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# John Stuart Mill on Federation, Civilization, and Empire

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**Abstract**

*This article explores John Stuart Mill's career-long interest in federal models of politics. Demonstrating how Mill's multi-faceted account was shaped by his understanding of civilization and of empire, it argues that Mill was far more committed to federalism – as historical phenomenon, solution to contemporary political crises, and ideal for the future organization of humanity – than is usually recognized. From his readings of ancient Greek history, through his reflection on the United States constitution, to his musing on the fate of Europe and the British colonial system, federalism formed an important part of Mill's vision of politics, past, present, and future.*

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When the conditions exist for the formation of efficient and durable Federal Unions, the multiplication of them is always a benefit to the world. It has the same salutary effect as any other extension of the practice of co-operation, through which the weak, by uniting, can meet on equal terms with the strong.
John Stuart Mill, *Considerations on Representative Government* (1861)

## I. Introduction

While the idea of federalism has roots deep in European political thought, it was only with the spectacular growth of the United States during the nineteenth century that it came to be seen as a sustainable model of politics.[1] It was typically advocated as a response to one or more of three

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[1] On the history and theory of federalism, see D. Elazar, *Exploring Federalism* (Tuscaloosa, 1987); M. Burgess, *Comparative Federalism: Theory and Practice* (London, 2006); J. Levy, 'Federalism, Liberalism, and the Separation of Loyalties', *American Political Science Review*, 101/3 (2007), pp. 459-77. For British debates over federalism, see M. Burgess, *The British Tradition of Federalism* (Leicester, 1995); J. Kendle, *Federal Britain: A History* (London, 1997).

problems – of *anarchy*, of *plurality*, and of *scale*. The problem of anarchy results from the lack of an overarching political structure to regulate interaction between independent political units. Federalism promised to bind communities together, reducing the probability of conflict between them and creating large new polities capable of deterring external aggression. The problem of plurality is generated by the difficulty of governing peoples with distinctive political, religious, legal, or cultural identities. Plurality is not equivalent to radical difference – federation was posited as a solution to the former but was thought inapplicable to the latter. The problem of scale arises when peoples are dispersed across extensive territorial space. Federation was promoted as the only effective means of establishing representative institutions in such conditions.

In this article I argue that federation played an important role in John Stuart Mill's account of politics, past, present, and future. Informing his narrative of historical development, his prescriptions for contemporary politics, and his vision of the ideal institutional structures that could maximize happiness in a future world, it was a theme that he returned to repeatedly, albeit in scattered and shifting form. While Mill never developed a systematic theory of federation, and his comments on the subject were usually pitched in response to specific political questions – from imperial crises to debates over the fate of Europe – a federal thread runs from his youthful writings to his mature work, spanning half a century. Mill's federalism, I suggest, was conditioned by his understanding of civilization and settler colonialism. Federal governance both presupposed and helped to spread civilization. An important institutional element of Mill's historical sociology and philosophy of history, it was both a necessary condition, and a fruitful product, of human progress. In his own time, Mill thought that the British settler world was the most suitable space for instituting federation.

My argument might appear counter-intuitive, as federation has elicited little interest from Mill scholars. It rarely figures in the library of scholarship on his political thought, and there are only two essays dedicated to the subject. One of them, by Roger Porter, concludes that Mill evinced

very limited support for federalism, while the other, by Katja Stoppenbrink, offers a valuable philosophical analysis of Mill's discussion in the *Considerations on Representative Government*, but doesn't venture much beyond that.[2] Neither addresses the relationship between federation and colonialism. In his rich account of Mill's international thought, Georgios Varouxakis discusses Mill's criticisms of European and imperial federation, but he doesn't offer a general account of federalism, and whereas Varouaxakis emphasises Mill's scepticism about the subject, I suggest that it played an important role in his political vision.[3]

Mill's most detailed treatment of federalism can be found in Chapter 17 of the *Considerations on Representative Government*, where he argued that there were two main types of federal government. In the first, 'federal authorities may represent the Governments solely, and their acts may be obligatory only on the Governments as such'. Examples included the pre-1847 Swiss Constitution and the Confederate period in North America between 1776-87. Better understood as a 'mere alliance,' this model was inherently weak.[4] In the second model, exemplified by the United States, the authorities 'have the power of enacting laws and issuing orders which are binding directly on individual citizens' and 'every citizen of each particular State owes obedience to two Governments, that of his own State, and that of the federation'. This was the 'only principle' compatible with effective federation. Underlining the vital importance of the problem of anarchy, Mill advised that '[p]ortions of mankind who are not fitted, or not disposed, to live under the same internal

[2] R. Porter, 'John Stuart Mill and Federalism', *Publius*, 7/2 (1977), pp. 101-24; K. Stoppenbrink, 'Representative Government and Federalism in John Stuart Mill' in *Join or Die: Philosophical Foundations of Federalism*, eds., Dietmar Heidemann and Katja Stoppenbrink (Berlin, 2016), pp. 209-34.

[3] G. Varouxakis, *Liberty Abroad: J.S. Mill on International Relations* (Cambridge, 2013), pp. 125-40. Michael Jewkes draws on Mill to mount a normative defense of federalism, but doesn't cite his federalist ideas. Jewkes, 'Diversity, Federalism, and the Nineteenth Century Liberals', *Critical Review of Social and Political Philosophy*, 19/2 (2016), pp. 184-205.

[4] J. S. Mill, *Considerations on Representative Government*, in *The Collected Works of John Stuart Mill*, ed. J. Robson (Toronto, 1963-91), XIX, p. 556. Hereafter *CW*. Note that Mill often used the terms 'federal' and 'confederal' interchangeably – there was no stable semantic distinction between them at the time.

government, may often with advantage be federally united', to prevent conflict between them and to deter aggression.[5] Federation was a political technology for balancing self-government and security, allowing small or relatively weak states to preserve 'liberty and its blessings'.[6] It was feasible only under specific conditions, though none were necessary or sufficient. The most important was that the constituent units manifested 'mutual sympathy' – grounded in some unspecified combination of race, language, religion, and, 'above all', political institutions – that underpinned a 'feeling of identity of political interest'.[7] They had to form part of a wider whole. Moreover, none of the units could be much stronger than the others, as this would cause severe instability. The German Confederation, dominated by Prussia and Austria, was a glaring example.[8] Mill concluded the chapter by arguing that unitary states were preferable if the conditions existed for establishing them.[9]

However, we need to move beyond Chapter 17 to get a better sense of Mill's capacious view of the character, forms, and potential of federation. This involves reading the final three chapters of *Considerations* – dedicated to nationality, federation, and empire respectively – as a continuous argument about how governance can be instituted within and between societies characterised by socio-political heterogeneity. And it also involves searching more widely in Mill's work, including his writings on the British empire, the United States, and Europe. Throughout his long career he viewed federalism as a principle – focused on the division of constitutional powers between units forming a polity – that was compatible with assorted institutional configurations, ranging from 'equal federation', represented by the United States, to forms of 'unequal federation' that bound states together more loosely or in an asymmetric fashion. As we shall see, Mill used different terms

[5] Mill, *Considerations*, p. 553. Stoppenbrink, 'Representative Government', gives a detailed exposition of the conditions.
[6] Mill, *Considerations*, p. 553.
[7] Mill, *Considerations*, p. 553.
[8] Mill, *Considerations*, p. 554.
[9] Mill, *Considerations*, p. 560.

to capture such arrangements, including 'modified', 'quasi', and 'unequal' federation, confederation, and league. All could be distinguished from unitary government, on the one hand, or defensive alliances between independent states, on the other. While he thought some variants of federation were stronger than others, much depended on political circumstances and on the aims of the union. There was a time and place for each type.

My argument proceeds in three stages. In Section I I look both backwards and forwards, examining how Mill employed counterfactual reasoning to submit that if federation had been adopted at key moments in history – ancient Greece and medieval Europe – human progress would have been accelerated and deepened. I also argue that Mill regarded federation as a desirable future for Europe. Section III, on 'colonial federation', explores Mill's admiration for the United States and discusses his federal vision for Canada. The final section, on 'imperial federation', shows how Mill reconceptualised the British colonial empire as an unequal federation. Federation was central to Mills's account of historical development, his interpretation of the British colonial empire, and his vision of the world-to-come.

## II. From Past to Future: Counterfactual Histories and Ideal Theory

Mill regarded federation as the most intricate and fragile type of political order. It could only function effectively where the peoples encompassed by it exhibited the highest level of collective political intelligence. In Millian terms, it was available only to 'civilized' societies. It was the 'most difficult to maintain of all political organizations', he contended, because it rested 'almost entirely on moral sanctions, and an enlightened sense of distant interests', and as such it required 'more than any other social system, *an advanced state of civilization*'.[10] There were two principal reasons for

this. The first was institutional complexity – a successful federation presupposed the smooth operation of multiple inter-penetrating legislative, executive and judicial organs. And secondly, it required citizens who understood the value and character of the system. In particular, it depended on high levels of trust and reciprocity among citizens, and between citizens and government, epistemic virtues that were largely absent outside of purportedly civilised spaces. '[B]arbarians will not reciprocate. They cannot be depended on for observing any rules. Their minds are not capable of so great an effort, nor their will sufficiently under the influence of distant motives'. The 'Rude' peoples of the earth were, he wrote in *Considerations*, incapable of practicing the 'forbearances' which life in advanced societies 'demands'.[11] Since, for Mill, the achievement of civilization was unevenly distributed, only a small subset of the human population was (yet) fit for federal government.[12] Mill thought that two groups among his contemporaries were sufficiently civilised: the populations of Western Europe and of Britain and its settler communities in North America and the South Pacific. This was a thoroughly racialised Eurocentric conception of federation.

Mill's federalism needs to be seen in dynamic terms, as embedded in his account of the progressive development – the 'improvement' – of humanity. It formed an integral part of both his historical sociology of civilizational growth and his vision of the future. He argued that if federation had been instituted at pivotal moments in European history, civilisation would have developed much faster, and he maintained that while Europe was currently inhospitable to federalism, in the future,

[10] Mill, 'Guizot's Essays and Lectures on History' (*Edinburgh Review*, October 1845), *CW*, XX, p. 285. Italics added.
[11] Mill, 'A Few Words on Non-Intervention' (*Fraser's Magazine*, December 1859), *CW*, XXI, p. 118; Mill, *Considerations*, p. 377. See also J. Pitts, *A Turn to Empire: The Rise of Imperial Liberalism in Britain and France* (Princeton, 2005), ch. 5.
[12] Mill, 'Civilisation' (*London and Westminster Review,* April 1836), *CW*, XVIII, pp. 117-49. For Mill's account of civilization, see D. Kelly, *The Propriety of Liberty: Persons, Passions, and Judgement in Modern Political Thought* (Princeton, 2011), ch. 4; G. Varouxakis, 'Guizot's Historical Works and J. S. Mill's Reception of Tocqueville', *History of Political Thought*, 20/2 (1999), pp. 293-312; Shmuel Lederman, 'Representative Democracy and Colonial Inspirations: The Case of John Stuart Mill', *American Political Science Review*, 116/3 (2022), pp. 927-39.

as both cause and effect of progress, it would be embraced. In short, federalism formed a significant part of his counterfactual reconstruction of European history and his sketch of future political development.

The philosopher Alexander Bain termed Mill, his good friend, 'a Greece-intoxicated man'.[13] A frequent source of inspiration in his work, the age of Plato and Thucydides was, Mill remarked, 'one of the most important periods in the political history of mankind'.[14] Because the Greeks were 'the most remarkable people who have yet existed', they taught profound lessons for humanity as a whole.[15] 'The interest of Grecian history is unexhausted and inexhaustible', Mill declared, because 'of all histories of which we know so much, the most abounding in consequences to us who now live'.[16] This was certainly the case with federalism.

Mill hailed his fellow philosophic radical George Grote as 'our great historian of Greece'.[17] This assessment rested on Grote's monumental *History of Greece*, the signal achievement of which was to defend the democratic credentials of the Greeks – their excellence, Grote argued with one eye on contemporary British politics, was explained in large part by their political institutions. Mill was persuaded. 'One of the most important results of Grecian history, as conceived and written by Mr. Grote, is the triumphant vindication, so far as historical evidence goes, of Democracy'.[18] Reviewing

[13] Bain, *John Stuart Mill, A Criticism; with Personal Recollections* (London, 1882), p. 94.
[14] Mill, 'Grote's History of Greece' [4] (*Spectator*, May 1849), *CW*, XXV, p. 1134.
[15] Mill, 'Grote's History of Greece' [I] (*Edinburgh Review*, 1846), *CW*, XI, p. 273; Mill, 'Grote's History of Athens' [3] (*Spectator*, March 1849), *CW*, XXV, p. 1123.
[16] Mill, 'Grote's History of Greece' [I], p. 273.
[17] Mill, *Considerations*, p. 411.
[18] Mill, 'Grote's History of Greece' [5] (*Spectator*, March 1850), *CW*, XXV, p. 1161. For Grote's work and impact, on Mill and more broadly, see K. Demetriou, *George Grote on Plato and Athenian Democracy: A Study in Classical Reception* (Berlin, 1999); Demetriou, 'In Defence of the British Constitution: Theoretical Implications of the Debate over Athenian Democracy in Britain, 1770-1850', *History of Political Thought*, 17/2 (1996), pp. 280-97; L. Catana, 'Grote's Analysis of Ancient Greek Political Thought: Its Significance to J. S. Mill's Ideas about 'Active Character' in a Liberal Democracy', *British Journal of the History of Philosophy*, 28/3 (2020), pp. 553-72.

the sixth volume in 1849, Mill inserted a revealing passage on federation. The 'maritime empire of Athens', he noted,

> …was originally an equal alliance, growing out of the operations against Xerxes, and intended for the naval defence of Greece, against Persian domination. Of this confederacy (which consisted of the islands, and the Greek cities of the Asiatic and Thracian coasts, recently freed from the dominion of the Persian satraps) Athens was the acknowledged head, but was only *primus inter pares,* performing the functions of an executive; the supreme regulation of the alliance belonging to a synod of the confederates periodically meeting at Delos. Each of the states contributed either in money or in ships of war towards the common objects of the alliance; the contingent of each having been fixed by Aristides in a manner so equitable as to command universal applause.[19]

But this arrangement was not to last, and Grote traced the dissolution of the confederation into a hierarchical system in which the smaller polities were 'sunk into the condition of dependent or subject-allies'.[20] This loss of autonomy was felt keenly. 'Their complaint was, that they were degraded by being deprived of the common privilege of autonomy or city-independence, so indissolubly connected in the Greek mind with all ideas of freedom and collective dignity'.[21] While this complaint was 'well grounded', acting on it produced disaster, because the dependent states were too weak to survive on their own.[22] Athens had saved them from the Persians, but when they

[19] Mill, 'Grote's History of Greece' [4], 1133. Note that Mill is here using *confederation* and *alliance* interchangeably; elsewhere he distinguished the concepts. On how Greek politics inspired Mill's account of democracy, see N. Urbinati, *Mill on Democracy: From the Athenian Polis to Representative Government* (Chicago:, 2002); J. Riley, 'Mill's Neo-Athenian Model of Liberal Democracy' in *J.S. Mill's Political Thought: A Bicentennial Reassessment,* ed. N. Urbinati & A. Zakaras (Cambridge, 2007), pp. 221-49.
[20] Mill, 'Grote's History of Greece' [4], p. 1133.
[21] Mill, 'Grote's History of Greece' [4], p. 1133.
[22] Mill, 'Grote's History of Greece' [4], p. 1134.

exited the confederation they fell prey to the tyrannical Spartans. Sacrificing freedom for a chimerical dream of independence, they were doomed by their unwillingness to bind themselves together.

> Let it be considered also, that it was precisely this narrow spirit of independence, this intolerance on the part of each petty town of permanent connexion with any other, which ultimately caused the ruin of Grecian freedom by the absorption of all Greece into the Macedonian monarchy. *Doubtless, the true remedy for the inherent weakness of so divided a state, would have been found in a free and equal confederation*. But a federal government was of all things the most alien to Grecian habits. Even in the most pressing danger, when half Greece was overrun and occupied by the troops of Xerxes, the evidence, never before so fully brought out as by Mr. Grote, showed the radical incapacity of these little communities for acting in free voluntary concert.[23]

For Mill, the inability of the Greeks to federate was a world-historical calamity, stunting the flourishing of civilization, and of human freedom more broadly. The 'period of Grecian greatness', he declared, 'decided for an indefinite period the question, whether the human race was to be stationary or progressive'.[24] Spectacular Greek achievements demonstrated that people, if organized properly, had the capacity for rapid progressive development, but the expiry of the confederation derailed the course of human improvement.

> If there was any means by which Grecian independence and liberty could have been made a permanent thing, it would have been by the prolongation for some generations more of the organization of the larger half of Greece under the supremacy of Athens; a supremacy

[23] Mill, 'Grote's History of Greece' [4], p. 1134. Italics added.
[24] Mill, 'Grote's History of Greece' [II] (*Edinburgh Review*, October 1853), *CW*, XI, p. 313.

> imposed, indeed, and upheld by force – but the mildest, the most civilizing, and, in its permanent influence on the destinies of human kind, the most brilliant and valuable, of all usurped powers known to history.[25]

The tragedy was that the Greeks possessed a sufficient level of political intelligence to institute federalism. Mill thought that by selfishly privileging independence they had failed to realize their true potential to shape the world.

Mill made two distinct points about federalism in his rendering of Greek history. The first was that the lack of a 'perfect' equal federation was catastrophic, for it could have bound the Greek polities together for much longer and in so doing amplified human progress. The second was that even in the absence of such a unified polity, the confederate structure of the maritime empire furnished an institutional framework for the magnificent advances achieved by the Greeks. Unequal federation had played an architectonic role at a key moment in history.

Henry Sidgwick drew heavily on both Mill and the historian Edward Freeman in his own account of the benefits of federation.[26] Echoing Mill, he lamented the absence of federation among the Greeks. It was not the absence of democracy that was 'tried and found wanting in the contest with Philip', but instead the 'too exclusive spirit, the too limited patriotism of the Greek city-states', which were 'unable to rise to a really effective Pan-hellenism, an equal and stable federation'. In a later era, when federalism was developed more fully in the Achaean league – the topic of Freeman's influential work – 'we see how much federation could affect even with Athens standing

[25] Mill, 'Grote's History of Greece' [4], p. 1134.
[26] H. Sidgwick, *The Elements of Politics*, 2nd ed. (London, 1897), pp. 530-50; H. Sidgwick, *The Development of European Polity*, 2nd ed. (London, 1903), pp. 130-40, 425-40; E. A. Freeman, *History of Federal Government in Greece and Italy*, 2nd ed. (ed. J.B. Bury) (London, 1893 [1863]), ch. 1.

aloof and Sparta fallen from her high estate'. With Aristotle as his guide, Sidgwick mused that the 'Greek race, from its happy blending and balance of qualities, might have conquered the world if it could only have brought itself to live under one government'.[27]

A second counterfactual can be found in Mill's account of medieval Europe. Here he turned to the work of Francois Guizot. Glossing the French historian and politician, Mill observed that the feudal political system was a product of the severe intellectual and political limitations besetting societies at the time. In thrall to undeveloped ideas, they lacked the 'skill to work political machinery of a delicate or complicated construction'. Fiefs were small and their leaders unwilling and unable to seek association with others.[28] Feudality was characterised by the 'fusion of property and sovereignty', in which 'the king was absolute, like all other feudal lords, within his own domain, and only there. He could neither compel obedience from his feudatories, nor impose his mediation as an arbitrator between them'.[29] This was antithetical to inter-polity unions. Among such 'petty potentates', Mill contended, 'the only union compatible with the nature of the case was a federal union', but it demanded a level of civilization that was absent. Unlike the Greeks, the feudal societies lacked the requisite level of political intelligence to even contemplate federation. 'The middle age was nowise ripe for it; the sword, therefore, remained the universal umpire'.[30]

Here Mill repeated an argument that he had made a decade before in his review of Guizot's lectures on civilization. Guizot, he wrote, traced how feudal lords had begun to tentatively explore relations with each other – 'there naturally grew up in their minds some notions of mutual obligation, of

[27] Sidgwick, *Development of European Polity*, pp. 118-119. In the 1865 edition of *Considerations*, Mill recommended Freeman's *History* as 'an accession to the literature of the subject, equally valuable by its enlightened principles and its mastery of historical details' (*Considerations*, p. 555). Freeman, in turn, cited Mill's account of federation repeatedly in the long introductory chapter of the *History*.
[28] Mill, 'Guizot's Essays and Lectures on History', p. 288.
[29] Mill, 'Guizot's Essays and Lectures on History', p. 285.
[30] Mill, 'Guizot's Essays and Lectures on History', p. 285.

fidelity, of adherence to engagements, of devotion to a common interest' – but the results were dismal, and the 'attempt to convert these moral sentiments into legal obligations, and to create national institutions and a regular government' invariably failed. In that 'rude state of society' it was impossible to create a federal government, which was 'only possible in high civilization'.[31] While Guizot argued that feudalism, for all is backwardness, helped put Europe on the road to progress, Mill suggested that it would have been greatly accelerated if only federation had been an option.

So much for the past, what of the future? Mill gestured at the vital importance of federation as both a principle of political organization and an institutional complex for anchoring progress. In 1860 the Irish political economist T. E. Cliffe Leslie sent Mill the draft of an essay on the future of Europe. He argued that since the fall of Rome, 'the operation of one centripetal law is visible in a perpetual effort towards the establishment of wider and former bases of civil society, and the composition of fewer and greater states and nations'.[32] Hundreds of clashing kingdoms and fiefs had been absorbed into a handful of large states. It had been a bloody and violent process, but Cliffe Leslie maintained that 'interdependence and peace, not independence and war, seem the ultimate destiny of mankind'.[33] The germ of European union was visible. 'Already we may discern in the womb of time an infant senate, and the rudiments of European law. And as the plot thickens, as nations come closer together in order of battle, as they confederate for conquest and defence,

[31] Mill, 'Guizot's Lectures on European Civilization' (*London Review*, January 1836), *CW*, XX, p. 388. On Mill's account of civilization and historical development, see I. Marwah, 'Complicating Barbarism and Civilization: Mill's Complex Sociology of Human Development', *History of Political Thought*, 32/2 (2011), pp. 345-66.

[32] The article was published as Cliffe Leslie, 'The Future of Europe Foretold in History', *Macmillan's*, II (September 1860), pp. 329-38, repr. in Cliffe Leslie, *Essays on Political and Moral Philosophy* (London: Longman's, Green, 1879), pp. 94-110. Leslie was professor of jurisprudence and political economy at Queen's College, Belfast. Mill wrote that there was 'no political economist of whom I have a higher opinion': Mill to Frederick Furnivall, 23 March 1871, *CW*, XVII, p. 1810.

[33] Cliffe Leslie, 'The Future of Europe', *Essays*, p. 101.

European unity gains ground'.[34] Scanning the horizon he predicted that a threat from Asia, rebelling against European domination, would precipitate 'the final settlement of the great question of the West – the frame of the future polity of Europe'.[35] That frame would issue in a single European state.

Although Cliffe Leslie was vague about the institutional structure of this future polity, Mill responded by expressing scepticism about the feasibility of European federation in current conditions. 'Though you do not say so, the whole of your reasoning seems to converge to the conclusion that all Europe (if not the whole human race) will some time or other be brought under one government'. However, Mill continued, the mosaic of conflicting nationalities militated against integration or institutionalised co-operation.

> But as for actual incorporation, when there is not identity of language, literature, & historical antecedents, I see no spontaneous tendency to it, nor any likelihood of its being brought about but by that which has produced it heretofore, viz. conquest, which of all tendencies we ought most to execrate.[36]

The issue arose again in 1871, when Mill received a letter from a Mrs Halstead, an American living in Florence. 'Your idea of a general Federation, or United States of Europe, has occurred to many people, & has been a good deal talked and written about of late years among advanced philanthropists, especially on the Continent', he replied. But it was unrealistic in present circumstances. Once again, Mill emphasized trust as a necessary condition for effective federation.

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[34] Cliffe Leslie, 'The Future of Europe', pp. 109-10.
[35] Cliffe Leslie, 'The Future of Europe', p. 110. He conflated nationality and statehood, referring to 'the idea of a nation called the Europeans, of a common country called Europe' (p. 110).
[36] Mill to T.E. Cliffe Leslie, 18 August 1860, *CW*, XV, p. 703. On Mill's definition of nationality, see *Considerations*, ch. 16; G. Varouxakis, *Mill on Nationality* (Abingdon, 2002).

'Such a federal system supposes a very great degree of mutual trust on the part of the communities which comprise it, in at least the good intentions of one another'. While it existed in the United States – with the glaring 'temporary exception' of relations between the post-Civil War North and South – it was absent in Europe, where, he maintained, states didn't trust each other and people usually distrusted their own governments. Moreover, the European system was characterised by difference rather than plurality: the disparity between 'their opinions, their institutions, their education', was too large to furnish the socio-political basis for a viable equal federation.[37]

However, it is important to delineate what Mill thought was *feasible* given existing conditions, and what he regarded as ultimately *desirable* in order to maximise human happiness. Moreover, we need to separate out his view of the short-term and long-term prospects of federation. In discussing Mill's socialism, Helen McCabe usefully distinguishes *feasibility*, *desirability*, and *availability* (the latter encompassing 'whether, when, where and by whom such institutions could be implemented').[38] Mill thought federation was both feasible and desirable under certain conditions, but that the existence of those conditions varied across time and space as societies spawned new needs,

[37] Mill to M.C. Halstead, 19 January 1871, *CW*, XVII, 1800. For a contemporaneous argument for union, see John Robert Seeley, 'The United States of Europe', *Macmillan's*, 23 (March 1871), pp. 436-448; see also, C. Brooke, *The Idea of European Union* (forth.).

[38] H. McCabe, 'Navigating by the North Star: The Role of the 'Ideal' in John Stuart Mill's View of 'Utopian' Schemes and the Possibilities of Social Transformation', *Utilitas*, 31 (2019), pp. 291-309. She further divides availability into *immediate-availability*, *eventual-availability*, and *conceivable-availability*. McCabe argues that 'Cooperatives (and particularly producer-cooperatives)…democratically run by the workers themselves, and preferably adopting Blancian principles of distributive justice, are Mill's 'ideal'' (307-8). On his socialism, see also H. McCabe, *John Stuart Mill, Socialist* (Montréal, 2021), and Gregory Claeys, *Mill and Paternalism* (Cambridge, 2013), ch. 2. It is worth thinking about how Mill's accounts of future socialism and federalism might converge. For a hint that he saw them as part of the same compound, see Mill to Thomas Smith, 4 October 1872, *CW*, XVII, p. 1912. Smith had sent Mill a copy of the programme of the Nottingham branch of the International Working's Men's Association, of which he was Secretary. Mill replied: 'I cannot conclude without expressing the great pleasure with which I have seen the full & thoroughgoing recognition by your body of the claims of women to equal rights in every respect with men, & of minorities, proportionally to their numbers, with majorities; *& its advocacy of the Federal principle for the security of this last*' (248; italics added). H. Collins and C. Abramsky, *Karl Marx and the British Labour Movement* (London, 1965), p. 269, note that Mill's letter was published in the *International Herald* (26 October 1872) and praised in the *Daily News* and *Daily Telegraph* (28 October 1872).

capacities, and ambitions. This in turn was linked to the question of availability – federation was only available, he thought, in 'civilized' societies. In the past, the Greeks were the prime (maybe only?) example. In the present, it was the British settler empire and western Europe. But this could change. '[A]ll questions of political institutions are relative, not absolute', Mill wrote in the *Autobiography*, while 'different stages of human progress not only *will* have, but *ought* to have, different institutions'.[39] Mill deemed his age a transitional one, an interregnum between a deliquescing old order and a slowly budding new one.[40] Nothing was settled, nothing fixed. In a remarkable letter to Henry Chapman in 1866, he mused that a new epoch was dawning. Their age was 'so very important in the life of the human race – almost, indeed, the turning point of it', for it was marked by 'a great change in the conceptions and feelings of mankind as to the world of which they form a part'. He predicted that the next generation, 'will be accustomed to a very different set of political arguments and topics from those of the present and past'.[41] The character of individuals, peoples, and organisational structures was changeable and changing. As humanity progressed, both the feasibility and availability of federation would alter, expanding to encompass larger numbers of societies.

The problem of anarchy was central to Mill's federal vision. He believed that federations cemented international peace and order, both of which were essential for achieving human freedom and progress. They did so in three main ways. First, by combining small polities together, federation reduced the number of units in the system. It dampened the logic of inter-state anarchy. Second, creating a more powerful unit would deter neighbouring states from aggression. And finally, Mill argued, federations were more peaceable than other types of state. Federal governments lacked 'a sufficiently concentrated authority' to pursue war effectively, and they were only likely to fight in

[39] Mill, *Autobiography*, p. 170. This was one of the lessons he drew from the 'Continental' thinkers he read in the 1830s and 1840s.
[40] G. Claeys, *John Stuart Mill* (Oxford, 2022).
[41] Mill to Henry Samuel Chapman, 7 January 1866, *CW*, XVI, pp. 1136-7.

self-defence, where they could rely on extensive citizen participation. Nor, he continued, 'is there anything very flattering to national vanity or ambition in acquiring, by a successful war, not subjects, nor even fellow-citizens, but only new, and perhaps troublesome, independent members of the confederation'. He held up the United States as an example. The American-Mexican war (1846-48) was as an anomaly driven by private actors not the government, and overall there 'are few signs in the proceedings of Americans, nationally or individually, that the desire of territorial acquisition for their country as such, has any considerable power over them'.[42] This would have surprised the indigenous peoples killed or driven off their land in the relentless territorial expansion unfolding across the century.[43] Mill was not alone in thinking that federation was inherently pacific. Sidgwick, his wife Elanor recalled in a discussion of his support for Australian union, 'believed that in federation there and elsewhere lay the best hopes for the peace and progress of the world'.[44] Indeed it was a commonplace in liberal political thought.

Georgios Varouxakis argues that Mill was 'sympathetic but sceptical' about European federation.[45] It is certainly the case that he doubted the viability of federal institutions in a Europe of clashing nationalities. But he also thought that some kind of federal union was both desirable and probable. He agreed with Cliffe Leslie that the central dynamic of European history was ever-closer integration, positing that the likely result would be federation rather than (as Cliffe Leslie implied) a unitary state. 'Your article has interested me very much & its main position is unshakeable'; that 'there may one day be a kind of loose federation among the countries of Europe, & a common

[42] Mill, *Considerations*, p. 560.
[43] Mill had long held that the federal government treated indigenous peoples well. See, for example, Mill, 'Conduct of the United States Towards the Indian Tribes' (*Examiner*, 9 January 1831), *CW*, XXII, pp. 235-7.
[44] E.M. Sidgwick, *Henry Sidgwick, A Memoir* (London, 1906), 576. See Henry Sidgwick's letter (28 June 1899) to Lord Tennyson, Governor-General of South Australia, welcoming federation (p. 574).
[45] Varouxakis, *Liberty Abroad*, p. 159.

tribunal to decide their differences, is likely enough'.[46] Mill told Halstead that conditions were not propitious for European federation, but he was adamant that it was desirable: 'there can be no advanced philanthropist who does not look forward to something of the kind as the ultimate result of human improvement'. While there were many obstacles to overcome, social conditions were malleable. 'Every improvement however which takes place either in the internal government or in the education of any of them', he argued, 'tends to diminish these obstacles & to bring universal peace, grounded on federal institutions, so much the nearer & it is to such improvements we must trust for bringing about that & all the other salutary changes in human affairs which philanthropists look forward to'.[47] A (con)federal Europe – even world – beckoned.

**III. Colonial Federation: The United States and Canada**

In the *Considerations on Representative Government* Mill identified two classes of British 'dependencies': those populated chiefly by people of a 'similar civilization' that were 'capable of, and ripe for, representative government', and those, including India, that remained 'a great distance from that state'.[48] Only the former were suitable candidates for federalism at the time.[49] The experience of settler colonialism conditioned Mill's account of federation in four ways. First, as we have seen, the Greek 'maritime empire' – a key inspiration for Victorian colonial theorists[50] – demonstrated the manifold benefits of uniting a 'mother country' and its colonies. Second, in the modern world federalism was realized most fully in the United States, the greatest of all British settler societies.

[46] Mill to Cliffe Leslie, 702, 703. For an early hint of the connection between international tribunals, European federation, and peace, see Mill, 'The Corporation Bill' (*Examiner*, 20 October 1833), *CW*, XXII, p. 632.
[47] Mill to Halstead, p. 1800.
[48] Mill, *Considerations*, *CW*, XIX, p. 562.
[49] Bell, 'John Stuart Mill in Colonies'.
[50] D. Bell, *Reordering the World*: *Essays on Liberalism and Empire* (Princeton, 2016), ch. 5; K. Kumar, 'Greece and Rome in the British Empire: Contrasting Role Models', *Journal of British Studies*, 51/1 (2012), pp. 76-101.

Third, Mill thought federalism was the best constitutional solution for addressing problems in the remaining British North American colonies. And finally, as I examine in section IV, federation was the best institutional device for uniting the British colonial empire.

Combining the theoretical insights of *The Federalist Papers* – 'even now the most instructive treatise we possess on federal government'[51] – with the practical acumen of the founders, the creation of the United States marked a fundamental moment in political history. Nevertheless, from Harriet Martineau to Edward Dicey, many Victorian observers regarded it as a backward society governed by a weak political system. Mill was far more positive.[52] Thought not without its flaws, he thought American society admirably civilised and American institutions impressively adapted to governing the massive country. In 1859 he agreed with the legal philosopher John Austin that '[a]ll successful government, and all prosperous society, is carried on and maintained by a mutual give and take', while objecting to Austin's assertion that 'talent for compromise' was very rare, and that only the English 'have ever possessed the degree of it which is one of the principal conditions of enduring free government'.[53] Mill retorted that the Americans exhibited a 'compromising temper' – the absence of which is 'one cause of the repeated failures of liberal institutions' – equal to the British. 'The Americans possess it largely, and have proved it super-abundantly in the course of their history, short as that history is'.[54] In *Considerations on Representative Government*, he proclaimed that the 'striving, go-ahead character of England and the United States…is the foundation of the best

[51] Mill, *Considerations*, p. 555.
[52] F. Prochaska, *Eminent Victorians on American Democracy: The View from Albion* (Oxford, 2012), ch. 2. Radical views on the United States were divided: M. Turner, *Liberty and Liberticide: The Role of America in Nineteenth-Century British Radicalism* (Lanham, 2014). Stoppenbrink, 'Representative Government and Federation', suggests that Mill's argument for the centrality of a Supreme Court, as found in the US constitution, was his most original contribution to federal theory.
[53] J. Austin, *A Plea for the Constitution* (London, 1859), pp. 6-7.
[54] Mill, 'Recent Writers on Reform' (*Fraser's Magazine,* April 1859), *CW*, XIX, p. 345. This was due to 'their greater political experience, and longer possession of free government. They are content to exercise a limited power, because they have never felt or been subject to any power which was not obviously limited' (pp. 345-6).

hopes for the general improvement of mankind'.[55] Only such dynamic, entrepreneurial, peoples forged historical progress. They could make the best of federal government.

Mill was broadly positive about American political culture and institutions. He averred that the Americans possessed a remarkable capacity for writing successful constitutions.[56] In *Considerations on Representative Government* he praised some of the key federal organs, including the Supreme Court and the Senate. Both were highly effective, with the Senate in particular attracting the 'most distinguished men'.[57] Moreover, the system for nominating Senators allowed them to 'exercise their own judgment, with only that general reference to public opinion necessary in all acts of the government of a democracy'. This was an extremely successful system. 'After such an example, it cannot be said that indirect popular election is never advantageous. Under certain conditions, it is the very best system that can be adopted'. But it was only possible in federal systems, 'where the election can be entrusted to local bodies whose other functions extend to the most important concerns of the nation'.[58] Federation appealed to Mill because it dampened the dangers of mass democracy by establishing institutional limits on popular politics.

For Edward Freeman, the American Civil War rendered the 'origin' and 'destiny' of federalism 'the most interesting of all political problems'.[59] Mill shared this interest. Unlike many critics of

[55] Mill, *Considerations*, p. 409.
[56] Mill, 'The California Constitutions' (*Daily News*, 2 January 1850), *CW*, XXV, p. 4.
[57] Mill, *Considerations*, p. 524. But Mill's praise of the Court was tempered, especially in light of the 1857 Dred Scott ruling: 'The main pillar of the American Constitution is scarcely strong enough, to bear many more such shocks' (*Considerations*, p. 557). Thanks to Greg Conti for discussion on this point.
[58] Mill, *Considerations*, p. 524. Mill suggested that the federal system would have worked even better if Thomas Hare's ideas about proportional representation had been adopted (*Considerations*, p. 457). He made the same point about colonial voting systems (Mill to Arthur Patchett Martin, 10 October 1871, p. 232). For discussion of Mill's views on representation, see G. Conti, 'Inegalitarian Inclusivity: A Reading of JS Mill's Mature Theory of Representation and Electoral Institutions in Context', *History of Political Thought*, 42/1 (2021), pp. 98-130.
[59] Freeman, *History of Federal Government*, p. 69.

federalism, Mill did not regard the Civil War – that 'great crisis of human history'[60] – as evidence of a fatal weakness; instead, he blamed the conflict on slavery. The most high-profile British supporter of the Northern states, he thought that federation had the potential to flourish once the South was defeated.[61] 'The assumed difficulty of governing the Southern States as free and equal commonwealths, in case of their return to the Union, is purely imaginary'.[62] There was no inherent constitutional design flaws. Mill also made an intriguing argument that the Supreme Court, in arbitrating between the states of the union, 'dispenses international law', and was the 'first great example of what is now one of the most prominent wants of civilized society, a real International Tribunal'.[63] Federation performed a prefigurative role, enacting on a national scale mechanisms of inter-polity governance that would eventually pacify the international system. It was a portent of the future.

Mill's admiration for American federalism was grounded in at least three theoretical claims, each of which he also employed in thinking about its applicability in the British settler empire. First, it allowed space for the election or appointment of talented individuals, thus securing the principle of competence that Mill regarded as essential for successful representative government. The Senate and Supreme Court served as proof. Second, as de Tocqueville had shown, federal government

[60] Mill to Cairnes, 25 November 1861, *CW*, XV, p. 752.
[61] Mill, 'The Contest in America' (*Fraser's,* February 1862), *CW*, XXI, p. 140. See also Mill to Henry Fawcett, December 2 1864, *CW*, XV, p. 974. For Mill as the most high-profile British supporter of the North, see L. Butler, *Critical Americans*: *Victorian Intellectuals and Transatlantic Liberal Reform* (Chapel Hill, 2007), p. 5.
[62] Mill, 'The Contest in America', p. 140. On Mill and the Civil War, see G. Varouxakis, "Negrophilist' Crusader: John Stuart Mill on the American Civil War and Reconstruction', *History of European Ideas*, 39/5 (2013), pp. 729-54; J. Compton, 'The Emancipation of the American Mind: J. S. Mill on the Civil War', *Review of Politics*, 70 (2008), pp. 221-44; S. Collini, *Public Moralists: Political Thought and Intellectual Life in Britain 1850-1930* (Oxford, 1991), pp. 139-44; T. Schneider, 'J. S. Mill and Fitzjames Stephen on the American Civil War', *History of Political Thought*, 28 (2007), pp. 290-304.
[63] Mill, *Considerations*, pp. 557-58.

encouraged active citizenship and participation in self-government.[64] And third, it chimed with Mill's distrust of centralisation and over-weening executive power. The 'marked characteristic of the American Federal Constitution', he wrote, was a 'sedulous avoidance of the concentration of great masses of power in the same hands'.[65] Federation was a political technology for dispersing and limiting power.

During the late 1830s Mill was galvanized by the constitutional crisis in Canada. In 1791 the Constitutional Act split the Province of Quebec into Upper and Lower Canada. The latter was populated largely by Catholics of French descent, the former by Protestant British settlers. A rudimentary system of representative institutions was created, but the Provincial Governors, appointed by London, were the real seat of power, and from the outset discontent bubbled. By the 1830s it was boiling over. In November 1837 there was an uprising in Lower Canada, which was swiftly extinguished. It was followed in December by a smaller uprising, equally unsuccessful, in Upper Canada.[66] Lord Melbourne's Whig administration responded by dispatching Lord Durham, a feckless Whig aristocrat popular among Radicals, to investigate the situation and formulate a response. Durham soon ran into trouble, accused of exceeding his brief, and resigned after only five months. Prior to the rebellion federalism was the most popular proposal for addressing the constitutional impasse, with the United States held up as a workable model.[67]

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[64] Mill, 'De Tocqueville on Democracy in America' [I] (*Westminster Review,* October 1835) & [II] (*Edinburgh Review,* October 1840), *CW*, XVIII, pp. 47-91, 153-205. For his critique of centralisation, see G. Conti, 'John Stuart Mill and Modern Liberalism: A Study in Contrasts', *Constellations*, 28/3 (2021), pp. 390-92.

[65] Mill, *Considerations*, p. 524. On competence and participation, see, D. Thompson, *John Stuart Mill and Representative Government* (Princeton, 1976); Urbinati, *Mill on Democracy*; Porter, 'Mill on Federalism'.

[66] P. Burroughs, *The Canadian Crisis and British Colonial Policy, 1828-1841* (London, 1972), chs. 3-5; P. Buckner, *The Transition to Responsible Government: British Policy in British North America, 1815–1850* (Westport, CT, 1985), chs. 4-5. For theoretical debates at the time, see M. Francis, 'The Contemplation of Colonial Constitutions as Political Philosophy', *Political Science*, 40/1 (1988), 143-59

[67] G. Martin, 'Confederation Rejected: The British Debate on Canada, 1837-1840', *Journal of Imperial and Commonwealth History*, 11/1 (1982), pp. 33-57; P. Burroughs, *The Colonial Reformers and Canada,*

Durham was an advocate. 'On my first arrival in Canada', he observed, 'I was strongly inclined to the project of a federal union'.[68] But the idea lost support in the face of further unrest. Granting considerable autonomy to the French, seen by many in Britain as the main instigators of the violence, was unpalatable, and attention switched to non-federal responses.[69] Durham's famed 'Report on the Affairs of British North America', released in January 1839, blamed the unrest chiefly on the unwillingness of the French Canadians to assimilate and accept legitimate British rule, and he argued that a 'united Government', dominated by the English-speaking settlers, was preferable to federation.[70] In 1840 the British North America Act abolished Lower and Upper Canada, replacing them with a single Province of Canada. For Michel Ducharme, this was the final episode in the revolutionary wars of the Atlantic world.[71] It was also an important moment in reconfiguring the meaning of both nationality and democracy in British political argument.[72]

Radical interest in Canadian restructuring was in part a reflection of the success of the 'Colonial reform' movement in challenging wide-spread scepticism about the value of colonization. Under the intellectual leadership of the idiosyncratic political economist E. G. Wakefield colonies came to be seen during the 1820s and 1830s as an attractive solution to the 'social question' at home and spaces for the establishment of dynamic self-governing communities abroad.[73] One of Wakefield's

*1830-1849* (Toronto, 1969); M. Turner, 'Radical Agitation and the Canada Question in British Politics 1837-41', *Historical Research*, 79/203 (2006), pp. 90-114.

[68] *Report on the Affairs of British North America from the Earl of Durham, Her Majesty's High Commissioner* (London, 1839), p. 98. For a harsh indictment, see G. Martin, *The Durham Report and British Policy* (Cambridge, 1972). For a defence of Durham, see J. Ajzenstat, *The Political Thought of Lord Durham* (Montreal, 1988).

[69] Martin, 'Confederation Rejected', p. 34.

[70] *Report on the Affairs of British North America*, pp. 44, 98, 94-5.

[71] M. Ducharme, *The Idea of Liberty in Canada During the Age of Atlantic Revolutions, 1776-1838*, trans. P. Feldstein (Montréal, 2014).

[72] A. Plassart & H. Bonin, 'Democratic Struggle or National Uprising? The Canadian Rebellions in British Political Thought, 1835-1840', *Global Intellectual History*, 7/1 (2022), pp. 28-46.

[73] E. G. Wakefield, *A Letter from Sydney, the Principal Town of Australasia, Together with the Outline of a System of Colonization*, ed. Robert Gouger (London, 1829); Wakefield, *A View of the Art of Colonization* (London, 1849); O. U. Ince, *Colonial Capitalism and the Dilemmas of Liberalism* (Oxford, 2018), ch. 4;

principal disciples, Mill was at the heart of this switch. In 1834 Mill described Canada as one of the 'colonies on the old system', hobbled by despotism and incompetent government.[74] He viewed the rebellion as a pivotal moment because it spoke to both the legitimacy of the British empire and the fate of political radicalism.[75] At stake were 'the lives and fortunes of a million of British subjects, and the British dominion over possessions among the most intrinsically valuable'.[76] Mill told Harriet Grote that the uprising was a legitimate response to the 'extinction of popular government in Canada'.[77] Rebellion was justified. 'The people of Canada had against the people of England legitimate cause of war'.[78] Fostered by long-recognised political grievances, it had been triggered by a constitutional outrage, namely the suspension by Westminster of Canadian representative institutions. In 'Radical Party and Canada' (January 1838) he endorsed a federal solution to the crisis. He pointed to articles written in 1827 and 1835 by his fellow philosophic radical John Arthur Roebuck as evidence of how long the 'vices of the administration' had been understood.[79] Roebuck, he continued, was engaged in 'undaunted struggles … in a cause with which every principle of his political life is identified, and which had few friends in this country until his unwearied activity obtruded the case of the Canadians upon an inattentive public'.[80]

Here there was an intense personal connection, one that likely had a significant impact on Mill's position. Roebuck was Mill's closest friend for much of the 1820s and early 1830s – 'we had

M. Birchall, 'Mobilizing Stadial Theory: Edward Gibbon Wakefield's Colonial Visions', *Global Intellectual History*, 8/4 (2023), 491-511.

[74] Mill, 'New Australian Colony' (*Morning Chronicle*, October 23, 1834), *CW*, XXIII, p. 750.

[75] W. Thomas, *The Philosophic Radicals: Nine Studies in Theory and Practice* (Oxford, 1979), ch. 8.

[76] Mill, 'Lord Durham's Return', p. 447.

[77] Mill to Harriet Grote, ?? May 1837, *CW*, XII, p. 336.

[78] Mill, 'Radical Party and Canada: Lord Durham and the Canadians' (*London and Westminster Review*, January 1838), *CW*, VI, p. 415. For just cause, see also Mill, 'Lord Durham and his Assailants', p. 441.

[79] Mill, 'Radical Party and Canada', p. 420. See also Roebuck, 'Canada', *Westminster Review*, 8 (July 1827), pp. 1-31; Roebuck, 'The Canadas and Their Grievances', *London Review*, I (July 1835), pp. 444-76.

[80] Mill, 'Radical Party and Canada', p. 420; Mill, *Autobiography*, p. 203.

become in all things like brothers', Roebuck remarked later.[81] Roebuck's family had emigrated to Canada in 1815, before returning to Britain in 1824. Trained as a lawyer, he made a living chiefly through writing, before being elected as a Radical M.P. in 1832 (he lost his seat in 1837). While Roebuck regarded himself as a 'pupil' of Mill, who taught him philosophy, I contend that Roebuck, given his much greater knowledge of the subject, had a significant role in shaping Mill's views on Canadian federation. They diverged over the means and ends of colonialism. More a disciple of James Mill than John Stuart in matters political, Roebuck endorsed the traditional Ricardian view that colonies were unjustifiable expenses, and he advocated independence once they had been granted proper representative institutions.[82] Following Wakefield, Mill regarded the colonies as valuable outlets for British emigration and capital, and thought that they could be comprehensively reformed through 'systematic colonization'. But the two men agreed that federation was the best institutional solution for securing colonial self-government. In a series of articles, as well as a constitution drafted at the request of Durham, Roebuck argued that federalism was the key to resolving Canadian discontent and protecting against American interference.[83] Mill reiterated both of these arguments.

In 'Radical Party and Canada' Mill briefly surveyed the federal plans of Sir Charles Grey, Lord Glenelg, and Roebuck. Praising Roebuck's 'statesman-like' speech in Parliament in April 1837, which had once again outlined the case for federalism, he called on Durham to

[81] *Life and Letters of John Arthur Roebuck* (London, 1897), p. 38. For discussion of Roebuck, see Adam Dahl, *Empire of the People: Settler Colonialism and the Foundations of Modern Democratic Thought* (Topeka, 2018).
[82] Thomas, *Philosophical Radicals*, pp. 380, 387-88; Bell, 'John Stuart Mill on Colonies'.
[83] J. A. Roebuck, *A Plan for the Government of Some Portion of our Colonial Possessions* (London, 1849), ch. 5. Inspired by the United States, Roebuck proposed a federation of six units (Lower Canada, Upper Canada, New Brunswick, Newfoundland, Nova Scotia, and Prince Edward's Island). See also R. S. Neale, 'Roebuck's Constitution and the Durham Proposals', *Australian Historical Studies*, 14/56 (1971), pp. 579-90.

> …act upon his declared resolution of knowing no distinctions of opinion, party, or race, as to provide, if provision be needful, for the interests of a minority, not by putting them over the heads of the majority, or by any legerdemain contrivance to give them a power in the Legislature beyond what their numbers entitle them to, but either by the rigid exercise, for their protection against any meditated injustice, of the veto of the mother country, through its responsible representative, and not through an irresponsible council; or if that will not content them, by separating the two races, and giving to each of them a legislature apart.[84]

Federation was the best solution to the interlocking problems of anarchy, plurality and scale, in British North America. Like Roebuck, Mill thought it would realize four main goals. First, it would resolve the constitutional crisis by granting extensive self-government to communities with different political and religious traditions. Second, it created a strong polity capable of deterring the United States – Mill warned of the need to avoid 'war with men of our own race and language'.[85] At the time colonial reformers, including Mill, believed that the settlers would eventually seek independence. His third point, then, was that resolving the crisis was essential to foster amicable relations with the future Canadian polity and prevent it seeking fusion with the United States. '[B]y no other plan, when a separation comes, shall we have entitled ourselves to the kindly remembrances and friendly attachment of the Canadian people'.[86] Finally, it would provide impetus for political reform in Britain – it would aid 'the prospects of the popular cause in England; the possibility of an effective popular party, and of a Liberal Ministry worthy of the name'.[87] It was a crucial moment.

[84] Mill, 'Radical Party and Canada', p. 434.
[85] Mill, 'Lord Durham's Return', p. 447.
[86] Mill, 'Radical Party and Canada', p. 434.
[87] Mill, 'Lord Durham's Return', p. 448.

In a second essay, 'Lord Durham's Return', Mill discussed what he thought the plan contained. However, his analysis centred on a misleading account circulated by Charles Buller, another philosophic radical who had been involved in the Canada mission. Buller told the press that Durham endorsed federation.[88] Mill enthused that the idea was based on the 'great principle of impartial justice; the removal of all real evils; the satisfaction of the just demands of either side', and that it would appease both the French and English colonists. (As usual, nothing was said of the indigenous population). Durham would achieve this, Mill suggested, by placing 'all matters of common concernment under a federal body, to be chosen by all the provinces, and subject, in the same manner with the local legislatures, to the veto of the mother country'.[89] Although it would have soon been clear to him that Durham recommended unified government rather than federation, Mill never corrected this early impression.[90]

The dream of Canadian federation lasted longer that Durham's brief elevation to Radical hero. In 1864 Mill told Cairnes that he thought '[t]he confederation plan for British America seems a very good one'.[91] Although Mill didn't cite the document he was referring to, it was almost certainly the list of 72 Resolutions produced at the Québec Conference (October 1864) tasked with establishing a framework for federation. The first resolution reads: 'The best interests and present and future

[88] Thomas, *Philosophic Radicals*, pp. 396-98, 402-403. See also Mill to William Molesworth, 19 October 1848, *CW*, XIII, p. 390. Mill was unsure about the accuracy of reporting: Mill to John Robertson, 28 December 1838, *CW*, XIII, pp. 393-34. Referencing a critical broadside against Durham by Roebuck, Mill noted that '[i]t has been recently asserted that this part of Lord Durham's plan has been given up', and that if true '[w]e should most deeply lament such an abandonment', but he didn't have enough evidence to reach a firm conclusion: 'Lord Durham's Return' (p. 458). Roebuck was closer to the truth.

[89] Mill, 'Lord Durham's Return', p. 458. For Mill's criticism of French Canadians, see G. Garrard, 'John Stuart Mill and the Liberal Idea of Canada', *British Journal of Canadian Studies*, 33/1 (2021), pp. 31-46.

[90] Mill, 'Lord Durham's Return', p. 451. In his *Autobiography* (pp. 223, 225), Mill praised Durham's report and claimed credit for shaping debate over Canada. Thomas, *Philosophic Radicals*, notes that there was widespread Radical disillusionment with Durham's actual plan, and most of his early advocates kept quiet (pp. 403-5).

[91] Mill to Cairnes, 8 November 1864, *CW*, XV, p. 965.

prosperity of British North America will be promoted by a Federal Union under the Crown of Great Britain, provided such Union can be effected on principles just to the several Provinces'.[92] The resolution formed the basis for the British North America Act (1867), which created the Dominion of Canada by federating Canada, Nova Scotia and New Brunswick. Mill voted for the Act during his spell as an M.P. in Westminster. Canadian union inspired later colonial federations, including Australia (1901) and South Africa (1910). By then Mill was long dead, but he would have welcomed such initiatives.

Mill did not have much to say about how India should be governed once the British civilizing mission had achieved the task he set for it: transforming the vast continent to the point where its people were capable of self-government. Presumably this silence was because Mill thought that this point lay far beyond the horizon.[93] But I want to suggest that given what Mill said about the problems of anarchy, plurality, and scale, he was committed to a future federal order in South Asia. Like the United States, India was far too large and far too diverse for the establishment of a nation-state, and there was a danger of conflict between multiple independent polities. As he wrote in *Considerations on Representative Government*, geography was an important factor in selecting appropriate modes of government. 'There is a limit to the extent of country which can advantageously be governed, or even whose government can be conveniently superintended, from a single centre. There are vast countries so governed; but they, or at least their distant provinces,

[92] G.P. Browne, *Documents on the Confederation of British North America* (Montreal, 1969), pp. 153-178. See also *The Quebec Conference of 1864: Understanding the Emergence of the Canadian Federation*., eds., E. Brouillet, A-G. Gagnon, and G. Laforest (Montreal, 2018); P. Price, *Questions of Order: Confederation and the Making of Modern Canada* (Toronto, 2021). Thanks to Peter Price for discussion.

[93] For Mill's career-long engagement with India, see *J. S. Mill's Encounter with India*, eds., M. Moir, D. M. Peers, and L. Zastoupil (Toronto, 1999); Zastoupil, *John Stuart Mill and India* (Palo Alto, 1994).

are in general deplorably ill administered'.[94] Mill's theoretical framework pushed him towards a federal solution, a strategy debated widely in late nineteenth century Indian political thought.[95]

## IV. Unequal Federation and Imperial Order

A significant portion of Chapter 18 of *Considerations*, 'Of the Government of Dependencies by a Free State', is concerned with federalism. The question that Mill addressed was whether Britain should federate with its colonies in North America and the south Pacific. This debate had been rumbling since the late eighteenth century. Ged Martin distinguishes three broad 'empire federalism' schemes: parliamentary, extra-parliamentary, and super-parliamentary.[96] Parliamentary schemes, predominant in the first half of the century, recommended colonial representation in Westminster. Extra-parliamentary ones urged the creation of committees, advisory councils, and conferences, to co-ordinate empire-wide activities. Dating from the 1830s, they became steadily more popular across the century. Super-parliamentary projects proposed a new federal legislative chamber above Westminster. The fortunes of empire federalism waxed and waned. By the mid-1850s parliamentary federalism was in retreat, chiefly because the grant of 'responsible government' to the colonies addressed many of the complaints levelled against their administration.[97] As the political economist and colonial administrator Herman Merivale wrote in 1870: 'No plan of a great public reform has ever been more thoroughly ventilated than this has by

[94] Mill, *Considerations*, p. 560.
[95] On Indian federal debate (in which Mill played little role), see N. Sultan, 'Between the Many and the One: Anticolonial Federalism and Popular Sovereignty', *Political Theory*, 50/2 (2022), pp. 247-74. In the mid-twentieth century, British imperial administrators looked to Durham and Canadian confederation as a possible model for the future of India: J. Darwin, 'Durham in the East? India and the Idea of Responsible Government 1858-1939', *Journal of Canadian Studies* 25/1 (1990), pp. 144-161.
[96] Martin, 'Empire Federalism and Imperial Parliamentary Union, 1820-1870', *Historical Journal*, 16/1 (1973), p. 66. This schema is also employed in D. Bell, *The Idea of Greater Britain: Empire and the Future of World Order, 1860-1900* (Princeton, 2007).
[97] Martin, 'Empire Federalism', pp. 66-68.

the discussions of a century, since the time of Burke. The result of these discussions, as yet, has been to bring more and more into light the insoluble nature of the difficulties which impede its adoption'.[98]

Mill would have been intimately familiar with the discourse. In 1838 he wrote to a correspondent that the 'notion of giving the colonies representatives' in Parliament 'cannot be entertained by anybody who has one grain of statesmanship in his head', thought he didn't outline his reasoning.[99] In the *Considerations on Representative Government* he suggested that continued interest in federal schemes, despite extensive self-government in the colonies, resulted from their lack of participation in decision-making about foreign affairs. Such plans involved either a system of colonial representation in Westminster or a new constitution, centred on a 'representative body for foreign and imperial concerns', where the colonies and Britain 'should be represented in the same manner, and with the same completeness'. This would constitute 'a perfectly equal federation'.[100] Mill argued that both were unfeasible and undesirable.[101] They were 'so inconsistent with rational principles of government, that it is doubtful if they have been seriously accepted as a possibility by any reasonable thinker'. The main problem was geographical. While Mill thought federalism was appropriate for governing expansive territories, he maintained that it was inapplicable when the relevant units were non-contiguous and dispersed over great distances. They were unlikely to share the same interests, and even when interests aligned proper deliberation was

[98] H. Merivale, 'The Colonial Question', *Fortnightly Review*, 7 (1870), pp. 164-5.
[99] Mill to John Robertson, 28 December 1838, p. 393.
[100] Mill, *Considerations*, p. 564.
[101] He did not discuss extra-parliamentary projects in *Considerations*. In 1870, he rejected a plan for an advisory 'joint committee' (albeit one spanning 'colonies & dependencies'). 'The participation of numerous delegates from other communities with no interest in the particular question, communities whose wants are different & who have little fellow feeling, would, I should think, be more likely to be felt as an incumbrance than desired as a help'. Mill to Henry Kilgour, 15 August 1870, *CW*, XVII, p. 1758. Cf. Kilgour, *The British Empire; Proposed Institution of a Joint Committee of the Legislatures and Governments of the Empire* (London, 1869). Freeman also criticised empire federalism: Bell, *Reordering the World*, ch. 13.

impossible: 'they have not, and never can have, a sufficient habit of taking counsel together'. Lacking adequate information about each other, or suitable deliberative fora, they did not constitute a single public.[102] His conclusion was stark: 'Even for strictly federative purposes, the conditions do not exist, which we have seen to be essential to a federation'.[103] He returned to the issue in 1870. Writing to Henry Chapman, he underscored that equal federation was unworkable. 'I do not see my way to any practicable mode of federal government for communities so widely scattered over the world'.[104] Finally, in October 1871, in reply to the Australian writer Arthur Patchett Martin, he again emphasised the geographical constraint: 'I do not think that the federal principle can be worked successfully when the different members of the confederacy are scattered all over the world'.[105] For Mill, the problem of scale was impossible to overcome.

While Mill's criticisms of imperial federation have been discussed by scholars exploring his imperial thought, an important feature has been missed.[106] Even as he damned super-parliamentary schemes, Mill insisted that the colonial empire was *already federal*. The colonies, after all, formed an 'unequal federation'.[107] Moreover, Mill defended this as the best arrangement given the circumstances. Whereas he had once proposed colonial federation to prepare the ground for separation, with the advent of responsible government he now endorsed unequal federation as a means to prolong the existence of the colonial order. The new system, 'professed in theory and faithfully adhered to in practice', meant that settler colonies 'possess the fullest measure of internal self-government'.

[102] Mill, *Considerations*, p. 564.
[103] Mill, *Considerations*, p. 565.
[104] Mill to Chapman, 14 January 1870, p. 1685.
[105] Mill to Arthur Patchett Martin, 10 October 1871, *CW*, XXXII, p. 232.
[106] Bell, 'Mill on Colonies'; Varouxakis, *Liberty Abroad*, pp. 125-40.
[107] Mill, *Considerations*, p. 565.

> They have been allowed to make their own free representative constitutions, by altering in any manner they thought fit, the already very popular constitutions which we had given them. Each is governed by its own legislature and executive, constituted on highly democratic principles. The veto of the Crown and of Parliament, though nominally reserved, is only exercised (and that very rarely) on questions which concern the empire, and not solely the particular colony.[108]

Every colony, Mill continued, had extensive powers over its domestic affairs, including the ability to tax goods from the 'mother country'. This was the 'slightest kind of federal union' as Britain retained 'the powers of a Federal Government, though reduced in practice to their very narrowest limits'.[109] But federal it was. In an unequal federation sovereign authority was ultimately vested in the legislative machinery of the most powerful unit, though in practice all members were largely self-governing. It could be distinguished from conventional forms of empire (that governed 'uncivilised' peoples), colonial empire on the 'old system' (that governed 'civilised' colonists through centralised despotic institutions), and 'mere alliance' (that were characterised by the co-operation of independent polities that shared kinship and interests).

Throughout the 1860s Mill was explicit that he favoured what he called variously 'unequal', 'quasi', or 'modified' federation. Writing in 1864 to John Plummer, an Australian journalist, he claimed that a 'sort of modified federation' was possible as long as all parties consented to it.[110] He repeated the point to Cairnes, rejecting the case for colonial independence and reiterating his preference for

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[108] Mill, *Considerations*, p. 563.
[109] Mill, *Considerations*, p. 564.
[110] Mill to John Plummer, 24 January 1864, *CW*, XXXII, p. 146. Elsewhere, Mill praised Plummer's essay, *Our Colonies; Being an Essay on the Advantages Accruing to the British Nation, from its Possession of the Colonies* (London, 1864): 'though I do not go the length of all you say respecting their advantages…I agree in many of your arguments and in your conclusion'. Mill to Plummer, 6 March 1864, *CW*, XV, p. 923. Plummer concluded that colonies 'aid us in becoming the pioneers of constitutional freedom to the human race' (*Our Colonies*, p. 31).

'a quasi-federal union', rather than the alliance of independent states - 'a great moral, unity' bound by 'the stronger bonds of blood, language, and religion' – championed by his friend.[111] Alliances were intrinsically weak. 'There are only coalitions between countries for a temporary purpose. No nation associates its foreign policy generally with that of another nation, unless either subject to its power, or united with it by a federal tie'.[112] He told Patchett that the 'English people would prefer separation to an *equal* federation', his italicised emphasis leaving open the long-term viability of unequal federation.[113]

Mill argued that the settler colonial 'unequal federation' enhanced international peace and security while serving as a vehicle for the civilizing mission. It was a step 'towards universal peace, and general friendly cooperation among nations'. Unequal federation made 'war impossible among a large number of otherwise independent communities', by preventing the absorption of colonies into states that were neither as ambitious nor as pacific as Britain.[114] The economic rationale was that unequal federation secured free trade between the constituent units and blocked dangerous tariff conflicts. It was a bastion against the protectionism sweeping Europe and the United States. Left to their own devices, the colonies would be vulnerable to this contagion. Finally, Mill adduced a moral argument grounded in British exceptionalism. The colonial federation, he declared, 'has the advantage…of adding to the moral influence, and weight in the councils of the world, of the Power which, of all in existence, best understands liberty'.[115] It was the most effective civilizing agent in the world.

[111] Cairnes's 'Colonization and Colonial Government', (1864), repr. in Cairnes, *Political Essays* (London, 1873), p. 58.
[112] Mill to Cairnes, 8 November 1864, p. 965; Mill to Cairnes, 12 December 1864, p. 977.
[113] Mill to Patchett Martin, 10 October 1871, p. 232. Italics in original.
[114] Mill, *Considerations*, p. 565.
[115] Mill, *Considerations*, p. 565. See also Mill to Cairnes, 15 June 1862, *CW*, XV, p. 783.

Whereas Mill had suggested that in ancient Greece unequal federation was a second-best option, given that the conditions existed for equal federation, in relation to the British colonial empire he promoted it as the ideal institutional arrangement, insisting that the equal model was impossible. The difference was not a matter of civilizational capacity, as Mill considered the relevant populations of both to be at the apex of global civilizational hierarchies. Rather, it was spatial: the British colonial system was geographically too large and discontinuous for a functional equal federation. The problem of scale could only be resolved through a looser form of connection.

Seeking to strengthen the unequal variant, Mill floated two proposals to address the 'small amount of inequality' existing between Britain and the colonies. The first was that colonists should not bear the costs of wars or a peacetime military, other than where necessary for their self-defence. His second idea was to open up the higher echelons of the imperial government, 'in all its departments, and in every part of the empire', to the colonists. 'If we prevent the leading men of a community from standing forth to the world as its chiefs and representatives in the general councils of mankind, we owe it both to their legitimate ambition, and to the just pride of the community, to give them in return an equal chance of occupying the same prominent position in a nation of greater power and importance'.[116] This policy would inspire loyalty among the most able colonists and dampen calls for separation, while increasing the pool of qualified applicants for leadership roles.

Mill is usually thought to have delineated two models of federation.[117] But if we look beyond Chapter 17 of the *Considerations of Representative Government*, and in particular if we explore his account of the colonial empire, it is clear that he had three in mind. He did not regard them as equivalent. The 'confederate' variant was intrinsically weak. The 'equal' variant, exemplified by the

[116] Mill, *Considerations*, p. 567; Varouxakis, *Liberty Abroad*, pp. 131-2.
[117] Porter, 'Mill on Federalism'; Stoppenbrink, 'Representative Government and Federalism'.

United States, was the only one capable of establishing a durable state government. 'Unequal' federation had a different structure and rationale. It echoed the worldmaking role that Mill attributed to the short-lived Athenian maritime empire: helping to secure human improvement by binding together dispersed 'civilized' peoples for both security and a shared purpose.[118] It was an institutional framework that provided the conditions for human individuality and creativity to flourish. As such it played an integral role in his vision of human progress.

The limits of Mill's federalism, as well as the boundary-work performed by the idea of civilization, can be seen in his treatment of Ireland. In his 1868 pamphlet, *England and Ireland*, he argued that the 'attempt to hold them together by any form of federal union' would be 'most undesirable for both', and 'would end either in reconquest or in complete separation'. Why, he asked, was a solution that worked in Canada unsuitable for Ireland? Part of the answer was that the Irish were better off as an integral element of the British state: '[s]he is now at least a part of the governing country. She has something to say in the general affairs of the empire'. Canada, on the other hand, was 'but a dependency, with a provincial government, allowed to make its own laws and impose its taxes, but subject to the veto of the mother-country and not consulted at all about alliances or wars, in which it is nevertheless compelled to join'.[119] Union of this kind could only ever be 'a temporary expedient'. Note here the telling switch in Mill's descriptive language, from praising the manifold benefits of colonial self-government and unequal federation when making the case for prolonging the system, to downplaying its significance in relation to Ireland. Once again, there was a spatial consideration. 'Canada is a great way off, and British rulers can tolerate much in a place from which they are not afraid that the contagion may spread to England'. Ireland, in contrast,

[118] Mill compared them briefly in 'Grote's History of Greece' [II], p. 322.
[119] Mill, *England and Ireland*, 5th ed. (1869 [1868]), *CW*, X, pp. 526, 525. For Mill on Ireland, see B. Kinzer, *England's Disgrace? J. S. Mill and the Irish Question* (Toronto, 2001), and for the wider federal debates, see J. Kendle, *Ireland and the Federal Solution: The Debate over the United Kingdom Constitution, 1870-1921* (Montreal, 1989); Burgess, *The British Tradition of Federalism*, pp. 81-130.

was too close for comfort; 'nothing important can take place in the one without making its effects felt in the other'.[120] This was the mirror image of Mill's argument about geographical extension – while Canada and Australia were too far away for equal federation, Ireland was too close.

Civilization once again defined the limits of Mill's federal vision. While his views on Ireland evolved over the decades, from his proclamation in 1837 that 'a good stout Despotism' (as in India) was necessary to his more sympathetic calls in the 1850s and 60s for radical land reform, he remained sceptical about the civilizational capacity of the Irish population. Through a combination of cultural torpor, religious dogmatism, and British misgovernment, he thought them incapable of self-government.[121] They were a people, he wrote in 1846, 'who, in so great a degree, yet remain to be civilized'.[122] On Mill's account, federation was not an available option for them.

In an ironic twist, Mill's work was later employed to make the case for Irish federation. Isaac Butt, the most influential Irish federalist of the late Victorian era, pointed to Canada, the 'most remarkable tribute to the principle of Federalism', and asked, echoing Mill, why 'should not the self-government that has made Canada contended and loyal be equally successful in Ireland in attaining the same results?'[123] He drew the opposite conclusion to Mill. Another prominent Irish federalist, John George MacCarthy, drew explicitly on Mill's work on colonial self-government. 'If it were not presumptuous to enter into disputation with Mr Mill, one might, I think, show that the conditions of fitness for Federal government which he lays down are amply fulfilled by the

[120] Mill, *England and Ireland*, p. 525.
[121] Mill to John Pringle Nichol, 21 December 1837, *CW*, XII, p. 365. For worries about the danger posed to Australian secular education by Catholicism, see Mill to Patchett Martin, 10 October 1871, p. 232.
[122] Mill, 'The Condition of Ireland' (11), (*Morning Chronicle*, October 26 1846), *CW*, XXIV, p. 915.
[123] I. Butt, *Irish Federalism! Its Meaning, its Objects, and its Hopes*, 4th ed. (Dublin, 1874 [1870]), pp. 23, 52. See C. Reid, "An Experiment in Constructive Unionism': Isaac Butt, Home Rule and Federalist Political Thought during the 1870s', *English Historical Review*, 129/537 (2014), pp. 332-61. Reid notes that Mill and Freeman, with Tocqueville, were regarded as the main authorities on federalism in the 1870s (p. 355).

circumstances of the case'.[124] And Thaddeus O'Malley, who had been arguing for federation since the 1840s, cited Mill – 'our most sagacious political philosopher' – on how the US Supreme Court 'dispenses' international law as part of his own case for adopting federation.[125] It is unlikely that Mill would have been persuaded by the use to which his arguments were put.

## V. Conclusion

From his engagement with Canada in the 1830s, through his counterfactual claims about European history, his analysis of the United States constitution, his discussion of the British colonial system, to his predictions about the future unification of Europe, Mill returned repeatedly to the principle of federation. While he never offered a systematic account that encompassed his scattered interventions on the subject, I have reconstructed his various writings to argue that he endorsed federal answers to a wide range of pressing political questions. He expressed a preference for unitary government where the circumstance allowed, but he was adamant that there were numerous contexts – especially in the British settler empire – where federation was a better institutional fit.

[124] J. G. MacCarthy, *A Plea for the Home Rule of Ireland* (London, 1871), p. 174 (see also pp. 46-7, 68-9, 125-6, 172-3). MacCarthy also drew on Freeman, who, like Mill, was critical of Irish federalism; Freeman, 'Federalism and Home Rule', *Fortnightly Review*, 22 (1874), pp. 204-14; Bell, *Reordering the World*, ch. 13.

[125] T. O'Malley, *Home Rule on the Basis of Federalism* (London, 1873), p. 87; Mill, *Considerations*, p. 558. His work played a less significant role in the later debates over Australian federation, which were shaped significantly by Freeman and James Bryce: N. Aroney, '"A Commonwealth of Commonwealths': Late Nineteenth-Century Conceptions of Federalism and Their Impact on Australian Federation, 1890-1901', *Journal of Legal History*, 23/3 (2002), pp. 253-90; Aroney, *The Constitution of a Federal Commonwealth: The Making and Meaning of the Australian Constitution* (Cambridge, 2009): 'Here the analyses of Bryce, Freeman and Dicey were critically influential, together with those of other British writers such as John Stuart Mill, Henry Sidgwick and John Austin' (p. 71).

Civilization bounded Mill's account of federation, limiting its applicability through history and into the present. Given their complexity and fragility, federal institutions were only capable of being conceived and operated in highly sophisticated political communities. Federation was both an agent of civilization and one of its most fruitful political products. It was for this reason that settler colonialism played such a significant role in Mill's federal vision. Colonization was a vehicle for spreading civilization, and as such it extended the potential reach of federalism. The history of colonization and its fruits, spanning the Greek maritime empire, the United States, and the nineteenth-century colonial system, was a vital part of Mill's account of the spread of human progress. But as his dream of European union suggests, colonialism didn't exhaust the possibilities – in time, as conditions allowed, federation would assume an ever-greater part in regulating relations between political communities. It solved the challenge of protecting liberty and self-government in expansive spaces, while also pacifying the international system and encouraging harmonious co-operation between peoples. Given the intersecting problems of anarchy, plurality, and scale, Mill's arguments suggested, even if he never made it explicit, that it was likely that in the future much of the world would have to adopt federalism of one kind or another.