J. S. MILL AND THE ART OF COMPROMISE

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Abstract: The word *compromise* means a kind of agreement and a concession to something harmful or wrong. I argue that particularly this second sense is quite relevant in the ethics of political action. John Stuart Mill focused upon this issue in his *Thoughts on Parliamentary Reform 1859*. I outline Mill's doctrine on compromise looking at the external and internal features of an acceptable measure of compromise. These features provide a set of conditions necessary in order for compromise to take place, but they do not guarantee sufficient conditions. In order to assess Mill's political coherence and to draw a general distinction between strategic and ethical compromises the paper concludes by considering two compromise measures that Mill adopted while he was a Member of Parliament.

Keywords: political prudence, consequentialism, progress, compromise, J. S. Mill.

Two Meanings of Compromise

It is commonly said that politics is the art of compromise. Particularly in a democracy, governments are supposed to satisfy the widest array of demands, though everybody knows that they cannot wholly succeed. In that sense politics means finding the best way to get a solution accepted by all. Quite often that solution is not unanimously valued, but it should be the result of a unanimously accepted agreement. Democratic politics is based on compromise because, as Aumann (1976) said, every party and group "agrees to disagree". Even in a non-democratic regime, the king or dictator has to make concessions to keep office and gain some legitimacy. Austin (1961) gave a good piece of advice when he recommended that one start by looking up the dictionary. If we do that, we will find that in the Merriam-Webster Dictionary *a compromise* means "the settlement of differences by arbitration or by consent reached by mutual concessions", or "something intermediate between or blending qualities of two different things". So a *compromise* is a kind of agreement that you get through negotiation, and a *compromise proposal* means that you accept a tradeoff between your longings and your possibilities. Compromising looms large in politics because it brings out the discipline of reality and the conflict between ideas and facts. Since the seventies there has been a growing interest in the issue of compromise, particularly in sociology and political science (Arnsperger and Picavet 2004a; Pennock and Chapman 1979b). The rational choice perspective can be used to clarify compromise proposals, and in this approach they fall under the head of negotiating theory, for compromising is a way of managing conflict (Gauthier 1986; Hirschleifer 1995; Varoufakis 1991). If two or more parties, lobbies or individuals

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strike a compromise, they will have succeeded in resolving the conflict by themselves through balance or mediation.

However, the literature on ethics has not displayed a similar interest on the issue in spite of the recent work of Bellamy (2002), Nachi (2004b) and Margalit (2010). Possibly this is because compromising and bargaining are not valued as part of honest behavior if we are concerned with values or duties. A compromiser should refuse to compromise when her moral values are at stake, or at least she should consider refusing. Austin's advice–to consult the dictionary—helps once more, because the second meaning of *compromise* in the Merriam-Webster Dictionary is "a concession to something derogatory or prejudicial". Frequently this sort of compromise has no ethical significance, for instance when we decline the job we prefer for another one with a higher salary. That would be a compromise made by balancing the benefits and costs of each job. There is a connection with the first meaning, because making a concession is the price we have to pay for meeting the other half-way and achieving a good deal. As Day (1989, 472) says, a compromise usually means "an agreement between A and B to make mutual concessions in order to resolve a conflict between them". And generally speaking an agreement is better than a conflict, particularly a violent one, but in the end it depends on the kind of concessions we have to accept. If the tradeoff is not balanced or it is not voluntarily accepted, then the compromise is morally wrong. Likewise it is wrong when the concession goes too far because we risk our dignity, do not respect our own principles, or do not comply with our duties. Therefore the ethical dimension of compromise has two sides. I am to focus upon the second one, which has typically had less attention devoted to it.

Dealing with this second host of moral problems (that those involved in compromising make concessions to something prejudicial), we can put aside the origin of the compromise, by which I mean whether it is the final agreement of a negotiation, or it is something we have to accept for other reasons. The point to note here is that we have to accept a concession in order to get a better result or to avoid a worse one. And this is what makes difficult the relation between politics and ethics, because in the political struggle values and rights often have to be included in the tradeoffs. As a result, many people think that it is quite difficult to accommodate their political vocation with their moral commitments (Benjamin 1990). The solution might be a special ethics for the political sphere, because as Weber said in his *Politics as a Vocation*, anyone who enters into politics "contracts with diabolical powers and for his action it is not true that good can follow only from good and evil only from evil, but that often the opposite is true" (Weber 1994, 362). And accepting Weber's "ethics of responsibility" (*verantwortungsethisch*), the compromiser should still avoid several perils: she should be considered neither an appeaser nor a trimmer, for integrity is important in politics as well. On the other hand, when she strikes a compromise she should *compromise* (jeopardize) neither herself nor any other beyond some limits (Day 1989). But, what limits?

Mill's Rules on Compromise

Throughout his life J. S. Mill was firmly committed to his moral principles, and he showed integrity even when that commitment meant his being considered an eccentric or radical person. Likewise he had a strong political vocation, and worked to reform English society from when he was young till his death. He did that not merely as a philosophical

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writer but also as a political activist and even as a Member of Parliament (from 1865 to 1868). Like the founders of utilitarianism, his father J. Mill and J. Bentham before him, he held that utilitarianism provided an ethical theory suitable for political action and personal life. By means of utilitarian consequentialism we could find a pathway that treads between the risk of becoming a trimmer and that of being an appeaser. Mill was educated in Bentham's doctrines by his father James, and both the latter were men of principles. Utilitarianism requires that an action or an institution be evaluated in terms of its contribution to the general happiness, and that could be a principle as demanding as any other. As a political reformer and MP, Mill had to judge policies that did not satisfy the high standard of the Principle of Utility. But Mill knew, as did Weber, that no ethics can escape the fact that in many instances, in order to achieve good, we have to use morally dubious means; I mean we have to come to a compromise. On the other hand while Mill's thought is utilitarian there are other influences as well: liberalism, socialism and romanticism. He strove to find an equilibrium between them, because Mill said he had

> the habit of never receiving half-solutions of difficulties as complete; never abandoning a puzzle, but returning again and again to it till it was resolved (Mill 1981, 127).

In spite of this he did not always manage to amalgamate all these influences. Mill's doctrine of compromise helps to ascertain how coherent Mill was in his political career.

If we solely look at Mill's philosophical and theoretical works (like *On Liberty* or *The Subjection of Women*), we might infer that he was an idealist, someone with a morality so elevated as to be considered a utopian in his time. That was Gladstone's judgment when he referred to Mill as "a saint of rationalism" (Courtney 1889, 141). However, if we look at Mill's political analysis and activism, we should acknowledge that there is a large gulf between Mill's attitude and that of a mere liberal moralist or a utopian socialist. He always sought to transform his ideas into real changes in society using his capacity as public intellectual. He appreciated his job at the East India Company as a way of attaining experience in the management of public and political affairs. In a passage in his *Autobiography* he states how important the ability to compromise was for an activist like him, and therefore assumed that some compromises were right:

> I became practically conversant with the difficulties of moving bodies of men, the necessities of compromise, the art of sacrificing the non-essential to preserve the essential (Mill 1981, 87).

Mill developed some original ideas about "the necessities of compromise" in the political arena. I claim that Mill's outlook is helpful not merely in assessing his alleged lack of coherence but also in regard to the general issue of compromise in ethics and politics. Mill was a strong supporter of the use of the "spirit of compromise" to solve the major problems of society (Mill 1977c, 344), and he pointed out that:

> one of the most indispensable requisites in the practical conduct of politics, especially in the management of free institutions, is conciliation; a readiness to compromise (Mill 1977b, 514).

This is in line with his defense of tolerance, and there is a link here with epistemological and ethical questions that I cannot address in this paper. I shall concentrate on the ethical side

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of compromise in his view of politics. In 1859 Mill published his *Thoughts on Parliamentary Reform* (Mill 1977d), an occasional piece drafted five years earlier when Lord Aberdeen proposed his Reform Bill. This Bill was not passed, but in 1859 Lord Stanley made another proposal that aroused great discussion. Mill again made use of his former text for the debate (Brady 1977a).

Since Mill was a supporter of Lord Stanley's proposal, which was a half-measure for democratic reformers, he began his paper with the conditions upon which an inadequate measure might be anyhow accepted. A half-measure is one that is insufficient, that does not satisfy the requirements or purposes of a policy. Frequently a half-measure may be even worse than none, but Mill holds here that some half-measures should be accepted when arising out of a determinate kind of compromise. Therefore this sort of compromise is the limit of a radical or progressive politics: progressive radicalism may accept a good measure or at the most a half-measure like the aforementioned. Mill says that "no Reformer ought to be even temporarily satisfied" with less than that *good* or *sound half-measure* (Mill 1977d, 315). The point I want to emphasize is not the origin of this right compromise, namely an agreement in Parliament to strike a negotiation between legitimate parties, but the features and limits concerned where the compromise is regarded just as a concession to something mischievous or harmful. According to Mill, a half-measure could be an acceptable measure if it is a compromise with determinate *external* and *internal features*.

I call *external* those features independent of the content of the compromise, and consequently not bearing upon its validity. Mill mentions three: (1) all-party compromises, so the half-measure produces a unanimous policy; (2) however it is a half-measure and not a good one, because no group is entirely satisfied with it. Consequently nobody supports the half-measure very strongly; (3) a real change in the balance of power arises out of the compromise, and so the measure is not merely a pretended reform. Nevertheless the provoked modification is superficial or temporary and the fundamentals of the political system remain unaltered. Mill says that these measures of compromise are only "to introduce such amendments as are consistent with the general outline of the existing arrangements" (Mill 1977d, 321).

The *internal features* of the half-measure explain why it is a sound compromise. Mill says it has to be "a step" toward a deeper improvement, therefore it "may hold out sufficient promise of good to be really valued" (Mill 1977d, 315). Since the sound half-measure is not a nominal promise of good but a real one, reformers should be open-minded and accept the compromise proposal frankly. Mill gives some details on what he means by "a step" toward a perfectly good reform. He claims that this sort of compromise has two essential requisites. The first one, I quote, is that "it should be aimed at the really worst features of the existing system" (Mill 1977d, 315). What are these features? Immediately Mill says they are the most urgent. His point is that it is better to do something instead of nothing, and that it is sound to begin by what is most urgently needed. In any case the worst problem and the most urgent one are not always the same thing (Elster 2009; Hamilton 2003; Scanlon 1975). On the other hand, I argue that Mill is applying the Principle of Utility in its negative version here: if we cannot increase happiness, we should at least reduce suffering and pain (Mill 1969, 214); if we cannot succeed in getting the best, it is worth compromising to avoid a worse situation.

The second internal feature is this: the half-measure

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should be so constructed as to recognize and embody the principles which, if no hindrance existed, would form the best foundation of a complete measure (Mill 1977d, 315).

Because of this the compromise is helpful and right, I mean that the half-measure is accepted on principles approved by the higher-ranked Principle of Utility so the compromise observes this Principle *in the long run at least*. Mill declares allegorically: "though we may be only sailing from the port of London to that of Hull, let us still guide our navigation by the North Star" (Mill 1977d, 322). As I said Mill is not concerned here with how the different parties come to an agreement. Each party strikes a compromise for different reasons, and conservatives certainly would not do so if they deemed that the measure was a step in the direction of radicalism. The point I want to emphasize is that sound half-measures are just strategic devices in the political art of compromise. Their flaw is that they are useful in the long run, but do not respect the Principle of Utility at present. Consequently the second feature is not strictly based on utility but on progress, though not surprisingly, because progress is quite central in Mill's approach. He begins his *On Liberty* by quoting Humboldt on the importance of human development and in his *Autobiography* he says that

> any general theory or philosophy of politics supposes a previous theory of human progress, and that this is the same thing with a philosophy of history(Mill 1981, 169).

By means of this progressive philosophy of history Mill could justify a compromise that brings about something harmful in terms of its future prospects. As a consequence he might have looked like a time-server to some of his contemporaries, when in fact he was sincerely convinced he was right. And although the criteria of good have been changed from utility to progress, Mill's theory on compromise is still a teleological one.

Unlike his contemporaries, Marx and Comte, Mill's outlook never was that of the exacting science of politics. Macaulay's criticism of Mill's father's work *Essay on Government* and the influence of Tocqueville's approach led Mill to a different solution: that a deep understanding of the peculiarities of the case was always required (Negro 2004c). Establishing whether a compromise has the necessary internal features is not a matter of science but of *art*. The experience and good sense of the politician is needed to assess the situation and to decide between a half-measure and none. In his *Thoughts on Parliamentary Reform 1859* Mill explained why democratic radicals should compromise on Lord Stanley's Reform Bill. Let us ascertain whether his theory of compromise explains some of the incoherencies he was alleged to have later on when he had effective power as MP. An example would be the case of his proposal for limited franchise for women (Mill 1988). Mill was a firm supporter of women's political rights, and Disraeli's Reform Bill of 1867, though limited, gave him the opportunity to compromise in favor of women. He managed to replace "male" with "person" in the Reform Bill, and so achieved franchise for wealthy female householders. Mill's real aim was that every individual regardless of his sex and property should have the right to vote, but this franchise was not established in England until 1928. His proposal was a tiny step but it was in the right direction. I suggest that this is an excellent example of a sound half-measure with the external and internal features I have just put forward.

A more difficult case is his collaboration with Derby's conservative government in preventing a Reform League demonstration at Hyde Park in 1868. This case is quite

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remarkable because soon after this, Mill participated in the defeat of the Tory bill to ban public meetings in the parks (Thompson 2007). But on this occasion, Mill believed that the demonstration was going to cause a pointless and bloody turmoil and he supported the Tory government. In his *Autobiography* he declares how proud he was of his behavior during the incident. He deemed that nobody else could have dissuaded the demonstrators and that a conflict with the police would have been a step backwards in the defense of freedom. Mill mentions that he was obliged "to have recourse to *les grands moyens*" in order to persuade the workers (Mill 1981, 278). Supporting the demonstration ban was a half-measure with the first internal feature (it was urgently required to prevent a bloodbath), although whether the second feature was also present is not so clear.

Concluding Remarks

I have drawn a distinction between compromise as a kind of agreement and as a concession to something harmful or wrong. I have argued that particularly this second aspect of the idea of compromise is quite relevant in the ethics of political action. Almost as a passing remark, J. S. Mill addressed this issue in his *Thoughts on Parliamentary Reform 1859*. I have outline Mill's doctrine on compromise, looking at the external and internal features of an acceptable half-measure. Coming to a compromise within the limits of morality is an art rather than an exacting science, particularly in politics. Rather than a methodology, what is needed here is a moral virtue, namely political prudence. As a consequence it might be impossible to determine a set of necessary and sufficient conditions that would dictate when we should compromise and when we should not (Benjamin 1990). However, Mill, like other current scholars (Besson 2005; Day 1989; Kuflik 1979a), suggests several necessary conditions. For sure his theory does not approve every compromise. His severe condemnation of the Governor of Jamaica, Edward John Eyre, confirms that there can be no sound half-measures on issues of criminal justice. Likewise, common tradeoffs such as log rolling and party discipline are *prima facie* not allowed in Mill's approach (Thompson 2007). On the other hand Mill's proposal is quite appealing but his idea of progress is too loose to provide determinate answers in the dilemma of compromise. As the Hyde Park case shows, the second internal feature of a sound half-measure does not provide a safe guide on how to take a decision.

The cases of the 1859 Reform Bill, the enfranchisement of wealthy female householders and the ban on the Hyde Park demonstration suggest a distinction between *strategic* and *ethical* compromises. In the first two cases the political agent, i.e. Mill, must not betray his moral commitments nor commit any reprehensible action. It is just a question of postponing his preferred goals because of the obstacles always present in the political arena. In these cases the compromise is a strategic one, a means of arriving at a better situation. The analysis of compromise in rational theory falls under this head (Braybrooke 1982; Day 1989). The political agent faces an ethical compromise when he has to decide between opposing moral values, therefore compromising represents an achievement but is also a moral loss as well. While he was still a Member of Parliament, Mill morally compromised his political ideals and his loyalty to his voters to avoid a bloodbath and future hindrances to civil liberties. Although Mill's outline of sound half-measures is not a good fit for ethical compromises, it suggests an appealing consequentialist approach to the relation between ethics and politics.

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