

A British History of India:  
Philosophical Commitments in James Mill's The History of British India.

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We accept this thesis as conforming  
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### Abstract

This thesis about James Mill's philosophical commitments in The History of British India gives a close analysis of the main themes in that work. It first traces the sources of his thought in the conjectural history of Dugald Stewart, the four-stages theory of Adam Ferguson and John Millar, and the Utilitarianism of Jeremy Bentham. The influence of classical political economy developed by Adam Smith, Thomas Robert Malthus, and David Ricardo is also examined. The analysis of Mill's text here focuses particularly on the relative importance of conjectural history and Utilitarianism in The History of British India, an issue that has animated much of the scholarship on this work in the last fifty years. This thesis argues that conjectural history plays a greater role in The History of British India than has been realized by scholars who have focused on the Utilitarian component. Mill's resultant Eurocentrism is also addressed.

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### Bibliography

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## Introduction

The purpose of this paper is to come to an understanding of the intellectual tools James Mill used in composing The History of British India. In particular, the prime focus is the problematic relationship between Scottish conjectural history and Utilitarianism, but the contribution of classical political economics to Mill's intellectual corpus will also be included. The analysis of Mill's intellectual makeup will serve to explain how and why he produced such a disparaging assessment of India. It is hoped that by focusing on specific issues of this sort this paper will serve as a starting point from which the larger issues regarding the production of knowledge of societies substantially different from one's own can be undertaken.

One of the main problems addressed in this thesis is the apparent blindness of much of the scholarship to the role the Scottish Enlightenment - characterized by thinkers like David Hume, Adam Smith, Adam Ferguson, John Millar, and Dugald Stewart - played in Mill's intellectual formation and makeup. Both Alexander Bain's James Mill: A Biography and Elie Halevy's The Growth of Philosophic Radicalism postulate the centrality of Utilitarianism in The History of British India.<sup>1</sup> Moreover, Mill's main early biographer Bain contended that Mill's work was devoid of any mental philosophical component. The argument below is that this approach not only placed too much emphasis on Utilitarianism as a component of Mill's thought, but that it did so at the cost of

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<sup>1</sup> Alexander Bain, James Mill: A Biography, (New York : Augustus M. Kelley Publishers, 1967 ; repr., London : Longmans Green & Co., 1882). Elie Halevy, The Growth of Philosophic Radicalism, trans., Mary Morris, (London : Faber & Faber Limited, 1928).

overshadowing the greater and seminal influence of Dugald Stewart on his writings. The case made here is that conjectural history and mental philosophy pervaded the whole of Mill's work and, in fact, that this dimension of his thought not only distinguished it from Bentham's philosophy, but also set it off from the social theory found in Adam Ferguson's The History of Civil Society, and in John Millar's The Origin of the Distinction of Ranks.<sup>2</sup>

The first chapter includes a brief discussion of Mill's life and times and sketches the historical context within which he thought, wrote, and acted. Particular attention is paid to identifying the point at which Mill came into contact with such important figures in his life as Stewart and Bentham, and to establishing how these contacts influenced him. While focusing on the general climate in Britain during the French Revolution and the Napoleonic wars, this chapter discusses the role these events played in shaping Mill's thought with particular attention to the ideological battle between Mill and proponents of the revitalized conservatism that grew up in reaction to the French Revolution. The ultimate purpose of the chapter is to specify those elements in Mill's historical context that shaped his analysis of India. Much of what is found in the pages of Mill's work on Indian history can be linked directly to his polemical battle with the proponents of Burkean style conservatism.

The second chapter outlines in detail the main systems of thought on which Mill drew for the modes of analysis he used in The History of British India. Here the relationship between Stewart's vision of moral development given in his Outlines of

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<sup>2</sup> Adam Ferguson, An Essay on the History of Civil Society (Cambridge : Cambridge University Press, 1995). See William C. Lehmann, John Millar of Glasgow (Cambridge : Cambridge University Press, 1960) , 94.

Moral Philosophy and the four-stages theory found in the writings of Adam Ferguson and as elucidated by John Millar is discussed.<sup>3</sup> Stewart's conjectural history provided Mill with a general epistemological method, whereas Ferguson and Millar provided Mill with some specific criteria for ascertaining the level of social development a given society had achieved. Because the combination of Stewart's conjectural method and four-stages theory is so important for understanding Mill, and because this aspect of his work on India has been ignored or downplayed, it is the special focus of the chapter. Four-stages theory itself is analyzed as a concatenation of various mutually reinforcing theories which posit a linear and progressive development via stages through which all societies must pass. This theory involved an image of the scale of civilization which placed Britain specifically, and western Europe more generally, at the apex of civilization while depicting all other civilizations as falling somewhere behind. In addition this chapter will examine the implicit and problematic, but extremely important role of John Locke's psychology, Adam Smith's notion of the division of labour, the Ricardian version of Thomas Malthus' theory of rent, and Jeremy Bentham's Utilitarianism.

Chapter three is primarily devoted to demonstrating the influences of these conceptual artifacts in The History of British India. It does so both by citing the arguments Mill employs and by examining the authorities he cited. By looking at Mill's conjectural reconstruction of Indian ancient history and his treatment of the land tenure question, this chapter shows how Mill directly applied his various conceptual tools to the Indian material. Furthermore, it argues that his avowed methodology, his use of a Locke-Hartleyan psychology, and his explicit emphasis on human mental development

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<sup>3</sup> Dugald Stewart, Outlines of Moral Philosophy, (Edinburgh : Macleod & Son, 1845 ).

demonstrate that Mill adhered, in the History, to a ‘philosophical’ approach in the mould of Dugald Stewart. This chapter also considers Mill’s use of the exemplars of social development furnished by Ferguson and Millar and their relationship to the epistemology he espoused.

In the final chapter, this thesis concludes with an examination of certain themes relevant to the scholarship on The History of British India since 1950. Duncan Forbes’ ‘James Mill and India’ was the first work to appreciate the importance of the Scottish Enlightenment for Mill’s work.<sup>4</sup> Subsequent scholarship wrestled with the problem of how to reconcile Mill’s Scottish Enlightenment heritage with his Utilitarianism. While making the case that the Scottish Enlightenment was a greater influence on the History than Utilitarianism, and that Mill somewhat bastardized Stewart’s legacy, this thesis argues for a greater methodological compatibility between conjectural history and Utilitarianism than has been acknowledged by previous authors. It was this compound methodology that, in large measure, accounted for Mill’s tautological and dogmatic treatment of India. Four-stages theory gave him a measuring stick which, although forged by European minds with European civilization before their eyes, he applied unapologetically to India. He thus utilized his stated methodology to break through the sentimental admiration for India of earlier authors and to replace it with a ‘scientific’ assessment. Moreover, this methodology enabled Mill to circumvent the arguments of his opponents, while making his system internally coherent though extremely insular. For this reason Edward Said’s worry about the inability of the ‘Orientalists’ to get outside

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<sup>4</sup> ‘James Mill and India,’ Cambridge Journal V, (1951-52).

their own self-reinforcing paradigm applies extremely well to Mill even though in his own context he was known as an anti-Orientalist.<sup>5</sup> The idea of otherness conceived in the imperial idiom as discussed by Thomas R. Metcalf in his Ideologies of the Raj, also applies to Mill as does the related idea that Mill may have been involved in fashioning a justification for imperialism.<sup>6</sup> The thesis concludes with a consideration of the implications of Mill's work for the ideas of Said and Metcalf and points to some larger issues to which this work is relevant. The vexed question of whether a thinker from one culture can give an accurate depiction of another culture is not taken up here. The narrower goal of this thesis is to show, simply, that James Mill did not give such a depiction and to indicate some of the reasons why.

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<sup>5</sup> Edward Said, Orientalism, (New York : Vintage Books, 1979). The 'Orientalism' that Mill was battling was what he conceived as a sentimental admiration of India. His attack on Voltaire and Sir William Jones was couched in terms of a dismissal of this kind of thinking. See above 81-82, 85-86. This understanding of 'Orientalism' is not to be confused with 'Orientalism' in the sense it has taken on since Said.

<sup>6</sup> Thomas Metcalf, Ideologies of the Raj, (Cambridge : Cambridge University Press, 1994 ).

## I - The Biography of James Mill

### Early life in Scotland to 1802

Of Mill's early life in Scotland a few details will suffice<sup>7</sup>. James Mill was born April 6, 1773, at Northwater Bridge, in the parish of Logie Pert and the county of Forfar. His father, also James Mill, was a cobbler and his mother, Isabel Fenton, apparently was from a farming family that had suffered a decline in social position. The couple raised their family in a cottage which was let from the Barclays, tenant farmers on whose farm their cottage lay. In shaping son James Mill's later development, it was his mother's character and influence which played the most important role. It seems that the decline in her family's social standing proved a burden that Isabel could not easily forget, and this contributed to a pride and haughty superiority on her part, as well as to her determination to raise her son as a gentleman. To this end, it seems, young Mill did not take up his father's profession, and apparently was exempted from labouring in the field. Instead Mill was left to study, and although the evidence for his early life leaves his exact course in doubt, his success as a student in due course sent him to Montrose academy. There he befriended Joseph Hume who would become a political ally in later life. The next and perhaps the most salient development in Mill's early life was his connection with Sir John and Lady Jane Stuart of Fettercairn. Mill tutored the Stuarts' daughter and secured their patronage which served to deflect him from the typical Forfarshire academic path to Aberdeen. He pursued his further study at Edinburgh instead.

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<sup>7</sup> Information on Mill's life taken from Alexander Bain's James Mill: A Biography. Information not taken from Bain will be cited accordingly.

We know that Mill had entered Edinburgh University by 1790, but again the records of his life during this period are poor. It seems that he took Latin and Greek, and heard Dugald Stewart lecture on moral philosophy. In 1794, he began divinity studies and, strangely for a divinity student, his register of books borrowed from the library show a predilection for mental philosophy as well as some interest in social and historical philosophy.<sup>8</sup> Also notable is the commencement of Mill's friendship with the chemist Thomas Thomson, a connection which would prove fruitful for him in his early London years. Mill was licensed to preach in 1798, but his career in the church was short-lived. Interestingly, John Stuart Mill was unable to verify that Mill had been so licensed, a fact that Bain finds curious.<sup>9</sup> Before leaving for London in 1802, Mill was alleged to have lost his position as a tutor in a nobleman's house on account of a rash toast he had made in honour of the daughter.<sup>10</sup> Bain suggests this may have played a role in Mill's decision to leave Scotland. In addition, Mill failed at about the same time to secure a position as minister of the village of Craig, though Bain downplays the influence of this incident on Mill's determination to move to London. Of Mill's first 29 years in Scotland Bain concludes: "As in so many other things, we are entirely in the dark as to the first impulses of his mind towards liberal politics and political philosophy."<sup>11</sup> Bain, therefore, treats Mill's first three decades as a period in which an intellectual foundation was laid, but it is to the early years in London that Bain looks for the clues to Mill's liberalism. Because of the dearth of evidence, the effect that the French Revolution had on Mill while he was a

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<sup>8</sup> See *ibid.*, 18-19.

<sup>9</sup> *Ibid.*, 23.

<sup>10</sup> *Ibid.*, 28-30. Although unsure, Bain reasons that the nobleman in question was the Marquis of Tweeddale.

<sup>11</sup> *Ibid.*, 35.

student in Edinburgh is unknown. There are several facts of his early life, however, that are known: that he was raised by a mother anxious to improve his social standing; that he was an exceptional student; that noble patronage enabled him to study at Edinburgh and may have subjected him to an encounter which highlighted his social inferiority; that he heard and was influenced by Dugald Stewart; that he was reading mental philosophy and the classics as well as Ferguson, Millar, and David Hume on the theory of government; and that he was licensed to preach, although his career as a cleric was short-lived. To judge what significance these antecedents had for Mill, his subsequent life in London must be examined.

### **The early period in London and the writing of The History of British India**

Two events of tremendous significance in Mill's life occurred in London in the first decade of the nineteenth century: first, he commenced work in 1806 on The History of British India, and, second, he met Jeremy Bentham in 1808. From the time of James Mill's move to London until his appointment to a position with the East India Company in 1819 he earned his living by writing articles and editing. Bain shows that Mill received help in gaining a foothold in London by way of letters of introduction which Thomas Thomson authored on his behalf.<sup>12</sup> Among Mill's various employments were an article on Belsham's Elements of Logic and Mental Philosophy, articles for the 'Anti-Jacobin Review', contributions to the fourth edition of the Encyclopaedia Britannica, and contributions to a periodical entitled 'The Literary Journal' whose editor he eventually

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<sup>12</sup> Ibid., 37, 43, and footnote \*, 46. Bain also includes a citation from Mill's letter to Thomson in which Mill thanks the former for providing him with work on the 'Encyclopaedia', 45. It would seem that Mill owed much to Thomas Thomson for his start in London.

became. Bain notes that Mill's work on the Belsham piece was Mill's first famous work on mental philosophy, and the citations that Bain includes from this work testify to a continuing belief in God on Mill's part.<sup>13</sup> Editorship of 'The Literary Journal' was a major undertaking for which Mill had to secure the cooperation of a publisher, a feat which Bain points to as evidence of his ability to induce others to believe in him. His performance in this capacity also demonstrated Mill's business ability.<sup>14</sup> Although Mill was busy, he was able to find time for the army volunteer corps in London in 1803 for which he also incurred some cost. Upon Mill's arrival in London and during his early years there it appears he was able to secure an adequate living for himself. He remained interested in mental philosophy, and he was able to employ his charisma and business savvy to effect. Politically and religiously he was more conservative than he was soon to become.

Bain's examination of the contributions Mill is believed to have made to the 'Literary Journal' and the 'St. James's Chronicle' as well as the articles he is known to have written up to 1806 gives some idea of his ideological profile upon the commencement of The History of British India.<sup>15</sup> It is important to note that Mill appears to have been in the midst of a transformation. According to Donald Winch there was a shift in Mill's ideological position which took place after his meeting with Jeremy Bentham in 1808. Between 1802-1808, Mill's Scottish-style philosophy was opposed to deterministic, Utilitarian doctrines. During that period, he attacked both associationist

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<sup>13</sup> See *ibid.*, footnote \*, 41.

<sup>14</sup> *Ibid.*, 48.

<sup>15</sup> Bain claims that Mill's editorship of the 'St. James Chronicle' began in 1805 and lasted two to three years. James Mill, 52.

psychology and Utilitarianism, which later became foundational principles in his philosophy.<sup>16</sup> Also at this time, Mill was a Non-Conformist Protestant, and a proponent of political economy. In his 1804 publication of ‘An Essay on the Impolicy of a Bounty on the Exportation of Grain, and on the Principles which ought to regulate the Commerce of Grain’, he cited Dugald Stewart, George Campbell, John Millar, Robertson, and Thomas Hardie.<sup>17</sup> Mill’s political stance was nuanced but liberal from 1805 to 1808 as evidenced by his condemnation of Pitt’s taxes on knowledge and on farm horses, his protest over the suspension of Habeas Corpus in Ireland, and his defense of the liberty of the press in the case of the Tory journal ‘The Oracle’ which he supported against Fox and Grey. Donald Winch points out, however, that although Mill’s sympathies were on the liberal side in 1804, it was not until 1807 that he displayed misgivings about the composition and behaviour of Parliament and he rejected the idea that the interests of the land-owning classes were identical to those of the nation.<sup>18</sup> In 1806 the ‘Literary Journal’ published a review which contained a severe critique of the East India Company. In 1806 Mill reviewed John Millar’s The Origin of the Distinction of Ranks and judged it “as among the most instructive things that ever were offered to the minds of youth.”<sup>19</sup> Mill was critical of the meager biography included in The Origin of the Distinction of Ranks which he argued was not informative enough. In particular, in a statement pregnant with

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<sup>16</sup> Donald Winch, ed., James Mill: Selected Economic Writings, (Edinburgh : Oliver and Boyd, 1966), 6-7.

<sup>17</sup> Bain., James Mill, 50-58.

<sup>18</sup> Winch, James Mill, 9-10. Interestingly this presages the debate between Malthus and Ricardo on the theory of rent and Mill’s own thoughts on rent as they appear in the History. See above 60-63. The class-based nature of Utilitarianism is discussed by Perry Anderson who calls it “the ideology of the bourgeoisie.” See Perry Anderson, ‘Origins of the Present Crisis’, New Left Review, 23, January-February 1964, 43. See also Radhika Desai who calls the industrial bourgeoisie Utilitarianism’s “most affinal social force”, Intellectuals and Socialism, (London : Lawrence & Wishart, 1994), 37.

<sup>19</sup> Cited in Bain, James Mill, 56.

his later ideas about education he maintained that it did not treat seriously enough the early and formative years of Millar's life:

It appears to us that few biographers have the same opinions which we have formed respecting the importance of the early part of life. When a man has risen to great intellectual or moral eminence; the process by which his mind was formed is one of the most instructive circumstances which can be unveiled to mankind.<sup>20</sup>

Upon setting out in 1806 to increase his economic prospects by writing what would become his multi-volume work on India, it appears that Mill was in the midst of a transition.<sup>21</sup> He was a proponent of political economy and freedom of the press; he was a Christian and, more specifically, a Protestant who was very familiar with the secular philosophy of history expounded in the works of Millar; and he displayed an interest in the mental philosophy of Dugald Stewart that stretched back to his student days at Edinburgh.

When on 5 June, 1805, Mill married Harriet Burrow the combined income he earned from editorial positions was estimated by Bain at over 500 pounds per annum.<sup>22</sup> This income was cut down when Mill left the 'Literary Journal' in 1806, and reduced still further when he gave up the 'St. James's Chronicle' position in 1807 or 1808. He gave up these positions to pursue the writing of The History of British India. The decision to write the work was made in order to secure a more stable financial position but, in the immediate term, it occasioned a degree of hardship.<sup>23</sup> John Stuart, the Mills' first child of an eventual nine, was born May 20, 1806. To the burden of raising a family was added

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<sup>20</sup> Cited in Bain, James Mill, 56.

<sup>21</sup> According to Bain, writing The History of British India was part of Mill's plan to earn a living by writing.

<sup>22</sup> *Ibid.*, 60.

<sup>23</sup> *Ibid.*, 61.

that of paying off James Mill's father's debt.<sup>24</sup> Mill miscalculated the time he required to complete the History, and his difficulties extended until 1819. In the end, of course, he was able to secure a position with the East India Company in 1819 due, in part, to the knowledge of India he displayed in the History.<sup>25</sup> The period, however, was obviously a trying one for Mill as the following passage, taken from a letter written in 1816, testifies: "Thank God, after nearly ten years since its commencement, I am now revising it for the press. Had I foreseen that the labour would have been one half, or one third, of what it has been, never should I have been the author of the History of India."<sup>26</sup> Mill's only income for the period was from his various contributions to periodicals and the various pamphlets he was able to produce. It does not appear that Mill neglected his familial duties in consequence, but neither did his paternal efforts - in the face of his other obligations - make him an endearing father or husband.<sup>27</sup> He took the education of his children very seriously. As J.S. Mill wrote,

in psychology, his fundamental doctrine was the formation of all human character by circumstances, through the universal Principle of Association, and the consequent unlimited possibility of improving the moral and

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<sup>24</sup> J.S. Mill characterized that period of his father's life as follows: "In this period of my father's life there are two things which it is impossible not to be struck with: one of them unfortunately a very common circumstance, the other a most uncommon one. The first is, that in his position, with no resource but the precarious one of writing periodicals, he married and had a large family; conduct than which nothing could be more opposed, both as a matter of good sense and of duty, to the opinions which, at least at a later period of life, he strenuously upheld. The other circumstance, is the extraordinary energy which was required to lead the life he led, with the disadvantages under which he laboured from the first, and with those which he brought upon himself by his marriage. It would have been no small thing, had he done no more than to support himself and his family during so many years by writing, without ever being in debt, or in any pecuniary difficulty; holding, as he did, opinions, both in politics and in religion, which were more odious to all persons of influence, and to the common run of prosperous Englishmen, in that generation than either before or since." John Stuart Mill, Autobiography, ed., John M. Robson, (Markham, Ontario : Penguin Books Ltd., 1989) , 26-27.

<sup>25</sup> *Ibid.*, 184-185.

<sup>26</sup> Cited in Bain, James Mill, 62.

<sup>27</sup> Halevy called him a 'domestic tyrant'. See Philosophic Radicalism, 308.

intellectual condition of mankind by education. Of all his doctrines none was more important than this, or needs more to be insisted on.<sup>28</sup>

To this end, James Mill subjected his children to a rigorous, and precocious education. His first born bore direct witness to the strength of his father's convictions by becoming, in effect, a living demonstration of his father's philosophy. J.S. Mill not only took the remarkable nature of his father's educational programme as a reason for the publishing of his autobiography,<sup>29</sup> but also included an apology on his father's behalf for his lack of tenderness, and the severity of the education which he experienced.<sup>30</sup> James Mill's union with his wife was an unhappy one,<sup>31</sup> and the picture left to us by his son paints him as a severe and austere, but competent father. He was, moreover, a man of strong convictions, and a man of extraordinary activity and perseverance.<sup>32</sup> In general, the image of James Mill that survives is that of an intelligent, energetic, cold, and severe man, and one to whom the Utilitarian caricature was not inaptly applied.<sup>33</sup>

From 1808 to 1813 Mill wrote articles for the 'Edinburgh Review' which demonstrate that the leading topics of concern for Mill during the period were political economy, politics, jurisprudence, toleration and education. According to Bain, the only subject of note missing was mental philosophy which to Bain appeared "to be in

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<sup>28</sup> John Stuart Mill, *Autobiography*, 95-96.

<sup>29</sup> J.S. Mill included a justification for the writing of his autobiography in which he claimed "but I have thought that in an age in which education, and its improvement, are the subject of more, if not of profounder study than at any former period of English history, it may be useful that there should be some record of an education which was unusual and remarkable, and which, whatever else it may have done, has proved how much more than is commonly supposed may be taught, and well taught, in those early years which, in the common modes of what is called instruction, are little better than wasted." *Ibid.*, 25.

<sup>30</sup> *Ibid.*, 57-59.

<sup>31</sup> Bain, *James Mill*, 59-60.

<sup>32</sup> J.S. Mill, *Autobiography*, 54-59. See also Halevy, *Philosophic Radicalism*, 249, where he described Mill in the following manner: "James Mill was one of those hard-headed Scotsmen whose energy achieved the intellectual conquest of England towards the end of the eighteenth century."

<sup>33</sup> *Ibid.*, 309.

abeyance with him during all those laborious years of the History.<sup>34</sup> Yet, although mental philosophy may not have appeared as a topic of any of the articles written for the ‘Edinburgh Review’, Bain appears to have been mistaken in arguing that Mill left it entirely aside while writing The History of British India. As chapter 3 will argue below, mental philosophy, as embodied in Dugald Stewart’s moral philosophy, pervaded Mill’s book. Moreover, Lockean psychology was inextricably bound up in Mill’s version of four-stages theory even though it was not included in Adam Ferguson’s version and even though John Millar never dealt explicitly with it.<sup>35</sup> Insofar as Mill employed four-stages theory, and insofar as he focused explicitly on the mental development that in his view attended social development through the four-stages, he never abandoned his interest in mental philosophy. Far from being in abeyance during the writing of The History of British India, Mill’s mental philosophy informed the whole work.<sup>36</sup>

Up to 1808, then, it seems that Mill had all the ingredients ready for what was to become philosophic radicalism save for one important component, namely, Utilitarianism.<sup>37</sup> It was in this year that he met Jeremy Bentham with whose writings Mill was already acquainted. In light of this, Alexander Bain wonders how it was that Mill was in London six years before he met Bentham.<sup>38</sup> Bain has studied the relationship in detail, and notes the long periods which Mill and his family spent with Bentham in various residences, as well as a couple of tense moments in the Bentham-Mill relationship.<sup>39</sup>

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<sup>34</sup> Bain, James Mill, 63.

<sup>35</sup> See below, 45-49.

<sup>36</sup> See below, 83-98.

<sup>37</sup> J.S. Mill, Autobiography, 93-94.

<sup>38</sup> Bain, James Mill, 72.

<sup>39</sup> *Ibid.*, 71-74, 95-97, 136-140, and *passim*.

Such intimacy with Bentham himself was shared by only one other person, Etienne Dumont, who was a popularizer of Bentham's doctrines on the continent.<sup>40</sup> Like Dumont, James Mill was responsible for popularizing Benthamite Utilitarianism, and his effectiveness in carrying out this task was indispensable to the dissemination of the doctrine. J.S. Mill claimed:

This supposed school, then, had no other existence than what was constituted by the fact, that my father's writings and conversation drew round him a certain number of young men who had already imbibed from him, a greater or smaller portion of his very decided political and philosophical opinions. The notion that Bentham was surrounded by a band of disciples who received their opinions from his lips, is a fable to which my father did justice in his 'Fragment on Mackintosh', and which, to all who knew Mr. Bentham's habits of life and manner of conversation, is simply ridiculous. The influence which Bentham exercised was by his writings.<sup>41</sup>

Elie Halevy characterized the relationship in a similar fashion when he said that "Bentham gave Mill a doctrine, and Mill gave Bentham a school."<sup>42</sup> To be more specific, Bentham provided Mill with a philosophical system that functioned as an intellectual foundation for liberal political reform. More pragmatically, he extended financial aid to Mill through the lean years when the latter was writing The History of British India. For his part, Mill was able to popularize a philosophical system which could be used as an intellectual justification for reform and which was almost stillborn in the thought and writings of the reclusive and idiosyncratic Bentham.<sup>43</sup> The match was mutually beneficial: Bentham's Utilitarianism and his mentoring were allied to Mill's

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<sup>40</sup> Ibid., 72.

<sup>41</sup> J.S. Mill, Autobiography, 91.

<sup>42</sup> Halevy, Philosophic Radicalism, 251.

<sup>43</sup> Halevy outlined the relative obscurity within Britain of Bentham as he, simultaneously, grew increasingly more famous on the continent and elsewhere, Philosophic Radicalism, 251-254.

pigheadedness, his energy, and his ability to apply the doctrines he held to practical uses. Without Mill, Bentham's was a voice virtually unheard, and without Bentham, Mill's calls for reform would have lacked the authority and direction conferred by a cogent and axiomatic system.

### **The Historical context: revitalized conservatism and British ascendancy in India**

Elie Halevy's explanation for the cold reception Bentham's proposed reforms and philanthropic schemes met with in Britain, while they were received more favourably abroad, is that England did not appear to need judicial reform based on a systematic and written code. To the contrary "it was the judicial institutions of England which were continually being cited by the reformers of the whole of Europe as a model to be imitated."<sup>44</sup> Montesquieu and Voltaire had both lauded the virtues of the English commercial, judicial, and constitutional systems.<sup>45</sup> Moreover the conservative British reaction to the French Revolution meant there was little support for plans of reform before 1815. Although his views were at odds with Burke's, Bentham was no Paineite radical and, in fact, he took pains to distance himself from the favours bestowed upon him by the French Assembly.<sup>46</sup> Bentham staked his claim somewhere between the ancient constitution and common law championed by Edmund Burke and the inalienable metaphysical rights of man championed by Thomas Paine.<sup>47</sup> It was not until the tide

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<sup>44</sup> Ibid., 79.

<sup>45</sup> Montesquieu, , *The Spirit of the Laws*, (Cambridge : Cambridge University Press, 1989 ; repr., 1995), 608. Voltaire, *Philosophical Letters*, trans., Ernest Dilworth, (New York : Macmillan Publishing Company, 1961) , 30-40.

<sup>46</sup> Halevy, *Philosophic Radicalism*, 173-177.

<sup>47</sup> See below for Burke/Paine debate, 17-19.

shifted again in favour of reform after the end of the eighteenth century that Bentham's works migrated back to England from France where they had been received by a more welcoming audience.<sup>48</sup>

Providing another perspective on the generally hostile atmosphere which Bain describes, Javed Majeed regards the revitalized conservatism in Britain as the specific target of the Utilitarian reformers and suggests that Burke's Reflections on the Revolution in France was a primary text for this conservatism.<sup>49</sup> What Burke feared was "The spirit of total, radical innovation; the overthrow of all prescriptive rights; the confiscation of property; destruction of the Church, the nobility, the family, tradition, veneration, the ancestors, the nation."<sup>50</sup> In their stead, Burke championed moderate reform; civic rather than natural rights; the maintenance of property and social station; the stability and stabilizing effect of the Church; common law and the rule of precedent, and the ancient Anglo-Saxon constitution.<sup>51</sup> Burke's impassioned and loquacious response resulted from his opposition to the ideas of Richard Price and other members of the Revolution Society who supported the revolution in France.<sup>52</sup> Against Burke's Reflections on the Revolution in France, some fifty critical articles were written by authors including Mary Wollstonecraft, James Mackintosh, Thomas Christie, Joseph Priestley, and Catherine Macaulay.<sup>53</sup> Among these authors was Thomas Paine, whose views, as already noted, were antithetical to Burke's. In his Rights of Man Paine countered Burke's claim that the

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<sup>48</sup> Halevy, Philosophic Radicalism, 75-76.

<sup>49</sup> Javed Majeed, Ungoverned Imaginings: James Mill's The History of British India and Orientalism, (Oxford : Clarendon Press, 1992), 2. Edmund Burke, Reflections on the Revolution in France, ed., Conor Cruise O'Brien, (Markham, Ontario : Penguin Books Ltd., 1981).

<sup>50</sup> *Ibid.*, intro., 10.

<sup>51</sup> *Ibid.*, 117-134.

<sup>52</sup> *Ibid.*, 93-107.

<sup>53</sup> Gregory Claeys, Thomas Paine: Social and Political Thought, (Boston : Unwin Hyman, 1989), 66.

decisions of past generations could bind those of the present. He argued for the existence and primacy of natural over civic rights, and he posited liberty as a birthright for men even though he did not for women. He asserted, furthermore, that, because of men's natural and inalienable rights, government was to be formed by a compact among citizens, not among citizens and their rulers. Paine also argued that in the absence of a written constitution, Burke's claim to preserve the constitution of Britain amounted to little more than the preservation of a chimera.<sup>54</sup> During the 1790s opinion became polarized around these leading intellectual and political figures and their ideas.<sup>55</sup>

This rift between radicals and conservatives was reproduced around issues seemingly far removed from those of any immediate domestic political consequence. For example Javed Majeed suggests that the British conservative reaction to events in France and within Britain played a major role in the development of European Orientalism.<sup>56</sup> Also in this connexion, he argues that Sir William Jones' linguistic work on Sanskrit "enabled comparisons to be made between cultures on a much firmer foundation than before."<sup>57</sup> Majeed rounds out his argument with a study of the Orientalist works of Robert Southey and Thomas Moore, both of whom he sees as engaged in protecting the integrity of national cultures against the attack offered by universalistic and rationalist ideals such

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<sup>54</sup> Thomas Paine, *The Rights of Man*, intro., Eric Foner, (Markham Ontario : Penguin Books Ltd., 1984), 41-45, 64-69, 70-73.

<sup>55</sup> *Ibid.*, introduction, 71. "A major result of Burke's arguments was to give greater prominence to natural rights ideals than they had enjoyed in radical debates hitherto; as one writer put it the *Reflections* had the effect of 'producing a general recognition of those inalienable rights, the existence of which it imprudently and weakly questions'. In this respect Burke demanded that Whigs choose between adhering to 'the British constitution' and to natural rights *per se*. Previously no conflict had seemed to exist between these ideals."

<sup>56</sup> Majeed, *Ungoverned Imaginings*, 45. 'Orientalism' in the sense intended here is not to be confused with 'Orientalism' in the sense in which Edward Said defines it. Here it means simply an interest or study of things from the East in relation to Europe.

<sup>57</sup> *Ibid.*, 15.

as those issuing from the French Revolution and promoted by the Utilitarians.<sup>58</sup> This they attempted to do through defining cultures in books written on national-histories which blended myth with fact. According to Majeed, James Mill's History of British India was written in this milieu and included, as one of its author's goals, the overcoming of this merging of fact and fiction.<sup>59</sup> Majeed's claim, then, is that Mill's work was the product of his reaction to what he perceived as falsification of the truth by writers like Southey and Moore. In Majeed's contention this falsification was due, in part, to political motivations stemming from a conservative reaction to the French Revolution. On this view Mill's work was forged, in part, by a dialectical process in which Mill consciously strove to right the wrongs of the Orientalist works that had been written with the liberty of the 'ungoverned imagination', and were driven by a conservative political agenda.

Another aspect of Mill's thought that was generated, in part, by debates which arose out of the French Revolution was his rent theory. Insofar as Malthus' formulation of rent theory came out of his population principle, it was ultimately the fruit of the debate about perfectibility that he had carried on with Godwin, and ultimately Condorcet. Malthus stated in his preface that his essay "owes its origin to a conversation with a friend, on the subject of Mr. Godwin's essay on avarice and profusion, in his *Enquirer*," and, furthermore that

it is an obvious truth, which has been taken notice of by many writers, that population must always be kept down to the level of the means of subsistence; but no writer, that the author recollects, has inquired particularly into the means by which this level is effected: and it is a view

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<sup>58</sup> Ibid., 68-69, 75, 97, 120-121, 195.

<sup>59</sup> Ibid., 64.

of these means which forms, to his mind, the strongest obstacle in the way to any very great future improvement of society.<sup>60</sup>

When Mill adopted Malthusian rent theory through Ricardo, not only did he deny the view that rent was a providential gift which enabled civilizational improvement by means of a proprietary class, but he also promoted an idea of the perfectibility of humankind. Mill's adoption of rent theory was a critical appropriation of Malthusian thought, or, more precisely, of the thought of Malthus contained in his 1798 edition of the Essay on the Principle of Population.<sup>61</sup>

Whereas the events surrounding the French Revolution provide a partial explanation of what Mill was reacting to in writing The History of British India, other factors were clearly at work. Eric Stokes argues that the prime mover in British-Indian relations was the industrial revolution.<sup>62</sup> It was the growth in economic strength, combined with the social reformism of Methodism, that transformed the English in India from "suppliant merchants to a ruling caste."<sup>63</sup> This shift, which Stokes locates around 1800, enabled "a new, expansive, and aggressive attitude, which the French, who were its later masters, termed that of *la mission civilatrice*."<sup>64</sup>

As editor of a recent reprint of Mill's History of British India, William Thomas argues likewise that a shift in British attitudes from mutual respect to condescension and contempt for India occurred between 1750 and 1818.<sup>65</sup> Unlike Stokes, however, Thomas

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<sup>60</sup> Malthus, in preface to Essay, i-ii. See also 53-66 where Malthus discusses Condorcet and Godwin in detail.

<sup>61</sup> Fuller explication of rent theory is undertaken below 44-47 and 54-56.

<sup>62</sup> Eric Stokes, xiii, 27.

<sup>63</sup> *Ibid.*

<sup>64</sup> *Ibid.*, xiii.

<sup>65</sup> William Thomas, intro., The History of British India by James Mill (Chicago : University of Chicago Press, 1975), xix.

points to a more direct cause of this shift in British attitudes: merchant warfare.

Merchants engaged in warfare to ensure their trade, but became embroiled in wars of conquest. This, in turn, led to greater intrusion by parliament in the affairs of the East India Company in India, and the attention of the merchants was refocused on Britain and its parliament rather than on Mughal authority. Thomas contends:

under Cornwallis and his successors, an attitude of priggish aloofness became the rule. Observers of India came to wonder if all oriental culture, not just the culture of the Moslem and the Hindu, was not somehow devoid of the principles of expansion, self-improvement, and growth which the European culture possessed.<sup>66</sup>

Finding themselves the military masters over more and more of the disintegrating Mughal empire, Thomas' argument suggests, the East India Company was transformed into a conqueror both in deed and mentality. In addition to events on the ground in India, battle against jacobinical and atheistic France, and the evangelical revival in England influenced English writers on India who came to the defense of Christianity against the admirers of the Hindus. Like Majeed, Thomas argues that the ideological conflict which characterized the French Revolution and the British reaction to it, as well as the battle of the Christians and the Sinophiles, drew India into its orbit. It was for this reason, Thomas explains, that although Mill may not have shared the goal of the Evangelicals *per se* he utilized the arguments of the defenders of Christianity and the Mosaic chronology.<sup>67</sup> While utilizing military power to subdue their Indian hosts, the British found a ready justification for their ventures in the evangelical contempt for Indian civilization; and Mill's History of British India "shared this contempt and even encouraged its authoritarian implications."<sup>68</sup>

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<sup>66</sup> Ibid., xx.

<sup>67</sup> Ibid., xxviii-xxix.

<sup>68</sup> Ibid., xxi.

Thomas' view is similar to Mill's own understanding of the shift in British attitudes. For Mill, the shift was occasioned, in part, by actual military actions in India, but was mainly the product of a discovery of something more, namely that European military discipline could overpower the native armies. The success of the French defense of Madras in 1746 "first broke the spell which held the Europeans in subjection to the native powers."<sup>69</sup> Mill reduced the success of the European conquest of India to two factors: European discipline, and the imparting of that discipline to natives in European service.<sup>70</sup> By 1749, according to Mill, the East India Company had reached a new stage in expanding its power on the sub-continent. After the militarization of the 1740s, and the successes of the French, the hitherto obsequious East India Company traders entered into Indian domestic disputes.<sup>71</sup> It was from that time, in Mill's estimation, that it was a simple matter of whether the British or the French would be master of India.

Thomas Metcalf examines a different dimension of Mill's historical milieu. His focus is on the discourse of otherness which, in his opinion, underwent a secularization during the Enlightenment such that the Christian/Pagan dichotomy was replaced by a modern/primitive dichotomy that incorporated further polarities between 'masculinity' and 'femininity' and 'honesty' and 'deceit'.<sup>72</sup> It was by conceiving India as 'other' as "a land lost in the past, whose people were shaped by the heat of their climate, the distinctive character of their religion, and the immemorial antiquity of their social institutions" that the British could justify their rule over India to themselves.<sup>73</sup> This sense

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<sup>69</sup> James Mill, *The History of British India*, Vol. 3, 65.

<sup>70</sup> *Ibid.*, see note 2.

<sup>71</sup> *Ibid.*, 77.

<sup>72</sup> Thomas Metcalf, *Ideologies of the Raj*, 5-6.

<sup>73</sup> *Ibid.*, 25.

of Indian difference “helped shape an enduring ideology that marked out Indians as fit only to be colonial subjects”.<sup>74</sup> Conquest could be justified if rule was undertaken in the interests of the Indian people.<sup>75</sup> As Roy Porter notes, the application of science to the study of humankind was engendered by an attempt to understand mankind from the new rational-empirical method unfettered by the doctrines of the church. In short, the shift was part and parcel of the rejection of the doctrines of the *ancien regime*.<sup>76</sup> This paper will make it apparent that Mill was working with a modern/primitive distinction, but so too will it argue that this was the product of Mill’s adoption of the Scottish conjectural historical mode of analysis, and, furthermore, that it was applied as a rational tool for explaining real differences between Indian and British society. In other words, while Metcalf may be right about the secularization of the discourse of otherness, this paper will argue that one must go beyond discourse analysis to understand what was animating Mill. Although shedding some light on the accuracy of Mill’s treatment of India, Metcalf’s work has little to say about the formative role of the historical influences at work in Mill’s treatment of India. Certainly, as both Metcalf and Ronald Meek claim, there may have been a secularization in the conceptual tools used to analyze societies during the Enlightenment, but the supposition that this was simply a product of the discourse of otherness seems too simplistic.<sup>77</sup> A secularization of thought, moreover, does not account,

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<sup>74</sup> Ibid., 24.

<sup>75</sup> Ibid., 19.

<sup>76</sup> Roy Porter, *The Enlightenment*, (London : Macmillan Education Ltd., 1990) , 12-23.

<sup>77</sup> Meek argues that four-stages theory resulted from the rejection of the Christian idea that cultural similarities resulted from genetic descent. In its stead, the idea that like causes could produce like effects was propounded. *Social Science and the Ignoble Savage*, (Cambridge : Cambridge University Press, 1976) , 41-67, 140-141.

in and of itself, for Mill's disparaging view. For an understanding of that, a greater emphasis must be placed on events on the ground in India.

James Mill was writing at the dawn of British industrial and economic ascendance, while the British were expanding virtually unchecked on the subcontinent; and he attempted to account for the disparities he observed between the two societies with the conceptual tools he had ready to hand. Mill's The History of British India was not simply a manifestation of the discourse of the other, but an attempt both to understand what was happening in India, and to suggest how governance might be carried out with the idea of the greatest good for the greatest multitude as a motivating principle. This thesis will not contend that Mill did not focus on the differences between British and Indian for his main enterprise was demonstrating how they differed. However it is my argument that this differentiation was not an end in itself, but its function was to ground his diagnosis for rebuilding a society evidently in decline, and one inferior in military and economic might. The analysis suggested by his method also suggested the course to be pursued in the future; governance was to be undertaken with the principles of Utilitarianism and of political economy as guides. Accepting that Indian and British civilizations were different, Mill attempted to account for this disparity using what he understood to be 'scientific' modes of analysis.

Very instructive for understanding Mill, however, is Metcalf's explication of the process of the construction of Hinduism. N.B. Halhed's A Code of Gentoo Laws published in 1776, which Mill cited quite liberally in support of his arguments, was the result of Halhed's collaboration with eleven purported professors of Sanskrit. It had to be translated from the Sanskrit into Persian before being translated into English for Mill to

read. Thus a work which Mill cited as an authority was based on the opinion of a handful of people, and was accessed at a couple removes from the original. Metcalf concluded “in the end, indeed, one can only see the ‘constructed’ Hinduism of the early colonial era as a joint product of British scholars and Brahmin pandits.”<sup>78</sup> It was this construction that Mill pointed to as proof of the lack of Indian civilizational development. What Metcalf is pointing out is the problematic nature of Mill’s reliance on texts of dubious authority for evidence to support his analysis of Indian society. Insofar as this criticism speaks directly to Mill’s methodology, it is telling.

Mill inhabited an era in which the secularization of thought began to undergo the criticism of the romantic era. His propagation of Scottish Enlightenment ideas, Benthamite Utilitarianism, and political economy place his intellectual roots firmly in the late Enlightenment. J.S. Mill’s contention regarding his father that “As Brutus was called the last of the Romans, so was he the last of the eighteenth century” thus rings true.<sup>79</sup> Mill was, moreover, engaged in battle with the political and intellectual conservatism of his day, and it was from within this crucible that The History of British India took shape. The domestic and foreign politics of Britain, the politics of France and of all Europe had been sucked into the vortex of the warring ideologies which characterized the French Revolution. The ramifications of this total warfare were experienced far afield and consisted as much in ideas as in troops and territory. Mill’s work was completed within

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<sup>78</sup> Ibid., 12.

<sup>79</sup> J.S. Mill, Autobiography, 158.

this context and, as a result, the assessment Mill made of Indian society was intimately and inextricably bound up in the ideas and events of eighteenth and nineteenth century Europe.

### **Mill's posting to the East India Company and his role in the reform movement**

Subsequent to the completion of Mill's The History of British India, several events occurred which have a bearing on how it may have been perceived and which require a brief consideration. As mentioned above, in 1819 Mill received a posting with the East India Company, and by 1833 he had moved up to head examiner for the company. It was in this capacity that he was examined by Parliament on the eve of the passing of the India act. Of interest was Mill's attempted defense of the company in the face of losing the last of its trading privileges. As will be discussed below, this seems only to add to the apparent ambivalence of Mill on the subject of the East India Company and monopoly.<sup>80</sup> It seems that an apparent explanation is supplied by Mill's stance against government at a distance as he stated regarding the treaty of Paris:

The treaty, by the provisions of which the pretensions of England and France were at this time adjusted, affords a singular illustration of the obvious and neglected truth, that the knowledge requisite for good government in India cannot be possessed by rulers sitting and deliberating in Europe.<sup>81</sup>

It would seem that Mill felt that it was in the best interests of both governing and governed alike that the East India Company remain the governing body for India. More poignantly, in his testimony Mill denied the wisdom either of including Indians in their

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<sup>80</sup> See below 111-113.

<sup>81</sup> Mill, The History of British India, Vol. 3, 399.

own government, or of granting representative institutions to India.<sup>82</sup> It will be shown below both that this was consistent with his opinions expressed in The History of British India, and how it was that Mill arrived at these conclusions. Mill's obvious denigration of Indian society did not stop at the production of his magnum opus, but was forwarded as testimony upon which policy might have been based.

Of obvious importance to the subsequent reception of Mill's work was his role in the reform movement. As shown above Mill's role was primarily that of the popularizer and propagator of the doctrines of philosophic radicalism. Until his death Mill was involved in this pursuit. Of great importance, according to Bain, was Mill's 'Essay on Government' (1820) of which he wrote that

in the train of events culminating in the Reform Bill of 1832, this article counted as the principle factor. It was both an impelling and a guiding force; and, taken along with the other disquisitions of the author, and his influence with those that came into personal contact with him, it, in all probability, made our political history very different from what it might otherwise have been.<sup>83</sup>

In addition to this Mill wrote articles on the liberty of the press, jurisprudence, and a reply to Mackintosh in defense of Bentham and the Utilitarian system.<sup>84</sup> He gained a reputation as a deductive thinker, and it was this aspect of his thought which ran throughout The History of British India as well as his reasoning in general, that was the object of attack for people like Macintosh and Macaulay.<sup>85</sup> Revolt against the more purely deductive, a

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<sup>82</sup> Bain, James Mill, 344-345.

<sup>83</sup> Ibid., 215.

<sup>84</sup> Ibid., 215-259.

<sup>85</sup> Ibid., 221-230. Macaulay said of Mill that "he is an Aristotelian of the fifteenth century, born out of due season." Ibid., 222.

*priori* method constituted a primary part of J.S. Mill's intellectual crisis.<sup>86</sup> These critiques aside, James Mill had obtained a fair amount of influence on the reform movement and, therefore, reform in general in Britain. The 'school' of philosophic radicalism really owed its existence to his energy and to his ability to win over the confidence of others through force of argument and personality. Moreover Mill had access to real power through those he influenced. Through Francis Place, Mill was tied into a centre of political action. It was at Place's shop that preparations were made for Hobhouse's election to Westminster in 1818 and for the repeal of the combination laws in 1824. Mill played a major role in getting Ricardo into parliament and was a major influence on his friend Joseph Hume whom Halevy termed the 'representative of the group in parliament'.<sup>87</sup> Of course there was Mill's influence on India through the dispatches he sent in the capacity of assistant and ultimately head examiner for the East India Company.<sup>88</sup> His influence did not stop there, however. Before leaving for India in 1827 the soon-to-be governor Lord William Bentinck, an intimate of George Grote's circle of reformers, was given a dinner at which Mill was present, and at which he was feasted on the "pure milk of the Benthamite word."<sup>89</sup> Mill's role in the reform movement was primarily that of a disseminator of information and ideas. He contributed to the various periodicals and journals, won over

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<sup>86</sup> J.S. Mill, *Autobiography*, 127-131. J.S. Mill wrote of the James Mill/Macaulay debate that "it thus appeared, that both Macaulay and my father were wrong; the one in assimilating the method of philosophizing in politics to the purely experimental method of chemistry; while the other, though right in adopting a deductive method, had made a wrong selection of one, having taken as the type of deduction, not the appropriate process, that of the deductive branches of natural philosophy, but the inappropriate one of pure geometry, which not being a science of causation at all, does not require or admit of any summing-up of effects." *Ibid.*, 129.

<sup>87</sup> Halevy, *Philosophic Radicalism*, 309, 409-410, 513-514.

<sup>88</sup> For a treatment of the efficacy of Mill and the Utilitarians' reforms in India see Stokes, *The English Utilitarians and India*.

<sup>89</sup> Cited in Halevy, *Philosophic Radicalism*, 51.

converts to the cause, and influenced policy most directly through his influence on reforming members of Parliament. Thus it was as a leader and propagandist in the movement for reform, and particularly as a spokesman the philosophic radicals, that Mill was known subsequent to writing the History of British India.

## II - Intellectual Underpinnings

Having examined the context within which James Mill operated, one can go deeper into the background of his intellectual and political views. Intellectually, the eighteenth century provided James Mill with a corpus of thought upon which he drew in shaping his treatment of India in The History of British India. Mill utilized Scottish Enlightenment four-stages theory, classical political economy, and Benthamite Utilitarianism both as analytical tools in his assessment of Indian social development and as guides for reform. To give an understanding of the influences evident in The History of British India, this chapter focuses on Mill's intellectual underpinnings.

### Dugald Stewart and Conjectural Methodology

It is apparent both from a reading of The History of British India and from Mill's own avowals, that Dugald Stewart's thought provided him with a conceptual blueprint for understanding human social development.<sup>90</sup> For Dugald Stewart, the object of moral philosophy was "to ascertain the general rules of a wise and virtuous conduct in life, in so far as these rules may be discovered by the unassisted light of nature; that is, by an examination of the principles of the human constitution, and of the circumstances in which man is placed."<sup>91</sup> Stewart displayed the characteristic Scottish Enlightenment

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<sup>90</sup> In a letter to Macvey Napier, Mill claimed "all the years I remained about Edinburgh, I used, as often as I possibly could, to steal into Mr. Stewart's class to hear a lecture, which always was a high treat. I have heard Pitt and Fox deliver some of their most admired speeches; but I never heard anything nearly so eloquent as some of the lectures of Professor Stewart. The taste for the studies which have formed my favourite pursuits, and which will be so until the end of my life, I owe to him." Cited in Bain, James Mill, 16.

<sup>91</sup> Stewart, Outlines of Moral Philosophy, 8.

interest in the development of a moral Newtonianism. To this end he held that observation and experiment would uncover the regular succession of events from which general laws of human nature could be discovered which would guide future conduct.<sup>92</sup> The process of gaining knowledge was one of making order out of chaos. Once general laws of nature were understood, they could be relied upon to explain the nature of the very events whose observation made the laws apparent in the first place. However, where observation and experiment were impossible, a conjectural approach governed by knowledge of laws of nature would enable, at least, a general understanding of things and events to be attained. Stewart claimed of the arts, sciences, and the development of the human mind that

on most of these subjects very little information is to be expected from history; for long before that stage of society when men begin to think of recording their transactions, many of the most important steps in their progress have been made. A few insulated facts may, perhaps, be collected from the casual observations of travelers, who have viewed the arrangements of rude nations; but nothing, it is evident, can be obtained in this way, which approaches to a regular and connected detail of human improvement.<sup>93</sup>

Stewart continued:

In this want of direct evidence, we are under a necessity of supplying the place of fact by conjecture; and when we are unable to ascertain how men have actually conducted themselves upon particular occasions, of considering in what manner they are likely to have proceeded, from the principles of their nature, and the circumstances of their external situation.<sup>94</sup>

Having described the method, Stewart coined a name for it:

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<sup>92</sup> Ibid., 1-4. Stewart credited Bacon with being the first person to become fully aware of the importance of the 'fundamental truth' that constructing an accurate register of events recorded by observation and linked to general laws was 'the great business of philosophy'.

<sup>93</sup> Adam Smith, *The Theory of Moral Sentiments*, (London : Henry G. Bohn, 1853 ; repr., New York : Augustus M. Kelley, 1966) , xxxv.

<sup>94</sup> Ibid.

To this species of philosophical investigation, which has no appropriated name in our language, I shall take the liberty of giving the title of *Theoretical or Conjectural History*; an expression which coincides pretty nearly in its meaning with that of *Natural History*, as employed by Mr. Hume, and with what some French writers have called *Histoire Raisonnée*.<sup>95</sup>

Mill adopted Stewart's conjectural approach and applied it to the study of India. However he also adopted the four-stages theory from Ferguson and Millar and used it to flesh out the general account of civilizational development given in Dugald Stewart's moral philosophy. In The History of British India the conjectural method incorporating four-stages theory was utilized by Mill to 'prove' the falsity of Orientalist, eurocentric, and 'aristocratical' conceptions of India. In Mill's hands conjectural history became a sort of arbiter between true and false in a case in which the gathering of evidence was hindered by time and space. In this he went further than his mentor Stewart for whom conjectures were to be utilized only when direct evidence was unobtainable. Moreover, as will be seen below, because Mill rejected the veracity of testimony based on an intimate relationship with the subject(s), he actually seemed to go as far as claiming that the conjectural method was the only method capable of producing truth about Indian history and society. In his view the accounts of Jones and the Orientalists were not only in error regarding the ancient history of India, but also about its more recent history.

### **Adam Ferguson, John Millar, and the Four-Stages Theory**

Four-stages theory, which provided Mill with essential content for his more general

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<sup>95</sup> Ibid.

method of analysis, was a secular and stadial theory devised to describe the social development of humanity. It should be noted that the four-stages theory was developed by people with differing outlooks, but the focus of this paper is on Mill's use of four-stages theory, and because of this the nuances between Ferguson's view of four-stages theory and Millar's will not be dealt with extensively.<sup>96</sup> According to Ferguson and Millar societies were understood to be driven through progressive development by the modes of subsistence that characterized them. New methods of obtaining subsistence were developed in order to meet the changing exigencies of survival. The successive methods were identified as: hunting and gathering, pastoral, agricultural, and commercial. It was postulated that with each stage society became more complex. According to four-stages theory, the development of shepherding meant that property was made possible by the keeping of herds and social stratification resulted as wealth accrued to individuals. This process of stratification was furthered by the development of fixed property in land during the agricultural stage. With the establishment of fixed and alienable property, the need for law and government arose. In addition to the growth of property, laws, and

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<sup>96</sup> See, for example, the treatment of Adam Ferguson's view of social development contained in Duncan Forbes' introduction to Ferguson's An Essay on the History of Civil Society, (Edinburgh : Edinburgh University Press, 1966). Forbes focuses on Ferguson's civic humanism and the resultant worry about the corruption of society potentially attendant on the development of commerce. Moreover, Forbes also argues that Ferguson did not accord primacy to the mode of subsistence in classifying stages of social development nor did he adopt a four stages approach, xiv, xxi-xxii. Contrary to Forbes, however, Ferguson claimed that "Upon a slight observation of what passes in human life, we should be apt to conclude, that the care of subsistence is the principal spring of human actions." Ferguson, History of Civil Society 35. See also Ibid, 80. Ferguson clearly outlined four stages of development in his Institutes of Moral Philosophy, (Edinburgh : A. Kincaid, W. Creech, J. Bell, 1773 ; repr., New York : Garland Publishing Inc., 1978) , 27-36. It should be noted that Forbes was writing a introduction to An Essay on the History of Civil Society wherein Ferguson did not sketch a full four stages in his theory of social development as he did in his later work, but maintained Montesquieu's distinction between the savage and barbaric state based on the criteria of the development of private property. 80-81. This discrepancy demonstrates the idiosyncratic nature of Ferguson's four-stages theory. Mill appropriated those aspects of Ferguson and Millar as fit into his system and so in The History of British India they appear to agree with each other to a greater degree than may

government, four-stages theory also posited the progression of manners and customs which became increasingly complex and refined throughout the historical process.

As developed in Scotland in the mid-eighteenth century four-stages theory displayed elements characteristic of the Enlightenment at large, but also possessed features of a primarily Scottish flavour. The goal of building a science of humankind, by applying Newtonian-like laws to the study of society, was an animating undercurrent in Scottish Enlightenment stadial theory.<sup>97</sup> This aim was meant to be realized through the development of the idea that society advances through stages impelled by the modes of procuring subsistence. This aim, furthermore, was also embodied in the decidedly Scottish penchant for grounding arguments in empirical data. Characterizing the Scottish Enlightenment as “a combination of empiricism, realism, and idealism that was peculiarly Scottish,”<sup>98</sup> William Lehmann writes of it that

in economics, politics and law the hard facts of experience and observation were rarely left to stand unrelated to a larger theoretical or philosophical frame of reference; as on the other hand economic, political or legal principles without a concrete basis in experience and observation were to the Scots a thing quite unthinkable.<sup>99</sup>

That laws were to be the tools whose apprehension unlocked the mysteries of nature and

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have been the case. Thus the idiosyncratic nature of Ferguson’s social theory *vis à vis* Adam Smith and Millar is lost in Mill’s appropriation of Ferguson.

<sup>97</sup> In his introductory pamphlet *The Enlightenment*, Roy Porter focuses on the application of scientific laws to the study of humankind as a defining characteristic of the amorphous event known as ‘the Enlightenment’. The radicalism of the Enlightenment is derived from its secularization of the means of understanding of humankind and, therefore, the rejection of providence as an explanatory hypothesis for human behaviour. See 12-23, 70-72. In regard to the four-stages theory Newton’s rules I and II of Book III are most applicable: “*We are to admit no more causes of natural things than such as are both true and sufficient to explain their appearance,*” and “*Therefore to the same natural effects we must, as far as possible, assign the same causes.*” Isaac Newton, *Mathematical Principals of Natural Philosophy*, trans., Andrew Motte, ed., Florian Cajori, vol. 2, (Berkeley : University of California Press, 1966) , 398.

<sup>98</sup> William C. Lehmann, *John Millar of Glasgow* (Cambridge : Cambridge University Press, 1960) , 94.

<sup>99</sup> *Ibid.*

society was undoubtedly the conceptual goal of the main Scottish Enlightenment thinkers, but the achievement of that goal was to be buttressed by examples taken from the real world. It was for this reason that thinkers like Smith, Ferguson, and Millar mined contemporary travel accounts, as well as classical accounts of the ‘barbarians’ encountered by the legions of Rome. Their laws of social development were to be rational, coherent, and consistent constructs, but so too were they to be found at work in societies in both the present and in the past. Logic was to be confirmed by experience. Consequently, two epistemological methods were employed in the attempt to apprehend the nature of the universe: self-contained, deductive, *a priori* reasoning, and inductive, *a posteriori* reasoning.

This relationship between the search for laws and empiricism is outlined in Ronald Meek’s account of the four-stages theory, which charts its development both in France and in Scotland from the 1750s. Given the breadth and depth of Meek’s treatment, only a fraction of his analysis will be considered here, namely his examination of two exponents of more mature versions of the theory, Adam Ferguson and John Millar, both of whom he sees as heirs to an intellectual tradition started by the young Adam Smith.<sup>100</sup> According to Meek, Smith and Turgot both found in Montesquieu “a kind of green light, an *ex cathedra* ‘go ahead’, for the new social science.”<sup>101</sup> If Montesquieu, however, functioned as the *point de depart* for the French and Scottish thinkers alike, Turgot’s project, according to Meek, looked back to the providential history of Bossuet, while

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<sup>100</sup> See Meek, *Social Science*, 99-130 where he makes the case for Smith’s precedence in formulating the four-stages theory in Scotland. Ferguson’s placement within the canon of four-stages theory is contentious however. See Duncan Forbes introduction to Adam Ferguson’s *An Essay on the History of Civil Society*, (Edinburgh : Edinburgh University Press, 1966) , xvi-xvii, xxi-xxii, xxv.

<sup>101</sup> Meek., *Social Science*, 32.

Smith's work on four-stages theory was founded on a stream of thought which passed from Grotius through Hobbes, Pufendorf and Locke, and had as its main concern the development of private property.<sup>102</sup> In addition to Smith's contribution, Meek identifies several other essential requisites for the emergence of four-stages theory: the Lockean theory of knowledge, the law of cause and effect, the law of unintended consequences, and the notion of progress.<sup>103</sup> In Meek's account this last element issued out of the 'battle of the ancients and the moderns' wherein the proponents of modernity argued for an optimistic view of the future.<sup>104</sup> Although not always made explicit, the concatenation of most of these separate elements can be seen in the formulations of both Ferguson and Millar and, through them, in Mill's study.

Published in 1767, Ferguson's An Essay on the History of Civil Society quite clearly displays a preference for empirical fact-finding over abstract theorizing.<sup>105</sup>

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<sup>102</sup> See *Ibid.*, 12-26. Strangely, Meek mentions Grotius, Hobbes, Pufendorf, and Locke only with respect to the development of private property. It is evident, however, that these thinkers as well as Rousseau played a great part in the development of a secular and materialistic developmental theory of society. Grotius argued that humans were both sociable and indigent, but that these inherent characteristics were placed in humans by God. See Hugo Grotius, The Law of War and Peace, ed., James Brown Scott, trans., Francis Kelsey (Indianapolis : The Bobbs-Merrill Company, Inc., 1925) , 11-15. Hobbes of course denied that humans were naturally sociable. See Hobbes, Leviathan, ed., C.B. Macpherson (Toronto : Penguin Books, 1985) , 186. Taking indigence to be the precursor to a sociability that evolved out of it, Pufendorf declared that inherent human indigence alone was a divine bequest or a dictate of natural law. Thus he synthesized the thought of Grotius and Hobbes by denying innate sociability, while also denying Hobbes' contention of the brutishness of the state of nature. See Samuel Pufendorf's On The Natural State of Men, ed. and trans., Michael Seidler (Queenston, Ontario : The Edwin Mellen Press Ltd., 1990) , 114-122. Rousseau later shed the remaining vestige of sacred history in human evolution by arguing that humans were self-sufficient and not sociable in the state of nature. He argued that human evolution was attributable to capacious instincts which enabled the innate 'perfectibility' of mankind to be unleashed. This process was brought about by the exigencies of nature. However, where the capacious instincts and perfectibility came from remain unanswered by Rousseau. See Jean-Jacques Rousseau, The First and Second Discourses, ed., Roger Masters, trans., Roger Masters and Judith Masters (New York : St. Martin's Press, 1964) , 114-117, 126-128.

<sup>103</sup> Meek., Social Science, 224.

<sup>104</sup> *Ibid.*, 26-28.

<sup>105</sup> Adam Ferguson, An Essay on the History of Civil Society (Cambridge : Cambridge University Press, 1995).

Ferguson rejected speculation on the idea of a state of nature, opting instead to study contemporary societies or societies described in the annals of history. He wrote:

The desire of laying the foundation of a favourite system, or a fond expectation, perhaps, that we may be able to penetrate the secrets of nature, to the very source of existence, have, on this subject, led to many fruitless inquiries, and given rise to many wild suppositions. Among the various qualities which mankind possess, we select one or a few particulars on which to establish a theory, and in framing our account of what man was in some imaginary state of nature, we overlook what he has always appeared within the reach of our own observation, and in the records of history.<sup>106</sup>

Millar too shared this ostensible theoretical conviction and couched his examination in a framework that moves from “the realm of ‘oughtness’ generally, to the realm of ‘whatness’ and ‘howness’ of things in the collective life of men.”<sup>107</sup>

The works of both Ferguson and Millar are filled with examples of societies, both contemporary and historical, which illustrated particular stages and social developments. Because their material is voluminous, a couple of poignant examples will suffice. Explaining the development of authority, Ferguson appealed to the examples of both the ‘Caribbees’ and the ancient Germans. In his opinion, where authority was gained by agility, courage, and wisdom in warfare in the hunting and gathering stage, and therefore was rendered precarious because tied to the fortunes of the individual, it was also temporary and fixed to the affairs of war alone. Citing The History of the Caribbees<sup>108</sup> he claimed: “Even after nations have chosen a military leader, they do not intrust him with any species of civil authority. The captain, among the Caribbees, did not pretend to decide domestic disputes; the terms *jurisdiction* and *government* were unknown in their

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<sup>106</sup> Ibid., 8.

<sup>107</sup> Lehmann., John Millar of Glasgow, 111.

<sup>108</sup> Interestingly I have been unable to locate The History of the Caribbees, which is not listed on World Cat.

tongue.”<sup>109</sup> He continued his treatment of the gradual development of authority by suggesting that authority of a more permanent nature was contingent on the development of ranks; and ranks, in turn, were the result of the development of fixed wealth such as that which was accrued by the maintenance of flocks and herds. Likewise authority ultimately was inextricably bound up in the mode of subsistence. In Tacitus’ description of the Germanic tribes Ferguson found a level of development above that of the ‘Caribbees’ which tended toward, yet was far from attaining, a monarchical form of government:

The chieftain, sufficiently distinguished from his tribe, to excite their admiration, and to flatter their vanity by a supposed affinity to his noble descent, is the object of their veneration, not of their envy: he is considered as the common bond of connection, not as their common master; is foremost in danger, and has a principal share in their troubles: his glory is placed in the number of his attendants, in his superior magnanimity and valour; that of his followers, in being ready to shed their blood in his service.<sup>110</sup>

Ferguson thought these peoples represented living and historical examples respectively of the first stages of development outlined by the four-stages theory. Furthermore, such passages show how Ferguson ignored time and space in providing ‘empirical’ evidence for the four-stages theory.<sup>111</sup> Ancient Germans and contemporary, or near contemporary, New World natives both found a place in his developmental schema. Two peoples separated by centuries and an ocean were thus brought together within a single explanatory matrix.

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<sup>109</sup> Ferguson, *History of Civil Society*, 98.

<sup>110</sup> *Ibid.*, 99.

<sup>111</sup> This also demonstrates the complicated nature of Ferguson’s methodology. His supposition that the Caribbees and the ancient Germans could be pointed to to illustrate different stages on the same linear developmental scale involves some conjecture. So does his supposition that the Americans provided the British with a ‘mirror image’ of their own progenitors. See Ferguson, *History of Civil Society*. J.W.

John Millar's treatment is similarly peppered with references to living and historical examples. Focusing on the effects that progression through different modes of subsistence had on the relations between the sexes, Millar utilized the four-stages theory as an explanatory sociological tool. He explained behaviours like courtship and emotions like jealousy, far removed from basic subsistence activities, by appeal to the mode of subsistence. A pattern similar to that outlined in Ferguson's treatment of the development of authority is apparent in Millar's treatment of the relations between the sexes. In both cases the development of an increasingly complex and stratified society was depicted as the prerequisite for the development of the social phenomena described. As differentiation progressed authority became better established on firmer foundations and the treatment of women was ameliorated.

In the hunting and gathering stage, Millar believed that a large amount of time was employed in obtaining sustenance, and therefore there was little time for the cultivation of sexual pleasures that had little immediate survival value. As sustenance was rendered more secure and more readily obtainable through the introduction of shepherding, however, leisure time was freed up and pleasures were cultivated. The condition of women improved as sexual pleasure became desired. These desires, moreover, were further enhanced when the introduction of ranks, which resulted from the accretion of wealth afforded by the keeping of herds, made certain liaisons inaccessible. In short, as property became more permanent and the social stratification increased through the development of fixed property in land, so too did sex become both more inaccessible and more desirable. It should be noted that throughout Millar's discussion of

the sexes that although women's condition is seen as meliorated with the process of civilization, it was so at the cost of their sexual subordination. Ultimately, with the onset of commercial society, some women, though only those 'of condition', actually transcended sexual subordination, and rigid barriers to sexual gratification were mitigated by the leveling effects of spreading greater wealth among a greater number of people.<sup>112</sup>

Millar cited certain Tartar peoples as providing evidence of his four-stages explanation of the treatment of women:

Upon the eastern coast of Tartary, it is said that such tribes as are accustomed to the pasturing of cattle discover some sort of jealousy with regard to the chastity of their women; a circumstance regarded as of no importance by those inhabitants of the same country who procure their subsistence merely by fishing.<sup>113</sup>

Millar's example is proffered to demonstrate several aspects of his analysis of the relations between the sexes. He argued that because pastoralists valued sex to a greater degree than hunter-gatherers, or here the fishermen, jealousy and the valuation of chastity were introduced. Thus he postulated that the valuation of sex grew with the introduction of leisure time which, in turn, was the product of an evolution in the mode of subsistence; and this valuation brought in its train new social phenomena thereby increasing the complexity of society. Melioration of the condition of women occurred, while simultaneously society became increasingly complex. Furthermore, the aim of Millar's example was also meant to show that people inhabiting contiguous territories but pursuing different modes of subsistence lived in different types of societies. This reinforced the theory that modes of subsistence, rather than climate, played the primary

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Society: A Study in Victorian Social Theory, (Cambridge : Cambridge University Press, 1966), 12.

<sup>112</sup> See Lehmann., 183-224.

<sup>113</sup> Ibid., 205.

role in cultural development. Millar thus incorporated climate into four-stages theory, but relegated it to a less immediate role in explaining societal differences than it had had in Montesquieu's The Spirit of the Laws.<sup>114</sup>

Although Montesquieu stood at the fountainhead of the formulations of four-stages theory, his contribution functioned at a general level as seen in the above citation. Like the all-pervading spirit of empiricism, his climatological mode of analysis was adopted as an important tool by other analysts of social development, but his more stringent climatological determinism was for the most part rejected.<sup>115</sup> Thus many later thinkers subordinated climate to modes of subsistence as a causal factor in the explanation of social differentiation. Adam Ferguson, however, followed Montesquieu closely by arguing for a more rigorous influence of climate. In his section entitled 'Of the Influences of Climate and Situation' he repeated Montesquieu's contentions about the climate of the torrid zone making the early progress of civilization easy, but cutting off the engine of progress and leading to stagnation by engendering the love of ease. For this reason he held "the modern description of India is a repetition of the ancient, and the present state of China is derived from a distant antiquity, to which there is no parallel in the history of mankind."<sup>116</sup> Ferocity, reason, abstinence, and love of 'spiritous liquors', were related to the northern climates while mildness, emotion, superstition, licentiousness, and the prohibition and indifference to 'spiritous liquors' related to southern climes.<sup>117</sup>

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<sup>114</sup> Montesquieu, The Spirit of the Laws, 231-245.

<sup>115</sup> See Meek, Social Science, 31-34, 134-135. Meek argues that Montesquieu's climatological determinism failed to explain the differences of manners between nations and within the same nations over time.

<sup>116</sup> Ferguson, History of Civil Society, 109.

<sup>117</sup> *Ibid.*, 106-113.

Ferguson also focused on other factors to explain social development and thereby mitigated a strict reliance on climate to explain social development. For example, he also factored in soil type. In addition, the effect that climate had was directed more specifically at the 'human frame' than at society at large.<sup>118</sup> Although Ferguson adhered most closely to Montesquieu, his suggestion that climate affected the human frame sheds light on how he could have married a rigorous application of climatological analysis to four-stages theory. While climate affected the human body directly, evolution in the modes of subsistence drove development at the social level. The effect climate had on social development was, instead, indirect; it affected that development only through the medium of individual human physiology. Both climate and its effect on the human body were related and mutually reinforcing and, in certain circumstances, the effects of climate on the human body were so powerful that overall social progression was frustrated. At least this seems to be the reasoning behind his judgment of India and China. Put another way, Ferguson's analysis was not simply an adoption of Montesquieu's climatological determinism, but was a step towards recognizing the multiplicity of factors responsible for social development. When he did adhere to Montesquieu's determinism he seems to have used it as a stop-gap measure to explain why civilizations failed to progress.

Millar's formulation also took climate into account, but relegated it to a more indirect and less influential, albeit pervasive, role. On Millar's model of social development, climate functioned both as a formative factor shaping society, and as an accelerating or inhibiting factor in social development. In its formative role climate was listed as "among the several circumstances which may affect the gradual improvements of

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<sup>118</sup> *Ibid.*, 113.

society.”<sup>119</sup> Warm climates for Millar, as in Montesquieu and Ferguson, promoted indolence in the people who inhabited them as these climates more readily produced the means of subsistence. Warm climate alone was not enough to make a people indolent, however, and soil was another factor which might affect the regular development of society.<sup>120</sup> The reverse obtained in colder climates, but Millar rejected the immediate operation of climate on human culture. He argued

We are too little acquainted with the structure of the human body, to discover how it is affected by such physical circumstances, or to discern the alterations in the state of the mind, which may possibly proceed from a different conformation of bodily organs; and in the history of the world, we see no regular marks of that secret influence which has been ascribed to the air and the climate, but, on the contrary, may commonly explain the great differences in the manners and customs of mankind from other causes, the existence of which is capable of being more clearly ascertained.<sup>121</sup>

Unlike Ferguson, Millar discounted the impact of climate on the human body. He also attributed differences in manners and customs primarily to the differences in modes of subsistence. In his view climate affected such differences, but only insofar as it either promoted or hindered the natural progression through the four-stages of social development. In this way, climate was relegated to the background of his sociological theory, though he acknowledged that it played a formative role. It was thus an ‘accidental’ cause which could be enlisted to explain differential development across otherwise similar societies. As he put it, improvements made to the attainment of subsistence drove human societies through

a natural progress from ignorance to knowledge, and from rude, to civilized manners, the several stages of which are usually accompanied

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<sup>119</sup> Lehmann., *John Millar of Glasgow*, 178.

<sup>120</sup> See *Ibid.*, 178.

<sup>121</sup> *Ibid.*, 179-180.

with peculiar laws and customs. Various accidental causes, indeed, have contributed to accelerate, or to retard this advancement in different countries.<sup>122</sup>

Millar's treatment of the role of climate made it quite clear that although it played a formative role, it was a role limited to moderating the action of the prime mover of social development, that is, changes in the mode of subsistence.

Millar issued an extremely important caveat, however, when he declared that climate may so affect the development through the modes of subsistence that characteristics formed in one stage may be found throughout later developments. Whereas Ferguson, citing India and China, had posited the possibility of stagnation, Millar offered a more nuanced treatment of the role of climate in the development of these societies. Rejecting the hypothesis that climate had direct effects on the human body and, therefore, on social development, Millar conceptualized climate's role in slowing progression metaphorically. He thus claimed that

it has even happened that nations, being placed in such unfavourable circumstances as to render them long stationary at a particular period, have been so habituated to the peculiar manners of that age, as to retain a strong tincture of those peculiarities, through every subsequent revolution.<sup>123</sup>

Where Ferguson postulated a paralysis of the developmental process, Millar suggested a process of tincture action whereby shades of difference or influence coloured the developmental process. Yet such colouring seemed capable in his view of inducing rather profound social effects. He argued, for example, that

The voluptuousness of the Eastern nations, arising from a degree of advancement in the arts joined, perhaps, to the effect of their climate, and the facility with which they are able to procure subsistence, has introduced

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<sup>122</sup> Ibid., 176-177.

<sup>123</sup> Ibid., 177.

the practice of polygamy; by which women are reduced into a state of slavery and confinement... .<sup>124</sup>

Remembering that the condition of women was treated by Millar as indicative of the level of social development, his reference to the ‘voluptuousness of the Eastern nations’ seems to imply stunted social development. The ‘tincturing’ of society, on Millar’s understanding, apparently could have effects like Ferguson’s paralysis. In short, in the works of Ferguson and Millar alike, climate could have profound effects on social development although Millar suggested a more circuitous route by which it operated.

In addition to empiricism and climatological theory, the Lockean theory of knowledge, the law of unintended consequences, the idea of progress, and the law of cause and effect are identified by Meek as requisite components in the formation of four-stages theory.<sup>125</sup> As with the elements of the theory previously discussed, these latter four are interrelated and mutually reinforcing. Rather than examining the role played by Lockean psychology closely, Meek opts instead to focus on how the theory of property outlined in the Two Treatises on Government shaped the four-stages theory.<sup>126</sup> This aspect of Locke’s thought, it will be remembered, was included in the Grotius-Pufendorf stream of thought that Meek identifies as feeding into Smith’s version of the theory. However, because the relationship between the mental and physical - the mind and the modes of subsistence - plays a major role in Mill’s History, the link between four-stages theory and Lockean epistemology needs to be considered here. Locke’s understanding of

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<sup>124</sup> Ibid., 225.

<sup>125</sup> Meek, Social Science, 224-225.

<sup>126</sup> John Locke, Two Treatises of Government, ed., Peter Laslett, (Cambridge : Cambridge University Press, 1960; repr., 1963). Meek’s reasoning on this point is that his study is not so concerned with “causes as general, deep-seated, and speculative as these, but rather with the way in which the four stages theory

the mind as “white Paper, void of all Characters, without any *Ideas*” is crucial to the later idea that successive stages of development, by altering the physical environment in which one lives, affect one’s mental development in turn.<sup>127</sup> Locke’s rejection of innate ideas and his view that all ideas result from the processing of sense data made the mind appear to be a passive entity. Although Ferguson was not Lockean, the Lockean theory of knowledge, when combined with his more deterministic view of climate, helps to make sense of what he termed “the indolence of mankind, or rather their aversion to any application in which they are not engaged by immediate instinct and passion.” It was this aversion which “retards their progress in extending the notion of property.”<sup>128</sup> On this understanding, in other words, indolence seems to be partly explained by Lockean psychology. Unless impelled by some sense datum such as hunger or cold, the person remains languid. Passivity of mind may coincide with passivity of the body if the environment does not provide any motives to action. Although not explicitly broached, Locke’s theory of the passive and malleable mind seems to have a place at the foundation of Ferguson’s version of the four-stages theory in the guise of ‘the indolence of mankind’. Quite aside from Meek’s claim that Lockean psychology underpinned four-stages theory, Mill did combine the four-stages theory of Ferguson and Millar with Lockean psychology. Thus whether Ferguson was an avowed Lockean or not is rather immaterial, for his thought was appropriated by Mill in such a way as to combine it with Lockean

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was influenced by contemporary notions of savagery, particularly among the Americans.” Social Science, 128.

<sup>127</sup> John Locke, An Essay Concerning Human Understanding, ed., Peter Nidditch (Toronto : Oxford University Press, 1975) , 104.

<sup>128</sup> Ferguson, History of Civil Society, 95.

psychology, and it was this amalgam, in part, that Mill utilized as an analytical tool for India.

The reticence of Millar and Meek about the foundational role of Locke's theory of knowledge for four-stages theory is surprising given the explanatory power it affords that theory. From this perspective progression is innate to human beings, but humans are also naturally indolent, thus they must be shaken out of their torpor by immediate instinctual passions. Sense data like hunger or cold compel humans to action. This immediate action undertaken for exigencies of the moment sets in motion the process of improvement which is an unintended and ultimate consequence of such self-interested activity. Because humans are not all they can be at birth, they are capable of improvement, and so too is society capable of progress. Society is analogous to the human individual on this model; it has its infancy, its growth to maturity, and it may decline. The crux of this analysis is that societies are capable of and do progress, and this progression is the result of natural and law governed processes. By rendering the human mind an elastic medium, Locke's theory of knowledge made progress possible, it also showed how in merely reacting to the environment greater ends are achieved.

The idea that a human being, conceived as a mere biological sensory apparatus, is moved to action or thought only through the influence of a pressing external factor or an internal drive like hunger illustrates the important place the law of unintended consequences had in four-stages theory. Ferguson defined this law as follows:

Mankind, in following the present sense of their minds, in striving to remove inconveniencies, or to gain apparent and contiguous advantages, arrive at ends which even their imagination could not anticipate, and pass on, like other animals, in the track of their nature, without perceiving its end. He who first said, 'I will appropriate this field: I will leave it to my

heirs;’ did not perceive, that he was laying the foundation of civil laws and political establishments.<sup>129</sup>

Combining Locke’s theory of knowledge and Ferguson’s explication of the law of unintended consequences, the picture of social development that emerged was one in which humans who had been aroused by immediate and instinctual passions were gradually enabled to overcome their natural indolence. They undertook activity to avoid some pain or attain some pleasure with no view to mind of distant consequences that might accrue to such activity. Actions undertaken out of immediate need, and compelled either by the external environment or by internal drives, set into motion a process with results that far outstripped the impetus which gave rise to it. Led by the sensory appetite in pursuit of mere biological needs, humans were held to have unwittingly contributed to the progression of civilization through the four-stages postulated by Ferguson and Millar.

The Lockean theory of knowledge thus provided a psychological explanation which could complement the idea that climate promotes indolence. It can also be argued that Locke’s contention that ideas result from sensory input meant that the environment, understood in its largest sense, would control the process of thought. Thus the inhabitant of a hunting and gathering society would be inundated with the sense experiences arising from the hunt, from life in small communities, from communal property and so on; and he would thereby develop the mentality of a hunter gatherer. Lockean psychology can thus go some way to explaining how the subsistence activities of a community impinge on an individual’s psychological development. This particular formulation of human

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<sup>129</sup> Ibid., 119. Meek credits Ferguson with “the most advanced formulation of the law of unintended consequences in the whole of the half-century we are considering.” By this Meek meant 1750-1800. He continues: “The basic idea of the law was almost always *implied* in the work of the new social scientists, of

social and individual progress is found in The History of British India. As will be seen below the Lockean *Tabula Rasa* provided Mill with a nexus between the societal environment and the individual.

This process of the environment controlling general sociological development, however, is one which Ferguson contended could not easily be duplicated artificially by the state:

There have certainly been very few examples of states, who have, by arts or policy, improved the original dispositions of human nature, or endeavoured, by wise and effectual precautions, to prevent its corruption. Affection, and force of mind, which are the band and strength of communities, were the inspiration of God, and original attributes in the nature of man.<sup>130</sup>

What becomes apparent here is that Ferguson viewed human nature as a malleable entity, though in his view it was neither easily nor infinitely so. Change for Ferguson was primarily a social phenomenon. Moreover he thought, it was primarily general sociological forces, not conscious human intervention, which shaped human nature. In treating this same issue, Millar did not go as far as Ferguson, but opted instead to avoid a discussion of the relative powers of nature and the artifice of humankind.<sup>131</sup> The notion that human nature is educable and therefore capable of changes effected artificially by the state, whether through legislation or instruction, is thus downplayed by Ferguson and avoided by Millar. It will be seen below that James Mill was much more optimistic about this proposition.

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course, but no one else at this time *expressed* it with anything like the clarity and force of Ferguson.” Meek, Social Science, 150.

<sup>130</sup> Ferguson, History of Civil Society, 195-196.

<sup>131</sup> Millar warned “It is not intended, however, in this discourse, to consider those variations, in the state of women, which arise from the civil or religious government of the people, or from such other causes as are peculiar to the inhabitants of different countries. The revolutions that I have mentioned, in the condition and

Despite Ferguson's reservations about state intervention for individual improvement, and Millar's reticence on the subject, it remains that both men held to the idea that progress is an innate feature of human beings. Both men couch their whole discussion of the historical process in terms of advancement, progression, and improvement. Accordingly Ferguson writes:

If we admit that man is susceptible of improvement, and has in himself a principle of progression, and a desire of perfection, it appears improper to say, that he has quitted the state of his nature, when he has begun to proceed; or that he finds a station for which he was not intended, while, like other animals, he only follows the disposition, and employs the powers nature has given.<sup>132</sup>

For Millar there was a 'natural progression from ignorance to knowledge, and from rude to civilized manners'.<sup>133</sup> As mentioned above, Meek claims that the Enlightenment idea of progress issued out of the debates between the 'ancients' and the 'moderns'.<sup>134</sup> What Meek's claim amounts to is that thinkers like Ferguson and Millar were influenced by the tenor of their time in a way which made the idea of social progress an acceptable conceptual tool to view social development. On this reading the role of this notion was much like that of the theory of climate: it was part of the general background from which four-stages theory developed. The idea of progress was in the air, made possible, as it were, through a rejection of the lionization of antiquity.

Although both Ferguson and Millar posited general progression through the various stages, they also claimed that there were exceptions to this general trend. Of

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manners of the sexes, are chiefly derived from the progress of mankind in the common arts of life, and therefore make a part in the general history of society." Lehmann., *John Millar of Glasgow*, 228.

<sup>132</sup> Ferguson., *The History of Civil Society*, 14.

<sup>133</sup> See above., 43-44. See above where Millar's treatment of the condition of women is discussed for an example of this progression., 39-41.

<sup>134</sup> See above, 36.

course natural indolence had to be overcome for progress to occur at all. Likewise, as seen above, Ferguson admitted the possibility of stagnation and issued a warning that

nations under a high state of the commercial arts, are exposed to corruption, by their admitting wealth, unsupported by personal elevation and virtue, as the great foundation of distinction, and by having their attention turned on the side of interest, as the road to consideration and honour.<sup>135</sup>

Progression, then, could have deleterious consequences if certain conditions did not obtain. In this particular case, Ferguson understood pomp, splendor, and wealth to lead to corruption if they were allowed to become ends of themselves. Progression could be halted altogether, or it could result in vicious consequences. In the former case, the innate propensity to progress would be stifled by external factors like a warm climate that favoured the innate propensity to indolence; in the latter, progress in the ‘commercial arts’ and property, without attendant moral progress, was seen as promoting corruption and creating an imbalance in overall development.

Millar also warned about the consequences of a lack of parallel development:

It should seem, however, that there are certain limits beyond which it is impossible to push the real improvements arising from wealth and opulence. In a simple age, the free intercourse of the sexes is attended with no bad consequences; but in opulent and luxurious nations, it gives rise to licentious and dissolute manners, inconsistent with good order, and with the general interest of society.<sup>136</sup>

Thus for Millar the ‘voluptuousness of the eastern nations’ resulted from improvements in wealth which led to a greater valuation of sexual pleasure at a time when sexuality was not well controlled. According to Millar’s view, the ‘eastern nations’ had passed through enough physical or material development to raise the condition of women somewhat, but

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<sup>135</sup> Ferguson., *The History of Civil Society*, 241.

<sup>136</sup> Lehmann., *John Millar of Glasgow*, 225.

had not achieved the needed cultural and institutional development to check the harmful tendencies of such valuation. Not only was civilizational development understood to be directional and linear, but this progress required several parallel and simultaneous forms of development. The process moved forward, but if all elements did not progress synchronously evil consequences could result: as Millar seemed to say, the limits of improvement could be reached.<sup>137</sup> However, in this view the tendency to licentiousness could be checked by bulwarks like Christianity and chivalry, and therefore was not inevitable.<sup>138</sup> It was the persisting ‘tincture’ of feudalism, and the moral power of Christianity, both accidents of a particular type of social development, which saved Europe from licentiousness. Thus the lack of licentiousness in European nations, as Millar conceived it, resulted from a form of development that was both synchronous and fortuitous.

The methodological choice of Ferguson and Millar to favour the study of observable societies and histories had an impact on the development of the four-stages theory by contributing to the idea that societies separated in space and time could be compared with one another. The shift away from positing abstract models of a fictitious state of nature and towards a study of societies as they were empirically attested

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<sup>137</sup> It is interesting to note the ambiguity the idea of ‘progress’ is involved in. For Ferguson and Millar in some instances progress seems to be a value-neutral idea more akin to simple movement. As such, progress can be argued to have both good and harmful consequences. Rousseau argued this when he claimed that inherent human perfectibility has negative, not positive consequences. Rousseau, *Discourses*, 91-181 passim, especially 114-116. In other places progress seems to contain within it the idea of forward and positive movement, and when consequences are judged harmful on this reading progress may be argued to have stopped altogether. Stagnation in India and China represented an absolute cessation of progress, not a type of progress which had harmful consequences for Ferguson.

<sup>138</sup> Lehmann., *John Millar of Glasgow*, 217-218, 228. The lingering stamp of chivalry is listed as mitigating the tendency to licentiousness in contemporary Europe. Christianity and former usages and laws are cited for saving Italy and France from the evil effects of the licentious disposition made possible by the degree of opulence they had attained.

historically or in the present day entailed a shift away from hypothetico-deductive thinking. Stripped of the structure afforded by a coherent analytical construct, some method of arranging the mass of facts into a comprehensible structure was required. Comparison enabled such ordering to be done. Societies could be compared to one another on a linear and hierarchical basis, bringing together such disparate entities as Tacitus' Germanic tribes and the contemporary Americans on the same judgmental schema. Those peoples at the bottom of the hierarchy were represented as societies which had not yet undergone the same progression as those at the top who set the standard. Empiricism alone, however, was not enough to beget a unilinear comparative structure. More was required to make the four-stages theory a coherent system of social explanation; and some idea of causation in particular was needed.

Meek argues that the idea that the succession of the mode of subsistence functioned as the criterion for social development was the outcome of the origins debate. Rejecting earlier writings which posited genetic descent to explain similarities among new and old world peoples, thinkers like Adam Smith, Ferguson, and Millar, postulated that cross-cultural similarities were the result of similar modes of subsistence.<sup>139</sup> The secular and materialist account of human progress developed by Smith, and adopted and refined by Ferguson and Millar, rejected or simply ignored the biblical account of the common origins of humankind. In its stead these writers argued that like modes of subsistence produced similar cultures in similar stages of social development. The empirical method employed by Ferguson and Millar required an ordering mechanism, and

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<sup>139</sup> Meek., *Social Science*, 41-67, 140-141. Meek claims here that four-stages theory emerged as an unintended by-product of the origins debates.

the comparative and linear structure afforded by the idea that modes of subsistence were responsible for cultural development provided such a mechanism. This comparative system in turn relied for its coherence on an interpretation of the law of cause and effect, as Meek insists.<sup>140</sup>

Proffered to explain apparent similitude between otherwise disparate civilizations, four-stages theory rested on the assumption that like causes produce like effects. Hence, similarity was attributed to similar modes of subsistence rather than to genetic descent. Meek identified the law of cause and effect as underpinning the four-stages theory because the one could not function without the other. The four-stages theory was thus not simply a taxonomic system, although it did function to classify societies according to a set of criteria; but it went beyond simple taxonomy by providing a causal explanation of how societies developed the way they did. Its reliance on the law of cause and effect further strengthened the linear conception of progress by adding to the developmental process an element of unbending necessity. If certain causal elements obtained, certain effects must, of necessity, have resulted. Reliance on a materialist mechanism to explain cultural similarities not only rid Enlightenment social theory of the need to invoke providence, but also made secular causality an intrinsic part of understanding human society.

By way of summary then, empiricism, the law of cause and effect, and belief that the modes of subsistence were the engines to social progress comprised four-stages theory according to Meek. It is apparent that these components formed a set of mutually related and reinforcing elements in four-stages theory. The combination of these elements in one

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<sup>140</sup> *Ibid.*, 1, 224-225.

theoretical framework enabled time and space to be conflated as seen above in Ferguson's comparison of the Germanic tribes and the Caribbean natives. It could also function, somewhat paradoxically, as a deductive model in its own right in spite of Ferguson and Millar's rejection of hypothetico-deductive thinking. This same tension between *a priori* and *a posteriori* modes of analysis is also present in Mill's History of British India as will be seen below.

Four-stages theory was thus a theory of general human development comprised of other more particular theories which were mutually reinforcing. The role of climate could function as a moderator of progress by speeding it up or slowing it down; and in extreme cases, the effects of climate could be listed to explain apparently arrested development. Thus differential rates of progress, including a total lack of progress, could be explained by recourse to climate. Locke's theory of knowledge provided answers to how and why humans could progress by linking factors like modes of subsistence, climate, and soil types to individual human mental development. It was this explanation of human individual and social development that Mill developed in The History of British India, and that Ferguson and Millar did not avail themselves of.

The four-stages approach, meanwhile, lent itself to an examination of these larger types of factors in social development. Moreover, Lockean psychology provided a plausible mechanism for the understanding of the law of unintended consequences by postulating that humans are motivated by existential sensory stimuli. While Locke's psychological theory suggested answers to how and why social progress could occur, and the empirical, linear, and comparative methodology provided an analytical matrix within which social progress appeared possible, Ferguson and Millar's belief in progress, albeit

qualified, held that it was both possible and factually attested. The four-stages theory was made both coherent and plausible by its exponents, because they used it to form a unified theory out of a series of mutually reinforcing and interrelated ideas. Its inclusion of deductive reasoning checked by an appeal to the ‘facts of experience’ added an element of apparent self-reflexivity as well.<sup>141</sup> As such, the four-stages theory as developed by Ferguson and Millar became an anthropological tool that was adopted by James Mill, and this tool played an important role in shaping his interpretation of Indian society.

### **Adam Smith and the Division of Labour**

While the four-stages theory played a major role in Mill’s History of British India, Mill also had other tools ready to hand for evaluating Indian society. One of these, which was closely related to the idea that social complexity was brought about by changes in the modes of subsistence, was the idea that the division of labour was an indicator of social development. Adam Smith had illustrated his theory of the division of labour with the example of the making of pins. Through the compartmentalization of the various tasks of a particular type of industry, the labourers became more skilled and efficient at their particular jobs; machines and tools to aid labour were invented and refined; and the increase in the division of labour occasioned “a proportionable increase of the productive powers of labour.”<sup>142</sup> Smith claimed that there was a tendency towards a greater variation of tasks and trades in “those countries which enjoy the highest degree of industry and

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<sup>141</sup> However, this appearance of self-reflexivity should not obscure the fact that there was a tendency on behalf of proponents of the theory to use four-stages theory as a new deductive model. This will be discussed in greater detail below.

<sup>142</sup> Adam Smith, An Inquiry into the Nature and Causes of the Wealth of Nations, ed., R.H. Campbell and A.S. Skinner, (Oxford : Oxford University Press, 1976) , 15.

improvement.” In consequence, he stated, “what is the work of one man, in a rude state of society,” is “generally that of several in an improved one.”<sup>143</sup> It is clear from this that in his view the division of labour could function in a similar fashion to the four-stages theory as a diagnostic tool. A society with a complex economy showing several degrees of the division of labour could thus be defined as ‘improved’, whereas a society with a simple economy showing few degrees of the division of labour would be ‘unimproved’ and ‘rude’. Smith himself claimed that “it is the great multiplication of the productions of all the different arts, in consequence of the division of labour, which occasions, in a well-governed society, that universal opulence which extends itself to the lowest ranks of the people.”<sup>144</sup> Here again the approach to social history is linear, comparative, and hierarchical. The division of labour, like the mode of subsistence, could be understood as a signpost of social development.

Smith’s theory of the division of labour also constituted another example of the law of unintended consequences. In a passage in The Wealth of Nations very reminiscent of Ferguson’s formulation of the law of unintended consequences, Smith stated that

this division of labour, from which so many advantages are derived, is not originally the effect of any human wisdom, which foresees and intends that general opulence to which it gives occasion. It is the necessary, though very slow and gradual consequence of a certain propensity in human nature which has in view no such extensive utility; the propensity to truck, barter, and exchange one thing for another.<sup>145</sup>

Although Smith eschewed discussing whether such a propensity was innate or learned, he did hold that it resulted out of basic human self-interest. He explained:

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<sup>143</sup> Ibid.

<sup>144</sup> Ibid., 22.

<sup>145</sup> Ibid., 25.

Man has almost constant occasion for the help of his brethren, and it is in vain for him to expect it from their benevolence only. He will be more likely to prevail if he can interest their self-love in his favour, and shew them that it is for their own advantage to do for him what he requires of them.<sup>146</sup>

After all, “it is not from the benevolence of the butcher, the brewer, or the baker, that we expect our dinner, but from their regard to their own self-interest.”<sup>147</sup> The propensity to truck, barter, and exchange arose in Smith’s view out of that most basic of all human interests: survival. Because basic subsistence was more easily secured when one had the aid of others, the disposition to truck, barter, and exchange arose out of need and was maintained and reinforced because it led to that need being met more effectively. Yet while providing for the immediate contingencies of survival, the division of labour also set afoot a process that ultimately led to the great variations in employments and wealth which, according to Smith’s argument, characterized an improved society. Like the progression of the modes of subsistence, the development of the division of labour for Smith had consequences far greater than that of meeting immediate needs.

Smith’s reliance on self-interest as an explanation of social development amounted to a rejection of the idea of an artificially regulated economy, in the place of which he argued for a self-regulating economy. He rejected, furthermore, the claim that acting out of self interest would have deleterious effects on the social body at large. Like Bernard Mandeville before him, he argued that individuals acting out of self-interest promoted the public good.<sup>148</sup>

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<sup>146</sup> Ibid., 26.

<sup>147</sup> Ibid., 26-27.

<sup>148</sup> See Bernard Mandeville, *The Fable of the Bees*, ed., Philip Harth, (Toronto : Penguin Books Canada Ltd, 1989) , 68, 117-126.

As every individual, therefore, endeavours as much as he can both to employ his capital in the support of domestick industry, and so to direct that industry that its produce may be of the greatest value; every individual necessarily labours to render the annual revenue of the society as great as he can. He generally, indeed, neither intends to promote the public interest, nor knows how much he is promoting it. By preferring the support of domestick to that of foreign industry, he intends only his own gain, and he is in this, as in many other cases led by an invisible hand to promote an end which was no part of his intention.<sup>149</sup>

By acting selfishly, individuals necessarily contributed to the increase of the revenue of the whole society; but they also did more than this, for they contributed the greatest possible increase to society by simply following the natural dictates of self-interest. Thus when the state interfered with the individual pursuit of self-interest it destroyed a natural balance, and decreased the benefits which would have accrued to the society at large had the government kept its hands off the natural mechanism of the economy. When allowed to act freely, individuals in pursuit of private gain thus knew best where to invest their capital whereas

to give a monopoly of the home-market to the produce of domestick industry, in any particular art or manufacture, is in some measure to direct private people in what manner they ought to employ their capitals, and must, in almost all cases, be either a useless or hurtful regulation.<sup>150</sup>

According to Smith, government regulation and the formation of monopolies interfered with the natural mechanism of the economy by steering capital away from the most profitable ventures and by preventing competition. Like the division of labour, Smith's *laissez-faire* economics had self-interest as its ultimate source. By attempting to regulate economies, governments blocked the natural force of selfishness and mitigated its unintended beneficial effects on society at large.

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<sup>149</sup> Smith, Wealth of Nations, 456.

<sup>150</sup> Ibid.

### Thomas Malthus, David Ricardo, and Rent Theory

After Smith one of the major areas of political economy that was received and debated by his classical successors was the theory of rent. Since the theory of rent played a major role in Mill's assessment of the contending theories of land settlement applied in India by Cornwallis and Munro, understanding how rent figured in Mill's History of British India requires a brief look at how Mill incorporated this component of classical political economy into his corpus of thought on India.

The role played by rent both in increasing the wealth of a nation at large and in contributing to social differentiation was explicated first by Malthus and then by Ricardo. Eric Stokes points out that the East India Company was quick to apprehend the importance of political economy, as demonstrated by the establishment of a chair in political economy at the company college at Haileybury in 1805.<sup>151</sup> It was during his tenure at Haileybury from 1805 until his death in 1834 that Malthus developed a theory of rent that differed from those of Adam Smith and the Physiocrats.<sup>152</sup> In the first edition of his Essay on the Principle of Population published in 1798, Malthus argued that population would grow geometrically while the produce of the land could increase only arithmetically.<sup>153</sup> Because of this unequal ratio, humans would fan out across the earth moving from areas of high fertility to those of lesser fertility when human demand had

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<sup>151</sup> Eric Stokes, The English Utilitarians and India, (Oxford : Clarendon Press, 1959) , 87.

<sup>152</sup> Malthus wrote the following advertisement explaining the circumstances surrounding the original publication of his pamphlet: "The following tract contains the substance of some notes on rent, which, with others on different subjects relating to political economy, I have collected in the course of my professional duties at the East India College. It has been my intention, at some time or other, to put them in a form for publication; and the very near connection of the subject of the present inquiry, with the topics immediately under discussion, has induced me to hasten its appearance at the present moment." Thomas Malthus, An Inquiry into the Nature and Progress of Rent, in Vol. 7, The Works of Thomas Robert Malthus, eds., E.A. Wrigley and David Souden (London : Pickering & Chatto Limited., 1986) , 115.

<sup>153</sup> Malthus, An Essay on the Principle of Population, 1<sup>st</sup> ed., Vol. 1 of Works, 8-9.

outstripped the carrying capacity of the more fertile areas. At last, land would be cultivated whose level of fertility would only just repay the energy expended in cultivation. The human population could no longer seek subsistence elsewhere, and its growth would be held in check by what Malthus termed the 'positive checks' of famine and disease.<sup>154</sup> According to Malthus, rent was produced by this inequality in the fertility of the land. Essentially it came from the difference between the produce of the most fertile land and that of the last land which could be cultivated to advantage. It was this surplus which the landowner collected while the profits that went to the capitalist were the source of capital for reinvestment and of wages for labour.<sup>155</sup> In Malthus' formulation, rent was not understood as a monopoly because the produce of the land created its own demand. Against Sismondi, Malthus contended that rent was not of purely nominal value; and, against David Buchanan, he argued that rent did augment the wealth of the nation, rather than merely benefiting the landlord at the expense of other classes. In short wealth was created, not merely shifted into the hands of the landholding class.<sup>156</sup> In his encomium on rent, Malthus sounded very reminiscent of Hobbes:

Is it not, on the contrary, a clear indication of a most inestimable quality in the soil, which God has bestowed on man - the quality of being able to maintain more persons than are necessary to work it? Is it not a part, and we shall see further on that it is an absolutely necessary part, of that surplus produce from the land, which has been justly stated to be the source of all power and enjoyment; and without which, in fact, there would be no cities, no military or naval force, no arts, no learning, none of the finer manufactures, none of the conveniences and luxuries of foreign

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<sup>154</sup> Though Malthus did introduce the notion of the 'preventative check' in the first edition of the essay published in 1798, he depicted it as insufficient to avert the catastrophes of the positive checks. It was in his subsequent editions, and particularly the next in 1803, that Malthus' gloomier assessment was replaced with a more optimistic outlook that placed a greater emphasis on the power of preventative measures. See Malthus, *Essay*, in *Works*, 1<sup>st</sup> and 6<sup>th</sup> ed., Vols., 1-3.

<sup>155</sup> Malthus, *Rent*, in *Works*, Vol. 7, 122-123.

<sup>156</sup> *Ibid.*, 122. See David Buchanan, ed., *An Inquiry into the Nature and Causes of the Wealth of Nations*, Adam Smith, 2 ed., Vol. III, (Edinburgh: Oliphant, Waugh & Innes 1817), 272-273, note d.

countries, and none of that cultivated and polished society, which not only elevates and dignifies individuals, but which extends its beneficial influence through the whole mass of the people?<sup>157</sup>

Malthus thus conceived of rent as a divine bequest whose ultimate function was to set aside a class of proprietors with time free from labouring for their subsistence. It was, in his view, the function of this class in their leisure time, to improve society, such that all of society would reap the benefits of the surplus in the soil.

This positive view of rent, however, was not shared by Ricardo, who nonetheless praised Malthus' contribution to rent theory.<sup>158</sup> Ricardo sided with Buchanan against Malthus in arguing that rent made no addition to national wealth. Rent was, on the contrary, a symptom and not a cause of wealth; and thus rent was not new revenue.<sup>159</sup> Because rent generated no wealth, its appropriation by the land-holding class was nothing more than a transfer of wealth from the labouring classes to the land owners. Ricardo therefore concluded "that the interest of the landlord is always opposed to the interest of every other class in the community. His situation is never so prosperous, as when food is scarce and dear: whereas, all other persons are greatly benefited by procuring food cheap."<sup>160</sup> Thus Malthus' class of proprietors as the improvers of society became, in Ricardo's model, a class of idle rent takers whose existence was, in fact, antithetical to improvement. It was this Ricardian formulation of rent theory with its hostile view of the rent-taking landlord that Mill adopted and applied to Indian land reform.<sup>161</sup> Thus, while

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<sup>157</sup> Ibid., 122-123.

<sup>158</sup> David Ricardo, *On the Principles of Political Economy, and Taxation*, ed., R.M. Hartwell, (Baltimore : Penguin Books Ltd, 1971) , 390.

<sup>159</sup> Ibid., 100-101. See also *Economic Essays by David Ricardo*, ed., E.C.K Gonner, (London : Frank Cass & Co. Ltd., 1966) , 231.

<sup>160</sup> Ibid., 235.

<sup>161</sup> See below, 72-73.

Mill appropriated Malthusian rent theory, his was a critical appropriation, not a wholesale adoption. It was Malthus' theory of rent, but only as modified by Ricardo, that eventually made its way to India in the dispatches of James Mill.

### **Jeremy Bentham and Utilitarianism**

Like the thought of Adam Smith, Jeremy Bentham's Utilitarian philosophy was based in self-interest, but self-interest was explicated in rather different terms by Bentham. In general Bentham's Utilitarianism was an attempt to explain in the light of simple biological and sensory determinants both how humans behaved, and how humans should behave. Because the search for pleasure and the avoidance of pain promoted happiness, the end goal of sentient beings was happiness.<sup>162</sup> In an attempt to derive a moral principle from this, Bentham claimed that acts ought to be undertaken based on their ability to give the greatest happiness to the greatest number. Halevy points out that Bentham's ethical philosophy was an attempt to identify, in the moral realm, the simple laws or constants in nature that enabled one to explain a variety of seemingly complex phenomena. Hence in Halevy's view "what is known as Utilitarianism, or Philosophical Radicalism, can be defined as nothing but an attempt to apply the principles of Newton to the affairs of politics and morals."<sup>163</sup> Bentham explicitly postulated the pleasure/pain principle as his moral equivalent to the law of gravity and it was from this principle that the rest of his philosophy was derived. He asked:

Has the rectitude of this principle been ever formally contested? It should seem that it had, by those who have not known what they have been

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<sup>162</sup> For Bentham, seeking pleasure and avoiding pain amounted to the same thing, both resulted in happiness.

<sup>163</sup> Halevy, Philosophic Radicalism, 6.

meaning. Is it susceptible of any direct proof? It should seem not: for that which is used to prove everything else, cannot itself be proved: a chain of proofs must have their commencement somewhere. To give such proof is as impossible as it is needless.<sup>164</sup>

The principle of utility was, therefore, axiomatic for Bentham, it was the first link in a chain of systematic reasoning based in sense experience. Moreover, it is evident that Utilitarianism was based on a belief in a universal human nature, for the principle of utility operated the same in all times and in all places. In this sense Utilitarianism, like the four-stages theory, was a result of the attempt to create a science of humankind and had at its foundation the thought of Newton and Locke. In picking up the Utilitarian mantle Mill utilized and perpetuated a rational, empirical, and secular philosophy which was the outcome of a tradition of attempting to apply scientific methods to the study of humankind.

Utilitarianism incorporated Lockean psychology into an ethical system by making the sensory reward of pleasure or the removal of pain a secular and biological guide to right action. By seeking pleasure and avoiding pain, the individual as biological sensorium acted in his own self-interest, and by acting selfishly he acted ethically. That is, by acting in one's own self-interest a human being would unwittingly act in the interests of others. This idea rested on the thought that nature guided one by the seeking of pleasure and the avoidance of pain towards behaviour that would benefit the community

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<sup>164</sup> Bentham, *Principles*, 4. Bentham stated, furthermore, that "of an action that is conformable to the principle of utility one may always say either that it is one that ought to be done, or at least that it is not one that ought not to be done. One may say also, that it is right it should be done; at least that it is not wrong it should be done: that it is a right action; at least that it is not a wrong action. When thus interpreted, the words *ought*, and *right* and *wrong*, and others of that stamp, have a meaning: when otherwise, they have none." He continued, "not that there is or ever has been a human creature breathing, however stupid or perverse, who has not on many, perhaps most occasions of his life deferred to it. By the natural constitution of the human frame, on most occasions of their lives men in general embrace this principle, without thinking

as well as the individual. Thus nature was conceived to have a built in ‘blueprint’ for ethical behaviour. Although this identity of interests between individuals and communities seems an automatic and logical outcome, somewhat like Smith’s invisible hand, Bentham was less optimistic. Elie Halevy points out that Bentham adopted the idea of the artificial identification of interests but was not always consistent in applying it.<sup>165</sup> Because Bentham thought that the interests of individuals did not harmonize of their own accord, he posited a positive role for government intervention. The role of the legislator as presented by Bentham in The Principles of Morals and Legislation (1789) was to make possible the greatest happiness for the greatest number; thus, when legislating, the legislator was to govern by harmonizing individual interests to the general interest by binding pleasure and pain to laws by means of sanctions.<sup>166</sup>

In a later treatment of this topic, Bentham maintained that there was a place for the practical moralist or ‘deontologist’ and wrestled with the paradox produced by his simultaneous claim that each person was his own best judge regarding what gave pleasure or caused pain.<sup>167</sup> The role of the practical moralist was conceived as that of a ‘scout’ who could foresee the probable future consequences of an act more clearly than the individual acting because the moralist was not acting under the immediate impulse of

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of it: if not for the ordering of their own actions, yet for the trying of their own actions, as well as of those of other men.” Ibid.

<sup>165</sup> Elie Halevy, The Growth of Philosophic Radicalism, trans., Mary Morris, (London : Faber & Faber Limited, MCMXXVIII) , 17.

<sup>166</sup> Jeremy Bentham, The Principles of Morals and Legislation, intro., Lawrence J. Lafleur, (New York : Hafner Publishing Co., 1948) , 24-28.

<sup>167</sup> The passage referred to here was written in 1814. See note 1 in Amnon Goldworth, ed., The Collected Works of Jeremy Bentham, (Oxford : Clarendon Press, 1983) , 250.

pleasure or pain.<sup>168</sup> What Bentham argued was that although humans always act in their own immediate interest by maximizing pleasure and minimizing pain, by pursuing a myopic policy of gratification they can, without ever mistaking their own immediate interest, fall short of pleasure maximization and pain minimization in the long term. This is how he reconciled the idea that although each person was his own best judge there was still the social need for a practical moralist, legislator, or reform in general. The role this moral scout would play was even more crucial when going beyond the sphere of practical morality to that of legislation.

In his A Fragment on Government published in 1776, Bentham claimed that the reformation he proposed for the moral world should correspond to the reformation that had taken place in the knowledge of the natural world in his age. Downplaying the idea that there were no new discoveries to be made in the moral arena, he claimed that

perhaps among such observations as would be best calculated to serve as grounds for reformation, are some which, being observations of matters of fact hitherto either incompletely noticed, or not at all would, when produced, appear capable of bearing the name of discoveries: with so little method and precision have the consequences of this fundamental axiom, *it is the greatest happiness of the greatest number that is the measure of right and wrong*, been as yet developped.<sup>169</sup>

While acknowledging debts to Hume, Helvetius, Beccaria, and Priestley, Bentham undertook to develop this axiom into a new system of morality capable of being utilized as a theoretical platform from which to reform society.<sup>170</sup> His first target for reform was

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<sup>168</sup> Ibid., 250-251.

<sup>169</sup> Jeremy Bentham, A Fragment on Government, eds., J.H. Burns and H.L.A Hart, intro., Ross Harrison, (Cambridge : Cambridge University Press, 1988) , 3.

<sup>170</sup> Ross Harrison claims that "it is not the invention of Utilitarianism for which Bentham is important. Rather, it is for showing in much greater detail than before how it might be applied." Introduction to A Fragment on Government, by Jeremy Bentham, xiv. See also Collected Works, ed., Goldworth, 289-292. Bentham through his amanuensis outlines the development of the philosophy of Utilitarianism: the term utility and the idea that it might serve as a cornerstone of a system of morality came from Hume; the

the British judiciary, and he began his mission of pursuing reform in A Fragment on Government by attacking Sir William Blackstone.<sup>171</sup>

In this work Bentham distinguished between the role of the censor and that of the expositor of law. For Bentham the censor was not concerned with the law as it was, but with how it ought to be; and because he adopted this perspective, Bentham's approach to law was one that was, according to himself, universal - applicable at all times and in all places. The expositor of the law, on the contrary, was concerned only with what the law was; and, as such, the expositor was tied to a particular country since law was different in different countries.

That which *is* Law, is, in different countries, widely different: while that which *ought to be*, is in all countries to a great degree the same. The *Expositor*, therefore, is always the citizen of this or that particular country: the *Censor* is, or ought to be the citizen of the world. To the *Expositor* it belongs to shew what the *Legislator* and his underworkman the *Judge* have done *already*: to the *Censor* it belongs to suggest what the *Legislator* *ought* to do *in future*. To the Censor, in short, it belongs to *teach* that *science*, which when by change of hands converted into an art, the LEGISLATOR *practices*.<sup>172</sup>

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application of the principle by setting out lists of terms which described pains or pleasure as guides to action was the contribution of Helvetius; David Hartley expanded on this list; and it was from Priestly that Bentham got the phrase 'the greatest happiness of the greatest number.' See also Elie Halevy, The Growth of Philosophic Radicalism, 16-22. According to Halevy, it was from Beccaria that Bentham derived the moral calculus.

<sup>171</sup> Sir William Blackstone was a legal writer and judge born in London in 1723. He became the first legal professor in England upon the founding of the chair of English law at Oxford in 1758. The substance of his lectures were published as Commentaries on the Laws of England in 1765. See Blackstone Commentaries on the Laws of England, (Oxford : Clarendon Press, 1765 ; repr., London : Dawsons of Pall Mall, 1966). The work was extremely popular, and soon became established as the primary text for the study of law in England. Critically speaking, however, the work was a mere compendium of the current state of English law; it was produced with little original research and relied heavily on the work of others; and, because of Blackstone's admiration of English law and government, the work was very conservative. See The Dictionary of National Biography, Vol., II, eds., Sir Leslie Stephen, Sir Sidney Lee, (Oxford : The Oxford University Press, 1937-38), 595-602.

<sup>172</sup> Bentham, Fragment, 8.

Having cast himself in the role of the Censor and Blackstone in the role of the expositor, Bentham set himself the task of elaborating a programme of reform for the British judiciary.

The problem with the state of the judiciary, as Bentham saw it, was the technical nature of legal jargon. While he praised Blackstone's skill at arranging the elements of jurisprudence, that arrangement was a technical one because the terminology employed was itself technical. Bentham concluded that "a technical arrangement, governed then in this manner, by a technical nomenclature, can never be otherwise than *confused* and *unsatisfactory*."<sup>173</sup> Against this, Bentham postulated a 'natural' arrangement of law, and by this he meant a system which was based in happiness or utility. Because happiness and its opposite 'mischievousness' directly affected one who, as the result of an act experienced either, Bentham wanted to base the legal system on utility. Those acts which contributed to the happiness of those affected by them would be considered legal, those acts which were 'mischievous' would be considered illegal. Because happiness needed no further explanation, but was simply understood as good, a system of law which regarded acts that promoted utility as legal could be clearly understood by anyone capable of experiencing happiness.<sup>174</sup> Bentham continued: "Governed in this manner by a principle that is recognized by all men, the same arrangement that would serve for the

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<sup>173</sup> Ibid., 25.

<sup>174</sup> See Ibid., 28. "The consequences of any Law, or of any act which is made the object of a Law, the only consequences that men are at all interested in, what are they but *pain* and *pleasure*? By some such words then as *pain* and *pleasure*, they may be expressed: and *pain* and *pleasure* at least, are words which a man has no need, we may hope, to go to a Lawyer to know the meaning of." Thus Bentham wanted to undercut the lawyer's monopoly on the understanding of British jurisprudence by clearing away the obscure legal jargon and erecting, in its place, a jurisprudence based on pleasure and pain, feelings which all people have a knowledge of.

jurisprudence of any one country, would serve with little variation for that of any other.”<sup>175</sup> Furthermore, arguing for his ‘natural’ system of jurisprudence, Bentham wrote

the mischievousness of a bad Law would be detected, at least the utility of it would be rendered suspicious, by the difficulty of finding a place for it in such an arrangement: while, on the other hand, a *technical* arrangement is a sink that with equal facility will swallow any garbage that is thrown into it.<sup>176</sup>

In his self-appointed role as censor of humanity’s legal heritage, Bentham wanted to wipe the jurisprudential slate clean and rewrite a new jurisprudence based on the guide of utility. In opposition to Blackstone’s confused and unsatisfactory exposition of British jurisprudence, Bentham offered a clear and satisfactory jurisprudence written in a natural, non-technical language which was accessible to all, and not only to lawyers like Blackstone.

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<sup>175</sup> Ibid., 26.

<sup>176</sup> Ibid.

### **III - The History of British India**

James Mill's six-volume History of British India is inundated with both explicit and implicit evidence of the above influences on his thought. The voluminous work is composed, in by far the largest measure, of historical narrative; but of greater interest to this thesis is the analytico-sociological discussion primarily located in Book II of volumes 1 and 2.<sup>177</sup> It is primarily by examining the arguments and citations contained in this section that Mill's intellectual underpinnings can be uncovered.

#### **Hatred of the aristocracy and opposition to sentimental Indophilia**

One persistent feature of The History of British India is Mill's linked contempt for the Brahmin caste on the one hand and the English aristocracy on the other. At times, in fact, it is hard to distinguish just which of the two he is attacking: Indian Brahmins or English aristocrats. Whether Mill was attacking Brahmins in India or aristocrats, priests or lawyers in England, he employed the argument that these groups formed a special interest opposed to that of the rest of society. In his diatribe against 'Hindu learning', he explained away the apparent complexity of Sanskrit by characterizing its cultivation as a ruse employed by Brahmins for the oppression of the castes beneath them:

As these endless conceits answer any purpose rather than that of rendering language a more commodious and accurate instrument of communication, they afford a remarkable specimen of the spirit of a rude and ignorant age: which is as much delighted with the juggleries of the mind, as it is with those of the body, and is distinguished by the absurdity of its passion for both. It could not happen otherwise than that the Hindus should, beyond other nations, abound in those frivolous refinements which are suited to

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<sup>177</sup> Mill, The History of British India, Vol. 1, 133-423, Vol. 2, 1-206.

the taste of an uncivilized people. A whole race of men were set apart and exempted from the ordinary cares and labours of life, whom the pain of vacuity forced upon some application of the mind, and who were under the necessity of maintaining their influence among the people, by the credit of superior learning, and, if not by real knowledge, which is slowly and with much difficulty attained, by artful contrivances for deceiving the people with the semblance of it. This view of the Brahmens serves to explain many things which modify and colour Hindu society.<sup>178</sup>

It is evident that Mill viewed the Brahmin caste as an idle component class of society who maintained this privileged isolation, at least in part, by the monopoly of apparent learning. Just like rent-taking landlords who were exempted from labouring in the fields by appropriating the surplus production of the land, the Brahmens were an idle class. In this spirit, Mill catalogued the special rights and privileges enjoyed by those of the Brahmin caste. Mill argued that Brahmens enjoyed the exclusive privileges associated with being the only intercessors to deity on behalf of the rest of society, namely favourable treatment from the law and legal rights, unbounded influence over government, and a source of revenue in the receiving of gifts for religious services rendered.<sup>179</sup> He found moreover, “the priesthood is generally found to usurp the greatest authority, in the lowest state of society,” and, accordingly, Mill claimed that “the Brahmens among the Hindus have acquired and maintained an authority, more exalted, more commanding, and extensive, than the priests have been able to engross among any

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<sup>178</sup> James Mill, The History of British India, 3<sup>rd</sup> ed., Vol. 2, 78-79.

<sup>179</sup> *Ibid.*, Vol. 1, 159-165.

other portion of mankind.”<sup>180</sup> While thus serving as a means for denigrating Indian civilization, Mill’s Brahmins not only served as a foil to English landlords, but were also the butt of Mill’s invective against the evils of priestcraft in general, a typical Enlightenment motif.

Mill’s contempt for the aristocracy is likewise evident in his opposition to the land settlement portion of Lord Cornwallis’ Permanent Settlement of 1793. Although he lauded the creation of private property in India as a means to secure the improvement of agriculture and the happiness of the people, he was very critical of the means Cornwallis chose to effect this reform. Of the East India Company administration Mill decried that

they were under the influence of prejudices in the mode of carrying their design into execution. Full of the aristocratical ideas of modern Europe, the aristocratical person now at the head of the government, avowed his intention of establishing an aristocracy, upon the European model; and he was well aware that the union, at home of statesman and Directors, whom he obeyed, was under the influence of similar propensities.<sup>181</sup>

Mill argued that making the Zamindars the hereditary proprietors of the soil contingent upon payment of a land-tax, was the result of an egregious misunderstanding of land-holding practices in India. In his view it was European and aristocratical prejudice that enabled some English men to view the Zamindars as landowners, and to enable Cornwallis to turn the Zamindar into a rent-taking land-holder in India. Mill contended that prior to the settlement the Ryots, who cultivated the soil directly, were not tenants of the Zamindars as the East India Company administrators supposed, but were the rightful and hereditary possessors of the land. The Zamindars were simply tax collectors for the

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<sup>180</sup> Ibid., 159.

<sup>181</sup> Ibid., Vol. 5, 408. Mill also included this citation: “ ‘ We generally,’ says an intelligent servant of the Company, speaking of himself and his brethren, ‘ see Indian affairs, with English eyes; and carry European notions into Indian practice.’ ” Ibid., 406.

state, who had a military retinue at their disposal for the purpose, and were empowered to administer justice.<sup>182</sup> Mill attributed the mistake to a European propensity to find feudalism in India, an error to which he thought “may evidently be traced a considerable portion of the blunders of our countrymen in the government of India.”<sup>183</sup>

That Mill attempted to cut through the errors which he took to be the product of Eurocentric prejudice and an irrational, sentimental admiration of foreign culture is the crux of Javed Majeed’s thesis.<sup>184</sup> Eric Stokes likewise claims of Mill that “undoubtedly, one of his main aims was to dispel what he considered the silly sentimental admiration of oriental despotism which had marked the earlier thinkers of the Enlightenment.”<sup>185</sup> Furthermore, Majeed contends that Mill’s rejection of the Cornwallis settlement amounted to a rejection of the use of empire to sustain the power of the British aristocracy.<sup>186</sup> This rejection is in evidence throughout Mill’s work as well as in the citations above. Majeed’s argument that Mill was attempting to define a new idiom for British rule appears not only plausible given the evidence, but even very probable.<sup>187</sup> Majeed’s focus on Mill’s Utilitarianism, however, seems to miss the importance of the Scottish enlightenment four-stages theory in Mill’s treatment. To understand Mill’s disparaging assessment of India we must know what was animating Mill’s assessment.

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<sup>182</sup> Ibid., 405-409.

<sup>183</sup> Ibid., 407.

<sup>184</sup> Majeed, *Ungoverned Imaginings*, 121-122.

<sup>185</sup> Stokes, *English Utilitarians and India*, 53. Duncan Forbes makes a distinction between two rationalist traditions which issued out of the Enlightenment: the first, characterized by Voltaire, looked favourably on eastern civilizations - if only as a polemical tool - and used them as propaganda tools against Christianity; the second, came after Turgot and the use of the idea of progress as an organizing principle for history. It was this shift that marked the change from an ‘uncritical admiration’ for the civilizations of the East to the uncritical condemnation based on the criterion of progress. ‘James Mill and India,’ *Cambridge Journal*, 20.

<sup>186</sup> Majeed, *Ungoverned Imaginings*, 158-159.

<sup>187</sup> Ibid., 22, 63-64, 139, 172-174, 187-190.

Majeed's silence in this regard is puzzling given that he cites Duncan Forbes in evidence of Mill's transformation of Utilitarianism into a militaristic faith.<sup>188</sup> The erection of a land tenure system that gave the Zamindari sole proprietorship of the land offended Mill's position on two counts: first, it was based on an assumption that India was organized according to a land-tenure system akin to that of European feudalism; and secondly, it extended and confirmed aristocratic power in India. Mill characterized the Cornwallis Settlement in the following manner:

The government of Bengal lost an opportunity, than which a finer was never enjoyed, of accelerating the acquisition of riches, and hence the growth of virtue, and decline of vice, in the great body of the people; when it declared the Zemindars, and not the ryots, the proprietors of the soil; when it sought by coercive and artificial means to create that vast inequality of fortunes, of which the corruption of the great body of the people is the never failing result.<sup>189</sup>

Mill's attack on the Orientalism of Robert Southey and Thomas Moore, and on the 'aristocratical prejudice' of Cornwallis was as much an attack on their intellectual and social positions as it was on the methodologies upon which they rested. At the same time Mill's History of British India was as much an attack on epistemology as it was on politics; it was as much an attack against a method of how to know, as it was against what was known.<sup>190</sup> The irony contained within Mill's critique is that while he attempted to cut through the Eurocentric prejudice that he identified operating in Cornwallis' land settlement plan, he did not entertain the notion that he too may have suffered from similar

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<sup>188</sup> Ibid., 123-187. Majeed picked up on Duncan Forbes idea that Mill turned Utilitarianism into a militant faith, but did not also adopt Forbes' idea that Mill effected a marriage between Scottish conjectural history and Utilitarianism. Forbes, 'James Mill and India', 24-26. Knud Haakonssen credits Duncan Forbes with formulating the view that Mill combined both Scottish conjectural history and Utilitarianism within one coherent intellectual system. See 'James Mill and Scottish Moral Philosophy', Political Studies, XXXIII (1985), 629.

<sup>189</sup> Mill, The History of British India, Vol. 5, 538-539.

<sup>190</sup> See subsection 'The Role Of Philosophical History' below.

myopic tendencies. Mill's blindness and hypocrisy are most evident when he mercilessly attacks Orientalists like Jones and statesmen like Cornwallis.<sup>191</sup> As noted in the introduction above, this thesis aims to make evident that Mill's own methodology was ultimately a self-contained system, that answered to no empirical evidence which might call its fundamental tenets into question.

### **The Role of Philosophical History**

Mill's commitment to 'philosophical history' informed his approach in the History of British India and the roots of that commitment can be traced back to his time at Edinburgh from 1790 to 1798. As mentioned above, Mill was influenced by the moral philosophy of Dugald Stewart which he imbibed while there.<sup>192</sup> Mill's epistemological argument is implicit throughout his work - especially in the more sociological sections - but is made very explicit in his preface. At first glance this preface appears apologetical, but Mill was not merely anticipating arguments against his method, his lack of knowledge of eastern languages, or the fact that he had never seen India. He was, on the contrary, making an argument for a methodology that gave priority to the knowledge of the laws of human nature over the collection of direct empirical information. Judging by Mill's text, the process he employed was an inductive one. Evidence taken from travel accounts from around the world as well as from English sources on India and from observation of human beings more immediately present to his scrutiny was ostensibly sifted, sorted, and examined until what remained yielded the laws of human nature and social evolution. But

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<sup>191</sup> See below for Jones 85-87, 100-101, and above for Cornwallis 72-75.

<sup>192</sup> See above, 7-8, 30-32. See also, Bain, James Mill, 16-17.

this appearance of induction is misleading. Mill did not derive his laws of human nature from this evidence, but made the evidence serve to confirm the laws of human nature he already believed to be true. Furthermore, Mill explicitly attacked what he represented as a ‘pure empiricism’, i.e. simple fact gathering or cataloguing divorced from subsequent induction and the derivation of general laws. In his view the former simply served as a means to the end that the latter served, that is, the construction of certain knowledge. In other words, empirical fact-gathering was necessary but not sufficient for the production of knowledge. Accordingly, the task Mill set for himself was to make order out of the chaos of raw information, to make sense of the mass of evidence on India from English translations, a process which he viewed as unproblematic.<sup>193</sup> To the contrary, Mill inverted common sense by claiming that information gathered through direct observation and the learning of languages was more likely than his own philosophical approach to fall into error due to subjective involvement. Furthermore not only was the knowledge so gathered likely to be in error but, according to Mill, employing such a method was deleterious to the doing of history more generally.<sup>194</sup> He contended:

But, if a life, in any degree devoted to the collecting of facts by the senses and to the acquiring of tongues, is thus incompatible with the acquisition of that knowledge, and those powers of mind, which are most conducive to a masterly treatment of evidence; it is still less compatible with certain other endowments, which the discharge of the highest duties of the historian imperiously demands. Great and difficult as is the task of extracting perfectly the light of evidence from a chaos of rude materials, it is yet not the most difficult of his operations, nor that which requires the highest and rarest qualifications of the mind. It is the business of the historian not merely to display the obvious outside of things; the qualities which strike the most ignorant observer, in the acts, the institutions, and ordinances which form the subjects of his statements. His duty is, to

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<sup>193</sup> Remembering Metcalf’s description of the process of translating Halhed’s A Code of Gentoo Laws, Mill’s claim seems very problematic. See above, 24-25.

<sup>194</sup> *Ibid.*, Vol 1., ix-xviii.

convey just ideas of all those objects; of all the transactions, legislative, administrative, judicial, mercantile, military, which he is called upon to describe. But in just ideas of great measures what is implied? A clear discernment, undoubtedly, of their causes; a clear discernment of their consequences; a clear discernment of their natural tendencies; and of the circumstances likely to operate either in combination with these natural tendencies, or in opposition to them.<sup>195</sup>

To be capable of the historian's duty one had to understand the laws of human nature and the principles of human society, and be able to grasp how the two interacted and modified one another.<sup>196</sup> Unlike Ferguson who doubted the efficacy of arts or policies of states to effect change in human nature, and unlike Millar, who avoided the topic, Mill was deeply concerned with the interplay between general sociological forces, government actions, and society.<sup>197</sup> It appears that Mill felt that one could know India better from an armchair in England and through learned treatises, as the distance created thereby afforded the requisite conditions for a dispassionate and critical assessment. As Winch puts it "What might have been an apology for never having been to India and for knowing no Indian languages was turned into a qualification by Mill."<sup>198</sup>

The apparent mutual exclusivity of Mill's method and the method(s) which he rejected is demonstrated in his refutation of the postulated antiquity of India. Mill started out by noting that "rude nations seem to derive a peculiar gratification from pretensions to remote antiquity."<sup>199</sup> He thus poured scorn on the idea that Hindu civilization had existed for 3 892 911 years up to 1817 of the Christian calendar.<sup>200</sup> He pointed out that

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<sup>195</sup> Ibid., xvii-xviii.

<sup>196</sup> Ibid., xviii.

<sup>197</sup> See above, 94-98.

<sup>198</sup> Winch, *James Mill*, 385.

<sup>199</sup> Mill, *The History of British India*, Vol. 1, 133.

<sup>200</sup> Ibid., 134.

while a confident and precise account was given of the remoter periods of Indian history, the more recent periods were without even a 'fictional' record. This proved to him, that the earliest records were the product of an 'unrestrained imagination', since later records, which should have been bound to truer accounts, were absent.<sup>201</sup>

Mill offered an explanation for the acceptance by some Europeans of the antiquity of Indian civilization which demonstrates well his distrust of direct observation:

We received indeed the accounts of the Hindu chronology, not from the incredulous historians of Greece and Rome, but from men who had seen the people; whose imagination had been powerfully affected by the spectacle of a new system of manners, arts, institutions, and ideas: who naturally expected to augment the opinion of their own consequence, by the greatness of the wonders which they had been favoured to behold; and whose astonishment, admiration and enthusiasm, for a time, successfully propagated themselves.<sup>202</sup>

For Mill, these modern observers of Indian civilization were lulled into admiration because of the infectious contact they had had with their object of study. Mill argued that the modern Hindus had no real historical documents, and he denied Robertson's claim that they had any recollection of Alexander's coming.<sup>203</sup> This denial demonstrated Mill's decided preference for the guiding hand of Scottish Enlightenment philosophy rather than empirical investigation. While Mill relied on Robertson for information on taxes, his denial of the latter's testimony of the Indian recollection of Alexander was not buttressed

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<sup>201</sup> Ibid., 139-140.

<sup>202</sup> Ibid., 140-141.

<sup>203</sup> Ibid., 144-145. What the Hindus had, according to Mill, was legendary and poetical tales which referred to no actual historical events or people. Robertson's treatment of the subject of Indian history is only a little more favourable than Mill's. He claimed that hardly any attention should be paid to the 'oriental historians' as their accounts contained many 'fabulous and incredible circumstances'. Yet he maintained that they knew of Alexander's coming and this is demonstrated in the name *escander dhul-carnein*, which Robertson explained meant two-horned, and was an allusion to the extent of Alexander's empire. Furthermore, Robertson maintained that some knowledge of Alexander was preserved in the northern provinces. William Robertson, *The Works of William Robertson*, 6 Vols., (London: Longman, Brown, Green, & Longmans, 1851), 564-565, note VIII.

by empirical information that countered Robertson's claim.<sup>204</sup> Mill 'demonstrated' speculatively instead that the Hindus could not have had any written histories, or had any recollection of Alexander, because the Hindu mind had not progressed to the point where the apprehension of the utility of historical records was possible. On Mill's understanding history proper was instrumental. It had utility insofar as it provided guidance for proper future conduct, and insofar as it failed to meet this criterion as defined by Utilitarian philosophy it was not considered history by Mill.<sup>205</sup>

Mill, therefore, utilized Robertson's 'empirical evidence' only insofar as it confirmed his philosophical paradigm; insofar as it did not, Mill rejected it in favour of maintaining his philosophical analysis. For Mill the question was not so much whether or not Hindus had produced any histories, but whether or not they were capable of doing so. In this way he attempted to circumvent the arguments of the Orientalists who, having a more intimate knowledge of the language and the people, were able to list empirical evidence for their favourable assessment of Indian civilization. For Mill the final arbiter was the philosophy of history which establishes the causes of past behaviour in accord with the established laws of human nature. Not only was the gathering of empirical

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<sup>204</sup> See below, 113. See also Mill, *The History of British India*, Vol. 1, 279, note 1, 280, notes 1,2.

<sup>205</sup> *Ibid.*, 143, note 1. Mill claims "of an accurate record of antecedent events, yielding lessons for the future by the experiences of the past, uncultivated minds are not sufficiently capable of reflection to know the value. The real occurrences of life, familiar and insipid, appear too mean and insignificant to deserve to be remembered. They excite no surprise, and gratify no vanity. Every thing, however, which is extraordinary and marvellous, inspires, the deepest curiosity and interest. While men are yet too ignorant to have ascertained with any accuracy the boundaries of nature, every thing of this sort meets with a ready belief; it conveys uncommon pleasure; the faculty of inventing is thus encouraged; and fables are plentifully multiplied." For Dugald Stewart "all the different kinds of philosophical inquiry, and all that practical knowledge which guides our conduct in life, presuppose such an established order in the succession of events, as enables us to form conjectures concerning the future, from the observation of the past." Stewart, *Outlines of Moral Philosophy*, 1. Thus, following Stewart, Mill argued that real history was akin to a catalogue of cause and effect from which one could derive guidance for future acts. Understood in this way, the utility of history lies in the lessons it teaches for the future, not so much for what it says about the past.

evidence not sufficient for establishing the truth, but ‘pure empiricism’, as he understood it, seemed to be antithetical to the production of truth.

Having rejected the claims to antiquity found in Hindu texts, and having found Greek sources on the Greek invasion of India ‘scanty’ and ‘defective’, Mill reassured his readers that there still remained a way to uncover the history of India.<sup>206</sup> This he explained in the following terms:

The meritorious researches of the modern Europeans, who have explored the institutions, the laws, the manners, the arts, occupations and maxims of this ancient people, have enabled philosophy to draw the picture of society, which they have presented, through a long revolution of years. We cannot describe the lives of their Kings, or the circumstances and results of a train of battles. But we can show how they lived together as members of the community, and of families; how they were arranged in society; what arts they practiced, what tenets they believed, what manners they displayed; under what species of government they existed; and what character, as human beings, they possessed. This is by far the most useful and important part of history.<sup>207</sup>

In other words, Mill opted for a European reconstruction of Indian history, which, though vague on events and chronology, he believed would have the virtue of verisimilitude. In the absence of records Mill’s philosophy would be the guiding light for reconstructing Indian history. If this were not audacious enough, he went even further and used the logical conclusions of moral philosophy to undercut putative facts about India for which there were records.

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<sup>206</sup> Mill *The History of British India*, 145-147. The use of the word ‘uncover’ here is meant to convey Mill’s sense. A more appropriate phrase to the modern reader would be conjecture or speculate on or, perhaps, in another word: invent.

<sup>207</sup> *Ibid.*, 147. This citation makes it evident that Mill conceived of history as a tool for the demonstration of the laws of human behaviour.

Against Bailly, Voltaire, and Playfair, Mill denied Hindu accomplishments in astronomy.<sup>208</sup> Mill's argument against their position was both simple and logical, and, if one accepts Mill's premises, persuasive. Given the 'low state' of Hindu civilization, as indicated by Mill's conjectural history approach, Hindu astronomy too must have been in a low state of development. Mill's argument amounted to claiming that the burden of proof lay on the side of those claiming both the antiquity of Indian civilization and the achievements of Hindu astronomy:

When an opinion is obviously contradicted by a grand train of circumstances, and is not *entirely* supported by the special proof on which it pretends to rest, it is unproved; and whatever is unproved, and out of the known order of nature, is altogether unworthy of belief; deserves simple rejection.<sup>209</sup>

The idea that Indian achievement in Astronomy was 'out of the known order of nature' seems to have presupposed that Scottish conjectural theory accurately described reality. Mill would not allow that Indian astronomy might provide proof of an advanced civilization either at present or at some time in India's past.<sup>210</sup> Indian astronomy, to the contrary, had to be as it always was "in the very same state of infancy among the Hindus with all the other branches of knowledge."<sup>211</sup> In short, in Mill's view Hindu astronomy

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<sup>208</sup> Mill., The History of British India, Vol. 2, 86-98. Interestingly, Mill argued that Voltaire and others used Hindu astronomy as proof of the antiquity of Indian civilization and, therefore, as an argument against the Mosaic account. Mill, on the other hand, argued that Voltaire was credulous in his acceptance of the accomplishments of Hindu astronomy, and without pressing the point, asserted that such claims are inconsistent with Mosaic chronology. In this debate, then, Mill was an ally to defenders of Christianity and the mosaic account even if he did not share their aims. His rejection of the possibility that the Indians had historical documents could have served to undercut the alleged antiquity of Indian civilization and, therefore, could have been used against those who argued such antiquity proved the falsity of the Mosaic account. See Thomas ed., The History of British India, xxvii.

<sup>209</sup> Ibid., 88.

<sup>210</sup> Ibid., 93. Mill denies that there ever was a period in which astronomy was highly developed and after which it had suffered a decline.

<sup>211</sup> Ibid., 89.

could not prove either the antiquity of Indian civilization or be cited as one of the achievements of that civilization; rather, Indian astronomy was 'proven' by Mill to be in a 'rude state' because it had been produced by a rude society. Once captured by Mill's reasoning it is somewhat hard to extricate oneself from tautologies like this one.

Mill also demonstrated his methodological preferences in his argument against the achievements of Indian astronomy. In his depiction Indian astronomy was simple empirical cataloguing, not something deserving of the name science.<sup>212</sup> As suggested above science for Mill was an uncovering of the causes of the appearances of things, and insofar as this was the case, Mill seems to be far removed from Dugald Stewart's encomium of Lord Bacon.<sup>213</sup> Mill's focus thus was less on the collection of empirical data - and subsequent induction of laws - than on the use of laws to explain data. This view is reflected in his rejection both of the antiquity of Indian civilization, and of the achievements of the Indians in astronomy. Hindu astronomy failed on yet another count: like Hindu mathematics it lacked utility:

they have been cultivated exclusively for the purposes of astrology; one of the most irrational of all imaginable pursuits; one of those which infallibly denote a nation barbarous; and one of those which it is the most sure to renounce, in proportion as knowledge and civilization are attained.<sup>214</sup>

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<sup>212</sup> Ibid., 91-92. Mill cites Adam Smith, "nature, according to common observation, appears a chaos of jarring and discordant appearances, into which philosophy endeavours to introduce order by representing the invisible chains which bind together these disjointed objects. It thus soothes the imagination, and renders the theatre of nature a more coherent, and therefore a more magnificent spectacle, than otherwise it would appear to be. Mankind in the first ages of society have little curiosity to find out those hidden chains of events which bind together the seemingly disjointed appearances of nature. A savage has no inclination to amuse himself with searching out what seems to serve no other purpose than to render the theatre of nature a more connected spectacle to his imagination." Ibid., 92, note 2.

<sup>213</sup> Stewart claimed that "to ascertain those established conjunctions of successive events, which constitute the order of the universe; - to record the phenomena which it exhibits to our observation, and refer them to their general laws, is the great business of philosophy. - Lord Bacon was the first person who was fully aware of the importance of this fundamental truth. - The ancients considered philosophy as the science of *causes* and hence were led to many speculations, to which the human faculties are altogether incompetent." Outlines of Moral Philosophy, 2-3.

<sup>214</sup> Mill., The History of British India, Vol.2, 134.

According to Mill, Hindu astronomy was little more than a superstitious cataloguing of celestial events. Irrational and barbarous insofar as it had little utility; it was in his view not proof of the achievements of which Indian civilization was capable, but clear evidence of its lack of civilizational development. In The History of British India Mill drove a wedge between empiricism, as he understood it, and scientific theorizing. Mill viewed himself as beset by the enemies of theory who, it followed from his reasoning, were also the enemies of truth.<sup>215</sup> For Mill, the truth could only be uncovered with the guidance of a solid philosophy capable of cutting through the mass of confusing and discordant details to the reality that lay hidden behind the mere appearances of things. Mill adopted Stewart's conjectural methodology filled out by the more developed four-stages theory in his pursuit of the truth about India. Unfortunately, Mill used these heuristic tools as deductive models rather than mere hypotheses about reality. Thus Mill's assessment of India was schematic and insular at the price of denying such evidence as was contrary to his system.

### **The Influence of Mental Philosophy**

As noted above, Mill's biographer Bain contends that Mill's mental philosophy was in abeyance during the writing of The History of British India. That this is inaccurate is suggested by the emphasis that Mill put on mental improvement as an indicator of human

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<sup>215</sup> See Mill's treatment of the negotiations for the renewal of the East India Company's charter in 1793 where he contended that contempt for theory led the British government to make a poor decision. "In adducing motives for the approbation of these measures, Mr. Dundas was successful and unsuccessful: unsuccessful in offering any reasons which can now satisfy an enlightened inquirer, but completely successful in offering reasons which satisfied the bulk of his auditory. He began with what he knew to be a

social development. Throughout the text Mill stressed the effects that general human social development had on the human mind. It will be made apparent that Lockean-Hartleyan psychology provided him with the nexus between the social and physical environment and the individual mind. Of course this belief in mental improvement buttressed Mill's belief in the general perfectibility of humankind. Moreover, Mill posited an end point to this mental improvement - the realization of utility as the end of all action - which made such improvement measurable and functioned as a teleological terminus.

One of the important objects of his inquiry was a study of the history of the human mind.<sup>216</sup> A focus that is evident in his treatment of Indian literature. Mill's disparaging assessment of Indian literature followed the same line of reasoning employed by Adam Ferguson in depicting the progression of literary genres generally.<sup>217</sup> According to Mill:

The first literature is poetry. Poetry is the language of the passions, and men feel, before they speculate. The earliest poetry is the expression of the feelings, by which the minds of rude men are the most powerfully actuated. Before the invention of writing, men are directed also to the use of versification by the aid which it affords to the memory. ... In verse not only the few historical facts are preserved, to which the curiosity of a rude age attaches itself, but in verse are promulgated the maxims of religion, and the ordinances of law.<sup>218</sup>

Although Mill admitted that some historical facts happen to find their way into the verse of a 'rude age', history as Mill understood it was absent from this type of writing. Thus,

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favourite topic for a British Parliament - the wisdom of contempt for theory." Mill, The History of British India, Vol. 6, 8.

<sup>216</sup> Ibid., Vol. 2, 424.

<sup>217</sup> Ferguson, The History of Civil Society, 164-168. "When we attend to the language which savages employ on any solemn occasion, it appears that man is a poet by nature. Whether at first obliged by the mere defects of his tongue, and the scantiness of proper expressions, or seduced by a pleasure of the fancy in stating the analogy of its objects, he clothes every conception in image and metaphor." Ibid., 165.

<sup>218</sup> Mill, The History of British India, Vol. 2, 44. One wonders if this would lend credence to the Indians who claimed to remember Alexander.

as seen above, he denied that Indian civilization had produced any real history. Like Mill's attempted refutation of the antiquity of Indian civilization and his rejection of the achievements of Indian astronomy, Mill's contention that India had produced no real history was based in a philosophical objection to that possibility. India *could* have no such history, according to Mill, because the 'Indian mind' was not yet capable of producing one. The question of whether or not India *had* historical writings was circumvented by Mill who insisted on first asking whether or not the Indian mind was *capable* of producing history in the sense that he understood it, and who likewise refused to hear evidence on the subject if the philosophical possibility was disallowed.

Sanskrit and Indian literature were attacked by Mill who perceived both the spoken language and the written productions of the Hindus to lack utility. In his assessment of language and literature, just as in his assessment of alleged Indian history and astronomy, philosophy was to dictate the outcome.<sup>219</sup> As Majeed rightly explains, Mill's distrust of Sanskrit was based in the idea that a language must describe reality accurately so that the human mind was capable of conceiving what course of action to undertake based on the Utilitarian calculus.<sup>220</sup> To this end

the highest merit of language would consist in having one name for every thing which required a name, and no more than one. Redundancy is a defect in language, not less than deficiency. Philosophy, and even common good sense, determine, that every thing which can simplify language, without impairing it in point of precision and completeness, is a first rate advantage. An ignorant and fantastical age deems it a glory to render it in the highest degree perplexing and difficult.<sup>221</sup>

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<sup>219</sup> Majeed points out that Bentham and Mill adopted Horne Tooke's method of language study which was philosophical rather than historical or etymological as practiced by Sir William Jones. Ungoverned Imaginings, 151-155.

<sup>220</sup> *Ibid.*, 164-165.

<sup>221</sup> Mill., The History of British India, Vol. 2, 80-81.

In this view language was an instrument - a means, not an end in itself: “completeness and precision would have been undeniable proofs of the mental perfection of the people by whom it was used; while a great multitude of useless words and grammatical rules were the very reverse.”<sup>222</sup> In opposition to Jones and the Orientalists he argued “that adaptation of language to poetry and the ear, affords no evidence of civilization.”<sup>223</sup> Mill thus denigrated Sanskrit based on a philosophical objection and, in so doing, he attacked a language that he could neither speak nor read. Evidence of civilizational development for Mill was to be found in a language’s simplicity and not its artifice.

From Millar, Mill adopted the ideas that “the condition of women is one of the most remarkable circumstances in the manners of nations,” and that “among rude people the women are generally degraded; among civilized people they are exalted.”<sup>224</sup> Accordingly Mill cited the state of women as represented in the Institutes of Menu and Halhed’s Gentoo Code as demonstrating a degrading dependence. Mill noted that Hindu women were excluded from sharing the paternal property, were deprived of education; he claimed that wives were not considered worthy to eat with their husbands and that the women were confined.<sup>225</sup> Mill also pointed out that “of the modes adopted by the Hindus of sacrificing themselves to the divine powers, none however has more excited the attention of the Europeans, than the burning of the wives on the funeral piles of their husbands. To this cruel sacrifice the highest virtues are ascribed.”<sup>226</sup> Not only did

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<sup>222</sup> Ibid., 82.

<sup>223</sup> Ibid.

<sup>224</sup> Ibid., Vol. 1, 383. Mill claimed that “this important subject is amply and philosophically illustrated by Professor Millar, in his Inquiry into the Distinction of Ranks.” See note 2.

<sup>225</sup> Ibid., 383-394.

<sup>226</sup> Ibid., 358.

Sanskrit lack utility, according to Mill, but he also contended that in India “grossness, in ideas and language, respecting the intercourse of the sexes, is a uniform concomitant of the degraded state of the women.”<sup>227</sup> He thus suggested a mutually reinforcing relationship between the ‘degraded state of women’ and ‘grossness’ in thought and language.

Another Scottish Enlightenment criterion of social development that Mill adopted, this one from Ferguson, was contained in the idea that abstract thought and metaphysical explanation were characteristic of a ‘rude age’.<sup>228</sup> According to Mill, the human mind in its earliest stages of development was not analytical, rather it was prone to find similarities in disparate phenomena. Humans in a rude state of civilization were lumpers and not splitters, to use a more recent phrase. A theme in Mill’s study is the lack of any compartmentalization of knowledge in the corpus of Indian thought. This lack was mirrored, he thought, in India’s writings and institutions. Mill viewed the Vedas as scripture that confounded religious precepts, legal and moral injunctions, and history.<sup>229</sup> Similarly, Mill’s treatment of the Indian judiciary was much like that of his treatment of the Indian mind for one of the primary problems he identified in it was a confusion of courts and codes.<sup>230</sup> His historical narrative of social and mental progress began with a

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<sup>227</sup> Ibid., 397.

<sup>228</sup> Ibid., Vol. 2, 70. In Mill’s words: “These facts coincide with a curious law of human nature, which some eminent philosophers have already remarked. The highest abstractions are not the last result of mental culture, and intellectual strength; it is discovered, that some of our most general and comprehensive notions are formed at that very early period, when the mind, with little discriminating power, is apt to lump together things which have but few points of resemblance ; and that we break down these genera into species more and more minute in proportion as our knowledge becomes more extensive, more particular, and precise. The propensity to abstract speculations is then the natural result of the state of the human mind in a rude and ignorant age.”

<sup>229</sup> See below 99.

<sup>230</sup> See below, 99-101.

superstitious and uncomplicated mind which had a penchant for the imaginary and the speculative. In this connexion Javed Majeed claims of Mill that “his distrust of the imagination is the unifying strand of his *History*.”<sup>231</sup> Mill’s developmental mental schema had both a beginning and an end point. The movement from beginning to end was progressive, and it hardly needs to be said where Mill placed the ‘Indian mind’ and the ‘English mind’ on this scale.

Mill’s reasoning on Indian mental development operated on two levels: he looked first at the influence of the physical environment and second at the influence of culture. The role these factors played, and how they interacted, however, were not well developed by Mill, who simply followed Ferguson, Millar, and Montesquieu in positing the stagnant state of Oriental development. Mill pointed out that ancient Indians enjoyed relative advantages of soil and climate over their European counterparts. Mill followed Montesquieu and Ferguson’s reasoning on the climate of the torrid zone.<sup>232</sup> He suggested that these advantages had enabled Indians to populate their lands relatively more rapidly. Because population pressure required a more elaborate administration, he thought population pressure was instrumental in human social development. He reasoned:

When any people has multiplied so far as to compose a body, too large and unwieldy to be managed by the simple expedients which connected the tribe, the first rude form of a monarchy or political system is devised. Though we have no materials from the Hindus, which yield us the smallest assistance in discovering the time which elapsed in their progress to this point of maturity, we may so far accede to their claims of antiquity, as to allow that they passed through this first stage in the way to civilization very quickly; and perhaps they acquired the first rude form of a national polity at fully as early a period as any portion of the race.<sup>233</sup>

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<sup>231</sup> Majeed, *Ungoverned Imaginings*, 163.

<sup>232</sup> See above 41.

<sup>233</sup> Mill, *The History of British India*, Vol. 1, 152.

After accepting Indian claims to antiquity just insofar as they aided his case, Mill went on to conjecture that

it was probably at no great distance from the time of this important change that those institutions were devised, which have been distinguished by a durability so extraordinary; and which present a spectacle so instructive to those, who would understand the human mind, and the laws which, amid all the different forms of civil society, invariably preside over its progress.<sup>234</sup>

Whereas climate facilitated the early and rapid peopling of Indian lands and therefore, by Mill's account, enabled the rapid progress of Indian civilization, Indian culture, he claimed, was responsible for the stagnation that allegedly set in thereafter. It will become apparent, however, that climate too played a role in his postulated stagnation.

The alleged stagnation of India and Asia at large was, to Mill's mind, a product of three main factors: the climate, and the cultural factors of superstition and despotism. Following four-stages theory, Mill argued that the ease with which subsistence had been procured in ancient India promoted indolence in a people who did not suffer from the exigencies created by a harsher climate and poorer soil. Following Millar, Mill relegated the influence of climate to a secondary role in general social development, but he seems closer to Ferguson's climatological determinism when discussing cultural stagnation. In other words, in explaining social progress Mill saw the climate as influencing social development insofar as it enabled or hindered progression through the different modes of subsistence, but when progress was thought to have stalled Mill posited a more direct climatological cause. Where the climate and soil provided the requisites for living easily, humanity's latent mental potential was not called into action. Tension between the

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<sup>234</sup> Ibid.

struggle to survive and the availability of the means of subsistence would have forced adaptation and, therefore, progression. Thus Hindus must have advanced rapidly, both socially and mentally through the hunting and gathering stage, but did not achieve the necessary mental or cultural momentum to carry them much beyond. Mill, in fact, did attempt to situate India on the scale of social development *vis à vis* Europe. He conjectured “should we say that the civilization of the people of Hindustan, and that of the people of Europe, during the feudal ages, are not far from equal, we shall find upon close inspection, that the Europeans were superior.” He went on to conclude that “in fine, it cannot be doubted that, upon the whole, the gothic nations, as soon as they became a settled people, exhibit the marks of a superior character and civilization to those of the Hindus.”<sup>235</sup> Thus, it would seem, that Mill conceived the Hindus to be at an early phase of the agricultural stage according to four-stages theory.

In addition to climate-induced indolence, Indian cultural institutions conspired to stunt Indian social and mental development. Mill claimed of the Indians that due to the

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<sup>235</sup> Ibid., Vol. 2, 186-188. Mill gave a more detailed assessment of the two cultures where he claimed that the Europeans were superior “in the first place, notwithstanding the vices of the papacy, in religion; and, notwithstanding the defects of the schoolmen, in philosophy. They were greatly superior, notwithstanding the defects of the feudal system, in the institutions of government and in laws. Even their poetry, if the observance of nature, if the power of moving the affections, or indeed ingenuity of invention, be regarded as the marks of excellence, is beyond all comparison preferable to the poetry of the Hindus. That, in war, the Hindus have always been greatly inferior to the warlike nations of Europe, during the middle ages, it seems hardly necessary to assert. In some of the more delicate manufactures, however, particularly in spinning, weaving, and dyeing, the Hindus, as they rival all nations, so they no doubt surpass all that was attained by the rude Europeans. In the fabrication, too, of trinkets; in the art of polishing and setting the precious stones; it is possible, and even probable, that our impatient and rough ancestors did not attain the same nicety which is displayed by the patient Hindus. In the arts of painting and sculpture, we have no reason to think that the Europeans were excelled by the Hindus. In architecture, the people who raised the imposing structures which yet excite veneration in many of the ancient cathedrals, were not left behind by the builders of the Indian pagodas. The agriculture of the Europeans, imperfect as it was, surpassed exceedingly that of the Hindus; for with the climate and soil of most of the countries of Europe, agriculture, so imperfect as that of India, could not have maintained the population. In point of manners and character, the manliness and courage of our ancestors, compared with the slavish and dastardly spirit of the Hindus, place them in an elevated rank. But they were inferior to that effeminate people in gentleness, and the

effects of “despotism and priestcraft taken together, the Hindus, in mind and body, were the most enslaved portion of the human race.”<sup>236</sup> Because Mill saw religion as all pervasive in Indian culture, he held that to understand Hindu religion was to understand the principle branch of their manners.<sup>237</sup> Having erected religion to paramount importance in Indian society, Mill proceeded to illustrate what he took to be both the superstitious nature of Hinduism and the despotic power held by the Brahmins over the subordinate classes. Given his claim that “it is only in rude and ignorant times that men are so overwhelmed with the power of superstition as to pay unbounded veneration and obedience to those who artfully clothe themselves in the terrors of religion,” it is not surprising that he heaped censure upon the Brahmin class.<sup>238</sup> Not only did he attack the Brahmins as Indian aristocrats, but his attack on their religious role reads like a Protestant denouncement of papal priestcraft. In Mill’s words:

Knowledge, and refined conceptions of the Divine nature, are altogether incompatible with the supposition, that the deity makes favourites of a particular class of mankind, or is more pleased with those who perform a ceremonial service to himself, than with those who discharge with fidelity the various and difficult duties of life.<sup>239</sup>

It was to the alleged lack of Indian mental development that Mill pointed in order to explain what made alleged Brahmin hegemony possible. Mill catalogued the advantages Brahmins enjoyed in Indian society and juxtaposed those advantages with the disadvantages suffered by the subordinate classes.<sup>240</sup> Having placed the subordinate

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winning arts of address. Our ancestors, however, though rough, were sincere; but, under the glosing exterior of the Hindu, lies a general disposition to deceit and perfidy.”

<sup>236</sup> *Ibid.*, 167.

<sup>237</sup> *Ibid.*, Vol. 1, 376. Mill defined manners as “the peculiar modes in which the ordinary business of human life is carried on.”

<sup>238</sup> *Ibid.*, 159.

<sup>239</sup> *Ibid.*

<sup>240</sup> *Ibid.*, 159-174.

castes under their sway, the Brahmin caste, in this view, kept them there with the aid of superstition. “The Brahmins among the Hindus have acquired and maintained an authority,” Mill claimed, “more exalted, more commanding, and extensive, than the priests have been able to engross among any other portion of mankind.”<sup>241</sup> Brahmin power was legitimized by divine sanction and was constantly exercised through control of what Mill characterized as the “performance of an infinite and burdensome ritual, which extends to almost every hour of the day, and every function of nature and society.” Control over this ritual rendered Brahmins “the uncontrollable masters of human life.”<sup>242</sup> The minds and bodies of the subordinate classes were thus enslaved to the Brahmin priesthood by superstitious veneration, and these classes were incapable of breaking free because of the absolute hold the Brahmins had over the lives and thoughts of their underlings. While citing Adam Smith, Mill went further than Smith’s tentative comparison of the monarchies of Asia and Egypt. Mill argued that Smith’s sagacious ‘observation’ that “despotism is more destructive of leisure and security, and more adverse to the progress of the human mind, than anarchy itself,” was proof enough that those civilizations had never attained greatness.<sup>243</sup>

Mill therefore posited that both climatological and cultural factors conspired to prevent Indian mental development. A benevolent climate readily provided the body with the requisites for survival, and without the need to expend either great physical or mental energy. Because the Lockean mind was not goaded to action by an inclement climate, Indians were rendered indolent. This passivity was taken advantage of by those who

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<sup>241</sup> Ibid., 159.

<sup>242</sup> Ibid., 163.

<sup>243</sup> Ibid., Vol. 2, 206.

attained power over others, and the abject state of the subordinate classes both in mind and body made the propagation of an extensive despotic power possible. The propagation of such power, in turn, rendered the minds and bodies of the abject classes even less able to throw off the yoke.

The link Mill postulated between the environment and mental development goes some way to explaining how he supposed climate affected mental development. As suggested above, this linkage derives from Lockean psychology. John Locke's *Tabula Rasa* was the nexus between the environment and the mind. The connection between the psychological and the physiological was further elucidated by David Hartley in his Observations on Man which was published in 1749.<sup>244</sup> Under the tutelage of Dugald Stewart, Mill had been exposed to the principle of the association of ideas which was Hartley's main theoretical innovation.<sup>245</sup> Stewart claimed that "it is in the political union, and in the gradual improvement of which it is susceptible, that nature has made a provision for a gradual development of our intellectual and moral powers."<sup>246</sup> Mill himself further elucidated the principle of the association of ideas in his treatise the Analysis of the Phenomena of the Human Mind published in 1829.<sup>247</sup> Although the

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<sup>244</sup> David Hartley, Observations on Man, Intro., Theodore L. Huguelet, (1749; repr., Gainesville, Florida : Scholar's Facsimiles & Reprints, 1966). In the introduction Huguelet claimed that "Hartley became the first philosopher to relate the bodily frame, with all its complicated apparatus of sense organs and nerves, to all the phenomena of sensation, imagination, memory, understanding, affection, and will. Hartley's innovation places him in the line of British Empiricists and establishes him among the first physio-psychologists in modern history," ix. According to J.S. Mill, James Mill deemed Hartley's treatise "the really master-production in the philosophy of mind." J.S. Mill, Autobiography, 69-70.

<sup>245</sup> Stewart, Outlines of Moral Philosophy, 28-32. Dugald Stewart elucidated the principle of association in his Elements of the Philosophy of the Human Mind, 2<sup>nd</sup> ed., (London : A. Strahan, 1802) , 278-403.

<sup>246</sup> Ibid., 9.

<sup>247</sup> James Mill, Analysis of the Phenomena of the Human Mind, 2 Vols., 2 ed., (1869; repr., New York : Augustus M. Kelley, 1967). In the preface it is stated of James Mill that "at an early period of Mr. Mill's philosophical life, Hartley's work had taken a strong hold of his mind; and in the maturity of his powers he formed and executed the purpose of following up Hartley's leading thought, and completing what that thinker had begun. The result was the present work." xvii.

principle of association was not explicitly stated in Mill's History of British India, the basic idea that the physical and cultural environment was the crucible in which the human mind was forged recurred throughout.<sup>248</sup> It was changes in the environment - cultural as well as physical - that affected the passive and malleable Lockean mind. On Mill's understanding, it was the clemency of the Indian climate combined with Indian social institutions, which conspired to halt Indian mental and social development at an early stage on the scale of human social developmental.

Mill understood the 'Indian mind' to represent a point in the stage of human mental development through which all peoples had to pass. This developmental schema was based on the notion of the perfectibility of the human mind as postulated in Lockean-Hartleyan psychology. J.S. Mill later claimed of his father that

in psychology, his fundamental doctrine was the formation of all human character by circumstances, through the universal Principle of Association, and the consequent unlimited possibility of improving the moral and intellectual condition of mankind by education. Of all his doctrines none was more important than this, or needs more to be insisted on.<sup>249</sup>

Through adaptations to the exigencies of climate and soil, and through adaptations effected on the mind by culture, the individual mind underwent a progression similar to the one civilizations enjoyed as they moved through the four stages of development. Both Ferguson and Millar claimed that as societies progressed through the four-stages, so too did they become more complex and improved.<sup>250</sup> According to Mill, just as societies

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<sup>248</sup> Majeed points out the link between the acceptance of Horne Tooke's analysis of language and the acceptance of associationist psychology. In Mill's acceptance of Tooke's view of language there is an implicit acceptance also of associationist psychology. Ungoverned Imaginings, 154. Mill's concern about the ungoverned imagination, then, amounts to a fear that a language abounding in superfluous or figurative constructions would hinder the apprehension of a proper train of ideas. By proper here is meant, of course, the apprehension of utility as a guide to action.

<sup>249</sup> J.S. Mill, Autobiography, 95-96.

<sup>250</sup> See above, 37-40, 50-52.

moved from rudeness to refinement, the mind progressed from a rude state to a refined one. Completing the teleology of Mill's mental perfectabilism was the realization of utility, the point to which he claimed mental progression led. "In looking at the pursuits of any nation, with a view to draw from them indications of the state of civilization," he wrote "no mark is so important, as the nature of the *End* to which they are directed."<sup>251</sup> He continued "exactly in proportion as *Utility* is the object of every pursuit, may we regard a nation as civilized."<sup>252</sup> This is a point relevant to the present discussion precisely because Mill used the criterion of utility as a criterion of mental development in his treatment of Indian history, astronomy, and literature as seen above.<sup>253</sup> His understanding of human mental development may be characterized as a Whiggish one to the extent that he read the history of human social development as the story of the development towards an apprehension of the idea of utility. In his view the end of this mental development existed in potential in all human beings and all societies, but it took the right set of circumstances for the 'discovery' to occur. When it finally occurred, it did so in Western Europe, particularly in England in the eighteenth century. India, as viewed by Mill, was a civilization that got off the track somewhere and was incapable of further movement without outside help. Incapable of coming to the apprehension of utility as the guide for all action on its own, it required British rule to help it along the path of progress.

Mill thought that improvement of the 'moral and intellectual condition' was brought about by education in a more general sense of the term.<sup>254</sup> Eric Stokes aptly

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<sup>251</sup> Mill, The History of British India, Vol. 2, 134.

<sup>252</sup> Ibid.

<sup>253</sup> See above, 77-79, 81-83, 85-87.

<sup>254</sup> Mill elucidated this general conception of education in opposition to a more specific conception in his essay 'Education' written just after the completion of The History of British India in 1818. In defense of

points out the distinction between Utilitarians and the larger mainstream of liberal reformist thought.<sup>255</sup> Whereas Macaulay later would argue in his 1835 'Minute on Indian Education' for general education to be given in English,<sup>256</sup> Mill held that such a program would be a non-starter:

It has been alleged above, that most of the Indian judges point to education, as the only power from the operation of which a favourable change can be expected in the moral character of the people; on this subject, however, if Sir Henry Strachey is excepted, their views are superficial. The most efficient part of education is that which is derived from the tone and temper of society: and the tone and temper of the society depend altogether upon the laws, and the government. Again; ignorance is the natural concomitant of poverty; a people wretchedly poor, are always wretchedly ignorant. But poverty is the effect of bad laws, and bad government; and is never a characteristic of any people who are governed well. It is necessary, therefore, before education can operate to any great result, that the poverty of the people should be redressed; that their laws and government should operate beneficently.<sup>257</sup>

Mill accordingly proposed in The History of British India that it was from a general reform of Indian social institutions, government and judiciary that the improvement to Indian society was to be expected.<sup>258</sup> Thus Utilitarian reforms to Indian institutions would

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Helvetius he claimed: "One of the causes, why people have been so much startled, by the extent to which Helvetius has carried the dominion of education, seems to us to be their not including in it nearly so much as he does. They include in it little more than what is expressed by the term schooling; commencing about six or seven years of age, and ending at latest with the arrival of manhood. If this alone is meant by education, it is no doubt true, that education is far indeed from being all powerful. But if in education is included every thing, which acts upon the being as it come from the hand of nature, in such a manner as to modify the mind, to render the train of feelings different from what it would otherwise have been; the question is worthy of the most profound consideration. James Mill, Political Writings, ed., Terence Ball, (Cambridge : Cambridge university Press, 1992) , 159-160.

<sup>255</sup> Stokes, English Utilitarians and India, 55-58.

<sup>256</sup> See Macaulay's 'Minute on Indian Education' in Thomas Babington Macaulay: Selected Writings, John Clive and Thomas Pinney, (Chicago : University of Chicago Press, 1972) , 237-251.

<sup>257</sup> Mill, The History of British India, Vol. 5, 541.

<sup>258</sup> Mill claimed that "the political education is like the key-stone of the arch; the strength of the whole depends upon it. We have seen that the strength of the Domestic and the Technical Education depends almost entirely upon the Social. Now it is certain, that the nature of the Social depends almost entirely upon the Political; and the most important part of the physical (that which operates with greatest force upon the greatest number, the state of aliment and labour of the lower classes) is, in the long-run, determined by the action of the political machine. The play, therefore, of the political machine acts immediately upon the

artificially create the proper environment for the improvement of both Indian culture and the 'Indian mind'. This was the meaning of Jeremy Bentham's famous boast "Mill will be the living executive - I shall be the dead legislative of British India."<sup>259</sup>

Moreover, so that such reforms from above would be complemented by change from below Mill suggested the expedient of settling English gentlemen as a useful adjunct to governmental and judicial reform. In this vein he asked

is it possible to avoid seeing; and seeing not to acknowledge, the inestimable service which might have been derived, in this great exigency, from a body of English gentlemen, who, if they had been encouraged to settle, as owners of the land, and as manufacturers and merchants, would at this time have been distributed in great numbers in India? Not only would they have possessed the requisite moral and intellectual qualifications, a thing of inestimable value; but they would have possessed other advantages of the highest importance.<sup>260</sup>

In addition to Mill's aggressive advocacy of colonization, Mill testified in 1831, while being examined on behalf of the East India Company, that Britain should absorb the remaining dependent states and govern them directly. Moreover, he advocated extending the northwestern frontier by taking the territory of Ranjit Singh, as a measure undertaken to lessen the Russian threat.<sup>261</sup> Mill's advocacy of colonization in The History of British India and his advocacy of the extension of Britain's holdings in India suggests that Mill offered a justification of empire in his work on India. The sociological sections of The History of British India sketched the picture of an Indian civilization in need of the

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mind, and with extraordinary power; but this is not all; it also acts upon most everything else by which the character of the mind is apt to be formed." Political Writings, 193.

<sup>259</sup> John Bowring, The Works of Jeremy Bentham, Vol. 10, (New York: Russell & Russell, 1962), 450.

<sup>260</sup> Mill, The History of British India, Vol. 5, 504. In addition Mill claimed that "next to the direct operation of meliorated laws upon the intellectual and moral character of the natives, would be that diffusion of Englishmen in society, by means of colonization, from which we have already seen that so many important consequences would flow." *Ibid.*, 543-544.

<sup>261</sup> Bain, James Mill, 345-346.

governance of Britain and in light of Mill's comments regarding colonization and the extension of Britain's possessions in India, Mill seemed to be formulating a justification for empire which accords with Thomas Metcalf's claims about the British rule of India in his Ideologies of the Raj.<sup>262</sup>

Mill's History of British India combined Dugald Stewart's general conceptual model of mental progress with the more detailed model of the four-stages theory. Moreover, in addition to this approach, he went beyond Adam Ferguson and John Millar by positing the influence of these general sociological forces on the individual mind. Although Mill did not expressly discuss the associationist principle in The History of British India itself, his position that the mind was a creature of the environment suggests that a Lockean-Hartleyan conception of the human mind underlay his examination of Indian civilization.

### **Benthamite Utilitarianism and the Indian Judiciary**

The influence of Bentham is unmistakable in the History of British India, through the stress Mill laid on the criterion of utility. Having already noted how Mill argued that Indian literature and astronomy failed to satisfy his criterion of utility, we can now look at how this criterion influenced Mill's treatment of the Indian judiciary. That treatment contained an explicit and critical evaluation of both the English and Indian judicial systems which adopted the Benthamite perspective of the legal censor.<sup>263</sup> Seemingly consistent with the dispassionate point of view Bentham envisioned for the censor, and

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<sup>262</sup> See above, 22-23.

<sup>263</sup> See above, 67-68.

the dispassionate role of the historian elaborated in his preface, Mill measured both legal systems against the criterion of utility. Thus just as the conjectural approach to history as buttressed by four-stages theory was utilized to deny Indian achievements in literature and astronomy in conjunction with the criterion of utility, so the primacy of utility was the philosophical axiom against which the judgement on the judiciary was cast.

Mill's prime concern in this regard was with the confusion of courts and the legal writings.<sup>264</sup> Mill listed the confusion of religious injunctions, legal precepts, and history as evidence of the rudeness of the 'Indian mind'.<sup>265</sup> It was the propensity of the rude mind to combine disparate phenomena within the same conceptual categories, on Mill's reasoning, so this confusion would inevitably be present in the written records of a civilization.<sup>266</sup> Mill summed up the qualities he felt were desirable for a body of law as completeness, and exactness.<sup>267</sup> He refrained from evaluating Hindu law according to the first criteria due to the length of work involved, but he made it quite clear that Hindu law fell far short of exactness. According to Mill, Hindu law abounded in extraneous matter, was poorly defined and arranged, and was unduly harsh. The fact that legal definitions

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<sup>264</sup> See Majeed, Ungoverned Imaginings, 25-26. Majeed highlights two relevant points: (a) that what Mill was viewing was a dynamic legal tradition in the midst of change. Hindu, Muslim, and local legal traditions were all in place and British law for British subjects added to the mix; and (b) Halhed's A Code of Gentoo Laws reflected the needs of Hastings administration rather than the true state of affairs.

<sup>265</sup> Mill was rather explicit on this point: "Amid the imperfections adhering to the state of law among a rude and ignorant people, one is, that they preserve not their maxims of justice, and their rules of judicial procedure, distinct from other subjects. In the law books of the Hindus, the details of jurisprudence and judicature occupy comparatively a very moderate space. The doctrines and ceremonies of religion; the rules and practice of education; the institutions, duties, and customs of domestic life; the maxims of private morality, and even of domestic economy; the rules of government, of war, and of negotiation; all form essential parts of the Hindu codes of law, and are treated in the same style, and laid down with the same authority, as the rules for the distribution of justice." Ibid., Vol I., 192-193.

<sup>266</sup> Ibid., See Mill's analysis of Indian laws, 192-246.

<sup>267</sup> Ibid., 242-243.

were not written rendered such definitions legally useless.<sup>268</sup> Similarly, however, Mill believed the problems associated with unwritten law also plagued European countries:

Notwithstanding the necessity of writing to produce fixed and accurate definitions in law, the nations of modern Europe have allowed a great proportion of their laws to continue in the unwritten; that is, the traditionary state; the state in which they lay before the art of writing was known. Of these nations, none have kept in that barbarous condition so great a proportion of their law as the English.<sup>269</sup>

The primary concern for both Bentham and Mill was to rectify the confusion they felt was rampant in legal systems based in common law. The panacea Bentham offered the world, which Mill adopted, was tripartite: a written legal code, an adequate judicial establishment, and a rational mode of procedure were all that was needed to “effect a complete deliverance.”<sup>270</sup> The written code, of course, had to be a rational one based in the tenets of Utilitarianism as embodied in Bentham’s idea of the legal censor. Accordingly, Mill viewed Sir William Jones work of legal exposition as worse than a waste of time, indeed he viewed it as harmful. He expressed his displeasure unequivocally:

Sir William Jones, and others, recognized the demand for a code of Indian law; but unhappily thought of no better expedient than that of employing some of the natives themselves; as if one of the most difficult tasks to which the human mind can be applied, a work to which the highest measure of European intelligence is not more than equal, could be expected to be tolerably performed by the unenlightened and perverted intellects of a few Indian pundits. With no sanction of reason could any thing better be expected than that which was in reality produced; a disorderly compilation of loose, vague, stupid, or unintelligible quotations and maxims, selected arbitrarily from books of law, books of devotion, and books of poetry; attended with a commentary, which only adds to the mass of absurdity and darkness; a farrago, by which nothing is defined,

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<sup>268</sup> *Ibid.*, 243-244. Mill utilized a similar critique in his treatment of Indian language. See above pages 68-69.

<sup>269</sup> *Ibid.*, 244.

<sup>270</sup> *Ibid.*, Vol. 5, 521.

nothing established; and from which, in the distribution of justice, no assistance beyond the materials of a gross inference, can for any purpose be derived.<sup>271</sup>

The task that the Orientalist Jones undertook was thus in Mill's view that of simple legal exposition, not unlike Blackstone's Commentaries on the Laws of England, when what India really needed, according to Mill, was the guiding hand of reason embodied in the Benthamite legal censor.

Mill's positive assessment of Indian legal procedure provided a glaring contrast to his otherwise scathing account of the Indian judiciary. Mill praised the efficiency and affordability of the Hindu legal procedure which "displayed a degree of excellence not only far beyond itself in other branches of law, but far beyond what is exemplified in the more enlightened countries."<sup>272</sup> He also praised the immediate, direct and simple norms of investigation that prevented both delay and expense, thereby making justice more readily accessible to all.<sup>273</sup> But where Mill found virtue in the indigenous tradition, he found fault in Cornwallis' abolishing such practices. Cornwallis' reforms left in their wake "a course of procedure, loaded with minute formalities; rendered unintelligible, tedious, and expensive, by technical devices."<sup>274</sup> Although in Mill's view Cornwallis had been motivated by good intentions in his endeavour to reform the Indian judiciary, he had fallen prey to the prejudices and interests of the lawyer class. Mill argued that the intricacy of Cornwallis' reforms created the necessary conditions for the creation of a 'body of native pleaders' who could earn a living by their craft and, in the process,

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<sup>271</sup> Ibid., 513.

<sup>272</sup> Ibid., Vol. 1, 245.

<sup>273</sup> Ibid., 245-246.

<sup>274</sup> Ibid., Vol. 5, 425.

obstruct justice for their own gain.<sup>275</sup> Such was the state of affairs after Cornwallis' reforms, Mill claimed, that an inefficacious procedure was married to the irrational 'farrago' of the Hindu legal code. Cornwallis' reforms thus failed on two heads: (a) the attempt to frame a Hindu code, though well intentioned, was based on tradition as expounded by ignorant native authorities, and thus resulted in an unnatural and irrational compendium; and (b) by problematizing legal procedure with the intricacies of the English system, Cornwallis had opened up the way to both expense and delay and to the practice of extortion by the judges, lawyers, and pundits.

For Mill the main problem engendered by an unwritten system of laws, or by a poorly contrived system, was its inaccessibility to the people. The confusion bred by a technical jargon understood only by a minority could be utilized by that minority to its benefit. Thus in England, Mill followed Bentham in criticizing the judges and lawyers for monopolizing a technical legal jargon to further their own selfish ends. Likewise in regard to India, Mill railed against the English judges and lawyers as well as against the Indian pundits and cadis. Speaking on the reforms of Lord Cornwallis, Mill suggested that

the first thing, therefore, first in point both of order and importance, was, to have prepared a set of exact definitions comprehending rights, and those violations of them which it is the business of law to prohibit; in other words, it was proper to have drawn up a clear and unambiguous digest of law, in both its departments; the prohibitive or penal, as well as the creative or civil.<sup>276</sup>

The promulgation of a written legal code was, however, viewed by Mill as a means, and not as an end in itself. Because such a code would be more accessible, it

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<sup>275</sup> *Ibid.*, 425-426.

<sup>276</sup> *Ibid.*, 433.

would open up the judiciary to the scrutiny of the public, thereby breaking the monopoly of the lawyers.

The grand remedy for the *defects* of government is, to let in on them publicity and censure. The grand remedy for the misconduct of the *members* of government is, to let in upon it publicity and censure. There are no abuses in the exposure of which society is more interested in than those of the law.<sup>277</sup>

Mill's view on the subject of a written code, therefore, was a democratic one. Democracy was a sure foundation for government not because it was supposed to rest on the metaphysical foundation of Thomas Paine's 'rights of man', but because it afforded the most reliable check on the development of special interests. This check was made possible by written legal codes and by the publication of parliamentary proceedings.<sup>278</sup> In Mill's eyes, the ultimate guide to deciding between the systems in question was that of their relative utility. The common law tradition benefited the judges, lawyers, and aristocrats in England, and the judges, lawyers, Brahmins, pundits and the cadis in India to the detriment of the public. The greatest good for the greatest many was not served by that arrangement and, as such, ran afoul of Utilitarian precepts.

However, although Mill admitted that both systems of law were imperfect, and that English law as it stood was ill-adapted to application in India, he still asserted that crime was lessened in England due to the higher state of mental development there.

Crime, he contended, was mitigated in England because

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<sup>277</sup> Ibid., 251.

<sup>278</sup> J.S. Mill wrote of his father that "aristocratic rule, the government of the Few in any of its shapes, being in his eyes the only thing which stood between mankind and an administration of their affairs by the best wisdom to be found among them, was the object of his sternest disapprobation, and a democratic suffrage the principle article of his political creed, not on the ground of liberty, Rights of Man, or any of the phrases, more or less significant, by which, up to that time, democracy had usually been defended, but as the most essential of 'securities for good government' ". *Autobiography* 94-95. Of course this cannot be read as Mill

in a more favourable state of the human mind, that large portion of the field of action which it is impossible to reach with the terrors of law, is protected by the sentiments of the people themselves: they distribute towards individuals their favour and abhorrence, in proportion as those individuals observe or violate general rules on the observance of which the happiness of society depends; and of so much importance to every man are the sentiments with which he is regarded by those among whom he lives, that without some share of their good opinion, life itself becomes a burthen.<sup>279</sup>

Mill argued, in contrast, that this check of public opinion did not exist in India because “In India there is no moral character. Sympathy and antipathy are distributed by religious, not by moral judgement.”<sup>280</sup>

The ultimate end to which reformation of the Indian judiciary was to be aimed was the raising of the ‘Indian mind’.<sup>281</sup> This aim raises, however, a fundamental question about Mill’s epistemology: namely, how does the process of mental development get started? If Mill thought that the ‘Indian mind’ could be improved through the help of British administrative intervention, how was it that the British mind and sentiments had become ‘refined’ enough to carry out this task when, to Mill’s mind, the British too suffered under a deleterious legal and political system? The answer seems to lay in Mill’s linkage of climates, despotism and priestcraft although he was not too clear about this. As we have seen he did list both climatological and cultural factors as causal mechanisms in the paralysis of Indian cultural and mental development.<sup>282</sup>

To sum up, Jeremy Bentham provided Mill with an *a priori* and deductive

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having advocated democracy for India, but the Utilitarian critique he made of Cornwallis’ judicial reforms was permeated by a democratic strand.

<sup>279</sup> Mill., The History of British India, Vol. 1, 491.

<sup>280</sup> Ibid.

<sup>281</sup> See above, 95-97.

<sup>282</sup> See above, 88-93.

method that proceeded from the axiomatic Utilitarian system and that fit methodologically with Dugald Stewart's conjectural method. The two systems were utilized by Mill as heuristic devices for the assessment of civilizational development. While he applied his version of four-stages theory to the analysis of social development, the apprehension of utility became the benchmark of the mental development of individuals and societies at large that he claimed was concomitant. Mill's utilization of the four-stages analysis, which rested on a Lockean-Hartleyan conception of the passive mind, resulted in a natural mental history, while the knowledge of utility became the litmus test of how far on the scale of human social development a civilization was. The two systems of thought were employed by Mill as models from which deductions could be made about the level of development societies had achieved. Thus, while there was an ostensible empirical element contained in the four-stages theory, and Mill listed copious 'empirical evidence' gathered from writers like Ferguson, Millar, Robertson, Hume, and Goguet to back it up, his fundamental tenets were never subjected to real criticism based on this evidence. It appears that the conclusions of Mill's analysis were set in advance, and the content made to conform. This disconcerting strain of dogmatism underwrote the whole of Mill's History of British India and can be considered an intrinsic part of his methodology.

### **Mill's View of Causation**

Although usually a brutally lucid writer, Mill's treatment of causation in general was rather opaque. Knud Haakonssen focuses on this weakness in The History of British India, arguing that Mill's synthesis of Scottish conjectural history and Utilitarianism was

done at the price of conjectural history losing “its vital parts at his hands”.<sup>283</sup>

Haakonssen’s critique rested primarily on two primary points:

First, in Mill there is no emphasis on the principle of unintended consequences, or on the heterogeneity of ends; and secondly, closely connected with this, Mill constantly puts a quite extraordinary emphasis on the role of individual human agency in the development of human society.”<sup>284</sup>

Whereas Mill implicitly adopted the law of unintended consequences along with the rest of the four-stages conjectural history corpus, he de-emphasized its power to bring about general sociological change.<sup>285</sup> Instead, in his work general environmental and sociological forces seem to set the stage onto which some great individual appears to complete the process. This tendency is displayed quite clearly in Mill’s conjectural discussion of ancient Indian history. Although Mill claimed that the transition from the state of tribes to a more regulated polity was the result of a gradual process, the end of the gradual process was portrayed by Mill as being effected, at the last instant, by some extraordinary individual. “In every society,” he wrote, “there are superior spirits, capable of seizing the best ideas of their times, and, if they are not opposed by circumstances, of accelerating the progress of the community to which they belong.”<sup>286</sup> It was just such an individual that Mill credited with the promulgation of the caste system.<sup>287</sup> Mill, the

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<sup>283</sup> Knud Haakonssen, “James Mill and Scottish Moral Philosophy,” *Political Studies* XXXIII (1985) : 628.

<sup>284</sup> *Ibid.*, 631.

<sup>285</sup> Mill often favoured rather simplistic explanations for complex phenomena in India. He claimed that “the dependence of the greatest events upon the slightest causes is often exemplified in Asiatic story.” *Ibid.*, Vol. 3, 141.

<sup>286</sup> Mill, *The History of British India*, Vol. 1, 154.

<sup>287</sup> *Ibid.*, 156. “When the Hindus were lingering in this uneasy situation, it would appear that there arose among them one of those superior men, who are capable of accelerating the improvement of society. Perceiving the advantage which would accrue to his countrymen from a division of employments, he conceived the design of overcoming at once the obstacles by which this regulation was retarded; and

politically engaged reformer, here seems to have surfaced in his ostensibly objective account of Indian antiquity. This move represents a departure both from Adam Ferguson who questioned the efficacy of culture to generate general sociological change and from Millar who avoided discussion of the topic.<sup>288</sup> The problem itself refers back to Halevy's distinction between the natural and artificial identity of interests. For Mill as for Bentham, interests were not reconciled of their own accord, but were so harmonized through the able governance of a legislator versed in true knowledge of the science of legislation.<sup>289</sup> Yet once again, it is apparent that Mill's view leaves a key problem unresolved. Was this superior mind the product of blind sociological forces, and hence ultimately a result of the law of unintended consequences that through human agency unwittingly propagated human social development? Or were the general sociological forces only unleashed when a superior reforming spirit cleared the way for them through percipient legislation? It seems that general sociological and climatic factors produced Bentham in England, but it would take a Bentham to produce the requisite sociological forces in India. Haakonssens's argument that there is no law of unintended consequences in The History of British India is, however, a little strongly stated. His claim does not take into account evidence that will be discussed in the next section.

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clothing himself with a Divine character, established as a positive law, under the sanction of Heaven, the classification of the people, and the distribution of occupations."

<sup>288</sup> See above, 49-50.

<sup>289</sup> The role of the legislator is intimated in Bentham's discussion of the practical moralist or 'Deontologist'. This is the same role Mill envisioned for himself in India with authoritarian implications. Bentham Works, 250-255. This points to another paradox within Mill's thought: Mill was a believer in the maxim 'the greatest good for the greatest many', but this concern for the common good was set against the authoritarian implications of the artificial identification of interests and consequent need for the Benthamite legislator.

### **The Division of Labour in India**

Mill's discussion of ancient India also demonstrated how he utilized Adam Smith's division of labour as a signpost of social development. Mill speculated of the ancient Indians that "till they have multiplied so far as to be assembled in numbers large enough to permit the benefits of social intercourse, and some division of labour, their circumstances seem not susceptible of amelioration."<sup>290</sup> The introduction of this division of labour had to await the appearance of Mill's caste-creating superior spirit, but unfortunately it was effected in such a way as to render any subsequent improvement extremely difficult. Although Mill praised the nameless law-giver for bringing about the basic division of labour, thereby improving Indian society, Mill claimed that simultaneously the law-giver had set into place a large component of the matrix that was responsible for the later stagnation of Indian social development. This provides an example, albeit one with negative consequences, of the law of unintended consequences in The History of British India which Haakonssen denies exists.<sup>291</sup>

Ignorant that professions, when once separated, were in no danger of being confounded, he established a law, which the circumstances of the time very naturally suggested, but which erected a barrier against further progress; that the children of those who were assigned to each of the classes, into which he distributed the people, should invariably follow the occupation of their father through all generations.<sup>292</sup>

In Mill's view the castes themselves were indicative of the rudeness of the time when they were first instituted, but Mill applied the division of labour as a diagnostic tool for

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<sup>290</sup> James Mill., Vol. 1, 150.

<sup>291</sup> This particular example is a negative case of the law of unintended consequences. Mill's law-giver acted out of expediency, but in the process, and unintentionally, the law-giver set into place a component of Indian cultural stagnation.

<sup>292</sup> *Ibid.*, 156-157. Note how Mill suggested that Adam Smith's discovery of the law of the division of labour was unknown to India's law-giver.

identifying the 'rudeness' of present day India as well.<sup>293</sup> His critique of 'despotic'

Indian governmental institutions was based in a perceived lack of the division of labour.

Mill claimed that

in the more skilfull governments of Europe, officers are appointed for the discharge of particular duties in the different provinces of the empire; some for the decision of causes, some for the control of violence, some for collecting the contingents of the subjects, for the expense of the state; while the powers of all center immediately in the head of the government, and all together act as connected and subordinate wheels in one complicated and artful machine.<sup>294</sup>

This 'complicated and artful machine' was juxtaposed with the 'simple' and 'rude' plan of government in India where "no other plan has ever occurred to the monarch, for the administration of his dominions, than simply to divide his own authority and power into pieces and fragments, as numerous as the provinces into which it was deemed convenient to distribute the empire."<sup>295</sup> According to Mill, this division of power simply made each subordinate ruler the absolute master of his own province, and absolutely subordinate to the ruler immediately above him all the way up to the monarch. Thus, Mill argued that there was no real division of power in government since anywhere governmental authority was exercised it was always effected through the will of a single person.<sup>296</sup> This despotism was confirmed by laws of 'Divine Authority', so that governmental despotism

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<sup>293</sup> Mill claimed that "the classification by the author of the Hindu laws is the first and simplest form of the division of labour and employments. The priest is a character found among the rudest tribes; by whom he is regarded of the highest importance. As soon as men begin to have property, and to cultivate the ground, the necessity of defenders is powerfully felt; a class, therefore, of soldiers, as well as a class of husbandmen, becomes an obvious arrangement. There are other services, auxiliary to these, and necessary to the well being of man, for which it remains still necessary to provide." *Ibid.*, 157. Mill went on to provide a footnote in which he points out that this fourfold division was understood to have been present among many disparate societies. In the process he cites Plato, John Millar, and Herodotus. See footnote 1, 157-159.

<sup>294</sup> *Ibid.*, 176.

<sup>295</sup> *Ibid.*

<sup>296</sup> *Ibid.*, 175.

and the tyranny of priestcraft were united in common tyranny over the people.<sup>297</sup>

Applying the theory of the division of labour to an analysis of the power structure of Indian government Mill found the latter ‘unskilful’ and ‘rude’.<sup>298</sup>

However, Mill’s use of Smith’s theory of the division of labour ignores the Smithian doctrine of the selfishness of individuals and of the natural harmonization of interests of selfish individuals. If this doctrine seems to be a logical concomitant of the Smithian idea of the division of labour as a force for social improvement, Mill’s reticence and opacity on the question of causation, makes his position on the harmonization of interests difficult to ascertain. The most logical supposition, following Halevy, is that Mill did not think that interests harmonized of their own accord, but rather held that they could be made to harmonize through enlightened legislation. Mill’s belief was in an artificial, not a natural, identification of interests.<sup>299</sup> What role could the East India Company play if Indian interests could be harmonized of their own accord? The enlightened European mind, Mill seems to have been arguing, had to provide the right sociological conditions for this harmonization within Indian society. In short, Mill seemed to imply that the British were to play the role of Adam Smith’s ‘invisible hand’ in India.<sup>300</sup>

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<sup>297</sup> *Ibid.*, Vol. 2, 166-167.

<sup>298</sup> *Ibid.*, Vol. 1, 178.

<sup>299</sup> See above, 64-66. It is obvious that Mill here followed Bentham in arguing that Britain’s duty was to legislate to bring about the reformation of Indian society by harmonizing the interests of Indians.

<sup>300</sup> See above, 57-59, and note, 149.

### *Laisser-faire and the East India Company Monopoly*

Mill's partial adoption of Smithian economics did, however, include a commitment to *laisser-faire* policies, as comes out clearly in Mill's discussion of India's internal trade, and less clearly in his treatment of the East India Company monopoly. For Mill, the taxation on domestic trade was just one more signpost of the lack of civilizational development: "In India, as under most uncivilized governments, the transit of goods within the country was made subject to duties; and upon all the roads and navigable rivers, toll-houses, or custom-houses were erected, which had power of stopping the goods, till the duties were levied." Mill went on to conclude that the internal trade of India was "subject to ruinous obstructions."<sup>301</sup> Not unlike his critique of the judiciary, Mill worried that because such duties were not fixed, the door was left open to corruption. Mill's assessment of the structure of India's internal trade focused on the morass of duties and regulations which had to be negotiated so that commerce could take place. Their existence argued the inability of the 'Indian mind' to perceive the truth that such barriers to commerce have the ultimate effect of impoverishing, rather than enriching both individuals involved in trade and the state at large.

Mill's treatment of the various European monopolies established by different corporations for trade with India also contained a condemnation of monopoly, but one that was somewhat muted. Eric Stokes notes that later on Mill did support free trade but did not share the popular liberal optimism about 'opening' the Indian market and in particular did not accept that the Indian market afforded a beneficial medium for

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<sup>301</sup> Mill, *The History of British India*, Vol. 3, 289.

absorbing 'surplus' British capital.<sup>302</sup> The hope Mill entertained to better his financial prospects may also go some way to explaining his relative reticence on the issue.<sup>303</sup> What is evident, however, is that Mill viewed the various corporations' pleas to uphold their monopolies on trade with India as little more than an indication of their inability to prosecute the trade to advantage. He dismissed the view that the financial difficulties of such corporations were due to the machinations of the 'interlopers' and suggested instead that the corporations own weaknesses accounted for their problems.<sup>304</sup> Detailing the various arrangements made between the English crown and various mercantile bodies from the early seventeenth century, Mill explained that the company charters had been exclusive, prohibiting others from engaging in trade "according to the principle of the times."<sup>305</sup> To this he added the following:

During that age, the principles of public wealth were very imperfectly understood, and hardly any trade was regarded as profitable but that which was exclusive. The different nations which traded to India, all traded by way of monopoly; and the several exclusive companies treated every proposal for a participation in their traffic, as a proposal for their ruin. In the same spirit, every nation which obtained admittance into any newly explored channel of commerce endeavoured to exclude from it all participators, and considered its own profits as depending on the absence of all competition.<sup>306</sup>

Mill also showed support of the move by parliament in 1772 to debar East India Company officials and servants from trade within India, the motive being to lessen the corruption of officials.<sup>307</sup> In both his treatment of Indian internal trade, and his position

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<sup>302</sup> Stokes, *English Utilitarians in India*, 58-59.

<sup>303</sup> See above, 11-12.

<sup>304</sup> Mill, *The History of British India*, Vol. 1, 61. Mill claimed "the inability early and constantly displayed by the Company to sustain even the slightest competition is a symptom of inherent infirmities."

<sup>305</sup> Mill, *The History of British India*, Vol. 1, 22.

<sup>306</sup> *Ibid.*, 37.

<sup>307</sup> *Ibid.*, Vol. 3, 436-446.

on the trading monopolies of the various national corporations that traded with India, Mill therefore displayed his preference for the principles of free trade even if he did not engage in an explicit argument against the East India Company monopoly in particular.

### **Political Economy: Taxation in Kind and the ‘Myth’ of Indian Riches**

Mill also incorporated other indicators of social development as defined by the school of political economists into his critique of Indian society. For example, he followed Robertson and Ricardo in asserting that the collection of taxes in kind was the sign of a rude state of development.<sup>308</sup> He argued that such a system was liable to corruption, a charge similar to the one he leveled against the judiciary. Furthermore, his doctrine of rent underlay his condemnation of the collection of taxes in kind. In his theory, any tax on the produce of the soil would be visited on the consumer of that produce.<sup>309</sup> Most importantly, Mill took from political economy a ‘scientific’ approach with which he could dispel the ‘myth’ of Indian riches. The ‘myth’ of Indian riches - one “among the pretensions received without examination” by naïve European authors - resulted, in Mill’s view, from the same types of credulity that underlay the belief in the antiquity of Indian civilization and the achievements of Indian astronomy.<sup>310</sup> According to Mill dispelling the myth had far reaching political ramifications, because ostensible Indian riches had served as the pretext for East India Company plundering and the rapacity of its

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<sup>308</sup> Ibid., Vol. 1, 279.

<sup>309</sup> Ibid.

<sup>310</sup> Ibid., Vol. 2, 181.

servants.<sup>311</sup> In the midst of his severely critical assessment of Clive's double government, Mill pointed out the vicious cycle of oppression that the propagation of the myth of Indian wealth had fostered.

Another, and that the most pernicious perhaps of all the errors into which Clive exerted himself to mislead the Company, was, the belief which he created, that India overflowed with riches, the expectations he raised, and on which the Credulous company so fondly relied, that a torrent of treasure was about to flow into their laps.<sup>312</sup>

When these riches failed to materialize, the pain of disappointment was directed at the Governor, who was blamed for a poor administration. Then the hopes of extracting the vaunted riches of India would begin anew.<sup>313</sup> Thus for Mill, the denial of Indian riches functioned not merely as a denunciation of Indian civilization, but as a warning against the abuses the error had given rise to among the British in India. He rejected, as mere fiction, the claims of Indian wealth by the authors Ferishta and Dow as mere fiction and proceeded to state that

we are left to our knowledge of circumstances, and to the inferences which they support. Now if the preceding induction, embracing the circumstances of Hindu society, is to be relied on, it will not be disputed, that a state of poverty and wretchedness, as far as the great body of people are concerned, must have prevailed in India, not more in the times in which it has been witnessed by Europeans, than the times which preceded.<sup>314</sup>

Having rejected the claims of Indian riches, Mill appealed to a method which he felt was sounder for the assessment of the state of Indian wealth. According to Mill, India was necessarily poor, and

the science of political economy places this conclusion on the ground of demonstration. For the people to have been rich in gold and silver, these commodities must have circulated among them in the shape of money. But of gold and silver in the shape of money, no nation has more, than what is in proportion to its exchangeable commodities. Now that ever the people

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<sup>311</sup> Ibid., Vol. 3, 383.

<sup>312</sup> Ibid., 388.

<sup>313</sup> Ibid., 388-389.

<sup>314</sup> Ibid., Vol. 2, 181-182.

of Hindustan were profusely supplied with commodities, everything in their manners, habits, government, and history, concur to disprove.<sup>315</sup>

In short, sentimental accounts of travelers taken in by the facade of the magnificence of Akbar or Aurangzeb's empire were to be corrected by the light of 'science'.<sup>316</sup>

### **Rent Theory and the Attack on Cornwallis**

Probably Mill's most important borrowing from political economy was his doctrine of rent. As mentioned above, Mill applied the Ricardian understanding of Malthus' doctrine of rent to the Indian land tenure question.<sup>317</sup> In this regard the science of political economy was called upon to blast away the 'aristocratical prejudice' of Cornwallis; and in conjunction with the all-pervading appeal to Scottish Enlightenment philosophy, Mill intended to use this theory to reject the permanent settlement of 1793 as founded upon an inaccurate view of Indian society. The way Mill utilized his political economic rationale to come up with an alternative to the warring ideologies of Cornwallis and Munro is ably documented by Eric Stokes. Mill generally supported the Munro school which supported Ryotwari peasant landholding, as opposed to the Cornwallis strategy of making the Zamindars proprietors on the model of the English landlord. Against Cornwallis, Mill supported the plan of the Ryots holding the land directly from the state; and against both Cornwallis and Munro he opposed a permanent settlement or the taking of a fixed percentage of the gross produce directly from the peasants. Mill argued that the state was to benefit by taxing the rent on land progressively as such rent increased.<sup>318</sup> Thus Mill's

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<sup>315</sup> Ibid., 182.

<sup>316</sup> Ibid., 137.

<sup>317</sup> See above, 60-63-72-73.

<sup>318</sup> Mill, The History of British India, Vol. 5, 402-417. Stokes, English Utilitarians in India, 75-93.

support of the Munro school was not unqualified; Mill rejected the paternalist appeal to tradition in favour of political economical justifications. According to Stokes “undoubtedly one of Mill’s chief influences was to show how Munro’s essentially conservative system could be transformed into an instrument for the radical transformation of Indian society, through the means it afforded of defining and securing individual rights.”<sup>319</sup> With the aid of his ‘science’ of political economy, therefore, Mill steered a middle course between Cornwallis and Munro.

Exegesis of The History of British India uncovers the philosophical underpinnings which informed Mill’s assessment of Indian civilization. What seems most evident is that as a heuristic tool Dugald Stewart’s moral philosophy is behind the greatest portion of Mill’s sociological analysis. This general conceptual scheme was filled out by the contributions of Adam Ferguson, John Millar, Thomas Malthus, David Ricardo, Adam Smith, and Jeremy Bentham. Mill wielded the various elements together into the treatment utilizing Stewart’s moral philosophy as general theoretical umbrella which subsumed the more specific indicators of social development like the treatment of women, the division of labour, and the principle of utility. Mill forged a coherent system which gave the appearance of homogeneity among the thinkers he appropriated. It is also evident that some of the elements of Mill’s system functioned as guides to projected reforms rather than diagnostic tools. The theory of rent did not play a role in Mill’s assessment of Indian society so much as it was offered by Mill as one part of a solution to the problem of Indian cultural and mental stagnation. Utilitarianism functioned in both capacities: it was used to assess Indian literature and astronomy, as well as offered as a

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<sup>319</sup> Ibid., 76.

theoretical guiding hand for legal reform. There thus is a tension in The History of British India between the diagnostic and prognostic - the historical and political - elements. This tension has been the focus of much of the scholarly debate about Mill's work in the last fifty years that will be reviewed in the next chapter.

## IV - Strange bedfellows: Reading the Relationship Between Conjectural History and Utilitarianism

### Bain, Halevy, Stokes, and Majeed: The History of British India as a Utilitarian Document

For reasons discussed above, Alexander Bain's contention that Mill's mental philosophy was held in abeyance during his writing of The History of British India can be discarded. In his The Growth of Philosophic Radicalism, Elie Halevy accorded primacy to Utilitarianism in the corpus of early nineteenth century philosophic radicalism as a whole and in James Mill's thought in particular. Halevy's emphasis on the relationship between Bentham and Mill, which argued Mill's importance as a popularizer and Bentham's as the intellectual impetus is displayed in his treatment of The History of British India. To Halevy's mind, the work became just one more avenue for the propagation of Bentham's system.<sup>320</sup> Eric Stokes similarly lays great stress on the operation of Utilitarianism in Mill's work. Focusing on what he calls Mill's 'abstract or geometrical method', Stokes attacks Mill's analysis as simplistic, thereby overlooking the methodological complexity of The History of British India. Stokes argues that Mill saw the source of India's ills simply as bad government as defined by the Utilitarian criterion and, in turn, the principle of utility as the guiding light on which the reforms would have to be based to rectify those very ills.<sup>321</sup> The most curious case of an author ignoring the role of conjectural history in The History of British India is Javed Majeed. As noted above, Majeed cites Duncan Forbes regarding Mill's conversion of Utilitarianism into a militant faith, but fails to treat

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<sup>320</sup> Halevy, The Growth of Philosophic Radicalism, 301-302.

<sup>321</sup> Stokes, The English Utilitarians and India, 55-56, 66-73.

the larger issue of the relationship between Utilitarianism and Scottish conjectural history which Forbes discusses.<sup>322</sup> Indeed Majeed includes no discussion of the Scottish heritage at all.<sup>323</sup> Like Halevy, Majeed apparently ignores the need to include such a discussion. Concerned primarily with the role Mill's work played in the formation of Utilitarianism, Majeed simply takes The History of British India as a *point de depart* from which a new idiom was developed with the avowed goal of disciplining the ungoverned imagination. Moreover, Majeed's emphasis on the Utilitarian rejection of common law as a political ideology tends to shift his focus away from an historical analysis of Mill's thought.<sup>324</sup> An emphasis on attempts by Utilitarians to apply their theories in Britain and India, and the avowed anti-historical component of Bentham's philosophy, has led these commentators to focus on the novelty of Utilitarianism and on the audacity of those proponents who wished to reform the world on the basis of its rationalist dictates. This focus has relegated Mill's Scottish Enlightenment background to at best a minor background role and placed too much emphasis on the formative influence of Utilitarianism in The History of British India.

**Adjusting the scales: the relationship between Utilitarianism and conjectural history in The History of British India from Forbes to de Marchi.**

It was Duncan Forbes' contribution to Mill historiography that first emphasized the importance of Dugald Stewart and Scottish moral philosophy.<sup>325</sup> Forbes argues that Mill

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<sup>322</sup> See above, 73-74.

<sup>323</sup> Majeed, Ungoverned Imaginings, 23-225. Neither Stewart, Ferguson, nor Millar show up in Majeed's index.

<sup>324</sup> See *Ibid.*, 2-5.

<sup>325</sup> Knud Haakonssen credits Duncan Forbes with producing the pioneering study for this approach to Mill. Haakonssen, 'James Mill and Scottish Moral Philosophy', 62, note 4.

combined the idea of progress taken from Scottish conjectural history with Utilitarianism, and that it was precisely this combination that turned Utilitarianism into a militant faith.<sup>326</sup> Forbes argues that once the idea of progress became a part of the rationalist corpus, the brief interlude which saw the ‘earlier *Philosophes*’ like Voltaire look favourably upon the East was over.<sup>327</sup> In other words, ‘half-baked’ philosophical history like that in The History of British India put parochialism on a scientific basis.<sup>328</sup> Lastly, despite Mill’s claims to empiricism and induction, Forbes makes the argument that Mill’s work was really deductive. To demonstrate this Forbes points to the uniformly dark picture of Hindu society painted by Mill and draws attention to Mill’s schematic treatment of other eastern civilizations.<sup>329</sup> In short, Forbes holds that Mill employed criteria available to him from conjectural history, Benthamite Utilitarianism, and the more general intellectual heritage of the Enlightenment.<sup>330</sup> Thus with Forbes came the recognition of the importance of the Scottish Enlightenment, but so too came the problem of understanding how Mill had forged his synthesis of conjectural history, Utilitarianism, political economy and Hartleyan psychology.

Forbes conceives conjectural history, which constituted the animating influence behind The History of British India, as a heuristic tool for the Benthamite legislator:

It must have seemed to Mill that Bentham lacked the real key to the problem, and that the ‘philosophical historian’ could simplify the legislator’s task by doing the spade-work of gathering the facts once and for all, and by deducing from an ‘induction of particulars embracing the religion, laws, government, manners, arts and sciences and literature’, the

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<sup>326</sup> Forbes, ‘James Mill and India’, 31.

<sup>327</sup> *Ibid.*, 20-21.

<sup>328</sup> *Ibid.*, 23-24.

<sup>329</sup> *Ibid.*, 29-30. Interestingly, Forbes suggests a connection between Mill’s historical ‘uniformitarianism’ and the geological uniformitarianism of Hutton.

<sup>330</sup> *Ibid.*, 28-29.

‘degree of civilization’ of the country for which the laws had to be made.<sup>331</sup>

Forbes describes this appeal to general principles as the cutting of the Gordian knot of particulars facing the Benthamite legislator.<sup>332</sup> Thus, Forbes argument postulates that there was a functional relationship between conjectural history and Utilitarianism. In addition, Forbes suggests that Mill consciously fashioned this functional relationship between the two bodies of theory. The relationship between diagnostic and prognostic tools as discussed above seems to follow Forbes’ formula rather well.<sup>333</sup> Certainly from the point of view of how these components functioned in The History of British India, Forbes seems to have characterized them accurately. His argument, then, is both plausible and compelling, but perhaps it does not go deep enough in its explanation of the relationship between conjectural history and Utilitarianism.

Donald Winch follows Forbes’ approach for the most part, claiming that “it is worth stressing the Scottish influence on Mill’s work because it provides a framework into which he fitted ideas acquired later from Bentham and Ricardo; it not only survived the infusion of these later doctrines but gave them an extra dimension which was unique to Mill.”<sup>334</sup> Winch, moreover, claims that the whole structure of The History of British India rested on Mill’s idea of progress, and maintains that this foundation explains Mill’s penchant for sweeping generalizations and dogmatism.<sup>335</sup> As Winch explains, “He [Mill] was constantly fortified in his pronouncements by the notion that history was on *his*

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<sup>331</sup> Ibid., 27.

<sup>332</sup> Ibid.

<sup>333</sup> See above, 116-117.

<sup>334</sup> Winch, James Mill, 4.

<sup>335</sup> Ibid., 6.

side: the side of tolerance, freedom, reform, and above all, reason.”<sup>336</sup> What differentiated Mill’s thought from that of his intellectual forebears, according to Winch, was Mill’s radicalism. Mill’s attitude towards the possibility of effecting social change was more confident than that of many of his contemporaries as demonstrated by his bold claim to Ricardo: “All great changes in society, are easily effected when the time is come.”<sup>337</sup> As shown above, Mill went beyond Ferguson and Millar in his belief that human improvement could be effected by human artifice.<sup>338</sup> This claim accords well with his treatment of the role of exceptional individuals in the development of civilizations. However the treatment Winch gives the relationship between conjectural history and Utilitarianism in Mill’s work differs from Forbes insofar as it is written in a descriptive, rather than explanatory, mode. Whereas Forbes contends that Mill strove to use conjectural history to provide Utilitarianism, and hence the Benthamite legislator, with an explanatory matrix for governing societies at different stages of social development, Winch simply describes the relationship between the two philosophies.

Neil de Marchi follows Winch in his contention that Mill’s radicalism lay behind his bastardization of the Scottish Enlightenment heritage. According to de Marchi “Mill clearly felt he could take it as a given that the inductive basis for his general principles and sparse deductions has been laid elsewhere and needed no repeating.” He continues:

the fact is, however, that Mill did not really need to depend on his own exposition of the laws of mental and moral philosophy. His conversion to Jeremy Bentham’s views notwithstanding, the *structure* of his mental and

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<sup>336</sup> Ibid.

<sup>337</sup> Cited in Winch, James Mill, 390.

<sup>338</sup> See above 94-98.

moral philosophy was from the outset and always remained that of his Scottish teachers, especially Dugald Stewart.<sup>339</sup>

Jane Rendall points out however that the Scottish Enlightenment heritage was also shared by Orientalists. She claims that Mill, in fact, was in the minority among the contributors to the 'Edinburgh Review' with his simplified and disparaging assessment of India.<sup>340</sup> Thus his distortion was in no way an inevitable evolution from Stewart's thought, nor was it a typical one. As argued above, although Mill claimed that the arguments in The History of British India were arrived at inductively, Mill really seems to have used the tools afforded him by Stewart, Ferguson, and Millar as deductive models against which societies could be measured to determine their place on the scale of civilization.<sup>341</sup> This distortion, de Marchi plausibly claims, was due both to Mill's reformist polemical style and to his inherent intellectual arrogance. "It was James Mill's overweening desire to convince others," de Marchi writes, "that led him to admit publicly of no uncertainties."<sup>342</sup> The purpose of his writings was served not "in debating publicly the grounds of his opinions; rather, with them in hand he laid siege to ignorance and error."<sup>343</sup> This ties Mill's methodology firmly to his context. In a battle with the revitalized conservatism which issued from the reaction to the French Revolution, Mill's writings were composed in an atmosphere of ideological warfare. He railed against the land-owning aristocracy, against priests and lawyers, against the common law tradition

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<sup>339</sup> Neil de Marchi, 'The Case for James Mill', in A.W. Coats ed., Methodological Controversy in Economics: Historical Essays in Honour of T.W. Hutchinson (New York : JAI Press, 1983), 163.

<sup>340</sup> Jane Rendall, 'Scottish Orientalism: From Robertson to James Mill', The Historical Journal, 25, 1, (1982), 47.

<sup>341</sup> See above, 70-83.

<sup>342</sup> de Marchi., 'The Case for James Mill', 175.

<sup>343</sup> *Ibid.*, 160.

defended by Edmund Burke, and against the empirical epistemology which he viewed as the intellectual foundation of his enemies. The History of British India served as an organ for the dissemination of Mill's reformist ideas and in it he utilized India as a foil against which the abuses of British society could be exposed. At the same time he suggested the corrective measures he felt were necessary to jump start India's cultural development but, in so doing, he came up with a schematized and dogmatic view of India which distorted even his Scottish philosophical heritage.

### **Knud Haakonssen: Reproblematizing the Relationship**

It was Mill's confidence in the ability of reason and of rational individuals to effect change on a social scale that led Knud Haakonssen to question Mill's theory of causation. Like Winch, Haakonssen locates a move away from the Scottish heritage in Mill's confident radicalism. The degree to which Mill's methodology is distinct from that of Stewart, Ferguson, or Millar is especially emphasized by Haakonssen's contention that there is no law of unintended consequences in The History of British India. Thus, while Haakonssen readily admits that the 18<sup>th</sup> century Scots influenced Mill, he contends that Mill watered down their influence. Haakonssen, however, goes further and argues contentiously that this dilution actually constitutes a break between Stewart and Mill. As pointed out above, the evidence for this claim is found in what Haakonssen contends is Mill's simplified view of social change, a view which seems to admit of no law of unintended consequences and which relies on superior individuals as explanatory

mechanisms for such change.<sup>344</sup> Because of this perceived simplification, Haakonssen claims that it was Mill's Utilitarianism that was the driving force behind his treatment of India.<sup>345</sup> As seen above, however, Haakonssen's claim that there was no law of unintended consequences in The History of British India is in need of qualification.<sup>346</sup> Moreover, Haakonssen rests his claim on Stokes' over-simplified view that Mill's diagnosis rested on the assumption that the sole cause of India's ills was bad government. As has been argued above, Mill pointed to both cultural-political and environmental factors to explain India's alleged stagnation.<sup>347</sup> Because in Mill's view climate affected the modes of gaining subsistence, this non-governmental social factor also figured in Mill's analysis of historical 'stasis'. It was thus the Indian mind, in part a product of the clement climate in conjunction with despotism, that he thought had held India in its allegedly abject state. That Mill wanted to rectify India's ills by means of his Utilitarian panacea is obvious, and when it came to prognosis there was little to be derived from conjectural history. Yet even in his advocacy of reform the view of mental progress taken from Scottish conjectural history pointed out the psychology of reform that undergirded Mill's belief in human improvement. In short, the idea that the mind progressed along with the material progression of civilization by means of the Lockean-Hartleyan nexus was the foundation for Mill's belief in the efficacy of Utilitarian reform.

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<sup>344</sup> See above, 105-107.

<sup>345</sup> Haakonssen, 'James Mill and Scottish Moral Philosophy', 631-636. According to Haakonssen "our general conclusion must be that Mill's view of the past had been completely taken over by a conception of natural history, so simplified by the exclusion of the principle of unintended consequences, and thus by its view of social causation, that it could not possibly modify his highly rationalist and constructivist theory of politics." *Ibid.*, 636.

<sup>346</sup> See above, 108.

<sup>347</sup> See above, 88-93.

### **J.W. Burrow and the Case for Mill's Consistency**

The question remains of whether one can uphold the influence of both Scottish Enlightenment theory and Utilitarianism in The History of British India. The argument of J.W. Burrow points the way to an answer. Burrow claims that there is a disjunction between Mill's ideas on Britain and India and between his politics and history so that "the result, in James Mill's case, is to preserve the congruity of his political philosophy with his philosophy of history, at the expense of making the latter irrelevant to contemporary politics, except where the government of a backward country like India is in question."<sup>348</sup> Thus, Scottish conjectural history and Utilitarian philosophy alike may be acknowledged components of Mill's thought system if one posits a disjunction between Mill's mode of historical analysis and his reformist politics. Burrow contends that Mill's philosophy of history made him a gradualist in India, whereas his philosophy of mind made him a democrat in England.<sup>349</sup> Haakonssen denied this claim on the grounds that he could perceive no gradualism at work, at all, in Mill's treatment of India. His assessment of Mill's work thus focused on Utilitarianism and the great individuals theory that shows up in Mill's work. This, however, is only half of the picture.

The distinction between Mill's treatment of Britain and India that Burrow introduced is both important and correct. Mill did indeed have a general conception of social change, but he formulated it only implicitly in relation to England. It was this conception that seems to undergird his idea that, despite the lack of an adequate judicial system, crime in Britain was mitigated by the morality of the English. The underlying

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<sup>348</sup> J.W. Burrow, Evolution and Society: A Study in Victorian Social Theory , 61.

<sup>349</sup> *Ibid.*, 61-62.

idea was that a gradual development through the four-stages had resulted in a Britain capable of attaining progress in science, literature, astronomy, and capable of apprehending that utility was the end goal of all activity. In Mill's view this development was one which imbued the British with morality in the sense that Mill defined in The History of British India. Of course this model of mental development was not applied to India for Mill thought that India had become devoid of cultural evolution after it had made its early and rapid progress. Just as Mill assumed an inductive basis for his laws of historical development, so too did he take for granted that the conjectural and evolutionary view had Britain at its Whiggish apex. Mill's assumption of British superiority, then, is proof of his implicit acceptance of a more general, evolutionary account of social development. There is accordingly a methodological shift in The History of British India, but it occurs when Mill moves his gaze from Britain to India, not when he shifts it from history to politics. Mill applied a more authentic version of Scottish Enlightenment methodology, albeit implicitly, to Britain; it was to India that he applied the bastardized version identified by Haakonssen. If Burrow was wrong to argue that Mill was a gradualist in India, he was nevertheless right to point out the distinction between Mill's approach to England and India.

Duncan Forbes suggested a new way to look at Mill that was both more accurate and more fruitful. Winch, de Marchi, Rendall, and Burrow have done some subsequent 'fine tuning' that has brought out that the disparaging assessment of India which was the product of Mill's amalgamation of conjectural history and Utilitarianism did not issue directly from the teachings of Dugald Stewart. Burrow's thesis of a disjunction between Mill's approaches to Britain and India goes the farthest to explaining how the two schools

of thought could be subsumed within one coherent system, even if his argument, as it stands, is unsatisfactory. However, with the adjustments drawn from Winch, de Marchi, and Rendall suggested above, a partial understanding of how Mill combined conjectural history and Utilitarianism is afforded.

### **Lockean Nexus: Bringing Conjectural History and Utilitarianism Together on a Firmer Basis**

Another, perhaps more penetrating, argument might be made to explain how Mill brought Scottish conjectural history and Utilitarianism together. Mill's focus on the mental evolution that attended the civilizational development provides the key to this solution of the problem. Because this mental development was contingent upon both climate and the modes of subsistence, Mill at least tacitly based the whole process of social development on a Lockean-Hartleyan conception of the mind. Mill conceived the mind as a malleable and passive entity which was borne along by the material mechanisms of social development. This relationship, furthermore, offered a ready basis for Mill's confident radicalism: if one could change the environment - at least the social environment - one could change the mind. If this understanding is correct, the perfectible mind and the environment were connected in Mill's system through the nexus of the Lockean *Tabula Rasa* and the principle of the association of ideas.<sup>350</sup> Mental progression was made possible by the Locke-Hartleyan nexus and, given the 'right' environmental conditions, was driven inexorably to its teleological completion: the apprehension of utility as the rational criterion and end of human action. Moreover, if the argument holds, then we can

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<sup>350</sup> Ibid.

perceive the criterion of utility as at work throughout the entire historical process, with pleasure and pain as the ‘tutors’ of individual, and ultimately, civilizational development. The terminus of the development would be represented as the mind becoming aware at last of the very functions that enabled such awareness. Conjectural history and Utilitarianism is combined in The History of British India at the methodological level.

### **Conclusion**

The conclusion of this analysis may thus be summed up as follows. Scottish Enlightenment philosophy - particularly conjectural history as sketched by Dugald Stewart and the four stages theories of Adam Ferguson and John Millar - provided Mill with a theory of history and progress into which he added Utilitarianism as well as classical political economy. The *Tabula Rasa* mind provided the medium, and the goads of pleasure and pain provided the means for the developmental socio-psychological process of which Utilitarianism was the end point. The seeking of pleasure and the avoidance of pain led the way, at least in Britain, to the mind’s ultimate self-awareness. In Mill’s treatment, the process of development outlined by conjectural history was made possible, at least in part, by growing apprehension of utility as the end towards which all activity is undertaken. Thus Mill’s combination of conjectural history and Utilitarianism appears more successful than Mill scholarship has allowed thus far.

This understanding of Mill also suggests a way out of the apparent paradox that worries Javed Majeed regarding how Mill’s passive mind is to be reconciled with his

confidence in the mind's ability to mold the materials of the world.<sup>351</sup> When taken together with the above sketch of his understanding of mental development, the modified Burrow thesis formulated above concerning the disjunction between Mill's treatment of India and his treatment of England provides a plausible resolution to the apparent paradox. Having finally undergone the full course of mental development outlined by Mill, unencumbered by an easy climate or despotic social institutions, the 'British mind' had achieved a form of 'self-realization'. In becoming self-aware the British mind in Mill's view became an active mind, capable of reformulating a society that had hitherto been regulated unconsciously. The unconscious, and therefore irrational, development of common law was to be rectified by the pure light of reason; the vagaries of economic life were to be brought under control by the science of political economy. The mind itself, at last, could be known.<sup>352</sup> Whereas the mind had hitherto been formed by matter according to Mill, it would now form matter according to its will, but only the 'British mind' had reached this apex of mental development. In India, to the contrary, mental development had not reached its apex according to Mill. The Indian mind was still a creature of its environment, and that environment with a clement climate and despotic social institutions, as Mill claimed, offered no indigenous incentives on its own for social or mental improvement. The British conquest of India, however, put the British in a position whereby the 'British mind', which was capable of transfiguring the world, could 'rescue' the natives and their civilization from the doldrums of social stagnation.

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<sup>351</sup> Majeed, *Ungoverned Imaginings*, 177.

<sup>352</sup> In a letter to Francis Place, dated 1817, Mill claimed that he could make "the human mind as plain as the road from Charing Cross to St. Paul's," cited in Halevy, *The Growth of Philosophic Radicalism*, 451.

On this reading conjectural history provided the conceptual framework for and was the primary intellectual engine behind Mill's sociological sections in The History of British India. Into this framework he incorporated various 'indices' of social development that functioned as pseudo-empirical evidence, but the whole edifice stood together. The principle of utility, the development of the division of labour and of analytical thought, and the treatment of women were products of the conjectured pattern of historical development, and all of them were used by Mill as 'empirical evidence' for and as signposts of that very process. They provided the structural machinery behind Mill's tautological and dogmatic treatment. In treating The History of British India as a political document, rather than a historical work, Stokes, Majeed, and Haakonssen portrayed a Mill at battle with the forces of revitalized conservatism which grew up in reaction to the French Revolution. This naturally led to according a great role to Utilitarianism in Mill's text while conjectural history was largely ignored.

The fact that the document was a polemical piece in which Mill did forward his radical program for reform is clear, for The History of British India was shot through with philosophic radicalism.<sup>353</sup> Mill was waging ideological warfare against Burkean conservatism both in India and England. His work must be understood to issue directly out of this context. That is, both Indian and English civilizations were subjected to Mill's scrutiny. India was both a direct target of Mill's study, and a foil against which Mill could display the need to reform English society. In Ungoverned Imaginations Majeed concedes

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<sup>353</sup> In this I follow the contention of J.S. Mill who claimed of The History of British India that it was "saturated... with the opinions and modes of judgement of a democratic radicalism then regarded as extreme." Autobiography, 41. I argue, in this vein, against William Thomas' who warns against reading democratic radicalism back into The History of British India. See William Thomas introduction to The History of British India, xxxiv-xxxv.

one point to Edward Said: Mill's "History of British India was still unable to view India in terms other than as part of a strategy for attacking British society itself."<sup>354</sup> Although Majeed qualifies this concession to Said, it would appear that this is a major point to grant. It is the contention of this paper that Mill's assessment of India relied for its conclusions, more than anything about India itself, on Mill's methodology and on his assessment of events in Europe. Certainly, this is clearly displayed in Mill's treatments of the Brahmins as priests and of the Zamindar's as rent taking aristocrats. In accord with the insights of Said and Metcalf, Mill was unable to see India outside of his own European idiom. Furthermore, in accord with Metcalf's analysis, Mill offered what amounted to a justification of British rule in the sociological sections of The History of British India. This he made explicit in his suggestion that England pursue a more aggressive policy of colonization. Metcalf's claim, however, that "the liberal view of Indian society found its fullest expression in James Mill's classic History of British India" betrays a simplistic view of British liberalism since Mill's arguments against Jones, Cornwallis, and Macaulay demonstrate the schisms to which 'liberalism' was subject. In focusing on the we/they dichotomy created by the idea of the 'other', Metcalf obscures some of the very real differences within British thought on India. With these caveats in mind, however, it is patently clear that The History of British India, was really a British history of India or, perhaps more accurately, one Briton's history of India.

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<sup>354</sup> Majeed, Ungoverned Imaginings, 198.

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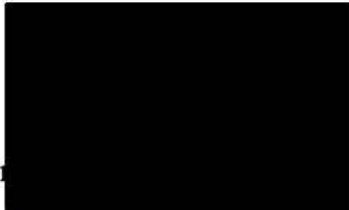
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