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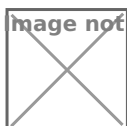


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# Mill's Case for Plural Voting and the Need for Balanced Public Decisions

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**ABSTRACT:** This paper revisits John Stuart Mill's famous proposal for plural voting, according to which universal suffrage is conjoined with the possibility for some to claim and utilise multiple votes if they meet a particular set of qualifications. We observe the proposal in the light of Mill's own historical context, but we also evaluate it with respect to the changing social and political conditions that ensued. Surely, the proposal faces criticisms in both contexts taken separately, but some of the previously prominent objections retain their force, while others recede in contemporary circumstances. Accordingly, for instance, the paper recognises the force of the objection that the educated experts who are to hold multiple votes are difficult to identify with the ideal of quality decision-making and the common good in mind, but rejects dated assumptions such as that of the overwhelming strength of class bias or the predominantly class-based motivations for social grouping. Most importantly, although the paper ultimately rejects Mill's plural voting proposal, it supports his attempt to incorporate experts into quality democratic decision-making, and investigates the practical forms of their inclusion. First, we outline the plural voting proposal in the context in which it initially arose. Second, we introduce the first objections to plural voting according to which such a mechanism undermines the educative role that Mill sets for democracy. Third, we discuss the problem of who the handlers of multiple votes – the "educated" – are supposed to be, their class background, the expertise required, and the strength of underlying class biases. Fourth, we look at the different stages of the political decision-making process, in search of possible remedies for the problems brought about by plural voting. Fifth, we assess some of the assumptions underlying Mill's proposal in light of contemporary society. In summary, we argue for the rejection of the plural voting scheme, but we discuss alternative ways of including experts in the decision-making process.

**KEYWORDS:** Class bias, common good, democracy, experts, plural voting, protective and educative roles of democracy, social grouping.

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## Introduction

In this paper, we discuss John Stuart Mill's frequently criticized proposal for plural voting in popular election. We have two aims. One is to discuss Mill's proposal as such. What we have in mind here are Mill's thoughts about plural voting with our focus on the society of his time, as well as what he considered to be the possible developments for society.

In the last part of the paper, we focus on an issue that Mill remarked on and that has proved to be of great importance – that of the democratic role of educated people, or, to use a more contemporary term, of experts. Here we think that Mill's worries remain important and that democracy must find a proper role for expert knowledge, although in forms other than plural voting.

We evaluate Mill's proposal for plural voting while having in mind the criteria according to which democracy and democratic decision-making gain legitimacy. These criteria are (i) the quality of decisions and the pursuit of the common good which includes the protection of citizens' values, worldviews, and interests; (ii) the educative function of democracy. Within such a view, democracy and democratic procedures are not themselves basic values. They must be evaluated in light of how they are appropriated for the values, or perform social functions, listed above. Thus, democracy is on one hand a resource for rendering effective the pursuit of the common good, as, when it is well functioning, it is opposed to particular (sinister) interests. This is done partly by ensuring to each citizen a fair opportunity to be engaged in the protection and advancement of her values, worldviews and interests. On the other hand, democracy can be a threat to the common good and a resource for pursuing illegitimate particular interests if democratic decisions neglect certain basic rights and liberties, or expose a group to the permanent condition of being outvoted. If such are the results of democratic decision-making, then it loses legitimacy.

We remark, in particular, on the condition of not being permanently outvoted. If a particular group is exposed to such a condition, then something has gone wrong in the democratic procedure with regard to the fair possibility of being engaged in the protection and advancement of values, worldviews and interests. The point is elaborated well by Thomas Christiano (2008), although his proposal overlaps with (but does not completely correspond to) Mill's view.

A consequence is that democracy and democratic procedures can legitimately be limited or adjusted, if this is necessary to protect the mentioned values, or perform the listed social functions. This is what renders the plural voting proposal interesting, as it is not ruled out from the very outset. It is a candidate for being part of unavoidable trade-offs when we are concerned with the implementation of values in real life conditions.

We now explain, in more detail, the two basic values and social functions stated at the beginning of the paper – the protective and educative roles of democracy, which are acknowledged by many of Mill's commentators (Beitz 1989; Baccarini 1993; Miller, J. J. 2003) to be the centrepieces of his democratic theory.<sup>1</sup> Part of what constitutes quality public decisions and the common good is the protection of legitimate interests of individuals. This is related to Mill's view of humans as developing beings, in terms of their moral and intellectual qualities. Several authors remark that it is this view that grounds Mill's defence of liberty for each citizen (cf. Gaus 1981; Gaus 2010). It also grounds part of Mill's attribution of legitimacy to democracy, in relation to giving each citizen a fair possibility of being engaged in the protection and advancement of her values, worldviews and interests.

As Mill says (1861/1977: 70), the very possibility to participate in the public decision-making process ensures to citizens the possibility of having their aims fairly protected. Even if some citizens are well disposed toward others, they cannot protect the aims of these others in the same way they are able to as the directly interested parties. For example, even an employer who is well disposed towards the interests of workers cannot see the workers' problems in the same light as the workers themselves. In defending the extension of the suffrage to the working class, Mill held that the specific demands, interests, and problems of its members could hardly be comprehended by individuals to whom their particularities remain empirically and hermeneutically alien. The goal of protecting their interests and encouraging social trust can only be achieved if the voices of these individuals are heard and considered in the public domain. We can endorse this view in general, in relation to values, conceptions of the good, as well as interests of various citizens and social groups. We will come back to the significance of this point later, in order to demonstrate the severe limitations of plural voting.

It is important, now, to touch upon the difference between pursuing the common good and merely balancing out competing interests. The former is concerned with ensuring to each citizen what appropriately belongs to her. In our current vocabulary, we can describe this in terms of ensuring rights to citizens. The latter can aim at merely tactical compromises. Policies can depend on contingencies, like advantages that some groups have in social or economic relations, although political institutions guarantee formal equality. For example, mainstream cultural communities can ignore some requirements of minority communities. Although the latter are, thus, not really mistreated, their rights are, at the same time, not fully recognized. Another

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<sup>1</sup> See Beitz (1989) for a particularly insightful contribution to the literature dealing with the moral grounds of citizens' political equality. Unfortunately, we are not able to devote further attention to it here.

way of stating the difference is to say that pursuing the common good results in long term policies, while tactical compromises are short in term, in virtue, yet again, of contingent social and economic relations between groups, or in virtue of the short term interests that the competing groups are concerned with in the bargaining process.

A further way of considering the quality of decisions and the pursuit of the common good is related to the capacity of decisions to satisfy common citizens' aims, like the possibility to live in a prosperous society, with sustainable development (inclusive of its social and demographic aspects). What bears importance here is that Mill emphasizes the significance of democracy for the quality of decisions. This is related to Mill's social epistemology, i.e. the conception of social production of knowledge, or valuable beliefs. As stated in *On Liberty* (Mill 1859/1977: 243–252), putting a view under the most rigorous scrutiny is indispensable to obtain its valuable epistemic status. Democratic procedures favour such scrutiny, and Mill sees one of their roles in this task, when he, for example, notes the virtue of the Parliament as an institution of deliberation (1861/1977: 112–113, 128–131).

The educative role of democracy lies in its supposed capacity to improve the intellectual, moral and civic virtues of citizens. By participating in democratic procedures, citizens develop such virtues. This is related to Mill's view that one can improve her virtues only by practicing them. Mill strongly emphasizes this role of democracy.

Interestingly, however, Mill does not embrace democracy uncritically. He defends it by relying on all the reasons indicated above, but he also challenges it. One such interesting challenge to democracy and its legitimacy that we analyse in this paper is related to his justification of the proposal for plural voting. The proposal consists in attributing at least one vote to each citizen, as well as more than one vote to the best educated among citizens. Plural voting is aimed at the quality of public decisions and the common good. The intention behind it is to protect competence from the rule of ignorance, and to overcome purely self-interested rationality, as well as to avoid the possibilities of mere outvoting.

### **Mill's case for plural voting**

Mill followed the political trend of his time, of extending the suffrage to greater and greater numbers of political subjects. Nonetheless, Mill was also wary about the democratic extension, and he wanted to realize it in a well-balanced way. In relation to this, he argued that the process of electing members to Parliament should not be carried out via a one-man-one-vote procedure, but by according multiple votes to certain members of the electorate who meet a set of prescribed qualifications. We must read the plural

voting proposal in this light. Firstly, in offering the justification for following a system of plural voting alongside the extension of universal suffrage, Mill highlights the paramount importance of expertise and education in deciding joint concerns:

...if the more ignorant does not yield his share of the matter to the guidance of the wiser man, the wiser man must resign his to that of the more ignorant. Which of these modes of getting over the difficulty is most for the interest of both, and most conformable to the general interest of things? If it be deemed unjust that either should have to give way, which injustice is greatest? That the better judgment should give way to the worse, or the worse to the better? (Mill 1861/1977: 473–474)

The quotation exposes one of Mill's rationales for plural voting. Though every voice needs to be heard in government, claims Mill, not every voice carries equal weight, and not every assessment of social problems and proposals for their potential solutions treads equally in seeking out fitting administrative action. It is the voices of the educated that are to be considered decisive in our democratic operationalization.

Secondly, Mill offers arguments for plural voting with the underlying intention of preventing the occurrences of mere outvoting. He confirms a basic class division of society into labourers and employers. With the provision of universal suffrage, a democratic system that endorses a one-man-one-vote rule enables the class of labourers to numerically overpower the class of employers, the numerical minority. The problem of this class advantage would be partly in the ineptitude of that class – the labourers – in matters of political management, considering their lack of education and their recent inclusion into political decision-making. However, this was not the sole problem. Mill was convinced of a very deep working-class intolerance, as well, as early as the engineers' strike in 1852 (Halliday 2004: 128). As Dale Miller says, they would most likely pursue policies that benefit, or only appear to benefit their own class, like the equality of earnings, the abolition of payment by the hour, the limitation of competition in the labour market, or the protection of home producers against foreign industries (2010: 182). To grant them control over government would shut out those who endorse opposed perspectives, or interests. Finding this exclusion unsatisfactory, Mill sought a balanced situation that would avoid a representational domination of one side over the other.

### **A tension between the educative role of democracy and plural voting**

In order to avoid the too-easily-expressed charges of elitism, it is important to remember that, for Mill, democratic participation of the working class was very important in virtue of its supposed educational capacities. Enfranchising

the working class aims not only at inclusion, but is also instrumental for giving the new voters schooling both in ways of expressing their special interests and weighing public concerns from a public-centred perspective, and not merely minding their own benefit.

But here we notice the first possible tension in Mill's thought about plural voting. One might ask whether the educational role of democracy would be fulfilled in a system that implements plural voting. Would having a less-than-equal status in the political process erode stimulation for conscientious and thoughtful engagement? Here we talk of education that popular democracy provides to its participants merely through inclusion in its operations (primarily, the participation in public debates, voting, and the inclusion in governance). The worry is that having less-than-equal status in the democratic process might bring into question the willingness and motivation of members of that class to be concerned with the common good, and, therefore, to develop the ability to extend concern and care about matters beyond particular interests.

Nadia Urbinati raises an objection that is grounded on the issue of self-respect (2002: 98–99). Plural voting could undermine the individuals' self-respect and cause resentment between the group agents. The humiliation of plural voting could, at least for some, easily lie in the fact that they are being asked about their problems, but not really or sufficiently being considered in the process of decision-making. Or it might be said that their reasoning is taken into account in public dealings, but then again, not as much as the reasoning of the supposedly more qualified individuals. Here we should recall the Rawlsian consideration of self-respect as being one of the primary goods ensured for individuals, and we can hardly neglect the threat that plural voting poses to such a principle (Rawls 1999: 386–391). We should remember that, for Rawls, the loss of self-respect implies for agents the loss of capacity for pursuing plans worthy of pursuit. The effects are exactly contrary to those desired by Mill, as far as the educative role of democracy is concerned. Alternatively, we claim, in addition to Urbinati's considerations, that those excluded from plural voting may not lose their self-respect, but the strategy needed for avoiding the loss is based on the absence of interest for public concerns, and on the privatization of interests. There cannot be a more unwelcome result in relation to Mill's intentions.

All our predictions here are, obviously, only speculative, and, thus, we do not take a definitive position. Before doing this, further work needs to be done. First, it is required to establish whether the concern is about a normative, or an empirical consideration about the loss of self-respect. As far as empirical loss of self-respect is concerned, empirical research is required. Perhaps it may turn out that people do not lose their self-respect when multiple votes are accorded to some citizens. Nothing excludes *a priori* that, to the contrary,

this might be a motivation for labourers to improve their education, in particular if at least some citizens that share their origins were accorded multiple votes on the base of merit.

Further philosophical work needs to be done in order to resolve the normative disputes about self-respect. It is a sophisticated philosophical question whether an absence of consideration for others represents a reason for us to revise our self-respect.<sup>2</sup> For the moment, we conclude that plural voting faces powerful challenges from the standpoint of the educative role of democracy.

### **The problem of identifying the educated group**

The next challenge that we tackle is the attempt to discover what kind of educated people are to be granted multiple votes. In the previous section, we have shown that Mill's motivation for advocating plural voting lies in his worry about the imbalance in democratic power between the two class agents – the labourers and the employers, as well as about voting driven by particular (sinister) interests burdened by ignorance. In order to avoid the problems, Mill could offer two possible solutions. One is merely to increase the representation of the minority group in relation to the majority in order to create a balanced situation between them, and, thus, impede mere outvoting. The other solution is to give rise to a group of people in the political arena that would be wise enough to settle public disputes. In an otherwise imbalanced circumstance, the educated would be given sufficient power to tip the scale in favour of public benefit. For reasons that we explicate below, the latter solution must be preferred by Mill. But the feasibility of this solution faces significant problems.

The problems lie both in where the members of the educated elite “come from” in terms of class, and whether the considerations that they employ can be decoupled from their underlying socio-economic backgrounds and biases. Many authors have advocated the view, or at least raised the issue, that the individuals to whom Mill would assign more votes virtually all belong to the upper or middle classes (Miller, Dale 2010: 186). This claim is by no means surprising when talking about Mill's society, since it was a privilege of the rich to provide for themselves the top-grade education that was being offered. The poor, in this case the members of the working class, remained disenfranchised, because of their poor material condition. Mill himself apprehends this danger by acknowledging that the educated mostly come from rich circles. He notes:

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

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<sup>2</sup> For two opposed positions on this see Margalit (1994) and Bird (2010).



by means of it all the rest of the community. The distinction in favour of education, right in itself, is further and strongly recommended by its preserving the educated from the class legislation of the uneducated; but it must stop short of enabling them to practice class legislation on their own account. Let me add, that I consider it an absolutely necessary part of the plurality scheme, that it be open to the poorest individual in the community to claim its privileges, if he can prove that, in spite of all difficulties and obstacles, he is, in point of intelligence, entitled to them. (Mill 1861/1977: 476)

It remains doubtful, in Mill's claims, what the means we use to ensure that the plurality of votes is not "carried so far" are supposed to be, or how the poorest individuals in the community are supposed to overcome "all difficulties and obstacles". If this question is not resolved, a worry appears that the plural voting system favours just one social class. There is a tension here. On one hand, Mill expects that the most educated will be able to legislate by having in mind the common good, and not their sinister class interests. On the other hand, there is no guarantee that even the best members of society in terms of education will legislate by evenly having in mind the interests of groups to which they do not belong. We should remind ourselves here of one of Mill's rationales for universal suffrage: even the best-intentioned people cannot have in mind other people's interests in the same way as those people can. The idea that those assigned with multiple votes will all come from the same class (which was quite reasonable to expect in Mill's time), joined with the supposition that one is always biased by his class belonging (at least in the sense of not being completely able to understand others' concerns), thwarts the purpose of plural voting inspired by the intention of pushing the voting process in the direction of quality decisions that have the common good in view. The situation in which the educated are taken as a completely separate agent and may tip the scale in favour of the common good seems at least improbable. The realistic danger is that those assigned with multiple votes continue to reason within, or are highly influenced by the considerations of their socio-economic backgrounds and/or social classes, which, in turn, means that the educated cannot occupy a neutral position among the agents in public deliberation and decision-making. The result is that plural voting is unable to affirm the raising of a neutral class of people mainly concerned with the common good. The maximum that might be obtained with plural voting is a balance in the representation of two opposed classes, where each side has a fair bargaining position to pursue its own interests. But this cannot completely satisfy Mill's expectations for representative public institutions. We have reasons to maintain that the function of pursuing quality of decisions and the common good is menaced. Perhaps it may remain unthreatened as a form of the protective function of democracy. This depends on whether plural voting is organized in such a way that it establishes only the impossibility

of labourers to outvote others, but not the reverse outcome, that labourers may be outvoted. In such a case, there would be a balanced situation where no group can mistreat the other. But it is important to distinguish between a condition of bargaining, in which each side only wants to ensure its interests and in which a compromise between particular interests may be obtained at best, from a situation where the decision-making process is concerned with the common good. We return to this point again later.

The deep-rootedness of the problem of establishing the group of citizens that are to be assigned with multiple votes is well exemplified in the demographic objection of David Estlund (2009: 215–17). From the get-go, Estlund points to the possibility of epistemic qualities being nullified by prejudiced detriments of the group members. Suppose, Estlund says, that people who sought education were more racist than others even after education. In that case, the racism which they abided by would nullify the epistemic advantages their education might have provided them: “In our society, it is pointed out, having such a degree is disproportionately the privilege of members of certain races, classes, and (formerly) genders” (Estlund 2009: 215). Estlund also points out that the attempt to avoid this objection might be the correction and balancing of the demographic structure within the class of the educated. But at that point, it would already be admitted that even the educated cannot individually forego their class and background biases.

Another problematic aspect of Mill's system of plural voting is represented by the conditions and standards under which individuals are assigned extra votes. Though it might appear that Mill mainly empowers those with higher formal education (Ryan 1970), he chooses to downgrade this standard due to a lack of objective measurements:

If there existed such a thing as a really national education, or a trustworthy system of general examination, education might be tested directly. In the absence of these, the nature of a person's occupation is some test. An employer of labour is on average more intelligent than a labourer; for he must labour with his head, and not solely with his hands. (Mill 1861/1977: 475)

This claim, alongside Mill's proposal of entrusting holders of different employer professions with extra votes, reveals the classist nature of his mechanism. It becomes clear that not only are the labourers in adverse circumstances when it comes to prospects of gaining an education that would provide them with a greater say in the democratic process compared to the bourgeois, but there is more “education” even in the positions the employers occupy.

Nadia Urbinati puts forward a further objection:

Yet this reasoning is faulty, because it presumes something that needs to be proved – namely, a necessary correlation between private performance and public competence. Being a good teacher does not make one politically competent.

Having built a successful business does not mean that a person either can or will use managerial skill with as much efficiency for the good of the general public. Moreover, economic success is not necessarily evidence of morality or honesty. It is doubtful that Mill would have given two votes to Silvio Berlusconi, the Italian private television magnate elected prime minister in 1994 and 2001. (Urbinati 2002: 98)

The crucial point here, apart from the one concerning moral capacity and attitude, is that the required expertise is of a specific, and not of a general kind. But political competence is linked to the educated only if the educated were trained specifically in the content of political competence. The claim about the political competence of the educated or the employers merely stems from the relational assumption that they are more apt to produce good decisions than the labourers. However, this is a claim that we cannot take for granted. What is more, there are clear counterexamples to this.

A possible reply to the objection raised by Urbinati focuses on the expertise required for assigning multiple votes. Here we speak of the general electorate that votes for electing representatives. It may be said that even the representatives who are thus appointed still remain at a distance from real executive functions. But even if that remains doubtful for some, the crucial and hardly disputable point here is that the position of the electorate, compared to that of the elected representatives, is assuredly at a much greater distance from making executive decisions. This gives us a reason for saying that Urbinati's objection, which appeals to specific competence for the assignment of multiple votes, is not well-founded. At this level of public decision-making procedures, the truly required competence is that of recognizing people with the best developed expertise, in order to elect the best representatives. This seems to us a rather general kind of competence, exactly of the nature required for being assigned multiple votes.

We do, however, endorse Urbinati's moral objection to plural voting.

### **No remedy for the troubles of plural voting at other levels of political decision-making**

We now look more generally into Mill's political system and its performance in making legislative and public policy decisions. Our intention is to see whether the defects of the plural voting system are remedied at some other stage of decision-making.

Let us remind ourselves of the defects. (i) the educative role of democracy is threatened by the possibly damaging effects of plural voting on the motivation and self-respect of labourers; (ii) the protective role is served if plural voting is well-balanced, but only in the sense that there is no such

group made liable to enter the position of being permanently outvoted in the bargaining process, and not in the sense of establishing a decision-making procedure that favours concern for the common good and the quality of decisions; (iii) the class of the educated is not a neutral class, but is socially biased in favour of upper classes. (iii) is the ground for claiming (ii), and we endorse (iii) only temporarily, as a consequence of Mill's idea (brought into question below) that one cannot completely understand the interests and conditions of people whose circumstances she does not share.

So, is there any remedy to these problems at different stages of political decision-making? The process of electing representatives is not the only stage in Mill's democratic system.

Let us consider the possible stages of decision-making in Mill's democracy. The opening stage should be called the problem stage – it is the stage when points of public concern are being raised, recognized, and offered to public attention. In a liberal democracy of a Millian kind, we can imagine a wide space for all groups to raise issues relevant for them. To be sure, problems can appear in virtue of differences in education, and in general social influence. Trouble may arise, for example, in Miranda Fricker's terms, as a question of epistemic injustice (Fricker 2007). In the public arena, some groups have problems communicating what is meaningful to them, and, therefore, putting their concerns on the political agenda in a proper way.

It does not seem that the labourers of Mill's time suffered from this kind of injustice, at least if we follow Mill's own testimony about events. Mill's discussion suggests that labourers were quite successful in expressing their troubles, their concerns, their interests and their intentions. Plural voting was exactly meant to bank the abuse of this capacity.

However, we do not see how the problems that we have indicated in relation to plural voting can be fixed at this level of the political process. Primarily, it appears to us that after labourers have had the possibility to raise their concern, they can still suffer from threats to their self-respect because of an unequal position at other stages of the decision-making process. Here we agree with Urbinati, who says that the humiliation of plural voting could, at least for some, easily lie in the fact that they are being asked about their problems, but not wholly or sufficiently being considered in decision-making. Problems for the educative function do not appear to be resolved.

It is more demanding to establish whether the absence of focus on the common good and the shortcomings in the quality of decisions can be remedied at this level. On one hand, it appears that they cannot, because each party is merely concerned with raising questions relevant to it. On the other hand, it might be expected that each side listens to the other sides, as well as that each side, at least partly, raises questions relevant to it in terms suitable

for justification to the other sides. But even this is doubtful. First, there is a general problem of genuinely listening to the other sides in the political process (Talisso 2009). Second, it is difficult to see where the motivation to offer arguments that others can find justified comes from, if expected consequences that would arise from the decision-making process are lacking. Whether we can expect such consequences depends on what happens at the levels on which political decisions are made. For example, if results of voting at higher levels depend on mere bargaining, there is no motivation to explicate requirements on reasons addressed to others at any level, i.e. on terms that others can find justified, but only for bargaining. The problem stage, as far as the issue at hand is concerned, seems to be affected by the consequences of what happens at the levels of decision-making more than it has effect on these levels.

The following stage, at which operational clauses, or solutions to problems, are being offered to Parliament, may be called the proposal stage. This stage, however, is dominated by the educated commission, which offers the solution to problems in the form of laws. As Richard Arneson points out, the representative assembly is not assigned with the job to draft legislation, but merely approve it, reject it, or approve it in principle, as well as ask for its revision (1982: 45). The educated makers of legislation that Mill proposes are an embodiment of his devotion to bureaucracy. This commission would not exceed the members of the cabinet in numbers, nor could it enact law without the approval of Parliament. The elected representatives could criticize the commission's proposal and choose one of the aforementioned options. However, the commission members may ignore (or soften) the proposals and principles given to them by Parliament (Halliday 2004: 134). Here it is particularly clear that the well-functioning government is not based on democracy only, but must include the best qualities of bureaucracy (Miller, J. J. 2003: 647, 651).

Our claim is that, since it has been identified that the educated are more likely to come from the class of employers, and (as we temporarily take it on the basis of Mill's own premises that) there is no evidence that they can forego their class backgrounds and interests, the expectation that the commission may remedy class bias is illusory. It is likely that only higher classes would be represented here, and we cannot expect that the focus on the common good will be satisfactory. Thus, the likelihood of the educative function of democracy being fulfilled diminishes as well. This is because the educative function of politics is primarily accomplished by participation. Contrary to that, a large part of the population is excluded here. The problems noted at the level of the representative body caused by plural voting are not remedied at this level.

The last stage can be coined the approval stage. It is the stage at which elected members of Parliament choose to pass or reject a certain law proposed by the commission. Their decisions and criticisms represent the expression of the electing citizenry, who have given them mandate through the plural voting mechanism. The Parliament, thus, reflects the mechanisms of plural voting, which means that the problems that we have remarked on in relation to plural voting are not remedied or attenuated at this level.

Our conclusion, at this point, is that Mill's public decision-making system characterized by plural voting is not satisfactory having the high expectations for representative government that he had in mind. Mill's major goals have been threatened. One of them is the educative role, as we have seen above. The other goal is that of the quality of decisions, i.e. having legislation directed towards the common good and proper respect of legitimate interests of individuals. In the system realized by plural voting, it is true that mere outvoting is rendered more difficult, which also tempers the risk that the rule of sinister interests and mistreatment of minorities will ensue. But at the same time, there is no guarantee that legislation will be inspired by the common good and the proper respect of interests. Because of the balance of power, short-term tactical compromises can be achieved, but the danger is that they will be the major result. This, however, cannot be satisfactory if we keep Mill's high expectations of representative government in mind.

### **Mill's discussion on class division and plural voting in light of today's situation**

So far, we have discussed Mill's plural voting proposal, but without questioning his assumptions that the major division in society is that between employers and labourers, as well as that one cannot fully understand interests of those whose circumstances she does not share, and, consequently, remains biased in relation to them. It is, however, at least questionable that this is so (cf. Baccarini 2013: 314).

It appears that labourers have frequently voted contrary to their class interests, social condition and welfare, as Cressati convincingly demonstrates. To be sure, this has been visible even in Mill's time, by the election and during the governance of Napoleon III in France, when the majority had embraced conservative values. This has led some conservative circles to believe that the extension of the right to vote is not incompatible, and that it is, on the contrary, supportive of the strength of Church and State (Cressati 1988: 99, 101, 116–117). In contemporary democracies, national identification, for example, has frequently appeared to be more important than class identification. In particular, issues related to national belonging have often

been recognized as reasons for a diversified right to vote (where members of national minorities have some special guarantees for being represented in legislative bodies, like in Croatia).

Robert Talisse convincingly writes that people are frequently inspired by religious, or, generally, value commitments that override their social or class interests. He puts forward a plausible hypothesis based on the case of Kansas, where some authors interpret a good electoral result of conservatives by affirming that most people wrongly perceived their fundamental interests, or, in other words, that conservatives succeeded in virtue of false advertising. But Talisse says that there are more plausible alternative explanations.

It may be the case that citizens who, for example, oppose abortion on religious grounds take themselves to be morally obligated to vote for pro-life candidates, regardless of the likely negative impact on their pocketbooks, their public schools, their small businesses, and their neighbourhoods. (Talisse 2009: 34)

Certainly, more empirical social research is needed, but we judge Talisse's and Cressati's theses to be very tenable. We indicate, as *prima facie* evidence for these theses, the vast number of parties characterized by national belonging in various democratic systems (even where social rights of a sizable part of the population are menaced), the practice of recognizing institutional protections of rights other than social and welfare rights, and even at the cost of such rights, the mobilization of large parts of the population for issues different than social rights and welfare, as well as the tendency of many electorates to vote for policies favouring social inequalities, that would otherwise probably have to be explained as indicating vastly diffused irrationality among electoral bodies.

Consequently, the first comment that we offer to Mill's plural voting dispute, on the basis of successive times and today's situation, is that he has failed in his forecast of what the major sources of democratic opposition were going to be. He has wrongly anticipated the electoral motivations in the upcoming democracy.

Because of the fact that the division between employers and labourers is not the major contraposition, it is not to be expected that plural voting would favour the employers in opposition to labourers, even if it were the case that the former had been granted multiple votes in virtue of superior education. Various forms of solidarity and opposition take place and overlap across classes. In the event of such solidarities and oppositions, labourers will often come to renounce class-benefitting social policy in order to favour conservative values (like in the case described by Talisse).

An issue that most certainly needs to be brought into the fore is the supposition that class and social origin utterly determine our policy biases. The idea that one remains biased by her social origins is far from confirmed. It

often happens, for example, that members of the upper classes, particularly those in expertist and academic groups, support egalitarian social policies. It would be a matter of extensive empirical research to uncover possible connections between social origins and worldviews supported by experts and academics, but, on the basis of anecdotal evidence that we have, the strong thesis for such a connection appears to be disconfirmed. The case of experts and academics does not only betray the allegation that those of upper class origin will “stay true” to their class biases. In modern times, high quality education has not remained a privilege of upper classes, and we see experts and academics of both lower, as well as upper class origin breaking the fetters of their supposed bias as well.

This is not sufficient to justify plural voting. The proposal still faces important problems. There are other groups apart from those defined at the socio-economic level that suffer from burdens in education and from general social marginalization (for example, ethnic minorities). Plural voting might cause them further marginalization. It seems that there is urgency in finding measures of inclusion and protection for these groups. The exact opposite of the kind of plural voting that Mill had in mind seems to be the proper policy.

We believe that there are further defects within the plural voting view. One is contextual. Here, we join the ranks of political philosophers such as David Miller (2013) and Jonathan Wolff (2011) who indicate that we need to keep our contextual limitations in mind when we are considering the realization of a social project. Plural voting in Mill's form appears too distant from the idea of democratic equality implemented in the tradition of constitutional democracies to be an even minimally realistic project.

But we endorse more general reasons as well. The first is that political decisions, most of the time, are not merely technical, but, very frequently, related to values endorsed by people. This implies that political decision-making procedures must respect the political equality of these value bearers. To be sure, we do not take all values that people endorse as proper foundations for political decisions. Here we rely on the Rawlsian idea of public reason (Rawls 1993/2005: 212–254), which indicates that public decisions (at least in some fields) must be supported only by reasons we may reasonably expect that others can endorse as free and equal citizens. Not all values, therefore, can ground legitimate political decisions. But some of them can have this role, and it is realistic to expect reasonable inconclusiveness about the policies that they justify. For example, various people can attribute different degrees of inclination to different values. We are sceptical about the possibility of publicly establishing expertise for resolving stalemates in the justification of policies that arise from divergent assessment of values. This is why we think that pro-



cedural democratic equality must be respected. Importantly, the justificatory qualification of public reason that we endorse is an important constraint that pushes the decision-making process in the direction Mill aspired to push it – that of the common good and the proper respect of legitimate interests, as opposed to a contingent tactical balancing of interests.

The next problem that we remark on is the difficulty of establishing who the beneficiaries of plural voting ought to be. All people with a university degree? But are we certain that, for example, a naval engineer is more qualified for political decisions (of the general kind required from the wide electorate) than a person with only a high school degree who has many years of experience in social services? Mill might say that they must both be included. But then it might turn out that plural voting would be so extended that only the already discriminated and marginalized minorities would be excluded.

Another problem the proposal faces is the attention to general interest that we may expect from educated people, or people in managing roles. Let us remember Urbinati's challenge. Do we really want to assign multiple votes to a person like Silvio Berlusconi? Or to Wall Street wolves?

Although we are sceptical of Mill's case for plural voting, we want to remark that the attribution of a relevant role to the most educated in the political decision-making process may be suitable in the proper form, as well as that representation of some groups in legislative and policy-making bodies that is greater than the relative numerical presence in society may be needed for protective reasons (in addition to the justificatory constraint that we have shown above). We have stated that plural voting is unable to tend to Mill's high expectations of representative government, and we have pointed out problems related to the unequal position of citizens in the actual world that plural voting may even worsen. But we fully acknowledge Mill's worries related to the functioning of democracy, i.e. the possibility of mere outvoting, of the rule of ignorance and of sinister interests, as well as of politics as a practice of mere tactical compromises. In other words, we think that there is truth in Mill's rationale for plural voting and the role of bureaucracy (or, as we would say today, experts).<sup>3</sup> In the requirement of qualified majorities (inclusive of representative affirmative action), accompanied with the justificatory concern of public reason, we see important backing to decisions opposed to mere outvoting and politics as a system of mere tactical compromises.

We now sketch some ideas about the possibilities of implementing expertist ideas in contemporary institutional political arrangements. The core of these ideas cannot be properly implemented in a general way, as with the

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<sup>3</sup> We do not enter into a detailed analysis of social epistemological arguments for expertism. See Prijić-Samaržija (2000; 2001; 2002; 2007).

plural voting proposal, but in specific domains where expertise is publicly recognized, and where it can be publicly justified who the experts are. First, one context we deem appropriate for the exercise of expertise is that of human rights and basic liberties. For this end, we support the role of specific expert bodies and procedures, such as judicial review. Judicial review can be a particularly effective resource if we are able to indicate spaces that may be legitimately protected from abuses in democratic decision-making. Here we refer to proposals like that of Thomas Christiano. The idea, similarly to what is indicated at the beginning of this paper, is that democracy as such is not a fundamental value. It must be respectful of the protection of individuals' basic rights and liberties, a proper social minimum, and it should be equipped with mechanisms against the creation of minorities that are permanently outvoted (Christiano 2008).

No mechanism is a guarantee by itself and each of them is subject to possible side effects. In particular, we are aware of possible misuses of mechanisms like the judicial review. Constitutional courts (or Supreme courts, as they are called in English-speaking countries) are subject to misuses in the same way as other bodies. Rather than granting Constitutional courts with supreme power, a balanced mechanism or interaction between them and legislative bodies needs to be sought out. We find the dialogical model supported by Colin Farrelly particularly appealing (2007).

Along with issues of basic rights and liberties, an important challenge to democracy are decisions that require particular expertise in natural sciences, or social sciences like economics. This is a question debated by various authors, and we are very much in sympathy with some of their claims (Kitcher 2011; Christiano 2008; Christiano 2013). There are various issues that require highly specialized competence and knowledge, such as those concerning the economy and, perhaps even more, those of environmental policies and GMO. We resist the temptation of attributing to experts full, or even final, decisional power. We have various reasons for this. The first one is well remarked by Philip Kitcher. There are no value-free scientific responses. This is a claim with an epistemological background. It is that researchers embrace different theses by evaluating evidence under the influence of their value commitments. But our thesis is not dependent on such an epistemological idea alone. For us, it is sufficient that it is not possible to state what a good result is in abstraction from value commitments. Consider the economy. It is not possible to say, in abstraction from value, whether an economic policy is successful. Some, for example, simply see the increase of economic benefits as the proper goal, while others find such a proposal lacking in value if it is neglectful of some version of respect for social equality and diffused welfare. Contrary to positions favouring unconditioned economic development, even a stationary state may be welcome by some, as it was by Mill (1848/1965:

752–757). John Rawls considers this a legitimate option in the context of reasonable pluralism (2001: 63–64). Although, as we have said above, not all value commitments can be grounds for public decisions, but such value commitments are matters of democratic decisions, and they cannot be left to separate groups of experts.

Another important reason for not attributing final decision-making power to experts is that decisions requiring expertise are hardly uncontroversial even among experts. In most situations, experts can indicate what the possible results are, but they diverge in opinion regarding the probabilities of the various possible outcomes. Sometimes they agree about probabilities, but their decisions about policies depend on various personal orientations, such as risk adversity or the value attributed to what is at stake. Here, again, it is proper to leave the final decision to a democratic body, although tutored by experts.

A problem for democratic decisions, however, lies in the irrational impulses of people, most likely caused by evolutionary reasons and adaptations to different conditions. Here we rely on the discussion by Persson and Savulescu (2012: 1–45). People are subject to distortions of reasoning under the influence of bias, such as the bias for what is present or proximate (both in spatial, as well as in temporal terms). Such distortions can lead to catastrophic results, for instance, in the field of sustainable development.

Consequently, it is important to think about procedures that give proper roles to experts, as well as to democratic decisions. In thinking about procedures, it is important to avoid pernicious idealizations, such as thinking either of experts, or citizens, as more rational than they are, or more disposed to the common good than they are, or that there is more consensus than it is reasonable to expect in real life conditions.

As one practical solution, and a rather radical one to boot, but which is, nonetheless, respectful of democracy, is that of constituting expert bodies with the power to hold a referendum, when they disagree with the policy of the Government, or the Parliament. Here we have a strong role for experts, accompanied with the decisive role for the most democratic resource. The matter of who decides the members of the expert bodies is a further question. Here the risk is that these bodies may mirror the relations of power among democratically elected political bodies, and that they may merely reproduce the interests of those who nominated them. Perhaps part of the solution is the internationalization of these bodies. For example, an institution like the European Science Foundation might nominate such bodies for various countries.

To be sure, we are obviously not ready to indicate detailed proposals for the inclusion of expert knowledge in public decision-making at this time.

But we hope that we have highlighted the truthful parts in Mill's rationale for plural voting. Although we do not share Mill's proposal for plural voting, we find it inspiring for thoughts regarding the inclusion of experts in public legislative and policy-making bodies.<sup>4</sup>

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