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Beyond Utilitarianism? Beyond Democracy? J. S. Mill on Representative Government

Abstract[1]

Classical utilitarianism was one of the first comprehensive, modern doctrines which provided justification for the establishment of democracy. John Stuart Mill is usually considered to be an heir of this intellectual tradition, yet his mature political theory exhibits many significant diversions from the utilitarian orthodoxy. In this essay I undertake a venture of examining what is the upshot of these differences for political philosophy. I argue that J. S. Mill's account as exemplified in his late work *Considerations on Representative Government* cannot be squared with the classical utilitarian approach. This is because the former is almost exclusively preoccupied with the educational aspect of politics while in the latter, mainly due to its hedonism and consequentialist structure, these educational concerns are almost altogether absent. I also tackle a distinct yet related question in what sense, if any, the younger's Mill theory of government can be considered democratic?

Keywords: civic education, democracy, elitism, liberalism, J. S. Mill, participation, representative government, utilitarianism.

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**(All the quotes from the works of J. S. Mill used in this paper were taken from J. M. Robson (ed.), The Collected Works of John Stuart Mill, Vol. 1-33, Toronto 1963-1991, thereafter referred to as CW)*

In this paper I will attempt to tackle two distinct, yet closely intertwined subjects. As these are rather complex issues I hope to be forgiven for not always being able to maintain the clarity of distinction between them. What I can do to avoid confusion is at least to sketch the outline of my task at the very beginning.

First of all, it seems that there is something troublesome, or perhaps even embarrassing, about J. S. Mill's attachment to the tradition of classical utilitarianism. Ever since his life-time critics hardly wasted any opportunity to point out to the elements in his thought which seem to be strikingly inconsistent with that tradition (or with what that tradition is usually thought to be).[2] But even more tellingly, the uneasiness of fitting the younger Mill into the utilitarian landscape has been consistently, though to some extent tacitly, confirmed by his sympathizers, especially in the second half of the XXth century. Many examples could be given, yet for the sake of brevity I hope it will suffice to note that one of the most distinguished contemporary Mill's scholars described him as: "perhaps a more consistent liberal than a utilitarian".[3]

[2] One does not need to look any further that James Fitzjames Stephen's *Liberty, Equality, Fraternity* which was published in 1873, the year Mill died.

[3] A. Ryan, *Popper and liberalism* in: A. Ryan, *The Making of Modern Liberalism*, Princeton 2012, p. 416. Arguably sir Isaiah Berlin was the first highly significant author who tried to deny Mill's utilitarian lineage in his seminal essay *J. S. Mill and the Ends of Life*. Among other scholars who are

There are many reasons, both philosophical and non-philosophical, for this suspiciousness arisen by utilitarian tradition.[4] Nevertheless, I will not dwell on this subject. What I intend to do instead, is to trace some of the implications of the suggested tension in the field of political theory.

That utilitarianism fathered one of the first comprehensive defenses of democracy in modern times is a *cliché*. Some more or less broadly utilitarian arguments for democracy are still very much alive nowadays, though admittedly this position is perhaps less popular among philosophers than in commonsensical discourse and political practice. What is perhaps less of a *cliché* is to ask whether there is actually only one utilitarian theory of democracy? This brings us back to the question of utilitarian credentials of J. S. Mill. For there can be no doubt that his account of democratic government is significantly different from the one given by his utilitarian mentors. So it seems that there are only two possible solutions. We might assume that J. S. Mill's account exemplifies a distinct version of utilitarian argument for democracy, perhaps achieved by enlargement and/or refinement of the views of Bentham and James Mill. Then it would seem that we have at least two competing, distinct and comprehensive utilitarian arguments for democracy. On the other hand, we might as well argue that J. S. Mill was not consistently utilitarian and neither is his theory of democracy. But then it still remains to be determined precisely what kind of democracy is he arguing for? In fact we might even wonder whether it

sympathetic to Mill and showed similar intent to Berlin's one might also mention: J. Plamenatz and C. L. Ten.

[4] Excellent overview of these issues can be found in J. Skorupski, *Introduction: The Fortunes of Liberal Naturalism* in J. Skorupski (ed.), *The Cambridge Companion to Mill*, Cambridge 1998, p. 16-30.

is democracy at all?! Anyone familiar with Mill's *Considerations on Representative Government* (for brevity sake thereafter referred to simply as *Representative Government*) knows that this is a perfectly legitimate question to ask. I presume that being classified as a representative of "democratic Platonism"[5] is hardly a compliment nowadays, so democratic credentials of the younger Mill also deserve a closer scrutiny.

It is with these two questions that I will be mainly preoccupied here. Whether J. S. Mill's political theory transcends the limits of any conceivable form of consistently utilitarian view? And whether it can be consistently described as democratic?

I. The Classical Utilitarian Approach

Let me start with a brief summary of the classical utilitarian approach to democracy. The most instructive and concise, if at the same time also the most notorious, exemplification can be found in James Mill's essay *Government*. It was regarded by contemporary utilitarians as a textbook of political theory, and indeed most of it shortcomings are due to the textbook-like simplicity and bluntness of the crucial assumptions.[6] The older Mill's reasoning starts from the premise of universal selfishness. He maintains that it is: "(...) a law of human nature, that a man, if able, will take from others anything they have and he

[5] See D. E. Miller, *J. S. Mill: Moral, Social and Political Thought*, Cambridge 2010, p. 187.

[6] R. Harrison, *Democracy*, London 1993, p. 94-95.

desires (...)".[7] And what every man ultimately desires is either his pleasure or absence of pain. At the same time James Mill also takes for granted the main ideas of Ricardian political economy. Since we desire pleasure and want to avoid pain and the natural resources are limited we need labour and the goods that it can produce. But given the selfish nature of men it follows that everybody, if only given the opportunity, would try to enslave the others and make their labour subservient to satisfaction of his desires. Thus, in order to ensure the security of persons and property we need a government. But the problem remains, for people invested with political power will surely use it to their own advantage if unchecked. James Mill's answer is that only representative democracy can provide us with a solution. First of all, it makes government accountable to people through periodic elections. Hence it is in the interest of the rulers to satisfy the interests of the greatest number of voters unless they want to be thrown off the office. Secondly, the satisfaction of the interests of the greatest number is precisely what general interest consists in and, consequently, what should be the aim of the good government. From these two corollaries taken together it does seem to follow that representative democracy with universal suffrage is the only form of government consistent with the greatest happiness principle. Well, it does not, at least according to James Mill. He famously stated that since the interests of some are included in the interests of others there is no need to enfranchise women (whose interests are included in those of their fathers and husbands) and children (by which he meant people under 40). This argument from the

[7] J. Mill, *Government* in T. Ball (ed.), *James Mill: Political Writings*, Cambridge 1992, p. 9.

"inclusion of interests" is obviously strikingly fallacious by James Mill's own standards. After all, if anything follows from his psychological assumptions, it is that every individual might in normal circumstances be the best judge of his own interests, but certainly not that he should be freely allowed to decide for others about theirs. Thus Thomas Macaulay in his famous critique of Mill's essay found it all too easy to wonder: "Is then the interest of the Turk the same with that of the girls who compose his harem? Is the interest of the Chinese the same with that woman whom he harnesses to his plough?".[8] Interestingly enough, at the same time the older Mill does not argue in favor of property qualifications. Many of his contemporaries feared that broadening of the suffrage would result in expropriation of the rich by the poor. However, Mill did not treat it as a real danger and for a very specific reason. As Ross Harrison pointed out, in general there were two ways of "not being too nervous" about democracy at the beginning of the XIXth century, virtue and deference.[9] While the former was more consistently explored by Bentham, James Mill contented himself mainly with the latter. He believed that the poor would defer to the example of the middle class.[10] After all, it is no accident that his essay ends with a small invocation of the virtues of the middle class, the one which is the most industrious, reasonable and far-sighted.[11] There is another contradiction in this argument. If the interests of the poor are included in those of the middle class there is no need to enfranchise the former. However, if they have

[8] T. B. Macaulay, *Mill on Government* in T. Ball (ed.), *James Mill...*, p. 291.
[9] R. Harrison, *Democracy*, ibid., p. 102-104.
[10] Originally Mill spoke of a "middle rank". J. Mill, *Government*, ibid., p. 41-42.
[11] Ibid., p. 41-42.

their own, separate interests they indeed should be given the right to vote. But then there is no reason to suppose that they would and should accept so willingly the enlightened guidance of their betters. Nevertheless, we should bear in mind this brand of elitism advocated by James Mill, as it might be useful to compare it later with the one of his son.

Leaving aside the peculiarities of the older Mill's approach, his argument represents a clear, if crude, utilitarian case for democracy. According to classical utilitarianism, which is a consequentialist and teleological doctrine, there is no inherent moral value in democracy itself. It is valuable only insofar as it secures the greatest happiness of the greatest number. Consequently, there is nothing uniquely legitimate in democratic constitution of government itself. For a utilitarian the question whether particular government is lawful is a factual question, if it can secure habitual obedience of the vast majority of population then it certainly is.[12] Obviously, utilitarians like Bentham and James Mill believed that representative democracy in the end happens to be the only form of government which passes the test of general interest. However, this is an empirical assumption which might be proven false. For instance, the development of new technologies seriously puts into question the traditional utilitarian rationale for representative democracy which basically amounts to the claim that direct democracy is simply impracticable in large, modern and economy-oriented societies. Similarly, should we stumble upon a different form of political arrangement which happens to be cheaper and/or more effective than

[12] A. Ryan, *Mill and Rousseau: Utility and Rights* in A. Ryan, *The Making...*, ibid., p. 353-355.

democracy (be it direct or indirect) there would be no reason for a convinced utilitarian to stick to the latter. It is just an instrument of general interest and like every instrument it can be substituted with a better one.

John Stuart Mill's Reaction

Much has been said about J. S. Mill's complicated relationship with his father and how it influenced his attitude towards the classical utilitarian school. It is enough here to mention that the son was familiar with Macaulay's devastating critique of his father's essay. It certainly left a lasting mark on his intellectual development and possibly contributed to the famous mental crisis of his youth. Initially traumatic loss of faith in orthodox Benthamism eventually helped Mill to emerge as an original and independent thinker. Mindful of the lessons of the past, he grew aware of the need to develop and refine classical utilitarian theory, also in the field of political theory. Thus J. S. Mill's own take on the subject, his seminal essay *Representative Government* should be read as a response both to his father's *Government* and to Macaulay's critique of the latter. Using his favourite approach of trying to marry the parts of truth existing in contrasting views Mill wanted to come up with an account of government that would not be so excessively deductive and abstract as his father's. In keeping with the main intellectual patterns of the XIXth century he aimed at more historical approach as well as the one which would adopt a more complex, less egoistic and mechanistic psychology. At the same time he did not want to wholly concede Macaulay's point about inductive method of science of politics.

Let me now proceed to the details of J. S. Mill's analysis. He agrees with his father that representative government is an "ideally best form of government"[CW, XIX, p. 398]. However, it does not mean that it is possible at every stage of history of a given society. In *On liberty* Mill famously stated that "Despotism is a legitimate mode of government in dealing with barbarians, provided the end be their improvement and the means justified by actually effecting that end" [CW, XVIII, p. 224] and he maintained this view in *Representative Government*. Both savage and slaves are not fit for political liberty, they might eventually become so, but first certain conditions, like basic respect for the rule of law and the habit of solving differences by discussion, must be met. The great mistake of classical utilitarianism was to think of representative democracy as if it was equally applicable and desirable in the case of modern, western societies and "for Bedouins or Malays" [CW, XIX, p. 394], while according to Mill the best that the latter could hope for was to find some "Akbar or Charlemagne"[CW, XVIII, p. 224]. Mill might not have been of a high opinion of Bedouins or Malays but nevertheless his whole argument presupposes that representative government has a privileged status, other political arrangements are acceptable only insofar as they prepare people for it. In this restricted sense representative government is precisely an ideal one. Why is it so according to J. S. Mill? He offers two sorts of reasons, or to be more precise, two criteria by which every mode of government should be judged. The first criterion might be labeled as effectiveness and there seems to be little trouble with fitting it into utilitarian theory. The younger Mill argues that there are certain limits of effectiveness in management of state affairs that a despotic regime cannot surpass. The

reasons he gives to justify this judgment are all quite sound and, moreover, in accord with classical utilitarianism. Generally speaking everybody is the best judge and guardian of their own interests. Because of that any exclusion from having a say in matters of government is likely to result in the interests of the excluded being either ignored or misconceived by even the most well-meaning elites.[13] Yet, it is beyond doubt that the heart of J. S. Mill's argument for representative government lies in the second criterion he puts forward. Following D. E. Miller we might label it as education[14], but it is education in a broad sense of the term, understood as a development and refinement of people's "moral, intellectual and active qualities" [CW, XIX, p. 390]. As Mill himself emphatically put it:

> "The first element of good government, therefore being the *virtue and intelligence* of the human beings composing the community, *the most important point of excellence* which any form of government can possess is *to promote the virtue of intelligence of the people* themselves" [CW, XIX, p. 390, emphasis added]

[13] J. S. Mill, *Considerations on Representative Government* in CW, Vol. XIX, p. 404-406.

[14] D. E. Miller*, J. S. Mill...*, ibid., p. 171-172. The distinction between what I call "effectiveness" and "education" criteria is also offered in slightly modified form by R. W. Krouse in the distinction between "two competeing visions of the underlying nature and purpose of social and political life", between its "protective" and "educational" function. R. W. Krouse, *Two Concepts of Democratic Representation: James and John Stuart Mill*, "The Journal of Politics", Vol. 44, No. 2, p. 512-513.

Or to express the same thought in a slightly different manner, government should be judged primarily by "what it makes of citizens", not only by "what it makes with them" [CW, XIX, p. 392].

One problem with Mill's distinction between effectiveness and education is that he never seems to very seriously entertain an unpleasant thought that they might come into competition with each other. Since he assumes that representative government (at least in the long run) fares best in both dimensions, he can avoid discussing how much political liberty and education can be traded-off for how much effectiveness.[15] However, I will not elaborate on this issue. Instead I will argue that the weight which he ascribes to the education of citizens, the "ethological" effects of government as he would have it, might be impossible to square with the traditional utilitarian account.

Perhaps one of the most astounding things about *Representative Government* from contemporary perspective is how many benefits Mill expects to be secured by active involvement of citizens in public life. On this point he actually has more in common with the tradition of republicanism than classical utilitarianism, or with many varieties of XIXth century liberalism for that matter. Indeed, civic participation has been one of the great themes of republican thought. J. S. Mill similarly emphasizes that without it the improvement of people's characters, their virtue and intelligence, is impossible. It is after all no accident that he describes government in a truly Tocquevillian manner as a "school of public spirit".[16] In a fashion characteristic for his whole thought he links here the enhancement of intellectual qualities with moral development

[15] Ibid., p. 171-172.

[16] J. S. Mill, *Considerations...*, ibid., p. 412.

so closely that they become almost inseparable. A mind devoted to public affairs has to show more activity and originality that the one which is deprived of this opportunity. And the moral improvement follows as well. Active citizenship prevents the rise of despotism, be it even a benevolent and a mild one, since people are much less likely to accept without any questioning the policies made for them by government. Nowhere is all of this more evident than in Mill's extended praise of active (or energetic) character type over a passive one. Obviously, according to him the former is best promoted by representative government, while the latter naturally dominates under despotic regimes.[17] Furthermore, participation also helps an individual to realize that he is a member of a broader community and this membership comes with certain duties. It enlarges sympathies of a common men so that they gradually start to stretch beyond the boundaries of family or class. An active citizen develops feelings of affection and responsibility for his fellow countrymen. The fact that he is called upon not only to vote once in every few years, but also to take upon himself some public function (at least from time to time) is the best cure for excessive individualism. It allows to overcome a narrow selfishness of life concentrated on the pursuit of material wealth and sectional interests. "In despotism - says Mill - there is at most but one patriot, the despot himself" [CW, XIX, p. 401]. But things are quite different under free, that is representative, government.

[17] Ibid., p. 406-410.

Therefore, it should come as no surprise that participation occupies a central role in J. S. Mill's account of representative government. He maintains that:

> "From these accumulated considerations it is evident, that the only government which can fully satisfy all the exigencies of the social state, is one *in which the whole people participate*; *that any participation, even in the smallest public function, is useful; that the participation should everywhere be as great as the general degree of improvement of the community will allow*; and that nothing less can be ultimately desirable than the admission of all to a share in the sovereign power of the state." [CW, XIX, p. 412, emphasis added]

But since the realities of living in modern nation-state societies do not favor direct involvement of citizens in the making of all collective decisions, the only solution is to elect representatives. In this regard Mill is in accord with the views of his utilitarian mentors. Yet, the differences are much more pronounced and significant. In the classical utilitarian theory the goal of representative government is to achieve the greatest happiness of the greatest number. Active citizenship can be valuable only insofar as it serves this goal. Indeed, it might be quite persuasively argued that too much public involvement from the citizens would be at the expense of economic prosperity.[18] J. S. Mill's approach is substantially different. As we already know, participation is supposed to

[18] J. Mill, *Government,* ibid., p. 7.

lead to the education of the people, to the improvement of their character. However, this is not a purely instrumental relationship. It is rather that education (in Millian sense) at least partially consists in the civic participation itself, in the active exercise of one's intellectual, moral and practical capacities in public life. It might as well be put slightly differently. Classical utilitarians conceived of representative democracy as a set of political institutions which happens to best promote general interest. In the younger Mill's case the end of representative government is for the people to attain the virtues of self-dependence and self-government. And it would be strange indeed to claim that their active involvement in public matters is something entirely different from the self-dependence and self-government.

Let us now turn to the issue of J. S. Mill's strong concern for the fate of minorities in democracy. This was not an important problem for the older generation of utilitarians. If they noticed it at all, their general answer was pretty straightforward, as in the case of Bentham's criticism of the doctrine of natural rights. Sometimes the general interest requires that somebody has to lose in order to benefit the others. J. S. Mill disagreed. He feared that broadening of the suffrage will paradoxically leave many groups practically disenfranchised[19], as their votes will be flooded by the votes of the working-class.[20] In particular he was afraid

[19] It has to be said that Mill applied this argument against the background of the political realities of contemporary United Kingdom and United States with majoritarian electoral systems and few strong parties.

[20] Mill employs various terms to signify what we usually understand as working class. He speaks of: "labouring class", "labouring classes", "operative classes". But in general the main division he identifies within modern, western societies is between "labourers" and "employers of labour". This distinction is not a

that the enfranchisement of the masses will prevent the intellectual and moral elite[21] from having a say in the matters of general interest. For him this kind of political arrangement did not deserve to be called anything else, but a *false democracy* - "a government of privilege in favour of the numerical majority, who alone possess practically any voice in the State"[CW, XIX, p. 448]. This brings us to the second question posited by this paper. So far I have been consciously trying to avoid speaking of J. S. Mill's theory of democracy, opting instead for more neutral term "representative government". But it is now high time we turned to the question of how democratic his representative government actually is?

J. S. Mill's Elitism and Attitude Towards Democracy

Ross Harrison is to some extent right when he notes that if we move from Bentham and James Mill to J. S. Mill we notice a certain loss of confidence in democracy.[22] Historical context is particularly important

purely economical one, but also based on the life-style and aspirations of social groups. On the one hand the category of labourers includes small employers of labour whose habits and tastes resemble those of working class, on the other highly-paid labourers and members of the professions belong to the same group as capitalists and possessors of inherited wealth. J.S. Mill, *Considerations...*, ibid., p. 447.

[21] Sometimes Mill does seem to suggest that these are in fact two distinct groups with no particular relation between them. But in fact education and moral excellence are so closely intertwined in Mill's thought that these groups even if not identical are at least overlapping in a great degree. D. E. Miller, *J. S. Mill...,* ibid., p. 177-178.

[22] R. Harrison, *Democracy*, ibid., p. 108. I write "to some extent" because I do not completely share Harrison's interpretation on this point. I hope to give reasons to justify my opinion at the very end of this paper.

here. Unlike many of their contemporaries classical utilitarians did not fear that the enfranchisement of masses would result in the spoliation of the rich by the poor. They remained optimistic for various reasons. James Mill thought that the poor would defer to the example of the middle class. Bentham was convinced that people are rational enough to recognize more often than not what is really in their interest in the long run and therefore they would not violate the security of property. The younger Mill was not so confident about it. He feared that one of the great dangers of democratization is the introduction of class legislation based on the short-sighted interest of numerical majority. The other danger is general mediocrity and low level of intelligence among the representatives of the people. Hence, he introduces certain elements of elitism into his theory to prevent those evils. That is not to say that elitism was altogether absent from classical utilitarianism, as exemplified in the case of James Mill. But his son's elitism is different and at the same time somewhat more explicit.

These elitist elements are scattered throughout J. S. Mill's work.

He wants to leave room for expertise in democracy and thus he reserves for a parliament a purely deliberative and controlling function. The business of drafting legislation and administration is supposed to be reserved for trained specialists with parliamentary assemblies acting simply as watchdogs. He also excludes from voting not only illiterate, but also those who do not pay taxes and cannot support themselves.[23]

[23] Mill concedes that all exclusions from the franchise are an evil in themselves, but some are justified by a greater good they are supposed to secure. It is also worth noting that all the exclusions which he proposes are temporary in their nature.

This makes his position on suffrage rather curious, because on the other hand he argues for the enfranchisement of women, which at the time was nothing short of being radical. But the most important and controversial moment comes when Mill disconnects the universality of suffrage (granted the abovementioned exclusions) from the equality of it. Everybody should be ultimately given a vote, but some should be given more votes than the others. The reasons why Mill thinks so are clear enough. He wants to give more political influence to the moral and intellectual elite than their numerical strength would suggest. It should be remembered that according to him this group consists of the most far-sighted and unselfish individuals. Since the questions of general interest admit of the right answer, Mill assumes that members of his elite are simply better qualified to make such judgments. "Some are wise and some otherwise" as he put it elsewhere.[24] Furthermore, he expects that if the wise win some seats in parliament they will be able to check the dangerous tendencies of democracy towards mediocrity and lack of competence. Due to their virtue and intelligence they will exercise a beneficial influence over parliamentary majority and balance competing class interests. The only problem is how to identify the elite and here Mill proposes a criterion of occupation as the most appropriate, though admittedly far from perfect, test.

J. S. Mill's elitism is a rare species, since it is completely honest and well-meaning. I do not think that by plural voting he was trying to bring back through the back door the domination of the rich. Moreover, he sincerely believed in the impartiality and far-sightedness of

[24] J. S. Mill, *Pledges [2]* in: *CW - Vol. 23 - Newspaper Writings 1831-1834*, p. 497.

intellectuals, though not to the extent that would convince him to give all the power into their hands. With that being said, his defense of plural voting is not only naive, but also rests on confused assumptions. It is one thing to argue that various minorities are entitled to proportional representation in parliament from the standpoint of equality, the "very root and foundation" [CW, XIX, p. 449] of democracy. It is quite another to claim that the most instructed know better and therefore their opinions on general interest should be given greater weight. One might be perfectly consistent in subscribing to any of these two propositions. But it is strikingly inconsistent to hold them both at the same time, even granted that the number of people with several votes would be very small. One of the deficiencies of Mill's analysis is that he cannot quite make up his mind here. Torn between his democratic leanings and elitist tendencies his argument ends in a theoretical stalemate.

So J. S. Mill's status as a wholehearted democrat is at least questionable. Obviously, there is no simple answer to the question phrased like: "Was Mill a democrat?". A lot depends on what we understand by democracy. Clearly, Mill is not a democrat in a simple, majoritarian sense of the term.[25] His defense of plural voting is as strong a testimony to this as anyone might expect. Obviously the term democracy is sometimes used in a quite different and broader sense. Then it signifies not a strictly political attitude but a belief in lack of any

[25] D. E. Miller, *J. S. Mill...*, ibid., p. 188. Compare also similar opinion of C. L. Ten: "He is certainly not a democrat if democrat is someone who believes that each person's vote should have exactly the same value as everyone ele's." C. L. Ten, *Democracy, Socialism, and the Working Class* in: *The Cambridge Companion...*, ibid., p. 374.

qualitative differences between people. This is also certainly not Mill's position. He firmly believed that most of the differences between people result from the impact of contingent factors connected to the environment (both ecological and social) we happen to inhabit. Yet, it does not mean that there are no qualitative differences. Some people are and always will be intellectually and morally superior to others, for Mill that was an undisputed fact, however great the potential for development of virtually everybody in the future might be. But it does not put him among the defenders of the class or caste elitism. Everybody can rise to the ranks of Millian elite if only he represents a sufficient level of excellence. In our world the very idea of natural superiority of some will inevitably seem to many as unacceptable and priggish. However, it is perhaps worth remembering that our world is not Mill's world and he was far from being alone in holding such views at the time (just like the current enthusiasts of unrestricted egalitarianism are nowadays).

Nevertheless, someone who would like to save the democratic credentials of Mill is not perhaps in an entirely hopeless situation. First of all, there is a more minimalistic conception of democracy which identifies it with popular control over government. Mill certainly thought that under no circumstances the rulers should be allowed to avoid such control. He was also of the opinion that while not everybody is wise enough to directly participate in the making of the laws, everybody can at least tell whether he approves of the results of a given policy. This line of argument, perhaps a bit perplexingly in the light of what I have said so far, he shares with his utilitarian teachers. But this is not an end to the story. Alan Ryan remarked once that sir Karl Popper's liberalism

makes him "(...) more a constitutionalist than a democrat".[26] With some risk I think that this judgment can be also extended to J. S. Mill. He is a constitutionalist in a sense of trying to safeguard individual liberties (within the limits of the law) against any interference, even if it is an interference from democratic majority. But constitutionalism thus understood can sit quite well with a certain kind of democratic regime. Obviously, this is not a conclusive argument, yet the one which receives quite a solid support from the study of recent history. To my mind what can be at the very least inferred from it is that so far the best, albeit imperfect, way to defend individual liberties has been to grant everyone a right to political participation.[27] And conversely, if the participation in political life is supposed to be meaningful, this goal is perhaps best promoted under conditions of respecting individual liberties.

Utility and Civilizing Democracy

I began this paper with setting myself two tasks. Firstly, to examine in what relation does J. S. Mill's theory of representative government stand to the classical utilitarian account of it? Secondly, to elucidate what kind of democratic regime is he arguing for, if it is actually democratic at all? It is now high time I attempted to formulate some, however provisional, conclusions. In the classical utilitarian political theory there is no inherent value ascribed to democratic institutions, they are justified by the fact that they produce the most effective management of state affairs. This is achieved due to the

[26] A. Ryan, *Popper...,* ibid., p. 419.
[27] Ibid., p. 418-419.

popular control over government exercised via elections. "The People, what interest have they in being governed badly?" as Bentham famously summed up the whole rationale.[28] J. S. Mill did not thoroughly refuted this argument. Indeed, he thought that representative democracy is the most effective mode of government once people are actually mature enough to sustain it. But according to him democracy has a primarily educational role, in a sense of elevating the minds and ennobling the feelings of citizens. And education thus conceived is intimately connected with participation and virtues of active citizenship. This gives Mill an additional argument for the goodness of democracy which was not available to elder utilitarians, as well as allows him to value it not in an exclusively instrumental way. The only question to be asked is whether this is still an utilitarian argument? We might sympathize with the intention of developing people's character, but does this necessarily make them happier, especially if happiness is conceived in hedonistic fashion? J. S. Mill sometimes seems to suggest something like this. It might be argued that highly developed individuals are able to pursue more varied and refined pleasures. All the more so if we are willing to accept Mill's famous distinction between higher and lower pleasures. But Mill remains at the very least uncertain whether the ultimate goal is happiness or self-development for its own sake. It might be that it is better to be an "unsatisfied Socrates" than a "satisfied fool", but is it really so because Socrates is happier in the ordinary sense? Therefore I claim that it is impossible to square Mill's high praise of educational aspects of democracy with classical utilitarianism because of the self-

[28] Quoted after R. Harrison, *Democracy*, ibid., p. 103.

professed hedonism of the latter. However, it remains an open question whether such reconciliation cannot be achieved if utilitarianism is conceived in a non-hedonistic fashion? And this is certainly the case with majority of the contemporary varieties of this doctrine (in fact I am convinced that Mill can be legitimately seen as a forerunner of these). In them utility is typically used as a vessel term which is supposed to denote whatever satisfies the actual desires of individuals or desires they would have under certain *ideal* conditions. If so, the desire for self-government might be established as one of the important ingredients of utility and consequently the inherent value of democratic participation can be at least to some extent vindicated. Yet, this solution is certainly not free from the problems either. First of all it should be noted that it makes the value of democratic self-government consequent upon it being *actually* desired[29] or being rationally desired. In either case, the typical relation between valuing something and desiring it seems to be inverted. Furthermore, even granted that democratic participation is conceived of as one of the ingredients of utility it is surely not the only one. Therefore any consistent consequentialist view must elaborate on the trade-offs between various, and sometimes competing, elements of utility. The fault of J. S. Mill's account was precisely that he did not give enough attention to these considerations. And it seems to me that contemporary utilitarians either make the same mistake or give us rather strong reasons to think that democratic participation in the present political realities indeed should not be placed very high on the list of utilitarian priorities. The whole issue is

[29] It should be noted that this might not be empirically confirmed in the case of many individuals even in democratic societies.

far too complex to be tackled here and thus no definite answer can be given, yet it seems to me at the very least reasonable to doubt whether contemporary utilitarian theory can accommodate much of the insight which we owe to the political works of the younger Mill.

With regards to the question of "How democratic J. S. Mill is?" it is clear that his elitist tendencies decidedly place him at odds with the most popular contemporary understanding of democracy. That is not to say that his elitism clearly dominates over more egalitarian elements of his thought. In fact his praise of civic participation acts as an important check against the conclusions which might be easily drawn from the conviction that some minds are intellectually and morally superior to others. I doubt whether Mill can deal with this tension in a satisfying way within the framework of his argument. Nevertheless, it is precisely this tension which is one of the most interesting features of his thought. Mill believed in the need to check and "civilize" democracy. This view does not enjoy particular popularity nowadays, for to assume that democracy needs to be civilized implies that it has not yet happened. But popularity is not always the best criterion in philosophy. In one of the most adequate descriptions of Mill's attitude towards democracy I am familiar with John Skorupski claimed that he was both more enthusiastic about the potential of democracy to make people better and more pessimistic about its capacity to influence their character in a pernicious way than a vast majority of us currently is.[30] Whether it testifies more to Mill's naiveté or to our cynicism is something I must leave to the readers to decide.

[30] J. Skorupski, *Why Read Mill Today?*, London 2006, p. 86.

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