

**JOHN STUART MILL, *Considerations on Representative Government***  
**Chapters 1-5 Notes for Philosophy 166 Spring, 2006**  
 {Exposition of Mill is in regular type; comment and criticism are in italics.}

**Chapter II. The Criterion of a Good Form of Government.**

Mill asserts that the best form of government for a people at a time is the one that best achieves two goals: (1) improving the virtue and intelligence of the people under its jurisdiction, and (2) organizing such good qualities of the people as currently exist to promote as far as possible the long-run common good (the legitimate purposes of government). He does not say what to do if the two criteria yield conflicting recommendations in given circumstances.

Being a utilitarian, Mill presumably is committed to picking as best the form of government that will bring about maximal aggregate long-run utility, utility being understood as excellence-weighted pleasure. (A unit of pleasure taken in a nonexcellent activity such as pushpin is less morally valuable than a same-sized unity of pleasure taken in an excellent activity such as poetry. The test of excellence and of the overall value of any kind of pleasure are fixed by the preferences of experienced experts. See *Utilitarianism*, chapter 2.) (1) and (2) are proposed as reliable indicators of what maximizes utility, useful secondary rules.

However, it is not clear that in *Considerations on Representative Government* Mill commits himself to this utilitarian standard. He may be trying to rely on weaker, less controversial premises than utilitarianism in constructing an argument for representative government. Mill definitely is committed to a *best results* standard for choice of political institutions. The best results standard holds that one ought to put in place political institutions whose operation over time would produce better results than would any feasible alternative institutions that might instead have been adopted.

*A best results standard might take different forms depending on how one assesses results. Utilitarianism holds that the best outcomes are those that contain the most aggregate human utility (happiness or fancy pleasure according to Mill). Another possible standard holds that the best outcomes are those with most fulfillment of individual moral rights (weighted by their importance). Perfectionism is another possible norm for assessing outcomes. There are other candidate norms. Mixed views are also possible.*

*A best results standard is controversial. One way to oppose it would be to hold that people have the moral right to participate on equal terms in the process that determines what laws and policies the state enforces. This right is not trumped by considerations of happiness maximization. People have the right to a democratic say over their government, as just characterized, even if their having and exercising this right leads to worse outcomes than might have been obtained. This assertion of the right to a democratic say, the right to collective sovereignty, raises an issue similar to the question of how the Liberty Principle that Mill asserts in *On Liberty* should be justified. Mill officially appeals to the principle of utility as the ultimate moral standard. One might hold instead that there is a natural moral right to be part of a democratic political community just as there is a natural moral right to be left free to live as one chooses to long as one does not harm others without their consent. On this view there is a moral right to personal sovereignty and a moral right to (be part of) collective self-government.*

Rousseau seems to hold that a government rightly commands and claims the right to be obeyed by its citizens just in case the mechanism that selects laws to be enforced picks laws that are directed to the common good and hence can be obeyed by all without any forfeiture of autonomy. Mill takes a wider view. Even if the laws are not so good under a form of government, that type of government might still be best according to the best results standards because of the effects of the working of that set of political institutions on the character and virtue of citizens.

Mill believes that there are stages in the advancement of peoples, and different forms of government suit different peoples at different levels of advancement. The individuals who

compose a barbarous and savage people need to learn to obey. The form of government they require is despotism. The individuals who live under slavery and similar institutions need to learn to delay gratification and act for their long-run interests when not prompted by the immediate spur of commands backed by penalties that would swiftly follow disobedience. They require an educational dictatorship, a government of leading-strings.

*To see the controversial nature of Mill's best results standard, consider an alternative position not mentioned by Mill. Ideal proceduralism holds that those political arrangements should be put in place that would constitute a fair procedure. Democracy might then be argued to be justified on the ground that it is a fair procedure for selecting laws and public policies and choosing public officials. Majority-rule democracy is a procedure that is intrinsically fair—fair independently of the results it happens to generate. Under majority rule, each adult citizen has a vote and all votes count equally in the settlement of issues put to a vote. A mixed view of the justification of political democracy holds that democratic arrangements ought to be put in place in part on the ground that democracy is an intrinsically fair procedure for settling political issues and in part on the ground that democratic procedures tend to produce better results than would alternative forms of government.*

*Consider the question whether a democratic political constitution should be put in place in a contemporary country such as China that now lacks democratic institutions. According to a best results standard, China should be made democratic just in case the working of democratic institutions in China would lead to better outcomes than those alternative political institutions would generate. According to ideal proceduralism, China should be made democratic just in case in its circumstances democracy would be the ideally fair procedure for settling political issues. According to a mixed view, both the quality of results and intrinsic procedural fairness are relevant.*

### **Chapter III. That the Ideally Best Form of Government is Representative Government.**

Mill poses the question, if a good despot could be assured, would despotic monarchy be the best form of government? Mill's answer is No. Even if a good despot could be secured, which is an unlikely supposition, the result would be a passive population, whose collective affairs are managed for them, without their intelligent participation in the management. Such a despotism would massively fail test (1) of good government.

*This argument moves too swiftly. Even if the despotic monarch holds all power, she might require intelligent participation in public affairs by all members of the public, as input into a decisionmaking process the monarch controls. So it is not necessarily so that a despotism must fail to improve the virtue and public spiritedness and political capacity of the people who are ruled. Otherwise how would an educational dictatorship be possible at all? Moreover, even if despotism in practice did not develop the political virtue and intelligence of the people ruled, the effective and efficient operation of government might leave the bulk of the moral and material resources of the nation for individual self-development in the private sphere. This development of private virtue and intelligence might quantitatively overshadow any hindrance to public and political virtue and intelligence, so on balance good despotism might satisfy test (1) for a good form of government.*

*Mill is arguing that representative government is ideally best. The alternative is that some non-representative, nondemocratic political institutions would be best. Call such institutions authoritarian. Mill assumes that authoritarian government must be despotic, must manage all public and private activities in the society. But authoritarianism could be nondespotic, or nontotalitarian in 20<sup>th</sup> century language. Authoritarianism could be liberal.*

*Notice that in given circumstances, a democratic government might massively violate Mill's Liberty Principle and also might pass oppressive laws that amount to tyranny of the majority. In given circumstances, authoritarian government might do better to protect a wide sphere of individual liberty, respect and enforce people's moral rights (other than the putative right to a*

*democratic say), and adhere to Mill's Liberty Principle than would any feasible democratic political arrangements. Mill's arguments against authoritarianism presuppose that the authoritarian regime pursues certain despotic policies and do not hold in the general case. Mill's conclusion might still be right, but the argument looks to be flawed.*

A perhaps better argument is that any autocratic government that succeeds in educating and improving the people who are ruled will eventually produce people who demand representative institutions. Either the rulers acquiesce in this demand or society moves in a retrograde direction. Good despotism might exist for a time but eventually undermines itself in this way. Mill: "Evil for evil, a good despotism, in a country at all advanced in civilization, is more noxious than a bad one; for it is far more relaxing and enervating to the thoughts, feelings, and energies of the people." Despotism weakens a people, much as hot baths are supposed to weaken the individual who indulges in them. But even when the people being governed are civilized, educated, they might be disposed to perpetrate great evil on each other if left free to do so, and any form of representative institutions would unleash the disposition. Hot bath style weakening of the mental faculties might be superior to a bloodbath. In chapter XVI, Mill notices this. He holds that a people fit for representative institutions should be united in culture and interests as national solidarity unites people. On this basis Mill opposes including more than one national community within a single state: One people, one state.

Mill: "The ideally best form of government is that in which the sovereignty, or supreme controlling power in the last resort, is vested in the entire aggregate of the community; each citizen not only having a voice in the exercise of that ultimate sovereignty, but being, at least occasionally, called on to take an actual part in the government, by the personal discharge of some public function, local or general."

According to Mill, in a country with a large population, direct democracy is unfeasible, so a democratic government should be a representative democracy.

*To clarify Mill's ideal of government, let us say a form of government is democratic to the degree that under it political institutions bring it about that the present will of the majority of the people determines the content of public policy and the laws and also determines who serve as major public officials, with at most a short time lag. On this view, a form of government is more democratic, the higher its scores along two separate dimensions of assessment. One is the degree to which the present will of the majority of citizens effectively shapes public policy and the occupants of office in the near term. Call this immediacy. A second dimension is the scope of the jurisdiction of majority will. To the degree that no policy issues are insulated from majority control, to that degree, the form of government is more democratic. Call this wide scope. We may add a third dimension of assessment: a form of government is more democratic to the degree that under it any individuals with the same political talent and the same level of political ambition have the same chances of influencing the outcomes of the political process toward the outcomes the individuals seek. A society overall is then democratic to the degree that it scores high along the three dimensions just characterized. Call the third one equal opportunity for political influence. (This last is at issue in present-day concerns that lead to calls for campaign finance reform.) When equal opportunity for political influence obtains, if George Bush, Bill Clinton, and you have equal political talent and political ambition, they and you would have the same chances of being politically influential. The fact that you are poor rather than rich, that your parents have insignificant rather than significant social networks, that you are of one race or religion rather than another, that you are a man or a woman, of one sexual orientation or another, would play absolutely no role in determining the extent to which they and you are politically influential. This is a very strong equality of opportunity norm. On this conception, being democratic varies by degree. Mill is only very modestly in favor of majoritarianism (dimensions 1 and 2), as we shall see. He does not directly address the issue of equal opportunity for political influence.*

Back to Mill's arguments to the conclusion that the ideally best form of government is representative democracy (according to his statement quoted three paragraphs back). According to Mill democracy may be expected to be more conducive than any other form of government to organizing such good qualities of the people as currently exist to promote the common good. Why think this? Mill opines "that the rights and interests of every or any person are only secure from being disregarded when the person interested is himself able, and habitually disposed to stand up for them" and that "the general prosperity attains a greater height, and is more widely diffused, in proportion to the amount and variety of the personal energies enlisted in promoting it" (p. 65). In short, according to Mill, the general interest is better promoted when people are self-protecting and self-dependent. Mill then argues that democratic government best promotes these desirable tendencies while despotism inevitably tends to subvert and hinder them.

According to Mill, democracy also does better than alternative forms of government at satisfying the second criterion of a good form of government proposed in chapter 2. This test states that the best form of government is the one that best improves the virtue and intelligence of the people under its jurisdiction. He observes, "This question really turns upon a still more fundamental one, viz., which of two common types of character, for the general good of humanity, it is most desirable should predominate—the active or the passive type; that which struggles evils, or that which endures them" (p. 69). Mill asserts despotism produces the passive type and democracy the active type of people.

*Earlier in these notes I have already voiced skepticism about these speculative arguments. Mill's conclusion, that democracy will produce best results, might yet be correct, but his arguments to this conclusion look to be inconclusive. Mill argues that democracy will do better than despotism, but nothing he says tends to show that authoritarian, nondemocratic forms of government must be despotic with the vices Mill associates with despotism.*

#### **Chapter IV. Under What Social Conditions Representative Government is Inapplicable.**

Mill in chapter 3 has urged that when certain conditions obtain, representative democracy is the best form of government. Mill groups these conditions under two headings. The first constraint is that it must be possible for representative government to be set in place and to last over time. The conditions necessary according to Mill are that the people must be willing to accept democracy, must be able and willing to do what must be done to keep this form of government in place, and must be "willing and able to fulfill the duties and discharge the functions which it imposes on them" (p. 82). The second constraint is that under some conditions democracy, though possible, would not be desirable. Mill believes that these are conditions in which the people to be ruled are in a backward uncivilized state and require despotic rule in order to advance and develop better characters. A barbarous people lacks the disposition to obedience to duly constituted authority and must be trained to it via nondemocratic government. Much the same is true if people are entirely passive and disposed to comply with tyranny. In this condition, if they are fortunate, they will advance by living under a nondemocratic government of a sort that encourages them to become active. If people have only local solidarity and public feeling and lack concern for the members of a wider community, no government that rules over a significant region can be democratic. For these reasons Mill thinks that in the early stages in the history of a people, their government should be monarchical or aristocratic. There are many other defects in the character of a group of people that will prevent them from reaping the full benefits of democracy, but which do not necessarily indicate that the government of One or a Few is to be preferred to government of the Many. These are cases in which the defects in the people will be just as likely to produce ill effects under nondemocratic as under democratic institutions.

*Question: Does Mill end up holding the position that democracy is best under the conditions in which it is best and not best under the conditions in which it is not best?*

#### **Chapter V. Of the Proper Functions of Representative Bodies.**

In this chapter Mill argues that representative institutions should be assigned only limited functions, consistent with their having supreme power in the last resort.

First, the representative (elected) body is not fit to administer public policies. The executive branch of government should be separate and distinct from the legislative. The representative assembly has the task of deliberating about the administration of government by the executive branch. But the popular assembly should not “dictate in detail to those who have the charge of administration” (p. 103). Administration according to Mill should be done by qualified experts.

Second, Mill suggests that the representative body should “take care that the persons who have to decide [matters of administration] shall be the proper persons, “ but “Even this they can not advantageously do by nominating the individuals” (p. 106). Again, selecting persons for administrative posts is a job for experts. In this respect the role of the representative body is confined to the task of selecting the chief executive or of selecting a small group from whom the chief executive shall be selected. Here Mill is assuming a party system in place. Candidates from different political parties offer themselves to the voters, and the party that wins the vote is entitled to have its chief serve as chief executive. The top executive official is then responsible for appointing capable individuals who shall fill other administrative posts. Mill also supposes there will be a civil service of expert administrators whose professional role is to implement whatever policies are being pursued by the ruling political party.

So according to Mill the representative body should not interfere in administration. The representative body then is responsible for legislation? Yes and No. According to Mill, the detailed drafting of laws is another task fit only for qualified experts. He writes, “a numerous assembly is as little fitted for the direct business of legislation as for that of administration” (p. 109). There should be a legislative commission responsible for drafting laws. Mill envisages that the representative body shall assign the commission the task of drafting a law on a topic and to serve a purpose the representative body specifies. The independent legislative agency then should draft the law, which is brought back to the representative body for ratification. Mill holds that the representative body should not have the authority to impose amendments on the law proposed by the legislative commission. The representative body can pass the proposed law or turn it down or send it back to the Commission for redrafting. Commission members are appointed (not by the representative body itself) and serve for a fixed term unless a member is guilty of personal misconduct or the Commission refuses to draw up a law “in obedience to the demands” (p. 113) of the representative body.

Summarizing, Mill says, “Instead of the function of governing, for which it is radically unfit, the proper office of a representative assembly is to watch and control the government: to throw the light of publicity on its acts; to compel a full exposition and justification of all of them which any one considers questionable; to censure them if found condemnable, and, if the men who compose the government abuse their trust, or fulfill it in a manner which conflicts with the deliberate sense of the nation, to expel them from office, and either expressly or virtually appoint their successors” (p. 116). This gives the representative body supreme controlling power in the last resort as Mill conceives it. The main function normally of the representative body is talk about the ‘great public interests of the country’ (p. 117).

*Mill is concerned to balance the democratic principle with what he takes to be an appropriate role for expertise in political matters. One might contrast his views in this regard with those of Rousseau or Marx.*

*One might also contrast Mill and Rousseau on the significance of improving the quality of public deliberation on public policy and also the range of the deliberation (the number of people who participate).*

The question arises, is it really the case that Mill favors vesting the supreme controlling power in the last resort in the entire aggregate of the community? In this connection, notice that in chapter XIV he opposes popular election of the chief executive of the government, as occurs under the U.S. Constitution. Instead he favors appointment of the chief executive by Parliament. He also opposes appointment of other officials in the executive branch by popular suffrage. He favors an

independent civil service with appointments filled according to the merits of the candidates, with top officials of the branches of the executive departments and agencies being appointed by the chief executive. He also rejects appointment of members of the judicial branch of government by popular suffrage. He favors giving the chief executive the power to dissolve Parliament (the representative assembly body) and order new elections. Otherwise members of Parliament should serve for a sufficiently long term to enable them to carry out policies independent of the changing moods of the electorate. Since Mill interposes several layers of government between the popular vote and the institution of public policy, it seems to me very likely, but not absolutely guaranteed, that a resolute majority that wanted and continued to want a certain public policy could eventually get it enacted, but the time lag might well be several years from initial formation of will to its being put into effect.

#### **Chapter VI. Of the Infirmities and Dangers to Which Representative Government is Liable.**

According to Mill, the negative defects of a form of government come under two headings: failure to concentrate sufficient power in the authorities to enable them to carry out their tasks, and failure to “develop by exercise the actual capacities and social feelings of the individual citizens” (p. 120). He does not see representative government as especially liable to these defects.

What Mill calls the positive defects a form of government may exhibit are defects that are genuinely problematic for representative government. He sees two such defects: (1) “insufficient mental qualifications in the controlling body” and (2) “the danger of its being under the influence of interests not identical with the general welfare of the community.” Mill calls these “sinister interests.”

Regarding (1), Mill thinks that monarchy and hereditary aristocracy don’t tend to outperform representative government. The only exception is when aristocratic rule essentially becomes rule by trained professional functionaries—a bureaucracy. Since bureaucracies can ossify and become resistant to needed change, we should choose representative government over bureaucracy if we had to choose. Still better is to design a constitution in which representative government combines with bureaucracy to yield the best of both.

Problem (2), the problem of sinister interests, is roughly the problem of majority tyranny. Under representative government a numerical majority might direct the government to be run in its own interest. Oppression of the minority can result. Mill mentions the dangers of a majority of Catholics ruling over Protestants, a majority of English ruling over Irish, and a majority of propertyless workers ruling over propertied classes. The last gets most of his attention.

*Consider a pluralist model of democracy. Citizens have conflicting interests, and parties bundle coalitions of citizens who care about interests included in the bundle (and think they will be better off if this coalition wins than under the victory of a rival coalition). In any given election, one coalition wins and controls the government, which presumably is run to favor the interests of coalition members. The losers lose. But if coalitions are fluid and shifting, the winning coalitions over time represent different constellations of interests. One might expect the over time any citizen has a reasonable chance that the interests she cares about most will be included in some winning coalition. But suppose there are deep cleavages in society, so that those on one side of a cleavage will share important interests. Party coalitions are not fluid and shifting. Then there may be a stable majority coalition that always wins. If you lose once, you keep losing. If fairness is having a fair share of satisfaction of one’s interests, majority rule governance in a society marked by deep cleavages may be unfair over the long run. Arend Lijphart cites the example of Northern Ireland, divided into a Protestant majority and a Catholic minority. He notes that in that country “majority rule meant that the Unionist Party representing the Protestant majority won all the elections and formed all of the governments between 1921 and 1972 [when civil war broke out]. . . . In the most deeply divided societies, like Northern Ireland, majority rule spells majority dictatorship and civil strife rather than democracy.” The idea of democracy that Lijphart finds violated here is the norm that “all who are affected by a decision should have the chance to participate in making that decision either directly or through chosen representatives.” He holds*

*that in his example the Catholics effectively have no chance. Mill is worried about the problems that arise from deep cleavages. Another instance of the same general phenomenon would arise if there is a pariah group in society—a group with which no one wants to join in a coalition. Think of a racially disfavored group. Pluralism might work fine for everyone else, and coalitions might be shifting and fluid—except that no citizens will join in coalitions with the racially disfavored group, who then never form part of a winning coalition in any election.*

*Notice that the elected representatives themselves might form a group that is animated by sinister interests. The representatives vote for laws and policies that are in the interests of representatives, not the interests of the citizens they are representing. Voters can throw the rascals out in elections, but one can imagine circumstances in which the problem persists, and becomes entrenched.*

Mill regards the fact that with universal suffrage a stable majority of voters will be laborers and a stable minority employers of labor to be the major likely deep cleavage to be found in a modern society “not divided within itself by strong antipathies of race, language, or nationality” (p. 141). So he sees a persistent problem: laborers may be tempted to vote for policies that expropriate the property of the wealthy, either by taking wealth in large chunks or by enacting taxation systems that unfairly gouge the wealthy. He sees such expropriation and gouging as against the long-run interest of propertyless workers, but a problem nonetheless, because voters are moved by their perceived interests not necessarily their enlightened long-run interests. I take it he thinks expropriation and gouging would be wrong by utilitarian standards (not policies that maximize aggregate happiness) even if they did serve the long-run interests of a majority group of voters. *One should distinguish in this connection policies that are good for an individual in the short run but bad in the short run of that very person’s life, and policies that though prudent for an individual or group of individuals even in the long run of their lives are nonetheless and in the long run when one considers the interests of future generations. (For example, it might be in the interest of the earth’s current population to use up all of the oil and leave future generations with none and no viable substitutes for oil.)*

Mill also mentions other sinister-interest problems that might motivate some groups of laborers to act against others. For example, unskilled workers might pass laws that are designed to reduce the post-tax income gap between themselves and skilled and professional workers (*what in the argot of Scandinavian social democracy today are called wage compression or solidarity policies*).

Consider then the problem of class legislation, says Mill—legislation intended for “the immediate benefit of the dominant class, to the lasting detriment of the whole.” Faced with this difficulty, a desirable constitution or set of political arrangements would ensure, to the extent this is feasible, that “no class, and no combination of classes likely to combine, shall be able to exercise a preponderant influence in the government.” In the situation of modern society, this means that workers and allied groups and employers of labor together with groups allied to them should be “equally balanced, each influencing about an equal number of votes in Parliament” (p. 142). *In assessing Mill’s position we should distinguish his particular view that the major problem in modern otherwise homogeneous society is workers versus employers and his general view about the desirability of bringing about political arrangements that check the influence of sinister interests. On what to do about societies divided by cleavages other than those of economic class, see chapters XVI and XVII.*