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J. S. Mill's Anti-Imperialist Defence of Empire

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Abstract

It is possible to distinguish between *empire*, as a form of political order, and *imperialism*, as a process of aggressive expansion. Mill's liberalism allows for a *legitimate* empire, in which a civilized state rules a less civilized foreign people paternalistically to prepare them for liberal democratic self-rule. However, it rejects *paternalistic* imperialism, in the sense of aggression designed to establish such an empire. Apparent textual evidence to the contrary really demonstrates Mill's commitment to three distinct theses: that imperialism may benefit those subject to it, and this can mitigate its evil; that it is easier to justify non-aggressive, empire-creating wars of conquest in response to aggression by barbarian powers; and finally, that civilized states are justified in engaging distant uncivilized peoples non-aggressively, even though the latter's aggressive tendencies mean that such engagement renders empire-justifying wars more likely.

Keywords: Civilization, Foreign Intervention, Just War, Liberalism, Paternalism

1 Introduction

In *Civilization* (1836) Mill distinguishes between two senses of 'civilization', both of which treat it as a scalar phenomenon, attainable by degree.¹ 'Civilization' in 'the narrow sense of the term' (*narrow* civilization) refers to 'that kind of improvement only' that is 'the direct converse' of a range of 'elements' (or 'ingredients') whose combination constitute a paradigmatically 'savage' form of 'life'. In consequence, the greater the degree to which each of those elements is absent or overcome, the greater the degree of narrow civilization. Mill suggests that the greatest embodiments of narrow civilization in his day are 'wealthy and powerful nation[s]', as best exemplified by 'modern Europe', 'especially [...] Great Britain'. In contrast, 'civilization' in the broad sense (*broad* civilization) refers to 'human improvement in general', measured in terms of how far a people has 'advanced' on 'the road to perfection; happier, nobler, wiser'. In consequence, the question of the relation between broad and narrow civilization becomes that of how the happiness, nobility, and wisdom of a people, on the one hand, is related to their level of wealth, power, and nationality, on the other.²

Although Mill takes societies to embody wealth, power, and nationality to a matter of degree, he also uses narrow 'civilization' in a binary manner, which allows him to refer

¹XVIII:119; X:16. All references to Mill's writings are to the volume and page number of *Collected Works of John Stuart Mill*, ed. John M. Robson, 33 vols (Toronto: University of Toronto Press, 1963–91).

²XVIII:119–120.

to peoples who have or have not crossed a certain threshold thereof as ‘civilized’ and ‘uncivilized’ respectively.³ Moreover, within the category of the ‘uncivilized’, he deems it useful to posit a category of ‘semicivilized’ peoples who have transcended a certain degree of savagery without crossing the threshold into civilization.⁴ In later writings, the ‘barbarous’ label is more or less reserved for such intermediaries, and ‘semi-barbarous’ for their most advanced representatives.⁵ Thus, since broad civilization can also be conceived in binary terms, with broadly ‘civilized’ peoples conceived as having crossed a certain threshold of happiness, nobility, and wisdom, the question of the relationship between broad and narrow civilization can also be reframed in terms of whether a savage, (semi)barbarian, or narrowly civilized people is most likely to be happy, noble, and wise.

The concern that narrow-binary civilization is insufficient for broad-binary civilization, and that the former generates its own superable ‘impediments’ to the latter if improperly managed, animates many of Mill’s writings, including *On Liberty* (1859).⁶ Indeed, the Harm Principle defended in that text indicates his belief that a wide range of liberties is a necessary component of the optimal package of measures whose end is the broad civilization of a narrowly civilized society. However, although Mill posits broadly civilized *individuals* or sub-communities in narrowly uncivilized societies – some historical examples of which lead him to conclude that his own age is not ‘equally advanced’ – he takes the broad civilization of a *people* to require its narrow civilization, thereby opposing himself to the romanticization of savage or barbarian life.⁷ In doing so, he raises the ethical question of the means through which a narrowly civilized people might be permitted, or even obligated, to promote the narrow civilization of savage or barbarian peoples, and whether these include the tools of imperialism and empire.

Duncan Bell has observed that there is ‘profound disagreement over whether the relationship’ between ‘liberal political theory’, on the one hand, and ‘imperialism’ and ‘empire’, on the other, ‘is *rejectionist, necessary, or contingent*’, where:

The *rejection thesis* posits that liberalism and imperialism are mutually exclusive, [...] the *necessity thesis* asserts that imperialism is an integral feature of [liberalism...], [and] the *contingency thesis* argue[s] that liberal normative commitments do not necessarily [but may] entail support for empire.⁸

³Inder Marwah notes that some of Mill’s most vociferous critics overlook the scalar usage (*Liberalism, Diversity and Domination: Kant, Mill and the Government of Difference* (Cambridge: Cambridge University Press, 2019), p. 167, fn. 106).

⁴XVIII:122. Cf. Jennifer Pitts, *The Turn to Empire: The Rise of Imperial Liberalism in Britain and France* (Princeton: Princeton University Press, 2005), pp. 137–39, 142.

⁵XIX:577. See also Thomas Meadows, *The Chinese and their Rebellions* (London: Smith, Elder & Co, 1856), p. 519. Cf. Pitts, p. 143.

⁶XVIII:253, 135. See also: Beate Jahn, ‘Barbarian Thoughts: Imperialism in the Philosophy of John Stuart Mill’, *Review of International Studies*, 31(3) (2005), 599–618 (p. 609); Chin Liew Ten, ‘Justice for Barbarians’, in *Mill on Justice* ed. by Leonard Kahn (Basingstoke: Palgrave, 2012) pp. 184–97 (p. 188); Marwah, pp. 194–97.

⁷XVIII:119; X:123; XI:273; XIV:18.

⁸Duncan Bell, *Reordering the World: Essays on Liberalism and Empire* (Princeton: Princeton University Press, 2016), p. 21. See also: Katherine Smits, ‘John Stuart Mill on the Antipodes: Settler Violence against Indigenous Peoples and the Legitimacy of Colonial Rule’, *Australian Journal of Politics and History*, 54(1) (2008), 1–15 (p. 3); Marwah, pp. 228–29.

Despite equating empire and imperialism in this passage, Bell also notes that in ‘the late nineteenth century [...] it was common to distinguish between *imperialism*’, conceived as a ‘form of aggressive expansionism’, and *empire*’, conceived as a ‘form of political order’.⁹ Although Bell does not highlight this, the two claims indicate the need to distinguish between the rejection, necessity, and contingency theses as applied to empire and imperialism respectively, as the truth of one as applied to empire may not guarantee its truth as applied to imperialism. Indeed, this article will argue that, although the terminology is not Mill’s own, as he tends to use ‘aggrandisement’ rather than ‘imperialism’, this conceptual distinction is needed to understand his liberalism.¹⁰

Given Mill’s defence of, and employment by, the East India Company (EIC),¹¹ most contemporary scholarship agrees that his liberalism: (a) allows for the possibility of a legitimate empire in which a civilized people rules over an uncivilized one in a genuinely paternalistic manner; but (b) rejects imperialism against uncivilized peoples for the good of the civilized.¹² However, this scholarship is often ambiguous regarding whether Mill deems it justifiable to establish such an empire through imperial aggression,¹³ with only a minority affirming so explicitly (Section 3). In contrast, this article will argue that Mill rejects paternalistic imperialism too.

In what follows, Section 2 outlines what Mill conceives to be the most important elements of savage life, thereby establishing his key markers of barbarism and (narrow) civilization in the nineteenth-century world.¹⁴ Section 3 links Mill’s threshold for binary civilization to his Harm Principle, by showing that he also takes it to constitute the threshold at which members of a people are ethically immunized against justified paternalistic interference. Section 4 argues that, although Mill views the Mormons of Utah as civilized on balance, *On Liberty*’s explanation of the wrongness of outsiders eliminating their ‘barbaric’ practice of polygamy by force implies that paternalistic aggression against uncivilized peoples is wrong as well. However, since it is somewhat unclear whether Mill treats the Mormon example as a case of the ethics of foreign intervention, Sections 5–8 integrate the preceding interpretation with Mill’s *A Few Words on Non-Intervention* (1859). It is argued that passages in that text pertaining to Rome, Algeria, and India, which may be misconstrued as supporting paternalistic imperialism, actually support three distinct theses instead: (1) aggressive wars of conquest against uncivilized peoples can have positive paternalistic effects that mitigate their evil (Mitigation Thesis); (2) defence against aggression is more likely to necessitate the resort to war, and indeed conquest, when the aggressor is a barbarian power (Martial Thesis); and (3) civilized states are justified in engaging uncivilized peoples non-aggressively given the paternalistic benefits this can yield, even if this increases the risk of the latter responding with aggression that justifies their own conquest (Engagement Thesis). The upshot is that, although Mill’s ethics of foreign intervention leads him to reject paternalistic imperialism, his belief that it can be justifiable to conquer and civilize aggressors leads him to posit a contingent relationship between his own liberalism and empire.

⁹Bell, p. 22.

¹⁰XXI:114.

¹¹See Robin Moore, ‘John Stuart Mill at East India House’, *Historical Studies*, 20(81) (1983), 497–519.

¹²Even when charging Mill with supporting what he should have realized was imperial aggression in practice (e.g. Don Habibi, ‘Mill on Colonialism’, in *A Companion to Mill*, ed. by Christopher Macleod and Dale Miller, (Chichester: Wiley-Blackwell, 2017) pp. 518–32 (pp. 527–29)).

¹³E.g., Bell, p. 226; Ten, pp. 187–88; David Williams, ‘John Stuart Mill and the practice of colonial rule in India’, *Journal of International Political Theory*, 17(3) (2021), 412–28 (pp. 416–18).

¹⁴From here onwards, unless stated otherwise, all discussion of ‘civilization’ is of the narrow variety.

2 From the Elements of Savage Life to Narrow Civilization

For Mill, the first element of savage life is that it is predicated on small and transient tribal groups. In consequence, *ceteris paribus*, he takes civilization to increase with human settlement, population density, and collectivity, as manifested in the rise of villages, towns, and cities, on the one hand, and the incorporation of their inhabitants into polities with fixed territorial boundaries, on the other.¹⁵ It also suggests that the paradigmatically barbarian middle-ground would involve settlements with few, if any, cities. In consequence, the fact that Mill deems nineteenth-century India to be ‘semi-barbarous’ rather than civilized *on balance*,¹⁶ despite its cities and comparatively high population density, is indicative of his belief that a high level of scalar civilization with respect to one or another of the elements of savage life does not suffice for binary civilization as such.¹⁷ A further, related corollary is that, although Mill makes clear that the presence or absence of one element of savage life is causally conducive to the presence or absence of the others,¹⁸ the civilizational process admits of uneven development, in that a society may be more civilized relative to one of the elements of savage life compared to another element.¹⁹

The second element of savage life is a people characterized by strong anti-social tendencies that incline them away from cooperation, and towards individual self-reliance. Here the exception that proves the rule is that limited intra-tribal cooperation may arise for the sake of the anti-social activity of inter-tribal warfare, or raids conducted against more civilized peoples. In consequence, *ceteris paribus*, Mill takes civilization to increase with cooperation and mutual dependence, where this will entail the extension of intra-societal cooperation beyond the activity of war-making, on the one hand, and potentially even render war-making obsolete through the emergence of inter-societal cooperation, on the other.²⁰ This suggests that a paradigmatically barbarian people would exhibit cooperation in activities other than war, albeit circumscribed by severe ongoing internal conflicts,²¹ while retaining a fundamentally hostile or even aggressive attitude towards foreign peoples.

In *Considerations on Representative Government* (1861), Mill also goes further by defining ‘nationality’ in terms of the sympathies that incline a people towards cooperation and mutual dependence within a shared territorial state.²² In consequence, while remaining open-minded about the emergence of more cosmopolitan forms of cooperation in the future,²³ Mill takes the gradual transition towards a world of independent nation-states in his day as indicative of an increase in global civilization. This much suggests that the limitations of sympathy indicated by the severe internal conflicts of a paradigmatically barbarian people are also indicative of their lack of a fully-fledged

¹⁵XVIII:120; XX:276.

¹⁶XIX:577; cf. Pitts, p. 139.

¹⁷Although another factor is that Mill’s incorporation of ‘improvement’ into the definition of ‘narrow civilization’ implies it is not enhanced by over-population or other forms of over-development (III:752–757).

¹⁸XVIII:120.

¹⁹II:3. See also Marwah, p. 175.

²⁰XVIII:120; X:312.

²¹XXX:110–11.

²²XIX:546; Tim Beaumont, ‘Kymlicka’s Alignment of Mill and Engels: Nationality, Civilization, and Coercive Assimilation’, forthcoming in *Nationalities Papers*, online first (2021), 1–19 (pp. 3–5).

²³Georgios Varouxakis, *Liberty Abroad: J. S. Mill on International Relations* (Cambridge: Cambridge University Press, 2013), pp. 11–14.

nationality. Thus, Mill takes the conflicts *between* the independent Indian states that emerged during the decline of the Moghul Empire as a sign of the absence of a unified Indian nationality,²⁴ and the extreme oppression and conflict he posits *within* most of them to indicate that their populations tended not to have full nationality either.²⁵ However, the link Mill posits between sympathy and nationality also helps to show why he believes that a people that has crossed the threshold of binary civilization may still exhibit residual barbarian features. For example, in a discussion of the revolutions of 1848, Mill laments that the nationality-constituting mutual sympathies of the German people are attended by a widespread barbaric hostility to non-Germans.²⁶

Mill's third element of savage life, a lack of agriculture, manufactures, and commerce, along with the poverty that attends their absence, is causally derivative from the first two elements.²⁷ After all, agricultural settlements tend to mark an end to transience, and an extension of cooperation beyond military activities. Moreover, in the absence of agricultural settlements, and the surpluses and consequent division of labour they make possible, cooperation could not be extended further into manufacturing, let alone trade with foreign peoples. In consequence, without ruling out greater socialistic forms of economic cooperation in the future,²⁸ Mill takes each of the preceding developments, and the increased wealth associated with them,²⁹ to constitute increases in civilization, and envisages an emerging global economic civilization of competitive free trade between states.³⁰

From this perspective, a paradigmatically barbarian society would have an agricultural economy characterized by severe class conflict, such as that exhibited by ancient slave societies.³¹ Moreover, if able to advance enough to produce manufactures, it would be expected to continue to pose an obstacle to global economic civilization, through either maintaining an absolute opposition to commerce with outsiders, or a mercantilist-cum-protectionist approach thereto. Indeed, although Mill does not suggest that India is semi-barbarian in this respect, he treats Chinese economic protectionism as a kind of (semi)barbaric recalcitrance.³²

This dimension of Mill's conception of the civilizational process also explains why he describes early English colonists in North America as having lived in a 'half-savage' state, even though they brought aspects of binary civilization with them, such as relatively advanced acquirements of mind.³³ Despite being settled, Mill implies, the abundance of land available incentivized subsistence farming, the establishment of a less sophisticated division of labour than a paradigmatic barbarian society,³⁴ and hence an economic regress and labour shortage that lent slavery the illusory appearance of a civilizing solution.³⁵ Once again, that Mill allows an individual to be part of civilization at one time and

²⁴XXX:151–52.

²⁵XVI:1202.

²⁶XX:347.

²⁷XVIII:120.

²⁸V:746–49.

²⁹XVIII:197.

³⁰III:588, 594.

³¹II:17; XIX:394–95.

³²Michael Levin, *J. S. Mill on Civilization and Barbarism* (London: Routledge, 2004), pp. 102–04.

³³XXIII:739–42.

³⁴XXIII:750.

³⁵Illusory because more civilized options were available (XIX:395; Bell, pp. 216–219). Cf. Jahn, pp. 601–02.

semi-savagery in another – depending upon the ‘multifaceted sociological condition’ of the people in which (s)he is relationally embedded³⁶ – limits the extent to which Mill’s civilizational categorization of peoples implies praise or disparagement to any given member thereof.³⁷ By measuring civilizational advancement partly in terms of the universalization of certain characteristics, such as cooperativeness, Mill acknowledges that some individuals will develop these characteristics earlier than others, and hence that a people will probably have members whose characteristics do not conform to the societal norm. Thus, Mill can judge Akbar and Charlemagne more enlightened than the barbarian societies they governed,³⁸ while deeming *some* of Britain’s ‘labouring class’ so impoverished materially and mentally that they are ‘barbarians in the midst of our civilization’.³⁹

Mill’s fourth element of savage life, the absence of law, ‘administration of justice’, and security arrangements to protect tribal members from each other, also stems from the anti-social lack of cooperation and insistence on individual self-reliance characterizing savage life.⁴⁰ Since paradigmatically savage life leaves *everyone* without legal rights to personal security and private property, civilization increases along with them. Mill conceives the said expansion of legal protections as tending to proceed as unevenly as economic development, with some classes protected more than others. In the barbarian interim, this might involve a transition from savage individual self-reliance to a more cooperative form of communal self-reliance, in which groups protect their members from outsiders through the threat of vigilante violence.⁴¹ Nevertheless, just as the overall trajectory of economic civilization is one of levelling-up to the point of the global elimination of poverty, that of juridical civilization is towards the elimination of domination through equality before the law.⁴² When Mill extends this conception of juridical civilization to the international realm, he takes it to entail growing adherence by states to common rules designed to ensure peaceful, egalitarian cooperation, and the elimination of aggressive war.⁴³

Mill’s next element of savage life, military weakness, is also a consequence of the prior elements. In the absence of the socially unifying sympathies needed for non-military cooperation and mutual protection from each other, paradigmatic savage military cooperation is conceived as undisciplined, poorly motivated, and hence vulnerable to strategies of divide and rule. Moreover, it is also implied that, even if a small, transient, poverty-stricken tribe lacking in (military) manufactures could remain a cohesive force, *ceteris paribus*, it would struggle to contend with the greater demographic, economic, and technological resources of a more civilized people. It is for this reason that Mill takes the converse of savage life to be manifested in his time by wealthy and *powerful* nations.⁴⁴ This analysis also suggests that paradigmatically barbarian peoples will tend to be weaker than fully-fledged nations, limited in their ability to form durable alliances, but nevertheless aggressive and capable enough to generate serious threats to civilized states.

³⁶Marwah, p. 198.

³⁷Ten, pp. 185, 188–89. Cf. Pitts, p. 136.

³⁸XVIII:224.

³⁹VI:190; XVIII:193; cf. XVI: 1205–06. Cf. Ten, p. 188.

⁴⁰XVIII:120.

⁴¹XIX:377.

⁴²XVIII:178; XX:278; Tim Beaumont, ‘Mill and Pettit on Freedom, Domination, and Freedom-as-Domination’, *Prolegomena*, 18(1) (2019), 27–50 (p. 41).

⁴³XXI:246, 346.

⁴⁴XVIII:123. But see Beaumont, ‘Kymlicka’ (p. 9) for a qualification concerning Russia.

Mill's final element of savage life to be considered here is that 'powers and acquirements of mind' are 'confined to a few persons', thus implying that civilization can be measured by the extent of their universalization.⁴⁵ As with property and wealth, Mill takes these mental powers and acquirements to spread highly unevenly at first. Moreover, despite denying any intrinsic link between wealth and intelligence as such, he thinks the opportunities that wealth affords for mental cultivation (including basic literacy) mean that there will be a strong tendency for the beneficiaries in one domain to significantly overlap with those of the other before the threshold for binary civilization is reached.⁴⁶ Since Mill takes the combination of wealth and cultivated intelligence to yield social power, on the one hand, and paradigmatic barbarism to be characterized by the most extreme inequalities of social power between groups, on the other, he thereby associates extreme inequalities of cultivated intelligence with barbarism's economics of class conflict and legal systems of domination.⁴⁷ Nevertheless, Mill takes the overall trajectory of civilization to entail a diffusion of social power resulting in 'more and more' societal questions being 'decided by the movements of masses'.⁴⁸

In this way, Mill takes the cognitive and moral enhancements implicit in the possibility of nationality-constituting, sympathy-based mass cooperation, along with the political moderation encouraged by widespread property ownership and a substantial middle class,⁴⁹ to make a civilized people significantly more likely to be capable of sustaining and being improved by liberal democratic government.⁵⁰ Also pertinent is Mill's belief that the ethical essence of Christianity, which he finds in the example of Jesus in the Gospels, is more humane and intellectually defensible than that of its theological competitors, but that its metaphysical dogmas are gradually yielding to philosophical critique and scientific evidence.⁵¹ This leads him to associate the *later* stages of intellectual civilization with secularization and adherence to science,⁵² and to view non-Judaeo-Christian societies unreformed by the Enlightenment as mired in a kind of moral and intellectual barbarism.⁵³

3 The Harm Principle and its Civilization Clause

According to the Harm Principle that Mill defends in *On Liberty*, in the case of adults of sound mind:

the sole end for which mankind are warranted, individually or collectively, in interfering with the liberty of action of any of their number, is *self-protection*. That the only purpose for which power can be rightfully exercised over any member of a *civilized community*, against his will, is to prevent *harm to others*. His own good, either physical or moral, is not a sufficient warrant.⁵⁴

⁴⁵XVIII:121.

⁴⁶XVIII:146–47, 30–31.

⁴⁷III:706–07.

⁴⁸XVIII:122, 125–26; XVIII:165.

⁴⁹XVIII:192.

⁵⁰Beaumont, 'Kymlicka', pp. 6–7.

⁵¹X:274, 415–17, 486–88.

⁵²XVIII:143–44; XX: 239.

⁵³XXI:296; XIX:397; XXV:1181; XXX:30.

⁵⁴XVIII:223, emphasis added.

This implies that if an agent, *x*, exercises power rightfully over an agent, *y*, despite this being against the latter's will, either: (1) *x*'s purpose is to prevent *y* from harming *x* (the *self-defence* clause); (2) *x*'s purpose is to prevent *y* from harming some third party, *z*, where *y* is doing so against *z*'s will (the *protection* clause); or (3) *y* is not a member of a civilized community, and *x*'s purpose is the paternalistic one of promoting *y*'s own good on his or her behalf (the *civilization* clause). Thus, the Harm Principle's civilization clause invokes the binary distinction between civilized and uncivilized peoples,⁵⁵ and thereby posits the existence of cases of permissible paternalistic interference by members of the former in the lives of members of the latter.⁵⁶

Mill's claim that the satisfaction of one of the three clauses is necessary for interference to be warranted does not *entail* that it is sufficient to make it so.⁵⁷ In consequence, we can distinguish between an act of interference being *compatible* with the Harm Principle, in virtue of its satisfaction of at least one of the clauses, and its being *warranted* all things considered. However, it is not always clear that Mill takes compatibility to be insufficient for warrant when the former is achieved via the civilization clause. For example, while explaining why the civilization clause is needed, Mill maintains that '[d]espotism is a legitimate mode of government in dealing with barbarians, *provided* the end be their improvement, and the means justified by actually effecting that end'.⁵⁸ Although this implies that paternalistic *intentions* are insufficient to warrant an act of interference, as they do not guarantee any benefit to the person subjected to it,⁵⁹ it may seem to suggest that paternalistically intentioned interference that benefits the subject is automatically warranted. Moreover, while one might think that Mill is only speaking of native despotisms here, in the sense of acknowledging the permissibility of *native* leaders of barbarian peoples leading them in a despotic manner, he also affirms the potential permissibility of a colonial despotism in which a barbarian people is ruled by a more civilized foreign one. As he puts it in *Considerations*, this 'mode of government is as legitimate as any other, if it is the one which in the existing state of civilization of the subject people, most facilitates *their transition to a higher stage of improvement*'.⁶⁰

According to some scholars, when Mill affirms the potential legitimacy of such colonial rule, he implies that civilized states can be warranted in establishing it through unprovoked, and thus imperialist (qua aggressive), wars of conquest, provided that the purpose and outcome is genuinely paternalistic. For example, Will Kymlicka takes *Considerations* to imply 'that liberal states were justified in colonizing [uncivilized] foreign countries *in order to teach them liberal principles*'.⁶¹ By similar reasoning, Mill could be taken to justify other forms of aggressive interference falling short of outright conquest provided the same conditions apply. For example, Don Habibi seems to agree with Kymlicka when he claims that: '*For the sake of stimulating progress*, Mill could justify *foreign intervention, cultural upheaval, despotism, and war*'.⁶²

⁵⁵Pitts, p. 143.

⁵⁶Beaumont, 'Kymlicka', pp. 2–3.

⁵⁷XVIII:292–93.

⁵⁸XVIII:223–24, emphasis added.

⁵⁹Cf. Bell, p. 298.

⁶⁰XIX:567, emphasis added.

⁶¹Will Kymlicka, *Multicultural Citizenship* (Oxford: Oxford University Press, 1995), p. 166, emphasis added. See also: Bruce Baum, 'Feminism, Liberalism and Cultural Pluralism: J. S. Mill on Mormon Polygyny', *The Journal of Political Philosophy*, 5(3) (1997), 230–53 (p. 235).

⁶²Don Habibi, 'The Moral Dimensions of J. S. Mill's Colonialism', *Journal of Social Philosophy*, 30(1) (1999), 125–46 (p. 133), emphasis added; Habibi, 'Mill', pp. 519, 528.

4 Mill on Mormon Utah and ‘Civilizades’

One reason to doubt Mill’s willingness to support imperialistic wars against the uncivilized provided they are conducted paternalistically is *On Liberty*’s discussion of the ‘remarkable phenomenon of Mormonism’.⁶³ Although the text was completed after the outbreak of the Utah War (1857–58),⁶⁴ between Mormon settlers in Utah Territory and the military of the United States, it is unclear whether that part of the text was a direct response to the conflict or predated it. Either way, Mill notes the widespread association of the Mormon practice of polygamy with barbarism – in 1856, the Republican party platform pledged to prohibit the ‘twin relics of barbarism’, polygamy and slavery⁶⁵ – and agrees that it is ‘a retrograde step in civilization’ qua a step away from equality before the law.⁶⁶ However, Mill rejects the position of Thomas Taylor Meadows⁶⁷ that the United States government should send a military expedition to ‘compel them [to abandon the practice] by force’.⁶⁸

Habibi denies that this shows that Mill opposes warfare against barbarian peoples for the sake of civilizing them because he ‘applied different moral standards to European and non-European cultures’.⁶⁹ If Habibi’s point were simply that Mill takes the Mormon community of Utah to have crossed the threshold of binary civilization, along with the other peoples of ‘Christian Europe’,⁷⁰ and hence does not take the civilization clause to be salient to them, he would probably be right.⁷¹ After all, while opposing the use of military force, Mill claims that ‘it must be remembered that this [polygamous marriage] relation is as much voluntary on the part of the women concerned in it, and who may be deemed the sufferers by it, as is the case with any other form of the marriage institution’.⁷² By emphasizing the Mormon women’s consent here, Mill seems to imply their immunity from paternalistic protection by third parties, and hence the irrelevance of the civilization clause to this case. Moreover, by hinting at his broader feminist view, that even the monogamous marriage institution of the most civilized peoples incorporates ‘relics of primitive barbarism’ by investing the husband with ‘odious powers’, Mill implies that the civilizational gap between the Mormons and their would-be conquerors is smaller than the latter would like to believe.⁷³

However, while opposing the coercive elimination of Mormon polygamy by outsiders, Mill also indicates that paternalistic wars of aggression are unwarranted in *any* circumstances. Having noted that some – namely, Meadows⁷⁴ – now propose, ‘not a crusade, but a *civilizade*’, Mill does not insist that the problem is that the Mormons are too civilized to be the legitimate target of such a venture. Instead, he maintains that ‘I am not aware that *any* community has a right to force another to be civilized’.⁷⁵

⁶³XVIII:290.

⁶⁴I:250.

⁶⁵Baum, p. 249, fn.71.

⁶⁶XVIII:291.

⁶⁷Meadows, pp. 543–44.

⁶⁸XVIII:290; Baum (p. 232).

⁶⁹Habibi, ‘Dimensions’, p. 141.

⁷⁰XXI:120.

⁷¹Beaumont, ‘Kymlicka’, p. 10.

⁷²XVIII:290.

⁷³XXI:336; XXI:99.

⁷⁴Meadows, pp. 543–44.

⁷⁵XVIII:290, emphasis added; Mark Tunick, ‘Tolerant Imperialism: John Stuart Mill’s Defence of British Rule in India’, *The Review of Politics*, 68, 586–611 (p. 595).

Thus, although Habibi is correct to take the civilization clause to show that Mill has different ethical standards for interference in the lives of civilized and uncivilized peoples (Section 6), that does not explain Mill's opposition to military action in this case. Indeed, Mill charges Meadows with hypocrisy for embracing a dual standard, by tolerating polygamy⁷⁶ in the case of the supposedly barbarian 'Mahomedans, and Hindoos, and Chinese', while opposing it with 'unquenchable animosity when practised by persons who speak English, and profess to be a kind of Christians'.⁷⁷ Moreover, Mill's point here is not that the civilized world should wage a war to end polygamy in the non-western world too, but that it would be an unsuitable ground for war in either case.⁷⁸

One potential response on Habibi's behalf is that, since Meadows notes that Utah Territory had been formally incorporated into the United States (in 1850),⁷⁹ when Mill opposes Meadows' civilzade he is opposing intra-state coercive assimilation rather than imperial conquests as such.⁸⁰ Although this response may be called into question – for example, Meadows also notes that Utah had a quasi-colonial status, having been denied recognition as a state,⁸¹ and Mill refers to the would-be interveners as 'persons entirely unconnected'⁸² to them – it can be refuted less speculatively with reference to *Non-Intervention*. There Mill deals with the ethics of foreign intervention more explicitly, and rejects imperialist civilzades thus:

To go to war for an idea, if the war is aggressive, not defensive, is as criminal as to go to war for territory or revenue; for it is as little justifiable to force our ideas on other people, as to compel them to submit to our will in any other respect.

Although Mill adds the caveat that 'there assuredly are cases in which it is allowable to go to war, *without having been ourselves* attacked, or threatened with attack', this generates no contradiction.⁸³ After all, since the focus of the text is intervention to assist *others* who are subject to aggression or involuntary oppression, Mill is acknowledging that wars can be warranted via the protection clause as well as the self-defence clause.

However, there is no denying that Mill takes the civilization clause to have a role to play when considering whether certain conflicts, or the goals adopted therein, are warranted. As he puts it:

[there is] a great difference [...] between the case in which the nations concerned are of the same, or something like the same, degree of civilization, and that in which one of the parties to the situation is of a high, and the other of a very low, grade of social improvement.

He is clear that one salient difference between these cases is that barbarous nations are not beyond 'the period during which it is likely to be for their benefit that they should

⁷⁶Meadows, pp. 544–45.

⁷⁷XVIII:290.

⁷⁸Noting that Mill denies the existence of a right, rather than a responsibility, to engage in civilzades does not refute the point, as one people cannot have a moral responsibility to conquer another without having a moral right to do so (cf. Habibi, 'Dimensions', p. 141).

⁷⁹Meadows, pp. 541–42.

⁸⁰Cf. Kymlicka, pp. 52, 69–70.

⁸¹Meadows, p. 540.

⁸²XVIII:291.

⁸³XXI:118, emphasis added. Cf. Habibi, 'Dimensions' p. 141.

be conquered and held in subjection by foreigners'.⁸⁴ In consequence, the crucial question is how Mill reconciles these claims with his opposition to imperial civilizations.

5 The Mitigation Thesis

The answer can be gleaned from some other passages in *Non-Intervention* that may otherwise be misconstrued as support for (paternalistic) imperialism. One case is Mill's evaluation of the ancient Roman conquest of 'Gaul and Spain, Numidia and Dacia'. Mill insists that, although the Romans were not 'the most clean-handed of conquerors', such conquests were not 'a violation of the law of nations' as 'barbarians have no rights as a *nation*'. Moreover, he makes clear that in the longer term it was to their 'benefit' to be brought into the empire. However, Mill still seems to consider the conquests unjust as he also indicates that the Romans violated 'great principles of morality' or 'the universal rules of morality between man and man'.⁸⁵ In consequence, rather than demonstrating Mill's support for imperialism, this passage seems to reveal his commitment to the claim that when one people benefits from being conquered aggressively by another of greater civilization, this can mitigate the immorality of the conquest without justifying it (Mitigation Thesis).

Of course, one possible response to the preceding is that Mill's criticism of the Roman conquests applies at the level of *jus in bello* rather than *jus ad bellum*. As such it would be consistent with the positive paternalistic effects of the aggression upon the conquered sufficing to provide the Romans with a just cause. However, *On Liberty* indicates that a paternalistic purpose is also a precondition for warrant (Section 3), and Mill attributes no such thing to the Romans in the passage at hand.⁸⁶ Indeed, as Mill puts it elsewhere, it is 'a very common fact that good comes out of evil', including 'human crimes', and yet 'whatever incidental and unexpected benefits may result from crimes, they are crimes nevertheless'.⁸⁷

Reading Mill's discussion of Rome in terms of the Mitigation Thesis also aligns well with what Mill says elsewhere about ancient Athens, towards which he is far more sympathetic.⁸⁸ For example, despite judging that Athens' 'passion [...] for conquest and dominion' 'was most beneficial to the world', and 'could not have been other than it was without crippling them in their vocation as the organs of progress', Mill still describes it as 'a *blemish*, when judged by the universal standard of right'.⁸⁹ Thus, although one might expect Mill to think of Athens as having a stronger claim to paternalistic purpose than Rome, he still indicates that its aggression lacked warrant.⁹⁰

Of course, in treating Athens' domineering as a mere 'blemish' Mill can also be taken to downplay the significance of its wrongdoing.⁹¹ However, since Mill's rationale for doing so is that there were extenuating circumstances, it aligns with the Mitigation

⁸⁴XXI:118. Here the 'that' requires the 'should' to be interpreted as implying that they *would* benefit from being conquered rather than that they *ought* to be.

⁸⁵XXI:118–19.

⁸⁶See also XX:307.

⁸⁷X:387, 271.

⁸⁸XI:313.

⁸⁹XI:321, 314–15, emphasis added.

⁹⁰Cf. Habibi, 'Dimensions', p. 135, and 'Mill', p. 519. See also: XIV:17–18; Varouxakis, pp. 143–44. Likewise, when Mill suggests that early barbarian slave societies helped to civilize savages by imparting discipline and obedience to them, he does not say that this justified the slavery. Instead, it gave the barbarians an 'excuse' that slavers in an otherwise civilized state would lack (XIX: 395).

⁹¹See also XI:314–15.

Thesis. For example, on the one hand, he observes that a passion for domination and conquest was ‘universal in the ancient world’, and on the other, he claims that:

in a small but flourishing free community like Athens, ambition was the simple dictate of prudence. No such community could have had any *safety for its own freedom*, but by acquiring power. Instead of *reprobating* the Athenian maritime empire, the whole of mankind, beginning with the subject states themselves, had cause to lament that it was not much longer continued; for that the fate of Greek civilization was bound up with it, is proved by the whole course of the history.⁹²

Thus, Athens’ passion for domination is a mere blemish for two reasons. Firstly, given the historical context, the inner kernel of that passion, the more modest desire for power, could have been satisfied in a manner justifiable via the self-defence clause, as Athens needed power to ensure ‘safety for its own freedom’. That is, Athens’ search for power was warranted; its evil was to take it too far. Secondly, where transgression of the limits of morally justifiable conduct is universal, it makes no sense to ‘reprobate’ the powers that distinguish themselves by bringing great benefits to mankind through their wrongdoing. Such reprobation should be reserved for the real forces of reaction and regress.⁹³

6 The Martial Thesis

Returning to *Non-Intervention*, following the Roman example, Mill turns to a second kind of case in which the civilization clause does help to justify a war against a barbarian state. However, contrary to what one would expect if his goal were to defend imperial civilizes, he does not offer examples of civilized states engaging in unprovoked attacks on barbarian states that are warranted by their paternalistic purposes and effects. Instead, Mill provides cases designed to show that if a civilized state is engaged with a barbarian state, as opposed to some other kind of power, it is easier to justify the claim that the former will need to (1) resort to war for the sake of self-defence (or protection of others); and (2) escalate such wars into wars of conquest in order to achieve its defensive (or protective) aims (Martial Thesis).

To that end, Mill notes that, since ‘a civilized government cannot help having barbarous neighbours’, it cannot always content itself with a *defensive* position’, in the sense of ‘*mere resistance* to aggression’. It may instead be ‘obliged to conquer them, or to assert so much authority over them’, as to ‘break their spirit’, and render them ‘no longer formidable to it’. Mill’s key point here is that, to insist upon treating aggressive barbarian states in accordance with ‘the rules of ordinary international morality’ applicable between civilized states, such as the rule against conquest, is naïve because such rules imply reciprocity: ‘But barbarians will not reciprocate’, or ‘be depended on for observing any rules’.⁹⁴

⁹²XI:321 emphasis added; see also XIV:384. Compare: ‘you hold [...] a tyranny; to take it perhaps was wrong, but to let it go is unsafe’ (Thucydides, *History of the Peloponnesian War*, in *The Landmark Thucydides: A Comprehensive Guide to the Peloponnesian War*, ed. Robert Strassler (New York: Touchstone, 1996), pp. 1–548 (p. 126).

⁹³XI:321.

⁹⁴XXI:118–19, 123, emphasis added. Mill also suggests that, to end ‘the invasions’ of Frankish lands, Charlemagne ‘repelled the Saracens’ but ‘attacked and subjugated’ the ‘Saxons’ because ‘merely defensive arrangements’ were insufficient against the latter (XX:277).

At this point, it is worth remembering that Mill takes evidence of a tendency towards aggression as a *pro tanto* reason for categorizing a group as barbarian.⁹⁵ In consequence, he can only explain such a tendency in terms of barbarism if this means explaining it in terms of other paradigmatic features of barbarian life. Mill's analysis implies that, compared to savage peoples, barbarian peoples' greater cooperation, communal solidarity, wealth, and military power will tend to make them more effective aggressors without reducing their hostility to outsiders. Likewise, the fact that their economies are based on slavery (or some variant thereof), along with other forms of violent exploitation or predation, will tend to give them a stronger interest in attacking alien groups for economic gain, while their greater acquirements of mind will tend to furnish them with a more inspiring religious or ideological rationale for doing so.⁹⁶ For such societies, Mill suggests, it will be hard to constrain the will to aggression even if it should be obvious to them that it will not serve their long-term interests.⁹⁷

One point of contrast here is the situation in which a civilized power encounters aggression from savage tribes. Mark Tunick maintains that, since Mill takes savage life to lack community, and his opposition to civilizades is framed in terms of opposition to one community forcibly civilizing another, the civilization clause still opens the door to civilizades against savage peoples.⁹⁸ However, there are two reasons to reject this claim. Firstly, Mill refers to the most primitive peoples as 'savage communities', and denies that we can know whether 'there was ever a time when human beings lived in a state of entire isolation'.⁹⁹ Secondly, Mill's writings for the EIC on the 'scourge' of the raiding 'hill tribes' of India suggest that: (1) the EIC's primary motivations were defensive and protective; and (2) the Martial Thesis was less salient in their case because of their military weakness, and the ease with which they could be accommodated. For example, Mill describes some (supposedly) aggressive tribes being induced into agricultural settlements, and other forms of civilizing employment, through gifts of land and promises of protection against the 'barbarian' Indian states that would otherwise hunt them for enslavement or elimination. Likewise, even the more implacable 'mountaineers of the Afghan and Beloochee frontier' – whose aggression led the EIC to 'attempt to retaliate [...] in their hills', resulting in 'failures, sometimes almost disasters' – are said to have ultimately accepted kindred 'conciliatory measures' upon acquiring 'knowledge of our power'.¹⁰⁰ Thus, for Mill, even if military force was necessary for defence and protection against them, outright conquest was not.

The second point of contrast, only this time more implicit, is the scenario in which one civilized state is confronted by another with a vestigial barbarian tendency towards aggression. In that case, Mill's analysis suggests that the latter's non-barbarian characteristics – including its greater overall capacity for reciprocal cooperation, stronger commitment to relying on law rather than mere force, and lower hostility to alien peoples – will tend to make it easier to resolve the conflict through mere resistance and forbearance in conjunction with reasoned diplomacy. Moreover, even where this fails with a civilized power, as Mill takes it have failed in the case of Napoleonic France, he thinks the problem is more likely to stem from the role played by a particular despotic leader,

⁹⁵VIII:670–72.

⁹⁶III:882; X:317.

⁹⁷XXI:118.

⁹⁸Tunick, pp. 595–96.

⁹⁹XVIII:120; V:455.

¹⁰⁰XXX:153–55.

whose removal will settle the issue without an outright conquest of the society as such.¹⁰¹

When it comes to defensive conquests of barbarian peoples by civilized ones, *Non-Intervention* offers two concrete examples: ‘the French in Algeria’ and ‘the English in India’. Mill also suggests these examples are important because of the supposedly misguided criticisms they have generated.¹⁰² In the Algerian case, Mill seems to be thinking of the way in which the gradual ascendancy of the western powers allowed them to end the centuries of piracy and slave-raiding that had been directed against them by the Islamic states of the Barbary Coast, a security threat far transcending any single leader.¹⁰³ As one historian whose summary Mill might well have found congenial puts it, following the Napoleonic Wars, during which the Barbary states had enjoyed a freer hand, ‘the United States imposed a treaty on Algiers in 1815’, and the ‘Anglo-Dutch and Anglo-French naval forces attacked Barbary ports in 1816 and 1819 respectively’. Finally, the ‘French seizure of Algiers in 1830 ended a process of cajoling, intimidating, or battering the Barbary states into freeing Christian slaves’.¹⁰⁴ Given the ineffectiveness of mere resistance to such long-standing aggression, Mill deems it naïve to deny that a conquest was justified on grounds of self-defence, even if France’s treatment of Algiers can be criticized on alternative grounds.¹⁰⁵

We have seen that Mill’s reference to violations of the ‘universal rules of morality between man and man’ (XXI: 119) should not be reduced to crimes committed *in bello* (Section 5).¹⁰⁶ However, such crimes – along with other *post-bellum* colonial abuses – provide the most obvious alternative grounds upon which an otherwise defensive conquest could become illegitimate.¹⁰⁷ Nevertheless, Mill also posits a distinct way in which such a conquest could go morally wrong. This pertains to the single exception to his claim that barbarians lack national rights, namely, ‘a right to such treatment as may, at the earliest possible period, fit them for becoming one [i.e. a civilized nation]’. For Mill, if a civilized state defeats a barbarian state militarily in self-defence, the power this gives the former over the latter can translate the said national right into a *jus post bellum* duty on the part of the civilized state to rule it in a paternalistic and civilizing manner. However, since some members of the barbarian state may continue to present a threat to others, either within their community or without, Mill conceives of the said duty as protective as well as paternalistic because the power that the civilized state wields over the barbarian people renders it ‘morally responsible for all evil it allows them to do’.¹⁰⁸

¹⁰¹XXII:307; XXI:120–23.

¹⁰²XXI:119.

¹⁰³Robert Davies, *Christian Slaves, Muslim Masters: White Slavery in the Mediterranean, the Barbary Coast, and Italy, 1500–1800* (Basingstoke: Palgrave, 2003). See also *Memorandum*, XXX: 122.

¹⁰⁴William Clarence-Smith, *Islam and the Abolition of Slavery* (London: Hurst & Company, 2006), pp. 99–100.

¹⁰⁵In 1786 the Tripolitan ambassador to London indicated to Thomas Jefferson that mere resistance was insufficient by informing him ‘that the Barbary states’ policy toward the Christian world “was founded on the Laws of their Prophet, that it was written in their Koran, that all nations who should not have acknowledged their authority were sinners, that it was their right and duty to make war upon them whenever they could be found, and to make slaves of all they could take as Prisoners, and that every [Muslim] who should be slain in battle was sure to go to Paradise” (Frederick Leiner, *The End of Barbary Terror: America’s 1815 War against the Pirates of North Africa* (Oxford: Oxford University Press, 2006), pp. 17–18).

¹⁰⁶XXI:119.

¹⁰⁷XIX:571.

¹⁰⁸XXI:119.

For example, although Mill does not highlight this himself, his point implies that when the French acquired the power to end Algiers' slave trade in white Europeans, it was duty-bound to end Algiers' slave trade in non-Muslim black Africans too.¹⁰⁹

7 The Case of British India

According to Mill, the EIC acquired its 'Indian empire' through 'injustice and crime of many kinds'.¹¹⁰ Given his claim that a state can acquire strong special protective duties through fighting justified wars of self-defence, the same would be true of wrongful wars of aggression. In consequence, one might conclude that he takes the EIC's civilizing duties in India to stem from a duty to compensate for historical injustice. After all, this would align with his view of British colonialism in Ireland, which he says was born of an illegitimate act of 'usurpation and conquest'.¹¹¹ Given that historical crime, he claims, Britain's duty was not to withdraw but to compensate,¹¹² by providing a civilizing governance unless or until its failure to fulfil that duty produced an Irish national majority set upon creating free institutions of their own.¹¹³ However, even if Mill takes the EIC to have duties to India stemming from historical injustice, this wouldn't explain why *Non-Intervention* offers the 'English in India' as a case of a *just* war. Nor would it explain why he takes his claim that 'a civilized government cannot help having barbarous neighbours' to be relevant to that case.¹¹⁴ To solve these puzzles, we must examine why Mill thought the EIC had a right to make itself the neighbour of the 'barbarian' peoples of India in the first place.

In Mill's discussion of the transient 'savage' peoples of North America and Australasia, he never considers the possibility that they had a moral right to veto large-scale European settlement.¹¹⁵ This seems to be because he views these peoples as having been scattered across vast 'unoccupied' territories in a quasi-anarchic condition,¹¹⁶ thereby allowing the Europeans to settle unilaterally without automatically aggressing against them. This, in turn, allows him to focus his early evaluations of settler colonies on whether their economic management was optimal for the metropole, the colonists, and the cause of global economic cooperation more broadly.¹¹⁷ In contrast, in the case of 'barbarian' India, with its dense settlements, centralized authorities, and legally defined borders, it seems unlikely that Mill thinks Europeans could have settled there unilaterally without thereby aggressing against the pre-existing inhabitants.

Nevertheless, this would not have precluded Mill from judging the EIC to have established its presence in India legitimately in the seventeenth century. After all, its first factories were established with the permission of the Moghul Emperor, to whom the EIC paid taxes in return for protection, and it soon received 'a royal phirmaun for a general and perpetual trade'.¹¹⁸ It is also significant that Mill's claim that the EIC went on to establish its empire in the eighteenth century through injustice and crime does not

¹⁰⁹XX:339–41; XXIII:611.

¹¹⁰XVII:1983.

¹¹¹XXIV:929.

¹¹²XXIV:903; Pitts, p. 308.

¹¹³XIX:551; VI:216, 520–21; Beaumont, 'Kymlicka', pp. 10, 12–13.

¹¹⁴XXI: 119, emphasis added; Levin, p. 49.

¹¹⁵XXXII:232; XXIV:792–93.

¹¹⁶Bell, pp. 212–13; Smits, pp. 4–6.

¹¹⁷XXII:271–72; Bell, pp. 216–24.

¹¹⁸James Mill, *The History of British India*, vol. 1 (London: Baldwin, Cradock, and Joy, 1826), p. 29.

imply that the EIC was not itself subjected to the same by either its European competitors, the Moghul Empire itself, or the independent states that emerged as the latter fell into its quasi-anarchic decline.¹¹⁹ After all, if Mill took the EIC to have established its presence in India legitimately, he could have taken his belief that barbarian peoples lack national rights to show that the EIC was not duty-bound to tolerate unjust predation and intimidation in the name of respecting barbarian sovereignty. From that perspective, the EIC's fortification of its factories or trading posts, and adoption of some of the other trappings of a territorial state, would also have seemed legitimate insofar as it was necessary for self-defence in a chaotic and predatory environment. Moreover, this would align Mill's condemnation of the EIC in that period with that of ancient Athens – which sought domination when entitled only to power (Section 5) – as the EIC's measures took it beyond the realm of self-defence into that of tyranny and aggression.¹²⁰

The preceding also lays an intelligible foundation for Mill's account of the EIC's supposedly just conquests in the nineteenth century in *Non-Intervention*, which begins with the observation that it 'never was *secure* in its own Indian possessions until it had reduced the military power' of the 'native States of India' to a 'nullity'.¹²¹ Here the immediate justification for military resistance is defensive, with the fact that the EIC was dealing with semi-barbarian powers indicating why mere resistance was insufficient, and an escalation to demilitarization was necessary. Although that falls short of a justification for conquest, Mill proceeds to explain how this kind of warrant for demilitarization – generated via both the self-defence and civilization clauses – can generate a subsequent warrant for conquest and empire via the protection clause.

According to Mill's account, the defensive demilitarization of the Indian state governments that threatened the EIC created several interacting moral problems. One unintended side-effect was to render these governments vulnerable to attacks by internal and external enemies, for which the EIC was thereby morally accountable. The obvious solution was to extend security guarantees to the governments thus weakened. However, he explains, this gave them a sense of impunity that reduced their incentive to rule responsibly, thus rendering the EIC responsible for the resulting harm done to the governments' subjects. The next attempted solution was to make the EIC's security guarantees conditional upon minimal standards of good governance. However, as one would expect given Mill's account of the paradigmatic barbarian's refusal to be bound by rules, the governments often violated the treaties.¹²²

This leads to Mill's major criticism of the EIC during the period of his employment, namely, its failures to respond to treaty breaches with enforcement. For example, in the case of the King of Oude, with whom the EIC had signed a treaty in 1801, Mill says the EIC failed to respond to his misuse for more than 'fifty years' with anything more than ineffectual 'remonstrances' and 'threats', thus leaving it 'morally accountable for a mixture of tyranny and anarchy'. In consequence, Mill explains, although many viewed the EIC's deposition of the king in 1856 as a 'political crime', it was really 'a criminally tardy discharge of an imperative duty'.¹²³

¹¹⁹XXX:151–52.

¹²⁰Mill doesn't say whether all of Charlemagne's conquests were defensive or protective. However, he seems to see some parallels between the role that Charlemagne played in bringing order to early medieval Europe, and that played by the EIC in India (XX:277–78, XVIII:224; XXX:151–55).

¹²¹XXI:119, emphasis added.

¹²²XXI:120.

¹²³XXI:119–20. See also: VI: 216–17; XXX: 224; Moore, pp. 501–06.

The preceding suggests that Mill's defence of the demilitarization and conquest of the Indian states is far from a defence of imperial civilizades. Instead, it purports to show that acts of self-defence, legitimated in part by differences of civilizational attainment, can generate duties of protection through the shield of empire. Moreover, Mill's Oude example indicates that, once such protective duties are established, fulfilling them through acts of protective conquest need not require any additional paternalistic rationale. After all, in that case the EIC was allied with the discontented subset of the king's subjects whom Mill took to have a right to call for protective intervention. In consequence, Mill did not need to justify the imposition of EIC rule on the king's loyal subjects in paternalistic terms, as opposed to it being a necessary cost of preventing harm to others.¹²⁴

Nevertheless, Mill is clear that if a civilized state (or its commercial proxy) conquers a barbarian one in this way, it is duty-bound to fulfil the attendant protective and civilizing duties of empire better than the native despotisms it replaces.¹²⁵ Judging barbarian populations unprepared for liberal democratic government, but nevertheless considering that system a universal ideal, Mill takes these duties to include the use of despotic rule to prepare them for liberal democratic self-rule, and thus a life beyond despotism.¹²⁶ However, Mill emphatically denies that this involves coercively assimilating the conquered people into the language, culture, or religion of the conqueror, as if the EIC's duty was one of coercive Anglicization.¹²⁷ Although Mill endorses the coercive elimination of some Indian practices, he usually does so in the name of protection, such as when he endorses the EIC's prohibition of infanticide and slavery.¹²⁸ It is only when he takes intellectual barbarism to produce activities so self-harming as to be 'abhorrent to humanity' that he appeals to the civilization clause to justify their coercive elimination.¹²⁹ For example, Mill praises the EIC's prohibition and suppression of 'voluntary' suttee, for the good of the widow, along with other forms of 'self-immolation' (not requiring 'harmful' assistance from others), such as religiously motivated self-starvation.¹³⁰ However, Mill also emphasizes that such paternalistic coercion should be a last resort, undertaken only if persuasion and other indirect forms of discouragement fail.¹³¹

8 The Engagement Thesis

The preceding discussion has shown that, while Mill rejects imperialism, there are at least two reasons for taking him to be a contingency theorist with respect to empire. Firstly, his position implies that if uncivilized peoples refrain from aggressing against their neighbours or some subset of themselves, there is no justification for civilized states to draw them into an empire against their will. Secondly, he takes a liberal empire

¹²⁴This reading is compatible with Mill's willingness to support the annexation of Indian territories run by 'foreign dynasties', such as the 'Mahomedan' and 'Mahratta' kingdoms, if the latter abused their power (XVI:1202). By construing these dynasties as foreign interveners, Mill can construe action against them as protective counter-intervention (XXI:123–24), with *post bellum* annexation rather than liberation justified paternalistically via the civilization clause.

¹²⁵XXX:15.

¹²⁶XIX:403–04, 567–68; cf. Jahn, p. 617.

¹²⁷XXX:81; Ten, p. 216; Tunick, p. 593.

¹²⁸XXX:121–25.

¹²⁹XXX: 81; VI:519; Beaumont, 'Kymlicka', pp. 10–11.

¹³⁰XXX:123.

¹³¹Williams, p. 417.

dedicated to civilizing, and ultimately emancipating, once-conquered subjects to be committed to its own elimination. Nevertheless, we will now see why Mill still comes close to being a necessity theorist with respect to empire in his own time.

Given Mill's portrayal of the uncivilized as prone to violence, one might wonder why he thinks the civilized should seek to engage with them when they are not already geographical neighbours. After all, why not leave them in isolation, thereby reducing the risk of confrontation and even war? In the case of savage peoples, Mill's answer is that such engagement is the inevitable by-product of settler colonialism, which civilized peoples have a right to undertake in a non-aggressive manner. In contrast, in the case of engagement with settled barbarian peoples, he emphasizes the mutual benefits of the voluntary exchange of economic goods and ideas, the mutual self-awakening that can attend awareness of radically different cultures and ways of life, and the civilizing ripple-effects that can result.¹³² Given that Mill also believes that if barbarians respond to peaceful engagement with aggression that necessitates their own conquest, they will benefit from the civilizing despotism that results, he takes such engagement to be justified despite the risk of confrontation it entails (Engagement Thesis).

However, Mill also reinforces the Engagement Thesis with two further considerations. Firstly, that non-engagement with one civilized state is less likely to result in an uncivilized people enjoying 'splendid isolation' than engagement with some other advanced power.¹³³ Secondly, where this makes such engagement a *de facto* inevitability, the optimal scenario is for the engagement process to be led by the most civilized state of all. In *Non-Intervention*, Mill suggests that Britain should play this role because its unique lack of 'aggressive designs', and disinclination to 'quarrel for ascendancy with those who are as strong as itself', means that:

If the *aggressions* of barbarians *force it* to a successful war, and its victorious arms put it in a position to command liberty of trade, whatever it demands for itself it demands for all mankind. The cost of the war is its own; the fruits it shares in fraternal equality with the whole human race.¹³⁴

From this perspective, the risk of war would not count as a reason for the British to refrain from engagement because the risk of aggressive war against uncivilized peoples would be higher if it were left to other powers to engage instead. Moreover, Mill takes British engagement to serve the global common good because it is compatible with other great powers engaging on similar terms, thus ensuring that the emerging world order bears the imprint of the values of its most civilized power.¹³⁵

This also helps to explain why Mill's growing awareness of British atrocities and abuses being conducted with public support in India, Jamaica, and New Zealand in the late 1850s and 1860s filled him with such pessimism.¹³⁶ After all, if Britain offered the best hope of a world order based on empire rather than imperialism and predation, its failure to completely suppress – and in some cases even condemn¹³⁷ – aggression

¹³²III:593–94; Tunick, pp. 593–94.

¹³³See XIX:569.

¹³⁴XXI:111, emphasis added; XXX:109.

¹³⁵XXI: 111–12; XXVIII: 223; Varouxakis, pp. 143–44; Bell, p. 230.

¹³⁶For discussion, see: Bell, pp. 229–33; Pitts, pp. 150–60; Smits, pp. 9–14; Williams, pp. 423–24.

¹³⁷I:281.

and tyrannical lawlessness on the part of those tasked with engagement¹³⁸ indicated that the best feasible world order would retain a strong barbarian element for some time to come.¹³⁹

The problem, as Mill saw it, lay largely in the difficulty of ensuring that the most broadly civilized Britons maintained control of the nature of the engagement. After all, if Britain's narrowly civilized society remained broadly uncivilized, there would be no shortage of Britons totally unsuited to the task. In the case of India, he worried that the transition from EIC rule to Crown Rule, following the Sepoy Rebellion of 1857, meant that what he saw as the EIC's relatively wise and noble ruling elite had been replaced by something inferior. A key concern was that government ministers would not simply lack the EIC's specialized knowledge, but that domestic political pressures would make them less able and willing to constrain the British contingent of the 'rapacious Europeans' whose goal was imperial plunder.¹⁴⁰ Given his negative assessment of the alternatives to British rule, Mill continued to view it as the least bad option for India.¹⁴¹ However, this also reflected his judgement that the Indians could expel the British if enough of them wanted to, and that this generated a *de facto* constraint on the worst forms of imperial misgovernment.¹⁴²

In consequence, the apparent absence of such a constraint in the case of settler violence in New Zealand made it even more morally perplexing to him. On the one hand, Mill wanted Britain to protect the Maori against aggressive settler expansionism into their lands, but on the other, he worried that the settlers would respond by declaring independence, and effecting a Maori 'extinction' at a more rapid pace. However, despite conceding that he lacked a solution, Mill also held that if Britain could establish a peace-inducing power equilibrium by removing the 'Queen's troops' from the side of the settlers, it should do so.¹⁴³ Thus, in the absence of any worse civilized or barbarian power that could take Britain's place, Mill made clear both his opposition to imperialism and the contingency of his commitment to empire, by suggesting that the British Empire should withdraw if this would result in less imperialism overall.

Of course, the interpretative claim defended here, that Mill rejected imperialism in theory, does not rule out the criticism that he was guilty of supporting instances of it in practice. Indeed, this interpretation makes it easy to see how Mill could have slipped from categorizing peoples as barbaric because of their aggression, to presuming they were aggressive on the basis of other barbarian traits, to conflating aggression directed against them with robust acts of civilized self-defence.¹⁴⁴ However, even those who think Mill is guilty of that should concede one thing: that he cannot be charged with misapplying, or deliberately abusing, his theoretical defence of empire, until it has been properly understood – and that requires grasping its anti-imperialist character.

¹³⁸The 'barbarian liberty' of XVIII:178. See Beaumont, 'Domination', p. 47.

¹³⁹XVI:1126, 1205–06, 1410–11.

¹⁴⁰XVII:1983; XIX: 568–73; XXX: 30.

¹⁴¹XXII:289; Habibi, 'Mill', pp. 522–23.

¹⁴²XXX:15.

¹⁴³XVI:1136; XVI:1196.

¹⁴⁴Consider Habibi, 'Mill', p. 528.

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