

*Punishment and Citizenship*, and all who do will profit from its author's astute combination of comparative social enquiry and normative penal theory.

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Chris Barker: *Educating Liberty: Democracy and Aristocracy in J. S. Mill's Political Thought*. (Rochester, NY: University of Rochester Press, 2018. Pp. 276.)

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Chris Barker's *Educating Liberty* joins the work of notable interpreters of John Stuart Mill—chief among them John Skorupski and Eldon Eisenach—who recognize the premium Mill placed on creating the conditions that guide individuals toward a just, self-developed existence. In Barker's reading of Mill, the good life involves the capacity for self-command, not merely the adherence to rules of justice. While a just outlook is a part of self-developed individuality, the two are not the same. Self-development also requires other qualities of character: reason, strong will and desires, and a sense of dignity, to name a few.

Barker explains that there is a far stronger sociological current in Mill's moral and political outlook than in that of his Anglo-Scottish forebears. Mill places far more emphasis than John Locke, David Hume, and Adam Smith on reforming and constructing civil society—nongovernmental institutions and practices such as the family, school system, voluntary associations, property relations, and religion—to develop conditions that will educate individuals in both morality and self-development. And in explaining this aim of Mill's, Barker shows how Mill helped establish a response within the liberal tradition to the long-standing complaint against liberal formalism, initiated by Rousseau and stated succinctly in Karl Marx's "On the Jewish Question," that the informal practices of liberalism create inequalities that cancel out its published principles of equality: the formal equality established by the public sphere creates conditions in the private sphere such that the goals of equality and freedom are not realized.

Barker is at his best when explaining how the goals of self-development and moral justice inform Mill's proposals to end the subjection of women. The laws that exclude women from higher social functions because of birth sow confusion among good men, while among the worst of men the restrictive laws on women cultivate a class of tyrants. Concomitantly, among the most active and energetic women the absence of liberty leads to a willful

pursuit of power through the control of others in the family. Among weaker women, by contrast, the tyranny promotes a passive, submissive character. Barker explains Mill's insistence that because the private sphere predominates over the public sphere in modern life, civil institutions such as the family play a crucial role in educating people in liberty and justice. Indeed, because the modern family—the most fundamental unit of sociality and the venue where children learn social norms—is based on inequality, English society is incapable of generating liberty or justice. To place women on a more equal footing, Mill makes his well-known proposal that husbands and wives develop a division of labor based on their respective strengths and weaknesses that will take different forms with different couples. This doctrine of reciprocity and equal rights is concerned in part with every individual developing his or her distinct capacities. It also is pivotal to a morality of justice that will infuse society. Such a justly constituted marital relationship forges a highly cultivated sense of self-control, and in the process an individual learns to show consideration for other human beings. The parents show children by both example and precept that reciprocity contributes to one being both respectable and able to respect, and that the way one develops views and a proper concern for oneself is inseparable from the process by which one takes into account the views and well-being of others.

Throughout *Educating Liberty* Barker explains that Mill envisioned modern intellectuals developing proposals such as the reformation of the family as part of a larger project of encouragement of free play of alternative practices and diverse ideas. By promoting variety, free discussion, and criticism, the intellectual contributes to an arena of effort, education, and self-development and helps limit the dominance of one set of ideas while giving birth to others. The intellectual adopts a conciliatory approach to political and moral differences and encourages a wide range of activities as the permanent source of education and social improvement. But that is only a part of Mill's story of the modern intellectual, and Barker does not fully capture the second current in Mill's thought: the power to select and combine from the diverse practices in society also was essential to the Millian intellectual who undertook to perform the tasks necessary for the education of a democratic society. Wisdom regarding the central issues of social existence is so much a product of reconciliation and combination that, in addition to the rough process of struggle among self-actualizing individuals, there requires the educated mind that is impartial and willing to identify a higher value that emanates from the different ways of life.

The antagonisms between employers and trade unions, for example, often require an independent arbitrator. If these efforts at reconciliation fail, Mill proposes new modes of ownership in which the workers join the employers in having a direct interest in the profits of the enterprise. The success of these compromises could open the door to new forms of property relations —“industrial partnerships” or more socialized forms of private ownership —that overcome the one-sided demands that employers and trade unions

make on one another. Conflicts, in short, are the raw material for an education in higher or synthetic truths that the intellectual will put forth in the future. It is not the role of the intellectual merely to participate in the creation of alternative practices and diverse views.

Mill's expectation that the instructed minds would stand above society and develop as reconcilers and synthesizers of competing values and practices has not been fulfilled, and here one may wonder whether his thoughts on this issue would have benefited from the treatment of democratic intellectuals and culture in Tocqueville's *Democracy in America*, volume 2. Tocqueville's thesis is that democracy overruns modern culture. His concern is that in democracies, higher ideas will no longer be proposed at all, and individuals of independent minds will become isolated and dispirited by the weight of public opinion. Tocqueville believes that as democracy grows, the belief in the general equality of the intellect insinuates itself into the public outlook, and it becomes extremely difficult for the views of the highly educated, whatever these may be, to exert influence over public opinion.

In his generally laudatory reviews of Tocqueville's *Democracy in America* in 1836 and 1840, Mill explicitly rejects Tocqueville's thesis regarding the "learned class" being subsumed by democracy. Mill counters that, in England, intellectuals generally embrace the idea that they must balance the undue influence of social interests, and he argues that these learned minds must be cultivated as a social bulwark for sentiments and opinions that transcend those views that arise from the mass (a consideration that leads him to propose that the highly educated receive extra votes in elections). He concludes that England has an advantage over America in that it possesses a well-articulated intellectual class and that energy must be devoted to making it better and better qualified for the important function of representing a unified impartial outlook capable of educating society.

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Ellis M. West: *The Free Exercise of Religion in America: Its Original Constitutional Meaning*. (Cham, Switzerland: Palgrave MacMillan, 2019. Pp. xiv, 317.)

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This book, the author reports, "was a long time in the making" (v). Its genealogy traces back to a 1971 doctoral dissertation on the Supreme Court's decisions interpreting the so-called Religion Clauses of the First