

*'Beyond the facts': how a US sociologist  
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Malthusian*

Article

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## **‘Beyond the facts’:**

### **how a US sociologist made John Stuart Mill into a ‘Neo-Malthusian’\***

The task of revising, rethinking, and re-centering our understanding of John Stuart Mill and his works has gathered pace in the years since his bicentenary. From a long overdue full biography in 2007, the first in over half a century, through to a comprehensive new *Companion to Mill* (2017), via new studies of Mill’s views on a whole range of subjects, and detailed explorations of his image and reputation, the past decade has enriched and enhanced our understanding of nineteenth century Britain’s greatest philosopher.<sup>1</sup> One staple of the standard interpretations that has remained secure amidst the myriad reappraisals has been Mill’s anachronistic identification as a ‘Neo-Malthusian’. The term itself was first coined in 1877, four years after Mill’s death, by the Dutch liberal politician Dr. Samuel Van Houten, and denotes one who accepts the existence of the Malthusian problem of overpopulation

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<sup>1</sup> N. Urbinati and A. Zakaras (eds.), *J. S. Mill’s political thought: a bicentennial reassessment* (Cambridge, 2007); G. Varouxakis and P. Kelly (eds.), *John Stuart Mill: thought and influence: the saint of rationalism* (London, 2010); R. Reeves, *John Stuart Mill. Victorian Firebrand* (London, 2007); G. Claeys, *Mill and Paternalism* (Cambridge, 2013); D. Hookway, ‘“The John Millennium”: John Stuart Mill in Victorian culture’, Unpublished PhD, 2013, University of Exeter; C. Macleod and D. E. Miller, *A Companion to Mill* (London, 2017).

and advocates artificial contraception as the best solution.<sup>2</sup> In this it has provided a convenient shorthand for distinguishing proponents of contraception from both the apparent fatalism of the first, 1798, edition of Malthus's *Essay* and the partial solution of 'moral restraint' (late and delayed marriage) proffered in the second and later editions of the *Essay*, from 1803 on.<sup>3</sup> The range of thinkers designated 'Neo-Malthusian' has stretched from Jeremy Bentham through to mid-twentieth century eugenicists, and seems to have been first used to describe Mill in the late-1920s.<sup>4</sup> Thereafter, it quickly became established as a commonplace in Mill studies, and some of the most important recent works have been explicit in making 'Neo-Malthusianism' a defining characteristic of his thought.<sup>5</sup>

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<sup>2</sup> S. Stuurman, 'Samuel Van Houten and Dutch liberalism, 1860-90', *Journal of the History of Ideas*, 50 (1989) pp.135-152, p.143.

<sup>3</sup> See D. Winch (ed.), *Malthus: 'An Essay on the Principle of Population'* (Cambridge, 1992). For the best introductory guide see D. Winch, *Malthus: a very short introduction* (Oxford, 2013).

<sup>4</sup> N. E. Himes, 'The place of John Stuart Mill and of Robert Owen in the history of English neo-Malthusianism', *Quarterly Journal of Economics*, 42 (1928) pp. 627-640; N. E. Himes, 'John Stuart Mill's attitude towards neo-Malthusianism', *Historical Supplement to the Economic Journal* pp.457-484.

<sup>5</sup> For Reeves, neo-Malthusianism encapsulated the very essence of Mill's character as a 'Victorian firebrand'. Reeves, *Victorian Firebrand*, pp.1-3. Donald Winch thought Neo-Malthusianism 'very much the hallmark of Mill's political economy, with implications, [...] for many of the causes he espoused'. D. Winch, *Wealth and Life. Essays on the intellectual history of political economy in Britain, 1848-1914* (Cambridge, 2009) p. 31.

A key element in this has been an unquestioning acceptance of the piquant and frequently retold story of Mill's alleged 1823 arrest for distributing pro-birth control literature. Richard Reeves's biography, for example, opens with the seventeen-year old Mill '[s]triding across St James's Park on this way to work' when he discovers, wrapped in 'layers of dirty blankets', the body of a strangled newborn baby. Fired into action, Mill and 'a friend' were said to have responded by toured 'a working-class district of London distributing a pamphlet', which Reeves's footnotes identify as Richard Carlile's *What is Love?*, offering practical advice on how to use a soft sponge as an intrauterine contraceptive. As a result, Mill and his friend were then apparently 'arrested for the promotion of obscenity' and taken to Bow Street, where the magistrate 'lost his nerve' and referred the case to the Lord Mayor of London. Mill, despite 'an eloquent self-defence' was gaoled 'for a couple of days', while his family and friends undertook a 'damage limitation exercise' that ensured 'there was no public discussion of these events during Mill's lifetime'. Despite this, Reeves adds, a 'doggerel verse' published in *The Times* in 1826 alluded obliquely to the incident and guaranteed that the story of Mill's birth control activism 'was transmitted through the salons and clubs of London', before resurfacing, in the immediate wake of Mill's death, in Abraham Hayward's impugning *Times* obituary.<sup>6</sup>

The basic outline of this story is so familiar to anyone who studies Mill – and there are so many odd variants of it – that it is worth emphasising that it is almost certainly

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<sup>6</sup> Reeves, *Mill*, pp.1-3; Hayward's obituary appeared in *The Times*, 10 May 1873.

apocryphal.<sup>7</sup> Rumours of an incident had surfaced periodically throughout Mill's life, and an oral tradition among his admirers, concerning his presumed support for birth control, had been extant from at least the 1860s. We also now know that in 1823 Mill was the author of three letters published in the radical press recommending the use of contraception.<sup>8</sup> Nonetheless, the arrest story itself cannot be substantiated. The strangled baby has no provenance beyond a letter from an unreliable source written fifty years after the alleged incident.<sup>9</sup> The 'friend' remains unidentified, although Hayward believed it to be the future MP John Arthur Roebuck who, unfortunately for the story, did not arrive in England until 1824, a year after his and Mill's supposed arrest.<sup>10</sup> Even if he had been in the country, neither Roebuck nor Mill could have been

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<sup>7</sup> One of the more improbable variants has Francis Place gaoled alongside the young Mill. See P. Kelly, 'J.S. Mill on liberty' in D. Boucher and P. Kelly (eds.), *Political Thinkers: from Socrates to the present* (Oxford, 2009), pp.381-399, p.382.

<sup>8</sup> J. M. Robson and A. P. Robson (eds.), *The Collected Works of John Stuart Mill, Volume XXII – Newspaper Writings December 1822 – July 1831, Part 1*, (Toronto, 1986) pp. 80-85; pp. 85-91; pp. 95-97.

<sup>9</sup> The letter, from John Robertson to Arthur Arnold, was written a fortnight after Mill's death and is reproduced in B. and P. Russell (ed.s), *The Amberley Papers. The letters and diaries of Lord and Lady Amberley*, 2 vols, (London, 1937) II, pp.247-249.

Robertson claimed to have derived his account of the events 'chiefly from the report in the *Times* of the Police Case, from a Mr. Chatterton & fr. Mill himself'. There is no *Times* report. On Chatterton see A. Whitehead, 'Dan Chatterton and his "Atheistic Communistic Scorcher"', *History Workshop Journal*, 25 (1988) pp.83-99.

<sup>10</sup> See T. Falconer, *Note upon a paper circulated by Abraham Hayward, Esq., of the Inner Temple, one of Her Majesty's counsel* (London, 1845).

distributing Carlile's *What is Love?*: it was not written until 1825 and not published in pamphlet form until 1826. Nor could Mill have been arrested 'for the promotion of obscenity' as this was not a named offence until 1857. Perhaps significantly, Charles Bradlaugh and Annie Besant were tried for obscenity, as a result of their pro-birth control activities, in 1877, and there are other hints of the experiences of later activists being read back into Mill's case.<sup>11</sup> The strangled baby detail, for example, sounds suspiciously like a piece of 1860s anti-infanticide propaganda.

The strongest piece of evidence relating to the 1823 'arrest' did not emerge until 1972, and still left matters unclear. In a letter to George Jacob Holyoake dated 23 May 1874, William Ellis was terse to the point of niggardly: 'I was with J. S. Mill on the occasion to which you refer, now more than 50 years ago.' Having said that much, Ellis refused to give any more detail, merely adding that Mill 'would have mentioned the circumstances which you are striving to throw light upon had he thought it would be useful'.<sup>12</sup> All we can say with any certainty, therefore, is that Mill was not keen to revisit the incident in later life. Whatever he may or may not have been up to in 1823,

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<sup>11</sup> See J. A. Banks and O. Banks, 'The Bradlaugh-Besant trial in the English newspapers', *Population Studies*, 8 (1952) pp.22-34, and S. Chandrasekhar, "*A Dirty Filthy Book*": the writings of Charles Knowlton and Annie Besant on reproductive physiology and birth control and an account of the Bradlaugh-Besant trial (London, 1981).

<sup>12</sup> F. E. Mineka, 'John Stuart Mill and neo-Malthusianism, 1873', *The Mill Newsletter*, Fall 1972, pp.3-10.

the story of Mill's arrest, as it is now retold, cannot be substantiated, and is almost certainly a convenient fiction constructed in the light of later birth control concerns.

One response to this might be to give an insouciant shrug, and ask whether it really matters that the details of the 'arrest' have been garbled. Indeed, even if we assume it to be a complete fabrication there are still grounds for allowing that Mill was, in a broad sense, 'Neo-Malthusian'. The centrality of Malthusian-inspired population concerns to Mill's thought is, after all, indisputable, as is the fact that his position differed somewhat from that of Malthus. The prefix 'neo' might be judged a convenient way of indicating the point Mill himself made in his *Autobiography* that the '[Malthusian] doctrine, originally brought forward as an argument against the indefinite improvability of human affairs, we took up with great zeal in the contrary sense, as indicating the sole means of realizing that improvability'.<sup>13</sup> Provided one is relaxed about anachronism – and most scholars are when, for example, it comes to discussing Mill's 'feminism' – then why worry?

The answer to that is twofold. First, the term 'Neo-Malthusian' and the frequent repetition of the arrest story have given more certainty to what we know of Mill's broader view of population and birth control than can be justified, and this has tended to foreshorten other potentially interesting investigations into Mill and population, and, more especially, the place of self-restraint and self-cultivation in his liberalism. The three adolescent letters of 1823 aside, there are no unequivocal statements in favor of the use of contraception in the entire thirty-three volumes of Mill's *Collected*

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<sup>13</sup> J. S. Mill, *Autobiography* (London, 1873) p.107.

*Works* of published and unpublished writings, correspondence, and personal ephemera. A Malthusian duty not to produce children ‘was central to Mill’s social philosophy’ but, as Greg Claeys has noted, Mill’s reticence in discussing how this might be achieved has ‘hampered adequate interpretation of the issue.’<sup>14</sup> The need for this has become all the more urgent in the light of the more general revisionism surrounding Mill and our deepening understanding of the sexual politics of those similarly designated ‘Neo-Malthusians’. In particular, recent work on Bentham, including publication of the third volume of *Not Paul, But Jesus*, has highlighted a sexual libertarianism far removed from Mill.<sup>15</sup> At the very least there is an advantage in delineating the *range* of positions currently clustered within the term ‘Neo-Malthusian’.

The second reason for interest is that the designation of Mill as a Neo-Malthusian was not an inevitable, unmediated outgrowth from his writings, but largely the construction of one historian. An appreciation of the process by which this occurred is an intriguing topic in itself, serves as a warning for how easily historiographically

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<sup>14</sup> Claeys, *Mill and paternalism*, p.174. See, for example, Mill’s imprecise comment to Thomas Spedding, ‘I think it likely that society will ultimately take the increase of the human race under a more direct controul than is consistent with present ideas’.

Mill to Spedding, 31 August 1848, *CW*, XXXII, pp.74-75.

<sup>15</sup> P. Schofield, C. Pease-Watkin, and M. Quinn (eds.), *Not Paul, But Jesus. Vol. III. Doctrine* (London, 2013). See also P. Schofield, C. Pease-Watkin, and M. Quinn (eds.) *The Collected Works of Jeremy Bentham: Of Sexual Irregularities, and other writings On Sexual Morality* (Oxford, 2013).

consequential reputations can be made, and will contribute to the broader process of revising our understanding of Mill. The active author of Mill's twentieth century Neo-Malthusian identity was the American sociologist Norman E. Himes (1899-1949).

It is a curious – and for Himes frustrating – fact that the birth control controversy that flared so spectacularly in the days after Mill's death and which led, notoriously, to Gladstone withdrawing his support for a memorial, burned out almost as quickly as it began.<sup>16</sup> A whiff of suspicion lingered, but neither the charge of promoting contraception, nor his friends' confused defence of his supposed activities in 1823, were revisited in subsequent years. Mill's name remained firmly associated with Malthusianism, and Mill was cited frequently as an authority on the population problem. Very occasionally this was with an implicit intention of aligning him with the use of contraception, but none claimed his support openly and – given the furore of 1873 – it is the absence of the accusation that is most striking. In the ferocious assault on Mill's reputation provoked by the publication of his *Three Essays on Religion* in 1874, for example, the ogre of 'artificial measures' was not mentioned. Bradlaugh and Besant, in the midst of their 1877 trial, stopped short of invoking Mill as a proponent of contraception, even as they instanced him as an authority on

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<sup>16</sup> D. Stack, 'The death of John Stuart Mill,' *The Historical Journal*, 54 (2011) pp. 167-190.

overpopulation.<sup>17</sup> In response, *The Times* – Mill’s accuser only four years earlier – went out of its way to stress that Mill recommended only ‘continence,’ and that his writings contained ‘no hint or suggestion of any idea of a recourse to physical means to prevent conception.’<sup>18</sup> Beyond the newspaper press, none of the major studies of Mill in the late nineteenth and early twentieth century made explicit contraceptive connections. Alexander Bain’s 1882 biography merely noted the ‘veil of ambiguity’ over certain passages on population in Mill’s *Principles of Political Economy* (1848), and said nothing about pro-birth control opinions or activity.<sup>19</sup> Later studies were even less forthcoming. William Courtney’s *Life and Writings of John Stuart Mill* (1889), John MacCunn’s study of Mill in his *Six Radical Thinkers* (1910), and Hugh Elliot’s introduction to his two-volume *Letters of John Stuart Mill* (1910), for example, did

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<sup>17</sup> For the use of Mill’s authority at the Bradlaugh-Besant trial see, for example, S. J. Peart and D. M. Levy, ‘Darwin’s unpublished letter at the Bradlaugh-Besant trial: a question of divided expert judgment’, *European Journal of Political Economy*, 24 (2008) pp. 343-353. Peart and Levy note that the trial reinforced an association between Mill with birth control, but are wrong to imply (p.351) that *The Times* cited Mill as an advocate of contraception. Perhaps revealingly, Bradlaugh did not try to claim Mill as a birth controller in his C. Bradlaugh, *Five dead men I knew when living: Robert Owen, Joseph Mazzini, Charles Sumner, J. S. Mill and Ledru Rollin* (n/d).

<sup>18</sup> See D. Stack, ‘The afterlife of John Stuart Mill, 1874-1879’ in Macleod and Miller (eds.), *Companion*, pp.30-44, p.36. *The Times*, 20 June, 1877.

<sup>19</sup> A. Bain, *John Stuart Mill: a criticism and personal recollections* (London, 1882) p. 89.

not make even an opaque reference to birth control. By the 1920s, Himes complained, ‘the view [was] current that Mill was a staunch Malthusian and not a Neo-Malthusian’.<sup>20</sup>

## II

Himes made it his self-appointed task to change this. In the 1920s and 1930s he undertook what one enthusiastic reviewer described as ‘a real job of exploration’ in ‘endeavoring to map historically’ the history of birth control.<sup>21</sup> He was prolific in his production of books, articles, and essays on the history of contraception, and it is no exaggeration to say that he established the history of birth control as an academic field. His major work, *Medical History of Contraception* (1936), was groundbreaking both in its comprehensive coverage and in Himes’s insistence that a ‘medical history’ needed to relate to social and economic questions. Himes, who had trained as a sociologist under Thomas Carver at Harvard, was something of an accidental historian. In 1925 he won a fellowship from the Social Science Research Council to visit England with a proposal to study the growth and development of the birth control clinics recently founded by Marie Stopes.<sup>22</sup> But when Stopes proved uncooperative Himes began to ‘devote rather more time than I had originally planned to the historical background of the British clinics’.<sup>23</sup> His interest in the history of the

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<sup>20</sup> Himes, ‘Mill and Owen’, p.627.

<sup>21</sup> G. I. Burch, ‘From Soranos to Goodyear’, *The Journal of Heredity*, XXVII (1936) pp.479-482.

<sup>22</sup> N. E. Himes to M. C. Stopes, 17 August 1926, NHP Box 47, Folder 538.

<sup>23</sup> Himes, ‘John Stuart Mill and the birth control controversy’, NHP, Box 115, f. 11.

birth control movement had first been fired by Allyn A. Young's Harvard lectures on the history of economic thought and his undergraduate reading of J. A. Field's groundbreaking 1913 article 'The early propagandist movement in English population theory'.<sup>24</sup> It proved a productive topic: between 1928 and 1930 Himes produced fifteen papers on historical and clinical aspects of birth control, including two on John Stuart Mill.

Himes's extraordinary productivity, and his interest in Mill, was driven by more than mere historical curiosity. Under Carver, he had been schooled in the belief that social science should address national public policy, and he was openly committed to constructing a history of the birth control movement with contemporary relevance.<sup>25</sup> His agenda for historical research, as he made clear in a paper read at the AGM of the American Eugenics Society and Eugenics Research Association in 1929, was but an element in his broader political agenda.<sup>26</sup> As the venue for his paper suggests, Himes was a polemicist and propagandist for, as well as a historian of, birth control, and his

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<sup>24</sup> Himes, 'Origin of the inquiry', NHP, Box 86, Folder 911. J. A. Field's 'The early propagandist movement in English population theory', *Bulletin of the American Economic Association 4th series, 1* (1911) pp. 207–36.

<sup>25</sup> N. E. Himes (ed.), *Economics, Sociology and the Modern World. Essays in Honor of T. N. Carver* (Cambridge, Mass., 1935) p.v. See, for example, N. E. Himes, 'Eugenic thought in the American birth control movement 100 years ago', *Eugenics*, II (1929) p.8.

<sup>26</sup> N. E. Himes, 'Some Untouched Birth Control Research Problems', *Eugenics*, III (1930) p.1, p.4.

advocacy was rooted in his support for eugenics. In addition to his historical works, Himes authored a marriage guide for young couples and actively publicized, as well as reported on, the work of birth control clinics.<sup>27</sup> Even his more obviously academic work benefited from funding from pro-birth control groups, such as the National Committee on Maternal Health. His *Medical History*, for example, was ‘reviewed’ by the Committee, and subsidized by \$2,000 from John D. Rockefeller, after, according to Himes, thirty different publishers had rejected the manuscript.<sup>28</sup>

Birth control was, of course, a deeply politicized topic, especially in the US. The persistence of the Comstock Laws – first passed in the year of Mill’s death in 1873 – placed even historical research in an uncertain legal position.<sup>29</sup> Himes’s decision in 1927 to publish Francis Place’s 1823 birth control handbills in the London-based *Lancet* magazine, for example, was prompted by the knowledge that no US publisher would accept them for fear of prosecution.<sup>30</sup> Himes’s politics drove his

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<sup>27</sup> N. E. Himes, *Happy Marriage* (London, 1941) [published in the US as *Your Marriage*]; N. E. Himes, ‘The Cooperation of Social Agencies and Physicians with Representative American Birth Control Clinics’, *Hospital Social Service*, XXV (1932) pp.17-30.

<sup>28</sup> N. E. Himes to J. M. Keynes, 30 June 1935, NHP, Box 21, Folder 222.

<sup>29</sup> N. Beisel, *Imperiled innocents. Anthony Comstock and family reproduction in Victorian America* (Princeton, 1997).

<sup>30</sup> N. E. Himes, ‘The Birth Control Handbills of 1823’, *The Lancet*, 210 (6 August 1927) pp. 313-316. Himes explained the place of publication in a letter to John Maynard Keynes. N. E. Himes to J. M. Keynes, 20 July 1927, NHP Box 21, Folder 222.

indefatigability as a researcher and encouraged an empathy with his subjects that was absent from some of his British contemporaries. In particular, he came to identify with the legal struggles and secularist politics of the British birth controllers of the nineteenth century. This was to influence his treatment of Mill. By the time Himes arrived in London, the British birth control movement was divided and the question of the extent to which it should or should not be seen as ‘Malthusian’ was deeply contentious. On one side was Marie Stopes, the author of *Married Love* (1918), and founder of Britain’s first birth control clinic, who, as part of her drive to make birth control mainstream and respectable, wished to break its nineteenth century associations with political radicalism, secularism, and Malthusianism. On the other stood Charles Vickery Drysdale, whose family had played a leading role in the

movement from the mid-nineteenth century, and who was proud to identify as a ‘Neo-Malthusian’.<sup>31</sup> This was the context in which Himes undertook his research.

### III

The decision to make a detailed study of Mill and birth control appears to have been made during the first six months of Himes’s stay in Britain. Immersed as he was in the literature of the birth control movement, Himes was struck by what he later called the ‘tradition among recent and contemporary freethinkers that Mill was to be counted among them’.<sup>32</sup> Almost everywhere he looked in the birth control literature Mill’s

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<sup>31</sup> Drysdale defined Neo-Malthusianism as ‘an ethical doctrine, based on the principle of Malthus that poverty, disease, and premature death can only be eliminated by control of reproduction, combined with a recognition of the evils inseparable from prolonged abstention from marriage. It therefore advocates nearly universal early marriage together with a selective limitation of offspring to those children to whom the parents can give a satisfactory heredity and environment so that they may become desirable members of the community. It further maintains that a universal knowledge of hygenic contraceptive devices among adult men and women would in all probability automatically lead to such a selection through enlightened self-interest, and thus to the enlightened self-interest, and thus to the elimination of destitution and all the more serious social evils and to the elevation of the race.’ See Drysdale’s memorandum to the National Birth-Rate Commission of 1913, printed in the Commission’s *The Declining Birth-Rate* (London, 1916), pp.87-101.

<sup>32</sup> Himes, ‘John Stuart Mill and the birth control controversy’, NHP, Box 115, f.7.

name could be found. A quote from Mill adorned the cover of George Drysdale's seminal *Elements of Social Science* (1854), lengthy passages from Mill's *Principles of Political Economy* were reproduced within the text, and Besant quoted from this same text, to justify her fear of overpopulation, at her 1877 obscenity trial. The *Principles*, however, did not contain any explicit endorsement of her position, and Mill was quoted as an authority on Malthusianism, rather than as a proponent of contraception *per se*, even if she hoped to profit by the suggested association. Himes understood this and was dissatisfied: he consciously set out to substantiate a tradition that rested, he acknowledged, on 'vague rumour from secondary sources'.<sup>33</sup>

For Himes, the idea of Mill as birth controller was entirely plausible. He knew, from his reading of Field, about the pro-birth control stance of the broader Benthamite circle, and he was increasingly aware from his own research, not least that on the American pioneer Charles Knowlton, of the ubiquity of utilitarian arguments for practicing contraception.<sup>34</sup> By December 1926 he was 'planning a special chapter on the relation of John Stuart Mill to the birth control movement in the middle of the last century' to be included in his proposed 'Documentary History' of the movement. This intention was averred in a letter to Stopes, one of a number of left-leaning British eugenicists and birth controllers that Himes was in contact with at this time.<sup>35</sup> On the day he wrote to Stopes, for example, he received a letter from Graham Wallas, the

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<sup>33</sup> Ibid.

<sup>34</sup> N. E. Himes, 'Charles Knowlton's revolutionary influence on the English birth rate', *New England Journal of Medicine*, 199 (1928) pp.461-5.

<sup>35</sup> N. E. Himes to M. C. Stopes, 15 December 1926, NHP, Box 47, Folder 538.

Fabian biographer of Francis Place, urging him to contact William Beveridge and Julian Huxley, both of whom he met subsequently. That same month he was also in touch with the socialist theorist Harold Laski, and Bradlaugh's daughter, Hypatia Bradlaugh Bonner. What Himes wanted from Stopes, Laski and Bonner was documentary evidence of Mill as a birth controller. He asked Stopes if she would allow him 'to look over what letters you have of his'; from Laski he requested access to Mill's unpublished 1825 speeches on population; from Bonner he sought details of Mill's 1823 alleged arrest and prosecution, and any correspondence between Mill and her father.<sup>36</sup>

All three disappointed him. Stopes never supplied her letters, despite Himes's increasingly frantic requests; Laski eventually arranged for him to view typed copies of the manuscripts of what he called Mill's 'Two Lectures on Population' but neither speech alluded to birth control even obliquely.<sup>37</sup> Bonner tried to help, but doubted that any correspondence on the population question had ever taken place between Mill and her father – 'At any rate I have no letters' – and was skeptical about the veracity of the story of the 1823 arrest: 'if there was such a prosecution you might find a reference to

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<sup>36</sup> G. Walllas to N. E. Himes, 15 December 1926, NHP, Box 48, Folder 550.

<sup>37</sup> This did not stop Himes from later declaring that they 'came dangerously near to alluding to what he [Mill] evidently thought'. Himes, 'John Stuart Mill and the birth control controversy', NHP, Box 115, f.8. Laski seems to have borrowed the title 'Two Lectures' from that used by Nassau Senior for his Oxford lectures in 1828. Similarly, W. F. Lloyd delivered 'Two lectures on the checks to population', again at Oxford, 1832.

it in Carlile's *Republican* of that date. Or', she continued, 'there would most likely be some brief report in the London newspapers'.<sup>38</sup> What makes this correspondence intriguing is that Himes, in contrast to his later position, is so obviously aware of the need for confirmatory evidence. He wanted to see any letters Stopes held, he told her, because 'Mill's position was by no means clear and it is very difficult to trace his attitude for the evidence is conflicting'.<sup>39</sup> He told Laski similarly that he was keen to see the speeches on population because: 'The evidence that I have been able to collect so far is very conflicting'.<sup>40</sup>

Within months of expressing these doubts, however, Himes submitted a lengthy article on Mill and birth control, to the Harvard-based *Quarterly Journal of Economics*. The editor, the economist Frank William Taussig (1859-1940), was not enthusiastic, suggesting that Himes save the little he had for a more general history of the birth control movement or write 'a much briefer note'.<sup>41</sup> He was similarly cool on a further article, on Robert Owen and birth control, which Himes also submitted to the *Quarterly* around the same time. In a more conciliatory moment, however, Taussig promised that if Himes 'put together a note of moderate compass, setting forth the peculiar cases both of J. S. Mill and of Owen' the *Quarterly* would publish it'.<sup>42</sup>

Himes hesitated and only replied once he had already sent the original article to John

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<sup>38</sup> H. B. Bonner to N. E. Himes, 27 December 1926, and 30 May 1927, NHP Box 32, Folder 357.

<sup>39</sup> N. E. Himes to M. C. Stopes, 15 December 1926, NHP, Box 47, Folder 538.

<sup>40</sup> N. E. Himes to H. Laski, 20 December 1926, NHP, Box 41, Folder 464.

<sup>41</sup> F.W. Taussig to N.E. Himes, 26 December 1927, NHP, Box 24, Folder 254.

<sup>42</sup> Taussig to Himes 20 January 1928 and 20 March 1928, NHP, Box 24, Folder 254.

Maynard Keynes at *The Economic Journal*. ‘I shall be very much surprised,’ he told Taussig, ‘if Professor Keynes uses it’. By this slightly disingenuous device Himes succeeded in getting two articles on Mill and birth control, based on virtually the same material, published within months of each other in 1928 and 1929.<sup>43</sup>

The response from Keynes was markedly different to that of Taussig. Within seventeen days of submission an enthusiastic Keynes had written to say that he would be ‘happy to publish’ the ‘exceedingly interesting’ article.<sup>44</sup> The two men had first been in contact in June 1927, when Himes had approached Keynes to ask if the Royal Economic Society would reprint an edition of Francis Place’s *Illustrations of the Principles of Population* (1822).<sup>45</sup> On that occasion Keynes had politely declined, but only after confessing his own interest in the history of birth control, offering to recommend that the Society take up a supporting subscription for the *Illustrations* should Himes gain a publisher, and inviting Himes to be his guest at the Jubilee Dinner of the Malthusian League.<sup>46</sup> Keynes’s own predilection for finding liberal progenitors of the birth control movement made him a poor editor for Himes.<sup>47</sup> ‘It is

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<sup>43</sup> Himes to Taussig, 21 March 1928, NHP, Box 24, Folder 254.

<sup>44</sup> J. M. Keynes to N. E. Himes, 6 March 1928, NHP, Box 21, Folder 222.

<sup>45</sup> Keynes to Himes, 20 July 1927, NHP, Box 21, Folder 222.

<sup>46</sup> Himes was already going. See Keynes to Himes 21 July 1927 and Himes to Keynes, 25 July 1927, NHP, Box 21, Folder 222.

<sup>47</sup> See D. Stack, ‘Bentham and birth control: the misreading’, *Journal of Bentham Studies*, 13 (2011) pp.1-8.

not necessary', Keynes assured him, 'that you should substantiate your narrative to the extent that would be necessary if you were launching it into a hostile world'.<sup>48</sup>

Himes needed little encouragement to be less than rigorous in the full referencing of his sources. One of the more idiosyncratic features of his writing was a reckless attitude to accurate citation, and the assumption that his claims could be taken on trust. To his *Economic Journal* article, for example, he added a note explaining that '[o]wing to space considerations it has been necessary to omit much detailed critical documentation'.<sup>49</sup> On another occasion he thought it sufficient to say that '[m]any statements must remain undocumented, but they are the result of some years' specialized study of the subject'.<sup>50</sup> Paradoxically, this helped foster an unwarranted certainty around the characterization of Mill as a 'Neo-Malthusian', in which only the 'ultra-skeptical', as Himes termed doubters, would regard the arrest story as 'fabulous', and in which he could encourage his readers to ignore the fact that the available evidence was incomplete, contradictory, and circumstantial.<sup>51</sup> Himes himself had implicitly acknowledged this weakness in a wonderful *non sequitur* sentence in *The Quarterly Journal of Economics* article that referred to 'the strong evidence' being 'only circumstantial'.<sup>52</sup>

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<sup>48</sup> Keynes to Himes 6 March 1928 NHP, Box 21, Folder 222.

<sup>49</sup> Himes, 'Mill's attitude', p.484.

<sup>50</sup> N. E. Himes, 'Birth control in historical and clinical perspective', *The Annals of the American Academy of Political and Social Science*, (1932) p.1.

<sup>51</sup> Himes 'Place of John Stuart Mill' p. 632.

<sup>52</sup> Himes, 'Place of John Stuart Mill' p. 631.

To compensate, Himes's articles relied upon cumulative suggestion, overstatement and denigration. Helpful sources were talked up, thus Stopford Brooke (b.1832) and Herbert Spencer (b.1820) were described as 'very reliable contemporary sources' for the events of 1823, while George Jacob Holyoake was traduced to such an extent that even after Keynes asked Himes to tone down the assault he was still depicted as 'an old man' of failing memory who was responsible for 'a great deal of unintentional misinformation'.<sup>53</sup> Three newspapers, the *Trades Newspaper*, *The Hue and Cry* and *Police Gazette*, and Robert Dale Owen's *New Harmony Gazette* were cited for making reference to events that sounded similar to the story of Mill's arrest. While inconvenient details, such as the *Hue and Cry* referring to a 'John Francis Cavendish' rather than a John Stuart Mill, and the *New Harmony Gazette* referring to Carlile's *What is love?* as the pamphlet Mill distributed, which Himes had himself previously discounted as a possibility, were ignored.<sup>54</sup> Having poked the embers of evidence across two articles, however, Himes was still dependent on an argument that rested, to

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<sup>53</sup> N. E. Himes, 'George Jacob Holyoake's Attitude toward Neo-Malthusianism', NHP, Box 85, Folder 908, plus additional material in Box 87, Folder 917; N. E. Himes to J. M. Keynes, 8 April 1928, Box 21, Folder 222; Himes, 'Mill's attitude', pp. 477-478.

<sup>54</sup> Himes took the *Trades Newspaper* reference from Field. Himes, 'Mill's attitude', pp.470-471, pp.474-475.

an uncomfortable extent, upon his own skepticism that ‘there could have been all this smoke where there was no fire’.<sup>55</sup>

#### IV

Himes was not prepared to let the matter rest, however, and almost immediately conceived a plan to draft a book length exploration of Mill’s Neo-Malthusian credentials. The full manuscript, under the title *John Stuart Mill and the beginnings of the birth control controversy*, is held at the Countway Library in Boston. Whilst never published, it is nonetheless the apotheosis of Himes’s work on Mill and contains the fullest explication of his argument, and thus exposes fully the shaky, and at times tendentious, basis of his case for categorising Mill as a lifelong advocate of contraception.

The first recipient of the manuscript, Taussig, returned it unread after five months, in July 1930. Ten months later, presumably after further revisions, Himes began approaching publishers. By the time he wrote to Alfred E. Knopf, on 23 September 1931 – claiming that ‘The manuscript has not been submitted to anyone as yet’ – copies were already with both Chicago University Press and Harvard University

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<sup>55</sup> Himes, ‘Mill’s attitude’, p.476. But of course there could have been, and in his *Autobiography* Mill indicates that in relation to some of his views at this time there was: the Utilitarian group, of which he was part, Mill wrote, often lay under the suspicion of holding views ‘still more heterodox than they professed’. Mill, *Autobiography*, p.90, p.77.

Press.<sup>56</sup> This determined pushing of the manuscript contrasts curiously with the almost apologetic tone of Himes's covering notes. His dismissive self-estimation, in a note to Jacob Viner at Chicago, – 'It is not in any sense a work of distinction; but it is a careful job that has needed to be done for some time' – was at odds with the priority he had given the project. Even more ill judged were his comments to both Harvard and Chicago that the book 'would not be profitable from the strictly business standpoint' and his assessment that it was 'hardly an exciting proposal to put to any publisher!'<sup>57</sup> He was less self-destructively frank with Knopf, assuring him that the book 'will pay its way' but 'not make much of a profit'. Knopf demurred nonetheless, saying it 'sounds like something for a university press'.<sup>58</sup> Harvard, however, were not keen; Duke declined; and Chicago turned down the manuscript on the basis of an anonymous reader's report that cuts to the heart of the problems inherent in Himes's attempts to make Mill a Neo-Malthusian.<sup>59</sup>

The report, preserved in Himes's papers, is an excellent example of the genre. The reader fairly summarized the text before deftly deconstructing its weaknesses. Himes, the reader noted, had claimed innovation in three areas in his attempt to 'clear up' the

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<sup>56</sup> N. E. Himes to 'Directors', 23 September 1931, NHP, Box 17, Folder 170.

<sup>57</sup> Himes to Editorial Office, Harvard University Press, 3 September 1931, NHP, Box 16, Folder 165.

<sup>58</sup> Mrs Alfred A. Knopf to Himes, 5 October 1931, NHP, Box 17, Folder 17.

<sup>59</sup> Dean Gordon Laing, Director, University of Chicago Press, suggested that Himes contact the American Birth Control League, and ask Margaret Sanger for help: 'There is no doubt that the whole group would be much interested in your book.' D. G. Laing to N. E. Himes, 2 December 1931, NHP, Box 15, Folder 153.

‘problematical’ ‘relationship of John Stuart Mill to the birth control movement of his day’. First, on the question of the alleged 1823 arrest, Himes had introduced ‘some new material’, but ‘the proof is inconclusive’. Second, the reviewer found Himes on much firmer ground with his second major claim: that Mill was the author of three pro-birth control letters, signed ‘A.M.’, which appeared in the *Black Dwarf* newspaper in 1823, and which had previously been thought the work of James Mill.<sup>60</sup> This was Himes’s one indisputable breakthrough: he had unearthed a note in the Place Papers, addressed to John Stuart Mill and containing Place’s ‘Hints’ on how to answer Wooler.<sup>61</sup> His conclusion, that the younger Mill was the likely author of the letters, was subsequently confirmed with the publication of Mill’s bibliography.<sup>62</sup>

It is interesting to note, however, that Himes only discovered the ‘Hints’ in early 1928, *after* he had submitted his first drafts to Taussig and Keynes. It is even more interesting to see how he gradually convinced himself of the importance of the letters and how they grew ever more central to his argument. Initially he was only ‘reasonably certain’, he told Keynes, that it was ‘highly probable’ that Mill was ‘A.M.’<sup>63</sup> He was similarly circumspect with Taussig, a few weeks later, describing

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<sup>60</sup> Anon., ‘Report on John Stuart Mill and the birth control controversy, by Norman E. Himes’, NHP, Box 15, Folder 153.

<sup>61</sup> Himes, ‘Mill’s attitude’, p. 476.

<sup>62</sup> *Bibliography of the published writings of John Stuart Mill. Edited from his manuscript with corrections and notes* by N. MacMinn, J. R. Hains, and J. McCrimmon, (Illinois, 1945) pp. 4-5.

<sup>63</sup> N. E. Himes to J. M. Keynes, 17 February 1928, NHP, Box 21, Folder 222.

himself as ‘reasonably sure’ the letters were by Mill.<sup>64</sup> By the time he had integrated them into his *Quarterly* and *Economic Journal* articles, however, the tone was less tentative: Mill was now ‘[a]lmost certainly’ the author.<sup>65</sup> Thereafter any element of doubt was eradicated. By July 1930 Himes had completed the first draft of his book manuscript, and – without any further confirmation – what he had characterized as ‘strong presumptive evidence’ two years earlier had become the major justification for a study that was trailed as being ‘essentially devoted to the publication of J. S. Mill’s articles [sic] on birth control’.<sup>66</sup>

On Himes’s third claim, that Mill remained a Neo-Malthusian throughout his life, but chose to keep his position private, the Chicago reader was damning: the author, he said, had ‘revealed no new materials’ and his argument lacked ‘adequate support’.

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<sup>64</sup> N. E. Himes to F. W. Taussig, 21 March 1928, NHP, Box 24, Folder 254.

<sup>65</sup> Himes, ‘The place of John Stuart Mill’, p. 632.

<sup>66</sup> N. E. Himes (ed.), *Illustrations and Proofs of the Principle of Population by Francis Place* (London, 1930) p. 303; N. E. Himes, *A Guide to Birth Control Literature: a selected bibliography on the technique of contraception and on the social aspects of birth control* (London, 1931) p. 27, referred to a forthcoming book that would ‘make available for the first time J. S. Mill’s articles on birth control together with the evidence of his authorship’. For other promises of the forthcoming work see Himes, ‘Birth control in historical and clinical perspective’, p.13fn; N. E. Himes, ‘Benjamin Franklin on Population: a re-examination with special reference to the influence of Franklin on Francis Place’, *Economic History. A Supplement of The Economic Journal*, III (1937) pp. 388-398, p. 397fn.

Himes was incensed by this and scribbled dissenting comments on his copy of the report. But what Himes regarded as ‘the most unequivocal evidence’ - a letter sent by Mill to the Irish women’s rights campaigner Thomas J. Haslam in 1868 – has since proved to be, at best, ambiguous.<sup>67</sup> The letter read:

I thank you for your pamphlet. Nothing can be more important than the question to which it relates, nor more laudable than the purpose it has in view. About the expediency of putting it into circulation in however quiet a manner, you are the best judge. My opinion is that the morality of the matter lies wholly between married people themselves, and that such facts as those which the pamphlet communicates ought to be made known to them by their medical advisers. But we are very far from that point at present, and in the meanwhile everyone must act according to his own judgment of what is prudent and right.<sup>68</sup>

The pamphlet in question was Haslam’s *The Marriage Problem* (1868), written under the pseudonym of ‘Oedipus’ and privately circulated to a number of friends and associates, including Mill, seeking their aid in disseminating its ‘important truths’.<sup>69</sup> Haslam’s widow had passed Mill’s reply to Marie Stopes, when she was researching the history of the birth control movement, and Stopes quoted from the letter in her

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<sup>67</sup> Anon., ‘Report’; Himes, ‘The place of John Stuart Mill’, pp.632-633.

<sup>68</sup> M. C. Stopes, *Contraception: its theory, history and practice* (London, 1923), pp. 291-292.

<sup>69</sup> Oedipus [T. J. Haslam], *The Marriage Problem* (1868) p.2.

inaugural address to the Society for Constructive Birth Control in 1921, before publishing it in full in her book *Contraception* (1923). This was where Himes first encountered it.<sup>70</sup> The context no doubt encouraged Himes' belief that Mill, especially in the second sentence, was endorsing an argument for birth control. This, after all, was precisely the impression Stopes intended to create, although significantly she stopped short of explicitly claiming Mill as a birth controller; perhaps because she had read *The Marriage Problem*. Himes, unfortunately, had not, and assumed too much.

*The Marriage Problem* was not the straightforward, pro-birth control pamphlet he supposed. For the most part it was an argument for Malthusian 'moral restraint' within marriage – precisely the position that Himes wanted to distinguish Mill from. Haslam, moreover, was heavily reliant upon the treatise *Sexual Physiology* (1866) by Edward Trall, an author who Himes, in his *Medical History*, openly doubted deserved to be 'genuinely ranked among the birth control pioneers of the nineteenth century'.<sup>71</sup> Haslam did describe the use of a sponge as an intrauterine device, but his preferred method was for married couples to restrict their sexual intercourse to the 'safe period' Trall had identified as occurring 10-12 days after the cessation of the menstrual flow.<sup>72</sup>

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<sup>70</sup> Stopes, *Early days*, p.12.

<sup>71</sup> Himes complained that Stopes made too much of Trall's influence. Himes, *Medical History*, p.268.

<sup>72</sup> Oedipus, *Marriage Problem*, p.6, p.10. Trall and Haslam assumed menstruation and ovulation coincide and suggested couples restrict their sexual activity to the most, not least, fertile period.

Himes might be forgiven for not having read *The Marriage Problem*. The work was, and remains, obscure.<sup>73</sup> Michael Mason described it was one of four pamphlets on birth control published ‘in the years between 1840 and 1870 which do not appear to have achieved any circulation at all’.<sup>74</sup> Stopes had a copy, but refused to share it, and Carmel Quinlan has implied that even recent historians, including Mason and F. H. A. Micklewright, have referenced the pamphlet without having read it.<sup>75</sup> The more legitimate criticism of Himes is not his failure to read an obscure pamphlet but his willful overreading of Mill’s letter. Even without knowing the contents of the pamphlet one can see that Mill evinced no sense of urgency or desire to associate himself with its contents.<sup>76</sup> His demurring to give any view on the expediency of putting the pamphlet into circulation was hardly the rallying call of a committed campaigner, and Himes might have detected an implicit rebuke in the penultimate sentence. Mill’s reply, as Quinlan put it, ‘was written with the utmost tact, but in

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<sup>73</sup> There is little positive evidence as to how many copies were ever printed and all that we know of the distribution is what can be garnered from Haslam’s correspondence. See, for example, J. Burns to T. Haslam, 28 March 1868 and J. E. George to Thomas Haslam 6 August 1868, Hull History Centre , DX/66/1.

<sup>74</sup> M. Mason, *The making of Victorian sexual attitudes* (Oxford, 1994) p. 186, p. 186fn.

<sup>75</sup> C. Quinlan, *Genteel revolutionaries: Anna and Thomas Haslam and the Irish women’s movement* (Cork, 2002), pp. 51-52.

<sup>76</sup> Oedipus, *Marriage Problem*, p. 2, p.15. ‘The language of the pamphlet conveys a palpable sense of urgency’ Quinlan, *Genteel Revolutionaries*, p. 25.

essence was non-committal and did not offer any practical encouragement'.<sup>77</sup> Her claim that it was '*obvious* that Mill did not consider the material suitable for dissemination in a pamphlet' is a little too certain, but she is correct that a less partisan reader would not have made the same mistake as Himes.<sup>78</sup>

The problem, as the anonymous Chicago reviewer noted, was that Himes's arguments were '*a priori*, and not conclusive', and that in his 'enthusiasm to identify Mill with the advocates of birth control,' Himes gave the 'impression of claiming too much'.<sup>79</sup> The verdict of the reviewer was damning, but the same criticisms might have been applied with equal validity to the two published articles, and Himes never gave up hope of publication entirely. When, in December 1942, Dr Ruth Borchardt, Friedrich Hayek's research assistant on the London School of Economics project to collate Mill's early letters, contacted him, Himes not only volunteered to help gather together any Mill letters held in the US, he also suggested publishing his book as an appendix to Hayek's proposed volume.<sup>80</sup> By this time Himes had swapped academia for the army, eventually rising to the rank of major and assuming the position of Chief of the Office of Special Education for Military Government in US occupied Germany. It was

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<sup>77</sup> Quinlan, *Genteel Revolutionaries*, p.36.

<sup>78</sup> Quinlan, *Genteel Revolutionaries*, p.37. Emphasis added.

<sup>79</sup> The report clearly irritated Himes, who scribbled dissenting comments on his copy, but refrained disputing them with the publisher, merely noting: 'They are points about which there might be legitimate differences of opinion'. N. E. Himes to D. G. NHP. Box 15, Folder 15.

<sup>80</sup> N. E. Himes to Dr Ruth Borchardt 20 December 1942, NHP, Box 71 Folder 769

a post suited to Himes's skills as a propagandist but one which, he explained in a letter to Hayek in 1947, left little time for 'creative writing'.<sup>81</sup>

The expectation that his manuscript might see the light of day persisted even beyond Himes's death, following a fall, in 1949. In 1960, Francis E. Mineka, who succeeded Hayek as editor of the Mill letters, wrote to Himes's widow expressing the hope that the manuscript, which Mineka had read, might 'someday be put into print'.<sup>82</sup> Such endorsements, taken together with the generally positive reception of Himes's work provide a salutary reminder that if there were failings in Himes's reading of the evidence – and there were many – he was not alone in making them. He was not alone, that is, in *wanting* and *assuming* Mill to be a birth controller, even when that took him in the phrase used by the anonymous reviewer of Himes's manuscript 'beyond the facts'.

## V

Himes's tendency to over interpretation and neglect of appropriate scholarly caution and caveats is clear. He was a serial offender when it came to stretching 'tenuous

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<sup>81</sup> He was responding to Hayek's hope that Himes would soon be able to publish a fuller account of Mill and birth control. N. E. Himes to F. W. Hayek, 23 February 1947, NHP, Box 71, Folder 769.

<sup>82</sup> F. E. Mineka to Mrs Robert C. Weinberg [Himes's widow], 28 March 1960, NHP, Box 71, Folder 769.

evidence much too far,' and that this failing marred his work on Mill is indisputable.<sup>83</sup> Accepting this, however, still leaves us with two further questions. First, why did Himes go to such lengths to enlist Mill as a 'Neo-Malthusian'? Second, to what extent does it matter that historians continue to use the term, and to cite Himes as their authority?

The first question has the more straightforward answer. Himes was motivated, in part, by his 'great respect' for Mill. At Harvard, he had been a member of the Liberal Club, and in later life one of his proudest possessions was a framed letter of Mill's, which hung on his office wall.<sup>84</sup> His deep admiration for Mill's liberalism was accentuated by having to operate in the context of illiberal laws, and he would have appreciated the poignancy of having the author of *On Liberty* (1859) onside. Personal admiration and political context, however, is not sufficient to explain the time and effort Himes poured into his research. He might, after all, have made the case that Mill was sympathetic to birth control, and let matters rest there. Instead, as we have seen, he worked assiduously to convince first himself, and then others, that Mill was a *lifelong* 'Neo-Malthusian'. This more specific claim, and Himes's insistence upon it, had a different source: the internal politics of the birth control movement and, in particular, Marie Stopes's attempts to distinguish her advocacy of contraception from anything that might be considered Malthusian in any sense.

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<sup>83</sup> W. L. Langer, 'The origins of the birth control movement in England in the nineteenth century', *Journal of Interdisciplinary Studies*, V (1975) pp.669-686, p.671.

<sup>84</sup> See NHP, Box 74, Folder 794.

Himes's relationship with Stopes began badly, and deteriorated rapidly. As we have seen, Himes had arrived in England intent upon studying Stopes's clinics, only to be frustrated by her refusal to share data, and then further infuriated by her repeatedly evading his requests to see an unidentified letter of Mill's which she held, and which turned out to be the Haslam note. Himes's hope that the pair might make common cause had been quickly disabused. Irritated by her one-sided understanding of cooperation – 'Stopes wants to get all possible information from me but is willing to concede nothing' – Himes had written to her, waspishly pointing out errors in the first edition of her book *Contraception* (1923), which included a section on the history of the early birth control movement.<sup>85</sup> Stopes, who was both remarkable and remarkably difficult, never accepted criticism with good grace, dismissed Himes's corrections as irrelevant – 'the careless typist's error' – and made herself the wronged party. She was, she said, 'a little bit sad' that Himes 'should have plunged into my field [the history of birth control] before I have had time to reap the harvest myself': 'However, I suppose the pioneer is always sacrificed and I cannot grumble.'<sup>86</sup>

In response, Himes drafted an angry letter pointing out further errors in Stopes's *Contraception*, lambasting her failure to share information, and concluding that 'you are not well acquainted with the literature of the subject, and further detract from the scientific value of your work by trying to claim too much credit.'<sup>87</sup> The letter

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<sup>85</sup> Himes to Stopes 15 Dec. 1926. NHP Box 47, Folder 538. Reply: Stopes to Himes 18 Dec. 1926.

<sup>86</sup> Stopes to Himes 12 Feb. 1927. NHP Box 47, Folder 538.

<sup>87</sup> Himes to Stopes 16 Feb. 1927. NHP Box 47, Folder 538.

remained unsent. Himes's wife Vera intervened, drafting a more emollient note, but relations with Stopes were beyond repair.<sup>88</sup> When Himes refused to give her the full reference for J.A. Field's 1913 article, she responded by taunting him: 'Do you really seriously think that your refusal to give me the reference could do more than waste a few hours of my time? Within three hours of your letter refusing me the reference, I was reading the paper in the British Museum, having found it myself.'<sup>89</sup> Himes did not reply, but when Stopes claimed in the pages of the *Times Literary Supplement* (*TLS*), to have discovered new materials on the history of birth control in the British Library's Place Papers, he wrote to the editor pointing out that with 'one exception', which she had misread, this material had been known to English and American scholars for seventeen years.<sup>90</sup> The editor demurred that he was 'unable to print so long a letter on so short a point' so, after two more failed efforts to interest the *TLS*, Himes approached the *Eugenics Review* with a 12-page review of the new edition of Stopes's *Contraception* (1927).<sup>91</sup> 'Review' is perhaps the wrong word for an all out assault: Himes claimed it was 'much toned down' from its first 'rough draft', but even he admitted that it remained 'caustic in places'. This, he maintained, was 'no more

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<sup>88</sup> Himes [Vera's hand] to Stopes 16 Feb. 1927. NHP Box 47, Folder 538.

<sup>89</sup> Stopes to Himes 25 Feb. 1927. NHP Box 47, Folder 538.

<sup>90</sup> Himes to Editor (*TLS*) 19 March 1927. NHP Box 47, Folder 538.

<sup>91</sup> Editor (*TLS*) to Himes 25 March 1927; Himes to Editor (*TLS*) 25 March 1927; Himes to Editor (*TLS*) 14 April 1927; Himes to Editor (*TLS*) 1 July 1927. NHP Box 47, Folder 538.

than the book merits, I expect I take it too seriously but 40,000 copies can spread a lot of nonsense.’<sup>92</sup>

Beyond the obvious personal antagonism lay a fundamental divergence about how to view the nineteenth century birth control movement. Stopes had broached this first in her Presidential address to the inaugural meeting of the Society for Constructive Birth Control and Racial Progress in October 1921 – published subsequently as a pamphlet – and expanded upon her interpretation in the pages of *Contraception* (1923).<sup>93</sup> In essence, Stopes saw the historical reputation of birth control, and in particular its association with radicalism and atheism, as an impediment to future success. Not only did she want her Society to displace the Malthusian League as the main birth control organization in Britain, she also wanted birth control to be seen as a practical, policy driven movement with broad ‘respectable’ appeal. This led her to emphasise medical and physiological arguments for birth control, over any political or economic case, and disavow the movement’s Malthusian and Neo-Malthusian roots. For Stopes, the Bradlaugh-Besant trial, to which the League traced its origin, had created ‘a distorted view of the genesis of what is now known as the “birth control movement,”’ and put off ‘a number of clergy and others who attracted by the profound and helpful truths of the *ideals of birth control* yet fear to allow themselves to accept their practice because they imagine that they originated from the atheist Bradlaugh’.<sup>94</sup> The ‘Bradlaugh

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<sup>92</sup> The full review can be found in NHP Box 22, Folder 229. Himes to Cora Hudson (Secretary of English Eugenics Society) 29 Aug. 1927, NHP Box 22 Folder 229.

<sup>93</sup> M. C. Stopes, *Early days of birth control* (London, 1923), p.7

<sup>94</sup> Stopes, *Early days*, p.6.

racket', she complained, had drowned out an alternative tradition<sup>95</sup> that now found expression in her Society.<sup>96</sup> This alternative tradition, she insisted, was not rooted in Malthus – for whom Stopes had little time – and could not be described as 'Neo-Malthusian'.<sup>97</sup> For Stopes, 'the "Neo-Malthusian doctrine," linked as it is so closely with a definite system of economics, is essentially a different thing from the advocacy of untrammelled physiological *control* in the interests of the race'.<sup>98</sup>

In contrast to Stopes, who wanted to distance birth control from its radical and atheistic antecedents, Himes was working to secure that connection. Thus, whereas there was little love lost between Stopes and the Drysdale family, who had long dominated the Malthusian League, Himes found himself congratulated by Charles Vickery Drysdale for 'publishing so many articles which are of great value' and, in particular, for countering Stopes's denigration of the 1877 trial 'in stimulating the circulation of birth-control literature'.<sup>99</sup> In his reply, Himes reassured Drysdale: 'I doubt if any thoughtful student takes very seriously her account of the Neo-

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<sup>95</sup> Stopes, *Early days*, p.19.

<sup>96</sup> 'Confusion in the public mind is explicable since the Malthusian League has been the only British Society advocating birth control until the C.B.C. (The Society for Constructive Birth Control and Racial Progress) was founded in August 1921 (see pp31 and 32).' Stopes, *Early Days*, p.6.

<sup>97</sup> Stopes, *Contraception*, p.332.

<sup>98</sup> Stopes, *Early days*, p.6.

<sup>99</sup> C. V. Drysdale to Himes 3 Oct. 1928 and C. V. Drysdale to Himes 21 Feb. 1929, NHP Box 35 Folder 393.

Malthusian movement during the nineteenth century.<sup>100</sup> Certainly Himes saw it as his task to make sure that they did not. His letters to the *TLS*, and his unpublished review for the *Eugenics Review*, were part of this, but so too was his determination to wrest Mill from Stopes. For Stopes, Mill's note to Haslam was just one more piece of evidence that 'a widespread, sound and important sociological movement for birth control in the interests of the individual mother and of the race was flourishing *before* the Bradlaugh trial'.<sup>101</sup> For Himes, denied access to the original, taunted by Stopes, admiring of Mill, and desperate to make good a lacuna in his own research, it assumed a centrality it never deserved. He grabbed at it as his one piece of 'direct' evidence that Mill's enthusiasm for birth control was 'not the unpremeditated, spontaneous response of a sentimental youth swayed by the fiery enthusiasm of nonage, but a deliberate, active adherence to the doctrine throughout his life'.<sup>102</sup>

## VI

An answer to the second question, concerning the extent to which any of this matters, depends upon the degree to which we wish to continue the task of revising our broader understanding of Mill. That Mill was in a non-specific sense a 'Neo-Malthusian' – one who accepted Malthus's diagnosis, but not necessarily his prescription – is not contentious. Equally, the anachronistic status of the term is not in

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<sup>100</sup> Himes to Drysdale 27 Oct. 1928 NHP Box 35 Folder 393.

<sup>101</sup> Stopes, *Early days*, pp.6-7, p.12, pp.15-16, pp.14-15, p.13. Stopes quoted from private letters from John Stuart Mill, Dr. Thomas Scott, Francis W. Newman, and John Burns, 'as indicating the general interest then taken in the root of the subject'.

<sup>102</sup> Himes, 'John Stuart Mill and the birth control controversy', NHP, Box 115, f.5.

and of itself decisive against its further use; and a case could be made for its usefulness in emphasizing how central population concerns were to Mill's political economy.<sup>103</sup> Even when all of this is allowed, however, and accepting that the term is too firmly established in Mill scholarship to be easily eradicated, there remains a problem. The term tends to achieve precisely what Himes hoped: it encourages a unitary reading of Mill's opaque statements on population and an assumption of continuity in Mill's thought between 1823 and 1873, which is at odds with what we know of his broader intellectual development. As such it is more of an impediment than an aid for deepening our understanding of Mill. At the very least Mill scholars would benefit from becoming more critical and self-aware in deploying a term which, at present, can distort our understanding in three interrelated areas: Mill's relationship to Benthamism; the role of self-restraint and self-cultivation within Mill's liberalism; and how Mill's feminism related to the contemporary women's movement.

On the first of these, the renegotiation of Mill's relationship with his Benthamite upbringing was his lifetime's work, and it makes no sense to assume that his position on birth control was exempt. It is certainly a mistake to follow Himes in assuming a rigid continuity between Mill's 'A.M.' letters of 1823 – written, under the guidance of Francis Place, when Mill was just seventeen – and his mature response to the population problem. To collapse his youthful and mature positions, as well as those of the Benthamite circle more generally, under the catchall term 'Neo-Malthusian' obfuscates when we ought to be delineating Mill's considered attitude. The deft sidestepping with which Mill responded to requests to either endorse or condemn

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<sup>103</sup> Winch, *Wealth and Life*, p. 31.

contraception frustrated Himes. When in 1870, for example, the Birmingham evangelist David King wrote to question Bradlaugh's implicit assumption that Mill approved of the pro-birth control arguments of George Drysdale's *Elements of Social Science*, Mill replied that he had never 'expressed any approbation of the book ... I very strongly object to *some* of the opinions expressed in it'.<sup>104</sup> The temptation here, especially given what we know of the other Benthamites, is to assume that this equates to a surreptitious endorsement. But there are two grounds for caution.

The argument that Mill endorsed contraception but chose to keep his view private is doubtful. It rests, to a large extent, upon an acceptance of the 1823 arrest story – as a means to account for his reticence – and demands we credit a belief that Mill kept such close counsel that at no point in his adult life did he leave a single clear statement in favour of contraception in his writings, correspondence, or even in any friend's credible recollection of a conversation. It also raises the question of why he might apparently intimate, albeit obliquely, on the need for contraception in the *Principles*, but not eleven years later in *On Liberty* (1859), when he openly discussing restrictions upon marriage.<sup>105</sup> It is, moreover, at odds with Mill's many statements in which he avers openness on 'the great subjects of thought', and argues that an avowal

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<sup>104</sup> See, for example, Mill to the Rev. David King [October?] 1870, *CW*, XVII, letter 1602, and Mill to Thomas Dyke Acland, 1 December 1868, *CW*, XVI, letter 1341. On Mill's attitude towards Drysdale see Mill to Gustave D'Eichthal 30 May 1869, *CW*, XVII, letter 1440.

<sup>105</sup> J. S. Mill, *On Liberty* (London, 1989) pp.179-180.

of unpopular opinions would win the respect of opponents.<sup>106</sup> Donald Winch has suggested that ‘Mill would have thought it cowardly not to leave a record’ of his controversial religious opinions.<sup>107</sup> Are we to believe he reserved his cowardice for the question of birth control?

The chronology, moreover, that has Mill making his nearest approximation to a pro-birth control statement in the *Principles* (1848) and thereafter imposing a self-denying ordinance is out of line with the more general trajectory of his career, which suggests an ever greater willingness to court controversy in the period after the death of Harriet and the cessation of his employment at East India House in 1858. In the 1860s, Mill identified himself with a range of controversial issues, from land reform to female enfranchisement, and opened himself up to death threats for his role in the Jamaica Committee. In addition, to the dismay of some of his friends, Mill allowed his name to be associated with that of Bradlaugh during his 1868 re-election campaign and thus incurred many of the very criticisms and the negatives that would have followed an

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<sup>106</sup> Mill, *Autobiography*, p. 53. See also his declaration that: ‘I am quite convinced that nothing more increases a man’s influence than his having decided opinions of his own, and sticking to them, provided he has got good reasons to give for them.’ J. S. Mill to E. Chadwick, 9 October 1868, *CW*, XVI, letter 1303.

<sup>107</sup> Winch, *Wealth and life*, p. 73.

open statement of support for birth control.<sup>108</sup> In short, there is no compelling reason to assume *ipso facto* that Mill would have kept any pro-contraception views to himself.

The simpler explanation is that Mill cooled in his enthusiasm for contraception as he recast his relationship with Benthamism. He never abandoned a characteristically Benthamite objection to arguments based upon notions of the ‘natural’: in both his ‘A.M.’ letters and thirty years later in his essay on ‘Nature,’ Mill deployed the analogy of an umbrella to illustrate what he saw as the essential silliness of interventionist qualms.<sup>109</sup> Where he did diverge from Bentham was in his understanding of utilitarianism and, in particular, in his attempts to address the criticism that utilitarianism was nothing more than hedonism, by introducing a concern with the quality as well as the quantity of pleasure.<sup>110</sup> This might prove a

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<sup>108</sup> ‘I did not think that Mr. Bradlaugh’s antireligious opinions (even though he had been intemperate in the expression of them) ought to exclude him. In subscribing, however, to his election, I did what would have been highly imprudent if I had been at liberty to consider only the interests of my own reelection; and, as might be expected, the utmost possible use, both fair and unfair, was made of this act of mine, to stir up the electors of Westminster against me.’ Mill, *Autobiography*, p. 289.

<sup>109</sup> J. S. Mill, ‘Nature’ in *Three essays on religion* (London, 1874), p. 32.

<sup>110</sup> J. S. Mill, *Utilitarianism* (London, 1861), p.212 ‘It is better to be a human being dissatisfied than a pig satisfied; better to be Socrates dissatisfied than a fool satisfied. And if the fool, or the pig, is of a different opinion, it is because they only know their own side of the question. The other party to the comparison knows both sides.’

fruitful area to explore in relation to Mill's Malthusiansim. There are, after all, intimations that even as a youth Mill did not share fully in the birth control enthusiasm of the other Benthamites. The document from which Himes deduced Mill's authorship of the 1823 letters was written by Place apparently to keep their young protégé on-message because, according to George Jacob Holyoake, Place did not regard the younger Mill as entirely 'sound' on the topic.<sup>111</sup> Bentham took exception to all forms of asceticism – which he regarded as 'purely and incontestably mischievous' – including Malthusian 'moral restraint'.<sup>112</sup> Mill, by contrast, seems to have been far more open to it. Certainly in later life, but even in the 'A.M.' letters there is a hint of his later divergence from Bentham, when he writes that he had, have 'no belief in the efficacy of Mr. Malthus's moral check, *so long as* the great mass of the people are so uneducated *as they are at present*'.<sup>113</sup>

Mill scholars have always been aware that his writings on population are more obviously read as recommending ascetic abstinence and self-control, rather than contraception, but there has been a consistent unwillingness to accept this conclusion.

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<sup>111</sup> 'I first knew Mr. Mill through Francis Place. The papers written in his day on the limitation of the poor, Mr. Place never showed to me, nor did he ever intimate to me that Mr. Mill approved of them. On the contrary, he spoke of Mr. Mill as grievously wanting in thoroughness on the subject –'. G. J. Holyoake, *John Stuart Mill as some of the working classes knew him* (London, 1873) p.17.

<sup>112</sup> Bentham, *Not Paul, But Jesus*, p.10.

<sup>113</sup> Third letter published in *The Black Dwarf*, 7 January, 1824. Emphasis added. Mill, *CW*, XXII, pp. 95-97.

Writing just six months after Mill's death, Alexander Bain expressed just this view, arguing incredulously: 'Mill could not be serious in supposing that married people were to abstain from sexual connexion after bringing into the world two or three children for which the first five years of married life usually suffices'.<sup>114</sup> More recently, Donald Winch took a similar view that Mill could not have been genuine in his ostensible recommendations of abstinence as the means to tame 'the Malthusian devil'.<sup>115</sup> This is an understandable position, but it is hardly in the spirit of open-minded revisionism. Mill may well have been wrong, but there is sufficient evidence to suggest that he did not regard sexual self-restraint as either unattainable or outlandish.<sup>116</sup> The pattern of abstention, which Bain found so hard to credit was, after all, precisely that apparently followed by Mill's wife, Harriet Taylor,<sup>117</sup> and in his biography, Bain implied that Mill's own lack of sensuality encouraged unrealistic expectations about others, and that his 'estimate of the sexual passion was too low'.<sup>118</sup>

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<sup>114</sup> Bain to Holyoake, 25 October 1873, quoted in Mineka, 'John Stuart Mill', p.7.

<sup>115</sup> Winch, *Wealth and life*, p.64.

<sup>116</sup> Few of Mill's friends doubted that he had chosen long periods of celibacy in his own life. Thomas Carlyle, for example, referred to Harriet disparagingly as 'the *Platonica*' and said of the relationship: 'It is a mad and unhappy business that; one cannot see any reason in it at all, or even any right unreason: for I do believe the whole thing is strictly Platonic still!' T. Carlyle to J. A. Carlyle, 11 March 1839, Carlyle Letters, Vol 12, ff.374-376.

<sup>117</sup> According to Mill, men generalize about women, 'to an almost laughable degree', from the example of their own wives. J. S. Mill, *The Subjection of Women* (London, 1869), pp. 43-44.

<sup>118</sup> Bain, *John Stuart Mill*, p. 90.

What Bentham regarded as the ‘actual pain’ of ‘unsatisfied desire’ appears to have had no place in Mill’s comprehension.<sup>119</sup>

For Mill the sexual urge was something that both *should* and *could* be controlled. Such control, in his view, was the mark of civilization and the route out of poverty. In the *Principles*, Mill defined civilization as ‘a struggle against animal instincts’, made poverty, ‘like most social evils’, a function of men following ‘their brute instincts’ and found it eradicable ‘precisely because man is not necessarily a brute’.<sup>120</sup> This is a line of argument that suggests a definite preference for ‘moral restraint’ – if not in Malthus’s sense of delayed marriage at least in terms of restraint within marriage – rather than the free use of contraception, which would allow the indulgence of the instinct to continue consequence free. That Mill was confident that the sexual urge could be restrained was made clear in two letters he sent to Lord Amberley in 1870. The letters discussed W. H. Lecky’s recently published *History of European Morals* (1869) and its argument, which Mill viewed as ‘characteristically conservative’, that men required prostitution as a ‘safety valve’ for their ‘natural passions’. Lecky, said Mill, underestimated both the extent to which women had restrained the gratification of the sexual passion, and the corresponding ability of men to similarly bring the sexual propensity ‘completely under the control of the reason’.<sup>121</sup>

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<sup>119</sup> Bentham, *Not Paul*, p. 120.

<sup>120</sup> Mill, *Principles*, Bk2 Ch. 13, S1.

<sup>121</sup> Mill to Lord Amberley, 2 February 1870, and 12 February 1870, *CW*, XVII, letters 1524 and 1525.

To the extent that the term ‘Neo-Malthusian’ leads us away from an appreciation of this point it contributes to an underestimation of the importance of self-restraint and self-cultivation in Mill’s liberalism. By contrast, downgrading the term will help to open up a space in which to reinforce Greg Claeys’s argument about the centrality of Harriet Taylor to Mill’s mature thought, and her impact upon Mill’s conception of an ‘ideal standard of character’. The ‘Neo-Malthusian’ Mill of Himes was a Mill free of Taylor’s influence, yet it was under Taylor’s guidance that Mill’s mature feminism came to outweigh his youthful Benthamite Malthusianism.<sup>122</sup> His and Taylor’s feminism, moreover, had much in common with the contemporary social purity movement view of sexual intercourse as, to a large extent, an imposition by men on women. Mill’s lack of any positive conception of female sexuality was closer to later opponents of birth control, such as F. W. Newman and Elizabeth Blackwell, than the ‘Neo-Malthusians’.<sup>123</sup> His ideal of marriage was a ‘friendship’ model that protected women from male licentiousness. Ruth Abbey has shown how Mary Wollstonecraft’s attempts to extend her liberal values into the private sphere, by diminishing (male) arbitrary power, was unable to incorporate enduring sexual relations between married partners. By incorporating the major features of the classical notion of (exclusively male) higher friendship, such as equality, free choice, reason, mutual esteem and profound concern for one another’s moral character, marriage was made companionate and left little place for sexual intimacy. And, as Abbey notes, Mill’s

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<sup>122</sup> Claeys, *Mill and paternalism*, p.34, p.204.

<sup>123</sup> See F. W. Newman, *The corruption now called Neo-Malthusianism, with notes by Dr E. Blackwell* (London, 1889).

model of marriage was even less positive about sexuality than Wollstonecraft's.<sup>124</sup> Thus, lacking any notion of female sexuality and believing that the male sexual urge should and could be tamed, contraception was unlikely to have struck Mill as either an urgent or optimal necessity. It seems far more likely that he combined a preference for self-control within marriage as his desideratum, with an unenthusiastic acceptance of the possible short-term expediency of contraception as a practical policy. We can call this 'Neo-Malthusian' if we choose, but it barely aids our understanding to do so.

## VII

This article is a contribution to the ongoing efforts of scholars to revise, rethink, and re-centre our understanding of Mill. One element in that task is to appraise critically the terminology in which historians have become accustomed to work, to reflect on how that terminology became embedded in the historiography, and to consider how it shaped subsequent interpretations. Unusually, in the case of the term 'Neo-Malthusian' we can trace an active and interested author who did more than any other single individual to create an established usage. A study of Norman Himes provides an interesting insight into how a committed historian was able to frame a certain view of his subject. The designation 'Neo-Malthusian', which Himes worked so hard to establish, we have argued, has hindered rather than helped subsequent historians in their efforts to understand key aspects of Mill's thought. The available evidence suggests that Mill's mature view was that human character could eventually overcome

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<sup>124</sup> R. Abbey, 'Back to the Future: Marriage as friendship in the thought of Mary Wollstonecraft', *Hypatia*, 14 (1999) pp. 78-95. See also R. Abbey, 'Odd bedfellows: Nietzsche and Mill on marriage', *History of European Ideas*, 23 (1997) pp. 81-104.

sexual desire – and with it the need for contraception. This interpretation fits much better than Himes’s with what we know of Mill’s revisions to his political economy, his feminism, and his interest in ethology.<sup>125</sup> Even if one does not accept our argument – and Mill’s utilitarianism, liberalism, and feminism will continue to be sites of contention for some years to come – there is an inherent value in a heightened critical awareness of how the topography of the historiographical landscape was formed. Mill’s role as the principal proponent of a version of Malthusianism in the nineteenth century, and the changing contours of his intellectual relationship with that doctrine, will be major themes in future studies of Mill. The exploration will be easier if we are not obliged to carry the baggage of Norman E. Himes across that terrain.

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<sup>125</sup> On Mill and ethology see D. E. Leary, ‘The fate and influence of John Stuart Mill’s proposed science of ethology’, *Journal of the History of Ideas*, 43 (1982) pp.153-162, and T. Ball, ‘The formation of character: Mill’s “ethology” reconsidered’, *Polity*, 33 (2000) pp.25-48.

## Endnotes