

Chapter 8

Mill's Considerations on Representative Government

A people may be unprepared for good institutions; but to kindle a desire for them is a necessary part of the preparation. To recommend and advocate a particular institution or form of government, and set its advantages in the strongest light, is one of the modes, often the only mode within reach, of educating the mind of the nation not only for accepting or claiming, but also for working, the institution.

—J.S. Mill, *Considerations on Representative Government*, p. 379

Introduction: Paternalism vs. reform?

As noted throughout this reader, Mill was both reform-minded in principle and active in a significant number of reform proposals. As a member of Parliament during the Governor Eyre controversy in Jamaica and the Fenian rebellion in Ireland, his tenure overlapped several key incidents related to self-governance of former slaves and dependent Irish people. In 1865, Governor Eyre responded to an uprising among former slaves in Jamaica by declaring Martial Rule and using armed force to terrorize and kill over 400 Jamaicans. Mill was chosen unanimously to lead the Jamaica Committee, which was formed to bring Eyre to trial for murder. Opposing Mill were those who supported Eyre's use of force including Thomas Carlyle and John Ruskin. At roughly the same time, rebellions led by the Irish Fenians against British rule were thwarted by the British government with inevitable comparisons to the Jamaican uprising.³³

³³ For more detail on the significance of the controversy and the trial, see Levy and Peart, 2001.

Some agitation for change was, of course, peaceful. The Reform Act of 1832 had increased the voting public to about 20 percent of English adult males (Hollander, 2015, p. 530), while the coming of the Second Reform Act in 1867 lent additional urgency to Mill's writings on self-governance.

Mill's opinions on these matters, voiced in print and in Parliament, were unpopular with many of his contemporaries, being too radical for their way of thinking. Included among these opinions was his (failed) attempt to change the wording of the Reform Bill to refer to *persons* instead of men.³⁴ It bears noting, as emphasized in Chapter 4, that this latter step was extremely radical for Mill's time. Mill's contemporaries understood the significance of his advocacy for democratic reform, including the extension of the franchise to the labouring poor and women. As mentioned in earlier chapters, *Punch* ridiculed Mill for his positions on political representation, especially his position regarding "persons" (including women), who deserved the suffrage.

At the same time that he advocated for an extension of the franchise, Mill held that people must be "ready" for self-governance. Indeed, he went so far as to suggest on utilitarian grounds that it might occasionally be best for despots to rule those who were unready for the responsibilities associated with democracy. We will first address below the question of whether this represents an inconsistency for Mill and whether he was a paternalist with respect to India.

Mill described in some detail a set of conditions for successful self-governance to ensure that it would not descend into factional violence or majoritarian taking. In his view, a minimal amount of mutual regard, which political theorists of the time conceived of as sympathy,³⁵ was a necessary condition for the representative form of government. This will be the subject of the next section in this chapter. Today, the idea of sympathy has been recast as sociability, including mutual respect and reciprocity.³⁶ In Mill's view, when people in a polity have a mutual regard for one another, this provides a sufficiently motivating force to prevent a descent into civil war between factions.

³⁴ For a detailed examination, see Reeves, 2007, pp. 422-25, and the references therein.

³⁵ For a description of the nature and significance of sympathy in Adam Smith's work, see James Otteson's book in this series: *The Essential Adam Smith*. See also the essays in *Sympathy: A History*, edited by Eric Schliesser of Oxford University Press (2015).

³⁶ As noted above, the best reference for the contemporary significance of sociability is Vernon Smith and Bart Wilson's 2019 book, *Humanomics*.

Who is ready for democracy?

Despite his radical advocacy for widening the suffrage, when Mill held that not all people were ready for self-governance he opened himself up to criticism on the grounds of inconsistency. Was Mill *really* for liberty, or just for the liberty of some? Was he just being paternalistic? To answer this, we need to begin by examining what Mill meant by these statements.

In his 1861 *Considerations on Representative Government*, Mill sketched three conditions of readiness. First, he wrote, there is no point in thrusting self-governance on a people who do not want it (an action that, one might argue, itself is paternalistic). They must be “willing to accept it; or at least not so unwilling, as to oppose an insurmountable obstacle to its establishment” (p. 376). Then they must be willing to make self-governance work, “to do what is necessary to keep it standing” (p. 376). Finally, they “must be willing and able to do what it requires of them to enable it to fulfil its purposes,” “capable of fulfilling the conditions of action, and the conditions of self-restraint, which are necessary either for keeping the established polity in existence, or for enabling it to achieve the ends, its conduciveness to which forms its recommendation” (p. 376). This latter condition, entailing sufficient “self-restraint,” would prevent factionalized violence between opposing groups in the polity.

Absent these conditions, Mill held that people are unready for self-governance. Considering the question of the suffrage in England, Mill pointed to “the twofold danger” associated with representative government: “too low a standard of political intelligence, and that of class legislation” (*Considerations on Representative Government*, p. 473). A voting population characterized by indolent, careless, or cowardly voters, those who lacked public spirit, or were easily duped—who “can be induced to lay their liberties at the feet even of a great man, or trust him with powers which enable him to subvert their institutions” (p. 377)—may be incapable of the self-restraint required to prevent class warfare and taking. They may be incapable of the self-restraint necessary for civil society, “unable to practise the forbearances which it demands: their passions may be too violent, or their personal pride too exacting, to forego private conflict, and leave to the laws the avenging of their real or supposed wrongs” (p. 377).

These were the dangers that worried Mill; he was fearful that factionalized violence would result when sub-groups of a populace were insufficiently respectful of each other's hopes and desires. Mill did *not* conclude that in all cases where people lacked habits of civility and self-restraint they should be ruled by a dictator or some other entity. The question was one of degree. Some form of democracy would work, poorly or better, depending on the "mental habits" of the people:

But however little blame may be due to those in whom these mental habits have grown up, and however the habits may be ultimately conquerable by better government, yet while they exist, a people so disposed cannot be governed with as little power exercised over them, as a people whose sympathies are on the side of the law, and who are willing to give active assistance in its enforcement.

... it must be understood that the amount of the hindrance may be either greater or less. It may be so great as to make the form of government work very ill, without absolutely precluding its existence, or hindering it from being practically preferable to any other which can be had. (*Considerations on Representative Government*, p. 378)

India

In Mill's view, such considerations were particularly pressing as they related to colonial power and authority. In this context, recall that for most of his adult life Mill worked for the East India Company (see Chapter 1). This fact alone lays him open to a charge of enabling colonial domination. It is important to keep in mind, however, that Mill regarded the ultimate aim of British rule in India as one of ensuring a transition to self-governance in that country. Whether that fact is enough to insulate him from a charge of paternalism is an open question.

Mill laid out his views regarding India in his 1858 memorandum published without attribution by the East India Company and never republished during his lifetime under his name (*Collected Works*, vol. XXX, p. 92). Mill titled the memo, "Improvements in the administration of India during the last thirty

years.”³⁷ The closing passages in the section, “Protection and Improvement of Oppressed Races,” contain his assessment of when people *in colonies* are prepared for self-government: once the rule of law is demonstrably and generally accepted in the polity and factional violence subsides. Mill examined a number of reforms that moved India toward readiness for self-rule. He observed that instead of such reforms being imposed by brute force, British officers increasingly worked with local inhabitants to implement reforms through discussion. In some cases, officers visited remote areas and spoke with inhabitants so that “the object which had for years been vainly sought by force, was accomplished by explanation and persuasion” (Mill 1990 [1858], p. 154). Mill noted the following reforms:

suppression of crime, piracy, infanticide, voluntary burning of widows on the funeral fires of their husbands, and witchcraft; enforcement of property rights; eradication of human sacrifices; abolition of slavery and compulsory labour; protection of religious freedom; re-marriage of widows. (Mill 1990 [1858], pp. 408ff)

Local inhabitants who participated in the implementation of these reforms were motivated to do so because they appreciated the unjustness of enslaving a portion of the population. Moreover, they were capable of the give-and-take of discussion. In Mill’s mind, they demonstrated readiness for self-governance. In this way, Mill squared working with the East India Company with his desire for reform, including self-determination. As Alan Ryan has put it, he favoured “a self-abolishing imperialism.”³⁸

What about situations where people are deemed unready, when self-governance leads to violence, death, and destruction? From today’s vantage point, Mill may seem out of touch on this topic, perhaps insufficiently appreciative of the nature and successes of institutions in far-away lands, and not

³⁷ See Hollander (2015), p. 408.

³⁸ “Unlike imperialists whose goal was the greater glory of the imperial power, Mill envisaged self-abolishing imperialism; if it was justified it was an educative enterprise, and if successful its conclusion was the creation of independent liberal-democratic societies everywhere” (Ryan, 1999, pp. 15-16). For a detailed examination of Mill on India, see also Hollander, 2015, pp. 386-423.

agitating soon enough or strongly enough for political self-governance in India. For some readers, Mill's remarks in *On Liberty*, apparently justifying dictatorship under conditions of so-called barbarism, also may come across as superficial, dismissive, or imperial: "Despotism is a legitimate mode of government in dealing with barbarians, provided the end be their improvement, and the means justified by actually effecting that end. Liberty, as a principle, has no application to any state of things anterior to the time when mankind have become capable of being improved by free and equal discussion. Until then, there is nothing for them but implicit obedience to an Akbar or a Charlemagne, if they are so fortunate as to find one" (1859, p. 224). Without endorsing dictatorship,³⁹ however, it is important to recognize Mill's key points in this respect: sub-groups in a polity must respect each other enough to avoid internecine violence, civil war, or enslavement; if mutual respect is lacking, they will be unable to live, and govern themselves, together. Genocides of the twentieth century, such as that in Rwanda, have borne out the validity of Mill's worries about factional violence when minimal amounts of mutual respect are lacking.

Self-governance

Mill of course also elaborated on how people *do* become ready for self-governance. Indeed, the chapters above suggest that this was the point of much of his writing. The acquisition of mutual sympathy via freedom of association (Chapters 1 and 7), discussion (Chapter 2), education (Chapter 7), and equality of opportunity (Chapters 4 and 5), plays a critical role in the argument, being a necessary condition for democratic government. As a source of moral obligation, sympathy constrains people and forms a barrier to injustice and violence. Mutual sympathy creates the boundaries of successful association (in this case, to form a polity), "To render a federation advisable, several conditions are necessary. The first is, that there should be a sufficient amount of mutual sympathy among the populations. The federation binds them always to fight on the same side" (*Considerations on Representative Government*, p. 553). Competition and the participation of a sufficient number of disinterested

³⁹ Unfortunately, economists such as F.A. Hayek and Milton Friedman have a checkered history as it relates to dictatorship. For a careful study of their position as it relates to Chile, see Andrew Farrant (2019).

sympathetic individuals prevents factional injustice. In his 1840 essay on Alexis de Tocqueville's *Democracy in America*, Mill maintained that a tyranny of the majority is unlikely in America, because the economy and the political system are competitive (*De Tocqueville on Democracy*, p. 72).

In England, Mill worried that not all potential groups of voters were willing to respect the views and property of each other, the problem of the Many and the Few made famous by his father. How did he square these concerns with his overall support for self-governance and the extension of the franchise? In his *Autobiography*, Mill told his readers that he regarded the question of a parliamentary democracy not as “an absolute principle” but rather “a question of time, place and circumstance.” With those considerations in mind, he endorsed a number of safeguards against rule via direct democracy.

First and foremost, Mill favored proportional representation, specifically a plan outlined by Thomas Hare in 1859 by which “every section [of the polity] would be represented, not disproportionately, but proportionately” (*Considerations on Representative Government*, p. 419). With proportional representation, minority viewpoints would be fairly represented and so the plan would partially resolve the problems of factions and minority groups.⁴⁰ Mill also foresaw that proportional representation would generate more skillful representation of minority viewpoints, since it would elicit “leaders of a higher grade of intellect and character” to represent them in Parliament (*Considerations on Representative Government*, pp. 490, 460).

Second and not surprisingly given what we have learned above, Mill advocated for education in this context. Education would, he argued, ensure that voters were well and critically informed, “being able to read, write, and, I will add, perform the common operations of arithmetic” (*Considerations on Representative Government*, p. 470). In the context of the coming electoral reforms, Mill spoke with some urgency regarding the need for education. The impending extension of the franchise was clearly on his mind in his 1867 *Inaugural Address* where he made the case forcefully that it be imperative for

⁴⁰ Mill wrote to Hare on March 3, 1859 (*Collected Works, Later Letters*, volume XV, p. 599). For Hare's plan, see Thomas Hare, *A Treatise on the Election of Representatives, Parliamentary and Municipal* (1859).

the voting public to learn how to evaluate political arguments and conflicting opinions:

But we all require the ability to judge between the conflicting opinions which are offered to us as vital truths; to choose what doctrines we will receive in the matter of religion, for example; to judge whether we ought to be Tories, Whigs, or Radicals, or to what length it is our duty to go with each, to form a rational conviction on great questions of legislation and internal policy, and on the manner in which our country should behave to dependencies and to foreign nations. (p. 234)

Education was to include logic as a means to ensure that potential voters were able to discriminate against fallacy.⁴¹

The Ballot

It may come as a surprise that, in his considered view, Mill argued against the secret ballot. His position on this, however, was in line with that above, a faith in the social motivations of voters. Mill believed that the secret ballot attenuated social motivations:

the point to be decided is, whether the social feelings connected with an act, and the sense of social duty in performing it, can be expected to be as powerful when the act is done in secret, and he can neither be admired for disinterested, nor blamed for mean and selfish conduct. But this question is answered as soon as stated. (Mill [1865] 1986, p. 1214)

⁴¹ Mill wrote that “Wrong opinions and practices gradually yield to fact and argument: but facts and arguments, to produce any effect on the mind, must be brought before it” (*Inaugural Address*, p. 206). Additional safeguards included the payment of taxes (having “skin in the game”) and plural votes to give disproportionate weight to those with “education and knowledge” (*Considerations on Representative Government*, pp. 477-78).

Recalling Mill's opposition, noted in Chapter 2, to the tyranny of public opinion, it may seem contradictory that Mill would advocate for such public votes. In this *political* context, he apparently trusted that British public opinion was insufficiently factionalized to warrant the attenuation of social feelings that would result from secrecy.

Concluding thoughts

Several questions arise from this brief review of Mill's views on representative government. First, it bears emphasizing that while Mill worked for the East India Company and did not advocate the dismantling of the Empire, neither did he advocate an Empire without end. In his view, foreign officials, working with local inhabitants, had reduced violence in India. Most important, foreign rule would eventually become unnecessary. Of course, although he explained when people would be ready for self-rule, the devil would be in the details—how soon would a people be “ready” and who would decide when they were “ready” for self-governance? In hindsight, it seems that Mill paid insufficient attention to such questions.

He also neglected the desire for ownership and wealth by foreigners who had assumed power in the first place. While it was well to recognize that local groups in India would one day be ready to assume self-rule, there was no guarantee that those in power, who favoured the Empire, would be willing to give up their authority without a struggle. Mill's statement that it might be best for a despot to rule so-called “barbarians” also neglected issues of power and authority, notwithstanding his qualification (“providing the end be the improvement”). Perhaps such rulers start out intending local improvement; however, at some point along the way, rulers in such situations may rule mainly to obtain resources or exercise power.

Finally, one might wonder whether Mill was overly optimistic about the motivational force associated with sympathy and mutual regard. In today's polarized political world, it seems that the desire for approbation and to be an impartial spectator are extremely weak motivational forces. We may now be in the situation Mill feared and hoped to prevent, not of violence, but rather unwillingness to have discussions across political and other group divisions.