

neutral power ought not to grant equal privileges to a rebellious province and to a constituted state; the latter being already in the family of nations, and the former being only a candidate for admission. Is this quite certain? While, again, he registers the law as to the irresponsibility of neutral governments for the contraband trade of their subjects, he sympathizes strongly with Phillimore, who would tighten rather than ease neutral obligations on these points; and he would hold the neutral power to great diligence in preventing all acts that overstep the boundary-line between contraband traffic and belligerent co-operation. These are some of the topics which he has handled in the new edition. Adhering to his regard for the humane mitigations of war, he retains his disapproval of the destruction of public buildings and of the seizure, without compensation, of the property of passive non-combatants. In a similar spirit, number thirty-eight of the instructions for the government of our armies requires the commanding officer to give receipts on taking the property of unoffending owners who have not fled away.

This volume contains two Appendices. The first consists of "a brief selection of works and documents bearing on international law," which is quite useful, though hardly full enough. We cannot altogether subscribe to the high eulogium pronounced on Phillimore's Commentaries. Without wishing to detract from its merits, we find some truth in the criticism of "Historicus," who calls it "a digest of opinions and authorities, rather than a scientific disquisition on the topics to which they refer." The second Appendix is a copious list and description of the chief modern treaties. This must be very serviceable to historical students, and it would be more so had greater care been taken to aid the eye by diversities of type.

The style of the book is grave and plain, without pretension and without special finish. The publication is timely, and the work cannot fail to do good service.

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8. — *Dissertations and Discussions: Political, Philosophical, and Historical.* By JOHN STUART MILL. In Three Volumes. Vol. I. Boston: William V. Spencer. 1864.

THE articles contained in these volumes were originally printed in English reviews and magazines. A collection of them was first made in London, and was published in 1859. The present is the first American edition, and it comprises all the contents of the English one, together with four articles which have appeared since the date of that

publication. These four articles are "The Contest in America," printed in February, 1862; "The Slave Power," being a review of Professor Cairnes's book of that name, printed in October, 1862; "A Few Words on Non-Intervention," printed in December, 1859; and "Utilitarianism," printed in successive numbers of Fraser's Magazine for 1862 and 1863;— "the whole being thus issued here," as it is stated in the Advertisement to the American Edition, "with the express sanction and approval of the author." The form and style of workmanship of this edition leave nothing to be desired; and the four new articles above named are a very great addition to the interest of the collection. The two which relate to our own country are already familiar to American readers, and the enlightened interest which they show in the great ideas and principles that dignify the cause of our country has endeared the name of their writer to the American people, and prepared a general welcome in this country for his other writings, even in quarters where the admirable qualities by which they are distinguished had not previously been familiar.

The article entitled "A Few Words on Non-Intervention" was written in the latter part of the year of the Italian war, when the policy of France had brought the subject in question prominently into view. The article makes no comments directly on the events of that war, but it improves the opportunity — since "we have heard something lately about being willing to go to war for an idea" — to make some important suggestions upon the general subject. Mr. Mill sharply condemns the manner and phraseology in which it is common with the English to express their policy of non-intervention, but in general he approves of their action. He claims for England that she has generally pursued a foreign policy worthy of a powerful and enlightened nation, shaping its course with due reference to the general interests of mankind. He utters some noble words on the subject of the Suez Canal, and laments that the English have suffered themselves to be betrayed by a single leading statesman "into a line of conduct, on an isolated point, utterly opposed to our habitual principles of action." He condemns the failure of England and France to unite in forbidding the armed intervention of Russia in Hungary. He seems, however, to approve of the general policy of England in the East and of France in Algiers, and lays down the broad proposition that, "to characterize *any* conduct whatever towards a barbarous people as a violation of the law of nations, only shows that he who so speaks has never considered the subject. A violation of great principles of morality it may easily be; but barbarians have no rights as a *nation* except such as may, at the earliest possible period, fit them for becoming one. The only moral

laws for the relation between a civilized and a barbarous government are the universal rules of morality between man and man."

We cannot assent to the soundness of these statements. It is not allowable in political ethics to disown the nationality of the Chinese, or the Hindoos, or any other so-called barbarous people, while they are in point of fact united under a common government. It is not a mere assemblage of individuals with which the English are dealing in China, but a nation, a people represented by rulers. The rulers may be treacherous, and the nation not trustworthy, and these facts may justify a course of conduct quite inadmissible under those international customs prevalent in Christendom, which are technically known as "international law," but they do not change the facts of the case, nor take a great people out from the operation of the moral rules which are to govern the relations of nations.

As among civilized nations, Mr. Mill disapproves of the policy of interfering to assist another government in keeping its own citizens in subjection, and also, in general, of interfering to help the people of another country in a struggle for free institutions against their own native government, "but the case of a people struggling against foreign yoke, or against a native tyranny upheld by foreign arms," is different. "Intervention to enforce non-intervention is always rightful, always moral, if not always prudent." And again, intervention is held to be rightful in the case of a long civil war where the parties are so equally balanced that there is no probability of a speedy issue, or no hope that either party, if victorious, can keep the other one down excepting by "severities repugnant to humanity, and injurious to the permanent welfare of the country."

The article on "Utilitarianism" is one of very great interest, as being the latest and fullest expression of Mr. Mill's views on the fundamental questions of morals. It is a paper of ninety pages in length, in which the writer treats clearly and with much force of argument of the meaning of the principle of utility in morals, its sanctions, the proof of which it is capable, and the connection between justice and utility. This last point is treated in a truly admirable manner. The same subject of "Utility" is touched upon and discussed with more or less of fulness in previous essays, viz. in those on Bentham and on Coleridge, and in the reviews of Professor Sedgwick's Lectures, of Whewell on Moral Philosophy, and of De Tocqueville's "Democracy in America," Mill succeeds in answering many of the standard arguments against "Utilitarianism," and especially he meets and fairly demolishes the main part of what is brought forward by Whewell and Sedgwick. Towards these writers he shows an asperity and curtness

of which he makes mention in the Preface to this collection, and which is justified by the ignorance that they display of the real points in dispute, the looseness with which they use language, and the unworthy superciliousness of their tone.

Yet, in our judgment, Mr. Mill, upon the whole, fails in his argument. He attempts to show that "happiness," or "utility," which is defined as meaning "tendency to happiness," is the standard of morality. "By happiness," he says, "is intended pleasure and the absence of pain; by unhappiness, pain and the privation of pleasure." "Pleasure and the freedom from pain are the only things desirable as ends, and all desirable things (which are as numerous in the utilitarian as in any other scheme) are desirable either for the pleasure inherent in themselves, or as means to the promotion of pleasure and the prevention of pain." As to the proof of the principle of "utility," Mr. Mill remarks that "questions of ultimate ends do not admit of proof in the ordinary acceptance of the term." The only proof that can be given that an object is visible is that people actually see it. In like manner, the sole evidence which it is possible to produce that anything is desirable is that people do actually desire it. Each person does desire his own happiness so far as he deems it attainable. "The general happiness, therefore, is a good to the aggregate of all persons."

It is necessary, however, to show that people not only desire happiness, but that they never desire anything else. The opinion is expressed that all desirable things, e. g. virtue, power, money, are desired only as being either ingredients of happiness or means to happiness. "And now, to decide whether this is really so, whether mankind do desire nothing for themselves but that which is a pleasure to them, or of which the absence is a pain, — we have evidently arrived at a question of fact and experience, dependent, like all similar questions, upon evidence. It can only be determined by practised self-consciousness and self-observation, assisted by observation of others. I believe that these sources of evidence, impartially consulted, will declare that desiring a thing and finding it pleasant, aversion to it and thinking of it as painful, are phenomena entirely inseparable, or rather two parts of the same phenomenon, — in strictness of language, two different modes of naming the same psychological fact; that to think of an object as desirable (unless for the sake of its consequences), and to think of it as pleasant, are one and the same thing; and that to desire anything, except in proportion as the idea of it is pleasant, is a physical and metaphysical impossibility."

Elsewhere it is said: "Unquestionably it is possible to do without happiness; . . . it often has to be done voluntarily by the hero or the martyr,

for the sake of something which he prizes more than his individual happiness. But this something — what is it, unless the happiness of others, or some of the requisites of happiness? It is noble to be capable of resigning one's own portion of happiness or chances of it; but, after all, this self-sacrifice must be for some end; it is not its own end; and if we are told that its end is not happiness, but virtue, which is better than happiness, I ask, would the sacrifice be made if the hero or martyr did not believe that it would earn for others immunity from similar sacrifices?"

And again it is said: "I must again repeat what the assailants of utility seldom have the justice to acknowledge, that the happiness which forms the utilitarian standard of what is right in conduct is not the agent's own happiness, but that of all concerned; as between his own happiness and that of others, utilitarianism requires him to be as strictly impartial as a disinterested and benevolent spectator. In the golden rule of Jesus of Nazareth, we read the complete spirit of the ethics of utility."

"The principle of utility," he says, "may be described as supposing that equal amounts of happiness are equally desirable, whether felt by the same or by different persons. . . . What is the principle of utility, if it be not that 'happiness' and 'desirable' are synonymous terms? If there is any anterior principle implied, it can be no other than this, that the truths of arithmetic are applicable to the valuation of happiness, as of all other measurable quantities."

Such are some of the leading statements upon this subject made by Mr. Mill.

Now it is to be observed that the proof which is offered of the principle of utility shows nothing more than that each man desires *his own* happiness. "No reason," it is said, "can be given why the general happiness is desirable, except that each person, so far as he believes it to be attainable, desires his own happiness." It amounts to nothing to add, that "therefore the aggregate of men desire the general happiness"; since it is not shown that any one individual desires anything more than his own happiness. Where is the evidence that the happiness of one man is as desirable as the happiness of another? that "happiness" — meaning thereby the happiness of anybody and everybody, and not merely the happiness of the agent himself — and "desirable" are synonymous? that the happiness of all persons is commensurate, so that "the truths of arithmetic are applicable to the valuation" of it? It is not true, therefore, that the principle of utility of *which any proof is given* "requires a man, as between his own happiness and that of others, to be as strictly impartial as a disinterested and benevolent spectator."

Again, we apprehend that there is a certain *inadequacy* in the standard adopted by Mr. Mill, which extends to his whole discussions. When it is said, that "there is nothing desired except happiness"; that "those who desire virtue for its own sake desire it either because the consciousness of it is a pleasure, or because the consciousness of being without it is a pain, or for both reasons united"; and that "desiring a thing and finding it pleasant, aversion to it and thinking of it as painful, are . . . two different modes of naming the same psychological fact,"—one is aware of the same sort of error that is observable in the reasonings of what is called the "Selfish School" of moralists; namely, that of straining and misusing language, looking at things from a wrong point of view, and (if one may say so without begging the question) measuring things by a standard which is inapplicable.

And again, inasmuch as Mr. Mill identifies the utilitarian standard with the "golden rule," it may be pertinent to say that he quotes but half of the entire rule of human conduct laid down by Jesus. That rule was twofold,— "Thou shalt love the Lord thy God with all thy heart, and with all thy soul, and with all thy mind," and "Thou shalt love thy neighbor as thyself." Without seeking to bring theology or religion into the discussion, one may take occasion of Mr. Mill's reference to this rule to say that his reasoning upon morals is emasculated by losing sight of certain considerations which are suggested in the first branch of the above-named rule.

It would seem that man naturally conceives of a Power in the universe greater than himself, and of himself as subject to laws proceeding from that source. There follows in his mind the desire to conform to these laws, and to import into his character and the conduct of his life the order and the beauty which he sees in external nature.

As Dr. Walker says, "We are placed here subject to certain relations and dependencies, conditions and laws. These constitute the truth of things, and our duty consists in conforming our thought and action, all our life, to the truth of things." In other words, our duty consists in conforming our lives to the laws of our being. Conformity to these laws seems to be the standard of morality. What these laws are, and what conduct is or is not conformable to them, is matter to be passed upon by the rational faculty and determined by the sound judgment of mankind, in view of any given facts. If men differ upon these questions, these questions only share the fate of all others; yet, no doubt, a sufficient certainty is attainable.

Mr. Mill contends for the application of the inductive system to ethics, and with good reason. He admits, at the same time, the propriety of "deducing from the laws of life and the conditions of exist-

ence what kinds of action tend to produce happiness." It would seem not difficult to arrive in both ways at the result, that it is a duty of man to promote the general welfare, and to limit his own desires by reference to the welfare of others. Reasoning inductively, we shall find ample evidence of the obligation of many other duties, e. g. those of justice and veracity, in their tendency to promote the general welfare, and we may therefore rightly use that tendency as a criterion, *where it is applicable*. But it is not applicable, without a distortion of language, in all cases; and it is the neglect to observe this fact, among other reasons, which gives to Mr. Mill's speculations on morals a certain crudeness and a certain painful appearance of inadequacy.

We have heard it objected to Mr. Mill as a thinker, that he is wanting in imagination. It is curious to find that he makes the same criticism upon Bentham, and that he discusses a similar objection made by Professor Sedgwick upon Locke. Mr. Mill truly says, that "the word 'imagination' is currently taken in such a variety of senses, that there is some difficulty in making use of it at all without risk of being misunderstood." In speaking of Bentham, he says: "The imagination which he had not was that to which the name is generally appropriated by the best writers of the present day, — that which enables us by a voluntary effort to conceive the absent as if it were present, the imaginary as if it were real, and to clothe it in the feelings which, if it were indeed real, it would bring along with it. This is the power by which one human being enters into the mind and circumstances of another. This power constitutes the poet in so far as he does anything but melodiously utter his own actual feelings," &c. In the article on Alfred de Vigny, Mr. Mill quotes from one of the works of that writer the signs by which Stello, one of his characters, recognizes himself as a poet: "Because," says Stello, "there is in Nature no beauty nor grandeur nor harmony which does not cause in me a prophetic thrill. . . . Because I feel in my inmost being an invisible and undefinable power, which resembles a presentiment of the future, and a revelation of the mysterious causes of the present," — "a presentiment," Mr. Mill goes on to say, "which is not always imaginary, but often the instinctive insight of a sensitive nature, which, from its finer texture, vibrates to impressions so evanescent as to be unfelt by others; and by that faculty, as by an additional sense, is apprised, it cannot tell how, of things without, which escape the cognizance of the less delicately organized. These *are* the tests, or some of the tests, of a poetic nature." Here, then, is something besides that imagination which was above defined, going to "constitute a poet"; and it is this sort of thing, called by Mr. Mill "the instinctive insight of a sensitive nature," which is probably meant

when Mr. Mill is charged with a want of imagination. In this sense, we think the charge is well founded. A larger measure of this gift would probably have prevented him from adopting some of his conclusions on the subject of morals. Upon this subject, like a true Englishman, he "warns imagination off the ground," and will have nothing to do with the class of suggestions furnished by the fine faculty above referred to. And yet, on every subject which is a part of the science of man, there is especial need of resorting to these delicate sources of suggestion by which, as from "the convolutions of a smooth-lipped shell," we get from the universe

" Authentic tidings of invisible things ;  
Of ebb and flow, and ever-during power ;  
And central peace, subsisting at the heart  
Of endless agitation."

We have left ourselves no room to speak of the other essays in these volumes. We can only say that they all repay a careful reading, by the interest of the subject, the fair and instructive manner in which they are written, and the noble qualities of mind which find expression in them.

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9. — *The Works of FRANCIS BACON, Baron of Verulam, Viscount St. Albans, and Lord High Chancellor of England.* Collected and edited by JAMES SPEDDING, M. A., of Trinity College, Cambridge; ROBERT LESLIE ELLIS, M. A., late Fellow of Trinity College, Cambridge; and DOUGLAS DENON HEATH, Barrister-at-Law, late Fellow of Trinity College, Cambridge. Volume X. *Being Translations of the Philosophical Works, Vol. III.* Boston: Taggard and Thompson. 1864. Crown 8vo. pp. 628.

THIS volume completes the reprint of Mr. Spedding's edition of Bacon's Works, begun in 1860, but carried steadily forward, in spite of the disturbed condition of business and the enhanced prices induced by the war. The mechanical execution of these fifteen volumes is such as befits the standard edition of a great English classic. In form and size of volume, and in style of typography, the American reprint is much superior to its English original. It is in every respect a work which deserves the warmest commendation, and its completion is one of the most satisfactory literary events of the year.

This is not only the best edition of Bacon's Works, but it is not likely that there will ever be a better. The editors have done their work with exemplary fidelity, judgment, and learning, and have at length satisfactorily fulfilled the great trust committed by Lord Bacon "to the next ages."