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John Stuart Mill on Representative Government

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ABSTRACT

John Stuart Mill on Representative Government

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This thesis examines John Stuart Mill's philosophy of government from the perspectives of the individual in society and of society and its institutions. A critique of scholarly opinion regarding Mill's philosophy on representation leads to a repudiation of charges of inconsistency and elitism. While it concurs with revisionist interpretations, which stress the systematic and democratic aspects of Mill's thought, it advocates a third position. A broader interpretation is reached by the inclusion and consideration of Mill's political solutions. After a brief discussion of the historical background of late seventeenth- and early eighteenth-century England three major topics are examined. The first is Mill's theoretical approach to representative government, which requires an analysis of his views regarding the political

development of society, the development of representative government, the individual in society and the nature of "true" and "false" democracies. Special attention is given to Mill's reaction to the political thought of Alexis de Tocqueville. The second is Mill's approach to politics, which leads to an examination of British policies in regard to representation, the Reform Movement, British party politics, the weighted franchise and women's suffrage. Special attention is given to the impact of Hare's proposals of personal representation on Mill's thought. The third examines the contemporary controversy regarding Mill's work.

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CHAPTER I

PRELIMINARIES

Introduction

John Stuart Mill has significantly contributed to the enormous body of literature on the advent of democracy in nineteenth-century Britain. Hallmarks of his participation, as prolific writer and major political participant, are found not only in the debate itself but also in his controversial contribution to the then already highly charged topic of "representative government." Both the topic and Mill's work remain controversial. The central postulate of Mill's thought on representation is that no group in society ought to have power over any other group, not numerically, not by privilege of class and wealth, and not even by education. Mill's political agenda consequently had two radical aims: firstly, he intended to reduce aristocratic privilege within the British government, and, secondly, he intended to replace it not with a form of government that would allow the hegemony of the numerically largest group, but with one that would ensure the representation of all sections of society. He was inspired by a democratic form of government to the extent that it provided the framework within which he could develop his ideal society, his "true" democracy. It is for these reasons

that Mill has been the object of diverse criticism.

Two major trends characterize the historiography. Earlier scholars, for the most part, found Mill's work on representative government to be unsystematic, inconsistent and elitist. In the last two decades revisionist interpretations have stressed the systematic, consistent and even democratic thinking underlying his philosophy.[1] While this thesis essentially concurs with the latter interpretation, it will put forward a third position. Scholars have, for the most part, neglected the central importance of Thomas Hare's proposals for reform of the electoral system in which Mill's theoretical ideals are realized.[2] Interpretation of Mill's thought in isolation of its political application, is responsible for some of the misrepresentations that remain points of contention. The position taken here, to interpret Mill in terms of Hare, has to be cogent, since it is a course that Mill himself prescribes. It will be demonstrated that Mill discarded much of his own thinking in practical politics when he adopted Hare's system, because it was more consistent and could better integrate his theoretical precepts. Mill, within the context of Hare, leads to a reinterpretation of the evidence. This essay leads unequivocally to the conclusion that, assessed as a complete socio-political system, Mill's thinking is highly systematized and coherent and supports neither an elitist nor a "purely" democratic form of government.

Historiography

The two major historiographical trends pertinent to this study have been discussed above. Despite the enormous body of literature on the advent of democracy in nineteenth-century Britain the historiography is predominantly history as a reflection of the preoccupations and moral problems of the ruling class. While Mill himself expands the discussion to draw in marginalized groups: the working classes, minority groups and women on an equal basis, he nonetheless contributes to this paradigm.

Scope of Study

This thesis will examine the unique philosophical system developed by John Stuart Mill in order to meet the socio-political challenges of the period from 1840 to 1870. This is a vast topic, since Mill has integrated his political thinking into a complete, systematic philosophy of society in all its dimensions. While the focus of this study will necessarily be on issues related to representative government, it would be a distorted representation if major elements of the whole should be excluded. Questions as to whether or not Mill was a utilitarian, a revisionist utilitarian or rejected utilitarian philosophy cannot be entered into in detail, yet it is clear that he neither fully adopts nor rejects his heritage.[3] Mill was educated by his father to be the intellectual heir to the utilitarian philosopher Jeremy Bentham, and although he

eventually rejected certain key elements of Bentham's doctrine, the Utilitarian influence on Mill's thought cannot be ignored. We must examine Mill as thinker and writer, on the one hand, and as active parliamentarian on the other. Following an outline of Mill's social and political thought we will proceed to a critical analysis of four issues: his political ideas as they compare and contrast with those within his milieu, his support of Thomas Hare's Treatise on the Election of Representatives, women's suffrage and the validity of the claims of his critics. These topics were chosen because they bear upon the theoretical rigour of Mill's thought and its direct practical application to politics, its universality of outlook and above all the on-going debate and controversy that still surrounds his work, clear evidence of Mill's influence on and relevance to scholars even now at the end of the twentieth century. Mill has a real title to a place in history if, as Jacob Burckhardt claims, history is, "the record of what one age finds worthy of note in another."[4]

Sources

This study relies heavily on Mill's own extensive works, recently compiled and edited by John M. Robson and others.[5] On Liberty, Considerations on Representative Government and his speeches and correspondence have been given the greatest attention. Scholarly contribution is vast, and I have limited

my discussion to only those scholars who have written on issues directly relevant to the problem of representation. Even here I have had to restrict comment to only a small portion of recent secondary literature. Quotations are extensive due to the highly controversial issues of interpretation.

CHAPTER II

HISTORICAL BACKGROUND

At the turn of the nineteenth century political power rested firmly with the aristocracy, by 1832 the franchise included the middle classes, and between 1832 and 1867 the enfranchisement of the working classes and women framed the great English political debate. The first half of the nineteenth century can be described as a revolutionary period in the history of England, influenced as it was by the events of the Revolution in France and the results of the Industrial Revolution. John Locke's radical rationalism, which formed the central canon of Whig and Liberal political philosophy for almost two centuries after the publication of Two Treatises of Government in the late seventeenth century, supported and promoted the ideas of the Glorious Revolution of 1688 and so favoured the curtailment of privilege. The Rockingham Whig party, for example, took pride in their place in a Whig tradition stretching back to the Glorious Revolution. A party strongly hostile to privilege of court and king they, in the 1760s, offered resistance to George III, who, they believed, was aiming at increasing the power of the monarchy.[6]

Lockean principles at the core of Whig philosophy were tested by the French Revolution with its rhetoric of liberty

and equality. The final decades of the eighteenth century saw these ideas challenged by the romanticism of statesmen like Edmund Burke, one of the leading members of the Rockingham Whigs in Parliament. The French Revolution furnished Burke with the opportunity to define the ideological conservatism of the period in his Reflections on the Revolution in France (1790) with its strongly anti-revolutionary ideas. Burke dissociated the rhetoric of 1688 from that of the French Revolution. He argued that government by aristocratic rule and the concept of private property, secured in the free institutions of Britain, were fully compatible with the ideals of the Glorious Revolution. Burke's civil state supported traditional institutions, practices and laws, which had developed over generations of time. He called for state promotion of stratification in society by advancing the theory that men had equal rights, but that they did not have a right to an equal share of power or property. The aristocracy are of paramount importance, "...these are the circumstances that form what I call a 'natural aristocracy' without which there is no nation."[7] Burke did not envisage a society in which all men are politically equal. Some govern and others obey, "...those who attempt to level, never equalise....In all societies some description must be uppermost."[8] Levellers only pervert the natural order of society. In 1794 opposing ideologies led to a schism in the Whig Party highlighting the French Revolution as a watershed in the development of British

political thought. The Conservative Portland Whigs, opposed to the French Revolution, broke with the Democratic Foxites, led by Charles James Fox, who roundly supported it.

Utilitarian philosophy challenged Burkean conservatism. John Stuart Mill inherited this philosophy, dominant in British political thought from the late eighteenth to the last quarter of the nineteenth century, from Jeremy Bentham and his father James Mill, a disciple of Bentham's. It rests on a concept of "universal principles of human nature" and eighteenth-century ideas of "universal laws". Its central canon: the purpose of government is to provide the greatest happiness for the greatest number, where happiness is equated with reward for labour. The Utilitarians held that any form of government, other than government by the entire community, would have motives opposite to those of the community and would result in bad government. Good government can only be found in representation, "...and as the Community itself is incapable of exercising those powers, and must entrust them to some individual or combination of individuals, the conclusion is obvious: The Community itself must check those individuals, else they will follow their interest, and produce bad Government."[9] The Utilitarian perception of human nature claims that desire has no point of saturation, so that the interest of both King and Aristocracy will always be for unlimited control over the community. In the Utilitarian system Burke's aristocracy is replaced by the middle class as

the class most essential to society.[10]

Utilitarianism provided the intellectual basis for a current of English liberalism composed of three movements: the other two were Free Trade and Evangelicalism. However, Utilitarian philosophy was isolated in many ways from mainstream liberal opinion. While it sought to liberate the individual from political and religious tyranny, the Evangelicalists, for example, believed the Law and the Law-Giver to be predetermined: theirs was a divine law; they had no faith in human laws. Education was the key that would transform thinking and belief and that formed a cornerstone of their socio-religious movement.[11] For Utilitarians the solution lay in law and government. A society's condition is determined by its form of government, the nature of its laws and the mode of taxation. For James Mill something far beyond mere schooling was required:

> The most efficient part of education is that which is derived from the tone and temper of the society; and the tone and temper of the society depend altogether upon the laws and the government. Again; ignorance is the natural concomitant of poverty; a people wretchedly poor, are always wretchedly ignorant. But poverty is the effect of bad laws and bad government; and is never a characteristic of any people who are governed well. It is necessary, therefore, before education can operate to any great result, that the poverty of the people should be redressed; that their laws and government should operate beneficently.[12]

Utilitarians in calling for efficient and effective government

formed a part of the vanguard of the liberal reform movement of the 1830s in England. Prior to 1832 they had had a significant impact on British socio-political thought and greatly influenced the Reform Bill of that year.

While the Whigs were urging reform within Parliament, radical agitation and even outbreaks of violence among the middle and lower classes contributed to pressures that culminated in the parliamentary reforms of 1832. One major feature of the 1832 Reform Bill was the Whig cabinet's disfranchisement of private parliamentary patronage by an extensive redistribution of representation. Fifty-six boroughs, which had each returned two members to parliament, completely lost their representation, and thirty more had a reduction from two to one member. Half of the redistributed seats were given to new boroughs. Twenty received one member each, and twenty-two were assigned two members each. The other half were allocated to the counties, increasing their representation. This benefitted the landowning class.[13] Another important feature was the extension of the franchise. In the boroughs, a uniform qualification enfranchised all males who occupied houses worth at least £10 a year and paid their own taxes. This gave the vote to many lower middle-class townspeople such as large numbers of shopkeepers. In the counties copyholders or leaseholders of property worth at least £10 obtained the franchise. Tenants-at-will, without security of tenure but with an annual rental of £50 or more,

qualified for the franchise. A class of small farmers were hereby enfranchised.[14]

Whig philosophical ideas dominated the era. The passage of the Reform Bill of 1832 reinforced the Whig vision that society was progressing steadily towards a utopian state in which the advance of democracy was inevitable. This caused great concern to many among the wealthy and privileged. The major problem was how to prevent the interests of working-class voters, once these became enfranchised, from predominating over those of the propertied and educated classes by dint of their overwhelming numerical majority.[15] Those in power sought expedients to prevent democratic levelling resulting from further extension of the franchise. On the other hand, the working classes felt betrayed by the Bill, because the franchise was extended only to the middle classes. As a result the interval between the first Reform Bill and the disintegration of the Chartist movement in the 1850s witnessed the threat of seizure of political power by the workers in England. It was also a time in which England could not grow enough food to support its population, an England of slums, strikes, unemployment and unrest.

Politically Mill rejected the principles of the 1832 Reform Bill, which based the franchise on a property and wealth qualification, and feared extensions of these principles in future reforms. Philosophically he no longer fully subscribed to the Utilitarian doctrine. For example, he

repudiates the simple psychological sensations of pleasure and pain as an adequate foundation of political or ethical theory, terming it "a doctrine worthy only of swine."[16] Instead he broadens the value of pleasure by quantifying and qualifying it and by introducing a concept of rationality. It is within this climate of controversial issues and unrest between the First and Second Reform Bills that Mill developed the unique philosophical and political theories that framed his contributions to the debates on Parliamentary Reform in the 1860s.

CHAPTER III

MILL'S THEORETICAL APPROACH

Development of Representative Government

Civilization, to Mill, meant responsible government and the development of scientific knowledge. He envisaged man in a society in evolution, a three-stage progression from a state of barbarism towards civilization. The first stage taught obedience; the second, labour; and the final, self-government. It was "the fundamental problem...of the social science...to find the laws according to which any state of society produces the state which succeeds it and takes its place."[17] Since societies were at different stages in this evolutionary process, it would be erroneous to seek out universal precepts in an attempt to lay the foundation for a single form of government for all mankind. In less developed societies, benevolent despotism might well serve as the best temporary expedient.[18] Democracy for Mill was an integral part of a fully developed philosophical system that emphasized man's progressing development towards civilization.

The development of representative government as a political institution comes about by a combination of two influences: man's invention, by choice and design, and "human nature" described as the unconscious desires, habits and

instincts of a people.[19] Mill argued against intuitionism or innate principles as a theory of human nature. He believed intuitionism, as the philosophy which "makes opinions their own proof and feelings their own justification," to be the greatest speculative hindrance to the regeneration of society, because it does not require a rational explanation for beliefs or actions.[20] Human nature fell within the realm of a moral science based on analyzed experience. Influenced neither randomly nor arbitrarily, it exists within the domain of science and is subject to fixed laws. Virtue was thus an ideal of rationality and not one of instinct or innate moral sense.

Mill, for this reason, was sharply critical of his predecessors, Locke and Hobbes, for having based their political theories on abstract precepts and "social contracts" that were purely imaginary constructs, rather than on the laws of human nature or on observable sequences of natural phenomena. Like Marx Mill based his philosophy of social progress on a philosophy of history. Unlike Marx, however, for Mill social progress is not predetermined. In designing a framework that brings human progress within the realm of scientific inquiry Mill is able not only to account for stages of societal development towards representative government, but also to predict the effects of changes in the present upon future developments. For Mill the concept of designing--with choices and options--the society of the future becomes a real possibility.[21]

The Logical Foundation of Social Science

In his A System of Logic Ratiocinative and Deductive[22] Mill elevates intellectual forces above economic ones to explain social progress by depicting the speculative faculties of man as the primary agent of social progress, arguing that any advance in civilization has always been preceded by an advance in knowledge.[23] When human nature is brought within the realm of science, the thoughts, feelings and actions of individuals become subject to fixed laws. Society as a whole must also be subject to these same fixed laws. However, unlike the laws of astronomy, which permit the prediction of events thousands of years in the future, our knowledge of the laws of society do not enable us to make fully reliable predictions, not because the laws themselves are nonexistent or capricious, but because the factors influencing society are numerous and perpetually changing.[24] Finding the right method becomes the challenge. The "Geometrical" method, for example, is condemned on the grounds that mathematics unlike the physical sciences affords no concept of conflicting causes. As a result its adherents are led to the fallacy of trying to explain social phenomena in terms of a single force or property of human nature. The guiding principle of the school of Bentham, that human beings are governed in their actions by worldly interests, exemplifies the error.[25] "In social phenomena the Composition of Causes is the universal law."[26] Hence for the study of social phenomena the "Concrete

Deductive" and the "Historical Deductive" are the appropriate methods. The first of these infers the laws of effects not from a single cause but from an aggregate of causes influencing an effect. Any given set of circumstances in society, however complex, amounts exactly to the sum of the effects taken individually. This method offers the further advantage of permitting the verification of a priori constructs by a posteriori observation of the concrete phenomena themselves.[27] In determining the progression of man in society or, more exactly, the laws according to which a state of society produces the state that succeeds it the "Historical" method applies. The laws of society are arrived at empirically, developed by induction and verified by the a priori laws of human nature. History is an essential component of social science, because it establishes uniformities of co-existence of certain social phenomena and permits laws of society to be established by an understanding of historical events.[28]

The Individual in Society

While democracy represents the highest developmental stage of a society, it nonetheless also poses its greatest danger: stagnation, a stationary state of the future in which society, dominated by mediocrity, would be powerless to change. This threat was perceived as especially pernicious, because Mill believed social progress to be the paramount

necessity of society. Innovation, the domain of the individual and not the group, meets this threat. Consequently Mill was a staunch defender of individuality. His political ideas were dominated by concepts of individual freedom, which acted as a bulwark against stagnation and represented the indispensable precondition of social progress. The simplistic identification of Mill's defence of individuality, exclusively for the protection of eccentricity, misses the point. As Harry Clor emphasizes, "Mill associates individuality with energy of character." It is this "human excellence" that is the precondition of progress.[29] To optimize individual contributions it was essential that not only the gifted but all citizens enjoy a climate conducive to the highest development of their moral and intellectual capacities. Mill argues that though there have been great individual thinkers in conditions of mental slavery, there has never been an intellectually rich society in such an atmosphere.[30] In periods when conventions and principles cannot be disputed mental activity is at its lowest; it is at its highest during times when the yoke of authority has been broken.[31] A spirit of liberty is essential for human progress and advancement; despotism of custom, a hinderance. English society, which considered itself to be highly progressive, was heading towards stagnation; for the most important aspect of European society, namely the diversity of individual, class and national character and culture, was being lost.

> It is individuality that we war against: we should think we had done wonders if we had made ourselves all alike; forgetting that the unlikeness of one person to another is generally the first thing that draws the attention of either to the imperfection of his own type, and the superiority of another, or the possibility, by combining the advantages of both, of producing something better than either.[32]

Mill denounced China, where individuality had long been discouraged, conformity encouraged, and where as a result society had been stationary for millennia. Notwithstanding the freer tradition and history of Europe, unless individuality were maintained and encouraged to develop, Europe too, like China, ran the risk of stagnation. Mill was hereby bound to design a democratic system of representation within which individual liberty would be integral and essential.

Like Locke Mill recognizes that the realization of liberty lies in limiting the powers of the State, but goes beyond Locke to introduce a dimension of ethics and morality into the discussion. To protect the individual within a legal system alone is insufficient, protection must also be provided against "...the tyranny of the prevailing opinion and feeling; against the tendency of society to impose...,"[33] because such imposition would impede individuality. As human knowledge is imperfect, and as wise and noble things are initiated by individuals, a diversity of opinion is valuable: eccentricity thus demands tolerance.[34] Mill would concur with Whitehead's sentiment referring to the devil, as "He is the Homogeneous".[35]

The sole end of government over the individual by either

law or moral coercion is dictated by one "very simple principle": the prevention of harm to others. Harm to oneself, either physical or moral, constitutes insufficient warrant for government intervention.[36] Individual freedom is the right to pursue our own ends, bodily, mental and spiritual, in our own way. Consequently Society's powers must be limited in order that individuals may have liberty of consciousness, absolute freedom of thought and feeling in both spoken and written expression, the freedom to design their way of life to suit their own tastes and pursuits, and the freedom to unite with others for any purpose provided only that others are not harmed.[37] So highly did Mill value individual freedom that he asserts: "If all mankind minus one, were of one opinion, and only one person were of the contrary opinion, mankind would be no more justified in silencing that one person, than he, if he had the power, would be justified in silencing mankind."[38] Freedom for Mill means the pursuit of the higher happinesses, a rational pursuit of disinterestedness and truth, which will always be for the good of mankind. While harm to oneself alone does indeed injure mankind generally in that, "...it diminishes the stock of mental cultivation;"[39] nevertheless, public interference with personal conduct is permissible only under conditions that result in harm to others. Public opinion is not sufficient justification. For example, proposed legislation against intemperance seemed monstrous to Mill, for the use of

stimulants to please oneself without harming anyone else ought not to be subject to government interference. The concept of "displeases" is not an equivalent of "harms", for the applications of the former would be unbounded. Mill cites the further example of Joseph Smith, who was put to death for polygamy. However distasteful polygamy might have seemed to non-Mormons (and to Mill himself), provided all parties had freely consented, no one community had the right to force another to be "civilised."[40]

It is important to understand that Mill's concept of liberty is two-dimensional. Essential is not only the absence of coercion by society over the individual but also the accountability of the individual to society. Each principle is requisite for social progress. It is in this particular that a great deal of controversy has arisen. Although society is not founded on the concept of a contract, individuals are nonetheless indebted for the protection they receive, and they owe to the community behaviour that will not harm the interests of others and will contribute to the defence of other members against such harm.[41] Moreover, Mill's concept of the individual's obligations goes far beyond a purely negative restraint from harming others. There is also an active positive side: concern with the well-being of others.[42]

> "I am the last person to undervalue the self-regarding virtues; they are only second in importance, if even second, to the social.... Human beings owe to each other help to distinguish

> the better from the worse, and encouragement to choose the former and avoid the latter. They should be forever stimulating each other to increased exercise of their higher faculties, and increased direction of their feelings and aims towards wise instead of foolish, elevating instead of degrading, objects and contemplations."[43]

Mill's good samaritanism, as Samuel LaSelva observes, does not contradict his harm principle, but applies it.[44] The individual's responsibility to society involves firstly attaining one's highest intellectual and moral development and secondly in helping others to attain theirs. The obligation to realize one's highest mental capabilities, of developing well founded ideas and opinions, is all important; for only in this way can the individual contribute most effectively to social progress. The vehicle for achievement is education which has the task of furthering both societal and self-regarding virtues through the promotion of cultivated intelligence, for, "it is what men think that determines how they act."[45] A position quite in contrast to Marx, who believed that it was not one's consciousness that determined one's social existence but social existence that determined consciousness.[46]

"True" and "False" Democracies

There are two elements that are central to good government. The first is to promote the highest moral and intellectual development of the governed, both individually and collectively. The second is to provide sound "machinery"

for bringing the good qualities of power into the community's public operations. It follows that the evaluation of any government must be based on the degree to which it promotes the mental advancement of its citizens as well as the degree to which it can implement the best intellectual abilities already existing in the community for the greatest effect on public affairs.[47] Representative democracy is the most suitable form of government in societies where size precludes a "direct" democracy, for it makes possible the realization of these features of good government.

Every adult human being, in a perfect system of representation, is entitled to have through the electoral process a portion of influence on government. This is necessary for two reasons. Firstly, government has an educative dimension, and participation in government is highly educational. The individual will achieve his highest moral and intellectual attainment through participation in the political process. Such political participation leads directly to the moral and intellectual improvement of the citizen by familiarizing him with the ideas of others and by encouraging an understanding of the "common good" that extends beyond his purely personal interests.[48] In this way circumstances are created within which the individual is able to develop to his highest moral and intellectual level, culminating in an ideal human character. Secondly, representative government extends propositions of <u>self-</u>

protection and self-dependence to its citizens. The principle of self-protection identifies the individual as "the only safe guardian of his own rights and interests" and maintains that these interests can only be secured if he has some proportion of power within the state. This proposition pertains to the relationship of the individual to other members of society. The second proposition, self-dependence, allows the individual, either alone or jointly with others, to create the circumstances of his own prosperity and so relates man to his environment. All free and prosperous states can be found to exhibit these two principles. Mill argues that although this proposition has been labelled a doctrine of universal selfishness, it is completely in accord with human nature, for each prefers himself to others and those close to him to those more remote.[49]

Superficially the concept of participation appears to be incompatible with the second element of good government, no less fundamental: political competency and ascendency. Representative government, in its organized arrangements for conducting the collective affairs of a community, manifests good government; for it is a means for bringing the intellect and virtue of its wisest members within the scope of governmental organization. The greater the amount of these good qualities; the better the government will be. Hence superior morality, intelligence and political skill entitle some individuals to greater political participation than

others. Because political participation educates and thereby increases the level of competence of its citizens, increased participation would, in principle, lead to increased competency. Yet it is precisely the participation of the less competent in society that Mill fears, for incompetence in a democracy leads to stagnation. Thus in the United States, where a "false" democracy will tend to stunt individual mental ability, innovation will be replaced by mediocrity, and this will eventually lead to stagnation and the decay of that society. As we shall see, it is a remarkable achievement of Mill's system that it manages to synthesize the apparently irreconcilable contradiction between political participation by all, enabling the improvement of the minds of citizens, and the need for the participation of the wisest to realize good government.

If democracy is government by a simple majority, Mill is not a democrat. Mill perceived a vast difference between the essential idea of representative democracy, the theoretically optimal form of government, and the particular forms evident in the constitutions of his day. It was a serious misunderstanding to equate democracy with government of all by the numerical majority, who alone possess a voice in the state.[50] "The idea of representative government is that the entire nation, or large part thereof, exercise through deputies, periodically elected by themselves, the ultimate power in the operations of government."[51] When Mill calls for

representation by "the entire nation", he means that government must be a reflection of all groups within that nation and not solely the majority. The greatest threat to the idea of "true" democracy and the salient shortcoming of all existing "false" democracies lies in an incorrect interpretation of representation. This can lead to a "tyranny of the majority" and loss of intellectual and moral independence for the individual.[52] A simplistic application of the principle of rule by majority, who alone possess a voice in the State, must result in a government of privilege. The disadvantage to--if not the total exclusion of--minorities reflects a state of affairs sharply at variance with the concept of equality upon which democracy is based. For example, in a "false" democracy, employing a system of universal suffrage with every vote weighted equally, three fifths of the population, the majority, could return their representatives to the House of Commons to the total exclusion of the outvoted two fifths. Moreover, if a vote passed by a majority of three fifths in the House, the result would be government by "the majority of the majority," which in the case at hand would be representative of less than 40 % of the voters.

If democracy assumes individuals to be intellectually and morally equal, Mill is not a democrat; for he does not believe that every individual has a right to equal political participation. Liberty and equality comprising the basic

elements of the democratic creed, are not easily reconciled and, in one contemporary view, exist in considerable tension.[53] "Class legislation" poses a constant threat to good government. The interests of those who buy labour are opposite to those who sell it, and each will endeavour to further their own interests in the political forum. For democracy to work individuals must transcend these interests and operate "on higher motives".[54] Mill's ideal individual is one who can give a rational explanation of his beliefs or actions endowed with a character that "struggles with natural powers and tendencies, not that which gives way to them."[55] Striving towards this ideal advances the individual, and at the same time the entire community because of increased levels of intelligence and morality. H. S. Jones points out that the reform debates of the 1850's and 1860's were based on three competing concepts: utility, rights and virtue, and that Mill's "republican" vocabulary despite utilitarian overtones was founded squarely on virtue.[56] This interpretation is consistent with Mill's ideas. Participation is to be thought of, not as a right, but as a trust for public good that equates reward for mental improvement with increased political participation.[57] While universal suffrage is the ultimate aim, this does not presuppose equal weighting. Increased participation based upon increased mental ability must result in a stratified scale. A universal and equally-weighted suffrage system would in England lead, in Mill's view, to

nothing more than the substitution of one class ascendency for another. And since men are not equal in intelligence and moral qualities, democracies based on straight majorities cannot lead to social progress. He greatly feared that the American form of democracy, which he considered a despotism of the majority, would be applied in England: "for if the American form of democracy overtakes us first, the majority will no more relax their despotism than a single despot would."[58]

Mill's notion of democracy as government of all by all in a system of equal representation,[59] is consistent with contemporary theory of "rule by the people." His aim to limit the power of government to protect individual freedom anticipates a contemporary definition of "liberal".[60] His political system can therefore be described as liberal democracy. Democracy, for Mill means that all classes or groups in society must have a voice and influence in Parliament.[61] It would be wholly erroneous to equate this with government by the majority. Majority rule, to Mill, means government by only the largest class in society whereas equal representation means government by society as a whole. It is essential, then, that minorities be represented in a "true" democracy and that every section of the community have a <u>proportional</u> voice, no less and no more, in determining the policies of government.[62] A portion of a constituency amounting to a third should be able to obtain a third of the

parliamentary representation of that constituency.[63] Mill's concept of representation mirrors his emphasis on the importance of the individual. An elector who does not return a candidate to Parliament is considered to be "disfranchised".[64] Not only is it necessary to return proportional percentages of community votes by party, it is equally necessary for each elector to be personally represented by an individual for whom he voted. None of the democracies functioning in Mill's day had implemented or even recognized this fundamental principle. All were "false" democracies, and all existing systems of representation required thorough restructuring to allow for the representation of all--not merely the majority of--the qualified members of the community.

If democracy is government by the representative assembly, Mill is not a democrat. In an "indirect democracy" the people do not rule directly; decisions are made by the representative assembly.[65] Mill's thought is in accord with the former but not with the latter. The function of the representative assembly is to oversee and to control the Government, but it is quite unfit to execute the administrative functions of government. "The idea of a rational democracy is, not that the people themselves govern, but that they have security for good government. This security they cannot have, by any other means than by retaining in their own hands the ultimate control....the best government

(need it be said?) must be the government of the wisest, and these must always be a few. The people ought to be the masters, but they are masters who must employ servants more skilful than themselves."[66] Good government will be furnished by a select body of "specially educated" individuals, not by the people collectively.[67]

Government must be conducted by a select body of individuals who have the skills and education for the task. At the same time an essential prerequisite of good government is the identification of interests between the rulers and the ruled. Both can be realized in a representative system. If the representative assembly assesses the government's performance to be unsatisfactory, it has the responsibility to censure publicly, expel or replace the professional administrators held responsible for that performance. These professionals are not elected but appointed by a Chief Minister, who would himself be appointed by Parliament as an agent of the Crown. Mill considered the procedure of electing the President of the United States, who is Head of Government as well as State, by popular suffrage to be severely flawed. It resulted in the selection not of the most capable individual but rather of either someone unknown and undistinguished or of someone whose success had been in fields outside of politics. Highly qualified candidates often fail in elections, for an entire nation is more likely to vote for someone "without antecedents" than for someone who has been

active in politics and so has made personal enemies or has expressed opinions unacceptable to some groups within the community or nation. It is for just this reason that Mill believed that Presidents of the United States, excepting the founders of the republic, had almost always been obscure men. An equally serious disadvantage in selecting the chief executive by popular suffrage was the irresistible tendency of those elected to focus their attention not on the issues themselves but rather on the anticipated impact of their actions on the next election.[68]

In order to achieve a synthesis of the apparently irreconcilable tenets of political participation by all and the need for the greater participation of the wisest, Mill has separated the administrative, legislative and electoral functions of government and assigned a competency appropriate to each component. Professional civil servants possessing the necessary education, political skill and experience are indispensable for the administrative functions of government. The better educated members of society ought, on the basis of their developed intellectual and moral competencies, to constitute the legislature. Finally competence is essential among the nation's voters in order that the most highly qualified candidates be elected to that legislature. This confidence in the skilled professional stemmed from Mill's position at India House firstly as a clerk and then as Chief Examiner. He was convinced that this independent professional

bureaucracy had achieved progressive government for the Indians and argued this case to the Select Committee on the East India Company's Charter in 1852.[69] Bureaucrats were always preferable to politicians, because Mill considered professional politicians to be notorious perverters of free government.[70] A Representative Assembly must confine itself to overseeing the government, but should not govern. A legislative commission, without the power to enact, would draft legislation for approval by Parliament. Here we see a distinct separation of functions between elected representative and professional administrator, an individual especially trained for the task.[71] While Mill had great confidence in bureaucracies he nonetheless considered a representative assembly crucial, for it balanced the negative aspects of bureaucracies: that they do not promote individual creativity and innovation and that they almost always become pedantocracies.[72] Clearly this mixed system of government solves the problem of stagnation for it allows participation by all while at the same time brings greater participation of those more competent within the scope of government.

Coleridge and Mill

Samuel Taylor Coleridge's idea that the State is a moral unit that defines each individual's place as determined by his value to the State is unmistakeable in Mill's thinking on

education. However, Mill diverges from Coleridge, because he does not believe that the natural guardians of the people must govern in the interests of all. Unlike Coleridge Mill supports a democratic and not an aristocratic political system.[73] In Coleridge's doctrine there is a tension between permanence, represented by landed interests, and progression, represented by commercial interests. Mill emphasizes rather the tension that exists between the contented and aspiring classes: "...wealth and hopeful poverty -- age and youth -- hereditary importance and personal endowments."[74] Minority representation is crucial to Mill's conception of a just and "truly democratic" society, for truth and progress can only be reached in a state of tension. Quite unlike Rousseau's idealized democracy, where conflict is eliminated by a system of consensus for the common good, Mill's system holds contrasting beliefs, opinions and principles to be indispensable. This process of constant questioning develops mental and moral knowledge, a precondition for greater political participation. Those who do not develop themselves neglect their obligation not only to themselves but also to the other members of society. Their political participation, neither effective nor wise, could only be to the disadvantage of the common weal. Political limitation is the inescapable consequence.

Conflict, a precondition for progress, cannot occur when one group in society has absolute power. Citing examples of

conflict between the orthodox and religious reformers and between king and people, he adds that stagnation--and later decay--occurs when either side has gained a complete victory. Minority representatives, often champions of unpopular doctrines, act as a bulwark against stagnation and decay by performing the social "function of antagonism" and by guarding against the absolute power of a single class, whose members are often alike in their biases and thinking.[75] Antagonism is crucial to Mill's concept of party. Since principles, and not loyalty by affiliation, constitute party, political factions will represent antagonistic, or at the very least incompatible positions.[76] As Bruce Kinzer effectively demonstrated, organized antagonism implies party despite the considerable body of opinion, "that very little of a positive nature can be said about Mill and party."[77]

Tocqueville and Mill

Mill's views were deeply influenced by Alexis de Tocqueville's Democracy in America, whose distrust of democracy he came to share. Like de Tocqueville Mill held that the greatest evil and danger in a democracy was posed not by anarchy nor change but by stagnation.[78] In his review of Democracy in America[79] Mill is in accord with Tocqueville on the principal issues, namely that the development of democracy in Britain and Europe was inevitable, that the advantages of a democracy are that it benefits a large majority (but not

all) of the population and that it sharpens the intelligence of the masses.[80] However, he does not share Tocqueville's confidence in the aristocracy as becomes evident in his discussion of issues regarding the disadvantages of democratic institutions. Mill argues that these disadvantages are not exclusive to the democratic state, for the same conditions exist in Britain's aristocratic system. Mill believes that these problems are best eliminated by a correct understanding and implementation of a "true" democracy rather than in finding inspiration for their solution in aristocratic governments.

Among the disadvantages of a democratic state identified by Tocqueville are that policies are more hasty and shortsighted than in aristocracies, that equality of conditions produce negative social and moral phenomena,[81] that the majority's ability to stem all opposition extends to the point that, "I know no country in which there is so little true independence of mind and freedom of discussion as in America."[82] The fundamental problem with democratic institutions for Tocqueville is not their weakness but their excessive strength.

On the first issue, Mill disagrees with Tocqueville. "The only steadiness which aristocracy <u>never</u> fails to manifest is tenacity in clinging to its own privileges."[83] English history demonstrates that laws have been made not on steady and well planned legislation but on the immediate impulses and

passions of the ruling class in order to inflate their power and privileges. The stability that Tocqueville attributes to aristocratic governments Mill finds nonexistent in all of England and almost all of Europe, although he does grant that they may be found in such narrow aristocracies as those of ancient Rome and contemporary Venice.[84] For Mill the key to considerate and wise government lies not in the wisdom of the members of the institution, but rather in their willingness, rare among the English aristocracy, to be guided by the wisest amongst them.[85]

Mill disagrees with Tocqueville's claim that social and political equality has led to intellectual and moral decline in America. Tocqueville cites such examples as the spirit of dissatisfaction with one's present condition, which incessant striving to improve makes impossible to enjoy, and the maintaining of appearances beyond one's means. Mill points out that in Lower Canada, where equality of conditions is greater even than in the United States, the population exhibits less of these social and moral tendencies. Britain, on the other hand, where in complete contrast with America the equalization of conditions has made the least progress and where extremes of wealth and poverty have been maintained, exhibits the same moral and intellectual features as America. Englishmen with an aristocratic government differ only in one particular: they still retain a respect for the aristocracy.[86] The distinguished talent among America's citizens, Tocqueville

noted, was often not exhibited by their representatives in government. A salient case in point was the large number of unimpressive and undistinguished men comprising the House of Representatives in Washington. He concluded that this was a weakness of a democracy and that universal suffrage was no guarantee of wisdom.[87] Mill countered that distinguished talent was not held in low regard only in America, but that it was also undervalued by the English Aristocracy, who had often dismissed those with superior wisdom as "dreamers or charlatans" in order to maintain their privileged position.[88] This flatly repudiates Tocqueville's argument that aristocracy promotes and safeguards the wisdom and talents of a nation.

Tocqueville's concern that democracy in the name of public good had produced in America a tyranny over the mind with a consequent reduction of moral courage, pride and independence of thought leads him to look for a corrective to the American form of democracy, in which the individual was insignificant. His solution is to create a spirit of liberty by an extension of political rights. In other words the problems of a democratic state and their solutions lie in the type and organization of the democratic institutions themselves.[89] Tocqueville argues that an advantage of an aristocracy is its ability to curb the supreme power of government. Aristocrats, because they possess independent means and status by birth, are largely immune to and unaffected by governments, and so serve as a bulwark against

their power. In order to ensure increased personal liberty within a democratic state, Tocqueville advocates introducing institutions based on the traditional aristocracies of Europe. An "elected aristocracy" would check the tendency of government to suppress the freedom of individuals to dissent from majority norms. This would be in the form of public bodies, temporarily composed of private persons who would be given administrative powers and would function within communities.[90]

Mill believes that Tocqueville has mistakenly attributed to democracy the effects of civilization. The escalating insignificance of the individual and the rising power of the masses are consequences of civilization, not of democracy. It is not the equality of the individuals composing the mass, but rather the immense size of the mass itself that crushes the individual both singly and collectively. As an example of his point Mill cites England, a country where the insignificance of the individual is evident even within aristocratic institutions. The House of Lords, the most powerful and wealthy group in Europe, passed the Reform Bill of 1832, not because they wished to, but because they were compelled to. They simply bent to the common opinion. Nobles as individuals, as well as any other individuals, count for little, class for everything. Because of its great growth the middle class had become the most powerful and now dominated all aspects of society. All classes, even the Lords, had

become increasingly docile under the yoke of bourgeois opinion, and it was this opinion that forced passage of the Bill. Thus the effects that Tocqueville attributes to democracy can be seen in England to be rather the result of the progress of civilization, in particular the rapid expansion of the middle class. Intellectual integrity can only fade before an overwhelmingly powerful majority opinion.[91]

Mill believes that the spirit of commerce and industry plays one of the most significant roles in civilization, and that all of the advantages that have accrued from the Middle Ages to the present can be attributed directly to it. However, society must have a counterbalance to the powerful commercial class. No class, however important to society as a whole, should be enabled to suppress or extinguish the opinions and sentiments of other groups or individuals. The counterbalance to the commercial class consists of an agricultural class, a leisured class and a learned class. The agricultural class is important because firstly it offers local attachments counterpoised to the commercial, secondly it offers stability in the relationship between tenants and landlords and thirdly it offers economic stability, presenting neither great increases nor decreases of wealth. England had the advantage of possessing leisured and learned classes, which America did not have, and it was essential to preserve them. Mill argues that the ascendancy of the commercial class in modern society and politics is not an evil provided that

government is able to solve the great problem of preventing the strongest from becoming the only power. If not, Britain, he predicted, would also have a "tyranny of the majority", created by the ten-pound householders and the middle class should they adopt the habits and instincts of the commercial community.[92]

Tocqueville eloquently continues that, "...the taste which men have for liberty and that which they feel for equality, are, in fact, two different things; and I am not afraid to add that, amongst democratic nations, they are two unequal things."[93] He argues that in Europe men prize freedom, but would forfeit freedom for equality, and that if they could not have equality in freedom, they would have equality in slavery. They would endure great hardship, even poverty, servitude and barbarism, but they would not endure aristocracy.[94] America furnishes a striking example where loss of liberty entails a severe restriction of outlook, and each man lives his life striving for petty pleasures that are solely and fully dispensed by an all-powerful government: the individual has become impotent to conduct his own thinking and affairs:

> After having thus successively taken each member of the community in its powerful grasp, and fashioned them at will, the supreme power then extends its arm over the whole community. It covers the surface of society with a network of small complicated rule, minute and uniform, through which the most original minds and the most energetic characters, cannot penetrate to rise above the crowd. The will of man is not shattered, but softened, bent, and guided: men are seldom forced

> by it to act, but they are constantly restrained from acting: such a power does not destroy, but it prevents existence; it does not tyrannize, but it compresses, enervates, extinguishes, and stupefies a people, till each nation is reduced to be nothing better than a flock of timid and industrious animals of which the government is the shepherd.[95]

For Tocqueville personal liberty, not equality, is the consummate political ideal. It will be seen that it was the salient merit of Mill's political system that he was able to synthesize Tocqueville's supposedly irreconcilable polarities of equality and liberty within a democratic framework.

As we have seen Mill differed on numerous particulars from Tocqueville's analysis. Despite these differences Tocqueville's profound influence on Mill cannot be overstated. Immediately upon seeing the second volume of Tocqueville's work Mill wrote him:

> I do not think that anything more important than the publication of your book has happened even in this age of great events.... Finding this view of the matter [the dangers of democracy] to have presented itself with the same strength of evidence to you...I shall henceforth regard it as the truth scientifically established.[96]

Especially in his later works, On Liberty and Considerations on Representative Government, Mill is concerned almost exclusively with issues raised by Tocqueville regarding the individual in a democratic state. In these later works Mill no longer ascribes these difficulties to "civilisation," but like Tocqueville discusses these problems within the context of democracy. Perhaps Mill's great disappointment in the

collapse of the 1848 "interim government" in France played a role in this reassessment.

CHAPTER IV

MILL'S APPROACH TO POLITICS

Mill's practical approach to the problem of representative government in an age of mass democracy adheres to the two main tenets of his theory: the liberty and protection of the individual as accomplished by political participation and the promotion of good government by bringing the best minds, skills and morals within the sphere of government. Mill's democratic concepts are a reflection of his time in that class structure forms the framework within which he develops and presents his arguments and from which he can never fully extricate himself. Yet class is not the focus of his political ideology. For this reason his political agenda set him at odds with current political trends, with current concepts of democracy as well as with democratic forms of government currently in place; because it is not class, but individual liberty that underlies and gives meaning to Mill's system. His passion for minority representation, for women's suffrage and for a "true" democracy all stem from a preoccupation not with class, but with the individual. Simple "majority" rule, that is the single voice of only the largest group in society, is anathema to Mill; for only through adequate representation of the many "voices" within a

community can the "voice" of the individual be assured. A critical analysis of three issues: his political ideas as they compare and contrast with those of his milieu, his ardent support of Thomas Hare's Treatise on the Election of Representatives,[97] and women's suffrage will support this contention.

The Reform Movement: 1832–1867

Mill's ideas were at odds with almost all political factions of his time. For while he was an anti-establishment radical who strove to alter the privileges and exclusiveness that he believed were inherent in aristocratic government, he also did not support a representative government based on straight majority votes.[98] A "true" democracy could not be instated without significant reform of the British electoral system itself. Between 1832 and 1867 politics in England were going through a period in which Whig and Tory programmes became blurred. Middle and working-class movements were active, and upheaval in government was rampant; yet no significant reforms occurred in the electoral system. The conservative element, which held a precarious balance of power, was able to block reforms by either party and regularly brought down governments.[99] The disintegration of the Chartist movement, which started in 1839 and culminated in a final defeat in 1848, further weakened reforms for an

extension of the franchise. Although between the First Reform Bill of 1832 and the Second in 1867 the Reform Movement succeeded, for example, in repealing the Corn Laws in 1846, little or no progress was made in the area of representation. In 1848 Joseph Hume's motion in the House of Commons for household suffrage, for example, received 84 votes; in 1849, 82; and in 1850, 96. Election patterns also remained almost unaltered. Powerful local interests dominated elections leaving many seats uncontested. In 1857 308 members were unopposed in 206 constituencies; in 1865 289, in 185 constituencies. From 1712 to 1865 the borough of Bridgenorth had always had a Whitmore as its representative in the House of Commons.[100]

Party Politics and the Radical Programme

Not only was Mill disturbed by the lack of real progress towards reform of representation, but none of the current proposals seemed adequately to recognize the problem at its core. The Tory programme attacked representation of minorities as hostile to the principles on which representative government was founded. Disraeli in 1859 alarmed his conservative colleagues by presenting a Reform Bill that extended the franchise and offered extra votes for those with property.[101] Both concepts were at variance with Mill's. Two major issues that separated Mill from the Radicals were that they opposed the representation of

minorities and continued to exclude women from their proposals for "manhood suffrage." While Mill supported the Reform League, he refused to join it.[102] Mill's ideas were also at variance with those of the Liberals. He did not sign a Memorial presented to Palmerston for special representation of the educated classes in Parliament, a document signed by many distinguished members of the nobility, clergy, professions and armed forces. It called for the creation of an electorate of approximately 92,000 to return some 70 members. Mill opposed the concept that educated minds could be sifted from the rest of the community, as well as the concept that all members of the liberal professions were educated. Among the professions there were often interests opposite to the public good. The essential point was that *every* minority should have, not a larger, but a fair proportion of its numbers constituting a representative assembly.[103]

Mill and the Liberal Party

Mill, elected to parliament in 1865, was optimistic that the political order would improve under Gladstone, whom he admired and cast as a future leader of a radicalized Liberal Party. The growth of working-class activism in the Reform League contributed to this optimism.[104] He was greatly disillusioned. Firstly, Gladstone's Reform Bill, which was defeated in 1866, was nothing more than an extension of the 1832 franchise. Had the Bill carried, working-class voters

would have constituted a quarter of the electorate of England and Wales, doubling their present representation. Although he did not favour an extension of the franchise based on the Reform Bill of 1832, Mill supported Gladstone's Bill because of the fragile position of the government.[105] Minority representation and women's suffrage, key issues for Mill, were not included in this programme. After the Derby and Disraeli government took power in 1866, there were mass demonstrations by the Reform League and the Reform Union, a middle-class movement, who had been supporters of Gladstone's reform programme. The new government enacted legislation making the demonstrations illegal. Mill intervened for the protestors and called for the government to repeal the acts in question. He intended to use the League's efforts to extend the franchise to draw Gladstone and the radical working-class movements closer together.[106] The Derby-Disraeli Ministry ushered in the Reform Act of 1867, almost doubling the electorate to just under one million. Mill was able to speak both on minority representation and women's suffrage. The Bill, amid great controversy in which three Ministers in Disraeli's Cabinet resigned, passed in a form radically different from what had been originally drafted. The extension of the franchise was based on tax contributions and a limited attempt was made to facilitate minority representation. In large cities, where three members were to be returned, electors were restricted to cast only two votes.

Neither of these conditions satisfied Mill. In 1859 he had supported cumulative votes for minority representation that entitled an elector to cast all three votes which could be for one or more candidates rather than limit an elector's privilege by restricting him to just one or two votes.[107]

Mill suffered his second disappointment in 1868 when Gladstone was returned with a large majority of over 120, the largest majority for a party since 1832, while the radicals suffered a bitter defeat.[108] Mill himself was defeated in this election. The Liberal party, even under Gladstone's leadership, was of limited use; for Mill recognized that any party dominated by men of means would resist the changes he wished to bring about. Disappointed because the Liberals did not help working-class leaders obtain seats, Mill detached himself from the "Whigs" by 1870.[109] The Liberal Party had been formed in 1859 when Peelites, Whigs and Radicals agreed to support Palmerston. Hence with the reduction of Radical members Mill reverted to the old name. Mill clearly objected to the exclusion of sufficient working-class, minority and women's representation from contemporary political platforms. Crucial in Mill's thinking was the need to replace a class-oriented aristocratic government, based on privilege, with a proportional representation of minorities, which would facilitate the participation of competent individuals from all sectors of society.

The Weighted Franchise: An Early Approach

In 1853 Mill, in full accord with his theoretical outlook, supported James Marshall's plan for a cumulative system of voting,[110] and later, in February 1859, himself proposed a system based on plural voting.[111] Like Mill, a large proportion of the educated classes were opposed to universal suffrage, not because manual labourers, the most numerous class, would be the most powerful, but because they would be solely powerful.[112] Constituting a majority in every district, they would outvote and so politically annihilate all other members and groups of the community. Equal and universal suffrage within the existing system would numerically disfranchise the upper and middle classes, which comprise the largest portion of the intelligent persons in the country. Parliament, he felt, would reflect only the opinions and preferences of the most ignorant class. The solution, adopted by both Tories and Liberals to limit the suffrage of the working class, was rejected by Mill. Instead he devised a mechanism to provide minority representation by entitling those with superior mental ability to increased numbers of votes.[113] He argued that, "I do not look upon equal voting as among the things which are good in themselves,.... It is not useful, but hurtful, that the constitution of the country should declare ignorance to be entitled to as much political power as knowledge."[114]

Mill's system of plural voting is clearly consistent with

his "true" democracy. Should the educated in society, a minority group in a system of universal suffrage, lose their voice, society could not progress. While the franchise provides to everyone a portion of influence on government, it is also a trust for public good that equates reward for mental improvement with increased political participation. Because it is a form of power not only over oneself but also over others, and because human beings are not of equal worth, not all persons will have an equal claim to political power.[115] Worth is defined as a graduated scale of knowledge:

> When all have votes,...some means by which the more intrinsically valuable member of society, the one who is more capable, more competent for the general affairs of life, and possesses more of the knowledge applicable to the management of the affairs of the community, should, as far as practicable be singled out, and allowed a superiority of influence proportioned to his higher influence.[116]

Mill devised a system of plural voting based on education, flatly repudiating property as a basis.[117] His competency-weighted universal suffrage equated occupation with intelligence. If an unskilled labourer has one vote, a skilled one ought to have two, a foreman three, and so forth. Mill was uneasy with the equation and devised a supplementary mechanism. An individual would be able to qualify for any number of votes by passing voluntary examinations available throughout the country. These examinations would render occupation or formal education immaterial.[118]

It is important to note that unequal voting systems were adopted by Mill, not to establish the political hegemony of the educated, but in order to bring about the proportional representation of an educated minority, "... to such plurality of votes as may prevent them from being always and hopelessly outvoted..."[119] Hence Mill, although he supported Marshall's plan did not favour minorities' returning a higher proportion of representatives than their numbers warranted. He was resolved that they should return only that proportion to which they were entitled.[120] In a letter to James Lorimer Mill stressed that the purpose of plural voting was to prevent the undue preponderance of a single class. No individual would be without a vote, but some persons would be entitled to more votes than others. While he agrees to a graduation of influence based on "just claims", Mill disagrees with Lorimer's use of social stratification, of existing inequalities of power and position, to justify a scheme of plural voting.[121] Nor did Mill advocate merely increasing the number of representatives of minority groups in Parliament in accordance with their proportion in the constituencies.[122] He feared the extension of the franchise to the working classes because of its threat to good government just as he emphasized participation by the educated for the good government of all.[123]

Shirley Letwin's assertion that Mill wanted, "to free the superior few from the vulgar many"[124] is a distortion. Even

his plural voting system was designed to furnish representation to all groups and to prevent the disproportionate domination of any group. Mill did not aim to widen the gulf between the classes but to bridge it through education. He envisaged, "the healing of the standing feud between capital and labour; the transformation of human life from a conflict of classes struggling for opposite interests to a friendly rivalry in the pursuit of a good common to all; the elevation of the dignity of labour; a new sense of security and independence in the labouring class..."[125]

Thomas Hare's
Treatise on the Election of Representatives

It was the salient merit of Mill's systematic political philosophy that he was able to synthesize Tocqueville's supposedly irreconcilable opposites, equality and liberty, within a democratic framework. He accomplished this by adopting Thomas Hare's Treatise on the Election of Representatives,[126] a system of personal representation that was both applicable practically and completely in accord with Mill's theoretical precepts.[127] In Mill's judgment, Hare's book laid the decisive groundwork for the systematic development of proportional representation. Minorities in the nation would be proportionately represented by corresponding minorities in the legislative assembly.[128] The principle of Representation of Minorities is government of all by all. It

is an indispensable component of a "true" democracy, for it alone provides the vehicle for the opinions and interests even of those greatly outnumbered.

Hare, however, goes considerably further than minority representation. His system provides to every individual voter a system of personal representation, one that, "...is not only consistent with the due and just representation of every class and interest in the kingdom..., [but] to be perfectly carried out, must be founded upon the basis of individual independence..."[129] Thus Hare provides the mechanism that makes possible the realization within a democratic process of the ideals central to Mill's philosophy: individual liberty, contribution and participation. Democratic values of equality and universality are strictly maintained, while dissenting individuals and groups have a voice.

Hare's plan reduces each "kingdom"[130] to a single electorate by a radical redefinition of constituency. While electors still cast their votes in the electoral districts in which they reside, they are no longer restricted to choose only from among local, regionally determined candidates. A constituency, for the purpose of electing members of parliament, is comprised of a group of individuals, who may indeed be neighbours or who may be scattered throughout the country. Candidates are likewise no longer limited to regional electoral districts, but may now receive votes from any electors in the entire kingdom. Since voting papers are

signed and allocated to returned members, each voter knows whom he elected, and each member knows who comprises his constituency.[131]

Hare gives to every elector personal representation by an ample selection on a "voting paper" of candidates from a published "voting list" of all candidates. Candidates on the "voting-paper" can be both local and from within the entire "kingdom." The vote counts for only one candidate. When the quota on a candidate has been reached, the vote (called a "contingent remainder" or "estate tail") is transferred to the next successive candidate named on the voting paper. Voting quotas are established by dividing the total number of persons who have voted (which is known after the election) by the number of candidates who are to be elected. If, for example, 600,000 electors voted, and 600 members are to be returned to Parliament, then to be successful a candidate would require a quota of 1,000 votes.[132] After the polls have closed, the Returning Officer of each constituency ascertains the number of voters and reports this information to one of the three Registrars in London, Edinburgh or Dublin. He then records on a certificate the number of votes for each candidate by counting only the first named on the voting papers in his constituency. Papers containing only one name are the first to be counted; those with two, second, and so forth until candidates reach the required quota. The voting papers that constitute the quotas and so return members are set aside, and

successful candidates' names are at this stage removed from the remaining papers. Unappropriated and excess papers along with the certificates are sent to the Registrar. Candidates who meet the quota by first-named votes in more than one constituency are now elected by adding the numbers on the certificates compiled by the Returning Officers. Again the voting papers appropriated to a candidate meeting the quota are set aside and their names removed from the remaining papers. Once all first-named candidates have been elected, those who gain their quota by rising to the top of papers on which the elected have had their names removed are counted. At the stage when no more candidates qualify for the quota by heading voting papers, the process changes from one of selection to one of elimination (because a name cannot be removed if a candidate has a chance of being returned). Those with the least votes are eliminated and their names removed from the remaining papers, raising the next name to head the paper until such time as the required number of members are returned to parliament.[133]

Proportional representation solved Mill's dilemma, "...of reconciling democratic institutions with the maintenance of a great social support for dissentient opinions....The portion of the House of Commons returned by an union of minorities would <u>be</u> this social support, in its most effective form; since its members would meet in the same arena with the organs of the majority...."[134] Mill believed that

the superiority of power would rest with the majority, as it should, but that there would also be a full and fair public forum for minorities and dissenting individuals. Even with a properly constituted legislative assembly according to the principle of proportional representation, there remained the danger that a single class could still by dint of sheer numerical superiority reduce all except itself to political insignificance. However, Mill's enormous confidence in the power of intrinsic merit and persuasive argument led him to believe that dissentient and minority views stood a chance of succeeding even against straight majority votes in the House.

Mill aims not merely to secure a voice for the educated classes but for any minority group in society. When Mill argues for majority rule, his majority is a majority of the nation as a whole and not a majority of the numerically largest class of society: "the fact is that <u>now</u> a minority very often governs (by being the majority of a majority) while under your [Hare's] plan a minority never could by possibility do so."[135] It is important to understand that participation by all and representation of all is the essential concern. All individuals and all groups--large or small--within society are entitled to a voice in government. This voice was as important for the largely disfranchised working classes of Mill's day as it would be at some future time for an educated or propertied minority under universal suffrage.[136] Mill envisaged a programme that would have the advantages of

promoting both democratic political participation and able government. Aristocratic and middle-class prejudices served, in Mill's view, to retard social and political improvement. This could best be corrected by an increase in working-class participation.

In Hare's scheme representation becomes truly equal, because every member of Parliament is the representative of a unanimous constituency, and every voter has a representative in the House. More importantly, however, is that individual liberty, so vital to Mill, can be seen as having gained a degree of expression within an equal and universal representative system, ideals which Tocqueville considered quite irreconcilable. Minorities benefit, because they are not bound exclusively to local representation. This affords candidates with acknowledged personal merits an opportunity for success by recognition throughout the country. Candidates with a purely local reputation lose their advantage, because electors now have an unrestricted opportunity to contribute towards quotas elsewhere, which may be filled by rival candidates. This would alleviate the serious problem that Mill identifies with democratic societies, namely that the individuals best suited for government are not elected.[137] While party organization would still be a great force, their power would be reduced, since voters could choose candidates independently on the basis of their personal merits rather than their party affiliation. The result would be an assembly

consisting of the best qualified candidates, for parties would be obliged to field able and distinguished candidates instead of depending upon purely local popularity.[138] Entirely in accord with their concern for the rights of the individual and of marginalized groups Mill and Hare flatly condemn the exclusion of women from the suffrage.[139]

On examination Hare's scheme under a system of universal suffrage would not be disadvantageous to the working classes as electors. However, in terms of the number of representatives elected working-class electors would return fewer members to parliament under Hare's plan than under a simple majority system, because they would not benefit from the undue preponderance accorded the majority in a "false" democracy. They would return representatives only proportionate to their numbers. Minorities would benefit, for they too would return their proportional number of members, not fewer. While minorities would enjoy a more favourable representation under Hare's scheme than under current systems based on straight majority rule, the fairness of the weighting is indisputable.[140]

Mill, when he adopted Hare's plan, revised and even abandoned some of his own views that he had published only a month earlier.[141] The idea of plural voting was now unnecessary, since it could be replaced with Hare's system of personal representation.[142] Here Mill may indeed appear unsystematic and inconsistent; however, in changing his

position in midstream in the practical domain, he reinforces his integrity and commitment to his highly systematic philosophy, honestly recognizing that Hare's electoral scheme better served his philosophical ideals than his own devices had done.

Mill's concepts of democracy, which have given rise to charges of inconsistency and of an elitist scheme for government by the educated classes,[143] are clearly vindicated here. For Mill's democracy is in the final analysis a universal and equally weighted system of majority rule. Every adult votes. All votes are equally weighted. A majority of the House will carry, and the most numerous representation in the House will reflect the most numerous groups within the nation. However, representation in the House must be a reflection of the nation itself, representing all the interests within the country proportionally. In "false" democracies minorities are eliminated firstly at the electoral process and then again, without representation, at the deliberative stage. For example, if three fifths of the electors vote for one candidate and two fifths for another, every individual of the latter group becomes politically non-existant. His intelligence and preference contributes in no way to the membership of a Parliament by whose laws and policies he is to be ruled. Similarly, if in five constituencies 60% of the voters in each vote for a candidate from a given party, five members from that party will be

returned to the House, whereas none will be returned from the losing party. This leaves 40% of the electors in each of the five constituencies (and by extension of the total population) without representation.[144] In contemporary democracies minorities are deprived of representation in two stages. Firstly by, say, a three-fifths majority at the polls, and then again by, say, a 51% vote in the House of Commons. This is government by a minority and not by the majority.[145]

Women's Suffrage

Mill's philosophy of proportional representation, revolved around the concept that any government divided into a governing part and a governed part is an aristocratic government. No true democracy will leave large groups within the community without political rights.[146] Consequently he strives to bring marginalized groups, those under-represented and women, with no representation at all, into the sphere of political participation. In so doing Mill became the principal nineteenth-century spokesman for universal suffrage. Regarding women, he states, "...I will never join in any movement for what is called manhood suffrage. Adult suffrage is what I contend for." Regarding universal suffrage, he continues, "... I consider an educational qualification, to the extent of reading and writing... indispensable. It is to be hoped that before long, this restriction will no longer exclude anybody;"[147] Hence, once Mill is able to ensure

minority representation, literacy is virtually the sole basis on which an individual may be excluded from an equal and universal political system of participation.[148]

It is not only in the political forum that Mill insists on equality for women but also in civil life, and especially in marriage. Suffrage is especially important, because women are subject to the authority of men, but suffrage is only a small part of the larger issue: that of complete civil equality.[149] The essence of Mill's argument for enfranchising women, which he put forward in his parliamentary speech on May 20th, 1867,[150] rests on the principles of justice and those of the British Constitution. Justice neither extends the franchise as an abstract right, nor as a demand that political functions be bestowed on all, but when it is withheld, this can only be on a basis of either personal unfitness or public danger. Neither of these can be attributed to women in any measure not equally applicable to men. Thus every plea of justice that can be brought to bear upon granting the suffrage to any man will apply equally to any woman. Exclusion violates one of the oldest and most cherished principles of the British Constitution: that taxation and representation are coextensive. Women who pay taxes contribute exactly the same amount and under exactly the same conditions as their male counterparts. Moreover, women who either own or lease property have the same stake in the country as men. Their exclusion is purely on the basis of sex. If women are denied

representation, their taxation is "repugnant to the particular principles of the British Constitution."[151]

In Mill's view the women who did not wish to have suffrage were few, and these were still under the numbing influence of an education that deadens the spirit by propagating the idea that public interests were not a concern proper for women. Mill countered the contention that women, because they possess so much indirect power through their influence over male relatives and friends, ought not also to be given direct power by responding that the wealthy, who also have great influence, have not been excluded from the franchise. Conceding that women may exert great influence over men Mill points out that precisely because this influence is indirect, it is without political weight. Regarding education, despite the claim that the most important part of a national education is that of mothers, who educate the future men of the nation, Mill finds that in practice quite the opposite is encountered. Vast sums of money are spent on male education; far less, on female. This great imbalance to the disadvantage of women Mill attributes directly to their political exclusion. Not only do women not have political representation, they are often unfairly treated by those who do. As an example Mill cites Christ's Hospital. An endowment was bestowed on this institution that provided for general education, not for boys but expressly for both sexes. On examination, the enrolment figures indicated that 1100 boys

and 26 girls comprised the general educational programme. Mill concluded that suffrage had to be extended to women on precisely the same terms as to men. At such time as the vote was to be extended to all men it should then also be extended to all women. However, since a property qualification was required at present, the immediate requisite was the extension of suffrage to those women that met the qualification. Although Mill's amendment lost by 196 to 73,[152] he considered it a victory, for the debate sparked sufficient interest to lead to the formation on June 6, 1867 of The London National Society for Women's Suffrage.[153] By enfranchising women more attention would be paid to physical and moral evils in society, and this would help prevent the enactment of such bad laws as, for example, the "Contagious Diseases Acts".[154] Mill opposed merging women's enfranchisement with universal suffrage. He believed that as suffrage was extended, the likely compromises would be in favour of enfranchising working men while maintaining the exclusion of women. This he saw as particularly harmful because he believed that working-class men would not support women's enfranchisement, which might then be set back for at least a whole generation.[155] Women's suffrage had to precede universal suffrage.

Mill believed that the legal subordination of one sex to another was wrong in itself and also acted as a hindrance to human improvement. It had to be replaced by a principle of complete equality without privilege or disability on either

side. The inequality of rights between men and women stemmed from the law of the strongest. Although civilization had advanced to a point where rule by sheer force was widely condemned, with regard to women customs and laws based on the antiquated principle of might were still evident. Mill asks how different is the power of men over women from such arbitrary powers, based on laws of force, as absolute monarchy and slavery, which have virtually disappeared in Europe and America due to the general abhorrence they evoke?[156]

The social subordination of women, founded on the concept that sex at birth should be the sole and proper condition of whether an individual may be allowed to compete for certain things, remains the only relic of despotism in the modern world.[157] To the contention that the law of force does not apply in the case of the rule of men over women as women are consenting parties and accept it voluntarily Mill replies that many women do not accept it, and many have recorded formal written protests against their social condition, and that women in many countries are agitating for women's rights despite the fact that they were taught to repress such aspirations as contrary to the proprieties of their sex.[158] Some actively agitate against the oppression and disabilities many women suffer at the hands of their husbands; some for educational equality; and some for the limited object of obtaining the political franchise. While these activities oppose the consequences of the law enforcing the rule of men

over women, they do not directly oppose the law itself. Mill observes that no enslaved class ever asked for complete liberty all at once and that, "It is a political law of nature that those who are under power of ancient origin, never begin by complaining of the power itself, but only of its oppressive exercise."[159]

Women are held in subjection because of the natural attraction between the sexes and because of their entire dependence upon their husbands: any pleasure, object of human pursuit, social ambition or material gain is obtained exclusively through him. She becomes not a forced but willing slave. In one of his earliest publications Mill had already observed that helplessness of body and mind and even cowardice are, "In a woman...most admired of attributes."[160] It is in this way that men have acquired power over the minds of women and that women have unnaturally represented themselves as meek, submissive and resigned as an essential part of sexual attractiveness, a representation that enables men to continue to hold them in a state of subjection.[161]

> "What is now called the nature of women is an eminently artificial thing - the result of forced repression in some directions, unnatural stimulation in others. It may be asserted without scruple, that no other class of dependents have had their character so entirely distorted from its natural proportions by their relation with their masters..."[162]

Laws or social norms are unnecessary to deter women from

unsuitable activities. Competition with men will either include them in or exclude them from areas in accordance with their respective abilities.[163] Marriage ought to be an equal partnership entered into willingly, not a forced estate because all other doors are closed leaving women with Hobson's choice - marriage or nothing.[164] Mill envisaged a new order in which relations between the sexes would be anchored not only in just equality but now also in sympathetic association. Already many women, especially in the higher classes, were living in a spirit of just and lawful equality. The principle of the modern movement in morals and politics is that conduct earns respect. It is not what they are but what men do that constitutes their claim to deference. Above all, merit, not birth, is the only rightful claim to power and authority.[165] Mill singled out four salient advantages in the full equality and freedom of women. The most universal and pervading of all human relations would be regulated by justice instead of injustice. The mental faculties available for the higher service of humanity would double. The moral regeneration of mankind can only really commence on a footing of equality and justice. Finally the most direct benefit would be the gain in happiness of the liberated half of the species.[166] The love of power and the love of liberty are in eternal antagonism. Where there is least liberty, the passion for power is the most ardent and unscrupulous.[167]

Feminist theorists largely consider The Subjection of

Women flawed as feminist theory and inadequate as a feminist treatise. The central problem is the contradiction between equality in public and patriarchy in private: a political vision of equality is in sharp contrast with conventional assumptions about women's role in patriarchal families.[168] Jennifer Ring's argument that it is Mill's "pure" empiricist methodology that limits his analysis is the most plausible. She observes that his "efforts are thwarted by his inability to argue from anything but an empirical basis, grounding his evidence in historical data which serve both to stereotype women's 'good' qualities and to judge women's potential by what is observable from an admittedly unjust history."[169] Mill's method locks him into the past because he relies on historical experience. In the case of women it is neither an inspiring past nor even a past of normal development. Breaking with the past to a position grounded in the future would be inconsistent with his empiricist methodology. In The Subjection of Women Mill indeed has a methodological problem, but it does not deter this work from being an effective political vehicle for a programme of progress for women. Ring asserts that history, "had excluded women from competition ... from successfully competing with men in areas where they have not already accumulated expertise." Accordingly their situation will not adequately be resolved by Mill's laissez-faire solution of free-market competition.[170] Ring is wrong when she concludes that Mill's non-advocacy of government

legislation stems from a methodological problem. It is a much broader philosophical issue that extends to the centre of Mill's liberal democracy. The powers of government must be curtailed, not extended, in order to ensure personal liberty. Legislation to secure a competitive advantage for women over men in the marketplace would be privilege in flat contradiction to Mill's principles. Privilege under law has to be eradicated not fostered.

CHAPTER V

CONTROVERSY REGARDING MILL'S WORK: THE PROBLEM OF CONSISTENCY AND CHARGES OF ELITISM

In assessing the problem of consistency it is essential to distinguish theoretical precepts from their practical applications. Mill was aware that the former had little value unless they could be realized within contemporary English society. Yet it is precisely here that inconsistencies, even contradictions appear. Compromises in application hardly furnish evidence of philosophical inconsistency. Mill's views on democracy and representation had not been developed with a view exclusively towards either the nineteenth century or Britain. They transcend time and place. Mill's conception was of a democratic state that would come to exist in the future and in many countries, once an appropriate stage of civilization had been attained when human development, through education, had reached a requisite intellectual and moral level. In dealing with matters of practical politics Mill had to bridge the gap between the realities of his time and the ideal democratic state. To this end he stood for Parliament, and as a member promoted and worked towards the realization of his principles. Critics have also pointed to inconsistencies

between Mill's earlier and later thought. While this viewpoint is without challenge correct, it seems right to judge an author on the major works of his maturity, in Mill's case spanning some thirty years from 1840 to 1870.

Early and modern scholars have charged Mill with elitism,[171] while others have stressed the democratic dimension.[172] There are also charges that his social and political thought is inconsistent and contradictory,[173] while others emphasize unity, consistency and coherence of thought.[174] Since much of this has already been discussed above, two authors only will receive further attention. Gertrude Himmelfarb charges Mill both with inconsistency and elitism. She points to a "...conflict between John Stuart Mill, author of On Liberty, and the 'other' John Stuart Mill, the bulk of whose work, it is argued here, represents a quite different mode of liberal thought."[175] She argues that while Mill in On Liberty, gives to each individual socially and culturally an equal voice and equal power, he fails to do so in the political domain.[176] Although Himmelfarb's interpretation has received extensive criticism, her assertion would have a degree of validity if Mill could be assessed exclusively on his early political policies. It is true that Mill fears an equal voice and equal power for each individual, a level field in politics; however, both Himmelfarb and her critics miss the key issue. Mill finally does give an equal voice and equal power to every individual in the political

domain under proportional representation. Just as liberty in culture and society carries with it the restraining component of accountability to society for one's actions, so politically the restraining component is the responsible selection of the best representatives, a process ensured by proportional representation. When scholars omit or only partially consider Hare's electoral scheme as an integral component of Mill's representation, their assertions are without foundation; for it is precisely within proportional representation that Mill is able to adopt a universal and equally-weighted suffrage.[177] In 1859 prior to adopting Hare's scheme Mill states, "...in looking forward to universal suffrage..., I altogether dissent from...advocacy of electoral districts,...as a means of giving equal weight to the vote of every individual" and proceeds to outline a system of plural voting based on education.[178] While universal suffrage is adopted, equal weighting of votes clearly is not. Two years later after converting to Hare's plan Mill contends, "...we might expect that all, except...the recipients of parish relief, would be in possession of votes, so that the suffrage would be, with that slight abatement universal."[179] Here too Mill advocates universal suffrage but now within the framework of proportional representation an equally weighted voting system is feasible. As he professes, "So much confidence, indeed, have we in the moral efficacy of such a representation of minorities as Mr Hare's scheme would give, that we should not despair of its rendering ultimately

unnecessary the system, of... plural voting."[180] If "two Mills" exist at all, it would be a pre-Hare and post-Hare Mill.

The same argument applies to Paul Kern's position that Hare's plan,

> proposed a radical change in order to preserve a status quo. At best it attempted to combine democracy with the best features of aristocratic rule. But Hare's lack of enthusiasm for a wider suffrage, Mill's plural-voting plan and the scarcely concealed fear of both that the working class might actually rule betrayed a profound lack of confidence in the future direction of modern democratic politics.[181]

Kern is correct regarding Mill's fear of straight majority votes and his concern to secure high quality political influence and leadership. However, an equally weighted voting system of universal suffrage based on the proportional representation of all groups not only curtails aristocratic domination, but accords the working class its just hegemony and prepares optimistically for a future very different from the past. Kern's analysis is anachronistic; for when Mill adopts Hare's plan, he drops plural voting. Moreover, Mill's "fear" was not that universal suffrage would lead to working-class "rule". He supported the idea that the largest proportion within the nation would have the largest representation in Parliament. His fear was that the working class would be the only rulers and that all other voices would be drowned out.

Mill's thinking is without question both democratic and elitist. These are neither contradictory nor unsystematic within the whole scheme. On the one hand he calls for full public participation in politics, the democratic dimension; and on the other, for the participation of the educated in the policy-making sphere of government, the elitist dimension. The question is what elite group or viewpoint did he represent? Certainly it is not the aristocracy. Some may consider it to be either the educated or the middle class, the latter in accord with utilitarian doctrine. Yet the evidence does not support this conclusion. In fact, Mill disregards formal education as a basis for moral integrity in politics. He is equally sceptical regarding the middle classes. Their enormous growth in numbers and influence concerns him, and he seeks counterbalances. The charge that Mill meant to secure the leadership of superior individuals is accurate, but in the last analysis he gives society the final vote. He constructs no safeguards to ensure leadership by the elite: the majority will still be in a position to outvote the minority. How then can society be protected from stagnation? Mill's answer lies in his vision that a higher type of humanity will emerge from the moral and intellectual integrity of rational individuals. In their willingness to turn an open mind to the truth that must emerge from the conflict of opposites, from the dissenting opinions of minorities and even eccentrics, mankind will improve and flourish in a progressive society to the

extent that each will operate on a higher moral and intellectual level for the common good. Crane Brinton's argument that Mill profoundly distrusted human beings and that he was inconsistent when he placed human nature as a foundation for liberty is wrong.[182] Although Brinton refers extensively to Mill's writings that express a negative view of human nature, Brinton overlooks Mill's ideal being in an ideal society. Mill's disdain was directed primarily towards the society in which he lived and especially the English aristocracy.[183] Earlier, James Fitzjames Stephen, Mill's first prominent critic, put forward a position quite opposite to Brinton's. He found Mill's great defect to be that he formed too favourable an estimate of human nature.[184] Stephen's view is an oversimplification. Although in the final analysis Mill does favour human nature and posits it as the basis of progress in society, he nonetheless has serious reservations. His preoccupation with tolerance and liberty, for example, is predicated on fostering and promoting a human being, superior in virtue and intelligence to those of his time. If Stephen is correct, why would Mill have deemed it necessary to contrive so sophisticated, rigorous and extensive a philosophical system of the individual, society and government? Mill's confidence lies in the idea that, in a conducive system, individuals would be able to attain a character requisite to ensure a progressive society. Individual liberty entails accountability to society as a

whole, and political authority is constrained by the distribution of power among a variety of participating groups. These are the bulwarks against not only mediocrity and stagnation but also the abuse of political power.

CHAPTER VI

CONCLUSION

Mill is a systematic thinker, whose thought is consistent throughout his major works. As has been demonstrated, and as many modern scholars concur, Mill's moral and intellectual ideal of the individual is wholly compatible with his ideal society and its institutions.[185] It has, however, also been demonstrated that Mill's consistency of thought extends onto the political stage, a consideration not given its due weight by many scholars. When Mill's theoretical views are measured in terms of a practical political application, they will be understood in terms of their proper foundation, and their interpretation will take on new meaning. Consistency of thought, however, implies neither the absence of tension nor that all fundamental problems are resolved. The principles of participation and competence, though reconciled, are still to some degree conflicting values. Although Mill's thought throughout his works coheres, this must not be confused with his view that conflict and dissension of thought are essential to the political processes of a progressive society. Tension, as a function of antagonism, is a central construct of Mill's political thought. For this reason Mill's theory must not be purged of opposing values where the system does not explicitly

do so.

From a late twentieth-century perspective Mill's views on women's rights have achieved full justification. While Mill solved the theoretical problem of representation more than a century ago, his views in the political forum of the twentieth century have been almost totally ignored, and his predictions regarding the dangers inherent in a "false" democracy are not without contemporary examples. Our society frequently discourages individualism and stifles dissent: the "tyranny of the majority" is still a serious issue. The opinion of the majority is now "correct" and often the only one tolerated. Even the hardiest politician might hesitate to suggest the idea of an intellectually or morally superior individual. On what basis can we claim our "false" democratic system to be conducive to progress within our society?

NOTES

1. Details in Chapter V below.

2. Duff Spafford, "Mill's Majority Principle," Canadian Journal of Political Science, 18 (1985), 606, n. 26, for example, discusses Hare but not his undertaking to make the nation the electoral district.

3. For a discussion on this topic see, e.g., Wendy Donner, The Liberal Self (Ithaca: Cornell University Press, 1991), pp. 8-36; Louis B. Zimmer, "J. S. Mill and Bentham on Liberty: The Case of the Unacknowledged Mentor," The Historian, 52 (1989), 375-93.

4. Jacob Burckhardt, Judgments on History and Historians (London: George Allen & Unwin, 1958), p. 158.

5. John M. Robson et al., eds., The Collected Works of John Stuart Mill, 33 vols. (Toronto: Univ. of Toronto Press, 1963-91); hereafter cited as Works.

6. For details see, e.g., Frank O'Gorman, "Party in the Later Eighteenth Century," The Whig Ascendancy, ed. John Cannon, (New York: St. Martin's Press, 1981), pp. 77-94.

7. Edmund Burke, An Appeal from the New to the Old Whigs (London, 1791), rpt. vol. 4 of The Writings and Speeches of Edmund Burke in Twelve Volumes (Boston: Little, Brown and Company, 1901), pp. 174-75.

8. Edmund Burke, Reflections on the Revolution in France (London, 1790), rpt. vol. 3 of Writings, p. 295.

9. James Mill, An Essay on Government, ed. Ernest Barker (Cambridge: Cambridge University Press, 1937), 34.

10. James Mill, Essay, p. 71.

11. Bruce T. McCully, English Education and the Origins of Indian Nationalism (New York: Columbia Univ. Press, 1940), pp. 12-18.

12. James Mill, The History of British India, 4th ed., with Notes and Continuation by Horace Hayman Wilson, 9 vols. (London: James Madden, 1848), V, 634. (Italics mine.)

13. See J. R. Dinwiddy, From Luddism to the First Reform Bill (Oxford: Basil Blackwell, 1986), pp. 46-8.

14. Dinwiddy, pp. 48-49.

15. Sir Bulwer Lytton's speech in Parliament April 26, 1860, Hansard's Parliamentary Debates (hereafter PD), 3rd ser., (London: Cornelius Buck, 1860), CLVII, cols. 146-47.

16. John Stuart Mill, Utilitarianism, (London, 1863) rpt. in The Collected Works of John Stuart Mill, 33 vols., ed. John M. Robson (Toronto: Univ. of Toronto Press, 1963-1991), X, 210, hereafter cited as Works.

17. John Stuart Mill, A System of Logic, Ratiocinative and Deductive, (London, 1872), rpt. in Works, VIII, 912.

18. Logic, Works, VIII, 876-77.

19. J. S. Mill, Considerations on Representative Government, 3d ed. (London 1865), reprinted and collated with the 1st (1861) and 2nd (1861) eds. in Works, XIX, 374-46.

20. Mill to Theodor Gomperz, 19 Aug. 1854, Works, XIV, 238-39.

21. On Mill's theoretical approach to the problem of representative government in an age of mass democracy see also J. E. Adams, "Philosophical Forgetfulness: John Stuart Mill's 'Nature'," Journal of the History of Ideas, 53 (1992), 437-54 and H. S. Jones, "John Stuart Mill as Moralist," Journal of the History of Ideas, 53 (1992), 287-308.

22. Logic, Works, VIII, 876-77.

23. Logic, Works, VIII, 927.

24. Logic, Works, VIII, 877-78.

25. Logic, Works, VIII, 887-90.

26. Logic, Works, VIII, 879.

27. Logic, Works, VIII, 895-97.

28. Giovanni Battista Vico conceived human society as revolving in an orbit, proceeding periodically through a series of the same changes.

29. Harry M. Clor, "Mill and Millians on Liberty and Moral Character," The Review of Politics, 47 (1985), 9-10.

30. On Liberty, Works, XVIII, 242-57.

31. Mill's examples are, "...the times immediately following the Reformation;...the latter half of the eighteenth century; and...the Goethean and Fichtean period." On Liberty, Works, XVIII, 243.

32. On Liberty, Works, XVIII, 273.

33. On Liberty, Works, XVIII, 220.

34. On Liberty, Works, XVIII, 220-26.

35. See Randall C. Morris, "Whitehead and the New Liberals." Journal of the History of Ideas, 51 (1990), 84.

36. On Liberty, Works, XVIII, 223.

37. On Liberty, Works, XVIII, 223-29.

38. On Liberty, Works, XVIII, 229.

39. On Liberty, Works, XVIII, 273. See also Maurice Cowling, "Mill and Liberalism," in Mill: A Collection of Critical Essays, ed. J. B. Schneewind (Notre Dame: Notre Dame Univ. Press, 1969), p. 335.

40. On Liberty, Works, XVIII, 290-91.

41. On Liberty, Works, XVIII, 276.

42. On Liberty, Works, XVIII, 272.

43. On Liberty, Works, XVIII, 276-77; cf. Mill to Alexander Bain, March 27, 1847, "The...error we are now possessed by is that of making all take care of each, instead of stimulating and helping each to take care of himself...", Works, XIII 710-11.

44. Samuel V. LaSelva, "'A Single Truth': Mill on Harm, Paternalism and Good Samaritanism," Political Studies, 36 (1988), 496.

45. F. W. Garforth, Educative Democracy: John Stuart Mill on Education in Society, (New York: Oxford Univ. Press, 1980), pp. 1, 203.

46. Karl Marx, A Contribution to the Critique of Political Economy, ed. M. Dobb, (New York: International Publishers, 1970), pp. 20-21.

47. Mill, Considerations, Works, XIX, 390-92.

48. Considerations, Works, XIX, 412.

49. Considerations, Works, XIX, 403-06.

50. Considerations, Works, XIX, 448.

51. Considerations, Works, XIX, 422.

52. Mill's second review of Tocqueville's Democracy in America, Edinburgh Review 72 (Oct. 1840), 1-47, Works, XVIII, 156, 176-178.

53. Barry Holden, Understanding Liberal Democracy, 2nd ed. (Hemel Hempstead: Harvester Wheatsheaf, 1993), p. 35.

54. Considerations, Works, XIX, 446-7; cf. R. J. Halliday, John Stuart Mill, (London: Allen and Unwin, 1976), p. 131. On Mill and majority rule see the excellent article by Duff Spafford, "Mill's Majority Principle," Canadian Journal of Political Science, 18 (1985), 599-608.

55. Considerations, Works, XIX, 407.

56. H. S. Jones, "John Stuart Mill as Moralist", Journal of the History of Ideas, 53 (1992), 290-93.

57. Thoughts on Parliamentary Reform, Works, XIX, 322-328.

58. Mill to Henry Fawcett, 5 Feb. 1860, Works, XV, 672.

59. Considerations, Works, XIX, 448.

60. Holden, pp. 16-17.

61. Mill to Thomas Bayley Potter, 16 March 1865, Works, XVI, 1013-14.

62. Considerations, Works, XIX, 448-449.

63. Mill to Henry Samuel Chapman, 8 July 1858, Works, XV, 559.

64. J. S. Mill, "Recent Writers on Reform," in Dissertations and Discussions, III (1867), 47-96, rpt. Works, XIX, 359.

65. Holden, p. 55.

66. Rev. of Alexis de Tocqueville, Democracy in America, London Review 1 (= Westminster Review 30) (Oct. 1835), rpt. Works, XVIII, 71-72.

67. Review of Samuel Bailey, The Rationale of Political Representation, London Review 1 (July 1835), 341-71, Works, XVIII, 23.

68. Considerations, Works, XIX, 525.

69. See R. J. Halliday, John Stuart Mill, (London: George Allen and Unwin, 1976), p. 132.

70. Mill to an unidentified correspondent, 11 March 1869, Works, XVII, 1572-3. Cf. Halliday, p. 133.

71. Considerations, Works, XIX, 425-428. See also Halliday, p. 134.

72. Considerations, Works, XIX, 438-439.

73. Crane Brinton, English Political Thought in the Nineteenth Century, (London: Ernest Benn, 1933), pp. 76-86.

74. Mill to John Sterling, 2 Oct 1839, Works, XIII, 409.

75. Considerations, Works, XIX, 458-67. See further J. M. Robson, The Improvement of Mankind: the Social and Political Thought of John Stuart Mill, (Toronto, 1968), pp. 191-199.

76. Mill, "Periodical Literature: Edinburgh Review," Westminster Review, 1 (April 1824), 505-41; rpt. Works, I, 313-15.

77. Bruce L. Kinzer, "J. S. Mill and the Problem of Party," The Journal of British Studies, 21 (1981), 106-107.

78. Mill to Tocqueville, 11 May 1840, Works, XIII, 434.

79. First rev. of Democracy in America, London Review I (= Westminster Review XXX), (Oct. 1835), 85-129, rpt. Works, XVIII, 49-90.

80. First rev. of Democracy in America, Works, XVIII, 71.

81. Mill's second review of Tocqueville's Democracy, Edinburgh Review 72 (Oct. 1840), 1-47, Works, XVIII, 173, 178, 188.

82. Alexis de Tocqueville, Democracy in America, vol. 1, trans. Henry Reeve, (London, 1835), rpt. (New York: Colonial Press, 1899), p. 267.

83. First rev. of Democracy in America, Works, XVIII, 78.

84. First rev. of Democracy in America, Works, XVIII, 79.

85. First rev. of Democracy in America, Works, XVIII, 79.

86. In his (second) review of A. de Tocqueville, Democracy in America, Edinburgh Review 72 (Oct. 1840), 1-47, Works, XVIII, 155-204, Mill notes (191-193) that conditions in the two countries are in complete contrast except that Britain is second only to the US in commercial property.

87. Tocqueville I, 203-6.

88. First rev. of Tocqueville, Works, XVIII, 83.

89. First rev. of Tocqueville, Works, XVIII, 188.

90. Tocqueville II, 337.

91. Second rev. of Tocqueville, Works, XVIII, 194-5.

92. Second rev. of Tocqueville, Works, XVIII, 197-200.

93. Tocqueville II, 100.

94. Tocqueville II, 103.

95. Tocqueville II, 333.

96. Mill to Tocqueville, 11 May 1840, Works, XIII, 433-35.

97. Thomas Hare, A Treatise on the Election of Representatives, Parliamentary and Municipal, (London: Longman, Brown, Green, Longmans, & Roberts, 1859). Quotations and references in this paper are from the fourth edition of 1873.

98. Speech before the Land Tenure Reform Association, 15 May 1871, Works, XXIX, 417.

99. Elie Halevy, A History of the English People in the Nineteenth Century, IV: Victorian Years, (London: Ernest Benn Ltd.), 480-84.

100. Halevy, Victorian Years, pp. 249-250, 420, 421.

101. Benjamin Disraeli in parliamentary debate April 1859, PD, 3rd ser., vol. CLIV, cols. 131, 136. See also Halevy, Victorian Years, p.440.

102. Mill to George Howell [?], 30 Oct. 1865, Works, XVII, 2010-11. See also Bruce Kinzer, "Introduction," to vol. XXVIII of Collected Works of John Stuart Mill, Ed. J. M. Robson (Toronto: Univ. of Toronto Press, 1988) p. xxv.

103. Mill to an unidentified correspondent, 11 Dec. 1857, Works, XV, 543.

104. Mill to David Urquhart, 26 Oct. 1866, Works, XVI, 1208-09.

105. "Representation of the People," Speech in House of Commons, 13 April 1866, Works, XXVIII, 58-68.

106. Mill to Edmond Beales, 26 July 1866, 22 July 1867, Works, XVI, 1186, 1291-2; Mill to William Randal Cremer, 1 Mar. 1867, Works, XVI, 1247. Cf. further Mill's speech to the electors of Deptford, 14 Nov. 1868, Works, XXVIII, 364.

107. Thoughts on Parliamentary Reform, (London: Parker and Son, February 1859), rpt. Works, XIX, 330. In 1885 Britain returned to a simple majority vote in all constituencies. Halevy believes the end of the rule of the nobility can be dated by the resignation of this ministry in 1868, Victorian Years, pp. 441-43.

108. Mill to Charles Eliot Norton, 28 Nov. 1868, Works, XVI, 1493; Halevy, Victorian Years, p. 444.

109. Mill to George Odger, 19 Feb. 1879, Works, XVII, 1697; Mill to John Plummer, 5 Nov. 1868, Works, XVI, 1479.

110. Mill to James Garth Marshall, 7 Jan. 1854, Works, XIV, 123-24.

111. In Thoughts, Works, XIX, 311-40.

112. Lord Stanley's speech, 21 March 1859, PD, 3rd ser., vol. CLIII, cols. 413-15; Sir Bulwer Lytton's speech, 26 April 1860, PD, 3rd ser., vol. CLIV, cols. 143-51.

113. Considerations, Works, XIX, 470-474.

114. Considerations, Works, XIX, 475, 478.

115. Thoughts, Works, XIX, 322-28.

116. Thoughts, Works, XIX, 324.

117. Thoughts, Works, XIX, 313-39; Mill to William Rathbone, Jr., 29 Nov. 1863, Works, XV, 905.

118. Thoughts, Works, XIX, 324-25.

119. Thoughts, Works, XIX, 325.

120. Mill to Lord Monteagle, 20 March 1853, Works, XIV, 101-103, on James G. Marshall's Plan for a cumulative system of voting to ensure that both the minority and the majority would be proportionally represented.

121. Mill to James Lorimer, 3 March 1859, Works, XV, 599-600.

122. Mill to Lord Monteagle, 20 March 1853, Works, XIV, 101-03.

123. Mill to Henry Fawcett, 5 Feb. 1860, Works, XV, 672.

124. The Pursuit of Certainty, p. 307.

125. Principles of Political Economy, 2 vols., 7th ed. (London, 1871), rpt. Works, III, 792.

126. See n. 97 above.

127. Mill worked towards its promotion to the extent that he formally proposed it as an amendment to the Representation of the People Bill in May 1867 during his term as a member of Parliament for the Westminster Constituency between 1865 and 1868. ['Personal Representation," speech in Commons, Works, XXVIII, 176-87.] Mill's ardent support of Hare's scheme [Mill to Henry Fawcett, 5 Feb. 1860, applauding Fawcett's efforts to promote Hare's scheme, Works, XV, 672-73; Mill's article, "On Hare's Plan," Spectator, 29 April 1865, p. 467, rpt. Works, XXV, 1208-10; Speeches 10 Apr. 1865, 30 May 1867, 5 July 1867, 13 Feb. 1871, Works, XXVIII-XXIX, 11-13, 179-86, 209-10, 239-41, 409-11; Mill's questions to Hare put during the sitting of the Commons' Select Committee on Metropolitan Local Government, May 1866, Works, XXIX, 477-485; further Mill's Autobiography, Works, I, 262-63] illuminates his definition of a democratic system of government.

128. J. S. Mill, "Recent Writers on Reform," in Dissertations and Discussions, III (1867), 47-96, rpt. Works, XIX, 358-70; further Considerations, Works, XIX, 452-58.

129. Hare, Treatise, p. xxxvi.

130. The three kingdoms are England and Wales, Scotland and Ireland.

131. Hare, pp. 34-35, 64-65, 73.

132. Hare, pp. vii-ix, 124.

133. Hare, pp. 156-184.

134. Mill to Thomas Hare, 19 Dec. 1859, Works, XV, 653-54.

135. Mill to Hare, 17 June 1859, Works, XV, 626.

136. Mill to Henry Samuel Chapman, 8 July 1858, Works, XV, 559; to Lord Overstone, 25 March 1860, Works, XV, 690; to Chapman, 12 Jan., 1862, Works, XV, 764-65.

137. Mill to Macvey Napier, 21 Sept. 1840, Works, XIII, 443-5; and Mill to Hare, 19 Dec. 1859, Works, XV, 653-54.

138. Thoughts, Works, XIX, 361-63.

139. Hare, Treatise, pp. 275-76, quoted with full approval by Mill, "Recent Writers," Works, XIX, 370, cf. Mill to Thomas Bayley Potter, 16 March 1865, Works, XVI, 1013, to Helen Taylor, 21 Feb. 1860, Works, XV, 682-85.

140. See Vernon Bogdanor, What is Proportional Representation? (Oxford: Martin Robertson, 1984), p. 59 and Robert Sugden, "Free Association and the Theory of Proportional Representation," American Political Science Review, 78 (1984), 32.

141. In Thoughts, Works, XIX, 339.

142. "Recent Writers," Works, XIX, 364-65.

143. See nn. 171-73 below.

144. Mill, "Recent Writers," Works, XIX, 358-9.

145. Mill, Speech, House of Commons, 5 July 1867, Works, XXVIII, 208.

146. Mill to Lucy Stone, 14 April 1868, Works, XVI, 1385-86.

147. Mill to Potter, 16 March 1865, Works, XVI, 1012-14.

148. Mill also believed that those on State support ought not to be given the vote, Thoughts, Works, XIX, 472-73.

149. Mill, Speech at the London National Society for Women's Suffrage, 26 March 1870, Works, XXIX, 386-91.

150. Works, XXVIII, 151-62.

151. Works, XXVIII, 151-53.

152. Works, XXVIII, 156-62.

153. Mill to John Elliot Cairns, 30 June 1867, Works, XVI, 1283-85.

154. Mill, Speech at the London National Society for Women's Suffrage, 26 March 1870, Works, XXIX, 386-91.

155. Mill to Sir Charles Wentworth Dilke, 28 May 1870, Works, XVII, 1727-29.

156. Mill, The Subjection of Women, 3rd. ed. (London, 1870), rpt. Works, XXI, 261-70.

157. Subjection, Works, XXI, 274-5.

158. Subjection, Works, XXI, 270.

159. Subjection, Works, XXI, 270-71.

160. Mill, "Periodical Literature: Edinburgh Review," Westminster Review, 1 (April 1824), rpt. Works, I, 312.

161. Mill, Subjection, Works, XXI, 271-272.

162. Subjection, Works, XXI, 276.

163. Subjection, Works, XXI, 280.

164. Subjection, Works, XXI, 281, 291.

165. Subjection, Works, XXI, 325.

166. Subjection, Works, XXI, 323-4, 336.

167. Subjection, Works, XXI, 338.

168. Jennifer Ring, "Mill's The Subjection of Women: The Methodological Limits of Liberal Feminism," The Review of Politics, 47 (1985), 27-31.

169. Ring, p. 27.

170. Ring, p. 38.

171. Shirley Letwin, The Pursuit of Certainty (Cambridge: Cambridge Univ. Press, 1965), p. 306, "He meant to secure the leadership of those who knew better...", p. 307, "... the leadership of the superior few..."; Willmoore Kendall and George Carey, "The 'Roster Device': J. S. Mill and Contemporary Elitism," Western Political Quarterly, 21 (March 1968), 20-39; Bruce Mazlish, James and John Stuart Mill: Father and Son in the Nineteenth Century (New York, 1975), p. 401; Alan S. Kahan, Aristocratic Liberalism: The Social and Political Thought of Jacob Burckhardt, John Stuart Mill, and Alexis de Tocqueville, (New York and Oxford: Oxford Univ. Press, 1992); Cowling, pp. 329-53.

172. Graeme Duncan and Steven Lukes, "The New Democracy," Political Studies, 11 (June 1963), 156-77; J. H. Burns, "J. S. Mill and Democracy, 1829-61," Political Studies, 5 (June 1957), 158-75, 5 (Oct. 1957), 281-94.

173. Graeme Duncan, Marx and Mill: Two Views of Social Conflict and Social Harmony (Cambridge: Cambridge Univ. Press, 1973), p. 259, "...and the result was an untidy and unsuccessful compromise, which can best be labelled democratic...", p. 263, "... his actual political prescriptions fall well short of democracy." Gertrude Himmelfarb, On Liberty and Liberalism (New York: Alfred Knopf, 1974), pp. 303-04, n. 47, "...in On Liberty he tried to do exactly what he counselled against in his political writings...."

174. J. C. Rees, "A Re-Reading of Mill on Liberty," Political Studies, 8 (1960), 113-29; C. L. Ten, Mill on Liberty (Oxford: Clarendon Press, 1980). Alan Ryan, The Philosophy of John Stuart Mill, 2nd ed. (Atlantic Highlands, N.J.: Humanities Press, 1990); William Thomas, "Mill," in Great Political Thinkers, ed. Keith Thomas (Oxford: Oxford Univ. Press, 1992), pp. 352-54.

175. Himmelfarb, p. xi.

176. Himmelfarb, pp. 303-04.

177. E.g., Spafford, p. 606, n. 26. When Spafford discusses Hare, he overlooks Hare's undertaking to make the nation the electoral district and so deletes a central component of the system.

178. Thoughts, Works, XIX, 323, 325.

179. Considerations, Works, XIX, 472-73.

180. "Recent Writers," Works, XIX, 364.

181. Paul Kern, "Universal Suffrage Without Democracy: Thomas Hare and John Stuart Mill," The Review of Politics, 34 (1972), 322.

182. Crane Brinton, English Political Thought in the Nineteenth Century, (London: Ernest Benn, Ltd., 1933), pp. 91-92.

183. Mill to Tocqueville, 30 Dec. 1840, Works, XIII, 458; Mill to Tocqueville, 11 May 1840, Works, XIII, 434; Mill to John Austin, 13 April 1847, Works, XIII, 713.

184. James Fitzjames Stephen, Liberty, Equality, Fraternity, 2d ed., 1874, rpt. with an introduction and notes by R. J. White (Cambridge: Cambridge Univ. Press, 1967), p. 81.

185. Jones, p. 308; Burns pp. 174-75; Thompson, p. 3.

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