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ARTICLE

Representation, Epistemic Democracy, and Political Parties in John Stuart Mill and José de Alencar*

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John Stuart Mill and José de Alencar lived at the same time and wrote about the same issues, and yet the connections between their political theories remain unexplored. Seeking to offer a comparison of both theories, this article argues that reading Mill's "Considerations on Representative Government" (1977b) vis-à-vis Alencar's "Systema representativo" (1868) brings to the fore two aspects of Mill's political theory that Mill scholars usually overlook: 01. political representation is endowed with constructivist power; 02. epistemic democracy and agonistic democracy can be mutually reinforcing. A comparative reading between Mill and Alencar reveals that representation does not simply reproduce or mirror pre-given ideas and identities, but also constructs them. In addition, it reveals that epistemic democracy is not at odds with agonistic democracy. To be sure, both Alencar and Mill were agonistic democrats precisely because they were epistemic democrats. They recognized conflict as a fundamental aspect of democracy because they believed political disagreement weeds out inaccurate information, expands the knowledge of politicians, and leads to the construction of more reasonable, wiser decisions. Thus, Alencar and Mill thought political parties were crucial to democracy insofar as they injected conflict into political debate.

Keywords: José de Alencar; John Stuart Mill; representative constructivism; epistemic democracy; political parties.

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

This work subscribes to the most common understanding of CPT as the effort to bring into fruitful dialogue thinkers from the Anglo-European canon with thinkers from subaltern philosophical traditions[1]. As Andrew March (2009) remarks, there are several reasons justifying CPT. The one that guides this work corresponds to what March (2009) calls the epistemic justification. By comparing José de Alencar's "Systema representativo" (1868) with John Stuart Mill's "Considerations on Representative Government" (1977b), my main purpose is to extract from the former two "pearls" that can broaden our knowledge of the latter. Reading Mill's political theory vis-à-vis that of Alencar brings to light two aspects of the former that most Mill scholars tend to ignore: 01. democratic representation is endowed with constructivist power; 02. agonistic democracy and epistemic democracy are not necessarily at odds with one another[2]. In

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

[2] The most notable exception being Charles Girard (2015), who probes the epistemic benefits Mill (1977b) links to democratic conflict. "Agonistic" comes from the Greek "agon", which means struggle and contest, and is here employed as a synonym for "conflictive". I am aware that some contemporary scholars tend to distinguish "agonism" from "antagonism", but, since that distinction is alien to Mill's writings, it need not concern me here. For an agonistic rendering of Alencar's (1868) and Mill's (1977b) political theory, see respectively Ricardo Rizzo (2012) and Nadia Urbinati (2002). The expression "epistemic democracy" is associated here with the claim that democracy is valuable because (inter alia) it increases citizens' knowledge and

fact, as we shall see, both Alencar and Mill were agonistic democrats precisely because they were epistemic democrats.

The fact that there is virtually no comparative analysis of Alencar's and Mill's political theory is surprising, for their lives and works were strikingly similar[3]. Mill and Alencar were both nineteenth-century radicals who, after earning a considerable intellectual reputation in their respective countries, became politicians[4]. Alencar was elected representative of Ceará in 1861, and Mill was elected representative of Westminster in 1865. Both authors dwelled upon the relationship between representation and democracy, and both advocated for proportional representation and an open ballot system. Mill could not understand Portuguese and thus never read Alencar. The latter, however, was acquainted with the former's work and even described himself as "a soldier of Stuart Mill" (quoted in RIZZO, 2012, p. 39). Indeed, in the very first page of "Systema representativo", Alencar (1868, p. 03) affiliates his work to Mill's "Representative Government". As Mill struggled to democratize representative government in England, Alencar took it upon himself the task of democratizing representative government in Brazil.

When representative governments first came into being in the eighteenth century, they were not designed to be primarily democratic. On both sides of the Atlantic revolutionaries preferred using the word "republic" when referring to their newly created governments because they associated "democracy" with mob rule and political instability (ROSANVALLON, 2008a)[5]. One could thus say there was a semantic chasm between "representative government" and "representative democracy" in the eighteenth

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understanding of political issues. For an epistemic rendering of Mill's democratic theory (1977b), see Hélène Landemore (2013, pp. 75-82) and Gustavo Hessmann Dalaqua (2017).

[3] Rizzo (2012) is the only scholar who has consistently considered the similarities between Mill and Alencar. Nevertheless, his is not a comparative analysis between Mill and Alencar because, as Rizzo (2012, pp. 22-24) makes clear, the aim of his work is to reconstruct Alencar's political theory, not to compare Alencar and Mill. Be that as it may, Rizzo's (2012, pp. 42-43; 46-49; 64-66) scattered remarks about Mill and Alencar are quite thought-provoking and contributed to the arguments contained herein. Rizzo's analysis (2012) was influenced by Wanderley Guilherme dos Santos's (1991, pp. 22-26) introduction to the latest edition of "Systema representativo".

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

[5] The aversion to the concept of democracy perpetuated in the North Atlantic was replicated in Brazil in the same period (LYNCH, 2011).

century (URBINATI, 2006, p. 138). Whereas the former posited barriers to insulate representatives from the demos, the latter strove for a circular relationship between the people and their representatives.

In the last decade of the eighteenth century and throughout the nineteenth century, a few political theorists took issue with the non-democratic character of representative government and started to argue that representation could and should be democratic. Mill and Alencar were part of this movement, and this article probes the ways in which they believed representation and democracy could be reconciled. Before we proceed, however, a caveat is necessary. Both Alencar and Mill had political positions that would not be classified as democratic today. Alencar (1868, p. 80) rejected suffrage for women and in 1867 publicly condemned the abolition of slavery in Brazil, and Mill supported both despotic colonialism in India and the concession of plural votes for more educated citizens[6]. These facts reveal the limitations of the authors' perspective on one of the core principles of democracy, *viz* human equality. So of course Mill and Alencar fall short of being democrats from a contemporary perspective. I am aware of that and do not aim to exculpate Alencar and Mill from their prejudices. Instead, I seek to understand what they meant by the word "democracy". Therefore, in what follows, I first reconstruct a few topics from Mill's "Representative Government" (1977b) that influenced Alencar's "Systema representativo" (1868). Then, I analyze how these topics were taken up by Alencar and try to show how a comparative reading of both writers sheds light on two aspects of Mill's political theory that Mill scholars tend to neglect.

Representative democracy in John Stuart Mill

Originally published in 1861, Mill's "Representative Government" seeks to clarify the difference between "true" and "false" democracy:

> Two very different ideas are usually confounded under the name democracy. The pure idea of democracy, according to its definition, is the government of the whole people by the whole people, equally represented. Democracy as commonly conceived and hitherto practised, is the government of the whole people by a mere majority of the people, exclusively represented. The former is synonymous with the equality of all citizens; the latter, strangely confounded with it, is a government of privilege, in favour of the numerical majority, who alone possess practically any voice in the State. This is the inevitable consequence of the manner in which the votes are now taken, to the complete disfranchisement of minorities (MILL, 1977b, p. 448).

[6] See Alencar (2008). On Mill's colonialism, see Jennifer Pitts (2005, pp. 133-162).

Mill (1977b) includes in the definition of democracy the idea of equal representation. Pace François Guizot (1851) and other political thinkers of the nineteenth century, he believed that representative government should not be defined in opposition to democracy. Representative governments could be democratic if they ensured equal representation for all citizens. Thus, as the next section explains, Mill (1977b) endorsed Thomas Hare's proportional representation scheme and criticized majoritarian democracy. The winner-takes-all electoral system implied a degeneration of democracy, for it deprived of representation those who did not vote for the candidate who won the majority of the votes. This electoral system corresponded to "false democracy" because it denied equal representation (MILL, 1977b, p. 448).

According to Mill (1977b), representation must be linked to popular participation if it is to be democratic. This point is worth highlighting, if only because some scholars insist on claiming that representation and participation were antithetical for Mill. Eduardo Godinho (2012, p. 106), for instance, argues that Mill defended representative government because he thought "it was impossible for everybody to participate [in politics]"[7]. In a similar vein, Thais Florencio de Aguiar (2011, p. 631) holds that Mill conceptualized representative government in such a way as to replace popular participation by the management of a skilled elite of politicians.

The participatory strand of Mill's conception of representation is visible right in the beginning of "Representative Government", when the British philosopher writes that citizens' "active participation" is necessary for the functioning of a representative democracy's "political machinery" (MILL, 1977b, p. 376). To understand how political participation is exercised in a representative democracy, we need to realize that "the power which is to keep the [political] engine going must be sought for *outside* the machinery" (MILL, 1977b, p. 380). In a representative democracy, political institutions are always at the mercy of the "active power out of doors" (MILL, 1977b, p. 423). Political participation – i.e., the exercise of political power – takes place both inside and outside state institutions. Being outside the representative assembly does not deprive a citizen of political power:

> Reading newspapers, and perhaps writing to them, public meetings, and solicitations of different sorts addressed to the political

[7] Unless otherwise noted, all translations are mine.

> authorities, are the extent of the participation of private citizens in general politics, during the interval between one parliamentary election and another (MILL, 1977b, p. 535).

Representation is democratic when voting does not exhaust political participation. Representative democracy should not be characterized simply as the regime in which incumbents struggle for people's votes through periodic elections (MILL, 1977b, p. 420). Democratic representation requires continuous interaction between representatives and their constituents. In the interval between elections, different avenues for political participation – such as public meetings, petitions, and the press – that allow citizens to influence and control their representatives should be open for all.

Mill thought that modern inventions (such as the newspaper and the railroad) would facilitate the exchange of information and draw in the distant regions of large representative democracies "simultaneously in one agora" (MILL, 1977a, p. 165). The citizen who forms and exchanges her judgment about political affairs in the public sphere should also be seen as a "sovereign" (MILL, 1977a, p. 224). The way Mill uses the term "sovereignty" puts into question the modern conception of sovereignty as a power that pertains only to the will (and that, as such, can never be represented). As Urbinati (2014) has explained, if one is to understand how representation can be reconciled with democracy, one needs to realize how the expansion of suffrage in the nineteenth century transformed sovereignty in a way that modern theorists of sovereignty such as Montesquieu (1995) and Rousseau (1964) could not foretell. Once the seat of power becomes an empty place whose holders are periodically subject to popular elections, a new element is woven into the fabric of sovereignty.

In a representative democracy, sovereignty is diarchic – that is, it comprises two elements: will and judgment (URBINATI, 2014, p. 22). The will is linked to the power of decision and is instantiated in the act of voting. When citizens vote for a candidate and incumbents vote for laws, they both exercise their will. Judgment, in turn, pertains to the domain of opinion and, unlike the will, can be represented. Its realm of existence is located in what Mill (1977a, p. 165) calls the "agora" of the moderns – which, as Mill has underscored, is only possible in large-scale societies due to media technology. So, in order to secure representative democracy's truly democratic character, it is especially

requisite to make sure that the media undergirding the “agora” of the moderns are not monopolized by one social group.

As Mill (1977a, p. 248) warned in his critique of the tyranny of the majority, the means of communication in mass society can preclude public and critical debate once they start to propagate the ideas of only one group. The existence of a concentrated and homogeneous power of discourse formation represents a grave threat to democracy. "Mill’s account of political power" reveals that "concentration of ownership and control of the means of communication leads to considerable concentration of power to shape what other people think. This, in turn, profoundly conflicts with democratic ideals" (BAUM, 2000, p. 82). In Mill’s (1977b) view, plural and conflicting discourses are necessary insofar as they preclude the deterioration of representative democracy into its opposite, which would amount to what he calls "class legislation" – in his own words, "government intended for . . . the immediate benefit of the dominant class, to the lasting detriment of the whole" (MILL, 1977b, p. 446).

Mill’s (1977b) conviction that the struggle between conflicting political positions led the representative assembly to make better decisions was one of the reasons why he defended proportional representation. "In all human affairs, conflicting influences are required, to keep one another alive and efficient even for their own proper uses" (MILL, 1977b, p. 439). Once representatives from minority groups were elected, conflicting positions would be voiced in the assembly. Politicians representing the majority would be forced to take into account opposing perspectives and review the cogency of their argument. The exchange of arguments between representatives of different social groups would be beneficial to the polity because it would allow the assembly to reach wiser and more inclusive decisions.

"Every one who knows history or the human mind is aware, that powerful intellects and strong characters are formed by conflict" (MILL, 1986, p. 1106). Apart from being politically useful, conflict is of paramount importance because it fosters the *raison d’être* of Mill’s philosophy, *viz.* self-development. According to commentators, self-development is Mill’s translation for the romantic concept of “Bildung” (THORBLY, 1973, p. 101). Both words express the same idea, to wit, that "the end of man . . . is the highest and most harmonious development of his powers to a complete and consistent whole"

(MILL, 1977a, p. 261). Like many other writers of his century, Mill was influenced by the *Bildungstradition*:

> [W]ith the beginning of the 19th century it became clear that *Bildung* is connected to the development of the individual subject, to the development of a person, who has to ascertain him/herself in an area of conflict which is given from the experience of its regulations originating from its nature and social contexts (WINKLER, 2012, pp. 96-97).

According to the *Bildungstradition*, self-development is inextricably bound up with the experience of conflict. If one is to develop oneself, one has to struggle with one's social environment. To be sure, one of the central ideas of romanticism is that the development and exercise of an individual's faculties require conflict (BERLIN, 1999, p. 42)[8]. In sum, Mill's appreciation for conflict as a prime source of human development is indebted to the *Bildungstradition*. As the next section highlights, this thesis brings Mill close to Alencar, who also contended that conflict fostered human development.

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

> No one of the ancient forms of society contained in itself that systematic antagonism, which we believe to be the only condition under which stability and progressiveness can be permanently reconciled to one another. . . . [M]odern Europe presents the only example in history, of the maintenance, through many ages, of this co-ordinate action among rival powers naturally tending in different directions. . . . [W]e ascribe chiefly to this cause the spirit of improvement, which has never ceased to exist, and still makes progress, in the European nations. At no time has Europe been free from a contest of rival powers for dominion over society (MILL, 1985b, pp. 269-270).

What explains the "progressiveness" of the "European family" and the "stationariness" of China is that the former, unlike the latter, was able to keep within itself the coexistence of plural and conflicting forces (MILL, 1977a, p. 197). The antagonism between different political forces was productive because it forced political communities in Europe to compromise and tolerate one another. Obviously enough, the conflict Mill values is constructive, not destructive. Political antagonism is useful insofar as it produces compromises and mutual tolerance. The aim of representing different

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

social groups in the assembly is not to encourage legislative gridlock. Rather, it is to compel representatives from the majority to take into account objections and to compromise with representatives from the minority (and vice versa). While supporting proportional representation, Mill (1977b, pp. 504-512) also thought that political antagonism should not go to the point of precluding understanding, which explains why he denied imperative mandates.

Mill reputed imperative mandates to be deleterious because they ossify political preferences and obstruct the transformations that a plural deliberation orchestrated by a truly representative assembly of the demos can produce. Political deliberation requires participants to cultivate a non-dogmatic stance and to recognize themselves as fallible beings. To the extent it is dialogical, deliberation must not be equated with a succession of monologues that do not communicate because their positions are fully formed in advance. Democratic deliberation is a dialogue in which participants are willing to take into account others' positions and even to change their initial assumptions if need be. Representatives cannot foresee every opinion that will be fleshed out in the assembly. Thus, it is unreasonable to prohibit them from changing their views. In short, Mill believes imperative mandates and pledges should not be adopted because they deny the very notion of democratic deliberation as a site of (re)formulation of new practices and ideas. In a representative democracy, the role of the political assembly is "to be at once the nation's Committee of Grievances, and its Congress of Opinions; an arena in which not only the general opinion of the nation, but that of every section of it . . . can *produce* itself in full light" (MILL, 1977b, p. 432, my emphasis). Mill here gestures at something that Alencar would emphasize in his reading of "Representative Government": far from simply mirroring pre-given and static opinions, representation has creative power – it *constructs* new ideas.

Representative democracy in José de Alencar

In the beginning of "Systema representativo", Alencar (1868, p. 09) introduces the thesis that "representation [is] the basis of a democratic government". Like Mill (1977b), he notices that representative democracy differs from the democracy of the ancients:

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

One of the major differences between representative democracy and Athenian democracy is the electoral system. Whereas in Athens the decision-making body was open to every citizen, in representative democracy only elected representatives have the power to vote in the assembly and decide which course of action the government shall take. Yet Alencar (1868) does not think this division of labor dooms representative government to be undemocratic:

> The study of ancient democracy and of the way in which it operated guides the reason and truth of the representative system. In the *agora* of Athens . . . one deliberated and discussed. The Tribune was the people's, open and free to every citizen; all classes had a voice there . . . . Since direct democracy is impractical, representation must reproduce with the greatest accuracy possible this wide function of popular government (ALENCAR, 1868, pp. 36-37).

Modern representative government can be democratic if it reproduces the Athenian "agora". According to Alencar (1868), one way to reproduce it is to make sure that the representative assembly contains all the voices of the nation. Every shade of opinion must be represented in the political assembly – the task of representation is to construct a polyphonic map of the nation (ALENCAR, 1868, p. 42). All different, even conflicting, voices of the demos must be contemplated in the assembly, and none of them ought to asphyxiate the others.

The fact that most citizens in a representative democracy are outside the decision-making body does not make them powerless. Representation is democratic when citizens outside representative bodies can influence those who are inside them. Put differently, representation is democratic when representatives are under popular control. That requires not only open elections but also "a close and intimate relationship" between the representative and the represented (ALENCAR, 1868, p. 61). For that reason, Alencar (1868, p. 10) followed Mill (1982, p. 389) and urged for the

shortening of political terms, for he expected that representatives would remain closer to their constituents if their terms were shorter.

The kind of democracy that representative government can generate is different than its ancient counterpart insofar as it is "indirect" (ALENCAR, 1868, p. 36). *Representative democracy is the regime of indirectness*. It creates a gap between the moment of discussion and the moment of decision, thus highlighting the reflexive and temporal aspect of politics (URBINATI, 2006, pp. 17-59)[9]. Compared to direct democracy, representative democracy tends to produce decisions that are more intelligent because it is less immediate. Alencar and Mill belong to the tradition initiated by Condorcet (1793) and Paine ([1792] 1989): they think that, far from being a second best, representative democracy is "superior" to the ancient model of direct democracy (MILL, 1978, p. 134)[10]. Representation favors reflexivity because it gives people more time to refine their judgment and expand their perspective.

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

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

Democracy (demos + kratos) means "rule of the people". It is the government of all people by the whole people, not the government of the majority, and as such it

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[9] Representation institutes time delays that give citizens more opportunities to discuss and ponder about political issues. By opening up a gap between the moment of decision and the moment of deliberation, representation sustains the distance necessary for critical examination. To be sure, excessive proximity usually hinders our ability to critically scrutinize something (ANKERSMIT, 2002, pp. 117-118).

[10] Although Mill and Alencar consider ancient democracies "inferior" to representative democracy as a form of government, they acknowledge that ancient democracies fared better than modern democracies in relation to education and manners. Alencar (1859b) asserts that ancient democracies were more virtuous than modern democracies, and Mill (1981, pp. 286-289) argues that the former had better educational practices than the latter.

requires "barriers opposed to the omnipotence of the majority" (ALENCAR, 1868, p. 44). Representative democracy is the political regime in which "the various opinions of the country" are "capable of promoting their legitimate interests" (ALENCAR, 1868, p. 45). Democracy is characterized not only by equality before the law (isonomia) but also by the equal power to have your political views expressed and considered (isegoria). Ascribing one vote to each person is therefore not enough. Democracy requires that judicial equality be complemented with mechanisms that ensure equal power of expression for all political views. In sum, anyone who is concerned with preserving the democratic character of representative government must elaborate devices that guarantee the representation of minority views.

For those who read “Representative Government”, this is a familiar problem. Mill also grappled with the issue of how to preserve minority views in the parliament, and the solution he offered resembles Alencar’s. Yet Mill was not the first author to recommend proportional representation as a solution for the conundrum of minorities’ representation. In January 1859 Alencar (1859a) published his first defense of proportional representation in “Jornal do Commercio”. That was before Thomas Hare and Mill published their books on the same topic (ALENCAR, 1868, p. 03).

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

that any party who did not reach the proportion of five per cent could not be said to represent "a national opinion"[11].

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

Representative constructivism in Alencar and Mill

Drawing upon Mill's (1977b, p. 432) characterization of the representative assembly as a "Committee of Grievances" where new ideas are produced, Alencar (1868) avers that representation is not only a process of reproducing pre-existing demands:

> But propose a question to the assembly. Immediately, individual impressions will be produced: the embryo of an idea, barely emerging in the spirit of one [representative], will rapidly lead to another thought that shall develop it and perhaps even finish its gestation in a new intelligence. When, after this assimilation, one has to poll votes, the measure that receives the greatest number [of votes] without a doubt is going to be the universal will. The minority would also have contributed to the formation of this sovereignty. Its resistance stirred conflicting intelligences to react and incited them to better develop and ascertain their ideas. By scrutinizing the opposing opinion, [the minority] wounded the adversary's weak points and forced him to retract and modify his former thought (ALENCAR, 1868, p. 29-30).

Unlike most citizens, representatives cannot afford to deliberate about political issues only with like-minded people. Once inside the representative assembly, a politician has to deliberate with people who think very differently than she does. The

[11] Alencar's (1868) answer is arbitrary because it does not explain why an opinion that is shared by less than five per cent of the electorate is not of political relevance. If his purpose is to safeguard the political representation of minorities and avoid "the tyranny of the multitude", then why does he deprive of representation minority groups who fail to reach the five-percent threshold? Such arbitrariness is part of a wider dilemma that disconcerts every proponent of proportional representation, *viz.* which criteria must a given collection of individuals fulfill in order to qualify as a political relevant group that deserves proportional representation? For a fuller discussion of this point, see Hanna Fenichel Pitkin (1967, pp. 60-91). On the impossibility of including every existing minority in a proportional representation system, see Hans Kelsen (2013, p. 71).

objections she is confronted with might highlight the shortcomings of her view and, according to Alencar (1868), force her to modify her original position. Yet such modification does not erase all disagreement between herself and political opponents. Even when he refers to "the universal will", Alencar (1868, p. 29) makes clear that a residue of disagreement shall always remain.

Unlike academics, politicians' quarrels cannot go on *ad infinitum* because the problems they analyze oftentimes require urgent solutions. Deliberation needs to end at some point, and that is why "one has to poll votes". Deliberation is the moment when different political views can merge and coalesce. However, since opposing political views (almost) never assimilate completely, deliberation has to give way to aggregative procedures such as voting. If decisions were to be made on the basis of complete consensus, representative assemblies would (almost) never get any work done. The most sensible procedure to adopt is to let representatives deliberate for a while and then if disagreement persists – and Alencar's view (1868) is that disagreement will always persist – ask representatives to vote for the proposal they like the most. The proposal that receives the greatest number of votes shall carry the day and prevail as "the universal will" (universal in the sense that it is going to be sovereign and applicable to all members of the polity).

Notice that Alencar (1868) does not mention the need for unanimity. In truth, unanimity was neither necessary nor desirable for him:

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

In this passage, Alencar (1868) further elaborates two aspects of Mill's "Representative Government". First, "the constructivist power of representation applies not only to one's opinions but also to one's own self"[12]. The development of reason – one core element of the self for both Mill and Alencar – requires conflict. Thus, insofar as the

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

representative assembly works as a privileged site for the expression and production of conflict, the development of reason hinges upon representation. Political representation has constructivist power because the struggle between opposing perspectives in the assembly produces new ideas, beliefs, and opinions that change the way citizens reason and see themselves.

The conception of political representation set forth in Mill's "Representative Government" (1977b) and Alencar's "Systema representativo" (1868) belies the idea that society is an aggregate of dissociated atoms[13]. Likewise, it refutes the thesis that citizens would be nothing but isolated beings with pre-given and unchangeable preferences and sheds light on the fact that citizens (trans)form their preferences and identities collectively. The ideas that representatives express in the assembly oftentimes result from a previous union of individuals. Conversely, their unfolding inside the assembly tends to promote the gathering of other individuals, either in support or opposition to them. Ultimately, both the representative and the represented possess the power to construct the political identity of one another. Through her discursive practices in the assembly, the representative projects and furthers a certain image of the group she represents in front of the nation.

Mill (1977b) and Alencar's theories (1868) show that political representation is performative. The speeches a representative makes inside the assembly are performative because they produce reality. Not long after being elected, Mill (1972) wrote: "I look upon the House of Commons . . . as an elevated Tribune or Chair from which to preach larger ideas than can at present be realized" (MILL, 1972, p. 1234). This idea was already present in his early writings. In an article published in 1836, Mill claimed that the editors of big newspapers and political representatives were the individuals who had most power to produce "direct effect upon the minds and destinies of [their] countrymen" (MILL, 1977a, p. 135).

When he proposed a bill to extend suffrage to women, Mill was aware that his proposal was not going to be approved. Yet the passionate speeches he delivered in the assembly to defend the proposal and the conflicting debates he had with some of the

[13] "Political representation invalidates the opinion that society is a sum of dissociated individuals" (URBINATI, 2006, p. 30). On the relationship between political representation and the creation of collective identities, see Rosanvallon (2008b, p. 220) and Michael Saward (2010, pp. 14-16). The idea that representation is essential to the creation and maintenance of a community's identity dates back to the Middle Ages (VIEIRA and RUNCIMAN, 2008, p. 13).

MPs who opposed the measure were not in vain. Mill did not care in this case about what was going to happen inside the assembly. Given his constructivist view of political representation, Mill knew that what mattered was the performative effects of his speeches, not the legislative outcome per se. His purpose was to call into being new collectivities that would advocate for the cause of women, not to approve that specific law. From that perspective, Mill was successful, for the speeches he delivered in the assembly prompted the creation of the National Society for Women's Suffrage and changed the way citizens reasoned about this issue (LE JEUNE, 2010, p. 116). His political performance constitutes thus a good example of what Disch (2017, p. 132) calls "mobilization conception of democratic representation". For Mill, political representation does not only reflect and transmit pre-given demands; it creates them as it actively mobilizes new constituencies.

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

The second aspect of Mill's political theory that Mill scholars sometimes overlook and that Alencar helps us envisage pertains to the complementarity between epistemic and agonistic democracy. In "Mill and Liberalism", Maurice Cowling (1990, p. 34) argues that Mill's emphasis on truth "assumes that homogeneity will emerge amongst rational men, . . . that, if only men will submit their actions to critical examination, a moral, social and intellectual consensus will eventually supersede" conflict and disagreement. Cowling's (1990) interpretation of Mill was influenced by Michael Oakeshott (1962, p. 06) – one of the reviewers responsible for commenting on an initial draft of "Mill and Liberalism" – who in his essay on rationalism in politics claimed that those who conceive of politics as a rational enterprise end up promoting a "politics of uniformity; a scheme . . . which can have no place for variety". In a similar vein, Urbinati (2014, pp. 84-127) recently asserted that the thesis that democracy is valuable because it produces truth and knowledge (episteme) is incompatible with the appreciation of conflict (agon) as a fundamental feature of democracy. "When truth is the topic of politics, proselytism takes the place of persuasion and deliberation, and persecution the place of tolerance" (URBINATI, 2014, p. 110). According to Urbinati (2014), those who see democracy as a quest for truth are incapable of appreciating the value of conflict because for them the persistence of disagreement is nothing but a sign

of error. In short, epistemic democracy and agonistic democracy are at odds with one another.

A comparative reading between Mill and Alencar, however, reveals that agonistic democracy and epistemic democracy can be mutually reinforcing. When he builds upon Mill's (1977b, p. 432) agonistic characterization of the representative assembly, Alencar (1868, pp. 28-30) is adamant that conflict is valued not for its own sake, but rather because it promotes reason. His argument is reminiscent of chapter two of "On Liberty", where Mill (1977a) explains that conflict is salutary inasmuch as it enhances the epistemic quality of political discussion. Alencar and Mill recognized conflict as a fundamental aspect of democracy because they believed political disagreement weeds out inaccurate information, expands the knowledge of politicians and leads to the construction of more reasonable, wiser decisions. Put differently, their theories afford what one could call an epistemic-agonistic model of democracy. The construction of knowledge and the pursuit of truth cannot proceed without conflict. The absence of conflict inevitably causes decay – recall Mill's (1985a, p. 108) warnings against "Chinese stationariness" – and annihilates reason.

Mill and Alencar's appreciation for parties and partisanship epitomizes the complementarity between the epistemic and agonistic strands that permeate their political theory. In "On Liberty", Mill (1977a) writes that

> a party of order or stability, and a party of progress or reform, are both necessary elements of a healthy state of political life; . . . Each of these modes of thinking derives its utility from the deficiencies of the other; but it is in a great measure the opposition of the other that keeps each within the limits of reason and sanity. Unless opinions favourable . . . to sociality and individuality, to liberty and discipline, and all the other standing antagonisms of practical life, are expressed with equal freedom, and enforced and defended with equal talent and energy, there is no chance of both elements obtaining their due; one scale is sure to go up, and the other down. Truth, in the great practical concerns of life, is so much a question of the reconciling and combining of opposites, that very few have minds sufficiently capacious and impartial to make the adjustment with an approach to correctness, and it has to be made by the rough process of a struggle between combatants fighting under hostile banners (MILL, 1977a, pp. 253-254).

Party conflict is beneficial inasmuch as it promotes "truth", which in pragmatist vein is defined by Mill as a mutable entity that needs to be reviewed and amended time and again. This idea would exert a tremendous impact in "Systema representativo".

According to Alencar (1868, p. 178), representative democracy cannot do without parties, for they "make truth triumph". "Parliament constitutes the brain of the nation" and, as such, one of its functions is to solve public problems efficiently (ALENCAR, 1868, p. 66). The provisional solution to public issues, which Alencar and Mill name as "truth", requires conflict. Truth can be unveiled only when all different political perspectives confront each other, and to the extent that parties are responsible for bringing those different perspectives into collision, they are indispensable to representative democracy[14].

Partisanship and parties must be valued due to their cognitive benefits. Without them, "the representative system would lose its efficiency. Where opinions do not fight, only public indifference is represented" (ALENCAR, 1868, p. 148). Like Mill, Alencar (1868, p. 148) believes that one of the functions of parties in a representative democracy is to organize the political "fight" in a way that invigorates tolerance and sustains a civic ethos. Political parties institutionalize conflict and thus carry out their contest within constitutional boundaries[15].

By claiming that partisanship can be useful to representative democracy, Mill's and Alencar's works diverge from contemporary political writers – such as John Dewey (1985, p. 330), Sidney Hook (2002, p. 294) and Joseph Schumpeter (2003, p. 257) – who contend that partisanship is detrimental to democracy because it precludes reflexivity. "For our own part, we have a large tolerance for one-eyed men, provided their one eye is a penetrating one: if they saw more, they probably would not see so keenly, nor so eagerly pursue one course of inquiry" (MILL, 1985a, p. 94). Mill and Alencar

[14] Nancy Rosenblum (2008, p. 155) offers a different interpretation and argues that, ultimately, Mill cannot be considered a supporter of parties and partisanship because "every look at actual parties appalled him". In order to support her claim, Rosenblum (2008) is forced to conjecture that, in the aforementioned passage from "On Liberty" (in which a party of order and a party of progress are identified as necessary elements of political life) the word "party" does not refer to organized groups located in the assembly. Rather, what Mill seeks to convey in this passage with the term "party" is simply "ways of thinking" (ROSENBLUM, 2008, p. 149). Albeit possible, this interpretation finds no explicit support in Mill's text. It comes as no surprise, then, that most Mill scholars agree that he valued parties and partisanship (KINZER, 2007, pp. 164-178; LÓPEZ, 2014; MUIRHEAD, 2014). One of Mill's longest defenses of political parties can be found in "Reorganization of the Reform Party", an article that Rosenblum (2008) does not examine (MILL, 1982, pp. 465-496).

[15] For a recent reformulation of this argument, see Russell Muirhead (2014, pp. 107-108) and Jonathan White and Lea Ypi (2016, p. 79). Although they do not cite Alencar (1868), Muirhead (2014) and White and Ypi (2016) draw upon Mill when working out their conceptions of reasonable partisanship and political commitment. For an analysis of Alencar's defense of political parties, see Cristina Buarque de Hollanda and Ivo Coser (2016, 927-929).

recommended partisanship because a partisan's partiality leads her to scrutinize a political problem in a profound way, which in turn might allow her to improve the overall epistemic quality of political debate.

Pace Carl Schmitt (1988, p. 05), Mill's (and Alencar's) liberal theory of parliamentarism does not require "independence of party ties"[16]. The fact that they both envision political deliberation as "an exchange of opinion that is governed by the purpose of persuading one's opponent through argument of the truth . . . of something" does not mean they repudiate "party ties" (SCHMITT, 1988, p. 05). Partisanship is compatible with critical thinking and *can* be conducive to truth[17]. Indeed, studies show that the idea that the absence of partisanship spawns critical thinking tends to be wrong, for non-partisan individuals are usually more apathetic and less informed than partisan citizens (ROSENBLUM, 2008, pp. 319-368).

As epistemic democrats, Mill and Alencar subscribe to what Landemore (2013, pp. 208-231) calls *political cognitivism*: the idea that at least for some political questions there is a standard according to which one government action can be classified more or less correct. They thus corroborate Berlin's (2013, p. 276) claim that the modern defense of democracy was propelled by an epistemic view of politics. Since they assume that political deliberation is an epistemic exercise, Alencar and Mill believe that competence is important for political representation. When we vote for a representative, one of the criteria we take into account is her ability to defend our interests successfully in the political assembly. We hope our representative is able to advance skillfully the complaints that are most dear to us. In a way, we expect our representatives to have a "superior intellect, trained by long meditation and practical discipline to that special task" that pertains to their job (MILL, 1977b, p. 506). The task of a representative assembly is to select laws that will apply across the country, and it is obvious that the good performance of this task requires ability. A lot of what is involved in implementing legislation is technical: the laws have to be written in a certain way, their relationship

[16] I mention Alencar in parentheses because Schmitt (1988) addresses his critique only to Mill.
[17] I emphasize *can* because Mill (1977a, p. 257) was aware that sometimes the existence of different parties may obviate critical thinking and hence worsen the epistemic quality of political discussion. Neither Mill nor Alencar posits a necessary link between partisanship and critical thinking; they only argue that the existence of parties "tends" to promote critical thinking and the enactment of more reasonable, wiser laws. For them, a country in which political power is divided among two or more parties tends to generate more reasonable laws than a one-party state.

with one another must be consistent, and their implementation demands a good deal of knowledge about the operation of bureaucratic agencies.

Being a representative "demands professional studies . . . [I]n the communion of interests and views that unite certain social classes, highly qualified men who guide the movement of ideas will stand out; [they] are the natural representatives of different opinions" (ALENCAR, 1868, p. 45). Alencar (1868) relies here on the etymology of the word “representativo”, which in Portuguese has “choice by merit” as one of its meanings (MIGUEL, 2014, p. 18). The same happens in English; when Ralph Emerson published his lectures on Plato, Swedenborg, Montaigne, Shakespeare, Napoleon, and Goethe and gave them the title of “Representative Men”, his intention was to make public his reflections on "what he himself called ‘great men’" (PITKIN, 1967, p. 80). Etymology lends credence to the thesis that a representative is someone who is somehow “excellent” or “great” and helps explain why the framers of modern representative government insisted that representatives should not be chosen by lottery. Lottery was rejected because it allowed any kind of citizen to take office, irrespective of his excellence. Election, by contrast, was regarded as a mechanism for selecting the most excellent men, the “aristoi”. The so-called "triumph of elections" was propelled by an aristocratic view of representative government (MANIN, 1996, pp. 108-124).

Although Mill and Alencar asserted that representative government could only be legitimate if it were democratic, their reason for preferring election (and not lottery) as the proper mechanism for the selection of representatives was very similar to the one presented by the eighteenth-century framers of representative government. Like them, Mill (1977b, p. 506) and Alencar (1868, p. 45) held that the role of elections was to select "skillful intelligences". Yet they did not think elections contradicted the democratic character of representative government, for the power of every representative ultimately derived from the consent of her constituents. No matter how skillful or competent a representative was, she would always be at the mercy of popular control (MILL, 1977b, p. 510 and ALENCAR, 1868, p. 61).

Their expertise, along with the absence of imperative mandates, can increase the distance between the opinions espoused by citizens and representatives. One could argue that the more knowledge a representative acquired in the deliberative process, the more different her positions would be from her constituents’. Unlike most citizens, representatives are exposed to different political perspectives on a daily basis. The

constant exposure to conflict in the assembly makes their reason more developed and prompts their initial positions – the ones they presented to the public when they ran for election – to shift. It is possible that the decisions they end up making are at odds with their constituents' wishes. Alencar's and Mill's answer to this problem is very terse and simple. In order to diminish the distance between the decisions made by a representative and her constituents' opinions, there needs to be a close and intimate relationship between them. Democratic representation is a never-ending process of synchronization between the inside and the outside of state institutions – that is, between the decisions made by representatives and the opinions held by their constituents. Democratic representation is reminiscent of Sisyphus's predicament because its work has to be redone time and again.

Conclusion

This paper has teased out from Alencar's neglected reading of Mill two "pearls" that Mill scholars are usually inattentive to: 01. democratic representation is imbued with constructivist power; 02. agonistic and epistemic democracy are not necessarily opposed to each other. Contra the nineteenth-century thesis that representative government could not be reconciled with democracy, Mill and Alencar endeavored to understand under what circumstances representation could be democratic. According to them, if representative governments were to be democratic, they had to create an "agora" for the moderns, a space where the voice of every social group could be expressed and appraised during the decision-making process.

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

Alencar's and Mill's defense of proportional representation sprang from the conviction that democracy is the rule of the people by the people, which should not be equated with majority rule tout court. Like many nineteenth-century liberals, Mill and

Alencar were worried with the tyranny of the majority. Representative governments are democratic when the decisions they make are the outcome of a deliberative process orchestrated by a plural assembly, one in which the political positions of both majority and minority groups were taken into account. Needless to say, that does not mean the decision approved pleases everybody. A decision made in the representative assembly is democratic and legitimate not because it represents the will of all, but because it results from the deliberation of members from all social groups. A residue of conflict will thus always persist.

The appraisal of conflict is another common theme among the philosophers. To be sure, Alencar and Mill can be identified as agonistic democrats because they reputed conflict to be vital for democracy. The nineteenth century was, as Reinhart Koselleck (2002, p. 179) put it, "a century of Bildung". Hence, not surprisingly, Mill and Alencar were influenced by the *Bildungstradition* and claimed that antagonism was essential to human development. The experience of conflict develops the self and is conducive to progress, another key concept of nineteenth-century political theory. This conception of progress is of course absent in contemporary agonistic democracy, and Mill's and Alencar's epistemic view of politics is another feature that distances them from Chantal Mouffe (1993) and her peers. Unlike contemporary agonistic democrats, Mill and Alencar were epistemic democrats. For them conflict was politically valuable because (inter alia) it led to the adoption of more reasonable decisions. Assuming that political deliberation was a rational enterprise, Alencar and Mill equated political conflict with epistemic progress. As political opponents deliberate and exchange objections, truth replaces error and their knowledge expands. Mill's and Alencar's commendation of conflict led them to identify political parties as essential elements of representative democracy. Parties organize conflict and uphold an agonistic atmosphere in the assembly. The absence of party conflict brings stagnation and decay and destroys human reason.

Mill and Alencar value conflict and disagreement not for their own sake but rather for their benefits. Political disagreement is valuable when it produces better decisions – better in the sense that the decisions made by a plural representative assembly are 01. wiser because they emerge from the confluence of different social perspectives and 02. more inclusive because the deliberative process by which they were made had representatives from majority and minority groups. The conflict Alencar

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

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

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