

The Reception of John Stuart Mill in France Concerning Mill's *On Representative Government*

Vincent GUILLIN and Djamel SOUFAFA

How did the thought of John Stuart Mill cross the English Channel? Vincent Guillin and Djamel Souafa analyze the reception of *Considerations on Representative Government* in Second Empire France and show why it is interesting to reconsider Mill's theory of democratic government today.

Nearly twenty years ago, in a preface to a new edition of *On Liberty*, Pierre Bouretz lamented the “unfathomable ignorance” of John Stuart Mill’s work in France.¹ Some day there really ought to be a serious historical and philosophical study of the various reasons for the virtually total absence of references² to Mill in France until quite recently²—an absence that is all the more intriguing because, as Bouretz rightly points out, Mill’s work was known and discussed by French philosophers, psychologists, economists, sociologists, and political scientists at least until the 1920s, but all this has been “forgotten.”³ It should be noted, however, that the situation has improved considerably since the 1990s: although Mill’s work is still not central to contemporary debates in France, some of his writing have once again become accessible to a broad audience.

The most recent development in this area is the publication of Patrick Savidan’s elegant and precise translation of Mill’s *Considerations on Representative Government*,⁴ which has

¹ John Stuart Mill, *De la liberté*, trans. C. Dupont-White, revised by L. Lenglet, preface by Pierre Bouretz, Paris, Gallimard, 1990, p. 13.

² A notable exception is Ruwen Ogien, who frequently refers to Mill’s moral liberalism in his work, especially *L’Éthique aujourd’hui. Maximalistes et minimalistes*, Paris, Gallimard, 2007.

³ John Stuart Mill, *De la liberté*, *op. cit.*, p. 13.

⁴ John Stuart Mill, *Considérations sur le gouvernement représentatif*, trans. Patrick Savidan, Paris, Gallimard, 2009, with introduction and notes by the translator. Page references in the text are to the second English edition of the

made the most systematic representation of Mill's political and constitutional ideas available to French readers. The question now is what status ought to be accorded to this text. Should it be read solely for its historic interest, as an important but necessarily dated contribution of the liberal tradition to thinking about the "democratic dynamic," which went along with the expansion of the suffrage to the lower classes of society and made it necessary to rethink the very idea of representation? Or should the work be read independent of the context in which it was written and to which it responded and thus as a reflection on challenges that today's democratic societies continue to face? Rather than decide on one or the other of these two approaches, it might be preferable to opt for a third way, following a suggestion of P. Savidan, who proposes to take advantage of the "mirror effect" offered by a text that is undeniably rooted in its place and time in order to "better define what is distinctive about our own expectations of democracy."⁵ To that end, we will take a detour by way of France in the late Second Empire and early Third Republic, looking for the response to certain ideas that Mill develops in his *Representative Government* concerning the representation of minorities, the vote for women, and the role of a second legislative chamber. This will enable us both to show that there was indeed a French response to Mill's political philosophy and to evaluate the current relevance of his theory of democratic government.

Mill's Works available in French

John Stuart Mill, *De la liberté*, trans. C. Dupont-White revised by L. Lenglet, preface by P. Bouretz, Paris, Gallimard, 1990

John Stuart Mill, *Autobiographie*, trans. G. Villeneuve, introduction and notes by J. M. Robson, Paris, Aubier, 1993.

John Stuart Mill, *Essais sur Tocqueville et la société américaine*, trans. P.-L. Autin, M. Garandea, E. Marquer, E. Mignot et P. Thierry, introduction by P. Thierry, Paris, Vrin, 1994.

John Stuart Mill, *L'Utilitarisme. Essai sur Bentham*, présentation, trans. C. Audard and P. Thierry, Paris, PUF, 1998.

Catherine Audard, *Anthologie historique et critique de l'utilitarisme, vol. II - L'utilitarisme victorien : John Stuart Mill, Henri Sidgwick et G. E. Moore (1838-1903)*, texts selected and introduced by C. Audard, trans. M. Garandea, J.-M. Luccioni and F. Robert, Paris, PUF, 1999 [containing excerpts from a number of Mill's works].

John Stuart Mill, *Auguste Comte et le positivisme*, trans. Dr G. Clemenceau, revised and introduced by M. Bourdeau, Paris, L'Harmattan, 1999.

work, John Stuart Mill, *Considerations on Representative Government*, London, Parker, Son, and Bourn, 1861, from which the English passages are taken.

⁵ *Ibid.*, p. ii.

John Stuart Mill, *La Nature*, trans. and preface by E. Reus, introduction, afterword, and glossary of English terms of moral philosophy by F. Vergara, Paris, La Découverte, 2003.

John Stuart Mill, *Sur la définition de l'économie politique; et sur la méthode d'investigation qui lui est propre*, trans. C. Leblond, introduction by G. Bensimon, Paris, Michel Houdiard Éditeur, 2003.

The Prism of Minority Representation

The aspect of Mill's *Considerations on Representative Government* that attracted the most attention at the time of its publication in France and elsewhere was undoubtedly his discussion of the representation of minorities.⁶ Formulated in chapter 7 ("On True and False Democracy"), his ideas on this subject influenced French debate about universal suffrage, which was still considered to be "new" (and whose potential effects were still feared in the 1860s). Mill's contribution broadened the discussion, which would continue throughout the nineteenth century, by raising the issue of the mode of election, anticipating a later debate about proportional representation.

In fact, doubts about majority voting began to be expressed quite early in the modern era, even as debate continued about the wisdom of expanding the right to vote. The central issue was whether majority voting truly represented the people in all its complexity. Critics borrowed a principle that Mirabeau had laid down in January 1789: "Assemblies are to the nation what a map drawn to scale is to its physical reality: whether the copy reflects a part or the whole, it must always have the same proportions as the original."⁷ Such criticisms emanated from all parts of the political spectrum, including some of the most fervent proponents of universal suffrage, reflecting fears that the transition from a corporate society to a society of individuals would draw a veil over the complexity of the social order. As long as the revolution endured, it was possible to observe the people directly, but once it ended this became much more difficult. The people thus became hard to read but at the same time sovereign, and this raised the question of how best to give them voice and make them responsible. Rather than a simple aggregation of opinions,

⁶ The first English edition of the *Considerations*, from 1861, was translated almost immediately by Charles Dupont-White under the title *Le Gouvernement représentatif* and went through three successive editions (1862, 1865, and 1877), all published by the Parisian publisher Guillaumin. On Dupont-White and his relations with Mill, see Sudhir Hazareesingh, *Intellectual Founders of the Republic. Five Studies in Nineteenth-Century French Political Thought*, Oxford, Oxford University Press, 2005, Chap. 2.

⁷ Honoré-Gabriel de Riquetti Mirabeau (comte de), "Discours prononcé à la tribune nationale, États de Provence-Aix, 30 janvier 1789," *Œuvres de Mirabeau, vol. I*, Paris, Didier, 1834, p. 7; cited in Société pour l'étude de la représentation proportionnelle, *La Représentation proportionnelle: études de législation et de statistique comparées*, Paris, Pichon, 1888, p. 1.

which was associated with majority voting, the hope was to restructure the representation of the political community in a way that reflected sociological realities. In 1863, the conservative liberal duc d'Ayen put it this way: "In France, ... what we fear is not the people but the mob—a blind and irresponsible force."⁸

In response to this "sociological vertigo,"⁹ some commentators stressed the need for "minority" representation. The ambiguity of the generic term "minority" ensured its success in nineteenth-century political literature. In fact, it denoted two different realities. One was mathematical in nature: treating each vote as equally important and handing victory to the candidate with the greatest number of votes "eliminated" minority votes from the resulting representation. The other was sociological and political: "minority" could also refer to any salient element of distinctive feature of the social fabric and to ways of ensuring that these would be represented democratically. At the end of the eighteenth century, many authors, including a number of mathematicians (such as Condorcet and Jean-Charles de Borda) had proposed electoral systems that would purportedly satisfy both of these requirements. In 1859, Thomas Hare, an Englishman, presented a proportional method to fulfill the same purpose in his *Treatise on the Election of Representatives, Parliamentary and Municipal*. Like Mill, Hare had observed the gradual expansion of the suffrage in Great Britain in the wake of the Reform Bill of 1832. Strongly influenced by François Guizot,¹⁰ Hare was afraid that institutions would fall prey to relatively uneducated segments of the population susceptible to mass passions and that the smaller class of people trained to deal with problems of government would find itself excluded from power. He therefore introduced an electoral scheme that he hoped would ensure that the propertied classes would retain a voice by allowing them to pool their votes in order to ensure their representation. Mill discussed Hare's scheme at length in Chapter 7 of the *Considerations* and did his best to publicize it, but he did not share Hare's apprehension in the face of progress toward universal suffrage. In his view, the political exclusion of any individual was degrading.¹¹ Indeed, he warned of the danger of a democracy "in which a single class composes the numerical

⁸ Duc D'Ayen, "Du suffrage universel, à propos d'un livre de M. Stuart Mill," *Revue des Deux Mondes*, July 1, 1863, vol. XLVI, p. 48.

⁹ Pierre Rosanvallon, *Le Peuple introuvable. Histoire de la représentation démocratique en France*, Paris, Gallimard, 1998, p. 15.

¹⁰ Paul B. Kern, "Universal Suffrage without Democracy: Thomas Hare and John Stuart Mill," *The Review of Politics*, 1972, 34(3), p. 312.

¹¹ J. S. Mill, *Considérations*, p. 151.

majority.”¹² Although the “elite,” broadly construed, could not and should continue to control the government, it should still be assured of representation on the benches of the representative assembly owing to its importance to the country. With such a presence it would no longer be allowed to exercise power in fact but would be able to make its objections heard if there were an injustice against the less numerous class. This portion of the representation was assigned the function of “antagonism.”¹³ In other words, it was to provide a barrier against the expansion of power of a particular class and to serve as a guarantor of pluralism and moderation in the assembly. Mill thus joined the tradition of Sieyès and Burke, for whom representative government, in the sense of a “government of debate” in states with large populations, should have as its corollary a defense of social diversity and therefore of minorities.¹⁴ Furthermore, these minority representatives would mingle with the representatives of the majority and thereby instill competence in the elective body.

In addition to fearing that majority voting would foster class-based legislation, Mill also feared that it would lead to “a low degree of intelligence in the representative body.” Lowering the requirements for voting might give rise to a less enlightened electorate, and it might diminish the quality not only of the voters but also of the people they elected to represent them. Following an analysis developed by Tocqueville in *Democracy in America*, Mill anxiously noted that the expansion of political rights was reducing standards of taste and mores: “The natural tendency of representative government, as of modern civilization, is towards collective mediocrity.”¹⁵ Henceforth, the role of the minority should be to use its education and experience to guide the action of the legislature. As the philosopher Philippe Riviale remarks, “in representative government, there exist not two levels—representatives and represented—but three: between the former and the latter there are opinion leaders—the political class, if you will—but these must be enlightened men, not men of ambition: the *meliores*, the best.”¹⁶ Here we see emerging what Patrick Savidan, in his introduction to the *Considerations*, calls the Millian theory of *democratization*: simply extending the vote to the lower class is not enough to create a democracy; a dialogue must be established among the various classes that constitute the political

¹² *Ibid.*, p. 131.

¹³ *Ibid.*, p. 135.

¹⁴ Bernard Manin, *Principes du gouvernement représentatif*, Paris, Flammarion, 1996, pp. 237-238.

¹⁵ J. S. Mill, *Considérations*, p. 145-6.

¹⁶ Philippe Riviale, *Un revers de la démocratie, 1848*, Paris, L’Harmattan, 2005, p. 301.

community, with the elites acting as tutors of the lower classes in order to integrate them into the community.¹⁷ By viewing Mill's writing through the prism of minority representation, we are thus able to grasp both an essential element of his political theory and the tenor of much of the contemporary debate about the dangers of majority voting and what could be done to protect against them.

We can also understand why the proportional system gained adherents under the Second Empire, just as French readers were gaining access to the *Considerations*, at a time when public debate about these issues was just beginning. Indeed, in the early 1860s, the imperial regime adopted a number of liberal measures. Leaders of the opposition who had been arrested after the coup of 1851 were amnestied in August of 1859, and this, together with a general shift in political leadership, encouraged a resumption of debate and a flourishing of new points of view. "With the new legislature begins a new lease, a revival of spirits, and something like a whiff of opposition has even begun to spread through the atmosphere," said the duc d'Ayen.¹⁸ With the approach of the elections of 1863, whose outcome was in doubt, raising the prospect that the opposition might win seats in the legislature, many writers took up the issue of universal suffrage, with special emphasis on the electoral process itself.¹⁹ The recent publication of the *Considerations* enriched this debate. Mill's analyses formed an integral part of it, as did the commentary that the book occasioned. Questions about the mode of election were widely discussed, transcending ideological cleavages.

Thus, in the republican generation that took part in the Second Republic and still remembered the popular support that Louis-Napoléon Bonaparte enjoyed when that regime was overthrown, the proposal to represent minorities was well received, while a certain pessimism developed with respect to universal suffrage. For example, Philippe Buchez, who had served as president of the Constituent Assembly, considered this issue at length in his political testament.²⁰

¹⁷ For an analysis of the various facets of Mill's political theory, see esp. Nadia Urbinati, *Mill on Democracy. From the Athenian Polis to Representative Government*, Chicago & London, The University of Chicago Press, 2002 ; and Nadia Urbinati & A. Zakaras (éd.), *J.S. Mill's Political Thought. A Bicentennial Reassessment*, Cambridge, Cambridge University Press, 2007.

¹⁸ Duc D'Ayen, *op. cit.*, p. 63.

¹⁹ Voir Pierre Rosanvallon, *Le sacre du citoyen. Histoire du suffrage universel en France*, Paris, Gallimard, 1992, p. 311 n.

²⁰ Philippe Buchez, *Traité de politique et de science sociale*, Paris, Amyot, 1866, vol. I, p. 394.

Louis Blanc, exiled in England (where he became a friend of Mill's), had defended a socialism based on the union of social classes in 1848 and inevitably took Mill's warnings to heart. After explaining Mill's views in his correspondence with the daily *Le Temps*,²¹ Blanc wrote an entire pamphlet on the issue entitled *De la représentation proportionnelle des minorités*.²² Blanc and other former champions of extending the suffrage who saw proportional representation as a corrective to the electoral system paradoxically found themselves in agreement with Orleanist writers who now resigned themselves to the inevitability of universal suffrage and were looking for ways to make it more acceptable.²³ Limited suffrage based on wealth and restriction of leadership positions to men of proven "capacities" were henceforth things of the past, so the imperative now was to defend the right of the capable to be represented. For instance, the liberal Lucien-Anatole Prévost-Paradol, whose major work *La France Nouvelle* reinvigorated this debate in 1868, saw "cumulative suffrage" as a way of guaranteeing proportional representation of minorities and thus of preventing "the almost absolute supremacy of the more numerous and less enlightened class of the nation over the body politic."²⁴

Some readers were naturally skeptical about this idea. For instance, Hippolyte Passy of the Académie des Sciences Morales et Politiques saw the question of minority representation as a sign of Mill's ambivalence: "Mr. Mill is grappling here with an ideal, which he believes human societies will approach as they gain in knowledge and civilization. That ideal is government by all the people—by all the people equally represented. Upon considering the consequences of realizing this ideal, however, the author is struck by the danger of placing power in the hands of the multitude, so he is reduced to wrecking with one hand the edifice that he has just constructed with the other."²⁵

²¹ Cf. Louis Blanc, *Lettres sur l'Angleterre*, Paris, Lacroix, 1865, vol. II, "Réforme électorale en perspective," pp. 285-294.

²² Louis Blanc, *De la Représentation proportionnelle des minorités*, in Louis Blanc, *Questions d'aujourd'hui et de demain*, 1^{ère} série, Paris, Dentu, 1873.

²³ Think, for example, of the long commentaries on the *Considerations* in the *Revue des Deux Mondes*. In addition to that of the duc d'Ayen, there was one by Alfred Jacobs, "Quinzaine politique et littéraire," *Revue des deux mondes*, March 1, 1862. Think of two of the various pamphlets calling for reform of the electoral system that followed publication of Mill's work: e.g. Joseph Guadet, *De la Représentation nationale en France*, Paris, Dentu, 1863, and Alfred Le Chartier de Sedouy, *Réforme du suffrage universel*, Paris, Dentu, 1863.

²⁴ Lucien-Anatole Prévost-Paradol, *La France Nouvelle*, Paris, Michel Lévy, 1868, p. 63.

²⁵ Hippolyte Passy, "Rapport sur un ouvrage de M. Stuart Mill, intitulé : Du Gouvernement représentatif," *Séances et Travaux de l'Académie des Sciences Morales et Politiques*, Paris, Auguste Durand, 1862, vol. LX, p. 442.

Ultimately, French proponents of Hare's system saw it not only as a corrective to the deleterious effects of extending the suffrage but also as a way of attacking the instrumentalization of universal suffrage by the Second Empire. Indeed, the opposition was having a hard time making its voice heard in the legislature, where the imperial government had a comfortable majority. The government chose and supported official candidates, to whom it offered financial and logistical support and who in turn benefited from the popularity of Napoleon III. The control of the legislature by Bonapartist deputies could therefore be interpreted as an illustration of the "tyranny of the majority" that Mill attacked, just as his call for strictly limiting campaign expenditures could be taken as a way to ensure the plurality and diversity of candidacies.²⁶ This situation is what prompted an Orleanist like the duc d'Ayen to complain that "the government and the administration, much taken with their mutual resemblance, are pleased to exchange portraits reproduced in large numbers with the help of that mysterious *camera oscura*, the official candidacy." Thus minority representation offered an alternative to the silence to which the opposition was condemned:²⁷ "It would be interesting," Ayen observed, "to know how many candidates without official recommendation would have been elected in 1863 if the scattered minorities in our country had been grouped in accordance with Mr. Mill's system."²⁸ Attacks of this sort on imperial institutions would continue to the very end of the Second Empire, so that as late as 1870 a commentator such as Jules Borely, favorable to minority representation, could still warn against the danger of awarding "the lion's share of power to universal suffrage" by pointing to the disparity between the number of official candidates in the Chamber and the actual state of political forces in the country.²⁹

Representative Government and Women

A second aspect of Mill's *Considerations* that may have drawn the attention of French readers was his plea on behalf of true universal suffrage, in which women as well as men would have the right to vote.³⁰ Although Mill's commitment to feminism was by this time already

²⁶ J. S. Mill, *Considérations*, Chap. X, p. 188-9.

²⁷ Duc d'Ayen, *op. cit.*, p. 59.

²⁸ *Ibid.*, p. 47.

²⁹ Jules Borely, *Nouveau système électoral. Représentation proportionnelle de la majorité et des minorités*, Paris, Germer Baillière, 1870, p. 5.

³⁰ J. S. Mill, *Considerations*, pp. 185-187.

known, it was in the *Considerations* that he specifically linked the social status of women to their participation in “government,” or, more precisely, in political life.³¹

Not only did Mill argue that women ought to be represented because there was no other way of protecting their interests, which was after all the primary goal of a “healthy administration of the affairs of society” in a representative regime,³² more than that, an active political role for women was also essential for the “first element of good government,” namely, “the virtue and intelligence of the human beings composing the community.”³³ Here, the argument was twofold. On the one hand, from the point of view of women themselves, Mill argued that to grant them the right to vote was to give them the opportunity to develop qualities such as autonomy, impartiality, and prudence, which a purely domestic existence did not allow. If women were consulted about political issues and made “sensitive to questions of political honor,”³⁴ they would enlarge their concerns beyond the private sphere and thus begin to develop as individuals. On the other hand, from the social point of view, to include women in the political community would, Mill argued, improve the quality of the electorate as a whole. In homes where greater equality prevailed between spouses, exchanges would have a more political tenor: “The man would often be obliged to find honest reasons for his vote, such as might induce a more upright and impartial character to serve with under the same banner.”³⁵ In thus contrasting woman’s merely moral “rule” in the domestic sphere to a situation in which female citizens would influence their male counterparts more generally, Mill bolstered his argument in favor of granting women the vote with key elements of his theory of “democratization,” namely, recognition of the equality of all participants in public debate, a concept of political discourse as rational debate, encouragement of individual development, and promotion of awareness of the general interest.

It is not very surprising to learn that most French readers of the *Considerations* were either opposed to or skeptical of its plea on behalf of feminism. Indeed, the first half of the

³¹ For a recent discussion of Mill’s feminism, one might turn to Vincent Guillin, *Auguste Comte and John Stuart Mill on Sexual Equality. Historical, Methodological and Philosophical Issues*, Leiden & Boston, Brill, 2009.

³² J. S. Mill, *Considérations*, p. 57.

³³ *Ibid.*, p. 30.

³⁴ *Ibid.*, p. 186.

³⁵ *Ibid.*, p. 185.

nineteenth century has been described as the period when the feminine identity was constructed by way of sacralization of the social order in response to the death of God.³⁶ It was under the Second Empire that this vision of the wife as pillar of the domestic sphere really took hold. Hence granting women access to the political community was rejected not only by conservatives but also by liberals, republicans, and even socialists, as the missed opportunity of 1848 suggests. Much of Mill's audience, regardless of political stripe, therefore ignored the logic of his political thought (namely, his idea that the "education of the people by the people themselves" implied a need for both minority representation and granting women the right to vote) and refused to follow him down the road toward the political emancipation of women. For instance, the duc d'Ayen acknowledged that the book was "ingenious and novel when it comes to suffrage and elections" but added that it also struck him as "quite foolhardy in seriously defending the idea of allowing women to vote."³⁷ Against the "civic" conception of relations between husband and wife developed by Mill, the duke proposed a traditionalist ideal in which the husband participated in political life and his wife exercised moral power at home: "Women did not vote but reigned, and in many cases they reigned over men of the elite." Indeed, since "home, family, and salon were their empire, what would one gain by removing them from it?"³⁸

Critics therefore seized on one of the logical implications of Mill's theory. For him, the right to vote was the right to make one's voice heard but not necessarily to hold office. Nevertheless, his "progressive individualism" insisted on the importance of political practice and education, and critics asked whether this would not lead inevitably to a situation in which women were not only represented but also representatives?³⁹ For instance, the literary critic Edmond Schérer reproached Mill for forgetting "that it is but one short step, if that, from the female voter

³⁶ For more details, see Michèle Riot-Sarcey, "Les femmes et la gauche en France : entre discours émancipateur et pratiques de domination," in Jean-Jacques Becker & Gilles Candar (eds.), *Histoire des gauches en France, vol. I, L'héritage du XIXe siècle*, Paris, La Découverte, 2005, pp. 362-378 ; see also Michèle Riot-Sarcey, *La Démocratie à l'épreuve des femmes. Trois figures critiques du pouvoir 1830-1848*, Paris, Albin Michel, 1994.

³⁷ Duc D'Ayen, *op. cit.*, p. 47.

³⁸ *Id.*

³⁹ In the *Considérations*, Mill does not consider the possibility of electing female representatives. This "omission" is surely explained by his strategic view that the feminist cause would triumph by gradually winning various previously denied rights.

to the female candidate,”⁴⁰ and this view was shared by the liberal Christian Albert de Lustrac, who took “a dim view of an assembly composed of both sexes.”⁴¹

Ultimately, one has to admit that Mill’s contribution in the *Considerations* to the theoretical corpus of feminism attracted little attention from his supporters as well as his adversaries.⁴² It seems to have been eclipsed by Mill’s later works on this subject, which were aided by the fact that they appeared during the developmental and organizational phase of the movement for the emancipation of women. His most mature work on the subject, *On the Subjugation of Women* (1869), was also written in the early 1860s. It developed in depth arguments that were merely broached in the *Considerations*.⁴³ But it was above all Mill’s effort in Parliament to make women’s suffrage a part of the Reform Bill of 1867 that linked his name to the feminist cause in the mind of the French public.⁴⁴ Like their English counterparts,⁴⁵ perhaps, the French readers most amenable to Mill’s arguments in favor of extending the vote to working-class men and ensuring minority representation felt that these would change the political order sufficiently that it might be wise to refrain from disrupting the civil and social order by granting women the same rights as men.

What Legacy in France?

Beyond these initial reactions to Mill’s writing, we might also ask which of his ideas were permanently integrated into French political debate. This is not an easy question to answer,

⁴⁰ Edmond Schérer, “Variétés, John Stuart Mill,” *Le Temps*, April 1, 1862, p. 2.

⁴¹ Albert de Lustrac, *Christianisme et socialisme*, Paris, Guillaumin, 1863, p. 258.

⁴² As Mill said himself in his *Autobiography*, “My advocacy of women’s suffrage, and of Proportional Representation, were at the time looked upon by many as whims of my own.” J. S. Mill, *Autobiography, and Literary Essays*, edited by J. M. Robson and J. Stillinger, Toronto & London: University of Toronto Press and Routledge & Kegan Paul, 1981, pp. 275-6.

⁴³ For the influence of some arguments from *On the Subjugation of Women* on French feminists in the period 1880-1900, see Juliette Rennes, *Le Mérite et la nature. Une controverse républicaine: l’accès des femmes aux professions de prestige, 1880-1940*, Paris, Fayard, 2007, p. 319.

⁴⁴ Evidence for this can be seen in the attention given to this episode in the various obituaries of Mill: see Louis Chevalier, “John Stuart Mill,” *Journal des économistes*, vol. XXX, pp. 407-412, and *Le Temps*, May 11, 1873. The situation in England was similar: “Even more than these two works [the *Considerations* et *On the Subjugation of Women*], the major speech that Mill delivered in the House of Commons in calling for granting women the right to vote in the Reform Bill of that year drew the attention of the press and the general public.” (Élie Halévy, *Histoire du peuple anglais au XIX^e siècle*, Paris, Hachette, 1932, Épilogue, vol. II, p. 496).

⁴⁵ See, for example, the positive review of the *Considerations* by the Edinburgh jurist James Lorimer, who accepted some of Mill’s institutional proposals (in particular proportional representation and plural voting) but rejected his expansion of the suffrage to women. J. Lorimer, “Mr Mill on Representative Government,” *North British Review*, November 1861, XXXV, pp. 281-297.

since the *Considerations* competed directly with other, similar programmatic political texts, such as Victor de Broglie's *Vues sur le gouvernement de la France* (banned in 1861 and finally published in 1870) and Édouard Laboulaye's *Parti libéral* (1864). Somewhat later, Prévost-Paradol's *France nouvelle* (1868) became the focus of attention, and for a number of years it remained the pre-eminent work of French liberalism, dubbed "the Bible of Orleanism."⁴⁶ It is worth noting, however, that Prévost-Paradol himself may have taken his inspiration from Mill for his discussion of institutions. To take just one example, the idea of minority representation, and the system of voting that Hare proposed to achieve it and that Mill supported, was discussed in the first chapter of *La France nouvelle*, and this led to a new vogue for this idea at the very end of the Second Empire. By 1875, however, five years after the Empire's demise, the terms of political and social discussion had changed, and when the deputy Charles Pernolet proposed a scheme for achieving minority representation, he encountered nothing but "vociferous indifference on the part of the Assembly."⁴⁷ Hence if we want to understand the nature and extent of Mill's influence in France, we would do well to consider how his ideas were used in the contemporary political context.

In fact, certain of the ideas developed in the *Considerations* became influential in a very specific historical and institutional context: the period immediately following the fall of the Second Empire (from February 1871 to July 1875). This was a period in which the National Assembly, dominated by conservatives, was obliged to reckon with new political forces in attempting to define the new regime. Dynastic rivalries, growing republican influence, and the persistence of Bonapartism in the lower classes necessitated a variety of compromises. It was in this context, with universal suffrage now firmly established, that some members of "the Assembly of 1871, that extraordinary laboratory of constitutional visions,"⁴⁸ invoked Mill's name. To be sure, the interest in Mill's writings on the part of the founders of the Third Republic was partial and selective, as well as motivated in large part by concerns of their own, which were not Mill's. It was these concerns that determined which of Mill's ideas they would draw on.

⁴⁶ Gabriel De Broglie, *l'Orléanisme, la ressource libérale de la France*, Paris, Perrin, 1981, p. 328.

⁴⁷ *Le Journal des Débats*, November 27, 1875, p. 1.

⁴⁸ Lucien Jaume, *L'Individu effacé ou le paradoxe du libéralisme français*, Paris, Fayard, 1997, p. 333

Foremost among these concerns was the question of what sort of executive the new regime ought to have. After August 1871, opinion shifted gradually toward the idea of a president of the Republic invested with extensive powers and a relatively long seven-year term. Between 1871 and 1875 a series of constitutional laws reinforced the power of the presidency. Among other things, he was granted the power to initiate legislation, along with the Chamber of Deputies. This idea of the executive did not stem from republican political theory, which in 1871 still preferred the notion of an impersonal and shared executive power. As René Rémond has shown, it was the conservative majority in the Assembly, searching for a “substitute sovereign” reminiscent of the liberal July monarchy, that favored a strong, personal executive.⁴⁹

On this issue, the Orleanist party could not be satisfied with Mill’s brief discussion in the *Considerations* of the place “of the executive in representative government.”⁵⁰ As early as 1862, Hippolyte Passy expressed regret that Mill devoted so little interest to this question, which he discussed in only one chapter. Passy deplored the fact that Mill dealt with both the prime minister and the president without distinguishing between constitutional monarchies and republics, even though the principles on which executive power was based differed between the two regimes. “For all the attention that the author has devoted to the smallest details of the election and organization of legislative assemblies,” Passy remarked, “he is indifferent to all aspects of executive power.”⁵¹ By contrast, Prévost-Paradol’s study of these different institutions in *La France nouvelle* seemed both more balanced and more compatible with Orleanist doctrine. This might explain why parliamentary and public debate about the nature and extent of presidential powers made little if any reference to Mill’s theory of “the state.”

Mill’s *Considerations* were more systematically invoked in debates about the issue of a second legislative chamber, however.⁵² Conservative-liberal theorists had long favored a bicameral system, and in 1871 they sought to make sure that the new regime would reflect this preference. Albert de Broglie, the son of Victor de Broglie and leader of the Orleanist party,

⁴⁹ René Rémond, *La Vie politique en France depuis 1789*, Paris, Armand Colin, 1969, vol. 2, 1848-1879, p. 318.

⁵⁰ J. S. Mill, *Considérations*, Chap. XIV.

⁵¹ Hippolyte Passy, *op. cit.*, p. 446.

⁵² Cf. Arthur Join-Lambert, *De la Nécessité d'une seconde chambre*, Évreux, Blot, 1871 ; Paul Lacombe, *La Question de la seconde Chambre*, Paris, Librairie de l'Écho de la Sorbonne, 1873 ; Antonin Gourju, *A La Recherche d'une seconde Chambre*, Paris, Thorin, 1874.

made this the *sine qua non* of his party's support for any future constitution.⁵³ Alongside a National Assembly elected by popular suffrage, Orleanists wanted a "moderating authority" to temper the otherwise absolute power of the majority.⁵⁴ Furthermore, the manner in which the second chamber was elected could be designed in such a way as to remedy the supposed deficiencies of universal suffrage in regard to minority representation. A range of particular interests—social classes, professional bodies, organized groups, even localities—would thereby regain the visibility they had allegedly lost as a result of universal suffrage. In assessing these debates, which were fundamental for French liberalism, Lucien Jaume underscores the degree to which this "search for a way of representing interests became a veritable bandwagon in the Versailles Assembly, as well as a focal point of compromise between Orleanists and Legitimists, or between the center right and center left, which together would make the constitutional laws of 1875."⁵⁵

Yet in the chapter of the *Considerations* that he devotes to this issue (chap. 13), Mill does not seem to share the enthusiasm of the most ardent proponents of bicameralism: "For my own part, I set little value on any check which a Second Chamber can apply to a democracy otherwise unchecked."⁵⁶ Given his defense of the individual right to vote, he was bound to reject any institution whose sole function was to limit the influence of the new voters. He warned, moreover, that a precautionary measure of this sort would prove to be laughable in view of the ineluctable advance of democracy, a view that he shared with Tocqueville. This warning remained without effect, however, on certain champions of the second chamber such as Pierre Pradié, a Christian Socialist who turned monarchist in 1871. In April 1874 he filed a bill that Jaume sees as typical of conservative – liberal concerns in this period.⁵⁷ "More audacious voices are calling for the elimination of universal suffrage," Pradié declared at the podium, "but we think it wiser and more politic to retain it, but in a more regulated and organized form. Why eliminate it, moreover, since we can achieve the same result with a formula that avoids its

⁵³ Paul Smith, *A History of the French Senate, vol. I, The Third Republic, 1870-1940*, New-York, The Edwin Mellen Press, 2005, p. 29.

⁵⁴ *Annales de l'Assemblée Nationale, t. XXXI*, vendredi 15 mai 1874.

⁵⁵ Lucien Jaume, *op. cit.*, p. 332.

⁵⁶ Mill, *Considerations*, p. 238

⁵⁷ Lucien Jaume, *op. cit.*, p. 344.

dangers without undermining what good it may have to offer?”⁵⁸ Even leaving aside this proposal, whose explicit purpose was to marginalize the popular vote, liberal writers generally viewed the Senate as an indispensable institution. One such was Prévost-Paradol, who made it one of the central pillars of *La France nouvelle*, justifying its existence with the assertion that “experience agrees with reason in recommending to nations that wish to govern themselves in order and liberty that they divide legislative power between two chambers.”⁵⁹ As early as 1863, Laboulaye was already assuring his colleagues that “this division is today an axiom of political science so abundantly confirmed by experience that it is no longer discussed.”⁶⁰ He reiterated this view, so remote from Mill’s, in 1874, when he became secretary of the second Commission of Thirty charged with drafting a new constitution. Indeed, that commission, in reporting on its work, held that “the establishment of two chamber” is “an axiom of political science: simply to state it is to win acknowledgment of its truth, without need for proof.”⁶¹ What is particularly intriguing about these pleas on behalf of a second chamber is that they frequently invoke Mill’s authority, citing chapter 13 of the *Considerations*, even though Mill attached only “minor importance” to this issue.⁶²

To be sure, Mill was not absolutely opposed to a second chamber. Although he rejected any proposal to reduce the power of the chamber elected by popular suffrage, he also feared that the majority class could dominate both this assembly and the body politic as a whole. He therefore acknowledged that the senate might be called upon to play a moderating role. In addition, a bicameral institutional structure might have certain pedagogical virtues: if conflict between groups or individuals was to be resolved in a representative regime by way of rational debate, Mill argued that “this salutary habit [of] mutual give and take ... between two Houses [would serve as] a perpetual school.”⁶³ Ongoing dialogue between the senate and the other chamber might then help to calm social relations and begin the *democratization* of society (in other words, this dialogue might play a role similar to that of education of the popular classes or mingling of deputies of the majority and the elite in the first chamber). The senate might also

⁵⁸ *Annales de l’Assemblée Nationale*, vol. XVII, session of April 4, 1874, p. 335.

⁵⁹ Lucien-Anatole Prévost-Paradol, *op. cit.*, p. 105. It is significant that Prévost-Paradol calls the Senate “the first chamber,” the second being the chamber elected by universal suffrage.

⁶⁰ Edouard Laboulaye, *Le Parti libéral, son programme et son avenir*, Paris, Charpentier, 1863, p. 179.

⁶¹ *Annales de l’Assemblée Nationale*, t. XXXIV, session of Monday, Aug. 3, 1874, p. 469.

⁶² J. S. Mill, *Considérations*, p. 212

⁶³ *Ibid.*, p. 240.

provide a home for expert opinion. A “wisely conservative body”⁶⁴ such as the senate might be a place for *seniores*, that is, individuals of proven administrative competence and experience in public affairs, who could help to prepare and polish legislation: “Such a chamber would be fitted for much more than to be a merely moderating body. It would not be exclusively a check, but also an impelling force.”⁶⁵ Many French proponents of a second chamber subscribed to this view. Citing Mill, Paul Lacombe thus proposed a transition from a “second chamber as check” to a “second chamber as guide.”⁶⁶

Still, the fact remains that many proposed constitutional laws envisioned a highly aristocratic second chamber, whose purpose would be to neutralize the first chamber. Consider, for instance, the Great Council of Notables proposed on May 15, 1874 by Albert de Broglie, modeled on his father’s idea of the senate. This council, which would have included members appointed for life by the president of the Republic, eminent *ex officio* members, and members chosen for their abilities, was quickly rejected by republican and Bonapartist deputies and failed even to win the support of Broglie’s own political allies. Yet it was clearly in the tradition of French conservative liberalism, which liberal members of parliament sought to inscribe in the constitution of the new regime.

In fact, despite enthusiastic reception of Mill’s idea among intellectuals,⁶⁷ his name was rarely mentioned when constitutional laws were proposed in parliament. Deputies preferred to invoke the authority of figures better known to the French public, such as Victor de Broglie, Prévost-Paradol, or Émile de Laboulaye. Nevertheless, we can detect a certain influence of the *Considerations* on a few deputies, whose reading of Mill was a crucial element in their intellectual development. Think, for example, of Antonin Lefèvre-Pontalis, who summed up the objectives of the Commission of Thirty in the following terms: “The main idea,” he declared in a speech to the Assembly, “is that in order to ensure that a country will enjoy the benefits of political liberty, its constitution must provide for a nucleus of resistance against the dominant

⁶⁴ *Ibid.*, p. 243.

⁶⁵ *Ibid.*, p. 244.

⁶⁶ Paul Lacombe, *op.cit.*, p. 7.

⁶⁷ See above, n. 45.

power. Hence in a democratic society like ours, it is important to find a counterweight against democracy itself.”⁶⁸ This is an almost verbatim quote from the *Considerations*.⁶⁹

Conclusion

What do we learn from this brief analysis of the reception of the *Considerations*? At least two things, in our view. First, that certain of the ideas that Mill develops in this work (on minority representation, the vote for women, and the function of the second chamber) were known and discussed in France at a key moment in French institutional history, namely, the transition from the Second Empire to the Third Republic. This suggests that it would be worthwhile to pursue the line of inquiry that we have begun here into other areas in order to arrive at a more accurate estimate of Mill’s influence in France before his work fell into an intellectual purgatory from which it has only begun to emerge. Second, our rapid overview suggests that the selective, partial, and sometimes inaccurate reception of Mill can be explained by the fact that Mill’s various French readers looked to his political thought for answers to questions or solutions to problems that were more their questions and problems than his. In other words, Mill’s reception, like that of many other authors, was above all opportunistic. This fact can explain why his ideas were taken up and exploited so quickly when they served the interests and designs of those who propagated them, and why other of his ideas met with indifference or rejection when they could not be adapted or used for some political purpose.

More generally, this “opportunism” in the introduction of certain aspects of Mill’s political thought in France should be seen in light of cultural exchanges between France and Britain more generally in the second half of the nineteenth century. The same political climate that helped gain a hearing for Mill’s brief on behalf of parliamentary government may also have contributed to the Anglophilia that had long existed in French liberal circles. England’s mixed government and political stability had been appealing to French liberals since Montesquieu, and the British historian Jeremy R. Jennings has shown that such sentiments continued at least until

⁶⁸ *Annales de l’Assemblée Nationale*, vol. XXXIV, Session of Monday, Aug. 3, 1874, p. 478.

⁶⁹ Mill, *Considerations*, p. 241.

1870.⁷⁰ For Jennings, comparison of the imperial regime with Victorian constitutional monarchy generally proved favorable to the latter, which even came to be seen as a political model.⁷¹

Owing to this ideological tradition, as well as to political necessity created by administrative surveillance of the press and publishing under the Second Empire, references to the United Kingdom and to British authors became increasingly common and were sometimes used to covertly eviscerate the Napoleonic regime. For instance, Montalambert was sentenced to three months in prison and a fine of 3,000 francs in 1858 for an article praising “free England.”⁷² Now we can understand why the *Revue des Deux Mondes* published so many articles on related themes. For example, Charles de Rémusat, one of the most Anglophilic of French political writers, published a series of portraits of British luminaries in the realms of politics and philosophy, such as Bolingbroke, Burke, and Locke. Rémusat was also the first person to introduce the French public to Mill’s essay *On Liberty*.⁷³ More than any other author, Mill became the symbol of British parliamentarism in France, thanks especially to the *Considerations*. English works and English political history were frequently invoked in contemporary political debate in France, and these references survived the fall of the Second Empire. Over time, however, Mill faded from view in the Hexagon, where William Gladstone replaced him as a reference of the center-left.⁷⁴ Nevertheless, his influence—and, with it, the influence of an English ideal of government—endured in the creation of a liberal democratic framework for the Third Republic. For Jean Garrigues, “the ‘Republic of the republicans,’ which was consolidated in 1879, was in fact a liberal parliamentary republic largely inspired by the British model.”⁷⁵ It is therefore important to retrace what the Republic of 1875 owed to the political writings of John Stuart Mill.

⁷⁰ “There is ample evidence to suggest that this favourable attitude towards England amongst French liberals was maintained until at least 1870 and that the image of England as a model of political liberty remained much in vogue. If anything, the continuation of France’s turbulent and troubled history served, for some at least, to make England appear all the more attractive.” Jeremy Ralph Jennings, “Conceptions of England and its Constitution in Nineteenth-Century French Political Thought,” *The Historical Journal*, vol. XXIX, 1, 1986, p. 73; See also Sudhir Hazareesingh, *Intellectual Founders of the Republic*, *op. cit.*, pp. 94-95.

⁷¹ *Ibid.*, p. 74 : “Little changed during the Second Empire. Liberal writers in their desire to extricate France from the clutches of Bonapartist dictatorship turned unerringly to the English model of government.”

⁷² Voir Bernard Ménéger, “Autorité ou liberté,” in Jean-François Sirinelli (dirigé par), *Histoire des droites*, vol. I, *Politique*, Paris, Gallimard, 2006, p. 136.

⁷³ Charles de Rémusat, “De la liberté civile et politique,” *la Revue des Deux Mondes*, 1859, vol. XXII, p. 322.

⁷⁴ Jean Garrigues, “Un autre modèle pour la République: l’influence des Britanniques sur les libéraux français (1870-1880),” in Sylvie Aprile & Fabrice Bensimon (eds.), *La France et l’Angleterre au XIXe siècle, échanges, représentations, comparaisons*, Paris, Creaphis, 2006, pp. 177-188.

⁷⁵ *Ibid.*, p. 188.

Finally, having explored the historical response to Mill's *Considerations* in France, we can ask what relevance Mill's theory of democratic government may still have today. In other words, might today's readers still be interested in what attracted the attention of Mill's first French readers more than a century ago? Clearly, the issue of bicameralism, despite its crucial importance in the constitutional history of democratic state-building, is no longer a major concern. As for equality between the sexes, it is fair to say that although the issue no longer arises in the same terms as for Mill (true universal suffrage now being the general rule, independent of regime type), much remains to be done with respect to the civil and social order. We need to look beyond the *Considerations* (to *The Subjection of Women*, perhaps?) for ways to ensure legal, professional, and educational equality between men and women, which has yet to be achieved in many areas. As for minority representation, this is probably the issue about which Mill's ideas remain most useful. As noted earlier, Mill's proposals were made in a context in which they may have seemed directed at avoiding a very specific type of "tyranny of the majority," namely the tyranny of the lower classes over the relatively well-off. Nevertheless, Mill's argument (that every individual has the right to have his or her interests represented, since such representation is the only guarantee that those interests will be taken into account), together with its institutional corollary (that the quality of a representative system increases with the range and variety of the interests represented within it), surely cannot be dismissed as a desperate conservative reflex in the face of an ineluctable "democratic dynamic." Indeed, minority representation, especially in the pluralist and multicultural societies in which we live today, seems to us to offer a potential middle way between a stifling majoritarian consensus and a retreat into a socially and politically corrosive communitarianism. And this is surely one good reason to carefully reread Mill's *Considerations on Representative Government*.

First published in laviedesidees.fr. Translated from French by **Arthur Goldhammer** with the support of the Fondation Maison des sciences de l'homme.

Published in booksandideas.net 13 April 2011.

©booksandideas.net