

Representative Democracy, Conflict, and Consensus in J. S. Mill

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Abstract

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This dissertation examines the relationship between representative democracy, conflict, and consensus in John Stuart Mill's philosophy in order to appease a hermeneutical quandary that has divided Mill scholars for decades. While some scholars claim to find in Mill a radical agonistic democrat – a political thinker who understood democracy to be the regime of conflict, not consensus – other scholars accuse Mill's democratic theory of privileging consensus over conflict. Contra the idea that there are two contradictory "Mills" – one that values conflict and denies any role whatsoever to consensus, and another that preaches a consensualist politics whose main goal would be to eliminate conflict – this dissertation shows how Mill's emphases on consensus and on conflict reconcile within his political theory. Taking a different stance than the one offered by Mill scholars thus far, the interpretation I put forward is that representative democracy for Mill requires both conflict and consensus.

By juxtaposing the textual passages of the "consensualist Mill" to those of the "agonistic Mill," I argue that a complete understanding of Mill's philosophy rules out the conflict vs. consensus dichotomy that lurks behind the controversy revolving around the "two Mills." It is precisely because he deems conflict to be an inevitable byproduct of democratic freedom that Mill values consensus – a consensus that establishes how citizens' conflicts can unfold ad infinitum without maiming the body politic. A

democracy that dispensed with such consensus would be acting suicidally, for it would undermine the very structure by which political conflicts can manifest themselves without bloodshed or civil war.

An analysis of the passages of the “consensualist Mill” allows one to affirm that liberty and equality are the two principles Mill identifies as the boundaries for democratic agonism. “Boundaries” here means these principles constitute a common grammar that every citizen participating in the agonistic debate must respect when she formulates her political proposals. According to Mill, democracy cannot survive without sustaining a consensus around the two principles that, since democracy’s inception, are considered constitutive of any democratic order. The basic principles of liberty and equality are inherent in the democratic procedure, to the extent that in their absence democracy falls apart. Together, they form a juridical and constitutional consensus that grounds democracy. The construction of a *demos* requires the public recognition of a minimum juridical consensus that regulates the multifarious conflicts which will emerge among citizens. Without such consensus, the body politic will either disintegrate into different *demoi* or generate a set of dispersed individuals incapable of seeing themselves as fellow members of a single political community.

The first chapter addresses Mill’s theory of representative democracy. The second, his understanding of consensus, and the third, his conception of conflict.

Keywords: Representative democracy. Conflict. Consensus. John Stuart Mill.
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Every one who knows history or the human mind is aware, that powerful intellects and strong characters are formed by conflict, and that the times which have produced brilliant developments of mental accomplishment in public stations have been those in which great principles and important social elements have been fighting each other hand to hand—times of struggle for national independence, political freedom, or religious emancipation.

John Stuart Mill, "On Reform," 1848

... the importance, to man and society, of a large variety in types of character, and of giving full freedom to human nature to expand itself in innumerable conflicting directions.

John Stuart Mill, *Autobiography*, 1873

Overview of the Portuguese version of the dissertation

Though the philosophy of John Stuart Mill (1806-1873) has recently expanded its presence in Lusophone scholarship, most Lusophone scholars tend to focus only on Mill's utilitarianism and thus overlook Mill's theory of democracy. This is not true of Anglophone, Francophone, Germanophone, Hispanophone, and Italophone scholarship, for in those languages Mill's conception of representative democracy has been the object of rigorous study for several years now. But if that is the case, why read another dissertation on Mill's representative democracy? What justifies the creation of another work in this fairly overworked realm of academic research?

The need for a new dissertation on Mill's representative democracy becomes obvious with an examination of extant commentary on the role of conflict in Mill's political philosophy. Such examination reveals that Mill scholars thus far have offered two contradictory interpretations of the relationship between conflict and representative democracy in Mill's work. On the one hand, there are scholars who identify Mill as an agonistic democrat, a philosopher who knew democracy is a regime based on conflict, not on consensus. Yet others accuse Mill's representative democracy of focusing too much on consensus and stifling political conflict. That is, in short, the contradiction that currently divides the scholarship on Mill's representative democracy.

The relationship between representative democracy, consensus, and conflict is a complex topic that traverses a significant part of Mill's philosophy. As I highlight in this work, the two interpretations reconstructed in the previous paragraph both have textual support. The exclusive focus on isolated passages of Mill's oeuvre, indeed, lends credence to the interpretation that there are two contradictory "Mills": one who valued

conflict to the detriment of consensus, and another who preached a consensualist politics whose main goal was to annihilate conflict. What both of these interpretations lack, however, is the understanding of how the emphases on conflict and consensus reconcile within Mill's political philosophy. That is the lacuna this work seeks to fill. Traveling along a different path than the ones Mill scholars have taken so far, the thesis I put forward is that Mill's representative democracy requires consensus *and* conflict.

One could say that all Mill scholars who opted for either side of the "two Mills" controversy have committed at least one of the three following mistakes. The first mistake consists in neglecting, intentionally or unintentionally, the passages of Mill's oeuvre that contradict the side of the controversy that one purports to defend. The second consists in relying, whether implicitly or explicitly, on a dichotomy between conflict and consensus, as if both of them should not coexist in political life. The third, finally, consists in obliterating the historical and mutable character of the word "conflict."

Usually the third mistake prevails among those contending that Mill's democratic politics does not grant any role whatsoever to conflict. Under the influence of other philosophers in whose work political conflict is given prime of place – such as Niccolò Machiavelli, Karl Marx, and Carl Schmitt – those scholars argue that what Mill called "conflict," in truth, cannot be called as such. Depending on the philosopher on whom they rely, what such critics suggest is that a theorist can understand "political conflict" only when she realizes that this concept entails (i) the clash between people's humor of not being dominated and the grandi's humor of dominating the people (Machiavelli); (ii) the struggle between different social classes (Marx); (iii) the existential battle between "friends" and "enemies" (Schmitt). None of those critics endorses the three previous views simultaneously, for what is common to their different

critiques is the presupposition that the philosophical lens they choose to analyze political conflict is the only “correct” one. It is in this regard that Mill – like all philosophers who detract from the “correct” philosophical lenses – was “wrong” when he claimed to be theorizing on political conflict (see especially Chau, 2005).

When these critics adopt this line of thinking, they commit what Quentin Skinner (2002b, chap. 4) has identified as a frequent pitfall among intellectual historians, namely the selection of the perspective of only one historical agent as being “the” correct one, which in turn leads to the conclusion that all perspectives differing from it are ipso facto wrong. Skinner’s repudiation of this hermeneutical practice among intellectual historians makes sense because, by enthroning the perspective of a single philosopher as being “the” correct one, the intellectual historian ahistoricizes the topic she researches and, therefore, ceases to be a historian. That is doubtless what we do when, for instance, we aver that Mill did not grasp the meaning of political conflict because, unlike Marx, he did not claim that class struggle was its ultimate source.

As we explain in this dissertation, political conflict for Mill could be triggered by both redistribution and recognition issues. Put differently, the economic realm does not exhaust conflict. The discursive battle between different “experiments of living” in a representative democracy also constitutes a realm of conflict for Mill (2008 [1859], p. 72). It is in this enlarged sense, which encompasses disagreements motivated not only by issues of redistribution but by issues of recognition as well, that Mill deploys the term “conflict.”

To spell out the relationship between representative democracy, consensus, and conflict in Mill’s political philosophy, it is first necessary to understand how Mill conceived of representative democracy. This is the topic of the first chapter, which begins by showing that Mill’s philosophy questions the opposition between political

representation and popular participation (see section **1.1** of the Portuguese version of the dissertation). Following a path opened up by philosophers such as Condorcet (1793) and Paine (1989 [1792]), Mill argues that representative democracy should not be seen as a second best of direct democracy. On the contrary, representation is valuable in itself and can be, under certain conditions, reconciled with democracy. In order to invalidate the opposition between political representation and popular participation, Mill refuses what contemporary scholars refer to as “minimalism” (i.e., the idea that representation tends to reduce political participation to voting). If representation is to be democratic, Mill explains, it need be linked to a deliberative culture that urges citizens to judge political affairs in public (section **1.2** of the Portuguese version of the dissertation).

When citizens deliberate in public, they enlarge their comprehension of political affairs – Mill’s defense of representation, as we shall see, affords an example of what is nowadays called “epistemic democracy,” a recent branching from deliberative democracy. In other words, one of the reasons Mill defended representative democracy was his conviction that representation is a process that facilitates the collective construction of knowledge and truth (section **1.3** of the Portuguese version of the dissertation). This feature of Mill’s philosophy requires an attentive analysis, for some scholars repudiate epistemic democracy precisely because, they argue, such conception of democracy evacuates conflict from politics (section **1.3.1** of the Portuguese version of the dissertation). What we rejoin is that Mill’s emphasis on the epistemic-enhancing properties of representative democracy does not compel him to deny the political value of conflict, because the truth and knowledge he associates with democratic deliberation are themselves dynamic constructs whose validity is upheld only through the battle between conflicting arguments (sections **1.3.2** to **1.3.5** of the Portuguese version of the dissertation). Mill’s epistemic rendition of democracy is a topic worth studying for

political philosophers and theorists in general, for it elaborates an answer to a question that has disconcerted several contemporary scholars, *viz.* is the characterization of democratic deliberation as a realm of knowledge (re)production incompatible with an appreciation for political conflict? As we point out, Mill's political theory gives us resources to elaborate an epistemic conception of democracy that does not overlook the paramount importance of conflict for politics (section **1.3.6** of the Portuguese version of the dissertation).

To better delineate the contours of Mill's representative democracy, we proceed to highlight the influence exerted by the Athenian polis in the representative scheme proposed in *Considerations of Representative Government*. Based on the ancient division of powers between the *Ekklesia* and the *Nomothetai*, Mill established that the proper function of a representative assembly is to *deliberate* about laws, not to *make* them (this coincides with Mill's distinction between "talking" and "doing"; see section **1.4** of the Portuguese version of the dissertation). Due to the complexity of the modern polity, elected representatives should not dictate the minutiae of each law. Instead, they should approve the composition of committees of experts that are to propose specific legislation for the different domains of collective existence. Those committees would act as regulatory agencies responsible for drafting laws under the instructions given by elected representatives. Once their draft was completed, elected representatives would have the power of approving it, repealing it, or sending it back to the committees for amendment.

Having clarified the difference between "talking" and "doing," we then explain that in Mill's representative democracy political deliberation unfolds mainly on two levels: *inside* and *outside* state institutions (section **1.5** of the Portuguese version of the dissertation). If representation is to be democratic, it is imperative that the discourses

circulating outside state institutions (i.e., in the public sphere) influence the discourses propagated inside state institutions. The major difference between the deliberations that take place *inside* and *outside* state institutions is that, while the former encompasses citizens from many social-geographical settings, the latter usually involves like-minded people. People sometimes deliberately segregate themselves from the rest of society to discuss their problems among those who think like them. The advantage of this closure is that it helps maintaining political conflict. When citizens from a similar social background temporarily immerse themselves from larger society to deliberate about their issues, they gain an opportunity of creating alternative discourses that challenge the prevailing hegemonic political view. Paraphrasing Mill, we may say that this closure offers “a *point d’appui* for individual resistance to the tendencies of the ruling power” that injects agonism in the deliberation practiced in the public sphere (CW XIX, p. 459).¹

The deliberation that takes place inside the representative assembly should also be agonistic according to Mill. Nevertheless, its agonism should not go to the point of paralyzing the activities of the assembly (section 1.6 of the Portuguese version of the dissertation). Affiliating himself to the way “the ancients” thought about politics, Mill affirms that collective life tends to degenerate if it is not taken care of (CW XIX, p. 388). In the absence of institutions regulating their relations, people’s lives are doomed to become worse.

Take for instance this topic that concerned Mill: the quality of life of the proletariat. If elected representatives cannot reach agreements and enact laws that regulate the amount of hours a laborer can work, the exploitation of the working class

¹ Following common practice among Mill scholars, references to *The Collected Works of John Stuart Mill* are written as follows: CW VII, p. 313 for *Collected Works*, volume VII, page 313.

will intensify. Ultimately, an assembly of representatives whose rivalry prevents it from producing temporary consensuses and agreements cannot properly be called “political” because it is unable to perform the basic goal of a body politic according to Mill, namely the creation of mechanisms that allow citizens to develop their moral, intellectual, and aesthetic capacities. A democratic regime requires the enactment of laws that generate and regulate collective actions, something that is not possible if representatives adopt a dogmatic mentality. That is why Mill is against imperative mandates, a practice common in the Middle Ages that diminished, if not destroyed, the representative’s agency. According to him, the abilities to countenance compromises and to navigate between different political perspectives are essential to representative democracy.

Mill’s refusal of imperative mandates is related to his representative constructivism (section 1.7 of the Portuguese version of the dissertation). Contrary to what some scholars have suggested, Mill should not be read as a proponent of descriptive representation. Mill is against descriptivism tout court because the work of representation for him is not simply to mirror and describe preexisting identities, interests, and political positions. The clash of opposing arguments advanced by representatives in the assembly is constructive in the sense that it has the power to create positions that until then did not exist, which eventually might spur citizens to change the way they see public affairs and even themselves.

Mill’s defense of female suffrage in the House of Commons in 1866 is a case in point: the philosopher’s struggle with conservative politicians was “constructive” because it introduced in the assembly a topic that until then was nonexistent in British parliamentary politics. The interpretation that Mill’s conception of political representation was solely descriptive is belied by the fact that Mill himself presented a

political proposal his electors did not ask him to defend. Mill's representative performance, nonetheless, changed the perception several electors had of what was called by some Victorians as "the woman question" and, moreover, galvanized a significant number of people to mobilize in favor of female suffrage. Mill's representative constructivism helped bring about a new social movement in English civil society: the *National Society for Women's Suffrage*. Mill's advocacy of female suffrage thus exemplifies the mobilization power that some contemporary democratic theorists ascribe to representative constructivism.

In addition, analyzing Mill's representative constructivism can be of interest not only to Mill scholars but to political philosophers and theorists in general, for it clarifies a conundrum that disconcerts several scholars nowadays, *viz.* what makes representative constructivism democratic? How are we to prevent democratic constructivism from deteriorating into fascist representation, or rather, from deteriorating into a conception of representation that makes the people a passive receptacle for whatever views the leader feels like attributing to them? Mill's political performance indicates an answer to this conundrum because it shows that the political proposals initially constructed by the representative should unfold in collaboration with and under the criticism of the social groups they mobilize and represent. According to Mill, the represented ought always to have the power to contest, complement, and reject the proposals constructed by the representative on their behalf. Mill's democratic constructivism, therefore, corroborates his contestatory and conflictive vision of representative government.

In the final section of chapter one, we follow Nadia Urbinati (2002, chap. 3) and argue that Mill's political philosophy puts forth a concept of *representation as advocacy* (section 1.8 of the Portuguese version of the dissertation). "[C]ertainly, all interests or classes . . . ought to be represented, that is, ought to have . . . advocates in Parliament"

(CW XIX, p. 465). In contrast to descriptivism, representation as advocacy holds that the role of the representative is not to act as a perfect replica of her constituents. Rather than simply repeating verbatim her constituents' words, the representative should know how to negotiate with other elected representatives in a way that advances the interests of those whom she represents. In a pluralistic and agonistic deliberative assembly, what matters first and foremost is not only the ability to reproduce constituents' views, but also the ability to represent them so as to persuade other representatives to graft their views onto laws.

Representation as advocacy is composed of two elements. On the one hand, the advocate has a passionate link to her electors' views, which injects agonism in the deliberative process. On the other hand, the advocate is able to somehow keep a critical distance from the views she represents, thus preserving her ability to judge autonomously. Together, these two characteristics allow the representative to sustain the consensuses and conflicts that are necessary for the proper functioning of representative democracy. Hence, the first chapter concludes, Mill's representative democracy requires both conflict and consensus.

Chapter two focuses on the basic principles that comprise the consensus preached by Mill as indispensable to representative democracy's stability, to wit, the principle of equality and the principle of liberty. Why are citizens' equality and liberty crucial to the survival of representative democracy? To answer the question, we turn to *The Subjection of Women*, a book where Mill states that an egalitarian society is fundamental to democracy (section 2.1 of the Portuguese version of the dissertation). According to Mill, unequal relationships in the domestic sphere threaten democracy, for men who act as despots in the house will not be able to develop the necessary virtues for treating other citizens as equals in the public sphere.

By qualifying the subjection of women that takes place in the domestic sphere as despotic, Mill challenges the public vs. private dichotomy and politicizes a domain of human existence that, from Antiquity to the modern period, was considered immune to public interference (section **2.1.1** of the Portuguese version of the dissertation). Relying on the abolitionist literature of the 19th century that he was conversant with, Mill affirmed that female subjection was detrimental not only to women but also to men. At first glance one could think female subjection was noxious only to women, for they were the ones subjected to an arbitrary power. Mill claims, however, that prolonged exposure to gender inequality inside the house is bad for men because it makes them unfit for political freedom.

Undergirding Mill's claim, there lies the thesis that freedom cannot do without a society of equals. It is no surprise, then, that Mill affiliated himself to "republicanism" (CW XXVI, p. 359). The association of freedom with equality is indeed a hallmark of the republican tradition (Spitz, 1995, p. 194). Like other Mill scholars, we understand that the equation of freedom with the absence of arbitrary subjection aligns Mill to Sallust's republicanism, a writer Mill studied thoroughly in his early years (section **2.1.2** of the Portuguese version of the dissertation). That is not to say, however, that Mill neglected the differences that distanced himself from the ancients. To be sure, Mill was aware that the equality he deemed indispensable to representative democracy was inexistent in ancient democracies. Hence our distinction between "the equality of the ancients" and "the equality of the moderns" (section **2.2** of the Portuguese version of the dissertation).

To clarify the relationship between equality and justice outlined in *Subjection*, we examine *Utilitarianism*, a work where Mill offers a more extensive account of his understanding of equality (section **2.3** of the Portuguese version of the dissertation).

Mill there explains that equality is a component of justice. The type of equality he connects to justice is further explored in section 2.4, where we show that one of the main types of equality Mill supported was equality of opportunities to develop one's *character*. The concept of "character" was ubiquitous in the 19th century and Mill's recourse to it reveals that his ideal of representative democracy encourages the aesthetics of existence. This feature of Mill's political philosophy becomes clearer once we juxtapose Mill's works to a book written by one of his readers, Walt Whitman. In the works of both 19th-century authors, the emphases on character and on the aesthetics of existence underscore that, besides representative institutions, modern democracy requires a democratic culture.

This issue leads us to address the relation between democracy, virtue, and freedom (section 2.5 of the Portuguese version of the dissertation). According to Mill, one of the *raison d'être* of representative democracy is its capacity to promote people's virtue, which in turn strengthens their freedom. But why does Mill think virtue is conducive to freedom? To answer that question, we reconstruct some of the arguments Mill presents in *A System of Logic* and *On Liberty*. Briefly put, our conclusion is that Millian freedom, to the extent it requires the power to keep a critical distance from social customs and access different perspectives, necessitates the virtue of sympathy.

Having explained what Mill meant by equality and liberty and why these two principles are instrumental to Millian democracy, the next three sections of chapter two detail the substance of the democratic culture undergirding the consensus on the value of citizens' equal liberty. We first investigate Mill's proposal of a civil religion and surmise that one of its main goals is to ground an ethical foundation for democracy (section 2.6 of the Portuguese version of the dissertation). Then, we probe Mill's warning of the necessity of a civic education for representative democracy and explain

why such education would diffuse a democratic culture among the people (section 2.7 of the Portuguese version of the dissertation). Next, we bring into relief the importance of affects and passions for democracy. In effect, this third section is nothing but a continuation of the two preceding it because, as we argue, the civil religion and the civic education proposed by Mill both indicate that affects, emotions, feelings, and passions need all be taken into account by democratic theorists. Unlike some contemporary philosophical approaches that insist on being “neutral” or purely “procedural,” Mill’s notion of democratic deliberation is attentive to the fact that affects and passions play a pivotal role in representative democracy (section 2.8 of the Portuguese version of the dissertation).

The last section of chapter two is devoted to a passion that, according to Mill, was of paramount necessity for representative democracy: the sentiment of nationality. Mill maintains that the sentiment of nationality is necessary for democracy insofar as it fosters solidarity, a unified public sphere, and people’s ability to resist arbitrary rulers. The sentiment of nationality produces collective identities that ignite citizens’ power of cooperation (CW XIX, p. 548). Without a common nationality, democracy is “almost impossible” because a people must, to some extent, recognize itself as constituting one body politic if it is to act democratically (CW XIX, p. 547). Democracy presupposes the existence of a people (*demos*) and, since nationality is a major catalyst for the construction of a people, the former cannot subsist without the latter. If a democracy is to survive over time, it must preserve some level of cohesion that prevents it from disintegrating into different *demoi*. The sentiment of nationality is useful because it sustains a consensual basis that no democracy can be rid of.

Nevertheless – and in accordance to the larger thesis that animates this work – the fact that the sentiment of nationality can lay the groundwork for consensus does not

mean it will asphyxiate conflict. Nationality can also work as a source of conflict. Indeed, one could say Mill's emphasis on the sentiment of nationality gestures towards the presence of *the political* in his philosophy, because such sentiment sometimes serves to differentiate between "friends and foes" (CW XIX, p. 548). According to Mill, the sentiment of nationality discriminates "fellow-countrymen" from "foreigners" (CW XIX, p. 547). Nationality combines inclusion and exclusion, or rather, consensus and conflict. It produces a consensual basis that permits citizens to balance their internal conflicts without appealing to physical violence and, moreover, to leave their differences aside and get together in order to fight against a common enemy such as an internal arbitrary ruler or an external invader that seeks to subjugate them (CW XIX, p. 547). Like the first chapter, chapter two reinforces the main thesis of our work: representative democracy demands consensus and conflict.

Chapter three, which scrutinizes Mill's conception of conflict, starts with a reconstruction of the aforementioned "two Mills" controversy and enumerates the relatively extensive list of Mill scholars who took sides in this either-or approach (section 3.1 of the Portuguese version of the dissertation). Then, we show that the critique of Mill's putative inability to grasp the role of conflict in politics descends from a larger criticism of "liberalism" advanced by contemporary philosophers such as William Connolly, Chantal Mouffe, and Sheldon Wolin (section 3.2 of the Portuguese version of the dissertation). In contemporary political thought, these philosophers are usually grouped together under the label "agonistic democrats."

Analyzing the relationship between democracy and conflict in the philosophy of Mill – one of the "fathers of liberalism," as Isaiah Berlin (2000, p. 232) has put it – is a topic worthy of study not only to those interested in Mill scholarship, for it clarifies a broader question that disconcerts several political philosophers and theorists nowadays,

viz. is the liberal tradition capable of granting space to conflict in politics? Contra the agonistic democrats' criticism, we argue in chapter three that there are thinkers within the so-called "liberal canon" that are, in fact, capable of recognizing the ineradicable dimension of conflict in social and political existence.

We of course do not mean to deny that there are liberal philosophers who are incapable of thinking thoroughly about political conflict. Our objective, instead, is to study Mill's philosophy so as to offer an alternative account of the relationship between conflict and democracy in the liberal canon, thus bringing attention to an oft-neglected movement within liberalism, namely *agonistic liberalism*. In *Agonistic Democracy* (2013), Mark Wenman writes that the opposition to liberalism should be a defining feature of every agonistic conception of democracy. Wenman hence reinforces the criticism, common in political philosophy since Schmitt, that liberalism is unable to grasp the value of conflict. From the outset, his criticism obliterates the multifariousness of the liberal tradition and denies the possibility of an agonistic liberalism, which is precisely the type of liberalism Mill endorses.

After reviewing some of the arguments advanced by scholars who excoriate Mill's supposed inability to comprehend the vital importance of conflict in democratic politics, we then examine Graeme Duncan's criticism of Mill (section 3.3 of the Portuguese version of the dissertation). In *Mill and Marx: Two Views of Social Conflict and Social Harmony*, Duncan argues that, ultimately, Mill's socialism and Marx's communism both aim to eliminate conflict for good. As regards to Mill's socialism, Duncan establishes that when Mill urged for the creation of a socialist community where the distribution of goods and property would be made on fair and egalitarian grounds, Mill longed for the disappearance of conflict and discord. To expose the partiality of Duncan's interpretation, we turn to Mill's *Chapters on Socialism* and John

Skorupski's *Why Read Mill Today?* and conclude that, albeit deprived of economic-driven conflicts, a Millian socialist community would remain witnessing conflicts revolving around issues of recognition.

The next three sections of chapter three seek to identify the theoretical sources that informed Mill's understanding of conflict. We first show that Mill's conception of conflict was influenced by the ancient Greeks' agonism and the *Bildungstradition* (section 3.4 of the Portuguese version of the dissertation). "Every one who knows history or the human mind is aware that powerful intellects and strong characters are formed by conflict" (CW XXV, p. 1106). Like other 19th-century philosophers who were influenced by the *Bildungstradition*, Mill thought that all political communities should endeavor to keep the flame of conflict burning, for without it there is no enduring human development. Self-development, which is how Mill translates *Bildung*, requires conflict (Thorby, 1973, p. 101). This thesis was reinforced by Mill's reading of the ancient Greeks – or rather, by a certain manner of reading the ancient Greeks that, as George Grote's and Friedrich Nietzsche's works testify, was not uncommon in the 19th century.

Guizot's writings on European history also exerted influence over Mill's understanding of conflict (section 3.5 of the Portuguese version of the dissertation). Subscribing to Guizot's historical analysis, Mill understood that the conflict between rival political groups was beneficial insofar as it fortified the use of political institutions as an instrument of negotiation and expression of social strife. Moreover, in the international arena, the forced coexistence between different political groups would have been favorable to Europe because, far from arresting collective development, the exposure to national differences enriched the singularity of each people.

The *Federalist Papers*, a book that is cited in *Representative Government*, constituted a third theoretical inspiration for Mill's conception of conflict (section 3.6 of the Portuguese version of the dissertation). In the wake of Alexander Hamilton, James Madison, and John Jay, Mill contended that conflicts between different political groups impeded any of them from achieving complete domination over all others. Like the founders of the U.S. representative system, Mill warned that it was extremely important to create institutional mechanisms that prevent the animosity between different social groups from breaking out into physical combat and, consequently, that permit political agreements to emerge.

Chapter three thus reinforces the main thesis animating our work (*viz.* that representative democracy requires both conflict and consensus). Political representation creates a common space where different groups comprised in the same *demos* can express and negotiate their disagreements. By doing so, representation acts as a mechanism of unification that allows conflict and citizens' plurality to unfurl in a way that does not disintegrate the state.

When it comes to political representation, Mill is an important philosopher to study because, after decades writing about representation, Mill himself became a representative in the House of Commons. Besides addressing representation and political conflict in his writings, Mill dealt with both of them in practice. After pointing out the theoretical sources behind Mill's understanding of conflict, we inspect Mill's parliamentary speeches and his texts designed for political intervention in order to outline Mill's attitude toward conflict in practice (section 3.7 of the Portuguese version of the dissertation). We examine four historical episodes that offer empirical examples of "the spirit of compromise" Mill deemed indispensable to representative democracy: (i) the approval of the Second Reform Act in the House of Commons; (ii) Mill's defense

in Parliament of the workers' right to organize public demonstrations and his reaction to the Hyde Park Railings Affair; (iii) Mill's plea for land reform in Ireland; (iv) his participation in the Jamaica Committee.

The study of these four cases indicates something that is fleshed out in the next section: in exceptional circumstances, Mill approved of the use of violence for political ends (section **3.8** of the Portuguese version of the dissertation). In the absence of representative institutions that take into account people's political complaints, violence may be a necessary expedient. After reconstructing the main arguments of Mill's writings on violence, we conclude that the use of violence for Mill is recommendable when it is (i) driven by "a just cause" and (ii) has "a reasonable prospect of success" (CW VI, p. 416).

In the next section, we seek to understand Mill's criticism of his intellectual mentor, Jeremy Bentham (section **3.9** of the Portuguese version of the dissertation). Although both philosophers were in favor of representation, in Mill's reading Bentham was oblivious to the importance of creating institutional mechanisms that assured the continuation of conflict in a representative democracy. In his critical diagnosis of Bentham's philosophy, Mill highlights, as usual, the advantages that political conflict accrues.

Mill's appreciation for conflict, we then explain, led him to compliment political parties and partisanship (section **3.10** of the Portuguese version of the dissertation). Before delving into Mill's defense of partisanship, we first review the different stances on the value of partisanship and political parties advanced by Bolingbroke and Burke, two philosophers whom Mill read (section **3.10.1** of the Portuguese version of the dissertation). In Mill's case, the defense of political parties descended from the conviction that they constituted privileged venues for the promotion of conflict in a

representative democracy. Briefly put, what Mill's work reveals is that political parties are important to representative democracy because they (i) create conflict; (ii) favor the spirit of compromise; (iii) simplify topics of public interest and demarcate clear lines of division, thus stimulating ordinary citizens' political participation; (iv) aggregate political force and make resistance against arbitrariness more likely; (v) impede the dominance of a single discourse over society; (vi) facilitate public justification; (vii) improve the epistemic quality of political deliberation; (viii) by using existing institutions to express conflict, political parties contribute to the stability of representative government (section **3.10.2** of the Portuguese version of the dissertation).

After investigating thoroughly the issue of conflict, we hope to have amassed enough resources to mitigate, or perhaps even solve, a quandary that has divided Mill scholars for decades. In the end of the dissertation, what we conclude is that representative democracy needs both conflict and consensus (section **3.11** of the Portuguese version). By bringing into relief the articulation between consensus and conflict within Mill's political philosophy, we pit our analysis against Gertrude Himmelfarb's (1974), probably one of the first Mill scholars who claimed that Mill's emphases on conflict and consensus were at odds with one another. Among Mill scholars, Himmelfarb's work is known for putting forward the thesis that there are two contradictory "Mills": one who was in favor of human diversity and conflict, and another who, abhorring difference and disagreement, longed for an everlasting and complete consensus that would eliminate political dissent forever.

In contradistinction to Himmelfarb's reading, we juxtapose the passages of Mill's oeuvre that highlight the value of consensus to those underscoring the importance of conflict and indicate that none of them allow us to define conflict and consensus as irreconcilable political features. To the contrary, it is precisely because conflict is

unavoidable in politics that Mill thinks democracies need to preserve some consensus, which in turn allows political conflicts to unfold *ad infinitum* without breaking the political community apart. Such consensus, therefore, makes us agree on how to balance our disagreements and conflicts. A democracy that dispensed with this consensus would be acting suicidally, for it would jettison the very structure upon which citizens manage to negotiate their conflicts without appealing to physical violence.

Reinforcing what was argued in chapter two, we submit in the last chapter that liberty and freedom are the two principles that Mill uses to limit the democratic agonism he is in favor of. These principles operate as “boundaries” that fix a grammar that every citizen participating in an agonistic democratic debate ought to respect. According to Mill, democracy cannot sustain itself in the absence of a consensus over the value of the principles of equality and freedom that, since Plato, are considered constitutive of the democratic order (*Republic* 557e-558a and *Laws* 693d). Taken together, these principles form a juridical consensus that founds democracy. The creation of a *demos* requires the public recognition of a juridical consensus that regulates the several conflicts that may emerge among citizens.² Without this consensus, the different political groups will either disintegrate into different *demos* or constitute a mass of dispersed individuals that are incapable of forming a political community.

The principles of equality and freedom set the boundaries of a discursive field within which conflict can proceed. Therefore, any conflict that seeks to deny citizens’ equality and liberty must be stifled because it jeopardizes the existence of democracy. In sum, rather than constituting antithetical terms, conflict and consensus are for Mill complementary political features. The survival of liberal representative democracy requires their coexistence.

² I am grateful to Georgios Varouxakis for pointing this out to me.

In lieu of the whole dissertation submitted to the Department of Philosophy at the University of São Paulo, the reader finds here a collection of eight articles in English that resulted from the original dissertation written in Portuguese. Together, these articles summarize the arguments presented in the Portuguese dissertation. They are arranged according to the order in which their arguments appear in the original thesis.

Article 1 (chap. 1 of the Portuguese version of the dissertation)

Democracy and truth: A contingent defense of epistemic democracy

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ABSTRACT: This article seeks to offer a contingent defense of epistemic democracy by recovering the concept of truth espoused by J. S. Mill and W. James. Contrary to what the critics of epistemic democracy claim, the association between democracy and truth does not necessarily make the former inhospitable to conflict, contestation, and pluralism. Truth can be reinterpreted in such a way as to make it compatible with a democratic politics that appreciates conflict and dissent. In some circumstances, truth claims are politically relevant and should become the object of democratic deliberation.

1.1 Introduction

This article seeks to offer a contingent defense of epistemic democracy by dint of an analysis of John Stuart Mill's and William James' philosophies. In contemporary political theory, a significant number of writers have deprecated epistemic democracy, claiming that attaching democracy to knowledge and truth is risky because it makes the former inhospitable to conflict, dissent and pluralism.³ Subscribing to the Platonic dichotomy *doxa* vs. *episteme*, critics of epistemic democracy affirm that, since truth is

³ The terms "conflict," "dissent," and "pluralism" shall be used without distinction. Such indiscriminate use is also employed by the critics of epistemic democracy, such as Accetti (2014) and Urbinati (2014). Likewise, we shall not differentiate the expressions "epistemic paradigm" and "epistemic conception" and the words "wiser" and "more truthful."

immutable and authoritarian, it cannot become the object of democratic deliberation. Critics state that besides transforming democracy into the nemesis of pluralism, epistemic democracy is dangerous because it tends to depreciate the democratic process and value epistocracy, i.e., the rule of the wise. As we shall see in the next section, this is the kernel of the critiques presented by Urbinati (2014) and other writers against epistemic democracy.

After reconstructing the arguments raised against epistemic democracy, we shall address the relationship between democracy and truth in Mill's *On Liberty* (1859) and *Considerations on Representative Government* (1861). In the first work, Mill elaborates a fallibilistic epistemology which contends that truth can be established only through a debate that is free, conflictive and inclusive – in a word, democratic. In the second work, he argues representative democracy is the regime that maximizes deliberation's epistemic benefits because: (i) representation instills in citizens a reflective and critical spirit; (ii) by collating and confronting the different social perspectives of all the social groups within the *demos*, representative institutions increase the public knowledge of social issues, which in turn leads to the implementation of wiser decisions.

Ultimately, the Platonic idea that truth is an immutable and ahistorical entity is what propels the contempt for epistemic democracy. When Mill characterizes truth as a historical artifact that results from a free and conflicting debate, he gestures at a conception of truth that is compatible with democracy. In order to understand better the compatibility between Millian truth and democracy, we offer in section three an excursus into the reconceptualization of truth undertaken by William James' pragmatism. After all, as James himself recognized, the forerunner of the pragmatist theory of truth was Mill.

As the last section contends, the exclusion of truth claims from the democratic debate can itself become a source of authoritarianism. One ought to recognize that truth claims are politically relevant *in some circumstances* and that, as such, they must be the object of political deliberation. The blind spot of the detractors of epistemic democracy is their refusal to acknowledge that truth claims can *sometimes* be germane to democratic deliberation. When dealing with conflicting moral values, political discussion can certainly do without truth claims. However, political disagreement revolves not only around moral values but also around facts and knowledge (Shadd 2015). When political debate works as a site of knowledge (re)production, conceiving of democracy in epistemic terms is a valid theoretical enterprise.

1.2. The critique against the epistemic conception of democracy

Although some of her older writings already present a critique against epistemic democracy, it is in one of her latest books, *Democracy Disfigured* (2014), that Urbinati proposes a full-fledged explanation of why she is against the epistemic paradigm. The second chapter of her book aims first and foremost to caution against the danger that the epistemic view poses to democracy. According to Urbinati, the epistemic paradigm disfigures and depoliticizes democracy because it “neutralize[s]” essential features of democratic politics, *viz.* “dispute, disagreement, deliberation, and majority decisions that are open to change” (Urbinati 2014, 81). One finds here the first occurrence of a thesis that underlies Urbinati’s critique: the quest for truth neutralizes or annihilates dissent, deliberation, and the existence of mutable political positions.

Urbinati opposes to epistemic democracy her “democratic proceduralism,” which derives political legitimacy solely from the democratic procedure, and not from desirable outcomes that the functioning of such a procedure could provide (Urbinati 2014, 81). According to Urbinati’s definition, the basic component of the democratic procedure is citizens’ “equal political liberty,” which grants each of them the power to participate in politics on a par with everyone else by means of the equal capacities to vote and to have one’s voice heard in the public forum of opinions (Urbinati 2014, 19-20). In a democracy, laws are obeyed because of their conformity to a procedure that is itself democratic, not because of their truthfulness. When they mix democracy and truth, Urbinati explains, the defenders of epistemic democracy situate legitimacy beyond the democratic procedure; “the epistemic paradigm locates the criterion for judging what is good or correct outside the political process” (Urbinati 2014, 86). By doing so, the epistemic paradigm allows technocracy to take the place of democracy: if a political decision is legitimate only when it is truthful, when the *demos* is “mistaken” and chooses the “wrong” option, “technocratic revisions” become “welcome” (Urbinati 2014, 82).

In an article recently published, Urbinati elaborates further the differences between her democratic proceduralism and epistemic democracy:

Some contemporary political theorists seem to exalt the value of the outcome over and above procedures, or, to put it another way, they evaluate the goodness of the democratic procedures based on a consequentialist approach, thus subordinating the principle of equal liberty to some desired outcome. Like the deliberativists . . . epistemics devalue voting and majority rule. This is the risk of epistocracy: as we know all too well, voting does not give us any certainty that all or the majority of us will vote “well” or “correctly” or in view of a “good cause.” But then, one must ask: Who is to decide what is a right or correct or good cause? If it is not the citizens with their voting power and the majority, then the sovereignty of democracy is subverted and the power of technocracy installed. Democracy is honored only if we understand that its substance is its process, which is not a small thing at all as it consists

in reproducing the principle upon which it rests: equality of each and all in authorizing decisions (Urbinati 2016, 378).

Since knowledge and competence are always unevenly distributed, epistemic democrats end up jeopardizing equality when they see the democratic adventure as nothing but a chapter in the discovery of truth (Urbinati 2014, 83). Equality is secured only if one remains faithful to democratic proceduralism; in this case, one asserts that the value of democracy rests only in its procedure, the defining feature of which is citizens' equal liberty to elect politicians and, ultimately, to determine the direction of politics.⁴ Insofar as it identifies the "normative justification of procedures" with "truth" and not with citizens' equal liberty, the epistemic paradigm distances itself from democratic proceduralism (Urbinati 2014, 93). In short, the epistemic paradigm conceives of democracy as merely an "instrument" for the discovery of "truth" (Urbinati 2014, 93). The possibility of having adherents of epistemic democracy who value truth only as an occasional benefit of democracy, and not as the latter's *raison d'être*, is never envisioned by Urbinati.

"While truth tends to overcome dissent, democratic procedures presume dissent always" (Urbinati 2014, 98). According to Urbinati, those who see democracy as a quest for truth are incapable of appreciating the value of dissent, because for them the persistence of disagreement is nothing but a sign of error. In their minds, those who dissent ought to give up their opinions and subject themselves to truth (Urbinati 2000, 773). As another critic of the epistemic paradigm puts it, associating democracy and truth makes one consider "the existence of substantial disagreement a problem or, in any case, something that is necessary to eliminate. In this sense," he continues, the writers

⁴ Urbinati is aware that the functioning of coeval democracies is disturbed by problems such as media oligopolization and the influence of money in political campaigns. Nevertheless, it remains true the fact that the "one man, one vote" formula accomplishes political equality in an outstanding manner.

who espouse epistemic democracy are necessarily “hostile to pluralism” (Accetti 2014, 100).⁵

Urbinati contends that epistemic politics is inimical to liberty; “once it is made the terrain of truth, politics become inhospitable to contestation and liberty” (Urbinati 2014, 99).⁶ Truth, as she sees it, carries within itself an element of coercion; a “scientist . . . capitulates before truth” (Urbinati 2014, 105). According to her account, truth is not something we actively construct. Rather, it is something before which we can simply “acquiesce” (Urbinati 2014, 105).

Once we subscribe to such a conception of truth, the critique Accetti adjoins to Urbinati’s makes sense: when democracy and truth come together, “the collectivity . . . stands as a passive subject” (Accetti 2014, 99). For both Accetti and Urbinati, the epistemic conception of democracy is the enemy of liberty due to truth’s inherent immutability. Liberty “implies the possibility of determining the ends of one’s own actions” (Accetti 2014, 98). Yet when “democracy is seen essentially as a means for discovering” truth, liberty becomes impossible because the end of politics – namely, truth – would have been “given in advance” (Accetti 2014, 98). In other words, the adherents of epistemic democracy “predetermine the results of the collective process of decision-making by alluding to a substantive conception of truth” (Accetti 2014, 100). That is why, Urbinati adds, “the search for truth is supposed to come to an end”

⁵ In *Democracia e representação*, Luis Felipe Miguel advances a similar critique: “the epistemic view [of democracy] is close to an idealistic perception of politics, one in which the multiplicity of voices would bring about a more complete vision of reality and thus a cognitively superior decision. Political conflict is therefore kept away” (Miguel 2014, 244-5).

⁶ Surprisingly enough, in an article where she briefly addresses Mill’s conception of truth, Urbinati does recognize that truth can be compatible with a democratic politics that appreciates dissent and liberty (Urbinati 2012, 214). In a manuscript that she is currently working on, Urbinati makes a similar assertion regarding Dewey’s idea of “warranted assertibility” (Urbinati N.d., 2). Both of these texts stand out when compared to the other writings of the author, who has time and again criticized epistemic democracy for being contrary to liberty and disagreement. In *Democracy Disfigured* (2014), for instance, the possibility of interpreting truth in such a way as to make it compatible with liberty and dissent is not mentioned at all. I thank Urbinati for sharing her manuscript with me.

(Urbinati 2014, 105). Unlike political decisions, which are always being revised and updated, epistemology deals with something that never changes, namely, truth. In sum, one of the central tenets of both Accetti's and Urbinati's critique is the idea that truth is anathema to liberty and dissent because it deals with an immutable entity, the content of which may be discovered, but not constructed, by human beings.

1.3 Deliberation and truth: Mill's epistemic democracy

Mill addresses the relationship between political deliberation and truth in the second chapter of *On Liberty*, entitled "Of the Liberty of Thought and Discussion." As one can already infer from the chapter's title, taking part in public deliberation goes hand in hand with the liberty of thought; according to Mill, most people can think freely only by exchanging their ideas in the public sphere. Public deliberation is where most meaningful thoughts are produced (Mill [1859] 2008, 45).

Mill begins the chapter asserting that no "legislature or executive" can control the topics under public discussion (Mill [1859] 2008, 20). Rather, such control should be exercised by a realm of power that exceeds the state in a representative democracy, *viz.* civil society. From the very beginning of the chapter, Mill's epistemic conception of democracy is quite visible; deliberating in public about political issues is salutary for a democracy because, among other reasons, it affords citizens "the opportunity of exchanging error for truth" and, furthermore, the chance of acquiring a "livelier impression of truth" (Mill [1859] 2008, 21).

According to Mill, assertions held as scientifically truthful are established through deliberative processes. Although Thomas Kuhn (1962) was the one who

collected and analyzed historical data that testify to the social character of scientific truth and knowledge, Mill also highlighted something similar in *On Liberty*:

The peculiarity of the evidence of mathematical truths is, that all the argument is on one side. There are no objections, and no answers to objections. But on every subject on which difference of opinion is possible, the truth depends on a balance to be struck between two sets of conflicting reasons. Even in natural philosophy, there is always some other explanation possible of the same facts; some geocentric theory instead of heliocentric, some phlogiston instead of oxygen; and it has to be shown why that other theory cannot be the true one: and until this is shown, and until we know how it is shown, we do not understand the grounds of our opinion (Mill [1859] 2008, 41-2).

The examples mentioned above correspond to the ones Kuhn invoked in *The Structure of Scientific Revolutions* in order to emphasize that scientific theories are brought about by means of a struggle with conflicting discourses that claim themselves to be scientific. For both Mill and Kuhn, it would be naïve to believe that all scientific truths are established without any debate whatsoever.

Mill recognizes that, in the case of mathematical truths, deliberating is useless because “all the argument is on one side” (Mill [1859] 2008, 41). It makes no sense to deliberate about issues we do not disagree about; as Aristotle would say, no one deliberates about mathematical principles (*Nicomachean Ethics* 1112a20 – 1112a25). However, there are other types of truth besides mathematical ones. “[W]hen we turn to subjects infinitely more complicated,” such as politics, truth is not concentrated on only one side (Mill [1859] 2008, 42). The truth Mill associates with political deliberation does not exclude conflict, for non-mathematical truths are the outcome of a balance between conflicting points of view. In his view, this balance is inevitably temporary, and that is why the search for political truths never ends (Kateb 2003, 39). The truth

Mill connects to democratic deliberation “is not final but open, not a finished product but a continuing adventure” (Garforth 1980, 179).

In politics, truth springs from deliberative conflict. “Truth, in the great practical concerns of life, is so much a question of the reconciling and combining of opposites . . . and it has to be made by the rough process of a struggle between combatants fighting under hostile banners” (Mill [1859] 2008, 54). In order to reach wiser decisions, representative democracies need different parties: “a party of order or stability, and a party of progress or reform, are both necessary elements of a healthy state of political life” (CW XVIII, 253). “Each of these [parties] derives its utility from the deficiencies of the other; but it is in a great measure the opposition of the other that keeps each within the limits of reason” (CW XVIII, 253). The conflict between political parties can facilitate the construction of truth.⁷

According to Mill, truth does not exist prior to debate and is not an extra-political criterion that predetermines the results of democratic deliberation. More often than not, the correct decision that emerges from democratic deliberation is nothing but a mutual and temporary compromise between conflicting perspectives; “the conflicting doctrines, instead of being one true and the other false, share the truth between them” (Mill [1859] 2008, 52). “[O]nly through diversity of opinion is there . . . a chance of fair play to all sides of the truth” (Mill [1859] 2008, 54). Many-sided, “political truth” is spread among citizens (CW XIX, 418). If a society aims at a more correct and truer political decision, public debate should be equally open to all; Mill’s belief is that every

⁷ As Lisa Disch pointed out, Mill’s conception of political conflict testifies to the fact that parties “play a constructive role in democratic politics” (Disch 2009, 622). A conflictive debate orchestrated by different political parties can construct truth and knowledge. On the role of parties in Mill’s political philosophy, see Bruce Kinzer (2007, chap. 6), Rosario López (2014, 313-8), Russell Muirhead (2014, 99-105) and Nancy Rosenblum (2008, 143-56). Although he valued party conflict, Mill recognized that in some circumstances the opposition between parties can hinder truth. Partisanship obstructs the epistemic properties of democratic deliberation when, for instance, politicians from one party refuse to examine or accept any proposal that is presented by other parties (CW XIX, 452). The conflict Mill considers pivotal to the development of truth differs from blind opposition.

citizen of the *demos* has something to contribute. The greater quality in political decisions that democracy is able to achieve is part of Mill's defense of the democratic regime and "is related to [his] social epistemology, i.e. the conception of social production of knowledge" (Baccarini and Ivanković 2015, 140).

Notice the expression "more often than not" in the last paragraph. It would be mistaken to assume that political deliberation functions only in one way. Sometimes deliberation may not serve to identify a more correct or truer political decision, or rather, a set of political assertions considered correct which are compatible among themselves. Hence one must recognize that it does not always make sense to talk about a more correct or truer political position.

Mill adopts an equivocal view regarding political deliberation. Sometimes it is plausible to expect that political deliberators are trying to find a truer and more correct solution for public predicaments – in other words, "the common good" (CW XIX, 412). But when political deliberation is riven with irreconcilable positions, such an expectation is out of place. In that case, one must realize that the goal of deliberation is simply to guarantee a *modus vivendi* between social forces that espouse incompatible political views (CW XIX, 432). Far from constituting a flaw, Mill's ambivalent view of political deliberation can be read as one of the most interesting facets of his philosophy. Among theorists of democracy, it is rare to find authors who recognize and value the fact that political deliberation is sometimes a quest for the common good and sometimes a bargaining process between incompatible positions (Mansbridge 2006, 115).

Following Stephen Holmes, we may assert that the way in which Mill thought of political deliberation is both transformative and aggregative (Holmes 1995, chap. 6). In some circumstances, political deliberation is transformative inasmuch as it can alter the initial positions that deliberators held. In such moments, the existence of a common

good – a position that, as public deliberation goes on, seems attractive (at least to some extent) to all citizens – can be ascertained. Yet Mill also reminds us that, in some cases, political deliberation can only proceed in an aggregative manner. Depending on the topic under discussion, it is not plausible to suppose that the opposition between different political views may somehow be transformed along the deliberative process. When this is the case, the only thing to do is to aggregate political preferences in order to verify which of them gets the highest number of votes.

Mill values political deliberation in all its modes because, ultimately, he believes it can foster human development. In order to clarify how public deliberation develops citizens' moral and intellectual capacities, Mill presents a fallibilistic epistemology:

In the case of any person whose judgment is really deserving of confidence, how has it become so? Because he has kept his mind open to criticism of his opinions and conduct. Because it has been his practice to listen to all that could be said against him; to profit by as much of it as was just, and expound to himself, and upon occasion to others, the fallacy of what was fallacious. Because he has felt, that *the only way in which a human being can make some approach to knowing the whole of a subject, is by hearing what can be said about it by persons of every variety of opinion, and studying all modes in which it can be looked at by every character of mind.* No wise man ever acquired his wisdom in any mode but this; nor is it in the nature of human intellect to become wise in any other manner. The steady habit of correcting and completing his own opinion by collating it with those of others . . . is the only stable foundation for a just reliance on it (Mill [1859] 2008, 25, emphasis added).

In this excerpt, Mill answers the classical question of epistemology: how can we know something, or rather, how can we acquire a justified true belief? His answer is that a free, open, and conflicting debate is “the only stable foundation” of knowledge (ibid.). Since we are all fallible beings, we can all be wrong.⁸ Our assertions' truthfulness can

⁸ Here is one of the reasons why epistemic democrats endeavor to keep dissent alive: by objecting to the decision chosen by the majority, dissenting individuals and groups posit alternatives and remind the majority that their decision is only one among many possibilities. Their dissent can thus favor the maintenance of a revisionist and fallibilistic spirit (Anderson 2006, 16-7). On Millian fallibilism, see John

only be verified when we contrast it with conflicting claims. “Complete liberty of contradicting and disproving our opinion, is the very condition which justifies us in assuming its truth for purposes of action; and on no other terms can a being with human faculties have any rational assurance of being right” (Mill [1859] 2008, 24).⁹

What explains humankind’s tendency to change unfounded conduct for less partial and more rational behavior is “a quality of the human mind, the source of everything respectable in man either as an intellectual or as a moral being” (Mill [1859] 2008, 24). This quality corresponds to what we may call perfectibility, the capacity that each human being has of improving himself by “rectifying his mistakes” (Mill [1859] 2008, 24-5). Yet if human perfectibility is to be practiced and the human being is to be improved, “[t]here must be discussion” (Mill [1859] 2008, 25). No wonder then public deliberation takes such a prominent role in *On Liberty*. In Mill’s political philosophy, public deliberation is the very mechanism through which individuals can improve and develop themselves, thereby achieving their human status.¹⁰

A political regime in which citizens are free to deliberate promotes “an intellectually active people” (Mill [1859] 2008, 39). Conversely, when people have no freedom to express and (re)produce their political opinions, their “mental development is cramped” (ibid.). Hence the dreary diagnosis Mill gives to societies that do not endeavor to secure a truly free and open public forum of opinions. Wherever deliberation is not democratic – or rather, wherever deliberation is not open to all –

Skorupski (1991, 291-5). According to Charles Girard (2014), Mill’s fallibilism gestures at an epistemic conception of democracy that is compatible with egalitarianism. Fallibilism assumes we could all be equally wrong and thus justifies the need for democratic deliberation and majority rule (Girard 2014, 133-8).

⁹ As one of the most recent defenders of the epistemic paradigm has put it, one “way to enhance the epistemic properties of deliberation is to develop formalized methods that challenge assumptions and groupthink – methods such as . . . ‘devil’s advocacy’, and other types of alternative and competitive analysis” (Landemore 2013, 122).

¹⁰ “Mill asserted not only that human nature changed significantly, and that consequently one could not build universal theories on the basis of its form in any particular historical society, but that it could be shaped deliberately” (Duncan 1977, 251).

most citizens become easy prey for creeds that remain, “as it were, outside the mind, encrusting and petrifying it against all other influences addressed to the higher parts of our nature” (Mill [1859] 2008, 46).

Since public deliberation is what confers meaning to most people’s guiding beliefs, impeding citizens from deliberating among themselves has hazardous consequences. It deprives them of the development of what Mill deemed the higher part of human nature, which included the “intellect,” “imagination,” and “the moral sentiments” (Mill [1863] 2008, 138). The development of their higher nature is what allows human beings to reach truth.

1.3.1 “With the eyes of a working man”: representation, knowledge, and social perspective

Having presented Mill’s epistemic conception of democracy, our goal in this section is to demonstrate how representative democracy was for Mill the political regime that maximizes deliberation’s cognitive benefits. Mill offers two reasons that help us understand the superiority of representative democracy for accomplishing deliberation’s cognitive advantages. To begin with, representative democracy encourages citizens to cultivate a reflexive and critical disposition, the adoption of which makes them more likely to participate in political debate.¹¹ To be sure, when he begins his chapter on public deliberation, Mill criticizes the “unlimited deference”

¹¹ According to Landemore (2013, 10), one of the epistemic advantages of representative democracy is the temporal expansion, inherent in the representative mechanism itself, which favors citizens’ critical reflexivity: “representative democracy is a more intelligent form of democratic regime than direct democracy per se . . . because it is less immediate, allowing people time for reflecting on and refining their judgment.”

monarchical regimes tend to receive from their subjects (Mill [1859] 2008, 22). According to him, the spread of this deference precludes the consolidation of public debate and the collective investigation of truth.

Citizens' servile deference to the opinions of the head of the state is one of the features of the monarchical order that vanishes once democracy takes place. "Democracy is not favourable to the reverential spirit" (CW XIX, 508). The emptying and reallocation of political power through periodical elections instill in most citizens a critical spirit, according to which the only tolerable authority is a critically examined authority. That corresponds, in effect, to the first reason Mill offers for explaining why representative democracy is the political regime that maximizes the cognitive advantages latent in public deliberation.

In addition, representative democracy boosts deliberation's cognitive benefits because its institutions can be designed in such a way as to guarantee the disclosure and confrontation of all social perspectives contained within a nation. That ability augments the public's knowledge of social issues and enables the representative assembly to implement wiser and truer decisions. In his book on the public sphere, Jürgen Habermas contends that in Mill's conception of public deliberation one can identify a "perspectivistic theory of knowledge" (Habermas 2014, 314). Indeed, Mill's idea is that the full acquisition of knowledge requires taking into account every perspective through which a certain topic can be analyzed.

Deliberation contributes to the collective construction of truth because deliberating implies presenting, contrasting, and collating one's perspective with others. In this sense, the role of a representative would be not only to represent the *interests* of a social group but also their *perspectives* (Bohman 2012, 83; Brillhante 2007, 116; Vieira and Runciman 2008, 115). The way we perceive the world is largely influenced

by our social and cultural position (Mill [1859] 2008, 22-3). Especially in the case of political representation, perspectives are always social, for they pertain not to a single individual but, rather, to a group of individuals that converge on the image of the political representative.¹²

The way we look upon and interpret our political reality is not merely idiosyncratic – that is to say, it is not simply the reflex of our individual temper – and varies according to our social and class position:

It is not, however, necessary to affirm even thus much in order to support the claim of all to participate in the sovereign power. We need not suppose that when power resides in an exclusive class, that class will knowingly and deliberately sacrifice the other classes to themselves: it suffices that, in the absence of its natural defenders, the interest of the excluded is always in danger of being overlooked; and, when looked at, is seen with very different eyes from those of the persons whom it directly concerns. In this country, for example, what are called the working-classes may be considered as excluded from all direct participation in the government. I do not believe that the classes who do participate in it have in general any intention of sacrificing the working classes to themselves. . . . Yet does Parliament, or almost any of the members composing it, ever for an instant look at any question with the eyes of a working man? When a subject arises in which the laborers as such have an interest, is it regarded from any point of view but that of the employers of labor? I do not say that the working men's view of these questions is in general nearer to the truth than the other, but it is sometimes quite as near; and in any case it ought to be respectfully listened to, instead of being, as it is, not merely turned away from, but ignored. On the question of strikes, for instance, it is doubtful if there is so much as one among the leading members of either House who is not firmly convinced that the reason of the matter is unqualifiedly on the side of the masters, and that the men's view of it is simply absurd. Those who have studied the question know well how far this is from being the case, and in how different, and how infinitely less superficial a manner the point would have to be argued, if the classes who strike were able to make themselves heard in Parliament (CW XIX, 405).

¹² The association between representation and social perspective has gained a prominent role in contemporary studies on representation mainly due to Iris Marion Young (2000). The similarities between Young and Mill are interesting, yet to approach them here would lead us too far afield. For a good comparison between both writers, see Wendy Donner (2016). Here we follow Young's distinction between interests and perspectives: whereas the former relate to more specific and concrete demands, the latter are more fluid and correspond to a certain way of seeing the world that each group has.

In order to defend the inclusion of all social groups in political deliberation, Mill does not need to presuppose a negative anthropology. It is not necessary to suppose that the groups participating in the political deliberation will harm those excluded on purpose. To demand the presence of all groups of the *demos* in the political process, it suffices to recognize that the absence of the excluded groups' perspectives will lead to the implementation of inadequate decisions.¹³ Instead of a negative anthropology, Mill advances an epistemic argument: a political discussion that includes all social groups can make better decisions inasmuch as it uses the situated knowledge of persons localized in different social positions as a way of enlarging the worldview every political participant has (Thompson 2007, 165).

In the case of strikes, for example, Mill denies any legitimacy to the decision a representative assembly could make without working-class representatives. Without the participation of working-class representatives, the assembly would be doomed to discuss the issue of strikes in a superficial manner. In sharp contrast to his fellow politicians, Mill was one of the few MPs in the 19th century who defended a worker's right to join a union and strike (CW III, 931).¹⁴ Though he became a representative only in the last decade of his life, Mill's advocacy of workers' rights is perceptible even in his earlier essays. In "Rationale of Representation," for instance, Mill had already declared that England needed to adopt "a representation of classes" (CW XVIII, 45). The representative assembly "should be of as miscellaneous a composition as possible (consistently with accountability to the people), in order that the twist of one person may be neutralized by the contrary twist of another" (ibid.). The twists Mill alludes to

¹³ In other words, since every social group has its own "cognitive bias," an adequate understanding of other groups' interests and points of view makes the presence of these groups imperative (Christiano 2008, 89).

¹⁴ Mill was elected MP for Westminster in 1865 and remained in office until the end of his term. (He was not reelected for being considered too progressive.) For Mill's account on his experience as a MP, see the final chapters of his *Autobiography* (CW I). For an analysis of his political career, see Carlisle (1999) and Thompson (2007).

would be caused by the representative's partial view; insofar as he was limited by the perspective of his class, the representative would not be able to make an adequate decision for the nation.

As an example of a partial perspective a representative may hold, Mill mentions the case of upper class MPs who objected to the inclusion of workers' representatives (ibid.). The question of workers' political representativity was controversial in Victorian England. Most MPs were from affluent classes and did not want to share their power with workingmen's advocates, for if the workingman's voice started being considered in the legislative process, they could no longer legislate on labor issues as they pleased. Against such thinking, Mill reproached the absence of workingmen's political representativity. This point is worth highlighting, if only because some scholars tend to put Mill's democratic credentials into question by claiming that he was not in favor of granting political power for the laboring classes (see for instance Wood 2000, 229).

Once they vote and elect their own representatives, working-class citizens bring to the assembly new knowledge and perspectives. This inclusion is good not only for them, who then are given the power of having their interests considered, but also for the deliberative process as a whole. This point is manifested in a speech Mill delivered in 1866 when he worked as a representative in the House of Commons:

Is there, I wonder, a single member of this House who thoroughly knows the working men's views of trades unions, or of strikes, and could bring these subjects before the House in a manner satisfactory to working men? . . . Are there many of us who so perfectly understand the subject of apprenticeships, let us say, or of the hours of labour, as to have nothing to learn on the subject from intelligent operatives? . . . there is no question at present about making the working classes predominant. . . . What is asked is a sufficient representation to ensure that their opinions are fairly placed before the House, and are met by real arguments, addressed to their own reason, by people who can enter into their way of looking at the subjects in which they are concerned (CW XXVIII, 65).

Mill justifies the participation of working men's representatives in the House of Commons by claiming that the perspective they would bring to the deliberative process would allow the assembly to make more accurate decisions about laboring issues. The presence of all social perspectives would enhance the deliberative process as a whole because it would afford representatives more information. A discussion that relies on a plurality of perspectives is much more capable of grasping the complexity of the social and political world than one that counts on representatives of only one class. That is why the rule of the many will always be better than the rule of the few (CW XIX, 399). If a monarchy were to make decisions as wise as the ones made by a democracy, the king would have to be "an all-seeing one" – that is to say, he would have to gather within himself all social perspectives (ibid.). Even if we granted the possibility of having an individual with such capacity, a monarchy would still be worse than a democracy, for it would leave citizens "without any potential voice in their own destiny. . . . What sort of human beings can be formed under such a regimen? What development can either their thinking or their active faculties attain under it?" (CW XIX, 400).

The inclusion of all social perspectives in the representative body advocated by Mill in *Representative Government* corresponds to what Hilary Putnam called an "epistemological justification of democracy" (Putnam 1995, 180). Democracy is the best political regime because, among other reasons, it permits "the full application of [human] intelligence to the solution of social problems" (ibid.). The disclosure of all social perspectives allows the representative assembly to design better solutions for public issues; the more social perspectives a deliberative process analyzes, the more accurate its decisions will be (Mill [1859] 2008, 25).

The assumption underlying the epistemological justification of democracy, as Putnam shows, is that there are better or worse answers for the problems a society may

face (Putnam 1995, 186). The same assumption, indeed, is present in *Representative Government*: albeit Mill does not hold that every political question has a more adequate set of answers, he believes that an inclusive and democratic communication can produce, in many cases, wiser decisions and better laws. Mill's philosophy thus subscribes to what one could call *political cognitivism*: the recognition that, at least for some political questions, there is a standard according to which a governmental action can be classified more or less correct (Landemore 2013, chap. 8). An inclusive democracy is the regime better equipped to follow that standard because it offers greater "cognitive diversity": once it is able to count on the presence of representatives from every social group, the decision-making process earns the ability to scrutinize the social world and its problems from different angles and points of view (Landemore 2013, 179). Mill endorsed the two theses that José Luis Martí classifies as constitutive of epistemic democracy: (i) *the ontological thesis*, according to which there is one criterion of correctness for political decisions; (ii) *the epistemic thesis*, according to which democratic deliberation is the best way to know such criterion (Martí 2006a, 196-7). Mill conceived of democracy "as a cognitive process, fashioned to maximize the production, accumulation, and implementation of politically relevant truths" (Holmes 1995, 179).

Although Mill praises democracy for bringing about more justice and human development, he also argues that a persuasive defense of democracy should include a third benefit. For him, democracy should be defended as the best political regime because it also tends to produce wiser decisions (Gutmann 1980, 55). The "discussion and management of collective interests [by the people] is the great school of that public spirit, and the great source of that intelligence of public affairs, which are always regarded as the distinctive character of the public of free countries" (CW III, 944). If it

is true that democracies “are perpetually making mistakes,” it is also true that “they are perpetually correcting them too” (CW XXVIII, 66).

1.4 Pragmatism and the democratic conception of truth

Throughout this article, we have been careful not to use the terms *episteme* (ἐπιστήμη) and *doxa* (δόξα) precisely in order to avoid reproducing the Platonic dichotomy that undergirds the critique offered by the detractors of epistemic democracy.¹⁵ The way in which Plato transposes such dichotomy into the political realm is indeed dangerous to democracy, if only because his conception of “truth” and “knowledge” (*episteme*) denotes immutable and ahistorical entities, the access to which would be reserved only for the few. When faced with the Platonic split *doxa* vs. *episteme*, we have two options: either we keep it and thereby exclude truth claims from the political debate; or we jettison it and recognize that knowledge and truth are also social and historical creations.

Although the critics of epistemic democracy embrace the first option, the fact is that, at least since the 18th century, many philosophers have questioned the Platonic conception of truth (Landmore 2013, 226). As chapter two of *On Liberty* points out, truth not only does not deny liberty and conflict but can also itself be the outcome of a free, inclusive, and conflictive debate. This new conception of truth is another resource Mill’s philosophy offers us for constructing a viable defense of epistemic democracy.

According to Mill, truth can be reinterpreted as the product of an ongoing process of collective investigation that, just like democratic politics, is filled with

¹⁵ Robert Talisse argues that the common feature of all detractors of epistemic democracy is the uncritical acceptance of the “crucial principle underlying Platonism,” to wit, the thesis that political cognitivism requires a metaphysical commitment to “fixed and immutable” entities (Talisse 2005, 100-1).

dissent and conflict. No wonder then William James dedicates his *Pragmatism* “to the memory of John Stuart Mill,” the so-called “leader” of the pragmatist movement (James [1907] 1987, 480). As Jamesian pragmatism has persuasively shown, Mill’s conception of truth is conducive to democracy.

In *Pragmatism*, particularly in lectures two and six, James takes forward Mill’s considerations on truth and explains that one of the greatest advantages of pragmatism would be to present a “democratic” conception of truth (James [1907] 1987, 522ff). “The most fateful point of difference between being a rationalist and being a pragmatist is [that] rationalism will . . . never [allow] that either reality itself or truth itself is mutable” (James [1907] 1987, 585). The rationalist critics against whom James defends his philosophy conceived of “Truth with a big T, and in the singular”; pragmatism, instead, believed there are only “truths in the plural” (James [1907] 1987, 588, 581).¹⁶ “Truth for us is simply a collective name for verification-processes . . . Truth is *made* [by human processes]” (James [1907] 1987, 581).

What hardens the heart of every one I approach with the [pragmatist] view of truth . . . is that typical idol of the tribe, the notion of *the* Truth, conceived as the one answer, determinate and complete, to the one fixed enigma which the world is believed to propound. . . . By amateurs in philosophy and professionals alike, the universe is represented as a queer sort of petrified sphinx whose appeal to men consists in a monotonous challenge to his divining powers. *The* Truth: what a perfect idol of the rationalistic mind! I read in an old letter—from a gifted friend who died too young—these words: “In everything, in science, art, morals and religion, there *must* be one system that is right and *every* other wrong.” How characteristic of the enthusiasm of a certain stage of youth! At twenty-one we rise to such a challenge and expect to find the system. It never occurs to most of us even later that the question ‘what is *the* truth?’ is no real question (being irrelative to all conditions) and that the whole notion of *the* truth is an abstraction from the fact of truths in the plural (James [1907] 1987, 591).

¹⁶ James distinguishes truths that refer solely to “matters of fact” from truths that refer to “[r]elations among purely mental ideas” (James [1907] 1987, 577). The latter are different than the former because they are immutable. The same applies to Mill, who also excluded mathematical truths from his fallibilism (Mill [1859] 2008, 41).

According to James, the secularization of truth implicit in his philosophy explained why the public of his time was not receptive to pragmatism. Since they were used to rationalists' Truth, the philosophical community of the early 20th century thought the concept of truth could not be associated with the recognition of conflicting ideas. For them, truth was something immutable that we would discover by means of 'a static relation of 'correspondence'' (James [1907] 1987, 517).¹⁷

One cannot help but find it odd how, one hundred years after James delivered his lectures on pragmatism, some scholars still insist on denying that truth can be seen as a mutable entity. What the critics of epistemic democracy overlook is that, in the history of philosophy, there are thinkers who have formulated a theory of truth which is opposed to authoritarianism and conducive to democracy. Indeed, Mill's and James's reconceptualization of truth has as one of its aims the struggle against the sectarian and antidemocratic mentality that the traditional notion of Truth as correspondence can generate.¹⁸

Mill's and James's conception of truth is compatible with democracy not only because it admits to be various and fallible, but also because it grants space for the development of conflicts, which for both philosophers could go on *ad infinitum*. According to the detractors of the epistemic paradigm, the incapacity to accommodate conflict would be one of the dangers implicit in epistemic democracy. Given the fact it

¹⁷ Notice that "discovering" is different from "actively constructing"; as Henri Bergson proclaimed in his preface to the French translation of *Pragmatism*, "one could summarize the essential of the pragmatist conception of truth with the following sentence: *whereas for other doctrines a new truth is a discovery, for pragmatism the latter is an invention*" (Bergson 1911, 11). When he affirms it as a human invention, James does not aim to reduce truth to a mere idiosyncrasy; rather, his wish is to draw attention to its socially constructed character (ibid.). It is beyond our scope to detail here how the socially constructed aspect of truth relates to its objectivity and to Jamesian epistemological realism. For an analysis that contains a good clarification on these issues, see Putnam (1997).

¹⁸ As Gianni Vattimo has put it, "the farewell to truth [as correspondence] is the commencement, and the very basis, of democracy" (Vattimo 2014, xxxiv). "As long as truth is conceived as *adequatio*, as correspondence to a given (a datum) objectively present, the danger of political Platonism never goes away" (Vattimo 2014, 3). Vattimo's recent attempt to elaborate a non-Platonic conception of truth that fortifies democracy pays tribute, as he recognizes, to the pragmatist tradition (Vattimo 2014, 133ff).

is immutable, if we imported the concept of truth into democratic deliberation, we would be forced to classify only one position as “truthful” and eliminate all the other ones as nothing but “errors” (Accetti 2014, 99-100).

That assumption does not apply to Mill and James. The truth both philosophers construct is *sui generis* precisely because it is a concept that emerges from conflict. Without conflict, truths would never be able to expand themselves. Mill claims that “truth depends on a balance to be struck between two sets of conflicting reasons” (Mill [1859] 2008, 41).¹⁹ Accordingly, James describes truth as a being that lives constantly in “battle”; “the greatest enemy of any one of our truths may be the rest of our truths” (James [1907] 1987, 587, 521). Ultimately, the verification process through which truthfulness is attained requires some degree of conflict among our truths. Millian and Jamesian truth is immune to the critiques put forward by Urbinati and her peers because (i) it is mutable and plural and (ii) it judges conflict to be indispensable for a clearer grasp of our truths.

1.5 Conclusion: on the possibility of an epistemic conception of democracy

By exploring the relationship between truth, knowledge, and democratic deliberation, Mill affords us some resources for elaborating a defense of epistemic democracy that is able to respond to the reproaches which, as we have seen in section two, some contemporary writers have advanced against it. First of all, Mill shows that the epistemic conception of democracy does not necessarily lead to the tyranny of truth.

¹⁹ As Charles Girard (2015, 191, 199) pointed out, “the epistemology of public discussion” elaborated by Mill had “the conflicting quest for truth” as one of its main components. “Mill believed that truth could only emerge from the conflict and collision of ideas” (Alexander 1965, 128). “The Millian market of ideas . . . produces a diffuse and constantly moving ‘truth’, which emerges in a dynamic form from the clash between conflicting points of view” (Landmore 2013, 88; see also Rosen 2012, 196). On the centrality of conflict in Mill’s political philosophy, see López (2014), Pollitzer (2015) and Turner (2010).

Truth can be considered a benefit of democratic deliberation without *pro tanto* becoming its ultimate normative justification. When he claims that an inclusive and democratic debate tends to promote truth and wiser decisions, Mill does not cease to assert that the ultimate normative justification for democracy would be its capacity to promote citizens' equal liberty to develop themselves (CW XIX, 383-412). Claiming that truth and knowledge are possible advantages of democratic deliberation is different from making democracy the handmaiden of truth.²⁰

By ignoring the reinterpretation of truth undertaken by the philosophy of the past two centuries and insisting on the Platonic dichotomy *doxa* vs. *episteme*, the critics of epistemic democracy obliterate the fact that, when they deliberate about politics, citizens sometimes need to invoke truth claims. To be sure, when they discuss moral issues, citizens do not need to base their positions on assertions that claim to be truthful, which is to say factual. Nevertheless, one should not forget that, besides addressing conflicting moral positions, coeval democracies also deal with public problems which may have more or less correct solutions.

When a democracy sees itself challenged by problems such as pollution, vector-borne diseases, and decreasing educational performance in public schools – to name only a few – it makes no sense to prohibit citizens from proclaiming truth claims in the political realm. In such circumstances, factual assertions are essential for evaluating the

²⁰ José Luis Martí (2006b), a fierce adherent of epistemic democracy, argues that valuing democratic deliberation for the sake of truth is compatible with the idea that the democratic procedure has a value of its own. Valuing democracy instrumentally is consistent with valuing it for its own sake (Anderson 2009 and Knight *et al.* 2016, 144). The same position is endorsed by David Estlund (2008), the philosopher whom Urbinati (2014, 93) identifies as one of the greatest examples of the epistemic paradigm she repudiates. Estlund clarifies that his epistemic proceduralism establishes only that the democratic procedure has “a tendency” to produce “correct” outcomes (Estlund 2008, 107). According to him, we must pay obedience to the democratic procedure’s outcome even when we find it “mistaken” (Estlund 2008, 108). Quoting Urbinati’s critique, Lisa Hill inaccurately mentions Estlund (2008) as one example among many “[e]pistemic democrats [who] are more concerned with the outputs of the democratic process, that is, they are unconcerned about whether the procedure used to determine issues excludes certain people or violates the equality principle: what matters is that the outcome is the *correct* one” (Hill 2016, 2-3). However, as chapter six of *Democratic Authority* makes it clear, what makes a law legitimate is its conformity to the democratic procedure, not its truthfulness (Estlund 2008, 108-10).

goodness of the course of action taken by the democratic process, for when we are dealing with problems like these it is comprehensible to assert that different decisions and political positions have different degrees of truthfulness, or rather, different degrees of efficiency for solving our problems.²¹

This is not to deny that, when they urge democratic citizens to dissociate political deliberation and truth claims, critics such as Rawls and Urbinati reveal they have a common purpose, namely, the preservation of democracy against the authoritarianism latent in the concept of Truth with a capital T. Both writers remind us of all the atrocities that occurred in our recent history on behalf of the concept. The epistemic conception also recognizes that such a conception of truth should not be invoked in political deliberation.

“What is peculiar (and indeed problematic) in Rawls’ work is that he frequently equates [lower-case] truth with capital ‘T’ Truth” (Malpas and Malpas 2012, 24). As we have seen, the same criticism is valid for Accetti and Urbinati; when they seek to ban truth claims from politics and establish that only opinions (*doxa*) or “reasonable” claims can become the object of political deliberation, Accetti (2014), Rawls (2005), and Urbinati (2014) overlook the fact that truth can be reinterpreted in such a way as to become compatible with democracy. Their position’s greatest shortcoming consists in their not recognizing that the truths associated with the epistemic paradigm of democracy have nothing to do with the conception of Truth they espouse. In other words, whereas the detractors of epistemic democracy subscribe to a Platonic notion of Truth, the defenders of the epistemic paradigm believe, in pragmatist vein, that truth is mutable and plural.

²¹ We are endorsing here the pragmatist conception of truth (present also in chapter two of *On Liberty*) which posits that truth would be a name for those assertions that so far have proved most efficient in solving our problems.

Worse still, the refusal of not recognizing truth's relevance for democratic deliberation and the vehement exclusion of truth claims from the political realm can become authoritarian. Ibsen's *An Enemy of the People*, a drama set in a small town on the coast of Norway, illustrates remarkably well how the denial of truth claims in politics might end up working as a method for silencing dissenting voices. After verifying that the water of the town is contaminated, Dr. Thomas Stockmann organizes a public meeting because he is confident that such "truth" must be exposed to political deliberation (Ibsen [1882] 1984, 132). Yet the local mayor, worried about the prospect of losing money from visitors to the thermal waters of the town, does not allow Dr. Stockmann to present his truth claim and, in addition, manages to turn the entire village against him. Frustrated by not being able to expose his views, Dr. Stockmann affirms, against the mayor, that truth is essentially mutable and that, as such, it should certainly be a topic for public discussion.²² In retaliation, the mayor and the other citizens announce that the doctor is an "enemy of the people," whereupon a series of intimidations and violent acts are committed against him and his family (Ibsen [1882] 1984, 181).

Besides portraying the authoritarianism that the attempt to ban truth from politics may cause, Ibsen's drama attests that, in some cases, democratic deliberation cannot do without truth claims. Either the water of the town is contaminated or not. Such an assertion must be investigated and deliberated by the people of the town. Together, they may come up with measures that can solve their problem. When political deliberation comprises the (re)production of knowledge, truth claims can be included in the deliberative process.

²² "DR. STOCKMANN – Do not believe me, if you want, but truths do not have, as you imagine, the resistance of a Methuselah" (Ibsen [1882] 1984, 176). This is not to claim that Dr. Stockmann was a democrat. To be sure, right after having his freedom of speech denied, he proclaims that he opposes democracy.

As explained before, associating politics and truth is not always feasible, and that is why this paper has offered a contingent defense of epistemic democracy. This is what differentiates our approach from more extreme versions of the epistemic paradigm which contend that “it is simply not possible to do without truth-claims and assumptions in politics” (Landemore 2017, 39). In order to defend epistemic democracy, one does not need to argue that it is *impossible* for political discussion to proceed without truth-claims and assumptions. Truth claims are unavoidable in politics only when political debate works as a site of knowledge (re)production. When this fortuitous circumstance obtains, conceiving of democracy in epistemic terms is a valid theoretical enterprise.

Article 2 (chap. one of the Portuguese version of the dissertation)

What makes representative constructivism democratic?

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Abstract: This article connects J. S. Mill's democratic theory and practice with the contemporary debate surrounding representative constructivism and argues that Mill's advocacy of female suffrage affords an empirical example of the mobilization power of representative constructivism. Studying this concrete example of constructivism alongside Mill's theory of political representation clarifies that constructivism is democratic to the extent it seeks to make citizens themselves appropriate and contest the claims that their representatives construct on their behalf.

2.1 Introduction

According to some interpreters of *Considerations on Representative Government*, the intention of John Stuart Mill in that book is to endorse what Hanna Fenichel Pitkin (1967, ch. 4) has called *descriptive representation*, the theory according to which the role of the representative is first and foremost to mirror constituents' identities and demands. In "O paradoxo da representação política," for instance, Antonio Carlos Alkmim (2013, p. 69) maintains that Mill was one of the "main

advocates” of “descriptive representation.”²³ He avers that for Mill, representatives in the assembly should “mirror . . . social and demographic attributes” of the population and describe its different “segments of opinion” in such a way as to afford a faithful “portrait” of the nation (ALKMIM, 2013, p. 69). In a similar vein, William Selinger (2015, p. 20) recently asserted that, like most liberal thinkers in modern Britain, Mill espoused a mirroring conception of representation:

In Britain, well into the nineteenth century, liberals continued to draw on the medieval theory that parliament was representative only insofar as it served as a *mirror* of the people . . . Parliament was only representative when its composition was an “express image” of the nation in its manifoldness. . . . All of the British figures [of modern political theory] – from Burke through Mill – subscribed . . . to this view of parliamentary representation.

Alkmim and Selinger are certainly not isolated instances of this interpretation; Mill’s defense of proportional representation in *Representative Government* can indeed give the impression that his conception of representation was entirely descriptive.²⁴ Closer inspection, however, proves this impression to be false. To be sure, my contention is that a careful reading of Mill’s oeuvre reveals him to be a proponent of what contemporary democratic theorists call representative constructivism. Far from simply mirroring pre-given identities and demands, representation for Mill is endowed

²³ I use the expressions “descriptive representation” and “descriptivism” interchangeably. My account of descriptive representation descends mainly from Pitkin (1967) and does not encompass contemporary defenses of descriptivism. For some contemporary proponents of descriptivism – such as Jane Mansbridge (1999) and Iris Marion Young (2000) – a descriptive representative is first and foremost someone whose personal history and background ensure that her life experiences are similar to her constituents’. Thus conceived, descriptivism becomes less opposed to constructivism, for then one need not argue that descriptive representatives should only mirror citizens’ pre-given interests and identities. One could, instead, defend descriptivism by arguing that descriptive representatives are more likely to construct original demands that resonate successfully among their constituents. Nevertheless, even when thus conceived, the emphasis on the identity between the representative and the represented makes descriptivism differ from constructivism. Though I recognize that the difference between constructivism and descriptivism tends to be less pronounced in the works of contemporary descriptivists, I still maintain that descriptivism and constructivism represent contrasting conceptions of representation and that each of them is not fully encompassed by the other.

²⁴ For other interpretations that claim that Mill was a proponent of descriptive representation, see Paulo Corval (2015, p. 250), Pietro Costa (2012, pp. 233-34) and Sujith Kumar (2013, p. 128).

with constructivist power. Accordingly, the role of the representative is not only to describe the opinions and ideas that constitute citizens' identities, but also to construct them.

In what follows, I first explain what descriptive representation consists of. Based on the works of Frank Ankersmit, Hanna Fenichel Pitkin, and Stuart Hall, I claim in section two that three basic assumptions form the crux of descriptivism: (i) representation is bereft of creative power; (ii) representative democracy is a second-best system for direct democracy; (iii) the object to be represented is fully formed before representation takes place. Then, in section three, I show how each of these assumptions is challenged by constructivism, the main features of which are clarified with the help of contemporary political theorists such as Lisa Disch, Samuel Hayat, and Ernesto Laclau.

Next, in section four, Mill's democratic theory is scrutinized in order to substantiate the thesis that he subscribed to representative constructivism. It is argued that Mill's endorsement of constructivism is connected with his conception of representation as advocacy and his encomium on compromise. Section five shows that Mill espoused constructivism not only in theory but also in practice. Indeed, Mill's advocacy of female suffrage in the House of Commons in 1866 affords an empirical example of the mobilization power of representative constructivism. Studying this concrete example of constructivism, I contend, can help us identify the two main characteristics that differentiate democratic constructivism from fascism. Section six explains that Mill's democratic constructivism is connected with his *agora* model of political representation. The article concludes that Mill's theory and practice regarding political representation give us resources to understand what makes representative constructivism democratic. Constructivism is democratic to the extent it seeks to make

citizens themselves appropriate and contest the claims that their representatives construct on their behalf.

2.2 Descriptive representation

Chapter four of Pitkin's *The Concept of Representation* is the locus classicus for understanding what descriptive representation is. Put simply, descriptivism is the theory in which the role of representation is simply to describe a pre-given social and political reality that is formed before representation takes place. "What such an approach often produces, is the view that a representative body is distinguished by an accurate correspondence or resemblance to what it represents, by reflecting without distortion" (PITKIN, 1967, p. 60). As one of its early proponents put it, descriptivism posits that "the legislature ought to be the most exact transcript of the whole society," "the faithful echo of the voices of the people" (WILSON quoted in PITKIN, 1967, p. 61). Descriptivism can thus be interpreted as "the *mimetic* theory of representation," according to which "the representation of the people should reflect the people represented" in an accurate manner (ANKERSMIT, 1996, p. 28). Mimesis, mirror, echo, reflection – these words all convey descriptivism's main characteristic: the idea that representatives should only copy (not construct) the object they aim to represent. Hence, argues Pitkin (1967, p. 90), descriptivism deprives representation of any creative power:

Finally, the view of representation we have been discussing [i.e., descriptivism] does not allow for an activity of representing . . . It has no room for any kind of representing as acting for, or on behalf of, others; which means that in the political realm it has no room for the creative activities of a

representative legislature, the forging of consensus, the formulating of policy, the activity we roughly designate by “governing” . . . there is no room within such a concept of political representation for leadership, initiative, or creative action. The representative is not to give new opinions to his constituents, but to reflect those they already have.

According to Pitkin, descriptivism’s longing for a “pure” representation that only copies and mirrors constituents’ identities puts into question its very representative character. It “sounds odd to say that the mirror ‘represents’ my face . . . Somehow ‘presents’ or ‘shows’ seems more natural here, as if the image is so much like the original, so faithful and accurate, that it is not a *re*-presentation at all” (PITKIN, 1967, p. 72). In politics especially, representation is inextricably bound up with the idea of animated work, a sort of making that requires from representatives the power to act. According to Pitkin (1967, ch. 10), it makes no sense to talk about political representation when the power to act is the prerogative of only one side of the representative relationship. Political representation, she insists, emerges out of the joint action of representatives and the represented. When the latter do all the acting and decide everything, representation is no longer in place and what we have then is direct democracy.

Pitkin’s (1967, pp. 82, 84) extensive analysis of the concept of descriptive representation discloses that descriptivism conceives of representation as a second-best system for a direct, non-mediated form of politics:

Certainly some writers [who endorse descriptivism] seem to assume that the essential function of a representative body is to vote yes or no on proposals put before it, and that the measure of its representativeness is essentially whether it votes as the whole nation would if the question were put to a plebiscite. The representative must simply vote as their constituents would; and the same result could be achieved by local plebiscites . . . This kind of justification . . . is linked with radical democratic ideology, according to which direct democracy is the ideal system of government and representation a mere second-best approximation.

The justification for descriptive representation is premised on the fact that mass societies cannot institute direct democracy and hold plebiscites on a constant basis. Descriptivists' abhorrence of any "impurity" that the intermediation process involved in representation could produce or add to constituents' original views is connected with their aversion to representation. Representation becomes "impure" for descriptivists when, instead of reproducing citizens' pre-given views, it "distorts" them by adding things that did not exist before.

Besides demeaning representative democracy as a poor substitute for direct democracy, another presupposition inherent in the logic of descriptive representation is that constituents have fully formed positions on every subject the representative will discuss in the national assembly. Descriptivists "sound as though everyone has opinions ready on every possible question, and hence the only political problem is to get accurate information about a national opinion which already exists" (PITKIN, 1967, p. 82). As Stuart Hall (1997, p. 24) explains, descriptivism assumes that the goal of representation is simply to imitate a pre-existing object "that is already there and fixed in the world." In sum, descriptivism is composed of three basic assumptions: (i) representation is bereft of creative power; (ii) representation is a second-best system for a non-mediated, direct form of politics; (iii) the object to be represented is fully formed before representation takes place.

2.3 Representative constructivism

Constructivism can be opposed to descriptive representation because it challenges the three main assumptions that undergird descriptivism. In contemporary democratic theory, constructivism became popular mainly through the work of Laclau (DISCH, 2015, p. 490). In *Emancipation(s)*, Laclau (1996, p. 87) claims that “no pure relation of representation is obtainable because it is of the essence of the process of representation that the representative has to contribute to the identity of what is represented.” To clarify his claim, Laclau gives the example of a representative who seeks to defend in the national assembly the interests her constituents have in maintaining the price of agricultural products. Even in this case, the role of the representative is not simply to reflect a fully formed interest, because

the terrain on which this interest must be represented is that of national politics, where many other things are taking place, and even something apparently as simple as the protection of agricultural prices requires processes of negotiation and articulation with a whole series of forces and problems that far exceeds what is thinkable and deducible from place A [i.e., the place where constituents initially formulated their interest]. So, the representative *inscribes* an interest in a complex reality different from that in which the interest was originally formulated and, in doing so, he or she constructs and transforms that interest. But the representative is thus also transforming the identity of the represented (LACLAU, 1996, p. 98).

For Laclau, this constitutive dimension is inescapable in representative politics. Representation is a constructivist relationship that transforms the identities and demands of the subjects involved in it. From such perspective, it would be incorrect to envisage representation as a relationship that takes place “between two constituted social identities” (HAYAT, 2013, p. 132). In the constructivist approach, representation is cast as an interactive process that generates “subjectivation effects” (DISCH, 2014, p. 25 and HAYAT, 2013, p. 131). As a contemporary defender of constructivism remarks, “acts of representation do not simply reflect constituencies and their interests but help to bring them into being” (DISCH, 2012, p. 600).

By underlining the creative power of representation, constructivism also casts doubt on the third assumption of descriptivism, namely, the idea that the object to be represented is fully formed before representation takes place. The object of representation – the interests and demands that constitute the identity of a political group – is fully formed only through the representative process. This may seem counterintuitive at first glance, but think about a situation in which constituents have no ready opinion about a topic the representative must analyze in the assembly. In such case, the role of a representative is precisely to construct a position her constituents do not have.²⁵

The last assumption of descriptivism that constructivism denies is the idea that representative democracy is the second best of direct democracy. Constructivism is part of the so-called “representative turn” in contemporary democratic theory, an intellectual movement which gained force in the 1990s that “set about reclaiming representation in the name of democracy” (VIEIRA, 2017, p. 5). According to constructivism, the proper response to the democratic deficit of coeval representative governments is the demand for more representation, not less (LACLAU, 1996, p. 99). As one constructivist has explained,

Representation is not a device for solving the practical problem of getting all citizens together somewhere, not a *faute de mieux* for direct democracy, but the indispensable and the only constitutional procedure for generating the political power needed to solve our most difficult political and social problems. Even if a direct democracy were realizable . . . representation would *still* be preferable by far. Without representation, our society degenerates into a chaos in which we are both helpless and powerless (ANKERSMIT, 1996, p. 51).

²⁵ Such construction should not be confused with an arbitrary imposition of demands by the representative over the represented. This will be further explored in section five where I differentiate democratic constructivism from the fascist theory of representation.

Representation is indispensable for coping with the problems democracies face nowadays insofar as it allows collective power to emerge. Representation is crucial to the generation of democratic power because it requires individuals to group their demands into a more or less coherent whole, which then will be defended by their elected representative in the assembly. In the absence of representation, popular participation risks flowing into an ocean of idiosyncratic demands that are unable to coalesce into a collective program of action, the upshot of which is political powerlessness.

2.4 Representative constructivism in Mill

Before spelling out Mill's representative constructivism, it would be good to explain why he should not be read as a proponent of descriptive representation. Mill's rejection of descriptivism becomes explicit in chapter twelve of *Representative Government*, where the delegate conception of representation is rejected, and the use of imperative mandates discouraged. Popular in the Middle Ages, the imperative mandate forbade representatives from doing anything beyond what had been expressly ordered by constituents (GOYARD-FABRE, 2003, p. 128 and TOMBA, 2018, pp. 108-10). Imperative mandates thus presumed representation should be purely descriptive and reduced representatives to the function of "mere delegates" who could only describe the static interests constituents had previously instructed them to defend (CW XIX, p. 504).

To the extent they further descriptivism, Mill thinks imperative mandates should not be adopted in a representative democracy.²⁶ He argues that “electors” would act “unwisely” if they expected “absolute conformity to their opinions” from their representative (CW XIX, p. 506). When citizens who belong to the same political group ask a representative to present in the assembly a common demand they have, they cannot foresee the opposition, or even sheer indifference, that their demand might arouse from the part of other representatives. Unlike them, the representative has to negotiate with people who come from very different social and political backgrounds. The debate she has to carry out in the assembly is much more agonistic than the one where the demand to be represented was originally drafted. As Mill remarks, the national representative assembly is

at once the nation’s Committee of Grievances, and its Congress of Opinions; an arena in which not only the general opinion of the nation, but that of every section of it, . . . can *produce* itself in full light and challenge discussion; where every person in the country may count upon finding somebody who speaks his mind . . . not to friends and partisans exclusively, but in the face of opponents, to be tested by adverse controversy (CW XIX, p. 432, emphasis added).

Mill’s endorsement of constructivism is quite pronounced in this passage. The role of representation is not simply to reflect constituents’ pre-given opinions and demands, but rather to *produce* them in full light. Such transformation of constituents’ opinions and demands is due to the conflict-ridden deliberative setting of the representative assembly. Mill believed that discursive conflict was a constructive force in politics (ROSENBLUM, 2008, pp. 144-45). The collision of rival political

²⁶ For representative governments that are not properly democratic, however, Mill thought the use of imperative mandates was acceptable (see CW XIX, p. 508).

perspectives enlarges citizens' comprehension of the problems that beset the polity and in that sense, Mill argues, improves the perspective of each participant.

At first glance, one might think that relating Mill to representative constructivism, a theory that has become prominent in democratic theory only recently, would be subject to the charge of anachronism. Yet, its recent acclaim notwithstanding, constructivism, as Pierre Rosanvallon shows in *Le peuple introuvable*, was already present in nineteenth-century theories of political representation. The title of his book alludes to the fact that, for several French thinkers in the nineteenth century, "the people" did not pre-exist their invocation made by the representative process (ROSANVALLON, 1998, p. 24). The task of representation for them was precisely to "construct" the people like a sculptor constructs "a work of art" (ROSANVALLON, 1998, p. 208). Rosanvallon (1998, p. 231) thus concludes that a significant part of nineteenth-century theories of representation was "constructivist," not "descriptive."

One could retort that, even if representative constructivism was present in France, in England only the mirroring conception of representation existed. That is, for instance, the interpretative strategy taken up by Selinger. Seeking to offer a very general and comprehensive analysis of political representation in modern political theory, he differentiates the French theory of parliamentary representation from its British counterpart, arguing that the main difference between them was that the latter, unlike the former, was solely descriptive (SELINGER, 2015, p. 20).

The aforementioned passage extracted from Mill's *Representative Government* suffices to put Selinger's interpretation into question (see CW XIX, p. 432). As John Wyon Burrow's (1988, p. 71) study of Victorian political thought indicates, there were

two rival conceptions of representation in nineteenth-century British political thought.²⁷ Whereas theorists such as George Charles Brodrick (1879, p. 137) submitted that the role of the representative was only to mirror and echo citizens' pre-given opinions, other British writers believed the representative should oftentimes be a "guide rather than a receiver, with a responsibility to his vision of what Mill called 'a certain order of possible progress'" (BURROW, 1988, p. 71).

Why have some scholars misread Mill as a supporter of descriptive representation? The answer to this question lies in chapter seven of *Representative Government*. There, Mill advocates for proportional representation and affirms that "minorities should be adequately represented. No real democracy, nothing but a false show of democracy, is possible without it" (CW XIX, p. 452). Given Mill's endorsement of proportional representation, it is understandable that some readers have associated him with descriptive representation, for proportional representation has been historically used as a justification for descriptivism (PITKIN, 1967, p. 62). For many proportionalists, the representative should be a replica of her constituents whose main function would be to reflect without distortion their opinions. That, however, is not Mill's view. As Nadia Urbinati has argued, what is unique about Mill's defense of proportionality is that it is based upon a concept of representation as advocacy, not descriptivism.

"Advocacy has two components: the representative's 'passionate' link to the electors' cause, and the representative's relative autonomy of judgment" (URBINATI, 2002, p. 81). On the one hand, the passionate link to the electors' cause gives representatives strong opinions and thus injects conflict in political deliberation. The

²⁷ On the presence of both descriptive and non-descriptive theories of political representation in Victorian political thought, see also Gregory Conti (2019).

fact that representatives are partisans and not impartial observers is good because objections have force when they come “from persons who actually believe them, who defend them in earnest, and do their utmost for them” (CW XVIII, p. 245).²⁸ On the other hand, their relative autonomy of judgment avoids deliberation degenerating into blind dogmatism and gives room for political compromise, a practice Mill deemed necessary for the provisional resolution of public problems to be achieved (CW, XIX, p. 344). In representation as advocacy, “the conflict of interests is admitted, but also controlled by the distance that representatives are able to keep in relation to the positions they advocate” (MIGUEL, 2014, pp. 247-48). This distance is what allows representative constructivism to emerge.

“[C]ertainly, all interests or classes ought to be represented, that is, ought to have . . . advocates” (CW XIX, p. 465). For Mill, when we select a representative, we do not look for a copy of ourselves who will simply repeat verbatim our demands in the assembly (URBINATI, 2002, p. 87). Were that the case, selecting a representative would not make any sense, for our wish would then be direct participation in the legislative process, not representation. When a political group chooses a representative, Mill contends, what they look for is a skillful advocate, someone who will best defend their interests in a deliberative setting where negotiation and compromise are unavoidable. Indeed, representative democracy for Mill is inconceivable without “the spirit of compromise,” an expression he uses to denote a non-dogmatic approach to politics (CW XIX, p. 344).²⁹

The willingness to compromise, which Mill associates with representative constructivism, recognizes one basic feature of Millian democracy: antifoundationalism,

²⁸ On Mill’s appreciation of parties and partisanship, see Bruce Kinzer (2007, ch. 6) and Russell Muirhead (2014, pp. 99-105).

²⁹ For a fuller exploration of Mill’s theory of compromise, see Dennis Thompson (2007).

the theory according to which transcendental foundations and absolute certainty are not available in politics. Presenting an idea that would be later explored by Hans Kelsen (1929), Mill links democracy with the recognition of citizens' fallibilism.³⁰ Since we can all be equally wrong, the best way to reach public decisions is by listening to what everybody has to say. Democracy for Mill requires giving up the pretension that one has access to absolute certainty – that is, it requires that one recognizes oneself as a fallible being who, in order to acquire knowledge, needs to analyze opposing arguments about the same issue. The mind-set of compromise, which ensues from representative constructivism, fulfills this requirement and, to that extent, favors democracy. As Mill highlights in his vindication of the French Revolution of 1848, those who are used to compromise end up recognizing the value of conflict and the necessity of constructing public policies that can accommodate the largest number of political perspectives possible (CW XX, p. 331). As the next section underscores, democratic constructivism is bound up with an agonistic conception of politics.

2.5 Mill's advocacy for female suffrage as an example of the mobilization power of political representation

After writing extensively about political representation, Mill was elected to Parliament for Westminster in 1865. In this section, I briefly overview his performance as a political representative in the House of Commons in order to argue that Mill subscribed to representative constructivism not only in theory but also in practice. Mill's advocacy for female suffrage affords an empirical example of the mobilization

³⁰ On the similarities between Mill's fallibilism and Kelsen's democratic theory, see Lars Vinx (2007, pp. 136-37).

power of representation that contemporary democratic theorists ascribe to constructivism:

[Constructivism] makes the mobilization conception of political representation analogous to aesthetic and literary models of representation that emphasize that representations are performative: representing is an activity that produces ontological effects while seeming merely to follow from an existing state of affairs . . . Representing rouses a constituency to action by giving it a picture of itself that enables it to recognize itself in terms of a “generality” – a common enemy, shared problem, shared virtue – that is neither given nor self-evident but must be narrated into being (DISCH, 2017, p. 145).

When in 1866 Mill proposed in the House of Commons a bill that sought to legalize female suffrage, he mobilized several citizens to action and brought a new constituency into being: the National Society for Women’s Suffrage (COLLINI 1984, p. xxxiii; GRIFFIN, 2012, pp. 12-3). This is not to obliterate the fact that before 1866 there were women in England who were fighting against their subordination and who organized to demand, for instance, greater access to education and to the job market; Mill himself recognizes that in *The Subjection of Women* (CW XXI, pp. 270-71). Rather, it is only to acknowledge – as Françoise Le Jeune (2010, p. 116) does – that Mill’s representation in the House of Commons introduced a topic that until then was non-existent in parliamentary politics in England, namely, female suffrage.³¹ As Mill narrates in his autobiography, a consistent social movement advocating for female suffrage in England only emerged with the National Society for Women’s Suffrage, which was mobilized and constructed because of Mill’s political performance in the representative assembly:

³¹ This is not to say that female suffrage was non-existent outside parliamentary politics. To be sure, representative constructivism should not be read as a creation *ex nihilo* (ALMEIDA, 2018, p. 6). The performative power of constructivism to bring a new reality into being is always limited by an already existent and sedimented political milieu. Although Mill’s performative representation was doubtless responsible for aggrandizing and transforming the concern for female suffrage into a topic of great political import, such concern was already shared among some individuals in England.

For women not to make their claim to the suffrage at the time when the elective franchise was being largely extended, would have been to abjure the claim altogether; and a movement on the subject was begun in 1866, when I presented a petition for the suffrage . . . But it was as yet uncertain whether the proposal would obtain more than a few stray votes in the House: and when . . . the votes recorded in favour of the motion amounted to 73 . . . the surprise was general and the encouragement great . . . The time appeared to my daughter, Miss Helen Taylor, to have come for forming a Society for the extension of the suffrage to women (CW I, p. 285).

The Society Helen Taylor created was the National Society for Women's Suffrage, a social movement that was instrumental in winning women in England the right to vote. No wonder then that Millicent Garret Fawcett, one of the leading activists in the British women's movement, claimed that the very existence of a women's suffragist movement in England was due to Mill (STANTON, 1884, p. 35).

In a letter sent to a friend in 1866, in which he explained why he advocated for female suffrage in a time when most voters in England were not in favor of such cause, Mill wrote: "I look upon the House of Commons . . . as an elevated Tribune or Chair from which to preach larger ideas than can at present be realized" (CW XVI, p. 1234). Mill knew that what mattered was mainly the performative effects of his speeches in favor of female suffrage, not the legislative outcome per se. He predicted that politicians would be "shocked" with his proposal and anticipated that the bill was not going to be approved by the majority of the House of Commons (LEYENAAR and OLDERSMA, 2007, p. 65). Mill was not frustrated when his prognosis turned out to be right, for his main goal was to recruit constituencies that would themselves demand female suffrage.

In a letter sent to Caroline E. Liddell in 1866, Mill explained he wanted women *themselves* to fight for political emancipation, if only because that would offer a very effective response against conservative politicians who argued that women did not care about the suffrage (CW XV, p. 168 and POPPA, 2017, pp. 67-8). The italics on *themselves* are to highlight the democratic credentials of Mill's constructivism. To be

sure, Mill's political theory indicates that representative constructivism should not be seen as necessarily inimical to democracy.³² This is not to deny, of course, the historical connections between constructivism and "the fascist theory of representation" (PITKIN, 1967, p. 107). From the historical association between fascism and representative constructivism, however, one should not infer that the latter is doomed to be at odds with democratic representation. The articulation between fascism and constructivism is contingent and, therefore, can be avoided. As Mill's advocacy of female suffrage testifies, representative constructivism *can* be democratic.

A good prolegomenon for understanding how constructivism and democratic representation can become compatible is to figure out in what ways fascism made representative constructivism incompatible with democracy. Once again, Pitkin's seminal work is of great help. In chapter five of *Concept*, Pitkin (1967, pp. 107-8) explains that the fascist theory of representation amounts to a denial of democracy because

in fascist theory . . . the leader must force his followers to adjust themselves to what he does. . . . The leader creates the unity of wills among his followers out of his own inner resources, and aligns them to himself. . . . Representation is a power relation, that of the leader's power over his followers; Hitler claimed that he had greater right to say that he represented his people than any other statesman. Representation may be a matter of consent, but this consent is created by the leader's energy, intelligence, and masterful personality. For the fascist, no other conception is possible, because the people are amorphous and incapable of action and will.

The fascist strand of constructivism is incompatible with democratic representation because it turns the people into passive recipients of the representative's constructions.³³ In fascist representation, constituents cannot complement, let alone

³² For interpretations that stress the incompatibility between representative constructivism and democracy, see Debora C. Rezende de Almeida (2017, pp. 6-16) and Paulina Ochoa Espejo (2017, pp. 619-20).

³³ Hannah Arendt (1973, p. 325) observes in *The Origins of Totalitarianism* that without the totalitarian leader, the masses "would lack external representation and remain an amorphous horde . . . Hitler, who was fully aware of this . . . expressed it once in a speech addressed to the SA: 'All that you are, you are

contest, the claims that the representative constructs and imposes upon them. Fascism thus impedes the emergence of the two main attributes of democratic constructivism. For one thing, fascist constructivism makes representation linear and unidirectional, as though political interests and demands could flow only in one direction: from the representative to the represented, from the fascist leader to the people. By thus conceiving representation, fascism effaces the interactivity that characterizes democratic constructivism (DISCH, 2016, pp. 94-5). Constructivism is democratic when the representative relationship it implies is circular and functions as “a two-way process: a movement from represented to representative, and a correlative one from representative to represented” (LACLAU, 2005, p. 158). Democratic constructivism is necessarily “a two-way street” because it entails multiple communicative exchanges between representatives and their constituents (SAWARD, 2010, p. 47).

Rather than transparently transmitting pre-given interests, or simply constituting them in a top-down fashion, democratic constructivism comprises a to-and-fro movement between the representative and the represented that constantly modifies and adapts the political interests in question. Unlike fascist constructivism, there is no clear-cut distinction between a purely active role and a purely passive role in democratic constructivism. The representative claims that emerge out of democratic constructivism are constituted by both representatives and constituents. The former are, of course, the ones who first construct and advance a representative claim in the public arena. Nevertheless, once exposed to the public, a representative claim is engaged critically by the audience it seeks to address (GEENENS *et al.*, 2015, p. 520). In a democratic

through me’.” I concur with Arendt’s (1973, p. 325) distinction between fascism and totalitarianism and agree that not every fascist leader is totalitarian, but that every totalitarian leader is necessarily fascist insofar as he also seeks “uncontested rule over the country.” The kinds of representation that the totalitarian and fascist leaders embody are similar, for both of them evacuate contestation from political representation (SACCOMANI, 2010, p. 466). Therefore, Pitkin is right when she identifies Hitler as an exponent of fascist representation.

government, a representative claim is successful only to the extent it is absorbed and reshaped by constituents.

Moreover, fascism obliterates the agonistic dimension of representation that is part and parcel of democratic constructivism. As Michael Saward (2010, p. 54) puts it, what constructivism emphasizes is that “there is no representative claim without its being open to a counterclaim or a denial of claim from part of its audience.” The meaning of representation is not fixed in democratic constructivism; rather, it is always caught up in a battle of interpretations (ARDITI, 2015, p. 97).³⁴ Constructivism is democratic when constituents have the power to contest and alter the representative claim a politician had originally put forth on their behalf. Even though both fascist and democratic constructivism presume that political interests and identities are formed through representation and are not prior to it, only the latter acknowledges that the conflict between representatives and constituents – and among constituents themselves – has constructivist power over political interests and identities.

Especially in the case of Mill, democratic constructivism builds upon the thesis that conflict is a prime source of both political and individual development. Like many writers of the nineteenth century, Mill was deeply influenced by the *Bildungstradition* and considered conflict to be of paramount importance for self-development (AUDARD, 2009, pp. 86-92 and MERQUIOR, 2014, p. 56).³⁵ His democratic agonism identifies contestation as a way to give vent to the creative possibilities of the self. Mill’s endorsement of representative constructivism is related to his dynamic

³⁴ Constructivism presumes that “it is proper to the nature of meaning not to exist in things themselves. Meaning has to be searched for, a search that constitutes its own foundation” (LEMINSKI, 2011, p. 13). This constitutes a major difference with descriptivism, which assumes that meaning lies in the object itself (HALL, 1997, p. 24).

³⁵ One of the main theses advanced by the *Bildungstradition* is that conflict has the power to construct the self: “with the beginning of the nineteenth century it became clear that *Bildung* is connected to the development of the individual subject, to the development of a person, who has to ascertain him/herself in an area of conflict which is given from the experience of its regulations originating from its nature and social contexts” (WINKLER, 2012, pp. 96-7).

conception of the self as a social construct that is shaped, *inter alia*, by political conflict. By allowing contestation between representatives and constituents to take place, democratic constructivism is conducive to self-development and liberty. It is therefore incorrect to suggest that Mill defended female suffrage only on protective grounds. Mill did not think women needed the vote just because they lacked an instrument to defend and protect their pre-given interests. To the contrary, he believed women should be enfranchised precisely because that would be an opportunity for them to develop themselves and formulate collectively their interests.³⁶

2.6 Democratic constructivism and the *agora* model of political representation

Citizens' power to contest the proposals offered by their representatives is what safeguards the democratic character of constructivism. But what makes contestation possible in the first place? Mill addresses this concern in *Representative Government* when he advances his "*agora* model" of political representation (URBINATI, 2002, ch. 3). In the beginning of the book, he asserts that if representative governments are to be democratic, they need to create an equivalent of the ancient "*agora*" (CW XIX, p. 377). The *agora* was the place in ancient democracies where citizens gathered "to discuss public matters" (CW XIX, p. 377). In the *agora* citizens could meet whenever they thought necessary and exchange their opinions about the decisions enacted in the "Pnyx," which was the official meeting place of the Athenian democratic assembly (CW XIX, p. 377). Albeit without formal authoritative power, the discussions which took place in the *agora* influenced deeply the decisions reached inside the Pnyx. This

³⁶ Mill espoused an ethical conception of voting, according to which the exercise of the franchise was a source of self-development (CW XVIII, pp. 311-40).

comes as no surprise, for the citizens who judged about political issues in the *agora* were the same ones who voted on public matters in the Pnyx.

Mill knew that modern representative governments differed from Athenian democracy, because in the former only a tiny percentage of citizens has the power to vote on political issues inside representative assemblies (RILEY, 2007, p. 231). The vast majority lack the power to do so, and that is why some scholars claim that a real democracy, one that effectively empowers the demos, cannot be reconciled with representation. Mill thinks otherwise and holds that representative governments can be democratic if they create a modern *agora*, a public space where the demos can contest the policies constructed by elected politicians and force them to take into account the views of the people. How could that be possible?

Mill answers that “the press” can offer a “real equivalent” of the ancient *agora* by upholding a space where public opinion can emerge and propagate in such a way as to influence elected representatives (CW XIX, p. 377). Mill is careful enough to add that the press can be a more or less “adequate” equivalent of the ancient *agora* (CW XIX, p. 377). As Mill warned in his 1859 critique of the tyranny of the majority, the means of communication in mass society can preclude public and critical debate once they start to propagate the ideas of only one social group (CW XVIII, ch. 2). According to Mill, the democratic character of representative governments can only be secured if the discourses and opinions circulating in the media are not monopolized. As Bruce Baum (2000, p. 82) has explained, Mill’s political theory shows that democratic representation requires the democratization of the media, for “concentration of ownership and control of the means of communication . . . profoundly conflict with democratic ideals.” The contestability of public policies constructed by elected politicians is possible only if citizens have access to a genuine public forum, which

includes and voices the judgments of all groups comprised in the demos. Mill's *agora* model of political representation shows that protecting people's power to contest the public policies enacted by politicians requires a democratic media, one that is open to and inclusive of all political views held by citizens. Democratic constructivism cannot do without a media system that allows citizens from all social groups to contest and influence their elected representatives.

2.7 Conclusion

This article has argued that Mill's theory of representation is constructivist and that a proper understanding of his political philosophy can help clarify what makes representative constructivism democratic. Contrary to what some scholars have claimed, Mill should not be read as a proponent of descriptive representation. The fact that he proposed a bill to legalize female suffrage in England bestows great force to our thesis. Why would Mill represent a cause of which his electors were not aware if he subscribed to descriptivism? Had Mill thought the duty of the representative resided solely in mirroring constituents' existing views, he would not have advocated for female suffrage (see CW XVI, p. 1234).

According to Mill, the role of the representative assembly was not simply to reproduce already existing opinions but rather to be a place where the opinion of every section of the political community could "produce itself in full light" (CW XIX, p. 432). The speeches a representative makes inside the assembly have the power to construct new opinions, which in turn can alter the way citizens see themselves and one another. Put differently, representative constructivism testifies to the social constitution of the self and promotes the formation of collective identities. It demonstrates that citizens'

interests and identities are shaped by collective processes and negates an atomistic view of society. Constructivism, in short, invalidates the idea that society is the sum of discrete and dissociated individuals.

As Mill's advocacy of female suffrage demonstrates, representative claims can call forth the creation of new collectivities and political movements. His political performance as a representative, moreover, can also answer a quandary that, since Pitkin (1967, p. 107), has led several scholars to dismiss constructivism as a non-democratic form of representation. If constructivism argues that constituents' opinions are formed by acts of representation, then how is one to guarantee that it does not transform constituents into passive recipients of whatever views the representative feels like attributing to them? This article has suggested that a response to the question can be found in Mill's political theory and practice: what makes representative constructivism democratic is the maintenance of a circular and multidirectional relationship between representatives and constituents, one in which the latter can interact with and contest the former whenever they deem necessary. Constructivism is democratic to the extent it seeks to make citizens themselves appropriate and contest the claims that their representatives construct on their behalf.

Article 3 (chap. one of the Portuguese version of the dissertation)

Democracy as compromise: An alternative to the agonistic vs. epistemic divide

(*Kriterion*, v. 60, n. 144, 2019, draft)

Abstract: The agonistic vs. epistemic dichotomy is fairly widespread in contemporary democratic theory and is endorsed by scholars as outstanding as Luis Felipe Miguel, Chantal Mouffe, and Nadia Urbinati. According to them, the idea that democratic deliberation can work as a rational exchange of arguments that aims at truth is incompatible with the recognition of conflict as a central feature of politics. In other words, the epistemic approach is bound to obliterate the agonistic and conflictive dimension of democracy. This article takes this dichotomized way of thinking to task by reconstructing the association between democracy and compromise made by John Stuart Mill, John Morley, and Hans Kelsen. It concludes that the conceptualization of democracy as compromise offers an alternative to the agonistic vs. epistemic divide that disconcerts a significant part of political philosophy today.

3.1 Introduction

The agonistic vs. epistemic divide disconcerts a significant part of contemporary democratic theory. Is democracy, as the agonistics claim, the realm of passionate conflicts? Or is it instead the realm of a reasonable consensus, a deliberation between impartial interlocutors who seek to discover truth? This either-or approach guides part

of democratic theory today and is endorsed, in different degrees and under various guises, by scholars as outstanding as Luis Felipe Miguel, Chantal Mouffe, and Nadia Urbinati.³⁷ After briefly reviewing their arguments in the next section, my goal in sections three, four, and five will be to demonstrate how the association between democracy and compromise made by John Stuart Mill, John Morley, and Hans Kelsen offers an alternative to the agonistic vs. epistemic divide that disconcerts a significant part of democratic theory today.

3.2 The agonistic vs. epistemic divide in Miguel, Mouffe, and Urbinati

Miguel (2014, p. 77) refers to the so-called epistemic turn in democratic theory as “the consensualist turn [*virada consensualista*].”³⁸ Under the influence of Habermas and Rawls, democratic theorists started to emphasize that political deliberation is a rational exercise that seeks to discover “the correct answers” to public issues and thus obliterated the constitutive role of passions and conflict in politics (Miguel, 2014, p. 281). According to Miguel (2016, pp. 45-6), the epistemic view of politics propagated by deliberative democracy ends up instituting “an unpolitical technocracy” that denies

³⁷ I am aware that what I call “epistemic democracy” and “agonistic democracy” comprise a high number of theorists whose arguments differ from one another. Far from offering a nuanced account of the multifarious character of epistemic and agonistic democracy, here my goal is simply to reconstruct the agonistic vs. epistemic dichotomy as understood by Miguel, Mouffe, and Urbinati. For an assessment of the differences between theorists working within epistemic democracy, see H el ene Landemore (2017). On the different ways in which agonistic democracy can be conceived of, see Thomas Fossen (2008), Lois McNay (2014), Paulina Tambakaki (2015), Mark Wenman (2013) and Ed Wingenbach (2011). “Agonistic” comes from the Greek *agon*, which means struggle and contest, and is here employed as a synonym for “conflictive.” I will use the expression “epistemic democracy” to denote any theory that deems democratic deliberation valuable because, *inter alia*, it can further knowledge and truth. My understanding of epistemic democracy is thus in agreement with David Estlund (2008, p. 108), a scholar who maintains that one can be an epistemic democratic without thereby claiming that democracy is valuable solely because of its epistemic-enhancing properties. Needless to say, the agonistic vs. epistemic divide that I identify in Miguel, Mouffe, and Urbinati does not imply that no difference exists between them. The critical exchange between Mouffe and Urbinati (2009) illuminates the disagreements between the two philosophers; on Miguel’s difference in relation to Mouffe and Urbinati, see *infra* note 39.

³⁸ Unless otherwise noted, all translations are mine.

citizens' freedom. Since the "correct" outcome is independent of and prior to political discussion, citizens are not free to decide which course of action they will take. Instead, they are obliged to acquiesce willy-nilly to the "true" answer that their impartial and reason-driven deliberation reveals. This line of thinking easily justifies the substitution of democracy (the rule of the many) for epistocracy (the rule of the wise). After all, "if the intention is to find the right answers, a group of technocrats would certainly fare better than the ignorant many" (Miguel, 2014, p. 281).

As Miguel himself recognizes, his praise for agonistic democracy and repudiation of epistemic democracy were influenced by Mouffe's and Urbinati's works.³⁹ To be sure, the agonistic vs. epistemic divide is also present in the political theory of both writers. In *The Democratic Paradox*, for instance, Mouffe (2000, p. 93) contends that epistemic democrats long for "a final rational solution," a hope that can only be "misguided" in politics. Focusing solely on reason, epistemic democrats negate "the crucial role played by passions and affects" in politics (Mouffe, 2000, p. 95). Their major shortcoming is the attempt to ground democracy "on a type of rational agreement that would preclude the possibility of contestation" (Mouffe, 2000, p. 92). Like Miguel, Mouffe (2000, p. 65) argues that, by conflating democracy with a passionless deliberation that aims at "truth," epistemic theorists deprive people from the liberty to challenge political decisions. They thus excise conflict from politics and *depoliticize* democracy – that is to say, they annihilate "'the political', . . . the dimension of antagonism that is inherent in human relations" (Mouffe, 2000, p. 101).

³⁹ It should be borne in mind, however, that Miguel's appropriation of Mouffe and Urbinati is a critical one. Although he is encomiastic about their criticism of epistemic democracy, Miguel reproaches Urbinati and Mouffe for trying to stifle the expression of political conflict. He claims that Mouffe's distinction between agonism and antagonism smuggles a notion of consensus into her work that serves to contain conflict (Miguel, 2017, ch. 1) and, furthermore, accuses Urbinati's conception of representation as advocacy of being inimical to conflict and popular political participation (Miguel, 2014, ch. 7 and 2018, ch. 8).

Mouffe's concept of the political descends from Carl Schmitt, a common reference for several contemporary agonistic democrats. Indeed, Schmitt's aspersion on the predominant political theory of his time resembles Miguel's, Mouffe's, and Urbinati's critiques.⁴⁰ He was one of the first philosophers in the modern period who established that an excessive emphasis on rational deliberation led scholars to misunderstand the nature of politics. In *The Crisis of Parliamentary Democracy*, Schmitt (1985, p. 35) argues that liberal proponents of parliamentary democracy such as J. S. Mill espouse a kind of political "rationalism" that has "truth" and "harmony" as its goals. Their rationalism is misleading insofar as it purports to put "discussion in place of force" (Schmitt, 1985, p. 49).⁴¹ According to Schmitt (2007, p. 28), liberalism's attempt "to transform the enemy . . . into a debating adversary" depoliticizes democracy because the rationalist deliberative model that ensues from it asphyxiates the conflictive essence of the political. Miguel's fear of an unpolitical technocracy and Mouffe's aversion to a depoliticized democracy find in Schmitt their common ancestor.

Miguel and Mouffe's dissatisfaction with epistemic democracy is also shared by Urbinati. In a series of letters she exchanged with Mouffe, Urbinati states that "deliberative [epistemic] democracy is the outcome of a rationalist project that aspires to eliminate political antagonism" (Mouffe and Urbinati, 2009, pp. 807-8).⁴² Urbinati

⁴⁰ That is not to say, of course, that Miguel, Mouffe, and Urbinati are Schmitt's epigones, for, in truth, all three scholars cast animadversion on the German philosopher. One could say Miguel, Mouffe, and Urbinati rely on Schmitt only insofar as he offers a powerful critique of liberalism's rationalist tendencies. On the differences between Miguel and Schmitt, see Miguel (2017, ch. 1). For a clarification of Urbinati's and Mouffe's criticism of Schmitt, see Mouffe and Urbinati (2009).

⁴¹ For an extensive analysis of Schmitt's critique of liberalism, see John P. McCormick (1997). As I explain in the next section, and as McCormick (1997, p. 172) himself points out, Schmitt's reading of Mill is not accurate.

⁴² I add "epistemic" because, like Miguel and Mouffe, Urbinati usually employs "epistemic" and "deliberative" synonymously when criticizing epistemic democracy. According to her, epistemic democracy "is a development from within the deliberative theory of democracy" (Urbinati, 2014, p. 93). By excoriating epistemic democracy, Urbinati thus inevitably sets herself apart from deliberative democracy, for, according to her own definition, epistemic democracy is a subfield of deliberative democracy. This is worth mentioning because Urbinati's emphasis on proceduralism could lead one to identify her as a kind of Habermasian deliberative democrat. Yet as Dario Castiglione observes, given

agrees with Mouffe that epistemic theorists “depoliticize democracy” because they want “to give more space to experts” and to institute “an unpolitical deliberation” bereft of passions and conflicts (Mouffe and Urbinati, 2009, p. 808). This critique has been reinforced in one her latest books, *Democracy Disfigured: Opinion, Truth, and the People*, where Urbinati (2014, p. 91) takes issue with “the epistemic transformation of political discourse in the deliberative theory of democracy.” She maintains that the recent epistemic turn in the deliberative paradigm disfigures democracy. The disfigured version of democracy that this recent development within the deliberative approach has provoked corresponds to what she calls “unpolitical democracy” (Urbinati, 2014, p. 81).

Properly speaking, unpolitical democracy should not be considered democratic because it “tend[s] to neutralize” the basic feature of democracy, *viz.* “dispute” (Urbinati, 2014, p. 81). By equating democracy with an impartial exchange of arguments between “reasonable” interlocutors who are eager to reach an “objective and dispassionate truth,” deliberative democrats make “politics become inhospitable to contestation and liberty” (Urbinati, 2014, pp. 123, 99). Truth, as Urbinati (2014, p. 105) sees it, carries within itself an element of coercion; a “scientist . . . capitulates before truth.” According to her account, truth is not something we actively construct. Rather, it is something before which we can simply “acquiesce” (Urbinati 2014, p. 105). In the place of the depoliticized technocracy promoted by epistemic democracy, Urbinati proposes a democratic theory that is truly political because it recognizes passions and conflict as key features of democracy.

This brief overview of Miguel, Mouffe, and Urbinati brings to the fore one common thesis that lurks behind the epistemic vs. agonistic dichotomy they endorse,

Urbinati’s stress on political conflict, such identification would be imprecise (Castiglione, quoted in Accetti *et al.*, 2016, p. 219; see also Urbinati, 2006, p. 29).

namely, the thesis that characterizing democracy as a deliberative quest for truth denies the political role played by passions and conflict. The idea that one could acknowledge the epistemic properties of democratic deliberation without undermining the constitutive role of passions and conflict in politics does not appear in Miguel's, Mouffe's, and Urbinati's writings. This absence exposes a limitation of their thinking, for the epistemic and agonistic dimensions of democracy can be compatible. In order to prove that, one must turn to the characterization of democracy as compromise found in the political philosophy of Mill, Morley, and Kelsen.

3.3 Democracy and compromise in Mill

One of the most indispensable requisites in the practical conduct of politics, especially in the management of free institutions, is conciliation; a readiness to compromise; a willingness to concede something to opponents, and to shape good measures so as to be as little offensive as possible to persons of opposite views; and of this salutary habit, the mutual give and take (as it has been called) between two Houses is a perpetual school; useful as such even now, and its utility would probably be even more felt, in a more democratic constitution of the Legislature (CW XIX, p. 514).⁴³

In *Considerations on Representative Government*, Mill maintains that compromise is a *sine qua non* for the well-functioning of a representative democracy. More than simply a form of government, democracy requires for Mill a specific "way of life," one in which citizens are willing to scrutinize their opinions and beliefs (Cajade Frías, 2006, p. 80). Such willingness goes hand in hand with the recognition of the fallible character of every human opinion. After all, the infallibility of an opinion

⁴³ Mill's depiction of compromise as a mutual give and take is reminiscent of Edmund Burke's (1787, p. 126) famous encomium on compromise: "All government, indeed every human benefit and enjoyment, every virtue, and every prudent act, is founded on compromise and barter. We balance inconveniences; we give and take; we remit some rights, that we may enjoy others."

implies that anything opposing it is necessarily wrong and ipso facto unworthy of attention.

The critical lifestyle Mill associates with democracy is intimately connected with his sociological account of the democratic regime. Influenced by “Pericles’ Funeral Oration,” Mill understood that democracy is inextricably bound up with social diversity (CW XI, p. 319). As highlighted by Pericles, democracy represents not only a *form of government*, but also a *form of society* where the uniqueness of each citizen is respected and promoted (Thucydides, 1982, pp. 109ff). Mill portrayed democracy in stark contrast to China, which in his view was a proto-totalitarian society that violently sought to expurgate every form of individual difference and conflict in order to bring about total social homogeneity.⁴⁴ Democracy is the regime where conflict and human diversity are a matter of celebration, not of condemnation.

Compromise is indispensable to democracy insofar as it fosters a non-dogmatic approach to politics. The “general habit and practice . . . of compromise” leads to the appreciation of “discordance between principles and practice, not only as the natural, but as the desirable state” of political life (CW XX, p. 331). Compromise is conducive to a democratic ethos because it makes people become used to disagreement and conflict. If by consensus we mean complete unanimity whereby further disagreements are suppressed once and for all, then it should be said that democracy for Mill is the regime of compromise, not of consensus.⁴⁵

⁴⁴ For a critical assessment of Mill’s reading of China, see Jennifer Pitts (2005, ch. 5).

⁴⁵ The distinction between compromise and consensus is not unusual among scholars who theorize the relationship between democracy and compromise (Ankersmit, 2002, ch. 5 and Bellamy, 1999, ch. 4). By claiming that compromise differs from consensus because, unlike the latter, it does not hinder the manifestation of political conflict, political theorists reinforce a negative connotation that became part of the semantic horizon of “consensus” in the English language. As Raymond Williams (1983, p. 77) emphasizes, the word “consensus” started to be used in modern English “to describe deliberate evasion of basic conflicts of principle [in politics].” Nevertheless, “consensus” can be used without invoking such negative connotation. In the *Dizionario di politica*, for instance, *consenso* is cast in a positive light as a

Compromise differs from consensus precisely because it always leaves a residue of dissatisfaction. From one's private perspective, a compromise is a second-best solution inasmuch as it requires sacrificing part of one's initial claim in order to accommodate it with opposing demands (Ankersmit, 2002, p. 209; Bellamy, 1999, p. 102; Canivez, 2010, p. 97; Fumurescu, 2013, p. 72; Gutmann and Thompson, 2012, p. 10). Yet from a political standpoint, compromises are certainly not second-best alternatives to a unanimous consensus. Unlike consensus, compromises allow representatives to graft onto legislative decisions the plurality of views held by citizens, thus furthering the democratic ideal that each citizen should have equal power to influence political affairs (Rostbøll, 2017, pp. 619-21).

Mill's appraisal of compromise is related to his critique of majoritarian democracy. A regime where majority rule is the sole criterion for the promulgation of public policies is a falsification of democracy because, in practice, it deprives minorities of political power. Mill's endorsement of the "spirit of compromise" was related to his understanding of democracy as a regime that *uses* majority rule, but that is not *defined* by the rule of the majority tout court (CW XIX, p. 344).⁴⁶ His characterization of democracy as compromise indicates that a regime where the majority can "take it all" should not be deemed democratic. Rather than signifying the rule of the majority over all the rest, democracy should be identified as "the government of the whole people by the whole people" (CW XIX, p. 448). Compromise fulfils the normative demand of

political agreement that can assume different degrees. According to the definition given in that dictionary, *consenso* is a spectrum rather than a dichotomy (Sani, 2010). Political decisions are never totally consensual; rather, they are more or less consensual, and so in this sense one is led to recognize that the word "consensus" can be defined in such a way as to become capable of harboring conflict and compromise. Even though I recognize such possibility, in this article, I employ the term "consensus" in its more usual sense underlined by Williams and follow Frank Ankersmit's and Richard Bellamy's distinction between compromise and consensus, meaning by the latter a type of unanimous concurrence that tends to elide political conflict.

⁴⁶ On the difference between democracy as compromise and "simple majority rule," see Bellamy (2018, p. 318).

democracy understood as self-government inasmuch as it grants political power both to majority and minority groups.

Since they always leave a residue of dissatisfaction, compromises are inevitably temporary. They deny the idea that a final answer can be found for political issues and acknowledge that public decisions should be open to contestation and amendment. Mill's praise of compromise is related to his constructivist conception of representation.⁴⁷ For him, political representation does not simply reproduce pre-given ideas and identities, but also constructs them through the practice of compromise. Thus, Mill was against imperative mandates, a proposal that is deeply connected with the mirroring conception of representation.

For most of those who support imperative mandates, the role of the representative is only to mirror and reflect her constituents' views, which are entirely formed and static. Mill considered imperative mandates deleterious because they ossify political preferences and obstruct the practice of compromise. Democratic deliberation requires participants to cultivate a non-dogmatic stance and to recognize themselves as fallible beings. To the extent it is dialogical, deliberation must not be equated with a succession of monologues that do not communicate because their positions are fully formed in advance. Democratic deliberation is a dialogue in which participants are willing to take into account others' positions and even to change their initial assumptions if need be. Representatives cannot foresee every opinion that will be fleshed out in the assembly. Thus it is unreasonable to prohibit them from changing their views. In short, Mill thought imperative mandates should not be adopted because

⁴⁷ Following Lisa Disch (2015, p. 490), I employ the term "constructivist" to convey "the idea that acts of representation do not *refer* to the represented in any straightforward way but work to *constitute* the represented as unified and (typically) as a bearer of interests and demands." My use of the word is also indebted to Pierre Rosanvallon (1998, p. 231), who uses the term *constructive* to designate the power representation has to construct new political identities. For an earlier version of the argument, see Rosanvallon (1985, p. 56).

they deny the very notion of democratic deliberation as a site of (re)formulation of new practices and ideas. In a representative democracy, the role of the political assembly is “to be at once the nation’s Committee of Grievances, and its Congress of Opinions; an arena in which not only the general opinion of the nation, but that of every section of it . . . can *produce* itself in full light” (CW XIX, p. 432, emphasis added). Political representation has constructivist power because the struggle between opposing perspectives in the assembly leads to compromise, which in turn produces new ideas, beliefs, and opinions that change the way citizens reason and see themselves.

The conception of political representation that springs from democracy as compromise belies the idea that society is an aggregate of dissociated atoms. Likewise, it refutes the thesis that citizens would be nothing but isolated beings with pre-given and unchangeable preferences and, moreover, sheds light on the fact that citizens (trans)form their preferences and identities collectively. The ideas that representatives express in the assembly oftentimes result from a previous union of individuals. Conversely, their unfolding inside the assembly tends to promote the gathering of other individuals, either in support or opposition to them. Ultimately, both the representative and the represented possess the power to construct the political identity of one another.

According to Mill, those who are used to compromise end up realizing that the crystallization of any given coalition of political forces is detrimental, for each balance of power creates a new group of underdogs who would benefit from unsettling the compromise that has been settled. Whereas compromises should be seen as normal outcomes of democratic deliberation, the existence of total unanimity must be, according to Mill, looked upon with distrust (Ten, 1980, p. 71). In a pluralistic democracy, total unanimity portends the existence of oppression. Mill’s presupposition is that democratic citizens living under “an atmosphere of freedom” will inevitably have

conflictive political ideas (CW XVIII, p. 267). He believes that conflict and disagreement are ineradicable in pluralistic democracies and affirms that compromise is the best way to cope with them.

To understand why compromise copes better with conflict than consensus, it is worth remembering Mouffe's criticism of epistemic democracy. In her view, epistemic democrats' longing for a "consensus without exclusion" is misguided because affirming that one political decision was based on a total consensus camouflages the fact that, in truth, some people did not agree with the final outcome of the deliberative process (Mouffe, 2000, p. 48). Mouffe's critique, however, does not apply to compromise. Countenancing compromises entails recognizing that some views were indeed excluded and that, therefore, some demands were not satisfied by the decision made. Here it is useful to recall Mill's definition of compromise as "the art of sacrificing the non-essential to preserve the essential" (CW I, p. 87). Compromise is the result of a sacrifice. It has a constitutive outside, so to speak, a set of excluded rival demands that sooner or later will destabilize it and thus prompt the creation of a new compromise. By making exclusion visible, a politics based on compromise favors and incites the contestation of public policies and of the given hegemonic order they represent. Far from attempting to eliminate disagreement, the "spirit of compromise" recommended by Mill considers conflict to be a valuable source of political creativity in a pluralistic democracy (CW XIX, p. 344). Compromise is an agreement that values disagreement, a type of concurrence that does not elude conflict.

Mill's philosophy of compromise shows that the main charge raised by Miguel, Mouffe, and Urbinati against epistemic democracy does not apply to his theory of democracy. As Urbinati (2002, p. 82) herself recognizes, Mill offers an "*agonistic model*" of democracy which is opposed to the epistemic model of "*deliberative*

democracy” she is so critical of. Unlike the latter, agonistic democracy for Urbinati (2002, p. 82) does not envisage political deliberation “as a process of public reasoning that eventually produces a ‘true’ outcome.” Here one comes up against an earlier version of the epistemic vs. agonistic dichotomy which Urbinati (2014) set forth in *Democracy Disfigured*: those who conceive democratic deliberation as a rational exchange of arguments that aims at truth deny conflict and force citizens to “relinquish the passions that fuel them and that impede the attainment of truth” (Urbinati, 2002, p. 82). According to Urbinati, since Mill recognizes the constitutive role of conflict in politics, we necessarily have to oppose his political theory to the epistemic-deliberative model she disparages.

Urbinati’s dichotomized way of thinking precludes her from acknowledging that, in fact, Mill does presume democratic deliberation to have epistemic properties. To be sure, my contention is that, once we pay attention to Mill’s, Morley’s, and Kelsen’s alliance between democracy and compromise, the whole agonistic vs. epistemic dichotomy advanced by Miguel, Mouffe, and Urbinati seems a bit exaggerated. A theory that emphasizes the rational and epistemic dimension of democracy is not doomed to neglect the fundamental role performed by passions and conflict in political life. Reason and passion, truth and conflict, are not necessarily antithetical.⁴⁸

“Truth, in the great practical concerns of life, is so much a question of the reconciling and combining of opposites . . . and it has to be made by the rough process of a struggle between combatants fighting under hostile banners” (CW XVIII, pp. 253-54). In chapter two of *On Liberty*, Mill explains that there are two kinds of truths: one that excludes objections and another that develops out of objections. The first type of

⁴⁸ The explanation of how compromise defies the reason vs. passion dichotomy is spelled out in the next section. This section only focuses on how the concept of compromise can discredit the conflict vs. truth antithesis.

truth pertains to mathematics and is immutable. The second one, by contrast, is always changing and belongs to the political realm. In politics, “the conflicting doctrines, instead of being one true and the other false, [usually] share the truth between them” (CW XVIII, p. 252).⁴⁹ In Mill’s political theory, agonistic democracy goes *pari passu* with epistemic democracy.

What Mill calls “political truth” is not an extra-political criterion that predetermines the results of democratic deliberation (CW XIX, p. 418). According to him, “only through diversity of opinion is there . . . a chance of fair play to all sides of the truth” (CW XVIII, p. 254). Many-sided, political truth is spread among citizens and it is only by deliberating and compromising our views with the views of other citizens that we can construct truth. Mill’s conception of public and parliamentary deliberation is based on a “perspectivist theory of knowledge” (Habermas, 2014, p. 314). To know the truth of any political phenomenon, one needs to study the various perspectives under which this phenomenon may be examined. What is characteristic of perspectivist epistemologies, as James Conant (2006, p. 51) and Linda Zerilli (2016, p. 268) expound, is their bold affirmation of the interplay between objectivity and subjectivity: it is only by collating and contrasting the different (subjective) perspectives on something through public debate that (objective) knowledge can be constructed. Since they address topics that are everybody’s concern, acquiring complete knowledge about political issues requires taking into account the different perspectives through which they can be viewed and experienced. Epistemic democracy becomes thus a justification for democratic inclusion: if a society aims at a more correct and truer political decision, public debate should be equally open to all.

⁴⁹ I add “usually” to avoid the impression that Mill always thought this was the case. Obviously, not every political view was equally correct for him. See *infra* note 53.

One of the goals of democratic deliberation for Mill is to produce public policies that are wiser or more correct insofar as they deal more efficiently with collective problems.⁵⁰ Compromises are required in order to produce wiser public policies. The process of combining and balancing rival perspectives on how political problems should be confronted is precisely the crux of compromise. Every compromise, Mill argues in *Auguste Comte and Positivism*, should constitute a “*juste milieu*” between conflicting arguments (CW X, pp. 263-64). This *juste milieu* or fair balance is precisely what, in other works, Mill refers to as political truth. Compromise, a democratic practice that feeds on conflict and that is unthinkable without it, is a mechanism for constructing political truth.

Before leaving aside Mill’s theory of compromise, it should be observed that Mill does not consider all kinds of compromise desirable. As noted earlier, Mill’s appraisal of compromise is related with his defense of democracy, and so compromises for him are valued to the extent that they are conducive to democracy. A democratic champion like Mill would never accept a compromise that disrespected the basic democratic principles of liberty and equality (Thompson, 2007, pp. 192-93).⁵¹ As we will see in the next section, the same was true of Morley, who also believed that compromises were legitimate insofar as they promoted a democratic ethos.

⁵⁰ I am endorsing here the pragmatist conception of truth (present in chapter two of *On Liberty* and in Morley’s *On Compromise*) which posits that truth corresponds to the assertions that so far have proved most efficient in solving collective problems. As Richard Rorty (2007, p. 34) highlights, the pragmatist theory of truth that Mill associates with political compromise can fortify “our devotion to democracy.”

⁵¹ Mill’s distaste for compromises that disrespect the principle of equality, for instance, was evident in his reaction to Governor Eyre’s response to the Morant Bay rebellion (Miller, 2005). Mill refused to compromise with the idea, endorsed by many political groups in Victorian Britain, that Governor Eyre should not be indicted for his disproportionate response to the Jamaicans’ rebellion. Such view was completely wrong for Mill because it did not deal adequately with the political crisis that Governor Eyre’s misdemeanor had produced. Paraphrasing Avishai Margalit (2010, p. 10), one could say that a compromise that accepted and justified Governor Eyre’s inhuman treatment of Jamaicans would be nothing but “a rotten political compromise.”

3.4. Democracy and compromise in Morley

Originally published in 1874, Morley's *On Compromise* is probably the only book-length text of his time to analyze the centrality of compromise in modern democracy. This is certainly different from Mill, who never devoted an entire book to the topic. Morley's conception of compromise does not need to be pieced together from various passages of his oeuvre. An examination of the main points of *On Compromise* suffices to present an adequate explanation of Morley's theory of compromise.

Morley (1898, p. 1) commences his book by defining compromise as "the practice of the various arts of accommodation." Not only the definition, but also the way in which he associates the practice of compromise with "truth" and opposes it to "fanaticism," reveal from the outset Morley's (1898, p. 4) indebtedness to Mill.⁵² Morley (1898, p. 4) reserves the term "fanatic" for anyone who "injures good causes by refusing timely and harmless concession; by irritating prejudices that a wiser way of urging his own opinion might have turned aside." Morley here alludes to the practice of "trimming," which for Mill – and for contemporary scholars such as Gutmann and Thompson (2012, p. 10) – is a fundamental element of compromise (CW XXVI, p. 370).

Trimming makes compromise possible by minimizing opposition through strategic behavior. Take for instance Mill's political performance during the parliamentary debates preceding the approval of the Reform Act of 1867, which expanded the franchise to more than thirty-five percent of the adult male population in

⁵² Indeed, the last section of Morley's book is entirely dedicated to Mill's political philosophy. Mill is quoted more than a dozen times in *On Compromise* and, as John Wyon Burrow (1988, p. 22) underscores, the similarities between their political theories reveal that Morley was "Mill's disciple." On the influence of Mill's political theory on Morley's, see also James Fitzjames Stephen ([1874] 1993, p. 229).

England (Kahan, 2003, p. 122). Mill knew that the support of the Conservative Party, which at the time had the majority in the House, was crucial to the measure's success. Faced with that circumstance, he claimed the Reform Act was a corollary "from the class theory, which we all know is the Conservative view of the constitution" (CW XXVIII, p. 61). The proletariat constituted a class and, as such, was entitled to its own representatives.

Mill was canny and invoked the conservative class theory of representation to defend the expansion of the suffrage. He insisted that the democratic aspect of the measure was not under discussion and reproached a fellow politician for arguing that the Reform Act was good because it promoted democracy. In that circumstance, justifying the Reform Act on democratic grounds was a bad strategy because conservative politicians were afraid of democracy. To avoid arousing antidemocratic biases, Mill was adamant that the Reform Act was an issue of class representation, not of democracy (CW XXVIII, p. 61). As a "democratic champion," Mill supported the expansion of the franchise, for he knew that, the larger the franchise, the more democratic England would become (CW I, p. 66). Yet, for the sake of the measure, he was willing to compromise and thus temporarily refrained from affirming the value of democracy.⁵³ By turning aside unnecessary opposition, Mill's compromise avoided legislative gridlock and helped strengthen democracy in England. As Morley (1898, p. 229) explains, identifying compromise as a fundamental feature of politics

means . . . that we ought never to press our ideas up to their remotest logical issues, without reference to the conditions in which we are applying them. In politics we have an art. Success in politics, as in every other art, obviously

⁵³ One could say Mill's strategy was successful, for, as Janice Carlisle (1999, p. 159) points out, his speech in defense of the Reform Act was very popular among conservative politicians and was instrumental in persuading them to approve the measure.

before all else implies both knowledge of the material with which we have to deal, and also such concession as is necessary to the qualities of the material.

Compromise stresses the rhetorical nature of political argumentation. A rhetorical demonstration must be given in a contingent and contextual manner because, since persuasion is its goal, it has always to take into account its specific audience, the “material” with which it has to deal (Morley, 1898, p. 229). The material Morley (1898, p. 71) speaks of is a mixture of “reason, affection, and will.” Those who deem compromise a vital aspect of democracy know that passions and affects play a pivotal role in political deliberation. Reason alone is insufficient to move the will, and if one wishes to persuade others to make a decision and follow a course of action, one needs to mobilize their passions.⁵⁴

When Morley contends that achieving a compromise demands enticing citizens’ passions, he does not demean the importance of reason in politics. A successful compromise has to appeal both to passion and reason. Compromise puts into question the passion vs. reason dichotomy inasmuch as it claims that, in order to be accepted by a group of people, a political proposal ought to “stir their love of truth” (Morley, 1898, p. 69). In a democratic debate riven with conflict, convincing the majority to accept a proposal can happen only if its proponent succeeds in making others *feel* the proposal is true – which is to say, that it deals efficiently with a collective problem. Far from being simply a rational matter, political truth is an object of passionate investment for Morley.

As we can see, the concept of truth is also a major presence in *On Compromise*. The habit of compromise, Morley (1898, p. 18) maintains, springs “from a deep sense of the relative and provisional quality of truth.” Compromise involves jettisoning the

⁵⁴ This argument can be traced back to David Hume (1992, pp. 413-18), a philosopher whose works Morley read.

idea that politics is the realm of absolute truth: “The disciples of the relative may afford to compromise. The disciples of the absolute, never” (Morley, 1898, p. 56). Influenced by Mill, Morley (1898, p. 80) holds that political truth is scattered among citizens and that compromise is an attempt to combine every “particle of truth.”

Fanaticism is anathema to compromise insofar as “faith in our infallibility is necessarily bound up with intolerance,” and compromise can only work properly with tolerance (Morley, 1898, p. 242). Following Mill, Morley (1898, p. 87) claims that the practice of compromise produces “effects upon the mind and character of the person compromising.” Those who are used to compromise admit the fallibility of their beliefs and are willing to examine their current set of political opinions (Morley, 1898, p. 132). They welcome objections to their beliefs because they are aware that being challenged is the best way to construct truth. As the last section of *On Compromise* makes clear, agonistic “discussion is the only certain means of preserving the freshness of truth in men’s minds, and the vitality of its influence upon their conduct and motives” (Morley, 1898, p. 272). To preserve our vital, passionate grasp of political truth, we need to balance conflicting positions and compromise.⁵⁵

In politics, the combination or compromise among the different “elements of truth” is bound to be provisional because, as public problems are always changing, so is political truth (Morley, 1898, p. 75). According to Morley (1898, p. 232), a compromise is bad when its “instalment [is seen] as final, followed by the virtual abandonment of hope and effort.” Compromises are deleterious when they ossify a given hegemonic constellation of power in such a way as to inhibit further contestation and social

⁵⁵ Morley here reconstructs (and endorses) the Millian thesis that a lively and meaningful apprehension of truth requires conflict (CW XVIII, pp. 247-48).

improvement (Morley, 1898, pp. 230-31). As Mill would put it, a compromise that hinders the betterment of humankind should not be accepted (Thompson, 2007, p. 177).

For both Mill and Morley, citizens can develop themselves only when they are allowed to criticize the norms and beliefs that organize their lives. A compromise that makes citizens “abstain from inquiry” and simply reinforces the status quo is noxious because it dwarfs citizens’ self-development (Morley, 1898, p. 110). Conversely, the practice of compromise is salutary when it encourages public critique by instilling in citizens the perception that they are all equally fallible. Since it preaches we could all be equally wrong, the epistemological fallibilism that ensues from Mill’s and Morley’s theory of compromise justifies the need for democratic deliberation. None of us is in possession of an absolute truth and thus we all should examine and, if need be, compromise our views when confronted with objections from others. As the next section reveals, both democracy and compromise favor the idea that transcendental foundations and absolute certainty are not available in politics.

3.5 Democracy and compromise in Kelsen

Published in 1929, Kelsen’s *The Essence and Value of Democracy* strengthens Mill’s and Morley’s link between compromise and democracy:

[T]he aim of the entire parliamentary process is to achieve a compromise between opposing interests, to produce a resultant of the various conflicting social forces. This process guarantees that the various interests of the groups represented in parliament are given a voice, that they are able to manifest themselves as such in a public proceeding. If the specifically dialectical process within parliament has a deeper meaning, then surely it is that the opposition of the thesis and antithesis of political interests somehow results in a synthesis. Here, however, this can only refer to a compromise, and not . . . a “higher” absolute truth (Kelsen, 2013, p. 70).

One of the aims of representative democracy for Kelsen is to utilize social conflict in a productive way. Rather than aiming at a final consensus or a higher absolute truth, representative democracy acknowledges conflict as an “unavoidable fact” of politics and seeks to institutionalize its expression through the proportional representation of antagonistic political groups (Kelsen, 2013, p. 40). Like Mill, Kelsen believed that the representative assembly should be “the place where the opinions which divide the public on great subjects of national interest meet in a common arena [and] do battle” (CW XIX, p. 348). In order to guarantee the perpetuity of conflict in the legislative process, both Mill and Kelsen advocated for the proportional representation of every political group (cf. CW XIX, p. 452 and Kelsen, 2013, p. 72).

For both Kelsen and Mill, democracy without proportional representation could easily degenerate into the tyranny of the majority. If democracy is to fulfil its normative demand of realizing self-government, political decisions must result from compromises made among the various political groups that the demos comprises. A politics based on compromise unites the agonistic and deliberative strands of democracy, for it allows the extant antagonism in society to unfold in a discursive manner. It permits political groups to manifest their rival passions inside political institutions, but at the same time forces them to deliberate and reach provisory agreements (i.e., compromises).

Like Mill and Morley, Kelsen claims that compromise and democracy are deeply intertwined because both presume a non-dogmatic approach to politics:

He who views absolute truth and absolute values as inaccessible to the human understanding cognition must deem not only his own, but also the opinion of others at least as feasible. The idea of democracy thus presupposes relativism as its worldview. . . . Similarly, there is nothing more characteristic of the relativistic worldview than the tendency to seek a balance between two

opposing standpoints, neither of which can by itself be adopted fully, without reservation, and in complete negation of the other (Kelsen, 2013, p. 103).

Kelsen understands that democracy and compromise are, respectively, the political regime and practice that spring from relativism – or, as we have called it thus far, fallibilism.⁵⁶ Democratic citizens are aware of the relative and fallible character that every individual political perspective necessarily has. Precisely for that reason, they acknowledge that public decisions “must be the result of a compromise between opposing interests” (Kelsen, 2013, p. 40).

As this article has underscored, political theorists who posit an inner link between democracy and compromise recognize conflict and passion as core features of political life. However, contra the agonistic vs. epistemic dichotomy, such recognition is not incompatible with an appreciation of the political relevance of rational deliberation. This is true not only of Mill and Morley, as we have seen, but also of Kelsen. Indeed, it would be imprecise to affirm that Mill’s theory of compromise differs from Kelsen’s because, whereas the former attributes epistemic properties to political deliberation, the latter does not. In the same chapter where he explains that democracy and compromise both presume relativism, Kelsen (2013, pp. 103-4) makes clear that acknowledging the relative and partial character of every human cognition does not entail immuring politics from truth:

The belief in absolute truth and absolute values furnishes the precondition for a metaphysical and, in particular, a religious-mystical worldview. The negation of this precondition, however, is the viewpoint that only relative truths and values are accessible to human cognition and that, consequently, every truth and every value must – just as the human individual who finds them – be prepared to abdicate its position and make room for others. . . . He who only relies on earthly truth and only allows human knowledge to direct social policy can justify the coercion, which the realization of that policy inevitably requires, in no other way than with the assent of at least the

⁵⁶ Following Lars Vinx (2007, pp. 136-37), I identify Kelsen’s relativism with Mill’s fallibilism. For a different interpretation, see Sandrine Baume (2017, p. 86).

majority of those who are supposed to benefit from the coercive order. . . .
This is the actual meaning behind the political system we call democracy.⁵⁷

In Kelsen's democratic theory, the refusal of absolute truth does not divorce truth and politics. Kelsen concedes that, as long as they are not of an absolute kind, truth claims can be invoked in democratic deliberation. Relative or "earthily truth" can justify public policies in a democracy because, unlike absolute truth, relative truth is conducive to compromise (Kelsen, 2013, p. 104). As Kelsen (2000, p. 134) explains in the final section of *Das Problem des Parlamentarismus*, philosophical relativism – the doctrine that denies the existence of an absolute, immutable, and everlasting Truth and, instead, holds that truth is a human-made artefact which results from a compromise, a *juste milieu* between opposing arguments – corresponds precisely to "democratic parliamentarism." Thus, Kelsen (2000, p. 133) claims Schmitt misunderstood democratic parliamentarism when, in *The Crisis of Parliamentary Democracy*, the latter asserted that parliamentary deliberation aspired to "absolute truth." When politicians deliberate in a parliamentary democracy, their target is to construct a relative and provisional truth, a compromise that is able to address collective problems in a more or less satisfactory way.

Kelsenian relativism should not be read as an attempt to insulate democracy from truth tout court. As Vinx (2007, pp. 134-35) argues in *Hans Kelsen's Pure Theory of Law*, "an adequate understanding of the relation between democracy and relativism . . . does not lead to the conclusion that moral truth-claims must be checked at the door of politics." It is one thing to affirm that human values and truth claims are relative, and yet another to argue that they are not available for political debate (Kelsen, 1955, p. 96). When Kelsen denies that political deliberation should aim at absolute truth, he does not

⁵⁷ See also "Foundations of Democracy," where Kelsen (1955, p. 16) argues that "philosophical relativism . . . recognizes only relative truth." Here it is also clear that relativism denies only absolute truth, not truth tout court.

divorce truth and politics, for he still affirms that relative truth is within the purview of democracy. Even if citizens can never achieve an absolute truth that would impart “pure” objectivity to their deliberation, the quest for relative truth nevertheless remains an important concern for them.

3.6 Conclusion

This paper has argued that the association between compromise and democracy made by Mill, Morley, and Kelsen reveals that the agonistic vs. epistemic divide which is endorsed by democratic theorists as outstanding as Miguel, Mouffe, and Urbinati should be taken with a grain of salt. What Mill’s, Morley’s, and Kelsen’s concept of compromise has to teach for contemporary scholars is that the epistemic model of democracy as a rational exchange of arguments that seeks to construct truth can indeed incorporate conflict and contestation as defining features of the democratic process. Their concept of compromise, in sum, offers an alternative to the current agonistic vs. epistemic antithesis that is espoused by a significant number of democratic theorists today.

Article 4 (chap. two of the Portuguese version of the dissertation)

John Stuart Mill's republican feminism

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Abstract: This paper argues that John Stuart Mill's commitment to gender equality and acute understanding of women's subordination to male power led him to develop a conception of freedom that evokes republicanism. In order to substantiate the thesis that the concept of freedom put forth in *The Subjection of Women* steers a middle course between feminism and republicanism, four similarities between Mill's political theory and republican freedom are highlighted, among which are (i) the identification of freedom with the absence of arbitrary subjection and (ii) the idea that liberty can be exercised only among equals.

4.1 Introduction

Under the influence of Isaiah Berlin (2000, p. 232), several scholars identify John Stuart Mill as one of the "fathers of liberalism" who should not be associated with the republican tradition. As one communitarian critic put it, Mill's philosophy represents the archetype of the liberal concept of freedom, the two main features of which would be "individualism" and the subordination of "community . . . to the will of imperious individuals" (Gairdner, 2008, pp. 11, 14). According to William Gairdner,

Mill subscribed to an individualistic conception of freedom that severs liberty from community and public life. Since it privatizes freedom, Millian liberalism cannot be associated with a theory of liberty such as republicanism, which envisions freedom as a collective exercise of power among equals.⁵⁸ In what follows, I take issue with such characterization and hold that Mill's political theory is based on a conception of freedom qua absence of arbitrary subjection that is akin to republicanism. The thesis this article seeks to put forward is that, by elaborating a conception of freedom as absence of arbitrary subjection in order to promote gender equality, Mill develops a feminist republican theory.

4.2 *The Subjection of Women* and the political relevance of gender equality

The Subjection of Women (*SW*) was for a long time one of the least studied of Mill's works. After publishing it, Mill's philosophical reputation was tarnished for having addressed what was then considered a non-philosophical topic. Indeed, some nineteenth-century critics reputed Mill's book on the woman question to be "his greatest error as a scientific thinker" (Bain, 1882, p. 146). It was only in the 1960s that the philosophical value of *SW* started being appreciated (Morales, 2005, pp. xiii-xiv). Since then, the recognition of the book's philosophical richness has only increased. Far from being a minor work, *SW* is a key text for understanding the articulation between two of

⁵⁸ Richard Bellamy (2008, p. 43) and Kenneth Minogue (1988, p. 194) offer typical statements of the opposition between "liberalism" and "republicanism" that several scholars claim to exist. Leaving aside the possible merits that such a dichotomy might have, the truth is that, at least from a Millian perspective, an oversharpe dichotomy between "republicanism" and "liberalism" is untenable. Therefore, one ought to recognize that, far from being opposing political theories, "liberalism" and "republicanism" are bound up with one another in the works of some modern philosophers, among which Mill is to be included (Dagger, 1997, ch. 1). On the similarities between "liberalism" and "republicanism," see also Anthony Simon Laden (2006), Helena Rosenblatt (2018), and Alan Thomas (2006, ch. 6). "Freedom" and "liberty," as well as "classical" and "ancient," are employed interchangeably throughout the text.

the most important concerns of Mill's political philosophy, *viz.* liberty and equality (Rosen, 2013, pp. 245-6).

The connection between liberty and equality is one of the theses advanced in *SW* that allows us to label Mill's feminism as republican. Mill can be classified as a feminist republican because his commitment to equality between the sexes and acute understanding of women's subordination to male power led him to identify freedom with the absence of arbitrary subjection. Although dozens of commentators have referred to Mill as either "feminist" or "republican," as far as our readings go, only one scholar has called him a *feminist republican*. In *Women's Rights as Multicultural Claims*, Monica Mookherjee (2009, p. 132) surmises that Mill should be associated with "republican feminism." This essay builds on Mookherjee's insight and seeks to substantiate her brief remark by dint of an analysis of the concept of liberty that undergirds Millian feminism.

In the beginning of *SW*, Mill expands the semantic horizon of the concept of despotism and portrays the relations that take place between men and women in the so-called "private" realm as despotic. "Not a word can be said for despotism in the family which cannot be said for political despotism" (CW XXI, p. 286). Mill's use of the term "despotism" in *SW* is at once classical and innovative (Urbinati, 2007, p. 67). It is classical because Mill associates it with the absolute subjection of one person to the arbitrary will of another – *despotes* was how the ancient Greeks designated the slave owner – and innovative because Mill uses it to condemn abusive power relations that the ancients deemed natural. By depicting the relations between husband and wife as despotic, Mill took to task the ancient view that relations practiced in the private realm of the house (*oikos*) should be insulated from politics. Accordingly, he urged politicians to create laws forbidding the subjection of women in the domestic sphere, thus

anticipating the modern feminist motto that the private is political. “Mill, unlike most liberals, was willing to think the idea of equality and non-hierarchy straight into the bosom of the ‘private sphere’, to demolish the idea that this sphere should be immune from legal regulation” (Nussbaum, 2005, p. 108).⁵⁹ The subjection of women in the private sphere is of public relevance, because the existence of unequal power relations in the house undermines the viability of equality in the political realm.

In chapter four of *SW*, Mill contrasts the lifestyle of modern men with the ethics of chivalry and claims that Victorian men used to spend much more time at home with the family than previous generations. Hence, struggling against the existence of unequal relations in the house is imperative, for prolonged interaction with inequality in the “private” sphere hinders citizens’ capacity to treat each other as equals in the political realm. Put differently, a “free government” cannot set roots in a society where family “despotism” is the norm (CW XXI, p. 292).

The comparisons between the political world and the domestic sphere are ubiquitous in *SW*. First, Mill affirms that the domestic sphere, like the political realm, is crossed by power relations and that, therefore, the division of “powers and responsibilities” it involves should be made consensually, not despotically (CW XXI, p. 291). Then, he puts forth the thesis that the “family, justly constituted,” fulfills the same role “citizenship” does, for it also functions as “a school of society in equality [and] of the virtues of freedom” (CW XXI, p. 295). Next, he maintains that the “relation between husband and wife is very like that between lord and vassal” (CW XXI, p. 325). Furthermore, in the final chapter, he explains that family life can teach “the knowledge of life and faculty of government,” which are both fundamental to public life (CW XXI, p. 339).

⁵⁹ For an assessment of how Mill’s feminism challenges the public vs. private dichotomy, see also Keith Burgess-Jackson (2005), Maria Morales (2007, p. 46) and Martha Nussbaum (2010, p. 134).

“The law of servitude in marriage is a monstrous contradiction to all the principles of the modern world, and to all the experience through which those principles have been slowly and painfully worked out” (CW XXI, p. 323). For Mill, “the equal freedom” citizens in more democratic societies enjoyed was not acquired easily (CW XXI, p. 281). The levelling of inequalities among human beings was the product of collective struggles:

The capacity of cooperation for a common purpose, heretofore a monopolized instrument of power in the hands of the higher classes, is now a most formidable one in those of the lowest. Under these influences it is not surprising that society makes greater strides in ten years, towards the levelling of inequalities, than lately in a century, or formerly in three or four (CW XVIII, p. 51).

When unequal treatment of human beings is backed by law, those on the top of the hierarchy are usually unwilling to give up their privileges. More often than not, those privileged by non-egalitarian institutions consider the power to subjugate “inferior” individuals a natural trait of human existence. Thus, it was understandable that most Victorian men had “a real antipathy to the equal freedom of women” (CW XXI, p. 281). After all, “was there ever any domination which did not appear natural to those who possessed it?” (CW XXI, p. 269.) Mill’s rhetorical question is part of a wider argumentative strategy that a reader acquainted with his works can already discern at this juncture of the text. Whereas *On Liberty* sought to convince its readers that persecuting minorities was noxious to the majority, *SW* aims to prove that the subjugation of women is detrimental to men. *SW* is a rhetorical text because its goal is to persuade the perpetrators of female subjection to change their attitudes and beliefs. Seeking to maximize the impact of his theoretical intervention, Mill delayed publication of *SW* – originally written in 1861 – until the campaign for female suffrage, which he helped initiate, had created a more receptive audience (Collini, 1984, p. xii).

In order to convince men to support women's liberation, Mill devotes a large part of *SW* to demonstrate that gender inequality is deleterious not only to women but also to men; hence the aforementioned sentence that the subjection of women represented "a monstrous contradiction" to the principles of a free republic. The existence of despotism in the family sphere is monstrous because it "distorts" the nature and character of those involved in it (CW XXI, pp. 276, 305). What is more, gender inequality is worse to its perpetrators than to those who are oppressed by it:

And it *is* true that servitude . . . , though corrupting to both, is less so to the slaves than to the slave-masters. It is wholesomer for the moral nature to be restrained, even by arbitrary power, than to be allowed to exercise arbitrary power without restraint (CW XXI, pp. 320-1).

This thesis, introduced in the end of chapter three, is further developed in the beginning of chapter four:

All the selfish propensities, the self-worship, the unjust self-preference, which exist among mankind, have their source and root in, and derive their principal nourishment from, the present constitution of the relation between men and women. Think what it is to a boy, to grow up to manhood in the belief that without any merit or any exertion of his own, though he may be the most frivolous and empty or the most ignorant and stolid of mankind, by the mere fact of being born a male he is by right the superior of all and every one of an entire half of the human race . . . What must be the effect on his character, of this lesson? . . . The relation between husband and wife is very like that between lord and vassal, except that the wife is held to more unlimited obedience than the vassal was. However the vassal's character may have been affected, for better and for worse, by his subordination, who can help seeing that the lord's was affected greatly for the worse? (CW XXI, pp. 324-5)

People tend to believe inequality is bad only for those who are materially disadvantaged because of it. Yet inequality is morally corrupting for both the oppressed and the oppressors, and can even be more corrupting to the latter than to the former. The thesis that social subjugation corrupts first and foremost its perpetrators was prominent in abolitionist literature, which was very prolific in the nineteenth century. The memoirs

of Frederick Douglass, an abolitionist who at the age of twenty escaped slavery and began a life as a free man in the North of the U.S., are a good case in point. In *Narrative of the Life of Frederick Douglass* (1845), the former slave offers a poignant account of how the practice of slavery corrupts the character of slave owners. In a letter sent to Harriet Taylor, Mill mentions Douglass's activism and praises the coalition between feminists and abolitionists in the U.S. (CW XIV, p. 49).

The convergence between feminists and abolitionists is not surprising once one realizes that both groups sought to advance the same cause: the equal liberty of all human beings, regardless of sex and race. Since Mill was a staunch supporter of this cause, it is comprehensible that feminism and abolitionism intersect in *SW*. The analogy between women's subjection and slavery comes up countless times throughout the book; "no slave is a slave to the same lengths, and in so full a sense of the word, as a wife is" (CW XXI, p. 284).⁶⁰

Mill casts women's situation in such negative terms because he believes the subjection of women "enslave[s] their minds," something that according to him did not happen with African slaves (CW XXI, p. 271). Women were taught to passively accept the curtailment of their freedom and to take pleasure in their subjection. Consequently, "the object of being attractive to men had . . . become the polar star of feminine education and formation of character" (CW XXI, p. 272). Men's despotism over women did not have to translate into actual physical repression, for in many cases women themselves consented to being subjugated. "Despotism [for Mill] designates power

⁶⁰ At first glance, Mill's comparison may seem hyperbolic. One should bear in mind, however, that portraying women's subjection as a slave-like condition was not unusual among modern philosophers. See, for instance, Mary Wollstonecraft (2007), a representative of eighteenth-century English republicanism who also depicted the subjugated woman as a "slave." In the seventeenth and eighteenth centuries, the term "slavery" was utilized in a different sense than nowadays. "The word 'slavery' was then used in a much broader sense to describe any ostensibly intolerable situation of dependence. The connotations of the word were primarily political and social, and only in a secondary sense was it used to denote a legal regime of economic servitude" (Rosanvallon, 2011, p. 40). Algernon Sidney (1996 [1698], p. 17) epitomizes such use of the term when he states: "To depend upon the will of a man is slavery."

relations marked by the absence of autonomously reached consent, not by the absence of any kind of consent” (Urbinati, 2007, p. 85). The absence of resistance and the presence of consent are not enough to ascertain the existence of freedom. To determine whether freedom is present in politics or in the family, it is necessary to analyze the process of consent formation. Organized resistance against any kind of domination depends upon the availability of discourses and interpretative schemes that allow the dominated to frame their subjection as an actual obstacle to freedom. If the education given by society does not provide tools for the subjugated to detect the curtailment of their own freedom, resistance against despotism does not come about.

In the last pages of *SW*, Mill writes that one of the goals of his book was to shed light on “the difference . . . between a life of subjection to the will of others, and a life of rational freedom” (CW XXI, p. 336). This sentence merits attention, for it puts into question the interpretation of those who claim that Mill espoused the negative concept of liberty.⁶¹ As the next section highlights, *SW* develops a conception of liberty qua absence of arbitrary subjection that links Mill’s political philosophy to the republican tradition (see Skinner, 1998, pp. ix-x).

4.3 Mill’s feminist republicanism

“The republican tradition is unanimous in casting freedom as the opposite of slavery” (Pettit, 1997, p. 31).⁶² The antithesis between liberty and slavery, which is

⁶¹ Berlin (2000, p. 198) was the one responsible for consolidating the interpretation that Mill was a proponent of negative liberty.

⁶² My reading of the republican tradition follows the studies of contemporary scholars such as Alberto Ribeiro G. de Barros, Sérgio Cardoso, Phillip Pettit, Quentin Skinner, and Jean-Fabien Spitz. Since the main purpose of this section is to spell out the republican traits of Mill’s theory of liberty, the differences among these neo-republican scholars are not addressed here. Besides them, this section also examines the work of an ancient republican writer who influenced Mill’s philosophy, namely, Sallust.

pivotal to the arguments presented in *SW*, reveals that Millian freedom can be classified as republican:

The most striking feature of these [republican] definitions [of liberty] is that they owe their phraseology entirely to the analysis of freedom and slavery at the outset of the *Digest* of Roman law. There we are first informed that ‘the fundamental division within the law of persons is that all men and women are either free or are slaves’. Next we are given a formal definition of slavery: ‘slavery is an institution of the *ius gentium* by which someone is, contrary to nature, subjected to the dominion of someone else’. This in turn is held to yield a definition of individual liberty. If everyone in a civil association is either bond or free, then a *civis* or free citizen must be someone who is not under the dominion of anyone else, but is *sui iuris*, capable of acting in their own right. It likewise follows that what it means for someone to lack the status of a free citizen must be for that person not be *sui iuris* but instead to be *sub potestate*, under the power or subject to the will of someone else (Skinner, 2002, pp. 248-9).

One of the most distinctive features of the republican concept of liberty is that, unlike Hobbesian freedom, republicans do not think the absence of interference is enough to ensure liberty (see Hobbes, 1996, pp. 145-6). As Skinner explains in the aforementioned passage, it is the absence of subjection to the discretionary will of someone else, not the absence of interference tout court, that indicates the presence of liberty.

In contemporary political philosophy, republicanism has been a subject of critical scrutiny for several years now. In order to specify the singularity of republican freedom, scholars usually allude to the famous dichotomy between “negative liberty” and “positive liberty” postulated by Berlin:

Liberty in this [negative] sense is principally concerned with the area of control, not with its source. Just as a democracy may, in fact, deprive the individual citizen of a great many liberties which he might have in some other form of society, so it is perfectly conceivable that a liberal-minded despot would allow his subjects a large measure of personal freedom. . . . Freedom in this sense is not, at any rate logically, connected with democracy or self-government. . . . [T]here is no necessary connection between individual liberty and democratic rule. The answer to the question ‘Who governs me?’ is logically distinct from the question ‘How far does government interfere with me?’ It is in this difference that the great contrast

between the two concepts of negative and positive liberty, in the end, consists (Berlin, 2000, pp. 201-2).

In its negative sense, freedom is, if not opposed to, at least indifferent to politics. The greatest difference between negative and positive liberty is that the former is compatible with any kind of political regime, whereas the latter is not. According to Berlin's account, freedom is "positive" when associated with the *presence* of a certain arrangement of political power, *viz.* democracy. Negative liberty, in contrast, is concerned only with the *absence* of interference. Hence, not surprisingly, some scholars studying republicanism nowadays hold that, inasmuch as it associates freedom with the absence of domination, republican freedom is negative (Pettit, 1997, p. 27).⁶³ Closer inspection, however, shows that the identification of republicanism with negative liberty should be taken *cum grano salis*, for the republican concept of freedom

is characterized by the presence of something, since not being dominated implies getting rid of the uncertainty and vulnerability of situations of dependence. In republican thought, freedom is assessed neither only on the basis of non-interference nor only on the basis of the extension of actions granted to individuals. Rather, [the assessment of freedom] also takes into account the degree of immunity against arbitrary interventions. So, republican freedom is wider than negative liberty, for it aims not only to protect individuals from interference, but also to ensure securities for such protection, thus emancipating individuals from the conditions of precarity that characterize subjection to a discretionary power (Barros, 2015, p. 28).

The *absence* of arbitrary subjection does not happen spontaneously and requires the *presence* of instruments that allow citizens to surveil, contest, and punish the conduct of those with whom they interact in power relations. Besides the *containment* of arbitrary power, republicanism cannot do without the *exercise* of political power: "The republican regime does not only propose that power should be regulated by laws

⁶³ Skinner (1998) prefers to use "dependence" instead of "domination." Pettit (2002, p. 341) claims that "dependence" and "domination" describe the same phenomenon, and argues that Skinner's different terminology does not amount to any significant divergence between them.

and performed . . . for the sake of the common good. It requires also that power be exercised somehow by the whole people” (Cardoso, 2004, pp. 46-7). One could surmise, therefore, that Berlin’s opposition between negative and positive liberty does not do justice to the multifarious character of republican freedom. Likewise, Berlin’s dichotomy cannot grasp the complexity of Millian liberty, which also posits that freedom requires both the containment *and* exercise of political power.⁶⁴

Nevertheless, it may not be amiss to observe that in one of the first articles he published about liberty, Mill did espouse a negative conception of freedom:

Liberty, in its original sense, means freedom from restraint. In this sense, every law, and every rule of morals, is contrary to liberty. A despot, who is entirely emancipated from both, is the only person whose freedom of action is complete (CW I, p. 296).

The definition of liberty given above was written when Mill was sixteen and doubtless exemplifies the negative concept of liberty. Liberty means absence of restraint and, since the function of every law and rule is to restrain, free is he who can emancipate himself from the burden of all laws and rules. Mill’s mention of the despot as a paramount example of a free man is significant, for it exposes the chasm that separates this early piece from Mill’s mature thinking about liberty. As we will explain shortly, Mill affirms in *SW* that a despot can never be free, for being a master among servants deprives him from the *sine qua non* of liberty.

In the last chapter of *SW*, Mill associates freedom with self-government, that is, with “the liberty of each to govern his conduct by his own feelings of duty, and by such laws and social restraints as his own conscience can subscribe to” (CW XXI, p. 336).

⁶⁴ On the inability of Berlin’s antithesis to grasp Mill’s theory of liberty, see Robert Devigne (2006, ch. 7).

Freedom is inextricably bound up with the practice of critique. If a citizen is to maintain her freedom, she must critically scrutinize the laws and social restraints that govern her conduct. By doing so, she takes part in politics and becomes an active citizen who, whenever a given policy is considered unjust to her, can assemble with others and pressure elected officials. As a supporter of a participatory republic, Mill thinks political participation should not be confined to the solitary act of voting and insists that those who are outside government institutions should also be political participants:

Reading newspapers, and perhaps writing to them, public meetings, and solicitations of different sorts addressed to the political authorities, are the extent of the participation of private citizens in general politics, during the interval between one parliamentary election and another. . . . [I]t is impossible to exaggerate the importance of these various liberties, both as securities for freedom and as means of general cultivation (CW XIX, p. 535).

Mill thinks political participation wards off the specter of arbitrary subjection. Conversely, when people no longer engage in politics and cease to monitor and contest their representatives, they sooner or later see themselves hostages to an arbitrary government. In chapter two of *Considerations on Representative Government*, Mill explains he envisions political life “as conceived by the ancients . . . [W]e ought not to forget, that there is an incessant and ever-flowing current of human affairs towards the worse, consisting of all the follies, all the vices, all the negligences . . . of mankind” (CW XIX, p. 388). Mill here alludes to the republican idea that corruption can never be held entirely in abeyance. In the absence of virtuous and active citizens, even the most perfectly designed political regime is doomed to decay.⁶⁵

⁶⁵ For an analysis of Mill’s conception of virtue and its affinity with the republican tradition, see Bernard Semmel (1984, p. 110). For an assessment of the issue of corruption in republican thought, see Newton Bigotto (2008).

Like the majority of republican thinkers, Mill thinks despotism, arbitrary subjection, and tyranny – in short, the absence of freedom – cannot be identified with interference tout court. Ultimately, any time lived in the absence of warranties against arbitrary interference constitutes a time of non-freedom. From that perspective, a woman living under the dominion of a magnanimous husband or father who never interferes with her conduct remains unfree. Magnanimousness describes the kind of behavior of someone who has the power to interfere with another's conduct in a whimsical manner, but who decides not to do it. The problem is that, when the good will of the master subsides, magnanimousness tends to disappear. When a woman living under the shadow of arbitrary subjection comes to terms with her predicament, she starts policing her words and deeds in such a way as to avoid arousing the master's anger – which, her greatest efforts notwithstanding, remains a very imperfect way of dodging actual interference, for nothing guarantees the master will not suddenly become cranky and decide, without any reason, to oppress her.

No wonder then republicans of previous generations used to associate “effeminate” manners with arbitrary subjection and its concomitant self-policing lifestyle. Indeed, Mill explains, such lifestyle was widespread among Victorian women – not due to a putative feminine nature, but because women were under arbitrary subjection:

When we put together three things – first, the natural attraction between opposite sexes; secondly, the wife's entire dependence on the husband, every privilege or pleasure she has being either his gift, or depending entirely on his will; and lastly, that the principal object of human pursuit, consideration, and all objects of social ambition, can in general be sought or obtained by her only through him, it would be a miracle if the object of being attractive to men had not become the polar star of feminine education and formation of character (CW XXI, p. 272).

Sycophancy, servility, and the duplicity that someone at pains to please a superior master at all costs is forced to cultivate were for ancient republicans the traits that made men living under arbitrary regimes “effeminate.” In the case of Victorian women, the dependence on a man’s will, together with a set of rules that made them revel in their subjection, created a vicious cycle that led women to shape all their lives with the intention of pleasing their master. For republican thinkers, to live without freedom is to be dependent on the will of somebody. This applies even if you submit willingly. In fact, it applies particularly if you submit willingly, for doing so shows that even your emotions and desires were shaped in such a way as to make you accept the oppression that crushes you. What is cruel for Mill about women’s subjection is that they are trained not only to live a life with no freedom, but to love it. This happens of course not only with women but also with other subaltern groups – such as racial and sexual minorities – who are subject to arbitrary subjection on a constant basis: instead of criticizing their domination, they internalize the master’s demeaning view of them and reproduce the standards that are used to oppress them. Slavery reaches its peak when subaltern groups under arbitrary subjection stop regarding themselves as unfree and start finding pleasure in conforming to the standards that oppress them.

Arbitrary subjection deprives individuals of an essential component of Millian liberty: the full development of their intellectual faculties and talents. To be sure, the complaint that a life under arbitrary subjection robs human beings of the opportunity to develop their talents was not uncommon among classical republicans. In the beginning of *Bellum Catilinae*, for instance, Sallust offers the following contrast between a free polity and a tyrannical regime:

They [sc. the Romans] had a constitution founded upon law, which . . . at first tended to preserve freedom and advance the state . . . Now at that time every

man began to lift his head higher and to have his talents more in readiness. For kings hold the good in greater suspicion than the wicked, and to them the merit of others is always fraught with danger; still the free state, once liberty was won, waxed incredibly strong and great in a remarkably short time, such was the thirst for glory that had filled men's mind. . . . [T]heir hardest struggle for glory was with one another; each man strove to be the first to strike down the foe, to scale a wall, to be seen of all while doing such deed. This they considered riches, this fair fame and high nobility (Sallust, 1931, pp. 13, 15).

Sallust's account shows that while arbitrary subjection makes men hide their talents so as not to arouse the master's suspicion, the liberty sponsored by the republic created a friendly environment for the development of citizens' potentialities. For Sallust as for other republicans, freedom should not be mistaken with the absence of interference tout court. Freedom, instead, requires the presence of egalitarian relations that allow individuals to face one another with their heads lifted, without having to act in a servile or duplicitous manner. Only in the presence of equals can citizens' freedom take place. Sallust's account, in sum, reveals that the republic constituted the reverse of a despotic regime: whilst the latter promoted sycophancy, suspicion, selfishness and the isolation of individuals, the former gave birth to a public space where freedom and equality before the law allowed citizens to express the unique talents that singularized them. Even though Mill does not cite Sallust when theorizing freedom as non-subjection, it is possible to conjecture that he was influenced by the Sallustian thesis, according to which a free republic begets a friendly environment for the development of citizens' potentialities. For, as Mill narrates in the *Autobiography*, when he was young he studied with his father all of Sallust's books (CW I, p. 14).

However that may be, what is undeniable is that one of republicanism's main tenets – the idea that liberty implies the absence of arbitrary subjection – is part and parcel of Millian liberty. Accordingly, an authoritarian leader who manages to reduce criminality can never offer a good government:

Look at the government of Napoleon Bonaparte: if security from robbery and murderers constituted good government, there never was a better government than his. But security from robbers and murderers is a small part of good government and includes only that very subordinate department called police. Why do we call Bonaparte's government a bad one? Because if person and property were secure against individuals, they were not secure against the despot. He suppressed all robbers and murderers but himself (CW XXVI, p. 282).

A people living under arbitrary subjection is never safe, for their property over their estates and over themselves can always be usurped by their master. An authoritarian regime that promises safety in the place of political participation cannot honor its vow, because it leaves its subjects at the mercy of a discretionary power. "I would rather if I must choose, be habitually overtaxed, than live in constant fear that the whole of my property might be taken from me at a moment's warning by the fiat of a despot" (CW XXVI, p. 346). A lawful state is better than a despotic regime where citizens are never taxed; "a government of law is always preferable to a government of arbitrary will" (CW XXVI, p. 346). Mill wanted to eliminate one of the main features of arbitrariness, *viz.* unpredictability. "I can hardly imagine any laws so bad, to which I would not rather be subject than to the caprice of a man" (CW XXVI, p. 346). Echoing a common republican theme, Mill extols the Empire of the Law because, by precluding the despot's caprice to take over the power of the Law, it bestows predictability on citizens' life.⁶⁶

Mill was against arbitrary interference, not interference as such; "he did not think that constraints imposed by *nonarbitrary* laws were in themselves an offence against liberty" (Urbinati, 2002, p. 168). Whence it follows, according to Urbinati, that Millian liberty is akin to republicanism. In addition, Urbinati associates Mill's doctrine

⁶⁶ For an excellent assessment of the ideal of the Empire of the Law and its presence in ancient republicanism, see the penultimate chapter of Norberto Bobbio (2015).

of liberty as noninterference with the harm principle. Such association should be read carefully, for it could be argued that Mill's harm principle in effect estranges him from classical republicanism. At the base of the harm principle there lies a concept unbeknownst to the ancients: the concept of individuality.⁶⁷ While in classical republicanism the walls against non-arbitrariness were erected around *politically constituted groups*, in Mill's philosophy the protection against arbitrary interference revolves around *the concept of individuality*.⁶⁸

This difference should not be overlooked, for it is precisely by not restricting liberty to politically constituted groups that Mill becomes able to expand the claim for freedom qua absence of arbitrary subjection to individuals who are not organized politically and who do not even appear in the public realm (such as women of previous generations).⁶⁹ Mill's politicizing of the private realm and demand for public interference over the relations between husband and wife would seem appalling for an ancient republican. As Mill himself acknowledges, the kind of equality he defends differs from the equality on which ancient republican thought was based. "It was thus in the free republics of antiquity [:] even in the best of these, the equals were limited to the free male citizens; slaves, women, and the unenfranchised residents were under the law of force" (CW XXI, p. 294). Since ancient republicanism identified citizenship with maleness, modern feminist republicanism inevitably signalizes a break with classical republicanism (Halldenius, 2015, p. 24; Phillips, 2000, p. 279; Vega, 2008, p. 158).

⁶⁷ On the absence of the ideal of individuality among the ancients, see Berlin (2002, pp. 318-19).

⁶⁸ It would be a gross misunderstanding to associate Mill's emphasis on individuality with atomism (*pace* Gairdner, 2008, pp. 11-4). As Catherine Audard (2009, pp. 86-7) points out, Mill sometimes preferred using "individuality" instead of "individual" precisely because the term individual was historically entangled with atomism. Nevertheless, Mill on occasion did use the term "individual," albeit not in an atomistic sense. Following Mill's vocabulary, this text employs "individual" and "individuality" as synonyms. On the social constitution of Millian individuality, see Gustavo Hessmann Dalaqua (2018) and Katherine Smits (2004).

⁶⁹ I am grateful to Maria Isabel Limongi for pointing this out to me.

Mill's feminist republicanism differs from classical republicanism because it is based on a wider concept of equality. Moreover, his doctrine of liberty is distinctively modern inasmuch as it pivots on the ideal of individuality. In *On Liberty*, Mill argues that freedom requires the absence of "harm," an obstacle that citizens encounter not only when somebody interferes with their conduct but also when the development of their potentialities is dwarfed by defective political institutions. Harm can sometimes be caused by the absence of interference. Therefore, Mill's harm principle is reminiscent of the republican tradition, for it also understands that some kinds of interference are constitutive of liberty (Urbinati, 2002, p. 165). The civil law that results from popular consent is a typical example republican thinkers invoke to illustrate this point: far from producing arbitrary subjection, the interference the civil law performs lays the groundwork for political liberty.

According to Urbinati, Mill's concept of freedom qua absence of arbitrary subjection brings to the fore

the distinction between legitimate interference and arbitrary interference [and] makes it possible . . . to transform the appeal to be left alone into an appeal for emancipation. While the call for non-interference ends in a call for the indifference of the law, the call for nonsubjection culminates into a call for a just law. The former presumes a person who is essentially isolated from others, the latter a person who perceives herself as a relational being (Urbinati, 2002, p. 156).

The greatest difference between negative liberty and republicanism is that, whilst the former puts forth only a politics of power containment, the latter urges for the creation of an energetic citizenry who is always willing to monitor politicians and to fight for the abolishment of arbitrary power. The political regime that is most conducive to republican freedom, as Pettit (1997, p. 200) explains, is "a contestatory form of

democracy: a democracy that . . . includes all the major voices of difference within the community, and that responds appropriately to the contestations raised against it.” A contestatory democracy emphasizes “the fact that certain laws were tried and tested over a long history of challenge” (Pettit, 1997, p. 201). Laws are legitimate insofar as they “have proved capable of withstanding the contestations made against them” by the various groups comprised within the demos (Pettit, 1997, p. 201). If Pettit is right in ascribing such conception of democracy to the republican tradition, then it seems safe to declare that Mill was indeed indebted to republicanism, for, as chapter two of *On Liberty* makes clear, Mill thought good laws and policies could only emerge from a public and democratic debate riven with contestation.

Besides relating liberty with the absence of arbitrary subjection, another republican trait of Mill’s thought lies in his connection between freedom and equality. To be sure, republican liberty “implies a condition of equality” (Spitz, 1995, p. 194). The connection between freedom and equality is a major theme of *SW*, where Mill stresses that one of his goals is to promote women’s “equal freedom” (CW XXI, p. 281). According to chapter two of *SW*,

the true virtue of human beings is fitness to live together as equals; claiming nothing for themselves but what they as freely concede to every one else; regarding command of any kind as an exceptional necessity, and in all cases a temporary one; and preferring, whenever possible, the society of those with whom leading and following can be alternate and reciprocal (CW XXI, p. 294).

An “approach . . . to society in equality” had been made “in the free republics of antiquity” (CW XXI, p. 294). Ruling and being ruled were then reciprocal acts, and liberty was nothing but the name given to the equal share of political power. According to Mill, “the freedom of one has no solid security but in the equal freedom of the rest” (CW XIX, p. 610). As Gregory Claeys (2013, p. 171) has rightly pointed out, Mill’s

indebtedness to republicanism becomes obvious once one realizes Mill affirmed “the dependency of one’s own liberty on maintaining that of others . . . His conception of equality, after all, aimed ultimately to supersede servitude entirely.”

“In presenting the comparison between family and slavery and in defining the husband as a master and a *despot*, Mill revived the . . . representations of *oikos* as an example of political tyranny in order to reinforce the value of civic government” (Urbinati, 2005, p. 169). By portraying domestic despotism as the reverse of freedom, Mill pays tribute to the teachings of “Aristotle and Cicero,” writers who “insisted that the tyrant, like his slaves, was alone and not free because his relations were with unfree men” (Urbinati, 2005, p. 169). For classical republicans, freedom could be exercised only among men who treated one another as equals. Mill repurposes this republican argument in such a way as to promote with it gender equality and contends that, by treating women as inferior beings who were not their equals, Victorian men deprived themselves of liberty.

4.4 Conclusion

This article has argued that Mill can be called a feminist republican, for his commitment to gender equality and acute understanding of women’s subordination to male power led him to develop a conception of freedom that evokes republicanism – which is not to say that Millian liberty is fully identical to, say, Aristotelian or Ciceronian liberty. Although it has significant common traits with the ancient republican understanding of liberty, Mill’s doctrine of freedom differs from classical republicanism insofar as “individuality” is its anchor. Whereas in classical republicanism liberty referred only to politically constituted groups, in Mill’s

philosophy freedom has the individual as its ultimate point of reference. It is precisely this rupture with ancient political philosophy that allows Mill to bring feminism and a republican conception of liberty together. By not restricting liberty to politically constituted groups, Mill was able to expand the claim for freedom to individuals who were not organized politically and who did not even appear in the public realm (such as women of former times).

In order to substantiate the thesis that Millian liberty steers a middle course between feminism and republicanism, four similarities between Mill's political theory and republican freedom were highlighted. For one thing, Mill's theory of liberty evokes republicanism because it identifies freedom with the absence of arbitrary interference. For both republicans and Mill, it is the absence of arbitrary subjection, not the absence of interference tout court, that indicates the presence of liberty. Ultimately, any time lived in the absence of warranties against arbitrary interference constitutes a time of non-freedom. Hence, a woman living under the dominion of a magnanimous father or husband who never interferes with her conduct remains unfree, for even if her master decides not to interfere with her actions, the fact that she has a master to begin with suffices to attest to her lack of freedom.

The second similarity is that Mill, like other republican writers, addresses the psychological torment that those living under arbitrary subjection undergo. Once they come to terms with the predicament they are in, people at the mercy of a discretionary power self-police their words and deeds in such a way as not to arouse the master's anger. The upshot of this situation is that people end up not developing their potentialities (see Sallust, 1931, pp. 13-5). Thus it comes as no surprise that duplicity, sycophancy, and servility tend to be common traits among subjugated peoples. Ancient republicans qualified these traits as effeminate; indeed, women of previous times, as

Mill poignantly describes in *SW*, had to act duplicitously and police themselves all the time because they had to please a large number of masters: men. What is more, a significant number of them found subjection to men pleasant, for the education in which women were brought up had shaped their desires and emotions in such a way as to make them accept slavery. For Mill, what is cruel about the subjection of women is that they are not only trained to live a life with no freedom, but also to love it. Yet, even if a woman relishes her subjection and submits willingly to her master, she remains unfree. This applies not only to women but also to other subaltern groups – such as sexual and racial minorities – who may internalize the master’s demeaning view about them and reproduce the standards that are used to oppress them.

The third similarity is that Mill also thought liberty required both the *absence* and the *presence* of something. This in turn, it has been argued, reveals that Millian liberty cannot be subsumed to the so-called “negative” concept of liberty (*pace* Berlin, 2000, p. 198). The *absence* of arbitrary subjection does not come into being spontaneously and requires the *presence* of instruments and institutions that allow individuals to surveil, contest, and punish the conduct of those with whom they interact in power relations. The absence of interference tout court does not create freedom. As Mill’s discussion of the harm principle makes clear, some kinds of interference are actually constitutive of freedom (Urbinati, 2002, p. 165). Harm – that is, the curtailment of freedom – is oftentimes provoked by the absence of legitimate interference. For Mill, whilst arbitrary interference inhibits freedom, legitimate interference promotes it. The civil law that results from popular consent epitomizes this point remarkably well: far from producing arbitrary subjection, the interference the civil law performs lays the ground for political liberty. The republican ideal of the Empire of the Law – which, as it was shown, Mill endorsed – advances freedom because it eliminates one of the main

features of arbitrariness, namely, unpredictability. By regulating human affairs with a public measure that applies equally to all, the civil law bestows predictability on citizens' life.

The fourth similarity is that Mill thought freedom could only be exercised among equals. This aligns him with the republican tradition because, as Spitz (1995, p. 194) has argued, the intertwining of liberty with equality is characteristic of republicanism. Mill claimed citizens could enjoy freedom only in the presence of equals (CW XIX, p. 610). For Mill as for republicans in general, freedom requires not only the *absence* of arbitrary interference but also the *presence* of egalitarian relations that allow individuals to face one another with their heads lifted, without having to act in a duplicitous or servile manner.

Article 5 (chap. two of the Portuguese version of the dissertation)

Liberty as resistance against oppression and epistemic injustice in J. S. Mill

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Abstract: This article argues that J. S. Mill's philosophy advances a conception of liberty that entails resisting oppression and epistemic injustice. Whereas oppression refers to any act that deliberately curtails citizens' self-development, epistemic injustice denotes a specific type of oppression that harms people's capacity to know themselves and their desires. In *The Subjection of Women*, Mill elaborates a conception of liberty as non-subjection, which indicates that people lose their freedom when they suffer epistemic injustice. Since they were subjected to a system of education that shaped their psyche in such a way as to guarantee that their most ardent desire was to look attractive for members of the opposite sex, Victorian women were unable to discover and develop their potentialities, and thus were unfree. In a move reminiscent of republicanism, Mill maintains that the absence of freedom cannot be identified with interference tout court. Ultimately, any time lived in the absence of guarantees against arbitrary interference constitutes a time of non-freedom. In order to achieve freedom, people need to be protected from arbitrary interference so they can critically examine the customs that prevail in their society and experiment with different lifestyles. This intelligent following of custom, which can be identified as the ethical dimension of Millian liberty, allows each citizen to decide which experiment in living maximises the development of his or her character. The resistance against oppression and epistemic injustice that Mill

deems indispensable for liberty also has a more political dimension, which can be observed in the proportional representation scheme proposed in *Considerations on Representative Government*. The public articulation of the plight of oppressed minorities in the representative assembly increases their social standing as citizens and, moreover, can produce alternative vocabularies and tactics that help them resist the oppressions perpetuated in civil society.

Resistance has made us what we are, and will yet make us what we are to be

Mill, *The Subjection of Women*

5.1 Introduction

Though much has been written on Millian liberty, no scholar thus far has offered an explicit account of the entwinement of liberty with resistance in Mill's political philosophy. It is likely that what Iain McDaniel (2018) said of Benjamin Constant and Alexis de Tocqueville also explains the silence surrounding Mill's concept of resistance. Perhaps the reason scholars working on 'resistance theory' nowadays tend to neglect Mill is because they do not expect a nineteenth-century 'liberal' philosopher to qualify as a 'significant contributor' when it comes to understanding the importance of resistance for politics (McDaniel 2018, 433).⁷⁰ By exploring the connection between freedom and resistance in Mill's political thought, this article argues that Millian liberty entails, *inter alia*, resisting the oppression caused by epistemic injustice.

⁷⁰ In Howard Caygill's (2013) *On Resistance* and José Medina's (2013) *The Epistemology of Resistance*, for instance, Mill is not cited. In the special issue 'Resistance in Intellectual History and Political Thought', published in 2018 by *History of European Ideas*, Mill's thinking on resistance is also ignored.

Since the publication of Miranda Fricker's *Epistemic Injustice: Power and the Ethics of Knowing*, philosophers have devoted increasing attention to the topic of 'epistemic injustice', an expression used to denote any 'wrong done to someone specifically in their capacity as a knower' (Fricker 2007, 1). Nevertheless, as Fricker herself acknowledges – and as Mill's works testify – the phenomenon of epistemic injustice had been scrutinised by scholars before the concept 'epistemic injustice' was coined. In what follows, I contend that Mill's conception of liberty seeks to resist and overcome the oppression caused by epistemic injustice. The resistance Mill associates with freedom comprises two dimensions: ethical and political. In its ethical dimension, resistance against oppression caused by epistemic injustice involves what Mill calls 'an intelligent following of custom' (CW XVIII, 263). In its political dimension, it involves a proportional representation scheme that sustains a conflictive and polyphonic deliberative setting in the representative assembly, one in which the different social perspectives comprised in the *demos* are expressed and taken into account.

5.2 Oppression and epistemic injustice

Published in 1869, *The Subjection of Women* is remarkable for advancing a conception of liberty as non-subjection (Urbinati 2002, ch. 5). According to Mill, women were unfree because they were subjected to male domination, which provoked epistemic injustice. 'It is only a man here and there who has any tolerable knowledge of the character even of the women of his own family. I do not mean of their capabilities; these nobody knows, not even themselves, because most of them have never been called out' (CW XXI, 278). Nineteenth-century women experienced epistemic injustice

because the oppressive milieu where they lived precluded them from knowing their potentialities (Zakaras 2009, 139). ‘All women are brought up from the very earliest years in the belief that their ideal of character is . . . not self-will and government by self-control, but submission and yielding to the control of others’ (CW XXI, 271). Women not only lacked the opportunity to know and cultivate the capabilities that would develop their character to its utmost splendour, but also were taught never to explore and pursue such knowledge.⁷¹

Though Mill does not offer a precise definition of oppression, an attentive reading of *Subjection* reveals that oppression is present whenever citizens’ capacity for developing themselves is deliberately dwarfed. Put differently, an individual is oppressed when she is deliberately impeded to freely cultivate her capacity for self-development. That can happen through violence, of course, but also through more subtle mechanisms – such as deformed desires and epistemic injustice. A woman is oppressed not only when she is subjected to physical force, but also when society shapes her psyche in such a way as to guarantee that her strongest desire is to look attractive for members of the opposite sex. Rather than simply curtailing behaviour, oppressive power can be *productive* and encourage certain lines of conduct by dint of the internalisation of oppressive norms. Oppression is perpetuated by *external* as well as *internal* forces.

Because it is less visible and involves the active participation of the oppressed subject, psychological oppression can be much harder to combat than physical oppression.⁷² This is something Mill highlights in the introduction to *On Liberty*: in a way, psychological oppression is more difficult to confront than physical oppression

⁷¹ The concept of character deployed by Mill is further clarified in the next section. On the centrality of the discourse on character in Victorian political thought, see Stefan Collini (1985).

⁷² My understanding of the differences between psychological and physical (or material) oppression subscribes to Ann E. Cudd’s (2006). In this article, I take epistemic injustice to be an example of psychological oppression.

because, by ‘penetrating much more deeply into the details of life and enslaving the soul itself’, psychological oppression makes the formulation of resistant tactics more difficult (CW XVIII, 220). When oppression is transmitted solely on the basis of physical violence, there is only one way to resist, which is quite straightforward: just exert a contrary force. But when oppression is entrenched in one’s desires, how is one to resist?

5.3 Liberty as non-subjection

Mill’s conception of liberty as non-subjection shows that being under the arbitrary will of somebody else, by itself, suffices to attest to the absence of freedom and the presence of oppression. In a move reminiscent of republicanism, Mill maintains that despotism, arbitrary subjection, and tyranny – in short, the absence of freedom – cannot be identified with interference tout court.⁷³ Ultimately, any time lived in the absence of guarantees against arbitrary interference constitutes a time of non-freedom.

According to Mill, a society where arbitrary subjection is possible fosters sycophancy, servility, and duplicity among its members (CW XXI, 279). Maintaining oppression over a long period of time is only possible with the active engagement of the oppressed. An arbitrary state of affairs can only reproduce itself systematically on the condition that people act in a way compatible with it. A regime that needs to resort to violence day in and day out in order to appease popular resistance is doomed to be short-lived. The capacity to shape citizens’ desires and psyche in a way that co-opts

⁷³ Mill identifies himself as a ‘republican’ thinker in CW XXVI, 359. On how republican freedom is conducive to epistemic justice, see Fricker (2013).

them as active participants in their own oppression greatly facilitates the existence of an oppressive and arbitrary regime.

Mill's conception of liberty as non-subjection is linked to the power of formulating desires autonomously.⁷⁴ In the conclusion of *Subjection*, Mill affirms that the politics he is most supportive of

are those which have most strongly asserted the freedom of action of the individual – the liberty of each to govern his conduct by his *own* feelings of duty, and by such laws and social restraints as his *own* conscience can subscribe to (CW XXI, 336, emphasis added).

Freedom of action in this passage is identified with self-government, that is, with the capacity to regulate one's conduct by feelings and laws that somehow are one's own. Freedom of action is thus linked to what Mill had described as 'character' in *On Liberty*:

A person whose desires and impulses are his own – are the expression of his own nature, as it has been developed and modified by his own culture – is said to have a character. One whose desires and impulses are not his own, has no character, no more than a steam-engine has a character (CW XVIII, 264).

To guide one's conduct by desires and impulses of one's own – in other words, to have a character – does not entail immuring oneself from social intercourse. *Pace* Willaim Gairdner (2008, 11, 14), Millian liberty should not be conflated with atomism or individualism.⁷⁵ As the passage above suggests, the constitution of character arises out of the interaction between one's nature and one's culture. The thesis that the

⁷⁴ On the connection between liberty and autonomy in Mill, see Wendy Donner (2008), John Gray (2002), and Mauro Cardoso Simões (2008).

⁷⁵ As Catherine Audard (2009, 86-7) pointed out, it was because Mill wanted to distance his philosophy from individualism that he started using the term 'individuality'.

formation of character cannot do without social intercourse is further clarified when Mill associates freedom of action with ‘an intelligent following of custom, or even occasionally an intelligent deviation from custom’ (CW XVIII, 263). The critical lifestyle Mill relates to freedom and character is not against custom per se, though it is at odds with ‘a blind and simply mechanical adhesion to it [i.e., custom]’ (CW XVIII, 263).

The intelligent following of custom is a form of resistance against internalised oppressions that allows citizens to autonomously formulate their own desires. By being urged to critically examine social customs, a woman who was taught that her only desire should be to look charming to men can by and by realise there are other ‘experiments of living’ she can pursue besides that of an obedient and submissive wife (CW XVIII, 281). The intelligent following of custom and its concomitant engagement with different lifestyles incite the oppressed to resist epistemic injustice because they bring to the fore the fact that the hegemonic narrative of how to live, act, and desire is only one among several others. By following social customs intelligently, citizens can *know* what kind of lifestyle they might want to pursue.

The intelligent following of custom and its attendant engagement with different experiments in living constitute the ethical dimension of Millian resistance. Since both practices are connected with the formation of character, they qualify as *ethical* because, as Mill observes in *A System of Logic*, what he calls ‘character’ is nothing but a translation for the ancient term *ethos* (CW VIII, 869). As the next section highlights, the ethical and political dimensions of Millian resistance can be distinguished from one

another inasmuch as the latter focuses more on traditional political institutions such as the representative assembly.⁷⁶

5.4 Representative democracy and resistance

In *Considerations on Representative Government*, Mill seeks to understand how ‘collective resistance’ can be preserved in the context of mass societies (CW XIX, 419).

As he explains in chapter seven of the book, the great

difficulty of democratic government has hitherto seemed to be how to provide, in a democratic society, what circumstances have provided hitherto in all the societies which have maintained themselves ahead of others – a social support, a *point d’appui*, for individual resistance to the tendencies of the ruling power (CW XIX, 459).

In the Middle Ages, individuals were able to resist arbitrary power and thus preserve liberty as non-subjection by organising themselves as members of a larger group that, as such, needed to have its voice taken into account by the government (CW XX, 292-93). This scenario changed with the advent of industrialisation and population growth. As Mill declared in *On Liberty*, ‘at present individuals are lost in the crowd’ (CW XVIII, 268). With the spread of urbanisation and the weakening of membership in political groups, resistance became increasingly difficult.

Mill thinks the solution to such a predicament lies in proportional representation. According to him, elected politicians in parliament should represent social groups, not

⁷⁶ This is not to deny that the ethical dimension of Millian resistance is of political relevance; the ethical and political dimensions are, indeed, mutually reinforcing. That does not mean, however, they cannot be differentiated.

isolated individuals (CW XIX, 405). If representative government is to be truly democratic, it is imperative that the representative assembly expresses the social perspective of every political group comprised in the *demos*.⁷⁷ A proportional representation scheme respects that imperative because, unlike the first-past-the-post voting method, it does not allow only representatives who collect more than fifty percent of the votes to be elected. The winner-takes-all system leads to a falsified representative democracy in Mill's view because it offers no guarantee against the tyranny of the majority. Endorsing Pericles' view of democracy, Mill submitted that, rather than being identified with majoritarianism tout court, democracy should be described as the regime where the rule of the majority goes in tandem with the recognition and appreciation of human diversity (CW XI, 319 and Thucydides 1982, 109ff). More than a political regime, representative democracy for Mill refers to a type of society where citizens' differences are a reason for celebration, not condemnation.

The reason proportional representation helps oppressed minorities resist epistemic injustice is twofold. For one thing, the mere fact of having the perspective of an oppressed minority expressed in parliament increases its social status. It means the perspective of this oppressed minority should be taken into account by the government when laws are being made. The representative of the oppressed minority can then reveal to the wider public that many assumptions about the group she represents are inaccurate and demeaning. This revelation, along with her power to propose bills that tackle the epistemic injustice perpetuated against the group she represents, allows resistance to take place.

⁷⁷ The association between representation and social perspective became prominent in contemporary studies on representation mainly due to Iris Marion Young (2000). The similarities between Young and Mill are interesting, yet to approach them here would lead us too far afield. For a good comparison between both writers, see Wendy Donner (2016).

Moreover, minorities are more encouraged to resist the multifarious social sources of epistemic injustice that oppress them when they have someone expressing their perspective in the representative assembly. The public articulation of their plight by their representative in the face of political opponents – recall Mill’s depiction of the representative assembly as an ‘arena where opposing forces should meet and fight out their battle’ (CW XXV, 1106) – arms minorities with vocabularies and tactics that help them resist the oppression they suffer due to the epistemic injustice perpetuated in social life. By doing so, it allows minorities to develop themselves freely.

Article 6 (chap. three of the Portuguese version of the dissertation)

Conflict, socialism, and democracy in Mill

(*Télos*, v. 22, n. 1, p. 33-59, 2018)

Abstract: Mill's socialism and democratic theory have led some scholars to accuse him of trying to eliminate conflict from political life. Whereas Graeme Duncan has averred that Mill's socialism aims to institute a completely harmonious society, James Fitzjames Stephen has contended that Millian democracy sought to evacuate conflict from political discussion. This article reconstructs both critiques and argues they are imprecise. Even if disputes motivated by redistribution of material goods would no longer exist in an egalitarian society, conflicts driven by resentment over social reputation would keep the flame of conflict burning in a Millian socialist community. Moreover, a close reading of *Considerations on Representative Government* shows that Mill knew that no amount of political discussion is able to make conflicting opinions disappear. According to him, conflict is unavoidable in democratic politics because citizens analyse political issues from different social perspectives. Mill's goal was not to eliminate conflict, but rather to regulate it in such a way as to bring about its attendant benefits, namely, progress and self-development.

6.1 Introduction

John Stuart Mill has been accused of being unable to grasp the pivotal role played by conflict in collective existence. More than forty years ago, Graeme Duncan criticised Millian socialism for seeking to institute a completely harmonious and conflict-free society. The charge of obliterating conflict's fundamental role has also been pressed against Mill by James Fitzjames Stephen. According to him, Mill's defence of parliamentary democracy is based upon a Pollyannaish view of political deliberation. Stephen argued that Mill expected political deliberation to wither disagreement and conflict. Moreover, he contended that Mill's expectation was unwarranted, for conflict in real life is an ineradicable feature of politics. According to Stephen, Mill mischaracterised the modus operandi of parliamentary democracy as a deliberative process that produced unanimity and, accordingly, neglected to mention that when representatives from different social groups confront one another in the assembly, they hardly ever recognise the goodness of their opponents' proposals.

Though decades have passed since Duncan and Stephen formulated their critiques, no one thus far has attempted to respond to them. In what follows, I reconstruct their critiques and argue that, although isolated passages from Mill's oeuvre give textual support for Duncan's and Stephen's criticisms, a more holistic approach to Millian political philosophy brings to the fore the partiality of their interpretations. Rebutting Duncan's and Stephen's critiques is worthwhile because it forces us to underscore one aspect of Millian socialism and one aspect of Mill's political philosophy that are usually overlooked: (i) conflict can be triggered not only by material inequality but also by resentment over social reputation; (ii) conflict is unavoidable in a truly

democratic community because citizens analyse political issues from different social perspectives.⁷⁸

This article is organised in the following way: first, Mill's high regard for conflict is examined in order to dispel the impression that he somehow wanted it to disappear once and for all. Section two shows that Mill justified his praise for conflict with two arguments. The first argument, which he inherited from the *Bildungstradition*, was that conflict is salutary to the extent it is conducive to self-development. The second, which he developed mainly by reading Guizot's historical writings, was that conflict is important for politics because it produces progress and wards off stagnation.

Having clarified Mill's conception of conflict and its intellectual sources, the article reconstructs in section three Duncan's critique of Millian socialism and argues that a proper understanding of Mill's socialism lays to rest Duncan's critique. In *Chapters on Socialism*, Mill makes clear that the socialism he defends would eliminate only conflicts motivated by material inequality. Conflicts revolving around issues of social reputation would keep the flame of conflict burning in a Millian socialist community. Put differently, though a Millian socialist community would not have conflicts motivated by redistribution of material goods, it would have conflicts triggered by resentment over social recognition.

Section four revisits Stephen's critique of Millian parliamentary democracy. According to Stephen, Mill thought the goal of democratic deliberation was to substitute compulsion with discussion. However, as chapter five of *Considerations on Representative Government* demonstrates, Mill was cognisant of the fact that

⁷⁸ I add the word 'truly' because, according to Mill, when democracy degenerates into 'the tyranny of the majority', homogeneity increases and conflict tends to disappear (CW XVIII, 176). On Mill's distinction between 'true' and 'false' democracy, see *Representative Government* (CW XIX, ch. 7). Unless otherwise noticed, whenever I deploy the word 'democracy' in this article I refer to the type of democracy that Mill defended, and not to the degenerate form of democracy he criticised.

parliamentary debates (almost) always leave a residue of conflict and disagreement.⁷⁹ He knew that dissenting minorities (almost) always remain in place and that what leads them to accept the final decision reached by the assembly is the fact that, before representatives voted on the measure, minorities had the chance to express their perspectives and voice their disapproval. Dissenting minorities accept the decision enacted by the assembly not because they are entirely persuaded of the truth and rightness of the opponents' proposal, but because they know that the rules of the game were respected. For Mill, conflict is unavoidable in democratic politics because citizens' perspectives on public issues vary according to their social background. The article thus concludes that Mill's socialism and democratic theory both recognise the fundamental role of conflict in political life.

6.2 Mill's praise for conflict: Its arguments and intellectual sources

Mill adduces two arguments to justify his high praise for conflict. The first one is that conflict fosters self-development: 'Every one who knows history or the human mind is aware that powerful intellects and strong characters are formed by conflict' (CW XXV, 1106). The second is that conflict safeguards progress: 'the antagonism of influences . . . is the only real security for continued progress' (CW XIX, 397).⁸⁰ In order to clarify both arguments, this section will scrutinise the intellectual sources of each of them.

⁷⁹ I use the word 'almost' because Mill does not rule out the possibility of having a few topics on which political representatives would unanimously agree.

⁸⁰ For the sake of concision, I use 'antagonism' and 'conflict' as synonyms through most of this article. Such use is warranted because, as I explain in section 2.2, Mill deployed the term 'antagonism' to refer to a specific type of conflict.

6.2.1 The influence of the *Bildungstradition* and the ancient Greeks

Mill's argument that conflict is conducive to self-development comes from two different historical sources: the ancient Greeks and the *Bildungstradition*. The influence of the latter over Mill's philosophy has been studied by several scholars (Audard, 2009, 86-92; Collini, 1985, 38; Devigne, 2006, 92-3; Habibi, 2001, 31; Kahan, 1992, 102; Merquior, 1983, 91 and 1991, 49; Smith, 1992, 84). Some have even affirmed that 'self-development', an expression that Mill uses countless times, is his translation for *Bildung* (Capaldi, 2004, 253; Thorlby, 1973, 101). Both concepts, to be sure, express the same idea, viz. 'that "the end of man . . . is the highest . . . development of his powers to a complete and consistent whole"; that, therefore, the object "towards which every human being must ceaselessly direct his efforts . . . is the individuality of power and development"' (CW XVIII, 261).

Mill in this passage quotes Humboldt's *The Sphere and Duties of Government*, one of the most conspicuous works of the *Bildungstradition*.⁸¹ In the second chapter of the book, Humboldt (1854, 11) maintains that liberty and self-development require 'a species of oppression' between the individual and her surroundings. The absence of conflict is deleterious because it entails 'the suppression of all active energy' which is necessary for the development of the self (Humboldt, 1854, 25). Mill's alignment with the *Bildungstradition* reveals that conflict is valuable for him to the extent it vents the potentialities of the self. Needless to say, Mill was not in favour of conflicts that bring about destruction and misery.⁸² Conflict for him was salutary when it led the individual

⁸¹ On Humboldt's influence over Mill, see Zakaras (2011, 234-38).

⁸² Mill recognised that conflict not always led people to engage in self-development. In *On Liberty*, for instance, he maintained that conflict can 'exacerbate' sectarianism and immature people in dogmatic positions (CW XVIII, 257). When that happens, conflict is inimical to self-development because it

to engage in self-development. The struggle between two individuals is beneficial when it ‘draws the attention of either to the imperfection of his own type’ (CW XVIII, 273). Conflict has the power to jolt us out of complacency, thus spurring ourselves to challenge and improve our current opinions and attitudes.

The ancient notion of *agon* was another intellectual tradition that influenced Mill. *Agon* was a term used in ancient Greece to denote the regulated conflicts that took place among citizens who wanted to challenge one another and display their greatness in public.⁸³ The interpretation that agonism was responsible for the ancient Greeks’ grandeur was common in the eighteenth and nineteenth centuries and was endorsed, for instance, by Humboldt (1854, 16) in *The Sphere and Duties of Government*. Comprising almost two dozen volumes and published between 1846 and 1856, George Grote’s monumental *History of Greece* also advanced the thesis that conflict was one of the main causes of the ancient Greeks’ glory. Grote was a close friend of Mill’s family and an active participant in the reading groups ‘organised by John Stuart Mill’ (Hamburger, 1965, 8). When *History of Greece* was published, Mill took it upon himself the task of reviewing Grote’s work for the *Edinburgh Review*.

Mill’s reviews of Grote disclose how deeply he was affected by the thesis that agonism was linked to the ancient Greeks’ grandeur. In both reviews, Mill elaborates his own considerations on Athenian democracy and praises agonism: ‘the passion, universal in the ancient world, for conquest and dominion . . . was most beneficial’ for the Athenians because it made them develop themselves (CW XI, 321). Like the ancient Greeks in general, the Athenians were ‘full of animal spirits and joyousness; [they] revell[ed] in the fun of hearing rival orators inveigh against each other’ (CW XI, 316).

prevents people from refining their cognitive abilities. For Mill, conflict is beneficial insofar as it encourages people to engage in self-criticism.

⁸³ See Kalyvas (2009, 18). Henceforth I will use ‘agonism’ and ‘agonistic’ to refer to regulated conflict.

Agonism imbued them with ‘that habitual love of fair play, and of hearing both sides of a case, which was more or less a quality of the Greeks generally, but had so firm a hold on the Athenians that it did not desert them under the most passionate excitement’ (CW XI, 325). Their system of education consisted mainly in preparing students for such battles, for the Athenians’ conviction was that, far from weakening the development of the polis, the agonistic passion promoted the public good. By making citizens compete with one another to see who could better serve the community, the Athenians utilised and converted the narcissist passion of each individual for the good of the whole.

Seeking to emulate them, Mill held that, rather than denying citizens’ ‘agonistic passion’ for personal recognition, modern democracies should deploy the drive for individual distinction in such a way as to make it socially useful (Urbinati, 2002, 61). The pleasure the Athenians felt when they heard ‘every sort of question, public and private, discussed by the ablest men of the time, with the earnestness of purpose and fullness of preparation’ descended from the Hellenic idea that conflict was the prime site for identifying the best politician, athlete *et al.* (CW XI, 324). Mill’s espoused such idea, and thus his political theory can be linked to ‘perfectionist agonism’, a philosophical doctrine that ‘prescribes contestation as a means to open up possibilities for the proliferation of forms of human excellence [and] embraces the valorisation of creative possibilities of the self, of a democracy that produces self-constituting subjects in proud diversity’ (Wingenbach, 2011, 53).⁸⁴

⁸⁴ On the association between Mill and perfectionist agonism, see also Fossen (2008, 388) and Owen (2013, 80). Following Fossen, Owen, and Urbinati, I describe Mill as an agonistic philosopher in order to highlight his indebtedness to the ancient Greeks, and not to imply that he should be read as a post-structuralist thinker. On the differences between ancient and contemporary agonism, see Kalyvas (2009). For interpretations that highlight the positive role Mill ascribed to political conflict, see Ashcraft (1989), Bobbio (2006, 83), Collini, Winch, and Burrow (1983, 159), Finlay (2002), Girard (2015), Pollitzer (2016, part III), Turner (2010) and Urbinati (2002). Urbinati (2002, 45) claims that Mill defended the regulation of conflict in order to promote ‘a republican or civic vision of politics’.

6.2.2 The influence of François Guizot

Besides the ancient Greeks and the *Bildungstradition*, Guizot's historical works shaped Mill's views on conflict to a significant degree. Mill met Guizot when the latter resided in London in 1840 after becoming the ambassador of France to England (Reeves, 2007, 195-96).⁸⁵ In his writings, Guizot puts forward an interpretation of European history that shows how progress requires a specific type of conflict, which he calls 'antagonism'. In a review of Guizot's work published in 1845, Mill adumbrates some views on the relationship between progress and antagonism that are further elaborated in *On Liberty* and *Representative Government*:

No one of the ancient forms of society contained in itself that systematic antagonism, which we believe to be the only condition under which stability and progressiveness can be permanently reconciled to one another. . . . We believe with M. Guizot, that modern Europe presents the only example in history, of the maintenance, through many ages, of this co-ordinate action among rival powers naturally tending in different directions. And, with him, we ascribe chiefly to this cause the spirit of improvement, which has never ceased to exist, and still makes progress, in the European nations. At no time has Europe been free from a contest of rival powers for dominion over society (CW XX, 269-70).

Following Guizot, Mill claimed that European history was characterised by a 'perpetual antagonism' (CW XX, 270). Though Mill does not define the term, his writings suggest that, albeit related, 'antagonism' and 'conflict' are not exactly the same. Whereas the latter signifies any type of disagreement that may exist between individuals, the former is used by Mill to designate a specific type of conflict that descends from wider social divisions.⁸⁶ Put differently, though antagonism always

⁸⁵ On the similarities between Mill's and Guizot's conceptions of historical conflict, see also Pollitzer (2015).

⁸⁶ The distinctive feature of 'antagonism' can be observed in Mill's correspondence with Comte (see CW XIII, 508). On Mill and Comte's intellectual relationship, see Kremer-Marietti (1995), Rosen (2013, chapters 5-6) and Winch (2009, 38-41, 71-2).

designates a conflictive relationship, not every conflictive relationship qualifies as antagonistic. When two individuals disagree because of idiosyncratic reasons, their relationship is conflictive but not antagonistic. When the reason why they disagree is not merely idiosyncratic and reflects wider divisions – such as, say, national divisions – their ‘conflict’ classifies as ‘antagonism’.

Guizot claimed that, since no European nation managed to dominate all others, Europeans were forced to deal with antagonism on a constant basis, which in turn made them more ‘progressive’. Almost fifteen years later, this thesis would reappear in chapter three of *On Liberty*:

What has made the European family of nations an improving, instead of a stationary portion of mankind? Not any superior excellence in them, which, when it exists, exists as the effect, not as the cause; but their remarkable diversity of character and culture. Individuals, classes, nations, have been extremely unlike one another: they have struck out a great variety of paths, each leading to something valuable; and although at every period those who travelled in different paths have been intolerant of one another, and each would have thought it an excellent thing if all the rest could have been compelled to travel his road, their attempts to thwart each other’s development have rarely had any permanent success, and each has in time endured to receive the good which the others have offered. Europe is, in my judgment, wholly indebted to this plurality of paths for its progressive and many-sided development (CW XVIII, 274).⁸⁷

The forced coexistence between different political groups was productive for Europe because, far from arresting their development, the exposure to diversity enriched the singularity of each group. Mill’s reading of European history shows that the conflict he values is *productive*; conflict is good inasmuch as it *produces progress*. To clarify the relationship between conflict and progress, Mill examines the history of one European nation that epitomises remarkably well the power antagonism has to produce progress, namely, England. His excursus on English history summarises important

⁸⁷ For a comprehensive analysis of Mill’s notion of ‘the stationary state’ that traces the historical sources that influenced his understanding of ‘stationariness’, see Eisenberg (2018, ch. 6).

claims from Guizot's *Histoire des origines du gouvernement représentatif en Europe*.⁸⁸

To flesh out the consistence of the concept of progress that Mill associated with political conflict, a brief analysis of Guizot's voluminous work is thus in order.

In the second tome of his work, Guizot (1851, 4) offers 'a careful examination of the origins of this government [sc. the representative one] in England, the only country where it developed without interruption and with success'. He notes that English history provided a fertile soil for the consolidation of representative institutions because, unlike other European countries, 'absolute power never managed to set its foot' in England (Guizot, 1851, 43). The division of power between the barons and the king, and between the Normans and the Saxons, was continuous in England. '[T]he Saxon institutions were never suffocated by the Norman institutions; they were associated and ended up changing the character of each' (Guizot, 1851, 43). The antagonism between both groups produced 'an amalgam' that yielded 'more developed and stronger' institutions (Guizot, 1851, 44). In addition, 'the forced rapprochement between the two peoples [sc. the Saxons and the Normans] . . . fertilised them and generated the liberties of England' (Guizot, 1851, 45).

Guizot contends that the struggle between the barons and the king sheds light on the productive power of political conflict. In contradistinction to continental Europe, the association between the barons in England was steady enough to resist the king: 'on the one hand, [there was] the royal power, and on the other, the bodies of the barons' (Guizot, 1851, 74). English history was shaped by a 'struggle' between these two powers, which did not end because none of them was strong enough to destroy the other (Guizot, 1851, 74). According to Guizot (1851, 75), the English owe deep gratitude to

⁸⁸ Mill's reading of English history also resembles Coleridge's theory on the genesis of British political institutions, which was advanced in *On the Constitution of the Church and State*, a work Mill read almost fifteen years before reviewing Grote's work. According to Coleridge (1830, 17), the continuous struggles between the different antagonistic social powers in Britain gave birth to the country's political institutions. On the influence of Coleridge over Mill, see Turk (1988).

that struggle, for it was upon it that ‘the first elements of a free government, that is to say, public rights and political guarantees’ were built. The power of the barons and the opposition they set up against the king were for Guizot (1851, 77-8) the features of English political history that explained the emergence and consolidation of representative institutions.

This rapid sketch of Guizot’s oeuvre suffices to state that the progress he associated with political conflict was first and foremost related to the stability of representative institutions and their attendant protection of citizens’ liberties. Guizot’s understanding of progress would be endorsed by Mill and is present in chapter two of *Representative Government*, where Mill claims that stability is ‘a part and means of Progress itself’ (CW XIX, 388).⁸⁹ Conflict forces a plurality of political groups to tolerate one another and to design institutions that allow them to negotiate their rivalries without appealing to physical violence. By doing so, conflict sustains the conditions necessary for citizens of all groups to pursue their life plans and experiments in living. It is in this regard that conflict is conducive to progress.

6.3 Does Mill’s socialism seek to institute a society without conflict? A reply to Duncan

As I noted earlier, different writers have accused Mill of being unable to grasp the pivotal role played by conflict in human existence. Such allegation has been built on

⁸⁹ For Mill even the most central beliefs of a progressive society should be contested, for contestation is what safeguards a lively apprehension of the meaning of our beliefs (CW XVIII, 247-48). This is worth highlighting because there is one passage in *On Liberty* where Mill claims that as mankind progresses, ‘the number of doctrines which are no longer disputed or doubted will be constantly on the increase’ (CW XVIII, 250). This sentence could be invoked to justify the interpretation that Mill’s commitment to the notion of progress was linked to the idea that conflict and popular contestation should gradually disappear. Such interpretation, however, does not survive a complete examination of *On Liberty*, for in this work Mill insists that if there are no people objecting mainstream social beliefs, ‘it is indispensable to imagine them and supply them with the strongest arguments which the most skilful devil’s advocate can conjure up’ (CW XVIII, 245). It is one thing to argue that progress will increase the number of doctrines which are no longer disputed over time, and yet another to claim that progress requires eliminating conflict altogether.

two grounds, the first of which revolves around Mill's socialism.⁹⁰ This section aims to rebut Duncan's interpretation that Mill's socialism sought to implement a completely harmonious and conflict-free society.

Duncan's (1973, 237) book *Marx and Mill: Two Views of Social Conflict and Social Harmony* asserts that, their differences notwithstanding, Marx and Mill had similar visions of what they considered to be 'the ultimate social state'. According to the book, both philosophers sought to institute a harmonious society without conflict. Duncan (1973, 238-39) avers that, by defending a socialist society where material inequality would diminish to a large extent, Mill subscribed to a conception of history where 'the environment in which men acted – and clashed – was to change . . . Violent and insatiable demands would disappear, and the major sources of conflict would wither away peacefully'.⁹¹

Duncan is obviously forced to acknowledge that Mill did accord some importance to conflict, if only because the passages in which the British philosopher is encomiastic about conflict are legion. Nevertheless, though he concedes that '[c]onflict or antagonism' are 'vital to [Mill's] social progress', Duncan (1973, 264) is adamant that, ultimately, Mill's conceptions of progress and history long for a society bereft of conflict. 'Mill envisaged Parliament as an institution . . . where conflict should not merely be institutionalised, but overcome' (Duncan, 1973, 267). In Mill's socialism, conflict would be the starting point, and harmony, the final stop.

⁹⁰ A significant body of literature has sought to evaluate Mill's socialist credentials by comparing it with other types of socialism (Claeys, 2013, especially 162-72; Robson, 1968, 268-71). For the sake of concision, I here focus solely on the relationship between Millian socialism and conflict and seek only to rebut Duncan's critique so as to emphasise an aspect of Mill's socialism that is often overlooked by Mill scholars. For a broader account that traces the historical genesis of Mill's views on socialism, see McCabe (2010).

⁹¹ Duncan (1969, 70 and 1973, 238) also claimed that Mill was unable to recognise the ineradicableness of conflict because he espoused a 'rational' view of politics. The charge that Mill's emphasis on reasoned deliberation led him to deny the importance of conflict is analysed in the next section.

More than forty years have passed, and yet no one thus far has offered a direct response to Duncan's criticism of Mill.⁹² The idea that Mill advocated socialism because he wished to eliminate conflict and wanted all of us to lead a completely harmonious and conflict-free social existence is imprecise.⁹³ The first step to invalidate such misreading is to recall that for Mill self-development – which is nothing less than the leitmotif of his philosophy (Dalaqua, 2018) – requires conflict. Mill's concern with self-development was actually one of the reasons he criticised capitalism and supported socialism (Baum, 2007, 100; Claeys, 1987, 145; Ruiz Resa, 2005, 188; Stafford, 1998, 336; Ten, 1998, 394; Zakaras, 2009, 25).⁹⁴ Now, how could Mill claim at the same time that socialism fosters self-development and eliminates conflict?

The second step to invalidate Duncan's interpretation is to demonstrate that it is at odds with a complete understanding of Mill's socialism. The idea that Millian socialism sought to evacuate conflict from social life can become tenable only by focusing on isolated statements of Mill's oeuvre, such as the ones below:

[Capitalism] is grounded on opposition of interests, not harmony of interests, and under it every one is required to find his place by a struggle, by pushing others back or being pushed back by them. . . . Under the present system hardly any one can gain except by the loss or disappointment of one or of many others. In a well-constituted community every one would be a gainer by every other person's successful exertions; while now we gain by each other's loss and lose by each other's gain (CW V, 715-16).

⁹² Though McCabe (2010, 254-60) does not address Duncan's (1973) criticism of Mill's socialism directly, her work can be invoked to refute Duncan's critique because she shows that a Millian socialist community would have conflicts provoked by the competition between different cooperatives.

⁹³ I add 'completely' because, to the extent that it would make conflicts motivated by acute material inequality disappear, Mill did expect socialism to produce some harmony (CW III, 791-92). In a Millian socialist community, conflicts concerning the distribution of material goods would indeed be eliminated because the distribution of such goods would be 'performed according to rules laid down by the community' (CW V, 738). That does not mean, however, that Mill thought conflict would disappear altogether in a socialist community.

⁹⁴ By invoking self-development as a justification for socialism, Mill once again pays tribute to the *Bildungstradition*. As Lukács (2006, 591) submits in his essay on Goethe, the *Bildungstradition* gestures towards the idea that 'a fully developed personality presupposes a new social order: socialism'. The idea that socialism should be implemented because it was conducive to self-development was not unusual in late nineteenth-century Europe and was endorsed by writers as different as Bernstein (1993, 147) and Wilde (1912). Marx's defence of communism was also animated by a conception of self-development (see Audard, 2018; Marx and Engels, 1998, 83-4; Parekh, 1982, 35; Smith, 2005, ch. 10).

This passage could doubtless serve to justify the assertion that Millian socialism aimed at a completely harmonious and conflict-free society. At first glance, one could infer from it that Mill's repudiation of capitalism and penchant for socialism were premised on the idea that, whilst the former stimulated conflict because it produced material inequality, the latter eliminated conflict completely insofar as it diminished material inequality.

Such inference, however, would be wrong. For one thing, Mill himself imputes to communism the charge that Duncan presses against him. Communists believe that with the abolishment of private property and the fulfilment of the revolution, social concord would ensue.⁹⁵ However,

[t]hat concord would, even in the most fortunate circumstances, be much more liable to disturbance than Communists suppose. The institution provides that there shall be no quarrelling about material interests; individualism is excluded from that department of affairs. But there are other departments from which no institutions can exclude it: there will still be rivalry for reputation and for personal power (CW V, 744).

The domain of economics does not exhaust the agonistic impetus that pervades human existence. Even in the absence of economic inequality, reputation-driven disputes would continue to fuel the flame of conflict in a socialist polity. In the socialist community envisaged by Mill, there will be no conflicts motivated by material inequality between citizens from different social classes, but there will be conflicts regarding issues of reputation and social recognition. The blind spot of Duncan's analysis is that, by contending that Millian socialism would institute a completely harmonious society, Duncan supposes that conflict can only be motivated by economic

⁹⁵ On the differences between Millian socialism and communism, see Feuer (1949, 297-303). According to Mill, one of the main differences between his socialism and communism is that, while the latter seeks to abolish private property, the former does not. Mill's definition of socialism is given in CW V, 738.

issues. When he claims that in a Millian socialist community ‘the major sources of conflict would wither away peacefully’ because material inequality would disappear, Duncan (1973, 239) neglects to mention that conflicts aroused by the concern with reputation were for Mill a major source of conflict. As chapter three of *On Liberty* makes clear, a significant amount of social and political conflicts arises out of the clash among ‘different experiments of living’ (CW XVIII, 261).

Mill not only affirms the ineradicableness of conflict, but also praises the persistence of discord that the socialist society he defends would have:

It is needless to specify a number of other important questions . . . on which difference of opinion, often irreconcilable, would be likely to arise. But even the dissensions which might be expected would be a far less evil to the prospects of humanity than a delusive unanimity produced by the prostration of all individual opinions and wishes before the decree of the majority (CW V, 745).

In Mill’s view, besides being naive, communism’s hope that the abolishment of material inequality would make unanimity prevail is dangerous. The putative unanimity that everybody would approve of, in reality, would be nothing but the result of violent censorship and smothering groupthink. For Mill, total unanimity is perforce the outcome of coercion and a symptom of the absence of liberty. When citizens are allowed to develop themselves freely, it is unavoidable that ‘human nature [will] expand itself in innumerable conflicting directions’ (CW I, 259). Far from lamenting it, Mill cherished the persistence of conflict, for without it progress and self-development would decay.

6.4 Does Mill’s democratic theory seek to institute a society without conflict? A reply to Stephen

Mill's democratic theory was also indicted for being unable to recognise the ineradicable character of conflict in politics. Published in 1873, Stephen's *Liberty, Equality, Fraternity* argues that Mill's conception of parliamentary democracy presumed that conflict could be eliminated from politics. Stephen's book cites Mill some 125 times, which means that Mill's name appears roughly once every two pages. Indeed, the entire book could be read as a critical parsing of Mill's philosophy, something that Stephen (1993, 4) himself suggests in the first chapter. In this section, my aim is to juxtapose Stephen's critique to Mill's writings so as to highlight a thesis advanced therein that refutes Stephen's criticism, namely, the thesis that conflict is unavoidable in democratic politics because the ways in which citizens see public issues vary according to their social background.

As Stuart Warner (1993, xxii) warns in the foreword to *Liberty, Equality, Fraternity*, 'Stephen misconstrues Mill's doctrines, heedless of the nuances to be found there'. In the wake of Harold Bloom's (1973) antithetical approach, one could say that the fear of not being 'original' enough is what lurks behind Stephen's misappropriation of Mill. Stephen (1993, 4) writes that for a long time he was Mill's 'disciple', but that as time went by, he came to realise that Mill's philosophy was 'repugnant'. Throughout the book, he claims that Mill went astray in his reflections and that the objective of *Liberty, Equality, Fraternity* is to correct them. Since a complete reconstruction of Stephen's critiques would lead us too far afield, this section will focus only on his criticism of Mill's view of parliamentary democracy and thus will not address his animadversion of Millian utilitarianism.⁹⁶

⁹⁶ For a fuller account of Stephen's criticism of Mill, see Julia Stapleton's (2017) introduction to *Liberty, Equality, Fraternity*.

Stephen's (1993, 169) main criticism regarding Mill's democratic theory is that it supposes that conflict can be eradicated once and for all:

Mr. Mill . . . thinks otherwise than I of men and of human life in general. He appears to believe that if men are all freed from restraints and put, as far as possible, on an equal footing, they will naturally treat each other as brothers, and work together harmoniously for their common good. I believe that . . . between all classes of men there are and always will be real occasions of enmity and strife, and that even good men may be and often are compelled to treat each other as enemies either by the existence of conflicting interests which bring them into collision, or by their different ways of conceiving goodness.

According to Stephen, Mill thought that coercion and restraint would no longer be necessary in a democracy, for any polity where citizens are all equally free will be completely harmonious. Contra Mill's view, Stephen (1993, 20) insists that a democratic debate where every citizen is open to participate on a par with others does not substitute 'compulsion' by 'discussion'. He claims it is naive to expect democratic deliberation to replace force by persuasion, for 'persuasion and force . . . are neither opposed to nor really altogether distinct from each other. . . . Persuasion, indeed, is a kind of force' (Stephen, 1993, 76). Democracy

is simply a mild and disguised form of compulsion. We agree to try strength by counting heads instead of breaking heads, but the principle is exactly the same. It is not the wisest side which wins, but the one which for the time being shows its superior strength . . . by enlisting the largest amount of active sympathy in its support. The minority gives way not because it is convinced that it is wrong, but because it is convinced that it is a minority (Stephen, 1993, 21).

The next two paragraphs of the text indicate that Stephen has *On Liberty* in mind when reproaching Mill's putative naiveté. According to Stephen (1993, 21), Mill's essay on liberty affirms that, when citizens deliberate with one another about political affairs, they achieve mutual understanding and eliminate the disagreements and

conflicts that used to divide them. Stephen's interpretation finds textual support in chapter two of *On Liberty*, where Mill maintains that when citizens discuss 'all the . . . antagonisms of practical life', their different viewpoints merge and produce what he calls 'truth' (CW XVIII, 254):

Truth, in the great practical concerns of life, is so much a question of the reconciling and combining of opposites and it has to be made by the rough process of a struggle between combatants fighting under hostile banners. . . . only through diversity of opinion is there, in the existing state of human intellect, a chance of fair play to all sides of the truth (CW XVIII, 254).

This passage lends credence to Stephen's critique. Mill here seems to conceive of politics as an epistemic game in which conflicting opinions reconcile with one another and form a new discourse that erstwhile opponents can recognise as truthful and entirely appropriate. The expression of conflict in political deliberation weeds out inaccurate information, exposes falsehood, and in the end makes everybody pleased with the decision taken. It is as if Mill only tolerated conflict because, in the existing state of human intellect, it was by means of it that error was eliminated and truth emerged. Mill's tolerance of conflict was made on pragmatic grounds, and his real wish was to institute a state where citizens' intellect was more advanced and where conflicting political opinions would not even exist (see Stephen, 1993, 179).

For Stephen, such wish can never come to fruition. Conflict in politics will exist permanently, for 'the intimate sympathy and innumerable bonds of all kinds by which men are united, and the differences of character and opinions by which they are distinguished, produce and must forever produce continual struggles between them' (Stephen, 1993, 94). It is citizens' gregariousness – the fact that they are social animals who live in groups – that produces, and will always produce, conflict between them.

Our opinions and political views, according to Stephen (1993, 175), necessarily reflect the social group we belong to; ‘men are so constituted that personal and social motives cannot be distinguished and do not exist apart’. Political communities are a mosaic of different collectivities, and the constitution of citizens’ motives, their understanding of life, the reasons they give when justifying their actions – all these somehow mirror the specific social group they come from. Contra Mill’s view that citizens from different groups can forge together a common discourse that makes conflict vanish altogether, Stephen (1993, 205) argues that in politics, as in human affairs in general, conflict is inexorable because the social perspectives from which citizens judge public issues are not necessarily reconcilable:

As long as men have any mental activity at all, they will speculate, as they always have speculated, about themselves, their destiny, and their nature. They will ask in different dialects the questions What? Whence? Whither? And their answers to these questions will be bold and copious, whatever else they may be. It seems to me improbable in the highest degree that any answer will ever be devised to any one of these questions which will be accepted by all mankind in all ages as final and conclusive. The facts of life are ambiguous. Different inferences may be drawn from them, and they do not present by any means the same general appearance to people who look at them from different points of view. To a scientific man society has a totally different appearance, it is, as far as he is concerned, quite a different thing, from what it is to a man whose business lies with men.

People judge human affairs from different points of view. A scientist and a business man will probably have divergent views when it is time to decide what their polity should do to ameliorate citizens’ lives. It is unreasonable to expect them to reach a ‘truth’ that somehow will resolve their conflicts. The facts of life are ambiguous. Unlike mathematics, collective existence poses problems that can be addressed in different ways, and to claim that there is only one ‘correct’ and ‘truthful’ solution for them makes no sense. We all speak from specific perspectives and the solutions we design for political problems, as well as the way we look at the problems themselves,

are always tainted by our social background. In international as in domestic politics, people 'are like a pack of hounds all coupled together and all wanting to go different ways. . . . We are thus brought to the conclusion that . . . there is and must be war and conflict between men. . . . There is a real, essential, eternal conflict between them' (Stephen, 1993, 94).

Given Mill's inability to grasp this fundamental feature of human existence, he did not realise that the aim of politics is not to eliminate conflict, but to regulate it. Once the ineradicableness of political conflict is admitted, one understands that what governments should do 'is not to prevent collisions [between citizens], but to surround them with acts of friendship and goodwill which confine them within limits and prevent people from going to extremities' (Stephen, 1993, 94). 'The great art of life lies not in avoiding . . . struggles, but in conducting them with as little injury as may be to the combatants' (Stephen, 1993, 109). Rather than trying to eliminate conflict, what is needed is to regulate it in such a way as 'to let the best man win. If prize-fighters were allowed to give foul blows . . . their relative strength and endurance would be less effectually tested. . . . what is wanted is not peace, but fair play' (Stephen, 1993, 68). Regulated conflict is salutary for the polity because it works as a mechanism of selection that reveals who the best citizen, athlete, politician *et al.* are.

The commentary on Mill's conception of conflict given in section two is enough to cast doubt on Stephen's interpretation. As his reviews of Grote demonstrate, Mill also thought that the practice of agonism – the regulated conflicts the Athenians used to have with one another – was a mechanism of selection of the best (*aristoi*). In fact, Mill's position on conflict resembles Stephen's to a significant degree, for both philosophers believed that conflict should be institutionalised, not eliminated. As chapter two of

Representative Government testifies, the only secure foundation of progress is ‘the antagonism of influences’ (CW XIX, 397).

Mill does not think that democracy substitutes discussion by force. In chapter five of *Representative Government*, he explains that democratic deliberation does not eradicate conflict, for there will always remain dissenting opinions. The final decisions enacted by Parliament, for instance, almost never please the totality of the representatives:

Parliament has . . . to be at once the nation’s Committee of Grievances, and its Congress of Opinions; an arena . . . where every person in the country may count upon finding somebody who speaks his mind . . . not to friends and partisans exclusively, but in the face of opponents, to be tested by adverse controversy; where those whose opinion is overruled, feel satisfied that it is heard, and set aside not by a mere act of will, but for what are thought superior reasons, and commend themselves as such to the representatives of the majority of the nation; where every party or opinion in the country can muster its strength, . . . where the opinion which prevails in the nation makes itself manifest as prevailing, and marshals its hosts in the presence of the government, which is thus enabled and compelled to give way to it on the mere manifestation, without the actual employment, of its strength (CW XIX, 432).

What makes the minority accept the decision chosen by the majority is, *inter alia*, the threat of force; they know that if they defied them, they would lose because they have less people on their side. Parliamentary democracy for Mill is a way for the government to see which social force has more adherents. Even though Mill writes that the minority who participates in the debate feels satisfied with their power to express their disagreement with the majority in public, he never affirms that they change their minds. They feel satisfied with the fact that the rules of the game were respected, that the decision chosen was, after all, the one which the majority of their peers considered to be superior after some time of deliberation. Nevertheless, Mill never said that the minority accepted the outcome of the discussion because they were convinced that they

were 'wrong' and that the majority was 'right'. If that was how he conceived of democratic deliberation, then the decisions enacted by Parliament in a representative democracy would always be selected unanimously for him. If the deliberative process would make the minority realise they were wrong, why would they keep voting against the majority? The reason why a 'truly' democratic representative assembly is and will always be saturated with conflict and controversy is because both of them are ineradicable features of political life.

Indeed, what distinguishes a 'false democracy' from a 'true' one is that, while the former diminishes the expression of political conflict in the assembly by allowing only representatives of the majority to be elected, the latter maximises the presence of political conflict by adopting a proportional representation scheme that helps minorities elect their own representatives (CW XIX, 448). If representative government is to be truly democratic, it is imperative that the representative assembly expresses the social perspective of every political group comprised in the *demos*. A proportional representation scheme respects that imperative because, unlike the first-past-the-post voting method, it does not allow only representatives who collect more than fifty percent of the votes to be elected. The winner-takes-all system leads to a falsified representative democracy in Mill's view because it offers no guarantee against the tyranny of the majority. Endorsing Pericles' view of democracy, Mill submitted that, rather than being identified with majoritarianism tout court, democracy should be seen as the regime where the rule of the majority goes in tandem with the recognition and appreciation of human diversity and conflict (see CW XI, 319 and Thucydides, 1982, 109ff).

Why is conflict unavoidable in a true democracy? The answer Mill's writings give to such question is, once again, similar to Stephen's views. The idea that citizens'

different social backgrounds is what gives them conflicting opinions on political issues is also present in *Representative Government*:

It is not, however, necessary to affirm even thus much in order to support the claim of all to participate in the sovereign power. We need not suppose that when power resides in an exclusive class, that class will knowingly and deliberately sacrifice the other classes to themselves: it suffices that, in the absence of its natural defenders, the interest of the excluded is always in danger of being overlooked; and, when looked at, is seen with very different eyes from those of the persons whom it directly concerns. In this country, for example, what are called the working-classes may be considered as excluded from all direct participation in the government. I do not believe that the classes who do participate in it have in general any intention of sacrificing the working classes to themselves. . . . Yet does Parliament . . . ever for an instant look at any question with the eyes of a working man? . . . [T]he working men's view . . . ought to be respectfully listened to, instead of being, as it is, not merely turned away from, but ignored. On the question of strikes, for instance, it is doubtful if there is so much as one among the leading members of either House who is not firmly convinced that the reason of the matter is unqualifiedly on the side of the masters, and that the men's view of it is simply absurd. Those who have studied the question know well how far this is from being the case, and in how different, and how infinitely less superficial a manner the point would have to be argued, if the classes who strike were able to make themselves heard in Parliament (CW XIX, 405).

The way citizens judge political affairs is conditioned by their social background. Different social groups have different social perspectives, and that is precisely why members from every social group ought to be present in the representative assembly. Including different and conflictive social perspectives in the representative assembly is salutary because it avoids the absolute 'preponderance' of a given class in politics, something that for Mill constituted an 'evil' (CW XVIII, 196).⁹⁷

Allowing all social perspectives to be heard inside the assembly institutionalises conflict. It contributes to the stability of the polity because it dissuades those who are

⁹⁷ This sentence comes from Mill's second review of Tocqueville's *Democracy in America*. Mill in this passage criticises Tocqueville for having mistakenly affirmed a fault he found in American democracy as a fault that was due to democratic equality. Tocqueville (2012, 250-60, 604-8) claimed that democratic equality was dangerous insofar as it arrested self-development and favoured despotism. Contra Tocqueville, Mill claimed that the problem lied not in democratic equality itself, but in the absence of conflict caused by the preponderance of the middle class in the U.S. (CW XVIII, 196-202). Whenever a given social class is able to rule without having to take into account conflictive perspectives, despotism tends to prevail and citizens' self-development decreases. On the opposition between despotism and self-development in Mill's political thought, see CW XVIII, 266 and Urbinati (2007).

unhappy with the government from resorting to physical violence. This is something that Stephen (1993, 158) failed to grasp when he criticised Mill's association of parliamentary democracy with 'endless discussion'.⁹⁸ The fact that the expression of various social perspectives in the representative assembly makes the deliberative process slow should not lead us to crave for a faster and less noisy decision-making mechanism. Such slowness is crucial to the stability of the government, for it gives time for representatives of different social groups to express their judgement and expose in public any shortcoming that the decision under debate might have. The endless discussion among representatives from different social classes that Stephen deplors is a way of institutionalising conflict.

6.5 Conclusion

Mill's socialism and democratic theory have been accused of seeking to institute a conflict-free society. This article has argued that such accusations do not survive a complete examination of Mill's thought. It would be imprecise to claim that a Millian socialist community would exterminate conflict, for material inequality is not the only source of social conflict for Mill. Even if disputes motivated by redistribution of material goods no longer existed, quarrels driven by resentment over social reputation would keep the blaze of conflict burning in a Millian socialist society.

It is equally imprecise to affirm that Mill thought parliamentary democracy should evacuate conflict from political life. An attentive reading of *Representative*

⁹⁸ Stephen's (2015, 231) critique of the slowness and inefficiency of parliamentarism is further elaborated in an article he wrote about representative government where he compares 'the progress of a measure through Parliament to the progress of a cab along Fleetstreet on a day when the traffic is unusually heavy'.

Government demonstrates that Mill was aware of the fact that the decision reached by a representative assembly hardly ever pleases all representatives. Conflict for him was an ineradicable feature of a truly democratic community, for any society where citizens were granted equal liberty would incite ‘human nature to expand itself in innumerable conflicting directions’ (CW I, 259). Far from bemoaning it, Mill thought the persistence of conflict should be commended because it was conducive to progress and self-development. Rather than attempting to suppress social antagonism once and for all, what Mill wanted was to institutionalise and regulate conflict in such a way as to stabilise representative democracy and channel citizens’ agonistic passion for personal distinction in a socially useful way.

Article 7 (chap. three of the Portuguese version of the dissertation)

Representation, epistemic democracy, and political parties in John Stuart Mill and José
de Alencar

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Abstract: John Stuart Mill and José de Alencar lived at the same time and wrote about the same issues, and yet the connections between their political theories remain unexplored. Seeking to offer a comparison of both theories, this paper argues that reading Mill's *Considerations on Representative Government* (1861) vis-à-vis Alencar's *Systema representativo* (1868) brings to the fore two aspects of Mill's political theory that Mill scholars usually overlook: (i) political representation is endowed with constructivist power; (ii) epistemic democracy and agonistic democracy can be mutually reinforcing. A comparative reading between Mill and Alencar reveals that representation does not simply reproduce or mirror pre-given ideas and identities, but also constructs them. In addition, it reveals that epistemic democracy is not at odds with agonistic democracy. To be sure, both Alencar and Mill were agonistic democrats precisely because they were epistemic democrats. They recognized conflict as a fundamental aspect of democracy because they believed political disagreement weeds out inaccurate information, expands the knowledge of politicians, and leads to the construction of more reasonable, wiser decisions. Thus, Alencar and Mill thought political parties were crucial to democracy insofar as they injected conflict into political debate.

7.1 Introduction

In her essay about Walter Benjamin, Hannah Arendt (1968: 205) suggests that the work of the intellectual historian is akin to that of the “pearl diver who descends to the bottom of the sea.” One of the tasks of the historian of political thought is to excavate the past in search of new pearls, forgotten texts that must be brought up “into the world of the living” when their ideas can expand our understanding of political concepts (Arendt, 1968: 206). Though Arendt herself confined political thought to the European canon, it is interesting to notice how strenuously the task she assigned is undertaken by those who work within the now blossoming field of comparative political theory (CPT). What leads comparative political theorists to dive in faraway oceans is their conviction that our understanding of canonical texts can be enriched once we juxtapose them with the political theory of thinkers who are not part of the Anglo-European canon.

This work subscribes to the most common understanding of CPT as the effort to bring into fruitful dialogue thinkers from the Anglo-European canon with thinkers from subaltern philosophical traditions.⁹⁹ As Andrew March (2009) remarks, there are several reasons justifying CPT. The one that guides this work corresponds to what March calls the epistemic justification. By comparing José de Alencar’s *Systema representativo* (1868) with John Stuart Mill’s *Considerations on Representative Government* (1861), my main purpose is to extract from the former two “pearls” that can broaden our knowledge of the latter. Reading Mill’s political theory vis-à-vis that of Alencar brings

⁹⁹ The more conventional understanding is that CPT usually brings together “Western” and “non-Western” writers (Dallymar, 1997). I prefer, however, to use “Anglo-European” instead of “Western” because there are several subaltern philosophical traditions that are, after all, geographically Western. That is certainly the case of nineteenth-century Latin American political thought: although located in the West, nineteenth-century thinkers from Latin America were situated at the margins of Western political thought.

to light two aspects of the former that most Mill scholars tend to ignore: (i) democratic representation is endowed with constructivist power; (ii) agonistic democracy and epistemic democracy are not necessarily at odds with one another.¹⁰⁰ In fact, as we shall see, both Alencar and Mill were agonistic democrats precisely because they were epistemic democrats.

The fact that there is virtually no comparative analysis of Alencar's and Mill's political theory is surprising, for their lives and works were strikingly similar.¹⁰¹ Mill and Alencar were both nineteenth-century radicals who, after earning a considerable intellectual reputation in their respective countries, became politicians.¹⁰² Alencar was elected representative of Ceará in 1861, and Mill was elected representative of Westminster in 1865. Both authors dwelled upon the relationship between representation and democracy, and both advocated for proportional representation and an open ballot system. Mill could not understand Portuguese and thus never read Alencar. The latter, however, was acquainted with the former's work and even described himself as "a soldier of Stuart Mill" (quoted in Rizzo, 2012: 39). Indeed, in the very first page of *Systema representativo*, Alencar (1868: 3) affiliates his work to Mill's *Representative Government*. As Mill struggled to democratize representative government in England, Alencar took it upon himself the task of democratizing representative government in Brazil.

¹⁰⁰ The most notable exception being Charles Girard (2015), who probes the epistemic benefits Mill links to democratic conflict.

¹⁰¹ Rizzo (2012) is the only scholar who has consistently considered the similarities between Mill and Alencar. Nevertheless, his is not a comparative analysis between Mill and Alencar because, as Rizzo (2012: 22-4) makes clear, the aim of his work is to reconstruct Alencar's political theory, not to compare Alencar and Mill. Be that as it may, Rizzo's (2012: 42-3; 46-9; 64-6) scattered remarks about Mill and Alencar are quite thought-provoking and contributed to the arguments contained herein. Rizzo's analysis was influenced by Wanderley Guilherme dos Santos's (1991: 22-6) introduction to the latest edition of *Systema representativo*.

¹⁰² I employ the word "radical" in its nineteenth-century sense to designate any thinker who was in favor of universal male suffrage. Frederick Rosen (2011: 277) claims that the articles Mill published in the *Monthly Repository* in 1834 were responsible for attaching such a meaning to the word "radical."

When representative governments first came into being in the eighteenth century, they were not designed to be primarily democratic. On both sides of the Atlantic revolutionaries preferred using the word “republic” when referring to their newly created governments because they associated “democracy” with mob rule and political instability (Rosanvallon, 2008a).¹⁰³ One could thus say there was a semantic chasm between “representative government” and “representative democracy” in the eighteenth century (Urbinati, 2006: 138). Whereas the former posited barriers to insulate representatives from the demos, the latter strove for a circular relationship between the people and their representatives.

In the last decade of the eighteenth century and throughout the nineteenth century, a few political theorists took issue with the non-democratic character of representative government and started to argue that representation could and should be democratic. Mill and Alencar were part of this movement, and this article probes the ways in which they believed representation and democracy could be reconciled. Before we proceed, however, a caveat is necessary. Both Alencar and Mill had political positions that would not be classified as democratic today. Alencar (1868: 80) rejected suffrage for women and in 1867 publicly condemned the abolition of slavery in Brazil, and Mill supported both despotic colonialism in India and the concession of plural votes for more educated citizens.¹⁰⁴ These facts reveal the limitations of the authors’ perspective on one of the core principles of democracy, *viz.* human equality. So of course Mill and Alencar fall short of being full-fledged democrats from a contemporary perspective. I am aware of that and do not aim to exculpate Alencar and Mill from their

¹⁰³ Given the framers’ distaste for democracy, it is a bit surprising that the expression “representative democracy” was coined by Alexander Hamilton. The letter he sent to Governor Morris in 1777 is considered to be the first document to contain the expression “representative democracy” (Rosanvallon, 1998: 11). The aversion to the concept of democracy perpetuated in the North Atlantic was replicated in Brazil in the same period (Lynch, 2011).

¹⁰⁴ See Alencar (2008). On Mill’s colonialism, see Jennifer Pitts (2005: ch. 5).

prejudices. Instead, I seek to understand what they meant by the word “democracy.” Therefore, in what follows, I first reconstruct a few topics from Mill’s *Representative Government* that influenced Alencar’s *Systema representativo*. Then, I analyze how these topics were taken up by Alencar and try to show how a comparative reading of both writers sheds light on two aspects of Mill’s political theory that Mill scholars tend to neglect.

7.2 Representative democracy in John Stuart Mill

One of the central aims of Mill’s *Representative Government* is to clarify the difference between “true” and “false” democracy:

Two very different ideas are usually confounded under the name democracy. The pure idea of democracy, according to its definition, is the government of the whole people by the whole people, equally represented. Democracy as commonly conceived and hitherto practised, is the government of the whole people by a mere majority of the people, exclusively represented. The former is synonymous with the equality of all citizens; the latter, strangely confounded with it, is a government of privilege, in favour of the numerical majority, who alone possess practically any voice in the State. This is the inevitable consequence of the manner in which the votes are now taken, to the complete disfranchisement of minorities (CW XIX: 448).

Mill includes in the definition of democracy the idea of equal representation. *Pace* François Guizot (1851) and other political thinkers of the nineteenth century, he believed that representative government should not be defined in opposition to democracy. Representative governments could be democratic if they ensured equal representation for all citizens. Thus, as the next section explains, Mill endorsed Thomas Hare’s proportional representation scheme and criticized majoritarian democracy. The

winner-takes-all electoral system implied a degeneration of democracy, for it deprived of representation those who did not vote for the candidate who won the majority of the votes. This electoral system corresponded to “false democracy” because it denied equal representation (CW XIX: 448).

According to Mill, representation must be linked to popular participation if it is to be democratic. This point is worth highlighting, if only because some scholars insist on claiming that representation and participation were antithetical for Mill. Eduardo Godinho (2012: 106), for instance, argues that Mill defended representative government because he thought “it was impossible for everybody to participate [in politics].” In a similar vein, Thais Florencio de Aguiar (2015: 53) holds that Mill conceptualized representative government in such a way as to replace direct popular participation by the management of a skilled elite of politicians.

The participatory strand of Mill’s conception of representation is visible right in the beginning of *Representative Government*, when the British philosopher writes that citizens’ “active participation” is necessary for the functioning of a representative democracy’s “political machinery” (CW XIX: 376). To understand how political participation is exercised in a representative democracy, we need to realize that “the power which is to keep the [political] engine going must be sought for *outside* the machinery” (CW XIX: 380). In a representative democracy, political institutions are always at the mercy of the “active power out of doors” (CW XIX: 423). Political participation – i.e., the exercise of political power – takes place both *inside* and *outside* state institutions. Being outside the representative assembly does not deprive a citizen of political power:

Reading newspapers, and perhaps writing to them, public meetings, and solicitations of different sorts addressed to the political authorities, are the extent of the participation of private citizens in general politics, during the interval between one parliamentary election and another (CW XIX: 535).

Representation is democratic when voting does not exhaust political participation. Representative democracy should not be characterized simply as the regime in which incumbents struggle for people's votes through periodic elections (CW XIX: 420). Democratic representation requires continuous interaction between representatives and their constituents. In the interval between elections, different avenues for political participation – such as public meetings, petitions, and the press – that allow citizens to influence and control their representatives should be open for all.

Mill thought that modern inventions (such as the newspaper and the railroad) would facilitate the exchange of information and draw in the distant regions of large representative democracies “simultaneously in one *agora*” (CW XVIII: 165). The citizen who forms and exchanges her judgment about political affairs in the public sphere should also be seen as a “sovereign” (CW XVIII: 224). The way Mill uses the term “sovereignty” puts into question the modern conception of sovereignty as a power that pertains only to the will (and that, as such, can never be represented). As Urbinati has explained, if one is to understand how representation can be reconciled with democracy, one needs to realize how the expansion of suffrage in the nineteenth century transformed sovereignty in a way that modern theorists of sovereignty such as Rousseau (1964) could not foretell. Once the seat of power becomes an empty place whose holders are periodically subject to popular elections, a new element is woven into the fabric of sovereignty.

In a representative democracy, sovereignty is diarchic – that is, it comprises two elements: will and judgment (Urbinati, 2014: 22). The will is linked to the power of

decision and is instantiated in the act of voting. When citizens vote for a candidate and incumbents vote for laws, they both exercise their will. Judgment, in turn, pertains to the domain of opinion and, unlike the will, can be represented. Its realm of existence is located in what Mill calls the *agora* of the moderns – which, as Mill has underscored, is only possible in large-scale societies due to media technology. So, in order to secure representative democracy’s truly democratic character, it is especially requisite to make sure that the media undergirding the *agora* of the moderns is not monopolized by one social group.

As Mill warned in his critique of the tyranny of the majority, the means of communication in mass society can preclude public and critical debate once they start to propagate the ideas of only one group (CW XVIII: 248). The existence of a concentrated and homogeneous power of discourse formation represents a grave threat to democracy. “Mill’s account of political power” reveals that “concentration of ownership and control of the means of communication leads to considerable concentration of power to shape what other people think. This, in turn, profoundly conflicts with democratic ideals” (Baum, 2000: 82). In Mill’s view, plural and conflicting discourses are necessary insofar as they avoid the deterioration of representative democracy into its opposite, which would amount to what he calls “class legislation” – in his own words, “government intended for . . . the immediate benefit of the dominant class, to the lasting detriment of the whole” (CW XIX: 446).

Mill’s conviction that the struggle between conflicting political positions led the representative assembly to make better decisions was one of the reasons why he defended proportional representation. “In all human affairs, conflicting influences are required, to keep one another alive and efficient even for their own proper uses” (CW XIX: 439). Once representatives from minority groups were elected, conflicting

positions would be voiced in the assembly. Politicians representing the majority would be forced to take into account opposing perspectives and review the cogency of their argument. The exchange of arguments between representatives of different social groups would be beneficial to the polity because it would allow the assembly to reach wiser and more inclusive decisions.

“Every one who knows history or the human mind is aware, that powerful intellects and strong characters are formed by conflict” (CW XXV: 1106). Apart from being politically useful, conflict is of paramount importance because it fosters the *raison d’être* of Mill’s philosophy, viz. self-development. According to commentators, self-development is Mill’s translation for the romantic concept of *Bildung* (Thorby, 1973: 101). Both words express the same idea, to wit, that “the end of man . . . is the highest and most harmonious development of his powers to a complete and consistent whole” (CW XVIII: 261).¹⁰⁵ Like many other writers of his century, Mill was influenced by the *Bildungstradition*:

[W]ith the beginning of the 19th century it became clear that *Bildung* is connected to the development of the individual subject, to the development of a person, who has to ascertain him/herself in an area of conflict which is given from the experience of its regulations originating from its nature and social contexts (Winkler, 2012: 96-7).

According to the *Bildungstradition*, self-development is inextricably bound up with the experience of conflict. If one is to develop oneself, one has to struggle with one’s social environment. To be sure, one of the central ideas of romanticism is that the development and exercise of an individual’s faculties requires conflict (Berlin, 1999:

¹⁰⁵ This is a citation (and endorsement) of Wilhelm von Humboldt (1854), a writer who also influenced Alencar. In another essay, Humboldt (2006: 259) defines *Bildung* as a “mental attitude” that instills in an individual’s character and affectivity “the knowledge and the feeling of the totality of the aspirations of ethics.” On Humboldt’s influence over Mill and Alencar, see respectively Catherine Audard (2009: 86-8) and Rizzo (2012: 30, 240).

42).¹⁰⁶ In sum, Mill's appreciation for conflict as a prime source of human development is indebted to the *Bildungstradition*. As the next section highlights, this thesis brings Mill close to Alencar, who also contended that conflict fostered human development.

Since human beings can only develop themselves through conflict, a society devoid of the latter is inevitably going to deteriorate:

No one of the ancient forms of society contained in itself that systematic antagonism, which we believe to be the only condition under which stability and progressiveness can be permanently reconciled to one another. . . . [M]odern Europe presents the only example in history, of the maintenance, through many ages, of this co-ordinate action among rival powers naturally tending in different directions. . . . [W]e ascribe chiefly to this cause the spirit of improvement, which has never ceased to exist, and still makes progress, in the European nations. At no time has Europe been free from a contest of rival powers for dominion over society (CW XX: 269-70).

What explains the “progressiveness” of the “European family” and the “stationariness” of China is that the former, unlike the latter, was able to keep within itself the coexistence of plural and conflicting forces (CW XVIII: 197). The antagonism between different political forces was productive because it forced political communities in Europe to compromise and tolerate one another. Obviously enough, the conflict Mill values is constructive, not destructive. Political antagonism is useful insofar as it produces compromises and mutual tolerance. The aim of representing different social groups in the assembly is not to encourage legislative gridlock. Rather, it is to compel representatives from the majority to take into account objections and to compromise with representatives from the minority (and vice versa). While supporting proportional representation, Mill also thought that political antagonism should not go to

¹⁰⁶ The other great feature that Isaiah Berlin (1999: 66, 146 et passim) ascribes to romanticism is the idea that (non-mathematical) truths change regularly. According to him, this pluralistic conception of truth deeply influenced Mill's philosophy (Berlin, 2002: 233). Mill's conception of truth is analyzed in section five.

the point of precluding understanding, which explains why he denied imperative mandates (CW XIX: ch. 12).

Mill reputed imperative mandates to be deleterious because they ossify political preferences and obstruct the transformations that a plural deliberation orchestrated by a truly representative assembly of the *demos* can produce. Political deliberation requires participants to cultivate a non-dogmatic stance and to recognize themselves as fallible beings. To the extent it is dialogical, deliberation must not be equated with a succession of monologues that do not communicate because their positions are fully formed in advance. Democratic deliberation is a dialogue in which participants are willing to take into account others' positions and even to change their initial assumptions if need be. Representatives cannot foresee every opinion that will be fleshed out in the assembly. Thus, it is unreasonable to prohibit them from changing their views. In short, Mill believes imperative mandates and pledges should not be adopted because they deny the very notion of democratic deliberation as a site of (re)formulation of new practices and ideas. In a representative democracy, the role of the political assembly is “to be at once the nation’s Committee of Grievances, and its Congress of Opinions; an arena in which not only the general opinion of the nation, but that of every section of it . . . can *produce* itself in full light” (CW XIX: 432, emphasis added). Mill here gestures at something that Alencar would emphasize in his reading of *Representative Government*: far from simply mirroring pre-given and static opinions, representation has creative power – it *constructs* new ideas.

7.3 Representative democracy in José de Alencar

In the beginning of *Systema representativo*, Alencar (1868: 9) introduces the thesis that “representation [is] the basis of a democratic government.” Like Mill, he notices that representative democracy differs from the democracy of the ancients:

True and pure democracy is the government of all people by all people, of the nation by the nation, the autonomy of the state that the English with much propriety expressed with the simple phrase *self-government* . . . The only representation capable of performing with rigorous faithfulness such democracy is the one in which all the opinions of a country . . . can choose their legitimate representatives. That would be Athens electing, not governing (Alencar, 1868: 59).

One of the major differences between representative democracy and Athenian democracy is the electoral system. Whereas in Athens the decision-making body was open to every citizen, in representative democracy only the elected representatives have the power to vote in the assembly and decide which course of action the government shall take. Yet Alencar does not think this division of labor dooms representative government to be undemocratic:

The study of ancient democracy and of the way in which it operated guides the reason and truth of the representative system. In the *agora* of Athens . . . one deliberated and discussed. The Tribune was the people’s, open and free to every citizen; all classes had a voice there Since direct democracy is impractical, representation must reproduce with the greatest accuracy possible this wide function of popular government (Alencar, 1868: 36-7).

Modern representative government can be democratic if it reproduces the Athenian *agora*. According to Alencar, one way to reproduce it is to make sure that the representative assembly contains all the voices of the nation. Every shade of opinion must be represented in the political assembly – *the task of representation is to construct*

a polyphonic map of the nation (Alencar, 1868: 42).¹⁰⁷ All different, even conflicting, voices of the *demos* must be contemplated in the assembly, and none of them ought to asphyxiate the others.

The fact that most citizens in a representative democracy are outside the decision-making body does not make them powerless. Representation is democratic when citizens outside representative bodies can influence those who are inside them. Put differently, representation is democratic when representatives are under popular control. That requires not only open elections but also “a close and intimate relationship” between the representative and the represented (Alencar, 1868: 61). For that reason, Alencar (1868: 10) followed Mill (CW VI: 389) and urged for the shortening of political terms, for he expected that representatives would remain closer to their constituents if their terms were shorter.

The kind of democracy that representative government can generate is different than its ancient counterpart insofar as it is “indirect” (Alencar, 1868: 36). *Representative democracy is the regime of indirectness*. It creates a gap between the moment of discussion and the moment of decision, thus highlighting the reflexive and temporal aspect of politics (Urbinati, 2006: ch. 1).¹⁰⁸ Compared to direct democracy, representative democracy tends to produce decisions that are more intelligent because it is less immediate. Alencar and Mill belong to the tradition initiated by Condorcet (1793) and Paine ([1792] 1989): they think that, far from being a second best, representative democracy is “superior” to the ancient model of direct democracy (CW

¹⁰⁷ I employ “polyphonic” in Mikhail Bakhtin’s (2008: ch. 1) sense, who conveyed with the word “polyphony” the simultaneous existence of different and conflicting narrative perspectives. On the relevance of Bakhtin’s notion of polyphony to democratic deliberation, see Leszek Koczanowicz (2015, ch. 2).

¹⁰⁸ Representation institutes time delays that give citizens more opportunities to discuss and ponder about political issues. By opening up a gap between the moment of decision and the moment of deliberation, representation sustains the distance necessary for critical examination. To be sure, excessive proximity usually hinders our ability to critically scrutinize something (Ankersmit, 2002: 117-8).

XI: 134).¹⁰⁹ Representation favors reflexivity because it gives people more time to refine their judgment and expand their perspective.

Like Mill, Alencar (1868: 14) worried that representative democracy could degenerate into “the tyranny of the multitude,” which comes about when the representative assembly stops representing the voices of all citizens. Representative government ceases to be democratic once it starts contemplating only the demands of the majority. Democracy should not be conflated with majority rule:

[The current political system] was based on the principle of the rule of the majority, in a time when such a principle summarized civilization’s last word regarding democracy. But the world has marched; progress opened up new spheres to science. In the current state of politics nothing is more false and absurd than the presumed dogma of majority government (Alencar, 1868: 18).

Democracy (*demos* + *kratos*) means “rule of the people.” It is the government of all people by the whole people, not the government of the majority, and as such it requires “barriers opposed to the omnipotence of the majority” (Alencar, 1868: 44). Representative democracy is the political regime in which “the various opinions of the country” are “capable of promoting their legitimate interests” (Alencar, 1868: 45). Democracy is characterized not only by equality before the law (*isonomia*) but also by the equal power to have your political views expressed and considered (*isegoria*). Ascribing one vote to each person is therefore not enough. Democracy requires that judicial equality be complemented with mechanisms that ensure equal power of expression for all political views. In sum, anyone who is concerned with preserving the

¹⁰⁹ Although Mill and Alencar consider ancient democracies “inferior” to representative democracy as a form of government, they acknowledge that ancient democracies fared better than modern democracies in relation to education and manners. Alencar (1859b) asserts that ancient democracies were more virtuous than modern democracies, and Mill (CW I: 286-9) argues that the former had better educational practices than the latter.

democratic character of representative government must elaborate devices that guarantee the representation of minority views.

For those who read *Representative Government*, this is a familiar problem. Mill also grappled with the issue of how to preserve minority views in the parliament, and the solution he offered resembles Alencar's. Yet Mill was not the first author to recommend proportional representation as a solution for the conundrum of minorities' representation. In January 1859 Alencar published his first defense of proportional representation in *Jornal do Commercio* (see Alencar, 1859a). That was before Thomas Hare and Mill published their books on the same topic (Alencar, 1868: 3).

Although both of them were in favor of proportional representation, Alencar (1868: 55) reproached Mill for endorsing Hare's plan and argued that the latter was unfeasible because it demanded "an insane work of counting," which in turn would facilitate mistakes or even "leave the door open to fraud." As Mill explains in chapter seven of *Representative Government*, some ballots would have to be recounted several times in Hare's voting system. In order to avoid such complexity, Alencar rejected ranked voting and advocated for a simpler proportional representation scheme. According to his plan, each elector could vote for only one party. Every party that received five per cent of the electors' votes would have the right to elect one representative (Alencar, 1868: 64). This way the composition of the representative body would preserve the plurality of the opinions held by the electorate and prevent the tyranny of the majority. The representation of minorities would "create centres of resistance" to the prevailing views of the majority and thus stimulate conflict (Alencar, 1874: 69). Be that as it may, one could object that the opinion of some minorities – viz. those whose party failed to collect five per cent of the votes – would remain without representation. Alencar (1868: 65) dismissed the objection by claiming (arbitrarily) that

any party who did not reach the proportion of five per cent could not be said to represent “a national opinion.”¹¹⁰

Alencar (1868: 66) did not conceive representation as simply a matter of mirroring or reproducing pre-given views, for he held that representatives should “retain full liberty” when expressing their constituents’ interests. Following Mill, he was against pledges and imperative mandates because he thought politicians needed to be able to scrutinize the positions they represented in order to deliberate properly. One cannot deliberate with people who hold different views if one is not willing to take opposing arguments into account and to review one’s initial assumptions.

7.4 Representative constructivism in Alencar and Mill

Drawing upon Mill’s (CW XIX: 432) characterization of the representative assembly as a “Committee of Grievances” where new ideas are produced, Alencar avers that representation is not only a process of reproducing pre-existing demands:

But propose a question to the assembly. Immediately, individual impressions will be produced: the embryo of an idea, barely emerging in the spirit of one [representative], will rapidly lead to another thought that shall develop it and perhaps even finish its gestation in a new intelligence. When, after this assimilation, one has to poll votes, the measure that receives the greatest number [of votes] without a doubt is going to be the universal will. The minority would also have contributed to the formation of this sovereignty. Its

¹¹⁰ Alencar’s answer is arbitrary because it does not explain why an opinion that is shared by less than five per cent of the electorate is not of political relevance. If his purpose is to safeguard the political representation of minorities and avoid “the tyranny of the multitude,” then why does he deprive of representation minority groups who fail to reach the five-percent threshold? Such arbitrariness is part of a wider dilemma that disconcerts every proponent of proportional representation, *viz.* which criteria must a given collection of individuals fulfill in order to qualify as a political relevant group that deserves proportional representation? For a fuller discussion of this point, see Hanna Fenichel Pitkin (1967: ch. 4). On the impossibility of including every existing minority in a proportional representation system, see Hans Kelsen (2013: 71).

resistance stirred conflicting intelligences to react and incited them to better develop and ascertain their ideas. By scrutinizing the opposing opinion, [the minority] wounded the adversary's weak points and forced him to retract and modify his former thought (Alencar, 1868: 29-30).

Unlike most citizens, representatives cannot afford to deliberate about political issues only with like-minded people. Once inside the representative assembly, a politician has to deliberate with people who think very differently than she does. The objections she is confronted with might highlight the shortcomings of her view and, according to Alencar, force her to modify her original position. Yet such modification does not erase all disagreement between herself and political opponents. Even when he refers to “the universal will,” Alencar makes clear that a residue of disagreement shall always remain.

Unlike academics, politicians' quarrels cannot go on *ad infinitum* because the problems they analyze usually require urgent solutions. Deliberation needs to end at some point, and that is why “one has to poll votes.” Deliberation is the moment when different political views can merge and coalesce. However, since opposing political views (almost) never assimilate completely, deliberation has to give way to aggregative procedures such as voting. If decisions were to be made on the basis of complete consensus, representative assemblies would (almost) never get any work done. The most sensible procedure to adopt is to let representatives deliberate for a while and then if disagreement persists – and Alencar's view is that disagreement will always persist – ask representatives to vote for the proposal they like the most. The proposal that receives the greatest number of votes shall carry the day and prevail as “the universal will” (universal in the sense that it is going to be sovereign and applicable to all members of the polity).

Notice that Alencar does not mention the need for unanimity. In truth, unanimity was neither necessary nor desirable for him:

The government of all people by all people does not imply unanimity. . . . Unanimity is impossible in human society because it would bring about inertia and decay; without the contrast that provokes resistance and the fight that energizes, reason, condemned to immobility, would end up annihilating itself (Alencar, 1868: 28).

In this passage, Alencar further elaborates two aspects of Mill's *Representative Government*. First, *the constructivist power of representation applies not only to one's opinions but also to one's own self*. The development of reason – one core element of the self for both Mill and Alencar – requires conflict. Thus, insofar as the representative assembly works as a privileged site for the expression and production of conflict, the development of reason hinges upon representation. Political representation has constructivist power because the struggle between opposing perspectives in the assembly produces new ideas, beliefs, and opinions that change the way citizens reason and see themselves.

The conception of political representation set forth in Mill's *Representative Government* and Alencar's *Systema representativo* belies the idea that society is an aggregate of dissociated atoms.¹¹¹ Likewise, it refutes the thesis that citizens would be nothing but isolated beings with pre-given and unchangeable preferences and sheds light on the fact that citizens (trans)form their preferences and identities collectively. The ideas that representatives express in the assembly oftentimes result from a previous union of individuals. Conversely, their unfolding inside the assembly tends to promote

¹¹¹ “Political representation invalidates the opinion that society is a sum of dissociated individuals” (Urbinati, 2006: 30). On the relationship between political representation and the creation of collective identities, see Castiglione and Pollak (2019: 1-37), Rosanvallon (2008b: 220) and Saward (2010: 14-6). The idea that representation is essential to the creation and maintenance of a community's identity dates back to the Middle Ages (Vieira and Runciman, 2008: 13).

the gathering of other individuals, either in support or opposition to them. Ultimately, both the representative and the represented possess the power to construct the political identity of one another. Through her discursive practices in the assembly, the representative projects and furthers a certain image of the group she represents in front of the nation.

Mill and Alencar's theories show that political representation is performative. The speeches a representative makes inside the assembly are performative because they produce reality. Not long after being elected, Mill wrote: "I look upon the House of Commons . . . as an elevated Tribune or Chair from which to preach larger ideas than can at present be realized" (CW XVI: 1234). This idea was already present in his early writings. In an article published in 1836, Mill claimed that the editors of big newspapers and political representatives were the individuals who had most power to produce "direct effect upon the minds and destinies of [their] countrymen" (CW XVIII: 135).

When he proposed a bill to extend suffrage to women, Mill was aware that his proposal was not going to be approved. Yet the passionate speeches he delivered in the assembly to defend the proposal and the conflicting debates he had with some of the MPs who opposed the measure were not in vain. Mill did not care in this case about what was going to happen inside the assembly. Given his constructivist view of political representation, Mill knew that what mattered was the performative effects of his speeches, not the legislative outcome per se. His purpose was to call into being new collectivities that would advocate for the cause of women, not to approve that specific law. From that perspective, Mill was successful, for the speeches he delivered in the assembly prompted the creation of the National Society for Women's Suffrage and changed the way citizens reasoned about this issue (Le Jeune, 2010: 116).

7.5 The connection between epistemic and agonistic democracy and the role of political parties

The second aspect of Mill's political theory that Mill scholars sometimes overlook and that Alencar helps us envisage pertains to the complementarity between epistemic and agonistic democracy. In *Mill and Liberalism*, Maurice Cowling ([1963] 1990: 34) argues that Mill's emphasis on truth "assumes that homogeneity will emerge amongst rational men, . . . that, if only men will submit their actions to critical examination, a moral, social and intellectual consensus will eventually supersede" conflict and disagreement. Cowling's interpretation of Mill was influenced by Michael Oakeshott ([1947] 1962: 6) – one of the reviewers responsible for commenting on an initial draft of *Mill and Liberalism* – who in his essay on rationalism in politics claimed that those who conceive of politics as a rational enterprise end up promoting a "politics of uniformity; a scheme . . . which can have no place for variety."¹¹²

A comparative reading between Mill and Alencar reveals that agonistic democracy and epistemic democracy can be mutually reinforcing. When he builds upon Mill's (CW XIX: 432) agonistic characterization of the representative assembly, Alencar (1868: 28-30) is adamant that conflict is valued not for its own sake, but rather because it promotes reason. His argument is reminiscent of chapter two of *On Liberty*, where Mill explains that conflict is salutary inasmuch as it enhances the epistemic quality of political discussion. Alencar and Mill recognized conflict as a fundamental aspect of democracy because they believed political disagreement weeds out inaccurate information, expands the knowledge of politicians and leads to the construction of more

¹¹² In *Morality and Politics in Modern Europe*, Oakeshott (1993: 82) applies this critique to Mill and argues that, ultimately, Mill valued diversity and conflict only as a means to implement "uniformity."

reasonable, wiser decisions. Put differently, their theories afford what one could call an epistemic-agonistic model of democracy. The construction of knowledge and the pursuit of truth cannot proceed without conflict. The absence of conflict inevitably causes decay – recall Mill’s (CW X: 108) warnings against “Chinese stationariness” – and annihilates reason.

Mill and Alencar’s appreciation for parties and partisanship epitomizes the complementarity between the epistemic and agonistic strands that permeate their political theory. In *On Liberty*, Mill writes that

a party of order or stability, and a party of progress or reform, are both necessary elements of a healthy state of political life; . . . Each of these modes of thinking derives its utility from the deficiencies of the other; but it is in a great measure the opposition of the other that keeps each within the limits of reason and sanity. Unless opinions favourable . . . to sociality and individuality, to liberty and discipline, and all the other standing antagonisms of practical life, are expressed with equal freedom, and enforced and defended with equal talent and energy, there is no chance of both elements obtaining their due; one scale is sure to go up, and the other down. Truth, in the great practical concerns of life, is so much a question of the reconciling and combining of opposites, that very few have minds sufficiently capacious and impartial to make the adjustment with an approach to correctness, and it has to be made by the rough process of a struggle between combatants fighting under hostile banners (CW XVIII: 253-4).

Party conflict is beneficial inasmuch as it promotes “truth,” which in pragmatist vein is defined by Mill as a mutable entity that needs to be reviewed and amended time and again. This idea would exert a tremendous impact in *Systema representativo*. According to Alencar (1868: 178), representative democracy cannot do without parties, for they “make truth triumph.” “Parliament constitutes the brain of the nation” and, as such, one of its functions is to solve public problems efficiently (Alencar, 1868: 66). The provisional solution to public issues, which Alencar and Mill name as “truth,” requires conflict. Truth can be unveiled only when all different political perspectives

confront each other, and to the extent that parties are responsible for bringing those different perspectives into collision, they are indispensable to representative democracy.¹¹³

Partisanship and parties must be valued due to their cognitive benefits. Without them, “the representative system would lose its efficiency. Where opinions do not fight, only public indifference is represented” (Alencar, 1868: 148). Like Mill, Alencar (1868: 148) believes that one of the functions of parties in a representative democracy is to organize the political “fight” in a way that invigorates tolerance and sustains a civic ethos. Political parties institutionalize conflict and thus carry out their contest within constitutional boundaries.¹¹⁴

By claiming that partisanship can be useful to representative democracy, Mill’s and Alencar’s works diverge from twentieth-century political writers – such as John Dewey (1985: 330), Sidney Hook (2002: 294), Joseph Schumpeter (2003: 257) and Simone Weil (2018: 24) – who contend that partisanship is detrimental to democracy because it precludes reflexivity. “For our own part, we have a large tolerance for one-eyed men, provided their one eye is a penetrating one: if they saw more, they probably would not see so keenly, nor so eagerly pursue one course of inquiry” (CW X: 94). Mill and Alencar recommended partisanship because a partisan’s partiality leads her to

¹¹³ Nancy Rosenblum (2008: 155) offers a different interpretation and argues that, ultimately, Mill cannot be considered a supporter of parties and partisanship because “every look at actual parties appalled him.” In order to support her claim, Rosenblum is forced to conjecture that, in the aforementioned passage from *On Liberty* (in which a party of order and a party of progress are identified as necessary elements of political life) the word “party” does not refer to organized groups located in the assembly. Rather, what Mill seeks to convey in this passage with the term “party” is simply “ways of thinking” (Rosenblum, 2008: 149). Albeit possible, this interpretation finds no explicit support in Mill’s text. It comes as no surprise, then, that most Mill scholars agree that he valued parties and partisanship (Kinzer, 2007: ch. 6; López, 2014; Muirhead, 2014). One of Mill’s longest defenses of political parties can be found in “Reorganization of the Reform Party,” an article that Rosenblum does not examine (CW VI: 465-496).

¹¹⁴ For a recent reformulation of this argument, see Russell Muirhead (2014: 107-8) and Jonathan White and Lea Ypi (2016: 79). Although they do not cite Alencar, Muirhead, White and Ypi draw upon Mill when working out their conceptions of reasonable partisanship and political commitment. For an analysis of Alencar’s defense of political parties, see Cristina Buarque de Hollanda and Ivo Coser (2016: 927-9).

scrutinize a political problem in a profound way, which in turn might allow her to improve the overall epistemic quality of political debate.

Pace Carl Schmitt (1988: 5), Mill's (and Alencar's) liberal theory of parliamentarism does not require "independence of party ties."¹¹⁵ The fact that they both envision political deliberation as "an exchange of opinion that is governed by the purpose of persuading one's opponent through argument of the truth . . . of something" does not mean they repudiate "party ties" (Schmitt, 1985: 5). Partisanship is compatible with critical thinking and *can* be conducive to truth.¹¹⁶ Indeed, studies show that the idea that the absence of partisanship spawns critical thinking tends to be wrong, for non-partisan individuals are usually more apathetic and less informed than partisan citizens (Rosenblum, 2008: ch. 7).

As epistemic democrats, Mill and Alencar subscribe to what Landemore (2013: ch. 8) calls *political cognitivism*: the idea that at least for some political questions there is a standard according to which one government action can be classified more or less correct. They thus corroborate Berlin's (2013: 276) claim that the modern defense of democracy was propelled by an epistemic view of politics. Since they assume that political deliberation is an epistemic exercise, Alencar and Mill believe that competence is important for political representation. When we vote for a representative, one of the criteria we take into account is her ability to defend our interests successfully in the political assembly. We hope our representative is able to advance skillfully the complaints that are most dear to us. In a way, we expect our representatives to have a

¹¹⁵ I mention Alencar in parentheses because Schmitt addresses his critique only to Mill.

¹¹⁶ I emphasize "can" because Mill (CW XVIII: 257) was aware that sometimes the existence of different parties may obviate critical thinking and hence worsen the epistemic quality of political discussion. Neither Mill nor Alencar posits a necessary link between partisanship and critical thinking; they only argue that the existence of parties *tends* to promote critical thinking and the enactment of more reasonable, wiser laws. For them, a country in which political power is divided among two or more parties tends to generate more reasonable laws than a one-party state.

“superior intellect, trained by long meditation and practical discipline to that special task” that pertains to their job (CW XIX: 506). The task of a representative assembly is to select laws that will apply across the country, and it is obvious that the good performance of this task requires ability. A lot of what is involved in implementing legislation is technical: the laws have to be written in a certain way, their relationship with one another must be consistent, and their implementation demands a good deal of knowledge about the operation of bureaucratic agencies.

Being a representative “demands professional studies . . . [I]n the communion of interests and views that unite certain social classes, highly qualified men who guide the movement of ideas will stand out; [they] are the natural representatives of different opinions” (Alencar, 1868: 45). Alencar relies here on the etymology of the word *representativo*, which in Portuguese has “choice by merit” as one of its meanings (Miguel, 2014: 18). The same happens in English; when Ralph Emerson published his lectures on Plato, Swedenborg, Montaigne, Shakespeare, Napoleon, and Goethe and gave them the title of *Representative Men*, his intention was to make public his reflections on “what he himself called ‘great men’” (Pitkin, 1967: 80). Etymology lends credence to the thesis that a representative is someone who is somehow “excellent” or “great” and helps explain why the framers of modern representative government insisted that representatives should not be chosen by lottery. Lottery was rejected because it allowed any kind of citizen to take office, irrespective of his “excellence.” Election, by contrast, was regarded as a mechanism for selecting the most excellent men, the *aristoi*. The so-called “triumph of elections” was propelled by an aristocratic view of representative government (Manin, 1996: ch. 2).

Although Mill and Alencar asserted that representative government could only be legitimate if it were democratic, their reason for preferring election (and not lottery)

as the proper mechanism for the selection of representatives was very similar to the one presented by the eighteenth-century framers of representative government. Like them, Mill (CW XIX: 506) and Alencar (1868: 45) held that the role of elections was to select “skillful intelligences.” Yet they did not think elections contradicted the democratic character of representative government, for the power of every representative ultimately derived from the consent of her constituents. No matter how skillful or competent a representative was, she would always be at the mercy of popular control (CW XIX: 510 and Alencar, 1868: 61).

Their expertise, along with the absence of imperative mandates, can increase the distance between the opinions espoused by citizens and representatives. One could argue that the more knowledge a representative acquired in the deliberative process, the more different her positions would be from her constituents’. Unlike most citizens, representatives are exposed to different political perspectives on a daily basis. The constant exposure to conflict in the assembly makes their reason more developed and prompts their initial positions – the ones they presented to the public when they ran for election – to shift. It is possible that the decisions they end up making are at odds with their constituents’ wishes. Alencar’s and Mill’s answer to this problem is very terse and simple. In order to diminish the distance between the decisions made by a representative and her constituents’ opinions, there needs to be a close and intimate relationship between them. Democratic representation is a never-ending process of synchronization between the inside and the outside of state institutions – that is, between the decisions made by representatives and the opinions held by their constituents. Democratic representation is reminiscent of Sisyphus’s predicament because its work has to be redone time and again.

7.6 Conclusion

This paper has teased out from Alencar's neglected reading of Mill two "pearls" that Mill scholars are usually inattentive to: (i) democratic representation is imbued with constructivist power; (ii) agonistic and epistemic democracy are not necessarily opposed to each other. Contra the nineteenth-century thesis that representative government could not be reconciled with democracy, Mill and Alencar endeavored to understand under what circumstances representation could be democratic. According to them, if representative governments were to be democratic, they had to create an *agora* for the moderns, a space where the voice of every social group could be expressed and appraised during the decision-making process.

Since they were both concerned with the preservation of polyphony in the decision-making process, Alencar and Mill supported the adoption of proportional representation. However, the plans put forward by each writer were different. Whereas Mill's plan is basically a copy of Hare's proportional representation scheme, Alencar rejected the latter as being unpractical. Ranked voting would demand "an insane work of counting" and therefore would facilitate mistakes or even "leave the door open to fraud" (Alencar, 1868: 55).

Alencar's and Mill's defense of proportional representation sprang from the conviction that democracy is the rule of the people by the people, which should not be equated with majority rule *tout court*. Like many nineteenth-century liberals, Mill and Alencar were worried with the tyranny of the majority. Representative governments are democratic when the decisions they make are the outcome of a deliberative process orchestrated by a plural assembly, one in which the political positions of both majority

and minority groups were taken into account. Needless to say, that does not mean the decision approved pleases everybody. A decision made in the representative assembly is democratic and legitimate not because it represents the will of all, but because it results from the deliberation of members from all social groups. A residue of conflict will thus always persist.

The appraisal of conflict is another common theme among the philosophers. Indeed, Alencar and Mill can be identified as agonistic democrats because they reputed conflict to be vital for democracy. The nineteenth century was, as Reinhart Koselleck (2002: 179) put it, “a century of *Bildung*.” Hence, not surprisingly, Mill and Alencar were influenced by the *Bildungstradition* and claimed that antagonism was essential to human development. The experience of conflict develops the self and is conducive to “progress,” another key concept of nineteenth-century political theory. Assuming that political deliberation was a rational enterprise, Alencar and Mill equated political conflict with epistemic progress. As political opponents deliberate and exchange objections, truth replaces error and their knowledge expands. Mill’s and Alencar’s commendation of conflict led them to identify political parties as essential elements of representative democracy. Parties organize conflict and uphold an agonistic atmosphere in the assembly. The absence of party conflict brings stagnation and decay and destroys human reason.

Mill and Alencar value conflict and disagreement not for their own sake but rather for their benefits. Political disagreement is valuable when it produces better decisions – better in the sense that the decisions made by a plural representative assembly are (i) wiser because they emerge from the confluence of different social perspectives and (ii) more inclusive because the deliberative process by which they were made had representatives from majority and minority groups. The conflict Alencar

and Mill cherished was constructive, not destructive. Political disagreement that ends in legislative gridlock and is not able to produce one of the many decisions that modern representative governments require is not welcome for them. Politicians need to know how to compromise and, as it has been demonstrated, that is one of the reasons why both philosophers were against imperative mandates and pledges. When they deliberate in the political assembly, representatives should be willing to criticize and transform their initial assumptions.

Alencar's and Mill's rejection of imperative mandates testifies to their constructivist view of representation. Political representation is not simply a matter of reproducing or mirroring pre-given and static views. The debate carried out in the representative assembly is not a mere echo of the voices going around in the public sphere. The struggle between different representatives is productive: the collision of different political opinions in the representative assembly expands the public's comprehension of social problems and can therefore construct new opinions. The speeches unfolding inside the doors of a representative assembly can bring together citizens that until then did not interact among themselves. In other words, representative democracy can open up the individual self and call forth the creation of new collective identities.

Article 8 (chap. three of the Portuguese version of the dissertation)

Conflict, consensus, and liberty in J. S. Mill's representative democracy

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Abstract: The relationship between representative democracy and conflict in John Stuart Mill's political philosophy has been interpreted in very different ways. While some scholars claim that Millian democracy is incompatible with political conflict, others identify in Mill a radical political agonism that would offer a non-consensual model of deliberative democracy. This paper argues that neither of these views is exactly accurate: although he highlights the centrality of conflict in political life, Mill believes that democratic deliberation presupposes a minimal level of consensus regarding the formal value of democracy's basic principles, *viz.* the principles of individual freedom and equality. Initially, I shall reconstruct the relationship between conflict and consensus in Mill's conception of representative democracy. I shall then investigate his association of representation and advocacy and show that Mill's encomium on political conflict was influenced by Guizot's work. Finally, I shall explain how a democratic debate riven with conflict is conducive to individual freedom.

8.1 Conflict and consensus in Mill's representative democracy

The relationship between conflict and representative democracy in Mill's philosophy is read very differently in different parts of the world. The hegemonic view among scholars in the Global North is that Mill offers a model of representative

democracy in which conflict plays a pivotal role. In their book *That Noble Science of Politics: A Study in Nineteenth-Century Intellectual History*, Stefan Collini, Donald Winch and John Burrow (*Noble Science*, 159) argue that in Mill's political thought 'the clash of contending powers and the conflict of opinions . . . were ineliminable'. In a similar vein, Norberto Bobbio (*Liberalismo e democrazia*, 83) suggests that Mill's philosophy presents 'one of the greatest eulogies to antagonism that liberal thought has ever registered'. Following Bobbio's path, Nadia Urbinati (*Mill on Democracy*, 82) avers that one of the merits of Mill's philosophy is that it offers an 'agonistic model' of democracy, which is opposed to 'the consensual model' of deliberative democracy. In one of his latest books, John Skorupski (*Why Read Mill?*, 71) explains that one of the greatest differences between Marx and Mill is that, whereas the former thought 'conflict (be it within forms of thought or between classes) was destined to come to an end', the latter held that 'conflict of interest and ideas was the permanent condition' of politics.¹¹⁷ Similarly, Charles Girard ('La lutte violente', 193) claims that 'a conflicting pluralism' is the leading characteristic of Mill's representative democracy. In an attempt to identify Mill's philosophy as the antagonistic foundation of liberal politics, Brendon Turner ('Mill', 37) surmised that Mill 'rejects a consensus based-approach to politics'. More recently, George Vasilev ('Uneasy Alliance', 77) reinforced Turner's reading when he affirmed that the 'association of consensus with the urge to follow the crowd led Mill to ultimately dismiss it [i.e., consensus] as dangerous'. Henceforth I will refer to the prevailing interpretation of Mill in the Global North as *the hegemonic reading*.

¹¹⁷ For a similar argument, see Skorupski, 'Ethics and the Social Good', 460 and Berlin, *Liberty*, 251. In this article, I use the terms 'conflict', 'disagreement', 'antagonism', and 'agonism' interchangeably and oppose them to violence. When praising conflict, Mill does not have violence in mind. (Nevertheless, as section five explains, Mill thought that under exceptional circumstances political violence was legitimate.) I am aware that some scholars nowadays tend to distinguish 'agonism' from 'antagonism', but, since that distinction is alien to Mill's writings, it need not concern me here.

The hegemonic reading of Mill finds resistance in Lusophone scholarship. In a recently published article, Marilena Chaui ('Considerações', 23) takes issue with the idea that Mill's democracy pivots on conflict and claims instead that Millian democracy sought 'to impede the full development of social conflicts'. According to her, like most writers from the liberal canon, Mill conceives of democracy as 'the regime of consensus' (Chaui, 'Considerações', 24). Chaui's reading remains the prevailing interpretation of Millian democracy in Brazil. Henceforth I will refer to it as *the marginal reading*.

This essay critically builds on Chaui's work and thus participates in Jane Gordon's recent venture of creolising political theory. By relying on the marginal reading, my goal is to disrupt the hegemonic interpretation of Mill and offer a different perspective. The comparison between the marginal and hegemonic readings will allow me to steer a middle course between those who, on one side, repute Mill's democracy to be non-consensual and agonistic and those who, on the other side, claim his democracy is consensual and non-agonistic.

Although Chaui is right when she argues that Mill associated democracy with consensus, the idea that Mill designed democracy in such a way as to impede the development of conflicts is imprecise. Scholars from the North are indeed right when they claim that agonism plays a crucial role in Mill's democracy. Yet they posit a *non sequitur* when they infer that, by highlighting the vitality of conflict, Mill downplays or denies the importance of consensus in politics.¹¹⁸ Affirming a radical agonism in Mill's philosophy would require the strategic neglect of long passages from his *Autobiography*

¹¹⁸ Bobbio, Girard, Skorupski, Collini, Winch and Burrow do not claim that Mill denies consensus, yet none of them observe what role the latter plays in his conception of representative democracy.

and from the essay ‘Coleridge’ (CW I, 172-3 and CW X, 133-4).¹¹⁹ In the former, Mill explains that his defence of ‘unchecked liberty of thought [and] unbounded freedom of individual action’ required ‘general unanimity of sentiment’ (CW I, 173). In other words, the conflict that he used to associate with freedom required consensus.

In ‘Coleridge’, Mill insists on the necessity of a political consensus over two fundamental principles, the conjunction of which would form the substratum of any democratic *ethos*. Yet at the same time, he stands for the institutionalization of social conflict in political life and holds that the existence of conflicting views is what keeps democracy’s corruption at bay. As we can see, both the hegemonic and the marginal readings have textual support. Be that as it may, what is lacking in the two readings is the effort to understand how Mill’s emphases on consensus and on conflict reconcile within his political thought. In order to fill this lacuna, one needs to see that Mill institutes constraints on political conflict, while at the same time recognising its invaluable function in democracy.

Mill highlights the importance of consensus when he addresses the issue of political stability:

The second condition of permanent political society has been found to be, the existence, in some form or other, of the feeling of allegiance or loyalty . . . [T]here [must] be in the constitution of the state *something* which is settled, something permanent, and not to be called in question; something which, by general agreement, has a right to be where it is, and to be secure against disturbance, whatever else may change. This feeling may attach itself . . . with ancient liberties or ordinances. Or, finally, (and this is the only shape in which the feeling is likely to exist hereafter), it may attach itself to the principles of individual freedom and political and social equality . . . [I]n all political societies which have had a durable existence, there has been some fixed point: something which people agreed in holding sacred; which, wherever freedom of discussion was a recognised principle, it was of course lawful to contest in theory, but which no one could either fear or hope to see shaken in practice; which, in short . . . was in the common estimation placed beyond discussion (CW X, 133-4).

¹¹⁹ That the political value of consensus is emphasised in ‘Coleridge’ (published in 1840) and in the *Autobiography* (published in 1873) suffices to prove that Mill’s appreciation for consensus was present both in his early and mature thought.

Like Tocqueville, Mill thought that the democratisation of aristocratic regimes in Europe was inevitable and sought for mechanisms that could stabilise what for most of the modern period was considered a licentious and unstable form of government. The principles of individual freedom and political and social equality are the boundaries that Mill suggests for democratic deliberation.¹²⁰ According to him, democracy becomes unstable if no consensus whatsoever is achieved regarding the value of these two principles that, since Plato (*Republic* 557e–558a and *Laws* 693d), have been considered constitutive of any democratic order. The ‘equal freedom’ of all citizens to participate and influence politics is intrinsic to the democratic procedure (CW XIX, 610). Citizens’ equal liberty is the foundation of democracy; without it, democracy cannot work. The principles of individual freedom and equality set the boundaries of a discursive field within which political conflict may and should unfold endlessly. The conflict that is handled by means of reference to these two principles is salutary and should be encouraged inasmuch as it fortifies democracy’s basis. Conversely, any conflict that negates and seeks to destroy these principles should not be accepted because, Mill tells us, it puts democracy’s existence at risk.

The principles of liberty and equality set up formal demarcations for democratic deliberation. ‘Formal’ here means that both principles function as empty signifiers which are bereft of an immutable substantive content.¹²¹ Thus, they can never be defined once and for all. Formally, the principle of individual liberty is sacrosanct and

¹²⁰ The qualification of equality as being both political *and* social allows Maria Morales (*Equality*, ch. 1) to claim that Mill’s principle of equality translates into a *substantive egalitarianism*, by which she means a society where individuals are mutually respected and self-dependent and where gender inequality and social hierarchies do not exist. Mill’s principle of individual freedom will be further explored in section five.

¹²¹ My use of the word ‘formal’ accords with Mauro Cardoso Simões’s (*A filosofia moral de Mill*, ch. 1) interpretation that Mill’s notions of liberty and self-development are ‘purely formal’ concepts because their precise contents are defined through public deliberative processes. A similar interpretation regarding Mill’s concept of happiness is offered by David Brink (‘Mill’s Deliberative Utilitarianism’, 78-80).

off the political agenda, but its consistency is not. Once we single them out as democracy's basis, the principles of liberty and equality become the central points of political discussion. Is political equality compatible with plural voting? Does liberty allow the right of public assembly to be exercised in all kinds of open spaces, or is it reasonable to impose some restrictions on its performance? These are some questions to which Mill alludes and tries to answer in his writings (CW I, 278). Nevertheless, one should bear in mind that Mill did not intend to determine the substance of democracy's fundamental principles by himself. As Dennis Thompson (*Mill and Representative Government*, 182) has pointed out, the least we can expect from a philosopher who defends democracy is not to impose the minutiae of her principles in advance and allow these principles to be established by those who are to adopt them in practice. In a democratic regime, liberty and equality are concepts whose definitions are inevitably in dispute.¹²² The precise contents of liberty and equality in a democracy are determined through a collective investigation process, the results of which can only be provisional.

According to Mill, the critique of a democracy's normative principles must be constant, for it is through an adversative public debate that citizens come to notice the shortcomings that even the most inclusive government is bound to have in relation to equality and freedom. To the extent that they expose current deficiencies and gesture at their possible solution, an agonistic political debate is salutary to democracy. 'In all human affairs, conflicting influences are required, to keep one another alive and efficient even for their own proper uses' (CW XIX, 439). A politics with no conflicting influences would lead to a stationary society where public deliberation would become

¹²² I therefore endorse Karen Zivi's interpretation, according to which the fundamental rights Mill attaches to the principles of equality and freedom must be established through public and democratic deliberation. Claiming something as your right entails convincing others, through public debate, that your claim constitutes a valid political demand. Once we pay attention to Mill's philosophy, we realise that 'we should conceive of rights as political claims and rights claiming as a practice of a participatory but nonetheless agonistic democratic politics' (Zivi, 'Mill', 49). In a democracy, citizens are not simply granted rights. Rather, their rights are acquired through political struggles that take place historically (CW XVIII, 217-9).

incapable of pursuing ‘the total abolition of all exclusions’, which in turn would facilitate the recrudescence of former exclusions (CW XIX, 480).

In *Representative Government*, Mill devises a proportional representation scheme, along with a plural voting system, in order to safeguard the presence of conflicting views in the political sphere of a representative democracy. Together, both measures aim to ward off the unbounded predominance of only one political group over the government and the downfall of representative democracy into ‘class legislation’ (CW XIX, 476). Put differently, both measures seek to promote the equal representation of all citizens in the political assembly.

8.2 Representation as advocacy and ‘the spirit of compromise’

How is one to understand the relationship between representatives and their constituents in a representative democracy? According to some scholars, Mill held that such relationship demands identitarian bonds: the representative must *be* a member of the political group he or she represents (Alkmim, ‘O paradoxo’, 69-70; Costa, *Poucos*, 233-34). Thus, Mill’s proportional representation plan would support a quota system: women must represent women, indigenous people should represent indigenous people, and so on. In this reading, Mill’s theory of representation would afford another example of what Hanna Fenichel Pitkin (*Concept of Representation*, ch. 4) calls *descriptive representation*, the theory according to which the representative assembly’s composition should reproduce the demographics of the nation.

‘It is important that every one of the governed should have a voice in the government, because it can hardly be expected that those who have no voice will not be unjustly postponed to those who have’ (CW XIX, 322). For Mill, being represented

means having your voice heard in the representative assembly's deliberative process, which is different from having a physical copy of yourself there. If one wishes to use Mirabeau's (*Oeuvres*, 7) notable metaphor of the representative assembly being a 'reduced map' of the country, one should say that for Mill the representative assembly is equivalent to a polyphonic map of the nation.¹²³

There is no passage in *Representative Government* that allows us to classify Mill's concept of representation as descriptive. To be sure, descriptive representation gestures at a Balkanised conception of politics that is alien to Mill. Even though he recognises that citizens' preferences and interests tend to vary according to their social position, Mill does not think members from one political group are incapable of understanding – and therefore of voicing – the demands and complaints of citizens that belong to another group. According to him, the objective of political deliberation is precisely to 'enlarge' citizens' minds, whereupon they become able to understand public issues through perspectives different from their own (CW XIX, 401).

The representative's role for Mill is not to be a physical replica of her constituents. Instead, her role is to be a 'mouthpiece' that voices the constituents' demands (CW XIX, 505 and Urbinati, *Mill on Democracy*, ch. 3). No doubt understanding the interests of a minority is usually easier for those who are from the group (Young, *Inclusion and Democracy*, 137). But that does not happen all the time, and that is why it is naïve to claim a politician is able to represent only those who are from her group. As Marta Suplicy's and Clodovil Hernandes's recent political performances show, it is not impossible for a representative to voice remarkably well the claims of constituents who belong to a different group than his or her own; and,

¹²³ I employ 'polyphonic' in Bakhtin's (*Poética*, ch. 1) sense, who conveyed with this word the simultaneous existence of different and conflicting narrative perspectives. On the relevance of Bakhtin's notion of polyphony to democratic deliberation, see Leszek Koczanowicz, *Politics of Dialogue* ch. 2.

conversely, it is not impossible for a representative who self-identifies with a political group to fail in defending members from his or her own group.¹²⁴ We should never forget that there will *always* be a distance between representatives and their constituents. The representative is necessarily different from her constituent, if only because she has open access to a power structure that is blocked for those who are outside state institutions. Emphasising the (false) fact that a representative is ‘one of us’ does not guarantee that she will wholeheartedly represent our interests. To ensure representativeness, maintaining a dialogical relationship between citizens and representatives is paramount.

One of the unique features of Mill’s political philosophy is that it presents a concept of representation as advocacy; ‘certainly, all interests or classes ought to be represented, that is, ought to have . . . advocates’ (CW XIX, 465). The role of the representative is to advocate on behalf of her constituents, which does not require a perfect identity between them. The concept of representation as advocacy does not deny that there is a difference between representatives and constituents. To the contrary, it presupposes such a difference. In order to be a good representative, the politician does not need to *be* like her constituents; rather, what matters is having similar interests and ideas.

‘Advocacy has two components: the representative’s “passionate” link to the electors’ cause, and the representative’s relative autonomy of judgment’ (Urbinati, ‘Advocacy’, 773). These components allow the representative to sustain, at the same time, the conflicts and the consensuses that are necessary for the maintenance of a

¹²⁴ Brazil’s first openly gay representative, Clodovil Hernandes never advocated for LGBTQ rights. Although he relied on his LGBTQ identity as a way to gain votes during his campaign, once elected, Hernandes refused to vote in favour of ‘Projeto de Lei no. 1151’, a bill that Marta Suplicy proposed in the assembly in order to legalise same-sex marriage. Even though she does not identify as LGBTQ, Suplicy has been one of the ablest advocates for LGBTQ rights in Brazil.

democratic regime. On the one hand, the passionate link to the electors' cause gives representatives strong opinions and thus injects conflict in political deliberation. The fact that representatives are partisans and not impartial observers is good because objections have force when they come 'from persons who actually believe them, who defend them in earnest, and do their utmost for them' (CW XVIII, 245).¹²⁵ On the other, their relative autonomy of judgment avoids deliberation degenerating into blind dogmatism and gives room for political compromise, which in turn allows the decisions necessary for the provisional resolution of public problems to be made. In representation as advocacy, 'the conflict of interests is admitted, but also controlled by the distance that representatives are able to keep in relation to the positions they advocate' (Miguel, *Democracia*, 247-8). This distance is what makes 'the spirit of compromise' possible in political deliberation (CW XIX, 344).

Far from signifying a terminal resolution of political conflict, what the expression 'the spirit of compromise' seeks to evoke is a temporary balance between conflicting interests (CW XIX, 381). Mill employs the verb 'compromise' to convey a public agreement that does not erase the existence of conflicting aspirations among the different political groups of the demos.¹²⁶ The correlation of political forces compels the different groups to accept their differences and to avoid making their exclusive interest the sole basis for political decisions. The fact that these coalitions are fragile and vary according to the political issue at stake should not be regretted. The never-ending resurgence of political conflict is good because it precludes the crystallization of a given coalition of political forces, something that could make representative democracy

¹²⁵ Mill's appreciation of antagonism led him to commend partisanship. On the relationship between antagonism and political parties in Mill, see Bruce Kinzer, *J. S. Mill*, ch. 6; Russell Muirhead, *The Promise of Party*, 99-105; Nancy Rosenblum, *On the Side of the Angels*, 143-56.

¹²⁶ '[C]ompromises express an underlying and continuing conflict of values: the disagreement among the parties are embodied in the compromise itself' (Gutmann and Thompson, *Spirit of Compromise*, 12). On the importance of the spirit of compromise for Mill's representative democracy, see Thompson, 'Mill in Parliament'.

degenerate into ‘class legislation’ (CW XIX, 476). To function well, democracies need both conflict and consensus. They need consensus to reach decisions and issue provisional laws for all, and conflict to assure that existing laws will be open to revision and hence capable of being amended.

8.3 Conflict and the origin of representative institutions

Mill’s conception of political conflict and his encomium on the spirit of compromise pay tribute to the work of François Guizot, whom he met in London in 1840.¹²⁷ In a review published in 1845, Mill compliments Guizot’s historical work and delineates arguments that later on would be crucial to his ideas of conflict and the spirit of compromise:

No one of the ancient forms of society contained in itself that systematic antagonism, which we believe to be the only condition under which stability and progressiveness can be permanently reconciled to one another. . . . We believe with M. Guizot, that modern Europe presents the only example in history, of the maintenance, through many ages, of this co-ordinate action among rival powers naturally tending in different directions. And, with him, we ascribe chiefly to this cause the spirit of improvement, which has never ceased to exist, and still makes progress, in the European nations. At no time has Europe been free from a contest of rival powers for dominion over society (CW XX, 269-70).¹²⁸

Following Guizot, Mill believed that European history was characterised by a ‘perpetual antagonism’ (CW XX, 270). Since no European nation managed to dominate

¹²⁷ For an account of Mill’s meeting with Guizot, see Richard Reeves, *John Stuart Mill*, 195-6. On the similarities and differences between Mill’s and Guizot’s conceptions of historical conflict, see Vincent Guillin, ‘The French Influence’, 136-7; Maria Pollitzer, ‘Naturaleza y límites’; Georgios Varouxakis, ‘Guizot’.

¹²⁸ This argument appears in CW XVIII, 274 in a somewhat modified form.

all others, Europeans ‘were always compelled to compromises and mutual toleration’ (CW XX, 294).¹²⁹ The persistence of political conflict was good because it promoted the ‘simultaneous development of the different social powers, and a compromise among their pretensions and interests’ (CW XX, 294). In other words, the compromises settled among different political groups made Europe progressive because the maintenance of diversity enriched the singularity of each people. Mill’s reading of European history reveals that political conflict is valuable for him inasmuch as it is conducive to progress.¹³⁰ This thesis, which Mill takes up from Guizot, would become explicit in chapter two of *Representative Government*, where one reads that ‘the antagonism of influences . . . is the only real security for continued progress’ (CW XIX, 397).

In order to clarify the relationship between conflict and progress, Mill examines the history of a European nation that epitomises how the spirit of compromise among conflictive powers can bring about progress, namely, England. His four-page excursus on English history summarises important arguments from Guizot’s voluminous *Histoire des origines du gouvernement représentatif en Europe*. In the second tome of his work, Guizot’s (*Histoire*, 4) main goal is to offer ‘a careful exam of the origins of this government [*sc.* the representative one] in England, the only country where it developed without interruption and with success’. He explains that English history provided a highly fertile soil for the consolidation of representative institutions because, unlike other European countries, ‘absolute power never managed to set its foot’ in England (Guizot, *Histoire*, 43). The division of power between the barons and the king, and between the Normans and the Saxons, was continuous in England. According to Guizot

¹²⁹ This is a translation and (endorsement) of Guizot’s *Histoire générale de la civilisation en Europe*.

¹³⁰ Although Mill does not define ‘progress’ in this essay, in chapter two of *Representative Government* he refers to progress as the acquisition of goods and as an ‘unceasing struggle against causes of deterioration’ (CW XIX, 388). He also argues that progress is dependent upon the existence of a stable society: ‘Order [*is*] a part and means of Progress itself’ (CW XIX, 387-8).

(*Histoire*, 43), the Normans never succeeded in exterminating the Saxons – ‘in England the Saxon institutions were never suffocated by the Norman institutions; they were associated and ended up changing the character of each’. The compromise between the two groups produced ‘an amalgam’ that generated ‘more developed and stronger’ institutions (Guizot, *Histoire*, 44). Guizot (*Histoire*, 45) claims that ‘it was the forced rapprochement between the two peoples [*sc.* the Saxons and the Normans] that fertilised them and brought about the liberties of England’.

The power of the barons and the opposition they set up against the king were the features of English political history that explained the emergence of representative institutions. In the sixth lesson of *Histoire*, Guizot contends that England’s representative institutions sprang from two consecutive events: first, the barons demanded from the king the recognition of their civil liberties, and then they sought to install powers that would oversee the respect of their rights. Initially, the main purpose of representative institutions was to create a power that protected the rights achieved by the barons (Guizot, *Histoire*, 77-8). For both Mill and Guizot, the conflict between the king and the barons made England progressive because it gave birth to representative institutions. Representation was (and still is) a procedure designed to regulate political conflicts between different groups.

8.4 Conflict as a resource for democratic deliberation

The representative system Mill has in mind is meant to be applied in modern political communities, which are doubtless pluralistic. A good way to foster agonism in deliberation would be, then, to structure a proportional representation system that would

include the perspectives and interests of every political group in the assembly. But sometimes simply allowing minorities' perspectives to enter the representative assembly is not enough to guarantee that they participate on a par with other groups. In a country where the majority of the population is biased and ignorant – which was, according to Mill, the case in Victorian England – ascribing equal weight to all citizens' votes would in practice condemn some minority groups to a perpetual silence (CW XVIII, 272). In the end, the result would be a homogeneous political debate, one in which the same group would impose its will without any counterweight to oppose it.

No wonder then Mill proposes plural voting as a complement to proportional representation. As usual, Mill explains that he will not specify beforehand the exact workings of plural voting. All he says is that those with greater knowledge deserve greater weight in their vote. Yet Mill avoids defining once and for all the number of votes that those with greater knowledge would have. Such minutiae, he writes, 'are open to much discussion in the detail, and to objections' (CW XIX, 475). Furthermore, Mill does not seem to believe that a single political group would be the most knowledgeable in all circumstances. Though he sometimes suggests that the group with the most formal education is the one with the most knowledge, one could argue that, depending on the circumstance, the less educated could have more knowledge than, say, college graduates. Indeed, in *Chapters on Socialism* Mill surmises that 'the laws of property' should be reviewed by an assembly composed not solely of landowners but also of industrial workers (CW V, 706). In this circumstance, he suggests, it is possible to argue that the workers would know with more precision than the bourgeoisie how the

private property regime could fulfil its function – viz. to carry out the ‘general welfare’ (CW V, 705).¹³¹

The absence of an explanation of what constitutes a political group in *Representative Government* reflects Mill’s refusal to establish in advance the details of plural voting. His insistence on leaving the minutiae of his representative scheme to be determined by those who are to adopt it in real life was criticised by some philosophers of his time. In *Systema representativo*, for instance, José de Alencar casts aspersions on Mill’s *Representative Government* and presents a more detailed representative scheme. Though their proposals are doubtless similar, one of the biggest differences between Mill and Alencar is that the latter presents a clear definition of what a political group is. According to Alencar (*Systema*, 9), a *social group* qualifies as a *political group* when it represents at least five percent of the electorate. Social groups whose ideas, interests and perspectives are shared by less than five percent of the electorate are not encompassed in Alencar’s proportional representation plan.

Alencar’s proposal can be considered arbitrary because it does not explain why an opinion that is shared by less than five per cent of the electorate is not of political relevance. If his purpose is to safeguard the political representation of minorities and avoid ‘the tyranny of the multitude’, then why does he deprive of representation minority groups who fail to reach the five-percent threshold? (Alencar, *Systema*, 14). Alencar’s arbitrariness reflects a wider conundrum that disconcerts every proponent of proportional representation, viz. which criteria must a given collection of individuals

¹³¹ Mill never ceased to believe that the adoption of plural voting was salutary for democracy (Miller, ‘Plural Voting’). However, when he witnessed conservative politicians quoting his argument as a means to obstruct workers’ political participation, he decided not to advocate for plural voting in Parliament (CW I, 288-9).

fulfil in order to qualify as a politically relevant group that deserves proportional representation?¹³²

Since Mill's defence of proportional representation includes plural voting, the conundrum he faces encompasses a further complication: which political groups know more about a given political issue and are thus entitled to plural votes? This is a question Mill deliberately does not address. Determining which political groups are entitled to plural voting will always require a great knowledge of circumstantial factors. What does the political proposal being voted consist in? Which political groups will suffer a greater impact if the proposal is approved? How many extra votes should they receive? Since those questions are heavily context-dependent, it would be unreasonable to expect Mill to provide a cut-and-dried answer for them.

Although he refrains from elaborating the intricacies of his plural voting scheme, Mill insists that it would be legitimate to grant plural votes for those who had more knowledge about the particular topic which was under discussion. Because they have privileged cognitive access, the most concerned and affected by a political measure should have greater impact in the decision process, for they know better than others how such a proposal would affect their lives if it were implemented. Once they obtained compensation mechanisms that lent greater force to their voices in some political issues, minority groups would be able to create opposition to the majority, thereby fulfilling a vital function for democracy – the maintenance of conflict in political debate. The upshot of this would be a more inclusive and just public deliberation. Needless to say, a debate that effectively encompasses more than one political group is not likely to select 'I want this' or 'that policy is in my interest' as good reasons for accepting a political

¹³² For a fuller discussion of this point, see Pitkin, *The Concept of Representation*, ch. 4. On the impossibility of including every existing social group in a proportional representation system, see Hans Kelsen (*Democracy*, 71).

proposal. In an antagonistic and plural political debate, participants are forced to take into account different perspectives than their own:

Parliament has . . . to be at once the nation's Committee of Grievances, and its Congress of Opinions; an arena in which not only the general opinion of the nation, but that of every section of it, and as far as possible of every eminent individual whom it contains, can produce itself in full light and challenge discussion; where every person in the country may count upon finding somebody who speaks his mind, as well or better than he could speak it himself – not to friends and partisans exclusively, but in the face of opponents, to be tested by adverse controversy (CW XIX, 432).

The presence of conflict inside the assembly is fundamental to representative democracy because it increases the knowledge of politicians and, consequently, allows them to take more reasonable decisions. Far from simply mirroring pre-given and static opinions, representation has creative power – it *constructs* new ideas. The debate carried out in the representative assembly is not a mere echo of the voices going around in the public sphere. The struggle between different representatives is productive: the collision of different political opinions in the representative assembly enlarges the public's comprehension of social problems and can therefore construct new opinions.

In a polarised debate – that is, a debate where political forces are not concentrated in one majority group – the perspectives and objections of all groups have to be addressed somehow. In a democratic debate riven with conflict, Mill hopes, civic morality tends to grow stronger because all citizens (including those whose initial view was rejected) know that the prevailing decision was chosen 'not by a mere act of will, but for what are thought superior reasons . . . to the representatives of the majority of the nation' (CW XIX, 432). A democratic debate, in this sense, is inimical to 'the logic of persecutors' (CW XVIII, 285). Insisting that one political decision is right simply because it is in your interest is an argument that is not likely to thrive in a plural

agonistic debate. In such circumstances, adopting a wider vocabulary that includes something more than merely one's self-interest is the *sine qua non* for political success.¹³³

Besides diminishing social exclusions and improving the current system, an agonistic democratic debate has the additional benefit of attributing accuracy and truthfulness to citizens' decisions. Indeed, the gist of *On Liberty*'s second chapter is that knowledge and truth are better constructed through a collective investigation process. In *On Liberty*, Mill explains that there are two kinds of truths: one that excludes objections, and another that develops out of objections. The first type of truth pertains to mathematics and is immutable. The second one, by contrast, is always changing and belongs to the political realm. To know the truth of any political phenomenon, one needs to study the various perspectives under which this phenomenon may be examined.

In politics especially, which addresses topics that are everybody's concern, acquiring complete knowledge about something requires taking into account the different perspectives through which an issue can be viewed and experienced. Though there is not necessarily only one right answer to political problems, some proposals and policies are doubtless more just and wiser than others. Hence, the objective of democratic deliberation would be to identify and implement the best solutions for collective problems. According to Iris Young (*Inclusion and Democracy*, 31), the epistemic defence of democracy that Mill presents has largely influenced contemporary theorists of deliberative democracy. To be sure, Mill can be seen as one of the

¹³³ It is no surprise then that John Rawls (*Lectures*, 286) identifies in Mill's political philosophy 'a principle of public reason [for] the coming democratic age'. The democratic deliberation that is orchestrated by antagonistic interest groups is salutary to democracy because it forces citizens to adopt a wider perspective during the political process.

forerunners of deliberative democracy and epistemic democracy.¹³⁴ He values democratic procedures because they allow citizens (*inter alia*) to deliberate freely and openly, the result of which would be the emergence of truth.

Far from being the discovery of a solitary genius, ‘political truth’ is for Mill something that emerges from the deliberation and consensus of the many and that is constantly being remade (CW XIX, 418). He considered conflict to be salutary inasmuch as it enhanced the epistemic quality of political discussion. One can thus conclude Mill was an agonistic democrat because he was an epistemic democrat. He recognised conflict as a fundamental aspect of democracy because he believed political disagreement weeds out inaccurate information, expands the knowledge of politicians and leads to the construction of more reasonable, wiser decisions.

8.5 Representative democracy and liberty

It is not only for obtaining a complete understanding of political facts that democratic deliberation is necessary. An antagonistic democratic debate is also a way to discover the truth about one’s self. To the extent that antagonism calls forth one’s deeper, more forceful self, it is central to the development of one’s self. As Mill has pointed out in *On Liberty*, it is through dialogical interaction with others that individuals can forge convictions that are genuinely their own. If one is to ascribe meaning to a belief that guides one’s conduct, one inevitably has to confront an opposing point of view (CW XVIII, 247). Otherwise one will be incapable of grasping the norms that regulate one’s conduct. By the same token, one will not be free.

¹³⁴ Gutmann and Thompson, *Why Deliberative Democracy?*, 9. On the epistemic character of Millian democracy, see Hélène Landemore, *Democratic Reason*, 75-82 and Frederick Rosen, *Mill*, ch. 2.

Besides improving our political knowledge, democratic debates afford an opportunity for the autonomous and free development of our individuality.¹³⁵ When Mill uses the words ‘freedom’ or ‘liberty’, what he seeks to convey is ‘the liberty of each to govern his conduct by . . . such laws and social restraints as his own conscience can subscribe to’ (CW XXI, 336). That requires, as Mill adds directly after, that individuals have ‘sufficient influence in the regulation of their affairs’ (CW XXI, 337). Thus, Millian liberty would be tantamount to self-government.

How can an agonistic democratic debate make someone free, that is, make someone self-governing and self-dependent? In order to clarify this question, let us first note that Millian liberty encompasses the capacity to occupy multiple perspectives. The way one accesses the world, according to Mill, is tainted by one’s social-historical context (CW XVIII, 229-30). Family, social class, and religion (to name but a few) are examples of social elements that determine and shape one’s tastes and interests. Taken together, such elements form a perspective, a worldview that one uses as a guiding principle for one’s conduct.

If one is to pass from heteronomy to autonomy, one needs to somehow step back from one’s initial perspective. This capacity to retreat from one’s given worldview is crucial for criticising the norms that are regulative of one’s conduct. For Mill, being confined to only one perspective precludes liberty. In order to be free, an individual must be able to access and experience different worldviews. Once she is able to retreat from her initial perspective, the individual can scrutinise the ways in which social relations manipulate her conduct. After becoming aware of the multiple forces that constitute herself as a subject, the individual acquires the power of negotiating with these forces, of examining and evaluating which of them actually makes sense to her.

¹³⁵ On Mill’s concept of autonomy, see Gregory Claeys, *Mill and Paternalism*, 203 and Wendy Donner, ‘Autonomy’.

Initially, individuals are, as Kant (*Aufklärung*) would put it, ‘minors’: their ideas are nothing but the reflex of their surrounding environment. However, as they develop the ability to put their environment into parentheses and begin to occupy multiple perspectives, individuals have the opportunity to become free and to act on their own behalf.

Since it allows individuals to encounter different and new perspectives, a democratic debate riven with conflict is conducive to freedom. When one takes part in a democratic discussion, one is led to realise (sometimes against one’s will) that the way one sees a political issue does not correspond to the perspective of someone else. Mill hopes that the contact with different perspectives will enlarge participants’ mentalities and worldviews.¹³⁶ Put differently, he believes that a democratic debate can bring about a moral transformation in its participants.

At first glance, Mill’s view of political deliberation may seem highly idealised. However, the use of the verb ‘tend’ and its cognates, *nota bene*, are ubiquitous throughout *Representative Government*. Although he believes political participation may fortify civic morality, Mill recognises that in some cases

the tendency of all opinions to become sectarian is not cured by [political] discussion, but is often heightened and exacerbated thereby; the truth which ought to have been, but was not, seen, being rejected all the more violently because proclaimed by persons regarded as opponents (CW XVIII, 257).

With this caveat, Mill touches upon a very important issue that some scholars who are working within the deliberative democracy tradition nowadays forget to

¹³⁶ Although Hannah Arendt also held that political debate led to the enlargement of individuals’ mentality, it is not wholly appropriate to claim that Mill’s view on political participation resembles Arendt’s (*pace* S. Young, ‘The Democratic Citizen’, 246). The enlargement of mentality Mill associates with political debate aims (*inter alia*) at the collective construction of truth. However, unlike Mill, Arendt did not believe that political deliberation was associated with truth. This is evident in the same essay where she writes about her idea of enlarged mentality (Arendt, ‘Truth’).

highlight: in political deliberation, discursive impact does not depend solely on *what* is spoken, but also on *who* speaks (Miguel, *Democracia*, ch. 2). Even in scientific and academic discussions, where the coherence of an argument should be the only determinant taken into account, the speaker's social status is crucial for her argument's impact. Different titles and power positions produce different degrees of discursive impact. This also applies to the political realm, where it is not unusual to see the most sensible argument being refuted simply because it was 'proclaimed by persons regarded as opponents' (CW XVIII, 257). Nevertheless, Mill thinks political deliberation can have 'its salutary effect' even in its most polarised moments (CW XVIII, 257). Those who are outside the heated dispute may perceive the soundness of the argument presented. If that happens, their support will gradually make the most sensible argument prevail in the deliberative process, which in turn will lead to the transformation and enlargement of the political perspectives of several citizens.

Notice that this is only a possibility and not a necessary by-product of an agonistic political debate. Even though he claims that a debate carried out by different political groups tends to be more inclusive than a debate orchestrated by only the dominant group, Mill does not think that every citizen who is confronted with different and opposing points of view in political deliberation will always try to enlarge her mind and include others' perspectives into her own. Mill should not be accused of being naive or excessively optimistic. His claim is not that an open and plural debate among political groups who are in conflict will always push citizens beyond their initial and limited perspective to a more universal position directed toward the common good.

In 'Reorganization of the Reform Party', Mill recognises that in circumstances of deep structural inequality, political deliberation is useless. In societies where some political groups delegitimise their rivals as epistemic inferiors, it would be 'Utopian' to

believe that political deliberation alone could persuade ‘the ruling classes’ to give away their privileges (CW VI, 479).¹³⁷ When ‘the landlords are masters of the legislature’, the promulgation of laws that only benefit them ‘is not a casual evil, the result of a passing error, which can be remedied by the mere progress of discussion. Discussion has done its work; the obstacle lies deeper than it can reach’ (CW VI, 475). In that case, Mill argued, what was needed was direct political action, not deliberation. Unprivileged citizens had to organise themselves and force landowners to give up some of their privileges. When representative institutions are unjust and refuse to take into account popular demands, political violence is legitimate.¹³⁸

Although he does not deny that there will always be persons who refuse to be transformed by political deliberation, Mill’s overall hope is that an agonistic democratic debate can bring about a moral transformation in its participants. By expressing such a hope, Mill pits himself against those authors who believe that political debate is incapable of changing citizens’ minds. In certain cases, it is argued, political deliberation is useless because many groups are not willing to review (let alone change) their beliefs and opinions (Shapiro, ‘Deliberation’, 30-2). Offering a different kind of reading, Mill believes that representative democracy can structure its institutions in such a way as to compel citizens to cultivate a ‘spirit of compromise’, which translates into a non-dogmatic approach to politics (CW XIX, 344). A plural and agonistic debate can make citizens review their ideas, encouraging, therefore, the construction of a broader worldview.

¹³⁷ In ‘Representation of the People [2]’, Mill excoriates the demotion of the epistemic status of working-class citizens undertaken by the ruling classes of nineteenth-century England and contends that working-class citizens should be treated as epistemic peers in political deliberation (CW XXVIII, 58-68). For a critical analysis of the delegitimation of the epistemic status of marginalized groups, see José Medina, *Resistance*. Medina’s (*Resistance*, 50) position is somewhat reminiscent of Mill’s, for he also understands that epistemic productivity is a possibility and not a necessary effect of political conflict.

¹³⁸ On Mill’s theory of legitimate violence, see Geraint Williams, ‘Violence’.

It is precisely in this sense that one should read Mill's thesis that different types of political regimes tend to foster different types of subjectivities (CW V, 715 and CW XIX, 389-90). In an autocratic regime, for instance, the overwhelming tendency is to find heteronomous subjects with low solidarity among themselves (CW XVIII, 271). In an agonistic democracy, the tendency is to foster critical individuals, who are always willing to complain and revise the norms that guide their lives. These individuals cultivate a various and porous self. They are sensitive to others' demands and are not afraid to review the beliefs that operate as the guiding matrix of their lives – in a word, they are free.¹³⁹

8.6 Conclusion

As this paper has argued, although Mill values political conflict, he believes that a formal consensus regarding the value of individual liberty and equality is indispensable for democracy. Yet it would be incorrect to say that just because he believes such consensus is necessary, Mill denies the existence of political conflict. The recognition of liberty and equality as democracy's guiding principles indicates the beginning, not the end, of political conflict. Both principles acknowledge the existence of conflict and their function is to allow citizens to adjudicate their disagreements without threatening the existence of democracy. Once admitted as democracy's basis, the determination of the precise content and extent of the principles of equality and liberty becomes the major flashpoint of democratic deliberation. Liberty and equality

¹³⁹ As Steve Young ('The Democratic Citizen', 245) has put it, according to Mill, the plurality of democratic politics 'break[s] down the barriers between the individual and her fellow citizens because [it] require[s] the individual to assume the perspective of other individuals'. In democratic deliberations, citizens gain the capacity not only to respond to others but also to be transformed by others. Therefore, as Claude Lefort (*Pensando*, 214) remarks, it is possible to repute the absence of a fixed identity to be a common trait among individuals who live in democratic regimes.

are thus formal principles that are fulfilled and (re)defined through ongoing democratic debates.

As the precise definition of the principles of equality and liberty is contested by the different political groups that make up the *demos*, a democratic debate permeated with conflict sustains the necessary conditions for the protection of citizens' equal liberty. In this sense, Mill believes that political conflict must be encouraged insofar as it entrenches the basic principles of a democracy, namely, individual liberty and equality. Nevertheless, any political conflict that aims to jeopardise these principles must be denied and cannot be allowed to gain acceptance in a democratic regime. In other words, Mill's appraisal of political conflict is far from absolute. Although he does cherish political conflict, one should not infer that Mill's representative democracy represents a total political agonism. Mill's attitude toward conflict is more ambiguous than one might judge by reading what Mill scholars have written thus far. For while he posits the indispensability of political antagonism for democratic politics, Mill also says that political debate should proceed from the consensus of two formal principles that constitute the basis of democratic life, to wit, individual liberty and equality.

Proponents of what I have called the 'hegemonic' and 'marginal' readings of Mill both agree on one thing: that democracy should focus either on conflict *or* consensus. Neither of them seems to realize that democracy for Mill requires conflict *and* consensus. Mill scholars so far have failed to challenge the consensus vs. conflict dichotomy that bedevils a significant number of democratic theorists today. However, if my reading of Mill is correct, then it should be concluded that the conflict vs. consensus dichotomy, which is espoused by scholars as outstanding as Luis Felipe Miguel (*Consenso e conflito*, ch. 1) and Chantal Mouffe (*Democratic Paradox*, ch. 4), ought to be taken with a grain of salt. Mill's theory of democracy indicates that consensus and

conflict should not be seemed as irreconcilable political features. Democracy has to accommodate both conflict and consensus.

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