

**"The infamous last chapter:
Mill's reflections on the government of
dependencies by free states"**

The last chapter of the *Considerations on Representative Government* has upset many readers. Mill not only distinguishes between civilised and barbaric peoples but also claims that civilised nations are entitled to rule despotically over barbarous countries. To be fair, Mill says that colonial rule must actually be for the good of the dependencies. So he advocates a form of *international paternalism*. In order to be legitimate, it is not enough that international paternalism is well-intentioned. It must have positive effects. His position still seems annoying. Even Arthur Applbaum, who argues that countries may be forced to adopt free institutions, is angry with Mill. He makes a subtle distinction between paternalising a people and paternalising its constituent members. Accepting the legitimacy of the latter is "Mill's unsalvageable mistake" (Applbaum 2007, 366), says Applbaum. Mill "thinks that barbarous nations are barbarous because they are composed of barbarians." (loc. cit.) According to Applbaum, this is insulting. Maybe barbarous countries contain some barbarians. But this is "not a conclusion Mill or we get for free", suggesting that Mill did not busy himself with evidence. Worse still, Mill's employment at the EIC makes him suspicious of being intellectually corrupted.

In a similar vein, Stefano Recchia prompts us to reject Mill's international paternalism on the grounds of its "flawed anthropological assumptions concerning the 'barbaric' nature of non-European peoples." (Recchia 2009, 166)

In the first section of this talk, I shall point out how Mill uses the word "barbarism" and why I think that Recchia's and

Appelbaum's criticism is mistaken. In the second section, I shall argue that Mill's justificatory reasons for British rule in India are very close to reasons many people routinely accept in discussions about international justice and responsibility.

I. "Barbarism"

Mill says that the ideally best form of government is representative government. According to him, representative government requires certain cultural, technological and social preconditions. Firstly, the population must be willing to receive it. Secondly, a critical number of people must be willing and able to do what is necessary for its preservation. Thirdly, people must be willing and able to fulfil the duties which it imposes on them. Under some conditions, representative government won't work. Arguably, Germany, to give you an example, did not sufficiently satisfy any of the three conditions after the First World War. Important parts of the German population opposed democracy and were willing to overthrow it; other parts proved unwilling or incapable of doing what was necessary for its preservation.

Mill frequently emphasises how demanding representative government is. The population must be ready to exert sovereignty by competently appointing and controlling representatives. A critical number of voters must be ready to judge the honesty, intellectual aptitude and active talent of candidates sufficiently well. Moreover, voters must conceive their voting power as a trust and not as a kind of individual property right; in voting, they have to consider the common good, not their petty self-interest. In a well-ordered representative system, voters must generally respond to good reasons and justify their political preferences, for instance when asked by their wives and daughters why they voted for candidates who oppose the proposal that women should be

allowed to graduate at universities; or why they voted for candidates who are not willing to take measures against the mild penalties inflicted on ruffians who daily beat their wives almost to death (CW 19, 492) and so forth.

So, representative government demands a lot of the population: public spiritedness, open-mindedness, responsiveness to reasons, the ability to trust unknown people, courage, the willingness to endure unexciting chores, self-control, prudence and so forth - in the terminology of economics, one could say it presupposes a high level of human capital. It also requires a relatively high standard of technology. It requires newspapers "to carry the voice of the many". Without newspapers, no public opinion can develop; and without public opinion, there can be no democracy. For democracy is the government of public opinion, according to Mill. High standards of technological development and high amounts of human capital empower the masses whose members are increasingly able of "acting together for common purposes in large bodies, and enjoying the pleasures of social intercourse" (CW 18, 120), as Mill puts it in his article on *Civilisation*. It is there that we learn that his term for a society that has reached a stage suitable for the ideally best polity, is "civilised"; the term that denotes the direct converse or contrary of "civilisation" is "rudeness" or "barbarism".

This gives us an important reference point. The term barbarism refers to a state of society which is not ready for the ideally best form of government. In a barbarous state of society, the masses are without power; they have no voice; the masses do not conceive themselves as political subjects because a public opinion does not exist; they do not know what other members of the mass think or feel and they have no conception of what the point of knowing such things could

possibly be. A society can be barbarous because it is very poor or technologically backward or because the distribution of wealth is extremely unequal. However, it is also conceivable that a society is barbarous although it is technologically developed, relatively rich and although a considerable number of its members have developed all dispositions, capabilities and virtues necessary for the ideally best polity. Perhaps Germany after the First World War was such a society. Germany was one of the leading nations in science and technology. Art and music was at an apex. There were even democrats in Germany at that time. Some may opine that it would be insulting or maybe even absurd to say of the members of a society like Germany, that they were barbarians. But, as we all know, the barbaric elements in German society - antisemitism, racism, love of blind obedience, infantile belief in the most wondrous capabilities of the Führer - were strong enough to overthrow democracy in the end. Thus, in Mill's technical sense of the term German society at the time was barbarous, or to use another of Mill's provocative words, at least "semi-barbarous" because it lacked a sufficient amount of what was necessary to put representative government on an even keel.

Chin Liew Ten argues that when Mill talks of barbarians he "is not talking about the personal qualities of, for example, the people in India" (Ten 2012, 185). Of course Mill does talk about the personal qualities of the people in India. For Mill emphasises time and again that the social and cultural environment coins the character of the members of a society; the state of society, in turn, is the product of how its members think and act. Ten uses Applbaum's wedge again, the wedge between a state of society and the population which composes the society. It seems to count as acceptable to be in favour of paternalising other countries as long as one claims that this does not amount to paternalising its inhabitants.

From a Millian point of view, this is confused. For what is the point and object of a form of paternalistic intervention that does not affect what *people* are encouraged, obliged or entitled to do and think. A state of society is the product of innumerable individual and collective actions. These actions, in turn, are to a considerable degree influenced by the social and cultural environment. Individuals internalise rules, dispositions, norms and routines. And some of these deserve to be called barbarous in so far as they contribute to produce and preserve a barbaric society.

It is true that barbarism is a state of society in Mill's view. But it is also true that barbarians lack certain personal qualities, namely those personal qualities that are required to run a functioning representative government; and they have personal qualities that are detrimental to free institutions.

So, what makes people barbarians in Mill's view? Members of a free society must be able to tolerate diversity; they must resist the temptation to use political or societal power to force their personal preferences on others. They must learn to assess arguments and to revise their positions. At least occasionally, they must be ready to plough through tedious articles and statistics. They must be able to understand causal connections and means-end-relations. In short, life in a free society requires a considerable amount of cognitive, emotional and volitional discipline.

The leitmotif in Mill's writings is that barbarians lack this discipline. They are not able to consider the mid- or long-term effects of their actions. They are impulsive. They have no self-control. They are prone to wishful thinking. They are superstitious. They are not willing to revise obviously wrong beliefs or to weed out blatant contradictions in their belief system. They let their anxieties, their anger and their hatred

dictate their political views. Arguably, very many members of German society between the wars were barbarians in this sense.

As we heard before, Stefano Recchia ascribes to Mill "flawed anthropological assumptions concerning the 'barbaric' nature of non-European peoples". I have no idea where he got this from. Firstly, Mill's barbarians are not barbarians by nature. He sees human beings as products of their environment. Secondly, non-European peoples are by no means Mill's only target. In "Civilisation" he describes the Spanish as barbarians because they were incapable to unite against Napoleon and to act in concert; "no one", he says, "would sacrifice his consequence, his authority, or his opinion, to the most obvious common cause; neither generals nor soldiers could observe the simplest rules of the military art." (CW 18, 123)

More importantly for our context, Mill sees very many similarities between India and Ireland. In "England and Ireland", he writes that people who know both countries "have remarked many points of resemblance between the Irish and the Hindoo character" (CW 6, 519) More than 30 years earlier, he expressed the view that Ireland ought to have been governed despotically like India, by a more civilised and more energetic people (CW 6, 216). I will come back to this in the second section. For the moment, I hope I have said enough in order to correct Recchia's verdict. One may well accuse Mill of holding insulting views on India. Yet, his views are not informed by flawed anthropological assumptions about non-European peoples since he says very similar things about Europeans. Moreover, what he is says is not anthropological.

II. British rule in India

Let me now turn to the second section which deals with Mill's views on British rule in India. It is Mill's considered view that civilised nations may intervene in the affairs of

barbaric societies. Towards barbarians, a country like Britain, is not under a duty of non-interference. In one of his most notorious pieces, "A Few Words on Non-Intervention", Mill brings up the topic of discipline again. Barbarians, he argues, lack epistemic and practical virtues. It would thus be a grave error to think that the rules of international morality governing the relations of civilised nations also apply to the relations between civilised nations and barbarians. The reason is that the rules of ordinary international morality imply reciprocity and one cannot count on barbarians in this regard: "They cannot be depended on for observing any rules" (CW 21, 118), Mill says.

Arthur Applbaum and others find this view unacceptably insulting. We have to distinguish two points, though. The first point concerns the general idea of Mill's claim, namely that a country which generally does not observe the rules of international morality and law has no entitlement to non-interference. The second point concerns the question whether a particular country is a barbaric country in the relevant sense.

There seems to be nothing insulting about the claim that reciprocity is a condition for the right to non-interference. If rulers are not willing or capable to observe treaties, there is no basis for such a right. Think of the Germans in the First and the Second World War. They broke every rule of war; the Allies called this quite rightly barbaric. The fact that Germans could not be relied upon for observing rules not only justified Germany's occupation but also made it inevitable. Even Arthur Applbaum seems to agree up to a certain point, for he mentions Germany and Japan as two spectacular successes of "forced freedom" (Applbaum 2007, 370). Mill himself gives the example of Oude. The British attempted to improve the ways of native Governments by means of conditionality. "For fifty years and more did the British

Government allow this engagement to be treated with entire disregard; not without frequent remonstrances, and occasionally threats, but without ever carrying into effect what it threatened." (CW 21, 120)

So, Mill's view seems to be that countries with non-representative governments can be members of the Society of Peoples and enjoy the right of non-interference by foreign nations only if they are willing and able to observe rules and treaties. This way of seeing national sovereignty as being conditional on the observance of certain rules does not strike me as worthy of criticism.

The much more problematic aspect of Mill's remarks in "A Few Words" concerns his overly optimistic tone when it comes to the competencies of intervening countries. He says that the state of barbarous nations is such that it is probably for their benefit "that they should be conquered and held in subjection by foreigners." (CW 21, 118) It sounds as if Mill thinks that less-developed countries have to gain from foreign subjection no matter with which intentions and capabilities the conquerors come. In combination with his remarks on the lack of discipline on the part of barbarians and his repeated emphasis on the importance of learning to obey, one may well be excused for thinking that Mill sees subjection itself as the benefit that the invaders bring to the barbarians. And, indeed, there are passages in which Mill argues that slavery is a step forward in human development, compared to savagery. So, an aspiring Herrenvolk has just to claim that some foreign people is in a state of savagery in order to license its attempt to conquer and enslave it. This, of course, is very toxic stuff and I will make no attempt to defend Mill on this.¹

¹ „Habits of discipline once acquired, qualify human beings to accomplish all other things for which discipline is needed." (CW 18, 124)

But I think that Mill made his point in "A Few Words" with uncharacteristic sloppiness and that the quoted passage does not reflect his considered view. Let us remember that in *On Liberty* John Stuart and Harriet Taylor Mill call despotism a "legitimate mode of government in dealing with barbarians, provided the end be their improvement, and the means justified by actually effecting that end." (CW 18, 224, MS) Thus, foreign rule, which is despotic by definition in Mill's terminology, can only be legitimate if it successfully attempts to improve the state of less developed societies. Improvement means that a barbarian country makes progress concerning the conditions of the ideally best polity. This progress can consist in a number of things: a more even distribution of wealth and income in society, better security of life, liberty and property, less corruption, less arbitrary and inefficient administration, a higher literacy ratio, better hygiene and public health, an improved infrastructure and so forth. The investment *in* and protection *of* human capital amounts to the empowerment of individuals (and the masses) and is thus a step in the right direction. However, Mill says "it is always under great difficulties and very imperfectly, that a country can be governed by foreigners; even when there is no extreme disparity in habits and ideas, between the rulers and the ruled." (CW 19, 568)

Civilised nations that conquer barbarous countries in order to put them on a path to democracy will in most cases wield their power incompetently. Since the difficulties which benevolent conquerors have to solve are so formidable, foreign rule is in most cases illegitimate, no matter how well-intentioned it is.

In a nutshell, in Mill's view, legitimate foreign rule is a form of trusteeship. It is not something which powerful European countries impose on disfranchised barbarians in order to promote their own national self-interest. It is a responsibility towards societies which are less fortunate, or,

to use Rawls's term, which are "burdened". Although Mill assumes that social and economic development promotes global well-being, he does not seem to take for granted that foreign rule is mutually beneficial in the short run. It is quite possible that Britain's trusteeship in India comes with net costs.

Recchia praises Rawls's caution to the effect that "mere state oppression and/or systematic political corruption do not automatically trigger a prima facie right of military intervention and coercive regime change." (Recchia 2009, 184) From a Millian point of view, this is a crooked way of posing the problem. On the one hand, barbarian countries do not belong to the Society of Peoples and have no right to non-intervention. On the other hand, the right to intervene crucially depends on the resources and intentions of the foreign power. As I said, under Mill's conditions the exercise of the right to intervene and rule is burdensome in terms of the narrow self-interest of an advanced nation. Consequently, the crucial question is under which circumstances the population of a *competent* civilised country is *obliged* to bear the burden of trusteeship. As far as I can tell, Mill does not postulate a general duty of assistance on the part of advanced nations. However, the brief sketch in "A Few Words" about how the British came to rule in India give us some hints as to how a special obligation to foreign rule can arise. *Mutatis mutandis*, his account resembles Thomas Pogge's claim in *World Poverty and Human Rights* that the rich states of the West are partly morally responsible for the political instability and misgovernment which is so characteristic of many poor countries. Both accounts agree that local despots owe their power to the more or less active support of advanced nations. Whereas Pogge gestures at the resource and borrowing privilege, Mill emphasises military assistance: In the early seventeenth century, the EIC established factories in Surat and other places on the basis of a commercial treaty with the

Mughal emperor. These factories and other acquisitions of the EIC were under constant attack until the British had reduced the military power of the native States of India to a nullity (CW 18, 119). Since the rule of the native despots entirely depended on violent force, their military disempowerment tended to produce anarchy and civil war. Therefore, says Mill, the British were forced to offer military capacities in order to preserve a minimum of political order. Being thus freed from the fear of internal rebellion, "the only checks which either restrain the passions or keep any vigour in the character of an Asiatic despot" were removed.

"The British Government felt this deplorable state of things to be its own work: being the direct consequence of the position in which, for its own security, it had placed itself toward the native governments. Had it permitted this to go on indefinitely it would have deserved to be counted among the worst political malefactors." (CW 21, 120)

I shall not discuss the accuracy of Mill's historical account but focus on the normative argument. The fact that British military assistance removed any check on misgovernment warranted the claim that the worsening of the situation in the princely states was the "direct consequence" of the EIC's presence. Being the producer of this "direct consequence", the EIC acquired a special obligation to bear the burden of trusteeship. According to Mill's account, this responsibility did not result from any injustice done by the British in the first place. The EIC established factories in India on the basis of a commercial treaty and they were entitled to defend their interests with military power. However, the consequences of these legitimate acts were such that the EIC became morally responsible to make use of its *capacity* to govern in the interest of the local population.

In sum, Mill's position on British rule in India differs quite remarkably from standard interpretations. Firstly, ruling barbarous countries is only legitimate if the aggressor is willing and able to govern in the long-term interest of the population, namely to promote transition to representative government. Whether a conquering nation is able to rule a country in a legitimate manner does not only depend on its own resources but also on conditions prevalent in the conquered territory. First and foremost, the governed population must be willing to accept foreign rule. The upshot of Mill's argument is that the government of dependencies loses its legitimacy if resistance in the subjected population gets so strong as to block all prospect of a successful transition to democracy. Mill famously claimed that dependencies should never be ruled directly by a foreign nation but by an intermediate body run by experts who have a clear mandate to promote the long-term interests of the governed and who are responsible to parliament in this regard. "The government of a people by itself has meaning, and a reality; but such a thing as government of one people by another, does not and cannot exist" (CW 19, 569), says Mill. For one people is neither sufficiently familiar with, nor sufficiently interested in, the social and cultural peculiarities and the conditions of well-being of another.

Let me summarise, the spirit of Mill's writings on the government of dependencies seems more progressive than many commentators are ready to admit. We may find many descriptive and explanatory aspects of his account inappropriate. The normative underpinning, though, is close to what many people accept: The existence of duties of assistance; the existence of duties of corrective justice; Colin Powell's principle of "you break it, you own it"; and, last but not least, in some circumstances duties of intervention and international trusteeship.

Thank you for your patience!

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