# JOHN STUART MILL'S CIVIC LIBERALISM[1]

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**Abstract:** Although it is frequently overlooked, J.S. Mill's political philosophy has a significant civic component; he is a committed believer in the value of active and disinterested participation in public affairs by the citizens of liberal democracies, and he advocates a programme of civic education intended to cultivate public spirit. In the first half of this essay I present a brief but systematic exploration of his thought's civic dimension. In the second half I defend Mill's civic liberalism against various critics who have explicitly or implicitly charged that the civic and liberal components of his political philosophy are inconsistent.

> 'It would be nice indeed if we could have our republican cake without relinquishing the liberal prerogative of eating it as well.'[3]

## I
## Introduction

John Stuart Mill writes that ancient Athens eclipses all other objects of interest in Greek history, that if this history is read as an epic then Athens is its

[1] Citations to Mill's works include an abbreviated title (when citing a piece of Mill's correspondence I will give the recipient's name) and volume and page numbers from the *Collected Works of John Stuart Mill* (Toronto, 1963–91). The following abbreviations are employed: *A — Autobiography*; AB — Speech on 'The Army Bill'; *ACP — Auguste Comte's Philosophy*; B — 'Bentham'; C — 'Coleridge'; Civ. — 'Civilization'; *CRG — Considerations on Representative Government*; *CS — Chapters on Socialism*; GHGii — 'Grote's History of Greece (ii)'; N — 'Nature'; NPE — 'Newman's Political Economy'; *OL — On Liberty*; PP — Speech on 'Political Progress'; *PPE — Principles of Political Economy*; RBP — 'Remarks on Bentham's Philosophy'; RR — 'Rationale of Representation'; RWR — 'Recent Writers on Reform'; SA — 'Spirit of the Age'; *SL — A System of Logic*; *SW — The Subjection of Women*; TDAi — '*Tocqueville's Democracy in America* (i)'; TDAii — 'Tocqueville's *Democracy in America* (ii)'; TPR — 'Thoughts on Parliamentary Reform'; TS — 'Taylor's Statesman'; *U — Utilitarianism*; UR — 'Utility of Religion'.

I am chiefly interested here in Mill's later views, those he held roughly from the 1850s, although many elements of the position I ascribe to him were in place much earlier. Those interested in how his theory of democracy changed over time may especially wish to consult J.H. Burns, 'J.S. Mill and Democracy, 1829–61', in *Mill: A Collection of Critical Essays*, ed. J.B. Schneewind (Notre Dame, 1969), pp. 280–328; and Richard Krouse, 'Two Concepts of Democratic Representation: James and John Stuart Mill', *Journal of Politics*, 44 (May 1982), pp. 509–37, pp. 520–37.

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[3] Ronald Beiner, 'Comment on Lawrence B. Solum's "Virtues and Voices" ', *Chicago-Kent Law Review*, 66 (1990), pp. 141–3, p. 142.

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hero.[4] This adulation is due in large part to his conviction that the Athenian democracy simultaneously embodied two of his political philosophy's central ideals. The first is the 'liberal ideal' of (negative) individual liberty; Mill takes Thucydides' Pericles at his word when he numbers among the Athenians' merits their 'tolerance of each other's diversity of tastes and pursuits'.[5] The second is the 'civic ideal' of active and disinterested participation in public affairs. Pericles also states that in Athens 'we stand alone in regarding the man who keeps away from politics, not as a blameless person, but as a useless one',[6] and Mill believes not only that each voter is duty-bound to cast his ballot 'according to his best and most conscientious opinion of the common good',[7] but also that 'no Athenian voter thought otherwise'.[8] Today the civic ideal is commonly associated with the civic republican tradition; within this tradition citizens who live up to it are commonly said to possess 'civic virtue',[9] although like many British writers Mill prefers the more sedate 'public spirit'.

While Mill's liberalism has been the subject of tens of thousands of pages of commentary, if not more, hardly anything has been written about the civic component of his political philosophy. Enough has been said, however, to raise the question of whether it is consistent with his liberalism. Of the handful of commentators who note the existence of this civic component, some — including the only writer to discuss it at length[10] — conclude it is not, while the rest remain silent on this score. In addition, several commentators who to all appearances overlook the fact that Mill holds the civic ideal offer interpretations of his liberalism on which it conflicts with this ideal. No one, until now, has defended the consistency of Mill's civic liberalism. I will do so in Section III. But first, in Section II, I will undertake a brief but systematic exploration of his political philosophy's civic dimension.[11]

[4] GHGii, XI, pp. 315–16.

[5] Trans. George Grote, quoted by Mill at GHGii, p. 318.

[6] *Ibid.*

[7] *CRG*, XIX, p. 489.

[8] Letter to George Cornwall Lewis, XV, p. 608. Grote's revisionary history of Greece was the main influence on Mill's view of Athenian political life; see T.H. Irwin, 'Mill and the Classical World', *Cambridge Companion to Mill*, ed. John Skorupski (Cambridge, 1998), pp. 423–63, pp. 423–39.

[9] I will not claim that Mill himself should be considered a civic republican, nor will I attempt to formulate the criteria he or any other political theorist would have to satisfy in order for that label to be appropriate. J.G.A. Pocock's *The Machiavellian Moment: Florentine Political Thought and the Atlantic Republic Tradition* (Princeton, 1975) is the most comprehensive treatment of the republican tradition.

[10] Stewart Justman, *The Hidden Text of Mill's 'Liberty'* (Savage, MA, 1991).

[11] I do not mean to suggest that Mill is the only important historical thinker to have embraced both the liberal and civic ideals; one might take Tocqueville, Constant and/or Dewey to have done so as well. More recently, Richard Dagger has done so in his book *Civic Virtues: Rights, Citizenship, and Republican Liberalism* (Oxford, 1997). But

## II
## The Civic Mill

My first task in this section is to explain why Mill considers it so important for citizens to engage in active and disinterested civic participation, and initially I will discuss each half of this conjunction in turn. A form of government should be evaluated by reference to two criteria, Mill claims: 'the degree in which it tends to increase the sum of good qualities in the governed, collectively and individually', and 'the quality of the machinery itself; that is, the degree in which it is adapted to take advantage of the amount of good qualities which may at any time exist, and make them instrumental to the right purposes'.[12] We can describe these criteria as the goals of education and welfare. Political systems which fail to encourage extensive participation, Mill argues, are unable to reach these goals as successfully as (at least the better examples of) those which do. The most central mode of civic participation is political participation, including both direct participation in political decision making and participation in the selection of representatives, but when Mill avers that, as Dennis Thompson writes, 'the participation of each citizen (must) be as great as possible',[13] he has other modes in mind as well. One takes part in public affairs whenever one acts in a public capacity, through exercising a power one possesses or carrying out a responsibility one bears in virtue of occupying a place in the structure of the state; voters and representatives act in a public capacity, but so do soldiers, jurors and civil servants. 'Private citizens', citizens not acting in any public capacity, can also participate in public affairs; they might, for example, join a voluntary association which provides some public good.

Mill holds that widespread political participation helps to ensure that no one's interests are neglected in political deliberation — 'the rights and interests of every or any person are only secure from being disregarded, when the person interested is himself able, and habitually disposed, to stand up for

Mill's case is an especially interesting one due to the familiarity of his liberalism, its central and influential position within the liberal tradition, and the fact that the freedoms for which he contends go beyond those necessary for democracy (such as the freedoms of speech and of the press). While I lack the space to explore this matter, Tocqueville's influence on both the civic and liberal elements of Mill's thought is considerable (but cf. Joseph Hamburger, 'Mill and Tocqueville on Liberty', *James and John Stuart Mill: Papers of the Centenary Conference*, ed. John Robson and Michael Laine (Toronto, 1976), pp. 111–25). The similarities between Mill's views and Constant's are striking, but Mill gives no indication that Constant was an important influence on his thought; John Lachs argues that he must have been one nonetheless in his 'Mill and Constant: A Neglected Connection in the History of the Idea of Liberty', *History of Philosophy Quarterly*, 9 (January 1992), pp. 87–96.

[12] *CRG*, XIX, pp. 390–1.

[13] Dennis Thompson, *John Stuart Mill and Representative Government* (Princeton, 1976), p. 9.

them'[14] — and thereby promotes the welfare of the citizens. Widespread participation is important even where voters are really and truly disinterested, for even people who sincerely intend to look out for the interests of others may not always properly understand those interests or notice how some proposed course of action will affect them.[15] Mill also suggests that it is often valuable, from the standpoint of the citizens' welfare, for there to be widespread engagement in other modes of civic participation. A citizen-militia, for example, is less expensive than a standing army, more effective at protecting one's own territory, and less likely to serve as an instrument of either conquest or domestic tyranny.[16] While the state should take on any important work which is not being undertaken privately,[17] in many cases public goods can be supplied more efficiently by voluntary associations of private citizens.[18]

But the real heart of Mill's case for the importance of widespread civic participation is the claim that it has tremendous educational value; this is both the more distinctive point and the one on which he places the greatest emphasis. Participation develops 'the various desirable qualities, moral and intellectual, or rather . . . moral, intellectual, and active', exercising faculties which would otherwise grow flaccid through disuse.[19] In a relatively early essay, a review of Tocqueville's *Democracy in America*, he writes:

> the spirit of a commercial people will be . . . essentially mean and slavish, wherever public spirit is not cultivated by an extensive participation of the people in the business of government in detail; nor will the desideratum of a general diffusion of intelligence . . . be realized, but by a corresponding dissemination of public functions and a voice in public affairs.[20]

He returns to this theme in *Representative Government*, where he argues that political participation — and in fact any sort of civic participation — tends to increase citizens' vigour, practical intelligence and concern for the well-being of their compatriots. While despotism teaches passivity and submissiveness, '[v]ery different is the state of the human faculties where a human being feels himself under no other external restraint than the necessities of nature, or mandates of society which he has his share in imposing, and which it is open to him . . . publicly to dissent from, and exert himself actively to get altered'.

[14] *CRG*, XIX, p. 404.

[15] 'It is an inherent condition of human affairs, that no intention, however sincere, of protecting the interests of others, can make it safe or salutary to tie up their own hands.' (*Ibid.*, p. 405.)

[16] AB, XXIX, pp. 413–14; PP, XXVIII, p. 129; Letters to Edwin Chadwick and T.E. Cliffe Leslie, XVII, pp. 1792, 1805–6.

[17] *PPE*, III, pp. 970–1.

[18] While the state should provide a minimal level of aid to all of the indigent, for example, only private charities can 'discriminate between the deserving and the undeserving' and portion out support accordingly (*ibid.*, p. 962).

[19] *CRG*, XIX, pp. 390, 407.

[20] TDAii, XVIII, p. 169.

The dicastery and the ecclesia did much to raise the intellectual standard of an average Athenian, and '[a] benefit of the same kind, though far less in degree, is produced on Englishmen of the lower middle class by their liability to be placed on juries and to serve parish offices; which . . . must make them . . . very different beings, in range of ideas and development of faculties'. As important as these improvements in the citizenry are,

> still more salutary is the moral part of the instruction afforded by the participation of the private citizen, if even rarely, in public functions. He is called upon, while so engaged, to weigh interests not his own; to be guided, in case of conflicting claims, by another rule than his private partialities; to apply, at every turn, principles and maxims which have for their reason of existence the common good.

Political discussion — discussion in which only those who can and do exercise the franchise are likely to take part — is of particular value as a means of moral education, for through it the citizen

> is taught that remote causes, and events which take place far off, have a most sensible effect even on his personal interests; and it is from political discussion, and collective political action, that one whose daily occupations concentrate his interests in a small circle round himself, learns to feel for and with his fellow citizens, and becomes consciously a member of a great community.[21]

While it is well known that Mill makes all of these points, some question about the genuineness of his commitment to the goal of mass civic participation — at least political participation — remains. Some writers, such as Robert Dahl, call attention to the fact that Mill is not an unqualified supporter of universal suffrage.[22] Richard Arneson allows that Mill believes citizens should have the right to vote but denies that he finds anything especially desirable about actual participation in excess of that 'rather minimal level needed for the functioning of a form of government in which rulers are accountable to the citizens'; according to Arneson, Mill favours the 'peace and quiet' model of democracy, which means that he would have citizens refrain from exercising their right to vote as long as things are going tolerably well.[23] Arneson further suggests, as do other commentators, that despite Mill's calls for widespread democratic participation he believes real power and control should reside with élites.

It is possible to overstate how much political participation Mill calls for, but it is possible to understate it as well. Arneson and others are justified in denying that Mill favours participatory democracy, as this is usually understood.[24]

[21] *CRG*, XIX, pp. 410–12, 469.

[22] Robert Dahl, *Democracy and Its Critics* (Yale, 1989), pp. 124–5.

[23] Richard Arneson, 'Democracy and Liberty in Mill's Theory of Government', *Journal of the History of Philosophy*, XX (January 1982 ), pp. 43–64, p. 53.

[24] Cf. Thompson, *John Stuart Mill*, p. 5.

He favours representative rather than direct democracy, after all, and even denies that elections must necessarily be frequent.[25] But he does believe that citizens should have the vote and that they should use it. The restrictions Mill places on the suffrage are not excessive; all he requires of prospective voters is that they attain a relatively elementary level of education and be taxpayers not receiving parish relief.[26] He expects the number of potential voters excluded by these restrictions to be fairly low to begin with and then to diminish continually. He may believe that 'universal suffrage should be gradually achieved',[27] as John Robson writes, but he is committed to it as an end; 'nothing less can be ultimately desirable than the admission of all to a share in the sovereign power of the state'.[28] (He favours a far more universal suffrage than most of his contemporaries, of course, in virtue of his support for 'personhood' rather than 'manhood' suffrage.) Furthermore, he states emphatically that enfranchised citizens who fail to vote when the opportunity does arise are guilty of a 'gross dereliction of duty';[29] the duty in question is that of protecting others, especially — but not exclusively — the disenfranchised (including the young and incapacitated). Arneson's 'peace and quiet' reading is therefore untenable. Finally, as I have already noted, political participation is not the only mode of participation in public affairs, and Mill believes citizens should be involved in public affairs in other ways as well. It is true that Mill does not, as Arneson puts it, intend citizens to be 'obsessed with the life of the polis',[30] but it is also true that he regrets that 'citizenship fills only a small place in modern life, and does not come near the daily habits'.[31]

This leaves the question of whether Mill favours élite rule, in which case his advocacy of widespread democratic participation would be somewhat disingenuous. Arneson takes him to hold that 'it should be constitutionally required or a matter of practical necessity that majorities defer to the opinion of experts'.[32] Graeme Duncan, who describes Mill's position as 'democratic Platonism', suggests that Mill may have

> built restrictions or safeguards into representative government itself, so that . . . it would not be representative in a strong sense, and the stress would be on citizen participation in community life rather than in decision-making at the most significant points. If this were true, it might be objected that . . . major political decisions are taken by an unrestrained élite.

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[25] TDAi, XVIII, pp. 73–4; *CRG*, XIX, pp. 501–12.

[26] *CRG*, XIX, pp. 470–2. See also TPR, XIX, pp. 326–7; RR, XVIII, p. 31.

[27] John Robson, *The Improvement of Mankind* (Toronto, 1968), p. 224.

[28] *CRG*, XIX, p. 412.

[29] Letter to Mary Carpenter, XVI, p. 1340. See also Letter to Thomas Hare, XV, p. 697.

[30] Arneson, 'Democracy and Liberty', p. 52.

[31] *SW*, XXI, p. 295.

[32] Arneson, 'Democracy and Liberty', p. 46.

'Consequently', Duncan concludes, 'his democratic credentials are thrown strongly into question.'[33] Yet while Mill's democratic theory contains anti-majoritarian elements, it does not follow that he believes all or even most power should be vested in élites or that the political participation he demands from citizens is a sham.

Mill believes that most of his contemporaries who take part in politics are primarily concerned with the collective interests of their economic class, although they generally overlook the long run and focus exclusively upon the most readily apparent short-term gains their class might make; while what is in the long-term best interest of the two dominant classes — 'labourers on the one hand, employers of labour on the other' — is often the same, according to Mill, in the short term their interests frequently conflict.[34] The existence of a small social élite whose disinterest and foresight are in sharp contrast to this myopic class-selfishness is, for Mill, virtually an article of faith.[35] Intellectually speaking its members are both 'highly gifted and instructed'.[36] Morally they have progressed beyond personal or class selfishness, which is why Mill has 'no difficulty in admitting that Communism would even now be practicable' among them.[37] While the members of this vanguard espouse a multitude of moral, social and political philosophies, he is confident that their views will in time tend to converge, that 'the first men of the age will one day join hands and be agreed' (as society passes from a 'critical' to an 'organic' age, in Saint-Simonian cant).[38] These natural aristocrats evidently possess, to a considerably greater degree than anyone else, the technical understanding,

[33] Graeme Duncan, *Marx and Mill: Two Views of Social Conflict and Social Harmony* (Cambridge, 1973), pp. 263–4.

[34] *CRG*, XIX, pp. 442–7. This may seem to suggest that in place of cultivating genuine disinterest it should be sufficient to render citizens better able to perceive their own interests, or those of their class. But Mill holds that we are unable to accomplish the latter except by accomplishing the former; only those who have a general concern for others are likely to perceive accurately what is in their own long-term best interests (*ibid*., p. 445).

[35] On some of the influences which help to explain this faith see F.W. Garforth, *Educative Democracy: John Stuart Mill on Education in Society* (Oxford, 1980), p. 65.

[36] *OL*, XVIII, p. 269.

[37] *CRG*, XIX, p. 405. See also *CS*, V, pp. 739–40. Even Mill's most dedicated defenders must concede that there are very serious problems here. Even if we allow that society contains an intellectual élite and a moral élite it is not at all clear why Mill feels entitled to assume that these will be more or less coextensive, that there are not 'two Fews but just one' (Willmoore Kendall and George Carey, 'The ''Roster Device'': J.S. Mill and Contemporary Elitism', *Western Political Quarterly*, XXI (March 1968), pp. 20–39, p. 34). Although Mill sometimes writes as if the only prerequisite for élite status is sufficient formal education, he is cognizant that mere classroom instruction will not inoculate a person against selfishness (TDAi, XVIII, p. 63; *PPE*, III, p. 943).

[38] '. . . and then there is no power on earth or in hell itself, capable of withstanding them' (SA, XXII, p. 245); see also Civ., XVIII, pp. 137–8; *ACP*, X, pp. 325–6.

moral insight and virtue (i.e. the disposition to act on one's moral insight) which together constitute political competence.[39] Mill believes their intellectual and moral superiority merits not only greater indirect political influence, but also greater direct political power. The basic problem which Mill's democratic theory attempts to address, as many commentators (including most notably Thompson) have recognized, is that of preserving a special role for the most competent in the face of mass participation.[40]

Mill's most radical proposal as a means to this end is a plural-voting scheme which would give more votes to those with more education. In addition to immediately increasing the political power of the élites this might create a rough balance of power in Parliament between the larger working class and the better-educated middle class, positioning representatives elected by the élites to cast decisive 'swing' votes when the apparent interests of these classes are opposed and thus increasing the élites' power still further.[41] At one time Mill's support for the enfranchisement of the working class was contingent upon the adoption of plural voting,[42] but his mind changed when he discovered the Hare Plan. In contemporary parlance, the Hare Plan is a single transferable ballot system of proportional representation. Where plural voting is intended to give the élites disproportionate political power, the Hare Plan will simply enable them (at best) to select a number of representatives proportionate to their membership in the demos. Still, Mill believes it would guarantee that at least *some* natural aristocrats are returned: 'In no other way which it seems possible to suggest', he writes, 'would Parliament be so certain of containing the very *élite* of the country.'[43] As long as some élites belong to Parliament their voices will be heard, and their impact will be greater than their numbers would suggest 'in virtue of their knowledge, and of the influence it would give them over the rest'.[44]

[39] I take this tripartite analysis of political competence from Robert Dahl, but it fits Mill's thinking exactly and in fact was very likely inspired by Mill. (Dahl, *Democracy*, p. 58.)

[40] Thompson, *John Stuart Mill*, pp. 3–11. See also Robson, *The Improvement of Mankind*, pp. 238–9.

[41] *CRG*, XIX, p. 447.

[42] '. . . if the most numerous class, which . . . is lowest in the educational scale, refuses to recognize a right in the better educated, in virtue of their superior qualifications, to such plurality of votes as may prevent them from being always and hopelessly outvoted by the comparatively incapable, the numerical majority must submit to have the suffrage limited to such portion of their numbers, or to have such a distribution made of the constituencies, as may effect the necessary balance between numbers and education in another manner' (TPR, XIX, p. 325).

[43] *CRG*, XIX, p. 456; RWR, XIX, p. 362.

[44] *CRG*, XIX, pp. 459–60. Because Mill believes drafting legislation is a demanding technical skill he supports the idea of delegating this work to an unelected Legislative Commission, with the representative legislature essentially being limited to approving or rejecting the measures the Commission generates (*CRG*, XIX, pp. 430–2). Some

But, despite the foregoing, it is not the case that Mill favours true élite rule. Élites are never to be in a position to enact thoroughly unpopular measures: 'The plurality of votes must on no account be carried so far that those who are privileged by it, or the class (if any) to which they mainly belong, shall outweigh by means of it all the rest of the community.'[45] Deference shown to élites is to be rational and knowing, not blind; it is to be the 'intelligent deference of those who know much to those who know still more'.[46] We may very well disagree with his supposition that an élite group like the one he describes exists, and we may reject most or all of the precautions he proposes against the danger of domination by the masses, but these measures are consistent with his being committed to the meaningful participation of the entire body politic in political decision making.[47]

I turn now to the second component of the civic ideal, the idea that participation in public affairs should be disinterested. Mill gives two arguments — neither unproblematic — in favour of this idea (he is concerned here with political participation, but the arguments could be extended to apply to any kind of civic participation). The first is practical: the state is never more likely to pursue policies that promote the public good — which he conceives of in terms of the citizens' common interests[48] — than when public-spirited electors make a determined effort to select even more public-spirited and exceptionally talented individuals to represent them.[49] One might worry that voters will not be able to discern whether a candidate is genuinely public-spirited, but Mill is confident that '[w]hen there does exist in the electoral body an adequate sense of the extraordinary difference in value between one person and another, they will not lack signs by which to distinguish the persons whose worth for their purposes is the greatest'.[50] A bigger worry is that in all prob-

commentators see this as another, and especially worrisome, device for ensuring the influence of the élite, but I take Mill's aim to be that of crafting legislation so that the law is free of the sorts of obscurities and paradoxes which Bentham so effectively criticized; this is consistent with its giving effect to the popular will, for '[t]he Commission, of course, would have no power of refusing instrumentality to any legislation which the country desired'. While he obviously intends the Commission to be composed of specialists, persons with a particular technical skill, he does not seem to assume it would be an instrument of the élite.

[45] *CRG*, XIX, p. 476. See also Alan S. Kahan, *Aristocratic Liberalism* (New York, 1992), p. 71; C.L. Ten, 'Democracy, Socialism, and the Working Classes', *Cambridge Companion to Mill*, ed. John Skorupski (Cambridge, 1997), pp. 372–95, p. 382.

[46] *ACP*, X, p. 314. See also Thompson, *John Stuart Mill*, p. 85; Krouse, 'Two Concepts of Democratic Representation', p. 534.

[47] See Thompson, *John Stuart Mill*, p. 134.

[48] RBP, X, p. 15; *CRG*, XIX, pp. 390, 444–5.

[49] RR, XVIII, p. 24; TDAi, XVIII, pp. 72–4; *CRG*, XIX, pp. 504–12. Brian Barry presents a similar conception of the public good in *Political Argument* (Berkeley, 1965), pp. 190–202.

[50] *CRG*, XIX, pp. 508–9.

ability, even if public-spirited representatives manage to agree on an abstract conception of the public good — which is by no means guaranteed — they will not be able to agree on what measures would best advance it. Despite Mill's hope for an eventual convergence of opinion among at least the most politically competent, realistically we must anticipate ongoing political disagreement between even the most intelligent, best informed and most public-spirited members of the representative assembly, and of the public as a whole. Nevertheless, intelligent and disinterested representatives can at least be expected to reject measures which are obviously contrary to the public good, even if reaching a consensus on the best course usually proves impossible.

Mill's second argument is an attempt to show that disinterested political participation is a moral imperative; for Mill, as Bernard Semmel observes, '[t]o cast a vote was . . . a moral act'.[51] Mill writes:

> In any political election, even by universal suffrage (and still more obviously in the case of a restricted suffrage), the voter is under an absolute moral obligation to consider the interest of the public, not his private advantage, and give his vote, to the best of his judgment, exactly as he would be bound to do if he were the sole voter, and the election depended upon him alone.[52]

He traces this obligation back to a more general principle:

> In whatever way we define or understand the idea of a right, no person can have a right (except in the purely legal sense) to power over others: every such power, which he is allowed to possess, is morally, in the fullest force of the term, a trust. But the exercise of any political function, either as an elector or as a representative, is power over others.[53]

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[51] Bernard Semmel, *John Stuart Mill and the Pursuit of Virtue* (New Haven, 1984), p. 101.

[52] *CRG*, XIX, p. 490.

[53] He continues with this reductio of the claim that the franchise is a right: 'Those who say that the suffrage is not a trust but a right will scarcely accept the conclusions to which their doctrine leads. If it is a right, if it belongs to the voter for his own sake, on what ground can we blame him for selling it, or using it to recommend himself to any one whom it is his interest to please?' (*Ibid.*, p. 508.) This is not really satisfactory. The claim that a given individual has a right to the suffrage is not inconsistent with the claim that he is obligated to exercise that right so as to promote the public good. We might say that what a citizen has a right to is the opportunity to render his judgment about what outcome is best from the standpoint of the public good. In fact Mill does not really want to deny that a citizen of a democratic state who satisfies the requirements for voting discussed above has a right to the franchise, in the sense of having 'a valid claim on society to protect him in the possession of it' (*U*, X, p. 250); he says that 'it is a personal injustice to withhold from any one, unless for the prevention of greater evils, the ordinary privilege of having his voice reckoned in the disposal of affairs in which he has the same interest as other people' (*CRG*, XIX, p. 469). His real worry seems to be that to refer to the right to vote is to invite others to infer, wrongly, that one may vote as one pleases.

Mill says frustratingly little about this general principle, and finding a place for it in his moral philosophy is difficult. Presumably he takes it to be a rule of justice, one of the moral rules 'which forbid mankind to hurt one another' and thus 'concern the essentials of human well-being more nearly, and are therefore of more absolute obligation, than any other rules for the guidance of life'.[54] The principle is least vulnerable to counter-examples if we take him to be describing what must be the case for one person to legitimately have authority over another — I take the notion of authority to include the idea that it is legitimate for A to command or exercise power over B because of their positions in the structure of some enduring association from which exit is difficult, e.g. a polity or a family[55] — as opposed to what must be true for *ad hoc* exercises of power to be permissible. A moral precept proscribing authority relationships in which power is used without due concern for the well-being of those over whom it is exercised might well be justified in terms of a 'multi-level' utilitarian theory such as Mill's,[56] and in fact he seems to imply support for this precept in *The Subjection of Women* when he writes that we should regard 'command of any kind as an exceptional necessity, and in all cases a temporary one'.[57]

So far Mill's rationale for why the cultivation of public spirit should be a top priority of liberal democracies looks very different from the reasoning one typically encounters when consulting authors in the civic republican tradition. There the emphasis is usually on the need for citizens to possess civic virtue if they are to preserve their liberty. The liberty which classical republicans are chiefly interested in securing is political liberty, but many republicans are concerned with individual liberty as well and take collective self-rule by virtuous citizens to be necessary for its preservation. [58] A similar line of

[54] *U*, X, p. 255.

[55] For a similar account of the nature of authority see Michael Walzer, 'Town Meetings and Workers' Control: A Story for Socialists', *Radical Principles* (New York, 1980), pp. 273–90.

[56] I use the term 'multi-level utilitarianism' to refer to both rule-utilitarianism and sophisticated versions of act-utilitarianism in which agents follow some decision procedure other than attempting to directly apply the act-utilitarian moral standard. A variety of multi-level interpretations of Mill's utilitarianism have been advanced. See for example J.O. Urmson, 'The Interpretation of the Moral Philosophy of J.S. Mill', *Philosophical Quarterly*, 3 (1953), pp. 33–9; David Lyons, 'Mill's Theory of Morality', *Noûs*, 10 (1976), pp. 101–20; Roger Crisp, *Mill on Utilitarianism* (London, 1997), pp. 105–12.

[57] *SW*, XXI, p. 294. I am indebted to Maria Morales for bringing this passage to my attention.

[58] According to Quentin Skinner a number of republicans, including Machiavelli, valued collective self-rule at least in part because it makes it possible for citizens to preserve their individual liberty; thus they 'not only connect social freedom with self-government, but also link the idea of personal liberty with that of virtuous public service' (Q. Skinner, 'The Republican Ideal of Political Liberty', *Machiavelli and*

reasoning does run through Mill's work; he never discusses the point at any length, but the importance he attaches to it is shown by the powerful language he uses in the several places where he all too briefly refers to it. Both elements of the civic ideal are germane here. The ability of a people to retain self-government ultimately rests on its willingness to rally together and resist the enemies of freedom; the members of the public must be ready for vigorous activity and substantial personal sacrifices, and passive citizens, or citizens who care nothing for the public good, will not be willing or able to do what is necessary. When faced with an external threat 'a nation without energy, patriotism, and enlargement of mind' is likely to find itself 'being overrun, conquered, and reduced to domestic slavery'; when Phillip threatened Athens this once capable city-state was 'so lowered in public spirit and moral energy, that she threw away all her opportunities' to resist him.[59] Public spirit is also needed when an aspiring usurper arises from within. When citizens are active rather than passive and have the power of combining they are able to foment revolution, if necessary. Thus 'no men are mere instruments or materials in the hands of their rulers who have will or spirit or a spring of internal activity in the rest of their proceeding'.[60] In fact, 'the only security against political slavery is the check maintained over governors by the diffusion of intelligence, activity, and public spirit among the governed'.[61]

But democratic institutions alone do not guarantee real self-rule. Elected leaders must operate through the bureaucracy, and this raises the spectre of a stifling bureaucratic despotism; 'where everything is done through the bureaucracy, nothing to which the bureaucracy is really adverse can be done at all'.[62] The danger becomes greater as the responsibilities of government, and hence the influence of civil servants, grows; Mill is neither excessively paranoid about government nor an advocate of a 'night-watchman state', but he does worry about government managing too many spheres of social and economic activity at once.[63] Public spirit, again, is at least part of the solution. Bureaucratic despotism can be avoided, or at least contained, if private citizens display sufficient initiative that the need for government activity is minimized. Public-spirited citizens will form voluntary associations to provide public goods. Moreover, the vigorous characters of public-spirited citizens

*Republicanism*, ed. Gisela Bock, Quentin Skinner and Maurizio Viroli (Cambridge, 1990), pp. 293–309, p. 306). Philip Petit's *Republicanism: A Theory of Freedom and Government* (Oxford, 1997) is a recent defence of republican political theory which focuses on the republican ideal of freedom as non-domination.

[59] GHGii, XI, p. 312; *CRG*, XIX, p. 401. In this passage Mill is actually describing the likely eventual end of despotic rule, but his point is that free states are better able to resist invasion because they tend to cultivate public spirit.

[60] *CRG*, XIX, p. 410.

[61] *PPE*, III, pp. 943–4.

[62] On the stifling tendencies of the bureaucracy see, e.g., *CRG*, XIX, pp. 308, 439.

[63] *OL*, XVIII, p. 306.

will carry over into their other enterprises, including commercial activity;[64] while policing rambunctious competitors may make some additional demands upon the state, an entrepreneurial private economy leaves less for the bureaucrats to manage.

Another worry is that citizens may exercise their political liberty in order to limit personal liberty. In fact it may seem that personal liberty is actually safer if people are *not* actively involved in politics, but Mill has a ready reply to those who would raise this as an objection to the civic ideal. He classes the common interest in liberty among the most vital of the common interests which constitute the public good;[65] *On Liberty* can be read as his case for according it this status. So long as they properly understand the public good, therefore, public-spirited citizens will not practise the tyranny of the majority.

We have now seen why Mill believes public spirit is so important. He clearly must say something about how it can be widely inculcated, especially as he concedes that few of his contemporaries are imbued with more than a limited measure of this quality. His account of motivational psychology includes a number of 'springs of action' which might, alone or in combination, suffice to produce public-spirited behaviour; he singles out fraternal sympathy with one's fellow citizens, the 'feeling of duty' or conscience,[66] shame and habituation of the will as especially serviceable in this regard.[67] To ensure these springs of action function as they should, in a sizable portion of the population, three things are necessary.

First, citizens should receive an extended course of civic education, one which includes training in a variety of areas ranging from discipline and self-control to the appreciation of classical literature (which frequently depicts public-spirited persons in an especially positive light).[68] The most critical item on the syllabus, however, is participation in public affairs. As we have already seen, Mill believes that among the changes wrought by participation are a heightened concern for the well-being of one's compatriots and the cultivation of an energetic character which disposes one towards activity and involvement; from here he must take only a very small step to arrive at the conclusion that participation tends to cultivate public spirit. Participation is in fact 'the peculiar training of a citizen, the practical part of the political education of a free people, taking them out of the narrow circle of personal and family selfishness, and accustoming them to the comprehension of joint interests, the management of joint concerns'.[69] Because it is so crucial for citizens to

[64] *Ibid.*, pp. 409–10.

[65] *U*, X, p. 255.

[66] For a discussion of his account of the feeling of duty and conscience see Dale E. Miller, 'Internal Sanctions in Mill's Moral Psychology', *Utilitas*, 10 (March 1998), pp. 67–81, pp. 68–76.

[67] *CRG*, XIX, p. 445; *A*, I, p. 241; *OL*, XVIII, p. 305.

[68] *ACP*, X, p. 339; TS, XIX, p. 625.

[69] *OL*, XVIII, p. 305.

enroll in this 'school of public spirit',[70] certain forms of public service ought to be required of them. All citizens should be regularly placed on juries, and military training and militia duty should be required of (at least) all young men.[71] While Mill considers voting to be a duty, as I have already noted, he does not recommend making it compulsory; he opposes allowing able-bodied persons to vote at home on the grounds that someone who 'does not care enough about the election to go to the poll' is unlikely to have given her choices much thought,[72] and he would no doubt say the same of someone who would rather not vote at all. But if citizens do choose to participate in politics and in political discussion, then this will prove to be an important part of their civic education. Mill calls for increased opportunities for participation in local politics partly as a means of cultivating (national) public spirit.[73] He believes participation in workplace democracy — either in worker-controlled firms or in more ambitious socialist or communist communities — might also help to foster this disposition,[74] and he is confident the day is coming when workers will insist on control of their firms and experiment with socialism and communism.[75]

Second, citizens must have a sense of shared nationality; there must be a 'strong and active principle of cohesion between them', which gives rise to 'common sympathies' and a mutual willingness to cooperate.[76] What makes a population into a nation, then, is the presence of certain feelings in its members, and what stirs these feelings is the recognition of commonalities between individuals which they take to be significant to distinguish them as a group from other groups. Mill believes that a shared political history can foster this sense of shared nationality as well as a common language or culture. It will be difficult for civic education to succeed where this base of common sympathies does not already exist, and virtually impossible for it to do so in a country containing different national groups between which there is real

[70] *CRG*, XIX, p. 412.

[71] *CRG*, XIX, pp. 411–12; *OL*, XVIII, pp. 305–6; TDAii, XVIII, p. 169; *ACP*, X, p. 341; AB, XXIX, p. 413. Mill never specifically refers to women being conscripted, although he does say 'I wish the mass of soldiers to be identical with the mass of citizens' (Letter to Patrick Hennessey, XVII, p. 1760), and he implies the privilege of enlisting voluntarily should not be restricted exclusively to men (Letter to John Nichol, XVII, p. 1790).

[72] TPR, XIX, p. 338; *CRG*, XIX, p. 495.

[73] *CRG*, XV, pp. 535–6; TDAi, XVIII, p. 60; NPE, V, p. 457.

[74] *PPE*, III, pp. 768, 793.

[75] *PPE*, III, p. 769; II, p. 208; *CS*, V, p. 746. I discuss Mill's views on worker control of firms, socialism and communism in an unpublished master's thesis, *A Philosophical Economist: John Stuart Mill's Normative Political Economy*, University of Pittsburgh Department of Economics, 1993.

[76] C, X, pp. 134–6; *CRG*, XIX, pp. 546–7.

antipathy; for this reason, among others, '[f]ree institutions are next to impossible in a country made up of different nationalities'.

Third, a polity which wishes to inculcate public spirit must reform itself as necessary to eliminate or at least minimize contrary influences. Mill locates at least two such influences in Victorian Britain: the sway of wives over their husbands and the overt hostility between the working and labouring classes. He observes that most English women care very little about the welfare of anyone outside their circle of intimates. As a result, they exert an influence 'in 99 cases out of 100 destructive of public virtue in the men connected with them';

> I am afraid it must be said, that disinterestedness in the general conduct of life — the devotion of the energies to purposes which hold out no promise of private advantages to the family — is very seldom encouraged or supported by women's influence . . . women's influence is often anything but favourable to public virtue.[77]

I hasten to add here that Mill hardly means to portray women as the root of all corruption of men's public spirit; men often fail to exhibit public spirit in the absence of such influence, although in this case they are more frequently corrupted 'by their regard for themselves' than their 'regard for someone else'.[78] He does not believe that women are 'naturally' less inclined than men to advance the common weal. The 'absence of public spirit' among women is explained by the fact that so few of them have received a moral and civic education adequate to cultivate even a modicum of it; instead, Mill observes, they have been taught 'both by institutions and by the whole of their education, to regard themselves as entirely apart from politics'.[79] The solution is simply to provide them with the requisite education, and the first step should be that of extending the suffrage to them on equal terms with men.

Mill does not anticipate any rapid amelioration of the hostility between capitalists and workers which intensifies class feelings and class selfishness. Slow progress is occurring, due in part to the improving education of the working classes, which gives them a somewhat clearer understanding of political economy (and hence a clearer recognition of the fact that their interests are not so sharply opposed to those of the capitalists as they might appear to be).[80] But he expects that real change will await the metamorphosis of the worker-capitalist relation through the advent of worker-controlled firms. He claims that the increase in 'the productiveness of labour' which will accompany the appearance of such firms, while considerable,

[77] *SW*, XXI, pp. 329–33.
[78] *Ibid.*, p. 321.
[79] *PPE*, III, p. 955.
[80] See, e.g., *ibid.*, pp. 763–5.

> is as nothing compared with the moral revolution in society that would accompany it: the healing of the standing feud between capital and labour; the transformation of human life, from a conflict of classes struggling for opposite interests . . .; and the conversion of each human being's daily occupation into a school of the social sympathies and the practical intelligence.[81]

I will conclude this section by considering how Mill's belief in the importance of public spirit relates to his utilitarianism. It may seem that a utilitarian who makes a point of emphasizing our obligation to consult our compatriots' interests is stopping short of the mark, since his moral theory commits him to the equal importance of *everyone's* welfare, *regardless* of their citizenship. The explanation for this apparent inconsistency may be Mill's pessimism about utilitarianism's prospects for general acceptance in the near term. While Mill agrees with Martha Nussbaum about the desirability of the widespread inculcation of cosmopolitan moral sentiments (although, as a multi-level utilitarian, he might consistently think otherwise),[82] he does not share her optimism about the possibility of bringing this about in the near future.[83] Moral improvement is always slow; 'the future generation is educated by the present, and the imperfections of the teachers set an invincible limit to the degree in which they can train their pupils to be better than themselves'.[84] This applies to civic education as well, of course, but its near-term prospects are brighter than those for cosmopolitan education because the sense of shared nationality generates stronger sympathies than does the sense of shared humanity (so that civic education has more on which to build) and because there is no practicable analogue to civic participation available for the training of 'world citizens'. Mill is confident that the day will come when a cosmopolitan 'religion of humanity' begins to spread, and at that time (if not even sooner) it will become inappropriate to advance a civic as opposed to a humanistic political philosophy. Until then, however, there are sound utilitarian reasons for preferring public-spirited citizens to those who withdraw from public affairs and/or are in the grip of selfishness, including class-selfishness, and hence for doing what good we can through civic education.

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[81] *Ibid.*, pp. 791–2.

[82] 'If it be said that so broadly marked a distinction between what is due to a fellow-countryman and what is due merely to a human creature is more worthy of savages than of civilised beings, and ought, with the utmost energy, to be contended against, no one holds that opinion more strongly than myself' (*CRG*, XIX, p. 548). See also UR, X, pp. 420–8.

[83] See Martha Nussbaum, 'Patriotism and Cosmopolitanism', *For Love of Country*, ed. Joshua Cohen (Boston, 1996), pp. 3–17.

[84] *CS*, V, p. 740.

## III
## The Consistency of Mill's Civic Liberalism

Does Mill succeed in reconciling the civic ideal with his liberalism? As I noted in my introduction, several interpreters explicitly or implicitly deny that he does. In this section I will present their arguments for his putative failure, along with others of my own contrivance, and attempt to answer them. Once again I will separate the two halves of the civic ideal; I will look first at arguments which purport to show that the requirement that civic participation be disinterested is inconsistent with his liberalism, and then at arguments which are meant to do the same with the requirement that citizens actively engage in civic participation.

I begin with Gertrude Himmelfarb, originator of the 'two Mills' thesis — the contention that the liberal doctrine Mill expounds in *On Liberty* is at odds with, and inferior to, a subtler social and political theory he develops in his other works. She evidently associates the civic ideal with this other theory, for after quoting a passage from a letter in which he praises Athenian voters for using their ballots to advance the public good (I quote this passage in my introduction) she continues: 'The idea that the individual should act, not freely, privately, in his own interests, but rather with self-restraint, on behalf of the public and of posterity, comes strangely from the author of *On Liberty* — almost as strangely as his appeal to the ancients.'[85] Unfortunately, however, Himmelfarb's scholarship is loose. First, there is nothing surprising about the author of *On Liberty* referring approvingly to the ancient Athenians, given that — as we have already seen — he takes them for the liberals of the classical world. This slip is venial, but the next is more serious. Himmelfarb overlooks a passage in the final chapter of *On Liberty* in which Mill again emphasizes the desirability of requiring citizens to perform various public services, on the grounds that this can have the effect of 'habituating them to act from public or semi-public motives, and guide their conduct by aims which unite instead of isolating them from each other'.[86] There is nothing strange about the author of *this* passage claiming voters should aim to promote the public good.[87]

Yet even if Himmelfarb is wrong to deny that the idea of disinterested participation can be located in *On Liberty*, she may still be right to deny that it can be made to fit the essay's liberal doctrine. Stewart Justman argues that it cannot, and thus that *On Liberty* is itself internally inconsistent. On one level, Mill's civic liberalism contains what is in essence a logical contradiction,

[85] Gertrude Himmelfarb, *On Liberty and Liberalism: The Case of John Stuart Mill* (San Francisco, 1990), p. 269. Originally published 1974.

[86] *OL*, XVIII, p. 305.

[87] For more comprehensive criticisms of the 'two Mills' thesis see C.L. Ten, *Mill on Liberty* (Oxford, 1980), pp. 151–66; John C. Rees, *John Stuart Mill's 'On Liberty'* (Oxford, 1985), pp. 109–15.

because Mill the liberal permits actions which Mill the advocate of civic virtue proscribes. *On Liberty* is 'the pre-eminent defense of the individual's right to pursue his or her own good';[88] it tells us that 'we are to be free to do as we like, provided we scrupulously abstain from treading on the interests of others'.[89] But at the same time Mill 'would have us *dis*interestedly serve the public good'.[90] In short, 'never does Mill explain how the code of obligation to the public can be squared with the freest possible pursuit of one's own good. If the word ''obligation'' means obligation then these values must conflict'.[91] A case in point: Mill reproaches hypothetical 'shipowners and lawyers' who are returned to Parliament but use their positions to secure 'special interest' legislation, even though, Justman says, they are merely putting into practice the liberal principle that 'people should be free . . . to act on their own interests as they themselves understand them'.[92]

This facile reasoning reveals a fundamental misunderstanding of Mill's liberalism. Although it is familiar, another close look at his Liberty Principle is called for. As Mill first formulates it:

> That principle is, that the sole end for which mankind are warranted, individually or collectively, in interfering with the liberty of action of any of their number is self-protection. That the only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others.[93]

Later in the essay he restates this 'one simple principle' as a pair of maxims:

> [F]irst, that the individual is not accountable to society for his actions, in so far as these concern the interests of no person but himself . . . Secondly, that for such actions as are prejudicial to the interests of others, the individual is accountable.[94]

The Liberty Principle is not the simple principle Mill says it is (it is not even clear, given the restatement, that it is the *one* principle he says it is); it poses numerous interpretative problems, few of which I will discuss — let alone claim to solve — here. But even in advance of solving most of these problems we can say that the Liberty Principle specifies a necessary condition which

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[88] Justman, *Hidden Text*, p. 149. I am very critical of Justman here, but I have learned a great deal from his book. He really has two goals: to show that *On Liberty* fails rhetorically, because of the way its republican content is lost in the dominant liberal message, and to show that it fails philosophically — along with Mill's political theory as a whole — because Mill ultimately fails to reconcile the liberal and civic ideals. I deny that Justman succeeds at the second task, but this does not mean he fails at the first.

[89] *Ibid.*

[90] *Ibid.*, p. 20.

[91] *Ibid.*, p. 24.

[92] *Ibid.*, p. 42.

[93] *OL*, XVIII, p. 223.

[94] *Ibid.*, p. 292.

must be met before interference with an individual's conduct is warranted, viz. the presence of a certain kind of reason for interfering, but *not* a sufficient condition. This distinction is of the first importance. People cannot live in society together without constantly harming one another, so a decision must be made about what kinds of harms will and will not be permitted. According to Mill, decisions about whether to interfere with an individual's conduct must therefore be made following a two-step procedure. The first step is that of determining whether the condition specified by the Liberty Principle is met. If it is, then, in the second step, the reasons for and against interference — the costs and benefits of interfering — are weighed; often the reasons against will be weightier than those in favour.[95] The first step of this procedure determines whether society has authority over some part of an individual's conduct, and the second whether it ought to exercise that authority.

It is obvious, especially from its second formulation, that the Liberty Principle does not entail that a person is entitled to pursue his own good when this will harm others. When a person is engaged in political participation it is inevitable that his actions will harm others, that it will damage their interests (or at least subject them to 'a definite risk of damage')[96] This is the nature of political decision making; if representatives pass legislation which benefits a particular industry, as in Justman's example, then someone else, or rather many someones, will be paying for those benefits. In fact, the same is true any time a person acts in any public capacity; whenever someone takes on a public role he is accountable to the public for his actions, which entails that it can require him to act for its good rather than his own. The Liberty Principle, therefore, cannot be used to justify self-interested action on the part of one who occupies some public role.

Still, the requirement that participation must be disinterested may not be consistent with Mill's liberalism; they could be inconsistent at the level of motivational psychology. Justman seems to want to make this argument also, although again it is based on a seriously flawed interpretation of *On Liberty*. In the introduction to his book he remarks on his surprise when he discovered his students read *On Liberty* as a 'philosophical charter of consumer values'.[97] Apparently they convinced him. Not only does he now read *On Liberty* as endorsing 'the pursuit of an exclusively private happiness',[98] he even takes Mill to mount, 'more or less explicitly', a defence of 'unhindered consumption'.[99] Justman seemingly believes the foundation of Mill's liberalism is his high estimation of the satisfactions afforded by a consumerist lifestyle. Now,

[95] *Ibid.*

[96] *OL*, XVIII, p. 282.

[97] Justman, *Hidden Text*, p. 1.

[98] *Ibid.*, p. 10.

[99] Justman, 'The Abstract Citizen', *Philosophy and Social Criticism*, 19 (1993), pp. 317–32, p. 324.

while it may be logically possible for citizens to exhibit this particularly shallow egoism in their 'private lives' but to shed it the moment they enter the arena of public affairs, this seems to require greater psychological flexibility than a healthy personality is capable of, and hence, Justman apparently concludes, the tension between Mill's psychology of liberalism and his psychology of public spirit renders his civic liberalism incoherent.

The problem with this argument is that the consumerist reading of *On Liberty* is very wide of the mark. There is nothing in this essay, or (so far as I am aware) in *any* of Mill's writings, to indicate that he takes 'unhindered consumption' to be the route to happiness. Nor is the assertion that *On Liberty* celebrates the exclusive pursuit of 'private interests' well founded. The essay's doctrine may entail the permissibility of this pursuit, at least as long as no one else is harmed by it, but Mill certainly does not endorse it there; on the contrary, he warns that 'it would be a great misunderstanding' to suppose *On Liberty*'s message 'is one of selfish indifference'.[100] He writes in *Utilitarianism* that the principle cause of unhappiness among people 'tolerably fortunate in their outward lot' is their 'caring for nobody but themselves',[101] and if he does not reiterate this point in *On Liberty* neither does he gainsay it.

But despite the insufficiency of Justman's objection there may be a real psychological tension in Mill's conception of the public-spirited liberal individual, a consequence of a more general tension in his thought. At the centre of the problem is the human capacity for sympathy. Mill believes it is important to cultivate each person's ability to sympathize with others. Not only do individuals who lack sympathy lack an important source of happiness, as we just saw, but sympathy is among the sanctions of morality, and fraternal sympathy with our fellow citizens is one of the psychological underpinnings of public spirit. Yet some exercises of our liberty may cause some of our compatriots considerable pain, may make them profoundly unhappy, without damaging their interests (and hence without harming them). It does not seem that Mill wants us to be moved by *this* pain, at least not to the same degree as if it had a different source. There may be some question, however, about our ability to modulate the strength of our sympathy with another's pleasure or pain depending on the cause of their feelings; if we *are* capable of this then there is probably no problem, but what if we are not? Mill's object in depriving others of the power to force us to conform to their ideas about how we should live is *not* for us to conform anyway, out of a desire to spare their feelings. He is not oblivious to this tension, and in fact he acknowledges in *Utilitarianism* that the social affections might 'interfere unduly with human freedom and individuality';[102] the implication there is that it would be undesirable for the cultivation of our sympathy and desire to be in unity with others to succeed too well.

[100] *OL*, XVIII, p. 276.
[101] *U*, X, pp. 215–16.
[102] *Ibid.*, p. 232.

At first glance this may appear to be a serious problem for Mill, since fraternal sympathy is among the psychological groundings of public spirit. But the tension is not necessarily a destructive one. First, a citizen could feel a considerable amount of fraternal sympathy without her individuality being seriously threatened. A person with an appropriate degree of sympathy with others might be willing to do something they will find offensive, for example, if she takes herself to have some good reason to do so, yet be unwilling to do so on a whim. This moderate reluctance to cause pain hardly jeopardizes her individuality. Second, as I showed in my earlier discussion of Mill's psychology of public spirit, fraternal sympathy is just one of the springs of action which are capable of producing public-spirited behaviour. There are others, such as the conscience, and in the motivational economy of a model citizen these springs will push together; this means no spring will need to push as hard as it would if it operated alone. So long as a citizen feels a moderate degree of sympathy with his fellow citizens, a moderately strong conscience should be capable of moving him to fulfil his obligations to them. Fraternal sympathy does not need to be so intense that it can motivate public-spirited behaviour by itself. Third, and finally, Mill's sketchy description of our sympathetic faculty is compatible with a relatively sophisticated account of this faculty's operation according to which a person *can* exercise some control over when and with whom she sympathizes; if, in order to sympathize with someone, we must direct our attention to him and his feelings, then we may be able to prevent ourselves from sympathizing with someone by steering our attention *away* from his feelings through an act of will.

If Mill's belief that participation in public affairs ought to be disinterested is consistent with his liberalism, what about his belief that citizens ought to be actively engaged in such participation? I assume the proposition that citizens should be allowed to participate if they choose raises no problems, but in calling for them to be compelled to take part in certain aspects of public life Mill may appear to abandon his liberal ideas. I will therefore consider whether he can issue this call while remaining faithful to his liberalism. The first question to ask is whether the Liberty Principle permits society to require participation from individual citizens, and Mill's own answer is that it does. When he first presents the Principle he says that not only may a person be punished for hurting others, but additionally '[t]here are also many positive acts for the benefit of others, which he may rightfully be compelled to perform; such as, to give evidence in a court of justice; to bear his fair share in the common defence, or in any other joint work necessary to the interest of the society of which he enjoys the protection'.[103] He restates the point in a later chapter, where he says: 'every one who receives the protection of society owes a return for the benefit . . . This . . . consists, first, in not injuring the interests of one another . . . and secondly, in each person's bearing his share . . . of the labours and

[103] *OL*, XVIII, pp. 224–5.

sacrifices incurred for defending the society or its members from injury and molestation'.[104] Clearly Mill believes the Liberty Principle permits society to compel its members to take part in institutions and practices which protect their compatriots from harm, through, e.g., summoning them for jury duty or drafting them for military service.

Yet the fact that Mill believes the Liberty Principle allows us to be forced into a public role does not settle the matter; he may misapply his own principle. According to D.G. Brown, he does exactly this. Brown interprets the Liberty Principle to mean that '[t]he liberty of action of the individual ought prima facie to be interfered with if and only if his conduct is harmful to others'.[105] He denies, however, that failing to perform the various 'positive acts' Mill lists can be plausibly described as causing harm, and concludes 'such exactions are not permitted by Mill's . . . principle'.[106] Brown allows that if the Liberty Principle were formulated in terms of 'harm prevention' instead of 'harmful conduct prevention', i.e. if it permitted interference with conduct that is not itself harmful in order to prevent harm, then it would permit most of the 'exactions' Mill enumerates, including specifically mandatory participation in the court system and military. In a well-known response to Brown's article David Lyons makes a case for the harm prevention reading.[107] The issue is complex. As I read him Mill *does* believe that a failure to perform certain positive acts of protection is harmful, at least where the person the act would protect is a compatriot; he thinks that other members of our society are entitled to expect us to perform these acts for their benefit, and by his lights we harm someone severely if we disappoint her legitimate expectations about what we will do for her.[108] Mill, then, would see little practical difference between Brown's and Lyons' interpretations of the Liberty Principle. But Mill goes wrong here. Brown is right to deny that we should (absent special circumstances) construe the failure to perform one of these acts as a harm. If Brown's reading of the Liberty Principle is the better one, therefore, Mill cannot consistently claim that society can require the types of public service which he lists from its members. Yet I believe that Lyons' case for his reading is, in the end, successful. The text is equivocal, as he acknowledges, but in a number of places — including Mill's most 'official'

104 *Ibid.*, p. 276.

105 D.G. Brown, 'Mill on Liberty and Morality', *Philosophical Review*, 81 (April 1972), pp. 133–58, p. 135.

106 *Ibid.*, pp. 142–6, 158.

107 David Lyons, 'Liberty and Harm to Others', *New Essays on John Stuart Mill and Utilitarianism*, ed. W.E. Cooper, K. Nielsen and S.C. Patten, *Canadian Journal of Philosophy Supplemental Volume*, 5 (1979), pp. 1–19.

108 'Though society is not founded on a contract . . . everyone who receives the protection of society owes a return for the benefit.' (*OL*, XVIII, p. 276.) 'The important rank, among human evils and wrongs, of the disappointment of expectation, is shown in the fact it constitutes the principal criminality of two such highly immoral acts as a breach of friendship and a breach of promise.' (*U*, X, p. 256.)

statement of the principle — it favours Lyons' interpretation. This reading is also more charitable; it attributes a more reasonable position to Mill regarding the use of compulsion, especially after we correct for his mistaken equation of failures to protect with harms, and on this reading Mill is not — despite this mistake — inconsistent in the way Brown claims.

Thus citizens can be compelled to take part in harm-preventing institutions and practices without any violation of the Liberty Principle; apparently the Principle does not even require that the harm-preventing institutions and practices in place utilize the minimum level of compulsion for a given level of protection, e.g. a volunteer army instead of a no-more-effective citizen-militia. But this suggests a new objection, namely that the Liberty Principle provides inadequate security for individual freedom. We can imagine a society in which the social and political institutions and practices for preventing harm make so many demands on citizens they have no time for anything else. Mill says that '[n]o person ought to be punished simply for being drunk; but a soldier or policeman should be punished for being drunk on duty',[109] and the same could be said of their reading newspapers or discussing poetry or doing anything except their duty. But what if we are all made soldiers or policemen, and are permanently placed on duty? What if, for example, an ordinance is passed requiring us all to spend twelve hours a day staring out of our front window, protecting our neighbours' homes from being burgled? Apparently the Liberty Principle does not rule out such a possibility.

Yet, while the Liberty Principle itself does not forbid any measures which compel an individual to protect others from harm, Mill can still give an account of why it would normally be a mistake for a society to put overly demanding protective institutions and practices into place. Remember that decisions about whether to interfere with an individual's conduct involve two steps. A society is seldom justified in imposing onerous duties in the name of protecting others, not because this violates the Liberty Principle, which comes into play in the first step, but because normally a society will be happier, on the whole, if citizens are able to spend much of their time doing what they want to do, subject only to the requirement that they do not actually harm anyone else; the reasons against such interference are weightier than those in favour, a determination made in the decision procedure's second step. (In extraordinary circumstances greater demands may be made on citizens — 'The regimen of a blockaded town should be cheerfully submitted to when high purposes require it.')[110] We can say of Mill what Stephen Holmes has said of Constant, viz. that he advocates no more or less than part-time citizenship.[111]

[109] *OL*, XVIII, p. 282.

[110] *ACP*, X, p. 337.

[111] Stephen Holmes, *Benjamin Constant and the Making of Modern Liberalism* (New Haven, 1984), p. 161.

A final challenge to Mill's civic liberalism is suggested by some of Arneson's remarks, although he does not develop the point quite the way I will here.[112] Mill is frequently identified as the arch-foe of paternalism; on the received reading, he refuses to count the fact that interfering with an agent's conduct would benefit her as even a weak reason for doing so. Yet he calls for compelling citizens to participate in public affairs, and apparently offers the contribution this will make to their education — their development into more active, moral and intelligent beings — as a reason for doing so. Isn't this a paternalistic rationale for restricting individual freedom, exactly the sort of rationale which *On Liberty* purports to prove illegitimate?

There are a number of points to be made here. First, when Mill describes the benefits of participation, mandatory public service is not the only kind of participation he has in mind; while he touts the value of this service he is also arguing for the importance of providing citizens with opportunities to participate voluntarily, and there is nothing paternalistic about saying the state should provide citizens with opportunities to benefit themselves which they can take advantage of or not as they wish (the Table of Contents of his *Principles of Political Economy* refers to this as 'unauthoritative intervention').[113] Second, he never calls for requiring individuals to take on any public function which does not make a fairly direct contribution to preventing harm to others; he never rests the case for compulsory participation entirely upon its educational benefits. Third, the educational benefits of participation which he cites include more than the cultivation of merely 'self-regarding virtues'. Greater intelligence, a stronger concern for others, and a more active disposition are also partly other-regarding qualities, especially when we are talking about instilling them in citizens who exercise political power. The improving power of participation will have some tendency to work against 'the dispositions which lead' to 'acts injurious to others', and in *On Liberty* Mill permits society to employ compulsion for this purpose.[114]

Yet Mill still believes that the improvements to a person's character which may be wrought by civic participation will benefit her significantly — by cultivating her capacity for sympathy, for example, and hence removing a leading cause of unhappiness — and he apparently counts these benefits among the reasons to encourage participation; I am willing to concede that he at least implicitly offers them as reasons for requiring public service from citizens. But if it is a mistake to assume that he believes paternalistic considerations can never count as reasons to interfere with an individual's conduct, then he may not be guilty of any inconsistency here; and this assumption *is* mistaken, phrases like 'sole end' and 'only purpose' notwithstanding. My suggestion is

[112] Arneson, 'Democracy and Liberty', *passim.*

[113] *PPE*, II, p. xix.

[114] *OL*, XVIII, p. 279. Admittedly, he probably only has in mind compulsion exercised by individuals as opposed to the state.

that Mill never means to assert that paternalistic considerations should be ignored in the second step of the two-step procedure I have described; while we are never justified in interfering with an individual's conduct unless doing so makes a genuine contribution to protecting someone else from harm — this is the requirement specified by the Liberty Principle — paternalistic considerations can be taken into account when we decide whether overall there is more to be said in favour of interference than against. This is a controversial claim for which my evidence is less than overwhelming, and so I hardly expect to convince everyone. Nonetheless, I believe this reading actually fits the purpose of the essay better than the accepted reading; his aim in *On Liberty* is not to give a comprehensive account of when society can and cannot legitimately restrict individual freedom, but only to establish that it cannot do so in many cases where popular opinion holds that it can. Of course, his sceptical doubts about our ability to judge whether a restriction of someone else's freedom would be in their best interest do not simply disappear at this stage, so he does seem committed to attaching at most a limited weight to paternalistic reasons. This is all he does here; they are just one part of the case he builds for mandatory public service.

If my interpretation of Mill's liberalism is the right one then there is admittedly some question about how the justification of this doctrine goes; as Arneson asks, 'why is it any more legitimate to deprive me of liberty *for my own sake* when my act affects others than when it does not?'. In other words, why should paternalistic reasons count for nothing until a harm-preventing reason appears, and then suddenly take on at least limited significance? Ultimately, for Mill, the answer to Arneson's question has to be that from a multi-level utilitarian perspective there is more to be said for the Liberty Principle as I have interpreted it than for any competing moral rule, including the Liberty Principle as it is commonly interpreted (according to which paternalistic considerations do not count at all as reasons for interference). I cannot demonstrate here that 'my' Liberty Principle is indeed preferable to the 'received' Liberty Principle, from this standpoint, but the question of whether it is or not seems to be an open one.

## IV
## Conclusion

In the foregoing pages I have presented an exposition of Mill's civic liberalism and attempted to rebut several arguments which entail that this position is internally inconsistent. By way of conclusion I would like to say something about what I have left undone.

The question of whether Mill's civic liberalism is internally consistent takes on greater significance in light of certain recent developments in contemporary political theory. There has been a revival of interest in and enthusiasm for civic republicanism, and many of those who have raised the

republican banner are antiliberals. Neo-republican writers such as William Sullivan,[115] Charles Taylor[116] and Michael Sandel[117] have argued that liberalism is unable to accommodate republican ideas about citizenship, including the civic ideal, and of course they adduce this putative deep incompatibility between the civic ideal and liberalism as a reason to reject the latter. These writers tend to say relatively little about Mill; to the extent that they discuss particular figures they focus instead on John Rawls and other contemporary liberals of his ilk. But while *On Liberty* is hardly *A Theory of Justice* Mill's liberalism shares with Rawls' at least some of those features on which the neo-republican critique of liberalism concentrates. Most significantly, perhaps, similar ontologies underlie their theories, ontologies which have no room for the constitutive communities Sandel thinks are needed to account for civic obligations or the undecomposable common understandings Taylor takes to be necessary for the existence of a common or public good. A complete vindication of Mill's civic liberalism against the charge of inconsistency would need to include an answer to the arguments of the neo-republican antiliberals. This undertaking would (or should) be of considerable interest to a wider audience than the community of Mill scholars, since it would go some way towards showing that different sorts of liberal theorists — not merely Millian liberals — could consistently incorporate the civic ideal into their views. But this is a task for another essay.[118]

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[115] W. Sullivan, *Reconstructing Public Philosophy* (Berkeley, 1986).

[116] See, e.g., C. Taylor, 'Cross-Purposes: The Liberal-Communitarian Debate', *Philosophical Arguments* (Cambridge, 1995), pp. 181–203.

[117] M. Sandel, *Democracy's Discontent* (Cambridge, 1996).

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