more heard of. A provision, of course, must be made for lay impropiators and existing incumbents; at present, too, the time has not yet come when the endowments of the Church of England will be cut down to the value of the Church lands: some equivalent, probably, will this time be given to the clergy, for at least a portion of the Tithe. Let these expenses, then, be borne by the nation at large. Let them be included in the estimates of every session, with the other yearly expenses; or let stock to the necessary amount be created for the purpose, and placed, as Lord Henley proposes, in the name of a Parliamentary Commission.² To grudge such a price for the repeal of the Corn Laws, would be that penny-wisdom which is pound-foolishness. The penny, it is true, may be taken before your face, and the pound behind your back: yet a penny is but a penny, and a pound is a pound.

This course, it will be found, and no other, will do justice to all. Yet, instead of being intricate, it is the simplest—instead of being difficult of execution, it is the easiest and most commodious—of all means of adjustment which have been proposed. It has the advantage, rare among reforms, that it alienates no one, not even those who profited by the abuse, since the redress of one wrong is made to operate as an indemnity to those who would suffer by the removal of another.

The agriculturists, indeed, if the matter were propounded in the abstract, might question the sufficiency of the compensation. But they could scarcely do so when their attention was drawn to the fact, to how very low a fixed duty the present Corn Law is equivalent. The whole of the wheat which has been imported since the act of 1828 came into force, has paid, on an average, not more than 6s. 6d. per quarter. The Tithe, if it were exacted in full, would, at the present average prices, be about an equal sum. It is not so, we know, in fact; because much of the land of the United Kingdom is either tithe-free or under a *modus*, and because the parson seldom obtains his full dues. But the inconvenience, and annoyance, and litigation arising from the tax in its present form,

²Robert Henley Eden (1789-1841), 2nd Baron Henley, barrister, M.P. 1826-30 and Master in Chancery 1826-40, made the proposal for a corporation (not a Parliamentary Commission) to be called "The Commissioners for the Management of Ecclesiastical Property," in *A Plan of Church Reform* (London: Roake and Varty, 1832), pp. 32ff.

are of themselves a substantive burthen upon the occupation of a farmer, at least sufficient, we cannot but suppose, to make up all that the Tithe falls short of a full tenth of the produce. The gain of the Tithe, then, would be a full equivalent, both to the landlord and the farmer, for the loss of the Corn Laws: while, in common with the entire community, they would gain in the cheapness of their food, and the impulse given to the industry and wealth of the country; and the farmer, as a capitalist, would gain in addition, along with other capitalists, in the greater facility of maintaining his labourers.

With the exception of Tithe, there are no peculiar burthens on the growth of food which can form a reasonable pretext for keeping up a peculiar tax upon its importation.

The poor-rates are often erected into such a pretext, but improperly; as is apparent for several reasons:—

In the first place, a free trade in corn, by cheapening food, will reduce the burthen of the poor-rates. Take away the Corn Laws, then, and you take away, to a very great extent, this argument for having Corn Laws.

Secondly, if the poor-rates press more severely on the agriculturists than on other people, why is this? Solely because in the purely agricultural parishes the condition of the poor is worst, and those abuses of the poor-laws which have pauperised and demoralised the labouring classes have there been carried to the highest pitch. But of these abuses the landlords themselves, in their capacity of magistrates, have been the authors. They have no right to come upon the general public for an indemnity from the consequences of their own ignorance and imprudence.

Then, too, as they have been the causes of their own burthens, which by means of Corn Laws they now strive to shift off upon other people, so it rests with them, by reversing the cause which did the mischief, to undo it: either by a more judicious exercise of their powers, or (and to that they must at last come) by abdicating their functions into the hands of wiser men. We know from the best authority, that the inquiries recently made by the Poor Law Commission have ascertained that, in the very worst districts of the worst counties in England, parishes exist, where the exertions even of *one* wise and energetic country gentleman or clergyman have sufficed not only to correct the maladministration, and greatly diminish the amount, of the rates, but in a few years actually to unpauperise the whole labouring population.³ If this can be done in one parish, it can in another. Let the landlords then bestir themselves, or make way for better

³The reports were just coming in to the Poor Law Commission, and it seems very likely that Mill got the information from Edwin Chadwick, Secretary to the Commission and a close friend. The evidence was that of the Reverend Thomas Whately at Cookham, eventually published in the report of C.H. Cameron and John Wrottesley (24 Apr., 1833), in "Report from His Majesty's Commissioners for Inquiring into the Administration and Practical Operation of the Poor Laws," *PP*, 1834, XXVIII, 151-64.

men; and cease to plead, as an argument for taxing every one who lives by bread (and putting the money into their own pockets), the enormity of a burthen which owes its very existence to their mismanagement, and which will continue to press upon them so long and no longer than that mismanagement shall endure.

As for the county rates, to claim "protection" on that score is absurd: other people pay for roads, and gaols, and paving and lighting, and police, as well as the landlords, and are not disposed to pay for themselves and the landlords too. We shall be told, perhaps, of the land-tax; but the landlords have no more title to be indemnified for that than for their debts. It is not a tax taken from the landlords, for they never had it. They bought their estates subject to that deduction from the income. The land-tax is a rent-charge in favour of the State, which is to that extent a co-proprietor in the soil. Besides, if the landlords bring to account every trifle they pay to the State, we on our side must be permitted to raise up in judgment against them every thing that they do *not* pay. They have exempted their land from the legacy duty,—a heavy tax, which is levied upon all other property without exception.⁴ This fact ought to stop their mouths whenever they presume to talk of their peculiar burthens.

Our conviction is, that if Tithes were abolished, the simultaneous removal of the present import duties (which we regard as little if any thing more than an equivalent for the Tithe) would not increase the importation of corn in a perceptible degree—would not throw a single acre out of cultivation, or a single agricultural labourer out of employment. But if the event should prove otherwise, the course of good sense and justice would be plain. Let it be ascertained what are the parishes which, from the prevalence of poor soils or other causes, had suffered by the change. Let it be found out in what parishes the rates had greatly and suddenly increased, without any assignable cause except the repeal of the Corn Laws. Wherever this fact could be established, the State ought to relieve that parish from this artificial increase of its poor, and should either assist them to emigrate, locate them on waste lands, or provide for them other permanent employment, if any more eligible can be found. To do that for labourers pauperised by a salutary reform, which it has so often been in contemplation to do for the whole surplus labouring population, is what no person with any pretensions to reason will, we presume, object to.

There is thus every imaginable motive for joining in one great scheme of national policy these three measures—the extinction of Tithe, the total abolition of the Corn Laws, and a vote of credit for the emigration of unemployed labourers, with the alternative of home colonisation. And to this, as part of a suitable programme of the approaching session, we invite the attention of public men.

We are fully satisfied that it would be the part of true prudence to face all

⁴Imposed by 55 George III, c. 184 (1815).

the three questions at once. Such, however, is rarely the prudence of practical legislators. From those in whose hands the destinies of England are for the moment placed (though they are not worse, but, on the contrary, far better, than the generality of public men,) we wish rather than hope for any of the wisdom of which boldness is an ingredient. We have our fears that, shrinking from the difficulty of dealing with more than one question at a time, they will look only at half a question at a time; will never see where one reform would impede, and where, on the contrary, it would help another; and so will never accomplish any thing but some paltry botching, which will require to be undone in a future session by themselves or others—something which, instead of calming agitation, will prolong it—instead of settling men's minds, will keep them unsettled, until they insist upon settling every thing their own way. An exaggerated dread of innovation, at this crisis, will adjourn the possibility of a stable government in England for an indefinite period.

But let us, in all conscience, *see* before we decide: let no man be condemned untried. A great change in the constitution should make a *tabula rasa*⁵ of past conduct and professions, and give every statesman who chooses to claim it, a clean character to set up with. Such a character the present ministers shall have with our hearty good will: but beware the first spot!*

192. FRENCH NEWS [76]

EXAMINER, 23 DEC., 1832, P. 825

For the entry in Mill's bibliography, see No. 181. The item, headed "London, December 23, 1832," is listed as "Article on France" and enclosed in square brackets in the Somerville College set of the *Examiner*.

THE FRENCH MINISTER OF COMMERCE has introduced a highly important bill for lowering various duties on importation, and removing various prohibitions; and in doing so, he announced that this was only the first of a series of measures for relaxing the restrictive and prohibitory system.¹

⁵A term evidently introduced by Robert South (1634-1716), in *A Sermon Preached at the Cathedral Church of St. Paul, Nov. 9, 1662* (Oxford: Robinson, 1663).

*Since this was written, Lord Althorp, in an election speech, has declared it to be his opinion that the Corn Laws ought *not* to be reconsidered in the approaching Session.

We have much confidence in the goodness of Lord Althorp's intentions; but if this be a sample of the judgment, and power of appreciating his position, with which those good intentions are to be carried into effect, all our fears are more than verified. [*The Times*, 17 Dec., 1832, p. 3, reported in brief Lord Althorp's reply to a question about the Corn Laws after he was declared elected (unopposed) for Northamptonshire on 15 Dec.]

¹See No. 190. The Minister of Commerce and Public Works was the baron d'Argout.

We suppose even the most inveterate "reciprocity" men will now be satisfied that our relaxations of that absurd system were well judged.² They were not only wise in themselves, but they have inspired corresponding wisdom in the councils of other nations. The first receding step has been taken from the mischievous measures which have forced capital out of its natural channels in America,³ and now the French Government has entered boldly and decidedly into a course of liberal commercial policy.

193. DEATH OF CHARLES LAMETH

EXAMINER, 6 JAN., 1833, P. 8

This article, headed "London, January 6, 1833," is described in Mill's bibliography as "An obituary notice of Charles Lameth in the Examiner of 6th Jany 1833" (MacMinn, p. 24). In the Somerville College set of the *Examiner*, it is listed as "Article on France" and enclosed in square brackets (including the note), with three corrections: at 542.15, "survivors" is altered to "survivor", at 542n.15 "Marre" is altered to "Marne", and at 542n.16 "Martin" is altered to "Merlin" (but "Douni" is not corrected to "Douai").

CHARLES LAMETH is dead.¹ He was one of the few survivors of the Constituent Assembly; that illustrious body which contained within it so much of wisdom and virtue, and to which mankind have never yet acknowledged all the debt they owe. At the opening of the Revolution Charles de Lameth, then a high-spirited, young officer, of noble birth and high prospects, yet espoused warmly the cause of the Revolution. He was the friend of Barnave,² and along with that lofty and pure spirit, with his own brother Alexandre de Lameth, and the most instructed and reflecting statesman in the assembly, Adrien Duport, formed what was then considered the extreme democratic party. Barnave, the greatest orator but one³ of that brilliant period, perished by the guillotine, when the Revolution (to use the

²By, e.g., 9 George IV, c. 48 (1828), and 1 & 2 William IV, c. 16 (1831), which relaxed duties on glass, coals, slates, cotton wool, barillo, and wax; and 2 & 3 William IV, c. 84 (1832), which provided much lower duties on some items, removed some from the table, and provided for reciprocity.

³Duties were removed or lowered on a wide variety of imports by 22nd Congress, Sess. 1, c. 227 (14 July, 1832).

¹He died on 28 Dec.

²Antoine Pierre Joseph Marie Barnave (1761-93) played a prominent role in the Constituent Assembly, of which he became President in October 1790. When the Assembly dissolved in September 1791, he returned to Grenoble where he was arrested, brought back to Paris, and guillotined on 30 Nov., 1793.

³The greatest orator was Mirabeau.

words of Danton on the scaffold) began like Saturn to devour her children.⁴ Duport died in exile. The two Lameths returned to France with the Bourbons, and distinguished themselves in the *côté gauche* of the Chamber of Deputies. The elder died a few years since. Charles de Lameth, always the least conspicuous of the four in intellectual endowments, may be pardoned if his own personal sufferings, and the disappointment of his early enthusiastic hopes, made him go the way of the timid, and resist the democratic tendency of the times. He was a strenuous supporter of the *juste milieu*, or resistance party, after the July Revolution; but he never was false to the recollections of his better days, and but a few months since, he made a speech in the Chamber in affectionate vindication of the memory of his illustrious friend Barnave.⁵ Peace be with them both, and with the last immortal honour!

How few remain of that noble representative body, and these few how various! Lafayette is still spared to us. There are still alive Talleyrand, Sieyès, Montlosier, Roederer, Pontécoulant, the only survivor of the proscribed Girondists; Barrère,⁶ the only survivor of the terrible Committee of Public Safety;* and probably a few others whom we remember not. None now remain of that still nobler body, the signers of the American Declaration of Independence. The last of them, Carroll of Carrollton, died a few months ago at a most advanced age.⁷

⁴Georges Jacques Danton (1759-94) belonged to the Committee of Public Safety, sharing responsibility for the September massacres; he lost the power struggle with Robespierre, and was guillotined on 5 Apr., 1794. The *mot*, said to have originated with Vergniaud, was perhaps taken by Mill from Joachim Vilate, *Causes secrètes de la journée du 9 au 10 thermidor, in Le vieux cordelier, par Camille Desmoulins; Causes secrètes . . . par Vilate . . .* (Paris and Brussels: Baudoin, 1825), p. 192: "*La révolution, comme Saturne, eut bientôt dévoré ses plus tendres enfans.*" Vilate, however, does not attribute the phrase, but applies it to Desmoulins and Danton.

⁵In a speech on 10 Mar., Lameth had nominated Barnave for inclusion in the projected Panthéon (*Moniteur*, 1832, p. 712).

⁶Bertrand de Barère de Vieuzac (1755-1841), one of the most extreme members of the National Convention and a member of the Committee of Public Safety, first supported Robespierre and then drafted the report denouncing him. He served Bonaparte, and went into exile under the Restoration, returning in 1830.

*Unless, of which we are not certain, Prieur de la Marne still survives. We forget whether the ex-director and eminent lawyer, Merlin de Douai, was a member of the Constituent Assembly. [Pierre Louis Prieur de la Marne (1756-1827), a lawyer, member of the Committee of Public Safety and President of the Convention, known for his bitter attacks on the *ancien régime*, was banished as a regicide in 1816 and had died in Brussels in 1827. Merlin de Douai, who was still alive, had been a member of the Constituent Assembly.]

⁷Charles Carroll (1737-1832), owner of Carrollton Manor in Maryland, was a delegate to the Maryland Convention of 1776, which declared for separation from England, a delegate to the Continental Congress, and a signer of the Declaration of Independence. He also signed his name Carroll of Carrollton.

194. THE PRESIDENT'S MESSAGE

EXAMINER, 13 JAN., 1833, P. 19

In one of his rare early comments on the United States, Mill discusses Andrew Jackson's Fourth Annual Message of 4 Dec., 1832, reported in *The Times*, 2 Jan., 1833, p. 3, where all the quotations will be found. This item, headed as title, appears in the "Political Examiner." It is described in Mill's bibliography as "An article headed 'The President's Message' in the Examiner of 13th January 1833" (MacMinn, p. 24). In the Somerville College set of the *Examiner*, where it is listed as title, it is enclosed in square brackets, with two corrections: at 544.5, "busy" is altered to "losing", and at 545.6 "prepared" is altered to "proposed".

HAPPY WILL IT BE FOR BRITAIN when the annual address of her first Magistrate on calling together her Parliament, shall be like that of the American President—an argumentative review of all the great political questions of the time, a full and clear, though condensed statement of the views of the head of the Government on every subject likely to come before the Legislature during the session, and particularly of the grounds of all the amendments which he deems requisite in every branch of the national institutions.

On the present occasion one of these amendments is no less than the entire abandonment of what is called the Tariff system, in other words the "protection" of domestic industry. General Jackson condemns the "American system" *in toto*, and proposes that the idea of forcing manufactures by means of duties should be given up, except with regard to articles for which it would be dangerous to depend on foreigners: (what these are, he does not specify.)

It was not too soon for Congress to begin repealing their absurd commercial laws. The Union was on the verge of civil war. The Southern States, having no manufactures, but exporting an immense quantity of raw produce, suffered in a twofold manner by the Tariff; first, by being compelled to buy dear and bad manufactures in New England, when they could have cheap and good ones in Europe; and, secondly, by the consequent limitation of the European market for their own commodities. The Legislature of one of the greatest of these States, South Carolina, has recently passed an Act, declaring that Congress has exceeded its powers in enacting the Tariff, being authorized by the Constitution to impose taxes for *revenue* only, but not for protection; and that, consequently, the Tariff laws are inoperative, and ought not to be obeyed.¹

The President, in his message, comments in very measured terms on this bold

¹"An Ordinance to Nullify Certain Acts of Congress of the United States, Purporting to Be Laws, Laying Duties and Imposts on the Importation of Foreign Commodities," No. 2557 (24 Nov., 1832), in *Statutes at Large of South Carolina, 1814-1838* (Columbia, S.C.: State Legislature, 1839), Vol. VI, p. 456.

proceeding;² but there is no doubt that the Federal Government will be too strong for this single State, as none of the other anti-Tariff States are showing any disposition to follow the example. Let us hope, at least, that this act of resistance will draw universal attention to the iniquity of taxing the whole American people to enable a few manufacturers to carry on a losing trade; and that in this, as in so many other cases, intemperate violence may procure the redress which was denied to gentle remonstrance.

Another of the President's suggestions appears to us of far more questionable policy, or rather decidedly and grossly impolitic. He declares himself in favour of giving up the revenue hitherto accruing to the United States from the sale of unoccupied lands; and proposes that the price be henceforth limited to an equivalent for the expence of surveying the land and granting a title. It is curious enough that the American Government should think of abandoning their own more rational mode of disposing of land and adopting ours, at the very time when our Colonial Office is abandoning its own and adopting theirs; the very time, too, when Mr. Wakefield's admirable pamphlets have so clearly demonstrated that the great source of rapid growth and prosperity in a new colony is *concentration*, whether produced by natural causes, or by means artificially employed to promote it.³

The rent of land being a mere Godsend, coming into the possession of individuals by mere occupancy, and increasing as population and wealth increases, without any exertion on the part of the owner, ought, in all new countries, to be reserved in the hands of the State, as a fund which would in time be sufficient to supersede the necessity of taxation. But if for an immediate consideration the State chooses to dispose of this invaluable resource, it should at least put as high a price upon grants of land as it can get. If the United States adopt the President's recommendation, they will give up a revenue, which costs nothing, to any body, and which must be replaced by taxes on industry or on the profits of capital; while they will add still further to their greatest social evil—that rapid dispersion of the inhabitants, which keeps the people of the more recently settled territories in a state of semibarbarism, and is prejudicial

²On 11 Dec. Jackson added to what he had said in his Address by issuing a proclamation denouncing the ordinance passed by the State of South Carolina on 24 Nov., 1832.

³Edward Gibbon Wakefield (1796-1862), a constant proponent of colonization schemes based on the sale rather than the gift of land to settlers, had published by 1833 *Sketch of a Proposal for Colonizing Australasia, &c. &c. &c.* (London: printed Dove, [1830]); *A Statement of the Principles and Objects of a Proposed National Society, for the Cure and Prevention of Pauperism, by Means of Systematic Colonization* (London: Ridgway, 1830); *Plan of a Company to Be Established for the Purpose of Founding a Colony in Southern Australia, Purchasing Land Therein, and Preparing the Land so Purchased for the Reception of Immigrants* (London: Ridgway, 1831); and *Proposal to His Majesty's Government for Founding a Colony on the Southern Coast of Australia* (London: Nicol, 1831).

even to what alone it can ever have been supposed to promote—the increase of the national wealth.

Half the revenue of the last year has been applied to the liquidation of debt; and the National Debt of the United States is now almost entirely paid off. The small remainder consists chiefly of stock not redeemable for two or three years to come, which however it is proposed to buy up at the market price. The United States will then present the *unique* phenomenon of a great nation entirely free from debt. Several indeed of the State Governments have debts, but these were mostly contracted for productive purposes, such as the construction of canals and roads. Such debts are not like those of a spendthrift, but like those of a wealthy manufacturer or merchant, with whom to be in debt is merely to have the use, for profitable purposes, of other men's capital as well as his own. The more he is in debt the greater are his gains. Such debts make the debtor rich instead of making him poor.

195. NECESSITY OF REVISING THE PRESENT SYSTEM OF TAXATION

EXAMINER, 13 JAN., 1833, PP. 19-20

This article (probably with its continuation, No. 196) is said by Mill in his letter of 27 Dec., 1832, to have been already written (see No. 186); they are referred to again in a letter to Carlyle of 16 Jan., in which Mill says he has written little and published only this (*EL, CW*, Vol. XII, p. 141). Both are leading articles in the "Political Examiner," headed as title. This one is described in Mill's bibliography as "An article headed 'Necessity of revising the present system of taxation,' in the Examiner of the same date [as No. 194]" (MacMinn, p. 24). In the Somerville College set of the *Examiner*, it is listed as "Necessity of revising the present method of Taxation" and enclosed in square brackets.

AMONG THE MOST URGENT DUTIES of the parliament which is about to assemble, will be the revisal of our present fiscal system. Others of our abuses and grievances may be equally great, some possibly greater, but none are more palpable and glaring. We are overtaxed, and mistaxed. To the overtaxation many eyes have long been open; to the mistaxation, fewer. But the *manner* of our taxation begins at length to be thought of by popular constituencies, as well as the *amount*: and the voice which is raised for the repeal of so many taxes is not, as it was wont to be, a mere inarticulate outcry of the overburthened, eager to have the weight taken off their own particular shoulders, but a deliberate protest against an unjust mode of distributing the common load, and a claim to have the apportionment made on principle, with a due regard to the strength and convenience of all.

The two pervading evils of most fiscal systems, and of our own among others, are *inequality* and *waste*. There is inequality, when, to supply the public

revenue, a greater sacrifice is required from one part of the people than from another part. There is waste, when a needlessly large portion of the proceeds of a tax is swallowed up in the expense of collection, or when the tax necessitates or encourages bad processes of production, or diverts labour and capital from the channels into which, being the most productive, they would spontaneously flow. In the revenue system of this country all these forms of evil abound. Nor are there wanting striking examples of a still worse mischief, taxes operating *immorally*; by precluding or discouraging the exercise of some virtue, (as the taxes on soap, and on insurance,)¹ by obstructing access to wholesome instruction, (as the taxes on paper, pamphlets, newspapers, and book advertisements,)² or, finally, by holding out a premium to smuggling; as is done by all high duties on importation, and in England, particularly, by those on foreign spirits and tobacco.³ But the objection of immorality applies to some parts only of our revenue system; the vices of inequality and waste pervade nearly the whole.

For instance, all our direct taxes proceed on the avowed principle of sparing the rich: the *very* poor are also, in some instances, spared; but the rich invariably. Thus the window tax stops at a certain maximum: a limit is fixed, beyond which windows in any number may be added without being taxed.⁴ The disgraceful inequalities of the house tax⁵ have lately attracted universal attention, though the whole extent of them is not even yet known to the public. The house tax besides, even if fairly assessed according to the common standard of fairness, that is, in proportion to the *bonâ fide* rent, must still be an unequal tax; for a person of moderate income generally expends a larger proportion of that income in the rent of his house or apartments, than the very rich: and the houseroom a man requires is proportioned, not to his riches, but rather to the number of his children; that is, to his poverty. The tax on probates of wills, a most objectionable impost on many accounts, stops, like the window tax, at a maximum.⁶ The same principle is carried into some branches of our indirect taxation. Thus the stamp duty on receipts does not rise in proportion to the amount of the sum paid: the ascending scale stops at a certain value.⁷ The legacy duty presents an inequality which, to a person unacquainted with the composition of the legislature by whom that duty was imposed, would look like an unaccountable anomaly: it is laid exclusively on what is called personal property; *land* is exempted.⁸

¹10 Anne, c. 19 (1711), soap (and paper); 22 George III, c. 48 (1782), and 35 George III, c. 63 (1795), amended by 9 George IV, c. 49 (1828), insurance.

²For details on the stamp duties, see No. 177, n2.

³9 George IV, c. 44 (1828).

⁴48 George III, c. 55 (1808).

⁵*Ibid.*

⁶55 George III, c. 184 (1815).

⁷23 George III, c. 49 (1783).

⁸Also by 55 George III, c. 184 (1815).

Further, all taxes on articles of consumption, which either nature or universal habit has placed among the necessaries of life, are unequal in the highest degree: for of such articles the poor consume as much, or nearly as much, as the rich, sometimes far more. The tax on foreign corn, considered merely as a source of revenue, and apart from its other evils, has all the iniquity of a poll tax; for the poor man, unless he is actually starving, must eat as much bread as the rich, and (if we count children only, and not servants) has as many mouths to feed. The duty on raw cotton, recently substituted for the still worse tax on the manufactured article, is objectionable on the same ground.⁹ Cottons are the dress, not so much of the rich as of the poor; and the coarser article consumed by the poorer purchaser, contains more of the raw material, and consequently pays a higher duty thereon, than the fine muslins worn by the higher ranks.

Not only is inequality chargeable upon nearly the whole of our taxes, but from the additional evil of waste, in some one or other of its forms, very few of them are exempt. There are not many of our excise duties which do not subject the producers or dealers to vexatious and burthensome regulations, interfering, in many ways, with the best and cheapest processes of production. Our custom duties cause much unnecessary expense and annoyance to the merchants, for which the latter indemnify themselves at the cost of the consumer; and so far as those duties affect articles which can be produced in the country itself, or in the colonies, they are almost always purposely shaped to *protect* (as the phrase is) home and colonial industry; a term which always means, to set home or colonial industry upon producing some particular article (which it would not naturally take to) in preference to producing some other article, through the medium of which it could obtain the first in greater quantity and at a less expense. The loss to the mother country, from the discriminating duties on timber alone,¹⁰ is moderately estimated at a million sterling a-year. The measure, an approximation to which the machinations of the Tories defeated in 1831,¹¹ would, if carried, have saved such a sum to the nation, as would have enabled us, without adding to any of the public burthens, to get rid of all the taxes on knowledge at one blow.

We had no intention to enter into a minute analysis of the vices of our revenue system; as a brief abstract the above may suffice. The question of most moment is, seeing the badness of most of the existing taxes, seeing, at the same time, that taxes of some one or other kind must be had, what should they be?

On this matter a principle is establishing itself in the public mind, which we consider an extremely salutary one; that among the modes of raising a revenue, those are commonly the most eligible which are the most direct. A tax which

⁹1 & 2 William IV, c. 16 (1831), replacing 7 & 8 George IV, c. 56 (1827).

¹⁰See 2 & 3 William IV, c. 84 (1832).

¹¹For the debate on the timber duties (18 Mar., 1831), see *PD*, 3rd ser., Vol. 3, cols. 540-76. The measure was lost by 236 to 190. For earlier discussion, see No. 86.

blends itself with the price of a commodity has indeed the seeming advantage, that by consenting to forego the use of the commodity it is possible to escape the tax, while from a direct tax on income or on property there is no escape: and this, no doubt, is one of the causes why a nation will submit to be taxed much more heavily when the taxes come in that shape. But this increased willingness to endure a burthen, which hitherto has almost always been too readily borne, is at least a doubtful advantage. On the other hand, the more direct you make your taxation—that is, the nearer you approach to making the person who is to pay it ultimately, pay it at once and avowedly—the greater is your security both against inequality and against waste. In the case of all indirect taxes, there is an apparent uncertainty hanging over the question, who pays them? an uncertainty at least sufficient to leave room for doubt and cavil; so that there being no sure standard acknowledged by all, to determine the real weight with which the taxes fall on different classes of the payers, an excuse may always be found for overcharging those who ought, on the contrary, to be relieved. We had an example of this in Lord Althorp's budget, when it was proposed to tax the fundholder on the unfounded hypothesis that he was greatly undertaxed.¹² It is further to be remarked, that all taxes on commodities, and on the transfer of commodities, have more or less effect in diverting production from its natural and most beneficial course; independently of which, by limiting the demand for the taxed article, they operate as a discouragement to all those improvements in production, which in order to be introduced with advantage, require that the productive operations should be on a large scale.

Taxes, therefore, ought, if possible, to be direct. But a direct tax, if it aims at equality at all, must be a property tax. To a property tax, therefore, we must come. There are difficulties of detail in valuing the different kinds of property, and assessing them to the revenue so as to avoid inequality, without doing violence to the feelings of individuals. But, to surmount these difficulties, we cannot believe anything more to be necessary, than that the practical skill and sagacity which exist in the community, should fairly turn themselves to the task. That skill and sagacity daily effect things far more difficult. In the meanwhile, now is the time for clearing up thoroughly the question of principle; setting right every incorrectness in any of the conceptions commonly entertained of a property tax, and rendering the idea of such a tax definite and tangible. And this we propose to attempt in our next number.¹³

¹²For earlier discussion, see No. 86.

¹³No. 196 did not appear until two weeks later.

196. ERRORS AND TRUTHS ON A PROPERTY TAX

EXAMINER, 27 JAN., 1833, PP. 51-2

Under the title appears "(Continued from the week before last.)"; for the first half, see No. 195. The item is described in Mill's bibliography as "An article in continuation of the foregoing [No. 195] and headed 'Errors and Truths in a Property Tax' in the Examiner of 27th January 1833, and signed A.B." (MacMinn, p. 24). It is listed as title and enclosed in square brackets in the Somerville College set of the *Examiner*.

TWO CONTRARY ERRORS prevail with respect to a property tax. One of these was realized in practice, when a tax actually existed bearing that name:¹ the other is of recent growth, and is the logical opposite of the former. Both arise out of an indistinctness of meaning in the word *property*.

When we speak of a man's property, we sometimes mean all that is his; all that constitutes his means of living; all he has to spend and to save. But sometimes the term is confined to actual accumulations; the saleable value of what he has actually belonging to him at any given instant. Thus, a physician or lawyer who gains 5000*l.* a-year by his practice, and spends it all, may be said in one sense to be a man of property; to have a property equal, or bearing some proportion to, the price of an annuity of that amount upon his life. But in the other sense, he may have no property, except the furniture of his house, and whatever other articles he may have momentarily in his possession for immediate use.

Now it would be a monstrous absurdity and injustice to enact that this man, though benefiting as much by legal protection as any other man in the nation, should remain untaxed merely because he spends all he gets; while the expense of protecting him is thrown upon the man who saves, to provide for old age or for a family, or to have leisure to employ himself in literature, science, or works of benevolence. On the other hand, it seems equally monstrous that one whose income is derived from his personal exertions, and depends on the continuance of his life, should be taxed at the same rate as he who derives his from land or capital, which remain permanently with him and can be transmitted to his descendants. Yet these contrary errors, that of leaving the wages of all kinds of labour untaxed, and that of taxing the earnings of labour at the same per centage as the income from land or stock, have gained a footing in many minds; and the latter, when the income tax existed in this kingdom, had established itself in our laws. The last circumstance, indeed, will surprise no one, who duly considers by whom those laws were made.

If there is to be a property tax, all *income* ought to be considered as property; but a temporary income ought to be deemed a less valuable property than a

¹For details, see No. 86, n3.

permanent one. It may be said, indeed, that if an income worth ten years' purchase pays a given per centage for ten years, and an income worth twenty years' purchase pays the same per centage for twenty years, the just proportion of taxation is observed, since there is the same ratio between the two payments as there is between the values of the two incomes. And this is true, if we confine our attention to a mere numerical equality; but not if we consider what is alone of any importance, equality of pressure upon the feelings of individuals. Suppose two men with equal incomes, one arising from land or capital, which can be transmitted to descendants, the other terminating with the life of the possessor: these two persons cannot afford to live in the same style of expence. The one may without imprudence spend his whole income; the other must lay by a part, as a provision for his children after his decease. It would be injustice if two men who for no purpose of comfort or enjoyment are equally rich, were to be treated as such solely for purposes of taxation.

The tax should, therefore, be so adjusted upon the person whose income is derived from the earnings of labour, as to enable him to exercise the forethought which duty requires of him, and does not require of the other, without any greater sacrifice of personal comforts and indulgences than is demanded from the owner of the permanent income. It would be impossible, indeed, to adapt the rate of taxation to the peculiarities of every individual case. There is no alternative but to be content with an average, and (what must so often be done in legislation) to cut the knot which it is found impracticable to untie. If a man whose income depends on his personal exertions, supposing him to live for the ordinary length of time, and to have the ordinary number of children, ought in prudence to lay by, throughout life (say) one-tenth part of his income; then an income of one hundred pounds, from the earnings of labour, ought to pay no more to the state, than an income of ninety pounds from a permanent source. By taking some such estimate as this for the foundation of a general rule, justice would be done in gross, though not in detail: to the *class* of labourers, though not to every individual contained in the class.

Reasons of an analogous kind may, perhaps, be found for taxing the incomes which persons in business derive from their stock in trade, at a lower percentage than those of the landholder, the fundholder, and other persons who can live in idleness, and whose income is not liable to vary. The income of a person in trade is partly the reward of his personal exertions, and comes within the proviso already made in favour of incomes which are the earnings of labour. It is also *precarious*, in a peculiar degree: and in the same manner as we would exempt from taxation that portion of income which prudence requires should be laid by as a provision for children, there seems equal reason for exempting such other portion, as may be considered equivalent to an insurance against peculiar risks or casualties.

But, if we may judge from newspapers, many well-meaning persons who

desire a property tax, seem to understand by it a tax which is to fall solely upon landed and funded property, money lent, and (sometimes) stock in trade, and not at all (as the phrase is) upon *industry*. This doctrine appears to us fundamentally erroneous: yet in the prevalence of it we see proof of a very gratifying fact, namely, that there is no danger whatever of a confiscation of the funds. The demand for relief from taxes has taken another direction. A less noxious error, though still an error, has supplanted that worst of errors. The cry is not, to throw the whole load of the national debt on a single class, the fundholders, whose incomes are mostly small or moderate, and the *bonâ fide* earning of honest industry; but to lay this, together with the other public burthens, upon the collective body of the owners of accumulated property. The injustice here is far less heinous, because, being spread over a much larger body of persons, it would fall less heavily upon each: that body including, moreover, all the richest, and none of the absolutely poor. Still it is injustice, for it is partial taxation. The man who lives by his exertions, benefits by the existence of government as much as he who subsists by his accumulations, or by the accumulations of his forefathers. Without legal protection, the one could no more get what he spends, than the other could keep what he has saved: and both ought to contribute *in the just ratio of their ability*, to the support of that without which the existence of both would be alike precarious. Furthermore, a partial tax of the kind proposed would be a penalty on prudence; an encouragement held out to every man to dissipate all he gets, by taxing him if he saves, and leaving him untaxed if he squanders. And as the fund from which all labourers subsist while they labour, is derived from the savings of former labour, it may be judged what kind of relief that is, which could be afforded to industry by a tax on saving.

There is one case, and no more, in which the justice of laying an exclusive contribution on accumulations actually made, might admit of a valid defence. If a great national effort were to be made for paying off the national debt, there would be much to be said for demanding the sacrifice exclusively from the owners of property already in existence, and not requiring those whose sole property is their labour, to mortgage the future earnings of that labour in order to defray their share. The pecuniary engagements of a government (it may with much show of justice be contended) are a mortgage upon the property which existed in the country when those engagements were entered into. It is for him who inherited his father's property to pay his father's debts. In public as in private, the heir or successor is freed from the burthen of fulfilling his predecessor's obligations, if he faithfully gives up the whole of the inheritance to the creditors.

We rather invite attention to this argument, than express any opinion as to its conclusiveness. The strongest objection to it which we can anticipate, is the impossibility of distinguishing, after the lapse of years, property inherited, from property acquired by industry and frugality since the national debt was

contracted. Property accumulated during the interval, would have as good a title to exemption on the principle laid down, as property to be acquired hereafter. In proportion as the latter was relieved, the burthen would press heavier upon the former; and we seem to be placed in the alternative of continuing to do a smaller injustice to a larger number, or beginning to do a greater injustice to a smaller number.

A notice of motion was given on the last day of the session, by Mr. W.B. Evans, (who, we regret to observe, has retired from parliament,) for throwing the national debt upon property.² Mr. Evans was probably moved to this proceeding by some such arguments as those we have now thrown out. But we must suggest to him that this idea, however good for *paying off* the national debt, is altogether unfit to be adopted in merely paying the *interest* of it. For, that way, the tax would extend to future accumulations as well as past: the burthen would not be taken off the coming generation, but, on the contrary, would be imposed with double weight upon as many of that generation as *save*. Those alone who spend all they get, and, as far as depends on themselves, add nothing permanently to the national wealth, would in consideration of their prodigality, and of their comparative uselessness to society, obtain exemption from the heaviest of the national burthens. This, therefore, would be not only in every way an inequitable, but a highly immoral tax.

There remains the question of what is called a *graduated* property tax; that is, a tax which demands from the larger incomes not only a larger *quantity*, but a larger *proportion* than from the smaller ones. We have not left ourselves space to treat this question at any length, and we will merely suggest the leading considerations which influence our own minds.

All persons who profess any regard for justice or morality, are advocates, at least in words, of equal taxation. To tax any class exclusively, though it be the class of rich; or to tax any class in a greater proportion than other classes, all men admit to be unjust. Now *primâ facie* it would appear that the only mode of taxing all members of the community equally, is to take the same percentage from all property alike; whatever that per centage be, whether the twentieth penny, (to use the ancient expression,) the hundredth penny, or the thousandth.

To this, however, it is answered, that equal taxation consists not in taking equal proportions from the *incomes* of individuals, but in taking equal proportions from their *enjoyments*. If you abstract from a rich man one-tenth of his income, and from a poor man one-tenth of his, you demand a greater sacrifice of enjoyment from the poor man than from the rich. The one you only compel to forego some object of fancy or luxury, while to the other you may cause actual physical distress.

²William Bertram Evans (ca. 1801-50), M.P. for Leominster 1831-32; his speech on 16 Aug., 1832, is not reported in *PD*, which gives no debate on that day, but is reported in *The Times*, 17 Aug., p. 2.

Up to a certain point there is truth in this. If from the man who has only ten shillings a-week you take one shilling, he is probably put to greater inconvenience than the man who has 1000*l.* a-year and from whom you demand 100*l.* But why? Because in the case of the poorer man the tax trenches upon the actual necessities of life; upon the things which nature, not custom or convention, has rendered indispensable. If the tax spares actual necessities, the maxim no longer holds: beyond that point it is scarcely true that numerical equality is real inequality. One-tenth of each man's *superfluities* would seem to be no heavier tax on one man than on another, whatever may be the difference in their fortunes. And by *superfluities* we mean all that they possess beyond what suffices for the natural wants common to all mankind. Of artificial wants, created by fashion or habit, legislation can in this case take no cognizance; for if these be taken into the account, there are no such things as *superfluities*. Every class has its own standard of the comforts and indulgences necessary to its station; a standard proportional to its income, and usually determined by what that income is: and if, in deference to such conventional wants, the burthen of taxation were lightened upon any class, the sole effect would be to raise the conventional standard so much the higher.

Our plan therefore would be, to relieve the smaller incomes from direct taxation entirely, up to the income which might be deemed fully sufficient to satisfy those physical wants of a human being which are independent of habit and convention: to keep off hunger and cold, and provide for old age, and for the ordinary chances of sickness, or other inability to work. Having fixed this minimum for entire exemption, we would tax all permanent incomes exceeding this, in exact proportion to the excess. Thus, if 50*l.* a-year be the minimum, (we take the figures at random,) if it be deemed that any man, with a family such as all men might have without overstocking the labour market, cannot exist, free from physical discomfort, upon less than 50*l.*; incomes of that amount, or less, should be exempted from the tax, while all others should be taxed a certain percentage on whatever surplus they possess beyond 50*l.* If, for example, the tax were ten per cent., a man with 60*l.* a-year should pay out of the odd ten, one pound; the man of 100*l.* a-year, of the odd fifty, five pounds; the man of 1000*l.* a-year, of the odd 950, ninety-five. *This* kind of *graduated* property tax appears to us to be just, and no other. We would apply the same principle to incomes of temporary duration, such as those derived from the earnings of industry; with the reservation already made, that of leaving untaxed such portion of the income as ought to be saved to form the inheritance of descendants. If this portion be estimated at one-tenth,* the taxable part of the income of a professional man would be not the whole but nine-tenths only of the surplus which he earns beyond

*We assume this proportion only for facility of exemplification. What the real proportion should be, is matter of nice and careful consideration.

50l. a-year; upon these nine-tenths however we would levy the same per centage as upon income from a permanent source.

We would not, however, leave all incomes below a given minimum wholly untaxed; we are inclined to retain a few such taxes on luxuries, at any rate on stimulants, as might by possibility touch those lowest incomes. It is but just that the indulgence which we suppose the state to extend to a poor man, because all his income is required for actual necessities, should be contingent upon his really so expending it; and that if he thinks fit to encroach upon his own or his family's necessities, for the purchase of mere indulgences, he should contribute his share to the public revenue like the rest of the community. It is equally just that if the owner of a life income chooses to spend on his pleasures that proportion of his income which the state exempts from direct taxation, on the presumption that it is to be saved, he should, by means of that very expenditure, contribute indirectly to the necessities of the state, through taxes on consumption.

A.B.

197. FLOWER'S HYMN OF THE POLISH EXILES

EXAMINER, 17 FEB., 1833, P. 101

After the military revolt late in 1830 against Russian domination was put down in September 1831, the rebel leaders were exiled to Siberia; many other Poles took part in the "great emigration" of the 1830s to 1850s to France, Britain, and other countries. Mill's review of Eliza Flower's *Hymn of the Polish Exiles by the Siberian Sea* (London: Novello and Fox, 1833) indicates his political sympathies as well as his interest in music (he played the piano and composed airs for his own pleasure), and his continuing encouragement of the work of Miss Flower (see Nos. 112 and 155). The review, in the "Musical" section, is headed "*Hymn of the Polish Exiles by the Siberian Sea*; composed by the Author of 'Musical Illustrations of the Waverley Novels,' 'Songs of the Seasons,' &c. The words from 'The Charmed Sea,' a Tale, by Harriet Martineau." *The Charmed Sea* was No. 13 of the *Illustrations of Political Economy*, 9 vols. (London: Fox, 1833) by Harriet Martineau (1802-76), the prolific writer who was at this time contributing essays to the *Monthly Repository* for W.J. Fox. The "Hymn" that provided Flower's text is on p. 104 of *The Charmed Sea*. The review is described in Mill's bibliography as "A notice of Miss Flower's 'Hymn of the Polish Exiles' in the Examiner of 17th February 1833" (MacMinn, p. 25). In the Somerville College set of the *Examiner*, it is similarly listed ("Review" replacing "A notice") and enclosed in square brackets.

THE WORDS of this hymn or prayer, notwithstanding some faults, were not unworthy to be chosen by Miss Flower, as the vehicle of one of her inspired strains: and Miss Martineau, or any one else who writes with a meaning, may be congratulated on meeting with a composer who is able and resolved to make that meaning *felt*, even when the collocation and rhythm of the words renders this a

task of some difficulty. The skilful manner in which the unpleasant effect of a fault in the metre of the first line is obviated in the music, exemplifies our remark.

The air is an Adagio in C minor, terminating in a chorus, and its expression accords with the imploring, desponding, yet not despairing character belonging to the words and to the situation. The composer has shown her usual command over the resources of her art, both in respect to harmony and modulation. The concluding passage, "Give us our heritage again," is highly characteristic and beautiful. [P. 4.]

It is proper to mention that this composition, which, by the ordinary tricks of publishers, might easily have been spread over at least two sheets, is compressed into the compass of one.¹ It is *printed*, not engraved, and is sold for *one shilling*. We trust that this low price will be made up for by extensive circulation, and that the song will contribute largely to the diffusion of that sympathy with Polish heroism and misfortune, which may still administer consolation for the woes it cannot remedy.

198. THE MONTHLY REPOSITORY FOR MARCH 1833

EXAMINER, 17 MAR., 1833, PP. 164-5

This is the first of six eulogistic notices by Mill (see Nos. 200, 207, 214, 225, and 229) of the *Monthly Repository*, a journal founded in 1806 as a Unitarian organ but transformed under the editorship (1828 to 1836) of Mill's friend W.J. Fox into a wide-ranging journal of literature and politics. Mill himself had begun to contribute to the journal with "On Genius" in October 1832, followed by "What Is Poetry?" in January; he had nothing in the March number. The attack on marriage law in the notice may be compared with the contemporary essays on marriage by Mill and Harriet Taylor (*CW*, Vol. XXI, pp. 35-49 and 375-7). The review, in the "Literary Examiner," is headed "*The Monthly Repository for March 1833* [n.s. VII]. Edited by W.J. Fox"; the references are to this volume. The review is described in Mill's bibliography as "A notice in the Examiner of 17th March 1833 of the number of the 'Monthly Repository' for the same month, incl. [sic]" (MacMinn, p. 25). In the Somerville College set of the *Examiner*, it is listed as "Review of the Monthly Repository for March 1833" and enclosed in square brackets.

THIS VALUABLE PERIODICAL, though its reputation and influence are rapidly extending, has not yet made so much way among the general public, as it will when it is better known; chiefly, as we believe, from the impression that, although conducted by the least sectarian of all ministers of religion, it is still in some degree what it once was avowedly, the organ of the theological opinions of a sect. Mr. Fox, however, is well known as a man with whom religion is not a thing apart, an interest which supersedes and excludes all others, but one which

¹The one sheet is a folio, yielding four numbered pages.

heightens and purifies them; in whose estimation the duty of a christian man or of a christian teacher, is not to abstain from worldly concerns, but to pursue them in an unworldly spirit. With him, the temporal welfare of man and the eternal are not two objects conflicting and contradictory, but the first is part and parcel of the last; the last, but the prolongation and amplification of the first. Reversing the order in which commonplace divines present the two ideas, he holds, not that human beings will best perform their duty here by keeping the internal eye constantly fixed in mystical contemplation upon hereafter; but that whatever is best calculated to fit mankind for this world, fits them best also for the world to come.

It would be strange if under such editorship a work could be sectarian. The controversial theology which occupied a large part of the pages of the *Repository* under the former management, is now banished to a separate publication, the *Unitarian Chronicle*;¹ and the *Repository* has so completely divested itself of its original character, that the Unitarian Association, we are informed, have withdrawn their patronage from it; not from any disapprobation of its principles or tendencies, but on the declared ground that it is no longer a religious work.

A moral and political magazine, which in politics and legislation stedfastly advocates the principles of the philosophic reformers; which carries the same principles of really conservative reform through the whole range of social morality; and which, along with all that tends to improve the physical state and social relations of man, includes likewise in its comprehensive aim all that can elevate, refine, and beautify the individual mind; such a work ought not to be looked shyly upon by the general reader on suspicion of being sectarian, while it is losing the support of sectarians precisely because it is *not* so.

The most remarkable paper in the number which has just appeared—we might say one of the most remarkable which have appeared in any periodical for many months—is the recital, with its appropriate commentary, of an “ower true tale”²—the authentic history of the life of Mehetabel Wesley, a sister of the celebrated founder of Methodism.³ The writer has here given us the deeply affecting and most instructive narrative of the sufferings of a being formed to give and to enjoy happiness such as few are capable of, but whose life, from infancy till death, was a continued martyrdom. She was one of the most to be pitied of the victims of whom whole hecatombs have been and are sacrificed, first to a narrow and bigoted and chilling education, aiming deliberately to crush

¹*The Unitarian Chronicle and Companion to the Monthly Repository*, a sixteen-page sheet selling for 3d., lasted only until 1834, when the need for it was thought to have dissipated. It was directed for most of its two-year life by the Reverend Edwin Chapman.

²Scott, *The Bride of Lammermoor*, Vol. III, p. 111 (Chap. vii).

³William Johnson Fox, “A Victim,” pp. 164-77. Mehetabel Wesley (1697-1751), a poet of considerable talent, married William Wright, a London plumber, a coarse and brutal man. All her children died in infancy.

all independent exercise of the faculties whether of heart or of understanding: and next to a marriage-law, which, as at present constituted, is one of the worst of our social institutions—a law which permits the stronger party to evade with impunity every one of the essentials of the contract, while the misery of an ill-assorted union is left to press upon the weaker with unmitigated burden, and without a hope of relief, unless purchased by what the world have stamped as infamy.

Mehetabel Wesley had the misfortune “of being born into what is called a well-regulated family.” [P. 165.] After an animated description of the highly correct and respectable formalists whom she had the unhappiness to call father and mother,⁴ the writer proceeds as follows:

Under such auspices was the gentle, fragile, playful, lovely, loving, and sensitive Mehetabel Wesley ushered into the world. She sprang up like the chance seedling of a delicate acacia between the cold hard pebbles of a well-rolled gravel walk, in a square bedded garden, with its formal box and thorny fence, there to be trained, nailed up, and crucified to an iron frame, or a varnished brick-wall, and be tortured, chilled, and wither; beautiful even in her drooping and her death. Her first calamity was what there are too many who would still regard as the best of all possible educations. The industrious Mrs. Wesley, the paragon of moral and religious mothers, was soon hard at work upon her. The plans pursued are minutely detailed in a letter from the good lady herself, which is preserved as an almost infallible directory. It describes the law, order, and duty system, the fear, honour, reverence, and obey plan in its most complete developement. Every thing is summed up in submission; submission of heart, mind, and limb, in thought, word, will, and deed. [Pp. 166-7.]

Mrs. Wesley’s one thing needful⁵ in the education of children was to *conquer their will*.

To inform the understanding (we quote her words) is a work of time, and must proceed with children by slow degrees, as they are able to bear it; but the subjecting the will is a thing that must be done at once, and the sooner the better. [P. 167; Fox’s parenthesis.]

Not one suspicion that it is possible in education to *form* and *guide* the will through the agency of the affections, ever seems to have crossed the mind of this paragon of mothers.

We had marked for extraction a passage which not only all parents but all human beings should lay to heart—a protest, noble in thought and animated in expression, against this servile and brutalizing theory of education, the favourite theory even now of the ascetic school of religionists. [Pp. 168-70.] But *our* readers should be readers of this admirable paper in its original integrity, not in such fragments as space permits *us* to transcribe.

⁴Mehetabel’s mother was Susannah Wesley (1670-1742), who about 1690 married Samuel Wesley (1662-1735), Rector of South Ormsby and later of Epworth. They had nineteen children, ten of whom survived infancy.

⁵Luke, 10:42.

It was not, indeed, in the power even of Mrs. Wesley and her well-regulated family to crush the feelings, or altogether deaden the intellect of a being in whom "the spirit of love could not be quenched—it was in her very frame;" [p. 170] but what her wretched education *could* do to corrupt such a being it accomplished; it *did* pervert her opinions; it taught her that the subjugation of her own will, and the sacrifice of the entire happiness of her life to the arbitrary commands and to the noxious superstitions of others, was a *religious duty*. Here was the primary evil; in this lay the origin of "a costly wreck of thoughts, feelings, hopes, and capacities of enjoyment, which surely nothing in nature rendered necessary or unavoidable," [p. 170] and which needed not even *thus* to have been so utter and so hopeless, had not the institutions which pass for the highest and holiest safeguards of morality, predetermined that, for the most heart-withering of all miseries, though nature allows a remedy, law should allow none.

In the bitterness of a disappointment in love, she made a vow to marry the first man who offered himself to her. "A creature as low in mind as in condition, ignorant and grovelling," wholly illiterate and wholly unfeeling,—"a Caliban civilized into vulgarity by the pot-house, had the audacity to offer the violence of marriage to this Miranda, and her father compelled her to submit to the brutality. His enforcement of his daughter's vow in misery, was far worse than Jephtha's consummation of his own vow in blood." [P. 172.]⁶ The importunities of her whole family, who would have regarded the breach of this irrational vow as one of the deadliest of sins, prevailed over a will "effectually broken down" [p. 174] by the notable education of her notable mother, and she offered herself up as a sacrifice.

The victim is bound to the altar. A brand never to be erased marks her for the property of a brute. The truthful burst of agony from the lips of disappointed love was false in its form of expression, and superstition has made it a spell whereby to conjure up more vows, which are false in essence, and defy volition, which pledge her for ever to love the unlovely, and honour the dishonoured, and obey what there were immorality in not resisting. It is done; and the long train of hopeless years commence their lagging march through a world whose beauty should only echo the voice of joy and singing; a wretched procession, in tears and anguish, slow winding to the grave.—And this endured, or rather she endured, through the quarter of a century. It was only in the six and twentieth year of her suffering, that she was dismissed to tell Milton in heaven that his doctrine was still immoral upon earth. [P. 174.]⁷

For the greater part of that period "she lived in the hope of death." [P. 176.]

⁶The references are to characters (Caliban and Miranda) in Shakespeare's *The Tempest*, and to Judges, 11:30-1, where Jephtha's vow results in his daughter's sacrifice.

⁷The reference is to Milton's advocacy of divorce; see *The Doctrine and Discipline of Divorce* (1643), in *Prose Works*, Vol. I, pp. 342-76.

Well and truly does the writer say of this state of endurance, that "it cannot be read of or imagined without acute sympathy or irrepressible indignation." [P. 171.]

We will not weaken by any words of ours the impression which must be left upon all minds not utterly callous, by the lofty and moving eloquence of the concluding passage: a passage in which (as indeed in the whole article) the noble soul of the writer actually shines through his words.

Mehetabel Wesley was the victim, as woman is yet continually the victim, of bad education, perverted religion, and unequal institution. The finer the individual nature, the more costly is the sacrifice. The feeling, taste, mental power, and moral purity, which some of her poems, and many passages of her life indicate, are such as to prove her capability, in favourable circumstances, of ministering most largely to social improvement and enjoyment, and, at the same time, to individual happiness, and of having both blessings amply measured back into her own bosom. And all this was wasted upon one for whom a comely scullion, with not a thought above her avocation, would have been as satisfactory a companion, probably much more so, and would have received from him much better treatment. How is this? Her brothers would have said that it pleased Heaven sorely to try her; and that is true as far as it goes; but we rather think it also pleases Heaven to show by this, and similar examples, that the true morality, that which conducts to happiness, is not always correctly interpreted by society, not even by that portion of society which claims to be eminently religious. The restraint which crippled her faculties, the awful rod which made her an infant slave, was an immorality. This was the source of her own errors. The twig was twisted, and so grew the tree, though graceful even in its distortion. Her marriage was an immorality. So was her continuing through life in a sexual companionship where mutual affection was impossible; not that she was conscious of viciousness, but the contrary; she no doubt thought her misery was her duty. Ill fare the machinery that wrought the perversion and the suffering. For woman so situated there ought to be redress, open and honourable redress, in every country that calls itself civilized. Her situation was even worse than if she had committed that act which, by the law of Moses, would have subjected her to death by stoning;⁸ for then she might have been liberated from an enforced and intolerable bond, and even have entered on a new state, perchance of the affection and enjoyment for which she was framed. But her mind was enslaved; it had been scourged into the faith that she was a property, and not a being; her father had divorced himself for a twelvemonth; her husband probably did worse; but she never suspected reciprocity of right or equality of will. And they never suspected that there was degradation in the species of mastery which they arrogated. Savage man kicks and beats woman, and makes her toil in the fields; semi-civilized man locks her up in a harem; and man three-quarters civilized, which is as far as we are got, educates her for pleasure and dependency, keeps her in a state of pupilage, closes against her most of the avenues of self-support, and cheats her by the false forms of an irrevocable contract into a life of subservience to his will. The reason for all which is "that he is the stronger." And the result of which is that he often lacks an intelligent and sympathizing companion when most he needs one; a high-minded helpmate to cheer him in noble toils and bitter sacrifices; and a mother for his children who will take care that the next generation shall advance on the mental and moral attainments of the present. Truly he makes as bad a bargain as he deserves. [Pp. 176-7.]

⁸Deuteronomy, 22:20-4.

199. FRENCH NEWS [77]

EXAMINER, 31 MAR., 1833, P. 201

After a three-month gap, explained in his opening sentence, Mill here returns to French politics, though not on a weekly basis; his next summary, No. 204, was published five weeks later, on 5 May, as suggested in his concluding sentence. The article, headed "London, March 31, 1833," is described in his bibliography as "The summary of French affairs in the Examiner of 31st March 1833" (MacMinn, p. 25). In the Somerville College set of the *Examiner*, it is listed as "Article on France" and enclosed in square brackets.

WE HAVE DISCONTINUED of late our usual notices of French affairs, because all which has been doing in that country is so paltry, so devoid alike of any importance in the immediate result, and of any indication respecting the future, that we felt no inducement to record in our columns, in addition to the trivialities of our own country, the still smaller trivialities of another country, which, as foreigners, we have so little power of shaming into better things. The national subscription for M. Laffitte compels us to break our silence.¹ Here, at least, is a manifestation worthy of the better days of France. As the French have been more fortunate than ourselves in the number of their examples of eminent public and private virtue in high stations, so the generosity of their national character has been more conspicuously called forth in behalf of such in the time of need. M. Laffitte is now enjoying the highest reward, next to his own self-approbation, of a life of unsullied and consistent nobleness in all public relations, and of a beneficence as unbounded as it was judicious and considerate, in the employment of a large fortune. The announcement for sale of his splendid mansion in the street which bears his name, (owing to the loss of almost all his property by the commercial crisis consequent upon the Revolution of 1830,) has been the occasion for this testimony of affectionate gratitude, in which the many whom he has personally obliged, often to the extent of saving them from ruin, participate with all classes of his countrymen,—from the banker, M. Aguado,² with his munificent contribution of four thousand pounds, to the workman of the faubourgs with his one or two francs. The subscription bids fair, even in these times of apathy and discouragement, to rival that for the orphan children of General Foy.³

The French Government has declared its intention of convoking the Chambers

¹When Laffitte, early in 1833, put his property up for sale, a fund was established to forestall the sale of his Paris *hôtel*; in eight months more than 400,000 francs was raised.

²Alexandre Marie Aguado, marquis de Las Marismas (1784-1842), served as aide-camp to Soult in Spain, became a financier, getting his title from Ferdinand VII whose agent he was; he owned the *Courrier Français* at the opening of Louis Philippe's reign.

³For details, see No. 169, n5.

for a second session this year, in order to vote the budget of 1834, that the salutary practice may be resumed of voting each year's estimates in the year preceding.⁴ The present session is therefore likely soon to close; perhaps without having effected a single important legislative improvement: certainly without having passed a fifth part of the bills, on subjects of the first magnitude, which have been laid before the two houses. The ministry (if ministry it can be called, which is only the king and a set of clerks,) appears to have a firm hold of office: the chamber has no wish to turn them out, though it has given them several most unpalatable checks; by making serious alterations in some of their bills, refusing various money grants, and several times disallowing expenses which had been already incurred: these will doubtless be covered by part of the immense amount of secret service money which the Chamber complaisantly grants. When the prorogation takes place, we shall give a brief summary of the results of the session:⁵ they really are not worth an earlier or a more detailed notice.

200. THE MONTHLY REPOSITORY FOR APRIL 1833

EXAMINER, 14 APR., 1833, PP. 229-30

For the first of Mill's notices of the *Monthly Repository*, see No. 198. Mill's own "Writings of Junius Redivivus" was in the April number of the *Monthly Repository*. This review, in the "Literary Examiner," is headed "*The Monthly Repository for April* [n.s. VII]"; the page numbers refer to this volume. The review is described in Mill's bibliography as "A short notice in the Examiner of 14th April 1833 of the number of the *Monthly Repository* for the same month" (MacMinn, p. 26). In the Somerville College set of the *Examiner*, it is listed as "Notice of the *Monthly Repository for April*" and enclosed in square brackets.

THIS we think decidedly the best number which has yet appeared of Mr. Fox's excellent periodical. There is no one article in it of the surpassing merit which distinguished the affecting paper in the last number on Mehetabel Wesley;¹ but the general average is decidedly higher than in that number; none of the articles, perhaps, are without some kind or degree of merit and usefulness, and several are almost too good to be limited to the transitory and perishable existence of articles in a magazine. Among these we must include the paper on the life, character, and writings of Dr. Priestley, the last of three articles on the same subject, exhibiting

⁴A second session began on 26 Apr., the day after the first session ended, with the successful aim of passing the budget for 1834 (Bull. 106, No. 239 [expenditures] and No. 240 [receipts], both 28 June, 1833).

⁵See No. 204.

¹The article, by Fox, is praised in No. 198.

very considerable philosophical attainments and unusual skill in the analysis of character.²

There are many passages in this and other articles well worthy of extraction, but we prefer to copy out the following verses, which express feelings such as all poets must have expressed, with a perfect truth and yet with an originality of manner which marks, even in so slight a production, real genius:

TO KATHLEEN

Thou hast jetty eyes in brightness glancing,
Glossy ringlets in the free air dancing,
Cheek from rose to lily ever changing,
As thro' feeling's world thy thought is ranging.

Thou bringest gifts of Nature's fairest treasure
To those who reckon every flower a pleasure
Dewy darlings! exquisite creations!
E'en their shadows seem to have sensations.

Yet should beauty fade, and flowers wither,
I will bid thee ever welcome hither;
Though every charm beside were from thee parted,
Thou hast that best of all—thou'rt honest-hearted.

Then welcome, Kathleen, whatsoe'er thou bringest,
Welcome hither when this way thou wingest,
Not for eye, or cheek, or dewy blossom,
But the heart thou wear'st within thy bosom.³

201. FLOWER'S MIGNON'S SONG AND WHEN THOU WERT HERE

EXAMINER, 21 APR., 1833, P. 245

For Mill's previous notices of Flower, see Nos. 112, 155, and 197. This review is in the "Music" section, where it is headed "1. *Mignon's Song; or, A foreign sky above.* By the Author of the Musical Illustrations of the Waverley novels, &c. 2. *When thou wert here.* Ballad, composed by the same author. Both published by J. Alfred Novello. [London, 1833.]" The words to the second song are by Sarah Flower, Eliza Flower's sister. It is described in Mill's bibliography as "A short notice of two of Miss Flower's songs, in the Examiner of 21st April 1833" (MacMinn, p. 26). In the Somerville College set of the

²James Martineau, "On the Life, Character, and Writings of Dr. Priestley," pp. 231-41; the two previous articles had appeared in the January and February numbers, on pp. 19-30 and 84-8. For Mill's other laudatory comments on this paper, which influenced his associationist psychology, see *CW*, Vol. I, p. 591n, Vol. VII, p. 481, Vol. XII, pp. 236, 247, 258, and Vol. XVII, p. 1961. Martineau (1805-1900), a Unitarian divine, brother of Harriet Martineau, was writing on Joseph Priestley (1733-1804), the radical Unitarian clergyman and chemist.

³Anon., p. 251.

Examiner, it is listed as "Review of two of Miss Flower's songs" and enclosed in square brackets, with one correction: at 563.18, "related" is altered to "selected".

TWO BEAUTIFUL SONGS, worthy of the genius and taste of the composer. Like all her other works they strike less at first hearing than they delight on a more familiar knowledge.

The second will perhaps add most to the composer's musical reputation, being in a style more unlike her other compositions, and perhaps better calculated for general popularity. But the *Song of Mignon* is by far the most touching. This is not the well-known *Kennst du das Land*, which Beethoven, not very successfully, set to music, but an expansion and paraphrase of a shorter and still more affecting passage from the same work of Goethe.¹ It begins thus:

A foreign sky above
A foreign earth below me,
To the south I look all day—
For the friends who love and know me
Are far, far away! [P. 2.]

Words more adapted to musical expression never fell to the lot or were selected by the judgment of a composer. Miss Flower has entered fully into their spirit. The exquisitely pathetic close of the passage "the friends who love and know me are far, far away," is in the best style of Spohr,² one of whose loveliest passages it resembles, but without anything approaching to plagiarism.

202. THE BUDGET

EXAMINER, 28 APR., 1833, PP. 258-9

Though far from finished with French politics, Mill here reveals a growing tendency to concentrate on English affairs, as he did for the next five years, especially after the founding of the *London Review* in 1835. The details Mill mentions were given by Lord Althorp in introducing the budget on 19 Apr. (*PD*, 3rd ser., Vol. 17, cols. 326-39). This leading article in the "Political Examiner" is headed as title. It is described in Mill's bibliography as "An article headed 'The Budget' in the Examiner, of 28th April 1833" (MacMinn, p. 26). In the Somerville College set of the *Examiner*, it is listed as title and enclosed in square brackets (excluding the footnote), with two corrections: at 564.32

¹Ludwig van Beethoven (1770-1827) published his setting of Goethe's "Kennst du das Land" (Mignon's song) in 1810, as part of Opus 75, six songs for soprano and pianoforte. Goethe's "Nur wer die Sehnsucht kennt" (from which the translated passage comes) and "Kennst du das Land" are in *Wilhelm Meisters Lehrjahre* (1795-96), Vols. XVIII-XX in *Werke*, 55 vols. in 36 (Stuttgart and Tübingen: Cotta'schen Buchhandlung, 1828-33), Vol. XIX, p. 67 (Bk. IV, Chap. xi), and Vol. XVIII, p. 233 (Bk. III, Chap. i), respectively.

²Louis Spohr (1784-1859), violinist and composer.

“that when” is altered to “that the time when”, and at 565.6 “wisdom as” is altered to “wisdom and”.

THE POSITION OF A MINISTER who is able to propose taking off taxes, is a most favourable one: it is hardly possible for him to avoid being popular; whatever he proposes is sure to pass, and to pass with extraordinary facility.

Commutation of taxes is quite another thing; often fully as important as *abolition*, but always excessively difficult to accomplish.

As much harm may be done by raising the *necessary* amount of revenue in a bad way, as even by raising an extravagant amount. For instance, the taxes on paper, on pamphlets, on foreign books,¹ and on newspapers, impede the diffusion of knowledge;² the tax on soap operates against cleanliness; the taxes on insurance are direct discouragements to prudence; the auction-duty is, in most cases, a tax on distress;³ the malt tax⁴ and the excise, in all its branches, necessitates vexatious regulations, which render production troublesome and expensive, and prevent the introduction of improved processes, thereby taking far more out of the pockets of the people than the amount of the revenue afforded to Government. Many other taxes are objectionable on account of the great expenses of their collection. We speak not at present of those which are unequally assessed; bearing hard upon the poor or the middle classes, and lightly on the rich; such as almost all the stamp duties, and the house and window taxes.

Now, let a tax be bad to any excess, if, in taking it off, it be necessary to impose a new one, the measure is almost sure to be unpopular: there is far greater clamour from the newly-taxed than gratitude from the newly-relieved. The latter personage has usually been proclaiming his grievance to the four corners of the world for years before, and he considers its removal as a tardy act of justice, wrung from the Minister by importunity, obtained only because it could no longer be refused, and for which he makes quite a sufficient return of thankfulness if he cease complaining. The party, on the contrary, upon whom the new tax is imposed, resents it as a wrong of the deepest dye; resents the unexpected addition to his burthens, and resents, above all, that he should be called upon to pay more to the State in order that another may pay less.

What follows? This, surely; that the time when there is a surplus revenue, when taxes are to be absolutely remitted, not merely commuted, is an opportunity which should be eagerly seized for weeding out the worst taxes, and getting rid of them for ever. That is the way to retrench to most advantage. The nation saves the tax, and it saves two or three times the tax in the moral or

¹The most recent tax on foreign books was included in 6 George IV, c. 111 (1825).

²For details, see No. 177, n2.

³19 George III, c. 56 (1779), Sect. 5.

⁴See No. 301 for Mill's discussion of the malt tax, most recently regulated by 11 George IV and 1 William IV, c. 17 (1830).

economical ills which were produced by the particular taxes she is enabled to extirpate. When you can reduce taxation itself, then is the time to get rid of bad *modes* of taxation; by which, still more than by the mere amount, taxation is injurious.

Have the Ministers thought of this? Not the least; equally deficient in worldly wisdom and in any higher kind, they have positively accomplished the marvel of remitting a million of taxes without gaining one particle of credit from anybody. They might have so managed their remissions that the country would save far more than the revenue would lose; they *have* so managed them that the country will not save one farthing more, if even so much. Except the trifling duty on tiles,⁵ they have not abolished a single tax. They have pared off a little from one and a little from another; leaving the expenses of collection undiminished, and removing none of the collateral evils even of the taxes which are lowered. Does any one suppose, for instance, that a slight diminution of that most immoral tax—on marine assurances, will be of any avail while the greater part remains? The reduction of the duty on soap is partially an exception to this part of our censure, if, as Lord Althorp affirms, it will put a stop to the illicit manufacture; but this is still a problem. There is probably no one individual in the community who will feel in this reduction of taxes any sensible relief; who will be conscious of having five shillings in his pocket which he would not otherwise have had:—we mistake; we ought to except Mr. Warren, Messrs. Goss and Co.,⁶ and other frequent advertisers, who will grow rich upon even so small a reduction of the advertisement duty, especially if the plan be persevered in of making the reduction greater in proportion to the repetition of the same advertisement.⁷ The landlords, too, of the London shopkeepers may have reason to be thankful to Lord Althorp for an increase of their rents, if, as is by no means improbable, that portion of the house and window taxes which is to be remitted in favour of their tenants, will go into *their* already well-filled pockets.

A reduction, less called for than that of the extra tax on the importation of raw cotton, scarcely could have been found.⁸ Some nonsense was talked by Mr. Baring and others about the advantage of this remission to our export trade;⁹ but, surely, in cottons, if in any thing, we have little to fear from foreign rivalry; and besides, the duty might be (we believe it already is) drawn back on exportation.

⁵Repealed by 3 William IV, c. 11 (1833).

⁶Robert Warren, 30 Strand, maker of shoe blacking, and Goss and Co., 11 Bouverie St., purveyors of mail order cures for syphilis and debility of the nervous system; both advertised frequently in the newspapers. See, e.g., *Examiner*, 13 Jan., 1833, p. 32 (Warren), and *ibid.*, 20 Jan., 1833, p. 48 (Goss).

⁷3 & 4 William IV, c. 23 (1833); there was no reduction for bulk advertising.

⁸Reduced by 3 William IV, c. 10 (1833).

⁹Alexander Baring, Speech on Supply (19 Apr.), *PD*, 3rd ser., Vol. 17, cols. 351-9; and Robert Peel, Speech on Supply (19 Apr.), *ibid.*, cols. 342-6.

With the amount of remission which the Ministers had decided upon, they might have entirely abolished the stamp duty on newspapers, the taxes on fire and marine insurances, on pamphlets and foreign books, the auction duty, and perhaps the duty on soap. By equalizing the duties on foreign and colonial timber, which with their present large majority* they could surely accomplish, though a Tory manoeuvre defeated their former attempt to approximate to such an equalization,¹⁰ they might have raised, as has been shown again and again, an additional million on timber without any increase of burthen, and with that they might have dispensed with the tax on paper and the tax on bricks¹¹ or glass. By equalizing the house tax and fairly assessing the houses of the rich, they might have got rid of the window tax entirely. By equalizing the stamp duties they might have raised as large a revenue as at present with less pressure on the middle classes.

203. CONFISCATION SCHEME OF THE TIMES

EXAMINER, 5 MAY, 1833, P. 275

For Mill's earlier comments on property taxes, see Nos. 195 and 196. This article, responding to and quoting one in *The Times*, 2 May, p. 2, in response to the budget (see No. 202), is in the "Political Examiner," headed as title. It is described in Mill's bibliography as "An article headed 'Confiscation Scheme of the Times' in the Examiner of 5th May 1833" (MacMinn, p. 26). In the Somerville College set of the *Examiner*, it is listed as title and enclosed in square brackets (including the note).

THE TIMES is at the head of that class of brawlers for a property tax, who mean by it a tax on other people's property, exempting their own.

The *Times* has resisted all former projects of confiscation; but it is now identifying itself with perhaps the most audaciously unjust scheme of confiscation yet broached: a "property tax" to be levied on landholders and public and private creditors exclusively, and falling, as may easily be shown, upon the *present* landholders and the *present* fundholders, to the exclusion even of *future* ones.

But we shall allow this scheme of iniquity to speak for itself.

The object which, in common with a large body of the public, we had most at heart on this late occasion, was, that Ministers themselves, in accordance with the spirit manifested throughout the great towns, the capital, and the country, should have seized the tide at flood, and proposed, not resisted, the abrogation of the obnoxious imposts,

*In print before the division of Friday night. [In divisions on 26 Apr., the government lost by twenty-eight and ten votes (*PD*, 3rd ser., Vol. 17, cols. 689 and 716).]

¹⁰On 18 Mar., 1831; for earlier discussion, see Nos. 86 and 195.

¹¹Imposed by 34 George III, c. 15 (1794).

replacing them by a "property" tax. Now, with respect to this latter expedient of finance, as it has given rise to much controversy, and will be contested, we presume, during, at least, the present Session of Parliament, it seems to us most desirable to employ no terms in the designation of the tax that can be turned to the sinister end of raising artificial difficulties in the shape of causeless terror, or repugnance, or creating ambiguities susceptible of what determination artful partizans may by and by be pleased to give them, and thus unfairly disposing the minds of men to look at this great, equitable, and efficient measure as one fraught with oppression and iniquity. In one sense, and one only, a "property tax" and an "income tax" is the same thing, namely, *a tax upon the income derived from every species of fixed and realized property*. The question has been put forth in recent publications, as if a Property Tax must mean of necessity a tax upon landed and monied *capital*, however employed or circumstanced. This is not what we have ever deemed to be a true description of the tax, or an honest one, of such a tax as, in this commercial country, would ever be endured. To tax, generally, the capital engaged in active commerce, would be to fetter industry in all its branches, and to impede the progress of the merchant's or manufacturer's profits on their way to investment in some shape or other, under which they might be fairly made available to a tax on property. By a Property Tax, that Property Tax which, with all the casual inequalities inseparable from it, though we believe they have been much exaggerated, that the public may be discouraged from demanding it, with all these we have, nevertheless, more than once recommended, by that tax, our intention is, a per centage tax on revenue drawn from legally ascertained and secured *property*, whether land, buildings, or money at interest in the funds, on bond, or mortgage, in perpetuity, for a definite term, or for life. This is at once an "Income Tax," and a "Property Tax." But it is not a tax on profits, precarious or conjectural. It waits until the profits, whether professional or commercial, shall have been converted by investment into capital, to which they have a general tendency, as all streams have to the ocean. Nine-tenths of the outcry which was raised against the old Income Tax was because of its warfare upon the operations of commercial industry, and for what? For the sake of less than one-sixth of the produce of the tax. (*The Times* of Thursday last.)

The "equitable adjustment,"¹ while vindicated on the ground of the pretended change in the value of the currency, was honesty itself compared with this. The shallow attempt at fraud which lies in the words "*fixed and realized property*" is hardly worth the trouble of exposure. A has twenty thousand pounds with which he sets up a manufactory. B has other twenty thousand pounds which he has lent to A: B is to be taxed and A is to go free. Why, in Heaven's name? for what useful, for what honest end? Say, if you will, that the amount of A's property cannot be correctly estimated, or that the attempt to estimate it would be inquisitorial; (we believe that is the phrase;) these may be good reasons against laying the tax upon A; but they can be no reasons for leaving him and fastening upon B. If you will not endure to be taxed yourselves, gentlemen of the *Times*, that does not entitle you to tax other people who may not be so well able to evade the tax. This pretension of capital engaged in business, to be exempt from taxation because it may be taxed when it is withdrawn from business, is a

¹The phrase seems to have originated with William Cobbett; see the fifth measure proposed in "The Petition of the Nobility, Gentry, and Others of the County of Norfolk," *Cobbett's Weekly Register*, XLV (11 Jan., 1823), 80.

pretension almost worthy of the pampered selfishness of a hereditary Legislature. A tax is to be laid on the man who has saved, in order not to "impede the progress" of the man who is saving; the man who does *not* save remaining untaxed. The tax is not to fall on "profits," it is to wait until the profits are "converted by investment into capital;" capital belonging to a farmer, a manufacturer, a merchant, or a tradesman, not being, it seems, capital at all. By your good leave, gentlemen of the *Times*, the people of Great Britain will not allow those four denominations of persons to withdraw their necks from the burthen of taxation, throwing their portion of the public expenses upon other people. Depend upon it, whatever may be the case with the poor, the rich, at least, in the times that are coming, will be obliged to share and share alike. By their stupidity and rapacity they may succeed in weakening the security of *all* property; but let them rely upon this, that they will not be permitted to make scape-goats of any particular class of its possessors.

The proposers of this precious scheme cannot but be aware that being partial taxation, it is confiscation; but they probably are not aware that it would be a robbery of the *present* landholders and fundholders exclusively. If a tax of ten per cent. were laid upon the income from land and the funds, the price of both would, of course, fall ten per cent. immediately, and future purchasers coming in at the reduced price, would have an equivalent for the extra tax, they would bear no greater burthen than they did before. The measure, therefore, would amount simply to a seizure of one tenth of the land from the present landholders, and a cutting off one tenth of the funds from the present fundholders. It would be one of the most naked acts of spoliation recorded in history.*

204. FRENCH NEWS [78]

EXAMINER, 5 MAY, 1833, PP. 281-2

Referring back to his similar accounts in May 1832 (see Nos. 162 and 172), Mill here summarizes with even more distaste the French legislative session, which had begun on 17 Nov., 1832, and ended on 25 Apr., 1833. The article is headed "London, May 5, 1833." The entry in his bibliography covers this and No. 205: "The summary of French affairs in the Examiner of 5th and 19th May 1833" (MacMinn, p. 26). In the Somerville College set of the *Examiner*, this article is listed as "Article on France" and enclosed in square brackets, with seven corrections: at 569.4 "the year's" is altered to "the last year's"; at 569.19 the comma after "colonies" is changed to a semi-colon; at 569.37

*So far as the tax affected private creditors, it would fall not upon them, but upon their debtors; for the rate of interest would probably rise in proportion to the tax. If it did not, the mortgagees and all other creditors would instantly call in their debts, and either buy land or stock at the reduced prices, or become sleeping partners in some commercial or manufacturing establishment, by which process they would escape from this notable species of taxation.

“which” becomes “who”; at 570.4 a comma is added after “qualification”; at 570.11 “abide” becomes “abides”; at 570.29 the comma after “budget” is changed to a colon; and at 571.24 “this an” becomes “this once an”.

AT THE CLOSE of the last year’s Session of the French Chambers, we made an inventory of the important measures of legislative improvement which had been submitted to the consideration of those Assemblies during the Session, and contrasting the great quantity of business laid before them, with the little which they had got through, we concluded that the use of a Chamber of Deputies as at present constituted in France, is not to make laws but to prevent them from being made. If we thought this last year, what are we to think now? Compared with the Session which has just closed, that of the preceding year was a prodigy of activity and usefulness. The measures of legislative improvement either real or pretended, which have been passed into laws this Session are exactly *three*. One of these abolishes the bounties on the re-exportation of French colonial sugar, substituting a drawback equal to the duty on importation, a slight approximation towards the principle of free trade, with which the interests of the public treasury happened in this instance fortunately to coincide.¹ A short Act, in two short sentences, removed the political disabilities of free men of colour in the French colonies; and a third law gave to the slave-masters of those colonies the benefit of local representative assemblies, a privilege from which the slaves, who form the bulk of the population, will doubtless derive as great advantages and of the same kind as ours do in Jamaica.²

Two other Bills of far greater importance underwent a long and laborious discussion in the Chamber of Deputies, but the Session has terminated before either of them had even come on for consideration in the Chamber of Peers. One of these was a Bill for facilitating pecuniary arrangements with the owners of land required for public works, as roads, canals, and the like:³ a subject of great importance in France, where the multitude of small landed proprietors, their exorbitant claims of compensation, and the great delay and expense necessitated by the legal forms which must be gone through for compelling them to submit to a fair valuation, are obstacles to the improvement of the internal resources of France, often equivalent to an entire prohibition. The other Bill to which we allude, was one which public opinion has been demanding for the last fifteen years more urgently than any other single measure, the very question which turned out the Martignac Ministry. Its object was to render the departmental councils, who vote the local taxes and regulate the local affairs of the Departments (and who are now nominated by the Crown) elective bodies,

¹Bull. 95, No. 219 (26 Apr., 1833).

²Bull. 94, Nos. 215 and 216 (24 Apr., 1833).

³The bill was introduced on 12 Dec. (*Moniteur*, 1832, pp. 2137-8); it was reintroduced on 29 Apr. (*ibid.*, 1833, p. 1200), and was enacted as Bull. 107, No. 241 (7 July, 1833).

appointed by the suffrages of at least some portion of the people.⁴ This portion, in the Bill as presented by Ministers, was not to exceed 150,000 electors, out of a population of 33,000,000 of souls. The Chamber of Deputies, in this instance more liberal than the King and his Ministers, lowered the qualification, and increased the number of electors to about 300,000.⁵ Even *this* electoral body was, one might think, rather circumscribed. But so displeasing to the "powers that be" was even this slight symptom of a democratic spirit, that after the Bill, as amended, had passed the Chamber of Deputies, Ministers delayed introducing it into the Chamber of Peers for a whole month, with the premeditated design of not leaving time for it to pass. By the close of the Session the Bill is lost, and the arbitrary nomination of these taxing and legislating bodies abides with Louis Philippe for at least another year.

What then has the Session produced? Produced! It has produced money. Its results are the vote of an enormous budget,⁶ and an endless series of extraordinary votes of credit.⁷ Meantime the French nation is falling deeper and deeper into difficulties. The revenue falls short of the expenditure by a large annual deficit, which is annually supplied partly by new loans, partly by the sale of what still remains of the forests belonging to the State. The national debt has, we believe, doubled since the fall of Napoleon, and augments largely every year. Meantime the mockery of a sinking fund is kept up,⁸ between three and four millions sterling of new debt are annually contracted for the redemption of old; and this process of transfer from the right pocket to the left, dropping a part by the way, is still vaunted by French financiers as the acme of financial knowledge and skill. M. Laffitte, long the main support of this ridiculous and exploded juggle, with the candour which distinguishes him, publicly renounced his error in a speech delivered in the late Session.⁹

Immediately after the prorogation, the Chambers were called together for a fresh Session.¹⁰ The sole object of this second convocation is more money: another year's budget: and when that is obtained, as it will be (judging from

⁴The bill, which had first been introduced on 15 Sept., 1831, was lost in the session suspended because of the cholera epidemic. Resubmitted in revised form on 8 Dec., 1832, it was reported back on 5 Jan. (*Moniteur*, 1833, pp. 42-4). Its progress continued in the next session and it was enacted as Bull. 104, No. 235 (22 June, 1833).

⁵A new Art. 9 resulted from an amendment on 16 Jan. (*Moniteur*, 1833, p. 126).

⁶For the measures, see No. 150, n2.

⁷See, e.g., Bull. 81, No. 188 (15 Dec., 1832), and Bull. 85, No. 195 (20 Mar., 1833).

⁸For its origin, see No. 140, n3.

⁹On 27 Feb. (*Moniteur*, 1833, pp. 549-50).

¹⁰It began the very day after the prorogation of the first session, on 26 Apr., and continued until 26 June.

experience) very promptly and easily, the Deputies will be dismissed.¹¹ An alteration in the *réglement*, or standing orders of the Chamber of Deputies, fortunately enables the business which was commenced in one Session, to be taken up in the next at the point where it left off;¹² and since many of the Bills introduced in the late Session and referred to select Committees, had been returned from these Committees before the prorogation and are ready for immediate discussion, it is to be hoped that the interval which must elapse before the budget of 1834 can have passed through the same preliminary stage, will be employed in passing some of those important Bills. The Chamber has now at length begun to deliberate on the Bill for establishing an elementary school in every parish.¹³ Let it but adopt this, and it will have done more for the substantial interests of France and mankind, than any French Legislature since the Bourbons were restored.

One solitary *iota* of commendation is due to the conduct of the Chambers during the Session which is just ended: they did *not* pass the Bill which the Ministers introduced for establishing an Irish Coercion system throughout France.¹⁴ This praise belongs to the Chamber of *Peers*; who are a conservative body in the genuine sense, determined neither to allow of new good nor new evil. The Chamber of Deputies had not the opportunity offered them of either adopting or throwing out this Bill, but they seem to have been desirous of leaving no doubt which of the two they would have done if the option had been given; so at least we judge from their conduct to the responsible editor of the *Tribune* newspaper. They summoned him before them to be tried for a libel upon themselves, (he had called them *une chambre prostituée*,) and having for this once an opportunity of being judges in their own cause, availed themselves of it to wreak upon poor M. Lionne, by the severest sentence consistent with the law, the accumulated vengeance due to the repeated refusals of Paris juries to assist by their verdicts in putting down the liberty of the press.¹⁵

¹¹Mill's prediction was fulfilled; when the budget (Bull. 106, Nos. 239 and 240) was approved, the session was prorogued.

¹²Salverte's proposal (see No. 132) had finally been adopted by the Chamber of Deputies on 31 Dec., 1832, as *Règlement relatif à la reprise des travaux législatifs interrompus par la clôture des sessions* (*Moniteur*, 1833, p. 6).

¹³For earlier discussion, see Nos. 126 and 187, n6. The bill, after being promised in the Throne speech on 19 Nov., 1832, had been introduced on 31 Dec. (*Moniteur*, 1833, pp. 15-16); the repeated delays account for Mill's frustrated tone.

¹⁴The *Projet de loi relatif à l'état de siège* of 10 Dec. (*ibid.*, 1832, pp. 2118-19) was sent back to the commission (i.e., rejected) on 18 Feb. (*ibid.*, 1833, pp. 425-30).

¹⁵The issue of *La Tribune* for 14 Mar. had been seized "comme excitant à la haine et au mépris du Gouvernement" (*Moniteur*, 1833, p. 703); in *La Tribune* of 2 Apr., p. 1, Lionne had written: "O le bon billet de La Châtre que nous donne là cette Chambre prostituée!" He was sentenced to three years in prison and 10,000 francs fine (*Moniteur*, 17 Apr., 1833, p. 1080).

205. FRENCH NEWS [79]

EXAMINER, 19 MAY, 1833, P. 313

For the context and entry in Mill's bibliography, see No. 204. The item, headed "London, May 19, 1833," is listed as "Article on France" and enclosed in square brackets in the Somerville College set of the *Examiner*.

THE EDUCATION BILL has passed the Chamber of Deputies, and will probably pass into a law this Session.¹ It will establish one or more elementary schools in every *commune*; (township or village;) a school of a somewhat higher order in every town containing 6000 inhabitants; and a number of *normal* schools for the education of schoolmasters to teach in those local institutions. The plan is an imitation of some parts of the admirable arrangements of the Prussian Government for the education of its subjects.² Once introduced, it can scarcely be so ill-managed as not to be a most substantial benefit to France.

The Chamber is now winding its way through a long and intricate Bill for more precisely determining the powers and duties of the municipal or communal assemblies,³ which, by virtue of a law passed two years ago,⁴ are chosen by something approaching to popular election. If the Chamber of Deputies and the Departmental assemblies were chosen by as large a body of electors as the councils for managing the local affairs of the *commune*, France would have little to complain of in regard to the substantial reality of her representative government.

After these two laws come the money bills; and with them the Session of 1833 will close. The Budget now about to be discussed differs from that recently voted in this, that it professes to propose no new loans.⁵ It takes 20,000,000 of francs (800,000*l.*) from the sinking fund, by cancelling redeemed stock to that amount. It takes two or three millions more (millions of francs) from the same source, for the purpose of public works, by bringing a further portion of redeemed stock again into the market; which, though not called a new loan, is really such, but to no very large amount. It is proposed to raise 20,000,000 (800,000*l.*) more, by increased taxation on the already overburdened article of

¹For details, see No. 204, n13.

²See No. 126, n10. The full text of Victor Cousin's *Rapport sur l'état de l'instruction publique dans quelques pays de l'Allemagne, et particulièrement en Prusse* had appeared early in March 1833.

³For its introduction, see No. 187.

⁴For earlier comment, see No. 76.

⁵Projet de loi relatif à la fixation du budget des dépenses de l'exercice 1834, introduced on 29 Apr. (*Moniteur*, 1833, p. 1204). For the earlier budget, see Nos. 150, n2, and 204, n11.

wine.⁶ By these means, and by a small reduction of the enormous army, the deficit is to be, as they phrase it, *comblé*; filled up and made level.

The Duchess of Berri has simultaneously produced a daughter, and a lawful husband in the person of a Neapolitan Count, named Hector de Lucchesi-Palli.⁷ The poor Carlists find it best to deny the whole story. It is all, they pretend, an imposture got up by the Government.

206. BEOLCHI'S SAGGIO DI POESIE ITALIANE

EXAMINER, 26 MAY, 1833, p. 326

Mill here calls attention to a fellow radical, Carlo Beolchi (1796-1867), who was exiled for his part in the Piedmontese revolutionary movement, and taught Italian in London. The review, in the "Literary Examiner," is headed "*Saggio di Poesie Italiane, scelte da Carlo Beolchi, LL.D. Con notizie intorno alla vita ed alle opere degli autori.* Rolandi, Berners-street. [1833.]" This is the 2nd ed.; the 1st ed. (London: Rolandi, 1825) was entitled *Saggio della poesia italiana*. It is described in Mill's bibliography as "A short notice of a selection of Italian Poetry by Signor Beolchi, in the Examiner of 26th May 1833" (MacMinn, p. 26). In the Somerville College set of the *Examiner*, it is listed as "Notice of Beolchi's Saggio di Poesie Italiane" and enclosed in square brackets, with one correction: in the heading "auiori" is corrected to "autori".

THIS LITTLE SELECTION of Italian poetry deserves to be recommended for this reason—that Mr. Beolchi has not, as such compilers generally do, contented himself with reprinting poems and passages of poems, which every one is familiar with, but has chosen for himself; selecting in preference the less known and less hacknied productions of the various writers. He has also included in his choice, specimens of the best Italian poets of the present age, some of whom are not unworthy of the better times of their country: Manzoni, Monti, Foscolo, Pindemonte, Rossetti, and others.¹

⁶For the proposal, see *Moniteur*, 1833, p. 1204.

⁷The Duchess had finally been arrested. While she was in prison, the revelation that she was pregnant had caused a scandal, fanned by the Government. A daughter, Anne Marie Rosalie Lucchesi-Palli, was born on 10 May (she lived only until 8 Nov.). In June, the Duchess was released to return to Italy and to Hector (Ettore) de Lucchesi-Palli (1806-64), a Sicilian nobleman, who had served in the Neapolitan diplomatic service, to whom she had claimed to have been secretly married.

¹Alessandro Manzoni (1784-1873), author of the romance, *I promessi sposi*, and two tragedies, *Il conte di Carmagnola* e *l'Adelchi* and *Degl'inni sacri*; Vincenzo Monti (1754-1828), translator of Homer's *Iliad* and author of *Proposta per la riforma del dizionario della Crusca*; Ugo Foscolo (1778-1827), author of the novel, *Ultime lettere di Jacopo Ortis*; Ippolito Pindemonte (1753-1828), author of *Poesie Campestri* and translator of Homer's *Odyssey*; Gabrieli Rossetti (1783-1854), Carbonaro, refugee in London, Professor of Italian at King's College, London, author of *La potenza di dio*.

207. THE MONTHLY REPOSITORY FOR JUNE 1833

EXAMINER, 16 JUNE, 1833, PP. 372-3

The third of Mill's favourable reviews of Fox's journal (see Nos. 198 and 200) contains interesting material relating to his theory of poetry. Mill had nothing in this number of the *Monthly Repository*, but his "Alison's History" appeared in two parts in the numbers for July and August. The review, which appeared in the "Literary Examiner," is headed "*The Monthly Repository for June* [n.s. VII]. (Edited by W.J. Fox.);" the page references are to this volume. The article is described in Mill's bibliography as "A notice of the Monthly Repository for June 1833, in the Examiner of 16th June 1833" (MacMinn, p. 32). In the Somerville College set of the *Examiner*, it is listed as "Review of the Monthly Repository for June" and enclosed in square brackets, with one correction: at 574.28 "as" is deleted in "occasions; as it".

AN EXCELLENT NUMBER of an excellent work. Each article deserves a separate commendation, for each has its own merit and its own interest; and there is more than usual variety both in the subjects and in the treatment of them. The article which contains most wisdom, as well as beauty, is ostensibly a description of scenery, under the quaint title of *Local Logic*;¹ and it indeed *proves* many things; but chiefly, what perhaps the writer least thought of, that the highest beauty is not that which is received *from* the object, but that which is given to *it* by the perceiving mind: that—(as Pope says)—

—the difference is as great between
The optics seeing as the objects seen.²

It is the poetry of description and the philosophy both in one; because the description is only the outward part, the inward is the feelings and the thoughts of a highly sensitive and reflecting mind. These feelings and thoughts are the soul, the scenery described is the body, which gives impressions to the soul but receives them back tenfold. The wisdom is not in sentences and maxims equally fit for all occasions; it admits not of being *extracted*; it pervades the whole, and shines through from beneath the surface, but no more admits of being detached from its external vesture, than the flesh from the skin.

Among the other articles we would notice particularly a paper on Miss Martineau's tale of *The Parish*, in which the writer takes up the cause of that lady against her reviewer in the *Edinburgh Review*.³ We have seldom read any article more characteristic of Whiggery, of the *Edinburgh Review* itself, and of the

¹W.J. Fox, "Local Logic," pp. 413-26.

²Alexander Pope (1688-1744), "Epistle 1," ll. 31-2, of *Moral Essays*, in *Works*, ed. Joseph Warton, *et al.*, 10 vols. (London: Priestley and Hearne, 1822, 1825), Vol. III, p. 178.

³In "Poor Laws and Paupers," pp. 361-81, W.J. Fox defends Harriet Martineau's *The Parish: A Tale* (No. 1 of *Poor Laws and Paupers Illustrated* [London: Fox, 1833]),

juste-milieu respectability spirit in general, than that same Whig article on Miss Martineau. With some just and some unjust criticism on the details of her various performances, the aim and purport of the article on the whole was to intimate to Miss Martineau, in as many and as various forms of words as the writer could, that she was and should be reputed a very clever, meritorious, indeed extraordinary person, provided always she would submit all her opinions to the previous ordeal of Whig wisdom; that it is a very fine thing in a woman to write, and write with earnestness, on politics and morals, so long as all she writes in politics is strictly Whig, and in morals strictly common-place, but vastly shocking if she writes anything else. Every approach to free, vigorous, far-reaching thought which we recollect to have seen in Miss Martineau's *Illustrations*, her Edinburgh reviewer, with scarcely an exception, singles out for special animadversion; and reads a succession of solemn, prosing, good-natured lectures to one who is at least as well-qualified to lecture *him*; and who in the long run will be by many degrees the more successful lecturer, for the time is no more when the ballast of society was too ponderous for its quantity of sail.

Our friend "Junius Redivivus" has two able papers in this number,⁴ and the *Autobiography of Pel. Verjuice* is full of mournful truths on education and society as they now are;⁵ and as such writers as the Edinburgh reviewer would for ever keep them, not from evil intention, but from a most plentiful lack of intellectual audacity and comprehension of mind.

208. THE BANK CHARTER BILL [1]

EXAMINER, 30 JUNE, 1833, P. 409

This is one of three items on the renewal of the Bank of England's Charter (see also Nos. 209 and 212). The Bank had been established in 1694 (5 & 6 William and Mary, c. 20); its most recent Charter, that of 39 & 40 George III, c. 28 (1800), was due to expire on 1 Aug., 1833. The Bank's original monopoly had been curtailed by the allowing of

against the attack in William Empson's "*Illustrations of Political Economy: Mrs. Marcet—Miss Martineau*," *Edinburgh Review*, LVII (Apr. 1833), 1-39. Empson (1791-1852), a major contributor to the *Edinburgh*, was a professor at the East India College at Haileybury.

⁴"Proposal for a National College of Language" (pp. 381-92) and "On the Conduct of the Police at the Late Meeting" (pp. 426-37), by William Bridges Adams ("Junius Redivivus") (1797-1872), an engineer and ingenious inventor as well as political writer, who married Eliza Flower's sister, Sarah, in 1834. (For Mill's reviews of his writings, see *CW*, Vol. I, pp. 367-90.)

⁵Charles Reece Pemberton, "Autobiography of Pel. Verjuice," pp. 392-403. This was Chap. ii; Chap. i had appeared in May, pp. 323-39; and other chapters followed, pp. 475-88, 529-45, 623-44, 691-705, 816-29, and n.s. VIII (Jan. 1834), 21-39 (see Nos. 214, 225, and 229).

joint-stock banks (i.e., banks with more than six partners) of deposit and issue, located farther than sixty-five miles from London, by 7 George IV, c. 46 (1826); the main question now was whether the Bank's partial monopoly was to be prolonged. Mill here refers to the "Resolutions proposed by Lord Viscount Althorp, in the Committee on the Bank Charter" (31 May, 1833), *PP*, 1833, XXIII, 299-300, and to Althorp's outline of the ministry's further plans. The debate, in which Colonel Torrens moved that consideration of renewal be postponed until the next session, began on 28 June, and continued on 1 and 3 July (*PD*, 3rd ser., Vol. 18, cols. 1306-53, 1361-1408, and Vol. 19, cols. 82-110). The brief unheaded note is described in Mill's bibliography as "A paragraph on the Bank Charter Bill, in the Examiner of 30th June 1833" (MacMinn, p. 32). In the Somerville College set of the *Examiner*, it is listed as "Paragraph on the Bank Question" and enclosed in square brackets.

THE SCHEME OF THE MINISTERS with respect to the renewal of the Bank Charter is full of crudities, and rests on no rational basis of principle.¹ As there is nothing in the nature of the question which presses for a speedy decision, it would be wise in Ministers to pass a temporary Act for continuing the existing system one year longer, and employ part of that time in a reconsideration of the subject, with the advantage of the discussions which their plan now, when promulgated, cannot fail to engender.—We shall return to this topic next week.

209. THE MINISTERIAL MEASURE RESPECTING THE BANK

EXAMINER, 7 JULY, 1833, PP. 417-18

Mill here redeems the promise in No. 208 (*q.v.*), though he seems not to have been proud of his performance, for he wrote to his friend J.P. Nichol on 10 July that "the article was superficial, and could not consistently with its purpose be otherwise" (*EL, CW*, Vol. XII, p. 167). He is commenting on the "Bill for Giving to the Corporation of the Governor and Company of the Bank of England Certain Privileges, for a Limited Period, under Certain Conditions," 4 William IV (5 July, 1833), *PP*, 1833, I, 69-76, eventually enacted as 3 & 4 William IV, c. 98; it had received first reading on 5 July. The leader, which appeared in the "Political Examiner," headed as title, is described in Mill's bibliography as "An article headed 'The Ministerial Measure respecting the Bank' in the Examiner of 7th July 1833" (MacMinn, p. 32). In the Somerville College set of the *Examiner*, it is listed as title and enclosed in square brackets, with three emendations: at 577.31 "opinions" is altered to "opinion"; at 582.7 "lest" is changed to "last"; and at 582.10 "fact" is changed to "part". The second of these is clearly an inaccurate correction, and we have given "least" as what the sense requires.

THE PROPOSED MEASURE for the renewal of the Bank Charter is a specimen of the sort of legislation to be expected from the sort of men by whom, for want of

¹The scheme's main provisions, apart from the geographical limitation on joint-stock banks, were to allow new joint-stock banks only by charter, to make Bank of England notes legal tender and induce country banks to use them, to require the Bank to publicize quarterly the amount of bullion and number of notes in circulation, and to exempt the Bank from the 5% interest limit, in respect of bills of less than three months.

better, the instrument of Government is likely for some time longer to be wielded. In one respect, the reputation of Ministers ought to benefit by it. Those who have been accustomed to see in the timid, vacillating, and truckling policy of the present Administration, evidence of *intentions* hostile to the interests of the community, may incline to a more charitable judgment on seeing them exhibit, even on a question like this, where their greatest enemies cannot suspect them of any undue bias in point of interest, exactly the same kind of mental incapacity; no power of grasping any principle; no attempt to ground their proceedings upon any comprehensive, even though false, views; no appearance of understanding the subject, or even of thinking they understand it; nothing contemplated which rises to the dignity of even a half-measure—only quarter and half-quarter measures; a little scratching on the surface of one or two existing evils, but no courage to attempt their excision, because there has been no vigour or skill to probe them to the bottom. It is only in points of comparative detail that even the tendency is towards improvement; the general system of our currency, so far as altered at all, is to be altered for the worse; the exclusive privileges of the Bank of England are to be even extended.

From the tenor of the evidence delivered before the Parliamentary Committee of last Session,¹ joined to the fact that the Committee was not reappointed to hear the *other* side of the question this year, it was probable that Ministers had made up their minds, (as far as minds like theirs are ever made up,) to maintain the Bank monopoly unimpaired, at least in the leading point of being the sole bank of issue in the metropolis. They appear to have been wholly governed by the authority of the London bankers, who had the natural prejudice of practical men in favour of the system under which they had thriven, and against changes which would raise up powerful rivals to themselves. Even able and honest men are apt to confide too exclusively in the modes of transacting business with which they are familiar, and the securities on which they have been accustomed safely to rely; they do not learn all at once to have equal trust in other though perfectly effectual securities, nor even in the same securities when the circumstances are apparently different. The opinion of the London bankers in favour of the Bank monopoly does not appear to us to be the result of argument. If they had given no reasons whatever it might have been supposed they had excellent ones to give; but since they *have* given reasons, if those reasons are mere assumptions, it must be supposed that they had a predisposition, (though, we are convinced, in the case of some of them, a perfectly unconscious one,) in favour of the conclusion they have arrived at; and that the merit of their argument, like that of a jest, lies “in the favour of him that receives it.”²

The principal reason assigned, the only one upon which any stress is laid, is

¹Report from the Committee of Secrecy on the Bank of England Charter, *PP.* 1831-32, VI, 1-699; see, e.g., pp. 234-5.

²Cf. Shakespeare, *Love's Labour's Lost*, V, ii, 861-2; in *The Riverside Shakespeare*, p. 211.

the danger of competition. If banking was free, and bankers striving against each other to put forth their notes, there would be over-issue. But why? Tell us why? In all other branches of business competition is the great *preventive* and *corrector* of excess: the greater the competition the more accurately is the supply proportioned to the demand. If the markets of London were supplied with provisions by one single dealer, or one single company of dealers, there would be frequent over-supply and frequent deficiency. Every blunder, every miscalculation of a single individual would inflict upon the town one of these evils or the other. If there were two dealers, or three, and no more, they might all chance to miscalculate the same way. But there is so great a number, that their mistakes neutralize one another, and the markets are consequently supplied with a regularity and an equality, which the foresight of the ablest man, or body of men, could not make the most distant approach to; accident seems to have lost its powers over this portion of human affairs; there is no fluctuation, except where there is rational cause for it.

We have never heard any argument to show that the currency of London could not safely be supplied by private bankers, which would not also show that the food of London cannot safely be supplied by private dealers. If London had always hitherto, like a town in expectation of a siege, been victualled by the Government, what a clamour would be raised when the first proposal was made of trusting to private interest for the supply! Every man of routine would prophesy the utter failure of the plan; would predict that the metropolis would one day be left without food, that another day food would be brought to market in such quantities that it would spoil before it could find a purchaser; the subsistence of a million and a half of people would be declared too vast a concern to be managed by private hands, too all-important to be risked upon the faith of theories. These fears, anterior to experience, would not have been altogether so absurd as they seem: but with this experience, trusting with the steadiest confidence to competition for our food, it is strange we should think ourselves unable to trust to it for our circulating medium.

But let us grapple with this question somewhat more closely. It would be the interest of private bankers to put forth a super-abundance of paper and depreciate the currency. What then? Such is also the interest of the Bank of England. In order to make it *not* the interest of the Bank of England, that body is required to pay its notes in gold, in order that when they become depreciated, they may be brought back to the Bank, and gold demanded in exchange. This security is either sufficient or it is not:—if not, we are liable to depreciation from the Bank of England; if it *be* sufficient, the same obligation to give gold for their notes will operate with the same efficacy as a restraint upon private bankers.

It is supposed that if competition were allowed, every bank would strive to fill the entire circulation with its own notes: that each would attempt to put forth as much paper as if itself were the sole bank of issue; hoping that while itself

derived all the profit, its rivals would bear a share of the subsequent loss, as the run for gold, occasioned by depreciation, would probably affect *all* the banks, not that alone whose over-issues had occasioned it. We state the argument as strongly as it can be stated; much more strongly than it is commonly put by those whom we are supposing to be influenced by it.

Our answer is, that after the first rush consequent on the removal of the restriction was over, and the supply of the circulation had divided itself among the various banks according to the extent of their connexions, and of the credit reposed in them, they would be very cautious of extending their issues unless to fill up a gap in the circulation produced by the discrediting of a rival bank, or unless the state of the money transactions of the country was such as admitted of an increase of the currency without depreciating it. If one of the banks commenced an imprudent extension of its issues, the other banks would be immediately warned of the fact by the increased number of its notes which would come into their possession in the course of trade; and they would immediately return those notes on the hands of the issuers in exchange for gold. Indeed this would be done, even without any express design on their part, the very first day, by the ordinary operations of the clearing-house. It is well known that the London bankers every afternoon pay over to each other the cheques drawn upon any one of them which have been paid into any other house during the day, and receive or pay the differences. If they were banks of issue they would at the same time, and in the same manner, interchange their notes as well as cheques. Consequently if any one bank had increased its issues while others had not, more of its notes would be returned to it at the clearing-house, than would be balanced by the notes of other banks paid into itself, and it would be called upon to pay the difference in cash that very day. The check would, therefore, operate instantaneously.

This is not only a necessary conclusion from the theory of the subject, but is borne out by specific experience. The Scotch banks, which, as every one knows, are the most stable banking establishments in the world, actually *do* exchange their notes in this precise manner; and the consequence is that there is nothing like the dreaded struggle of rival banks to supplant one another, but each rests satisfied with the share of the circulation which custom has assigned to it. The system, however, altogether prevents the existence of any bank of doubtful credit. No such bank exists, or has existed, except in one or two instances and for very short periods, in all Scotland for the last hundred years.

The arguments, therefore, of the supporters of the Bank monopoly are equally in contradiction to the reason of the case and to the most obvious and particular experience on the very point.

An exclusive privilege of issuing paper-money, given to such an establishment as the Bank of England, is altogether an anomaly. Either the regulation of the currency may safely be left, under the security of convertibility, to the private

interest of the issuers, or, if not, it is part of the business of Government, and should be under the control of a responsible Minister. The common notion seems to be, that if the issuers look only to their own interest they will best consult that by over-issue; and that it is necessary the currency should be every now and then tampered with on some principle of public policy. But if this were true, there could not be a more unfit body to be entrusted with absolute power of regulating the currency, than a private irresponsible company. We must have the security of private interest or the security of responsibility, one or the other; if we cannot trust to the former, we must be fools to let ourselves be jockeyed out of the latter. If issuing paper-money must be a public trust, it should be vested in a public functionary, who ought to be liable to displacement if he prove incompetent, to punishment if he neglect or violate the duties of his office.

Our own opinion is, that the interest of the issuers of notes when obliged to pay them in gold on demand, is identical with the interest of the public, and that by taking their measures prudently for their own interest, they are providing effectually against over-issue and all other dangers. We would, therefore have banking free. It is desirable, certainly, to secure to the public the largest possible share of the profits arising from the substitution of the cheaper for the more costly medium of exchange. This, however, might be accomplished, as it is to a certain extent even at present, by a stamp duty on bank notes.³ This duty we would raise as high as it would bear. We would then remove all restrictions on the establishment of banking partnerships, and would even allow the formation of joint-stock banking companies with limited responsibility, provided a certain large amount of capital was first paid up. With the example of Scotland before us, we can feel no doubt that the formation of safe banks would drive all unsafe ones out of the field, and that the failure of a bank would soon become as unheard of an event on this as it is on the other side of the Tweed: ultimately, therefore, the issue even of one pound notes might, as in Scotland, take place without any danger; but in the mean time we would even, if necessary, prohibit all notes below ten pounds, in order to confine the circulation of paper to those classes who may be trusted to judge for themselves of the solvency of a bank.

With this proviso we should have no apprehension of the effects of allowing the issues of paper money to be as free as that of bills of exchange. We should as soon dream of giving to one establishment a monopoly of the latter kind of security as of the former.*

³Imposed by 31 George III, c. 25 (1791).

*It is characteristic of the little attention paid to these subjects by all except those who are privately interested in them, that all the periodical publications of any importance, with one exception, have either taken part with the monopoly or been silent. The exception to which we allude is *Tait's Magazine*, which has furnished the only refutation we have yet seen in print of the arguments for the exclusive privilege of the Bank. That work, which ranks high in so many other respects for ability and right principles, stands

The tendency of the Ministerial measure is "clean contrary." The Bank of England is not only to remain the only bank of issue in London, but the wish of Government is that it should progressively become the issuer of paper for the whole country. With this view it is proposed to permit the formation of joint-stock banking companies, with limited responsibility, on condition that these companies shall not issue paper of their own, but transact all their business with the notes of the Bank of England. As these banks would probably, by the greater confidence of the public in their solvency, drive all or most of the present country bankers out of the field, Bank of England paper would wholly or in great measure supersede all the existing country paper. What advantage Lord Althorp anticipated from this substitution his Lordship omitted to inform us; but it is easy to see one obvious and inevitable disadvantage—a great increase of forgery. A country note never circulates beyond the neighbourhood of the issuers, and forged notes are presented for payment, or come into the bankers' hands as deposits so very speedily that it is almost impossible to throw many of them into circulation without being detected. But if Bank of England notes were the common circulating medium of Cumberland or Cornwall, the forger might continue his operations for months before a forged note passed into the hands of any one who could detect the forgery.

Lord Althorp has announced that for the present at least he will not press that part of his plan on which we are now remarking.⁴ He has not changed his opinion, but he candidly confesses that the country bankers are too strong for him, and that he cannot carry it. Along with the evil of this part of the project, we are therefore to be deprived of the good. The principle of permitting the formation of joint-stock companies for banking is for the present abandoned.

For the continuance of the Bank monopoly, so far as respects the issue of notes, there was at least a colour, a semblance of reason; men who had paid attention to the subject had advocated that side of the question. But what excuse, what pretext is there for continuing the exclusive privileges of the Bank of England as a bank of mere *deposit*? Would it have been credible a few years ago that *any* Ministry would have had the folly, or the boldness, to propose the renewal of the prohibition on the formation of banks with more than six partners,

quite alone among the periodical works of the day in the general soundness and depth of its Political Economy. ["Ministers and the Bank Charter," by William Tait (1793-1864), the proprietor and editor, appeared in *Tait's Edinburgh Magazine*, II (Mar. 1833), 753-4. Mill's own contributions to *Tait's* included "The Currency Juggle," II (Jan. 1833), 461-7 (*CW*, Vol. IV, pp. 181-92), which concludes with an editorial reference to "free trade in banking" as expounded in the series by Henry Brooke Parnell (see No. 217, n12), "The Bank Charter," *Tait's*, I (June 1832), 291-314; (July), 386-8; (Aug.), 559-620; and (Sept.), 664-5.]

⁴In his speech on the Bank Charter (3 July, 1833), *PD*, 3rd ser., Vol. 19, cols. 82-3, Althorp withdrew all that part of his proposals relating to country banks.

in London and 65 miles round it? Amidst so much cant about making banks secure, here is a law for the express purpose of making them insecure. Who that remembers Lord Liverpool's letter to the Bank in 1826,⁵ and the warning he gave them of the little reason they had to expect any further prolongation of their monopoly after the expiration of their present Charter, could have believed it possible that a reforming Ministry, a Ministry the professed enemy of monopolies, would have proposed the renewal of even the least atom of the Bank monopoly, even that part of it for which no human being, instructed or ignorant, has yet ventured to utter one word of defence?

The importance of that part of the Ministerial measure which permits the country-bankers to pay their notes in Bank of England notes instead of specie, appears to us to have been greatly exaggerated both by its supporters and by its opponents. If the monopoly of the Bank is to be continued, we should, perhaps, approve of this provision. Considered as a further extension of the privileges of that body, we view it with decided disapprobation.

But what shall we say of the grandest improvement of all, the publicity of the Bank issues? When convertibility is secured, the greatest additional security which can be given to the currency is to let in the light upon all the accounts, and all the transactions of all banks of issue without any exception or reserve; that the public may know instantaneously when there is any danger of insolvency, or any danger of an excessive circulation, and that the check of convertibility may operate without a moment's delay. This is the principle improvement which our monetary system, so far as its *security* is concerned, now admits of. And what do the Ministers propose? Publication *once in three months*, of the amount of *notes in circulation* only; and not even of the amount of notes circulating at the particular time, but of the average amount for three months previous. To the *Government*, indeed, weekly accounts are to be furnished; but the Government is the very party from whose tampering with the Bank, most danger is to be apprehended; the great over-issues of 1824 and 1825 were *encouraged* by the Government. As for the country bankers, they also were to disclose the amount of their issues to the *Government*, but the public were not to know even once in three months the amount in circulation of the notes of each bank, but only of *all* the country banks taken together. Even this has not been persisted in. The affairs of country bankers are to remain in the dark.

Thus every party or class which has interests opposed to the public, contrives to hold its own, and the public only are sacrificed. But that is because parties and classes look after their own interests, and the public neglect theirs.

There is only one other point which we shall notice. Doubtless any relaxation

⁵"Copies of Communications between the First Lord of the Treasury and the Chancellor of the Exchequer, and the Governor and Deputy Governor of the Bank of England," *PP*, 1826, XIX, 471-9; the warning is on pp. 474-5. Robert Banks Jenkinson (1770-1828), 2nd Earl Liverpool, M.P. from 1790, was Prime Minister, 1812-27.

of the mischievous and contemptible Usury Laws,⁶ is a step towards good: but what sort of figure do a Ministry exhibit to any rational person, when they propose to the Legislature to declare that it shall be accounted right to borrow money at more than five per cent. interest for three months, and wrong for four; right, if the money is lent on a bill of exchange, and wrong if it is lent on mortgage? The fact is, that the country gentlemen, in their ineffable stupidity, do not choose to be allowed to borrow money at six per cent.; they prefer, when they cannot do without it, to borrow it by circuitous methods, at nine or ten per cent. contrary to law. The Ministers, instead of shaming the country gentlemen out of their ridiculous prejudices, give way to them, and dare not propose any measure which those sages would not like to pass. They therefore compromise the matter: instead of taking off the tight shoe, they make an incision into it where it pinches hardest.

210. FRENCH NEWS [80]

EXAMINER, 21 JULY, 1833, P. 457

This item, headed "London, July 21, 1833," is described in Mill's bibliography as "The summary of French news in the Examiner of 21st July 1833" (MacMinn, p. 33). In the Somerville College set of the *Examiner*, the article is listed as "Article on France" and enclosed in square brackets.

THE FRENCH CHAMBERS have concluded the second of their two continuous Sessions. The labours of the former of the two we passed in review some time since, and found subject for marvel that two Assemblies could have remained together for so many months and accomplished nothing.¹ The second has not been so totally unproductive. The salutary alteration in the standing orders of the Chamber of Deputies, whereby they were enabled to take up the unfinished business of one Session in the next, at the stage in which it was left,² has enabled the two Houses to pass three of the important laws which were pending before them.

The first in importance of these is the long expected and long suspended Education Bill.³ This is at length carried, and every parish in France will now have an elementary school, every town of 6000 inhabitants a school of a

⁶12 Anne, Second Session, c. 16 (1713), the application of which was reduced by the Bank Act of 1833.

¹See No. 204.

²See *ibid.*, n12.

³Bull. 105, No. 236 (28 June, 1833); for earlier bills, see Nos. 68 and 126.

somewhat higher order. In its passage through the Chamber of Peers this Bill has undergone part of the usual deteriorating process. The local Committees who are to look after the management of the schools, are to consist of three members, of whom the *curé* is, *ex-officio*, to be one.

A Bill has passed for facilitating the arrangements with the owners of land required for public works.⁴ The great number of small landed proprietors in France, their exorbitant claims for compensation, and the superstitious regard paid by the French law and the tribunals to all proprietary rights, have hitherto opposed barriers almost insuperable to the formation of canals, railways, and other works of public usefulness. These obstructions will now be considerably diminished, and all authorities agree in representing the Bill which has just passed as a measure of substantial improvement.

The last of the three laws to which we allude is one which gives to the people, or rather to an extremely limited class of the people, the election of the departmental councils or administrative bodies for voting and appropriating the taxes imposed for the local purposes of the department.⁵ This law has undergone large mutilations to adapt it to the Oligarchical spirit of the Chamber of Peers. The Deputies, though themselves the representatives of a body of electors not amounting to 200,000, had, in spite of the Ministry, admitted a class not short of 400,000 to a voice in the election of these local bodies. But the Peers, always ready to abet the executive in any opposition to the extension of popular privileges, restricted the suffrage to a narrower body, consisting of the 180,000, or thereabouts, who have votes in the election of the Legislature, together with those who, by the exercise of a liberal profession, are qualified to serve on juries.

Little, therefore, beyond the *principle* of popular election, has on this occasion been gained; but even that is much.

The Deputies hurried through their second Budget with the most indecent precipitation.⁶ In order to get through their business and leave Paris, they consented to give up retrenchments which they had insisted upon in the budgets of the two preceding years.⁷ The salaries of various public officers, which were reduced two years ago, have been *raised* to their former standard, at a time when the expenses of every year considerably exceed the revenues!

⁴Bull. 107, No. 241 (7 July, 1833); see No. 204, n3.

⁵Bull. 104, No. 235 (22 June, 1833); see No. 204, n4.

⁶The last section of the Budget for 1834 (Bull. 106, Nos. 239 and 240 [28 June, 1833]) was adopted on 18 June (*Moniteur*, 1833, p. 1723).

⁷For 1832, Bull. 76, Nos. 168 and 169 (21 Apr., 1832), see No. 135; for 1833, Bull. 93, No. 213 (23 Apr., 1833), and Bull. 94, No. 214 (24 Apr., 1833), see No. 204.

211. MUNICIPAL INSTITUTIONS

EXAMINER, 11 AUG., 1833, PP. 497-8

Writing to Carlyle on 2 Aug., Mill remarks that he has recently not seen much of Fonblanque and has contributed very little to the *Examiner*, "almost the only paper" being one that will appear "in the next or"—as it did—in "the next but one". He continues: "I will let you find it out if you can; there is not much in it; it is all political" (*EL, CW*, Vol. XII, pp. 171-2). This deprecation must be somewhat discounted, for Mill habitually played up Carlyle's distaste for the merely political; in any case, the reform and health of local institutions were important matters for Mill throughout his career. The first leader in the "Political Examiner," headed as title, it is described in Mill's bibliography as "An article headed 'Municipal Institutions' in the *Examiner* of 11th August 1833" (MacMinn, p. 33). In the Somerville College set of the *Examiner*, it is listed as title and enclosed in square brackets.

A COMMISSION has been appointed, and, judging from some of the names in the list, we anticipate that it will be an honest and efficient one, for inquiring into the state of Municipal Corporations, and, of course, for suggesting all possible amendments in the constitution and functions of those bodies.¹

These commissioners have now a noble opportunity of planting in the public mind the germs of the most important improvements which remain to be made in the machinery of government in this country. But to do this they must take a liberal and expanded view of the subject of their inquiries. They must not consider themselves limited to the paltry office of devising means by which rude institutions, adapted to the exigencies and the conceptions of rude ages, may be patched and cobbled so as to hold together some years longer. The whole of our local institutions must be revised; there is no soundness in them; for many important purposes they do not exist at all; for no good purpose do they make effectual provision, while they are the seats of the most pervading and audacious political profligacy to be found in the kingdom.

It would certainly be an exaggeration to say that the character of the local functionaries, and the conduct of local business, is more important than the constitution and character of the general government; for the latter includes the former: if the general government is bad, the local administration will commonly be bad too; the only security for the working of the subordinate parts of the machinery, is in the construction of the great central wheel or lever which sets the rest in motion. But it is little, if any, over-statement, to affirm, that the excellence of the form of government is chiefly desirable as a means to obtaining

¹See "Report from the Select Committee on Municipal Corporations; with the Minutes of Evidence Taken before Them." *PP*, 1833, XIII, 1-399, for the names, which included Althorp, Abercrombie, Peel, Poulett Thomson, O'Connell, and Charles Buller.

good local institutions. The real business of government is, almost all of it, local business. All the visible apparatus of a windmill or a watermill, is for nothing but to bring two millstones together: some of the greatest steam-engines in the world do nothing but send down buckets into a well. The machinery of government is equally humble in its immediate ends. It is neither at the head nor the heart, but at the extremities, that the ruling body touches the ruled. With what magistrate of the state do the bulk of the citizens come in contact? Who, as far as they are concerned, constitutes the Government? The king? the prime minister? the lord chancellor? No; the justice of the peace, the overseer, and the parish constable. Except in order that these last may do their duty, it matters little to any but a very few persons, what happens with regard to the others. Even the Legislature, the power which controuls all, when it makes laws affecting the most vital interests of the humblest citizen, does but issue orders which those local functionaries are to execute. And it might as well issue no orders, as issue them to persons who are incapable of executing them properly. There are numbers of important laws which the legislature *cannot* enact, because it knows that it has no persons to whom it can trust for carrying them into effect. This is the great obstacle to many of the most necessary amendments in the details of our institutions. One only part of the business of government—the levying of taxes—the central authority shows itself well able to accomplish without help from any one: it takes care to have local officers fit for that, if for no other purpose. But even that function it but divides with the authorities of the county and of the parish. The taxes which are voted by local and irresponsible bodies, probably exceed in amount those levied by Parliament for the general purposes of government. And this is no more than reasonable: for those local bodies really do us more service in return for our money: what they do, they do unspeakably ill; but they do the greater part of what *is* done. We often wonder what the nominal Government does, or pretends to do, for all that it costs. The question must be a puzzling one to foreigners, and to those who have lived in foreign countries, where Governments do govern, where the public business really is transacted by the persons who are paid for transacting it.

In this country, the practice has always been that the Government shall not govern. That was the practice, all over Europe, in the feudal times. The king, by the custom of those times, only led the people to battle. The king did not govern: so far as there was any government, the barons governed; and the king, as one of those barons, governed his own domain. As the king gradually absorbed the power of the barons into his own, they were superseded in their function of governing: but scarcely any substitutes were provided. The king supplied scarcely any organs of government, except the officers whom he had originally employed to govern his private domain, and those to whom he had been in the habit of referring the petitions which were made to him complaining of the conduct of the barons; in particular, his private secretary, his *cancellarius*,

seal-bearer or chancellor. There were neither local courts of justice, nor local officers of administration. The French talk of *centralization*; but where is the centralization to be compared with ours, where, from one end of England to the other, there is scarcely to be found a paid Government officer, except a soldier or a tax-gatherer, anywhere but in London? It is true that the public business is not transacted in London, because it *cannot* be. It therefore is left to transact itself. Whatever could only be done on the spot, or could not bear the delay and expense of a journey to London, and yet could not be left undone, was turned over to *amateurs*. The corporate towns retained the powers (which had been granted them as an exemption from the jurisdiction of their enemies the barons) of managing their own local affairs, and administering justice by their own officers. The rest of the local business was flung to any person of station who would consent to undertake it. Hence the "commission of the peace," and the perpetually increasing powers of judicature and administration which were intrusted to "their worship, the justices." In almost all cases affecting the mass of the people they are the sole tribunal, and without appeal, except to themselves in quarter sessions. Almost every function or duty of a local nature, out of the corporate towns, has been thrown upon them, for want of any one else to undertake it. The administration of the poor laws is under their absolute controul. Gaols must be superintended, therefore the magistracy must do it. Gaolers must be appointed, therefore the magistracy must appoint them. There must be somebody to impose county rates, and to regulate their expenditure: who but the magistracy? Power to make roads and footpaths, and to stop them up, must reside somewhere: where but in the magistracy? Power must exist to preserve order in public places; therefore the magistrates must have arbitrary power of licensing, and arbitrary powers of restricting or of dispersing, assemblages of all kinds.

Let any one tell who knows, how these powers, and others without end which might be enumerated, are actually *used*. Interrogate any barrister who practises at the quarter sessions, in which, of all places where the magistracy reign, they are most under observation, and consequently most under restraint; you will hear that of all places where public business is done, *that* is the place where the most flagrant acts of injustice are committed with the least scruple. And what wonder? The men who made corn laws and game laws² are the *élite*, the "choice and prime"³ of these men; selected expressly as such, and exposed to the gaze of all mankind. If such are the best, what must the worst be! If such is their conduct in the great theatre of London and Parliament, with the press standing over them rod in hand, what must it be in the dark corners, where the light never penetrates,

²The latest corn law was 9 George IV, c. 60 (1828); the latest game law was 1 & 2 William IV, c. 32 (1831).

³Milton, *Paradise Lost*, II, 423; in *Poetical Works*, p. 40.

and where the voice of complaint is never loud enough to be heard beyond the walls of the beer-house?

These are the institutions of England which need reform: unless they be reformed it is idle in practice and vain in theory to affect to reform the Legislature. If the possession of a certain number of acres of land, without any other requisite whatever, qualifies a man to administer the laws in his own hall, why not in Westminster-hall? Let the man with the greatest number of acres preside in the highest court: let the Duke of Northumberland be Chief Justice, and the Duke of Sutherland, Chancellor.⁴ If landed property be sufficient title for imposing county taxes, why not for imposing king's taxes? Why did we complain that the great landholders nominated the House of Commons? We demand that the principle which Earl Grey broadly laid down as the foundation of his Parliamentary Reform, be taken for the foundation of Municipal Reform: we demand "Representation, not Nomination."⁵

The Local Courts of Justice which must speedily be established, and to which, if so constituted as to work well, more and more of the judicial business of the country will as certainly be confided; these will, in time, gradually and quietly supersede the judicial functions of the unpaid magistracy. Their administrative functions, including that of local taxation, ought to be intrusted to local representative bodies, in the election of which all rate-payers should have a voice. The representative principle, though in a corrupt state, already operates in the election of the authorities of many corporate towns, and by the late Vestry Act⁶ it has been partially introduced into the affairs of parishes. But, for most purposes, parochial management is on too small a scale; the persons interested do not form a sufficiently numerous public, nor is the publicity sufficient to fix the attention of that public with the needful energy and constancy.

For every town there should be, as in France, a municipal council: for every district equal in extent and population to an average county, there should also be a council. In these councils should reside the exclusive power of imposing local taxes, and of determining their appropriation to local purposes. All local functionaries should make periodical reports to them, and should act under their constant surveillance. They should have the right of addressing the king for the removal of any officer of Government within their district. The multitude of private bills which now occupy the time of Parliament, to the great hinderance of the proper duties of the Legislature, and the success or rejection of which is now invariably determined by private intrigue and jobbery, should (where they cannot be superseded, as in many cases they might be, by general statutes framed once for all) be turned over to these local assemblies. They should have the controul of

⁴George Granville Leveson-Gower (1758-1833), 1st Duke of Sutherland.

⁵Cf. Charles Grey, Speech on Parliamentary Reform (3 Oct., 1831), *PD*, 3rd ser., Vol. 7, col. 936.

⁶1 & 2 William IV, c. 60 (1831).

the local police, and the superintendence of all schools and other establishments supported by public money or private endowments. The purposes for which such bodies might be made available will be found to be innumerable; and are mostly such as cannot be even tolerably performed but by such means.

The necessity of such institutions is borne out by the authority both of constitutional and of absolute Governments. In France, representative bodies exist, chosen by a portion of the people, for the local taxation and administration of every department, every arrondissement, and every commune (township or village). In Prussia, a country which by the excellence of the details of its institutions puts to shame all the constitutional Governments of Europe, there have for some time existed provincial assemblies, and other municipal bodies, on the principle of popular election.⁷

If our country were to be judged by her laws, well might M. Cousin give the palm of highest civilization to France and Prussia, "without excepting England herself, all bristling with prejudices, gothic institutions, and semibarbarous customs, over which there is awkwardly thrown the mantle *d'une civilisation toute matérielle*."* The opinion be it remembered of no Jacobin or Republican, but of a French Whig, a philosophic *doctrinaire*.

The Commissioners for Municipal Corporations should carry their views, and even their recommendations, to the full length of what we have now proposed. There would, indeed, be no hope that plans of so comprehensive a character would at once be adopted; but the Commissioners need not expect to carry all that they propose, let it be ever so little. Though they pare down their reforms to the most inconsiderable dimensions, there will be abundance of persons who will take care that not more than half of what they ask shall be granted them. A Commission has this advantage over a Ministry, that it is under no necessity of proposing no more than can be carried; it may cast its bread on the waters, certain that the world will find it after many days.⁸ A solemn declaration of opinion from an authoritative quarter, going the full length of a great principle, is worth ten paltry practical measures of nibbling amendment. The good which any mere enactment can do, is trifling compared with the effect of whatever helps to mature the public mind; without which, all attempts to improve institutions must be failures, or at best only palliatives. And besides, even in actual legislation, what is obtained always bears some proportion to what is asked. Men may be frightened by the extent of change proposed, but that very alarm makes changes which would otherwise have seemed almost equally formidable, appear

⁷Gesetze Nos. 810-13, in *Gesetz-Sammlung für die Königlichen Preussischen Staaten* 1823, pp. 129-52.

*We quote from Mr. Roebuck's excellent speech on National Education. [Roebuck (*PD*, 3rd ser., Vol. 20, cols. 147-8 [30 July, 1833]), was quoting Victor Cousin's *Rapport*, p. 133.]

⁸Cf. Ecclesiastes, 11:1.

moderate; and we always find that *gradual* reform proceeds by larger and more rapid steps, when the doctrines of radical reform are most uncompromisingly and intrepidly proclaimed.

212. THE BANK CHARTER BILL [2]

EXAMINER, 18 AUG., 1833, P. 514

For the background, see Nos. 208 and 209. This leading article in the "Political Examiner" is headed as title. It is described in Mill's bibliography as "An article headed 'The Bank Charter Bill' in the Examiner of 18th August 1833" (MacMinn, p. 33); in the Somerville College set of the *Examiner*, it is listed as title and enclosed in square brackets.

THIS PIECE of weak and ignorant legislation has passed through the Committee, and may have passed the House of Commons before these lines are printed; not entirely without improvement, but without the only sufficient improvement, viz., annihilation.¹ Never was the answer more applicable which some one made to Pope when he exclaimed "God mend me." "God could more easily *make* twenty than *mend* the like of you."²

The principal change for the better consists in the destruction of not perhaps the worst, but the most undefended and indefensible of all the exclusive privileges which the measure, as it originally stood,³ was intended to prolong. The monopoly of the Bank is to extend no further than to the supply of currency. For deposit and other banking purposes, banks with more than six partners may henceforth be established in any part of the United Kingdom. For this amendment we are indebted to no conviction, to no enlightenment of the understandings of our Whig Ministers, nor yet to the wisdom of the House overruling their folly. We owe it to a singular discovery. Till now it had been believed that by the law as it stood, no banking establishment with more than six partners, except the Bank of England, could exist in London, or a circle of sixty-five miles round it, or could have existed anywhere in the kingdom, previously to the Act of 1826.⁴ Of a sudden it is discovered that this interpretation of the law is wholly erroneous; that there is not, nor has ever been any legal hindrance to the establishment of banks with any number of partners; that the Legislature, every successive Ministry, all parties interested in upholding

¹The Bill passed through Committee on 10 Aug. and the House of Commons on 19 Aug. (*PD*, 3rd ser., Vol. 20, col. 782); it was enacted as 3 & 4 William IV, c. 98 (29 Aug., 1833).

²For the anecdote, see Richard Owen Cambridge, "To Mr. Fitz-Adam," *The World*, No. 50 (13 Dec., 1753), p. 303.

³In the Ministry's resolutions presented by Althorp on 31 May; see No. 208.

⁴7 George IV, c. 46 (1826)

the monopoly, and all parties interested in breaking through it, have been entirely mistaken in what so nearly concerned their duties, their occupations, and their interests. A curious picture of the law and of legislation; and a curious example too, if the fact really be as stated, of the fallacy of the expectation that what it is peculiarly and strongly men's individual pecuniary interest to know, they will know; for of all the innumerable adventurers, or those who would gladly have been adventurers, in banking speculations, or who have actually founded numerous associations for banking purposes in other parts of the kingdom since 1826, if there had been one who had inspected the Act and given a fee to Sir William Horne or Sir John Campbell for telling him its real meaning, he must have learnt the very fact which those functionaries, as the law authorities of the Crown, have just promulgated to a wondering public.⁵

However, this being announced, put it in the power of Lord Althorp to escape from the awkward position in which he had placed himself before Parliament and the public by his hasty and silly measure, at no greater expense than that of an evasion—the favourite resource of *juste-milieu* politicians, as of all other waverers whether in public or private life. Had Lord Althorp made confession to the Bank of a change of opinion; had he said, "I was ignorant of the subject—I am now better instructed;" or even, "This measure is unacceptable to Parliament and to the country, and must, therefore, be modified in conformity to public opinion," he would have done that which, next to proposing at first a well considered and well digested plan, would have been the noblest and wisest part a Minister could have performed. A mere private arrangement between Ministers and an interested party cannot, in common sense, bind a servant of the nation to betray his trust by pressing a measure when he has ceased to think it expedient, or to resign his office when the sworn enemies of the people's dearest principles and wishes must be his successors. Lord Althorp's engagement with the Bank was fulfilled when he had proposed the measure. That engagement could not have been forfeited by altering, or even by withdrawing the Bill, on the occurrence of any real change in his opinion either of the measure itself, or of the consequences to the public of persisting in it. The use of the private correspondence was merely to ascertain what price the Bank were willing to pay for what privileges, and if the privileges were refused the Bank were released from paying the price; that was all.⁶

But this view of the matter was not adapted either to the optics or to the nerves

⁵William Horne (1774-1860), who had been appointed Solicitor-General in 1830, was made Attorney-General in 1832, being replaced as Solicitor-General by John Campbell (1779-1861). Their judgment is reported in "The Bank of England," *The Times*, 14 Aug., pp. 5-6.

⁶See "A Copy of All Correspondence and Minutes of Any Conferences between the Government and the Directors of the Bank of England, on the Subject of the Renewal of the Bank Charter," PP, 1833, XXIII, 279-96.

of a Lord Althorp. Observe *his* mode of dealing with the pretended pledge. He owns it; but as it would be inconvenient to keep it, he keeps it only "to the ear." His bargain was that the Bank should retain their *existing* exclusive privileges.⁷ It is true that when this promise was made, Lord Althorp believed, and the Bank believed, and the world believed that the Bank *did* possess the privilege now in question; and, as long as this was the case, it is obvious that they enjoyed all the advantages which the real possession of the privilege could have given them. However, as the Attorney and Solicitor-General affirm that the Bank had not what all the world thought they had, it is not an *existing* privilege; and to refuse it to them hereafter, though as complete a change in their position as if they had really had it, happens not to be an infringement of the actual *letter* of the engagement. This is enough for Lord Althorp; and to this trick we are indebted for a riddance, which the most potent arguments, urged and re-urged from the beginning to the end of a Session, never would have procured for us.

The only other alteration for the better which this Bill has undergone, is the permission given to country banks of issue, whatever be the number of partners, to have agents in London and to make their notes payable there. By means of this clause a door will, we trust, be opened for the ultimate defeat even of those provisions of the Act which are intended to secure to the Bank the exclusive supply of paper-currency to the metropolis.

All attempts have failed to procure a shortening of the period of time during which this Act, for which the best that can be hoped is that it supplies the means for its own nullification, is to remain binding on the country. The monopoly is granted for twenty years; *once* during that period, namely, ten years from this time, it is to be subject to revision. But, with the consent of the Bank it may be revised or repealed at any moment; and before ten years have passed over us, times may come at which, as in 1826, the voice of the public out of doors will "act upon the prudence" of the Bank.

⁷See Spencer, "Letter to the Governor and Deputy Governor of the Bank of England" (6 Aug., 1833), *ibid.*, p. 293; and his interjection in the debate on the removal of the Bank's Charter (31 May, 1833), *PD*, 3rd ser., Vol. 18, col. 188.

••• September 1833 to October 1834 •••

213. THE QUARTERLY REVIEW ON FRANCE

EXAMINER, 1 SEPT., 1833, PP. 552-3

This article is a response to one by Mill's consistent foe, John Wilson Croker (see Nos. 37, 39, 40, and 355-8), who had published "French Revolution of 1830," *Quarterly Review*, XLIX (July 1833), 464-85. Mill's unheaded article, which is in the place where the summary of French news normally appeared, is described in his bibliography as "An answer to a paragraph in the *Quarterly Review*, standing as the summary of French news in the *Examiner* of 1st September 1833" (MacMinn, p. 33). In the Somerville College set of the *Examiner*, it is listed as "Article on France, in reply to the *Quarterly Review*" and enclosed in square brackets.

TOWARDS THE CONCLUSION of an article on France, in the last number of the *Quarterly Review*, written in the true spirit of that review, which may now be defined Toryism pretending to have grown desperate, we find the following paragraph:

The state of siege, and the bold and bloody, yet necessary and justifiable suppression of the sedition in June, 1832, have quieted matters for the present; and the construction of a circle of fortresses round Paris, under the flimsy and disgraceful pretext of guarding against foreign invasion, but for the real and convenient (though not very constitutional) purpose of bridling that turbulent town—will transfer the national force from the populace to the army, and to *him* who can maintain an ascendancy over the army. When Marshal Soult shall have finished the new *Bastilles*, for the erection of which the reformed Chamber of France has voted so many millions, we shall hear of no more revolutions made by the Faubourg St. Antoine, or the "gentlemen of the press," or the *Elèves* of the schools; and so weary is France of her forty years of *liberty*, that she not only consents to enormous pecuniary burdens to accomplish this astonishing tyranny, but she consents to it for a *reason* which in other times would have made every Frenchman's blood boil with indignation—namely, that foreign armies can, when they please, march unresisted to the very barriers of Paris!¹

As an attempt to characterize the spirit and purposes of the present French government, and the fraudulent and impudent pretexts on which Louis-Philippe and Co. are not ashamed to rest the justification of a measure intended to place Paris under the fire of fourteen citadels, the statement of the Tory scribe does not

¹Croker, p. 484. The proposal he refers to, which was as Mill indicates turned down, is *Projet de loi sur les fortifications de la capitale* (3 Apr.), *Moniteur*, 1833, p. 946; see also the report of the commission (22 Apr.), *ibid.*, pp. 1149-52.

even come up to the mark. To have done justice to the subject, he should have recited some of the evasions, tricks, and direct falsehoods, by which the ministers attempted to palm this precious scheme upon the Chamber, positively asserting (for instance) that no part of Paris was within reach of cannon shot from any of the proposed forts;² until M. Arago, the eminent mathematician, demonstrated, in his place in the legislature, that there is no part of Paris which could *not* be reached by cannon shot from some one or other of them.³

However, the Quarterly Reviewer is *out* in one of his parts, and the most important one. The designs he imputes to the French Government were indeed *entertained*, but (thanks to the spirit of "liberty," whereof, let him lay it to his soul that France is *not* yet weary,) they were not *executed*. The "reformed Chamber of France" did *not* vote "many millions" for the erection of Bastilles, but, on the contrary, *refused* to vote a single franc;⁴ and in consequence, the works, which had been already commenced, (a favourite artifice of these Ministers, for *extorting money*,) have been *discontinued*.

Let the Quarterly Reviewer look to this: he does not know his lesson; we advise him to learn it better another time.

While we are on the subject, we will pause to ask, what considerable improvement of the public mind is to be looked for under governors whom every patriotic citizen, who mingles in public affairs, must not only be perpetually *watching* with both his eyes, but perpetually *holding* with both his hands, to hinder them from seizing on absolute power? It required all the energy of the press and of public discussion applied unremittingly to the subject for six months, to raise such a storm as was sufficient to blow away these fourteen Bastilles; even now it is said, the scheme is only postponed, and the fight must be renewed next year; during all this time spent in repelling encroachments on the ground which has been already gained, no progress is made towards gaining more. While the public mind must be kept by its leaders and instructors perpetually *en garde*, for the purpose of parrying some expected or unexpected thrust at the very vitals of its freedom, it cannot find time or attention for literature or philosophy, or social morals, or education, or the best part of

²For example, Colonel Armand François Lamy (1781-1839), in presenting the report, said: "Les forts détachés, au contraire, sont à 2,000 mètres du mur d'octroi actuel, c'est à dire de l'enceinte de sûreté de Paris. A cette distance, ils préserveront la cité de toute atteinte des projectiles ennemis, et leurs propres batteries n'auront aucune action contre elle." (*Ibid.*, p. 1151.)

³Actually, Arago was prevented from speaking in the Deputies because the debate was cut off; he therefore published a letter outlining what he would have said, in *Le National*, 15 June, 1833, p. 1.

⁴On 14 June (*Moniteur*, 1833, p. 1680).

politics—the *improvement* of the spirit and details of its institutions. It is this which keeps back France. Great Britain is happy in having no such obstacles. With us it is, at the worst, a question of more or less *rapid*, and more or less *skilful*, improvements. We have no usurpation to dread—no *coup d'état*, with or without the form of law. That is a boon we reserve for Ireland.

214. THE MONTHLY REPOSITORY FOR SEPTEMBER 1833

EXAMINER, 8 SEPT., 1833, P. 567

The fourth of Mill's favourable notices of Fox's periodical (see Nos. 198, 200, and 207) is headed "*The Monthly Repository for September* [n.s. VII]. Edited by W.J. Fox"; references are to this volume. The review, in the "Literary Examiner," is described in Mill's bibliography as "A notice of the Monthly Repository for Septbr. 1833, in the Examiner of 18th [sic] Sept. 1833" (MacMinn, p. 34). In the Somerville College set of the *Examiner*, it is listed as "Notice of the Monthly Repository for September" and enclosed in square brackets.

THIS EXCELLENT PERIODICAL maintains its reputation. It continues to pursue unflinchingly the same lofty purposes, and with the same high range of merit in the execution. The best articles in the present number are those entitled "Characteristics of English Aristocracy," [pp. 585-601,] and "A stray chapter of the Autobiography of Pel. Verjuice, with the Episode of the Dried Font." [Pp. 623-44.] From the former we have marked several passages to be extracted in another department of our paper.¹ Pel. Verjuice is full of the poetry of narrative and description, with occasional touches of profound observation and reflection. We rejoice to meet for the first time in the pages of this work, the author of "Corn Law Rhymes," and of other poems of still greater merit.² We regard this as an indication that the character and merits of the *Repository* are becoming more generally known among those for whom, above all others, it is designed, the single-hearted and ardent reformers. The many have so few periodical writers on their side, that they cannot too highly value one who, like the editor of this work, stands almost unrivalled among those few.

¹In "Notabilia," with a comment by Mill, given below as No. 215. For the other instalments of "Pel. Verjuice," see No. 207, n5.

²"Famine in a Slave Ship," p. 602. The author was Ebenezer Elliot (1781-1849), self-educated poet and tradesman, known as the "Corn Law Rhymer" because of his *Corn Law Rhymes* (London: Steill, 1828).

215. NOTE ON BENEFACTORS OF MANKIND

EXAMINER, 8 SEPT., 1833, P. 570

This unheaded comment is described in the conclusion to the entry in Mill's bibliography for No. 214: "and a foot-note to an extract from the Repository in the Notabilia of the same paper [i.e., the *Examiner* for 18 [sic] September]" (MacMinn, p. 34). In the Somerville College set of the *Examiner*, the item is listed as "Passage appended to an extract from the Monthly Repository" and enclosed in square brackets.

TRUE;¹ but those who should look to it are not the Miltons and Marvels, but those whom the Miltons and Marvels serve. They are the losers. Such men do not serve for hire, or they would go serve other masters. They say, and have said, in all ages, in the words of Pope,

What then? is the reward of virtue bread?²

216. THE MINISTERIAL MANIFESTO

EXAMINER, 22 SEPT., 1833, PP. 593-5

This leader, strongly expressing Radical discontent with the Whig ministry, was followed in quick succession by six more (Nos. 217-21 and 223), all in reply to *The Reform Ministry, and the Reformed Parliament* (London: Ridgway, 1833), which went through nine editions. Though it was written in part by the ministers, its nominal author was Denis Le Marchant (1795-1874), a lawyer, principal secretary to Brougham, and intimate friend of Althorp's, who had prepared reports for the ministers on the Reform Bill debates. Writing to Carlyle on 5 Oct., Mill says: "I have been very busy and active in writing lately; even on politics; did you detect me in those long-winded answers (in the *Examiner*) to the ministerial pamphlet? but I tell it not to the profane" (*EL, CW*, Vol. XII, p. 181). At that date only the first had appeared, but obviously the second (which appeared the next day) and almost certainly all the others had been written, for he left for Paris on 10 Oct. for his romantic interlude with Harriet Taylor, not returning until about 20 Nov., by

¹Mill's note (in square brackets) was appended to this paragraph: "'The Benefactors of Mankind Usually Unpopular during Their Lives'—In scarcely an instance did any great improvement, intellectual, moral, or political, originate with men who stood well with the world during their lives and labours; who were courted, rewarded, honoured, and patronized by the great, and regarded as benefactors by the multitude whom those great ones ruled, and who ended their thriving lives in circumstances of peace and affluence. Our Miltons kept school for bread and cheese. Our Marvels dined on the pickings of cold mutton bones. Our Sidneys perished on the scaffold. The power which they opposed consents to join in praising their memories, when it thinks they can no longer do it any harm. So it was in Judea. Build and garnish the sepulchres of the prophets of a past generation.—*Fox's Monthly Repository*." (Anon., "Characteristics of English Aristocracy," *Monthly Repository*, n.s. VII [Sept. 1833], 585.)

²Pope, *Essay on Man, in Four Epistles*, in *Works*, Vol. III, p. 135 (Ep. IV, l. 150).

which time the series had concluded. Writing of "The Close of the Session" in the *Monthly Repository*, n.s. VIII (Sept. 1834), Mill has occasion to recall what the *Examiner* had said at the end of the previous year's session (*CW*, Vol. VI, p. 286), though he does not admit the articles to be his. The whole series appears in the "Political Examiner," headed as title; this article is a first leader. The leaders are described in Mill's bibliography as "A series of articles in reply to a ministerial pamphlet which appeared in the *Examiner* of the following dates and under the following titles: September 22d 1833 'The Ministerial Manifesto' / September 29th 1833 'The Marvellous Ministry' / October 6th 1833 'The Review of the Session continued' / October 13th 1833 'Lord Brougham's Law Reforms' / October 20th 1833 'The Corporation Bill' (signed A.B.) / October 27th 1833 'Conduct of the Ministry with respect to the Poor Law' (also signed A.B.) / November 10th 1833 'Conduct of the Ministry with respect to the Post Office Department, and the payment of officers by fees'" (MacMinn, p. 34). In the Somerville College set of the *Examiner*, "The Ministerial Manifesto" is listed as title and enclosed in square brackets, with one correction: at 605.31-2 "from abuses" is altered to "from the reform of abuses".

SOME ONE HAS REMARKED, that a political pamphlet is to our modern world what an oration was to the democracies of antiquity: and there is much justice in the comparison. Demosthenes, when all the acts of his administration were made the subject of a state prosecution, directed not against himself but against a friend who had proposed to confer honours upon him, vindicated his aspersed character by the noblest monument of inspiring and dignified eloquence which mankind have inherited.¹ No one that we have heard of has placed himself in jeopardy, by proposing to confer any honours upon the present Ministry: yet they have thought themselves called upon to produce their little "Oration on the Crown," and here it is.

One of the differences, however, between Demosthenes and Lord Althorp (besides others, which it is unnecessary to particularize) is, that Demosthenes composed and spoke his own vindication; Lord Althorp, or whomsoever else we are to consider as the representative of the Ministry, has caused his to be composed and sent forth by an understrapper. Now we confess a preference for the old ways. We like to hear what a man can find to say in his *own* justification. We would gladly learn, not what reasons can be found for one man's doings *after* they are done, by another man who had no hand in them; but what were the very reasons which influenced the man's own mind. Any person in office can find somebody to point to what he has done, and cry Huzza! but it is quite another matter when the Minister himself is called upon for his own explanation of the principles of his measures. A *compte rendu* by the Whig Ministry of the principles of theirs, would be worth having. It would do Lord Althorp infinite good to attempt the composition of one. Could but our Ministers once find in

¹Demosthenes, *De corona*, in *De corona and De false legatione*, pp. 18-228. The friend was Ctesiphon, who had been prosecuted by Aeschines for proposing that Demosthenes receive a crown.

their hearts to commit themselves to a principle, fairly embark themselves with a principle, wed it for better for worse! But no—they are afraid of principles; they are of that kind of persons who never can see the consequences of principles: they are children, and principles are edge-tools: they have no confidence in principles, because they have no confidence, and do not deserve to have any, in their own capacity of either in the first place choosing right ones, or, in the second, of discerning where the dominion of one principle is limited by the conflicting operation of another. They are men of shifts and expedients. What they are from the necessity of their own want of knowledge and judgment, they fancy they are from the necessity of the case. It is their notion of statesmanship. It has been the notion of such statesmen as they are, in all ages.

But if this *were* statesmanship, and if all their measures, from the greatest to the smallest, had been such as absolute wisdom would have dictated, no Ministers who ever existed have done less, the Reform Bill excepted, to found vanity and self-complacency upon, than these. For, the little tricks and devices and *moyens de gouvernement* of other Ministers have sometimes been their *own*; but this Ministry has hardly ever done anything but give way to the suggestions of others. Never was there a Ministry whose own will, or whose own opinions, had so little to do with their actions; if *actions* they can be called which were the result of mere passiveness. The question with them has seldom been, what is right? but, what will meet with least resistance? what will be easiest to carry? And even in that, they have not looked beyond the two Houses of Lords and Commons to the nation, nor beyond the present year to the next. Yet a more self-complacent, self-applauding Ministry, one possessed with a profounder sense of its own absolute wisdom, is not perhaps recorded in history.

We can understand that a Minister who has taken office to realize some grand and long-cherished scheme of improvement, and who, by the wisdom and vigour of his councils, has triumphed over all the obstacles opposed to him by interest and ignorance, and accomplished his end, may look back to his successful efforts with feelings of self-gratulation and pride. We can pardon the Ministers for feeling considerable exultation at their success in carrying the Reform Bill. We can understand, again, that a Minister whose object has been to resist innovation, to keep things as they are, to uphold institutions, and when abuses are inextricably interwoven with the texture of the institutions, to uphold abuses; that a Minister who has been consistently conservative, who has opposed a bold and unyielding front to the spirit of the age, may feel elevated by the thought that he has done all that man could do for a good cause, and if he has not been wholly victorious, has at least prevented much evil. There is a third kind of Minister whom we could allow to take to himself, to whom we could cheerfully give, a large share of credit for his administration. This would be a man who, taking the reins of office in a period of transition, a period which is called, according to the opinions of the speaker, an age of reform, of destruction, or of renovation,

should deem it his chief duty and his chief wisdom to moderate the shock: to mediate between adverse interests; to make no compromise of *opinions*, except by avoiding any ill-timed declaration of them, but to negotiate the most advantageous compromises possible in actual *measures*: to reform bit-by-bit, when more rapid progress is impracticable, but always with a comprehensive and well-digested plan of thorough reform placed before him as a guide, and so that the partial reforms, one and all, may fit well into the general reform which is ultimately to be effected; to be ingenious in the contrivance of means by which the greatest amount of public good may be attained with the smallest loss to individual interests, and that loss again made up (when made up it ought to be) at the smallest expense to the public. Such a minister might be indulged in some feelings of triumph. But for a Ministry to sing hymns in their own glory for a set of measures in which they have had scarcely any share but as passive instruments, either of a strong popular cry or of some interested parties—which they have never known how to defend, even when defensible—of which they have shown themselves ready to give up the whole or any part, not indeed upon argument, but upon any show of strong opposition—into which they have really put nothing from their own minds, except such crudities as they were obliged to surrender at the first summons—and have had no resource for making the machinery work smoothly, but that of flinging public money to all who were dissatisfied, with a lavishness for which we can seek a parallel in none but the most profligate Governments,—this, truly, is too much. And yet these men are fully persuaded that no one, not perverted by factious motives or a splenetic disposition, can fail to join his voice in the chorus of praise!

It could be worth no man's while to devote an article to the examination of the pamphlet before us. It is a summary of the legislative measures of the Session;² as such, it serves the convenience of a day: beyond this, it has no merits to stand upon, but those of the cause it advocates; it shines, if at all, solely with the lustre of the deeds which it commemorates. Nearly all it does is to state the substance of each of the measures which the Ministry have carried through Parliament, and after each to applaud long and loudly. When ground is attempted to be laid for the applause by any arguments, it is by the most meagre abstract of those which were employed in the discussion.

This piece of advocacy, we must observe, is grounded on a part only of the facts. It passes over three-fourths of the essentials of the case. It builds a lofty eulogium of the Ministry, exclusively upon what they have *done*. But their merits or demerits are compounded of what they have *done*, of what they have opposed, and so *prevented* from being done, of what they have *failed* in doing, and of what they have *said*. This last is by no means the least, is perhaps even the

²This first parliamentary session of the Reformed Parliament ran from 29 Jan. to 29 Aug., 1833.

most important. The words of a statesman are deeds: the words of a reforming statesman have often greater results of good or evil than any other of his actions; for doctrines, in times like ours, weigh heavier in the balance of events than Acts of Parliament; and the doctrines which a Minister lays down may be large and comprehensive, and may help to educate the public mind for better things, while the *measures* of even the best Minister must be, for a long time to come, the result of a thousand compromises with adverse interests and prejudices. The sayings, too, of a Minister, in these times, are so much more his own, so much stronger an indication of the direction of his inclinations, than the remainder of his doings. Public affairs and the public mind are in a state which must compel any Minister to adopt many *measures* of reform. But it is what he *says* that enables us to judge whether his heart goes with what he does; whether if he could he would do less, or whether if he could he would do more. Nothing can be more unfortunate in this respect than the conduct of the present Ministers. They might have been excused for proposing half-measures, and even for what it is harder to excuse, giving up half of even the half-measures they proposed; had they but so *spoken* as to give the public assurance that their will was greater than their power. But instead of this, they made professions and adopted language, which seemed even *intended* to persuade every body of what we believe to be quite unfounded, that not the doing so little good, but the doing even that little, was forced upon them.

The advocate of the Ministry has judiciously kept all these things out of sight. He sees not, or if he sees, owns not, that men who talk as Tories, will never be trusted to for continuing to act as Reformers; that men who defend sinecures, and impressment, and the jobs in the Post-office, and who say that nine of every ten Englishmen would regret to see the Bishops turned out of the House of Lords, and that triennial Parliaments are inconsistent with the Monarchy, will never gain much credit for loosing their hold of a few abuses which the most inveterate Tory could not any longer hope to maintain.³ The people are ready enough to take the will for the deed, but they will not, in opposition to all appearances, take the extorted deed for the will.

Had the acts of the first Session been all that could be expected, a really reforming Ministry would have declined to be judged by them. It would have said, for it would have felt, "We could not in the first Session rationally hope to effect much; receive ye the little which we have done as an earnest of the much which we intend, and judge whether our doctrines and professions are those of

³On sinecures, see Spencer, Speech (14 Feb., 1833), *PD*, 3rd ser., Vol. 15, col. 674; on impressment, James Graham (1792-1861), First Lord of the Admiralty, Speech (15 Aug.), *ibid.*, Vol. 20, cols. 676-84; on the Post Office, Charles Gordon Lennox (1791-1860), Duke of Richmond, Postmaster General, Speech (16 Aug.), *ibid.*, cols. 711-12; on Bishops in the Lords, Spencer, Speech (18 June), *ibid.*, Vol. 18, cols. 984-5; and on triennial parliaments, Russell, Speech (23 July), *ibid.*, Vol. 19, cols. 1123-8.

men who are determined to go forward, or of people who are looking both ways at once, and providing themselves beforehand with a cover for an eventual retreat."

Thus would have felt and spoken a brave and high-minded Ministry. But the advocate of these, is forced to drop all notice of that part of their conduct which *might* have been grand and comprehensive and courageous, their declarations of opinion and intention; and has rested their claims to admiration upon that part which *must*, let the *men* be what they would, have been narrow and petty and half-and-half—their Acts of Parliament.

Take one glance at these Acts of Parliament. Look down the table of contents of this our pamphleteer; see, in heaven's name, what they are, these gifts of the Reform Ministry, for which we can never laud them too extravagantly, or bow our heads too low to do them homage. Ten years, or even five years ago, some of these things might have been matter of praise; but now! to hear a Ministry deified for the Irish Church Bill! for the Slave Bill! for the East India Bill! for the Bank Bill! for the Factory Bill!⁴

Have we now a reformed House of Commons, or have we not? Is the deliberate and strong conviction of the middle classes, the arbiter of our government, or is it not? If it is, where is the mighty merit, where is the merit of any kind, if some one or two popular objects have been accomplished after the discomfiture of the boroughmongers, more than would have been adopted by Parliament while the boroughmongers were in their strength? Even this moderate claim on our applauses does not belong to all the above measures. What Minister, even with an unreformed Parliament, would not have opened the China trade?⁵ The Duke of Wellington had officially notified his intention of doing so.⁶ What Minister, when the Bank Charter expired, would not have made some new arrangement with the Bank? What Ministry after Parliamentary Reform, could have avoided making *some* reform in the Irish Church? and what Ministry could have made that reform less? What Ministry could have helped passing *some* Factory Bill? and what Ministry *could* have passed the Ten Hours' Bill, without considerable amendments?⁷ What Ministry could have helped making retrenchments? and what other Ministry could have made so much retrenchment go such

⁴Enacted in 1833, respectively, as 3 & 4 William IV, c. 37 (discussed by Le Marchant, p. 8), c. 73 (Le Marchant, pp. 10-18), c. 85 (Le Marchant, pp. 43-5), c. 98 (Le Marchant, pp. 35-42), and c. 103 (Le Marchant, pp. 54-5).

⁵By 3 & 4 William IV, cc. 85 and 93 (1833).

⁶The Wellington ministry's intention was referred to in a debate on the East India Company's Charter by Edward Law, Lord Ellenborough, who had been President of the Board of Control 1828-30, in a speech in the Lords on 21 Apr., 1831 (*PD*, 3rd ser., Vol. 3, col. 1738).

⁷On 17 Jan., 1832, Michael Sadler had introduced "A Bill to Regulate the Labour of Children and Young Persons in the Mills and Factories of the United Kingdom" (2 William IV, *PP*, 1831-32, II, 1-10), restricting all those under eighteen years of age to ten

a little way in affording relief? What Ministry could have helped, in the excited state of the public mind at the opening of Parliament, introducing some measure to provide for the speedy and complete emancipation of the negroes?

The merit of doing all these things, as is obvious to any person of common sense, could not possibly consist in the things themselves, but in the *manner* of doing them. And in the manner, which alone could be a ground of either praise or blame to the Ministers, they have deserved scarcely any praise, and a large measure of blame.

Take, first, their Slave Bill. It is scarcely worth while to recall to the memory of the public, which speedily loses the impression of abortive absurdities, what this measure was in its native crudity, in its first unlicked state, when, after a fortnight's gestation, it started forth, not like Minerva, from the brain of Mr. Stanley, and having staggered for a few paces tottered and fell.⁸ That precious scheme, by which the slave was to be *called* a freeman, and under that title was to work by compulsion three-fourths of his time for a master, and the other fourth for wages which he was *not* to receive, but which were to be paid to the Government in order to be repaid to the master; that notable scheme by which the master was to be indemnified out of his own pocket; one-fourth of the labour of his slave being taken from him *without* compensation, and he being compelled to buy it back, in order that the money thus extorted from himself might be returned to him as compensation for what had been taken away!—these marvellous contrivances deserve to live only as examples of the “strange tricks” which may be played “before high heaven”⁹ by a raw journeyman statesman, aptly, by Mr. O'Connell, denominated a *shave-beggar*,¹⁰ when he extemporizes an act of legislation in reliance upon intuitive genius, without either knowing, or consulting those who know, anything of the subject.

hours a day or less—a restriction that it was hoped would in practice apply to all workers. On Sadler's defeat at the election, Lord Ashley reintroduced a slightly strengthened version with the same title on 5 Mar., 1833 (3 William IV, *PP*, 1833, II, 263-80). The information gathered, first by the Select Committee and then by the Royal Commission prompted by these bills, forced the Home Secretary, Lord Althorp, to steer through the House a Government measure, again with the same title (4 William IV [1 Aug., 1833], *ibid.*, II, 281-95), which was enacted as 3 & 4 William IV, c. 103 (1833). This measure, while it restricted the hours of those under thirteen to nine per day, did not include the ten-hour provision, which was not secured until 10 Victoria, c. 29 (1847).

⁸Stanley, Speech on the Ministerial Proposition for the Emancipation of Slaves (14 May, 1833), *PD*, 3rd ser., Vol. 17, cols. 1193-1231; the provisions Mill castigates in the following sentence are in cols. 1223-7.

⁹Shakespeare, *Measure for Measure*, II, ii, 121; in *The Riverside Shakespeare*, p. 561.

¹⁰Daniel O'Connell (1775-1847), the leader of the battle for political and religious equality for Irish Roman Catholics, applied the term “shave-beggar” to those in authority who were allowed to learn by practising on Irish affairs as apprentice barbers learned by shaving beggars. See his Speech on the Doneraile Conspiracy (12 May, 1830), *PD*, n.s., Vol. 24, col. 651.

These nonsensical phantasies, below the intelligence of an average schoolboy, could have passed, we confidently trust, no assembly of sane men in Christendom, and could not pass our House of Commons. Instead of them what have we got? Let us look at the provisions of the measure as they now stand.

The people of England were bent upon immediate emancipation: there were fears that in the imputed parsimony of a democratic Government, they would even demand the flagrant injustice of emancipation without compensation. The result proves one thing at least, that the danger did not lie that way. Have they obtained what they demanded? They have not. The slaves are *not* wholly and at once emancipated. Compulsory labour continues, and is to continue for six years. But though the slaves have obtained but a part, the people of England have paid the price of the whole. *On the best official calculations which could be made, the twenty millions which have been granted are, as nearly as can be estimated, the FULL MARKET PRICE of all the slaves in our colonies.* Emancipation without compensation was apprehended; but who ever dreamed that the gift of a reformed Parliament would be compensation without emancipation; that England would buy the slaves out and out, and not make them free! The masters are to have the full price of their slaves and part of the slaves' labour too. An act of national justice is turned into a job for putting public money into the pockets of the owners of slaves.

And the slaves themselves; how is their well-being provided for? The opponents of immediate emancipation contended, and justly contended, that the good of the slave demanded a *gradual* relaxation of his bonds, in such a manner and by such steps that habits of voluntary industry, prudence, and self-controul, unnecessary in a state of slavery, but essential to the enjoyment and to the good use of freedom, might take root in his mind before he was altogether set free. To accomplish this purpose, what have the Ministers established? A system of pauper labour! ay, the very system the condemnation of which their own Poor Law Commissioners have made resound through every corner of the country;¹¹ the system which awards subsistence to the labourer not according to his work, but according to his wants, and enforces labour, not by withholding wages, but by the powers of the magistrate; that most unhappy compromise between a state of slavery and a state of freedom, which combines only the evils of both; which renders labour odious by dis severing it from its reward, more completely than in slavery itself; the very system which has destroyed the industry and morality of the industrious and moral English peasant, have these sages adopted as a means of moralizing and training to voluntary industry men who have always been slaves!

It is for this that twenty millions have been added to the *amount* of the National

¹¹See "Copy of the Letter Addressed by the Chancellor of the Exchequer to the Commissioners for Inquiring into the Poor Laws, Dated 23rd February last; and of the Answer Returned by the Commissioners" (5 Aug., 1833), *PP*, 1833, XXXII. 342-6.

Debt, and more than a hundred millions, as the event, we fear, will prove, to its unpopularity! Yet the sole chance for the working of such a system without the most calamitous consequences, lies in the very extravagance of the compensation. The only hope for the slaves is now in the colonial legislatures. The unexpected magnitude of the gift may allay their irritated feelings, and leave their eyes so far open to their true interest as to see the policy of exchanging the forced apprenticeship for a voluntary contract between master and servant for work and wages.

Let it not be said, that although this measure has its inconveniences, inconveniences of perhaps equal amount would have attended any attempt to accomplish at once the difficult transition from the disease of slavery to the healthful state of free labour. A most simple modification and extension of the Spanish system of manumission (actually advocated in Parliament by Mr. Charles Buller,)¹² would at just one-sixth of the expense, have united compensation to the planters with a speedier emancipation to the slave. If the Legislature, instead of buying the *whole* of the slave's labour, had bought for him the free use of *one* day in the week, and having fixed his price, had permitted him, on tendering one-sixth part of it, to purchase another and another day until completely emancipated; it may be shown by a simple calculation founded on the known rate of wages in the colonies, that a slave who employed the whole leisure thus obtained in working for wages, and the whole of those wages in purchasing the remainder of his freedom, would have achieved it, not in *six* but in about *three* years. Not only would the association have been the closest conceivable between labour and its reward, and the incentive to voluntary labour the strongest possible, but every slave would have had the power, if he chose to exert it, of being emancipated in a much *shorter* time than by the present plan; by means of voluntary, not as at present of forced labour: the moral, prudent, and industrious slave would have been emancipated first, and those who would have waited longest for freedom would have been precisely those who were least fitted for it. This combination of almost immediate emancipation with the best possible moral education for the negro, would have cost this country between *three* and *four* millions; and it is paying *twenty* for—what we have described.

But the Irish Church Bill! And what have the people gained by the Irish Church Bill? Except the Irish landlords, who will profit by the abolition of the Vestry Cess, what human creature will derive one particle of advantage from the Irish Church Bill? We beg pardon; we had overlooked the better cultivation of the church lands, which is a possible consequence of the abolition of fines for the renewal of leases.¹³ That is the sum total of the public benefit which will be derived from this vaunted Bill.

¹²On 11 June (*PD*, 3rd ser., Vol. 18, cols. 577-8).

¹³See 3 & 4 William IV, c. 37, Sect. 65 (vestry cess), and Sect. 130 (abolition of fines for the renewal of leases).

The few who still believe that there ought to be a Protestant Church of Ireland, may deem it a wonderful gain that the number and emoluments of the Bishops and richer clergy of that Church are to be reduced, and the savings converted to the general purposes of the Establishment. But what rational person sees anything to care for in this? Not the manner in which the plunder is distributed, but that they are plundered at all, is the complaint of the Irish people: that tithes are wrung from them, and their national property is detained from them, for the emolument of a priesthood who are not of them, whose faith they believe not, by whose existence they benefit not. The question is not now concerning the abstract utility of Church Establishments. The warmest friends to the Church of England have thought and think, that rich endowments, if useful for *maintaining* a religion, are most ineffectual for *propagating* it, and that the only Protestant Church suited to the condition of Ireland is a Missionary Church. The famous clause which asserted the right of the State to divert, not the endowments, but the *additional value* which it was supposed was about to be given to the endowments, to other purposes than those of the church, was never of much value as the assertion of a principle; such as it was, however, it was given up, for a reason worthy of quack politicians, that a principle, unless much was to be gained by its being immediately acted upon, was not worth contending about!¹⁴ When will they learn that the assertion of a single great principle of political morality is worth any twenty of such paltry measures as theirs?

The Church of England in Ireland must be swept away altogether. We do not blame the Ministers for not having done this at once, but if we could we would do it at once: the nuisance and insult should disappear from the soil of Ireland without delay, and cease forthwith to irritate her people. Pensions however should be given to the existing incumbents, equal to the amount of their present net incomes, abating the expenses now required by their station. Nor let it be forgotten that in the first edition of this Bill, it was proposed by the Whig Ministers to tax existing incumbents, and that the *Radical* members were foremost among those who forced them to abandon that meditated infringement of an important principle.¹⁵ Those who are liable to suffer from the reform of abuses may be taught by this, that though they will obtain less *favour*, they will have more *justice*, from the thorough, than from the half-and-half reformers; and

¹⁴In what Mill refers to below as the "first edition" of the proposal, i.e., "A Bill to Alter and Amend the Laws Relating to the Temporalities of the Church in Ireland," 3 William IV (11 Mar., 1833), *PP*, 1833, I, 339-416, the provision was in Clause 142; in the second version (22 Apr.; *ibid.*, pp. 417-98), the Clause had become No. 147; after vociferous opposition to the proposal, the Bill as amended by Committee (25 June; *ibid.*, pp. 499-586), which was enacted as 3 & 4 William IV, c. 37, did not include the provision.

¹⁵See the speeches on 14 Mar. by Joseph Hume and Daniel O'Connell, *PD*, 3rd ser., Vol. 16, cols. 661-2 and 664.

that it is at least as much *their* interest, as it is the interest of all the rest of the community, that the reforms which *must* come, should be effected by those who will effect them on principle—not by those who, remaining motionless till forced to move, and having then no rule but to trim between adverse parties and give a little to one and a little to the other, are as likely to make the just rights, as the unjust pretensions, of both sides, burnt-offerings in the propitiatory sacrifice.

But what consistency, what rational principle of action can be in the minds of men who with one hand eradicate ten Bishops from the Irish Church,¹⁶ with the other, plant a hopeful commencement of an Irish Church in India;¹⁷ adding two new Bishops to the one who already existed, at the expense not of the European residents, who alone can benefit by them, but of the poor, overburthened cultivators of the soil; the pretence at first made of incurring no additional expense being almost immediately abandoned; and, to buy off the opposition of Mr. O'Connell and of Mr. Sinclair,¹⁸ more money wrung from the poor Hindoos to pay more clergy for the Catholics and the Presbyterians! Was this a time to create new Bishopsrics, when the word Bishop stinks in the nostrils of two-thirds of the people? Was this a time to add to the expenses of Church Establishments? The only opposition to this enormity was made by several of the Radical members;¹⁹ who almost alone took the trouble to attend the later discussions on the India Bill, and were the cause, almost exclusively, of the few improvements it has undergone. We have no room to show up all the crudities of this most ill-digested Bill; and enumerate all the modes in which it heaps additional expenses on a people, whose taxes, though higher than they can bear, do not even now suffice for the expenses of their government. We will only mention that the Bill originally contained a clause which would have raised a religious war all over India, by turning loose, on account of the mere *name* of slaves, the inmates of every harem in the country;²⁰ and that in opposition to the unanimous opinion of the Court of Directors, the Bill perpetuates and enlarges the monopoly of the most signally ill-conducted public institution of education in Great Britain (and that is saying much)—the College at Haileybury.²¹

¹⁶By Sect. 31 of 3 & 4 William IV, c. 37.

¹⁷By Sect. 89 of 3 & 4 William IV, c. 85.

¹⁸For O'Connell's opposition, see n19. For the Speech on the East-India Company's Charter (17 July, 1833), by George Sinclair (1790-1868), Whig M.P. for Caithness, writer on ecclesiastical questions, see *PD*, 3rd ser., Vol. 19, cols. 801-2.

¹⁹See the speeches on 17 and 19 July by Hume, and on 19 July by O'Connell and Charles Buller, *ibid.*, cols. 800, 1027-8, 1019-21, and 1028.

²⁰By Sect. 88 of "A Bill for Effecting an Arrangement with the India Company, and for the Better Government of His Majesty's Indian Territories," 3 William IV (28 June, 1833), *PP*, 1833, II, 192.

²¹By Sect. 103 of 3 & 4 William IV, c. 85. For the opinion of the Court of Directors about Haileybury, see "Paper of Observations and Suggestions on Several Clauses of the East-India Bill" (10 July, 1833), *Papers Respecting the Negotiation with His Majesty's*

The Bank Bill! here, at least, is a measure, vicious in its very principle, bad almost from the beginning to the end; a Bill for the prolongation and enlargement, not the extinction, of a monopoly which Lord Liverpool, seconded at that time by one of the members of the present Ministry, made no secret of his intention to destroy.²² We have entered fully into the demerits of this Bill on a recent occasion.²³ The subject, no doubt, was intricate, and authorities differed; there is more *excuse* for the blunders of the Ministry on this question than on some others, but surely no ground for praise. Their mode of making up their opinion on this subject is characteristic of the quality of their minds. Incapable of forming his own judgment, Lord Althorp sought for authority on which he might rely;²⁴ for *practical* authority, if we may adopt the phrase of those who have faith in blind routine, but not in reason. And whither resorted he for this trustworthy guidance? To the London bankers! as if dealing in money made men conversant with the principles of currency; or as if he should consult the man who drives his coach, concerning the best mode of building it. His coachman, at least, would have no interest different from his own: not so the London bankers; whose habits, whose riches, whose importance, were all identified with the system by which they had thriven, and could not, and cannot, but receive a considerable shock from even so slight a modification of that system as has actually taken place.

We must pause here; but the subject is not half exhausted. Undeserved panegyric provokes the utterance of censure, which else might have remained unspoken. Their own pamphlet has opened up the entire question of the merits of their administration; the papers in their interest have vaunted it as a triumphant display of merits beyond appreciation, to which none but Tories or Destructives²⁵ can affect to be insensible; and by their good leave and that of the public, they shall hear the other side too. They shall learn what men who are neither Tories nor Destructives, but cautious though earnest reformers, think of them and of their measures. We shall resume our examination in the next paper.

Ministers on the Subject of the East-India Company's Charter (London: Cox, 1833), p. 327.

²²For the view in 1826 of Jenkinson (Lord Liverpool), see the reference at No. 209. n5 (and cf. *PD*, n.s., Vol. 14, cols. 450-66). He was supported by Frederick John Robinson (1782-1859), Viscount Goderich (later Earl of Ripon), Chancellor of the Exchequer in 1826, and Lord Privy Seal in 1833; see his Speech on the Bank Charter Amendment Bill (14 Apr., 1826), *ibid.*, Vol. 15, cols. 238-40.

²³See No. 209.

²⁴See Spencer, Speech on the Bank of England Charter (28 June, 1833), *PD*, 3rd ser., Vol. 18, col. 1323.

²⁵Towards the end of 1832, the term "Destructives" came into use to describe the Radicals. See *The Times*, 8 Dec., 1832, p. 4; and William Tait, "The Destructives," *Tait's Edinburgh Magazine*, II (Feb. 1833), 575-7.

217. THE MARVELLOUS MINISTRY

EXAMINER, 29 SEPT., 1833, PP. 609-11

For the entry in Mill's bibliography and the context of this second leading article in reply to Le Marchant's *The Reform Ministry*, see No. 216. In the Somerville College set of the *Examiner*, the article is listed as title and enclosed in square brackets.

WE RESUME OUR EXAMINATION of the Ministerial Manifesto.

The first Session of the Reformed Parliament has been prolific in legislation concerning Ireland. Besides producing an Irish Church Bill, it has also produced an Irish Tithe Bill, and an Irish Coercion Bill.¹ Not only for the so-called Church Reform, but for the Tithe Bill, and even for the Coercion Bill, applause is claimed in behalf of the Ministry by this unwearied eulogist. They have placed Ireland under martial law, and outrages have ceased. "They made the giants first, and then they killed them."² The outrages were wholly a consequence of the insane attempt to enforce the collection of tithe; and have been put an end to, not by the Coercion Bill, but by the cessation of that dignified contest, in which horse, foot, and artillery took the field to enable a collector to sell a poor man's pig, and the pig returned home unsold! The Tithe Bill set the final legislative seal to the relinquishment of claims which had already been tacitly abandoned. The lawless outbreaks of the Irish are of the nature of rebellion; they are the mode in which that nation resist what they deem oppression, and they have drawn off their forces because the enemy have sounded a retreat. Ministers chose rather to alienate a whole people than confess themselves vanquished, and their Coercion Bill, which looked so fierce and has proved so gentle, turns out to have been, as Lord Grey said of a foolish lord's foolish speech, "all sound and fury, signifying nothing;"³ a mere flourish of trumpets, to give a defeat the air of a triumph; and John Bull pays for all. No marvel if the Irish are quiet, having got all they desired.

But to understand how far the wisdom, the foresight of Ministers has reached in the matter of Irish Tithe, it is necessary to go a little further back.

When they came into office the passive resistance had commenced: the clergy could not collect their tithe, and that unpopular impost had practically repealed

¹For the Church Bill, see No. 216, n4. The others were enacted in 1833 as 3 & 4 William IV, c. 100 (Tithes) and 3 William IV, c. 4 (Coercion); the former is discussed by Le Marchant in *The Reform Ministry*, p. 10, the latter, pp. 6-8.

²Henry Fielding, *Tom Thumb: A Tragedy* (1730), I, v, 33; in *Works*, Vol. II, p. 24.

³Charles Grey, Speech on Church Temporalities (Ireland) (17 July, 1833), *PD*, 3rd ser., Vol. 19, col. 720, with reference to the speech in the same debate (*ibid.*) by Richard Temple Nugent Brydges Chandos Grenville (1776-1839), 1st Duke of Buckingham and Chandos. Grey is, of course, adapting Shakespeare, *Macbeth*, V, v, 27-8 (in *The Riverside Shakespeare*, p. 1337).

itself. As usual, the redress which would have been denied to justice was granted to force, and the injury we had no longer the power of inflicting, we magnanimously resolved to forbear to inflict. Mr. Stanley, the "shave-beggar,"⁴ as careless of his words as of his actions, and equally incapable of weighing the consequences of either, proclaimed the "extinction of tithes."⁵ But while tithes were to be extinguished *in futurum*, the existing arrear was to be exacted at the bayonet's point; not, to be sure, for the value of the sum, which besides would be almost all swallowed up by the expense of collection, but to "enforce respect for the law."⁶ And nobly the scheme has succeeded, and glorious is the respect which has redounded to the law and to all law from this well-advised enterprise! After exhibiting the whole strength of a Government, with all its civil and all its military apparatus, arrayed against an unarmed people, and by that unarmed people baffled and disgraced for two entire years; after teaching to the Irish, aye, and to the English and Scotch, a lesson of successful disobedience of the laws, which they will never forget, which they are even now putting in practice all over the land; after wantonly establishing for this single purpose a precedent, the reach of which passes the bounds of human conjecture, a precedent for placing a whole nation out the pale of law—it has even come to this, that the thing is impossible, and must be abandoned. But old rules are reversed; in these our days it is the beaten who triumph! They have not the excuse of the blind, that they had blind guides. They were warned of all this. They were told that the tithe would not be paid. They were told that all their efforts to exact it would only cover themselves with ridicule, and involve the law and the Government in still deeper detestation. They were told that of the two evils, if it were necessary to choose one, it was far preferable that England, even England, which from time immemorial has paid the price whoever else reaped the gain, should indemnify the parsons, and bribe them to let the tithe-payers alone: though the funds which *ought* on every rational principle to have borne the burthen, were the endowments of the Church of Ireland. The Ministers were deaf to these warnings. They persisted in their folly. As they have sown so have they reaped. We have *had* the disgraceful contest between the people and the Government. We have *had* the triumph of anarchy, the successful defiance of the law. We have *had* their Coercion Bill, their martial law, on the pretext of punishing that defiance. And *after* all this evil has been incurred we have likewise that other evil, which had it been inflicted to *prevent* the former, we might better have endured. Since the people of Ireland *will* not pay tithe, they will not be required to pay, and the people of England are paying it in their stead. Memorable result of the combined wisdom and vigour of a memorable Ministry! Were it only for

⁴For the phrase, see No. 216, n10.

⁵Stanley, Speech on Tithes (Ireland) (14 Feb., 1832), *PD*, 3rd ser., Vol. 10, col. 322.

⁶Cf. Stanley, Speech on Tithes (Ireland) (8 Mar., 1832), *ibid.*, col. 1367.

this, they will live in the remembrance of men as long as a signal example shall be wanted of feebleness joined with presumption.

Even what they have at last done, they had not the good sense nor the courage to do spiritedly, directly, and above board. They could *give* twenty millions to the West India planters, but they did not like to propose to *give* one million to the Irish clergy: it was therefore *lent*. Lent to whom? to the clergy doubtless; to be repaid then by the clergy? not at all: to be repaid by the landlord. But the landlord! why the landlord? by what right? with what colour of justice? Why single out from the nation one class, (a class, it is true, little used to be selected for *undergoing* injustice,) and require them to pay a debt which is not theirs, which was incurred by the obstinacy and improvidence of the Government? True; it would be unjust to lay it on the landlords, on the landlords therefore it shall not lie. Where then to place it? Now will the historian of a future age open his eyes and stare with astonishment at the device which was hit upon to reconcile all difficulties. The clergy are to be indemnified by the State, the State is to be indemnified by the landlords, and the landlords, bless the mark! are to be indemnified by the tithe-owing tenant. The origin and motive of the whole proceeding was that the Government itself, having gone forth with soldiers and field-pieces to collect the tithes, had been unable to accomplish it; and what the State has given up as desperate, it turns over to the landlords, as satisfaction for what it forces them to pay in quite other coin; as though it should confiscate the whole of their earthly estates, and assign to them a corresponding number of acres *in nubibus* by way of compensation! The very best supposition the case admits of, for the credit of Ministers, is that the whole transaction was a premeditated fraud. They should instruct their friends to give out that they knew the indemnity was a delusion; that they knew the tenant could not be forced to pay to the landlord what he could not be forced to pay to the State; and that their object was to lay a partial tax upon the Irish landowners without avowing the intention.

We pass to their measures relating to the public revenue and expenditure, and the kindred subject of commercial legislation.

The Ministerial pamphleteer insists with great emphasis upon the retrenchments which have been accomplished, and of which he makes an elaborate display.⁷ He is much in the right; no part of the conduct of his patrons makes a fairer show; pity that it is *but* a show! Their advocate has seized, perhaps, the only moment in the history of their administration, at which the merit of economy could colourably be attributed to them. The expenses which they have retrenched have just ended, those which they have caused are only about to begin. They have remitted taxes, since they came into office, to the amount altogether of more than three millions; but unless the retrenchments they have

⁷Le Marchant, pp. 18-34.

effected are but a trifle to those they will yet effect, wait and see what are the new taxes they will be obliged to lay on. Twenty millions to the West India planters, of which all but about three and a half were sheer waste; a million to the Irish clergy; nearly two millions (we forget the exact sum) lent, or what is the same thing, given, to the baby King of Greece;⁸ the interest of all this has to be provided for by new taxes: besides an indefinite annual sum for supplying all the West India colonies with what the mother country has never yet had the good fortune to possess, viz., a stipendiary magistracy, a police, and universal education. Several millions are, moreover, to be repaid to the East India Company and to the Bank: sums which had been lent to Government, part of them, we believe, at no interest at all, the whole of them at less than the market rate. Some of these expenses Ministers proposed to meet by an extra tax on colonial sugar;⁹ but they must be very simple people who can believe that sugar will not already be extra-taxed beyond all endurance. Ministers have looked to that matter already. Perhaps it was an inevitable effect of the emancipation of the negroes in whatever manner, but certainly of their emancipation in the thoughtless and clumsy manner in which our present rulers have decreed it, that the supply of sugar from our colonies must greatly diminish, and its price rise in a corresponding proportion, perhaps to even treble or quadruple the existing prices. In order that this last desirable effect may be made more sure, Ministers, in so far as depended upon them, have guaranteed to the West Indians the continuance of their present monopoly of the home market. It is, indeed, quite out of the question that Parliament should pay the slightest regard to any such pretended engagement; but it will be many years before Asia can afford a supply equal to the demands of Europe: and to admit the produce of foreign *slave* colonies after abolishing slavery in ours, would be to stultify our own measure; it would be renouncing, not injustice, but only the fruits of injustice, and continuing to be accessaries in the guilt for the profit of others. Instead therefore of increasing, Ministers will, more probably, be compelled to diminish the duties on sugar; and either way, new taxes must be found to make up for the partial drying up of one of the largest sources of our revenue. A similar observation applies to another of the most productive of our taxes, the tax on tea.¹⁰ Hitherto this duty has been collected at absolutely *no* expense: hereafter the charges of collection will be as great as in the case of other taxes; and it is at least problematical whether the effect of opening the trade to the unlimited

⁸Otho (or Otto) (1815-67), son of Louis I of Bavaria, accepted the throne of Greece in May 1832 (when he was not exactly a baby). His European supporters supplied a generous loan, Britain being liable for one-third (£800,000). See 2 & 3 William IV, c. 121 (1832).

⁹See Spencer, "Resolution on Supply—Sugar Duties" (16 Mar., 1833), *PD*, 3rd ser., Vol. 16, cols. 324-5.

¹⁰Altered by 3 & 4 William IV, c. 101 (1833).

competition of *buyers*, while the *sellers* in China are a close company of monopolists, and smuggling* almost impossible, will not be to *raise* instead of lowering the price of the article in the English market, and consequently to diminish the consumption and the revenue.

Under these financial disadvantages, all of their own creating, Ministers must bestir themselves again, and vigorously, in the work of retrenchment, if they would avoid the humiliating necessity of laying on taxes to more than the amount of those which they have recently taken off.

And their choice of taxes to be remitted; could it have been more unhappily made? To their *first* Budget, indeed, this criticism does not apply.¹¹ Memorable were the blunders of that Budget; but it was in laying on taxes, not in taking them off. In that one year, Ministers were luckily guided, in their remissions of taxes, by Sir Henry Parnell's book;¹² following that, they could not go far wrong; and they relieved us from several of the worst of our indirect taxes. There were two features of great merit in that first Budget, which have disappeared from the subsequent ones—an encroachment upon the Canada timber monopoly, (equal to a tax of one million a-year,) and a reduction of the Stamp Duty on Newspapers.¹³ Ministers were frightened out of the former of these meritorious purposes, by a single defeat, in the unreformed House of Commons. As to the latter, their hearts failed them; and whether it was pusillanimity or treachery, Lord Althorp, (disclaiming all the while any agency in the enforcement of the law,) *said* that the tax ought to be abolished, and took off a million and a half of *other* taxes instead.¹⁴ And what a selection! A sort of perverted genius was shown in finding the means of giving away a million and a half a-year in perpetuity, and pleasing no one—conferring a perceptible relief upon nobody. The secret of this was, excessive eagerness to do a little for everybody. Not a tax, except a few of trifling amount, was entirely repealed; only halves and quarters of taxes; the remaining part continuing to be collected at the same expense absolutely as the whole, and, of course, at a far greater proportionally; and the worst evil of indirect taxes, the onerous regulations and restrictions imposed for the convenience of collection, being perpetuated. The mere *reduction* of a tax, when the state of the revenue admits of its entire abolition, is hardly ever

*Tea is a bulky article in proportion to its prime cost, and is understood to be carried several hundred miles by land on men's backs to Canton; the difficulty of smuggling must, therefore, be almost insuperable.

¹¹See No. 86 for Mill's estimate of that Budget.

¹²*On Financial Reform* (London: Murray, 1830), by Henry Brooke Parnell (1776-1842), later 1st Baron Congleton, Secretary at War in Grey's administration 1831-32, a writer on currency and banking, as well as on Irish grievances.

¹³See Spencer, speech of 11 Feb., 1831, cols. 417 (timber) and 411-13 (newspaper stamps). For the defeat of the timber duties, see No. 195, n11.

¹⁴Spencer, Speech on Supply—the Budget (19 Apr., 1833), *PD*, 3rd ser., Vol. 17, cols. 331-2.

advisable; except for the prevention of smuggling, or when the lower duty is expected to be as productive as the higher. In the case of very few of the reductions was either of these results anticipated; nor was there any ground for anticipating them, nor any reason for reducing those particular taxes rather than many others; nor was the reduction in almost any case sufficient to make a perceptible difference in the yearly expenses of the consumer. Perhaps, indeed, if a sensible relief had been afforded to one portion of the dissatisfied, all the others would have been only the louder in their complaints. But a firm Ministry, strong in the authority of pure intentions and determination of purpose, could have overawed the interested and the peevish: *our* Ministers can overawe nobody, because they are afraid of everybody. These are the occasions which try the quality of men. A weak man cannot even confer a benefit, without losing more influence than he gains.

We are far from joining in the whole extent of the hostility entertained by the shopkeepers of the large towns against the House Tax; which, if impartially assessed, we incline to consider as one of the best of all our imposts, having many of the recommendations of a Property Tax, without its practical difficulties. Viewing it in this light, we should be ready to give some credit to Lord Althorp for the steadiness with which he has resisted the clamours of the representatives of the ten-pound voters for the repeal of the House Tax, had he not, with strange obtuseness, volunteered reiterated defences of those iniquitous inequalities in the assessment, sparing the rich and pressing upon the middle classes, which have disgusted the whole country, and mainly contributed to raise a storm that will scarcely now be allayed but by the destruction of that tax. It was coolly, gravely maintained, not by way of a joke, nor with any apparent consciousness that the proposition at all conflicted with the common sense and feeling of mankind—it was laid down by Lord Althorp as the just principle of assessment for the House Tax, that the overgrown houses of the very rich, which never can be suitable habitations for any other than the proprietor, should be taxed, not in the ratio of what the house, as a place to reside in, costs to the owner, who actually dwells in it, but of the amount which some *other* person, of far inferior income, could afford to pay for it as a residence!¹⁵ A House Tax is defensible at all, only on the assumption that what a person pays for his habitation is something approximating to a test of his general means of expenditure. Let this test then be applied. What the occupier of another man's house pays for his habitation, is the house-rent; but what the Marquis of Westminster pays for Eaton Hall, is the interest of what it would cost to rebuild such a mansion if it were destroyed.¹⁶ Were he to let it to Mr. Thompson or

¹⁵Spencer, Speech on the House and Window Taxes (30 Apr., 1833), *ibid.*, col. 775.

¹⁶The residence near Chester of Robert Grosvenor (1767-1845), 1st Marquis of Westminster, a Whig who had been an M.P. 1788-1802, and was becoming increasingly wealthy from his properties in Belgravia and Pimlico.

Johnson, he might get only 300*l.* a-year for it; but those 300*l.* are proportioned to the means of Mr. Thompson or Johnson, and are the measure of what the tax-gatherer ought to demand from *him*, not from the Marquis of Westminster. It is idle, however, to prove what is self-evident.

Lord Althorp has done more to weaken himself and the Ministry, by standing up night after night in the House of Commons as the vindicator of this odious abuse, than they have done to strengthen themselves by any, the most popular, measure of the Session.

But to return to their retrenchments. Cutting off useless expenditure is always praiseworthy; and to the present Ministers it must in candour be conceded that they have diminished some large salaries as well as small ones, abolished some lucrative offices as well as insignificant ones. Still, it is to be remarked that their large sum-total has been made up by the addition of a great multitude of small savings; what have been termed, by persons interested in disparaging them, savings of cheese-parings and candle-ends: those reductions in the *detail* of the expenditure, which we have again and again been solemnly assured had been carried to the utmost extent possible, to an extent seriously prejudicial to the conduct of public business. We see, however, that when a real *wish* was entertained to make a still further reduction of this *minimum*, the minimum was found to be a *maximum*. One fifth of the actual expenses of governing the country, as this pamphleteer triumphantly proclaims, cut off in three years!¹⁷ After several retrenching ministries had done their worst—out of about fifteen millions a saving of three millions in cheese-parings and candle-ends alone! “*Le mot impossible* (said Napoleon) *n’est pas Français*.”¹⁸—Credit after this who will, the *impossibilities* of heads of departments! But it is true, nevertheless, that these three millions are made up of *small* savings, and that the whole region of *large* ones is still untrodden. We refer particularly to the diplomatic service, the army and navy, and the colonies.

There are people who say, The diplomatic service is too expensive, it has not yet been reduced, it will bear reduction. *We* say, the diplomatic service ought to be abolished altogether. Consuls, at some places where the laws of the foreign country are an insufficient protection, we can discern a use for; and sometimes, but rarely, for an extraordinary envoy: for a stationary ambassador, never. At the time when statesmen could barely write their names, and when all business of importance was transacted by word of mouth, there was meaning in ambassadors. But now, when the art of written is so much more successfully cultivated than that of spoken composition; when the communication between court and court is as easy and safe, and almost as expeditious, as between any man and his next-door neighbour; when between the ambassador himself and the

¹⁷Le Marchant, p. 20.

¹⁸Napoleon, Letter to General Count Lemarois (9 July, 1813), in *Correspondance de Napoléon 1er*, 32 vols. (Paris: Plon, and Dumaine, 1858-70), Vol. XXV, p. 479.

government to whom he is accredited, all negotiations are conducted by means of written documents—why should not the writings pass between Governments themselves? What is the ambassador, but a middleman uselessly interposed between principal and principal? In the way of intelligence, again, what is there left to communicate, in an age of universal publicity, in an age of daily newspapers? Sufficient proof that there is nothing for an ambassador to do, is the quality of the men who are set to do it. They are fit enough for the purpose for which in reality they are kept up, viz. to give dinners to our aristocracy when abroad, and to keep a table for their idle younger sons in the character of *attachés*: but for what else?

Then the colonies: all which are worth keeping, all which for the good of the colonies themselves ought to be kept, might be made to defray their own expenses. Read Colonel Napier's inestimable work on the Ionian Islands, if you would learn how a distant dependency ought *not*, and also how it *ought*, to be governed.¹⁹ When a colony cannot pay for its own government, the reason generally is, first, because we insist upon governing it as if it were an opulent nation: we carry out with us from England as the mining associations did to Mexico, and with a similar result, English ideas of efficiency, and English ideas of lavish expense: not knowing, that to a rude state of society the simplest machinery of government is best adapted, we must have the establishments, the salaries, and even the pomps and fripperies, of an old country. That is one cause. Another is, that we entrust the governorship of the colony to one of the family of the Feebles, who either employs his activity in doing mischief, or, by his indolence, allows, that is, encourages others to do it: one who neither knows the right time for spending money, nor the right time for saving it; one who wastes the resources of the colony by mere mismanagement; who alternately strains and relaxes the springs of government; every one of whose blunders costs money to repair its consequences; and whose most expensive blunder of all is his unpopularity. For all which, and much else, see again Colonel Napier; whose book should be in the hands, not only of every statesman and every public writer, but of every Englishman.

If the colonies were made to pay their own expenses, economy in our military establishment would be in a great measure accomplished; for the far greater portion of our army is kept up for the service of our colonies alone. By governing Ireland well, we might dispense with the greater part of the remainder. What need has England of an army, except one or two cavalry regiments, and the artillery? Can we ever be *suddenly* involved in a continental war? And if we were, can we *possibly* maintain such an army as would be a match, at the instant, for any one of the continental powers? Then why attempt it?

¹⁹Charles James Napier, *The Colonies* (London: Boone, 1833), reviewed by Mill in No. 224. Napier (1782-1853), a veteran of the peninsular wars, was appointed field inspector in the Ionian Islands in 1819 and Resident at Cephalonia in 1820.

No nation which is not perpetually at war, can have a veteran army; but to make the rawest new levies fight like lions, there is a sure resource. Proclaim the system of the French army, promotion from the ranks.²⁰ Encourage the non-commissioned officers, even now confessedly the main strength of our army, by the hope of commissions; let every man of them know that if he have the soul of a Hoche, the fortune of a Hoche is open to him.²¹ *That* would be the true substitute for flogging, and for impressment too. Govern men by their hopes, and you need not by their fears: let your generals rise from the ranks, and your admirals from before the mast, and you need neither compel soldiers or sailors into the service, nor treat them like slaves or brutish beasts when in it; dismissal from it will be punishment enough. But neither from the Whig nor from any other Ministers shall we obtain this, until the spirit of aristocracy is completely purged out of our institutions. The monopoly of the army and navy is the last monopoly which will be wrested from the hands of the *wealthy*. There are many changes yet to come ere that comes. It will be much, when we shall no longer, to provide for gentlemen's sons, keep up numerous admirals for every ship, numerous generals for every regiment. It will be much, when we shall no longer, to provide for gentlemen's sons, make a retiring pension a perpetuity, and maintain our Dead Weight scarcely diminished during eighteen years of peace.²²

Curious it is that the apologist of the Ministers reckons the Dead Weight among the public charges *not* susceptible of reduction. He means then, that officers not on the effective strength of the army, who have not been once on full pay since the peace, who are supernumerary, superfluous, and ought to have retained their half-pay on the footing merely of a life pension, shall, when it would in a very few years have lapsed by death, be allowed to sell their commission to a youth, who steps into the place of an old man, and continues to receive the old man's retiring allowance after his death—a youth who will never be wanted until the next war, if even then, and in the mean time is only gathering *seniority* but not experience, eating his half-pay as the bread of idleness,²³ a mere liveried footman of the aristocracy. The Ministry have appointed a Committee on Naval and Military Appointments, and the Committee has not

²⁰See Décrets sur l'avancement militaire (20 Sept., 1790), *Moniteur*, 1790, p. 1095.

²¹Louis Lazare Hoche (1768-97) rose from the ranks, a grenadier at sixteen and general in command of the Army of the Moselle at twenty-five.

²²The "Dead Weight" was Cobbett's description of the annuities relating to naval and military pensions from the Napoleonic Wars, which the government had argued in 1822 were a "dead expense," not a part of ordinary expenditure but a dwindling liability (*PD*, n.s., Vol. 7, col. 164).

²³Cf. Proverbs, 31:27.

recommended the abolition of this flagrant abuse.²⁴ Ministers do not intend it, then; but unless they correct their intention, their boast of being a Ministry of retrenchment will deserve to count for very little.

Even in their own small way of clipping and paring the details of the public expenses, much is still to be done which they seem to have no thought of doing. To begin with themselves: of what earthly use is a Lord Privy Seal?²⁵ The utility of a President and a Vice-President of the Board of Trade, or, indeed, of either of the two, is very questionable. Why were the Duchy of Lancaster and the Duchy of Cornwall excepted from the surrender of the hereditary revenues of the Crown?²⁶ The expenditure of those duchies, being sheltered from any kind of publicity, are, we may be sure, the last hiding place of every job too openly disgraceful to be hazarded in the presence of the public. What need of the expensive foppery of household troops? Why should the Guards cost more than an equal number of other regiments? Economy has marched, with pruning-knife in hand, along the grand avenues of the public expenditure, but it has not yet peered into the bye-alleys. The harpies of corruption, frightened out of the open daylight, will be found skulking and cowering in the dark corners. Let Mr. Hume look narrowly into those little modest items of the Miscellaneous Estimates, the grants of 5000*l.* and 10,000*l.* under pretence of work to be done off the common highways of public business and public view. The two words *Record Commission*, alone speak volumes.²⁷ The public eye has been let in, perhaps, upon the most *expensive* jobs, but we much doubt whether it has yet obtained a view of the most *profligate* ones.

We have demanded a large share of the reader's indulgence; our excuse must be, that we are reviewing not a pamphlet, but an administration. We trust that all we shall at present deem it necessary to say, may be brought to a conclusion in another article.²⁸

²⁴See "Report from the Select Committee on Army and Navy Appointments" (12 Aug., 1833), *PP*, 1833, VII, 10-11.

²⁵The fifth in precedence of the great officers of state (coming before the dukes), his custodianship of the privy seal was virtually formal in Mill's time, though it originally, in the reign of Edward III, was seen as a check on the royal power.

²⁶The Royal Duchy of Lancaster, dating from the reign of Henry IV, and that of Cornwall, dating from the reign of Edward III, were royal appanages, the latter reserved for the monarch's eldest son. They were excepted in Sects. 3 and 9 of 1 George III, c. 1 (1760).

²⁷Set up in 1800 to arrange and preserve the official records, and to make them available through publication, the Record Commission had a sad reputation for inaction and inefficiency at that time. For the current grant of £10,000, see "Finance Accounts," *PD*, 3rd ser., Vol. 20, App., p. xxii.

²⁸See No. 218, but Mill's forecast was much in error, so see also Nos. 219, 220, 221, and 223.

218. THE REVIEW OF THE SESSION CONTINUED

EXAMINER, 6 OCT., 1833, PP. 625-6

For the entry in Mill's bibliography and the context of this third leading article on Le Marchant's *The Reform Ministry*, see Nos. 216 and 217. In the Somerville College set of the *Examiner*, the article is listed as title and enclosed in square brackets.

A FEW OBSERVATIONS, which the length of our last article compelled us to defer, are still required to bring to a close the subject of retrenchment; after which we shall proceed to another department of the doings of the Ministry.

One of the most important of the measures of economy which still remain to be adopted, is an entire change in the constitution of the public offices. Without such a change, the retrenchments for which Ministry after Ministry have taken such unbounded credit, will cost to the public much more money than they will save. Any fool can carry on the public business cheaply and ill; but such cheap work is the dearest of all in the end. Unlimited pecuniary means may be squandered; but of a limited income every farthing must be turned to the best account. So long as the number of *employés* could be made as great as the head of the department felt an inclination to make it, the multitude of inefficient hands was a source of useless expense, but they were like so many sinecures, the most plain-dealing and cheapest of all jobs; if they did no good, they prevented none; it was but so many people of "connexion," quartered upon the public instead of being kept by their "connexions," or earning an honest livelihood: the incapables consumed their salaries, and capable officers were, or might have been, entertained in addition, to do the work. But when the public will has enforced a reduction of the numerical strength of an establishment to something not, perhaps, greatly exceeding the number which would barely suffice if every man were fit for his situation; from that time every inefficient man who is employed, deprives the public of the services of an efficient one. Has due regard been had to this principle in the reductions of the civil establishments? Is it not a fact, that young men of family continue to be engaged to do mere clerk's work, but not at clerk's salaries, and that the money lavished upon them leaves so little for the wages of real services, that the most valuable public officers are, not perhaps underpaid, but so few in number and so overworked, that it is by no means easy, when vacancies occur, to find fitting successors? If this be not so, let it be denied; but if, as we firmly believe, it *is* so, let it be remedied. There is no economy comparable to that of employing able men. It is the accumulation of *useless* expenses which weighs down a country; never the magnitude of the *useful*.

Above all, let the places of trust and power beyond the seas, where the control of the superintending authority is weak, and the surveillance of English public

opinion is null—where the wisdom, honesty, and firmness of the delegated functionary are all in all—let those appointments, which are now, whether by Whig or Tory, given to aristocratic or official connexion *exclusively*, be given solely to merit; and, more scrupulously than even any other appointments, to merit of the highest grade, no matter in what rank of life. An incapable in high place is a more costly abuse than a hundred sinecures. Such a one, governor of a colony, receives a salary of 5000*l.*; but his caprices and his blunders, his self-conceit and his negligence, his want of foresight, and of capacity to avail himself of opportunities, and make the best use of his instruments, cost the nation forty or fifty thousand. The pamphleteer says nothing for his patrons on this point. We believe that they have followed the good old rule, of appointing, with a very moderate degree of regard for personal qualifications, their political friends.

Of retrenchment, and taking off taxes, no more at present. But there are taxes, which are not called taxes, because not paid to the tax-gatherer, but which are a subject for retrenchment, compared wherewith all that can possibly be cut off from the expenses of government is hardly worth notice; taxes the very existence of which is a crying enormity, and of which the repeal would afford a relief nearly equal to the entire interest of the national debt. Foremost among these is the odious Bread Tax. If, as appears to be the opinion of the best authorities, wheat is kept, by the operation of the Corn Laws, about 10*s.* a quarter above its natural price; and if, as is commonly assumed, the inhabitants of the United Kingdom, amounting to twenty millions, consume, one with another, one quarter of wheat in the year; here is a tax of ten millions in the article of wheat alone; to which when we add all other agricultural produce, every other retrenchment sinks into insignificance, and the word appears little better than a mockery when applied to anything except getting rid of this intolerable burthen. There is in *this* kind of retrenchment a further pre-eminence. Retrench by cutting down establishments, and all the gain to the public is loss to the functionaries who are discharged. Retrench by removing restrictions from commerce and industry, and, by restoring capital to its natural channels, an increase of production is created, which is a gain to the public beyond and in addition to what individuals lose.

The Ministry, as a Ministry, profess themselves friends of free trade. And here let us give "honour due" to one of their number, who has entitled himself to a kind of praise, which can be given to no other among them. Lord Palmerston, a short time before the prorogation of Parliament, signalized himself by the only speech of *principle* which has been made by any Minister during the Session; a speech which compromised nothing, and went to the very vitals of the subject.¹

¹Speech on the Prussian Tariff (15 Aug., 1833), *PD*, 3rd ser., Vol. 20, col. 700, by Henry John Temple (1784-1865), Lord Palmerston, who had become Foreign Secretary in 1830.

Lord Palmerston exposed the fallacies of *protecting duties* and of *reciprocity* with the hand of one who really understood the question, and without one vestige of Whig seesaw or reservation. But as *he* speaks, so will his colleagues *act*? Some minor monopolies and restrictions they have abolished or mitigated, and will, doubtless, relieve us from others. But from the giant monopoly, compared with which the heaviest of all our taxes is scarcely a burthen, it is not they who will deliver us. They have put off the subject for one year, by moving the previous question. Put it off much longer they cannot; certainly not beyond the first deficient harvest; and the day when they must face this great question will probably be the last of their administration. They are not unanimous. Some of them are reputed enemies of the Bread Tax; (Lord Ripon might have been deemed so, until he ate up his free-trade principles, on Lord Fitzwilliam's motion;)² others (and the Premier is of the number) are said to be among its most obstinate and bigoted partisans. This is enough. A Minister who supports the Bread Tax, is essentially neither a Reformer, nor an economical Minister: not the last, because he seeks to rivet on our necks the heaviest and most unprofitable burthen which the nation bears; not the first, because, whether he is aware of it or not, the interest of the landlords is paramount in his regard to the interest of all the rest of the community. The distinction between such a statesman and a Tory lies wholly in non-essentials; that between him and a Reformer is fundamental.

The topic of Law Reform occupies a very prominent station in the Ministerial pamphlet.³ On this subject more praise is really due to the Ministry, or rather to the Chancellor, than can be given to any other of their measures, except the Reform Bill. Though the substantial value of what has yet been accomplished, is immensely overrated by their panegyrist, the very fact of taking so much credit for law reform deserves praise; and the more, because what can be said of none of their other reforms, is true of this—that it was not forced upon them by the public. Lord Brougham is not in this case a mere passive instrument, for executing, and executing imperfectly, the peremptory mandates of popular opinion. The public are as yet but moderately interested in the subject; sufficiently to reward, yet not sufficiently to compel, the exertions of the Chancellor. And the degree of excitement which *does* exist respecting it, is mainly of his own creating. It is to those, indeed, who prepared the way, by laying the foundation of the philosophy of law, and dissecting piecemeal the absurdities of English practice; it is to those who fought the up-hill fight, who originated Law Reform, and carried it forward through every species of neglect,

²On 30 Apr., 1833, Charles William Wentworth Fitzwilliam (1786-1857), an early advocate of Corn Law repeal though a landowner, who had just entered the Lords from the Commons, presented six resolutions on trade in grain (*ibid.*, Vol. 17, cols. 752-5). He was opposed on 14 May by Robinson, Earl of Ripon, Speech on the Corn Laws (*ibid.*, cols. 1179-89).

³Le Marchant, pp. 56-73.

discouragement, and insult, to the point at which even a man like Henry Brougham could add to his reputation by adopting it, and making the cause his own; it is to *them*, no doubt, that the gratitude of mankind is chiefly due—not to him who came at the eleventh hour; yet neither to him should praise be given with a reluctant or sparing hand. He was the first *public* man who identified himself with the cause; the first who *popularized* the idea, that the law needed reform as a whole. Mr. Peel's reforms had done much to discountenance the notion which strangely prevailed, of the absolute perfection of the law even in its form and details;⁴ and a notion was spreading that there was still considerable room for minute improvements. But everything which has been done, or attempted, in the way of reviewing the main body of the law—all idea, among the public at large, of its being susceptible, as a whole, of any considerable amelioration,—takes its date unquestionably from Mr. Brougham's celebrated speech:⁵ nor, at the time when that speech was made, could any person of less weight than Mr. Brougham have pronounced so bold and sweeping a condemnation of the English law (greatly as even *that* condemnation fell short of its deserts) with much probability of being favourably listened to. The first fruits of the speech were the appointment of two Commissions, composed of lawyers of the first eminence, whose inquiries and recommendations have done more to bring Law Reform into vogue, and to liberalize the general feeling of the profession, than could have been hoped for in so short a time.⁶ Piecemeal reforms have multiplied in an accelerating ratio ever since. Some considerable changes, proposed by these Commissions, have been carried through Parliament in the Session which has just closed; together with others emanating directly from the Chancellor himself.⁷ And (a praise which the Ministers have seldom deserved) more has been attempted, than could be effected at the first trial, and more has been proclaimed desirable than has been attempted. Lord Brougham's views of Law Reform, if not always as enlightened, are now at length as extensive, as the most philosophic reformer could desire. He has caused *codification* to be recommended in a King's speech:⁸ he has appointed a Commission for making (though on a small scale, and beginning at the wrong end) an actual commencement of it;⁹ and he has committed himself irrevocably

⁴As Home Secretary, Peel was responsible for many reforms, especially in the criminal law: e.g., 7 & 8 George IV, cc. 27-31 (1827), and 9 George IV, c. 31 (1828).

⁵Brougham, Speech on the State of the Courts of Common Law (7 Feb., 1828), *PD*, n.s., Vol. 18, cols. 127-247.

⁶The Commission on the Courts of Common Law was appointed in May 1828; that on the Law of Real Property in June 1828. For the Committee members and their First Reports, see *PP*, 1829, IX, 1-117, and X, 1-82.

⁷For Mill's further comments, see No. 219.

⁸Speech from the Throne (4 Feb., 1830), *PD*, n.s., Vol. 22, col. 3.

⁹The Commission on Criminal Law was appointed on 23 July, 1833; for its First Report, see *PP*, 1834, XXVI, 117-77.

to the principle of Local Courts.¹⁰ These things, if accomplished, are the greater part of all which is to be desired. Codify the law, common and statute together, and establish Local Courts *with unlimited jurisdiction*, and all that will remain to complete a systematic reform of the law, is to simplify the procedure, and establish good courts of appeal.

Lord Brougham's Law Reforms will be the leading subject of our next Paper.

219. LORD BROUGHAM'S LAW REFORMS

EXAMINER, 13 OCT., 1833, PP. 643-4

This is the fourth of Mill's leading articles on the parliamentary session of 1833 prompted by Le Marchant's *The Reform Ministry*; see Nos. 216-18. In addition to those specifically mentioned in the text, Brougham's Law Reforms include 2 William IV, cc. 34, 39 (1832); 2 & 3 William IV, cc. 51, 62, 116, 123 (1832); and 3 & 4 William IV, cc. 44, 67 (1833). For the context and bibliographic entry see No. 216. In the Somerville College set of the *Examiner*, the article is listed as title and enclosed in square brackets.

IF THE REMARKS by which we are about to qualify our applause of Lord Brougham's Law Reforms should seem of a disparaging tendency, they are inspired by no love of disparagement, but by the conviction that there is no greater enemy of the good which is to come, than exaggerated praise of the good which has already been effected. Lord Brougham's vocation is that of a popular orator rather than a legislator. The service which beyond all other men of his day he was fitted to render to Law Reform, was that of discrediting the existing system. This he has done, and is doing, as effectually perhaps as it could have been done by a mind of more philosophic habits and of more enlarged views. He is great as a destroyer; not great as a rebuilder. All that he has overthrown well deserved to fall; nothing that he has established, in the opinion of the most thorough law reformers in the profession, deserves to stand. Not only his reforms are partial and narrow, but they are such as cannot fit into any more comprehensive plan of reform. A great edifice cannot be built in a day; but his hasty erections will form no part of the building when it is completed; they are mere temporary sheds, occupying part of the ground—an actual obstruction in the way of the workmen, though a far *less* one than the cumbrous ruin which was cleared away to make room for them.

The old Bankruptcy Court was an abomination;¹ the judicial arrangements relating to the affairs of lunatics were a mass of expensive absurdity;² there could

¹⁰Brougham, Speech on Local Judicatures (28 Mar., 1833), *PD*, 3rd ser., Vol. 16, cols. 1190-6.

¹Reformed by 1 & 2 William IV, c. 56 (1831).

²Reformed by 2 & 3 William IV, c. 107 (1832), and 3 & 4 William IV, c. 36 (1833).

not be a worse constituted tribunal than the Privy Council, the sole court of appeal from the tribunals of the colonies;³ the Ecclesiastical Courts deserve to be swept away.⁴ But does any man, capable of forming the conception of a rational judicial establishment, believe that there will much longer be a court for bankruptcy alone, a court for lunacy alone, a court only for marriage causes and for proving wills, a court only to hear appeals from the colonies? Certainly not: and in the mean time all these new judgeships and commissionerships are so many vested interests, which, when the time comes, the public will be expected to buy off. All these nibbling reforms in Chancery, again, what are they? when every enlightened law reformer is convinced that the Court of Chancery as a separate Court must cease to exist, and that the *same* judges in the first instance, and the same judges of appeal, will ultimately administer both that part of the law which is called Law, and that other part of the law which is called Equity?

Of the defects in the details of Lord Brougham's reforms, and of his views of reform, we can only select, nearly at random, a few instances as specimens.

He has abolished prospectively many legal sinecures, which yielded immense incomes to sons, nephews, and grandchildren of Chancellors and Judges, at the expense of suitors.⁵ Of the golden streams which flowed into the strong boxes of these lucky foster-children of the nation, a part, indeed, have been dammed up, but the remainder only diverted into the Exchequer of the State.⁶ Of the fees which unfortunate applicants for justice were forced to pay, avowedly for no purpose but to make an income for these sinecure placemen, a *part* only have been remitted; a part continue to be collected for the benefit of the public revenue! The most odious of all taxes—taxes on justice—abolished in 1823 by Lord Liverpool's Ministry⁷—behold them re-established by the Reform Ministry! It was reserved for the Reform Ministry, and for the man who desires to go down to posterity as the reformer of the laws of England, to *re-enact* an abuse so odious, that it was abolished even by Tories, in the very first hour in which the words law reform were uttered in a public place. Once more it has been decided, that a man is to be selected as a fit object of taxation because he is suffering evil—that because he is put to immense expense by having had his rights disputed, or a wrong inflicted upon him, *therefore* he shall be put to further

³The Judicial Committee of the Privy Council to hear appeals was established by 3 & 4 William IV, c. 41 (1833).

⁴The Ecclesiastical Courts, which had jurisdiction over divorce by annulment and probate as well as Church matters, had had their powers slightly altered by 2 & 3 William IV, c. 92 (1832), but were not significantly reduced in authority until 1857 by the Matrimonial Causes Act.

⁵See Brougham, Speech on the Abolition of Chancery Sinecures (2 Aug., 1832), *PD*, 3rd ser., Vol. 14, cols. 1016-19; and the abolishing acts, 2 & 3 William IV, c. 111 (1832), and 3 & 4 William IV, c. 99 (1833).

⁶For illustrative details, see 2 & 3 William IV, c. 110 (1832), Sects. 8 and 10; and 3 & 4 William IV, c. 84 (1833), Sect. 7.

⁷For the repeal (enacted in 1824, not 1823), see 5 George IV, c. 41.

expense for the general purposes of the State—that because the King, and the Ministers, and the army, and the navy, and the courts of justice, having succeeded in protecting the rest of the community from injustice, have failed in protecting *him*, therefore *he* shall be picked out from the rest of the community as the person who shall be required to pay more money for the support of those establishments! And the Solicitor-General, Sir John Campbell, a man whom we regret to blame, for no person connected with the Government oftener gives utterance to sentiments deserving of praise, actually congratulated the Chancellor of the Exchequer on this accession to his financial resources.⁸ A few thousands a-year, wrung from the needy and from the injured—a noble subject of congratulation!

In a matter nearly connected with this, the House of Commons proved themselves better law reformers than Lord Brougham. The principle of remunerating judicial officers by fees instead of salaries, at the expense of suitors instead of the State, that is, at the expense of those who derive *less* benefit than any one else from the administration of justice, being put to trouble and expense for that protection which others obtain gratuitously; this pernicious principle, discarded by Lord Brougham in a great variety of cases, had been most inconsistently retained in others: but the House of Commons, in passing the Chancery Reform Bill, extirpated that mischief from it altogether.⁹ This roused the Chancellor; who, when the Bill returned to the House of Lords, entered into a vindication of his own views. He said, that unless the officers of the court were paid by fees, their reward would not be in proportion to their exertions, and they would have motives to retard instead of accelerating the despatch of business.¹⁰ Extraordinary as it may seem, in this doctrine the Chancellor was perfectly serious, and, we are persuaded, sincere. All it proves is, on how slender a foundation of principle his opinions rest, and with how little of reflection they are taken up. Strange not to see that this reason for payment by fees instead of salary, is applicable to all public officers whatever, if to any: still more strange not to see that a superior functionary stultifies himself, when he professes incapability of compelling his subordinates to do their duty, unless they are bribed to do it by the very person who least of all others in the community ought to bear that extra burthen. Formerly almost all public officers were paid by fees: the iniquity of the principle, and the abuses to which it was liable in practice, have caused payment

⁸John Campbell, Speech on the Chancery Office Bill (22 Aug., 1833), *PD*, 3rd ser., Vol. 20, col. 829.

⁹In its original form, "A Bill Intituled, An Act for the Regulation of the Proceedings and Practice of Certain Offices of the High Court of Chancery in England" (19 July, 1833), *PP*, 1833, I, 289-97, the measure included fees. As revised by the Committee, the Bill (17 Aug., 1833), *ibid.*, pp. 297-316, had a new Clause 29 providing for salaries. It was enacted as 3 & 4 William IV, c. 94 (1833); for fees, see Sects. 19, 41, and 44.

¹⁰Brougham, Speech on the Court of Chancery Regulation Bill (27 Aug., 1833), *PD*, 3rd ser., Vol. 20, cols. 892-3.

by salaries to be almost universally substituted; and now what is it which keeps public functionaries to their duty? The good sense and vigilance of their official superiors: and is the Chancellor incapable of exercising similar vigilance? Say that it is necessary that his subordinates should have the additional inducement of a pecuniary remuneration proportional to the *quantity* of the work, (even if at the expense of the *quality*.) are there no means devisable by human ingenuity for giving them that pecuniary inducement, except out of the pockets of injured men petitioning for justice? When nobody but the public is interested in getting over a difficulty, the easiest effort of thought seems to be grudged for finding a solution. Not that the public good is not dear to these men, but that their zeal for it is a capricious and wavering, not a steady principle of action.

Though the Chancellor defended the principle of remuneration by fees, he *did*, we believe, throw out something like a condemnation of making those fees contingent upon any incident which the officer receiving the fees has the power of multiplying, for the purpose of increasing his own emoluments. But so completely are the acts of the Chancellor at issue with his professions, that the particular fees which the officers who profit by them have the *greatest* power of multiplying the occasions for, (and have exercised that power to the most mischievous extent,) those very fees, both in the Court of Chancery and in the Courts of Common Law, instead of abolishing, or diverting into other channels, the Chancellor has *largely* INCREASED. We do not believe that this was done with evil consciousness for jobbing purposes. But is it at all wonderful that there should be thousands who *do* think so?

We are compelled to select as examples of the Chancellor's defective notions of legislation, not the most important instances, but those which can be exhibited at least length. We will mention one which is striking, and will occupy little space. Even the unprofessional reader knows that lawsuits are often decided by *arbitration*, and that after the parties have incurred nearly the whole expense of a suit, the judge frequently advises them to refer the case to a gentleman of the bar; but they do so at their option, and not otherwise. One of Lord Brougham's Bills contained a clause, which was struck out of the particular Bill, but afterwards revived, and which we understand is still persevered in, empowering the judge at his discretion to nominate an arbitrator, and rendering the decision of the arbitrator so designated *compulsory* on the parties.¹¹ Now observe the character of this proceeding, and of the process of thought in the Chancellor's mind, on

¹¹The Clause is on p. 13 of "A Bill, Intituled, An Act for Settling Controversies by Arbitration," 1 William IV (30 Nov., 1830), *PP*, 1830-31, I, 13-18 (not enacted). A substitute provision is on p. 17 of the Bill of the same title, 2 William IV (23 Aug., 1831), *PP*, 1831, I, 15-20 (not enacted); it was "revived" as Clause 28 of "A Bill, Intituled, An Act for the Further Amendment of the Law, and the Better Advancement of Justice," 3 William IV (16 Apr., 1833), *PP*, 1833, III, 19-34 (enacted in Sect. 39 of 3 & 4 William IV, c. 42 [1833]).

which it must have been founded. All the presumptions are *against* arbitration, as compared with a suit in the courts. The arbitrator is wholly irresponsible, even to the opinion of the world; he decides without publicity, and decides upon evidence taken without publicity: he is a person selected almost at hazard, hardly ever of any professional eminence, certainly of less than the judge who selects him, unless the appointment of the judge amounted to an act of the grossest public profligacy. Nevertheless, although there are all these strong presumptions *against* decision by an arbitrator, the *voluntary* agreement of the parties to submit to it in preference to the regular tribunal, is a presumption in its favour stronger than these, and outweighing them. Therefore the parties shall be *compelled* to choose it whether they will or no!

If the law reforms of the Chancellor were analysed in detail, we should be able to exhibit innumerable specimens of loose and imperfect thinking, not inferior to these. We have not room for that minute examination here. But we must notice something of more serious moment, because on a larger scale; what we hold to be an error of principle of the very first magnitude. The whole of the Chancellor's notions on the subject of *appeal*, the very key-stone of a good system of judicature, appear to us to be radically erroneous, and all that he is doing or planning with relation to it, to be fundamentally wrong. If there is one principle more than another, which is universal and paramount in public business of almost any kind, but above all in judicature, it is that the functionary should be *one*. Not indeed where the *law* is doubtful; for then the question should be referred to the collective body of the highest legal authorities, as now to the fifteen judges, not so much for greater certainty, as to ensure *uniformity* in the law. But in all other cases, to set three or four judges on a bench to hear *one* cause, is not only paying three or four persons to do the work of one, but it renders absolutely certain their doing it ill. *One* judge feels the public eye upon him; he is ashamed to be corrupt, or partial, or inattentive; but when there are several, each dares perpetrate under the sanction of the others, wickedness the undivided obloquy of which he would have shrunk from; each trusts that others have been listening though he has not, that others have given their minds to the cause though he has not; and instead of the services of several judges, the public has something considerably less than the best services of one.

But Lord Brougham carried the prejudices of a Common Lawyer into a Court of Equity, and resolved to assimilate the two, by altering the practice not where it was bad but where it was good. Hitherto in the Court of Chancery the appeal has been from one judge to one judge: when the proposed Bill shall have passed, it will be from one judge to *three*.¹² A similar change has been effected in the Privy

¹²See "A Bill Intituled An Act for Appointing a Chief Justice in Chancery, and for Establishing a Court of Appeal in Chancery," 4 William IV (19 July, 1833), *Sessional*

Council.¹³ And this the ministerial pamphleteer lauds as a most glorious improvement. "It must be admitted that a single judge hearing and deciding on questions of great moment was not a very good specimen of a court of appeal."¹⁴

One ridiculous effect of this so-called reform, which does not appear to be at all thought of, is the following: at present *three* judges in the first resort sit regularly for the dispatch of business, and *one* only is ever occupied in hearing appeals from them: but now every appeal will take up the time of *three*, leaving only *one* to judge in the first instance. We may look forward therefore to an immense and rapidly accumulating arrear, or to the speedy appointment of several more judges in equity.

We shall only further mention, under the title of Law Reform, two instances of discreditable truckling which we really hope not to see renewed. When the House of Lords was about to reject the Local Courts' Bill, which had already been mulcted of almost all that was valuable in it except the principle, in order to have a chance of passing, (the jurisdiction, originally of 100*l.*, having been reduced to 20*l.*)¹⁵ what said the Chancellor?—That if, by rejecting a bill, the utility of which had been pared down almost to a minimum, they proved that no measure for really improving the judicature of the country had any chance of finding acceptance with them, he would give over compromising, and making his measures petty and contemptible to please them, and would propose a large measure containing all that the public welfare imperiously required, leaving them to reject it at their peril?—Nothing of the kind. He told them that if they threw out the Bill they should not daunt him, nor turn him back in the career of Law Reform, and that he would next time present to them a Bill—far less extensive than the preceding!¹⁶ This was tantamount to actually *inviting* their rejection of the Bill, and promising to do all he could to cover over and shelter the iniquity of their conduct. Let us hope that his acts, in this instance, will be better than his words.

This was truckling to the House of Lords. Their leaving the Registration Bill, the only really important measure which has emanated from the Real Property

Papers of the House of Lords, 1833, CCCXV, 217-20 (not enacted). For discussion of an earlier French measure of similar intent, see No. 66, n1, and No. 76, n3.

¹³By Sect. 1 of 3 & 4 William IV, c. 41.

¹⁴Le Marchant, p. 63.

¹⁵The clause containing the £100 limit is on p. 60 of "A Bill, Intituled, An Act for Establishing Courts of Local Jurisdiction," 1 William IV (2 Dec., 1830), *Sessional Papers of the House of Lords*, 1830-31, CCLXXXIII, 57-104 (not enacted). The limit to £20 is in Clause 15 of the Bill of the same title, 3 William IV (28 Mar., 1833), *ibid.*, CCCXIV (1833), 205-38 (not enacted). For the debate in the Lords that led to its defeat, see *PD*, 3rd ser., Vol. 19, cols. 307-74.

¹⁶Brougham, Speech on Courts of Local Jurisdiction (9 July, 1833), *PD*, 3rd ser., Vol. 19, col. 371.

Commission, in private hands,¹⁷ while all the other Bills of that Commission were adopted as Government measures, *this* was truckling to the House of Commons. And a notable specimen was the rejection of that Bill, of what that House is—of what are the interests which still predominate *there*. Still the House of Landlords; still the House of Insolvent Debtors; and when strong public clamour does not *compel* some regard to the public interest, still as stupidly and as blindly selfish as in the worst times. Every man who voted for throwing out the Registry Bill, stamped himself thereby as a man more deeply in debt than he dared to avow. Not only was there no *good* motive, there was no *other* motive, good or bad, which could render a landowner averse to the official authentication of his property, and the claims on it, in the same manner in which his father's will is authenticated by registry in Doctors' Commons.

220. THE CORPORATION BILL

EXAMINER, 20 OCT., 1833, PP. 659-60

This article discusses a plan for municipal corporations outlined by Brougham late in the session in a speech of 22 Aug., 1833 (*PD*, 3rd ser., Vol. 20, cols. 821-4); the plan did not result in legislation until 1835. It is Mill's fifth leading article on the parliamentary session of 1833, prompted by Le Marchant's *The Reform Ministry*; for the entry in Mill's bibliography and the context, see Nos. 216-19. Unlike the previous articles in the series, this and No. 221 are signed "A.B.," Mill's most common form in these years. In the Somerville College set of the *Examiner*, it is listed as title and enclosed in square brackets.

THE MEASURE which Lord Brougham has introduced for giving municipal constitutions to the new boroughs, is far from an advantageous sample of his talents for legislation.

The elements of a local constitution for the management of the affairs of a town, are obvious enough to common sense. They are, first, a municipal assembly, or sub-legislature, elected by popular suffrage, to enact local regulations, levy local taxes, and direct their application to local purposes. Secondly, a superintendent of police, with a sufficient number of policemen for watch and ward. Thirdly, one or more local judges, who should be magistrates as well as judges; for it requires the very same order of judicial ability to determine whether there is evidence sufficient for *commitment*, as to decide subsequently whether there is sufficient for *conviction*. These judges, like all other judges,

¹⁷Those of William Brougham (1795-1886), brother of the Lord Chancellor, a barrister, Master in Chancery from 1831, and M.P. for Southwark 1831-34. He introduced "A Bill for Establishing a General Register for All Deeds and Instruments Affecting Real Property in England and Wales," 3 William IV (13 May, 1833), *PP*, 1833, III, 489-540; it was debated and defeated on 19 June (*PD*, 3rd ser., Vol. 18, cols. 1001-11).

should not be elected by the people: a multitudinous body is not qualified to select, previous to trial, the fittest among several candidates, for the delicate and arduous functions of a judge. That most difficult and perilous choice can only be made by an officer of great skill and experience, especially appointed to that duty: an officer who, in almost all civilized countries except this, is a member of the Cabinet, under the title of Minister of Justice. But in order to give to the people the necessary security against bad appointments, (the control of Parliament, even if Parliament were other than it is, never could be exerted but in extreme cases,) the local judge ought to be removable by the people of the district, either directly, or through their representatives, the municipal council, not only for malversation, but unfitness of any kind.

The Chancellor having to frame a new municipal constitution, what does he? Place before himself the *ends* to be attained, and look out for the simplest and straightest *means* by which to reach them? No; he never applies the force of his intellect to the matter at all; never, it is obvious, puts the subject distinctly before his own mind. But he turns, perhaps, to the most philosophical writers on the subject, and takes their views for the guidance of his own. Just as little. What then does he? Servilely copies the constitution of the Corporation of London: instead of thought, contents himself with mere mimicry. The city of London has a common council and aldermen; therefore the new Corporations must also have a common council and aldermen! Not even tact enough to change the names; names so loaded with associations of vulgarity and imbecility, that, as a correspondent of the *Times* well remarked, nothing more than that one circumstance is wanted to prevent persons of education and refinement from seeking or accepting the office.¹ But aldermen!—why aldermen? This from the author and enthusiastic promoter of the Local Courts' Bill!² what need of aldermen when we have Local Courts? and if we have them not yet, shall we not have them next year, or at farthest the year after? Why not insert them in this very Bill? Why build up, what we must immediately pull down? Aldermen! Have we not had a long enough trial of unpaid judicature? of amateur judges, whose first business is their shop, and the bench only their second? If there is an occupation upon the earth which requires the devotion of the entire faculties, it is the function of judicature; and men who would not allow their clerks or their footmen to have any second employment, will allow their judges to make judging the mere *délassement* of their leisure hours. But so it was in the old Corporations; so, therefore, the reformer of our laws wills that it shall be in the new.

Nevertheless, the anti-popular instinct has guided him most surely to the abridging of whatever privileges the old constitution conferred upon the

¹"Detector," Letter to the Editor (26 Aug.), *The Times*, 28 Aug., 1833, p. 3.

²See No. 219, n16.

democracy. For annual, he has substituted triennial elections;³ and the aldermen are not to be elected by the inhabitants at all. In the latter of these two points we think him right by accident; but not in the mode of nomination which he has instituted. The aldermen are to be elected by the common council: and (to put the *combe* to all the rest) they are to be elected by the common council from their own body.⁴ And mark this: the *whole* magistracy of each of the new boroughs will have to be selected *for life* from among the few persons who will be chosen *the first time* to form the common council.⁵ We stand appalled at the bare imagination of the jobbing, the intriguing, the backbiting, the undermining, the low tricks of all sorts, and the ill blood that will spring out of the contest, first to be elected *into* these primitive common councils, and afterwards to be elected *by* them. What a scheme for *starting* the new municipal constitution—for giving it that prosperous commencement which is of such inestimable importance to all new institutions, and the want of which it takes so many years to repair! But this is the smallest part of the evil of the absurdity. No qualifications whatever being required, apparently, to make a good judicial officer, anybody, who is not absolutely unfit for anything, being supposed to be fit for a magistrate; the choosers of aldermen are to be limited in their choice to the few persons whom the people have selected for a quite other sort of function: just as if the fifteen judges were required to be selected from the House of Commons. Because a man has been deemed fit for vestry business, he is fit to decide the most delicate question of evidence affecting the liberties and fortunes of the people!

This is instructive in more ways than one: it is a specimen which brings strongly into view (what are almost always equally mischievous, but seldom so ridiculous) the consequences of halting between two roads, and not choosing between two principles, but taking half of one and half of another. The Chancellor had renounced the principle of popular election of aldermen; he was alarmed at his own audacity; and we are persuaded, he flattered himself that by requiring those functionaries to be selected from a body which already emanated from popular election, he should still give something of a democratic air to his measure, and ward off a part of the disapprobation which might otherwise fall upon the curtailment of popular privileges. He will fail in this, as all such truckling policy deserves to fail; he will succeed only in ruining the utility of his own measure.

While in these particulars the Chancellor has deviated from the constitution of the city of London, only that the new machinery might be worse than even the old, he has faithfully imitated the most defective parts of his worm-eaten model. Think of proposing aldermen for life! The proposition has excited so universal a

³Brougham, speech of 22 Aug., col. 823.

⁴*Ibid.*, col. 822.

⁵*Ibid.*, col. 823.

shout of condemnation,⁶ that to expend any more words in the exposure of it would be superfluous.

The appointment of a Commission to inquire into the abuses of Municipal Corporations was commendable.⁷ Not that, in any enlarged view there was the least necessity for such an inquiry; it is sufficiently notorious what the corporations are. There is not a man in England, not imbecile, or the rankest of Tories, who would not vote for making *maison nette* of all the existing filth, and giving the same constitution to the old boroughs at once which ought to be given to the new. The proper municipal constitution for an English town is a question of general legislative policy; not of judicial investigation. However, although the public are completely *convinced*, they are not yet sufficiently strongly moved; and without the publicity which will now be given to the details of the abominations of the existing town-governments, the disgust of the public would perhaps not yet have been roused to declare itself with the energy, without which no triumph is ever achieved over the hosts of interested enemies fighting as for their daily bread.

Many of the names of those who compose the Municipal Commission, are guarantees to the public that its duties will be performed with honesty and vigour. Indeed, there are few things in which the conduct of Ministers has, on the whole, been more unexceptionable than in the appointment of Commissions. We could find something to criticize there too, if we were disposed; but Ministers have been the subjects of so much vulgar abuse precisely where they have least merited it, that we prefer the more grateful office of defence. Never, surely, was there a more absurd reproach than that of "governing the country by means of Commissions."⁸ Their Commissions have been so much more efficient than themselves, that we heartily wish the reproach were well-founded. If the Commissioners are fit to govern the country, where would be the great evil if they *did* govern? We should then, for the first time in this island, have our affairs managed by persons chosen, because they were believed to be fit for their work, not because they were lords, or had a "stake in the country,"⁹ or on any other such despicable ground of recommendation.

We have not quite come to it yet; but there will soon be a time, it will probably

⁶See, e.g., a leading article on the Municipal Corporation Bill, *The Times*, 26 Aug., 1833, p. 2.

⁷The Commission was granted on 18 July, 1833, and began its hearings on 2 Sept. The Commissioners are listed at the beginning of "First Report of the Commissioners Appointed to Inquire into the Municipal Corporations in England and Wales" (30 Mar., 1835), *PP*, 1835, XXIII, 1-798.

⁸See William Maginn, "Specimens of the Art of Governing 'by Commission,'" *Fraser's Magazine*, VIII (Oct. 1833), 470-8.

⁹For an early use of this catch phrase, see William Howe Windham (1750-1810), M.P. and member of Cabinet under Pitt and Grenville, Speech on Defence of the Country (22 July, 1807), *PD*, 1st ser., Vol. 9, col. 897.

be but a short one, during which the country will actually *be* governed in the manner alleged; that is, all the more important and difficult public business will be carried on by Commissions, or other unacknowledged and comparatively irresponsible subordinates: and this, though but a transition to a more natural state of things, (in which the same men will do the work and gain the credit,) will even *in itself* be a far better state than that which now exists. But a change which really constitutes a great step in advance often looks so absurd and incongruous on the face of it, that people give it all sorts of bad names.

Thus, for example, when the five great Powers of Europe commanded Belgium and Holland to lay down their arms, and because one of them refused, instead of leaving them to fight out their quarrel in the old-fashioned way, commanded the other party to hold its peace, and took the chastisement of its more obstinate antagonist into their own hands; some people laughed, and others were angry, and exclaimed, Why interfere at all? And, assuredly, the exhibition, if looked at simply in itself, was grotesque enough: but if, on the other hand, we view it as what it really is, a proof of universal anxiety for the preservation of peace, founded indeed on no philanthropy, solely on a sense of interest, but yet so eager and earnest, even in the worst governments of Europe, that instead of coming to blows immediately, as they were wont to do, upon the slightest quarrel, they will not even suffer the most insignificant of their neighbours to go to war, lest the conflagration should spread to *them*; we then behold in what seemed absurd at first, no less than the commencement of a federative system of police for the European commonwealth: a commencement imperfect and barbarous enough, but such as *all* government was in its first beginnings. We recognize the same interests at work in the community of *nations*, which elevated the separate communities of *men* from a state of nature to a state of peaceful society. We see in the London Conference the first small germ of an international tribunal, an arbiter established by common consent to adjust the quarrels of nations by other means than a recourse to the sword; and what seemed a mere accidental variety of folly, brought about by the temporizing policy of a few individuals, becomes a sign and precursor of a great advancement in civilization, gradually, but surely preparing.*

*Be it well understood that we are not giving credit to the men who ruled the councils of the five powers, for having the slightest foresight of these ultimate results, or being actuated by any other motives than those of immediate convenience. They are unconscious, and if they were conscious, would probably be unwilling agents, in a work which is greater than they know. The Holy Alliance was a mere vulgar union of the strong for keeping down the weak. Now the weak have also become strong and the hostile interests being nearly balanced, have been brought to a compromise. No otherwise than thus were law and order substituted for chaos in any individual community. The strong never would yield submission to a superior authority while their strength would serve them; but when the weak by combination became in their turn formidable to the strong, the latter reluctantly consented to the acknowledgement of a common superior. [In

A change in progress, of a similar but a still more far-reaching kind, seems to us to be indicated by many symptoms, among which none is more significant than what has been sarcastically called "government by commissions." We are gradually emerging from a dark period in which mental capacity (with a few exceptions which, when correctly analysed, are scarcely exceptions) was not regarded at all, as a criterion of fitness for high station and power. We are about to enter into a period in which capacity, or the reputation of capacity, will be the *sole* criterion. In the interval of transition there occurs a particular moment when the Incapables, those who occupy the high places solely on account of their riches or their connexions, are not yet dislodged from their seats, but in which public opinion and the growing difficulty of the times render it necessary that the work should be done better than the Incapables can do it. When this happens the matter is temporarily accommodated in this way: the Incapables retain the offices; but capable men are associated with them for the purpose of relieving them from the more arduous of the duties: and the appurtenances of office are shared between the parties in this way; the Incapable takes all the dignity and the greater part of the emoluments; his capable subordinate receives the *minimum* of pay and does the work. We are now in the beginnings, the first small beginnings, of this transition.

What is to be lamented is, not that the Ministers have had good sense and honesty sufficient to seek and find men fit to do those things for which they themselves are unfit; but that the fittest men are not themselves Ministers, or Ministers the fittest men. Not being so, they deserve the more praise for finding others who are fitter and trusting to them: would they had deserved it more! we should not then have had inflicted on us a series of legislative crudities, enough to make the very idea of altering any of our institutions almost alarming, and to make even earnest reformers occasionally wish that the attempt could have been deferred until better heads could have been found for planning and better hands for executing it.

Commissions are appointed to investigate all sorts of subjects; and when a commission has thrown every imaginable light upon a subject, has made its principles so intelligible and conspicuous that ingenuity itself can scarcely find a word additional to say in illustration; then the Ministers rush in and legislate in ignorance or disregard of all that the commission recommends and of all the evidence which it has collected. Something of this sort, not certainly in so great a degree, happened in the instance of the Factory Bill; a measure which, but for the

response to the revolt of Belgium from the Netherlands in August 1830, Britain, France, Austria, Prussia, and Russia met in the London Conference of November 1830. (For background, see No. 59, n5.) They ordered cessation of hostilities on 20 Jan., 1831, but following the powers' recognition of the Belgians' election of Leopold as king in June, the Dutch invaded in August. The French forced the Dutch to retreat, and a treaty was arranged by the London Conference on 15 Nov., 1831.]

alterations suggested by the Factory Commission, never could have been executed, and would have been most mischievous if it could. Ministers *did* adhere to the salutary recommendations of the commission in respect to infant labour: but made numerous alterations directly in the teeth of those recommendations; and, in particular, contrary to all sound principles of legislation and without the shadow of a case made out in justification, consented to impose restrictions on the hours of labour of certain classes of *adults*.¹⁰

This was done to gain votes and appease a popular clamour. But something far worse in its tendencies, and which indicates a far more serious and deeper-seated defect in the minds of the men themselves, was the support which some of the principal of them gave to the Labour Rate Bill.¹¹ Of all which they have done, this is to our minds the most decisive of their unfitness for the higher duties of government, and has the most completely divested us of all expectation or even hope of further considerable good from their hands. For in no other case have they sinned so flagrantly, we will not say against knowledge, but against the amplest opportunities of knowledge. In no other case had equal pains been taken to place the subject before them in the proper light. In no other case, if they had been capable of understanding the question, could they have attained to the understanding of it with so little trouble. And in no case perhaps has their absolute want of the very first elements of a knowledge of the subject been so lamentably conspicuous.

A.B.

221. CONDUCT OF THE MINISTRY WITH RESPECT TO THE POOR LAWS

EXAMINER, 27 OCT., 1833, PP. 675-6

This is the sixth of Mill's leading articles on the parliamentary session of 1833 prompted by Le Marchant's *The Reform Ministry*; for the entry in his bibliography and the context, see Nos. 216-20. In the Somerville College set of the *Examiner*, it is listed as title and enclosed in square brackets.

WHO HAS NOT READ the volume of *Selections from the Evidence collected by the*

¹⁰See "First Report of the Central Board of His Majesty's Commissioners Appointed to Collect Information in the Manufacturing Districts," 3 William IV (28 June, 1833), *PP*, 1833, XX, 1-1125, specifically on infant labour, pp. 36-8, and on adult labour, p. 38. The Factory Act, 3 & 4 William IV, c. 103 (1833), restricted the hours of work of young persons (aged fourteen to eighteen) to twelve.

¹¹"A Bill to Explain and Amend an Act of the Second and Third Years of His Present Majesty's Reign, for the Better Employment of Labourers in Agricultural Parishes," 4 William IV (29 July, 1833), *PP*, 1833, I, 33-6 (not enacted). See No. 221 for the Ministers who defended the bill, and Mill's discussion of the issues.

*Poor Laws Commissioners?*¹ Such a body of documents on the condition of the working people of any country never, probably, were brought together. It might be termed, "The Theory and Practice of Pauperism." It is there we may learn what pauperism is; it is there, too, that we learn by what successive stages the labouring agricultural population of the greater part of England has been pauperized: sunk from the condition and feelings of independent labourers subsisting upon the earnings of their own labour, to the state of mind of reckless sinecurists, whose grand object is to be supported in comfort for doing nothing, and rapidly passing even from that state into the still worse—of extorting the payment they deem adequate to their wants, by riots and nightly incendiarism. This deplorable degeneracy has not arisen from the legitimate application of the original principle of the Poor Laws, that of giving food to those who can work, only in exchange for labour, within the walls of a workhouse. It has sprung from the gradual creeping-in of a series of illegal practices, by which wages have ceased altogether to be the reward of labour;—those who will, and those who will not work; those who have large families and those who have none; those who can obtain employment and those whom, on account of their bad character, no one will employ, being placed exactly on a par; except, indeed, the man who has saved something—he alone is prevented from obtaining employment till it is all spent.

Foremost, and worst among the contrivances by which all this mischief has been effected, is the system of roundsmen, or, as it is otherwise called, Labour Rate. By this plan all the labourers who have settlements in a parish are parcelled out among the rate-payers of the parish, each being required to employ, and pay at a certain rate, a certain number of labourers, (fixed by the vestry,) whether he has occasion for their labour or no! This is a trick to enable the farmers to throw an undue share of the burden of supporting the surplus population upon the shopkeepers and other inhabitants of the parish. Its most striking effect is, that it pauperizes at one stroke *all* the labourers of a parish. As the Commissioners say,

Under the Labour Rate system relief and wages are utterly confounded. All the wages partake of relief, and all the relief partakes of wages. The labourer is employed, not because he is a good workman, but because he is a parishioner. He receives a certain sum, not because that sum is the value of his services, but because it is what the vestry has ordered to be paid. Good conduct, diligence, skill, all become valueless.²

Another effect is, that by compelling the parishioners to employ all their own poor, however idle and inefficient, this system forces them to cease employing those who have settlements elsewhere; who, consequently are thrown back upon

¹Officially entitled *Extracts from the Information Received by His Majesty's Commissioners, as to the Administration and Operation of the Poor-Laws* (London: Fellowes, 1833).

²"Copy of the Letter," *PP*, 1833, XXXII, 345.

their own parishes; where, if there is no employment for them, they, too, from being industrious and independent labourers, sink into paupers.

While the country is resounding with these lamentable facts, elicited by the inquiries of the Poor Laws Commission, and published by authority, a *Cabinet Minister* introduces a Bill into the House of Lords for *legalizing and extending* the system of Labour Rates.³ Lord Althorp requests the opinion of the Commissioners on this precious Bill; unnecessarily enough, but in order to leave his own ignorance still more utterly without excuse.⁴ The Commissioners write to him in reply a most unanswerable letter, (it is printed among the Parliamentary Papers of the Session,) condemning the Bill utterly, and stating its inherent and irremediable vices most lucidly and cogently. One of the Commissioners delivered an able speech against the Bill from his place in the House of Lords.⁵ Nevertheless, the Bill, introduced by one Cabinet Minister, supported by another,⁶ and opposed by none, passes the House of Lords, and is sent down to the Commons. Arrived there, it is supported by Lord Althorp;⁷ and, but for the *radical* Members, who, headed by Mr. Charles Buller,⁸ mustered to speak and vote against it, (and with whom Mr. Poulett Thomson and the Solicitor-General, to their infinite credit, warmly co-operated,)⁹ the Bill would have become law!

If anything could be more discreditable than the *conduct* of Lords Lansdowne and Althorp on this measure, it would be the reasons they gave for it. The Bill, they allowed, would be exceptionable as a permanent measure, but good as a "temporary palliative,"¹⁰ until something more effectual could be done. It is scarcely credible, that after all which had been written on the subject by the Commissioners, these Ministers could have remained in such a state of complete ignorance of the very first rudiments of the subject as this implies. As well might they propose, that when a fire breaks out, as the fire-engine is a long way off, the

³See Lennox, Speech on Employment for Agricultural Labourers (13 June, 1833), *PD*, 3rd ser., Vol. 18, cols. 664-71. For the bill he introduced, see No. 220, n11.

⁴For the letter, and the Commissioners' reply, see *PP*, 1833, XXXII, 342-6.

⁵Speech on Labour Rate (3 July, 1833), *PD*, 3rd ser., Vol. 19, col. 67, by Charles James Blomfield (1786-1857), scholar and reforming churchman, Bishop of London since 1828.

⁶Henry Petty-Fitzmaurice, Lord Lansdowne, Speech on Employment for Agricultural Labourers (13 June, 1833), *ibid.*, Vol. 18, cols. 675-7.

⁷Spencer, Speech on Employment for Agricultural Labourers (5 Aug., 1833), *ibid.*, Vol. 20, col. 357.

⁸Buller, Speech on Employment for Agricultural Labourers (5 Aug., 1833), *ibid.*, col. 357.

⁹Charles Edward Poulett Thomson, Speech on Employment for Agricultural Labourers (5 Aug., 1833), *ibid.*, col. 358. The Solicitor-General, John Campbell, did not speak, but voted against the Bill (*ibid.*, col. 359).

¹⁰The phrase was used in the debate by Joseph Marryat (*ibid.*, col. 359); "temporary measure" appears in the speeches by Lennox (n3), by Petty-Fitzmaurice (n6), and by Spencer (n7).

interval till it arrives should be employed in throwing on, as a temporary palliative, all the oil that can be procured. In the very letter which Lord Althorp solicited and obtained from the Commissioners, they had urged with irresistible force, as the crowning evil of the Labour Rate system,

the great additional difficulty which it will create in the already arduous task of Poor Law amendment. When the direct employers of labour for some time have extorted from others the payment of a still greater part of the wages of their labourers, when the best class of labourers, those who are not settled in the place of their employment, have disappeared; when what now remains of repugnance to relief, or of degradation in accepting it, has been destroyed by its being merged in wages; when all the labourers have been converted into a semi-servile populace, *ascripti glebae*, without fear, but without hope—where (ask the Commissioners,) can we look for the materials of improvement?¹¹

These poor Lords, precisely as they took the word of the licensing magistrates for the horrible effects of the beer-shops,¹² took, in like manner, the words of the country gentlemen, and of their agricultural colleague, the Duke of Richmond, for the “palliative” tendency of the Labour Rate Bill, because it would have “palliated” the immediate burden of poor-rate upon the farmers; that is, upon the landlords. And neither of the two dupes was capable, we do not say of finding out by their own native faculties, but even of understanding after it had been clearly pointed out—that if a Labour Rate alleviated the pressure upon one portion of the rate-payers, it could not do so but by laying an exactly equivalent burden upon another portion; and if it could, what then? There is not one of the abuses of the Poor Laws but was originally introduced for the sake of lowering the rate, and did, at first, actually have that effect. Too great eagerness to lower the rate by “temporary palliatives,” has brought us into our present state; a state from which, instead of being extricated, we shall sink deeper into the vortex every year, till society itself is swallowed up, unless the evil is met and combated by means in every respect the reverse of those contemplated by the authors and promoters of the Labour Rate Bill.

The Ministerial pamphleteer sounds a loud note of preparation for Poor Law Reforms;¹³ and before the introduction of this Bill we had really entertained hopes, that with such advisers as the Commissioners, Ministers, without touching the principle of the Poor Laws, (of which we approve,) would contrive, if not a radical reform, at least the means of a considerable improvement of their

¹¹“Copy of the Letter” (see n2), p. 345.

¹²See “Report from the Select Committee on the Sale of Beer, with Minutes of Evidence” (21 June, 1833), *PP*, 1833, XV, 1-260, which led to “A Bill to Amend an Act Passed in the First Year of the Reign of His Present Majesty, to Permit the General Sale of Beer and Cyder by Retail in England,” 4 William IV (15 Aug., 1833), *ibid.*, I, 165-74 (not enacted, but a similar bill in the next session was enacted as 4 & 5 William IV, c. 85 [1834]).

¹³Le Marchant, *The Reform Ministry*, pp. 78-89.

administration. Now, it will be our good fortune rather than their merit, if instead of amendment, we do not obtain something which will render all the abuses ten times worse. Men who could not be taught by their own Commissioners to understand the elements of a single branch of the question, will make a hopeful figure in dealing with the general problem of Poor Law amendment!

There is no soundness in their understandings, no power of fathoming a subject even of not extraordinary depth. The person who talks loudest and longest to them carries them along with him; nor have they even the ordinary good sense to distrust suggestions which come from an interested quarter.

A.B.

222. MARTINEAU'S A TALE OF THE TYNE

EXAMINER, 27 OCT., 1833, PP. 677-8

Writing to Carlyle on 25 Nov., 1833, a week after his return from Paris, Mill asks: "did you detect me in the Exr reviewing Miss Martineau, & Col. Napier?" (*EL*, *CW*, Vol. XII, p. 197). And, again to Carlyle on 12 Jan., 1834: "The paper on Miss Martineau was really a paper on Impressment" (*ibid.*, p. 209). For earlier reference to her *Illustrations*, see No. 197. This review, in the "Literary Examiner," is headed "*Illustrations of Political Economy*. No. 21. *A Tale of the Tyne*. By Harriet Martineau. [London:] C. Fox [1833]." Described in Mill's bibliography as "A review of Miss Martineau's 'Tale of the Tyne' in the Examiner of 27th October 1833" (MacMinn, p. 35), this article is listed in the Somerville College set of the *Examiner* as "Review of Miss Martineau's 'Tale of the Tyne'" and enclosed in square brackets. Mill quoted part of this article in his "Notes on the Newspapers" in the *Monthly Repository* for April 1834 (see *CW*, Vol. VI, pp. 178-9); in the variant notes "34" indicates *Monthly Repository*, 1834.

IF, as we think must be admitted, some of the more recent tales of this series (though none are deficient in passages of great beauty and power) have not kept up to the high level of the earlier numbers, the illustration of impressment came in time to prove that the inferiority arises from no decline of the author's talents, nor exhaustion of her vein, but from the more ungrateful nature of some of the topics on which she has recently been engaged. All the truths of her science do not equally admit of being illustrated by a succession of interesting incidents, and she has sometimes, instead of working the principle into the body of her tale, found herself thrown upon the last resource of foisting it in under cover of scientific conversations between her principal characters.

In the present instance, however, her subject was eminently susceptible of striking illustration and powerful enforcement through the medium of a fictitious history. *The Tale of the Tyne* is a story of *impressment*; and its appearance could not be better timed, than immediately after our reforming Ministers have not only refused to abolish the odious tyranny, against which the story is directed, but

treated those who ventured to express disapprobation of it, as if they had done something vicious and deserving of opprobrium.

Miss Martineau should send a copy of this tale to each of his Majesty's Ministers. We think it would have lowered the insulting tone of Sir James Graham's memorable speech on Mr. Buckingham's motion,¹ if he had read, the evening before, in this little narrative, the meeting, after years of absence, between a pressed sailor who had deserted, and his sister. We quote all we can of this most affecting passage, and regret that our limits do not allow of more:

When Cuddie entered from the garden, his first act was to desire his sister to fasten the door at the foot of the stairs, and hang up blinds against both windows, he standing in the shadow till this was done. Effie timidly objected to blinding the front window which looked down upon the ferry; it was not yet too late for the possibility of passengers. This seemed to serve as a new reason; and she was obliged to hang up her shawl.

"If you want to know the reason," whispered her brother, "I am a deserter. Hush! No noise! or you will be the death of me, as Adam was near being this morning."

"Won't you sit down?" said Effie,—as she might have spoken to an intruder from Bedlam.

"Effie, you always used to say what you felt, and all that you felt. Are you changed too? Come; tell me what you are thinking."

"I think I am in a dream, and do not know whether you be Cuddie, or a fancy of my own. O, Cuddie, I have always loved you next to Walter, and looked upon you as the pride and hope of the family; and as often as I have started from sleep, these four years past, it has been with dreaming over again your being taken at dead of night, and especially your slipping down the cable. The worst moments I have had from the time you rowed away from this ferry, that bright evening, are those between sleeping and waking, when I saw you cold and altered before me, and I could not by any means make you smile. I never,—no I never believed this last would come true. And now,—and now," she uttered between her sobs, "you know what I am thinking about."

Cuddie cast himself on the ground, laid his head on her knee, as he had done in many a childish trouble, weeping so that he could not for long be persuaded to look up.

"You are not altogether altered, I see," said Effie, striving to speak cheerfully. "You are not come back the round-faced, weather-brown seaman I always fancied you would be, but instead, far too much as if you had been famished. Yet your heart is the same."

"No, no."

"O, yes. But you have known want lately, and you are discouraged. I much fear you have known want."

"'Tis not that which has bowed my spirit. Effie, I am altogether heartbroken."

"Do not dare to say that. We must bear whatever Providence—"

"But it is not Providence that has done it; it is my king and country," cried Cuddie, starting up, the flush fading from his face, and leaving it of a deadly paleness. "If it had been the will of Providence, Effie, to take a limb from me, I would have made my way

¹Graham, Speech on Impressment (15 Aug., 1833), *PD*, 3rd ser., Vol. 20, cols. 676-84, in immediate reply to James Silk Buckingham, Speech on Impressment (15 Aug.), *ibid.*, cols. 636-76. Buckingham (1786-1855), traveller, lecturer, and journalist, a social reformer and temperance advocate, was M.P. for Sheffield.

home on crutches, with a stout heart, and none of you should have heard a bitter word from me. If lightning from above had scorched out my eyes, I would have taken Tim for an example, and been thankful through the live-long day. If the fever had laid me low on shipboard, I would have been a man to the last, knowing that my corpse would make the plunge before midnight. But to have one's king and country against one, is what is enough to break any man's heart that has ever loved either of them."

"To be sure it is. What have they been doing to you?"

"Things that I do not hold myself bound to bear, as if they were done according to the will of Providence, and not against it. They first turned my very heart within me with carrying me away, as if I had been a black slave; carrying me away from all I cared about, and the occupation I could most willingly follow. Then, when I had little spirit for my work, and many bitter thoughts to distract me in it, and hurt my temper, the next thing they must do is to flog me. What surprises you in that? Don't you know that impressment brings flogging? Carry away a man as a slave, and next thing you must whip him as a thief, and that brings hanging like a dog. Yes, they flogged me, and my head grew down on my breast from the time that scornful eyes were for ever upon me. This morning I have been hunted by my countrymen,—by many an one that I knew when nobody dared look scornfully on me. It was my own brother's doing that they were set on. My country has but one thing more to do with me; and that is to make away with me for desertion."

"Then you do not mean to do it yourself, thank God!" cried Effie.

"No, Effie. I have been tempted many a time, from the night I slipped down the cable, as you mentioned, till this very afternoon, when I hid in an old coal-pit, and was but too near throwing myself below. I shall make a trial of what is to be done by going where there is no king, and where one may forget one's country. There is not a saint in heaven that could make me forgive them; but there may be ways of forgetting them. I will make the trial in America."

"Then we shall lose the best brother, and my mother the child she has looked to through every thing, and your king a servant that may ill be spared during this war."

"Never mind the king. If he knows no better how to get his subjects to serve him—"

"Hush, Cuddie! You a seaman, and talk so of your king!"

"I am not a seaman now. However, say the country, if you will: if she knows no better how to get served than by first making slaves of her free-born men, let her do as well as she can when they leave her to turn against her. As soon as she takes a man's birthright from him, his duty ceases. Mine was at an end when they carried me off, neck and heels, and turned me, in one hour, from a brave-hearted boy into a mean-souled man."

"No, no."

"Yes, yes, I say; but though it was so, they had gained no right to disgrace me. That flogging might possibly have been thought justifiable by some people, if I had entered the service of my own free will: as I did not, they had no more right to flog me than the showman yonder has to goad the lion he enticed into his trap. If that lion should ever get out a paw to revenge himself, it would go hard with me to help the human brute."

Effie was confounded. In casting about for an argument wherewith to stop this method of discourse, she could find none out of the Bible. Christian forgiveness of injuries was her plea.

"There is the difference, certainly, between the lion and me," said Cuddie: "the Bible is out of the question in his case. It shall be minded in my own, so far as this:—I will not lift a hand against my country, and I will go where I may possibly learn to forgive her; but I cannot do it here Effie,—even if my life were safe, I could not do it here. My country loses a stout-bodied, willing-hearted member, and I lose all I have ever lived for; but there the mischief shall stop for me."

"Aye, for you; but how many more are there lost in like manner? I think some devil, in

the service of our country's enemies, has come to blind our eyes, and harden our hearts, and make us a sad wonder for the times that are to come. Will men believe such a story as yours,—such an one as my father's,—a hundred years hence?"

"Yes, they will easily believe, because they will look back to what the service now is, and how it is regarded, and contrast these things with what, I trust, will be the state of things in their day. They will look back and see that merchant seamen are now paid more than they need be, because naval seamen are paid so much less than they ought to be, and made subject to violence. If, as I hope, in those days, the one service will be as desirable as the other, (or the king's, perhaps, the most so of the two,) it will be found that our colliers will man a navy at the first call; and then men will believe that when it was otherwise, there was some fearful cause of wrong that came in between the king and his seamen."

"It does seem, indeed, as if there was no lack of loyalty among our people, when their minds are not turned from their king by some strange act; and we hear few complaints of the service from those who go willingly to it."

"There is none that would be liked so well, if it had fair play. Besides the honour of keeping off the enemy, and the glory of helping to preserve one's country, there is so much variety, and so many adventures, and so many hundred thousand eyes looking on, that a sea-life in his Majesty's service has many charms. But honour is a mockery to one's heart, unless it is won by the heart; and what are varieties of adventure to him whose body may be roving, but whose spirit sits, like a gloomy, unseen ghost, for ever by his own fire-side?"

"He who goes of his own will has most likely made provision for those he has left behind; and then the thought of them will come only when it can animate him, and never to discourage him."

"Oh, you should see the difference between the volunteers and certain slaves like me!—how the one are impatient with the captain till he gets boldly out in search of the enemy; and how the other would fain have the vessel creep for ever along the shore, that he might have a chance of stealing out, and forgetting his present disgraces by daring a worse reproach still. You should see the difference of their patience on the watch, and of their courage before a battle." [Pp. 104-10.]

Can any one read this and not see that it is a true picture? that, of such causes, such are the natural consequences? The fictitious Cuthbert Eldred is but a type of the countless multitudes of real living men, who have been immolated, body and soul, like him, and died the living death which he so powerfully describes. "It is not astonishing that in an age of barbarism men should commit barbarities. That Lord Chatham, one of a generation of statesmen among whom common humanity seems to have been almost as rare as common honesty, and in an age in which nothing was esteemed wickedness by which nobody suffered but the common people—that Lord Chatham should have seen no harm in impressment, can surprise no one; but it is equally unexpected and unwelcome to find Lord Chatham's authority quoted for it now, as conclusive, by a Reform Minister.²

²William Pitt, Lord Chatham, speech of 22 Nov., 1770, in John Almon, *Anecdotes of the Life of the Right Hon. William Pitt*, 3 vols. (London: Longman, *et al.*, 1810), Vol. II, pp. 197-8, cited by Graham, speech of 15 Aug., col. 684.

^{a-a}[quoted by Mill in 34]

Necessity! so well described by Milton as “^bthe tyrant’s plea^b.”³ it is also Sir James Graham’s, and no one has yet, in our own day, or in any preceding, carried impudence so far as to pretend that there can be any other. It is difficult not to feel degraded by the very act of replying to so base a pretext. Necessity! yes; to borrow the apt expression of a vigorous writer, “it is exactly the sort of necessity which men are hanged for:” the convenience of taking the property of other people without paying for it; with the aggravation of its being their *sole* property, and the slight additional circumstance that the entire wealth of the nation is yours to purchase it withal, if you ^c*must* have it. If the whole matter were laid before a community of ignorant savages; if they could be made to conceive the clamour, the indignant uproar, which rises from all the benches of a certain assembly at the bare suggestion of laying a sacrilegious finger upon anything which borders upon a *vested right*, upon anything which by the utmost straining can be construed into *property*, and then could be shown the spectacle of the same men hallooing on their leaders to denounce and insult men for asserting the *vested right* of the labourer to his own bodily powers, and calling it injustice to knock him down and rob him, not of his purse, seeing that he has none, but of all the *property* he has,—his labour, in order to save to their own pockets a fractional part of the wages for which he would consent to sell it,—would not the assembly of savages deem the assembly of civilized Christians fit objects for a hurricane to sweep from the earth? What would they think if they were then told that this same assembly had just voted twenty millions for the redemption of negro slaves? These men are not fools, mere absolute fools they cannot be; they cannot think that kidnapping our own countrymen, and keeping them to forced labour for the whole or the better part of their lives, differs from negro slavery; why, every one of the incidents is the same, down to the very cart whip! call it, if you please, the cat. There is identity even in the wretched apologies which are set up; the captains or masters are an ill-used, calumniated race of men, and free labour, forsooth, would be vastly dearer!^a We are obliged, therefore, when we find the same men, at the same time, actually crusading against everything which is called slavery in the remote parts of the globe, and battling for it at home as for the most precious of our institutions, to conclude that it is not the *thing* that they are averse to, but only the *name*; and that their quarrel with tyranny is not with the tyranny itself, but solely with its *unpopularity*.

³Milton, *Paradise Lost*, IV, 393-4; in *Poetical Works*, p. 97.

^{b-b}34[in italics]

^{c-c}34[not in italics]

223. CONDUCT OF THE MINISTRY
WITH RESPECT TO THE POST-OFFICE DEPARTMENT,
AND THE PAYMENT OF OFFICERS BY FEES
EXAMINER, 10 NOV., 1833, PP. 706-7

This is the seventh and last of Mill's leading articles on the parliamentary session of 1833 prompted by Le Marchant's *The Reform Ministry*; for the entry in his bibliography and the context, see Nos. 216-21. In the Somerville College set of the *Examiner*, the article is listed as title and enclosed in square brackets.

THE CLERKS OF THE POST-OFFICE, in addition to their authorized salaries, have large perquisites, not voted annually by Parliament, nor brought upon the public accounts, but which, like all the gains of public functionaries, come out of the pockets of the people, and in this instance in a most objectionable manner. The sources of these irregular emoluments are various, the most considerable being the privilege of franking newspapers, and the entire monopoly which that privilege confers of the supply of foreign journals to persons resident in this country. The extravagance and the manifold evils of this mode of remunerating the post-office establishment were recognised as long ago as 1788, when a Tory commission, appointed by the Tory Ministry of Mr. Pitt, recommended that the practice should be abolished, and all emoluments forbidden to the functionaries of the post-office, except in the form of fixed salaries.¹ The recommendation was renewed by the Tory commissioners of revenue inquiry in their report to the Tory Minister, the Duke of Wellington, in 1829.² Here was ground enough, one would think, for a Reform Ministry to proceed on: but this is not all. A few months ago the French Government, in a spirit of which it were to be wished that Governments afforded more frequent examples, sent M. Conte, their Postmaster-general, to this country on a special mission, to obtain the consent of our Ministry to several measures for facilitating communication between the two countries both by letter and by printed publications.³ Among the foremost of these propositions was one for suffering the newspapers of each country to be

¹"Reports of the Commissioners Appointed by Act 25 Geo. III, cap. 19 to Enquire into the Fees, Gratuities, Perquisites, and Emoluments, Which Are or Have Been Lately Received in the Several Public Offices Therein Mentioned. Tenth Report—Post Office" (30 June, 1788), *PP*, 1806, VII, 755-97, esp. 783.

²"Eighteenth Report of the Commissioners of Inquiry into the Collection and Management of the Revenue Arising in Ireland and Great Britain: Post Office Revenue, United Kingdom" (20 Mar., 1829), *PP*, 1829, XI, 1-90, esp. 31.

³Antoine Joseph Xavier Conte (1773-1850) was made Director General of the Post Office after the July Revolution. He successfully reorganized the Postal Service and arranged postal treaties with other countries, most notably (though not until 1836) with Great Britain.

conveyed by the mails of the other on the same terms with its own, namely, post free, or at a rate of postage almost nominal. Here was a proposal which a Ministry of enlarged views and a liberal spirit would have grasped at with the utmost avidity. Here was an opportunity for facilitating the circulation of knowledge, the interchange of ideas, and the increase of friendly feeling between the two leading nations of Europe; an occasion scarcely to be looked for in a century, of meeting the liberal overtures of a foreign country for a more extended intercourse in a corresponding spirit of liberality; for proving to the statesmen of France that so creditable a wish is reciprocal, that their aspirations are appreciated and participated in, and that our missions and our negotiations to obtain increased facilities of intercourse are not mere show and pretence, nor a trick to cajole the French into granting what are called commercial advantages, but the expression of a sincere and well-considered and disinterested purpose. Was it so easy for the French Ministry to effect improvements, that we could afford to say No, when they voluntarily said Yes? There, as here, we may be sure, abundance of private interests stand opposed to all innovation; there, as here, the ease both of superiors and of subordinates is best consulted by leaving all things as they are. By singular good fortune all these obstacles were got over without any trouble on our part, and the French Ministry spontaneously offered what it would have been worth years of negotiation to obtain. Every consideration, not only of liberal and benevolent policy, but of the narrowest political expediency, was in favour of the proposal; nothing was opposed to it but the private interests of the clerks of the post-office. Those interests have triumphed; the French negociator has gone away unsuccessful! A specimen of the Reform Ministry.

All *comment* upon this would be idle, except Lord Althorp's own. Among his other endowments, one which Lord Althorp possesses in a supreme degree, is the faculty of making whatever is exceptionable in his actions, still worse by the *niaiserie* of his excuses. Being challenged on this subject in the House of Commons, he defended himself by saying that if the monopoly were taken from the clerks of the post-office it would be necessary to make an equivalent addition to their salaries!⁴ Suppose it were; what then? But no, my Lord: an *addition*, perhaps, but not an *equivalent* addition: gains which do not see the light are apt to be considerably larger than would be tolerated if they did: your Lordship would not dare to propose to Parliament avowed salaries for these officers, of *half* the amount of the emoluments which they are at present allowed to pick up in a dark corner. Look at the schedule annexed to the Tory Commissioners' Report, my

⁴Spencer, Speech on Newspapers—the Post Office (28 June, 1833), *PD*, 3rd ser., Vol. 18, cols. 1303-4.

Lord.⁵ Would Sir Francis Freeling,⁶ for whose office 1000*l.* a-year was considered by the Revenue Commissioners to be an adequate remuneration, have been permitted to receive as an addition to his salary of 1200*l.*, the 2965*l.* a-year he now receives as "compensation for loss of the privilege of franking newspapers to the colonies?"⁷ Your Lordship well knows he would not, and so does Sir Francis. Of the paltriness of making a question like this a mere matter of pounds, shillings, and pence, neither reckoning the injustice of monopolies in general, nor the peculiar and odious mischief of a monopoly in favour of national prejudices and antipathies, and against the most valuable of all intercourse, that of human thoughts and feelings, we will not trust ourselves to say anything.

It would be absurd to suspect the Ministers of having any personal interest in these jobs; what we charge them with is a stupid insensibility to all the higher considerations which ought to govern such questions, joined with a dulness and want of discernment which makes them tools in the hands of any interested person who desires to use them as such. It is this, and the anti-popular instinct together, which makes them uphold the taxes on newspapers and political publications. Who are their advisers in this? The daily newspapers! monopolists, whom the abolition of those taxes would compel to share with a hundred rivals the market which they now engross exclusively. Ministers little know the store of public hatred which they are laying up for themselves by this, and their defence of the corn laws, and one or two things more, which the mass of the working people feel to their heart's core, and which a Ministry, unexceptionable in every other respect, *could* not possibly persevere in for three or four years without becoming as odious as the Castlereagh Ministry in its worst times.⁸

But what can Lord Althorp know of public opinion? He, who affirmed that nine-tenths of the people of England would lament to see the Bishops ejected from the House of Lords.⁹ This at a time when their expulsion from that House on *merely religious* grounds, quite apart from the almost universal *disgust* (there is no other word) at their conduct as politicians, formed part of every plan of Church Reform brought forward by *friends of the Establishment* as absolutely indispensable for redeeming its character and preserving it in existence! The very time when the Bishops, as a body, were making themselves the prime agents in every intrigue for "tripping up" the Ministry, and when their votes regularly

⁵PP, 1829, XI, 91-101.

⁶Francis Freeling (1764-1836), who joined the General Post Office in 1787, in a career of nearly fifty years worked his way up to Chief Secretary. He had been knighted in 1828.

⁷See 6 George IV, c. 68 (1825), Sect. 9.

⁸Robert Stewart (1769-1822), Viscount Castlereagh, 2nd Marquis of Londonderry, Tory statesman much hated by the Radicals, though never Prime Minister, was leader of the Commons from 1812, and had major responsibility for the "Six Acts" of 1819.

⁹See No. 216, n3.

swelled the minorities or *majorities* against the most important of the Ministerial measures; this dexterous tactician chooses that very moment for volunteering a gratuitous assurance to his bitterest enemies that they have nothing to fear, and may mature all their machinations against him and his colleagues, and against the people of Great Britain, in confidence and security!

But among the wants of these Ministers, want of the higher qualities of statesmanship is hardly more conspicuous than want of tact, and of understanding their own position. Surely there never before was a Ministry which several times in one Session compromised themselves neck-deep in defence of what they had not strength to hold for a few weeks following. Surely no Chancellor of the Exchequer but Lord Althorp would have courted the odium of defending sinecures as a valuable part of our institutions,¹⁰ against motion after motion for their abolition, and been forced before the end of the Session to appoint a Committee on purpose to recommend that sinecures should be given up.¹¹ Nor would any other Minister have voluntarily taken upon himself the load of obloquy which this foolish Lord incurred by justifying, we know not how many times, not only the Assessed Taxes, but those inequalities in their assessment which fly in the faces of mankind; and this with so little power of maintaining the ground he had so rashly occupied, that in the very same year he has been constrained to yield what, with the persons interested, passed and was intended to pass, as an actual promise to give those taxes up.¹²

If we continued our examination of the Ministry until every thing in their conduct which calls for severity of stricture had been exhausted, we might prolong it till the next Session. But all things must have an end. We must, therefore, pass over the Ballot, Triennial Parliaments, Impressment, and numerous other subjects of the utmost importance, but which unhappily are still alive, and will afford many occasions for every sort of comment before they are finally disposed of. Here, then, for the present, our review of the Session must close.

¹⁰Spencer, speech of 14 Feb., 1833, col. 674; cf. his speech of 15 Aug., *PD*, 3rd ser., Vol. 20, cols. 706-8.

¹¹As a result of a motion for an inquiry into the sinecure offices on 15 Aug., 1833, which was successfully amended into a motion for a return of all such offices, the committee Mill refers to was set up, but not until the next session, on 28 Feb., 1834. See "Report from the Select Committee Appointed to Examine the Papers Respecting Sinecure Offices Presented to the House on the 26th February Last," *PP*, 1834, VI, 339-572.

¹²For Spencer's justification of assessed taxes, see No. 217, n15; for his alleged promise to give them up, see his Speech on Inhabited House Duty (7 Aug., 1833), *ibid.*, Vol. 20, cols. 421-5.

224. NAPIER'S THE COLONIES

EXAMINER, 24 NOV., 1833, PP. 740-1

Here Mill returns to a work he had recently praised (see No. 217). He asked Carlyle on 25 Nov.—a little early, for Carlyle was in Craigenputtoch—whether he had spotted the review as Mill's (see No. 222). This lead review, in the "Literary Examiner," is headed "*The Colonies: Treating of their Value generally; of the Ionian Islands in particular; the importance of the latter in War and Commerce, as regards Russian Policy; their Finances; why an expense to Great Britain; detailed proofs that they ought not to be so: Turkish Government; Battle of Navarino; Ali Pacha; Sir Thomas Maitland; Strictures on the Administration of Sir Frederick Adam.* By Colonel Charles James Napier, C.B. [London: Boone, 1833.]" It is described in Mill's bibliography as "A review of Colonel Napier's Work on the Ionian Isles, in the Examiner of 24th Nov. 1833" (MacMinn, p. 36). In the Somerville College set of the *Examiner*, the article is listed as "Review of Colonel Napier's Work on the Ionian Isles," and enclosed in square brackets, with one correction: at 649.35 "as bad" is altered to "as loud".

Motto.—"And a more accomplished old woman never drank cat-lap," said Maxwell, as he shut the door: "the last word has him, speak it who will; and yet, because he is a whilly-whaw body, and has a plausible tongue of his own, and is well enough connected, and especially because nobody could ever find out whether he is Whig or Tory, this is the third time they have made him Provost."—*Redgauntlet*.¹

WE HAVE INCIDENTALLY, in a former article, called attention to this book, but we cannot let it pass without more particular notice. If we could, we would cause it to be in the hands of every reader of our Paper. It is as instructive as if it were the dullest book ever written, and as amusing as if it had no pretensions to be instructive.

The author, Colonel Napier, is brother to the celebrated historian of the Peninsular War,² and a remarkable member of a remarkable family. He was Resident (Lieutenant-Governor) of Cefalonia, the largest of the islands which compose the Septinsular Republic, as this curious specimen of a Government is called.³ Though not a philosopher, (of his general speculations we do not think by any means highly,) Colonel Napier is evidently the shrewdest and most

¹Walter Scott, *Redgauntlet: A Tale of the Eighteenth Century*, 3 vols. (Edinburgh: Constable, 1824), Vol. II, p. 277 (Chap. xii). This is Napier's motto.

²William Francis Patrick Napier (1785-1860), distinguished veteran of the Peninsular War, whose *History of the War in the Peninsula and in the South of France* was completed after this date in 6 vols. (London: Murray, and Boone, 1828-40).

³The islands of Corfu, Cephalonia, Zante, Santa Maura, Ithaca, Cythera, and Paxo were formed into the "Septinsular Republic" in 1800 by Turkey and Russia. Independent only for seven years, the group was declared part of the French empire in 1807, but the British gradually gained the islands. By the Treaty of Paris in 1815 they were declared

sagacious of practical men; one of the most high-spirited of officers, and, from the style and character of his book, we are quite certain, one of the liveliest and pleasantest of companions.

Colonel Napier has done three things in the present work; which we shall enumerate in the ascending order of their importance. To have done any one of the three was worth writing twice as large a book.

He has presented, quite incidentally, and seemingly without having such a purpose in his thoughts, a most lively and interesting picture of a curious and little known state of society; a rude, scarcely so much as half civilized, state; blending curiously the general features of European society five hundred years ago, with influences derived from the connection and neighbourhood of more civilized nations.

He has supplied to all who may hereafter be called upon to govern, or to superintend the government of the Ionian Isles, or of any other colony in the same stage of improvement, an admirable manual; a collection of precepts and examples, perfectly inestimable. He has shown how these islands may be governed at no expense to Great Britain, and so that the Government shall be a blessing to the inhabitants, who, but for our protection, would lie prostrate at the feet of their own wealthier classes. He has made it clear, both by reasoning and actual experiment, that to render our occupation of that country quite invaluable to its people, nothing whatever is necessary but that the men we send thither shall be men of good sense and discernment, capable of understanding the state of society they are set to preside over, and the nature of the social evils which they have to contend against. On the other hand, he has shown but too plainly how for want of understanding these things, our government there may be made a burden on our own treasury; and with respect to the islands themselves, merely an additional instrument in the hands of the rich to pillage and trample upon the poor.

The last, and greatest, because most far-reaching benefit which Colonel Napier has conferred upon his country by this volume, is to anatomize and exhibit, in the person of Sir Frederick Adam,⁴ a specimen of a *class* of public men, the sort of men described in his motto; the most numerous class of all; the men who have no character, no will of their own; whom, consequently, nobody is jealous of, or afraid of; and whom, therefore, if aristocratically connected, everybody is ready to thrust into situations for which they are totally unfit; and who then become mere instruments in the hands of those who will take greatest

independent as the United States of Ionian Islands, but were placed under British protection and in effect ruled by Residents on the individual islands, under the Lord High Commissioner.

⁴Frederick Adam (1781-1853), another veteran of the Peninsular War, was Lord High Commissioner of the Ionian Islands 1824-31, and became Governor of Madras in 1832.

pains to *talk them over*, (a familiar phrase, exactly expressive of the process,) that is, of those who have a private interest to serve; the men, in short, who answer to the description in *Hudibras*—

. . . a tool

Which knaves do work with, called a fool.⁵

This sort of men, when placed in situations of important trust, are precisely the most dangerous of all; the mischief they do is quite incalculable. To such men, any man of an active and strong understanding, let him be even a knave, is far preferable. A maxim, strikingly exemplified by the contrast between the administration of Sir Frederick Adam, and that of Sir Thomas Maitland, his predecessor.⁶ Sir Thomas was the corruptest of Tories, and, unless he is greatly wronged, one of the most unscrupulous of Governors; and, as appears from many anecdotes in this book, rough and coarse-minded almost to brutality. But he had a sound and vigorous understanding and a strong will; and that love of the *right*, when not under great temptation to do wrong, which a clear-headed and determined man always has. He understood his position, and the sphere in which he moved. He saw that the great business of a Governor in a state of society like that of the Ionian Isles, is to protect the weak against the strong. He saw, that if the poor were to be protected at all, the executive government must be their protector; because the courts of justice, to which, in a more advanced state of society, the repression and punishment of injuries may safely be left, cannot in that semi-barbarous state be so constituted as not to be habitually bribed or intimidated by the rich and powerful. Accordingly Sir Thomas made himself the patron of the poor man, and governed the Seven Islands, in spite of many defects, with a more vigorous and a more beneficent rule, than they have probably ever known since they first were inhabited.

Sir Frederick Adam, a man without Sir Thomas Maitland's bad qualities, and without one particle of his energy and strong good sense, succeeded to him; and, although during the whole of Sir Thomas's administration he had been second in command, and had the amplest opportunities of profiting by the example, the history of his administration is that of the gradual undoing of the good work which his predecessor had begun. Sir Thomas Maitland had protected the weak against the strong; the practice of Sir Frederick Adam was to believe the representations of the strong against the weak. It was not that he had any preference for the strong; if there had been any one to talk as long and as loud to him on the other side of the question, the other side was as likely to have

⁵Samuel Butler (1612-80), *Hudibras* (1663) (Pt. I, Canto 1, ll. 35-6), 2 vols., ed. Zachary Grey (London: Vernor and Hood, *et al.*, 1801), Vol. I, p. 7.

⁶Thomas Maitland (1759-1824), M.P. 1794-96 and 1800-06, had served in the army in India, the West Indies, and France; had been Commander-in-Chief in Ceylon in 1806, and Governor-General in Malta 1813, before becoming Lord High Commissioner of the Ionian Islands in 1815. Charles Napier had served under him as well as Adams.

prevailed. He was simply in the very common case of having no ideas of his own, nor capacity of acquiring them, and consequently adopting those, whatever they might be, which were most frequently presented to him. The rich and powerful, having most access to his ear, had most opportunities of pouring into it the representations which suited their purposes.

Colonel Napier was able for several years, in spite of perpetual counteraction from the knot of interested advisers by whom the Governor was surrounded, to preserve the administration of the island over which he presided from the rapid degeneracy which the others speedily underwent. Having a mind full of resource, fertile in contrivances, being a thorough *man of action* in the best sense, knowing the world, and judging skilfully of men, he chose his expedients with admirable skill; was always for a little while countenanced and applauded by Sir Frederick Adam; and, as soon as he had been sufficiently successful to give umbrage to any person with whose corrupt gains, or whose arbitrary powers his plans interfered, he had the mortification of finding them all knocked on the head.

After some time, Colonel Napier came to England on leave of absence, receiving on his passage through Corfu, the strongest demonstrations of friendship and confidence from the Governor. During his absence Sir Frederick Adam made a public declaration in Cefalonia, that on Colonel Napier's return he should not reappoint him to his office, under pretence that an insurrection which had broken out many months after the Colonel's departure had been provoked by the arbitrary nature of his administration. On learning this, Colonel Napier immediately demanded an inquiry, and having with some difficulty compelled Sir Frederick to make his accusations specific, addressed to the Colonial Office a reply which absolutely levels the unfortunate man with the dust.⁷

The conduct of Lord Goderich was most characteristic. A man like Sir Thomas Maitland, in the situation of Colonial Secretary, from the mere inspection of the controversial correspondence, the accusation and the defence, would have seen enough of the two men to have perceived at once which was fittest to be Governor of the Ionian Isles; and if to Sir Thomas Maitland's abilities he had added honesty, Sir Frederick would speedily have ceased to fill the office, and Colonel Napier would have been his successor. Lord Goderich, on the contrary, seems to have had no object in view but to spare himself the responsibility of deciding. He would neither put Sir Frederick Adam in the right nor say he was in the wrong. *Before* the inquiry, and for the purpose of saving himself from the trouble of it, he offered to Colonel Napier a *superior appointment*, the Residency of Zante.⁸ But as the Colonel refused to pocket the unmerited accusation, and demanded that Sir Frederick Adam should be required either to restore him to his former post or produce charges against him; he *obtained* the inquiry which he

⁷Napier's letter of 23 Mar., 1832, is given in *The Colonies*, pp. 392-445.

⁸For the offer by Frederick John Robinson, Lord Goderich, see *ibid.*, p. 380.

had demanded, made the most triumphant of vindications, and received no redress. Lord Goderich "did not feel authorized to interfere between a Lord High Commissioner and his Resident:"⁹ it was no part of the duty of a Colonial Secretary to exercise any controul over the Governor of a colony. No decision has ever been pronounced. Colonel Napier, who might have obtained a higher appointment if he would have submitted to be disgraced, has lost the situation he held, and it needs no prophet to predict that he will never obtain that or any other from the present Government. He has appealed to the press:¹⁰ the one unpardonable offence. He has shown up the folly and negligence of men in high place. No man who does this need expect public employment. He has written a book which proves him to be the fittest person in the United Kingdom to be Governor of the Seven Islands, and that is the quite sufficient hindrance to his being made either that or anything else.

People of England, how long will these things be?

225. THE MONTHLY REPOSITORY FOR DECEMBER 1833

EXAMINER, 15 DEC., 1833, PP. 788-9

Once again Mill acknowledged his authorship of an article in the *Examiner* to Carlyle (12 Jan., 1834; *EL, CW*, Vol. XII, p. 209). Mill had nothing in this number of the *Monthly Repository*, though his "Comparison of the Tendencies of French and English Intellect" (No. 158) had appeared in November. The review, in the "Literary Examiner," is headed "*The Monthly Repository for December* [n.s. VII]. Edited by W.J. Fox"; page references are to this volume. This notice, the fifth in a series beginning with No. 198, is described in Mill's bibliography as "A review of the December number of the *Monthly Repository*, in the *Examiner* of 15th December 1833" (MacMinn, p. 36). In the Somerville College set of the *Examiner*, it is listed as "Review of the *Monthly Repository for December*" and enclosed in square brackets.

WE THINK THIS the best number yet published of a periodical which is rising rapidly into the high estimation it continues more and more to deserve. The same solidity of thought and justness of judgment, the same ardent sympathy with the emotions, interests, and aspirations of the poorer classes, the same enthusiastic feeling *for*, that is, *of*, the good and the beautiful, manifest themselves under more varied forms, and in a still more sustained and more impressive manner. Most of the numerous and diversified articles in this number, scarcely leave room for a wish that they could be better, either in design or execution. They are all that they profess to be, and all that their subjects require.

⁹These words are Napier's report (p. 446) of what he was told by James MacDonald, who had been appointed Governor of the Ionian Islands.

¹⁰See *The Colonies*, p. 456.

The volume which closes the year, is inscribed—

To the Working People
of
Great Britain and Ireland;
who, whether they produce
The means of physical support and enjoyment,
or aid the progress of
Moral, political, and social reform and improvement,
are fellow-labourers for the well-being
of the entire community.

To no work could such a dedication be more appropriately annexed, for the well-being of the classes to whom the work is thus addressed, is, indeed, the polar star of its course; and by their well-being is not meant, in this work, their physical comfort, nor even their political independence, but these and *likewise* the invigorating of their understanding and the refinement of their tastes. Not the frivolous, washy "mental improvement" which lords and gentlemen patronizingly and condescendingly administer when they cater "useful knowledge for the people," always with an eye to diverting them from the discussion of the great social questions, and "keeping them in their proper station." If this be philanthropy, Mr. Fox is no philanthropist. Speaking of the mechanics of England, he says, or the *Repository* says for him:

Their intelligence, their principles, their growing moral power, are indications of approaching change, not merely in political forms, but in the structure of society which it is high time to study, and on which a philosophical and courageous statesman, if such an one the country were but blessed withal, would already begin to act, and that on no petty scale. Happily this growing power is not one of brute force; it is a development of intelligence. To us, therefore, there is in it nothing fearful. The only evil which we apprehend is in the kind of resistance which may be opposed to it. It may be guided, but it cannot be coerced: and the attempt to mislead it, for the private benefit of other classes, will not fail less signally, nor recoil less destructively, than even coercion itself. We have long been impressed by the conviction that the intellect of poverty must be self-instructed, that it will not feed on the crumbs which fall from the rich man's table; that the real teachers of the poorer class must themselves be men of that class, imbued with its peculiar feelings, alive to its peculiar interests, influenced even by its peculiar prejudices; but, by their native power of mind, strongly conscious of its peculiar wants, and of capacity to minister to the supply of those wants. Such are the teachers who will be attended to without suspicion: whose words will have many echoes from the multitudes of their brethren, while the voice of condescending instruction dies without response on the empty air. Laughable as it might lately have been deemed, the "producing men" are actually producing their own politicians and poets; and such too as feel it to be grander and a nobler part, to make common cause with their brethren, raising their minds and refining their tastes, than to become, as was the old practice, the flattered appendages of superior station, tame monsters, with the range of the kitchen, rising into the livery dignity of patronage, hot-pressed paper, and a subscription list.¹

¹"Saint Monday," p. 830. The article is probably by W.J. Fox.

In every word of this we concur; but with the qualification, that not *only* the more vigorous minds in the poorer class, but persons also with the superior opportunities of instruction afforded by a higher station, *may* be, (and of this the writer himself is an example) most efficient instructors of the poorer classes, provided they have sufficient freedom from the littleness of mind which caste-distinctions engender, and a sufficiently just appreciation of the intelligence of the reading part of the working-classes, to prevent them from being condescending instructors. No gentleman is fit to write for the poor who cannot help betraying in every line that he habitually deems himself a being of a different order from them, and vastly their superior, that he cannot for one half hour lose the consciousness of his artificial and conventional rank, but is perpetually showing it in the most offensive of all ways, that of taking credit for not showing it. He must learn to speak to the working-people as an equal to his equals, as he would speak to persons less informed than himself on the particular subject, but with minds quite as capable of understanding it. When, moreover, the assumption of superiority over their intellect, and the ostentation of descending to make himself intelligible to their ignorant minds is accompanied with an attempt to pass off upon them, even though in a good cause, palpable sophisms which the least discerning of them has intellect enough to see through, he but excites the contempt, mingled with aversion, which a large portion of the reading mechanics feel for the instructions in political economy which have been put forth to the "working man" by the Society for the Diffusion of Useful Knowledge.²

The vigorous and impressive article from which we have quoted is itself a review of a remarkable work, a poem, by a mechanic, entitled *Saint Monday*.³ The extracts from the poem are as interesting as the review itself, which concludes thus:

We say to him (the Author) and his fellow-labourers, go on and prosper, and so saying we include ourselves in our own benediction, for we have a common purpose with him and them. We adhere to the St. Simonian maxim,⁴ (even though the *Times* should recommend our being pelted for the same;) we contend that the legitimate object of all

²Founded in 1826 by a group including Brougham, James Mill, and Grote, the S.D.U.K. published through Charles Knight inexpensive editions of works on a wide range of subjects including science, history, economics, philosophy, and literature. Brougham's influence was the dominant one.

³*Saint Monday: A Poem, by the Author of "The Mechanic's Saturday Night"* (London: Steill, 1833) was by Henry Brown, an artisan.

⁴The "maxim," partly paraphrased in English below, reads: "Toutes les institutions sociales doivent avoir pour but l'amélioration du sort moral, physique et intellectuel de la classe la plus nombreuse et la plus pauvre. / Tous les privilèges de la naissance, sans exceptions, seront abolis." See *Doctrine Saint-Simonienne (Nouveau Christianisme)* (1830), in *Oeuvres de Saint-Simon et d'Enfantin*, 2nd ed., 47 vols. (Paris: Dentu, and Leroux, 1865-78), Vol. XLI, p. 55. The maxim was used as a motto by *Le Globe*.

political institutions is the improvement of the condition, physical, intellectual, and moral, of the poorest and most numerous class. We hold that this object is paramount in social arrangements. We believe in no real discrepancy; but if there were, *coûte qui coûte*, the progression of humanity must be exhibited in those who toil. Their rights and interests should be pursued by all honourable means, and at all real risk; by unions, by meetings, by cheap publications, by petitions and remonstrances, and by whatever else circumstances may require; and that, whatever becomes of churches, corporations, or monopolies of peers or princes; the physical comfort, the mental cultivation, the political rights of the working-people of England, that is the motto on our banner; *we nail that flag to the mast, and will sink or swim with it flying*, SO HELP US GOD. [P. 837.]

Next to this unflinching advocacy of the interests of the working-classes the most characteristic distinction of this periodical from others is a keen sensibility to the beautiful in all its kinds and varieties, and the strongest interest, manifested both by precept and example, in poetry and art, not as idle amusements, but important branches of human culture, and agents in the progression of the species.

We quote from a delightful article on the Louvre a description of a picture, itself almost a still lovelier picture:

It is all that a National gallery ought to be. Watch the people clustered round, and being educated by their favourite pictures; look at their eager intelligent faces; listen to their doubly happy remarks, reading all they can from a picture, too poor to purchase a catalogue, and courteously asking the more fortunate to help them to its subject. Soldiers, too, but they are of the National Guard, not your mere legalized cut-throats; generals, colonels, and captains, would do well, if true to their profession, to keep all such from picture-galleries. The arts are meant to refine, their system to brutalize. One fancy that soldiers would choose battle pieces (of which, be it said, there are vastly too many taken as subjects by the French artists—more of that anon). Not so; there is one with his eyes fixed on a picture of Annibal Carracci, the quietest, gentlest, most exquisitely touched! It is called *Le Silence*, and you hold your breath, and do not speak as you look at it. The catalogue says, *La Vierge recommande le silence à St. Jean, pour ne pas troubler le repos de Jésus*. That *recommende* sounds strangely, but what other word could be found? The sweet, earnest face of the mother, whose arm tenderly cradles the sleeping child—sleeping so placidly, that you hear in fancy the gentle breathing through its parted lips; her upraised, hushing finger, her slight bending forward, as if to check the little disciple, who is making his whole body minister to one tiny finger, that it may fall like down upon the foot of the sleeper. . . . The soldier is still gazing, and if you asked him why? he would perhaps answer, Because the woman was so *douce*, and the children so *jolis*. We would make answer for him, that he has a human heart—that he is enjoying, perhaps unconsciously, the expression of brotherly affection and expansive benevolence. The mother's face is alike free from the harshness of rebuke or the weakness of entreaty. She is careful of the feelings of the child of another, as she is watchful over the repose of her own; she is not one to exact obedience through fear, but to change it into pleasure through affection—the face of that mother, the act of that child, are lovely lessons of kindness and gentleness, from which all, whether men, women, or children, may learn equally.⁵

⁵Sarah Flower, "A National Gallery," pp. 841-2. The marks of ellipsis are hers.

The gallery of the Louvre on a Sunday, and the working men and the working women whom it is filled with, are indeed a spectacle which we have never seen without envying those who have the happiness to live in an unaristocratic country; a country where the rich and the poor having the same enjoyments, do not repel, but attract each other; where the very populace, in the height of an armed insurrection, place sentinels to guard their own gallery of statues and pictures from injury, and chalk up in every street the words, "Respect aux Monuments."

The "Autobiography of Pel. Verjuice" becomes more and more interesting.⁶ It contains this month a vivid portraiture of the horrors of a man-of-war, which would be deemed one of the most vigorous chapters of the best recent novels, and as an authentic biography will, if generally read, strike a heavier blow at impressment, and the present naval discipline, than twenty of Sir James Graham's most insolent speeches will be able to parry.⁷

An excellent article on Church Reform,⁸ advocates with equal strength of feeling and vigour of argument, the right of the nation to do what it pleases with the public property, called by an abuse of terms, the "property of the Church," and the expediency of exercising that right by taking the Church endowments (after the death of existing incumbents) not to be swallowed up in the bottomless pit of the National Debt, but to form a fund for the mental culture of the people in the most extensive sense, by education, and the diffusion and encouragement of all branches of science and art.

There is much more in this number of the *Repository*, which we would gladly notice, but we must conclude; and we shall do so by a quotation from the address of the editor to his readers at the close of the year:

With a satisfaction, in which I trust my readers will join, do I look back, not only on the accession of so many enlightened and philosophical minds, attracted by congeniality with the spirit of the *Monthly Repository*, to labour for the extension of its influences, but also on the topics which have exercised their powers. The experiment has, unless I am much deceived in the result, been made successfully, of rendering a periodical interesting without sacrificing to mere amusement, to personal calumny, or to party or private objects. On every great question, however brief the space allowed for its discussion, it has been attempted to penetrate to the true and ultimate principles of solution. Caring comparatively little about particular men or temporary measures, constant regard has been had to those pervading evils of the social condition, and those redeeming and progressive tendencies of the human constitution, which must be understood before the one can be effectually redressed, or the other can have their free and full operation in the production

⁶The latest instalment of this novel by Pemberton is on pp. 816-29 (for the other instalments, see No. 207, n5).

⁷The reference is to Graham's speech of 15 Aug.; see No. 222, n1.

⁸"Church Reform, Considered as a National and Not a Sectarian Question," pp. 805-13; for the attack on the term "property of the Church," see p. 809. The article is probably by W.J. Fox.

of the happiness which man was created to enjoy. Using words which have been egregiously misapplied, it may be justly said, that on whatever point reform or change has been advocated, we were destructive⁹ only that we might be conservative. And *that* for the conservation of which, free from all impediment, we are most solicitous, is the principle of progression in humanity; a principle which is ever growing in strength with the growth of knowledge; which must and will burst all the bonds, and demolish all the barriers of antiquated institutions; and on which Governments must learn to act, unless they are content to be regarded as the present enemies of nations, and the speedy victims of revolutions. [Pp. 868-9.]

226. FRENCH NEWS [81]

EXAMINER, 29 DEC., 1833, P. 824

As Mill noted in his letter to Carlyle of 12 Jan., 1834 (*EL, CW*, Vol. XII, p. 209), he had resumed his comments on French affairs; again his attention is focused on the French legislature, which opened on 23 Dec. The item is headed "London, December 29, 1833." This group of Mill's French news reports is described in his bibliography as "The summary of the French news in the Exam. from 29th December 1833 to 16 February 1834" (MacMinn, p. 36). The next mention of these summaries is of that for 30 Mar., 1834 (see No. 245); however, three articles on 2, 9, and 23 Mar. are identified as his in the Somerville College set of the *Examiner* (see Nos. 238, 241, and 242). The present article, his last in 1833, is listed in the Somerville College set of the *Examiner* as "Article on France" and enclosed in square brackets.

THE SPEECH OF LOUIS-PHILIPPE, at the opening of the Session, may be regarded, even among Kings' speeches, as remarkable for its emptiness.¹ His Citizen Majesty (we beg his pardon, for the days are gone by when even *words* of revolutionary sound had the honour of his countenance) doubtless shares the opinion next to universal among his supporters as well as enemies, that what is said or done in, to, or by the Chambers, is of the completest insignificance. There are few things more striking in the present state of France, than the contemptuous neglect into which the national legislature has fallen.

Another trial for a conspiracy to overthrow the Government has just terminated by the acquittal of all the accused.² The prosecution had first broken

⁹For the origins of the term in this sense, see No. 216, n25.

¹On 23 Dec. (*Moniteur*, 1833, p. 2487).

²On 11 Dec., 1833, François Vincent Raspail (for his earlier trial, see No. 137) and twenty-six young men, members of the Société des Droits de l'Homme, were brought before the Cour d'Assises de la Seine on charges of conspiracy. Each session was reported in the *Moniteur*, the opening one on pp. 2436-8, and the closing one pp. 2484-6. The Société des Droits de l'Homme was a regrouping of the Société des Amis du Peuple, which had been broken up at the end of 1832. The new society, modelled on Robespierre's Société des Jacobins, was secret, republican, and carefully organized into

down so completely, that the Advocate-General, in his concluding speech, was forced to admit that there was not sufficient evidence against the two persons whom he had represented as being at the head of the conspiracy.³ But the best purpose of the persecutors is answered; the detestable *Code d'Instruction Criminelle*, framed by Napoleon as an instrument for his despotism, gives power to the Government in all such cases of keeping the accused in prison for months before bringing them to trial;⁴ this power has been exerted towards the present accused, who have been in prison for five months untried, and numbers of others are now in confinement who will as surely as these be acquitted by the jury, and perhaps sent to prison immediately afterwards on a fresh charge. The French Government, by suborning false or frivolous charges, or even by lending an ear to the denunciations which their police spies are never unprepared with, have the power of converting any man, however innocent, into a prisoner for life. The only person of any note who was implicated in the present trial, Raspail, a young chemist of great eminence, has for three years past been seldom out of prison, though almost all the charges against him have been scouted by the various juries before whom he has successively been brought.

During the present trial, one of the witnesses, by name Vignerte, on hearing the Society of the Rights of Man, of which society he is a member and officer, accused by the Advocate-General of designing confiscation of property and an agrarian law, could not contain his indignation, and gave the Crown lawyer the lie direct in open Court. For this, and for calling the Judges, what they richly deserved to be called, *un tas de valets*,⁵ the Court sentenced him on the spot to three years' imprisonment. It is monstrous that a tribunal should thus have the power of judging in its own cause, under the influence, too, of momentary irritation, and inflicting sentences of vindictive severity. A Court of Justice should have the command of adequate physical force to preserve order during its proceedings, but the *punishment* of words or acts disrespectful to it should be left to another time and to other men.

Three of the counsel of the accused, men who are among the principal of the rising ornaments of the French bar, have been, for pretended disrespect to the

cells covering nearly all areas of France, and was especially strong in Paris and Lyons. Its newspaper was *La Tribune* until it was banned, and then the *Réformateur*.

³In his concluding speech on 21 Dec. (*Moniteur*, 1833, p. 2481), Emile Delapalme (1793-1868), the *avocat-général*, did not admit there was insufficient evidence against Raspail and Joachim René Théophile Guillard de Kersausie (1798-1874), another liberal activist and former Carbonaro. The admission had come earlier; see the account of the trial in *La Tribune*, 14 Dec., 1833, p. 3.

⁴Bull. 214 bis (17 Nov.-16 Dec., 1808), Livre I, Chap. viii, Art. 113.

⁵Jean Jacques Vignerte (1806-70), one of the Society's principal organizers among the working class, made his insulting remark in a speech of 19 Dec. (*Moniteur*, 1833, p. 2473).

Court, suspended by the Court from the practice of their profession, one of them for a year, the other two for six months each.⁶ Is not this also monstrous?

227. FRENCH NEWS [82]

EXAMINER, 5 JAN., 1834, P. 840

This paragraph is headed "London, January 5, 1834." For Mill's bibliographic entry, see No. 226. In the Somerville College set of the *Examiner*, the article is listed as "Article on France"; none of Mill's articles in 1834 is enclosed in square brackets. This first issue of the *Examiner* for 1834 was misnumbered by the printer, pp. [833]-848; the pagination began anew with each year, and Mill has renumbered the pages in ink, [1]-16, this article coming on p. 8.

THE FRENCH CHAMBER OF DEPUTIES has re-elected M. Dupin its President, and Messrs. de Schonen, Benjamin Delessert,¹ Etienne, and Béranger its Vice-presidents, as before. This betokens, as everything does, a Session exactly resembling the last. M. Dupin had 220 votes: the greatest number next to this was 39, for General Lafayette. These 39, together with the General himself, indicate 40 as the number of republicans in the Chamber. A few votes were given to M. Dupont (de l'Eure), and a few to M. Odilon Barrot; the remainder of the non-republican opposition, (the *opposition dynastique*, as they are now called,) a party which is sinking every day into greater insignificance, voted with the ministry and the *tiers-parti* for M. Dupin.

228. WAR WITH RUSSIA

EXAMINER, 5 JAN., 1834, P. 840

This paragraph, which immediately follows that in No. 227 under the dateline "London, January 5, 1834," is not mentioned in Mill's bibliography. However, it is listed in the Somerville College set of the *Examiner* as "Paragraph on a war with Russia"; like No. 227 (*q.v.*) it is listed by Mill as on p. 8.

THE TIMES has this week busied itself in instigating Government and the nation to a war which would infallibly involve not only all Europe, but Asia, Africa, and

⁶Jacques François Dupont de Bussac (1803-73) was suspended for a year, and Louis Chrysostome Michel (1798-1853) and Marie Oscar Pinard (1801-67) were both suspended for six months.

¹The election was on 24 Dec. (see *Moniteur*, 1833, p. 2494). Jules Paul Benjamin Delessert (1773-1847), philanthropist, botanist, and banker, had been a deputy since 1817.

America also.¹ A Ministry which should go to war to prevent Russia from taking possession of Turkey, especially when it is too late to save Poland, would deserve to lose their heads; and we trust it would not be long ere they would be reminded of the liability.

229. THE MONTHLY REPOSITORY FOR JANUARY 1834

EXAMINER, 12 JAN., 1834, p. 21

The sixth of Mill's favourable reviews of the *Monthly Repository* (see No. 198), this is mentioned, like Nos. 225 and the series on France beginning with No. 226, in his letter to Carlyle of 12 Jan. (*EL, CW*, Vol. XII, p. 215). Again Mill had nothing in this issue of the *Monthly Repository*, but his series, "Notes on Some of the More Popular Dialogues of Plato," began in the next number, and continued until March 1835 (see *CW*, Vol. XI, pp. 37-174). Also, his "Notes on the Newspapers," a series on British events not unlike his French series, began in the March number, running until September (see *CW*, Vol. VI, pp. 149-280). This review, in the "Literary Examiner," is headed "*The Monthly Repository for January* [n.s. VIII]. Edited by W.J. Fox"; the page numbers refer to this volume. Described in Mill's bibliography as "A review of the January number of the *Monthly Repository* of 12th January 1834" (MacMinn, p. 36), the article is listed in the Somerville College set of the *Examiner* as "Review of the *Monthly Repository* for January 1834."

THE PRESENT NUMBER of this excellent and rising periodical maintains the high character of its immediate predecessor. The work becomes every day more worthy of public support. It stands conspicuous among the periodicals of the day, not less in the comprehensiveness of its objects and views, than in its progressive and rapid improvement in point of literary merit.

The number now published commences with a brief review of the political situation of the country at the opening of 1834;¹ in which, while none of the evils and dangers we have yet to struggle with are disguised or extenuated, the tone of the writer is not discouraging but animating, and inspires the reader to arm himself with renewed vigour for the perennial contest, which more or less at all times, but most peculiarly in the present, is the lot of humanity.

The "Case of the Dissenters" is the subject of an article, the spirit of which is all in the following passage:

It is much to be deprecated that Church reform should become, in the Legislature,

¹See the leading articles on Turkey, *The Times*, 1 and 2 Jan., 1834, both on p. 2. Fear of Russian hegemony in Turkey and the eastern Mediterranean prompted a proposed increase in the British and French fleets in the area; Russia protested against this proposal, and war seemed imminent.

¹W.J. Fox, "Forwards or Backwards?" pp. 1-7.

merely a question between the established sect and the non-established sects. Should that happen, the result will most likely be a stopping short in, and turning aside from, the course which ought to be pursued in order to obtain from change the greatest amount of national good. It is very possible that matters may be compromised between the clergy, who, practically, are the Church, on the one hand; and the leading denominations of dissenters on the other. "Holy Orders," and "pretended Holy Orders," may be made to stand (with the exception of the money difference, and of the preference of fashion) on the same step of the social platform; dissenting lovers may be allowed to join hands in the unconsecrated chapel; and the dissenting dead be allowed, with the benediction on their bones of the voice which in life they loved, to rest in the consecrated burial ground. Nay, tithes may be no longer levied, as at present, and church rates be received by a pastor's certificate of membership. All this, and more, may happen, even until insolence and grumbling shall be hushed together, and the "righteousness" of the Church and the "peace" of dissent shall have "embraced each other;" and yet the people remain destitute of advantages to which they have a right, and the prospect of obtaining which, imparts its highest value, its properly national interest, to the subject of Church reform.

All considerations about rival parties, sectarian rights, and ecclesiastical inequalities, shrink into comparative insignificance before the great question—Shall that huge mass of property, which is now unworthily held by the hierarchy, continue to be so perverted, or be applied to its legitimate purpose, the intellectual and moral culture of the entire population?—This is the question which, in proportion as the people understand their rights and interests, they will require of the Legislature to *answer*. This is the question which every patriotic legislator should moot. This is the question which the press should unceasingly agitate and discuss. It is the "case" of the people, and should swallow up the case of the dissenters.²

The paper headed "The Diffusion of Knowledge amongst the People," (being the substance of two lectures read at the Mechanics' Institution by the author of several known works,) is, notwithstanding the title, not at all common-place, and abounds with useful thoughts well expressed.³

The "Autobiography of Pel. Verjuice," continues and improves every month.⁴ But the article which will be oftenest reperused, and with greatest pleasure, is a notice of the pictures in the Luxembourg Gallery, evidently by the same hand as the paper in the previous number on the Louvre.⁵ We think the criticism too favourable to the modern French school, but the descriptions of the pictures have all the poetical beauty which they ascribe to the pictures themselves.

In this number of the *Repository* there is a new feature, a song with music, being the first of "Songs of the Months," the remaining eleven will appear in the succeeding numbers.⁶ The merit both of the poetry and the music is sufficiently

²P. 63. The article is possibly by Fox.

³On pp. 7-19; the article is by John Phillips Potter (1793-1861), clergyman and writer on classical philosophy.

⁴On pp. 21-39, by Charles Pemberton (see No. 207, n5).

⁵Sarah Flower, "The Luxembourg," pp. 54-63; for her article on the Louvre, "A National Gallery," see No. 225.

⁶Eliza Flower, "A Chime for the New Year: Songs of the Months, No. I, January," p.

vouched for by the fact, that the latter is composed by the accomplished author of the *Musical Illustrations of the Waverley Novels*.⁷

We heartily applaud this enlargement of the plan of the *Repository*, which is perfectly in keeping with its spirit. The work is now more than ever entitled to the character it already deserved, of being the cheapest of the monthly periodicals, for the music alone, if printed separately, could not be purchased for less than the entire price of the work which contains it.

230. FRENCH NEWS [83]

EXAMINER, 12 JAN., 1834, P. 23

For the entry in Mill's bibliography, see No. 226. This article, headed "London, January 12, 1834," is listed as "Article on France" in the Somerville College set of the *Examiner*.

THE DEBATE of the French Chamber of Deputies on the address in answer to the King's Speech is now nearly concluded.¹ We have deemed it useless to lay before our readers a meagre abstract which would utterly fail in conveying any notion of the general spirit of the debate. The circumstance which appears to have made the strongest impression on our English contemporaries, is the distinct disavowal of Republicanism and declaration of attachment to hereditary monarchy, which has emanated from MM. Odilon Barrot, Mauguin,² and other leaders of the Constitutional opposition; on the other hand, MM. Voyer d'Argenson and Audry de Puyraveau, men of the highest character and personal merit, being called to account by a member for having affixed their signature to the Republican manifesto of the *Société des Droits de l'Homme*, avowed and justified their conduct.³

As we find that some English journals are propagating the same false

41 (words by Sarah Flower). For Mill's review of the songs for the first four months, see No. 248; for his review of the complete work, No. 273.

⁷Reviewed by Mill in No. 112.

¹The address in answer to the Speech from the Throne (23 Dec., 1833) was read and the debate began on 2 Jan. (*Moniteur*, 1834, pp. 10-16).

²Mauguin's speech of 3 Jan. on the address was reported *ibid.*, p. 24; Odilon Barrot's, of the 4th, *ibid.*, p. 28.

³For the episode on 6 Jan. and the speeches by Argenson and Audry de Puyraveau, see *ibid.*, pp. 40-2. The member who called them to account was Thomas Robert Bugeaud de la Piconnerie, duc d'Isly (1784-1849), who became a general under Louis Philippe, and had been a deputy since 1831. The *Société des Droits de l'Homme* (see No. 226, n2) had issued in 1833 the *Déclaration des droits de l'homme et du citoyen*, prefaced to the Constitution of 1793 by Robespierre; see No. 233 for Mill's fuller discussion.

impressions respecting this society, and making the same indefensible use of the name of Robespierre, for the purpose of discrediting its intentions, as the Government papers in France had already done,⁴ we shall next week do what no English paper, we believe, has yet attempted; we shall state exactly what the society in question is, what are its principles and objects, and in what manner the name of Robespierre has come to be mixed up with it.⁵ At present we shall only say that the *Société des Droits de l'Homme* represents only a fraction of the Republican party, if party it can be called; a fraction which carries its views of innovation further than even what are considered the most violent of the Republican newspapers: and though it holds the entire insurrectional strength of the party in its hands, or rather is the only Republican party which any person in his senses believes to meditate insurrection, the Republican cause for purposes of discussion and popular enlightenment, is in far more efficient as well as more temperate hands.

In separating itself avowedly from Republicanism, the opposition in the Chamber has taken the only means by which it could have a chance of recovering some political importance. The Chamber is no place for advocating doctrines in advance of the existing charter; for such the press is the proper organ; in the Chamber an orator, even of the most commanding talents, could not obtain a hearing for such opinions as are held by the ablest opponents of the present French Government. There is still room in the Chamber for a Constitutional or Monarchical opposition; but the men whose opinions fitted them for composing such a party, by merely carping at the measures of Government in detail, without wedding themselves to any principle, had allowed all popular influence to pass out of their hands into those of the bolder, more consistent, and, we must add, abler men who form the Republican opposition out of doors. They are now making an effort, and of the right kind, to redeem themselves from the insignificance into which they have sunk; they have declared unequivocally their political creed. They are adverse to a new revolution, adverse to the abolition of hereditary Monarchy; but they contend strongly for a large extension of the suffrage in the election of members of the Chamber of Deputies.

The French people are at last awakening to the truth, of which the English from their longer experience have been for some time aware—that the constitution of the representative body is the really vital question of Government; and that their own rests on far too narrow a basis. For the first time, numerous

⁴See, for English examples, "Y.," "Private Correspondence" (Paris, 1 Nov.), *The Times*, 11 Nov., 1833, p. 1, and "Foreign Intelligence (from our Private Correspondent)," *Standard*, 16 Dec., 1833, p. 2; for a French example, "Paris: 28 octobre," *Journal des Débats*, 29 Oct., p. 1.

⁵The promise was not fulfilled until two weeks later (No. 233), there being no room in the *Examiner* for 19 Jan., to which Mill contributed Nos. 231 and 232, the latter of which usurped the space.

petitions are now preparing from various parts of France for a more popular system of election.

231. WILSON'S HISTORY OF ROME

EXAMINER, 19 JAN., 1834, P. 36

The *History of Rome* was one of an eventual 133 volumes in the popular *Cabinet Cyclopaedia*, initiated in 1829 by Dionysius Lardner (1793-1859), a prolific writer on science, who had been elected Professor of Natural Philosophy and Astronomy at the University of London in 1827. The anonymous work has been attributed to Robert Bell (1800-67), an associate of Lardner's, but there is little reason to doubt Mill's attribution of it to his friend, John Wilson, Secretary to the Factory Commission in 1833 and Editor of the *Globe and Traveller* in 1834, called by Mill "a most valuable man" (*EL*, *CW*, Vol. XII, p. 211). Mill's childhood fascination with Roman history (see *CW*, Vol. I, pp. 17, 583-4) led to little mature writing; see, however, in addition to this review, *CW*, Vol. I, pp. 523-32 and in Vol. XIII, pp. 498-551, the letters from the early 1840s indicating an abortive plan to write a major article on the subject for the *Edinburgh*. The review, which heads the "Literary Examiner," is headed: "*The Cabinet Cyclopaedia*, conducted by Dr. Lardner; *History of Rome*. In two volumes; Vol. I. [London: Longman, et al., 1834.]" It is described in Mill's bibliography as "A review of (John Wilson's) *History of Rome* in Lardner's *Cyclopaedia*, vol. 1, in the *Examiner* of 19th January 1834" (*MacMinn*, p. 37). In the Somerville College set of the *Examiner*, it is listed as "Review of the *History of Rome* (Wilson's) in Lardner's *Cyclopaedia*."

WE RECOMMEND THIS WORK very strongly to the English reader, as being the first compendium of Roman history yet published in England, in which the early ages of the Roman state have been exhibited in the new and striking light thrown upon them by the researches and speculations of Niebuhr, Wachsmuth, and other recent German writers of eminence.¹ Such a work has long been much wanted, and we trust it will be as extensively read as it deserves to be.

The author disclaims any pretension to originality in his remarks on the Roman character, and the structure of Roman society; which he says are mostly drawn from the great historical work of Professor Schlosser, of Heidelberg, on the Civilization of the Ancient World.² To whomsoever these remarks belong, they are such as are to be found in no English book with which we are acquainted; and

¹Barthold Georg Niebuhr (1776-1831), German historian, best known for his path-breaking *Römische Geschichte* (1811-12), trans. in 3 vols. by Julius Charles Hare, et al., as *History of Rome* (London: Taylor and Walton, 1828-42). Ernst Wilhelm Gottlieb Wachsmuth (1787-1866), German archeologist and historian, author of *Die ältere Geschichte der römischen Staates untersucht* (Halle: Reugerschen Buchhandlung, 1819).

²The disclaimer and acknowledgment appear on the unnumbered Advertisement page preceding the table of contents. He cites Friedrich Christoph Schlosser (1776-1861), *Universalhistorische Uebersicht der Geschichte der alten Welt und ihrer Cultur*, 3 pts. (Frankfurt am Main: Varrentrapp, 1826-34).

are generally ingenious, often strikingly just, and always the very reverse of common place. They should induce all who can read German to study Professor Schlosser's work; and all who cannot, should read the present volume; which, departing so widely from the beaten track, will suggest to all who reflect upon history, even if they do not agree in the writer's opinions, many trains of valuable reflection.

A work of this character cannot be expected to form a complete treatise on the philosophy of Roman history; that would require far greater labour and even to the highest powers of intellectual combination would be a task of years. But it is much to find in a work of so little pretension all that we find in this.

We are averse to point out particular chapters as peculiarly deserving of notice, when all merit the most attentive perusal; but when we have so recently read in an accredited Tory periodical the astounding assertion, that the senseless measures of the Gracchi, by destroying the Roman aristocracy, occasioned the fall of the republic,³ it is not, perhaps, useless to direct the attention of those whom our judgment may influence to the chapter on the Gracchi, (Bk. III, Chap. ii of this work,) and to the description of the Roman aristocracy in the ninth chapter of the same book.⁴ Truly the notions, even as to mere matters of fact, which are poured into the long ears of our higher classes, and thence infiltrated into their brains, are of an absurdity which, the longer we live, appears to us the more portentous.

232. FRENCH NEWS [84]

EXAMINER, 19 JAN., 1834, PP. 40-1

This article is headed "London, January 19, 1834." Mill's bibliographic entry for this series (from 29 Dec., 1833, to 16 Feb., 1834; see No. 226) does not specifically say that he wrote the summary in each of those weeks, and in the Somerville College set of the *Examiner*, the listing is "Article on the 'National' Newspaper," which would suggest that only that part here printed after a printer's rule is his. However, no one else filled in the French news when Mill did not contribute a column, and the internal references to Nos. 230 and 233, as well as the correction to the second paragraph in his hand in the Somerville College set of the *Examiner* ("debate on the" added before "French King's speech") argue strongly for his authorship of the first section. In the second section Mill made three corrections: at 666.7, "Carrels" is altered to "Carrel"; at 667.6 "intruded" to "intended"; and at 667.13 "mark" to "wreak".

³Archibald Alison (1792-1867), historian, "France in 1833 (No. II)," *Blackwood's Edinburgh Magazine*, XXXIV (Dec. 1833), 914. Tiberius Sempronius Gracchus (163-133 B.C.) and his brother Gaius (153-122 B.C.) were Roman tribunes who implemented agrarian reforms.

⁴Vol. I, pp. 268-85 (Bk. III, Chap. ii) and pp. 347-60 (Bk. III, Chap. ix).

WE ARE UNDER THE NECESSITY of deferring till next week our observations on the *Société des Droits de l'Homme*.¹

The debate on the French King's speech has now concluded, and the address has been carried by a majority of 288 to 43.²

The Duc de Broglie, whose retraction of acquiescence in M. Bignon's speech we noticed last week, is reproached with eating his own words, &c.³ Be it so; but the motives which caused him to eat his own words are motives which must restrain the disposition to rush into war. The *Times* seems to take the disappointment much to heart, and rails against the wickedness of the "low Radicals" who preach peace.⁴ We frankly confess to all the wickedness of an earnest desire for peace, which we would not forego till some greater evil seemed likely to attend it than is certain in war. But these are *low* politics akin to the low morality so scoffed at by Jonathan Wild the Great, in his history by Fielding;⁵ nevertheless, we have shared in them with worshipful company; witness the following passage from the ministerial *Globe*, which appeared when Russia was going to war with Turkey in 1828:

If our diplomatists say to Russia, that no matter what provocation she has received, we cannot permit her to resent the injuries, lest she may come in contact with us in India, they may expect to be reminded how, and how lately, those possessions have come into our hands. If we plead, as with some truth we may, that we have been obliged to extend our territory in India by the weakness and folly of our neighbours, the Russians may reasonably be allowed to yield in the same manner, under the pressure of a similar necessity.

If, however, our Indian possessions are endangered by the progress of the Russian power southward—though it is not very apparent that this effect would be produced even by the advance of the Russians to Constantinople—it is by precautions in India itself that we should take measures for our security; not by embarking in a general war in Europe. India, if our power there be consolidated and well managed, has within itself sufficient means of defence. It will fall, like that of the Turks, if it deserves to fall—if it become

¹The promise, made in No. 230, was fulfilled in No. 233, as Mill indicates.

²*Moniteur*, 10 Jan., 1834, p. 68.

³The notice in the *Examiner*, 12 Jan., p. 21, under "Foreign Intelligence. France," concludes "'(Abridged from the Standard)'" and seems not to be by Mill. In the debate on 7 Jan. (*Moniteur*, 1834, pp. 53-4), Broglie, Minister of Foreign Affairs, expressed his approval of the speech just given by Bignon, in which the latter argued that peace must never be bought—with the implication that it had—at the sacrifice of France's interests in allowing any one of the great powers of Europe to set aside treaties and to upset the status quo in Poland, in Turkey, or in Italy. On the next day, Broglie explained that he shared only Bignon's principle, not his interpretation of recent events (*ibid.*, pp. 59-60).

⁴Leading article on Foreign Policy, *The Times*, 17 Jan., 1834, p. 4.

⁵Henry Fielding, *The History of the Life of the Late Mr. Jonathan Wild, the Great* (1743), in *Works*, 12 vols. (London: Richards, 1824), Vol. IV. See especially Bk. IV, Chap. xv, pp. 215-21.

feeble and odious, and then only; for the people subject to the British dominion in India are probably twice as many as those of the whole Russian Empire.⁶

So wrote the *Globe* when the Tories were in power. The withdrawal of the fleets of France and England, to Malta and Toulon, has strengthened the supposition that there will be no interruption of peace.

The *National* newspaper has declared itself defunct, from the close of the year 1833;⁷ and, with the 1st of January, 1834, M. Armand Carrel, its principal editor, assisted by the same body of writers as before, has commenced a new daily paper, entitled *Le National de 1834*.

The object of this proceeding is to escape from some of the effects of a most profligate sentence recently passed upon the *National* by the Cour Royale of Paris, and confirmed by the Court of Cassation.⁸ The whole story throws so much light upon the spirit in which justice is administered in France in political cases that we shall relate it at length for the edification of our readers.

The French Government have long smarted under the numerous failures which they have experienced in their attempts to crush by the arm of the law all public writers who are hostile to them. Out of upwards of eighty prosecutions against the *Tribune*, they have obtained verdicts in no more than ten or twelve; and the vindictive severity of the sentences which have been passed by the Judges in that small number of cases, together with the endless vexation and expense which the detestable *Code d'Instruction Criminelle* has enabled them to inflict upon the accused in all the cases, *previously* to the trial,⁹ have not seemed to them sufficient atonement for being frustrated of the ultimate aim of so large a majority of the prosecutions. Their disappointment and irritation have found a vent in various ways; one of which, though not immediately to our present purpose, we shall state. M. Persil, Procureur-Général for the Cour Royale, in the speech which, according to custom, he delivered when the Court resumed its sittings after the vacation,¹⁰ proclaimed the necessity of new laws to facilitate verdicts of condemnation in political cases; and, in particular, expressed his hope that the legislature would enact that jurors should vote by ballot, without any previous consultation with one another; and that a bare majority, not as at present a majority of eight to four, should be requisite for conviction. To the extent of this last proposition M. Persil was warmly supported by the *Journal des Débats*¹¹

⁶Leading article on the Russian threat to India, *Globe and Traveller*, 10 Apr., 1828, p. 2.

⁷Unheaded leader, signed by Paulin, *Le National*, 31 Dec., 1833, p. 1.

⁸For the sentence, see *ibid.*, 19 Nov., 1833, p. 2.

⁹For the relevant laws, see No. 226, n4.

¹⁰For Persil's speech of 4 Nov., see *Moniteur*, 1833, pp. 2284-6.

¹¹Leading articles on juries, *Journal des Débats*, 20 Nov., 1833, p. 1, and 13 Nov., p. 1.

and the other Ministerial papers; and a paltry paper, called the *Moniteur du Commerce*, either from the excess of its zeal, or at the suggestion of powerful persons who wished by throwing up a feather to ascertain the strength of the wind, went the length of declaring a jury to be altogether an absurd institution in political cases, and expressing a wish that the article which establishes it, might be erased from the Charter.¹² All these indications of an intended inroad upon almost the only check upon tyranny which the French possess, excited a disgust which appears to have prevented the prosecution of whatever projects may have been meditated by the Government: and even in so timid and compliant a body as the Chamber of Deputies, this feeling has manifested itself in the debate on the Address, with a strength to which the Government will be under the necessity of giving way.

Another shift to which Louis Philippe has been driven in order to wreak that vengeance upon his political enemies in which he has found himself unable to induce juries to participate with him, is to stretch to the utmost all those provisions of the law by which the Court is permitted, from any peculiarity of circumstances, to withdraw a cause from the cognizance of a jury. This is the device which has been put in practice against the *National*. That journal having undergone ten prosecutions, in every one of which it had been acquitted, it appeared clear to Louis Philippe that there were no means of making its proprietors and writers feel the consequences of his resentment but by means of the judges alone, who he well knew would cheerfully consent to be his tools, although juries would not.

There exists in the French law an enactment, an absurd one enough, which enables the Court to convict and pass sentence for offences of the press, without a jury, provided the criminated passages occur in a report of their own proceedings.¹³ Thus it is when the cause is their own that they are empowered to be the sole judges in it. Now it so fell out, that on the occasion of the celebrated trial relating to Mademoiselle Boury and the pistol plot, the *National*, not in its report of the trial but in its leading article, made some severe strictures on the conduct of the judges.¹⁴ Hereupon the Cour Royale, at that time presided over by a man named Duboys, commonly called Duboys d'Angers, (we name this sycophant because he, with many others of his kind, helps to compose the

¹²"Du jury considéré comme institution politique," *Moniteur du Commerce*, 9 Nov., 1833, pp. 1-2; juries were required by Art. 53 of the Charter of 1830.

¹³Art. 3 of Bull. 9, No. 68 (8 Oct., 1830).

¹⁴At the time of Mill's earlier reports of the incidents (Nos. 185 and 187), Mlle Boury was held to be part of the conspiracy. Subsequently, however, two young men were charged, and she appeared only as a witness in their trial (reported in *Le National*, 14 Mar., 1833, pp. 2-4). In the same issue (p. 2) a leading article criticized the president of the Cour Royale, Jean Jacques Duboys (1768-1845), professor of law, former procureur-général of Angers and a deputy since 1830, and the two conseillers, Joseph Frédéric Chaubry de Troncenord (1793-1880) and Louis Crespin de la Rachée (b. 1757).

Government majority in the Chamber of Deputies,) had the audacious profligacy to decide that the *leading article* of the *National*, containing remarks on the trial, was a *report* of the trial; passing over the real report, which stood in another column of the same newspaper, and which was not in any respect criminated. By this creditable proceeding the article in the *National* was brought within the enactment which empowers the judges to pass sentence without the verdict of a jury;¹⁵ and they proceeded to inflict upon the responsible manager of the paper the penalties of fine and imprisonment, and upon the paper itself that of an *interdiction from giving any reports of judicial proceedings for a period of two years*.¹⁶

All the world knows what to think of a law which empowers a court of justice, at its own discretion, to impose silence on any voice which has once been raised in condemnation of its proceedings. That a country is under such a law is quite enough to prove that the whole spirit of its Government must be that of arbitrary power. The legality of the decision was called in question by the proprietors of the *National*;¹⁷ but it was confirmed by the supreme law authority, the Court of Cassation, in every point except one: in one respect, indeed, the Court of Cassation decided that the Court below had exceeded its powers; that it had a right to interdict only from reporting its *own* proceedings, but not those of any *other* tribunal.¹⁸

The Cour Royale of Paris, however, is almost the only tribunal whose proceedings a Paris newspaper (except those which devote themselves exclusively to judicial proceedings) usually has occasion to report. The *National*, therefore, was arbitrarily precluded from furnishing to its subscribers, pursuant to its contract with them, one of the most important articles of intelligence which a daily newspaper professes and undertakes to supply. In many cases such a sentence would amount to an entire—in all cases to a partial—confiscation of the property in the newspaper.

In order to frustrate the intentions of their oppressors, the proprietors of the *National* have dissolved their partnership, and a new partnership having been formed, a new paper has been established, to which the iniquitous interdiction put by the Cour Royale upon its defunct predecessor will not apply.

M. Paulin, who for three years has so worthily filled the office of *gérant*, or responsible proprietor of the *National*, remains under the interdiction, and is thus disqualified from filling his old office in the new paper. M. Carrel has in consequence come forward personally, and in conjunction with MM. Arnold

¹⁵For an account of the legal conflicts, see "Des poursuites contre la presse," *Constitutionnel*, 16 Mar., 1833, p. 1.

¹⁶On 20 Mar. (*Moniteur*, 1833, p. 788).

¹⁷*Le National*, 21 Mar., 1833, p. 2.

¹⁸The decision came on 12 May (*Moniteur*, 1833, pp. 1337-9).

Scheffer and Prosper Conseil,¹⁹ has assumed the legal responsibility of the journal, of which he will be, as he was of its predecessor, the editor and principal writer. A paper which appears under such auspices cannot fail of brilliant success.

M. Carrel is incontestably, and by the admission even of his political enemies, one of the first living ornaments of his country, as a mere writer, and stands almost alone among the journalists of France in being at an infinite distance on the one hand from any compromise with bad institutions or established errors, and, on the other, from any exaggeration or impatience in his schemes of social improvement; he is no less unrivalled in the union of vigour and audacity with dignity and moderation in the style and tone of his writings.

M. Scheffer is known to those who have attended to the political history of the last twenty years in France, by his able co-operation with MM. Comte and Dunoyer in the *Censeur Européen*, the first periodical work which, after the return of the Bourbons, again raised the standard of reflecting and philosophic liberalism. M. Conseil, known as the translator of Jefferson's Correspondence, and the author of the able *résumé* of the principles of enlightened republicanism which stands prefixed to the translation,²⁰ is a young lawyer of great acquirements as a jurist and economist, and versed to a degree extremely rare among Frenchmen, in the best English philosophy.

Since the above article was written, we have learned that M. Carrel is already prosecuted for violating the order of the Court, by inserting reports of its proceedings in the new paper.²¹ M. Carrel had the authority of eminent lawyers for maintaining that by the course he has adopted, he has set himself free from the interdiction. But he will be tried by the Court without a jury; and that subservient body will scarcely fail to give Louis Philippe the intense satisfaction of inflicting the penalty of imprisonment upon one of the most formidable of his political enemies.

The judgment will be subject to the revision of the Court of Cassation, which has on one memorable occasion afforded a spirited example of resistance to the Court by refusing to sanction the sentences of the Courts Martial after the insurrection in June, 1832.²² But this apparent patriotism and disinterestedness are unfortunately explained by the fact that the Court of Cassation is principally

¹⁹Arnold Scheffer (ca. 1797-1853), radical journalist, one of the French Carbonari, as was his brother Ary, an artist and friend of the Grotes; and Louis Prosper Conseil (1796-1834), a radical lawyer and journalist, associate of Carrel.

²⁰*Mélanges politiques et philosophiques extraits des mémoires et de la correspondance de Thomas Jefferson, précédés d'un Essai sur les principes de l'école américaine*, 2 vols. (Paris: Paulin, 1833).

²¹The notice of summons is reported in the *National de 1834*, 10 Jan., p. 2; see also *Moniteur*, 1834, p. 120.

²²For the spirited example, see No. 176.

composed of Carlists. In a cause between Louis Philippe and a republican journal, they will join even with the wrong King to put down, by whatever means, the men who are for no King at all; and their decision in this case, whatever it be,²³ cannot be a more profligate perversion of the law than their confirmation of the former sentence.

233. FRENCH NEWS [85]

EXAMINER, 26 JAN., 1834, PP. 56-7

Promised in No. 230, this continuation of the series beginning with No. 226 is listed in the Somerville College set of the *Examiner*, as "Article on the Société des Droits de l'Homme," with one correction: at 672.32 "constitution" is altered to "institution". The part here included is the fifth section of the news under the heading "London, January 26, 1834," and is clearly the part intended by Mill's listing in the Somerville College set of the *Examiner*, the identification being confirmed by his quotation of most of it in his "The Monster Trial" in the *Monthly Repository* for June 1835 (see *CW*, Vol. XX, pp. 123-9); however, the second section in this part of the *Examiner*, a sentence promising what Mill delivered in No. 235, may also be his. It reads: "There have been some interesting proceedings in the French Chamber of Deputies, but as their interest is rather of a permanent than of an immediate character, we shall defer any comments upon them till next week." In the variant notes recording the differences between this text and the quotation from it in "The Monster Trial," the latter is indicated by "35".

"THE SOCIÉTÉ DES DROITS DE L'HOMME is at present the hobgoblin or bugbear of the *juste milieu*. The language and manner of the partizans of Louis Philippe with respect to that association are a curious medley of affected contempt and intense personal hatred, not without an admixture of fear. They are constantly and studiously imputing to the members of the society, the absurdest opinions and the most criminal purposes; they are incessantly averring, with a degree of emphasis which betrays a lurking doubt, that those opinions and purposes are abhorred by the French people, and that the society has not and never will have the support of any class whatever, even the lowest. Yet, in the very same breath in which they declare it to be harmless by reason of its insignificance, they proclaim it so mischievous and so formidable that society is certain to perish unless it be put down, by whatever means.

In truth the alarmists are equally wrong in both feelings, whether the feelings be sincere or affected. This much-talked-of association is not to be despised, neither, on the other hand, is it to be feared. It does not aim at subverting society, and society would be too strong for it if it did. Were we to believe some people, the edifice of society is so tottering and its foundations so unstable, that a breath

²³See No. 247.

^{a-a}[quoted in 35]

is enough to blow it down; nay, there cannot be any stir in the surrounding atmosphere, nor any knocking upon the ground, without its certain destruction. But we have another idea of society than this; for us it is something more steady and solid than a house of cards. The evil we are apprehensive of is stagnation, not movement; we can anticipate nothing in the present age but good, from the severest, from even the most hostile scrutiny of the first principles of the social union. Instead of expecting society to fall to pieces, our fear is lest (the old creeds, which formerly gave to the established order of things a foundation in men's consciences, having become obsolete) the fabric should mechanically hold together by the mere instinctive action of men's immediate personal interests, without any basis of moral conviction at all. Rather than see this we should prefer to see the whole of the working classes speculatively Owenites, or Saint Simonians. We are not frightened at anti-property doctrines. We have no fear that they should ever prevail so extensively as to be dangerous. But we have the greatest fear lest the classes possessed of property should degenerate more and more into selfish, unfeeling Sybarites, receiving from society all that society can give and rendering it no service in return, content to let the numerical majority remain sunk in mental barbarism and physical destitution.^a All experience justifies us in the conviction that unless the ruling few can be made and kept "uneasy,"¹ the many need expect no good; and nothing will make the few uneasy but fears for the security of their property. We are well content, therefore, that there should be cause for such fears. We have no anti-property doctrines ourselves, and therefore cannot honestly give such doctrines any encouragement. But we are quite satisfied that their promulgation has a most salutary effect.

The Society of the Rights of Man cannot, however, be said to have put forward any anti-property doctrines; and nothing can be more absurdly calumnious than the accusations of confiscation, agrarian law, &c., &c. If opinions adverse to the present constitution of property are secretly held by any of the able and accomplished men who guide the proceedings of the association, (which is certainly not to be believed on the evidence of their enemies,) they have not put forward any such opinions. They profess, indeed, democratic republicanism in its fullest extent; and are far more impatient, and willing to take more violent means for obtaining the form of government which they desire, than the more moderate of the Republicans would approve. But on the subject of property they have advanced no doctrines but such as, to an Englishman, sound like the merest truisms; and that these should have been considered dangerous in

¹Mill may be taking the term from Edward Gibbon Wakefield, *England and America*, 2 vols. (London: Bentley, 1833), Vol. I, pp. 82-105, where the middle class is described as the "uneasy class"; Wakefield reprinted this section, under the title "The Uneasy Class," in his *Popular Politics* (London: Knight, 1837), pp. 26-47.

France, only shows how little peril there is lest in that country anti-property doctrines should ever prevail.

^bThe ‘association’^c some months ago embodied their principles on the subject of property in the form of a manifesto, along with which they republished, as a compendium of their opinions, a Declaration of the Rights of Man, which was proposed by Robespierre² to the National Convention to be prefixed to their Republican constitution, and was by that body rejected. The name of Robespierre was well calculated to excite a prejudice against this document, but any thing more harmless than its contents can scarcely be conceived. Such, however, was not the impression of the Parisian public. The writer of this was at Paris when the document made its appearance, and he well remembers his astonishment at the nature and intensity of the sentiments it appeared to excite. Those who did not deem it too contemptible to be formidable, were filled with consternation. The Government party, the Carlists, the Liberals, were unanimous in crying anarchy and confusion; even Republicans shook their heads and said “This is going too far.” And what does the reader imagine was the proposition which appeared so startling and so alarming to all parties? It was no other than the definition which, in the Robespierrian declaration of rights, was given of the “right of property;” and ran as follows:

“The right of property is the right which every one possesses of using and enjoying the portion of wealth which is guaranteed to him by the law.” (*La portion de biens qui lui est garantie par la loi.*)³

Such is the superstitious, or rather idolatrous character of the respect for property in France, that this proposition actually appeared an alarming heresy, was denounced with the utmost acrimony by all the enemies of the propounders, and timidly and hesitatingly excused rather than vindicated by their friends. The maxim was evidently too much for all parties, it was a doctrine considerably in advance of them; even Republicans required some time to make up their minds. Ardent revolutionists, men who were ready to take up arms at five minutes’ notice for the subversion of the existing dynasty, doubted whether they could admit as a speculative truth, that property is not of natural right, but of human institution, and is the creature of law. Truly, there is little fear for the safety of property in France. We believe that in no country in the world, not even the

²*Déclaration des droits de l’homme et du citoyen, proposée par Maximilien Robespierre, 24 avril, 1793* (Paris: Imprimerie nationale, 1793), reprinted in *Déclaration des droits de l’homme et du citoyen* (1833), by the Société des Droits de l’Homme (see Nos. 226, n2, and 230, n3).

³Article 6: “La propriété est le droit qu’a chaque citoyen de jouir et de disposer de la portion de bien qui lui est garantie par la loi” (1793 version, p. 3; the 1833 version adds “à son gré” between “disposer” and “de la portion,” also p. 3).

^{b-b}[quoted in 35]

^{c-c}35 Society of the Rights of Man

United States of America, is property so secure; the most violent convulsion would not endanger it; in a country where nearly two-thirds of the male adult population possess property in land, and where the notions entertained of the inviolability of property are so pedantic and (if we may be permitted the expression) so prudish, that there are persons who will gravely maintain that the State has no right to make a road through a piece of land without the owner's consent, even on payment of compensation.

Strange as it may appear in the declaration of rights, drawn up by Robespierre, and adopted by the *Société des Droits de l'Homme*, there is not, with the one exception which we have mentioned, one single proposition on the subject of property, which was considered exceptionable even by those who were so scandalized at the above definition. No limitation of the right of property was hinted at; no new or alarming maxim promulgated; unless such be implied in the recognition of the principle of the English Poor Laws, that society is bound to provide subsistence and work for its indigent members; and this document was *rejected* by the Convention, by the body which put to death Louis XVI, and created the Revolutionary Tribunal, rejected by that body as *anarchical*. Yet there are people who believe that the principle of the French Revolution was spoliation of property! For the thousandth time, we say to the English Tories and Whigs, that they are as utterly ignorant of the French revolution as of the revolutions among the inhabitants of the moon. Acts of injustice were done; rights which really partook of the nature of property, were not always treated as such; but the respect of the revolutionary assemblies for all that they considered as entitled to the name of property, amounted to actual narrowness and ^dbigotry; we ^d do not affirm this solely of the comparatively moderate and enlightened men who composed the constituent Assembly, but in even a greater degree of the violent revolutionists of the Convention, to whose obtuser and less cultivated intellects such a prejudice was more natural. In the height of the reign of terror, anti-property doctrines would have been scouted, even more decidedly than now; no one dared avow them for fear of the guillotine, nor do such doctrines figure in the history of the revolution at all, save in the solitary instance of the conspiracy of Baboeuf,⁴ greatly posterior to the fall of Robespierre and the Montagne.^b

In so far as the Society of the Rights of Man contends against the narrow and superstitious notions of property which are prevalent in France, and gives currency to more liberal and more rational views, it can do nothing but good; and even if the speculative truths, which it so energetically proclaims, are intended to serve as a foundation for practical corollaries of a more questionable character, we see no cause for alarm; none even for regret. Without infringing the principle

⁴François Noël Babeuf (1760-97), one of the leaders of the *Société des Egaux*; under the Directory he advocated socialist and revolutionary doctrines, and was executed as a conspirator. One of the cells of the *Société des Droits de l'Homme* was named for him.

^{d-d}35 bigotry. We

of property, much remains to be done, by morality and even by law, to render the practical working of that principle productive of greater good to society at large: much may be done to mitigate the inequalities of wealth which have as pernicious an effect on those whom they seem to benefit, as upon those on whom they apparently press hardest, and to promote all those tendencies in human affairs which cause society to approximate to what, in the literal sense, must always be an unattainable chimera, equality of fortunes. But all this we have little hope to see done, until the rich shall feel that except by making the law of property popular, they will have some difficulty in maintaining it. Society will then only be on the most desirable footing, when the proprietary class shall feel compelled to make a clear case to the world in favour of the existing institutions of society; when they shall act under an habitual sense of the necessity of convincing the non-proprietary multitude, that the existing arrangement of property is a real good to *them* as well as to the rich; and shall feel that the most effectual way to make them *think* it so, is to make it more and more so in *fact*.

234. FONTANA AND PRATI'S ST. SIMONISM IN LONDON

EXAMINER, 2 FEB., 1834, PP. 68-9

Mill probably had this review in mind, or may have even written it, by 22 Dec., 1833, when he advised Carlyle: "Of the St. Simonians next time; *vide* also a forthcoming Examiner" (*EL, CW*, Vol. XII, p. 203). The concluding paragraphs on marriage and divorce have a particular force when placed in the context of his relations with Harriet Taylor at this time, just after their sojourn in Paris; from these months also date the companion essays they wrote on marriage (*CW*, Vol. XXI, pp. 35-49 and 375-7). The review, in the "Literary Examiner," is headed "*St. Simonism in London. The Pretended Community of Goods; or, the Organization of Industry. The Pretended Community of Women; or, Matrimony and Divorce.* By Fontana, Chief, Prati, Preacher, of the St. Simonian religion in England." Actually the pamphlet (London: Effingham Wilson, 1833), which does not further identify Fontana or Prati, does not have the words "The Pretended" before "Community of Goods" or "Community of Women." It is described in Mill's bibliography as "An article on St. Simonism being a review of the pamphlet entitled 'St. Simonism in London' in the Examiner of 2d February 1834" (MacMinn, p. 38). In the Somerville College set of the *Examiner*, it is listed as "Review of 'St Simonism in London.'"

WE NOTICE this rather empty, though in no respect immoral pamphlet, chiefly for the opportunity it affords us of correcting the impression which has gone forth, that its authors are accredited missionaries of some association or sect; the teachers of some creed, some religion, or *soi-disant* religion, which is believed or professed by other persons besides themselves. We certainly have no ground for imputing to the individuals who are now holding themselves forth as St. Simonian teachers, the assumption of any character which does not belong to

them: they have no connexion with any society or body of persons at Paris, but it may be that they do not pretend to any. The style and tone, however, which they have adopted, and even the title which they have given themselves, naturally suggest such an inference, and accordingly it has almost universally been drawn. We, therefore, though without wishing any ill to Messrs. Fontana and Prati,¹ think it but right to state, that they are not the authorised representatives of the St. Simonian Society, nor would have been at all likely to be selected as such by the Society if it still existed.² It had, moreover, ceased to exist, before the young man named Fontana made his appearance in this country. He was sent by no one, had credentials from no one; and after considerable personal inquiry, we have not been able to ascertain that he ever was an acknowledged member of the St. Simonian body, or is known personally to any one of the remarkable men from whom St. Simonism has derived its celebrity. The case is otherwise with Dr. Prati, who has long resided in this country, and who did occupy a place, though never a high one, in the St. Simonian society; but who occupies it no longer, because the society is dissolved.

After casting upon the stormy waters of discussion a greater number of interesting and instructive ideas than have been sent forth to the French public since Rousseau, ideas too of which the profound are not *less* profound, and the absurd and exaggerated far less absurd and exaggerated, than his; after literally *educating* a large proportion of the most promising among the youth of the instructed classes in France,—teaching them the lesson which is learnt only once, and from error as often as from truth, viz., to *think*; after doing all this in the short space of about three years, the St. Simonian religion shared the fate of all religions which profess to be founded on reason: the reason of the different members of the sect, was found to conflict; the divergency of opinion which arose, shook the faith of all in the infallibility of their system, and the sect disbanded itself. To have been hurried by a generous enthusiasm into any vagaries, however strange or absurd, does no permanent injury, in France, to any man's reputation or prospects in life, when once the delusion is over. The twenty or thirty individuals who were most conspicuous in the sect, have mostly (as all

¹Gregorio Fontana-Rava has left little trace. It is known that he ran a bookshop in Antwerp which became a centre for Italian patriots and that after he came to England in May 1833 he lectured twice a week in the Burton Lecture Rooms on advanced topics. Gioacchino Prati (1790-1863) was a romantic Italian patriot and revolutionary of high birth. He travelled throughout Italy and (after his exile in 1821) Europe, founding secret societies and furthering revolutionary causes. In 1823 he came to England where, he says, through Bowring he wrote for the *Westminster Review*. He became a Saint-Simonian in 1830-31 and in 1837 was editor of the *Penny Satirist*, in which he published his autobiography (1837-39), reprinted in *Annuario dell'istituto storico italiano per l'età moderna e contemporanea*, Vols. XVII-XVIII (1965-66) and XIX-XX (1967-68).

²The Society broke up after the trial of Enfantin and his followers in August 1832; see No. 180.

expected who knew the attainments and powers of the men) stepped at once into the very first rank of the several professions or careers which they have since embraced, or to which they have returned. Having renounced all that was bad in their late creed, and generally held fast to all (and there was much) which was good in it; many of them are now exercising, through the press and otherwise, a powerful and highly beneficial influence over the public mind of France. But there is not now remaining at Paris one single individual who calls himself a St. Simonian, or adheres to what was St. Simonism—while St. Simonism was either as a religion or as a philosophy. The late chief and founder of the sect, *Enfantin*, has quitted France, and gone into Egypt, with the two or three members of the association who still adhere to him, to instruct *Mehemet Ali*, not in the doctrines of his religion, but how to restore the canal which formerly connected the Red Sea with the Mediterranean.³ We believe that these two Italians, *Messrs. Fontana and Prati*, are, if not the only St. Simonians extant, the only professed apostles of St. Simonism. It may perhaps be thought that a name which has been dropped by all who held it, belongs of right to those who chuse to pick it up. But if *Messrs. Fontana and Prati* think fit to hoist the standard of a sect which is extinct, and to identify themselves (as far as names go) with a religious and political system which, though now defunct, once numbered among its adherents men vastly their superiors in talents and attainments; they must expect to be told that nobody besides themselves is responsible for any of their proceedings; and that St. Simonism was a far better thing than it would be supposed if these, its surviving apostles, were considered as a fair sample of all that it could produce.

We have thought it necessary to say thus much, because an impotent attempt, by persons altogether unequal to the task, to fight up a lost cause, is likely to bring discredit upon any truths which, with their nerveless hands, they may attempt to do battle for. The novelties in opinion, broached by the St. Simonian Society, came before the French public in conjunction with evidences of high intellectual powers; and therefore commanded the attention, and even gained the respect, of almost all thinking and disinterested persons, (whatever might be their creed,) who were not religious or philosophical fanatics. But similar opinions thrust into notice here, in a manner which associates them, not with mental power but with mental poverty and weakness, can have no effect but to strengthen the prejudice against all who question established opinions, and

³*Mohammed* (or *Mehemet*) *Ali* (1769-1849), the ex-Albanian soldier who had cooperated with the British in expelling the French, by 1811 had command of Egypt. He began investigating the feasibility of a Suez Canal, on which *Enfantin* advised. *Enfantin* was accompanied to Egypt by about five disciples, including *Marie Jérôme Henri Fournel* (1799-1876), a mining engineer; they were preceded by another larger group of former Saint-Simonians, including, as well as *Barrault* and *Rodrigues*, *Félicien David* (1810-76), composer, and *Charles Joseph Lambert* (1804-64), yet another engineer.

increase the cowardice which makes people shrink from exercising their reason on some of the most important questions of legislation and morality.

The St. Simonians are supposed by most of those who have heard of them only through these self-constituted representatives, to be an obscure knot of senseless visionaries, or designing knaves, who inculcate, as the *Times* says, "community of goods and community of women; in other words, universal profligacy and universal plunder."⁴ If such were the fact, is it likely that the second man in the sect, the editor and principal writer of their very able and interesting journal *Le Globe*, would have been released from prison before his sentence had expired, and immediately selected by the Government for an important mission to the United States?⁵ That another of their leading men⁶ would have been appointed one of the principal editors of the *Constitutionnel*, eminently the journal of the cautious and timid part of the middle class, those who are most shocked at all eccentricities, whether of opinion or conduct? That many who had quitted the service of Government to become apostles of the new creed, would on their abandonment of it have been at once restored to the rank they previously held in the various departments of the administration? That the financial and commercial articles of almost all the principal newspapers, both in Paris and the provinces, and *all* the articles of the only Review of a high philosophical character now existing in France,⁷ would be, as they are, written either by ex-St. Simonians, or by persons whose intellects have been formed chiefly by the St. Simonians? There is scarcely a thinker of any importance, in France, at the present moment, who is not largely indebted to St. Simonism; and many have the candour fully to acknowledge the obligation. Nor would it be easy to find a parallel in history to the striking improvement which, aided no doubt by the circumstances of the times, the St. Simonians have introduced into the whole character of public discussion in France.

The St. Simonians neither advocated community of goods nor community of women. They *did* advocate doctrines of a peculiar kind, both with respect to property and marriage. On both subjects they laid down many just and valuable speculative premises, while on neither were their practical conclusions defensible; and the doctrines of some of them relative to marriage created the schism which ultimately broke up the sect. On the subject of property, the system

⁴*The Times*, 8 Nov., 1833, p. 2.

⁵Michel Chevalier, imprisoned for six months after the trial of August 1832, then was sent to the United States for two years to study transportation systems.

⁶Christophe Stéphane Mony Flachet (1810-84), a civil engineer active in organizing Saint-Simonian ateliers, also worked on transportation after the Society broke up.

⁷The *Revue Encyclopédique* included articles by such former Saint-Simonians as Pierre Leroux (1798-1871), its director, and Jean Reynaud (1806-63), who contributed a series on Saint-Simonianism, and who was imprisoned after defending Guinard in the trial of the Société des Droits de l'Homme.

they advocated, was the extension to the whole nation of that kind of "community of goods," and no other, which already exists in the management of the Bank of England or the East India Company; a sort of joint-stock management of the entire productive resources of the nation: the land, and all the instruments of production, being the property of the State, (as is the case with land already in the East,) and the produce not being apportioned as in Mr. Owen's parallelograms, in equal shares to the industrious and the idle,⁸ but distributed among the different members of the community on the principle that no one who does not work either with head or hands, shall be allowed to eat, and that each person shall be employed according to his capacity, and paid by a salary proportioned as far as possible to his services, as is now supposed to be the case in the army, or in a public office. A scheme, impracticable indeed—but differing from Owenism, and from every other Utopia we ever read of, in this, that the impracticability is only in *degree*, not in kind; and that while most other visionary projects for reforming society are not only impossible, but if possible, would be bad, *this* plan, if it could be realized, would be good. It is the true ideal of a perfect human society; the spirit of which will more and more pervade even the *existing* social institutions, as human beings become wiser and better; and which, like any other model of unattainable perfection, everybody is the better for aspiring to, although it be impossible to reach it. We may never get to the north star, but there is much use in turning our faces towards it if we are journeying northward. As civilization has advanced, the principle of combination of labour has come into perpetually greater play; and associations for purposes of productive industry have become practicable, and been actually realized, on a continually enlarging scale. We have only to imagine the same progression indefinitely continued, and a time would come when St. Simonism would be practicable; and if practicable, desirable.

As for the pretended "community of women;" were such really the opinion maintained, though a barbarous, and, so far as such an epithet can be applied to opinions, an immoral doctrine, it is not necessarily a licentious or sensual one: it *may* be connected, as it was in Plato, with a rigid, though an indefensible system of morality;⁹ and may be the result of a train of philosophical speculation, pushed to its extreme consequences. But the doctrine of the St. Simonians, as all know who are really acquainted with it, was objectionable on a directly contrary ground; instead of leaving too much license, it left none at all; it encroached far more than even our present institutions and customs, upon human freedom, and spontaneity of choice; for it made both marriage and divorce depend upon

⁸See Robert Owen, *Report to the County of Lanark, of a Plan for Relieving Public Distress, and Removing Discontent, by Giving Permanent, Productive Employment, to the Poor and Working Classes* (Glasgow: Wardlaw and Cunningham, 1821), pp. 27-8.

⁹See Plato, *Republic* (Greek and English), trans. Paul Shorey, 2 vols. (London: Heinemann, 1930), Vol. I, pp. 452-8 (457^c-458^d).

circumstances, of which others, and not the parties themselves, were to be the judges. Their's was a system much nearer to despotism than to licentiousness, or even rational liberty. Their absurdities on this subject are, however, forgotten, and the memory of them shall not, by us, be revived. But we are at a loss to see how the accusation of immorality can lie against the only doctrine which, if we may judge from their pamphlet, Messrs. Fontana and Prati maintain with respect to the marriage contract—its dissolubility. Surely this is an opinion which it is open to conscientious persons to entertain and advocate, without deserving to be treated as the very scum of the earth—looked down upon even by the *Literary Gazette*!¹⁰ Surely the accusation of grossness, if applicable any where, may with far greater reason be retorted against the morality at present in vogue. But the same persons who pronounce *that* to be immoral and irreligious which Milton deemed essential to morality and religion¹¹—the same persons who pronounce *that* to be inconsistent with the good order of society, which is the law of the land in all or almost all Protestant Germany—can see no sensuality, no indelicacy, in the continuance of a merely animal connexion between two persons who have become conscious that affection has never existed, or has ceased to exist between them. For our part, our difficulty is to conceive how a people, whose current morality countenances or tolerates such a debasing prostitution, can dare to call any doctrines or practices gross or licentious.

To the impure, all things are impure:¹² a sensualist, let him hold what opinion he may, will hold it in a sensual spirit: to such, marriage as it now exists, is but a guarantee of exclusive property in an instrument of sensual gratification. The most unlimited freedom of divorce could engender no feeling viler than this. But unlimited freedom is not what we contend for. It might be suitable to a people among whom personal profligacy is rare; but in the present state of European society, the degree of latitude allowed must be limited by the varying probability of its being abused for purposes of sensuality, or exercised in mere caprice. We think that divorce should be always pronounced by the Magistrate, in cases defined with more or less strictness according to circumstances, but in which the attempt should be to include all those instances, and no others, in which, after ample trial, the union had obviously and decidedly failed to attain the purposes for which it has been ordained: the interests of children being, of course, always reckoned as part of the account. If in any country, under such a system as this, marriage (as is pretended) would degenerate into a mere temporary concubinage, the state of opinion in that country must be such as would permit the utmost latitude of profligacy, *whatever* were nominally the law.

¹⁰ An anonymous, scathingly dismissive review of *St. Simonism in London* appeared in the *Literary Gazette* on 7 Dec., 1833, pp. 772-3; much of its scorn was directed at the Saint-Simonian beliefs about women.

¹¹ In his *Doctrine and Discipline of Divorce*.

¹² Cf. Titus, 1:15.

But this is too grave a subject, and of too far-reaching an interest, to be disposed of incidentally. Unless we greatly err, a time will come, and soon, when the discussion of it will assume a more serious aspect, and will be conducted on far loftier principles than heretofore. It is a question of the deepest concernment to all who feel interested in the moral and social condition of women; who, it is contended on the one hand, would be degraded, if marriage were rendered dissoluble; while the very ground upon which the dissolubility is defended on the other, is that it is the only means by which woman can be elevated in the social scale. The natural consequence of greater freedom in respect to the dissolution of marriage would be that women, like men, would be either provided for by their parents, or taught to provide for themselves; that they would no longer be under a kind of moral necessity of allying themselves to some man; and would become, what they have never yet been, really the equals of men. Because it is part of the perfection of woman to be *dependent*, as it is of the perfection of man too, (dependent, we mean, for affection, a dependence, which is, as all dependence ought to be, reciprocal,) is it therefore right that women should hold their subsistence, and their estimation in society at the will of a man? So long as most women depend for actual support, and all for preserving their reputation, upon keeping upon good terms, *coûte qu'il coûte*, with their husband, while he, affection apart, depends upon his wife for nothing but sitting at the head of his table, or looking after his servants, the ordinary relation between husband and wife *can* be no other than that of a helpless dependent towards, at best, an affectionate master, at worst, a cruel tyrant. And with respect to the other side of the question, we do not think he can be a man of much fineness of character, who can greatly value any hold that convention can give him over affections which he believes would, if the customs of society permitted, be transferred elsewhere.

235. FRENCH NEWS [86]

EXAMINER, 2 FEB., 1834, P. 72

This article is headed "London, February 2, 1834." For Mill's bibliographic entry see No. 226. See also the headnote to No. 233. In the Somerville College set of the *Examiner*, the item is listed as "Article on France."

THE FRENCH CHAMBER OF DEPUTIES has, so far as depends upon itself, disposed of two important subjects—the municipal constitution of Paris¹ and the question of entails.²

¹Projet de loi sur le conseil-général et les conseils d'arrondissement du département de la Seine, et sur la municipalité de la ville de Paris (8 Dec.), *Moniteur*, 1832, pp. 2116-17, finally enacted as Bull. 116, No. 262 (20 Apr., 1834).

²Proposition de M. Parant, relative à l'abolition des majorats et des substitutions (14

The local affairs of every commune or township, and of every department of France, are managed, to a certain extent, by a body, termed in the former case the Municipal, in the latter, the departmental council. Under the empire and the restoration these bodies were named by the Crown, but laws have been enacted since the revolution of 1830, providing for their election in a mode partaking, though in different degrees, of the nature of a popular choice; the electors of the municipal councils, amounting for all France to about one million, those of the departmental councils to about two hundred thousand only.³

Paris was excepted from these enactments, its local administration being reserved to be regulated by a separate Act; and a Bill was accordingly introduced by the Government, which has now passed the Chamber of Deputies. Its provisions are a fresh exemplification of the close spirit of oligarchical monopoly, which pervades all the constituted authorities of France. Paris composing nearly the whole of the department of the Seine, the same body which acts as a municipal council for the affairs of that city, serves also (with the addition of two or three members from St. Denis and Sceaux) as a council for the general affairs of the department.

This system being adhered to in the new Bill, it consequently became necessary to determine whether the members whom Paris is to elect for this twofold purpose, should be chosen by the small number of electors who would fall to the share of Paris, under the provisions of the Departmental Law, or by the more extensive constituency which the Municipal Law would provide. Having this alternative, the Chamber of course made its election for oligarchy. The Departmental Law was the model preferred: and while every other town and every village in France has now the managers of its local affairs elected by something like a really popular system of election, the capital alone is placed under the management of a narrow and exclusive privileged class.

The other Bill which has just gone through the Chamber, without opposition, is of a more democratic character, and will scarcely be allowed to pass the other House. When Buonaparte determined to *force* an aristocracy, vainly and ignorantly expecting that the pretty exotic would be of as much service to his bad Government as it had been found by other Governments, where it was of spontaneous growth, he so far set aside the law of the equal partibility of property on the death of the proprietor, as to allow the creation of entails (*majorats*) to accompany a title of nobility, and a considerable number of these *majorats* have since been created.⁴

These, if the Bill passes the Chamber of Peers, will be set aside, (due regard

Jan.), *Moniteur*, 1834, p. 112. Narcisse Parant (1794-1842) was a deputy from the Moselle. Disagreements between the Deputies and the Peers over the existing entails delayed enactment until Bull. 138, No. 308 (12 May, 1835).

³Bull. 104, No. 235 (22 June, 1833), replaced the various Acts going back to Bull. 17, No. 115 (17 Feb., 1800).

⁴The provisions of equal division in Livre III, Titre I, Chap. iii, Sect. iii, Art. 745, and

being had to rights already acquired,) and the future creation of *majorats* interdicted.

The adoption of this measure, entirely unopposed by an assembly so anti-popular in its general policy, is a striking illustration of the peculiar character of the democratic feeling in France. It is not true, as is often asserted, that the French are lovers of "equality," in the true sense of the term. There is not a people in Europe more greedy of distinction than themselves; or more ready to do homage to it in others, so long as it is merely *personal* distinction. But they cannot endure the shadow of a *hereditary* privilege; an advantage marked out for a particular caste, and not accessible to the remainder of the community. In studying French affairs, this observation will be found a necessary key to much. In *this* latter sense the passion for equality so pervades the nation, that even the *bourgeois* oligarchs of the Chamber of Deputies are as completely possessed by it as other people. Hence the abolition of the hereditary peerage, the abolition of *majorats*, and much else.

236. FRENCH NEWS [87]

EXAMINER, 9 FEB., 1834, PP. 88-9

There are two sections on France in this report, headed "London, February 9, 1834"; presumably both are Mill's. For his bibliographic entry, see No. 226. In the Somerville College set of the *Examiner*, the item is listed as "Article on France."

INTENSE INTEREST has been excited at Paris by the duel in which M. Dulong, a Republican Member of the Chamber of Deputies, has sacrificed his life.¹ There is the strongest reason to believe that this catastrophe has been occasioned, not by the resentment of the offended party, Gen. Bugeaud, who is said to have shown himself well disposed to an accommodation, but by the vindictiveness of Louis-Philippe. M. Dulong had written a letter of apology which M. Bugeaud had considered satisfactory, and the quarrel was believed to have terminated; but a paragraph appeared next day in a Government paper, giving to the act of retraction a colour so dishonourable to M. Dulong, that he felt himself obliged

Titre II, Chap. iii, Sect. i, Arts. 913-19 of the Code Napoléon (the Code civil), Bull. 154 *bis*, No. 2653 *bis*, were set aside by Napoleon in Art. 5 of Bull. 112, No. 1823 (14 Aug., 1806), which created the *majorats*.

¹François Charles Dulong (1792-1834), lawyer and politician of the left. On 25 Jan., during a very heated discussion over the rights of young officers, especially those in the artillery, Dulong shouted a remark at General Bugeaud, referring to him as the gaoler of the duchesse de Berry. (The debate but not the interjection appears in *Moniteur*, 1834, pp. 162-4.) A duel took place on 29 Jan. in which Dulong was wounded; he died next day and was buried on 1 Feb.

to recall it; and when, immediately before the fatal meeting, he demanded back his letter from M. de Rumigny, one of his opponent's seconds, who is aide-de-camp to the King, it was not forthcoming.² This M. de Rumigny (the same who acted the part of a police spy in getting up the charge of conspiracy against MM. Cavaignac, Guinard, and others, three years since) has subsequently admitted that the letter was *at the Tuilleries*, and that he destroyed it *in the presence of the King*. Louis-Philippe is thus publicly and undeniably implicated in the affair, and nobody seems to doubt that it was he who caused the insertion of the offensive newspaper paragraph in order to produce a renewal of the quarrel.

The funeral procession of M. Dulong was attended by a concourse of people, exceeding, it is said, even the assemblage at the funeral of Gen. Lamarque. Not an act of disorder, nor an intemperate word, occurred to furnish the police with an excuse for massacring the people. The impression made upon public opinion by the whole affair is said to be such as Louis-Philippe's greatest enemies would desire.

The French Government has taken a leaf out of the book of the Castlereagh Ministry. It has proposed the introduction into France of one of the Six Acts.³ A Bill has been introduced for the suppression of cheap political publications.⁴ For some months past there has been growing up in Paris a class of periodical and other tracts, sold by hawkers in the streets, at a price within the reach of the working people, to whom, principally, they are addressed. These publications are mostly republican. The object of the Bill now introduced is, first to require all venders of such publications to take out a license from the police; and next, to subject the works themselves to a stamp.

We shall watch the progress of this Bill. There is no doubt that it will pass; for public opinion is not yet sufficiently advanced among the French, to maintain any struggle in behalf of freedom of discussion for its own sake, when they take no personal or party interest in those who are the victims of its infringement. The proposed law will be considered a measure against the republican press; and, consequently, nobody who is not a republican, will deem himself concerned in opposing it.

²See *La Tribune*, 30 Jan., 1834, p. 1, which quotes the offending passage from the *Bulletin Ministériel* and summarizes the affair. Marie Théodore Gueilly, comte de Rumigny (1789-1860), a colonel under Napoleon, was patronized by Louis Philippe. For details of the earlier charge of conspiracy, see Nos. 100 and 101.

³For the Six Acts of December 1819, see No. 9; the one specifically referred to is 60 George III & 1 George IV, c. 9.

⁴Projet de loi sur les crieurs publiques (24 Jan.), *Moniteur*, 1834, p. 154. The bill was reported by the commission to the Deputies on 3 Feb., and, after debate on the 5th, 6th, and 7th, was passed; the Peers adopted it on the 15th, and it was enacted as Bull. 110, No. 253 (16 Feb., 1834).

The Commission on the Budget is said to make some difficulties about the estimates, and it is even pretended that they will refuse to grant the increased military force which Marshal Soult demands.⁵ This we take the liberty to doubt; a timid and irresolute body like the present Chamber, always succumbs to obstinacy, and Louis-Philippe has more of that quality than any man who has held power in France since Napoleon.

237. FRENCH NEWS [88]

EXAMINER, 16 FEB., 1834, P. 106

This article is headed "London, February 16, 1834." For Mill's bibliographic entry, see No. 226. In the Somerville College set of the *Examiner*, the item is listed as "Article on France," with one correction: at 684.26 "Laquette" is altered to "Laguette".

THE BILL introduced by the French Government, and mentioned in our last paper, on the subject of the political publications sold in the streets, has passed the Chamber of Deputies with alterations.¹ That part of the Bill by which hawkers were required to take out a license from the police, which the police at its pleasure might revoke, has been adopted, and the penalties for its infringement actually increased. On the other hand, the provisions subjecting cheap publications to a stamp-duty, have been struck out. Thus far, therefore, the Chamber has not verified our forebodings.

M. Dupont de l'Eure has been induced by affliction for the fate of his near relative and friend, M. Dulong,² as well as by the disappointment of the hopes which he entertained in common with so many others from the Revolution of 1830, to resign his seat in the Chamber of Deputies. This loss, therefore, must be added to those which the Chamber sustained from the same feelings of discouragement last year; by the resignation of two of its worthiest members—MM. Thouvenel and Laguette Mornay.

⁵The commission was appointed on 18 Jan. to deal with *Projet de loi relatif à la fixation du budget des dépenses de l'exercice 1835*, and *Projet de loi relatif à la fixation du budget des recettes de l'exercice 1835*, both of which were introduced on 9 Jan. (*Moniteur*, 1834, pp. 78 and 146). Soult's demand of 3 Feb. is in *Projet de loi tendant à accorder un crédit supplémentaire pour 1834, au ministère de la guerre* (*ibid.*, pp. 213-14).

¹For details, see No. 236, n4.

²See No. 236.

238. FRENCH NEWS [89]

EXAMINER, 2 MAR., 1834, P. 137

This article, headed "London, March 2, 1834," is not covered by Mill's bibliographic entry (see No. 226), but is listed in the Somerville College set of the *Examiner* as "Article on France."

THE BILL RELATING TO PUBLIC CRIERS has passed the Chamber of Peers in one sitting, has received the Royal assent, and is now law.¹ On the day on which it came into force, there was not a riot, but sufficient crowd in the streets, to give the police an excuse for some of their usual acts of brutal outrage.

The French government are so pleased with their easy success in passing this Bill, that they have announced another for the suppression of Political Associations.² If this should pass, they have probably another ready for the restriction of the province of Jury Trial, in political cases. We are too distant from the scene of action to know whether the inducement to all these enormities be terror, because they are weak, or because they are strong.

The *Cour d'Assises* has declared the *National de 1834*, identical with the old *National*, and has sentenced M. Carrel and his coadjutor, M. Conseil, to fine and imprisonment.³ Their last resource against this complicated and flagrant act of persecution and tyranny, is in the Court of Cassation; and to rely on that is, we fear, to lean on a broken reed.

239. THE POOR LAW REPORT

EXAMINER, 2 MAR., 1834, P. 137

Mill is here commenting on the "Report from His Majesty's Commissioners for Inquiring into the Administration and Practical Operation of the Poor Laws," which was printed in *PP*, 1834, XXVII, with Appendices A-F in Vols. XXVII-XXXIX; the Report had been issued separately without the Appendices in February. This article appears immediately after No. 238, separated from it by a printer's rule. See No. 240 for a fuller discussion. It is described in Mill's bibliography as "A paragraph on the Poor Law Report, in the *Examiner* of 2d March 1834" (MacMinn, p. 38) and listed in the Somerville College set of the *Examiner* as "Paragraph on the Poor Law Report."

¹For earlier comment, see Nos. 236 and 237.

²Projet de loi sur les associations (25 Feb.), *Moniteur*, 1834, p. 418, enacted as Bull. 115, No. 261 (10 Apr., 1834).

³See the report in the *National de 1834*, 15 Feb., 1834, pp. 2-3, and, for earlier comment, No. 232.

WE OBSERVE that the Report of the Poor Law Commissioners will shortly be accessible to the general public at the very low price of half-a-crown, and we doubt if so important a mass, either of facts or of comments upon facts, ever was attainable at so moderate a cost. We exhort all who have that sum to expend, and in particular all who exercise any influence on the public mind through the press, to possess themselves of the Report itself, and read it with the care and attention which its subject requires, and which its merits will amply repay. In the meantime we advise them to shut their ears to whatever they may hear on the subject from the London newspapers, which have in some cases even misstated what the Commissioners recommend, and where they have stated it truly, have separated it from those facts and explanations which alone can place it in its proper light.¹

240. THE POOR LAWS

EXAMINER, 9 MAR., 1834, PP. 145-6

For the context, see No. 239. This article is in the "Political Examiner," headed as title, and is described in Mill's bibliography as "An article headed 'The Poor Laws' in the Examiner of 9th March 1834" (MacMinn, p. 38). In the Somerville College set of the *Examiner*, it is listed as title.

THE QUESTION OF POOR LAW AMENDMENT is so complicated in its details, and so much care is needed in discussing it, to guard our meaning from all sorts of perverse misunderstanding and misinterpretation, that we are unwilling to enter into the minutiae of the subject, until we have more thoroughly studied the Report of the Commissioners. There is no reason, however, for not declaring at once that their investigations appear to us to have ended in the most complete justification of the principle of the Poor Laws, and the severest condemnation of their practice.

The principle of securing, by a legal provision, the actual necessities of life and health to all who cannot otherwise obtain them, we consider as now placed out of the reach of dispute by any unprejudiced person. Many of the wisest men have hitherto doubted of this principle, only because they did not know, what the Commissioners have demonstrated not by argument only, but by the most decisive specific experience, that the effect imputed to compulsory relief, of discouraging voluntary exertion, and promoting improvidence, may be certainly obviated by a proper attention to the conditions on which relief is given.

These conditions, the Commissioners propose should be such as would render

¹Mill is probably alluding to reports in *The Times*, 24 Feb., p. 5, and 25 Feb., p. 2 (see No. 240) and to that in the *Courier*, 24 Feb., p. 3.

the condition of the infirm and helpless *more* eligible than at present, and that of the able-bodied pauper (whose condition is now far more desirable than the situation of the independent labourer) *less* eligible; and they have shown, what is of the very utmost importance, that the able-bodied pauper *may* be secured against cold and hunger, and provided with all the means of bodily health and strength, being at the same time neither overworked nor subjected to any other kind of bodily suffering, and may yet be in a condition inferior to that of the labourer subsisting honestly on his own industry. The mere privation of indulgences, and the sacrifice of so much liberty as is given up by submitting to the discipline of a well-regulated workhouse, are quite sufficient, if properly enforced, to make every able-bodied pauper desire to extricate himself from pauperism; and wherever this has been tried, all, or nearly all, the able-bodied paupers have speedily found employment, not only without a fall, but with an actual rise, of wages throughout the parish.

The Commissioners have in view, as an ultimate end, the abolition of out-door relief to able-bodied paupers, but not to the aged and helpless, nor even to the able-bodied where peculiar circumstances require an exception; though we deem the principle so important, that we trust exceptions will be very rarely allowed. Neither do they propose to introduce the rule suddenly, but gradually. The *Times* must have read their Report very carelessly, or it could not have taken up, and communicated to its readers the impression that *all* the relieved poor were to be brought into workhouses.¹

The writer in the *Times* is in complete contradiction to himself. He begins by admitting that the condition of the pauper must be made inferior to that of the independent labourer, and then raises the cry of inhumanity against the only possible means by which this can be done. To bring a poor family into the workhouse, he says, is to make their poverty a disgrace. We answer, it is simply to make their poverty *known*, or rather to make the fact known that they are living upon the labour of others. If this is objected to, *how* is the condition of the pauper to be made inferior to that of the independent labourer? It cannot be by starving him! Yet that is the alternative to which the sentimentality of the *Times* would reduce us. If living upon parish relief is to be made *desirable*, there is no more to be said. But why set out with proclaiming that it is to be made *undesirable*, and then object to the means proposed, because they really have that effect? In America the independent labourer is so well off, that by merely giving to the applicant for relief less money than the ordinary wages of labour, you would give him a strong motive to cease to be a pauper as soon as he could get work. But here, the independent labourer earns so little, that you cannot give the pauper less; you can only give him that little on harder terms. If it be given at his own dwelling he is made *better* off than the independent labourer, because he

¹Leading article, *The Times*, 25 Feb., 1834, p. 2.

will, in that case, whatever you may attempt to the contrary, do less work for it. In the workhouse, and the workhouse alone, can the bodily wants of the pauper be amply cared for, and yet pauperism be rendered not shameful (that is not the object), but undesirable.

241. FRENCH NEWS [90]

EXAMINER, 9 MAR., 1834, P. 154

This article, headed "London: March 9, 1834," is not entered in Mill's bibliography, but in the Somerville College set of the *Examiner* it is listed as "Article on France."

THE FRENCH GOVERNMENT has introduced the threatened measure against Political Societies.¹ All such Associations, if exceeding the number of nineteen persons, were already illegal;² but many of them evaded the law by subdividing themselves into smaller Societies, not exceeding the lawful number of members. The present law is intended to meet this evasion. Our prophecy of last week has been more than verified: *this very Bill* sets aside Jury trial.³ It provides that all infractions of itself shall be tried before the Tribunal of Correctional Police, which decides without a Jury. The reason is, that Paris Juries always acquit persons who are prosecuted for this offence.

Truly there was no very urgent necessity for dispensing with Juries; for if these men obtain a verdict once in twelve times, the sentence in that one case makes ample amends for the eleven failures. M. Cabet, a Member of the Chamber of Deputies, having been found guilty of a libel on the King, in a Newspaper of which he is editor and proprietor, has been sentenced to two years' imprisonment and privation of "civil rights" for two years more.⁴ By this he loses his seat in the Chamber, his rights as an elector, the power of holding any public office, and even of giving testimony in a Court of Justice, except under certain restrictions.

We have often cause to complain of English Judges, but it must be confessed that, in comparison with the French, they are high-minded patriots. The case of M. Carrel would prove, if it were not known before, that there is no stretch of insolent tyranny which French Judges are not eager to perpetrate at the bidding of power.

¹For the measure, see No. 238, n2.

²By Art. 291 of the Code pénal (Bull. 277 *bis*, No. 1 *bis* [12 Feb., 1810]).

³By its Art. 3.

⁴Cabet was called before the Cour d'Assises de la Seine on 28 Feb. for libels in the *Populaire* (a republican paper founded by him in September 1833) on 12 and 19 Jan., 1834; his sentence also included a fine of 4000 francs. See *Moniteur*, 1834, pp. 449-50.

242. FRENCH NEWS [91]

EXAMINER, 23 MAR., 1834, P. 185

This summary is headed: "London, March 23, 1834." Like Nos. 238 and 241, it is not included in Mill's bibliography, but is listed in the Somerville College set of the *Examiner*, in this case as "Paragraphs on France."

THE DEBATES in the French Chamber on the new law for the prevention of Political Associations, have commenced.¹ We reserve our observations till they are concluded.

The bill will unquestionably pass; as will any proposition the object of which is to invest any government supported by a majority of the influential classes, with despotic power over the minority.

243. REPLY TO DR. PRATI

EXAMINER, 23 MAR., 1834, PP. 185-6

This article answers a letter from Prati (which was not printed and has not been located) objecting to Mill's comments in No. 234. The news item, headed "London, March 23, 1834," is described in Mill's bibliography as "A notice in answer to a letter from Dr. Prati, in the Examiner of 23d March 1834" (MacMinn, p. 39). It is listed in the Somerville College set of the *Examiner* as "Paragraphs on the St Simonian Missionaries."

WE HAVE RECEIVED A LETTER from Dr. Prati, the St. Simonian preacher (which from its length and the press of other matter, we are unable to insert) in reply to that part of the article on St. Simonism in our paper of the 2nd of February, which related to himself and his "Chief," M. Fontana. We had stated that M. Fontana "was sent by no one, had credentials from no one;" and that after considerable personal inquiry, we have not been able to ascertain that he ever was an acknowledged member of the St. Simonian body, or is known personally to any one of the remarkable men from whom St. Simonism has derived its celebrity. Dr. Prati informs us, and has produced such evidence as convinces us, that M. Fontana *did* belong to the St. Simonian society, and took his departure for England with the knowledge and sanction of those members of the society who were assembled at Ménilmontant. These facts are no doubt of considerable importance to M. Fontana personally, and we are glad, therefore, by publishing them, to remove any impression to his disadvantage which may have been

¹For the measure, see No. 238, n2.

conceived from our former statement. The substance, however, of our assertions remains untouched: the same documents which prove that M. Fontana was *recognized* as a teacher of St. Simonism, prove that he was not selected as such. His departure took place at the period of a general dispersion of the society, when all organized or concerted propagandism was abandoned, and whosoever chose to go forth of his own accord and teach St. Simonism, received the permission and authority of the *père suprême*, M. Enfantin, to do so. M. Fontana, therefore, and not the society, remains burthened with the responsibility of whatever discredit may attach to the cause from the feebleness of its advocate.

Dr. Prati further informs us, that there are still St. Simonians, and publications avowedly St. Simonian, in France, and that although the Chief, M. Enfantin, had formally dissolved the society, he subsequently proclaimed its resuscitation. "From on board *Le Prince Héritaire*, Sept. 22nd, 1833, he addressed a letter to all the St. Simonian family, in which he *reassumed* his authority, and issued general orders to all his followers to hold themselves in residence."¹ So far, therefore, we stand corrected. It remains to be seen whether this resumption of the empire after an abdication, will succeed better with M. Enfantin than it did with the Emperor Dioclesian.²

Dr. Prati enters into some particulars of his own personal literary history, for the purpose, apparently, of proving himself to be no pretender: but this was altogether unnecessary as far as we are concerned; for his name and character were honorably known to us before St. Simonism existed: nor had we ever even a momentary thought to his disadvantage, unless it be such to deem him inadequate to the task he has undertaken of founding a new religion in England. "Our voice," he says, "begins already to penetrate the mass:" if so, he has our cordial congratulations. He will make no proselytes but at the expense of far worse errors.

The tone and spirit of Dr. Prati's letter do honour to his candour and good temper; qualities in which we cannot forbear to state, no St. Simonian apostle was ever yet found deficient. We forgive him his sarcasm upon ourselves, for having reserved our praises of St. Simonism until we considered it as defunct. We reserved them until we considered it as calumniated. If he refer to our papers of 29th January, and 9th September 1832, he will see that we formerly expressed

¹Prati presumably reproduced in his letter Enfantin's letter to Hoart, Bruneau, Rogé, and Massol (which Mill of course had not seen). The latter may be found in *Oeuvres de Saint-Simon et d'Enfantin*, Vol. IX, pp. 99-108. The end of the passage (presumably in Prati's English) renders the original's "Revenons à notre place" (p. 103).

²Diocletian (245-313), Emperor of Rome 284-305, abdicated in 305 and retired to Salona, but did not resume power. Mill may be thinking of Maximianus I (ca. 240-310), who had shared power with Diocletian, and abdicated with him. Persuaded to resume power in 306, he had to abdicate again in 307. In 308, he became Emperor for a third time, chosen by the soldiers; later the same year, he was once more removed, and in 310 he committed suicide.

ourselves on the subject of St. Simonism exactly as we do now.³ But we did not exert ourselves to force a discussion, which we knew would do no good either to St. Simonism or to the cause of truth. We did not wish to draw down upon men and doctrines that we respect the insults and calumnies which, now when the mischief is done, we are willing and eager to join in repelling.

244. STATE OF OPINION IN FRANCE

EXAMINER, 30 MAR., 1834, PP. 195-6

One of Mill's more elaborate attempts to counter what he saw as prejudice against and ignorance of France, this leader in the "Political Examiner," headed as title, is described in his bibliography as "An article headed 'State of Opinion in France' in the Examiner of 30th March 1834" (MacMinn, p. 39). It is listed in the Somerville College set of the *Examiner* as title. The article (except for the first and last paragraphs) was reprinted, in translation, with an introduction, in *Revue Républicaine*, 10 July, 1834, pp. 82-8, as "Opinion d'un Anglais sur l'esprit publique en France."

THE TORY PUBLICATIONS, *Blackwood's* and *Fraser's Magazines*, the *Quarterly Review*, and others, have frequently of late indulged in long-winded lamentations on the state of France, which by repetition have established a sort of claim to notice, since there is scarcely any misrepresentation which, if it be often repeated and never contradicted, does not find at last some persons to believe it.¹ What they affirm is in substance this—that the second French Revolution has swept away what little of morality and religion the first had left; and instead of producing any advances in freedom or good government, has substituted for the mild, legal, and constitutional rule (as they term it) of the elder Bourbons, a most oppressive though an unstable despotism. Which proves the folly and wickedness of all revolutions, and of all attempts of the people to control the management of their affairs.

We shall say nothing at present on the state of France in respect to religion and morality, except that to a Tory and High Church observer, there must naturally appear to be none; since what there is of either, differs from his morality and religion, in most of those non-essentials which he has been taught to consider as the essentials. We mean now to confine ourselves to the political state of France, which is represented as so desperate. On this subject the Tories only repeat and

³Nos. 140 and 180.

¹See Archibald Alison, "France in 1833 (No. I): Its Political State," *Blackwood's Magazine*, XXXIV (Oct. 1833), 641-56, and "France in 1833 (No. II): Effects of the Revolution of the Barricades on Government, Religion, Morals and Literature," *ibid.* (Dec. 1833), 902-28; Robert Benton Seeley [?], "Whig Foreign Policy," *Fraser's Magazine*, VI (Dec. 1832), 637-52; and John Wilson Croker, "French Revolution of 1830" (commented on in No. 213).

exaggerate what we ourselves had said long before. At a time when English journalists were all but unanimous in their laudation of Louis Philippe and his principles of government, and invective against all against whom Louis Philippe's stipendiary press inveighed, we alone protested against the delusion, and spoke out what is now admitted to be the truth, with respect to the man and his system. Yet we are firmly convinced that even now, under a government as arbitrary, as encroaching, and as much the enemy of popular institutions and social reforms as ever ruled in France with the forms of a constitution, the French nation is making advances in all the most important elements of good government and political improvement, unparalleled at any former period of history; and that for the rapidity of this progress she is wholly indebted to the late Revolution.

If, indeed, the beneficial results of a political convulsion are to be estimated by the improvements which it may immediately bring about in the institutions of a country, or the change which it may at once effect in the spirit which pervades the Government, the French Revolution of 1830 must be pronounced a failure. But if the Three Days of July had been as fruitful as they have hitherto been barren of this kind of improvement, what, after all, would it have amounted to? Something doubtless; but not much. Governments, and the acts of governments, are in themselves no good, but merely the means of good; and not the only, far even from being the principal, means. Governments, besides, are made by men, and can neither be better nor worse than the men who made them. "Governments and Constitutions," says M. Comte in the *Censeur Européen*, "create nothing—they declare what already exists."²—A maxim false as to the ultimate effects of any government, but true of all governments when first established. Till they have fairly struck root, they are of importance far more as symptoms than as causes. That the French people, having the power, did not, in July 1830, establish a better government, proves that the national mind was not ripe for a better: it has been ripening since with wonderful rapidity, and its time will come. Improvement in the government is so sure to *follow*, and is of so little avail and so little likely to be durable if it *precedes*, improvement in the national mind, that no government, however bad in spirit, which allows *that* to go on, gives much cause for regret or apprehension. And if that best improvement, which alone renders any other great improvement possible, be taking place as rapidly under the present men and measures as it could under any others, the better part of all which better men and measures could have produced, is already attained; and the rest may be waited for, not passively, for then it would never be had, but without any of the impatience of disappointment.

²"Considérations sur l'état moral de la nation française, et sur les causes de l'instabilité de ses institutions," in *Le Censeur Européen*, 12 vols. (Paris: Au bureau de l'administration, 1817-19), Vol. I, p. 82.

And such we conceive to be the fact. The public mind of France is now in a state of such rapid progress, that we question whether it could have improved more quickly, even if a better settlement had been made of the government in August 1830. The whole character of public discussion has changed. The Revolution and its consequences have filled the public mind with new ideas. That great event has set so many old questions at rest, that room has been made for new; and has excited a spirit which would not allow the blank to remain unfilled. It has carried discussion onward into another field. It has finally closed the volume of the eighteenth century, and has begun to inscribe that of the nineteenth with distinct and durable characters.

This change, both in the questions discussed and in the spirit of discussion, is equally visible, whether the subject be forms of government, or those great interests of man and society to which all questions respecting forms of government are merely subsidiary.

During the fifteen years of the Restoration, the popular party was altogether on the defensive. Impassable limits were prescribed to political improvement by the provisions of the Charter. To have made profession, or even submitted to the imputation, of a desire to introduce into France more liberal institutions than the Charter had given, was to forfeit all chance of political influence. The Charter itself was perpetually assailed, both covertly and indirectly; and to defend it against the ruling power, which, being the stronger was naturally the encroaching party, was sufficient occupation for the friends of popular government. As they knew that they could not hope for more than the Charter, and were never sure of retaining that, they made it their rallying point, and allowed it to be held sacred even in those of its provisions which they disapproved, that the Government might be forced to observe it in those which they approved. In this defensive position, entrenched behind a piece of parchment, there was little demand for the higher resources of intellectual warfare. Political discussion mostly turned upon a certain small number of ideas, revolving in one unvarying round. The question to be settled always was, Had the Charter been observed? From which an aspiring disputant occasionally ascended to the more comprehensive subject of inquiry, Whether the Charter *ought* to be observed? viz. whether *so much* liberty, and security for good government, as the Charter gave, ought to exist; not whether *more*. And then was to be tried over again daily the cause of the first Revolution. The dispute was, not what should be done now, but, whether what had been done in 1789, to annihilate the privileges of the Nobility and the political power of the Church, were well done? and whether the King and his Ministers were trying to undo it? and whether the means they used were or were not in accordance with the text of the Charter? These discussions certainly were not altogether unfruitful; they cannot be said to have done nothing towards educating the public mind. They helped to confirm the French in their antipathy to sacerdotal ascendancy; and to

every description of hereditary rank: sentiments which being thus perpetually called into action, perpetually gained strength, and have taken the deepest root in the national character. By frequent discussion of the limits which a written constitution imposed upon the King's will, the French became more and more attached to the forms of legal rule, and to a strict definition of the powers of the magistrate. But this was all: beyond these few points, not one great principle of government and social organization was usually appealed to. No progress was made in familiarizing the public mind even with the real essentials of a representative constitution; and the Three Days found the nation so unfurnished with any distinct conceptions on the subject, that months elapsed before it occurred to any one to think what an opportunity had been lost for securing to thirty-three millions of people a larger body of electors than eighty thousand. So backward was not only the popular mind, but even those superior intellects, which in France far more than in England carry the popular mind along with them. If they were so ill prepared on constitutional subjects, which they had thought of, they were still more completely at sea on the questions of detail and application, of which they had not thought. If they had once felt easy about their Charter, they would soon have bethought themselves that a Charter after all is not good laws, but merely permission to make them, and would have instantly set about using the permission. As it was, they never had a moment's leisure during the fifteen years to think what use they should make of their Constitution when they had secured it. They were like the Roman legionary, who, stationed for twenty years in a distant province, fought for his country until he forgot that he had a country, for any purpose except to fight for.

But the Revolution of the Three Days was the date of a new era. It set free the national mind. Since then, the question has been, not how to defend what was already gained, but how to gain more. Improvement, and not Conservation, has been the prize contended for. The questions of a Hereditary Aristocracy and a Dominant Church are disposed of for ever: the last appeal has been made, it was to the sword, and it has been tried and decided. Louis Philippe, and the *bourgeois* Oligarchy on whom his power rests, will not repeat the mistake of Napoleon and the elder Bourbons, by encumbering themselves with those detested appendages. That a Government may be very detestable without them, was a lesson which the French people, for want of sufficient experience, had yet to learn, and in which Louis Philippe has proved himself an apt instructor. We question whether anything but the experiment they are now making could have convinced the French that the mischiefs of an Oligarchy do not depend upon its being this or that particular kind of Oligarchy, but upon its being an Oligarchy at all. This they were strangely ignorant of some few years ago. They are now seeing it every day more clearly. The prevailing political opinions, there as elsewhere, still leave much to be desired; but the more active and intelligent portion of the French public are beginning distinctly to perceive, that the first

fundamental principle of good government in a civilized country, is protection against the sinister interests of the few by periodical accountability to the many. Nor do the advances which democratic opinions are now making among the French, arise, as is pretended, from a blind passion for equality; but from the exhibition which the now dominant class is constantly making before their eyes, of its own inherent selfishness and corruption.

And now, too, their lips are unsealed, and they dare avow that let Charters say what they may, less than good government will not content them, and good government they are determined to have. The Three Days have given them back the audacity which Leipzig and Waterloo had quelled.³ A dynasty the work of their own hands, and a Charter run up in a few hours to stop the gap made by a Revolution, do not suffice to overawe them.

An attempt has indeed been made to restrain the expression of political opinion within definite bounds, by the trite and vulgar expedient of making all persons in the exercise of a public function, even down to the electors of a village corporation, take an oath of fidelity to the constitution.⁴ When MM. Voyer d'Argenson and Audry de Puyraveau, after having, as deputies, taken this oath, avowed that they held opinions and pursued objects completely at variance with the Constitution, there was much very bad acting of vehement indignation.⁵ Some of those who joined in the outcry, had in the course of their lives sworn fidelity to as many as thirteen Constitutions. But they probably quieted their consciences with the reflection that they had kept their oath, by never failing in their allegiance to any government so long as it was the strongest; which MM. d'Argenson and de Puyraveau have done, and are consequently perjured.

Oaths of allegiance, empty formalities at all times, are most mischievous ones in an age of revolution, by confusing the boundaries of right and wrong, and accustoming men to trifle with the outward symbol of a solemn obligation. They are never observed, and never ought to be so: like our Custom-house oaths (recently abolished)⁶ and the oaths taken by students at our Universities,⁷ they may justifiably be considered as mere forms: their guilt, if guilt there be (though it is rather folly), is in imposing them, not in taking them and in violating them. If such oaths were binding, a Nero or a Charles IX might tie up the consciences of all honest men from resisting their tyranny.⁸ No honest man will accept

³The battles of Leipzig and Waterloo, both crushing French defeats, took place on 16-19 Oct., 1813, and 18 June, 1815.

⁴By Bull. 6, No. 61 (31 Aug., 1830).

⁵For the episode, see No. 230, n3.

⁶Abolished by 1 & 2 William IV, c. 4 (1831).

⁷For details, see No. 6.

⁸Nero (37-68), renowned for his profligacy, used murder and massacre to maintain his power; Charles IX of France (1550-74), was duc d'Orléans until, at the age of ten, he succeeded his brother, François II. The religious strife and secret plotting that distinguished his reign culminated in the St. Bartholomew's Day massacre.

favours, from a Government which he cannot honestly engage to support: but he will accept from electors the office of watching and controlling the Government. The distinction is broad and obvious. Governments may prescribe conditions to their servants, but not to their masters. If a Government is at liberty to enact that no one shall either elect or be elected a member of the Legislature without swearing to the entire Constitutional Law of the country, as printed in a book; and if no one who thinks any change in any part of this book advisable, feels himself at liberty to take the oath; no change can ever be effected by legal means, and no road is left open for improvement but through a violent revolution. If at our general election in 1831, every elector had been compelled to swear fidelity to the rotten boroughs, would it have been better to let the Reform Bill drop, or to carry it by pikes and muskets instead of votes, or to submit to the degrading formality of the false oath, publicly declaring it to be a mere formality?

The declaration of these two Deputies (men of the highest reputation for honor and integrity, both as men and as politicians), far from being immoral, is an indication of a great progress in the morality of public discussion. Men now speak out plainly; they declare with candour and simplicity their real sentiments, their ultimate purposes; and have discarded the timid, the reserved, the prudent (shall we say?) or the artful policy, to which the clever writers of the St. Simonian *Globe* gave the name of *la comédie de quinze ans*.* There are now no more disguises, no equivocations, no conventional hypocrisies. No one who does not really feel attachment to the first magistrate of the State, holds it necessary to speak of him in the language of loyalty and devotedness. No one who desires the entire abrogation of the existing Constitution and the establishment of a Republic, feels himself restrained from avowing his creed, and saying all that he has to say in defence of it: and it is avowed by Deputies in the Chamber, and systematically advocated by newspapers of the highest merit

*This expression, we observe, has found favour in the eyes of English Tories, who, thinking it must mean something disgraceful, employ it *ad invidiam*, little knowing who were its authors, and neither knowing nor caring in what sense it was intended to be understood. The phrase was invented to characterize the conduct during the Restoration, of those Liberals who, disapproving of the existing Government, and not being permitted to speak or write anything which might bring it into discredit, adopted the only course which seemed left to them for effecting its subversion, by allying themselves with those who made their stand upon the Charter; and contended for the strict observance of the Constitution, not so much for its own sake, as because they in reality believed that its strict observance was incompatible with the Bourbon dynasty, who could only maintain themselves against the growing strength of public odium by perpetual violations of the Charter, and if precluded from these must certainly fall. [The phrase was first used in "Séance d'avant-hier à la cour des pairs," *Le Globe*, 24 Nov., 1830, p. 1, and its popularity discussed in "La comédie de quinze ans," *ibid.*, 22 Apr., 1831, p. 1.]

and character. If opinions subversive of the existing government are thus openly avowed by a powerful and rising political party, it may well be imagined that the freedom is complete for minor differences of opinion. With all the inclination in the world to stifle inquiry, the ruling power is unable to give it even the slightest check: nothing is protected from questioning: all the great principles of government and the social union are brought perpetually into play, either to be contested or to be applied: and the result is a sifting of opinions, and an increased mastery over the first elements of political science, to which there has been no parallel heretofore in France.

The improvement is perhaps most striking in this, that the active politicians, whether speculative or practical, no longer limit their interest, even their immediate interest, to forms of government: on the contrary, the tendency of the rising school of political reformers is, not indeed to be indifferent to forms of government, but to value them chiefly as means to some definite end: not for some supposed inherent excellence in themselves, which has been a very prevalent notion hitherto in France; not even as the surest means for attaining the public good, *whatever* that may happen to be; but as means for realizing some conception already entertained of good legislation and an enlightened management of the interests of society in detail. French politics, in short, are beginning to partake somewhat of the practical and business-like character of our own. The English indeed require correction the contrary way: under the notion of being practical, they are mechanical, literal, and narrow: what cannot be weighed or counted,⁹ is to them as if it did not exist. They leave out of their calculations almost entirely the influence of the general spirit of the institutions of a country, looking exclusively to the effect of the definite and tangible provisions. The French will never run into that extreme, and we congratulate them heartily upon the prospect of deliverance from the other.

Much more than we have said, and more than we have now room for, is necessary to give any adequate conception of the new spirit which has been infused into political speculation in France, and the altered character of the views now prevalent both on the principles and on the details of legislation and administration. But we must reserve the further prosecution of this subject, either for a separate article, or for occasional notices as suitable opportunities present themselves.

⁹A variant of one of Mill's favourite texts, taken from Coleridge, *Second Lay Sermon* (1817), in *On the Constitution of Church and State, and Lay Sermons*, ed. Henry Nelson Coleridge (London: Pickering, 1839), p. 409.

245. FRENCH NEWS [92]

EXAMINER, 30 MAR., 1834, PP. 200-1

These news items are headed "London, March 30, 1834." Mill's bibliography includes this entry: "The summary of French news in the Examiner of 30th March 1834" (MacMinn, p. 39). In the Somerville College set of the *Examiner*, however, there is no listing of any article in this number except for No. 244. There is, therefore, some doubt about Mill's authorship of the extracts below, which appear where his summaries usually are, but deal with matters he usually ignores.

THE GLOBE observes—

Some pointed notice is taken in the *Constitutionnel* of the language and conduct adopted towards the Swiss Cantons for resisting the dictation by the Russian and German governments of the expulsion of the unhappy Poles. The *Constitutionnel*, naturally enough, cannot understand the grounds upon which such demands can be reasonably made by Russia upon Switzerland. "In the British parliament," continues the journalist, "Lord Palmerston denied that the government had received a circular said to have been addressed by the Court of St. Petersburg to the different Cabinets, urging them not to grant an asylum to the Polish refugees and afford them succour. If we are well informed, however, Count Pozzo di Borgo has delivered a note to such an effect to the Duke de Broglie, and is urgent for an answer. We hope and believe that the answer of the Minister for Foreign Affairs will be prompt and dignified. Our territory is Free, and France has never been inhospitable. The government certainly should, by means of the regular police, take care that the refugees do not disturb public order, but this great nation will never suffer the unhappy exiles from Poland to be refused succour and support."¹

A Petersburg Journal calculates the number of fugitives so ruthlessly persecuted, and to whom the Autocrat would deny earth, fire, and water, at 250 or 300 at the utmost, scattered over France, Switzerland and England—this, we need hardly observe, is understating the numbers, but according to the showing of the Russian journalist, so heavy is the vengeance aimed against these few harmless, penniless, resourceless wanderers! It is for the people of civilized countries to sustain these victims of a brutal tyranny.²

SATURDAY NIGHT

There is no news of any interest. The French papers mention a rumour that

¹Leading article on French affairs, *Globe and Traveller*, 28 Mar., 1834, p. 2, translating from "Paris," *Constitutionnel*, 26 Mar., p. 1. For the speech of 28 June, 1832, on Poland by Temple (Palmerston), see *PD*, 3rd ser., Vol. 13, cols. 1131-3. The references are to Carlo Andrea, conte Pozzo di Borgo (1764-1842), Corsican-born Russian diplomat, who became Ambassador to France at the Restoration.

²The material in this paragraph was taken from the *Journal de St. Petersburg* of 11 Mar. by the *Globe and Traveller* (p. 2) and *The Times* (p. 2) on 28 Mar. The "Autocrat" was Nicholas I (1796-1855), Czar 1825-55.

King Leopold³ has asked the French Government for the assurance of military aid in the event of Dutch aggression.

The French Minister of War has stated that a respectable naval force will be maintained in the Mediterranean till the affairs of the East are settled, as a measure of prudence, not of apprehension of any interruption of peace.⁴

246. FRENCH NEWS [93]

EXAMINER, 6 APR., 1834, P. 215

This article is headed "London, April 6, 1834." The entry in Mill's bibliography covers this and Nos. 247, 249, and 250: "The summary of French news in the Examiner of 6th, 13th, 20th, and 27th April 1834" (MacMinn, p. 39). This report is listed in the Somerville College set of the *Examiner* as "Article on France."

THE LAW PROHIBITING ALL ASSOCIATIONS in France, without the previous license of the government, has passed the Chamber of Deputies, after a long debate, without the slightest modification.¹ The government refused to tolerate the existence of societies even for purposes the most remote from politics, lest under their cover political associations should find shelter. They refused also to introduce a clause declaring the law to be temporary.

After thus immolating one of the most valuable liberties of their country to the terrors and vindictiveness of Louis-Philippe, the Chamber has left the ministers in a minority on a question where they were probably in the right. The claims of American subjects upon the French government, for losses caused by Napoleon's anti-commercial decrees,² have remained unsettled to this day. The French government has at last signed a convention with the United States for the liquidation of those claims by the payment of a million sterling. The Chamber has refused to grant the money, and the convention, therefore, cannot take effect.³ In England the whole Cabinet would in such circumstances have

³Leopold I (1790-1865), King of Belgium from 1831, after its separation from the Netherlands.

⁴The remark was made not by the Minister of War, Soult, but (on 26 Mar.) by the Minister of Marine, comte de Rigny. See *Moniteur*, 1834, p. 717.

¹For the measure, see No. 238, n2.

²Bull. 123, No. 1998 (21 Nov., 1806); Bull. 172, No. 2912 (23 Nov., 1807); Bull. 169, No. 2890 (17 Dec., 1807); and Bull. 171, No. 2904 (11 Jan., 1808).

³The agreement reached on 4 July, 1831, in "Convention Regarding Claims etc. between France and the United States" (*The Consolidated Treaty Series*, ed. Clive Parry [Dobbs Ferry: Oceana Publications, 1969-], Vol. LXXXII, pp. 97-103), presented to the Deputies on 13 Jan., was refused by them on 1 Apr. (*Moniteur*, 1834, pp. 93 and 770). (Reintroduced on 9 Apr., 1835, it passed the Deputies on 17 Apr. and the Peers on 12 June, and was enacted as Bull. 143, No. 317 [14 June, 1835].)

resigned; but in France, where ministers are but the clerks of the hereditary and irresponsible minister Louis-Philippe, who we may rely upon it will never resign, it is rather surprising to us that even the Foreign Minister, M. de Broglie, should have thought it incumbent on him to offer a resignation which we take it for granted he will promptly withdraw. That M. Sébastiani, *ministre sans portefeuille*, should give himself *les airs* of a resignation, was a still more superfluous piece of self-importance.⁴

247. FRENCH NEWS [94]

EXAMINER, 13 APR., 1834, PP. 232-3

This item is headed "London, April 13, 1834." For Mill's bibliographic entry, see No. 246. In the Somerville College set of the *Examiner*, the item is listed as "Article on France," with one correction: at 702.6, "restricted" is altered to "restrictive".

THE COURT OF CASSATION has once more made a stand against the attempts of Louis-Philippe to pervert the laws for purposes of despotism and vengeance. The sentence of the Cour Royale of Paris, declaring the *National de 1834*, identical with the *National* (and condemning MM. Carrel and Conseil to fine and imprisonment for violating in the new journal the interdict against reporting judicial proceedings, so iniquitously passed upon its predecessor), had been appealed against to the Court of Cassation, and has now, by one of the Chambers which compose that Court, been reversed.¹ Thus, for the second time since July, 1830, the highest tribunal in France has interfered to thwart the King in his most cherished and worst purposes.

The struggle, however, is not yet over; for, by the provisions of the French code, the cause must now be reheard before another Cour Royale; and if this should agree with the original decision of the wretched Cour Royale of Paris, the affair must then be carried before, not one Chamber only of the Court of Cassation, as before, but the entire Court;² who, however, it is to be believed, will abide by the judgment of one section of their body.

We needed a decision like this to convince us that there is still such a thing as law in France, where the government is a party concerned.

⁴See *Moniteur*, 1834, pp. 761 and 770. Broglie did not withdraw his resignation, staying out of the government until November. Sébastiani was appointed Ambassador to Naples and then, after a brief spell in the Chamber after being re-elected, became Ambassador to the Court of St. James.

¹On 5 Apr. (*Moniteur*, 1834, p. 810). For background, see No. 232.

²By Livre II, Titre III, Chap. ii, Arts. 428, 429, and 440 of the Code d'instruction criminelle, Bull. 214 bis (17 Nov.-16 Dec., 1808), and Art. 4 of Bull. 161, No. 2791 (16 Sept., 1807), which required that all the sections unite in a second hearing.

The vacancy in the Cabinet, made by the resignation of the Duke de Broglie, has been filled by the transfer of Admiral de Rigny, the Minister of Marine, to the Foreign Department; Admiral Roussin, the Ambassador at Constantinople, being appointed in his absence to succeed M. de Rigny in the ministry of marine, which, however, he is not expected to accept.³ Admiral de Rigny, taken from his peculiar province, is a mere nullity: but this is justly deemed of no consequence, as the prime minister, Louis-Philippe, while he exercises a general control over every department, takes that of foreign affairs under his peculiar care.

The opportunity has been taken of laying on the shelf two other members of the cabinet, MM. Barthe and d'Argoût, whose characters have been used up in Louis-Philippe's service. To make room for M. Barthe, poor old M. Barbé-Marbois has been jockeyed out of the Presidency of the Cour des Comptes;⁴ while Napoleon's old Finance Minister, Gaudin des Ardennes, Duc de Gaète,⁵ has been removed from the office of Governor of the Bank of France (which, it seems, is in the King's gift), to make a place for M. d'Argoût. It would be amusing, if, to facilitate a modification in the English Ministry, the King could remove Mr. Horsley Palmer,⁶ and give his place to Lord Melbourne!

The successor of M. Barthe is M. Persil, probably the most unpopular man in France; the frenzied assailant of the Press, and the same who, in a speech delivered in his official character of Procureur-Général, called for a law to alter the constitution of Jury-trial, by making the Jurors vote in secret without any consultation among themselves, and rendering a bare majority sufficient for condemnation.⁷

M. d'Argoût is succeeded by M. Thiers, who gives up the department of commerce to M. Tanneguy Duchâtel.⁸ If the ministers of Louis Philippe had any voice in the determination of their own measures, this would be an admirable

³ Albin Reine, baron Roussin (1781-1854), began his naval career under Napoleon, was made a baron in 1822 and a peer in 1832; finally, in 1840, he accepted the Ministry of Marine.

⁴ François Barbé de Marbois (1745-1837) had been President of the Cour des Comptes since 1808. Ill in 1833, he had tendered his resignation, and failed to withdraw it when, on recovery, he returned to his post, thus making it easier for Louis Philippe to remove him.

⁵ Martin Michel Charles Gaudin, duc de Gaète (1756-1841), a member of the Treasury before the Revolution of 1789, had become Minister of Finance in 1799, and a duke in 1809. After the Restoration he became a deputy for l'Aisne, 1815-20, and Governor of the Bank of France, 1820-34.

⁶ John Horsley Palmer (1779-1858), an East India merchant, expert on currency and finance, Governor of the Bank of England, 1830-32, and a senior Director until 1857; William Lamb, Lord Melbourne, was then Home Secretary.

⁷ For the speech, see No. 232, n10.

⁸ Charles Tanneguy, comte Duchâtel (1803-67), journalist, one of the founders of *Le Globe*, was named a conseiller d'état in 1830, representing the King in debates in the Chamber. He had been a deputy since 1833. His "memorial" has not been located.

appointment. M. Duchâtel is one of the first living political economists, and the author of the celebrated memorial from the vine-growers of the Gironde, the most masterly exposition, in a popular form, of the doctrine of free trade, which has ever been produced. But neither the divided opinions and wishes of the minister, nor the tide of public opinion which has now set in so strongly in favour of relaxing the laws restrictive of commerce, will be able to accomplish anything for a long time to come; and for an excellent reason—*Louis-Philippe is personally interested in most of the existing monopolies*; and his grasping avarice reigns supreme over the destinies of a great nation.

248. FLOWER'S SONGS OF THE MONTHS [1]

EXAMINER, 20 APR., 1834, P. 244

Added to a letter of 22 Feb., 1834, to W.J. Fox, is the following gestatory postscript, probably directed to Eliza Flower, concerning *Songs of the Months*: "The three beautiful children [the 'Songs' for January, February, and March] shall have justice done them on the appearance of the third—The birth of the eldest *was* announced [see No. 229], and a good word spoken for the expected family— / February *is* a beauty—but March is grand—" (*EL, CW*, Vol. XII, p. 215). This review of the first four songs, in the "Musical Review," is headed "*Songs of the Months, Nos. I, II, III, and IV*. By the Author of 'Musical Illustrations of the Waverley Novels,' 'Songs of the Seasons,' &c. Published in 'Fox's Monthly Repository,' for January, February, March, and April, 1834," and is described in Mill's bibliography as "A notice of the 'Songs of the Months' in the Examiner of 20th April 1834" (MacMinn, p. 39). In the Somerville College set of the *Examiner*, it is listed as "Review of Miss Flower's Songs of the Months," with three corrections: at 703.3, "softness of the April song: we" is altered to "softness. Of the April song, we"; at 703.21, "runs" is altered to "seems"; and at 703.23, "fuller a more" is altered to "fuller and more".

THESE BEAUTIFUL SONGS ought to enlist all lovers of music among the purchasers of Mr. Fox's excellent periodical. Even the many to whom melody is but melody, delicious in itself, but speaking of nothing beyond, will find an ample feast set before them in these airs; while, to the smaller number, who require that music shall be to poetry what a sweet voice is to the sweet meanings to which it gives utterance, they will yield a still higher enjoyment.

Of the few songs which have appeared, we prefer those for February and March.¹ The February song is like the very note of the birds whose loves it celebrates. The verses for March, finely descriptive of "winds and clouds," have called forth from the imagination of the composer a strain of inspired grandeur;

¹"St. Valentine's Day: Songs of the Months, No. 2, February" (*Monthly Repository*, n.s. VIII [1834], 99), words by Charles Reece Pemberton; "Winds and Clouds: Songs of the Months, No. 3, March" (*ibid.*, p. 203), words by Sarah Flower Adams.

such, as if arranged on a full band of wind instruments, would blend gloriously with the hollow resounding of the tempest, dying away in a passage of the loveliest and richest softness. Of the April song, we quote the words—their only fault is shortness:

Her cheek is pale, her eyes are wet,
Her voice in murmurings
Grieves lowly to the morn that yet
No sunshine brings.
Why linger ye, O laughing hours?
Uncurl ye buds, unfurl ye flowers!
Sad April sings.

The paleness fleets, the tears are dry,
Her voice with gladness rings;
The sunshine over earth and sky
Its brightness flings.
Come revel through my laughing hours,
Ye warbling birds, ye buds and flowers!
Glad April sings.²

The composer has produced a most perfect translation of these words into musical sounds: and by a rare felicity, the same melody which when joined to the longing and yearning of the first stanza, seems as if intended by nature for that expression only, becomes by a change from minor to major and the addition of a fuller and more rapid accompaniment, the no less apt representative of the gladness and buoyancy of the second verse. It seems actually to bound with joy.

We are sensible of the ugliness of crossing at one leap from poetry and music to shillings and pence, but we should leave part of our duty unperformed if we were not to mention that these songs, any one of which if printed in the ordinary way and published separately would be sold for two shillings, or two and sixpence, may be severally purchased, together with the cotemporary number of one of the very best existing monthly periodicals, for eighteenpence.

249. FRENCH NEWS [95]

EXAMINER, 20 APR., 1834, P. 250

This article comments on the uprisings which took place in Lyons on 9-13 Apr. and in Paris on 13-14 Apr. The concluding paragraphs on Lord Howick have been included as Mill's, even though they are separated from the rest by a printer's rule, because Mill alludes to the same speech against combinations in his "Notes on the Newspapers," *Monthly Repository*, n.s. VIII (May 1834), 365 (see *CW*, Vol. VI, pp. 207-8). The article

²"Tears and Smiles: Songs of the Months, No. 4, April" (*ibid.*, p. 291), words by Pemberton. The key change referred to below is from A minor to A major.

is headed "London, April 20, 1834." For Mill's bibliographic entry, see No. 246. In the Somerville College set of the *Examiner*, the item is listed as "Article on France."

WE ARE UNABLE AS YET to form any conclusive judgment on the nature of the calamitous events which have just occurred in France. But as far as we are yet informed, the facts seem to be as follows:—

For some time past the silk-weavers of Lyons had been at variance with their employers, and a strike had taken place, to which the emissaries of the republican associations of Paris had endeavoured, but with little success, to give a political character.¹ The strike, like most other strikes, lasted for a certain period and terminated; and the operatives returned to work at the old prices. A well-meaning and prudent government would have rejoiced at this pacific termination of the struggle, and would have spared itself the odium and danger of violent measures when the only rational purpose of such measures had already been attained. But Louis Philippe's policy is of quite another complexion. After the strike was over, he chose to prosecute its principal leaders. This excited a commotion, and the people would not suffer the trial to proceed. Mutual acts of hostility occurred, and the affair growing serious, the malcontents of all classes, political or not, united their strength, and burst out at once into a Republican and a Trades' Union insurrection. The insurgents maintained for five days, with the most desperate valour, a sanguinary contest with the troops, which ended in their total defeat. Of the loss of lives and property, and the injury to the town itself, nothing is yet known but that they are immense.

The events at Paris have been of a very different character. The Government placed a formidable force under arms, and gave a military aspect to the whole city. As usual at Paris, and as was perhaps intended, this did not prevent, but, on the contrary, promoted the concourse of people. In one of the most crowded parts of the city (*the Place du Châtelet*), the police attempted a repetition of those outrages against the persons of unoffending spectators, of which their conduct on the Place de la Bourse, a few weeks ago, afforded so disgusting a specimen.² The people were in too excited a state to brook this; a collision took place; and fighting having once begun, the same consequences followed as in June 1832.³

¹There had been trouble in Lyons from the middle of February. One of the republican societies that sent emissaries was the Société des Droits de l'Homme. It was thought by many at the time, and certainly by the French Government, that the uprisings in Paris and Lyons were part of a conspiracy to provide some diversionary incidents, requested by Mazzini, during his (unsuccessful) attempt, begun in February, to liberate Savoy and Piedmont.

²From 21 to 23 Feb., there were demonstrations against the law limiting crieurs publics in various locations in Paris (for details, see No. 236, n4), but particularly at the Place de la Bourse, where the crieurs publics were accustomed to sell radical newspapers and pamphlets ("Tribunal de première instance de la Seine," *Constitutionnel*, 15 Apr., pp. 3-4, 16 Apr., pp. 3-4, and 17 Apr., p. 4).

³See No. 171.

That portion of the more hot-headed political malcontents who, without having premeditated an insurrection, are always ready to join in one, attempted to form barricades, but were speedily overpowered; and the penalty of their folly will now be borne by the French people, on whose necks they have helped to rivet the yoke of an iron despotism.

The Government has expressed its intention to apply to the Chambers for what even itself calls the strongest measures of repression.⁴ What these are it has not yet disclosed, they are probably such as will confiscate, temporarily at the least, all the remaining liberties of France. Meanwhile the insurgents, and all whom it chuses to accuse as such, are to be tried by the Chamber of Peers, that they may be deprived of the protection of a Jury; and, in direct defiance of law, the Government has taken the opportunity of *suppressing the Tribune* newspaper—nailing up its printing-office, dismissing the compositors, and depriving the printer, M. Mie (who has also been arrested) of the patent, a license, without which, by an odious abuse, no one in France can carry on the business of a printer.⁵ Of course, no other printer will consent to risk the same fate by giving to this obnoxious paper (which has been prosecuted ninety-six times since the July Revolution), the aid of his types and printing presses.

It is said that no fewer than a thousand arrests have taken place in Paris alone.

Another week will show what sort of vengeance Louis Philippe means on this occasion to execute upon his vanquished enemies. There is no doubt that it will be left entirely to his choice, and there is every reason to believe that it will be most unsparing.

Upon the subject of the Trades' Unions, and a warning reference to the bloodshed in France, Lord Howick made the following fierce remark:

He could not sit down without noticing the allusion of the honourable and gallant member opposite to the disturbances in France. It was said that this ought to teach them that it was not by a course of rigour that they were to put an end to proceedings of this kind. *These proceedings taught him* (Lord Howick) *a very different lesson. It was a struggle between two classes, and whatever side obtained a victory, a dreadful and lamentable slaughter must take place.*⁶

⁴Though Mill evidently had not seen the reports, on 15 Apr. three bills were introduced: *Projet de loi relatif aux détenteurs d'armes et de munitions de guerre*, *Projet de loi relatif à un crédit extraordinaire sur l'exercice 1834*, and *Projet de loi pour un crédit additionnel au budget du ministère de guerre pour 1835*, all of which were enacted on 24 May, as Bull. 125, Nos. 277-9. (For the bills, see *Moniteur*, 1834, pp. 929-30.)

⁵Auguste Mie (b. 1801), a leader in the Three Days, a Carbonaro, and associate of Carrel and Thiers. His premises were closed on 26 July. He was prosecuted under Art. 12 of Bull. 47, No. 395 (21 Oct., 1814).

⁶Grey, Speech on the Dorsetshire Labourers (18 Apr., 1834), *PD*, 3rd ser., Vol. 22, cols. 940-4. Grey's reference is to the speech by Aubrey William Beauclerk (1801-54), M.P. for Surrey East from 1832 (*ibid.*, col. 938).

We were convinced that the issue of the unfortunate struggle in France would encourage the Whig Ministry to dare extremities. The proposed procession of the Unions on Monday is most ill-judged, and from any accident or foul play the most frightful consequences may ensue.

250. FRENCH NEWS [96]

EXAMINER, 27 APR., 1834, P. 265

This item is headed "London, April 27, 1834." For Mill's bibliographic entry, see No. 246. In the Somerville College set of the *Examiner*, it is listed as "Article on France."

THE FRENCH GOVERNMENT has introduced two measures; one for increasing the army to 410,000 men, the smallest number with which it professes to be able to coerce the disaffected;¹ the other for the more effectual punishment of all who are taken in arms against the Government, who assist in any insurrectionary acts, or who possess arms or ammunition without the license required by law.² These propositions are of a less despotic character than the public were apprehensive of; but the Committee of the Chamber is expected, and was almost invited by the new Minister of Justice, to amend the latter measure, by subjecting all persons accused of rebellion to the jurisdiction of Courts Martial.³ The *état de siège*, which so scandalised the public two years ago, is thus to be made permanent.⁴

The horror and disgust of all Paris has been excited by the conduct of some of the soldiers of the 15th regiment of infantry, who, having been fired upon during the late insurrection by a pistol shot from one of the upper windows of a house in the Rue Transnonain, entered the house and massacred all the inhabitants, to the number of between twenty and thirty persons.⁵

251. FRENCH NEWS [97]

EXAMINER, 11 MAY, 1834, PP. 297-8

This item is headed "London, May 11, 1834." It and No. 254 are described in Mill's bibliography as "The summary of French news in the Examiner of 11th and 25 May 1834" (MacMinn, p. 40). In the Somerville College set of the *Examiner*, it is listed as "Article on France."

¹In introducing the bills increasing the supply to his ministry on 15 Apr., Persil indicated the intention to increase the army (*Moniteur*, 1834, p. 930).

²For details, see No. 249, n4.

³See Persil's speech of 15 Apr., p. 929.

⁴For details, see No. 172, n28.

⁵*Moniteur*, 1834, pp. 909-10, quotes accounts of the incident from *Journal de Paris*, *Bulletin du Soir*, *Constitutionnel*, and *Journal du Commerce* of 14 Apr. Mill had also probably seen the accounts in *National de 1834* of 15 Apr., p. 1, and 16 Apr., pp. 1-2.

THE PRELIMINARY PROCEEDINGS of the Chamber of Peers for the trial of the persons alleged to be implicated in the late insurrections at Lyons, Saint Etienne, and Paris, have not yet received publicity. In the meantime, however, the French government have resorted to another of their accustomed tricks for evading trial by jury. That mode of trial is limited by the French law to some of the higher class of crimes, and to political offences.¹ A strike for wages, in France is an offence, but not, it seems, a *political* offence; therefore, the offence of *instigating* to a strike is not a political offence, and may consequently be tried by the tribunal of correctional police, without a jury. It happened that the *Société des Droits de l'Homme* a few months ago nominated a committee which placed itself in communication with various trades' unions, then in the course of formation at Paris, for the express purpose of convincing them that strikes for wages are of no use, and that they ought to concentrate their efforts for the purpose of obtaining redress for their *political* grievances. This was instigating a strike; for instigating a strike, the members composing the committee have been tried without a jury, convicted and sentenced to be imprisoned for periods of two and three years.²

There has been a debate of several days in the Chamber of Deputies, on the estimates for Algiers.³ That possession, which was there shown to be more costly than advantageous to France herself, might yet have been so managed that its annexation to the French dominions might have been a benefit to civilization. But it has been utterly mismanaged, and the people so ill-treated, that we have ceased to wish that France should have the country, and we scarcely regret the symptoms which the Chamber has manifested of a desire to relinquish it.

252. WALTER ON THE POOR LAW AMENDMENT BILL

MORNING CHRONICLE, 12 MAY, 1834, P. 2

After two years of writing only for the *Examiner* (which continued to be his main newspaper voice for the next few months), Mill here returns to the *Morning Chronicle* for which (except for the translation given in App. C) he had not written since 5 June, 1828. He is responding to "The Poor Laws," *The Times*, 8 May (Thursday, not Friday, as Mill says), 1834, p. 6, which in turn recommends a pamphlet by John Walter (1776-1847). A

¹The limitation to the "higher class" of crimes is found in Loi concernant la police de sûreté, la justice criminelle, et l'établissement des jurés (29 Sept., 1791), *Lois et actes du gouvernement*, IV, 253 (Art. 5); the limitation to political offences, in Bull. 9, No. 68 (8 Oct., 1830).

²*Moniteur*, 1834, p. 1067. On 28 Apr., three members of the committee (Lebon, Mathé, and Lemonnier) received three years; one (Vignerte) received two years; one (Defraize) received six months; five (Ephraïm, Ferard, Allard, Sarge, and Labruyère) received two months; twelve others were dismissed.

³Between 28 Apr. and 3 May (*ibid.*, pp. 1063-7, 1073-84, 1091-5, 1108-10, and 1117-25).

Letter to the Electors of Berkshire, on the New System for the Management of the Poor, Proposed by the Government (London: Ridgway, 1834). Walter, son of the John Walter who founded *The Times* (1739-1812), gave the newspaper its character and importance. The discussion centred around the controversial new Poor Law, "A Bill for the Amendment and Better Administration of the Laws Relating to the Poor in England and Wales," 4 William IV (18 Apr., 1834), *PP*, 1834, III, 235-90 (enacted as 4 & 5 William IV, c. 76, in 1834). This unheaded article is described in Mill's bibliography as "A leading article in the Morning Chronicle of 12th May 1834, on Mr. Walter's pamphlet against the Poor Law Amendment Bill" (MacMinn, p. 40). See also No. 253, a leader on the Poor Law in the *Sun* published on the same day as this, and No. 265.

THE TIMES, of Friday last, contains nearly two columns of extracts from a Pamphlet against the Poor Law Amendment Bill, which it introduces to the notice of its readers in the following words:

Among the numerous Pamphlets on the Poor Laws which have reached us, we have been struck with the following passages in a Letter from a County Member to his Constituents, which we extract, because we think them deserving the attention of our readers, particularly at this period.

The nameless County Member, whose Pamphlet our contemporary has been struck with, and so studiously explains his motives for quoting, is John Walter, Esq., M.P. for Berkshire, and the principal proprietor of *The Times*. There is a considerable difference between the tone of the pamphlet and that of the newspaper. When Mr. Walter uses his own voice, he "roars" much more "gently" than when he speaks through his "thundering" Editor.¹ His language is not brought, like that of his journeymen, from Billingsgate; nor does he show any of that canine *rabies* which is characteristic of his newspaper, whether in a bad or in a good cause, and which has fixed on it indelibly the vulgar epithet originally stamped upon it by a greater master in blackguardism.² In substantial merits, Mr. Walter's own argumentation, and that of the stronger and coarser hand whom he employs, are much upon a par; but that utter disregard of every fact or argument militating with their conclusion, which is common to the County Member and his penman, has, in the latter personage, every appearance of being intentional, while in the former it seems the involuntary result of a real incapacity to feel, even in ever so slight a degree, the force of any facts and arguments which can be presented to him. There are considerable indications of sincerity in Mr. Walter's performance. From this specimen we should imagine him to be a fair enough sample, both as to their good intentions and as to the quality of their intellects, of that sort of English country gentlemen, who, by

¹The editor (1817-41) was Thomas Barnes (1785-1841).

²The "greater master in blackguardism" was William Maginn (1793-1842), Irish journalist and poet, who, in the *Morning Herald*, 17 Feb., 1829, fixed the epithet "Thunderer" on *The Times* (after it had said, "we thundered out that article," on 11 Feb., 1829).

their mode of administering the Poor Laws, have so frightfully demoralized our peasantry, and who (what we care far less about) will in a few years, if such counsels as Mr. Walter's are listened to, have handed over the whole residue of their own rents to be the patrimony of the paupers, and made the land indeed (in the phrase imputed to Spence and his followers) the people's farm.³

Mr. Walter, we understand, is reputed in his neighbourhood "the poor man's Magistrate," which always means one with whom the pauper is generally in the right, and the overseer in the wrong; one who is liberal in granting orders for relief after the parish officers have refused it. Liberality in a Magistrate is like the liberality of an absolute King; it consists in giving away very freely other people's money, and, in the one case as in the other, almost always to the undeserving. A "poor man's Magistrate" is one who is ever ready to compel a parish, in which perhaps he himself has no property, nor pays a single farthing to the rates, to maintain all who choose to demand parish assistance in a style of comfort, ease, and liberty, which makes them objects of envy to those who earn their own subsistence and refuse to be supported by other people. Mr. Walter is understood to be such a person; one of that class of Magistrates who, from compassionate feelings or love of popularity, or both combined, have laid upon their consciences the responsibility of having made the bulk of the agricultural population of England paupers at heart (progressively verging downwards into the condition of paupers *in fact*). It is, therefore, quite natural that Mr. Walter should greatly dislike the Poor Law Bill, the object of which is to deprive such men of the power of doing any further mischief, and to repair, as far as may be, the incalculable evil they have already done.

It is no very easy matter to chase Mr. Walter's reasoning through the labyrinth of his pages. The staple of his pamphlet is general denunciations, expressions of alarm, and predictions of evil, with here and there some grains of argument scattered by the way-side. Let us pick them up and examine them.

The chief object of Mr. Walter's dislike is the proposition of a Central Board. Of this he says,

It is an inversion of what has been esteemed the natural and regular order of all good Government, which rises from the management of families, parishes, towns, counties, to the general Administration of the State. Here the State starts first in the character of a Central Board, and diffuses its regulations below. This is what the French call centralization. Everything springs from Government in France; the people do nothing for themselves; roads, bridges, canals, are all the work of the State. I do not know that this is a happy example to copy. (P. 5.)

This is one of the finest instances we have lately seen of a *common-place*, in the original sense of the phrase—an argument which will serve all turns equally

³Thomas Spence (1750-1814), London bookseller and radical land reformer. For the idea, see, e.g., his *The Meridian Sun of Liberty; or, The Whole Rights of Man* (London: Spence, 1796), p. 5.

well—a standing argument which saves all inquiry into the merits of the case—an argument which you may know beforehand may always be used in all cases of a particular kind, without taking the trouble to look at them—a *blank* objection, to be filled up with any measure you please. In a book of directions to Members of Parliament how to make out a case, this might stand as one of the instructions: whenever it is proposed to entrust any duty to the Government, or to appoint any officer to superintend and check a multitude of other officers, cry Centralization! Be the measure good or bad, that is one thing which may always be said against it. Any person of sense and candour would think it necessary to inquire what duties may be most advantageously entrusted to local, and what to general functionaries, and whether the case in question fall within the one or the other class: a fool saves himself the trouble, by making an objection which avails against all government whatsoever. The Courts at Westminster are a case of centralization; all the Cabinet Ministers are cases of centralization; it is centralization to have a King; it is centralization to have a House of Lords or of Commons: Mr. Walter's objection is exactly as strong, neither more nor less, against every one of these institutions, as against a Central Board. Why should not "the people," as Mr. Walter terms the little knots of jobbers who are called vestries, make their own laws? Why should they not administer justice for themselves? Why not make war and peace, vote the supplies, and keep up their own standing army? "The natural and regular order of all good government rises from families, parishes, towns, and counties, to the State." But these are things, it seems, which are better done by the State than either by the family or the parish—else why have any Government at all? Take the trouble, then, to examine whether pauper management, in the department of superintendence and control, be not one of these things.

Mr. Walter cannot distinguish between two countries so differently situated as France and England; between a country which has always been overgoverned, and one in which Government scarcely interferes in anything. In France, the King and his Ministers are the real governing power of the country, and it is they who need to be restrained; here the real Government of the country practically resides in the local functionaries, the magistrates, overseers, &c., and if the King and his Ministers need controul, they (*i.e.* the local functionaries) need it infinitely more, because they are infinitely less under the public eye. France wants local bodies to be a check upon the Government; England wants a Government to be a check upon the local bodies.

Mr. Walter's next argument is, that the grounds which Ministers have alleged for their proposition make directly against them. They say that their system has been tried in above a hundred parishes, and succeeded.

Now what system is this of which his Lordship thus predicates the success? A system consisting of district workhouses! I have not heard that an additional workhouse has been built. [N.B. The parishes had workhouses already.] A system consisting of District

Commissioners and Metropolitan Commissioners—a system without Overseers and Magistrates—finally, the system which is now recommended? No; it was totally impossible. The system, therefore, which produced this wonderful change in the hundred parishes was, in truth, and must have been, the old system. Why then, I say, abolish such a system instead of “improving and well regulating it,” as has been done in these 100 parishes? Why substitute one in its place perfectly theoretic? [&c., &c., &c.] (Pp. 9–10.)⁴

Now let us just consider what the Ministerial proposition is. There are in England and Wales about 14,000 parishes. Of these about 100 have been managed well, the remaining 13,900 ill. What says Lord Althorp? He says, what 100 parishes out of fourteen thousand have done for themselves, with the most unqualified success, while the other thirteen thousand nine hundred, instead of following the good example, looked on and did nothing; this, we must find some means of inducing the 13,900 to do.⁵ We will adopt the system of management which has been so beneficially tried in the 100 parishes; but in order to introduce that system, we cannot trust to machinery which has succeeded in only 100 cases, and failed in 13,900. “No, [says Mr. Walter,] the system which has succeeded in 100 cases, cannot need any alteration.” But it has failed in 13,900. What then? Let the 13,900 parishes, to be sure, imitate the 100. But they will not. Compel them, it may perhaps be said. Why that is exactly the object of the Bill, and the sole object.

The creation of a Central Board, with discretionary authority, instead of being a harsh measure, is the only one by which the task can be accomplished without harshness. A Board can relax its orders, can grant time, can make exceptions and concessions to peculiarities of circumstance. An Act of Parliament can do none of these things. A superintending functionary can gently untie all those knots which the Legislature, if it proceeded by an imperative statute, must peremptorily cut. The very object which the opponents of the measure stickle for—a relaxation of the proposed rule for confining the relief of the able-bodied to the workhouse—cannot be granted without defeating the whole measure, unless there be a Central Board. To such a Board, a discretionary power of making exceptions to that rule may safely and beneficially be granted. But if the law is to be administered by Vestries, and Magistrates without any superintending authority, there could be no hope of improvement unless out-door relief were entirely prohibited. If the slightest opening be left for it, the same motives which have produced the present deplorable abuse of that mode of relief, will continue to produce the same fatal effects. Every increase of the latitude given to the Central Board is an alleviation of the real or apparent harshness of the measure as it respects the pauper.

⁴Walter is quoting Spencer, Speech in Presenting a Bill to Amend the Poor Laws (17 Apr., 1834), *PD*, 3rd ser., Vol. 22, col. 879. The square-bracketed passages are Mill's.

⁵*Ibid.*, cols. 879-80.

Mr. Walter advocates the abolition of the allowance system; he would have no one relieved without coming entirely upon the parish, nor any relief granted except in payment of labour; but he would have labour provided for the paupers without bringing them into the workhouse. Now if there is one thing that is more obvious than another, both from the evidence before the Commissioners and from the common sense of the case, it is that pauper labour anywhere but in the workhouse is merely a particular kind of idleness. A person who is sure of employment whether his labour be efficient or only nominal, will make no exertion that he can possibly avoid. An able-bodied pauper, anywhere but in the workhouse, is necessarily, and is proved to be in point of fact, far better off than the independent labourer. If the allowance system were to be abolished, and no workhouses provided, all, or nearly all, who now receive partial relief, would come upon the parish altogether. If, on the contrary, workhouses are provided and properly regulated, no one will choose to enter them who can obtain an honest living by unaided industry.

Mr. Walter speaks [p. 37] of the "evidence already published by the Poor Law Commissioners as to the immorality and depravity which the present workhouse system daily generates:" the very reason why workhouses are, by the proposed Bill, placed under the superintendence of the Central Board, in order that all this immorality may be restrained by adequate regulations. Mr. Walter says that, under any alteration, if crowds of able-bodied persons are congregated within the same walls, they must be demoralized. True, perhaps; but *any* parish employment must congregate crowds of able-bodied persons. If they were not congregated, but set to work apart, the parish, for every labourer it employs, must pay a superintending officer to look after him. Accordingly, when they are not "congregated" in workhouses, they are congregated somewhere else—generally in the roads; and if Mr. Walter, in looking at "the Evidence published by the Poor Law Commissioners," had not confined his attention to what seemed to favour his own views, he would have found the demoralizing effect of the employment of paupers on the roads to be quite as remarkable as even that of "immuring" them in the present abominable workhouses. [P. 37.]⁶ But, in the one case, the evil arises from the very nature of the case—from the impossibility of superintendence, and the unavoidable absence of any kind of classification. In workhouses, there may be the most perfect superintendence, and any degree of classification is deemed advisable.

We have now exhausted everything bearing any semblance of argument which we can find in Mr. Walter's pages. The rest is such stuff as this:—"The boast of the English Constitution, that it was one of practice rather than of theory"—"worked well though it read ill"—"a scheme theoretic merely"—"speculators knowing little of the habits and usages of Englishmen"—"such a change never took place in this country since the time of the conquest"—

⁶See *Extracts*, pp. 216ff.

“change of which no one can foresee the consequences”—“change in the British Constitution itself”—“revolution in the manners and habits of the British people”—“consequences which cannot be looked at without dismay,” &c. &c. [Pp. 21-3.]

In conclusion, as Mr. Walter’s Editor politely intimates that whoever ventures to say anything in behalf of this measure, after his fiat has gone forth against it, can have no motive but the hope of finding opportunities for profit, “and perhaps for speculation,” by employment under the Bill; it may be as well to state that the writer of the present article has neither had any employment, paid or unpaid, in connection with the Poor Law Enquiry, nor will have any in connection with the authorities to be created by the Bill.⁷

253. THE POOR LAW AMENDMENT BILL

SUN, 12 MAY, 1834, P. 2

On the same day as Mill’s article on the Poor Law in the *Morning Chronicle* (No. 252), this leader appeared in the *Sun*, its concentration being on the parliamentary discussion. This is Mill’s first contribution to the *Sun*. Headed “London, Monday Evening, May 12, 1834,” it is described in Mill’s bibliography as “A leading article on the Poor Law Amendment Bill in the *Sun* of 12th May 1834.”

THE MAJORITY OF FRIDAY NIGHT, the most overwhelming by which any great measure of national improvement has been carried through any of its more important stages within our remembrance, places the fate of the Poor Laws’ Amendment Bill beyond all peril.¹ And many are the instructive lessons which a Ministry capable of profiting by experience may derive from this brilliant instance of successful daring. Ministers have set themselves an admirable example; let us hope that they will follow it; let it not be lost upon themselves, as it certainly will not upon others. The spirit in which this measure was conceived forms a most striking contrast to that of ordinary politicians. They have been moved to exertion by the mere magnitude of the evil to be remedied, without waiting till it was clamorously urged upon their notice from without. Having resolved to do something, they really gave their minds to the consideration, not of the floating opinions which they might be able to collect upon the subject, but

⁷The quotation is from a leading article on the Poor Laws, *The Times*, 8 May, p. 5. Despite the disclaimer of the last sentence, on 13 May, in a scathing attack, *The Times* attributed the leader to Mill’s friend Edwin Chadwick, who had taken an active part in the inquiries of the Poor Law Commission and who was thought to be a candidate for the Central Board.

¹On 9 May, the second reading of the Bill (see No. 252) passed the Commons with a majority of 299 (319 to 20) (*PD*, 3rd ser., Vol. 23, col. 842).

of the subject itself; and asked themselves, not what measure was most likely to meet with general acceptance, but what remedy was best adapted to the nature and extent of the disease. Further (and to this, next to the goodness of their cause, they are most indebted for their success), while the subject was still under investigation, they took measures for informing the public mind. The facts and reasonings which were to form the basis of their own conviction, they laid before the nation at large, and supplied to all persons who took an interest in the question the means of acquiring a very competent knowledge of it before they commenced legisating. Having thus laid the foundation of what governments hitherto have so seldom known the value of—a rational and enlightened public judgment—they, with a manly confidence in that judgment, dared to propose all that they clearly saw to be indispensable. They came forward with no truckling half-measure, but threw themselves upon the intelligence of the country, and claimed support simply on the ground of deserving it, and the result is the most signal triumph. Let this be an example to them of what enters so little into the calculations of vulgar statesmen—the vast power, in the present state of the world, of truth and reason. That power is singularly underrated, which is the less astonishing as it is so seldom tried. That knaves should not know how to estimate it can surprise no one. But the multitude of well-meaning persons who prefer any means of influencing the people rather than a direct appeal to their reason, and place their trust anywhere rather than in strong argument strongly stated, is wonderful and lamentable. If the success of poor law reform could cure either Whigs, Tories, or Radicals, of this weakness, it would be the beginning of a new era in the greatness of England, and in the civilization of the world.

What is now of importance is, that Ministers should stand firm, and resist any mutilation of the measure in passing through the committee. There may be room for amendment in some of the minor details; and the great principles of the measure may be considered as safe. The only danger is, that under the appearance of a trifling alteration in the details, the enemies of the Bill may succeed in slipping in something which may clog the main wheels of the machinery.

The point which it is of most importance to protect is the very one which has been most assailed—the powers of the Central Board; a more ridiculous clamour than the outcry against this Board, coming, as it does, from persons who admit the existing evils to be unbearable, we never remember to have met with. All attempts to reform the pauper system by laws, without some person to look after their execution, is visionary. How did the abuses come in? Not for want of laws; for it is notorious that all the practices which have brought on the present intolerable evils, were, from the commencement, and have at all times been, illegal. Declare them so once more, and what will be the effect? Perhaps another hundred parishes in the whole country will follow the example of the hundred, or thereabouts, who have already reformed their administration. In all the others the same motives which have introduced the abuses will cause their continuance, and

the progress of ruin will scarcely be retarded, much less stopped. Whatever laws you enact, if you wish them to be obeyed, you must create a special authority, with power to examine whether they are obeyed or not, and to enforce obedience, and this is literally all the power which the bill confers upon the Central Board. The discretionary authority which has been so much declaimed against goes to nothing but the power of tempering in the application, or altogether dispensing with, those rules, which, if there was no such power, must be peremptorily enforced in all places, and under all circumstances.

For instance, the fundamental principle of all poor law reform is, that relief to the able-bodied shall, except in peculiar cases, be given only in the workhouse. The bill accordingly says, that the Board may compel parishes to enlarge their workhouses, and if they do not voluntarily consent, may tax them to the extent of *one-tenth of one year's rates* for that purpose.² Therefore we have an outcry as if heaven and earth were coming together; one journal talks of "bashaws," another of the "star chamber."³ Meanwhile, how stands the obvious reason of the case? That if the bill had not done this, it must itself have ordained that *every parish must* provide a workhouse adequate to contain the whole of its pauper population. The discretion of the Board is positively nothing but a power to *mitigate* those pecuniary and other obligations which the law must otherwise have imposed in their fullest extent upon the whole kingdom, without any exception, or consideration of local circumstances.

Again, the Board has power, by the provisions of the bill, to determine whether any and what relief shall be given to able-bodied persons not resident in the workhouse.⁴ The necessity of putting an end to out-door relief, as a general rule, is so clearly demonstrated, both by theory and experience, that the most violent opponents of the measure go no further than to say that the rule ought not to be inflexible, and that a latitude must be given. A latitude, then, is given, but as the parish authorities are altogether unfit to be trusted with it, the legislature, supposing it to be at all in earnest in desiring poor-law reform, would, if there were no Central Board, have no choice but to prohibit out-door relief altogether. Yet so contemptibly ignorant is the clamour, that the very persons who accuse the bill, even as it now stands, of harshness, are the same who inveigh against the power created expressly for the purpose of moderating its harsher provisions, whenever it is not found necessary to enforce them strictly.

We trust the Ministry will not give ear to Mr. Hawes's suggestion of what he calls a tribunal of appeal.⁵ Appeals are on questions of fact, or on questions of law, not on questions of expediency; there cannot be an appeal against a

²By Sect. 19.

³Leading articles in the *Courier*, 2 May, 1834, p. 2 (using the variant "Pacha"), and in *The Times*, 5 May, 1834, p. 4.

⁴By Sect. 45.

⁵Benjamin Hawes (1797-1862), M.P. for Lambeth from 1832, made the suggestion in his speech of 9 May in the Commons (*PD*, 3rd ser., Vol. 23, col. 838).

regulation. If a body were constituted with power to review and set aside the regulations of the Central Board, that body could only be another Central Board, and instead of one "triumvirate" there would be two, one to watch the other. We have not two treasuries, or two admiralties, one to act, and the other to look on and stop the first when it does wrong. There is no need of paying two sets of officers to share the responsibility between them. Responsibility to Parliament and public opinion is the only check it is possible to have upon either, and that check can only be weakened, or rather annihilated, by being divided.

254. DEATH OF LAFAYETTE

EXAMINER, 25 MAY, 1834, P. 329

Lafayette died on 20 May, Mill's birthday. This article is headed "London, May 25, 1834." Though included in Mill's bibliographic entry quoted in the headnote to No. 251 as a "summary of French news," it is listed in Mill's copy of the *Examiner* in Somerville College as "Obituary notice of Lafayette," a more accurate description.

LAFAYETTE is no more. The last survivor of the illustrious founders of American independence—the last of the great names of the first French Revolution, has perished from among us: Europe has lost him, who, for forty years, has stood before the eyes of her people as the most virtuous of her public men.

Lafayette is, indeed, one of the most cheering examples in history of the influence exercised over the minds and affairs of mankind, by a life of consistent nobleness. His talents were respectable, but not eminent; neither as a man of action nor of speculation did he possess extraordinary mental endowments. He owed all his ascendancy to his heroic character. It was by his singleness of purpose, his chivalrous generosity, his undaunted courage, and his unfailing self-devotion, that he gained a larger share than has been possessed by any human being since Washington, of the veneration of mankind.

Those who could find no other flaw in his character have accused him of vanity: would to Heaven there were more persons in the world whose vanity was of the same kind! Never, we should imagine, was a man whom two great nations worshipped almost as a god so little intoxicated by his elevation. He never hesitated to confess an error; was never ashamed to retrace a false step; he never failed, when occasion required, to immolate to his country's good, not only his ambition, his fortune, his liberty, and his personal safety, but what was far dearer to him, the ascendancy of his favourite opinions, and the love of that people whose honest sympathy had been the delight of his life.

A biography of Lafayette, by one capable of comprehending him, would be one of the most inspiring memorials of virtue since Plutarch's *Lives*, and would

have much of the same potency with that inestimable work, in forming great and good men.

255. THE ENGLISH NATIONAL CHARACTER

MONTHLY REPOSITORY, N.S. VIII (JUNE 1834), 385-95

Though it was published in a monthly review rather than a newspaper, this open letter, signed "A." (the signature Mill was normally to use in the *London and Westminster*), was intended for *Le National* (see letter to John Robertson, 28 July, 1837; *EL, CW*, Vol. XII, pp. 343-4); the recipient of the open letter was Armand Carrel, editor of *Le National*, with whom Mill had in 1833 agreed to exchange articles (*ibid.*, 25 Nov., 1833, p. 197). Perhaps because of the difficulties *Le National* was having (see Nos. 232, 247, and 266), Mill submitted his article to the *Monthly Repository*. Headed "Letter from an Englishman to a Frenchman, on a Recent Apology in *The Journal des Débats*, for the Faults of the English National Character," it is described in his bibliography as "A 'Letter from an Englishman to a Frenchman, on a recent apology in the *Journal des Débats*, for the faults of the English national character' in the *Monthly Repository* for June 1834" (MacMinn, p. 40).

AT YOUR SUGGESTION I have thrown upon paper, though in a hasty and imperfect manner, some of the thoughts which occurred to me after perusing in the *Journal des Débats* under the signature C—s, a criticism on Mr. Bulwer's recent work, *England and the English*.¹

The well-known author of these articles is a person to whose writings on England some attention is due. He is one of the few Frenchmen who have a considerable acquaintance with English literature; and he knows, for a foreigner, much of England. His knowledge, however, is of a kind which reminds me of a saying of one of my own countrymen. Somebody having, in his presence, praised a third person very highly for the extensiveness of his knowledge, "Yes," he replied, "he knows exactly enough of every subject to have the wrong opinion." Precisely of this kind is the knowledge which M. Chales possesses of England. He knows just enough to encourage him to entertain the most erroneous opinions. He knows just enough to believe that whatever he does not know, does not exist. He knows just enough to be able to read a work, by a writer of

¹*Journal des Débats*, 31 Oct., pp. 2-3; 21 Dec., pp. 2-3; and 26 Dec., 1833, p. 3, by "Cs.," i.e., Philarete E. Chales (spelled Chales by Mill) (1798-1873), journalist, librarian, and later professor at the Collège de France, labelled by Mill in private letters a humbug (*EL, CW*, Vol. XII, pp. 343, 346). He was reviewing *England and the English*, 2 vols. (London: Bentley, 1833), by Edward George Earle Lytton Bulwer (1803-73), novelist and statesman, and an associate of Mill's at the time. Bulwer's book contained material by J.S. Mill on Bentham (see *CW*, Vol. X, pp. 3-18 and 499-502) and James Mill (see *CW*, Vol. I, pp. 589-95).

acknowledged merit, abounding with descriptions and exemplifications of many of the most striking features in the social state of Great Britain, and to close the book without having received a single impression; never dreaming that he can have any thing to learn on the subject of England from an instructed and clever Englishman; setting down, in the quietest manner, as groundless and worthless, every thing in the book which goes beyond what he previously knew.

It would be ungracious in an Englishman to be severe on a foreigner for not being severe upon us. I am glad when a Frenchman praises the English; I am glad when, in a certain stage of his intellectual developement, he even overpraises us, as I am also when an Englishman, in the same stage of his progress, overpraises the French. It is a natural reaction against the national prejudice and antipathy from which both countries have but recently emerged. It is also a very natural middle stage in the expansion of an individual intellect. A vulgar person sees only the virtues of his own nation, only the faults of other nations: but when, ourselves beginning to rise above the herd, we first perceive the faults which are prevalent among our own countrymen, we are apt to pass into the contrary extreme, and to exaggerate the degree of positive excellence which is implied by the absence of those particular faults in other nations. While we continue bigoted, all we see in foreigners is, that they have not our virtues: when we become half-enlightened, we sometimes see only that they have not our faults, forgetting, or not sufficiently recollecting, that they have other faults which may be equally or more pernicious.

This last one-sidedness Mr. Bulwer may have partly fallen into; and even if, as I am more inclined to think, he is not justly chargeable with it, yet the tone of severe animadversion in which he speaks to his own countrymen of their national vices, might require to be modified if he were speaking of those same vices to foreigners; just as we should remonstrate with a brother or a friend in far stronger terms than we should use in speaking of the faults of that brother or friend to a stranger, who is not already familiar with their good qualities. A writer, therefore, who had to introduce Mr. Bulwer's book to the French public, would have had much to say in mitigation of the unfavourable impression which might be produced by such strictures on the English if taken without qualification. He might have said to the French reader, "Here is a powerfully drawn picture of the faults of the English character; but a character is not to be judged solely by its faults. The characteristic faults, both of an individual and of a people, always point to their characteristic virtues; and if you display the one without the other, you may produce either a panegyric or a satire, which you will, but not a fair judgment. By insisting, in the same manner, upon the faults of the French character, without placing by their side those excellences which are often the bright side of the very same qualities, a picture might be made of France as repulsive as Mr. Bulwer's picture of England, though with a different kind of repulsiveness."

Had M. Chales reviewed Mr. Bulwer's book in this spirit, he would have merited the thanks of both countries. But the course he has adopted is the very reverse. Instead of bringing forward the other half of the truth, he denies that half which Mr. Bulwer has so cleverly delineated. Instead of teaching France to know us, he teaches us not to know ourselves. Instead of using our example to improve his own countrymen, he will not allow us to be improved by theirs. Instead of pointing out to the French how much good, and good of the highest and rarest kind, and good which they are far from having yet equalled, coexists in England with all the evil which Mr. Bulwer describes, he boldly avers that the evil is *not* evil.

Such commendation of England is worse than the ancient antipathy. It is unnecessary for me, writing to you, to heap up common places on the importance of friendship and sympathy between two such nations; but we want you to sympathize in our virtues, not in our faults. The wiser and better of the English will not thank a Frenchman for stepping in with a denial or a vindication of all that they most disapprove in their own countrymen, all that they are daily and hourly struggling against, all that they are striving to make their countrymen ashamed of. The disposition to hold fast by a favourite vice does not stand in need of any foreign support. The moral teachers of England, those who are labouring for the regeneration of England's national character, might have hoped for aid and encouragement from the nobler spirits abroad; they are at least justified in presuming that they know their own country as well as M. Chales knows it, that they wish every jot as well to it, and are quite as unlikely to judge it harshly, where harshness is not deserved.

Mr. Bulwer has employed a large part of his work in contending against what every Englishman of the slightest elevation of soul has long cried out against, as emphatically and disgustingly our national vice: the universal and all-absorbing struggle to be or to appear rich, and the readiness to make any sacrifice of ease, comfort, or personal dignity, for the appearance of mixing with, or of being honoured with the notice of, the wealthy. For his spirited denunciation of this vice he is called to account by M. Chales in the following terms:

Supposez qu'un Anglais, qui sait que le commerce c'est toute la Grande Bretagne, et que le commerce sans la garantie de la propriété n'existe pas, écrive deux volumes pour se moquer de la propriété, pour la bafouer, comme fille aînée de l'égoïsme et comme mère de tous les abus; que penseriez-vous de lui?—Qu'il faut l'envoyer à la maison de force s'il est dans son bon sens, et à Bedlam s'il est en délire.—Envoyez-y donc M. Bulwer, l'auteur de *Paul Clifford*, de *Pelham*, et de *Devereux*, M. Bulwer devenu saint-simonien, M. Bulwer qui se moque de la propriété et qui n'épargne pas le commerce. Imaginez ce que ce serait qu'une Angleterre sans commerce, une Angleterre spartiate, qui croupirait dans son ignorance et dans son abrutissement. Le bel esprit M. Bulwer a des railleries très mordantes contre le patriotisme égoïste de l'homme qui aime son pays comme sa propriété personnelle. Tout ce que nous aimons, ne l'aimons-nous pas comme nous appartenant, ou comme devant nous appartenir? M. Bulwer fait des caricatures vives, grotesques,

coloriées, et s'attaque surtout au gros commerçant de la Cité, appuyé sur la colonne de chiffres et plein de son importance. Où serait, sans de tels appuis, la prospérité de la Grande Bretagne? Où seraient ses immenses fabriques, ses gigantesques usines, et ses admirables ports? Ces choses ne se font pas avec du dandysme et du bel esprit. M. Bulwer ressemble trop à ces sophistes Athéniens qui amusaient le peuple aux dépens de ce qu'il avait de meilleur et de plus utile, pour lui apprendre les jolies phrases, les images agréables, et les frivoles combats de la parole.²

We have heard of sophists, both at Athens and in other places, who have amused the people at the expense of what are usually considered to be "ce qu'ils avaient de meilleur et de plus utile," their love of virtue, their love of freedom, their love of their country, their love of the pursuits of intellect, their love of God. But this is the first time we have seen any one reproached with attempting to laugh his countrymen out of the love of money; the first time a people were ever warned not to let themselves be cajoled into laying down the desire to grow rich, or, as Mr. M'Culloch would phrase it, "the desire inherent in all mankind of bettering their condition,"³ by the allurements of "jolies phrases" and "images agréables." Would to God that there were in the world, that there had ever been in the world since it emerged from chaos, any people, any the smallest, paltriest tribe in the wildest, most inhospitable desert, among whom the danger lay on that side! Alas! it is not against such small weapons as a few declamatory phrases and *bons mots*, that the aid of moralists and politicians needs be invoked to strengthen a passion, against the excesses of which the highest degree of human culture yet attained is barely able to contribute some small counterpoise, and to neutralize some of its more detestable, of its more pitiable influences!

Did M. Chales ever know what it was to live in a country where the whole of life is but one incessant turmoil and struggle about obtaining the means of livelihood? where the grand object of the existence of him who has five hundred pounds a year, is to make them a thousand? of him who has one thousand, to make them two? of him who has two thousand, to make them ten? where next to *getting* more, the ruling passion is to *appear* to the world as if you had already got more, by spending or seeming to spend more than you have? where hardly any branch of education is valued, hardly any kind of knowledge cultivated, which does not lead in the directest way to some money-getting end? where whatever of any higher culture still forms part of the received systems of education, is strikingly in contrast with the spirit of the age, and is kept alive only by some remains of respect for old customs and traditional feelings? where

²Chales, 21 Dec., p. 3. The references are to Bulwer's novels: *Paul Clifford*, 3 vols. (London: Colburn and Bentley, 1830), *Pelham*, 3 vols. (London: Colburn, 1828), and *Devereux*, 3 vols. (London: Colburn, 1829).

³John Ramsay McCulloch, the economist. The quotation echoes his *Principles of Political Economy* (Edinburgh: Tait, 1825), p. 14, and his *Discourse on Political Economy* (Edinburgh: Constable, 1824), p. 10.

(except a few of the richest of all, who in every country lead idle and useless lives) scarce a man can be found who has leisure to think, leisure to read, leisure to feel? where such a phenomenon is scarcely known, as a man who prefers his liberty to a little more money, who, like so many thousands in France, can sit down contented with a small patrimony, affording him the necessaries and comforts of life, but nothing for ostentation, and devote himself to literature, politics, science, art, or even to the mere enjoyment of quiet leisure? where by most it would scarcely be deemed credible if it were told that such men existed? where one who professed to act upon such principles would be supposed either to have some purpose to serve by assuming a false character, or to have renounced wealth because wealth had renounced him, because he had not talents or industry to acquire it; or, in fine, to be an odd, eccentric, unaccountable person, bordering upon a fool or a madman? For, the mass of what, by a truly English expression, are called "the better classes," are quite unconscious of any thing peculiar in their eagerness for wealth; they suppose that it is natural, and that all other persons feel as they do; they do not philosophize on it, and make a theory to justify it; they leave that to their French apologist. And the truth is, it is not properly the love of money which is actuating them: in nine cases out of ten it is not properly a *passion* at all,—it is a mere *habit*; the acquisition of money is of such immense value in their eyes, not because they really care much for *it*, but because they care for nothing *else*. Where they are conscious of a motive, what they are aiming at is *consequence*: to keep up their importance in the eyes of others, by keeping up what almost alone gives importance in England, the appearance of a large income. But they are often unconscious even of this; they are following a blind mechanical impulse, which renders money, and the reputation of having money, the immediate end of their actions, without their knowing that it is so, far less why it is so, and they are merely astonished and incredulous when they meet with any one who acts as if with *him* the case were otherwise. But if their eyes could be opened to the real state of their own souls, if their imaginations could be cultured up to the bare perception of the existence of riches which are above money, and which money will not purchase, believe me they would be the last persons to make the kind of defence for themselves which M. Chales makes for them. If they knew what they lose by caring for nothing in the world but to "get on" in it, they would laugh at the bare idea of sacrificing the tranquillity of their lives for the sake of "la prospérité de la Grande Bretagne." Yes, it is too true that in England a man is but one wheel in a machine; and that the human race, judging from English experience, would seem to have been created in order that there might be "immenses fabriques," "gigantesques usines," and "admirables ports." But though this is the *result*, it is not the *intention*. A foreigner lands in London or Liverpool, and seeing such docks, such warehouses, such manufactories as he never saw before, thinks it vastly fine to belong to a country which has such things; but the merchant, or the

manufacturer, does *he* ever think of taking credit to himself for toiling and scraping in order that his country may possess docks and manufactories? The man has no such thought, nor would it afford him any solace if he had: he is only thinking, poor man, of how to escape from bankruptcy, or how to be able to move into a finer house, in a more fashionable quarter of the town.

If the writer to whom I am replying has never known such a country as that which I have endeavoured to place before his imagination, let him bless heaven that he has not; that he lives in a country where money, though it adds to a person's consequence, is not necessary to it; where a great thinker or a great writer is a more important individual than the richest landowner or banker; where any one who has a whole coat on his back, though he live in a single room on a fifth floor, is thought and thinks himself as fit for any society or any *salon* in the capital, and is treated on as perfect a footing of equality when there, as the richest man in the nation. Let M. Chales well meditate on these advantages, and if he would learn by contrast how to appreciate them, let him read Mr. Bulwer's book; for as yet, it is evident, he has but looked into it.

Does not he accuse Mr. Bulwer of having written his book expressly to decry the institution of property? of wishing to put an end to commerce? of demanding "une Angleterre sans commerce, une Angleterre spartiate, qui croirait dans son ignorance et dans son abrutissement?" Now, every person either in England or France who has read the book, knows that there is not in it, from beginning to end, so much as one word either against the institution of property or against commerce. It is only M. Chales who in his simplicity imagines, that whoever hints that the trading spirit and the love of money-getting can possibly exist in excess, must be an enemy to property and to commerce. All the moral writers who have ever lived, Greek, Roman, German, English, French, were all, according to this writer's curious definition, "Saint-Simonians."

Mr. Bulwer is occasionally superficial, and like all epigrammatic writers, frequently attains smartness at the expense of accuracy; he also occasionally temporizes with some classes of the enemies of improvement; but, with all its faults, his book is the truest ever written on the social condition of England; and the French may be assured, that although he misunderstands many of the smaller features of the English character, he has not in greater things at all overcharged the unfavourable side. Because he writes with perhaps somewhat too visible an aiming at effect, M. Chales accuses him of attempting to make fallacies pass by means of lively writing; unconscious that the very liveliness of the writing is acting upon himself in quite the contrary way: *he* thinks the observations must be shallow *because* they are brilliantly expressed. Mr. Bulwer's English readers have, I make no doubt, been very generally impressed in the same manner. It would be a great mistake to suppose that frivolity of manner in this country prepossesses readers in favour of an author's opinions; on the contrary, it excites a prejudice against them. But Mr. Bulwer probably thought it better to be read,

even at a disadvantage, than not to be read. Such is the choice a writer usually has to make, in addressing himself to English readers, at least of the higher and middle classes. If his mode of writing be lively and amusing, they distrust all he says; if he be *not* amusing, they do not read him at all.

I could easily prove to you by examples that the necessity of being amusing is the cause of almost every blunder in Mr. Bulwer's book, even in matters of fact. For the sake of being amusing, he could not be content to discuss, he thought it necessary to paint. But, for a picture, details are necessary as well as outlines: and the details which were requisite for correctly filling up the picture, Mr. Bulwer often did not know. This is particularly conspicuous in all that he writes about France. Thus, to take one instance among many, Mr. Bulwer dwells much, and with reason, on the characteristic fact (a fact connected with many other differences between the two countries) of the great personal consideration possessed in France by the leading journalists, while in England men are ashamed rather than proud of a connection with even the most successful newspaper. Almost all Mr. Bulwer's general remarks on this subject are just and pertinent; but he must needs illustrate his assertions by an imaginary conversation between a supposed editor of *The Times* and M. Bertin de Vaux. In this conversation there are some clever traits of satire, but the part which is borne in it by the representative of French journalism must, by every Parisian who reads it, be felt as laughably incongruous and absurd; the *smallest* blunder being that M. Bertin de Vaux, peer of France, late deputy for the department of Seine et Oise, is confounded with M. Bertin *l'ainé*, principal editor and responsible manager of the *Journal des Débats*.⁴

This reminds me of a most portentous piece of ignorance of the state of society in England which M. Chales displays, in conjunction with a curiously perverse misapplication of a true principle. We are all familiar with that kind of philosophic pedantry, which, when it has got hold of a few truths which it conceives to be a test of superiority over the vulgar, applies them *à tort et à travers*, and sees proof of ignorance of them in the bare fact of maintaining an opinion different from its own on any subject. Thus M. Chales declares Mr. Bulwer to be entirely mistaken in deeming the position of a man of letters to be a more desirable one in France than in England; and then favours his readers with a column and a half of observations on the intrinsic worthlessness of the character of a mere man of letters, a writer by profession, a hack, who does not write because he has something to say, but who must find something to say in order that he may write, and by writing may obtain food or praise.⁵ Undoubtedly, this

⁴*England and the English*, Vol. II, pp. 36-40. Louis François Bertin de Vaux (1771-1842), a peer since 1832, is (not surprisingly, since they shared the same names) mistakenly confused with his brother, Louis François Bertin, called *l'ainé* (1766-1841), proprietor and editor of the *Journal des Débats*.

⁵Chales, 26 Dec., p. 3.

is a character of no great worth or dignity, and the observations of M. Chales on the subject are perfectly just, and the more just the more out of place; for, as M. Chales ought to have well known, Mr. Bulwer was not complaining of any neglect shown to such literary hacks, who, on the contrary, are almost the only prosperous persons among our public writers; but of the almost insuperable obstacles with which those writers have to struggle who are *not* mere "*hommes de lettres*," but *students*, giving forth to the world the fruits of their studies; and the very inferior estimation in which intellectual pursuits and intellectual eminence are held, in whatever manner exemplified.

It is a fact, that of all the men of scientific eminence now living in Great Britain, whether eminent in moral and political or in mathematical and physical knowledge, there is scarcely one who, if he wanted a subsistence, could gain it by his scientific pursuits. The consequence is, that the finest scientific talents are, in the present state of society, almost lost to the world. Except the one or two in a hundred who possess an independent fortune, all the men of high philosophical intellect in Great Britain depend for food and clothing upon the vulgar pursuits of some mechanical business, which could be quite adequately performed by persons with none, or with a far smaller share of their exalted qualities; and are able to devote to their higher calling only the few leisure hours left them by the intense competition of the multitudes who, for a little bread, are willing to labour incessantly without any leisure at all.

Among "men of letters" it is upon such persons as these that the defects in the present state of society in Great Britain fall the most heavily. As for the hack writers, whom M. Chales with so much justice condemns, *they*, in a world which, whether it confesses it or not, is really governed by the press, can always, by skilfully playing upon the meaner passions of the public or of particular classes, reap a tolerable pecuniary harvest. Of consideration indeed they have little, and deserve, if possible, less; and this brings me to the statement of M. Chales which I characterized as a portentous piece of ignorance. He says:

M. Bulwer, toujours un peu frivole, a signalé entre la France et l'Angleterre des différences imaginaires. Le rang qu'il attribue à l'éditeur d'un journal français, est tout à fait illusoire. En Angleterre, comme ici, lorsqu'un journal est bon, qu'il représente une masse d'opinions accréditées, et qu'il en est l'organe non seulement fidèle mais actif, mais spirituel, mais éloquent, il devient centre, il conquiert de l'autorité, il influe même sur l'Etat. Le chef et l'âme d'une telle entreprise s'arme d'un pouvoir qui correspond non seulement à la force de l'opinion qu'il représente, mais au degré de talent qu'il déploie et dont il s'entoure.⁶

Mr. Bulwer, not being a fool, did not call in question any thing so obvious as that in every country where newspapers exist, a powerfully written and widely circulated newspaper must have great influence. Some of our newspapers are, as

⁶*Ibid.*

M. Chales truly says, powers in the state. But this influence of the press does not show itself in the shape of respect and consideration for those who wield that great empire; their power resembles that which, in a despotic country, is sometimes exercised by a low-born and disreputable favourite, who is at the same time dreaded and despised. I am not afraid of being contradicted by any Frenchman when I say, that in France the profession of a political journalist is one of the most honourable and most honoured which a man of powerful intellect and popular eloquence can exercise; it is a road to public dignities; a career by which a man who is suitably endowed by nature and education, rises to a position from which he might at his pleasure be a deputy or a minister, if he were not conscious of being already much more than a deputy, or even than a minister: and as men, previously unknown, may and continually do rise to eminence by this profession, so do men already eminent avowedly engage in it, without any other feeling than that they are raising, not lowering, their personal importance and rank. Now, I request it of you, show this which I have just written to any English friend, and hear what he will say. If I were to publish it to all England, I doubt if there would be found a hundred persons in the whole country who would not utterly disbelieve the statement. Englishmen cannot conceive that journalism can be anything but a rather low and disreputable *trade*. No man of any rank or station in society likes it to be known or suspected that he has anything to do with a newspaper. In France there are editors of daily journals, any one of whom may be considered as individually the head, or at lowest the right hand, of a political party: in England no journalist, however popular, is esteemed anything higher than the powerful and formidable but rather dangerous and disagreeable *sting in its tail*.

Like all despised classes, they, for the most part, merit their fate. A man of talents condemned to disrespect, generally becomes deserving of it; and makes his talents profitable to himself in such ways as are left open to him, not restrained by the fear of forfeiting the consideration he cannot look to have. In France a journalist of eminent talents, like a deputy of eminent talents, may at the worst have it presumed that the seductions to which he yields are those of a lofty ambition: but if an English journalist is unprincipled, the interest which actuates him is of the most grovelling sort; mere gain. A journalist in England is considered as an adventurer: and in most instances the estimation is just. There are honourable exceptions: men more high-minded, disinterested, and patriotic, than some editors of English newspapers, are not to be met with. But they are not sufficiently numerous to redeem the character of their class. Its reputation they could not redeem if they were five times as numerous. For in England every one who takes part in politics, and who is poor, is presumed to be an adventurer: and in England every one is considered poor who is not rich. In England there is some faith in that kind of public virtue which consists in not being corrupted, but none whatever in that kind which makes the public concerns its own, and devotes

its life to them: consequently, if a man appears to make politics his occupation, unless he is already extremely rich, it is always taken for granted that his object is merely to get money.

However great the power exercised in England by the press—and it is a constantly increasing power—there must be a thorough change in the circumstances of society in Great Britain, before the profession of a writer will possess that sort of consideration and respectability which is now possessed, for instance, by the highly *gentlemanly* profession of the bar. The moral revolution, of which one of the many effects would be to exalt public writers to a station and consequence proportioned to their real power, might be mightily accelerated by their own efforts; but our men of letters have in general no consciousness of being below their proper station; they are too morally abject to be worthy of, or even aspire to, a higher.

But I must pause. Were I to comment upon every unfounded assertion of M. Chales at as much length as I have in this one instance, my criticism would be nearly three times as long as his three articles combined. I will let him off with a remark or two upon one more topic.

One of Mr. Bulwer's complaints is that moral philosophy, the philosophy of man's spiritual nature, his intellect, his feelings, and his duties, meets with little cultivation in England.⁷ To this M. Chales makes answer: "Tant mieux, mille fois; la morale scientifique, divisée par chapitres, la morale de parade, m'ennuie; elle est stérile autant que pompeuse: la morale pratique est la seule bonne," &c. &c.;⁸ and wisely tells us that discussions and subtleties on morals are not morality, and that Greece, Rome, Italy, &c., were least moral, in the ages in which morality was most talked about. True; and if M. Chales can establish that the neglect of moral science in England arises from our being in a state of primeval simplicity, in which a few great and fixed principles of morals are universally acknowledged and firmly rooted in our hearts, and that it is from the unswerving firmness of our habitual regard for our duty that we consider all discussion of it superfluous, I shall agree with him that his fine talk is strictly to the point and altogether conclusive. But it argues no small share of primitive simplicity in M. Chales, that he should ascribe to us that sort of virtue which consists in the ignorance of evil. The fact is, M. Chales is completely *out* in his philosophy; he has confounded the *effect*, or rather *symptom*, and eventual *remedy*, of a decline in public morals, with the *cause*. The Greeks and Romans did not become immoral by theorizing on morals, though they did not (perhaps) begin to theorize on morals until they were becoming immoral. When ethical speculations come into vogue, it is generally symptomatic of a decay, or at least (in the medical sense) a *critical period* in a nation's morals. And why so?

⁷Bulwer, Vol. I, pp. 364-72.

⁸Chales, 21 Dec., p. 3.

Because it is a proof that the people are no longer united by a common faith; that the popular creed has begun to give way before the progress of knowledge. But there never was, and never will be, a virtuous people, where there is not unanimity, or an agreement nearly approaching to it, in their notions of virtue. The most immoral periods in a nation's history are always the sceptical periods, when the old convictions are dying away, and no new ones having yet taken their place, each person "does what is right in his own eyes;" and as in those periods alone the doctrines of morals appear to *require* discussion, those are the only times when (except among casuists by profession) the discussion and the study of them comes into vogue. Such is now the case in Germany and France; but in England we are unfortunately in the predicament of having the will without the remedy. We *have* thrown off, or are rapidly getting rid of, our old convictions, and are not forming new. We *have* the diversities of opinion, the noisy conflicts; we do dispute on morality, but we do *not* philosophize on it, simply because we do not philosophize upon any thing—it is not our way; we set no value on systematic thought. This Mr. Bulwer blames us for, and surely with no little reason. I wish M. Chales would point out to us how, except by the inquiries and studies which he condemns, we can ever recover from the state which he laments; how, except through moral philosophy, we can ever hope to arrive again at unity in our moral convictions, the necessary preliminary to any elevation of the standard of our moral practice. Unless, indeed, we may permit ourselves to hope for a fresh revelation from heaven, which M. Chales, I presume, will hardly be bold enough to prophesy.

And now I must bring to a close these desultory observations, which yet I hope may not fail to answer, in some degree, the purpose for which they were written.

A.

256. SARAH AUSTIN'S TRANSLATION OF COUSIN

EXAMINER, 1 JUNE, 1834, PP. 341-2

Cousin's original work, *Rapport sur l'état de l'instruction publique dans quelques pays de l'Allemagne, et particulièrement en Prusse* (1832-33), new ed. (Paris: Levrault, 1833), was the result of his investigations made under a commission from Montalivet. Sarah Austin (1793-1867), wife of John Austin and teacher and friend to Mill, was an indefatigable translator who had in 1832 alone published Sismondi's *A History of the Italian Republics* and Pückler-Muskau's *Tour in England, Ireland and France* (2 vols.) and *Tour in Germany, Holland and England* (2 vols.). Mill's review of her present translation, in the "Literary Examiner," is headed "*Report on the State of Public Instruction in Prussia*;" addressed to the Count de Montalivet, Peer of France, Minister of Public Instruction and Ecclesiastical Affairs. By M. Victor Cousin, Peer of France, Councillor of State, Professor of Philosophy, Member of the Institute, and of the Royal Council of Public Instruction. Translated by Sarah Austin. [London:] Effingham Wilson,

Royal Exchange. [1834.]” In Mill’s copy of the *Examiner* in Somerville College, the item is listed as “Review of Mrs. Austin’s Translation of Cousin’s Report,” with one correction: at 728.20 “cultivation” is corrected to “combination”. The review is not listed in Mill’s bibliography, which, however, lists another review of the same work in the *Monthly Repository*, n.s. VIII (July 1834), 501-13 (*CW*, Vol. XXI, pp. 61-74). In that review Mill quotes a passage also quoted here; see 729^{a-a}.

THIS LITTLE VOLUME, and an article in *Blackwood’s Magazine* for July 1833, on the Prussian Government,¹ are signal memorials of that standing miracle, as we might well call it if we judged from English or French experience—a Government of which the pervading principle is the public good. The article in *Blackwood* shows how, in about twenty years, in the quiet course of peaceful legislation, two great ministers, Stein and Hardenberg, have scoured the country of abuses; and effected not only a complete clearing-out of feudal privileges and obsolete restrictions, but by the degree in which the people are associated in their own government, laid as fair a foundation for the habits and feelings of a free people, as France has purchased by all her terrible convulsions.² In M. Cousin’s Report, again, we behold the animating spectacle of a government making the civilization, and moral and intellectual culture of every human being among its subjects, one of the direct objects of its own existence; and exhibiting in the pursuit of that object, a combination, probably never seen in any other human government, of wisdom in the choice of means, of patient energy in the employment of them, and of that spirit which the politicians of all other countries despise, that which

... Tempers with the sternness of the brain
Thoughts motherly and meek as womanhood.³

The moral to be deduced from the admirable spirit and working of the Prussian

¹George Moir, “Prussia, or the Progress of Rational Reform,” *Blackwood’s Magazine*, XXXIV (July 1833), 55-71.

²Heinrich Friedrich Karl, Baron von Stein (1757-1831), and Prince Karl August von Hardenberg (1750-1822), leading Prussian statesmen, who instigated a wide variety of reforms. Stein, for instance, abolished villeinage and all distinctions in land tenure and occupations (No. 16 [9 Oct., 1807] in *Sammlung der für die Königlichen Preussischen Staaten erschienenen Gesetze und Verordnungen von 1806 bis zum 27sten Oktober 1810*, pp. 170-2), converted hereditary leaseholders into proprietors (No. 41 [27 July, 1808], *ibid.*, pp. 245-50), and reformed the magistracy in towns and villages (No. 57 [19 Nov., 1808], *ibid.*, pp. 324-60). Hardenberg also reformed the land laws, standardized taxation, and moved towards free trade (No. 2 [27 Oct., 1810], in *Gesetz-Sammlung für die Königlichen Preussischen Staaten, 1810*, pp. 24-31; No. 3 [28 Oct.], *ibid.*, pp. 33-9; No. 4 [28 Oct.], *ibid.*, pp. 40-76; No. 482 [26 May, 1818], *ibid.*, 1818, pp. 65-9; and No. 602 [30 May, 1820], *ibid.*, 1820, pp. 72-80), and, in instituting three-year military service, made advancement depend on merit (No. 245 [3 Sept., 1814], *ibid.*, 1814, pp. 79-82).

³William Wordsworth (1770-1850), “I grieved for Buonaparté” (1801), in *Poetical Works*, 5 vols. (London: Longman, *et al.*, 1827), Vol. III, p. 130.

Government is manifold; and to evolve it in all its entirety from the facts, as well as to press again and again upon the notice of England such of these as are best calculated to fill her rulers and people with shame at being so far outdone by the government of an absolute king, is an occupation which ought to be neglected by no writer of any pretensions to comprehensive views, or an enlightened public spirit, and shall not be by us. We can in no manner so much forward this object as by recommending to attentive perusal this translation of M. Cousin's Report, by a lady with whose ability as a translator the public are already familiar. All who (we may say it deliberately) having the means of access to this work, do not read it, either in the original or in the translation, are indifferent to the highest interests of their country and of universal improvement.

The remainder of what we have to say, cannot be better said than in the words of the accomplished translator, whose preface has afforded us more pleasure than any composition of equal length which has appeared for years.

"Constituted as the Government of this country is, and accustomed as it is to receive its impulses from without (a state of things approved and consecrated by the national ways of thinking), it would be contrary to reason and to experience to expect it to originate any great changes. This is not recognised, either by governors or governed, as any part of its duty. It is to the public mind, therefore, that those who desire any change must address themselves."^a

It is not worth while at the present day to discuss, whether or not national education be a good. It is possible to imagine a state of society in which the labouring man, submissive and contented under some paternal rule, might dispense with any further light than such as nature, uncorrupted by varied wants and restless competition, might afford him. But if that golden age ever existed, it is manifestly gone, in this country at least, for ever. Here, the press is hotter, the strife keener, the invention more alive, the curiosity more awake, the wants and wishes more stimulated by an atmosphere of luxury, than perhaps in any country since the world began. The men who, in their several classes, were content to tread step for step in the paths wherein their fathers trod, are gone. Society is no longer a calm current, but a tossing sea. Reverence for tradition, for authority, is gone. In such a state of things, who can deny the absolute necessity for national education?

Supposing, however, all agreed as to this first point; how many weighty and difficult questions still remain! How many obstacles present themselves to the adoption of that which here stands before us, not in theory and conjecture, but in tried and successful practice! It may be useful to consider a few of these objections.

And, first—As to compulsory education, the idea to which I have alluded above—the prime excellence of a government is, to let alone—is so deeply and universally prevalent here, that there is little chance of a measure, however beneficent, being popular, which is, unquestionably, an infringement of liberty. Leaving, however, the question, whether exemption from restraint is, of itself, the great desideratum for *men*,* we may

*Why *men*? The logical opposite of *children* is *grown persons*. From an imperfection in our language (not found in the French) there is often almost a necessity for using the masculine *pronoun* where both sexes are equally concerned, but seldom the masculine *substantive*. The effect upon the mind of this phraseology is bad; it encourages the habit of *passing by* one-half of the race as not concerned in its highest interests, and we should have been pleased if a woman had avoided sanctioning the practice by her example.

^a—[quoted in review in *Monthly Repository* of July 1834; see CW, XXI, 64]

safely affirm, that for the class most deeply interested in the present inquiry, *children*, no such exemption is, or can be, contemplated or advised. The real point at issue is, whether the constraint shall be a salutary or a pernicious constraint, a constraint by which their whole future lives are sacrificed to the present interests of the persons who have the disposal of them; or a constraint, the object and tendency of which is to secure to them for life the blessings of physical, moral, and intellectual health. "If children," says the writer of the excellent article in the *Foreign Quarterly Review* (No. xxiv) "provided their own education, and could be sensible of its importance to their happiness, it would be a *want*, and might be left to the natural demand and supply; but as it is provided by the parents, and paid for by those who do not profit by its results, it is a duty and is therefore liable to be neglected."⁴

The interference which Government has lately exercised on behalf of the children of the manufacturing population has, however, settled the question as one of principle. It is no longer anything but a question of degree; for, if the right of parents over their children can be invaded for the purpose of securing to children an exemption from one class of evils, it can in averting another; and, according to all sound reasoning, it might, if those evils be shown to be of sufficient magnitude to claim interference. It is irrational to expect, that persons who have not had the advantages of education, can form any estimate of the nature and extent of those advantages. Are, then, the rudeness and apathy of the fathers a reason for transmitting them unaltered to the children? Or, to go higher, are the false notions, the useless acquirements, the imperfect instruction, of the ill-educated of the wealthier sort a reason that, because they are satisfied with themselves, an enlightened Government should permit the same waste and destruction of moral and intellectual faculties to go on from generation to generation? [Pp. viii-xi.]

We subscribe perfectly to the justice of this finely thought and expressed defence of the compulsory principle in education; but we require, as a preliminary condition to the adoption of that principle here, what already exists in Prussia, a Government which deserves, and has, the perfect confidence of the people in its good intentions.

Another misconception, which appears to me common in this country, is, that the system of national education delineated by M. Cousin, is some new plan or mode of teaching. I have even seen objections made to it in print, on the score of the tyranny of compelling parents to educate children on this or that "method" approved by government.⁵ It might seem sufficient to refer such objectors to the book, but unfortunately this process is tedious, and in the meanwhile the reader, who supposes they are acquainted with what they discuss, is misled. Not only (as will be seen in this report) is every parent at full liberty to educate his children either in his own house, or at a private school, or at the schools provided by the state; but these latter schools are not even bound to any particular books, or modes of tuition, "in order," as the law expresses it, "to impose no shackles on the constant onward course of improvement." The choice of books is left to the masters and the local committees appointed by government for the immediate superintendence of schools, and consisting chiefly of fathers of families resident in the parish which supports the school. The conferences of schoolmasters, which, though

⁴"Cousin's *Report on the Prussian System of Education: Necessity and Practicability of a National System of Education*," *Foreign Quarterly Review*, XII (Oct. 1833), 285; attributed to Austin herself in the *Wellesley Index*.

⁵See No. 126.

voluntary, are encouraged by the government, are also for the express purpose of comparing their views and their experience, and thus carrying forward the improvement of the schools. Whenever a choice of schools is within the reach of parents, that choice is left perfectly free; and on the grand subject of religious differences, it will be seen that nothing can exceed the anxious care of the government that the most delicate conscience should not be even alarmed, much less oppressed. "Masters and inspectors," says the law, "must most carefully avoid every kind of constraint or annoyance to the children on account of their particular creed," &c. [Pp. xiv-xv.]

The sentiments expressed in the following passage reach far beyond the subject immediately before us. We joyfully assist in giving them currency:

It has been asserted by some persons, with an ignorance which, if it be sincere, is so shameless, that it almost deserves to be confounded with dishonesty, that the tendency of the system recommended by M. Cousin is anti-religious.⁶ To this every page of the book is an answer. Indeed, were I to express a fear on this head, it is, that it is far too religious for this country; that the lofty, unworldly tone of feeling, the spirit of veneration, the blending of the love of God, and of the good and the beautiful with all the practical business and the amusements of life, is what will hardly be understood here, where religion is so much more disjointed, both from the toils and from the gaieties of life. To me it appears that there is not a line of these enactments which is not profoundly religious. Nothing, it is true, is enjoined as to forms or creeds; but, as M. Cousin truly says, "the whole fabric rests on the sacred basis of Christian love."⁷ As the most affecting, and I must say, sublime example of this spirit, I refer my readers—especially the humbler and, as I hope, more numerous class of them—to the description of the little schools for training poor schoolmasters in such habits and with such feelings as shall fit them to be the useful and contented teachers of the humblest cottagers of the most miserable villages.⁸

Here is poverty, to which that of many among our working classes is affluence; and it is *hopeless*, for no idea is held out of advancement or change. Yet, if ever poverty appeared on earth, serene, contented, lofty, beneficent, graceful—it is here. Here we see men in the very spring-time of life, so far from being made—as we are told men *must* be made—restless and envious and discontented by instruction, taking indigence and obscurity to their hearts for life; raised above their poor neighbours in education, only that they may become the servants of all, and may train the lowliest children in a sense of the dignity of man, and the beauty of creation, in the love of God and of virtue.

I confess myself almost hopeless of the transplantation of such sentiments hither. Religion is made the theme of the fiercest and most implacable contention; mixed up with newspaper squabbles and with legal discussions; her bright and holy garments are seized and soiled by every angry and ambitious hand. [Pp. xv-xvi.]

We conclude our extracts with the following recommendation of normal schools, an institution which our ministry is all but pledged to naturalize here, and must not be suffered to rest until the pledge is redeemed:

Time and experience have, it is to be supposed, nearly removed the illusion of "mutual

⁶See Daniel O'Connell, Speech on National Education (30 July, 1833), *PD*, 3rd ser., Vol. 20, cols. 169-70.

⁷Cf. Austin's translation of Cousin, pp. 170, 182, and 288-91.

⁸See *ibid.*, pp. 171-82.

instruction" as a substitute for the instruction communicated by a mature to an immature mind:—as an auxiliary in certain mechanical details, no one disputes its utility. Observation long ago convinced me of the entire truth of the maxim laid down by the Prussian government, and approved by M. Cousin, that "As is the master, so is the school!"⁹—A system of education is nothing without an unfailing supply of competent masters. It is the fashion to apply the "free trade" maxims to everything. Reasons enough present themselves why such maxims are wholly inapplicable to this matter. It may, once for all, safely be denied, that the public can be judges of the quality of teachers, as they are of bread or of shoes. To this the hundreds of children in the middle classes, whose whole childhood is consumed in experimental wanderings from school to school, and the thousands and ten thousands of the lower, whose parents know little more than the fact that they pass a certain number of hours daily in a given room, can bear witness. The evil is an irreparable one. Not only is the portion of time consumed in a bad or imperfect school irrevocably gone; bad habits of all kinds are acquired, which no future education can entirely eradicate. The candid and rational among the less educated classes are glad to be aided by the friendly judgment of their more instructed neighbours on this point; and would, I doubt not, readily admit the advantage of having some better security than their own opinion, or rather conjecture, for the competency of the instructors of their children.

In every country where primary instruction has been carried to any height, the necessity of establishments of this kind has been felt. [Pp. xviii-xx.]

257. FRENCH NEWS [98]

EXAMINER, 1 JUNE, 1834, p. 345

The item is headed "London, June 1, 1834." This and Nos. 258, 260, and 262 are described in Mill's bibliography as "The summary of French News in the Examiner of 1st, 22d, and 29th June, and 6th July 1834" (MacMinn, p. 41). In Mill's copy of the *Examiner* in Somerville College, this item is listed as "Paragraphs on France."

THE FRENCH LEGISLATURE has been first prorogued, and then dissolved;¹ though it has only sat for three years it has voted five annual budgets,² and is therefore considered to have attained the termination of its lawful existence.

Thus has a Session closed which has been productive of nothing but taxes, and laws for the suppression of insurrections.

⁹*Ibid.*, pp. 280-1.

¹It was both prorogued and dissolved on 24 May (*Moniteur*, 1834, p. 1341).

²In addition to those for 1831, 1832, 1833, and 1834 (all previously cited), that for 1835 (Bull. 126, No. 283, dépenses [23 May, 1834], and Bull. 127, No. 286, recettes [24 May, 1834]).

258. FRENCH NEWS [99]

EXAMINER, 22 JUNE, 1834, P. 393

This item is headed "London, June 22, 1834." For Mill's bibliographic entry, see No. 257. In Mill's copy of the *Examiner* in Somerville College, it is listed as "Article on France."

WE HAVE OBSERVED with great regret the announcement of the accidental death, by the oversetting of a boat at Rouen, of M. Conseil, one of the editors of the *National de 1834*.¹ France knows not the extent of the loss she has sustained by the premature death, at an early age, of one of her most valuable citizens. M. Conseil was one of the most instructed and clear-headed men in France, one who combined the attainments and high qualities of an Englishman and a Frenchman; and no man was more earnestly devoted to the good of his country and the cause of human improvement.

The same unfortunate accident had nearly been fatal to the only other man in France, perhaps, whose loss would have been a still greater calamity—M. Armand Carrel.

A profligate jury has, in contradiction to the strongest evidence, condemned Messrs. Gervais and Guillemot for publishing the details of some of the horrible outrages perpetrated upon defenceless prisoners by the Citizen-King's Police; but the publicity of the proceedings has answered the purpose of a complete exposure.²

259. THE NEW COLONY [1]

EXAMINER, 29 JUNE, 1834, P. 403

This return to an old theme (see No. 88) is a leader in the "Political Examiner," headed as title; see also Nos. 261, 263, and 271. The article is described in Mill's bibliography as "An article headed 'The New Colony' in the Examiner of 29th June 1834." In Mill's copy of the *Examiner* in Somerville College, it is listed as title.

¹Conseil died on 16 June (*Moniteur*, 1834, p. 1443).

²Gervais had written a letter on 20 Apr. for the *Messageur des Chambres*, first printed in full in the *National de 1834*, 23 Apr., p. 3. for which he and Hercule Gilbert Marie Guillemot, the managing editor of the *Messageur*, were tried before the Cour d'Assises de la Seine on 10 May, and found guilty (*National de 1834*, 11 May, p. 4). The news seems not to have reached Mill that, on appeal, while Gervais was condemned to two months' imprisonment and a fine of 500 francs, Guillemot was acquitted (*ibid.*, 11 June, pp. 2-4, 12 June, pp. 3-4, 13 June, pp. 2-4; *Moniteur*, 1834, p. 1426).

WE HAVE HAD GREAT PLEASURE in learning that the enlightened views of Colonization, so long pressed upon the notice of the public by the author of *England and America*,¹ by Mr. Gouger, and others, are about to be realized in the formation of a Colony at the mouth of the newly-discovered river in Southern Australia. The founders of the Colony are men of high public character, including a large proportion of the people's best friends in the House of Commons. The names of Whitmore, Grote, Clay,² and others, are a guarantee to the public of the honesty and patriotism of the undertaking, and many other names connected with it are a strong assurance of its probable success as an investment of capital.

The full concurrence and cordial aid of Government is extended to the enterprise, which will, however, be conducted at the sole charge of the projectors, without any expense to the State. Mr. Spring Rice has, we are informed, evinced throughout the affair a degree of intelligence, public spirit, and superiority to the influences of official routine, most honourably distinguishing him from those of his predecessors to whom the project had been previously submitted.³

A public meeting will be held to-morrow (Monday) at Exeter Hall, Mr. Whitmore in the chair, to explain the principles on which the Colony will be founded;⁴ and all should attend the meeting who would wish to hear a most instructive analysis of the causes of the success or failure of former colonizations, and the grounds on which the present may be expected not only to advance to prosperity with unexampled rapidity, but, for the first time in the history of colonization, to afford a sensible relief to the overcrowded labourers and capitalists of the mother country.

We shall discuss the subject at some length in our next paper.

¹Wakefield had not yet acknowledged his authorship of *England and America*.

²George Grote (1794-1871), banker and intimate friend of James and J.S. Mill, M.P. 1832-41 for the City of London, later famed for his *History of Greece*; William Clay (1791-1869), M.P. for the Tower Hamlets 1832-57, author of pamphlets on banking and other economic questions.

³Thomas Spring-Rice (1790-1866), M.P. for Limerick 1820-32, and for Cambridge 1832-39 (when he became Baron Monteagle), had been Secretary of the Treasury 1830-34, and had just been appointed Secretary for War and the Colonies. His predecessors are identified at No. 261, n2.

⁴The *Morning Chronicle* reported on 1 July that 2500 people attended the meeting on 30 June.

260. FRENCH NEWS [100]

EXAMINER, 29 JUNE, 1834, P. 409

This item is headed "London, June 29, 1834." For Mill's bibliographic entry, see No. 257. In Mill's copy of the *Examiner* in Somerville College, the article is listed as "Paragraph on France."

THE FRENCH ELECTIONS have nearly concluded: when the returns are complete, we will furnish an analysis of them.¹ The result, as was anticipated, is a great increase of the strength of the ministerial party; the general anticipation, even of those who care for nothing but tranquility, seems to be that this success by increasing the foolhardiness of the present Government, will in reality diminish its security. The Funds instead of rising, actually fell.

261. THE NEW COLONY [2]

EXAMINER, 6 JULY, 1834, P. 419

This account is an answer to a leading article on the South Australia Association in *The Times*, 2 July, pp. 4-5, in response to the public meeting of 30 June organized by proponents of the emigration scheme (see No. 259). A leading article in the "Political Examiner," headed as title, it is described in Mill's bibliography as "An article headed 'The New Colony' and signed A.B., in the Examiner of 6th July 1834" (MacMinn, p. 41). In Mill's copy of the *Examiner* in Somerville College, it is listed as title, with one correction: at 735.30 "had previously in view" is altered to "had in view".

THE TIMES has declared war against the New Colony. Everything in the shape of an argument which is urged by the *Times* against this project, proves only that the writer has not read what has been written about it, nor understands the grounds on which it is supported. From the credulity with which he swallows a suggestion of a correspondent, that the Australian scheme is connected with the Poor Law Bill,¹ we infer that he believes this plan of Colonization to be now for the first time brought forward. It has, on the contrary, been pressed upon the notice of the public with great perseverance for several years. It was under the consideration of Sir George Murray, when Secretary for the Colonies; his successor, Lord Goderich, for some time had in view the adoption of it; Mr. Stanley also was in communication with the South Australian Association, and was understood to be

¹The elections began on 21 June; the final returns (except for Corsica) appeared in *Moniteur*, 1834, pp. 1495-7. For Mill's comments, see No. 262.

¹"Anglicanus," "Poor Law Report—Emigration," *The Times*, 8 May, 1834, p. 6.

favourable to the project.² The merits of the plan are indeed so clear and so striking to any one who will examine it, that it has triumphed over the strongest prepossessions. Except Mr. Wilmot Horton,³ almost every one who, beginning with an unfavourable opinion, nevertheless gave his mind to the subject, has ended by changing that opinion to a favourable one; of this fact, two of the speakers of the meeting last Monday, Col. Torrens and Mr. Poulett Scrope, are examples;⁴ and we believe that the same thing would happen to the writer in the *Times*, if he deemed the subject worthy, as it surely is, of attentive consideration.

The grand recommendation of this scheme of Colonization is, that it is a plan of making emigration pay its own expenses. Every one admits, and every one must admit, that if a portion of our labourers could be removed from the country, where they are now earning a scanty and precarious subsistence, and placed in a new and fertile country, under the best arrangements which could be desired for giving the greatest possible productiveness to their labour, the surplus of what they would there produce, above what they can produce in their present situation, would form a fund sufficient, in a year or two at farthest, to repay with interest the whole expense of their emigration. Now, this fund, by the present scheme, is to be taken hold of by the State, by a very simple mode of taxation, the sale of public lands. And thus the expenses of emigration will be paid for out of the increase to the general wealth of the world, produced by emigration itself; the increased produce of the emigrant's own labour will be made available to pay the expenses of his emigration.

But for this purpose an advance of money is necessary; the emigrant's passage cannot be paid for out of the funds which are to be afterwards produced by his labour. It can only be paid for out of monies raised by loan *on the security* of that future fund. And yet the *Times* cries out against the power given to the King's Commissioners to raise money by loan, for carrying out the first emigrants.⁵ According to the *Times*, this proves that fraud is intended, and that the funds to be raised in the Colony will not be sufficient for emigration. The *Times* forgets that before any funds can be raised in the Colony, the Colony must exist, and that until the first emigrants go out, there is no Colony.

The working of the scheme will be as follows. A sum of money, say 100,000*l.*, is raised on the security of the sale of lands. With this sum a great supply of labour is taken out; this *certain* supply of labour induces capitalists to

²The Colonial Secretaries before the incumbent, Spring-Rice: Murray, 1828-30; Robinson (Lord Goderich), 1830-33; Stanley, 1833-34.

³Robert John Wilmot Horton (1784-1841), M.P. for Newcastle-under-Lyme 1818-30, Under Secretary for War and the Colonies 1821-28, an active pamphleteer, frequently aired his views on emigration in the Commons. See, e.g., *PD*, n.s., Vol. 18, cols. 1547-57, 1567.

⁴The speeches on 30 June by Scrope and Torrens are reported in "South Australian Association for Emigration," *The Times*, 1 July, 1834, p. 4.

⁵*Ibid.*, 2 July, 1834, pp. 4-5.

emigrate (many have already expressed that intention); these capitalists will purchase lands, and the proceeds of the sale, after paying the interest of the loan, will be employed in carrying out more labour. This, again, leads to further purchases of land, and the price is applied to further emigration; and so the stream of emigration is perennially kept up, without any advance of money beyond the original one. The accumulation of capital in the Colony would take place with a rapidity unexampled in other Colonies, because in all other Colonies the settlers, being dispersed at great distances from each other, afford no market for each other's produce; and the regular application of the proceeds of the sale of lands to the emigration of additional labourers will enable the increase of labour to keep pace with the accumulation of capital, however rapidly this may take place.

We shall not, at present, enter into the particular grounds on which the artificial concentration, proposed to be given to the settlers, by affixing a price upon all grants of land, is shewn to be eminently conducive to the prosperity of the Colony, and to the rapid growth of the fund for relieving this country of its surplus labourers. It is sufficient, for the present, that, for the first time in the history of overpopulation, emigration will now be made to pay its own expenses; and whatever relief it can allow to the pressure of population against subsistence in our own country, will be clear gain—pure, unalloyed good.

We shall return to this subject frequently; and we do not fear to encounter any scruples, and grapple with any objections, which we have ever heard, or ever expect to hear, urged against the principles on which the South Australian Colony is founded.

A.B.

262. FRENCH NEWS [101]

EXAMINER, 6 JULY, 1834, P. 425

This item is headed "London, July 6, 1834." For Mill's bibliographic entry, see No. 257. In Mill's copy of the *Examiner* in Somerville College, it is listed as "Article on France."

THE RESULT OF THE FRENCH ELECTIONS is that the strength of the Carlists in the Chamber has increased from three or four to nearly twenty, that of the liberal opposition has diminished from about 140 to about 100, and twenty or thirty votes have been gained by the government party. Every avowed Republican has been eliminated from the Chamber; though at Niort, M. Armand Carrel, who was put up without his own consent or knowledge, lost the election only by one vote.

The success of the Government in these elections can surprise no one. The electoral body is an oligarchy of fewer than 200,000 persons; and, as has been

forcibly remarked, there are in France twice as many soldiers as electors, and for every elector about four paid places in the gift of the Government. That so narrow a governing body should support, with the utmost warmth, a government carried on for its own benefit, and the whole fruits of which are placed at its disposal, is no way surprising. But all *other electoral* bodies in France are animated by a very different spirit. In the very places where the Government candidates were returned to the Chamber by the most decisive majorities, the elections of municipal councils, and of the officers of the National Guard, have gone very generally in favour of avowed republicans. The 200,000 electors stand, therefore, in direct opposition to the real voice of the country; and, by natural consequence, the "extension of the suffrage" is now the universal watchword of all French reformers.

263. WAKEFIELD'S THE NEW BRITISH PROVINCE OF SOUTH AUSTRALIA

EXAMINER, 20 JULY, 1834, PP. 453-4

Mill's support for the colonization plans (see Nos. 259 and 261) here takes the form of a review of Wakefield's anonymous work, the authorship of which was widely known. His review, in the "Literary Examiner," is headed "*The New British Province of South Australia; or a Description of the Country, illustrated by Charts and Views: with an Account of the Principles, Objects, Plan, and Prospects of the Colony.* [London:] C. Knight. [1834.]" It is described in Mill's bibliography as "A review of E.G. Wakefield's book on South Australia; in the Examiner of 20th July 1834" (MacMinn, p. 41). In Mill's copy of the *Examiner* in Somerville College, it is listed as "Review of 'The New British Province of South Australia.'"

THIS LITTLE WORK consists of three parts: first, a description of the natural features of the country in which the new colony is to be established; secondly, an explanation of the intended mode of colonization; and lastly, a statement of the inducements to people of all classes who find themselves ill at ease in the mother country, to establish themselves in the new settlement.

With respect to the soil and climate of Southern Australia, we should have left the author to speak for himself, if the *Chronicle* of Wednesday last had not, while concurring warmly in the views of colonization entertained by the founders of the colony, expressed doubts of the eligibility of the place which they have selected for the first experiment.¹ The *Chronicle* does not, indeed, give any satisfactory reasons for its doubts. Its tone reminds us of a remark of Archbishop Whately, that nothing is more common than for a statement supported by the strongest evidence to be met, not by a refutation, but by a "*We suspect this*

¹Leading article on South Australia, *Morning Chronicle*, 9 July, 1834, p. 3.

statement to be exaggerated," after which the assertion, thus branded by a note of suspicion, is thrown aside, as if its falsehood had been proved.² "On this subject," says the *Chronicle*, "*we have our doubts*. The fertile land is, *we suspect*, confined to the immediate banks of the river down which Captain Sturt proceeded."³ Why does he suspect? What right has any man to proclaim to the public that he *suspects* what men of character affirm, without assigning a single reason for his suspicion? We cannot call this a reason: "The absence of high mountains will not allow us to indulge in the idea that there is sufficient humidity to allow of the cultivation of the soil at any distance from the river." Fudge. What "high mountains" are there in the South of England? or the North of France? or Belgium? or Prussia? or Poland and European Russia? the finest corn country in the Old World, though you might travel from the Baltic to the Black Sea without crossing a hill 500 feet in height. As for humidity, "In New South Wales," says the author of the work before us, "as in similar latitudes of the northern hemisphere, more rain falls during the year than in England." [P. 14.] If it did not, Australia would be an exception to all the known geographical laws of the distribution of moisture over the surface of our globe.

We have no room for extracting from the work before us any further remarks on the natural advantages of the country about to be colonized. We hasten to the intended method of colonization.

Like the Grecian colonies, which flourished so rapidly and so wonderfully as soon to eclipse the mother cities, this settlement will be formed by transplanting an intire society, and not a mere fragment of one. English colonies have almost always remained in a half-savage state for many years from their establishment. This colony will be a civilized country from the very commencement.

Sir Joseph Banks⁴ [says the tract before us] wishing to ornament a bare piece of ground in front of his house near Hounslow, transplanted into it some full-grown trees. Those trees were torn from the beds in which they had grown to maturity. In order to save trouble in moving them, all their smaller roots and branches were cut off: the trunks, thus mutilated, were stuck into the ground; and there, wanting the nourishment which they had before received through innumerable leaves and fibres, they soon died and rotted. A way, however, has lately been discovered of transplanting full-grown trees so that they shall flourish as if they had not been removed. The art, for a knowledge of which we are indebted to Sir Henry Steuart, consists in removing *the whole of the tree uninjured*;⁵ the

²Whately, *Remarks on Transportation, and on a Recent Defence of the System* (London: Fellowes, 1834), p. 8.

³*Morning Chronicle*, 9 July, p. 3. Charles Sturt (1795-1869) explored the Darling River, his discoveries being described in *Two Expeditions into the Interior of Southern Australia* (1833).

⁴Joseph Banks (1743-1820), traveller and botanist, President of the Royal Society of London.

⁵Henry Seton Steuart (1759-1836), man of letters and arboriculturist, *The Planter's Guide* (Edinburgh: Blackwood, 1828), esp. pp. 71-83.

stem, all the limbs, every branch and twig, every root and fibre; and in placing the several parts of this whole in the *same relative situation as they occupied before*; so that each part shall continue to perform its proper office, the trunk to be nourished by its proper number of mouths above and below; and a due proportion or balance be preserved between the weight of the branches and the strength of the roots, between the action of the roots as well as branches on opposite sides, between the functions of each part and the functions of all the other parts, respectively and together. The work of colonizing a desert bears a curious resemblance to that of transplanting full-grown trees. In neither case is it the ultimate object merely to remove; in both cases it is to establish; and as, in the former case, the immediate object is to remove, not a mere trunk, but an entire tree, so, in the latter case, the immediate object is to remove, not people merely, but society. In both cases equally, success depends upon attention to details. The planters of modern colonies have generally gone to work without much attention to details; as if society might be established in a desert without regard to the numerous and minute circumstances on which society depends. Many a modern colony has perished through the inattention of its founders to little matters which, it was supposed, would take care of themselves. Of those modern colonies which have not perished, many suffered in the beginning the greatest privations and hardships; while, in the least unfavourable cases, it has been as if a full-grown oak, carelessly removed and soon dead, had dropped acorns to become in time full-grown trees. But in the present case, the greatest attention will be paid to details. The present measure of colonization may be likened to the careful removal of full-grown trees from a spot in which they were injured by want of room, to one where they should have ample space to expand and flourish. The details of the measure form the subject of this explanation. [Pp. 4-6.]

The requisites are—

First, precautions for the removal, not of people merely, but of society; that is, of all the different classes of people who, by means of combining their powers and dividing their employments, obtain every advantage that a society enjoys over a savage life: secondly, precautions for preventing that social colony from degenerating into an unsocial state; for preserving, that is, in the colony, the attributes of society and civilization. [Pp. 6-7.]

The means selected for these ends evince a just and profound appreciation of the circumstances on which the industrial prosperity of a country (if we may be forgiven the convenient Gallicism) depends.

The three elements of production are land, labour, and capital: and on the proportion of these three to one another depends the prosperity of the people. If any of these elements are in deficiency relatively to the others, suffering or inconvenience is the result. In England land is the deficient element; labour and capital, relatively to land, are both in excess; there is a forced cultivation of bad land, forced over-cultivation of the better soils, and, in a manner understood by economists, and felt, though not scientifically analysed by practical men, low wages and low profits are the consequence. In the backwoods of America, and still more in South Africa, the Pampas, and other imperfectly settled countries, land is in excess, labour and capital in deficiency. Each settler possesses himself at once of a piece of land; the few labourers who originally have not the means of

acquiring land, convert the first savings of their high wages to that purpose, and will thenceforth work for none but themselves. There is no co-operation, no combination of labour; no family can raise any kind of produce which requires much more labour than that of its own members, and (to say nothing of the discomfort and moral disadvantages attending a dispersed society) scarcely anything but food and the coarsest clothing can be produced. All have an abundance of the mere necessities of life, but to all its comforts and luxuries are altogether unknown.

The land of a colony having no natural limit, if the government do not place some artificial limit on the appropriation of it by individuals, every individual in the colony is tempted to become a land-owner and cultivator. Hence two kinds of evil. If each individual, or any great number of individuals, take more land than each can cultivate, the people are dispersed over a wide extent of country, and are separated from each other by intervening deserts. If each person appropriate no more land than he is able to cultivate, still, *all* being independent proprietors, both capital and labour are divided into fractions as numerous as the cultivators. In either case, society is almost dissolved. The people, whether separated by distance, or, however near they may be to each other, by each one becoming an independent land-owner, are all of one class: there is no class of capitalists, no class of labourers; nor indeed any classification, all being the same. But all being alike, each one is independent of all the others; and, in this state of things (we must not say, *society*) it is impossible that large masses of capital and many hands should be employed in the same work, at the same time, and for a long period. And yet, without constancy and combination in the employment of capital and labour, the produce obtained never was, and never can be, large in proportion to the capital and labour. Unless the produce be large in proportion to the capital and labour employed in raising it, it cannot be cheap enough for exchange in distant markets; and thus a people, whose capital and labour were divided as in the supposed case, would necessarily be without foreign commerce. When, too, all are of the same class, or rather, there are no classes, all raise the same kind of produce; and there is no motive for exchange amongst the cultivators themselves. The labour, moreover, of each cultivator who does everything for himself, is necessarily divided amongst so many occupations, that only a small portion of it can be bestowed on the work of production; and thus, even if the settlers should have a motive for dealing with each other, no two of them would have any surplus produce to exchange. The result is, that civilized men fall into a state of but half-civilization; preserving, indeed, the knowledge and tools of their former condition, and, by applying these to very rich land, raising plenty of mere necessities, but losing the powers which arise from mutual assistance, and the wants, tastes, and habits which belong to an advanced society.

In every colony of modern times these evils have resulted, in a greater or less degree, from an excessive proportion of land, and, in most of such colonies, have been partially counteracted by the greater evil of Negro slavery; as, for example, in the West Indies, North America, Brazil, and South Africa. For, whatever the proportion of land, even where it was so great that *every* freeman became a land-owner, still, with slavery, with human beings who could be prevented from obtaining land, there was constant and combined labour with which to employ large masses of capital in raising a produce cheap enough for distant markets. In the prosperous settlements of New South Wales and Van Dieman's Land convicts have, to some extent, supplied the want of slaves. But those colonies, without any exception, in which there has been superabundance of land without

any kind of slavery, have been eminently poor and barbarous;* and the last colony founded by Englishmen⁶ affords a striking example of the evils resulting from excess of land. [Pp. 89-92.]

To counteract this natural tendency of every new settlement, it is intended to fix such a price upon all grants of land as shall prevent the occupation of land from outstripping the growth of population, so that the existing population shall at all times be sufficient for the cultivation of all the land which is occupied, and for raising the other articles of all kinds required by the producers. The proceeds of the sales of land will be applied to further emigration. The attempt will be to make the new colony, not, as the *Courier* represents, "as like an old country as possible"⁷ (for old countries are mostly over-crowded, and it is not necessary to be in one extreme in order to avoid the other) but to make it as like as possible to a country which is perfectly civilized, but not over-peopled. The proportion of land to labour and capital, in England, is too small; in the backwoods of America, too great: between these two extremes there is a proportion which is the best possible, and to which the founders of the new colony will endeavour to approximate.

If a tract of fertile land, equal in extent to Yorkshire, were to appear off the Land's End to-morrow morning, no one can doubt that the quantity of labour and capital, which would speedily flow into it from England, would raise both wages and profits throughout the country, and that all the industrious classes, labourers, and capitalists together, would be rendered far more comfortable and contented than at present. But if the land which rose from the ocean, close to our shores, instead of being only as large as Yorkshire, were as large as America, and our people were, in the same manner, to spread over it, taking their capital with them, we should fall back into a savage state. A wise government would therefore endeavour so to provide, that not the whole, but only a portion, equal to Yorkshire, should be occupied at first, and the rest progressively, as population and capital increased. The same is the purpose of the new colony. The aim will be so to limit the appropriation and occupation of land, as to keep both wages and profits at the highest rate possible.

We conclude by most strongly recommending this little tract to the perusal of all who are interested, either as citizens, in the means of relieving the industry of their country from the evils of an over-crowded society, or as individuals, in withdrawing themselves personally from those evils.

*The states of the North American Union in which slavery is forbidden are only parts of a society, whose slaves amount to 2,000,000, and are worth, to sell at market, 120,000,000*l*. In what way slavery has tended to counteract the evils of superabundance of land in the non-slave-holding states is explained at length in [Wakefield's] *England and America* [pp. 22-9; the market-value of the slaves is given on p. 21].

⁶The Swan River Settlement in New Holland, Australia.

⁷Leading article on the New Colony in South Australia, *Courier*, 1 July, 1834, p. 4.

264. FRENCH NEWS [102]

EXAMINER, 27 JULY, 1834, P. 472

Headed "London, July 27, 1834," this summary is described in Mill's bibliography as "The summary of French news in the Examiner of 27th July 1834" (MacMinn, p. 41), and is listed in Mill's copy of the *Examiner* in Somerville College as "Paragraphs on France."

MARSHAL SOULT HAS RESIGNED the nominal Premiership of France, and has been succeeded by Marshal Gérard.¹ Whether Soult has merely failed to retain his master's favour, or is to be made the scape-goat of some policy which that master finds it convenient to abandon, we shall know hereafter.

The Chambers are to meet in a few days, in obedience to law;² and after verifying the elections, are to adjourn till November or December.

265. THE POOR LAW BILL

MORNING CHRONICLE, 2 AUG., 1834, P. 4

Mill returns to the *Morning Chronicle* for another discussion of the Poor Law (see No. 252). This unheaded article is described in his bibliography as "A leading article on the Poor Law Bill in the Morning Chronicle of 2d August 1834" (MacMinn, p. 41).

THE POOR LAW BILL may now be considered as passed;¹ and passed without any material deterioration, perhaps even with some improvement upon the project as it was first submitted to Parliament. But Ministers must not consider their object accomplished, and their responsibility at an end. The difficulties of their task are either terminated, or only beginning, according to the skill and judgment which they demonstrate in the choice of instruments for carrying the bill into execution. The bill itself is not a reform—it only authorizes the appointment of officers to effect a reform. The whole success of the measure depends upon the choice of the Central Commissioners.² If these be but half acquainted with the subject; if

¹By ordinance, Bull. 314, No. 5380 (18 July, 1834).

²By Art. 42 of the Charter of 1830; Louis Philippe issued another ordinance calling the Chambers to meet on 31 July (Bull. 311, No. 5366 [30 June, 1834]).

¹The Poor Law Amendment Bill had been read in the Commons a third time, and passed with a majority of 137, on 1 July, 1834 (*PD*, 3rd ser., Vol. 24, col. 1061); in the Lords the debate ran from 21 July to 8 Aug., when the Bill passed on third reading by a vote of 93 to 82 (*ibid.*, Vol. 25, col. 1096).

²In the event, the three Commissioners appointed to put the new law into execution

they be not thoroughly impressed with the principles of the bill; or if they be destitute of the practical sagacity requisite for doing what it is left to them to do, namely, to devise means adapted to the varying circumstances of different districts and parishes, for carrying those general principles into effect—if they be either timid, wavering, and undecided, or incautious and precipitate, they will certainly defeat all the hopes entertained of them; they will bring disgrace upon the bill and its authors, and may, not improbably, verify the predictions of its enemies, by throwing the whole country into a flame.

The difficulty of the choice would be less, if the services of the late Poor Law Commissioners could be obtained for carrying into operation the measures which they have planned.³ But it is understood that none of those gentlemen have applied for employment under the new Act, and there is not more than one of them, at most, whose circumstances and avocations are not incompatible, not only with his seeking, but with his accepting such employment. We trust, however, that the Commissioners, who, as the authors of the measure, are the best judges of the qualifications necessary for carrying it into effect, and who have as strong an interest in its success as Ministers themselves have, will be the advisers of Government in the selection of the new functionaries, and that no false delicacy will prevent them from watching with parental vigilance the arrangements upon which it will depend whether the enactment, which is their offspring, will be a blessing to the country which has adopted it, or a mere nullity, or an actual curse.

were Thomas Frankland Lewis (1780-1855), M.P. for various constituencies from 1812 to 1834, when he resigned to take on the Chairmanship of the Commission (1834-39); John George Shaw-Lefevre (1797-1879), barrister, recently Under-Secretary in the Colonial Office; and George Nicholls (1781-1865), sailor, collaborator with Telford on canal building, and then banker, former overseer of the poor in Southwell and writer on poor relief who proposed the "workhouse test," refusing relief out-of-doors except as a last resort. Edwin Chadwick (1800-90), social reformer, disciple of Bentham, lifelong friend of J.S. Mill, was appointed as first Secretary of the Board.

³The Commissioners appointed in 1832 to study the poor laws were: Charles J. Blomfield, Bishop of London, Chairman; John Bird Sumner (1780-1862), then Bishop of Chester, later Archbishop of Canterbury; William Sturges Bourne (1769-1845), M.P.; Nassau William Senior, major author of the Commission's *Report* in 1834; Walter Coulson; James Traill (1794-1873), magistrate; Edwin Chadwick; Henry Bishop (b. 1792), who had written a controversial report on Oxford as an Assistant Commissioner; Henry Gawler (1766-1852), lawyer. The Commission's *Report*, dated 20 Feb., 1834, formed the basis of the new Poor Law.

266. FRENCH NEWS [103]

EXAMINER, 17 AUG., 1834, P. 520

This article is headed "London, August 17, 1834." This and Nos. 268 and 269 (the last series Mill wrote on French politics for the *Examiner*) are described in his bibliography as "The summary of French news in the Examiner of 17th, 24th and 31st August 1834" (MacMinn, p. 41). In Mill's copy of the *Examiner* in Somerville College, this account is listed as "Article on France."

A FEW WEEKS AGO, we had the satisfaction of stating that the highest tribunal in France, the Court of Cassation, had, through its Criminal Committee, solemnly vindicated the liberty of the Press against one of the most impudent outrages ever sought to be inflicted upon it—the sentence by which the interdiction pronounced against the *National* was extended to the new journal established in its room, the *National de 1834*. Our congratulations, however, were premature. The Court of Cassation has reversed the decision of its Committee, and confirmed the original sentence of the Cour Royale.¹

1st, Behold, then, the state of French law, as established by a series of judicial decisions. A Court of Justice may try and condemn a newspaper, *without a jury*, for any article containing reflections on its own proceedings—that is, provided the cause it is called upon to decide be its *own* cause.

2dly, The Court, thus empowered to revenge its own supposed injuries, may interdict the offending newspaper from giving any further reports of, or remarks upon, its own proceedings—that is, it may peremptorily silence all censure upon itself.

Lastly, if the newspaper thus partially confiscated be dropped, and another paper established by the same parties, the new paper shall remain subject to the interdict.

Such is French law, French liberty, under the King of the Barricades and French Judges.

The *Tribune* newspaper—which, after nearly a hundred prosecutions, was arbitrarily suppressed in April last, and the license (for in France all printers must be licensed) withdrawn from its printer—this paper has at last succeeded in finding another licensed printer, who is willing to incur the risk of a similar confiscation of his means of livelihood. The *Tribune* has now reappeared.²

¹For Mill's congratulations, see No. 247. The account of the decision on 6 Aug. by the full Cour de Cassation is in *Moniteur*, 1834, pp. 1669-70.

²For the earlier troubles, involving Auguste Mie as printer, see No. 249. *La Tribune* reappeared on 12 Aug., after four months' suspension, the printer being Louis Etienne Herhan (1768-1853).

The Chambers have met. In verifying the elections, the Chamber of Deputies has displayed partiality so gross as to have incurred the censure of even the *Journal des Débats*.³ The debate on the Address has commenced, and promises to be an animated one.⁴ The Address will be either a compromise, or a trial of strength, between the Doctrinaires and the *tiers parti*, or Dupin party. The former are aristocrats on principle, and would have preferred old institutions, and the old dynasty, with an old British constitution; the latter are the incarnate spirit of modern *bourgeois* oligarchy—which is for levelling down to itself, but no lower. The latter are a more genuine offspring of the present institutions of France, and will, we have no doubt, ultimately supplant the others if those institutions last, and no new revolution, legal or violent, comes between and parts the combatants.

267. GARNIER'S DEUTSCHES LEBEN, KUNST, UND POESIE [1]

EXAMINER, 24 AUG., 1834, P. 533

Mill here merely announces an account (No. 270), of the first number of a short-lived periodical edited by Joseph Heinrich Garnier (ca. 1800-55), a German refugee journalist and translator with whom Mill was acquainted, and who later contributed to the *London (and Westminster) Review* and Henry Cole's *Guide*. The unheaded note is in the "Literary Examiner." Described in Mill's bibliography as "A short paragraph in the Examiner of 24th August, on Garnier's German periodical: 'Deutsches Leben, Kunst und Poesie'" (MacMinn, p. 42), the notice is listed in Mill's copy of the *Examiner* in Somerville College, as "Paragraph on a German Periodical 'Deutsches Leben.'"

WE POSTPONE till next week a notice of a new German periodical, intitled *Deutsches Leben, Kunst, und Poesie*. We had intended to say something of its very interesting and lively Prospectus; but we shall now defer our observations until we have read the first number, which has just appeared.

268. FRENCH NEWS [104]

EXAMINER, 24 AUG., 1834, P. 536

This item is headed "London, August 24, 1834." For Mill's bibliographic entry, see No. 266. In the Somerville College set of the *Examiner*, the article is listed as "Paragraphs on France."

³Leading article, *Journal des Débats*, 7 Aug., 1834, p. 1.

⁴Louis Philippe's Speech from the Throne was delivered on 31 July (*Moniteur*, 1834, p. 1619); the draft Reply (13 Aug.) was debated on the 14th and 15th, when it was adopted (*ibid.*, pp. 1697-1704 and 1705).

TO THE ASTONISHMENT of all Paris, the Address drawn up by the *tiers-parti*, and filled with implied reflections upon the Ministry, has been allowed to pass the Chamber without opposition. The Ministry—feeling well that the Chamber, notwithstanding these demonstrations of coquetry, would support, as the last Chamber has done, all their measures—were probably averse to put themselves unnecessarily on the defensive, and, therefore, would not understand the allusions in the Address.

Immediately after receiving the King's answer to the Address,¹ the Chambers were prorogued to the 29th of December.

269. FRENCH NEWS [105]

EXAMINER, 31 AUG., 1834, p. 552

This item is headed "London, August 31, 1834." For Mill's bibliographic entry for this, his last summary of French news in the *Examiner*, see No. 266. In the Somerville College set of the *Examiner*, it is listed as "Paragraphs on France."

THE ONLY EVENT WORTHY OF RECORD which has occurred in France since our last publication, is the victory of M. Carrel over another attempt to crush him by the hands of the law. The prosecution was for a libel on the King, consisting in some disrespectful strictures on Louis-Philippe's Speech to the Chambers.¹ M. Carrel defended himself in person; and maintained that, if the King chuses to be his own Minister, he must be subject to the same freedom of censure as any other Minister—else he were a despot. The jury agreed with this view of the case, and M. Carrel was triumphantly acquitted.²

The *Temps* thus observes upon this victory:

The *National*, which during the last two years has been dragged from one tribunal to another, in consequence of a decision of exceptional justice, has at length been brought before a proper tribunal, that of the country, in the Court of Assizes held this day. The charge brought this time against the *National* by the public prosecutor³ was that of a direct attack on the person of the King, made on the occasion of the Royal speech, delivered at

¹The Address and Louis Philippe's response were both delivered on 16 Aug. (*Moniteur*, 1834, p. 1711). For the background, see No. 266.

¹Carrel's attack on Louis Philippe's Speech from the Throne is in "Ouverture de la session de 1834," *National de 1834*, 1 Aug., p. 1. He was prosecuted under the provision of Bull. 13, No. 74 (29 Nov., 1830).

²Carrel's speech in defence (23 Aug.) is in the *Constitutionnel*, 24 Aug., pp. 3-4. His acquittal on the same day is reported in *Moniteur*, 1834, p. 1743.

³The public prosecutor was Nicolas Ferdinand Marie Louis Joseph Martin (du Nord) (1790-1847), a legitimist lawyer who moved to support Louis Philippe, and who, in April 1834, had been appointed procureur général in the Cours d'Appel de Paris.

the opening of the Chambers. It pleaded "not guilty," on the ground that the personal and active part taken by the King in the administration of the Government dispensed that paper from the observance of the law which prescribes that the Royal acts shall be free from censure when they are constitutional. The country has, through its organ, the jury, consecrated that doctrine for the tenth time on this occasion, and absolved the press, doubtless for the purpose of evincing in a striking manner its disapprobation of a violation of principles which the true friends of the constitution and the monarchy have every day cause to deplore.⁴

270. GARNIER'S DEUTSCHES LEBEN, KUNST, UND POESIE [2]

EXAMINER, 14 SEPT., 1834, P. 581

For the context, see No. 267. The review, the only article in the "Literary Examiner," is headed "*Deutsches Leben, Kunst, und Poesie*. Herausgegeben: von J.H. Garnier, No. I and II." It is described in Mill's bibliography as "A notice of the first two numbers of Garnier's German Periodical 'Deutsches Leben, Kunst und Poesie' in the Examiner of 14th September 1834" (MacMinn, p. 42). In the Somerville College set of the *Examiner*, it is listed as "Review of 'Deutsches Leben'"; it is the last item listed by Mill in that set.

THIS IS, we believe, the first German periodical ever published in England; the founder, Mr. Garnier, was the editor of the *Swabian Liberal (Freisinnige)*,¹ and was, we believe, compelled to quit Germany, because he had become obnoxious to the government; but his journal is by no means exclusively political. Indeed, the first number is wholly literary, and consists chiefly of a review, with copious extracts, of the poems of Heine, one of the cleverest of the young German writers, also driven from his country in consequence of his political opinions.² Some of the shorter poems, extracted by Mr. Garnier, from Heine's volume, are extremely beautiful, and will, we hope, contribute to make the author advantageously known in this country.

The following passage from Mr. Garnier's prospectus, announces the notion he entertains of the function of a literary critic, and this notion is so remote from the vulgar one, that we cannot refuse ourselves the pleasure of translating it.

Aesthetic subtleties and system work, empty prattle on the beautiful and the not-beautiful, we abandon to the time-killers and the *bel esprit* journals, for the amusement of fine ladies, so abundant in Germany. We seek in the writer, above all, the

⁴Translated from "Bulletin" (23 Aug.), *Le Temps, Journal des Progrès*, 24 Aug., 1834, p. 1.

¹*Der Freisinnige; Freiburger politische Blätter*, founded and edited by Karl von Rotteck (1790-1869) and Karl Theodor Welcker (1790-1869), appeared only from 2 Mar. to 19 July, 1832, when it was proscribed by the government. Garnier claimed he was offered the editorship, but seems not actually to have been editor.

²Christian Johann Heinrich Heine (1797-1856), poet and liberal critic, had lived in Paris from 1831; his *Buch der Lieder* (Hamburg: Hoffmann and Campe, 1827) was the subject of the review.

man. How *he*, in and for himself, figures himself to us from his writings, we shall endeavour to unfold; and when we have pictured to ourselves the man, we shall next inquire what phasis, if any, of German life, he and his existence are the reflexion of; in what manner the age, and his individual circumstances, have influenced the formation of his character as a man and as a writer; or, on the other hand, what influence he himself has exercised on the age and on his circumstances; and, in this perpetual reference to actual life, many political leanings may possibly evince themselves, not, we conceive, without cause. This political tendency we shall least of all be able to avoid, if we likewise endeavour to show what the writer did *not* become, in consequence of the wretchedness of his times; and how often the fairest flowers of the German mind have, by the pressure of circumstances, been snapped off, or prevented from duly unfolding themselves. For it is not the greatness of many of our writers which ought to astonish us, but often that it was possible for them to attain any greatness whatever.³

The second number is more miscellaneous than the first. The longest article relates to the unfortunate Caspar Hauser, whose real parentage the author believes himself to have made out.⁴ We are not yet sufficiently masters of his theory, and of the grounds of it, to express any opinion of our own on the subject.

Mr. Garnier is evidently a man of considerable acquirements and talents, and of some humour; and we heartily wish him success. Harro Haring, the well-known author of *Poland under the Dominion of Russia*,⁵ will, it seems, shortly arrive in England, to take a share in the editorship of this work; and the aid of other German writers of reputation is confidently promised by Mr. Garnier.

271. NEW AUSTRALIAN COLONY

MORNING CHRONICLE, 23 OCT., 1834, P. 3

Mill's last newspaper contribution in 1834 is his first letter to the editor of an English journal since 30 Oct., 1828 (No. 42). Taking up the central issue of Nos. 259, 261, and 263, it is headed as title and described in his bibliography as "A letter in the Morning Chronicle of 23d Oct. 1834, signed A.B. and headed 'New Australian Colony'" (MacMinn, p. 42).

SIR,—The letter which you inserted on Tuesday, respecting the new colony in Southern Australia, evidently proceeds from a writer thoroughly acquainted with

³No copy of the prospectus has been located.

⁴Garnier, "Caspar Hauser," *Deutsches Leben*, II (5 Sept., 1834), 17-28. Caspar Hauser (ca. 1812-33), a foundling whose rumoured noble birth aroused great curiosity, was stabbed to death at a meeting held to determine his true origins. Garnier argues that he was the eldest son of Carl, Grosherzog von Baden (1786-1818) and his wife, Stephanie Napoleon.

⁵Harro Paul Haring (1798-1870), *Poland under the Dominion of Russia* (1831), trans. from German by I.S. Syzmanski (London: n.p., 1834). A radical German politician and author, friend of Mazzini, Haring appears not to have arrived in London until 1836.

the subject;¹ and if I were certain that it would attract the attention of the newly-appointed Commissioners for the government of the colony,² I should not have troubled you with any remarks on a subject which has been treated in so masterly a manner by your correspondent. But the question on which he chiefly insists is of such vital importance to all the objects of the colony, that so long as it is undecided, you will not, perhaps, grudge to devote a portion of your columns to its further discussion.

It would be far better, that the colony had never been thought of, it would be far better it should be thought of no more, than that the price for which land may be purchased in the colony should be so low as 12s. per acre, or even 1l. or 2l.

This must be clear to all who consider the principle on which the peculiarity of the proposed colony is founded. Other colonies have advanced slowly, because every family settles on its own piece of land, attempts to produce for itself all that it requires, and there is no combination of labour, no home market, no division of employments, because there are no hired labourers. Accordingly, the plan of the present colony is so framed as to secure a constant supply of hired labourers. It is not intended, far from it, that the labourer should continue a labourer all his life: it is desired that every labourer should in time become a landholder, but not until another labourer has arrived from Europe to take his place.

Now, your correspondent has clearly shown that if land can be obtained at 12s. an acre, every labourer will be able to become a landholder in less than a year. If so, there will be the same scarcity of labour as in the old colonies; the labourer, when established as a landholder, will depend solely upon the labour of his own family; there will be the same absence of combination, the same absence of a market for anything except food, the same want of motive to produce anything but the commonest necessaries of life, the same absence of society, of comforts, of civilization, as in the wilds of Canada. If so, it were far better that the colony should never be formed. There are enough, and more than enough, of colonies on the old absurd system.

The Commissioners, being men who understand the subject, are, doubtless, well aware of the necessity of a high *minimum* price; and, if they fix it too low, it will not be for want of knowing better, but for fear lest the object should be misunderstood, and emigrants induced, by the high price of land, to prefer some of the old colonies. But this is a chance which must be undergone. Let the

¹“Kangaroo” (Edward Gibbon Wakefield), Letter to the editor (20 Oct., 1834), *Morning Chronicle*, 21 Oct., p. 1. (Republished in App. II of Torrens’s *Colonization of South Australia* [London: Longman, *et al.*, 1835], pp. xiv-xix.) Wakefield was arguing for a land price low enough to enable labourers to set up on their own in a few years, and high enough to ensure that those few years would be needed.

²For the Commissioners, see “Second Report of the Select Committee on South Australia, Appendix of Documents,” *PP*, 1841, IV, 487-90.

reasons for fixing a high price be explained as fully and as clearly as possible, to all who are disposed to emigrate; but do not, to conciliate emigrants, sacrifice the only object for which the colony is established at all.

Perhaps the Commissioners may think of compromising the matter, by fixing the *minimum* price at 12s. or 1l., and selling all the land by auction, with that for the upset price; by which means they would obtain a higher than the *minimum* price for all the lots which are most eligibly situated. Now, the chief object of my writing the present letter is, to point out that this will not remedy the evil. So long as land of good quality can be had for cultivation at 12s. an acre, it is of no consequence that an acre of ground in a town may perhaps produce ten pounds. It is not the *average* price, but the *lowest* price, which determines the degree of concentration of the people. With the present artificial feelings of our labourers about property in land, they will spread themselves out on the outer verge of the colony, where land may be had at no more than the upset price; the labourers who first go out will become landholders in the first year, and there will be but few labourers to succeed them; every colonist will be a producer of food; there will be no purchasers for any surplus of food, and no producers for anything to give in exchange for food. Each family will have food in abundance, and nothing else.

The only advantage of selling the land by auction is, that a larger emigration-fund would be afforded than could be obtained at the same *minimum* price if the *minimum* were also the *maximum*. But this is a very trifling advantage. Considering the distance of the colony, and the expense of transport, a slight increase of the emigration-fund would by no means occasion labour to flow into the colony in sufficient abundance to supply the places of the first labourers so rapidly as those places would be vacated, if the *minimum* price were too low. It would be far better to fix the *minimum* sufficiently high from the beginning, and never to take more than the *minimum* for any land whatever. Those who might otherwise be deterred by the high *minimum* price from settling in the colony at all, would be no longer so, if, by paying that price, they purchased the chance of obtaining lots which could be resold at once for treble the value.

The one thing needful is a high *minimum* price; and this would probably be more easily obtained by renouncing the disposal of lands by auction altogether.

I am, Sir, yours respectfully,

A.B.